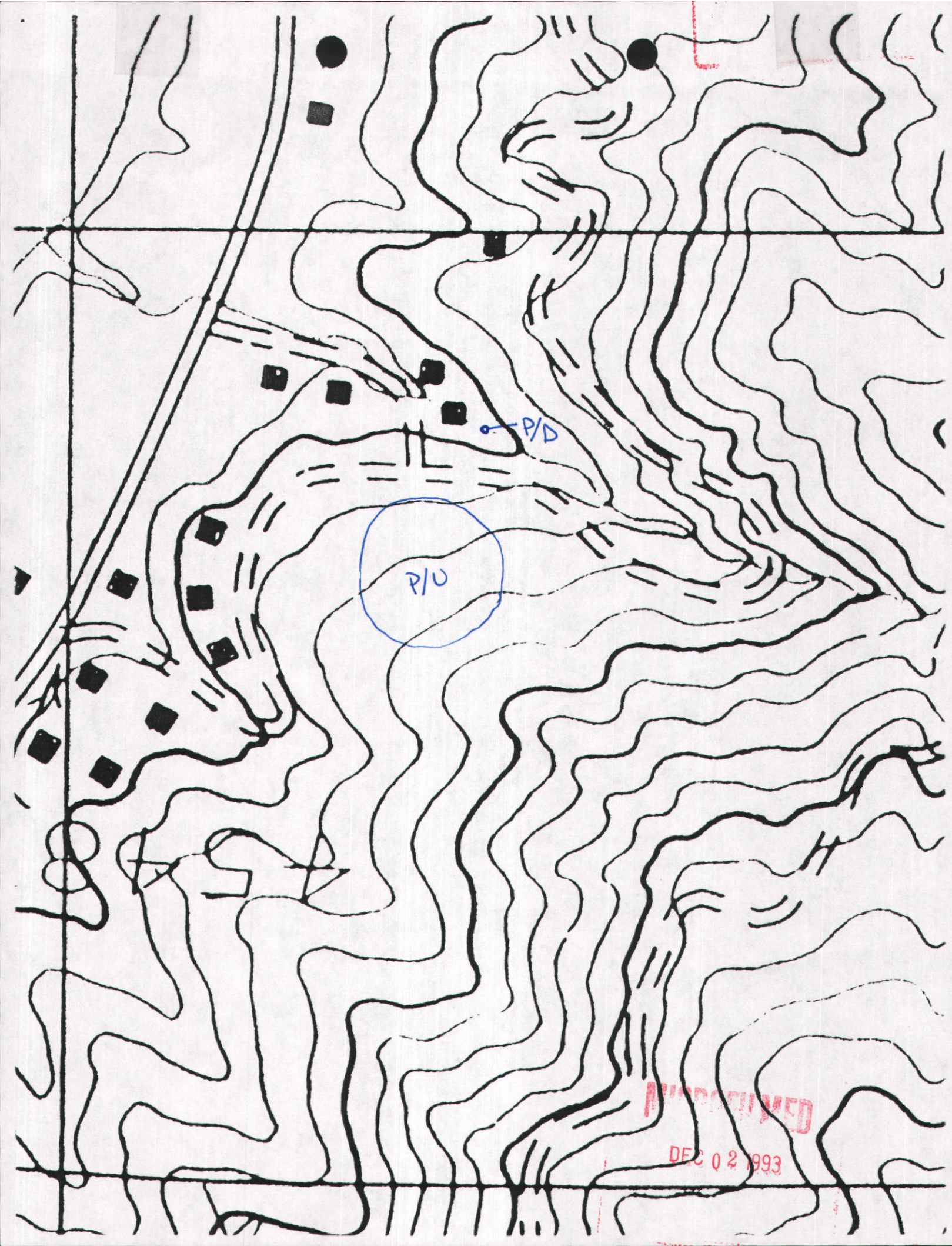




13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

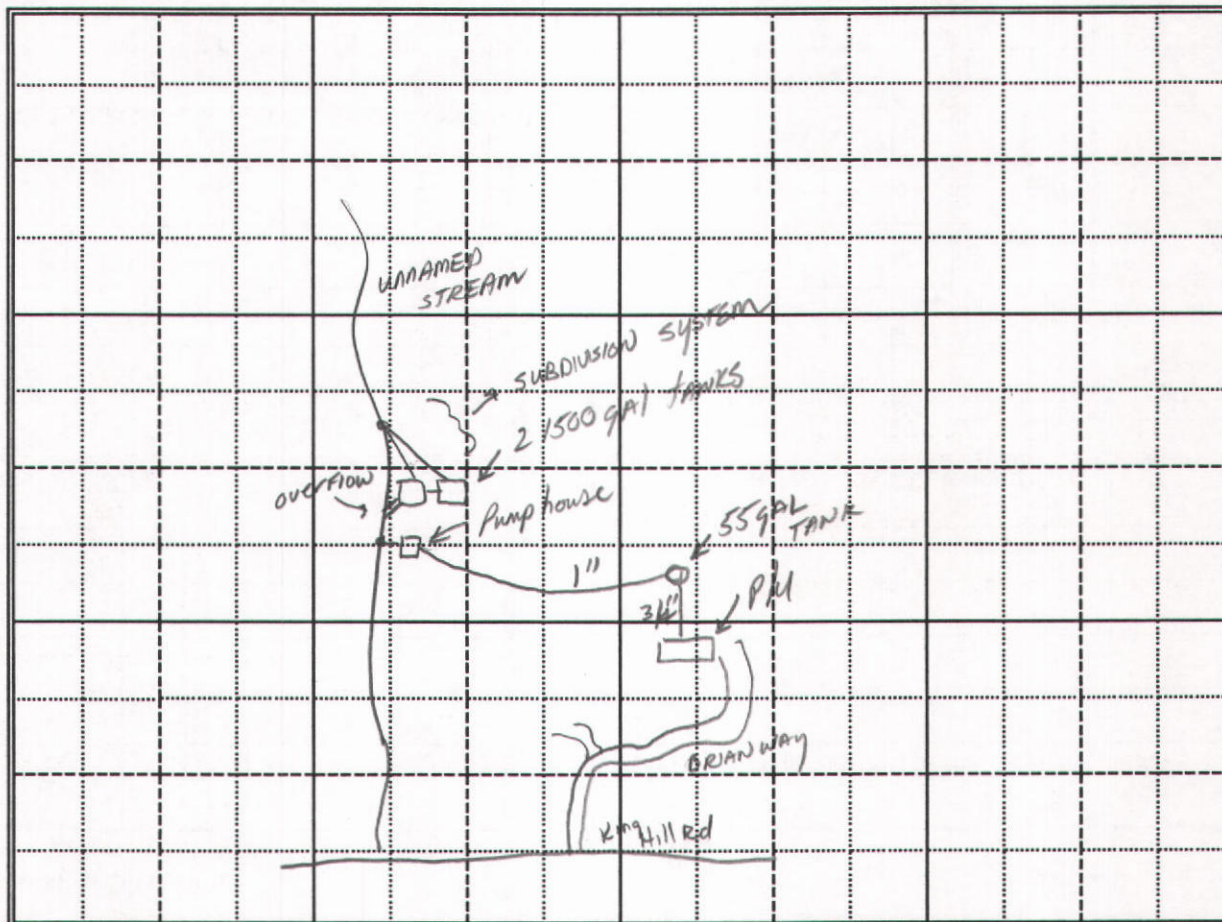


Scale: 2 inches equal 1 mile.

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.

Larry E. Smith
(Applicant)

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
	STAYRIGHT	3/4	NA	JET	1"

*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: 5 GALLON BUCKET = EXHIBIT 10 AT 385cm = .02cfs

MICROFILMED

NOV 07 1996

PERMIT 65-13347 INIT DB
T. R. S. Q/Q
P/D 1/4 3E 3 SESESW
SCALE _____
PHOTO ID. _____

MICROFILMED
NOV 07 1996



VIEW OF INTAKE FROM THE
CREEK. WATER IS COLLECTED
FROM CREEK & PUMPED UP
BY THE 3/4 HP THROUGH A 1"
LINE TO A 55 GAL HOLDING
TANK ON HILL.

PHOTO ONE-



VIEW OF PUMP HOUSE.

PHOTO TWO-

MICROFILMED
O 7 1996



WATER IS PUMPED TO THIS
55 GAL TANK & GRAVITY
FEEDS A 3/4" LINE TO PLU.

PHOTO THREE-



Plu.

PHOTO FOUR-

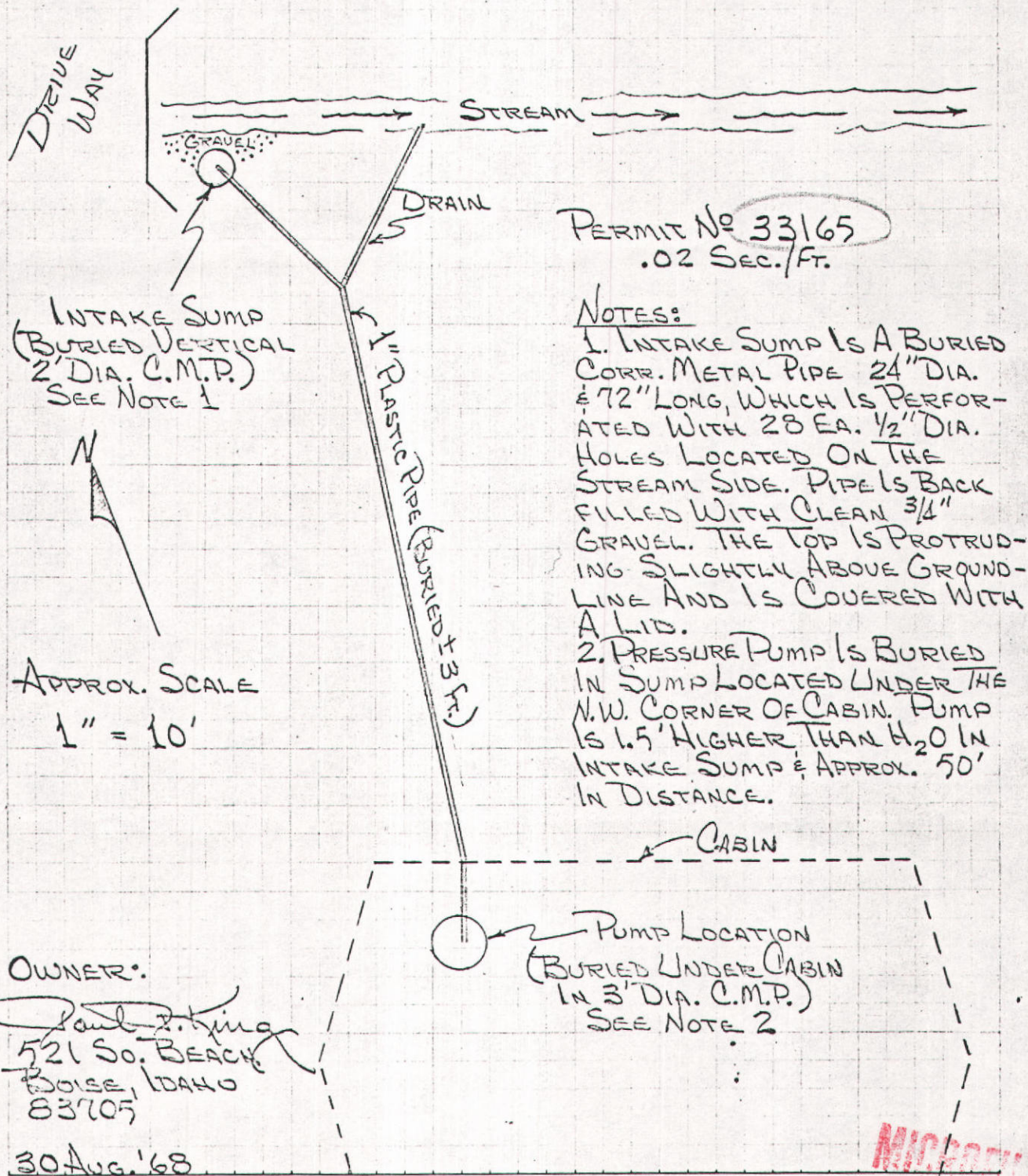
MICROFILMED
OCT 7 1996

Description PERMIT No 33165 DOMESTIC USE

Location 1/2 MI. NORTH OF SMITHS FERRY, IDAHO

Sheet 1 of 2

COUNTY ROAD TO IDAHO S.H. 55 →



OWNER:

Paul R. King
521 SO. BEACH
BOISE, IDAHO
83705

30 AUG. '68

Computed by _____ Date _____ Project No. _____
Checked by _____ Date _____ File or Book No. _____
Designed _____ Checked _____

DEC 02 1993

**NOTICE OF CORRECTION OF
APPLICATION FOR PERMIT**

65-13342 ✓

Notice is hereby given that on October 16 and 23, 1991, Application for Permit No. 65-13342 in the name of Kelley, Tracee and Smith, Larry E. &/or Shyla was advertised in error.

The Place of Use was advertised as T11N R03W S03 (SESW). Whereas the Place of Use should have read T11N R03E S03 (SESW). The water source is unnamed stream, tributary to Payette River, North Fork for 0.04 cfs and is used for domestic purposes.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before November 25, 1991.

R. Keith Higginson, Dir.

Published in the Cascade Advocate on November 6 and 13, 1991.

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

65-133346

ELLIOTT, ERNEST E.

4406 N 10TH

TACOMA, WA 98406

Source: GROUNDWATER

Diversion Pt: NWNW Sec 10 T 12N

R 04E in VALLEY County.

Use: IRRIGATION (.020 CFS)

DOMESTIC (.020 CFS)

Total Diversion (.040 CFS)

Date Filed: 10/10/1991

T12N R04E S10 NWNW

1.0 ACRES TOTAL

The permit will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before **NOVEMBER 25, 1991**.

R. KEITH HIGGINSON, Director

Publish 11/6, 11/13 - #98

**NOTICE OF CORRECTION OF
APPLICATION FOR PERMIT**

65-13342

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R. KEITH HIGGINSON, Director

Publish 11/6, 11/13 - #98

RECEIVED

NOV 25 1991

Department of Water Resources
Western Regional Office

Affidavit of Publication

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 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:

11-6-1991, 19 91,
and ended 11-13-1991, 19 91.

Mike Stewart

Michael Stewart

Signed this 21 day of Nov, 19 91

STATE OF IDAHO
COUNTY OF VALLEY

On this 21st day of Nov, 19 91.

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. Corder

Notary Public for Idaho

Residing at Cascade, Idaho

DEC 02 1993

492 / Inv # Nov 1166



HAY CREEK DIVERSION DAM & GATE COMPLETE
CLOSED. ALL WATER GOES THRU PIPES.



PAUL KING & DENZIL AMAN CLOSING TWO 2"
VALVES THAT SUPPLY 13 DWELLINGS.



DENZIL AMAN POINTING TO OVERFLOW PIPE
FROM STORAGE BOXES.



DON AMAN COLLECTING WATER FOR QUAN. TEST
23 SEC. TO FILL 5.44 GAL. PAIL = 14.2 G.P.M.

D

C

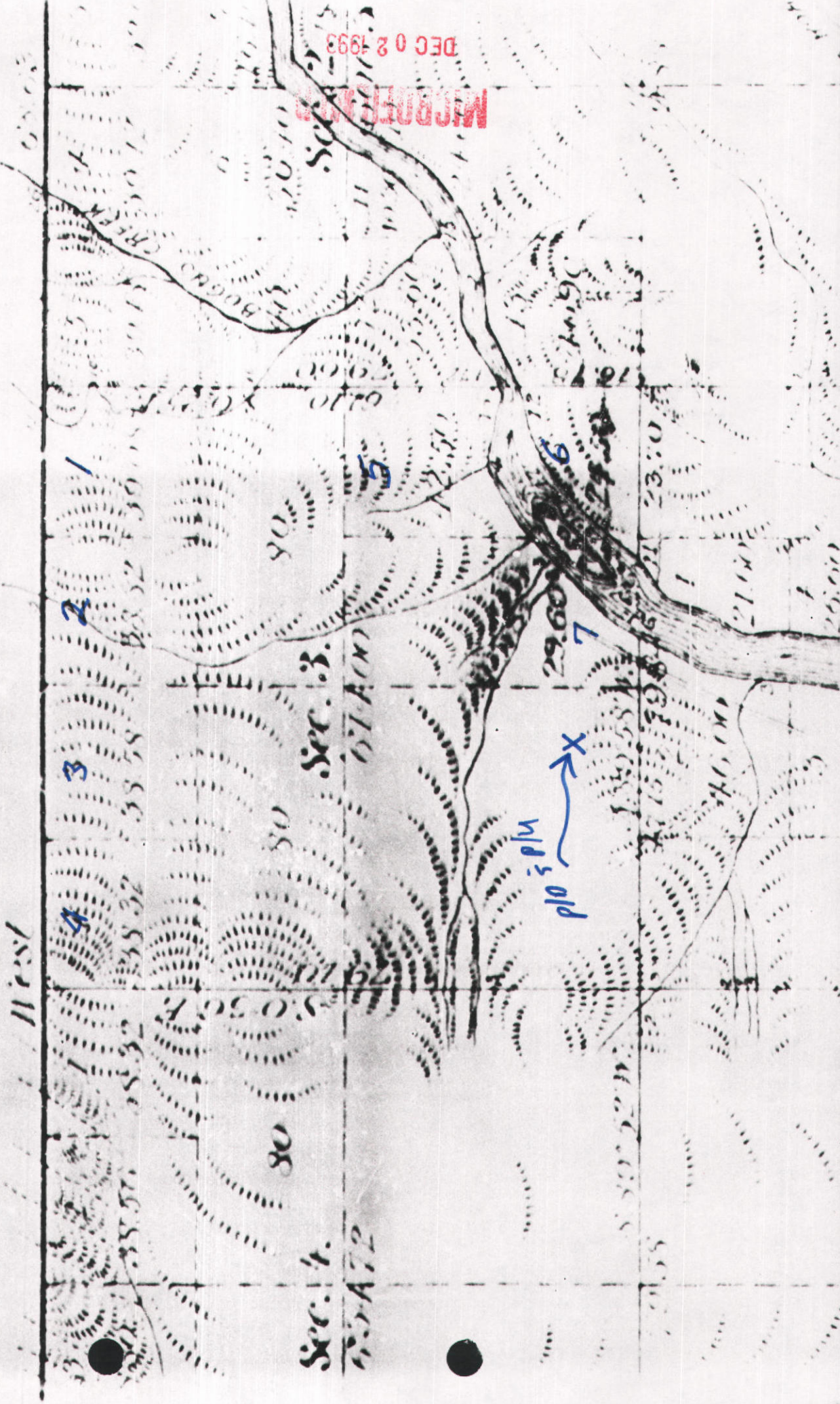
T11N

R3E

5.3

b

West



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13342

Priority: September 26, 1991 Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

This is to certify, that SHYLA SMITH
TRACEE KELLEY
LARRY E SMITH

8106 BOBRAN ST
BOISE ID 83709 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 26, 1991; and
has submitted Proof of Beneficial Use on October 27, 1993. An examination indicates
that the works have a diversion capacity of 0.020 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>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

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

PLACE OF USE: DOMESTIC
TWN RGE SEC
11N 03E 3 SESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 65.
6. The Director retains jurisdiction to limit diversion of water to in-house uses only.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.

MICROFILMED
NOV 07 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13342

CONDITIONS OF APPROVAL AND REMARKS

8. Domestic use is for 1 home.
9. Source is locally known as Hays 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 18th
day of OCTOBER, 1996.


Acting for KARL J. DREHER, Director

MICROFILMED
NOV 17 1996

RECEIVED

OCT 27 1993

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

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 65-13342 Telephone No 208-375-2205

2 Name(s) of Permit Holder(s). Larry E. &/or Shyla Smith &/or Tracee Kelley

3 Post Office Address. 8106 Bobran St. - Boise, ID 83709

4 Source of Water: Spring fed creek known locally as hay creek

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

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

5 Extent of Use

Domestic 1 (No. of households) Irrigation _____ (No. of acres)

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

6 Total rate and/or volume for which proof is submitted .02 cfs _____ acre/feet

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

Measuring device: Required? Yes X No Installed? Yes X No

OR

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

8. Fee Enclosed: \$ 50 (See License Examination Fee Schedule)

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

Larry E. Smith
Name

Home 375-2205 - Work 336-5222
Telephone No.

8106 Bobran St. - Boise, ID 83709
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.

10/27/93
Date

Larry E. Smith
Signature (and title if on behalf of a company or organization)

MISSOURI

DEC 02 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13342

Proposed Priority: September 26, 1991 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **SHYLA SMITH**
TRACEE KELLEY
LARRY E SMITH
8106 BOBRAN ST
BOISE ID 83709

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>
DOMESTIC	01/01 to 12/31	0.02 CFS

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

PLACE OF USE: DOMESTIC
TWN RGE SEC
11N 03E 3 SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 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. The Director retains jurisdiction to limit diversion of water to in-house uses only.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. Domestic use is for 1 home.
7. Source is locally known as Hays Creek.
8. This water right is junior to the senior water rights established by the Cougar Mountain Association and other water rights for use at Cougar Mountain Subdivision, Valley County, Idaho.
9. In the event there is insufficient water available to service the needs of all established water rights, those with prior water rights shall have the right to deny this water right the use of water during the period of insufficiency.
10. The water right holder's diversion works shall be subject to the right of way of Hay Creek Water Users Association to flush its pre-existing water diversion and holding tanks, and the water right holder shall take any steps necessary to protect his diversion works.

RECORDED

DEC 02 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13342

CONDITIONS/REMARKS:

11. The water right holder shall cooperate with Hay Creek Water Users Association in drafting an acceptable agreement in allowing Hay Creek Water Users Association the right to continue the use of the water right holder's land to accommodate the water piping system, holding tank and access thereto (including consideration of the potential need for future expansion of the system).

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

16 TH day of November, 1993.

for R. Keith Higginson
R. Keith Higginson, Director

DEC 16 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 65-13342 IN THE NAME)	ORDER DISMISSING
LARRY E. &/OR SHYLA SMITH &/OR)	PROTESTS
<u>TRACEE KELLEY.</u>)	

This matter having come before the Idaho Department of Water Resources (Department) pursuant to an Order to Show Cause, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On September 26, 1991, Larry E. &/or Shyla Smith &/or Tracee Kelley filed with the Department an application to appropriate 0.04 cubic feet per second from an unnamed stream in Valley County. The water was requested to be used for domestic purposes.

2. The Department held a conference on January 13, 1992, at which time the rate of flow was reduced by the applicant to 0.02 cfs. A hearing was held April 10, 1992, for which the protestants were properly notified by certified mail. The protestants that attended the hearing withdrew their protests, subject to certain conditions of approval. Irene R. Carter, W.F. Mares, Mr. & Mrs. Calvin Batz and William R. Cozad failed to appear at the hearing and they were each sent an Order to Show Cause why they did not attend. Mr. & Mrs. Calvin Batz withdrew their protest and the Department received no other responses.

ORDER DISMISSING PROTEST

MINORITIZED
DEC 02 1993

CONCLUSIONS OF LAW

1. Pursuant to the provisions of the Idaho Code, the Director of the Department of Water Resources is empowered to dismiss a protest if the protestant fails to appear.

2. The protestants, Irene R. Carter, W.F. Mares and William R. Cozad have failed or refused to appear at the hearing.

ORDER

IT IS HEREBY ORDERED that the protests of Application No. 65-13342 filed by Irene R. Carter, W.F. Mares and William R. Cozad be DISMISSED.

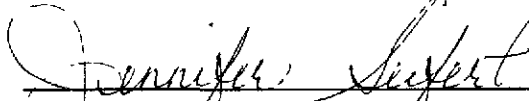
Dated this 18th day of June 1992.



L. Glen Saxton
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of June, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed above.



JENNIFER SEIFERT, Secretary
Department of Water Resources

DEC 02 1993

RECEIVED
SEP 26 1991

RECEIVED
SEP 27 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No 65-13342

Department of Water Resources To appropriate the public waters of the State of Idaho

WK#336-5222

1. Name of applicant Larry E. +/or Shyla Smith +/or Tracee Kelley Phone 375-2205

Post office address 8106 Bobran St., Boise, ID 83709

2. Source of water supply unamed stream which is a tributary of Payette River, N. Fork

3. Location of point of diversion is SE 1/4 of SE 1/4 of SW 1/4, Govt Lot —

Sec 3 Township 11N Range 3E B.M. Valley County, additional

points of diversion if any: —

4. Water will be used for the following purposes:

Amount 1.13-92 .02 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.13-92 .02 and/or (b) —
cubic feet per second acre feet per annum

6. Proposed diverting works.

a. Description of ditches, flumes, pumps, headgates, etc pipeline, tank, pump to house

b. Height of storage dam — feet, active reservoir capacity — acre-feet, total

reservoir capacity — acre-feet, period of year when water will be diverted to storage.

— to — inclusive

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

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

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

2 years (minimum 1 year)

PAID

SEP 29 1991

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

- a Hydropower; show total feet of head and proposed capacity in KW. _____
- b Stockwatering; list number and kind of livestock _____
- c Municipal; show name of municipality. _____
- d. Domestic, show number of households 1 home
- e Other; describe fully _____

9 Description of place of use

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11N	3E	3												D					

Total number of acres to be irrigated _____

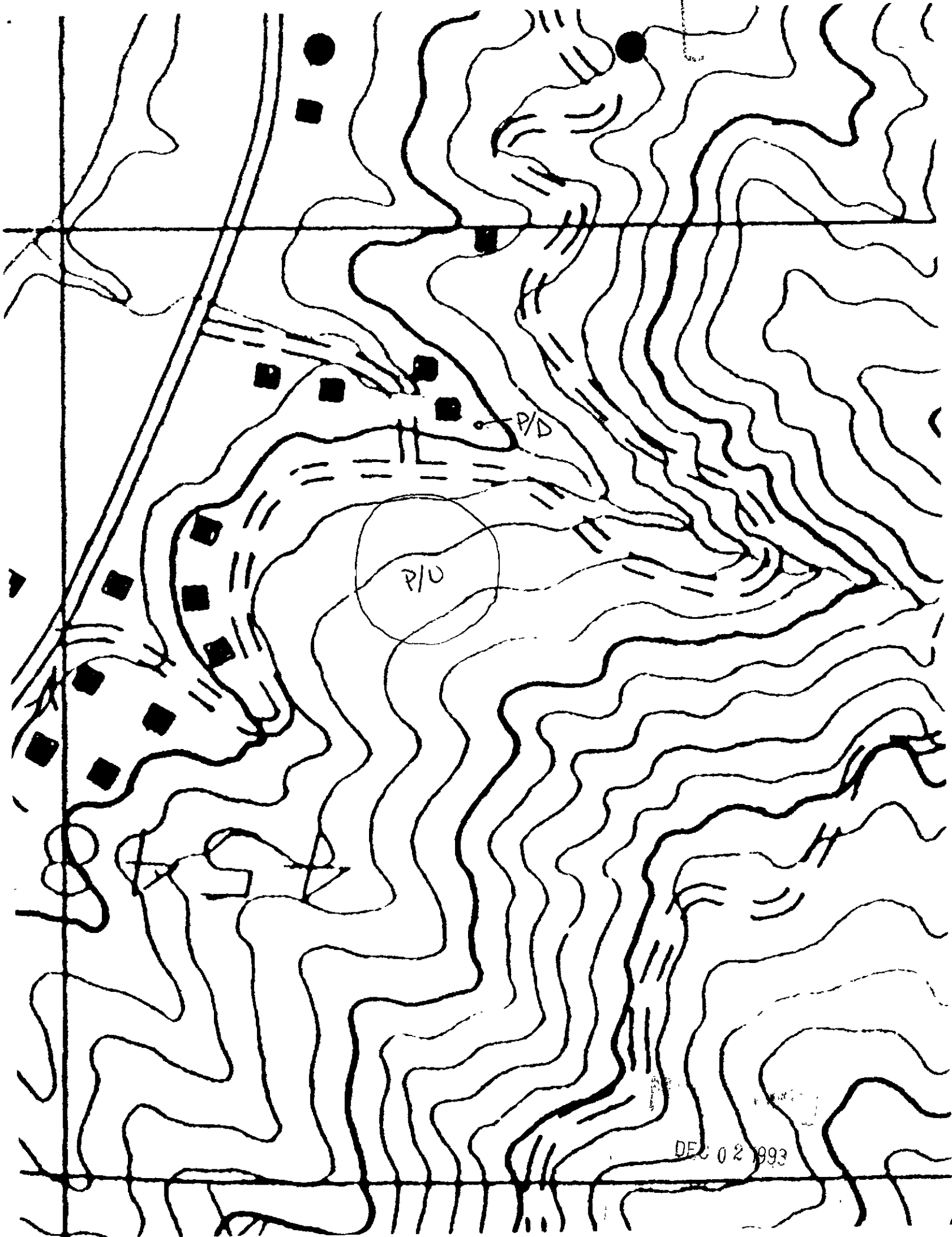
10 Describe any other water rights used for the same purposes as described above None

11. a Who owns the property at the point of diversion? applicant

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

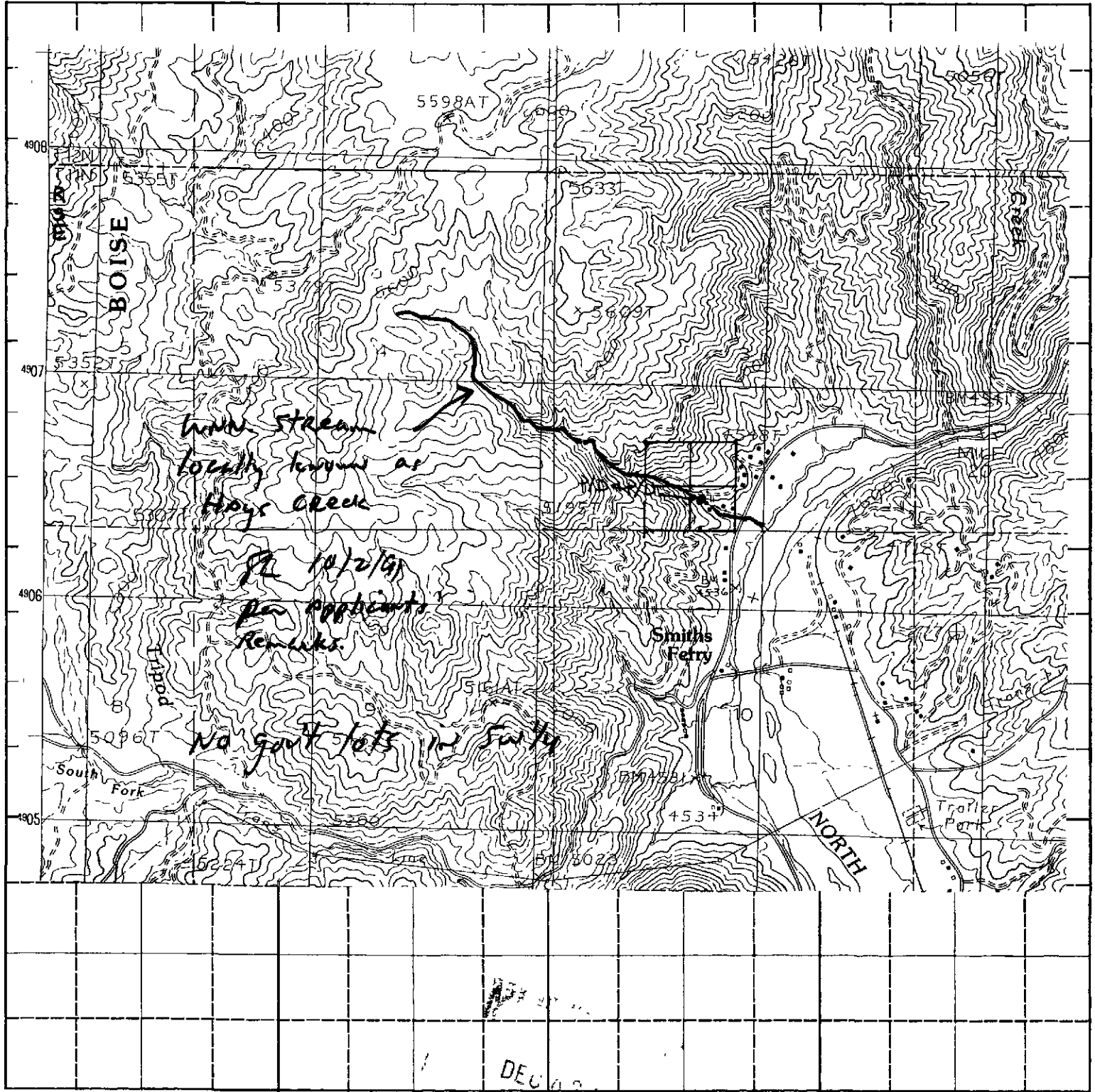
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12 Remarks. Spring fed creek known locally as Hays Creek.



DEC 02 1993

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



Scale 2 inches equal 1 mile

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.

Larry E. Smith
(Applicant)

MM 09-27-91 1:24pm
Received by CS Date 9-26-91 Time 10:50AM Preliminary check by JL
Fee \$ 30.00 Receipted by CS # C021858 Date 9-26-91
Publication prepared by GG Date 10-9-91 Published in The Advocate
Publication approved ST Date 11-25-91 Ready: 11/6 & 11/12/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS

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

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

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

e. Other

RECEIVED

DEC 02 1993



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

October 22, 1996

SHYLA SMITH
TRACEE KELLEY
LARRY E SMITH
8106 BOBRAN ST
BOISE ID 83709

RE: WATER RIGHT NO. 65-13342

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,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

MICROFILMED
OCT 27 1996

B/U FIELD EXAM REVIEW
Cindy Zimmerman

01/96

Permit #: 65-13342 Name: Smith/Kelley/Smith Date: 10/16/96 ✓ Lots _____
Chng Same

NAME _____ ✓ Or Address Change?

SOURCE _____ ✓ Clarify source _____
Prelim. Order to Void - Source change.

P/D _____ ✓ Amendment Needed? _____ P39
Overlap(s) _____

P/U _____ ✓ Amendment Needed? _____ P41
Overlap(s) _____
(Gov't special #'s) *P/D & P/U Amend? P37

RATE _____ ✓ Permit/fee limits 0.02 / 0.02
Measured Q = 0.02 cfs/Theoretical Q = _____ cfs

_____ ✓ Recommended capacity 0.02 cfs
_____ ✓ Recommended rate 0.02 cfs

VOLUME _____ ✓ Season: (____/____) 1/1-12/31 = 365 days
Calculations: _____
1 km = 1.2 AF

_____ ✓ Flow limit: x x 1.9835 = _____ AF
Recommended volume 12 AF

USES _____ ✓ Same Nature of Use? _____ P46
Amendment Needed? _____

REMARKS _____ Multiple p/d's in $\frac{1}{4}$? W32
_____ ✓ DW01/1

CONDITIONS R04 Measuring (R01)/Locking (R02) Devices
Watermaster Control (R04) - WD # 65
Irrigation rate/volume overlap
GW irrigation replaces surface water (050)
GW irrigation supplements surface water (065)
Water Quality
Other _____

PRIORITY App Rcd 9/26/91 Due 11/1/94 Rc'd 10/27/93
Receipt# W016894 Fee OK? Yes/No
Order to Reinstate Needed? Yes/No Done? _____
If Yes, Advanced? Yes/No to: _____
Priority 9/26/91 Examined 9/12/94

COMMENTS: _____

USE	CFS	DIV VOL	SRBA Overlap
<u>Dom</u>	<u>0.02</u>	<u>1.2</u>	Adjustment Memo _____
_____	_____	_____	LICENSE LTR: P49
_____	_____	_____	#1 AMEND LTR: _____/P38
_____	_____	_____	#2 AMEND LTR: P42/P47
TOTAL	<u>0.02</u>	<u>1.2</u>	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-13342

1. Owner: SHYLA SMITH, TRACEE KENNEY, & LARRY SMITH Phone No. 375-2205

Current Address: 8106 BOGAN ST BOSE IDA 83709

2. Accompanied by: LARRY SMITH EXAM DATE: 9-12-94

Address: SAME Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: UNDAMED STREAM tributary to PAYETTE RIVER, NORTH FORK

B. OVERLAP REVIEW

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

2. Other water rights with the same point of diversion: NONE

RECEIVED

JAN 03 1995

C. DIVERSION AND DELIVERY SYSTEM

Department of Water Resources

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SW	3	11N	3E	VAHET	Quads. Field Exam

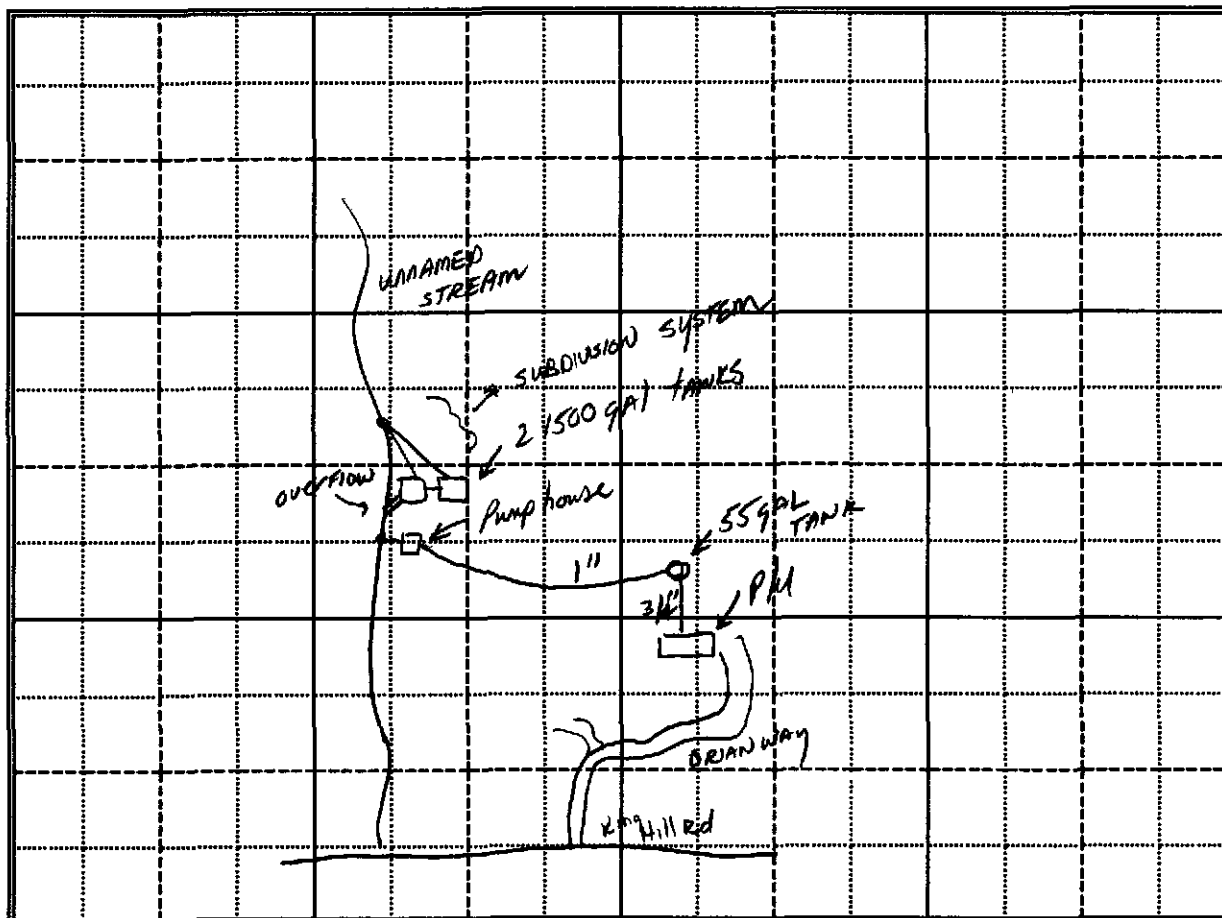
2. Place(s) of Use:

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																	D

MICROFILMED
NOV 07 1996

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



Scale: 1" = _____

____ 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
	STAYRIGHT	3/4	NA	JET	1"

*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: 5 GALLON BUCKET = EXHIBIT 10 AT 385cm = .0265

MICROFILMED

NOV 07 1996

E. NARRATIVE/REMARKS/COMMENTS

THE OWNER HAS INSTALLED A PIPE IN THE CREEK TO
PUMP WATER FOR DOMESTIC PURPOSES. THE $\frac{3}{4}$ HP LIFTS
WATER FROM THE CREEK (OR SUBDIVISIONAL OVERFLOW) INTO
A 1" LINE. THIS LINE EXTENDS UP A HILL TO THE
OWNER'S 55 GAL HOLDING TANK. WATER IS GRAVITY
FED TO THE P/U THROUGH A $\frac{3}{4}$ " LINE.

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

MICROFILMED
NOV 07 1996

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

5 GALLON BUCKET = .02 CFSPERMIT = .02 CFS**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ NA $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Domestic = External/Internal = 1.2 AFA**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DOMESTIC</u>	<u>1-1</u>	<u>12-31</u>	<u>.02 CFS</u>	<u>1.2 AFA</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.02 CFS</u>	<u>1.2 AFA</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

Dave Gray

Date

9-27-94

Reviewer _____

Date _____

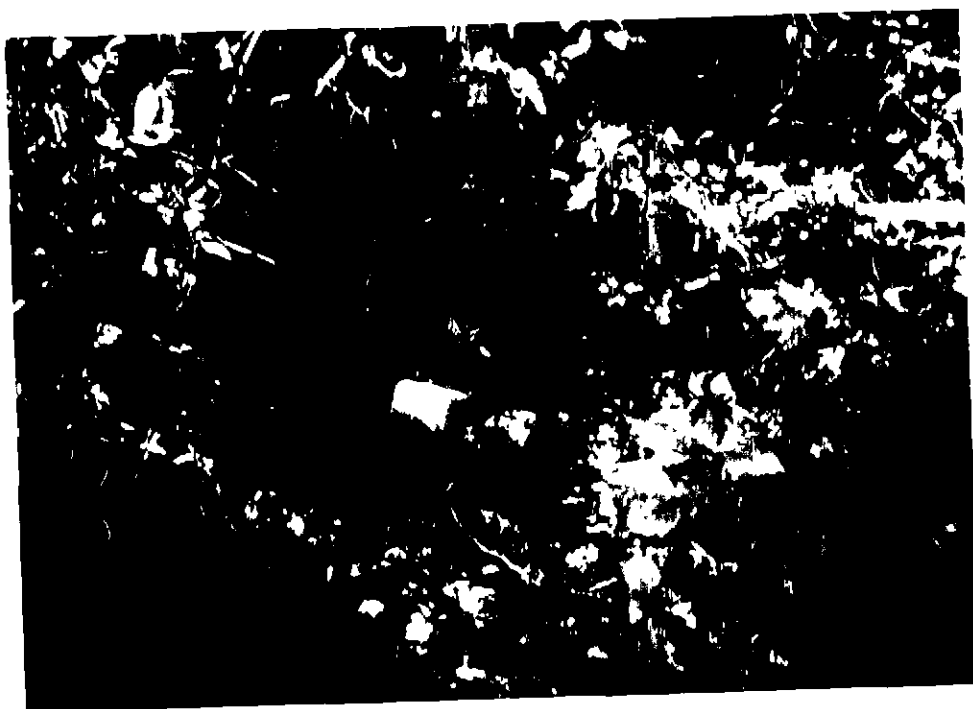
SEAL

MICROFILMED

NOV 07 1996

PERMIT 65-13347 INIT DB
T. R. S. Q/Q
P/D 1/1 3E 3 5050SW
SCALE
PHOTO ID. _____

MICROFILMED
NOV 07 1996



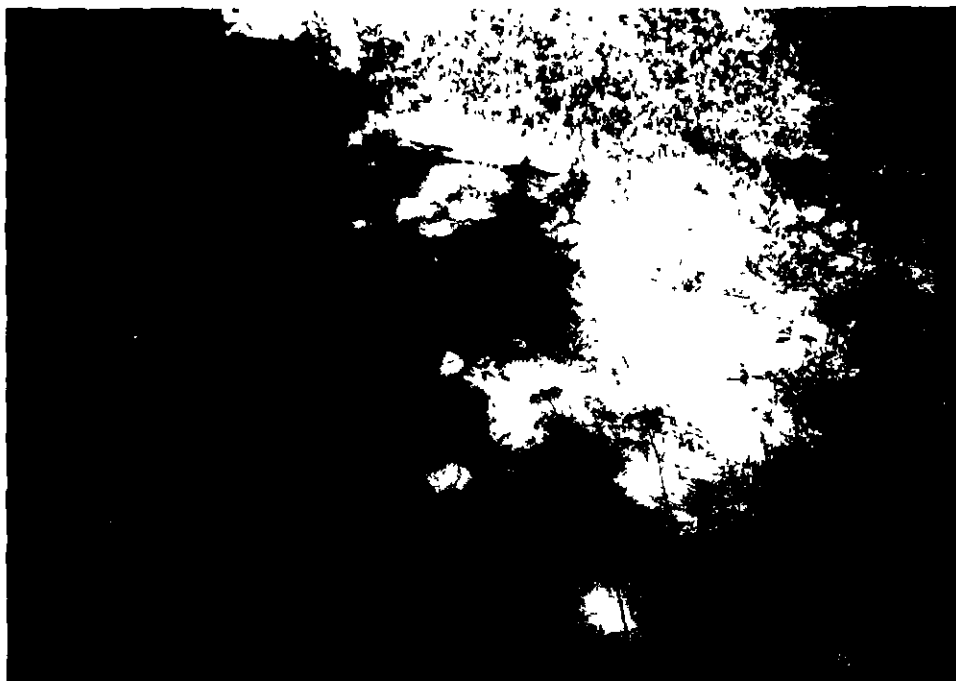
VIEW OF INTAKE FROM THE
CREEK. WATER IS COLLECTED
FROM THE CREEK AND PUMPED UP
BY THE 3/4 HP THROUGH A 1"
PIPE TO A 55 GAL HOLDING
TANK ON HILL.

PHOTO ONE-



VIEW OF PUMP HOUSE.

PHOTO TWO-



WATER IS PUMPED TO THIS
55 GAL TANK & GRAVITY
FEEDS A 3/4" LINE TO P/U.

PHOTO THREE-



P/U.

PHOTO FOUR-

November 19, 1993

TRACEE KELLEY
SHYLA SMITH
LARRY E SMITH
8106 BOBRAN ST
BOISE ID 83709

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13342

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

RECEIVED
DEC 02 1993



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

November 17, 1993

TRACEE KELLEY
SHYLA SMITH
LARRY E SMITH
8106 BOBRAN ST
BOISE ID 83709

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13342

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal stroke extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED
DEC 02 1993

CONVERSATION MEMORANDUM

DATE 10/27/93FILE 65-13342NAME OF PARTY Larry SmithEMPLOYEE Cindy HodgesRE: Attached Proof filing.

Having not heard from us in some time,
Mr Smith was unsure of permit status and
visited w/ this completed proof form. Apparently
the ^{file} permit was placed in vault after ^{initial} filing
and permitting has never occurred.

**** Please route this form with permit file
and process proof immediately after
permitting! ****

RECEIVED

DEC 02 1993

Recommended Conditions of Approval for Permit No. 65-13342

1. This water right is junior to the senior water rights established by the Cougar Mountain Association and others for the use of Cougar Mountain Subdivision, Valley County, Idaho. *C water rights*
2. In the event there is insufficient water available to service the needs of all established water rights, those with prior rights shall have the right to deny this water right holder the use of water during the period of insufficiency.
3. The water right holder's diversion works shall be subject to the right of Hay Creek Water Users Association to flush its pre-existing water diversion and holding tanks, and the water right holder shall take any steps necessary to protect his diversion works.
4. Water right holder shall cooperate with Hays Creek Water Users Association in drafting an acceptable agreement in allowing Hays Creek Water Users Association the right to continue the use of the water right holder's land to accommodate the water piping system, holding tank and access thereto (including consideration of the potential need for future expansion of the system).

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

Fold at line over top of envelope to the
right of the return address.

CERTIFIED

P 756 764 136

MAIL

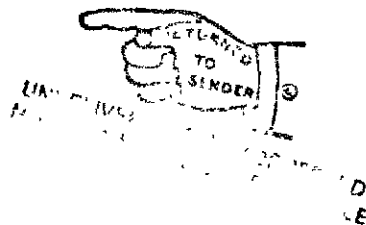
DEC 02 1993

RECEIVED

RECEIVED
MAY - 2 1992

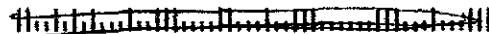
Department of Water Resources
Boise, Regional Office

*FWD
EXP
con!*



W F MARES
638 HUMBOLT
FALON NV 89406

NAME _____
Is _____
2nd Name _____
Return _____



Is your RETURN ADDRESS
completed on the reverse side?

Smith & Kelley

65-13342

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1 ☐ Show to whom delivered, date, and addressee's address 2. ☐ Restricted Delivery (Extra charge)	
3 Article Addressed to W F MARES 638 HUMBOLT FALON NV 89406	4 Article Number P 756764 136
Type of Service ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED	
5 Signature — Addressee X	8. Addressee's Address (ONLY if required) UNDELIVERED
6 Signature — Agent X	DEC 02 1993
7 Date of Delivery	

Thank you for using
Return Receipt Service.

1000
Protest File
MAY 13 1992
Department of Water Resources
Western Regional Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 65-13342 IN THE NAME OF) ORDER TO SHOW CAUSE
LARRY E. &/OR SHYLA SMITH &/OR)
TRACEE KELLEY)

Whereas, a hearing was scheduled for April 10, 1992, in the matter of protested water right application no. 65-13342; and,

Whereas, protestants Irene R. Carter, W.F. Mares, Mr. & Mrs. Calvin Batz and William R. Cozad were properly notified of the hearing but failed to appear; and,

Whereas, the protestants who did attend the hearing withdrew their protests pursuant to acceptance by the applicant of conditions as described in the enclosed agreement;

Now, therefore, IT IS HEREBY ORDERED that the protestants, Irene R. Carter, W.F. Mares, Mr. & Mrs. Calvin Batz and William R. Cozad provide to the Department no later than May 5, 1992, any information as to why their protests to this application should not be dismissed. Failure to provide this information will result in dismissal of the protests.

Dated this 28th day of April, 1992.

David R. Tuthill

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

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of April, 1992, I mailed true and correct copies by certified mail, postage prepaid, of this document to Irene R. Carter, W.F. Mares, Mr. & Mrs. Calvin Batz and William R. Cozad.

Sue Taylor
Sue Taylor, Secretary,
Office Coordinator

DEC 02 1992

Dismiss all protest. We have no idea what goes on there, have never been or seen the property
Mrs C Batz

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
)
PERMIT NO. 65-13342 IN THE NAME OF) ORDER TO SHOW CAUSE
)
LARRY E. &/OR SHYLA SMITH &/OR)
)
TRACEE KELLEY)

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Dated this 28th day of April, 1992.

David R. Tuthill

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

CERTIFICATE OF MAILING

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Sue Taylor
Sue Taylor, Secretary,
Office Coordinator

PROCESSED
DEC 02 1993

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-13342 IN THE NAME OF
LARRY E. SMITH and Shyla Smith or Tracee Kelley

The undersigned have previously
filed written objections to the
application of Larry E. and Shyla
Smith or/ or Tracee Kelley for an
appropriation of .02 CFS from
an unnamed spring fed creek locally
known as Hay Creek in Valley
County, Idaho. We have by waive
our objections ~~at~~ to the issuance
of the requested permit if
issued subject to the following
conditions:

1. Claimant use shall be limited
to the prior right to use established
by the Cougar Mountain Assn. and
for the use of property owners in
Cougar Mountain Subdivision,
Valley, County, Idaho.

2. In the event there is insufficient
water available to service the needs
of ~~prior~~ ^{all} established water rights,
those ^{with} prior rights shall have
the right to deny claimant the
use of water during the period
of insufficiency.

DEC 02 1993

3. Claimant's diversion works shall
~~not~~ be subject to the right of
Hay Creek Water Users Assn. to flush
its preexisting water diversion and
holding ~~at~~ tank and claimant

others

shall take any steps necessary to protect his diversion works.

4. Claimant shall cooperate with Hays Creek Water Users Assn in drafting an acceptable easement agreement allowing Hays Creek Water Users Assn. the right to continue the use of claimant's land to accomodate the water piping system and holding tank and access thereto (including consideration of the potential need for future expansion of the system).

Protestants

Dated this 10th day of April 1992

PAUL P. KING Paul P. King

DONALD K. AMAN

Donald K. Aman

MYRNA PRINDLE

Myrna Prindle

Mae S. Aman

Mae E Aman

PATRICIA A. AMAN

Patricia (Patti) A Aman

Denzil Aman

Denzil Aman

Rosemary S. Zimbelman

Rosemary S. Zimbelman

DARRELL D. HUSTON

Darrell D. Huston

Applicant

Larry E Smith
Alan D. Cameron

Larry E Smith
Alan D. Cameron

DEC 02 1993

Application for Permit No. 65-13342 / Larry E. Smith, Et. Al.
 Hearing Officer Glen Saxton Notes by D. Tutthill

Protestants

Don Aman
 Myrna Prindle
 May E. Aman
 Patty Aman
 Denzil Aman
 Rosemary Zimbleman
 Darrell Huston
 Paul King

Protestants Not Present

1. Irene R. Carter
2. Mr & Mrs Calvin Batz
3. Marcus & William R. Conrad
4. Elizabeth C. Johnson

~~5. Stan D. ...~~

Applicant

Larry Smith
 represented by AH, Alan Cameron

Issues:

Hay Creek Water Users (13 parcels developed ~ ²⁷/₂₆ properties)

1. Reduce quantity under existing water rights
2. Water supply is insufficient for purpose intended

Stipulations for Withdrawal:

1. How is control established? Phone No.
2. Sand flushing is not a problem.
3. Carry over to next owner.
4. Easement.

RECEIVED

Protests withdrawn subject to agreement DEC 02 1993

→ Second Order dismissing protests of parties not present.

- ROSTER OF ATTENDANCE -

RE: Application for Permit No. 65-13342 in the name of
Larry E. Smith, Shyla Smith and Tracee Kelley

Date: April 10, 1992 - 10:00 a.m.

Place: IDWR Conference Rm. - State Office - Boise Idaho

Name	Address	Representing
1. <i>Don Aman</i>	1922 Primrose Dr Nampa 83686	
2. <i>Gatte Aman</i>	1922 Primrose Dr Nampa 83686	
3. <i>Myrna Preindle</i>	794 S. Blackcat Rd Kuna Idaho 83634	<i>Stan Preindle</i>
4. <i>Daryl Aman</i>	2719 Shamrock Nampa	
5. <i>Mac Aman</i>		
6. <i>Rosemary Zibelman</i>	11885 Lapen, Boise, ID 83709	<i>Self</i>
7. <i>Paul P. King</i>	2507 CHITWOODWAY	<i>SELF</i>
8. <i>Larry E. Smith</i>	8106 Robran	<i>Self</i>
9. <i>Darrell D. Huston</i>	2189 N FASTWATER	<i>SELF</i>
10. <i>Alan Cameron</i>	960 Broadway #220	<i>Larry Smith</i>
11.		
12.		
13.		

DEC 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION

2735 Airport Way
Boise, Idaho 83705-5082

P 860 398 730



Certified Mail Receipt

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(See Back)

IRENE R CARTER
1960 SW 3RD AVE
FRUITLAND ID 83619

Postage	DEC 1990	\$ 29
Certified Fee	DEC 1990	1 -
Special Delivery Fee	DEC 1990	
Restricted Delivery Fee	DEC 1990	
Return Receipt Showing to Whom & Date Delivered	DEC 1990	1 -
Return Receipt Showing to Whom Date, & Address of Delivery		
TOTAL Postage & Fees		\$ 29

Postmark or Date

PS Form 3800, June 1990

P 756 764 134



Certified Mail Receipt

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Sent to	
Wm Cozad	
Street & No	
PO Box 3237	
PO, State & ZIP Code	
Boise	
Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom's Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

P 756 764 136



Certified Mail Receipt

No Insurance Coverage Provided

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Sent to

W F Mance

Street & No

638 Humbolt

PO State & ZIP Code

Fallon NV

Postage

\$ 29

Certified Fee

—

Special Delivery Fee

DEC

Restricted Delivery Fee

DEC

Return Receipt Showing
to Whom & Date Delivered

DEC

Return Receipt Showing to Whom,
Date, & Address of Delivery

DEC

TOTAL Postage
& Fees

\$ 29

Postmark or Date

PS Form 3800, June 1990

P 756 764 135



Certified Mail Receipt

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(See Reverse)

Sent to

Calvin Batz

Street & No

484 E Dundee

PO, State & ZIP Code

Ph. Palantini, Ill

Postage

\$ 29

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

Return Receipt Showing
Date, & Address of Delivery

TOTAL Postage
& Fees

\$ 29

Postmark or Date

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**Certified Mail Receipt**

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Sent to

Donald or Patti Aman

Street & No

1922 Primrose DR

PO, State & ZIP Code

Nampa ID 83651

Postage

\$

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Special Delivery Fee

Restricted Delivery Fee

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Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom,
Date, & Address of DeliveryTOTAL Postage
& Fees

\$2.29

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Sent to

Rosemary S Zimbe/eman

Street & No

11885 Lapan DR

PO, State & ZIP Code

Bowe ID 83709

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom,
Date, & Address of DeliveryTOTAL Postage
& Fees

\$ 2.29

Postmark or Date

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**Certified Mail Receipt**

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Sent to

W F Mares

Street & No

638 Humbolt

PO, State & ZIP Code

Falon NV 89406

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom,
Date, & Address of DeliveryTOTAL Postage
& Fees

\$ 2.29

Postmark or Date

PS Form 3800, June 1990

F 860 398 939



Certified Mail Receipt

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Do not use for International Mail

(See Reverse)

Sent to

Irene R Carter

Street & No

1960 SW 3RD AVE

PO, State & ZIP Code

FRUITLAND ID 83619

Postage

\$

Certified Fee

0.35

Special Delivery Fee

DE

Restricted Delivery Fee

0.00

Return Receipt Showing
to Whom & Date Delivered

NO

Return Receipt Showing to Whom,
Date, & Address of Delivery

0.00

TOTAL Postage
& Fees

\$ 2.29

Postmark or Date

PS Form 3800, June 1990

P 840 398 943

**Certified Mail Receipt**

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to LARRY or Shyla Smith

or Tracee Kelley

Street & No

8106 Bobran St

PO, State & ZIP Code

Boise ID 83709

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom,
Date, & Address of DeliveryTOTAL Postage
& Fees

\$2.29

Postmark or Date

PS Form 3800, June 1990

P 860 399 249

**Certified Mail Receipt**

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to

Stan Prindle

Street & No

794 S Black Cat Rd

PO, State & ZIP Code

Kuna ID 83634

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date DeliveredReturn Receipt Showing to Whom,
Date, & Address of DeliveryTOTAL Postage
& Fees

\$2.29

Postmark or Date

PS Form 3800, June 1990

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Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to WM COZAD	
c/o Elizabeth C Johnson	
Street & No	
PO, State & ZIP Code	
PO Box 3237 Boise ID 83703	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	

PS Form 3800, June 1990

P 860 399 250



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to

Mrs Mes Calvin Batz

Street & No

484 E Durdee Rd

PO, State & ZIP Code

Palatine IL 60067

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

Return Receipt Showing to Whom,
Date, & Address of Delivery

TOTAL Postage
& Fees

\$ 2.29

Postmark or Date

PS Form 3800, June 1990

P 860 398 933



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to

Paul King

Street & No

2507 Chitwood Way

PO, State & ZIP Code

Boise ID 83704

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

Return Receipt Showing to Whom,
Date, & Address of Delivery

TOTAL Postage
& Fees

\$ 2.29

Postmark or Date

PS Form 3800, June 1990

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to: _____

STAN PRINDLE
794 S BLACK CAT RD
KUNA ID 83634

4. Article Number

P 860 399 249

Type of Service:

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

Buyers obtain signatures of addressee
agent and DATE DELIVERED

5. Signature — Addressee:

X

DEC 02 1992

6. Signature — Agent

X

Myrna Prindle

7. Date of Delivery

3-30-92

Addressee's Address (ONLY if
requested and fee paid)

MAR 31 1992

Department of Water Resources
Western Regional Office

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



DEC 02 1993

NOV 11 1993



PENALTY FOR PRIVATE
USE, \$300



SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

DONALD K &/OR PATTI AMAN
1922 PRIMROSE DR
NAMPA ID 83651

4. Article Number

P 860 398 935

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature — Addressee

X 

6. Signature — Agent

X

7. Date of Delivery

MAR 30 1992

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

Department of Water Resources
Western Regional Office

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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TO



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DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705



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PENALTY FOR PRIVATE
USE, \$300



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address
(Extra charge)
2. ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to:

IRENE R CARTER
1960 SW 3RD AVE
FRUITLAND ID 83619

4. Article Number

P 860 398 939

Type of Service.

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

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

3-30-92

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

MAR 31 1992

Department of Water Resources
Western Regional Office

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

8661 20 000

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PENALTY FOR PRIVATE
USE, \$300

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DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705



SENDER: Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

WILLIAM R COZAD
C/O ELIZABETH C JOHNSON
PO BOX 3237
BOISE ID 83703

4. Article Number

P 860 398 940

Type of Service:

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

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X

DEC 02 1993

6. Signature — Agent

X

E C Johnson

7. Date of Delivery

3-30-92

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

MAR 31 1992

Department of Water Resources
Western Regional Office

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



E661



PENALTY FOR PRIVATE
USE, \$300

65-133-42

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1 ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2 ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

LARRY E &/OR SHYLA SMITH
&/OR TRACEE KELLEY
8106 BOBRAN ST
BOISE ID 83709

4. Article Number

P 860 398 941

Type of Service

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

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Addressee

X: *[Signature]*

6. Signature - Agent

X

7. Date of Delivery

3-30-92

8. Addressee's Address ONLY if requested and fee paid

MAR 31 1992

Department of Water Resources
Western Regional Office

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



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PENALTY FOR PRIVATE
USE, \$300

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

ROSEMARY S ZIMBELEMAN
11885 LAPAN DR
BOISE ID 83709

4. Article Number

P 860 399 231

Type of Service:

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

Always obtain signature of addressee or agent and **DATE DELIVERED**

5. Signature — Addressee

X *Rosemary S Zimbleman*

6. Signature — Agent

X

7. Date of Delivery

3-31-92

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

DEC 02 1993

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



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ALWAYS



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Western Regional Office

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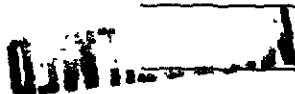
RETURN
TO



DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

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● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery*
(Extra charge) (Extra charge)

3. Article Addressed to:

HAY CREEK WATER USERS
C/O PAUL KING
2507 CHITWOOD WAY
BOISE ID 83704

4. Article Number

P 860 398 933

Type of Service:

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

Always obtain signature of addressee
or agent and DATE RECEIVED

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

3-31-92

8. Address (ONLY if
requested and fee paid)

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SENDER INSTRUCTIONS

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- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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APR - 1 1992

Department of Water Resources
Western Regional Office



PENALTY FOR PRIVATE
USE, \$300

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TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

DEC 02 1991

UNED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR PERMIT NO. 65-13342 IN THE	)	ORDER ALLOWING
	)	INTERVENTION AND
NAME OF LARRY E. &/OR SHYLA SMITH	)	SETTING HEARING
	)	
<u>&/OR TRACEE KELLEY</u>	)	

On September 26, 1991, Larry E. &/or Shyla Smith &/or Tracee Kelley filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application initially was protested by Hay Creek Water Users and Everett K. Allen, and Mr. Allen subsequently withdrew his protest. A conference was held on January 13, 1991.

Donald K. &/or Patti Aman; Irene R. Carter; Rosemary S. Zimbleman; Mr. & Mrs. Calvin Batz; Paul P. &/or Derece P. King; W.F. Mares and William R. Cozad, by Elizabeth C. Johnson, submitted petitions for intervention. In a letter dated February 18, 1992, the Applicants objected to allowing intervention as requested. The Department does not see sufficient reason why interventions should not be allowed, so the above-referenced parties are hereby allowed to intervene in this matter.

The Department has now set the matter of protest for a hearing to be held on Friday, April 10, 1992, at 10:00 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department

DEC 02 1993

of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 27th day of March, 1992.

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.

Manager, Western Regional Office

I hereby certify that on the 27 day of MARCH, ~~1992~~, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Maria Minicucci
Maria Minicucci

Certified Mail

✓ LARRY E &/OR SHYLA SMITH
&/OR TRACEE KELLEY
8106 BOBRAN ST
BOISE ID 83709

HAY CREEK WATER USERS
C/O PAUL KING
2507 CHITWOOD WAY
BOISE ID 83704

✓ DONALD K &/OR PATTI AMAN
1922 PRIMROSE DR
NAMPA ID 83651

✓ IRENE R CARTER
1960 SW 3RD AVE
FRUITLAND ID 83619

W F MARES
638 HUMBOLT
FALON NV 89406

ROSEMARY S ZIMBELEMAN
11885 LAPAN DR
BOISE ID 83709

MR & MRS CALVIN BATZ
484 E DUNDEE RD
PALANTINE ILL 60067

✓ WILLIAM R COZAD
C/O ELIZABETH C JOHNSON
PO BOX 3237
BOISE ID 83703

✓ STAN PRINDLE
794 S BLACK CAT RD
KUNA ID 83634

DEC 02 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

March 27, 1992

Larry E. &/or Shyla Smith,
&/or Tracee Kelley
8106 Bobran St.
Boise, ID 83709

Re: Application for Permit #65-13342

Enclosed is an Order Allowing Intervention and Setting Hearing in the above-referenced matter. Also enclosed is a copy of Stan Prindle's protest which was inadvertently omitted from the original protest list.

If you have any questions in this matter, please call this office.

Sincerely,

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

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

DRT:st

CC: Stan Prindle

Enclosures

MAILED

DEC 02 1991



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

EVERETT K ALLEN
HC 71 BOX 2025
CASCADE ID 83611

RE: Application for Permit #65-13342 in the Name of Larry &/or
Shyla Smith, &/or Tracee Kelley

Dear Mr. Allen:

Enclosed is a protest withdrawal form for your signature.
Please sign and return it to our office for inclusion in the
file.

If you have any questions, please call this office.

Sincerely,

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

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

DRT:st

DEC 92

February 18, 1992

Larry E. Smith, Shyla Smith, Tracee Kelley
8106 Bobran St.
Boise, ID 83709

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FEB 24 1992

Idaho Department of Water Resources
David R. Tuthill, JR., P.E.
Manager, Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Department of Water Resources
Western Regional Office

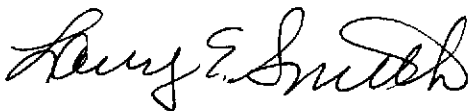
Re: Application for Permit No. 65-13342

Dear Mr. Tuthill

Reference is made to protest letters filed with the Idaho Department of Water Resources by; Donald K. & / or Patti Aman; Irene R. Carter; W. F. Mares; Rosemary S. Zimbelman; Mr. and Mrs. Calvin Batz and William R. Cozad, by Elizabeth C. Johnson. The above parties appear to have no water rights specifically in their names or lots. However they appear to be members of the Cougar Mountain Association Incorporated which has water right number 65-02693.

Association members can submit any concerns which they may have through the association and it's designated officers or representatives. Therefore, only the statement's filed in a timely manner, by the association should enter into the permit number 65-13342 application.

Sincerely



Larry E. Smith

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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

February 11, 1992

LARRY &/OR SHYLA SMITH
&/OR TRACEE KELLEY
8106 BOBRAN ST
BOISE ID 83709

Re: Application for Permit No. 65-13342

Dear Applicants:

Enclosed are copies of letters from Donald K. &/or Patti Aman; Irene R. Carter; Paul P. &/or Derece P. King; W.F. Mares and William R. Cozad, by Elizabeth C. Johnson.

Since they are not yet formal protestants of your water right, please advise this office no later than February 24, 1992, if you have any formal objections to their becoming intervenors in this matter.

Sincerely,

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

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

DRT:st

Encl.

DEC 02 1993

REG-10 40
FEB - 8 1992

Department of Water Resources
Western Regional Office

January 22, 1992

Department Of Water Resources
Western Region

Attention Mr. David Tuthill, Jr.:

This letter is in reference to lots 28 & 29 Cougar Mountain Subdivision
1. Located in the E $\frac{1}{2}$, SE $\frac{1}{4}$ & Govt. lot 8 of Sec. 3 T. 11N. R. 3 E. B.M.
Valley County, Idaho.

We installed water outlets on these lots and have paid water dues for a
long time to guarantee that water will be available for us when we move
there permanetly in five years. We have planted alot of trees and shrubs
on these lots and when we have a low water year, it is hard to keep enough
water flow to handle the subdivision now. The water was filed on back in
1961 which was enough water to handle the subdivision then. Now I am very
doubtful.

Therefore, we are protesting the recent water filing, unless they only use
any left over water after our filing.

As you know, ~~wa~~ter is a very precious commodity to us here in Idaho and I
trust you will be fair and protect my rights as well.

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DEC 22 1991

Sincerely,

Don & Fatti Annan

February 4, 1992

FEB 06 1992

DR
Idaho Department of Water Resources
Att: Mr. David R. Tuthill, Jr., P.E.
2735 Airport Way
Boise, Idaho 83705-5082

Department of Water Resources
Western Regional Office

Re: Application for permit No. 65-13342 and protest from
water license No. 65-02693 with priority date of 5/23/61

Dear Mr. Tuthill:

As a follow up to your letter dated January 29, 1992 and our letter dated January 24, 1992 of protest concerning the above referenced application for permit and as president of Cougar Mountain Association, I hereby submit this letter as a petition to intervene and request the Director or the Board grant leave to intervene and allow us to participate and become a full party to this action.

REASON TO INTERVENE

Mr. Steve Lester from Idaho Department of Water Resources wrote a letter dated October 2, 1991 to Hay Creek Water Users stating that "New application for water rights in Valley County are advertised in the legal notices of the McCall News" This was not correct in that the actual advertisement for application for permit No. 65-13342 was published in the Cascade Advocate only two weeks later on October 16, 1991. This publication was overlooked by all our Association members because all eyes were on the Star News.

Speaking on behalf of members of the Cougar Mountain Association, we are very concerned about any new application to divert water from Hay Creek that would further restrict this stream from flowing through our community park.

We therefor request that the Idaho Department of Water Resources grant us the leave to intervene and also accept our January 24, 1992 letter as a formal protest to application No. 65-13342.

Thank you

Donald K. Aman

Donald K. Aman
1922 Primrose Drive
Nampa, Idaho 83651

DEC 02 1993

Feb
January 5 1992

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FEB 11 1992

Department of Water Resources
Western Regional Office

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

Att: David R. Tuthill JR. P.E.

Re: Hay Creek Water permit No. 65-02693
Cougar Mountain Subdivision No. 1 located in the E $\frac{1}{2}$
SE $\frac{1}{4}$, SW $\frac{1}{4}$ and Govt. Lot 8 of Section 3. T. 11 N. Range 3
E.B.M. Valley County, Idaho

Dear Mr. Tuthill:

We are record owners of Lots 23 and 26 located in the above
described property.

It is our understanding there is a recent water filing on
Hay Creek Water under the names of Larry & or Shyla Smith
& or/ Tracee Kelley , file No. 65-13342, and if approved could
possibly effect the water flow of Hay Creek stream which
flows through our property (Lots 23, & 26)

Members of Hay Creek Water users have developed a water storage
system and water line to all the property owners in the Cougar
Mountain Subdivision No. 1.

We have paid annual assessments for the upkeep of this water
system and water lines. and for water to be available for
future construction on this property.

Please accept this letter as a formal protest to any water filing
claim to Hay Creek Water that would have a priority dated later
than May 23, 1961 and that would restrict the amount of water flow
through our property

William F. Mae

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FEB 11 1992

Department of Water Resources
Western Regional Office

February 10, 1992

L. L. Johnson
P. O. Box 1277
Boise, ID 83707

Mr. Donald L. Tolhitt, P.E., P.L.
Department of Water Resources
3775 Airport Way
Boise, ID 83705

Re: Current Hay Creek Water Right No. 65-00623, and
Protest to Application No. 65-17742.

Dear Mr. Tolhitt:

This letter is a formal protest to acceptance of application for, or filing of, any claim to Hay Creek water that would, or is intended to, supersede the current Hay Creek Water Right No. 65-00623, or which would in any way restrict the amount of water available to the property described below, either now, or when a cabin is constructed on the property. Water is a precious commodity. The property was purchased with the right to the water as well as to the use and occupation of the land. The right of ownership has heretofore been protected by Idaho law. We believe that the right of ownership is still in full force and effect. We trust that right is protected by your Department and office.

My brother, William R. Cozad, is the owner of record of Lot 10, George Mountain Subdivision #1, located in the E 1/2, SE 1/4, SW 1/4 and Lot 9, Sec. 3, T. 11 N., R. 3 E., B.M., recorded in Book 11, or Page 400, his subdivision, in the office of the Recorder of Valley County, Idaho.

This lot has water piped to it from Hay Creek Water Development Claim No. 65-00623, dated May 27, 1961. This water is used periodically to clean the water lines and water pipes and under brush during the fire seasons. We have paid to have this water developed for beneficial uses on this property. We also pay an annual fee to guarantee that this water will always be available for construction of a dwelling, for water line maintenance, and maintenance and upgrading of the storage system. We hope that the right, guaranteed by these fee payments will not be strangled.

Yours truly,

Wm R. Cozad

William R. Cozad, by
Elizabeth C. Johnson, his representative

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RECEIVED

FEB - 3 1992

Department of Water Resources
Western Regional Office

1960 SW 3rd Ave.
Fruitland, Idaho 83619

January 30, 1992

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

Att: Mr. David R. Tuthill, Jr., P.E.

Subject: Hay Creek Water Filing No: 65-02693 located in the E $\frac{1}{2}$, SE $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot 16 of Sec. 3 T. 11 N. R. 3 E.B.M. Valley
County, Idaho

Sir:

I am the owner of the above-mentioned Lot 16 in Cougar Mountain Sub-
division No. 1.

I just became aware of the recent water application filing under
No. 65-13342, by Larry &/or Shyla Smith &/or Tracee Kelley, for a
water permit for the small stream known as Hay Creek which runs
through the south portion of Cougar Mountain Subdivision #1. A
water storage system and lines to all property owners in this sub-
division has been developed to serve the lots previously bought in
this subdivision. We have paid to develop this water for proper use
on this property and have paid a yearly assessment for years so we
would have access to water when we build on our lot. The assessment
also took care of maintenance for the water system.

Please consider this letter an intervention or a protest, or both,
to use for your consideration in determining further use of water
by new filers out of Hay Creek. Please protect our water rights on
this property as without water the property's use would be extremely
limited.

Thank you.

Sincerely,

Irene R. Carter

Irene R. Carter
(Mrs. Max D. Carter)

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FEB 05 1992

Department of Water Resources
Western Regional Office

January 31, 1992

Mr. David R. Tuthill Jr. P.E. *Dr*

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

Re: Protest to application for permit No. 65-13342 in the
name of Larry &/ or Shyla Smith &/ or Tracee Kelley

Dear Mr. Tuthill:

We are in receipt of your January 27, 1992 letter whereby you state
that pursuant to Idaho Code you cannot accept our January 21, 1992
letter as a valid protest to the above referenced application for
permit.

We hereby submit this letter as a petition to intervene and request
that the Director of the board grant leave to intervene and allow
us to participate and become a full party to this action.

REASON TO INTERVENE

October 2, 1991 letter from Department of Water Resources signed
by Steve Lester addressed to Hay Creek Water made the following
statement:

New application for water rights in Valley County are advertised in
the legal notices of The Star News a wednesday newspaper-----

We trusted this statement , and immediately subscribed to the Star
News for the sole purpose of checking for any related water permit
advertisement. None was found, however we were prepared to file a
protest had one been found.

FACTS

At the January 13, 1992 conference concerning the Smith water app-
lication, it was revealed that an advertisement was made in the
Advocate, a Cascade newspaper on October 16 & 23, 1991 with a
correcting entry on November 6 & 13, 1991. We would have submitted
a protest to this application at that time had we known the adver-
tisement was to appear in the Advocate newspaper

It should be noted that our active water Right No. 65-2873 has a
diversion point located downstream from the point that the Smith
application for permit No. 65-13342 wants to obtain water. It should
further be noted that there times of the year when this stream
(known locally as Hay Creek) will only produce 14 G.P.M. (total
creek flow) as proven by water quantity test conducted on October
13, 1991 and submitted to your office by cover letter dated October
27, 1991.

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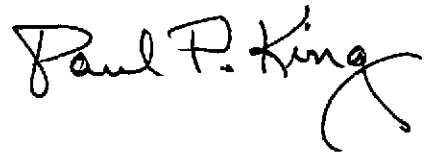
Page 2,

Therefore, we the undersigned, request that the Department of Water Resources grant us the leave to intervene and also to accept our January 2, 1992 letter (with attachments) as protest to application for permit No. 65-13342.

Sincerely

Derece P. King

Paul P. King

A handwritten signature in cursive script, appearing to read "Derece P. King".A handwritten signature in cursive script, appearing to read "Paul P. King".

RECEIVED

DEC 02 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

January 29, 1992

Donald Aman, President
The Cougar Mountain Association
1922 Primrose Drive
Nampa, ID 83651

RE: Protested Application for Permit No. 65-13342

Dear Mr. Aman:

Thank you for your letter dated January 24, 1992, in which you identified concerns of The Cougar Mountain Association relative to the impacts of altering the flows of Hay Creek which passes through the shared ownership park property adjacent to the west bank of the North Fork of the Payette River.

Your letter will be included in the file and thereby becomes part of the official record in this matter. In addition, if your organization desires to become an official protestant, you may request leave for intervention pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, of which pertinent copies are enclosed.

We are sending a copy of your letter to the applicants so they will be apprised of your concerns. Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

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

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

cf: Applicants

Encl: Portions of Rules and Regulations, Practice and Procedure

RECEIVED

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RECEIVED
JAN 29 1992

Department of Water Resources
Western Regional Office

January 24, 1992

Idaho Department of Water Resources
Att; Mr. David R. Tuthill Jr., P.E.
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for permit No. 65-13342 and Protest from
Water License No. 65-02693 with priority date of 5.23.61

Dear Mr. Tuthill:

As president of The Cougar Mountain Association I have been appointed by our members to write this letter of protest to you as the result of the above application for water permit and concern from Association owned property east of the public North South Highway.

All lot owners in Cougar Mountain Subdivision No. 1 hold a shared ownership of a 0.54 acre parcel of ground adjacent to the west bank of the North fork Payette River. This parcel is situated directly east of Lot 12 across State Highway 55 and extends some 379 feet to the river. Parcel is more fully described by Water Assessment dated April 25, 1974, recorded as Instrument No. 81835 in Valley County Records Office at Cascade. (copy of document is enclosed with description marked as park.

This park property was dedicated to the Cougar Mountain Association members with the understanding that it would be developed into a park setting. The small creek (known as Hay Creek) running through this parcel plus the water system from above make this possible.

The severe draught conditions over the past several years has caused this small creek to continue to dwindle in size each year. To allow any additional water diversion upstream from Hay Creek could cause the water supply to completely dry up and stop future development of this park.

The Association members have expended considerable labor and money to build fence construct a wading pool on the Payette River and pay water assessments to have the water needed to maintain and for future development of this community park.

As spokesman for the Association members, we strongly object to the Department of Water Resources approval of permit No. 65-13342.

Sincerely



Donald Aman
1922 Primrose Drive
Nampa, Idaho 83651

RECEIVED

DEC 02 1993

WATER ASSESSMENT

A RESOLUTION SETTING WATER CHARGES FOR THE HAYES CREEK WATER USERS IN CONNECTION WITH THE COUGAR MOUNTAIN SUBDIVISION NO. 1.

BE IT ORDAINED BY THE MEMBERS OF THE COUGAR MOUNTAIN ASSOCIATION, INC., and HAYES CREEK WATER USERS, VALLEY COUNTY, IDAHO:

NOW THEREFORE BE IT RESOLVED BY THE COUGAR MOUNTAIN ASSOCIATION, INC., and HAYES CREEK WATER USERS: that annual water assessments will be assessed on the following described property:

COUGAR MOUNTAIN SUBDIVISION NO. 1.

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31.

ALSO: the following described property.

A parcel of land in Section 3, T. 11 N., R. 3 E.B.M., in Valley County, Idaho, more particularly described as follows:

Commencing at the South quarter corner of Section 3, run west along the section line 217.7 feet; thence North 41° 3' West 103.6 feet; thence North 28° 46' West 88.2 feet; thence North 34° 51' West 75.7 feet to the true point of beginning; thence North 12° 49' East 110.0 feet; thence North 8° 19' East 103.0 feet; thence North 31° 47' East 52.7 feet; thence North 81° 46' West 102.7 feet; thence South 19° 13' West 206.7 feet; thence South 54° 5' East 126.2 feet more or less to the point of beginning.

ALSO: the following described property.

A parcel of land in the Southwest one quarter of the Southeast one quarter Section 3, T. 11 N., R. 3 E.B.M., described as follows:

Starting at the South quarter corner of Section 3, proceed South 89° 58' East along the section line 97.9 feet to the East boundary of Highway 55, the true point of beginning; thence continue South 89° 58' East along section line 379.2 feet to the meander corner on the West bank of the Payette 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 210.5 feet; thence South 24° 22' West along the highway right of way 21.9 feet to the point of beginning.

Dated: April 25, 1974

Robert J. Chapin
Chairman
Mildred McFadden
Secretary

STATE OF IDAHO
COUNTY OF Ada ss

On this 25th day of April 1974, before me, a Notary Public in and for said State, personally appeared Robert J. Chapin and Mildred McFadden known to me to be the Chairman and Secretary of the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Notary Public for the State of Idaho
Residing at: Boise, Idaho
Comm. Expires: October 15, 1977

Mail to: Paul P. King
2507 Chitwood Way
Boise, Idaho

DEC 9 2 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 28, 1992

CECIL D. ANDRUS
GOVERNOR

Rosemary S. Zimbelman
11885 LaPan Drive
Boise, ID 83709

R. KEITH HIGGINSON
DIRECTOR

Mr. & Mrs. Calvin Batz
484 E. Dundee Rd
Palantine, Ill 60067

Re: Application for Permit #65-13342 in the Name of Larry &/or
Shyla Smith &/or Tracee Kelley

Dear Protestants:

We are in receipt of your letters dated January 27 and 24, 1992, in which you expressed concerns about the approval of the above-referenced application for permit. Please be advised, however, that the letters were not received by this office until January 28, 1992. Pursuant to Idaho Code, we cannot officially accept the protests as valid at this time.

You may be aware that another protest was received by this office in a timely manner. This protest was submitted by the Hay Creek Water Users. Therefore, the application is currently officially protested and the applicant has been sent a copy of this protest.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention. Enclosed we are providing a copy of the rules and regulations, and for your information we have also enclosed a copy of the other protest. For informational purposes, we are sending a carbon copy of your protest letters to the applicant, so that he will be apprised on your concerns.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

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

DRT:st

CC: Larry E. &/or Shyla Smith &/or Tracee Kelley DEC 10 1993

Encl: Rules & Regulation, Practice & Procedure
Protest

January 27, 1992

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JAN 28 1992

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

Department of Water Resources
Western Regional Office

ATTN: Mr. David R. Tuthill, Jr., P.E.

RE: Water Rights on Hay Creek Stream, Cougar Mountain
Subdivision No. 1, Valley County, Idaho

In 1976 I purchased and I currently remain the record owner of the following described lot:

Lot 18, Cougar Mountain Subdivision No. 1

Located in E 1/2, SE 1/4, SW 1/4 and Govt.
Lot 8 of Section 3, Township 11 North,
Range 3, E.B.M., Valley County, Idaho

When I purchased this property, I was told I had water rights to the Hay Creek Stream as a result of Claim No. 65-2693 filed on May 23, 1961, by the Hay Creek Water Development. I was further advised that I would be charged a yearly assessment by the Hay Creek Water Association, plus additional assessments as needed to upgrade, improve and maintain the stream and water system. I have paid my water assessments each year since 1976 to the Hay Creek Water Association and have paid additional assessments since 1976 for upgrading, maintaining, & improving the stream and system.

Although I currently do not have a cabin on my lot, I do have water piped to this lot from the Hay Creek Stream for current and future use and hope to put a cabin on my lot within the next couple of years.

It has come to my attention that Larry Smith, Shyla Smith, and/or Tracee Kelley have filed Claim No. 65-13342 for water use from the Hay Creek Stream. THIS LETTER IS A FORMAL PROTEST to any water filing or claim to Hay Creek water that has a priority date later than May 23, 1961, and would in any way restrict the amount of water available to my property at any future date when actual construction of a cabin or home is accomplished. I have become aware, as a member of the Hay Creek Water Development, that during drought times in the past there has not been sufficient water for the current users to make it through the entire summer, and I do not believe this stream will accommodate additional users beyond those that have current rights to the water. I trust you will protect my rights that I have maintained since 1976 to the use of this stream so that I will have water when I do build my cabin.

Thank you.

ROSEMARY S. ZIMBELMAN
11885 LaPan Drive
Boise, Idaho 83709
Telephone: (208) 376-7044

cc: Hay Creek Water Development
c/o Derece King, Sec./Treas.
2507 Chitwood Way
Boise, Idaho 83704

Rosemary S. Zimbelman

DEC 02 1993

RECEIVED
JAN 23 1992

January 24, 1992

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

Department of Water Resources
Western Regional Office

Att: Mr. David R. Tuthill Jr., P.E.

Re: Hay Creek Water Filing No. 65-02693 located in the E. $\frac{1}{2}$, SE $\frac{1}{4}$
SW $\frac{1}{4}$, Govt. Lot 8 of Sec. 3 T. 11 N. R. 3 E.B.M. Valley County, Idaho.

Dear Mr. Tuthill:

We as record owners of Lot 8 in Cougar Mountain Subdivision No. 1, located in the above described property wish to protest to a recent water application filed under No. 65-13342, under the names of Larry & or/ Shyla Smith & or/ Tracee Kelley.

We acquired the above described property through heirs of an Estate. Since we live in Illinois we have been unable to make a trip to Idaho to see this property. However we have been in close contact with Hay Creek Water Users and the Cougar Mountain Association members.

It is our understanding there is a small stream known as Hay Creek that runs through the South portion of Cougar Mountain Subdivision No. 1, which Hay Creek Water Users have developed a water storage system and water lines to all property owners in this subdivision and all lots have a turn off valve including our lot No. 8. It is also our understanding this turn off valve is used periodically to clean water lines and water our lot and trees during fire season.

We have been notified that if the above application No. 65-13342 for a water permit is approved it could possibly effect the water quantity for our lot sometime in the future when a cabin is built on the property.

We have expended funds to develop this water to beneficial use on this property and we pay a yearly assessment to Hay Creek Water Users in order to guarantee that water will be available for future construction of a dwelling on the property and for any annual maintenance on the water line and storage system.

Please accept this letter as a formal protest to any water filing or claim to Hay Creek Water that would have a priority date later than May 23, 1961 and that would in any way restrict the amount of water available to our property at any future date when actual construction of a cabin or home is accomplished.

Water rights for this property is a very precious commodity and we trust you will protect our water rights to retain the present high value.

Mr. & Mrs. Calvin Batz

RECEIVED

Mr. & Mrs. Calvin Batz
484 E. Dundee Road
Palantine, Ill. 60067

DEC 02 1993

Phone (708)-359-0011

Department of Water Resources

RECEIVED

JAN 27

Lots 9 & 21 Cougar Mountain Subdivision No. 1

Located in E½, SE¼, SW¼ and Govt. Lot 8 of Sec. 3, T. 11 N.
R.3 E.B.M., Valley County, Idaho

Department of Water
Washington, D.C.

Hand-delivered

Gentlemen:

We are the record owner of the above numbered lot(s). It is our understanding there is a recent water filing on the Hay Creek Stream that runs through the south portion of this Subdivision. There is water piped to this lot(s) from the Hay Creek Water Development (Claims No. 65-2693) which has a priority date of May 23, 1961.

At the present time, there is no building constructed on this property, but there is a stand pipe on this parcel(s) that is used periodically to water trees and shrubs and other miscellaneous uses.

We have expended funds to develop this water to beneficial use on this property, and we pay a yearly assessment to Hay Creek Water Users in order to guarantee that water will always be available for future construction of a dwelling on the property and for any annual maintenance on the water line and storage development system.

Please accept this letter as a formal protest to any water filing or claim to Hay Creek Water that would have a priority date later than May 23, 1961 and that would in any way restrict the amount of water available to my property at any future date when actual construction of a cabin or home is accomplished. Water on this property is a very precious commodity and we trust you will protect my water rights to retain the present high value.

[Handwritten Signature]

DEC 02 1993

RE: 65-13342



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

January 27, 1992

Paul P. &/or Derece P. King
2507 Chitwood Way
Boise, ID 83704

Re: Application for Permit #65-13342 in the Name of Larry &/or
Shyla Smith &/or Tracee Kelley

Dear Mr. & Mrs. King:

We are in receipt of your letter dated January 21, 1992, in which you expressed concerns about the approval of the above-referenced application for permit. Please be advised, however, that the letter was not received until January 23, 1992. Pursuant to Idaho Code, we cannot officially accept the protest as valid at this time.

You may be aware that other protests were received by this office in a timely manner. Therefore, the application is currently officially protested and the applicant has been sent copies of the protests.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention. Enclosed we are providing a copy of the rules and regulations. For informational purposes we are sending a carbon copy of your protest letter to the applicant so that he will be apprised on your concerns.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

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

DRT:st

CC: Larry E. &/or Shyla Smith &/or Tracee Kelley

Encl: Rules & Regulation, Practice & Procedure
Protest

DE

January 21, 1992

RECEIVED
JAN 23 1992

Department of Water Resources
Western Regional Office

DR
Mr. David R. Tuthill Jr., P.E.
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Protest to application for permit No. 65-13342 in the
name of Larry & or/ Shyla Smith & or/ Tracee Kelley

Dear Mr. Tuthill:

As the recorded property owners of Lot 11 in the Cougar Mountain Subdivision no. 1, located in the E $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ and Govt. Lot 8 of Section 3, T. 11 N. Range 3 E.B.M. in Valley County, Idaho, and holder of Water Right No. 65-2873 with a priority date of September 8, 1966 for .02 C.F.S., I submit this protest to protect our present and future use of water on this property under this permit.

This water (permit No. 65-2873) is diverted from stream (known locally as Hay Creek) that runs across the above described Lot No. 11, and engineered for year around use by pressure pump and ~~and~~ pipe line to points of use on this same lot. This pump pressure system was proven to beneficial use and tests conducted to verify that 9 G.P.M. is conveyed. See attached test documents and certification by Department of Reclamation dated October 21, 1969.

On October 13, 1991, a water quantity test was conducted to determine total water produced by this stream (Hay Creek). The results of this test show that the total stream flow was only 14.2 G.P.M. A Copy of this test was mailed to you by 10/27/91 letter.

This proves to us that there are times during the year when this stream will not produce enough water to satisfy my Water Right No. 65-2873, other previous water rights and also be able to supply water for any new development.

Please help us protect our present and future water rights.

Paul P. King

Paul P. King
Derece P. King

Derece P. King
2507 Chitwood Way
Boise, Idaho 83704

Enc: see attached

MINISTERIAL
DEC 02 1993

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 21, 1969

RECEIVED
JAN 23 1992

Department of Water Resources
Western Regional Office

Re: Permit No. 33165/65-2873

Paul P. King
521 South Beach
Boise, Idaho 83705

Dear Mr. King:

A representative of this department has made an examination of the works covered by your Permit 65-2873 and has found the following:

Quantity of water diverted: .02 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: .02 c.f.s.

The maximum quantity diverted shall not exceed .73 acre feet per season.

Beneficial Use: for domestic use in SWP, Section 3, T. 11N,
R. 3E, B. M.

The priority date established is: September 8, 1966

A fee totaling \$ 5.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

#500 check, mailed in on 23 Oct. '69

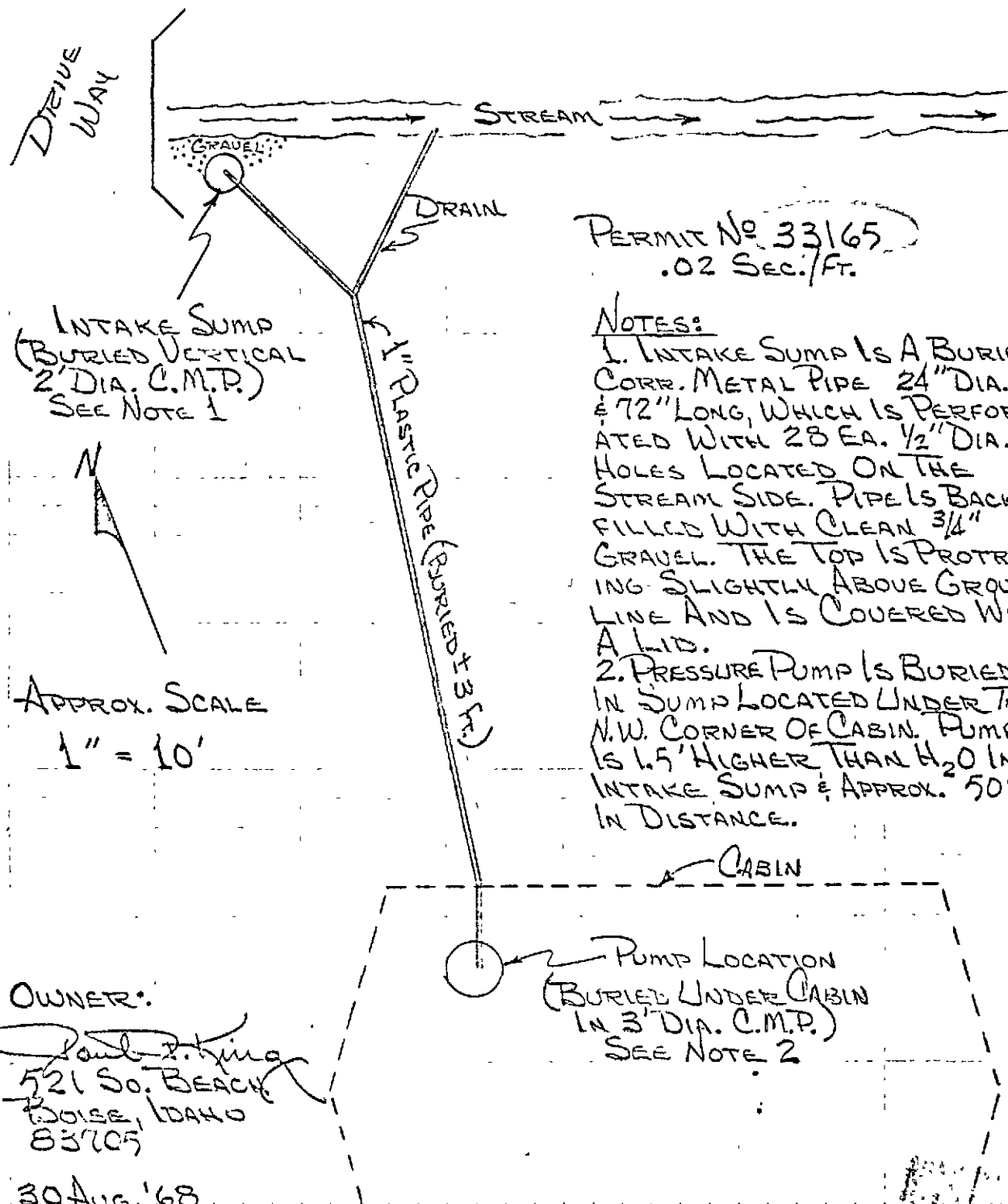
PK

DEC 02 1969

STANDARD COMPUTATION SHEET
Description PERMIT No 33165 DOMESTIC USE
Location 1/2 MI. NORTH OF SMITHS FERRY, IDAHO

Sheet 1 of 2

COUNTY ROAD TO IDAHO S.H. 55 →



PERMIT No 33165
.02 SEC./FT.

NOTES:

1. INTAKE SUMP IS A BURIED CORR. METAL PIPE 24" DIA. & 72" LONG, WHICH IS PERFORATED WITH 28 EA. 1/2" DIA. HOLES LOCATED ON THE STREAM SIDE. PIPE IS BACK FILLED WITH CLEAN 3/4" GRAVEL. THE TOP IS PROTRUDING SLIGHTLY ABOVE GROUNDLINE AND IS COVERED WITH A LID.
2. PRESSURE PUMP IS BURIED IN SUMP LOCATED UNDER THE N.W. CORNER OF CABIN. PUMP IS 1.5' HIGHER THAN H₂O IN INTAKE SUMP & APPROX. 50' IN DISTANCE.

OWNER:

Paul P. King
521 So. Beach
Boise, IDAHO
83705

30 Aug. '68

Computed by _____ Date _____ Project No _____

Checked by _____ Date _____ File or Book No. _____

Designed _____ Checked _____

DEC 02 1968

STANDARD

STANDARD COMPUTATION SHEET

Description

Permit No. 33165

Location

1/2 MI. NORTH OF SMITHS FERRY, IDAHO

Sheet

2 of 2

WATER CONVEYANCE TEST

CONDITIONS: WATER WAS TAKEN FROM FAUCET LOCATED UNDER CABIN AND APPROX. 3 FT. ABOVE PRESSURE PUMP. FIFTY FT. OF 3/4 IN. DIA. HOSE WAS USED TO CONVEY THE WATER.

CONTAINER USED: 1.00 FT. DIA. - 1.667' DEEP
VOLUME ($\pi R^2 \cdot \text{DEPTH}$) = $3.1416 \times .5^2 \times 1.667 = 1.30936 \text{ C.F.}$
GAL./C.F. = $7.48052 \times 1.30936 = 9.79469 \text{ GAL. CAPACITY}$

NOTE: ABOVE MENTIONED CONTAINER WAS FILLED ON NUMEROUS OCCASIONS AND TOTAL TIME REQUIRED FOR FILLING, IN ALL INSTANCES, WAS 63 SEC.

CALCULATIONS: $\frac{63}{60} = 1.05 \text{ MIN}$

$\frac{9.79469}{1.05} = 9.32828 \text{ GAL./MIN.}$

$9.32828 \times 60 \text{ MIN.} = 559.7 \text{ GAL./HR. CONVEYED}$

$\frac{9.32828}{60} = 1.5547 \text{ GAL./SEC.}$

$\frac{1.5547}{7.48052} = .021 \text{ C.F./SEC. (PROVEN CONVEYANCE)}$

NOTE: AFTER CONTINUOUS PUMPING, THERE WAS LITTLE TO NO DRAW DOWN NOTICED IN INTAKE SUMP. WATER BEING CRYSTAL CLEAR, COLD, AND VERY PALATABLE.

Computed by

Date

Project No.

Checked by

Date

File or Book No.

Designed

Checked

30 Aug '68
DEC 02 1993

Conf for App for Permit No. 65-13342
In the Name of Larry E. & Shyla Smith & Tracey Kelley
Notes by D. Turnill 1/13/1992

Applicant represented by Larry E. Smith

Protestants: Paul King
Danzil Aman
Ernest Green

Concerns: #1. Paul King has a concern re: ^{his} downstream diversion.
However, he is not presently a protestant. Proposed diversion
point is downstream from Hag Creek Water Users Assn p.d.
Instream uses downstream are a concern.

#5. Instream flows. Devaluation of property.

Presently there are 13 homes. Water Rt allows for up to 27 homes.
What happens

Oct 13, 1991 test showed limited water availability.

Water Users Assn will notify IDWR by 5 Feb 92 re: disposition.
Paul King will consider intervening.

MICROFILMED

DEC 02 1993

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NO. 65-13342 IN THE	)	
	)	
NAME OF LARRY &/OR SHYLA SMITH	)	
	)	
<u>&/OR TRACEE KELLEY</u>	)	

On September 26, 1991, Larry E. &/or Shyla Smith &/or Tracee Kelley filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Hay Creek Water Users and Everett K. Allen.

The Department has set the matter of protest for a conference to be held on Monday, January 13, 1991, at 10:00 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded

Proposed

DEC 02 1993

all parties to respond and present information and argument on all issues involved.

Dated this 12th day of December, 1991.

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

I hereby certify that on the 13th day of December, 1991, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

HAY CREEK WATER USERS
C/O PAUL KING
2507 CHITWOOD WAY
BOISE ID 83704

EVERETT K ALLEN
HC 71 BOX 2025
CASCADE ID 83611

LARRY E. & SHYLA SMITH
& TRACEE KELLEY
8106 BOBRAN ST
BOISE ID 83709

DEC 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

P 860 399 222



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

LARRY E. & SHYLA SMITH
& TRACEE KELLEY
8106 BOBRAN ST
BOISE

1

Postage	\$ 29
Certified Fee	-
Special Delivery Fee	-
Restricted Delivery Fee	-
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

PS Form 3800, June 1990

P 860 399 224



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

HAY CREEK WATER USERS
C/O PAUL KING
2507 CHITWOOD WAY
BOISE ID 83704

Postage	\$ 29
Certified Fee	1-
Special Delivery Fee	0
Restricted Delivery Fee	2
Return Receipt Showing to Whom & Date Delivered	1-1993
Return Receipt Showing to Whom, Date, & Address of Delivery	1-1993
TOTAL Postage & Fees	\$ 229
Postmark or Date	

PS Form 3800, June 1990

P 860 399 223



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

EVERETT K ALLEN
HC 71 BOX 2025
CASCADE ID 83611

Postage	DEC 02 1993	\$ 29
Certified Fee		\$ 1 -
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		\$ 1 -
Return Receipt Showing to Whom, Date, & Address of Delivery		
TOTAL Postage & Fees		\$ 229

Postmark or Date

PS Form 3800, June 1990

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

1. ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

HAY CREEK WATER USERS
C/O PAUL KING
2507 CHITWOOD **DEC 20 1989**
BOISE ID 83704

4. Article Number
P 860 399 224

- Type of Service:
- | | |
|---------------------------------------|---|
| ☐ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *Paul King*

6. Signature - Agent
X

7. Date of Delivery
12-14-91

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

READ INSTRUCTIONS

Name, address and ZIP Code
below.

Items 1, 2, 3, and 4 on the

front of article if space
otherwise affix to back of

article "Return Receipt
if" adjacent to number.

Thank you for using
Return Receipt Service.

RECEIVED

DEC 17 1991

Department of Water Resources
Western Regional Office



PENALTY FOR PRIVATE
USE, \$300

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

DEC 02 1993

65-13292

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

EVERETT K ALLEN

HC 71 BOX 2025

CASCADE ID 83611

DEC 02 1999

4. Article Number

P 860 399 223

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature — Addressee

X *Everett K Allen*

6. Signature — Agent

X

7. Date of Delivery

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

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEC 24 1991

Department of Water Resources
Western Regional Office



PENALTY FOR PRIVATE
USE, \$300

DEC 02 1993

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

65-132, 2

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

LARRY E. & SHYLA SMITH
& TRACEE KELLEY
8106 BOBRAN ST
BOISE ID 83709

4. Article Number

P 860 399 222

- Type of Service:
- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Addressee

X *[Signature]*

6. Signature - Agent

X

7. Date of Delivery

12.14.91

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

DEC 16 1991



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Western Regional Office

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.



UNDELIVERED

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

FEB 02 1993

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

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DEC 02 1993

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

DEC 2 1993

DEC 11 1991

Department of Water Resources
Western Regional Office

November 29, 1991

Larry E. Smith, Shyla Smith, Tracee Kelley
8106 Bobran St.
Boise, ID 83709

Idaho Department of Water Resources
David R. Tuthill, JR., P.E. *DR*
Manager, Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 65-13342

Dear Mr. Tuthill

Our application for water usage from the small creek, locally known as Hay or Hayes Creek, dated September 26, 1991, is to store and use water which has overflowed or bypassed the present users system. I made numerous trips to the site from June through October of this year and have never found a time when there was not surplus water.

Checking the Water Right files for this area, we find no record of Mr. Allen having Rights on this spring/creek.

Sincerely



Larry E. Smith

cc:
Everett K. Allen

RECEIVED

DEC 02 1991

It is possible that Mr. Allen has purchased one or more of the many properties w/ water rts in this vicinity. Set Conf. Dec 12/11/91

**NOTICE OF CORRECTION OF
APPLICATION FOR PERMIT**

65-13342

Notice is hereby given that on October 16 and 23, 1991, Application for Permit No. 65-13342 in the name of Kelley, Tracee and Smith, Larry E. &/or Shyla was advertised in error.

The Place of Use was advertised as T11N R03W S03 (SESW). Whereas the Place of Use should have read T11N R03E S03 (SESW). The water source is unnamed stream, tributary to Payette River, North Fork for 0.04 cfs and is used for domestic purposes.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before November 25, 1991.

R. Keith Higginson, Dir

Published in the Cascade Advocate on November 6 and 13, 1991

**NOTICE OF APPLICATION FOR
WATER RIGHT**

The Following application have been filed to appropriate the public waters of the State of Idaho.

65-133346

ELLIOTT, ERNEST E.

4406 N 10TH

TACOMA, WA 98406

Source: GROUNDWATER

Diversion Pt. NWNW Sec 10 T 12N R 04E in VALLEY County.

Use IRRIGATION (.020 CFS)

DOMESTIC (.020 CFS)

Total Diversion (.040 CFS)

Date Filed: 10/10/1991

T12N R04E S10 NWNW

1.0 ACRES TOTAL

The permit will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before **NOVEMBER 25, 1991**.

R. KEITH HIGGINSON, Director

Publish 11/6, 11/13 - #98

**NOTICE OF CORRECTION OF
APPLICATION FOR PERMIT**

65-13342

Notice is hereby given that on October 16 and 23, 1991, Application for Permit No. 65-13342 in the name of Kelley, Tracee and Smith, Larry E. &/or Shyla was advertised in error

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Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before November 25, 1991.

R. Keith Higginson, Dir.

Published in the Cascade Advocate on November 6 and 13, 1991

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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TACOMA, WA 98406

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R. KEITH HIGGINSON, Director

* Publish 11/6, 11/13 - #98

NOV 25 1991

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 water right, 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:

11-6-1991, 19 91,
and ended 11-13-1991, 19 91.

Mike Stewart

Michael Stewart

Signed this the 21st day of Nov, 19 91

STATE OF IDAHO
COUNTY OF VALLEY

On this 21st day of Nov, 19 91,

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. Corder

Notary Public for Idaho
Residing at Cascade, Idaho

491 / Nov 11/66



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

November 22, 1991

Larry E. &/or Shyla Smith
&/or Tracee Kelley
8106 Bobran St.
Boise, ID 83709

Re: Application for Permit No. 65-13342

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

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

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

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

Sincerely,

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

Enclosure: Copy of protest(s)

RECEIVED
DEC 02 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

November 22, 1991

Everett K. Allen
HC 71 Box 2025
Cascade, ID 83611

Re: Application for Permit No. 65-13342 in the Name of Larry
&/or Shyla Smith &/or Tracee Kelley

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 42-1203, 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

DEC 02 1993

att: Dave

Director, Dept Water Resources

I wish to protest this
application for grounds
all water in this area
is already appropriated

Everett Allen
HC 71 Box 2025
Oceland, Idaho

83611

720 65-13342

RECEIVED
NOV 15 1991

DEC 02 1993

Department of Water Resources
Western Regional Office

November 12, 1991

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

RECEIVED
NOV 18 1991

Department of Water Resources
Western Regional Office

Mr. David R. Tuthill, JR. P.E.

Re: Hay Creek Water Right No. 65-02693 and protest
to Application for permit No. 65-13342

Dear Mr. Tuthill:

The initial letter of protest (dated 9-17-91) was prompted by a phone call from Boise Cascade Corporation, stating that they had received a request from Larry Smith for a water pipe line across Boise Cascade property from a diversion point of Hay Creek located upstream (West) of our water collection system. For this reason alone the protest was filed to help us protect and preserve our water rights.

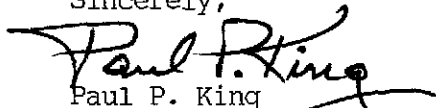
Please be advised that when the Hay Creek stream flow is available, the water development under Permit No. 65-02693 has been proven to beneficial use and is capable of producing 0.4C.F.S or approximately 180 GPM. This water is designated to be used on 27 parcels as described by Instrument No. 81835, recorded April 29, 1974 with the Valley County Recorder at Cascade, Idaho. At such time that the remaining 14 parcels are developed and connect to this water supply, there will be very little, if any water left in Hay Creek. Certainly not enough to supply an additional 18 GPM wanted for one home as requested by the applicant.

A water collection system located immediately downstream from the permit No. 65-02693 development would not be satisfactory because of the silt deposits that are discharged periodically when our diversion dam and filter box are flushed. This system requires considerable maintenance and flushing which would plug up another collection system located immediately downstream.

It should also be pointed out that there are other water permits located on Hays Creek that need to be protected.

Thank you for keeping us posted and for helping us protect our water rights.

Sincerely,


Paul P. King

Hay Creek Water Users
2507 Chitwood Way
Boise, Idaho 83704

DEC 2 1991

NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that on October 16 and 23, 1991, Application for Permit No. 65-13342 in the name of Kelley, Tracee and Smith, Larry E. &/or Shyla was advertised in error.

The Place of Use was advertised as T11N R03W S03 (SESW). Whereas the Place of Use should have read T11N R03E S03 (SESW). The water source is unnamed stream, tributary to Payette River, North Fork for 0.04 cfs and is used for domestic purposes.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before November 25, 1991.

R. Keith Higginson, Dir.

Advertised in the Cascade Advocate on November 6 and 13, 1991.

APPROVED

RECORDED



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

November 6, 1991

HAY CREEK WATER USERS
C/O PAUL P KING
2507 CHITWOOD WAY
BOISE ID 83704

Re: Application for Permit No. 65-13342 in the Name of Larry
&/or Shyla Smith &/or Tracee Kelley

Dear Mr. King:

Enclosed is a copy of a letter from the applicants of the
above-referenced application. Would you please review this
letter and let us know if it alters your protest on this
matter.

Sincerely,

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

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

DRT:st

Encl.

CC: Applicants

RECEIVED
NOV - 5 1991

Department of Water Resources
Western Regional Office

October 30, 1991

Larry E. Smith, Shyla Smith, Tracee Kelley
8106 Bobran St.
Boise, ID 83709

Idaho Department of Water Resources
David R. Tuthill, JR., P.E. *DR*
Manager, Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 65-13342

Dear Mr. Tuthill

Our application for water usage from the small creek, locally known as Hay or Hayes Creek, dated September 26, 1991, is to store and use water which has overflowed or bypassed the present users system. I made numerous trips to the site the last few months and have never found a time when there was not surplus water down stream from the diversion system.

Since the Hay Creek Water Board Members protest, dated September 17, 1991, was filed before our application was submitted, they are not aware that we plan to collect and store water for our use down stream from the present systems, thus there should be no change to their supply.

Sincerely



Larry E. Smith

cc:
Hey Creek Water Board

RECEIVED
OCT 30 1991

October 27, 1991

Department of Water Resources
Western Regional Office

Mr. David R. Tuthill, Jr. P.E.
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Hay Creek Water Right No. 65-02693 and Protest
to Application for permit No. 65-13342

Dear Mr. Tuthill:

This is a follow up to our 9/17/91 letter and response to your letter of 10/2/91 and 10/16/91 to reiterate our protest to your approval of any claim to Hay Creek Water, now or in the future. We simply do not have enough water to share with any application.

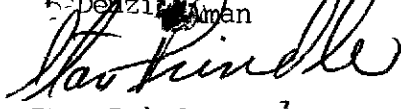
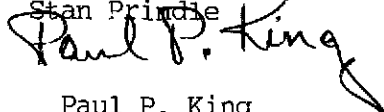
As further evidence of our water shortage, on 10/13/91 the Hay Creek Water Users conducted a water quantity test which resulted in a flow of only 14.2 G.M.P. This is now a very limited amount of water for the present 13 homes that are connected to this supply and would be a critical shortage to the proposed additional 14 sites when they are developed. A copy of this test is enclosed for your information.

We trust that you will carefully consider this protest to be in the best interest of the present Hay Creek Water Users under Water License No. 65-02693 and help us protect and preserve our water rights.

Sincerely



Don Aman, President of Cougar Mountain Association


Denzil Aman

Stan Prindle

Paul P. King

Water Board Members of Hay Creek Users
2507 CHITWOOD WAY
BOISE, IDAHO 83704

DEC 6 2 1993

HAY CREEK WATER QUANTITY TEST

Location: Small stream known locally as Hay creek running through the SW 1/4 of Section 3, Township 11 N. Range 3 E. B.M. Domestic water works for water license No. 65-2693 filed with Idaho Department of Water Resources.

Date and conditions: Test was conducted at 11:25 A.M. on October 13, 1991 to determine total stream flow of Hay Creek. Head gate at diversion dam was completely closed thus diverting 100 per cent or complete flow of Hay Creek Water through filter box and the two storage boxes. Both 2 inch control valves were completely closed which allowed no water flow to the present thirteen home sites below. This resulted in total stream flow being forced through the storage over flow pipe. Quantity test was conducted at this location.

Plactic bucket with the following dimensions used for test:

Bottom dia. = 10 inch = 0.8333
Top dia = 11 3/16 inch = 0.9323 } Ave. Dia = .8828 (R=.4414)
Height = 14 1/4" = 1.1875
Vol. = $\pi R^2 Ht$ 7.48
 $3.1416 \times .4414^2 \times 1.1875 \times 7.48 = 5.44 \text{ gal.}$

Seconds to fill bucket
Test No. 1 23 seconds
Test No 2 23 seconds } Average = 23 seconds
Test No. 3 23-1/2 seconds }

Test Results:
5.44 Gal: 23 Sec. = x :60 sec.
 $\frac{5.44 \times 60}{23} = 14.2 \text{ gal per ,minute}$

This test conducted and witnessed by:

Don Aman

Don Aman, President of Cougar Mountain Association

Denzil Aman
Denzil Aman

Paul P. King
Paul P. King

Water Board Members of Hay Creek Users

(SEE ATTACHED PHOTOS)

DEC 02 1993



Don Brown Co. 5442nd Ave. 14.26 GPM
22 sec To Fill 5442nd Ave. 14.26 GPM



Don Brown Co. 5442nd Ave. 14.26 GPM
22 sec To Fill 5442nd Ave. 14.26 GPM



Don Brown Co. 5442nd Ave. 14.26 GPM
22 sec To Fill 5442nd Ave. 14.26 GPM



Don Brown Co. 5442nd Ave. 14.26 GPM
22 sec To Fill 5442nd Ave. 14.26 GPM

OCT 28 1991

Department of Water Resources
Western Regional Office

Affidavit of Publication

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 app for water right, 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:

10-16, 1991,
and ended 10-23, 1991.

Mike Stewart

Michael Stewart

Signed this the 24 day of Oct, 1991

STATE OF IDAHO
COUNTY OF VALLEY

On this 24th day of Oct, 1991
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.

Virgil G. Ginnshaw
Notary Public for Idaho
Residing at Cascade, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

The Following applications have been filed to appropriate the public waters of the State of Idaho:

65-133340
NO MEIDINGER, JIM
WA MEIDINGER, MOLLY
T 2826 HILLWAY DR
filed BOISE, ID 83702
the Source: UNNAMED STREAM
6 Tributary: CASCADE RESERVOIR
N Diversion Pt: NWSW Sec 1 T 14N
M R 03E
21 Use: WILDLIFE (.010 CFS)
B AESTHETIC (.010 CFS)
S Total Diversion: (.020 CFS)
T Date Filed: 8/26/1991
D In: T14N R 3E S01 NWSW
R 03
U: 65-133342
A KELLEY, TRACEE
T SMITH, LARRY E
D SMITH, SHYLA
In 8106 BOBRAN ST
BOISE, ID 83709
65 Source: UNNAMED STREAM
K Tributary: PAYETTE RIVER,
S NORTH FORK
S Diversion Pt: SESESW Sec3 T 11N
81 R 03E
B Use: DOMESTIC (.040 CFS)
S Total Diversion (.040 CFS)
T Date Filed: 9/26/1991
NOR In: T11N R03W S03 SESW
D
R 03 The permits will be subject to all prior
U: water rights. Protests must be filled with
the Director, Dept. of Water Resources,
D Western Region, 2735 Airport Way,
In Boise, Idaho 83705 on or before NOVEMBER 4, 1991.
T R. KIETH HIGGINSON, Director
wate Publish 10/16, 10/23 - 84
the I
Wes
Boi:
NOVEMBER 4, 1991.
R. KIETH HIGGINSON, Director
Publish 10/16, 10/23 - 84

RECORDED

DEC 02 1991



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

October 16, 1991

Hay Creek Water Users
c/o Paul P. King
2507 Chitwood Way
Boise, ID 83704

Re: Application for Permit No. 65-13342 in the Name of Larry
&/or Shyla Smith &/or Tracee Kelley

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 42-1203, 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

DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 16, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Larry E. & Shyla Smith
& Tracee Kelley
8106 Bobran St.
Boise, ID 83709

Re: Application for Permit No. 65-13342

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

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

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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)

DEC 02 1993

SPECIAL NOTE: _____

Application No. 65-13342

PROTEST INFORMATION SHEET

Protestant - Name(s)

Hay Creek Water Users, c/o Paul King

375-9023

Everett K. Allen

et al

Address 2507 Chitwood Way, Boise, ID 83704

HC 71 Box 2025, Cascade, ID 83611

Attorney - Name & Address _____

Date Filed 9-26-91

Protest Date 11-25-91

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

DEC 2 1991

Protest Information submitted in Computer (following hearing): _____

RECEIVED

SEP 18 1991

September 17, 1991

Department of Water Resources
Western Regional Office

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

Source - G.N.N. stream trib. N. Fork Payette R.
(Locally known as Hays Creek)

p/10 - 11N 3E S. 3 SE5W

p/14 - " S. 3 SE5W DUM.
SWSE DUM 5 10 AC
1887.

Re: Hay Creek Water Claim No. 65-2693
Dated May 23, 1961

Doc - 5/23/1961

Gentlemen:

It was recently drawn to our attention that prospective buyer of land situated directly west of Cougar Mountain Subdivision No. 1 had requested an easement from Boise Cascade Corporation for the purpose of a water line and a diversion of water from Hay Creek at a point west of our development.

Please be advised that we people known as Hay Creek Water Users have made proper filing on and have proven to beneficial use all rights on .4 C.F.S. under present water claim No. 65-2693. The water is designated for present and future use on 27 parcels or home sites as described on the water filing on the water filing and water assessment recorded with the Valley County Recorder at Cascade, Idaho (Recorded April 29, 1974, as Instrument No. 81835.)

At this time there approximately 50 percent of the above 27 parcels that have been fully developed with dwellings, however water lines run to all the parcels listed with the filing. Under present conditions there certain times of the year, during summer and fall months, when water supplied by Hay Creek runs very low or much less than the amount we have filed upon!

It shall be noted that we are the authorized Hay Creek Water users, and would strongly oppose to any water development with water diverted from Hay Creek (or any tributary) located upstream from our point of diversion and we will aggressively pursue all legal avenues to stop such developments.

Water is a very precious commodity to our water users and we have expended considerable energy and resources in developing a well designed water system, therefore we trust that you will help us preserve our water development.

Sincerely

HAY CREEK WATER BOARD MEMBERS

Ray Smith
L. Henry G. Gorman
Paul R. King

cc:

Boise Cascade Corporation
Cheney & Company Real Estate

1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 2, 1991

Hay Creek Water Users
C/O Paul P. King
2507 Chitwood Way
Boise, ID. 83704

RE: Water Right Applications for Hay Creek and Concerning Right No. 65-02693

Dear Sir:

Your letter dated 9/17/91 concerning new water development proposals for the unnamed stream locally known as Hays Creek was received on 9/18/91. On 9/27/91, an application for a new water right permit for the creek was received at this office. The application was submitted by Larry and/or Shyla Smith and/or Tracee Kelley and proposes to supply water to one home (.04 cfs or 18 gpm domestic use).

Your letter will be considered as a protest of the application. New applications for water rights in Valley County are advertised in the legal notices of "The Star News", a Wednesday newspaper. Protests of the applications may be filed by writing to this office. It is acceptable to protest an application prior to advertising. This office can acknowledge the protest of a particular development but cannot keep track of a generic protest of all future water right applications in a specific area. Therefore, your protest of the current application is acceptable. To remain informed about future applications, please read the legal notices of the newspaper. More information on specific applications is available from this office.

You will receive another letter in the near future discussing your protest and the protest process. Meanwhile, please contact me if you need additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

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EX-100

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Figure 1

65-13342

KELLEY, TRACEE
SMITH, LARRY E
SMITH, SHYLA
8106 BOBRAN ST
BOISE, ID 83709

Source: UNNAMED STREAM

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: SESESW Sec 3 T 11N R 03E

Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 9/26/ 1991

In: T11N ~~R03W~~ S03 SESW

(modification) R03E