

77-07363

21N, 07E

PAYETTE

POD
PO4

P/O, Mu = gnt L. 2

AKA L. 21

Bl. 2

Trail End Sold

-SL 8/24/97

TIONA L F O R E

* g.L. 2 = NWNE is that part
of NWNE west of
River

MICROFILM
JUN 09 1998

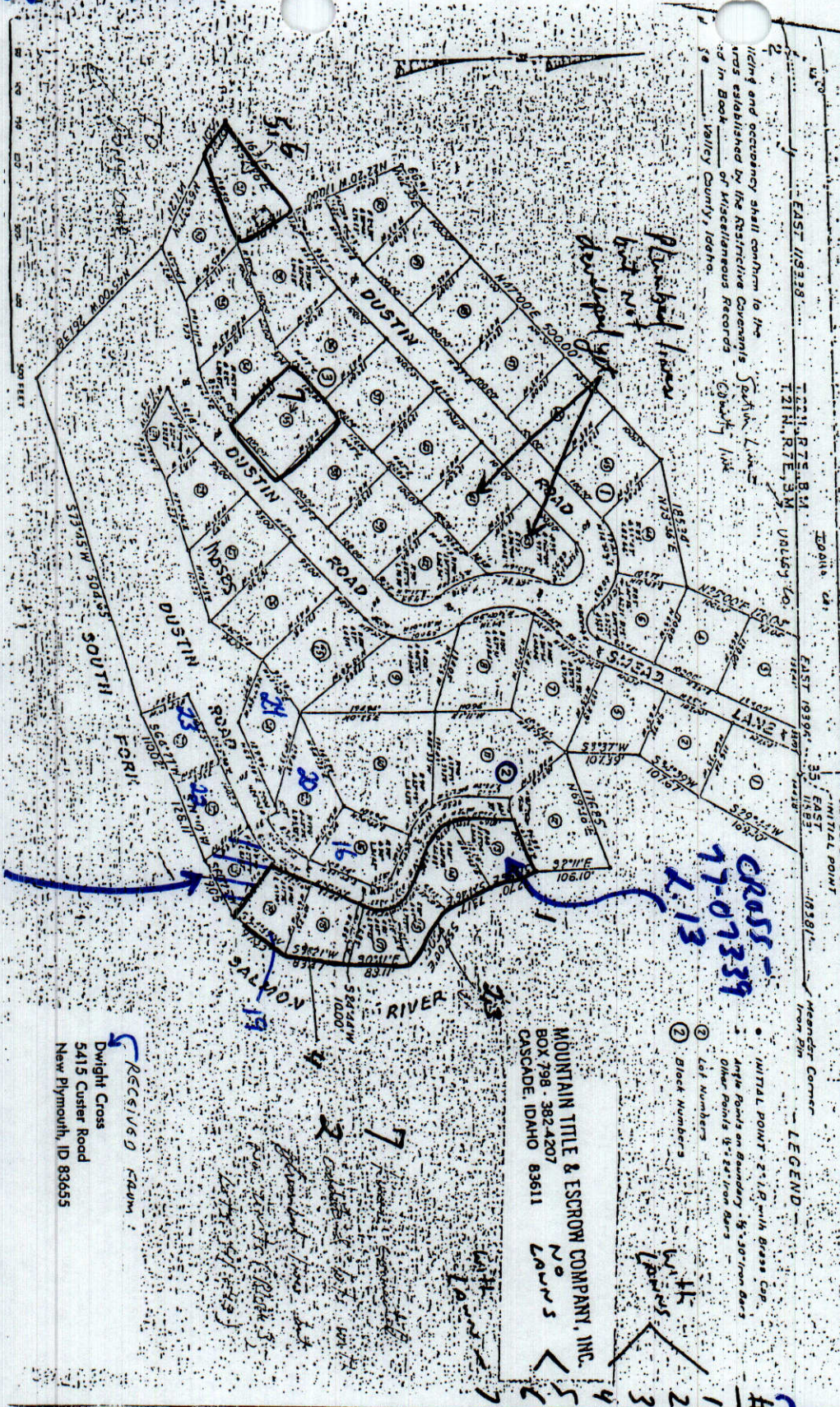
APPLICANTS map
w/ ZONE notes

This map copied from 9/91 exam of community system 77-07241 (part A) JL 8/24/7

TRAILS END SUBDIVISION

A PART OF THE N2 SECTION 2, T.21N., R.7E., E.1M.

BILL HARRIS CONSULTING ENGINEER



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

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

Department of Water Resources
Western Regional Office

RECEIVED
SEP 11 1991

community system

#	Block	Lot
1	2	1/3
2	2	14, 15, 17
3	2	18, 19
4	3	31 (C)
5	3	35 (C)

O = P/U

Estimated area
1 80x100 = 8000
2 850x9 = 22500
3 100x125 = 12500
Total = 45,000
= .987 = 1.0
AVE

Bl. 2 Lot 21 77-07363 D. & L. Cross

Idaho map

TRAIL END SUBDIVISION

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

BILL HARRIS CONSULTING ENGINEER

ner (Closing)

EAST 1183.38'

T.22N., R.7E., B.M.
T.21N., R.7E., B.M.

EAST 193.96'

Standard 1/4 Corner
INITIAL POINT

EAST 1158.3'

183.81'

Meander Corner
Iron Pin

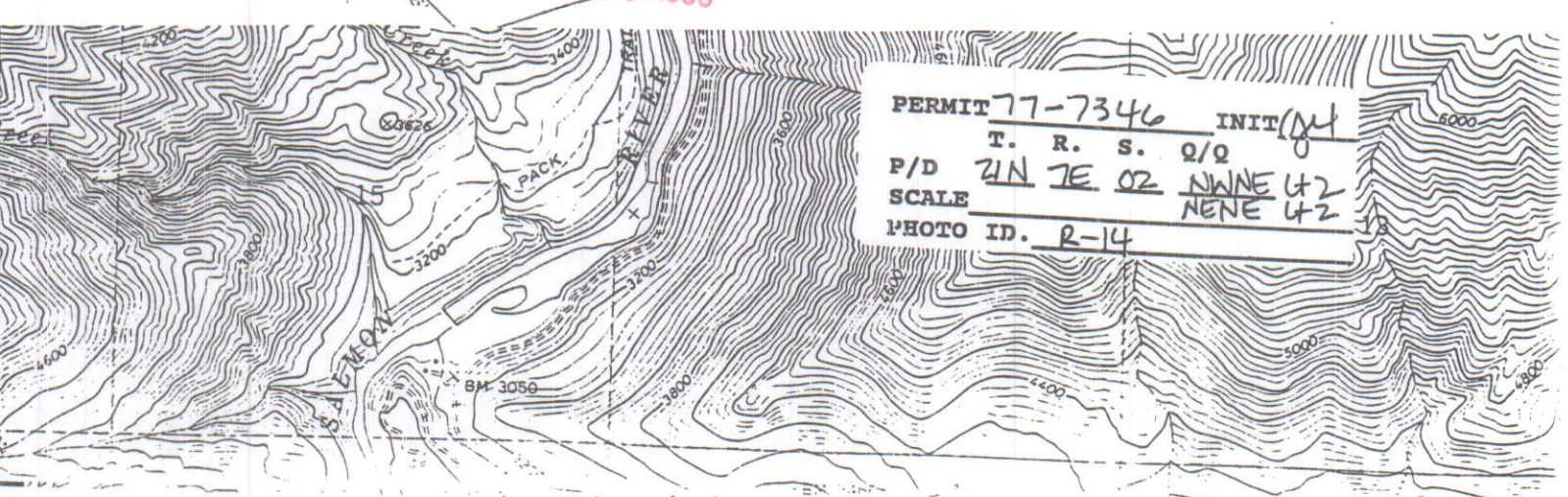
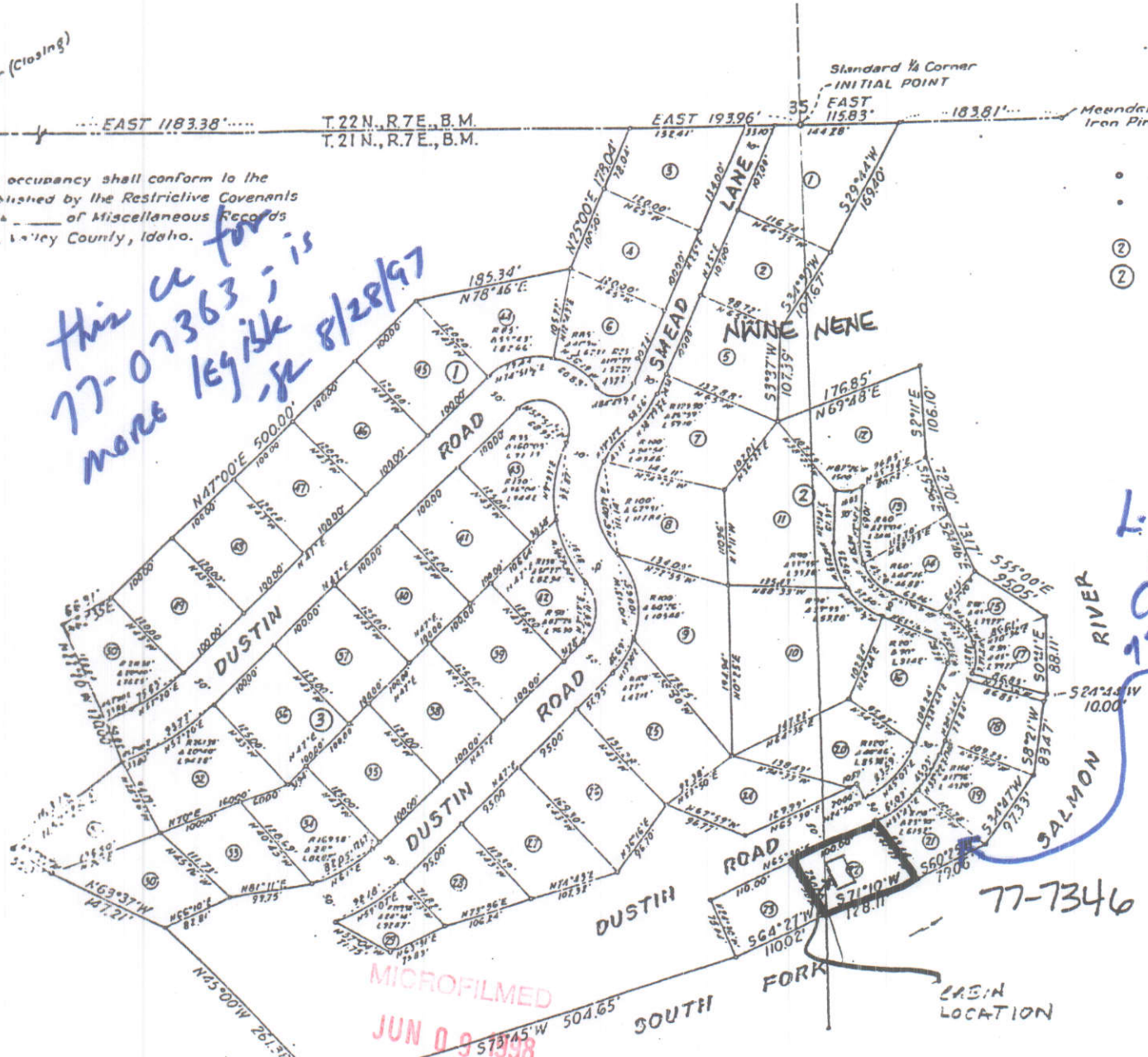
- L.

and occupancy shall conform to the
established by the Restrictive Covenants
of Miscellaneous Records
Valley County, Idaho.

- INITIAL POINT
- Angle Points or
Other Points
- ② Lot Numbers
- ② Block Numbers

*this is for
77-07363; is
more likely
8/28/97*

*L.21
is
cross
77-07363*



PERMIT 77-7346 INIT/M
T. R. S. Q/Q
P/D 21N 7E 02 NWNE 42
SCALE NENE 42
PHOTO ID. R-14

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. 77-07363 Telephone No. 208-278-5213
2. Name(s) of Permit Holder(s): Dwight & Linda Cross
3. Mailing Address: 5415 Custer Road New Plymouth, Idaho 83655
4. Source of Water: unnamed creek 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: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
- Name: Dwight Cross Telephone Number: 208-278-5213
- Address: 5415 Custer Road New Plymouth, Idaho 83655
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: [Signature] Date: 12-15-98
(include your title, if on behalf of company or organization)

MICROFILMED
APR 09 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 77-07363

Proposed Priority: August 21, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **DWIGHT H CROSS**
LINDA K CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

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	04/15 to 10/15	0.03 CFS
FIRE PROTECTION	01/01 to 12/31	0.04 CFS
	Totals	0.04 CFS

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

PLACE OF USE: DOMESTIC

TWN RGE SEC

21N 07E 2 Lot 2(NENE)

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 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.
4. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. Place of use is located within Lot 21, Blk. 2; Trail's End Subdivision.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
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. Domestic use is for 1 home.

APPROVED

JUN 09 1998

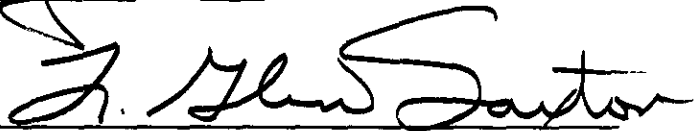
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07363

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

14th day of January, 1998


for Karl J. Dreher, Director



MAILED
JUN 09 1998

Ident. No. 77-07363

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 02 1998

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: DWIGHT H CROSS 208-278-5213
Address: 5415 CUSTER RD
NEW PLYMOUTH ID 83655
AND/OR
Name: LINDA K CROSS 208-278-5213
Address: 5415 CUSTER RD
NEW PLYMOUTH ID 83655
2. Source: UNNAMED STREAM Trib. to: SALMON RIVER, SOUTH FORK
3. Location of Point of Diversion: Lot 2 (NW 1/4 Sec. 2, Township 21N, Range 07E VALLEY County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
~~IRRIGATION~~ DOMESTIC	04/15	10/15	0.030		
FIRE PROTECTION	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.070 CFS (and/or) AF
04
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP IN STREAM TO PLACE OF USE
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

* d'base corrections 9/7/97 per telecon with applicant on 8/28/97.
-SL

REVISED APPLICATION

* 8. Place of Use: ~~IRRIGATION~~ DOMESTIC

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
21N	07E	2	Lot 2(NENE)	00.5		0.5

Total number of acres irrigated: 0.5

* Place of Use: FIRE PROTECTION SAME AS ~~IRRIGATION~~
DOMESTIC

~~TWN RGE SEC~~
~~21N 07E 2 Lot 2(NENE)~~

9. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [✓]

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

Virgil H. Coon
Applicant

Received by MTS Date 8/21/97 Time 2:50 Preliminary check by _____

Fee \$ 50 Receipted by MTS # W022948* Date 8-21-97

Publication prepared by ST Date 9-10-97 Published in Star News
9-18-97

Publication approved ST Date 11-21-97

JUL 28 1997

* Database updated per IDWA standards.
Rpt. # entered also.

-82 8/22/97

Ident. No. 77-07363

Comments: Date: 8/22/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Processing held pending clarification from applicants - appears irrigation can be re-described as domestic lawn. Also, total use should be limited to .04 cfs within Salmon R. Moratorium.

Applicants also have permit 77-07339 for different P/D @ the river: serves unit at Lot 13 so unrelated to new filing.

This partially completed subd. has been served by community system from Pony Creek (77-07241). Reportedly, that system has been interrupted by recent flooding problems. The flooding also introduced a new channel through applicants' Lot 21 that is now being filed on for this lot adjacent to the service area listed in 77-07241 (I did that field exam in 1991). Community users had another permit from Pony Creek system for 2 more lots, although it is not clear which 2 lots that included. That permit has lapsed. Thus, it cannot be said that new appl. replaces service authorized under existing community right(s). Note also that the original community right has not been claimed in SRBA (77-04041) & I recall from 1991 field work & related follow up that no other community system except Pony Creek is in place.

When advertised, comment letter to IDFG with cc to applicants can be used to define acceptable conditions of approval to meet the governor's bull trout plan recently published. Based on whatever agreement is reached with IDFG & applicants, IDWR could issue a permit with appropriate conditions of approval to meet the bull trout limits plus remain within Salmon R. Moratorium limits.

This method will expedite processing of new application (can also use this method for similar applications filed in moratorium area &/or bull trout impact area).

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 09/07/97
Time: 13:55:21

Water Right Number: 77-07363

Comment Date: 9/ 7/1997 User ID: SLESTER

Subject: PROCESSING UPDATE

Acceptable to now process application by using comment letter to applicant and IDFG to address possible impacts related to the Governor's Bull Trout plan.

Property aka Lot 21, Bl. 2 Trails End Subd.

Domestic use is for up to 1/2 acre lawn irrigation, and total is limited to .04 cfs within moratorium limits. This is acceptable to applicants per 8/28/97 telephone conversation.

77-07363

21N, 07E

PAYETTE

POD
POU

P/O, Mu = 900 L. 2
AKA L. 21
BL. 2

Trail End Subd
FOR E
-FL 8/24/97

* 9. L. 2 = NWNE is that part
of NWNE West of
River

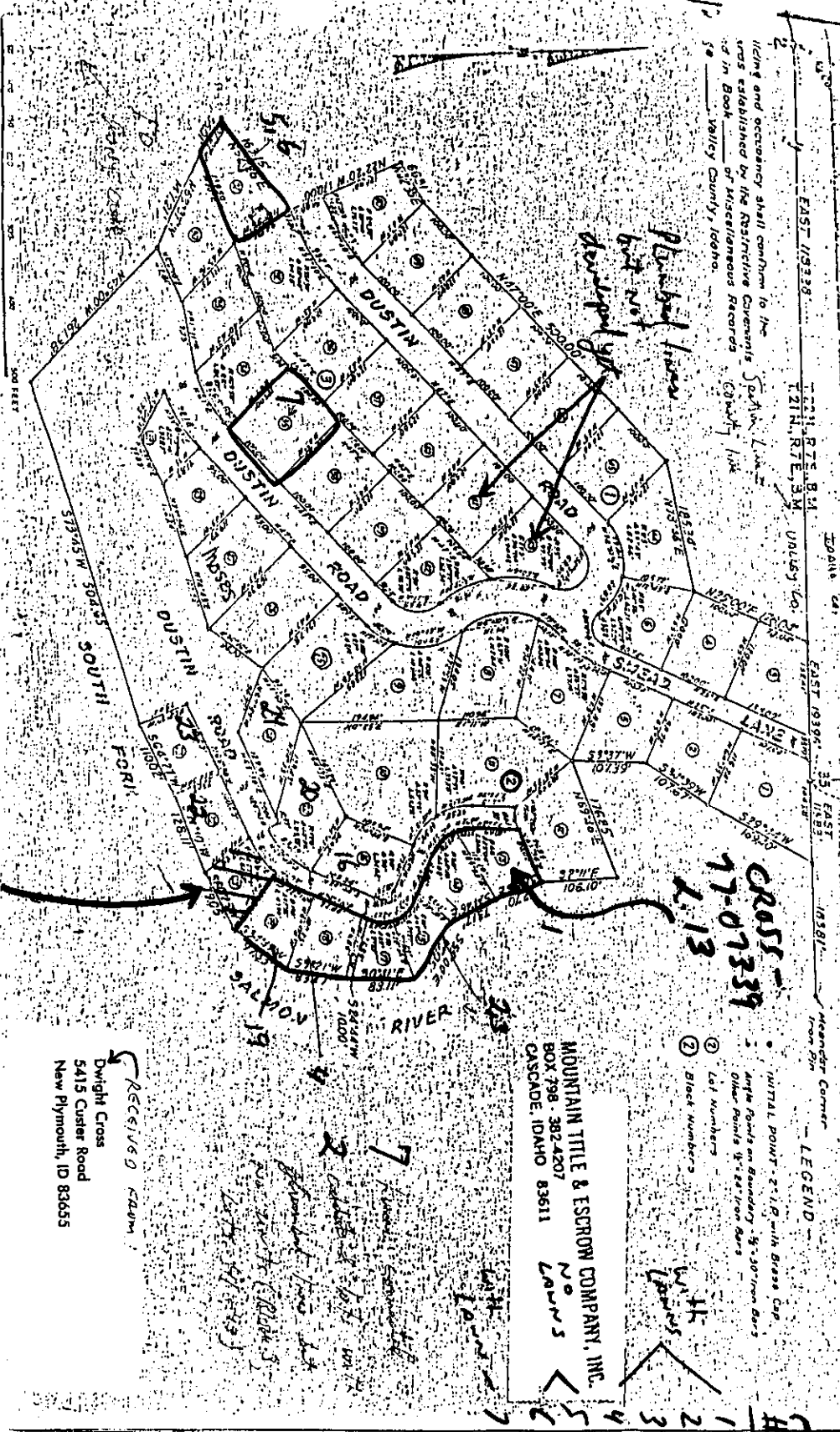
APPLICANTS map
w/ Iowa notes

This map copied from 9/91 exam
of community system 77-07241 (Part A) JL 8/24/71

TRAILS END SUBDIVISION

A PART OF THE N2 SECTION 2, T.21N., R.7E., E.4M.
VALLEY COUNTY, IDAHO.

BILL HARRIS
CONSULTING ENGINEER



Cross -
77-07339
L. 13

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

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

Community
System

RECEIVED
SEP 11 1991
Department of Water Resources
Western Regional Office

#	Block	Lot
1	2	13
2	2	14, 15
3	2	17
4	2	18, 19
5	3	31 (C)
6	3	31 (C)
7	3	35 (C)

O = P/U

#	Original area	Current area
1	80,100	80,100
2	850 x 9 = 22,500	
3		
4		
7	100 x 25 = 2,500	
Total = 45,000		
= .987 = 1.0		
82%		

Bl. 2 Lot 21 77-07363 O. & L. Cross

1000 map

TRAIL END SUBDIVISION

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

BILL HARRIS CONSULTING ENGINEER

see (closing)

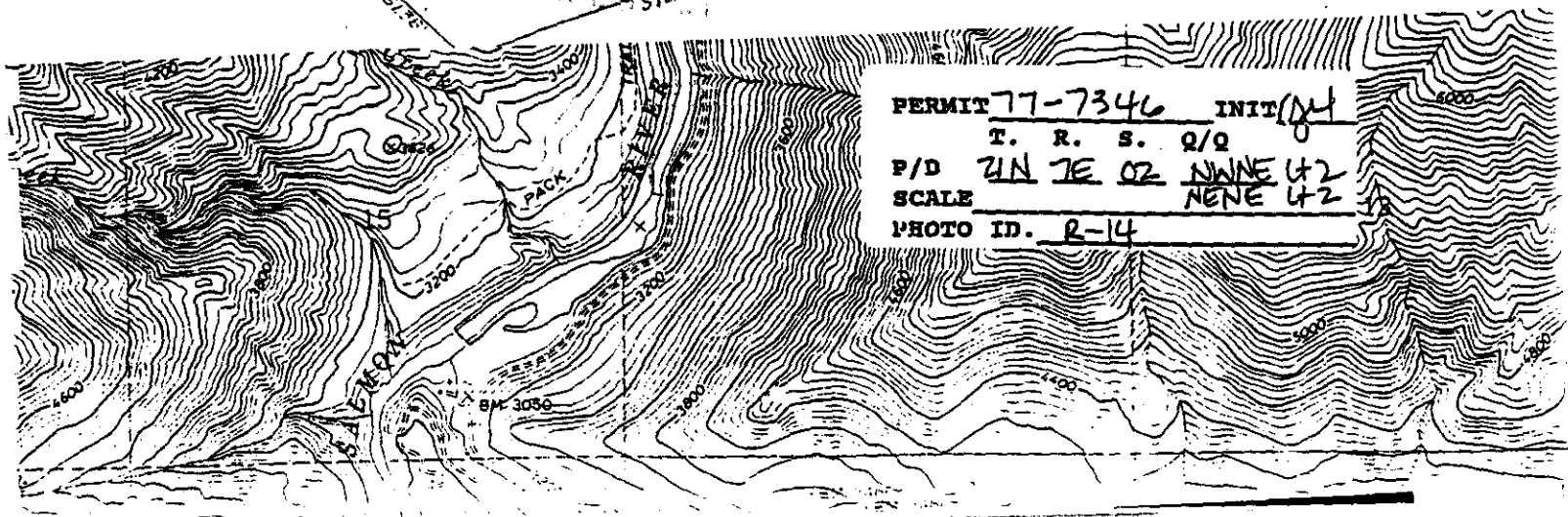
and occupancy shall conform to the
established by the Restrictive Covenants
Book _____ of Miscellaneous Records
Valley County, Idaho.

- INITIAL POINT
- Angle Points or Other Points
- ② Lot Numbers
- ② Block Number

this is for
77-07363 is
more legible 8/28/97

L.21
is
cross
77-07363

77-7346



PERMIT 77-7346 INIT (M)
T. R. S. Q/Q
P/D 21N 7E 02 NINE 42
SCALE NENE 42
PHOTO ID. R-14

RECEIVED

AUG 05 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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. 77-07363 Reviewed by JY Date 12-30-98

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

no 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

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 12-15-98



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

KARL J. DREHER
DIRECTOR

January 11, 1999

Dwight and Linda Cross
5415 Custer Rd
New Plymouth ID 83655

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07363

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,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
APR 09 1999

October 31, 1998

DWIGHT H CROSS
LINDA K CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

PROOF DUE NOTICE

RE: PERMIT NO. 77-07363

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

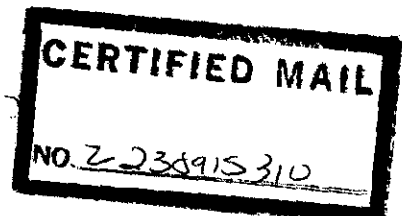
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
APR 09 1999





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 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LINDA CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

RE: Water Right No. 77-07363

Dear Linda:

Thank you for calling me this afternoon to discuss the provisions of your water appropriation permit. I am glad to hear that the permit appears satisfactory to you except for the minor error in Remark No. 6. While we strive to process all applications as quickly as we can, the accuracy of our work is also very important to us.

As you explained to me, Remark No. 6 on your permit should indicate that the place of use will be Lot 13, Block 2, Trail's End Subdivision. This particular remark is included for informational purposes rather than as a limitation of the development authorized under your permit. The place of use description most important to us is listed on your permit as Lot 2 (NENE), Section 2, T21N, R7E. Therefore, I do not think it is necessary to re-issue your permit with a correction.

As we discussed, I will put a copy of this letter in your water right file as a reminder to the field examiner that the correct lot designation should be verified and recorded through the examination and licensing steps of the water appropriation process.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

RECEIVED

JAN 23 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

DWIGHT H CROSS
LINDA K CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07363

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.

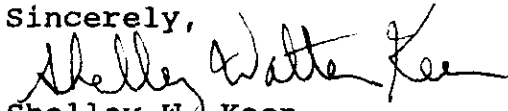
Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should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

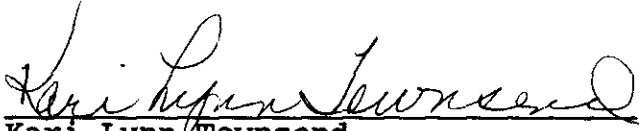
JAN 16 1998

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. 77-07363

DWIGHT H CROSS
LINDA K CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655


Kari Lynn Townsend
Secretary

JAN 15 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.

100-200-100
JUN 28 1997

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.

JUN 11 1997

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 77-7363 Name: Cross Date: 1/12/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: *don't exempt* - No/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)

- WB9 Salmon R.

WD (✓ MAP & LISTING)

Pumped >0.20 cfs

- 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

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

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- ~~009~~ (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- VE 977
- 0071 0070 0071 0070

BENEFICIAL USE DUE:

- 1/1/1999

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

JAN 02 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SL DATE: 9/7/97 APPLICATION: 77-07363

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

Small system - but see next pg.

☒ T FLAG CHANGED TO P FLAG done 9/7/97

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

DATE REQUESTED

PROCESSING

APP. NO.

77-07363

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

☐ ☒
☐ ☒
☒ ☐
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

sent via fax
12/5/97

YES NO

☐ ☒
☐ ☒
☐ ☒
☒ ☐ N/A

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.

☐ ☒ N/A

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: 041, 071, 11E, Irrigation limited

to 1/2 acre.

See below for additional information

Recommended Date or Priority 8/21/97

Recommended by: Gary S

Date: 12/24/97

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Several other rights e this subd. but none for applicants'

Lot 21 site. See P10, P1u over copies in file.

Conditions of approval should be based on IDFG response to

comment letter (re Bull Trout concerns) - OK per IDFG 12/9/97 letter

Can allow 0/1 1-1 to 12-31 instead of limit to 1 in season
to be compatible with rights in same setting.



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 IDFG (Don Anderson)
IDHW-DEQ-BRO (Bob Steed)

NOT RECORDED

DEC 10 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 Grindler

FROM: Steve Lofte

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
Spickman at 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 IOWE
Records

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

JUN 09 1998

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

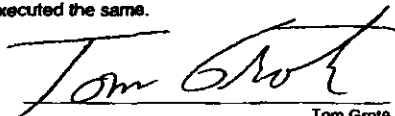
County of Valley

I, Leslie S. Freyer, 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. Freyer, 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:

65-13742
Huffman, Phyd
13999 Roadrunner Ranch Way
McCall, Idaho 83638

Source: Unnamed Stream Tributary: Boulder Creek
Diversion Point: SWSESE Sec. 35 T 18N 03E in Valley County
Use: Aesthetic Storage (1.50 AF)
Wildlife Storage (1.50 AF)
Total Diversion (1.50 AF)

Date Filed: 8/21/1997
In: Valley County
T18N 03E S35 SESE

77-07363
Cross, Dwight H.
Cross, Linda K.
3415 Custer Rd.
New Plymouth, ID 83638

Source: Unnamed Stream Tributary: Salmon River, S. Fork
Diversion Point: Lot 2 (NWNENE Sec 2 T 21N R 07E in Valley County)
Use: Domestic (0.30 CFS)
Fire Protection (0.040 CFS)
Total Diversion (0.040 CFS)

Date Filed: 8/21/1997
In: Valley County
T21N R07E S02 Lot 2 (NENE)

77-07364
Kelly, Jerleen
Kelly, Leland J.
P.O. Box 462
Freeland, Id 83619

Source: Unnamed Stream Tributary: Salmon River, S. Fork
Diversion Point: Lot 2 (NWNENE) SE: 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 (NWNENE)

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 on or before October 6, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director, 2/9/25

CONVERSATION MEMORANDUM

DATE 8/28/97
FILE 77-07363

NAME OF PARTY Dwight Cross 278-5213

EMPLOYEE Steve Lesh

RE: Appl. Revisions

1) Change invy to Domestic /own $\leq \frac{1}{2}$ ac.

2) Limit total to .04 cfs e Palmer R. Munster.

3) I'll send comment to H&A to IOFy w cc to
Applicants re Bull Trout plan.

provide contact name e IOFy to Dwight w
his cc of letter.

77-07363

CROSS, DWIGHT H
CROSS, LINDA K
5415 CUSTER RD
NEW PLYMOUTH, ID 83655

Source: UNNAMED STREAM

Tributary: SALMON RIVER, SOUTH FORK

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

Use: DOMESTIC	(	0.030 CFS)
FIRE PROTECTION	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 8/21/1997

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

JUN 09 1998