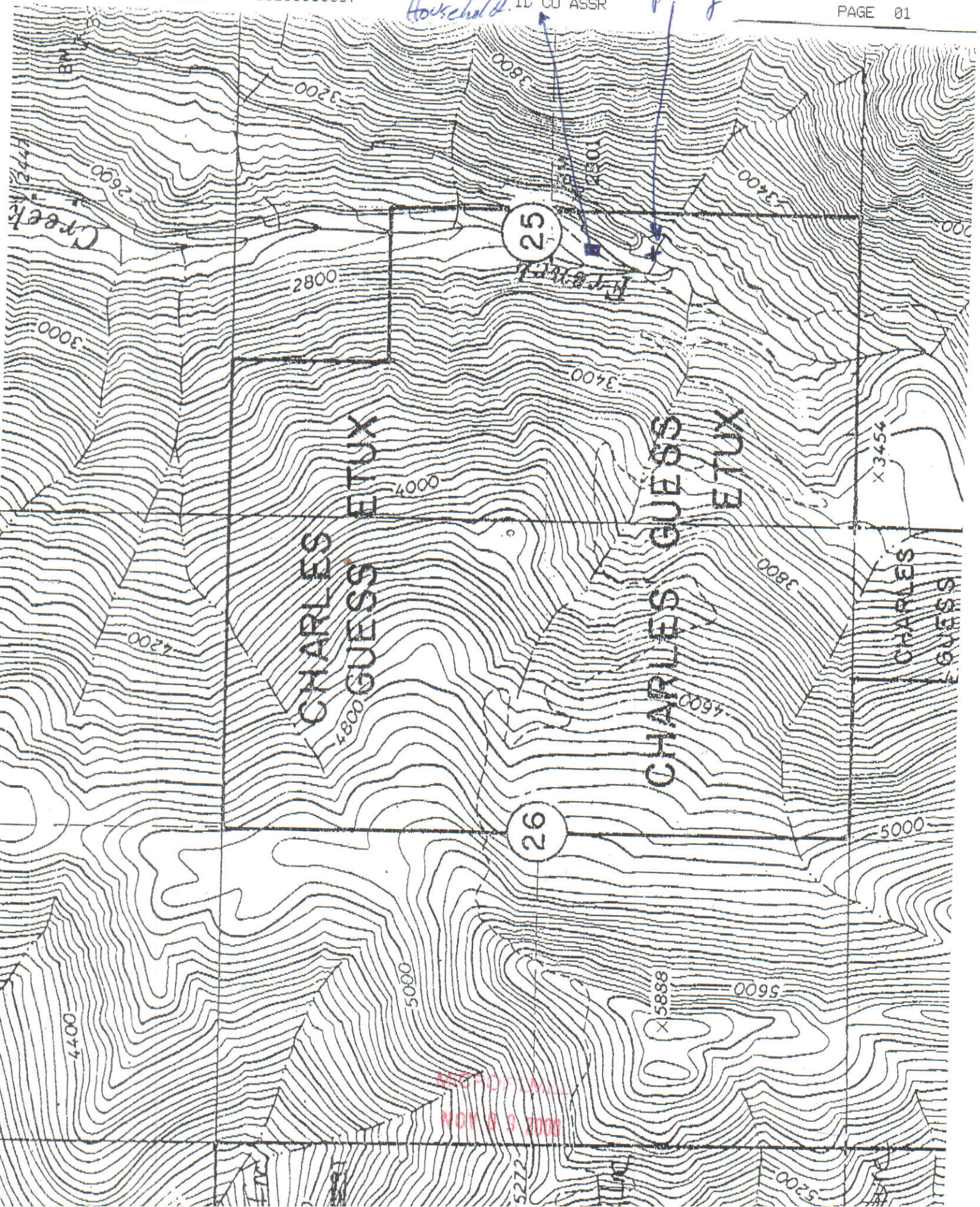
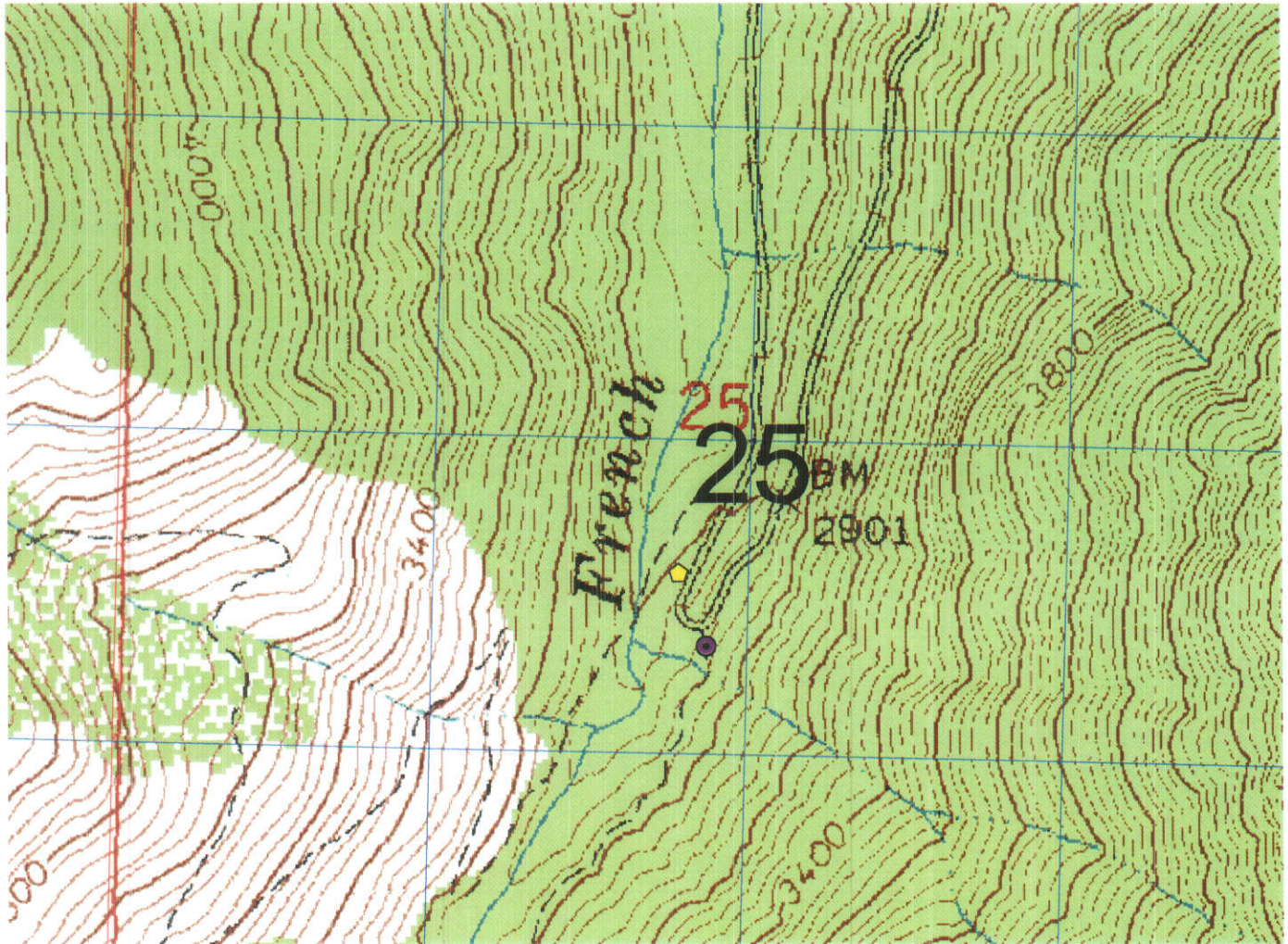


Application #1 map
Household ID CO ASSR



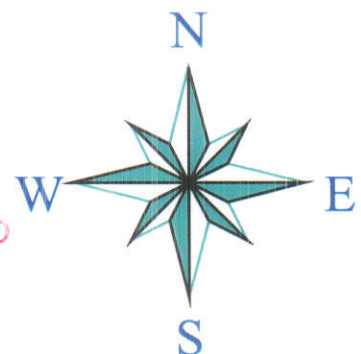
77-7376
T24N R3E S25
(no gov lts)



0.2 0 0.2 0.4 Miles

-  **Spring**
-  **Cabin**
-  **Sections**
-  **1/41/4**

MICROFILMED
JAN 24 2002





P/D

MICROFILMED

JAN 24 2002



P/u

**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

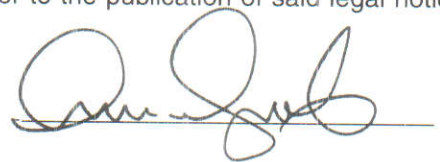
Published: 8/4/99 & 8/11/99

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.

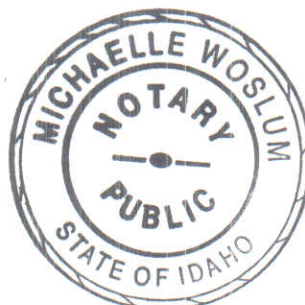


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

RECEIVED

NOV 10 1999

WATER RESOURCES
WESTERN REGION



MICROFILMED
NOV 09 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07376

Priority: July 19, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that CHARLES GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 19, 1999; and has
submitted Proof of Beneficial Use on July 19, 1999. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: FRENCH CREEK

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	1.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp 24N, Rge 03E, 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
24N	03E	25									X								

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.

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 20th day of November, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 77-07376 Telephone No. 208-882-1112
2. Name(s) of Permit Holder(s): Charles Guess
3. Mailing Address: 3872 Moscow mtn. Road Moscow 83848
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number:
 - b. OPTIONAL:
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other:
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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 <u> </u> or No <u>X</u>
	Has the measuring device been installed?	Yes <u> </u> or No <u> </u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u> or No <u>X</u>
	Has the measurement port been installed?	Yes <u> </u> or No <u> </u>
8. Fee Enclosed: \$ (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: Charles Guess Telephone Number: 208-882-1112
Address: 3872 Moscow mtn. Rd Moscow, Idaho 83848
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Charles Guess
(include your title, if on behalf of company or organization)

Date: 12-23-99

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NOV 7 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07376

Priority: July 19, 1999

Maximum Diversion Rate:

0.02 CFS

This is to certify, that CHARLES GUESS

3872 MOSCOW MOUNTAIN RD

MOSCOW ID 83843

has applied for a permit to appropriate water from:

SPRING

tributary of FRENCH CREEK

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

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENESEW, Sec. 25, Township 24N, Range 03E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

24N 03E 25

NESW

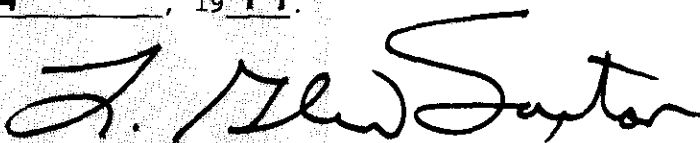
CONDITIONS OF APPROVAL AND REMARKS

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. Domestic use is for 1 home.

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

Witness the signature of the Director, affixed at Boise, this

17th day of December, 1999.



Karl J. Dreher, Director

for

MICROFILMED

NOV 03 2000

RECEIVED

DEC 10 1999

FORM 202

2/96

DEPARTMENT OF WATER RESOURCES

Ident. No. 77-07376

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 19 1999

WATER RESOURCES
WESTERN REGION

application
#1

- Name of Applicant Charles Guess Phone 208-882-0126
Mailing address 3872 Moscow Mtn Road Moscow 83843
- Source of water supply Spring which is a tributary of French CR *
- Location of point of diversion is Township 24N Range 3E Sec. 25 in the SE
NE 1/4, SW 1/4, Govt. Lot _____, B.M., IDAHO
additional points of diversion if any: Legal Description - E 1/2 W 1/2 S 25
T 24 R 3 E
- Water will be used for the following purposes:
Amount .02 CFS for Domestic purposes from year Round (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
- Total quantity to be appropriated is (a) .02 CFS and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Collection dam in spring
with 1000 gallon reservoir buried next to spring + gravity feed 1" pipe
b. Height of storage 2 feet feet active reservoir capacity ~ 50 gallons acre feet, total
reservoir capacity ~ 50 gallon 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? No
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 1 years or more than 1 year
finished
- Description of proposed uses (if irrigation only, give acreage)
a. Municipal; show _____ and _____ capacity in KW
b. Industrial; list _____ kind of _____
c. Municipal; show _____
d. Domestic; show number of households 1
e. Other; describe fully _____

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NOV 03 2000

*

* per telecon with applicant 7/20/99. by
* per topo

2012

101-16-71-112

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	3E	25									D								

Total number of acres to be irrigated _____

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? Charles E. Guess

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

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

12. Remarks: _____

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

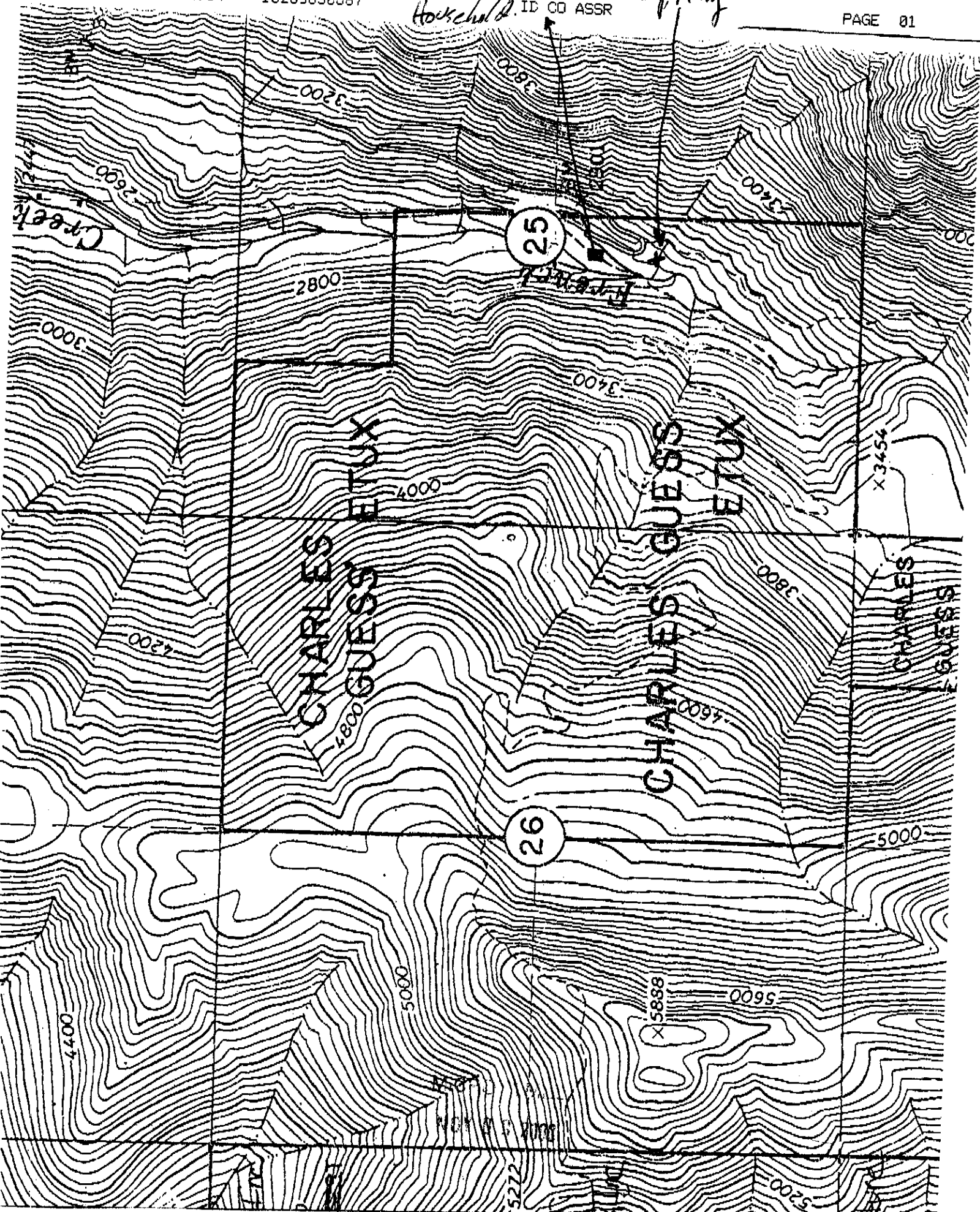
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Charles E. Guess
Signature of Applicant (and title, if applicable)

Received by DB Date 7-19-99 Time 9:25A Preliminary check by Ly
Fee \$ 50- Receipted by DB # W025480 Date 7-19-99
Publication prepared by AT Date 8-6-99 Published in Idaho Free Press
Publication approved MICROFILM Date 11-12-99

NOV 03 2000

Application #1 map
Household ID CO ASSR Spring





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

November 20, 2001

CHARLES GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843

RE: License No. 77-7376 - 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)

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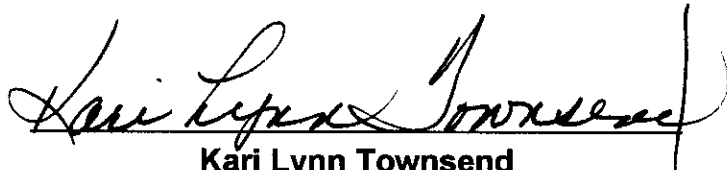
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on November 20, 2001 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. 77-7376

**CHARLES GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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JAN 24 2002

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.

LICENSE REVIEW CHECKLIST

Permit No. 77-7376 Date: 11-16-01 Reviewer: Kay Walker

Change/OK

Name/Address

ok - fix phone number

Source

Point of Diversion:

ok
ok

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.02 cfs

Fee Limit cfs

Measured cfs

Theoretical cfs

Recommended Total Diversion Rate 0.02

Water Uses

ok

Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.02 cfs 1.2 af

cfs af

cfs af

Total 0.02 cfs 1.2 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks:

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority?

yes
no

If yes, explain why below.

SRBA Claim?

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT - 2 2001 K

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 77-7376

1. Owner: Charles Guess Phone No. 882-1112

Current Address: 3872 Moscow Mtn Rd, Moscow ID 83843

2. Accompanied by: Charles EXAM DATE : 9/16/01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to French Creek

B. OVERLAP REVIEW

- Other water rights with the same place of use: None
- Other water rights with the same point of diversion: None

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
		SE	NE	SW	25	24N	3E	Idaho	Topo Map, Field Exam

2. Place(s) of Use:

Indicate Method of Determination same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	3E	25									D								

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JAN 24 2002

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

SEE ATTACHED PHOTOS

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

2. **Measurements:**

E. NARRATIVE/REMARKS/COMMENTS

A spring flows into a 1100 gallon buried sistern, then gravity flows via 1.5" buried PVC pipe to one cabin and yard for domestic use. No other rights are used. No measurement was made. .02 cfs recommended per permit.

Have conditions of permit approval been met? x yes ___ no

MICROFILMED
JAN 21 1981

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

No measurement made

Allow .02 cfs per permit

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/External Domestic Use: 1.2 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	1.2
TOTAL			.02 cfs	1.2 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

9/24/01

Reviewer _____

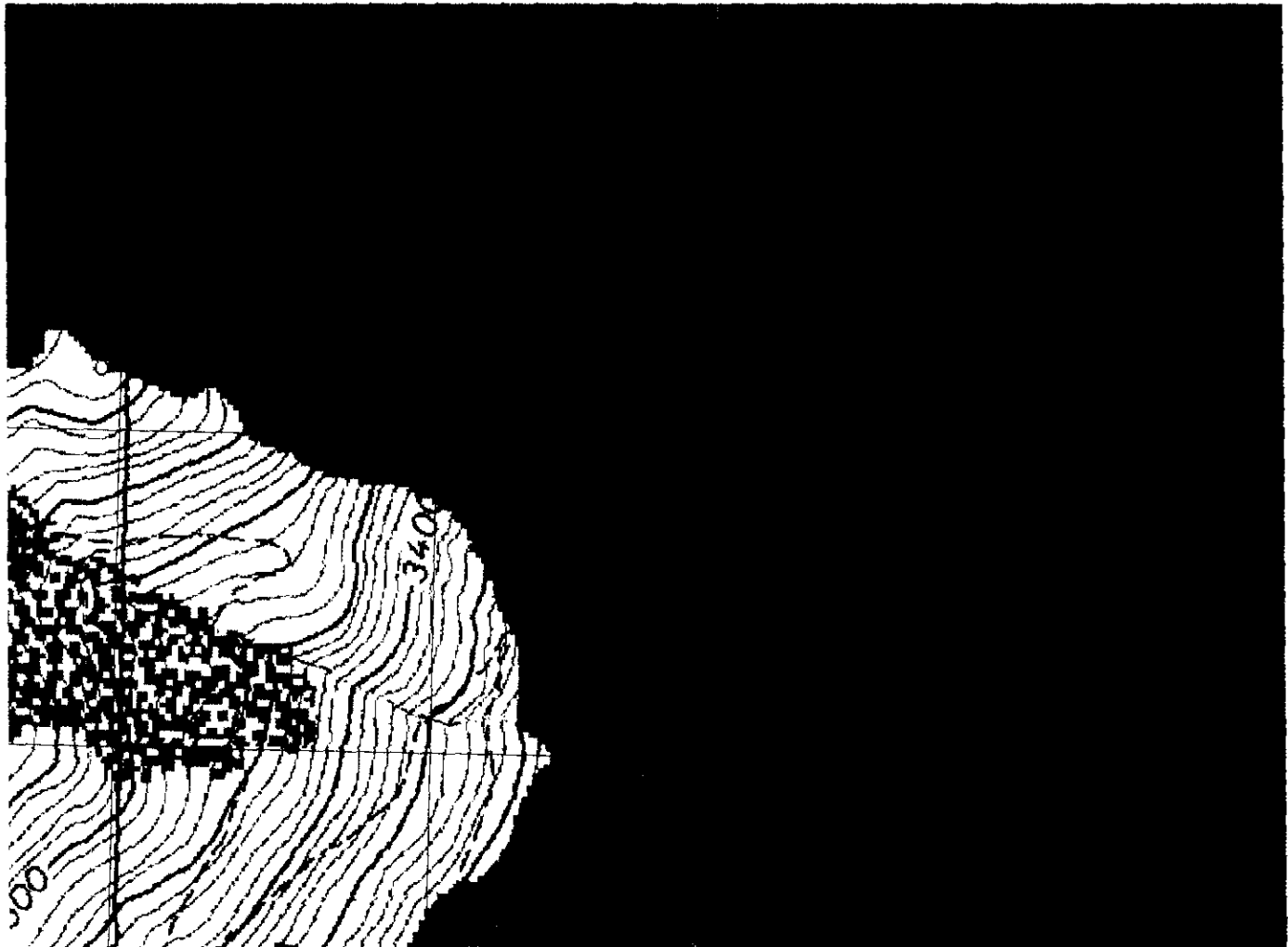
Date _____

SEAL

MICROFILMED

JAN 26 2002

77-7376
T24N R3E S25
(no gov lts)

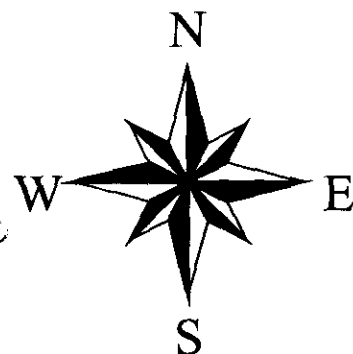


0.2 0 0.2 0.4 Miles

- Spring
- ⬠ Cabin
- ⬠ Sections
- ⬠ 1/41/4

MICROFILMED

JAN 24 2002

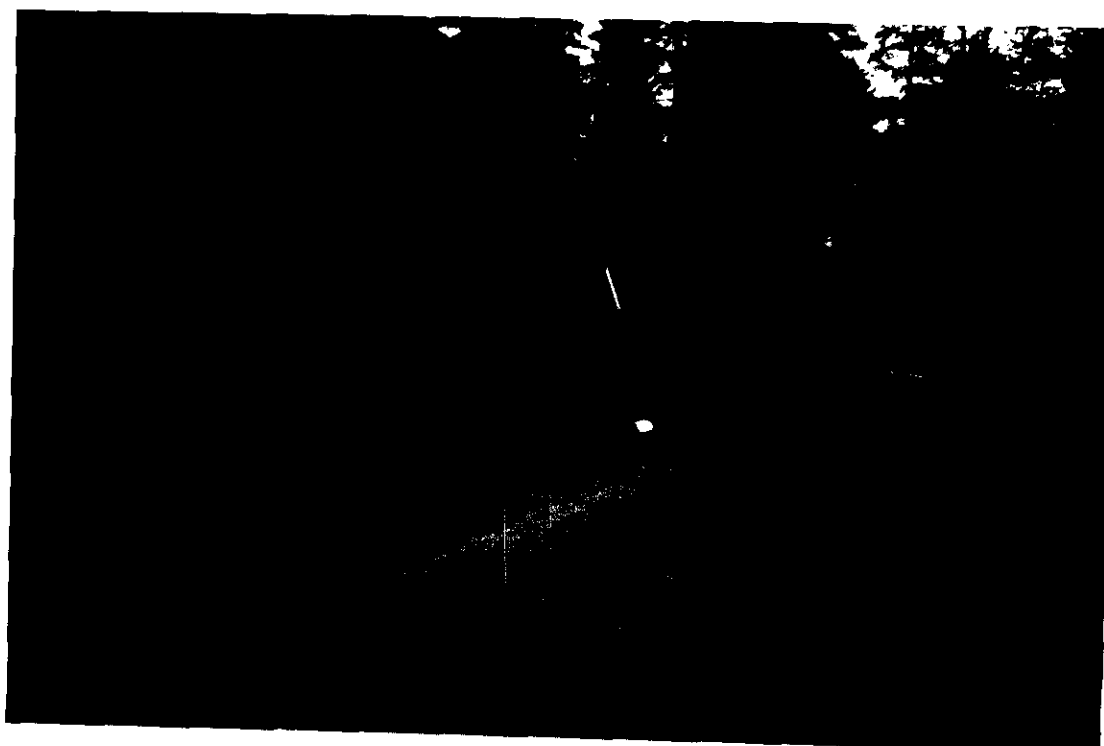




P/D

MICROFILMED

JAN 9 1982



P/u

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

RECEIVED

OCT - 2 2001

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☐ Copies of any Amendments/Orders with Conditions of Approval
- ☒ Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
- ☐ Yes ☒ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of government plat NONE
- ☒ Check of P/D index R0H 7-25-00 (initial & date)
- Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?*
- Type of Overlap: ☐ Same source ☐ Other source
- ☒ Check of P/U index R0H 7-25-00 (initial & date)
- Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?*
- Type of Overlap: ☐ Same land, same source
- ☐ Same land, other source
- ☐ Other land &/or other uses

*copies attached only if needed for analysis

N/A Irrigation from groundwater (all basins):

Surface water currently or previously used _____ Yes _____ No

If yes: identify water source, water right, and explain current or previous use.

- ✓ **Scheduling Letter Sent?** _____ (initial & date)
 ✓ **Appointment Made and Telephone Conversation Memo Attached**

B. After Conducting the Exam, the File Contains:

- Fully Completed and Signed Field Report Form**
Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed 6 9/21/01 (signature of examiner & date)

Exam Sent to State Office 10-1-01 ST (initial & date)



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 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARLES GUESS
3872 MOSCOW MTN RD
MOSCOW ID 83843

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07376

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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) 334-2190.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

NOV 25 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07376 Reviewed by MS Date 1-24-00

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
30 Amount Submitted
yes Correct?
/ Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

none / ack proof

DATA ENTRY

New Address _____ Proof Made 7-19-99

Keen, Shelley

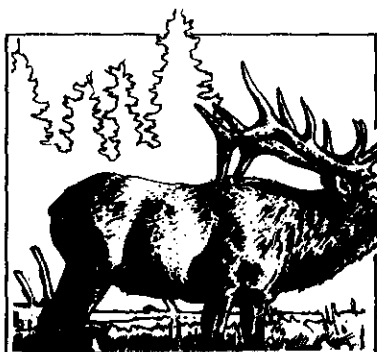
From: Keen, Shelley
Sent: Friday, January 14, 2000 7:49 AM
To: Lester, Steve
Subject: Application 77-07375

Steve,

I have a withdrawal notice for Application 77-07375. It looks like you've been holding the application because of the moratorium. Will you send the file over to me ASAP? I'd send the notice to you instead, except that the matter is a bit more complicated. I told the applicant that if he withdraws 77-07375, he can apply the application fee to the proof for 77-07376.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

MICROFILMED
NOV 09 2000



RECEIVED

JAN 13 2000

Department of Water Resources

Moscow Mountain Elk Ranch

To: Shelley Keen -

1-7-00

Mr. Keen -

Re. our telephone conversation
of 1-5-00 I am requesting that
my pond application #77-07375
be cancelled & that the application
fee of 50.00 be applied to my
domestic water right 77-07376.

Thank you -

Charles E. Guess

3872

Charles E. Guess

~~2440~~ Moscow Mountain Rd., Moscow, ID 83843
(208) 882-1112

WA



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 20, 1999

DIRK KEMPTHORNE
GOVERNOR

CHARLES GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07376

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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MODIFIED
NOV 29 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 1999, 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. 77-07376

CHARLES GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 03 2006

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED

NOV 13 1996

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

NOV 3 3 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/16/99

No. 77-07376 Name: Guess Corp. Officers N/A Ad ok / Govt Lots

AREA OF CONCERN: No/Yes W/Outside S/O - gw ok W/Outside S/O - gw ok dom - non cons use ok 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) - 065-079 → 104
Supp irr (+ other uses) - 065-101 → 105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

~~Boise Front Lo Geo~~ - 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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objections
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)

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) 1/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 in house only 1001
~~Meratorium approvable~~ - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - 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

OTHER CONDITIONS/REMARKS

COMMENTS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

DEC 10 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: g DATE: 7/20/99 APPLICATION: 77-07376

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

Gov't. Lots:

P/D

P/U

DEC 10 1999

Department of Water Resources

ADDITIONAL INFORMATION

N ADVERTISE REMARK(S)

(Reviewer identify which remarks)

to do T FLAG CHANGED TO P FLAG

YES NO

- ☒ N/A ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☒ Overlapping point of diversion.
- ☒ ☒ Critical groundwater area:
- ☒ ☒ Groundwater management area:
- ☒ ☒ 1992 moratorium:
- ☒ ☒ Surface water source, IDFG letter needed.
- ☒ ☒ 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.
- ☒ ☒ 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 _____

YES NO

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

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ 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: Use limited to domestic definition
in Idaho Code § 42-111. Irrigation limited to one half ~~acre~~ acre.
(Downstream of wilderness area)

See below for additional information

Recommended Date or Priority 7/19/99Recommended by: Ray SDate: 12/3/99**ADDITIONAL INFORMATION:**

The above is a copy of the letter
 was in the letter received.
 Please let me know if you can
 find out how to contact the
 the office of the District Attorney
 and please let me know the
 name of the person who
 1735 Airport Way, Suite 100
 together with a person in
 representation of the
 The person who will be
 present at the meeting.

MICROFILMED
NOV 8 6 1973



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 77-07376 in the Name of Charles Guess, 65-13893 in the Name of Marjorie Gregg, 65-13885 in the Name of Donald C. McCarter, 67-08036 in the Name of John R. Schwenkfelder, and 65-13892 in the Name of Jonathan Koch.

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of these applications, your written protest along with the \$25.00 protest fee must be received in this office by August 23, 1999.

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

Sincerely,

Gary Spackman

GS:st

Encl.

Gary -
I have reviewed
These and none of them should
adversely affect fish or wildlife
habitats.

8-6-99

[Signature]

MICROFILMED

NOV 01 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
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If you have any questions regarding the applications, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:st

Encl.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR
JULY 28, 1999

Legal Notices Department
Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 23, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

NOV 04 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICHO...

NOV 8 5 2000

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

MICROFILMED

NOV 11 2000

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together 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: 7/ 6/1999 & 7/13/1999

NOV 11 1999

NOV 11 1999