

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-24311

Priority: December 24, 2024

Maximum Diversion Rate: 0.04 CFS

This is to certify that

TED ROXBURY 15349 EAGLE CREST DR DRAPER UT 84020-5709

has applied for a permit to appropriate water from:

Source : SOUTH FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SOUTH FORK PAYETTE RIVER L6 (NW¼ SW¼), Sec. 1, Twp 08N, Rge 05E, B.M. BOISE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	05E	1										X L6							

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2030**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
7. The diversion works shall be limited to a pump installation that does not create an obstruction in the

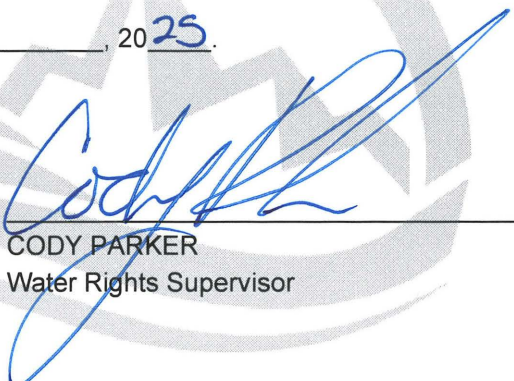
State of Idaho
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river.

8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. A fish screen of 3/32 inch or smaller mesh shall be installed and maintained at the point of diversion.
10. The approach velocity at the point of diversion shall not exceed 0.4 feet per second.
11. Domestic use is for 1 cabin.
12. This right does not grant any right-of-way or easement across the land of another.
13. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
14. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 18 day of March, 2025.

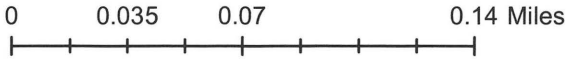
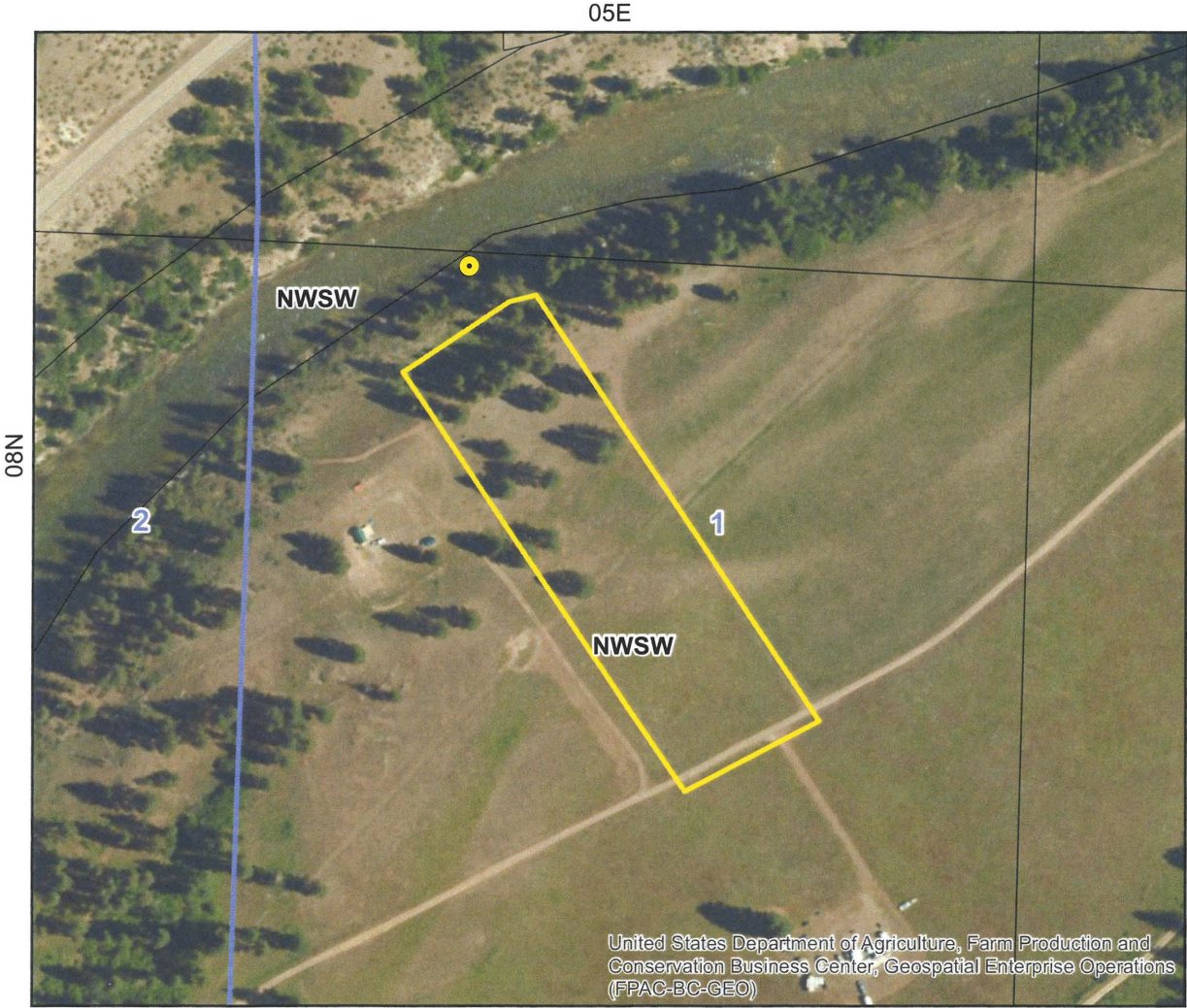


CODY PARKER
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water
65-24311

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Point of Diversion
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters





March 18, 2025

TED ROXBURY
15349 EAGLE CREST DR
DRAPER UT 84020-5709

RE: Permit No. 65-24311

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the

address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed, please contact me at 208-605-4629.

Sincerely,


Susan E. Hobson

for

Cody Parker
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2025, I served a true and correct copy of Permit to Appropriate Water No. 65-24311 by U.S. Mail, postage prepaid, to the following:

TED ROXBURY (Current Owner)
15349 EAGLE CREST DR
DRAPER UT 84020-5709

WATER DISTRICT #65
NEIL SHIPPY - WD 65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522



Susy Hobson
Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

Fw: [External Email]Permit 65-24311

From Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>

Date Tue 3/11/2025 9:58 AM

To Howe, Bob <Bob.Howe@idwr.idaho.gov>

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good Morning Bob-

I reached out to one of my lands specialists and it does look like this is entirely private land. The only question that came up was the jurisdiction of the river. I am following up on that but I dont think this particular application would need an easement or special use permit given its location and vicinity.



Trevi



Trevlyn Clark
Water Rights Specialist and
Hydrologist

Forest Service
Intermountain Region 4

p: 307-248-3960

trevlyn.clark@usda.gov

671 N Washington
Afton, WY 83110

From: Greenwood, Eric - FS, UT <eric.greenwood@usda.gov>

Sent: Monday, March 10, 2025 9:21 AM

To: Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>

Subject: RE: [External Email]Permit 65-24311

Hi Trevi,

It does look like that it is on private land. The only concern I have is maybe the jurisdiction of the river. I don't know if that makes any difference in the water rights for this one or not though. You would know this better than I, but the state may have jurisdiction on the river. Let me know if that is the case. I can't find a patent for the private land to verify but I am guessing it is just lot 6. Let me know if you need more research into this and I can send it to Eric F if needed.



Thanks,
Eric



Eric Greenwood
Land Status Realty Specialist

Forest Service
Region 4, Boundary and Title
Management

p: 801-625-5847
eric.greenwood@usda.gov

324 25th Street
Ogden, UT 84401

From: Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>
Sent: Thursday, March 6, 2025 2:44 PM
To: Greenwood, Eric - FS, UT <eric.greenwood@usda.gov>
Subject: Fw: [External Email]Permit 65-24311

Eric-

IDWR reached out to me regarding this application. They are concerned that it might be on NFS lands.

Can you do your lands status magic and double check? Matt on the Boise didn't believe this was on NFS but I think we should verify.

I appreciate your help!

Trevi



Trevlyn Clark
Water Rights Specialist and Hydrologist

Forest Service
Intermountain Region 4

p: 307-248-3960
trevlyn.clark@usda.gov

671 N Washington
Afton, WY 83110

From: Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>

Sent: Thursday, March 6, 2025 12:40 PM

To: Howe, Bob <Bob.Howe@idwr.idaho.gov>

Subject: Re: [External Email]Permit 65-24311

Hi Bob-

Let me verify with my land ownership/GIS expert. I appreciate you reaching out and confirming.

I will respond asap.

Trevi



Trevlyn Clark
Water Rights Specialist and Hydrologist

Forest Service
Intermountain Region 4

p: 307-248-3960
trevlyn.clark@usda.gov

671 N Washington
Afton, WY 83110

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Thursday, March 6, 2025 12:26 PM
To: Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>
Subject: [External Email]Permit 65-24311

You don't often get email from bob.howe@idwr.idaho.gov. [Learn why this is important](#)

[External Email]

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Hi Trevlyn,

I am currently processing an application for permit 65-24311, a proposed domestic use diverting water from the South Fork Payette River. On January 17, 2025, you responded to a comment request that the application is not located on National Forest System Lands. The parcel appurtenant to the permit place of use is adjacent to a parcel listed by Boise County as held by the Boise National Forest. The finger shaped parcel runs along the south bank of the South Fork Payette river crossing T08N05E Gov lot 6NSW. Is the land ownership recorded in the GIS shapefile incorrect? If not, are there no concerns regarding the conveyance of water across the parcel, or is there possibly an easement, right of way, or other instrument granting access to the applicant?

Thank you for your time and assistance in this matter.

Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent, Sr.
2735 W Airport Way, Boise, ID 83705-5082
(208) 605-4628 | www.idwr.idaho.gov

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