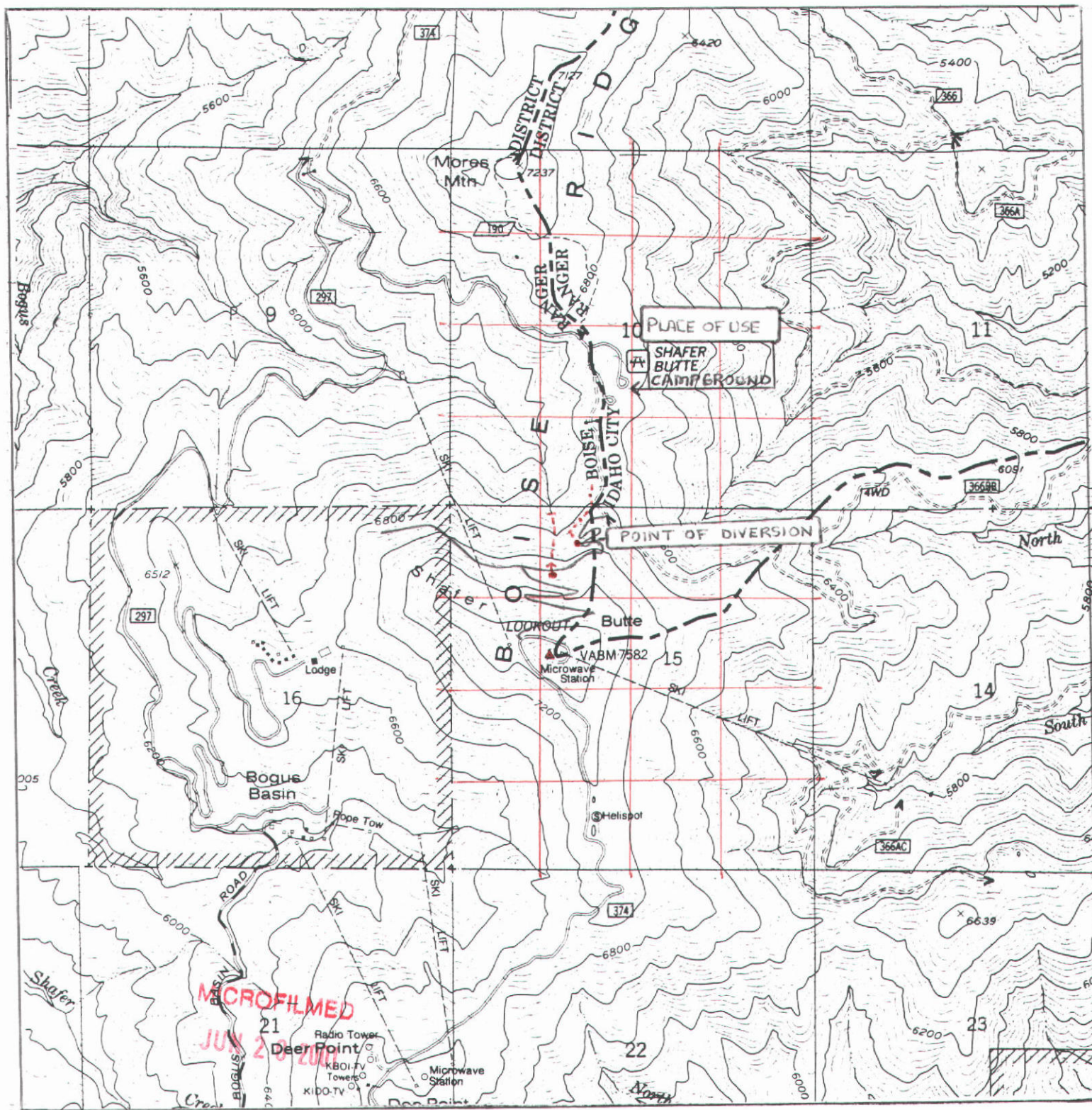


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

AUG 21 2000

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Aug 2, 2000 and ending with the issue of Aug 9, 2000.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 18 day of Aug in the year 2000, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5709

Notice is given that USDA FOREST SERVICE, 550 W. Fort St. MSC 033 Boise ID 83724, has applied to the Department of Water Resources to change the place of use and clarify the tributary source pursuant to I.C. § 42-222 for the following domestic decree in T5N R3E, Boise County:

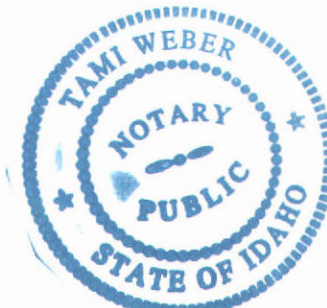
65-11318, priority 5/17/1934, .01 cfs, diverted from a spring tributary to Pine Creek in the NENW S15 and used in SENW S15.

PROPOSED CHANGE

Use the water for Shafer Butte Campground in the NESW S10 and clarify the tributary from Pine Creek to Bogus Creek.

Any protest against the approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 on or before August 21, 2000. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in The Idaho World August 2 and 9, 2000



MICROFILMED

JUN 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66076

This is to certify that. USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
65-11318	WR/	05/17/1934	0 01 cfs	0 1 af		N/A	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-11318	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-11318	65-11318	0 01 cfs	0 1 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.01 cfs	0.1 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of June, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 65-11318
As Modified by Transfer No. 66076

In accordance with the approval of Transfer No 66076, Water Right No. 65-11318 is now described as follows.

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE ID 83724

Priority Date: 05/17/1934

Source: SPRING

Tributary: BOGUS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.01 CFS	0.1 AF
			0.01 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NENW Sec. 15 Twp 05N Rge 03E BOISE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03E	10																	
											X								

CONDITIONS OF APPROVAL

- 1 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- 2 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 3 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
- 4 Domestic use provides water for Shafer Butte Campground
- 5 Source is known locally as Shafer Butte Spring.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 15th day of June, 2001


 Chief, Water Allocation Bureau

MICROFILMED

JUN 12 2001

Page

1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 5709

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

66076

PART 1

MAR 15 2000

WATER RESOURCES
WESTERN REGION

Western Region Name of applicant USDA Forest Service Phone (208) 387-0835

Post Office address 550 W. Fort St. MSC 033, Boise, ID 83724

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use AUG 24 2000
☐ Change nature of use ☐ Change period of use ☐ Other _____ Department of Water Resources
2. Describe the reason for the proposed changes Change place of use from TOSN ROSE
Sec. 15 SENW to TOSN ROSE Sec. 10 NESW.

AUG 24 2000

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------|-----------------------|------------------|----------------|
| 65-11318 | 05-17-1934 | 0.01 cfs | domestic | 01-01 to 12-31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.01 cubic feet per second and/or 0.10 acre-feet per annum.
3. Source of water Spring tributary to Bogus Creek
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

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Total acres

5709/66676

PART 1

6 General Information

a Description of diversion system approximate 3x3 foot concrete headbox gravity
Fed through various sizes of metal and plastic pipe ranging
from 2" to 3/4" approximately 1/2 mile to a new place of use.

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer.

This is a domestic use. There is no land being irrigated
with this water right.

d Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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APR 2 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by

a. Decree No. 65-11315 Decreed to USDA Forest Service
in case of _____ vs _____
dated November 20, 1988 in SRBA District Court county of Twin Falls

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 65-11318 on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other National Forest System Land

3. Source of water Spring tributary to Pine Creek

4. Date of priority 05-17-1934

5. Water is used for the following purpose

amount 0.01 cfs for domestic purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.01 cubic feet per second and/or 0.10 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	15	05N	03E	Boise	Shafer Butte Spring

8. Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	03E	15								D									

Total acres _____

9. Describe any other water rights used for the same purpose as described above none

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JUN 20 2001

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.01 cfs for domestic purposes from 01-01 to 12-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	15	05N	03E	Boise	Shafer Butte Spring

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	03E	15								D									

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.01 cfs for domestic purposes from 01-01 to 12-31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	15	05N	03E	Boise	Shafer Butte Spring

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
			Place of use is being changed as described in Part 1 A2 and B5.																

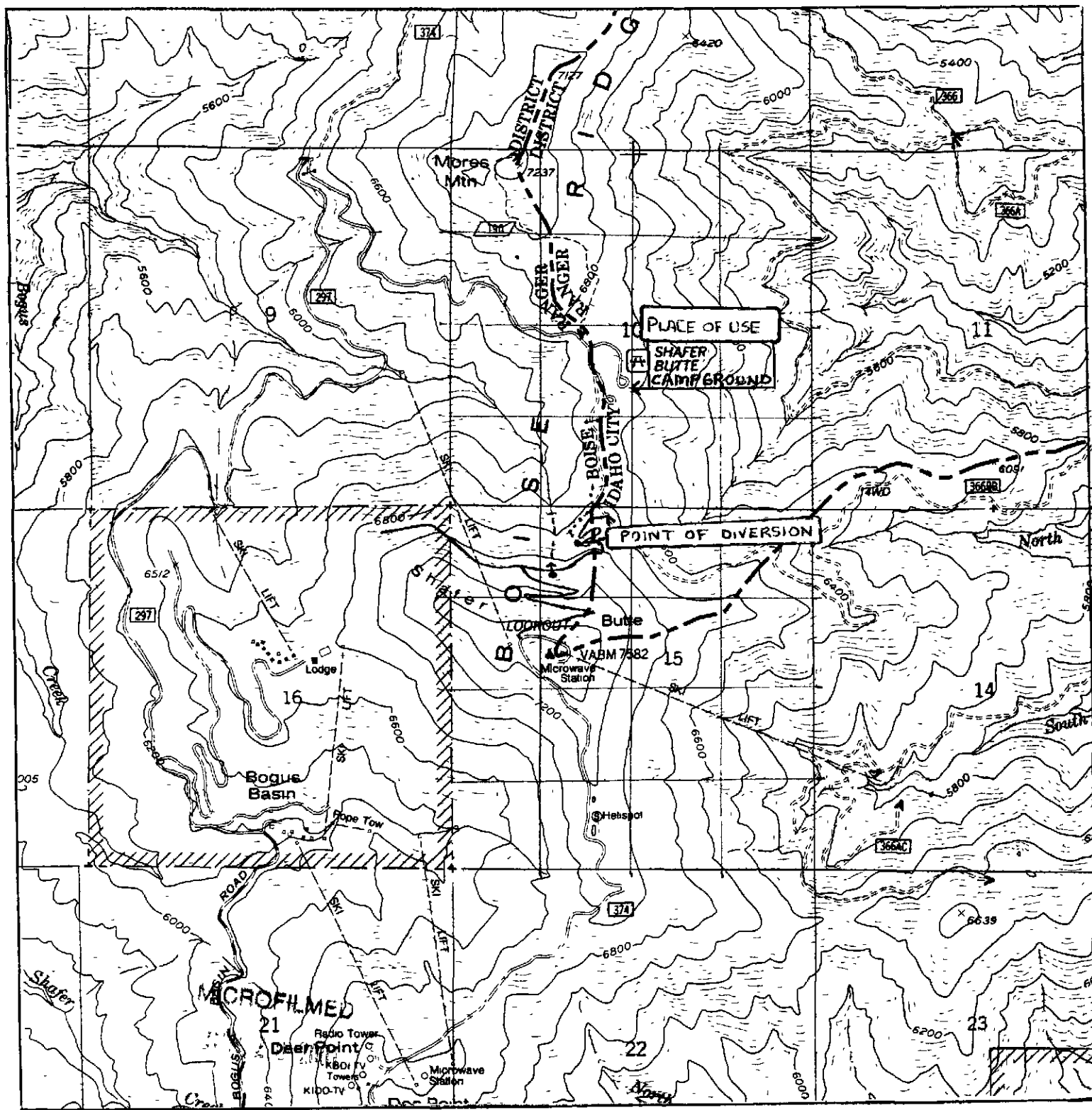
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2: 2000

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>no changes - remains domestic de minimus</u>			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

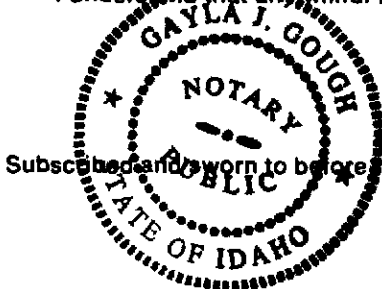
no return flows.

3. Describe effects on other water uses resulting from the proposed change:

No effects on other water uses are likely. This is a de minimus amount of water in a mountainous area several miles from other users. Quantification or determination of effects or impacts and hydrologic relationships and associations for a de minimus flow in a watershed of many thousands of acres is likely immeasurable.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Michael Calcutte
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of MARCH, 2000

Gayla J. Gough
(Notary Public)

My commission expires 11-17-2004 Residing in KUNA, IDAHO

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments

Received by Kh Date 3/15/00 Protest filed by _____

Prelim. check by Kh Fee 100⁰⁰

Receipted by Kh Date 3/15/00 W026219 - W026220

Published in Idaho World Copies of protest forwarded by _____

Pub dates 4-19 + 26-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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APR 21 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-11318

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: SPRING TRIBUTARY: PINE CREEK

QUANTITY: 0.01 CFS
0.10 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/17/1934

POINT OF DIVERSION: T05N R03E S15 NENW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.01 CFS
			0.10 AFY

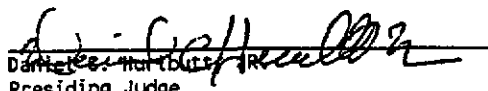
PLACE OF USE: Domestic Within Boise County
T05N R03E S15 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel E. Hurlbut
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

11/13/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

RE: Transfer No 66076 - Water Right 65-11318 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

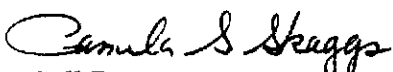
The Transfer of Water Right(s) is a **PRELIMINARY ORDER** issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the **APPLICANT** petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Rights Permits Section

JP klt
Enclosure(s)

MICROFILMED
JUN 24 2001

CERTIFICATE OF MAILING

I hereby certify that on June 19, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below

RE: TRANSFER NO. 66076 - WATER RIGHT 65-11318

**USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 20 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 01302 and 37 01.01303 (Rules of Procedure 302 and 303)

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SEP 20 2005

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5709/66076

DATE REVIEWED 6-15-01 28

SPLIT POD ADD POD POU PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/65-11318</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season NA to

Standard Volume NA /

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume

(6) Source (7) ☒ P/D (8) P/U (9) ☒ Proof/Owner Decree/USDA, FS (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions SRBA (13) No Expansion

(2) Clarify tributary as Basins 5 Bogus Creek instead of Basins 3 Pine Creek per region review.

(8) Change P/U to Sec 10, NESW

Conditions/Remarks DCM
P/U Shaler Butte Campground, Source aka Shaler Butte Spring
W62, T07, T08

WRs for Update Comments NA

Database Updated to Reflect Final Action 6-18-01 28

SRBA SUBCASE SUMMARY REPORT 65-11318

[Return to SRBA Home Page](#)

SRBA
06-15-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-11318; FILE#: 00000
CLAIMANT: USDA FOREST SERVICE
STATUS: ~~PD~~ ISSUED
WATER SOURCE: SPRING, PINE CREEK

**** PARTIES INVOLVED ****

USDA FOREST SERVICE

C ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

11-20-1998 PARTIAL DECREE FILED ;

11-20-1998

[Return to SRBA Home Page](#)

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JUN 20 2001

RECEIVED

AUG 24 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT USDA Forest Service TRANSFER NO. 5709/66076

INITIAL ALLOCATION REVIEW BY ly DATE 4/3/00

1. Right number(s) 65-11318

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: clarify tributary

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:
- a. ☒ Analysis memo (always - unless justify why not needed)
 - b. ☒ All of right
 - c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
 - d. ☒ Description of point(s) of diversion
 - e. ☒ Description of place of use
 - f. ☒ Map showing P/D & P/U after transfer
 - g. ☒ Correct notarized signature and \$100 fee
 - h. N/A Proof of ownership of right &/or land from which water is transferred
 - i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive use volume. Discuss in memo.
 - j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. ☒ Overlapping rights: check current & proposed scenarios:

Current _____

Proposed _____

l. ☒ SRBA claim(s) claimed on decree

m. ☒ Comment letters ☒ Yes ☐ No
 If yes _____ Water District #
 _____ Other, see #2 below for name
 _____ and address
see attached sheet

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: _____ See attached information

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Data entry of application completed? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

4. By Gary S Date 8/22/00

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☐ Yes pan

2. File forwarded to S.O.: by St date 8-23-00

CERTIFICATE OF MAILING

I certify that on ^{MARCH} January 15, 2000, I mailed a true and correct copy of this
Stipulation, postage prepaid to the following:

Thomas A. Miller
P.O. Box 1617
(877 Main St. Ste. 1000-83702)
Boise, ID 83701-1617

comment letters

Benjamin Dobson
P.O. Box 125
Horseshoe Bend, ID 83629

U.S. Department of Agriculture
Forest Service
380 Parkcenter Blvd. Suite 330
Boise, ID 83706

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705


Jamie Gough
Paralegal Specialist

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

AUG 21 2000

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Aug 2, 2000 and ending with the issue of Aug 9, 2000.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 18 day of Aug in the year 2000, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5709

Notice is given that USDA FOREST SERVICE, 550 W Fort St. MSC 033 Boise ID 83724, has applied to the Department of Water Resources to change the place of use and clarify the tributary source pursuant to I.C. § 42-222 for the following domestic decree in T5N R3E, Boise County

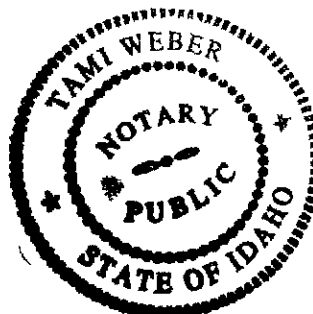
65-11318, priority 5/17/1934, 01 cfs, diverted from a spring tributary to Pine Creek in the NENW S15 and used in SENW S15

PROPOSED CHANGE

Use the water for Shafer Butte Campground in the NESW S10 and clarify the tributary from Pine Creek to Bogus Creek

Any protest against the approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 on or before August 21, 2000. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in The Idaho World August 2 and 9, 2000



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MEMORANDUM

DATE: 4/3/2000

FROM: Lori Graves☺

TO: File

RE: USDA Forest Service Transfer (65-11318)

Brief

Applicant proposes to use the spring water for domestic use at Schafer Butte Campground rather than a lookout tower as currently listed and clarify the source tributary to Bogus Creek rather than Pine Creek as decreed.

Review

Water right 65-11318 was originally decreed in the Payette, then again in the SRBA for a lookout tower. The campground has been using the same spring since 1968 without a water right. It was overlooked in the Payette Decree. Consequently, the Forest Service filed application 65-13877 for the spring and campground, which was then protested by Ben Dobson. A stipulation was reached between both parties resulting in this transfer. If this transfer is approved, the Forest Service will withdraw application 65-13877.

The tributary was listed as Shafer Creek in the Payette Decree and then Pine Creek in the SRBA. The correct tributary is Bogus Creek, which is located in Payette River drainage, basin 65. Pine Creek is located in the Boise River drainage, basin 63. The source and tributary were addressed and clarified during the pre-conference hearing held by John Westra (per John 4/5/00).

No other rights are used.

Recommendations

Approve as filed.

Note: see reviewer's notes for copies of pre-hearing conference memo and stipulation.

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JUN 26 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 26, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BENJAMIN DOBSON
PO BOX 125
HORSESHOE BEND ID 83629

Re: Application for Transfer of Water Right Nos. 65-11318 in the Name of USDA, Forest Service

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 22, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and is positioned above the printed name.

Gary Spackman

GS:st

Encl: Copy of Application

MICROFILMED

JUN 2 8 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 2000

THOMAS A MILLER
PO BOX 1617
BOISE ID 83701-1617

Re: Application for Transfer of Water Right Nos. 65-11318 in the Name of USDA, Forest Service

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of interest to your agency. Please review the application and submit any comments you may have.

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Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application

MICROFILMED

MAY 2 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 2000

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Transfer No. 5709 in the Name of USDA, Forest Service

Dear Sir:

Enclosed is a copy of the above referenced application for transfer which may be of interest to your agency. The proposed use of this application is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 22, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

Encl. Copy of Application

MICROFILMED

APR 27 1999

REVIEWER'S

NOTES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

BENJAMIN DOBSON

Attorney's Names and Addresses:

RANDALL J. BRAMER
Special Assistant United States Attorney
Office of the General Counsel
United States Department of Agriculture
740 Simms Street, 3rd Floor
Golden, Colorado 80401
(303) 275-5555

THOMAS A. MILLER
Hawley, Troxell, Ennis & Hawley
P.O. Box 1617
877 Main St. Ste. 1000
Boise, ID 83701-1617

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 63-13877 IN THE	)	STIPULATION
NAME OF THE U.S. FOREST SERVICE	)	
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation between the United States of America, acting on behalf of the United States Department of Agriculture, Forest Service (hereinafter "Forest Service"), claimant, and Benjamin Dobson, protestant.

STIPULATION

WHEREAS, it is Forest Service policy to file application for, and secure, water rights in accordance with state law, for water required for use on National Forest System land; and

WHEREAS, the Forest Service has filed an application with the Idaho Department of Water Resources (hereinafter "IDWR") for a *de minimus* domestic water right for use at the Shafer Butte campground in the Boise National Forest identified as water right number 63-13877; and

WHEREAS, Benjamin Dobson has filed a protest to the aforementioned application; and

WHEREAS, the Forest Service and Mr. Dobson wish to resolve the protest to the above referenced water right application without litigation expense and delay.

THEREFORE, the parties stipulate and agree as follows:

1. The Forest Service will, within 30 days of this stipulation, file a transfer application with IDWR seeking to transfer the place of use of decreed water right number 63-11318 for use at the Shafer Butte Campground.
2. If the transfer application is approved, the Forest Service will withdraw the application for water right number 63-13877. If the transfer application is not approved, the Forest Service reserves the right to continue the application process for water right number 63-13877.
3. On January 18, 2000 a pre-conference hearing was held at the IDWR offices in Boise. Parties requested that IDWR hearing officer John Westra stay proceedings on the application for water right number 63-13877 until the application for transfer of water right number 63-11318 is processed.
4. This stipulation was reached through negotiation for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or

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JUN 20 2001

compromises made in the course of the negotiations shall be construed as admissions against interest or be used in any legal proceeding.

5. All parties agree to bear their own costs and attorney fees in connection with this matter. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

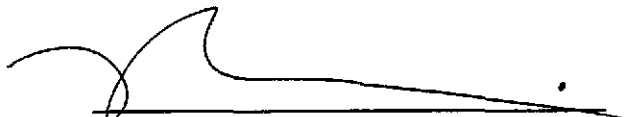
Dated: ~~January~~ ^{February} 12, 2000



THOMAS A. MILLER
Attorney for Benjamin Dobson

Dated: ^{February 14} ~~January~~ 14, 2000

UNITED STATES OF AMERICA



RANDALL J. BRAMER
Special Assistant United States Attorney
Office of the General Counsel

PREHEARING CONFERENCE MEMORANDUM
File: Application #65-13877

From: J. Westra
Date: 8/31/99
Location: Western Regional Office
Applicant: US Forest Service
Protestants: Mr. & Mrs. B Dobson
Attendees: See attachment

RE: Conference Notes

The meeting began with Mr. Spencer of the Forest Service presenting the application. A spring on the Payette Basin side serves as the forest service campground domestic water source located near Shafer Butte; the campground has 6 units with a picnic area (7 spickets). The system consists of a spring collection box, gravity pipeline to the campground, and has been utilized since 1968. There is no visible flow from the spring to Bogus Creek at 30 yd below.

The spring had not been decreed previously in the Payette River Decree, it appears it may have been overlooked, as the lookout tower spring was decreed. A new application was filed with the Department, as it could not be filed in the SRBA.

Mr. Miller, Atty. represented the Dobsons. The spring diversion causes injury to their senior irrigation rights. Creek flows are minimal late in the season, Aug-Sept. from Shafer Creek their source. Bogus Creek a tributary supplies the majority of the flows, with the springs at the Shafer Butte headwaters a contributor. They request the forest service find another source for the campground on the Boise basin side, such as expand the use of the Forest Service lookout tower spring #65-11318 or drill a domestic use well at the campground.

The Forest Service and Dobsons had met at the spring site previously, and were not able to come to any agreement. After a lengthy discussion, the parties make no progress toward any resolution. It was finally agreed, the forest service would respond to the Department and protestants, if they were interested in studying new source possibilities by October 1st. If not the application would proceed to the hearing process. It was left to the individuals if another meeting would be scheduled before the hearing. I stated, the Department would coordinate the meeting if requested.

Observations:

-Assume 30 people average at the campground 5/15 to 11/1 (approx. 165 days) @ 50 gal/person/day=247,500 gal.= .76 ac-ft (high end).

-Approx. 6+ creek miles to the Dobson irrigation diversions from the spring, see attached map.

-The domestic system has been utilized since 1968, the Dobson's WR #65-07369 has priority of 1970. **FILED**

174 2 2 2009

— Attachments

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RIGHT, TRANSFER NO. 5709**

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Karl J. Dreher, Director

Published in the Idaho World on April 19 and 26, 2000.

Aug 2 and 9

*Called Deanna at Id World for affidavit
She could not find that it had ~~had~~ even
been run. Will run again 8-2-9-00.
AT*

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Aug 2 & 9, 2000

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Published in the Idaho World on April 19 and 26, 2000.

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MAY 2 1 2000