

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 84-12259

Priority: May 22, 2008

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.8 AF

This is to certify, that HUNT HATCH
PO BOX 115
KAMIAH ID 83536
(208) 935-2196

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** CLEARWATER RIVER

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>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		0.3 AF
STOCKWATER STORAGE	01/01 to 12/31		0.8 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM, SE1/4NE1/4SW1/4, Sec. 26, Twp 34N, Rge 03E, B.M., IDAHO County

PLACE OF USE: STOCKWATER, STOCKWATER STORAGE, STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
34N 03E 26									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Stockwater use is for 20 head of mixed stock.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet.
6. This right authorizes the storage of an annual total of 0.8 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by evaporation from the pond and for the storage of stockwater.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 29 day of August, 2011.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 30, 2011

HUNT HATCH
PO BOX 115
KAMIAH ID 83536

RE: Permit No.84-12259

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 at least sixty days prior to the commencement of work in the stream.

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 208-762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. Franklin

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2011 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.

84-12259

**HUNT HATCH
PO BOX 115
KAMIAH ID 83536**



**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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.

MEMORANDUM

Date: August 29, 2011
To: Water Right File 84-12259
From: kfranklin
Re: Stockwater Storage

This application has been in process since 2008. Original calculations for evaporation was based upon 273 days instead of 365 days, which equates to 0.2 acre feet. 365 days of evaporation calculates 0.3 acre feet and when added to the pond size and stock use for 20 head, sums up to 0.8 acre feet. The application was changed, by the applicant, to reflect the 0.8 acre feet for stockwater storage and received by the department on March 28, 2011. The application was erroneously advertised at 0.7 acre feet for stockwater storage. The department made the decision to permit this water right at 0.8 acre feet for stockwater storage and not re-advertise the application, since it's source is tributary to the Clearwater River and no other water rights are anticipated to be injured.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

P 5/2/11

W.R. # 84-12259

APPLICATION ID # 75008

ENT. 3/30 BCA 4/29

OK to Publish 4/28/11

APPLICANT: Hunt Hatch INITIAL REVIEW

BY: HJ DATE: 3/30/2011

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)
☒ **Shape File Created** Date 3/30/11 By: 158
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 5/22/2008

☒ (Include Moratorium Remark)
☒ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Idaho County

Newspaper: 1C

Dates scheduled for publication 5/4 & 11/11

Affidavit of Publication received: 5/12/11

Dates actually published: 5/4 & 11/11

Application published correctly. Yes ☒ No ☐

If not, action taken: _____

Final Date for Protest: 5/23

Protests Received: Yes _____ No _____

LETTERS SENT REQUESTING:

() Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED:

() Dam Information () Fish Information
 () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()
_____	_____	Dom.____ Non-Dom.____	Paid \$_____	_____	Y () N ()

- ☐ Groundwater management area
☐ Critical ground water area
☐ Well Drilling Permit required
☐ Well Drilling Application and Fees received
☐ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)
☐ Notice of pending void order issued. Final order response date: ____/____/____
☐ Further information required from applicant _____

- ☐ Measuring device required
☐ Measuring port required
☐ Special conditions: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: _____ Date: ____/____/____ Sr. Agent initial _____

RECEIVED

MAY 12 2011

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

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

84-12259

HUNT HATCH

PO BOX 115

KAMIAH, ID 83536

Point of Diversion SENESW S26 T34N R03E IDAHO CO

Source UNNAMED STREAM tributary CLEARWATER RIVER

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 0.7 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.3 AF

Total Diversion: 0.02 CFS

Date Filed: 5/22/2008

Place Of Use: STOCKWATER, STOCKWATER STORAGE and

STOCKWATER FROM STORAGE

T34N R03E S26 NESW

Stockwater use is for 20 head of mixed stock.

Permits will be subject to all prior water rights. 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, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 5/23/2011. The protestant must also send a copy of the protest to the applicant.

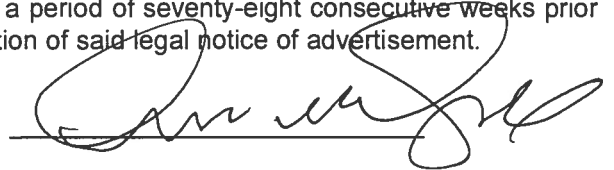
GARY SPACKMAN, Interim Director

Published on 5/4/2011 and 5/11/2011

M4-11

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 4th day of May, 2011; and the last publication on the 11th day of May, 2011; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 11th day of May in the year of 2011, before me a Notary Public personally appeared Andrew J. McNab, 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 he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-13

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

84-12259

HUNT HATCH

PO BOX 115

KAMIAH, ID 83536

Point of Diversion SENESW S26 T34N R03E IDAHO CO

Source UNNAMED STREAM tributary CLEARWATER RIVER

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 0.7 AF

Use: STOCKWATER from STORAGE 01/01 to 12/31 0.3 AF

Total Diversion: 0.02 CFS

Date Filed: 5/22/2008

Place Of Use: STOCKWATER, STOCKWATER STORAGE and
STOCKWATER FROM STORAGE

T34N R03E S26 NESW

Stockwater use is for 20 head of mixed stock.

Permits will be subject to all prior water rights. 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, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 5/23/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/4/2011 and 5/11/2011

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, April 28, 2011 4:54 PM
To: Legal Notices-ID CO Free Press - Nona
Subject: Application for Permit No. 84-12259

Hi, Nona,

I trust this finds you well, happy and prosperous!

Please publish the enclosed legal notice on the dates indicated, May 4 and 11, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send me a proof/preview copy for my review before this goes to press.

If possible, 2 column layout is best for clarity of information.



LegalNotice
14-28-11 IC e-mail..

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/23/2011. Your cooperation is always greatly appreciated.

Have a wonderful day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 28, 2011

HUNT HATCH
PO BOX 115
KAMIAH, ID 83536

Application For Permit No. 84-12259

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO COUNTY FREE PRESS on 5/4/2011 and 5/11/2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith C. Franklin". The signature is fluid and cursive, with a large, stylized 'K' and 'F'.

Keith Franklin
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, April 28, 2011 4:30 PM
To: Case, Morgan
Cc: Franklin, Keith
Subject: RE: Application for Permit No. 84-12259

Dear Morgan,

The Department of Water Resources is seeking written comment and/or recommendations from Planning regarding the above referenced water right application. A copy of the application is enclosed for your reference.



84-12259_Hatch.pdf
f

We are preparing this for publication in the Idaho County Free Press on May 4 and 11, 2011, with May 23, 2011 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If Planning desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Fish and Game and Department of Environmental Quality are not opposed to the applicant's proposal.

Please contact Keith Franklin in this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Work Sheet

- 1.) 0.02 cfs Stock Water
- 2.) 0.7 AF Stock Water Stor.
- a) Pond Size = 0.2 AF ^{50' x 30' x 5'}
- b) Evap. based on
1500 ft² surface area
290 gpd x 273 days
= 0.2 AF
- c) Stock Water
20 head x 12 gpd x 365 day
= 0.3 AF
- Total = 0.7 AF
- 3.) 0.3 AF Stock Water from Stor. 20 x 12 x 365 = 0.3 AF

MEMORANDUM

To: Water Right Application # 84-12259

From: Keith E. Franklin

Date: March 30, 2011

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applicant diverting spring water, for stock water use, that is tributary to the Clearwater River.

Good Faith, Delay, or Speculative Information.

The applicant plans to construct a stock water pond for its own use on property the applicant owns and there are no known issues with any other party.

Financial Resources Information.

The applicant plans to finance the project by out of pocket means.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. The agencies are not apposed to the applicant's proposal.

Injury to Other Water Rights.

There isn't any foreseen potential impact to area water right holders or adverse long term impact to the Clearwater River/Snake River drainage.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 11, 2011

HUNT HATCH
PO BOX 115
KAMIAH, ID 83536

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 75008

Dear Mr. Hatch:

The Idaho Department of Water Resources now has the required comments from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality so it can finally advertise your application. In an August 13, 2008 letter to you, I enclosed an updated application that contained changes we had discussed earlier. The application was to be signed and returned along with comments from the above said agencies. The department never received the application. In order to expedite the process, I have enclosed another application for your consideration and if it meets with your approval, sign and return to me within 30 days so as not to further delay processing.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resour

Enclosure(s)

- ☐ Application
- ☒ F&G
- ☒ DEQ
- ☒ Answers to Rules 40.05
- ☐ Planning

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT IN THE NAME OF)
HUNT HATCH, #75008)

DEFAULT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 22, 2008, Hunt Hatch submitted an Application for Permit to the Department, seeking to file for water rights for stockwater purposes.
2. On August 13, 2008, the department requested additional sensitive basin information that relates to the Salmon-Clearwater River drainage.
3. On September 9, 2008, the department received a telephone call from Mr. Hatch stating he was actively seeking the sensitive basin information.
4. On September 1, 2009, the department sent Mr. Hatch correspondence requesting the balance of the sensitive basin information be received by the department no later than October 1, 2009.
5. On November 3, 2009, the department issued Mr. Hatch a **NOTICE OF PROPOSED DEFAULT ORDER** for failure to supply requested information.
6. On November 12, 2009 Mr. Hatch requested a 30 day extension of time to gather the information and submit it to the department to avoid default.
7. As of this date, the requested information has not been received by the Department.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to issue a Default Order for failure to timely respond to an extension of time granted for the **NOTICE OF PROPOSED DEFAULT ORDER**.
2. The Department should issue a **DEFAULT ORDER** denying the application.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Application to Appropriate the Public Waters of the State of Idaho in the name of Hunt Hatch is in default.

IT IS FURTHER ORDERED that the application is **DENIED** and will not be further considered by the Department.

Dated this _____ day of _____, 2011.

Robert G. Haynes, P.E.
Northern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 3, 2011

Hunt Hatch
PO Box 115
Kamiah, ID 83536

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Hatch:

The Idaho Department of Water Resources issued you a **NOTICE OF PROPOSED DEFAULT ORDER** on November 3, 2009, for failure to supply requested information. On November 12, 2009 you requested a 30 day extension in order to avoid default. To date the department has not heard from you.

This letter is to advise you a **DEFAULT ORDER** denying the application will be issued in the next few days after which you may request a refund of your filing fee. You may reapply at some time in the future. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

CERTIFIED MAIL

GARY SPACKMAN
Interim Director

November 3, 2009

Hunt Hatch
PO Box 115
Kamiah, ID 83536

Re: Applications For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Hatch:

Enclosed you will find a **NOTICE OF PROPOSED DEFAULT ORDER** in the above referenced matter.

You have seven (7) days from the date of receipt hereof to challenge this Notice of Proposed Default Order.

Should you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY

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

IN THE MATTER OF APPLICATION)
FOR PERMIT IN THE NAME OF)
HUNT HATCH, #75008)

**NOTICE OF
PROPOSED DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 22, 2008, Hunt Hatch submitted an Application for Permit to the Department, seeking to file for water rights for stockwater purposes.
2. On August 13, 2008, the department requested additional sensitive basin information that relates to the Salmon-Clearwater River drainage.
3. On September 9, 2008, the department received a telephone call from Mr. Hatch stating he was actively seeking the sensitive basin information.
4. On September 1, 2009, the department sent Mr. Hatch correspondence requesting the balance of the sensitive basin information be received by the department no later than October 1, 2009.
5. As of this date, the requested information has not been received by the Department.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to respond to an information inquiry.
2. The Department should enter a Notice of Proposed Default Order for failure of the applicant to provide requested information in the above captioned matter.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order **DENYING** the application, as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 3rd day of November, 2009.



Robert G. Haynes, P.E.
Northern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 1, 2009

Hunt Hatch
Po Box 115
Kamiah, ID 83536

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear Mr. Hatch:

It has been over a year since the department has heard from you regarding the additional information needed to complete your application. Please refer to the attached letter dated August 13, 2008. If the department has not received all of the information requested by October 1, 2009 an order defaulting the application will be issued.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

IDAHO DEPARTMENT OF WATER RESOURCES

Applying for a Permit to Appropriate Water in the Salmon and Clearwater River Basins

Idaho Code § 42-203A(5) requires IDWR to evaluate the following criteria for applications to appropriate water:

- The potential to reduce the quantity of water under existing water rights
- The sufficiency of the water supply for the proposed appropriation
- The good faith nature of the application
- The adequacy of the applicant's financial resources
- The local public interest in the public water resource
- The conservation of water resources in Idaho
- Impacts to the economy of the local area or watershed

RECEIVED

MAY 11 2009

IDWR / NORTH

To ensure that IDWR has sufficient information to evaluate the criteria, Rule 40.05 of the Water Appropriation Rules (IDAPA 37.03.08.040.05) requires water right applicants to submit additional information to IDWR in connection with their applications.

The additional information requirement is usually waived for applications proposing the appropriation of 5.0 cfs or less or the storage of 500 af or less. Because the waters of the Salmon River and Clearwater River drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values in the basins' rivers and streams. IDWR is, therefore, requiring that applicants submit the additional information required by Water Appropriation Rules 40.05.c through 40.05.g, even when the applications are for less than the usual 5.0 cfs/500 af threshold. Only certain applications for small domestic and stockwater uses and applications to divert ground water for domestic use in multiple homes are exempt from the additional information requirement. A copy of Water Appropriation Rules 40.05.c-g is printed on the back of this page.

Please submit the information required by Water Appropriation Rules 40.05.c-g to IDWR within 30 days from the date you are notified that it is required. IDWR will hold your application until you have submitted the additional information. If you believe that a particular piece of information is not relevant to your application, please explain why. A complete response to Rule 40.05.f, Information Relative to Financial Resources, is not required if construction of your project will cost less than \$5,000. Instead, simply state the projected cost of your project. If you do not respond within 30 days, IDWR may void your application. If you need additional time to submit the required information, please submit a written request. IDWR can grant additional time "upon a showing of good cause."

The following are agency representatives who will help you respond to the local public interest requirement of Rule 40.05.g. Please contact these agency representatives at least 15 days prior to the end of your 30-day response period.

Idaho Department of Fish and Game contact list for water right applications:

Panhandle Region: Mary Terra-Berns at 208-769-1414
McCall Subregion: Dale Allen at 208-634-8137
Salmon Region: Tom Curet at 208-756-2271

Clearwater Region: Ray Hennekey at 208-799-5010
Southwest Region: Eric Leitzinger at 208-465-8465

Idaho Department of Environmental Quality contact list for water right applications:

Lewiston: Kerby Cole at 208-799-4370 (Clearwater or lower Salmon River basins)
Cascade: Leslie Freeman at 208-634-4900 (South Fork Salmon River basin)
Idaho Falls: Troy Saffell at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

May 5, 2009

Hunt Hatch
PO Box 115
Kamiah, Idaho 83536

Dear Mr. Hunt:

RE: Water Right Application

IDFG has reviewed your draft application to Idaho Department of Water Resources to create a pond to store 0.7 AF for stockwater. The application states that the pond would capture water from several up-gradient springs. Based on the local topography, we anticipate that the pond will also capture surface runoff.

IDFG does not anticipate that your proposed project will have a significant effect on flows in the Clearwater River or any tributaries thereof. We do not anticipate that the proposed withdrawal will adversely impact fish, wildlife or habitat. As long as all other necessary state and federal permits have been obtained, we have no objection to your application.

Thank you for the opportunity to comment on your application. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

c: Kerby Cole, DEQ Lewiston
Keith Franklin, IDWR CDA
Sharon Kiefer, IDFG Boise

*E. mailed by Ray Hennekey.
KD*



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

September 15, 2008

Hunt Hatch
P.O. Box 115
Kamiah, Idaho 83536

Dear Mr. Hatch:

DEQ has received a copy of your application to the Idaho Department of Water Resources requesting approval of a water appropriation to draw 0.02 cfs of water from 3 springs to construct a stock water pond in an unnamed tributary to the Clearwater River. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Flow in the unnamed tributary to the Clearwater River must be significant enough that withdrawal of 0.02 cfs from 3 springs into the in-stream stock water pond will not impact water quality, and stream flow adequate to sustain existing aquatic life will be maintained at all times.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Kerby M. Cole". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Kerby M. Cole, P.E.
Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG
Marti Bridges, DEQ

RECEIVED
SEP 17 2008
IDWR/North

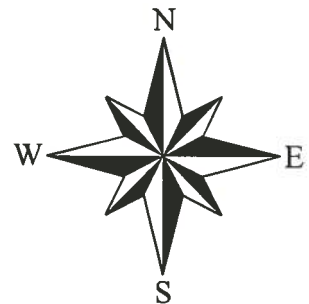
HATCH



0 190 380 760 1,140 1,520 Feet

Legend

- QQ
-  Taxlots
-  workingpod
-  workingpou



15008

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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MAY 22 2008

IDWR/North

1. Name of Applicant Hunt Hatch Phone 808 935 2196
Mailing address P.O. Box # 115, Kamiah, ID 83536 Email clearwater@clearwatergate.com
2. Source of water supply Springs which is a tributary of unnamed stream
3. Location of point of diversion is Township 34N Range 3E Sec. 26, in the SE 1/4, NE 1/4, SW 1/4, Govt. Lot _____, B.M., Idaho County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .03 for Stock water purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 1.5 for Stock water storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .03 cubic feet per second and/or (b) _____ acre feet per year
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Create a stock pond
b. Height of storage dam 6 Feet feet; active reservoir capacity 1/2 acre-feet; total reservoir capacity 1/2 acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? _____; Drilling firm _____; Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. 10 horses, 10 cows
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

Pool size 50 x 20 x 5
In stream.

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MAY 22 2008
IDWR/North

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	3E	26				X	X						X						

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? Hunt Hatch
- b. Who owns the land to be irrigated or place of use? Hunt Hatch
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. I would like to build a pond just below 3 springs for stockwater.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Hunt Hatch
Signature of Applicant

Hunt Hatch
Print Name (and title, if applicable)

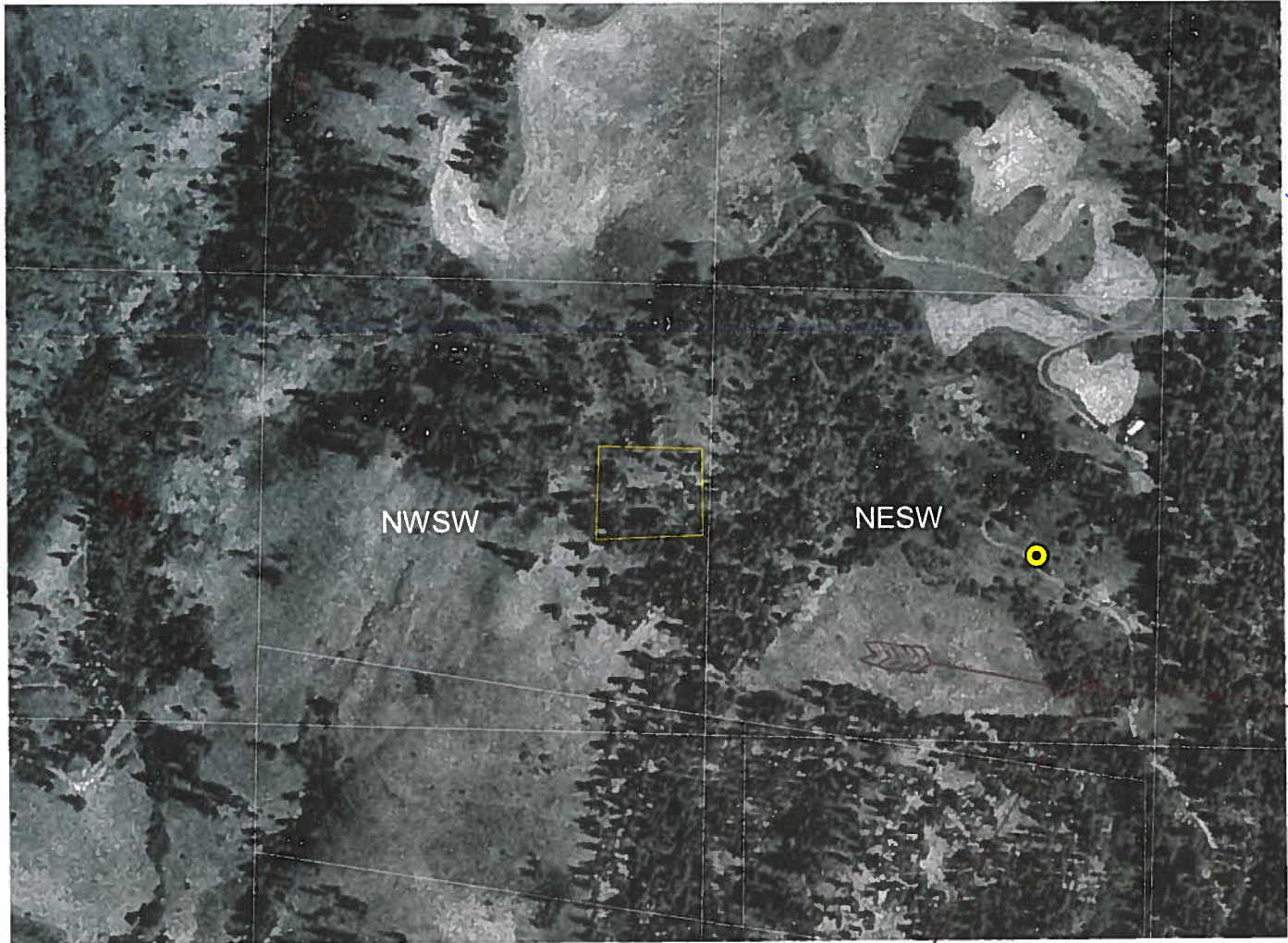
For Department Use:

Received by db Date 5/22/08 Time 12:20p Preliminary check by _____
Fee \$ 100.00 Receipted by db Receipt No. NO19263 Date 5/22/08

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____

84-12145

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MAY 22 2008
IDWR/North



0 400 800 Feet

three springs

Section 26
T34N R3E



● Point of Diversion

□ Place of Use

Map prepared on January 29, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

The yellow marker is for a spring
that I pited on earlier for use at my house