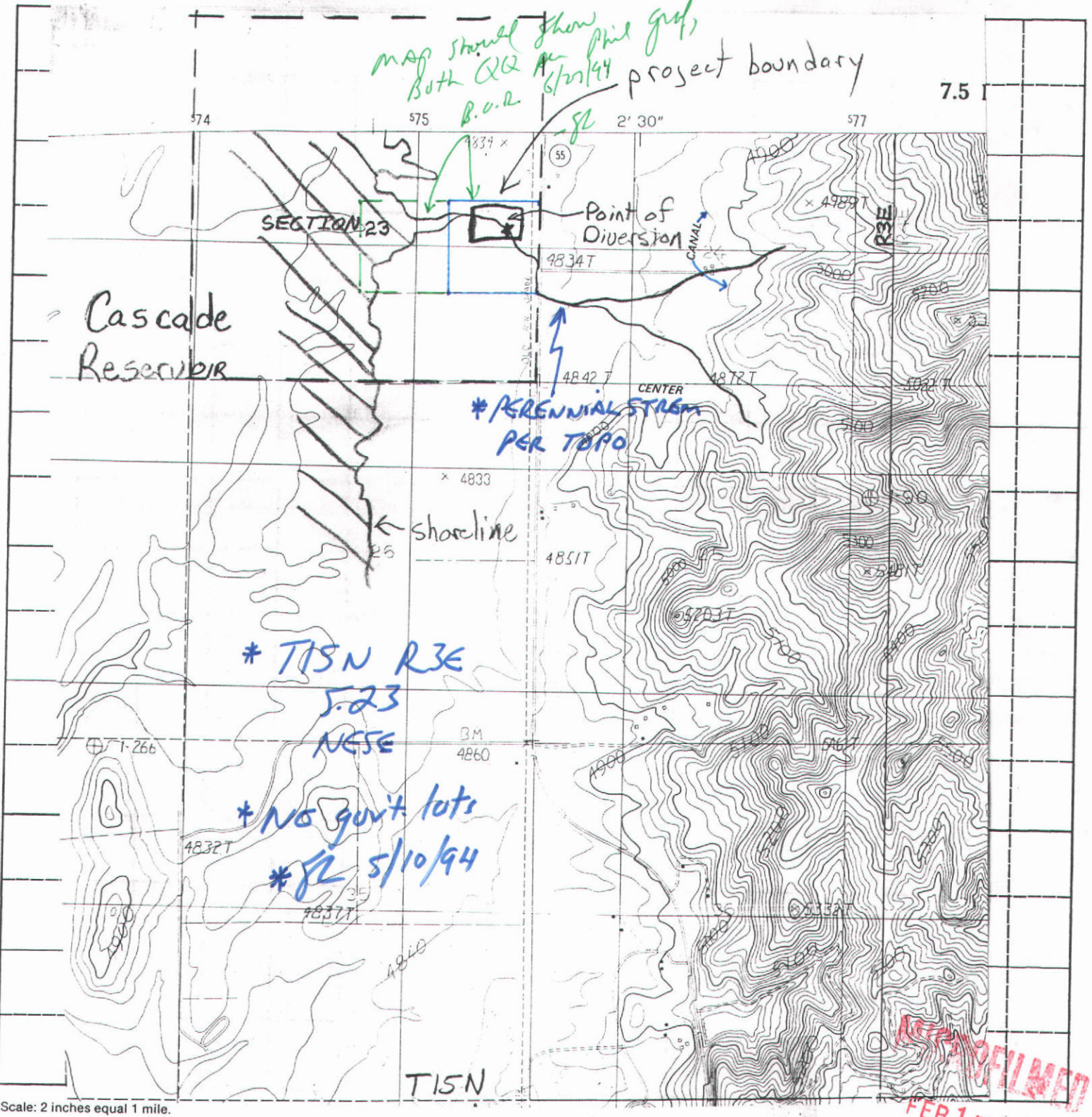


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

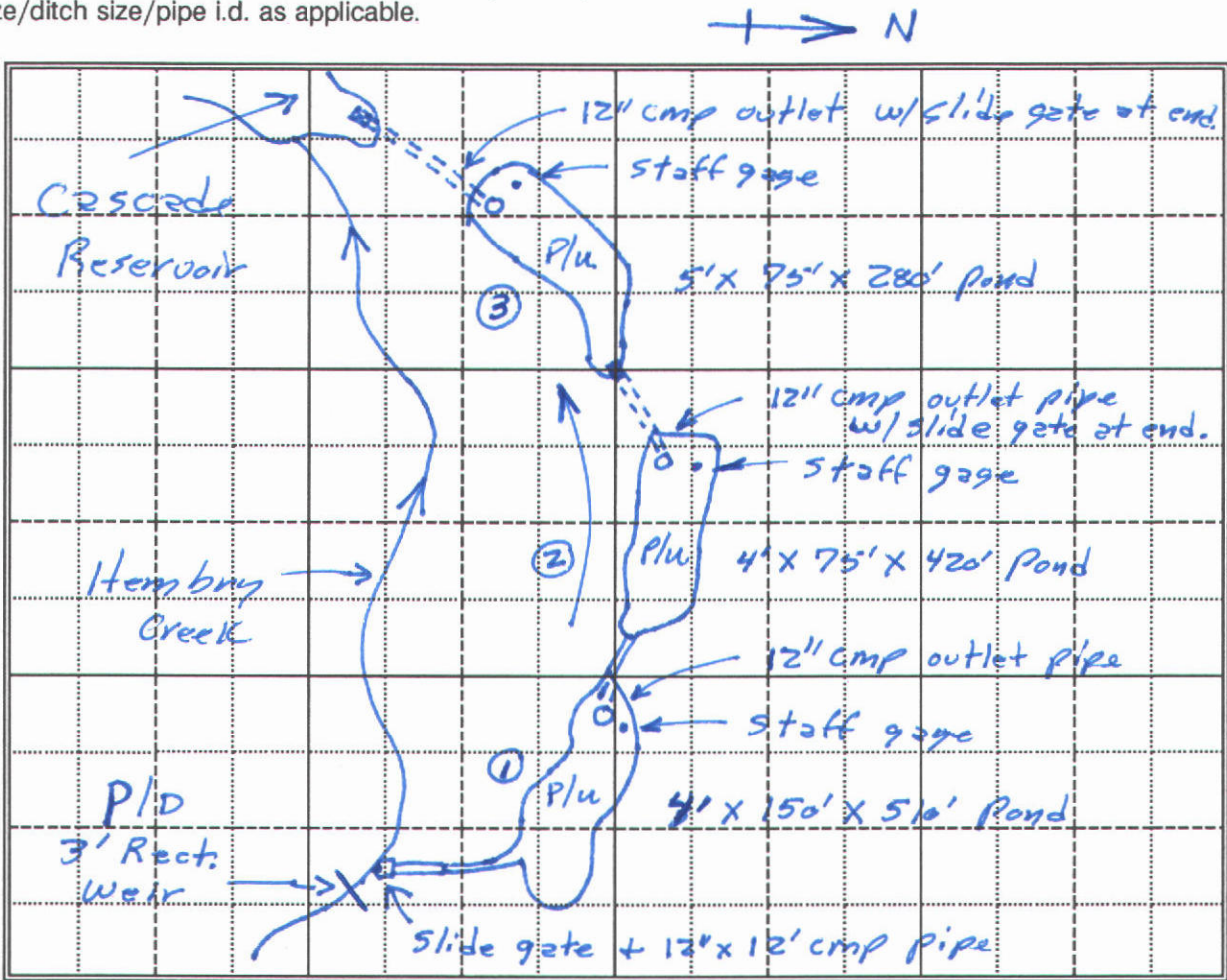


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Max E. Van den Berg
(Applicant)

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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

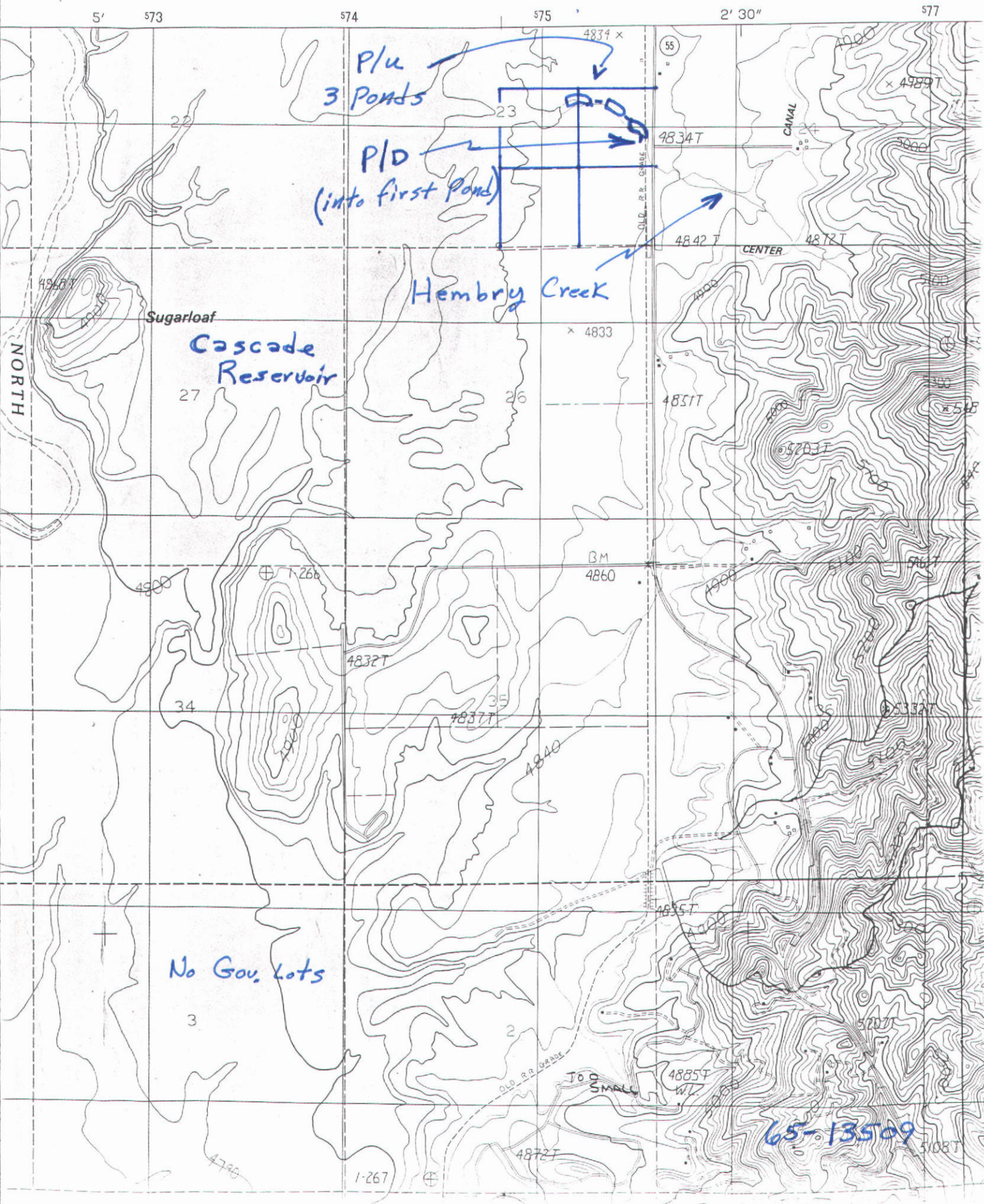
1.

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

2. Measurements:

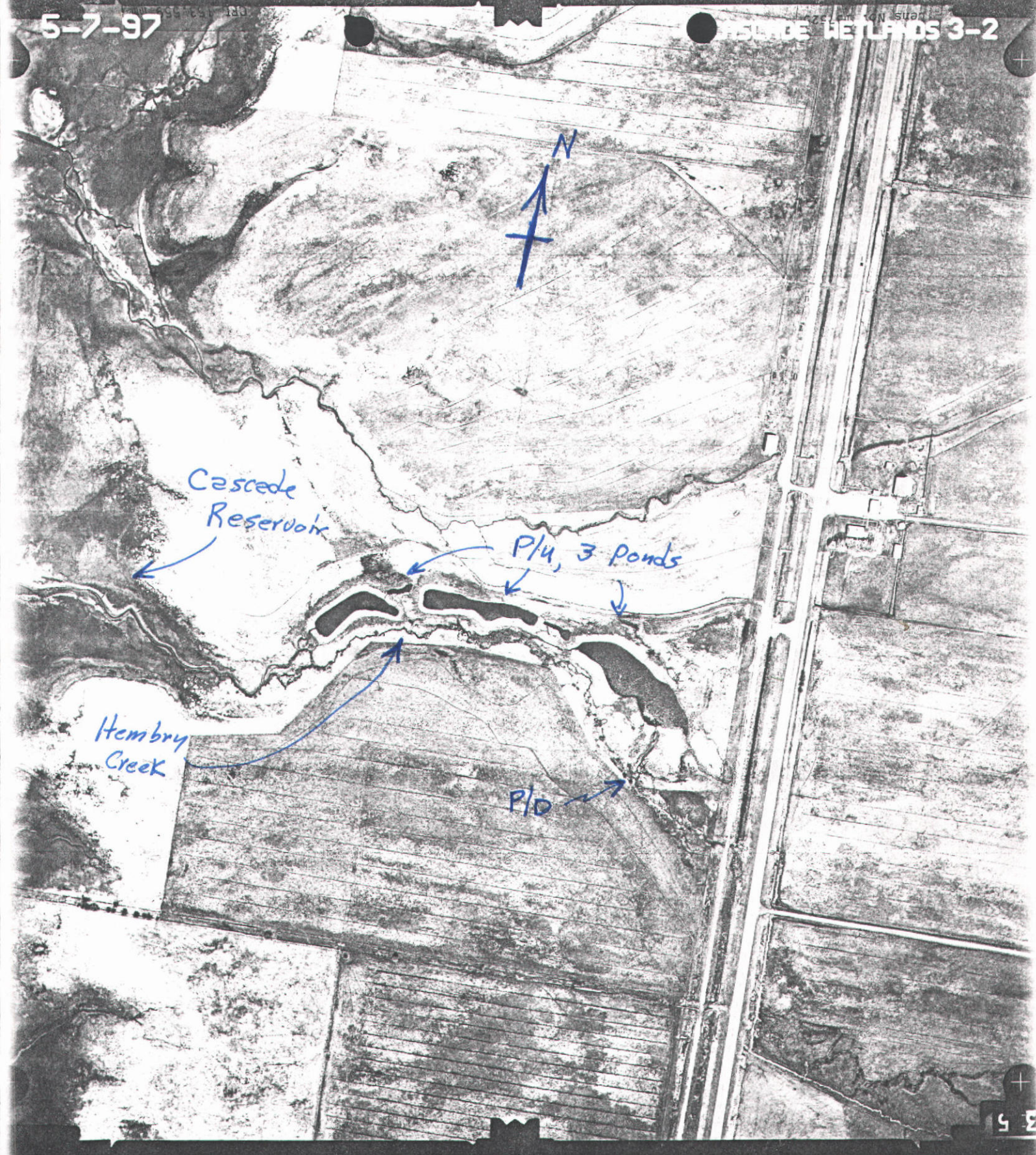
Low flow at time of exam.
High water mark on Rect. Weir = 0.48' on Staff gage.

T15N R3E Sec. 13



5-7-97

WETLANDS 3-2



Wildlife Ponds

(Hembry Cr.)

65-13509



P/D
3' Rect.
weir
in
Hembry
Creek.
Place of
Measure-
ment



P/D
slide gate
on inlet
of 12"
cmp for
first
Pond.
View
Looking
Northwest



P/u
First
Pond.
Note outlet
pipe and
staff
gagr.
View
Looking
East



P/u
Slide gate
on 12"
cmp pipe
of First
Pond.
View
Looking
East

3 of 3

P/u

Second
Pond.

Note 12"
CMP outlet
pipe and
staff
gage.

View
Looking
East.



P/u

Third
Pond

Note Slide
gate on
12" CMP
pipe outlet
to
Cascade
Reservoir.

View
Looking
East.



65-13509

3-100-1388

3

2

1

D

D

C

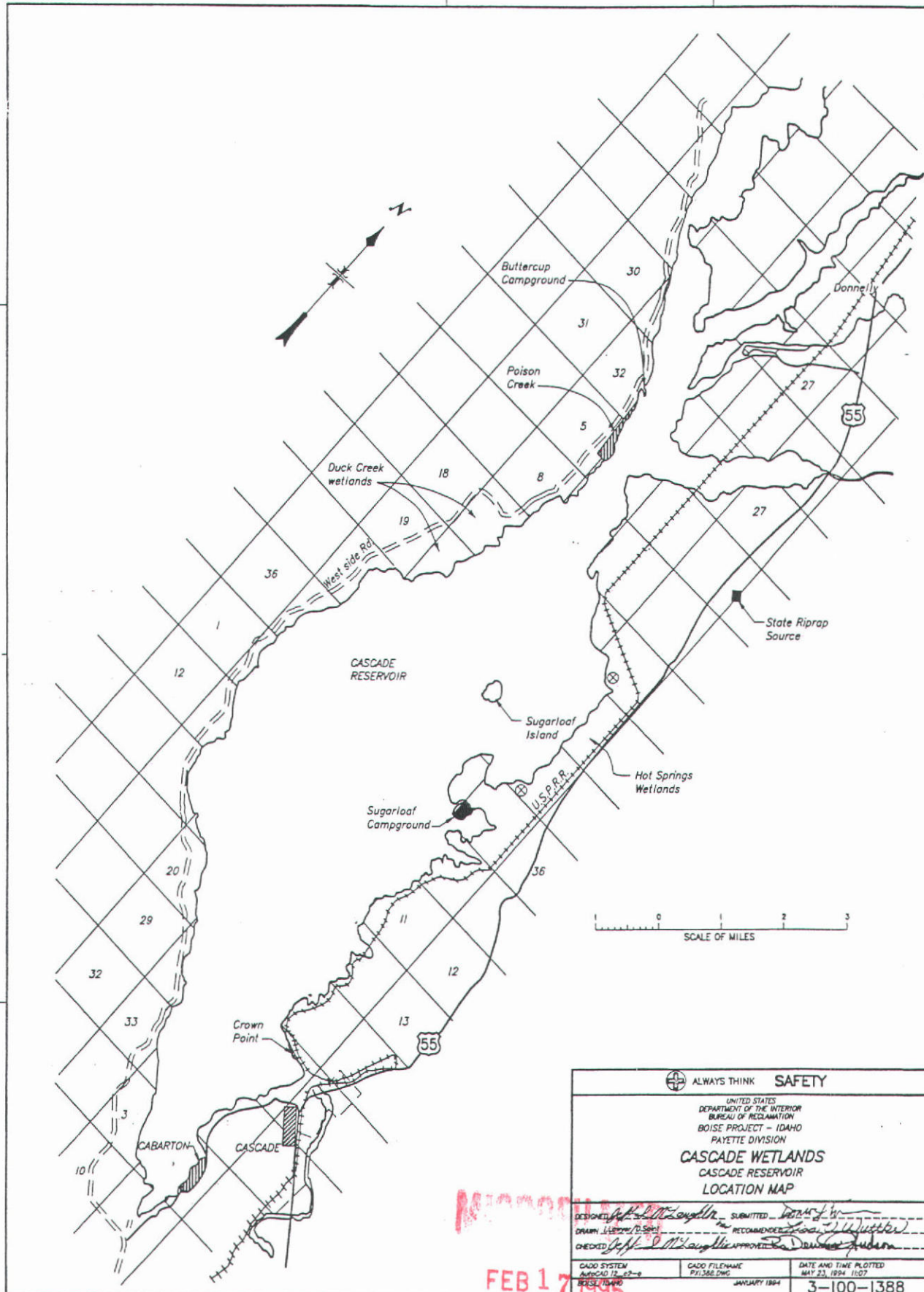
C

B

E

A

F



ALWAYS THINK SAFETY		
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION BOISE PROJECT - IDAHO PAYETTE DIVISION		
CASCADE WETLANDS CASCADE RESERVOIR LOCATION MAP		
DESIGNED BY <i>[Signature]</i> SUBMITTED BY <i>[Signature]</i> DRAWN BY <i>[Signature]</i> RECOMMENDED BY <i>[Signature]</i> CHECKED BY <i>[Signature]</i> APPROVED BY <i>[Signature]</i>		
CADD SYSTEM AUTOCAD 12.02-8 PLOTTER Epson 680	CADD FILENAME P31388.DWG JANUARY 1994	DATE AND TIME PLOTTED MAY 23, 1994 11:07 3-100-1388

FEB 17 1995

3

2

1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JUL 23 1996

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. 65-13509 Telephone No. 208-378-5322

2 Name(s) of Permit Holder(s): United States of America, Acting through the Regional Director, Bureau of Reclamation

3 Mailing Address: 1150 North Curtis Road, Boise, Idaho 83706-1234

4 Source of Water: Unnamed stream (Hembry Creek) If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____

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

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi) _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): _____ Other: Wildlife 2 cfs, Wildlife Storage 15 af, Diversion to Storage 2 cfs

6 Total rate of diversion and/or volume for which proof is submitted: 2 cfs OR 15 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 X or No ____
Has the measuring device been installed? Yes X or No ____

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

8 Fee Enclosed: \$ 125 (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: Jeff McLaughlin, Project Engineer, Cascade Wildlife Development Project Telephone Number: 208-378-5251

Address: 1150 North Curtis Road, Boise, Idaho 83706-1234

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: Michael C. Beaty for PATIL, LLEWELLYN Date: 7/19/96
(include your title, if on behalf of company or organization)

SEP 12 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13509

Proposed Priority: April 29, 1994 Maximum Diversion Rate: 2.00 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF RECLAMATION
ATTN 3317
1150 N CURTIS RD
BOISE ID 83706

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of CASCADE RESERVOIR

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>
WILDLIFE	01/01 to 12/31	2.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.00 CFS	
	Totals	2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 23, Township 15N, Range 03E
VALLEY County

PLACE OF USE: WILDLIFE

TWN RGE SEC

15N 03E 23 NESE NWSE

CONDITIONS/REMARKS:

1. See Preliminary Order for conditions of approval.

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

30th day of September, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

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FEB 17 1995

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13509 IN THE)
NAME OF THE BUREAU OF)
RECLAMATION)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 29, 1994, the Bureau of Reclamation (applicant) filed Application for Permit No. 65-13509 (application) with the department proposing the diversion of 2.0 cubic feet per second (cfs) of water from an Unnamed Stream tributary to Cascade Reservoir to be used year-round for wildlife purposes. Fifteen (15) Acre Feet of water would be stored in three (3) small ponds which will have a total surface area of about five (5) acres. Discharge from the ponds will be to the Unnamed Stream.

2. The department advertised the application which was protested by Albert L. Gestrin.

3. On August 31, 1994, the department conducted a hearing in the matter. The applicant was present and represented itself. The protestant was present and represented himself.

4. Issues identified by the protestant include the following:

a) Approval of the application will reduce the quantity of water under existing water rights.

b) The proposed water supply is not sufficient for the purpose for which it is sought to be appropriated.

5. Exhibits offered and accepted as a part of the record include the following:

a) Applicant's Exhibit No. 1. - Projected Streamflow For Normal Precipitation.

b) Applicant's Exhibit No. 2. - Location Map entitled Cascade Wetlands.

FEB 17 1995

c) Applicant's Exhibit No. 3. - Cascade Reservoir Resource Management Plan dated June 1991.

d) Applicant's Exhibit No. 4. - Site Plan entitled Cascade Wetlands.

6. The project of the applicant proposes the use of the same source of water as the protestant but is located downstream from all water diversions of the protestant.

7. The flow of the Unnamed Stream was measured downstream from the protestants diversions at the following rates:

May 23, 1994 - 1.5 cfs

June 20, 1994 - 0.5 cfs

Using the percentage of historic flow, the applicant estimates discharge from the Unnamed Stream during a normal water year at the rate of 5.4 cfs in May and 3.8 cfs during June.

8. The three ponds will fill up from natural seepage. The 2.0 cfs or part thereof which would be diverted to the ponds is for the purpose of enhancing flow through the ponds. While 2.0 cfs is not available for diversion to the ponds throughout the year, the applicant can maintain the water levels in the ponds through natural seepage and by closing discharge gates from the ponds.

9. The applicant has sought and has received bids to construct the proposed project.

10. The Cascade Reservoir Resource Management Plan identifies wildlife and fishery enhancement opportunities as among the desirable objectives of the plan. The applicant involved the general public in reaching this recommendation in the plan.

11. Water right no. 65-03604 of the protestant provides for the diversion of 0.21 cfs of water for irrigation and stockwater from the Unnamed Stream with a priority of August 1, 1919. The Unnamed Stream is locally known as Hembry Creek.

12. The Center Irrigation District injects water into the Unnamed Stream and rediverts the water upstream of the applicant's project. The concern of the protestant is that some of the injected water could be claimed as natural flow in the Unnamed Stream by the applicant resulting in the delivery of more water to the applicant than naturally flowing in the Unnamed Stream.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water

FILED
JUN 17 1994

supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. The applicant does not exercise any control over the diversions of the protestant and, hence, can not take water to which the protestant is entitled.

3. The application will not reduce the quantity of water under existing water rights.

4. The water supply available itself is sufficient for the purposes intended.

5. The application is made in good faith and not for delay or speculative purposes.

6. The applicant has sufficient financial resources with which to complete the project.

7. The application does not conflict with the local public interest.

8. The application is not contrary to the conservation of water within Idaho.

9. The department should issue a permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 65-13509 is **APPROVED** subject to the following conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before October 1, 1996.

2. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

7 1995

3. Use of water under this right is subject to control by the watermaster of State Water District No. 65.

4. The source of water is locally known as Hembry Creek.

Signed this 6th day of September, 1994.



L. GLEN SAXTON
Hearing Officer

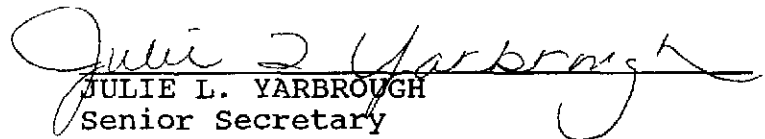

FEB 17 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6TH day of September, 1994,
I mailed a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER to the following:

Steve Dunn
Bureau of Reclamation
Pacific Northwest Region
1150 N. Curtis Rd.
Boise, ID 83706

Albert Gestrin
12252 State Hwy 55
Donnelly, ID 83615


JULIE L. YARBROUGH
Senior Secretary

FEB 17 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: BUREAU OF RECLAMATION
Address: PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706 208-378-5322
2. Source: UNNAMED STREAM Trib. to: CASCADE RESERVOIR
3. Location of Point of Diversion: NESE Sec. 23, Township 15N, Range 03E
VALLEY County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
WILDLIFE	01/01	12/31	2.000		
WILDLIFE STORAGE	01/01	12/31			15.00
DIVERSION TO STORAGE	01/01	12/31	2.000		
5. Total quantity to be appropriated is:
2.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EARTHEN DITCH WITH MANUAL SLIDE GATE TO SMALL STORAGE PONDS
 - b. Height of storage dam 3 feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 15.00 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 2 year(s).
8. Place of Use: WILDLIFE

TWN RGE SEC
15N 03W 23

NESE

NWSE

FEB 17 1965

typo, corrected
6/29/94

* d'base updated 6/27/94 per telegram with Phil Grief of B.O.R.
See original appl: P/W listed as both Q&Q although map shows
only one Q&Q. Phil said that both should be included - map was
wrong. -SL

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: Source is known locally as Hembree (or Hembry) Creek. Wildlife and wildlife storage uses are for a series of habitat ponds.

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.

Applicant

Received by DW Date 4/29/94 Time 10:10 Preliminary check by JR

Fee \$ 65.00 Received by *DW* #C030177 Date 4/29/1994

Publication prepared by At Date 6-29-94 Published in Star News

Publication approved [Signature] Date 8-12-94

- See comments -

FEB 17 1995

Comments: Date: 6/ 9/1994 User-ID: TAYLOR

Subject:
Description

Three to four ponds, five surface_acres and average 3' depth.

Site is naturally wet and application is to enhance the
wildlife uses. Outflow from ponds will return to source creek.

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RECEIVED

RECEIVED

Form 20
6/85
APR 29 1994
Department of Water Resources

MAY 02 1994

Ident No 65-13509

STATE OF IDAHO
WATER RESOURCES
WESTERN REGION
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

United States of America, Acting through the Regional Director,
Pacific Northwest Region, Bureau of Reclamation1 Name of applicant _____ Phone 208-378-5322Post office address 1150 North Curtis Road, Boise ID 83706-12342. Source of water supply un-named ^{stream} creek which is a tributary of Cascade Reservoir
N. Fork Payette River *3. Location of point of diversion is _____ ¼ of NE ¼ of SE ¼, Govt. Lot _____Sec. 23 Township 15N Range 3E B M Valley County, additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2 for wildlife ponds purposes from 1-01 to 12-31 (both dates inclusive) *(cfs or acre-feet per annum)
Amount 2 for Div. to Storage purposes from 1-1 to 12-31 (both dates inclusive)(cfs or acre-feet per annum)
Amount 15 for Wildlife Storage purposes from 1-1 to 12-31 (both dates inclusive)(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)5. Total quantity to be appropriated is (a) 2 and/or (b) 15 *

cubic feet per second

acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. earthen ditch with manual slide gate *to series of small storage ponds.b. Height of storage dam 3 feet, active reservoir capacity 15 acre-feet, total *reservoir capacity 15 acre-feet; period of year when water will be diverted to storage:1-1 to 12-31 inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

2 years (minimum 1 year).* per letter with Phil Graf of B.O.R. See con. memo
for details. - JZ 6/3/94
Item 2 changes per IDWR standards.

FEB 17 1995

8 Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower, show total feet of head and proposed capacity in KW. _____
- b. Stockwatering, list number and kind of livestock _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully Waterfowl and large undulates - not to exceed 13,000 gpd

9 Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below See instructions for standard symbols.

6/27/94 Phil Graf B.O.R. Star 80th for Phil - JL

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	3E	23													W	*			~~27.20~~

Total number of acres to be irrigated 27.20

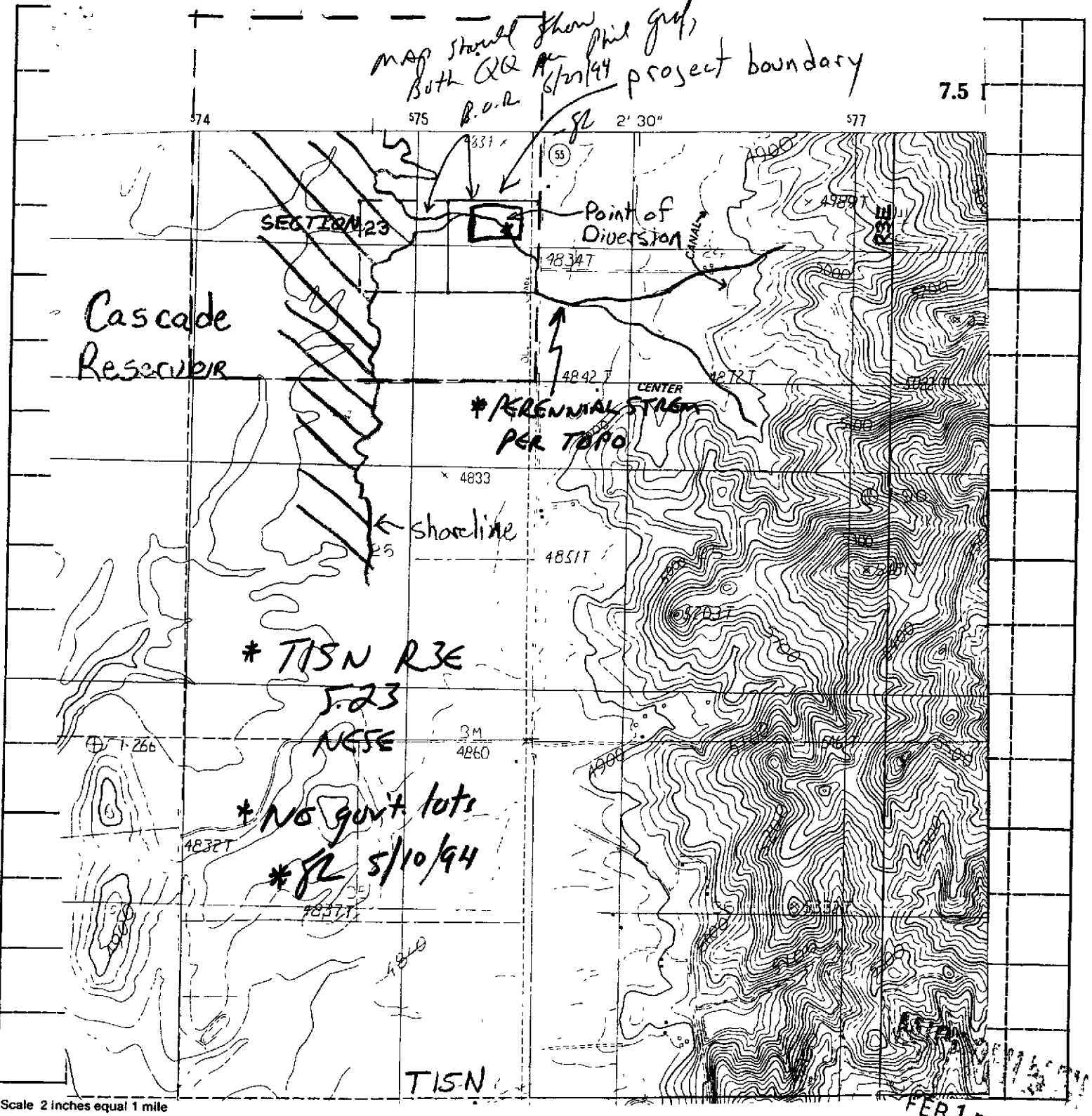
- 10 Describe any other water rights used for the same purposes as described above. None
- 11 a. Who owns the property at the point of diversion? Bureau of Reclamation
- b. Who owns the land to be irrigated or place of use? Bureau of Reclamation
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12 Remarks Wildlife and Wildlife Storage uses are for a series of habitat ponds.

Minneapolis
FEB 17 1995

COMMENTS: 3-4 ponds, 5 surface acres & average 3' depth. Site is naturally wet & application is to enhance the wildlife uses. Outflow from ponds will return to SOURCE ~~Grass~~ Creek.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Max E. Van den Berg
(Applicant)

FEB 17 1995

Received by dw Date 4/29/94 Time 10:10 Preliminary check by 82
Fee \$ 65⁰⁰ Receipted by dw # C030177 Date 4/29/94
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No _____, and said application is hereby _____.

1 Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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65-13509

HOT SPRINGS WETLAND LOCATION

A portion of the Northeast quarter of the Southeast quarter (NE1/4 SE1/4) and the Northwest quarter of the Southeast quarter (NW1/4 SE1/4) Section Twenty-three (23), Township Fifteen (15) North, Range Three (3) East, Boise Meridian, located in Valley County, Idaho, described as follows:

Beginning at the East quarter corner of said Section 23 which point is the TRUE POINT OF BEGINNING;
thence South 00° 31' 40" West, 663.97 ft.;
thence North 89° 54' 02" West, 1789.49 ft.;
thence due North, 662.04 ft.;
thence South 89° 57' 42" East, 1795.60 ft. to the true point of beginning. Said parcel contains 27.28 acres, more or less.

Follow-up to 6/27/94
telecon with Phil J.

-fz

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FEB 17 1995

OPTIONAL FORM 96 7-90		# of pages	
FAX TRANSMITTAL			
To	FX1	From	Phil Graf USBR
Dept/Agency	BUT in File	Phone #	208-578-5322
Fax #	65-13509	Fax #	
N&N 7540 01-3 7-7365		5096 101	GENERAL SERVICES ADMINISTRATION

DEC 19 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13509

GENERAL INFORMATION

1. Owner: U.S. Dept. of Interior
Bureau of Reclamation

Permit No. 63-13509

Phone No. (208) 378-5322

Current Address: 1150 N. Curtis Rd. Boise, ID 83706-1234

2. Accompanied by: Warren M. Sedlacek EXAM DATE: 8-5-97

Address: USBR, Cascade Field Station, P.O. Box 270 Phone No. (208) 382-4258
IP. 83611

Relationship to Permit Holder: USBR Employee - Natural Resource Specialist

3. Source: Unnamed Stream tributary to Cascade Reservoir
(Hembry 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:

[illegible]

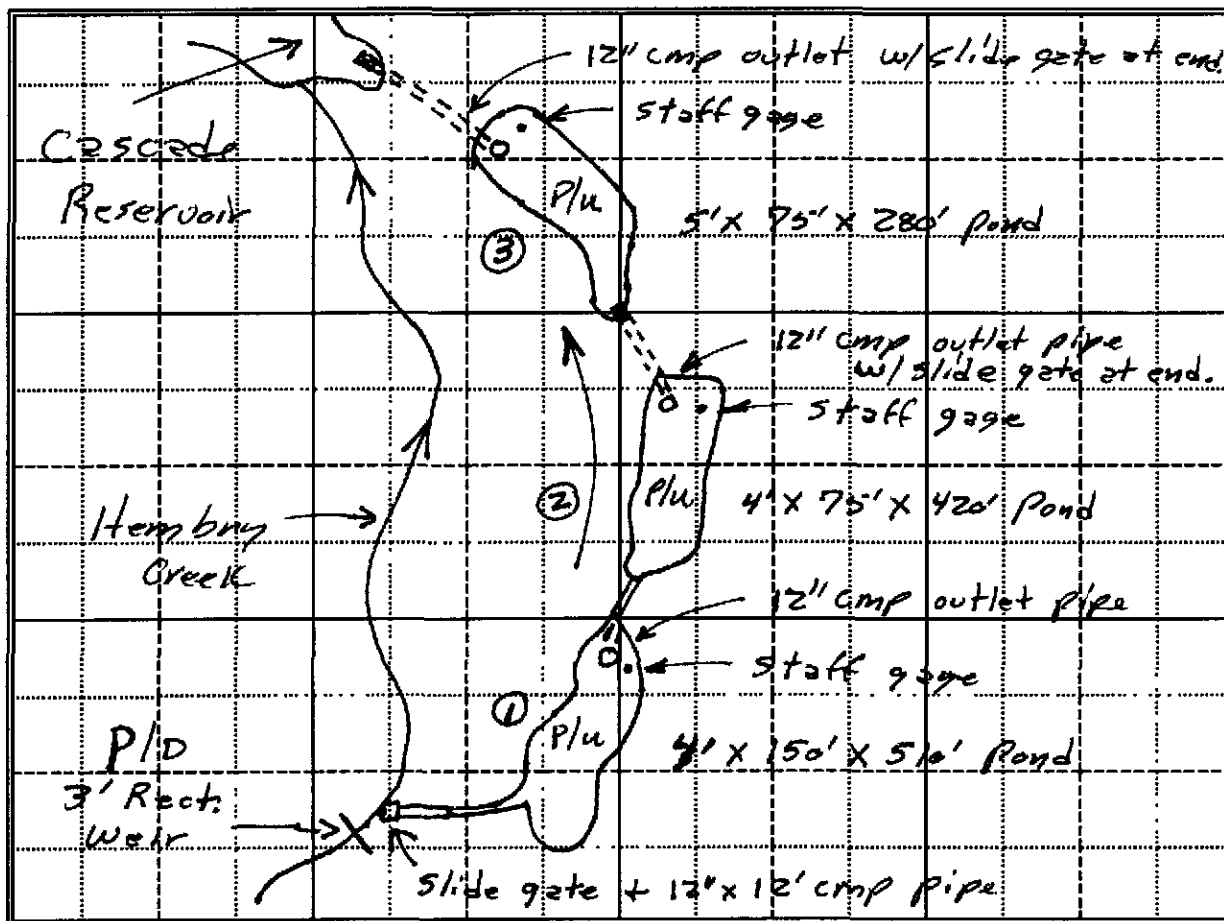
2. Place(s) of Use:

Indicate Method of Determination *Site Visit Map*

[illegible]

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

→ N



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: Low flow at time of exam.
High water mark on Rect. Weir = 0.48' on staff gage.

E. NARRATIVE/REMARKS/COMMENTS

1. Water is diverted from Hembry Creek through a 12" cmp pipe with a slide gate control and into the first pond. A 3' Rectangular Weir installed in the creek just upstream of the pipe ~~to~~^{inlet} measures the total flow that can be diverted through the pipe. All of the creek flow can be diverted at this point. There was a low flow in the creek at the time of the exam, but the high water mark on the weir staff gage was 0.48'.

2. From the first pond, the same water is piped from the outlet to the second pond, and then to the third pond. Each pond outlet consists of a perforated 12" cmp inlet, and a 12" cmp pipe with an outlet equipped with a slide gate control. The 3rd and last pond empties back into the creek at the full pool elevation of Cascade Reservoir. There is a staff gage in each pond near the outlet pipe.

3. The P/O is designed to take all of the creek water since one function of the ponds is to remove sediments and cattle waste before the water enters Cascade Reservoir.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

High water mark on 3' contracted Rectangular Weir staff gage was 0.48'.

From Weir Table: $Q = \underline{3.22 \text{ cfs}}$, Allow $\underline{2.0 \text{ cfs}}$
 Since 2/1 or 2 portion of creek flow can be diverted into the first pond.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses: Wildlife Ponds - 3 ponds

$$\text{Vol. ponds} = [(4')(150')(510') + (4')(75')(420') + (5')(75')(280')] \frac{\text{AF}}{(66)(66)(10)} \\ = 12.37 \text{ AF} - \text{capacity of 3 ponds}$$

Allow for seepage + evaporation = $\underline{15.0 \text{ AF}}$ OK

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife	01/01	12/31	2.00	
Wildlife Storage	01/01	12/31		15.0
Diversion to Storage	01/01	12/31	2.00	
Totals:			2.00	15.0

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

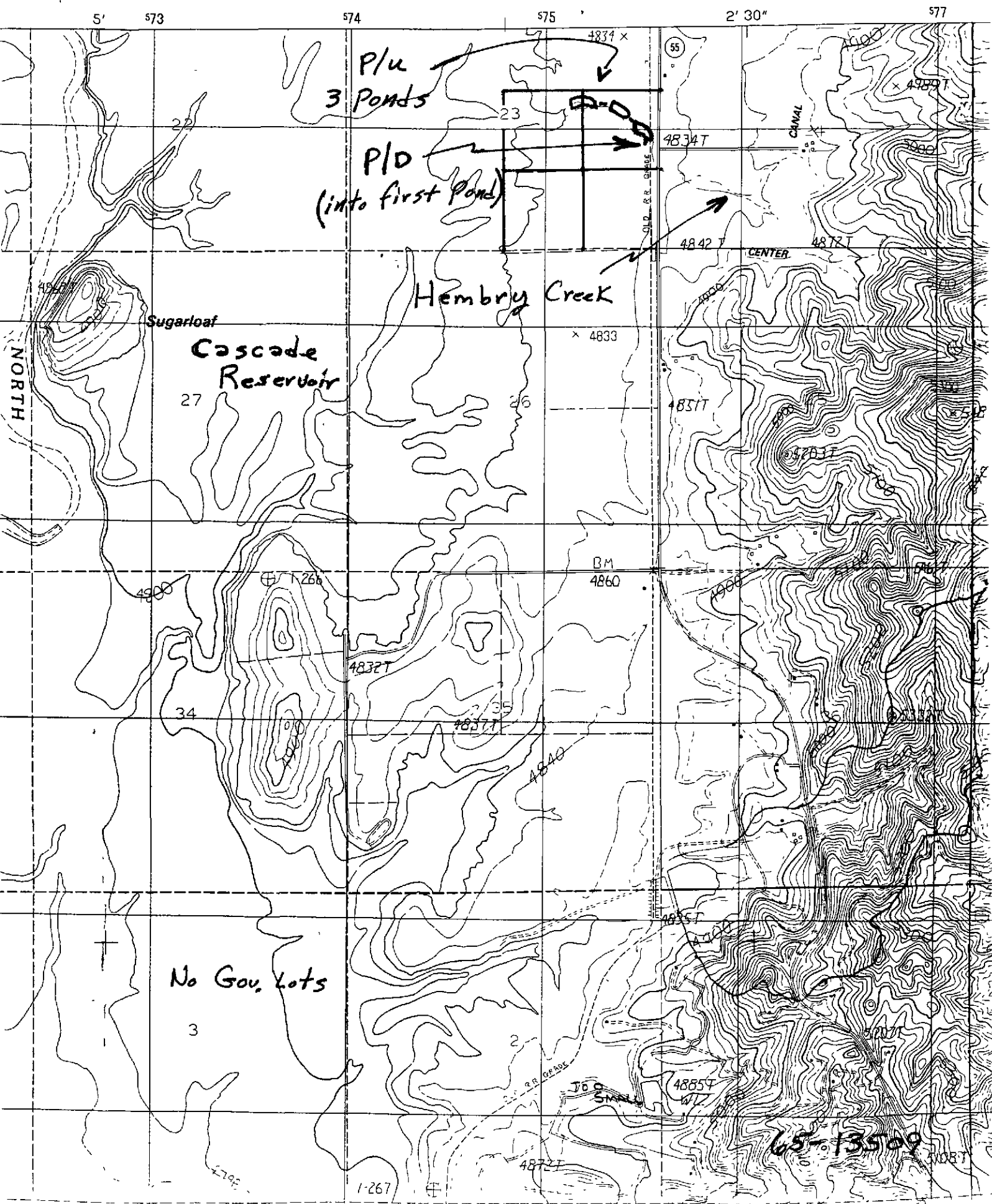
I. AUTHENTICATION

Field Examiner's Name Don Tomich Date 12-15-99

Reviewer _____ Date _____

SEAL

15°N R3E Sec. 3



5-7-97

SLIDE WETLANDS 3-2

Cascade
Reservoir

P/4, 3 Ponds

Hembry
Creek

Wildlife Ponds

(Hembry Cr.)

65-13509

**CASCADE WETLANDS
CONTRACTED RECTANGULAR WEIR
3 FOOT CREST LENGTH**

HEAD (feet)	FLOW RATE (cfs)	HEAD (feet)	FLOW RATE (cfs)
0.10	0.31	0.50	3.41
0.11	0.36	0.51	3.51
0.12	0.41	0.52	3.62
0.13	0.46	0.53	3.72
0.14	0.52	0.54	3.82
0.15	0.57	0.55	3.93
0.16	0.63	0.56	4.03
0.17	0.69	0.57	4.14
0.18	0.75	0.58	4.24
0.19	0.82	0.59	4.35
0.20	0.88	0.60	4.46
0.21	0.95	0.61	4.57
0.22	1.02	0.62	4.68
0.23	1.09	0.63	4.79
0.24	1.16	0.64	4.90
0.25	1.23	0.65	5.01
0.26	1.30	0.66	5.12
0.27	1.38	0.67	5.23
0.28	1.45	0.68	5.35
0.29	1.53	0.69	5.46
0.30	1.61	0.70	5.58
0.31	1.69	0.71	5.69
0.32	1.77	0.72	5.81
0.33	1.85	0.73	5.93
0.34	1.94	0.74	6.05
0.35	2.02	0.75	6.16
0.36	2.11	0.76	6.28
0.37	2.19	0.77	6.40
0.38	2.28	0.78	6.52
0.39	2.37	0.79	6.65
0.40	2.46	0.80	6.77
0.41	2.55	0.81	6.89
0.42	2.64	0.82	7.01
0.43	2.74	0.83	7.14
0.44	2.83	0.84	7.26
0.45	2.93	0.85	7.39
0.46	3.02	0.86	7.51
0.47	3.12	0.87	7.64
0.48	3.22	0.88	7.76
0.49	3.31	0.89	7.89

start
above
reading

$$Q = C * (L - (2 * H)) * H^{3/2} \quad \text{CONTRACTED RECTANGULAR WEIRS}$$

3.33 = DISCHARGE COEFFICIENT (C)

3 = CREST LENGTH (L) - feet

01/03/96

65-13509

Hembry Creek

1 of 3



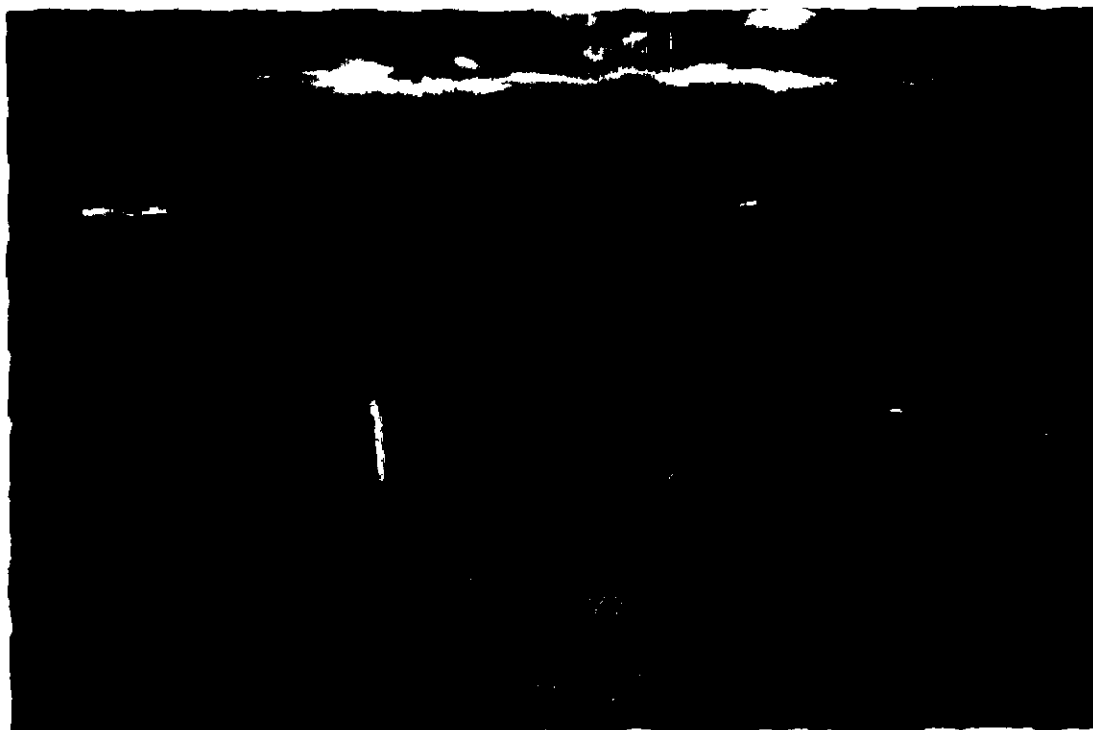
P/D
3' Rect.
weir
in
Hembury
Creek.
Place of
Measure-
ment



P/D
slide gate
on inlet
of 12"
cmp for
first
Pond.
View
Looking
Northwest

65-13509

2 of 3



P/u

First
Pond.

Note outlet
pipe and
staff
gauge.

View
Looking
East.



P/u

Slide gate
on 12"
CMP pipe
of First
Pond.

View
Looking
East

65-13509

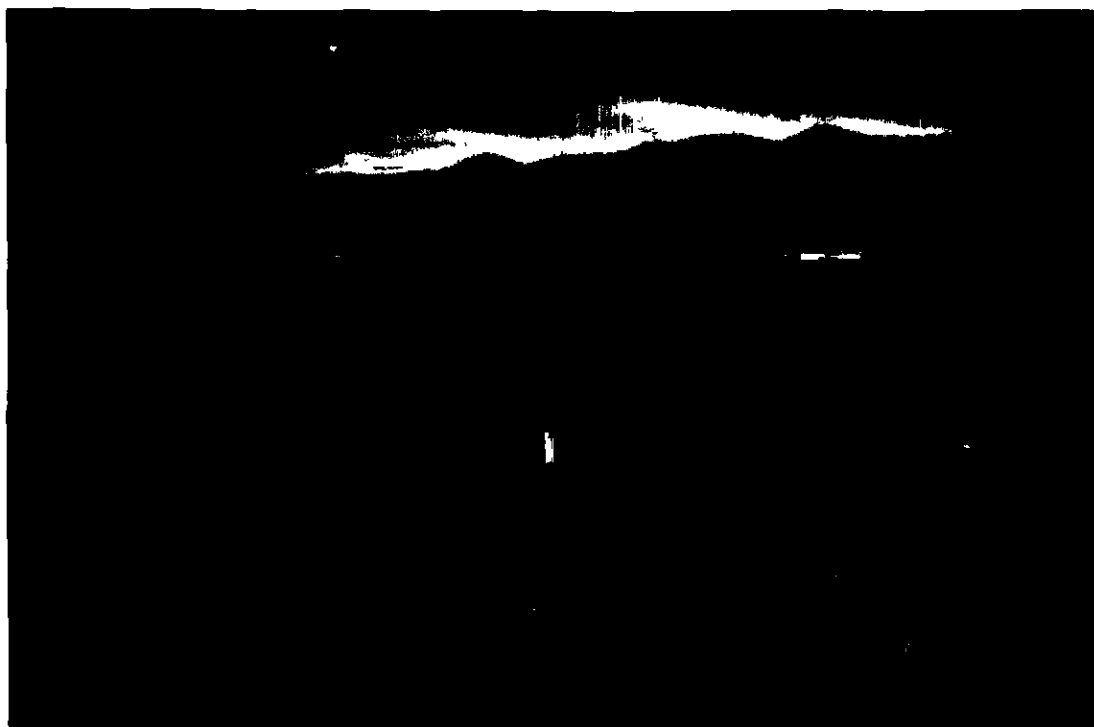
3 of 3

P/u

Second
Pond.

Note 12"
CMP outlet
Pipe and
staff
gage.

View
Looking
East.



P/u

Third
Pond

Note Slide
gate on
12" CMP
pipe outlet
to
Cascade
Reservoir.

View
Looking
East.



65-13509



IN REPLY
REFER TO

United States Department of the Interior **RECEIVED**

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road
Boise, Idaho 83706-1234

SEP 06 1996

Department of Water Resources

**PN-3902
WTR-4.01**

SEP 05 1996

Ms. Julie L. Yarbrough
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Subject: Additional Purpose of Use for Permit No. 65-13509 (Cascade Reservoir, Water Rights)

Dear Ms. Yarbrough:

During development of our project as authorized by the subject permit, an additional purpose of use has been identified. When you conduct the examination phase, please review the beneficial water use to be for water quality in addition to the proposed purpose of use.

Sincerely,

Phillip E. Graf
Water Rights Officer

SEP 12 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 62-15509 Reviewed by [Signature] Date 8-19-90

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?
Yes Amount Submitted
Yes Correct?
Yes Required?
Yes 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 Proof Made 8-19-90



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
August 28, 1996

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706-1234

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13509

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, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

SEP 12 1996



IN REPLY
REFER TO

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road
Boise, Idaho 83706-1234

JUL 19 1996

RECEIVED

JUL 23 1996

Department of Water Resources

PN-3902
WTR-4.01

Ms. Julie L. Yarbrough
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Subject: Proof of Beneficial Use for Permit No. 65-13509 (Cascade
Reservoir, Water Rights)

Dear Ms. Yarbrough:

Enclosed is the Proof of Beneficial Use for Permit No. 65-13509 for a rate of diversion of 2 cfs of water for wildlife, 2 cfs for diversion to storage and an annual volume for wildlife storage of 15 acre feet. The license examination fee will be provided under a separate cover.

Sincerely,

Patti Llewellyn
Program Manager
Lands and Recreation

Enclosure

SEP 12 1996

June 30, 1996

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 837061234

PROOF DUE NOTICE

RE: PERMIT NO. 65-13509

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 September 1, 1996. (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.

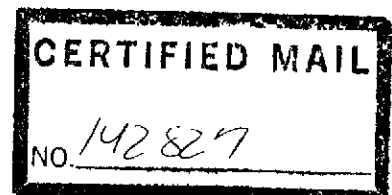
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 6, 1994

RE: In the matter of Application for Permit No. 65-13509 in the name of Bureau of Reclamation

Dear Interested Party:

The accompanying order 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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

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 Director. The Director retains the right to review the preliminary order on his own motion.

RECEIVED
FEB 7 1995

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

FEB 17 1995

- 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.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

RECEIVED
FEB 17 1995

ROSTER OF ATTENDANCE
Administrative Hearing

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Applicant: Bureau of Reclamation
App. for Permit No. : 65-13509
Location: Senior Citizens Center, 409 School St.
Cascade, ID. 83611
Date and Time: August 31, 1994 - 11:00 a.m.
Hearing Officer: L. Glen Saxton

•• Please Print ••

NAME:

ADDRESS:

Ronna Gestin	12252 Hwy 55 Donnelly	83615
Albert Gestin	12252 Hwy 55 Donnelly, Id	83615
Howard Gestin	12344 Hwy 55 Donnelly Id	83615
PHILLIP E. GRAF	1150 N. Curtis Road, Boise ID	83706
Jeff McLaughlin	1150 N. Curtis Road, Boise ID	83706
Jim BUDOLFSON	214 Broadway Boise Id	83702

FEB 17 1995

BY J. J. Laughlin	DATE 8-29-94	PROJECT Cascade Wetlands	SHEET ____ OF ____
CHKD BY	DATE	FEATURE	
DETAILS projected stream flow for normal precipitation:			

Admitted to LGS
8/31/94

two measurements taken this year:

May 23, 1994 1.5 CFS

June 20, 1994 0.5 CFS

% of normal runoff by month:

May - 22%

June - 13%

Estimated Runoff - Normal Precipitation Year

$$\text{May} - \frac{1.5 \text{ CFS}}{0.22} = 5.4 \text{ CFS}$$

$$\text{June} - \frac{0.5 \text{ CFS}}{0.13} = 3.8 \text{ CFS}$$

FEB 17 1995

ADJUSTED FLOW - 1000 AP, AND MONTHLY PERCENTAGES
PERCENTAGE APPLIED THE SAME TO EACH DAY

Jan 1994

June 1994

December 1994

		O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
PAYET INF	PAYIN	1.5 40%	3.6 50%	3.9 60%	4.0 60%	3.8 68%	4.3 57%	9.8 43%	25.5 30%	12.5 13%	0.0 0%	0.0 0%	0.3 15%	1.5 40%	5.0 70%	4.6 70%
CASC LOC	CSCLOC	6.6 40%	13.0 50%	18.0 60%	16.9 60%	17.2 68%	21.4 57%	31.5 43%	28.9 28%	13.0 13%	0.0 0%	0.0 0%	1.4 15%	6.6 40%	18.2 70%	21.0 70%
BANKS LOC	BANKSLOC	3.1 50%	4.3 60%	6.8 70%	6.7 70%	6.8 61%	10.7 50%	15.7 35%	10.7 19%	6.9 18%	1.7 20%	1.4 50%	2.1 50%	3.7 60%	5.1 70%	6.8 70%
DEADWD IN	DEDIN	2.9 60%	4.0 70%	4.7 80%	3.4 60%	3.1 63%	3.3 51%	5.9 38%	13.4 27%	9.6 18%	4.8 10%	2.2 50%	1.5 50%	2.9 60%	4.0 70%	4.1 70%
LOWM NAT	PRLIQ	15.4 60%	15.4 70%	17.4 20%	14.7 50%	17.3 50%	14.4 50%	7.1 25%	7.1 10%	10.0 10%	10.0 10%	10.0 10%	10.0 20%	13.0 60%	7.0 70%	7.0 70%
HRS B LOC	HRSLOC	9.6 50%	13.1 60%	19.1 70%	20.8 70%	21.5 61%	28.0 47%	36.7 35%	29.4 19%	19.4 18%	7.1 21%	6.7 40%	7.9 50%	9.6 50%	15.3 70%	19.1 70%
BLK CAN L	BLKLOC	3.6 50%	5.0 60%	8.6 70%	13.2 70%	15.4 61%	17.1 47%	14.9 35%	9.3 19%	7.2 18%	2.2 21%	1.3 40%	1.4 50%	3.6 50%	5.9 70%	8.6 70%
ERM ID CA	ETNIQJ	5.1 100%	0.0 100%	0.0 100%	0.0 100%	0.0 100%	0.1 100%	6.3 100%	10.8 100%	20.6 100%	23.3 100%	22.7 100%	16.4 100%	5.1 100%	0.0 100%	0.0 100%
BLK C CAN	ETSIQJ	13.3 100%	0.0 100%	0.0 100%	0.0 100%	0.0 100%	0.3 100%	26.7 100%	68.5 100%	69.9 100%	76.4 100%	74.7 100%	50.8 100%	13.3 100%	0.0 100%	0.0 100%

→ projected

FILE 171995

Applicants' Exhibit No. 2

Admitted by LGS
1/8/31/94

3-100-1388

3

2

1

D

D

C

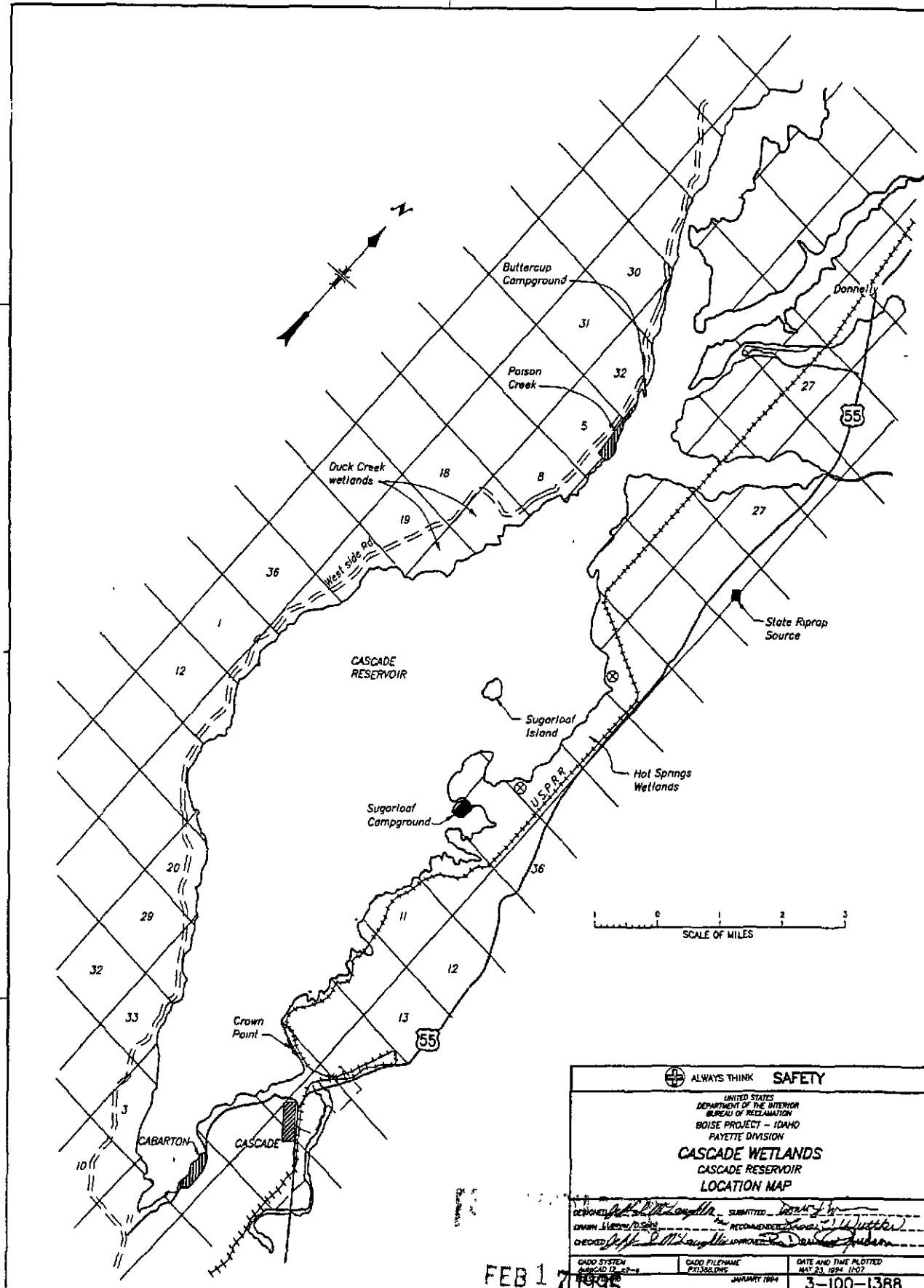
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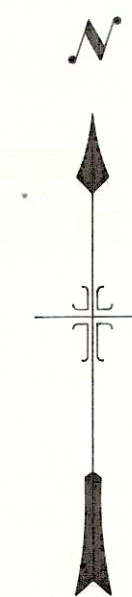
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ALWAYS THINK SAFETY UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION BOISE PROJECT - IDAHO PAYETTE DIVISION CASCADE WETLANDS CASCADE RESERVOIR LOCATION MAP		
DESIGNED: <i>[Signature]</i> DRAWN: <i>[Signature]</i> CHECKED: <i>[Signature]</i>	SUBMITTED: <i>[Signature]</i> RECOMMENDED: <i>[Signature]</i> APPROVED: <i>[Signature]</i>	DATE AND TIME PLOTTED MAY 23, 1994 11:07
GRID SYSTEM NAD 83 12-23-9	GRID FILENAME P1336.DWG	JANUARY 1994
3-100-1388		

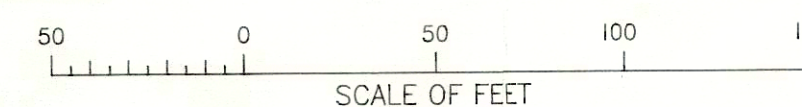
3-100-1420



LEGEND

- 12" CMP
--- Constructed channel

SITE PLAN



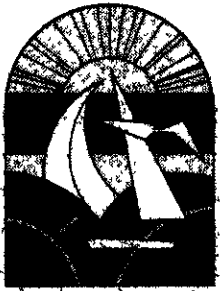
NOTES:

1. All elevations and coordinates are assumed.
2. Survey location - Section 23 T15N R3E.
3. For cross sections see drawings 3-100-1415 through 3-100-1419.
4. For typical sections and details see drawing 3-100-1389.
5. Vary dimensions of constructed channel.
6. Control gates on outlet pipe for each pond and diversion pipe (4 total).
7. An active irrigation ditch runs through the disposal area which may not be disturbed.

ALWAYS THINK SAFETY	
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION BOISE PROJECT - PAYETTE DIVISION - IDAHO	
CASCADE WETLANDS	
SITE PLAN	
DESIGNED _____	SUBMITTED _____
DRAWN <i>D. Saint/S. Weddle</i>	RECOMMENDED _____
CHECKED _____	APPROVED _____
CADD SYSTEM AutoCAD Release 12_c2-a	CADD FILENAME PX1420.DWG
BOISE, IDAHO	DATE AND TIME PLOTTED AUGUST 26, 1994 14:24
MAY 1994	
3-100-1420	

Applicants' Exhibit No. 4 / Admitted by LGS 8/31/94

Admitted 8/31/94



Cascade Reservoir Resource Management Plan

**U. S. Bureau of Reclamation
Central Snake Projects Office**

prepared by:

**EDAW, Inc.
753 Davis Street
San Francisco, CA 94111**

in association with:

**Entranco Engineers, Inc.
5808 Lake Washington Boulevard, N.E.
Kirkland, WA 98033**

and

**Creighton & Creighton
228 Byron Street
Palo Alto, CA 94303**

June, 1991

FEB 17 1995

Exhibits & Tape
65-13509

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
AUG 22 1994

Department of Water Resources

IN THE MATTER OF APPLICATION) NOTICE OF HEARING
FOR PERMIT NO. 65-13509 IN THE)
NAME OF BUREAU OF RECLAMATION)
_____)

On April 29, 1994, the Bureau of Reclamation filed with the Department of Water Resources (Department) application for permit no. 65-13509. The application was protested by Albert L. Gestrin. The conference held by the Department on August 18, 1994, did not resolve the matter of protest.

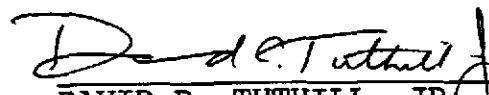
The Department has scheduled the matter for a hearing to be held on Wednesday, August 31, 1994, at 11:00 a.m. at the Senior Citizens Center, 409 School St, Cascade, ID 83611. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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 (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 19th day of August, 1994.


DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 19th day of August, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary, Office Coordinator

Certified Mail

STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706

ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615

FEB 17 1995

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

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APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 65-13509 Name: BdR Date: 9/1/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD

- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. _____, P99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dem~~) - WD No. 65

*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD

Groundwater - P05 (new irrigation well)

? → In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023 (Twin Falls area)

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° GW temp only)

Swan Falls Flag - 6 <SEE CONDITION CODE CHART>

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

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA

Payette R(65) - 064 (consump. use), 047-P04 (Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)

Irrigation - 03A/057, 803 (if GW use SW 1st) (+5A PU comp), NA

Power (✓ w/Jim) - 08A-17K-025-027 (req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09

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

Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - 021(Boise R + L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

PROTESTED:

- 020 (Prehearing agreement)/W19 (See Order)

OTHER CONDITIONS:

REMARKS:

- ① Source locally known as Hembree (or Humbury) Creek.
② WLG & W&S for habitat ponds.

BENEFICIAL USE DUE:

- 9-1-1996

COMMENTS:

DATE: 09/01/94
PAGE: 1

Audit: 09/01/94 CZIMMERM

BOR hearing 65-13509

8/31/1994 Senior Citizen Center, Cascade

Applicants - Represented by Phil Graf, Jeff McLaughlin & Jim Budolfson

Protestants: Represented by Al Gestrin / Also in attendance * Donna Howard Gestrin

Issues: Nos. 1, 2

Phil Graf

Jeff McLaughlin - BOR Design Engineer in Boise

Measurements taken just downstream from culvert under RR grade

Streamflows projected to be 5.4 cfs - May
3.8 cfs - June

Intent is to divert into the

Jim Budolfson

Al Gestrin

Measurements include irrigation water in the creek.

Off-season flows would likely be lower.

Diversion of this water would injure the farming program above this project.

APPROPRIATED
FEB 17 1995

Exhibits

Applicant

Admitted?

- 1 Computation Sheet
- 2 Location Map
- 3 Cascade Reservoir Resource Mgmt Plan
- 4 Design Map for Ponds

yes

yes

yes

yes

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Howard Gestin - Landowner & member of Center Irr Dist

- Only a short period of time when 2.0 cfs is available during spring runoff.

- Sometimes the inflow to the ponds is zero during the summer

Record Closed

RECEIVED
FEB 17 1995

P 311 711 705



Receipt for Certified Mail

No Insurance Coverage Provided

**ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS 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, date, 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 inquiry

U S GPO 1991-302 916

4 344 570 777



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2 29

Postmark or Date

PS Form 3800, June 1991

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U.S. GPO 1991-302976

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- 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.

01-1350

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:

STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706

4a. Article Number

P 311 570 777

4b. Service Type

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

7. Date of Delivery

8-22-94

5. Signature (Addressee)

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

AUG 23 1994

WATER RESOURCES
WESTERN REGION

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

FEB 17 1995

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

Consult postmaster for fee.

3. Article Addressed to:

ALBERT L GESTRIN
12252 STATE HWY 65
DONNELLY ID 82615

4a. Article Number

P 311 711 705

4b. Service Type

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- ☒ Certified ☐ COD
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8-22-94

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X Albert L Gestrin

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WESTERN REGION

FEB 17 1995

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DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	NOTICE OF HEARING
FOR PERMIT NO. 65-13509 IN THE	)	
NAME OF BUREAU OF RECLAMATION	)	

On April 29, 1994, the Bureau of Reclamation filed with the Department of Water Resources (Department) application for permit no. 65-13509. The application was protested by Albert L. Gestrin. The conference held by the Department on August 18, 1994, did not resolve the matter of protest.

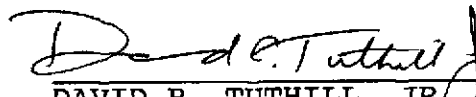
The Department has scheduled the matter for a hearing to be held on Wednesday, August 31, 1994, at 11:00 a.m. at the Senior Citizens Center, 409 School St, Cascade, ID 83611. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. The presiding officer at the hearing will be Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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 (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 19th day of August, 1994.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 19th day of August, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary, Office Coordinator

Certified Mail

STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706

ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615

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

FEB 17 1996

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.

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Withdrawal
of
Protest

This water right is junior and secondary to upstream decreed water right No. 65-03604 in the names of Albert, Donna I. and Dennis L. Gestrin.

Protestant

MIODRICH MED

FEB 17 1995

Hearing/Conf Officer Notes

Cascade / Valley Co Courthouse

by D. Tuttle

8/18/1994

11:00 am

Applicant is represented by Phil Graf, BOR

Protestant represents himself, accompanied by Howard & Donna

Gustin

Issue: Concern about mosquitoes & impact on upstream water r.t.

→ Set hearing for 31 Aug 94. 1100

FILED

FEB 17 1995

Attendance Roster
Conference for App for Permit No. 65-13509, B.O.R.
August 18, 1994

<u>Phone No.</u>	<u>Name</u>	<u>Representing</u>
382-4597	Lonna Gestrin	A.L. Gestrin Ranch
	Albert Gestrin	A.L. Gestrin Ranch
	Howard Gestrin	Gestrin Ranch
334-1466	Jim BUDOLFSON	USBR
378-5322	PHILLIP E. GRAF	USBR
382-4145	Howard Gestrin	

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FEB 17 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13509 IN THE) NOTICE OF CONFERENCE
NAME OF BUREAU OF RECLAMATION)

On April 29, 1994, the Bureau of Reclamation filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Albert L. Gestrin.

The Department has set the matter of protest for a conference to be held on August 18, 1994, at 11:00 a.m., at the Valley County Courthouse, 219 N. Main, Cascade, ID 83611. 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 and Procedure 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. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 4th day of August, 1994.

David R. Tuthill Jr.
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

FEB 17 1995

I hereby certify that on the 4th day of August, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706

ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615

FEB 17 1995

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FEB 17 1995

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FEB 17 1995

P 311 575 535

**Receipt for
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No Insurance Coverage Provided

ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615

Postage	\$ 29
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1-
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$ 529

Postmark or Date

PS Form 3800, June 1991

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- U S GPO 1991-302 916

P. 311 575 534

**Receipt for
Certified Mail**

No Insurance Coverage Provided

**STEVE DUNN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706**

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Postmark or Date	

PS Form 3800, June 1997

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U S GPO 1991-302 916

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SENDER:

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

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

Consult postmaster for fee.

2. Article Addressed to

STEVE DOWN
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N. CURTIS RD
BOISE ID 83706

4a. Article Number

P 311 575 534

4b. Service Type

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

7. Date of Delivery

8-5-94

5. Signature (Addressee)

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

AUG 08 1994

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

FEB 17 1995

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ALBERT L. GEBRIN
12252 STATE HWY 55
DONNELLY ID 83615

4a. Article Number

P 311 575 535

4b. Service Type

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

7. Date of Delivery

8-6-94

5. Signature (Addressee)

Albert L. Gebirin

6. Signature (Agent)

[Signature]

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

66 and fee is paid)

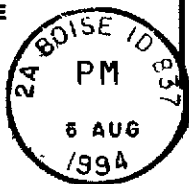
UNITED STATES POSTAL SERVICE

Official Business

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AUG 08 1994

WATER RESOURCES
WESTERN REGION



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

Missoula, MT
FEB 17 1995

waters of the State of Idaho
**NOTICE OF APPLICATION FOR
WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

65-13509

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
ATTN 424 BOX 043
550 W FORT ST
BOISE, ID 83724

Source: UNNAMED STREAM
Tributary: CASCADE RESERVOIR

Diversion Pt NESE Sec 23 T 15N R
03E in VALLEY County.

Use: WILDLIFE (2.000 CFS)
WILDLIFE STORAGE
(15.00 AF)
DIVERSION TO STORAGE
(2.000 CFS)
Total Diversion: (2.000 CFS)

Date filed: 4/29/1994
In VALLEY County
T15N R03E S23 NESE NWSE

65-13513
PANCHERI, DARWIN
PANCHERI, JOAN
15501 STAGECOACH
NAMPA, ID 83686

Source: GROUNDWATER

Diversion Pt: SESW Sec 7 T 13N R
04E in VALLEY County
Use: IRRIGATION (2 200 CFS)
Total Diversion: (2 200 CFS)

Date Filed: 6/16/1994
In: VALLEY County
T13N R03E S12 SESE
S13 NENE
R04E S07 Lot 4(SWSW) SESW
S18 NENW Lot 1(NWNW)

1100 ACRES TOTAL

77-07337
WARM LAKE RECREATIONAL
WATER DISTRICT
9900 LOS RANCHITOS
BOISE, ID 83709

Diversion Pt: LOT 3 (SENW) Sec 12
T 15N R 06E in VALLEY County
LOT 2 (NENW), Sec 13 T
15N R 06E in VALLEY County
LOT 5 (NWSE) Sec 13T
15N R 06E in VALLEY County.
LOT 2 (SWNW) Sec 7 T
15N R 07E in VALLEY County

Date Filed 6/6/1994
In VALLEY County
T15N R06E S12 NENE Lot 1(NWNE)
Lot 1(SWNE) Lot 4(ENE)
S13 Lot 2(NWNE) Lot
3(SWNE) Lot 5(NWSE)
R07E S07 Lot 2(SWNW)
SENW

7-07338
CONSERVATIVE BAPTIST CAMP
US DEPT OF AGRICULTURE
FIRST BAPTIST CHURCH 221 E
LINDEN ST
CALDWELL, ID 83605

Source: GROUNDWATER
Diversion Pt SENW Sec 7 T 15N R
07E in VALLEY County.
Use: DOMESTIC (.040 CFS)
Total Diversion (.040 CFS)

Date filed: 6/9/1994
In Valley County
T15N R07E S07 SENW

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 25, 1994. The protestant
must also send a copy of the protest to
the application.

R. KEITH HIGGINSON, Director
Publish 7/6, 7/13 - #531

Affidavit of Publication

STATE OF IDAHO COUNTY OF VALLEY

I, Michael C. Stewart, being duly sworn deposes, and says, I
am the Publisher of The Long Valley Advocate Subscriber, a
weekly newspaper published at Cascade, in Valley County,
Idaho; and having a general circulation therein and of legal
status in said county.

The ~~Notice of application - water right~~ copy of which
is attached hereto, was published in said newspaper once a
week for 2 consecutive weeks in the regular and
entire issue of every number thereof during the period and
time of publication, and was published in the newspaper
proper and not in a supplement; and that publication of
such notice began 7/13, 1994, and
ended 7/16, 1994.

Michael C. Stewart

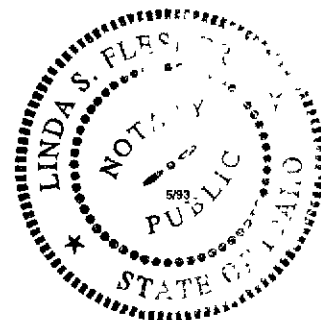
Michael C. Stewart
Signed this the 10th day of August, 1994

STATE OF IDAHO)

COUNTY OF VALLEY)

On this the 10th day of August, 1994,
before me, a Notary Public in and for said State, personally
appeared Michael C. Stewart, known or identified to me to
be the person whose name is subscribed to the within
Instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me
that he executed the same.

Linda S. Flemer
Notary Public State of Idaho
Residing at: Cascade
Commission Expires: 10/24/95



RECEIVED
AUG 12 1994

WATER RESOURCES
WESTERN REGION

FEB 17 1995

CONVERSATION MEMORANDUM

DATE 8/2/94FILE 65-13509NAME OF PARTY Phil GrafEMPLOYEE Cindy HodgesRE: Protest - Request for Conference

Jim Budolfson at project site has contacted protestant on 3 occasions by telephone to attempt resolution. Protestant has been asked to contact IDWR for clarification but there is no record in this file of him having done so. The BOR project is downstream from protestant and should have no net ^{adverse} effect on protestant. BOR requests a conference scheduled ASAP so that resolution may be reached.

FEB 17 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RL DATE: 6/3/94 APPLICATION: 65-13509

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:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

N P/D
P/U

ADDITIONAL INFORMATION

YES NO

☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion:
☐ Field check required: Field check by: _____
☐ Field report attached:
☐ Critical groundwater area: *See attached comments*
☐ Groundwater management area: *ditto from perennial stream*
☒ 1992 moratorium
☒ Copy to SCA staff (perennial stream, non-pump diversion): *copy to gg 6/3*
☐ Send dam safety information: *- N/A (too small)*
☐ Send power requirement letter:
☐ Send fish farm requirement letter:
☐ Power residency affidavit:
☐ Power efficiency form:
☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ 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

APPLICATION

65-13509

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 and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION

No overlap found - also checked AJ data along with WR data (AJ's WR queries) to see if possible conversion of existing rights.

Only found A65-02380 & A65-10628 (AJ P/W), Gold Pt. River for Center Irr. Dist.

COMMENTS TO APPLICATION FOR WATER RIGHT #65-13509 FROM THE SCPP

This permit does not relieve the applicant of the responsibility to obtain a separate permit from the U.S. Army Corps of Engineers if a permit is required. A copy of this permit has been provided to the Corps for their review.

The use of construction equipment below the mean high water mark shall be limited to rubber tired equipment and/or a track mounted backhoe with the provision that the track hoe shall be limited to forward and backward movement (no turning shall be allowed except on properly constructed work pads or with specific approval from the IDWR).

Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Soil Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.

All vegetative debris and excavated material, shall be disposed of out of the stream channel where it cannot reenter the channel at high flows. All temporary structures, construction debris and litter from the construction and construction workers shall be removed from the site and disposed of properly.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.

All construction on the ponds and new channels must be completed prior to diverting water into the new channel. The water will then be slowly diverted into the new channel over a seven (7) day period allowing the sediments to settle out.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

TO: STEVE DUNN
B.D.R.
fax # 378-5305

FROM: STEVE LOSTER

tele 334-2190

DOCUMENT DESCRIPTION:

Protest letter (RE: Appl 65-13509 for
East side of Reservoir: "Arley Hot Sp." area). I can't locate
info for similar filing on West Side (Duck Creek Project?).
If let me know T-R-section for West Side, can check on
that file also. Thanks

TOTAL PAGES SENT:

2

+ COVER SHEET

CONTACT:

REGISTERED

FEB 17 1995

Albert L. Gestrin
12252 State Hwy. 55
Donnelly, ID 83615

RECEIVED

JUL 11 1994

WATER RESOURCES
WESTERN REGION

July 9, 1994

Western Regional Office
2735 Airport Way
Boise, Idaho 83705

This is a letter of protest against the file made on the (so called) unnamed creek located on section 23 township 15 NR 03E in Valley County by the U.S. Department of Interior Bureau of Reclamation.

The body of water they are filing on has already been filed as Hembry Creek, located on A L. Gestrin Ranch. This body of water was first named and filed on August 1, 1919 and the last update was in 1988.

Let it be known that I protest any additional filing on this creek or its tributaries.

Sincerely,



Albert L. Gestrin

382-4597

Rec'd 7-11-94
Receipt # W017732
By : VR

SD-34

Source: HEMBRY CREEK *

Basin: 65

STATE

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	Total Diversion	# Records Use	Code Desc
65-03604	GESTRIN, ALBERT	D	08/01/1919	CASCADE RES	0.210	01 IRR 04 STOCK	

Water Right

SD-34

Source: HEMBRY CREEK *

Basin: 65

STATE

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	Total Diversion	# Records Use	Code Desc
A65-03604	GESTRIN, ALBERT GESTRIN, DONNA I. GESTRIN, DENNIS L.	D	08/01/1919	CASCADE RES	0.210	01 IRR 04 STOCK	

Adjudication Claim

* local name only - is an unnamed stream per USGS topo

- gr 7/18/94

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

- 7/18/95

PROTEST INFORMATION SHEET

APPLICANT BOR

WR # 65-13509

Date Filed 4/29/94

Protest Date 7-25-94

Protestant(s) Name & Address Albert L. Gestrin, 12252 State
Hwy 55, Donnelly, ID 83615

Attorney - Name & Address

Issues

Applicant - Attorney - Name & Address

Dates:

Acknowledgement Letters

Hearing Notice

Hearing Date

Other:

FEB 17 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 18, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 N CURTIS RD
BOISE ID 83706

Re: Application for Permit No. 65-13509

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. 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.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

FEB 17 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 18, 1994

CECIL D. ANDRUS
GOVERNOR

ALBERT L GESTRIN
12252 STATE HWY 55
DONNELLY ID 83615

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 65-13509 in the Name of the
Bureau of Reclamation

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 for 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,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

FEB 17 1995

Albert L. Gestrin
12252 State Hwy. 55
Donnelly, ID 83615

RECEIVED

JUL 11 1994

WATER RESOURCES
WESTERN REGION

July 9, 1994

Western Regional Office
2735 Airport Way
Boise, Idaho 83705

This is a letter of protest against the file made on the (so called) unnamed creek located on section 23 township 15 NR 03E in Valley County by the U.S. Department of Interior Bureau of Reclamation.

The body of water they are filing on has already been filed as Hembry Creek, located on A.L. Gestrin Ranch. This body of water was first named and filed on August 1, 1919 and the last update was in 1988.

Let it be known that I protest any additional filing on this creek or its tributaries.

Sincerely,



Albert L. Gestrin

*Rec'd 7-11-94
Receipt # W017732
By: VR*

7 1995

See Albert's letter

June 24, 1994

RECEIVED

JUL 08 1994

Department of Water Resources

State of Idaho
Department of Water Resources
Western Region
2725 Airport Way,
Boise, Idaho 83705-5032

RECEIVED

JUL 15 1994

WATER RESOURCES
WESTERN REGION

RA
NWA
EW
EB

Dear Mr. Gene Gibson,

This letter is in comment on the Joint application for Permit #65-5-410715 Bureau of Reclamation on the Hot Springs Creek.

I am Pat Hight, who leaves Howard Griffith's ranch.

The Bureau of Reclamation has noted that the Hot Springs Project, it is not the Hot Springs Creek. It is known as the Hembrice Creek. That alone should make it null and void if the Bureau of Reclamation does not know the area any better than that.

The diversion of the Hembrice Creek (Hot Springs Creek) into three shallow ponds will cause the water temperature going into Cascade Reservoir. Since Cascade Reservoir's water temperature is already too warm, then adding to the problem makes no sense. The area around the ponds will become overgrown with weeds since it will be disturbed by earth movers. If the Bureau of Reclamation would have consulted with adjoining land owner, the Bureau of Reclamation would have learned that water, weed and other wild life inhabits the area where it exists. Having grazed and not cut where the ground has been disturbed letting weeds begin and overgrowth becomes a problem.

My last comment is there is no need for water diversion to develop wetlands for water fowl, nesting, nesting and feeding habitat in a area that is only about one hundred (100) to three hundred (300) yards from Cascade Reservoir.

In closing the application for water diversion #65-5-410715 Bureau of Reclamation should be denied.

1. The name naming of Hembrice Creek to the Bureau of Reclamation.
2. The warming of the water temperature caused by the three ponds plus the weed and overgrowth problem make this project more of a problem for wildlife than a help.
3. Bureau of Reclamation did not ask for any comment from adjoining property owners.

FEB 17 1995

4. Tax-payers' dollars would be better spent than by building unnecessary ponds near to Cascade Reservoir.

I appreciate the opportunity given to me by the Idaho Department of Water Resources to make these comments.

Sincerely,



Ted Lingle

cc: R. Keith Hunsicker
Howard Gesten

FEB 17 1995

CONVERSATION MEMORANDUM

DATE

6/3/94

*

FILE

65-13509

NAME OF PARTY

Phil Gray B.O.R. 378-5322

EMPLOYEE

Steve Lott

RE:

- 1) Will divert 2 cfs from creek via ditch to several ponds for wildlife.
- 2) Will provide storage capacity of ponds.
- 3) " " with: just excavating pond sites or making dams?
- 4) Plm - area figure relates to total wildlife area, not irrig. or not surface area to be covered in ponds.
- 5) outflow from ponds to be returned to creek

Will revise Appl. per his response.

Called Brock later today:

3 to 4 ponds

"dams" $\leq 3'$ high

cover 5 acres with $\bar{x}$ depth of $3' = 15'$ a/c.

OK to revise Appl. based on this, he said.

* After several weeks of unsuccessful "phone tag"

FEB 17 1995

JUL 1994

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Ramona A. French, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHTS, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 7, 1994 and ended July 14, 1994.

Ramona A. French
Subscribed and sworn before me this the 14th day of July, 1994.
STATE OF IDAHO

COUNTY OF VALLEY

On this 14th day of July, in the year of 1994, before me, a Notary Public, personally appeared Ramona A. French, 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.

Tom Grote
Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13509
US DEPT OF INTERIOR
BUREAU OF RECLAMATION
ATTN 424 BOX 043
550 W FORT ST
BOISE, ID 83724
Source: UNNAMED STREAM
Tributary: CASCADE RESERVOIR
Diversion Pt: NESE Sec 23 T 15N R 03E in VALLEY County.
Use: WILDLIFE (2.000 CFS)
WILDLIFE STORAGE (15.00 AF)
DIVERSION TO STOARGE (2.000 CFS)
Total Diversion (2.000 CFS)
Date Filed: 4/29/1994
In: VALLEY County

FEB 17 1995

T15N R03E S23 NESE NWSE
77-07337
WARM LAKE RECREATIONAL WATER DISTRICT
9900 LOS RANCHITOS
BOISE, ID 83709
Source: GROUNDWATER
Diversion Pt. LOT 3 (SENW) Sec 12 T 15N R 06E in VALLEY County.
LOT 2 (NENW) Sec 13 T 15N R 06E in VALLEY County.
LOT 5 (NWSE) Sec 13 T 15N R 06E in VALLEY County.
LOT 2 (SWNW) Sec 7 T 15N R 07E in VALLEY County.
Use: DOMESTIC (.350 CFS)
Total Diversion: (.350 CFS)
Date Filed: 6/6/1994
In: VALLEY County
T15N R06E S12 NENE Lot 1(NWNE) Lot 1(SWNE) Lot 4(SENE)
S13 Lot 2(NWNE) Lot 3(SWNE) Lot 5(NWSE)
R07E S07 Lot 2(SWNW) SENW
77-07338

CONSERVATIVE BAPTIST CAMP
US DEPT OF AGRICULTURE
FIRST BAPTIST CHURCH
221 E LNDEN ST
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: SENW Sec 7 T 15N R 07E in CANYON County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 6/9/1994
In: CANYON County
T15N R07E S07 SENW
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 25, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director 2/7/14

65-13509

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
ATTN 424 BOX 043
550 W FORT ST
BOISE, ID 83724

Source: UNNAMED STREAM

Tributary: CASCADE RESERVOIR

Diversion Pt: NESE Sec 23 T 15N R 03E in VALLEY County.

Use: WILDLIFE	(2.000 CFS)	
WILDLIFE STORAGE		(15.00 AF)
DIVERSION TO STORAGE	(2.000 CFS)	
Total Diversion:	(2.000 CFS)	

Date Filed: 4/29/1994

In: VALLEY County		
T15N R03E S23	NESE	NWSE