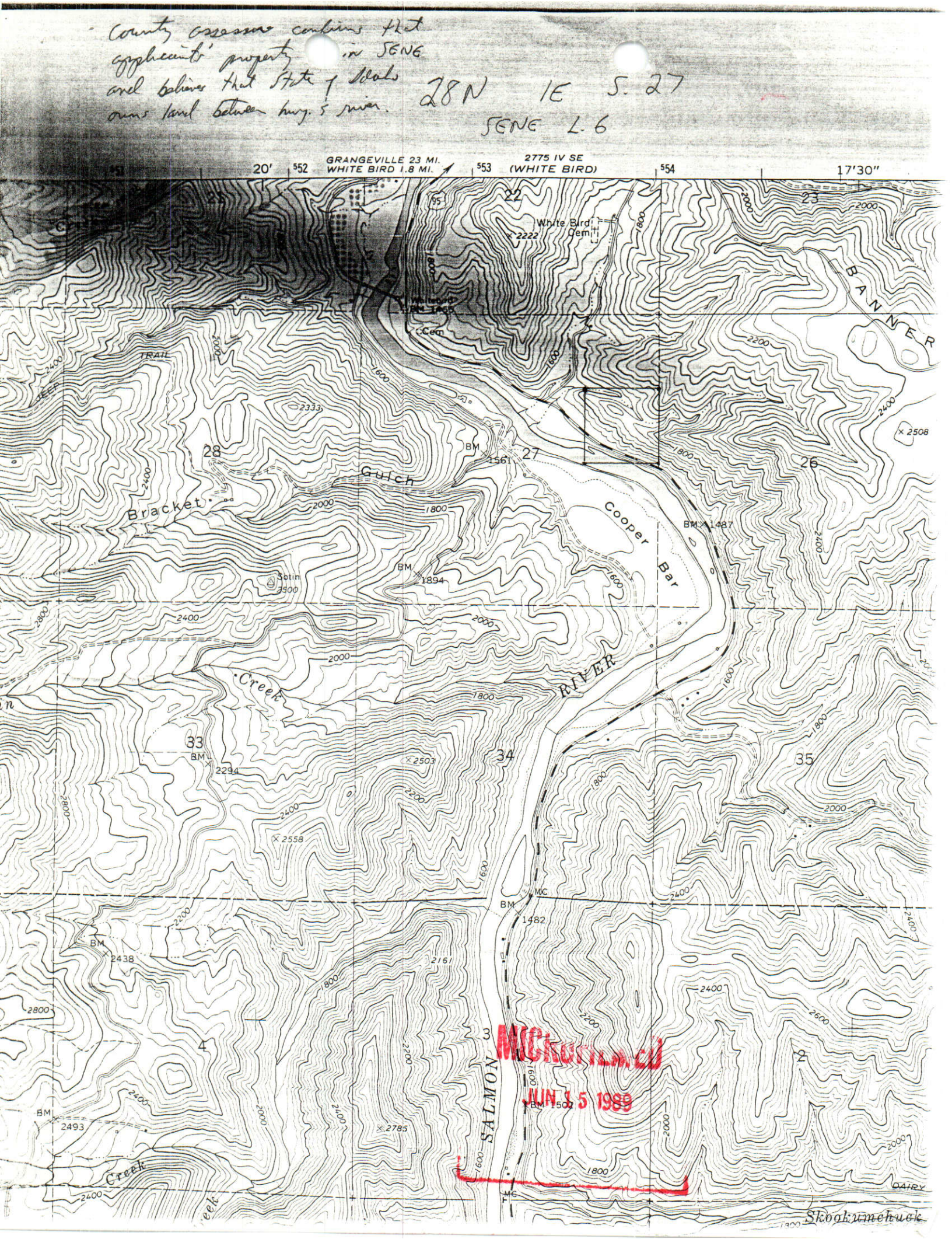
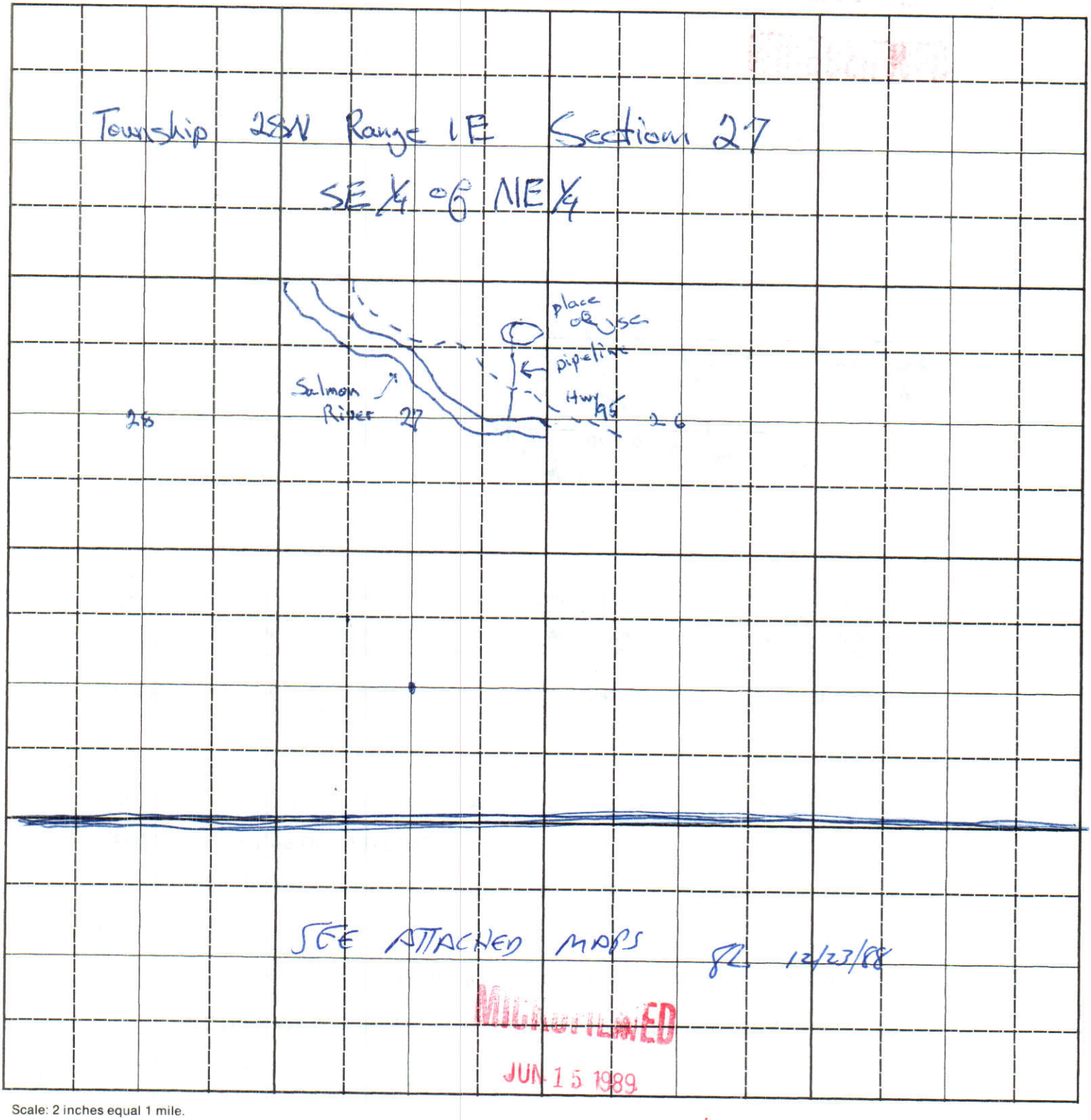
County assessor confirms that applicants' property is in SENE and believes that State / deeds owns land between hwy. & river.

28N 1E S. 27
SENE L. 6



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



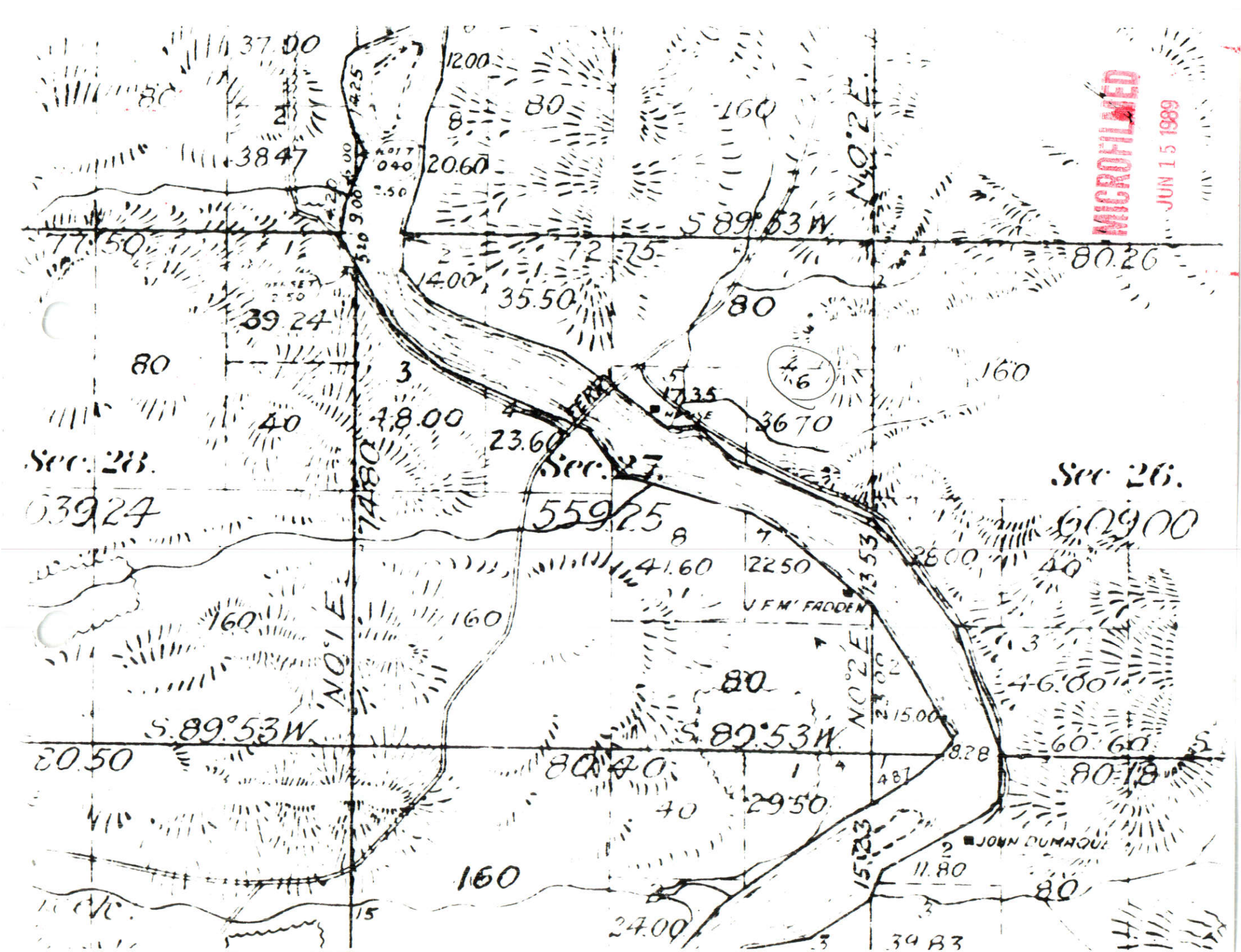
SEE ATTACHED MAPS 12/23/88

RECEIVED
JUN 15 1989

Scale: 2 inches equal 1 mile.

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.

(Applicant)


Sec. 28.
Sec. 27.
Sec. 26.
S 89° 53 W.
N 0° 7 E.
S. 89° 53 W.
N 0° E
S. 89° 53 W.
N 0° 7 E.
JOHN DUMAOUS
MICROFILMED
JUN 15 1989

RECEIVED
AUG 11 1997
Department of Water Resources

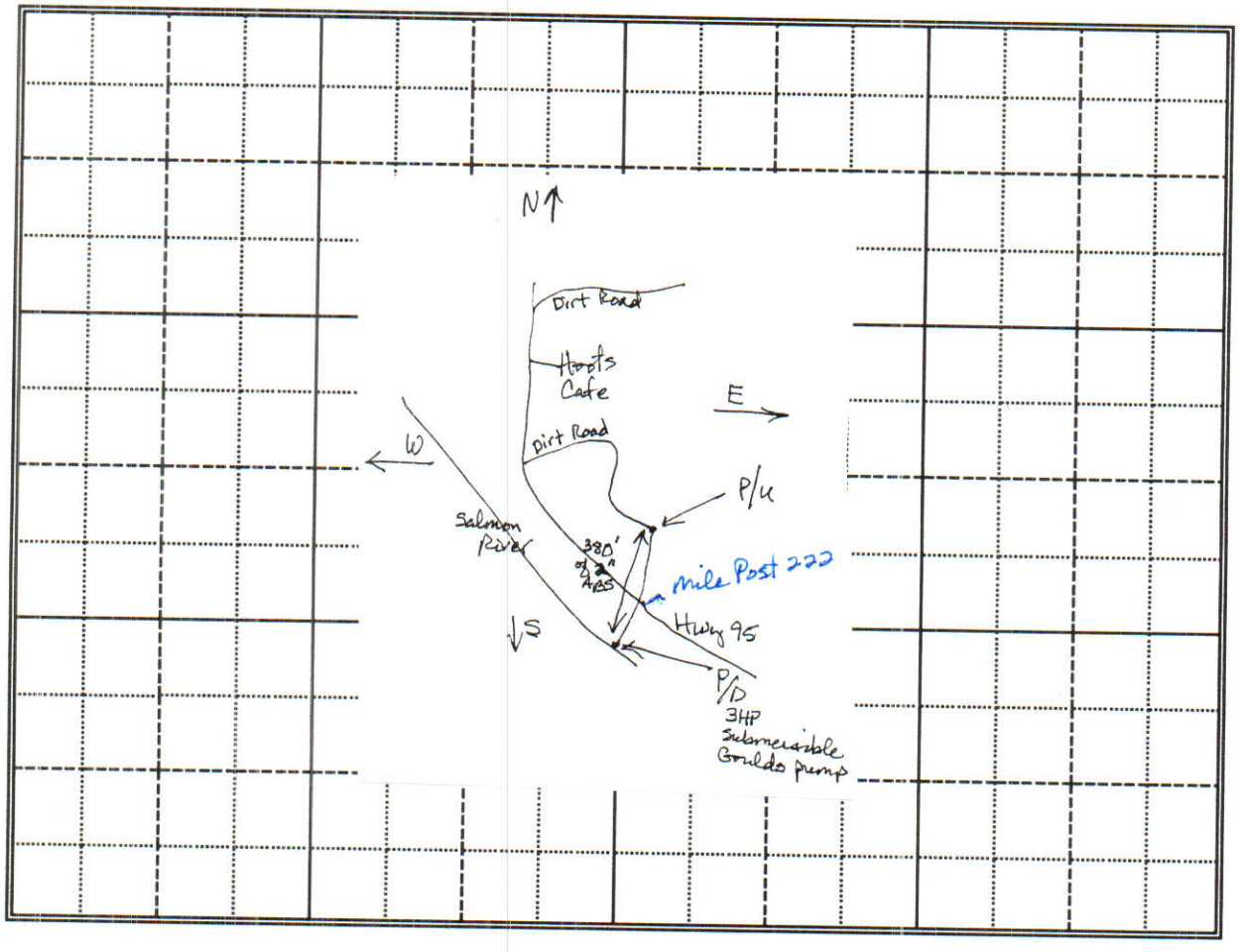
IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

L79-07197
CHARLES SPRAYBERRY
~~PO BOX 241~~
~~FIOOINS~~ ~~ID 83542~~

MICROFILMED
SEP 16 1997

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



Scale: 1" = _____.

✓ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A 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
		3		Goulds	2"

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

* This pump replaced the one listed in 79-7058A + B.

D. FLOW MEASUREMENTS

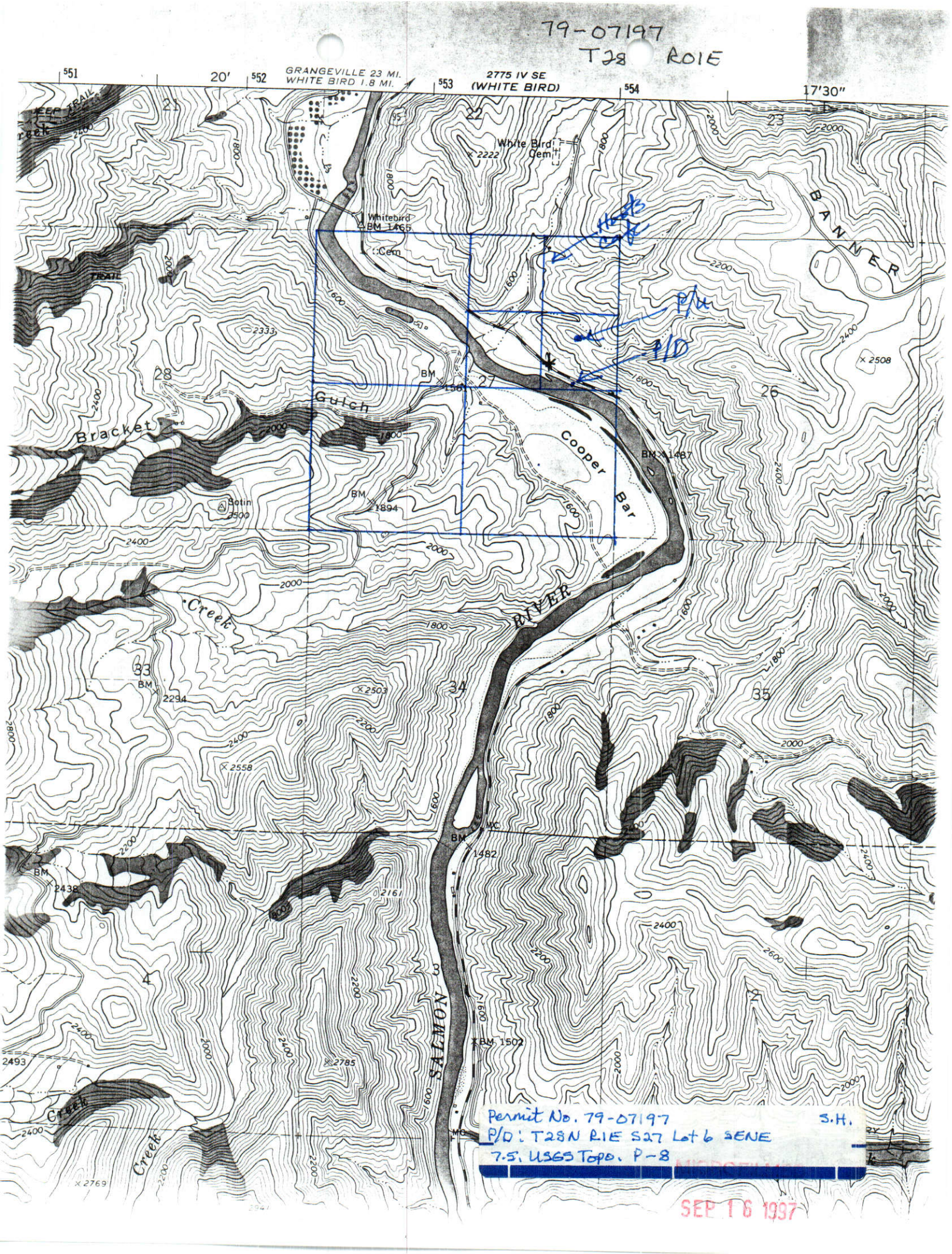
1.

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

2. **Measurements:** _____

MICROFILMED
SEP 16 1997

79-07197
T28 R01E



Permit No. 79-07197 S.H.
P/D: T28N R1E S27 Lot 6 SENE
7.5. USGS Topo. P-8

SEP 16 1997

79-07197
8/31/95 S.H

P/D:
3HP submersible Goulds pump w/ 380' of 2" ABS buried pipe from the Salmon River to P/U

P/U: 2" ABS to risers, Misc. hoses with misc. type nozzles to irrigate grass, trees, garden, also for fire protection (Additional acre to existing system)

neighbor WR 79-7058 B who also uses the same system

MICROFILMED
SEP 16 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07197

Priority: December 1, 1988 — Maximum Diversion Rate: 0.03 CFS; Maximum Diversion Volume: 4.0 AF

This is to certify, that CHARLES SPRAYBERRY
PO BOX 241
RIGGINS ID 83549 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 1, 1988; and has submitted Proof of Beneficial Use on March 7, 1990. An examination indicates that the works have a diversion capacity of 0.060 cfs of water from:

SALMON RIVER tributary to **SNAKE RIVER**

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/01 to 11/30	0.03 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 6(SENE), Sec. 27, Township 28N, Range 01E IDAHO County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
28N	01E	27	Lot 6(SENE)	1			1

Total number of acres irrigated: 1

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

RECEIVED
SEP 16 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07197

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1st day of August, 1997.

Acting for KARL J. DREHER, Director

SEP 10 19

Form 217
08/89

RECEIVED
MAR 07 1990
No fee received
Department of Water Resources

For Office Use Only
Amt. of Fee $_____
Date _____
Receipt No. _____
Received by _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 79-07197 Telephone No. 839 2376

Name(s) of Permit Holder(s): Charles Sprayberry ✓

Post Office Address: Box 241 Riggins ID ✓

Source of Water: Salmon River ✓

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households) Irrigation 1 ✓ (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .03 ✓ cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 8-88 ✓ *

One of the following may be a condition of approval of your permit:

Measuring device: Required? __Yes ✓No Installed? __Yes __No

OR

Flow Measurement Port: Required? __Yes ✓No Installed? __Yes __No

Fee Enclosed: $ 0 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Charles Sprayberry 8392376
Name Telephone No.

PO BOX 241 Riggins
Address

MICROFILMED
APR 20 1990

The above information 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.

3-5-90
Date

Charles Sprayberry ✓
Signature (and title if on behalf of a company or organization)

* Our

Dear Sir;

My neighbor Steve & Patty Stuivenga of Whitebird and I went in on this system together, and they ^said it has already ~~been~~ had a field examination.

I hope this helps You

Respectfully

Charles Stuivenga

MICROFILMED
APR 20 1990

Form 202
6/85

Ident. No. 79-07197

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Charles Spraybeary Phone 839-2376

   Post office address P.O. Box 241 Riggins, Id. 83549

2. Source of water supply Salmon River which is a tributary of Snake River

3. Location of point of diversion is _____ ¼ of SE ¼ of NE ¼, Govt. Lot 6

   Sec. 27 Township 28 N Range 1E B.M. Idaho County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount .03 (cfs) for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) .03 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Submerged pump, pipelines

   _____

   _____

   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 ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to beneficial use is

   1 yr. years (*minimum 1 year*).

MICROFILMED

JUN 15 1989

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

   a. Hydropower; show total feet of head and proposed capacity in KW. _____

   b. Stockwatering; list number and kind of livestock. _____

   c. Municipal; show name of municipality. _____

   d. Domestic; show number of households. _____

   e. Other; describe fully. _____

9. Description of place of use:

   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

   b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28N	1E	27				2.6 1													1

Total number of acres to be irrigated 1

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

11. a. Who owns the property at the point of diversion? Applicant

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

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

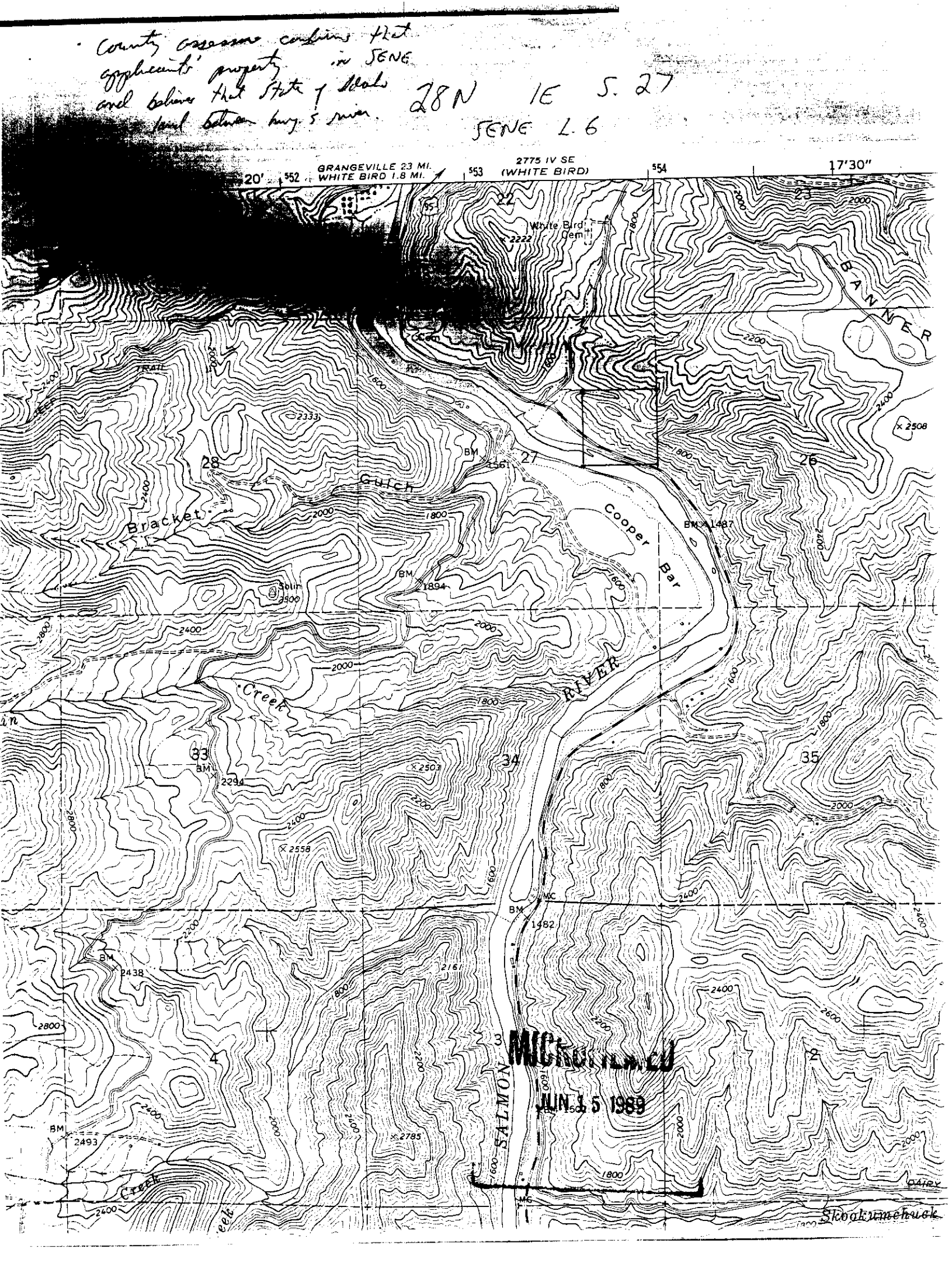
12. Remarks: _____

FILMED

JUN 15 1989

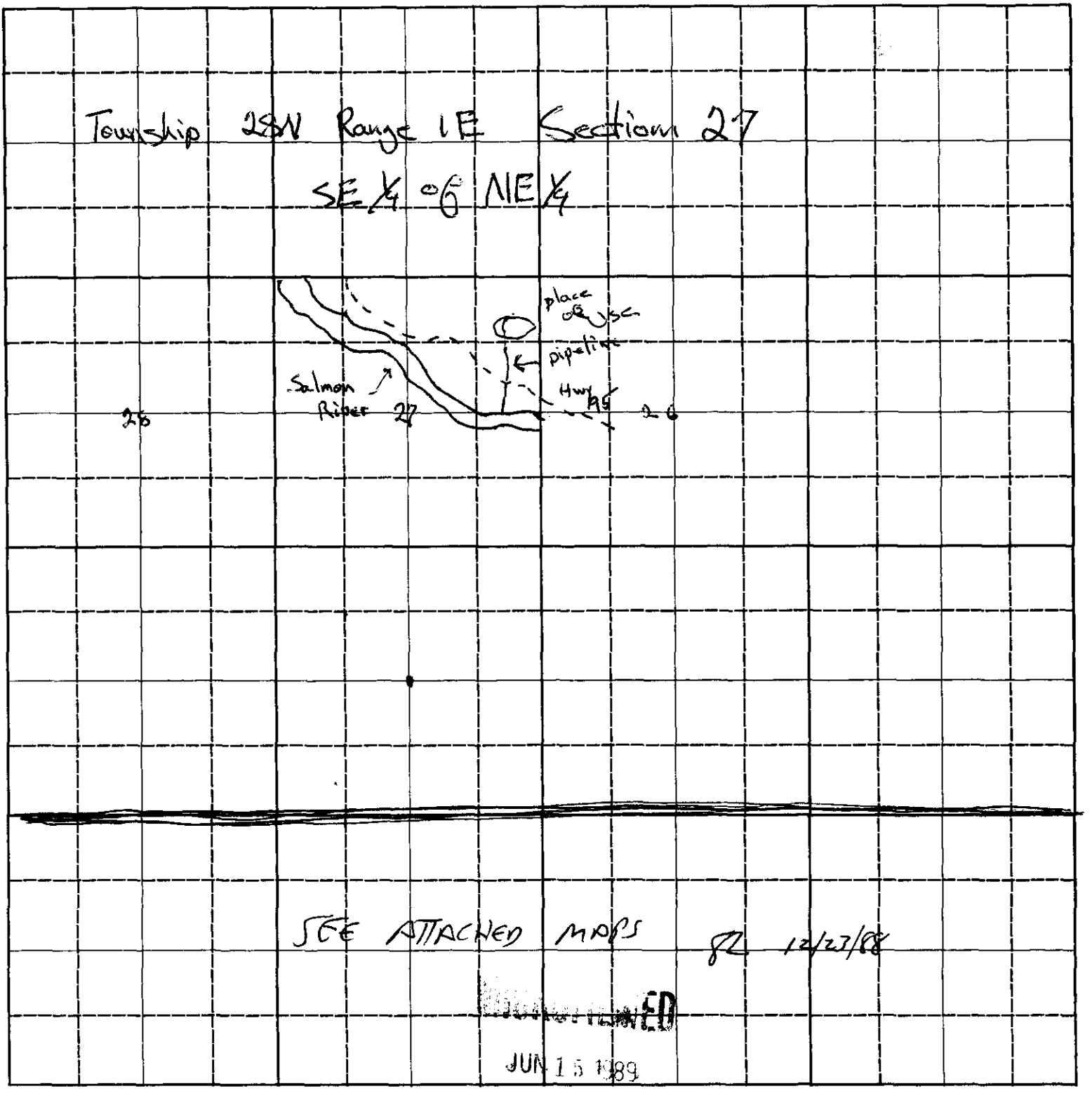
· County assessor combines that applicants' property in SENE and believes that State of Idaho land between hwy & river.

28N 1E S. 27
SENE L.6



MCRO (L.M.) CO
JUN 15 1989

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

(Applicants)

Proposed Priority 12/1/88

Received by [illegible] Date 12-1-88 Time 11:00 AM Preliminary check by [illegible]

Fee $ 30.00 Receipted by ELR # W001680 Date 12/20/88

Publication prepared by GG Date 1-11-89 Published in Idaho County Free Press 1/18 & 1/25/89

Publication approved [illegible] Date 2/6/89

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. 79-7197, and said application is hereby APPROVED.

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 April 1, 19 90.

   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.

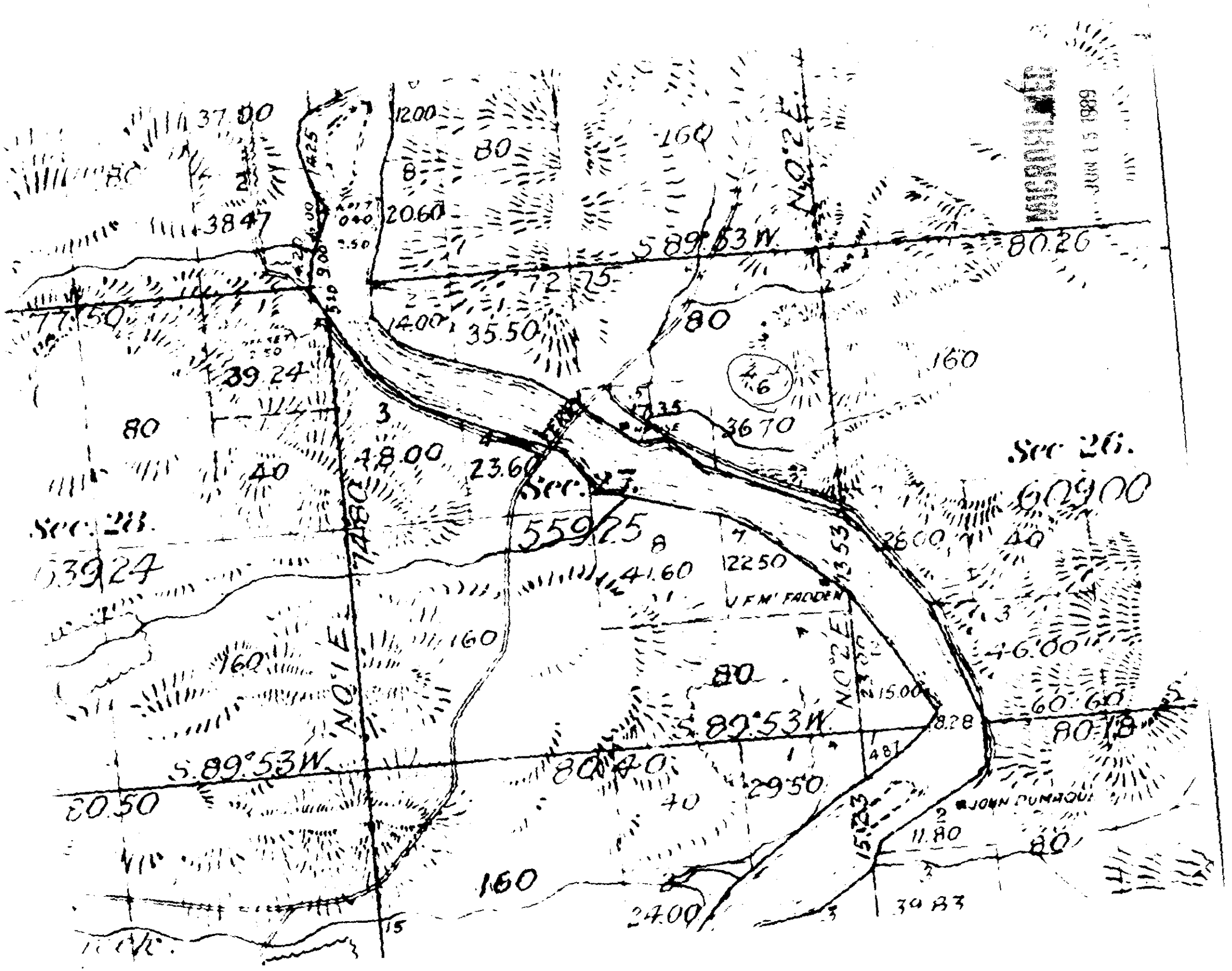
   e. Other:

Witness my hand this 3rd day of April, 1989.

L. Glen Saxton

MICROFILMED

JUN 15 1989


37.00
38.47
77.50
39.24
80
40
Sec. 28.
39.24
160
160
80
40
80
3
18.00
23.60
Sec. 27.
55.25
41.60
12.50
80
160
80
35.50
72.25
14.00
S 89.53 W.
80.26
N 0°2 E.
46
36.70
160
Sec. 26.
60.00
40
46.00
60.60
80.18
15.00
8.28
48.7
29.50
80
80
S. 89°53W.
S. 89°53W.
80.50
160
24.00
15.22
11.80
80
30.83
JOHN DUNHAM
U.F.M. FARDEN
N 0°2 E
N 0°2 E
MISSOURI RIVER
JUNE 15 1869

original/ front pg. / revised per memos and / ne conversations 8/3/89
Admin.

Form 202
6/85

Ident. No. — .——

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Charles Sprayberry Phone 8392376
   Post office address PO Box 241 Riggins Id. 83549
2. Source of water supply Salmon River which is a tributary of Snake River
3. Location of point of diversion is [redacted] ¼ of S [redacted] E ¼ of NE ¼, Govt. Lot 6
   Sec. 27 Township 28N Range 1E B.M. Idaho County; additional
   points of diversion if any: _____
4. Water will be used for the following purposes:
   Allow 0.03 per Admin. memo — Allow 3/15 — 11/15 *
   Amount ~~0.04~~ (cfs or acre-feet per annum) for Irrigation purposes from ~~1-1~~ to ~~12/31~~ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) ~~0.04~~ 0.03 * cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. submerged pump, pipeline
   _____
   _____
   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 ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
   1 yr. years (*minimum 1 year*).

MICROFILMED
JUN 15 1989

* gr 12/23/88

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

   a. Hydropower; show total feet of head and proposed capacity in KW. _____

   b. Stockwatering; list number and kind of livestock. _____

   c. Municipal; show name of municipality. _____

   d. Domestic; show number of households. _____

   e. Other; describe fully. Irrigation (1 ACRE)

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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28N	1E	27				1			2										1
						2.6													

Total number of acres to be irrigated 1

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

11. a. Who owns the property at the point of diversion? State ? Applicant per phone call with Assessor 12/23/88 ; Applicant 1/3/89 sc

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

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

12. Remarks: _____

MICROFILMED
JUN 15 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07286

CANYON RESOURCES CORP.; C/O DOUGLAS I. JAYNE; E. 8511 UPRIVER DR.; SPOKANE, WA 99212
Source: UNNAMED STREAM Tributary: COMSTOCK CREEK
Diversion Pt: SWNW Sec 10 T 25N R 08E
Use: MINING (.250 CFS) MINING STORAGE (13.10 AF) MINING FROM STORAGE (13.10 AF) DIVERSION TO STORAGE (.250 CFS)
Date Filed: 11/23/1988
In: T25N R08E S10 NWNW.

79-07178

KLOSTER, PAUL; KLOSTER, BONNIE L.; RT. 4; COTTONWOOD, ID 83522
Source: GETTA CREEK Tributary: SNAKE RIVER
Diversion Pt: SWNE Sec 21 T 28N R 01W
Use: IRRIGATION (.030 CFS) STOCKWATER (.020 CFS) POWER (.400 CFS) DOMESTIC (.040 CFS)
Date Filed: 7/18/1988
In: T28N R01W S 21 SWNE
1.0 ACRES TOTAL

79-07197

SPRAYBERRY, CHARLES; P.O. BOX 241; RIGGINS, ID 83549
Source: SALMON RIVER Tributary: SNAKE RIVER
Diversion Pt: LOT 6 (SENE) Sec 27 T 28N R 01E
Use: IRRIGATION (.030 CFS)
Date Filed: 12/1/1988
In: T28N R01E S27 Lot 6 (SENE).

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before FEBRUARY 6, 1989.

R. KEITH HIGGINSON, Director

Published 1/18/1989 & 1/25/1989

J18-25

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Charlotte Sotin, 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 18th day of January, 1989, and the last publication on the 25th day of January, 19.89...; 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.

Charlotte Sotin

STATE OF IDAHO }

}

COUNTY OF }

On this 25th day of January in the year of 1989, before me, a Notary Public, personally appeared Charlotte Sotin, 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.

Notary Public for Idaho

Residing at Grangeville Idaho

My commission expires: 9/10/92

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 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DWIGHT K HUGHES
PO BOX 134
WHITEBIRD ID 83554-0134

Re: Water Right No. 79-07197

Dear Mr. Hughes:

During our telephone conversation this morning you said that you had purchased property from Charles Sprayberry on May 21, 1991. I have enclosed the water right license issued in the name of Charles Sprayberry. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the Department of Water Resources. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the Department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the Department within 120 days of the change.

Failure to report these changes could result in a $100 late filing fee.

I discussed our phone conversation with my supervisor, Mr. Shelley Keen, and am sending this information to you at his suggestion. If you have any questions, you may reach Mr. Keen at (208) 327-7946.

Sincerely,

Kari Lynn Townsend
Secretary

/k

Enclosures

SEP 16 1997

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **September, 1997,** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Water Right License)** to the person(s) listed below:

Water Right No. 79-07197

DWIGHT K HUGHES
PO BOX 134
WHITEBIRD ID 83554-0134

Kari Lynn Townsend
Secretary

SEP 16 1997

I ER-DEPARTMENT MEMO--1

FROM Kari Lyon

DATE 8-29-97

TO File # 79-07197

SUBJECT Phone Conversation

I spoke with Dwight Hughes re WR license for Charles Sprayberry that was returned by Post Office. Mr. Hughes purchased the property from Mr. Sprayberry on 5-21-91. Shelley said to mail license to Mr. Hughes with a Copy of Notice of Change of Ownership form.

97 SEP 10 AM

Kari Lyon
SIGNATURE

I. R-DEPARTMENT MEMO--1

FROM Kari Lynn

DATE 8.18.97

TO File # 19-07197

SUBJECT Address Correction

Left Message for Charles Sprangberg at 208-839-2271 asking for current mailing address. This is phone number shown on B/U Field report.

SEP 16 1997

Kari Lynn
SIGNATURE

IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

RECEIVED
AUG 1 1 1997
Department of Water Resources

To

L79-07197
CHARLES SPRAYBERRY
~~PO BOX 241~~
~~RIGGINS~~ ~~ID 83549~~

State of Ida
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 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES SPRAYBERRY
PO BOX 241
RIGGINS ID 83549

RE: WATER RIGHT NO. 79-07197

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

SEP 16 1997

ORAL ARGUMENT

If the Department grants a petition to review the 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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

SEP 15 [illegible]

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.

Sincerely,

Shelley Watte Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

SEP 16 2017

CERTIFICATE OF MAILING

I hereby certify that on the **4th** day of **August, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 79-07197

CHARLES SPRAYBERRY
PO BOX 241
RIGGINS ID 83549

Kari Lynn Townsend
Secretary

SEP 16 97

MEMORANDUM

TO: File 79-07197

FROM: Sharla Curtis

DATE: July 30, 1997

RE: Overlap

The license for this right will contain no special remarks concerning diversion from the same point of diversion as the neighbor's right. The examiner states that this is the same system, however, the WR database records do not match with the point of diversion to be licensed. The descripion of the point of diversion on the other right will probably be corrected in the adjudication.

LICENSE REVIEW CHECKLIST

PERMIT NO. 79-07197 DATE 7/30/97 REVIEWER: *SHARLA*

	Change	OK	
NAME	__	✓	Address Change NO no assign. to Hughes
SOURCE	__	✓	Is change clarification of originally intended source? __ If not, prepare Notice of Intent to Void __
POINT OF DIV	__	✓	Amendment required NO
PLACE OF USE	__	✓	Amendment required NO

Does map agree with written description? ✓ yes __ no

OVERLAPS NO P/D __ P/U examiner is incorrect, 79-07058BB pd is NWSW, S26 A79-07058BB " SENE, S26 (A) " SENE, S27

RATE OF DIV

Permitted Rate	.03 cfs	
Fee limit	.04 cfs	# NO FEE PD. OR REQD AT B/U PROCESSING
Measured	___ cfs	
Theoretical	.06 cfs	

Recommended Total Div Rate .03 cfs

Salmon R doesn't flow thru this ¼¼ of S26

ANNUAL VOLUME/ NATURE OF USES			Use	cfs	Volume Calc	
	__	✓	Irr.	.03	1X4.0 =	af
						af
						af
3/1 - 11/30 season						af
			SUBTOTAL	.03	4.0	af

Flow rate .03 cfs X ____ days X 1.98 = _____ af

Total volume recommended _____ af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS _____

CONDITIONS
- __ Watermaster Control WD# ____
- __ GW Measurement/Measuring Device
- R51 Overlap
- __ Use-specific conditions

Advancement of Priority Date Required __ yes ✓ no

SRBA Claim Filed N/A
Adjustment Memo __

1st Amend Letter N/A
2nd Amend Letter N/A

not using overlap remark neighbor same system because WR database doesn't match and examiner says never used @ same time

Form 21s
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-07197

1. Owner: Charles Sprayberry Phone No. (208) 839-2271
Current Address: PO Box 134 White Bird, Id 83554
2. Accompanied by: Dwight Hughes EXAM DATE: 8/31/95
Address: PO Box 134 White Bird, Id. 83554 Phone No. (208) 839-2271
Relationship to Permit Holder: new owner
3. Source: Salmon River tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 79-07126, 79-07058A, 79-07058B
2. Other water rights with the same point of diversion: 79-07058A, 79-07058B

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

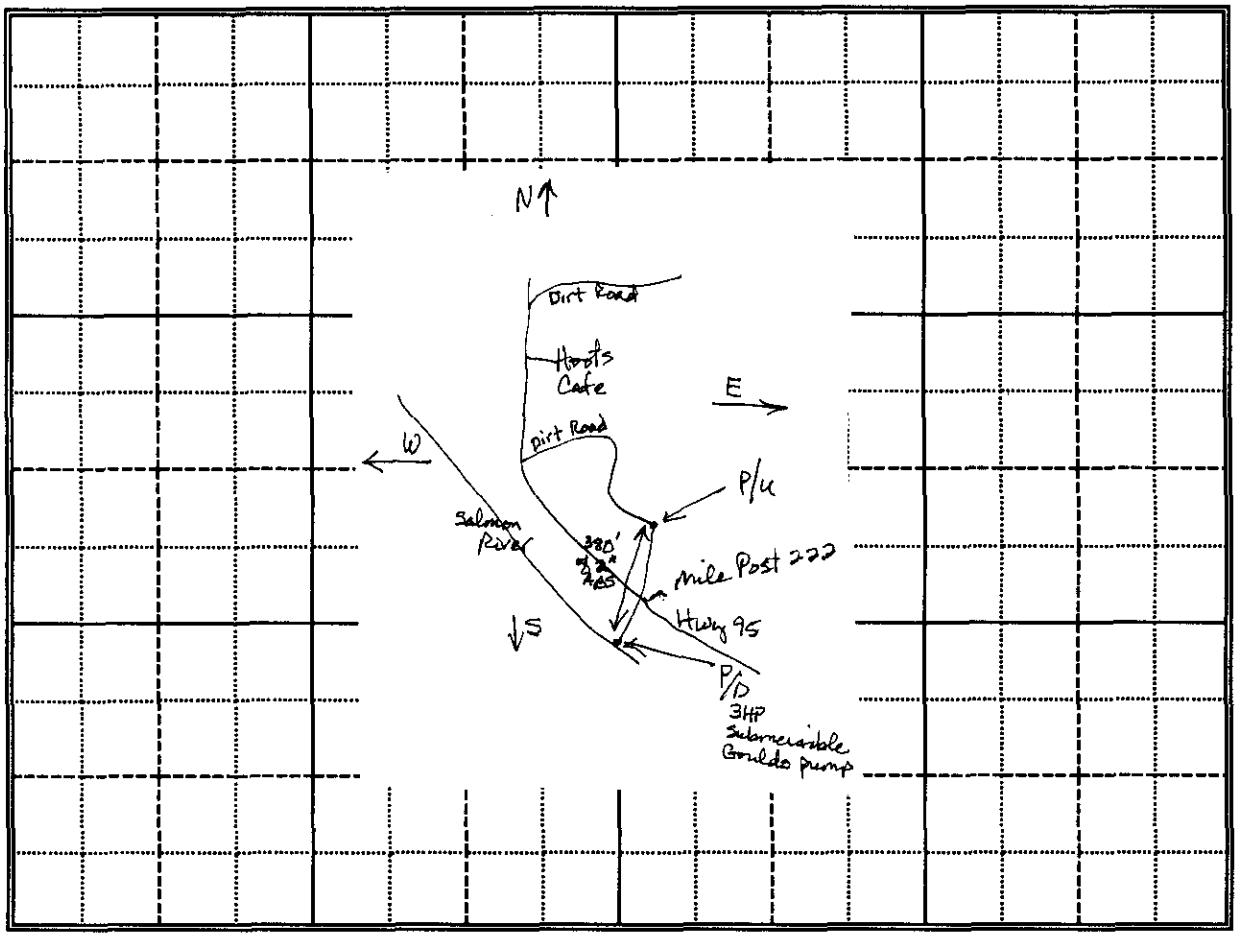
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	6		SE	NE	27	28N	1E	Idaho	USGS Topo. + exam

2. **Place(s) of Use:** Indicate Method of Determination USGS Topo. + exam

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	1E	27				A													1 acre

SEP 16 1997

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



Scale: 1" = _____.

✓ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A 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
		3		Goulds	2"

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

* This pump replaced the one listed in 74-7058A + B.

D. FLOW MEASUREMENTS

1.

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

2. **Measurements:** _____

E. NARRATIVE/REMARKS/COMMENTS

- 2/21/96 Idaho County Assessors office. 983-2742, per Laura shows: Current owner: Dwight Hughes PO Box 134 White Bird, Id 83554 (208) 839-2271 @ T28N R1E S27 Lot 6 SENE. Previous owner: Charles Strayberry (have Dwight Hughes an "Assignment of Permit" form)
- Other WR 79-07058A irrigation. 2 acres (this overlap is same P/D, but additional land to irrigate trees, & for fire protection). WR 79-07058A had been originally licensed w/ the same legally description, but was amended to read in Sec. 26 etc. Per the Id. County Assessors, & doing the exam, I am staying w/ the legal description as it is stated on the permit for this WR. Also have A 79-1040b. (groundwater)
- Overlaps for P/U are other land/other uses; overlaps for P/D would be WR 79-07058B (same pump from the Salmon River; different P/U; never used at the same time as the applicant).
- Use is irrigation of 1 acre of grass, trees, & garden. Other uses: fire protection.
- The system consists of a 3 HP Goulds submersible pump in the Salmon River with 380' of 2" ABS buried 6" to the P/U. Risers off of the buried pipe allows for hoses & misc. sprinklers to be attached, running at 20 psi.

Have conditions of permit approval been met? ✓ yes ___ no

SEP 16 1997

F. FLOW CALCULATIONS ✓ Additional Computation Sheets Attached

Measured Method:

Pumpjack Computation spreadsheet (see attachment) = .06 cfs

1 acre x .03 cfs = .03 cfs

Allow .03 cfs as permitted for irrigation of 1 acre. (This right combined with all other rights on this same system, shall not exceed the capacity of the system of .06 cfs.)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = 1 X 4.0 = 4.0

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = .03 cfs X 246 X 1.9835 = 14.6

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 4.0

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	.03	4.0
		Totals:	.03	4.0

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

I. AUTHENTICATION

Field Examiner's Name S. Hemenway Date 5/18/96

Reviewer _____ Date _____ SEAL

SEP 16 97

Pumpback Computation Spreadsheet (DRT 1/24/1995)

Data Entered By: Sandy Hemenway
05/18/96
Project: Flow Computation for 79-79-07197
Dwight Hughes
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
f = 0.2083*(100/roughness)^1.85*((cfs*448.8)^1.852)/ID^4.8655*Lengt

To Find: Compute Rate of Flow for a Pumpback System

Data Table

Vertical Lift:	250.00	feet	elevational lift to P/u
Pressure Req'd:	20.00	psi	psi from P/u nozzle
Required Head:	296.20	feet	
Pump Horsepower:	3.00	horsepower	
Pipe Roughness:	140.00	Note:	pvc = 150, smooth and straight pipe aluminum - joint length 20' = 125, j 30' = 130, joint length 40' = 132, j 50' = 134, new riveted steel = 100 old riveted steel = 100, old cast ir old pipes in poor condition = 60 to

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Friction Head Loss from Pipe Frict
1.75	380.00	12.43	
1.00	0.00	0.00	
1.00	0.00	0.00	
			12.43

Initial Estimate of Rate of Flow: 0.060 CFS

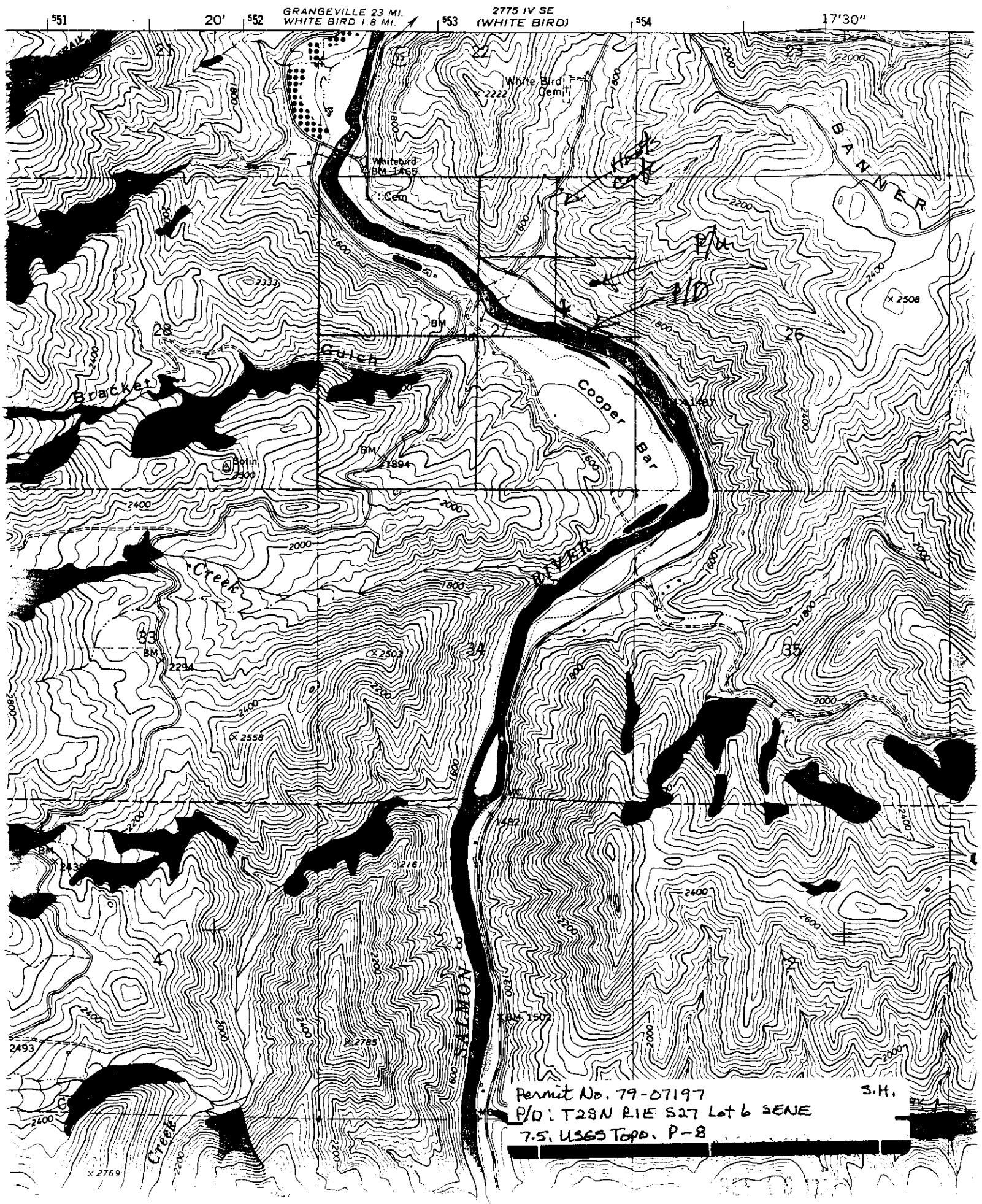
Computation of Rate of Flow: 0.06 CFS

Solution is shown in the Computation of Rate of Flow.
Solution is obtained by entering an initial estimate of rate of flow, and by changing this factor until it approximates as closely as possible the Computation of Rate of Flow.

SEP 16 1997

79-07197

T28 R01E



79-07197

① Permit: Irrigation 3/15 - 11/15 [.03 cfs]
1 acre

② B/U fee: ~~0~~ fee pd 3/5/90 0 - 0.04 cfs
.03 cfs

③ Max. Allowable:

1 acre x .03 cfs = [.03 cfs]

④ Measurement:

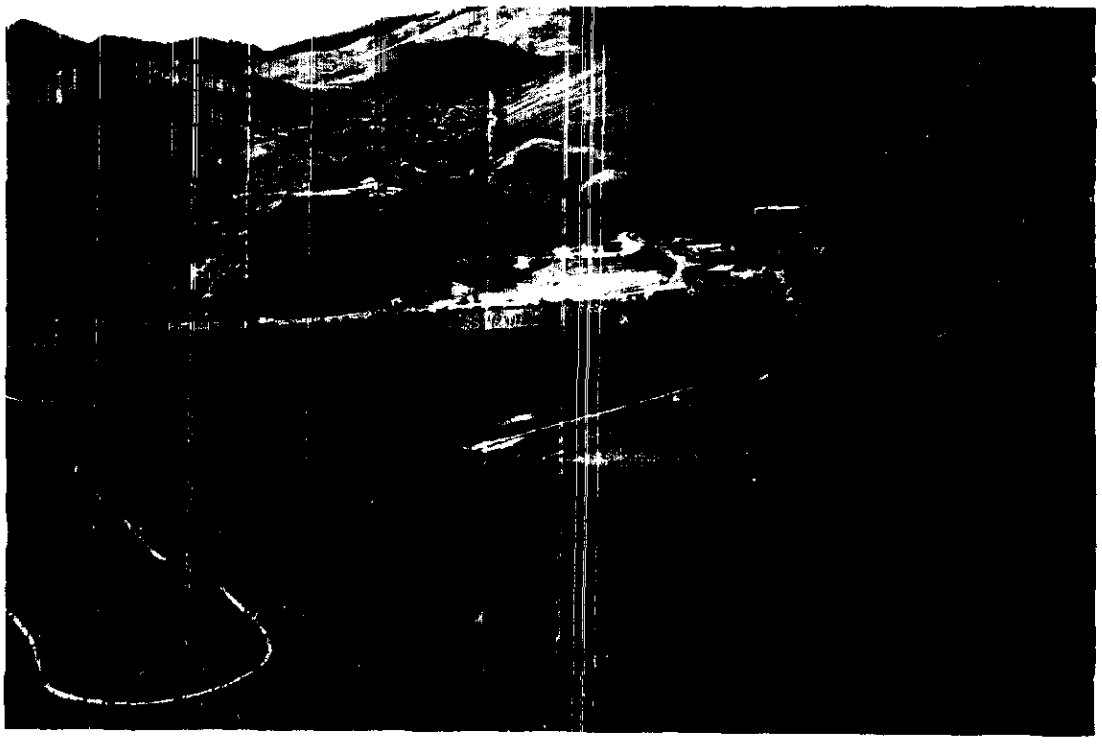
Pump back computation spreadsheet
(see attachment) = .06 cfs

SEP 16 '97

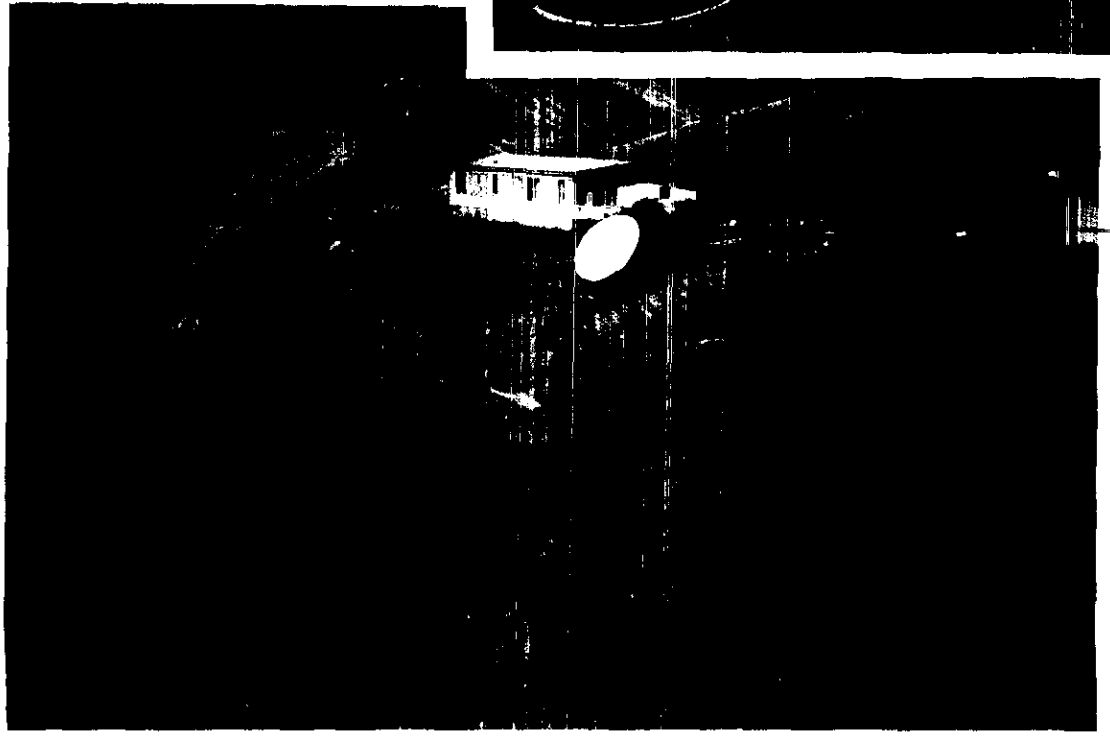
79-07197
8/31/95 S.H

P/D:

3HP submersible Goulds pump w/ 380' of 2" ABS buried pipe from the Salmon River to P/U



P/U: 2" ABS to risers, Misc. hoses with misc. type nozzles to irrigate grass, trees, garden, also for fire protection (Additional acre to existing system)



neighbor WR 79-7058 B who also uses the same system

SEP 18 1997

April 18, 1990

CHARLES SPRAYBERRY
P.O. BOX 241
RIGGINS, ID 83549

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07197

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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
APR 20 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 79-7197 Date: 4-16-90

General Considerations:

- y Name same as permit
- y Signature the same as permit holder
- N Address change _____ If yes, prepare a data entry
- y Proof received timely
- _____ Reinstated

Source of Water:

- y Surface water
- _____ Groundwater
  - _____ 1. well log in file
  - _____ 2. drilling permit
    - _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- y Rate of diversion appropriate for uses
  - y Is rate or volume and fee appropriate?
- y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- Is a measuring device or access port required?
- N/A Has one been installed?
- Waiver or modification of measuring device requested

Remarks: Proof acceptable

N/A Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-_____
No. of days late		=_____
Priority date	_____	+_____
NEW PRIORITY DATE	_____	=_____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138/57

January 31, 1990

CHARLES SPRAYBERRY
P.O. BOX 241
RIGGINS, ID 83549

PROOF DUE NOTICE

RE: PERMIT NO. 79-07197

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 April 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED
APR 2 0 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
April 11, 1989

CHARLES SPRAYBERRY
P.O. BOX 241
RIGGINS, ID 83549

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07197

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.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUN 15 1989

28N 1E S.27 SENE 2.6

Form No. 202a.
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: [illegible] DATE: 12/23/88 APPLICATION: 79-07197

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)
X 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 signator is required)
✓ Fee:
✓ yes ___ No* In form to receipt:

Gov't. Lots:
4 P/D
4 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:
___	✓	Send dam safety information:
___	✓	Send power requirement letter:
___	✓	Send fish farm requirement letter:
___	✓	Power residency affidavit:
___	✓	Power efficiency form:
___	✓	Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)
___	✓	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
___	___	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

_____ DATE REQUESTED: _____

___ ✓ Additional information on reverse side:

RECEIVED
DEC 21 1988
Department of Water Resources

PROCESSING

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 District #_____
___ ✓ 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 February 6, 1989
___ ✓ Protests, dates, resolution of protest recorded on application:
___ ✓ Recommendations attached: Approve, DRT
___ ✓ Measuring device required:
___ ✓ Measuring port required:
___ ✓ Water delivered by water master? District #_____
___ ✓ Special conditions of approval or cover letter: (see additional info. below)
___ ✓ See Below For Additional Information

Recomended Date of Priority 12/1/1988 ✓

Recomended by: DRT Date 3/13/1989

STATE OFFICE REVIEW P116

_____

___ See below for additional information. By KW Date 3/21/89

ADDITIONAL INFORMATION

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

79-07197

SPRAYBERRY, CHARLES
P.O. BOX 241
RIGGINS, ID 83549

Source: SALMON RIVER Tributary: SNAKE RIVER

Diversion Pt: LOT 6 (SENE) Sec 27 T 28N R 01E

Use: IRRIGATION (.030 CFS)

Date Filed: 12/07/1988

In: T28N R01E S27 Lot 6 (SENE)

MICROFILMED
JUN 15 1989