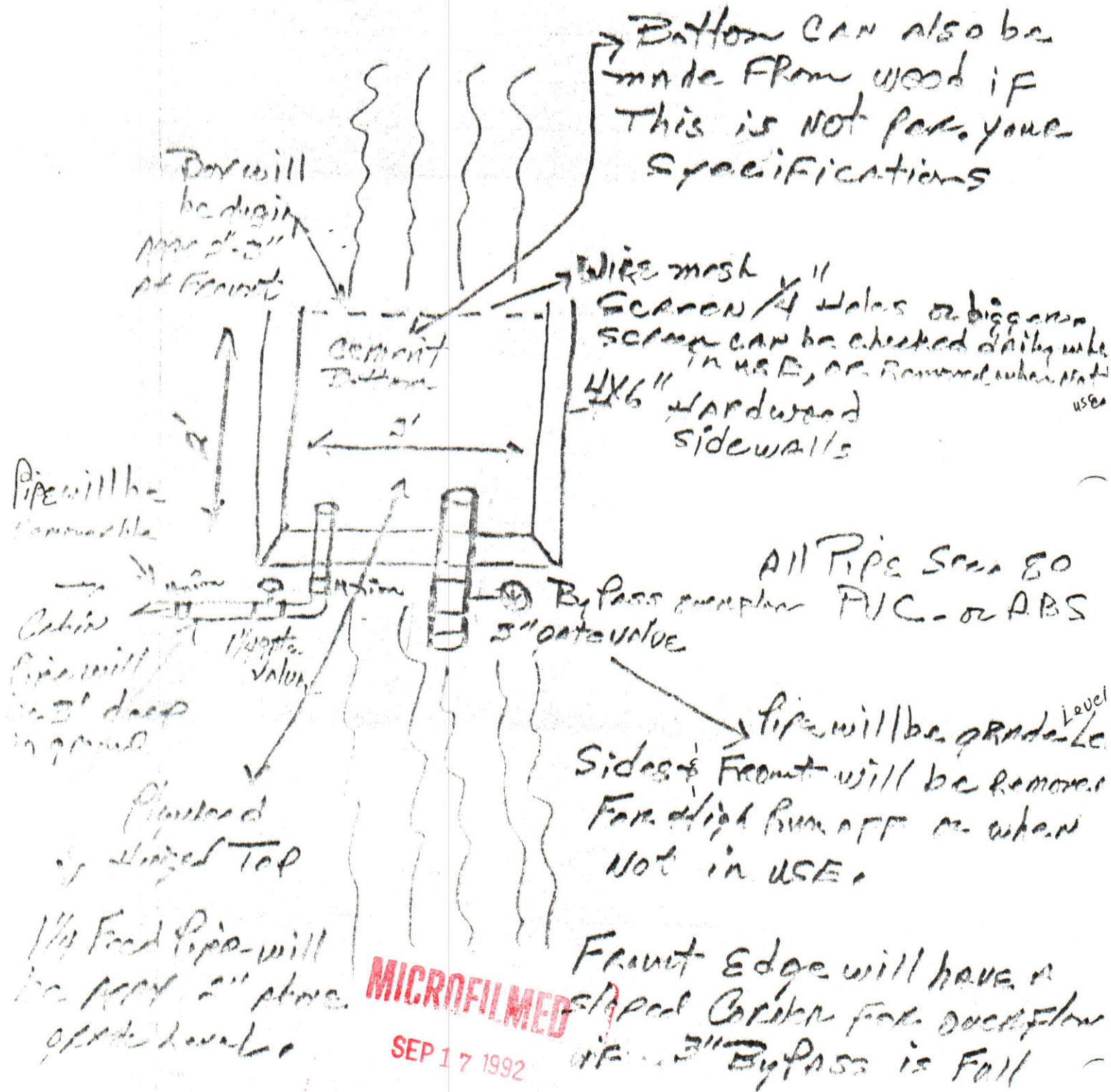


POOR QUALITY

Water Box
→ lanes

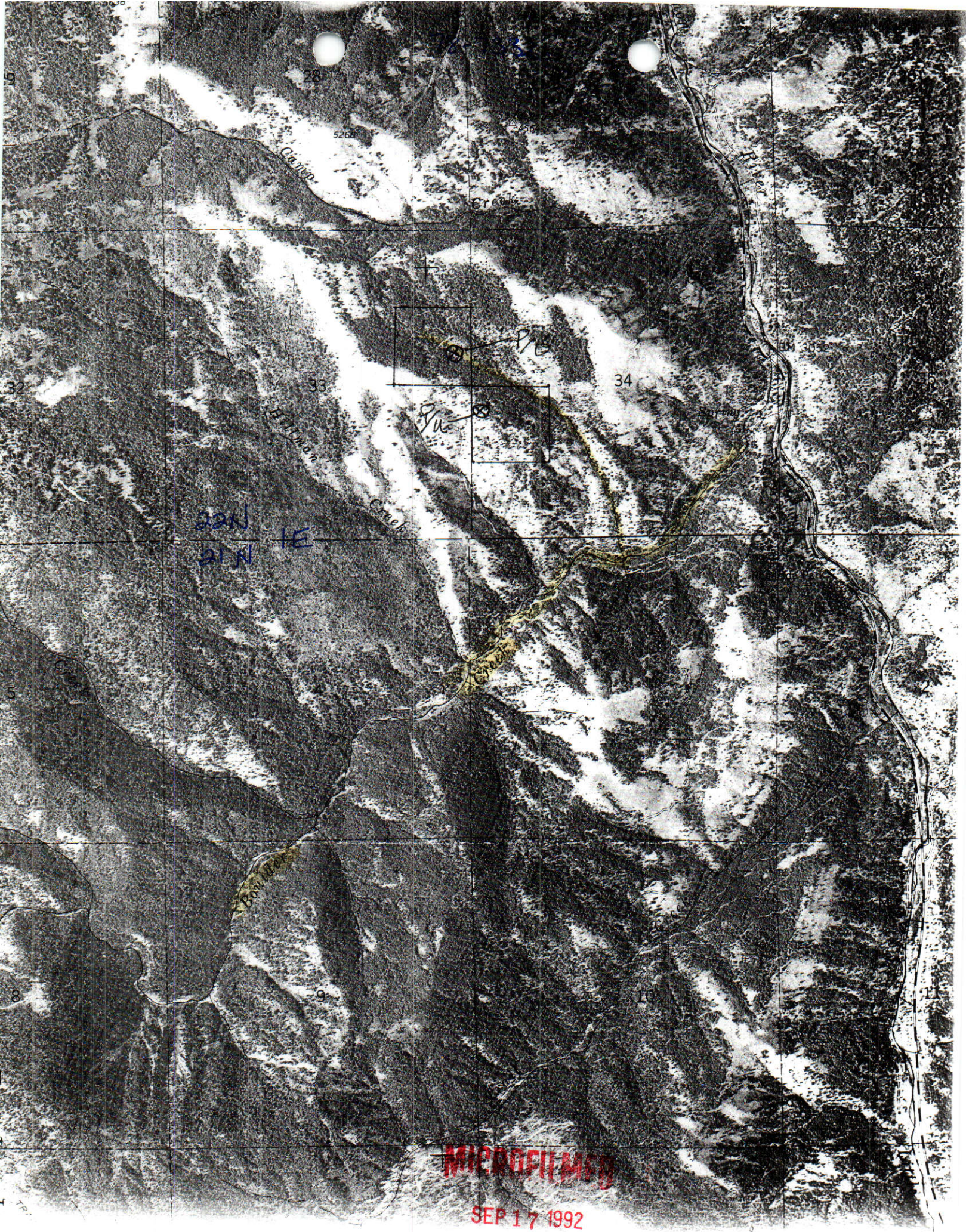
Call 1-208-555-3662



MICROFILMED
SEP 17 1992

1/4 Feed Pipe will be 100' 2" above grade level

At End of Season Feed Pipe will be removed with pipe

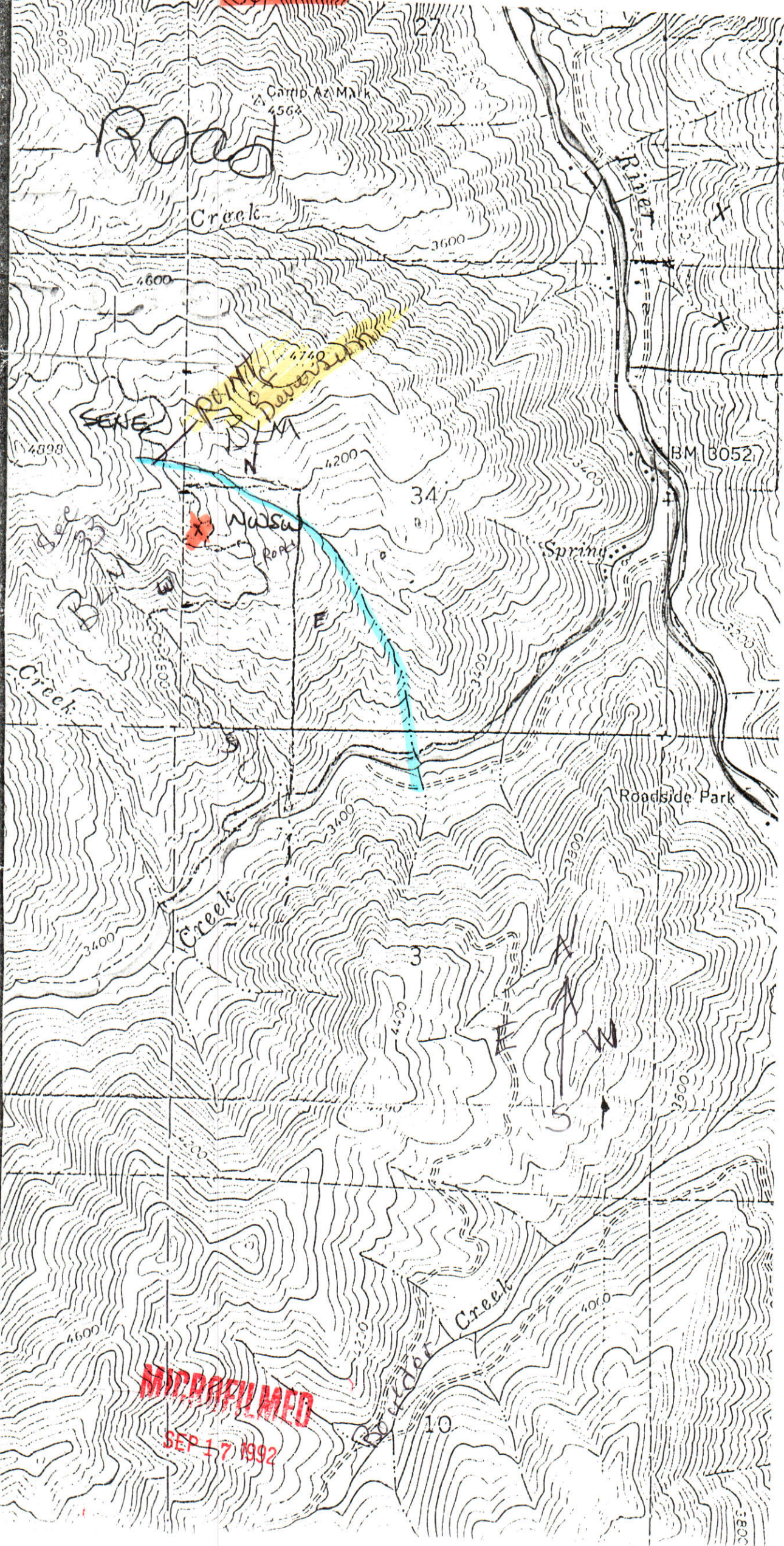


78-7332

Stream

gabw site

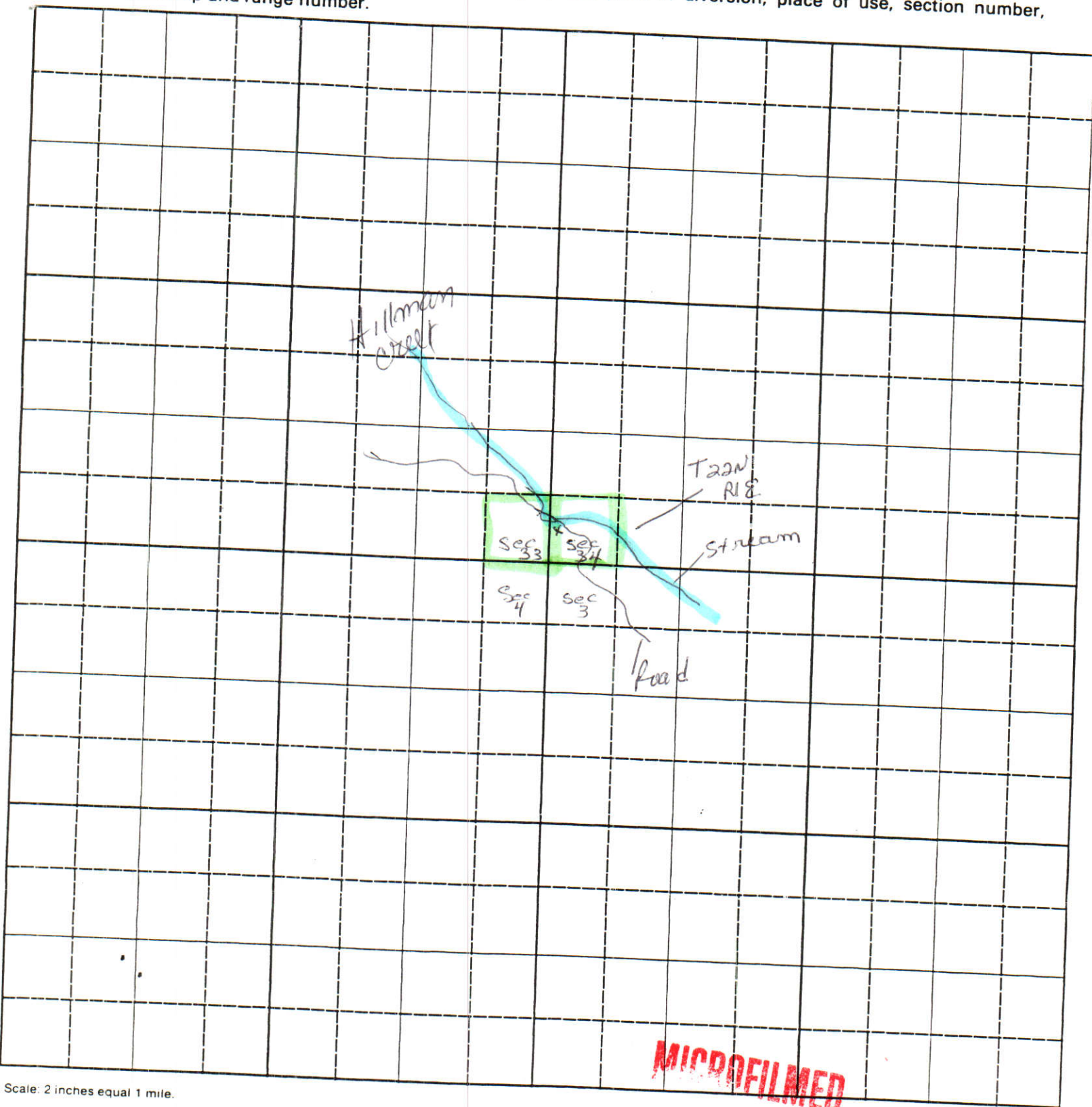
T22N
R1E



MICROFILMED

SEP 17 1992

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.

MICROFILMED

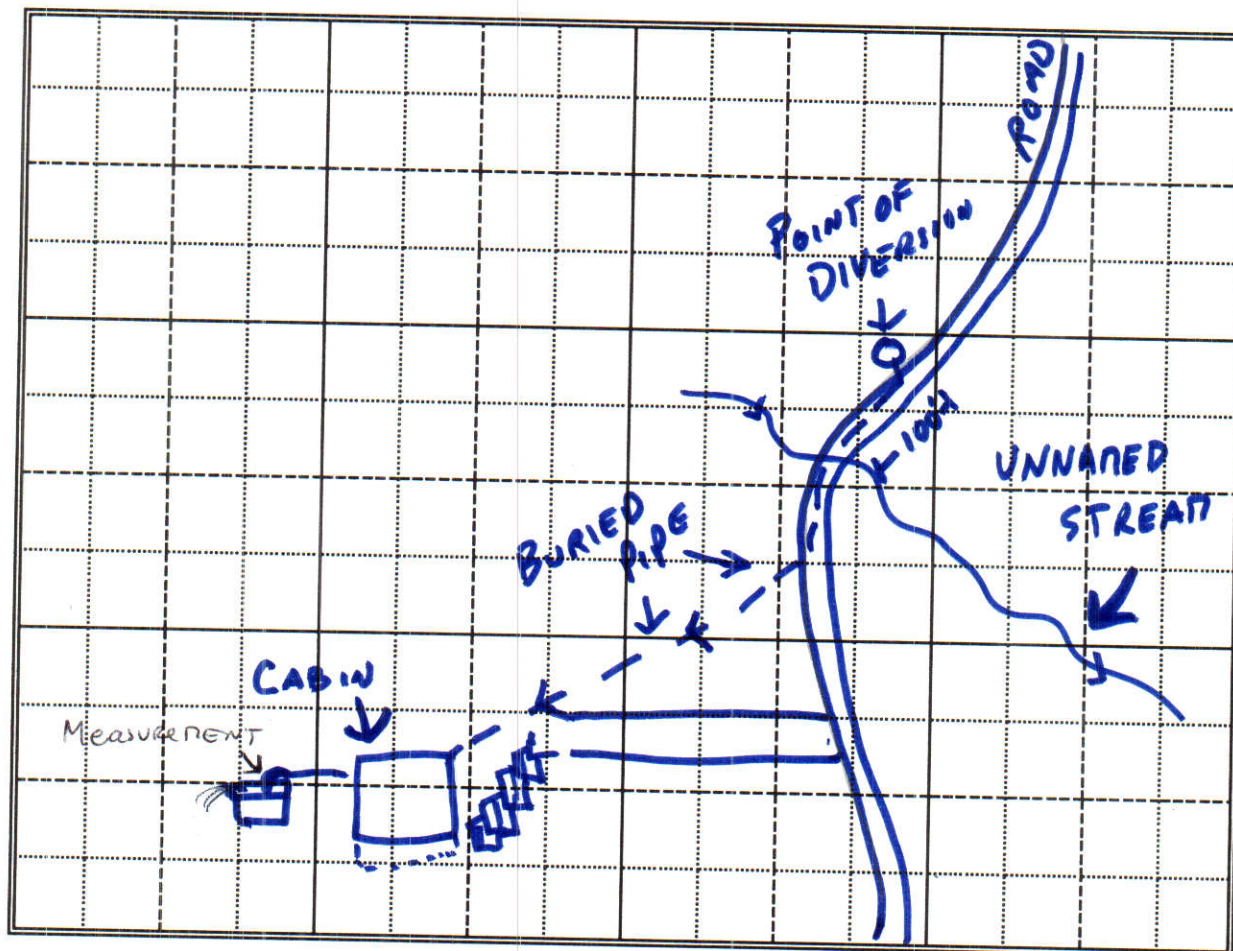
SEP 17 1992

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.

Any Questions
Call Wayle King
588-3662 eve.
or 455-3802-day

Wayle King
(Applicant)
Please see attached
map, also.

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 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. N/A: Gravity diversion

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

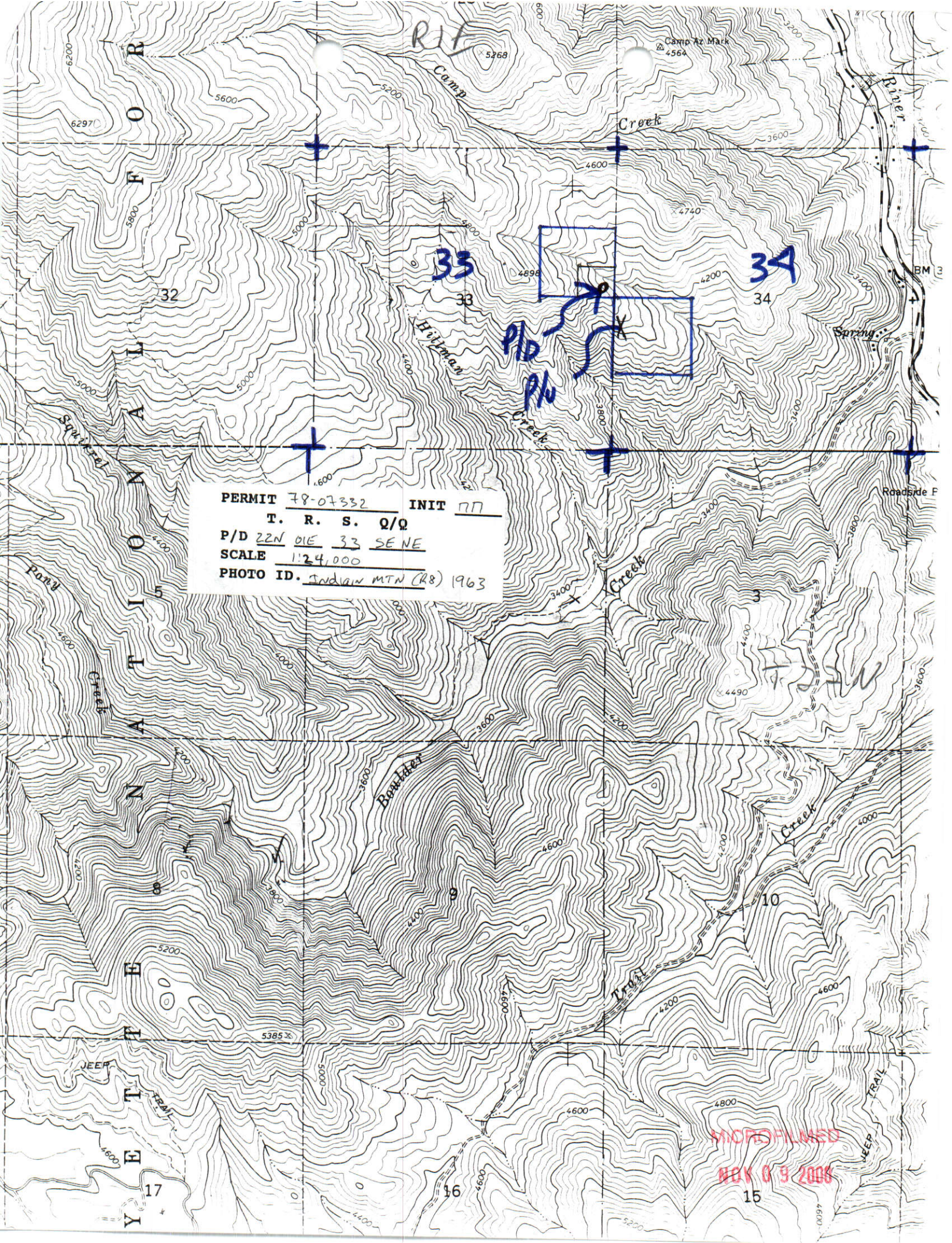
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gallon Bucket						

2. Measurements: 5 gallon bucket filled up in 6.45 minutes, equal to .78 gallon per minute. This measurement is overflow only and was taken during the low flow time of the year.

MICROFILMED

NOV 20 2000



PERMIT 78-07332 INIT 77
T. R. S. Q/Q
P/D 22N DIE 33 SE NE
SCALE 1:24,000
PHOTO ID. INDIAN MTN (48) 1963

MICROFILMED
NOV 09 2008
15

Layette NF map 1995

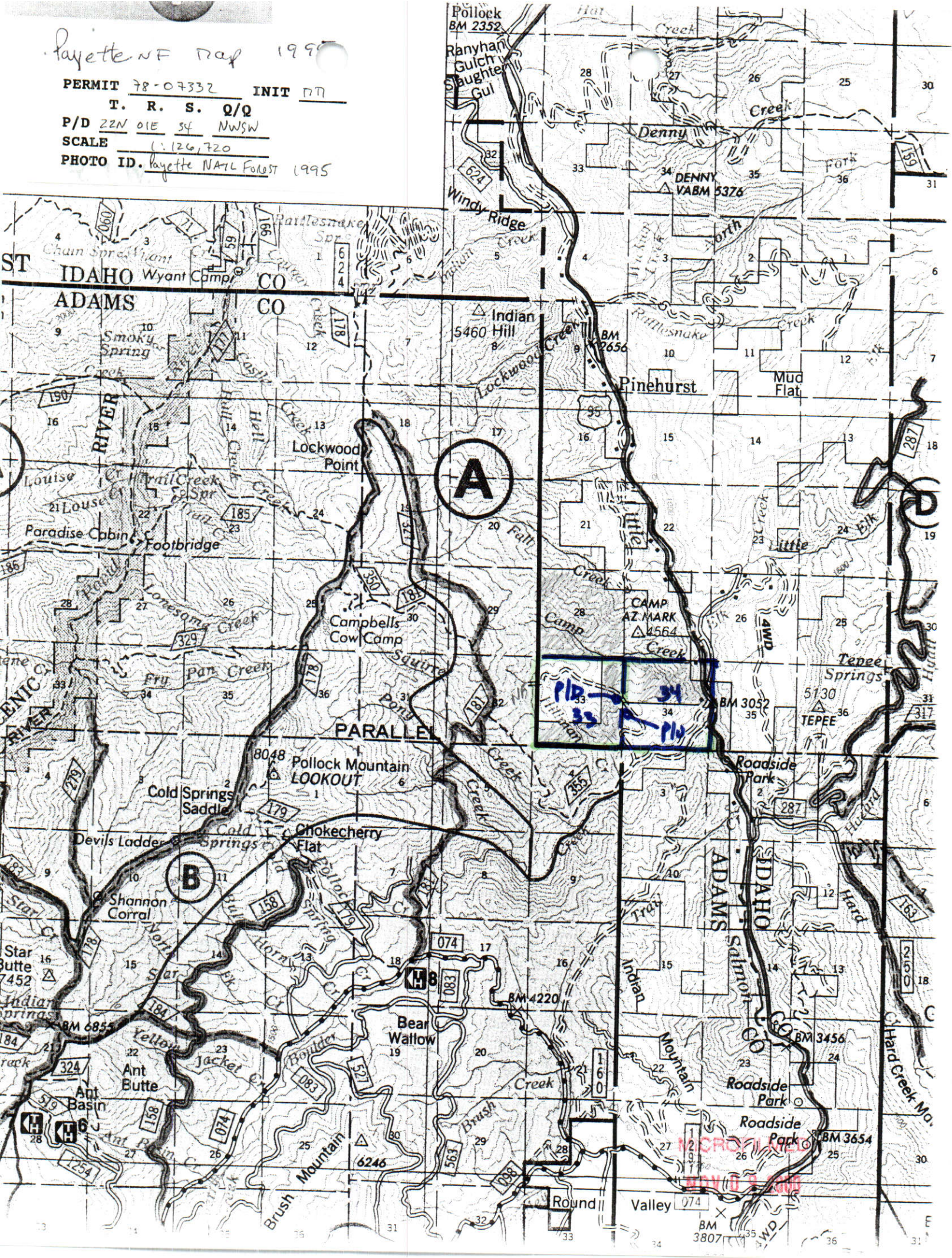
PERMIT 78-07332 INIT 07

T. R. S. Q/Q

P/D 22N 01E 34 NWSW

SCALE 1:26,720

PHOTO ID. Layette NATL Forest 1995





PHOTOGRAPHER AND DATE OF PHOTOS M Minicucci 10/06/1997

FILE NO. 78-07332 T22N R01E S.34 + 33



Point of diversion. S.33
Diversion is
spring box which
is uphill of an
unnamed stream
by approximately
100 feet



Place of use.
Cabin is located
on west line of
NWSW S.34

MICROFILMED

NOV 09 2000



PHOTOGRAPHER AND DATE OF PHOTOS MM Minicucci 10/06/1997

FILE NO. 78-07332 T22N R01E S.34 NW SW



Thesurerent location (downhill side of cabin).

Pipe discharges overflow after diversion for

in-home use.

MICROFILMED

NOV 09 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 78-07332

Priority: May 13, 1992

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

This is to certify, that GAYLE KING
13900 OASIS

CALDWELL ID 83605 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 13, 1992; and
has submitted Proof of Beneficial Use on January 4, 1993. An examination indicates
that the works have a diversion capacity of 0.020 cfs of water from:

SPRING tributary to BOULDER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

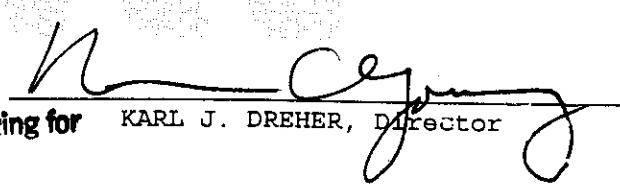
LOCATION OF POINT(S) OF DIVERSION: SESENE , Sec. 33, Township 22N, Range 01E
ADAMS County

PLACE OF USE: DOMESTIC
TWN RGE SEC
22N 01E 34 NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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 administered in accordance with Idaho law and applicable rules of
the Department of Water Resources. Signed and sealed this 24th day of
AUGUST, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

NOV 09 2000

07/90

For Office Use Only

Amt. of Fee \$ 50.00

Date 1-4-93

Receipt No. 0626417

Received by

RECEIVED

DEC 31 1992

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

NOV 27 1992

No Fee

Department of Water Resources

Western Regional Office

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.

1. Permit No. 78-07332 Telephone No. 208 585-36622. Name(s) of Permit Holder(s): Bayle C. King3. Post Office Address: 23215 Lanning Lane Middleton, Ida 836444. Source of Water: Springa. If ground water, well driller's name: N/A Date drilled: _____b. Pump horsepower: gravity ~~N/A~~ Pressure (psi): 45 lbs Dynamic pumping level (ft.): N/A5. Extent of Use: (Summer Cabin)Domestic ✓ (No. of households) 1 Irrigation _____ (No. of acres)

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

6. Total rate and/or volume for which proof is submitted 04 1 1/2 gallons per min. cfs _____ acre/feet Added 12-29-92

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ✓ No Installed? Yes ✓ No

OR

Flow Measurement Port: Required? Yes ✓ No Installed? Yes ✓ No8. Fee Enclosed: \$ 50.00 PAID (See License Examination Fee Schedule)

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

Name

Bayle C. King

Telephone No.

208-585-3662Address 23215 Lanning Lane Middleton, Ida 83644

10. 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.

Date

11-20-92

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

Bayle C. King

FEB 08 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 78-07332

Proposed Priority: May 13, 1992 Maximum Diversion Rate: 0.04 CFS
This is to certify, that **GAYLE KING**

23215 LANSING LN
MIDDLETON ID 83644

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **BOULDER CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 33, Township 22N, Range 01E
ADAMS County

PLACE OF USE: DOMESTIC
TWN RGE SEC

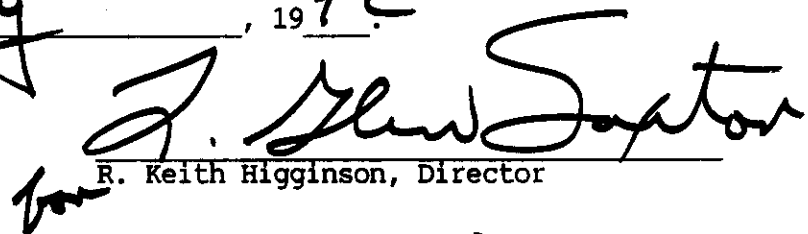
22N 01E 34 NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1994**.
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. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

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

2nd day of July, 1992


for R. Keith Higginson, Director

MICROFILMED

SEP 17 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: GAYLE KING 208-585-3662
Address: 23215 LANSING LN
MIDDLETON ID 83644
2. Source: UNNAMED STREAM Trib. to: BOULDER CREEK
3. Location of Point of Diversion: SENE Sec. 33, Township 22N, Range 01E
ADAMS County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WATER BOX WITH PIPELINE TO PLACE OF USE
 - 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 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.
8. Description of proposed uses:
DOMESTIC
9. Place of Use: DOMESTIC

TWN RGE SEC
22N 01E 34 NWSW
10. Describe any other water rights used for the same purposes.

7 1992

11. a. Who owns the property at the point of diversion?
BLM
b. Who owns the land to be irrigated or place of use?
JAMES CREWS
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
BLM RIGHT-OF-WAY PURCHASE; PROPERTY PURCHASE W/CLOSING NEAR JUNE 1.
12. Remarks:
Domestic use is for one home.
13. 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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

MICROFILMED
SEP 17 1992

POOR QUALITY

Water Box
→ lanes

Drinking
1-208-555-3662

Bottom can also be made from wood if this is not per. your specifications

Door will be dig in
approx 2' 0" at front

Wire mesh
Screen 1/4 holes or bigger
Screen can be checked daily while in use, or removed when not in use
4x6" hardwood
sidewalls

Pipe will be removable

Union
Cable
Pipe will be 2' deep in ground
1/2" gate valve

Placed
by slinged top

1/4 Feed Pipe will be 1/2" 2" above grade level

MICROFILMED

SEP 17 1992

All Pipe Size 80
By Pass over pipe PVC or ABS
3" outside

Pipe will be grade level
Sides & Front will be removed for high run off or when not in use

Front Edge will have a flared grate for overflow if 3" By Pass is full

At End of Season Feed Pipe will be drained with air pressure

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 05/21/92
Time: 10:24:41

Water Right Number: 78-07332

Comment Date: 5/21/1992 User ID: HODGES

Subject: RIGHT-OF-WAY

BLM Right-of-way purchase number is IDI 28958, out of the
Cottonwood District.

(ENTER=Add)

(Gold4=Prev) (Gold5=Next)

MICROFILMED
SEP 17 1992

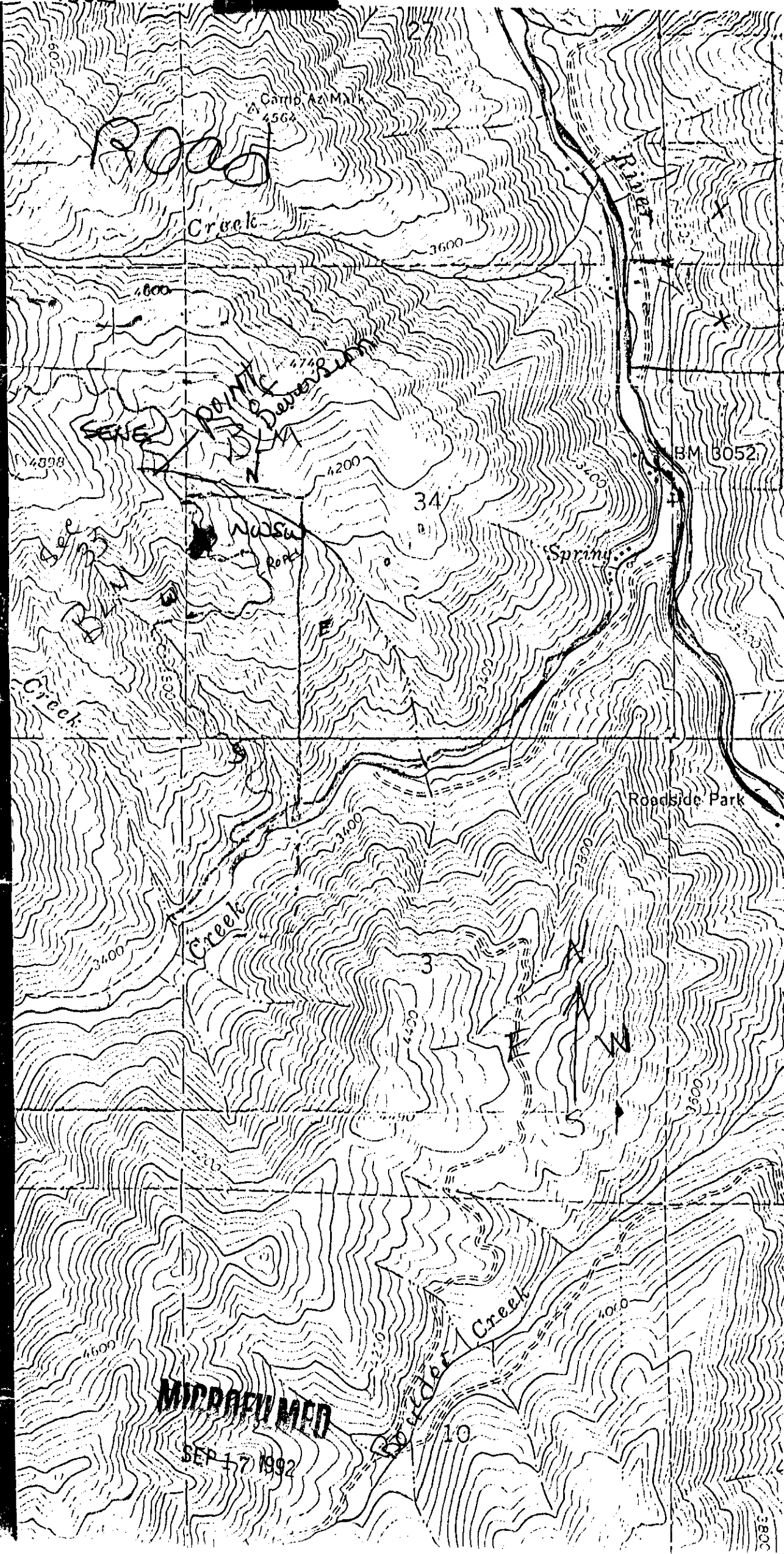


SEP 17 1992

Stuam

Town RIE

78-7332



MAY 18 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITDepartment of Water Resources
Western Regional Office

to appropriate the public waters of the State of Idaho

1. Name of applicant Maule C. King Phone 208-585-3662
Post office address 23215 Lansing Lane Middleton, Ida-83644
- * 2. Source of water supply Unnamed Stream which is a tributary of Boulder Creek
Hassman Creek T22N R1E
3. Location of point of diversion is SE 1/4 of NE 1/4, Govt. Lot Sec. 33
Sec. 33 Township 22N Range 1E B.M. ADAMS County; additional
points of diversion if any: ? please see attached map
4. Water will be used for the following purposes:
Stream flows 1/4 gal per 15 sec. (Domestic)
allow .04 Amount .04 for Use in Cabin purposes from JAN to Dec (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
use for 1 to 4 people Approx -
5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Water Box in Stream - See Attached.
1 1/4" PVC on ABS pipe, buried 2 feet deep to cabin site water box - 3' wide 2' long
- b. Height of storage dam 2 feet feet; active reservoir capacity 34 x 31 x 21 acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
N/A JAN to Dec inclusive. when cabin occupied mostly on weekends. Approx 2 week-ends per mo.
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A 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 water to the proposed beneficial use is
1.2 years (minimum 1 year).

SEP 17 1992

* All clarifications made per telecon w/ applicant 5/20/92 CJK

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 1/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. 1 to 4 people mostly 1 person only
- e. Other; describe fully. Will use water for preparing meals, washing dishes & cleaning up. Also to water the dog.

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	
* 22N	1E	34																	

For Domestic Use NOT
Total number of acres to be irrigated irrigation
USE

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? Bureau of Land Management
- b. Who owns the land to be irrigated or place of use? Gayle King buying from James Crews
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. I AM purchasing this 81A. Tract From James and Mary Crews

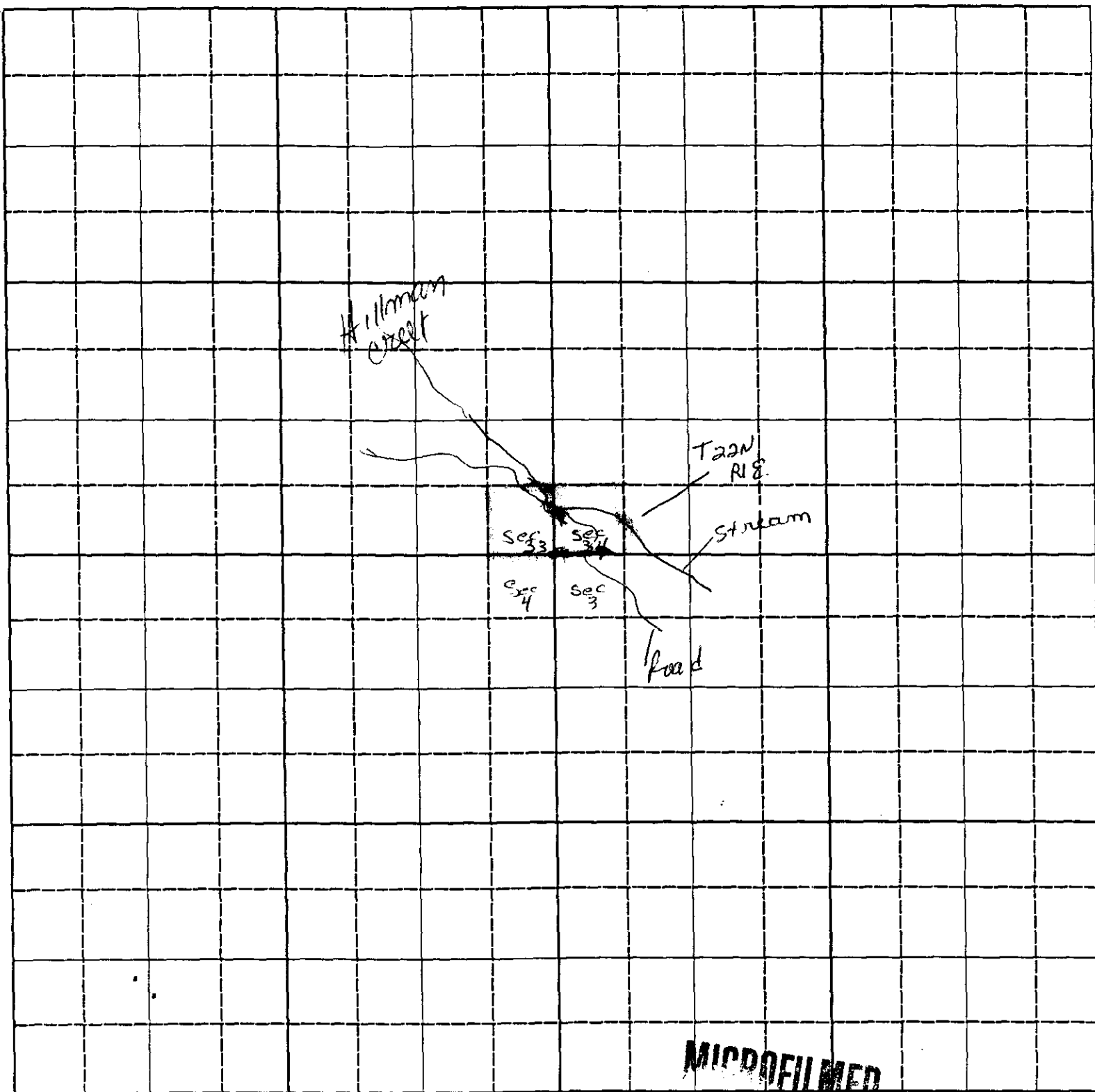
12. Remarks: N/A

BLM Right of Way purchase # 1D128958
(Cottonwood Dist)

SEP 7 1992

Closing around June 1

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.

SEP 17 1992

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.

Copy Questions
Call Gayle King
585-3662 w/e.
or 455-3802 - day

Gayle C. King
(Applicant)

Please see attached
map, also.

Received by MM Date 5-13-92 Time 1:20pm Preliminary check by CJF
Fee \$ 30.00 Received by JON # W014683 Date 5-13-92
Publication prepared by GG Date 5-27-92 Published in Adams County Leader
6/3 & 6/10/92
Publication approved st Date 6-23-92

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 be official 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:

RECEIVED

5 7 1992

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Application

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated June 4, 1992

and the last in the issue dated June 11, 1992
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 15th

June 92
day of , 19

Patricia Cole

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOA WATER RIGHT

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

67-07896

VOERMANS, ROBERT L.
VOERMANS, WHITNEY L.
PO BOX 57
INDIAN VALLEY, ID 83632
Source: GROUNDWATER
Diversion Pt: NWSWSE Sec 11 T
14N R 01W in ADAMS County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 5/20/1992
In ADAMS County
T14N R01W S11 SWSE

78-07332

KING, GAYLE
23216 LANSING LN
MIDDLETON, ID 83644
Source: UNNAMED STREAM
Tributary: BOULDER CREEK
Diversion Pt: SENE Sec 33 T
22N R 01E in ADAMS County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 5/13/1992
In ADAMS County
T22 R01E S34 NWSW

The permit(s) will be subject
to all prior water rights. Pro-
tests must be filed with the Di-
rector, Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705 on or
before JUNE 22, 1992.

R. KEITH HIGGINSON,
Director

RECEIVED
JUN 16 1992

Department of Water Resources
Western Regional Office

MICROFILMED
SEP 17 1992



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 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GAYLE KING
13900 OASIS
CALDWELL ID 83605

RE: WATER RIGHT NO. 78-07332

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 described in the enclosed information sheet.

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

Enclosure

MICROFILMED

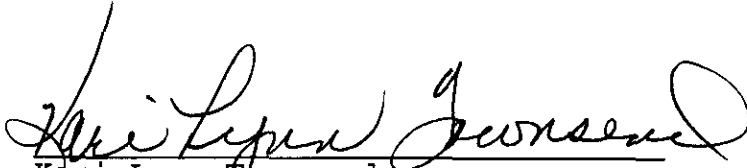
NOV 09 2000

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of **August, 2000**, 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. 78-07332

GAYLE KING
13900 OASIS
CALDWELL ID 83605


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 09 2000

**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
NOV 05 2000

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.

RECORDED
NOV 03 2000

SD-0420-2

Idaho Department of Water Resources
Modify Comment

Date: 08/18/00
Time: 14:47:08

Water Right Number: L78-07332

Comment Date: 8/18/2000 User ID: SKEEN

Subject: Licensing Review_____

Licensing review and data entry by S. Keen on 8/18/2000._____

PHOTO TAKEN

NOV 03 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 16 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 78-07332

1. Owner: Gayle King (Josephson) Phone No. 459-0203

Current Address: 13900 OASIS Caldwell 83605

2. Accompanied by: M.S. King EXAM DATE: 10/06/1997

Address: Same Phone No. _____

Relationship to Permit Holder: Same

3. Source: Spring tributary to Boulder Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	33	22N	1E	Adams	USGS topo, Payette N.F. map

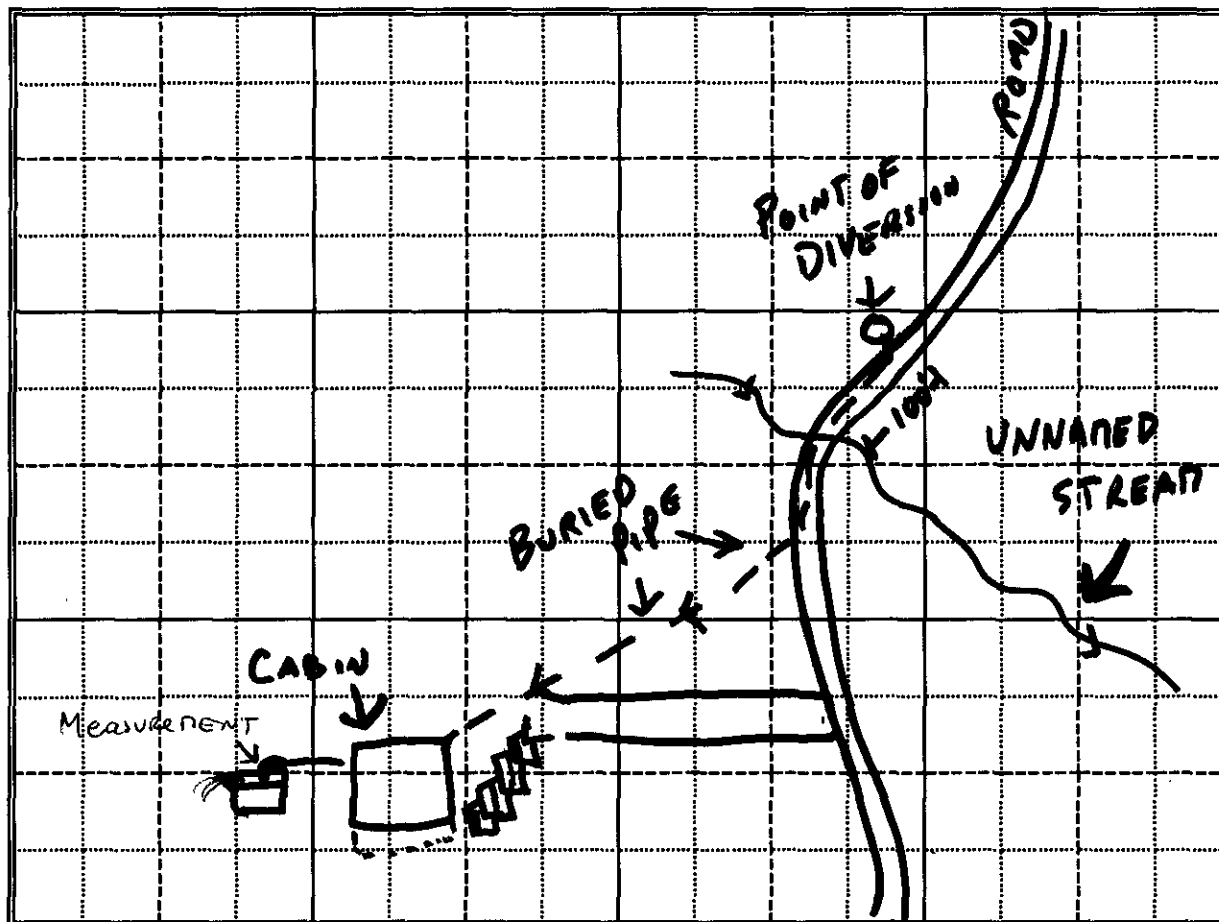
2. Place(s) of Use:

Indicate Method of Determination USGS topo, NF 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	
22N	1E	34										D							D

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AUG 23 2000

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).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4. N/A: Gravity diversion

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
5 Gallon Bucket						

2. Measurements: 5 gallon bucket filled up in 6.45 minutes, equal to .78 gallon per minute. This measurement is overflow only and was taken during the low flow time of the year.

MICROFILMED

E. NARRATIVE/REMARKS/COMMENTS

Developed source is a spring located approximately 100 ft about the unnamed stream. BLN assisted with this project and required applicant to move project from stream to spring. Three foot ~~extra~~ diameter culvert is buried vertically into the ground. A buried pipe runs along the road toward the King property (downhill), leaving the road way to come across the hill to the northwest of the cabin.

Use is internal for the cabin. Once pressure is establish in the cabin, a release valve is opened and the extra water is allowed to run off down the hill. The measurement was taken from this run-off. When the cabin ~~is~~ unoccupied all of the water is allowed to flow through the system to the discharge pipe.

The permit holder indicated that it takes about 3 hours to repressurized the system. Originally ~~if~~ she did not think she would be present during the exam and that a measurement of the entire flow would be possible. She stayed longer than anticipated and the system was not depressurized. Consequently the measurement reflects overflow or excess flow ~~from~~ only.

Owner is in process of changing her name to Josephson

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

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NOV 03 2000

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: 5 gallon bucket**G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation: N/A $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

In house domestic use only : IOWA standard .6 AFA**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01-01</u>	<u>12-31</u>	<u>.02</u>	<u>.6</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.02</u>	<u>.6</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

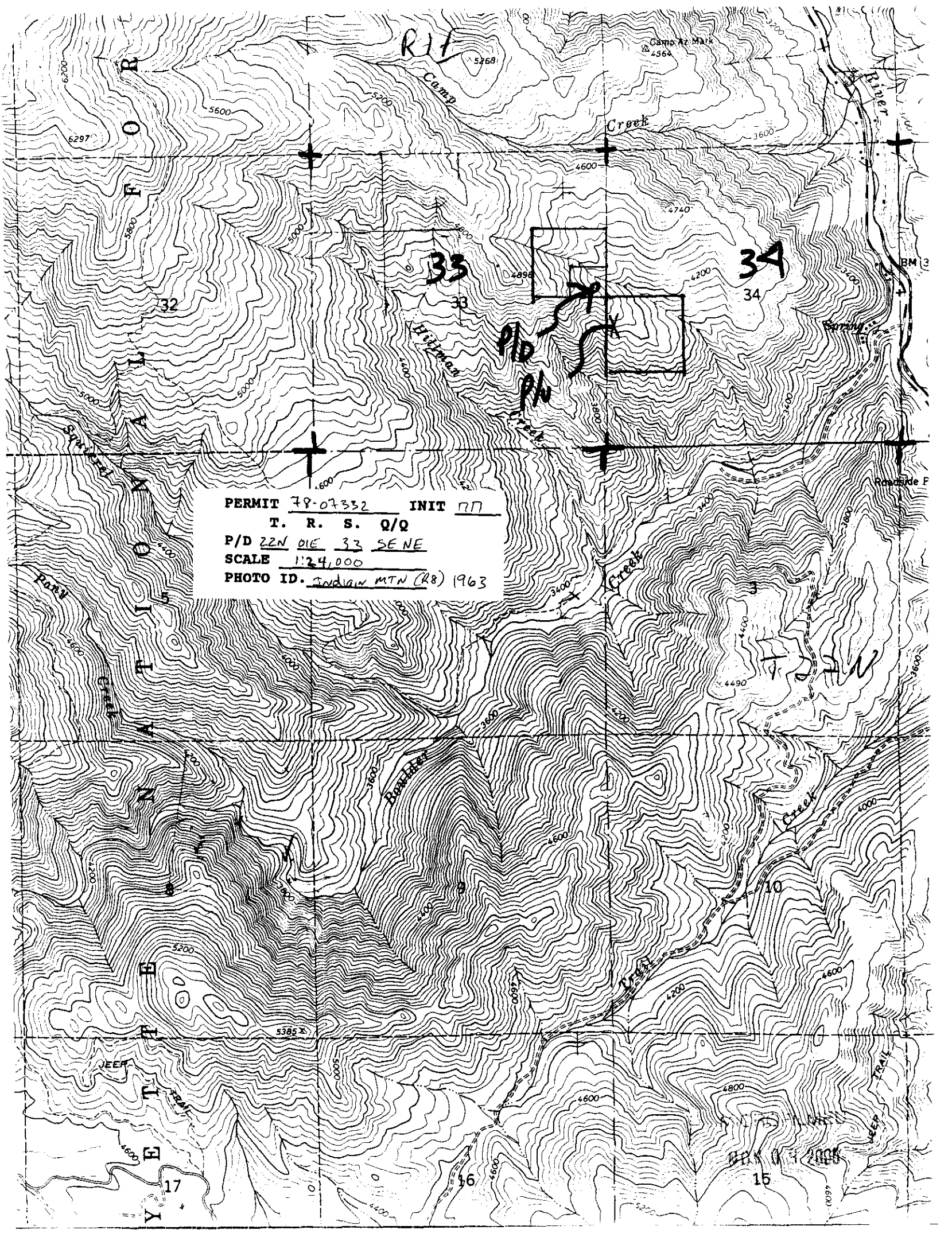
☒ Other Change source**I. AUTHENTICATION**Field Examiner's Name Hartman Date 01/12/1998

Reviewer _____ Date _____

SEAL

MICROFILMED

NOV 3 8 2000



PERMIT 78-07332 INIT 77
T. R. S. Q/Q
P/D 22N 01E 33 SE NE
SCALE 1:24,000
PHOTO ID. Indian Mtn (R8) 1963

PH
PH

34
34

T.S.N

BRK 11-1968

Layette NF Map 1992

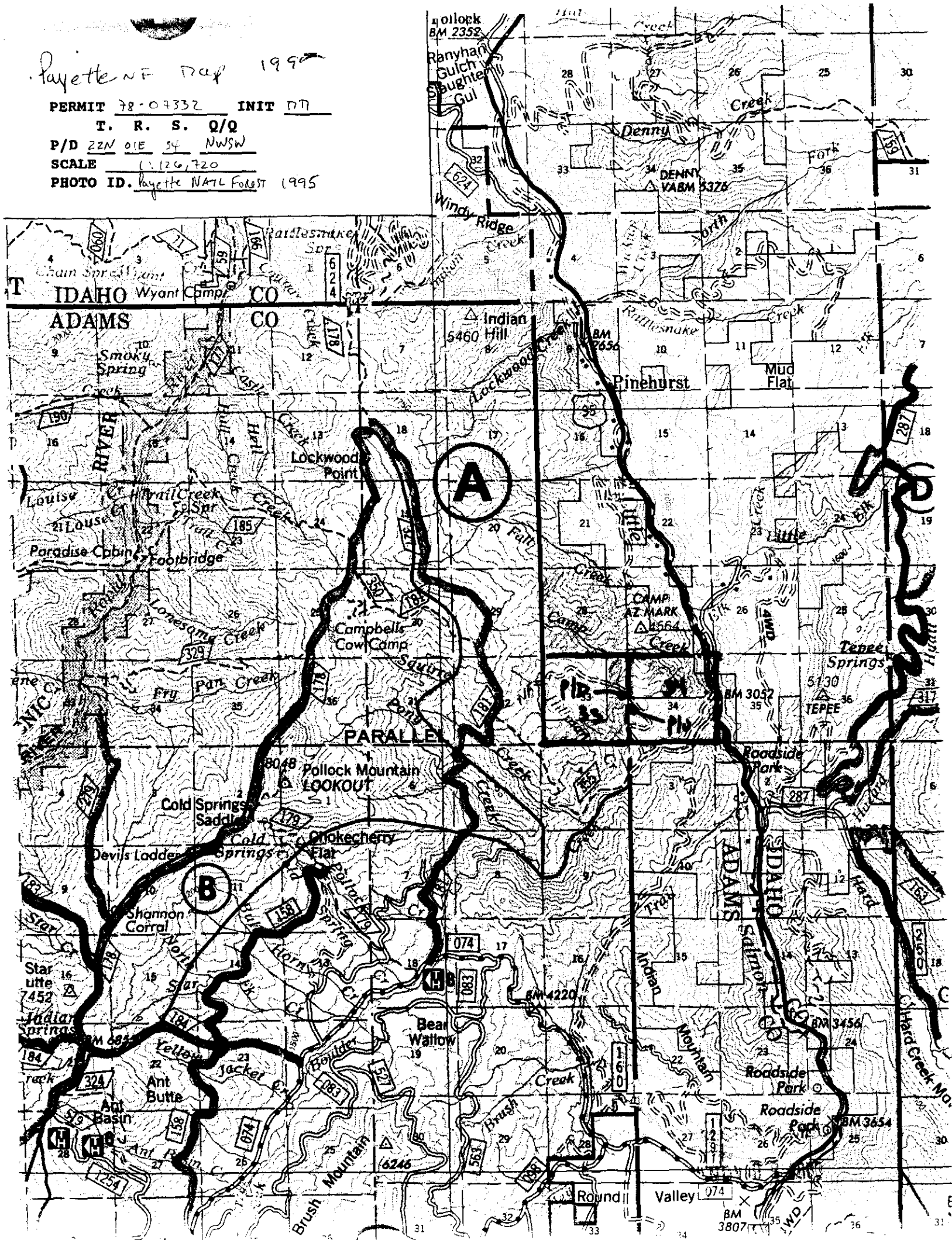
PERMIT 78-07332 INIT DT

T. R. S. Q/Q

P/D ZZN 01E 54 NWSW

SCALE 1:126,720

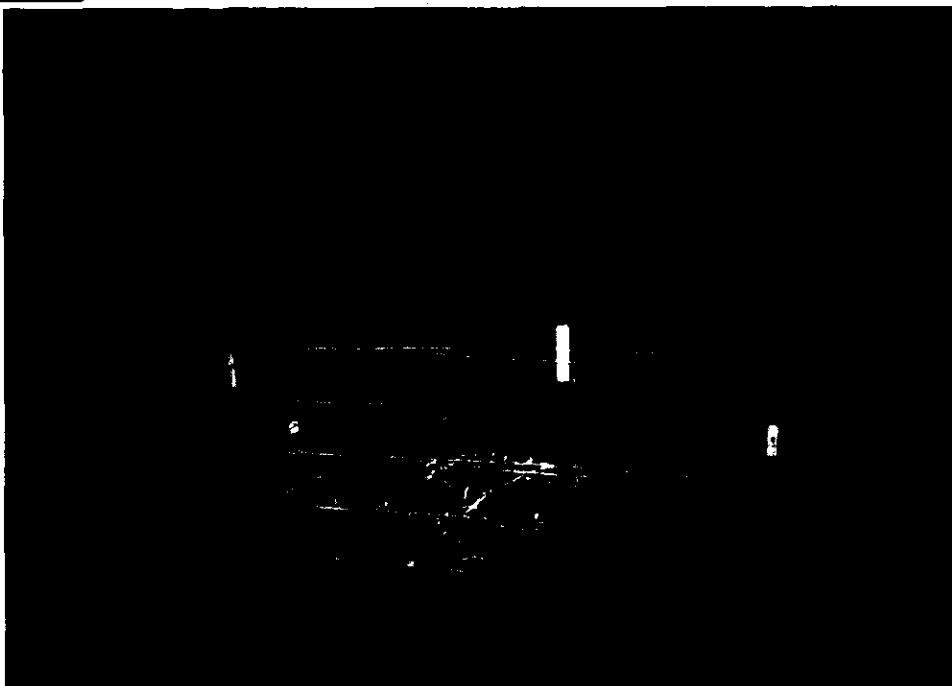
PHOTO ID. Layette NATL Forest 1995





PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 10/06/1997

FILE NO. 78-07332 T22N R01E S.34 + 33



Point of diversion. S.33
Diversion is
spring box which
is uphill of an
unnamed stream
by approximately
100 feet



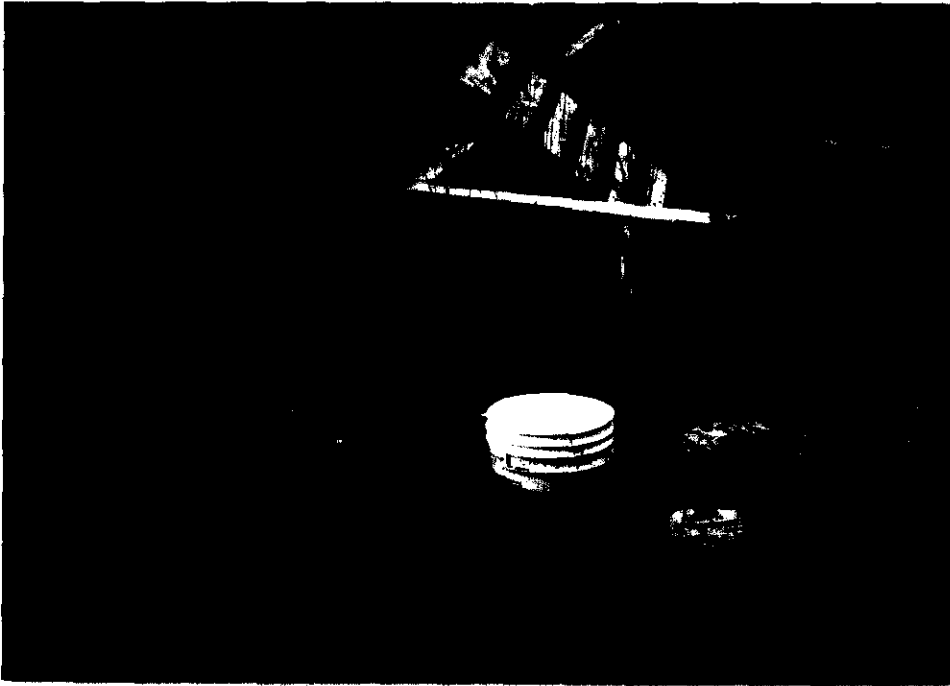
Place of use.
Cabin is located
on west line of
NWSW S.34

NOV 09 1997



PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 10/06/1997

FILE NO. 78-07332 T22N R01E S.34 NW SW



Thermostat location (downhill side of cabin).

Pipe discharges overflow after diversion for
in-home use.

NOV 10 1997

NOV 10 1997

January 8, 1993

GAYLE KING
23215 LANSING LN
MIDDLETON ID 83644

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 78-07332

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,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
FEB 08 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 78-07332

Reviewed by Klg

Date 12/1/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

domestic - 1
yes Correct Uses?

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

NA 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

NA Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

needs coffee

proof acceptable

DATA ENTRY

New Address _____

Proof Made 1/4/93
1/8/93 Klg



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

December 1, 1992

Gayle King
23215 Lansing Lane
Middleton, ID 83644

Re: Permit No. 63-11918

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit. Unfortunately, it is unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use an unnamed stream (surface) for your source. Therefore, a license examination fee of \$50 applies to your permit. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED

FEB 08 1993



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

July 6, 1992

GAYLE KING
23215 LANSING LN
MIDDLETON ID 83644

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 78-07332

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
Technical Records Specialist

BLM:cz

Enclosures

MICROFILMED

SEP 17 1992

APPLICATION FOR PERMIT REVIEW

Application #: 78-07332
Date: 6-30-92

Reviewer:

Brenda Miller

Brenda

SYSTEM COMPLETED:

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

GROUNDWATER:

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

LOCATION:

- Water Districts - WD No.
- Surface water - 005, 005-01H-P01(LT.2 w/pump)
- 005-01J-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(restricted areas)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date: -

Other Conditions Recommended

08-01-1994

Within Salmon-Clearwater Moratorium Boundary - Exempt Classification

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Cyt DATE: 5/21/92 APPLICATION: 78-07332

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:
☐ 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
JUN 26 1992

Department of Water Resources

PROCESSING

APPLICATION NO. 78-07332

King

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 June 22, 1992

Protest dates, resolution of protest recorded on application:

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 _____

Recommended by: _____ Date _____

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

78-07332

KING, GAYLE
23215 LANSING LN
MIDDLETON, ID 83644

Source: UNNAMED STREAM

Tributary: BOULDER CREEK

Diversion Pt: SENE Sec 33 T 22N R 01E in ADAMS County.

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 5/13/1992

In: ADAMS County
T22N R01E S34 NWSW

MICROFILMED
SEP 17 1992