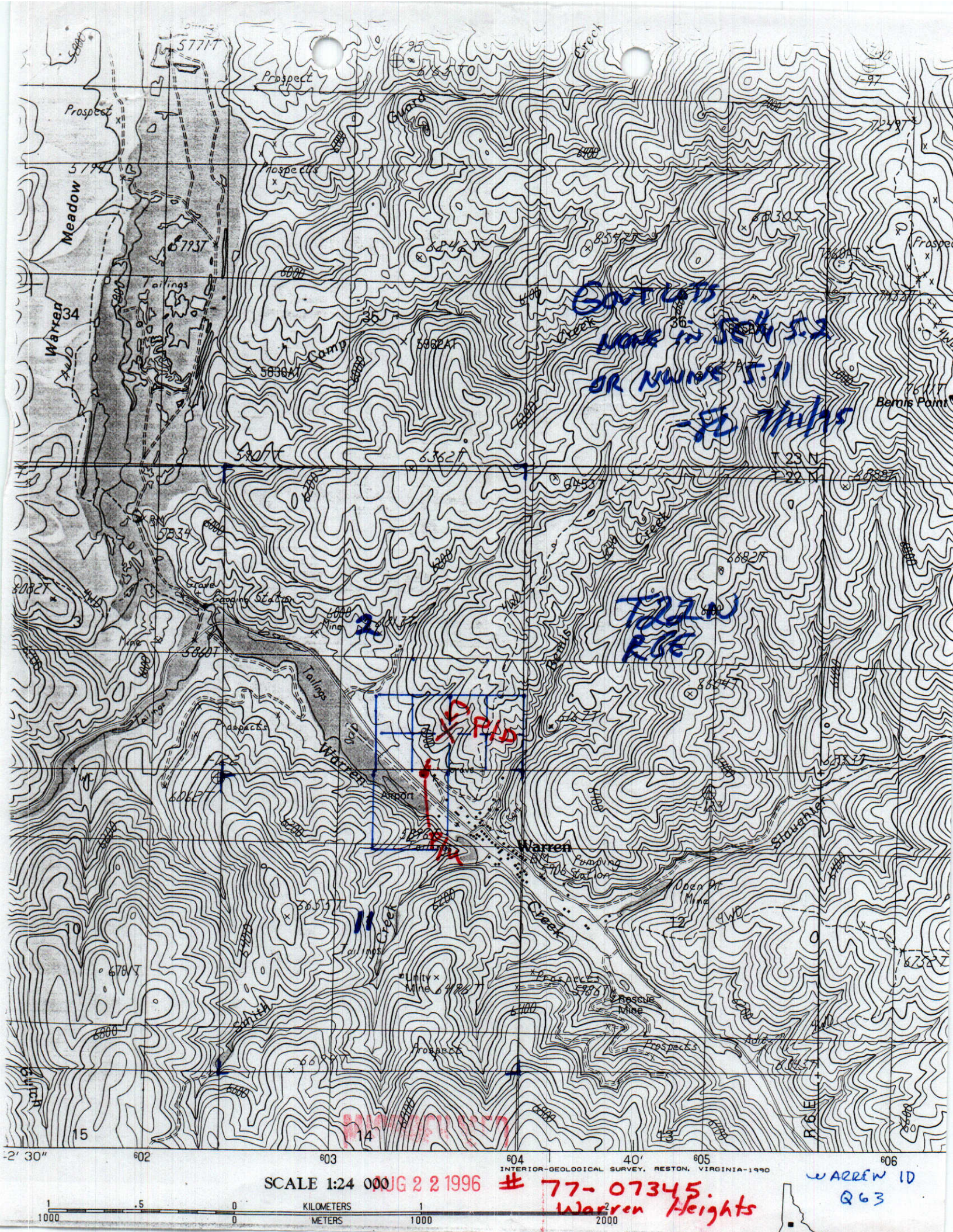
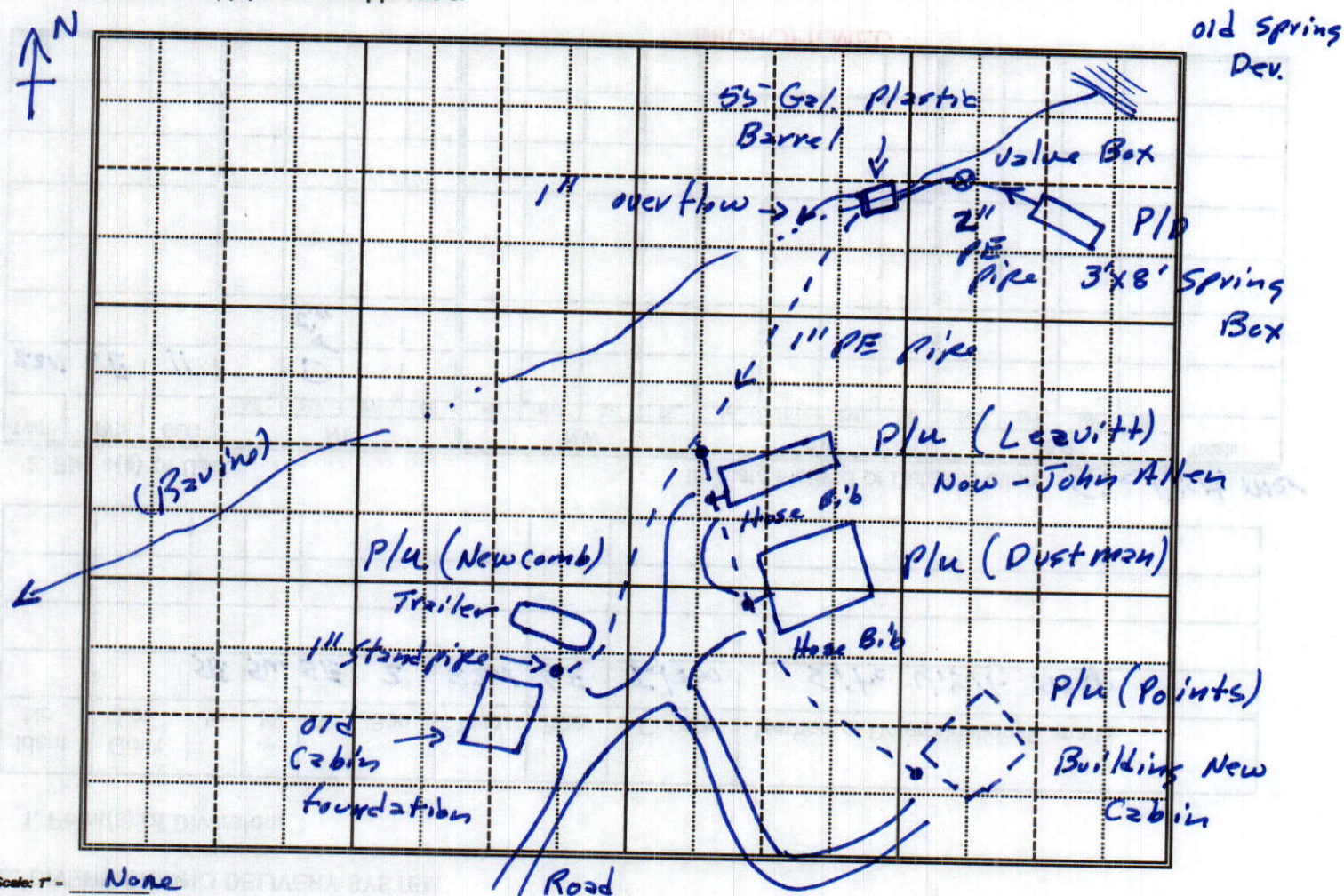




3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

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

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

☐ 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

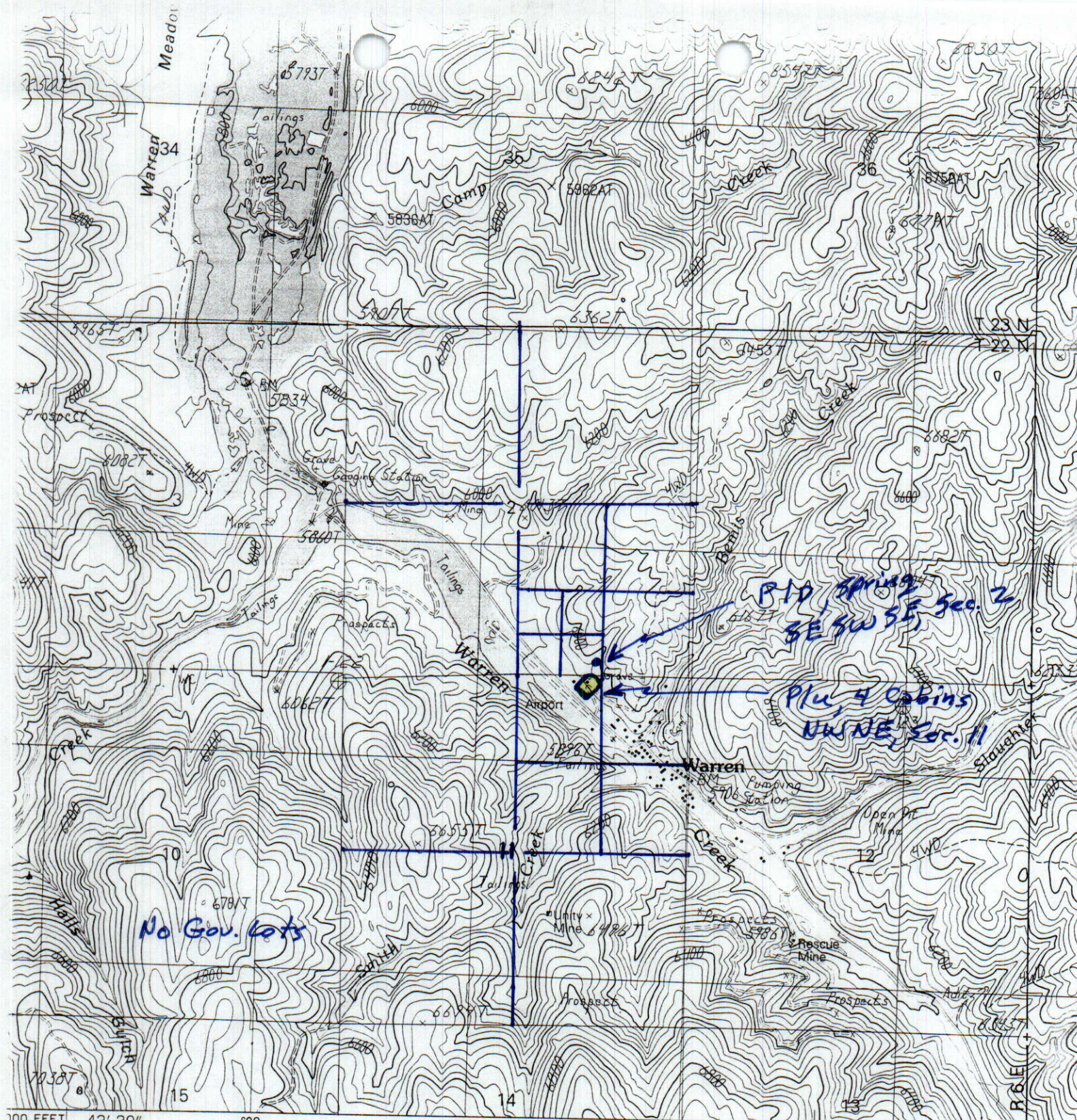
#### D. FLOW MEASUREMENTS

1.

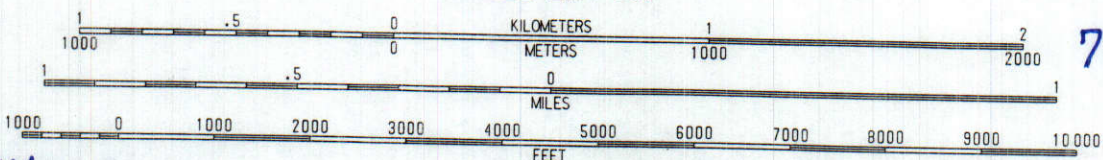
| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: None - Owners were out hunting.

MICROFILMED  
SEP 25 2001



SCALE 1:24 000



77-07345

IDAHO

QUADRANGLE LOCATION

|   |   |   |                |
|---|---|---|----------------|
| 1 | 2 | 3 | 1 Johnson But  |
|   |   |   | 2 Cottontail P |
|   |   |   | 3 Mackay Bar   |
| 4 |   | 5 | 4 War Eagle    |
|   |   |   | 5 Burgdorf Su  |
|   |   |   | 6 Loon Lake    |
| 6 | 7 | 8 | 7 Pony Mead    |
|   |   |   | 8 Pilot Peak   |

IAP  
iginal  
Infor-  
ate of  
1

Warren  
Townsite  
Survey

CONTOUR INTERVAL 40 FEET  
To convert feet to meters multiply by .3048  
To convert meters to feet multiply by 3.2808

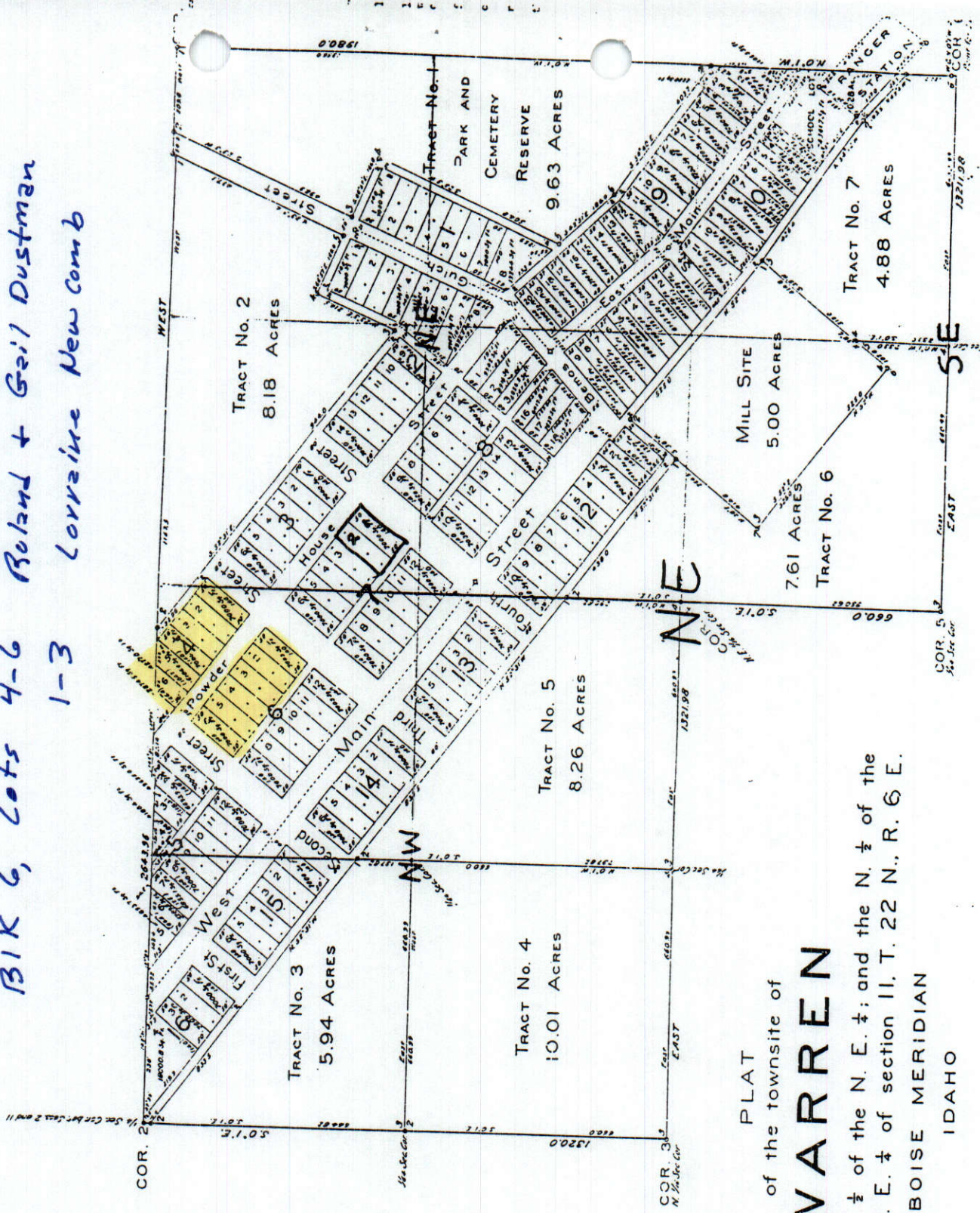
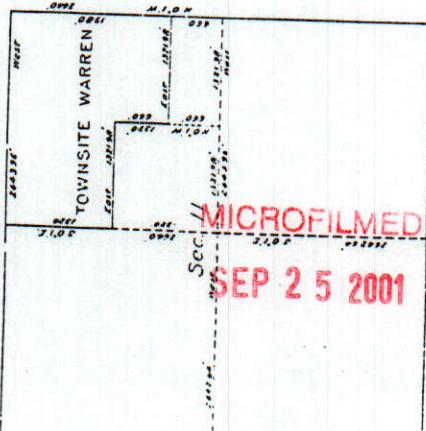
T22N  
R6E  
MICROFILMED  
SEP 25 2001

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225  
OR RESTON, VIRGINIA 22092

4 Cabins: BIK 4, Lots 6-7 Byron & Leona Leavitt { Sold to John Allen  
 2-5 Boland & Geil Dustman  
 1 Dale Points  
 BIK 6, Lots 4-6 Boland & Geil Dustman  
 1-3 Lorraine Newcomb



Index Diagram  
 Scale 1/4 mile to one inch



PLAT  
 of the townsite of  
**WARREN**

Embracing the N.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$ ; and the N.  $\frac{1}{4}$  of the  
 S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 11, T. 22 N., R. 6 E.  
 BOISE MERIDIAN  
 IDAHO

77-07345

1 of 2

P/D

Covered  
Spring  
Box



55 Gal.

Barrel

below

Spring

Box.

Note overflow  
line at  
top and  
service line  
at bottom.



MICROFILMED

SEP 24 2001

77-07345

Z. of Z

P/u

Dustman  
(Right)  
+  
Leavitt  
(Left)  
cabins



P/u

Newcomb  
Trailer,  
Note old  
cabin  
foundation,  
+ 1" stand pipe.



Microfilm

SEP 25 2001

77-07345

# NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07345

PAYETTE NATIONAL FOREST  
WARREN HEIGHTS HOMEOWNERS  
P.O. BOX 1020  
MC CALL, ID 83638  
Source: SPRING Tributary: SINKS  
Diversion Pt: NESWSE Sec 2 T 22N R  
06E in IDAHO County.  
SESWSW Sec 2 T 22N R 06E in IDAHO

County.  
NWSESE Sec 2 T 22N R 06E in IDAHO  
County.  
SWSESE Sec 2 T 22N R 06E in IDAHO  
County.

Use: DOMESTIC (0.100 CFS)  
FIRE PROTECTION (0.100 CFS)  
Total Diversion: (0.100 CFS)  
Date Filed: 7/6/1995  
In: IDAHO County

T22N R06E S11 NWNE  
78-07373

NOBLE, GENE  
WILLIAMS, GERRI

P.O. BOX 453  
RIGGINS, ID 83549

Source: LITTLE SALMON RIVER Tribu-  
tary: SALMON RIVER  
Diversion Pt: SWNE Sec 29 T 23N R  
01E in IDAHO County.

Use: IRRIGATION (0.020 CFS)  
FIRE PROTECTION (0.200 CFS)  
Total Diversion: (0.200 CFS)  
Date Filed: 6/29/1995  
In: IDAHO County

T23N R01E S29 SWNE  
0.5 ACRES TOTAL

79-07236

HALL TRUST, WAYNE  
WAYNE HALL, TRUSTEE  
P.O. BOX 67C

WHITE BIRD, ID 83554

Source: SPRING Tributary: SALMON  
RIVER

Diversion Pt: NWNWNE Sec 16 T 28N R  
01E in IDAHO County.

Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 7/5/1995  
In: IDAHO County

T28N R01E S09 SWSE  
S16 NWNE

Application limited to domestic use and  
therefore exempted from Salmon River  
Moratorium restrictions.

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 on or before AU-  
GUST 7, 1995. The protestant must also  
send a copy of the protest to the appli-  
cant.

KARL J. DREHER, Director  
Published: 7/20/1995 & 7/27/1995  
Jy 9-26

# 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 weekly newspaper published  
and issued weekly at Grangeville, Idaho county, State of Idaho, and is  
of general circulation in said county and state, that the said 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 19th day of  
July, 19 95, and the last  
publication on the 26th day of July, 19 95;  
and that the said notice was published in the newspaper proper and not  
a supplement; that said newspaper has been continuously and uninter-  
ruptedly published in said county during a period of seventy-eight  
consecutive weeks prior to the publication of said notice or advertise-  
ment.



STATE OF IDAHO }  
COUNTY OF } IDAHO

On this 26th day of July in the year of 1995,  
Before me, a Notary Public, personally appeared  
Andrew J. McNab, 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 he executed the same.

  
Notary Public for Idaho  
Residing at Grangeville, ID  
My commission expires: 10-8-99

NOTARY PUBLIC

AUG 22 1996

Contact =

Roland

Dustman,

"President"

per FS Special  
use permit

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 77-07345

Priority: July 06, 1995

Maximum Diversion Rate: 0.10 CFS  
Maximum Diversion Volume: 4.8 AF

It is hereby certified that WARREN HEIGHTS HOMEOWNERS  
C/O ROLAND DUSTMAN  
14023 HIDEAWAY CT  
MC CALL ID 83638 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated July 06, 1995; and has  
submitted Proof of Beneficial Use on May 12, 1998. An examination indicates that the works have a  
diversion capacity of 0.1 cfs of water from:

**SOURCE**

SPRING

Tributary: SINKS

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| FIRE PROTECTION              | 01/01 to 12/31              | 0.10 CFS                     |                                           |
| DOMESTIC                     | 01/01 to 12/31              | 0.10 CFS                     | 4.8 AF                                    |

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 2, Twp 22N, Rge 06E, B.M., IDAHO County

**PLACE OF USE:** FIRE PROTECTION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 22N | 06E | 11  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**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 |
| 22N | 06E | 11  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Domestic use is for 4 homes.
2. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

MICROFILMED  
SEP 25 2001

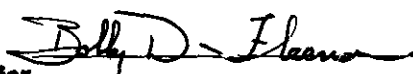
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 77-07345

3. Place of use for domestic purposes is located within Lots 1, 2-5, 6-7, Blk. 4; Lots 1-3, Blk. 6; Warren Townsite.
4. Place of use for fire protection purposes is located within Lots 1, 2-5, 6-7, Blk. 4; Lots 1-3, 4-6, Blk. 6; Warren Townsite.

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 12<sup>th</sup> day of July, 2001.

  
Acting for KARL J. DREHER  
Director

MICROFILMED  
SEP 25 2001

FOR OFFICE USE ONLY  
Amt. of Fee \$: 50.00  
Receipt No: 208-634-5612  
Receipt By: ES  
Date Received: 5/12/98  
**RECEIVED**

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**MAY 12 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. 77-07345 Telephone No. 208-634-5612

2. Name(s) of Permit Holder(s): WARREN HEIGHTS HOMEOWNERS

3. Mailing Address: 14023 HIDEAWAY CT. MC CALL, ID. 83638

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): 4 Stockwater (No. and type of stock): NO

Irrigation (No. of acres): NO Other: FIRE PROTECTION

6. Total rate of diversion and/or volume for which proof is submitted: 0.10 cfs OR \_\_\_\_\_ acre feet

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

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

**Measuring Device:** Is a measuring device required? Yes \_\_\_\_ or No X

Has the measuring device been installed? Yes \_\_\_\_ or No X

**Flow Measurement Port:** Is a flow measurement port required? Yes \_\_\_\_ or No X

Has the measurement port been installed? Yes \_\_\_\_ or No X

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

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

Name: ROLAND DUSTMAN Telephone Number: 208-634-5612

Address: 14023 HIDEAWAY CT. MC CALL I.D. 83638

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 Roland Dustman - PRESIDENT Date: 5-11-98  
(include your title, if on behalf of company of organization)

**RECEIVED**  
AUG 10 1998

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**  
NO. 77-07345

**Proposed Priority:** July 6, 1995

**Maximum Diversion Rate:**

0.10 CFS

This is to certify, that **WARREN HEIGHTS HOMEOWNERS**  
C/O ROLAND DUSTMAN  
SOUTH FORK STAR RT  
MC CALL ID 83638

has applied for a permit to appropriate water from:  
**SPRING** tributary of **SINKS**

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       | 0.10 CFS                 |
| FIRE PROTECTION       | 01/01 to 12/31       | 0.10 CFS                 |
|                       | Totals               | 0.10 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NESWSE , Sec. 2, Township 22N, Range 06E  
SESWSE , Sec. 2, Township 22N, Range 06E  
NWSESE , Sec. 2, Township 22N, Range 06E  
SWSESE , Sec. 2, Township 22N, Range 06E  
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

22N 06E 11 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 July 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Single point of diversion located near center of S 1/2 SE 1/4, S02, T22N, R06E.
7. Domestic use is for 4 cabins.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

AUG 22 1995

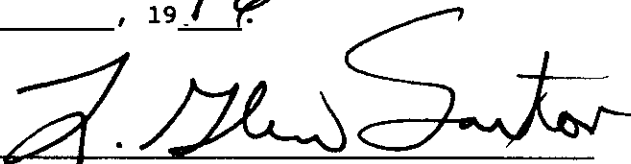
State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 77-07345

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

11<sup>th</sup> day of July, 1996.

  
Karl J. Dreher, Director  
for

148-8-2-1-1  
1996

Ident. No. 77-07345

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: PAYETTE NATIONAL FOREST 208-634-0700  
Address: PO BOX 1020  
MCCALL ID 83638  
OR  
Name: WARREN HEIGHTS HOMEOWNERS 208-634-3512  
Address: SOUTH FORK STAR ROUTE  
MCCALL ID 83638
2. Source: SPRING  
3. Location of Point of Diversion: *NE SW SE* } Trib. to: SINKS  
*SE SW SE* } Sec. 2, Township 22N, Range 06E  
*NW SE SE* } IDAHO County  
*SW SE SE* }
4. Water will be used for the following purposes:
- | Purpose         | From  | To    | CFS   | .10 (or) | AF |
|-----------------|-------|-------|-------|----------|----|
| DOMESTIC        | 01/01 | 12/31 | 0.160 |          |    |
| FIRE PROTECTION | 01/01 | 12/31 | 0.160 | .10      |    |
5. Total quantity to be appropriated is:  
0.160 CFS (and/or) AF  
.10
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc.  
DEVELOPED SPRING WITH 2" LINE, 700 FT. LONG WITH 1000 GAL TANK  
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 2 year(s).

AUG 22 1996

\* Internal use only per homeowner Gail Dushman. Assume that  
fire prot. amount is same as max 0/4 amount. Base curtail 7/11/95  
P/D qualified per topo map (single pld & area lines). *SL*

8. Place of Use: DOMESTIC

TWN RGE SEC  
22N 06E 11 NWNE

Place of Use: FIRE PROTECTION, same as DOMESTIC use

9. a. Who owns the property at the point of diversion?  
~~APPLICANT~~ US Forest Service (JFW)  
b. Who owns the land to be irrigated or place of use?  
~~US FOREST SERVICE~~ Applicant (JFW)  
c. If the property is owned by a person other than the applicant,  
describe the arrangement enabling the applicant to make this filing.  
SPECIAL USE PERMIT

10. Remarks: Domestic use is for 4 homes.  
Single point of diversion located NEAR CENTER of  $5\frac{1}{2}$  SE $\frac{1}{4}$ , S02, T22N, R06E.  
11. Map of proposed point of diversion and place of use attached? [X]

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.

Warren Heights Homeowners  
By Leona Hearitt - Sec.  
Applicant

Received by JFW Date 7/6/96 Time \_\_\_\_\_ Preliminary check by JR

Fee \$ 50<sup>00</sup> Received by JFW # W019524 Date 7/6/95

Publication prepared by AT Date 7-11-95 Published in Ad City Free Press

Publication approved AT Date 8-3-95

\* O'Case update per Comments, 7/11/95 -JR  
and per topo

- Warren Heights Homeowners are not a formal organized group.  
(No elected Officers)

AUG 22 1996

Comments: Date: 7/ 6/ 1995 User-ID: JWESTRA

Subject:

The spring will supply 4 cabins on a single gravity system. 700

feet of 2" dia pipe from a spring on Forest Service property. A

1000 gal. supply tank will be used for storage.

Homeowners Listing:

Block 4; Lots 6&7 Byron & Leona Leavitt

South Fork Star Rt

McCall, Idaho 83638 phone 634-3512

---

Block 4; Lots 2,3,4,5 Roland & Gail Dustman

Block 6; Lots 4,5,6 14023 Hindway CT

McCall, Idaho 83638 phone 634-5612

---

Block 4; Lot 1 Dale & Dale Points

Lake Fork, Idaho 83635 phone 634-8758

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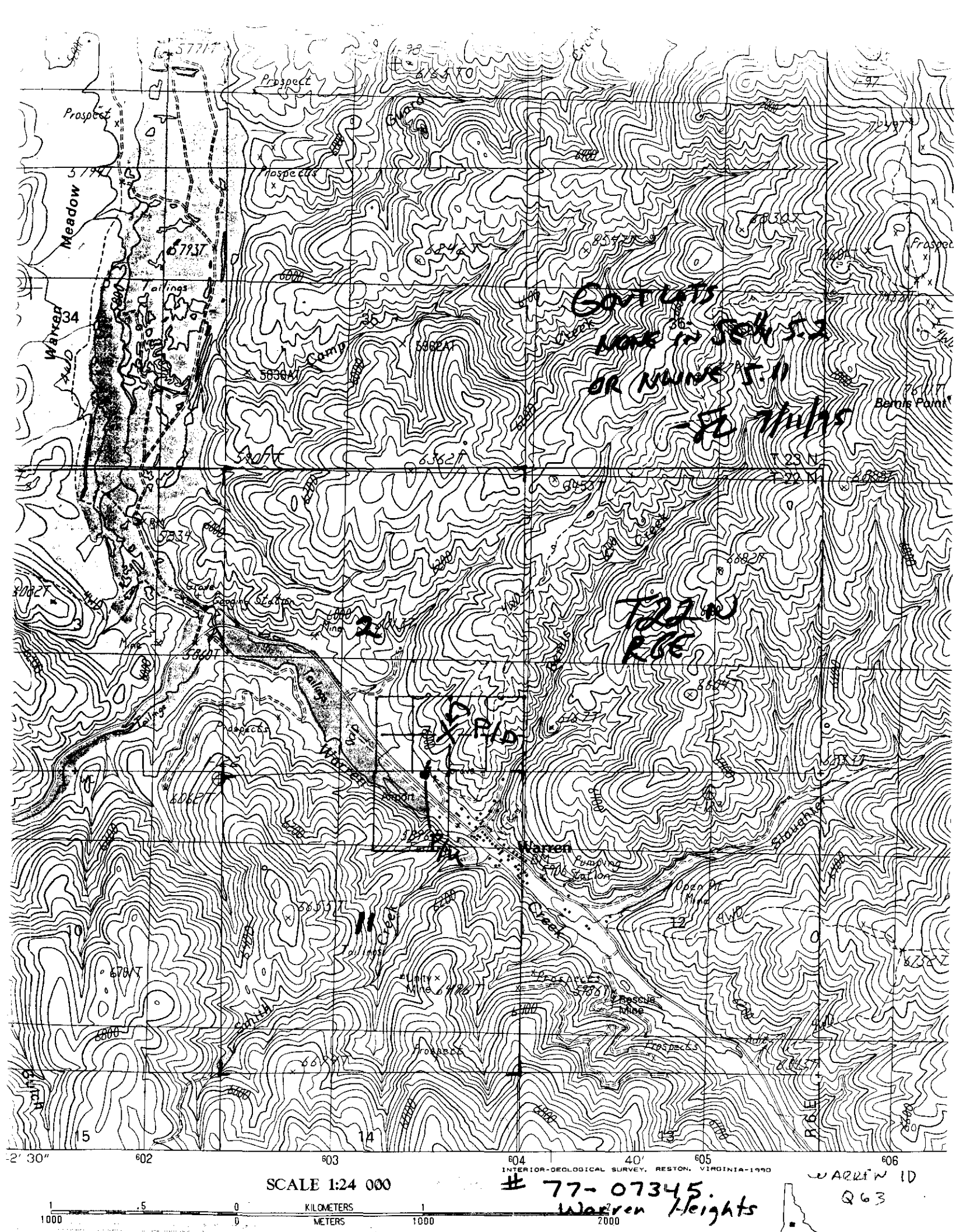
Block 6; Lots 1,2,3 Lorraine NewComb

31 Pleasant Acres Dr

McCall, Id 83638 phone 634-7201

---

AUG 22 1996



Payette National Forest.

McCall ID.

P/u - Block 4 & 6

Home - Domestic - 4 - .024 1

1000 gal tank.

# 77 - 7345 Homeowners Listing

of what  
was on  
Township  
#2  
↓  
Block 4

LOTS 6 + 7

~~Byron~~ Leavitt  
Byron + Leona Leavitt  
South Fork Star Rt # none  
McCall, Idaho 83638

Block 4  
LOTS 2, 3, 4, 5

Roland + Gail Gustafson  
14023 Hindway Ct. - 634-5612

Block 6  
LOTS 4, 5, 6

McCall, Idaho 83638

Block 4  
LOT #1

Dale + Dale Points  
Lake Fork Idaho - 634-8758  
83635

Block 6  
LOTS  
1, 2, 3

Gin + Lorraine Newcomb 634-7201  
31 Pleasant acres Dr. McCall Idaho  
83638

AUG 2 1996



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 13, 2001

WARREN HEIGHTS HOMEOWNERS  
C/O ROLAND DUSTMAN  
14023 HIDEAWAY CT  
MC CALL ID 83638

RE: License No. 77-7345 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

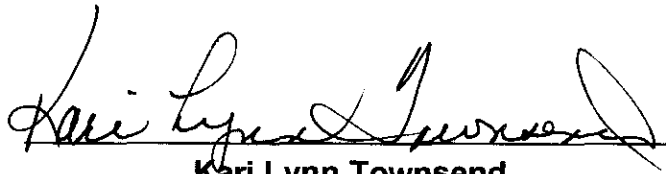
MICROFILMED  
SEP 25 2001

## **CERTIFICATE OF MAILING**

I hereby certify that on July 13, 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. 77-7345**

**WARREN HEIGHTS HOMEOWNERS  
C/O ROLAND DUSTMAN  
14023 HIDEAWAY CT  
MC CALL ID 83638**

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

**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
SEP 25 2001**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

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

## FINAL ORDER

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

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

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

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

## APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

LICENSE REVIEW CHECKLIST

Permit No. 77-7345 Date: 7-11-2001 Reviewer: Kay Walker

*topo Q63*

Change/OK

Name/Address OK

Source OK

Point of Diversion: 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): none

File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

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

Rate of Diversion:

Permitted rate 0.10 cfs

Fee Limit 0.20 cfs

Measured \_\_\_\_\_ cfs

Theoretical 0.10 cfs

Recommended Total Diversion Rate 0.10

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation \_\_\_\_\_ cfs \_\_\_\_\_ af

Stockwater \_\_\_\_\_ cfs \_\_\_\_\_ af

Domestic 0.10 cfs 4.8 af

FP 0.10 cfs 4.8 af

\_\_\_\_\_ cfs \_\_\_\_\_ af

Total 0.10 cfs 4.8 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:

W01, 077, W60(x2)

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?

not req'd

Adjust memo \_\_\_\_\_

Amend Letters

P87, S06

Second Amendment Notice

S06

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
FEB - 7 1999  
Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 77-07345

1. Owner: Warren Heights Homeowners  
c/o Roland Dustman Phone No. (208) 634-5612

Current Address: 14023 Hideaway CT., McCall, ID 83638

2. Accompanied by: Mike Panike EXAM DATE: 10-15-99

Address: 5546 Hwy Spur 95, Ontario, OR 97914 Phone No. (541) 262-3641

Relationship to Permit Holder: Friend + Neighbor

3. Source: Spring tributary to Sinks

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | SE  | SW  | SE  | 2    | 22N  | 6E   | Idaho  | Site Visit, Map                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

**2. Place(s) of Use:**

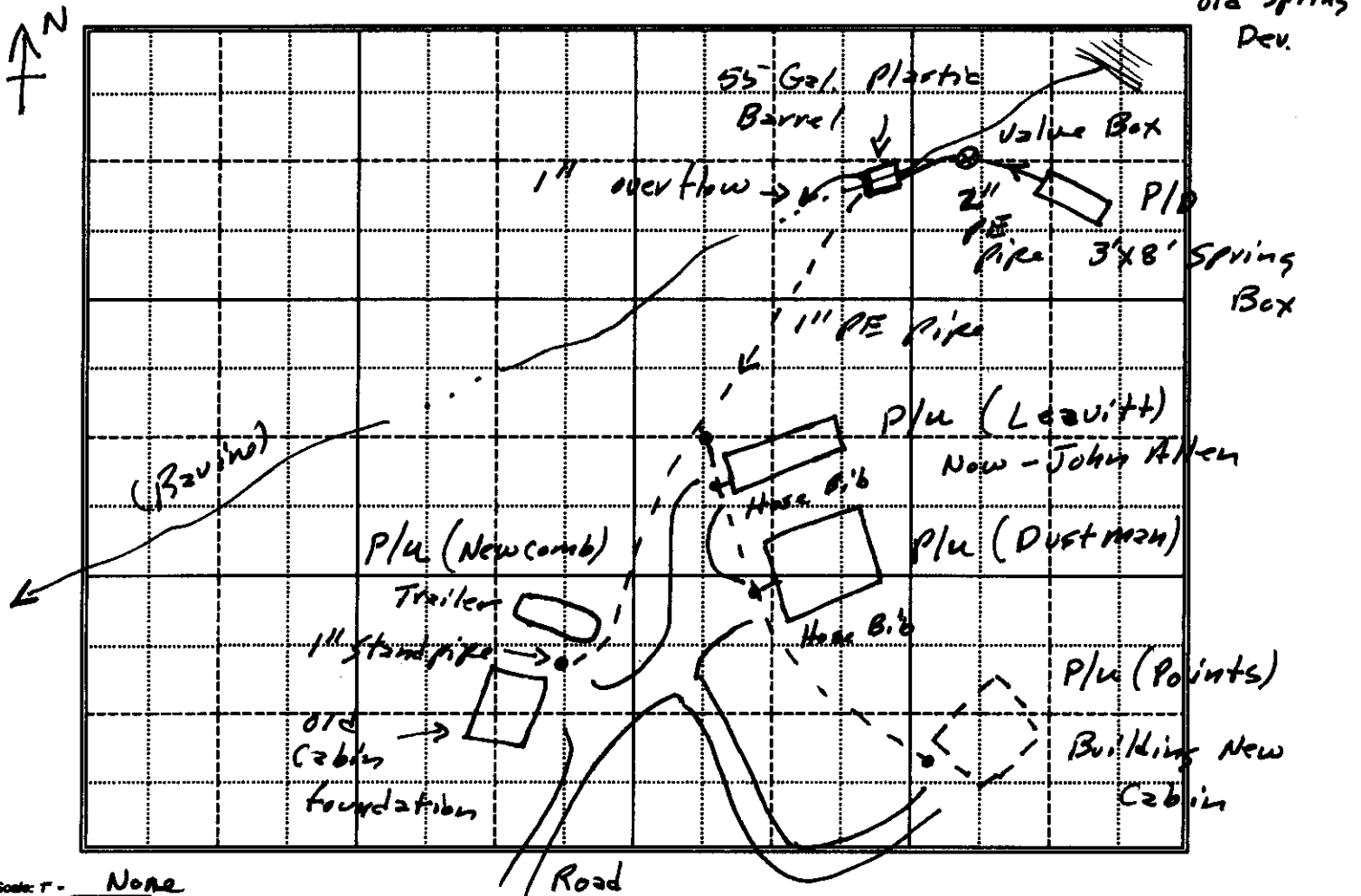
Indicate Method of Determination Site Visit, Map

| TWP | RGE | SEC | NE |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 22N | 6E  | 11  |    | D    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | Fire |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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SEP 23 1999

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



Scale: 1" = None

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

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

— 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: None - Owners were out hunting.

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JUL 5 2007

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic and fire protection use of water from a spring for 4 cabins located in BIK 4, lots 6-7 (Leavitt), lots 2-5 (Dustman), lot 1 (Point), and BIK 6; lots 1-3 (Newcomb) and lots 4-6 (Dustman). Dustman's cabin is on lots 2-5, BIK 4, and his lots 4-6, BIK 6 do not ~~have~~ have water service from this system, but should be included in the permit, as fire protection can be provided.
2. Leavitt's have sold their lots to John Allen. Point's lot has a new cabin under construction to replace the old one. Newcomb's lot's old cabin has been removed and a trailer is parked on the site next to the old foundation. They plan to build a new cabin on the site.
3. A 3'x8' spring box supplies water through a 2" PE pipe to a 55 Gal. plastic barrel that serves as storage and as a sand trap. The barrel has an overflow, and a 1" PE service pipe to the lots. Service at the lots is normally a hose bib or standpipe with hose bib.
4. These lots are in the Warren Townsite.

Have conditions of permit approval been met? ☒ yes ☐ no

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SEP 26 2001

Using PE pipe Tables:

## F. FLOW CALCULATIONS

**Additional Computation Sheets Attached**

Measured Method: None - Theoretical 100% Cal.

From Spring Box to 55 Grl. Barrel,  
since barrel has overflow line.

$L = 20', 2''$  PE pipe

$$H = 12'$$
$$H = H_f + H_c + H_v$$

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:  $\frac{\text{Friction} / (\text{Mile})}{(\text{G.P.})}$

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.10 \text{ cfs if the Spring}}$$

$V = \text{Smaller of } V_{I,R} \text{ and } V_{D,R} =$  produces that much

## 2. Volume Calculations for Other Uses:

Assume it does; Allow 0.10 cts

4 Cabins - external + internal use

$$V_{OL} = (4)(1.2) = 4.8 \text{ AFA}$$

## H. RECOMMENDATIONS

## 1. Recommended Amounts

| Beneficial Use  | Period of Use |         | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-----------------|---------------|---------|------------------------------|--------------------------|
|                 | From          | To      |                              |                          |
| Domestic        | 01/01         | 12/31   | 0.10                         | 4.8                      |
| Fire Protection | 01/01         | 12/31   | 0.10                         |                          |
|                 |               |         |                              |                          |
|                 |               |         |                              |                          |
|                 |               |         |                              |                          |
|                 |               |         |                              |                          |
|                 |               |         |                              |                          |
|                 |               |         |                              |                          |
|                 |               | Totals: | 0.10                         | 4.8                      |

## 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

one Spring in  
SE SWSSE.

## I. AUTHENTICATION

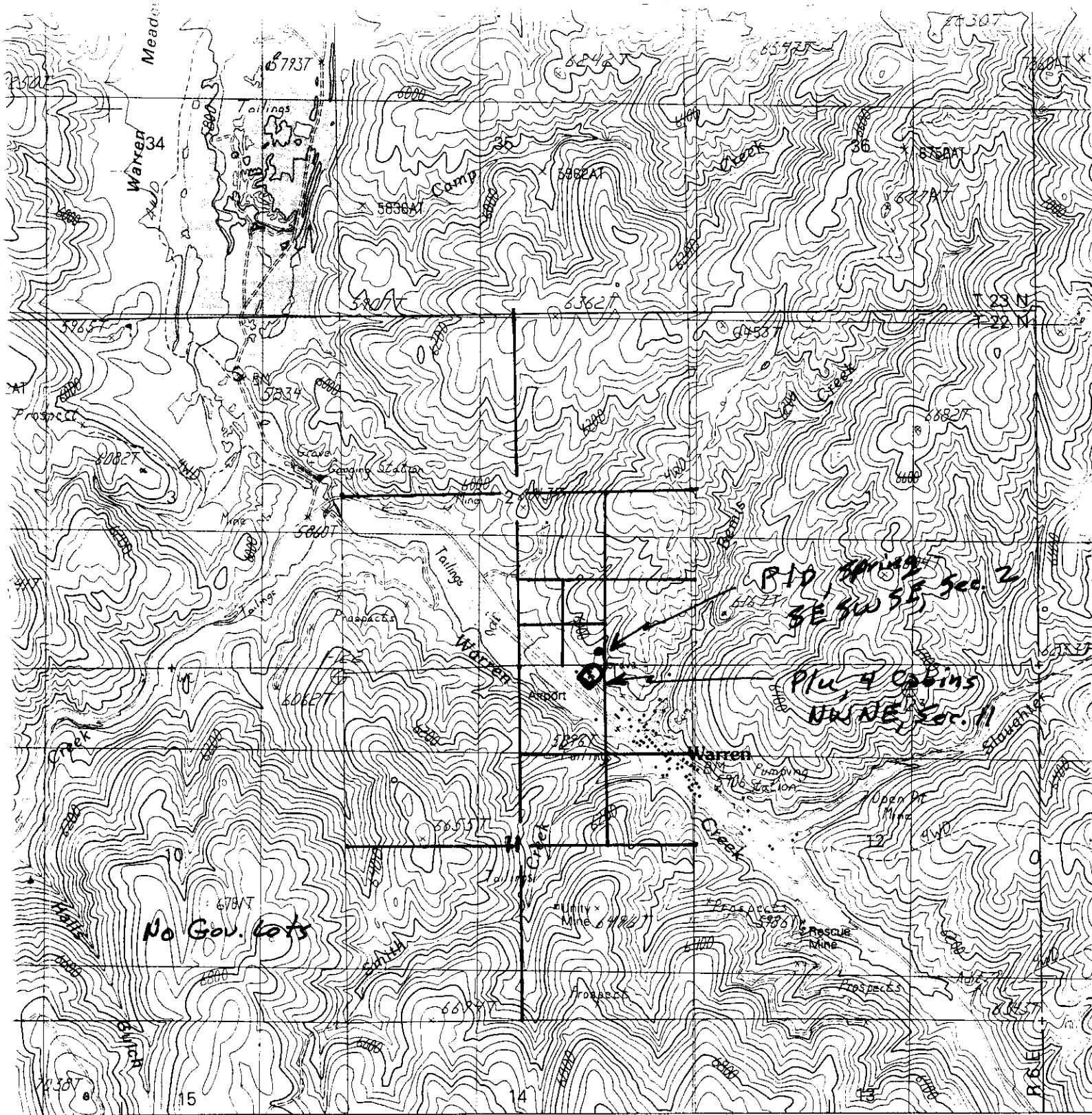
**Field Examiner's Name**

Date 12-15-99

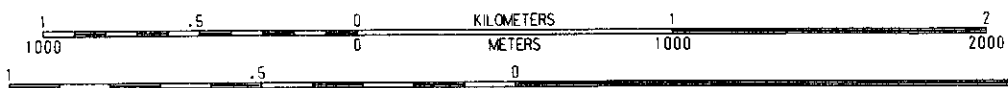
**Reviewer**

Date \_\_\_\_\_

MICROFILMED  
SEAL  
SEP 29 2001



SCALE 1:24 000



IAP  
iginal  
Infor-  
ate of  
1

Warren  
Townsite  
Survey

CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048  
To convert meters to feet multiply by 3.2808

T22N  
R6E  
25 2000

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225  
OR RESTON, VIRGINIA 22092

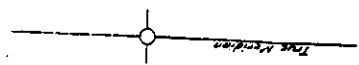
77-07345.

IDAHO

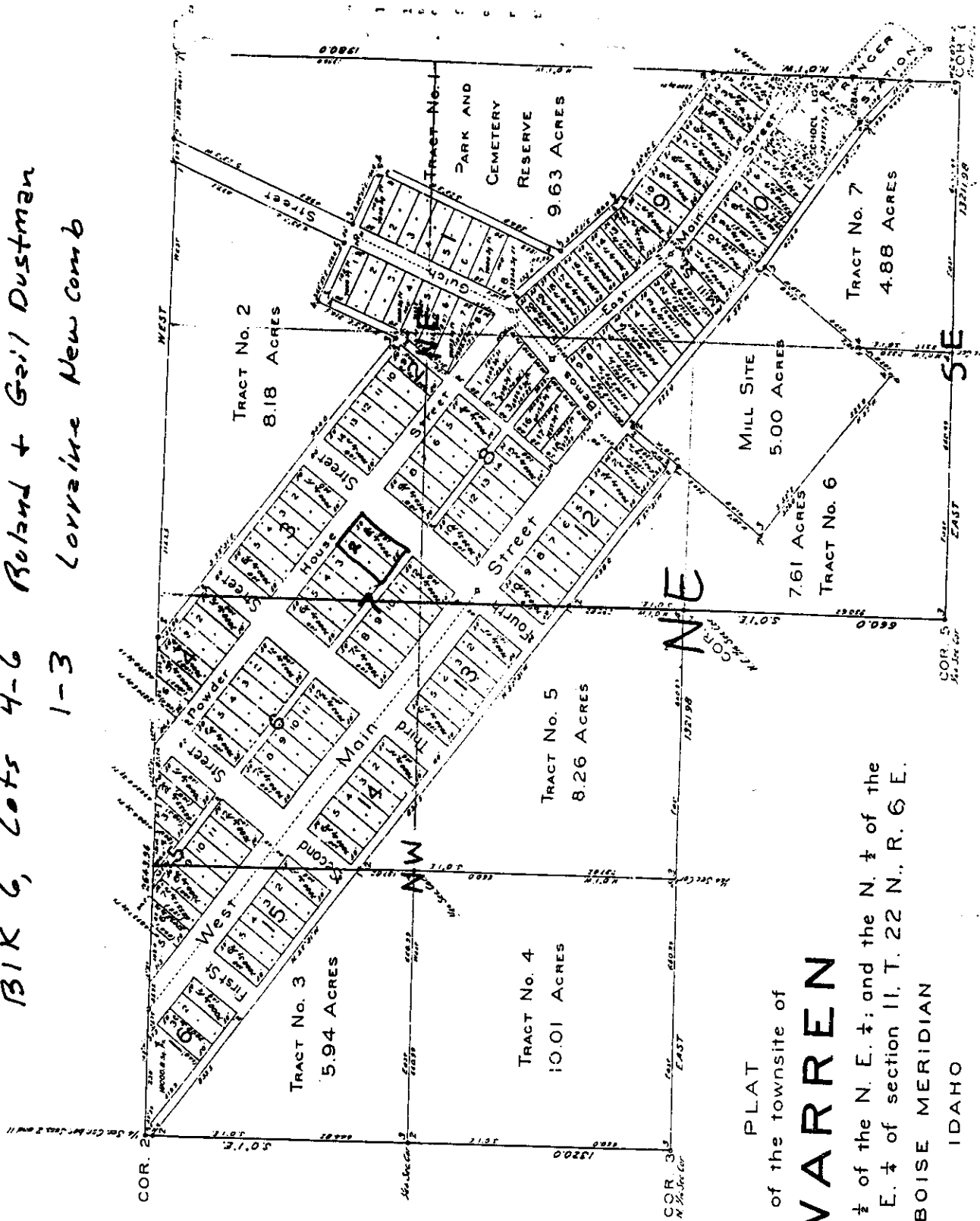
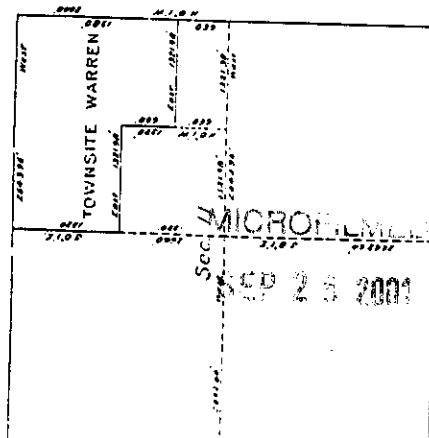
QUADRANGLE LOCATION

|   |   |   |              |
|---|---|---|--------------|
| 1 | 2 | 3 | 1 Johnson F  |
|   |   |   | 2 Cottontail |
| 4 |   | 5 | 3 Mackay I   |
|   |   |   | 4 War Eagle  |
|   |   |   | 5 Burdori .  |
|   |   |   | 6 Loon Lake  |
| 6 | 7 | 8 | 7 Pony Mea   |
|   |   |   | 8 Pilot Peak |

|     |                       |
|-----|-----------------------|
| 1   | Dale Points           |
| 4-6 | Beland + Gail Dustman |
| 1-3 | Lorraine Newcomb      |



*Index Diagram*  
*Scale 1/4 mile to one inch*



PLAT  
of the townsite of

WARREN

Embracing the N.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$ ; and the N.  $\frac{1}{2}$  of the S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 11, T. 22 N., R. 6 E.

BOISE MERIDIAN  
IDAHO

77-07345

1 of 2

P/D

Covered  
Spring  
Box



55 Gal.

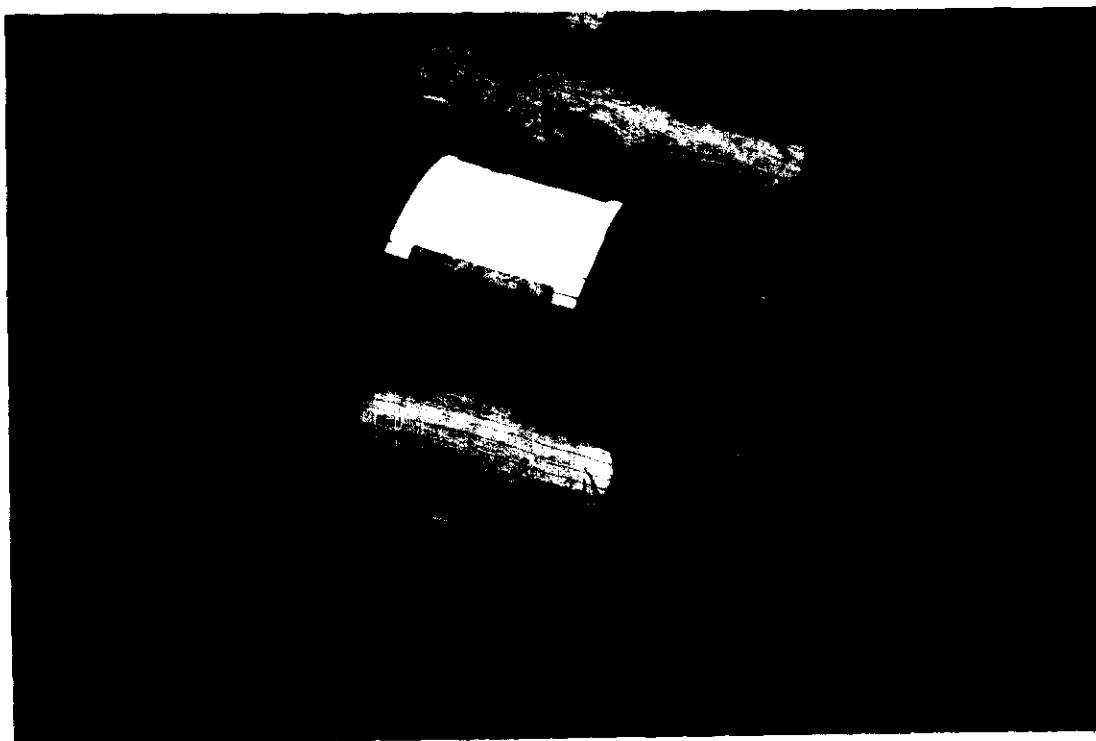
Barrel

below

Spring

Box.

Note overflow  
line at  
top and  
service line  
at bottom.



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77-07345

2. 2. 2

P/u

Dostman

(Right)

+

Leavitt

(Left)

Cabins



P/u

Newcomb

Trailer,

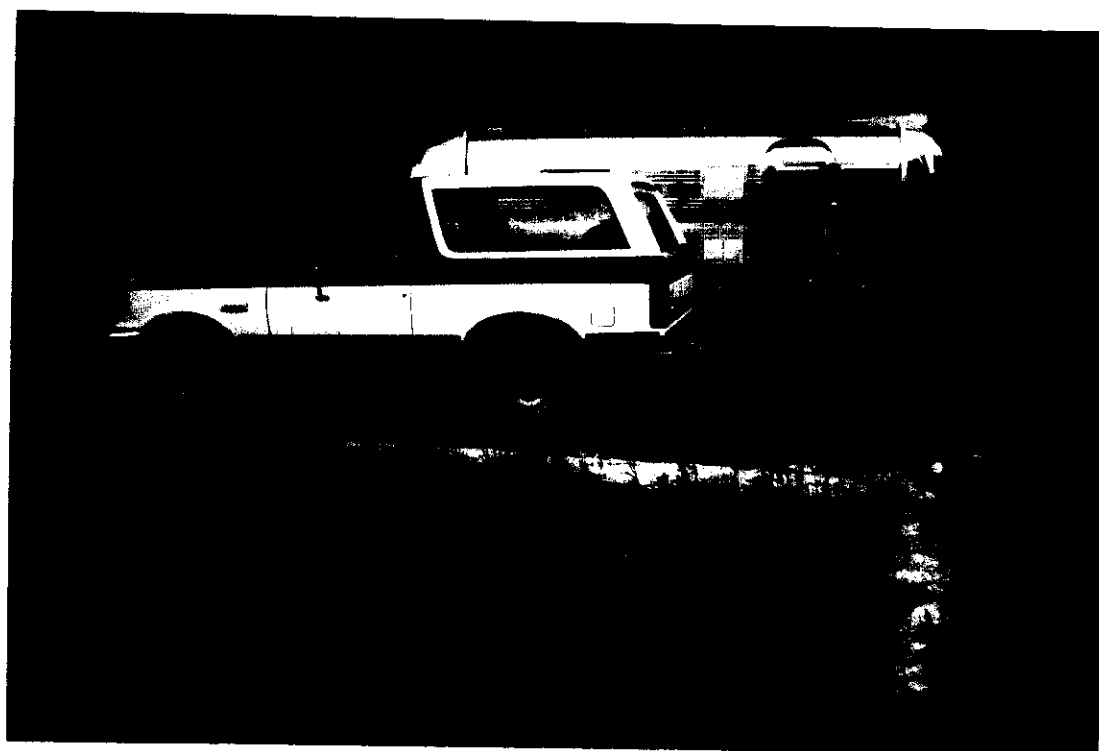
Note old

Cabin

foundation,

+ 1"

standpipe.



77-07345

SEP 25 2001



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

July 8, 1998

KARL J. DREHER  
DIRECTOR

Warren Heights Homeowners  
ATTN Roland Dustman  
14023 Hideaway Ct  
McCall ID 83638

**PROOF ACKNOWLEDGMENT LETTER**

**RE:** PERMIT NO. 77-07345

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  
AUG 10 1998

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 77-07345 Reviewed by Dy Date 7/8/98

**GENERAL CONSIDERATIONS**

YES Name same as permit?  
NO Address same as permit?  
YES Proof timely received?  
If not, complete calculation below.

**TYPES OF USE**

dom, fire

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

☒ Well log in the file?

\_\_\_\_\_ Correct?

**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 14023 Hideaway Ct. Proof Made 5-12-98

April 30, 1998

WARREN HEIGHTS HOMEOWNERS  
C/O ROLAND DUSTMAN  
SOUTH FORK STAR RT  
MC CALL ID 83638

PROOF DUE NOTICE

RE: PERMIT NO. 77-07345

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 July 1, 1998.

(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.

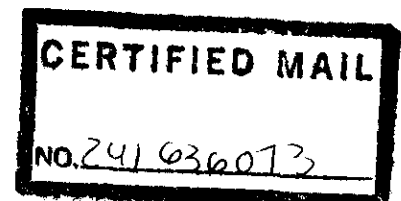
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED

AUG 10 1998





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 17, 1996

WARREN HEIGHTS HOMEOWNERS  
C/O ROLAND DUSTMAN  
SOUTH FORK STAR RT  
MC CALL ID 83638

**PERMIT APPROVAL NOTICE**

RE: PERMIT NO. 77-07345

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosures

AUG 22 1996

**APPLICATION FOR PERMIT  
STATE OFFICE REVIEW  
by Cindy Zimmerman**

No.: 77-7345 Name: Warren Hts H.O. Date: 7/10/96 <sup>7/11/96</sup> Ad OK? ☒  
Correct Fee? ☒ Receipt #: 6019524 Priority: 7/6/95 ☒ Gvmt Lts: ☒

AREA OF CONCERN? dom exempt No/Yes S/C Mor GWMA Trust/Non-trust  
PROTESTED: W/D - 020(Protest Agr) or W19(See Final/Prelim Order)

**SYSTEM COMPLETED:**

Yes/proof filed - NA  
1 year/no proof - P16  
+1 year - 26A-P17

**GROUNDWATER:** <✓ FLO-CH>

+ 0.2 cfs - 01M  
=/- 0.2 cfs - No MD  
=/+ 5 a. - 01M, 065(if GW use SW 1st)

**Drilling Permit:**

Existing well - NA (pre 7/1/87)  
Included w/permit - Permit No. \_\_\_\_\_, P99  
No WD permit? - 046-46B-P23 (post 7/1/87)  
irr. in WD - P05 (new well)

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

Water District(~~dem~~) - 005 (req) WD # \_\_\_\_\_ <SEE MAP & LISTING>  
+ 0.2 cfs - 01J(meas dev)-P08  
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD  
In-WD + 0.2 cfs - 01M or No MD (in-stream)  
- 0.2 cfs - No MD  
=/+ 5 a. irr. - 01M

**RIVER BASINS** (\*Surface water):

Snake R (01) - 11A-P04, NA  
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA  
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA  
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

**USE:**

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA  
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)  
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)  
+ 5 a - 03A (0.02 cfs/A)  
Mining - 054 (req) & 06A/010/09E-P10  
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);  
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09  
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

**LOCATION:**

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:** Non-land owner

OTHER CONDITIONS: reg request - 004 (PD/PU) USFS/Special Permit

**STANDARD REMARKS:**

004  
005/4 006  
003

**BENEFICIAL USE DUE:**

7-1-1998

**COMMENTS:**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 7/11/95 APPLICATION: 77-07345

REQUIRED INFORMATION

*See Comments to appl. for hereafter i.d.*

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)  
Address:  
Source: (See USGS Quad for names of water sources)  
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)  
County:  
Quantity: (flow and/or volume)  
Period of use:  
Nature of proposed use: (Include description of use)  
Description of diverting works:  
Time required for beneficial use of water:  
Place of use or acres irrigated:  
Map: (show T, R, S, QQ &/or QQQ)  
Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)  
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)  
Fee:  
Yes \_\_\_ No\* In form to receipt:

Gov't. Lots:

N P/D  
P/U

ADDITIONAL INFORMATION

| YES                                 | NO                       |                                                                                                                                                               |
|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Overlapping place of use: (Describe source & relationship to present application on the back.)                                                                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Overlapping point of diversion:                                                                                                                               |
| <input type="checkbox"/>            | <input type="checkbox"/> | Field check required: Field check by: _____                                                                                                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Field report attached:                                                                                                                                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Critical groundwater area:                                                                                                                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Groundwater management area:                                                                                                                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | 1992 moratorium: - <i>N/A since not tributary</i>                                                                                                             |
| <input type="checkbox"/>            | <input type="checkbox"/> | Copy to SCA staff: (perennial stream, non-pump diversion)                                                                                                     |
| <input type="checkbox"/>            | <input type="checkbox"/> | Copy to Dam Safety staff: (for any storage)                                                                                                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information & _____ address reduced aquifer recharge) |
| <input type="checkbox"/>            | <input type="checkbox"/> | Send power requirement letter:                                                                                                                                |
| <input type="checkbox"/>            | <input type="checkbox"/> | Send fish farm requirement letter:                                                                                                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Power residency affidavit:                                                                                                                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Power efficiency form:                                                                                                                                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>                                                                                                     |

**RECEIVED**  
JUL 08 1996

Department of Water Resources

DATE REQUESTED: \_\_\_\_\_

Additional information on reverse side:

## PROCESSING

APPLICATION

77-07345

YES NO

☒ ☒  
☒ ☒  
☒ ☒

In form for advertising:

Statewide advertising: ( &gt; 10 cfs &amp;/or 1000 af)

Fee amount, receipt number and date recorded on application:

## SEND COPIES TO

YES NO

☐ ☒  
☐ ☒  
☐ ☒  
☐ ☒  
☐ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☒  
☒ ☒  
☐ ☒  
☐ ☒

U.S. BLM

U.S. Forest Svc.

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:

Protests received. Final date for protest

8-7-95

Protest dates, 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:

26A, 004, 021, fire prot. language as needed

See below for additional information

Recommended Date or Priority

7/6/95

Recommended by:

JL

Date

7/1/96

## STATE OFFICE REVIEW

See below for additional information. By

Date

## ADDITIONAL INFORMATION

CAN F.S. be listed on this appl. without clear authority  
to do so from F.S.? See Appl. Comments.

Salmon R. monitoring N/A since source sink.

\* Protest from F.S. withdrawn 6/17/96.

Note NAME change (F.S. dropped from name) per F.S.  
letter dated 8/4/95. F.S. special use permit obtained.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

**RECEIVED**  
JUL 08 1996  
Department of Water Resources

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 3, 1996

US DEPT OF AGRICULTURE  
US FOREST SERVICE  
324 25TH ST  
OGDEN UT 84401-2310

Re: Application for Permit No. 77-7345 in the Name of Warren Heights Homeowners

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right.

The Department now will continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Steve Lester  
Deputy Regional Manager

CC: Applicant

AUG 22 1996



United States  
Department of  
Agriculture

Forest  
Service

Intermountain  
Region

324 25th Street  
Ogden, UT 84401-2310

File Code: 2540-1

Date: JUN 17 1996

RECEIVED

JUN 21 1996

Department of Water Resources

Mr. Karl Dreher, Director  
Idaho Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720

Dear Mr. Dreher:

We have resolved the concerns we addressed in our protest of Application No. 77-07345 filed by the Warren Heights Homeowners. We are enclosing a withdrawal form for your records.

Sincerely,

*Clair C. Bosworth*  
DALE N. BOSWORTH  
Regional Forester

Enclosure

RECEIVED

JUN 24 1996

WATER RESOURCES  
WESTERN REGION

AUG 22 1996



Caring for the Land and Serving People

Printed on Recycled Paper  
FS-6200-28b (12/93)



W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdrawn my protest of Application For Water  
Right to Appropriate the Public Water of the State of Idaho, No. 77-07345.

Signed at Ogden, Utah

this 17 day of June 1996.

USDA-Forest Service

Chas C Beasley  
Protestant

(for) DALE N. BOSWORTH, Regional Forester

ATTEST:

RECEIVED

**JUN 24 1996**

WATER RESOURCES  
WESTERN REGION



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

May 22, 1996

DALE N BOSWORTH  
US DEPT OF AGRICULTURE  
FOREST SERVICE  
324 25TH ST  
OGDEN UT 84401-2310

Re: Application for Permit No. 77-7345 in the Name of Warren Heights Homeowners

Dear Protestant:

Enclosed is a copy of the above-referenced application, a copy of your protest of this application and a Special Use Permit. As you will note the requirements in your protest have been met.

For your convenience we have also enclosed a protest withdrawal form. Please sign this and return it to our office so we can continue processing this application.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT/st

Encl.

AUG 22 1996

RECEIVED

APR 15 1996

FS-2700-4 (7/93)  
OMB No. 0596-0082  
Expires: 6/30/96

|                                                                                                                                                               |                                                  |                                |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------|-------------------------------------|
| U. S. DEPARTMENT OF AGRICULTURE<br>Forest Service<br><br>SPECIAL-USE PERMIT<br><br>Authority: <u>Federal Land Policy</u><br><u>Management Act of 10/21/76</u> | Holder No.<br><u>4 1 1 9-0 1</u>                 | Issue Date<br><u>12/19/95</u>  | Expir. Date<br><u>1 2/ 3 1/ 1 4</u> |
|                                                                                                                                                               | Type Site(s)<br><u>9 3 1</u>                     | Authority<br><u>6 7 6</u>      | Auth. Type<br><u>2 0</u>            |
|                                                                                                                                                               | Region/Forest/District<br><u>0 4 / 1 2 / 0 4</u> |                                | State/County<br><u>1 6/ 0 4 9</u>   |
|                                                                                                                                                               | Cong. Dist.<br><u>0 1</u>                        | Latitude<br><u>4 5-1 6-0 0</u> | Longitude<br><u>1 1 5-4 0-0 0</u>   |

Warren Heights Homeowners' Association, Inc. of 14023 Hideaway Ct.  
(Holder Name) (Billing Address - 1)

McCall ID 83638  
(Billing Address - 2) (City) (State) (Zip Code)

(hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Payette National Forest.

This permit covers 0.08 acres and/or 5 feet in width X 700 feet in length and is described as SW1/4SE1/4, Section 2, T22N, R6E, Boise Meridian, as shown on the location map attached to and made a part of this permit (Exhibit A), and is issued for the purpose of: operation and maintenance of a domestic water supply system serving summerhomes in the Warren Heights Homeowners Association. (State of Idaho Application for Water Permit No. 77-07345. Currently there are four residences; the number served by this system is not to exceed the Idaho County maximum number for a private water system.) The system consists of a 1,000 gal. buried wooden collection box at the water source, approximately 700 feet of buried 2" plastic pipe connected to an above ground concrete block control valve box (approx. 4' X 4'). The pipe and the collection box are buried approx. 4'-5' deep.

The above described or defined area shall be referred to herein as the "permit area".

#### TERMS AND CONDITIONS

##### I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

40622 1996

This permit is accepted subject to the conditions set out above.

Date 12-11-95

WARREN HEIGHTS HOMEOWNERS'  
ASSOCIATION, INC.

(CORPORATE SEAL)

By Roland A. Rustman  
President

ATTEST:

Gail A. Rustman  
Secretary

The following certificate shall be executed by the Secretary  
or Assistant Secretary of the Corporation:

I, Gail A. Rustman certify that I am the Secretary of the  
Corporation that executed the above permit; that Roland A. Rustman,  
who signed said permit on behalf of said Corporation was then President of  
said Corporation; that I know his/her signature, and that his/her signature on  
said permit is genuine; and that said permit was duly signed, sealed, and  
attested to for and on behalf of said Corporation by authority of its governing  
body.

(CORPORATE SEAL)

Gail A. Rustman  
Secretary

U. S. DEPARTMENT OF AGRICULTURE  
Forest Service

By David L. Alexander  
(Authorized Officer Signature)

Forest Supervisor  
(Title)

12/19/95 hor  
(Date)

AUG 22 1996



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

April 12, 1996

DALE N BOSWORTH  
US DEPT OF AGRICULTURE  
FOREST SERVICE  
324 25TH ST  
OGDEN UT 84401-2310

Re: Application for Permit No. 77-7345 in the Name of Payette  
National Forest &/or Warren Heights Homeowners

Dear Protestant:

We received a call from Rolland Desmond of Warren Heights Homeowners saying that they now have the special use permit that is required to approve this application. Enclosed is a withdrawal form that needs to be signed by you in order for us to continue processing this application. Please return it to this office as soon as possible.

If you have any questions, please call this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT/st

CC: Payette National Forest  
Applicant

AUG 22 1996



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

April 1, 1996

BRYON LEAVITT  
SOUTH FORK STAR ROUTE  
MCCALL ID 83638

Re: Application for Permit of Water Right No. 77-07345

Dear Applicant:

*NOTICE OF PENDING ORDER REJECTING APPLICATION FOR PERMIT*

On July 6, 1995, Warren Heights Homeowners filed with the Department of Water Resources an application for permit to provide water for domestic use and fire protection located within Sec. 02, T22N, R06E, B.M., in Idaho County.

This application was protested by the U.S. Forest Service.

The department corresponded with you on November 15, 1995, advising you that a special use permit is required from the Forest Service. This information is necessary to continue processing this application. We have received no communication from you.

The purpose of this letter is to request that you withdraw your application for permit or explain why the Department should not reject your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have an explanation that would prevent the Department from rejecting your application.

If you fail to respond to this inquiry within thirty (30) days from the date of this letter, the Department will act to reject your application. The application will be rejected on the grounds that it is speculative in that you have not provided the necessary information needed to process the application.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

Enclosure

AUG 2 2 1996

I hereby certify that on this 3<sup>rd</sup> day of April, 1996,  
I sent the original copy of this letter, postage prepaid, to the  
person and address listed above.

Sincerely,

A handwritten signature in cursive script that reads "Sue Taylor".

Sue Taylor  
Secretary

AUG 8 2 1996



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

November 16, 1995

WARREN HEIGHTS HOMEOWNERS  
SOUTH FORK STAR ROUTE  
MCCALL ID 83638

Re: Application for Water Right Permit No. 77-7345

Dear Applicant:

The Idaho Code rules require that the applicant file a special use permit with the Forest Service. Please provide a copy of this permit to this office so that we can continue processing this application.

If you have any questions please call this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT/st

NOV 21 1995



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

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

August 11, 1995

PHILIP E. BATT  
GOVERNOR

DALE N BOSWORTH  
US DEPT OF AGRICULTURE  
FOREST SERVICE  
324 25TH ST  
OGDEN UT 84401-2310

KARL J. DREHER  
DIRECTOR

Re: Application for Permit No. 77-07345 in the Name of Warren Heights Homeowners

Dear Protestant:

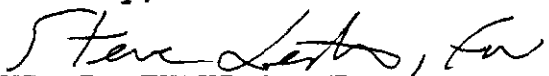
This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

  
DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

DRT/st

CC: Payette National Forest

Aug 11 1995



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

August 11, 1995

WARREN HEIGHTS HOMEOWNERS  
SOUTH FORK STAR ROUTE  
MCCALL ID 83638

Re: Application for Permit No. 77-07345

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

Enclosure: Copy of protest(s)

AUG 21 1995



United States  
Department of  
Agriculture

Forest  
Service

Intermountain  
Region

324 25th Street  
Ogden, UT 84401-2310

File Code: 2540-1

Date: AUG 04 1995

Mr. Karl Dreher, Director  
Idaho Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720

RECEIVED  
AUG 08 1995

WATER RESOURCES  
WESTERN REGION

RECEIVED  
AUG 07 1995

Department of Water Resources

Dear Mr. Dreher:

We are writing about Application for Permit No. 77-07345 filed by the Warren Heights Homeowners to appropriate 0.10 cfs from a spring on National Forest System lands. We have two concerns at this time. First, the application cannot be in the name of the Payette National Forest, it should be in the name of the applicant. Secondly, the development of the spring source, and the conveyance of water, both of which will effect National Forest land, must be conditioned under a special use permit. The permit, issued by the Payette National Forest, will specify certain terms and conditions in deliverance of water to the point of use on private land. At this time, we feel the application should be deferred until the special use permitting process is complete.

Sincerely,

  
DALE N. BOSWORTH  
Regional Forester

AUG 22 1995  
Caring for the Land and Serving People



Printed on Recycled Paper  
FS-6200-28b (12/93)





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

July 13, 1995

GRAY F REYNOLDS REG FORESTER  
US DEPT OF AGRICULTURE  
FOREST SERVICE  
324 25TH ST  
OGDEN UT 84401

Re: Application for Permit No. 77-07345 in the Name of Payette  
National Forest &/or Warren Heights Homeowners

Dear Sir:

Enclosed is a copy of the above-referenced application  
for permit which may be of interest to your agency. Please  
review the application and submit any comments you may have.

This office normally completes the processing of an  
application within a six-week period and is required to take  
final action shortly thereafter, however, if your agency  
desires to file a formal protest against the approval of this  
application(s), your written protest must be received in this  
office by August 7, 1995.

Please note that Warren Heights Homeowners listed Payette  
National Forest as co-applicant. Does the Forest Service approve  
or object to co-listing?

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

DRT:st

Enclosure(s):

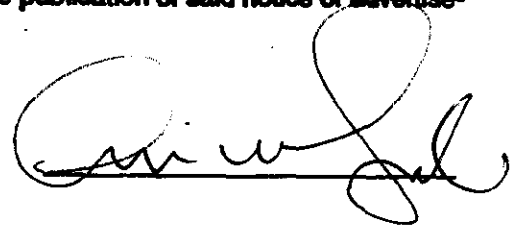
CC: US Forest Service, McCall

AUG 2 2 1995

# AFFIDAVIT OF PUBLICATION

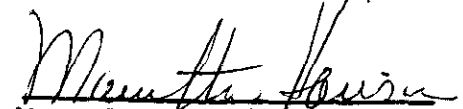
STATE OF IDAHO  
County of Idaho - ss.

Andrew J. McNab, being  
first duly sworn, says he is the Publisher  
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published  
and issued weekly at Grangeville, Idaho county, State of Idaho, and is  
of general circulation in said county and state, that the said 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 19th day of  
July, 19 95, and the last  
publication on the 26th day of July, 19 95;  
and that the said notice was published in the newspaper proper and not  
a supplement; that said newspaper has been continuously and uninter-  
ruptedly published in said county during a period of seventy-eight  
consecutive weeks prior to the publication of said notice or advertise-  
ment.



STATE OF IDAHO }  
COUNTY OF } IDAHO

On this 26th day of July in the year of 1995,  
Before me, a Notary Public, personally appeared  
Andrew J. McNab, 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 he executed the same.

  
Notary Public for Idaho  
Residing at Grangeville, ID  
My commission expires: 10-8-99

ED

1995

SURCES  
EGION

77-07345

PAYETTE NATIONAL FOREST  
WARREN HEIGHTS HOMEOWNERS  
PO BOX 1020  
MC CALL, ID 83638

Source: SPRING

Tributary: SINKS

|               |        |     |   |   |     |   |     |    |       |         |
|---------------|--------|-----|---|---|-----|---|-----|----|-------|---------|
| Diversion Pt: | NESWSE | Sec | 2 | T | 22N | R | 06E | in | IDAHO | County. |
|               | SESWSE | Sec | 2 | T | 22N | R | 06E | in | IDAHO | County. |
|               | NWSESE | Sec | 2 | T | 22N | R | 06E | in | IDAHO | County. |
|               | SWSESE | Sec | 2 | T | 22N | R | 06E | in | IDAHO | County. |

|                  |   |       |      |
|------------------|---|-------|------|
| Use: DOMESTIC    | ( | 0.100 | CFS) |
| FIRE PROTECTION  | ( | 0.100 | CFS) |
| Total Diversion: | ( | 0.100 | CFS) |

Date Filed: 7/ 6/1995

In: IDAHO County  
T22N R06E S11 NWNE

RECEIVED  
AUG 2 2 1995