

TRAILS END SUBDIVISION

* A PART OF THE NE SECTION 2, T.21N., R.7E., B.M. VALLEY COUNTY, IDAHO.

BILL HARRIS

CONSULTING ENGINEER

Building and occupancy shall conform to the Standards established by the Restrictive Covenants as filed in Book _____ of Miscellaneous Records of Page _____, Valley County, Idaho.

Pipe Crosses Lot #46 - Owned by Applicant

#43 PLM

PID

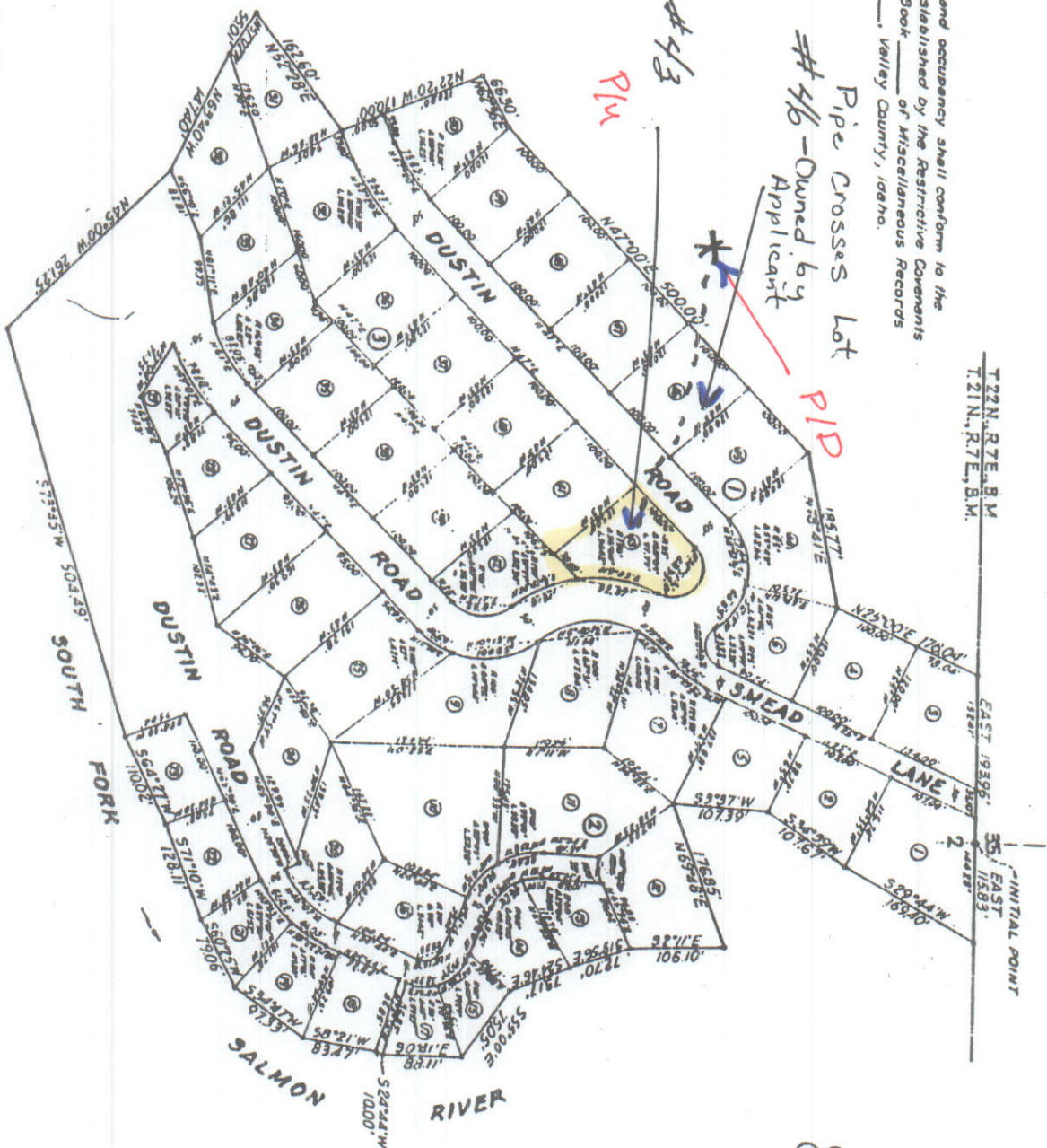
T.21N., R.7E., B.M.
T.21N., R.7E., B.M.

EAST 193.95' 35.1' EAST 115.83'

INITIAL POINT

- INITIAL POINT
- Arrows Point to Other Points
- Lot Numbers
- Block Number

SCALE 0 50 100 150 200 300 400 500 FEET



Subd. lot

PLM = L. 43

BL 3

pid = NOT in subd.

MICROFILMED

JUN 09 1998

77-07364

Applicants' map

(Also see IDWR maps, attached)

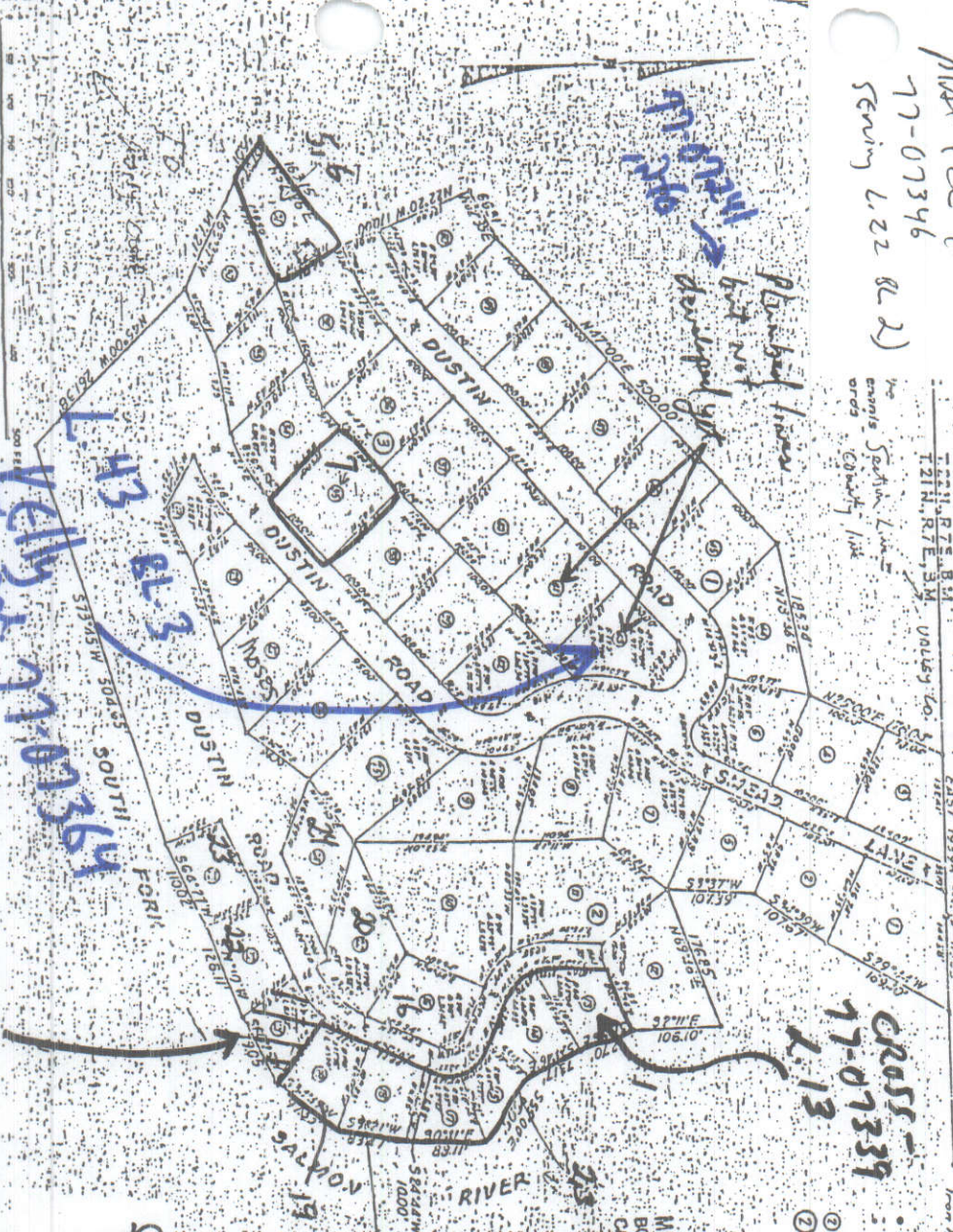
This map copied from 9/91 exam of community system 77-07241 (part c) R 8/24/77

TRAILS END SUBDIVISION

PART OF THE NE SECTION 2, T.21N., R.7E., E.1M.

BILL HARRIS CONSULTING ENGINEER

Also see more legible plat (cc from 77-07346 covering L.22 & 2)



CROSS 77-07339 L.13

MOUNTAIN TITLE & ESCROW COMPANY, INC.
BOX 798 - 382-4207
CASCADE, IDAHO 83611

LEGEND

- INITIAL POINT - 2" I.P. with Brass Cap.
- Angle Points on Boundary - 4" 30" Iron Bars
- Other Points 1/2" 24" Iron Bars
- Lot Numbers
- Block Numbers

RECEIVED FROM
Dwight Cross
5415 Custer Road
New Plymouth, ID 83655

Community System

Block Lot

Block	Lot
2	13
2	14, 15
2	17
2	18, 19
3	31 (C?)
3	35 (C?)

O = P/M

#	Estimated Area
1	80,110 = 80,000
2	2,508 90 = 2,500
3	
4	
7	100 x 125 = 12,500
Total	145,000
	= .987 = 1.0
	Area

RECEIVED
SEP 11 1981
Department of Water Resources
Western Region Office

Bl. 2 Lot 21 → 77-07363 D. & L. Cross

L. 43 Bl. 3
77-07364

Plat 13 is developed but not

town map

(cc from)

T-4624 (7/1)

WARRANTY DEED

For Value Received

THOMAS WHITING and ELIZABETH WHITING, husband and wife

do hereby grant, bargain, sell and convey unto

LELAND JAMES KELLY and JERULEN LAVALLE KELLY, husband and wife

the grantee s. whose current address is 618 South Fourth Street, Fruitland, Idaho 83619
the following described premises, in Valley County, Idaho, to-wit:

Lot 43, Block 3 of TRAIL'S END SUBDIVISION, according to the official Plat thereof,
on file and of record in the office of the recorder, Valley County, Idaho.

161974
GENERAL RECORDS
REQUESTED BY:
RECORDED
File 6 320 PM '91
JUL 25 1991

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s. their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s. that they the owner s. in fee simple of said premises: that they are free from all incumbrances excepting reservations, easements, incumbrances, restrictions and rights of way appearing of record and/or existing.

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: July 25, 1991

THOMAS WHITING

Elizabeth Whiting
ELIZABETH WHITING

STATE OF IDAHO

COUNTY OF Blaine

On this 25th day of July, 1991, before me, a Notary Public, personally appeared

THOMAS WHITING and ELIZABETH WHITING
known or identified to me to be the person whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

My Comm. Expires 12-20-94
Notary Public
Residing in 700 S.W. 5th
Portland, Oregon Oregon

MICROFILMED

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

in this office, day of 1991, in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

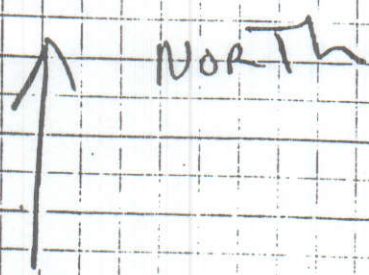
By
Peron &
Mail sec

Deputy



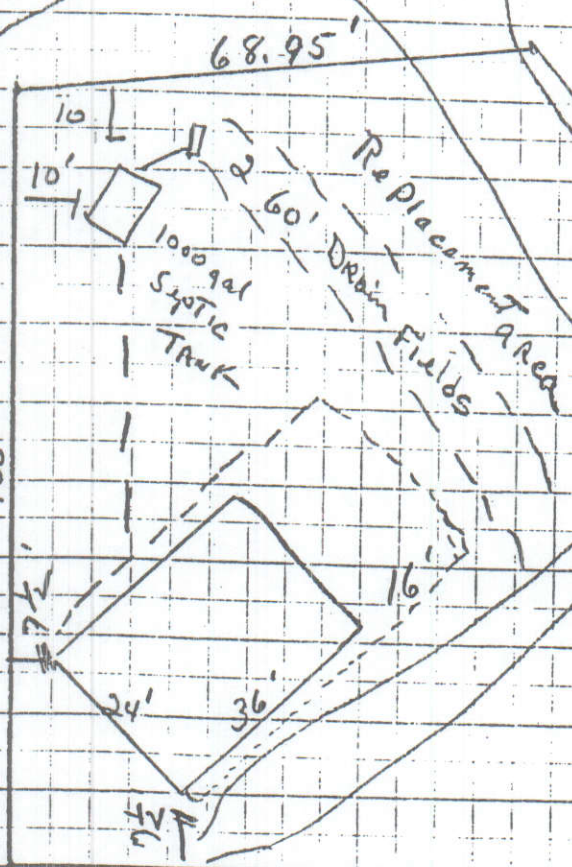
First American Title

Plot Plan #2



04517W Road

Drains



MICROFILMED
JUN 09 1998

RECEIVED

AUG 05 1998

**WATER RESOURCES
WESTERN REGION**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. W024233
Receipt By: KL
Date Received: 8/5/98

RECEIVED

AUG 06 1998

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 77-07364 Telephone No. 208-452-3468
2. Name(s) of Permit Holder(s): LELAND J. KELLY AND JERLEEN KELLY
3. Mailing Address: PO BOX 462, FRUITLAND, ID 83619-0462
4. Source of Water: unnamed stream 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: .04 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 <u>x</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>x</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>x</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>x</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: LELAND J KELLY **Telephone Number:** 208-452-3468

Address: PO BOX 462, FRUITLAND, ID 83619

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: *Arleen Kelly* Date: 8/5/98
(Include your title, if on behalf of company or organization)

MICROFILMED

SEP 29 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 77-07364

Proposed Priority: August 26, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **JERLEEN KELLY**
LELAND J KELLY
PO BOX 462
FRUITLAND ID 83619-0462

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of **SALMON RIVER, SOUTH FORK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
FIRE PROTECTION	01/01 to 12/31	0.04 CFS
	Totals	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 2, Township 21N, Range 07E
VALLEY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

21N 07E 2 Lot 2(NWNE)

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1999.
2. Subject to all prior water rights.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Place of use is located within Lot 43, Blk. 3; Trail's End Subdivision.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre within the platted subdivision lot upon which a home has been constructed.
9. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
10. Domestic use is for 1 home.

APPROVED

JUN 19 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07364

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

14 day of January, 1998

Karl J. Dreher

for
Karl J. Dreher, Director



Ident. No. 77-07364

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Received
5/28/98
JAN 02 1998

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Richard J. Kelly or Arthur Kelly Phone 452-3468
Mailing address P.O. Box 462, Fruitland, N.M. 88614
2. Source of water supply unnamed stream which is a tributary of S Fork Salmon
3. Location of point of diversion is Township 21N Range 7E Sec. 2 in the Valley 1/4, NW 1/4, NE 1/4, Govt. Lot 02, B.M., Valley County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount .02.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .04 for Fire Protection 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) .04 and/or (b) _____
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 _____
- b. Height of storage dam 0 feet; active reservoir capacity 0 acre-feet; total reservoir capacity 0 acre-feet
- c. Proposed well diameter is 0 inches; proposed depth of well is 0 feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? 0; Drilling firm 0;
Well was drilled for (well owner) 0; Drilling Permit No. 0

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. _____
- d. Domestic; show number of households. 1
- e. Other; describe fully. Fire protection, irrigation less than 1/2 acre

JUN 15 1998

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	7E	2		D/F															
				900 ft Lot 2															

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? Tom Roberts as per agreement
b. Who owns the land to be irrigated or place of use? (Self) Leased on Section Kelly
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: Trails End Subdivision Lot 43, Bl. 3

Comments Can process while cannot letter to applicants and
IDFG identify condition of approval to address
governor's Bull Trust plan issues. 9/17/97 per
subd. plat

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.

Jordan P. Kelly
Signature of Applicant (and title, if applicable)

Received by JFW Date 8/26/97 Time 9:00 AM Preliminary check by JFW
Fee \$ 50.00 Receipted by JFW # W022970 Date 8/26/97
Publication prepared by ST Date 9-10-97 Published in Star Tribune 9-18 + 25 97
Publication approved ST Date 11-21-97

Applicant, msp

all my good lot 2

WALKER
BIRD CO.

Idaho

INTERNATIONAL #1570 REFERENCE

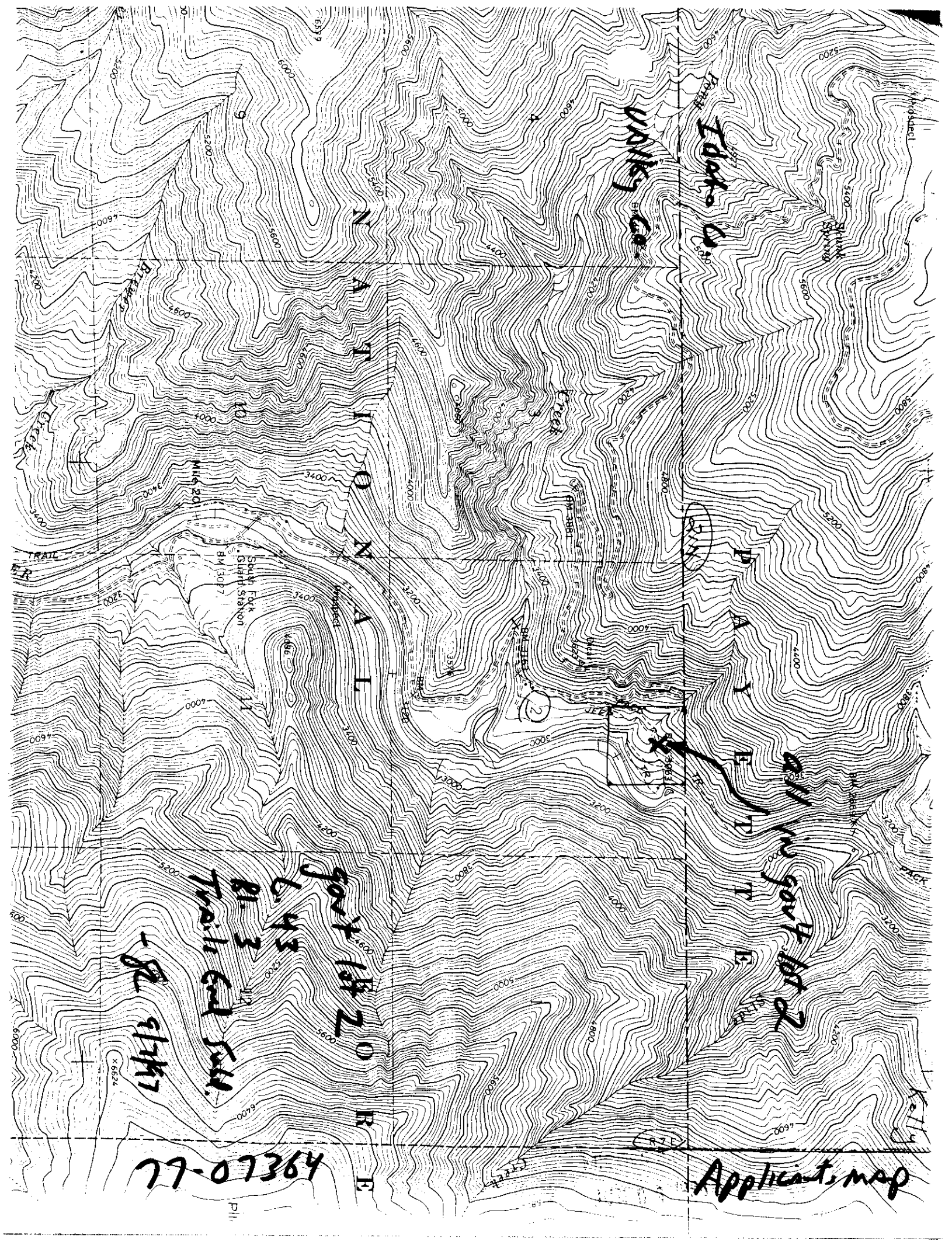
0095 2000 1000 0000

81-3

Trail End Fall.

一五九

77-07364



TRAILS END SUBDIVISION

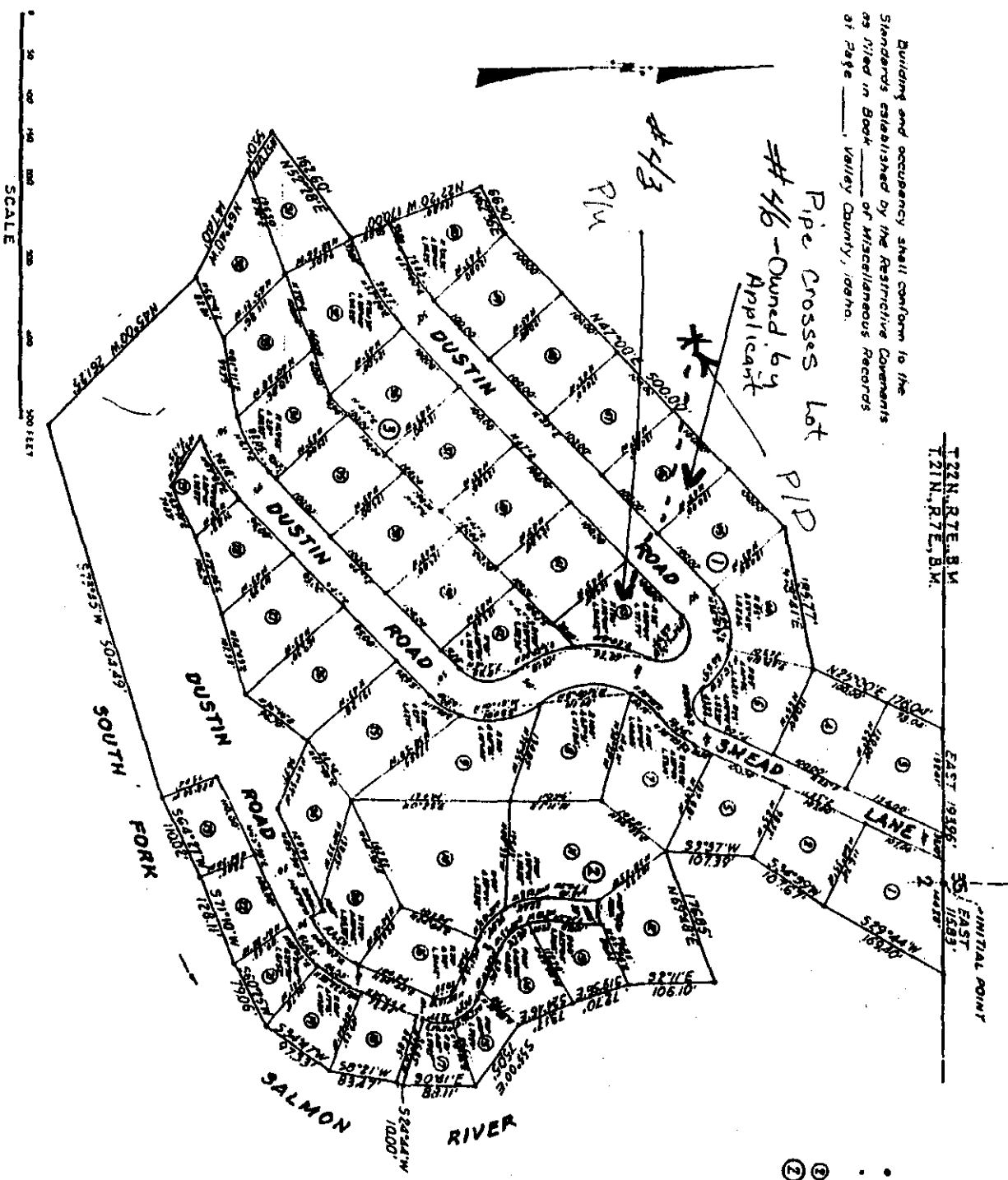
* A PART OF THE N2 SECTION 2, T.21N., R.7E., B.M. VALLEY COUNTY, IDAHO.

BILL HARRIS CONSULTING ENGINEER

Building and occupancy shall conform to the Standards established by the Restrictive Covenants as filed in Book _____ of Miscellaneous Records of Page _____, Valley County, Idaho.

Pipe crosses lot #46 - Owned by Applicant

#43 PL



- INITIAL POINT
- Any of Points or Other Points
- Lot Numbers
- Block Number

Subd. lot

PL = L. 43

BL 3

pld = NOT in subd.

77-07364

Applicants' map
(Also see IDWR maps, attached)

This map copied from 9/91 Exam of community system 77-07241 (part A) JL 8/24/97

TRAILS END SUBDIVISION

ART OF THE NE SECTION 2, T.21N., R.7E., E.1M. VALLEY COUNTY, IDAHO.

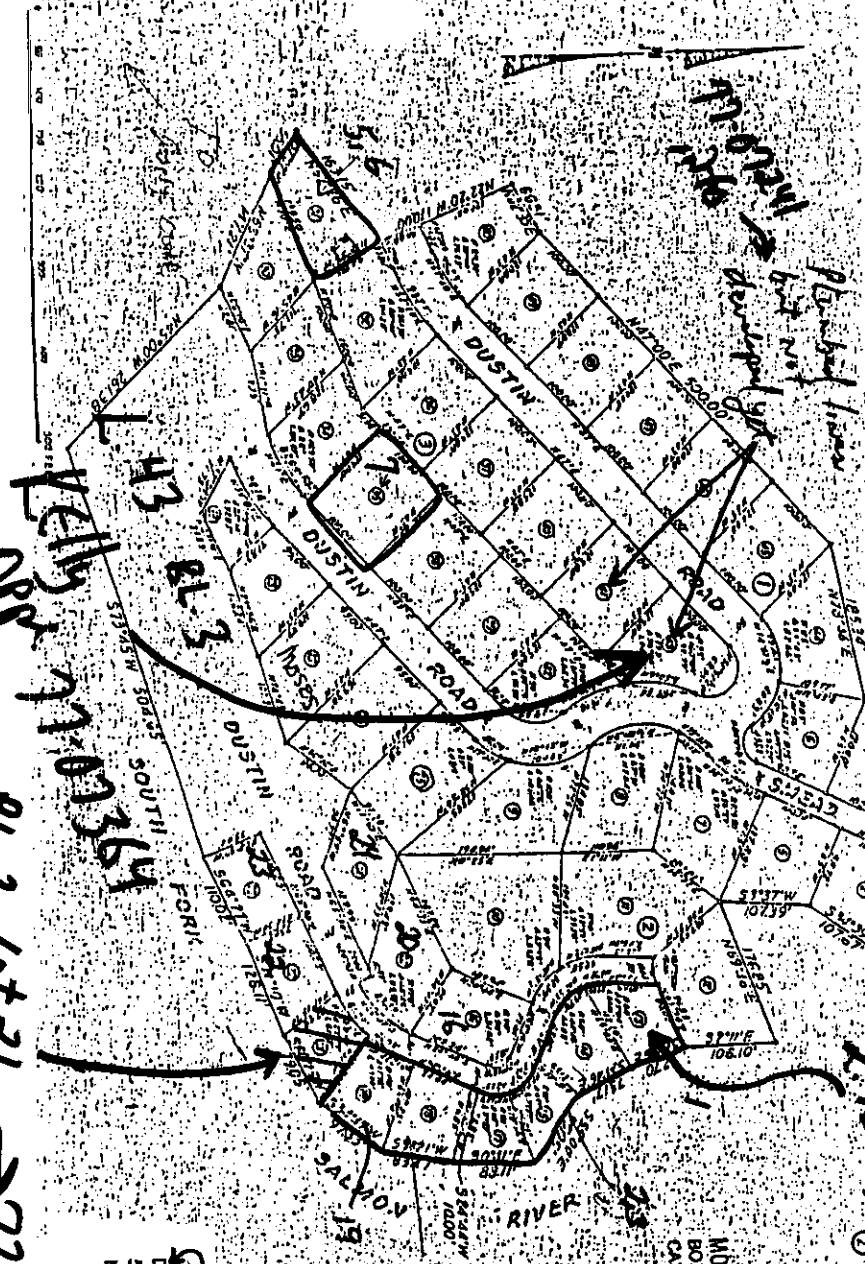
BILL HARRIS CONSULTING ENGINEER

Also see
Acreage book
plat (cc from
77-07346
Serving L.22 & L.2)

LEGEND
INITIAL POINT 2-1/2" with Brass Cap
Angle Points on Boundary 5-150-100m Bars
Other Points 5-12-100m Bars
Lot Numbers
Block Numbers

MOUNTAIN TITLE & ESCROW COMPANY, INC.
BOX 798 - 382-4207
CASCADE, IDAHO 83611

Iron map



RECEIVED FROM
Dwight Cross
5415 Custer Road
New Plymouth, ID 83655

community system

RECEIVED
SEP 11 1991
Department of Water Resources
Valley National Office

#	Block	Lot
1	2	1/3
2	2	1/4, 1/5
3	2	1/7
4	2	18, 19
5	3	31 (C?)
6	3	35 (C?)

O = P/u

#	Estimated area
1	801100 = 80100
2	250290 = 25050
3	
4	
7	100125 = 12,500

Total = 415,000
= .987 = 1.0
acre

Bl. 2 Lot 21 → 77-07363 O. & L. Cross

(cc from)

T-4624 (70)

WARRANTY DEED

For Value Received

THOMAS MITTING and ELIZABETH MITTING, husband and wife

do hereby give, bargain, sell and convey unto

LELAND JAMES KELLY and JERLEEN LANAILE KELLY, husband and wife

the parcel of land, more or less, situated in 615 South Fourth Street, Fruitland, Idaho 83619

the following described premises, in Valley County, Idaho, to-wit:

Lot 43, Block 3 of TRAIL'S 2ND SUBDIVISION, according to the official Plat thereof, on file and of record in the office of the recorder, Valley County, Idaho.

161974
RECORDED
JUL 25 1991
JUL 25 1991
JUL 25 1991

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee & their heirs and assigns forever. And the said Grantee do hereby covenant to and with the said Grantee & their heirs & assigns in fee simple of said premises that they are free from all incumbrances excepting reservations, easements, incumbrances, restrictions and rights of way appearing of record and/or existing.

and the said Grantee will warrant and defend the same from all lawful claims whatsoever.

Witness my hand and seal this 25th day of July, 1991.

THOMAS MITTING

Elizabeth Whiting
ELIZABETH MITTING

STATE OF IDAHO, COUNTY OF FRUITLAND

On this 25th day of July, 1991, before me, a Notary Public, personally appeared THOMAS MITTING and ELIZABETH MITTING, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

My Comm. Expires 12-31-94
Notary Public
Residing at 700 S. W. 4th
Fruitland, Oregon Oregon

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record in the

Register of
this day of
1991, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy

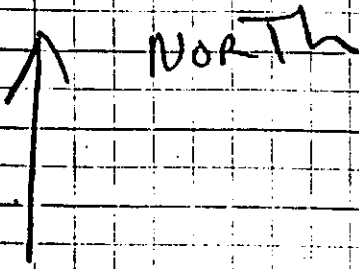
Page 3
Mail to:



First American Title

JUL-28-97 MON 12:09

Plot Plan #2



Stream

68.95'

92.82'

Replacement Area
60' Drain Fields

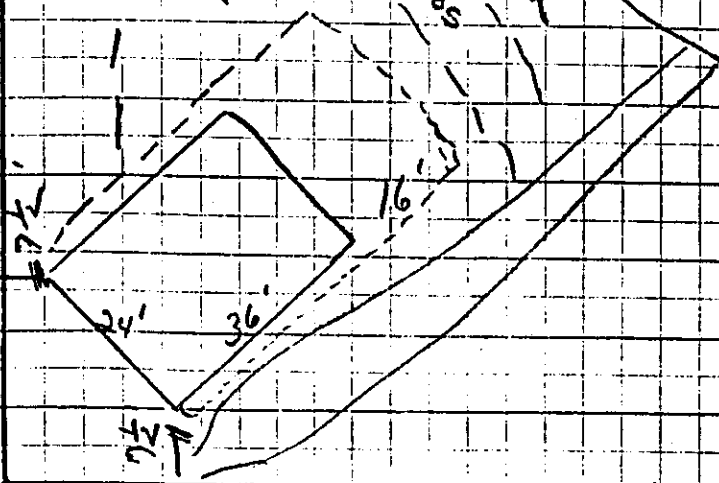
1000 gal
Septic
Tank

UASTW ROAD

100'

85.58'

125





State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 05 1999

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 4, 1999

To: Distribution List

Re: Field Examinations of Water Systems

Dear Water Right Owner:

You are one of five water right owners of individual water right permits serving property in Trails End Subdivision. I plan to conduct field exams of completed water delivery systems right after Labor Day of this year. The purpose of the field exams is to verify the completed development in order for this department to issue water right licenses, which represent the end product of your water right process.

Seven water right permits for five owners are involved. I already conducted the exam for Keithley's cabin (#77-07346). I also conducted the field work for the community system several years ago, so I am familiar with the site.

A field exam can be done for a permit in which the proof of beneficial use has been filed by the owner. The proof filing is your statement that the development has been completed. For domestic situations, you do not necessarily have to finish building the cabin. As long as you have completed a water delivery system and have made beneficial use of that water in a domestic setting such as camping etc., your domestic use will be recognized in the licensing process.

For example, a diversion system and a delivery line ending at your domestic site -- whether it be a cabin, an occasional use of a trailer or camping set up, or something similar -- can be licensed within your domestic permit.

Proof has been filed for three permits. Proof is due within the next two years for three other permits. For the latter group, you may choose to file your proof right away if your development is completed as discussed above. The proof filing fee is \$50. Early filing of the proof of beneficial use will allow me to conduct all of the field exams at once, which will save the taxpayers quite a lot of money in the long run. Do not file your proof if your development is not completed as discussed above -- instead, use

August 4, 1999
Page 2

your remaining development time to complete your system before filing proof.

Please review the attached table and diagram and send your response to me as soon as possible. That will help me complete the necessary field work to advance your permit into a license, which will protect your water right and enhance the value of your property. Please call me at 334-2190 if you have any questions or concerns about this arrangement. Thank you very much for your help in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosures

Distribution: Myra & Gerald Chatwood, Linda & Dwight Cross, Mary
& Morris Hartung, M. C. & Scott Keithley, Jerleen &
Leland Kelly

Table 1. Trails End Subdivision Permits.

<u>Owner</u>	<u>Right #</u>	<u>Proof filing</u>	<u>Comments</u>
Keithley	77-07346	filed 1996	Lot 22, field exam done 1997
Cross	77-07339	filed 1998	Lot 13, river water, exam can be done
Cross	77-07363	filed 1998	Lot 21, unnamed stream, exam can be done
Kelly	77-07364	filed 1998	Lot 43, unnamed stream, exam can be done
Hartung	77-07357	due 2/2000	Lot 16, unnamed stream, file proof if development done
Chatwood	77-07367	due 3/2001	Lot 12, unnamed stream, file proof if development done
Chatwood	77-07368	due 6/2001	Lot 12, river water, file proof if development done

If you have filed or are filing proof now so exams can be done:

- 1) See attached diagram with your lot(s) shown.
- 2) Send me a brief diagram that describes what your cabin or site looks like.
- 3) Include directions of how to locate your diversion point once I get to your lot. Indicate how water is conveyed from the diversion point to your cabin or other place of use (i.e., 50' of 2" buried pipe).
- 4) If your diversion is a portable pump, list the brand name, horsepower (hp) and serial number of the pump. If the portable pump is stored at the site but I will not be able to see it to read the pump tag, please provide your best recollection of at least the hp of the pump.

If I can identify your point of diversion, type of diversion, conveyance system from the diversion, place of use (cabin, camping spot etc.) and any hp etc. specs for pumps, the field exam will be completed and your license will be issued.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07364 Reviewed by [Signature] Date 8-24-98

GENERAL CONSIDERATIONS

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

TYPES OF USE

dom

Correct Uses? yes

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

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 8-5-98



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

**PHILIP E. BATT
GOVERNOR**

August 24, 1998

**KARL J. DREHER
DIRECTOR**

Jerleen Kelly
Leland J Kelly
PO Box 462
Fruitland ID 83619-0462

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07364

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 department's **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
SEP 29 1998



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 15, 1998

PHILIP E. BATT
GOVERNOR

JERLEEN KELLY
LELAND J KELLY
PO BOX 462
FRUITLAND ID 83619-0462

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07364

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.

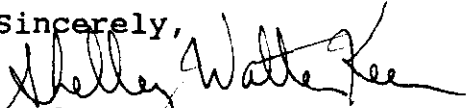
Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should 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.

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

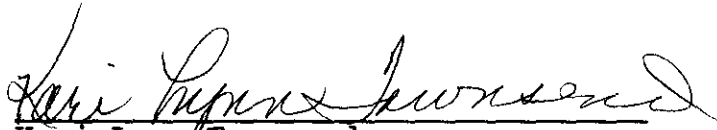
JAN 20 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 1998, 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. 77-07364

JERLEEN KELLY
LELAND J KELLY
PO BOX 462
FRUITLAND ID 83619-0462


Kari Lynn Townsend
Secretary

JAN 23 1998

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.

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.

12/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*

No.: 77-7364 Name: Kelly Date: 1/12/98 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN: Domestic Yes: S/C Mor / _____ GWMA / Trust / Non-trust
PROTESTED: _____
- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof
>1 year

P16
- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)
- No MD

WMD Supplemental use

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- 01M (report when notified)
- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

- 046-P23
- Permit No. _____ - _____ - _____ - _____, P99

No drilling permit?

irr. in WD

-(post 7/1/87)
- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

- ~~WB9 Salmon R~~
- R04 (WD # _____) -01J-P08 (MD)
- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)
- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)
- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

- *W22 -P04, NA
- 007 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 071-070
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- 054(req) -081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

- P84 (in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- _____
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

- 004 (PD/PU) Roberts / agreement
- 11E 077

- 007 010 04 W60 05 W01/1

- 01089

BENEFICIAL USE DUE:

- 1/1/1999

COMMENTS:

JAN 02 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SL DATE: 9/7/97 APPLICATION: 77-07364

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)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

4 P/D
P/U

ADDITIONAL INFORMATION

N/A ADVERTISE REMARK(S)
(Reviewer identify which remarks)

YES NO

See notes in 77-07363 for April 8th lot same filed.

N/A T FLAG CHANGED TO P FLAG

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: exempt Salmon R. moratorium
Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
Copy to Dam Safety staff: (for any storage)
Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
Send power requirement letter:
Send 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

NOTE waiting for "Bull Trout" conditions IDFG w/IDWR
12/22/97
SL
10/22/97

DATE REQUESTED

PROCESSING

APP. NO.

77-07364

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:

YES NO

YES 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

10-6-97

Protests received.

Resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

limited to 1/2 acre with an existing home.

See below for additional information

Recommended Date or Priority

8/26/97

Recommended by:

Gary S

Date:

12/24/97

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION:

OK per IDFS
12/9/97 BHW
fu

Lot also i.d. under Community System 77-07241 (Pony Creek).

See Appl. Comments in similar pending appl. 77-07363 (Cross).

Can process both these apps. while soliciting IDFS recommendations
e Bull Trout imports.Delivery pipe will cross L46 owned by other party - "per
agreement" stated in this filing.



IDAHO FISH & GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

Philip E. Batt / Governor
Stephen P. Mealey / Director

December 9, 1997

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

RE: Water Right Applications in South Fork Salmon River Drainage
77-07359/Rod Blackstead (South Fork Salmon River)
77-07360/Rod Blackstead (South Fork Salmon River)
77-07361/Saleen Family (South Fork Salmon River)
77-07363/Cross (Unnamed Stream, trib. to SF Salmon River)
77-07364/Kelly (Unnamed Stream, trib. to SF Salmon River)
77-07365/Rod Blackstead (Spring to Sinks)
77-07366/Rod Blackstead (Spring to Sinks)
77-07367/Chatwood (Unnamed Stream, trib. to SF Salmon River)

Dear Mr. Lester:

We have reviewed the above pending water right applications from the South Fork Salmon River mainstem, tributary, and adjacent spring, and we offer the following comments for your consideration.

The above water right filings amount to a cumulative total of 0.28 cubic feet per second. We do not anticipate significant adverse effects to native fish populations (chinook salmon, steelhead trout, westslope cutthroat trout, bull trout, mountain whitefish) or fish habitat as a result of permitting these applications. At this time, we do not recommend any conditions based on fish or wildlife concerns.

Thank you for the opportunity to comment. Questions should be directed to Scott Grunder, Natural Resources Biologist.

Sincerely,

Al VanVooren
Regional Supervisor

AV:sag

cc: NRPB
McCall Office IDEFG (Don Anderson)
IDHW-DEQ-BRO (Bob Steed)

DEC 9 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/5/97

TO: Scott Grunler

FROM: Steve Latta

465-8467

This is follow up of your last conversation with Gary:

DOCUMENT DESCRIPTION: Bull Trout impact? Can continue processing
per your comments. Profile reports of application included in
this fax. Can send ~~comments~~ comments to me or to Gary
Spokane & this office.

TOTAL PAGES SENT: 10 + COVER SHEET

CONTACT: _____

NOTES: 1) -7363 -7364 -7367 = Trails End Subd.

2) Other = Copenhagen Subd.

3) -7365 -7366 = Spring AKA "Cherry Spring", possibly
trib to River per previous IOWA
Records

4) -7363 -7364 -7367 = New stream formed by flooding through
Subd; flows directly into River

JUN 06 2000

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Leslie S. Fryer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho: that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began September 18, 1997 and ended September 25, 1997.

Subscribed and sworn before me this the 20th day of November, 1997.
STATE OF IDAHO
COUNTY OF VALLEY

On this 20th day of November, in the year of 1997, before me, a Notary Public, personally appeared Leslie S. Fryer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the state of Idaho:

Idaho: 6-13742
Applicant: Fryd
13999 Rodeo Ranch Way
McCall, Idaho 83638

Source: Unnamed Stream
Diversion Point: 35 T 18N 02E in Valley County
Use: Irrigation Storage
Total Diversion: 1.50 AFS

Date Filed: 8/21/1997
In: Valley County
118N ROTE 33S SESE

77-07363
Cross, Dwight H
Cross, Linda K
5419 Cedar Rd
New Plymouth, ID 83638

Source: Unnamed Stream
Diversion Point: Lot 2 (NW/NE/NE Sec 2 T 21N R 07E in Valley County)
Use: Domestic
Fire Protection
Total Diversion: 0.00 CFS

Date Filed: 8/21/1997
In: Valley County
121N ROTE 502 Lot 2 (NENE)

77-07364
Kelly, Leif
P.O. Box 462
Fruited, Id 83619

Source: Unnamed Stream
Diversion Point: Lot 2 (NW/NE) Sec 2 T 21N R 07E in Valley County
Use: Domestic
Fire Protection
Total Diversion: 0.00 CFS

Date Filed: 8/26/1997
In: Valley County
121N ROTE 502 Lot 2 (NWN/NE)

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 or before October 6, 1997. The protest must also send a copy of the protest to the applicant.
Karl J. Dreher, Director, 26975

CONVERSATION MEMORANDUM

DATE 10/22/97FILE 77-07364NAME OF PARTY Jervleen KellyA77-04169 HEMPLOYEE JLRE: Validity of Rights/Claims, Status etc.77-07364

Wondensed & status of new appl. for new
source for existing O/I on L. 43, Trails End sub.

Region is working in IDEG-IDWR conditions of
approval re Bull Trout plan.

A77-04169 H (Recently filed change of ownership) -

Pony Cr., originally S. McLean:

for L. 46 across road from L. 43 being requested
in 7364.

Said has used Pony Cr. water on L. 46 in
past for camping & for temp trailer as was
building L. 43 cabin. Been visiting their lots past 20 yrs (?)

Wants look up to existing ditch system for
77-04169 now used by several parties uphill
from Kelly's lots.

Said not problem to tap into delivery system to
get water supplied to L. 46 - but wants to
be sure is OK per WR/AJ point of view.

Discussed future etc. issues - will be possible in
a proceeding such as STES or transfer appl. but
cannot be determined without such an action.

Continued →

Jim or
Jervleen
Kelly

Home
208-452-3468

Work
342-1561
(Burr)

CONVERSATION MEMORANDUM

DATE 10/22/97

FILE _____

NAME OF PARTY Jim KellyEMPLOYEE FL

- P52 -

RE: Continued MORE discussion re A77-04169H:

dept. cannot state whether or not this claim - and whole series of -4169 claims - is valid or not. Appears doubtful that many domestic splits A through P so far) will be recognized ~~under~~ under what was essentially an immig. right.

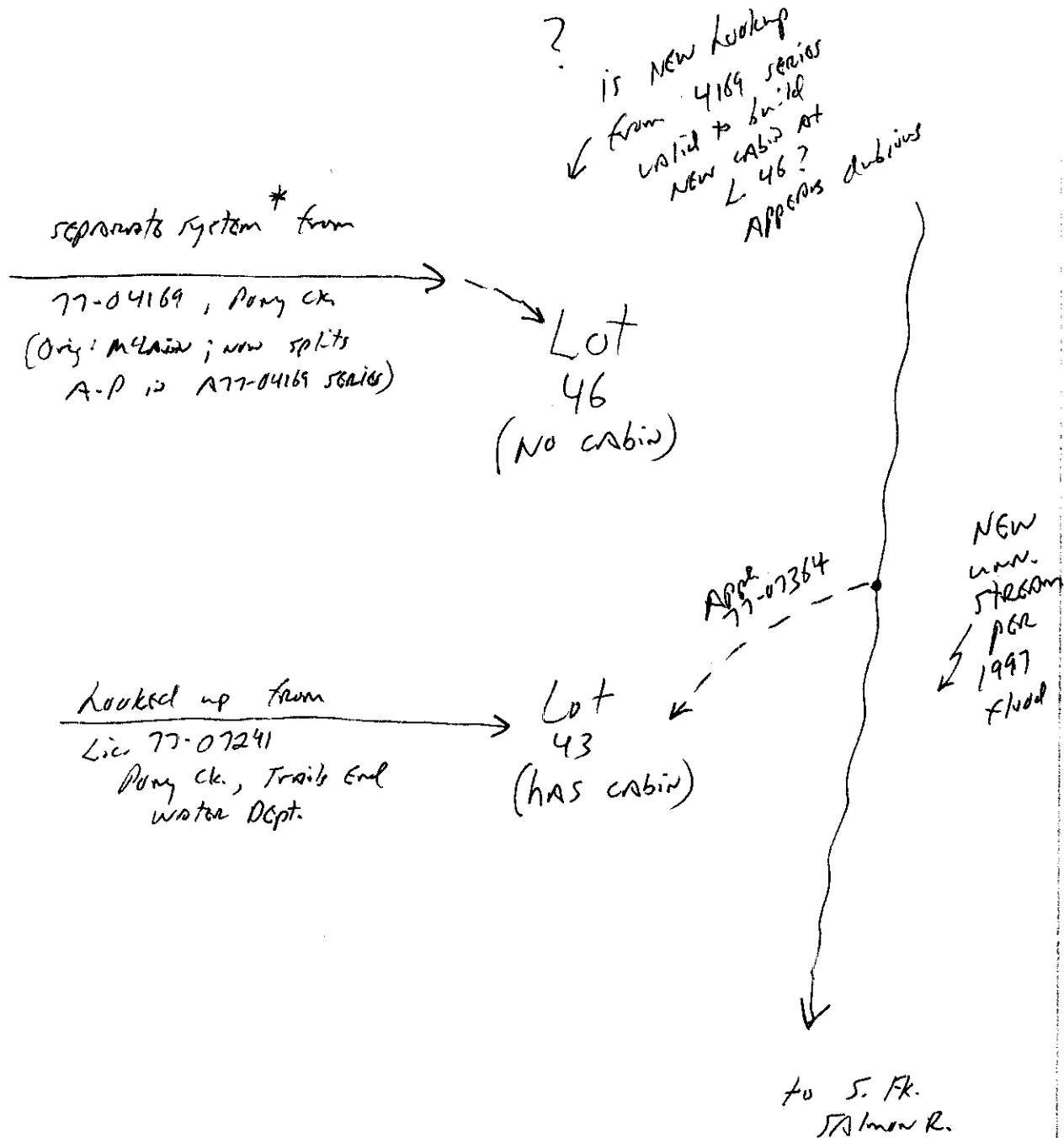
Kellys might consider filing a new appl to same proposed home on L. 46 so can obtain a bldg. permit from local government.

Orig - 77-07364

CL - A77-04169H

JUN 09 1998

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



* was ditch, now "flood ditch"
where pipe laid in ditch
delivery system.
D. Forest pipe from 7241 license
JUL 8 1997

gc 10/22/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

✓
DATE: 9/18/97

*per her request, faxed as
of appl.*

TO: Holly Becker
PNF

FROM: Steve Latta

fax 208-634-0744

DOCUMENT DESCRIPTION: Appl. 77-07364 (Kelly)-
I own maps noted in Appl. not included in fax -
Applicant's maps show locations.

TOTAL PAGES SENT: 05 + COVER SHEET

CONTACT: _____

*I was on-site on 9/9/97 examining a system for Lot 22
(Keithley). Flooding cut a new channel (the unnamed stream
in Kelly's Appl.?) that reaches River E NE corner of
Lot 22. Lot 22 = second lot from southern end of
subd. between map 1A66's "Dustin Rd" & "South Fork Salmon".*

-SL

JUL 05 1998

77-07364

KELLY, JERLEEN
KELLY, LELAND J
PO BOX 462
FRUITLAND, ID 83619

Source: UNNAMED STREAM

Tributary: SALMON RIVER, SOUTH FORK

Diversion Pt: LOT 2 (NWNE) Sec 2 T 21N R 07E in VALLEY County.

Use: DOMESTIC	(	0.040 CFS)
FIRE PROTECTION	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 8/26/1997

In: VALLEY County
T21N R07E S02 Lot 2 (NWNE)

JUL 10 1998