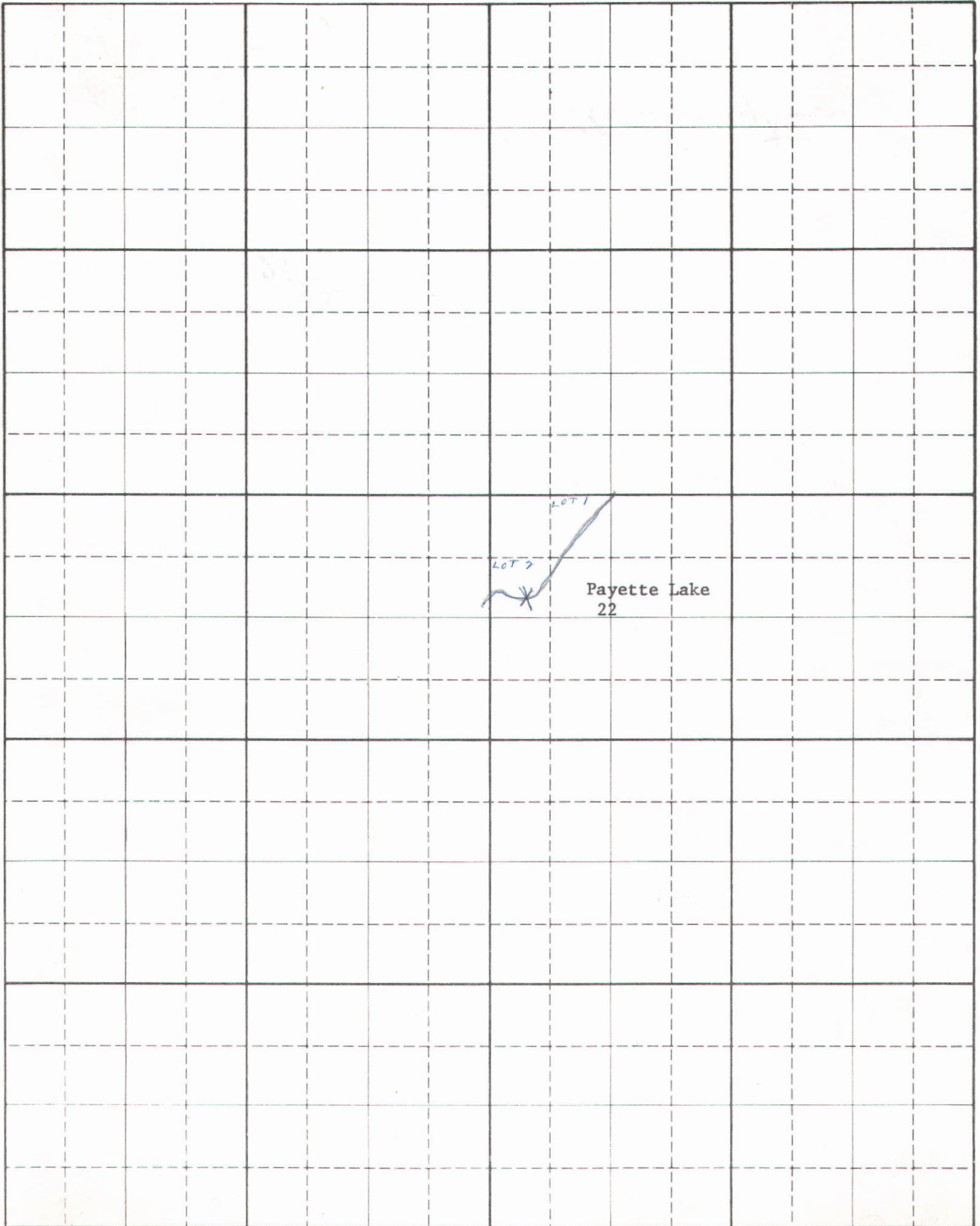


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Department of Lands

[Signature]
(Applicant)

G. C. TROMBLEY, Director

W.J.M.

RECORDED

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 March 9, 1978, and ended March 16, 1978.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 16 day of March, 1978.

Robert D. Parfit Notary Public.
My commission expires Aug 1, 1981.

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12088 in the name of the State of Idaho, Department of Lands was published in error on February 16 and 23, 1978.

The amount of water was advertised as being 500 gallons per minute. WHEREAS, the actual amount of water is 500 gallons per day.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before March 27, 1978.

C. STEPHEN ALLRED
Director

Published in the Star News, McCall, Idaho on March 9 and 16, 1978.

OK
3-21-78
MICROFILMED

RECEIVED
MAR 21 1978

Department of Water Resources
Western Regional Office

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 Three 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 Feb. 16, 1978, and ended Feb. 23, 1978.

Michael Parfit
Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 23 day of February, 1978.

Robert R. Platt Notary Public.

My commission expires Aug. 1, 1981.

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that STATE OF IDAHO, DEPARTMENT OF LANDS State Capital Bldg. Boise, ID has on February 2, 1978 submitted Application No. 65-12088 for a permit to appropriate 500 gallons per minute of water from Payette Lake by means of pump and pipeline within Government Lot 2 Sec 22 T19N-R3E B.M., Valley County to be used from Jan 1 to Dec 31 for domestic purposes within Government Lot 2 Sec 22 T19N-R3E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before March 6, 1978.

C. STEPHEN ALLRED
Director

Published in the Star News, McCall, ID on February 16, 1978 and February 23, 1978.

RECEIVED
MAR 10 1978

Department of Water Resources
Western Regional Office

3-13-78
MICROFILMED

[illegible]

(Include distance from pump to measuring device, if applicable.)

✓ Point(s) of diversion: SW NW (42) Sec 22 T19N R3E

[illegible]

Date 8/2/81
Date 11/2/81
Date 11/24/81

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No 65-12088 Priority February 2, 1978 Amount .04 cfs

THIS IS TO CERTIFY, that STATE OF IDAHO, DEPARTMENT OF LANDS
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 65-12088 issued pursuant to Application for Permit dated February 2, 1978,
and has submitted proof to the Department of Water Resources on April 21, 1981,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of .04 cfs of water from Payette Lake,
tributary to Payette River, North Fork, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>January 1</u> to <u>December 31</u> at <u>.04</u> cfs and <u>1.2 acre feet</u> (1 unit)	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		
	(both dates inclusive)		

Subject, however, to the condition that no more than .04 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
1.2 acre feet per year, said waters to be diverted within the GL 2 (SWNW), Section 22,
Township 19N, Range 3E in the County of Valley

Description and location of place of use:

Twp.	Range	Sec	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	3E	22							GL 2 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 24 day of
December, 19 81.

Director

Application No. 65-12088

APPROVED

(TYPE OR PRINT IN INK)

5) If water is to be used for other purposes describe cottage site and domestic use.

Microfilm

[illegible]

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

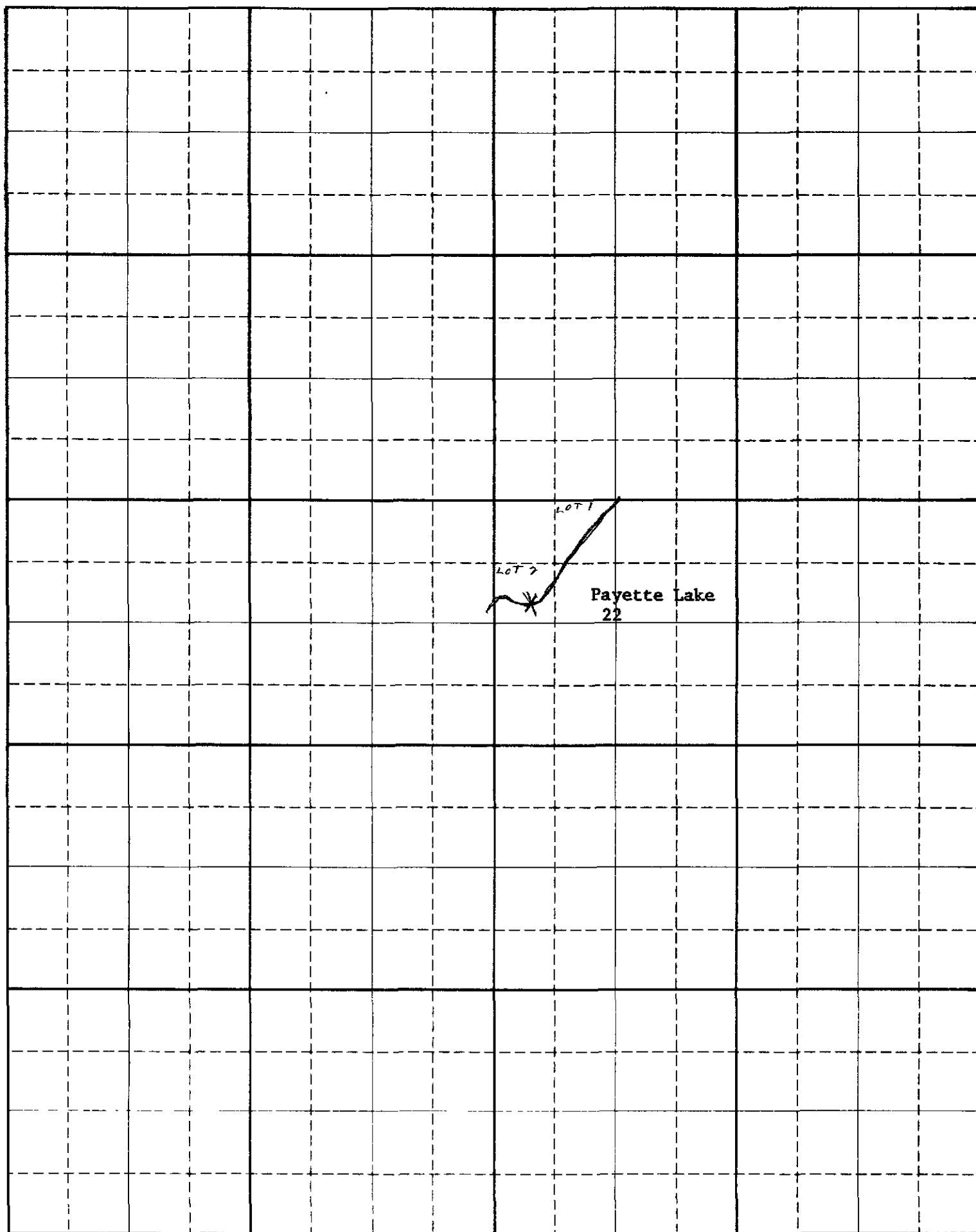
b. Who owns the land to be irrigated or place of use State of Idaho

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 _____

MICROFILMED

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 lands of the State of Idaho as herein set forth

Department of Lands

[Signature]
(Applicant)

G. C. TROMBLEY, Director

W. J. M.

MICROFILMED

Proposed Priority

2/2/78

Received by Y Date 2-2-78 Time 10:20am

Preliminary check by RWH Fee \$ 10.00

Received by Y Date 2-9-78 # 9763

Publication prepared by Y Date 2-10-78

Published in Star News

Publication dates Feb 16 + 23, 1978

Publication approved Y Date 3-21-78

Priority reduced to _____ Reason _____

Protests filed by Lake Reservoir Company

Withdrawn 2/9/81

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS KA

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. 65-12088, 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 March 1, 19 82.
- c. Other. The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (3) 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.

L. Glen Saxton

MICROFILMED



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) 334-2190

January 21, 1981

JAN 24 1981

Lou Gorrone
Attorney at Law
P.O. Box 637
Emmett, Idaho 83617

RE: Lake Reservoir Company

Dear Lou:

As we discussed by phone on January 20, I am sending you the most recent letters dealing with the Lake Reservoir protests of water right filings on Big Payette Lake.

The agreement which I believe everyone concurs with is outlined in my letter of November 4, 1980 to you and modified by my letter of November 13, 1980 to Bob Henggeler. If this procedure is acceptable to you, all that is necessary to implement is to withdraw your protests against the outstanding applications to divert water from Big Payette Lake on file with this department. If you do not concur with the agreement as outlined, please contact me so a suitable agreement can be prepared.

If the agreement is acceptable and you concur with withdrawing the protests against application for permit numbers 65-7973, 65-12088, 65-12089, 65-12091, 65-12294, 65-12338, 65-12339, 65-12342, 65-12348, 65-12354 and 65-12363, then please sign the lower portion of this letter and return to this office. There is an additional copy of the letter enclosed for your records.

If you have any questions, please contact me so we can get this matter resolved.

Yours truly,

DAVID B. SHAW

Western Region Supervisor

LAKE RESERVOIR HEREBY WITHDRAWS THEIR PROTESTS AGAINST THE ABOVE NUMBERED APPLICATIONS FOR PERMIT SUBJECT TO THOSE APPLICATIONS BEING PROCESSED AS DESCRIBED IN THE LETTERS OF NOV. 4 AND 13, 1980 FROM THE DEPARTMENT OF WATER RESOURCES BY DAVID SHAW.

Lake Reservoir Company

by LOU GORRONE

6 Feb. 1981

Date

L. GORRONO

ATTORNEY AT LAW
105 NORTH HAYES
P.O. Box 637
EMMETT, IDAHO 83617
(208) 365-2421

RECEIVED
FEB 27 1978

February 24, 1978

Department of Water Resources
Western Regional Office

Director C. Stephen Alred
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Application for Water Permits, Application No. 65-12088;
Application No. 65-12089; Application No. 65-12091

Gentlemen:

I represent Lake Reservoir Company and all of its various companies and members. I have been instructed by my clients to submit a protest against the granting of all and each of said numbered applications. Application No. 65-12088 covers an application to appropriate 500 gallons per minute of water from Payette Lake, and the application is by the State of Idaho, Department of Lands. Application No. 65-12089 is an application for a permit to appropriate 500 gallons per minute of water from Payette Lake, and the application is also by the State of Idaho, Department of Lands; the third application is an application to appropriate 1.0 cubic feet per second of water from Payette Lake. The latter is application No. 65-12091 and is made by William Robert Davis.

Very truly yours,


L. Gorrono

LG:klb

cc: Lake Reservoir Company, Payette, Idaho
U.S. Department of Interior, Bureau of Reclamation, Boise, Idaho

MICROFILMED

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 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 19..X.X., and ended 19..X.X.....

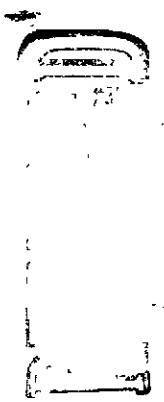
Michael Parfit

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this day of 19..X.X.....

.....
My commission expires Aug. 1, 19..X.X.....
..... Notary Public.

The amount of water is 100
per minute. WHEREAS, the
actual amount of water is 100
per minute. Any protest against
of this regulation must be filed
with the Director of the Idaho
Department of Water. The
Director of the Idaho Department
of Water is the only one who
can issue a permit to use water.

OK-12-1
3-2-1
MICHAEL PARFIT



Deposited
Microfilm

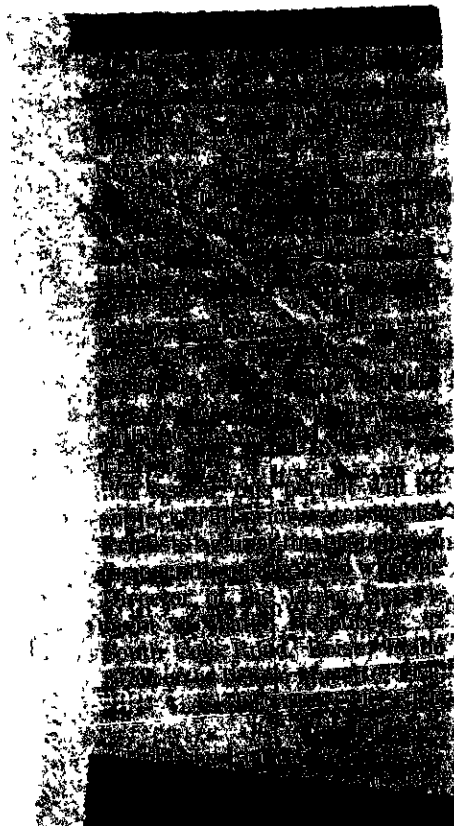
PUBLISHER'S AFFIDAVIT

STATE OF IDAHO]
]ss.
County of Valley]

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Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this day of 19.....

..... Notary Public.
My commission expires 19.....



13-78
MICROFILMED

Page 4
Lore

January 28, 1982

RE: Permit No. 65-12088

State of Idaho
Department of Lands
State Capital Bldg.
Boise, ID 83720

Gentlemen:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Despotford
Ed. Jotz 310NW
Dec 22
T19NR3E
Domestic

634-7125

05-12086

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8/20/81 Accompanied by Robert Farber Total Q measured .04
If source is surface water, estimate total flow of source _____
Methods of measurement _____ Meets Permit requirements? _____

Measurement calculations:

$$1.5 \text{ HP} \times 8.8 \times 80\% \text{ eff} = 10.56$$

$$200' \text{ lift} \times .43 \text{ fpm} \times (93.02) = 293.02 \sqrt{10.56} = \underline{\underline{.04 \text{ cfs}}} \text{ Rec } \underline{\underline{1.2 \text{ AFA}}}$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	1.5	Red Jacket						
	1.5	" "						

System Description 2 - 1.5 HP submersible pumps in a basket in the bottom of Big Bayette Lake - 1 1/4" PVC pipeline to place of use. Second pump is a back-up pump for fire protection & etc.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Domestic</u>	<u>.04</u> ✓	<u>1.2</u> ✓	<u>1/1</u>	<u>12/31</u>
Total	<u>.04</u>	<u>1.2</u>	<u>1/1</u>	<u>12/31</u>

Remarks Joint of Bocker St. 2

MICROFILMED

[illegible]

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SW NW (42) Sec 22 T19N R3E

Place(s) of Use

[illegible]

Recommended Amendments:

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

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

☒ None☐ Other

Examiner's Signature John K. Meyer

Checked by **DBS**

Approved by

Date 8/21/81

Date 11/2/81

Date 11/24/81



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

April 29, 1981

Department of Lands
Statehouse
Boise, Idaho 83720

RE: **Permits No. 65-12088 & 65-12089**

Dear Sir:

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

_____.

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

RECEIVED
MAY 1 1981
MICHIGAN

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. 65-12088

Name(s) of Permit Holder: Idaho Dept of Lands (Robert Farber, Lessee)

Post Office Address: State Capital Bldg.,
Boise ID 83720 Tel. No. _____

Source of Water: Payette Lake

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

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
Access Point: 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.

1/9/81
Date

Director - Department of Lands
[Signature]
Signature of Permit Holder

RECEIVED

APR 23 1981

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

PLACE
TEN CENT
STAMP
HERE

RECEIVED

APR 21 1981



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

Department of Water Resources

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
DAVID H. LEROY
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUP'T OF PUBLIC INSTRUCTION

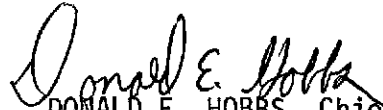
April 20, 1981

Department of Water Resources
Statehouse
BUILDING MAIL

Dear Sir:

Enclosed you will find completed proof of development for permit No. 65-12089 and 65-12088, properly signed and dated.

Sincerely,


DONALD E. HOBBS, Chief
Bureau of Range Management

vp
enc (2)
cc: Chief, BNW

MICROFILMED

April 28, 1981

Robert L. Farber
Drawer V
McCall, ID 83638

Dear Mr. Farber:

Re: Permit No. 65-12088

Enclosed is the statement of beneficial use postcard which you submitted in March for the above-referenced permit. Please be advised that this permit is in the name of the State of Idaho, Department of Lands.

Under Idaho law, a water right permit is personal property. Therefore, only the permit holder may take action on the permit unless it is conveyed by assignment to another party. Consequently, this department is unable to accept the statement of beneficial use for this permit from you.

Please be advised, however, that the Department of Lands has fulfilled the requirement for beneficial use by submitting the required postcard on April 21, 1981.

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

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosure





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

State of Idaho
Dept. of Lands
State Capital Bldg.
Boise, ID 83720
Robert L. Farber

Dear Sir,

RE: Permit No. 65-12088

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 Payette River and tributaries to provide water for a new appropriation throughout the entire season of use. During the spring run-off each year, there may be a period of time in which the prior rights to the use of the natural flow and storage are filled leaving water available for your permit. As the natural flow diminishes, however, there may be 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

MICROFILMED

May 25, 1979

M E M O R A N D U M

TO: Files Nos. 65-7973, 65-12088, 65-12089, & 65-12091

FROM: David Shaw DBS

RE: Meeting with Lake Reservoir Company

On Saturday, May 19, 1979, I met with Lake Reservoir Company in Payette as a follow-up to a meeting I had had earlier with Ed Obermeyer and Lou Gorrano. The purpose of the meeting was to further explore the possibility of finding a solution to the problem of domestic filings on Big Payette Lake near McCall. The possibility of Lake Reservoir selling domestic water to the local water users was discussed as had been done with Mr. Obermeyer and Mr. Gorrano. The Board did not seem receptive to this idea and seemed to have the attitude it was not their responsibility to provide domestic water in the McCall area.

The Chairman of the Board, Mr. Parsons, appointed a committee to investigate the problem. In the past, there has been a similar committee whose only function seemed to be to file protests against applications filed on Payette Lake.

It's my feeling that if the Board does not find an acceptable solution to the problem by this summer, hearings should be scheduled on these applications during the summer of 1979.

DBS:kk

cc: Bob Fleenor

MICROFILMED

-

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

Check:

Other rights on same land none

Conditions:

Meas. Dev. or Sc. Meas. _____

Totalizing meter _____

Supplemental_____

Right-of-Way Cond. _____

Watermaster Cond. _____

Wtr. Dist No. _____

Meas. Dev. Cond. for apps within
a Water Dist. _____



Reviewer

2/23/1981
Date

Date _____

Cor items 3 & 8A1, 4 & 5, 7
 54^W/104 (Payette R.) LOS
 05 (65 Payette R.) & special
 cond

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-12088

☒ 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) R.W.H. 2-1-78

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) R.W.H. 2-1-78

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) if OK

Affidavit of Publication received(date) 3-21-78

Final date for protests March 27, 1978

Protests received: yes X no _____

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

2/2/78 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 DAS Date 2/9/81

I.P. Letter
Peyette River Letter
Basin 65 w.m. Condition

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

MICROFILMED

February 9, 1981

Department of Lands
Statehouse
Boise, Idaho 83720

RE: Applications for Permit Nos. 65-12088 & 65-12089

Gentlemen:

Enclosed is a copy of a withdrawal of protest against the above referenced applications.

This office can now take further action on the applications.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Encl.



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) 334-2190

February 9, 1981

Lou Gorrone
Attorney at Law
P.O. Box 637
Emmett, Idaho 83617

RE: Withdrawal of Protests

Dear Mr. Gorrone:

This office acknowledges receipt of the withdrawal of protests against Applications for Permit Nos. 65-7973, 65-12088, 65-12089, 65-12091, 65-12294, 65-12338, 65-12339, 65-12342, 65-12348, 65-12354 and 65-12363.

This office will continue to process the applications as appropriate.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

MICROFILMED



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

May 27, 1980

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

RE: Protested Application
on Big Payette Lake

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 let me know. 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 future.

Sincerely,
David B. Shaw

DAVID B. SHAW
Western Region Supervisor

cc: Lou Gorrone

May 25, 1979

M E M O R A N D U M

TO: Files Nos. 65-7973, 65-12088, 65-12089, & 65-12090

FROM: David Shaw ^{DBS}

RE: Meeting with Lake Reservoir Company

On Saturday, May 19, 1979, I met with Lake Reservoir Company in Payette as a follow-up to a meeting I had had earlier with Ed Obermeyer and Lou Gorrone. The purpose of the meeting was to further explore the possibility of finding a solution to the problem of domestic filings on Big Payette Lake near McCall. The possibility of Lake Reservoir selling domestic water to the local water users was discussed as had been done with Mr. Obermeyer and Mr. Gorrone. The Board did not seem receptive to this idea and seemed to have the attitude it was not their responsibility to provide domestic water in the McCall area.

The Chairman of the Board, Mr. Parsons, appointed a committee to investigate the problem. In the past, there has been a similar committee whose only function seemed to be to file protests against applications filed on Payette Lake.

It's my feeling that if the Board does not find an acceptable solution to the problem by this summer, hearings should be scheduled on these applications during the summer of 1979.

DBS:kk

cc: Bob Fleenor

RECEIVED

May 8, 1979

M E M O R A N D U M

TO: Files Nos. 65-7973, 65-12088, 65-12089, & 65-12091

FROM: David Shaw DBS

SUBJECT: Meeting with Lake Reservoir Representatives on April 26, 1979

I met with Lou Gorrone, Attorney for Lake Reservoir Company, and Ed Obermeyer, a board member for Lake Reservoir, to discuss a possible solution to the protests which Lake Reservoir have filed against the above numbered domestic applications. A possible solution that was discussed would be for Lake Reservoir to file for domestic storage in Big Payette Lake and then sell that storage water to the domestic users during the period when no natural flow water is available for their rights. In the past Lake Reservoir has been concerned that this would reduce the water available to their other share holders, and Lake Reservoir does not wish to purchase Bureau of Reclamation water in Cascade since that would place them and their share holders under the 160 acre limitation. An alternative to this would be for one of the share holders that is presently under the 160 acre limitation could purchase additional Cascade water to make up for any deficit that would occur as a result of domestic water sold from Big Payette Lake. My own opinion is the amount of water sold to domestic users is going to be very small and probably will not in the immediate future cause any deficit in the amount of water available to the downstream users.

Mr. Gorrone said he would like to consider the possible solution and at least it was a beginning point to work from in trying to arrive at a plan that would meet the needs of everyone.

DBS:kk

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

May 17, 1978

Mr. L. Gorrano
Attorney at Law
P. O. Box 637
Emmett, ID 83617

Re: Applications for Water Rights
65-7973 -- Westwater Intervivos Trust
65-12088, 65-12089 -- State of Idaho, Dept. of Lands
65-12091 -- William Robert Davis

Dear Mr. Gorrano:

The above referenced applications, copies enclosed, have been protested by you on behalf of Lake Reservoir Company. These applications are all similar to No. 65-7961 in the name of R. C. Campbell &/or Helen L. Curtis &/or John J. Peebles which you also protested on behalf of Lake Reservoir Company. A Memorandum Decision and Order, copy enclosed, was issued on the protested Application No. 65-7961 by the Department on January 29, 1978.

The four new applications fall into two categories. Two of the applications, 65-7973 and 65-12091 were, we believe, in use prior to last summer and have filed applications as a result of our adjudication efforts in Valley County. The other two applications, 65-12088 and 65-12089, we believe, are new applications that are now in place but we have no record of prior usage. In the future, as a result of the adjudication, all new applications should be for new appropriations and not for existing uses.

Since applications for domestic water use from Payette Lake are probably going to continue to be filed, I would like to suggest some alternatives for you and your clients to consider. As for the applications, one possibility is to agree to allow us to grant them in a fashion similar to No. 65-7961 and its accompanying Memorandum Decision and Order. Another possibility is to allow the approval of the applications with a specified period of use that does not conflict with your irrigation interests. This would probably not be practical since the domestic users could not legally use the water during the summer recreation season and, once their system was installed, would probably use water whenever they desired.

RECEIVED
MAY 22 1978

Mr. L. Gorrno
May 17, 1978
Page 2

A third possibility is to deny the applications. In this case, the applicant, for domestic use, could probably condemn from the Lake Reservoir Company water right the amount of water necessary for the domestic use. In such a condemnation procedure, the original owner must be compensated for his property taken, however, for domestic use the amount of water is small and its fair value is probably less than the cost that would be incurred during a condemnation.

Another approach to the problem that you and your clients may wish to consider is to supply water for domestic use. This could be done on an annual fee or one-time fee basis. Since Lake Reservoir Company holds the rights to the available storage between elevation 4,989.29 feet and elevation 4,983.75 feet above mean sea level than Lake Reservoir Company should be able to file for domestic storage in Payette Lake between the above elevations. This Department would probably restrict the new filing to keep the lake between the above elevations and to limit the combined irrigation and domestic storage to 27,750 acre feet per year.

Such a filing should allow Lake Reservoir Company to provide water directly to domestic users in much the same manner as they now sell their water from storage for irrigation use.

Please consider these alternatives and give me your thoughts on the various alternatives. If you have questions or would like to explore any of the alternatives further, feel free to contact me.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:rf

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
WAYNE L. KIDWELL
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
ROY TRUBY
SUPT OF PUBLIC INSTRUCTION

March 3, 1978

RECEIVED
MAR 6 1978

Mr. L. Glen Saxton, P.E.
Western Regional Supervisor
Dept. of Water Resources
Statehouse Mail

Department of Water Resources
Western Regional Office

Dear Glen:

This letter is in reply to your two letters dated February 27, 1978 with which your forwarded copies of protests filed against the issuance of permits pursuant to our application Nos. 65-12088 and 65-12089.

This matter has been discussed with Mr. Dave Tuthill in your office, and he advised me that the protest was probably filed because the advertisement concerning the application inadvertently showed 500 gallons per minute instead of 500 gallons per day. Dave indicated that your office will advise the protestors of this error and that it will not be necessary for us to contact them as outlined in your February 27 letters, unless we hear further from you.

This letter is to confirm that telephone conversation and provide a file reference.

Sincerely yours,

DIVISION OF LANDS & RANGE

W. J. Mitchell

W. J. Mitchell, Chief
Bureau of Lands

WJM/bv

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

March 2, 1978

Re: Application for Permit Nos. 65-12088 & 65-12089 -- Dept. of Lands (Corrections)

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. 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 March 27, 1978.

Sincerely,

RITA FLECK
Secretary

MICROFILMED

Bill submitted
3-21-78
J

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12088 in the name of the State of Idaho, Department of Lands was published in error on February 16 and 23, 1978.

The amount of water was advertised as being 500 gallons per minute. WHEREAS, the actual amount of water is 500 gallons per day.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before March 27, 1978.

C. STEPHEN ALLRED

Director

Published in the Star News, McCall, Idaho on March 9 and 16, 1978.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

February 27, 1978

Re: Applications for Permit Nos. 65-12088 & 65-12089 -- Dept. of Lands
65-12091 -- William Robert Davis

L. Gorrone
P. O. Box 637
Emmett, ID 83617

Dear Mr. Gorrone:

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

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

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

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

Sincerely,

GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: Lake Reservoir Co.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

February 27, 1978

W. J. Mitchell
Dept. of Lands
Statehouse Mail
Boise, ID 83720

Dear Mr. Mitchell:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. ~~65-12028~~. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

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

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

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

February 10, 1978

Re: Notice of Application for Water Permit No. 65-12088 -- Dept. of Lands
65-12089 -- Dept. of Lands
65-12091 -- Wm. Robert Davis
Notice of Correction for Water Permit NO. 77-7070 -- Wm. T. Davis

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. 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 March 6, 1978.

Sincerely,

RITA FLECK
Secretary

MICROFILMED

Bill submitted
3-13-78
JF

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that STATE OF IDAHO, DEPARTMENT OF LANDS
State Capital Bldg. Boise, ID
has on February 2, 1978 submitted Application No. 65-12088
for a permit to appropriate 500 gallons per minute XXXXXX
XXXXXX XXXXXX XXXXXX
per annum of water from Payette Lake
by means of pump and pipeline
within the Government Lot 2 Sec 22 T19N-R3E B.M., Valley County
to be used from Jan 1 to Dec 31
for domestic purposes
within the Government Lot 2 Sec 22 T19N-R3E B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Director of
the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho
83705 on or before March 6, 1978.

C. STEPHEN ALLRED

Director

Published in the Star News, McCall, ID
on February 16, 1978 and February 23, 1978.

NOT RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

February 10, 1978

Re: Applications for Permit Nos. 65-12088 and 65-12089

Department of Lands
Statehouse Mail
Boise, ID 83720

Gentlemen:

Enclosed is your Receipt No. 9763 in the amount of \$ 20.00
for the above referenced applications _____ which was received in
this office on February 2, 1978.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure

MICROFILMED

WHITE - State Auditor
BLUE - Purchasing Copy
YELLOW - Remittance Advice
PINK - State Auditor then Agency
GOLDENROD - Agency Copy

AGENCY USE

STATE OF IDAHO

Office of State Auditor

Document No.

91707

Pre-Audit

Date

FEB 3 1973

Warrant No.

1631557

5850
Date
2/1/73
Code
13-00-00

AGENCY NAME: Department of Lands

PAY

Department of Water Resources

Building Mail

TO

CHECK ONE:

(x) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

Encumbrance Reference No.

PAYMENT: () PARTIAL () FINAL

LINE No.	PROGRAM			FUND	CLASS		DESCRIPTION (Include Quantity)	COMPLETE ONE		AGENCY USE
	MAJ	MIN	ELE		MAJ	MIN		%	LINE AMOUNT	
1	04	02	002	1101	80	01	Filing fees for application for permit to appropriate water on the following: Lot 2, Sec. 22, T19N, R3E (Lot 2, High Point of Rocks Subdivision) Lot 2, Sec. 22, T19N, R3E (West Side-Point of Rocks Pt. 2) 04 1m. bv		10 00 10 00 20 00	
TOTAL								100%	20 00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

AUDITOR'S CERTIFICATE

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date Head of Agency or Institution

State Auditor



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
WAYNE L. KIDWELL
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
ROY TRUBY
SUP'T OF PUBLIC INSTRUCTION

February 1, 1978

Mr. Dave Tuthill
Dept. of Water Resources
Western Region
Building Mail

RECEIVED
FEB 2 1978

Department of Water Resources
Western Regional Office

Dear Dave:

As you requested in our meeting at your office on January 26, 1978, we are forwarding herewith two applications for permit to appropriate water in Lot 2, Section 22, Township 19 North, Range 3 East, B.M. These applications replace the Notice to Claim to water rights which we filed in error on December 5, 1977 and which claims you returned to me at the meeting.

We are forwarding a DA8 through the State Auditor's office and the warrant for the application fees should reach your office in a few days.

Sincerely yours,

DIVISION OF LANDS & RANGE

W. J. Mitchell

W. J. Mitchell, Chief
Bureau of Lands

WJM/bv
Encls.

RECEIVED