

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22940

Priority: January 27, 2005

Maximum Diversion Rate: 0.06 CFS

This is to certify, that PATRICK KIRK MACAW
3110 TETON ST
BOISE ID 83705

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: ROBBS CREEK

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

SPRING SW¼NW¼SE¼ Sec. 8, Twp 06N, Rge 02E, B.M., BOISE County

PLACE OF USE: STOCKWATER & DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 02E 8															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. Stockwater use is for 20 range cattle and 5 horses.
7. Domestic use is for 1 home.
8. Point of diversion and place of use are located within Parcel 3, Webster Ranch No. 3.
9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of April, 2005.


for KARL J DREHER, Director

RECEIVED

MAR 29 2005

Ident. No. 165-22940

FORM 202
12/99

DEPARTMENT OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

208-

1. Name of Applicant Patrick Kirk Macaw Phone 344-4585

Mailing address 3110 Teton Street Boise, ID 83705

2. Source of water supply Unnamed Spring which is a tributary of Scops Creek SW

3. Location of point of diversion is Township 6N Range 2E Sec. 8 in the SE 1/4 PKM

SW 1/4 Govt. Lot Boise County;

additional points of diversion if any _____

4. Water will be used for the following purposes

PKM. Amount .02 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

PKM. Amount .01 for Domestic 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)

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) 0.03 cfs PKM and/or (b) 7.24 af/annum ^{1.2}
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 Developed Spring, collection gallery, 2 inch pipe; stock troughs

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. 20 head cattle; 5 horses

c. Municipal; show name of municipality. _____

d. Domestic; show number of households 2 1 Home + YARD PKM

e. Other; describe fully _____

RECEIVED

JAN 27 2005

WATER RESOURCES
WESTERN REGION

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	2E	8																	

Total number of acres to be irrigated _____

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

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: _____

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.


Signature of Applicant (and title, if applicable)

Received by AB Date 1-27-05 Time 2:00 pm Preliminary check by DAN
Fee \$ 100 - Received by AB # W032559 Date 1-27-05
Publication prepared by sk Date 3-2-05 Published in IDAHO WORLD
Publication approved sk Date 3-14-05

T06N R02E S8

P/D

NWSE

STOCK TROUGHS

SWSE

HOUSE

65-22940

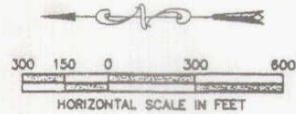
Inst. # 198933



RECORD OF SURVEY SHOWING WEBSTER RANCH NO. 3

LOCATED IN SECTION 4, SECTION 5, SECTION 8, SECTION 9, SECTION 10,
SECTION 16, AND A PORTION OF SECTION 17
TOWNSHIP 6 NORTH, RANGE 2 EAST, BOISE MERIDIAN,
BOISE COUNTY, IDAHO
2004

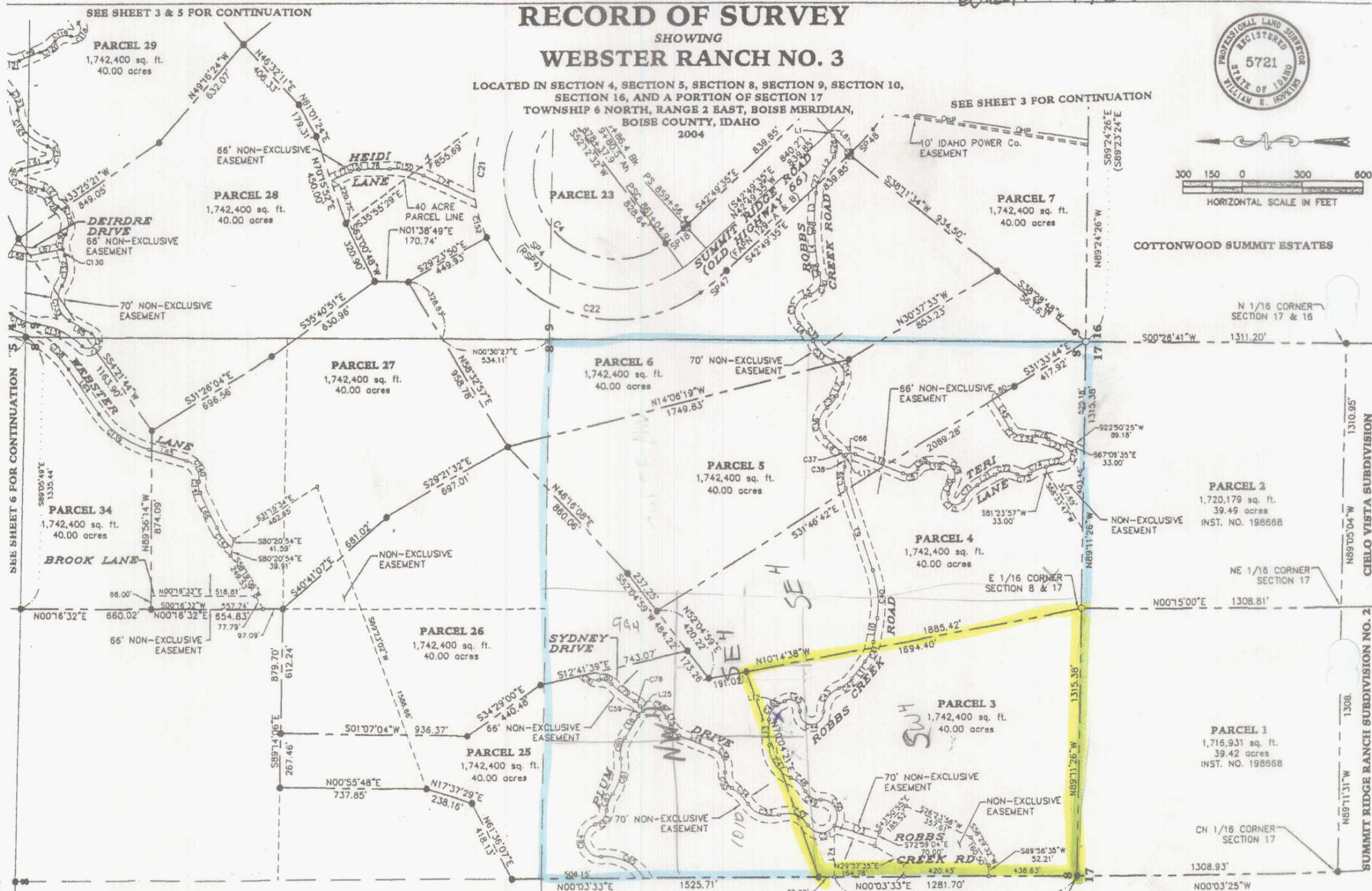
SEE SHEET 3 FOR CONTINUATION



COTTONWOOD SUMMIT ESTATES

CIELO VISTA SUBDIVISION

SUMMIT RIDGE RANCH SUBDIVISION NO. 2



LEGEND

- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- PARCEL LINE
- FOUND BRASS CAP
- FOUND ALUMINUM CAP



- FOUND HIGHWAY MONUMENT
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- SET 5/8" REBAR, PLS "5721"
- SET WITNESS CORNER 5/8" REBAR, PLS "5721"
- CALCULATED POINT

NOTES

- SEE SHEET 1 FOR BEARING AND DISTANCE ON SECTION LINES

Rennisonengineering PLLC
Civil Engineering • Land Surveying • Land Planning
128 S. Eagle Rd., Suite B, Eagle, ID 83616 Office 208.938.2440 Fax 208.938.2441
JOB NO. 1373 - 0404

45-22940

NO CORNER 5/8" REBAR 11-05

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

April 5, 2005

PATRICK KIRK MACAW
3110 TETON ST
BOISE ID 83705

RE: Permit No. 65-22940

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,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

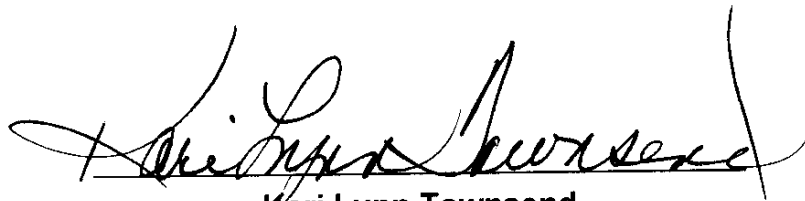
CERTIFICATE OF SERVICE

I hereby certify that on April 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.

65-22940

**PATRICK KIRK MACAW
3110 TETON ST
BOISE ID 83705**



**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

65-22940

1. kwalker 4/4/2005 Permit Review

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

The Idaho World

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

RECEIVED

MAR 10 2005

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Mar 2, 2005 and ending with the issue of Mar 9, 2005.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 9 day of March in the year 2005, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho

Residing at Garden Valley, Idaho

MY COMMISSION EXPIRES
February 10, 2011

My commission expires BONDED THRU NOTARY PUBLIC UNDERWRITERS

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

65-22940

PATRICK KIRK MACAW

3110 TETON ST

BOISE ID 83705

Point(s) of Diversion

SWNWSE S8

T06N

R02E

BOISE County

Source SPRING

Tributary To ROBBS CREEK

Use: STOCKWATER

01/01 To 12/31

0.02 CFS

Use: DOMESTIC

01/01 To 12/31

0.04 CFS

Total Diversion:

0.06 CFS

Date Filed:

01/27/2005

Place Of Use:

STOCKWATER

T06N R02E S8

SWSE

Place Of Use:

DOMESTIC

T06N R02E S8

SWSE

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 03/21/2005. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

Published in the Idaho World on March 2 and 9, 2005

TAMI WEBER
Notary Public
State of Idaho

3/05

State of Idaho
Department of Water Resources

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MAR 07 2005

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22940

Applicant's Name: Patrick Kirk Macaw

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: Applicant recognizes that diversion rights will become subject to annual assessments and rental pool fees as river accounting progresses and includes all diversion rates .
- c) ☐ I oppose approval of this application for the following reasons:
- d) Additional Comments:

Dated this 4th day of March, 2005

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, March 01, 2005 10:01 AM
To: 'Waterdist65@srvinet.com'
Subject: comment letters

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

March 1, 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



65-22936.pdf



65-22937.pdf



65-22938.pdf



65-22939.pdf



65-22940.pdf



Copy of
commendation of Wa

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, February 24, 2005 12:02 PM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

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

February 24, 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 March 21, 2005.

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

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



65-22936.pdf



65-22938.pdf



65-22939.pdf



65-22940.pdf



67-7913.pdf



78-12229.pdf

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

February 23, 2005

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 65-22936, 65-22937, 65-22939, and 65-22940

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 03/21/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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65-22940

PATRICK KIRK MACAW
3110 TETON ST
BOISE ID 83705

Point(s) of Diversion SWNWSE S8 T06N R02E BOISE County Source SPRING

Tributary To ROBBS CREEK

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 01/27/2005

Place Of Use: STOCKWATER

T06N R02E S8 SWSE

Place Of Use: DOMESTIC

T06N R02E S8 SWSE

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KARL J DREHER, Director

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