

65-13409 is well forested.
Lance, same owners.
Govt. lots N $\frac{1}{2}$ N $\frac{1}{2}$ only. - JL 9/29/92

65-13408

17N3E

-P/D 5
FOND

DEC 16 1992

Norwood

N 0° 09' 03" E

CLARE

REAL ESTATE



CAROL SULLIVAN
Sales Associate

McCall Office
(208) 634-7924

Donnelly Office
(208) 325-8806

Residence
(208) 634-2095

FAX 208-634-8426

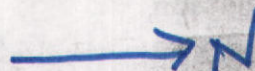
P.O. Box 354, Donnelly, Idaho 83615

N 89° 50' 57" W

65-13408
~~65-15~~

7.326 acres

Hay field



*A portion of
NE 1/4 Sec 14 T17N R3E*

645.91'

1/2" rebar

15° 46' 55" E
existing fence line

432.85'

N 22° 23' 46" E
197.72' 1220' p.m.

N 14° 12' 16" E
132.13'

creek

N 89° 50' 57" W

283.30'

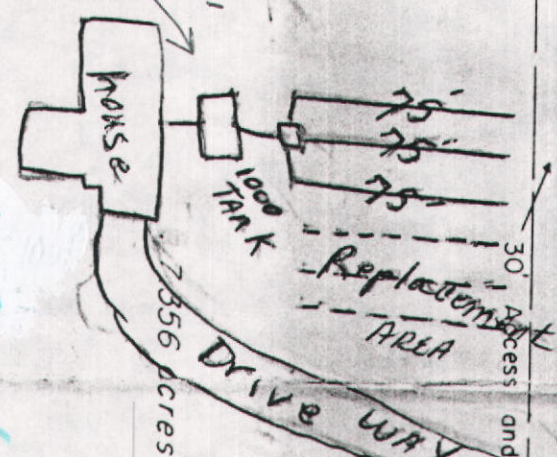
65-13408

150' DAM

292.0' DND 826.09'

3/8" rebar

652.44'



MICROFILMED
DEC 16 1992

5 acres

476.07'

759.37'

30' Access and Utility Easement

183.00'

S 0° 09' 03" W

311.17'

128.17'

417.89'

729.06'

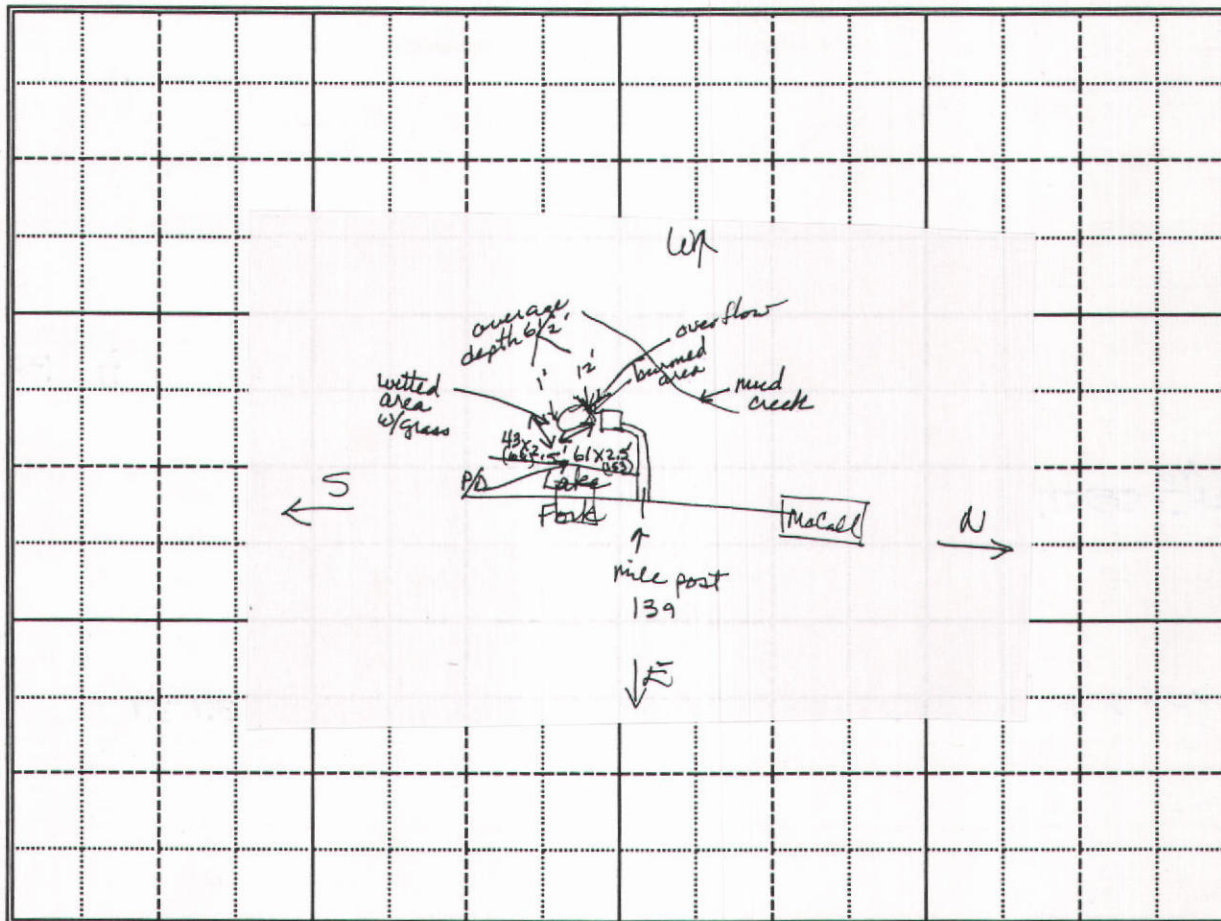
1330.44'

S 89° 55' 59" E
620.87'

1/2" rebar

43

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.

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: Bucket Measurement $\left(\frac{25 \text{ gal.} \times 60 \text{ sec.}}{13.33 \text{ sec.}} \right) \times .00223 \text{ cfs} = .25 \text{ cfs}$
Paced off size of Pond $108' \times 153' \times 6.5'$
Surface area (S.A.) $= \frac{108 \times 153}{43,560} = .38 = .4 \text{ acre}$

OCT 30 1997

65-13408
8/3/95 S.H.

P/D:
waste water from
Lake Fork Irrigation
District - unable
to measure diversion
because so spread,
but measured overflow



Irrigation run-off
2 pond (Diversion to storage)



P/u: 108'x153'x6.5'
Pond
aesthetic storage

overflow measured:
13.33 sec/25 gph.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAR 15 2001

WATER RESOURCES
WESTERN REGION

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 (under the "split" heading), 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
65-13408					
65-13409					

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) is 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)

*Carol (Sullivan) Amburgy - Angus
13889 Hwy 55 McCall ID 83638*

- 4 New Owner/Claimant(s)

Michelle ^{AG} Petrin

Name Connector (Check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 1524

City, State and ZIP Code

McCall ID 83638

New Telephone Number

(208) 634-5010

- 5 Date you acquired the property

9-15-00

See file 65-4192B for support data

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)
(include title if applicable)

Michelle A. Petri

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 E. Masi

Date 7.24.01

Fee \$25.00 X 2 (\$50.00)

Received by J. Masi

Date 7.24.01

Receipt No C055098

Processed by _____

AJ Date _____

WR _____ Date _____

MICROFILMED

RECEIVED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13408

Priority: August 31, 1992

Maximum Storage Volume:

2.6 AF

This is to certify, that DENNIS D AMBURGY
CAROL A SULLIVAN

13889 HWY 55

MC CALL ID 83638

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 31, 1992; and has submitted Proof of Beneficial Use on December 14, 1994. An examination indicates that the works have a storage capacity of 2.600 af of water from:

WASTE WATER

tributary to MUD CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		2.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 4, Township 17N, Range 03E
VALLEY County

PLACE OF USE: AESTHETIC STORAGE

TWN RGE SEC

17N 03E 4

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65K.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
6. Aesthetic use is for a pond.

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 15TH day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

RECEIVED
NOV 15 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0031929
Receipt By: ET
Date Received: 12-14-94

No
gib

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13408 Telephone No. 208-634-2095
2. Name(s) of Permit Holder(s): Carol Sullivan / Dennis Amburgey
3. Mailing Address: 13889 Hwy 55 McCall Id 83638
4. Source of Water: irrigation shares 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): 2 horses

Irrigation (No. of acres): _____ Other: ducks / aesthetic

6. Total rate of diversion and/or volume for which proof is submitted: .20 cfs OR 4.5 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ?/✓ or No _____

Has the measuring device been installed?

Yes _____ or No ✓

NOT ON POND ON ditch

Flow Measurement Port: Is a flow measurement port required?

Yes ✓ or No _____

Has the measurement port been installed?

Yes ✓ or No _____

see below existing ON ditch by water master

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

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

Name: Carol Sullivan Telephone Number: 208-634-2095

Address: 13889 Hwy 55 McCall Id 83638

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: Carol Sullivan owner Date: DEC 20 1994 / 12 / 94
(include your title, if on behalf of company or organization)

the only water going into the pond is our irrigation shares released only by the watermaster from a measuring device at the ditch system

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13408

Proposed Priority: August 31, 1992 Maximum Diversion Rate: 0.20 CFS

This is to certify, that **CAROL A SULLIVAN**
DENNIS D AMBURY
13889 HWY 55
MC CALL ID 83638

has applied for a permit to appropriate water from:

WASTE WATER tributary of **MUD CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		4.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENESE , Sec. 4, Township 17N, Range 03E
VALLEY County

PLACE OF USE: AESTHETIC 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 **January 2, 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 water right will be regulated by the watermaster of State Water District No. 65K.
5. 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.
6. Use of water under this right shall be non-consumptive.
7. This right authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
8. The surface area of the pond constructed under this permit shall not exceed one-half (1/2) acre.
9. Aesthetic use is for a pond.

APPROVED

DEC 16 1992

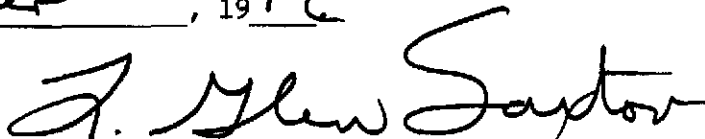
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13408

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

10th day of December, 1992



for R. Keith Higginson, Director

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DEC 16 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CAROL A SULLIVAN 208-634-2095
Address: 13889 HWY 55
MCCALL ID 83638
AND/OR
Name: DENNIS D AMBURGY 208-634-2095
Address: 13889 HWY 55
MCCALL ID 83638

2. Source: WASTE WATER Trib. to: MUD CREEK
3. Location of Point of Diversion: NENESE Sec. 4, Township 17N, Range 03E
VALLEY County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
AESTHETIC STORAGE	01/01	12/31			4.50
DIVERSION TO STORAGE	01/01	12/31	0.200		

5. Total quantity to be appropriated is:
0.200 CFS (and/or) ~~4.50 AF~~ *

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
POND
b. Height of storage dam 0 ~~4~~ feet; active reservoir capacity 4.50
acre-feet; total reservoir capacity 4.50 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 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:
AESTHETIC

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DEC 16 1992

* Do not show both in total, database revision 9/29/92 - JZ

9. Place of Use: AESTHETIC STORAGE

TWN RGE SEC
17N 03E 4 NESE

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

11. 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.

12. Remarks: Aesthetic use is for a pond. *

13. 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.

Carol A. Sullivan
Applicant

Received by CYH Date 9/18/92 Time * Preliminary check by SL
Fee \$ 30.- Receipted by JY # C025357 Date 8/31/92 *
Publication prepared by GG Date 10/7/92 Published in Star News
Publication approved st Date 11-6-92
10/15 & 10/22/92

* Priority equals 8/31/92, Date original
ap & check received.

RECEIVED

* database revised 9/29/92 - JZ

DEC 16 1992

67

NOTE
65-13409
Lower, same as above
East Hill

65-13408

66

65

4982

Gravel Pit

64

63

6-9

62

4915

N 0° 09' 03" E

CLARK

REAL ESTATE



CAROL SULLIVAN
Sales Associate

McCall Office
(208) 634-7924

Donnelly Office
(208) 325-8806

Residence
(208) 634-2095

FAX 208-634-8426

P.O. Box 354, Donnelly, Idaho 83615

65-13408
~~65-13408~~

7.326 acres

Hand

*A portion of
NE 1/4 Sec 14 T17N R3E*

N 89° 50' 57" W

645.91'

1/2" rebar

5° 46' 55" E
existing fence line

432.85'

N 22° 23' 46" E
197.72' 122.27' PNM

N 14° 12' 16" E
132.13'

creek

1/2" rebar

150' DAM

DND
826.09'

3/8" rebar

652.44'

5 acres

N 89° 50' 57" W

283.30'

476.07'

759.37'

Utility

70'

S 0° 09' 03" W

30' Access and Utility Easement

DEC 16 1992

417.89'

72° 06'

1330.44'

09.46'

30' Access and Utility Easement

Replacement Area
DRIVE WAY

2.356 acres

HOUSE

100' WIDE

MUD CREEK
(65-13408)

150'

100'

75'

75'

75'

75'

75'

75'

75'

75'

75'

75'

75'

75'

75'

75'

Publisher's Affidavit of Publication

STATE OF IDAHO }
 } .SS
County of Valley }

I, Ramona A. George, 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 October 15, 1992 and ended October 22, 1992.

Ramona A. George
Subscribed and sworn before me this the 22nd day of October, 1992.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 22nd day of October, in the year of 1992, before me, a Notary Public, personally appeared Ramona A. George, 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 1993

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho
65-13408

AMBURGY, DENNIS D,
SULLIVAN, CAROL A, 13889 HWY 55,
McCALL, IDAHO 83638.

Source: WASTE WATER
Tributary: MUD CREEK
Diversion Pt: NENESE Sec 4 T 17N R
03E in VALLEY County.
Use: AESTHETIC STORAGE (4.50
AF)

DIVERSION TO STORAGE
(.200 CFS)

Total Diversion: (.200 CFS)
Date Filed: 8/31/1992
In: VALLEY County, T17N R03E S04
NESE
65-13409

AMBURGY, DENNIS D,
SULLIVAN, CAROL A, 13889 HWY 55,
McCALL, ID 83638

Source: GROUNDWATER
Diversion Pt: NENESE Sec 4 T 17N
R 03E in VALLEY County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 9/18/1992
In: VALLEY County, T17N R03E S04
NESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before NOVEMBER 2, 1992
R KEITH HIGGINSON, Director
2/10/22

RECEIVED

OCT 27 1992

Department of Water Resources

65-13408

RECEIVED
NOV 8 1992

Department of Water Resources
Western Regional Office

13889 Hwy 55

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P O Box 83720
Boise, Idaho 83720-0098

urn Service Requested

Petr

~~X~~

~~_____~~

- ☐ Undeliverable as Addressed
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Refused
- ☐ Attempted, Not Known
- ☐ No Such Street
- ☐ No Such Number
- ☐ No Receptacle



PRESORTED
FIRST CLASS

RECEIVED

MAR 24 2003

Department of Water Resources

WR 65-4192B, 65-13408/09

Mail present to:

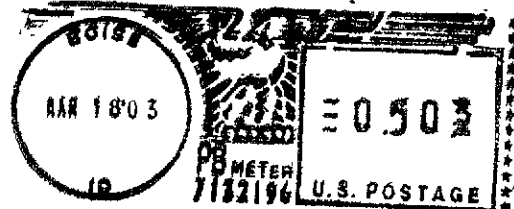
13889 Hwy 55

Melale 83638

Wadsworth charge form

Kare Inman

4.2.03





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 17, 2003

MICHELLE A G PETRIN
PO BOX 1524
MC CALL ID 83638

RE. Change of Ownership for Water Rights 65-4192B, 65-13408 & 65-13409

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 \$75.00 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
MAR 17 2003

Michelle Petrin

PO BOX 1524
McCall, ID 83638 - 1524

Home Phone (208)634-5010

March 10, 2001

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
MAR 15 2001
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 19 2001

Department of Water Resources

Dear Sir,

Please check the enclosed forms because I am unclear if I have filled them out correctly. The seller sent me everything enclosed, so I am sending it all on to you.

If you have any questions or need more information please contact me at home (208)634-5010, on my cell phone (541)490-5810, or e-mail -special@ctcweb.net.

Thank you for your attention to this matter.

Sincerely,


Michelle A.G. Petrin

MICROFILMED
MAR 19 2001



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

September 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DENNIS D AMBURGY
CAROL A SULLIVAN
13889 HWY 55
MC CALL ID 83638

RE: WATER RIGHT NO. 65-13408

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

00135107

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

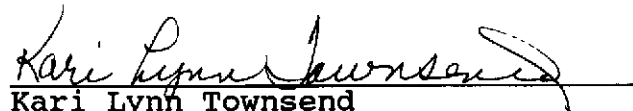
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of September, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 65-13408

DENNIS D AMBURGY
CAROL A SULLIVAN
13889 HWY 55
MC CALL ID 83638


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: File 65-13408

FROM: Sharla Curtis

DATE: September 5, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 65-13408 are based on the following.

H. RECOMMENDATIONS

Aesthetic Storage	1/1 - 12/31	2.6 afa
-------------------	-------------	---------

The photos and narrative show how run-off waste water naturally runs into the storage facility, there is no actual diversion from a source of water into the pond. Thus, no diversion to storage exists. The only use of water is the storage itself.

Examiner. Sandy Hemenway
Exam Date: August 3, 1995

10/10/97
10/10/97

PERMIT NO. 65-13408 DATE 9/3/97 REVIEWER: SHARLA

Does map agree with written description? ☒ yes ☐ no

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs #50 ⁰⁰
Measured	<u> </u> cfs overflow = .25
Theoretical	cfs

Recommended Total Div Rate 20 cfs

ANNUAL VOLUME/ NATURE OF USES	Use	cfs	Volume Calc	af
✓	Acsth Stor	N/A	2.6	af
				af
				af
				af
	SUBTOTAL		2.6	af

Total volume recommended _____ af

(SUBTOTAL or Flow Rate, whichever is less)

CONDITIONS Watermaster Control WD#
 GW Measurement/Measuring Device
 Overlap
 Use-specific conditions

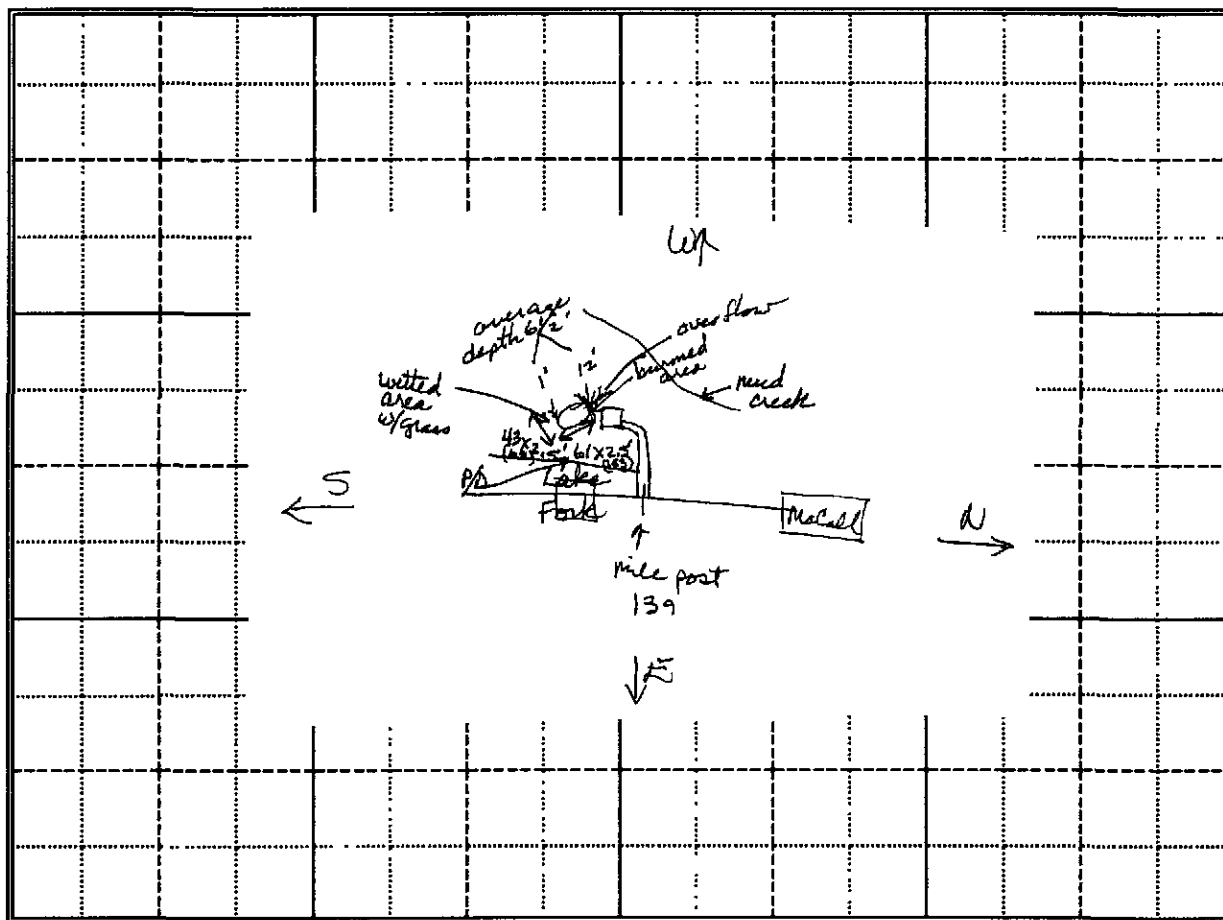
Advancement of Priority Date Required ☐ yes ☒ no

2nd Amend Letter

~~No~~ dir to
Storage

[illegible]

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.

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: Bucket Measurement $\left(\frac{25 \text{ gal.} \times 60 \text{ sec.}}{13.93 \text{ sec.}} \right) \times .00223 \text{ cfs} = .25 \text{ cfs}$
Paced off size of Pond 108' X 153' X 6.5'
Surface area (S.A.) = $\frac{108 \times 153}{43,560} \approx .38 = .4 \text{ acre}$

E. NARRATIVE/REMARKS/COMMENTS

- Other WR # 65-13409 licensed domestic well.
- Overlaps for P/D are other sources; overlaps for P/U are other land &/or other uses.
- No govt. lots were found.
- The system consists of run-off/waste water from Lake Fork Irrigation District that is used for irrigation, the run-off goes into a 108' x 153' x 6.5' pond, with no physical method to measure the amount going into the pond since it flows over the field first & comes from a lot of different areas that are too grassy to measure. A physical measurement of the overflow measured 13.33 sec./25 gal. (.25 cfs), which then flows down a ditch to Mud Creek.
- Use is Aesthetic Storage, & Diversion to Storage. Other uses: Stockwater for 3 horses, & Recreation, & wildlife for ducks & misc. animals.

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

The amount of water released is controlled by the water master releasing water above for irrigation purposes. They are last on the line, & a lockable controlling works & measuring device would be difficult to install.

☒ Additional Computation Sheets Attached

Measured Method:
~~Diversion to storage:~~
Bucket Measurement $\left(\frac{25 \text{ gal} \times 60 \text{ sec}}{13.33} \right) \times .00223 \text{ cfs} = .25 \text{ cfs}$
Allow as permitted .20 cfs.

1 Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{10cm}}$$

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

$$V_{\text{min}} = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

Pond: 108' X 153' X 6.5

$$\text{Surface area (S.A.)} = \frac{108 \times 153}{43,560} = .38 = \underline{.4 \text{ acre}}$$

$$\text{Capacity} = 5.4 \times \text{max. depth} = .4 \text{ acre} \times 6.5 = \boxed{2.6 \text{ Af}}$$

* does not exceed 5,
note in remarks.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Aesthetic Storage	1/1	12/31		2.6
Diversion to Storage	1/1	12/31	.20	
			Totals:	.20
				2.6

☐ 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

Field Examiner's Name Paul J. Hemenway Date 11/9/95

Reviewer _____ Date _____

SEAL

① Permit:

65-13408

Aesthetic Storage 1/1 - 12/31

4.5 Af

Diversion to Storage 1/1 - 12/31 .20 cfs

.20 cfs

② B/u fee: \$50⁰⁰ 12/14/95 pd. 0-0.20 cfs 0-20 Af

③ Max. Allowable

remark "Condition": surface area of pond shall not exceed

1/2 acre (.5 acre)

④ Measurement:

Bucket Measurement (overflow, since unable to take physical measurement of diversion) $\frac{13, 13, 14}{25 \text{ gal}}$
 $\left(\frac{25 \text{ gal.} \times 60 \text{ sec.}}{13.33 \text{ sec}} \right) \times .00223 \text{ cfs} = \frac{13.33 \text{ sec} / 25 \text{ gal.}}{.25 \text{ cfs}}$

* this is a good measure to go with

Pond: 108' X 153' X 6.5'

Surface area (S.A.) = $\frac{108 \times 153}{43,560} = .38 = \underline{.4 \text{ acre}}$

Capacity = S.A. X max. depth = .4 acre X 6.5 = 2.6 Af



Archabal

Storage Bldg

4982

Gravel Pit

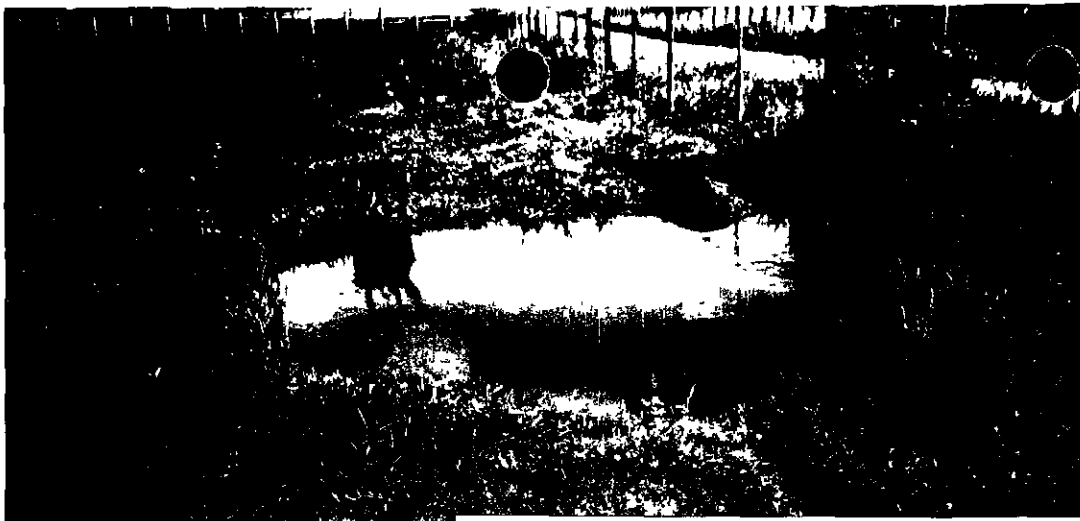
ork

BM
4915

Permit No: 65-13408
P/O: TITN R3E S4 NESE
ID: S-60 USGS Ortho. 7.5
OCT 20 1937
S.H.

65-13408
8/3/95 S.H.

P/D:
waste water from
Lake Fork Irrigation
District - unable
to measure diversion
because so spread,
but measured overflow



Irrigation run-off
2 pond (Diversion to Storage)



P/u: 108'x153'x6.5'
Pond
aesthetic storage



overflow measured:
13.33 sec/25 gal.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13408

Reviewed by [Signature]

Date 11/21/94

GENERAL CONSIDERATIONS

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

TYPES OF USE

aesthetic
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

☒ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?
0 Amount Submitted
no Correct?

MEASURING DEVICE

yes Required?
yes Installed?
Waiver requested? _____

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

[Crossed out calculation area]

DEFICIENCIES OR ACTION ITEMS

Return for \$50.00 filing fee
Fee received - Proof acceptable

DATA ENTRY

New Address [Crossed out]

Proof Made 12/14/94

December 16, 1994

DENNIS D AMBURGY
CAROL A SULLIVAN
13889 HWY 55
MC CALL ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13408

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

DEC 20 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

November 23, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Carol A. Sullivan
Dennis D. Amburgy
13889 HWY 55
McCall, ID 83638

RE: Permit No. 65-13408

Dear Permit Holder:

Returned is a copy of the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, the proof can not be accepted as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a **groundwater** (well) source, **and**;
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use waste water (surface) for your source. Therefore, a license examination fee of \$50.00 applies to the permit.

Please return the copy of the proof form and the license examination fee within thirty (30) days of receipt of this letter.

If you have any questions or if I can be of any assistance, please feel to contact me.

Sincerely,

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

Enclosure

DEC 20 1994

October 31, 1994

DENNIS D AMBURGY
CAROL A SULLIVAN
13889 HWY 55
MC CALL ID 83638

PROOF DUE NOTICE

RE: PERMIT NO. 65-13408

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 January 1, 1995. (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.

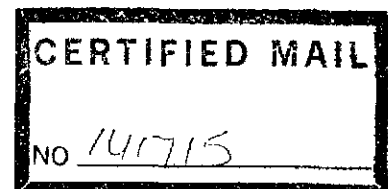
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

DEC 20 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

December 10, 1992

DENNIS D AMBURY
CAROL A SULLIVAN
13889 HWY 55
MC CALL ID 83638

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13408

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

DEC 16 1992

APPLICATION FOR PERMIT REVIEW

BLM

Application #: 65-13408 Date: 12-8-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

AREA OF CONCERN? YESSNAKE RIVER BASIN

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 65K
 Surface water - R04, R04-01H-P01 (LT.2 w/pump)
 R04-01J-P08 (GT.2), NMR <flow chart>
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - (1, Blank or Other)
 Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042(req.), 002-P06(MD), 07A(Spec.),
 044(Policy 5G)
 Power - Use Power Review
 Mining - 06A, 010, or 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec/Wildlf/Aes - 027(Non-Consumptive)
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date - 01-02-1995Other Conditions/Remarks: - WOT, 1/2 acre limit remarkRoute to Dam Safety - Done ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JF DATE: 11/29/92 APPLICATION: 65-13403

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) SEE NEXT PG
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:
 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:
 Groundwater management area:
 1992 moratorium SEE NEXT PG
 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

 DATE REQUESTED:
 Additional information on reverse side:

RECEIVED
NOV 13 1992

Department of Water Resources

PROCESSING

APPLICATION NO. 65-13408

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. # 65

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 November 2, 1992

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:

26A (allow 2 yrs), The surface area of the pond constructed under this permit shall be less than or equal to one-half acre (21,780 ft²).

See below for additional information

Recommended Date or Priority 8/31/1992Recommended by: Or Date 11/12/1992

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

RE: MODIFICATION 5 STORAGE

1) Application shows pond $150' \times 211' = 31,650 \text{ ft}^2 = .72 \text{ Acre surface area.}$

4,551 ft²/acre

2) GRN approve ± 0.5 ACRE surface area per direction from S.O. recently

3) 4.5 Acre
.72 acre = 6.25 ft (depth)

4) (.5 acre)(6.25 ft) = 3.1 ac. can approve under current proposal?

OR: Since .7 ± .5 acre surface area, allow or is?

(MUD CK link to Cascade
 Reservoir)

See
 cond.
 above

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

OCTOBER 7, 1992

The Star News
P.O. Box 985
McCall, ID 83638

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 2, 1992.

Yours truly,

GAIL GARRETT
Secretary

Encl.

DEC 16 1992

65-13408

AMBURGY, DENNIS D
SULLIVAN, CAROL A
13889 HWY 55
MC CALL, ID 83638

Source: WASTE WATER

Tributary: MUD CREEK

Diversion Pt: NENESE Sec 4 T 17N R 03E in VALLEY County.

Use: AESTHETIC STORAGE

(4.50 AF)

· DIVERSION TO STORAGE (.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 8/31/1992

In: VALLEY County
T17N R03E S04

NESE

DEC 16 1992