

Gulch

3600

4480

4600

4400

4692

9

4502

JOSEPH IDAHO 01:24,000 QUADRANGLE
T28N, R1W, SEC 9

4600

DOMESTIC USE
& GARDEN

SPRINGS & POND

4600

10

4453

4400

087

0097

0077

Christmas Tree

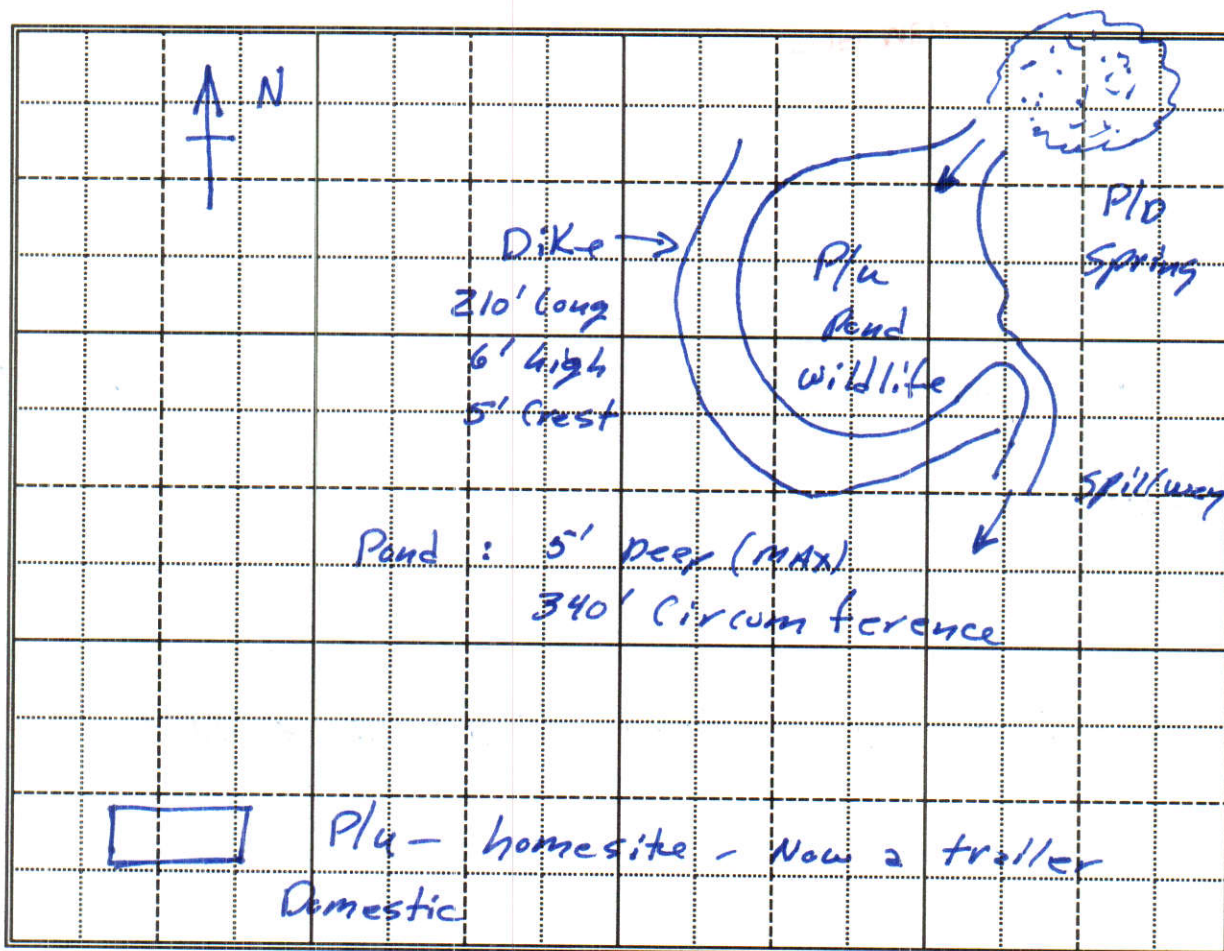
Gulch

Talbot

4200

MICROFILMED
SEP 20 1983

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



Scale: 1" = None

☒ 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

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

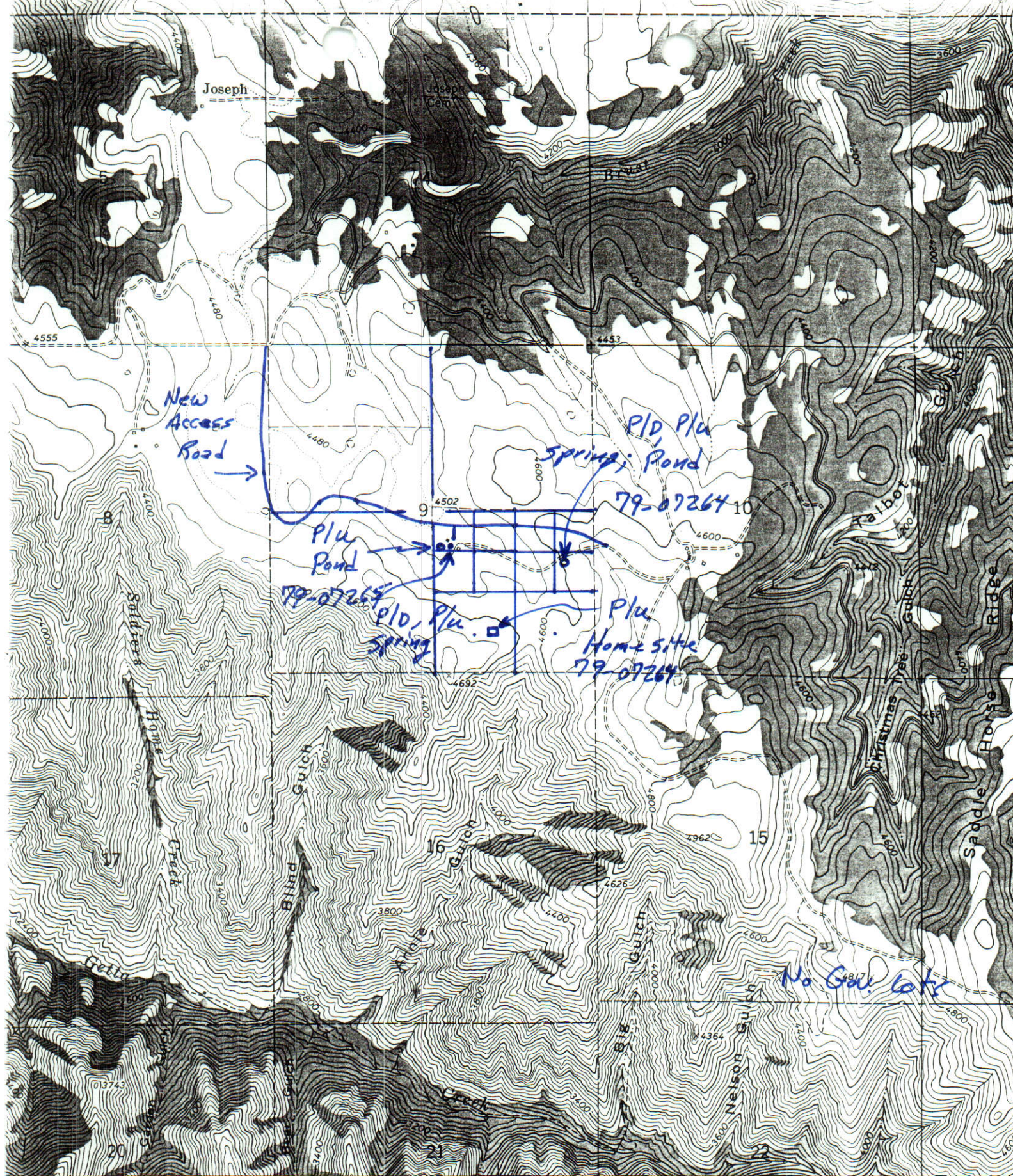
D. FLOW MEASUREMENTS

1.

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

2. Measurements: None - Could not measure flow from Spring

MICROFILMED
JUN 20 2001



EET 540 541 542 27'30" 543

published by the Geological Survey
SC&GS

metric methods from aerial
Field checked 1963

927 North American datum
on Idaho coordinate system,

T28 N
R 1 W
Sec. 9

MICROFILMED
JUN 20 2001

79-07264
79-07265

(GRAVE POINT)
2775 III NW
SCALE 1:24000

1000 0 1000 2000 3000 4000 5000 600

1 5 0

0°24' 20°
7 MILS 356 MILS

CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL



View Looking SW

1 of 1

P/D

Plu

Spring,
foreground, +
Pond.

Trailer in
background
on hill -

Domestic
Use



View Looking SW

P/D

Spring in
foreground.

Plu,

Pond.

MICROFILMED

JUN 20 2001

79-07264

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 79-07264

Priority: May 29, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.1 AF

It is hereby certified that MICHAEL G FOLEY And KATHERINE E FOLEY
2305 TOWHEE LN
WEST RICHLAND WA 99353 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 29, 1998; and have
submitted Proof of Beneficial Use on July 21, 1999. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp 28N, Rge 01W, B.M., IDAHO County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N 01W 9													X				

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N 01W 9													X				

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N 01W 9																X	

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JUN 20 2001

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 79-07264

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day when combined with Right 79-07265.
3. Aesthetic storage use is for a pond.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 31st day of January, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED
JUN 20 2001

RECEIVED

JUL 21 1999

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00

Receipt No C 04.6067

Receipt By: KL

Date Received: 7.21.99

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 79-07264 Telephone No. (509) 967-9254

2. Name(s) of Permit Holder(s): KATHERINE E FOLEY, MICHAEL G FOLEY

3. Mailing Address: 2305 Towhee Lane, West Richland WA 99353

4. Source of Water: SPRING If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: _____ Drilling Permit Number: - - -

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): | Stockwater (No. and type of stock):

Irrigation (No. of acres): _____ Other: WILDLIFE & AESTHETIC STORAGE _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR 1.0 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ☒

Has the measuring device been installed? Yes or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes or No ✓

Has the measurement port been installed? Yes or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: MICHAEL G. FOLEY Telephone Number: (509) 372-4671 (DAYS)

Address: 2305 TOLWEE LANE, WEST RICHLAND WA 99353

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho. MICROFILMED

Signature of permit holder: *Katherine E. Eley* Date: *18 Jan 1999*

(include your title, if on behalf of company or organization)

AUG 11 1999
Date: 18 July 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 79-07264

Proposed Priority: May 29, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **KATHERINE E FOLEY**

MICHAEL G FOLEY

2305 TOWHEE LN

WEST RICHMOND WA 99353

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 9, Township 28N, Range 01W
IDAHO County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

28N 01W 9 NESE

PLACE OF USE: DOMESTIC

TWN RGE SEC

28N 01W 9 SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 2001**.
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 permit holder had no control.
4. Aesthetic storage use is for a pond.
5. Domestic use is for 1 home.

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

3rd day of September, 1998

MICROFILMED

SEP 29 1998

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

FORM 202
2/98

RECEIVED

MAY 29 1998

STATE OF IDAHO

Ident. No. 79-07264

MAY 29 1998

WATER
WEBSITE

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

JUL 28 1998

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

- Name of Applicant Michael G. & Katherine E. Foley Phone 509.967.9254
Mailing address 2305 Towhee Lane, West Richland WA 99353
- Source of water supply Spring which is a tributary of Sink
- Location of point of diversion is Township 28N Range 1W Sec. 9 in the SW 1/4, SE 1/4, NE 1/4, SW 1/4, B.M., IDAHO County; additional points of diversion if any: N/A

4. Water will be used for the following purposes:

- Amount 0.04 0.05 cfs for DOMESTIC purposes from 1 JAN to 31 DEC (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 0.05 cfs for IRRIGATION (GARDEN) purposes from 1 MAY to 31 OCT (both dates inclusive)
(cfs or acre-feet per annum)
- 1.0 AF Amount 0.1 cfs for WILDLIFE/AESTHETIC POND purposes from 1 JAN to 31 DEC (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 1.0 AF for AES STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- * Amount 1.0 AF for WLDLF STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0 for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

- Total quantity to be appropriated is (a) 0.20 0.04 0.05 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

- Describe type and size of devices used to divert water from the source Spring Box, RERM FOR POND
- Height of storage dam 3 feet; active reservoir capacity 0.1 acre-feet; total reservoir capacity 0.1 acre-feet
- Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- Is ground water with a temperature of greater than 85°F being sought? NO
- 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

- Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

8. Description of proposed uses (If irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. N/A
- Stockwatering; list number and kind of livestock. N/A
- Municipal; show name of municipality. N/A
- Domestic; show number of households. 1 (ONE)
- Other; describe fully. GARDEN IRRIGATION, WILDLIFE/AESTHETIC STORAGE POND

* Maximum allowable for domestic use identified 8/4/98 CS.
ON-stilean storage, as per tel. conv. with applicant 6/17/1998. "IRR." is less than 1/2 acre - fold w/ro domestic use. 6/22/1998. TTT

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SEP 29 1998

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	
28N	1W	9													J				
28N	1W	9															D	*	*
28N	1W	9													W				

Total number of acres to be irrigated 1/2

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? MICHAEL G & KATHERINE E. FOLEY

b. Who owns the land to be irrigated or place of use? SAME

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: This spring is tributary to Snake River via Wolf Creek drainage per USGS ~~quad~~ quads N56+N57.

Per applicant, water is diverted @ spring box for dom. use or allowed to flow into pond.
Domestic Use is 1 home.

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.)

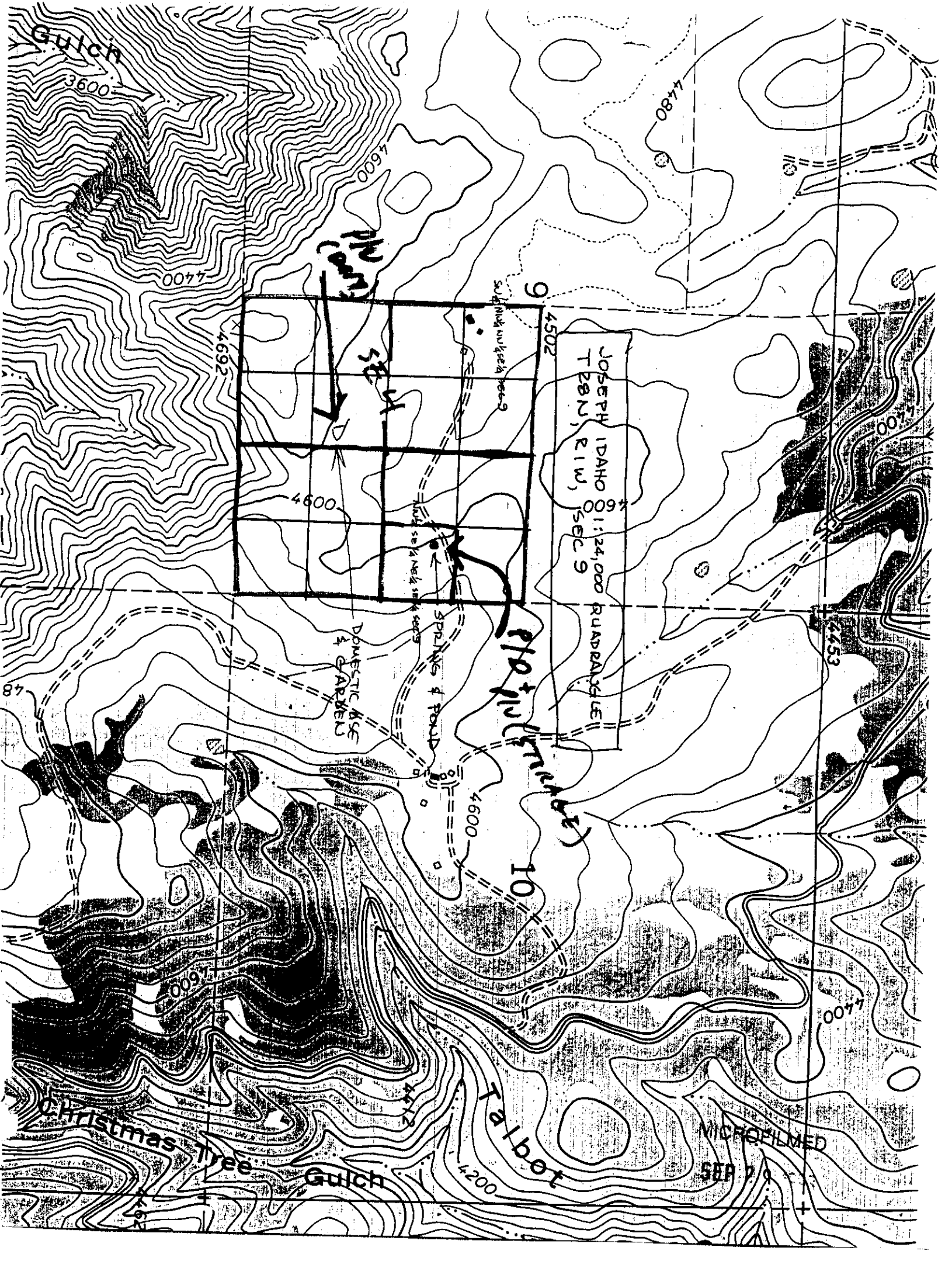
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

* Location of domestic use corrected to match map, per tel. w/applicant 6/22/1998. AD

Michael G Foley Katherine E. Foley
 Signature of Applicant (and title, if applicable)

MICROFILMED
 SEP 29 1998

Received by KG Date 5/29/1998 Time 12:49 Preliminary check by AD
 Fee \$ 50 Received by KG # W023943 Date 5/29/1998
 Publication prepared by AD Date 6-25-98 Published in Idaho Free Press
 Publication approved AD Date 7-22-98 7-19-98



Gulch

3600

(pond)

SW 1/4

JOSEPH IDAHO 0091:24,000 QUADRANGLE
T28N, R1W, Sec 9

10 + 10 (meters)

domestic use
& garden

springs & pond

Christmas Tree

Gulch

Talbot

MICROFILMED
SEP 70



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

February 1, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KATHERINE E FOLEY
MICHAEL G FOLEY
2305 TOWHEE LN
WEST RICHLAND WA 99353

RE: License No. 79-7264 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

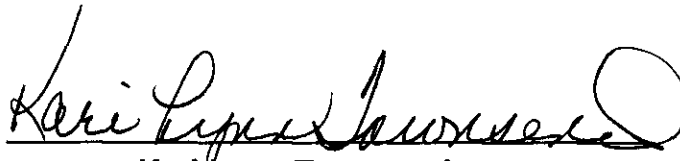
MICROFILMED
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on February 1, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 79-7264

**KATHERINE E FOLEY
MICHAEL G FOLEY
2305 TOWHEE LN
WEST RICHLAND WA 99353**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 20 2001**

**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).

MICROFILMED

JUN 20 2001

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.

MICROFILMED

JUN 20 2001

LICENSE REVIEW CHECKLIST

Permit No. 79-07264 Date: 1-24-2001 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

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

Change (P39/P49) Add (P45/P44) Feds (P40)

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

W36 (overlap)

W59 (subdivision description)

Place of Use

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 79-7265 - domestic OL - diff spring
File reviewed also in lic process Profile reports printed

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

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.20 cfs

Measured cfs

Theoretical cfs

Recommended Total Diversion Rate 0.04

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.04 cfs 0.6 af

WS cfs 0.5 af

AS cfs 0.5 af

Total cfs 1.1 af

~~Irrigation - overlap (R58-R61, R62-R65, R66-R69)~~

~~supp. Gw (WB7/065/104)~~

~~overlap spec combined r/s (W35) mod 011~~

~~> 1 acre (W31)~~

~~Domestic (W01/W05/070/071/075)~~

~~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)~~

per F&G comment of 9/1/98 - use in upper Wolf Ck. drainage - limit to in-house only.

Volume Determination

 cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks:

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

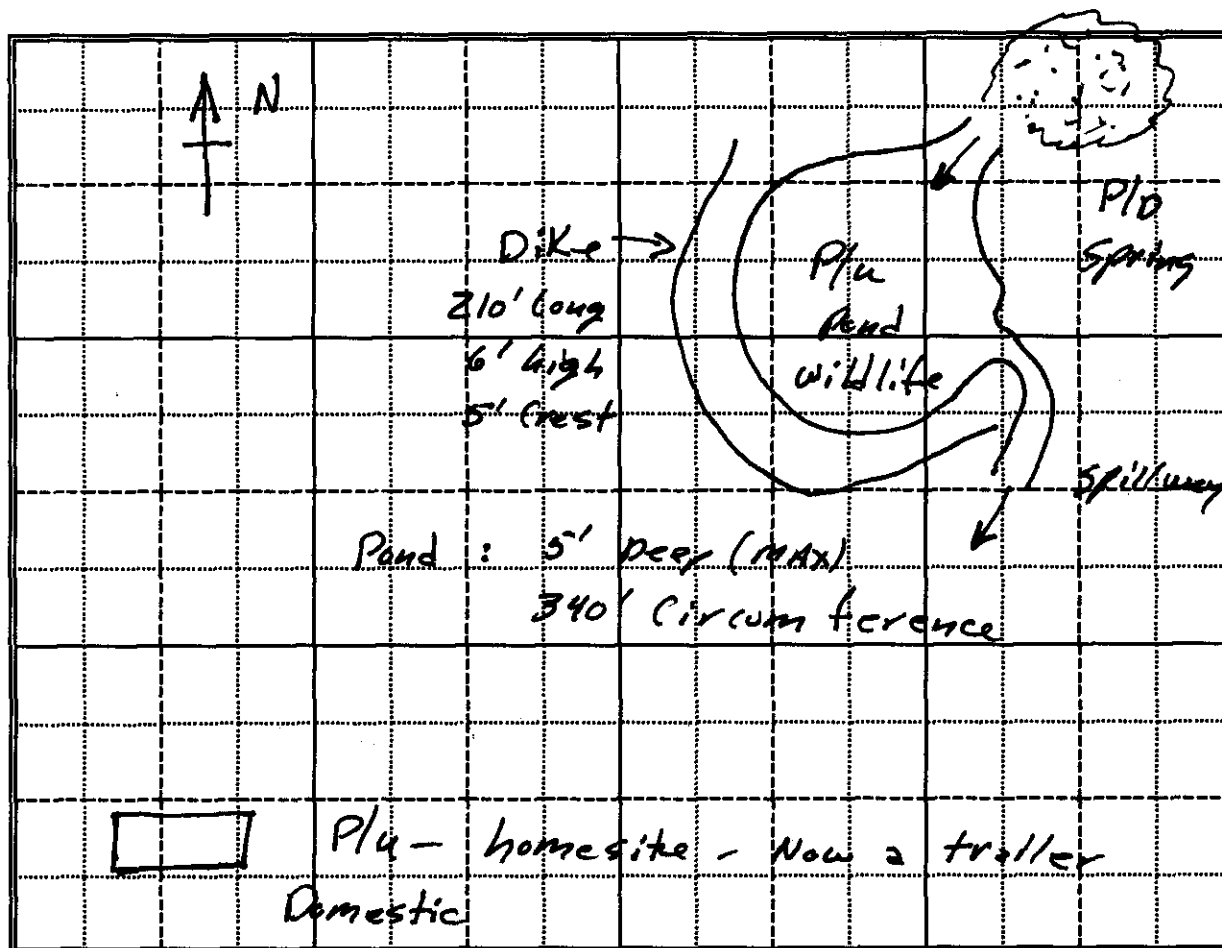
Idaho Department of Water Resources

Place of Use 1/4 1/4 Comparison Report

T28N R01W S9			NE				NW				SW				SE				Total
Type	WR- Number	Source	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Right	79-7264	SPRING				X								X		X			0
Permit	79-7259	UNNAMED STREAM				X	X		X										0
Permit	79-7260	SPRING						X	X										0
Permit	79-7261	SPRING				X			X										0
Permit	79-7264	SPRING							X					X		X			0
Permit	79-7265	SPRING														X			0

JUN 20 2001

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



Scale: 1" = None

☒ 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

*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: None - Could not measure flow from spring

MICROFILMED

JUN 20 2001

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for a wildlife / Aesthetic pond and domestic use for one home. The owners purchased an old ranch that had developed this pond at the site of a spring. The pond was most likely used for stock water, and did not have a water right. The spring water flows directly into the pond.
 2. The old ranch also has another old pond and 2 spring developments that are now under WR 79-07265. These old water developments are at the site of the old farmhouse, and did not have any water rights until the Foley's bought the ranch.
 3. The domestic use for this permit, 79-07264, and for 79-07265, are for the same house. At the present time, the Foley's have a trailer on the property where the water is used. They plan to build a house on the site in the near future.
 4. The Foley's ~~haul~~ haul water from the spring for this permit, -64, and from the spring by the old farmhouse under permit 79-07265, for use in their trailer. When they build a house, they will pipe the water from both springs - both rights - to ~~the house~~ ^{the house}.
- Have conditions of permit approval been met? ☒ yes ☐ no
- JUN 20 2001
5. The old Ranch purchased by the Foley's include all the old water developments now covered under 79-07264 + - 65.

Additional Computation Sheets Attached

Allow the 0.04 cts, as the springs should produce that much in the early summer. This diversion rate for domestic use would be the

1. Volume Calculations for Irrigation:

$V_{I,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ Same diversion for 79-07265.
 $V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ rate (same House)
 $V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} =$ Same

Domestic - Allow 1.2 cts ; } permits
total

Pond Storage: $C = \pi D = 340'$, max depth = 5'

$$Vol. = \left(\frac{\pi D^2}{4} \right) (5') (0.4) = \left[\frac{\pi \left(\frac{340}{\pi} \right)^2}{4} \right] (5') (0.4) \frac{AF}{(66)(66)(10) \pm 3}$$

$= 0.42 \text{ AF}$; Allow 0.5 AF storage

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	01/01	12/31		0.5 AF
Domestic	01/01	12/31	0.04 ^{2]}	1.2 AFA ^{1]}
Aesthetic Storage	01/01	12/31		0.5 AF
		Totals:	0.04 ^{2]}	0.5 AF Storage

4 1.2 AFA

___ 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

Domestic
Use
Total for

4, 21 79-07264
79-07265

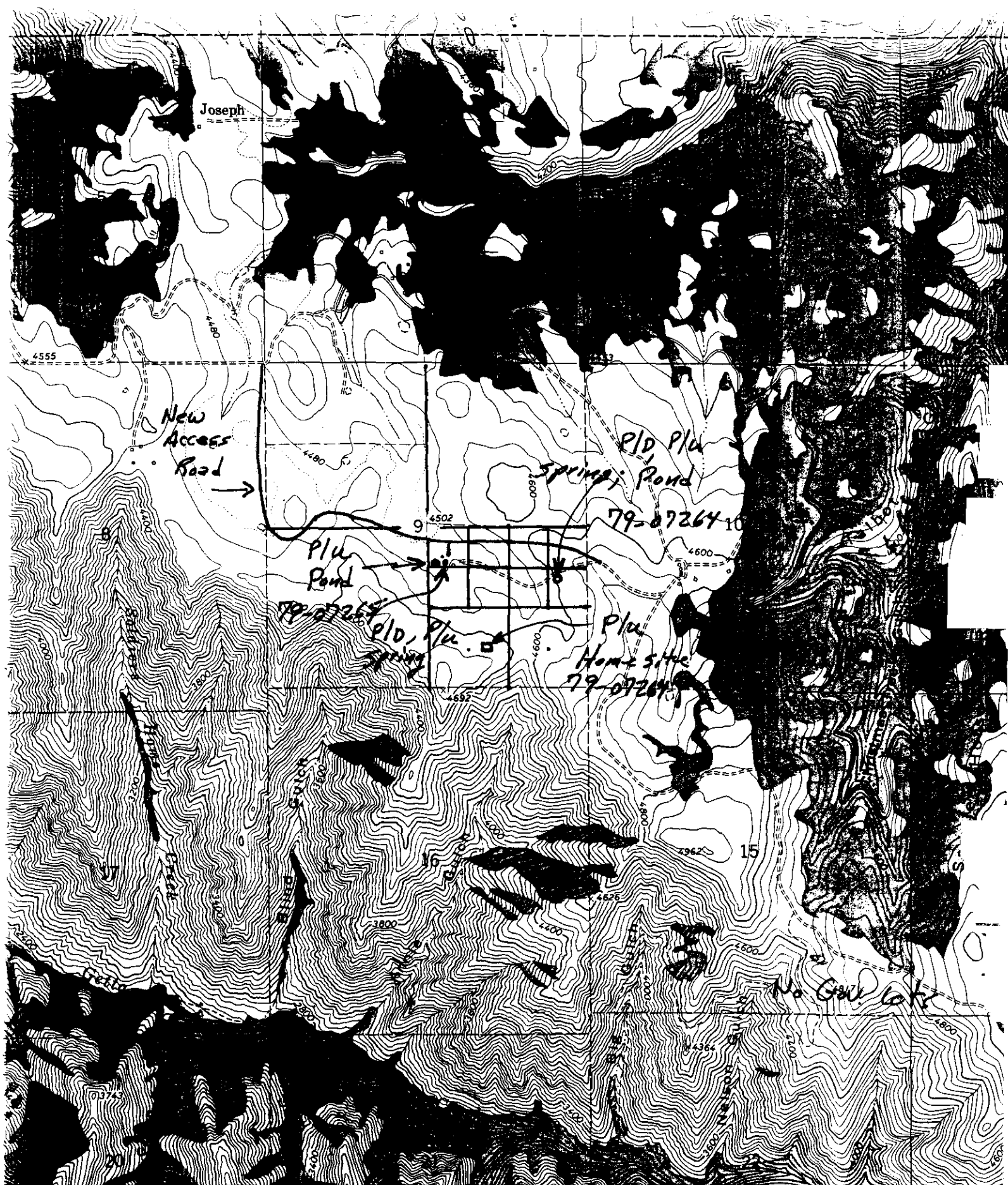
Field Examiner's Name Don Tomich Date 11-22-99

Reviewer _____ Date _____

MICROFILMED
JUN 20 2001

SEAL

[Same]
[House]



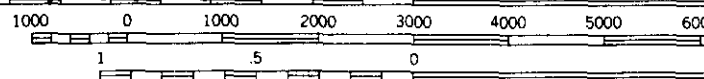
EET 540 541 542 27'30" 543
 published by the Geological Survey
 SC&GS
 metric methods from aerial
 .. Field checked 1963
 927 North American datum
 on Idaho coordinate system,

T28 N
 R 1 W
 Sec. 9

MICROFILMED
 JUN 20 2001

79-07264
 79-07265

(GRAVE POINT)
 2775 III NW
 SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

1 of 1

P/D

P/u

Spring,
foreground, +
Pond.

Trailer in
background
on hill -

Domestic
Use



View Looking SW

P/D

Spring in
foreground.

P/u,

Pond.



View Looking SW

MICROFILMED
JUN 20 1981

79-07264

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 79-07264 Reviewed by Jay Date 7-22-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom., wildlife storage

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 9-21-99



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

KARL J. DREHER
DIRECTOR

July 22, 1999

Katherine and Michael Foley
2305 Towhee Ln
West Richland WA 99353

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07264

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUL 27 1999



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

September 3, 1998

PHILIP E. BATT
GOVERNOR

KATHERINE E FOLEY
MICHAEL G FOLEY
2305 TOWHEE LN
WEST RICHMOND WA 99353

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07264

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

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
Enclosures

RECEIVED
FILMED

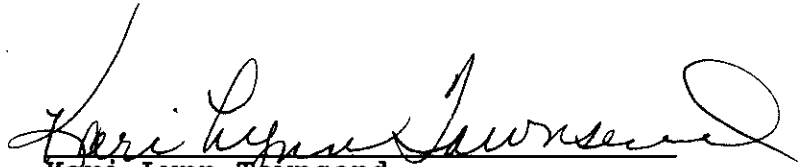
20 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 79-07264

**KATHERINE E FOLEY
MICHAEL G FOLEY
2305 TOWHEE LN
WEST RICHMOND WA 99353**


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 29 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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SEP 29 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

SEP 29 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy LouNo.: 19-07264 Name: Foley Date: 8/4/98 Ad OK? ☒ ☒ Gvmt Lts: ☒~~AREA OF CONCERN:~~ None ~~WMA~~ / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A(P17)
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- No MD

WMD Supplemental use

- > 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- ≤ 0.24 cfs/5 acres - 01M (report when notified)
- No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- > 0.10 cfs - R04 (WD #)
- ≤ 0.10 cfs - 01J-P08 (MD & LD)
- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - ~~008~~ (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓3 compo:) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- ~~In stream dev.~~ - P84 (stream channel alteration)
- ~~Mitigation~~ - P84

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

① use for ② wa / 1 ③ Aest / Pond
9/1/2001

Zimmerman, Cindy

From: gservee
To: Zimmerman, Cindy; croberts
Subject: 79-07264, 79-07265, and 84-07297
Date: Tuesday, September 01, 1998 12:56PM

Cindy Z,

Thanks for the details on the above water right applications.

For 264, the application is for 0.04cfs in upper Wolf Ck. This is a steelhead drainage, so would recommend domestic use only, excluding irrigation as part of permit. Pond storage ok.

Others look ok.

Gregg Servheen
Environmental Coordinator
Idaho Department of Fish and Game
1540 Warner Ave
Lewiston, ID 83501
208-799-5010
FAX 208-799-5012

F&G comment

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmsmgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Sep01.125358.1128.477100; Tue, 01 Sep 1998 12:53:59 -0600
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by adm-smtp.state.id.us (Post.Office MTA v3.5 release 215
ID# 0-0U10L2S100V35) with SMTP id us
for <czimmerm@idwr.state.id.us>; Tue, 1 Sep 1998 12:54:22 -0600
Received: by goldmine.idfg.state.id.us; Tue, 1 Sep 98 13:16:09 MDT
Date: Tue, 1 Sep 98 14:05:19 PDT
Message-ID: <vines.gq29+jJ2vpA@goldmine.idfg.state.id.us>
X-Priority: 3 (Normal)
To: <czimmerm@idwr.state.id.us>,
<croberts@idfg.state.id.us> (CYNTHIA ROBERTSON)
From: <gservee@idfg.state.id.us> (GREGG SERVHEEN)
Subject: 79-07264, 79-07265, and 84-07297
MIME-Version: 1.0
Content-type: text/plain;
charset=US-ASCII

MICROFILMED

SEP 29 1998



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

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gregg Servheen
Idaho Dept. of Fish & Game
1540 Warner Ave
Lewiston ID 83507-5699

RE: Applications for Permit Nos. 79-07264, 79-07265, & 84-07297

Dear Gregg,

In follow-up to your e-mail message to me today, I am sending you copies of the above applications for your review. You may want to contact the applicant for any additional information you may require. I will hold further processing on these applications for two weeks. Please respond with your comments by September 2. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permits.

If you have any further questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'. The signature is written in dark ink and is positioned above the printed name and title.

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED
SEP 29 1998

Zimmerman, Cindy

From: gservee
To: Zimmerman, Cindy
Subject: surface water rights
Date: Tuesday, August 18, 1998 4:54PM

Cindy,

I have notices from you about surface water right appropriations 84-07297, 79-07264, and 79-07265.

Can you provide me info on what watersheds these are in? The legal description is not very helpful.

Also, is it possible to provide more background info on the applications. Such as if a pond already exists, what construction will occur, method of appropriation, etc.

Thanks for your help.

Gregg Servheen
Environmental Coordinator
Idaho Department of Fish and Game
1540 Warner Ave
Lewiston, ID 83501
208-799-5010
FAX 208-799-5012

----- Message Header Follows -----

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(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))
id AA-1998Aug18.165203.1128.469208; Tue, 18 Aug 1998 16:52:03 -0600
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by adm-smtp.state.id.us (Post.Office MTA v3.5 release 215
ID# 0-0U10L2S100V35) with SMTP id us
for <czimmerm@idwr.state.id.us>; Tue, 18 Aug 1998 16:52:18 -0600
Received: by goldmine.idfg.state.id.us; Tue, 18 Aug 98 17:08:06 MDT
Date: Tue, 18 Aug 98 17:30:56 PDT
Message-ID: <vines.gq29+U0UqpA@goldmine.idfg.state.id.us>
X-Priority: 3 (Normal)
To: <czimmerm@idwr.state.id.us>
From: <gservee@idfg.state.id.us> (GREGG SERVHEEN)
Subject: surface water rights
MIME-Version: 1.0
Content-type: text/plain;
charset=US-ASCII

MICROFILMED

SEP 2 9 1998



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

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Clearwater Region
1540 Warner Ave.
Lewiston ID 83501-5699

RE: Surface Water Appropriations

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue water appropriation permits for applicationnos. 79-07264 and 79-07265. Before proceeding, IDWR would appreciate receiving your comments, if any, on the draft permits. I have enclosed copies of the drafts for you to review. Please respond by August 19, 1998. If I have not heard from you by then, I will assume you have no comment.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,


Cindy Zimmerman
Water Resource Agent

Enclosures

MICROFILMED

SEP 29 1998

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 79-07264

KATHERINE E FOLEY
MICHAEL G FOLEY
2305 TOWHEE LN
WEST RICHMOND WA 99353

Priority Date: 05/29/1998
Stage: PERMIT

Source: SPRING
Tributary: SINKS

Beneficial Use	From:	To:	Diversion Rate	Volume
WILDLIFE STORAGE	01-01	12-31		1.00 AFA
DOMESTIC	01-01	12-31	0.04 CFS	
AESTHETIC STORAGE	01-01	12-31		1.00 AFA
		Total:	0.04 CFS	

Point(s) of Diversion: SENESE, Sec. 09, Township 28N, Range 01W

Place(s) of Use: WILDLIFE STORAGE

Twp: Rng: Sec:	Tract: Acres:	Tract: Acres:	Tract: Acres:
28N 01W 09	NESE		

Place(s) of Use: DOMESTIC

Twp: Rng: Sec:	Tract: Acres:	Tract: Acres:	Tract: Acres:
28N 01W 09	SWSE		

Conditions of Approval and Remarks:

1. Proof of construction of works and application of water to beneficial use shall be subitted on or before August 1, 2001.
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 permit holder had no control.
4. Aesthetic storage use is for a pond.
5. Domestic use is for 1 home.

Dates: App. Received: 05/29/1998 Proof Due Date: 08/01/2001

MICROFILMED

SEP 29 1998

MEMORANDUM

DATE: August 4, 1998
TO: File No. 79-07264
FROM: Cindy Zimmerman
SUBJECT: Application data entry

This application is for use of a spring for domestic use in one home, and wildlife and aesthetic storage in one pond. The advertisement identified mining storage instead of wildlife storage.

I called Steve Lester to find out why the database was different from the application. Steve assumed an incorrect use code was data entered. Steve felt the error was "not fatal" and did not require re-advertisement. I corrected the database to reflect the application's information.

Also, the application identified 0.05 cfs for domestic use for one home. Domestic use is recommended on the permit at 0.04 cfs in accordance with department standards.

MICROFILMED

SEP 29 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JUL 28 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: TZT DATE: 6/22/1998 APPLICATION: 79-07264

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use) See corrections Gov't. Lots: NO P/D NO P/U
- ☒ Description of diverting works: ON STREAM STORAGE
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated: dbl ✓ don. location
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid 2 apps on one receipt # W023943

N/A ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Bull trout impact area not to
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply. Don't
- ☐ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter:
- ☒ Send fish farm requirement letter:
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

See conv. memo dated 6/17/1998. Also, applicant indicated in tel. conf. 6/22/1998 that 1.2 & 1/2 acres OK to fold into "domestic" Div. to don or pond via spring box. TZT 6/22/1998

Date Requested 6/16/1998 Date Response Received 6/17/1998, 6/22/1998

PROCESSING

APP. NO. 79-07264

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 7-20-98
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 5/29/1998
Recommended by: Gary S Date: 7/25/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

77-07372

MCCAULEY, JERRY
MCCAULEY, ROBIN
95 E. JACOB ST.
MCCALL, ID 83638
Source: SALMON RIVER, SOUTH FORK
Tributary: SALMON RIVER
Diversion Pt: SENE Sec 6 T 23N R 08E in
IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 6/12/1998
In: IDAHO County
T23N R08E S06 SENE

79-07262
DESA, DON DOUGLAS
24349 SE 237TH
MAPLE VALLEY, WA 98038-8256
Source: UNNAMED STREAM Tributary:
SINKS
Diversion Pt: NWNE Sec. 20 T 28N R 01E
in IDAHO County.
Use: DOMESTIC FROM STORAGE (0.30
AF)
DOMESTIC STORAGE (0.30 AF)
WILDLIFE (0.020 CFS)
WILDLIFE STORAGE (0.30 AF)
Total Diversion: (0.020 CFS)
Date Filed: 5/18/1998
In: IDAHO County
T28N R01E S20 NWNE

79-07264
FOLEY, MICHAEL G.
FOLEY, KATHERINE E.
2305 TOWHEE LN.
WEST RICHMOND, WA 99353
Source: SPRING Tributary: SINKS
Diversion Pt: SENESE Sec 9 T 28N R01W
in IDAHO County.
Use: DOMESTIC (0.050 CFS)
AESTHETIC STORAGE (1.00 AF) *should be wildlife storage.*
MINING STORAGE (1.00 AF) *NOT FATAL per SL.*
Total Diversion: (0.050 CFS)
Date Filed: 5/29/1998
In: IDAHO County
T28N R01W S09 NESE SWSE

79-07265
FOLEY, KATHERINE E.
FOLEY, MICHAEL G.
2305 TOWHEE LN
WEST RICHLAND, WA 99353
Source: SPRING Tributary: SINKS
Diversion Pt: NWNWSE Sec 9 T 28N R
01W in IDAHO County.
Use: DOMESTIC (0.040 CFS)
WILDLIFE STORAGE (1.00 AF)
AESTHETIC STORAGE (1.00 AF)
Total Diversion: (0.040 CFS)
Date Filed: 5/29/1998
In: IDAHO County
T28N R01W S09 NWSE
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 ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or be-
fore JULY 20, 1998. The protestant must
also send a copy of the protest to the appli-
cant.

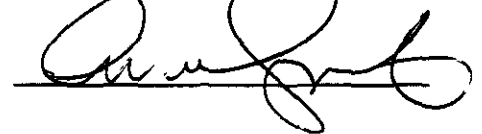
KARL J. DREHER, Director
Published: 7/1/1998 & 7/8/1998

Jy 1-8

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

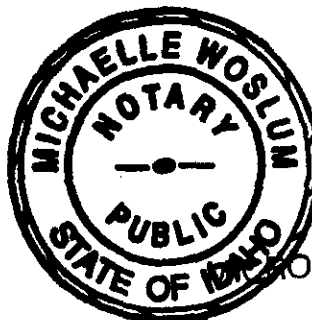
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a week-ly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said coun-ty and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 1st day of July, 1998; and the last publication on the 8th day of July, 1998; and that the said notice was pub-lished in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 8th day of July in the year of 1998, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name sub-scribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Michelle Woslum
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002



RECEIVED
JUL 22 1998
WATER RESOURCES
WESTERN REGION

telecomm Mr Foley
6/17/98
L.C.

2 Ponds : 30 x 30 x 1

3' beams on each pond

springs run into ponds ~ 50' away

Ponds fill in less than 24 hrs

Lower pond used for garden, less
than 1/2 acre via pump + pipe

upper pond used for aesthetic
when spring's direct flow not
diverted for domestic use (internal
+ external if quality tests allow)
Directly piped from spring box

504-372-4671 (there 9 AM to 6 PM)

MICROFILMED

SEP 29 1998

79-07264

FOLEY, MICHAEL G
FOLEY, KATHERINE E
2305 TOWHEE LN
WEST RICHMOND, WA 99353

Source: SPRING

Tributary: SINKS

Diversion Pt: SENESE Sec 9 T 28N R 01W in IDAHO County.

Use: DOMESTIC	(	0.050 CFS)		
AESTHETIC STORAGE			(	1.00 AF)
MINING STORAGE			(	1.00 AF)
Total Diversion:	(	0.050 CFS)		

Date Filed: 5/29/1998

In: IDAHO County		
T28N R01W S09	NESE	SWSE

MICROFILMED

SEP 29 1998