

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 65-22931

Priority: November 02, 2004

Maximum Diversion Rate: 0.12 CFS

This is to certify, that JAMES C STEWART  
1032 VANDERDASSON RD  
EMMETT ID 83617

has applied for a permit to appropriate water from:

**Source:** PAYETTE RIVER

**Tributary:** SNAKE RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/01 to 11/15       | 0.12 CFS                 |

**LOCATION OF POINTS OF DIVERSION:**

PAYETTE RIVER L5 (NW¼SW¼) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County  
PAYETTE RIVER L5 (NW¼SW¼) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County (Injection)  
PAYETTE RIVER SE¼NE¼ Sec. 8, Twp 06N, Rge 02W, B.M., GEM County (Rediversion)

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |     | NW |    |     |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE  | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 02W 8   |    |    |    | 3.0 |    |    |     |    |    |    |    |    |    |    |    |    | 3.0    |
| 06N 02W 9   |    |    |    |     |    |    | 3.0 |    |    |    |    |    |    |    |    |    | 3.0    |

Total Acres: 6

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. 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. 65.
5. Water diverted from the Payette River under this permit is injected into Sevenmile Slough which conveys the water to the point of rediversion from the Sevenmile Slough to irrigate the place of use. Water shall not be diverted from Sevenmile Slough unless an equal amount of Payette River water is being injected into Sevenmile Slough.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 65-22931

6. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of diversion from Payette River and at the point of rediversion from Sevenmile Slough.
7. 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.
8. 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 17<sup>th</sup> day of March, 2005.

  
FOR KARL J DREHER, Director

RECEIVED

MAR 27 2005

Ident. No.

65-  
22931FORM 202  
12/99I agree to the following  
application changes  
Date 18 JAN 05DEPARTMENT OF  
WATER RESOURCES  
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant James C. Stewart Phone (208) 365-6120  
Mailing address 1032 Vanderdasson Rd. Emmett Id. 83617
2. Source of water supply Payette 7 mile R. FLOW which is a tributary of Payette River } Re Diversion Pt.
3. Location of point of diversion is Township 6 N Range 2 N Sec. 8 in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Govt. Lot Gov 145, B.M., Gem County; NW 510  
additional points of diversion, if any: Payette River Tributary to Snake River  
(Actual Point of Diversion)
4. Water will be used for the following purposes:  
Amount .12 for irrigation purposes from 3/1 to 11/15 (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)  
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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .12 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source \_\_\_\_\_  
Pump Sprinkler  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet  
d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_  
e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. \_\_\_\_\_

9. 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 |        |
| 6N  | 2W  | 8   |    |    |    | 3  |    |    |    |    |    |    |    |    |    |    |    |    | 3      |
|     |     | 9   |    |    |    |    |    | 3  |    |    |    |    |    |    |    |    |    |    | 3      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated 6

10. Describe any other water rights used for the same purposes as described above. None Well

11. 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:

12. Remarks: Ron Shattard Advised me to make this filing

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

James S. Shattard  
Signature of Applicant (and title, if applicable)

Received by LS Date 11/2/04 Time 1:30 PM Preliminary check by LS  
 Fee \$ 100 Receipted by LS # W032369 Date 11/2/04  
 Publication prepared by sk Date 2-24-05 Published in M.F.  
 Publication approved sk Date 2-22-05

65-22931

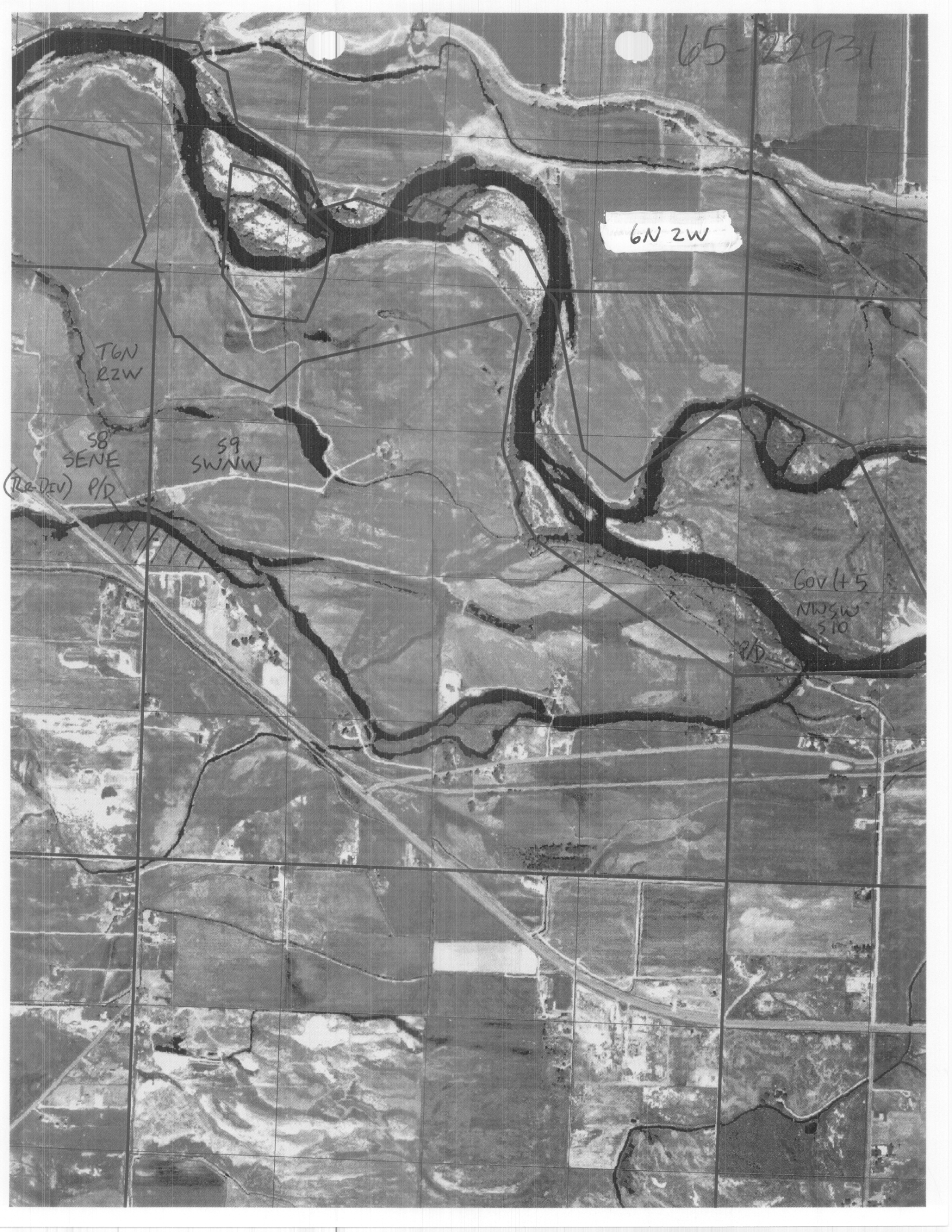
6N 2W

T6N  
R2W

S8  
SENE  
(R&D) P/D

S9  
SWNW

Gov (+5  
NWSW  
S10  
P/D



# REQUEST TO PROCESS

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

Name of Applicant

JAMES STEWART

Mailing Address

1032 VANDERDASSON RD

EMMETT ID 83617

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



Date

2 Nov. 04

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](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 17, 2005

JAMES C STEWART  
1032 VANDERDASSON RD  
EMMETT ID 83617

RE: Permit No. 65-22931

### 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

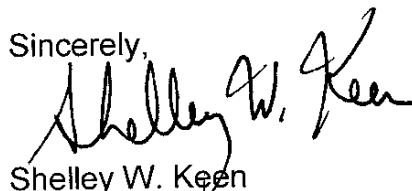
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 a 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, appearing to read "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)

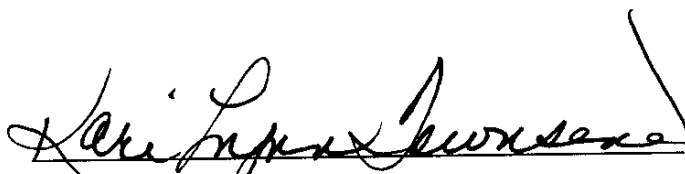
## **CERTIFICATE OF SERVICE**

I hereby certify that on March 17, 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.**

**65-22931**

**JAMES C STEWART  
1032 VANDERDASSON RD  
EMMETT ID 83617**



**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:

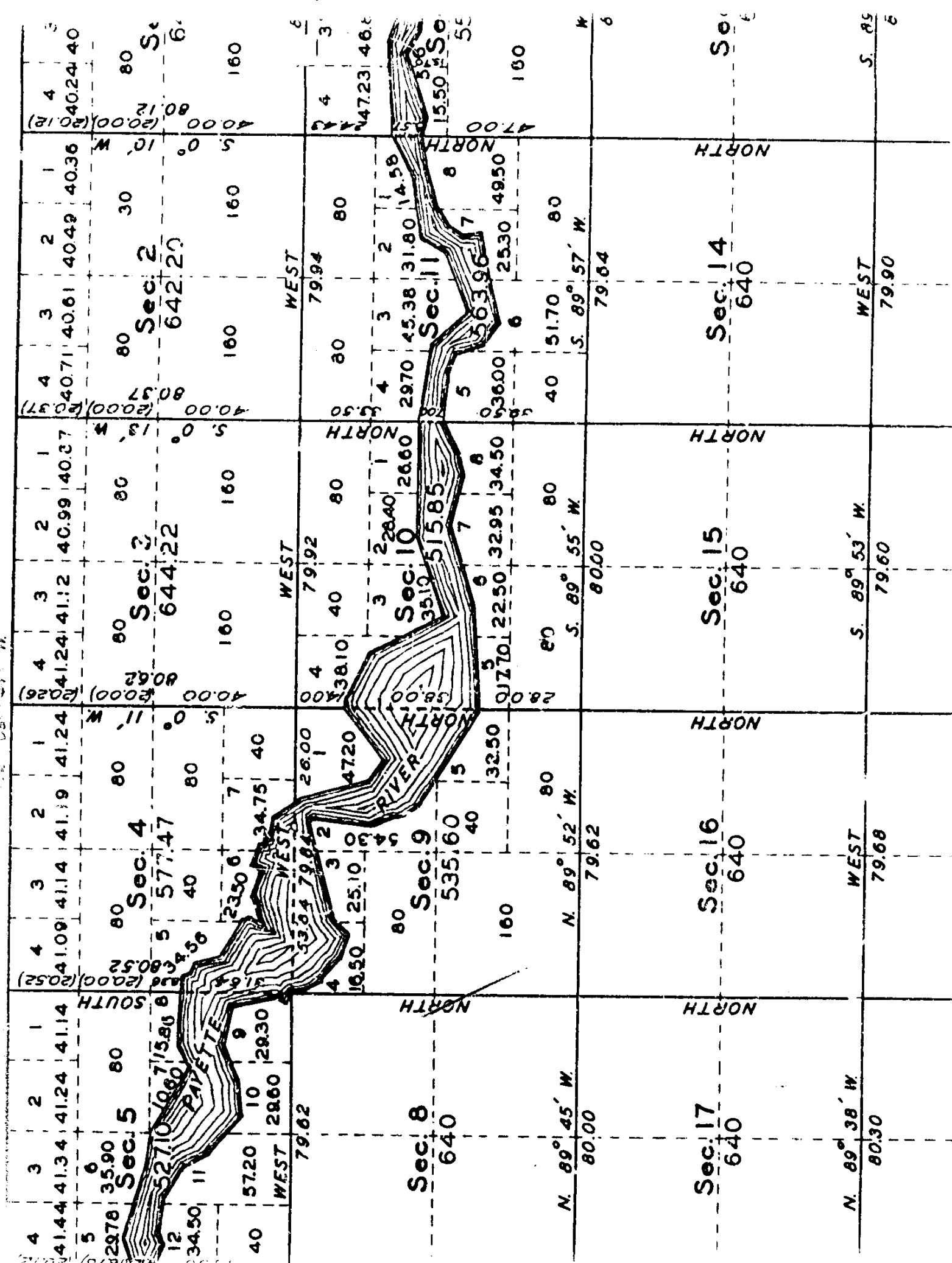
- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **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.



## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS.  
County of Gem )

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

65-22931

JAMES C STEWART  
1032 VANDERDASSON RD  
EMMETT ID 83617

Point(s) of Diversion L5 (NWSW) S10 T06N R02W  
GEM County Source PAYETTE RIVER  
Tributary To SNAKE RIVER

Point(s) of Diversion SENE S8 T06N R02W  
GEM County Source SEVENMILE SLOUGH  
Tributary To PAYETTE RIVER Rediversion

Use: IRRIGATION 03/01 To 11/15 0.12 CFS  
Total Diversion: 0.12 CFS

Date Filed: 11/2/2004  
Place Of Use: IRRIGATION  
T06N R02W S8 SENE  
T06N R02W S9 SWNW  
Number of Acres 6

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/22/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 2-2, 9, 2005

Legal Notice No. 5761  
Published in the Messenger Index

ANTHONY M. CLARK  
of Emmett, Gem County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:  
February 2, 9, 2005

STATE OF IDAHO )  
County of Gem )

On this 9th day of February in the year of 2005 before me a Notary Public, personally appeared. Anthony M. Clark 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 acknowledge to me that he executed the same.

*Marianne Chaney*  
\_\_\_\_\_  
Marianne Chaney  
Notary Public for Idaho  
My Commission expires 2/4/2011  
STATE OF IDAHO

RECEIVED  
FEB 09 2005  
WATER RESOURCES  
WESTERN REGION

FEB 02 2005

WATER RESOURCES  
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No: 65-22931Applicant's Name: James C. Stewart

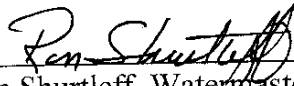
Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned asfollows: Under the control of Water District No. 65 andsubject to the Annual Assessments and Rental Pool Fees.c) ☐ I oppose approval of this application for the following reasons:

d) Additional Comment: \_\_\_\_\_

Dated this 1<sup>st</sup> day of February, 2005

Water District No. 65

  
Ron Shurtleff, Watermaster



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

January 26, 2005

LETHA IRRIGATION & WATER CO  
C/O MARSHA HERR  
400 COSTON ST  
BOISE ID 83712

Re: Water Right Application(s)

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) 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 February 22, 2005.

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

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger  
Administrative Assistant

Encl. Copy of Application

**Kreger (Taylor), Sue**

---

**To:** eleitzin@idfg.state.id.us  
**Subject:** comment letter

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

January 26, 2005

ERIC LEITZINGER, IDFG  
PO BOX 25  
BOISE ID 83707

**Re:** Applications for Permit

Dear Eric:

Enclosed is a copy(s) of an application(s) for permit. 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 February 22, 2005.

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

Sincerely,



65-22931.pdf

Sue Kreger  
(208) 334-2190  
Id Dept Water Resources  
Sue.Kreger@idwr.idaho.gov

**Kreger (Taylor), Sue**

---

**To:**  
**Subject:**

Waterdist65@srvinet.com  
comment letter

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

January 26, 2005

RON SHURTLEFF  
102 N MAIN  
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. 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  
Idaho Department of Water Resources  
2735 Airport Way  
Boise ID 83705  
334-2190 phone  
334-2348 fax



65-22931.pdf



Copy of  
commendation of Wa

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

January 26, 2005

**Legal Notice Department**  
MESSENGER-INDEX  
PO BOX 577  
EMMETT ID 83617

RE: Application for Permit No. 65-22931

**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 02/22/2005. 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:

65-22931

JAMES C STEWART  
1032 VANDERDASSON RD  
EMMETT ID 83617

Point(s) of Diversion L5 (NWSW) S10 T06N R02W GEM County Source PAYETTE RIVER  
Tributary To SNAKE RIVER

Point(s) of Diversion SENE S8 T06N R02W GEM County Source SEVENMILE SLOUGH  
Tributary To PAYETTE RIVER Rediversion

Use: IRRIGATION 03/01 To 11/15 0.12 CFS  
Total Diversion: 0.12 CFS

Date Filed: 11/12/2004

Place Of Use: IRRIGATION

T06N R02W S8 SENE

T06N R02W S9 SWNW

Number of Acres 6

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/22/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on February 2 and 9, 2005.