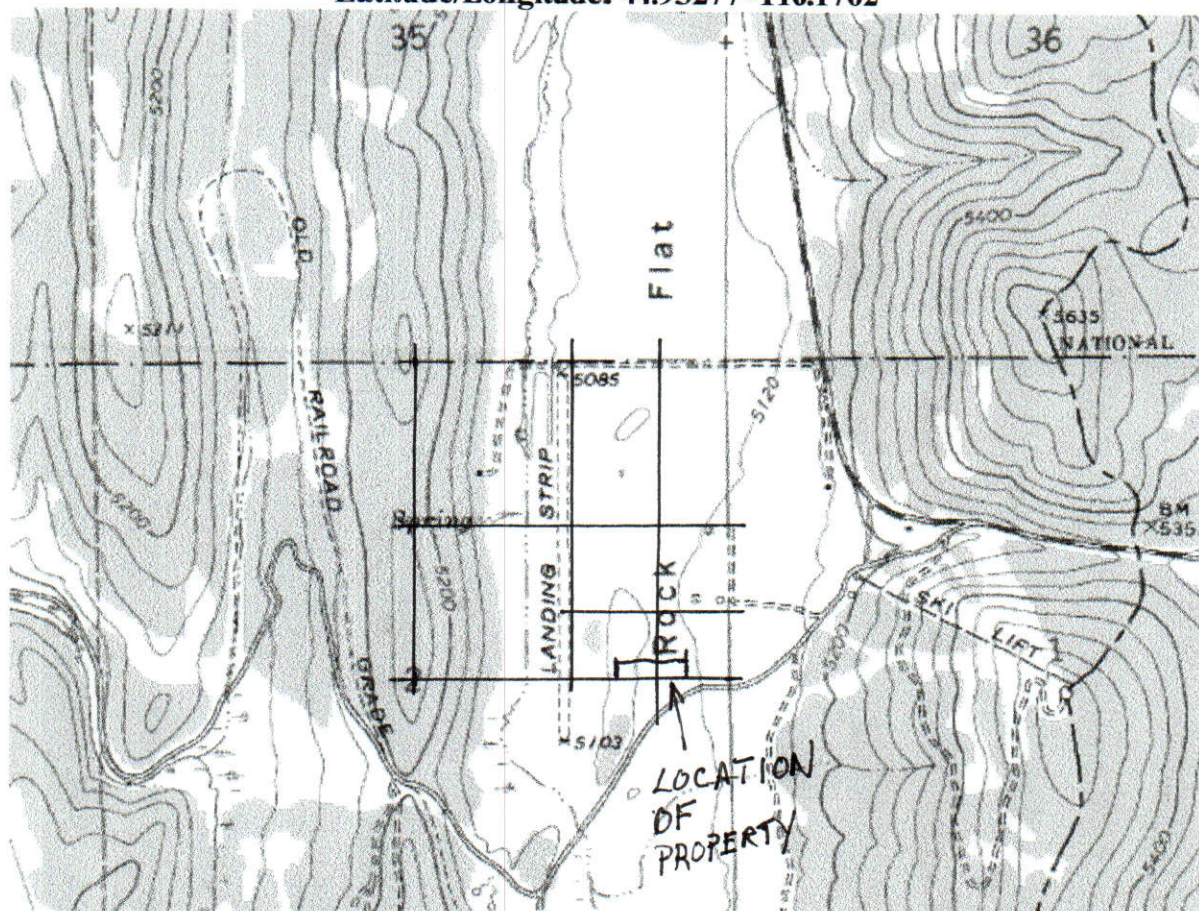


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Rock Flat, Idaho
Latitude/Longitude: 44.9327 / -116.1702



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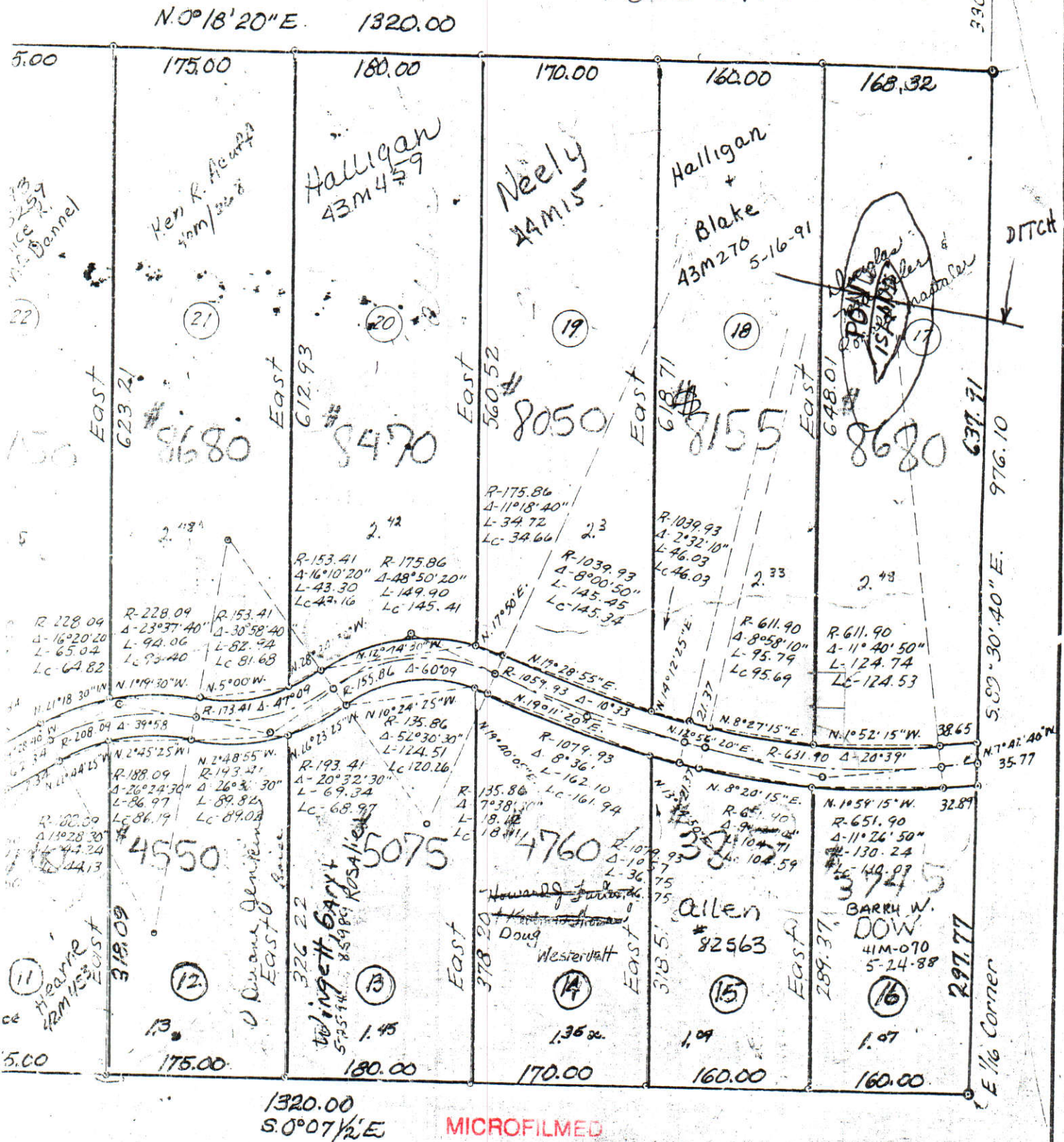
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JAN 24 2002

DESCRIPTION OF
PROPERTY
LONG VIEW ACRES



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

NOTICES OF PUBLIC INF

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
78-12138

DOUGLAS MASTALER
3352 RIDGE DR.
MCCALL, ID 83638

Point(s) of Diversion SESENE S2 T18N R02E ADAMS County Source UNNAMED

STREAM

Tributary To GOOSE CREEK

Use: WILDLIFE 01/01 To 12/31 0.02 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 0.5 AFA

Use: AESTHETIC 01/01 To 12/31 0.02 CFS

Use: AESTHETIC STORAGE 01/01 To 12/31 0.5 AFA

Total Diversion: 0.02 CFS 0.5 AFA

Date Filed: 05/24/2001

Place Of Use: AESTHETIC

T18N R02E S2 SENE

Place Of Use: AESTHETIC STORAGE

T18N R02E S2 SENE

Place Of Use: WILDLIFE

T18N R02E S2 SENE

Place Of Use: WILDLIFE STORAGE

T18N R02E S2 SENE

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

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 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Adams County Record on June 21, and 28, 2001.

LEGAL NOTICE

LEGAL NOTICE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12138

Priority: 05/24/2001

Maximum Diversion Rate: 0.02 CFS

This is to certify, that DOUGLAS MASTALER
3352 RIDGE DR
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: GOOSE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
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:

UNNAMED STREAM SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp 18N, Rge 02E, B.M. ADAMS County

PLACE OF USE: 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	
18N	02E	2				X													

PLACE OF USE: AESTHETIC STORAGE, same as Wildlife

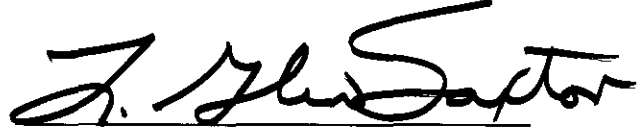
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 78C.
5. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
6. Point of diversion and place of use are located within Lot 17, Long View Acres.
7. Aesthetic storage and wildlife storage uses are for waterfowl and fish habitat associated with 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 26th day of December, 2001.

MICROFILMED

JAN 24 2002


for KARL J DREHER, Director

007 5 / 2001

Ident. No. 78-12138

RECEIVED

MAY 24 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

JUL 19 2001

1. Name of Applicant DOUGLAS MASTALER Phone 208-634-8711 Department of Water Resources
Mailing address 3352 RIDGE DR MICALL IDAHO 83638-5408
2. Source of water supply GROUND WATER + UNNAMED STREAM which is a tributary of GOOSE CREEK
3. Location of point of diversion is Township 18N Range 2E Sec. 2, in the SE + SW $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Cont. Lot _____, B.M., ADAMS County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>.02 CFS</u> for <u>WILDLIFE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
| Amount <u>.5</u> for <u>WILDLIFE STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
| Amount <u>.02</u> for <u>AESTHETIC</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
| Amount <u>.5</u> for <u>AESTHETIC STORAGE</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) | |
| <small>(cfs or acre-feet per annum)</small> | |
5. Total quantity to be appropriated is (a) .02 CFS and/or (b) .5
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source NONE POND OVAL SHAPED 100' X 200' WITH SMALL ISLAND
- b. Height of storage dam 0' feet; active reservoir capacity .5 acre-feet; total reservoir capacity .5 acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? NO; Drilling firm _____; Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. POND TO ATTRACT WATERFOWL; HABITAT FOR FISH SURFACE AREA MIN. .25 ACRE, MAX .5 ACRE.

live flow
season
changed to
11/1 - 4/14 for
wildlife +
aesthetic
uses per WRM
comments
+ applicants
response.

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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	
18N	2E	2				J													
18N	2E	2				W													

Total number of acres to be irrigated 0

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

11. a. Who owns the property at the point of diversion? DOUGLAS A. MASTALER
- b. Who owns the land to be irrigated or place of use? DOUGLAS A. MASTALER
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: MY INTENT IS TO BUILD (DIG) A POND IN A SWAMPY AREA THAT HAD PREVIOUSLY BEEN DITCHED TO ALLOW DRAINAGE. THIS POND WILL MAINTAIN THE PRESENT BIO-DIVERSITY AND PROMOTE ADDITIONAL SPECIES OF FLORA AND FAUNA. ALL EXCAVATION WILL BE DONE DURING DRY MONTHS. ALL DISPLACED/DISTURBED SOILS WILL BE PLANTED WITH WINTER WHEAT. FUTURE PLANS INCLUDE PLANTING SHADE TREES AND A WIND POWER GENERATION SYSTEM.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Douglas A. Mastaler
Signature of Applicant (and title, if applicable)

Received by KG Date 5/24/01 Time 10:25 Preliminary check by KG
Fee \$ 100.00 Receipted by KG # W027801 THE RECORD 5/24/01
Publication prepared by KG Date 6-20-01 Published in THE RECORD
Publication approved KG Date 7-17-01

MICROFILMED

JAN 24 2002

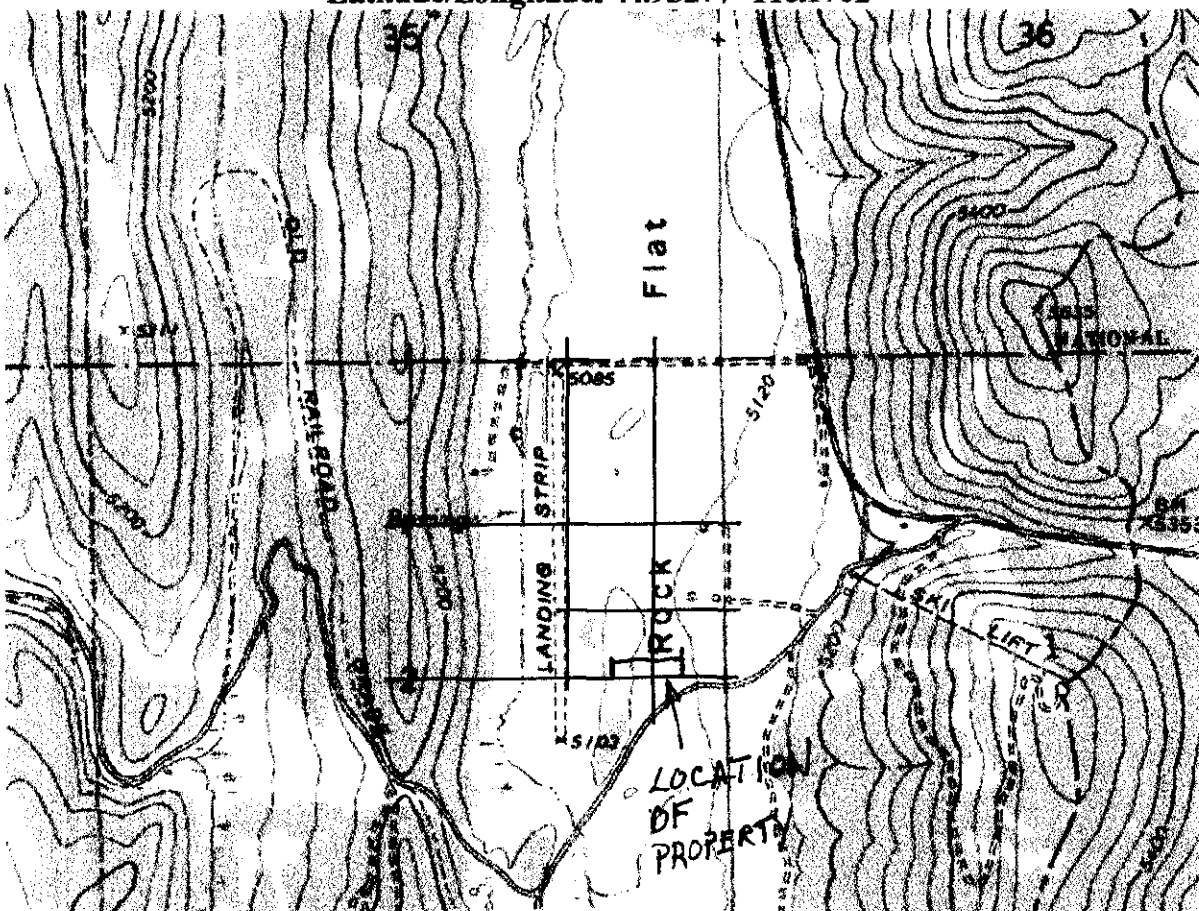
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Rock Flat, Idaho
Latitude/Longitude: 44.9327 / -116.1702

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JAN 24 2002

DESCRIPTION OF
PROPERTY
LONG VIEW ACRES

N. 0° 18' 20" E. 1320.00

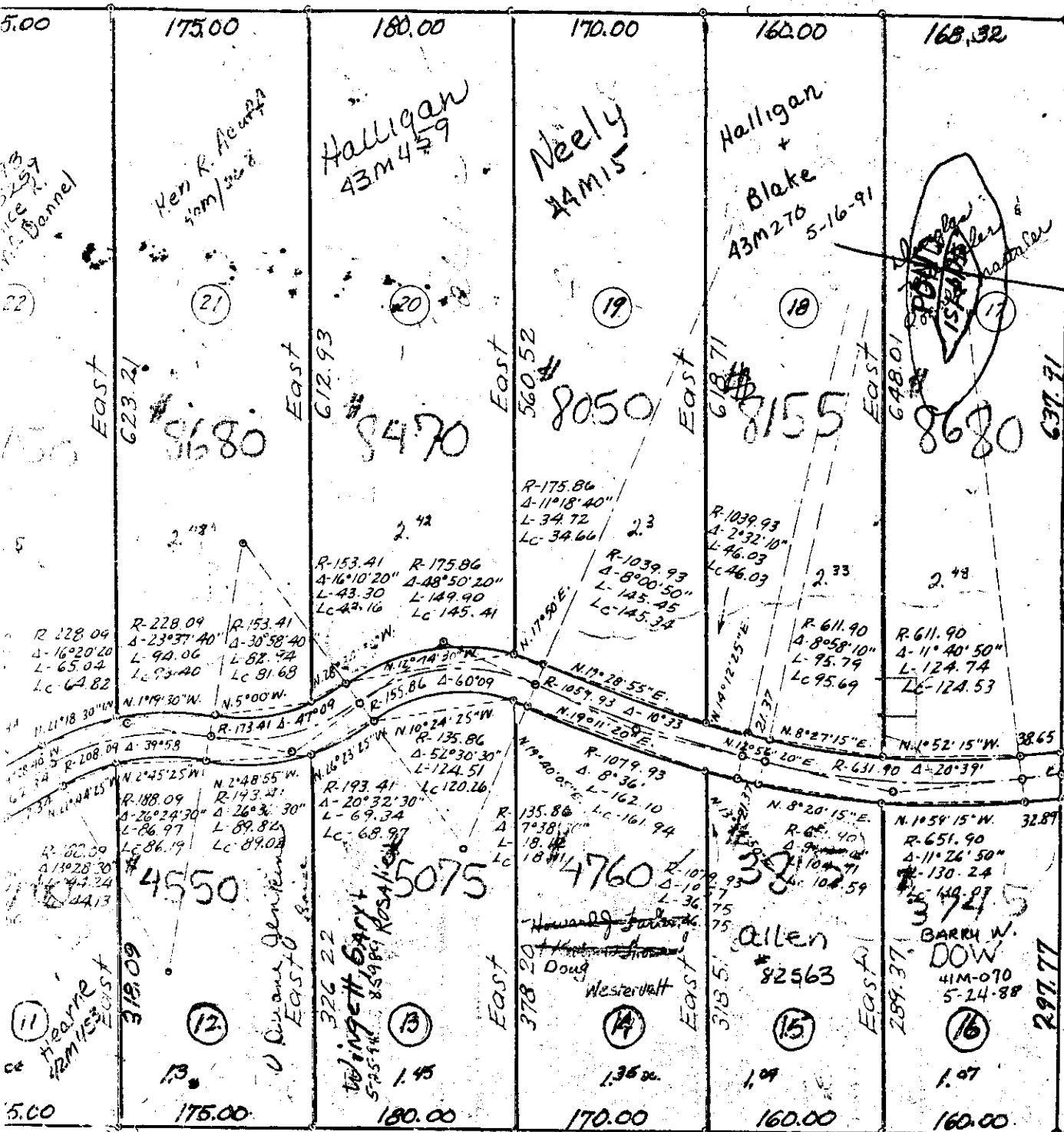
330.00' 7' 1" 1/4 Corner

DITCH

5.03' 30' 40" E. 976.10

N. 7° 42' 40" W. 35.77

E. 1/16 Corner



1320.00
S. 0° 07' 1/2" E

MICROFILMED

JAN 24 2002

COPY

MEMORANDUM

RECEIVED

MAR 25 2003

Department of Water Resources

TO: Debbie Allen

FROM: Steve Lester 

DATE: March 21, 2003

RE: *Refund*

Meadows Valley Goose Creek paid \$25 on 7-3-2001 for a timely protest against Application for Permit No. 78-12138. For an unknown reason, protest information cannot be found in that file. The application was subsequently approved. A refund for the unacknowledged protest should be issued.

Please issue a \$25 refund as follows:

TO MEADOWS VALLEY GOOSE CREEK
C/O TANA WILSON-KERBY
TREASURER WATER DISTRICT #78C
3175 HWY 55
NEW MEADOWS ID 83654

(tel. # 208-347-2464)

RECEIPT # W027980, copy attached

*cc for
Willet file*

CC: Tana Wilson-Kerby

Receipt Details for ID W027980

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/3/2001 12:09:48 PM	7/3/2001 2:25:22 PM	WESTERN	\$25.00	Check
Payer		MEADOWS VALLEY GOOSE CREEK		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
526			
Card Expiration Date	Credit Card Transaction #		

Comment PROTEST 78-12138**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PROTESTS	62103	0229	21		1155

Refund(s):

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



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

December 26, 2001

DOUGLAS MASTALER
3352 RIDGE DR
MC CALL ID 83638

RE: Permit No. 78-12138

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

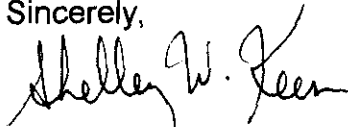
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JAN 24 2002

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 cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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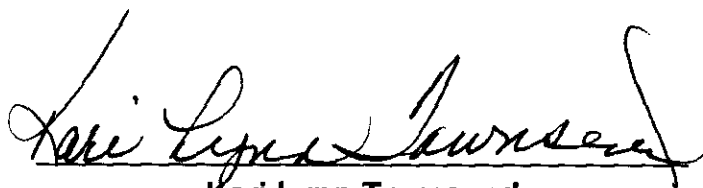
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on December 26, 2001 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. 78-12138

**DOUGLAS MASTALER
3352 RIDGE DR
MC CALL ID 83638**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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.

MEMORANDUM

To: File 78-12138

From: Sharla

Date: December 21, 2001

Re: Telecon

On this date, Mr. Mastaler called me in response to my letter of 12/13. The pond is on-stream; there are actually three intermittent streams that come together and the pond will be excavated in the channel that they come together and flow through. He agreed that the permit should be issued for storage uses only.

MICROFILMED

JAN 24 2002



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

December 13, 2001

DOUGLAS MASTALER
3352 RIDGE DR.
MC CALL ID 83638-5408

Re: Application for Permit No. 78-12138

Dear Mr. Mastaler:

I am reviewing the above referenced application for final approval and I have some information to pass on to you for your consideration and response.

The application lists wildlife storage and aesthetic storage for a pond you are going to dig/build. You also listed two uses for live-flow of water (wildlife and aesthetic uses). If the pond is on-stream (meaning you are excavating the pond in a current stream channel or ditch), then the storage uses are the only uses that should be listed on the application. To add live-flow uses through said pond is the equivalent of a minimum stream flow, which only the Idaho Water Resource Board can file.

On the other hand, if the pond is not on-stream and there is a diversion means that will be constructed to deliver water from the source to the pond, then a "diversion to storage" component is needed along with the uses you have listed on the application.

I would like to ask that you provide complete details of your proposal in relation to this information I just provided so that the permit approval can be prepared accordingly. Please provide the information in writing or give me a call at 327-5452. Thank you for your assistance in this matter. Once I get the requested information, I can finalize my review of the file and send it forward for permit approval.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

MICROFILMED

JAN 24 2002

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 11/6/01

No. 78-12138 Name: Mastales Corp. Officers N/A Ad ok _____ Govt Lots _____

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121 ~~X~~

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 1st of 2005

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# 78C)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) N/A - 029 (fish screens)
Weiser R (67) N/A - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 lot 17, long View Acres
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS *suggested by Dary S. but is not appropriate here 1) no farm

COMMENTS _____
2) non-consumptive use

January 2001

ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

see pg 2 for comment letter

INITIAL REVIEW BY: 6 DATE: 6/8/01 APPLICATION: 78-12138

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (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 corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

☒ P/D
☒ P/U

RECEIVED

JUL 19 2001

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OCT 31 2001

Department of Water Resources

Department of Water Resources

N ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater 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)
- ☐ ☒ Mitigation plan: Check any that apply. exempt
- ☐ ☐ 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. _____

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. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 78C
☒ ☐ Water Planning Bureau
☒ ☐ Other Tana Kerby

3175 HWY 55

NEW MEADOWS 83654

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 7-9-01

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☒ ☐ Water delivered by water master? District # 78C, Goose Creek

☐ ☐ Special conditions of approval or cover letter:

~~Recommendation denied. Inadequate with other water rights~~
Season of use for natural flow component is limited nonirrigation season 11/1 - 4/14.
Also condition with 121. Subject to control of watermaster.

See below for additional information

Recommended Date or Priority 5/24/01

Recommended by: Gay Date: 10/29/01

ADDITIONAL INFORMATION:



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

October 9, 2001

Doug Mastaler
3352 Ridge Dr
McCall ID 83638-5408

Re: Application For Permit No. 78-12138

Dear Mr. Mastaler:

Thank you for your timely response to my 9/4/2001 letter. You indicated in your letter that you do not intend to divert water to the pond for storage during the irrigation season. Based on this information, your application will be recommended for a diversion rate (.02 cfs) during the non-irrigation season (11/01 to 4/14), rather than year around as listed on your application. The water collected during the non-irrigation season can be stored year around, however there cannot be any water flowing into the pond during the irrigation season (4/15 to 10/31).

We will hold this application for 14 days from the date of this letter if you wish to respond.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves', is written over the typed name.

Lori Graves
Sr. Water Resource Agent

MICROFILMED

JAN 24 2002

September 24, 2001

Doug Mastaler
3352 Ridge Drive
McCall, ID 83638-5408

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SEP 26 2001

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application For Permit No. 78-12138 (Denial Dated September 4, 2001)

Dear Ms. Graves:

I wish to appeal your decision to deny my application.

The concerns of the Watermaster for Goose Creek are unfounded.

1. The Rock Flat area has, in the past, been ditched to encourage more rapid draining of the wetlands. This ditching itself was a disruption to the natural flow of the Little Goose Creek system. My proposal will, in reality, help restore the Little Goose Creek drainage to a more natural flow.
2. The unnamed tributary to Little Goose Creek, then Goose Creek is intermittent and ceases flow mid-May to mid-June. Since no diversion will occur after initial fill up, only water that would be lost anyhow, by the Goose Creek irrigators, would be diverted.
3. The actual time frame of the initial and subsequent (yearly refilling) diversions will occur before the snow has left the ground. This diversion will precede the irrigation season by at least weeks, if not months. All non-diverted water is free to flow unimpeded.
4. The Little Goose Creek drainage has no irrigation storage impoundments. That is to say that any water flowing past the proposed diversion point of my application can neither be diverted nor stored to fulfill the decreed water right of the Goose Creek irrigators.
5. Since all of the proposed diverted water would be lost to the drainage anyhow, the issue of evaporation is moot. Though any pond and subsequent wetland that is created and/or enhanced will be shaded and planted with surface vegetation to slow evaporation.
6. As to the issue of compensation for water loss to the Little Goose Creek / Goose Creek system. I am unsure what is meant by a "compensation plan". Do you mean money or water? In reality there will actually be a net increase of water in the system during the dry months.

Thank you.

Sincerely,


Doug Mastaler

MICROFILMED

SEP 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Douglas Mastaler
3352 Ridge Dr
McCall ID 83638-5408

Re: Application For Permit No. 78-12138

Dear Mr. Mastaler:

The Watermaster for Goose Creek recommended that your application for the aesthetic and wildlife pond be denied for the following reasons:

1. The proposal interferes with the natural flow of Goose Creek water, therefore affecting the delivery of decreed water rights.
2. The pond would cause additional evaporative loss to the Goose Creek drainage.

The Department will deny your application based on the above reasons unless you can supply an acceptable compensation plan for the water loss that would result in Goose Creek.

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, IDWR will remove the application for permit from its records.

Sincerely,

Lori Graves
Sr. Water Resource Agent

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JAN 24 2002

Nelson, Dan

From: Nelson, Dan
Sent: Monday, August 27, 2001 8:50 AM
To: 'blgrsbts@micron.net'
Subject: Application for Permit to divert Unnamed Stream for Wildlife Ponds Application number 78-12138

Dear Mr. Mastaler,

I received a message from Dick Larson to check the status of your Application for Permit to divert an unnamed stream tributary to Goose Creek into wildlife ponds. This application is recorded as Application for permit number 78-12138. This application has completed advertising and is currently being reviewed by the Western Regional Manager, Gary Spackman. Mr. Spackman will review the application and the comments of the watermaster and will make a recommendation to the State Office. Mr. Spackman's review generally takes 2-3 weeks. However, the drought has caused some delays in processing new applications. I would expect this application to be sent to our State Office within the 2-4 weeks. Our State Office staff generally approves or denies an application within few weeks. I would expect you will receive notification of the approval or denial of your application in approximately 4-6 weeks.

If you do not receive any information regarding your application in the above time frame please contact Lori Graves or myself at 334-2190, or 2735 Airport Way, Boise, ID 83705.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

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JAN 24 2002

Nelson, Dan

From: Lester, Steve
Sent: Friday, August 24, 2001 7:54 AM
To: Nelson, Dan
Subject: FW: Water right ?

Dan:

Please follow up on this by replying to Mastaler with whatever you find out about his application.

Thanks.

Steve

-----Original Message-----

From: Larsen, Dick
Sent: Friday, August 24, 2001 7:46 AM
To: 'doug mastaler'; Lester, Steve
Subject: RE: Water right ?

Dear Mr. Mastaler:

Thank you for your email regarding your water right application. I will forward your request to Steve Lester, water rights supervisor for our Western Region. He will respond directly to you.

Sincerely,

Dick Larsen
Public Information Officer
Idaho Department of Water Resources
1301 N. Orchard St., Boise, ID 83706
Tel (208) 327-7933 - Fax (208) 327-7866

-----Original Message-----

From: doug mastaler [mailto:blgrsbts@micron.net]
Sent: Thursday, August 23, 2001 7:26 PM
To: IDWRInfo@idwr.state.id.us
Subject: Water right ?

Ladies and Gentlemen:

A couple of months back I filed for a water right. I saw that it published in the Council Record (Adams County). How do you find out if permit is granted or denied.

Doug Mastaler
3352 Ridge Drive
McCall ID 83638

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

NOTICES OF PUBLIC INF

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
78-12138

DOUGLAS MASTALER
3352 RIDGE DR.
MCCALL, ID 83638

Point(s) of Diversion SESENE S2 T18N R02E ADAMS County Source UNNAMED
STREAM
Tributary To GOOSE CREEK
Use: WILDLIFE 01/01 To 12/31 0.02 CFS
Use: WILDLIFE STORAGE 01/01 To 12/31 0.5 AFA
Use: AESTHETIC 01/01 To 12/31 0.02 CFS
Use: AESTHETIC STORAGE 01/01 To 12/31 0.5 AFA
Total Diversion: 0.02 CFS 0.5 AFA

Date Filed: 05/24/2001

Place Of Use: AESTHETIC

T18N R02E S2 SENE

Place Of Use: AESTHETIC STORAGE

T18N R02E S2 SENE

Place Of Use: WILDLIFE

T18N R02E S2 SENE

Place Of Use: WILDLIFE STORAGE

T18N R02E S2 SENE

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JUL 12 2001

WATER RESOURCES
WESTERN REGION

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 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Adams County Record on June 21, and 28, 2001.

LEGAL NOTICE

LEGAL NOTICE

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

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Nancy Laker 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 June 21, 2001 and ending with the
issue of June 28, 2001.

Nancy Laker

Subscribed and sworn to before me this 10th day of
July, 2001

Bonnie A Fisk

Notary Public for Idaho, Residing at

647 School Ave.

Council, ID

My Commission Expires

11-21-2003

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JUL 26 2001

01-99

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No:

78-12138

Applicant's Name:

Douglas Mastaler

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____
- _____
- _____
- _____

- c) ☒ I oppose approval of this application for the following reasons:

1. It interferes the natural flow of adjudicated water thereby affecting decreed water rights in the Goose Creek Water District 78-C.

2. It pools the water therefore causing greater evaporation of the adjudicated water.

- d) Additional Comment: Approval of this pond may lead to more of these ponds which could greatly affect Goose Creek Drainage.

Dated this 28 day of June, 2001.

Water District No: 78-CJeanette Farrell
Watermaster's Signature

Use reverse side of page if you need more space.

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JUN 26 2002



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

June 13, 2001

JEANETTE FARRELL
WATER DISTRICT 78C
PO BOX 142
NEW MEADOWS ID 83654

Re: Application for Water Right No. 78-12138 in the Name of Douglas Mastaler.

Dear Watermaster:

Enclosed is the copy of the above-referenced application for permit. Also enclosed is the form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

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JAN 24 2002



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

June 13, 2001

TANA KERBY
3175 HIGHWAY 55
NEW MEADOWS ID 83654

Re: Application for Water Right No. 78-12138 in the Name of Douglas Mastaler.

Dear Sir and/or Madam:

Enclosed is a copy of the above-referenced application for permit which may be of interest to you. 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 you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by July 9, 2001.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

JAN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

June 13, 2001

KARL J. DREHER
Director

Legal Notice Department
Record
PO Box R
Council ID 83612

RE: Application for Permit No. 78-12138

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 07/09/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

JAN 24 2002

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

78-12138

DOUGLAS MASTALER
3352 RIDGE DR
MCCALL ID 83638

Point(s) of Diversion SESENE S2 T18N R02E ADAMS County Source UNNAMED STREAM
Tributary To GOOSE CREEK

Use: WILDLIFE	01/01 To 12/31	0.02 CFS	
Use: WILDLIFE STORAGE	01/01 To 12/31		0.5 AFA
Use: AESTHETIC	01/01 To 12/31	0.02 CFS	
Use: AESTHETIC STORAGE	01/01 To 12/31		0.5 AFA
Total Diversion:	0.02 CFS		0.5 AFA

Date Filed: 05/24/2001

Place Of Use: AESTHETIC

T18N R02E S2 SENE

Place Of Use: AESTHETIC STORAGE

T18N R02E S2 SENE

Place Of Use: WILDLIFE

T18N R02E S2 SENE

Place Of Use: WILDLIFE STORAGE

T18N R02E S2 SENE

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 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in The Record on June 20 and 27, 1001.

MICROFILMED

JAN 24 2002