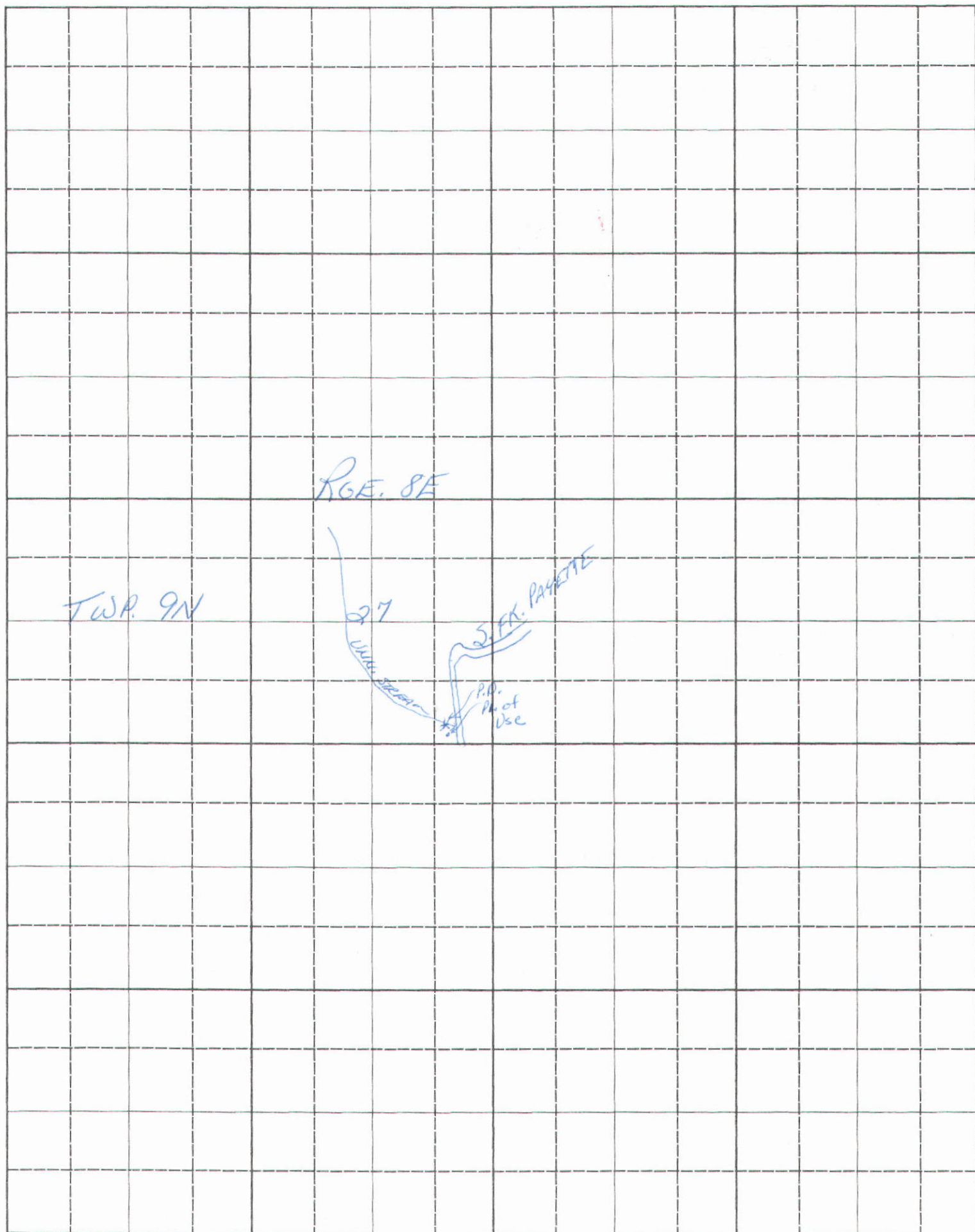


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



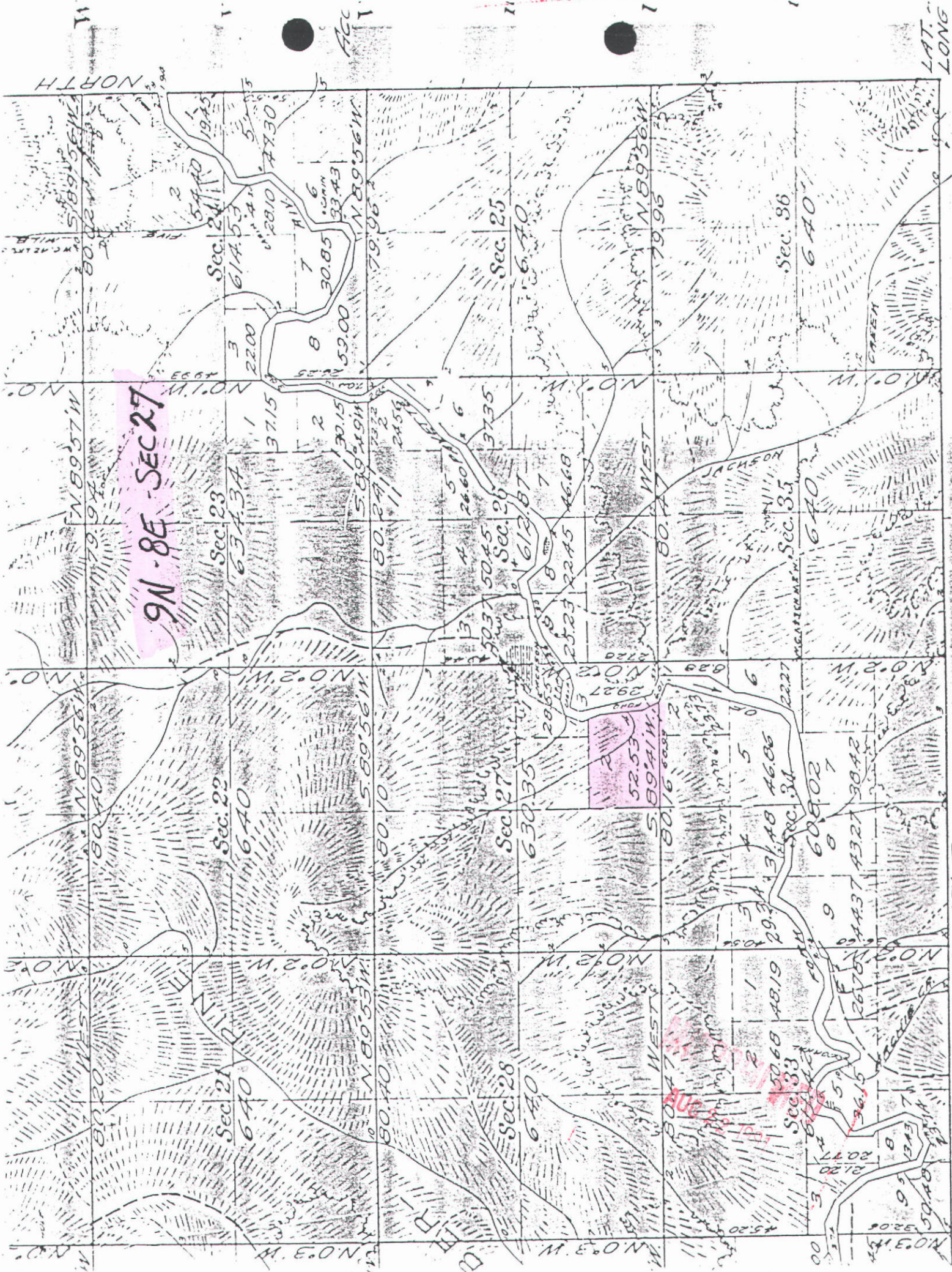
Scale: 2 inches equal 1 mile.

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.

Tom Riley

(Applicant)

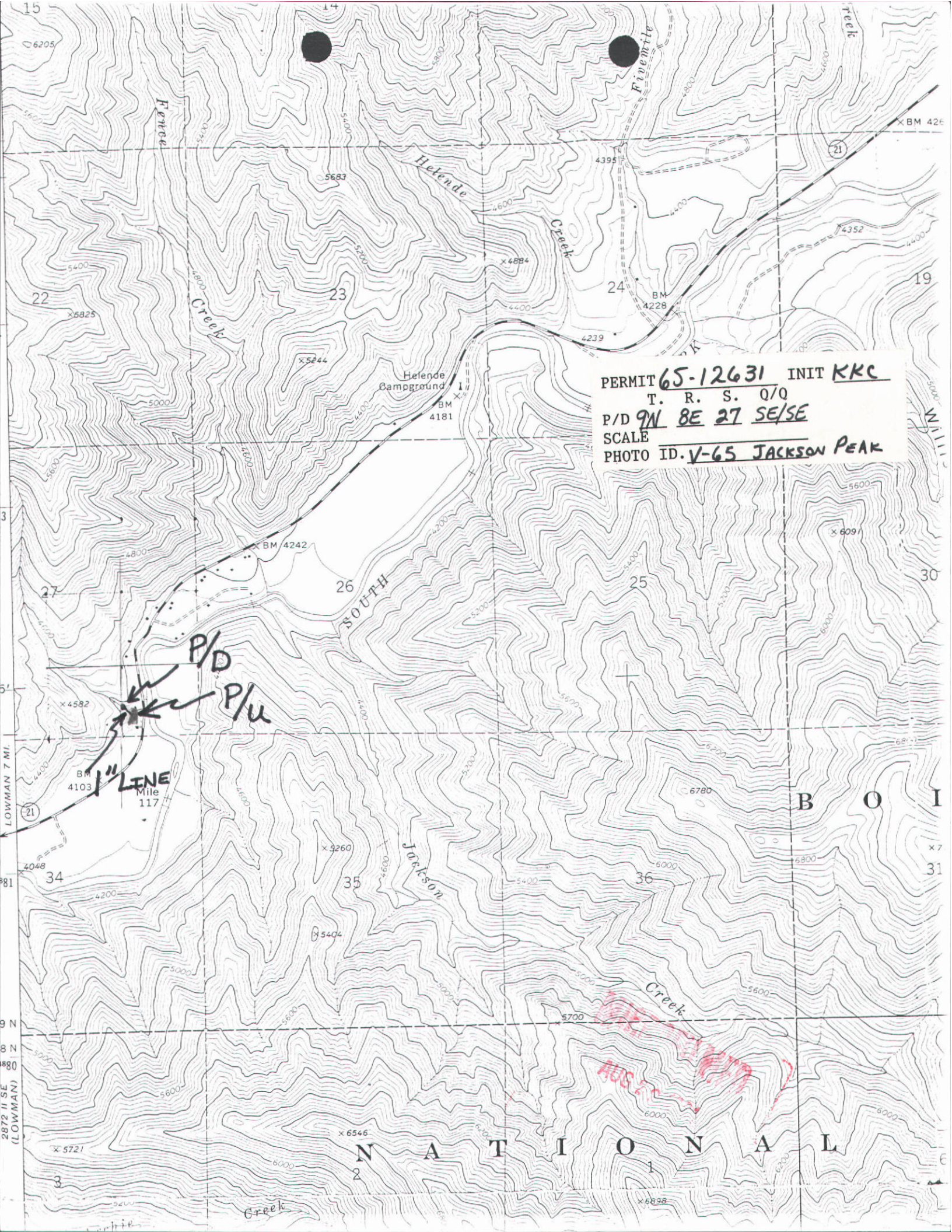
RECORDED



9N-8E-SEC 27

52.53
5.89 41 W
80.16 EAST

LAT.
LONG



PERMIT 65-12631 INIT KKC
T. R. S. Q/Q
P/D 9N 8E 27 SE/SE
SCALE
PHOTO ID. V-65 JACKSON PEAK

P/D
P/u
1" LINE
Mile 117

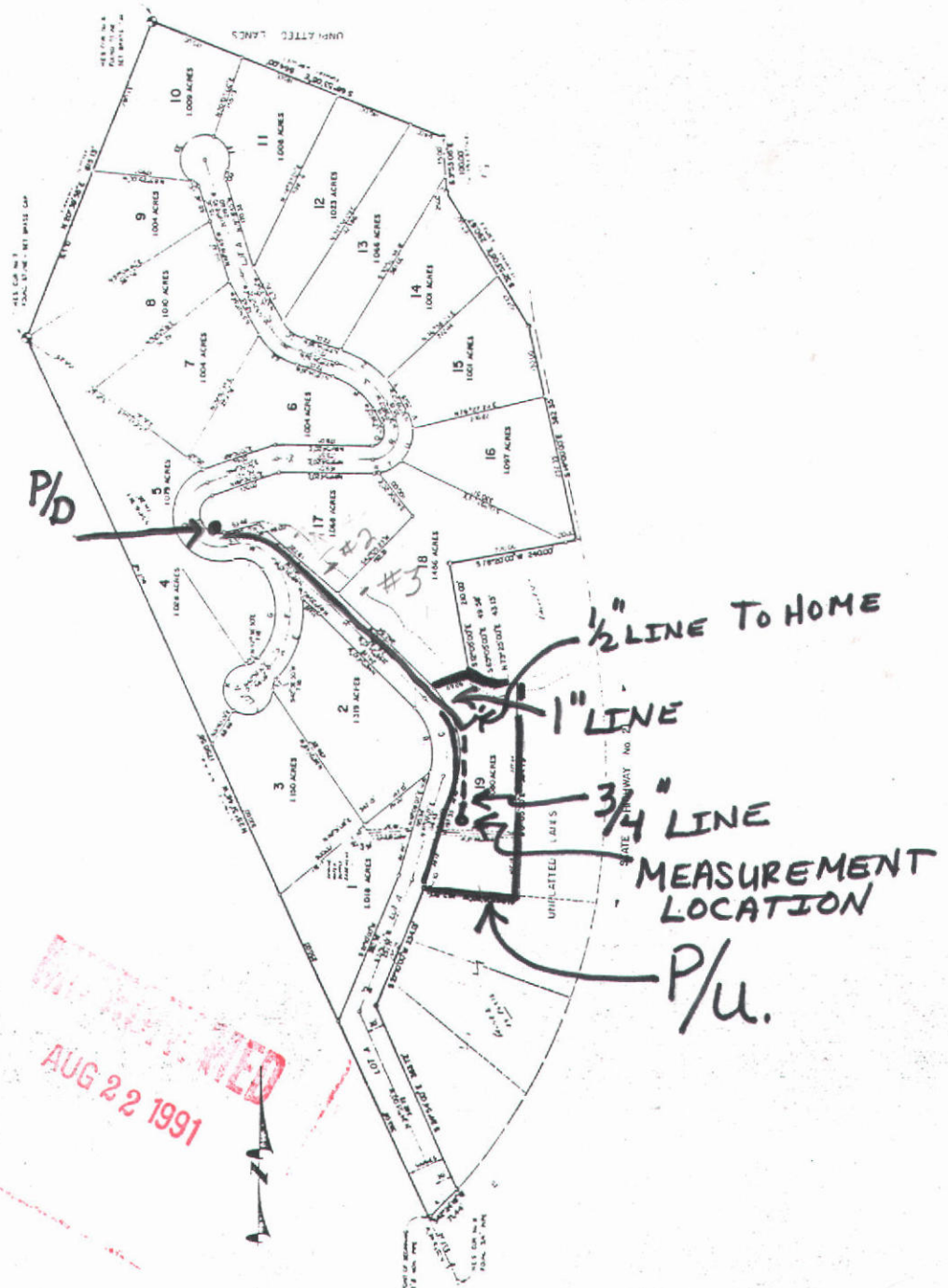
AUG 1965

N A T I O N A L

PAYETTE PLATEAU
A PORTION OF HOMESTEAD ENTRY SURVEY NO. 29,
LOCATED IN SEC. 27 & 24, T.9N., R.6E., E.M. 10300
COUNTY, IDAHO

A PORTION OF HOMESTEAD ENTRY SURVEY NO. 79,
LOCATED IN SEC. 27 & 24, T.9N., R.6E., E.M. 1000A
COUNTY, IDAHO

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



This photo set shows the P/U. The house is on the left and one hydrant with attached garden hose is shown on the right. A second hydrant, beside the white pickup, exists and was the location for the measurement. The left side of this picture set is looking east and the right side is looking south.

HOUSE

HYDRANT WITH HOSE

MEASUREMENT LOCATION



PERMIT 65-12631

PICTURE # 1

This photo shows the diversion structure and the intake line.

intake line with filter



This photo was taken just upstream from the P/D. The photo is looking southeast toward the P/U. The P/D is just below the road bed.

P/D

MACROFILMED
AUG 22 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12631

Priority: June 21, 1983

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 1.2 AF

This is to certify, that TOM RILEY
HC 76 BOX 3269

LOWMAN, ID 83637 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 21, 1983; and
has submitted Proof of Beneficial Use on November 28, 1988. An examination indicates
that the works have a diversion capacity of .040 cfs of water from:

UNNAMED STREAM tributary to PAYETTE RIVER, SOUTH FORK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 2(SESE), Sec. 27, Township 09N, Range 08E
BOISE County

PLACE OF USE: DOMESTIC
TWN RGE SEC

09N 08E 27 LOT 2(SESE)

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. Domestic use is for 1 home.

AUG 22 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12631

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21ST
day of AUGUST, 1991.

Acting for

Norman C. Young
R. Keith Higginson, Director

AUG 22 1991

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF	)	
APPLICATION FOR PERMIT NO. 65-12631 IN THE	)	ORDER MODIFYING AND
NAME OF TOM RILEY	)	ADOPTING PROPOSED
	)	MEMORANDUM DECISION
	)	AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on October 27, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, on November 8, 1983, an exception to Finding of Fact No. 6 was filed by protestant Raymond J. Theis; and,

WHEREAS, Mr. Theis has now measured 27 psi of pressure between ten feet below his diversion structure and the applicant's property; and,

WHEREAS, the 30 feet of head upon which Finding of Fact No. 6 was based, was the best evidence available at the conference; and,

WHEREAS, upon a review of the conference notes, it appears that the 30 feet of head was measured from where Mr. Theis's pipeline leaves the streambed to the applicant's proposed building site; and,

WHEREAS, Mr. Theis did not want the applicant's point of diversion located above where the pipeline leaves the streambed; and,

WHEREAS, Finding of Fact No. 6 and the Analysis Section is modified as follows:

6. The applicant stated he had measured the difference in elevation between his proposed place of use and the point where the protestant's pipeline leaves the streambed; and there is not sufficient difference in elevation to provide adequate pressure to use the water;

and,

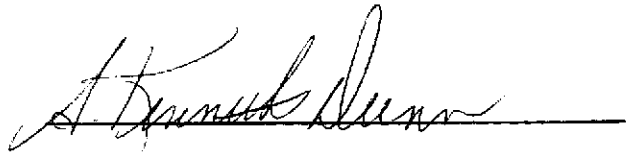
WHEREAS, even if there was found to be adequate pressure available below Mr. Theis's diversion, the decision reached would not be different since the location of the point of diversion for a water right that is junior upstream from a senior water right cannot be denied on the basis of a potential interference;

THEREFORE the Proposed Memorandum Decision and Order is adopted and

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issued as the Final Decision and Order and proof of construction of works and application of water to beneficial shall be submitted on or before December 1, 1988.

Dated this 5th day of December, 1983.

A handwritten signature in cursive script, appearing to read "A. Kenneth Dunn", written over a horizontal line.

A. KENNETH DUNN

Director

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL	)	PROPOSED
OF APPLICATION FOR PERMIT NO. 65-12631 IN	)	MEMORANDUM DECISION
THE NAME OF TOM RILEY	)	AND ORDER

On June 21, 1983, Tom Riley applied to the Department of Water Resources for a permit to appropriate 0.04 cubic feet per second of water from an unnamed stream tributary to the South Fork of the Payette River to be diverted within the SE1/4SE1/4, Sec. 27, Twp. 9N, Rge. 8E, Boise County, to be used for domestic purposes.

Notice of the application was published in The Idaho World, Idaho City, Idaho on July 13 and 20, 1983. A protest against the approval of the application was received from Raymond J. Theis on July 14, 1983.

On September 27, 1983, a conference was held in Boise, Idaho. The applicant was present, along with his wife, and represented himself. The protestant was present and represented himself. The major issue at the conference was that the protestant did not want the applicant's point of diversion upstream from his own point of diversion. According to the protestant, there are times when there is insufficient water in the stream to supply his own needs and he did not want an upstream diversion that would need to be regulated in order for him to receive water during low flows.

Based on the information presented at the conference, the official files and records of the Department of Water Resources, and the Director's understanding of the law, the hearing officer for the Director of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, Analysis and Order.

FINDINGS OF FACT

- 1) The applicant is the owner of a parcel of land through which a portion of the unnamed stream flows.
- 2) The protestant has a water right that is not disputed by the applicant from the unnamed stream for the irrigation of three acres.
- 3) The protestant requires all available water in the stream during August and September of some years to meet his irrigation use.
- 4) The applicant is seeking a new water right which will be junior to

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that of the protestant's, and will be reduced or curtailed in times of shortage in order that the protestant's water right can be filled when beneficial use is being made of the water.

5) The applicant is seeking a point of diversion upstream from the protestant's point of diversion to provide sufficient pressure to utilize the water without adding a pressure pump to the system.

* (6) The applicant stated he had measured the difference in elevation between his proposed place of use and the protestant's point of diversion, and there is not sufficient difference in elevation to provide adequate pressure to use the water.

CONCLUSIONS OF LAW

1) There is unappropriated water available in the unnamed stream during sufficient portions of the year that the applicant can make beneficial use of the unappropriated water.

2) Even though it would be ideal in distributing water to have all of the water rights located on the stream in order of their priority with each junior right downstream from the senior right, there is no basis in law to require that the rights be located in that manner.

3) The applicant's diversion can be regulated to prevent damage to the protestant's existing water right.

4) The applicant has made a sufficient showing that this application to appropriate waters of the State of Idaho meets the remaining criteria in Section 42-203, Idaho Code.

5) The applicant is entitled to a permit from the Department of Water Resources with certain conditions and limitations attached to prevent interference with the prior existing water rights.

* ANALYSIS

Both parties agreed that unappropriated water is available in the stream during all but the low flow season of dry years. The applicant understood his appropriation would be junior to that of the protestant's and agreed to the regulation of his diversion in order that the protestant's water right be filled.

The applicant is seeking to place his point of diversion upstream from the protestant's point of diversion and his place of use to pressurize his system without requiring a pump. There was disagreement between the parties as to whether or not sufficient elevation difference existed below the protestant's

* SEE ORDER ADOPTED ON DECEMBER 5, 1983.

UNRECORDED

point of diversion and the applicant's place of use to provide adequate pressure. The protestant felt adequate elevation difference existed; however, * the applicant stated he had measured the difference in elevation between the protestant's point of diversion and their proposed place of use and found the difference to be about 30 feet. Thirty feet of head is about 13 pounds per square inch of pressure, which is less than the normal minimum pressure of 20 to 30 pounds per square inch provided by individual rural water systems.

The protestant also pointed out the original application stated the applicant's point of diversion would be on his own property. If this were the case, his point of diversion would be downstream from the protestant's and the conflict would have been resolved. It seems the application should have been more accurately completed, however, the information required by statute to appear on the application is correct to the best of everyone's knowledge in its present form and the application is considered acceptable in its present form. The applicant is aware he must obtain an easement or right-of-way to place his point of diversion on another's property.

The location of the applicant's point of diversion upstream from the protestant's existing point of diversion may, during times of shortage, require the protestant to expend additional effort to regulate or have regulated, the applicant's diversion in order that the protestant will receive his full entitlement of water. This is a situation that exists throughout the state and could only be avoided if the senior water user were the uppermost wateruser on each stream in the state.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 65-12631 is APPROVED subject to the following conditions:

- 1) This permit be, and is, subject to all prior water rights.
- 2) The use of water under this permit shall be subject to the control of the watermaster of Water District No. 65 at such time as a district is formed.
- 3) A lockable control device of a type approved by the Department shall be permanently installed and maintained in the water delivery line. The device shall be accessible at all times to Department personnel and the watermaster at such time as a watermaster may be appointed.
- 4) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

*SEE ORDER ADOPTED ON DECEMBER 5, 1983

5) 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.

6) Proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before the date indicated in the final order issuing this permit.

Dated this 27 day of October, 1983.


BOBBY D. FLEENOR
Hearing Officer

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Tom RILEY Phone 888-3671
Post office address 2640 N. MERIDIAN RD., MERIDIAN, ID 83642
2. Source of water supply UNN. STREAM which is a tributary of J. FK. PAYETTE R.
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 9N
Range 8E B.M. BOISE County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PIPELINE IN CREEK TO
PLACE OF USE.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ 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:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 9N
Range 8E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet 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 ONE.

(5) If water is to be used for other purposes describe: _____

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

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. NONE

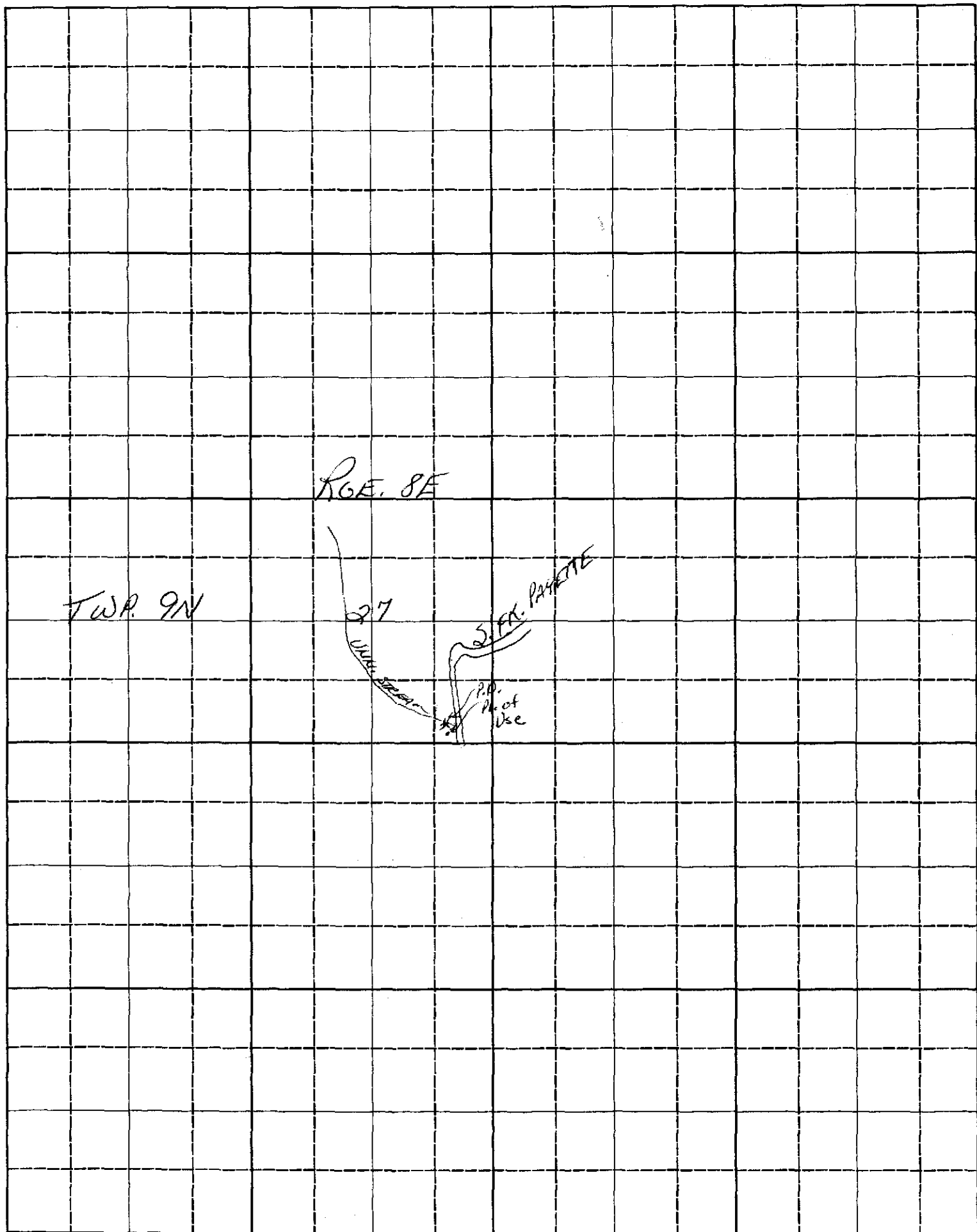
9. a. Who owns the property at the point of diversion APPLICANT

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

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

10. Remarks

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.

Tom Riley
(Applicant)

RECEIVED

Priority date: 6/21/83

Received by JG Date 6/21/83 Time 8:30 AM
Preliminary check by GLS Fee \$ 30.00
Receipted by JG Date 6/21/83 # 31087
Publication prepared by JP Date 7-7-83
Published in Idaho World
Publication dates 7/13-7/20/83
Publication approved me Date 7-27-83
Protests filed by: RAYMOND J. THEIS

Copies of protests forwarded by JP
Hearing held by BDF & DBS Date 9/27/83
Recommended for approval denial by DBS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

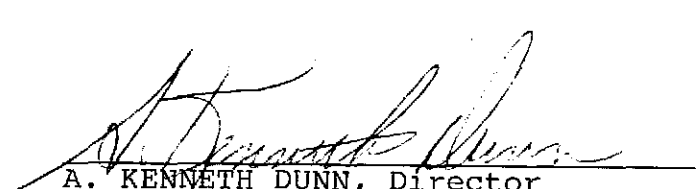
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12631, and said application is hereby APPROVED.

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 December 1, 19 88.
- 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. Other:

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER
AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Dated this 5th day of December, 1983.


A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 65-12631 IN
THE NAME OF TOM RILEY

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7th day of December, 1983 a true and
correct copy of the foregoing ORDER MODIFYING AND ADOPTING PROPOSED MEMORANDUM
DECISION AND ORDER was mailed postage prepaid to:

Tom Riley
2640 N. Meridian Road
Meridian, ID 83642

Mr. Raymond J. Theis
1301 N. 23rd
Boise, ID 83702


RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL)	
OF APPLICATION FOR PERMIT NO. 65-12631)	
IN THE NAME OF TOM RILEY)	ORDER ISSUING
_____)	PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on September 27, 1983, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

- A. To be considered by the Director, exceptions must:
1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,
 2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and
 3. be sent to each of the parties who appeared or their attorneys.
- B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the propose decision.

II.
BRIEFS

- A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.
- B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

WICKI FILMED

RECEIVED

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 27th day of October, 1983.


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

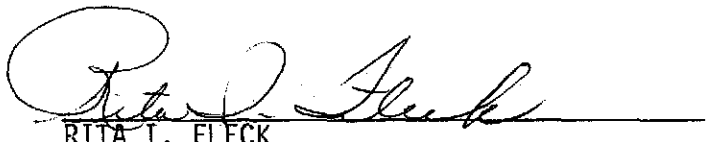
IN THE MATTER OF PROTEST AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 65-12631 IN
THE NAME OF TOM RILEY

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 27th day of October, 1983, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER was mailed postage prepaid to:

Tom Riley
2640 N. Meridian Road
Meridian, ID 83642

Mr. Raymond J. Theis
1301 N. 23rd
Boise, ID 83702


RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

LEGAL NOTICES

STATE OF IDAHO,
County of Boise

Carlace Jennings, being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for
..... consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

.....7/13....., 1983 and end-
ing with the issue of 7/20.....

1983
Carlace Jennings.....

Subscribed and sworn to before

me this 22 day of July 1983

Charles Blum.....

NOTICE OF APPLICATION
FOR WATER RIGHT

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

65-10100

ENNIS, LONNIE &/or NORMA
5023 BLOOM ST., BOISE, ID 83703
Source: JOHNSON CREEK trib. to CLEAR
CREEK
Date Filed: 06/27/1983
Diversion Pt: SWNE Sec 20 T 05N R 04E
Use: DOMESTIC (0.04 CFS)
In: SWNE Sec 20 T 05N R 04E

65-12631

RILEY, TOM
2640 N. MERIDIAN RD., MERIDIAN, ID 83642
Source: UNNAMED STREAM trib. to
payette river, south fork
Date Filed: 06/21/1983
Diversion Pt: SESE Sec 27 T 09N R 08E
Use: DOMESTIC (0.04 CFS)
In: SESE Sec 27 T 09N R 08E

65-12632

DAY, PATRICK O. &/or THERESE D.
2019 KOOTENAI, BOISE, ID 83706
Source: GOOSEBERRY CREEK trib. to PAY-
ETTE RIVER, MIDDLE FORK
Date Filed: 06/15/1983
Diversion Pt: LOT 02 (SWNW) Sec 14 T 09N
R 04E
Use: IRRIGATION (0.30 CFS)
In: LOT 02 (SWNW) Sec 14 T 09N R 04E FOR 15
ACRES

65-12634

DROUSH, ROBERT E. &/or MARJORIE L.
434 E. IDAHO BLVD., EMMETT, ID 83617
Source: SPRING trib. to PAYETTE RIVER,
MIDDLE FORK
PAYETTE RIVER, MIDDLE FORK trib. to
PAYETTE RIVER
Date Filed: 06/21/1983
Diversion Pt: NESW Sec 13 T 10N R 04E
Use: IRRIGATION (0.03 CFS)
DOMESTIC (0.04 CFS)
In: NESW Sec 13 T 10N R 04E FOR 1 ACRES

65-12635

HARTWELL, RODERICK &/or VICKI
2680 S. MAPLE GROVE RD., BOISE, ID 83709
Source: EMMA CREEK trib. to PAYETTE
RIVER, SOUTH FORK
Date Filed: 06/28/1983
Diversion Pt: SWSW Sec 33 T 09N R 08E
Use: IRRIGATION (0.03 CFS)
DOMESTIC (0.04 CFS)
In: SWSW Sec 33 T 09N R 08E FOR 1 ACRES

65-12638

BUNDERSON, A. P.
6505 FAIRFIELD ST., BOISE, ID 83709
Source: SPRING trib. to SINKS
Date Filed: 06/20/1983
Diversion Pt: NWSW Sec 30 T 10N R 11E
Use: DOMESTIC (0.04 CFS)
In: NWSW Sec 30 T 10N R 11E

The permits will be subject to all prior water
rights. Protests must be filed with the Director,
Dept. of Water Resources, Western Region,
Statehouse, Boise, Idaho 83720 on or before
AUGUST 1, 1983.

KEN DUNN, Dir.

Published in the Idaho World in Idaho City,
Idaho on July 13 and 20, 1983.

MICROFILMED

August 21, 1991

TOM RILEY
HC 76 BOX 3269
LOWMAN, ID 83637

RE: WATER RIGHT NO. 65-12631

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

AUG 22 1991

LICENSE REVIEW CHECKLIST

Permit No. 65-12631

Name/Address change? ok

Priority date Advance? yes no
Memo to advance n/a
Order to reinstate needed? yes no

Total cfs Limited by fee n/a
Limited by capacity n/a

Total volume Limited by flow n/a
Chart checked for AF rate/ac n/a

Capacity Actual measurement checked n/a
Theoretical checked n/a
If greater than permit, check for other rts n/a

Source Changed? yes no
If so, is memo needed to clarify? n/a

P/D Verify with map permit
More than one per 1/4? Remember remark n/a
Check p/d overlap n/a

Uses Check irrigation period of use w/ chart n/a

P/U Verify with map permit
> 5 acres irrigated, run overlap n/a

Remarks More than one p/d in 1/4
Description of non-irrig uses n/a
Special overlap condition n/a

Conditions -	Dates/Misc. -
Measuring device <u>_____</u>	Water Dist <u>n/a</u>
W. Master control <u>_____</u>	App Rec'd <u>_____</u>
Overlap <u>_____</u>	Proof Rec'd <u>_____</u>
Water quality <u>_____</u>	
Other <u>_____</u>	

CHECK FOR ADJ. CLAIM

Needed according to proof filed <u>_____</u>
Filed - needs amended <u>_____</u>
Add'l fee required <u>_____</u>
Not filed - <u>_____</u>
Not needed <u>_____</u>

Comments/Changes to Examiner's Recommendations:

License _____ 10-day _____ 30-day _____

Back of field report signed? _____ Date 8/1/91 Review time _____ min

Reviewer [Signature]

FILED
AUG 22 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

☒ Blank Field Report Form

☒ Copy of Permit

☒ Copies of any Amendments/Orders with Conditions of Approval

☒ Well Inspection Form (If Needed)

☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached

☒ SRBA Attachment A Submitted to Adjudication Section

SRBA Claim Check Received 8-14-90 KKC (initial & date)

☐ N/A ☐ Applicable, See Attachment A

☒ Copy of U.S.G.S. Quad

☒ Check for Government Lots. If so, make a copy of government plat

☒ Check of P/D index 8-14-90 KKC (initial & date)

Overlap ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☒ Other: other source, diff owner

☒ Check of P/U index 8-14-90 KKC (initial & date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other:

☒ Scheduling Letter Sent? (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

☐ Fully Completed and Signed Field Report Form

☐ Photographs of Point of Diversion and Place of Use

☒ Copy of SRBA Claim Verification Sheet / ☐ Original Returned to Adjudication Section

C. Review and Processing:

Exam Completed 11-26-90 Kelly K. Christensen (signature of examiner & date)

Exam Reviewed by Senior Water Resource Agent GH 1-7-91 (initial & date)

Exam Reviewed by Manager of Regional Office DW 2/22/91 (initial & date)

Exam Sent to State Office 3-8-91 aj (initial & date)

*Payerette Flatt
come to*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 13 1991

Department of Water Resources
Permit No. 125 1234

A. GENERAL INFORMATION

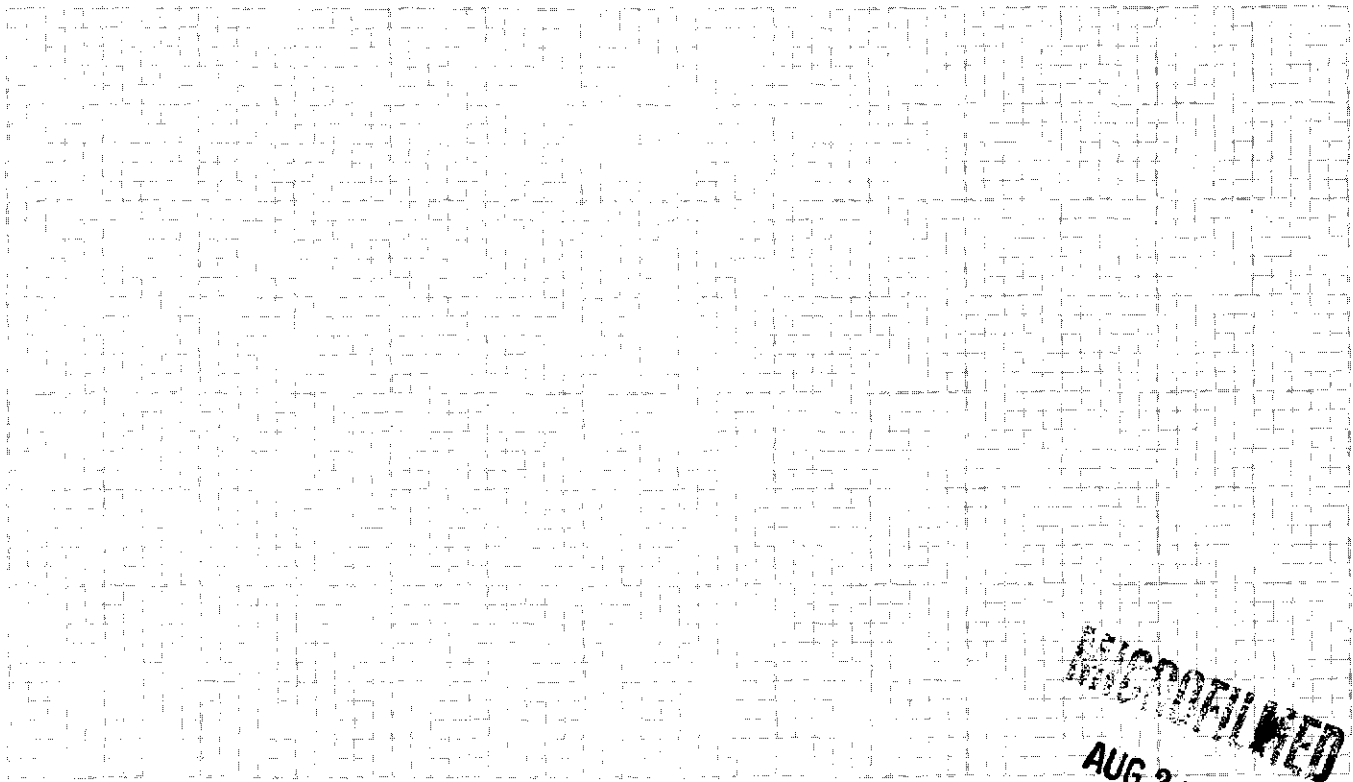
1. Owner: TOM RILEY Phone No. _____
Current Address: HC 77 Box 3269 LOWMAN ID. 83634
2. Accompanied by: TOM RILEY EXAM. DATE: 8-20-90
Address: _____ Phone No. _____
Relationship to Permit Holder: OWNER
3. Source: UNNAMED STREAM tributary to SO. FORK PAYETTE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE OTHER RIGHTS SAME Q/Q
DIFF OWNERS & SYSTEMS. ☐ Copies Attached
2. Other water rights with same point of diversion: SAME.
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



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AUG 22 1991

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

THE SYSTEM IS A SMALL CEMENT DIVERSION BOX BUILT IN THE STREAM BED WITH A 1 INCH BLK PLASTIC LINE RUNNING FROM THE BOX ALONG THE SUBDIVISION ROAD (BURIED) TO THE P/U. AT THE PROPERTY THE LINE SPLITS WITH A 3/4" LINE RUNNING SOUTH TO THE HORSE PASTURE WHERE IT IS TIED INTO A STOP & DRAIN. THE OTHER LINE (1/2" dia) RUNS TO THE HOME FOR DOMESTIC USE.

☐ See Remarks on page 4 for continuation

4. N/A

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2	SE	SE	SE	27	9N	8E	BOISE	QUAD MAP

6. **Place(s) of Use:**

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	8E	27																D	
																		LOT 2	

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
GALLON CONTAINER						
STOP WATCH.						

2. Measurements:

MEASURED 1 GAL IN 3.5 SEC

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{1 \text{ GAL}}{3.5 \text{ SEC}} \times \frac{60 \text{ SEC}}{1 \text{ MIN}} = \frac{17.1 \text{ GPM}}{448.8} = 0.038 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

$$\approx \underline{\underline{0.04 \text{ cfs}}}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

DOMESTIC IN HOME
AND LAWN = 1.2 AFA

RECORDED
AUG 22 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

LAWN & GARDEN IRRIGATION IS LESS THAN 1/2 ACRE. BUILT INTO THE CEMENT DIVERSION STRUCTURE IS A CHAIN THAT CAN BE PADLOCKED TO THE VALVE HANDLE. (FOR LOCKABLE DEVICE REQUIREMENT)

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	0.04	1.2
Totals:			0.04 CFS	1.2 AFA

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

☒ None

☐ Other

J. AUTHENTICATION

Field Examiner's Name

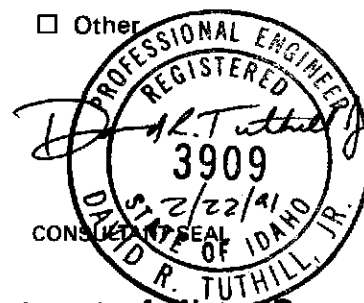
KELLY K. CHRESTENSEN
 Signature Kelly K. Christensen

Signature

Certification Date

Field Report Preparation Date

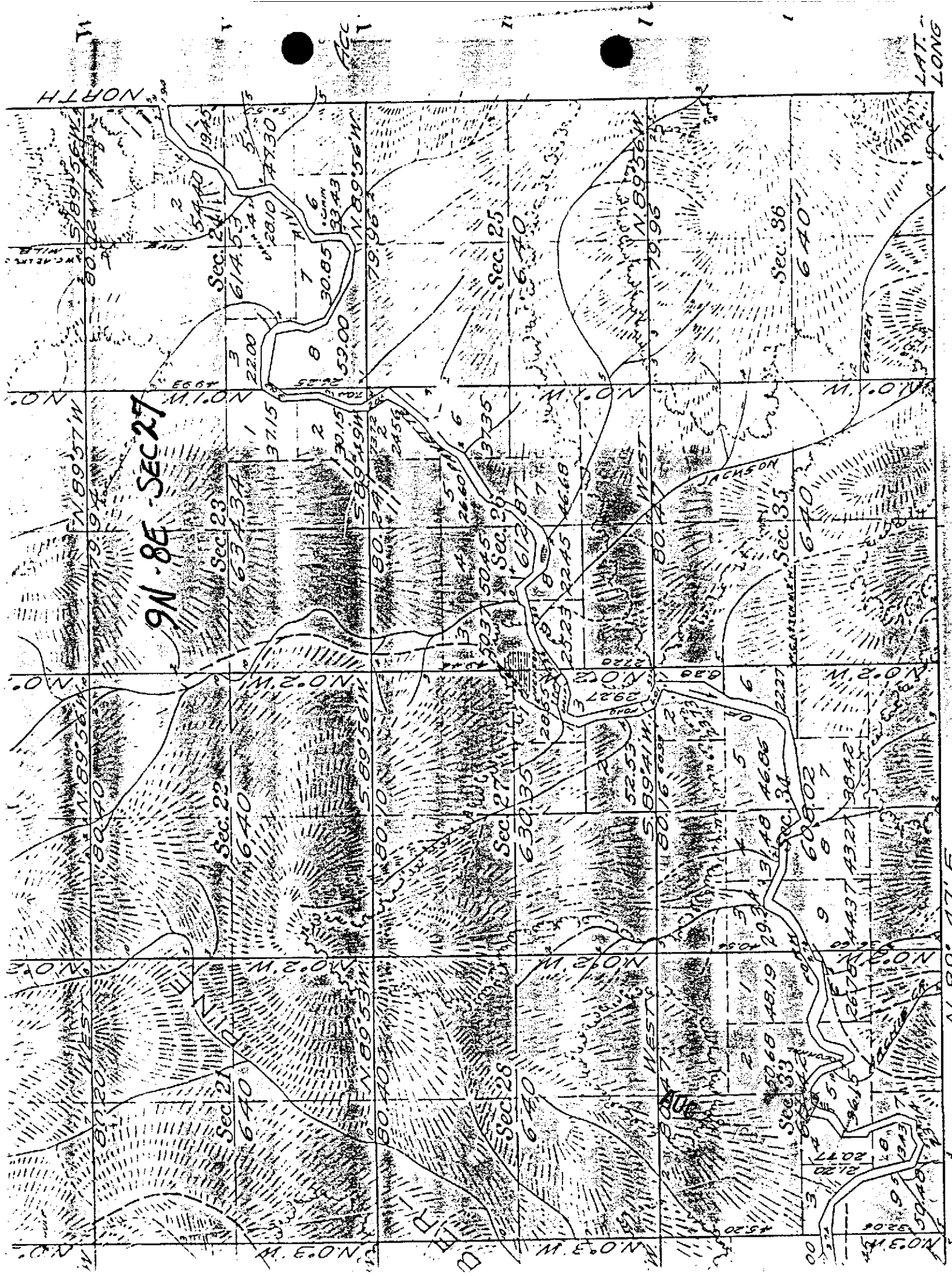
11-26-90

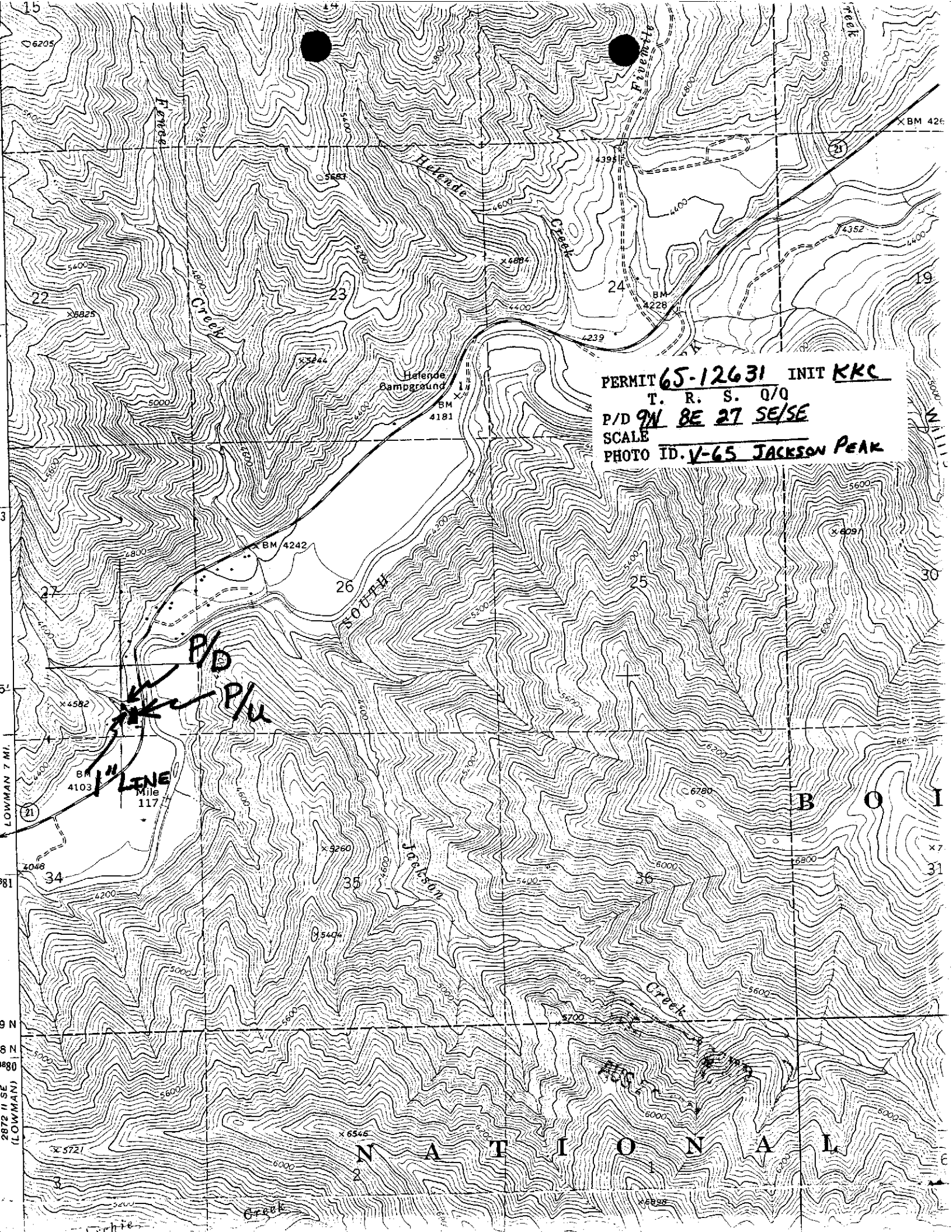


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

UNRECORDED

AUG 22 1991





PERMIT 65-12631 INIT KKC
T. R. S. 0/0
P/D 9N 8E 27 SE/SE
SCALE
PHOTO ID. V-65 JACKSON PEAK

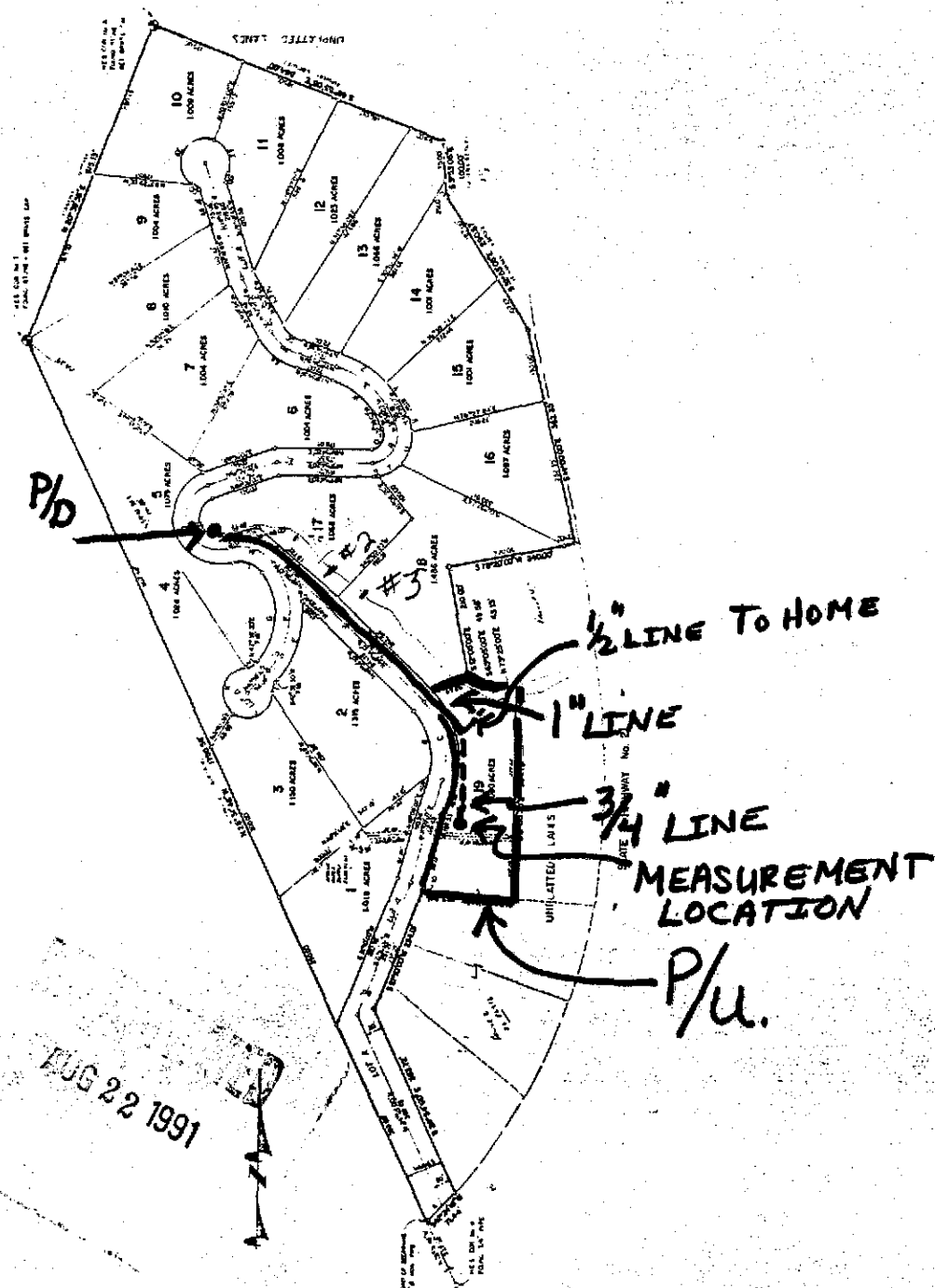
P/D
P/U
1" LINE
Mile 117

N A T I O N A L

PAYETTE PLATEAU
A PORTION OF HOMESTEAD ENTRY SURVEY NO. 74.
LOCATED IN SEC. 27 & 34, T.9N., R.8E., S.14E.,
COUNTY, IDAHO

A PORTION OF HOMESTEAD ENTRY SURVEY NO. 28,
LOCATED IN SEC. 27 & 24, T.9N., R.6E., E.M. 10154,
COUNTY IDAHO

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.

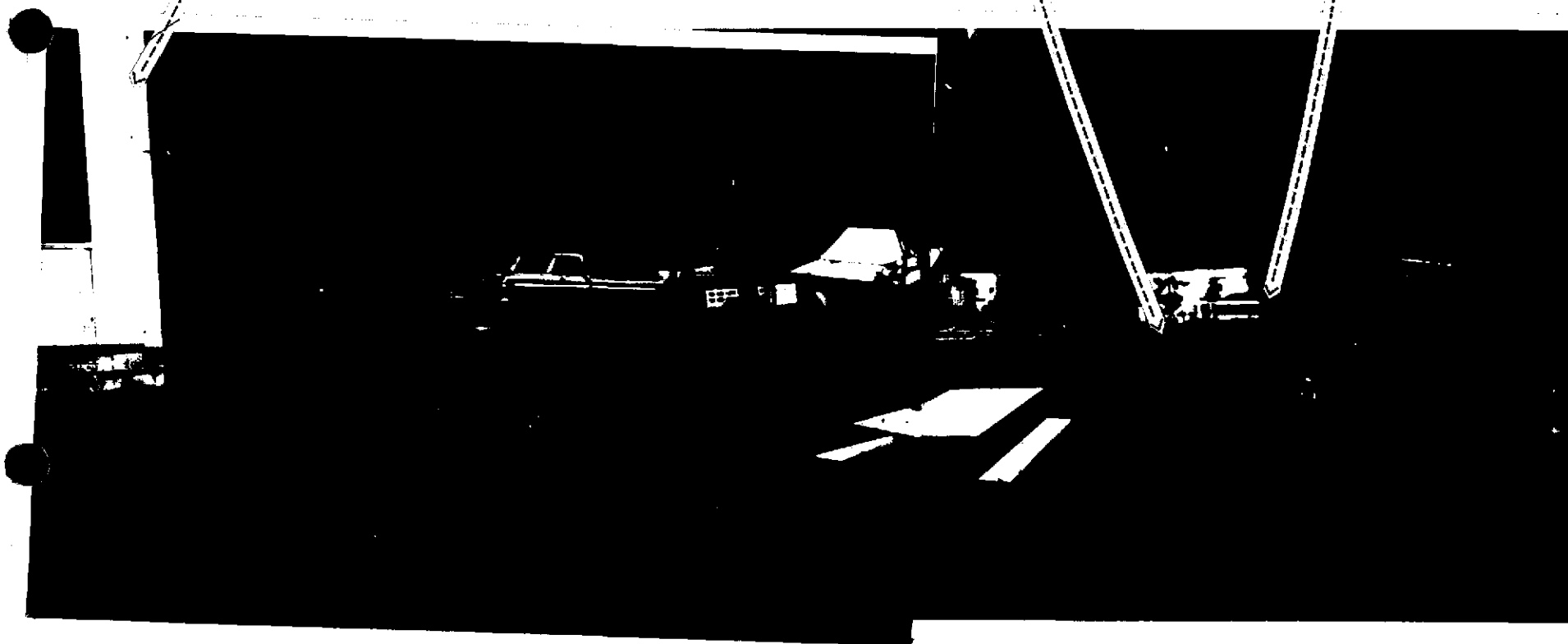


This photo set shows the P/U. The house is on the left and one hydrant with attached garden hose is shown on the right. A second hydrant, beside the white pickup, exists and was the location for the measurement. The left side of this picture set is looking east and the right side is looking south.

HOUSE

HYDRANT WITH HOSE

MEASUREMENT LOCATION



PERMIT 65-12631

PICTURE # 1

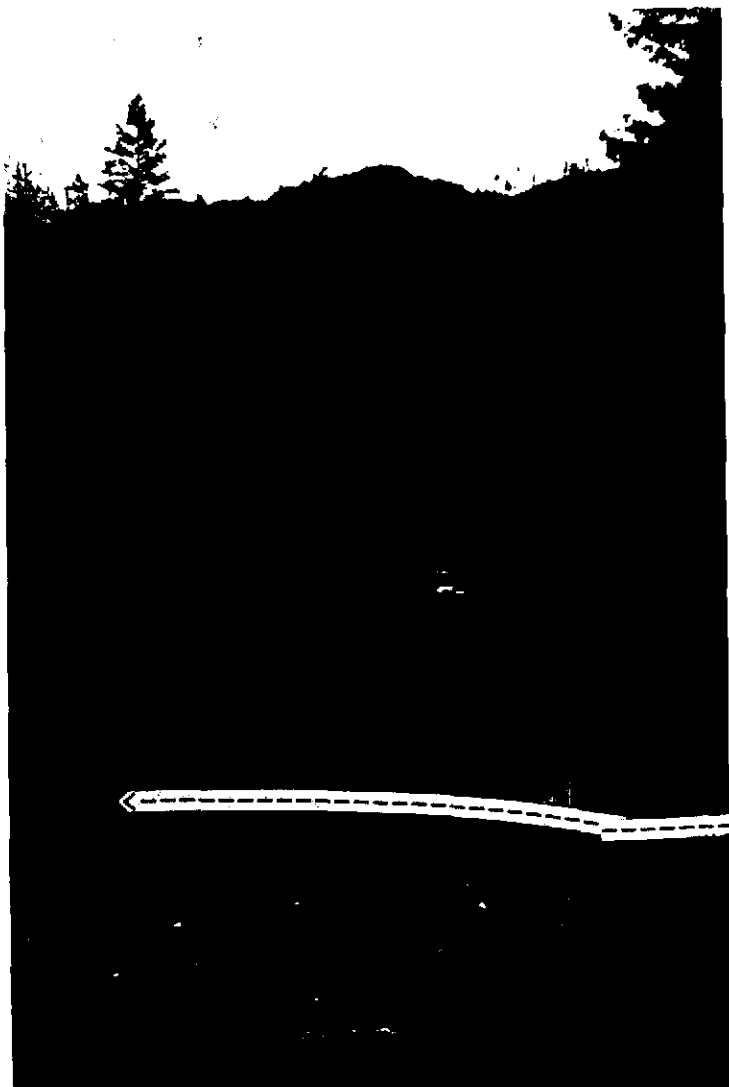
This photo shows the diversion structure and the intake line.

intake line with filter



This photo was taken just upstream from the P/D. The photo is looking southeast toward the P/U. The P/D is just below the road bed.

P/D



RECEIVED
AUG 28 1964

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER KELLY K. CHRISTENSEN DATE SUBMITTED 8-14-90

ADJUDICATION AGENT _____ RESPONSE DUE DATE 8-17-90

COUNTY BOISE OWNER'S NAME TOM RILEY

PERMIT DATA T R S Q/Q T R S Q/Q

P/D 9N 8E 27 SE/SE _____

P/U _____ SAME _____

PROOF SUBMITTED DATE 11-30-88

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing:

- ☒ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☐ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☒ ARI SEARCH
☒ Name index search
☐ Legal description search
☒ Non-data entry claims search
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached	Exam not Conducted
--------------------------------	------------------------------	---------------------------------	----------	-----------------------

_____ Adj No. _____	_____	_____	_____	_____
_____ Adj No. _____	_____	_____	_____	_____
_____ Adj No. _____	_____	_____	_____	_____

☐ Exam completed date(s) data entered _____ (initial & date)

* copies included only if pertinent to permit field exam

RECEIVED
AUG 22 1991

IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT SUMMARY QUERYDATE 08/14/90
TIME 16:38:49

REC/NO	FROM	DATE	FEE	AR/NO	STATUS
E005045	RILEY, NORMAN N.	120788	30.00		/ /
C016045	RILEY, NORMAN OR ROB	40290	50.00		/ /
E005044	RILEY, ROBIN H.	120788	25.00		/ /
C001691	RILEY, SANDRA/HALL,	63088	25.00	W/	/ /
C016786	RILEY, TOM	51190	168.00	W/	/ /
C001515	RILEY, VENNA OR RALP	62288	25.00	W/	/ /
M000168	RILEY, VENNA OR RALP	62288	25.00	W/	/ /V
C008915	RILEY, W. A.	80789	124.00	W/	/ /
E011111	RILEY, WILLIAM F.	110689	25.00	W/	/ /
W003181	RILL, MARTINA	61289	25.00	W/	/ /
C007402	RIM ACRES MUT.WATER	61289	102.00	W/	/ /
W011388	RIM RANCHES INC.	31990	460.00	W/	/ /
C000951	RIM VIEW TROUT CO. I	52688	640.00		/ /
C002868	RIM VIEW TROUT CO. I	101188	150.00	W/	/ /
C002869	RIM VIEW TROUT CO. I	101188	219.00	W/	/ /

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=EXIT TO MENU)

AUG 22 1991

RECEIPT IS FROM THE STATE FILE
SD-01 IDAHO DEPARTMENT OF WATER RESOURCES
RECEIPT ENTRY SCREEN

DATE 08/15/90
TIME 11:50:22

REC/NO - C016786 AR/NO - _____
FROM: - RILEY, TOM

RECEIPT TYPE - MO DOC/NO - 215494
REMARKS -

TYPE OF PAYMENT	PROGRAM	ACCT	CLASS	FEE
APPLICATION FOR PERMIT	610199	1238	6390	30.00
ADJUDICATION FEE	410162	9337	6490	63.00
ADJUDICATION FEE	410162	9337	6490	75.00
TOTAL DUE -				168.00

WR/NO	WR FEE	WR/NO	WR FEE	WR/NO	WR FEE
	63.00		75.00		

(ENTER=INQUIRE) (GOLD1=ADD/PRINT REC) (GOLD2=CHANGE) (GOLD3=VOID
(GOLD6=2ND/COPY REC) (GOLD7=LASER/COPY REC) (MENU _____)

AUG 22 1991

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 65-12631Date: 11.29.88General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely _____
☐ Reinstated _____

Source of Water:

- ☒ Surface water
☐ Groundwater
 _____ 1. well log in file
 _____ 2. drilling permit
 _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A

Priority Calculation:

Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JS
Sent to region _____

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOV 28 1988

PROOF OF BENEFICIAL USE

No Bene. Fee

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

Permit No. 65-12631

Name(s) of Permit Holder: Tom Riley

Post Office Address: HC 76 Box 3269 -
Lowman Idaho 83637 Telephone No. 259-3787

Source of Water: unnamed creek (Tributary of S Fork Payette River)

Extent of Use:

Domestic 0.04 (number of households) Stockwater _____ (number and type of stock)
Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: Approx June 1, 1988

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

Fee enclosed \$ -0-
(See License Examination Fee Schedule)

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

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

Tom Riley 259-3787
(Name) (Telephone Number)

HC 76 Box 3269 Lowman Idaho 83637
(Address)

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.

11-23-88

Date

Tom Riley
Signature of Permit Holder (and title, if appropriate)

MICROFILMED
DEC 09 1988

Tom Riley
HC 76 Box 3269
Lowmen Id. 83637



DEC 09 1988

MICROFILMED

Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho,

83706-2237

ATTN - Rite D. Fleck

November 21, 1988

Tom Riley
HC 76, Box 3269
Lowman, ID 83637

Dear Mr. Riley:

Re: Permit No. 65-12631

Returned the subdivision plat map and the grant of easement sent to this office as proof of beneficial use.

The department have a form, which when submitted, fulfills the proof of beneficial use requirement on your permit. Enclosed for your use is a proof of beneficial use form and instruction sheet/fee schedule. (No fee is required since the permit was issued for domestic use with up to 0.04 cfs as the diversion rate).

Please complete and return the proof of beneficial use form soon. The form is due by December 1, 1988.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 09 1988

State of Idaho
State Department of Water Resources
A. Kenneth Dunn Director.

RECEIVED

NOV 15 1988

No proof of beneficial
use enc. 11-10-88
Department of Water Resources

Re. Permit No 65-12631

Dear Sir.

I am sending you proof of beneficial use along with a grant of Easement for location of my concrete diversion box and easement for line on this Property. I am also sending you a plot of the Peyette Plateau subdivision with location of Box & water line marked on the drawing.

I have circled the note on the plot for the existing easement for utilities.

my lot on this Peyette Plateau Subdivision plot is lot #19.

Yours Truly

Tom Riley

H.C. 76 Box 3269

Lowman Idaho 83637

Phone 259-3787

MICROFILMED

DEC 09 1988

INTER-DEPARTMENT MEMO — 1

FROM Jodi

DATE 10/12/88

TO file # 65-12631

SUBJECT Called Boise Cnty. Assessor.
Requested new address for:

Tom Riley
2217 Frederick
Boise, ID 83705

Re-mailed
Proof Due
Notice

MICROFILMED

DEC 09 1988

JS

SIGNATURE

September 30, 1988

TOM RILEY
2640 N. MERIDIAN RD.
MERIDIAN, ID 83642

138509

PROOF DUE NOTICE

RE: PERMIT NO. 65-12631

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 December 1, 1988. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 09 1988

JIM JONES
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHT
TO THE USE OF SURFACE AND
GROUNDWATERS OF THE PAYETTE
RIVER DRAINAGE.

Civil No. 3667
NOTICE OF HEARING ON
MOTION FOR PARTIAL DECREE

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF SURFACE AND
GROUNDWATER FROM THE PAYETTE RIVER DRAINAGE BASIN

A. KENNETH DUNN, Director of the Idaho Department of Water Resources, has scheduled a hearing for Friday, the 20th day of December, 1985, at the hour of 1:30 p.m. in the Canyon County Courthouse, Caldwell, Idaho. The purpose of the hearing is to seek a decree for all uncontested portions of the Proposed Finding of Water Rights in the Payette Adjudication.

The PROPOSED FINDING OF WATER RIGHTS was filed with this court on April 26, 1979 and there are portions of the Proposed Finding to which no objections were filed. Some of the uncontested water rights within the Proposed Finding had clerical corrections made by orders of the court on September 20, 1979, and November 25, 1985. Also, water rights to which objections were filed, but which objections were resolved by stipulation of the parties and order of the court, will be included in the decree.

DATED this 26th day of November, 1985.

JIM JONES
Attorney General

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

MOTION FOR ENTRY OF PARTIAL DECREE PURSUANT TO RULE 54(b)

A. KENNETH DUNN, Director of the Idaho Department of Water Resources (hereinafter director), moves this court for entry of a final decree for the uncontested portions of the Proposed Finding of Water Rights in the Payette River Drainage Basin (hereinafter Proposed Finding). There are uncontested water rights within the Proposed Finding which have been amended by orders of this court correcting clerical errors. The uncontested portions of the Proposed Finding also include all surface and groundwater rights listed in the report as amended, except those water rights to which objections have been filed and which objections have not been resolved. Those portions of the Proposed Finding which are uncontested are hereby incorporated by reference.

This motion is based upon the following:

1. The Proposed Finding of the director, filed with this court April 26, 1979;
2. The orders of this court correcting clerical errors, dated September 20, 1979, and November 25, 1985;
3. Section 42-1410, Idaho Code, which provides, "Where no objection is filed with regard to any right found to exist by the director of the department of water resources as evidenced by his report, the district judge shall affirm the right as therein found"; and
4. Rule 54(b) of the Idaho Rules of Civil Procedure which permits a judgment upon less than all claims or parties in actions involving multiple claims or parties where there is no just reason for delaying entry of the judgment as to less than all claims or parties.

A partial decree is sought because there is no just reason for delaying the entry of a final partial judgment as to the uncontested portions of the Proposed Finding. To wait for resolution of the outstanding objections would leave all of the uncontested water rights in the Payette drainage without the protection of a final judgment.

The Idaho Department of Water Resources desires to present oral argument on this motion.

DATED this 26th day of November, 1985.

JIM JONES
Attorney General

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

DEC 09 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

First Class
Postage Paid
Permit
#1
Boise, Idaho

65-12631
RILEY, THOMAS
2640 N. MERIDIAN RD.
MERIDIAN, ID 83642

Presort

First Class

RIL 40 321072N1 12/10/85

RETURN TO SENDER
NO FORWARDING ORDER ON FILE
UNABLE TO FORWARD

2 2217 Frederic
Boise

December 4, 1985

Dear Claimant to a water right in the Payette River Adjudication:

Most of the recommendations in the Proposed Finding of Water Rights in the Payette Adjudication are uncontested, and the Idaho Department of Water Resources is asking that the court enter a final decree for these uncontested matters. The hearing at which the court will consider this request to have a decree entered is set for Friday, December 20, 1985 at 1:30 p.m. in the Canyon County Courthouse in Caldwell. The legal papers seeking this decree are printed on the opposite side of this page.

Water rights and issues which are contested will not be included in the decree, and a list has been compiled of those contests. If you want to check this list to see if it includes any of your rights, lists are available at your local library, post office, or the clerk of the court for the county where you reside, or you may contact the Idaho Department of Water Resources at the number given below.

It is not necessary to attend the hearing if you do not take issue with the proposed decree. If you have a question you may call or visit the Idaho Department of Water Resources at 450 W. State Street, Boise, Idaho 83720 (208-334-4440) prior to the hearing.

Very truly yours,

A. Kenneth Dunn

A. KENNETH DUNN
Director

Idaho Department of Water Resources

MICROFILMED

DEC 09 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 6, 1983

Tom Riley
2640 N. Meridian Road
Meridian, ID 83642

Dear Mr. Riley:

Re: Application for Permit No. 65-12631

Enclosed is a copy of your approved Application for Permit No. 65-12631 along with a copy of the Order Modifying and Adopting Proposed Memorandum Decision and Order and a copy of the Proposed Memorandum Decision and Order.

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

Please be advised that there may be insufficient natural flow available in the Payette River and tributaries to provide water for a new appropriation throughout the entire season of use. During the spring run-off each year, there may be a period of time in which the prior rights to the use of the natural flow and storage are filled leaving water available for your permit. As the natural flow diminishes, however, there may be not water available for your right unless you arrange for an additional source of water as a supplemental supply.

The 1982 Idaho Legislature added a 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 instructions entitled "Making Proof of Beneficial Use".

MICROFILMED

Tom Riley
December 6, 1983
Page 2

Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Raymond J. Theis

MICROFILMED

Dept. of Water Resources

11-16-83

Permit # 65-12631

Tom Riley

Dear Bobby Flemer

Enclosed are copies of the
Records about the property in
question. As you can see, Mr. Riley
doesn't know what land I own, and
I would like to keep it that way.
As you can see it's 2.839 acres. very
close to 3 acres. which is my water
right.

Sincerely

Ray Ther

MICROFILMED

Jack A. Craig
Boise County Assessor
P.O. Box 127
Idaho City, ID 83631-0127

THIS IS NOT A BILL

Presorted
First Class Mail
Idaho City,
ID 83631-0127
Permit No. 2

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
12 RURAL RES TR	2.510 AC	20,090
34 BLDG RES TR		13,225

Total
2.510
349
2.859

TOTAL MARKET 33,305

1983 TAXPAYERS
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment
and Claims for Tax Reduction and
Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately

KEEP THIS COPY FOR YOUR RECORDS

Mail To:

THEIS, RAYMOND J
THEIS, ZELIDA ANNE
1301 NORTH 23RD
BOISE, ID. 83702

T9N R8E SEC 27
TAX 23 & 23-A IN SESE

PROPERTY ADDRESS

PARCEL NO. RP 09N08E279051 TAX CODE -B-00

Jack A. Craig
Boise County Assessor
P.O. Box 127
Idaho City, ID 83631-0127

THIS IS NOT A BILL

Presorted
First Class Mail
Idaho City,
ID 83631-0127
Permit No. 2

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
15 RUR SUB RES	.349 AC	6,000

TOTAL MARKET 6,000

1983 TAXPAYERS
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment
and Claims for Tax Reduction and
Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately

KEEP THIS COPY FOR YOUR RECORDS

Mail To:

THEIS, RAYMOND J
THEIS, ZELIDA ANNE
1301 NORTH 23RD
BOISE, ID. 83702

T9N R8E THEIS SUB 1
LOT F

PROPERTY ADDRESS

PARCEL NO. RP 0730100000F0 TAX CODE -B-00

MICROFILMED

RECEIVED

NOV 9 1983

November 9, 1983

Department of Water Resources

Mr. Kenneth Dun
Director of Water & Resources
State of Idaho

Dear Sir:

I would like to thank you for your fair and just decision concerning my application for water rights. Enclosed is a letter I received from Mr. Raymond Theis since the meeting that was held regarding his protest of approval of application for permit No. 65-12631.

I was told by Mr. Theis before our meeting that he had sold one lot (one acre) to either the son or son-in-law of the owner of the Vista Bar. I also understand that another acre has been sold to Howie and Dorothy Schrupp. This should greatly affect the amount of water needed by Mr. Theis. For he will now have a four inch line and also a one inch line, with two water permits for domestic use and to water his lawn. This now is for one acre instead of the original three acres.

In all clear conscience, I have tried to be a good neighbor to Mr. Theis, but he has made it clear in many ways that he does not want us on our acre of land between his property and the source of his irrigation water. He seems to have the idea that the stream is his private source.

Mrs. (Holzinger) Jones, has had problems with Mr. Theis over the water rights. Some very serious threats were made by Mr. Theis' son concerning Mrs. Jones rights to part of the water.

I am sorry this has caused such hard feelings, but also realize that enough damage has been done, that now we must live by the "legal rules" rather than neighbors.

Thanks again for an impartial and fair ruling. We will abide by the rules of the board and keep our part of the agreement.

MICROFILMED

Sincerely,

Tom Riley
Tom Riley

Permit No. 65-12631

Exception to the proposed decision.

Sir:

In your memorandum decision
your listing "finding of fact" there is
an error in No. 6 either there is
more elevation than stated, or your
figure is wrong about the amount of
water pressure. I put a head man
water gage on a 1 inch plastic pipe
10 feet below (down stream ^{from my water gate,}
_(about 250 ft.))
to Tom Riley's property. The reading was
taken at ground level not the stream
bed. The pressure was 27 lbs. This
gage was tested in Boise and proven
to be correct. There is absolutely no
reason for Tom Riley's head gate to
be above mine. And I strongly

Protest your proposed decision

Sincerely

Ray Sherr

MICROFILMED

Permit No 65-12631

Exception to the proposed decision

RECEIVED

NOV 8 1983

Sir:

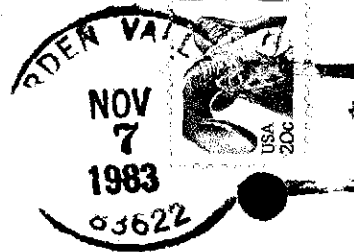
Department of Water Resources

In your memorandum discussing your listing "finching of foot" there is an error in No. 6. either there is more elevation than stated, or your figure is wrong about the amount of water pressure. I put a brand new water gage on a 1 inch plastic pipe 10 feet below (Down Stream) from my water gate. to Tom Reley's property (about 220 ft) the reading was taken at ground level not the stream bed. The pressure was 27 lbs. This gage was tested in Boise and proven to be correct. There is absolutely no reason for Tom Reley's head gate to be above mine. And I strongly protest your proposed decision.

MICROFILMED

Sincerely
Ray Therin

Theris
1301-N23
83702



A. Kenneth Dunn
Director
Department of Water Resources

Statehouse
Boise Idaho
83720

RECEIVED

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant - Name(s)

Raymond J. Theis

Address 1301 N. 23rd., Boise, ID 83702

Attorney - Name & Address _____

Date Filed 7/14/83 Protest Date 8/1/83

Issues _____

Applicant - Attorney - Name & Address _____

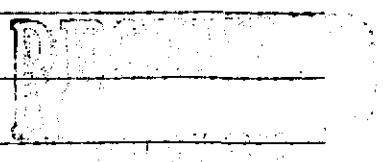
Dates: _____

Acknowledgement letters: 8/1/83

Hearing Notice: 9/8/83

Hearing Date: 9/22/83

Other: _____



MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: GLS

APPLICATION NUMBER: 65-12631

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: August 1, 1983
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: July 25, 1983
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30' 31087
☒ Publication dates and paper, recorded on application. Idaho World
☒ Protests, dates, withdrawal, etc., recorded on application. 7/24 7/30 83
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 65
6/21/83 6/21/83 Date of priority recommended.
Special conditions of approval or cover letter.

Payette River Letter

See memo decision

By: DBS

Date: 9/28/83

STATE OFFICE REVIEW:

217

See memorandum decision

26

- ☐ See attached sheet for more information.

By: KW

Date: 10/11/83

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POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

September 4, 1983

Water Resources Board
State of Idaho
Boise, Idaho

Gentlemen:

I have a water right on the creek adjacent to my property in Lowman, Idaho.

my neighbor, Tom Riley, has applied for a water right for the property he recently purchased. He understands that mine is a prior right, is willing to cooperate on water use, & I see no reason why he should not be allowed a water right on this creek.

Mrs. Wm. B. Holzinger

MICROFILMED

9-27-83

65-12631

Tom Riley

Protestant

Ray Theis

This

Eventually will drill a well -

Wants to install the pipe just below the road -
150 feet

Riley's property is above Mr Theis and therefore
pd. needs to be upstream from Mr Theis'

Mr. Theis

18 ft
2.5 ft of drop

MICROFILMED

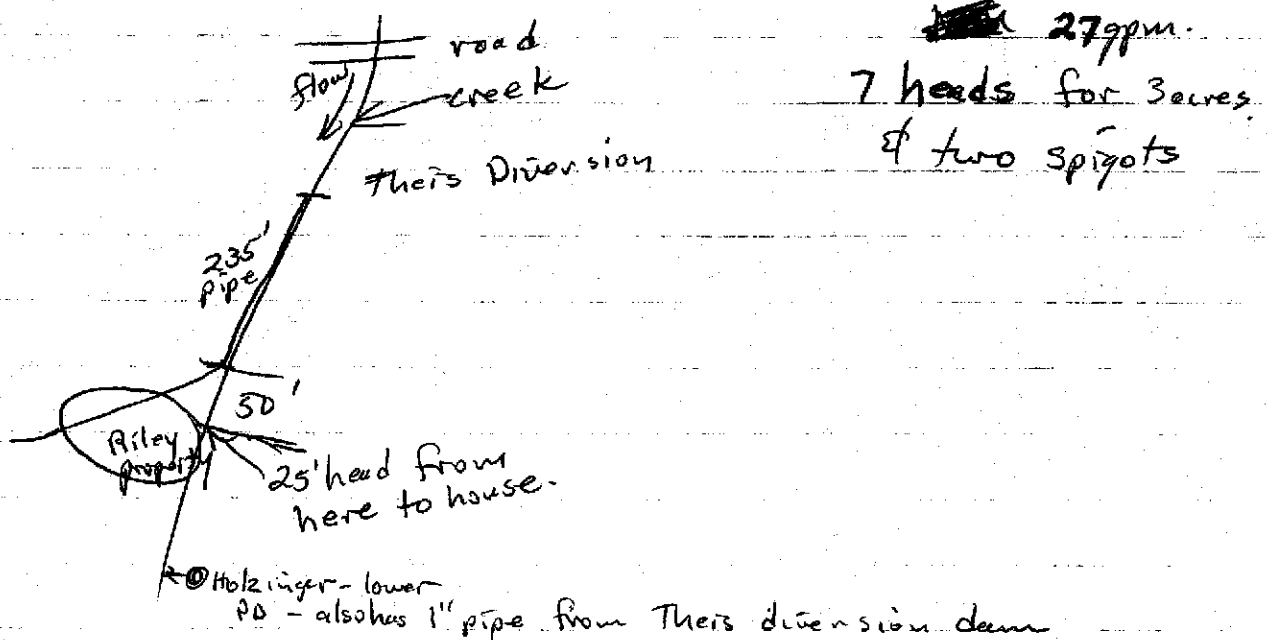
65-12631

Sept 27, 1983 - Boise 10:00 a.m.
App - Tom Riley

Prot - Raymond Theis

Riley - Eventually plans to develop a well but for now has concern about development being protected while gone. Wants to go high on creek to get pressure - will put valve in line. Proposes to be 150' above Theis - below culvert under subdivision road. ^(Above Highway) Concerned about sand if he is below Theis - for now in house - may have lawn someday - possibly before well is put in. Not planning any storage. Letter from lady in area ~~25~~ years says enough water available.

Theis - Uses all available water in August - Sept when creek is low. Pipe in creek for 235' below his diversion - another 50' to Riley's property. Uses 6" pipe from gate across creek. Water available this year. Uses this water for irrigation of 3 acres.



MICROFILMED

(2)

Mrs. Riley - Wants P.D. above w/ valve to control.

Holsinger pumps from barrel dug in bottom of creek for below Riley property.

Riley - 38' drop along creek below Theris ~~pipe line~~ ^{diversion} - 8' rise to house site - have only 30' head.

Riley - when not there water would not flow into pipe - demand system

Theris ~~is~~ - wants diversion 100' below his - contends would have enough pressure -

~~Riley's son~~

Riley could put pump in on his property but doesn't want to have to pump. Says would not have enough pressure if P.D. is below Theris.

MICROFILMED

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 427

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: SINKS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0222	LYNCH, RICHARD G. & LYNCH, IERI M. ROUTE 1, SWEET, IDAHO 83670	4/ 1/1906	DOMESTIC	1/ 1 12/31	1.20 AFA .01 CFS	SESW S19 T 8N R 2E	SWSE S24 T 8N R 1E NWNE S25 T 8N R 1E	BENEFICIAL USE
65-1662	KLINGBACK, ELDON C KLINGBACK, BEATRICE ROUTE 3, BOX 307, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1772 AND 65-1661 SHALL PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA FOR STOCKWATER.	5/14/1908	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NWNE S 2 T 7N R 1W	NWNE S 2 T 7N R 1W	BENEFICIAL USE
65-10710	FOSS, HENRY E FOSS, ETIA F. P. O. BOX 26, HORSESHOE BEND, IDAHO 83629	6/ 1/1910	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 3 S27 T 7N R 2E	LCT3 S27 T 7N R 2E	BENEFICIAL USE
65-0519	UPPER BENCH FARMS, INC. EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-0517 SHALL PROVIDE NO MORE THAN .23 CFS NOR 14.0 AFA.	6/ 1/1910	STOCKWATER	1/ 1 12/31	14.00 AFA .23 CFS	NWSW S 8 T 7N R 1W	NWSW S 8 T 7N R 1W	BENEFICIAL USE
65-1914	NISULA, FRANKLIN S. & NISULA, ELMER J. ROUTE 1, EMMETT, IDAHO 83617	4/ 1/1912	STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS	NWSW S14 T 7N R 1W	NWSW S14 T 7N R 1W	BENEFICIAL USE
65-2168	DUBSON, MARY JANE & DUBSON, BENJAMIN F. BOX 125, HORSESHOE BEND, IDAHO 83629	4/ 8/1914	DOMESTIC	1/ 1 12/31	1.20 AFA .01 CFS	SENE S23 T 6N R 2E	NWSW S24 T 6N R 2E	LICENSE
65-0409	TRABERT LAND & LIVESTOCK, INC. ROUTE 1, MERIDIAN, IDAHO 83642	1/ 1/1915	STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS	NENE S 5 T 6N R 1E	NENE S 5 T 6N R 1E	BENEFICIAL USE
65-10457	THEIS, RAYMOND J. & THEIS, ZELICA A. 1301 NORTH 23RD, BOISE, IDAHO 83702	6/ 1/1915	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	SWSW S27 T 9N R 8E	SWSW S27 T 9N R 8E	BENEFICIAL USE
65-11235	SIMMONS, WILLIAM E. & SIMMONS, NATHELLE HORSESHOE BEND, IDAHO 83629	1/ 1/1917	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S32 T 7N R 2E	LOT4 S32 T 7N R 2E	correction to E.A. 1111111111 USE
65-10834	STONE, ARTHUR A. & STONE, WANDA S. & TRUE, HATTIE E. HORSESHOE BEND, IDAHO 83629	6/ 1/1917	DOMESTIC	1/ 1 12/31	2.40 AFA .08 CFS	SWSW S34 T 7N R 2E	SAME AS OTHER USE	BENEFICIAL USE

IOWA will recommend legal description
correction to E.A. 1111111111

MICROFILMED

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 596

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5640	RANE, A. D. & RAHL, BEATRICE GARDEN VALLEY, IDAHO 83622 REMARKS: H. E. S. #494. THIS RIGHT WHEN COMBINED WITH RIGHTS 65-5639 & 65-5638 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1910	IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS	LOT 1 S 9 T 8N R 5E	LOT 11 11 S 9 T 8N R 5E *1*	BENEFICIAL USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.04*CFS		SAME AS OTHER USE	
65-10456	THEIS, RAYMOND J. & THEIS, ZELIGA A. 1301 NORTH 23RD, BOISE, IDAHO 83702	6/ 1/1915	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	SWSW S27 T 9N R 8E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .06 CFS *---*AFA *.08*CFS		SWSW 31 S27 T 9N R 8E *3*	see 65-10457
65-11391	MILLS, JAMES H. P.O. BOX 48, GARDEN VALLEY, IDAHO 83662	5/21/1916	IRRIGATION	4/ 1 11/ 1	--- AFA .18 CFS	LOT 1 S36 T 9N R 5E	LOT 21 4) S31 T 9N R 6E LOT 11 4) S36 T 9N R 5E *8*	DECREE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.18*CFS		SAME AS OTHER USE	
65-11390	PARKS, DONALD J. 1518 MARTHA CIRCLE, BOISE, IDAHO 83706	5/21/1916	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 1 S36 T 9N R 5E	SAME AS OTHER USE	DECREE
			IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS *---*AFA *.02*CFS		LOT 11 2) S36 T 9N R 5E *2*	
65-10382	MILLS, JAMES H. P. O. BOX 48, GARDEN VALLEY, IDAHO 83622	5/22/1916	IRRIGATION	4/15 10/15	--- AFA .16 CFS	LOT 1 S36 T 9N R 5E	LOT 21 8) S31 T 9N R 6E *8*	BENEFICIAL USE
65-11062	ALCOH, BARRY & ALCOH, PAT E. 1907 SUNCREST DRIVE, BOISE, IDAHO 83705	6/ 1/1935	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNE S31 T 9N R 8E	NWNE S31 T 9N R 8E	BENEFICIAL USE
65-2476	FARKER, LESLIE & FARKER, MURIEL LOWMAN, IDAHO 83637	10/24/1946	IRRIGATION	4/15 10/15	--- AFA .06 CFS	NWNE S31 T 9N R 8E NENE S31 T 9N R 8E	NWNE 11 NENE 11 LOT 41 3) LOT 31 2) S31 T 9N R 8E *7*	LICENSE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS		SAME AS OTHER USE	
			POWER	1/ 1 12/31	--- AFA .06 CFS *---*AFA *.06*CFS		SAME AS OTHER USE	

MICROFILM

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 65-12631 IN THE NAME)
OF TOM RILEY)

AGREEMENT

We, the undersigned, hereby agree to allow the Director of the Department of Water Resources to reach a decision in the above captioned matter based upon the information presented at the conference held on September 27, 1983 at Boise, Idaho, the official files and records of the Department of Water Resources and the Director's understanding of the law. The decision will first be issued as a proposed decision to which the undersigned may file exceptions and request a hearing before the Director.

The undersigned understand that this agreement does not waive the right of the undersigned to apply for a rehearing as described in Rule 11 of the Department of Water Resources Rules and Regulations for Practice and Procedure or to appeal the decision of the Director of the Department of Water Resources to the District Court.

Signed this 27 day of September, at Boise, Idaho.

T. Riley
Mrs. Tom Riley
R. J. Hunt

MICROFILMED

PS Form 3811, Jan. 1978

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- ☒ Show to whom and date delivered.....*
- ☐ Show to whom, date and address of delivery.....*
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered.....*
- ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.....*

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Tom Riley
2640 N. Meridian Rd
Meridian, ID 83642

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	9300	
	226 180	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

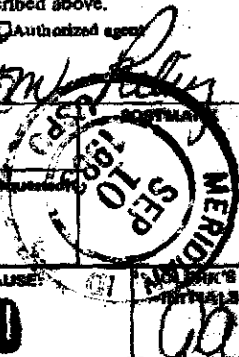
4. **DATE OF DELIVERY**

9/10/83

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

MICROFILMED



13971-57

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

RECEIVED

SEP 12 1983



**RETURN
TO**



Department of Water Resources
Western Regional Office

~~Idaho Department of Water Resources~~
(Name of Sender)

~~Western Region~~

~~Statehouse~~

~~Boise, Idaho~~ (Street or P.O. Box)

83720

MICROFILMED

(City, State, and ZIP Code)

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☐ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Raymond J. Theis
 1301 N 23rd
 Boise, ID 83702

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	9300 226 181	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

DATE OF DELIVERY

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

MICROFILMED

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



RETURN



Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

(City, State, and ZIP Code)

RECEIVED

SEP 20 1983

P 300 2-26 181

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				
Raymond J. Theis				
STREET AND NO.				
1301 W 23rd				
P.O., STATE AND ZIP CODE				
Boise Id 83702				
POSTAGE			\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		¢
		SPECIAL DELIVERY		¢
		RESTRICTED DELIVERY		¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
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UNCLASSIFIED

P 300-226 180

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO

Tom Riley

STREET AND NO.

2640 N. Meridian Rd

P.O., STATE AND ZIP CODE

Meridian, Id 83642

POSTAGE

\$

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

¢

OPTIONAL SERVICES

SPECIAL DELIVERY

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RESTRICTED DELIVERY

¢

RETURN RECEIPT SERVICE

SHOW TO WHOM AND
DATE DELIVERED

¢

SHOW TO WHOM, DATE,
AND ADDRESS OF
DELIVERY

¢

SHOW TO WHOM AND DATE
DELIVERED WITH RESTRICTED
DELIVERY

¢

SHOW TO WHOM, DATE AND
ADDRESS OF DELIVERY WITH
RESTRICTED DELIVERY

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TOTAL POSTAGE AND FEES

\$

POSTMARK OR DATE

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**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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6. Save this receipt and present it if you make inquiry.

RETURN RECEIPT REQUESTED

CONVERSATION MEMORANDUM

DATE 9/19/83FILE 65-12631NAME OF PARTY Raymond J. ThisEMPLOYEE John X. NoyesTelephone
conversation

RE: _____

Mr. This called 9/19/83 in regard
to the hearing on Tom Riley. I read
the notice of hearing & or conference
to Mr. This. Mr. This stated that
he would contact Mr. Riley on the
point of diversion - The P.D. is his
only concern on this permit.

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 65-12631 IN THE NAME
OF TOM RILEY

NOTICE OF HEARING
AND/OR CONFERENCE

On June 21, 1983, Tom Riley filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 14, 1983, the Department received a protest against approval of said application from Raymond J. Theis.

The Department has set the matter of protest for hearing for Tuesday, September 27, 1983, at 10:00 a.m. at the Department of Water Resources, Third Floor Conference Room, 450 W. State Street, Boise, Idaho 83720. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 8 day of September, 1983.



DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

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

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

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

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

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

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

August 1, 1983

Tom Riley
2640 N. Meridian Rd.
Meridian, ID 83642

Dear Mr. Riley:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 65-12631. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

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

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc:

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

August 1, 1983

Raymond J. Theis
1301 N. 23rd.
Boise, ID 83702

Re: No. 65-12631

Dear Mr. Theis:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

7/14/83

RAYMOND J. THEIS
1301 N. 23RD
BOISE, ID 83702

RECEIVED

JUL

Department of Water Resources
Western Regional Office

DIRECTOR OF WATER RESOURCES -

I WISH TO PROTEST THE APPLICATION FOR PERMIT
(65-12631) OF TOM RILEY. THE APPLICATION DOES NOT
SPECIFY WHERE HIS PROPOSED DIVERSION WILL BE ON
THE CREEK BEYOND THE QUARTER-QUARTER DESCRIPTION.
IF MR. RILEY'S DIVERSION IS ABOVE MINE, HE WILL
INTERFERE WITH MY WATER RIGHT (65-10456) DURING
LATE SUMMER. IF MR. RILEY WILL AGREE TO SPECIFY IN
HIS WATER RIGHT FILE THAT HIS DIVERSION WILL BE
AT LEAST A SUFFICIENT DISTANCE ^{BELOW} NOT TO IMPAIR
MAINTENANCE AND REPAIR OF MY EXISTING DIVERSION,
I WILL WITHDRAW MY PROTEST.

Raymond J. Theis

MICROFILMED

65-12631

RILEY, TOM

2640 N. MERIDIAN RD., MERIDIAN, ID 83642

Source: UNNAMED STREAM trib. to PAYETTE RIVER, SOUTH FORK

Date Filed: 06/21/1983

Diversion Pt: SESE Sec 27 T 09N R 08E

Use: DOMESTIC (0.04 CFS)

In: SESE Sec 27 T 09N R 08E

RECEIVED
JUL 1 1983