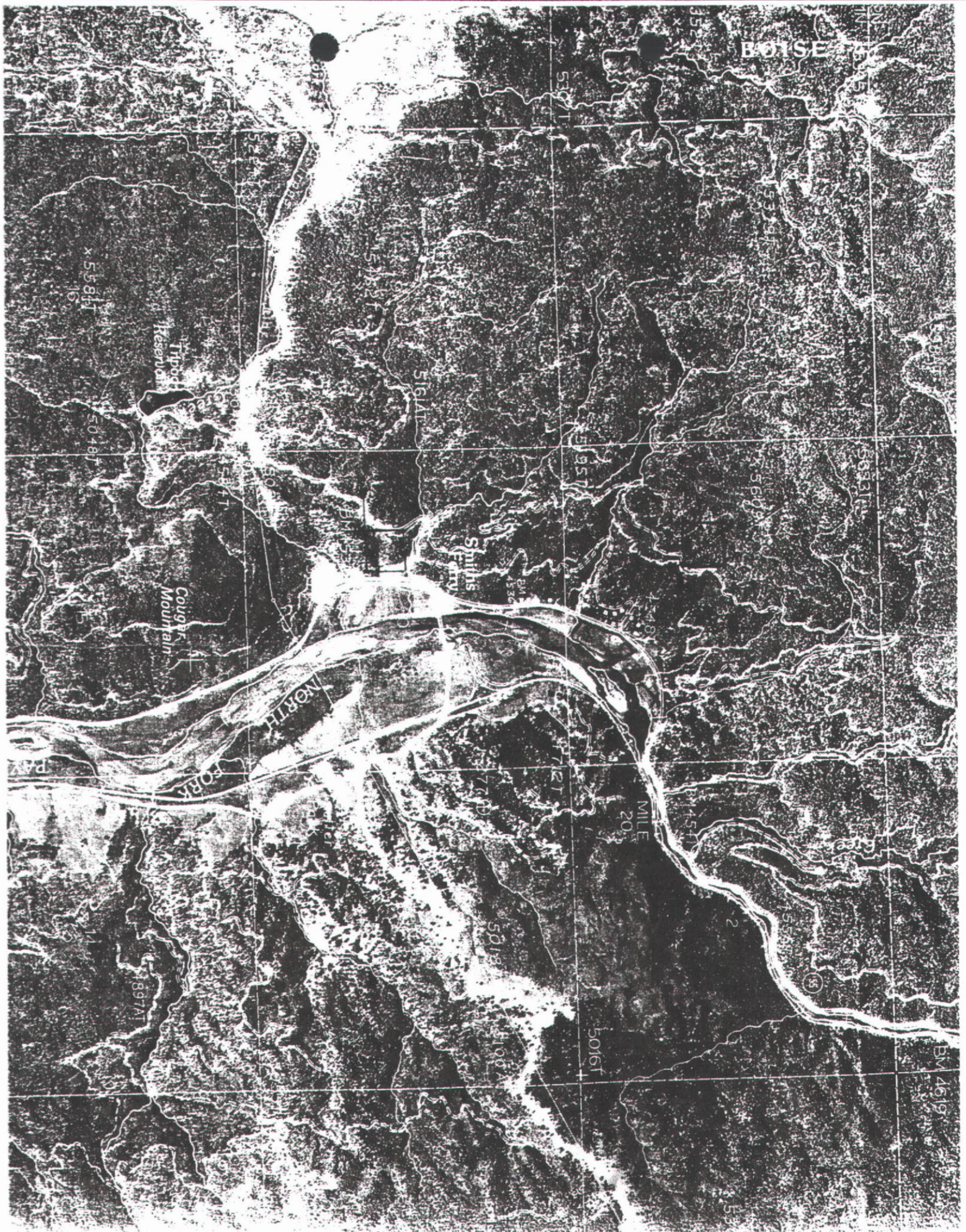




65-13423

MICROFILMED

JUL 15 2004

BOISE

T11N
R3E

L. 7
L. 3

Apex Stream # locality

known as

Hay Creek

Apex topog quad

U-60

12/4/92

I was from report 65-13422
appears to be within PIA shown
here x 53.841

Cougar
Mountain

Shrub
Forest

MILE
20

MICROFILMED

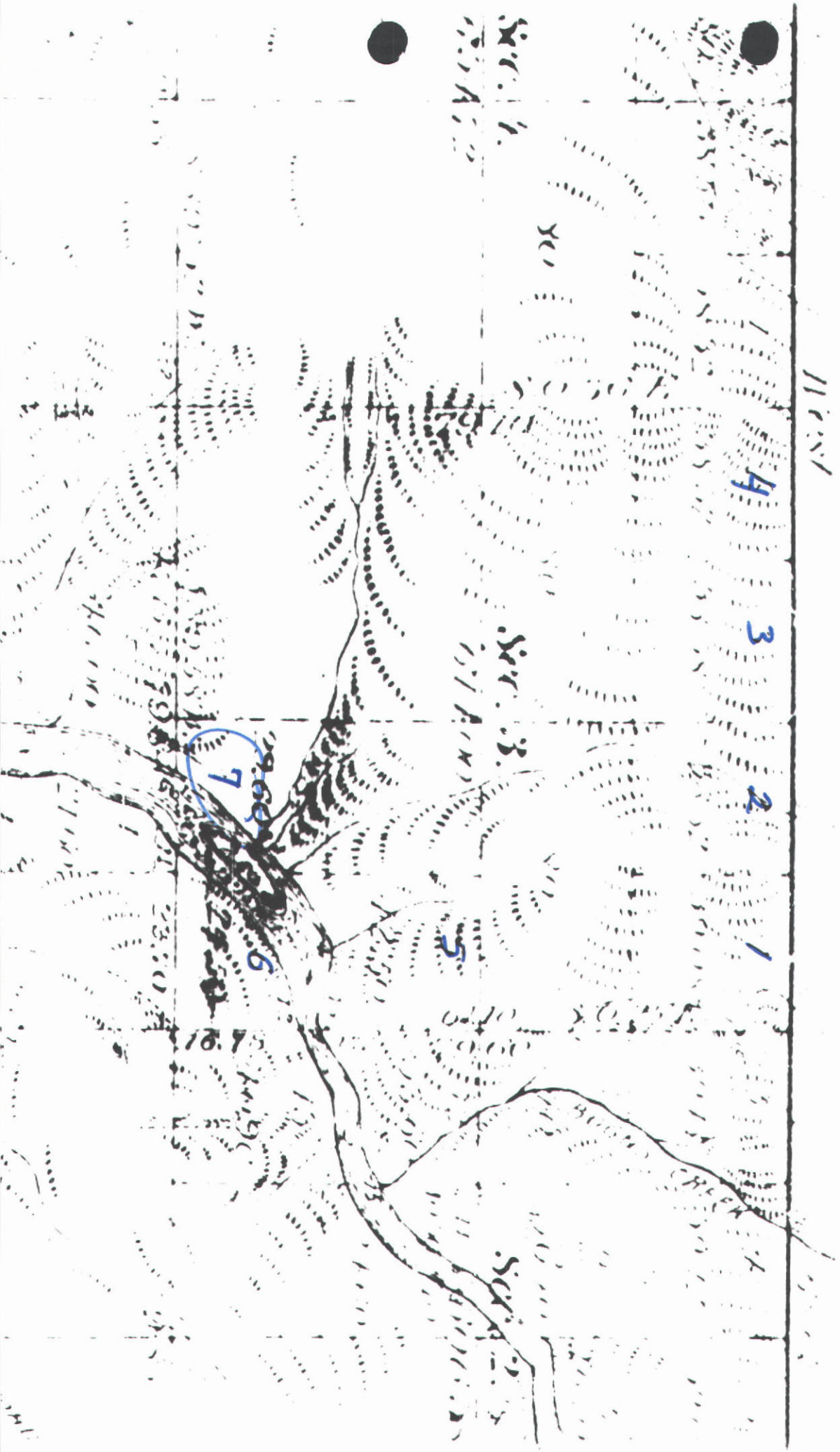
OCT 25 1993

65-13422

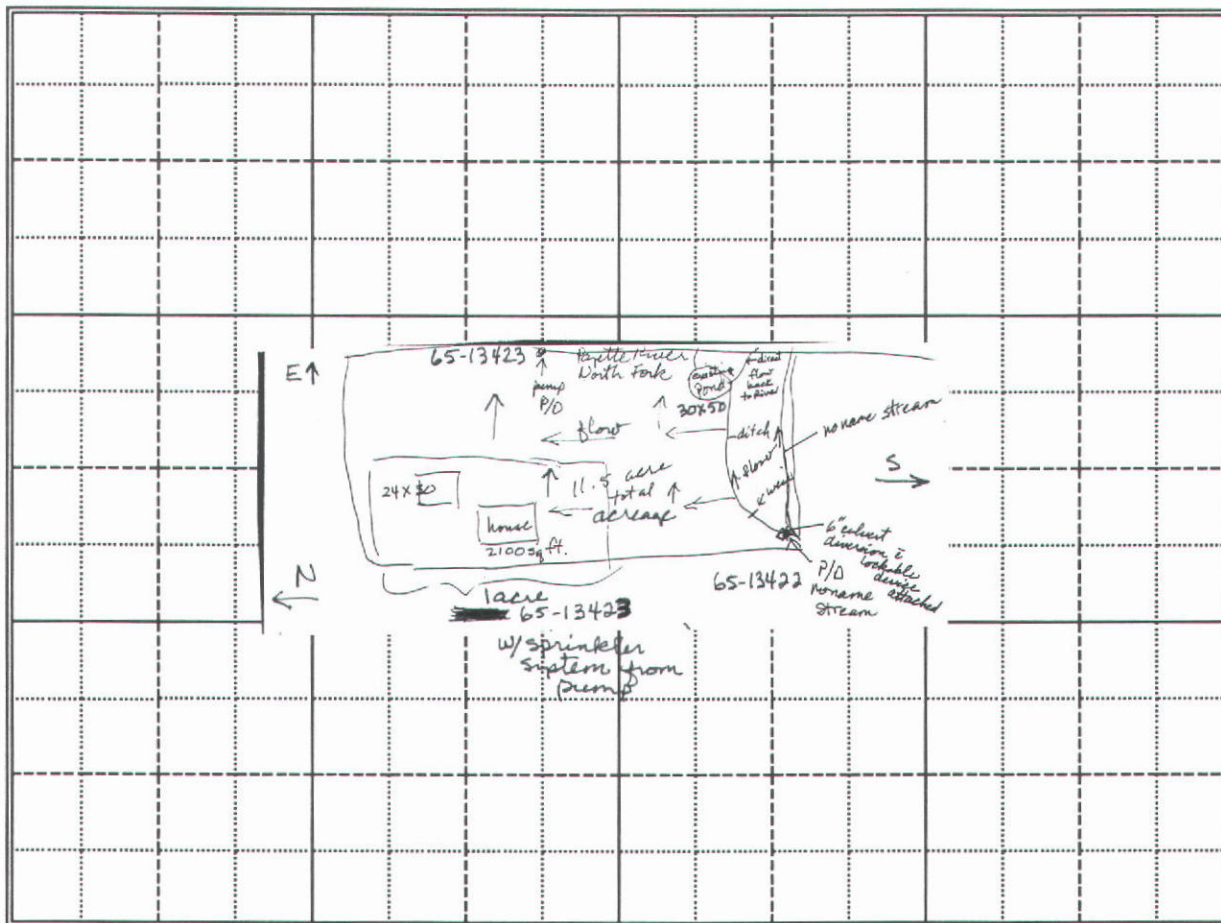
Map of the River

TIN R3E
S.3 L.7

MICROFILMED
OCT 25 1993



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



Scale: 1" = _____

☒ 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. *not available per postcard from ASCS (paved off property), USGS Ortho. used to estimate*

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
Pygmy Meter				090175		7/19/95

2. Measurements: _____

MICROFILMED

DEC 23 1996



65-13422
11/4/94 S.H.

P/O:
6" culvert to ditch
w/ lockable
device

weir/measuring
device



P/u:
10.4 acres
ditch w/ furrows
gravity flow
going north-to-east

MICROFILMED

DEC 23 1996

65-13422
11/4/94 S.H.



Existing 30'x50'
pond up from
the Payette River
seepage, &
irrigation run-off



flow through
system from
pond back
to the
Payette River,
North Fork

MICROFILMED

DEC 23 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 18 2004

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-13422					
65-13423					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) EDWIN MARK ELLIS
4. New Owner/Claimant(s) PO BOX 1049, CASCADE ID 83611
DAVID & FOR NANCY SEWELL
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3857 HILL RD.
- City, State and ZIP Code BOISE, ID 83703
- New Telephone Number 208 343-1639
5. Date you acquired the property 10-02

MICROFILMED

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *David Swann*
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *PMG*
 Received by *PMG*
 Processed by _____ AJ

Date 6-18-04
 Date 6-18-04
 Date _____

Fee \$25.00 (X2-30⁰⁰)
 Receipt No. CO74245
 WR _____ Date _____

MICROFILMED
 JUN 15 2004

WARRANTY DEED

For Value Received, B. R. ELLIS and E. M. ELLIS, wife and husband

the Grantors, do hereby grant, bargain, sell and convey unto

DAVID W. SEWELL and NANCY J. SEWELL, husband and wife

whose address is: 3857 HILL ROAD, BOISE, ID 83703

the Grantee, the following described premises, to-wit:

See Attached
Exhibit A

TO HAVE AND TO HOLD the 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 Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2002 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 10-11-02

B. R. Ellis
B. R. ELLIS

E. M. Ellis
E. M. ELLIS

State of Idaho)
County of Valley) ss
)

On the 11 day of Oct, 2002 before me, Karen L. Thurston, a notary public in and for said State, personally appeared B. R. ELLIS and E. M. ELLIS known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Karen L. Thurston
Notary Public

Residing at: Ascadale

Commission Expires: 7-15-04



JUL 15 2004
MICROFILMED
JUL 15 2004

CONTINUATION

EXHIBIT A

All of Lot 8, Section 3, Township 11 North, Range 3 East, Boise Meridian, lying South and East of Idaho State Highway 55, Valley County, Idaho;

EXCEPTING THEREFROM a parcel land described as follows:

Commencing at this intersection of the South line of Idaho State Highway 55 right of way and the East boundary of Lot 8, Section 3, Township 11 North, Range 3 East, Boise Meridian; thence in a westerly direction along the southeasterly boundary of State Highway 55, a distance of 706 feet; thence, south 30° 00' East to a point on the West boundary of the Payette River; thence, following the boundary of the Payette River in a northeasterly direction to the East boundary of Lot 8; thence, North along the East boundary of Lot 8 to the Point of Beginning:

ALSO EXCEPTING THEREFROM:

A parcel of land in the SW1/4 SE1/4, Section 3, Township 11 North, Range 3 East, Boise Meridian, described as follows:

Starting at the 1/4 corner common to Section 3 and Section 10, Township 11 North, Range 3 East, proceed South 89° 58' East, along the section line, 97.9 feet to the East boundary line of Highway 55, the True Point of Beginning:

thence, continuing South 89° 58' East, along the section line, 379.2 feet to the meander corner of the West bank of the river;

thence, North 23° 30' East, along the meander line 135.0 feet;

thence, North 89° 58' West, parallel to the section line, 125.0 feet;

thence, South 65° 02' West, 60.0 feet;

thence, South 23° 30' West, parallel to the meander line, 85.5 feet;

thence, North 89° 58' West, 210.49 feet;

thence, South 24° 22' West, along the road right of way, 21.9 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM:

A parcel of land located in Government Lot 8, Section 3, Township 11 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at a found brass cap monument being the 1/4 corner common to said Section 3 and Section 10, Township 11 North, Range 3 East, Boise Meridian, Valley County, Idaho; thence, South 89° 58' 00" East a distance of 98.07 (record South 89° 58' East, 97.9 feet) to a found 1 inch iron pipe on the easterly right of way boundary of State Highway 55 being the southwesterly corner to a parcel of land excepted from

- continued -

CONTINUATION

EXHIBIT A - continued

Warranty Deed Instrument No. 112207; thence a bearing of North 24° 33' 50" East a distance of 21.84 feet on said right of way boundary to a found 1 inch iron pipe being the northwesterly corner of said excepted parcel of land and the True Point of Beginning;

thence, North 23° 49' 03" East a distance of 150.00 feet on said right of way boundary to a set 5/8 inch rebar; thence, North 83° 56' 01" East, 414.84 feet to a 5/8 inch rebar on the westerly bank of the North Fork of the Payette River;

thence, South 32° 28' 22" West, 91.43 feet on said westerly bank to a set 5/8 inch rebar being the northeasterly corner of said parcel of land excepted from Warranty Deed Instrument No. 112207;

thence the following courses on the northerly boundary of said excepted parcel of land:

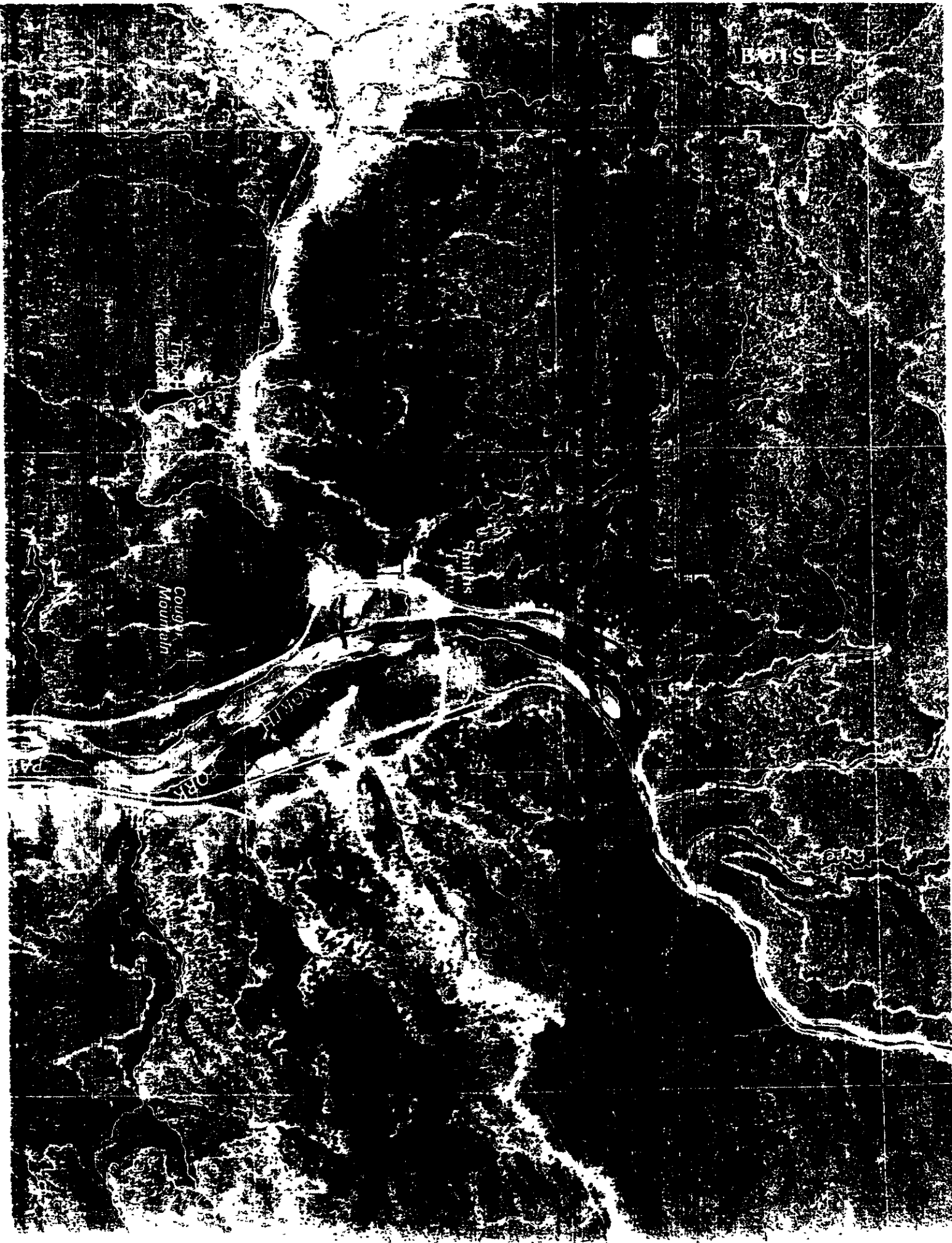
South 89° 55' 42" West, 125.00 feet (record North 89° 58' West, 125.0 feet) to a found 1 inch iron pipe;

thence South 64° 55' 42" West, 60.01 feet (record South 65° 02' West, 60.0 feet) to a found 1 inch iron pipe;

thence South 23° 28' 43" West, 85.54 feet (record South 23° 30' West, 85.5 feet) to a found 1 inch pipe;

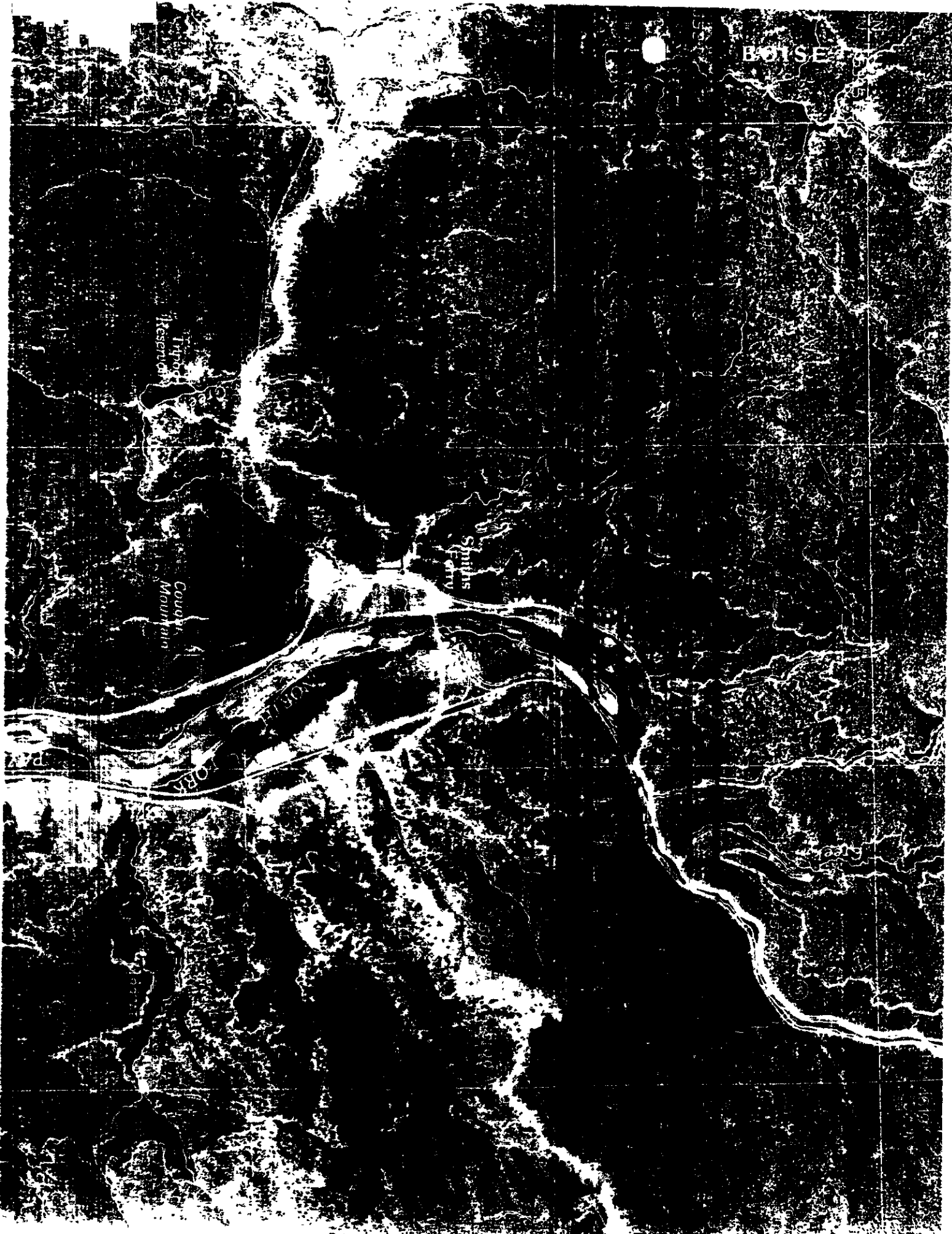
Thence North 89° 58' 00" West, 210.57 feet (record North 89° 58' West, 210.49 feet) to the True Point of Beginning.

END



JUL 15 2000

65 13422



65-13423

UNCLASSIFIED

11 15 2014

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13422

Priority: December 3, 1992

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 29.0 AF

This is to certify, that EDWIN MARK ELLIS
PO BOX 1049

CASCADE ID 83611 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 3, 1992; and has submitted Proof of Beneficial Use on September 26, 1994. An examination indicates that the works have a diversion capacity of 0.080 cfs of water from:

UNNAMED STREAM tributary to PAYETTE RIVER, NORTH FORK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.08 CFS	29.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWSE), Sec. 3, Township 11N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N	03E	3	Lot 7(SWSE)	10.4		10.4

Total number of acres irrigated: 10.4

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 that 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 65-13422

CONDITIONS OF APPROVAL AND REMARKS

7. A measuring device and lockable controlling works of a type acceptable to the Department shall be maintained as part of the diverting works.
8. Diversion under this right is allowed only when at least 0.02 cfs reaches the Cougar Mountain Association park downstream.
9. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
10. Source known locally as Hay Creek.

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 21st
day of November, 1996.


Acting for KARL J. DREHER, Director

11070-1 MED

DEC 1 1996

STATE OF IDAHO

RECEIVED

SEP 26 1994

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13422 Telephone No. 382-3277

2. Name(s) of Permit Holder(s): EDWIN M. ELLIS

3. Post Office Address: PO BOX 1049, CASCADE ID 83611

4. Source of Water: UNNAMED STREAM tributary of PAYETTE RIVER, NORTH FORK

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 11.5 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 0.23 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☐ No Installed? Yes ☐ No

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Edwin Ellis

382-3277

Name

Telephone No.

9796 Highway 55, Smith's Ferry, Idaho

Address

10. The above information 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.

Date

9/22/94

Signature (and title if on behalf of a company or organization)

Edwin M. Ellis

MISSING

OCT 26 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13422

Proposed Priority: December 3, 1992 Maximum Diversion Rate: 0.23 CFS

This is to certify, that **EDWIN MARK ELLIS**
PO BOX 1059
CASCADE ID 836111059
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **PAYETTE RIVER, NORTH FORK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
------------------------------	-----------------------------	---------------------------------

IRRIGATION	04/15 to 10/15	0.23 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWSWE), Sec. 3, Township 11N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N 03E 3	Lot 7(SWE)	11.5		11.5

Total number of acres irrigated: 11.5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1994.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 65.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
5. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
6. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

OCT 25 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

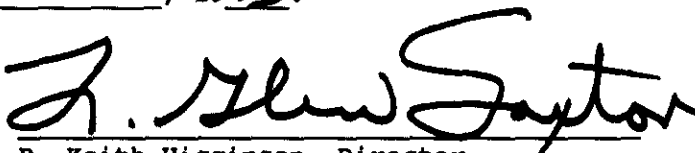
NO. 65-13422

CONDITIONS/REMARKS:

9. Source known locally as Hay Creek.
10. Diversion under this water right shall be allowed only when at least 0.02 cfs reaches the Cougar Mountain Association park downstream.

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

18th day of October, 1913.

for 
R. Keith Higginson, Director

OCT 25 1993

MORATORIUM HOLD

Ident. No. 65-13422

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 12 1993

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: EDWIN MARK ELLIS
Address: PO BOX 1059
CASCADE ID 83611

208-382-3277

* 2. Source: ~~HAY CREEK~~ ^{UNNAMED STREAM} Trib. to: PAYETTE RIVER, NORTH FORK
* 3. Location of Point of Diversion: Lot 7 (SWSWSE) Sec. 3, Township 11N, Range 03E
VALLEY County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.230		

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

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
EXISTING HEADGATE AND DITCHES.
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO

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

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
11N	03E	3	Lot 7 (SWSE) 11.5			11.5
Total number of acres irrigated:						11.5

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.

* Source per topo map; data base updated for years 2, 3, 8 on 12/4/92

*

10. Remarks:

Application being held pending withdrawal of drought moratorium.

Source locally known as Hay Creek.

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 KW Date 12/3/92 Time 1:45 Preliminary check by SL

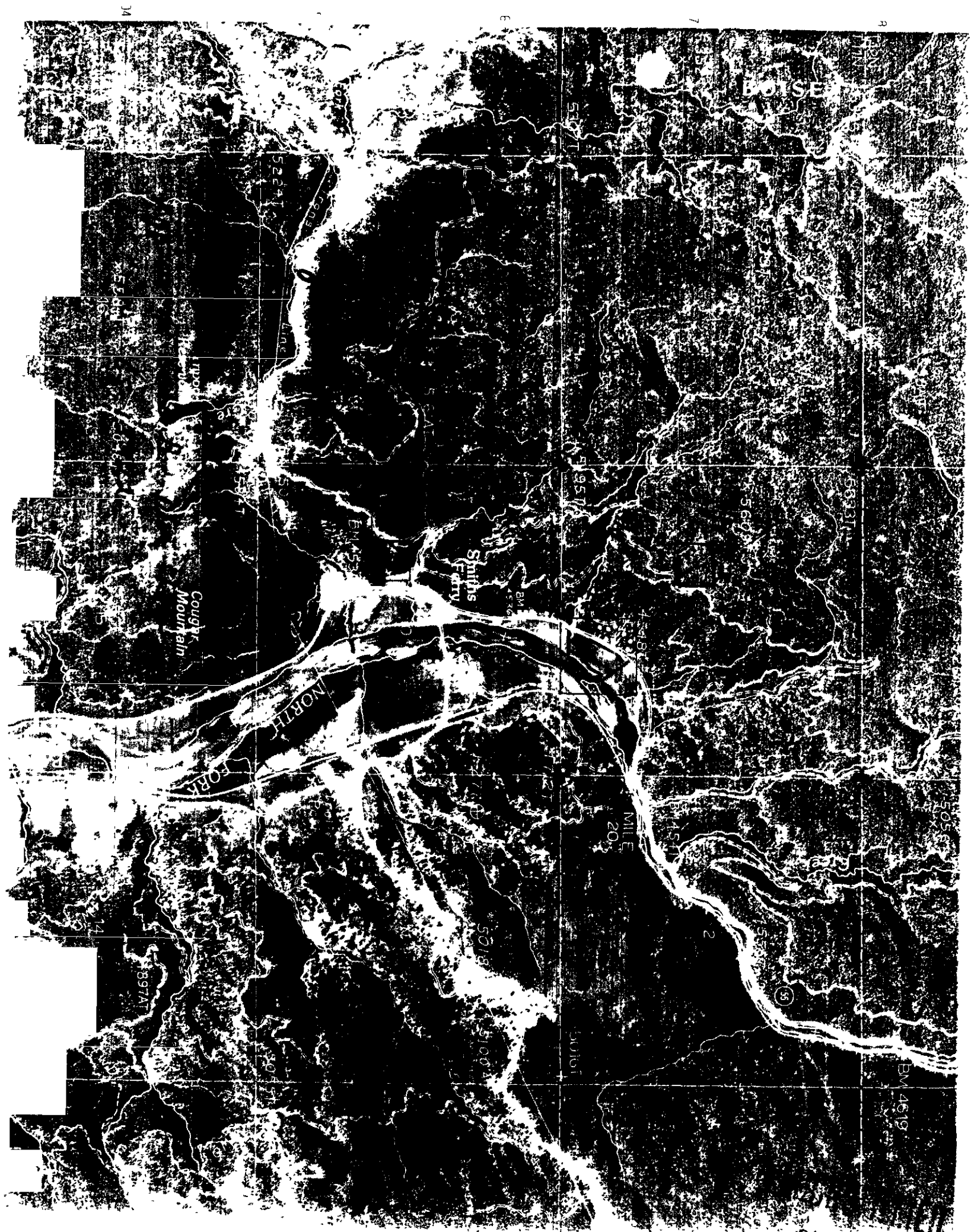
Fee \$ 45 Receipted by KW # W015709 Date 12-3-92

Publication prepared by SL Date 12/9/92 Published in The Advocate

Publication approved SL Date 6-25-93 ~~12/26/92~~ 6/2 + 6/9/93

* Database update per topo map, 12/4/92.
-SL

FILED
OCT 25 1993



65-13422 25 1993

А. Б. КИРИЛОВ И ЕГО РАБОТЫ

1

11

1

ТИН Р.36

5.3 Л.7

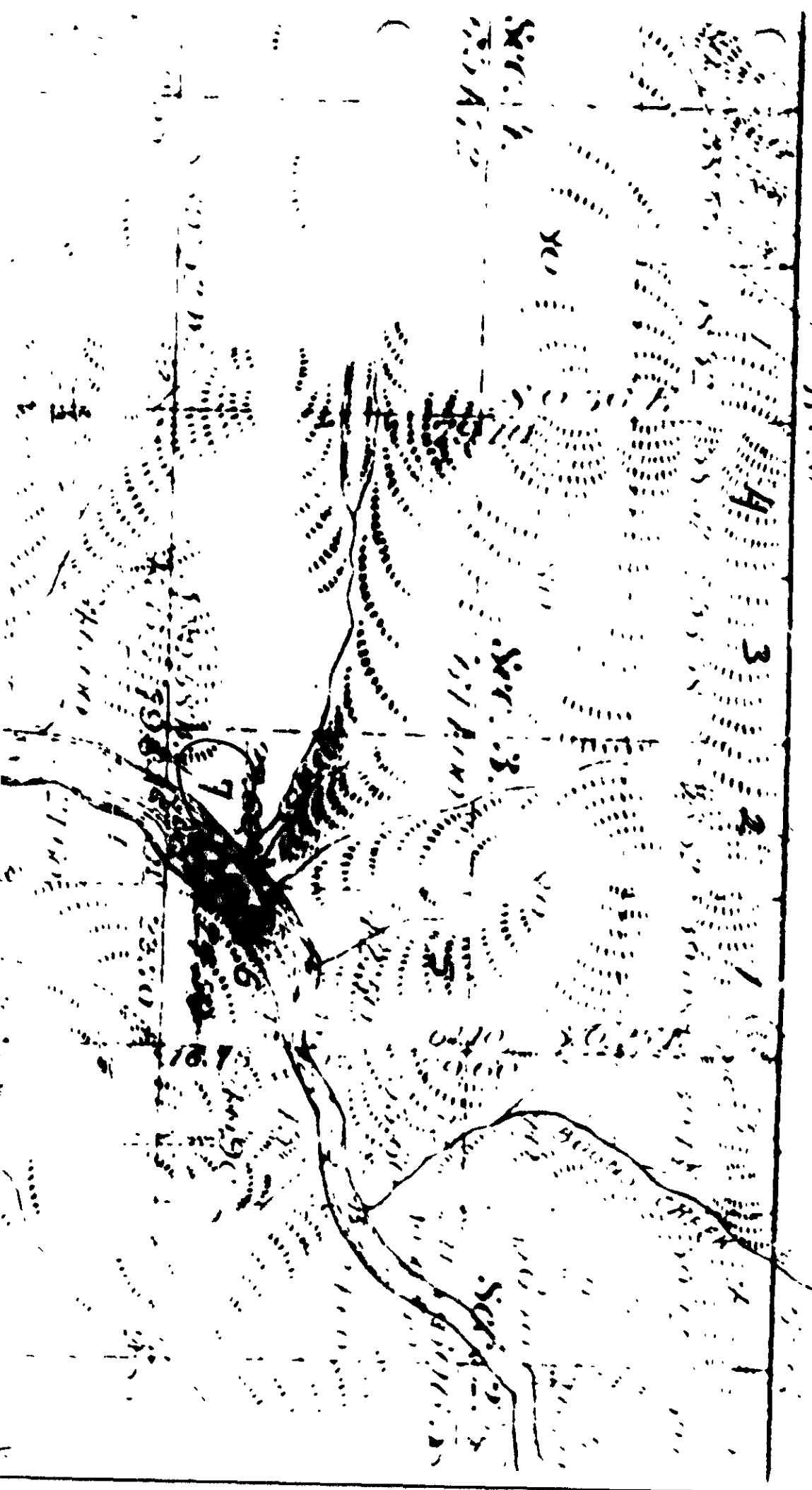
11.01

4

3

2

1



MICROFILMED
 OCT 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID SEWELL
NANCY SEWELL
3857 HILL RD
BOISE ID 83703

RE: Change of Ownership for Water Rights 65-13422 and 65-13423

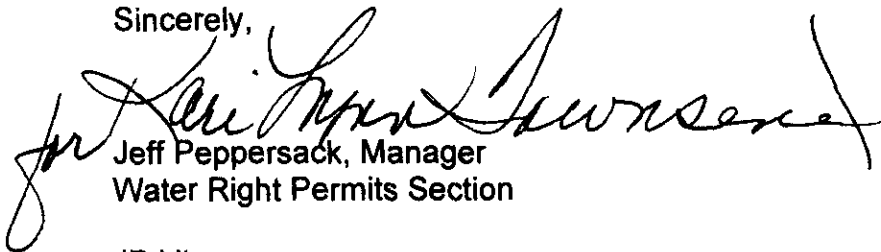
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

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 of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

JUL 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD W ELLIS
NANCY S ELLIS
9796 STATE HWY 55
SMITHS FERRY ID 83611

RE: Water Rights 65-13422/65-13423

Dear Mr. & Mrs. Ellis:

The Notice of Change of Water Right Ownership form that you submitted for the water rights listed above has been forwarded to me for processing.

In checking the file, I found that we had received only the change of ownership form but no supportive documents in the nature of warranty deed, contract of sale, survey map or aerial photo, etc.

I have enclosed the change of ownership form you sent with highlighted areas showing the type of additional information we require to be able to process your request. Please send the necessary documentation to our office so that we may complete the change of ownership process for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosure

MICROFILMED

JUL 15 2004

RECEIVED

MAY 7 - 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RECEIVED

MAY 05 1997

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 65-13422 ; 65-13423
Adjudication Claim No(s).: N/A
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant
EDWIN MARK ELLIS
P.O. Box 1059, CASCADE, IDAHO
4. New Owner/Claimant(s)
RICHARD W. ELLIS; NANCY S. ELLIS
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address
9796 STATE HIGHWAY 55
City, State and ZIP Code
SMITHS FERRY, IDAHO 83611
New Telephone Number
(208) 382-6099
5. Date you acquired the property
12-16-1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 11.4 Number and type of stock _____

Diversion rate in CFS 0.110 Number of homes 2 Other uses TREES, HAY, LAWN

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Richard W. Ellis

Nancy S. Ellis

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

N/A

MICROFILMED

MAY 15 2004

COPY



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

November 21, 1996

EDWIN MARK ELLIS
PO BOX 1049
CASCADE ID 83611

RE: WATER RIGHT NO. 65-13422

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

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

Enclosure

MICROFILMED

DEC 23 1996

MEMORANDUM

TO: File 65-13422

FROM: Sharla

DATE: November 20, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 65-13422 are based on the following:

H. RECOMMENDATIONS

1. Recommended Amounts

Irrigation	4/15 - 10/15	0.08 cfs	29.0 afa
------------	--------------	----------	----------

The annual volume is limited by the diversion rate. The examiner recommends allowing full volume since the amount of water available for irrigation varies with the season and precipitation. However, she did not propose allowing a higher rate of diversion and the maximum volume that the rate of diversion can produce based upon 24-hour diversion is 29.0 af. The license has been adjusted accordingly.

Examiner: Sandy Hemenway
Exam date: November 4, 1994

RECORDED

23 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 65-13422

DATE 11/20/96

REVIEWER: S H A R L A

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

Does map agree with written description? ✓ yes — no

OVERLAPS ✓ P/D ✓ P/U

RATE OF DIV

Permitted Rate .23 cfs

Fee limit 1.0 cfs \$100⁰⁰

Measured .08 cfs

Theoretical — cfs

*65-13423 (river) for 1 ac. around home
licensed @ 3.5 af/aere (error)*

gravity flow

Recommended Total Div Rate .08 cfs

ANNUAL VOLUME/ NATURE OF USES

<u>—</u>	<u>✓</u>	Use <u>Irr.</u>	Volume Calculation <u>10.4 X 3.0 = 31.2</u> af
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u> af
SUBTOTAL			<u>31.2</u> af

Flow rate .08 cfs X 184 days X 1.982^{af} = 29.0 af

Total volume recommended 29.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W22 (Payette R. Rental Pool).

CONDITIONS

✓ Watermaster Control WD# 165

GW Measurement/Measuring Device

R29 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo Volume

1st Amend Letter N/A

2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 17 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13422

1. Owner: Edwin Mark Ellis Phone No. (208) 382-3277

Current Address: PO Box 1049 Cascade, Id. 83611

2. Accompanied by: Edwin Mark Ellis EXAM DATE: 11/4/94

Address: PO Box 1049 Cascade, Id. 83611 Phone No. (208) 382-3277

Relationship to Permit Holder: Self

3. Source: unnamed stream tributary to Payette River, North Fork

B. OVERLAP REVIEW

- 65-06804, 65-06908, 65-07112, 65-12822
65-01849, 65-02641, 65-02693, 65-02873
1. Other water rights with the same place of use: 65-13421, 65-13423, 65-04021, 65-13415,
2. Other water rights with the same point of diversion: 65-01849, 65-06804, 65-06908, 65-13421,
65-13423

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
	7	SW	SW	SE	3	11N	3E	Valley	USGS Ortho. + exam

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	3E	3														A		10.4	

MICROFILMED

DEC 23 1996

E. NARRATIVE/REMARKS/COMMENTS

- Cont. lot 7. Other, WR used #65-13423.
 - Overlaps for P/D are other sources; overlaps for P/U are other land & for other uses [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]. The
- 1 acre on WR #65-13423 is irrigated only by the pump diverting from the Payette River, North Fork. No flood irrigation system was set up to irrigate it from WR #65-13422.

- Use is for irrigation of 10.4 acres.
- The system consists of an unnamed stream (locally called Hays Creek) from run off from springs, snow melt-off + precipitation, ~~diverted~~ by means of a 6" culvert w/ a lockable device attached for controlling flow; a small wood weir was in the ditch to allow only a flow above the cut level to flow on down the ditch. Furrows are cut through out the field, & only certain areas are used at 1 time, since the flow isn't enough to irrigate the whole 10.4 acres at 1 time. The flow is north-to-east by means of gravity flow. The existing pond is filled by seepage from the Payette River, North Fork, & some run-off from irrigation from the 10.4 acres. The ponds overflow goes directly to the Payette River, North Fork.

* Recommend allowing the full volume of 31.2 Afa, since the amount of water available for irrigation ^{varies} ~~varies~~ with the season, precipitation.

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

MICROFILMED
DEC 23 1996

F. FLOW CALCULATIONS

[REDACTED] Computation Sheets Attached

Measured Method:

Open Channel Measurement (see attachment) = .08 cfs

104 [REDACTED] acres paced $\times .02 \text{ cfs} = .21 \text{ cfs}$, recommend allowing
.08 cfs since it falls w/in the permit limits.
(no aerial map was available from ASCS).

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 10.4 \times 3.0 = \text{[REDACTED]} 31.2$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .08 \text{ cfs} \times 184 \times 1.9835 = 29.2$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \text{[REDACTED]} 29.2$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume
	From	To		V (afa) * see narrative
<u>Irrigation</u>	<u>4/15</u>	<u>10/15</u>	<u>.08 cfs</u>	<u>[REDACTED] 31.2</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.08 cfs</u>	<u>[REDACTED] 31.2</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 [Signature] Date 9/19/95

Reviewer _____ Date _____

SEAL

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES (cjh 1/5/92)

1. Name of stream or ditch: Unnamed Stream
 2. Location: southwest corner of property
 3. Person conducting measure: Sandy Hemenway
 4. Date and time of measure: 07/19/95 1023-1045
 5. Accompanied by: Sandy Hemenway
 6. Measuring device size and ID: Pygmy Meter 090175
 7. Spin test OK? Before: Yes After: Yes
 8. Purpose of measure: Beneficial Use Exam, 65-13422, ~~65-13422~~

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
0.0							
0.2	0.25	0.1	0.6	18	42	0.45	0.01
0.3	0.17	0.1	0.6	18	41	0.46	0.01
0.5	0.17	0.1	0.6	31	42	0.75	0.01
0.7	0.13	0.1	0.6	29	40	0.74	0.01
0.8	0.08	0.1	0.6	37	41	0.91	0.01
0.8	0.08	0.1	0.6	28	43	0.66	0.01
0.9	0.09	0.1	0.6	32	42	0.77	0.01
1.0	0.09	0.1	0.6	28	41	0.70	0.01
1.1	0.08	0.1	0.6	36	41	0.89	0.01
1.2	0.13	0.1	0.6	33	42	0.80	0.01
1.3							

TOT WIDTH 1.3

TOTAL DISCHARGE: 0.08

MICROFILMED
 DEC 23 1996

① Permit: Irrigation 4/15-10/15 .23 cfs
11.5 acres

② B/u fee: \$100⁰⁰ 9/26/94 pd. .21-1.00 cfs
11.5 acres

③ Max. allowable: paced: ^(11.5 total acres - 1 acre in WR#65-13423 + not irrigated on this water right)
(10.5 acres x 43560) - ~~(1000')~~ - ~~(1000')~~ - (1500')
= ~~458880~~ = 10.4 acres irrigated
10.4 acres x .02 cfs = .21 cfs
* aerial map not available (see post card received from ASCS)

④ Measurement:

7/19/95 Open Channel Discharge Measurement (see attachment)
= .08 cfs

11/4/94 5 gal. bucket measurement (low flow) * recommend not using this measurement since not during irrigation season
 $\frac{5 \text{ gal.} \times 60 \text{ sec.}}{80 \text{ sec.}} = 3.75 \text{ gpm} \times .00223 \text{ cfs} = .008 \text{ cfs}$

- the amount of water available varies through-out the season due to seasonal changes, snow melt-off, + precipitation.

MICROFILMED
DEC 23 1996

Gem-Boise County A.S.C.S.
1803 Hwy. 10 Rm. 1
Emmett, Idaho 83617

RECEIVED
AUG 31 1995
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
ATTN: SANDY
2735 Airport Way
BOISE ID 83705-5082

26

|||||

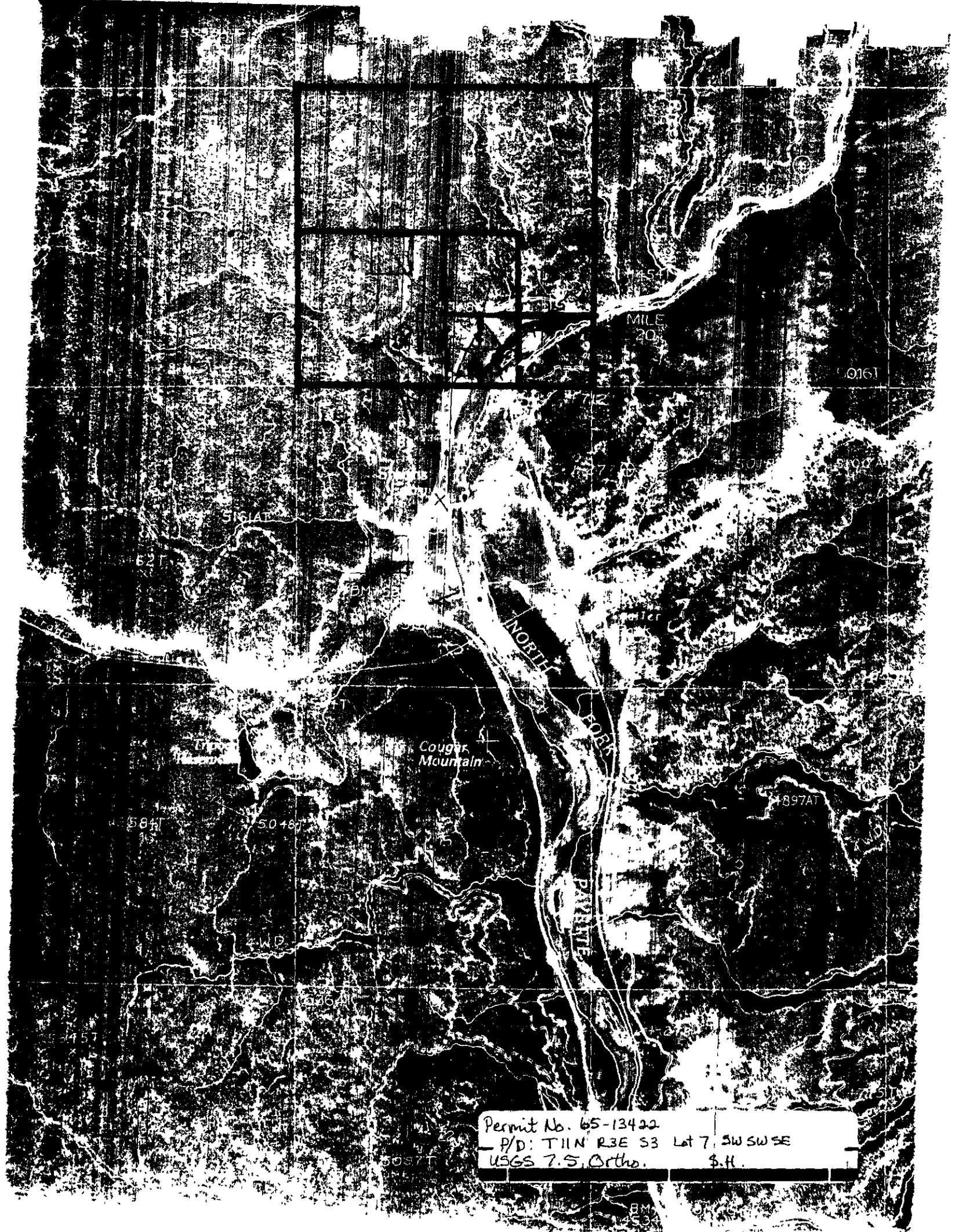
Sandy,

Water case /65-13422 E.Ellis is below our flight line for the Valley County areials. I checked our older maps for the same area and was unable to locate his property. I'm sorry I couldn't help you with this one.

Jo Anne Waters
Gem/Valley/Boise CFSA

MICROFILMED

DEC 23 1996



Permit No. 65-13422
P/D: T11N R3E S3 Lot 7, SW SW SE
USGS 7.5 Ortho. S.H.

65-13422

65-13422
11/4/94 S.H.

P/D:

6" culvert to ditch
w/ lockable
device

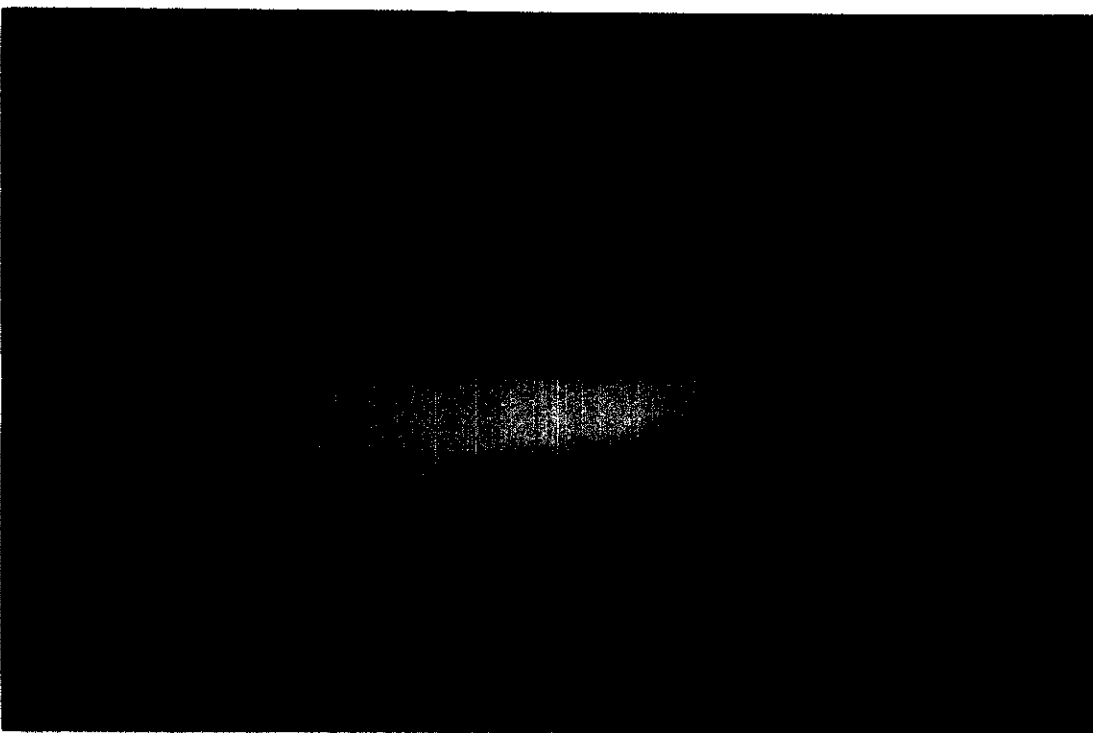
weir/measuring
device

P/u:

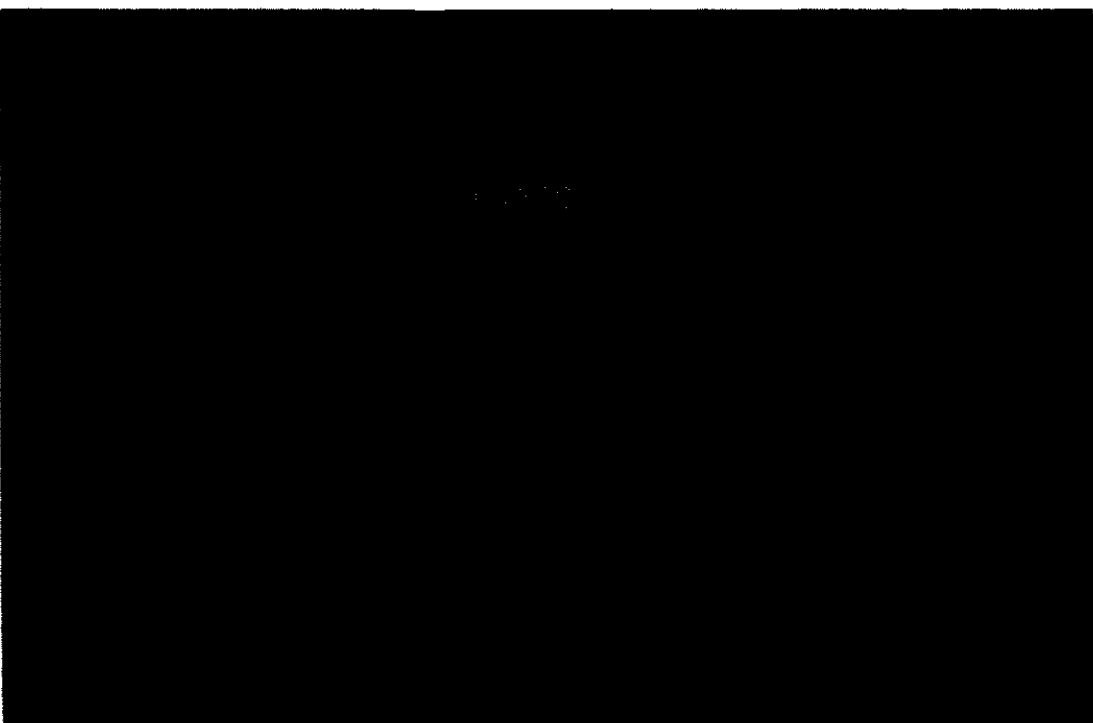
10.4 acres
ditch w/ furrows
gravity flow
going north-to-east

MICROFILMED
DEC 23 1996

65-13422
11/4/94 S.H.



Existing 30'x50'
pond from
the Payette River
seepage, &
irrigation run-off



flow through
system from
pond back
to the
Payette River,
North Fork

MICHC

DEC 23 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13422 Reviewed by [Signature] Date 10/12/94

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irr.
Correct Uses? yes

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount Submitted
yes Correct?

MEASURING DEVICE

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 Box 1049 Proof Made 9/20/94
Cascade Id. 83511



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

October 17, 1994

EDWIN MARK ELLIS
P O BOX 1049
CASCADE ID 83611

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13422

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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise, at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

NOTED
OCT 26 1994

July 31, 1994

EDWIN MARK ELLIS
PO BOX 1059
CASCADE ID 836111059

PROOF DUE NOTICE

RE: PERMIT NO. 65-13422

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 October 1, 1994. (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.

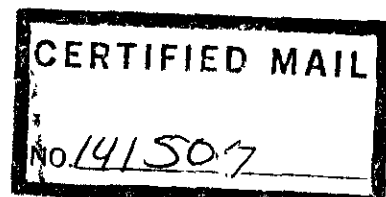
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

OCT 26 1994





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

October 19, 1993

EDWIN MARK ELLIS
PO BOX 1059
CASCADE ID 836111059

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13422

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

for JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

NO FILMED

OCT 25 1993

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 65-13422 Date: 9/21/93 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes _____
SYSTEM COMPLETED:
No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A
GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit:
Included w/permit - P99 Permit No. _____
Existing well - N/A (if drilled before 7/1/87)
No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. 65
Surface water - 005 or 005-01J-P08 (+.2)
or 005-01H-P01 (-.2 w/pump); NMR
Groundwater - P05 (if well has not been drilled)
In stream channel - 030
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - B <See condition code chart>
Trust - 051-052-053-P74 (Consumptive Uses)
Non Trust <1> - 048-049
RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - 05A (req), 11E (non-domestic use)
Payette (65) - ~~047-P04~~ 064(all consumptive use)
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)
USE:
Fish Propagation - 06A or 09E-P10 (WQ) & 010-042 (req),
002-P06 (MD), 07A (Special), 044 (N 1000 Spr)
Irrigation - ~~003~~(in WD use SW 1st) (~~05A~~ in WD do P/U compare)
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Mining - 06A or 010 or 09E-P10 & 054 (req)
Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' Size)
Domestic (surface) - 021(Boise R + L Peak), 27A(Payette R)
OWNERSHIP:
Non land owner - 004
PROTESTED:
Hearing agreement - 020
OTHER CONDITIONS:
REMARKS:
- ① Diversion under this water right shall be allowed only when at least 0.02 cfs reaches the Cougar Mtn Assn park downstream.
BENEFICIAL USE DUE: - 10-1-1994
COMMENTS: - ① Div Desc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

~~MORATORIUM HOLD - DO~~
~~NOT ADVERTISE~~

INITIAL REVIEW BY: SL DATE: 12/4/92 APPLICATION: 65-13422

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:
9 P/D
9 P/U

ADDITIONAL INFORMATION

Also see 65-13423

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:
☒ Groundwater management area:
☒ 1992 moratorium
☒ Diversion within interim protected river area
☒ Send dam safety information:
☒ 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

RECEIVED
JUL 13 1993

Department of Water Resources

DATE REQUESTED: _____

☒ Additional information on reverse side:

Moratorium letter sent 12/4/92

PROCESSING

APPLICATION NO. 65-13422

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

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: Approve, Dm

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter:

Diversion under this water right shall be allowed only when at least 0.02 cfs reaches the Canyon Mtn Area park downstream.

See below for additional information

Recommended Date or Priority 12/3/1992Recommended by: DmDate 7/9/93

STATE OFFICE REVIEW

See below for additional information. By _____

Date _____

ADDITIONAL INFORMATION

OverlapsameP/O - Appl. 65-13423, ~~same~~ Applicant, but N. Fk. Payette R.- 65-01849 - 06804 - ~~other~~ other source

- 65-06908 same source.

P/u - Appl. 65-13423 includes 1 acre of P/u of Appl. 65-13422.

- Plus: SEVERAL other rights (P/u overlap microfilm attached) for other land & for other users.



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

July 6, 1993

DARRELL D HUSTON PRES
COUGAR MOUNTAIN ASSOC INC
2189 N FASTWATER
BOISE ID 83704

Re: Application for Permit No. 65-13422 in the Name of Edwin
Mark Ellis

Dear Mr. Huston:

This office acknowledges receipt of the withdrawal of protest
against the above-referenced application.

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

Sincerely,

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

DRT:st

CC: Applicants

MICROFILMED

OCT 25 1993

July 1, 1993

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RECEIVED
JUL 01 1993

Department of Water Resources
Western Regional Office

Re: Application for permit No. 65-13422 in the Name of Edwin Mark Ellis

Dear Mr. Tuthill

As you recommended in your June 21st letter, I met with Mr Ellis and discussed the protest that the Cougar Mtn. Assn. Inc. filed against his water request. Mr. Ellis was extremely cooperative and we believe we have reached an agreement.

Mr. Ellis has agreed to install a small diversion just east of Highway 55 that would direct water to his property, as well as to the association park downstream, next to the Payette River. The diversion will allow water to flow to his property as long as 0.02 cfs of water reaches the park site during low water flows.

The association will drop the protest based on this agreement.

Sincerely,



Darrell D. Huston, President, Cougar Mountain Association Inc.
2189 N. Fastwater
Boise, ID 83704
(208) 377-5460

cc: Edwin Mark Ellis

RECEIVED

OCT 25 1993



June 8, 1993

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RECEIVED

JUN 10 1993

Department of Water Resources
Western Regional Office

Re: Cougar Mountain Association Inc Claim No. 65-13421 (attached)

Gentleman:

We are responding to the Notice of Application for Water Right No. 65-13422 published in The Advocate, a weekly Valley County newspaper. We feel that the granting of this request for a water right will reduce or eliminate entirely the amount of water we receive, under an existing water right, downstream.

Last fall, 1992, Mr. Ellis constructed a diversion channel which rerouted the stream north to a pond on his property. We further request that Mr. Ellis remove the diversion channel restoring the entire creek flow back to it's original course.

Sincerely,



Darrell D. Huston, President, Cougar Mountain Association Inc.
2189 N. Fastwater
Boise, ID 83704
(208) 377-5460

MICROFILMED

OCT 25 1993

State of Idaho
Department of Water Resources

RECEIVED

JUN 10 1993

Permit To Appropriate Water

NO. 65-13421

Department of Water Resources
Western Regional Office

Proposed Priority: November 13, 1992

Maximum Storage Volume:

0.1 AF

This is to certify, that **COUGAR MOUNTAIN ASSOCIATION INC**
2189 N FASTWATER
BOISE ID 83704

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **PAYETTE RIVER, NORTH FORK**

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>
RECREATION STORAGE	01/01 to 12/31		0.1 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWSE), Sec. 3, Township 11N, Range 03E
VALLEY County

PLACE OF USE: RECREATION STORAGE
TWN RGE SEC

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1995**.
2. Subject to all prior water rights.
3. 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.
4. Use of water under this right shall be non-consumptive.
5. Source known locally as Hays Creek.

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

11th day of February, 1993

[Signature]
for R. Keith Higginson, Director

MICROFILMED
OCT 25 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

EDWIN MARK ELLIS
PO BOX 1059
CASCADE ID 83616

Re: Application for Permit No. 65-13422

Dear Mr. Ellis:

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)

RECEIVED
Duplicate!
OCT 25 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 21, 1993

DARRELL D HUSTON PRES
COUGAR MTN ASSN INC
2189 N FASTWATER
BOIE ID 83704

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 65-13422 in the Name of Edwin
Mark Ellis

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,

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

DRT/st

RECEIVED
Duplicate
OCT 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

EDWIN MARK ELLIS
PO BOX 1059
CASCADE ID 83616

Re: Application for Permit No. 65-13422

Dear Mr. Ellis:

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,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

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

Enclosure: Copy of protest(s)

OCT 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 21, 1993

DARRELL D HUSTON PRES
COUGAR MTN ASSN INC
2189 N FASTWATER
BOIE ID 83704

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 65-13422 in the Name of Edwin
Mark Ellis

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,

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

DRT/st

Microfilm

OCT 25 1993



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

May 5, 1993

TO: WATER RIGHT APPLICANT(S)

RE: WATER RIGHT APPLICATION(S) BEING HELD DUE TO MORATORIUM

Dear Interested Party:

An Application(s) for Permit for a water right(s) in your name has been held due to a moratorium declared by the director of this department on May 15, 1992. The moratorium was established because of limited water supplies caused by another year of drought.

The water supply situation in your area has improved this year. The director rescinded the moratorium in your area on April 30, 1993. Processing of your application(s) can now proceed. I will assume that you want to proceed with the application unless this office hears from you by May 14, 1993. You can contact me or other staff by calling (334-2190) or writing to the above address.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

MICROFILMED

OCT 25 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 4, 1992

Mr. Edwin Mark Ellis
PO Box 1059
Cascade, ID. 83611

RE: Application for Permit Nos. 65-13422 (Unnamed Stream Locally Known as Hay Creek) and 65-13423 (North Fork Payette River)

Dear Mr. Ellis:

The above-referenced applications for permit to appropriate surface water for irrigation use were received at this office on 12/3/92. Due to continued drought and the need to protect existing water rights and water supplies, the director of this agency declared a moratorium on 5/15/92 concerning water right applications proposing new consumptive uses of public water. The use of surface water for irrigation purposes is a consumptive use.

Therefore, your applications cannot be processed for possible approval until the moratorium ends. Delays related to department decisions do not affect the date of priority or seniority of an application. You will be notified of any changes in the moratorium situation.

Please let me know if you need additional information.

Sincerely,

Steve Lester
Water Rights Supervisor

RECEIVED
OCT 25 1993

65-13422

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE, ID 83611

Source: UNNAMED STREAM

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 7 (SWSWSE) Sec 3 T 11N R 03E in VALLEY County.

Use: IRRIGATION (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 12/ 3/1992

In: VALLEY County
T11N R03E S03 Lot 7(SWSE)

11.5 ACRES TOTAL

MICROFILMED

OCT 25 1993

65-13422

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE, ID 83611

Source: UNNAMED STREAM

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 7 (SWSWSE) Sec 3 T 11N R 03E in VALLEY County.

Use: IRRIGATION (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 12/ 3/1992

In: VALLEY County
T11N R03E S03 Lot 7(SWSE)

11.5 ACRES TOTAL

MICROFILMED

OCT 25 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

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

65-13386

RUSSI, RALPH F
RUSSI, AVONA P
3709 E. CLEVELAND BLVD
CALDWELL, ID 83605

Source: PAYETTE RIVER,
NORTH FORK
Tributary: PAYETTE RIVER
Diversion Pt: LOT 9 (SWNW) Sec
5 T 13N R 04E in VALLEY Coun-
ty.

LOT 3 (SENE)
Sec 6 T 13N R 04E in VALLEY
County.
Use: IRRIGATION (.700 CFS)
Total Diversion: (.700 CFS)
Date Filed: 5/11/1992

In: VALLEY County
T13N R04E S05 Lot
5(NWNW) Lot 9(SWNW) Lot 10
(SENE)
S06 Lot 7(NENE)
Lot 3 (SENE)
35.0 ACRES TOTAL

65-13387

RUSSI, AVONA P
RUSSI, RALPH F
3709 E. CLEVELAND BLVD
CALDWELL, ID 83605

Source: PEARSOL CREEK
Tributary: PAYETTE RIVER,
NORTH FORK
Diversion Pt: LOT 1 (NENE) Sec
5 T 13N R 04E in VALLEY Coun-
ty.
Use: IRRIGATION (.150 CFS)
Total Diversion: (.150 CFS)
Date Filed: 5/11/1992
In: VALLEY County
T13N R04E S06 Lot 1(NENE)

5.0 ACRES TOTAL

65-13422

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE, ID 83611

Source: UNNAMED STREAM
Tributary: PAYETTE RIVER,
NORTH FORK
Diversion Pt: LOT 7 (SWSWSE)
Sec 3 T 11N R 03E in VALLEY
County.
Use: IRRIGATION (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 12/3/1992
In: VALLEY County
T11N R03E S03 Lot 7(SWSE)

11.5 ACRES TOTAL

65-134

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE 83611

Source: UNNAMED STREAM
Tributary: PAYETTE RIVER,
NORTH FORK
Diversion Pt: LOT 7 (SWSWSE)
Sec 3 T 11N R 03E in VALLEY
County.
Use: IRRIGATION (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 12/3/1992
In: VALLEY County
T11N R03E S03 Lot 7(SWSE)
11.5 ACRES TOTAL

65-13423

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE, ID 83611

Source: PAYETTE RIVER,
NORTH FORK
Tributary: PAYETTE RIVER

Diversion Pt: LOT 7 (SWSE) Sec 3
T 11N R 03E in VALLEY County.

Use: IRRIGATION (.303 CFS)
Total Diversion: (.303 CFS)

Date Filed: 12/3/1992
In: VALLEY County
T11N R03E S03 Lot 7(SWSE)

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. Protests
must be filed with the director,
Dept. of Water Resources, Western
Region, 2735 Airport Way, Boise,
Idaho 83705 on or before JUNE 21,
1993.

R. KEITH HIGGINSON, Di-
rector
Publish 6/2, 6/9 - #325

RECEIVED

Affidavit of Publication

Department of Water Resources
Western Regional Office

STATE OF IDAHO
COUNTY OF VALLEY

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

The application for water rights, a 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:

6-2, 1993,
and ended 6-4, 1993.

Mike Stewart

Michael Stewart

Signed this the 17th day of June, 1993

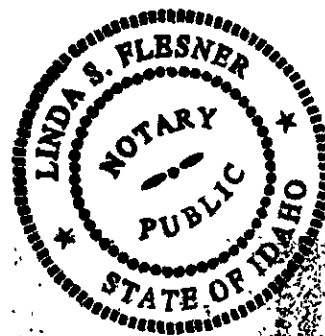
STATE OF IDAHO
COUNTY OF VALLEY

On this 17th day of June, 1993

before me the undersigned Notary Public in and for said State, personally
appeared Mike Stewart known to me to be the person(s) whose name(s) are
subscribed to the within instrument and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Linda S. Flesner
Notary Public for Idaho
Residing at Cascade, Idaho



MICROFILMED

OCT 25 1993

65-13422

ELLIS, EDWIN MARK
PO BOX 1059
CASCADE, ID 83611

Source: UNNAMED STREAM

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 7 (SWSWSE) Sec 3 T 11N R 03E in VALLEY County.

Use: IRRIGATION (.230 CFS)
Total Diversion: (.230 CFS)

Date Filed: 12/ 3/1992

In: VALLEY County
T11N R03E S03 Lot 7 (SWSE)

11.5 ACRES TOTAL

MICROFILMED
OCT 25 1993