

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	65-12275	Steve &/or Rebecca Christensen	0.06 cfs
Full Assignment	65-12275	Micheal W. &/or Rebecca Butler	0.06 cfs

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
DEC 12 1984

Department of Water Resources
Water Rights Division

I, Rebecca E. Butler hereby assign to Michael W. E. Butler
of H-C 76 Box 1023 Bando Idaho 83402
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 65-12275
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 12 day of December, 1984.

Rebecca E. Butler
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 12 day of December, 1984, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Nancy M. Northrup
Notary Public residing at
Bonanza

My commission expires:
1985

QUITCLAIM DEED

For Value Received STEVE M. CHRISTENSEN

Do hereby convey, release, remise and forever quit claim unto REBECCA M. CHRISTENSEN

the following described premises, to-wit:

Commencing at the Southwest corner of Section 16, Twp. 9 N., R. 4 E., B.M., Boise County, Idaho; thence S. 52° 20' W. 2586.81 feet to the true point of beginning; thence S. 64° 24' E. 212.4 feet (more or less) to the line of high water of the South Fork of the Payette River; thence S. 1° 12' E., 122.2 feet (downstream along the line of high water); thence N. 81° 34' W. 260 feet; thence along the curved east right of way line of the Banks-Lowman Highway (said curve having a radius of 954.0 feet and a long chord bearing N. 19° 43' E., 186.91 feet) to the True Point of beginning. All in Lot 3, Section 20, Twp. 9 N., R. 4 E. B.M., Boise County, Idaho. EXCEPT those parcels conveyed to the State of Idaho under instrument numbers 39041, 73822, and 73917, records of Boise County, Idaho.

Including all water and ditch rights appurtenant thereto or used in connection therewith. Subject to easements, rights of ways, reservations and exceptions, if any.

RECEIVED
DEC 12 1981

Department of State Records
Boise, Idaho 83720

together with their appurtenances.

Dated: July 6, 1981.

STEVE M. CHRISTENSEN

STATE OF IDAHO, COUNTY OF BOISE

On this 6th day of July, 1981, before me, a notary public in and for said State, personally appeared STEVE M. CHRISTENSEN

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public
Boise, Idaho

STATE OF IDAHO, COUNTY OF BOISE

I hereby certify that the instrument was filed for record at the request of Amy R. Richter

at 145 minutes past 11 o'clock on the 10th day of July, 1981, in my office, and duly recorded in Book 82 of Deeds at page 470

JOHN C. HOLAN

Notary Public

Boise, Idaho

Steve R.
Boise, Idaho
83602

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Steve &/or Rebecca Christensen Phone 462-3822
Post office address Star Route, Banks, ID 83602
2. Source of water supply unnamed stream which is a tributary of S. Fork Paye H. River
3. Location of point of diversion is SW % of NE % of Section 20 Township 9N
Range 4E B.M. Boise County, additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>.04</u> for <u>domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| <small>(cfs or acre-feet per annum)</small> |
| Amount <u>.02</u> for <u>irrigation</u> purposes from <u>4/1</u> to <u>11/1</u> (both dates inclusive) |
| <small>(cfs or acre-feet per annum)</small> |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| <small>(cfs or acre-feet per annum)</small> |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| <small>(cfs or acre-feet per annum)</small> |
5. Total quantity to be appropriated:
- a. .06 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Dam in creek and pipeline.
- 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: SW % of NE % of Section 20 Township 9N
Range 4E 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 1.
- (5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
9N	4E	20			1														1

Total number of acres to be irrigated 1

c. Describe any other water rights used for the same purposes as described above. 65-7844

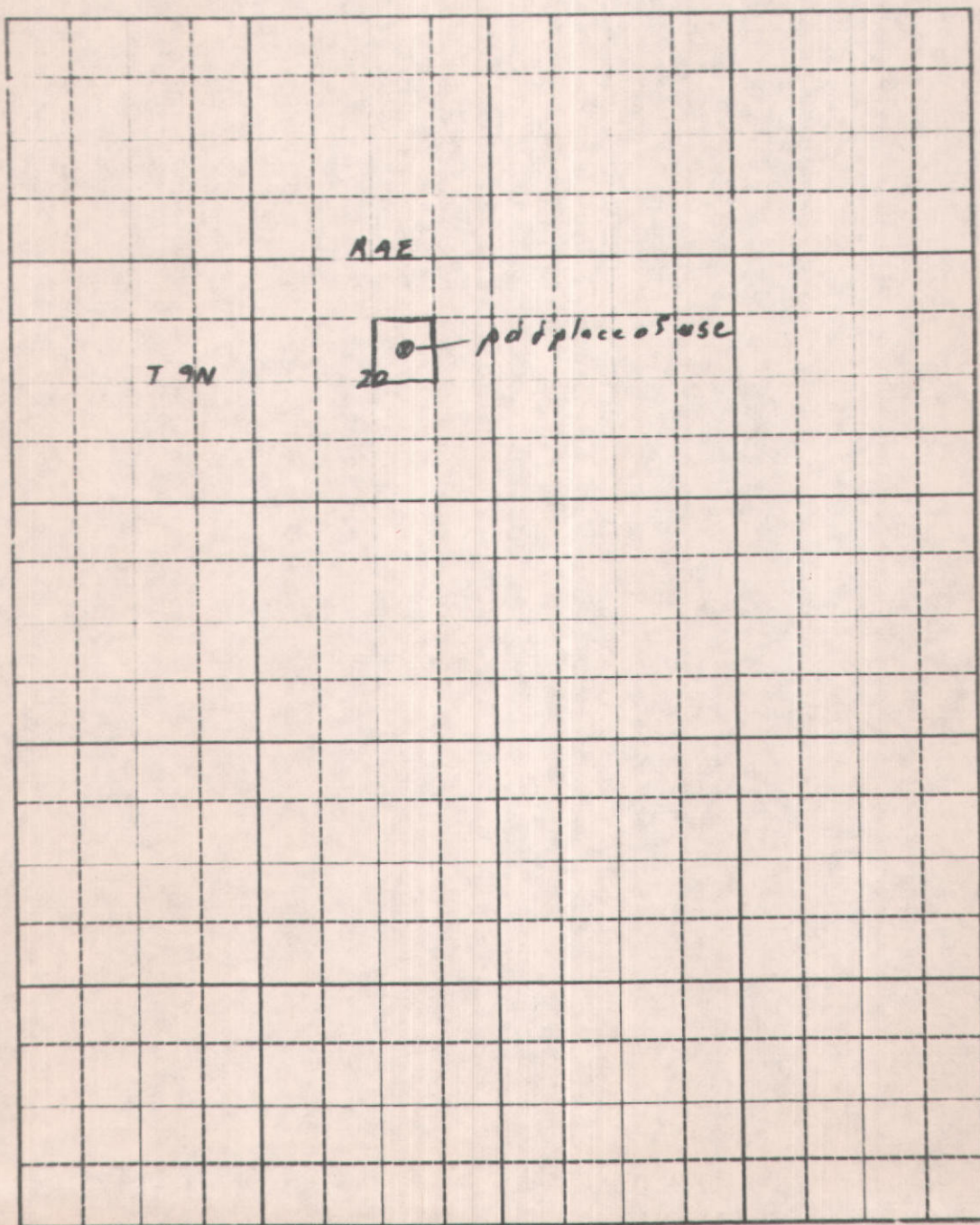
9. a. Who owns the property at the point of diversion State of Idaho

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.

Steve M. Christensen
(Applicant)

Received by MS Date 8/30/79 Time 1:00
Preliminary check by CVB Fee \$ 100.00
Receipted by MS Date 8/30/79
Publication prepared by kk Date 9/6/79
Published in Idaho World
Publication dates 9/13 & 9/20/79
Publication approved JK Date 10/11/79
Protests filed by: _____

Copies of prc tests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBB JK

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. 65-12275, 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 84.
- 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: (1) Use of water under this permit is subject to control by the water-
master of State Water District # 65, Payette River. (2) A measuring device of
a type approved by the Department shall be permanently installed and maintained
as part of the diverting works. (3) The issuance of this permit in no way grants
any right-of-way or easement across the land of another. (4) The total combined
diversion rate of this right and 67-7844 shall not exceed 0.06 cfs and the
combined diversion rate of this right and 65-7844 shall not exceed 0.02 cfs
for irrigation and 0.04 cfs for domestic.

Witness my hand this 21st day of December, 1979.

A. Glen Saxton
Chief, Operations Bureau

RECEIVED
OCT 31 1979

Department of Water Resources
Western Regional Office

STATE OF IDAHO,
County of Boise }

Boise Reichert 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

...9-14....., 1979, and end-
ing with the issue of 9-21...

1979...
...*Boise Reichert*...

Subscribed and sworn to before
me this 29th day of Oct. 1979.

John M. Shanahan
Clerk of Dist. Court
By: *Chris Hoffmann*
Deputy

LEGAL NOTICES

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following
applications have been submitted for permit
to appropriate the public waters of the State
of Idaho:

65-12275

OK RK
11/5/79
CHRISTENSEN, STEVE &/or REBECCA
STAR ROUTE, BANKS, ID 83662
Source: GUNNABLE STREAM tributary to
PAYETTE RIVER, S. FORK
Date Filed: 09/30/1979
Amount: 0.06 CFS
Diversion Point: SWNE Sec 20 T 09N R 04E
BOISE COUNTY.
Use: DOMESTIC (0.04 CFS) from 01/01 to
12/31
IRRIGATION (0.02 CFS) from 04/01 to 11/01
Place of Use: SWNE Sec 20 T 09N R 04E for
1 ACRES
Diversion Means: DAM IN CREEK & PIPE-
LINE

65-12276

MORGAN, CHUCK &/or CONNIE S.
BOX 126, HORSESHOE BEND, ID 83629
Source: GROUNDWATER
Date Filed: 09/05/1979
Amount: 0.10 CFS
Diversion Point: NENE Sec 03 T 07N R 02E,
BOISE CO
Use: IRRIGATION (0.10 CFS) from 04/01 to
11/01
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NENE Sec 03 T 07N R 02E for
5 ACRES
Diversion Means: WELL, PUMP & SPRINKLER
SYSTEM

If issued, the permits will be subject to all
prior water rights. Protests against the grant-
ing of any permit must be filed with the Director
of the Idaho Department of Water Resources,
92 S. Cole Road, Boise, Idaho 83709, on or
before October 1, 1979.

C. Stephen Alfred
Director

Published in the Idaho World, Idaho City,
Idaho, on September 14, and 21, 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 25 1993

Department of Water Resources.

A. GENERAL INFORMATION

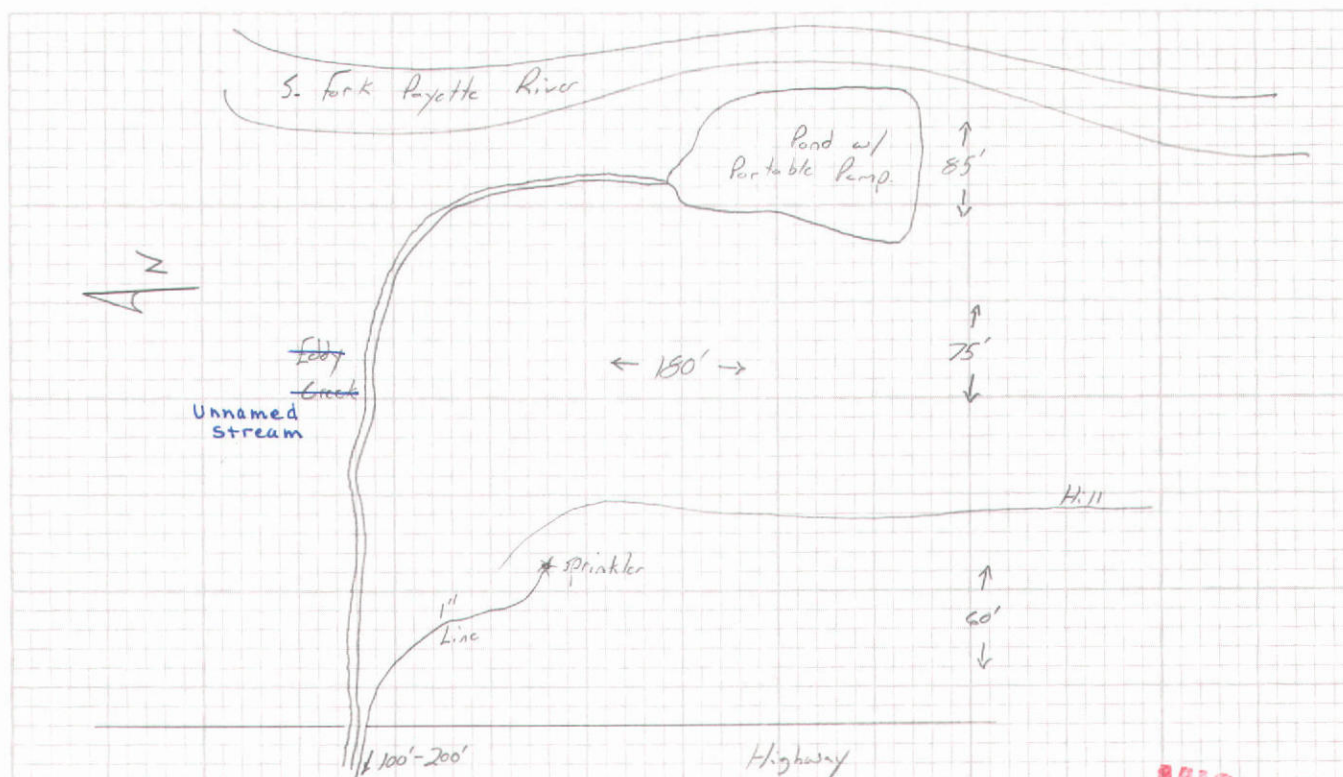
1. ✓ Owner: Michael W. and Rebecca Butler Permit No. 65-12275
Phone No. 462-3474
Current Address: _____
2. Accompanied by: Michael W. Butler EXAM. DATE: 6-26-92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. ✓ Source: Unnamed Stream tributary to S. Fork Payette River

B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ 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

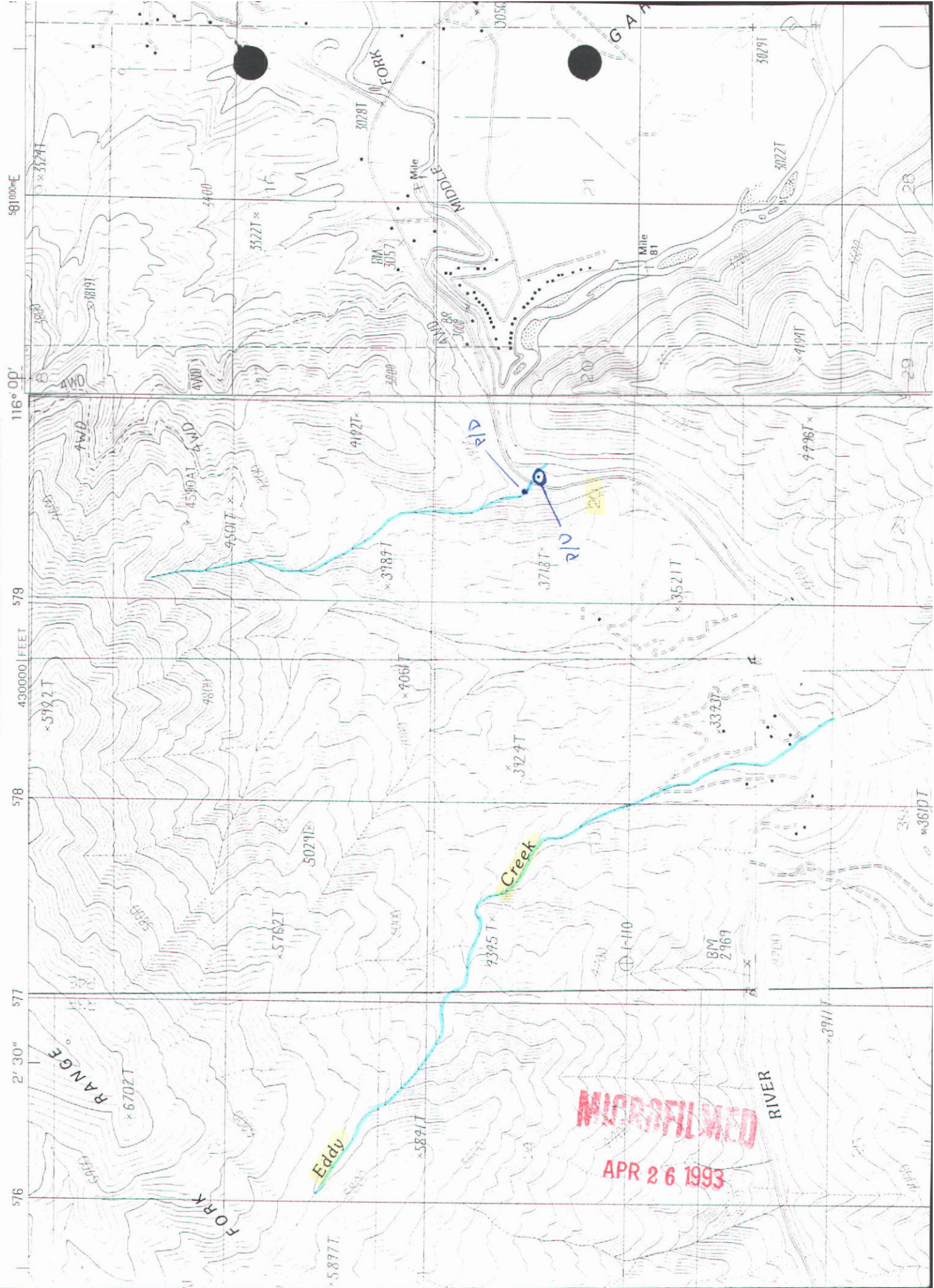


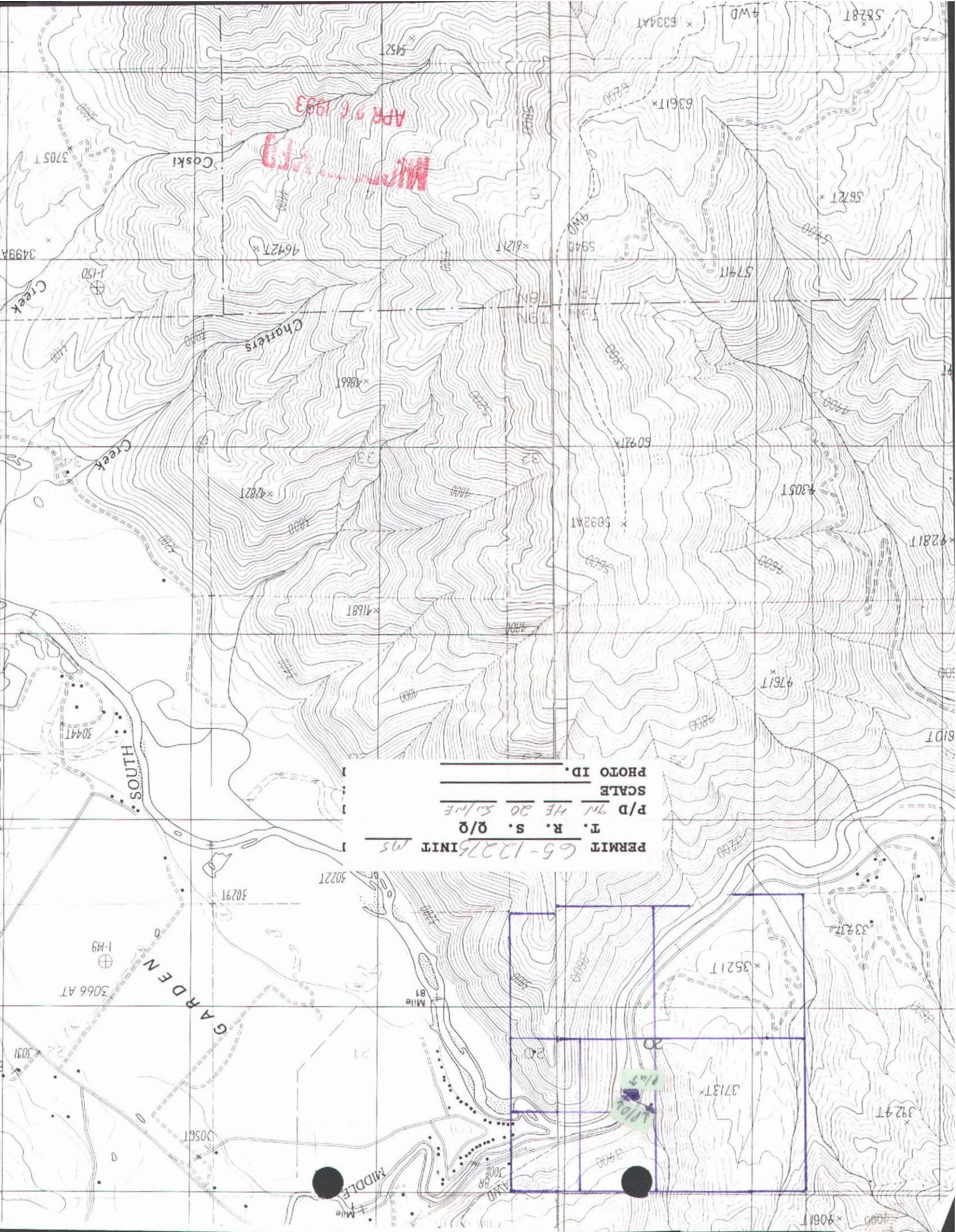
Scale: 1" = _____.

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).

RECEIVED
APR 26 1993

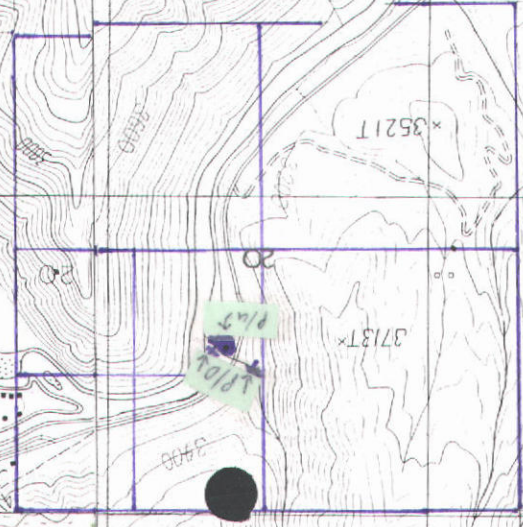
BANKS QUADRANGLE
IDAHO-BOISE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





APR 26 1993

PERMIT 65-1225 INIT MS
T. R. S. 0/0
P/D 9M 1/4 20 50/NE
SCALE
PHOTO ID.



1904
1/4

MIDDLE

GARDEN

SOUTH

Coski

Charters

Creek

Creek

1-M9

3066 AT

3031

3056T

3029T

3022T

81

3008

20

20

3713T

3924T

4000

4061T

3400

3008

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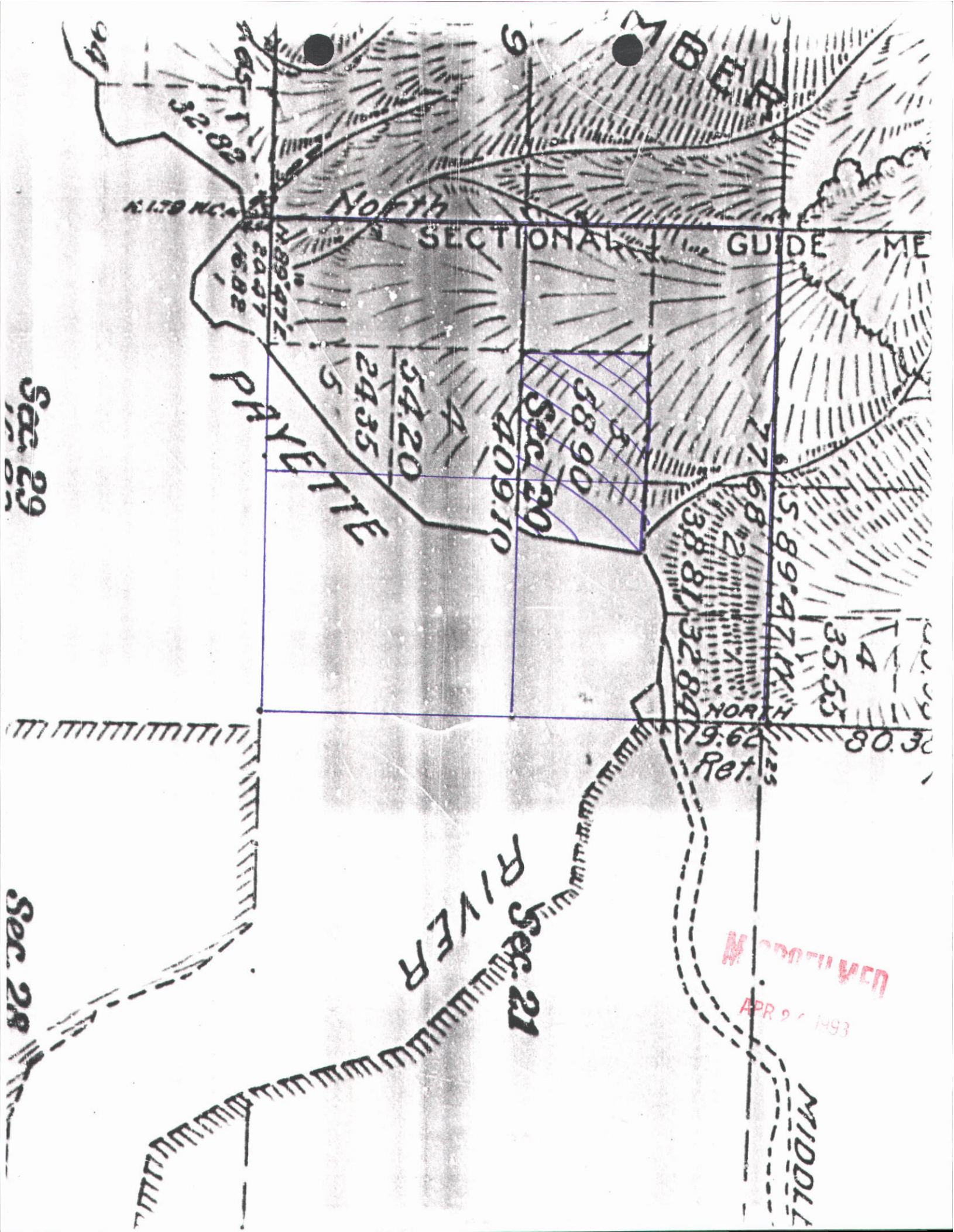
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N. 1.79 NCA

SECTIONAL GUIDE ME

FAYETTE

MIDDLE RIVER

MAINTAINED

APR 9 1893

Sec. 29

Sec. 28

Sec. 20

Sec. 21

54.20
24.35

38.90

35.55

80.30

19.62

Ret.

38.81
32.84

5.89
47.14

77.68

24.97
16.82

1.79

32.83



PHOTO ONE-

The gravity Flow diversion
line located in Eddy Creek.



PHOTO TWO-

The sprinkler operating off
of the gravity Flow line.

APPROVED
APR 26 1993



PHOTO THREE-

The 5 h.p. pump used to
pump from the pond, with a
fire hose & 3" sprinkler line attachment.



PHOTO FOUR-

The pond, facing
east.

APR 26 1993

January 10, 1985

Michael W. and/or Rebecca Butler
HC 76 Box 1023
Banks, ID 83602

Dear Mr. and Mrs. Butler:

Re: Permit No. 65-12275

This office acknowledges receipt of the assignment conveying this permit to you. The assignment has been entered into the department's records. A copy of the permit and order of reinstatement are enclosed for your records.

Also this office acknowledges receipt of the statement of beneficial use postcard submitted for this permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will contact you to schedule the exam at a convenient time.

If you have any questions regarding the field examination, please contact our Western Regional office at 208 334-2190.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

cc: Western Region

^ALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 65-12275

DATE: 1-10-1985

Date proof received

Proof due

Number of day proof late

Priority date

New priority date

<u>346</u>	<u>Dec. 12</u>
<u>-335</u>	<u>Dec 1</u>
<u>11</u>	
<u>+242</u>	<u>Aug. 30, 1979</u>
<u>253</u>	<u>Sept 10 1979</u>

Remarks:

Permit No. 65-12275

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? *yes, but she signed as "Butler" instead of "Christensen" appears to be acceptable.*
2. Notary? ☒
3. a. Full Assign? ☒
b/ Partial Assign?
4. "No assignment" condition on permit? *NO*
5. Commencement of works received? *- rec'd proof w/assignment*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? *NO*

1. Type Permit Summary Sheet ☒

2. Coding Sheet ☒

3. Acknowledgement letter type

4. Copy to region ☒

Rita - please acknowledge w/ proof correspondence.

Date: 12-21-84

Employee: H. Walker

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-12275

Name(s) of Permit Holder: Michael W & Rebecca Butler

Post Office Address: H-E 76 Box 1023 Banks, Ida 93602

Tel. No. 462-3474

Source of Water:

Extent of Use: ☒ Domestic 1 (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 1 (acres)
☐ Other

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

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/12/84
Date

Rebecca E Butler
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



RECEIVED

DEC 12 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

135296

CHRISTENSEN, STEVE & REBECCA
STAR ROUTE
BANKS, ID 83602

PROOF DUE NOTICE

SEPTEMBER 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12275 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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/REGCORDS MANAGER

ENCLOSURES

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: CLP

APPLICATION NUMBER: 65-1844

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*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. 65-7844 - See conditions below
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ 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? 6.5

8/30/79 Date of priority recommended.

Special conditions of approval or cover letter. I.P. letter W.M. condition,

Payette River, right of way clause

The total diversion rate of this right and 67-7844 shall not exceed 0.06 cfs and the combined diversion rate of these right and 67-7844 shall not exceed 0.02 cfs for irrigation and 0.04 cfs for domestic.

Add
this
Condition

By: DBS

Date: 12/19/79

STA1 : OFFICE REVIEW:

65 (65 Payette River) 01, 04,
Payette River letter w/ measuring device and Idaho Power Paragraph

- ☐ See attached sheet for more information.

By: Jan

Date: 12/21/79

INTER-DEPARTMENT MEMO — 1

FROM CHARLIE BRYAN, WESTERN

DATE 12/04/77

TO 65-12275

SUBJECT

AT TIME OF FIELD EXAM, AMENDMENT WILL
BE NEEDED TO CORRECT TRIB TO: S.F. PAYETTE RIVER
TO TRIB. TO: PAYETTE RIVER.

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM CHARLIE BRYAN

DATE 12/04/77

TO DAVE SHAW

SUBJECT 65-12275

I WAS FINALLY ABLE TO CONTACT THE CHRISTENSEN'S
ABOUT THE DECREE COVERAGE WITH 65-7849. THEY DESIRE TO USE
THE UNNAMED STREAM DESCRIBED IN 65-12275 BECAUSE OF EASE AND
RELATIVE COST AS OPPOSED TO PUMPING FROM THE S.F. PAYETTE R. THEY
DO, HOWEVER, WISH TO KEEP PERMIT 65-7849 AS THE STREAM MAY
NOT ALWAYS BE ABLE TO SUPPLY ENOUGH WATER AND THE PAYETTE R.
WILL SUPPLEMENT 65-12275. AS SHOWN IN THE SKETCH ON THE
BACK OF THIS MEMO, THE CREEK FEEDS INTO THE RIVER UPSTREAM
FROM WHERE THE PUMP IN THE
RIVER WILL BE.

SIGNATURE

Published 9/13 & 9/20/79.

Director

C. STEPHEN ALLRED

Cole Road, Boise, Idaho 83789 on or before OCTOBER 1, 1979.
with the Director of the Idaho Department of Water Resources, 92 S.
rights. Protests against the granting of any permit must be filed
If issued, the permit(s) will be subject to all prior water

State of Idaho:

been submitted for permit to appropriate the public waters of the
Notice is hereby given that the following application(s) have

NOTICE OF APPLICATION FOR WATER RIGHT

65-12275

CHRISTENSEN, STEVE or REBECCA

STAR ROUTE, BANKS, ID 83602

Source: UNNAMED STREAM tributary to PAYETTE RIVER, S. FORK

Date Filed: 08/30/1979

Amount: 0.06 CFS

Diversion Point: SWNE Sec 20 T 09N R 04E, BOISE Co.

Use: DOMESTIC
IRRIGATION

(0.04 CFS) from 01/01 to 12/31
(0.02 CFS) from 04/01 to 11/01

Place of Use: SWNE Sec 20 T 09N R 04E FOR 1 HCRES

Diversion Means: DAM IN CREEK & PIPELINE

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	65-12275	Steve &/or Rebecca Christensen	0.05 cfs
Full Assignment	65-12275	Nicheal W. &/or Rebecca Butler	0.05 cfs

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12275

Priority: June 21, 1982

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

2.1 AF

This is to certify, that MICHAEL W BUTLER
REBECCA BUTLER

HC 76 BOX 2590

GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 30, 1979; and has submitted Proof of Beneficial Use on December 12, 1984. An examination indicates that the works have a diversion capacity of .210 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>
IRRIGATION	04/15 to 10/15	0.02 CFS	2.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 20, Township 09N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	04E	20	SWNE	0.6		0.6

Total number of acres irrigated: 0.6

CONDITIONS/REMARKS:

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

APR 26 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12275

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Two points of diversion are located within SWNE, S20, T09N, R04E.

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 17TH day of MARCH, 1993.

Acting for *Norman C. Young*
R. Keith Higginson, Director

APR 26 1993

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

IN THE MATTER OF PERMIT)
NO. 65-12275 IN THE NAME OF)
MICHAEL W. &/OR REBECCA BUTLER)

ORDER OF REINSTATEMENT

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 65-12275 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 65-12275 to appropriate the public waters of the State of Idaho with a proposed priority of August 30, 1979.
2. On June 5, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on August 4, 1986.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

MICROFILMED

AUG 30 1989

4. The license examination fee was received on May 26, 1989, 1025 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 65-12275 should be advanced 1025 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 65-12275 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 65-12275 is advanced to June 21, 1982.

Dated this 15th day of August, 1989.

J. Blum Saylor
Chief, Water Allocation Bureau

MICROFILMED

AUG 30 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-12275 IN THE)
NAME OF MICHEAL W. AND/OR REBECCA BUTLER) ORDER OF REINSTATEMENT

WHEREAS, the Department issued to Steve and/or Rebecca Christensen the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1984; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on December 1, 1984, the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, on December 12, 1984, the permit holders assigned all right, title and interest in and to Permit No. 65-12275 to Michael W. and/or Rebecca Butler; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on December 12, 1984,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-12275 be REINSTATED and the priority advanced to September 10, 1979.

Dated this 10th day of January, 1985.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

DEPARTMENT OF WATER RESOURCES

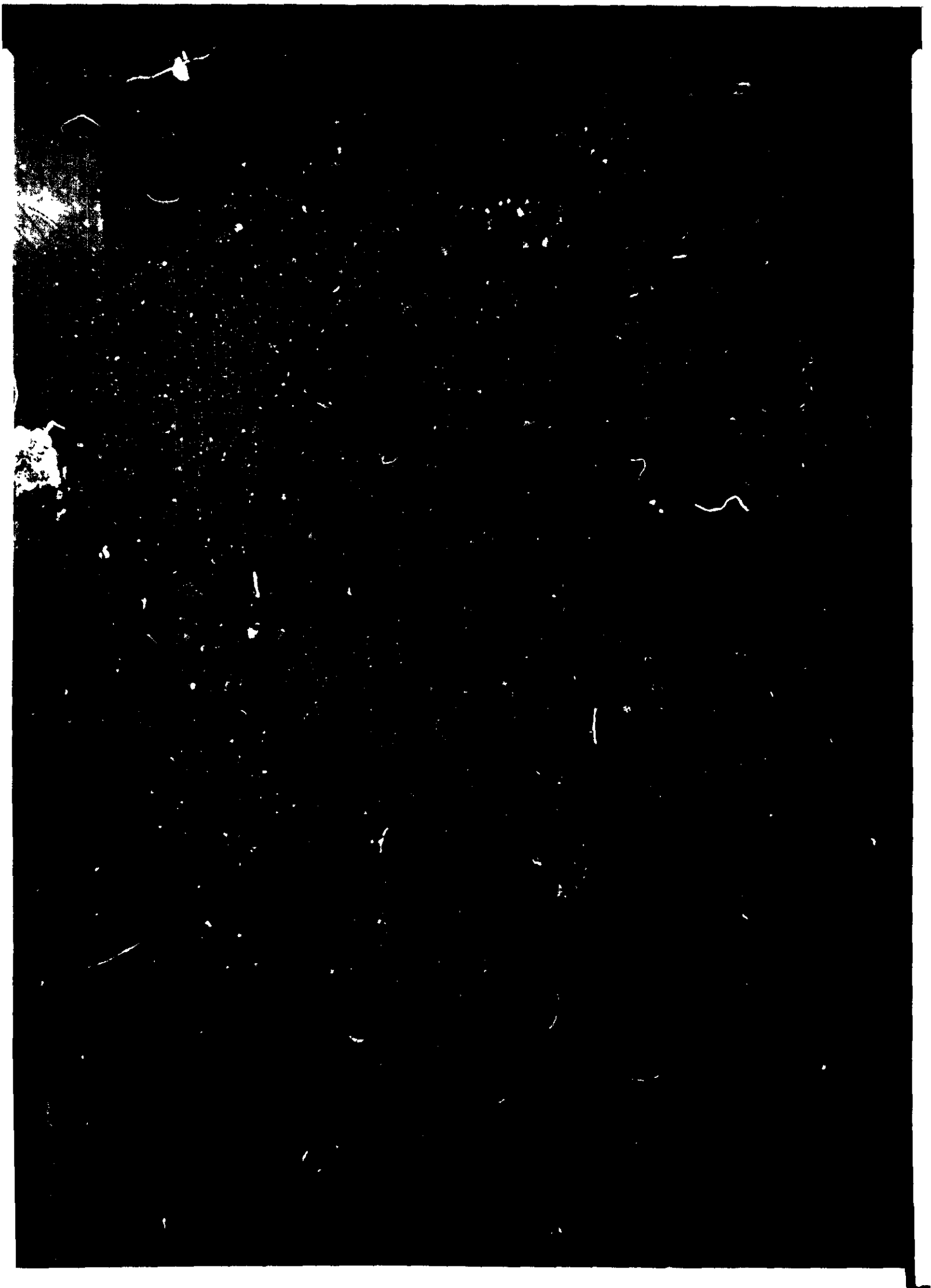
ASSIGNMENT OF DUTY

1. Adrian Johnston born [illegible] [illegible]
at H.C. 76 Box 1183 [illegible] [illegible]

CHUCK GIBB

- All my right, title, and interest in the above described land to appropriate the public lands of the United States.
- The following is a true and correct copy of the original of the above described land as shown on the map of the land of the United States.
- (Describe the land as shown on the map of the land of the United States.)
- each (50 acres of land) of the land of the United States.
- feet per acre of the land of the United States.

DATE: 10/10/2013



Form 202
3-78

Ident. No. 65-12275

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Steve &/or Rebecca Christensen Phone 462-3822
Post office address Star Route, Banks, ID 83602
2. Source of water supply unnamed stream which is a tributary of S. Fork Payette River
3. Location of point of diversion is SW % of NE % of Section 20 Township 9N
Range 4E B.M. Boise County, additional points of diversion if any _____
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>04</u> for <u>domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| for use or non-use (per statute) |
| Amount <u>02</u> for <u>irrigation</u> purposes from <u>4/1</u> to <u>11/1</u> (both dates inclusive) |
| for use or non-use (per statute) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| for use or non-use (per statute) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| for use or non-use (per statute) |
5. Total quantity to be appropriated:
- a. 06 cubic feet per second under b. _____ cfs-foot per second.
6. Proposed diversion works:
- a. Description of ditches, flumes, conduits, etc. _____

b. If water is to be irrigated, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC	NE				NW				SE				SW				TOTALS
			NE 1/4	NE 1/4	NE 1/4	NE 1/4	NW 1/4	NW 1/4	NW 1/4	NW 1/4	SE 1/4	SE 1/4	SE 1/4	SE 1/4	SW 1/4	SW 1/4	SW 1/4	SW 1/4	
8N	4E	70			1													1	

Total number of acres to be irrigated: 1

c. Describe any other water rights used for the same purposes as described above: 65-7844

9. a. Who owns the property at the point of diversion: State of Idaho

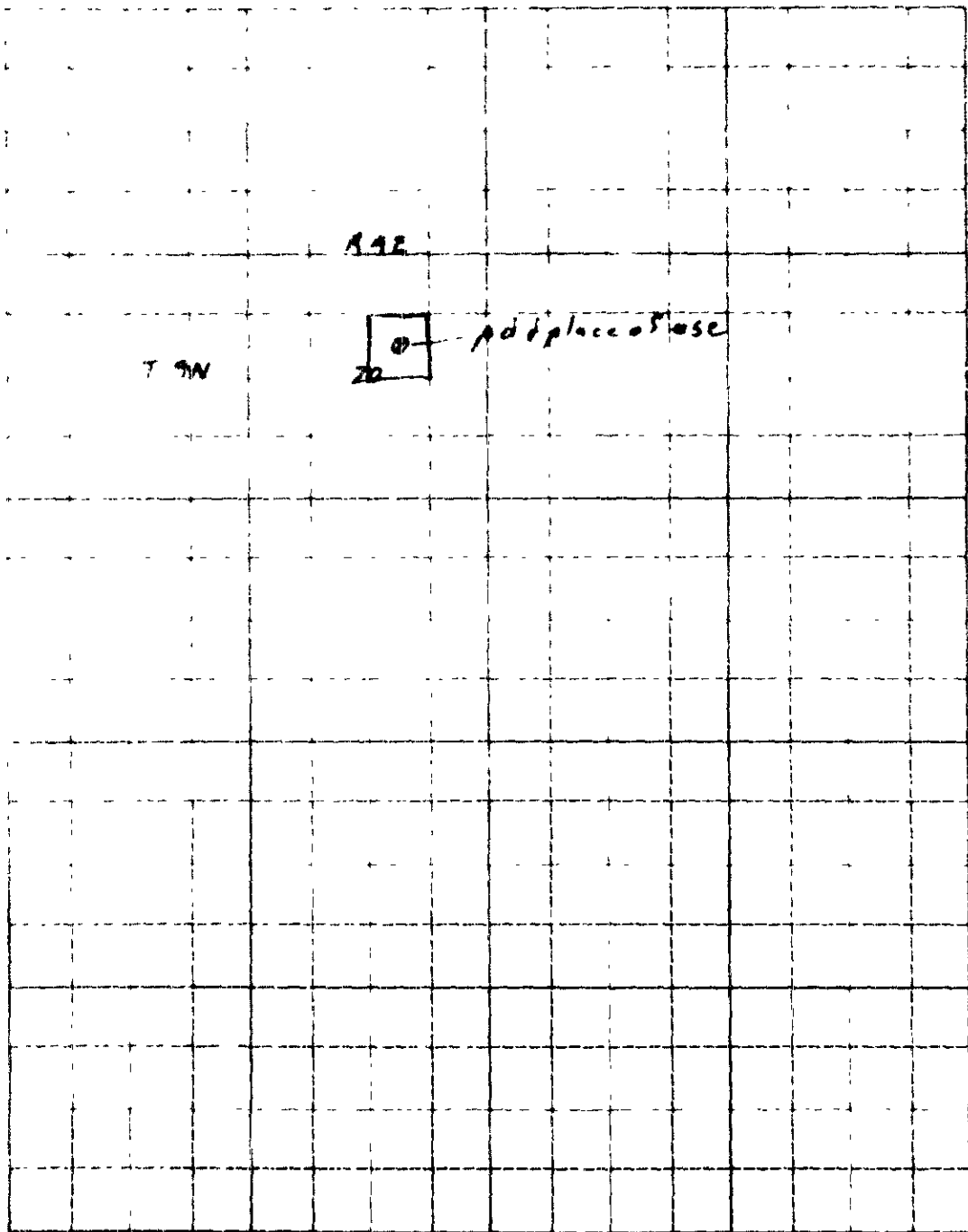
b. Who owns the land to be irrigated or place of use: Applicant

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:



Map showing project location, the proposed point of diversion, place of use, section number, 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.

Steve M. Whitman
(Applicant)

Received by _____ Date _____ Time _____
Preliminary check by _____ Fee \$ _____
Received by _____ Date _____
Publication prepared by _____ Date 9/6/79
Published in Idaho Water _____
Publication dates 13 & 9 20, 79
Publication approved _____ Date _____
Protests filed by _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBO _____

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. 65-12275 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 84

The rate of diversion of 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

c. Other (1) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (2) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (3) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (4) The total combined diversion rate of this right and 67-7844 shall not exceed 0.06 cfs and the combined diversion rate of this right and 65-7844 shall not exceed 0.02 cfs for irrigation and 0.04 cfs for domestic.

Witness my hand this 21st day of December, 1979.

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO,
County of Boise

Bruce Reichen⁺ being duly sworn, deposes and says that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho, that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City, that the advertisement a copy of which is hereto attached, was published in said newspaper once a week for 2 consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper and not a supplement, that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with

9-14 1979, and end.

ing with the issue of 9-21...

1977 *Ben L. Hunt*

Subscribed and sworn to before

me this ^{11th} day of Oct. 1971.
J. M. Sullivan
Chief of Court
by: Mrs. Hoffman
Deputy

LEGAL NOTICES

NO 22 ON APPROX 10.30
FOR WALLS

As a result, there have been substantial increases in the public waters of the State of Illinois.

65 14.75

On 1/15/54, a copy of the HWACCA
SEARCHED INDEXED
Serial 1 of 1
Serial 1 of 1
Serial 1 of 1
Serial 1 of 1

for FACIES
DISTRIBUTION DATA IN CHINA & TAIPEI

65-12276

[illegible]

if issued, the permit will be subject to a
 gross water fee. A protest against the issu-
 ing of any permit must be filed with the Director
 in the Idaho Department of Water Resources
 92 S. Cole Road, Boise, Idaho 83709, on or
 before October 1, 1978.

C. Stephen Ault
Director

Published in the Kaho World, Kaho City,
Kaho, on September 14, and 21, 1979



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 18, 1993

MICHAEL W BUTLER
REBECCA BUTLER
HC 76 BOX 2590
GARDEN VALLEY ID 83622

RE: WATER RIGHT NO. 65-12275

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED

APR 26 1993

Water Source: UNNAMED STREAM

Audit: 02/24/93 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 25 1993

Department of Water Resources

A. GENERAL INFORMATION

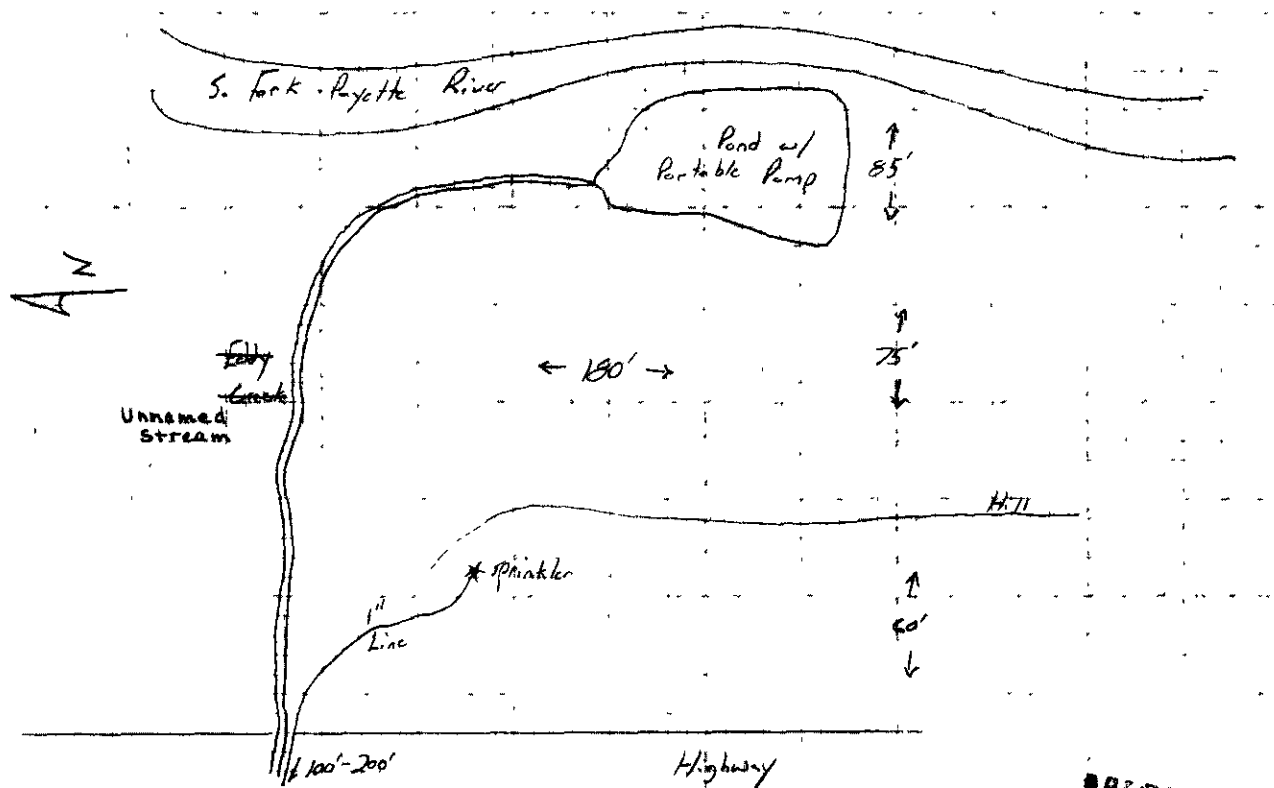
Permit No. 65-12275
Phone No. 462-3474
1. Owner: Michael W. and Rebecca Butler
Current Address: _____
2. Accompanied by: Michael W. Butler EXAM. DATE: 6-26-92
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Unnamed Stream tributary to S. Fork Payette River

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
_____ ☐ 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



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).

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APR 26 1993

System Description (continued)

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

A 1" line directs water from ^{Unnamed Stream} Eddy Creek approx 100'-200' to the northwest of the property. The line follows ^{Unnamed Stream} Eddy Creek to the edge of the property, and then enters a 3/4" hose with a sprinkler. ^{Unnamed Stream} Eddy Creek forms the northern edge of the property & the flows into a diversion pond. A second point of diversion is located on the pond. A 5 h.p. pump with a 3" sprinkler line and a 1 1/2" firehose can be placed on the pond to supply water to 5 sprinkler heads. The pump was not in place due to vandals. The water is

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Horrelite	5		Horrelite	

*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
			SW	NE	20	9N	4E	Boise	USGS Quad

6. Place(s) of Use:

Indicate Method of Determination USGS Quad

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	4E	20			.6														.6

RECEIVED

APR 26 1993

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

For the gravity flow system: 5 gallons / 2 min 3s

For the pump system, below the hill only, dynamic 15'

Pressure = Assume no more than 60 psi

Acreage = $180' \times (75' - 60') = .6 \text{ acres}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Allow .02 cfs (IRR) per permit

$5 \text{ gal} / \frac{60 \text{ s}}{123 \text{ s}} \times \frac{1}{448.8} = .01 \text{ cfs}$ for gravity flow

$.6 \text{ acres} \times \frac{.03 \text{ cfs}}{\text{acre}} = .02 \text{ cfs}$

2. Alternate Method for Checking Purposes:

$5 \text{ hp} \times 70\% \times 8.8 = .20 \text{ cfs}$ for pump

$(.01 + .20) = .21 \text{ cfs}$ (Capacity)

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:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .6 \times 3.5 = 2.1 \text{ af}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \text{ cfs} \times 183 \text{ days} \times 1.9835 = 7.3 \text{ af}$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 2.1 \text{ af (IRR)}$

2. Volume Calculations for Other Uses:

APR 26 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

used on approx .6 acres of natural grasses & trees to prevent drying out & fire dangers.

No Exam Fee Paid/Limited to .04 cfs maximum.

No other rights affect this permit

Remarks - 2 P/Ds SWNE

Conditions - R04/G5, R50

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	.02 cfs	2.1 afa
Totals:			.02 cfs	2.1 afa

2. Recommended Amendments

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

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

- ☒ None
☐ Other

J. AUTHENTICATION

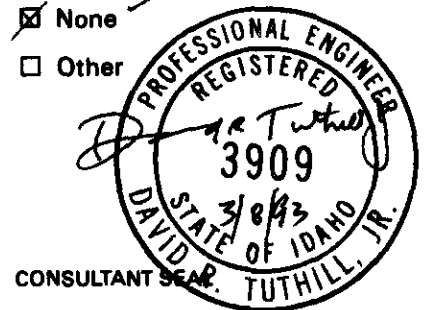
Field Examiner's Name Mark Senior

28 02-24-93

Signature Mark Senior

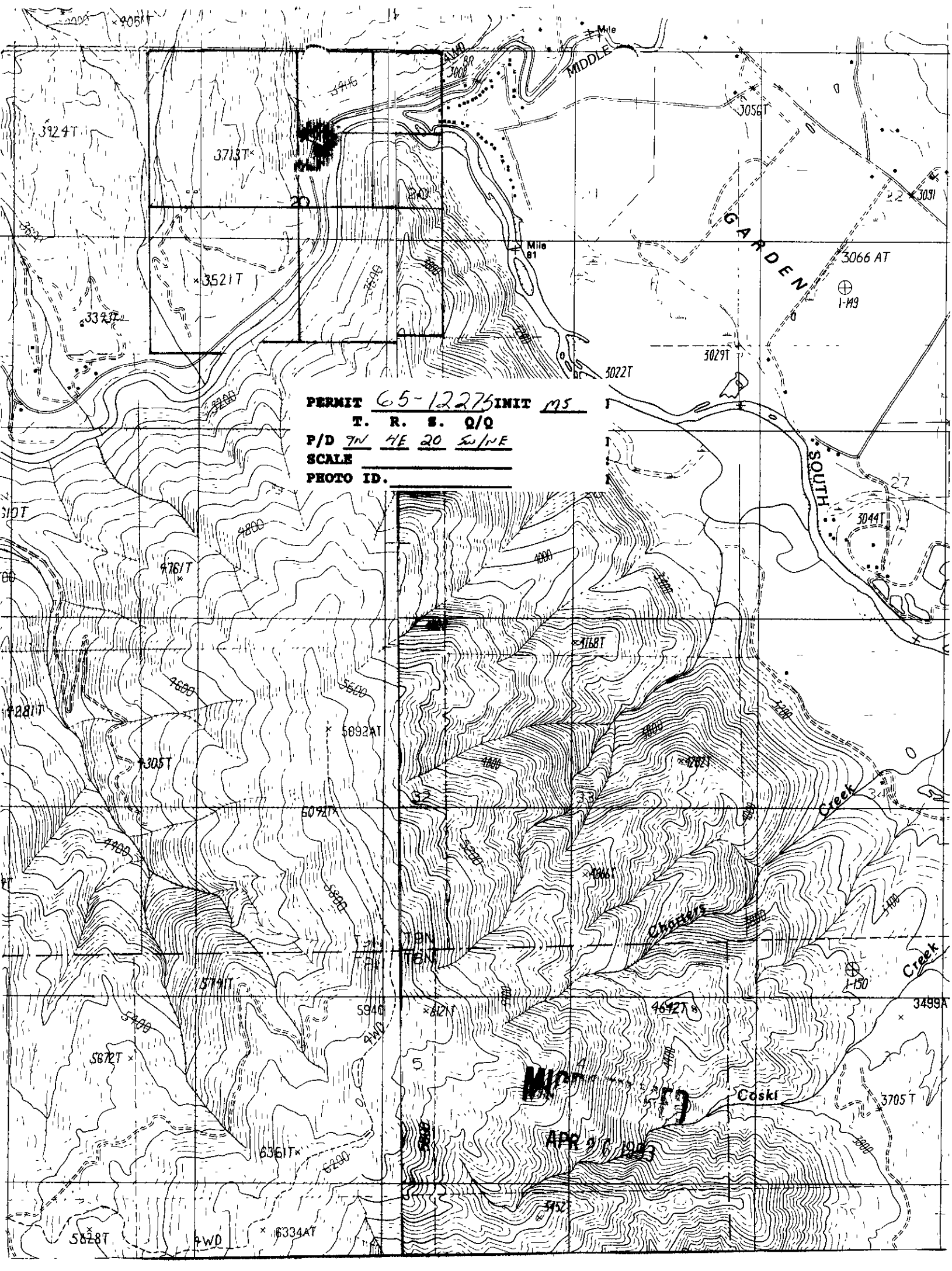
Certification Date _____

Field Report Preparation Date 7-1-92



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

APR 26 1993



PERMIT 65-12275 INIT MS
T. R. S. Q/Q
P/D 7N 4E 20 SW/NE
SCALE _____
PHOTO ID. _____

APR 26 1943

8308



PHOTO ONE-

*The gravity Flow diversion
line located in Eddy Creek*



PHOTO TWO-

*The sprinkler operating off
of the gravity Flow line.*

" 6 1993



PHOTO THREE-

The 3 h.p. pump used to
pump from the pond, with a
fire hose & 3" sprinkler line attachment



PHOTO FOUR-

The pond Ferry
cast

APR 26 1992

MEMORANDUM

TO: FILE 65-12275 AND EXAMINER

FROM: KAY WALKER

RE: EXAM OF THIS PERMIT

DATE: 4-MAY-1990

=====

MRS. BUTLER CAME INTO THE OFFICE YESTERDAY TO FIND OUT ABOUT THE ABOVE PERMIT. SHE REQUESTED THAT PRIOR TO THE EXAMINER GOING OUT TO LOOK AT THIS DEVELOPMENT THAT SHE BE CONTACTED SO THAT SHE CAN GO OUT AND GET THE PUMP SET UP. THEY CANNOT LEAVE THEIR PUMP OUT WHEN THEY ARE NOT ON SITE BECAUSE THEIR NEIGHBORS LIKE TO DESTROY THINGS.

IF THE EXAMINER FINDS THAT THIS PERMIT CAN BE LICENSED FOR 0.06 CFS WE SHOULD NOTIFY THE PERMIT HOLDERS PRIOR TO LICENSING THAT THEY CAN PAY THE EXAM FEE OF \$50.00 AND RECEIVE MORE WATER ON THEIR LICENSE. A LANDSLIDE DESTROYED THEIR DEVELOPMENT IN 1986 AND NOW THEY ARE TRYING TO GET IT SET UP AGAIN. MRS. BUTLER WANTED TO PAY HER \$50.00 YESTERDAY BUT SEEING HOW THE DEVELOPMENT IS NOT COMPLETE AT THIS TIME I TOLD HER NOT TO PAY THE ADDITIONAL FEE.

APR 11 1993

copy sent
to West

August 18, 1989

RE: Permit No. 65-12275

Michael W. &/or Rebecca Butler
HC 76 Box 2590
Garden Valley, ID 83622

Dear Mr. and Mrs. Butler:

Enclosed is a copy of the Order of Reinstatement which advances the date of priority of the above referenced permit to June 21, 1982 due to late submittal of the exam fee.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

AUG 30 1989

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 65-12275

FROM: SHARLA CURTIS

RE: PRIORITY ADVANCE REVIEW

DATE: 7-JUL-1989

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	AUGUST 30 1979	242
EXAM FEE NOTICE		
Exam Fee Notice Date:	JUNE 05 1986	156
Exam Fee/Info Sheet Received Date:	MAY 26 1989	1241
Exam Fee or Info Due Date:	AUGUST 04 1986	216
Days Late:		1025 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	AUGUST 30 1979	242
Total Days Late:		1025 DAY(S)
New Priority Date:	JUNE 21 1982	172

MICROFILMED
AUG 30 1989

M E M O R A N D U M

TO: FILE NO. 65-12275

FROM: GARY SPACKMAN *Gary*

RE: REINSTATEMENT OF PERMIT

DATE: JUNE 13, 1989

On May 26, 1989, Rebecca E. Butler visited my office, and requested to reinstate Permit No. 65-12275. The information that she submitted showed that the system was in place, but that a landslide destroyed the system in January of 1986, and it has not yet been restored.

Ms. Butler stated that they intend to reconstruct the system within the next year or so. I suggest that we delay the field examination until the summer of 1990.

She also expressed concern about the advancement of priority. I believe the statute requires full advancement of priority to May 26, 1989. I cannot find fault by the department that would save the advancement of priority.

MICROFILMED

AUG 30 1989

4/86
RECEIVED
MAY 30 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received N/A
Date 5/26/89
Receipt # _____
Receipt by _____
Sent to S.O. _____

1. Permit No. 65-12275

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: MICHAEL & /or REBECCA BUTLER

3. Post Office Address: HC 76 BOX 2590 GARDEN VALLEY, ID.
83622 Telephone No. 462-3474

4. Source of Water: UNNAMED STREAM (LITTLE EDDY) trib. to Payette River, South Fork

5. Extent of Use:

Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 1 (acres) Other/Remark _____

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

7. Show the date water was first diverted and beneficially used under this permit:

Summer of 1983

8. Person to contact to accompany the department representative during the field examination:

SAME AS PERMITHOLDER
(Name)

SAME AS PERMITHOLDER
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

RECEIVED
AUG 30 1989

Date 5/26/89

Rebecca E Butler
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

May 26, 1989

To Whom it may concern:

In 1983 we developed a diversion system that delivered water from the source through black plastic pipe for irrigation of approximately one acre. We also diverted water to a small pond near our home where we raised fish.

In January of 1986, ~~was~~ a mudslide washed out the delivery system, the pond and a major portion of our real estate.

We are presently rebuilding the system, and reclaiming our property. Our beneficial use of water was complete before proof of beneficial use was due, and we properly filed proof.

We request some additional time, perhaps a year, to finish reconstruction prior to completion of a field examination.

Finally we request that the permit be reinstated.

Rebecca E Butler

MICROFILMED

AUG 30 1989

I, Jean Kaminski had observed the gravity flow water system using black plastic pipe up the creek through the culvert of Hwy. 17 to irrigate Butler's bottom land and for watering their animals the summers of 1983, 1984, and 1985.

ON this day the 26th of May 1989
Jean Kaminski personally appeared
before me, ARDIS BRIGGS, Notary

Ardis Briggs
Notary
My Commission expires
12-27-93

RECORDED

AUG 30 1989

I, James Winkler had observed a gravity flow water system, using black plastic pipe laid up the Little Eddy Creek, which flows through Michael & Rebecca Butler's property, using circular sprinklers to irrigate the lawn below their house on and after July 1987.

James Winkler

*Subscribed and sworn to me this
26th day of May 1989.*

*Ardis Bragg
Notary
My Commission expires
12-26-93*

MICROFILMED

AUG 30 1989

I, Shannon Alley had observed the gravity flow water system using black plastic pipe up the Little Eddy Cr. to provide hose lines to the water troughs of the 4-H animals, sheep and pigs, and to irrigate Butler's land in June 1989.

SHANNON, ALLEY personally appeared before ARDIS BRIGGS, Notary on the 26th Day of May 1989,

Ardis Briggs
Notary
my Commission
expires 12-27-93

MICROFILMED

AUG 30 1989

I certify that file No. 65-12275 has been reviewed and is ready to be MICROFILMED and DESTROYED.

H. Walker
Signature

12-16-88
Date



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

65-12275
PERMIT 42-217
RE: L. GLEN SAXTON
NO. 76
FID. 1-3
L. GLEN SAXTON

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

June 25, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 5, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on June 5, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 5, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely, *L. Glen Saxton*

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

65-12275
NOTIFIED, MICHAEL W.
NOTIFIED, REBECCA
NO. 76
400, 1073
MARKS, ID. 83602

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

October 9, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

Sincerely,

David R. Tutthill, Jr.

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

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

65-12275
RUTLER, MICHAEL W.
RUTLER, HERFCCA
HC 76
BOX 1023
HANKS, ID 83602

Mailing address:
Statehouse
Boise, Idaho 83720

138609

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

January 10, 1945

Michael W. and/or Rebecca Butler
MC 74 Box 1023
Barks, ID 33612

Dear Mr. and Mrs. Butler:

Re: Permit No. 65-12275

This office acknowledges receipt of the assignment conveying this permit to you. The assignment has been entered into the department's records. A copy of the permit and order of reinstatement are enclosed for your records.

Also this office acknowledges receipt of the statement of beneficial use postcard submitted for this permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will contact you to schedule the exam at a convenient time.

If you have any questions regarding the field examination, please contact our Western Regional office at 204-334-2190.

Sincerely,

RITA L. FLECK
Secretary/Records Manager

Enclosures

cc: Western Region

CALCULATION OF NEW PRIORITY DATE

FROM. RITA FLECK

TO. FILE # 65-2275

DATE: 11/15/5

Date proof received

346 Dec 12

Proof due

-335 Dec 1

Number of day proof late

11

Priority date

+242 Aug 30, 1977

New priority date

253 Sept 10 1979

Remarks:

Permit No. 65-12275

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? *Not but who signed it*
2. Notary? *Notary instead of computer*
3. a. Full Assign? *Accepted*
b. Partial Assign?
4. "No assignment" condition on permit? *Not*
5. Commencement of works received? *Not*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required?

1. Type Permit Summary Sheet
2. Copy to agent
3. Acknowledgement or type *File - please acknowledge w/ press correspondence.*
4. Copy to region

Date: 12-21-84

Employee: K. Walker

The Idaho Department of Water Resources will consider this card as a permit that the permit holder(s) has consented development to the extent shown below of F-11 Per 45-12275

The Idaho Department of Water Resources will consider this card as a permit that the permit holder(s) has consented development to the extent shown below of F-11 Per 45-12275

Name(s) of Permit Holder *Michael W & Rebecca Butler*

Post Office Address *M. B. 76 Box 1023 Banks, Ida 93602*

Trl No 462-3474

Source of Water	1	(number of households)
Extended Use	1	(number and type of stock)
FECS	1	(acres)
Other		

Accessing Device	Required?	Yes	No	Installed	Yes	No
Access Port	Required?	Yes	No	Installed	Yes	No

The above information is a true statement of the extent to which the above numbered permit has

12/12/54
Date

Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

RECEIVED



DEC 12 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138296

CHRISTENSEN, STEVE & REBECCA
STAR ROUTE
BANKS, ID 83612

PROOF DUE NOTICE

SEPTEMBER 30, 1984

DEAR PERMIT HOLDERS:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12275 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Director

C. STEPHEN ALLRED
Assistant Director

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

January 10, 1980

Re: Permit No. 65-12275

Steve &/or Rebecca Christensen
Star Route
Banks, ID 83602

Dear Mr. & Mrs. Christensen:

Enclosed is a copy of your approved Application for permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Please be advised that there is 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 later-in-time permit. As the natural flow diminishes, however, there would be no water available for your right unless you had arranged for an additional source of water as a supplemental supply. This information is provided so that you will not be misled into thinking that this permit will provide sufficient water through the entire season of use.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Page 2
Christensen

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:jg

Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY

APPLICATION NUMBER. 65-7844

CHECK

- ☒ Source
☒ Point of diversion
☒ County
☒ Description of diverting works
☐ Time required for beneficial use of water
☐ Place of use or acres irrigated
☐ Map
☐ Signature
☐ Fee
☐ Yes ☐ No Field check required
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Request dam safety information
☐ Yes ☐ No In form to receipt

Field check by
Date
Comments

*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. 65-7844 - See conditions below
☒ Yes ☐ No In form for advertising
Final date for protests:
☐ Yes ☐ No Protests received If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW

- ☐ Affidavit of publication received. Date.
☐ Application published correctly. If not, record action taken.
☐ Fee amount, receipt date & number, recorded on application
☐ Publication dates and paper, recorded on application
☐ Protests, dates, withdrawal, etc., recorded on application
☒ 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
8/30/79 Date of priority recommended.
Special conditions of approval or cover letter. I.P. letter, W.M. condition,
Payette River letter, right of way clause
The total diversion rate of this right and 67-7844
shall not exceed 0.06 cfs and the combined
diversion rate of these rights and 67-7844 shall
not exceed 0.02 cfs for irrigation and 0.04 cfs
for domestic.

Add
this
condition

By: DRS

Date: 12/19/79

STAT OFFICE REVIEW:

65 (65-7844) 01, 04
Payette River letter, measuring device and Tasha Thomas Thompson

☐ See attached sheet for more information.

By: Jan

Date: 12/21/79

INTER-DEPARTMENT MEMO — 1

DATE 12/24/77

FROM CHARLIE BRYAN, WISCONSIN

TO 65-12275

SUBJECT

AT TIME OF FIELD EXAM, AMENDMENT WILL
BE NEEDED TO CORRECT TRIB TO: S. F. PAYETTE RIVER
TO TRIB TO PAYETTE RIVER

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 12/24/77

FROM CHARLIE BRYAN

TO JIM SMITH

SUBJECT 65-12275

I WAS FINALLY ABLE TO CONTACT THE CHAISTENAS
ABOUT THE DRAIN (STREAM) IN 65-7849 THEY WOULD LIKE TO USE
THE (UNKNOWN) STREAM (DESCRIBED) IN 65-12275 BECAUSE IT ENDS AND
RELEASING (NOT AS LIKELY) TO PUMPING FROM THE S.F. PAYETTE R. THEY
DO, HOWEVER, WISH TO KEEP PERMIT 65-7849 AS THE STREAM MAY
NOT ALWAYS BE ABLE TO SUPPLY (ENOUGH) WATER AND THE PAYETTE R.
WILL SUPPLEMENT 65-12275 AS SHOWN IN THE SKETCH ON THE
BACK OF THIS MEMO. THE CREEK FLOWS INTO THE RIVER UPSTREAM
FROM WHERE THE PUMP IN THE
RIVER WILL BE.

Charlie Bryan
SIGNED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83789 on or before OCTOBER 1, 1979.

C. STEPHEN ALLRED
Director

Published 9/13 & 9/20/79.

65-12225

CHRISTENSEN, STEVE for REBECCA

STAR ROUTE, BANKS ID 83602

Source UNNAMED STREAM tributary to PAYETTE RIVER, S. FORK

Date Filed 08/30/1979

Amount 0.06 CFS

Diversion Point SWNE Sec 20 T 09N R 04E, BOISE Co.

Use DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
IRRIGATION	(0.02 CFS)	from 04/01 to 11/01

Place of Use SWNE Sec 20 T 09N R 04E FOR 1 HCRES

Diversion Means DAM IN CREEK & PIPELINE