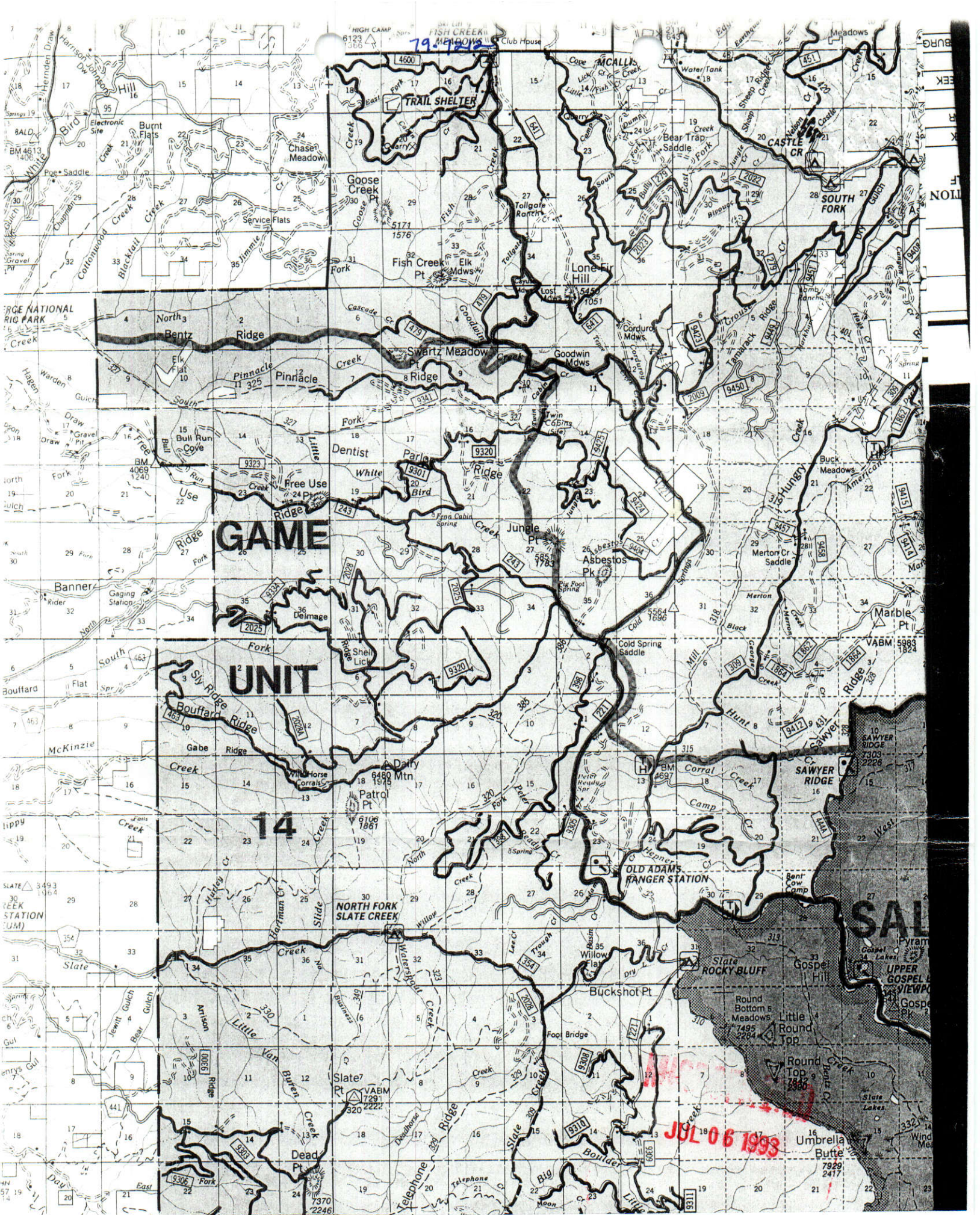
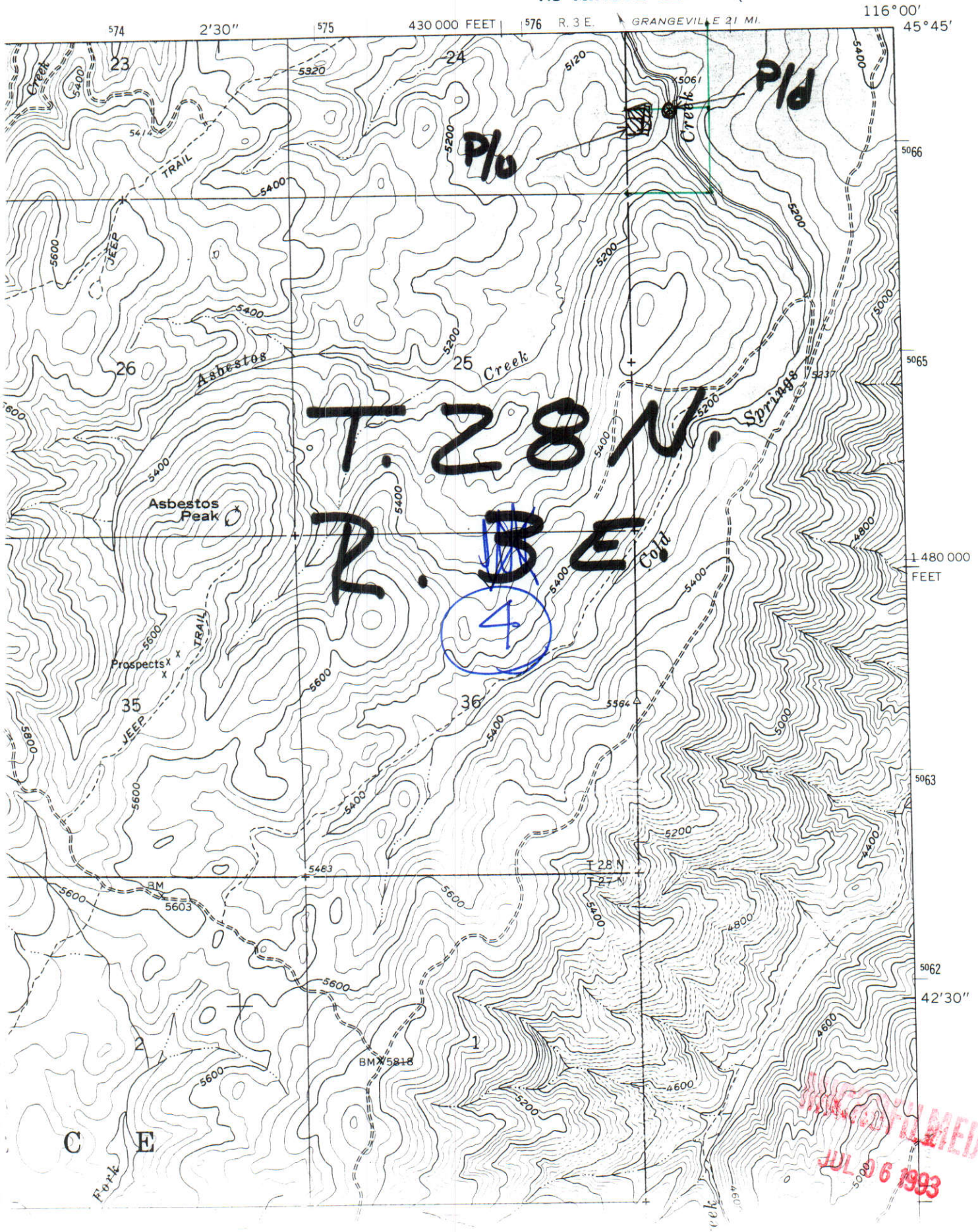


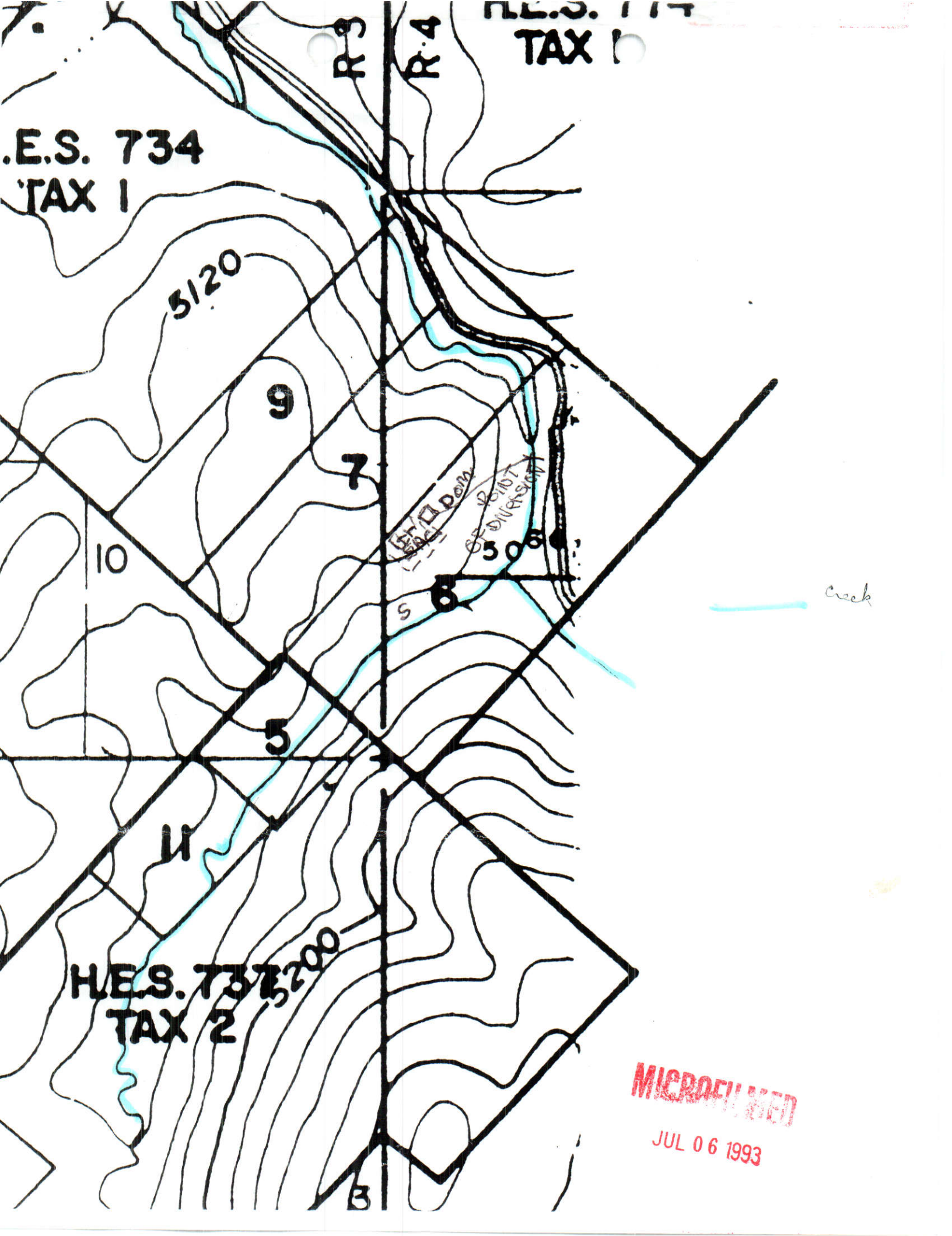


79-7212

DAIRY MOUNTAIN QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2875 IV SW
(HUNGRY RIDGE)





E.S. 734
TAX 1

E.S. 734
TAX 1

5120

9

7

10

Point of diversion
CRACK

5080

8

CRACK

5

11

E.S. 734
TAX 2

MICROFILMED

JUL 06 1993

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

79-07212 ✓

SHEFTAL, JOEL A.

608 E. MAIN

GRANGEVILLE, ID 83530

Source: COLD SPRINGS CREEK

Tributary: WHITE BIRD CREEK, SOUTH
FORK

Diversion Pt: NWSW Sec. 19 T 28N R

04E in IDAHO County. SWSW Sec 19 T

28N R 04E in IDAHO County.

Use: STOCKWATER (.020 CFS)

DOMESTIC (.40 CFS) Total Diversion:
(.060 CFS)

Date Filed: 7/27/1992

In: IDAHO County, T28N R04E S19
NWSW SWSW

Any protest against approval of the
proposed change of water application
must be filed with the Department of
Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705
on or before January 25, 1993.

R. Keith Higginson
Director

Published: 1/7/1993 & 1/14/1993

J7-14

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Marietta Hanson

....., being
first duly sworn, says she is the.....Bookkeeper..... of the
IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho,
and is of general circulation in said county 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
.....7th.....day of January....., 1993.....,
and the last publication on the.....14th.....day of
January....., 1993.....; that the said notice was
published 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 or
advertisement.

Marietta Hanson

STATE OF IDAHO }

}

COUNTY OF }

On this.....14th.....day of.....January.....in the year
of.....1992....., before me, a Notary Public, personally
appeared.....Marietta Hanson....., 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 he executed the same.

[Signature]
Notary Public for Idaho
Residing at.....Grangeville, Idaho.....
My commission expires: 6-4-98

RECEIVED

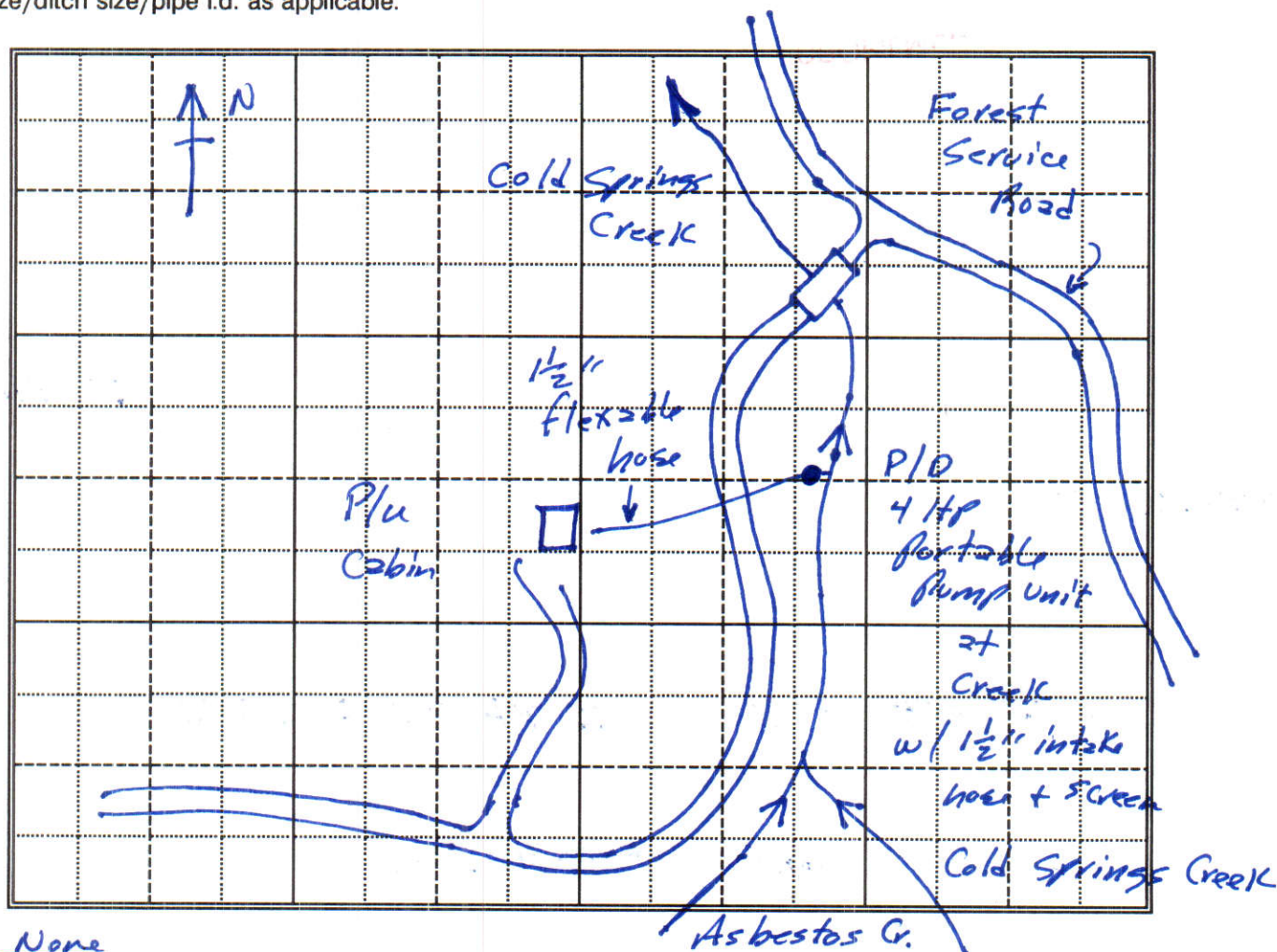
JAN 21 1993

Department of Water Resources
Western Regional Office

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JUL 06 1993

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
Creek Pump	Honda	4	3350467	Honda	Model WH15XK1

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

D. FLOW MEASUREMENTS

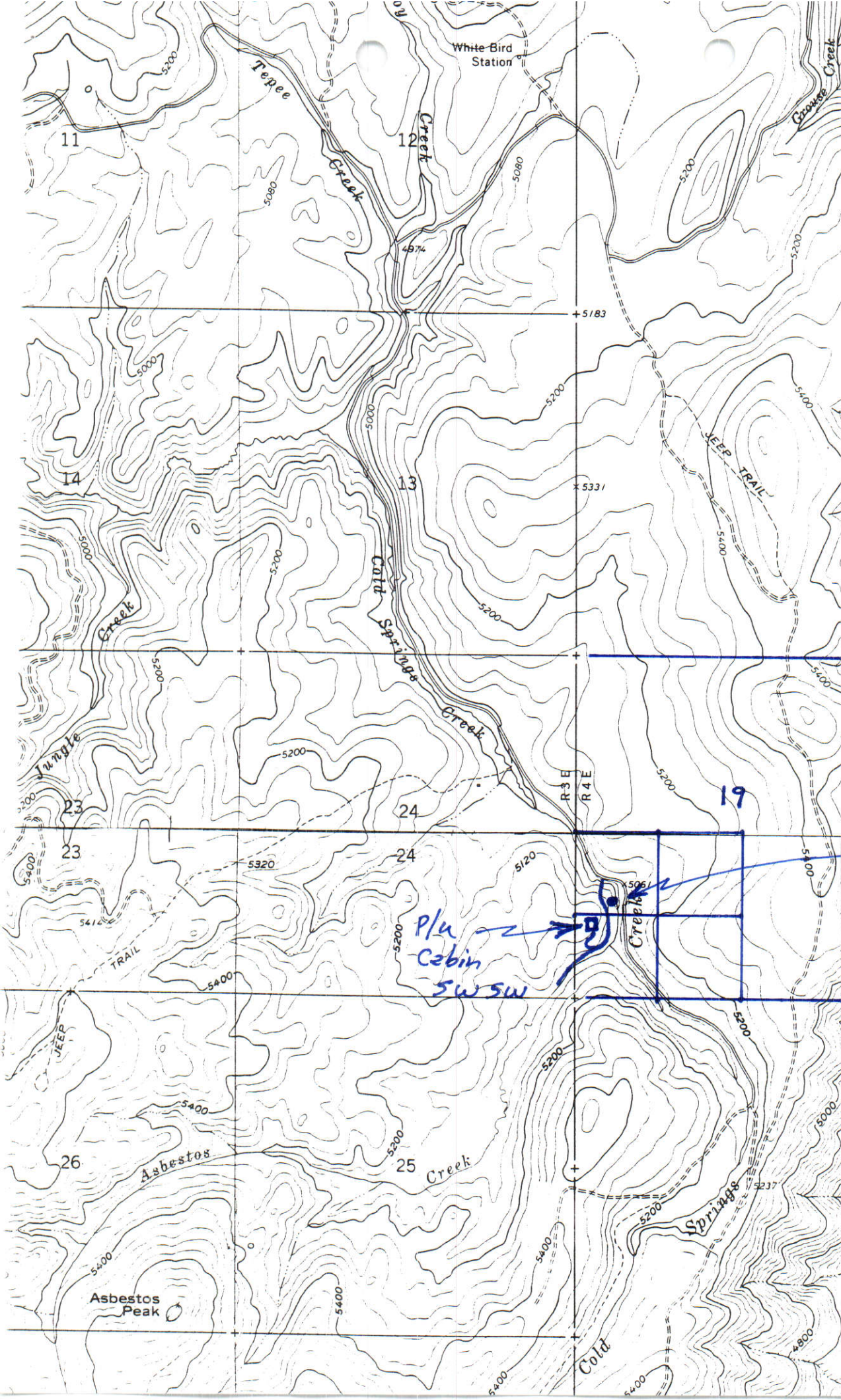
1.

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

2. Measurements: None - Pump unit was at residence in Grangeville.

MICROFILMED

JUN 20 2001



T28N
R4E
Sec. 19

(Un-Surveyed)

DECEMBER
AUG 11

45°45'
P/u
NWSW

MICROFILMED
JUN 20 2001

79-07212

1:480,000
FEET

1 of 2

P/O

Portable

Pump

Unit

at

owner's

Home

in

Grangeville



P/O

Place on

~~at~~ Cold

Springs

Creek

where

Pump

would be

located.

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JUN 20 2001

79-07212



2 of 3



P/u

Cabin



P/u

Cabin

MICROFILMED

JUN 20 2001

79-07212

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 79-07212

Priority: July 27, 1992

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that JOEL A SHEFTAL
608 E MAIN
GRANGEVILLE ID 83530 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 27, 1992; and has
submitted Proof of Beneficial Use on February 04, 1998. An examination indicates that the works have
a diversion capacity of 0.29 cfs of water from:

SOURCE

COLD SPRINGS CREEK

Tributary: SOUTH FORK WHITEBIRD CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

COLD SPRINGS CREEK NW¼SW¼ Sec. 19, Twp 28N, Rge 04E, B.M., IDAHO County

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 04E 19												X					

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.

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 16TH day of MARCH, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

JUN 20 2001

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No.: 041362
Receipt By: [Signature]
Date Received: 2/4/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 04 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 79-07212 Telephone No. (208) 983-1901
2. Name(s) of Permit Holder(s): JOEL SHEFTAL
3. Mailing Address: 608 E. MAIN GRANGEVILLE, IDAHO 83530
4. Source of Water: COLD SPRING CREEK 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): 1 Stockwater (No. and type of stock): 6 RANGE CATTLE
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.06 cfs OR _____ 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 <u>✓</u>
	Has the measuring device been installed?	Yes _____	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>✓</u>
	Has the measurement port been installed?	Yes _____	or	No <u>✓</u>
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: JOEL SHEFTAL Telephone Number: 983-1901
Address: 608 E. MAIN GRANGEVILLE, ID 83530

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.

APR 28 1998

Signature of permit holder: Joel Sheftal Date: FEB 2 1998
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 79-07212

Proposed Priority: July 27, 1992 Maximum Diversion Rate: 0.06 CFS

This is to certify, that **JOEL A SHEFTAL**
608 E MAIN
GRANGEVILLE ID 83530

has applied for a permit to appropriate water from:

COLD SPRINGS CREEK tributary of **WHITE BIRD CREEK, SOUTH FORK**

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
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 19, Township 28N, Range 04E
SWSW , Sec. 19, Township 28N, Range 04E
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11N 03E 3 Lot 7(SWSE)
28N 04E 19 NWSW SWSW

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 2, 1998**.
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. Single point of diversion located on or near line between NWSW and SWSW, S19, T28N, R04E.
5. Stockwater use is for 6 range cattle.
6. Domestic use is for 1 home.

MIDDOCHER

06 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 79-07212

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

11th day of February, 1993


R. Keith Higginson, Director

for

RECEIVED

JUL 06 1993

Ident. No. 79-07212

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JOEL A SHEFTAL 208-983-1901
Address: 608 E MAIN
GRANGEVILLE ID 83530
 2. Source: COLD SPRINGS CREEK Trib. to: WHITE BIRD CREEK, SOUTH FORK
 3. Location of Point of Diversion: NWSW Sec. 19, Township 28N, Range 04E
SWSW Sec. 19, Township 28N, Range 04E
IDAHO County
 4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		
 5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF
 6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP IN CREEK, LINES TO 1200 GALLON HOLDING TANK
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
 8. Place of Use: STOCKWATER
- TWN RGE SEC
28N 04E 19 NWSW SWSW
- Place of Use: DOMESTIC, same as STOCKWATER use

RECORDED

JUL 06 1993

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

10. Remarks:

Single point of diversion located on or near tract line between
NWSW and SWSW Section 19, T28N R04E.
Stockwater use is for 6 range cattle.
Domestic use is for 1 home.

11. Map of proposed point of diversion and place of use attached? ☒

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

See original

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 35.00 Receipted by _____ #N005751 Date 7/27/1992

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED

JUL 06 1993

DEC -7 1992

**Department of Water Resources
Western Regional Office**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No.

Split ap

See also
(79-724)

1. Name of applicant JOEL A. SHEFTAL Phone 983-1901
Post office address 608 E. MAIN GRANGEVILLE IDAHO 83530
S.F. WHITE BIRD CK
SALMON RIVER
2. Source of water supply ~~ADRIAS AND COLD~~ which is a tributary of ~~SALMON RIVER~~
SPRINGS CREEK SW SW
3. Location of point of diversion is 1/4 of ~~SE~~ 1/4 of ~~SE~~ 1/4, Govt. Lot ~~125-734~~
Sec. 3419 Township 28 N Range 4 EAST B.M. IDAHO County; additional
(AS SHOWN ON ATTACHED MAP) and W 1/2 SW 1/4 Sec 19 Twp 28 N Range 42 E
points of diversion if any: NWSW SEC 19 28 N 4E
(ONE P/D ON OR NEAR TRACT LINE)
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum) allow 3/1 to 10/30
Amount 0.03 for IRRIGATION purposes from JUNE 15 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for STOCK WATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.21 for 0.09 purposes from 0.00 to 0.00 (both dates inclusive)
(cfs or acre-feet per annum) 0.21 0.09 0.00 0.00
cubic feet per second acre feet per annum
5. Total quantity to be appropriated is (a) 0.21 and/or (b) 0.09
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP TO BE A HONDA
WB20X WITH APPROPRIATE LINES & PIPING TO DIVERT
TO A 1200 GALLON DOMESTIC USE HOLDING TANK
b. Height of storage dam NONE feet; active reservoir capacity NONE acre-feet; total
reservoir capacity NONE acre-feet; period of year when water will be diverted to storage:
JUNE 15 to NOV 1 inclusive.
c. Proposed well diameter is NONE inches; proposed depth of well is 0 feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the MICROFILM to the proposed beneficial use is
5 YRS years (minimum 1 year).

5 ~~10~~ years (minimum 1 year).

JUL 06 1993

* VACATION PROPERTY - APPLICANT REQUEST FULL 5 YRS
ALL CHANGES MADE PER TELECON 10/27/92 GY

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. 6 Stocker Feeder
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. IRRIGATION OF GRASSES SUPPLEMENTAL FEED GARDEN

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
~~28N~~	~~3E~~	~~24~~																	
28N	4E	19																	

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. DOMESTIC

11. a. Who owns the property at the point of diversion? JOEL A SHEFTAL

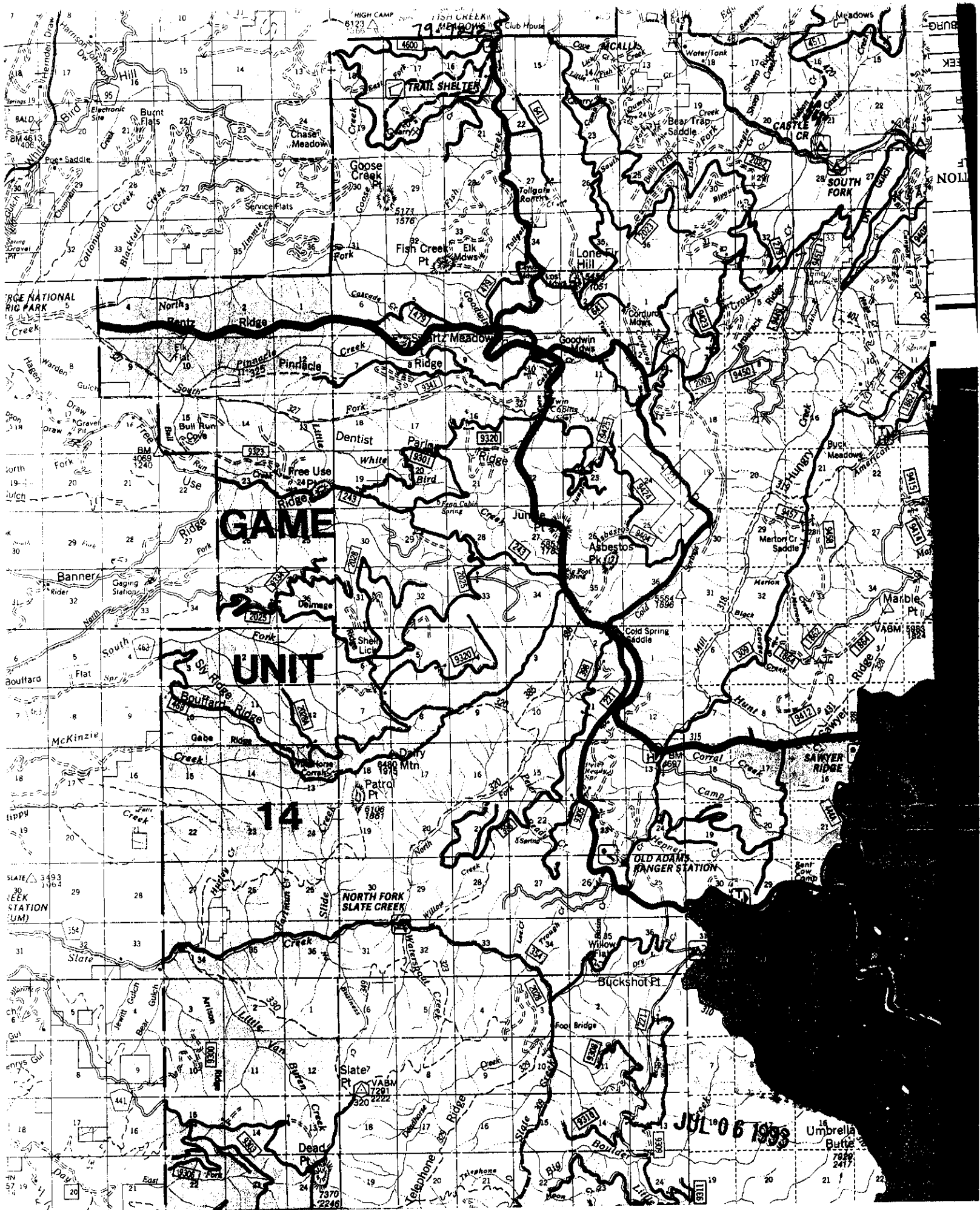
b. Who owns the land to be irrigated or place of use? JOEL A SHEFTAL

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: _____

APPROVED

JUL 06 1993



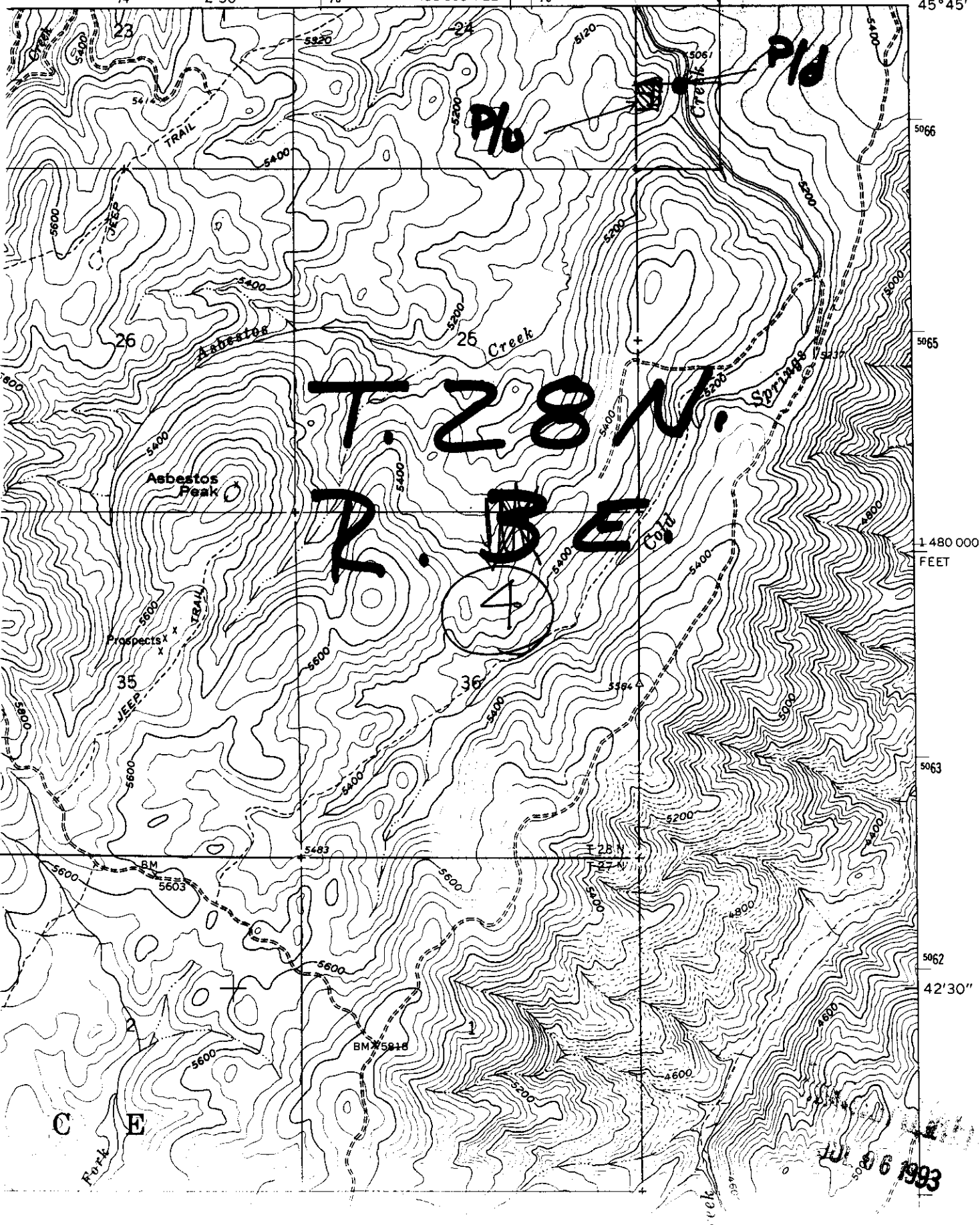
82 24 280 R 3 E B2

19-7212

DAIRY MOUNTAIN QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2875 IV SW
(HUNGRY RIDGE)

574 2'30" 575 430 000 FEET 576 R. 3 E. GRANGEVILLE 21 MI. 116°00' 45°45'



TAX 1

E.S. 734
TAX 1

5120

9

7

10

LET IT RAIN
DO NOT
DISTURB

5080

5

8

Creek

5

11

H.E.S. 734
TAX 2

5200

3

MICROFILMED

JUL 06 1993

See ATTACHED MAPS

[illegible]

JUL 06 1992

goel a shifted
(Applicant)

Received by LLF Date 7-27-92 Time 12:40 Preliminary check by cyt
Fee \$ 45.00 Receipted by pm # N-3751 Date 7/27/92
Publication prepared by GG Date 12/30/92 Published in Idaho County Free Press
Publication approved st Date 1-28-93
10/7/92
9/9/92
11:45 A.M
12:30 PM

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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JUL 06 1993

Comments: Date: 12/30/1992 User-ID: HODGES

Subject:

SPLIT APPLICATION

Original application no. 79-07212 has been split due to the Salmon River Moratorium, with non-approvable uses under 79-07214. Due to a processing error at Region, 79-07212 did not get advertised in October when received; at that time the ap would have been advertised and then split. At this time, splits of partially approvable aps are solicited prior to advertising, requiring that an extra fee be collected. The extra fee will not be collected in this case because of the error which delayed advertising.

RECORDED

JUL 06 1993

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Marietta Hanson, being first duly sworn, says she is the Bookkeeper of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho county, State of Idaho, and is of general circulation in said county 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 7th day of January, 1993, and the last publication on the 14th day of January, 1993; that the said notice was published 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 or advertisement.

Marietta Hanson

STATE OF IDAHO }

COUNTY OF }

On this 14th day of January in the year of 1992, before me, a Notary Public, personally appeared Marietta Hanson, 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 he executed the same.

[Signature]
Notary Public for Idaho

Residing at Grangeville, Idaho

My commission expires: 6-4-98

RECEIVED

JUL 21 1993

Department of Water Resources
Bozeman Regional Office

RECORDED

JUL 06 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOEL A SHEFTAL
608 E MAIN
GRANGEVILLE ID 83530

RE: License No. 79-7212 - 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.

MICROFILMED

JUN 20 2001

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

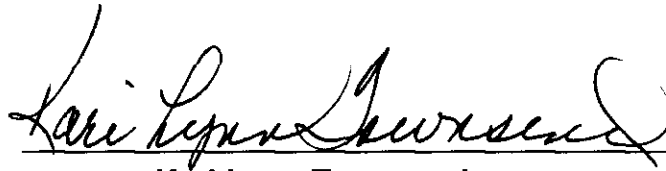
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on March 19, 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. 79-7212

**JOEL A SHEFTAL
608 E MAIN
GRANGEVILLE ID 83530**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**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.

LICENSE REVIEW CHECKLIST

Permit No. 79-07212 Date: 3-14-2001 Reviewer: Kay Walker

topo N60
P10

POU ID
489158

Change/OK

Name/Address

OK

Source

OK

Point of Diversion:

OK

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

OK

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit cfs

Measured 0 cfs

Theoretical 0.29 cfs

Recommended Total Diversion Rate 0.04

Season of Use per new Standards

Water Uses

Change (P46)

Irrigation cfs af

Stockwater cfs af

Domestic 0.04 cfs 1.2 af

cfs af

cfs af

Total 0.04 cfs 1.2 af

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

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

41 acre (W31)

Domestic (W01/Wb5/070/071/075)

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

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

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

Remarks:

W01

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1999

Department of Water Resources

Permit No. 79-07212

A. GENERAL INFORMATION

1. Owner: Joel A. Sheftal Phone No. (208) 983-1901

Current Address: 608 E. Main, Grangeville, ID 83530

2. Accompanied by: Joel Sheftal EXAM DATE: 7-28-99

Address: Same Phone No. Same

Relationship to Permit Holder: Same

3. Source: Cold Springs Creek tributary to White Bird Creek, South Fork

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None (79-07214 for S.M. Irrigation;

2. Other water rights with the same point of diversion: None Application being held)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: Un-Surveyed Section

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					NW 19	28N	4E	Idaho	Site Visit, map

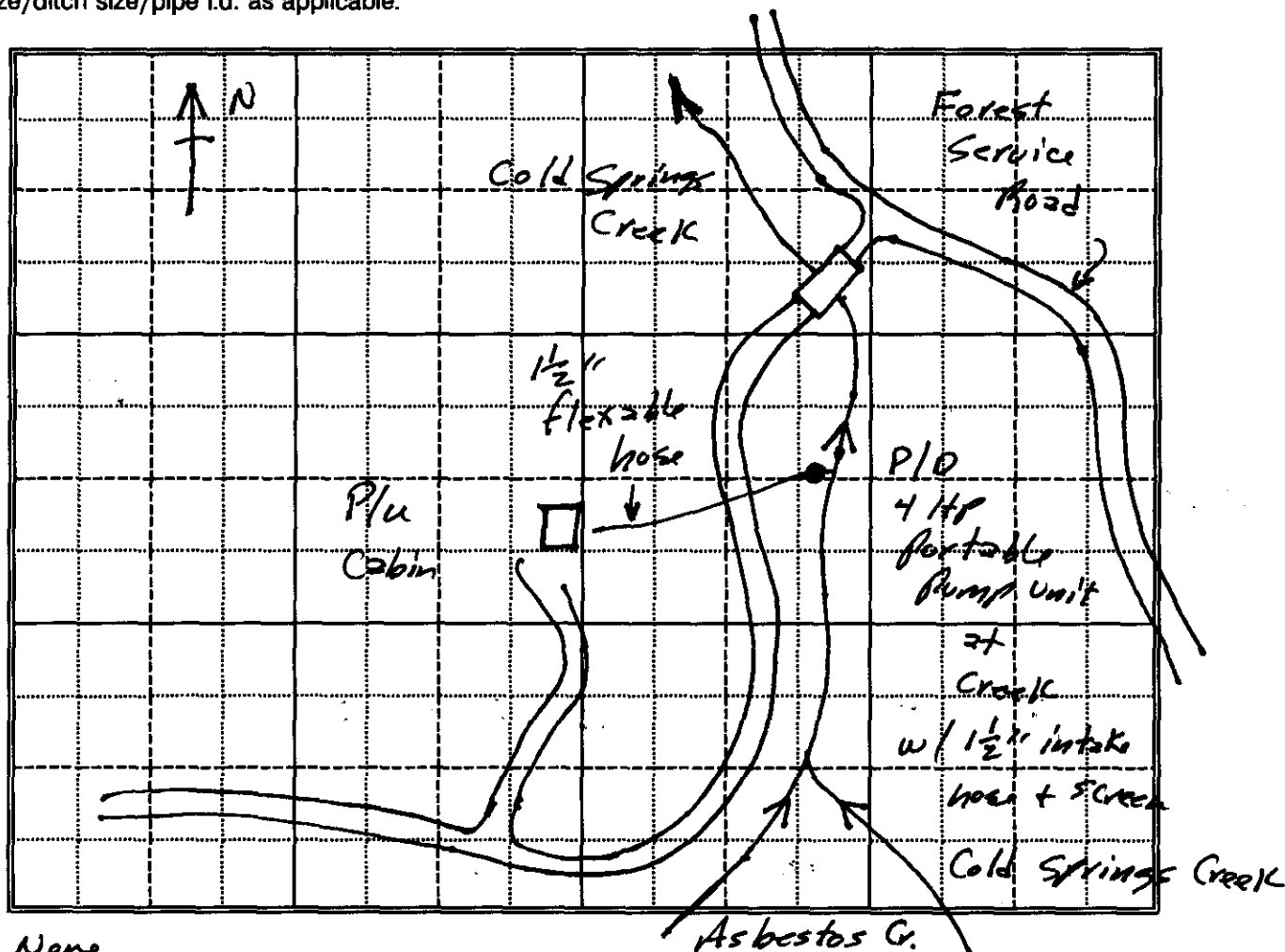
2. Place(s) of Use: Indicate Method of Determination Site Visit, map

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	4E	19											D						

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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
Creek Pump	Honda	4	3350467	Honda	Model WH15XK1

*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 - Pump unit was at residence in Grangeville.

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JUN 20 2001

E. NARRATIVE/REMARKS/COMMENTS

1. This permit was for stockwater and domestic use. The field exam found only domestic use for a cabin located above Cold Springs Creek. The domestic use would include the cabin, $1\frac{1}{2}$ AC. irrigation, and some stockwater at the cabin.
2. The owner purchased a small tract of private land located in the Nez Perce National Forest, and built a small cabin on the property. The owner's residence is in Grangeville; and when he goes to the cabin, he takes along a 4 HP Honda portable pump to pump water to the cabin. The pump is normally set on the bank of the creek, and pumps water through a $1\frac{1}{2}$ " flexible hose to the cabin. The water is used in the cabin, and to irrigate the yard around the cabin. Stockwater may also be used at the cabin.
3. The 4 HP Honda pump was at the owner's home in Grangeville at the time of the exam.
another
4. This permit showed a Plc in Lot 7, SWSE, T11N, R3E, Section 3. This must be an error, as the owner ~~does~~ not, ^{does} property at this location. ^{has}

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

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Domestic use only

Note: The owner ^{JUN 2 1984} applied for stockwater since he did not know that domestic included some stockwater use.

Additional Computation Sheets Attached

Measured Method:

Measured Method: None, Pump unit was at owner's house at
Theoretical Cal.: Grangeville.

$$Q = \frac{(808)(414)(702)}{4' + (35 \text{ psi})\left(\frac{34'}{14.7 \text{ psi}}\right)} = \underline{0.29 \text{ cfs}}. \quad \text{Allow domestic rate, } \underline{0.04 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{10cm}}$$

$V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} =$ _____

2. Volume Calculations for Other Uses:

Domestic only, Internal + External.

1.2 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.04</u>	<u>1.2</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Totals:			<u>0.04</u>	<u>1.2</u>

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

None

Change P.U. as reflected above

Add P.U. as reflected above

Other

1) P/O is just
NWSW

I. AUTHENTICATION

Field Examiner's Name Dan Zemel Date 11-8-99

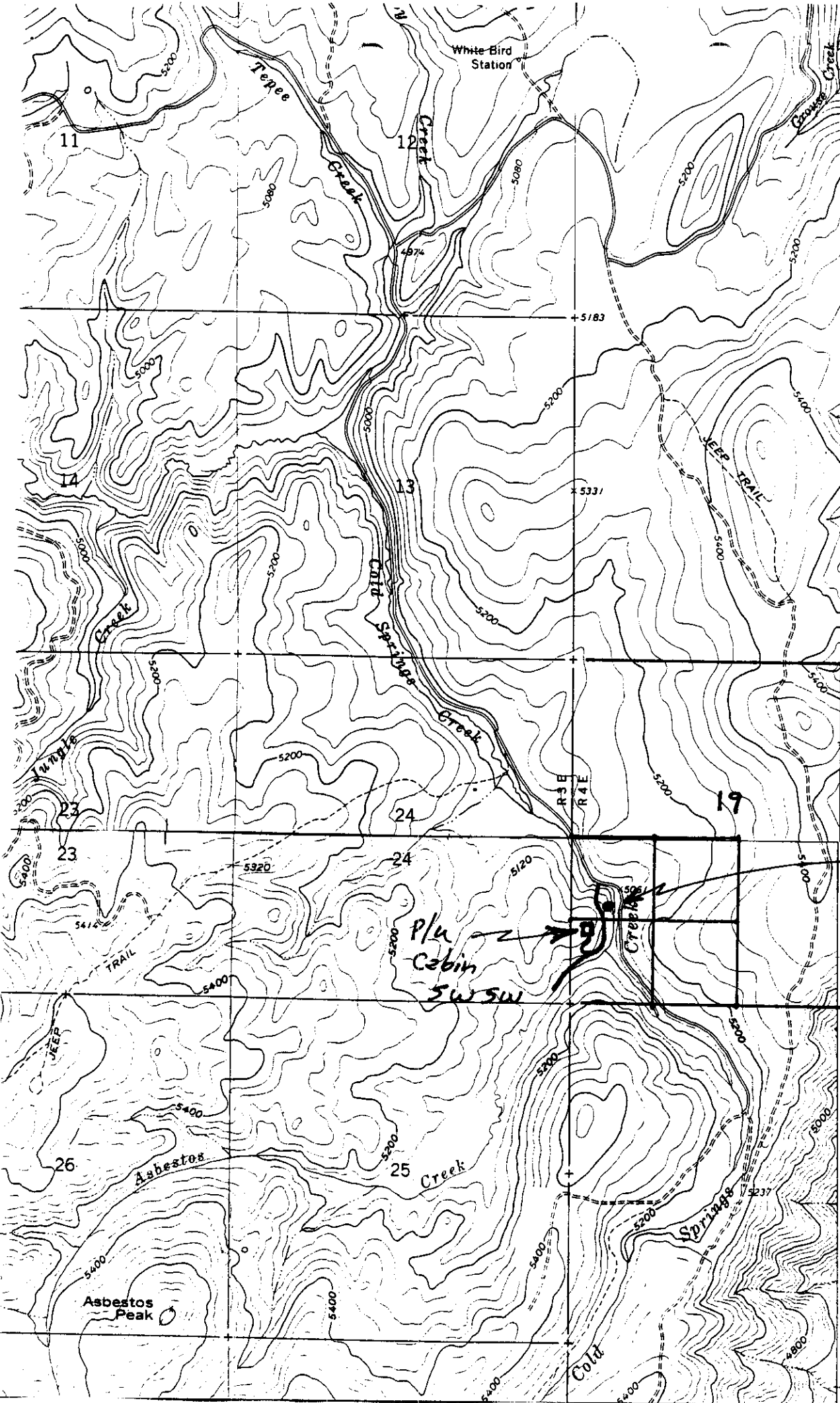
Reviewer _____ Date _____

SEAL

3/ Use is just Domestic.

MICROFILMED

JUN 20 2001



T28N
R4E
Sec. 19

(Un-Surveyed)

DEPT
AUG 10

45°45'
P10
NWSW

MICROFILMED
JUN 20 2001

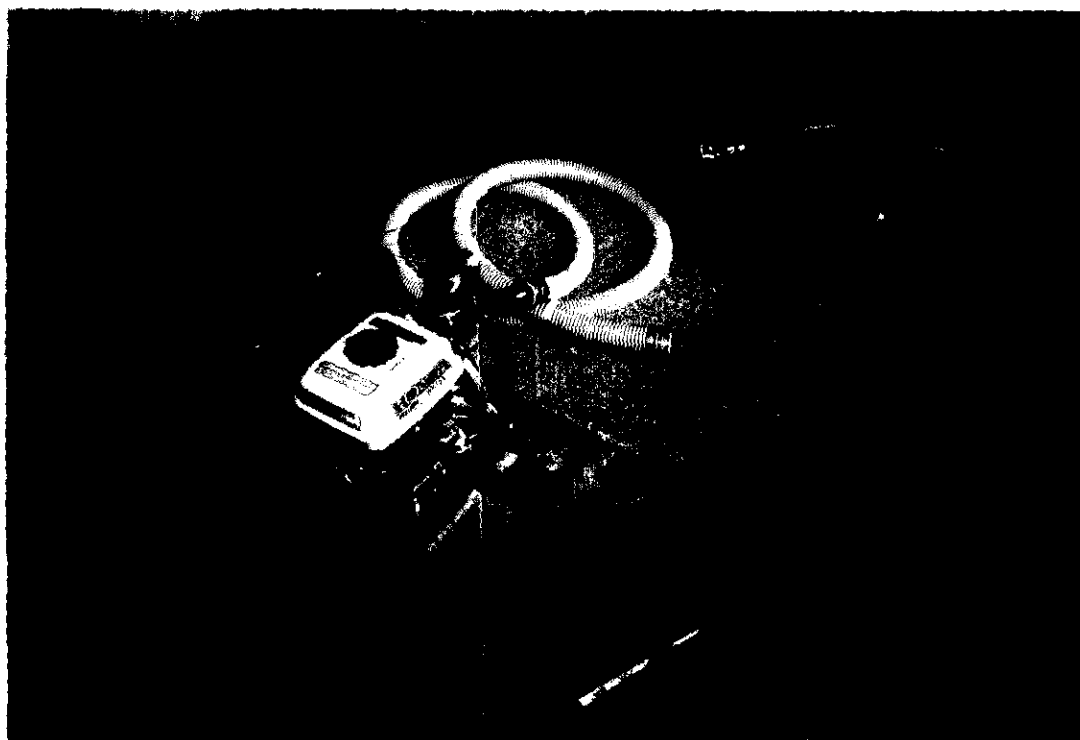
79-07212

1:480,000
FEET

1 of 2

P/O

Portable
Pump
Unit
at
owner's
Home
in
Grangeville



P/O

Place on
~~at~~ Cold
Springs
Creek
where
Pump
would be
located.



MICROFILMED
JUN 20 2001

79-07212

2 of 2



P/u

Cabin



P/u

Cabin

MICROFILMED

JUN 21

79-07212

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 79-07212 Reviewed by [Signature] Date 3-19-98

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., stock

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 [Signature] Proof Made 2-4-98



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

March 19, 1998

Joel Sheftal
608 E Main
Grangeville ID 83530

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07212

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 department's **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

APR 28 1998

December 31, 1997

JOEL A SHEFTAL
608 E MAIN
GRANGEVILLE ID 83530

PROOF DUE NOTICE

RE: PERMIT NO. 79-07212

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

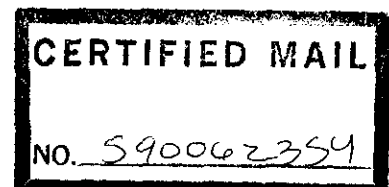
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 28 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 11, 1993

JOEL A SHEFTAL
608 E MAIN
GRANGEVILLE ID 83530

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07212

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

RECORDED

JUL 06 1993

APPLICATION FOR PERMIT REVIEW

Bdm

Application #: 79-7212 Date: 2-10-93 Reviewer: Brenda Miller

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

AREA OF CONCERN?

YES

Salmon-Clearwater
Moratorium

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>
- Drilling Permit:
- Approved w/permit - P99 Permit No. _____
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A
- SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. _____
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - _____ (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date - 03-02-1998

Other Conditions/Remarks: - _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Cyf DATE: 10/27/92 APPLICATION: 79-712 ~~79-712~~

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)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

P/D

P/U

ADDITIONAL INFORMATION

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
1992 moratorium Salmon River, exempt dam/stock
Diversion within interim protected river area
Send dam safety information:
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
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

DATE REQUESTED: _____

Additional information on reverse side:

RECEIVED
FEB 9 1993

Department of Water Resources

PROCESSING

APPLICATION NO. 79-7212

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

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:

Protests received. Final date for protest

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dr

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

26A (Allow 2 years)

See below for additional information

Recommended Date or Priority 7/27/1992Recommended by: DA Date 2/3/1993

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

Sec 19, T28N R04E Not Platted.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

DECEMBER 30, 1992

Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 25, 1993.

Yours truly,

GAIL GARRETT
Secretary

Encl.

RECEIVED
JUL 06 1993

79-07212

SHEFTAL, JOEL A
608 E MAIN
GRANGEVILLE, ID 83530

Source: COLD SPRINGS CREEK

Tributary: WHITE BIRD CREEK, SOUTH FO

Diversion Pt:	NWSW	Sec 19 T 28N R 04E in IDAHO County.
	SWSW	Sec 19 T 28N R 04E in IDAHO County.

Use: STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)
Total Diversion:	(.060 CFS)

Date Filed: 7/27/1992

In: IDAHO County		
T28N R04E S19	NWSW	SWSW

JUL 06 1993