

11. 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.

RECORDED

NOV 21 1989

Jerry W. Gray
(Applicant)

Project Superintendent
per letter of 3/27/89



0 800 1600 Feet
MICROFILMED
NOV 21 1989
MONTOUR
COOPERATIVE POND
IMPROVEMENT PROJECT
Figure 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

2772 III SW
SQUAW BUTTE 1:24 000
SQUAW BUTTE L.O. 2.7 MI

MONTOUR QUADRANGLE
IDAHO
15 MINUTE SERIES (TOPOGRAPHIC)

2772 II
(BANKS)

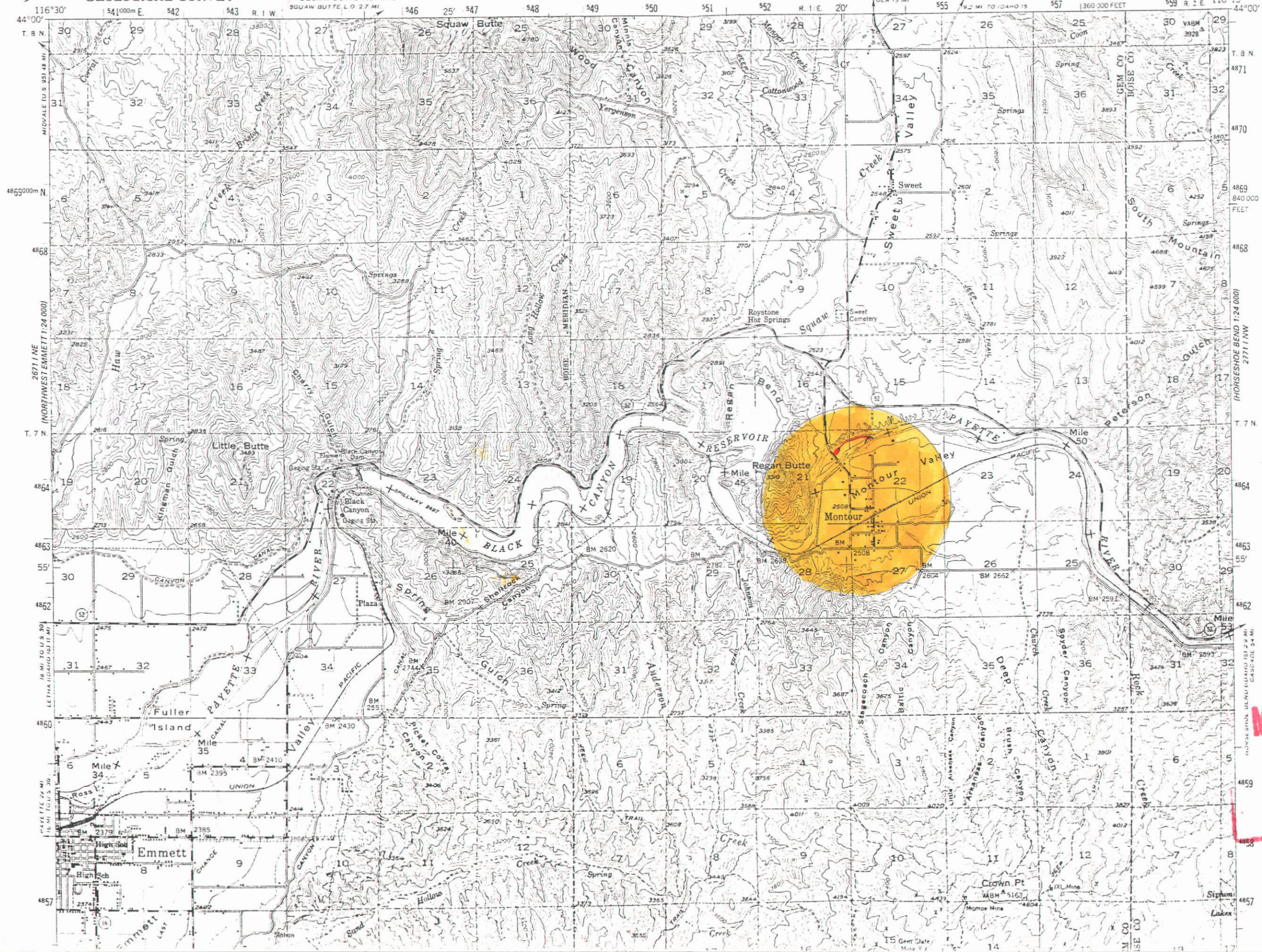


FIGURE 2

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NOV 21 1989

RECEIVED
JUN 19 1989

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Esmá Reyes, being first
duly sworn, on ^{her} oath deposes and
says that ^{she} is the ^{clerk} printer of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for Two (2x)

consecutive weekly issues thereof,
beginning with the issue of
MAY 7, 1989,
and ending with the issue of
MAY 14, 1989

Esmá Reyes

Subscribed and sworn to before me
this fourteenth day of
June, 1989

Margaret Hanson
Notary Public,
Residing at Emmett, Idaho.

My Commission Expires 3-21-95

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

65-13039

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION

ATTN: 424 Box 043

550 W. FORT ST.

BOISE, ID 83724

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (NENE) Sec 21
T 07N R 01E

LOT 5 (NENW) Sec 22 T 07N R 01E
NWNW Sec 22 T 07N R 01E

Use: WILDLIFE (5,000 CFS)

Date Filed: 5/04/1989

In: T07N R01E S21 Lot 1 (NENE) Lot
4 (SENE), S22 Lot 5 (NENW) Lot 5
(NWNW)

65-13040

BROWN, GERALD A.

BROWN, APRIL L.

12008 HIGHWAY 52

HORSESHOE BEND, ID 83629

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (NESE) Sec 25
T 07N R 01E

Use: IRRIGATION (.200 CFS)

Date Filed: 5/17/1989

In: T07N R02E S30 Lot 2 (SWNW) Lot
3 (NWSW) 10.0 ACRES TOTAL

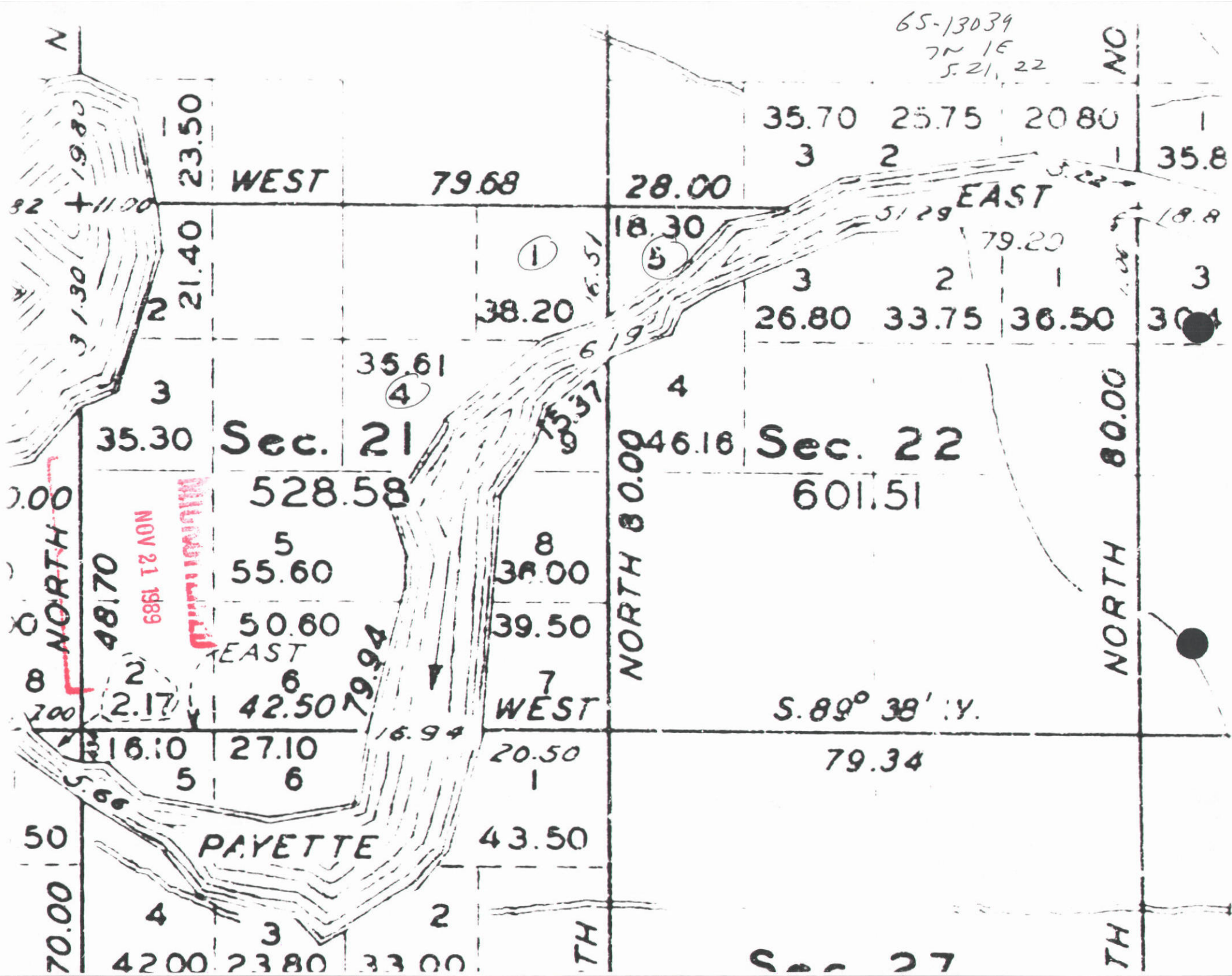
The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region, 2735
Airport Way, Boise, Idaho 83705 on
or before JUNE 26, 1989.

R. KEITH HIGGINSON, Director
Pub.: 6-7,14-89

Legal Notice No. 509
Published in the Messenger Index

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NOV 21 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13039 Telephone No. (208) 378-5322
United States of America
2. Name(s) of Permit Holder(s): Acting through Regional Director, Bureau of Reclamation, Pacific Northwest Region
3. Mailing Address: 1150 N. Curtis Road, Boise, Idaho 83706
4. Source of Water: Payette River If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Wildlife
6. Total rate of diversion and/or volume for which proof is submitted: 5.00 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No _____
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 200.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Allen Eisenhauer Telephone Number: (208) 365-2682
Address: 5555 E. Black Canyon Highway, Emmett, Idaho 83617
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

Snake River Area Manager

Date: 10/30/94

DEC 20 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT TO	)	
	)	
APPROPRIATE WATER NO. 65-13039 IN	)	
	)	
THE NAME OF THE U.S. DEPARTMENT	)	ORDER REMOVING
	)	MEASURING DEVICE
OF INTERIOR, BUREAU OF RECLAMATION	)	REQUIREMENT
	)	

Permit to appropriate water no. 65-13039 was issued with a condition that "a measuring device and lockable controlling works . . . acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit."

The permit authorizes the diversion of five (5) cubic feet per second from the Payette River for wildlife purposes.

The Idaho Department of Fish & Game (Fish & Game), which is coordinating the construction, has represented that the water will be used to maintain water levels in an old mill pond. Fish & Game has represented that the pond size will not increase substantially with the diversion of water, and that losses will be minimal. Fish & Game has also represented that water remains in the mill pond at all times, whether water is diverted in or not.

A watermaster has not yet been appointed for administration of water flowing in the Payette River.

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FEB 27 1990

The request for removal of a measuring device should be granted, but the Department should retain jurisdiction to require future installation of a measuring device and lockable control device if necessary.

ORDER

IT IS HEREBY ORDERED that condition no. ~~4~~ of permit no. 65-13039, requiring installation of a measuring device and lockable controlling works, is REMOVED.

IT IS FURTHER ORDERED that the following condition shall be made a part of permit no. 65-13039:

The director retains jurisdiction over this permit to require the installation of a measuring device and lockable controlling works of a type acceptable to the department.

Dated this 9th day of February, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

NOT FILMED

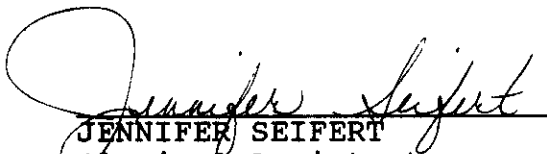
FEB 27 1990

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of February, 1990, I mailed a true and correct copy of the Order Removing Measuring Device Requirement, postage prepaid, to the following individuals:

U.S. Department of Interior,
Bureau of Reclamation
424 Box 043
550 W. Fort St.
Boise, ID 83024

Idaho Department of Fish & Game
600 South Walnut Box 25
Boise, ID 83707


JENNIFER SEIFERT
Clerical Assistant

MICROFILMED

FEB 27 1990

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13039

Proposed Priority: May 4, 1989

Maximum Diversion Rate:

5.00 CFS

This is to certify, that U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE, ID 83724

has applied for a permit to appropriate water from:

PAYETTE RIVER

tributary of **SNAKE 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>
WILDLIFE	01/01 to 12/31	5.00 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		
LOT 1(NENE), Sec. 21, Township 07N, Range 01E		
LOT 5(NENW), Sec. 22, Township 07N, Range 01E		
NWNW Sec. 22, Township 07N, Range 01E		
GEM County		

PLACE OF USE: WILDLIFE

TWN RGE SEC

07N 01E	21	LOT 1(NENE)	LOT 4(SENE)
	22	LOT 5(NENW)	LOT 5(NWNW)

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. Permit holder shall commence the excavation or construction of diverting works within **one year of the date this permit is issued** and shall proceed diligently until the project is complete.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
5. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.

MICROFILMED

NOV 21 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13039

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

16th day of November, 1989.

J. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

NOV 21 1989

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant Bureau of Reclamation - CSPD Phone (208) 334-1460

Post office address 214 Broadway Avenue / Boise ID 83702

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

3. Location of point of diversion is NE ¼ of NE ¼ of Section 21 Township 7N

Range 1E B.M. Gem County, additional points of diversion if any:

N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22, T 7 N., R 1 E., Boise meridian, Idaho (see Figures 1 & 2)

4. Water will be used for the following purposes:

Amount 5 for nonconsumptive purposes from Jan. 1 to Dec. 31 *
(cfs or acre feet per annum) wildlife March 1 to Oct 30 (both dates inclusive)

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:

a. 5 cubic feet per second and/or b. $\frac{N/A}{1,500} *$ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Hydraulic excavator will connect river via inflow channel, with a currently existing pond channel. New channel will have a 4' bottom with 3:1 sideslope, a total width of 28' and will be above the highwater line.

* h. Height of storage dam 4 feet, active reservoir capacity 3 acre-feet; total reservoir capacity 3 acre-feet, materials used in storage dam: Metal check structure; soil

Period of year when water will be diverted to storage March 1 to Oct 30 inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

scription of proposed uses: * NE NE } 21
If water is not for irrigation: SE NE } 21
(1) Give the place of use of water: NW ¼ of NW ¼ of Section } 22 Township 7N
NE NW } 22
Range 1E B.M.

(2) Amount of power to be generated: --- horsepower under 6000 ft. of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Supply water to an old mill pond to
provide fishery and waterfowl habitat.

* Period of use expanded.
* No storage needed in this right. Incidental storage is considered part of diversion. Expanded place of use covers channel and ponds.
per telecon with Joe Fackler, SL 5/1/89

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. ---

9. a. Who owns the property at the point of diversion U. S. Bureau of Reclamation

b. Who owns the land to be irrigated or place of use U. S. Bureau of Reclamation

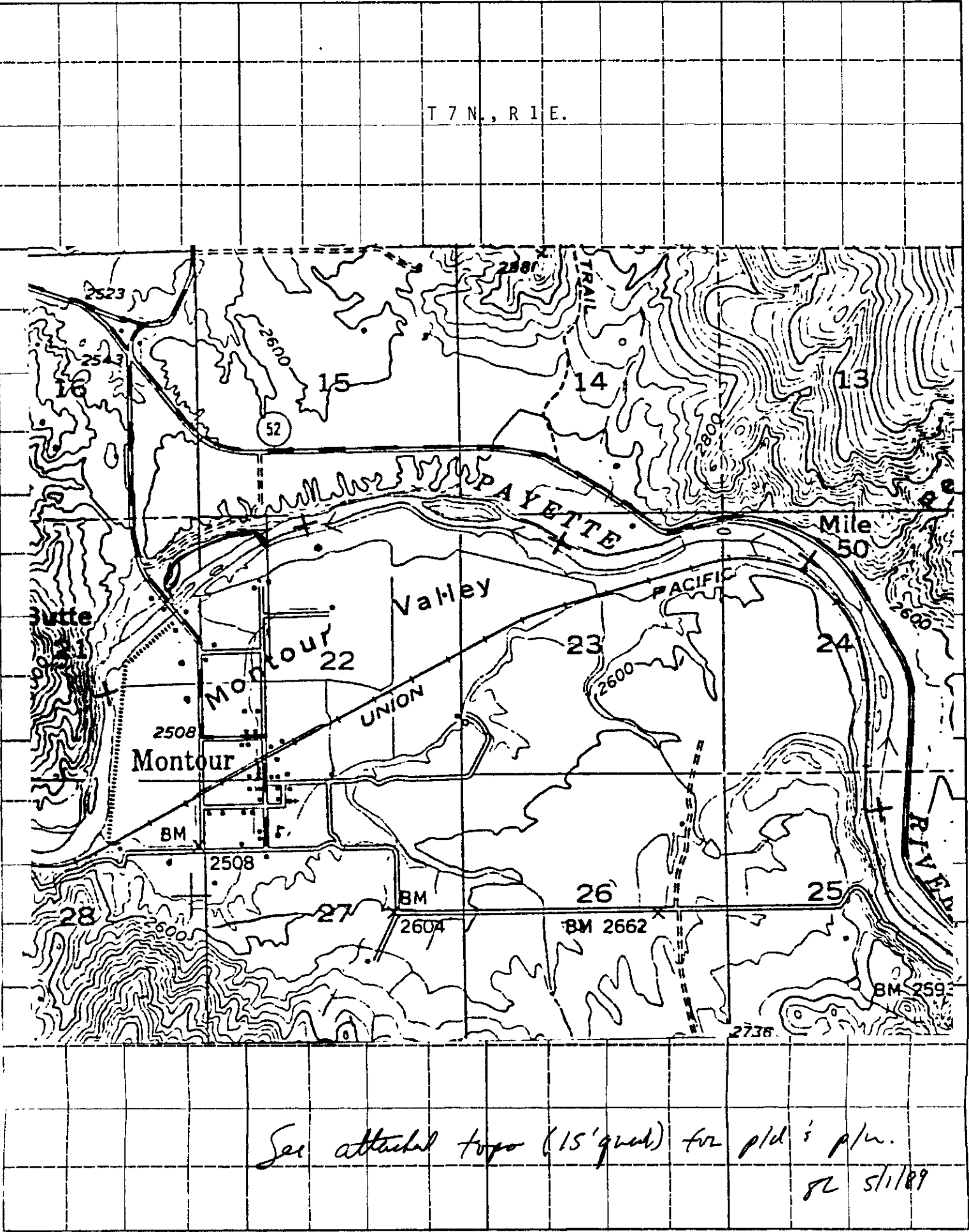
c. If the property is owned by a person other than the applicant, describe the agreement enabling the applicant to make this filing ---

MICROFILMED

NOV 21 1985

10. Remarks Water will be diverted from the Payette River to supply an old existing mill pond for fishing improvements and waterfowl habitat in the Montour Wildlife Area (see map). A new inflow channel will be excavated to connect the river with a currently existing dry channel that previously supplied the pond. The new channel will be excavated ¼ mile upstream from the pond and will be cut at elevation 2,507, which is below the highwater mark, but above the river bed elevation of 2,503. Excavated materials will be placed on-site above wetland areas and will be smoothed, leveled and reseeded with natural vegetation. Water will be diverted at higher water flows, utilizing both natural runoff and storage waters. A small amount of water, estimated at .07 ac. ft./mo. (or ½ ac. ft./8 mo.; ¼ inch/day) is expected to be lost to evaporation. The additional total distance the water flows when diverted is approximately 500 ft., estimating the consumptive evaporative use to be quite minimal. Water use will be nonconsumptive in that diverted water will be returned immediately to the river. Percolation is considered to be minimal since water will be diverting through an existing channel that has a high water table.

11. 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.

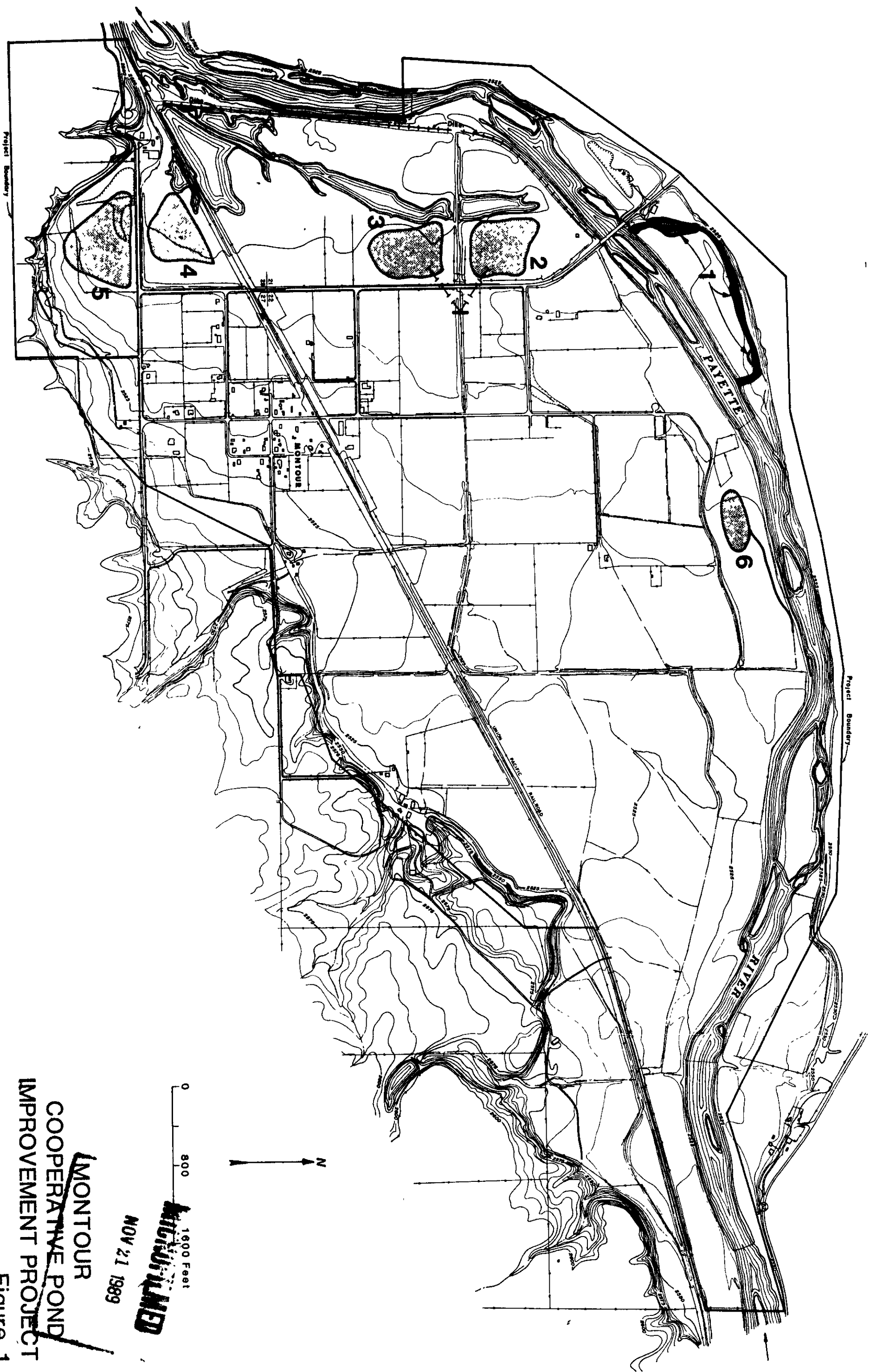
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the State of Idaho as herein set forth.

MICROFILMED

NOV 21 1989

Jerry W. Gray
(Applicant)

Project Superintendent
per letter of 3/27/89



NOV 21 1989
MONTOUR
COOPERATIVE POND
IMPROVEMENT PROJECT
Figure 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

2672 II SE
OG COVE BUTTE
1:24,000

2772 III SW
SQUAW BUTTE 1:24,000

2772 III SE
WEBB CREEK 1:24,000

MONITOR QUADRANGLE
IDAHO
15 MINUTE SERIES (TOPOGRAPHIC)

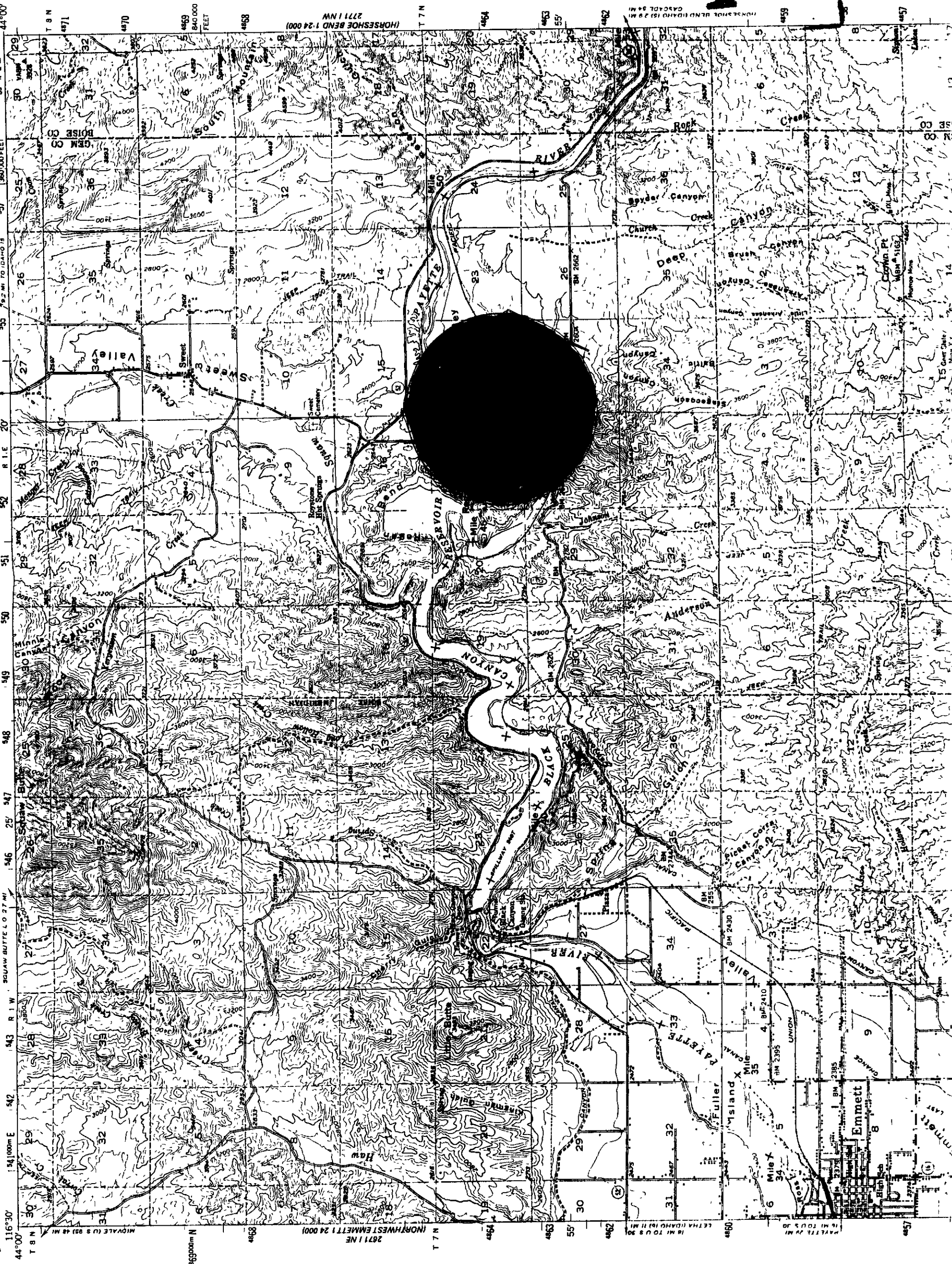


FIGURE 2

MICROFILMED

NOV 21 1989

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

[illegible]

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.

(applicant)

Rcvd 125⁰⁰ cash on 5/4/89 RW

Received by RL for NL Date 5/30/89 Time 11:50 Prelim. / check by SL
Fee \$ 125⁰⁰ Received by RW # W002685 Date 5-4-89
Publication prepared by GG Date 5/31/89 Published in Messenger-Index
6/8 & 6/15/89
Publication approved SL Date 7-10-89

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:

Review page not submitted with application. This attachment
can serve that function. SL 5/1/89

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NOV 21 1989

RECEIVED

JUN 19 1989

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Esma REYES, being first
duly sworn, on ~~his~~^{her} oath deposes and
says that ~~he~~^{she} is the ~~printer~~^{clerk} of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for Two (2x)

consecutive weekly issues thereof,
beginning with the issue of
MAY 7, 1989,
and ending with the issue of
MAY 14, 1989

Esma Reyes

Subscribed and sworn to before me
this fourteenth day of

June, 1989

Margaret Hanson

Notary Public,

Residing at Emmett, Idaho.

My Commission Expires 3-21-95

MICROFILMED

NOV 21 1989

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13039

Reviewed by [Signature]

Date 11/18/94

GENERAL CONSIDERATIONS

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

TYPES OF USE

wildlife
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?
☒ Copy in the file? Drilling Permit No. _____
☒ Amount paid for permit _____ Correct?
☒ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
200.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☒ Installed?
☒ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	- = + =	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 1150 N. Curtis Rd. Proof Made 11/1/94
Base, Id. 83706

November 22, 1994

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 837041234

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13039

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 EASTERN Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

DEC 20 1994

August 31, 1994

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 837041234

PROOF DUE NOTICE

RE: PERMIT NO. 65-13039

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 November 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

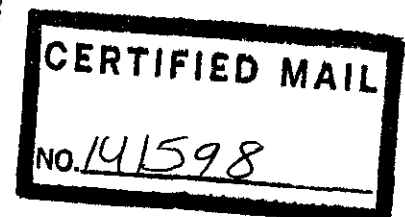
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

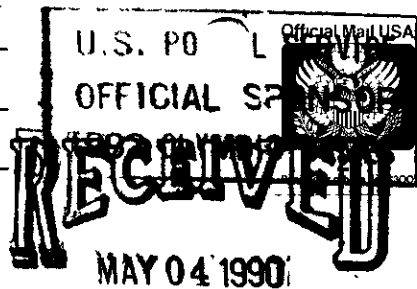
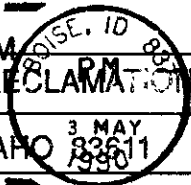
JULIE L. YARBROUGH
Senior Secretary

Enclosures

DEC 20 1994



CASCADE AM
BUREAU OF RECLAMATION
BOX 9
CASCADE, IDAHO 83611



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



MAY 20 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 65-13039

Name(s) of Permit Holder(s): BUREAU OF RECLAMATION

Post Office Address: 214 BROADWAY AVE.
BOISE, ID. 83702

Tel. No. (208) 334-1060

☒ I hereby certify that construction of diversion works for the above referenced permit began on APRIL 5, 1990 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*.

*Note: A financing difficulty is not an acceptable reason

MAY 3, 1990
Date

Bureau of Reclamation
Signature of Permit Holder



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 16, 1990

Idaho Department of Fish & Game
600 South Walnut
Box 25
Boise, ID 83707

RE: Permit to Appropriate Water No. 65-13039

Dear Permit Holder:

Enclosed is an Order Removing Measuring Device Requirement.

Please note that condition no. ⁴5 has been removed and also note the condition that has been added.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Western Region

MICROFILMED

FEB 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 16, 1990

U.S. Department of Interior,
Bureau of Reclamation
424 Box 043
550 W. Fort. St.
Boise, ID 83024

RE: Permit to Appropriate Water No. 65-13039

Dear Permit Holder:

Enclosed is an Order Removing Measuring Device Requirement.

Please note that condition no. 5 has been removed and also note the condition that has been added.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Western Region

MICROFILMED

FEB 27 1990

IDAHO FISH & GAME

600 South 1st Street, Box 25
Boise, Idaho 83707

RECEIVED

JAN 24 1990

Department of Water Resources

January 23, 1990

Mr. Gary Spackman, Supervisor
Water Right Permits Section
Idaho Department of Water Resources
Statehouse Mail

Dear Mr. Spackman:

Permit No. P65-13039

The Idaho Department of Fish and Game, in cooperation with the Bureau of Reclamation, is improving the fish and wildlife habitat on the Montour Wildlife Area. The referenced permit is for diverting water from the Payette River through the existing side channel and an old mill pond to improve the fish and wildlife habitat. The flow is then returned directly to the Payette River from the outlet of the mill pond. The side channel and the pond presently remain full of water from small springs located along the channel, but the additional water is necessary to prevent stagnation and to improve the fishery habitat. There are no other channels or potential for water use from this diversion.

Since the pond and channel remain full of water throughout the year, it is doubtful that the additional flow into the system will have any measurable losses from either percolation or evaporation. It is requested that the permit conditions requiring a measuring device and a lockable control on the diversion works be deleted from this permit.

If you have any questions or require additional information, please let us know.

Sincerely,


Grant S. Christensen
Chief, Bureau of Engineering

GSC:Q

MICROFILMED

FEB 27 1990

Cecil D. Andrus / Governor
Jerry M. Conley / Director



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 17, 1989

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE, ID 83724

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P65-13039

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.

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

MicroFILMED

NOV 21 1989

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

NOTED

NOV 21 1989

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF A PETITION FOR)
EXEMPTION FROM INTERIM PROTECTED)
RIVER STATUS ON THE PAYETTE RIVER)
FOR THE PURPOSE OF CONSTRUCTING)
A WATER DIVERSION WORKS FOR THE)
MONTOUR WILDLIFE AREA)

A RESOLUTION

WHEREAS, the Board, pursuant to Idaho Code 42-1734D and 42-1734H, designated that portion of the Payette River from Banks, Idaho to Black Canyon Dam as an interim protected river by resolution dated July 1, 1988; and,

WHEREAS, the Board's designation provides that all activities listed in Idaho Code 42-1734A(5), including the construction of water diversion works, are prohibited in the protected reach; and,

WHEREAS, the United States Bureau of Reclamation has petitioned the Board for an exemption from the interim protected designation for the purpose of constructing a water diversion works for the Montour Wildlife Area; and,

WHEREAS, the Board's hearing officer, Bobby D. Fleenor, conducted a hearing on the petition for exemption in Emmett, Idaho on October 17, 1989, and submitted a Hearing Officer's Report to the Board which a majority of the members have reviewed in addition to having read the record in this matter.

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NOW, THEREFORE, BE IT RESOLVED that the Board adopts the findings of fact contained in the Hearing Officer's Report appended to this resolution, and that based thereon the Board approves the exemption sought by the Petitioner to construct a water diversion works in connection with the Montour Wildlife Area.

PASSED AND APPROVED this _____ day of November, 1989.

GENE M. GRAY, Chairman

ATTEST:

F. DAVE RYDALCH, SECRETARY

The Water Resource Board passed
this resolution at their Nov 3, 1989
meeting. When signatures are obtained,
I will provide a signed copy for the
file. F. Smith, Chairman
11/13/89

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NOV 21 1989

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF A PETITION)
BY U.S. DEPARTMENT OF INTERIOR,)
BUREAU OF RECLAMATION FOR AN)
EXEMPTION FROM INTERIM PROTECTED)
STATUS OF THE MAIN PAYETTE RIVER)

SOURCE: Payette River
PROJECT: Montour Pond
COUNTY: GEM

HEARING OFFICER'S REPORT

FINDINGS OF FACT

The reach of the Payette River, from Banks to Black Canyon Dam, has been designated as an interim protected river by resolution of the Idaho Water Resources Board in accordance with Section 42-1734H, Idaho Code.

The U.S. Department of Interior, Bureau of Reclamation hereafter called the Bureau, is proposing to divert water from that reach of the Payette River.

The designation of a reach of a river as interim protected river prohibits the construction of water diversion works unless an exemption from the interim protected status is obtained.

On June 12, 1989, the Bureau petitioned the Water Resources Board for an exemption for their proposed project from the interim protected status prohibition against the construction of water diversion works.

A notice of an October 17, 1989 public hearing was published in several area newspapers including the Emmett Messenger-Index, The Nampa Caldwell Idaho Press-Tribune and the Boise Statesman.

The public hearing was held as scheduled in Emmett, Idaho by hearing officer Bob Fleenor. Mr. Jim Brooks of the Bureau explained the proposed project and its impact on the criteria that must be considered by the Board in reaching a decision on an exemption. No one requested formal standing at the hearing, but the five people present discussed the project. None of them were opposed to it. The record was left open until October 30, 1989 to receive written comments concerning the project. One written comment was received from Mr. William E. Nichols of the Gem County Planning and Zoning Commission requesting the the Bureau to comply with Executive Order 11988 which requires that the Bureau consider and offset any negative impacts on the flood zone areas.

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The Bureau has requested this exemption to construct a canal between the Payette River and an existing mill pond so that the water in the pond will be fresh enough to have a put-and-take fishery for use by the public. The canal would be about ten feet wide, six feet deep and 300 feet long. The alignment will be along the old original canal route to the pond. The pond is approximately one acre in surface area and has an existing outlet works where the water will be returned to the river.

The Bureau has made application for a water right to divert the water from the Payette River into the pond and that application is pending before the director of the Department of Water Resources. No application to alter a stream channel is needed since the proposed diversion is in conjunction with a water right.

This proposed project will not significantly impair the values that caused this portion of the Payette River to be designated as an interim protected river, but to the contrary, will enhance this area and will add to the enjoyment of this stretch of the Payette River by the residents of the area.

Therefore I recommend that the Bureau's petition for an exemption be granted with the condition that they obtain a water right permit prior to diverting any water from the Payette River and that they comply with Federal Executive Order 11988.

Signed this 1st day of November, 1989 at Boise, Idaho.


BOBBY D. FLEENOR
Hearing Officer

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NOV 21 1989

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SC DATE: 5/26/89 APPLICATION: 65-13039

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

11/6/89 →

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relat application on the back.)

☒ ☐ Overlapping point of diversion:

☐ ☐ Field check required: Field check by: _____

☐ ☐ Field report attached:

☐ ☒ Critical groundwater area:

☐ ☒ Groundwater management area:

☒ ☐ Diversion within interim protected river area

☐ ☒ Send dam safety information:

☐ ☒ Send power requirement letter:

☐ ☒ Send fish farm requirement letter:

☐ ☒ Power residency affidavit:

☐ ☒ Power efficiency form:

☐ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)

☐ ☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)

☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

See letter of 5/17/89 and reply received 5/26/89

DATE REQUESTED: 5/17/89

☒ Additional information on reverse side:

NOV 08 1989

RECEIVED

1000 SC

IWRB granted exemption of 11/3/89 5 appl. can proceed. Per telegram with F. Skermon of S.D. on 11/6/89. He will forward copy of letter stating exemption.

Department of Water Resources

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SC DATE: 5/26/89 APPLICATION: 65-13039

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☒	Field check required: Field check by: _____
☐	☒	Field report attached:
☐	☒	Critical groundwater area:
☐	☒	Groundwater management area:
☒	☐	Diversion within interim protected river area
☐	☒	Send dam safety information:
☐	☒	Send power requirement letter:
☐	☒	Send fish farm requirement letter:
☐	☒	Power residency affidavit:
☐	☒	Power efficiency form:
☐	☒	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☒	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)

*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

See letter of 5/17/89 and reply received 5/26/89

DATE REQUESTED: 5/17/89

Additional information on reverse side:

RECEIVED
NOV 08 1989

Department of Water Resources

PROCESSING

APPLICATION NO. 65-13039

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising:
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒ I.D. Health and Welfare
☐ ☒ I.D. Fish and Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Svc.
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☒ Protests received. Final date for protest June 26, 1989
☐ ☒ Protest dates, resolution of protest recorded on application:
☒ ☐ Recommendations attached: Approve, OK
☒ ☐ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # 65
☐ ☒ Special conditions of approval or cover letter: OIE, 05(65, Payette River)

See below for additional information

Recommended Date or Priority 5/4/1989 ✓
Recommended by: Dr Date 11/7/89

STATE OFFICE REVIEW

P08, P17 05(65) 26 OLT
See below for additional information. By KW Date 11/13/89

ADDITIONAL INFORMATION

Applicant's 5/24 letter rec'd 5/26: no work requiring SCP permit anticipated.
Applicant will contact WRB for exemption to interim protected river situation.
Overlap
P10 65-00472, 00474, 00106 wells.
65-00152, 10463, 07085 other Payette River diversions.
P1~ 65-00473, 00313 wells AND as in list above - all for other uses on
other lands

OK to allow 5 yrs. to develop - U.S. Gov't



United States Department of the Interior

BUREAU OF RECLAMATION
CENTRAL SNAKE PROJECTS OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702-7298

TAKE
FROM
AMERICA

IN REPLY
REFER TO

300

May 24, 1989

RECEIVED

Mr. Steve Lester
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705

Department of Water Resources
Western Regional Office

Subject: Application for Permit 65-13039 (Water Rights)

Dear Mr. Lester:

The old mill pond in Montour has had seepage water flowing both above and below the pond for many years, and we decided that the outfall to the Payette River will not require any changes. Hence, we believe that an SCA Permit will not be required.

We were unaware that the Payette River, along the Montour reach of the river, was within an Interim Protected Rivers proposal based on Idaho Code 42-1734H(1). We appreciate your bringing this to our attention. We will in the next few days ask for an exemption to Idaho Code 42-1734A(5), and ask that the Idaho Water Resource Board carbon copy their response to our request.

Thank you for your help in these matters.

Sincerely,

Jerrold D. Gregg
Project Superintendent

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NOV 21 1989

CONVERSATION MEMORANDUM

DATE 5/24/89FILE 65-13039 andReceipt W002978NAME OF PARTY Arona 334-1464EMPLOYEE Stan LasterRE: on 5/23/89 at 4:15 a Bur. Recl. employee (Debbie?)brought \$125 cash. This was thought to be for
appl 65-13039 & receipt W002978 was issued.

However, appl 65-13039 ^{Montana Ponding Project} fee of \$125 was already paid
in cash (receipt W002685 on 5/4/89). No other Bur.
Recl. appl. or action requiring fee could be identified.

via AR2, looked at W002978 & saw "Montana Ponding
Project" in remarks. The \$125 was paid a second
time in error and W002978 was voided.

Contacted Arona at Bur. Recl. after ~~some~~ unsuccessful
attempt to locate Debbie (?) or office that the
5/23 cash came from. Arona said that an
employee would pick the cash up on 5/24 or 5/25.

5/25/89 Time = 4:20 pm.\$125 cash hand delivered to : BUREAU OF RECLAMATIONBy : Debbie Gacey**MICROFILMED**

NOV 21 1989

Stan Laster

C.C. : Bur. Reclamation (hand delivered with returned cash)
Appl. file 65-13039



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

May 17, 1989

Mr. Jerrold D. Gregg
USDI Bureau of Reclamation
214 Broadway Avenue
Boise, Id. 83702-7298

Re: Application for Permit 65-13039

Dear Mr. Gregg:

Your recent application to divert water from the Payette River for wildlife enhancement in the Montour area is ready to advertise. Before the application can be approved, two main issues need to be resolved. Meanwhile, normal processing will continue.

Approval of Application 65-13039 will allow construction of the water diversion works without a Stream Channel Alteration (SCA) Permit. However, any other construction activity within the mean high water mark of the river requires a SCA Permit. For example, construction work related to an outfall to return water to the river requires the additional permit. Please inform this office of any planned construction activity (other than the diversion channel work) within the mean high water mark.

The second issue involves the Idaho Water Resource Board. On 7/1/88 the Board adopted the Interim Protected Rivers proposal based on Idaho Code 42-1734H(1). The Payette River from Banks to Black Canyon Dam falls within the protected status. Idaho Code 42-1734A(5) prohibits construction of water diversion works, among other activities, within a protected reach of the designated rivers. Your application to appropriate water from the Payette River cannot be approved unless the Board grants an exemption to the prohibition. To apply for an exemption, contact the Idaho Water Resource Board, Statehouse, Boise, Id. 83720 (Gene M. Gray, Chairman).

A reply to this letter is requested within 30 days to avoid any loss in the proposed date of priority. Please contact this office for additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl
CC: Frank Sherman
IDWR State Office

NOV 21 1989

NOV 21 1989

CONVERSATION MEMORANDUM

DATE 5/1/89FILE 65-13039NAME OF PARTY Bur. of Reclamation 334-1060EMPLOYEE Steve LasterRE: changes to application for wildlife use: Conv. with
Joe Fackler:1) permits - all yr.2) storage - N/A since 5 cfs provides $5 \times 1.9835 = 9.9$ Ac/ft/dy.
which exceeds the ~~3~~ 3 ac-ft. pond storage.3) p/m - expanded to cover all of channel & pond.4) more than 1 p/d possible.5) fee needed, \$125⁰⁰6) possible SCA issues and/or Payette River moratorium
for such work (re Water Res. Board).

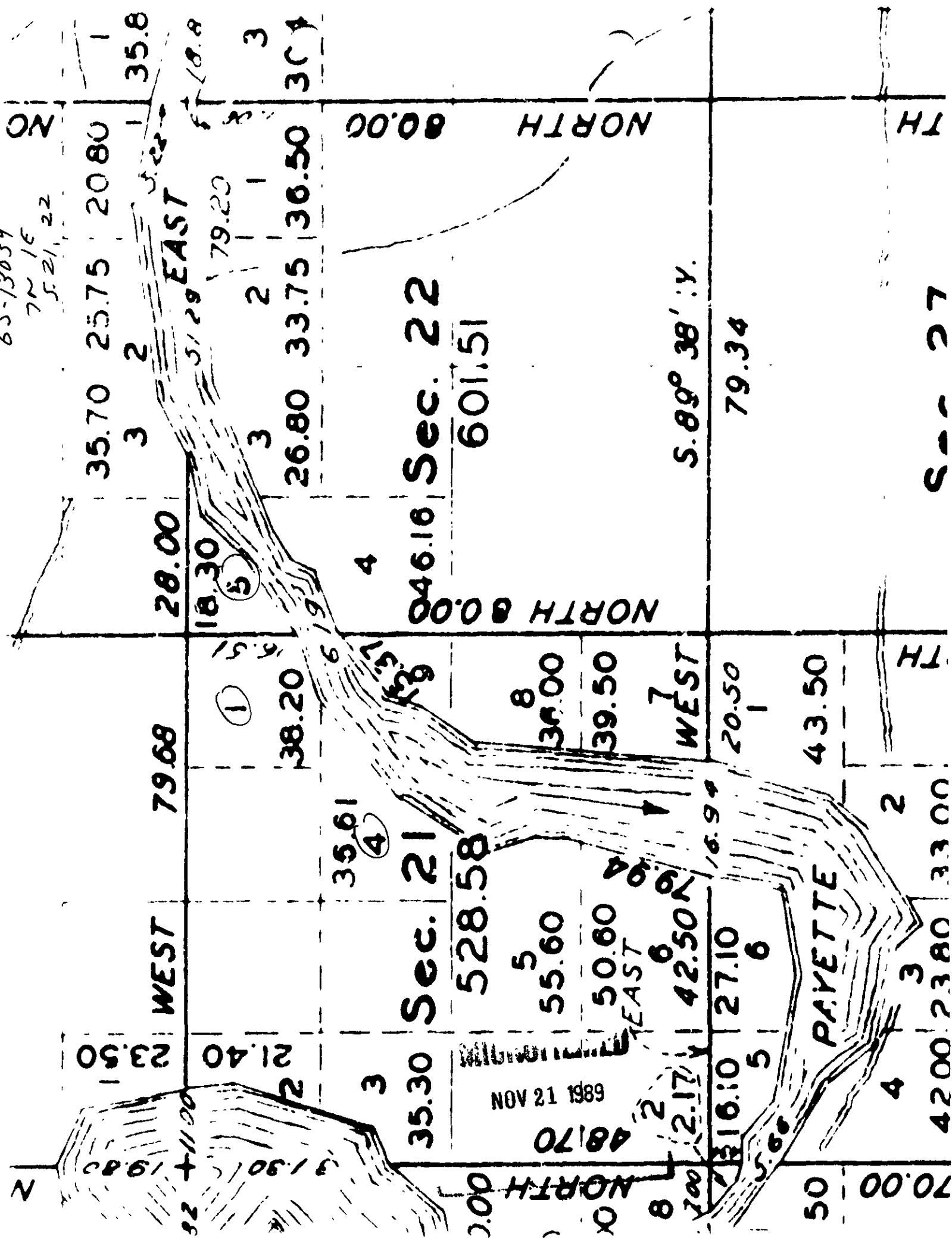
The above confirmed in subsequent phone conv. with
Jim Brooks 5/3/89.

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NOV 21 1989

65-13039

72 16
5.21, 22



NO

35.70 25.75 20.80

35.8

EAST

28.00

18.30

79.22

2

3

26.80 33.75 36.50 30.4

4

046.16 Sec. 22

601.51

NORTH

80.00

S. 89° 38' Y.

79.34

TH

5.21 27

79.68

WEST

①

38.20

35.61

④

35.30 Sec. 21

528.58

55.60

34.00

8

50.60

39.50

7

WEST

20.50

43.50

PAYETTE

2

TH

4200 2380 3300

NOV 21 1989

48.70

8

27.10

6

5

50

00

4

3

2



United States Department of the Interior

BUREAU OF RECLAMATION
CENTRAL SNAKE PROJECTS OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702-7298



IN REPLY
REFER TO

310

March 27, 1989

Steve *SV*
(review)

RECEIVED

MAR 30 1989

No ✓ enc.

Department of Water Resources
Western Regional Office

Mr. Dave Tuthill *Dave*
State of Idaho
Department of Water Resources
2735 Airport Way
Boise ID 83705

Subject: Application for Permit - Water Rights (Water Rights)

Dear Mr. Tuthill:

Enclosed you will find an application for permit for a water right associated with construction of a pond in the Montour Wildlife Area. Pond construction will be for nonconsumptive wildlife purposes, with water being diverted from and returned to the Payette River with a minimal evaporative loss.

If you have any questions, please call Jim Brooks, Chief of Lands at 334-1060.

Sincerely,

Gerrold D. Gregg

Gerrold D. Gregg
Project Superintendent

Enclosure(s)

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NOV 21 1989

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

Boise, Idaho 83705
(208) 334-2190

MAY 31, 1989

Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 26, 1989.

Yours truly,

JUDY PENSE
Secretary

Encl.

RECEIVED

NOV 21 1989

65-13039

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

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt:	LOT 1 (NENE)	Sec 21 T 07N R 01E
	LOT 5 (NENW)	Sec 22 T 07N R 01E
	NWNW	Sec 22 T 07N R 01E

Use: WILDLIFE (5.000 CFS)

Date Filed: 5/04/1989

In:	T07N R01E S21	Lot 1 (NENE)	Lot 4 (SENE)
	S22	Lot 5 (NENW)	Lot 5 (NWNW)

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NOV 21 1989