

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO]
]ss.
County of Valley]

Michael Parfit, being first duly sworn, deposes and says: That he is the publisher of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began Dec. 17, 1978, and ended Dec. 21, 1978.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 21 day of December, 1978.

Michael Parfit Notary Public.

My commission expires Aug. 1, 1981.

RECEIVED

JAN 4 1979

Department of Water Resources
Western Regional Office

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:

65-12191

UBERUAGA, PHIL. J. &-or
MARIE J.

2501 MADISON, BOISE, ID
83702.

Source: UNNAMED
STREAM tributary to
CASCADE RESERVOIR

Date Filed: 12-04-1978

Amount: 0.04 CFS

Diversion Point: SWNE Sec 19
T 15N R 03E, VALLEY Co.

Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31

Place of Use: SWNE Sec 19 T
15N R 03E

Diversion Means: DIVER-
SION DAM WITH PIPELINE.

65-12189

FITZWATER, BETH T.
6407 ROBERTSON DRIVE,
BOISE, ID 83705

Source: BIG PAYETTE LAKE
tributary to PAYETTE RIVER

Date Filed: 12-06-1978

Amount: 0.04 CFS

Diversion Point: LOT 04 Sec
35 T 19N R 03E, VALLEY Co.

Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31

Place of Use: LOT 04 Sec 35 T
19N R 03E

Diversion Means: PUMP
AND PIPELINE.

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 83705 on or before JANUARY 2, 1979.

C. STEPHEN ALLRED
Director

Published 12-14 & 12-21-78.

DEVELOPED

OK
KW

RECEIVED

MAR 05 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-12189

1. Owner: BETH T. FITZWATER Phone No. 634-2895

Current Address: P.O. BOX 158 MC CALL, ID. 83638

2. Accompanied by: BETH T. FITZWATER EXAM. DATE: 9/8/86

Address: ← SAME AS ABOVE → Phone No. _____

Relationship to Permit Holder: SAME

3. Source: BIG PUYETTE LAKE tributary to PUYETTE RIVER (N. FORK)

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

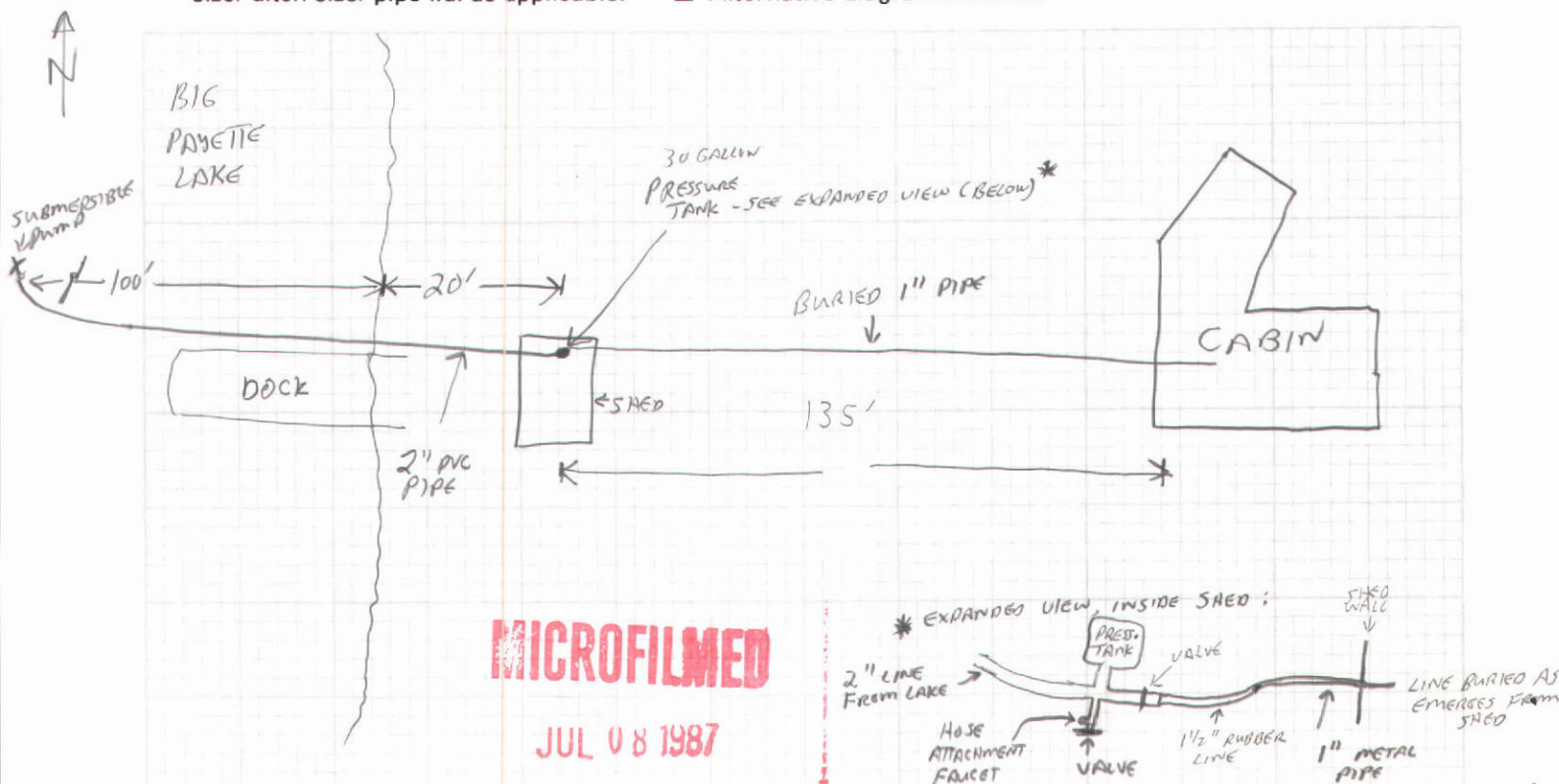
N/A SINGLE DOMESTIC ☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ 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" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

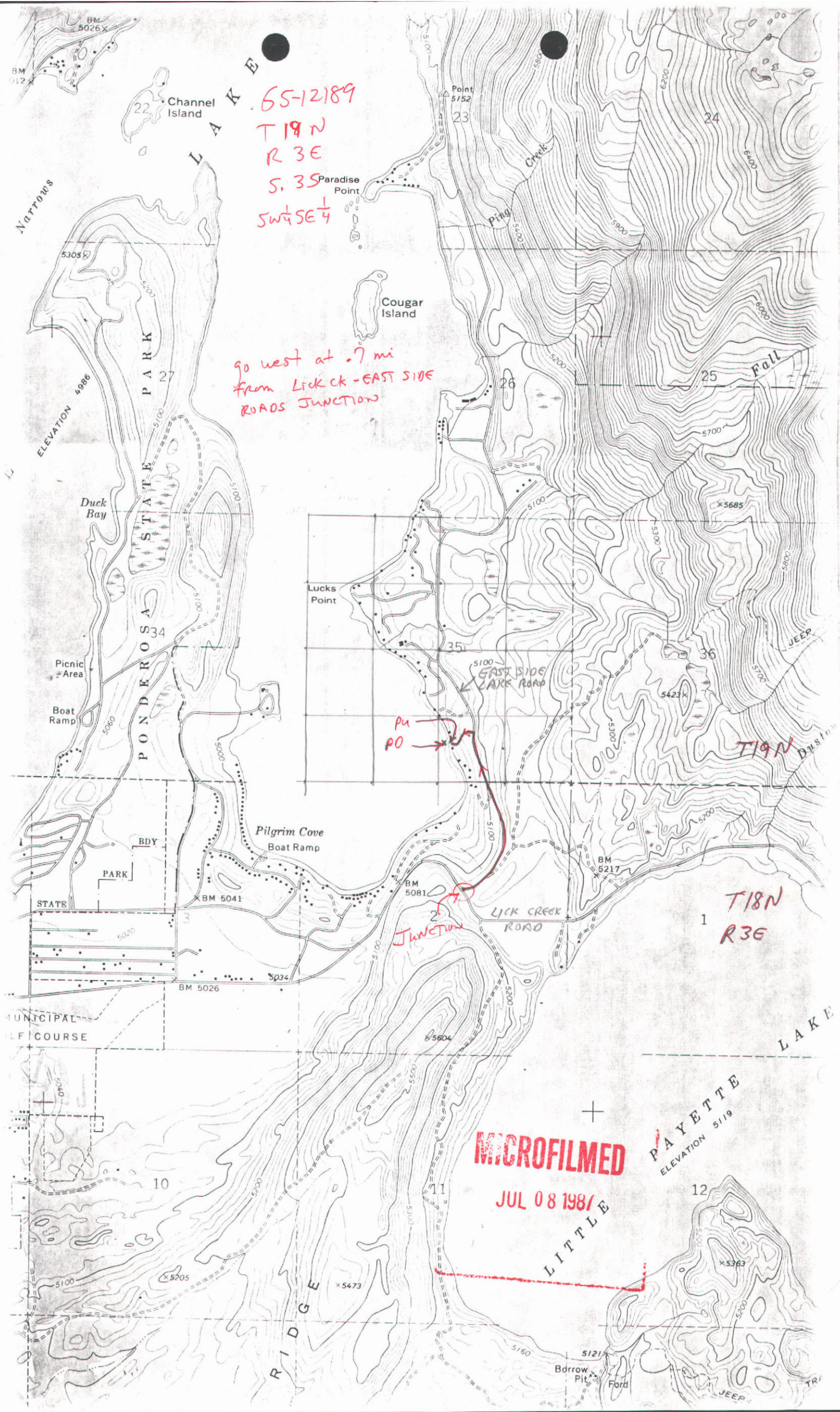
65-12189



MICROFILMED

JUL 08 1987





Narrows

Channel Island

65-12189
T19N
R3E
S. 35
SW 1/4 SE 1/4

Cougar Island

go west at .7 mi
from Lick ck - EAST SIDE
ROADS JUNCTION

PONDEROSA STATE PARK

Duck Bay

Picnic Area

Boat Ramp

Pilgrim Cove Boat Ramp

STATE PARK

MUNICIPAL GOLF COURSE

MICROFILMED

JUL 08 1987

LITTLE

PAYETTE
ELEVATION 5119

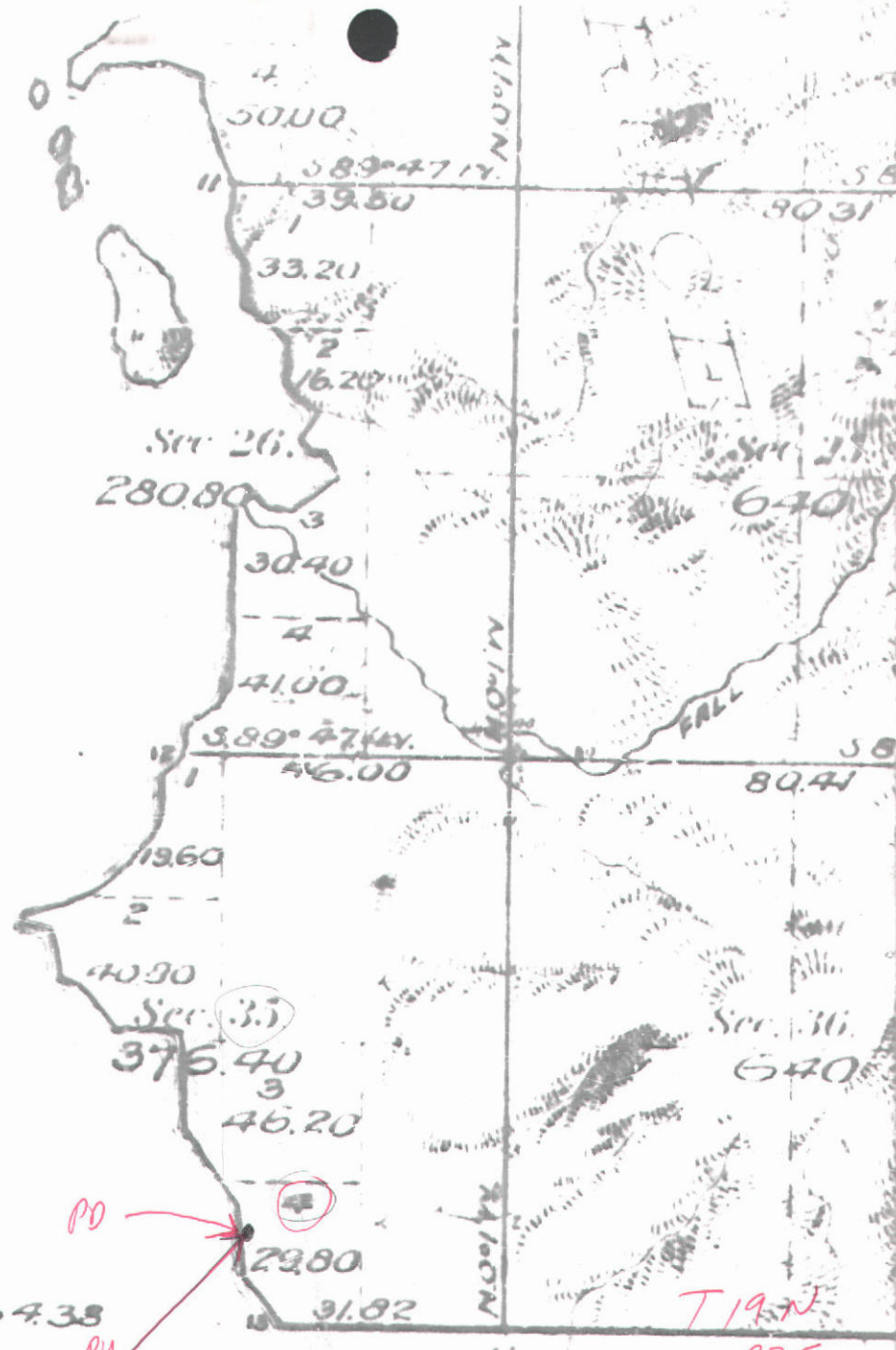
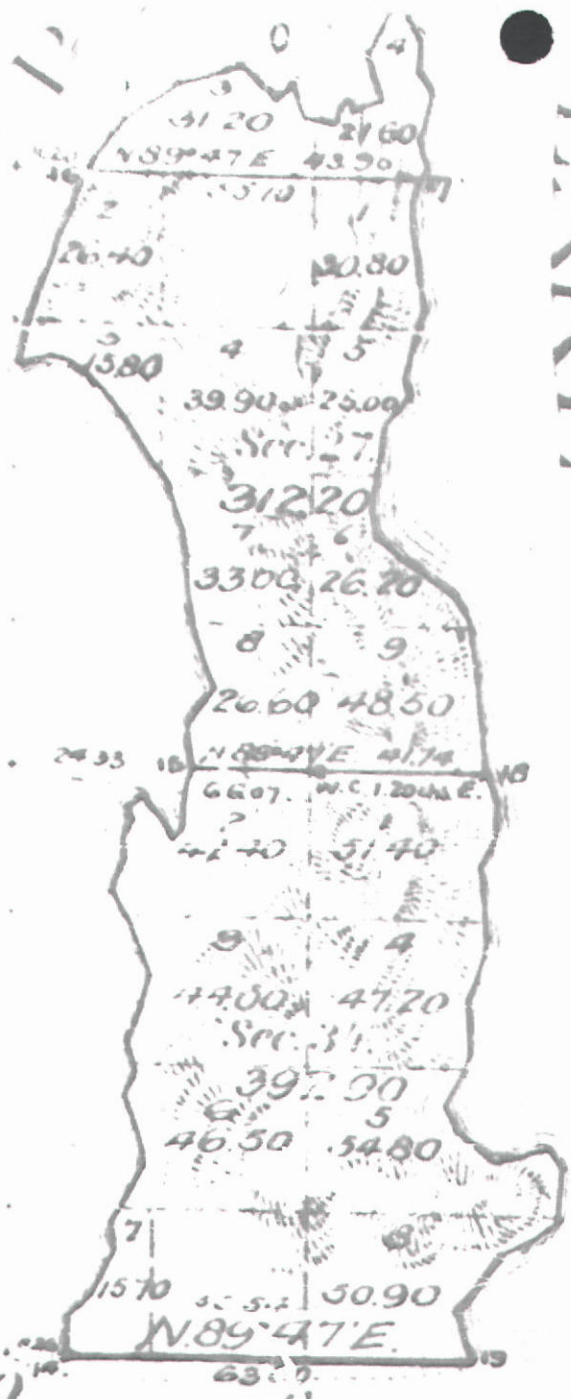
RIDGE

LAKE

Borrow Pit

Ford

JEOP



PD →
 PU →
 65-12189
 S. 35
 SW & SE 1/4 GUNT. LOT 4

T19N
 R3E

MICROFILMED

JUL 08 1987

The above Map of Township 19N
 Range 3E
 notes of the survey theory on file in the
 Surveyor General's Office
 Boise City, Idaho
 April 1895 1896

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12189

Priority: December 6, 1978 Amount: .02 CFS .6 AFA

This is to certify, that BETH T. FITZWATER

P.O. BOX 158

MC CALL, ID 83638

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 6, 1978, and has submitted proof to the Department of Water Resources on December 31, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .02 cfs of water from;

BIG PAYETTE LAKE

tributary to PAYETTE RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.02 cfs	.6 afa

LOCATION OF POINT OF DIVERSION(S): LOT 4(SWSE), Sec. 35, Township 19N, Range 3E
Valley County

PLACE OF USE: Domestic

TWN RGE SEC

19N 3E 35 LOT 4(SWSE)

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 65 .

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of June, 1987.

MICROFILMED

Acting for the Director

JUL 08 1987

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 Beth T. Fitzwater Phone 375-7536

Post office address 6407 Robertson Dr., Boise, ID 83705

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

3. Location of point of diversion is Govt. Lot 4 (SWSE) $\frac{1}{4}$ of $\frac{1}{4}$ of Section 35 Township 19N

Range 3E B.M. Valley County, additional points of diversion if any:

Lot 20, Harris Cove Subdivision

4. Water will be used for the following purposes:

Amount .04 for domestic purposes from 1/01 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. .04 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump and pipeline from lake

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: Govt. Lot 4 (SWSE)
(1) Give the place of use of water: $\frac{1}{4}$ of $\frac{1}{4}$ of Section 35 Township 19N
Range 3E 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:

MICROFILMED

SECRET

Total number of acres to be irrigated

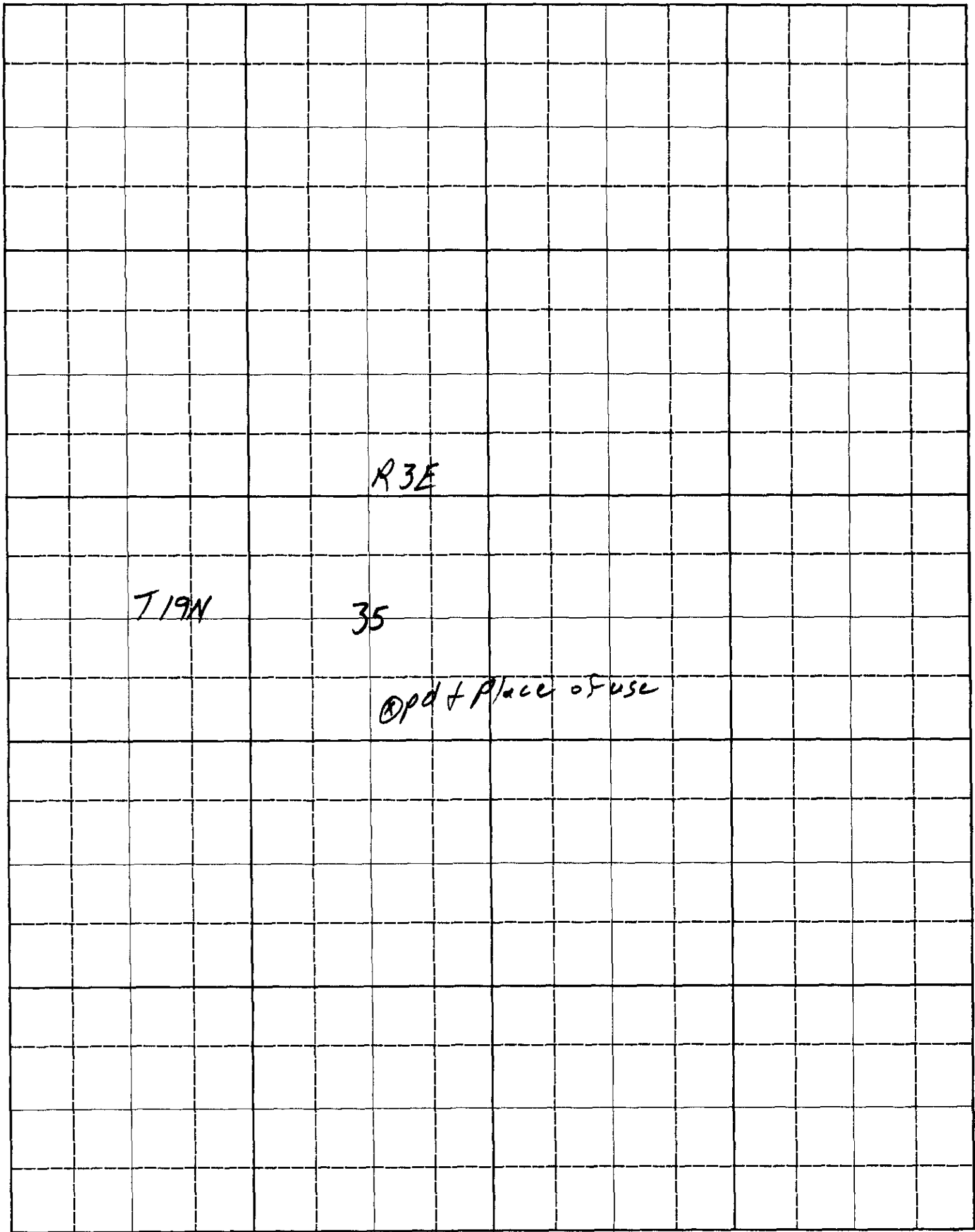
This spring sometimes goes dry in August

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

applicant to make this filing.

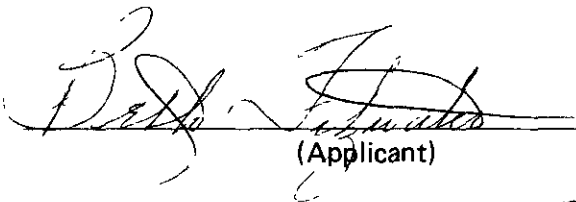
10. Remarks	Lot 20 Harris Cove

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.


(Applicant)

MICROFILMED

Proposed Priority 12/6/78

MICROFILMED

Received by 6/5 Date 12/6/78 Time 4:00

Preliminary check by EDB Fee \$ 70.00 # 12504

Receipted by 6/5 Date 12/6/78

Publication prepared by ry Date 12-7-78

Published in The Star News

Publication dates Dec 14 & 21, 1978

Publication approved kw Date 1/04/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS RH

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. 65-12189, 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 February 1, 19 86.
- 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: Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (2) The availability of water for this permit is subject to all prior water rights of Lake Reservoir Company.

Witness my hand this 26th day of February, 19 81.

J. Glen Sayton

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO]
]ss.
County of Valley]

Michael Parfit, being first duly sworn, deposes and says: That he is the publisher of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began Dec. 11, 1928, and ended Dec. 18, 1928.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 11 day of December, 1928.

Edw. D. Parfit Notary Public.

My commission expires Aug. 1, 1931.

RECEIVED

JAN 4 1912

Department of Water Resources
Western Regional Office

RECEIVED

233



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT FITZWATER
12350 SW CORYLUS CT
TIGARD OR 97224

RECEIVED

JAN 22 1999

Department of Water Resources

**RE: LOTS 16 AND 20, HARRIS COVE SUBDIVISION
REGARDING IDL APPLICATIONS L-65-S-337C & 340C**

Dear Mr. Fitzwater:

This office received comments letters from the Idaho Department of Lands (IDL) regarding proposed work in and/or near Big Payette Lake for water lines related to single family homes on the above referenced subdivision lots. You are listed as the applicant in both cases, although the names of Beth and Kevin Fitzwater are also used to identify the applications filed with IDL.

It appears that a separate water line from the lake will be installed for each subdivision lot. It is also conceivable that a single line will be installed in the lake and then routed to both lots. In either case, water right records on file with the Idaho Department of Water Resources (IDWR) indicate that two separate water rights from the lake exist. Each right serves a separate home on a separate lot as follows:

decreed right no. 65-08539 for Lot 16

licensed right no. 65-12189 for Lot 20.

Additionally, decreed right no. 65-08538 from a spring also serves Lot 20, according to IDWR records. It appears that adequate water right coverage for a lake diversion(s) can be found to serve both subdivision lots.

However, some follow-up on your part with IDWR is needed as explained below.

1. If rights 65-08539 and 65-12189 from the lake include existing separate diversions from the lake or simply share the same existing diversion, and if the intention is to add another one or two diversions from the lake the serve the same homes defined by these rights, then the two rights must be modified prior to any work below the ordinary high water mark of the lake.

MICROFILMED

FEB 18 1999

January 21, 1999
Page 2 of 2

The modification of the rights to add a diversion point (s) will require an Application for Transfer. Completion of the transfer process takes at least two months. Transfer application forms are available from this office if needed.

2. If you are simply replacing an existing line(s) with a new line(s), the transfer application is not needed.

3. Right 65-12189 was developed before late 1987. The Snake River Basin Adjudication (SRBA) commenced in November of 1987. Rights developed prior to the SRBA require "SRBA claims" to protect the rights. For example, SRBA claims were filed to protect rights 65-08538 and 65-08539. Those rights were recently decreed by the SRBA Court.

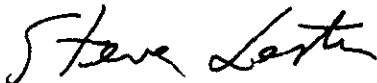
4. Right 65-12189 has not been claimed in the SRBA and is subject to disallow unless it is claimed. Disallowal of the right would deprive you of the required authorization to complete the diversion work enhancement for Lot 20. Enclosed please find a mostly completed claim form. Complete the form and return it to this office with the \$25 filing fee to record an SRBA claim to protect right 65-12189.

5. Note that any change in property ownership for Lots 16 and/or 20 requires a related change in ownership of the respective right(s) serving the property. All three rights discussed in this letter are recorded in the name of Beth Fitzwater. The enclosed ownership form can be used to record an ownership change of any or all of the rights if applicable.

In conclusion, the proposed work at/near the lake might require water right actions prior to any work below the ordinary high water mark. I realize that a lot of detail has been included in this letter. Please call me (208-334-2190) at your earliest convenience if you would like to discuss these matters in more detail. Thank you for your prompt attention to this matter.

A copy of this letter has been sent to IDL as requested in IDL's January 5, 1999 mailing to this office.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

c: Carl Washburn, IDL

MICROFILMED
FEB 18 1999

June 23, 1987

BETH T. FITZWATER
P.O. BOX 158
MC CALL, ID 83638

RE: Permit No. 65-12189

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1987

May 28, 1987

BETH T. FITZWATER
P.O. BOX 158
MC CALL, ID 83638

RE: Permit No. 65-12189

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

65-12189
Permit No.

RECEIVED

MAR 05 1987

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
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index _____ (Initial and 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: _____

Check of P/U index _____ (Initial and 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: _____

Aerial Photo

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

Scheduling Letter sent? 8/21/86 SL- (Initial and 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
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

MICROFILMED

JUL 08 1987

C. Review and Processing:

Exam Completed Steve Lester 9/8/88 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent BD 3/3/87 (Initial and date)
Exam Reviewed by Manager of Regional Office DNR 3/4/87 (Initial and date)
Exam Date Entered in Computer SL 2/3/87 (Initial and date)
Exam sent to State Office EH 3/4/87 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File EH 3/4/87 (Initial and date)

MAR 05 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

De: State of Idaho Water Resources

A. GENERAL INFORMATION

Permit No. 65-12189

1. Owner BETH T. FITZWATER

Phone No 634-2895

Current Address: P.O. BOX 158 MCCALL, ID. 83638

2. Accompanied by: BETH T. FITZWATER

EXAM. DATE 9/8/86

Address: ← SAME AS ABOVE →

Phone No _____

Relationship to Permit Holder: SAME

3. Source: BIG PUYETTE LAKE tributary to PUYETTE RIVER (N FORK)

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____

N/A SINGLE DOMESTIC

☐ Copies Attached

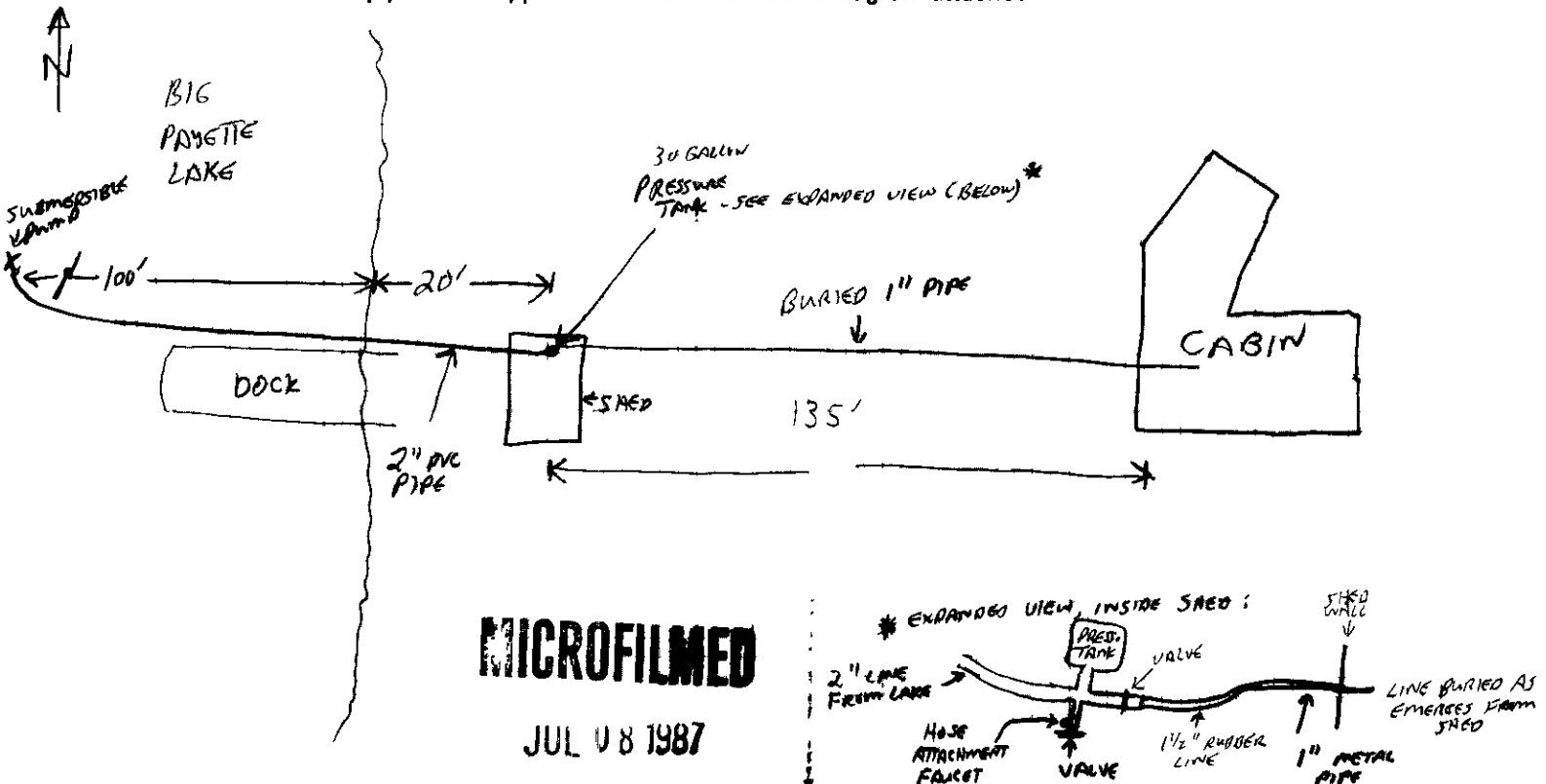
2. Other water rights with same point of diversion: _____

☐ 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



MICROFILMED

JUL 08 1987

Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required)

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater)

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

System Description (continued)

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

Submersible Gould Pump is set approx 10' from shore in big pothole
lake. 66 7.5 HP motor driven pump. Water is brought through 2" PVC pipe to
shed where 30 gallon Amtrol pressure tank (model w-250) is pumped. Water is
then run through 1/2" rubber line to a 1" metal pipe which emerges from shed
and is buried. Buried line runs uphill 135' to cabin. Use is strictly internal.
domestic.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	7.5	266211-A	Gould submersible	UNKNOWN

*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 SE	35	19N	3E	VALLEY
									USGS 7 1/2' QUAD AND VEHICLE ODOMETER,
									.7 mi. N. OF LICK CREEK ROAD - EAST SIDE ROAD
									JUNCTION, TURN WEST TO FITZWATER CABIN.

6. Place(s) of Use:

Indicate Method of Determination USGS 7 1/2' QUAD

Twp.	Rge.	Sec.	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	Totals
19N	3E	35																

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
NONE						

2. Measurements:

NONE POSSIBLE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method. N/A

2. Alternate Method for Checking Purposes. ~~HP~~

HP EQUATION WHERE

HP = 7.5 PSI = 20 (Assume) z = 60

$$Q = \frac{(8.8)(.8)(7.5)}{(2.31)(20) + 60} = \frac{52.8}{106.2} = .497 = .50 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional) N/A

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: N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses

DOMESTIC, 1 HOME, INT USE ONLY = 6. AFA...

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Form PAGE 2 OF PERMIT - 65-8538: SPRING, DOMESTIC USE, CABIN NEXT TO 65-12189 CABIN. ALSO OWNED BY B FITZWATER.

ALTERNATE CALC.: 1.59 cfs SEEMS ALIG FOR THIS SYSTEM. I ESTIMATE $Z = 60$ BASED ON VISITING SITE, USING TOPO MAP, AND ESTIMATING DEPTH OF WATER AT PUMP LOCATION.

PU = LOT 20 HARKIS CAV.

LIMIT CFS TO .02 SINCE INTERVAL USE ONLY.

I. RECOMMENDATIONS

1 Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC (1 UNIT)	From 1/1 To 12/31	.02	.6

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

65
3/3/87

Totals:

1.02

J. AUTHENTICATION

Field Examiner's Name

Steven Lester

Signature

Steven Lester

Certification Date

9/8/86

Field Report Preparation Date

CONSULTANT SEAL

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

MICROFILMED
JUL 08 1987

65-12189



MICROFILMED

JUL 08 1987



65-12189

65-12189

PD, BIG PUYETTE LAKE

HARRIS COVE, APPROX.

1/2 mi. N+NW From

JUNCTION OF LICK Ck &

EAST SIDE LAKE ROADS

65-12189

PD, LOT 20 OF HARRIS COVE

RM 112
5026

Channel Island

65-12189
T19N
R3E
S. 35
SW 1/4 SE 1/4

Paradise Point

Cougar Island

go west at .7 mi
from Lick Creek - EAST SIDE
ROADS JUNCTION

Narrows

5305

ELEVATION 4986

Duck Bay

PARK

PONDEROSA

Picnic Area

Boat Ramp

BDY

PARK

STATE

MUNICIPAL
COURSE

10

Pilgrim Cove
Boat Ramp

BM 5041

BM 5026

5034

BM 5081

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

Point 5152

23

Creek

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

5100

24

25

35

1

12

T19N
R3E

LAKE

MICROFILMED

JUL 08 1987

LITTLE

PAYETTE
ELEVATION 5119

Borrow Pit

Ford

JEEP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JANUARY 25, 1986

BETH T. FITZWATER
P.O. BOX 158
MC CALL ID 83638

RE: Permit No. 65-12189

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Fense
Secretary

MICROFILMED

JUL 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
DEC 31 1985

Department of Water Resources
Western Regional Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No 65-12189

Name(s) of Permit Holder: Beth T Fitzwater

Post Office Address: PO Box 158 McCall, Id 83638

Telephone No. 634-2895

Source of Water: Big Payette Lake

Extent of Use:

Domestic 1 (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 12/6/1978

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

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

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

Beth T Fitzwater

(Name)

(Address)

(Telephone Number)

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

12/31/85
Date

Beth T Fitzwater
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

1-22-86

INTER-DEPARTMENT MEMO — 1

DATE 12-16-1985

FROM

Gita Luck

TO

File 65-12189

SUBJECT

Returned B/u Notice

The Valley Co Assessor's Office has an address of P.O. Box 158, Bpc Coll, Ill 83638.

The notice has been forwarded to this address.

MICROFILMED

[Signature]
SIGNATURE

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

Order
12/16/85
138547
138547
NO: DELIVERABLE
AS ADDRESSED --
UNABLE TO FORWARD

RECEIVED
DEC 4 1985

Department of Water Resources

CLAIM CHECK

227400

☐ HOLD

DATE

11-29

1ST NOTICE

2ND NOTICE

RETURN

Boise, Idaho 83720
138547-A

138547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
NOVEMBER 30, 1985

158547

FITZWATER, BETH T.
6407 ROBERTSON DRIVE
BOISE, ID 83705

PROOF DUE NOTICE

RE: PERMIT NO. 65-12189

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 FEBRUARY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM 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 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 A COMPLETED PROOF OF BENEFICIAL USE FORM 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

MICROFILMED

WATER RIGHT NUMBER 65-12189

OWNER LAST NAME - FITZWATER FIRST NAME - BETH T. ORIG OWNER -
ADDRESS LINE 1 - 6407 ROBERTSON DRIVE ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE - 83705
SOURCE - BIG PAYETTE LAKE TRIBUTARY OF - PAYETTE RIVER
STAGE - PERMIT STATUS - PRIORITY - 12-06-1978 COUNTY - VALLEY TCTAL DIV. RATE - .0400 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 65 DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWSE 35 19N 03E LOT 04 REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0400 CFS USE DIV. VOLUME - .00 AFA
USE - DOMESTIC PLACE OF USE - TWN 19N RNG 03E SEC 35 TRACT SWSE LOT 04 AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - LOT 20, HARRIS COVE SUBDIVISION.
THE AVAILABILITY OF WATER FOR THIS PERMIT IS SUBJECT TO ALL PRIOR
WATER RTS. OF LAKE RESERVOIR CO.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE - 65-8538.
PROOF DUE - 02-01-1986 PERMIT/DENIED - 02-26-1981 PROTESTED - HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL - 05 16
DIVERSION MEANS - PUMP AND PIPELINE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

March 6, 1981

Beth T. Fitzwater
6407 Robertson Dr.
Boise, Idaho 83705

Dear Ms. Fitzwater,

RE: Permit No. 65-12189

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

Please be advised that there is insufficient natural flow available in the Big Payette Lake 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 no water available for your right unless you arrange for an additional source of water as a supplemental supply.

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

Enclosure

NOTIFIED

STAFF REVIEW - STATE OFFICE

1. OK Name vs. Signature
2. OK Source
3. OK Point of Diversion
4. OK Amnt. & Period of Use
5. OK Descrip. of Diverting Wrks.
6. OK Time req. for Proof of B/U
7. OK Place of Use for other than irrig.
8. Place of Use for irrigation (add acres)
9. OK Property Owner at Pt. of Div. & Pl. of Use
10. OK Map
11. OK Fee & Rec't. No.

Copies Sent To:

 Idaho Health Department U.S.F.S.
 Idaho Fish & Game Dept. Dept. of Lands
 Bureau of Land Management Other

Dam Safety Information (Goes to Permit Section)

Check:

Critical G.W. Area yes no

Other rights on same land 65-8538 different source

Withdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. Meas. Dev. or Sc. Meas.

ID Power Co. Letter - G.W. & Tribs. Totalizing meter

Snake River Condition Supplemental

Payette River Letter ✓ Right-of-Way Cond.

Priority Date 12-6-1978 Watermaster Cond.
Wtr. Dist No.

Water Quality #16 Meas. Dev. Cond. for apps within a Water Dist.

Water Quality #10
intrastate interstate

Con item 3, 8A1
SLW/LOH (Payette R.) LOS
05 (65 Payette R.) & special
cond

 MICROFILMED
Reviewer
2/23/1981
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12189

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CEB 2 Nov 78

In form to receipt

(2) _____

Send Copies to:

- _____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

- _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) CEB 7 Nov 78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. 65

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) OK ku

Affidavit of Publication received(date) 1/04/79

(12) _____

Final date for protests Jan. 2, 1979
Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

MICROFILMED

☒ Approve _____ Deny

12/6/78 Proposed Priority

Reason for Reduction _____

NO Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District W By DBS Date 2/9/81

Z.P. letter
Payette River Letter
Basin GS w.m. condition

The availability of water for this
permit is subject to all prior
water rights of Lake Reservoir
Company.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

May 27, 1980

RE: Protested Applications
on Big Payette Lake

Bob Henggeler
Lake Reservoir Company
114 N. 8th Street
Payette, Idaho 83661

Dear Bob:

This letter is in response to our phone conversation of May 20, 1980, in which you asked for a letter containing amounts of water for the applications from Big Payette Lake which have been protested by Lake Reservoir.

The first is in the name of Westwater Intervivos Trust for 0.04 cfs of water for domestic purposes filed on Sept. 9, 1977. The State of Idaho Department of Lands has two filings, numbered 65-12088 and 65-12099, each for 500 gallons per day or approximately 0.01 cfs of water. Both of these filings are made for leasees and were received by the Department on Feb. 2, 1978. William Robert Davis has a filing received on Feb. 9, 1978 for 0.08 cfs of water for domestic purposes and 1 cfs of water for fire protection. The last filing protested by you is in the name of Edward F. and/or Janet C. Seibert for 0.04 cfs of water for domestic purposes and was filed on Dec. 4, 1979.

The total diversion rate for domestic purposes under these 5 applications is 0.18 cfs of water. This is equivalent to approximately 81 gallons per minute. or 9 inches of water.

In addition to the 5 applications which have been protested by you, the Department has received and is holding an additional application in the name of Beth T. Fitzwater. This application is also for 0.04 cfs of water for domestic purposes and was filed on Dec. 6, 1978. Even though this application was not protested by you, the method of resolving the protests on the other applications should probably be applied to this application also. This brings the total amount of water applied for since September of 1977 to 0.22 cfs.

If you have any additional questions or would like additional information, please call me. I will forward a copy of this letter to Lou Gorrone and try to arrange a meeting with him to discuss the possibilities for resolving the protests in the near future.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

cc: Lou Gorrone

MICROFILMED

June 28, 1979

Re: Application for Permit No. 65-12189

Beth T. Fitzwater
6407 Robertson Dr.
Boise, ID 83705

Dear Ms. Fitzwater:

We are still holding and have not approved your Application for Permit that you filed in December of 1978.

The reason for this delay is that the Department is trying to find a solution to a problem that has arisen regarding domestic filing on Big Payette Lake. The problem mentioned is that the Lake Reservoir Company is protesting all the domestic filings on the lake, claiming that the water being taken belongs to them.

Until a solution is found to satisfy the domestic water users and the Lake Irrigation Company we will continue to hold your application. Hopefully a decision will be reached to rectify this problem by late summer.

Sincerely,

G. L. SISCO
Senior Water Resource Agent

GLS:kw

MAIL ROOM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

DECEMBER 7, 1978

The Star News
Box 985
McCall, ID 83638

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before JANUARY 2, 1979.

Yours truly,

Sally Trinkaus
Secretary

Encl.

MICROFILMED

65-12189

FITZWATER, BETH T.

6407 ROBERTSON DRIVE, BOISE, ID 83705

Source: BIG PAYETTE LAKE tributary to PAYETTE RIVER

Date Filed: 12/06/1978

Amount: 0.04 CFS

Diversion Point: LOT 04 Sec 35 T 19N R 03E, VALLEY Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: LOT 04 Sec 35 T 19N R 03E

Diversion Means: PUMP AND PIPELINE.

*Bill Submitted
1/04/79*

MICKLEBRED

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 83705 on or before JANUARY 2, 1979.

C. STEPHEN ALLRED

Director

Published 12/14 & 12/21/78.

MICROFILMED