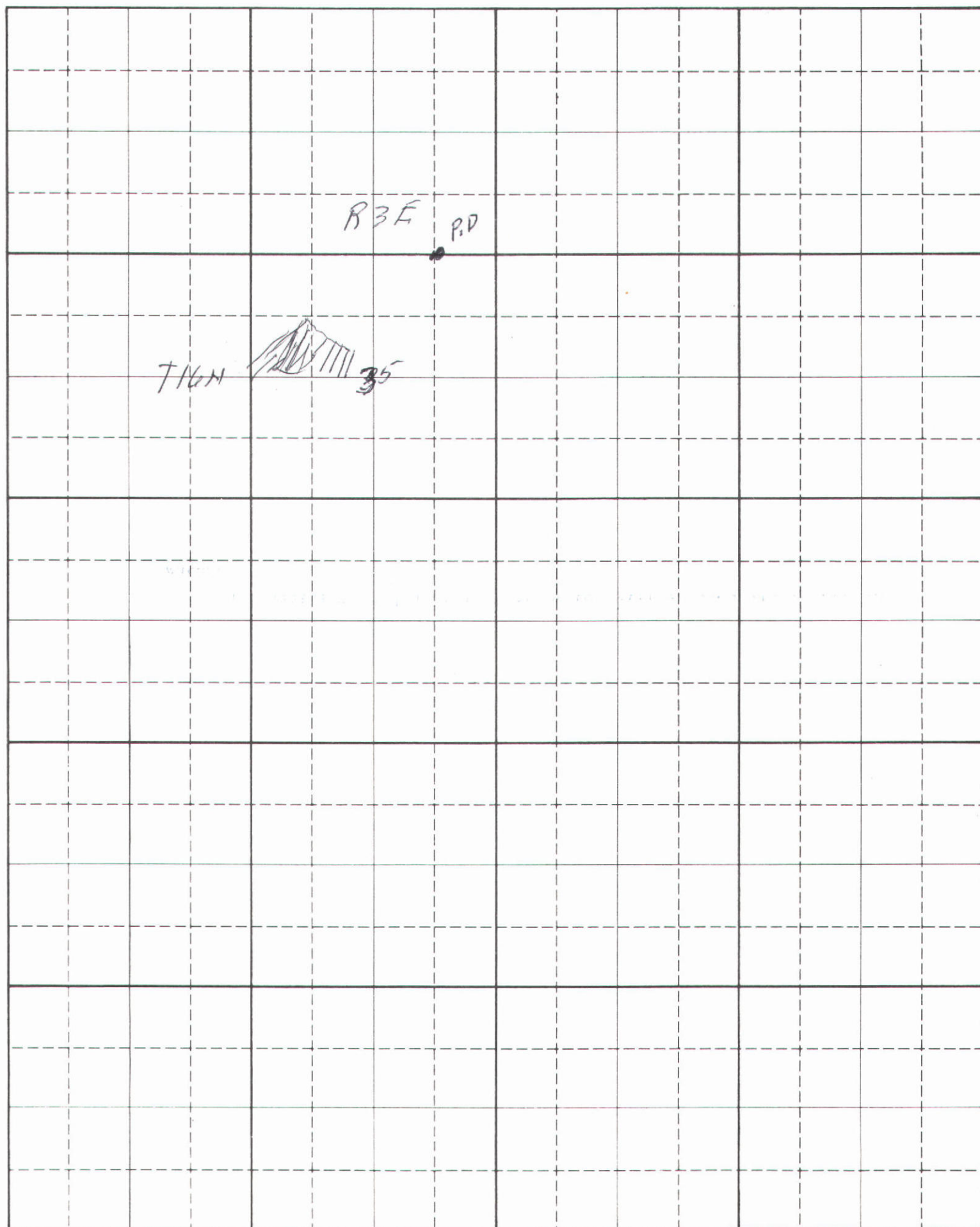


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Orville H. Roberts
(Applicant)

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and 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 ^{November 25} 19⁷⁶, and ended ^{December 2} 19⁷⁶.

D.E. McMahan

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this ² day of ^{December}, 19⁷⁶.
J. J. McMahan, Notary Public.
My commission expires ^{July 1}, 19⁸⁰.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Orville H. Roberts Donnelly, ID has on November 12, 1976 submitted Application No. 65-7717 for a permit to appropriate .4 cubic feet per second of water from a spring by means of gravity flow within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26 T16N-R3E B.M., Valley County to be used from Apr 15 to Oct 15 for Irrigation of 29 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 35 T16N-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 Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before December 13, 1976.

R. Keith Higginson
Director

Published in the Star News,
McCall, ID on Nov. 25 & Dec. 2,
1976

OK
12-8-76
[Signature]

RECEIVED
DEC 6 1976

Department of Water Resources
Western Regional Office

MICROFILMED

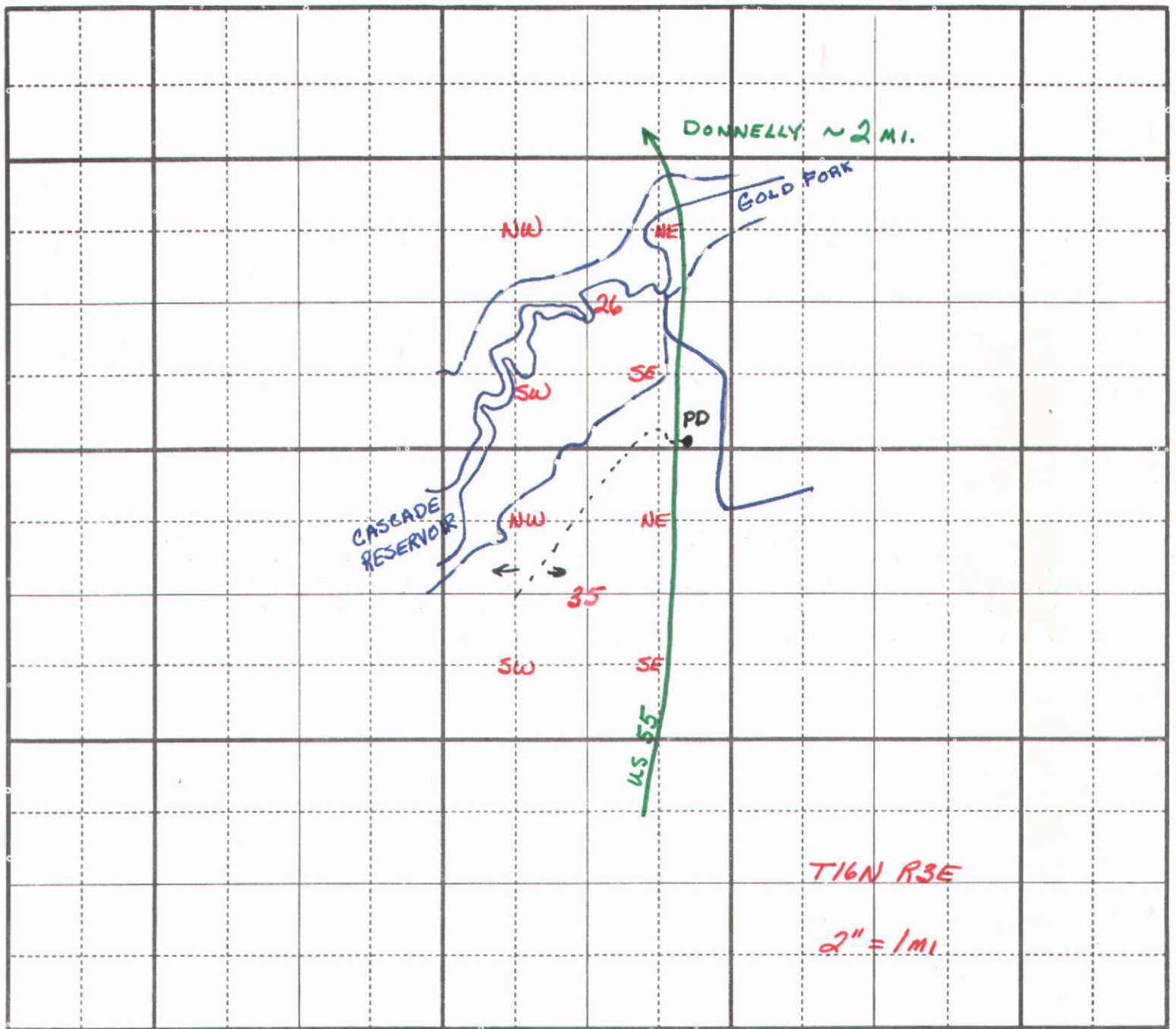
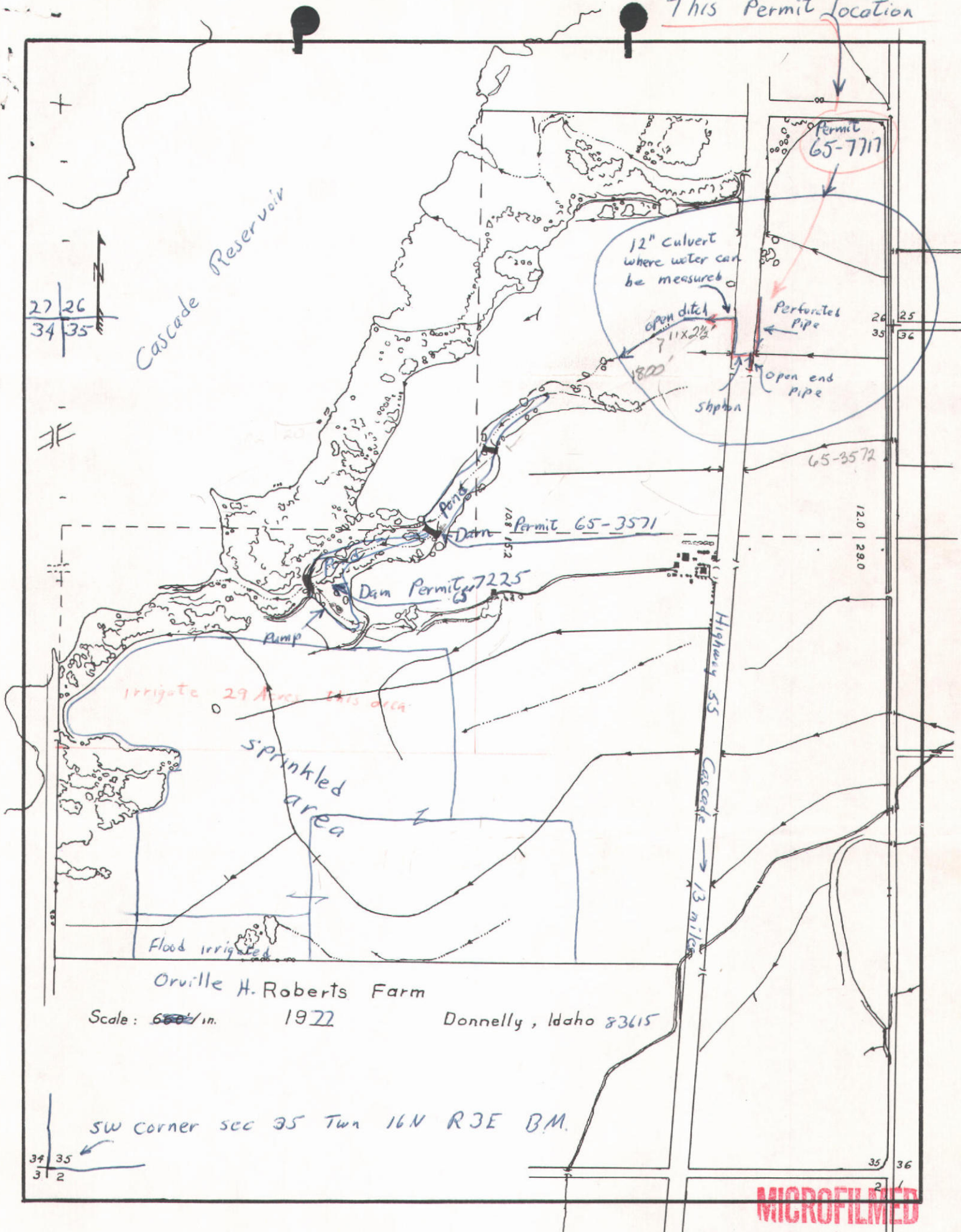


Diagram of System

This Permit location



Scale: ~~600'~~ 1 in.

1922

Donnelly, Idaho 83615

SW corner sec 35 Twn 16N R3E B.M.

MICROFILMED

65-7717

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-7717 Priority November 12, 1976 Amount 0.40 cfs

THIS IS TO CERTIFY, that ORVILLE H. ROBERTS
of Donnelly, ID, has complied with the terms and conditions of Permit
No. 65-7717 issued pursuant to Application for Permit dated November 12, 1976,
and has submitted proof to the Department of Water Resources on January 5, 1978,
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 1.05 cfs of water from a spring,
tributary to Payette River, 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
Irrigation	from <u>April 15</u> to <u>October 15</u>	at <u>0.40</u> cfs and	<u>116</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 0.40 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
116 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp. 16N,
Rge. 3E, B.M., in the County of Valley

Description and location of place of use:

Twp	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16N	3E	35							19	10									29

Total number of acres irrigated 29

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 31 day of
August, 19 79

Director

Identification No. _____

Application No. 65-7717

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Orville H. Roberts Phone: 325-8772
post office address Donnelly, ID 83615
- 2 Source of water supply Spring which is a tributary of Payette
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 16N
Range 3E B M. Valley County; additional points of diversion if any _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes
Amount .4 for Irrigation purpose from Apr 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated.
a .4 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works
a. Description of ditches, flumes, pumps, headgates, etc. Gravity flow

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
c Proposed well diameter is _____ inches, proposed depth of well is _____ feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years
b Estimated construction cost is \$ _____
- 8 Description of proposed uses:
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____
(2) Amount of power to be generated _____ hp 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 _____
(5) If water is to be used for other purposes describe _____

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

TWP	RANGE	SEC	NE 1/4				NW 1/4				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	
16N	3E	35							19	10									29

Total number of acres to be irrigated 29

c Describe any other water rights used for the same purposes as described above. Gold Fork Irrigation Company

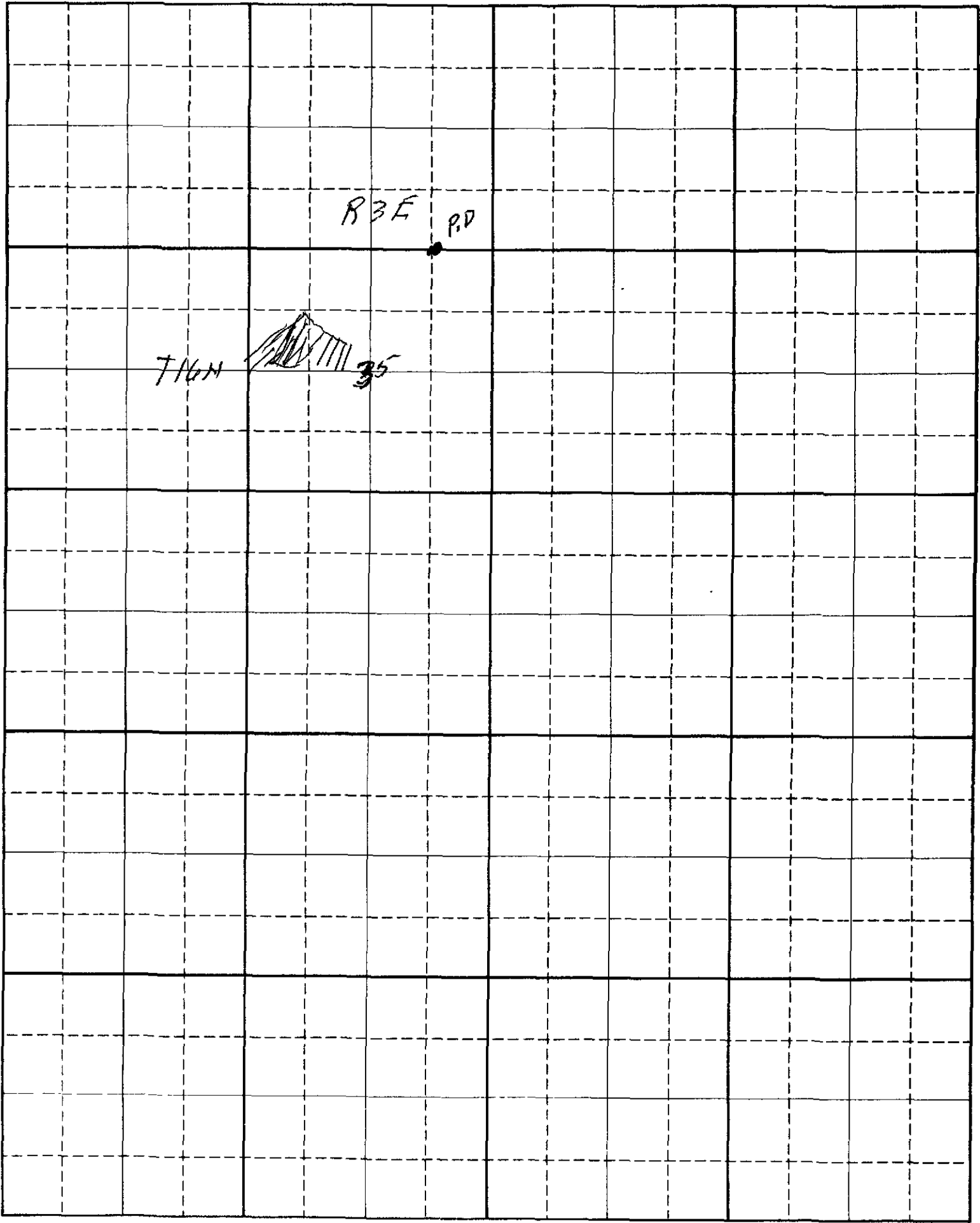
9 a. Who owns the property at the point of diversion Applicant

b Who owns the land to be irrigated or place of use U.S.B.R.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant Lessee from U.S.B.R.

10 Remarks Applicant Lessee from U.S. B.R. This water will be used with irrigation company water.

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.

Oswell H. Roberts
(Applicant)

Proposed Priority 11-12-76

Received by gkn Date 11/12/76 Time 5:00 PM
Preliminary check by R.H. Fee \$ 10.00 Additional 15.00 # 6037 25.00 fee required
Receipted by mf Date 10-29-76 # 6037
Publication prepared by mf Date 11-16-76
Published in Star News
Publication dates 11-26-76 : 12-2-76
Publication approved mf Date 12-8-76
Priority reduced to _____ Reason _____

Protests filed by _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

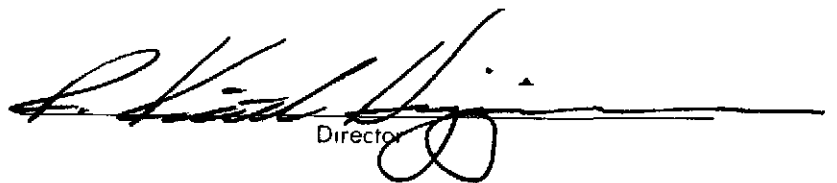
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 65-7717, and said application is hereby APPROVED.

1 Approval of said application is subject to the following limitations and conditions

- a SUBJECT TO ALL PRIOR WATER RIGHTS.
- b Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 78.
- c Other. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2 Denial of said application is for the following reasons _____

Witness my hand this 8 day of January 19 77.


Director

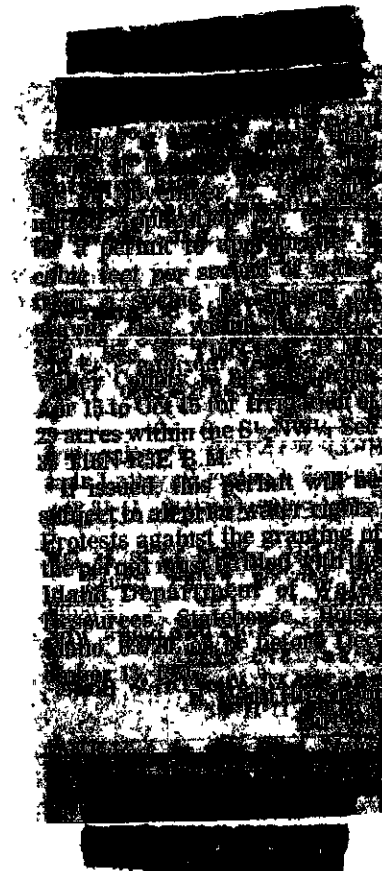
PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and 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 ^{November 25} ~~December 2~~, 19⁷⁶ ~~75~~, and ended

D. E. McMahan

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 2 day of December, 19⁷⁶.
Janet J. McMahan, Notary Public.
My commission expires February 1, 1980.



OK
12-8-76
[Signature]

MICROFILM



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

September 11, 1979

Orville H. Roberts
Connelly, Idaho 83615

Dear Mr. Roberts,

RE: Permit No. 65-7717

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

Sincerely,

Jean Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

Orville Roberts

3. Water will be used for the following purposes.

4. Total amount to be appropriated.

Max Rate of Diversion 0.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion

Township 16N N/S, Range 3E E/W, B.M., Section 26, Subdivision SE 1/4 SE 1/4, Valley County

Township _____ N/S, Range _____ E/W, B M, Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M, Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions:

Description of diverting works: water flows by gravity into a perforated pipe and also into an openend pipe. These pipes join at a highway syphon, flow under the highway, then enters my ranch. It then flows about 1/4 mile to a storage pond where it is mixed with other water and released to another larger storage pond where the is pumped as needed into a sprinkler system for irrig.

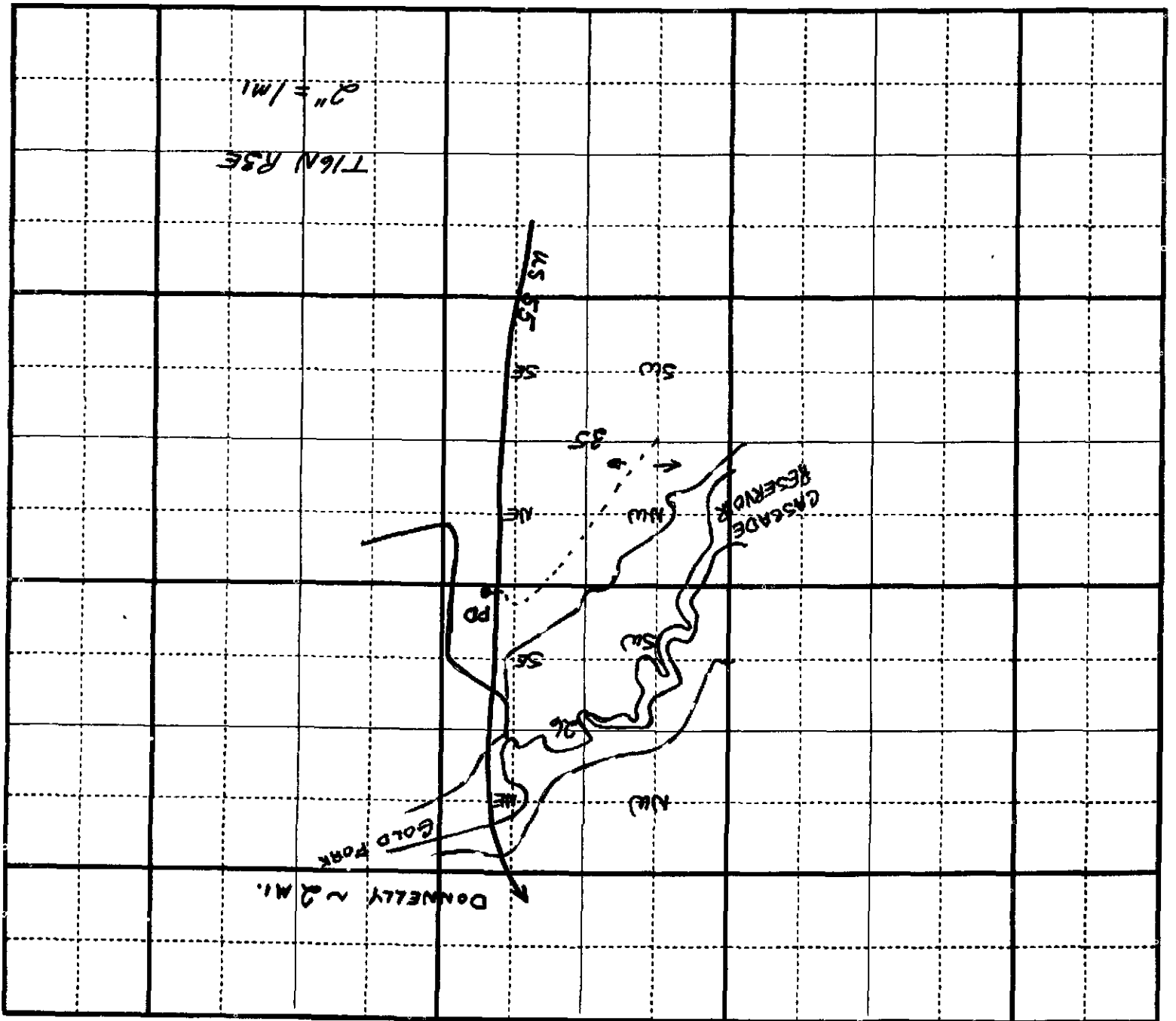
Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

29

Diagram of System



DATE OF EXAM 8-9-79

ACREAGE

Found 32 acres

Recommended 29 acres

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = .40 c.f.s. V = _____ AF/Ann. from 4-15 to 10-15

Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

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 1.05 cfs Method of measurement Pygmy Meter

Total Q recommended .40 cfs Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

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

MEASUREMENT CALCULATION:

See attached computer read out

SYSTEM DESCRIPTION:

Concrete collection box - 2 1/2' x 3' x 1 1/2' with an 8" and 12" input ports. ^{diameter}
Crosses highway through inverted 12" syphon

REMARKS:

Examiner's Signature Leida Lee Johnson Date 8-13-79

Checked by DBS Date 8-16-79

Approved by _____ Date _____

STATION	DISTANCE	DEPTH	TIME SEC	REVOLUTIONS
L.E.W. 5.3	0	0	0	0
4.5	.8	0.35	60	1
4.0	1.3	0.7	30	4
3.5	1.8	1.0	30	5
3.0	2.3	1.2	30	7
2.5	2.8	1.3	30	10
2.0	3.3	1.15	30	12
1.5	3.8	0.80	30	12
1.0	4.3	0.45	30	~~2~~ 3
REW. 0.5	4.8	0	0	0

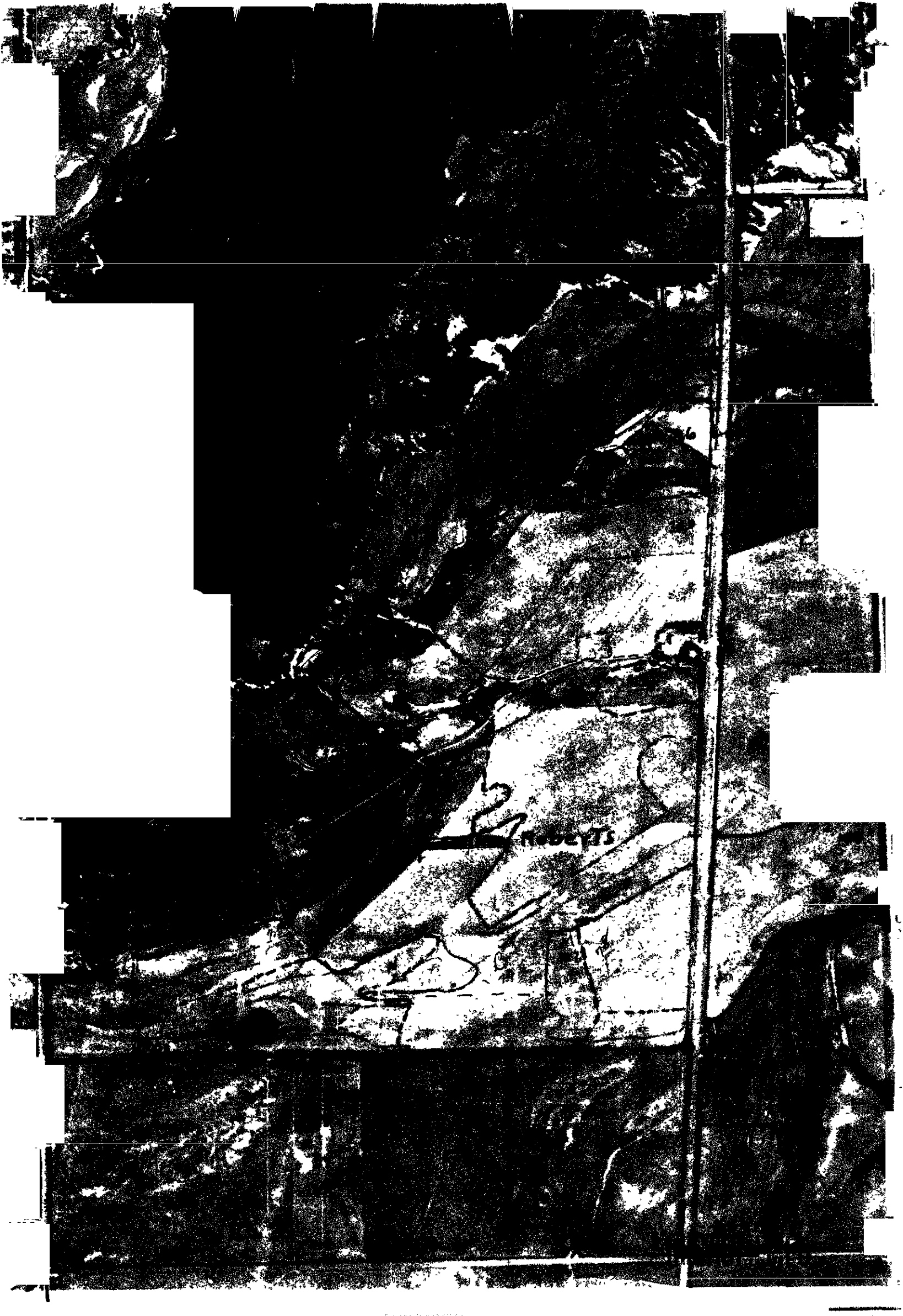
MEASUREMENT FOR ORVILLE ROBERTS

PAGE 1

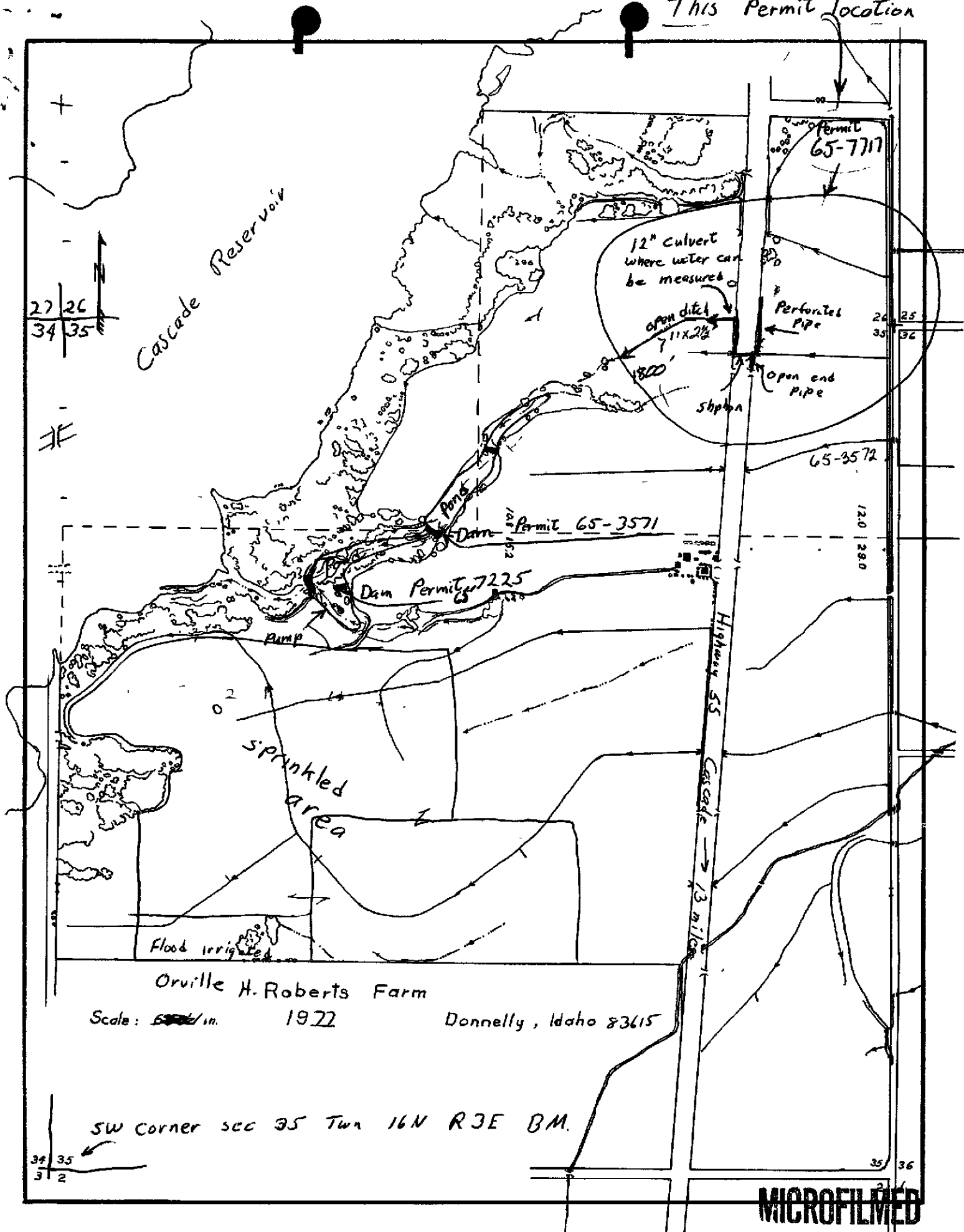
MEASUREMENT LOCATION US 55 APPROX. 2 MI. S. DONNELLY LEGAL DESCRIPTION SESE SEC 26 TWP 16N RNG 3E
 MEASURED BY L. JOHNSON ON 8-9-79 V = .956N + .046

DISTANCE FROM INITIAL POINT FEET	DEPTH FEET	AREA SQ FT	REVOLUTIONS	TIME SEC	VELOCITY FT/SEC	DISCHARGE CES
.000	.000	.000	0	.000	.000	.000
.500	.150	.763	1	60.000	.062	.023
1.100	.700	.350	4	30.000	.173	.061
1.500	1.000	.500	5	30.000	.205	.103
2.100	1.200	.600	7	30.000	.269	.161
2.800	1.300	.650	10	30.000	.365	.237
3.300	1.150	.575	12	30.000	.428	.246
3.800	.800	.400	12	30.000	.428	.171
4.100	.450	.338	7	30.000	.142	.048
4.800	.000	.000	0	.000	.000	.000
TOTALS		3.781				1.050

MICROFILMED



This Permit location



MICROFILMED

65-7717

January 17, 1978

Re: Permit No. 65-7717

Orville Roberts
Donnelly,
Idaho 83615

Dear Mr. Roberts:

We acknowledge receipt of the affidavit 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. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JAN 5 1977

Department of Water Resources
Western Regional Office

1. a) Name of Permit Holder Orville H Roberts
b) Post Office Address Donnelly, Idaho 83615
2. Permit Number 65-7717
3. Date of Priority that you are prepared to establish Nov. 12, 1976
4. a) Source from which water was appropriated Springs
b) Location of the point of diversion: SE 1/4 SE 1/4, Section 26
Township 16 N, Range 3 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.4 cfs for irrigation purposes from 4-15 to 10-15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.4 cfs cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: NA
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
Part of the diversion is in the highway right-of-way (State Highway 55 3 miles south of Donnelly, Idaho).
b) Describe the agreement or understanding by which you take water from the works: The 3rd District highway engineers allowed me to do what was necessary to collect the water. I cut down the ends of an inverted syphon, made a non-hazardous junction box, and added perforated and open-end pipe to collect this water.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Water flows by gravity into a perforated pipe and also ^{into} an open-end pipe. These pipes join at a highway syphon, flow under the highway, then enters my ranch. It then flows about 1/4 mile to a storage pond (65-3511) where it is mixed with other water and released to another larger storage pond (65-7225). From there it is pumped as needed into a sprinkler irrigation system.
b) Describe the type and size of measuring device which you have installed at your point of diversion: NA
- c) Give well driller's name and address and the date the well was completed: NA
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: NA

Sam T. Mott 1/17/78

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: This
water is added to my other permits (65-3571 & 65-7225) and is pumped
into a sprinkler system to irrigate the following.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16N	3E	3S							19	10									29

Total number of acres irrigated 29

10. Remarks: The water involved in this permit and permits no 65-3571 and 65-7225
are quite high in nitrates, phosphate, and organic matter and would add considerable
pollution to Cascade Lake were they not pumped back onto farmland by me. This
water is warmer than canal water which I think speeds crop growth.

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

January 4, 1978
(Date)

Dwight H Roberts
(Signature)

State of Idaho)
) ss.
County of Valley)

On this 4th day of January, 1978, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public
Notary Public residing at Cascade Idaho

My commission expires Nov 10 1979

November 30, 1977

CERTIFIED MAIL

138221

Re: Permit No. 65-7717

Orville H. Roberts
Donnelly, Idaho
83615

Dear Mr. Roberts:

One of the conditions of approval of your water Permit No. 65-7717 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1978. Enclosed is an affidavit form which must 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 affidavit 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.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

January 10, 1977

Re: Permit No. 65-7717

Orville H. Roberts
Donnelly, ID 83615

Dear Mr. Roberts:

Enclosed is a copy of your approved Application for Permit No. 65-7717. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

CONVERSATION MEMORANDUM

DATE 12-28-76FILE 65-7717NAME OF PARTY Dick Fuller (USBR)EMPLOYEE L. Glen Sayton

I talked to Dick Fuller today w/
regard to the Dec 22, 1976 letter from
Bob Brown (USBR).

I advised him that it was not
necessary for the USBR to make
the filing as stated in the last
paragraph of the USBR letter. I
simply pointed out that they
may ~~was~~ have wanted to
make the filing, however.

Dick Fuller said they had
no objection to our issuance
of the permit. FZ

RECEIVED



United States Department of the Interior

BUREAU OF RECLAMATION
CENTRAL SNAKES PROJECT OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702

IN REPLY
REFER TO 400

December 22, 1976

RECEIVED

DEC 24 1976

Mr. L. Glen Saxton, P.E.
State of Idaho
Department of Water Resources
Western Region
92 South Cole Road
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

Dear Mr. Saxton:

Please refer to your letter of December 14, 1976, concerning an Application for Permit submitted by Mr. Orville H. Roberts for the irrigation of 29 acres at Cascade Reservoir owned by the Bureau of Reclamation.

As you know, several years ago the State Engineer filed a proceeding in the District Court of the Third Judicial District of the State of Idaho, in and for the County of Gem, Civil No. 3667, asking for a general adjudication of the surface and ground waters of the Payette River Drainage Basin. Notice of the proceedings was filed on the United States and in response thereto, the United States' Attorney on behalf of the United States filed a notice of claim, a copy of which is attached. You will notice under claim II, paragraph 5, on page 3 of the document, a priority date of December 24, 1937, is claimed for the irrigation of 150,000 acres, adjacent to and below Cascade Reservoir in Valley, Boise, Gem, Payette, Washington, Canyon and Ada Counties.

In view of the foregoing, we do not believe it necessary for the United States to file an Application for Permit on the 29 acres. If you do not concur or have other questions concerning this matter, please advise.

Sincerely,

Bob Brown

Project Superintendent

Enclosure



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND GROUND)
WATERS OF THE PAYETTE RIVER)
DRAINAGE BASIN)

Civil No. 3667

NOTICE OF CLAIM OF THE UNITED STATES
OF AMERICA TO WATER RIGHTS

Claim I

1. The United States claim reserved rights appurtenant to those lands known as Boise and Payette National Forests for the use of such water as has been and will be reasonably necessary to carry out the purpose of the reservations. The claim is based upon reservations created as follows:

- (a) Presidential Proclamation of May 25, 1905.
- (b) Presidential Proclamation of May 29, 1905.
- (c) Presidential Proclamation of June 3, 1905.
- (d) Presidential Proclamation of November 6, 1906.
- (e) Presidential Proclamation No. 1552 dated
December 27, 1919.
- (f) Public Law 228 of the 73rd Congress, dated
May 17, 1934.

The several proclamations by the Presidents of the United States listed above were made pursuant to the authority granted in the Creative Act of March 3, 1891, as amended.
26 Stat. 1103, 16 U.S.C. 471.

When these lands were reserved for national forest use, the unappropriated waters in and on such lands were withdrawn from private appropriation as against the United States and were reserved for use on such land by the United States to the extent necessary for the requirements and purposes of said reservation.

2. The United States claim rights in and to the use of so much of the waters in and on lands of the national forest located within the Payette River Drainage Basin above described as is or may become necessary for the requirements and purposes of the said national forest reserves having priority dates of the dates the lands were withdrawn for national forest use.

Claim II

The United States makes further claim to waters as follows:

✓ 3. Pursuant to the License and Certificate of Water Rights in the State of Idaho, Idaho Water License No. 15162, with a priority date of May 14, 1921, a claim of 1300 cubic feet per second for development of power at the Black Canyon Dam.

✓ 4. Pursuant to the Application for Permit No. R-23521 filed on December 31, 1926, and issued as Idaho permit R-403 for the storage of 163,000 acre-feet of water for irrigation and power development in Deadwood Reservoir and at Black Canyon Dam which was issued January 16, 1942.

✓ 5. Under License and Certificate of Water Right, Idaho Water License No. R-646 for 700,000 acre-feet with a priority date of December 24, 1937, of the water of the North fork of the Payette River for irrigation and power for use of lands adjacent to and below Cascade Reservoir for 150,000 acres of land in Valley, Boise, Gem, Payette, Washington, Canyon and Ada Counties, issued on November 7, 1962.

✓ 6. Under License and Certificate of Water Right, Idaho Water License No. 18720 with a priority date of September 19, 1938, for 1,200 cubic feet per second for the irrigation of 53,200 acres contained within the Black Canyon irrigation District and diverted at Black Canyon Dam.

7. Based upon its prior appropriation by development and use of water sources on federal lands, the United States claims the following rights to the use of waters on lands of the public domain within the Payette River watershed administered by the Bureau of Land Management for grazing purposes:

(a) Project #1286 (E-1-582) Squaw Butte Water Hole 1 located at NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, T. 8 N., R. 1 W., date of estimate

April 19, 1954; Date of completion, April 30, 1954; Water Filing D-1034 in the amount of 2 acre feet.

(b) Project #1288 (I-1-590), Squaw Butte Waterhole 2 located at SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 8 N., R. 1 W., date of Estimate, April 19, 1954; Date of Completion, April 27, 1954; Water filing D-51033 in the amount of 2 ac. ft.

(c) Project #1295 (I-1-593), Hackett Spring, located at NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 8 N., R. 1 W., Date of Estimate, April 28, 1954; Date of Completion, April 30, 1954; Water Filing D-1035 in the amount of 0.005 sec. ft.

(d) Project #1705 (I-1-898), Squaw Butte Stock Water located at NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, T. 8 N., R. 1 W., and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T. 8 N., R. 1 W., Water Filing D-1299 and D-1301 in the amount of 1 acre foot; Date of Estimate, November 1, 1958; Date of Completion, November 15, 1958.

(e) Project (I-1-975) Cruickshank Wells located at SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, T. 7 N., R. 4 W., water filing D-1350 in the amount of 1.37 miners inches; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 6 N., R. 4 W., Water filing D-1349 in the amount of 1.47 miners inches; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T. 7 N., R. 4 W., Water filing D-1348 in the amount 1.4 miners inches; Date of Estimate, September 28, 1959; Date of Completion, October 9, 1959.

(f) Project 1821 (I-1-1017) Jerusalem Spring Dev. located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 8 N., R. 4 E., Date of Estimate, September 16, 1959; Date of Completion, September 17, 1959 in the amount of 0.1 sec. ft.

(g) Project 889 (I-1-315) Pitt Reservoir located at NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T. 8 N., R. 1 W., Date of Estimate, May 20, 1963; Date of Completion, July 10, 1963; Water filing R-1137 in the amount of 17 acre-ft.

(h) Project 1180 (I-1-517) Swander Spring located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 8 N., R. 1 E., Date of Estimate, December 7, 1964; Date of Completion, January 6, 1965 in the amount of 0.11 sec. ft.

(i) Project (I-1530) Squaw Butte Spring Maint. located at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T. 7 N., R. 1 W., Date of Estimate, November 23, 1966; Date of Completion, December 12, 1966 in the amount of 0.11 sec. ft.

(j) Project 1454 (I-1-R-714) Lookout Reservoir located at SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 8 N., R. 1 W., Date of Estimate, December 6, 1966; Date of Completion, December 8, 1966 in the amount of 0.15 acre feet.

(k) Project 1458 (I-1-R-716) East Fork Reservoir located at NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T. 8 N., R. 1 W., Date of Estimate, December 12, 1966; Date of Completion, December 14, 1966 in the amount of 0.15 acre feet.

(l) Project 1459 (I-1-R-717) Upper Corral Spring located at NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, T. 8 N., R. 1 W., Date of Estimate, December 2, 1966; Date of Completion, December 9, 1966 in the amount of 2 gallons per minute.

(m) Project 1460 (I-1-R-718) Lower Corral Crk. Spring located at NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T. 8 N., R. 1 W., Date of Estimate, November 25, 1966; Date of Completion, December 2, 1966 in the amount of 2 $\frac{1}{2}$ gallon. per minute.

(n) Project 1461 (I-1-R-719) Bristol Spring located at NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, T. 8 N., R. 1 W., Date of Estimate, November 15, 1966; Date of Completion, November 23, 1966 in the amount of 3 gallons per minute.

8. United States makes further claims of water for domestic uses for which no permit has been obtained or is needed as follows:

A. A well at Black Canyon Dam in Lot 1, Sec. 22, T. 7 N., R. 1 W., B. M.; 4" casing, 120' deep. 365'

B. Well at Black Canyon Dam in Lot 9, Sec. 22 T. 7 N., R. 1 W., B. M.; 4" casing, 110' deep. 750 gals/day - domestic -

C. Well at Black Canyon Dam in Lot 9, Sec. 22, T. 7 N., R. 1 W., B. M.; 3" casing, 83' deep. 500 gallons per day - domestic

D. Well at C-line pumping plant in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 6 N., R. 3 W., B. M.; 4" casing. 254' deep 300 gal. hr. 3 hours place 1200 gal

E. Spring at Deadwood Dam in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 11 N., R. 7 E., B. M. 1500 Gallons per day - domestic -

F. Well at Cascade Reservoir in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 16, T. 16 N., R. 3 E., B. M.; 106' deep. 12,000 gals per day, domestic (50 gals per inch) 210 casing

SIDNEY E. SMITH
United States Attorney

By: _____

STUART B. SCHENBERG
Attorney, Department of Justice

Attorneys for United States

50
1210
50
104
200 cts

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-7717

☒ 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 ^{\$10 paid needed additional \$15.10}

Pre-permit exam *Perked*
Adjudication Claim
Dam Construction
Papers Sent

(1) 6hs 11/12/76

(2) f 12-14-76

(3) _____

(4) 6hs 11/12/76

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

(11) rf OK

(12) f _____

(13) _____

(14) _____

In form to receipt

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management
☒ Bureau of Rec
Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

In form for advertising

Platted on Map No. _____

Located within Water District No. _____

Critical groundwater area: yes _____ no _____

Groundwater levels: N/A

Declining, _____ Stable, _____ Increasing

(comment) _____

Other rights on the same place of use

Comments: _____

Affidavit of Publication received(date) 12-8-76

Final date for protests 12-13-76

Protests received: yes _____ no x

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

Action recommended:

☒ Approve _____ Deny

Proposed Priority

Reason for Reduction _____

NO Measuring device required

R/W clause
See attached sheet for other conditions of approval

No special conditions for approval

(15) District W

By JH Date 12-28-76

December 14, 1976

Re: Application for Permit 65-7717
Orville H. Roberts

Mr. Bob Brown
Bureau of Reclamation
214 Broadway
Boise, ID 83706

Dear Mr. Brown:

Enclosed is a copy of an Application for Permit submitted by Mr. Roberts for the irrigation of 29 acres apparently owned by the Bureau of Reclamation.

On the surface, it would appear that applications for water rights should be in the name of the land owner, in this case the U. S. Bureau of Reclamation. Note that the application could be assigned by Roberts to the Bureau of Reclamation.

It is conceivable that thru a lease agreement with the U. S. Bureau of Reclamation an individual can not develop a water right without the Bureau's approval.

Since there are several potential solutions to the problem, if in fact there is a problem. This office would appreciate a response from the U. S. Bureau of Reclamation concerning the application at your earliest convenience.

If you have further questions, please contact this office.

Sincerely,

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

LGS:rf

Enc.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2190

R. Keith Higginson
Director

November 17, 1976

65-7717

RE: Notice of Application for Water Permit - SEE ATTACHED SHEET

The Star News
Box 985
McCall, ID 83638

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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 in 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."

Sincerely,

(Signature of Claimant)

Bill submitted
12-8-76
y

Published in the Star News on November 25, 1976, and December 2, 1976

65-7717 - Orville H. Roberts

65-7732 - Lester &/or Ella Mae Downing &/or Ray &/or Gladys Davis

65-7733 - Dennis &/or Earl R. Davis

65-7734 - J.K.M.R. Association

65-7735 - Chester A. &/or Leona &/or Leon Brownlee

65-7739 - James H. &/or Susan M. Olson

65-7747 - Earl C. &/or Helen E. Vanover

65-7746 - Wagonwheel Hideout

65-7736 - Robert M. &/or Betsy Gudmundsen

65-7737 - A. Duane &/or Virginia L. Smith

65-7738 - Richard &/or Mary B. Hormaechea

65-7740 - Floyd F. &/or Dimple F. Post

65-7741 - Gleen Hillhouse

65-7742 - Olindo or Gail Marchi

65-7743 - Robert J. Conway

65-7744 - Merle L. or Claudie R. Newell

65-7745 - Richard D. Rutledge

77-7058 - Rex E. Lanham

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Orville H. Roberts
Donnelly, ID
has on November 12, 1976 submitted Application No. 65-7717
for a permit to appropriate .4 cubic feet per second ~~acre feet~~
~~per annum~~ of water from a spring
by means of gravity flow
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26 T16N-R3E B.M., Valley County

to be used from Apr 15 to Oct 15
for Irrigation of 29 acres
within the S1NW $\frac{1}{4}$ Sec 35 T16N-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 Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before December 13, 1976.

R. KEITH HIGGINSON

Director

Published in the Star News, McCall, ID
on November 4 25, 1976 and December 2, 1976

RECEIVED
NOV 17 1976

November 2, 1976

Re: Application for Permit to
appropriate public waters

Mr. Orville H. Roberts
Donnelly, Idaho 83615

Dear Mr. Roberts:

When you filed your Application for Permit you were charged a \$10 filing fee by the gentleman who assisted you. He should have collected a \$25 fee rather than \$10, so if you will please send us an additional \$15 we can process your application.

I am sorry for any inconvenience our mistake may have caused you.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:lp