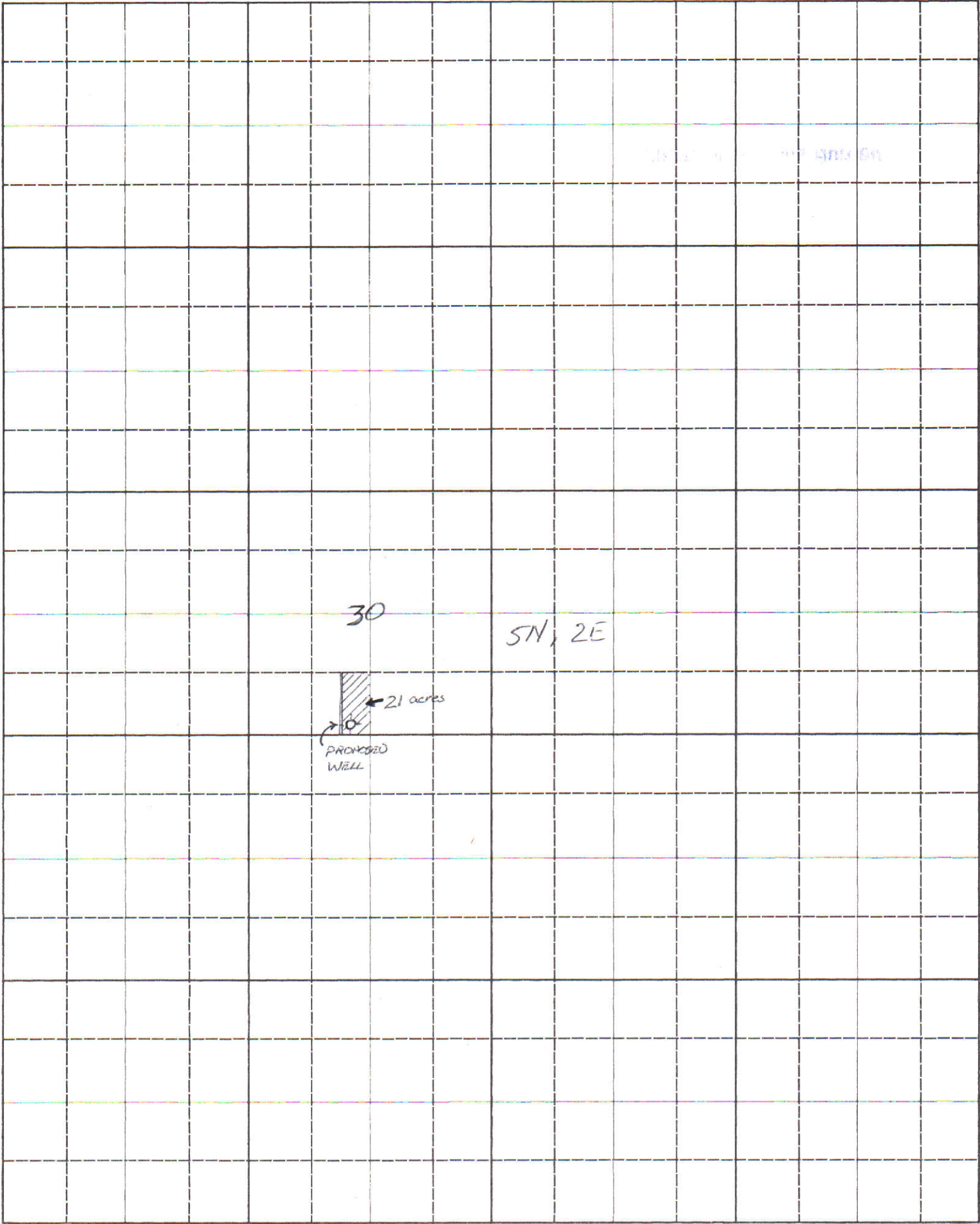


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Mr. Belknap
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

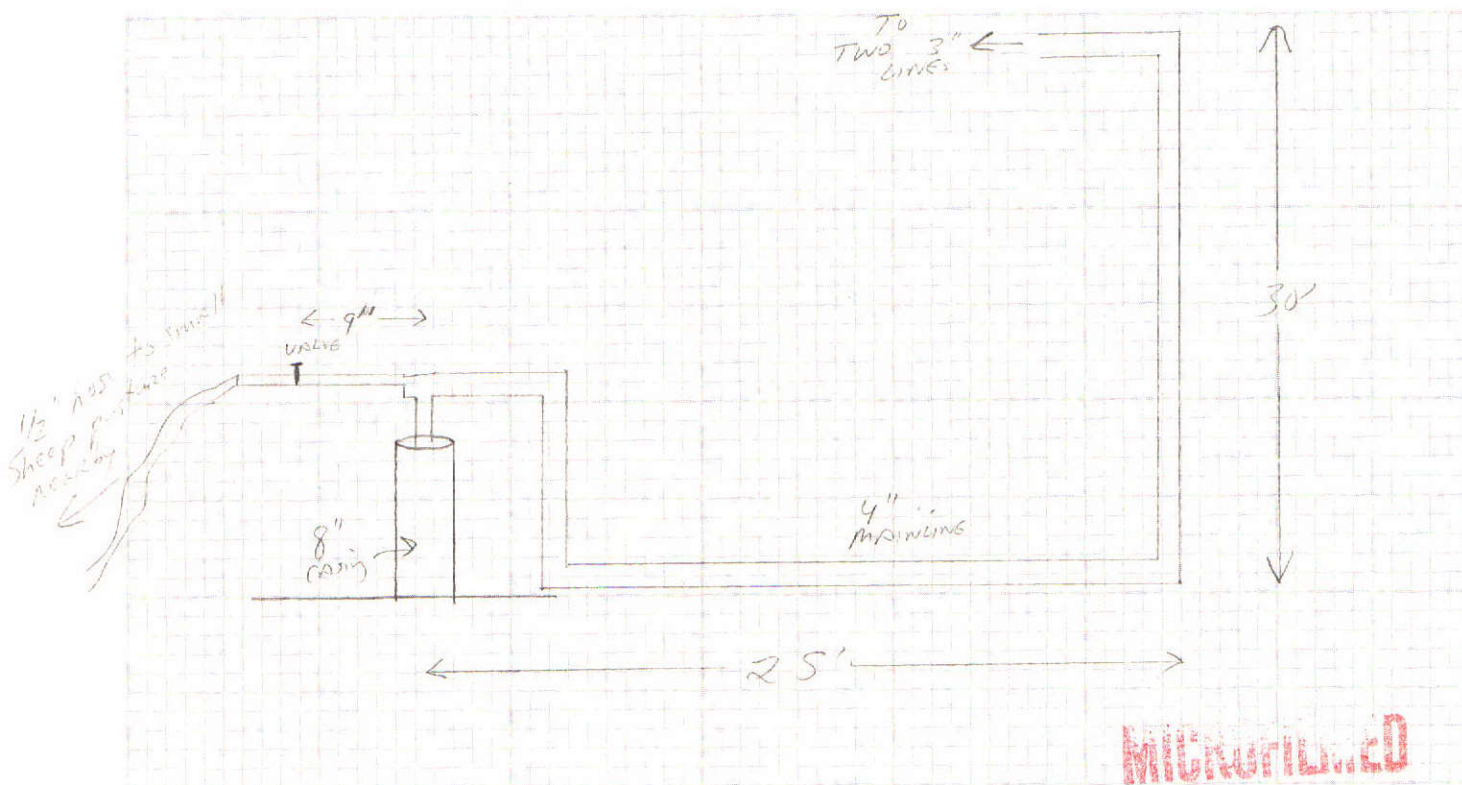
1. Owner: M. W. Beliveau Permit No. 63-9209
Current Address: Rt 1 Broken Horn Road Phone No. 939-5385
Borise, ID. 83703
2. Accompanied by: Same EXAM. DATE: 6/8/87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-3168
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

SEP 21 1989

63-9209



P/D

well 1/4 mile N. of Dry Creek
on Broken Horn Road.



P/U

Looking East from well
area.

MICROFILMED

SEP 21 1989

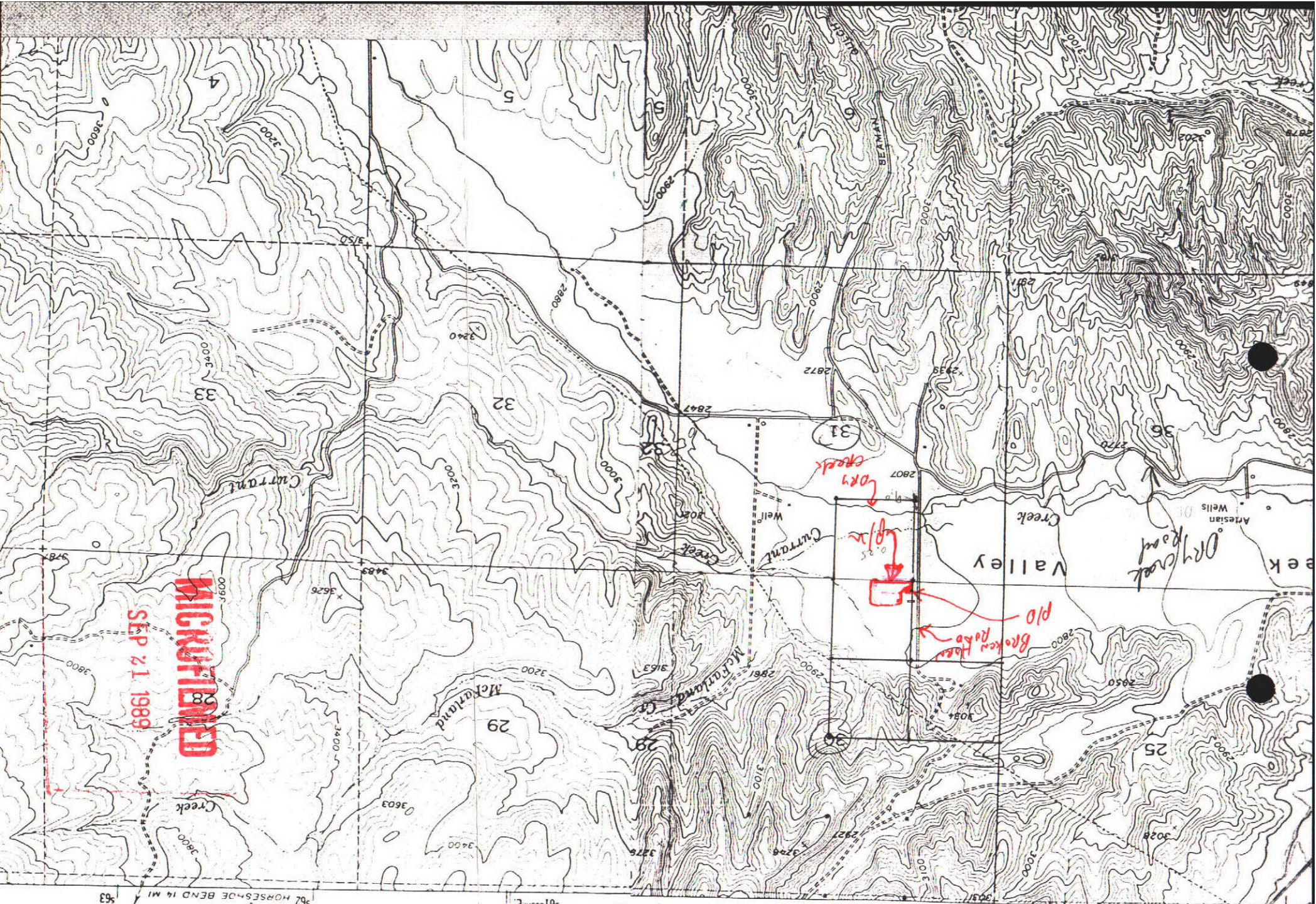


63-9209
5N 2E 530
9209-3

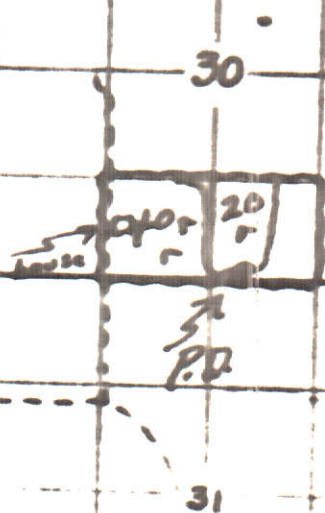
GEOLOGICAL SURVEY

11615

562 HORSESHOE BEND 14 MI 563



R-2E.



Subdivisions = 2

Area = 60 acres

Q = 53" or

1.06 g/s.

MICROFILMED

SEP 21 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09209

Priority: January 23, 1979

Maximum Diversion Rate: 0.16 CFS
Maximum Diversion Volume:¹ 36.0 AF

This is to certify, that M. W. BELIVEAU

RT. 1 BROKEN HORN RD.

BOISE, ID 837030000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 23, 1979; and has submitted Proof of Beneficial Use on June 25, 1982. An examination indicates that the works have a diversion capacity of .260 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.16 CFS	36.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 30, Township 05N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 02E 30	SESW 8			8

Total number of acres irrigated: 8

CONDITIONS/REMARKS:

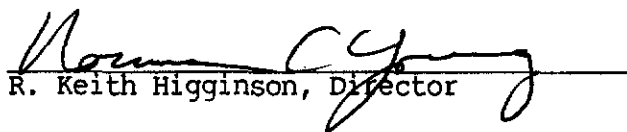
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12th day of SEPTEMBER, 1989.

RECEIVED

SEP 21 1989

Acting Dir


R. Keith Higginson, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE BENEFICIAL USE }
DUE DATE IN CONNECTION WITH PERMIT NO. 63- }
9209 IN THE NAME OF M. W. BELIVEAU }

ORDER

WHEREAS, on January 23, 1979, M. W. Beliveau applied to the Department of Water Resources for a permit to appropriate 0.41 cubic feet per second of water from a groundwater source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 5N, Rge. 2E B.M., Ada County, to be used for irrigation purposes; and,

WHEREAS, on March 5, 1979, the Department approved said application and issued Permit No. 63-9209 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1980; and,

WHEREAS, on February 7, 1980, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 63-9209 be extended to April 1, 1985.

Dated this 14th day of February, 1980.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant M. W. Beliveau Phone 939-6385

Post office address Route #1, Boise, ID 83702

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 5N

Range 2E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .41cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .41 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 8" well with pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

[illegible]

Total number of acres to be irrigated 21

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion M. W. Beliveau

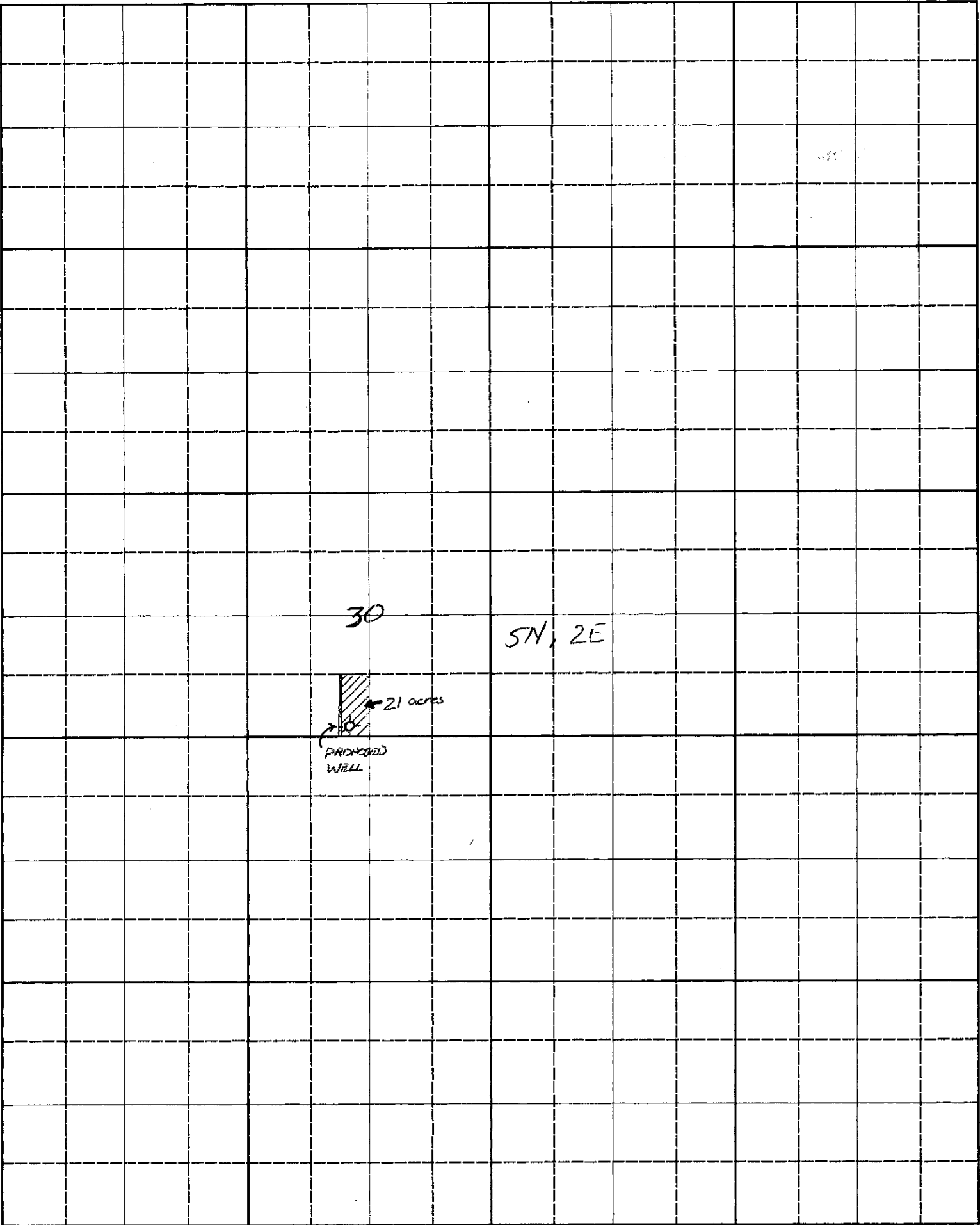
b. Who owns the land to be irrigated or place of use M. W. Beliveau

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

10. Remarks

[illegible]

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Mr. Belwa
(Applicant)

Proposed Priority 1-23-79

Received by CWB Date 1/23/79 Time 2:30
Preliminary check by bhs Fee \$ 35.00 # 12555
Receipted by KK Date 1-23-79
Publication prepared by KK Date 1/25/79
Published in Statesman
Publication dates 2/1, 2/8/79
Publication approved KK Date 2/20/79
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS S.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-9209, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 80.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this 5th day of March, 19 79.

D. Glen Saxton
Chief, Operations Bureau

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

63-9207

HALDEMAN, E. STEVEN
P.O. BOX 41, STAR, ID 83669

Source: GROUNDWATER
Date Filed: 01/22/1979

Amount: 0.14 CFS

Diversion Point: SWNE Sec 05 T 04N R 01W, ADA CO.

Use: IRRIGATION (0.10 CFS) from 04/01 to 10/15, DOMESTIC (0.04 CFS) from 01/01 to 12/31.

Place of Use: SWNE Sec 05 T 04N R 01W FOR 5 ACRES.

Diversion Means: WELL & PUMP.

63-9208

McPHERSON, WESLEY &/or VIOLET

RT. #1, EAGLE, ID 83616

Source: GROUNDWATER

Date Filed: 01/22/1979

Amount: 0.46 CFS

Diversion Point: NWNE Sec 34 T 05N R 01W, ADA CO.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31, IRRIGATION (0.40 CFS) from 04/01 to 10/31, STOCKWATER (0.02 CFS) from 01/01 to 12/31.

Place of Use: NWNE Sec 34 T 05N R 01W FOR 20 ACRES.

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM.

63-9209

BELIVEAU, M. W.

ROUTE #1, BOISE, ID 83702

Source: GROUNDWATER

Date Filed: 01/23/1979

Amount: 0.41 CFS

Diversion Point: SESW Sec 30 T 05N R 02E, ADA CO.

Use: IRRIGATION (0.41 CFS) from 03/15 to 11/15.

Place of Use: SESW Sec 30 T 05N R 02E FOR 21 ACRES.

Diversion Means: WELL & PUMP.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before FEBRUARY 19, 1979.

C. STEPHEN ALLRED,

Director

Pub. Feb. 1, 8, 1979

1459

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

Nancy Smith, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the issue of February 1, 1979, and ending with the issue of February 8, 1979.

Nancy Smith
Subscribed and sworn to before me this 8th day of February, 1979.

Nancy E. Eguen
Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED

FEB 9

Department of Water Resources
Boise Regional Office

MICROFILMED

September 13, 1989

M. W. BELIVEAU
RT. 1 BROKEN HORN RD.
BOISE, ID 837030000

RE: PERMIT NO. 63-09209

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 21 1989

MEMORANDUM

TO: File 63-9209

FROM: Jim Johnson

DATE: March 27, 1989

RE: Telephone conversation with permit holder

The permit holder called me on this date in reference to the prelicense correspondence I sent on March 20, 1989.

He did not agree with the number of acres shown irrigated, he believed that 8 acres were irrigated instead of the six shown by the examination.

I reviewed the examination and since the area was so small and due to the possible distortion error of the aerial photo I could not confirm if 6 or 8 acres were irrigated.

Rather than schedule a reexamination over such a minor amount I agreed to adjust the examination to reflect 8 acres irrigated.

MICROFILMED

SEP 21 1989

March 20, 1989

M. W. BELIVEAU
RT. 1 BROKEN HORN RD.
BOISE, ID 837030000

RE: PERMIT NO. 63-09209

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

63-9209
Permit No.
P D + R SE SW 30 SN 2E

RECEIVED

JAN 28 1988

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ ~~Computer Data Proof Report~~ NO
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index QN 5-7-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index QN 5-28-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☒ Other: See memo

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? 5/29/87 SL (Initial and date)

- ☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Stan Lester 6/8/87 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent GD 1/12/88 (Initial and date)
Exam Reviewed by Manager of Regional Office Ang 1/20/88 (Initial and date)
Exam Date Entered in Computer ✓ (Initial and date)
Exam sent to State Office GD 1/28/88 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

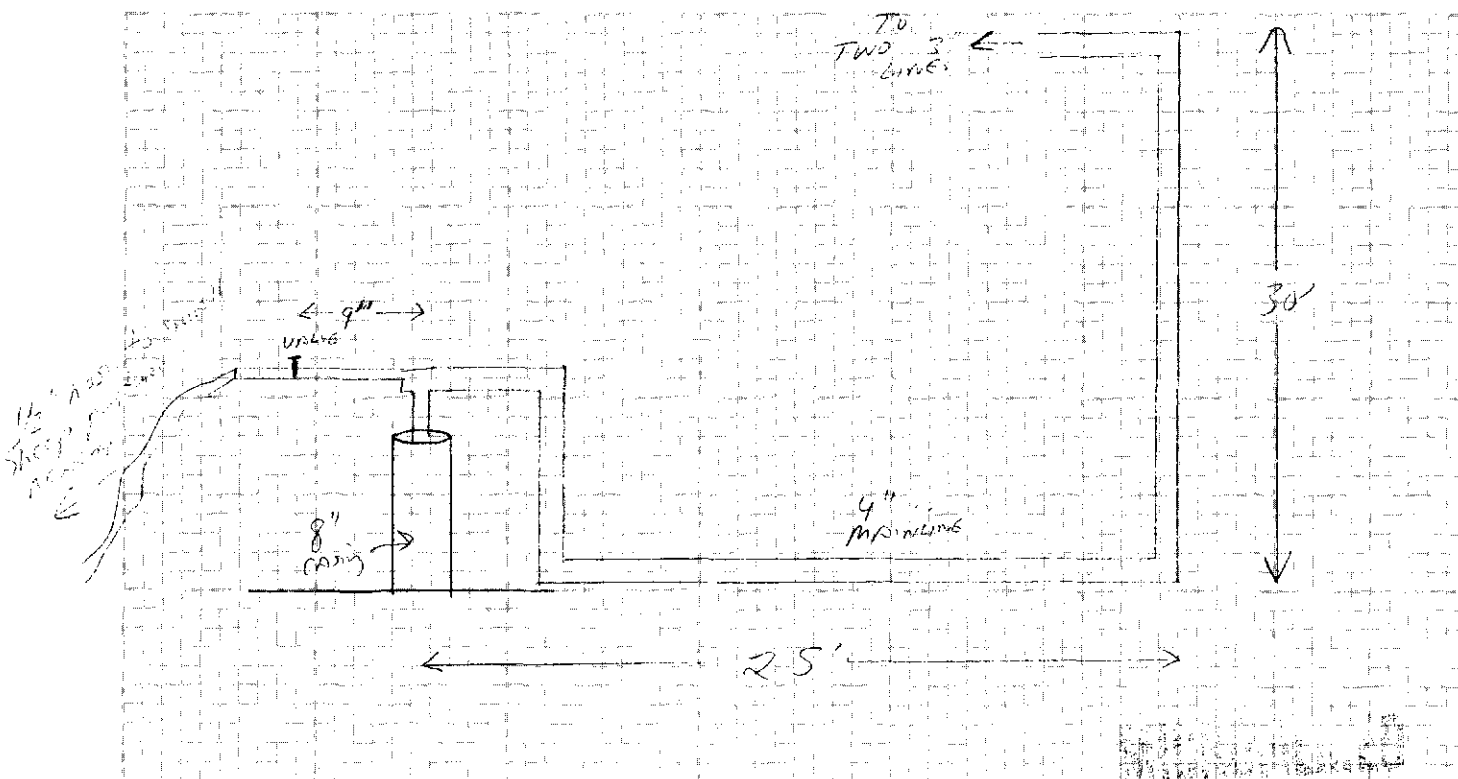
1. Owner: M. W. Beliveau Permit No. 63-9209
Current Address: Rt. 1 Broken Horn Road Boise, ID 83703 Phone No. 939-5385
2. Accompanied by: None EXAM. DATE: 8/28/89
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-3168
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: NONE
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

110' deep well and 8" casing with a 7 1/2 hp. submersible pump and 4" mainline describe this system. The 1/2" lateral lines each have 15 Rainbird 30 WSK, 1/64" nozzle sprinklers. Additionally, a 1/2" hoses leads from valve near casing to irrigate a small pasture near house (3000 ft², serves as holding area for misc. stock from time to time).

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Berkley	7 1/2	NO TAG	same	NO TAG; 4" MAIN

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SW	30	5N	2E	Ada	USGS MAP, DSCS photo.
									well is 1/4 mile N. of DRY Creek }
									just E. of Road.

6. Place(s) of Use:

Indicate Method of Determination same as above

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	2E	30											6						6

(ACTUAL MEASURED AREA = 5.85 acres)

Do not use this space

MICROFILMED

SEP 27 1989

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gauge & pitot					100 psi	

2. Measurements:

30 WSA 9/64" Rainbirds
 Pressure: 46, 48, 50, $\bar{x} = 48$.
 Sprinkler chart: 3.96 gpm/ft²

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $\frac{30 \times 3.96}{448.8} = .26 \text{ cfs}$ ^{but} Allow $.02 \text{ cfs/pc} \times 6 \text{ ac.} = .12 \text{ cfs}$

2. Alternate Method for Checking Purposes:

no well log available but surrounding deeper wells have static levels ≥ 200 ft. Assume deep dynamic pumping level for 110' well.

$$Q = \frac{(8.8)(.8)(7.5)}{(2.31 \times 50) + 80} = \frac{52.8}{195.5} = .27 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (6)(4.5) = 27.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.12)(245)(1.9835) = 58.3$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 27.0$$

2. Volume Calculations for Other Uses:

MICROFILMED

SEP 21 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Overlap, P/M only. No Real conflict.

63-3168 see Attached memos about this. The area in question is the 21 acres in $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ rather than $E\frac{1}{2}$. The memos, especially A. Shaw's 2/22/79 one, cover the situation very well. This older license last applied water to Beliveau's land 9 years ago, according to MR Beliveau.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	12	27.0
Totals:				

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Steve Lester

Signature Steve Lester

Certification Date _____

Field Report Preparation Date 6/18/87

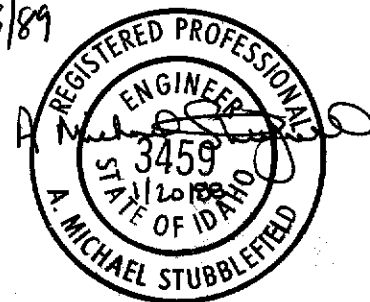
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

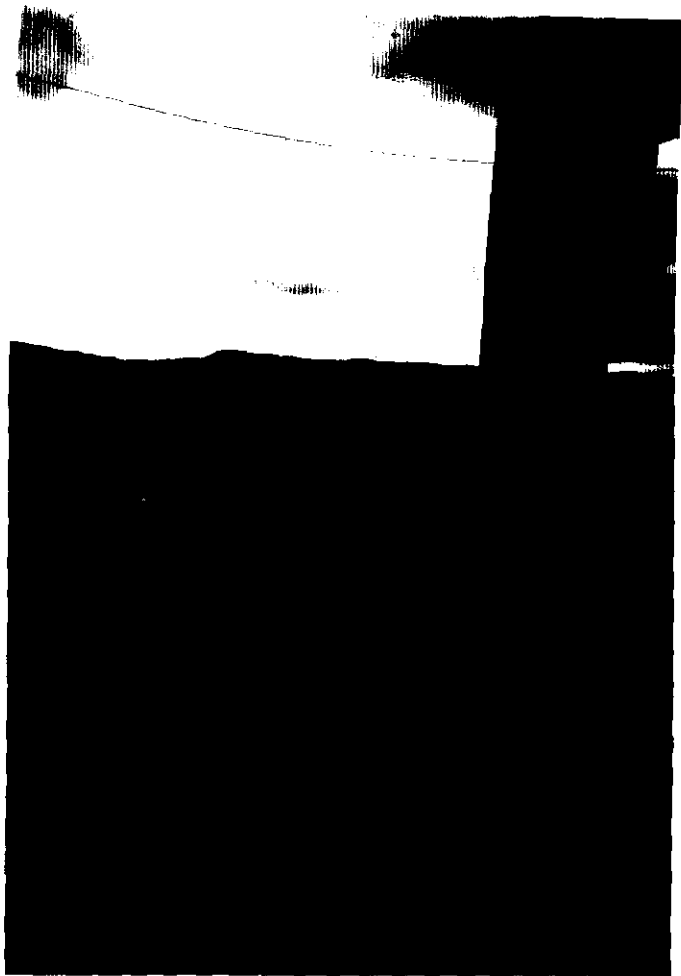
MICROFILMED

SEP 21 1989

JDM 1/13/89



53-9209



P/D

well 1/4 mile N. of Dry Creek
on Broken Horn Road.

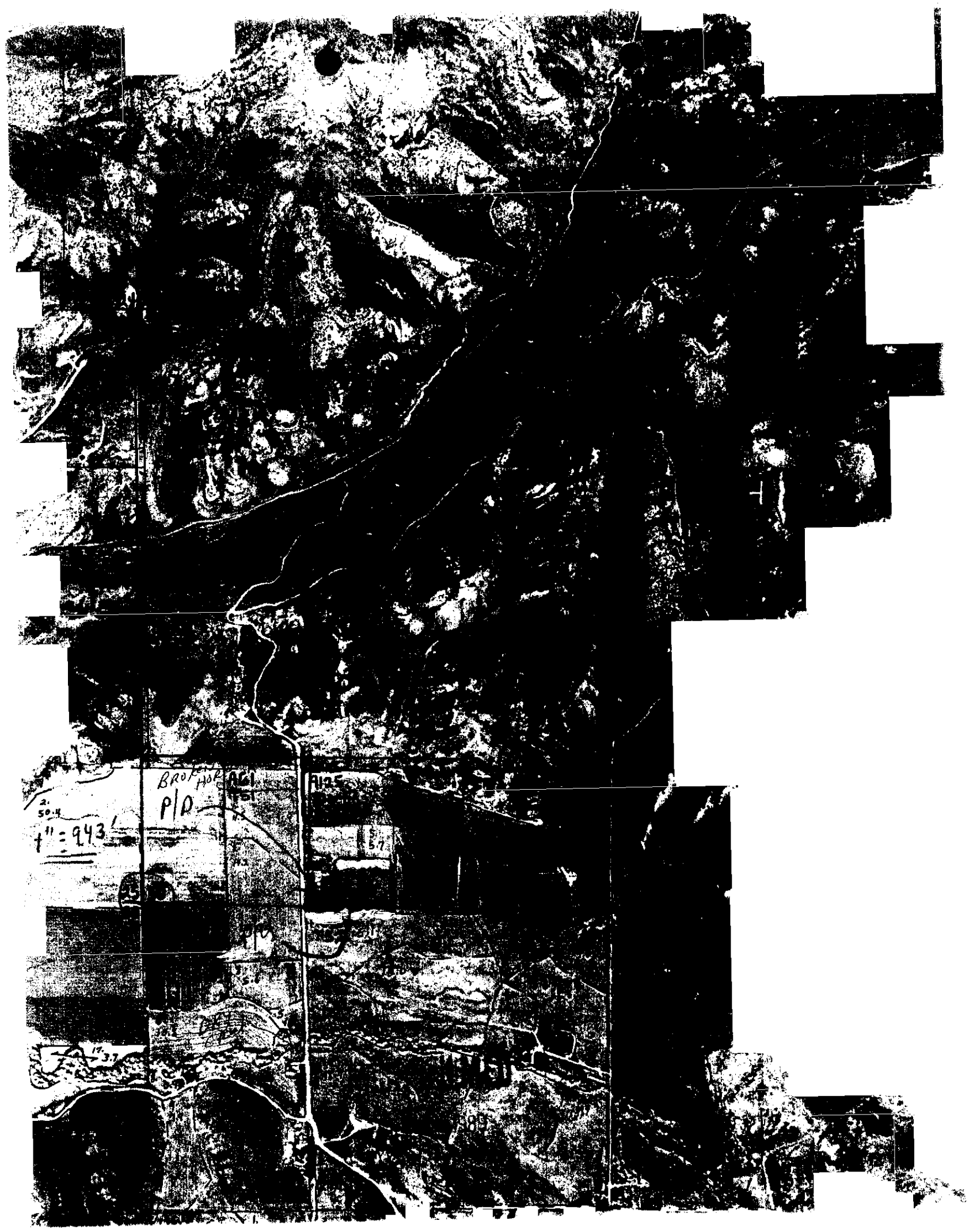


P/U

Looking East from well
area.

WILSON

SEP 21 1989



BROKEN

P/D

P/D

2.
50.4

+''=943'

7.5

6.7

P/D

5.2

17.37

LOTS in W4W4
06 S. 30, 31

IDAHO-ADA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

63-9209

5N 2E 9209-3
S. 30

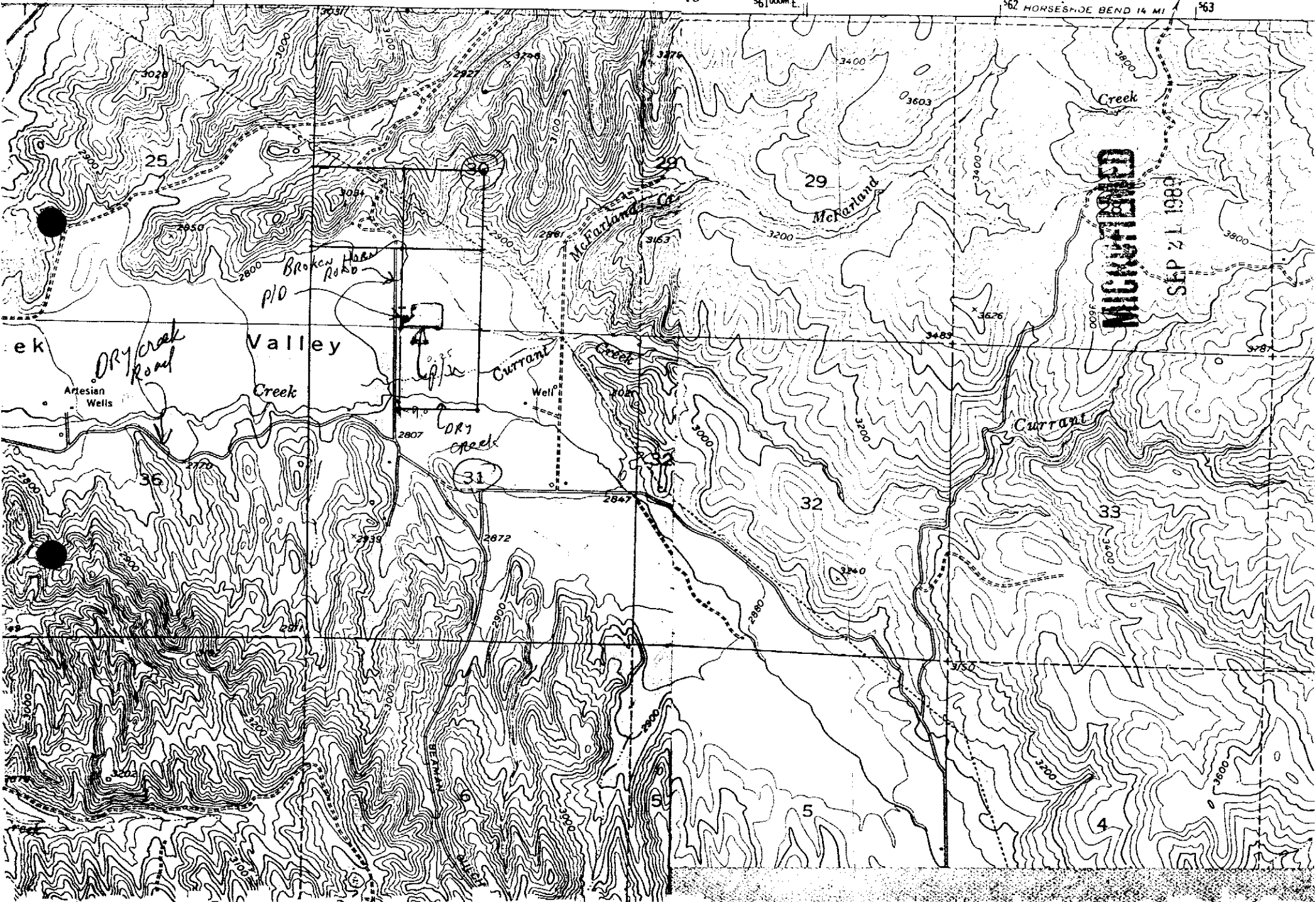
17'30" / CASCADE 60 MI.
HORSESHOE BEND 15 MI. 360 000 FEET R. 1 E. R. 2 E.

11615'

561000m E

562 HORSESHOE BEND 14 MI

563



CONVERSATION MEMORANDUM

DATE 6/3/82

FILE 63-3168, 63-9209

NAME OF PARTY Blair Clark

EMPLOYEE David Shaw

RE: Memo of 2/22/79

Blair said Beliveau does not own the 21 acres shown on 63-9209 but instead owns only the southern half or about 10.5 acres. Spikers, who bought the remaining 40 acres under 63-3168, also own the northern half of the 21 acres covered by 63-9209.

Assuming the above to be correct the portion of ~~63-9209~~ 63-3168 abandoned is probably only 10 or 10.5 acres in the SE SE SW rather than 21 acres and when 63-9209 is licensed it will need to be reduced to 10 or 11 acres.

UNRECORDED

SEP 21 1982

INTER-DEPARTMENT MEMO — 1

FROM Ric Morris

DATE 6/1/1981

TO File 63-9209

SUBJECT Please note

Per phone conversation with Mrs. Spiker, 29, May 81, it is claimed that Mr. Beliveau owns only 10.5 acres of the 21 acres he filed for. He is said to have no interest in the other 10.5 acres which are owned by the Spikers. The field examiner should be aware of this fact for licensing.

5/6/86 - I spoke w/ Mr. Beliveau to day
advised him to file for his 110 acres
(8 are in.) + .20c/acre for the \$50 fee rather
than the whole permit.

MICROFILMED
SEP 2 1989

SIGNATURE

February 22, 1979

M E M O R A N D U M

TO: File 63-3168 & 63-9209
FROM: D. Shaw *DES*
SUBJECT: Partial Abandonment of 63-3168

W 1/2 5L 12/29/87
The 21 acres in approximately the *(E 1/2)* SE 1/4 SW 1/4, Sec. 30, Twp. 5N, Rge. 2E were originally covered by water right license 63-3168 which was developed by Bates. Beliveau purchased the Bates' property and then split the property and sold the portion on which the well that is covered by license 63-3168 is situated.

Mr. Beliveau assumed that selling the well left his property (the 21 acres described above) dry and filed a new water right application. After the duplication was identified Mr. Beliveau was informed he could probably file a transfer on the portion of 63-3168 on his property and add a point of diversion which would allow him to use the old license and preserve that priority date.

Mr. Beliveau said he was not interested in filing a transfer and wanted only to have his new application approved.

Therefore, it appears that the portion of water right license 63-3168 covering 21 acres in approximately the *(E 1/2)* SE 1/4 SW 1/4, Sec. 30, Twp. 5N, Rge. 2E has been abandoned.

W 1/2

kk

MICROFILMED

SEP 21 1989

Contacted Mr. Beliveau on 2/21/79 regarding the double coverage of this 20 acres. Water Right license 63-3168 was issued in the name of Frank Bates, Beliveau purchased the Bates Farm then split the farm and resold. The well went with the ground that was sold to the third party, the 21 acres was left dry by this sale. Mr. Beliveau does not wish to file a transfer, only to have his new permit approved, 6 L Sisco

MICROFILMED

SEP 21 1989

63-3168

State of Idaho
License and Certificate of Water Right

Water License No. G-28130

Amount 1.06 c.f.s.

Water District No.

Priority Sept. 1, 1959

THIS IS TO CERTIFY that FRANK S. and MARJORIE BATES
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 1, 1959; that Permit No. G-28130
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.06 second feet, was issued thereunder on July 12, 1960, showing that said works
were completed on the 30th day of October, 1959; and that on the 30th
day of October, 1959,

FRANK S. and MARJORIE E. BATES

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation and
domestic use under Use Permit No. G-28130 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6017, on the 12th day of July, 1960;

The right hereby confirmed dates from September 1, 1959;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 20, Tp. 5 N., R. 2 E., B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.06 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	2 E.	30	SW SE SE SW	40 40	20 40
			Total number of acres to be irrigated:		60

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use hereby described, as provided by the laws of Idaho.

WITNESSE the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

12 day of July, 1960

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

MICROFILMED

63 3168

SEP 21 1989

REPORT OF ENGINEER

Permit No. G-28130

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Frank S. & Marjorie E. Bates
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the SE 1/4 of Section 30
T. 5 N. R. 2 E. County of Ada
4. Describe works as they exist, giving dimensions and capacities of same:
*Peerless Turbine pump. H = 40' to water
very little down stream. 152075 pump no.
7 1/2 hp. single phase motor H.S. 220V.
6" delivery to last then metal pipe into open ditches
to fields by gravity.*
5. Water is used for: Irrigation and domestic
6. State whether or not water has been turned into works of diversion: yes.
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4, Sec. 30, T. 5 N. R. 2 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

What large stream would the water here appropriated finally reach?

Remarks:

*Mr Bates along.
water near well 71*

A hand-drawn sketch of a rectangular structure, possibly a building or a plot. The structure is divided into two main sections. The left section is labeled '20' and 'r'. The right section is labeled '20' and 'r'. Above the structure, the number '30' is written. Below the structure, the text '3/4 P.D.' is written. The sketch is drawn on a grid background.

292 201 - 1 1/2

30

31

Area = 60 acres

$Q = 53''$

1.06 1/2

[illegible][illegible]

4/86

RECEIVED

MAY 7 1986

STATE OF IDAHO

Department of Water Resources
Western Regional Office

EXAMINATION FEE INFORMATION

RECEIVED

For Office Use Only
Fee Received 50%
Date 5-8-86
Receipt # 40275
Receipt by Naylor
Sent to S.O. 5/11/86

RECEIVED

MAY 7 1986

1. Permit No. 93-9209 (63-9209-CW)

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: M. W. Beliveau

3. Post Office Address: Rt #1 Broken Horn Rd.
Baird Telephone No. 939-6385

4. Source of Water: Well

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 10 (acres) Other/Remark also for bird

protection

6. Total rate &/or volume for which proof is submitted 90 gal per min (1.20 cfs) acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

8. Person to contact to accompany the department representative during the field examination:

M. W. Beliveau

(Name)

Rt #1 Broken Horn Rd

(Address)

939-6385

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner. I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

RECEIVED

SEP 21 1989

Date

5-6-86

Signature of Permit Holder (and title, if appropriate)

M. W. Beliveau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

63-9209

Permit No. 12555

Name(s) of Permit Holder(s): M.W. Beliveau

Post Office Address: 134th / Broken Horn Rd.
Barre Idaho Tel. 939-6385

☒ I hereby certify that construction of diversion works on the above referenced permit began on 1-23-79 (date). I understand that I must continue to develop the water resource with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

6-2-82
Date

M.W. Beliveau
Signature of Permit Holder

M. Belive
Rd 1 Broken Horn R
Boise, Ida.
83702-3



Wise shoppers
stretch dollars

Consumer
Education

USA 20c

RECEIVED

MAILED

JUL 7 1982

SEP 21 1989



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

Mailing address:

Statehouse

Boise, Idaho 83720

A. KENNETH DUNN

Director

63-9209
BELIVEAU, M. W.
RT. 1 BROKEN HORN RD.
BOISE, ID 83703

138909

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

SEP 21 1989

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners' results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED
SEP 11 1980

SEP 11 1980

DEPARTMENT OF WATER RESOURCES

63-9209

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 12555

Name(s) of Permit Holder: M. W. Beline

Post Office Address: RT 13 Broken Horn Rd. Boise 83703

Tel. No. 939-6385

Source of Water:

Extent of Use:

- | | |
|---|----------------------------|
| ☐ Domestic | (number of households) |
| ☒ Stockwater <u>4 Horn 8 cows</u> | (number and type of stock) |
| ☒ Irrigation <u>10</u> | (acres) |
| ☐ Other | |

Measuring Device: Required? ☐ Yes ☒ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-24-82

Date

M. W. Beline
Signature of Permit Holder

M. BELIVEAU
RD 1 BROKEN HORN R
BOISE, IDA.
83702



SUPPORT
HISTORIC PRESERVATION

NATIONAL
Consumer
Education



JUN 25 1982

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

CONVERSATION MEMORANDUM

DATE 6/3/82

FILE 63-3168, 63-9209 ✓

NAME OF PARTY Blair Clark

EMPLOYEE David Shaw

JUN 1982

Department of Water Resources

RE: Memo of 2/22/79

Blair said Beliveau does not own the 21 acres shown on 63-9209 but instead owns only the southern half or about 10.5 acres. Spikers, who bought the remaining 40 acres under 63-3168, also own the northern half of the 21 acres covered by 63-9209.

Assuming the above to be correct the portion of ~~63-9209~~ 63-3168 abandoned is probably only 10 or 10.5 acres in the SE SE SW rather than 21 acres and when 63-9209 is licensed it will need to be reduced to 10 or 11 acres.

State Office File
RECEIVED

JUN 1 1981

INTER-DEPARTMENT MEMO — Department of Water Resources

DATE 6/1/1981

FROM Ric Morris

TO File 63-9209

SUBJECT Please note

Per phone conversation with Mrs. Spiker, 29, May 81, it is claimed that Mr. Beliveau owns only 10.5 acres of the 21 acres he filed for. He is said to have no interest in the other 10.5 acres which are owned by the Spikers. The field examiner should be aware of this fact for licensing.

SIGNATURE

UPPER SNAKE RIVER OPERATION STUDY NUMBER 53.

4-YR MO	*-----PORTNEUF RES-----*			PRTNF TOPAZ	MARSH CREEK	PRTNF PCTLO	*-AMERICAN FALLS-----*			*-LAKE WALCOTT-----*			MILNR INFLO	SNAKE MILNR	SNAKE KMBLY	SNAKE BUHL	SNAKE HGRM
	IN	EOM	OUT				IN	EOM	OUT	IN	EOM	OUT					
30 OCT	0.5	15.9	0.1	9.4	5.5	16.2	288.6	411.1	151.2	155.1	40.0	118.6	158.7	12.3	39.4	165.2	457.0
30 NOV	0.5	17.5	0.2	8.9	5.1	15.8	324.3	664.0	71.4	80.6	50.0	70.6	83.2	38.8	58.1	160.8	423.0
30 DEC	0.7	19.2	0.2	11.1	6.1	16.8	367.8	850.0	181.8	187.6	40.0	197.6	210.1	200.7	223.2	320.9	578.0
30 JAN	0.5	20.8	0.2	8.8	4.7	14.2	312.0	1125.1	36.9	54.0	40.0	54.0	63.8	63.8	84.0	170.0	414.8
30 FEB	0.5	22.0	0.2	8.9	5.2	17.4	357.8	1449.6	33.3	53.0	60.0	33.0	52.2	51.9	67.2	145.0	352.6
30 MAR	0.6	23.0	0.8	11.1	6.8	19.8	374.1	1700.0	123.7	135.0	90.0	105.0	105.0	95.3	113.5	192.8	417.8
30 APR	0.7	23.0	1.7	12.2	5.0	13.6	360.7	1650.6	392.7	396.2	97.0	309.6	293.2	8.9	29.9	123.9	353.5
30 MAY	0.7	23.0	1.2	12.1	3.4	7.4	346.8	1464.1	505.7	505.9	97.0	414.2	419.2	4.3	30.5	156.3	415.5
30 JUN	0.8	20.4	0.5	12.1	3.2	3.5	261.3	1031.1	657.5	652.0	97.0	496.2	502.2	1.8	23.3	135.1	350.3
30 JUL	0.6	17.2	0.3	10.0	2.9	3.2	400.9	582.5	810.0	811.5	95.0	609.5	624.5	8.6	38.1	153.0	381.5
30 AUG	0.5	15.1	0.2	9.0	3.2	4.7	322.7	213.7	665.2	660.8	95.0	522.1	545.2	10.5	44.0	174.0	434.5
30 SEP	0.3	14.2	0.2	7.6	3.9	5.0	385.1	180.3	405.6	400.8	50.0	331.1	365.9	11.9	41.5	171.2	446.3
30 TOTAL	6.9		5.8	121.2	55.0	137.6	4102.0		4035.0	4092.5		3261.6	3423.1	508.7	792.6	2068.1	5024.6

W-YR MD	BIG W	SNAKE	*--STORAGE SUMMARY--*				*****
	GDING	KG HL	HN FK	JL&PL	SYSTM		
30 OCT	2.8	558.6	115.0	1239.8	2141.6		
30 NOV	6.3	524.1	128.6	1302.7	2488.7		
30 DEC	9.1	672.0	144.6	1371.0	2759.5		
30 JAN	6.5	506.0	162.1	1395.4	3087.2		
30 FEB	6.8	441.0	179.3	1427.6	3490.6		
30 MAR	17.9	520.5	201.9	1431.8	3809.8		
30 APR	0.7	430.0	218.7	1681.3	4068.7		
30 MAY	1.0	493.4	227.9	1864.6	4081.4		
30 JUN	2.0	415.4	212.9	1950.9	3688.2		
30 JUL	2.8	456.4	135.0	1444.3	2622.9		
30 AUG	3.7	531.5	79.7	1239.6	1979.1		
30 SEP	1.0	536.3	65.7	935.9	1559.6		
30 TOTAL	60.6	6085.3					

	DIVERSIONS		AND	SHORTAGES		WATER YEAR 30		
BRANCH	DIVERSIONS	RETURN FLOW		IRRIG SHORT	FLOW SHORT	OTHER SHORT	TOTAL SHORT	
FALLS	192.3	9.0		26.5	0.0	0.0	26.5	
TETON	312.3	60.2		0.0	0.0	0.0	0.0	
ABOVE ASHTON	0.0	0.0		0.0	0.8	0.0	0.8	
ASHTON-ST AN	341.6	11.3		0.0	0.0	0.0	0.0	
ST AN-REXBRG	294.1	89.9		0.0	0.0	0.0	0.0	
ABOVE HEISE	7.9	0.0		0.0	0.0	0.0	0.0	
HEISE-HEN FK	1785.7	181.9		0.0	0.0	0.0	0.0	
HEN FK-SHLLY	898.3	267.7		0.0	0.0	0.0	0.0	
SHLLY-BLKFT	988.9	68.0		0.0	0.0	0.0	0.0	
BLKFT-NEELEY	52.0	158.1		0.0	0.0	0.0	0.0	
NEELEY-MNDKA	788.0	0.0		0.0	0.0	0.0	0.0	
MNDKA-MILNER	2914.4	213.3		0.0	0.0	0.0	0.0	
MILNER-KG HL	228.6	16.8		0.0	0.0	0.0	0.0	
WILLOW SD CR	148.8	342.3		4.1	0.0	0.0	4.1	
BLCKFT RIVER	225.1	0.0		0.0	0.0	0.0	0.0	
PRTNUF RIVER	0.0	0.0		0.0	0.0	0.0	0.0	
SY EM TOTAL	9178.0	1418.6		30.6	0.8	0.0	31.3	

ACTION

N OWNER LAST NAME - BELIVEAU FIRST NAME - M. W.
N ADDRESS LINE 1 - ROUTE #1
N CITY - BOISE STATE - ID ZIP CODE - 83702
N SOURCE - GROUNDWATER
N STAGE - APPLICATION PRIORITY - 01-23-1979 COUNTY - ADA TOTAL DIV. RATE - .4100CFS
N DIVERSION POINT - SESW 30 05N 02E
N FROM - 03-15 TO - 11-15 USE - IRRIGATION USE DIV. RATE - .4100CFS
N USE - IRRIGATION PLACE OF USE - TWN 05N RNG 02E SEC 30 TRACT SESW AC 21
N DIVERSION MEANS - WELL & PUMP.

cards
12/5
10/7

IDENT. NO.

[illegible]

February 19, 1980

M. W. Belliveau
Route 1, Broken Horn Road
Boise, ID 83703

Dear Mr. Belliveau:

Re: Permit No. 63-9209

Enclosed is a copy of the order extending the time within which to submit the statement of beneficial use to April 1, 1985.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES

Extension of Time
 The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-9209

Name(s) of Permit Holder: M. W. BELIVEAU

Post Office Address: Rt. 1, Broken Horn Rd, Boise, Idaho 83703
 We have not been able to get hooked up by the Idaho Power - their reason being due to their current lawsuit
 Tel. No. 939-6385

Source of Water: well

Extent of Use: ☒ Domestic ² (number of households)
☒ Stockwater 116 cows (number and type of stock) 4 horses
☒ Irrigation 20 (acres) chickens - dogs
☒ Other fire protection

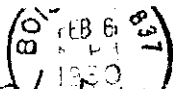
Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

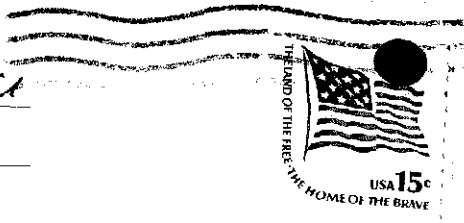
The above information is a true statement of the extent to which the above numbered permit has been developed.

2/5/80
 Date

M. W. Beliveau
 Signature of Permit Holder



W. B. E. L. E. A.
Rt 1 Broken Rd.
Boise, Idaho



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BELIVEAU, M. W.
ROUTE #1
BOISE, ID 83702

101714

JANUARY 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9209 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MAILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 7, 1979

Re: Permit No. 63-9209

M. W. Beliveau
Route #1
Boise, Idaho 83702

Dear Mr. Beliveau:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

MICROFILMED

Dave T. ●

3/1/79

This Application
will overlap previous
lic. (See file).

Can we assume that
~~that~~ a portion of lic. is Abandoned
based upon memo

this file? If the answer
is yes, then we can approve
this new app. but what
should be done to lic. file?
Shouldn't the owner send a relinquish-
ment for the file?

INTER-DEPARTMENT MEMO — 1

FROM DAVE T

DATE 3-1-1979

TO SIM J

SUBJECT 63-9209

The telecon between western region & ~~our~~ office MR. BELIVEAU, in addition to the fact that MR. BELIVEAU FILED this app, demonstrate abandonment of his portion of 63-3168.

The app should be approved, & a copy of ~~Dave~~ Dave Shaw's memo of 2-22-79 should be placed in file 63-3168

Der

SIGNATURE

63-9209

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. W Source
3. ✓ Point of Diversion
4. .41 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 1 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 21 Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 35 Fee & Rec't. No.

Copies Sent To:

NO Idaho Health Department
NO Idaho Fish & Game Dept.
NO Bureau of Land Management

NO U.S.F.S.
NO Dept. of Lands
NO Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 63-3168 - 1.06 cfs/60 ac = 0.0177 cfs/ac

max allowed for new app 0.0028 cfs/ac x 21 = 0.048 cfs [See 2/22/79 memo which applicant reportedly abandons a portion of the 63-3168
 Withdrawals of all protests received N/A yes no right.]

Conditions:

ID Power Co. Letter - Snake R. NO

Meas. Dev. or Sc. Meas. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Totalizing meter NO

Snake River Condition NO

Supplemental NO

Payette River Letter NO

Right-of-Way Cond. NO

Priority Date 1/23/79

Watermaster Cond. NO
 Wtr. Dist No. NO

Water Quality #16 NO

Meas. Dev. Cond. for apps within a Water Dist. NO

Water Quality #10 NO
 intrastate NO interstate NO

Returned to Region 2/27/79
 overlapping right # 63-3168
 Daves. called and referred
 to memo in file which I had overlooked.

Jmi
 Reviewer

2/27/79

Date

on Portion of 63-3168 Abandoned?

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-9209

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CHS 1/24/79

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) CHS 1/24/79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use 63-3168

(10) _____

Comments: It appears the portion of 63-3168 on these lands has been abandoned.

(11) KK OK

Affidavit of Publication received (date) 2/20/79

(12) _____

Final date for protests 2/19/79

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

1-23-79 Proposed Priority

_____ Reason for Reduction _____

No Measuring device required

_____ See attached sheet for other conditions approval

_____ No special conditions for approval

(15) District W

By dhv Date 2-22-79

I.P. Gw/letter
RECEIVED
FEB 27 1979
3-1
Department of Water Resources

MICROFILMED

February 22, 1979

M E M O R A N D U M

TO: File 63-3168 & 63-9209

FROM: D. Shaw *DES*

SUBJECT: Partial Abandonment of 63-3168

The 21 acres in approximately the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 5N, Rge. 2E were originally covered by water right license 63-3168 which was developed by Bates. Beliveau purchased the Bates' property and then split the property and sold the portion on which the well that is covered by license 63-3168 is situated.

Mr. Beliveau assumed that selling the well left his property (the 21 acres described above) dry and filed a new water right application. After the duplication was identified Mr. Beliveau was informed he could probably file a transfer on the portion of 63-3168 on his property and add a point of diversion which would allow him to use the old license and preserve that priority date.

Mr. Beliveau said he was not interested in filing a transfer and wanted only to have his new application approved.

Therefore, it appears that the portion of water right license 63-3168 covering 21 acres in approximately the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 5N, Rge. 2E has been abandoned.

kk

63-3168

Contacted Mr. Beliveau on 2/21/79 regarding the double coverage of this 20 acres. Water Right license 63-3168 was issued in the name of Frank Bates, Beliveau purchased the Bates Farm then split the farm and resold. The well went with the ground that was sold to the third party, the 21 acres was left dry by this sale. Mr. Beliveau does not wish to file a transfere, only to have his new permit approved, G h Sisco

BELIVEAU, M. W.

ROUTE #1, BOISE, ID 83702

Source: GROUNDWATER

Date Filed: 01/23/1979

Amount: 0.41 CFS

Diversion Point: SESW Sec 30 T 05N R 02E, ADA Co.

Use: IRRIGATION (0.41 CFS) from 03/15 to 11/15

Place of Use: SESW Sec 30 T 05N R 02E FOR 21 ACRES

Diversion Means: WELL & PUMP

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before FEBRUARY 19, 1979.

C. STEPHEN ALLRED

Director

Published 2/1 & 2/8.