



WASH CO.

ADAMS CO.

NATIONAL

Alder Creek

Alder Creek

Ferguson Basin

Rock Creek

Goodrich

Power deleted per
9/16/96
amendment
- 82

IGN 2W

67-7995

MICROFILM

OCT 02 2002

EXHIBIT A

Special Use Permit

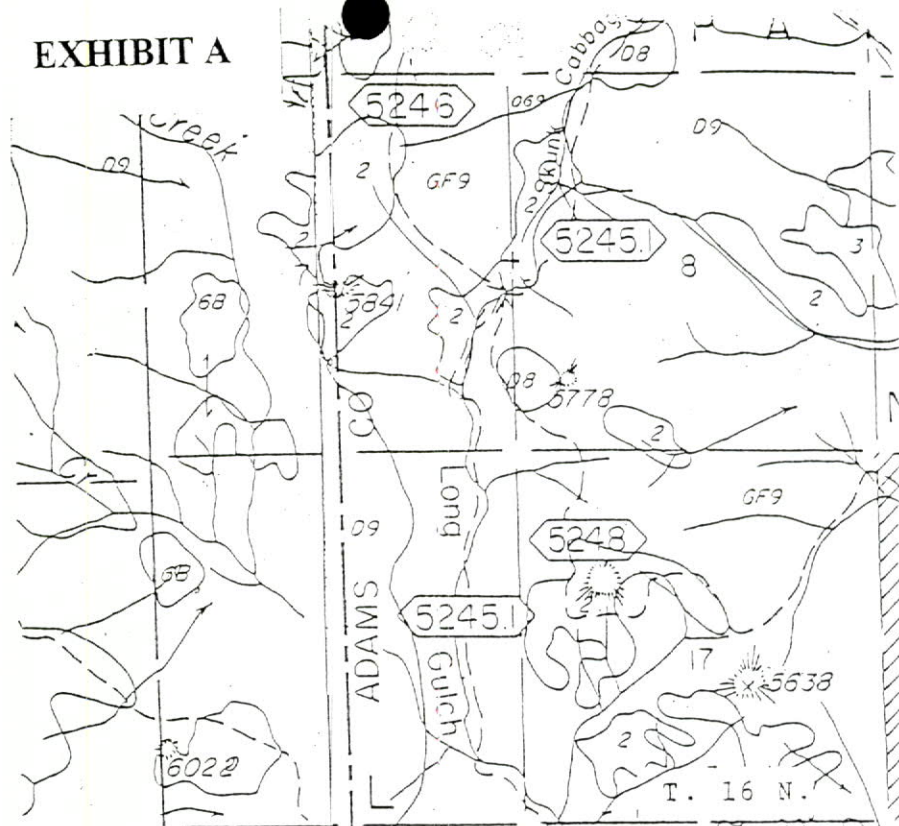
Wilbur and Margaret Waterman

Domestic Water System

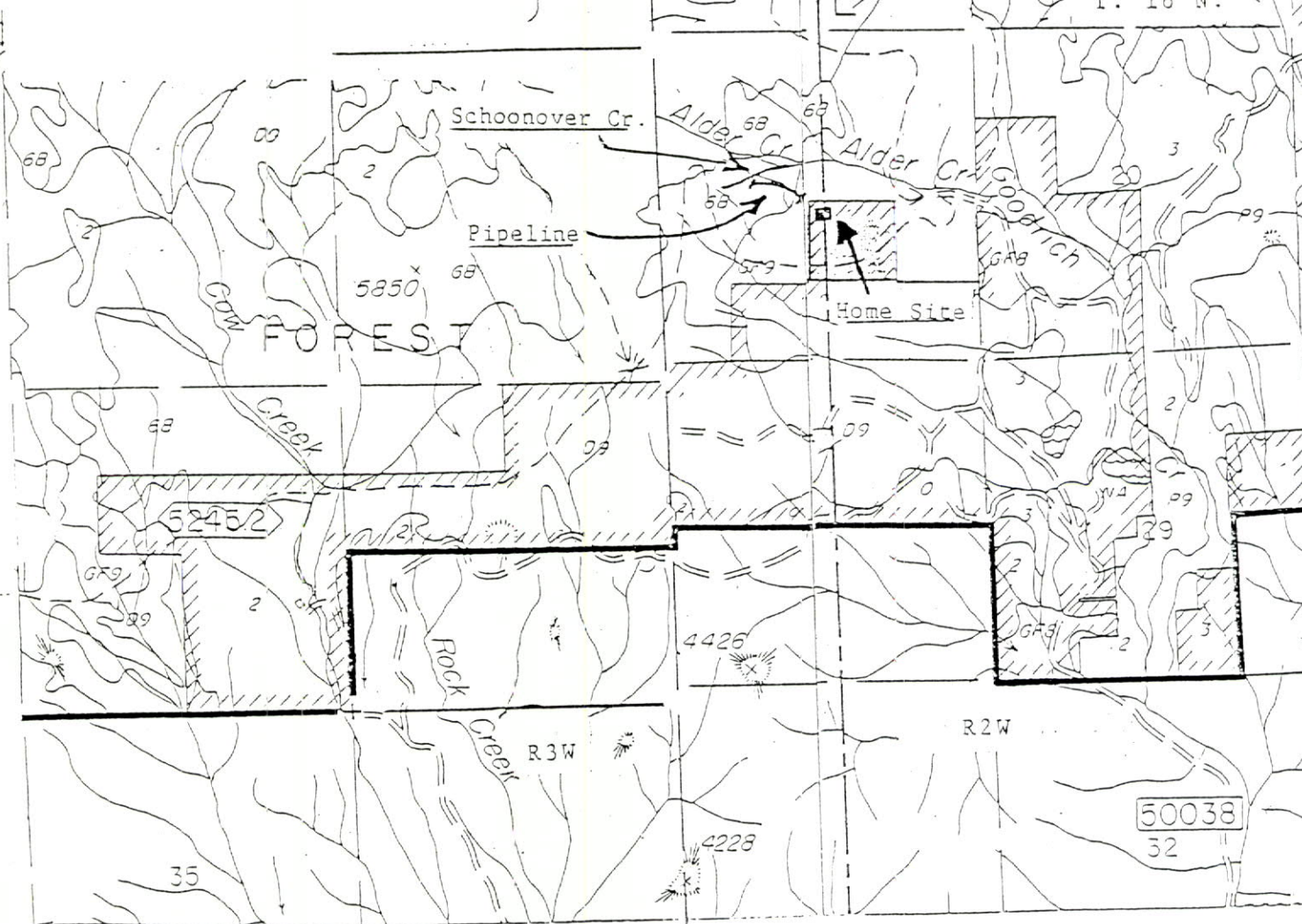
Township 16 North Range 2 West
sec. 19 SE1/4NW1/4

Boise Meridian
Washington & Adams Counties

Scale: 2" equals approx. 1 mile



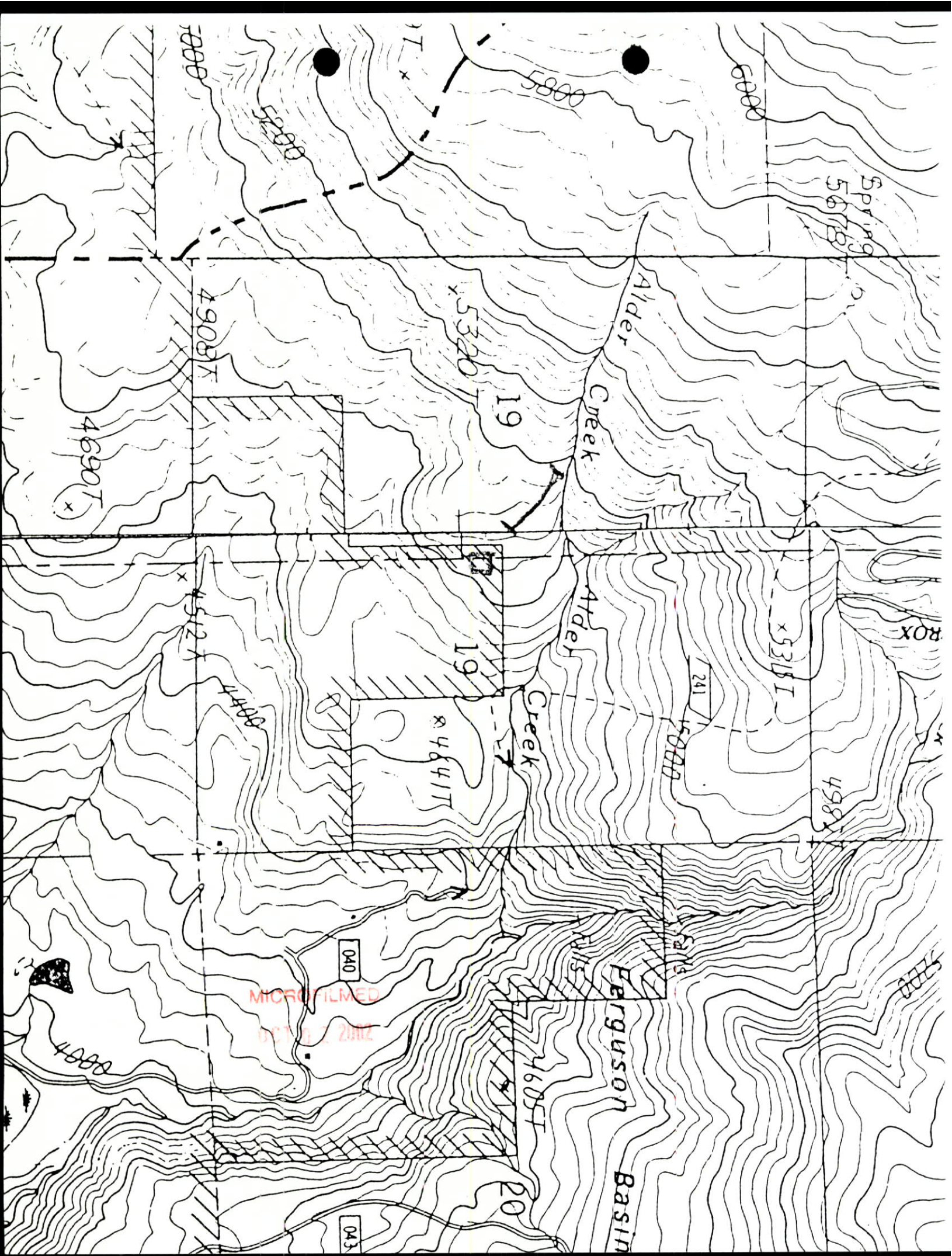
16N



MICROFILM 3 W

OCT 02 2002

2W



Affidavit of Publication

STATE OF IDAHO }
County of Washington } ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for TWO consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began Sept. 5, 1996 and ended Sept. 12, 1996
B. S. Dopf

Subscribed and sworn to before me

this 2nd day of October, 1996

John C. Kennedy
Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

67-07995 ✓

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL, ID 83605

Source: ALDER CREEK Tributary: GOODRICH CREEK

Diversion Pt: SENW Sec 19 T 16N R 02W in WASHINGTON County.

Use: IRRIGATION	(	0.090 CFS)
POWER	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 7/10/1996

In: ADAMS County
T16N R02W S19 NWSE

3.0 ACRES TOTAL

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 SEPTEMBER 23, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/5/1996 & 9/12/1996

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RECEIVED

OCT 03 1996

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-07995

Priority: 07/10/1996

Maximum Diversion Rate: 0.09 CFS

This is to certify, that WATERMAN FAMILY TRUST
C/O WILBUR WATERMAN
1215 W LINDEN
CALDWELL ID 83605

has applied for a permit to appropriate water from:

Source: ALDER CREEK

Tributary: GOODRICH CREEK

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	04/01 to 10/31	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, Twp 16N, Rge 02W, 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	
16N	02W	19															3.0		3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2005**.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
8. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.

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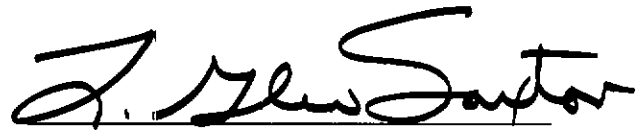
OCT 02 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-07995

9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Source is known locally as Schoonover Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of June, 2002


for KARL J DREHER, Director

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OCT 02 2002

Ident. No. 67-07995

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 15 2002

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name: WATERMAN FAMILY TRUST 208-459-2518
Address: WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605
2. Source: ALDER CREEK Trib. to: GOODRICH CREEK
3. Location of Point of Diversion: SENW Sec. 19, Township 16N, Range 02W
WASHINGTON County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|--------------------|------------------|------------------|------------------|------|----|
| IRRIGATION | 04/01 | 10/31 | 0.090 | | |
| * ~~POWER~~ | ~~01/01~~ | ~~12/31~~ | ~~0.200~~ | | |
5. Total quantity to be appropriated is:
~~0.200~~ CFS (and/or) AF
.09
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
EXPANSION OF EXISTING PIPELINE, ~~1KW GENERATOR~~, GRAVITY IRRIGATION
 - 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.
 - Proposed well diameter is inches; proposed depth of well is
feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - 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 3 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
16N	02W	19	NWSE 03			3

Total number of acres irrigated: 3

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* changed in Data base 9/18/96

Place of Use: ~~POWER~~, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
USFS
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
SPECIAL USE PERMIT PENDING MODIFICATION

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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

X Walter L. Waterman
Applicant

Received by Cylr Date 7/10/96 Time 220 Preliminary check by ly

Fee \$ 50.00 Receipted by ije #W021183 Date 7/10/1996

Publication prepared by dt Date 8-28-96 Published in Upper City News Rep.

Publication approved dt Date 10-3-96

Amended appl 9/16/96 #W021498
removed power use due to protest and
development expense. ly 9/16/96

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* Data base change 9/18/96. ly

Ident. No. 67-07995

Comments: Date: 7/10/1996 User-ID: CHODGES

Subject: APPLICATION INFO

Project will be an expansion of 67-07161, using same P/D. Irrigation proposed for outdoor nursery stock under sprinkler irrigation. Power production for 1KW or less, making this project likely exempt from PUC/FERC jurisdiction. Power affidavit submitted with application. Generation using Pelton wheel with 400' head. Source known locally as Schoonover Creek.

Comments: Date: 9/18/1996 User-ID: LGRAVES

Subject: AMENDMENT

Applicant amended application 9/16/1996 to eliminate power use due to protest and expense.

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WASH CO.

ADAMS CO.

NATIONAL

Ferguson Basin

Power deleted per
9/16/96
amendment
- JZ

IGN 2W

67-1995

OCT 02 2002

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: *(Complete either 1. or 2).*

1. Individual Applicant or Individual Members of a Partnership:

I, William L. Waterman of Caldwell,
(name) (city),

County of Canyon, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city),

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: *(To be completed for hydropower projects only)*

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

William L. Waterman
Applicant

State of Idaho _____)
County of Ada) ss.

On this 10 day of July, 19 96, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lori Harris
Notary Public residing at

Boise, Idaho

My commission expires

12-8-2000

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OCT 02 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

June 20, 2002

WATERMAN FAMILY TRUST
C/O WILBUR WATERMAN
1215 W LINDEN
CALDWELL ID 83605

RE: Permit No. 67-7995

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.

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.

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

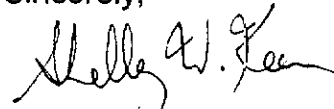
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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact 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 cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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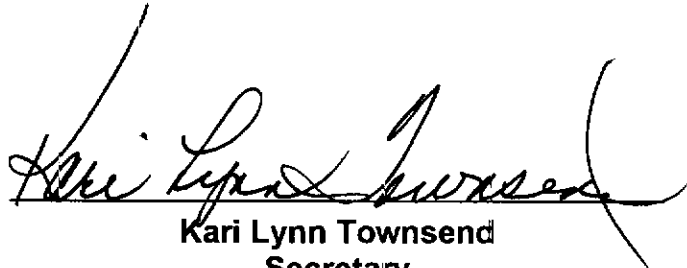
OCT 02 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2002 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. 67-7995

**WATERMAN FAMILY TRUST
C/O WILBUR WATERMAN
1215 W LINDEN
CALDWELL ID 83605**



**Kari Lynn Townsend
Secretary**

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OCT 02 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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.

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MEMORANDUM

To: File 67-7995

From: Sharla

Date: June 14, 2002

Re: Telecon

On this date, I spoke with Gary Spackman about the conditions recommended for permit approval (specifically conditions 086 and 087). I asked if the watermaster is aware of these conditions we use standardly in the Weiser River drainage since the watermaster made no recommendations for any such conditions.

Gary told me that Bosco Bosler has been the watermaster only since last year. The watermaster for this district chases water all the way to Tammarack including all the tributaries along the way. Because of his short experience of being watermaster, Gary thinks that Bosco may not be aware that we typically use these two conditions on surface water within the Weiser drainage. Because of this large responsibility, Gary feels it is extra important to place the responsibility on the applicant to cease diversion of water or seeking rental water after the June 15 date each year.

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OCT 12 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 5/23/01

No. 67-7995 Name: Waterman Corp. Officers _____ Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
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
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 6/01/2005

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 064
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# 67)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def ,
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRR VOLUME/ACRE 4.0

OTHER CONDITIONS/REMARKS

Source aka Schoonover Creek

COMMENTS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Plz give copy to Gene.

INITIAL REVIEW BY: Ly DATE: 8/7/96 APPLICATION: 67-07995

REQUIRED INFORMATION

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

RECEIVED

MAY 15 2002

Gov't. Lots:
☒ P/D
☒ P/U

Department of Water Resources

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☐ Field check required: Field check by: _____
- ☐ ☐ Field report attached:
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ Copy to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ ☐ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Power efficiency form:
- ☐ ☒ 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

Exec/Inc letter

DATE REQUESTED 8/7/96

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO. 67-07995

YES NO

☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☒
☒ ☐
☐ ☒
☐ ☒
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☒
☒ ☒
☐ ☒

U.S. BLM

U.S. Forest Service

Water Dist. # 67

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 9-23-96

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # 67, Weiser River

Special conditions of approval or cover letter:

121 - also 086 & 087 (special Weiser River conditions)
Measuring devices & controlling works required if requested or notified
by watermaster.

See below for additional information

Recommended Date or Priority 7/10/96Recommended by: GrySDate: 5/7/02

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

overlap: 67-07161 - same source (locally
known as Schoonover(R))
same P/D for domestic use,
same owner

Per telecon 5/7/02 with Bob Martin, IDFB R3 - Bob stated IDFB did not have issues with this application.

(comments received 4/12/02)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2002

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

Re: Application for Water Right No. 67-7995 in the Name of Waterman Family Trust.

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application and submit any comments you may have within seven (7) days of receipt of this letter.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

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

Sincerely,

Gary Spackman

GS:lm

Encl.

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APR 12 2002

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 67-07995

Applicant's Name: Waterman Family Trust

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comments:

Dated this 11 day of April 2002

Water District Number: 67 Watermaster's Signature: Bonnie Bosh

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Use back side of this page if you need more space



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2002

BOSCO BOSLER
WATER DISTRICT 67
2711 SHOEPEG RD
MIDVALE ID 83645

Dear Mr. Bosler:

Thank you for your email informing us that you did not receive the copy of the application for permit no. 67-07995. I am enclosing a copy of the application for you to look over. Please send any comments you have regarding this application to this office as soon as is convenient for you. I apologize for the oversight. Let me know if there is anything else you need.

Thank you for your attention to this matter.

Sincerely,

Lisa Mattson

Enc: copy of application
Recommendation of watermaster form

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Lester, Steve

From: Spackman, Gary
Sent: Tuesday, March 26, 2002 10:25 AM
To: Lester, Steve
Subject: FW: Water Right Application

Steve,

Can we talk about this? Is this Sue's responsibility, or
Lisa's?

Gary

-----Original Message-----

From: Bosco Bosler [mailto:boscob@ruralnetwork.net]
Sent: Saturday, March 23, 2002 9:00 AM
To: gspackman@idwr.state.id.us
Subject: Water Right Application

Gary,

I just received a letter for water right change. It states that there is
an
application and recommendation enclosed. There is NO
Water Right Application enclosed. There is a Recommendation form, but it
is
hard to recommend without information. The Right No. is 67-7995. Thanks,
Bosco

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OCT 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2002

BOSCO BOSLER
WATER DISTRICT 67
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application for Water Right No. 67-7995 in the Name of Waterman Family Trust.

Dear Watermaster:

Enclosed is the copy of the above-referenced application for permit. Also enclosed is the form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 14, 2002

USDA FOREST SERVICE
COUNCIL R D
PO BOX 567
COUNCIL ID 83612

Re: Application for Permit No. 67-7995

Dear Protestant:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for permit.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant
USDA Forest Service, Ogden UT

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OCT 02 2002



United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

Council R.D.
P.O. Box 567
Council, ID 83612

File Code: 2720-2

Date: November 8, 2001

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WATER RESOURCES
WESTERN REGION

Dr. Wilbur and Margaret Waterman
1215 W. Linden
Caldwell, ID 83605

Dear Dr. and Mrs. Waterman:

Enclosed for your records are approved copies of your new Special Use Permit and Operation and Maintenance Plan for your water system. These documents authorize the re-construction, operation, and maintenance of your existing domestic water system and supersede your current permit, which expires December 31, 2002.

Please notify Kathy Nash or Jill Kemp before you begin the reconstruction work; a Forest Service representative will make inspections during construction.

We will also send copies of this letter and your permit to Gary Spackman at the Idaho Department of Water Resources for their records. This letter will also serve as documentation of the withdrawal of our protest of your application #67-07995 for 0.09 c.f.s. of additional water for this system.

Thank you for your cooperation and patience during this permit re-issuance and please contact Kathy or Jill at (208) 634-0446 if you have any questions.

Sincerely,

Maura Lavery

for FAYE KRUEGER
District Ranger

Enclosures

Cc:

K.Nash

G.Spackman, Idaho Dept. of Water Resources

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OCT 22 2002



IDWR

Exhibit B

OPERATION AND MAINTENANCE PLAN

DOMESTIC WATER SYSTEM

WILBUR and MARGARET WATERMAN

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WATER RESOURCES
WESTERN REGION

This Plan provides the standards for the reconstruction, operation, and maintenance of a water diversion and waterline on National Forest System Lands located on the Council Ranger District. This water will be used for irrigation and domestic use on private property.

Reconstruction Requirements

1. The diversion structure consists primarily of rocks spaced around the collection pipe to support and protect it and creating an area for water collection. Flow through pipe will be continuous with unused water returned to the stream in a way so as not to cause erosion.
2. Installation of the collection pipe will be in the summer or fall when the stream is not at high flows. The intake on the collection pipe will be screened.
3. In-stream construction activities will be minimal. Any flow in the stream will be diverted away from the site during excavation, using sand bags or weed-free straw or hay bales.
4. Approximately 1,100 feet of 3" (or smaller) PVC or similar pipe will be buried at a depth of 24-30". Trenching will be done with a small backhoe or trencher and by hand to cause no more ground disturbance than necessary to bury pipe. Route will be as previously marked and agreed upon. Work will be done after snowmelt and when ground is not saturated.
5. Disturbed areas will be reseeded and covered with slash as necessary to prevent erosion and restore a natural appearance. Seed mix specifications will be obtained from the Forest Service.
6. Diversion and pipe must be installed and maintained so as not to pose a safety hazard for people or animals.

Operation and Maintenance Requirements

1. Appropriate care must be taken to prevent damage to National Forest System Lands during use and maintenance.

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2. The holders of this permit agree to annually inspect the permitted area prior to diversion of water and to be sure all components are in good condition. Any necessary maintenance will be done prior to installing the diversion each spring.
3. All facilities will be maintained in good repair and checked during periods of use to assure proper functioning. Diversion must be maintained to protect the surrounding area from erosion or other damage.
4. According to Forest Service policy, this plan will be reviewed periodically and modified as necessary to reflect current conditions.

We the undersigned agree to the above, including the described reconstruction work to be accomplished in the stated timeframes. Any deviation will be implemented only after there is agreement between the holder and the Forest Service.

Permit Holders:

Wilbur Waerman
Wilbur Waerman

22 Oct 01
Date

Margaret Waerman
Margaret Waerman

22 Oct 01
Date

**Payette National Forest
Authorized Officer**

maurakoverdy
for Faye L. Krueger
Council District Ranger

8 November 2001
Date

OCT 12 2002
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OCT 31 2002

Authorization ID: CCL014
Contact ID: WATERMAN/W
Expiration Date: 12/31/2020
Use Code: 915

FS-2700-4 (8/99)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

WILBUR OR MARGARET M. WATERMAN, of 1215 W. Linden, Caldwell, ID 83605, (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 approximately 0.4 acres, or 0.2 miles, and is described as: a strip of land located in T. 16 N. R. 2 W. sec. 19 SE 1/4 NW 1/4, as shown on the location map (Exhibit A) attached to and made a part of this permit, and is issued for the purpose of:

Reconstruction, use, and maintenance of a domestic water system including the diversion area, a screened collection pipe, filtering system, and approximately 1,100 feet of 3" (or smaller) pipe, all on National Forest System land. Pipe will be PVC or similar and buried 24-30" deep.

All reconstruction and maintenance will be done as outlined in the attached Operation and Maintenance Plan (Exhibit B).

The water use associated with this permit is authorized by the State of Idaho Department of Water Resources identification numbers 67-07161 (0.04 cfs) and 67-07995 (0.09 cfs).

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.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit

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OCT 07 2002

area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2020. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 30 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorize Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by date of permit issuance and shall be completed by 12/31/2002. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

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B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

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OCT 3 2 2002

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization. The initial payment is set at \$45.00 (fee has been paid for 2001) for the remainder of the calendar year. Subsequent payments shall be determined by the use of an annual fee schedule. The Forest Service may adjust the amount of payment annually by an appropriate indexing factor to reflect more nearly the fair market value of the use. At certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the fair market value of the authorized rights and privileges, as determined by appraisal or other sound business management principles.

C. Payment Due Date. The payment due date shall be the close of business on December 31 of each calendar year payment is due. Payments due the United States for this use shall be deposited at the address on the Bill

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OCT 6 2 2002

for Collection, in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.)

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

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OCT 02 2002

D. Water Rights (X74). This authorization does not convey any legal interest in water rights as defined by applicable State law.

E. Improvement Relocation (X33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

F. Superseded Authorization (X18). This authorization supersedes a special-use authorization designated: CCL515601, issued to Wilbur or Margaret M. Waterman, 12/10/1993.

G. Surveys, Land Corners (D4). The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

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

**HOLDER NAME: WATERMAN, WILBUR
OR MARGARET M.**

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service**

By: Wilbur Waterman
(Holder Signature)

By: David F. Alexander
(Authorized Officer Signature)

By: Margaret M. Waterman
(Holder Signature)

Title: DAVID F. ALEXANDER, Forest Supervisor
(Name and Title)

Date: 22 Oct. 01

Date: 10/30/01

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources

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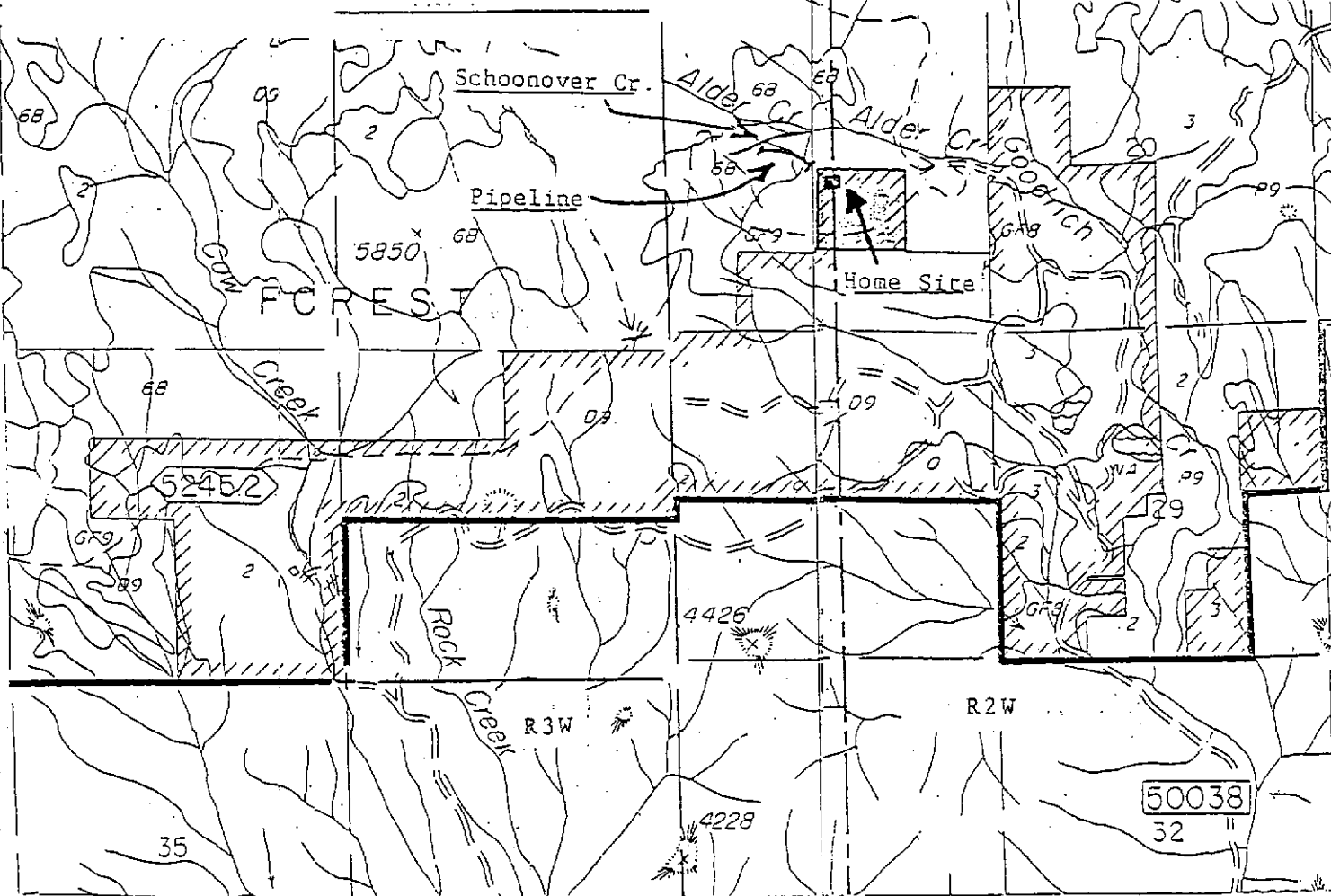
Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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OCT 02 2002

Scale: 2" equals approx. 1 mile

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2001

WATERMAN FAMILY TRUST
WILBUR WATERMAN TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

Re: Application for Water Right No. 67-07995

Dear Applicant:

The Idaho Department of Water Resources will hold your application without action for six (6) months. Please update this office on approximately February 7, 2002, regarding your continued efforts.

Respectfully,



Gary Spackman

GS:st

CC: JILL KEMP
PAYETTE NATIONAL FOREST
PO BOX 1026
MCCALL ID 83638

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OCT 02 2002

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 67-07995 in the Name of Waterman Family Trust

Place: US Forest Service

Date: August 1, 2001

Conducted by: Gary Spackman

NAME

ADDRESS

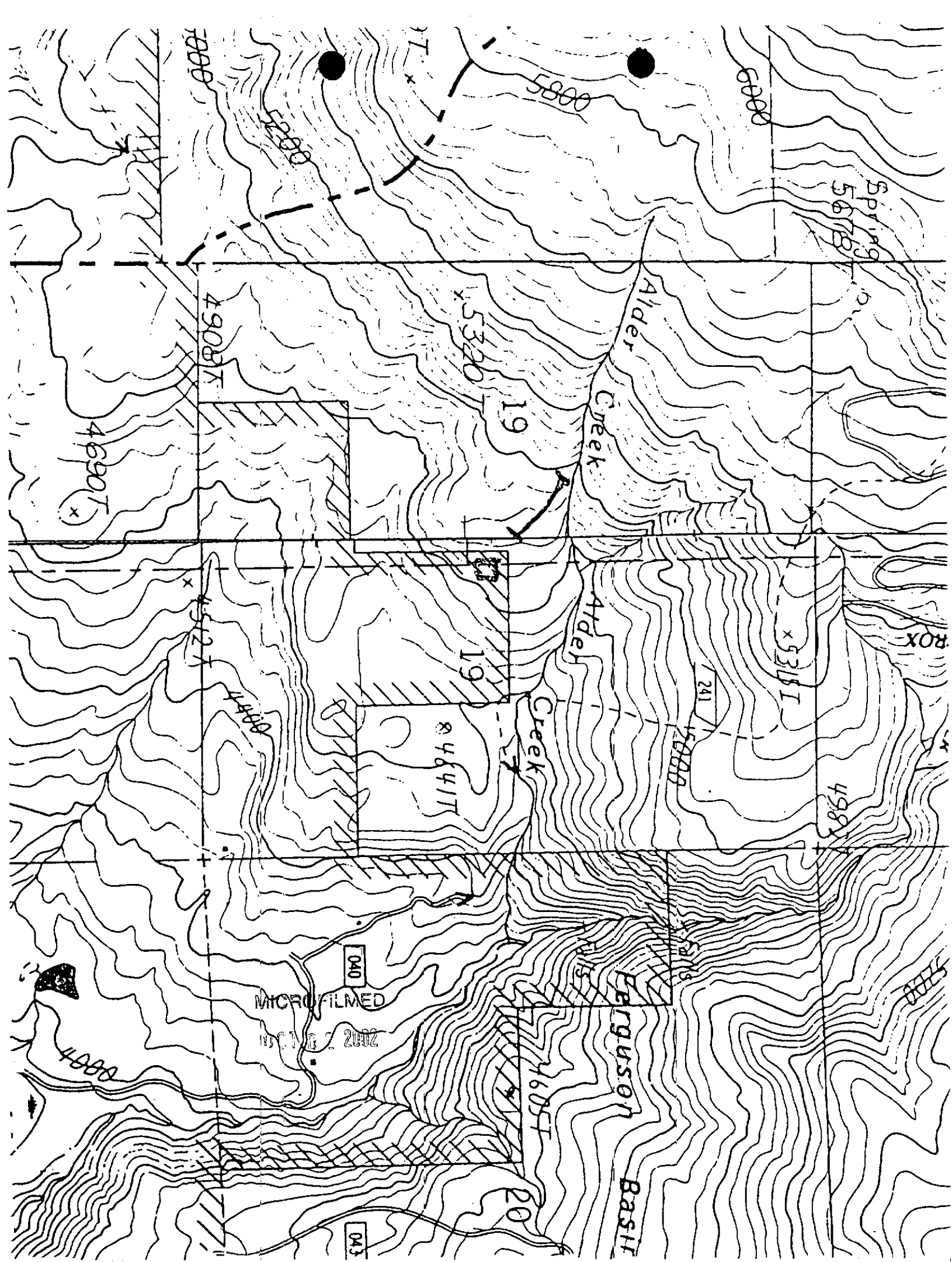
Wilbur Waterman

Margaret M. Waterman

*Jill Kemp, Payette N.F. Box 1026 McCall
208-634-8446, fax - 634-0433 83638*

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OCT 02 2002



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR WATER RIGHT NO. 67-07995)
IN THE NAME OF WATERMAN)
FAMILY TRUST)
_____)

ORDER RESCHEDULING
PREHEARING CONFERENCE

Pursuant to a request from the applicant, the prehearing conference scheduled for June 28, 2001 at 10:00 a.m. in the above-referenced matter is changed to **Wednesday, August 1st, 2001 at 10:00 a.m.** The place and time remain the same, at the **US Forest Service small conference room, 500 E. Whitley Ave., Council, Idaho 83612.**

If you have any questions please call this office.

Dated this 25th day of June, 2001.



Gary Spackman

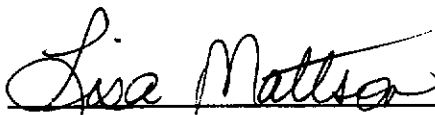
ORDER RESCHEDULING PREHEARING CONFERENCE

PAGE -1-

MICROFILMED
OCT 9 2 2002

CERTIFICATE OF MAILING

I hereby certify that on this 25 day of June, 2001, I mailed a true and correct copy, postage prepaid, of this Order Canceling Prehearing Conference and Suspension of Processing to those listed below:



Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

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

JILL KEMP
PAYETTE NATIONAL FOREST
PO BOX 1026
MCCALL ID 83638

ORDER RESCHEDULING PREHEARING CONFERENCE

PAGE -2-

MICROFILMED
OCT 9 2 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 26, 2001

US FOREST SERVICE
500 E WHITELY AVE
COUNCIL ID 83612

Re: Conference Room Reservation

This letter is to confirm the change in conference room reservations from Thursday, June 28 to Wednesday, August 1, 2001 at 10:00 a.m. made by the Department of Water Resources and also the change from June 26 at 10:00 a.m. to July 9, 2001, at 2:00 p.m..

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED

OCT 02 2002

14 Jun 01

RECEIVED

JUN 19 2001

WATER RESOURCES
WESTERN REGION

Gary Spackman -
Dept Water Resources -
Bozoe 12 -

As I stated by phone, we have had
a Scandinavian Cruise planned
for 6 months. I am very sorry and
apologetic for not realizing the
possibility of a conflict, and not
calling you in advance.

We will be home by the second week
in July and the meeting could be
held any time after that.

Our preference would be the last
week of July or the first week in August,

for the Application Permit No. 67-07995
Pre hearing conference.

Thank you for your efforts and
I am sorry to have caused the
inconvenience.

MICROFILMED

OCT 02 2002

Phillip Haterman for Waterman Trust



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 26, 2001

US FOREST SERVICE
500 E WHITELY AVE
COUNCIL ID 83612

Re: Conference Room Reservation

This letter is to confirm the change in conference room reservations from Thursday, June 28 to Wednesday, August 1, 2001 at 10:00 a.m. made by the Department of Water Resources.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor
Senior Secretary

MICROFILMED

OCT 02 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07995, IN THE)
NAME OF WATERMAN FAMILY)
TRUST)
_____)

NOTICE OF PREHEARING
CONFERENCE

On July 10, 1996, Wilbur Waterman, Trustee for Waterman Family Trust, filed with the Idaho Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, June 28, 2001, at 10:00 a.m. at the US Forest Service small conference room, 500 E. Whitley Ave., Council, Idaho 83612.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

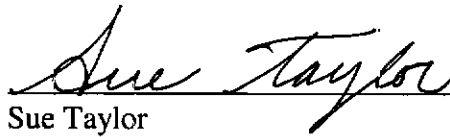
Dated this 7th day of June 2001.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June 2001, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:

A handwritten signature in cursive script that reads "Sue Taylor". The signature is written in dark ink and is positioned above a horizontal line.

Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

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

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

OCT 02 2002

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

OCT 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 8, 2001

US FOREST SERVICE
500 E WHITELY AVE
COUNCIL ID 83612

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Thursday, June 28, 2001, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED
OCT 12 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

December 12, 2000

KARL J. DREHER
DIRECTOR

WILBUR WATERMAN
1215 W LINDEN
CALDWELL ID 83605

Re: Application for Water Right No. 67-07995 in the Name of Waterman Family Trust

Dear Dr. Waterman:

You stopped by this office several weeks ago and inquired about the status of application no. 67-07995. You stated that the US Forest Service had walked the property, and had indicated that the Forest Service viewed the application favorably. You expressed some frustration because of inaction. While you were in the office we attempted to call Jill Kemp of the Forest Service without success.

On November 30, 2000, I called Jill Kemp and visited with her. She stated that because of the past summer and fire concerns, the work on this application had not been completed. She felt confident that the additional review necessary could be completed during this winter and early spring of 2001.

As a result, I will hold the application without any further action until June 1, 2001. If I have not heard from you or the Forest Service regarding the objections by that time, I will schedule the matter for a prehearing conference.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Jill Kemp, Payette National Forest, PO Box 10, McCall, ID 83638

MICROFILMED

OCT 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11-18-99

*used old #,
re-sent 11/18 with
correct #*

TO: Jill Kemp
USDA F.S. - Payette N.F.
Fax 208-634-0281
0744

FROM: Steve Lester

DOCUMENT DESCRIPTION: Wisterman Appl. # 67-07995:

Applicant visited this office today in effort to resolve protest by PNF.
Said that printout of this Appl. that you have is not quite accurate
Due to database quibbles, printouts can be somewhat deficient unless additional
steps are taken in printing process. It's best to rely on original &

TOTAL PAGES SENT: 03 + COVER SHEET

MICROFILMED

CONTACT: _____

OCT 02 2002

documents due to such oddities.

*Enclosed is official version of the Application as Amended
in Sept. 1996. Power is no longer involved, and correct
ownership at point of diversion is stated. "Database Comments"
(pg 3 of Appl.) show that power was deleted on 9/16/96.
You are welcome to withdraw protest if F.S. no longer
has concerns. Otherwise, processing will resume next spring as
stated in IDWR's letter of 9/20/99 which was cc'd to you.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 1999

WATERMAN FAMILY TRUST
WILBUR WATERMAN TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

Re: Application for Water Right No. 67-07995, Proposing Diversion from Alder Creek

Dear Mr. Waterman:

I received your letter dated September 15, 1999, requesting a six month interruption in the processing of your application. Pursuant to Rule 40.01.d of the Water Appropriation Rules, this letter grants a six month interruption in processing your application.

On or about April 1, 2000, I will inquire again regarding the status of your application.

Sincerely,


Gary Spackman

GS:st

CC: Jill Kemp, Payette National Forest, PO Box 1026, McCall, Idaho 83638

MICROFILMED

OCT 02 2002

WILBUR L. WATERMAN, M.D.

Pediatrics

1523 FAIRVIEW AVENUE
CALDWELL, IDAHO 83605

Telephone (208) ~~459-2337~~ 459-2518

September 15, 1999

RECEIVED

SEP 17 1999

WATER RESOURCES
WESTERN REGION

Gary Spackman
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Water Right No. 67-07995 Proposing
Diversion From Alder Creek

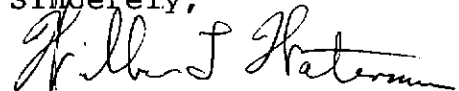
Dear Mr. Spackman:

Jill Kemp of the Forest Service called to say that the Forest Service will take our application under consideration by early next summer, maybe even yet this fall. She sounded like there is reasonable certainty that their protest will be withdrawn.

We wish to apply for an extension of time for processing by your office and the Department of Water Resources.

Thank you for your consideration.

Sincerely,



Wilbur L. Waterman

MICROFILMED

OCT 012 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WATERMAN FAMILY TRUST
WILBUR WATERMAN TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

Re: Application for Water Right No. 67-07995 Proposing Diversion From Alder Creek

Dear Mr. Waterman:

During our telephone conversation on March 17, 1999, we agreed that a six (6) month suspension of processing pursuant to rule 40.01.d. of the Water Appropriation Rules would help with an application for a special use permit from the Forest Service, which protested the application. Please consider this letter a six (6) month suspension of processing. Further extensions should be requested in writing.

This letter also acknowledges the cancellation of the prehearing conference that was scheduled for March 18, 1999. I will schedule another conference in the future when necessary.

Sincerely,

Gary Spackman

GS:st

CC: Jill Kemp, Payette National Forest, PO Box 1026, McCall, Idaho 83638

MICROFILMED

OCT 02 2002

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07995 IN THE)
NAME OF WATERMAN FAMILY)
TRUST.)**

**NOTICE OF PREHEARING
CONFERENCE**

On July 10, 1996, Wilbur Waterman, Trustee for Waterman Family Trust, filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service.

The department has scheduled a prehearing conference for the protest to be held on **Thursday, March 18, 1999, at 10:00 a.m. at the US Forest Service Conference Room, 500 E. Whitley Ave, Council, Idaho 83612.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

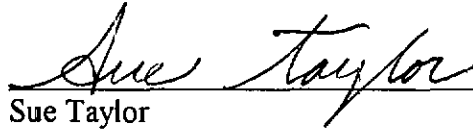
Dated this 12th day of January, 1999.



Gary Spackman

MICROFILMED
OCT 6 2 2002

I hereby certify that on the 12th day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

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

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

OCT 02 2012

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 12 1999

DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

US FOREST SERVICE
COUNCIL DISTRICT OFFICE
500 E WHITLEY AVE
COUNCIL ID 83612

Re: Prehearing Conference

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 18th day of March, 1999, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

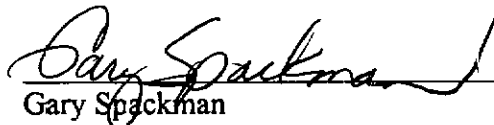
MICROFILMED

OCT 27 2007

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION) FOR PERMIT NO. 67-07995 IN THE) NAME OF WATERMAN FAMILY) TRUST.)	CANCELLATION OF PREHEARING CONFERENCE

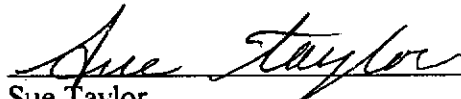
Pursuant to a request by the applicant, the conference in the above-referenced matter scheduled for Monday, November 16, 1998, at 1:30 p.m. has been canceled. IDWR will reschedule the conference for sometime in March.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of November, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

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

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

MICROFILMED

OCT 02 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07995 IN THE)
NAME OF WATERMAN FAMILY)
TRUST.)**

**AMENDED NOTICE OF
PREHEARING CONFERENCE**

The prehearing conference for the above-referenced matter scheduled to meet at the Adams County Courthouse will be changed to meet at the US Forest Service conference room, 500 E. Whitely Ave, Council, Idaho. The date of the conference remains the same, on November 16, 1998, at 1:30 p.m. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 15th day of October, 1998.

MICROFILMED

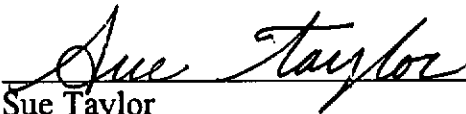
OCT 02 2002



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL ID 83605

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

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

MICROFILMED
OCT 02 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07995 IN THE)
NAME OF WATERMAN FAMILY)
TRUST.)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On July 10, 1996, Wilbur Waterman, Trustee for Waterman Family Trust, filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service.

The department has scheduled a conference for the protest to be held on Monday, November 16, 1998, at 1:30 p.m. at the Adams County Courthouse, 101 Michigan, Council, Idaho 83612. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

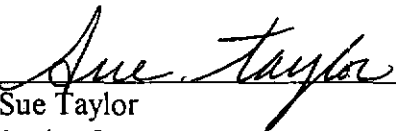
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 23rd day of September, 1998.



Gary Spackman

I hereby certify that on the 24th day of September, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TURSTED
1215 W LINDEN
CALDWELL ID 83605

FOREST SUPERVISOR
USDA FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

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

NOTICE OF CONFERENCE 2

MICROFILMED
OCT 9 2 2002

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

OCT 10 2 2002

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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OCT 2 2002



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

September 18, 1996

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

Re: Application for Permit No. 67-07995

Dear Mr. Bosworth:

Enclosed is an amended version of the application for permit filed by Waterman Family Trust. The original application was protested by the USFS.

Please review this amendment in which power has been deleted. If the amended application will satisfy your concerns noted in your protest letter, please complete and sign the enclosed withdrawal form and send it to this office. If this amendment is not acceptable, we will set the matter for a conference.

If you have any questions please call this office or contact the applicants in this matter.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

Enc:

CC: Applicants

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OCT 22 2002



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

Reply to: 2540-1

Date: SEP 3 1996

Mr. R. Keith Haggins
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED
SEP 06 1996

WATER RESOURCES
WESTERN REGION

RECEIVED
SEP 05 1996

Department of Water Resources

Dear Mr. Haggins:

We are writing to protest Application for Permit No. 67-07995 filed by the Waterman Family Trust to appropriate 0.20 cfs and .09 cfs from Alder Creek, a tributary of Goodrich Creek on the Council Ranger District. We are concerned for the following reasons:

1. The applicant has a special use permit for the purpose of conveying culinary water to private land; however, the applicant does not have a special use permit for the purposes of irrigation or power production. Without a special use permit that includes irrigation and power production, the applicant would be unable to put the water to beneficial use.

2. The listed beneficial use is power production. The applicant has not submitted proof of a Federal Energy Regulatory Commission (FERC) license or exemption from licensing. Since the point of diversion is on National Forest lands, an authorization or exemption from FERC is mandatory. Until the applicant has a Special Use Permit that reflects the change of use on their existent permit and their FERC license, we recommend approval be deferred.

Sincerely,

for *DALE W. BOSWORTH*
DALE W. BOSWORTH
Regional Forester

Enclosures

cc:
Payette NF
Waterman Family Trust

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OCT 2 2002

Caring for the Land and Serving People



United States
Department of
Agriculture

Forest
Service

Payette NF
Supervisor's
Office

PO Box 1026
McCall, ID 83638

Reply to: 2540/2720

Date: August 6, 1996

Subject: Application for Permit #67-07995 in the Name
of Waterman Family Trust

To: Regional Forester

The Waterman Family Trust has filed an Application for Permit to divert 0.20 cfs and .09 cfs from Alder Creek, a tributary of Goodrich Creek, on the Council Ranger District. We recommend that a letter be sent to the Idaho Department of Water Resources protesting the above named Application for Permit. The reasons for the protest are as follows:

1. The applicant has a Special Use Permit for the purpose of conveying culinary water to private land. However, applicant does not have a Special Use Permit for the purposes of irrigation or power production. Without a permit that includes irrigation and power production, the applicant would be unable to put the water to beneficial use.
2. The listed beneficial use is power production. The applicant has not submitted proof of a Federal Energy Regulatory Commission (FERC) license or exemption from licensing. Since the point of diversion is on National Forest System lands, an authorization or exemption from FERC is mandatory.

We recommend that the Department defer any action on this application until the applicant has obtained Special Use Permits that authorize irrigation and power production and either a license or exemption from the FERC.

If you have questions, please contact Holly Becker at (208) 634-0795.

/s/ Jackie Call for

DAVID F. ALEXANDER
Forest Supervisor

cc:
T. Ellison
H. Becker
M. O'Connell
P. Johnston, D1

RECEIVED

SEP 06 1996

WATER RESOURCES
WESTERN REGION

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OCT 02 2002



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 30, 1996

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

Re: Application for Permit No. 67-07995 in the Name of Waterman
Family Trust

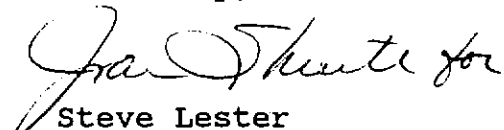
Dear Sir:

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 September 23, 1996.

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

Sincerely,


Steve Lester
Deputy Regional Manager

DRT:st

Enclosure(s):

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OCT 3 2 2002

Affidavit of Publication

STATE OF IDAHO }
County of Washington } ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for TWO consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began Sept 5, 1996 and ended Sept 12, 1996

Subscribed and sworn to before me

this 2nd day of October, 1996

Wm C. Kennedy
Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

67-07995

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL, ID 83605

Source: ALDER CREEK Tributary: GOODRICH CREEK
Diversion Pt: SENW Sec 19 T 16N R 02W in WASHINGTON County.

Use: IRRIGATION	(	0.090 CFS)
POWER	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 7/10/1996

In: ADAMS County
T16N R02W S19

NWSE

3.0 ACRES TOTAL

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 SEPTEMBER 23, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/5/1996 & 9/12/1996

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OCT 12 2002

RECEIVED

OCT 03 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

August 7, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Waterman Family Trust
Wilbur Waterman Trustee
1215 W Linden
Caldwell ID 83605

RE: Application for Permit 67-07995

Dear Mr. Waterman:

Your application for permit to appropriate the waters of Alder Creek for irrigation and power purposes was received on 07/10/1996. I cannot continue to process the application without the following additional information.

Hydropower generation in Idaho may be regulated by Idaho Public Utilities Commission (IPUC) and/or Federal Energy Regulatory Commission (FERC). See the attached pages that discuss the possible IPUC and/or FERC roles in power generation. From the information available on your application, it does not appear that either agency is involved. Please use the following contacts for applicability information regarding your specific project, and provide written notification that shows whether or not the project will be regulated.

Regional Engineer
Portland Regional Office
FERC
1120 SW 5th Ave Suite 1340
Portland OR 97204
503-326-5840

IPUC
472 W Washington
Boise ID 83702
208-334-0300

A water right application may be approved but not used for power generation until any applicable IPUC Certificate and/or FERC license is issued.

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OCT 02 2002

August 7, 1996
Page 2

A stream channel alteration (SCA) permit may also be required from this agency prior to the construction of any outflow or water return structure associated with a power development. SCA permitting is not required for private diversions. For more information on this subject, contact Gene Gibson of this office at 334-2190.

Please do not hesitate to call me or any member of our staff if you have questions or need assistance. I will hold your application until I hear from you.

Sincerely,



Lori Graves
Sr Water Resource Agent

Enclosures

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OCT 6 2 2002

67-07995

WATERMAN FAMILY TRUST
WILBUR WATERMAN, TRUSTEE
1215 W LINDEN
CALDWELL, ID 83605

Source: ALDER CREEK

Tributary: GOODRICH CREEK

Diversion Pt: SENW Sec 19 T 16N R 02W in WASHINGTON County.

Use: IRRIGATION	(	0.090 CFS)
POWER	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 7/10/1996

In: ADAMS County
T16N R02W S19 NWSE

3.0 ACRES TOTAL

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OCT 22 2002