

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22941

Priority: January 13, 2005

Maximum Diversion Volume: 3.0 AF

This is to certify, that FAUSTINO RAMOS
PO BOX 1543
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** LAKE FORK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	3.0 AF
WILDLIFE STORAGE	01/01 to 12/31	3.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM SE¼SW¼ Sec. 34, Twp 18N, Rge 03E, B.M., VALLEY County

PLACE OF USE: AESTHETIC STORAGE & WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N	03E	34												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2006**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65K.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
6. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22941

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of May, 2005.


for KARL J DREHER, Director

RECEIVED
APR 29 2005

FORM 202
12/99

Department of Water Resources

Ident. No. 65-22941

FR agree to the following
application changes.

3/2/05 Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

3237

1. Name of Applicant FAUSTINO RAMOS Phone 208/634-3120
Mailing address PO BOX 1543, MC CALL ID 83638
2. Source of water supply UNNAMED STREAM which is a tributary of LAKE FORK CREEK
3. Location of point of diversion is Township 18N Range 3E Sec. 34, in the _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot _____, B.M., VALLEY County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3 AF 0.78 cfs for AESTHETICS purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.78 cfs for WILDLIFE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3 AF for AESTHETICS purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3 AF for WILDLIFE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3 AF for STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.78 cubic feet per second and/or (b) 3.0 acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 200' X 100' X 4'
ON-STREAM POND
 - b. Height of storage dam 4 feet; active reservoir capacity N/A acre-feet; total
reservoir capacity 3 acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. POND FOR ~~ESTABLISHED~~ WATER FOWL, MUSKRAT ETC... AND
AESTHETIC VALUE.

RECEIVED

MAR 04 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	3E	34												X					
														A/W					

Total number of acres to be irrigated N/A

Permit 65-22805 from Grand Water
CLAIM #65-04213B

10. Describe any other water rights used for the same purposes as described above. FOR REPLENISHMENT OF WATER

11. a. Who owns the property at the point of diversion? FAUSTINO RAMOS
- b. Who owns the land to be irrigated or place of use? FAUSTINO RAMOS
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Additional storage volume included for seepage and evaporation.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Faustino L. Ramos
Signature of Applicant (and title, if applicable)

Received by D.T. H. J. Date 1/13/2005 Time 12:01 PM Preliminary check by D.R.
Fee \$ *250 100 Received by g # * Date *
Publication prepared by g Date g Published in g
Publication approved sk Date 4-26-05

* W032542 \$100 rec'd 1/13/05 (receipted 1/24/05)
W032562 \$150 rec'd 1/28/05 - refund requested 2/18/05
\$250 Total fees paid CFS rate N/A

T18N R3E S34

(No Gov'ts)

P/D and P/U

For 65-22915

SESW

P/D & P/U

For this App, No.

65-22941

RECEIVED

MAR 04 2005

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

FAUSTINO RAMOS

Mailing Address

PO BOX 1543

McCALL ID 83638

Application No.
(if known)

—

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Faustino Ramos

Date

3/2/05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2005

FAUSTINO RAMOS
PO BOX 1543
MC CALL ID 83638

RE: Permit No. 65-22941

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

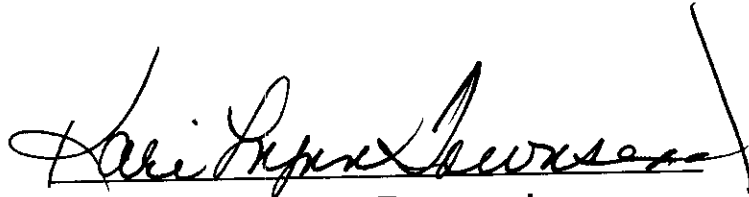
CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22941

**FAUSTINO RAMOS
PO BOX 1543
MC CALL ID 83638**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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).

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.

Comment Report

65-22941

1. kwalker 5/4/2005 POD

Comment: Updated shape

2. kwalker 5/4/2005 POU

Comment: Updated Shape

3. kwalker 5/4/2005 POU

Comment: Updated Shape

4. scurtis 3/8/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

5. lgraves 3/9/2005 Comment/Analysis

Comment: Overlaps: Permit 65-22805 also fills the same pond (aka Ramos pond) using ground water from a french drain and a domestic well. Application 65-22915 covers a different pond (aka Turner pond) located in the same 40-acre tract, just north of the pond listed on this application. Applicant shares the Turner pond with two other owners because only part of that pond is located on his property. Applicant also shares live flow decrees 65-4213 and 65-4214 for irrigation use from the same unnamed stream. No other rights are used.

Applicant stated, through his attorney Brian McMahan, that the estimated pond size is $200 \times 100 \times 4 \text{ ft} = 1.8 \text{ afa}$. Additional volume was listed to account for seepage and evaporative loss. The additional amount listed is reasonable based on the following calculations: $200 \times 100 \text{ ft} = .46 \text{ ac}$ surface area $\times 2 \text{ afa/ac}$ local consumptive irrigation requirement $= .9 \text{ afa} + 1.8 \text{ afa} = 2.7 \text{ afa}$ (round up to 3 afa as listed on the application).

6. kwalker 5/4/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval.

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: 65-22941Applicant's Name: Faustino Ramos

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

_____c) ☐ I oppose approval of this application for the following reasons: _____

_____d) ☐ Additional Comment: _____

_____Dated this 4 day of April, 2005Water District No: 65-KJohn Leedom
Watermaster's Signature

Use reverse side of page if you need more space.

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began April 7, 2005 and ended April 14, 2005.

Carol J. Wright

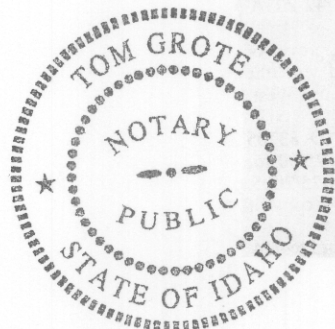
Subscribed and sworn before me this the 14th day of April, 2005.
STATE OF IDAHO

COUNTY OF VALLEY

On this 14th day of April, in the year of 2005, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06



IDAHO DEPARTMENT OF WATER
RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

RE: Application for Permit No.
65-22915, 65-22934, 65-22928, 65-
22941 and Application for Transfer No.
71687

The following application(s) have
been filed to appropriate the public wa-
ters of the State of Idaho:

65-22915
DARYL HART
PO BOX 1311
MC CALL ID 83638
FAUSTINO RAMOS
PO BOX 1543
MC CALL ID 83638
MARCHELLE HART
PO BOX 1311
MC CALL ID 83638
VERLA WITT
13968 TURNER LN
MC CALL ID 83638

Point(s) of Diversion
S34 T18N R03E SESW
LEY County Source VAL-
UN-

NAMED STREAM

Tributary To LAKE FORK

Use: WILDLIFE STORAGE

01/01 To 12/31 10 AFA

Use: AESTHETIC STORAGE

01/01 To 12/31 10 AFA

Total Diversion: 10 AFA

Date Filed: 09/01/2004

Place Of Use: AESTHETIC STOR-

AGE

T18N R03E S34 SESW

Place Of Use: WILDLIFE

STORAGE

T18N R03E S34 SESW

Remark: Applicant agrees

to mitigate consumptive use in the future
as needed.

Development has existed since the
1950s.

Permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec 42-203A,
Idaho Code.

Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resource, West-
ern Region.

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APR 15 2005

WATER RESOURCES
WESTERN REGION

2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/25/05. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Star News on April 7 and 14, 2005.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22934

DANIEL A BALL

72217 QUILL POINT

PENDLETON OR 97801

Point(s) of Diversion SWNE

S12T16N R02E VALLEY County

Source UNNAMED STREAM

Tributary To NORTH FORK

PAYETTE RIVER

Use: WILDLIFE STORAGE

01/01 To 12/31 0.9 AFA

Use: FIRE PROTECTION 01/01

To 12/31 0.9 AFA

STORAGE

Use: AESTHETIC STORAGE

01/01 To 12/31 0.9 AFA

Total Diversion: 0.9 AFA

Date Filed: 01/31/2005

Place Of Use: FIRE PROTECTION

STORAGE

T16N R02E S12 SWNE

Place Of Use: AESTHETIC

STORAGE

T16N R02E S12 SWNE

Place Of Use: WILDLIFE

STORAGE

T16N R02E S12 SWNE

Remark: Applicant agrees

to mitigate consumptive use in the future as needed. Tributary is also known as Cascade Reservoir.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region.

2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Star News on April 7 and 14, 2005.

PROPOSED CHANGE OF WATER RIGHT

Lance Hess, PO Box 732A, Lake

Fork, Idaho 83635 filed application no. 71687 with IDWR to transfer a water right with a 1903 priority date from Lake Fork Creek totaling 0.19 cfs. The transfers proposes to convert 10.5 acres of irrigated ground into recreation storage ponds being constructed on the same lands, and continue to divert the appurtenant surface water into the ponds for evaporative or consumptive losses. Permit 65-22928 was filed for the storage of shallow ground water that will initially fill these ponds, and allow storage during the non-irrigation season. The water will continue to be delivered through the Mahala Ditch without an alteration to the point of diversion or delivery system. The property is located a half mile south of Maki Lane on the east side of the Highway 55 in Valley County.

For specific details regarding the application, please contact IDWR Western Region at 208-334-2190 or visit www.idwr.state.id.us with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before April 25, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Star News on April 7 and 14 2005.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22928

LANCE HESS

PO BOX 732A

LAKE FORK ID 83635

Point(s) of Diversion SWNE S15

T17N R03E VALLEY County

Source GROUND WATER

Point(s) of Diversion SENE S15

T17N R03E VALLEY County

Source GROUND WATER

Point(s) of Diversion SWNE S15

T17N R03E VALLEY County

Source GROUND WATER

Use: RECREATION STORAGE

01/01 To 12/31 165 AFA

Total Diversion: 165 AFA

Date Filed: 12/23/2004

Place Of Use RECREATION STORAGE

AGE

T17N R03E S15 SWNE SENE

Remark: Mitigation is proposed for consumptive use. Please see associated transfer number 71687 for additional details.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region.

2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Star News on April 7 and 14, 2005.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22941

FAUSTINO RAMOS

PO BOX 1543

MC CALL ID 83638

Point(s) of Diversion SESW S34

T18N R03E VALLEY County

Source UNNAMED STREAM

Tributary To LAKE FORK

Use: WILDLIFE STORAGE 01/01

To 12/31 3 AFA

Use: AESTHETIC STORAGE 01/01

To 12/31 3 AFA

Total Diversion: 3 AFA

Date Filed: 01/13/2005

Place Of Use: AESTHETIC STORAGE

AGE

T18N R03E S34 SESW

Place Of Use: WILDLIFE STORAGE

AGE

T18N R03E S34 SESW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region.

2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director 2tc4/14



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 4, 2005

DARYL & MARCHELLE HART
PO BOX 1311
MCCALL ID 83638

VERLA WITT
13968 TURNER LN
MC CALL ID 83638

Re: Water Right Application for Permit No. 65-22941 in the Name of Faustino Ramos

Dear Interested Parties:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by April 25, 2005.

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

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Monday, April 04, 2005 10:56 AM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 4, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

I have quite a few again so I will try half at a time. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by April 25, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



67-14496.pdf



71687.pdf



78-12226.pdf



79-14097.pdf



79-14115.pdf

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Monday, April 04, 2005 10:59 AM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters (page 2)



61-12062.pdf



63-32066.pdf



65-22941.pdf



65-22942.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 4, 2005

JOHN LEEDOM
WATER DISTRICT 65K
370 KNIGHTS RD
MCCALL ID 83638

Re: Application(s) for Water Right

Dear Watermaster:

Enclosed is a copy of another water right application. Also enclosed is a form for your recommendation concerning these application(s).

Please review the application(s). We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

Sue Kreger
Administrative Assistant

334-2190 phone
334-2348 fax

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

March 31, 2005

Legal Notice Department

STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Application for Permit No. 65-22915, 65-22934, 65-22928, 65-22941 and
Application for Transfer No. 71687

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 04/25/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22941

FAUSTINO RAMOS
PO BOX 1543
MC CALL ID 83638

Point(s) of Diversion SESW S34 T18N R03E VALLEY County Source UNNAMED STREAM

Tributary To LAKE FORK

Use: WILDLIFE STORAGE 01/01 To 12/31 3 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 3 AFA

Total Diversion: 3 AFA

Date Filed: 01/13/2005

Place Of Use: AESTHETIC STORAGE

T18N R03E S34 SESW

Place Of Use: WILDLIFE STORAGE

T18N R03E S34 SESW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on April 7 and 14, 2005.

RECEIVED

MAR 04 2005

WATER RESOURCES
WESTERN REGION

MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

BRIAN L. McMAHAN
EMAIL blm@mpmplaw.com

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516

March 3, 2005

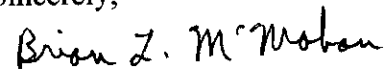
Idaho Department of Water Resources
Western Region
Attn: Lori Graves
2735 Airport Way
Boise, ID 83705-5082

Re: Faustino Ramos / Application for Pond Permit

Dear Lori:

Attached is the above-referenced Application for Permit which has now been initialed and dated by Mr. Ramos on page 1, as well as the Request to Process which has been signed and dated by Mr. Ramos. Please continue with the processing of the Application. Thank you for your assistance.

Sincerely,



BRIAN L. McMAHAN

BLM/kt

Enclosures

cc: Client (w/out enclosures)

Brian,

Please have Faustino
initial/date the upper
left corner of the appli-
cation and also sign/
date the attached
Request to Process
form then return
to my attention.
Thank you.

g

MEMORANDUM

DATE: 2/18/05

FROM: Lori Graves

TO: Debbie Allen

RE: Refund

Hi Debbie, please refund \$150 paid per receipt no. W032562 to:

Millemann, Pittenger, McMahan & Pemberton, LLP
Attn: Brian McMahan
PO Box 1066
McCall ID 83638

After reviewing the application, the additional \$150 filing fee was N/A.

Thank you.

Idaho Department of Water Resources Receipt

Receipt ID W032562

Payment Amount \$150.00 Date Received 1/28/2005 11:16:36 AM Region Western Status ☒
Payment Type Check Check Number 12808

Payer LAW OFFICES OF STEVEN MILLEMANN PA

Comment Faustino Ramos Application For Permit
(addition to receipt W032542)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$150.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

MILLEMANN, PITTENGER, McMAHAN & PEMBERTON, LLP
ATTORNEYS AT LAW
706 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED

JAN 28 2005

**WATER RESOURCES
WESTERN REGION**

STEVEN J. MILLEMANN (*sjm@mpmplaw.com*)
GREGORY C. PITTENGER (*gcp@mpmplaw.com*)
BRIAN L. McMAHAN (*blm@mpmplaw.com*)
AMY N. PEMBERTON (*amy@mpmplaw.com*)

TELEPHONE: (208) 634-7641
FACSIMILE: (208) 634-4516
E-MAIL: *office@mpmplaw.com*

DOCUMENT TRANSMISSION

Date: January 27, 2005
To: Lori Graves, Idaho Dept. of Water Resources
RE: New Faustino Ramos Pond Application dated January 13, 2005
Enclosure: Check # 12808 for \$150.00

**MILLEMANN, PITTENGER, McMAHAN &
PEMBERTON, LLP**

By: 
KRISTIN THOMPSON
For Brian L. McMahan

MEMORANDUM

TO: IDWR Water Right/SRBA Files:
65-4213
65-4213A
65-4213B (renumbered as 65-22877)
65-4213C (renumbered as 65-22878)
65-4214
65-4214A (renumbered as 65-22879)
65-22805
65-22915
65-xxxxx (new app for Faustino Ramos)

FROM: Dave Tuthill 

DATE: January 12, 2005

RE: Resolution of SRBA Objections

SRBA claims originating from water rights in the Payette River Basin Adjudication (PRBA) numbered 65-4213 and 65-4214 have been the subject of significant water right conflict and discussion during the past year. This memorandum describes a solution to this conflict, as negotiated in a meeting in the McCall law offices of Brian McMahan on December 13, 2004. Those present at the meeting included Daryl and Marchelle Hart, Verla Witt, Faustino Ramos, Brian McMahan (attorney for Faustino Ramos), Chris Bromley and Dave Tuthill. This memorandum is being sent to the parties for review prior to a follow-up meeting designed to be a final review and signature process.

To simplify the discussion each water right will be briefly discussed in numerical order. The necessary action is identified. Documents describing the water right are provided as attachments.

65-4213, 65-4213A, 65-4213B (renumbered as 65-22877), 65-4213C (renumbered as 65-22878)

Water right number 65-4213 was decreed in the PRBA in the amount of 0.40 cfs with priority date 5/1/1959 for irrigation use. Claims have been submitted for portions of this water right as follows:

65-4213A	Claim for 0.14 cfs submitted by Faustino Ramos
65-4213B	Renumbered as 65-22877, submitted for .08 cfs/8AFA by Verla Witt, Marchelle Hart and Daryl Hart
65-4213C	Renumbered as 65-22878, submitted for .06 cfs by Verla Witt, Marchelle Hart and Daryl Hart

Solution: 65-4213 for .40 cfs submitted by all four parties above

65-4214, 65-4214A (renumbered as 65-22879)

Water right number 65-4214 was decreed in the PRBA in the amount of 0.38 cfs with priority date of 4/15/1928 for irrigation use. Claims have been submitted for this water right as follows:

65-4214	Claim for 0.38 cfs submitted by Faustino Ramos
65-4214A	Renumbered as 65-22879, submitted for .06 cfs/8AFA by Verla Witt, Marchelle Hart and Daryl Hart

Solution: 65-4214 for .38 cfs submitted by all four parties above

65-22805

Water right number 65-22805 is a permit in the name of Faustino Ramos for the use of ground water in a new pond (Ramos Pond) located downstream from the pond described in the rights above (Turner Pond).

65-22915

Water right number 65-22915 is an application in the name of all four parties for year-around aesthetic storage and wildlife storage in the pond which receives water under 65-4213 and 65-4214 (Turner Pond).

65-xxxxx (new app for Faustino Ramos)

This as-yet-unnumbered application in the name of Faustino Ramos is for use of the unnamed stream in Ramos Pond. It is intended to be filed after signature and payment in the amount of \$100 are rendered.