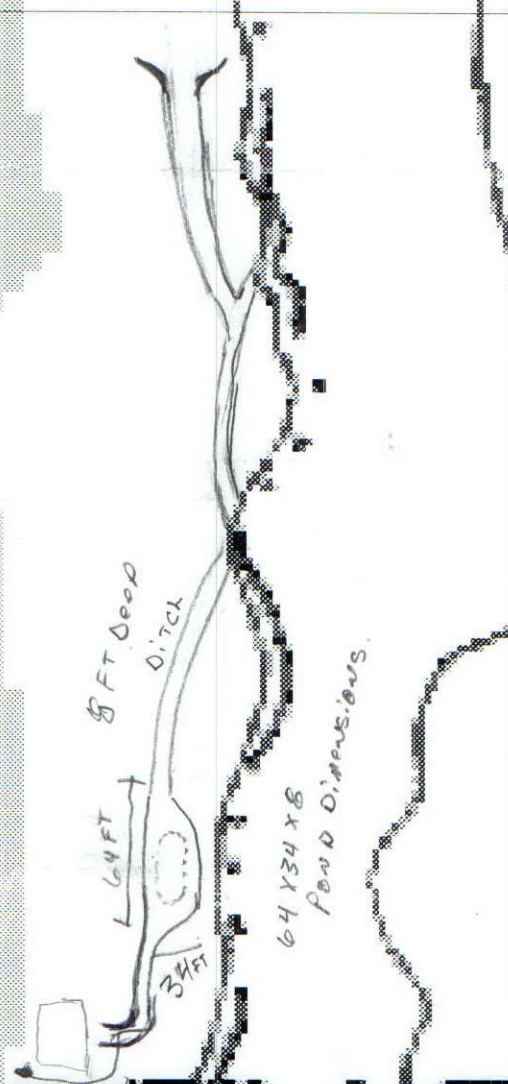


MICROFILMED
AUG 1 1 2003



5085

SEPTIC

2.27 ac

.9 ac

1:2 RISE

3' DEEP X 10' WIDE GRASS

6' 4"
16' 32' 16'
8' DEEP
10'

STREAM

64 FT X 34 FT X 8 FT ORP

3.01

7.73 ac

10.74 ac

1.8 ac

1.8 ac

MICROFILMED
AUG 11 2003

$\frac{1}{8}'' = 10'$

SEPTIC

2.27 ac

.9 ac



1:2 RISE

3' DEEP X 10' WIDE GRASS

STREAM

64 X 34 X 8 FT DBL

3.01

7.73 ac

10.74 ac

1.8 ac

1.8 ac

[Handwritten signature]

1/8" = 10'

MICROFILMED
AUG 11 2003

Moorehead

Flat

SLAY

lines on

T19N R2E S35

BM

5063

x5295

35

5200

5200

x5311

OLD

RAILROAD

SWSE

Flat

Robert H. Slay

Spring

5200

x5085

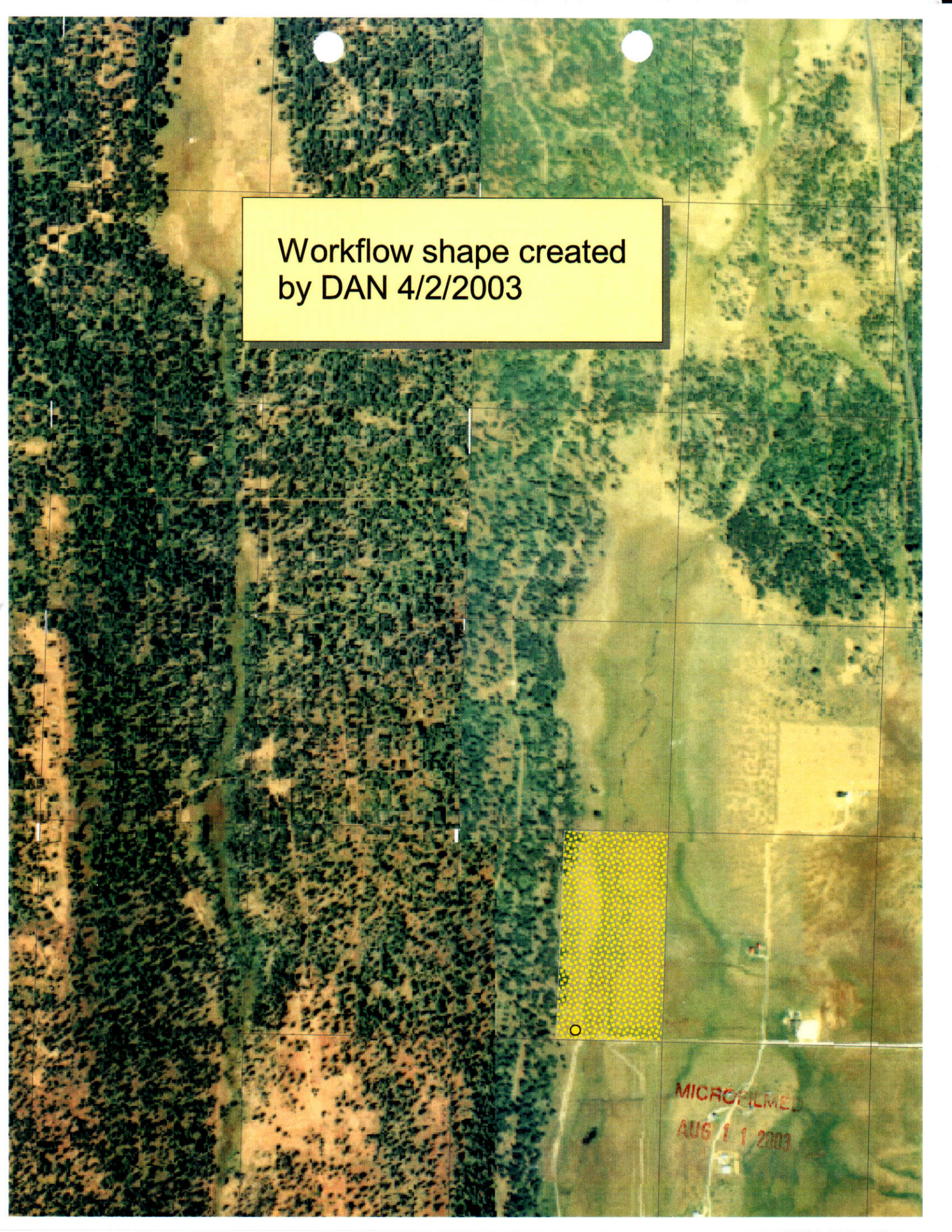
5120

INDING STRIP

MICROFILMED

Rock

6 11 2003

An aerial photograph of a landscape, possibly a forest or agricultural area, with a grid overlay. A yellow text box is centered in the upper half of the image. The text inside the box reads: "Workflow shape created by DAN 4/2/2003". There are two white circular marks at the top of the image, likely punch holes. In the bottom right corner, there is a red stamp that reads "MICROFILMED AUG 11 2003". A small yellow rectangular area with a black dot is located in the lower right quadrant of the image.

Workflow shape created
by DAN 4/2/2003

MICROFILMED
AUG 11 2003

All Legal and Public Notices can
be seen at our Web site:
www.ctcweb.net/~record

NOTICES OF PUBLIC INFORMATION

LEGAL NOTICE

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

78-12199

ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638

Point(s) of Diversion	SWSE	S35	T19N R02E	ADAMS County	Source	GROUND WATER
Use:	IRRIGATION		04/15 To 10/31			0.4 CFS
Use:	STOCKWATER		01/01 To 12/31			0.02 CFS
Use:	STOCKWATER STORAGE		01/01 To 12/31			0.5 AFA
Use:	WILDLIFE STORAGE		01/01 To 12/31			0.5 AFA
Use:	AESTHETIC STORAGE		01/01 To 12/31			0.5 AFA
Use:	DIVERSION TO STORAGE		01/01 To 12/31			0.4 CFS

21 Total Diversion:
Date Filed: 02/12/2003

Place Of Use:	IRRIGATION	T19N R02E S35	SWSE	Number of Acres	20
Place Of Use:	STOCKWATER	T19N R02E S35	SWSE		
Place Of Use:	DIVERSION TO STORAGE	T19N R02E S35	SWSE		
Place Of Use:	STOCKWATER STORAGE	T19N R02E S35	SWSE		
Place Of Use:	AESTHETIC STORAGE	T19N R02E S35	SWSE		
Place Of Use:	WILDLIFE STORAGE	T19N R02E S35	SWSE		

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Adams County Record on March 6 and March 13, 2003.

LEGAL

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LEGAL

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State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12199

Priority: February 21, 2003

Maximum Diversion Rate: 0.42 CFS

This is to certify, that ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.40 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.40 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.5 AF
AESTHETIC STORAGE	01/01 to 12/31		0.5 AF
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Twp 19N, Rge 02E, B.M., ADAMS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35															20.0		20.0
Total Acres:																		20.0	

PLACE OF USE: STOCKWATER, STOCKWATER STORAGE, AESTHETIC STORAGE, and
WILDLIFE STORAGE same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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State of Idaho
Department of Water Resources

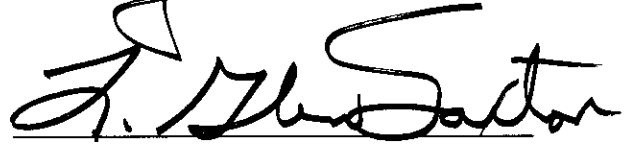
Permit to Appropriate Water

NO. 78-12199

6. The location of the point of diversion and place of use is also referred to as the E1/2SW1/4SE1/4, Sec. 35, T19N, R02E, Adams County, Idaho.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
8. Stockwater use is for 20 horses.
9. Aesthetic storage use is for a pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 1st day of May, 2003


for KARL J DREHER, Director

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AUG 11 2003

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OCT 31 2002

WATER RESOURCES
WESTERN REGION

JK agree to the following
application changes.
4/12/03 Date
STATE OF IDAHO

Ident. No. 78-12199

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APR 28 2003

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant ROBERT FORREST STANLEY Phone 634 6369
Mailing address 3440 LONGVIEW RD McCALL ID 83638
- Source of water supply GROUND WATER which is a tributary of _____
- Location of point of diversion is Township 19N Range 2E Sec. 35, in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, _____, Govt. Lot 8400A, B.M., ADAMS County;
additional points of diversion if any: _____
- Water will be used for the following purposes:

Amount <u>8.40</u> for <u>IRRIGATION</u> purposes from <u>4/15</u> to <u>10/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>10.02</u> for <u>STOCK WATER</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>.40</u> for <u>DIV. TO STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>.5</u> for <u>STOCK WATER STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>.5</u> for <u>AGRIC. STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
Amount <u>.5</u> for <u>WILDLIFE STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	(cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) 87.42 cubic feet per second and/or (b) _____ acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source 1 FOOT WIDE X 1 FOOT DEEP OPEN DITCH FROM WELL TO POND. GRASSWAY FROM POND TO CREEK
 - Height of storage dam 20 FEET feet; active reservoir capacity .50 acre-feet; total reservoir capacity .66 acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85°F being sought? NO
 - If well is already drilled, when? _____; Drilling firm MENASCO; Well was drilled for (well owner) LINDSEY ANDERSON; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 4 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. 20 HORSES
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. LOCAL WILDLIFE

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FEB 21 2003

WATER RESOURCES
WESTERN REGION

MICROFILMED

AUG 11 2003

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	2E	35												40			20		20

Total number of acres to be irrigated ~~40~~ 20

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

11. a. Who owns the property at the point of diversion? R. FORREST STANLEY ET UX

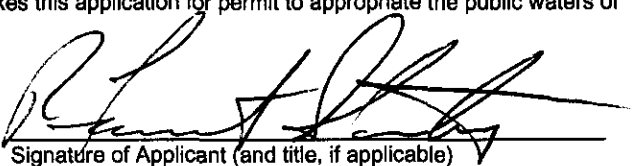
b. Who owns the land to be irrigated or place of use? R. FORREST STANLEY ET UX

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

12. Remarks:

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


Signature of Applicant (and title, if applicable)

Received by DAN Date 10/31/02 Time 11:20 Preliminary check by DAN
Fee \$ 250.00 Receipted by [initials] # W027805 Date 5-24-01
Publication prepared by [initials] Date 3-5-12-03 Published in THE RECORD
Publication approved [initials] Date 4-2-13 MICROFILMED

* Please Note: This Receipt was originally filed in May 2001, but the application was held prior to advertising and then withdrawn and replaced with this application. Therefore the priority date should be the date the second application was received on ~~10-31-2002~~ 2-21-03.

5085

22

64 Y34 X 8
found dimensions

34

16 FT
8 FT Deep
Ditch

MICROFILM
APR 1 1983

2.27 ac

.9 ac

SEPTIC

1:2 RISE

3' DEEP X 10' WIDE GRASS

6.4' 11.32' 16' 10' 1.8' DEEP

STREAM

STREAM

64 FT X 34 FT X 8 FT OR

1.8 ac

1.8 ac

3.01

7.73 ac

10.74 ac

1/8" = 10'

MICROFILMED
AUG 1 1 2003

SEPTIC

.9ac

2.27 ac

1/2 DISC

3' DEEP X 10' WIDE GRASS

MICRO
AUG 11 2003

STREAM

64 X 34 X 8 FT D¹

1.8ac

1.8ac

3.01

10.74ac

7.73ac

1/8" = 10'

Moorehead

Flat

*Calvin
400
SLOV*

*1000
ON*

19N R2E S35

x 5295

37

5200

OLD

SWSE

Flat

Rh. J. H. L.

x 5371

RAILROAD

x 5085

Spring

5200

INDING STRIP

ROCK

5120

RECEIVED
OCT 31 2002
WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant R. FOREST STANLEY
Mailing Address 3440 LONGVIEW RD
MCCALL ID 83638
Application No.
(if known) _____

RECEIVED
FEB 21 2003
WATER RESOURCES
WESTERN REGION

____ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

____ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

✓
____ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

R. Forest Stanley

Date

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

334 2192

MOORE, LAMAR
AUG 7 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2003

ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638

RE: Permit No. 78-12199

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

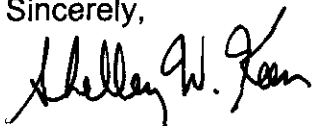
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED
AUG 11 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED
AUG 11 2003

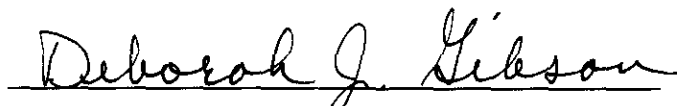
CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

78-12199

**ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638**


**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
AUG 11 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
AUG 11 2003

MEMORANDUM

Date: April 29, 2003
To: Water Right File 78-12199
From: dgibson
Re: Permit Review

The Forest Service requested that we identify this right in some way on the permit that would clarify that it is located on the E1/2 of the SWSE of Sec. 35, T19N, R2E, Adams County, because of the close proximity to US Forest Service land.

MICROFILMED
AUG 17 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

24710RS

Initial review by DAN Date 2-6-03 Application # 78-12199

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APR 28 2003

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the 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 (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots

NO P/D
NO P/U

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage) *Email sent 2-29-03*
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Send comment
letter to
ARMY CORP
FOR OUT FLOW

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 78 -

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

- ☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☒ ☐ Other ARMY CORP OF ENGINEERS

FINAL REGIONAL PROCESSING REVIEW

YES NO

- ☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____

- ☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 3-24-03
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☒ ☐ Special conditions of approval or cover letter

121,046 Note: Groundwater appropriation OK under general
~~monitory~~ moratorium for Salmon River. Outside of wilderness
restricted area.

Recommended Date of Priority ~~10/31/02~~ 2/21/03Recommendation ☒ Approve ☐ Deny by Barys Date 4/24/03**ADDITIONAL INFORMATION**☐ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile

Add a description in the Permit's Conditions & Remarks
to identify the exact location of the POD & POU to
be on private land, etc. as Forest Service recommended.
4/29/03 - dg

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 78-12199

WATER RIGHT NUMBER: 78-12199

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT FOREST STANLEY 3440 LONGVIEW RD MC CALL, ID 83638 (208) 634-6369

Priority Date: 02/21/2003

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.400 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.400 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.50 AF
AESTHETIC STORAGE	01/01 to 12/31		0.50 AF
WILDLIFE STORAGE	01/01 to 12/31		0.50 AF
<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 35, Twp 19N, Rge 02E, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35																	20.0

Total Acres: 20

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35															X		

STOCKWATER STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 78-12199

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35															X		

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35															X		

WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	35															X		

Conditions of Approval:Remarks:Comments:

1. dnelson 2/19/2003 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

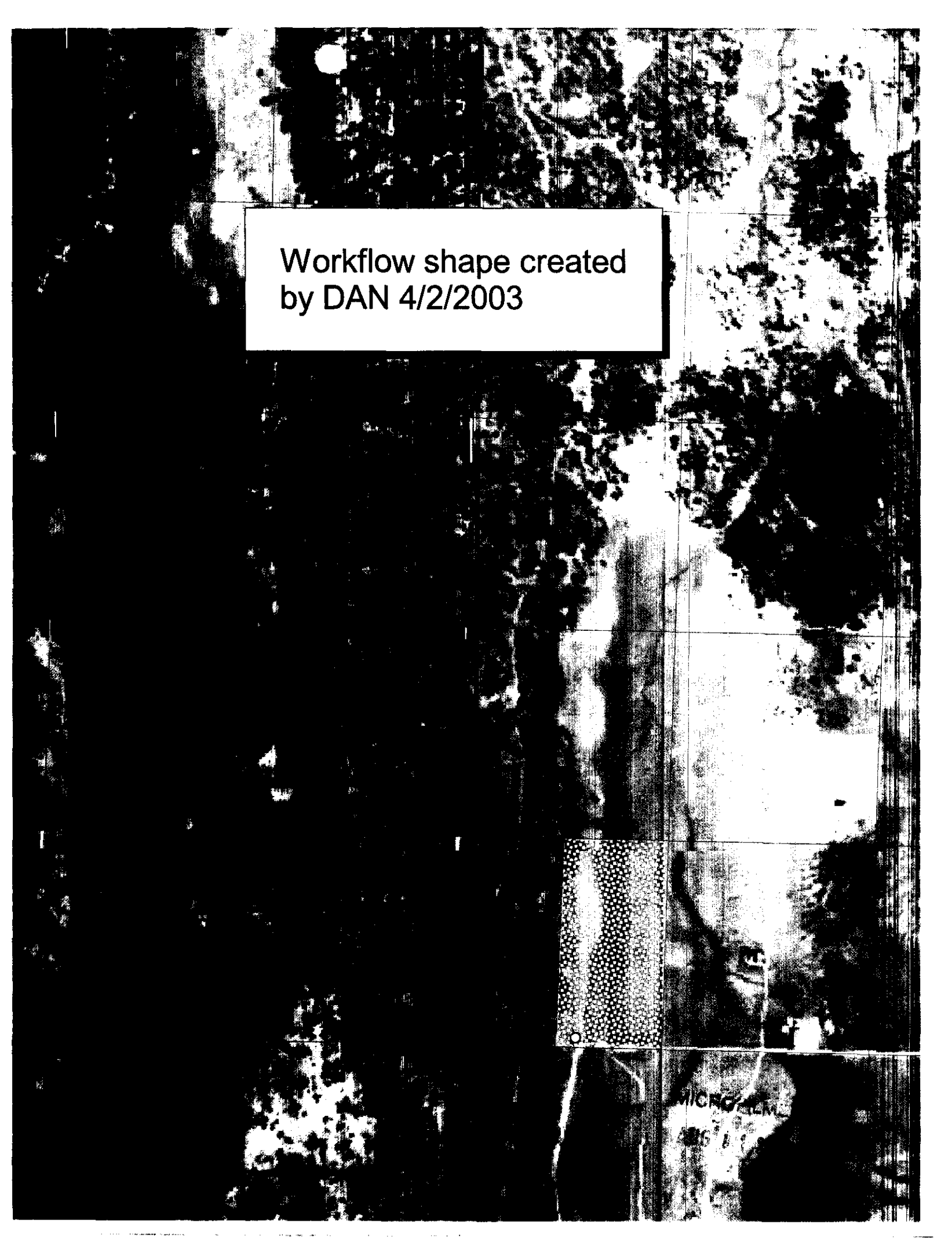
2. dnelson 2/19/2003 Comment/Analysis

Comment: This application is for a small pond with approximately .5 acre-feet of volume. The pond will be filled by an existing artesian well that was developed for the domestic use associated with the home. The applicant will be required to pay a \$125.00 well upgrade fee. The pond will remain full year round for aesthetic, wildlife and stockwater purposes. The irrigation component can fill or empty the pond within a 24-hour period, so no irrigation storage component will be needed. The original application for permit was received and receipted in May 2001. That application was held prior to advertising and then withdrawn and replaced with this application. Therefore, the priority date should be the date the second application was received or 10/31/2002.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 78-12199

Dates and Other Information:

Application Received Date: 2/21/2003
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date: 3/24/2003
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: 2
Other Water Rights: NONE
Time to Complete Works: 4
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



Workflow shape created
by DAN 4/2/2003

Sue - Please file

United States
Department of
Agriculture

Forest
Service

Boise Adjudication Team
Recreation and Lands
Intermountain Region

161 E. Mallard Dr., Suite A
Boise, ID 83706

Reply to: 2540

Date: March 24, 2003

Robert Forest Stanley
3440 Longview Road
McCall, ID 83638

RECEIVED

MAR 25 2003

WATER RESOURCES
WESTERN REGION

Dear Mr. Stanley,

We have reviewed your permit application no. 78-12199 filed with the Idaho Department of Water Resources (IDWR). The place of use indicated on the application for your well and irrigation of 20 acres and other uses is the SWSE of Section 35, T19N, R2E, BM. Initially this caused us some concern because the SWSE of Section 35 is half private land and half National Forest System (NFS) land. The printed information available to us did not clarify the location of your point of diversion or place of use within that 40 acre quarter-quarter.

Because there was a question about the location of your intended water right, contact was made with you and information exchanged between you, IDWR and the Forest Service. The map we received from IDWR clearly indicated that your permit application no. 78-12199 is on private land in the E½ of the SWSE of Section 35. Approval and development of this proposed water use will not be on or impact the W½ of the SWSE of Section 35, which is all NFS land.

We were able to determine that there would be no need for the Forest Service to protest this application. While the legal description will still show just the 40 acre SWSE of Section 35, we understand the map will be part of the permit and subsequent water right record. Because the map shows the water right will not be on NFS land, but on private land, we will not file a protest against your application no 77-12199.

However, because of the divided ownership of the SWSE of Section 35, we encourage IDWR to add some text to the face of the permit and any resulting water right that would provide clarity to the legal locations of this water right. We suggest a phrase such as "This water right is on private land" with an appropriate reference to the Valley County Tax Parcel Number, or "This water right does not involve any federal public land", or that "The POD and POU are in the E½SWSE of Section 35" could be added to the water right for this purpose. We understand IDWR may have some difficulty with their existing water rights format showing subdivisions of quarter-quarters and this is the reason a map will also be part of the water right. In any event, we suggest that some language would be appropriate to add to the water right documents to avoid any confusion or misunderstanding with the printed legal locations in the future. Without special consideration the legal descriptions will continue to be uncertain without the benefit of the map.

If you have any questions about this matter please contact Steve Spencer in Boise at 331-5944.

Sincerely,

Steven M. Spencer
For

MICHAEL E. COLLETTE
Regional Water Rights Coordinator

CC: Gary Spackman, IDWR
Holly Becker, Payette NF

MICROFILMED

AUG 11 2003

All Legal and Public Notices can
be seen at our Web site:
www.ctcweb.net/~record

NOTICES OF PUBLIC INFORMATION

LEGAL NOTICE

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

78-12199

ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638

Point(s) of Diversion	SWSE	S35 T19N R02E ADAMS County	Source	GROUND WATER
Use:	IRRIGATION	04/15 To 10/31	0.4 CFS	
Use:	STOCKWATER	01/01 To 12/31	0.02 CFS	
Use:	STOCKWATER STORAGE	01/01 To 12/31	0.5 AFA	
Use:	WILDLIFE STORAGE	01/01 To 12/31	0.5 AFA	
Use:	AESTHETIC STORAGE	01/01 To 12/31	0.5 AFA	
Use:	DIVERSION TO STORAGE	01/01 To 12/31	0.4 CFS	
Total Diversion:			0.4 CFS	

Date Filed: 02/12/2003

Place Of Use:	IRRIGATION	T19N R02E S35 SWSE	Number of Acres	20
Place Of Use:	STOCKWATER	T19N R02E S35 SWSE		
Place Of Use:	DIVERSION TO STORAGE	T19N R02E S35 SWSE		
Place Of Use:	STOCKWATER STORAGE	T19N R02E S35 SWSE		
Place Of Use:	AESTHETIC STORAGE	T19N R02E S35 SWSE		
Place Of Use:	WILDLIFE STORAGE	T19N R02E S35 SWSE		

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Adams County Record on March 6 and March 13, 2003.

LEGAL

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STATE OF IDAHO)
)S.S
COUNTY OF ADAMS)

RECEIVED
MAR 20 2003
WATER RESOURCES
WESTERN REGION

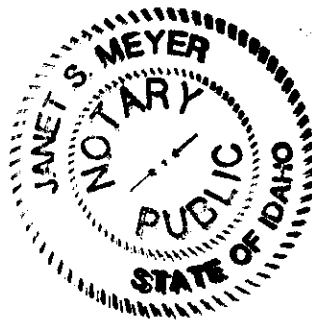
Nancy Sakey being duly sworn, deposes and says That she is the Principle Clerk of The Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the advertisement, a copy of which is attached hereto; that advertisement was published in the regular edition of The Adams County Record.

for two insertion(s) beginning with the
issue of March 6, 2003 and ending with the
issue of March 13, 2003.

Nancy Sakey

Subscribed and sworn to before me this 19th day of
March, 2003

Janet S. Meyer
Notary Public for Idaho, Residing at Council



MICROFILMED
AUG 11 2003



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

March 10, 2003

Operations Division

SUBJECT: NWW No. 032500220

RECEIVED

MAR 12 2003

WATER RESOURCES
WESTERN REGION

Mr. Daniel A. Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Nelson:

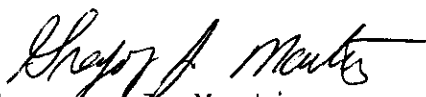
Thank you for sending, for our review, a copy of Robert Stanley's application for a water right permit, to appropriate public water. Our office has reviewed the application and through telephonic communication with Mr. Stanley, has made the following determinations:

- a. There will be no discharge of fill material into an Unnamed Tributary to Fish Creek or in adjacent wetlands, from the construction of the ditch, grassy swale and/or reservoir.
- b. The source of the water supply will be from a groundwater well.

Therefore, a permit will not be required at this time, if the project is constructed as proposed.

If you should have any questions or need further information, please call Gene Gibson at 208-345-2286. A copy of this letter is being sent to Robert Forrest Stanley, 3440 Longview Road, McCall, Idaho 83638.

Sincerely,


Gregory J. Martinez
Regulatory Project Manager

MICROFILMED

MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

MAR - 7 2003

Department of Water Resources

March 5, 2003

ERV BALLOU
DEPT OF WATER RESOURCES
1301 NO ORCHARD
BOISE ID 83706

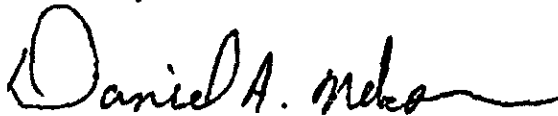
Re: Application for Water Right No. 78-12199 in the name of Robert Forrest Stanley.

Dear Mr. Ballou:

We received this application from Robert Stanley and would like to have you review it. Please contact us with any information you feel is pertinent to this application. The protest deadline on this application is March 24, 2003.

Thank you for your time,

Sincerely,


Daniel A. Nelson

Dan

I reviewed the application and it does not appear to need anything from the stream protection program. The stream is intermittent and it is being discharged via a grassy area w/ no excavation into the channel.

Thanks
MICROFILMED
AUG 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

US ARMY CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 N 8TH ROOM 140
BOISE ID 83702

Re: Application for Water Right No. 78-12199 in the Name of Robert Forrest Stanley.

Dear Sir or Madam:

Enclosed is a copy of the above referenced application which may be of interest to your agency. Please review the application 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, your written protest along with the \$25.00 protest fee must be received in this office by March 24, 2003.

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

Sincerely,


Dan Nelson

DN:lm

Encl. Copy of Application

MICROFILMED

AUG 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

ERV BALLOU
DEPT OF WATER RESOURCES
1301 NO ORCHARD
BOISE ID 83706

Re: Application for Water Right No. 78-12199 in the name of Robert Forrest Stanley.

Dear Mr. Ballou:

We received this application from Robert Stanley and would like to have you review it. Please contact us with any information you feel is pertinent to this application. The protest deadline on this application is March 24, 2003.

Thank you for your time,

Sincerely,


Daniel A. Nelson

MICROFILMED

AUG 7 1 2003

Department of Water Resources
Western Office
Boise, Idaho

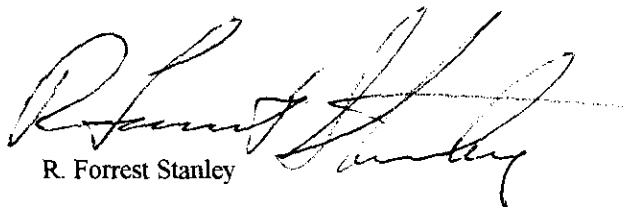
Sir:

Enclosed is our application for water rights. This application is for our permanent residence. We have a previous application submitted Summer 2001 for our property on Big Creek Rd, New Meadows. That application was being handled by Mr. Whitney. With that application was a check for the appropriate fees. That application process did not go beyond initial review by Mr. Whitney. My understanding is that if the application was not processed, not published, then my check from 2001 may be applied to this application.

Your assistance is appreciated in helping us figure out what we still owe for processing the enclosed application.

Thank you for your help.

Respectfully,


R. Forrest Stanley

RECEIVED
OCT 31 2002
WATER RESOURCES
WESTERN REGION

MICROFILMED
AUG 1 1 2000

Receipt Details for ID W027805

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/24/2001 10:23:28 AM	5/24/2001 2:15:15 PM	WESTERN	\$250.00	Check
Payer		STANLEY, TRACI		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5162			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR PERMIT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	PERMITS	62103	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Filed application 5/24/01 - asked for it to be held (Rob Whitney)
 Now wishes to withdraw and apply fees towards new app filed 10/31/02.
 Sent withdrawal form 1/6/03. g

MICROFILMED

AUG 1 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTORWITHDRAWAL
OF
APPLICATION FOR PERMITI, R. FORT STANLEY hereby withdraw my Application for
(Name)

Permit to appropriate the Public Waters of the State of Idaho, No. _____

w/k - filed 5/24/01
receipt # W027805Signed this 6TH day of JANUARY, 2003
Signature of Applicant(s)MICROFILMED
AUG 11 2003

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	WellAddress	Sub	Bl	L	Gallons Per Minute	Static Water Level
ANDERSON, LINDSEY	Domestic-Single Residence	18N	02E	2	SWNE		3440 LONG VIEW RD				100	Above Ground Level

- Well Seal

From Depth	To Depth	Material	Amount	Method
------------	----------	----------	--------	--------

- Well Screen

Type	From Depth	To Depth	Slot Size	# of Slots	Diameter	Perforation Method	Screen Type	Material	Installed Flag
------	------------	----------	-----------	------------	----------	--------------------	-------------	----------	----------------

- Well Casing

From Depth	To Depth	Diameter	Type	Gauge	Join Type	Material
	116					

- Well Lithologic Layer

Bore Diameter	From Depth	To Depth	Water	Color	Material	Texture	Descriptor
---------------	------------	----------	-------	-------	----------	---------	------------

- Construction Details

Drilling Company	License Number	Metal Tag Number
MENASCO DRILLING	391	

MICROFILMED

AUG 11 2003

February 26, 2003

Legal Notice Department

Record

PO Box R

Council ID 83612

RE: Application for Permit No. 78-12199

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
AUG 11 2003

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

78-12199

ROBERT FOREST STANLEY
3440 LONGVIEW RD
MC CALL ID 83638

Point(s) of Diversion SWSE S35 T19N R02E ADAMS County Source GROUND WATER

Use: IRRIGATION	04/15 To 10/31	0.4 CFS	
Use: STOCKWATER	01/01 To 12/31	0.02 CFS	
Use: STOCKWATER STORAGE	01/01 To 12/31		0.5 AFA
Use: WILDLIFE STORAGE	01/01 To 12/31		0.5 AFA
Use: AESTHETIC STORAGE	01/01 To 12/31		0.5 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.4 CFS	
Total Diversion:		0.4 CFS	

Date Filed: 02/12/2003

Place Of Use: IRRIGATION

T19N R02E S35 SWSE

Number of Acres 20

Place Of Use: STOCKWATER

T19N R02E S35 SWSE

Place Of Use: DIVERSION TO STORAGE

T19N R02E S35 SWSE

Place Of Use: STOCKWATER STORAGE

T19N R02E S35 SWSE

Place Of Use: AESTHETIC STORAGE

T19N R02E S35 SWSE

Place Of Use: WILDLIFE STORAGE

T19N R02E S35 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Adams County Record on March 5 and 12, 2003.

MICROFILMED
AUG 11 2003

Forrest
Stanley
634-0492^{wk}
-6369-Hm