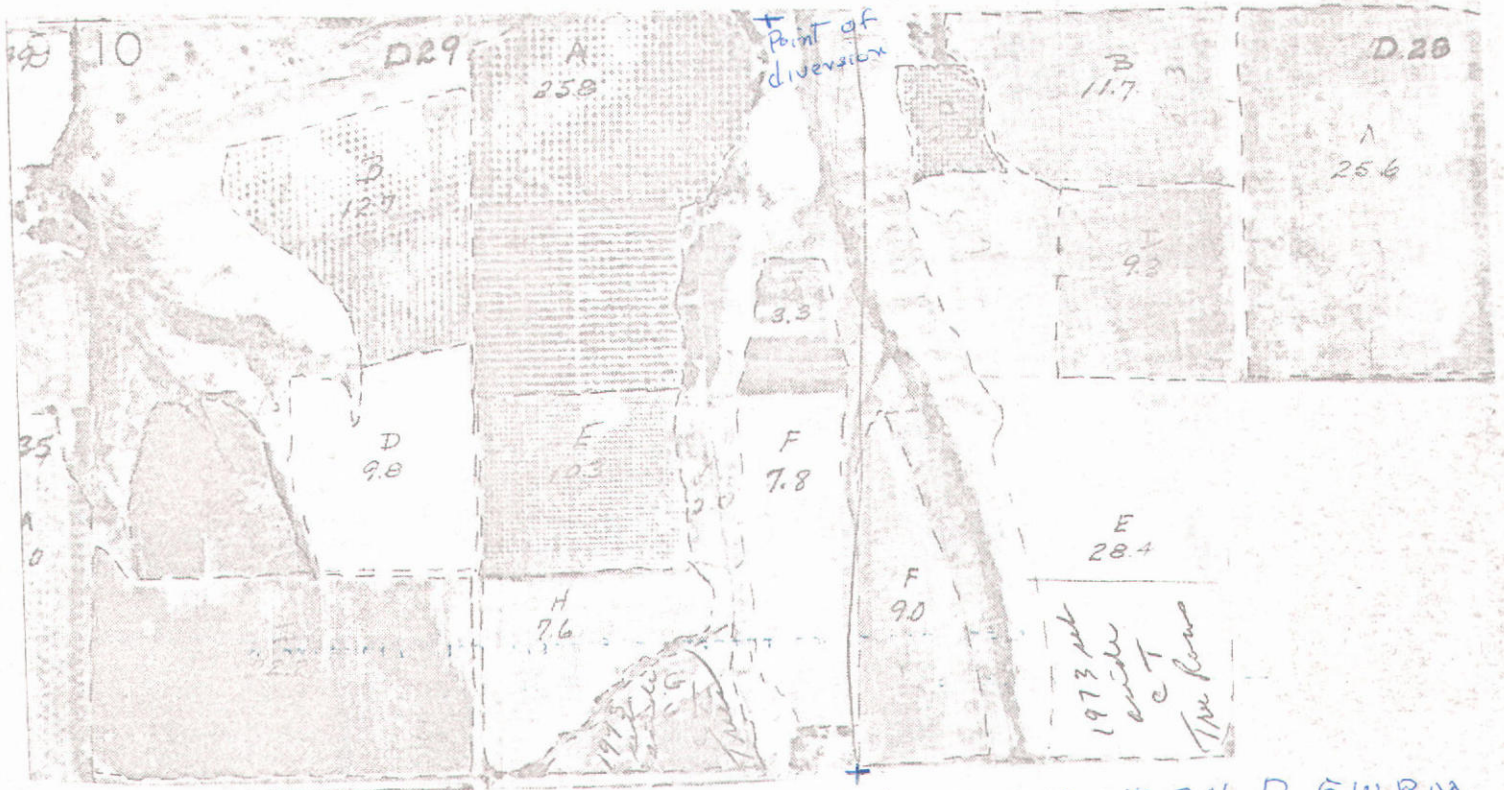


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Center of S. 10 T. 7 N., R. 5 W. B. M.

Lands water to be used upon.

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.

Dutton Sumner Sr.
(Applicant)

Nº 5286

RECEIVED

APR 26 1976

Department of Water Resources

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

I, Mary Jane Lee, being duly sworn,
deposes and says:

That she is the principle clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
published at Payette, in the County of Payette and State
of Idaho that said paper has been and is in general cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; that the advertisement, a copy of which is attached
hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire
issue of said paper during the period and time of publica-
tion, and was published in the newspaper proper and not
a supplement; that said paper has been established and
regularly published for more than seventy-eight consecu-
tive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with
April 1, 1976, and ending
with the issue of April 7, 1976

Fee \$ 13.68

Subscribed and sworn to before me this 23rd day
of April, 1976

Notary Public, Residing at Payette, Idaho,

My Commission Expires 3-1, 1980

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
DALTON J. SURMEIER SR.
&-or DONNA J. SURMEIER
Fruitland, ID has on March
24, 1976 submitted
Application No. 65-7609 for a
permit to appropriate 2.0
cubic feet per second of
water from Little Whitley
Gulch trib. to Snake River by
means of pump and pipeline
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 10
T7N-R5W, B.M., Payette
County to be used from
January 1 to December 31
for orchard bloom delay and
frost protection and from
April 1 to October 31 for
irrigation of 270 acres within
the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ Sec 10, T7N-R5W, 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 April 19, 1976.

R. KEITH HIGGINSON

Director

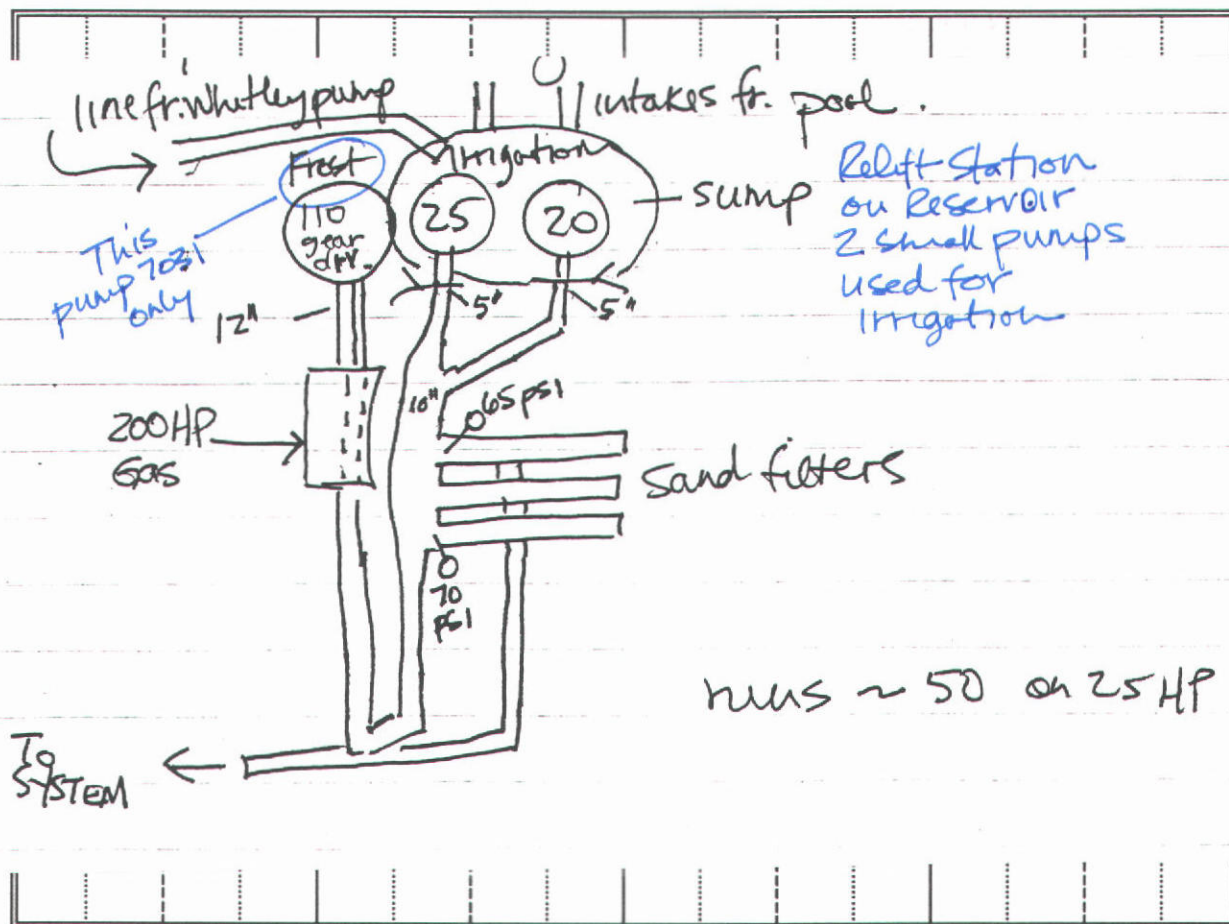
Published in the
Independent Enterprise,
Payette, ID on April 1, 1976
and April 8, 1976.

No. 5286

4-1-2tc

OK
4-26-76
RB

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1. Whitley Gulch	W/K	10		W/K	
2 a) Res.	GE	20	PSJ887864	Cornell	Centrif 3"
2 b) pumps.	GE	25	GEJ305374	"	"

*Code to correspond with No. on map and aerial photo

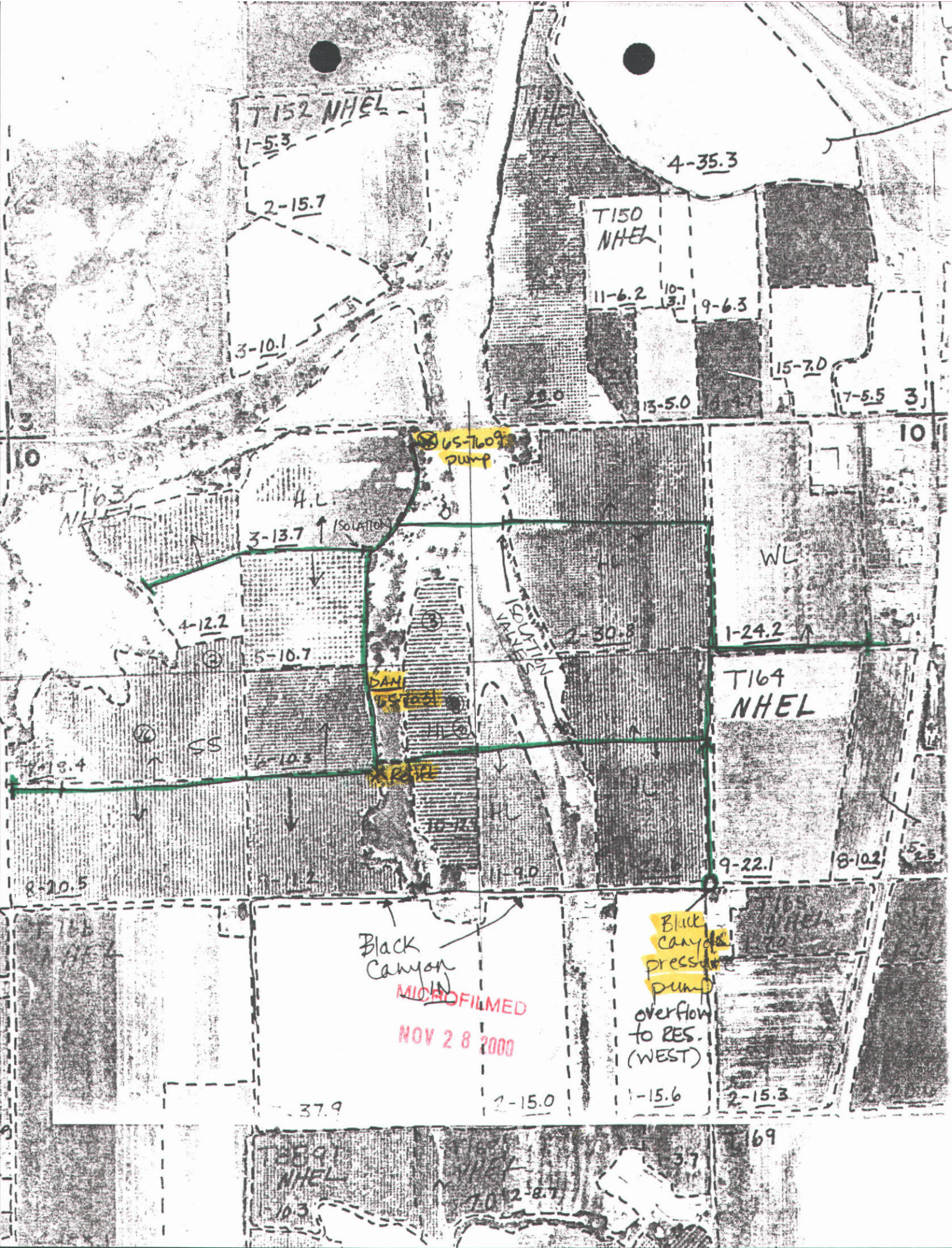
D. FLOW MEASUREMENTS

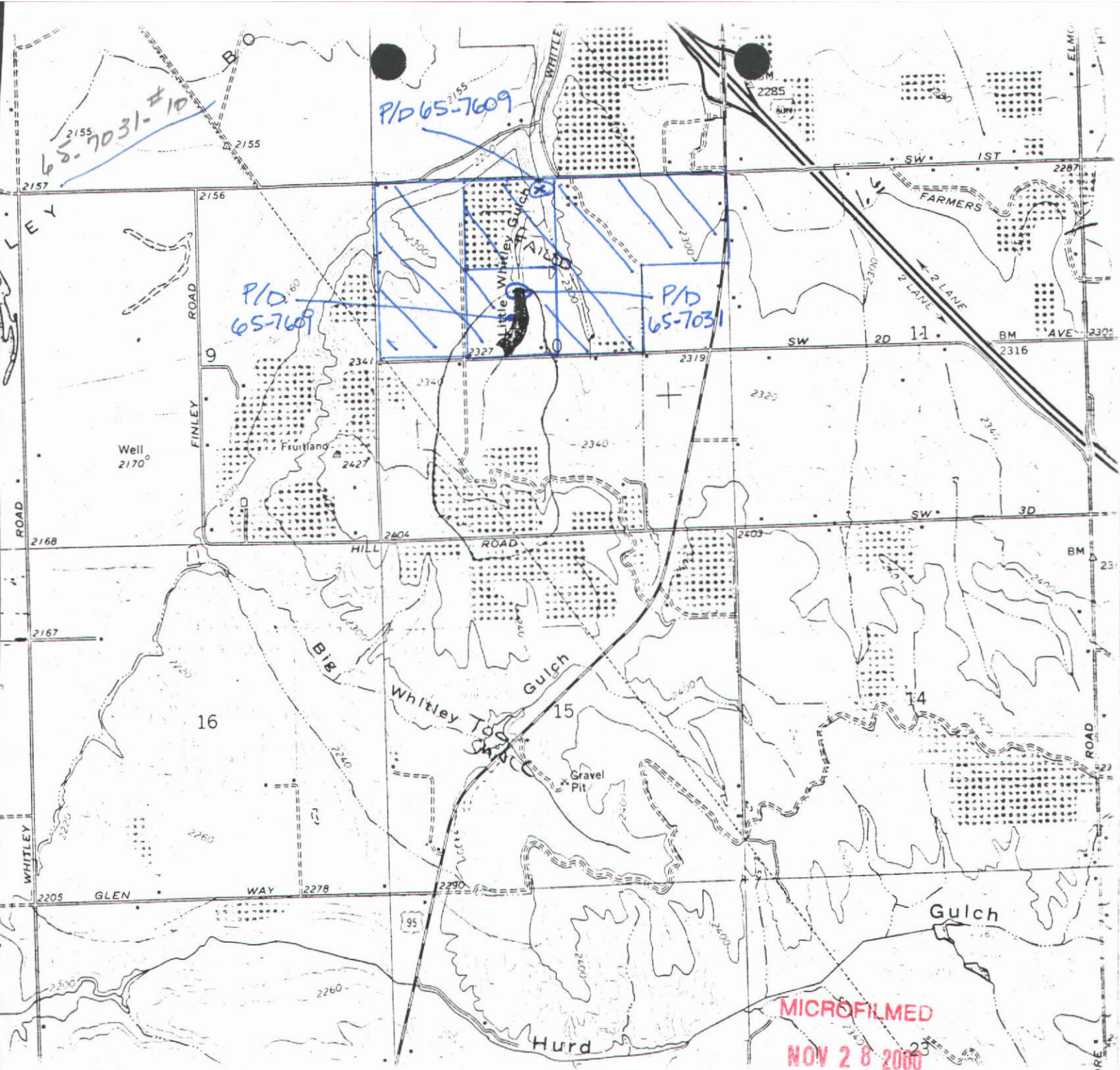
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Used theoretical for relift pumps (my nozzle gage non-op) Manifold pressure 65-70 PSI on 25HP pump only. A meas. was taken for the Whitley Gulch pump several yrs ago by Rob Whitley - timed fill into Sprinkler tank.

MICROFILMED







P/O in
L. Whitley Gulch
mainlines runs
up hill (west)
behind pump



P/n in NENW
S10 being
operated off
Whitley pump
(licensed under
65-2565)

MICROFILMED
NOV 28 2000

65-7609



MICROFILMED
NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 13, 1982

Dalton J. & Donna J. Surmeier
Rt. 1 Box 215
Fruitland, ID 83619

Re: 65-7609

Dear Customers:

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

A examiner will contact you in the future.

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,

Judy Pense

Judy Pense
Secretary

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07609

Priority: February 12, 1978

Maximum Diversion Rate:

0.25 CFS

Maximum Diversion Volume:

54.2 AF

This is to certify, that DALTON J SURMEIER
DONNA J SURMEIER

1610 SW 2ND AVE

FRUITLAND ID 83619

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 24, 1976; and has submitted Proof of Beneficial Use on April 7, 1981. An examination indicates that the works have a diversion capacity of 1.900 cfs of water from:

LITTLE WHITLEY GULCH

tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.20 CFS	45.0 AF
COMMERCIAL	01/01 to 12/31	0.25 CFS	9.2 AF
	Totals	0.25 CFS	54.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 10, Township 07N, Range 05W
SENW , Sec. 10, Township 07N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 05W 10	NENE 24	NWNE 31	SWNE 32	
	NENW 27	NWNW 14	SWNW 37	
	SENE 32			197

Total number of acres irrigated: 197

PLACE OF USE:

COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 65-02565, 65-05893, 65-07031 and 65-07609 when combined shall not exceed the irrigation of 197 acres.
3. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

MICROFILMED

MAY 23 2000

State of Idaho
Department of Water Resources

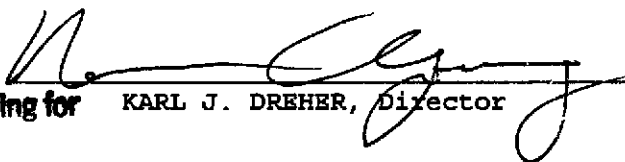
Water Right License

WATER RIGHT NO. 65-07609

CONDITIONS OF APPROVAL AND REMARKS

4. Rights 65-02565, 65-07031 and 65-07609 when combined shall not exceed a total diversion rate of 1.90 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, and the irrigation of 197 acres.
5. Rights 65-02565 and 65-07031 are also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this 21st day of NOVEMBER, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
NOV 28 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07609

Date of Priority: February 12, 1978 Maximum Diversion Rate: 0.25 CFS
Maximum Diversion Volume: 54.2 AF

Comes now DALTON J SURMEIER
DONNA J SURMEIER

1610 SW 2ND AVE
FRUITLAND ID 83619

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-07609, and requests that the permit be changed as follows:

Source: LITTLE WHITLEY GULCH tributary to SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.20 CFS	45.0 AF
COMMERCIAL	01/01 to 12/31	0.25 CFS	9.2 AF
	Totals	0.25 CFS	54.2 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 10, Township 07N, Range 05W
SENW , Sec. 10, Township 07N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 05W 10	NENE 24	NWNE 31	SWNE 32	
	NENW 27	NWNW 14	SWNW 37	
	SENW 32			197

Total number of acres irrigated: 197

PLACE OF USE:

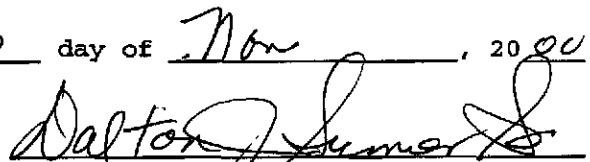
COMMERCIAL, same as IRRIGATION use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 20 day of Nov, 2000.

MICROFILMED

MAY 28 2000


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07609

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50. Received by KW # C050198 Date 8/22/2000

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07609 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 65-02565, 65-05893, 65-07031 and 65-07609 when combined shall not exceed the irrigation of 197 acres.
3. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
4. Rights 65-02565, 65-07031 and 65-07609 when combined shall not exceed a total diversion rate of 1.90 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, and the irrigation of 197 acres.
5. Rights 65-02565 and 65-07031 are also diverted through the points of diversion described above.

Witness my hand this 21st day of NOVEMBER, 2000.

Acting for 
KARL J. DREHER, Director

MICROFILMED

NOV 28 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
65-07609 IN THE NAME OF)
DALTON J. &/or DONNA J. SURMEIER)
_____)

**ORDER ADVANCING THE
DATE OF PRIORITY**

WHEREAS, on June 25, 1987, the Department sent the permit holder an Examination Fee Notice informing him that he had 60 days to submit the required examination fee, and,

WHEREAS, Section 42-217, Idaho Code, provides that the Department may lapse a permit for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner; and,

WHEREAS, on July 15, 1988, the permit holder submitted the examination fee. The fee was 325 days late, but the Department did not issue an order advancing the priority date;

IT IS, THEREFORE, HEREBY ORDERED that the priority date of Permit No. 65-07609 be advanced to February 12, 1978.

DATED this 29th day of June, 2000


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
NOV 28 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 65-7609

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

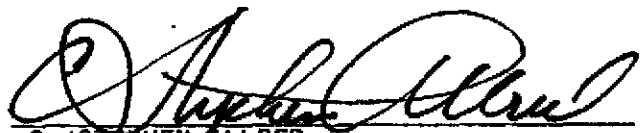
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED
1980

Identification No. _____

Application No. 125-7609

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)

- / Senior
- 1 Name of applicant Dalton J. &/or Donna J. Surmeier Phone 452-4294
post office address Route 1, Box 215 Fruitland, ID
- 2 Source of water supply Little Whitley Gulch which is a tributary of Snake River
- 3 a Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 7N
Range 5W B.M. Payette 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 2.0 for Irrigation purpose from 4/1 to 10/31 (both dates inclusive)
(cfs or acre feet per annum) orchard bloom delay & frost protection
Amount 2.0 for _____ purpose from 1/1 to 12/31 (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 2.0 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works.
a Description of ditches, flumes, pumps, headgates, etc. pump & pipeline to pond

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 5 years
b Estimated construction cost is \$ _____
- 8 Description of proposed uses
a If water is **not** for irrigation Same as 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 Bloom delay & frost protection for
orchards

RECEIVED

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	5W	10	30	40	40		40	40	40	40									270

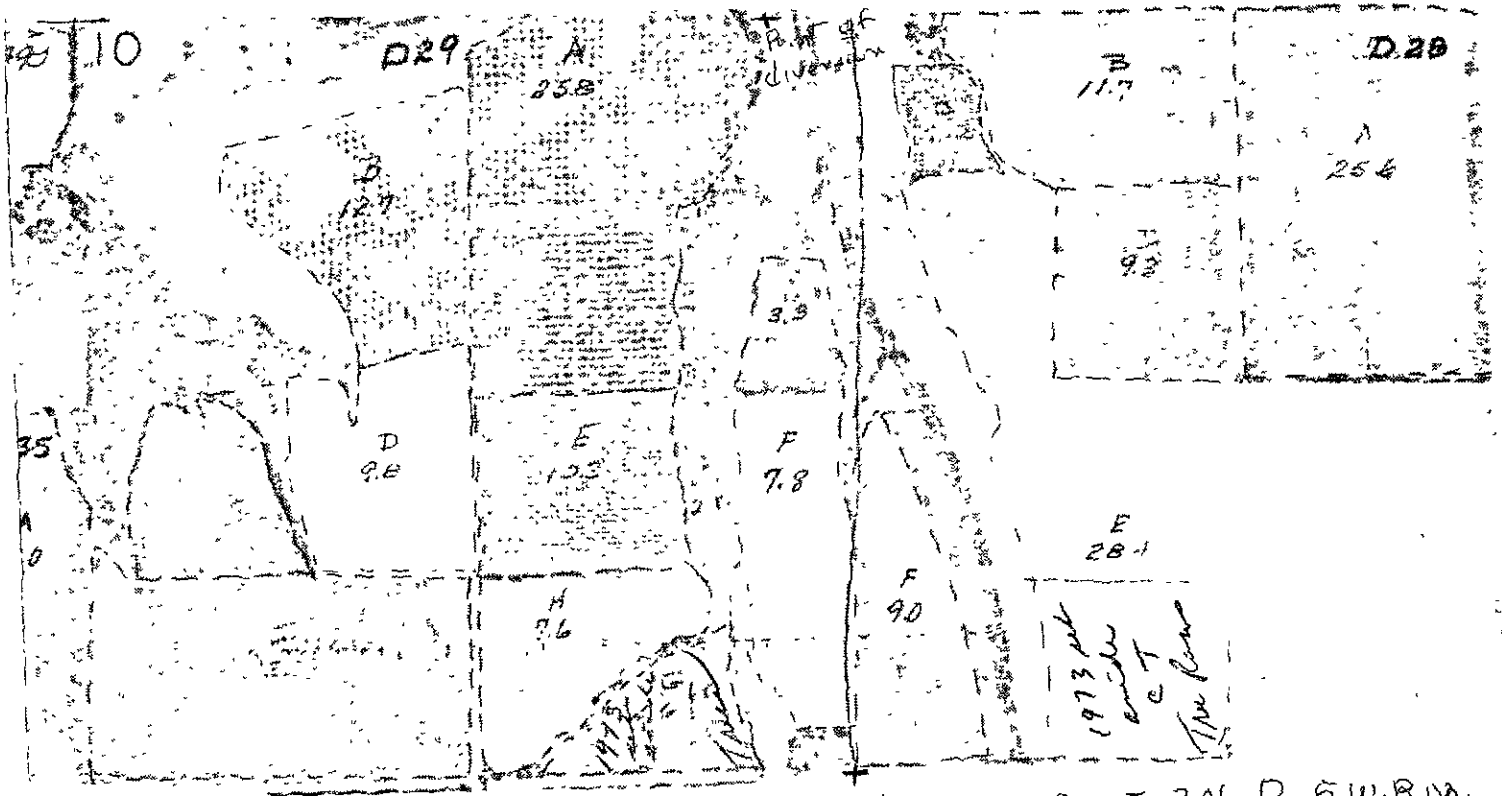
Total number of acres to be irrigated 270

c Describe any other water rights used for the same purposes as described above.
65-2565 & 65-7031

- 9 a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
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 Water will be pumped from north side of my property into existing pond or pumped directly into system, as needed for above uses.

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



Lands water To be used upon.

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

Dutton J. Sumner Jr.
(Applicant)

Proposed Priority 3-24-76
Received by RWH Date 3-24-1976 Time 4:15 P.M.
Preliminary check by RWH Fee \$ 35.00
Receipted by RB Date 3-24-76 # 3698
Publication prepared by W Date 3-25-76
Published in Payette Enterprise
Publication dates April 1 + 8
Publication approved RB Date 4-26-76
Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by JHJ DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

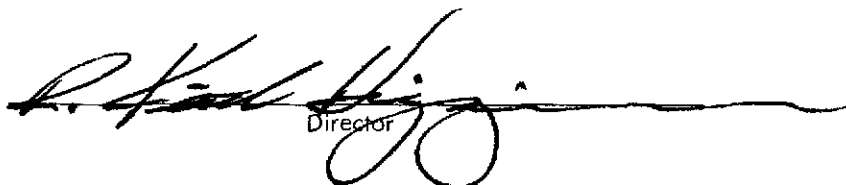
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 65-7609, and said application is hereby APPROVED.

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 June 1, 19 81.
- c. Other A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2 Denial of said application is for the following reasons _____

Witness my hand this 4 day of June, 19 76.


Director

RECEIVED

Nº 5286

APR 28 1976

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

I, Mary Jane Lee, being duly sworn,
deposes and says:

That she is the principle clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
published at Payette, in the County of Payette and State
of Idaho that said paper has been and is in general cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; that the advertisement, a copy of which is attached
hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire
issue of said paper during the period and time of publica-
tion, and was published in the newspaper proper and not
a supplement; that said paper has been established and
regularly published for more than seventy-eight consecu-
tive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with
April 1, 1976, and ending
with the issue of April 7, 1976

Fee \$ 13.68

Subscribed and sworn to before me this 23rd day
of April, 1976

Notary Public, Residing at Payette, Idaho

My Commission Expires 3-1, 1980

OK
4-26-76
RB



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

November 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-07609

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

NOV 28 2000

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 65-07609

DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 28 2000

**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).

NOT REFILED

JUN 28 2000

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.

MEMORANDUM

DATE: September 25, 2000

TO: Norm Young

FROM: Shelley W. Keen *SWK*

RE: Season of use for storage

Kay and I need your guidance on determining the season of use for the irrigation storage on 65-07031. The permit indicated storage from 11/15 to 4/1. I interpret this to mean the period during which they are actively filling the reservoir, not the period during which they are passively holding the water within the reservoir. You asked about year round storage, which is occurring, and we are tempted to list the season for irrigation as 1/1 to 12/31. However, this leads me to wonder how we actually define the "storage" season for on-stream reservoirs. Is it the period when the applicant may hold back flows to cause the reservoir to fill? Or is it the period when water may simply be in the reservoir, regardless of whether it is filling, draining, or remaining level? If it's the former, then it seems like we are allowing an expansion by changing the season to 1/1 to 12/31. If it's the latter, then how do we make clear on the right that the reservoir can be full, but not filling, during the rest of the year? I don't think the 1978 app. Processing memo is clear on this.

Shelley — 10/6/00
Lets talk about these
before further paper
work is undertaken.

Kay



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

November 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN &/OR DONNA SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: Water Right Permits 65-07031 and 65-07609

Dear Mr. and Mrs. Surmeier:

We have re-evaluated the licensing of these permits again. We have determined that the live flow from Little Whitley Gulch should have been included under your senior permit (65-07031) so the proposed licensing recommendations have changed. We have also included Right 65-02565 in the overlap conditions since it was found to be diverted from Little Whitley Gulch even though the Payette River Decree described the source as an unnamed stream. Once again I am enclosing licensing amendments that need to be signed and returned if you agree with these changes.

If you have any questions regarding the revision of the proposed licenses, please do not hesitate to call me. The phone number at my desk is (208)327-7944.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kay'.

KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED
NOV 28 2000

AUG 22 2000

State of Idaho
Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 65-07609

Maximum Diversion Volume: 774.2 AF

DONNA J SURMEIER

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-07609, and requests that the permit be changed as follows:

tributary to SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	1.90 CFS	765.0 AF
COMMERCIAL	01/01 to 12/31	0.25 CFS	9.2 AF
	Totals	1.90 CFS	774.2 AF

NENW , Sec. 10, Township 07N, Range 05W
SENW , Sec. 10, Township 07N, Range 05W
PAYETTE County

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
07N	05W	10	NENE	24	NWNE	31	SWNE	32	
			NWNW	14	SWNW	37	SEnw	32	170

Total number of acres irrigated: 170

COMMERCIAL, same as IRRIGATION use

MICROFILMED

NOV 28 2006

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 22 day of AUGUST 2000.

2 day of August 2000
* Nathan Palmer
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07609

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50. Receipted by kw # C050198 Date 8/22/2000

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07609 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 65-02565, 65-05893, 65-07031 and 65-07609 when combined shall not exceed the irrigation of 170 acres.

Witness my hand this _____ day of _____, 20____.

KARL J. DREHER, Director

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NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

July 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-07609

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

June 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-07609

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
NOV 28 2000

LICENSE REVIEW CHECKLIST

Permit No 65-07609 Date: 6-29-2000 Reviewer Kay Walker

Change/OK

Name/Address

change per proof, exam & exam fee sheet

Source

Point of Diversion

ok add

Does change clarify original intended source? If no, void permit.

Change (P39/P40) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s) 65-07031, 65-02565, 65-05893
File reviewed Profile reports printed *(see below exam)*

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 2.0 cfs

Fee Limit 2.0 cfs

Measured 1.9 cfs

Theoretical 1.9 cfs

Recommended Total Diversion Rate 1.9

Water Uses

Irrigation 1.9 cfs 76.5 af

Stockwater 0 cfs 0 af

Domestic 0.25 cfs 9.2 af

Comm 0.25 cfs 9.2 af

Total 1.9 cfs 74.2 af

Change (P46)

commercial use described on permit - allow irrig season 3/1 - 11/15
Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

1.9 cfs x 1 9835 x 260 days = 980 af (vs) 170 acres x 4.5 (FHR) = 765 af
10 x 4.5 = 45.0

Remarks: R65

Additional Conditions

☒ Watermaster Control

☒ GW Measurement/Measuring Device

☒ Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

water msmt. dist. gw dist.

Government Lots?

Advance Priority? ☒ yes

☐ no

If yes, explain why below

late exam fee submittal

SRBA Claim? yes

Adjust memo

Amend Letters P45 P87, S06

Second Amendment Notice P44 S06

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L6507031	T07N R05W S10 LITTLE WHITLEY GULCH																	
	→ storage water			18	32			27	14	37	32							160
6502565	UNNAMED ST							27										27
A6502565	UNNAMED ST							27										27
A650290021	LARGE CLAI	I		I		I		I		I		I		I		I		
6505893	WASTE WATE			30	31													61
A6505893	WASTE WATE			30	31													61
6506061	SPRING							02										2
A6506061	SPRING							02										2
6507031	UNNAMED ST							40	40	40	40							160
A6507031	UNNAMED ST							40	40	40	40							160
6507609	LITTLE WHI	30		40	40			40	40	40	40							270
A6507609	LITTLE WHI	30		40	40			40	40	40	40							270
L6507609	LITTLE WHI	24		31	32			14	37	32								170

→ live flow



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

June 30, 2000

KARL J. DREHER
DIRECTOR

DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

Re: Permit No. 65-07609

Dear Mr. and Mrs. Surmeier:

Enclosed is an Order advancing the Date of Priority for the referenced water right permit.

If you have any questions, you may contact either Glen Saxton or myself at (208)327-7900.

Sincerely,

A handwritten signature in cursive script, reading 'Deborah Drew-Ellis'.

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.
cc: Region

MICROFILMED
NOV 28 2000

CALCULATION OF NEW PRIORITY DATES LATE EXAM FEES

FOR PERMIT NO. 65-07609
 BY: Kay Walker
 DATE: 6-29-2000

	DATE	NUMBER OF DAYS (From Table of Days Between Two Dates)
A. EXAMINATION FEE NOTICE SENT	<u>6-25-87</u>	<u>176</u>
B. DATE FEE DUE (60 days)	<u>8-24-87</u>	<u>236</u>
C. DATE FEE RECEIVED	<u>7-15-88</u>	<u>196</u>
D. NUMBER OF DAYS LATE (C - B)	<u> </u>	<u>325</u>
E. ORIGINAL PRIORITY DATE (Check Reinstatement, etc)	<u>3-24-76</u>	<u>83</u>
F. NEW PRIORITY DATE (D + E)	<u>2-12-78</u>	<u>(365 + 43)</u>

REMARKS:

$$\begin{array}{r}
 365 \text{ days/yr} \\
 - 236 \\
 \hline
 129 \text{ days in '87} \\
 196 \text{ days in '88} \\
 \hline
 325 \text{ days late}
 \end{array}$$

$$\begin{array}{r}
 83(1976) \\
 + 325 \\
 \hline
 408 \\
 - 365(1977) \\
 \hline
 43(1978)
 \end{array}$$

MICROFILMED
NOV 28 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

RECEIVED
JUN 20 2000
DEPARTMENT OF WATER RESOURCES

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- N/A Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☒ yes ___ no If yes: ___ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
- ☒ Yes ___ No If yes: YES claim filed? (check AJ5, AJQ1, AJQ4)
- ☒ Copy of U.S.G.S. Quad
- ___ Check for Government Lots. If so, make a copy of government plat
- ☒ Check of P/D index DAN FOR C Hodges 4-17-00 (initial & date)
- Overlap ☒ yes ___ no If yes: ___ copy of exam(s) attached?*
- Type of Overlap: ☒ Same source ___ Other source
- ☒ Check of P/U index DAN FOR C Hodges 4-17-00 (initial & date)
- Overlap? ☒ yes ___ no If yes: ☒ copy of water right(s) attached?*
- Type of Overlap: ___ Same land, same source
- ☒ Same land, other source
- ___ Other land &/or other uses

*copies attached only if needed for analysis

N/A Irrigation from groundwater (all basins):

Surface water currently or previously used ___ Yes ___ No

If yes: identify water source, water right, and explain current or previous use.

___ Scheduling Letter Sent? ___ (initial & date)

___ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed Daniel A. Nelson 4-17-00 (signature of examiner & date)

Exam Sent to State Office 6-20-00 st (initial & date)

JUN 20 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-7609

1. Owner: Dalton J. &/or Donna J. Surmeier Phone No. 452-4294

Current Address: 1610SW 2nd Ave Fruitland ID 83619

2. Accompanied by: DAN & JOHN SURMEIER ^(Dalton) EXAM DATE: 5-7-97

Address: _____ Phone No. 452 3136 (DAN)

Relationship to Permit Holder: owners

3. Source: Little Whitney Gulch tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-7031, 2505, 5893

2. Other water rights with the same point of diversion: 105-7031

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

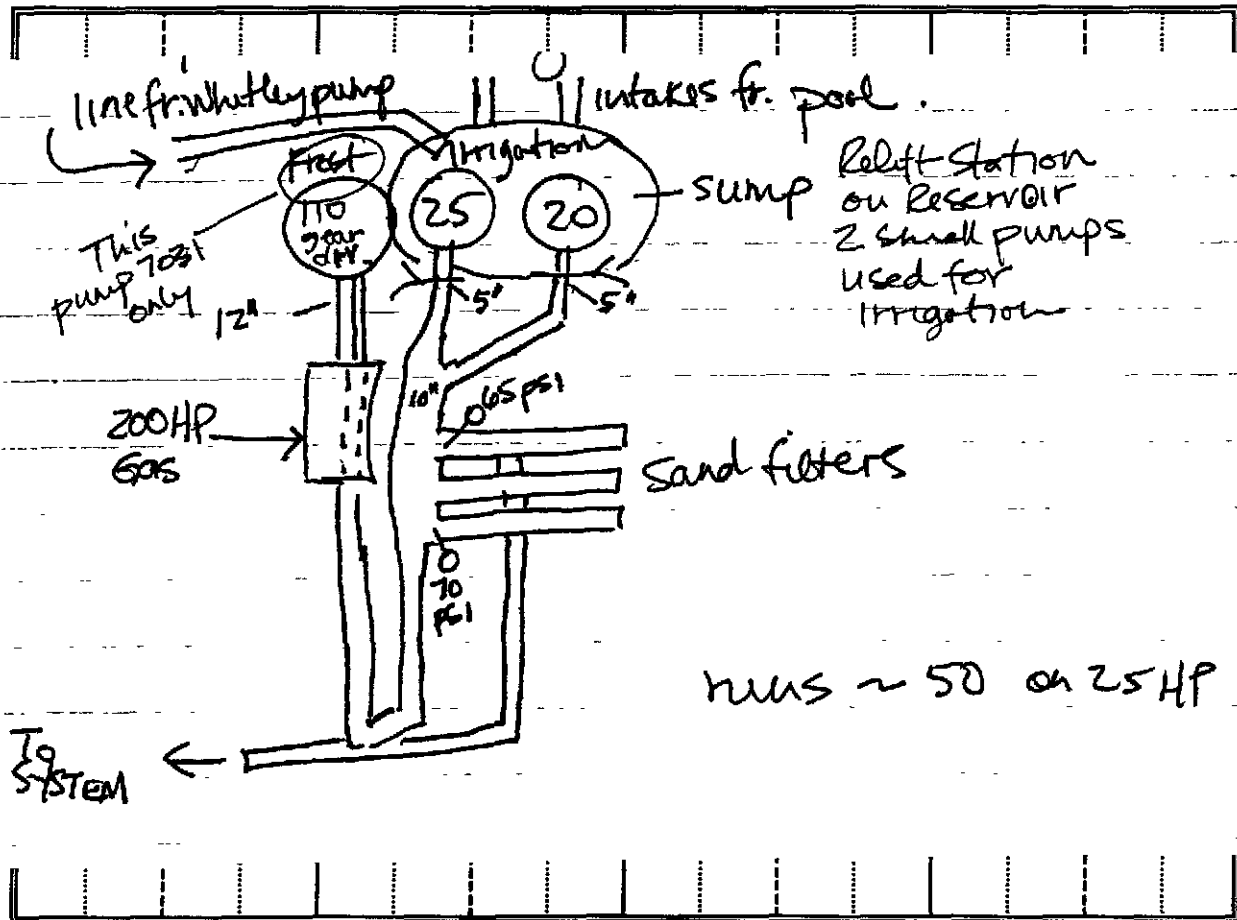
2. Place(s) of Use:

Indicate Method of Determination

[illegible]

NOV 28 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = NTS

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1. Whitley Gulch	W/K	10		W/K	
2 a) 200 Res.	GE	20	PSJ887864	Cornell	Centrif 3"
2 b) pumps.	GE	25	GEJ305374	"	"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Used theoretical for relift pumps (my nozzle gage non-op) Manifold pressure 65-70 psi on 25HP pump only. A meas. was taken for the Whitley Gulch pump several yrs ago by Rob Whitley - timed fill into Sprinkler tank

E. NARRATIVE/REMARKS/COMMENTS

A pump in Whitley Gulch plus a relief station in Surmeier Res. on Whitley Gulch serve a common system irrigating 197 acres of orchard and pasture. Res. is permitted under 65-7031. Second pump station has been utilized since res. was reconstructed in 1978. This permit also used for commercial purposes for filling spray tanks. This use will be added via permit amendment. Not all acres developed.

Overlaps: 65-7031 has same source (permit lists incorrect source) and is used for supplemental storage and regulation of Black Canyon Shares. The reservoir also catches some natural flow from Little Whitley Gulch and therefore the relief station may be considered as a P/D for natural flows as well as delivery of stored flows (see photo in 7031) 65-2565 decreed for 27 ac in NENW, originally from the Little Whitley pump. Those acres included on storage permit but deleted from this one.

Decree
States
unnamed
stream

65-5893 is waste water source in NE Sec 10. This water is diverted at the Black Canyon pickup pump in SWNE 10. See photo in 7031 and system map. Acres also have Black Canyon Shares.

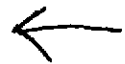
See also system map in 65-7031. Isolation valves within system allow operation of several distinct zones from various pump stations/sources.

This ^{permit} ~~right~~ was field examined by Cindy Hedges. Only the commercial use was calculated by Daniel A. Nelson.

Have conditions of permit approval been met? ☒ yes ☐ no

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NOV 28 2000



65-2565

Additional Computation Sheets Attached

Meas of Whitley Gulch pump: .25 cfs.

HP equation on Relief pumps: $\frac{45\text{HP} \times 8.8 \times .7}{(6 + (70 \times 2.31))} = 1.65 \text{ cfs}$

↓
mini lift

Total - 1.9 cfs

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 170 \times 4.5 = 765$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.9 \times 246 \times 1.9835 = 971$$

$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} = 765$$

2. Volume Calculations for Other Uses:

COMMERCIAL

$$(8 \text{ times/yr}) \times (100 \text{ tanks}) \times (500 \text{ gallons/tank}) = 400,000 \text{ gallons per year}$$

$$(400,000 \text{ gallons}) / (43560) = 9.2 \text{ AFA OF WATER USED FOR COMMERCIAL PURPOSES}$$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>3/15</u>	<u>11/15</u>	<u>1.9</u>	<u>765</u>
<u>COMMERCIAL</u>	<u>3/15</u>	<u>11/15</u>	<u>.25</u>	<u>9.2</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>	<u> </u>
Totals:	<u> </u>	<u> </u>	<u>1.9</u>	<u>774.2 cfa</u>

2. Recommended Amendments

Change P.D. as reflected above

✓ Add P.D. as reflected above

None

Change P.U. as reflected above

Add P.U. as reflected above

Other Change Nature of use

I. AUTHENTICATION

Daniel A. Nelson FOR C. Hodges.

Field Examiner's Name

Donald H. Nelson

Date _____

4-17-00

Reviewer

Date _____

MICROFILMED

SEAL

NOV 28 2000

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON

DATE: 4/17/2000

SUBJECT: COMMERCIAL USE FOR WATER RIGHT 65-07031

I contacted Donna Surmier on the above date to determine the extent of the commercial use for this permit. In this conversation Ms. Surmier informed me that the spray 7 to 8 times a year. Each time the spray they use approximately 100 – 500 gallon tanks. Therefore the commercial use would be as follows:

$(8 \text{ times/year}) \times (100 \text{ tanks}) \times (500 \text{ gallons/tank}) = 400,000 \text{ gallons per year}$

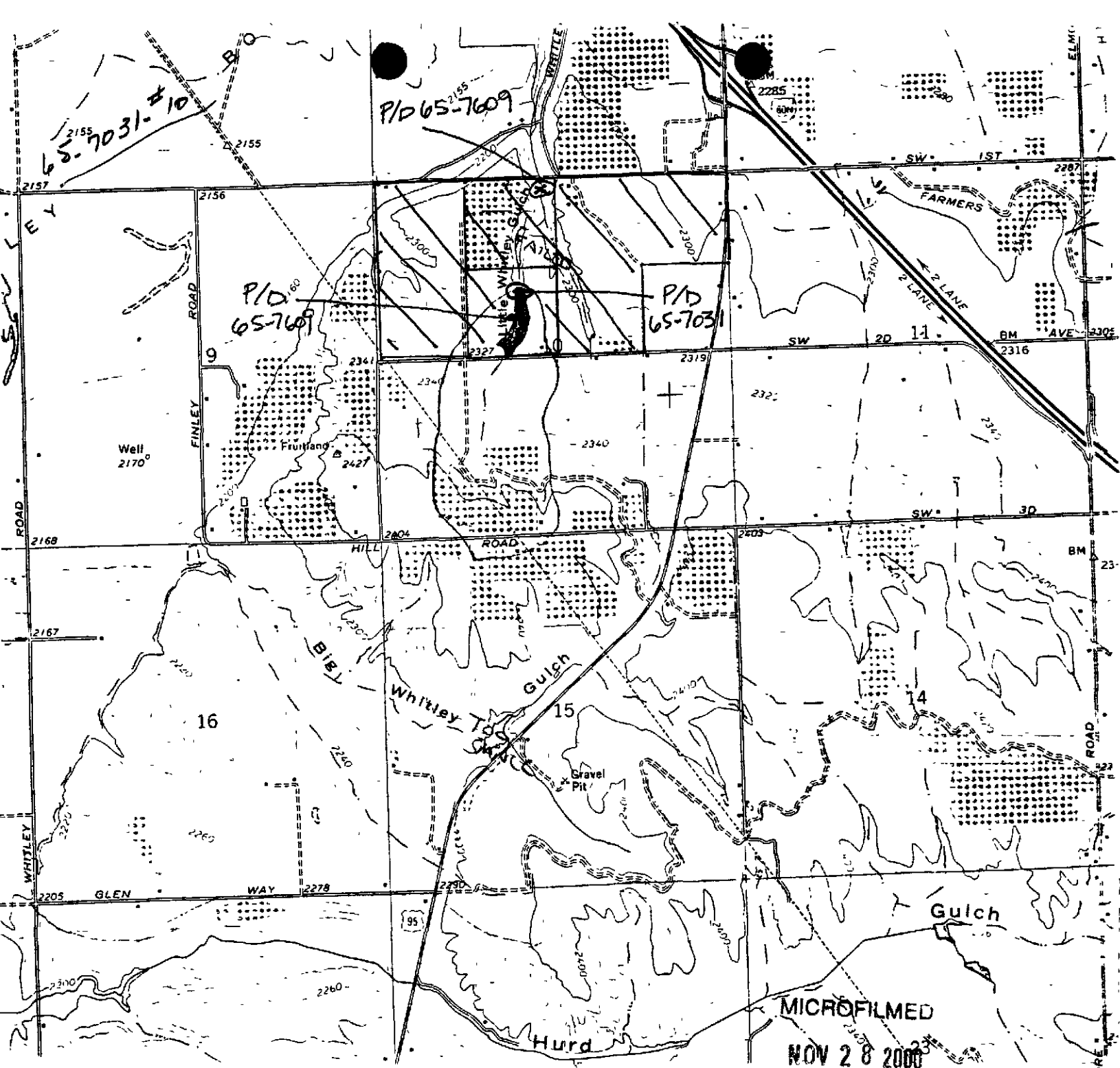
$(400,000 \text{ gallons}) / (43560) = 9.2 \text{ afa of water used for commercial purposes.}$

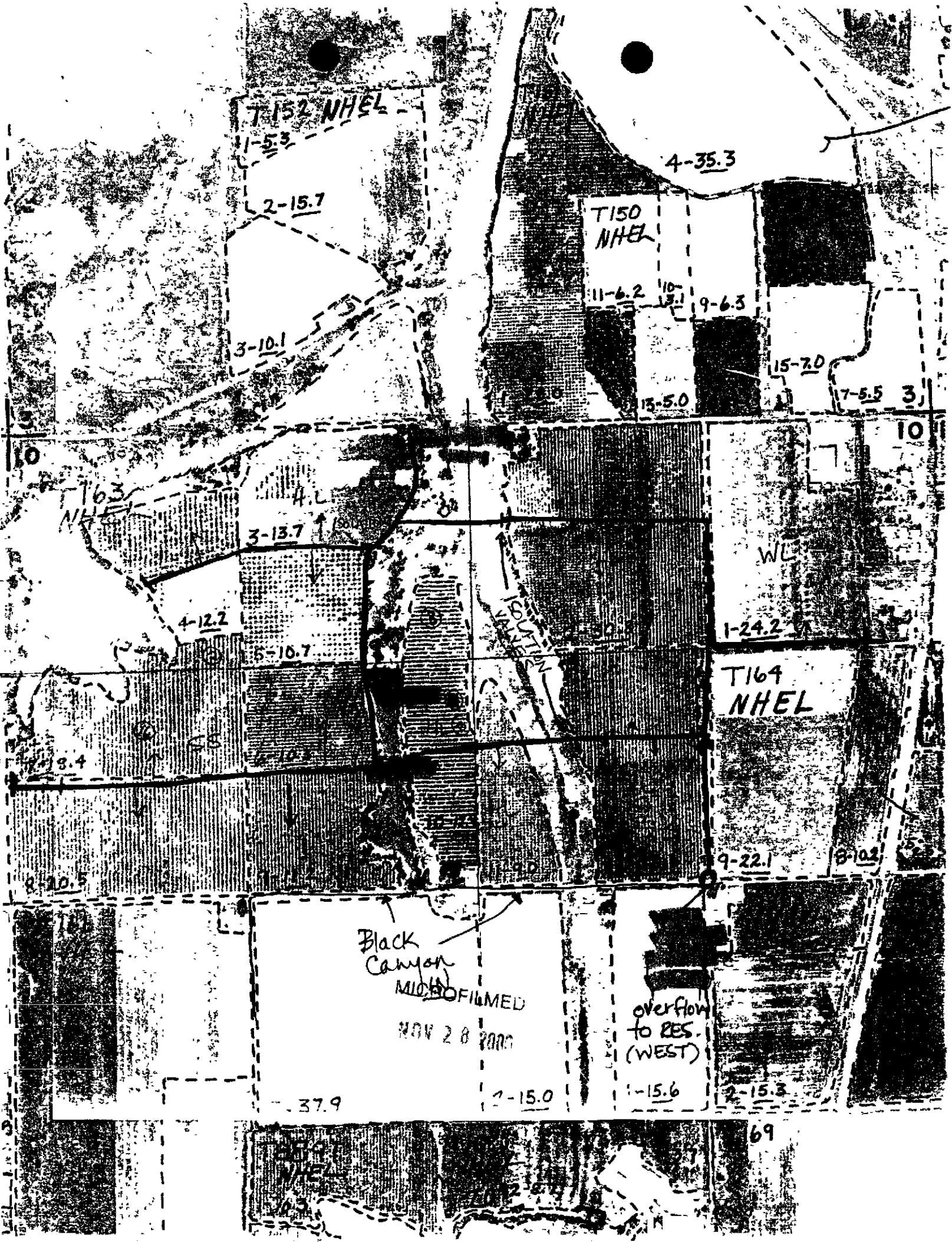
5-24-99

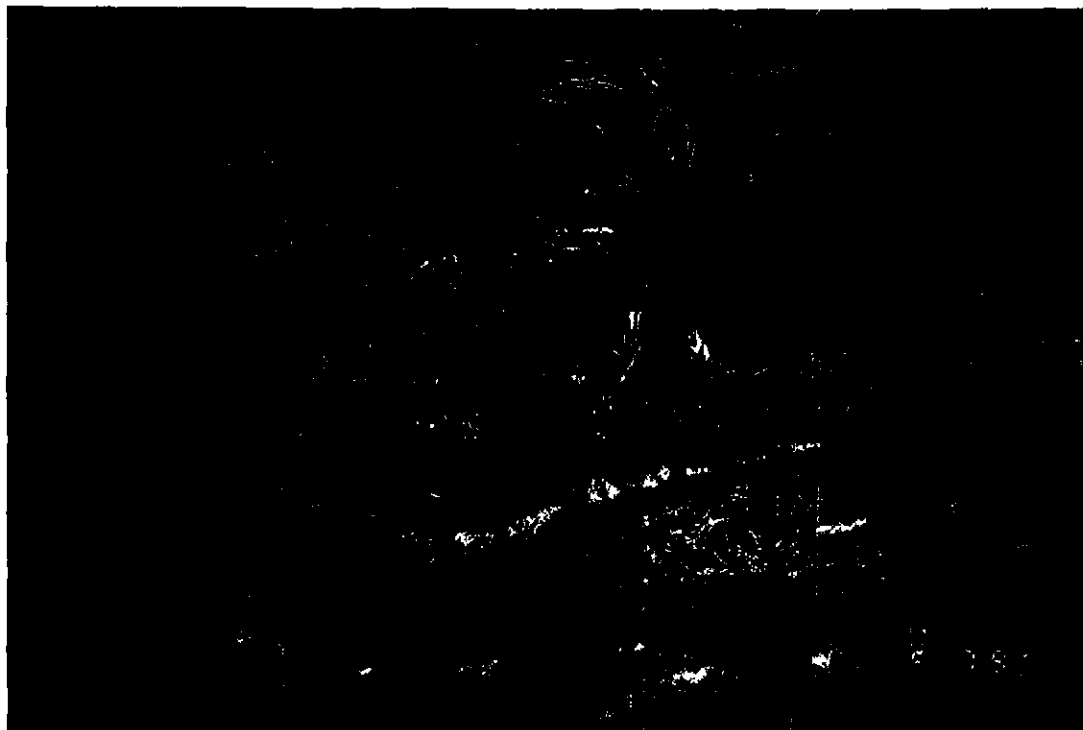
Lori/Dan - done
These both computed
except need a
commercial volume on
7031 - can do w/
phone call to John
Surmier cjh

MICROFILMED

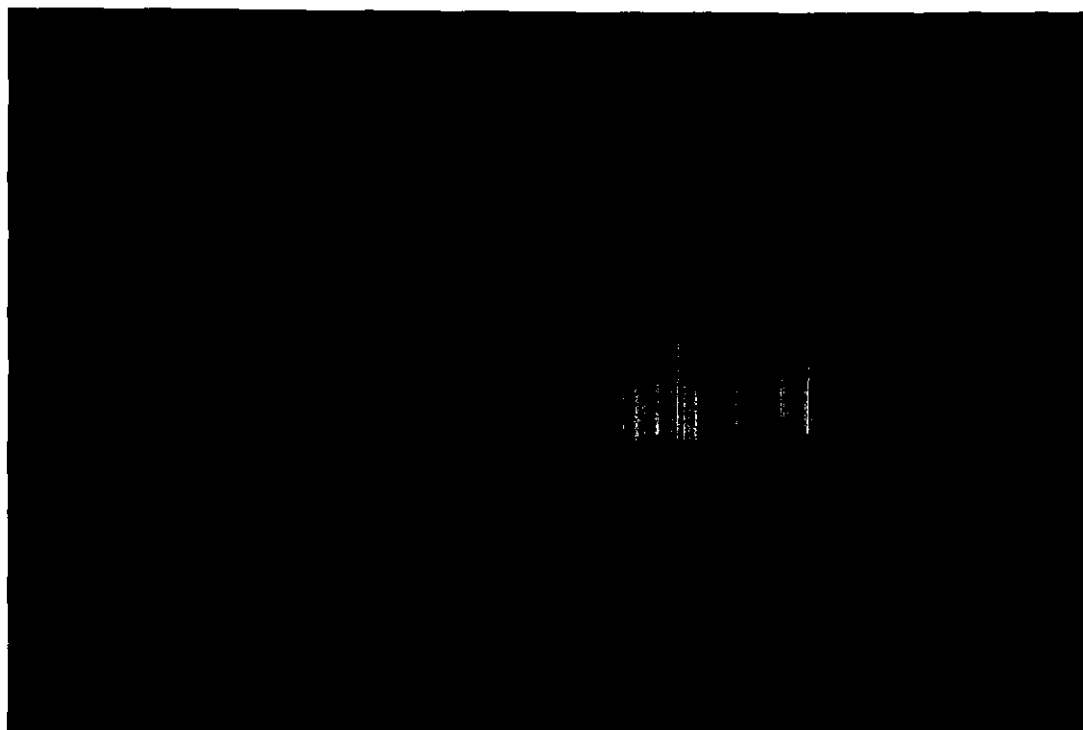
NOV 28 2000







P/O in
L. Whitley Gulch
mainlines runs
up hill (west)
behind pump

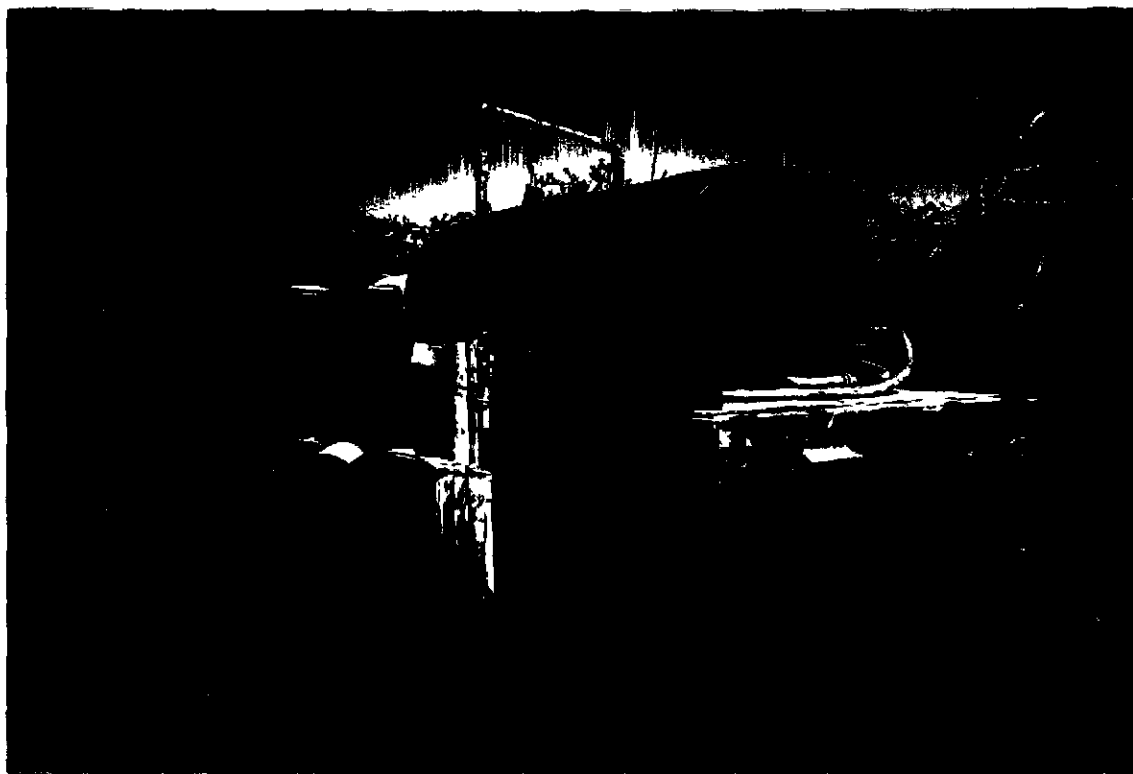


P/n in NENW
S10 being
operated off
Whitley pump
(licensed under
65-2565)

MICROFILMED

JUN 28 2000

65-7609



MICROFILMED

NOV 28 2000

AJS809NP
No. A65-07609

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/28/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALTON J SURMEIER	03/24/1976	IRRIGATION	03-15 11-15	2.00 CFS	
C	DONNA J SURMEIER					
	1610 SW 2ND AVE			TOTAL DIVERSION:	2.00 CFS	
	FRUITLAND ID 83619			CONSUMPTIVE USE:		945.00 AFA
	(208) 452-4294					

Water Source: LITTLE WHITLEY GULCH

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion: T07N R05W S10

NENW

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07N	05W	10	:	30		40		40		:	40		40		40		40		:						:	270.0
																							TOTAL ACRES		270.0	

POU County: PAYETTE

Other Rights: A65-07031, A65-02565, A65-05893, BLACK CANYON IRR.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02565 A65-05893

Other Water Rights Listing Overlapping Place(s) of Use:
A65-02565 A65-0290021 A65-05893 A65-06061 A65-07031

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION DISTRICT, 65-2565, 65-7031 & 65-5893 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
DELETED ONE DIVERSION POINT IN THE SAME QUARTER, QUARTER. THIS WAS THE ORIGINAL LOCATION OF THE DAM UNTIL APPROX. 1970 WHEN IT WENT OUT. SINCE THEN IT WAS MOVED TO THE SE1/4,NW1/4, SECTION 10.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag: C

MICROFILMED
JUL 28 2000

WR5809NP
No. 65-05893

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/06/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BINGHAM D. EBLEN	12/15/1969	IRRIGATION	03/15 11/15	1.220 CFS	
TOTAL DIVERSION:					1.220 CFS	

Water Source: WASTE WATER

Tributary to: LITTLE WHITLEY GULCH

Stage: DECREED

Point(s) of Diversion: T07N R05W S10

SWNE

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07N	05W	10	:		30		31	:					:					:						61.0
TOTAL ACRES																							61.0	

Pou County: PAYETTE

Remarks: THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION
DISTRICT & 65-7609 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	12/15/1969
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 06/26/89 CURTIS

MICROFILMED
MAY 23 1999

WR5809NP
No. 65-02565

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/06/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BINGHAM D. EBLEN	04/21/1952	IRRIGATION	03/15 11/15	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	

Water Source: UNNAMED STREAM Tributary to: SNAKE RIVER Stage: DECREED
Point(s) of Diversion: T07N R05W S10 NENW PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07N	05W	10	:					:					:					:						
TOTAL ACRES																							27.0	

Pou County: PAYETTE

Remarks: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-7031, 65-7609 & BLACK
CANYON IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02
CFS/ACRE.

Dates: App. Received: Priority Date: 04/21/1952
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 06/26/89 CURTIS

MICROFILMED
MAY 21 1998

4/86

AUG - 4 1988

KEYPHINCH

For Office Use Only

Fee Received 125.00Date 7/18/88Receipt # 16000426Receipt by SPSent to S.O. 7/29/88

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Water Resources

EXAMINATION FEE INFORMATION

1. Permit No. 65-7609

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Dalton J. + Donna J. Surmeier3. Post Office Address: 1610 SW 2nd Ave, Fruitland, Id.
83619 Telephone No. 208 452-42944. Source of Water: Little Whitley Gulch

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 270 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 2.0 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

March 24, 1976

8. Person to contact to accompany the department representative during the field examination:

Dalton J. Surmeier, Sr.
(Name)1610 SW 2nd Ave Fruitland Id. 452-4294
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 7-10-1988Signature of Permit Holder (and title, if appropriate)
Dalton J. Surmeier, Owner

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NOV 28 2000

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00 ✓
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

To Ray Jacques
Date 7-1-88 Time 1:13

WHILE YOU WERE OUT
Mike Stubblefield
of Western

Phone _____

Telephoned	☒	Please call <u>within 20 min</u>	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message 65-7609
Denton Sumner
At. 1, Box 215

452-4294
Operator

Donna
or
John →

Do Not
Film Note
PLZ!!



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 5, 1988

RE: Permit No. 65-7609

Dalton J. Surmeier &/or Donna J. Surmeier
1760 S. W. 2nd Ave.
Fruitland, ID 83619

Dear Mr. and Mrs. Surmeier:

Enclosed you will find the "Examination Fee Information Sheet" that we discussed over the telephone on Friday. Please be advised in reviewing your water right file that it has been determined that the original examination fee notice was sent to you on June 25, 1987. A copy of that notice is enclosed for your information.

Please complete and return the enclosed information sheet at your earliest convenience. Once this sheet is submitted the Department will be able to conduct the required field examination of the water system covered under this permit.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

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NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

65-7609
SURMEIER, DALTON J.
SURMEIER, DONNA J.
ROUTE 1, BOX 215
FRUITLAND, ID 83619

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

June 25, 1987

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 5, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on June 5, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 5, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

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NOV 28 2003



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

June 25, 1987

65-7609
Dalton J. & Donna J. Surmeier
Rt. 1 Box 1736
Fruitland, ID 83619

138633

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

NOV 28 2000

page 2

Examination Fee Notice

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is available from the department upon request. A listing of certified water right examiners is also available.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

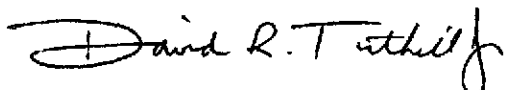
The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The license examination fee schedule, on the back of the enclosed information sheet, shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be returned to this office. If you have questions or concerns please feel free to call at (208) 334-2190, or to visit the office at our new location near the airport, at 2735 Airport Way.

Sincerely,



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure

MICROFILMED

NOV 28 2000

INTER-DEPARTMENT MEMO — 1

FROM State Office

DATE June 25, 1987

TO File 65-7609

SUBJECT Returned Mail from 1986 mailing of the "Certified Examination Fee Notice" letter.

New addresses were located and another Certified Examination Fee Notice letter and Exam information sheet were mailed dated June 25, 1987. These letters were sent out by the State Office using each regions letterhead.

These addresses were obtained by contacting the county assessors office.

Gail Garrett
SIGNATURE

MICROFILMED

NOV 28 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

65-7609
SHERIFF, DALLIN J.
SHERIFF, DALLIN J.
ROUTE 1, BOX 215
FRUITLAND, ID 83619

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 9, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

Sincerely,

David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

MICROFILMED

NOV 28 2000

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

N 1/4 NW Sec 10 7N 5W Payette

75

CLAIM CHECK
NO

83720

314063

☐ HOLD

DATE

June

1ST NOTICE

6-12

2ND NOTICE

6-21

RETURN

Detached from
PS Form 364
Oct 1980

3

RECEIVED

JUN 25 1986



Unclaimed
Reason checked
Insufficient

Department of Water Resources

MICROFILMED

138503

138503



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720

A. KENNETH DUNN
Director

65-7609
SURMEIER, DALTON J.
SURMEIER, DONNA J.
ROUTE 1, BOX 215
FRUITLAND, ID 83619

138503

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

65-7609
SURMEIER, DALTON J.
SURMEIER, DONNA J.
ROUTE 1, BOX 215
FRUITLAND, ID 83619

Returned
138503

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

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MICROFILMED

JUN 28 1986

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

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The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

NOV 28 2007

May 26, 1983

Dalton J. Surmeier
Rt. 1 Box 215
Fruitland, ID 83619

Dear Mr. Surmeier

Enclosed is your check No. 2546, 92-336/1241 and the request for extension of time form.

In reviewing your water right file, it appears that the Department should accept only the proof to beneficial use statement. (Post card)

The request for extension of time form is not required. If you have any questions please let us know.

Sincerely

JIM JOHNSON
Water Distribution Supervisor

JJ:jvv

Enclosure

MICROFILMED

APR 28 1983

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. 65-7609

Name(s) of Permit Holder DALTON H. SUMNER

Post Office Address. R#1 Box 215 FRUITLAND IDAHO

Tel. No. 452-4291

Source of Water: Spring

Extent of Use:

☐ Domestic

☐ Stockwater

☒ Irrigation

☒ Other

270

MICROFILMED

(number of households)

(number and type of stock)

(acres)

Measuring Device

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

Access Port:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

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

Date

Dalton H. Sumner

Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



MAY

1983

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

FILED

2 2 1983



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

OK 10/13/12

10/13/12
10/13/12
10/13/12

Re: _____

Dear _____:

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,

Judy Pense

Judy Pense
Secretary

RECEIVED
OCT 15 1992

June 23, 1981

Dalton J. & Donna J. Surmaier
Route #1, Box 215
Fruitland, Idaho 83619

RE: Permit No. 65-7609

Dear Mr. Surmaier:

Your letter dated April 3, 1981 regarding the above referenced permit has recently come to my attention.

Regarding your request for waiver of the measuring device requirement, I have enclosed a copy of an Order which gives you the option to install an access port. The access port usually costs less than \$15. to install and enables Department personnel to accurately measure the water flow. Also please find enclosed a copy of instructions for access port installation

Your letter of April 3 contains sufficient information to be considered as a statement of beneficial use for the permit. However, for records purposes it would be helpful to have the information on our standard postcard form. Please complete the enclosed postcard and return it to this office at your earliest convenience.

Sincerely,

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

DRT:jg

Enclosure

*Since no response
to this letter has
been received, we
will consider the
letter dated April
2, 1981 as beneficial
use.
1-15-1982
M*

A-R 8 1981

Surmeier Ranches

SPECIALIZING IN QUALITY FRUIT Resources

ROUTE 1 - BOX 215

FRUITLAND, IDAHO 83619

PHONE (208) 452-4294 - 452-4132

*from
Rita
Proof CARD?*

April 3, 1981

Rita Fleck
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Dear Ms. Fleck;

In response to your letter of March 31, and our telephone conversation of April 2, we have completed the development listed for the permit #65-7609 with the exception of a measuring device. We have installed a 10 inch pipe in and out of a basin from which we pump. Also a 12 inch by-pass pipe. We estimate the cost of the installation at \$3000.00. We have been pumping from this site for about 4 years.

The water pumped comes from springs in the immediate area and it is very difficult to measure the amount of flow except through either the 10 or 12 inch pipes. For this reason, I request that the Department drop the requirement for a measuring device in this case.

Respectfully,
Dalton J. Surmeier, Sr.
Dalton J. Surmeier, Sr.

100-100000-100000

Proof Info



Department of Water Resources
Statehouse
Boise, Idaho 83720

Att: Rita I. Fleck

March 31, 1981

Donna J. and/or Dalton J. Surmeier, Sr.
Route 1, Box 218
Fruittland, ID 83619

Dear Mr. and Mrs. Surmeier:

Re: Permit No. 65-7609

One of the conditions of approval of your water permit No. 65-7609 was that evidence of the extent of development must be submitted to this office on or before June 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause, as indicated in Section 42-204, Idaho Code amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Either the beneficial use postcard or a request for an extension of time must be received by this department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within sixty days.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures



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

July 28, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

June 4, 1976

Re: Permit No. 65-7609

Dalton J. Sr. &/or Donna H. Surmeier
Route 1, Box 215
Fruitland, ID 83619

Dear Mr. and Mrs. Surmeier:

Enclosed is a copy of your approved Application for Permit No. 65-7609 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-7609

☒ 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. 3-24-76

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

(4) R.W.H. 3-24-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: 65-2565 & 65-7031 are not
expressive when combined w/ this
app.

(11) RB 4-26-76

Affidavit of Publication received(date) OK

(12) _____

Final date for protests 4-19-76

Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District W

By JHJ

Date 4-26-76



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

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

March 25, 1976

Re: Notice of Application for Permit No. 65-7609 -- Dalton J. Surmeier Sr. &/or Donna J. Surmeier

Payette Enterprise
Box 348
Payette, ID 83661

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

4-26-76

RS

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ~~DANIEL J. SURMEIER SR. & or~~ DONNA J. SURMEIER
Fruitland, ID
has on March 24, 1976 submitted Application No. 65-7609
for a permit to appropriate 2.0 cubic feet per second ~~XXXXXX~~
~~XXXXXX~~ of water from Little Whitley Gulch trib. to Snake River
by means of pump and pipeline
within the NE 1/4 Sec 10 T7N-R5W, B.M., Payette County

to be used from January 1 to December 31
for orchard bloom delay and frost protection and from April 1 to October
31 for irrigation of 270 acres
within the N 1/4, SW 1/4, NE 1/4 Sec 10, T7N-R5W, 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 Idaho Depart-
ment of Water Resources, Statehouse, Boise, Idaho, 83720, on or before
April 19, 1976.

R. KEITH HIGGINSON

Director

Published in the Payette Enterprise, Payette, ID
on April 1, 1976 and April 8, 1976.