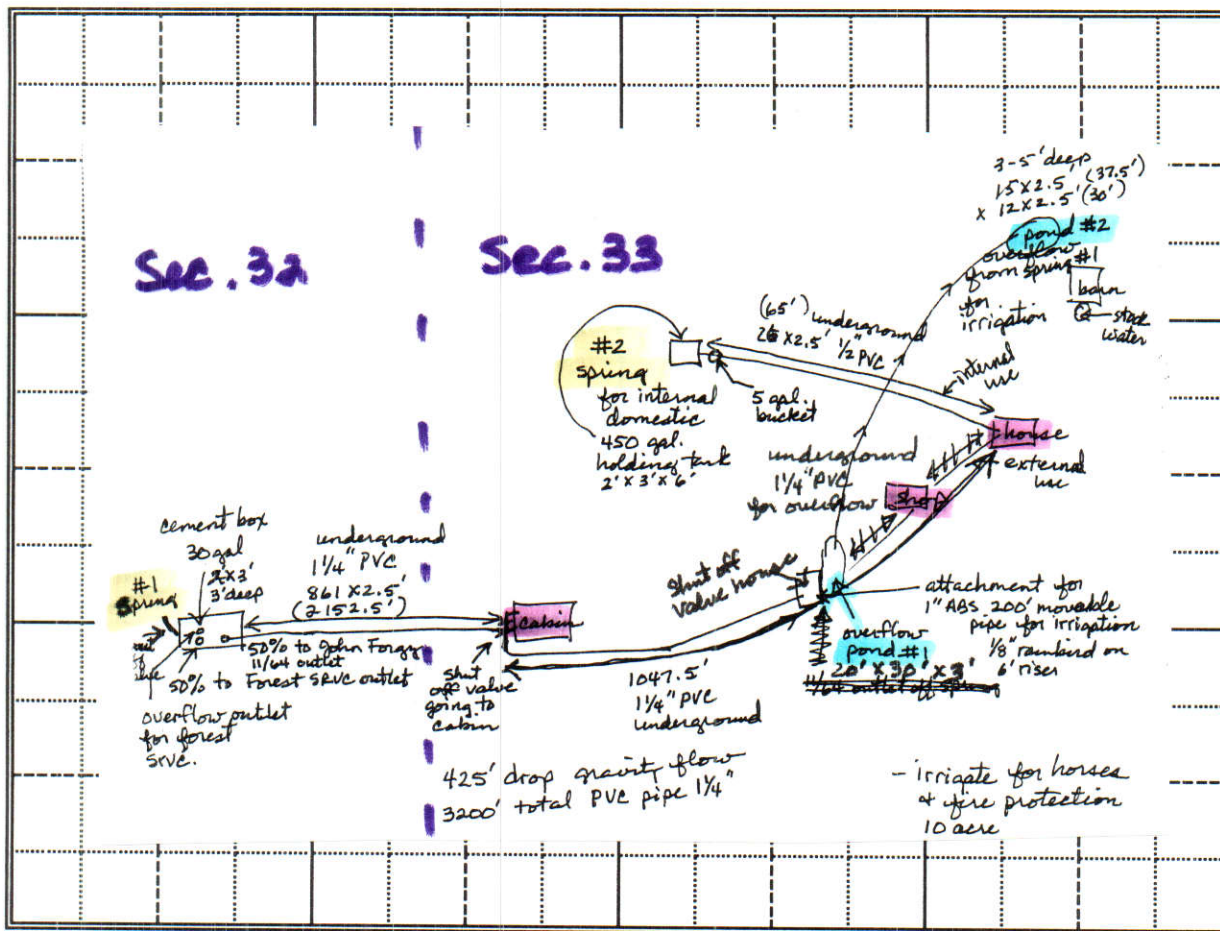


3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



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.

* 10/31/94 ASCS office said this is not available (208) 549-0069

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

MICROFILMED

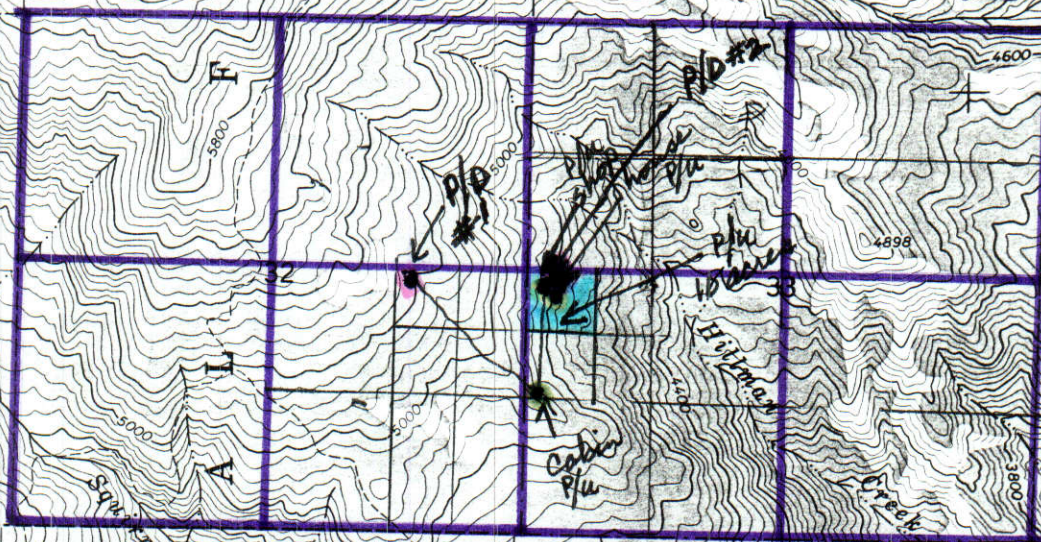
DEC 11 1997

Id Mtn, ID
R-8
File #

78-07309

12'30"
5006
T. 22 N.
T. 21 N.

2774 III NW
(POLLOCK MOUNTAIN)



PERMIT 78-07309 INIT S.H

T. 22 N. R. 1 E. S. 32 Q. 0
P/D 22N 1E 33 NESE

SCALE 7.5 USGS TOPO.

PHOTO ID.

1 1 1997



~~78-070~~
78-07309
10/28/94 S.H.

P/D: spring #1

30 gal. cement box
2' x 3' 3' deep

overflow outlet
going to forest service

1 1/4" outlet to
forest service (50% flow)

1 1/4" outlet going
to John Forger (50% flow)

P/u: domestic/
cabin ———
with 2152.5' pased
1 1/4" PVC underground
to cabin shut on/off
valve + continuous
flow going past +
down to other P/u



shut off valve
going to cabin

MICROFILMED
DEC 11 1997



78-07309
10/28/94 S.H.

P/u: irrigation
looking down from
shut-off valve house
& holding pond #1

shut off valves
@ holding pond
#1 - converting
to 1" ABS pipe



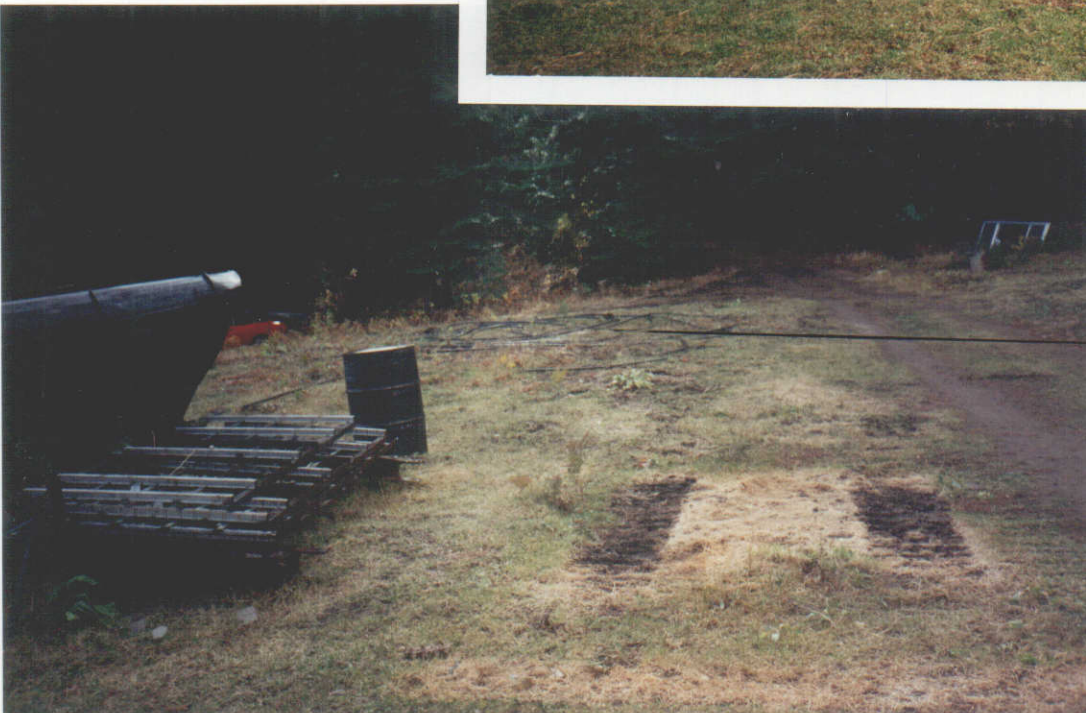
MICROFILMED
DEC 11 1997
holding
pond #1
20' x 30' x 3'



78-07309
10/28/94 S.H.

P/u:
shop/domestic
(internal/external)

P/u:
house/
domestic
(internal/
external)



1" ABS pipe
used for irrigation
+ putting 6' risers
with 1/8" nozzle
rainbirds for
(2) horses +
fire protection

MICROFILMED
13C 1 1 1997

78-07309

10/28/94 S.H.

— barn

— pond # 2

— P/u: irrigation
for (2) horses + fire
protection



pond # 2

37.5' x 30'

3-5' deep

— P/u: irrigation
for (2) horses +
fire protection

MICROFILMED

DEC 11 1997

78-07309

10/28/94 S.H

P/D: domestic/internal
Spring #2
450 gal. holding
tank
2' x 3' x 6'



5 gallon
buckets
for settling
purposes/filtering



overflow
from spring #2
going down
ditch to
pond #2

MICROFILMED

DEC 11 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07309

Priority: April 13, 1988

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 10.2 AF

This is to certify, that JOHN W FORGY
2740 HILLMAN BASIN RD
NEW MEADOWS ID 83654

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 13, 1988; and
has submitted Proof of Beneficial Use on September 18, 1991. An examination indicates
that the works have a diversion capacity of 0.080 cfs of water from:

SPRINGS tributary to HILLMAN 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>
IRRIGATION	04/15 to 10/15	0.04 CFS	9.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	10.2 AF

LOCATION OF POINT(S) OF DIVERSION: NWNESE , Sec. 32, Township 22N, Range 01E
NWNWSW , Sec. 33, Township 22N, Range 01E
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
22N	01E	33	NWSW	3		3

Total number of acres irrigated: 3

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

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 that 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.

MICROFILMED
DEC 11 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

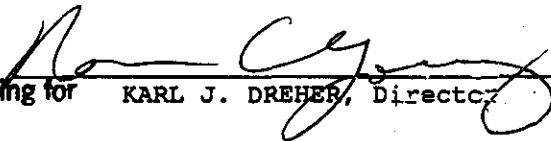
WATER RIGHT NO. 78-07309

CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
6. Domestic use is for 3 homes 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. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of SEPTEMBER, 1997.

Acting for


KARL J. DREHER, Director

RECORDED
DEC 11 1997

State of Idaho
Department of Water Resources

RECEIVED

JUN 20 1997

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 78-07309

Date of Priority: April 13, 1988

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

~~15.8~~ AF

10.2 *

Comes now

JOHN W FORGY

~~HC 75 BOX 3528~~

NEW MEADOWS ID 83654

2740 Hillman Basin Rd

Idaho Department of Water Resources:

and represents to the Director of the

That he is the owner and holder of Permit to appropriate the Public Waters of the

State of Idaho No. 78-07309, and requests that the permit be changed as follows:

Source: SPRINGS

tributary to HILLMAN CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	~~9.0~~ * ~~14.8~~ AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	~~15.8~~ AF 10.2 *

LOCATION OF POINT(S) OF DIVERSION:

NWNESE , Sec. 32, Township 22N, Range 01E
NWNWSW , Sec. 33, Township 22N, Range 01E
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
22N 01E 33	NWSW ~~10~~ 3 *			~~10~~ 3 *

Total number of acres irrigated:

~~10~~

3 *

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 18th day of JUNE, 1997

John W. Forgy
(Signature)

JUN 21 1997

* Per phone conversation with John Forgy on 9/4/97.

s.w. Keen

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 78-07309

FOR DEPARTMENT USE ONLY

Preliminary check by gwk Fee = 500 Received by bb # 003430 Date 6/20/97

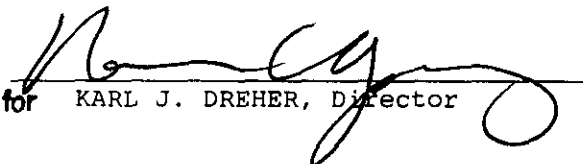
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 78-07309 with the following;

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 that 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 .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 15TH day of September, 1997.


Acting for KARL J. DREHER, Director

MAILED 10

DEC 11 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CORRECTING THE DATE)
OF PRIORITY FOR PERMIT NO. 78-07309)
THE NAME OF JOHN W. FORGY)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) issued Water Right Permit No. 78-07309 (permit) to John W. Forgy on November 30, 1989; and

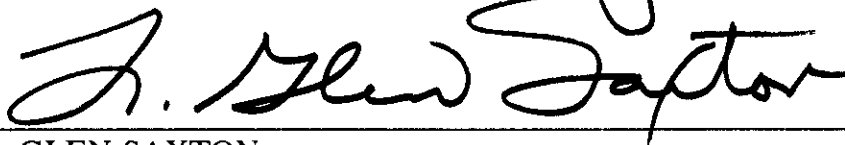
WHEREAS, the department issued the permit with a date of priority of April 13, 1989; and

WHEREAS, the application for permit and appropriate filing fees were received by the department on April 13, 1988; and

WHEREAS, the department should have issued the permit with a date of priority of April 13, 1988;

IT IS THEREFORE HEREBY ORDERED that the date of priority of Permit No. 78-07309 shall be **CORRECTED** to April 13, 1988.

Dated this 30th day of May, 1997.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED

DEC 11 1997

03/86
RECEIVED
 SEP 18 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by _____

Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 78-07309Name(s) of Permit Holder: JOHN W. FORGYPost Office Address: HC 75 BOX 3528, New Meadows, ID 83654Telephone No. 628-3689Source of Water: Unnamed Spring

Extent of Use:

Domestic 3 (number of households) Stockwater 2 Horses (number and type of stock)Irrigation 10 (acres) Other/Remark _____Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: 9/15/91Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ NoFee enclosed \$ None required (0-0.04 = \$0.00)
(See License Examination Fee Schedule)Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

JOHN W. FORGY
(Name)628-3689
(Telephone Number)Same as Above

(Address)

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.

DEC 30 1991

9/16/91
 Date

John W. Forgy
 Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 78-07309

Proposed Priority: April 13, 1989 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **JOHN W. FORGY**
HC 75 BOX 3528
NEW MEADOWS, ID 83654
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **HILLMAN 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>
IRRIGATION	04/15 to 10/15	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: NESE Sec. 32, Township 22N, Range 01E
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
22N	01E	33	NWSW	10		10

Total number of acres irrigated: 10

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. This water right is limited to domestic & irrigation purposes.
7. Domestic use is for 3 homes.

MICROFILMED

MAR 16 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 78-07309

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

30th day of November, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

MAR 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant John W. Forgy Phone 628-3689
634-5002
Post office address HC 75 Box 3528 New Meadows, Id. 83654
2. Source of water supply unnamed stream which is a tributary of Hillman Creek
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot
Sec. 32 Township 22 N Range 1E B.M. Adams County; additional
points of diversion if any:
4. Water will be used for the following purposes:
- Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for Irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. gravity flow through pipe to
homes, pasture, and microhydro system.
- 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 for the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED

MAR 16 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. 380' hd and 0.18 KW ~~N/A~~
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 3
- 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	
22N	1E	33										10							10
												D							
												~~N/A~~							

Total number of acres to be irrigated 10

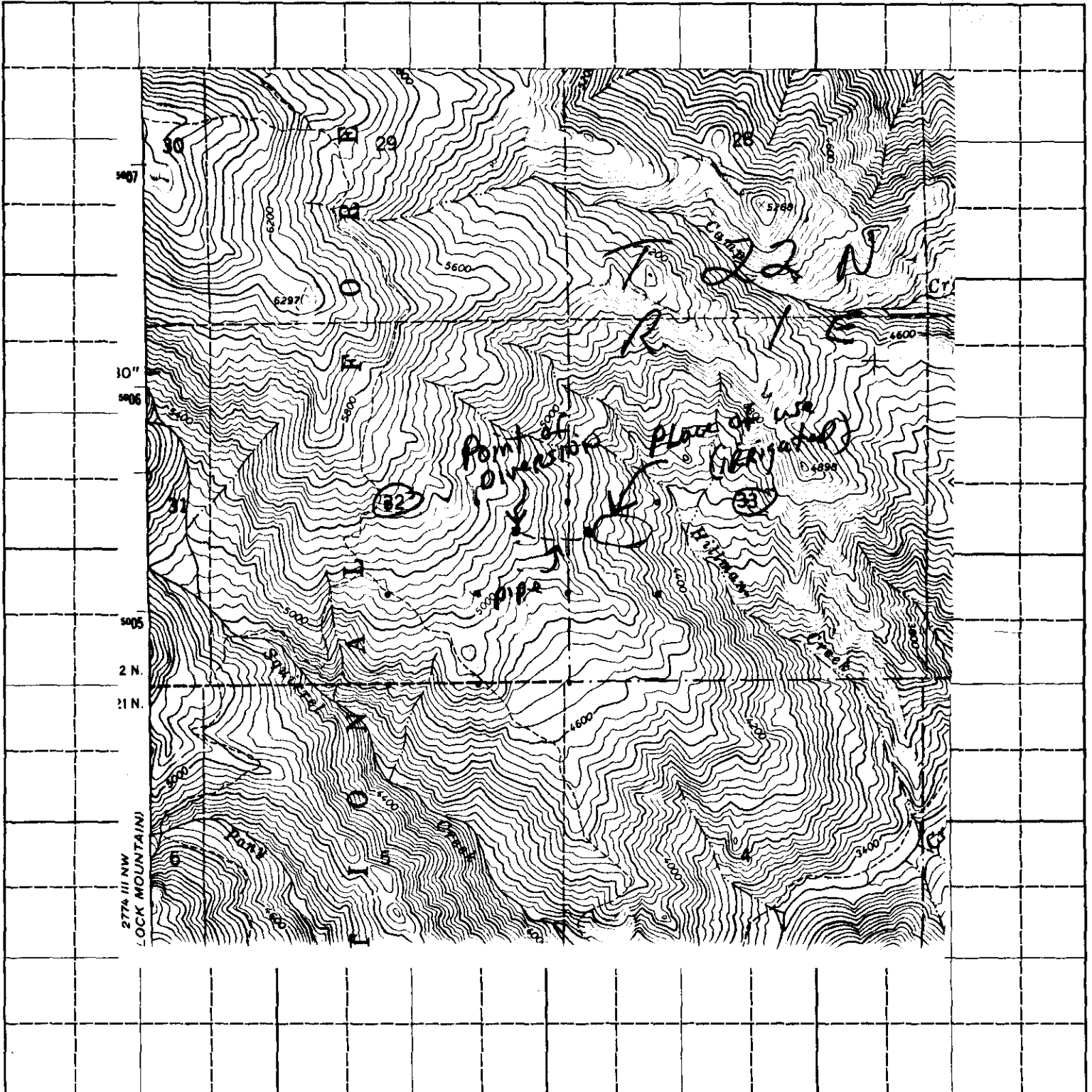
10. Describe any other water rights used for the same purposes as described above. NO

11. a. Who owns the property at the point of diversion? USDA Forest Service
- 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. Payette NAT'L Forest Special Use Report No. PY-87-0325 (New Meadows Ranger District).

12. Remarks: _____

MAR 16 1990

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 files application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MAR 16 1990

John W. Forgy
(Applicant)

Received by SL Date 4/13/88 Time 4:33 Preliminary check by RD
Fee \$ 30⁰⁰ Receipted by SL # W0000101 Date 4/13/88
Publication prepared by GG Date 4-27-88 Published in Adams County Leader
Publication approved SL Date 6/1/88
5/4 & 5/11/88

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:

MICROFILMED

MAR 15 1990

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, John W. Forgy of New Meadows,
(name) (city)

County of Adams, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code; and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

John W. Forgy
Applicant

State of Idaho _____ } ss.
County of Ada

On this 14th day of April, 19 88, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Nancy M. Lindgren
Notary Public residing at
Boise

seal

My commission expires:

1-19-1994

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 Appli-

67-07733-Henry Williams-78-07285-John W Forgy 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 May 5.1988

and the last in the issue dated May 12.1988 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 uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 12th

day of May 19 38

Notary Public for Idaho,
Residing at Council, Idaho

MICROFILMED

MAR 16 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07733

WILLIAMS, HENRY

P. O. BOX 38

FRUITVALE, ID 83620

Source: WINDOM RIVER

Tributary: SNAKE RIVER

Diversion Pt: NWSW Sec 2 T 17N

R 01W

Use: DIVERSION TO STORAGE

(0.40 CFS)

(4.00 AF)

Date Filed: 4/13/1988

In: NWSW Sec 2 T 17N R 01W

FOR ACRES

67-07733

FORGY, JOHN W.

HC 75 BOX 3528

NEW MEADOWS ID 83654

Source: UNNAMED STREAM

Tributary: HILLMAN CREEK

Diversion Pt: NESE Sec 32 T 22N

R 01E

Use: IRRIGATION (0.040 CFS)

DOMESTIC (0.040 CFS)

POWER (0.040 CFS)

Date Filed: 4/13/1988

In: NWSW Sec 33 T 22N R 01E

FOR 10.0 ACRES

67-07285

BRUNDAGE MOUNTAIN CORP.

P. O. BOX 1062

BOCCALL, ID 83638

Source: GROUNDWATER

Diversion Pt: NWE Sec 12 T

10N R 02E

Use: DOMESTIC (130 CFS)

COMMERCIAL (130 CFS)

Date Filed: 4/18/1988

In: NWE Sec 12 T 10N R 02E

FOR ACRES

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, 2705 Airport

Way, Boise, Idaho 83705 on or

before MAY 23 1988.

R. KEITH HIGGINS, Dir.

Published 5/04/1988 & 5/11/1988

RECEIVED
MAY 13 1988

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

September 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN W FORGY
2740 HILLMAN BASIN RD
NEW MEADOWS ID 83654

RE: WATER RIGHT NO. 78-07309

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.

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

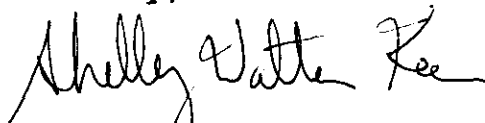
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 6/-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of **September, 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. 78-07309

JOHN W FORGY
2740 HILLMAN BASIN RD
NEW MEADOWS ID 83654


Kari Lynn Townsend
Secretary

DEC 11 1997

MEMORANDUM

DATE: September 4, 1997

TO: Water Right File 78-07309

FROM: Shelley W. Keen *(SWK)*

RE: Irrigated Acres

This afternoon I spoke with John Forgy (208-628-3180) about the number of acres he actually irrigates under water right 78-07309. He told me that there are about 10 farmable acres on his 40-acre parcel, but he has only irrigated 3 acres to this point. Mr. Forgy intends to irrigate two additional acres at some time in the future.

I told Mr. Forgy that water right 78-07309 could be licensed only for the 3 acres that were irrigated during the development phase of the permit. I recommended that he file a new application for permit when he is ready to irrigate the two additional acres. I also got Mr. Forgy's permission to cross out the 10 acre reference on his licensing amendment and change it to 3 acres.



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

June 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN W FORGY
HC 75 BOX 3528
NEW MEADOWS ID 83654

RE: WATER RIGHT NO. 78-07309

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

Also enclosed is an order correcting the date of priority to April 13, 1988.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible at (208)327-7946.

Sincerely,

A handwritten signature in cursive script, reading 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure

B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 78-7309 Name: Forgy Date: 5/28/97 ✓ Lots

NAME Chng Same ✓ Or Address Change?

SOURCE ✓ Clarify source Spring
 Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? clarify: NW NESE add: NW NW SW P39
 Overlap(s) none

P/U ✓ Amendment Needed? Correct F.E (per map) P41
 Overlap(s) none
 (Gov't use special T's) *P/D & P/U Amend? P37

RATE ✓ Permit/proof fee limits 0.04 / 0.04
 ✓ Measured Quantity = cfs Theoretical Quantity = 0.03 cfs
 as permitted
 (HP) $\frac{8.8 \times 0.70 \times}{+ (2.31 \times)} =$ cfs

 ✓ Recommended capacity 0.08 cfs
 ✓ Recommended rate 0.04 cfs
 dom: 1/1-12/31
 VOLUME ✓ Season: (B 1 3.0) 4/15-10/15 = 184 days
 Calculations: dom. int X 2 = 1.2
irr = 10ac x 3.0 = 30.0 limited by flow rate
max = 1.2 + 14.6 = 15.8 AF
✓ Flow limit: $\frac{0.04 \text{ cfs} \times 184 \text{ days/yr} \times 1.9835}{0.04 \text{ cfs} \times 184 \text{ days/yr} \times 1.9835} = \frac{14.6}{29.0} \text{ AF}$
✓ Recommended volume 1.2 + 14.6 = 15.8 AF

USES ✓ Same Nature of Use? P46
 Amendment Needed?

REMARKS Multiple p/d's in same 1/4? Use W32
✓ DWB5/2

CONDITIONS Measuring Device (R43) or Lockable Controlling Works (R02)
 Watermaster Control (R04) - WD #
R29 Irrigation rate/annual volume overlap
 GW irrigation replaces surface water (050)
 GW irrigation supplements surface water (065)
 Water Quality
 Other

PRIORITY App Rcd 4/13/88 Due 12/1/91 Rcd 9/18/91
 Receipt# NA Fee OK? Yes No
 Order to Reinstate Needed? Yes No Done? Advanced to:
 Priority 4/13/88 Examined 10/28/94

COMMENTS: Volume limited by flow

USE	CFS	VOLUME
<u>irr.</u>	<u>0.04</u>	<u>14.6</u>
<u>Dom</u>	<u>0.04</u>	<u>1.2</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u>TOTAL</u>	<u>0.04</u>	<u>15.8</u>

SRBA Overlap None
 Adjustment Memo ✓
 LICENSE LTR:
 #1 AMEND LTR: P39/P38
 #2 AMEND LTR: P42/P47

MEMORANDUM

DATE: May 28, 1997
TO: File No. 78-07309
FROM: Cindy Zimmerman
SUBJECT: Review of Beneficial Use Field Report

The examiner identified the place of use as in Section 32 on item no. C.2. However, the permit and the report's topographic map and the system diagram identify the place of use as in Section 33. Also, the examiner does not recommend a change or addition to the permitted place of use.

The following adjustments¹ were made on the field report to reflect the location of the place of use as identified on the topographic map:

- C. Diversion and Delivery System.
 - 2. Place of use is located within NWSW, S33, T22N, R01E.

Examiner: Sandy Hemenway
Examined: October 28, 1994

¹ Adjustments are **bolded and underlined**.

EX-100-1000
DEC 1 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 25 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 78-07309
msg. ph (208) 628-3136
Phone No. (208) 628-3689

1. Owner: John W. Forger
Current Address: 2741 Hillman Basin Rd. New Meadows, Id 83654

2. Accompanied by: John + Cindy Forger EXAM DATE: 10/28/94
Address: 2741 Hillman Basin Rd. New Meadows, Id 83654 (208) 628-3136 msg.
Phone No. (208) 628-3689

Relationship to Permit Holder: Sold

3. Source: unnamed springs tributary to Hillman Creek
~~unnamed spring~~ ~~Hillman Creek~~

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 78-07311
2. Other water rights with the same point of diversion: 78-07311

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

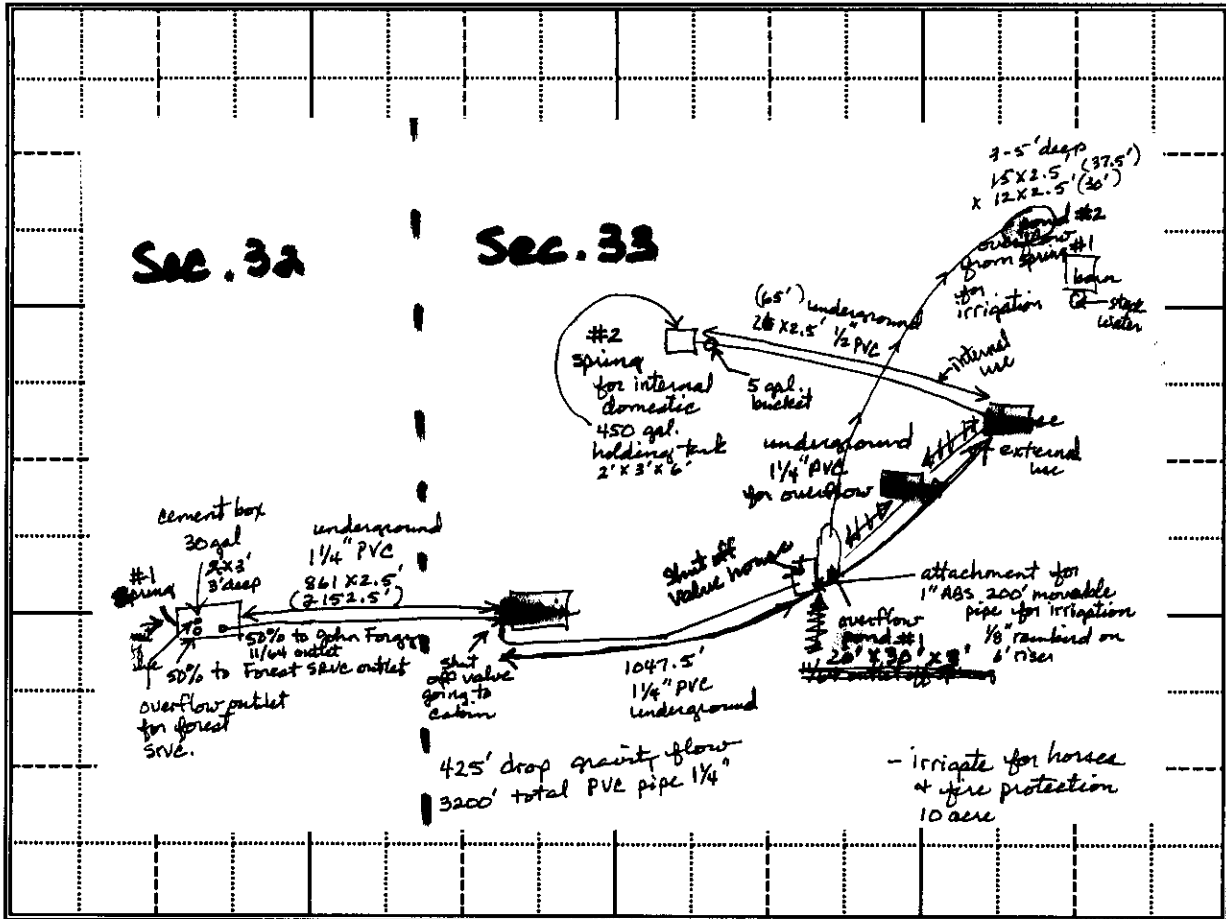
Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D#1		NW	NE	SE	32	22N	1E	Adams	USGS Topo. + Exam
P/D#2		NW	NW	SW	33	22N	1E	Adams	" "

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

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	32									D-3								
											A								70 acres

RECORDED
DEC 11 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 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.

* 10/31/14 ASCS office said this is not available
(208) 549-0069

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

MICROFILMED

DEC 11 1987

- The source is ~~not~~ a stream, it is a spring where the point of diver on 30 gallon cement box is inserted.

E. NARRATIVE/REMARKS/COMMENTS

- Other water right # 78-07311, still application stage for power. (Overlap for P/D + P/U)
- (Spring #1):
Mr. Forgy has constructed a 50/50 flow system out of the 30 gallon cement box. One outlet goes to Mr. Forgy's pipeline system, the other outlet of equal size flows free to the Forest Service. The overflow out of the cement box also goes to the Forest Service. (After the exam, I showed diagrams + pictures to the forest service to verify they were getting their 50% water.)
- Use is domestic (~~2~~ 2 homes, 1 shop), + irrigation 10 acres.
- No govt. lots were found.
- Other uses stockwater for 2 horses, + fire protection
- The system consists of a spring (spring #1) 3200 of 1 1/4" PVC w/ 2" T @ the cabin + shut off, a T @ the shop + a shut off, ending @ the house. The overflow goes to a pond (pond #1) w/ 1" ABS w/ 1/8" rainbird nozzles on 6' risers, ^{runs 2-4 sprinklers @ 1 time} w/ hose attachments for flood irrigation, overflow from pond #1 is diverted underground through 1 1/4" PVC (not able to measure) to Pond #2 which is used for flood irrigation + stockwater for 2 horses. Spring #2 has a 450 gallon holding tank 1 1/4" PVC to 5 gallon buckets used for settling + filtering purposes then to the house for internal use only. The overflow from Spring #2 goes down a ditch to Pond #2

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

MICROFILMED
DEC 11 1997

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Pipeflow Computation Spreadsheet (see attachment) =
 Spring #2 (internal only) = .03 cfs
 Spring #1 (external only) = .05 cfs } .08 cfs
Allow Domestic as permitted = .04 cfs
Allow Irrigation as permitted = .04 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 10 \times 3.0 = 30$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .04 \times 184 \times 1.9835 = 14.6 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 15.0$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.04	1.2
Irrigation	4/15	10/15	.04	15.0*
Totals:			.04*	16.2*

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 clarification of source - it is not an unnamed stream, but is a spring.

I. AUTHENTICATION

Field Examiner's Name Paul H. Hemenway Date 10/23/95

Reviewer _____ Date _____

SEAL

RECEIVED

DEC 11 1995

① Permit: Irrigation 4/15-10/15 $\boxed{.04 \text{ cfs}}$
 Domestic 1/1-12/31 $\boxed{.04 \text{ cfs}}$
 $.04 \text{ cfs}$

② B/u use: ~~0~~ pd 9/16/91 $\boxed{0-0.04 \text{ cfs}}$

③ max. allowable:

Domestic internal/external $.04 \text{ cfs}$

Irrigation ~~30~~ 10 acres $\times .02 \text{ cfs} = .2 \text{ cfs}$

④ Measurement:

Pipeflow Computation Spreadsheet (see attachment)

Spring #1 to cabin = $.06 \text{ cfs}$

Spring #1 to shop = $.06 \text{ cfs}$

Spring #1 to house = $\boxed{.05 \text{ cfs}}$

Spring #2 to house = $\boxed{.03 \text{ cfs}}$

REC'D
DEC 11 1997

*Total pipe from
Spring #1 to house
(external use only)*

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: SANDY HEMENWAY
10/31/94
Project: Flow Computation for PERMIT NO. 78-07309
JOHN W. FORGY
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^{4.8655} * \text{Length} / 100)$

To Find: Compute Rate of Flow

Data Table

Total Head: 425.00 feet
 Pressure Req'd: 15.00 psi
 Available Head: 390.35 feet
 Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	3200.00	389.54	
0.75	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	389.54

Rate of Flow: 0.054 CFS

$425' - 389.54' = 35.46 \div 2.31$
 $= 15.35 \text{ PSI}$
*(fancet pressure
O 2nd house)*

from Spring # 1 to
Cabin

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: SANDY HEMENWAY
10/31/94
Project: Flow Computation for PERMIT NO. 78-07309
JOHN W. FORGY
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^{4.8655} * \text{Length} / 100)$

To Find: Compute Rate of Flow

Data Table

Total Head: 320.00 feet
Pressure Req'd: 15.00 psi
Available Head: 285.35 feet
Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	2152.50	280.28	
0.75	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	280.28

Rate of Flow: 0.056 CFS

$$320' - 280.28' = 39.72' \div 2.31$$

= 17.9 PSI
(fancet pressure
at 1st house)

from Spring #1
to Shop

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: SANDY HEMENWAY
10/31/94
Project: Flow Computation for PERMIT NO. 78-07309
JOHN W. FORGY
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$

To Find: Compute Rate of Flow

Data Table

Total Head: 375.00 feet
Pressure Req'd: 15.00 psi
Available Head: 340.35 feet
Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	2675.00	336.89	
0.75	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	336.89

Rate of Flow: 0.055 CFS

*Spring #2
to house
(internal use
only)*

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: SANDY HEMENWAY
103194
Project: Flow Computation for PERMIT NO. 78-07309
JOHN W. FORGY
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100)$$

To Find: Compute Rate of Flow

Data Table

Total Head: 75.00 feet

Pressure Req'd: 20.00 psi

Available Head: 28.80 feet

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
0.75	65.00	28.80	
13.50	0.00	0.00	
11.50	0.00	0.00	
9.50	0.00	0.00	28.80

Rate of Flow: 0.028 CFS

*10/1/92
REC 11:30*

Id Mtn, ID

R-8
File #

78-07309

12'30"
5006
5005
T. 22 N
T. 21 N

2774 III NW
(POLLOCK MOUNTAIN)

PERMIT 78-07309 INIT S.H.
T. 22N R. 1E S. 32 Q/O NESE
P/D 22N 1E 33 NW3/4
SCALE 7.5 USGS Topo.
PHOTO ID. _____

~~78-070~~
78-07309
10/28/94 S.H.

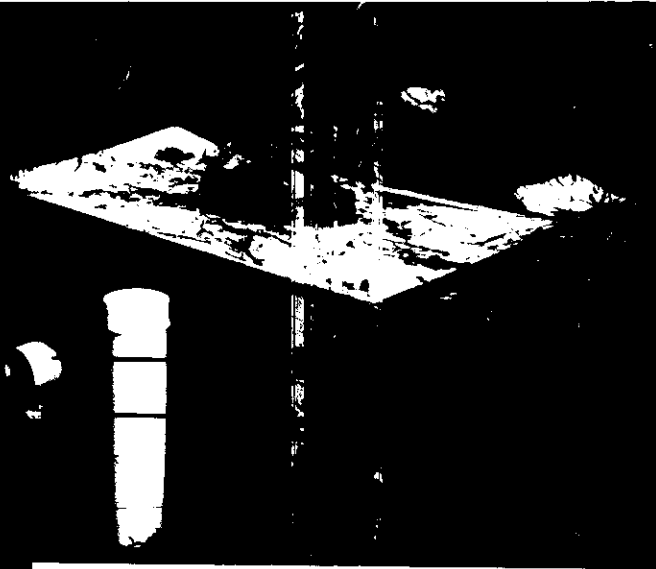
P/D: Spring #1

30 gal. cement box
2'x3' 3' deep

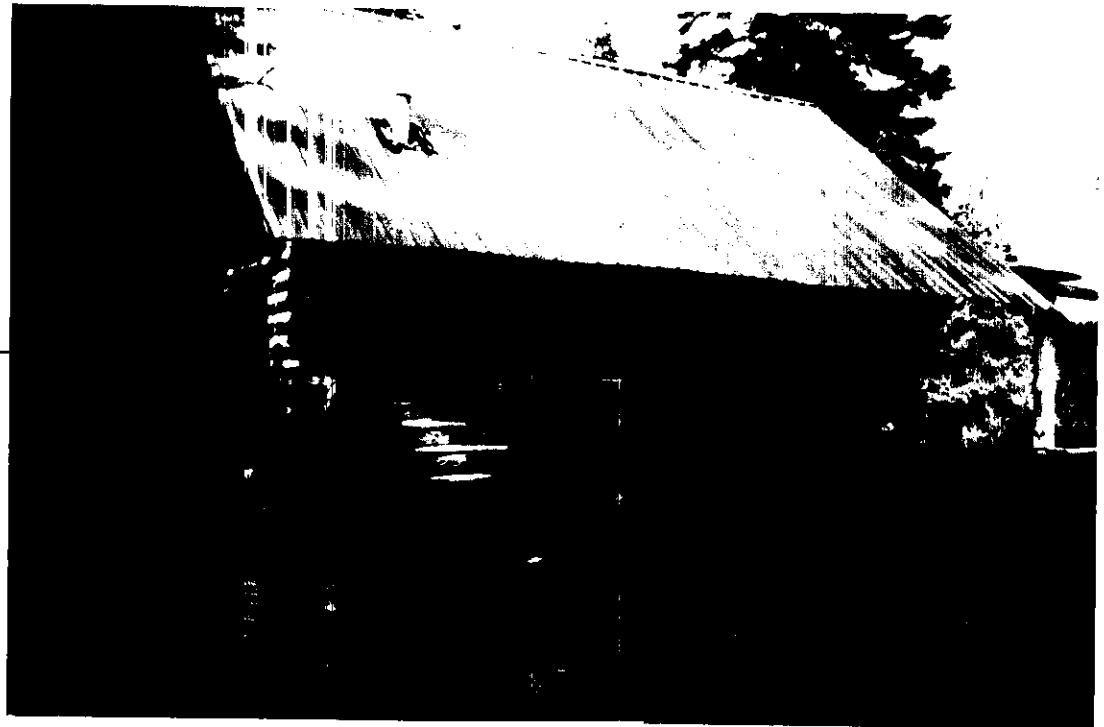
overflow outlet
going to forest service

1 1/4" outlet to
forest service (50% flow)

1 1/4" outlet going
to John Forger (50% flow)



P/U: domestic/
cabin
with 2152.5' pased
1 1/4" PVC underground
to cabin shut on/off
valve + continuous
flow going past +
down to other P/U



shut off valve
going to cabin

10/28/94
S.H.





78-07309
10/28/94 S.H.

P/u: irrigation
looking down from
shut-off valve house
+ holding pond #1



shut off valves
④ holding pond
#1 - converting
to 1" ABS pipe



holding
pond #1
20' x 30' x 3'

78-07309
10/28/94 S.H.

P/u:
shop/domestic
(internal/external)

P/u:
house/
domestic
(internal/
external)



1" ABS pipe
used for irrigation
+ putting 6' risers
with 1/8" nozzle
rainbirds for
(2) horses +
fire protection

78-07309
10/28/94 S.H.



— barn

— pond # 2

— P/u: irrigation
for (2) houses + fire
protection



pond # 2

37.5' x 30'

3-5' deep



— P/u: irrigation
for (2) houses +
fire protection

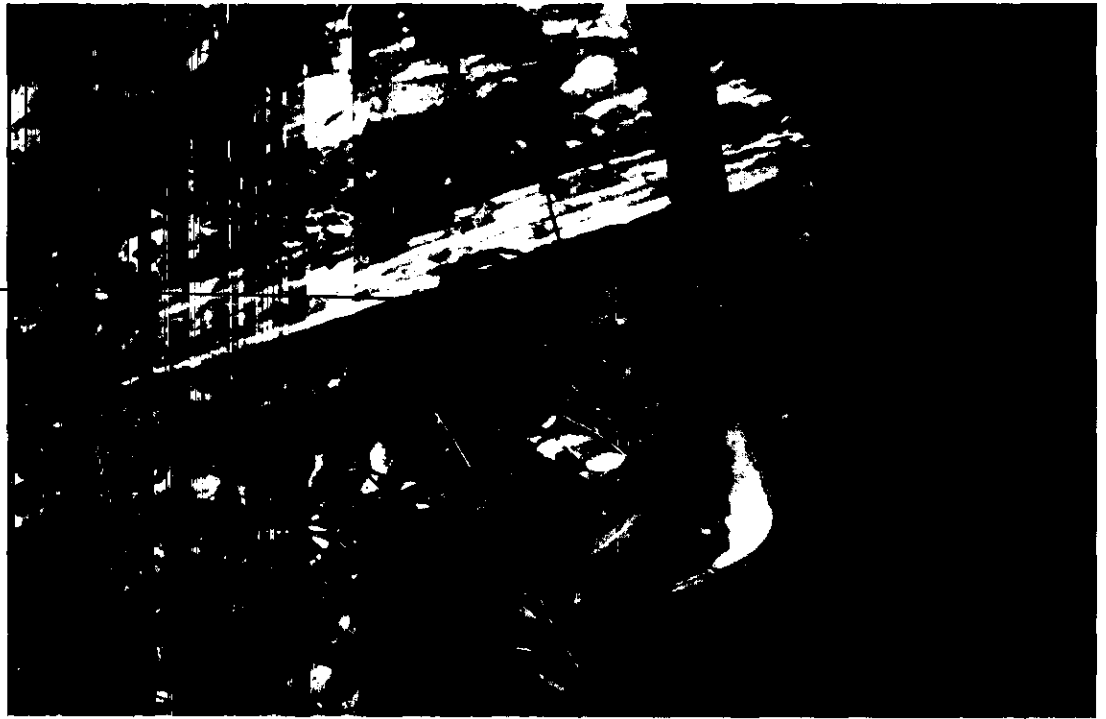
78-07309

10/28/94 S.H



P/D: domestic/internal
Spring #2
450 gal. holding
tank
2' x 3' x 6'

5 gallon
buckets
for settling
purposes/filtering



overflow
from spring #2
going down
ditch to
pond #2

November 8, 1991

JOHN W. FORGY
HC 75 BOX 3528
NEW MEADOWS ID 83654

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 78-07309

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,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

RECEIVED

DEC 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 78-07309

Name(s) of Permit Holder(s): JOHN W FORGY

Post Office Address: HC 75 BOX 3528

NEW MEADOWS ID 83654

Tel. No. 628-3689

☒ I hereby certify that construction of diversion works for the above referenced permit began on 8/14/90 (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works DEC 30 1981 the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

8/14/90
Date

John W. Forgy
Signature of Permit Holder

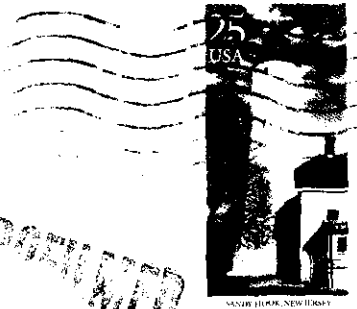
Mr. Joel . . . Forgy
HC 75, Box 3528
New Meadows, Idaho 83654

RECEIVED
AUG 16 1990



RECEIVED
DEC 30 1991

Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 30, 1989

JOHN W. FORGY
HC 75 BOX 3528
NEW MEADOWS, ID 83654

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P78-07309

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

MAR 16 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 13, 1989

John W. Forgy
HC 75
New meadows, ID 83654

Re: Application for Permit No. 78-07309 in the name of John W. Forgy

Dear Mr. Forgy:

This office acknowledges receipt of the withdrawal of protest against the above-referenced application.

The Department now will continue to process the application.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D.R. Tuthill Jr.', written over the typed name.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: J.S. Tixier, Regional Forester, U.S. Forest Service

MICROFILMED

MAR 16 1990



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

RECEIVED

SEP 06 1989

Date: AUG 31 1989

RECEIVED

SEP 12 1989

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Department of Water Resources
Western Regional Office

Dear Mr. Higginson:

On April 21, we protested Application for Permit No. 78-07309 filed by
Mr. John Forgy. We have met with the applicant and resolved the basis of the
protest. Therefore, we withdraw our protest of Application for Permit No.
78-07309.

Sincerely,

For E. R. Browning
J. S. TIXIER
Regional Forester

MICROFILMED

MAR 16 1990



Caring for the Land and Serving People

FS-6200-28b(4/88)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

John W. Forgy
HC 75
New Meadows, ID 83654

Re: Water Right Application for Permit #78-07311

Dear John:

Enclosed please find the draft application for permit which I prepared as a result of the water right conference held earlier this week. If the application shows your intended development, you may sign it and submit it to this office with the \$30 filing fee, and we will initiate processing.

If you see something on the application that you have a question about, please feel free to give me a call.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Draft Application for Permit, #78-07311

MICROFILMED
MAR 1 1990
MAR 16 1990

Conference on protested app for permit No. 78-07309 in the name of John W. Forgy

Conf held on 7/12/89 at 10:30 am in McCall

Region will withdraw protest based on applicant deleting power from app.

Applicant will apply for power with a new app, thus allowing 78-07309 to be approved for domestic & irrigation

DR 7/12/89

MICROFILMED
MAR 16 1990

~~MAR 16 1990~~

P 397 135 351
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, Feb. 1982

Sent to <i>Kevin</i>	
Street and No.	
P.O., State and ZIP Code	
Postage	\$ 25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	90
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark or Date	

POSTAGE

5-20-64 (see front)

If you've
 2 The
 3 and it to go.

If you do not have a printer, you can still print the signed station. The left portion of the address side of the envelope will form the station and the right side will form the article.

If you wish a return receipt, please print your name and address on a separate sheet of paper and attach it by means of the gummed erds to the back of the envelope. **RETURN RECEIPT**

4. If you are not the addressee, please forward to the agent of the addressee, or the appropriate authority.

to Enter _____ on _____ at _____ in front of this receipt. If
return receipt _____

6. Save:

P 397 135 352
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>John Long</i>	
Street and No. <i>HC 75 Box 3528</i>	
P.O., State and ZIP Code <i>New Mexico 87</i>	
Postage	\$ <i>25</i>
Certified Fee	<i>85</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing Date, and Address of Delivery	
TOTAL Postage and Fees	\$ <i>2.05</i>
Postmark or Date	

1. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

2. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

3. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

4. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

5. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

6. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

RETURN RECEIPT

7. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

8. If you are a subscriber, please
fill out the address label on the
and if you are a contributor, please
fill out the address label on the

1 and 2 when additional services are desired, and complete items
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: John W. Forgy HC 75 Box 3528 New Meadows, ID 83654 MAR 16 1990	4. Article Number P 397 135 352 Type of Service: ☒ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
5. Signature -- Address X <i>John W. Forgy</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature -- Agent X	
7. Date of Delivery JUL 3 1989	

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" and print to number.

RETURN
TO

MICROFILMED

MAR 16 1990

RECEIVED

JUL 05 1989



Department of Water Resources

PENALTY FOR PRIVATE
USE, \$300

Western Regional Office

Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

3 and 4. : Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: J.S. Tixier, Regional For. U.S. Dept. of Agriculture Forest Service 324 25th St. Ogden, UT 84401		4. Article Number P 397 135 351	
		Type of Service: ☐ Insured ☐ COD ☐ Return Receipt for Merchandise	
		☐ Express Mail	
5. Signature -- Address X		8. Addressee's Address (ONLY if requested and fee paid)	
6. Signature -- Agent X			
7. Date of Delivery MAR 16 1988			

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



RECEIVED

JUL 05 1989



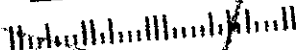
PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Western Regional Office

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MAR 16 1990



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 78-07309 IN THE)
)
NAME OF JOHN W. FORGY)

NOTICE OF CONFERENCE

On April 13, 1988, John W. Forgy filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the United States Dept. of Agriculture, Forest Service, J.S. Tixier, Regional Forester.

The Department has set the matter of protest for a conference on Wednesday, July 12, 1989, at 10:30 a.m., in room A of the U.S. Forest Service Building at 106 Park St., McCall, ID 83638. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 30th day of June, 1989.

David R. Tuthill, Jr.
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

MICROFILMED

MAR 16 1990

I hereby certify that on the 30th day of June, 1989, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

John W. Forgy
HC 75 Box 3528
New Meadows, ID 83654

J. S. Tixier, Regional Forester
U. S. Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

MICROFILMED

MAR 16 1990

CONFERENCE INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203(A), the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

The intent of the conference is to resolve any conflicts regarding the proposed water appropriation in light of these five factors. The conference will not be recorded in an effort to promote full discussion of the issues. Possible resolutions are: (1) clarification of the issues resulting in a determination by all parties that the application is acceptable, (2) modification of the application to make it acceptable to the protestant(s), or (3) addition of acceptable restrictions or conditions of approval. If a resolution is not attainable, then a hearing will be set by the Department.

INDEXED

MAR 16 1990

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant - Name(s)

J. S. Tixier, Regional Forester, United States Dept. of Agri., Forest Service

Address 324 25th St., Ogden, UT 84401

Attorney - Name & Address _____

Date Filed 5/18/88 Protest Date 5/23/88

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

MICROFILMED

MAR 16 1990

Protest Information submitted in Computer (following hearing): _____

IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY	Date <u>6/7/89</u>
------------	--------------------

To Mr. Al Becker
Poyette N.F., New Meadows Ranger District
New Meadows, Id. 83654

From John Lester

☐ Take Appropriate Action ☐ Draft A Reply ☐ Action Required By _____ ☐ See Me ☐ Call Me ☐ Return To Me	☒ For Your Information ☐ For Your Approval ☐ For Your Comments ☐ As You Requested ☐ Copy (____ Copies) ☐ File
---	---

Comments

*Copy of application provided to you
at request of John Forgy.*

Reply

Signed John Lester Date 6/7/89

MICROFILMED
 MAR 10 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 9, 1989

J. S. Tixier, Regional Forester
U. S. Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

Re: Application for Permit #78-07309 in the name of John W. Forgy

Dear Mr. Tixier:

We are in receipt of your protest letter dated April 21, 1989, in the above-referenced matter. This application number has been changed from #78-07285 and your earlier protest applies to the new number and is still valid.

If we can be of further assistance please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

INDEXED

MAR 16 1990



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

RECEIVED
APR 24 1989

Reply to: 2540

Date: APR 21 1989

Department of Water Resources

Mr. R. Keith Higginson:
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 78-7309 filed by John Forgy to appropriate 0.04 cfs for domestic irrigation, and power purposes. We are protesting Mr. Forgy's Application for the following reasons:

1. The quantity of water applied for will dewater the source. This source is currently used for wildlife watering and habitat. Removing this source from use will affect the Forest Service's ability to comply with Federal law.

2. The applicant does not have, nor has he applied for, a special use permit to occupy National Forest land. Without an occupancy permit, the applicant cannot put the water to beneficial use.

3. To the best of our knowledge, the applicant does not have either a permit or an exemption from the Federal Energy Regulatory Commission for the power aspect of the Application. Until the applicant has one or the other, the water cannot be used for power production.

Based on the above, Application for Permit No. 78-7309 should be denied.

Sincerely,

Landsee R. Tixier

for J. S. TIXIER
Regional Forester

RECEIVED
MAY 1 1989

MICROFILMED

MAR 16 1990

Department of Water Resources
Western Regional Office

Caring for the Land and Serving People



INTER-DEPARTMENT MEMO — 1

FROM

J. L.

DATE

4/11/89

TO

file 78-07309

SUBJECT

Requested (via phone call) letter from Fere describing their role in this application. Mr. Charles Brown (202-376-9014) said Fere is not involved & will send letter documenting this. Applicant provided name & # for Fere contact on 4/7/89. Also said that USOA-FS (Payette N.F.) contact is Al Becker (347-2141). Applicant requested that ~~the copy of~~ Fere letter be sent to USOA-FS.

MAR 16 1990

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 27, 1989

Mr. John Forgy
HC 75, Box 3528
New Meadows, ID. 83654

Re: Application for Permit 78-07309

Dear Mr. Forgy:

Please note the above new application number for the proposed domestic, irrigation, and power uses. As you recall, some confusion occurred because your previous number had already been assigned to another application.

After your visit to this office on 3/13/89, I discussed your application with the Region Manager, Dave Tuthill Jr., and was informed that use of public water for the proposed battery charging operation is a beneficial use of water that must be covered by a water right. Therefore, the beneficial use as power should remain on the application if you plan to develop the water system for a battery charging facility. In that case, this office stills needs evidence that FERC is not involved in regulating your proposed development. Please provide a letter from FERC or have FERC identify the regulation(s) that exempts such projects from their regulatory authority. We cannot approve your application without receiving such documentation.

If I understood you correctly, you are working with the Forest Service to complete the special use permit process for development on their property. Please let this office know when the Forest Service permit is obtained. A copy of the approved permit would be helpful. This office will provide additional help and information at your request.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:sl

REGISTERED

MAR 16 1990

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

SEP 12 1988

Project No. 10650-000 - Idaho
Hillman Creek
Tributary Project
John W. Forgy

Mr. John W. Forgy
HC 75, Box 3528
New Meadows, ID 83654

Dear Mr. Forgy:

Your application for exemption of the Hillman Creek Tributary Project, submitted on August 2, 1988, did not contain the necessary payment to cover the costs associated with review of your project, as required under Order No. 487, issued December 16, 1987. In addition, your application did not include copies of the most recent cost estimates provided by fish and wildlife agencies.

Your application is therefore rejected under section 4.32 of the Commission's regulations. The application must include the payments and copies of the cost estimates as discussed below.

Order No. 487, Fees for Hydroelectric Project Applications to Reimburse Fish and Wildlife Agencies, become effective January 21, 1988. The order requires hydroelectric license and exemption applicants, for projects that are required to meet the terms and conditions of fish and wildlife agencies under section 30(c) of the Federal Power Act (Act), to reimburse those agencies for any reasonable costs in setting terms and conditions to protect fish and wildlife resources. Fees will apply only to applications filed after January 21, 1988, for costs incurred after this date.

The fish and wildlife agencies to be reimbursed under Order No. 487 include the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the state agencies responsible for fish and wildlife resources.

The types of projects in which the above agencies can be reimbursed for fish and wildlife reviews and studies include the following:

- (a) conduit exemptions;
- (b) 5-MW exemptions; and
- (c) licenses where applicants are seeking benefits under the Public Utilities Regulatory Policies Act (PURPA) for projects located at new dams or where the moratorium on such benefits has ended.

MAR 16 1990

Your application for the Hillman Creek Tributary Project must include a payment, submitted at the time of filing, consisting of 50 percent of the sum of the agencies' most current cost estimates of setting conditions, or a bond for 100 percent of the cost estimates. Your application must also include copies of the most recent cost estimates provided by fish and wildlife agencies.

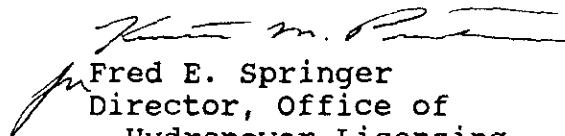
In addition to Order No. 487, the Commission recently issued Order No. 494, Filing Fees Under the Independent Offices Appropriations Act of 1952 (IOAA). Order No. 494, effective May 29, 1988, establishes a fee of \$16,430 for an application for exemption of a small hydroelectric power project from all or part of Part I of the Act. If you intend to refile, a check for \$16,430 should also be enclosed with your application. The Commission's regulations concerning this fee include a provision for the waiver of fees for applications that demonstrate severe economic hardship (18 C.F.R. Section 381.106 (1988)).

Furthermore, your application does not comply with the requirements of the Commission's regulations. If you intend to refile, I advise you to obtain Volume 1 of Title 18 of the Code of Federal Regulations, which contains Parts 1 through 149. Part 4, Subpart K of that volume contains guidance on the filing of exemption applications. This volume is available for sale from the Superintendent of Documents at a price of \$15.00. Payment may be made by sending a check or money order with your request to the following address: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

If you have any questions, please contact Mr. James Hunter of my staff at (202) 376-1943.

This rejection is issued under authority delegated to the Director and is final unless appealed to the Commission within 30 days from the date of this letter.

Sincerely,


Fred E. Springer
Director, Office of
Hydropower Licensing

MICROFILMED

MAY 1990



CECIL D. ANDERSON
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

*Have a Jan -
Toughy called this
morning 8/19/88 +
said he has sub-
mitted information
to FERC about an
exemption on his
power line #78-07885
+ he hasn't heard
yet. Will contact you
when he does. Ref
your letter of 8/4. Jan*

you have
Federal Energy
your project.

of scheduling hearings on
Idaho. The above-referenced
I read the information in the
for which a hearing may perhaps

service dated May 18, 1988, a copy of
the Service indicates that power
project application for which a
to the Forest Service special use
of the project is on federal land, you
object via the Federal Energy Regulatory
with information regarding the steps
approvals from both the Forest Service and the
regarding the proposed power aspect of

If you determine that you wish to proceed with obtaining approval of the
power use, we will continue to hold this application in our file. If, on the
other hand, you determine that you do not wish to seek the necessary approvals
for the power use, you have the option of removing the power use from your
application, thus making this application eligible for approval.

Please provide information in this regard to this office no later than
August 19, 1988, so that we may continue speedy processing of the application.
If you have questions please feel free to contact this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

MICROFILMED

DRT:jp

c.c. U.S. Forest Service
c/o Randy Zuniga, McCall

MAR 16 1990



IDAHO FISH & GAME

REGION 3
109 West 44th Street
Boise, ID 83714
(208) 334-3725

June 9, 1988

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

78-07209

Re: Application #78-07205 - John W. Forgy

We have reviewed the above mentioned application to appropriate water for domestic use from a tributary of Hillman Creek. We have no objections to the issuance of this permit.

Thank you for the opportunity to comment on this application.

Sincerely,

Stacy Gebhards
Regional Supervisor
Region 3/Boise

SG:DA:jrw
c: Program Coordination

MICROFILMED

MAR 16 1980

Cecil D. Andrus / Governor
Jerry M. Conley / Director



RECEIVED

JUN 15 1988

Department of Water Resources
Western Regional Office



CECIL D. ANDRUS
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON
Director

June 1, 1988

John E. Forgy
HC75 Box 3528
New Meadows, ID 83654

Re: Application for Permit No. 78-07285

Dear Mr. Forgy:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 78-07285. The Department suggests you contact the protest(s) and to attempt to resolve the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Western Regional Manager

DRT:jp

Enclosure:

MICROFILMED

MAR 16 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 1, 1988

J. S. Tixier, Regional Forester
United States Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

Re: Application for Permit No. 78-07285 in the Name of John E. Forgy

Dear Mr. Tixier:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above-referenced application(s). The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application(s) and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

MICROFILMED

MAR 16 1990

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540

Date: MAY 16 1988

RECEIVED
MAY 18 1988

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Dear Mr. Higginson:

We are writing to protest Application for Permit 78-07285 filed by John W. Forgy to appropriate 0.04 cfs from an unnamed stream tributary to Hillman Creek for domestic, irrigation, and power purposes. Mr. Forgy indicates on his application that he has a permit to occupy National Forest land. An Environmental Assessment has been prepared for this proposal but a special use permit has not been issued. Since power production was not a purpose of the original project, additional analysis is needed before a special use permit is issued. Please defer action on this application until the analysis is complete. If a special use permit is issued, we will withdraw our protest.

Sincerely,

Randall P. Hall

for J. S. TIXIER
Regional Forester

MICROFILMED

MAR 16 1990

RECEIVED
MAY 18 1988

Department of Water Resources
Western Regional Office



CONVERSATION MEMORANDUM

Date 5-18-88 File # 78-07209
78-07285
Forgy

NAME OF PARTY Glen Saxon - State Office

EMPLOYEE N. Lindgren

RE Protest

Mlan called to advise
that the State Office had
received a protest against
new app. 78-07309
78-07285. He will
forward to Weston.

MICROFILMED

MAR 16 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 3, 1988

Stacy Gebhards
Regional Supervisor
Idaho Department of Fish & Game
Region 3/Statehouse
Boise, ID 83720

Re: Application for Permit No. ⁷⁸⁻⁰⁷³⁰⁹~~78-07285~~ in the Name of
John W. Forgy

Dear Mr. Gebhards:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by May 23, 1988.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure(s):

MICROFILMED

MAR 16 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

May 3, 1988

J. S. Tixier, Regional Forester
U. S. Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

78-07309

Re: Application for Permit No. ~~78-07285~~ in the Name of
John W. Forgy

Dear Mr. Tixier:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by May 23, 1988.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure(s):

MICROFILMED

MAR 16 1990

78-07309

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

APR 12 1989

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: John Forgy Project

Dear Mr. Lester:

This letter is in response to our phone conversation on April 11, 1989 concerning the jurisdictional status of the above-referenced hydroelectric project.

Based on the information you and the owner, Mr. Forgy, provided it appears the hydro project does not fall under Commission jurisdiction.

I hope this information is helpful and, if I can be of further assistance, please let me know.

Sincerely,

Charles T. Brown

Charles T. Brown, Chief
Jurisdiction and Lands Branch

MICROFILMED

MAR 16 1990

7/10/89

Phone conv. of C. Brown:

FERC is obligated to regulate
any power development where
Federal land is involved.

Currently trying to work out agreement
with Fed. land agencies to waive this
requirement but it is a requirement still in place.

RECEIVED
APR 17 1989

Department of Water Resources
Western Regional Office

JL

78-07309
18-07285.

FORGY, JOHN W.
HC 75 BOX 3528
NEW MEADOWS, ID 83654

Source: UNNAMED STREAM

Tributary: HILLMAN CREEK

Diversion Pt: NESE Sec 32 T 22N R 01E

Use: IRRIGATION (.040 CFS)
DOMESTIC (.040 CFS)
POWER (.040 CFS)

Date Filed: 4/13/1988

In: NWSW Sec 33 T 22N R 01E FOR 10.0 ACRES

MICROFILMED

MAR 16 1990