

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-24039

Priority: June 08, 2021

Maximum Diversion Rate: 0.10 CFS

This is to certify that

MICHAEL E THATCHER 47 RIVER RANCH RD GARDEN VALLEY ID 83622-5053 AND/OR
CAROLYN R THATCHER 47 RIVER RANCH RD GARDEN VALLEY ID 83622-5053

has applied for a permit to appropriate water from:

Source : MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

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

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.10 CFS

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER L3 (SE¼ SW¼), Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23									0.1			3.5 L3					3.6

Total Acres: 3.6

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2022**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. 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.
6. 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.

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7. 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.
8. Water shall not be diverted under this right when flows in the South Fork of the Payette River and the main stem of the Payette River are under right 65-12733 are below established minimum flow amounts.
9. 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.
10. Point of diversion and place of use is located within Lot 7, Blk. 1, River Ranch Subdivision.
11. 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.

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

Signed this 24th day of September, 2021.



NICK MILLER

Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-24039

This map depicts the IRRIGATION 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.

04E



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

0 0.035 0.07 0.14 Miles





Governor Brad Little

Director Gary Spackman

September 24, 2021

MICHAEL E THATCHER
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

RE: Permit No: 65-24039

Permit Approval Notice

Dear Permit Holders:

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 information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosures

I hereby certify that on September 24, 2021, I served a true and correct copy of Permit to Appropriate Water No. 65-24039 by U.S. Mail, postage prepaid, to the following:

MICHAEL E THATCHER (Current Owner)
CAROLYN R THATCHER (Current Owner)
47 RIVER RANCH RD
GARDEN VALLEY ID 83622-5053

WATER DISTRICT #65
RON SHURTLEFF (Watermaster)
102 N MAIN ST
PAYETTE ID 83661



Denise Lauerman
Administrative Assistant

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.

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 service date 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.

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

SEP 02 2021

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 65-24039

New Appropriation Applicant's
Name:

MICHAEL E THATCHER
CAROLYN R THATCHER
47 RIVER RANCH RD
GARDEN VALLEY, ID 83622-5053

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: We request the applicant consider using a screen
on the pump intake with screen having openings not exceeding 3/32 inch to
avoid entrainment of fish. The pump intake should be arranged to reduce water
velocity at the screen (referred to as "approach velocity") to avoid impinging
fish on the screen. This could be accomplished by establishing an enclosure
with the screen to keep fish away from the intake. IDFG can provide screen
manufacturer recommendations if needed.

Dated this 2 day of September, 2021



Signature

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

RECEIVED

AUG 30 2021

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with August 4, 2021 and ending with the issue of August 11, 2021.

Eileen Capson

State of Idaho)
County of Boise)

On this 26 day of August in the year 2021, before me, a notary public, personally appeared Eileen Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Shirley A. George

Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 6-27-2023



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

State of Idaho	Source	Middle Fork Payette River Tributary Payette River
65-24036	Use: IRRIGATION 03/15 to 10/31 0.02 CFS	
WILLIAM BOLLINGER	Total Diversion: 0.02 CFS	
DEBRA BOLLINGER	Date Filed: 06-03-2021	
25 LOTS LN	Place of Use: IRRIGATION	
HORSESHOE BEND, ID 83629-5099	T10N R04E S23 NE5W	
	Total Acres: 0.9	
Point of Diversion: NMSE		
S7 T07N R03E Boise County		
Source GROUND WATER		
Use: DOMESTIC 01/01 to 12/31 0.04 CFS		
Use: IRRIGATION 03/15 to 10/31 0.12 CFS		
Total Diversion: 0.16 CFS		
Date Filed: 06-03-2021		
Place of Use: DOMESTIC, IRRIGATION		
T07N R03E S7 NMSE		
Total Acres: 4		
65-24037	Source	Middle Fork Payette River
MICHELE DUNLAP	Use: IRRIGATION 03/15 to 10/31 0.1 CFS	
ANTHONY HICKS	Total Diversion: 0.1 CFS	
33 RIVER RANCH RD	Date Filed: 06-08-2021	
GARDEN VALLEY, ID 83622-5053	Place of Use: IRRIGATION	
Point of Diversion: NESW	T10N R04E S23 NE5W, L3 (SESW)	
S23 T10N R04E Boise County	Total Acres: 3.6	
	Permits will be subject to	

all prior water rights. For additional information concerning the property location, contact the Western office at (208) 334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203a. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 8/23/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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