

SITUATED IN THE SE 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 34, T.10N., R.4E., B.M., BOISE COUNTY, IDAHO

PINE TREE RANCH NO. 11

ROYLANCE ENGINEERING - 1980

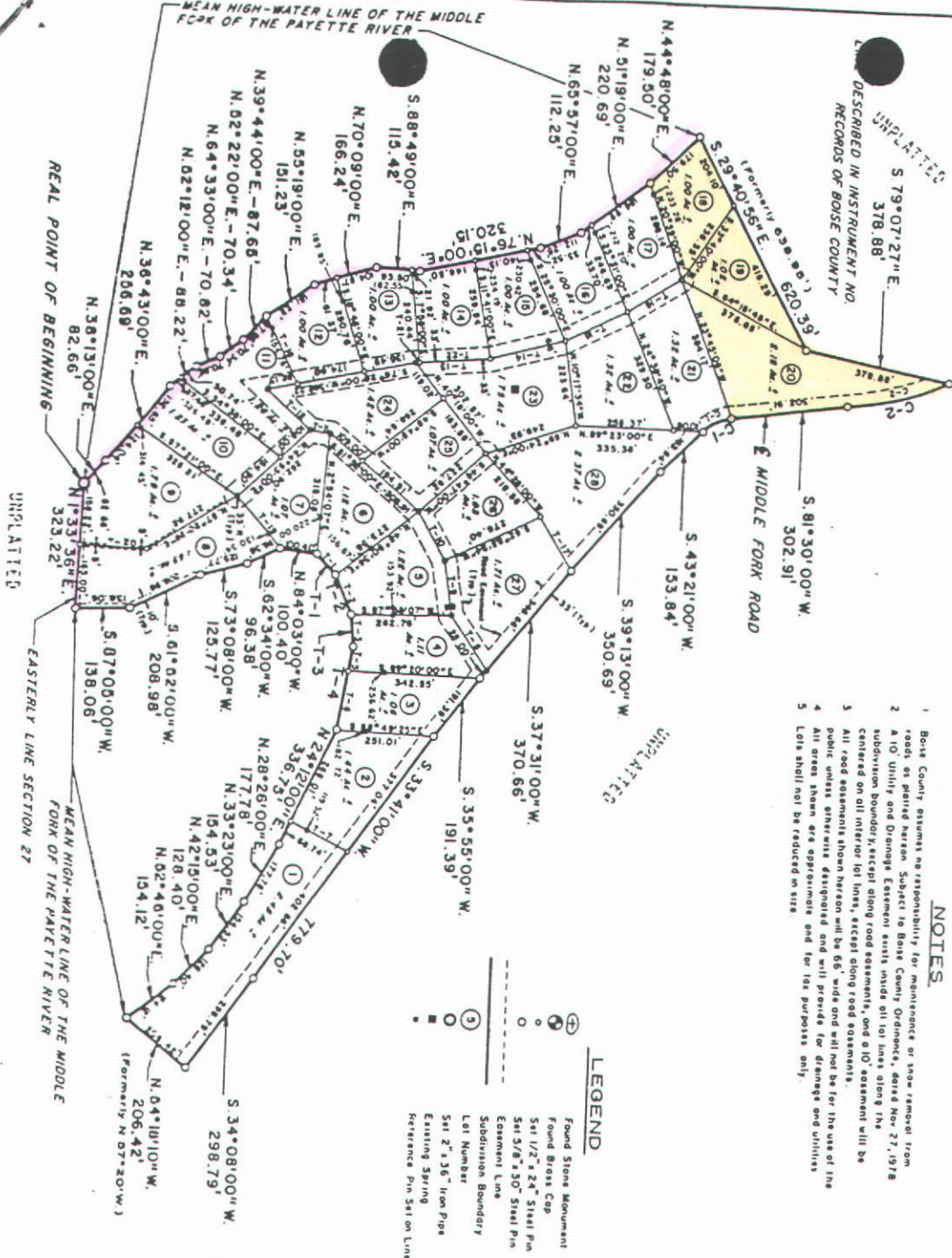


This sketch is for location purposes only. The Company assumes no liability for variations.
PIONEER TITLE COMPANY
of Ada County

NOTES

- Boise County assumes no responsibility for maintenance or removal of roads as plotted herein. Subject to Boise County Ordinance, dated Nov. 27, 1978.
- A 10' Utility and Drainage Easement exists inside all lot lines along the subdivision boundary, except along road easements, and a 10' easement will be centered on all interior lot lines, except along road easements.
- All road easements shown herein will be 65' wide and will not be for the use of the public unless otherwise designated and will provide for drainage and utilities.
- All areas shown are approximate and for its purposes only.
- Lot sizes shall not be reduced in size.

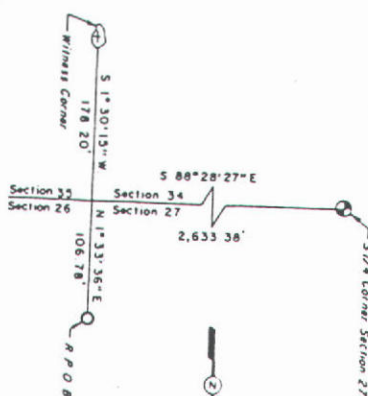
UNPLATTED
RECORDED IN INSTRUMENT NO. 62039



LEGEND

- Found Stone Monument
- Set 1/2" x 24" Steel Pin
- Set 5/8" x 30" Steel Pin
- Easement Line
- Subdivision Boundary
- Lot Number
- Set 2" x 36" Iron Pipe
- Existing Spring
- Reference Pin Set on Line

DETAIL LAND CORNER TIES



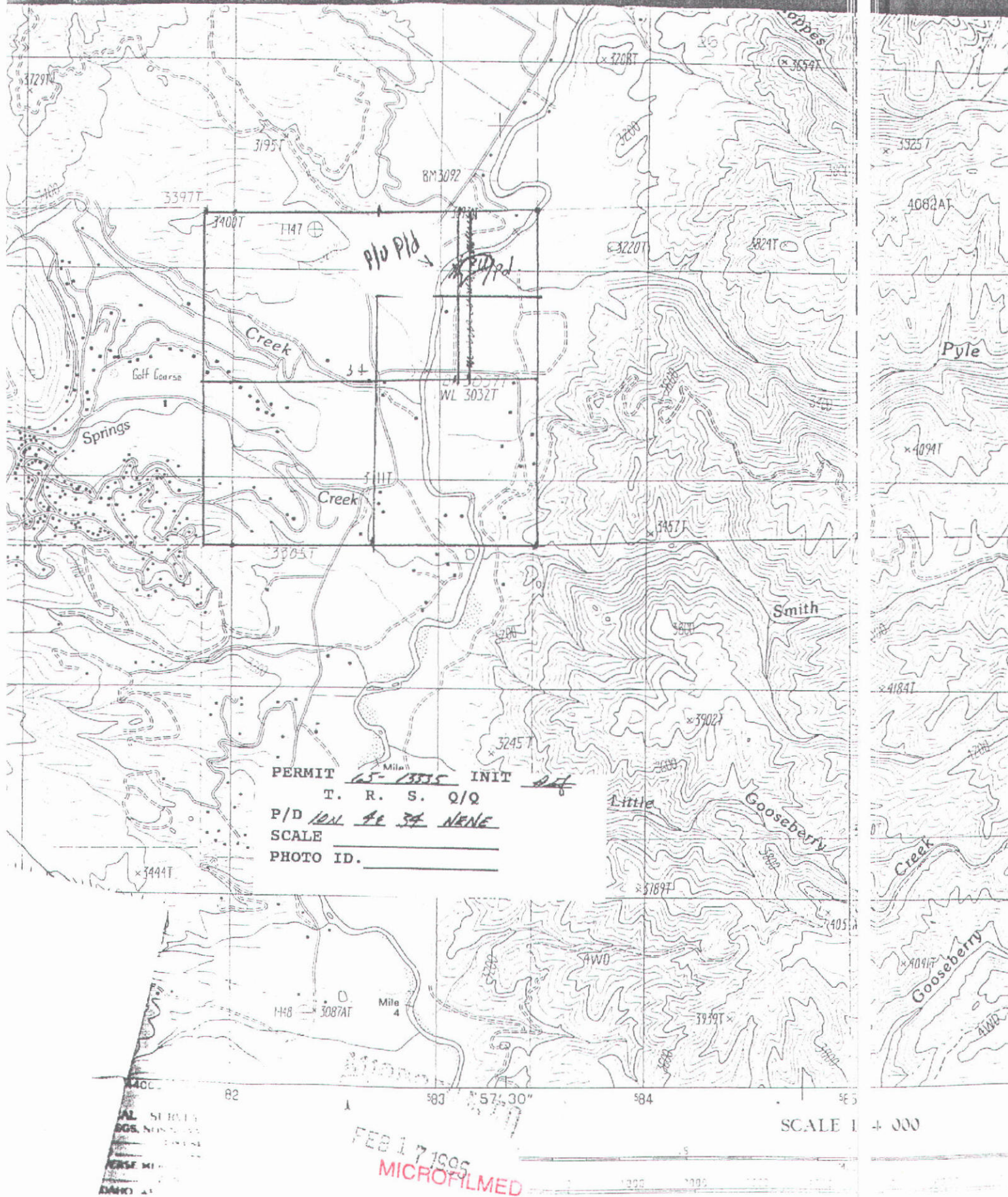
TANGENT

NO.	BEARING	L.	NO.	BEARING	L.
T-1	N 42° 45' 00" E	108.12'	T-1	S 50° 37' 00" E	137.20'
T-2	N 23° 42' 00" W	88.31'	T-2	S 72° 17' 00" W	201.31'
T-3	N 72° 00' 00" E	243.86'	T-3	S 82° 24' 00" E	172.02'
T-4	N 74° 00' 00" E	135.22'	T-4	S 33° 17' 00" W	165.84'
T-5	N 83° 45' 00" E	129.45'	T-5	S 28° 27' 00" E	155.00'
T-6	N 32° 24' 00" E	129.45'	T-6	S 88° 01' 17" E	12.90'
T-7	N 10° 46' 00" E	148.48'	T-7	S 84° 51' 00" W	148.82'
T-8	N 31° 28' 00" E	31.01'	T-8	S 84° 51' 00" W	148.82'

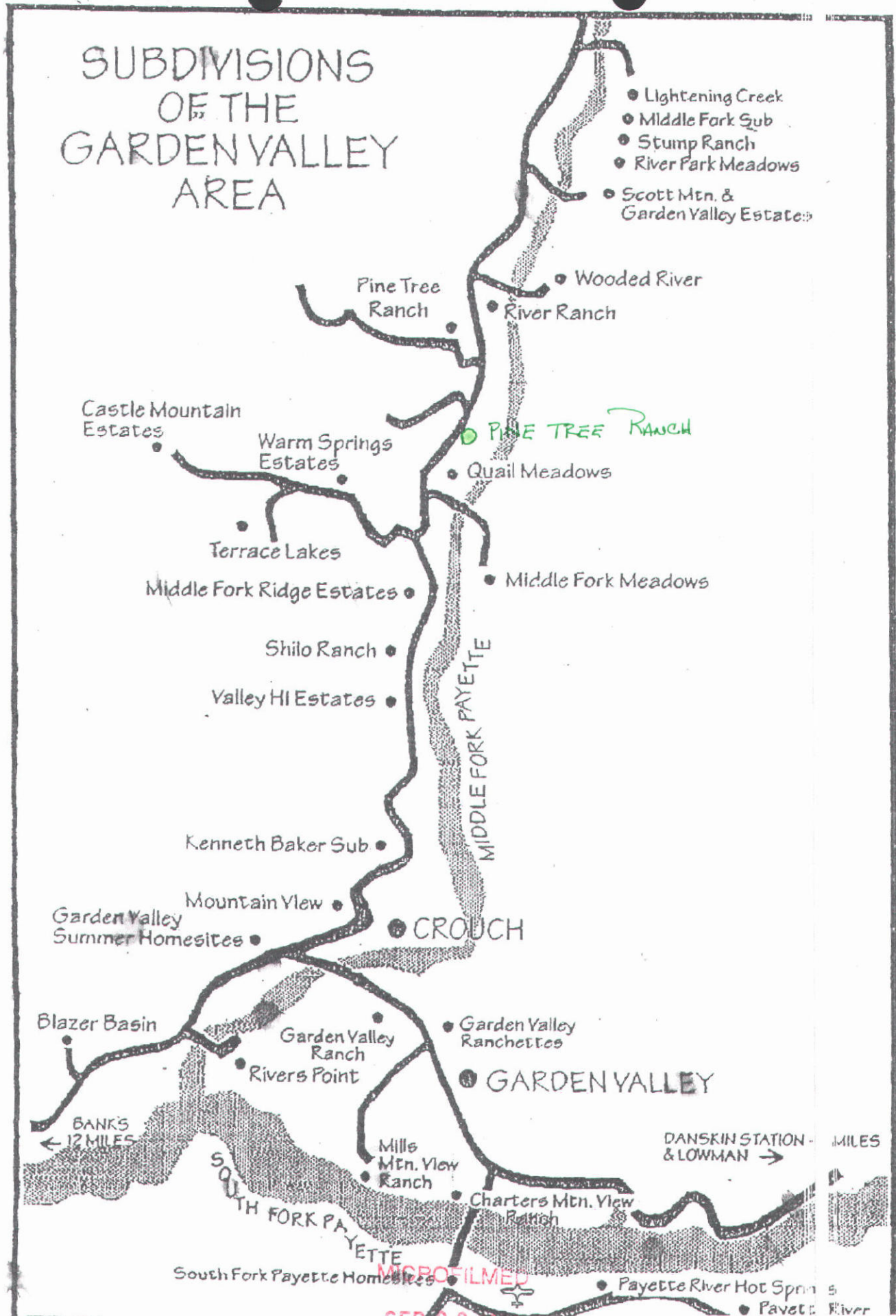
CURVE

NO.	CH. BEARING	CH. L.	R.	Δ	ARC L.	TAN
C-1	S 82° 23' 10" W	81.70'	118.00'	347° 04' 00"	53.33'	43.22'
C-2	S 72° 13' 00" W	244.15'	1024.43'	14° 30' 00"	240.87'	134.14'

MICROFILMED
SEP 22 1998

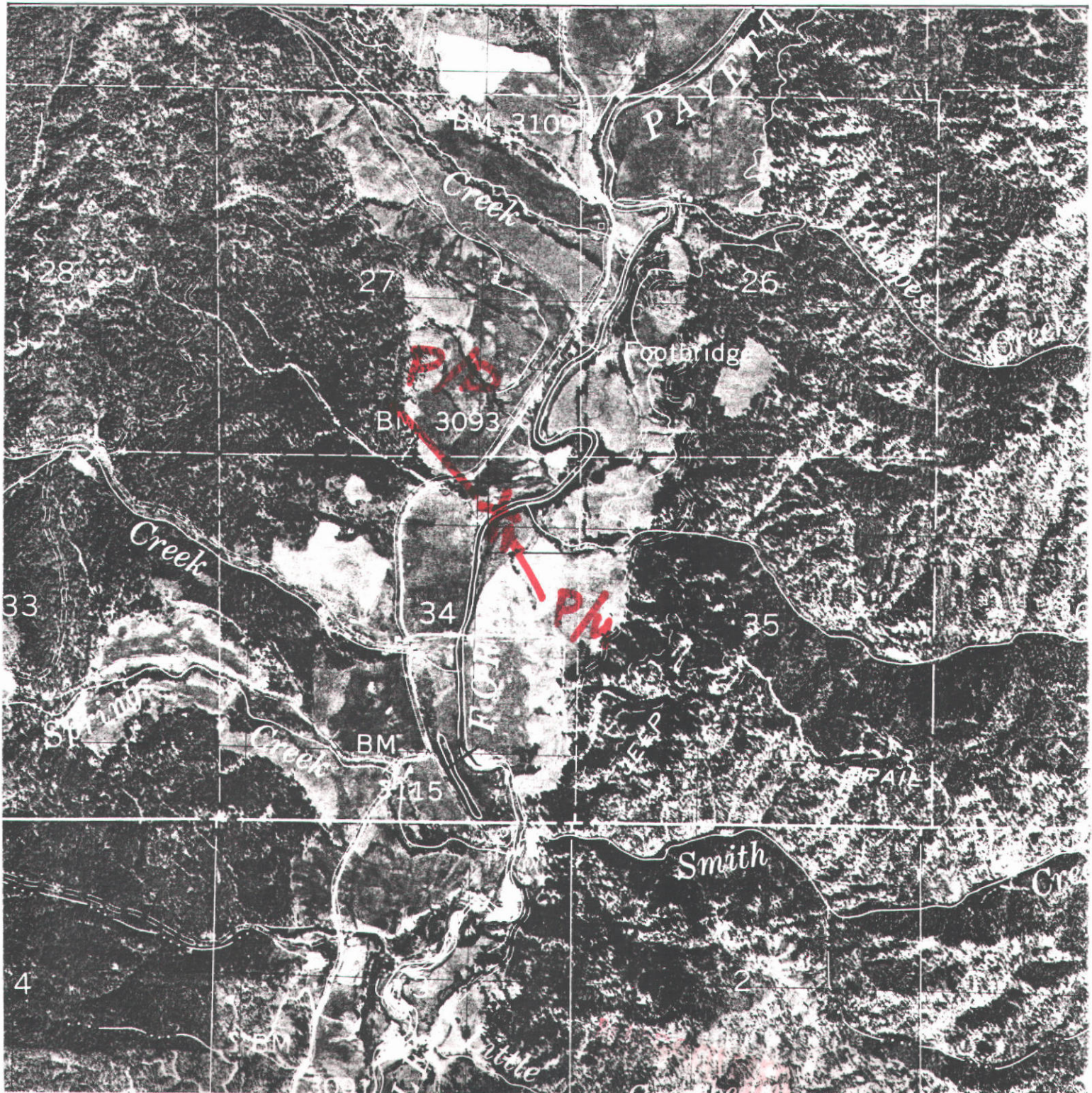


SEP 22 1998



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

T10N R4E S34

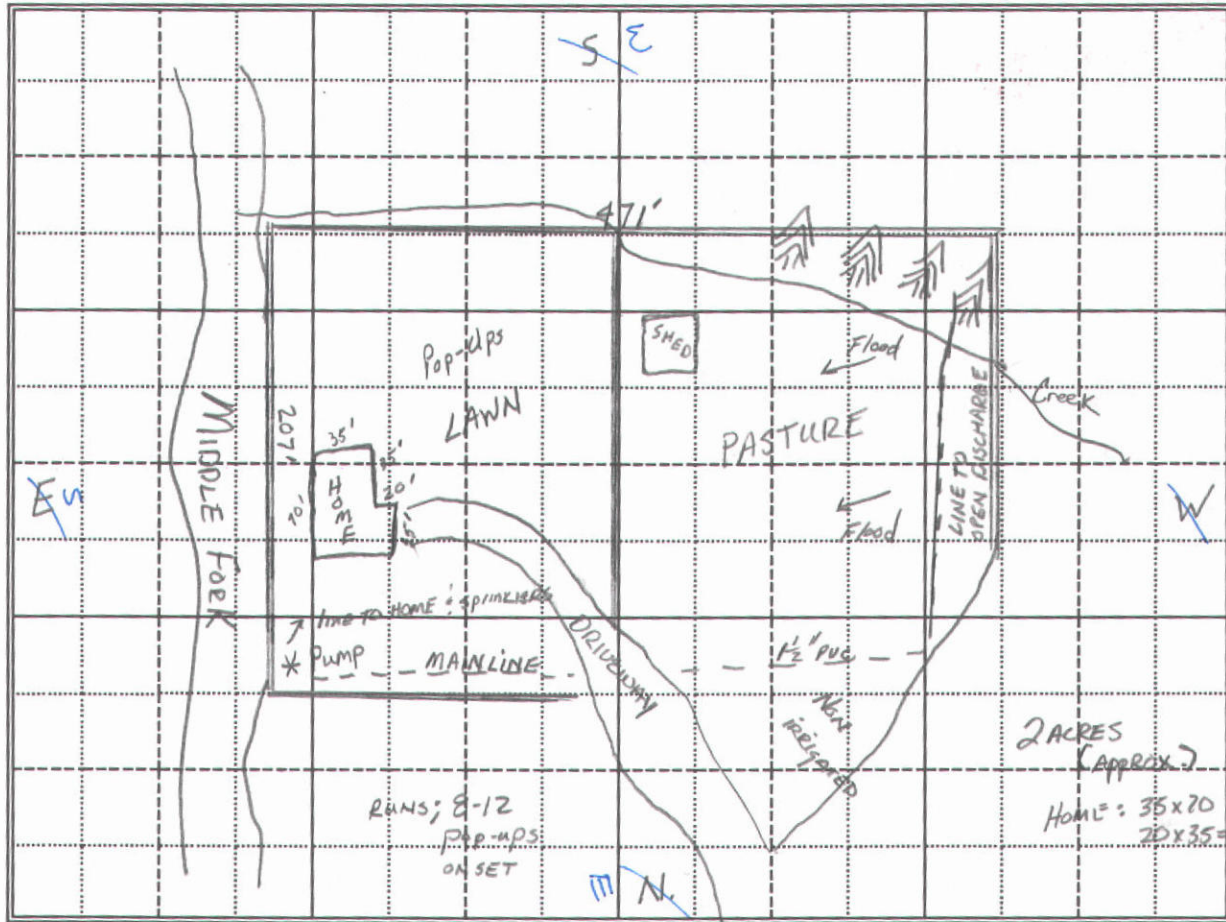


Scale: 2 inches equal 1 mile.

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.

James L. Rutherford
(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
	DYNAMIC	2	945720	—	1 1/2"

*Code to correspond with No. on map and aerial photo

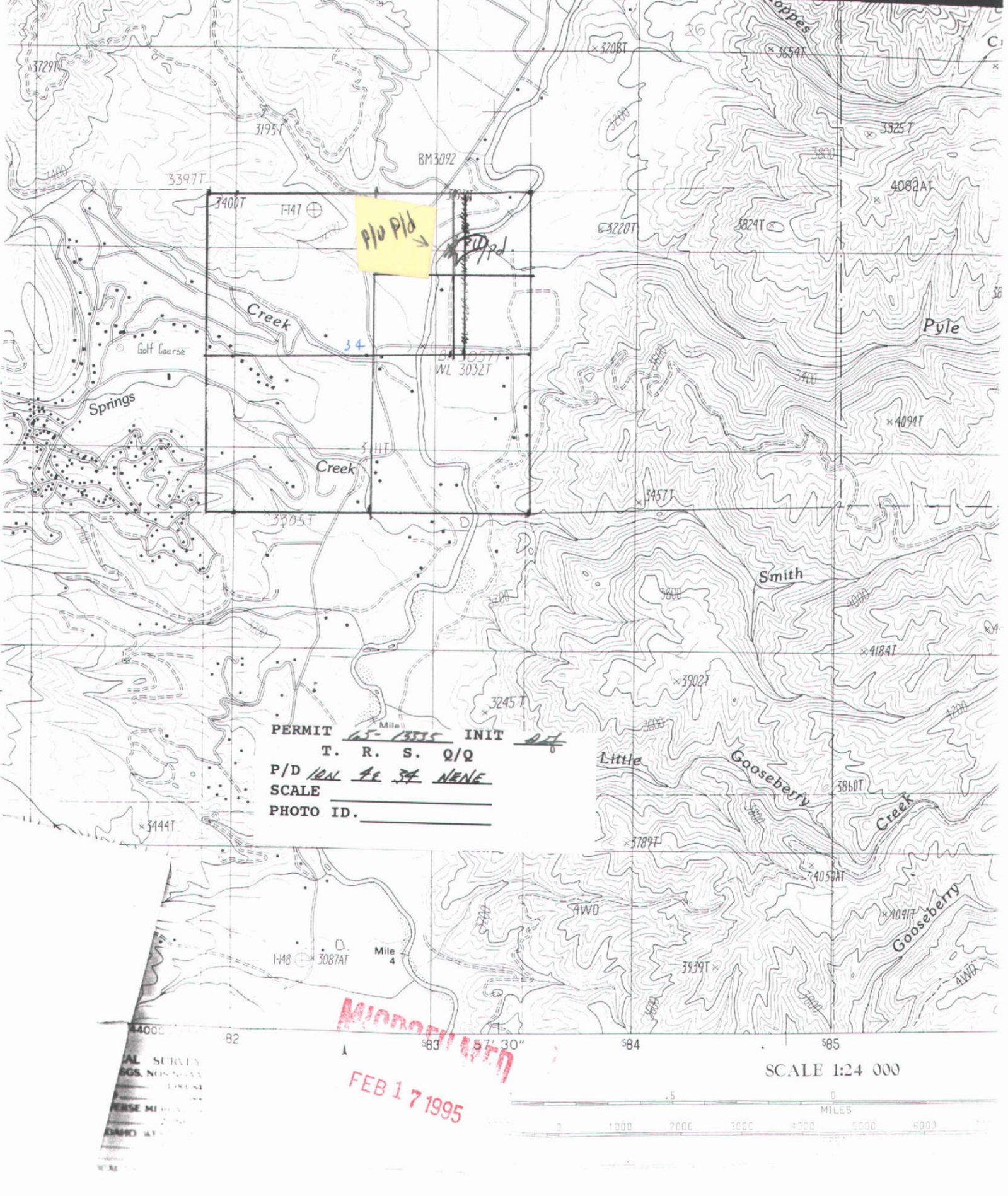
D. FLOW MEASUREMENTS

1.

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

2. Measurements: THEORETICAL ; 10' LIFT 55 PSI 2HP

FEB 17 1995



PERMIT 65-1335 INIT af
T. R. S. Q/Q
P/D 10A 12 34 NENE
SCALE _____
PHOTO ID. _____

Microfilm
FEB 17 1995

SCALE 1:24 000





VIEW OF ^{old} ~~channel~~ IN STREAM.
PUMP IS LOCATED ON THE
EASTSIDE OF THE PROPERTY.

PHOTO ONE-



View From the NW corner
TO THE SE corner. THE
OWNER USES TIMED POP-
UPS TO IRRIGATE THIS PORTION
OF ~~LAND~~ HIS PROPERTY.

PHOTO TWO-

Microfilm
FEB 17 1995

Memorandum

To: File 65-13335

From: Kay Walker *KW*

Date: 09/29/99

Re: Location of Water Use

Mr. James Clouse came into the office this morning concerning water rights on his property. He stated that Right 65-13335 has been used on more than Lot 18, Pine Tree Ranch No. 11. Lot 18 is not 2 acres in size and the home for this property is located on Lot 18. The remark on this license that states the place of use is located within Lot 18 should have included lots 19 and 20 also. Mr. Clouse stated that he owns 3.8 acres total under Lots 18, 19 & 20. The field exam delivery system diagram clearly shows that the water has been applied to more than Lot 18. I told Mr. Clouse that I would document this correction in the file in case a question ever came up regarding this matter since we do not make it a practice to amend licenses.

MICROFILMED

OCT 1 1999

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

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

RECEIVED

MAR 12 1998

1. Water Right Number(s) 65-13335
Adjudication Claim Number(s) _____
Department of Water Resources

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) ~~James G. Rutherford~~ GUNNAR M. BALSTAD^{QMA}
JACQUELINE J. BALSTAD

4. New Owner/Claimant(s) James L Clouse and/or Marlene E Kasten
Name connector (Check one) ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 41 River Road

City, State and ZIP Code Garden Valley Idaho 83632
New Telephone Number (208) 462-3041

5. Date you acquired the property 3/12/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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

7. Signature of New Owner/Claimant(s) James Leon Clouse Date 3/12/98
Marlene E Kasten Date 3/12/98

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

MICROFILMED
SEP 22 1990



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5636 / Telephone (208) 336-6700 & F

WARRANTY DEED

(P.02/00000000)

FOR VALUE RECEIVED JAMES G. RUTHERFORD and NORMA L. RUTHERFORD, husband and wife

Grantor(s) do hereby grant, bargain, sell and convey unto GUHAR B. PALESTED, a married person

the Grantee, whose current address is: PO Box 2297 Garden Valley, ID 83622
 the following described real property in Blaine County, State of Idaho, more particularly described as follows, to-wit:
 Lots 18, 19 and 20 of PINE TREE RANCH SUBDIVISION NO. 11, according to the
 official plat thereof, filed as Instrument No. 96847, records of Blaine County,
 Idaho.

G.D. PALESTED

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TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee, the Grantors are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: July 12, 1995

James G. Rutherford
 James G. Rutherford

Norma L. Rutherford
 Norma L. Rutherford

STATE OF Idaho, County of Ada

On the 12 day of July, 1995, before me, Lynn L. Bassara, a notary public, personally appeared James G. Rutherford and Norma L. Rutherford, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at: McCall, Idaho

My Commission Expires 5/30/2000

MICROFILMED

SEP 22 1995

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**

READ & APPROVED BY GRANTEE(S):

[Handwritten signatures]

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 98072639 EBN

WARRANTY DEED

FOR VALUE RECEIVED GUNNAR M. BALSTAD and JACQUELINE J. BALSTAD,
husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto JAMES L.
CLOUSE, an unmarried person & MARLENE E. KASTEN, an unmarried person

GRANTEE(S), whose current address is:
the following described real property in BOISE County, State of Idaho, more particularly
described as follows, to wit:

Lots 18, 19 and 20 of PINE TREE RANCH SUBDIVISION NO. 11,
according to the Official Plat thereof, filed as Instrument
No. 96842, records of Boise County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from
all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered
or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments,
if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend
the same from all lawful claims whatsoever.

Dated: March 10, 1998

[Handwritten signature of Gunnar M. Balstad]

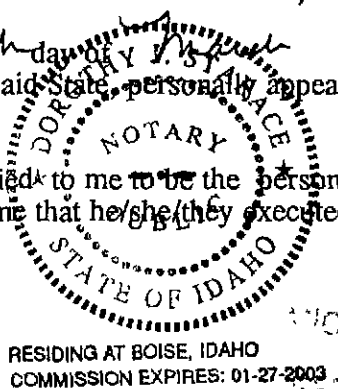
GUNNAR M. BALSTAD

[Handwritten signature of Jacqueline J. Balstad]

STATE OF IDAHO)
COUNTY OF ADA)

On this 12th day of May, 1998, in the year of 1998, before me, the undersigned, a Notary
Public in and for said State, personally appeared Gunnar M. Balstad & Jacqueline J.
Balstad

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same.



Signature: *[Handwritten signature of Dorothy J. Starace]*

Name: DOROTHY J. STARACE

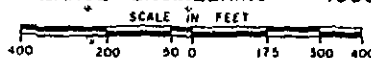
Residing at: BOISE, IDAHO

My Commission Expires: 01/27/03

PINE TREE RANCH NO. 11

SITUATED IN THE SE 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 34, T.10N., R.4E., B.M., BOISE COUNTY, IDAHO

ROYLANCE ENGINEERING — 1980

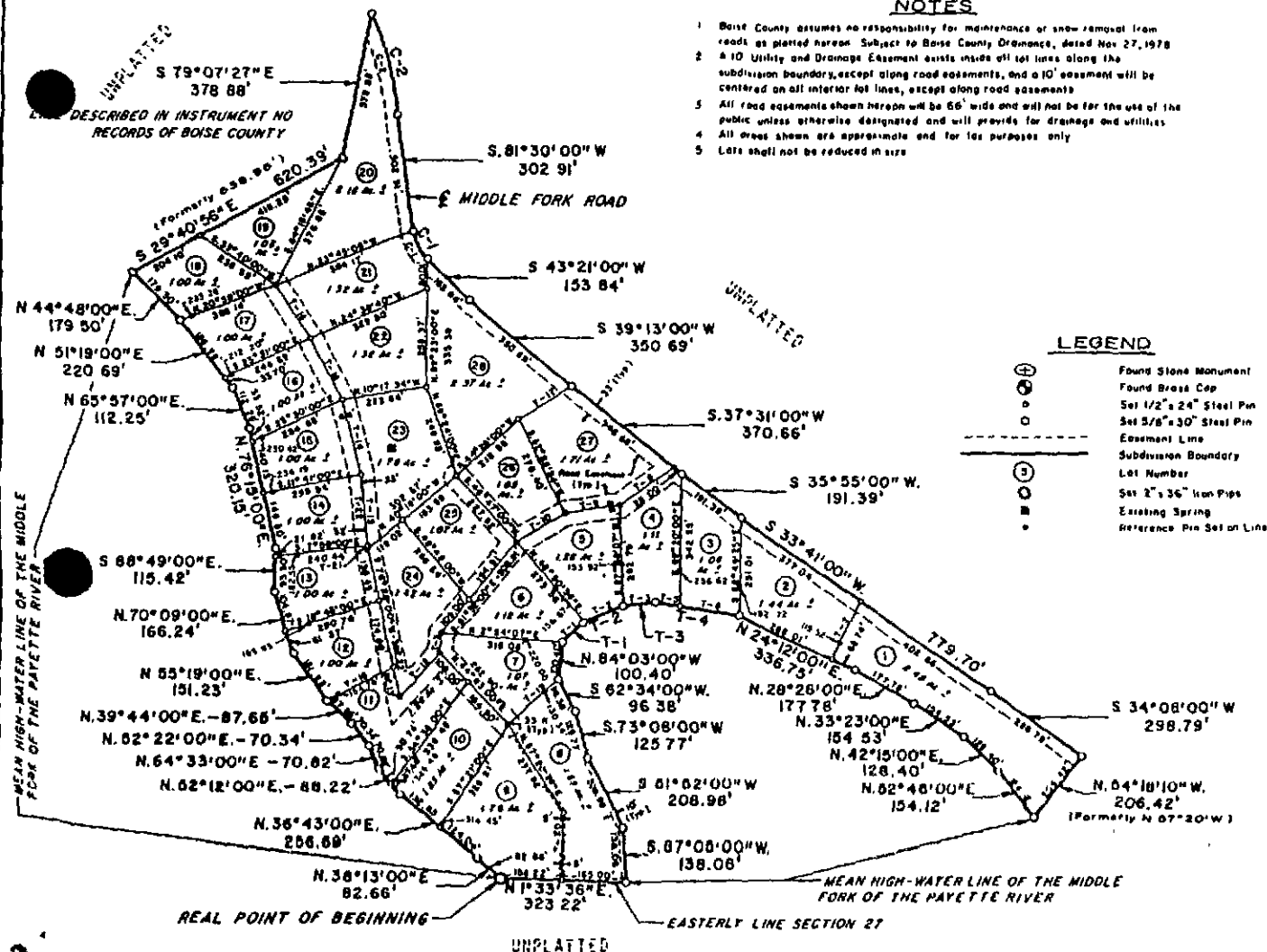


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PIONEER TITLE COMPANY
of Ada County

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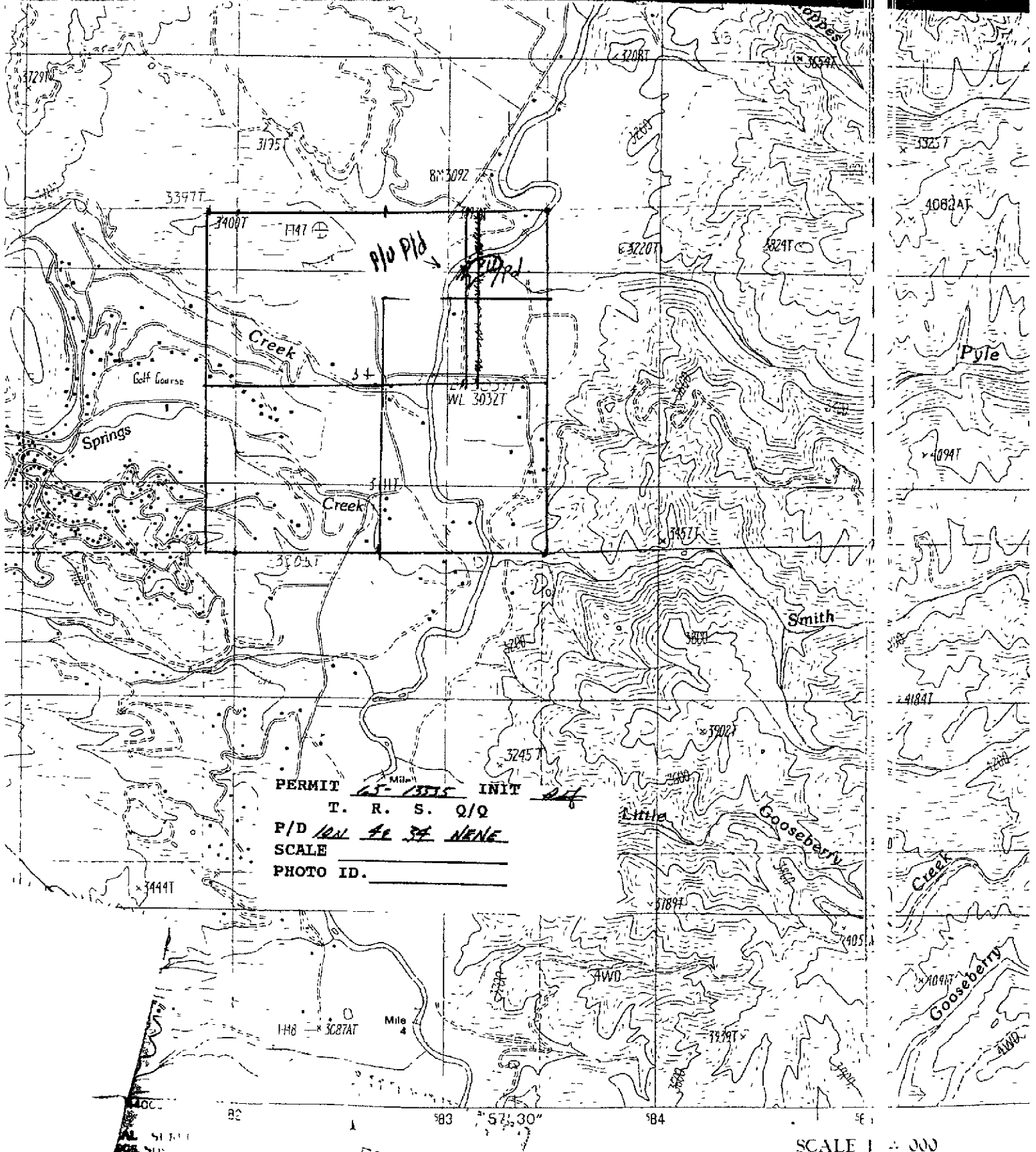
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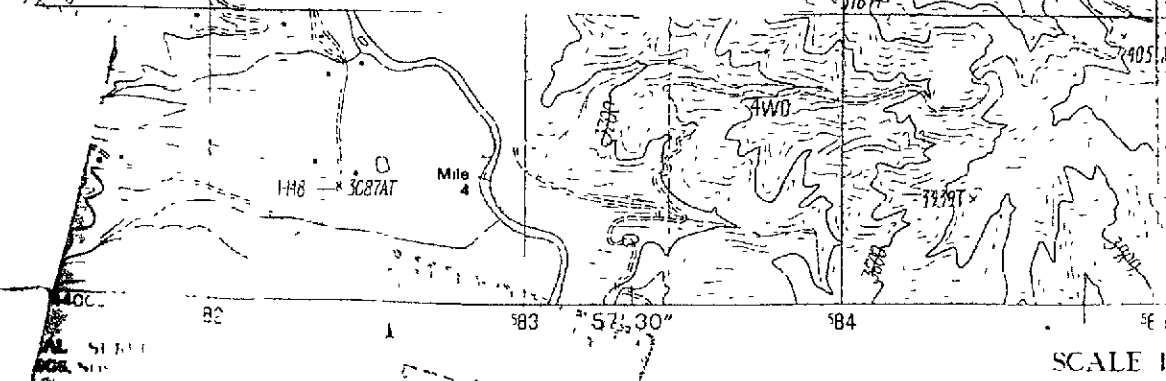
DETAIL LAND CORNER TIES

TANGENT			TABLE		
NO	BEARING	L.	NO	BEARING	L
T-1	N 42° 45' 00" W	12.82	T-11	S 30° 37' 00" E	151.20
T-2	N 23° 42' 00" W	105.11	T-12	S 84° 25' 00" W	197.51
T-3	N 7° 21' 00" W	84.31	T-13	S 73° 17' 00" W	201.85
T-4	N 7° 40' 00" E	118.18	T-14	S 62° 34' 00" W	174.02
T-5	N 7° 40' 00" E	63.91	T-15	S 50° 01' 00" W	142.41
T-6	N 7° 40' 00" E	155.22	T-16	S 33° 12' 00" W	162.48
T-7	N 43° 52' 00" W	188.89	T-17	S 38° 28' 00" W	181.00
T-8	S 30° 26' 00" E	173.44	T-18	N 43° 44' 12" W	173.75
T-9	S 10° 08' 00" E	144.48	T-19	S 80° 01' 21" E	189.47
T-10	S 30° 08' 00" E	144.88	T-20	S 80° 01' 00" W	12.90
T-11	S 81° 28' 00" E	31.01	T-21	S 84° 25' 00" W	164.82

CURVE TABLE					
NO	CH BEARING	CH L	R	Δ	ARC L TAN
C-1	S 40° 28' 50" W	81.70	125.00	38° 09' 00"	83.23 43.22
C-2	S 74° 15' 00" W	284.14	1054.43	16° 30' 00"	284.27 154.14

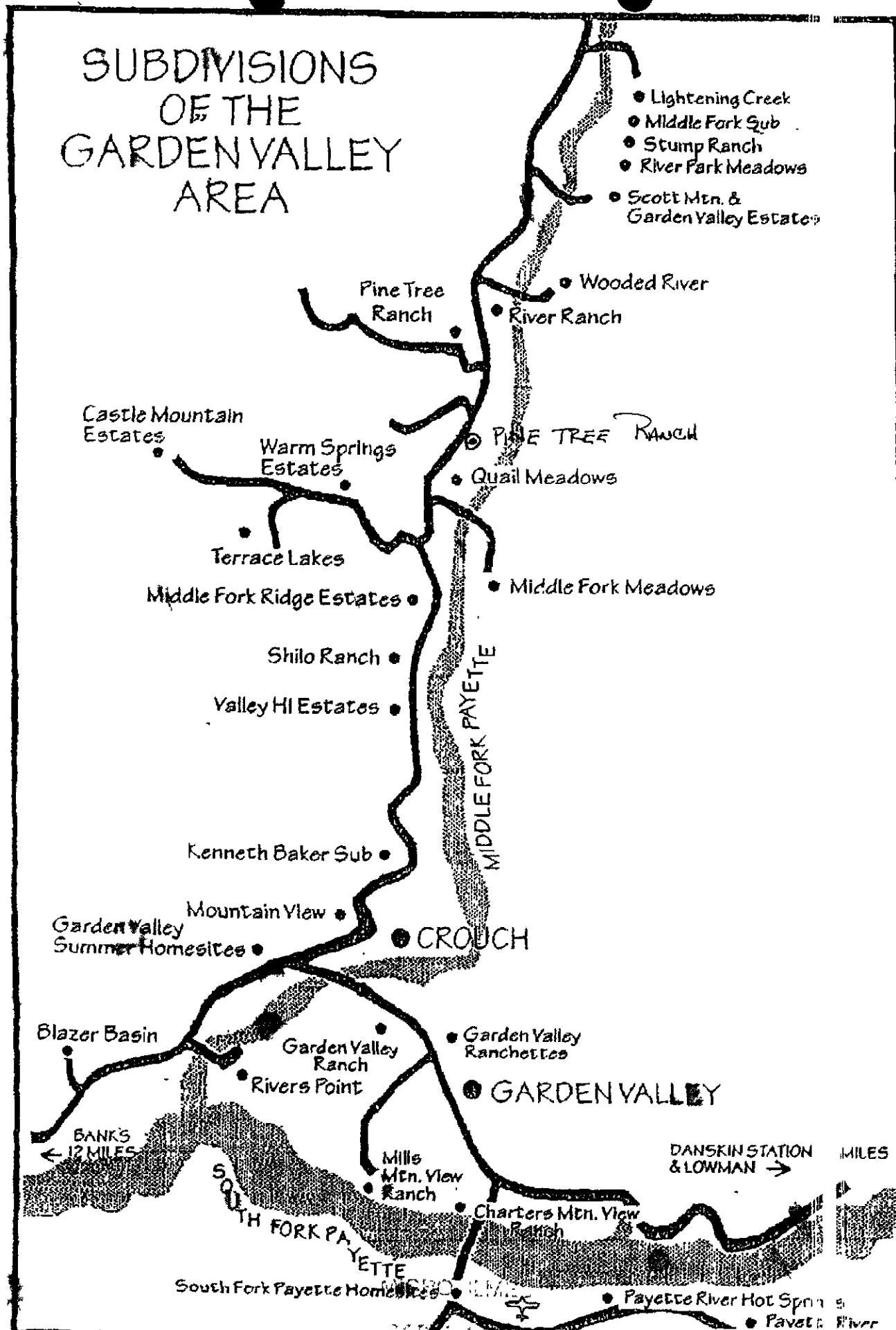


PERMIT 65-13515 INIT 04
T. R. S. Q/Q
P/D 10/11 41 34 NENE
SCALE _____
PHOTO ID. _____



FEB 17 1965
MICROFILMED
JUN 27 1968

SCALE 1 : 300



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13335

Priority: July 24, 1991

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

7.0 AF

This is to certify, that JAMES G RUTHERFORD

HC 76 BOX 2297

GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 24, 1991; and has submitted Proof of Beneficial Use on July 6, 1993. An examination indicates that the works have a diversion capacity of 0.090 cfs of water from:

PAYETTE RIVER, MIDDLE FORK

tributary to PAYETTE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	34	NENE	2		2

Total number of acres irrigated:

2

CONDITIONS/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 water right will be regulated by the watermaster of State Water District No. 65.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.

APPROVED
JUL 17 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

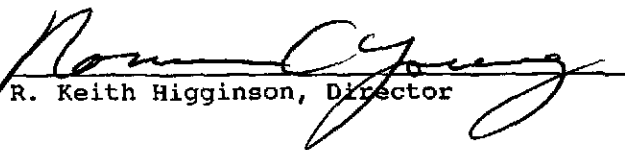
WATER RIGHT NO. 65-13335

CONDITIONS/REMARKS:

8. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
9. Place of use is located within Lot 18, Pinetree Ranch No. 11.

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 14TH day of FEBRUARY, 1995.

Acting for


R. Keith Higginson, Director

FEB 17 1995

RECEIVED

JUL 06 1993

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt of Fee \$ 50.00
Date 7-6-93
Receipt No. CC28062
Receipt by CA

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13335 Telephone No. (208) 462-3624
2. Name(s) of Permit Holder(s): JAMES G. RUTHERFORD
3. Mailing Address: HC 76 Box 2297 GARDEN VALLEY, ID 83622
4. Source of Water: MIDDLE FORK PAYETTE RIVER

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

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

5. Extent of Use (as authorized by the permit):

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

Irrigation to 2 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .06 cfs OR _____ acre/feet

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

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

See IDWR Manual OR
Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

8. Fee Enclosed. \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

JAMES G. RUTHERFORD 462-3624
Name Telephone No.

HC 76 Box 2297 GARDEN VALLEY, ID 83622
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.

MICROFILMED

JUL 23 1993

7-1-93
Date

James G. Rutherford
Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13335

Proposed Priority: July 24, 1991 Maximum Diversion Rate: 0.06 CFS

This is to certify, that JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

PAYETTE RIVER, MIDDLE FORK tributary of PAYETTE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE Sec. 34, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N 04E 34	NENE 2			2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
5. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
6. The Director retains jurisdiction of this permit to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
8. Place of use is located within Lot 18, Pinetree Ranch #11.

OCT 01 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13335

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

4th day of September, 1991.

for R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1 Name of applicant JAMES G. RUTHERFORD Phone 462-3624
Post office address HC 76 BOX 2297 GARDEN VALLEY, ID 83622

2. Source of water supply Middle Fork Payette River which is a tributary of Payette River

3. Location of point of diversion is _____ 1/4 of NE 1/4 of SE ^{NE} 1/4, Govt Lot _____
Sec 34 Township 10N Range 4E B M Boise County; additional
points of diversion if any _____

4. Water will be used for the following purposes

Amount .06 for Irrigation purposes from 4/1 3/15 to 11/1 11/15 (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) .06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works

a. Description of ditches, flumes, pumps, headgates, etc _____

Pump with Sprinkler System.

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? No

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).

* Q&A per orthophoto, 82 7/29/91
Season per IDWR
Standards.

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

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

9 Description of place of use

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
10N	4E	34	2																2.0 Ac.

Total number of acres to be irrigated 2.0 Ac.

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.

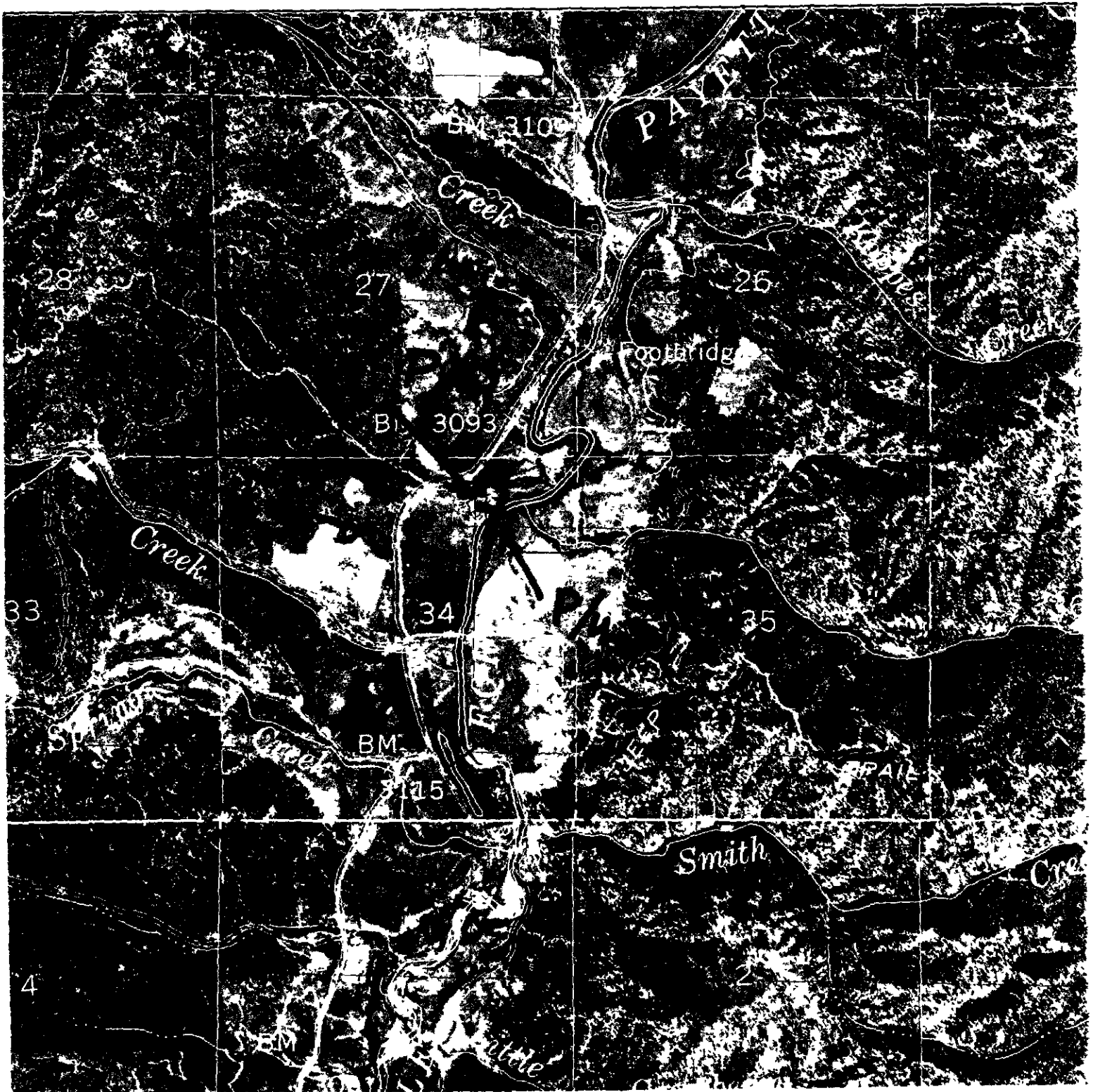
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12 Remarks. Lot #18 Pinetree Ranch #11

LOT #18

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

T10N R4E S34



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.

James L. Rutherford
(Applicant)

Received by JFW Date 7/24/91 Time 12:00 PM Preliminary check by SL
Fee \$ 30.00 Receipted by JFW # W013519 Date 7/24/91
Publication prepared by GG Date 7-31-91 Published in Idaho World
Publication approved et Date 8-27-91 8/7 & 8/14/91

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.

50
OCT 01 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 2, 1998

JAMES L CLOUSE
MARLENE E KASTEN
41 RIVER RD
GARDEN VALLEY ID 83622

RE: WATER RIGHT 65-13335

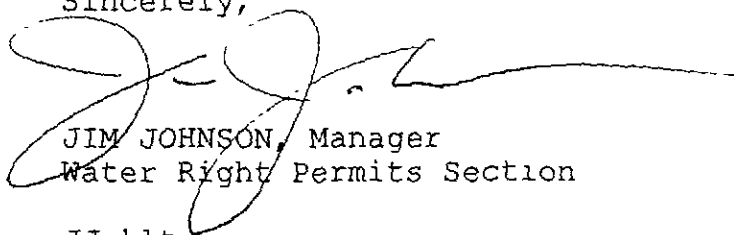
Dear Mr. Clouse & Ms. Kasten:

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

SEP 22 1998



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

R. KEITH HIGGINSON
DIRECTOR

February 15, 1995

JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

RE: WATER RIGHT NO. 65-13335

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
FEB 17 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 105-13335 DATE 2-10-95



NAME	Yes	No	☒	Or Address Change?
PRIORITY DATE			☒	Advance? <u> </u> Advanced to: <u> </u> Order to reinstate needed? <u> </u> Incorrect fee for rate recommended? <u>NO</u>
SOURCE			☒	Changes or just clarification of originally intended source? <u> </u> Notice of Intent to Void necessary? <u> </u>
POINT OF DIV			☒	Amendment needed? <u> </u> Overlaps? <u> </u>
PLACE OF USE			☒	Amendment needed? <u> </u> Overlaps? <u> </u>
DIV RATE			☒	Permit/fee limits: <u>.06 CFS</u> Meas Q = <u> </u> Theo Q = <u>.09</u> Recommend: <u>.06</u> <u>2 x .03 = .06</u> Combined rates exceed capacity <u> </u> NEW
ANNUAL VOLUME			☒	Volume Limit: <u> </u> Season: <u>B/3.5 (4-15 to 10-15)</u> Calculations: <u>2 x 3.5 = 7 AF</u> Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u> Combined volumes exceed capacity/allowable <u> </u>
USES			☒	Change in Nature of Use or additional uses? <u> </u> Amendment necessary? <u> </u>
REMARKS			☒	Multiple p/d(s) in 1/4 1/4? <u> </u> ☒ Other <u> </u>
CONDITIONS				Measuring (Locking) Devices <u> </u> Watermaster control - District <u>105</u> Irrigation Overlap <u> </u> Water Quality <u> </u> Other <u>059 Replacement</u> Heat/Cool/ Fish verified <u> </u> <u>CONDITION</u>

COMMENTS:

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>.06</u>	<u>7.0</u>	Adjustment Memo Needed	<u>YES</u>
<u> </u>	<u> </u>	<u> </u>	LICENSE	☒
<u> </u>	<u> </u>	<u> </u>	1ST AMENDMENT LETTER	<u> </u>
<u> </u>	<u> </u>	<u> </u>	FINAL AMENDMENT LETTER	<u> </u>



MEMORANDUM

TO: File 65-13335 / James Rutherford
FROM: Brenda Chapman
DATE: February 13, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-15 to 10-15	.06	7.0

Period of use changed to current standard for that area.

RECORDED
FEB 17 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 20 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13335

1. Owner: JAMES G. RUTHERFORD Phone No. 462-3624

Current Address: HC 76 Box 2297 GARDEN VALLEY IDAHO 83622

2. Accompanied by: JAMES G. RUTHERFORD EXAM DATE: 6/24/94

Address: SAME Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: PAYETTE RIVER - MIDDLE FORK tributary to PAYETTE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-02901, 65-03225, 65-12625, 65-13002, 65-13027

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	34	10N	4E	BOISE	Quads - OWNER ID

2. Place(s) of Use:

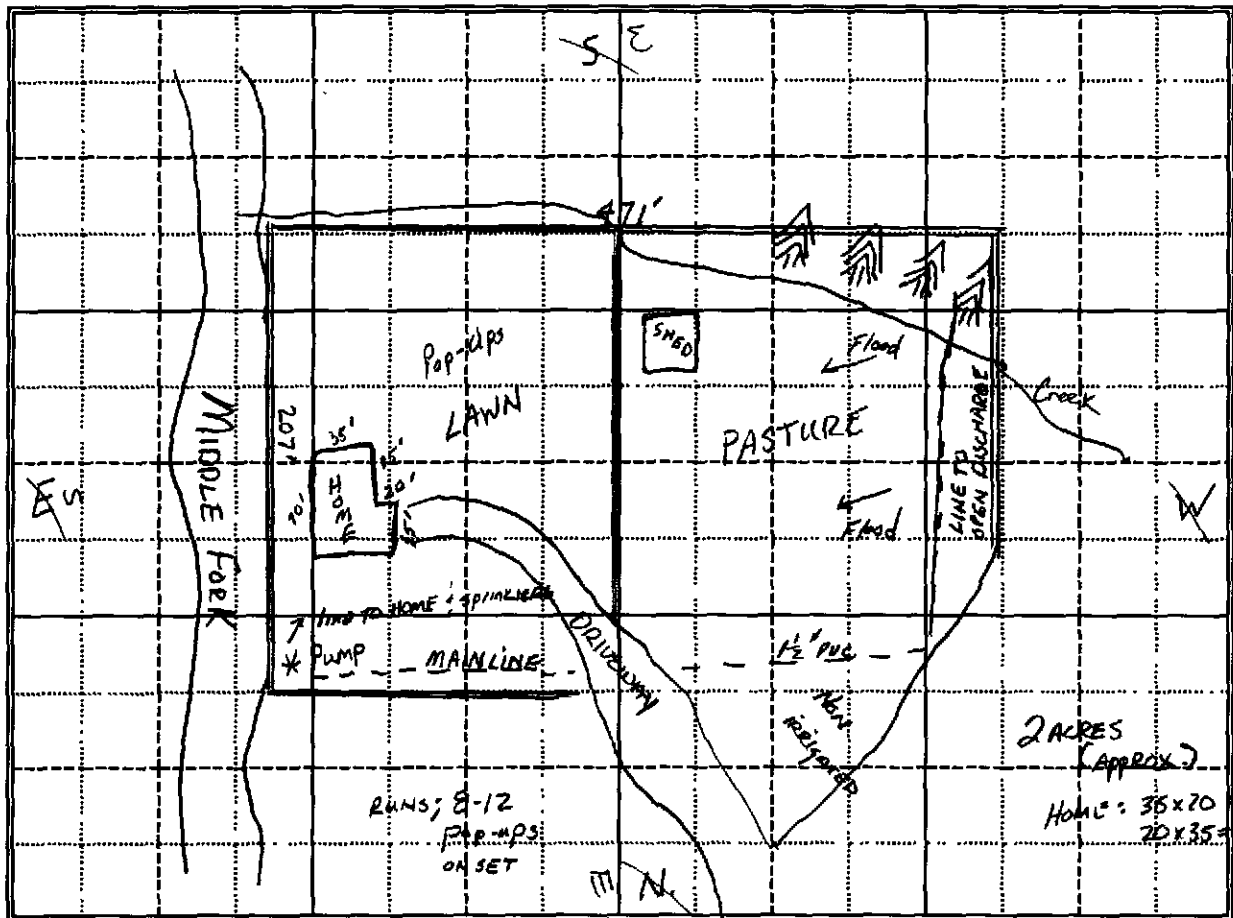
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	34	2																2

RECEIVED
FEB 17 1995

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

changes to direction by Jim J.



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
	DYNAMIC	2	945TRD	—	1 1/2"

*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: THEORETICAL ; 10' HET 55 PSI 2 HP

FEB 17 1995

E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM USES A 2HP TO LIFT WATER 10' FROM THE MIDDLE
FORK OF THE PAYETTE INTO LINES FOR IRRIGATION PURPOSES. 1 1/2" INTAKE
LEADS TO LINES FOR THE LAWN'S TIMED POP-UPS. EXTENDS
TO THE WEST END OF THE PROPERTY TO FLOOD A PASTURE.
THE POP-UPS RUN AT SETS OF 8-12 HEADS AT @.55 PSI.

* Overlaps are neighbors in same 1/4 1/4 WITH DIFF. P/D's.

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

FEB 17 1995

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\text{THEORETICAL; } 2 \times 8.8 \times .70 = \frac{12.32}{(2.3 \times 55) + 10} = \frac{12.32}{136.5} = .09 \text{ cfs}$$

$$\text{NEED } 2A \times .03 \text{ cfs} = \underline{\underline{.06 \text{ cfs}}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{2 \times 3.5 = 7 \text{ AFA}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.06 \times 184 \times 1.9835 = 22 \text{ AFA}}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = \underline{7 \text{ AFA}}$$

2. Volume Calculations for Other Uses:

NONE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* <u>IRRIGATION</u>	<u>4-11</u>	<u>11-1</u>	<u>.06 cfs</u>	<u>7 AFA</u>
Totals:			<u>.06 cfs</u>	<u>7 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

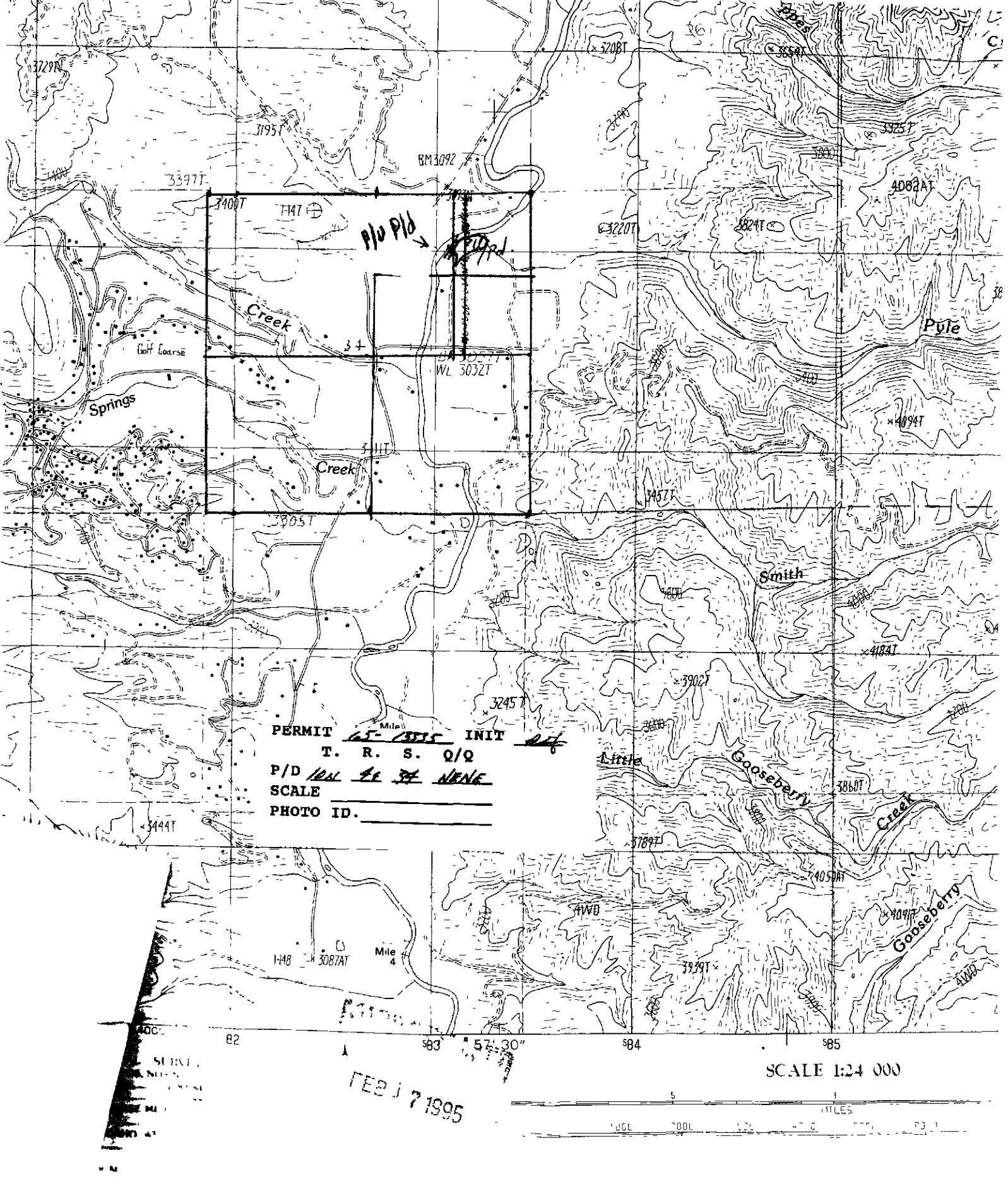
I. AUTHENTICATION

Field Examiner's Name Dave J. [Signature] Date 7-12-94

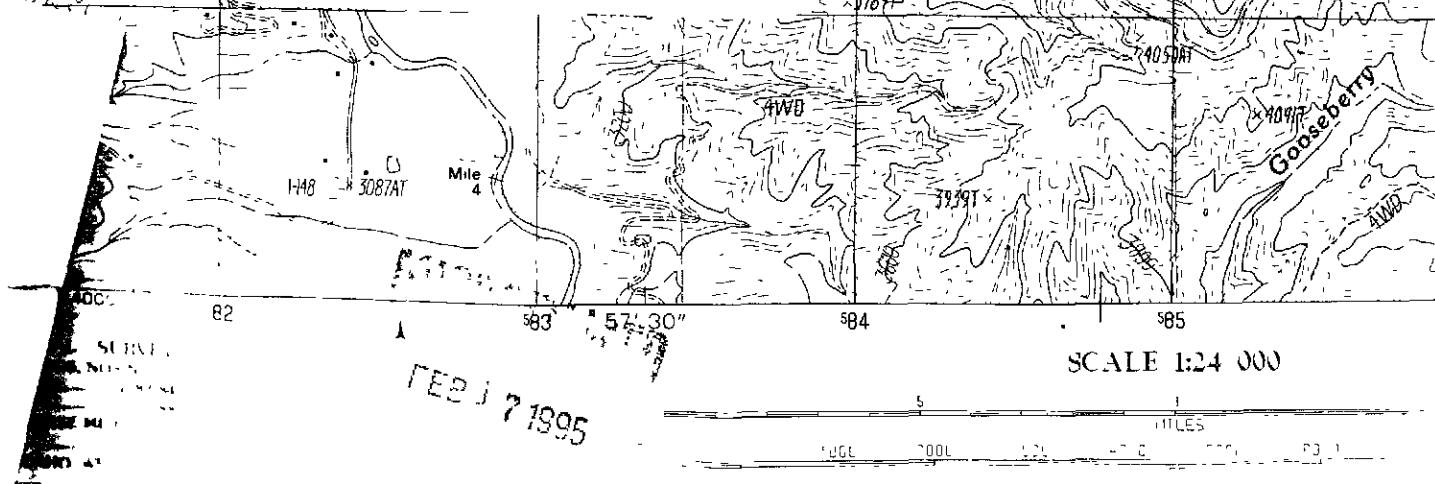
Reviewer _____ Date _____

SEAL

FEB 17 1995



PERMIT 65-1355 INIT def
T. R. S. Q/Q
P/D 10/11 21 34 NENE
SCALE _____
PHOTO ID. _____





VIEW OF ^{P/D} ~~stream~~ IN STREAM.
PUMP IS LOCATED ON THE
EASTSIDE OF THE PROPERTY

PHOTO ONE-



View From the NW corner
TO THE SE corner. THE
OWNER USES TIMED PDP
UPS TO IRRIGATE THIS PORTION
OF ~~THE~~ HIS PROPERTY.

PHOTO TWO-

REC-171995

July 9, 1993

JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13335

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUL 23 1993

June 30, 1993

JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13335

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

JUL 23 1993

CERTIFIED MAIL

NO. 140360

May 19, 1992

JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

RE: Water Right No. 65-13335

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

RECEIVED

JUL 23 1993

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

JUL 23 1993

September 6, 1991

JAMES G RUTHERFORD
HC 76 BOX 2297
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13335

Dear Permit Holder:

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

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

Be sure to note the special condition requiring you to install a lockable device that will enable the watermaster to control your diversion.

Natural flow of the Payette River is fully appropriated except during periods of flood flow. Your permit is conditioned to require you to obtain storage water to compensate for your diversion of natural flow from the river. The amount of storage which you will be required to obtain is approximately 3 acre-feet

OCT 31 1991

per acre of irrigated ground. You will be notified in the future of the necessity to obtain storage water.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

AUG 26 1991

Department of Water Resources
Western Region

The Ida

P O Box 220, Id
208

State of Idaho >
County of Boise >

Wayne Hart, being duly sworn, deposed that the manager and principal clerk of newspaper published at Idaho City, and the State of Idaho; the said newspaper has a general circulation in the county vicinity of Idaho City; that the newspaper, which is hereto attached, was published once a week for two (2) entire and regular issue of every during the period and time of publication in the newspaper and not a supplement been established and regularly an for more than seventy eight weeks publication of this notice. Such the issue beginning with Aug 7 the issue of Aug 14, 1991.

State of Idaho >
County of Ada >

On this 24th day of August in the year 1991, before me, a notary public, personally appeared WAYNE HART known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jan E Hart
Notary Public for Idaho

Residing at

My commission expires 9/10/96

Wednesday, August 7, 1991.

The Voice

LEG

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13333
U S DEPT. OF AGRICULTURE
BOISE NATIONAL FOREST
1750 FRONT ST
BOISE, ID 83702

Source: GROUNDWATER

Diversion Pt: LOT 5 (NWNESE) Sec 32 T 09N R 08E

Use DOMESTIC (.020 CFS)
Total Diversion (.020 CFS)

Date Filed: 7/12/1991

In: T09N R08E S32 Lot 5 (NESE) Lot 4 (NWSW)

65-13335
RUTHERFORD, JAMES G.
HC 76 BOX 2297
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK

Tributary: PAYETTE RIVER

Diversion Pt: NEN Sec 34 T 10N R 04 E

Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/24/1991

In: T10N R04E S34 (NENE)
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before AUGUST 26, 1991.

R. KEITH HIGGINSON, Director

Published in The Idaho World August 7 and 14, 1991.

Matches in file
Intent is sufficiently clear

65-13335

RUTHERFORD, JAMES G.
HC 76 BOX 2297
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: NENE Sec 34 T 10N R 04E

Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 7/24/ 1991

In: T10N R04E S34 NENE

2.0 ACRES TOTAL

OCT 01 1991