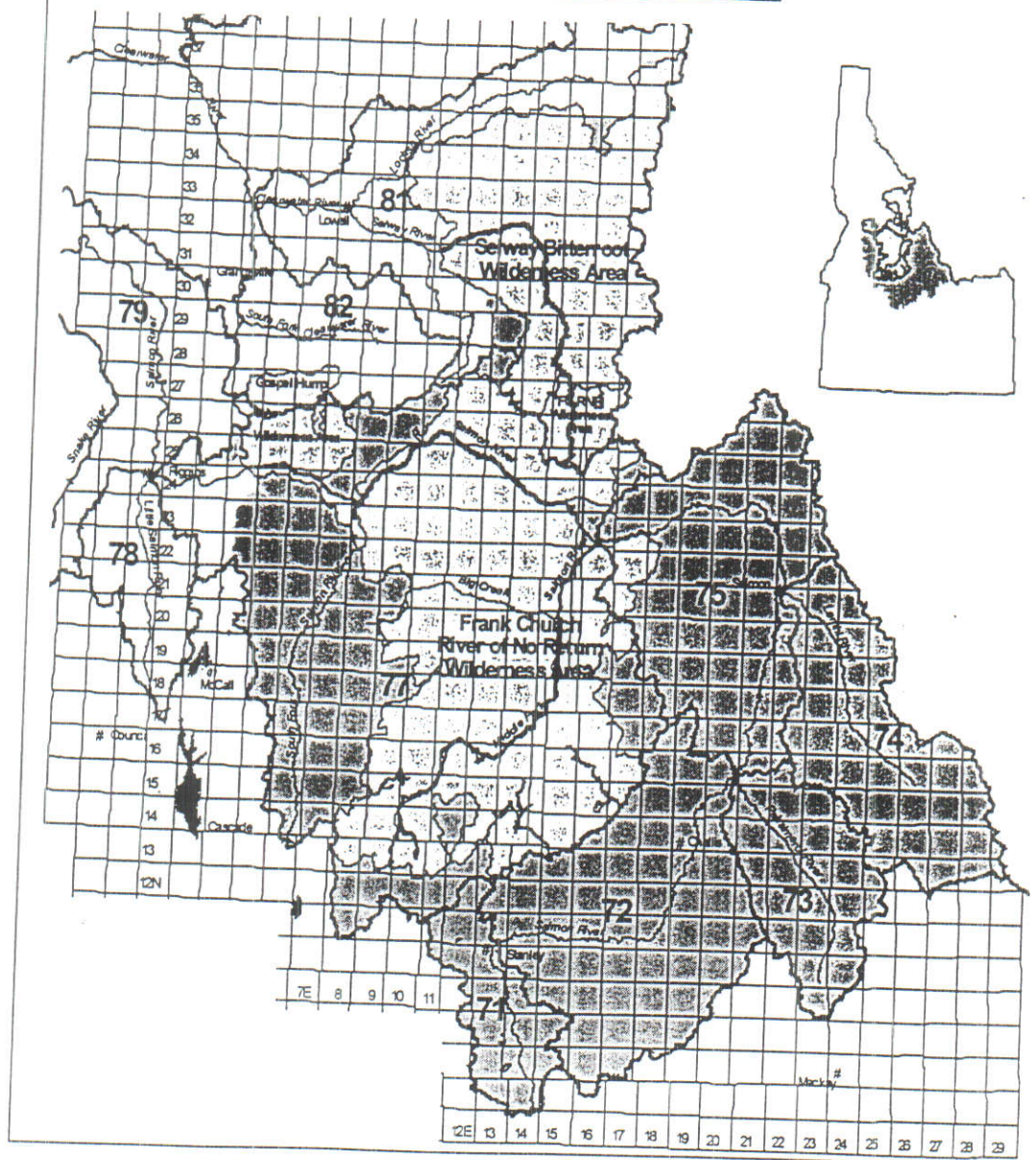


Wilderness Moratorium Areas

October 26, 1999

- ☐ DWR Administrative Basins with basin number
☐ Wilderness Areas
☒ Tributary Areas
☐ Township/Range



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JAN 16 2001

77-07377

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INITIAL POINT
H.E.S. CORNER
NO. 1
FOUND O.S.

9 Lots - New Uses

1	Int.
6	6
11	11
15	14-16
16	19
19	21
21	22
22	8 homes

SEE DETAIL "B"

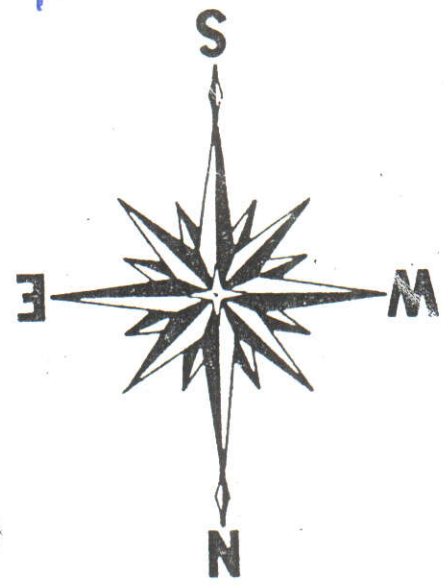
L.14 12kms = 77-07335
via same
Spray Appl. ↑
L.10 154ft = 77-07366

SOUTH FORK SALMON RIVER

Notes
- 7/27/19

✓ = lots for
this new
Appl.

Add 1 more cabin
this is
your best idea per
808 out of the rest
7/22 - tel call
confirmed 7/27/19



68.0799 Acres

24

LODGE LOT
9.4791 Acres

Not L.22 per
same for info = same
offer lot

10.4689 Acres

23

NO. 4
FOUND O.S.

NO. 3
FOUND O.S.

OPENHAVER SUBDIVISION
1985

ALL OF H.E.S. NO. 701
ED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
CTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO



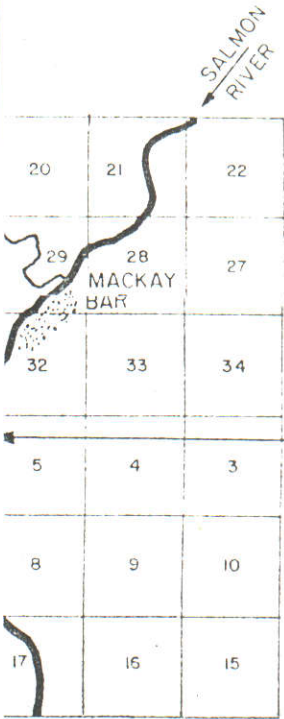
LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/ SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/ SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET.

UBDIVISION RESTRICTIVE
E FILED AS INSTRUMENT

Y MAP

2 Miles

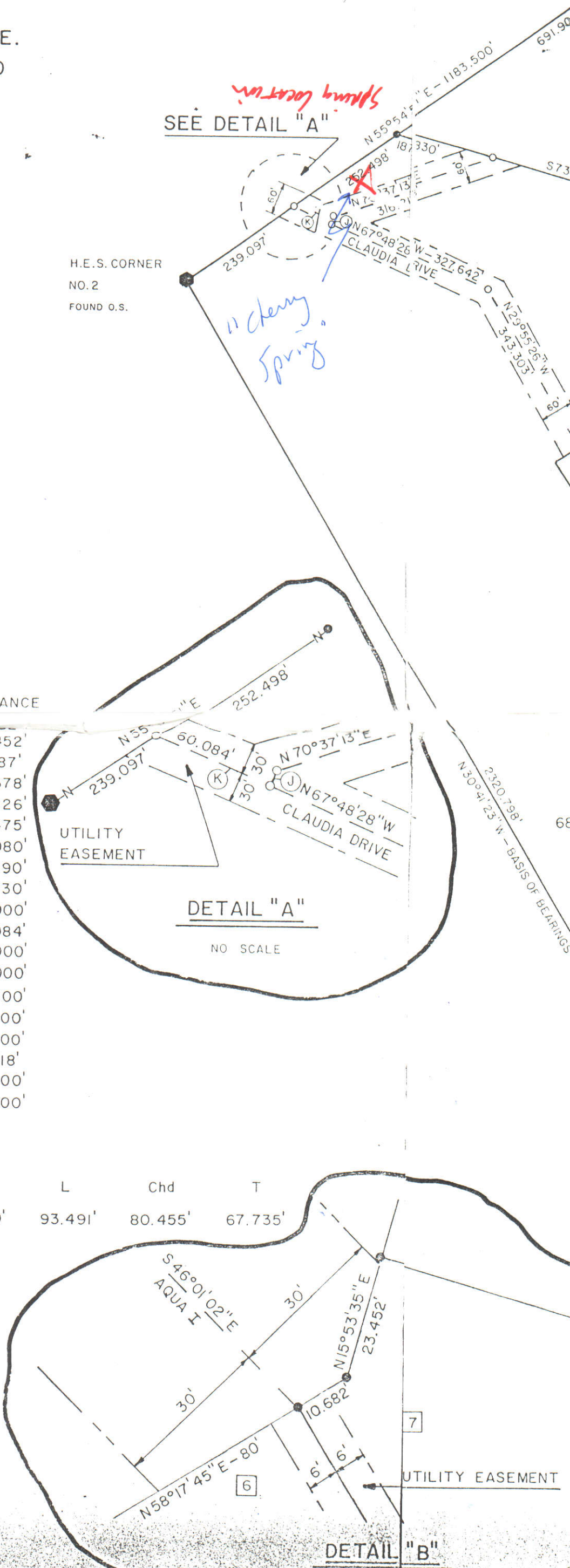


SUBDIVISION
SITE

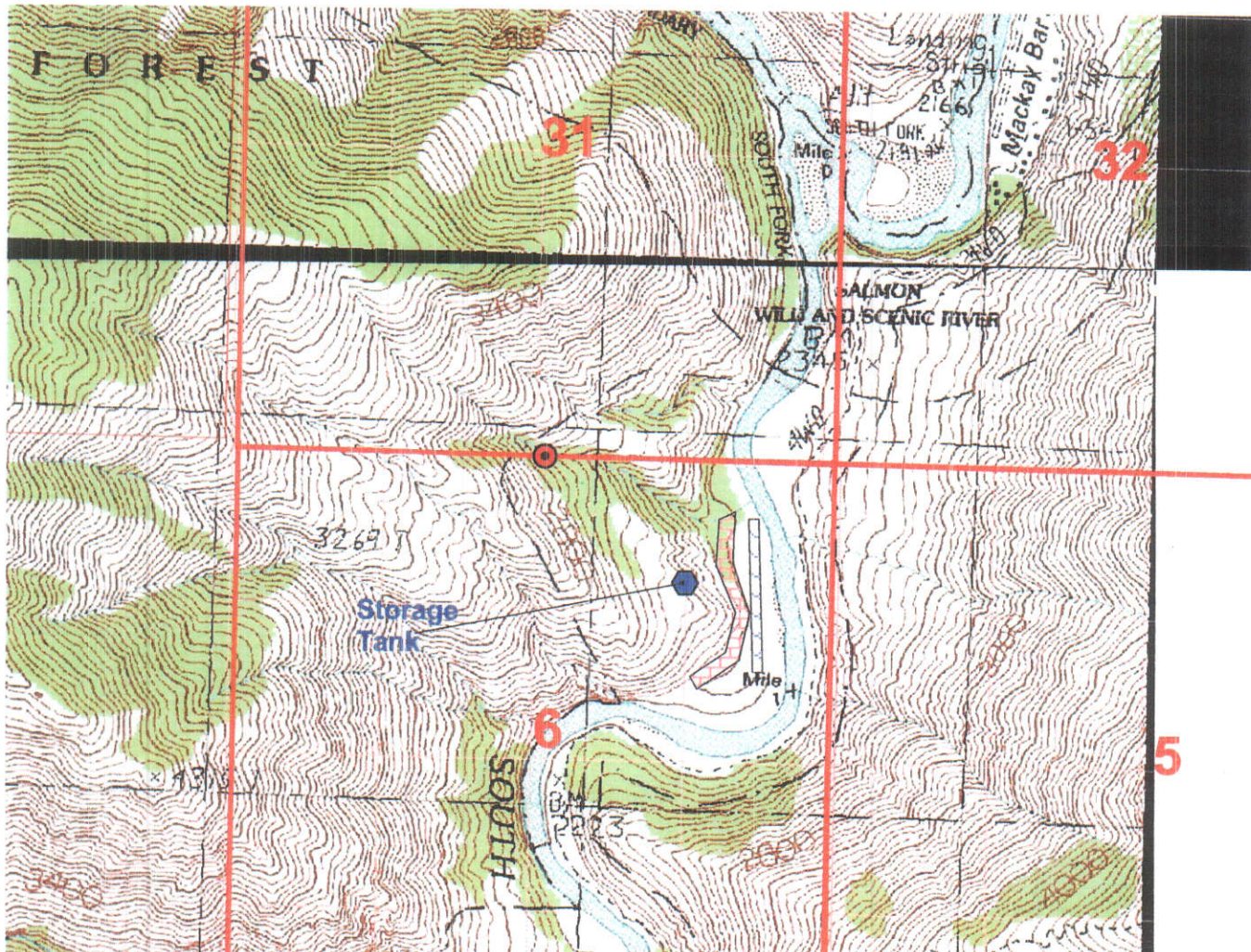
TANGENT	BEARING	DISTANCE
A	N 58° 17' 45" E	23.452'
B	N 15° 53' 35" E	21.687'
C	N 15° 53' 35" E	21.687'
D	N 03° 40' 59" W	36.378'
E	N 31° 16' 58" W	50.526'
F	S 03° 40' 59" E	29.475'
G	S 03° 40' 59" E	57.080'
H	S 15° 53' 35" W	42.390'
I	S 58° 17' 45" W	57.230'
J	N 23° 04' 00" E	20.000'
K	N 67° 32' 35" W	60.084'
L	N 85° 34' 03" W	20.000'
M	S 87° 16' 27" E	20.000'
N	S 74° 06' 25" E	120.000'
O	N 86° 19' 01" E	120.000'
P	S 58° 43' 02" W	120.000'
Q	S 64° 58' 02" W	120.718'
R	S 71° 13' 02" W	120.000'
S	N 31° 42' 15" W	120.000'

CURVE	Δ	R	L	Chd	T
A	107° 07' 59"	50.000'	93.491'	80.455'	67.735'

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JAN 16 2001

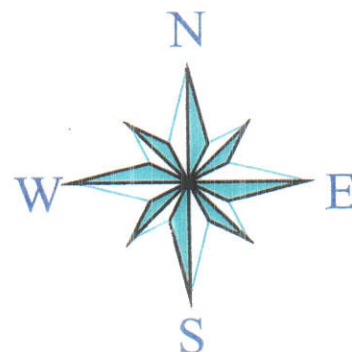


Copenhaver Subdivision



0.5 0 0.5 1 Miles

-  Air strip
-  Sub lots
-  Spring P/D
-  Sections 1/41/4



MICROFILMED
MAR 20 2003

77-07360

NO 1001 LOT 2

77-07360/1997

7237 RBE Sec 6 45-39

COPENHAVER SUBDIVISION 1986

ALL OF H.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
& SECTION 31, T.24N., R.8E., B.M., DAHO COUNTY, IDAHO



LEGEND

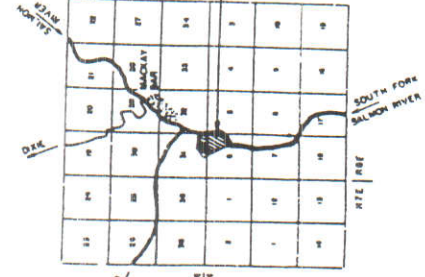
- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 3/8" X 30" REBAR W/SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

MICROFIL
MAR 20 2003

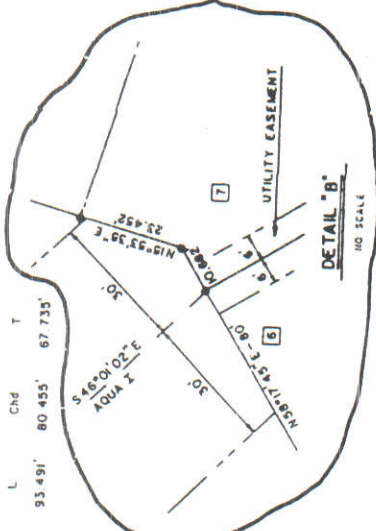
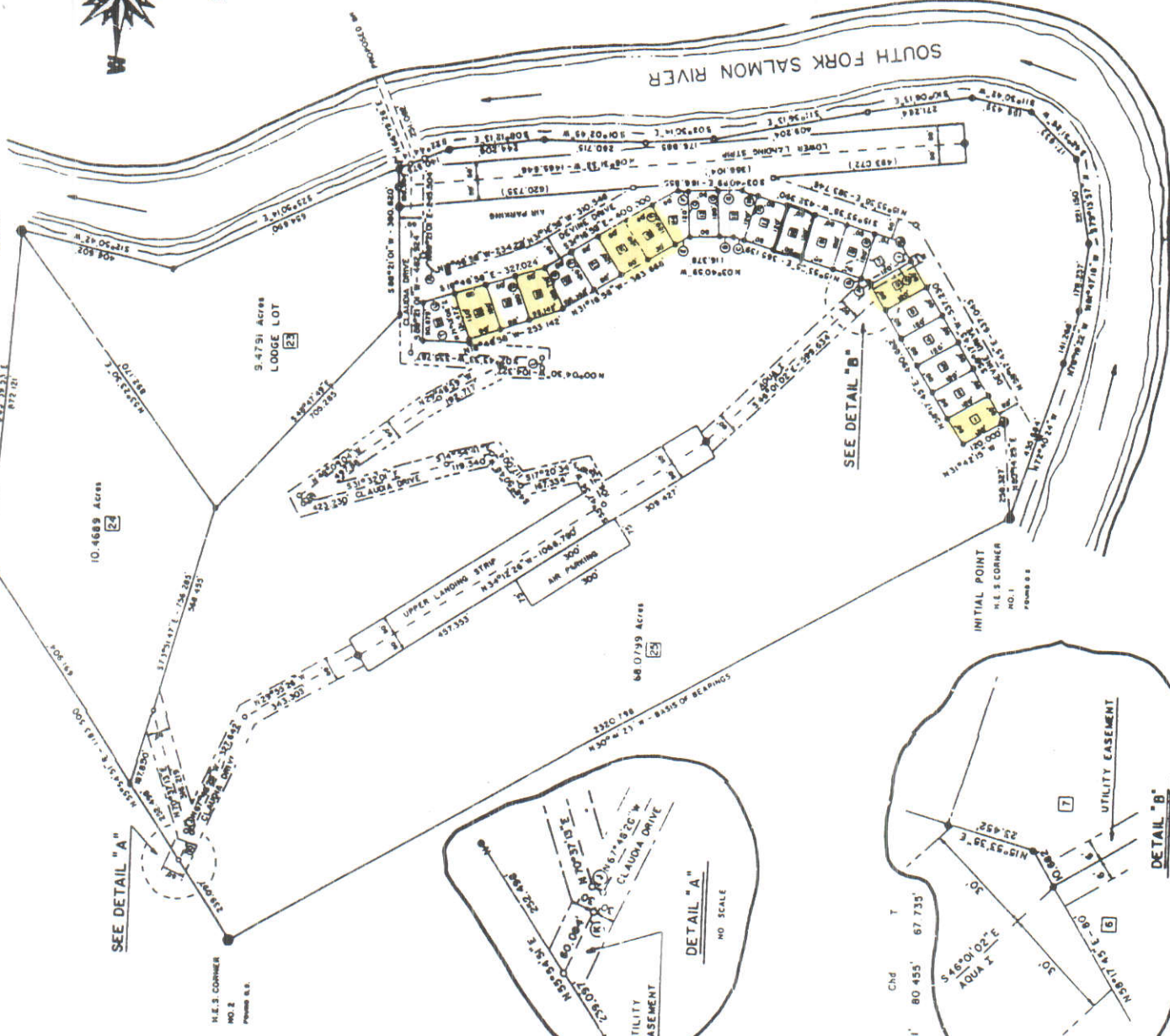
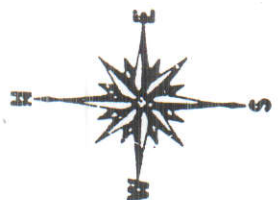
COPENHAVER SUBDIVISION RESTRICTIVE COVENANTS ARE FILED AS INSTRUMENT NO. 3324731

VICINITY MAP

Scale: 1" = 2 Miles



TANGENT	BEARING	DISTANCE
A	N 58°17'45"E	10.882'
B	N 15°53'35"E	23.462'
C	N 15°53'35"E	21.887'
D	N 03°40'59"W	44.874'
E	N 31°16'56"W	30.315'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.040'
H	S 13°33'35"W	42.390'
I	S 58°17'45"W	57.230'
J	N 23°04'00"E	20.000'
K	N 67°48'28"W	60.084'
L	N 85°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°06'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 54°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
U	S 18°46'58"E	87.024'
○	107°07'59"	50.000'
A	107°07'59"	93.491'
L	80.455'	
Chd	67.735'	
T		



NO SCALE



3000 gal
storage Tank

Basic Stub



lots 15 + 16

MICROFILMED
MAR 20 2003

DEVISOR

APR 11 1954

THE NEW YORK PUBLIC LIBRARY

DUKE - STURGE SPENCER
USFS CALLED & WONDERED
IF WE COULD PUT IN
REMARKS ALSO
KNOWN AS HES
#701. IT'S UP TO
YOU GUYS. THS,
JAN

● **SENDER:** 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:

77-07377
COPENHAVER WATER SYSTEM NO 1
PO BOX 283
DONNELLY

MICROFILMED

JAN 16 2001 83615

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

8. Addressee's Address (ONLY if requested and fee paid)

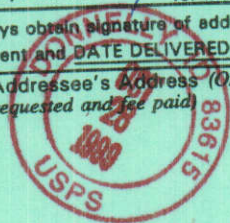
5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07377

Priority: April 15, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 3.6 AF

It is hereby certified that COPENHAVER WATER SYSTEM NO 1
C/O ROBIN MC CAULEY
95 E JACOB ST
MC CALL ID 83638 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 15, 1999; and has
submitted Proof of Beneficial Use on June 29, 2001. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	3.6 AF

LOCATION OF POINT OF DIVERSION:

SPRING SW¼SW¼SE¼ Sec. 31, Twp 24N, Rge 08E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
23N	08E	6	X																

CONDITIONS OF APPROVAL

1. Domestic use is for 6 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. Place of use is located within Lots 1, 6, 15, 16, 19 and 21, Copenhaver Subdivision, identified as H.E.S. 701.
3. Source is known locally as Cherry Spring.
4. Rights 77-07335, 77-07366 and 77-07380 are also diverted through the point of diversion described above.
5. Point of diversion is located within Lot 25, Copenhaver Subdivision.
6. Rights 77-07335, 77-07366, 77-07380 and 77-07377 when combined shall not exceed a total diversion rate of 0.02 cfs, and a total annual maximum diversion volume of 14.5 af.

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MAR 20 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07377

7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of DECEMBER, 2002.


Acting for **KARL J. DREHER**
Director

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MAR 20 2003

RECEIVED

JUN 29 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUL - 3 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 77-07377 Telephone No. 208-634-5185 or 634-7934

2. Name of Permit Holder(s): COPENHAVER WATER SYSTEM NO 1

3. Mailing Address: 95 E Jacob St

City McCall State Idaho Zip 83638

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 7 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.12 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: _____ Telephone Number: _____

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Robin McCaulley, Secretary Date: 6-26-01
(include your title, if on behalf of company or organization)

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SEP 25 2001

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 77-07377 IN THE)
NAME OF COPENHAVER WATER)
SYSTEM NO. 1)
_____)

**ORDER CHANGING
PROOF DUE DATE**

On November 2, 2000, the Department of Water Resources ("Department") issued Permit No. 77-07377 ("permit") in the name of Copenhaver Water System No. 1 ("permit holder") with a condition of approval requiring the permit holder to submit proof of beneficial use of water ("proof") on or before January 1, 2001.

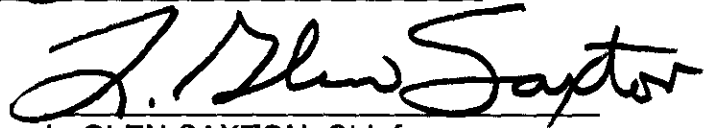
On December 1, 2000, the permit holder contacted the department and asked that the proof due date be changed to January 1, 2002.

A review of the permit file shows that the permit holder had requested a year in which to submit the required proof. The Department should issue an order changing the proof due date to January 1, 2002.

ORDER

IT IS THEREFORE, hereby ORDERED that the time in which to submit proof of beneficial use of water for Permit No. 77-07377 is **CHANGED** to January 1, 2002.

Signed this 4th day of December, 2000.



L. GLEN SAXTON, Chief
Water Allocation Bureau

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JAN 10 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07377

Priority: April 15, 1999

Maximum Diversion Rate:

0.13 CFS

This is to certify, that COPENHAVER WATER SYSTEM NO 1

PO BOX 283

DONNELLY ID 83615

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 31, Township 24N, Range 08E

SESESW , Sec. 31, Township 24N, Range 08E

NWSWSE , Sec. 31, Township 24N, Range 08E

SWSWSE , Sec. 31, Township 24N, Range 08E

IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

23N 08E 6

NENE

SWNE

SENE

24N 08E 31

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2001.
2. Subject to all prior water rights.
3. This right authorizes a single point of diversion.
4. 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.
5. Domestic use is for 9 homes and does not include lawn, garden, landscape, or other types of irrigation.
6. Point of diversion is located within Lot 25, Copenhaver Subdivision.
7. Place of use is located within Lots 1, 6, 11, 14-16, 19, 21, and 22, Copenhaver Subdivision, identified as H.E.S. 701.
8. Source is known locally as Cherry Spring.

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JAN 15 2001

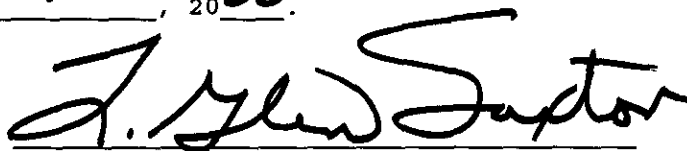
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07377

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

3rd day of November, 2000.



Karl J. Dreher, Director

for

MICROFILMED

JUN 16 2001

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS AND)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE WATER AND GROUND)
WATER IN AND TRIBUTARY TO THE)
SELWAY-BITTERROOT WILDERNESS)
AREA, GOSPEL-HUMP WILDERNESS AREA,)
AND FRANK CHURCH-RIVER OF NO)
RETURN WILDERNESS AREA)
_____)

MORATORIUM ORDER

The Director of the Department of Water Resources ("Director"), having responsibility for the administration of the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state, enters the following Findings of Fact, Conclusions of Law, and Final Order.

FINDINGS OF FACT

1. On April 30, 1993, the Director issued an Amended Moratorium Order that stopped the approval of certain applications seeking to appropriate surface water within the Salmon and Clearwater River Basins in Idaho.
2. On December 13, 1993, the United States filed Notices of Claim in the Snake River Basin Adjudication ("SRBA") for federal reserved water rights for the Selway-Bitterroot, Gospel-Hump, and Frank Church-River Of No Return wilderness area designations. On February 27, 1997, a motion to amend the Notices of Claim for all three wilderness area designations was filed with the District Court of the Fifth Judicial District of the State of Idaho (the "SRBA district court") to change the claimed priority dates.
3. As amended, pertinent portions of the claim filed in the SRBA for a federal reserved water right for the Selway-Bitterroot Wilderness are as follows:

Identification Number: A31-11191
Name of Claimant: United States of America

Date of Priority: September 3, 1964, except for Magruder Corridor that has priority date of July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Selway-Bitterroot Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Lochsa and Selway Rivers.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Selway-Bitterroot Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, September 3, 1964.

4. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Gospel-Hump Wilderness are as follows:

Identification Numbers: 77-12774, 82-11120

Name of Claimant: United States of America

Date of Priority: February 24, 1978

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Gospel-Hump Wilderness. This claim is intended to also include those sources of

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JAN 15 2001

water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

Location of Points of Diversion: None

Location of Place of Use: All locations in the Gospel Hump Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Gospel-Hump Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, February 24, 1978.

5. As amended, pertinent portions of the claims filed in the SRBA for federal reserved water rights for the Frank Church-River of No Return Wilderness are as follows:

Identification Numbers: A75-13605, A77-12775

Name of Claimant: United States of America

Date of Priority: July 23, 1980

Source of Water Supply: All streams, lakes, ponds, springs, seeps or other natural sources of water including groundwater, whether named or not and whether perennial, intermittent or ephemeral within the boundaries of the Frank Church-River of No Return Wilderness. This claim is intended to also include those sources of water which are not presently known or not reasonably susceptible of quantification because of the de minimus and diffuse nature of their flow and which supply wetlands, marshes, or other vegetation which serves such wilderness purposes as habitat protection and drinking water for wildlife. Tributary to Salmon River.

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JAN 15 2001

Location of Points of Diversion: None

Location of Place of Use: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist.

Instream Flow Beginning

And Ending Points: All locations in the Frank Church-River of No Return Wilderness where natural sources of water exist

Total Quantity Claimed: The entire unappropriated flow and all other natural sources of water as of the date of designation, specifically, July 23, 1980.

6. On December 18, 1997, the SRBA district court issued *Order Granting and Denying United States' Motions for Summary Judgment on Reserved Water Rights* for claims made by the United States under the Wilderness Act, Multiple-Use Sustained-Yield Act ("MUSYA"), and Hells Canyon National Recreation Area Act ("HCNRA"), referred to herein as "1997 SRBA Reserved Rights Order." In this order, the SRBA district court ruled that: "The United States is entitled to a federal reserved water right for all unappropriated flows in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump wilderness areas." (1997 SRBA Reserved Rights Order, p. 5). The SRBA district court emphasized its ruling by stating: "The amount of water minimally sufficient to fulfill Congressional intent is the total amount of unappropriated water within each [wilderness] area, **such that none is ever available for future appropriation.**" (1997 SRBA Reserved Rights Order, p. 15, emphasis added).

7. On July 24, 1998, the SRBA district court issued *Memorandum Decision Granting, In Part, and Denying, In Part, the United States' Motion for Summary Judgment on Reserved Water Rights Claims* for claims made by the United States under the Wild and Scenic Rivers Act, referred to herein as "1998 SRBA Wild and Scenic Decision." In this decision, the SRBA district court ruled that under the Central Idaho Wilderness Act, the United States "... **reserved land north and south of the Mainstem of the Salmon River as wilderness, thereby reserving all unappropriated flows of water in the Mainstem**" referring back to the 1997 SRBA Reserved Rights Order in a footnote. (1998 SRBA Wild and Scenic Decision, p. 7, emphasis added). The SRBA district court noted that "Congress declared that the Mainstem of the Salmon River [that segment of the main Salmon River designated as a component of the Wild and Scenic Rivers System] would be administered solely under the Wild and Scenic Rivers Act, not the Wilderness Act." However, the SRBA district court did not describe any limitation on the reservation of unappropriated flows, nor did the court distinguish between that segment of the main Salmon River designated as Wild and Scenic and that segment adjacent to the Gospel-Hump and Frank Church-River of No Return Wilderness Areas that lies downstream of the Wild and Scenic designation.

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JAN 16 2001

8. On October 1, 1999, the Supreme Court of the State of Idaho issued 1999 Opinion No. 113 in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 SRBA Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

9. As of the date of this Order, there are approximately 60 pending applications for permits to appropriate surface water and ground water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and areas tributary to the wilderness areas. In addition, approximately 90 permits to appropriate water have been issued in these areas for which proof of beneficial use has not yet been submitted.

10. Although the SRBA district court has not issued final decrees for federal reserved water rights in the Selway-Bitterroot, the Gospel-Hump, and the Frank Church-River of No Return Wilderness Areas, the Supreme Court's decision of October 1, 1999, once final, will preclude future appropriations of water within the wilderness areas and in areas tributary to the wilderness areas.

CONCLUSIONS OF LAW

1. The Director is responsible for the allocation of water for new uses in Idaho. Section 42-203A(5), Idaho Code, reads in pertinent part as follows:

... In all applications whether protested or not protested, where the proposed use is such (a) **that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated,** or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions. (emphasis added)

2. The Director is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

3. The claims filed by the United States in the SRBA for federal reserved water rights for all unappropriated water in the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas did not limit the claimed amount to unappropriated water arising solely within the wilderness areas as of the date the wilderness areas were reserved, nor did the claims include subordination to existing permits to appropriate water having junior priority dates for private holdings within the wilderness areas. Neither the 1997 SRBA Reserved Rights Order nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order limited the federal reserved water rights to unappropriated water arising solely within the boundaries of the wilderness areas. Therefore, both the SRBA district court and the Idaho Supreme Court have included unappropriated water flowing into the wilderness areas, either above or below land surface, as part of the unappropriated water "in" or "within" the wilderness areas.

4. Neither the 1997 SRBA Reserved Rights Order, the 1998 SRBA Wild and Scenic Decision, nor the Idaho Supreme Court decision affirming the 1997 SRBA Reserved Rights Order excluded portions of the Middle Fork of the Salmon River, the South Fork of the Salmon River, or Big Creek lying upstream of the wilderness area boundaries, or clearly excluded the Mainstem of the Salmon River, from being considered as sources for unappropriated water "in" or "within" the wilderness areas as of the date the wilderness areas were reserved.

5. Although petitions for rehearing are pending before the Idaho Supreme Court, a moratorium on the granting of new permits to appropriate surface water or ground water and on continued development under existing permits is necessary. A moratorium will preserve the status quo until final decrees are issued for federal reserved water rights and limit the potential for resources being expended to develop water rights for which no unappropriated water may be available.

6. Because this moratorium order is issued to preserve the status quo, the order should take effect immediately upon issuance to protect the public interest in accordance with the provisions of Section 67-5247, Idaho Code.

MICROFILMED

JAN 16 2001

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the prior Amended Moratorium Order of the Director issued on April 30, 1993, remains in effect and the requirements listed below also apply.

IT IS FURTHER HEREBY ORDERED that a moratorium is established on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area, subject to the following conditions:

1. This moratorium order shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director, except as provided herein.
2. This moratorium order applies to all applications for permit, previously filed or to be filed, and all existing permits for which proof of beneficial use has not been filed with the Department, seeking to appropriate surface water or ground water within the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, T24N, R4E, B.M. and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness Area in Section 7, T31N, R10E, B.M. The wilderness areas and tributary areas affected by this moratorium order are depicted on the attached map.
3. This moratorium order does not apply to any application proposing a non-consumptive use of water.
4. This moratorium order does not prevent the Director from reviewing an application that otherwise would not be approved under terms of this moratorium on a case by case basis, if the Director determines that the use of the water pursuant to the application would have no effect on other water rights due to:
 - (a) the location of use; or
 - (b) the effect on other water rights would be offset through mitigation provided by the applicant.

5. The holders of all existing permits to appropriate water within the Selway-Bitterroot, Gospel-Hump, and Frank Church-River of No Return Wilderness Areas, and within areas tributary to those wilderness areas, shall upon receipt of this moratorium order immediately stop further development under the permit, and within sixty (60) days of receipt of this order do one of the following:

- (a) file proof of beneficial use documenting the extent of diversion and beneficial use of water that was completed prior to receiving this moratorium order; or
- (b) request a stay in the development period under the permit, in accordance with Section 42-204, Idaho Code, until the conditions that resulted in this order have been alleviated, if such should ever occur.

Dated this 26th day of October, 1999.



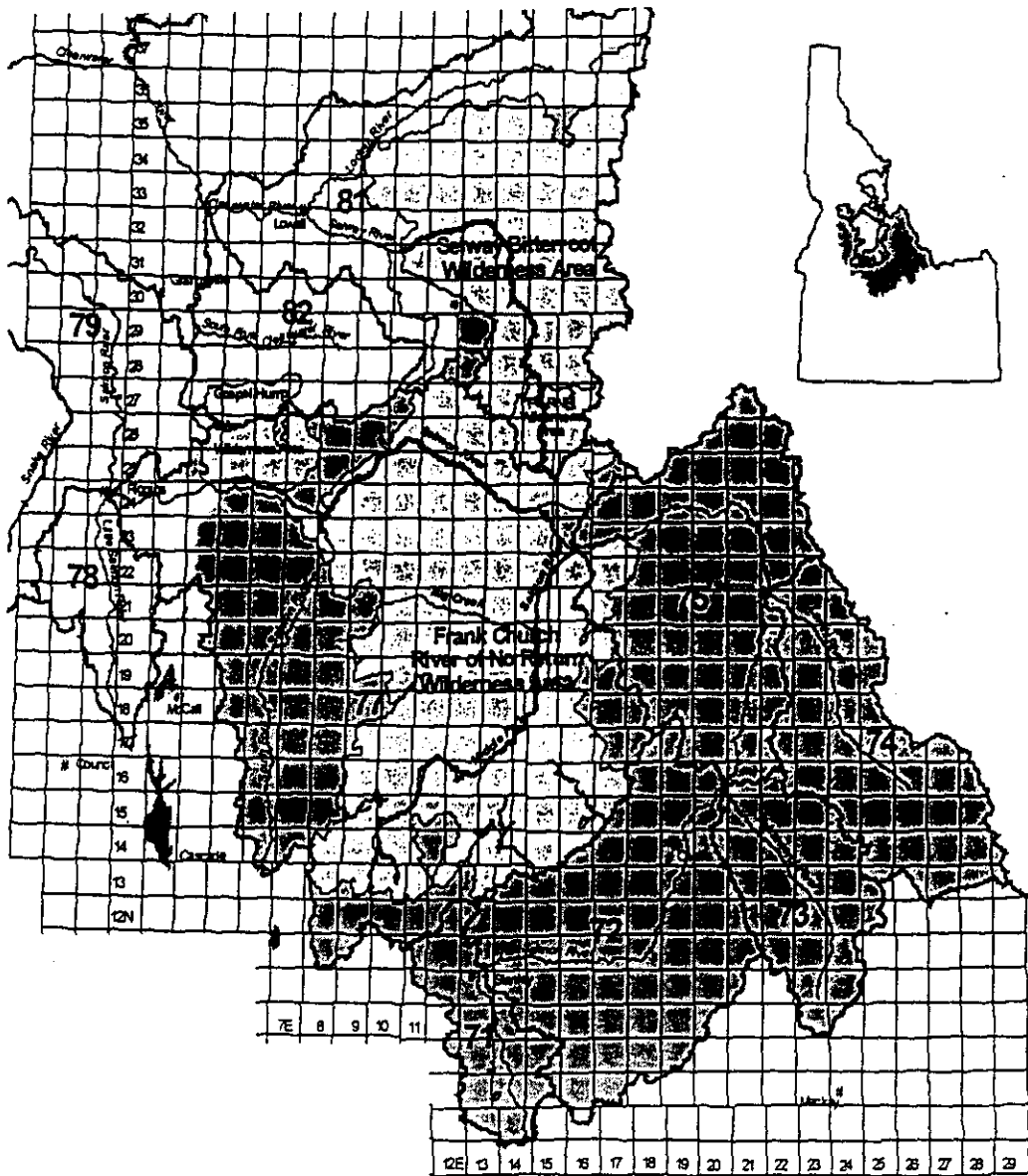
KARL J. PREHER
Director

MICROFILMED
OCT 16 2001

Wilderness Moratorium Areas

October 26, 1999

- ☐ DWR Administrative Basins with basin number
☐ Wilderness Areas
☒ Tributary Areas
☐ Township/Range



MICRO
JAN 15 1971

RECEIVED

DEC 10 1999

Ident. No. 77-07377

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: COPENHAVER WATER SYSTEM #1 208-325-8960
Address: PO BOX 283
DONNELLY ID 83615

2. Source: SPRING Trib. to: SINKS
3. Location of Point of Diversion: NESESW Sec. 31, Township 24N, Range 08E
SESESW Sec. 31, Township 24N, Range 08E
NWSWSE Sec. 31, Township 24N, Range 08E
SWSWSE Sec. 31, Township 24N, Range 08E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.030		
DOMESTIC	01/01	12/31	0.130		

5. Total quantity to be appropriated is:
0.160 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
UNDERGROUND CATCH BASIN AND BURIED PIPELINE
- 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.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

REVISED VERSION FOR PROCESSING PER ROBERT DOUGLAS (PRES.) 7/22 & 7/27/99
information.

MICROFILMED

-82

JAN 15 1999

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
23N	08E	6	NENE 00.7	SWNE 00.1	SENE 00.1	0.9
24N	08E	31	SESE 00.1			0.1

Total number of acres irrigated: 1

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

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

11. Map of proposed point of diversion and place of use attached? ☒

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

- See original -
Applicant

per file, JL for:

Received by JFW Date 4/15/99 Time 10⁰⁰ Preliminary check by JL

* Fee \$ 50 ~~100.00~~ Receipted by JFW #W025073 Date 4/15/1999

Publication prepared by AT Date 8-6-99 Published in Idaho City Free Press

Publication approved AT Date 11-12-99

* \$50 refund already processed for overpayment.
- JL 7/27/99

MICROFILMED

Ident. No. 77-07377

Comments: Date: 7/27/1999 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

APPLICANT'S: Source aka Cherry Spring in Lot 25, Copenhaver Subd. Single P/D on or near center of 4 tracts. Use is for home and yard irrigation. Officers: President Robert Dodge, Secretary Robin McCauley, and Treasurer Gordon Colburn. Use will not exceed 2500 gallons/day/lot.

IDWR'S: Same P/D as 77-07335 (internal use L. 13 & 14) & 77-07366 (internal and yard use L. 10). New right covers internal use for L. 1,6,11,15,16,19,21 and 22 (8 units) and yard use for the same plus L. 14 (9 units). Therefore, 9 unique units can be covered. Salmon River Moratorium n/a for non-tributary source but "future mitigation" should apply for consumptive use @ yards.

MICROFILMED
JAN 15 2007

RECEIVED

FORM 202
2/96

DEC 10 1999

DEPARTMENT OF WATER RESOURCES

Ident. No. 77-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Copenhaver Water System No. 1 Phone (208) 325-8960
Mailing address P. O. Box 283, Donnelly, Idaho 83615
2. Source of water supply Cherry Spring which is a tributary of Sinks
3. Location of point of diversion is Township 24N Range 8E Sec. 31, in the E 1/2 T4,
SE 1/4, SW 1/4, Govt. Lot , B.M., Idaho County;
additional points of diversion if any: W 1/2, SW 1/4 SE 1/4, Sect. 31 T24NR8E (1)
4. Water will be used for the following purposes:
Amount 0.12 .03 for irrigation purposes from 4/15 to 10/15 (both dates inclusive) *
(cfs or acre-feet per annum)
Amount 0.36 .13 for domestic 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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 .16 and/or (b) ntc 9 x 2,500 gallons/day (2) *
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 underground catch basin(bentonite)
with buried pipe
b. Height of storage dam feet; active reservoir capacity acre-feet
reservoir capacity acre-feet
c. Proposed well diameter is inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought?
e. If well is already drilled, when? ; 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 1 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.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality. \$ 6.22
d. Domestic; show number of households. nine (lots 1, 6, 10, 11, 14, 15, 16, 19, 21 in
Copenhaver Subdivision)
e. Other; describe fully. irrigation of yards/gardens, etc. *
See Comments e/lots.

* office visit by R. Dodge for homeowner.
Continued addition of regular size lot - 52
(#22) next to L. 21.

7/22/99
7/27/99

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JAN 11 2000

9. Description of place of use: sam. as domestic-Lots 1, 6, 10, 11, 14, 15, 16, 19, 21, 22

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	
23N	8E	6	8.7		.1	.1													8.9
			D		D	D													
24N	8E	31																.1	.1
																		D	

Total number of acres to be irrigated 8.1

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

11. a. Who owns the property at the point of diversion? Homeowner's association

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

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: Note (1) single point of diversion on or near center of E 1/2 SE 1/4 SW 1/4, W 1/2 SW 1/4 SE 1/4 S 31 T 24N R 3E - within Lote 25

Note (2) - Nine lots being serviced

Logan Colburn - Treasurer Capenhaven Homeowners Assoc.

Robin McLendon - Secretary

See attached Comments. Applicant agrees to mitigate consumptive use in the future as needed.

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.

Robert S. Dodge, President Capenhaven Assoc.
Signature of Applicant (and title, if applicable)

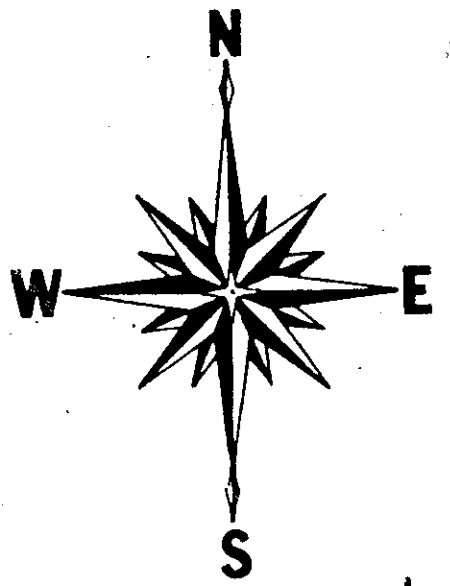
Received by JFW Date 4/15/99 Time 10:00 AM Preliminary check by JL
Fee \$ 100.00 50.00 Receipted by JFW # W025073 Date 4/15/99
Publication prepared by Date Published in
Publication approved Date

* JL 7/27/99 per prior footnotes.

JAN 16 2000

NO. 3
FOUND O.S.

NO. 4
FOUND O.S.



23
10.4689 Acres

not L.22 per
same tel. info = same
offer lot
rid

22
9.4791 Acres
LODGE LOT

ADD 1 more cabin &
yard here. this is
actually L.22 per

PROPOSED BRIDGE

Sub Range Office visit
7/22; tel call
continued 7/27/99

✓ = lots for
this new
Appl.

notes
-R 7/27/99

24
68.0799 Acres

9 Lots -
NEW
USES

int.	ext.
1	1
6	6
11	11
15	14-16
16	19
19	21
21	22
22	9 homes
8 homes	

INITIAL POINT
H.E.S. CORNER
NO. 1
FOUND O.S.

SEE DETAIL "B"

L.14 house = 77-07375
via same
spring as new
Appl. &
L.10 ist/ent =
77-07366

77-07377

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OPENHAVER SUBDIVISION
1985

ALL OF H.E.S. NO. 701
ED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
CTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO



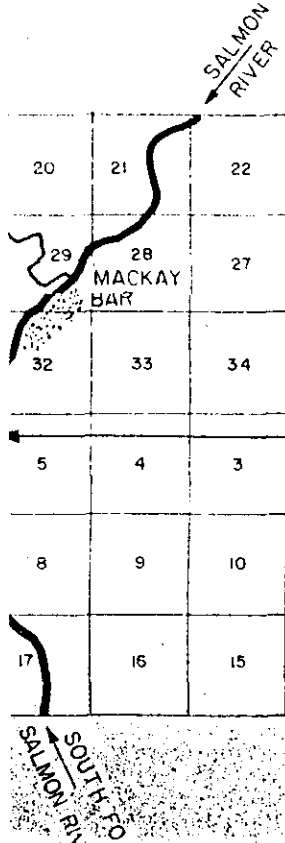
LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/ SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/ SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET.

UBDIVISION RESTRICTIVE
E FILED AS INSTRUMENT

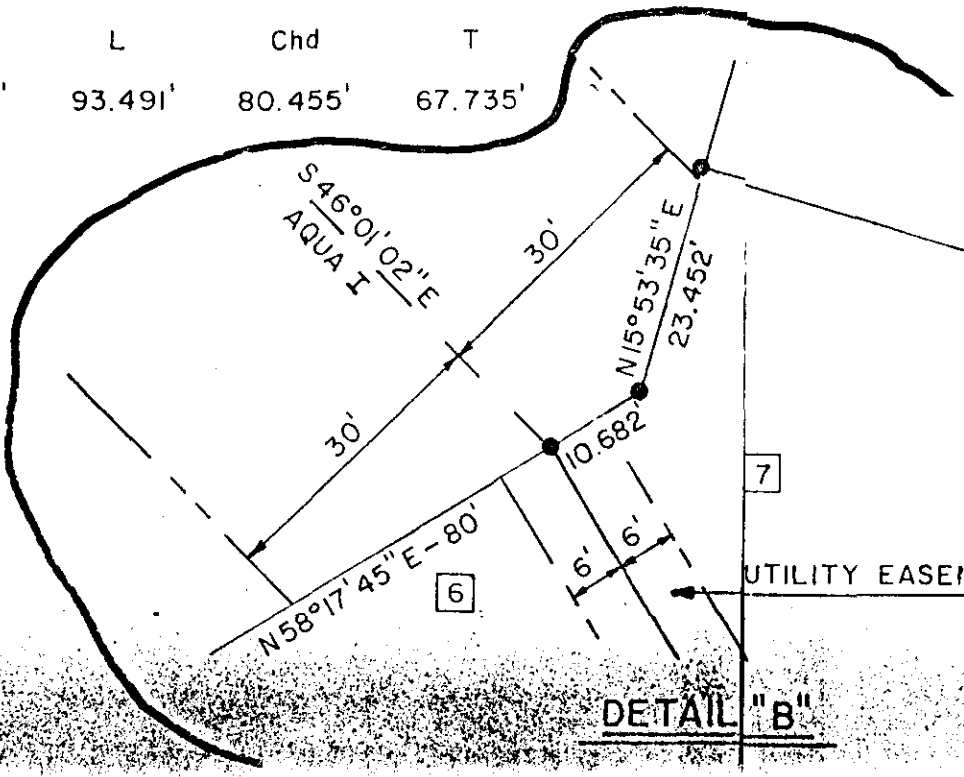
Y MAP

2 Miles



TANGENT	BEARING	DISTANCE
A	N 58° 17' 59" E	50.000'
B	N 15° 53' 35" E	23.452'
C	N 15° 53' 35" E	21.687'
D	N 03° 40' 59" W	36.378'
E	N 31° 16' 58" W	50.526'
F	S 03° 40' 59" E	29.475'
G	S 03° 40' 59" E	57.080'
H	S 15° 53' 35" W	42.390'
I	S 58° 17' 45" W	57.230'
J	N 23° 04' 00" E	20.000'
K	N 67° 32' 35" W	60.084'
L	N 85° 34' 03" W	20.000'
M	S 87° 16' 27" E	20.000'
N	S 74° 06' 25" E	120.000'
O	N 86° 19' 01" E	120.000'
P	S 58° 43' 02" W	120.000'
Q	S 64° 58' 02" W	120.718'
R	S 71° 13' 02" W	120.000'
S	N 31° 42' 15" W	120.000'

CURVE	Δ	R	L	Chd	T
A	107° 07' 59"	50.000'	93.491'	80.455'	67.735'



MICROFILMED



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 27, 2002

**COPENHAVER WATER SYSTEM NO 1
C/O ROBIN MC CAULEY
95 E JACOB ST
MC CALL ID 83638**

RE: License No. 77-7377 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

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,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

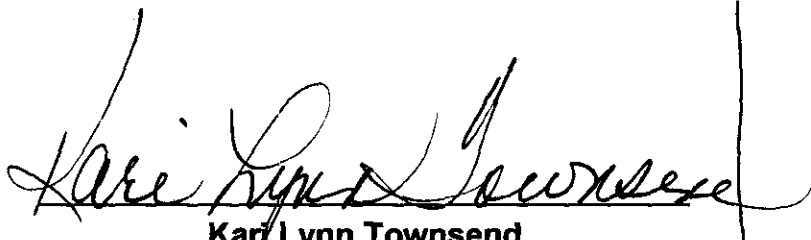
MAR 20 2003

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 77-7377

**COPENHAVER WATER SYSTEM NO 1
C/O ROBIN MC CAULEY
95 E JACOB ST
MC CALL ID 83638**



**Karl Lynn Townsend
Secretary**

MICRO. LMF

MAR 20 2003

**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).

MICROFILM

MAR 20 2003

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.

REC'D. JAMES
JUL 20 2003

Comment Report

77-7377

1. kwalker 12/2/2002 License Review

Comment: In review of all the permits for this subdivision I kept coming up with 10 lots receiving water from this spring when file keeps repeating that there are only 9 stubs from the spring for domestic use. Lots 13 and 14 are both diverted through the same stub which makes the 9 stubs correct.

2. kwalker 12/3/2002 Point of Diversion

Comment: When I created the shape for the point of diversion, arc view determined it was located in SWSWSE, S31, T24N, R8E. Examiner found it located on the line between S31 and S06 but in looking at the orthophoto quad of this area it appears that arc view is accurate.

3. SLESTER 7/27/1999 ADDITIONAL INFORMATION

Comment: Same P/D as 77-07335 (internal use L. 13 & 14) & 77-07366 (internal and yard use L. 10). New right covers internal use for L. 1,6,11,14-16,19,21 and 22 (9 units)

4. SCURTIS 12/16/1999 CORPORATE OFFICERS

Comment: Corporate officers are: Robert Dodge - President Robin McCauley - Secretary Gordon Colburn - Treasurer

MICROFILMED

MAR 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 28 2001 K
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 77-7377

1. Owner: Copenhaver Water System No. 1 Phone No. 325-8960

Current Address: c/o Robin McCauley, McCall ID 83615

2. Accompanied by: David Dewey EXAM DATE : 9/7/01

Address: PO Box 616, Lakefork ID 83635 Phone No. 325-8661

Relationship to Permit Holder: Neighbor

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-7372, 77-7382, 77-7386

2. Other water rights with the same point of diversion: 77-7335, 77-7366, 77-7380,

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	6	23N	8E	Idaho	GPS, Topo
		SW	SW	SE	31	24N	8E	Idaho	GPS, Topo

2. Place(s) of Use:

Indicate Method of Determination

Field Exam, Plat Map, Topo

Twp.	Rge.	Sec.	Field Exam				Plat Map				Topo				Remarks
			NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
23N	8E	6	D			D									

MICROFILMED
MAR 20 2003

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

SEE ATTACHED MAPS

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

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

Y Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

5 gallons x 60 seconds/50 seconds = 6 gpm.

E. NARRATIVE/REMARKS/COMMENTS

A spring, locally known as Cherry Spring, is diverted on the line between the NWNWNE S6 and the SWSWSE S31 for domestic and irrigation uses in Copenhagen Subdivision. The spring flows from a side slope of a draw and is captured and diverted through a 2" buried PVC pipe to a 3000 gallon storage tank located above the subdivision in the NENE S6. From there, the water gravity flows through another 2" buried PVC line to water stubs serving homes of ~~more~~ ^{the} homes in Lots 1, 6, 15, 16, 19, and 21 for internal domestic use.

The spring supplies water to a total of 9 stubs within the subdivision. See attached plat map of specific locations of the 9 stubs. The lot owners limited development to 9 stubs to remain exempt from DEQ's community system regulations. They plan to develop a separate source, possibly ground water or the S.E. Salmon River, for additional domestic uses if necessary. No

other stubs will be added in the subdivision for use of Cherry Spring. At the time of the exam, 7 homes and 1 guest house were built or partially built. The 9 Cherry spring stubs serve the following:

1. Lt 1, home (77-7377)
2. Lt 6, home (77-7377)
3. Lts 9 & 10, home on Lt 10, irrigation on Lt 9 (77-7366)
4. Lts 11, 12, 13, 14, home on Lt 14, guest cabin on Lt 13, irrigation on Lts 11 & 12 (77-7335)
5. Lt 15, home (77-7377)
6. Lt 16, home (77-7377)
7. Lt 18, home (77-7380)
8. Lt 19, stub only, not developed (77-7377)
9. Lt 21, stub only, not developed (77-7377)

Overlapping p/u rights are for lots 1, 18 and 19, who have filed for supplemental water out of the S.E. Salmon River.

Have conditions of permit approval been met? __Y__ yes __ no

MICROFILMS
MAR 16 2001

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

5 gallons x 60 seconds/50 seconds = 6 gpm = .013 cfs (allow .02 cfs)**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

Internal domestic use for 6 homes = 3.6 afa**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	.02	3.6
TOTAL			.02 cfs	3.6 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

Lori Graves -Senior Agent

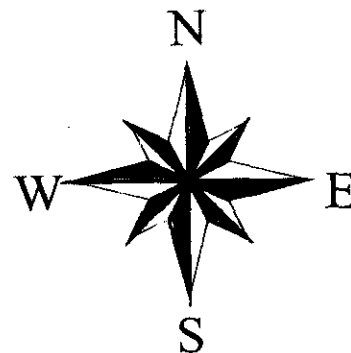
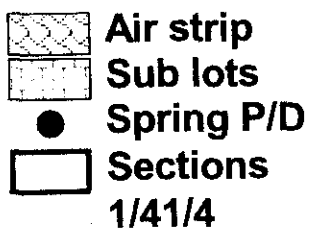
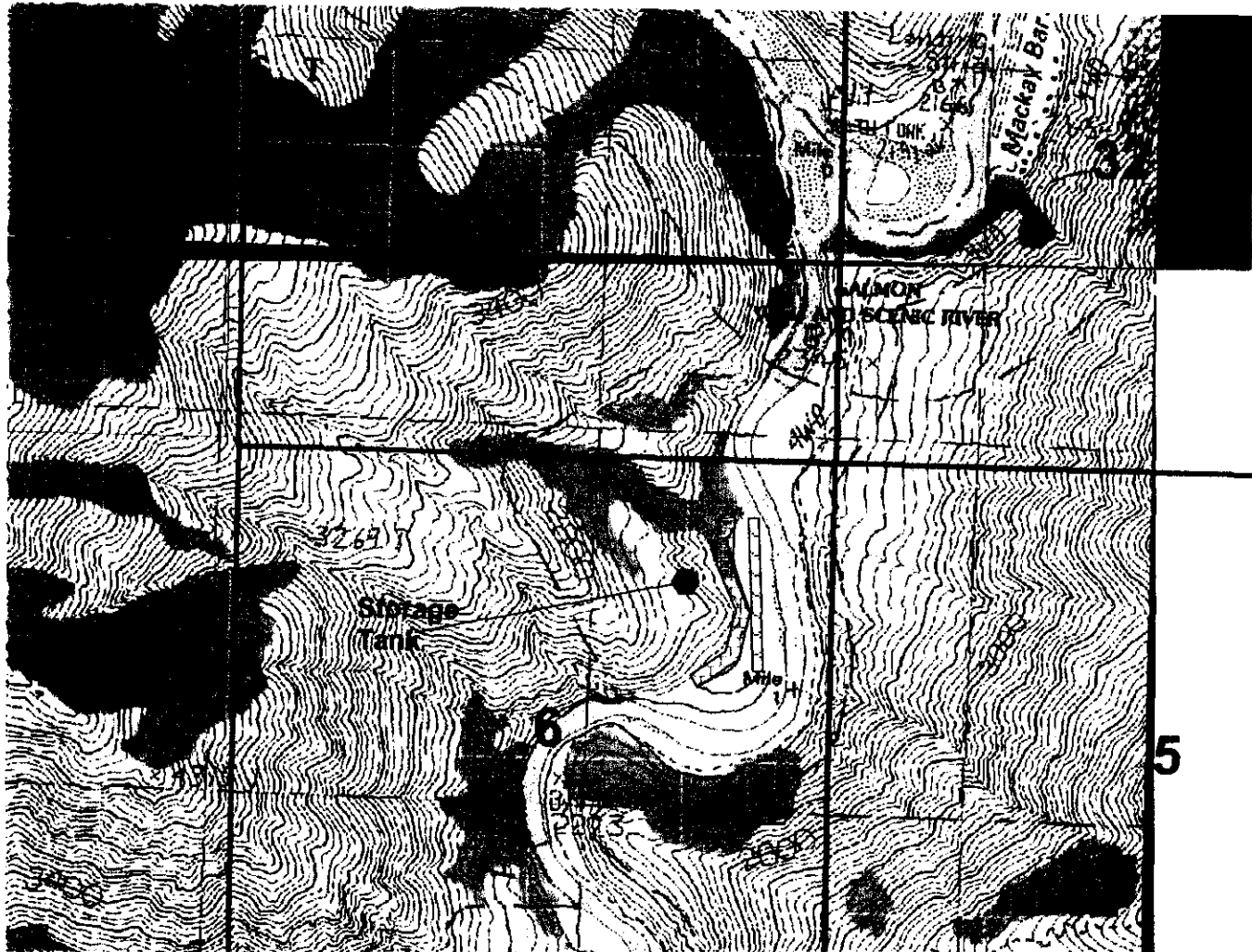
Field Examiner's Name Lori Graves Date 9/18/01

Reviewer _____ Date _____

SEAL

MICROFILMED
MAR 10 2003

Copenhagen Subdivision



MICROFILMED
MAR 10 2002

7/0324730

NO 6001 LOT 7

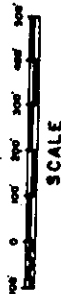
777 08/04/1997

7237 RBE Sec. 6

COPENHAVER SUBDIVISION

1986

ALL OF H.E.S. NO. 701
LOCATED WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
& SECTION 31, T.24N., R.8E., B.M., DAHO COUNTY, IDAHO



LEGEND

- H.E.S. CORNER, FOUND ORIGINAL STONE
- H.E.S. MEANDER CORNER, NOT SET
- LOT CORNER, SET 2" X 30" G.I.P. W/B.C.
- LOT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- EASEMENT CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS & UTILITY EASEMENT
- EASEMENT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP
- EASEMENT CENTERLINE, NOT SET
- EASEMENT CORNER, NOT SET

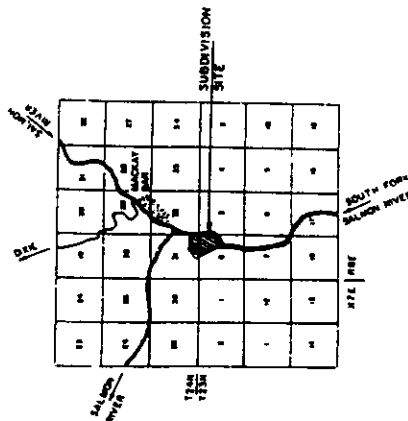
• MICROCIN

77-07360

COPENHAVER SUBDIVISION RESTRICTIVE
COVENANTS ARE FILED AS INSTRUMENT
NO. 3324730

VICINITY MAP

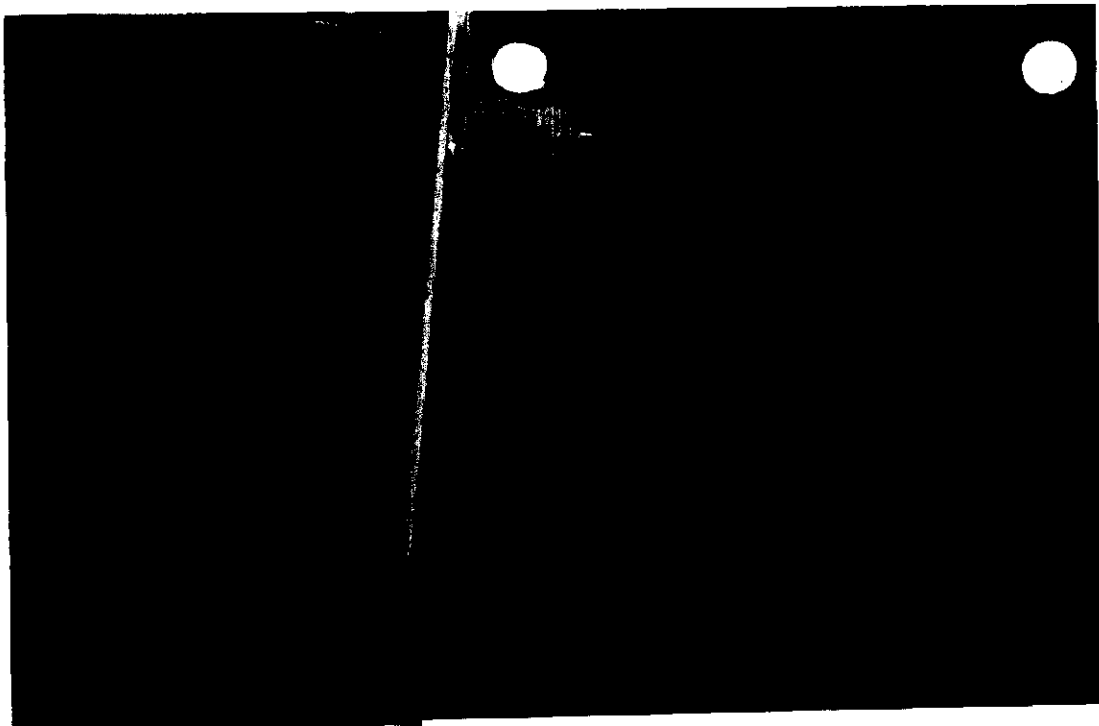
Scale 1" = 1 Mile



TANGENT	BEARING	DISTANCE
A	N 58°11'45"E	10.662'
B	N 15°53'35"E	23.482'
C	N 15°53'35"E	21.067'
D	N 05°40'59"W	44.111'
E	N 31°16'58"W	30.326'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 15°53'35"W	42.390'
I	S 58°17'45"W	37.230'
J	N 23°04'00"E	20.000'
K	N 57°48'28"W	60.084'
L	N 85°34'03"W	20.000'
M	S 50°42'56"W	20.000'
N	S 74°08'25"E	120.000'
O	N 88°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 54°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'
T	S 02°43'33"W	122.249'
U	S 18°46'58"E	87.024'
○	CURVE	
A	107°07'55"	50.000'
		93.491'
		80.455'
		67.735'



EMM



3000 gal
storage Tank

Basic Stub



lots 15 + 16

MICROFILM

MAR 2 0 2001



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

July 16, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPENHAVER WATER SYSTEM NO. 1
95 E JACOB ST
MCCALL ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07377

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-1290.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED

SEP 25 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 77-7377

Reviewed By: dgibson

Date: July 16, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W025073, W027971	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	06/29/2001
Date proof due	- 01/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 04/15/1999
New priority date	= 04/15/1999

Deficiencies of Actions Items

Acknowledge proof.



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

December 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Robin McCauley
Copenhaver Water System No. 1
P.O. Box 283
Donnelly, ID 83615

Re: Permit No. 77-07377

Dear Ms. McCauley:

Enclosed is an Order Changing the Proof Due Date for permit no. 77-07377 to January 1, 2002.

If you have any questions, you may contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Regional Office

MICROFILMED

JAN 16 2001



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
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 2000

COPENHAVER WATER SYSTEM NO 1
PO BOX 283
DONNELLY ID 83615

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07377

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is 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 licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

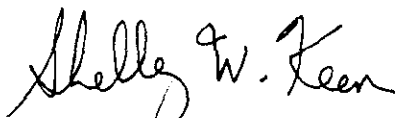
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

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

MICROFILMED

NOV 14 2000

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of November, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 77-07377

COPENHAVER WATER SYSTEM NO 1
PO BOX 283
DONNELLY ID 83615


Kari Lynn Townsend
Secretary

REMICHO FILMED

SEP 13 2001

**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.



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

October 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

COPENHAVER WATER SYSTEM NO 1
PO BOX 283
DONNELLY ID 83615

RE: Application for Permit 77-07377

Gentlemen:

This letter is a reminder of my letter of January 6, 2000 (copy enclosed) which asked for a response at your earliest convenience. To date there has been no response

If there is no response to this second request within 30 days of the date of this letter, we will issue the permit for **in-house use only**.

If you have any questions regarding this matter, please call me at 208-327-5452.

Sincerely,

A handwritten signature in cursive script that reads "Sharla R. Curtis".

Sharla R. Curtis
Sr. Water Resource Agent

SRC:klt

Enclosure

11/3/00 - spoke w/ Robin McCauley, Secretary of the Water System -
agree to in-house use only
SC

MICROFILMED

JAN 15 2001



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

January 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Copenhaver Water System #1
PO Box 283
Donnelly, ID 83615

RE: Application for Permit 77-07377

Gentlemen:

The above referenced application was filed for domestic use of 9 homes and irrigation of an acre. You were recently mailed a copy of the order issued October 26, 1999 which established a moratorium on the processing of applications for permit within the Frank Church-River of No Return Wilderness Area. Your application is one of the filings for which processing has been suspended due to the moratorium.

An application proposing only use of water in-house with no associated irrigation can be considered as non-consumptive and can be processed for approval now. What this means to you is that you may decide to pursue immediate processing of the application by authorizing a change of the application to remove the irrigation portion, or you have the option to request that the department hold the application **as-filed** until such time as the moratorium is lifted or adjusted.

Please let me know at your earliest convenience which option you wish to pursue at this time.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

Sharla Curtis
Sr. Water Resource Agent

MICRO FILMED

JAN 18 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/16/99

No. 77-07377 Name: CWS #1 Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
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
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 1/01/2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON NA (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response ok by limitation

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

Old to in-house only

~~SPRINGS/SINK~~, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens) N/A
~~Weiser R (67)~~ - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate ~~WB5~~ - no irr. allowed
Moratorium approvable W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

to comply w/ F&G's
highly concerned

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

Z 269 222 041

US Postal Service

Receipt for Certified

No Insurance Coverage Pro
Do not use for International

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark, or Date	

PS Form 3800, April 1995

77-07377
COPENHAVER WATER SYSTEM NO 1
PO BOX 283
DONNELLY ID 83615

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

102595-98-M-0079

PS Form 3800, April 1995 (Reverse)

1. **NOTE:** 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. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

77-07377
COOPERHAWK WATER TOWER
PO BOX 263
DONNELLY
MICROFILMED NO 1
00783615

4. Article Number

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent. **DATE DELIVERED.**

8. Addressee's address (ONLY if
requested and fee paid)

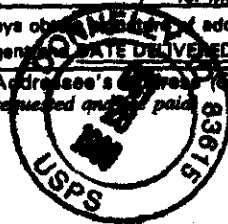
A. Signature - Addressee

X *Henderson Bellum*

B. Signature - Agent

X

7. Date of Delivery



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



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

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 N. GREGGARD
BOISE, IDAHO 83705

5277



RECEIVED

OCT 29 1999

MICROFILMED

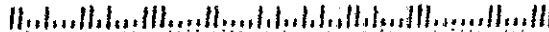
Department of Water Resources

JAN 16 2001



PENALTY FOR PRIVATE
USE, \$300

83705/2237





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
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 1999

CERTIFIED MAIL

RE: Procedures Available upon Issuance of Final Moratorium Order

Dear Applicant or Permit Holder:

The accompanying "Final Order" by the Director of the Department of Water Resources establishes a moratorium on the processing of applications for permits to appropriate surface water or ground water within and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church-River of No Return Wilderness Area. The order is issued pursuant to Section 67-5246, Idaho Code, and is effective as of October 25, 1999.

This letter provides a statement of the available procedures pursuant to Section 67-5246, Idaho Code, and provides the time limits for filing a petition for reconsideration of the order. The statement is required by the Department's Rule of Procedure 740.02.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of the order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be deemed denied by operation of law pursuant to Section 67-5246(4), Idaho Code.

A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

OPPORTUNITY TO REQUEST HEARING

The department did not conduct a hearing prior to issuance of the accompanying order. Section 42-1701A(3) provides, in pertinent part, as follows:

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JAN 15 2000

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any decision, determination, order or action of the director of the department of water resources or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by a denial or conditional approval ordered by the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the denial or conditional approval upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 (a) the service date of the final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

For questions regarding the moratorium order please contact Glen Saxton, Water Allocation Bureau Chief, or me at (208) 327-7900.

Sincerely,



Norman C. Young
Administrator
Water Management Division

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JAN 15 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

DEC 10 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JK DATE: 7/27/99 APPLICATION: 77-07377

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *- see d'base comments*

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) DEC 10 1999

Period of use:

Nature of proposed use: (Include description of use) Gov't. Lots: N/A P/D unsurveyed area P/U

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) *SEE larger map in file*

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 *refund issued*

ADDITIONAL INFORMATION

Y ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

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: *- non fish source*

/ — Surface water source, IDFG letter needed. *- already sent, reply = OK from IDFG*

— — Bull trout impact area, IDFG letter needed

— / 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.

N/A 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 /

ONE - STEVE JACKSON
WHO CANNOT REMEMBER
IF WE COULD GET IN
REMARKS ALSO
KNOWN AS HES
#701. ITS UP TO
YOU GUYS. THE
JAN

PROCESSING

APP. NO.

77-07377

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 ☐ NOYES ☒ NO
☐ ☒ I.D. Health & Welfare
☒ ☐ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____
FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐

Publication dates and paper recorded on application:

Final date for protest 8-23-99

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: 121, Comply w/health regulations,Irrigation not approved & limited to in house use only because
of Karl's moratorium order.☒ See below for additional information

Recommended Date or Priority

4-15-97

Recommended by: CarlyDate: 12/3/99**ADDITIONAL INFORMATION:**Limit use to 2500 gpd per unit. Domestic is 8 units &yard line is 9 units (same 8 + 1) not to exceed 1 acre total.9 unique units x 2500 gpd/unit = 22,500 ≈ 23K gallons/day limit.Same spring for 77-07335 & 77-07366 (see Comments).Some S. FK Salmon R water used on few of these lots.Accept appl into that spring sinks even though must be
hydrologically connected to S. FK Salmon River.sent letter to FS 5/28/99, got 6/2/99 email
reply that ok.

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

77-07376

GUESS, CHARLES
3872 MOSCOW MOUNTAIN RD
MOSCOW, ID 83843
Source: SPRING Tributary to: French Creek
Diversion Pt: SENESW Sec 25 T 24N R 03E
in IDAHO County.
Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)
Date Filed: 7/19/1999
In: IDAHO County
T24N R03E S25 NESW
77-07377

COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY, ID 83615
Source: SPRING Tributary: SINKS
Diversion Pt: NESESW Sec 31 T 24N R 08E
in IDAHO County.
SESESW Sec 31 T 24N R 08E in IDAHO
County.
NWSWSE Sec 31 T 24N R 08E in IDAHO
County.
SWSWSE Sec 31 T 24N R 08E in IDAHO
County.
Use: IRRIGATION (0.030 CFS)
DOMESTIC (0.130 CFS)
Total Diversion: (0.160 CFS)
Date Filed: 4/15/1999
In: IDAHO County
T23N R08E S06 NENE SWNE SENE
T24N R08E S31 SESE
1.0 ACRES TOTAL

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 ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 for each
application on or before AUGUST 23, 1999.
The protestant must also send a copy of the
protest to the applicant.

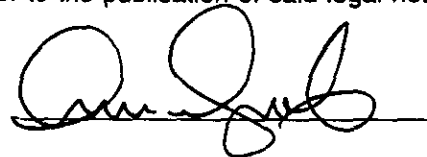
KARL J. DREHER, Director
Published: 8/4/99 & 8/11/99

A4-11

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he
is the Publisher of the IDAHO COUNTY FREE PRESS, a week-
ly newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said legal notice, of which the one hereto
attached is a true copy, was published in said paper for two
weeks, being published two times, the first publication being on
the 4th day of August, 1999; and the last publication
on the 11th day of August, 1999; and that the said legal
notice was published in the newspaper proper and not a supplе-
ment; that said newspaper has been continuously and uninterru-
ptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said legal notice of
advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 11th day of August in the year of 1999, before me a
Notary Public personally appeared Andrew J. McNab,
known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged
to me that he executed the same.

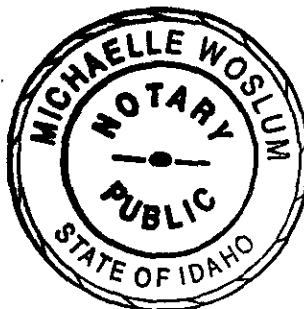


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

RECEIVED

NOV 10 1999

WATER RESOURCES
WESTERN REGION



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NOV 10 1999



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

August 2, 1999

KARL J. DREHER
DIRECTOR

ENVIRONMENTAL HEALTH
NORTH CENTRAL DISTRICT HEALTH DEPT
215 10TH ST
LEWISTON ID 83501

Re: Application for Water Right Permit No. 77-07377 in the Name of Copenhagen Water System #1

Dear Sir:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before August 23, 1999. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

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JAN 15 2001



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

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7/27/99

TO: BOB DODGE

FROM: Steve Lester

Ex 208-634-4811

DOCUMENT DESCRIPTION: "Report to Process" & water right-
NEED signature/date & your choice re Copenhagen.
Most applicants choose 3rd one - "future mitigation
possible but don't need anything new."

TOTAL PAGES SENT: 3 + COVER SHEET

CONTACT: CAN fax reply back to me.

HAVE included letter of explanation & form
for your records.

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JAN 16 2001

thanks!

- Steve

CONVERSATION MEMORANDUM

DATE 7/22/99

FILE _____

NAME OF PARTY BUB DODGE for homeowners

EMPLOYEE FL

RE: Office Visit

1) Memorandum N/A - Spring 5. into per prior files.

Even it consider obvious "frisk in time" to River:

IDFG OK with Appl. per 59's 6/2/99 email.

2) Discussed details of 5/28 letter - # int.

Ext.

CFs etc

He's OK with conclusions.

3) MAY need to add 1 more home - will call

ASAP - will be next to L. 21.

Will i.ch lot # if do.

7/27/99
is L. 22 despt. to
map showing that
as 6'8" lot
+1 is 10' 6" ext. we

4) THEN can proceed with processing.

5) Once complete Appl. Revisions (All OK per his statements today), send cc of revised version to him for his records.

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JAN 15 2001

Lester, Steve

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Wednesday, June 02, 1999 10:40 AM
To: slester@idwr.state.id.us
Subject: Surface Water for Copenhaver Subdivision

Steve,

The IDFG does not anticipate any significant problems with processing this application so long as the surface water diversion be strictly limited to 0.15 cfs not to exceed 23K gallons/day. Thank you for bringing this to my attention.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region, Nampa
465-8465

7/27/99 update.
OK .16 cfs w/ some
20K ± gallons/day limit.
-JK

8 unique units @ 2500 gpd
 $8 \times 2500 = 20,000$ (20K)
gallons/day
would be daily limit.

-JK

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JAN 16 2001

1

IDFG response =
OK ✓



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 2, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT DODGE
PRES COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY ID 83615

RE: SURFACE WATER FOR COPENHAVER SUBDIVISION

Dear Mr. Dodge:

This letter is let you know that I received a positive reply from the Idaho Department of Fish & Game (IDFG) regarding the proposed water right for the subdivision. At this point, it is recommended that you request a waiver to the Salmon River Moratorium as discussed in my letter to you of May 28.

The basis for the waiver would be the positive response from IDFG. That agency supports the application within the limits suggested (see attached copy of IDFG reply).

Please send your waiver request to me as soon as possible. Processing will resume once your request is received. I will be glad to answer any questions that you might have in this regard.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure

*Waiver N/A since
"non-trib" Jones
-JK*

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JAN 15 2001

MEMORANDUM

TO: DEBBIE ALLEN

FROM: STEVE LESTER 

DATE: JUNE 1, 1999

RE: REFUND

Bob Dodge, President of Copenhaver Water System #1, file an application for permit for System #1 on 4-15-1999 and paid \$100, which was \$50 too much.

Please issue a refund as noted. The receipt number is identified for your convenience. The check should be made out to Bob Dodge.

ACTION - Issue \$50 refund

REASON - Overpayment

RECEIPT - W025073

PCA # - 62103

MAIL TO - Bob Dodge
PO Box 283
Donnelly, ID 83615

(tel. 208-325-8960)

c: Application File

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JAN 15 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 28, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
IDFG SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

RE: SURFACE WATER FOR COPENHAVER SUBDIVISION

Dear Scott:

Enclosed is a copy of a new application for a limited use community system from "Cherry Spring" for some of the lots in Copenhaver Subdivision on the South Fork Salmon River. While the Salmon River Moratorium does not normally contemplate approval for community systems from surface water, it is possible that IDWR could issue a moratorium waiver and thereby approve the application.

I will send a letter to the applicant to discuss that possibility. If you determine that the proposal will not have an adverse effect on anadromous fish, I will advise the applicant to request such a waiver. Note that the total amount will be limited to .15 cfs but not to exceed about 23,000 gallons/day. Almost all of the proposed use is in-house.

Please review the information and let me know what you think. An email response is fine if you prefer. Thanks for your help, and let me know if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

JAN 15 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 28, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT DODGE
PRES COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY ID 83615

RE: SURFACE WATER FOR COPENHAVER SUBDIVISION

Dear Mr. Dodge:

Your recent application for a limited use community system from "Cherry Spring" for some of the lots in Copenhaver Subdivision has been reviewed. Before this office can process the filing, two steps are needed.

One, the Idaho Department of Fish & Game (IDFG) must determine that the proposal will not have an adverse effect on anadromous fish. If that occurs, step two involves a waiver to the Salmon River Moratorium (see attached). While the Salmon River Moratorium does not normally contemplate approval for community systems from surface water, it is possible that IDWR could issue a waiver and thereby approve the application based on IDFG's advice.

I sent a letter to IDFG regarding step one. After hearing from IDFG, I will contact you about step two. Meanwhile, please note the information listed below.

1) Lot 14 is already covered for in-house use from "Cherry Spring" under right no. 77-07335.

2) Lot 10 is already covered for in-house and yard uses from the same spring under right no. 77-07366.

3) Duplicate coverage from the same source cannot be approved.

4) The application can include in-house use for lots 1, 6, 11, + L. 22, 15, 16, 19 and 21 (8 units).

5) Yard irrigation can include Lots 1, 6, 11, 14, 15, 16, 19 + L. 22 and 21 (8 units)

6) Total area for lots in item 5 is about 2 acres based on the subdivision plat, and a generous estimate of actual land that would be irrigated is about 1 acre.

*Dodge L. 14
Smith L. 13 & 14 to
Blackstone -*

no change

Notes 7/27/99
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JAN 16 2000

May 28, 1999

Page 2

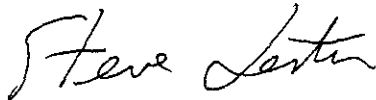
7) The applicant included a limit of 2,500 gallons/day per unit and eight unique units are involved per items 4 and 5.

8) If approvable, the application would provide up to ^{.13}.12 cfs for in-house use and up to .03 cfs for irrigation (department limits), not to exceed 2,500 gallons per day per home (applicant's self-imposed limit). The total rate of flow would be limited to ^{.16}.15 cfs per department standards.

9) Only \$50 is needed for ^{.16}.15 cfs, and a \$50 refund will be processed for the overpayment (paid \$100).

I will let you know how IDFG responds as soon as I hear from that agency, which should be soon. Please let me know if you have any questions about this situation.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

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JAN 16 2001

CONVERSATION MEMORANDUM

DATE 5/28/99

FILE _____

NAME OF PARTY N/A

EMPLOYEE R

✓ updated notes 5/28/99

RE: Worksheet COPENHAGEN

① 77-07335 D/2 int. L. 13, 14 } 50 D/2 int. 5
77-07366 D/1 int 5 L. 10 } 0/1 Ext. already covered

To cover: .13 ✓

int. D/7 L. 1-6-11-15-16-19-21 = .12 cfs
+ L. 22

Ext D/8 L. 1-6-11-15-16-19-21 & 14 = .03 cfs *
+ L. 22

~~from~~ .15 cfs total ✓

* where per plot:

L. 1-6-11-15-16-21 = 80 x 120 L. 22 x L. 21 ✓

L. 14 ≈ 80 x 120

L. 19 ≈ 93 x 120

AREA = $\frac{8}{43,560} (80 \times 120) + \frac{2.0}{43,560} (93 \times 120) = 1.8 \text{ Acre}$

MAX May Est e 50% = 1 Acre ±

previous IDH experience ✓ MICROFILMED

JAN 16 2001

② Refund - paid \$100, only need \$50

③ "Req. to Process" form. N/A if IDH determines no impact; IDH issues waiver to process.

REQUEST TO PROCESS

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

Name of Applicant

Copenhagen Water System #1

Mailing Address

PO Box 283Donnelly, ID 83615Application No.
(if known)77-07377☐ **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

Robert S. Noble

Date

7-27-99

Please return this form to:

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

for 208-334-2348

MICROFILMED

JAN 16 2001

77-07377

COPENHAVER WATER SYSTEM #1
PO BOX 283
DONNELLY, ID 83615

Source: SPRING

Tributary: SINKS

Diversion Pt: NESESW Sec 31 T 24N R 08E in IDAHO County.
 SESESW Sec 31 T 24N R 08E in IDAHO County.
 NSWSE Sec 31 T 24N R 08E in IDAHO County.
 SWSWE Sec 31 T 24N R 08E in IDAHO County.

```

Use: IRRIGATION      (      0.030 CFS)
    DOMESTIC          (      0.130 CFS)
      Total Diversion: (      0.160 CFS)

```

Date Filed: 4/15/1999

In: IDAHO County			
T23N R08E S06	NENE	SWNE	SENE
T24N R08E S31	SESE		

1.0 ACRES TOTAL

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

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JAN 15 2001