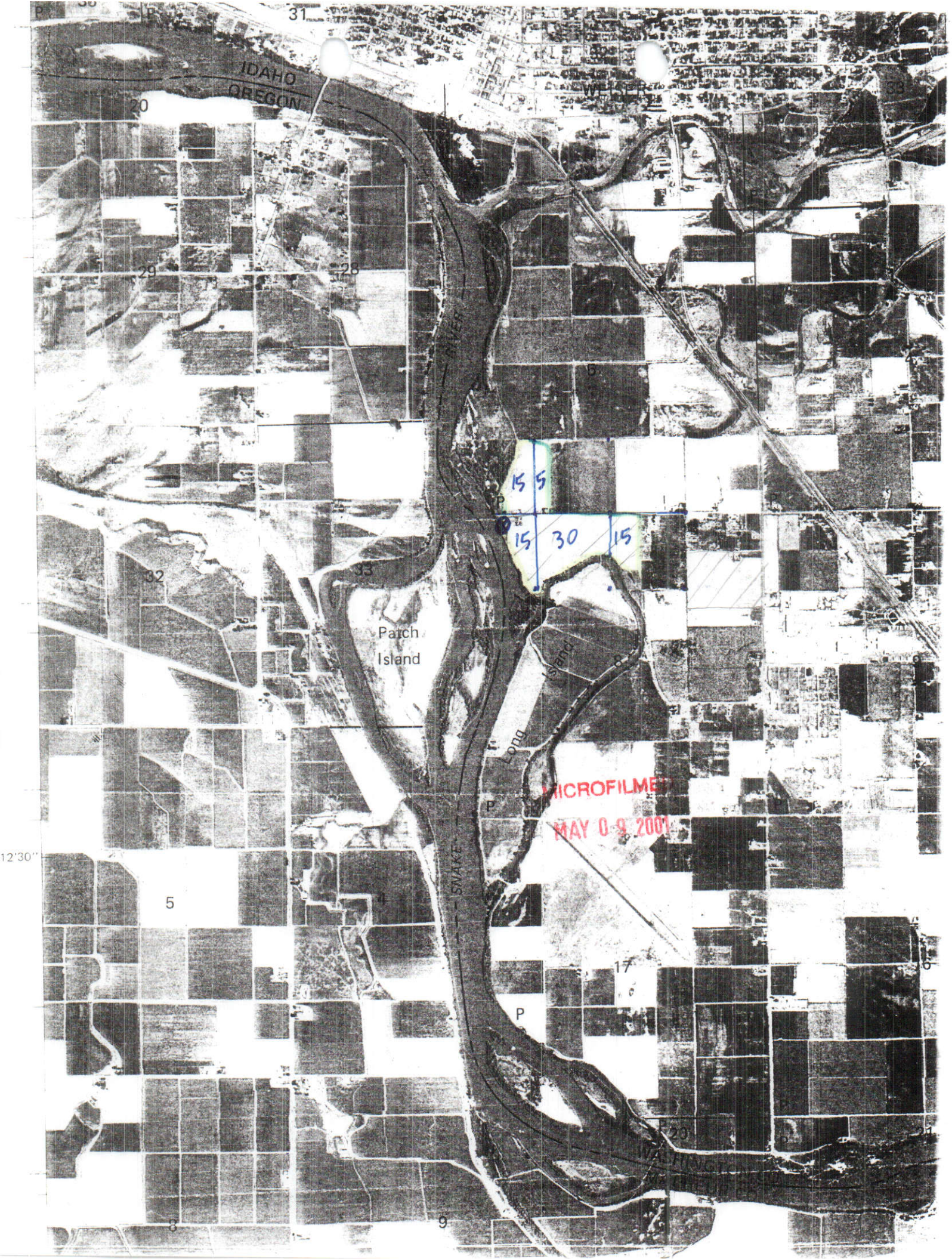




IDAHO
OREGON

Patch
Island

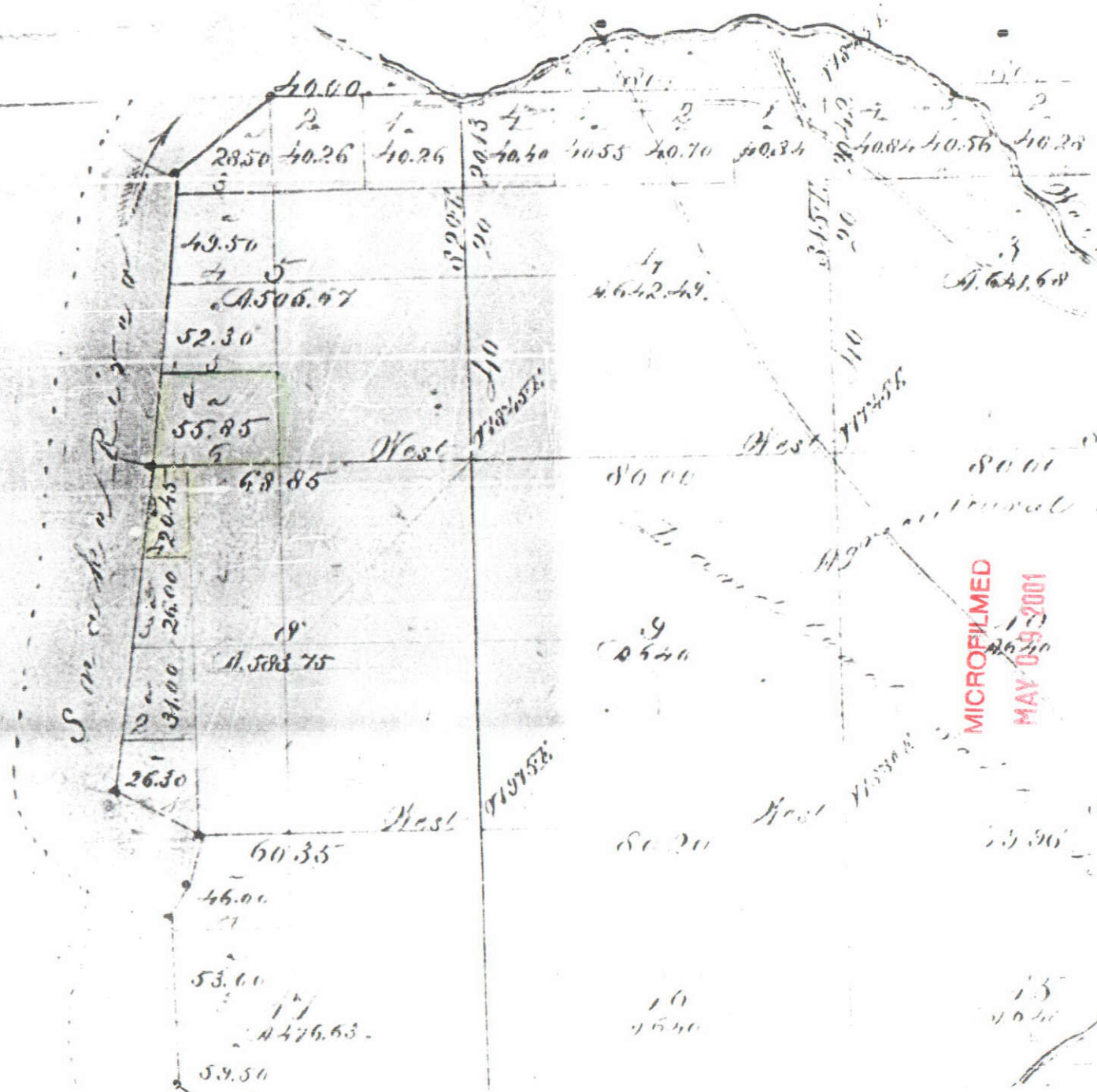
Long
Island

Snake
River

MICROFILMED
MAY 0-9 2001

12'30"

Township No 10 North, Range No 5 W



FOR OFFICE USE ONLY
Amt. of Fee \$: 150.00
Receipt No. 0058316
Receipt By: [Signature]
Date Received: 12-7-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC - 7 2001

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.

1. Permit No. 67-8059 Telephone No. 541-262-3463
2. Name of Permit Holder(s): ELIZABETH MACKAY FARMS
3. Mailing Address: 380 Deck St
City ONTARIO State OR Zip 97914
4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. 3-7 / yr. 2001
Well Driller: DALLAS DRILLING Drilling Permit Number: 67-8059
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 80 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 300 GAL per min. 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 ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ 150.00 (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: Steve MACKAY Telephone Number: 541-262-3463
Address: 380 Deck St ONTARIO OR 97914
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
ELIZABETH MACKAY FARMS
Signature of permit holder: Stephen W Mackay / Farm manager Date: 12-3-01
(include your title, if on behalf of company or organization)

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FEB 04 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-08059

Priority: 08/22/2000

Maximum Diversion Rate: 1.60 CFS

This is to certify, that ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO OR 97914

has applied for a permit to appropriate water from:

GROUND WATER

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>
IRRIGATION	03/01 to 11/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 NW 1/4 NW 1/4 Sec. 8, Twp 10N, Rge 05W, B.M. WASHINGTON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 05W 5											15.0	5.0					20.0
											L 6	L 6					
10N 05W 8			15.0		30.0	15.0											60.0
						L 4											

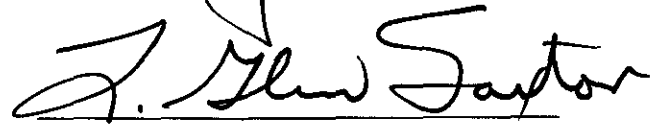
Total Acres: 80

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 01, 2002.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of February, 2001.

MICROFILMED
MAY 09 2001


for KARL J DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

JAN - 6 2001

Department of Water Resources

1. Name of Applicant ELIZABETH MACKAY FARMS Phone 541-262-3463Post Office address 380 DECK ST ONTARIO OR 979142. Source of water supply GROUND WATER which is a tributary of _____3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot 4Sec. 8 Township 10N Range 5W B.M. WA County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.6 for IRR purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 1.6 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP

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 12" inches; proposed depth of well is 50-75 feet.d. Is ground water with a temperature of greater than 85°F being sought? N

e. If well is already drilled, when? _____; Drilling firm _____:

Well was drilled for (well owner) _____

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

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity if KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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MAY 8 2001

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	5W	5											45	15					20
		8		15			30	45	15										60

Total number of acres to be irrigated 80

10. Describe any other water rights used for the same purposes as described above. SLOUGH WATER

11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

Stephen W Mackay
(Applicant)

Received by Rdh Date 8-22-00 Time 11:25 Preliminary check by L
 Fee \$ 250- Receipted by Rdh # W026884 Date 8/22/00
 Publication prepared by WT Date 11-1 + 8-00 Published in WEISER SIGNAL
 Publication approved WT Date 12-12-00

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MAY 03 2001



Parch
Island

15 5

15 30 15

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5

12 30

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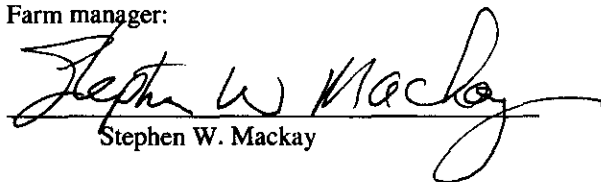
17

Elizabeth Mackay Farms

August 22, 2000

List of corporate officers:

Farm manager:


Stephen W. Mackay

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MAY 9 9 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2001

STEPHEN W MACKAY
ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO OR 97914

Re: Water Right Permit No. 67-08059

Dear Mr. Campbell:

Thank you for your response to my December 17, 2001 letter. According to your response, I understand that you have diverted a lesser amount of water than you were permitted to develop. After determining what is the appropriate license examination fee for your permit based on what you have beneficially used, that amount would be \$100.00. Therefore, I have requested that a check for \$50.00 be prepared for you to refund the excess fee you paid on December 7, 2001. The check will be processed and mailed to you in approximately 7-10 business days.

If you have any questions, please contact me at 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

cc: Fiscal (w/encl.)
Western - Regional Office (w/encl.)

MICROFILMED

FEB 04 2002

167-7059

RECEIVED

DEC 20 2001

Elizabeth Mackay Farms
380 Deck Street
Ontario, OR
97914

167-7059-0010001

Department of Water Resources
P.O. Box 83720
Boise, Id
83720-0098

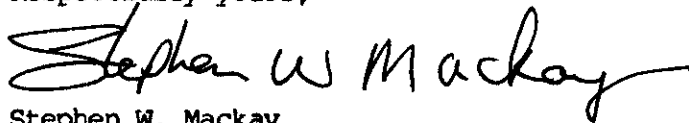
December 19, 2001

Dear Ms. Gibson:

In regards to your letter of December 17, 2001. Please let me apologize for not completely understanding your earlier inquiry. The well tester tells me that this well is only capable of producing 300 gpm. Judging from the relatively small amount of water we can pump, I trust his assessment. Therefore I am applying for 300gpm/.67 cfs from this project.

Thank you for your indulgence and the anticipated refund.

Respectfully yours,



Stephen W. Mackay
Manager/Elizabeth Mackay Farms

cc: Elizabeth Mackay
Farm file

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2001

STEPHEN W MACKAY
ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO OR 97914

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-08059

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Upon review of your proof, I found that you state your diversion is 300 gallons per minute, which equates to .67 cubic feet per second ("cfs"), which the exam fee would be \$100.00. However, the permitted diversion rate authorized by the department is 1.60 cfs, which the exam fee would be \$125.00. The department acknowledges receipt of \$150.00 with your filing. Therefore, the purpose of this letter is to request clarification of what diversion rate you wish to establish for this permit. Please contact me in writing stating what diversion rate you have developed and I will return the excess fee. I am enclosing copies of your proof and the receipt for the license exam fee you paid.

I have put your file on hold until I hear from you. If you have any questions, please contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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FEB 9 4 2002

CERTIFIED WELL TEST RESULTS

OWNER: ELIZABETH MACKAY FARMS
380 DECK ST.
ONTARIO OREGON 97914

CERTIFIED WELL TEST DATE: 3-19-01

LOCATION/LEGAL DESCRIPTION

1325 ROSS RD. WEISER ID. TWP:10n RGE: 5w SEC. 8 NW1/4 NW1/4

TOTAL DRAW DOWN 19'
DIAMETER OF WELL 16"
DEPTH OF WELL 60'
CASED DEPTH 33'
TYPE OF PUMP TEST PUMP
TANK INFORMATION NONE
WELL SEAL PRESENT YES
STATIC WATER LEVEL 10'
TOTAL WATER PUMPED AT END OF TESTING PERIOD
ADDITIONAL NOTES: PUMPED 260 G.P.M. AT 25 FEET.

WELL TEST COMPLETED BY MR. LEON GRIFFIN

<u>TIME</u>	<u>G.P.M.</u>	<u>WATER LEVEL</u>	<u>DRAW DOWN</u>
8:45 AM	300	20'	10'
9:00 AM	300	26' 9"	6'
9:30 AM	300	27' 2"	5"
10:00 AM	300	27' 8"	6"
10:30 AM	290	28' 2"	6"
11:00 AM	290	28' 9"	7"
11:30 AM	290	28' 11"	3"
12:00 PM	290	29'	2"
12:30 PM	290	29'	0
12:45 PM	290	29'	0

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FEB 04 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-8059

Reviewed By: dgibson

Date: December 17, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?		X	Drilling permit upgrade needed?		
Receipt No.:		W026884, C058316	Well driller's report filed?		X
Additional Amount Due:		\$50.00 or \$75.00	Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		12/07/2001
Date proof due	-	02/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	08/22/2000
New priority date	=	08/22/2000

Deficiencies of Actions Items

Additional fees are necessary. First find out how much the diversion rate is in cfs. If he is only claiming .66 cfs then there will be an additional \$50.00. But if he wants to divert the entire amount permitted of 1.6, which would be an additional \$75.00 instead.

November 30, 2001

ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO, OR 97914

PROOF DUE NOTICE

RE: PERMIT NO. 67-8059

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 February 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

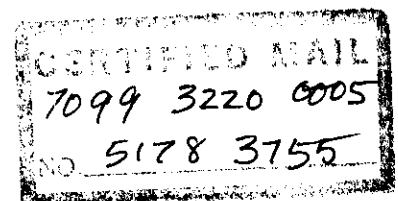
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

SEP 9 4 2002





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

February 5, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO OR 97914

RE: Permit No. 67-8059

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 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.

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

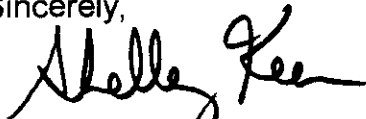
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MAY 09 2001

Also, 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,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

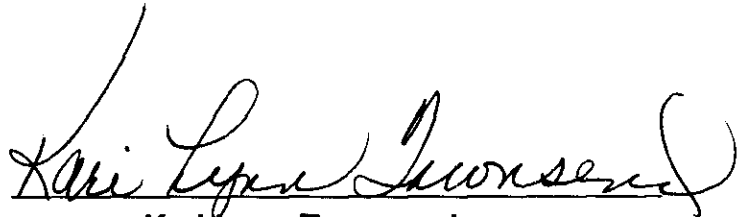
MAY 03 2001

CERTIFICATE OF MAILING

I hereby certify that on February 5, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 67-8059

**ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO OR 97914**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 05 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).

MICROFILMED
MAY 9 9 2004

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.

MEMORANDUM

To: File 67-08059

From: Sharla

Date: January 31, 2001

Re: Surface Water Overlap

On this date, I spoke with Stephen McKay concerning the use of surface water (identified as a slough on the application (Item #10). Mr. McKay told me that the only surface water they have used on this property is diverted by a pump they have in the slough, but that their intention with this application is to solely use ground water on these lands once the permit is issued. They are taking the pump out of the slough and will discontinue use of the slough altogether.

Based on the above, supplemental conditions are not appropriate and condition 050 will be used instead.

MICROFILMED

MAY 09 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 1/22/01

No. 18-8059 Name: E Backstrom Corp. Officers ✓ Ad ok ✓ Govt Lots ✓

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
~~Supp irr (+ other uses)~~ - 100-105
~~≤ 0.24 cfs/5 acres~~ - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 2/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON 3/1 - 11/5 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

JAN 8 2000 K
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: lg DATE: 10/24/00 APPLICATION: 67-08059

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: 3/1 - 11/15
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

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

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☒ immediate = acceptable plan required and submitted.
- ☐ ☒ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 7-08059

YES NO

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

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

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ 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 11-20-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 121

See below for additional information

Recommended Date or Priority 8/22/2000Recommended by: Gary Date: 12/18/00ADDITIONAL INFORMATION:Overlaps: 03-02036 - surface H₂O

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 10/25/00
Time: 11:53:48

Water Right Number: 67-08059

Comment Date: 10/25/2000 User ID: LGRAVES

Subject: MORE INFO

Per Applicant: Steve Mackay is Farm Manager for applicant.

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED

MAY 23 2001

No 1312

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Washington

) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
November 1, 2000, and ending
with the issue of November 8, 2000

Fees \$ 141.08 Sarah Boles

Subscribed and sworn to before me this 8
day of November, 2000

Judith A. Parsons
Notary Public, residing at Weiser, Idaho

My commission expires 2, 02

RECEIVED

DEC 04 2000

WATER RESOURCES
WESTERN REGION

No. 1312
**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

12 67-08058
TREES, CRAIG
TREES, LYNETTE
1170 INDIANHEAD RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: SWSE Sec 24 T 11N R 06W in
WASHINGTON County.
Use: IRRIGATION (0.140 CFS)
Total Diversion: 0.140 CFS
Date Filed: 9/6/2000
In: WASHINGTON County
T11N R06W S24 SWSE
7.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in
the future as needed.

12 67-08059
ELIZABETH MACKAY FARMS
380 DECK ST.
ONTARIO, OR 97914
Source: GROUNDWATER
Diversion Pt: LOT 4 (NWNW) Sec 8 T 10N R 05W
in WASHINGTON County.
Use: IRRIGATION (1.600 CFS)
Total Diversion (1.600 CFS)
Date Filed: 8/22/2000
In: WASHINGTON County
T10N R05W S05 Lot 6 (SWSW) Lot 6 (SESW)
S08 NWNENW Lot 4 (NWNW)
80.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in
the future as needed.

Permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of
Sec. 42-203A, Idaho Code. Any protest against
the approval of this application must be filed with
the Director, Dept. of Water Resources, Western
Region, 2735 Airport Way, Boise, Idaho 83705
together with a protest fee of \$25.00 for each
application on or before NOVEMBER 20, 2000.
The protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
Published: 11/2/2000 & 11/9/2000.

76-2S

MICROFILMED

MAY 03 2001

67-08059

ELIZABETH MACKAY FARMS
380 DECK ST
ONTARIO, OR 97914

Source: GROUNDWATER

Diversion Pt: LOT 4 (NWNW) Sec 8 T 10N R 05W in WASHINGTON County.

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 8/22/2000

In: WASHINGTON County
T10N R05W S05 Lot 6(SWSW) Lot 6(ESW)
S08 NWNE NENW Lot 4(NWNW)

80.0 ACRES TOTAL

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

MICROFILMED

MAY 09 2009

REQUEST TO PROCESS

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

Name of Applicant

ELIZABETH MACKAY FARMS

Mailing Address

384 Oak St
Cortez CO 81301

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Stephen W. Mackay

Date

8-22-00

Please return this form to:

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

MICROFILMED

MAY 09 2001