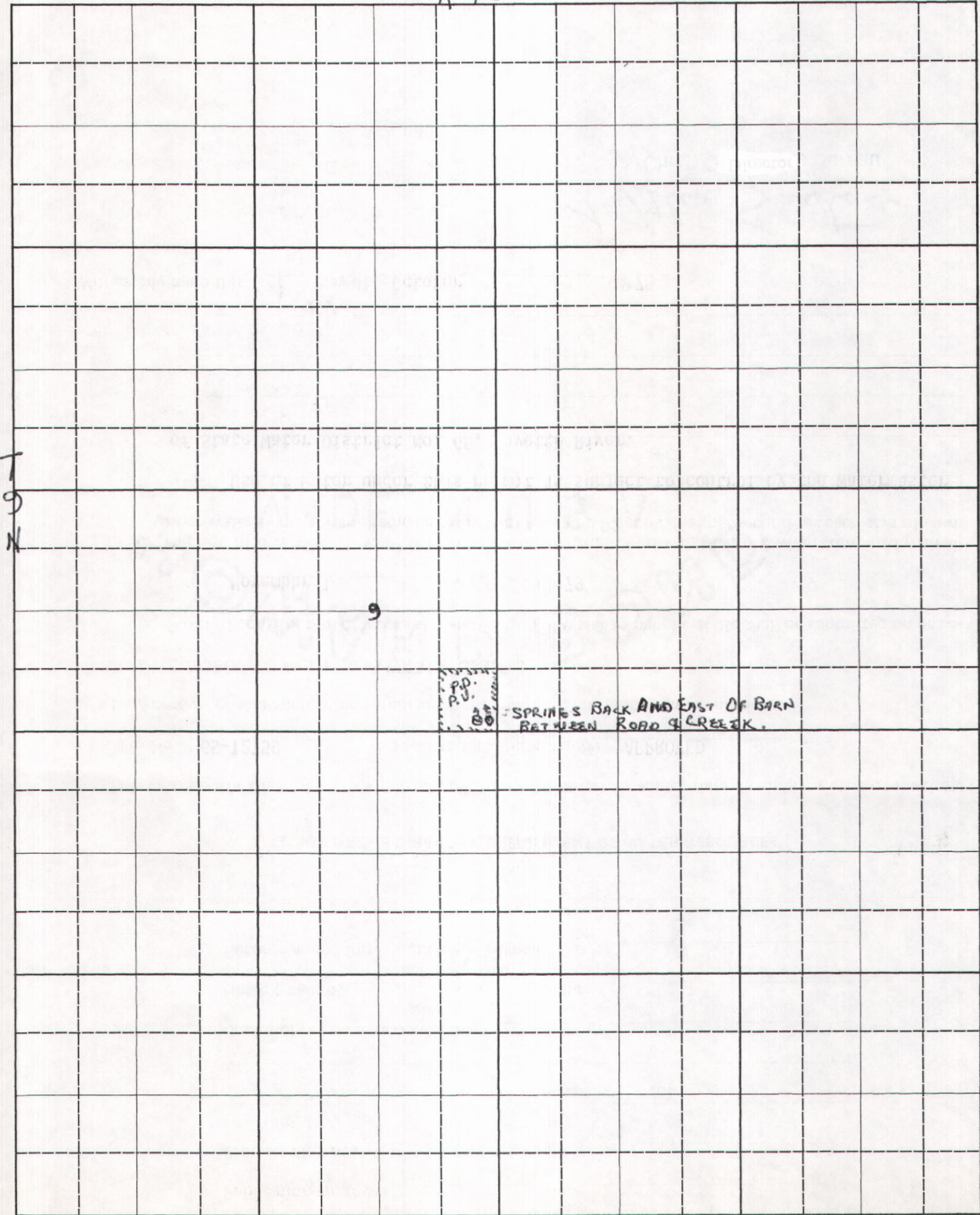


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R4E



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.

Carl C. Brutsman
(Applicant)

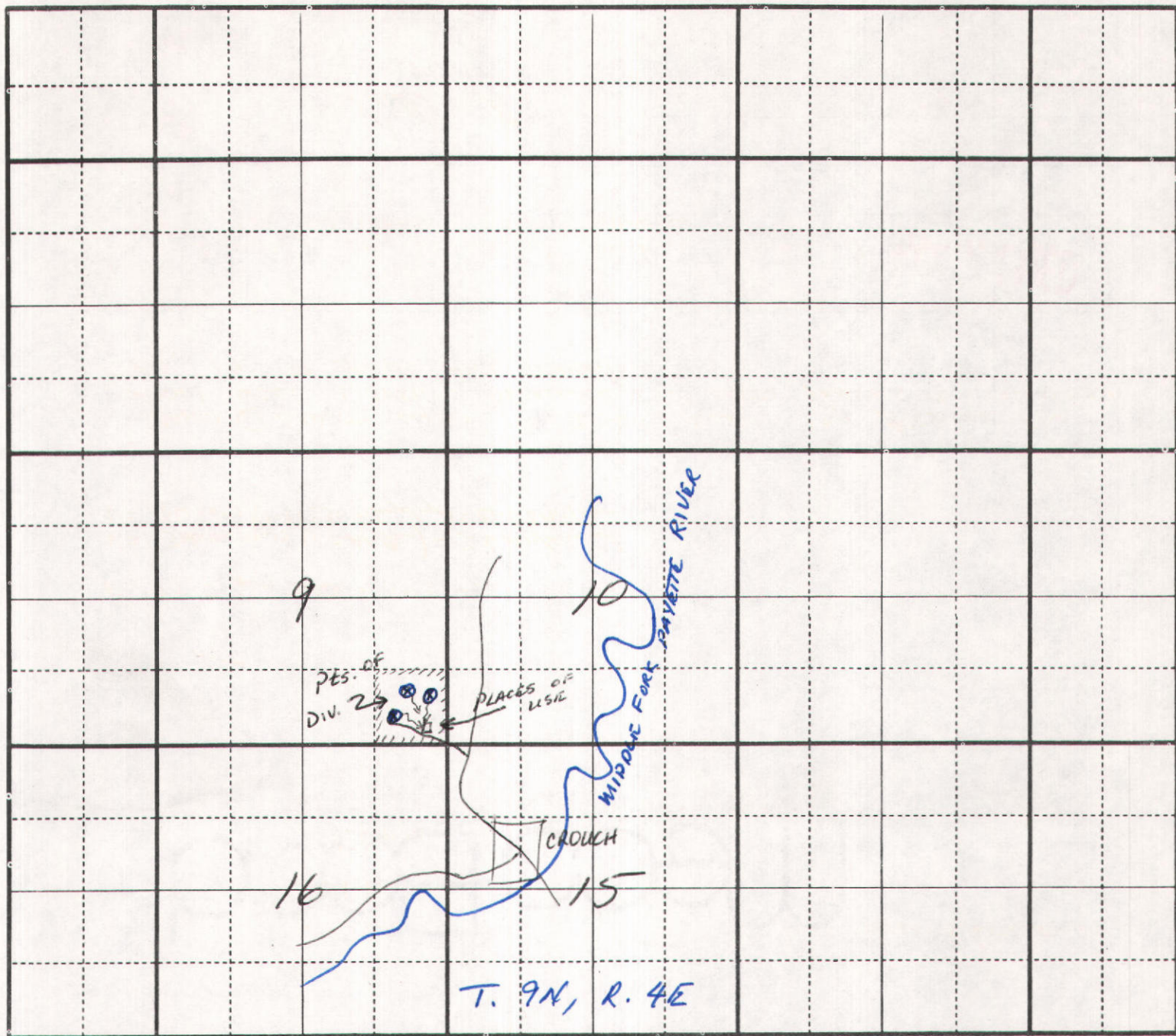


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-12159 Priority August 8, 1978 Amount .03 cfs

THIS IS TO CERTIFY, that CARL C. &/OR ANNABEL M. BRUTSMAN
of Garden Valley, Idaho, has complied with the terms and conditions of Permit
No. 65-12159 issued pursuant to Application for Permit dated August 8, 1978,
and has submitted proof to the Department of Water Resources on September 18, 1979,
that he has apphed water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .03 cfs of water from springs,
tributary to sinks, and that the permit holder has applied to a beneficial use an.
established a right to use water as follows.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> <u>(2 units)</u>	from <u>January 1</u> to <u>December 31</u> at <u>.03</u> cfs and <u>2.4</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than .03 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.4 acre feet per year, said waters to be diverted within the (3 points) SE 1/4 Sec. 9,
Twp. 9N, Rge. 4E, B.M. in the County of Boise

Description and location of place of use:

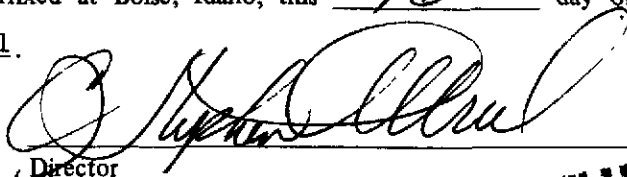
Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4								Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	4E	9																X	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of
March, 19 81.


Director

UNRECORDED

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 Carl C. &/or Annabel M. Brutsman Phone 462-3794

Post office address Garden Valley, ID 83622

2. Source of water supply Springs which is a tributary of Sinks

3. Location of point of diversion is SE ^(2 Pts.) ¼ of SE ¼ of Section 9 Township 9N

Range 4E B.M. Boise County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .03 cfs for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .03 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Developed spring w/gravity 1½ pipeline
125' to covered conc. reservoir, then pressure pump to household.

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 1 years (minimum 1 year — maximum 5 years). Estimated cost \$500.00

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE ¼ of SE ¼ of Section 9 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 2.

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

APPROVED

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

[illegible]

Total number of acres to be irrigated _____

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

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

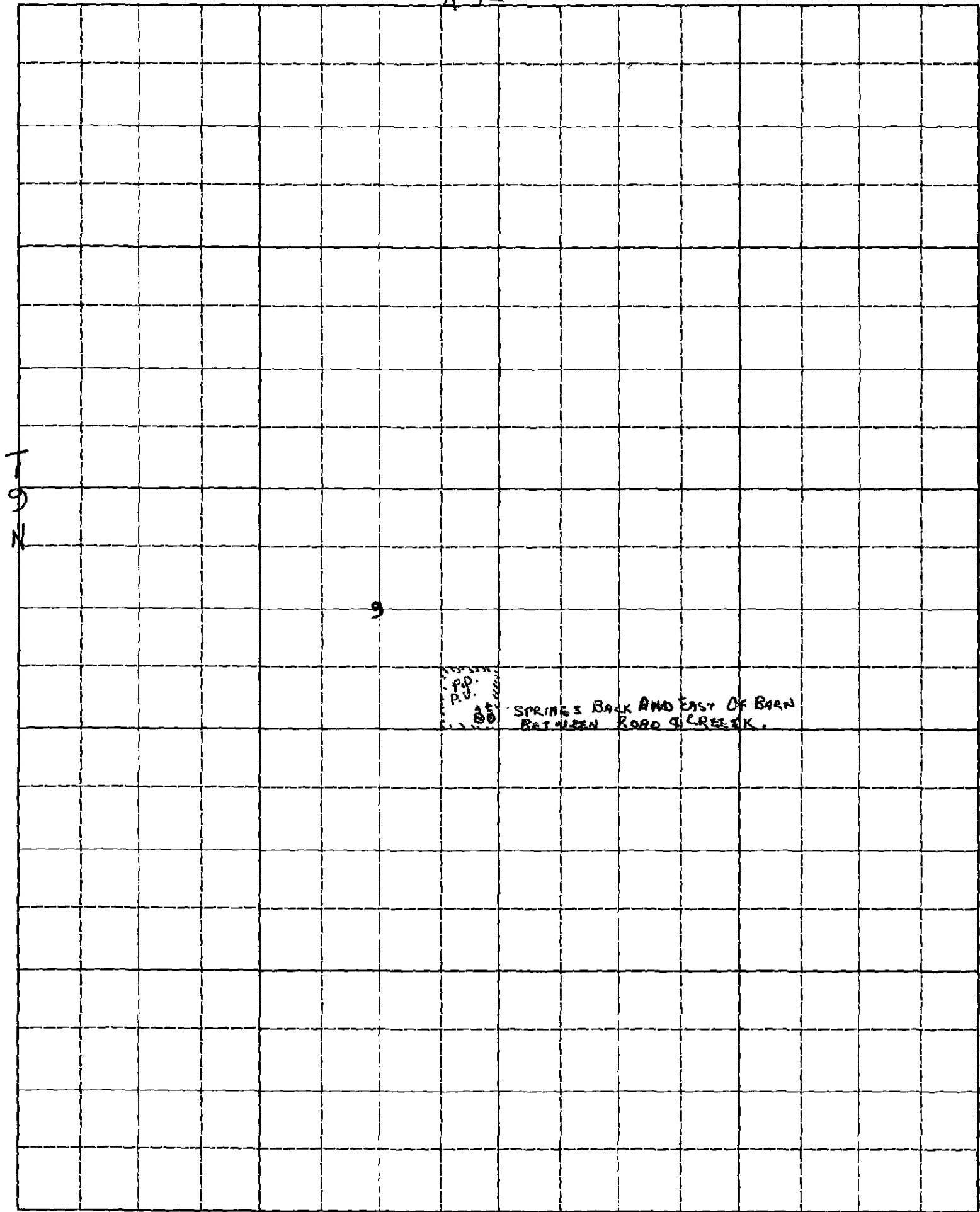
b. Who owns the land to be irrigated or place of use same

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.

R4E



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.

Carl C. Brutsman
(Applicant)

Proposed Priority 8/8/78

Received by RE Date 8/8/78 Time 4:10 P.M.

Preliminary check by WHR Fee \$ 20⁰⁰/₁₀₀

Received by ER Date *11194 8/8/78

Publication prepared by st Date 8-17-78

Published in The Idaho World

Publication dates 8/24 & 8/31

Publication approved st Date 8/8/78

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS fg

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. 65-12159, 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 November 1, 19 79.
- 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 No. 65, Payette River.

Witness my hand this 4th day of October, 1978.

L. Glen Sayton
CLERK

STATE OF IDAHO,
County of Boise

Sherry Anderson 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

2 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

Aug 25, 1978 and end-
ing with the issue of Sept. 1

1978.

Sherry Anderson

Subscribed and sworn to before
me this 5th day of Sept., 1978.

Robert J. Safford Clerk District Court
by *Judy Lansing* - Deputy

**NOTICE OF APPLICATION FOR
WATER RIGHT**

Notice is hereby given that the fol-
lowing application(s) have been sub-
mitted for permit to appropriate the
water public waters of the State of
Idaho:

65-12159

Name: Brutsman, Carl C. and/or
Annabel M.

Address: Garden Valley, ID 83622

Source: SPRINGS tributary to SINKS

Date filed: 8/8/1978

County: Boise

Amount: 0.03 CFS

Point of Diversion: SESE S09 T09N
R04E

Use: Domestic from 1/1 to 12/31

Place of Use: SESE S09 T09N R04E

Means: Developed Spring Pipeline &
Reservoir.

If issued, the permit(s) will be sub-
ject 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 be-
fore September 11, 1978.

C. Stephen Alfred
Director

Published in THE IDAHO WORLD
on August 25, 1978 and Sept. 1, 1978.



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 17, 1981

Carl & Annabel Brutsman
Garden Valley,
Idaho 83622

Dear Mr. & Mrs. Brutsman,

RE: License No. 65-12159

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

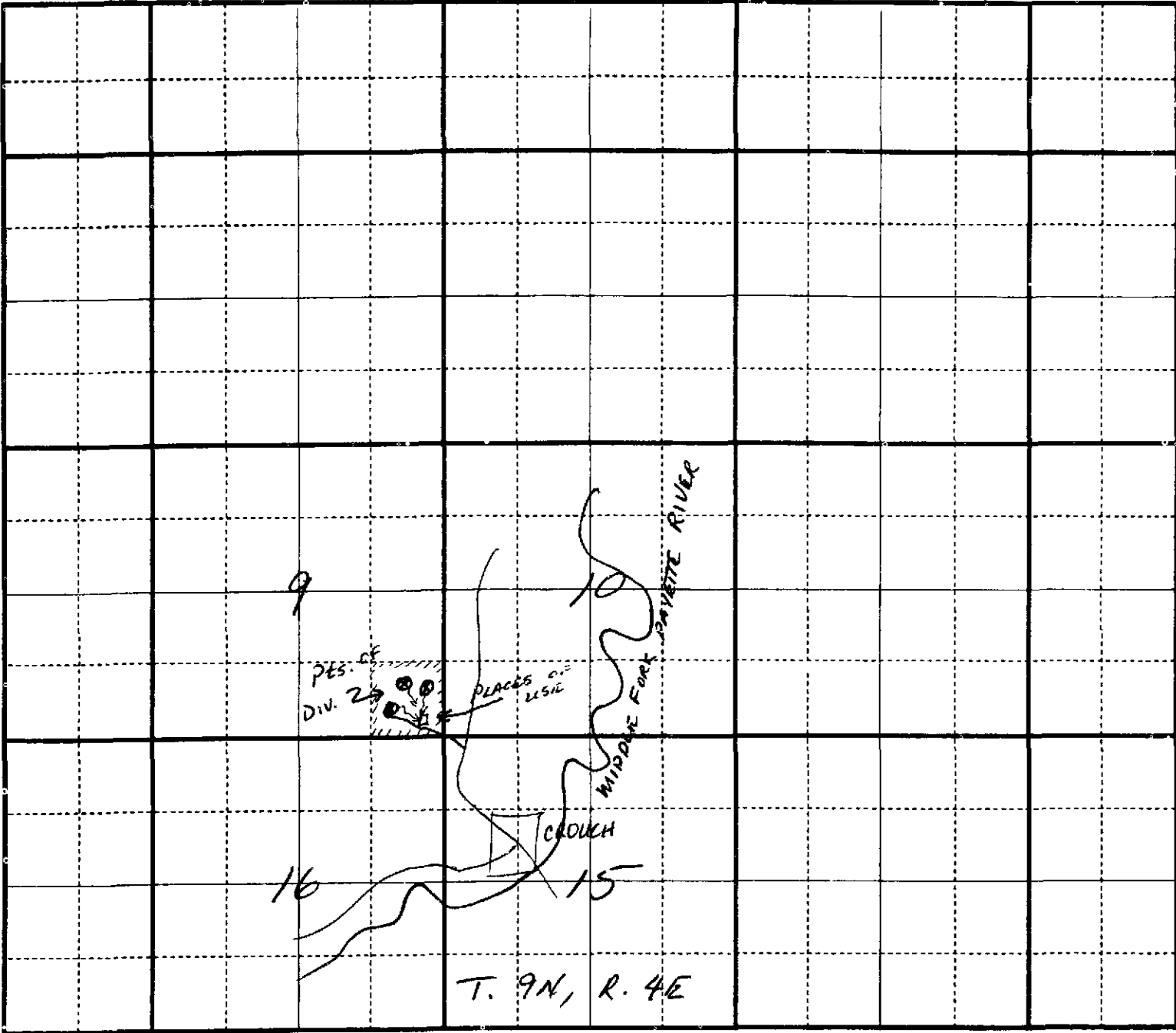


Diagram of System

DATE OF EXAM 10/17/79

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=.03 c.f.s. V=3.6 AF/Ann. from 1/1 to 12/31
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured .03 cfs Method of measurement OBSERVED ~~ESTIMATION~~

Total Q recommended .03 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 3.6 AF/A

Recommended Amendments

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

$Q = 13.5 \text{ gpm total} = .03 \text{ cfs}$

$V = 3 \text{ HOUSEHOLDS} (1.2 \text{ AF/Ann}) = 3.6 \text{ AF/Ann}$ $V = 2 \text{ UNITS (AS PER PERMIT)} \times 1.2 = 2.4$

$V = (.03 \text{ cfs}) (1.48) (365 \text{ days/yr}) = 21.68 \text{ AF/Ann}$

SYSTEM DESCRIPTION:

SPRINGS (3) GRAVITY LINES TO 3 HOUSEHOLDS, 1 hp PRESSURE PUMP
BACKUP USE. 3 SPRINGS DEVELOPED 1 1/2" LINES FEEDING TO COLLECTION
TANKS, 1 1/2" TO HOUSES AND TRAILERS.

REMARKS:

3 POINTS OF DIVERSION RATHER THAN 2 SPECIFIED IN
APP. ALL IN SAME 40 ACRE QUARTER.

Examiner's Signature Charles W. Byrnes Jr Date 12/09/79

Checked by DBS Date 12/20/79

Approved by [Signature] Date 3/5/81



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

October 4, 1979

Carl C. &/or Annabel M. Brutsman
Garden Valley,
Idaho 83622

RECEIVED

Department of Water Resources

RE: Permit No. 65-12159

Dear Mr. and Mrs. Brutsman:

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 examination of your system has been scheduled for

Wednesday, October 17 at 11:00 am.

If this time and date is not convenient for you, please contact this office as soon as possible.

☐ 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.

Sincerely,

Kay Walker
Secretary

MICROFILMED

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. 65-12157

Name(s) of Permit Holder:

Carl C. Britzman

Post Office Address:

Garden Valley Id. 83622

Source of Water:

Leacock Cr + under ground waters

Extent of Use:

☒ Domestic

3

(number of households)

☒ Stockwater

1 horse

(number and type of stock)

☒ Irrigation

15 a.

(acres)

☐ Other

Fire

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

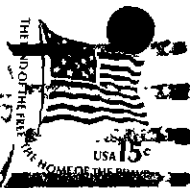
Date

Sept 15 - 79

Signature of Permit Holder

Carl C. Britzman

Carl C. Bruchman
Garden Valley
83622



RECEIVED

SEP 18 1979



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 384-2215

BRUTSMAN, CARL C. & ANNABEL M.
GARDEN VALLEY, ID 83622

101313

AUGUST 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12159 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1979. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

October 9, 1978

Re: Permit No. 65-12159

Carl C. &/or Annabel M. Brutsman
Garden Valley, Idaho 83622

Dear Mr. or Mrs. Brutsman:

Your approved copy of your Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

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.

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,

GLEN SAXTON
Chief, Operations Bureau

JS:kw
Enclosure

MICROFILMED

65-12159

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. Spr Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. 1 Time req. for Proof of B/U
7. ☒ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. App Property Owner at Pt. ☒ of Div. & Pl. of Use
10. ☒ Map
11. 20 Fee & Rec't. No.

Copies Sent To:

<u>/</u> Idaho Health Department	<u>/</u> U.S.F.S.
<u>N</u> Idaho Fish & Game Dept.	<u>N</u> Dept. of Lands
<u>B</u> Bureau of Land Management	<u>N</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ☒ no

Other rights on same land N/A

N/A Withdrawals of all protests received yes no

Conditions:

ID Power Co. Letter - Snake R. No

Meas. Dev. or Sc. Meas. No

ID Power Co. Letter - G.W. & Tribs. Yes

Totalizing meter No

Snake River Condition No

Supplemental No

Payette River Letter No

Right-of-Way Cond. No

Priority Date 8/8/78

Watermaster Cond. Yes
Wtr. Dist No. 65

Water Quality #16 N/A
Water Quality #10 A
intrastate interstate

Meas. Dev. Cond. for apps within a Water Dist. No

Jim
Reviewer
9/29/78
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12159

☒ 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) W.H.M. 8-11-78

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) W.H.M. 8-11-78

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) W.H.M. 8-11-78

Affidavit of Publication received(date) 8-11-78

(12) _____

Final date for protests 9-11-78
Protests received: yes _____ no ✓

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ 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 W.H.M. Date 9-13-78

I. P. letter
Barin G.F. W.M. condition
RECEIVED
SEP 26 1978
Department of Water Resources

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:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

August 17, 1978

The Idaho World
P.O. Box 220
Idaho City, Idaho 83631

RE: Application No. 65-12159 - Carl C. &/or Annabel M. Brutsman

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. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before September 11, 1978.

Sincerely,

RETA FLECK
Secretary

RECEIVED
SEP 11 1978
31/

65-12159

Name: BRUTSMAN, CARL C. & OR ANNABEL M.

Address: GARDEN VALLEY, ID 83622

Source: SPRINGS tributary to SINKS

Date Filed: 03/08/1978

County: BOISE

Amount: 0.03 CFS

Point of Diversion: SESE S09 T09N R04E

Use: DOMESTIC from 01/01 to 12/31

Place of Use: SESE S09 T09N R04E

Means: DEVELOPED SPRING PIPELINE & RESERVOIR

MILWAUKEE

APR 10 1978
FBI - BOISE
SEARCHED
SERIALIZED
INDEXED
FILED

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 September 11, 1978.

C. STEPHEN ALLRED

Director

Published in the The Idaho World

on August 24, 1978 and August 31, 1978.