

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, September 27, 2005 4:23 PM
To: 'Deborah E. Nelson'
Subject: RE: request for documents re 65-13598

Deb,

Welcome back. Sounds like congratulations are in order. Hope mother and baby are doing well.

There hasn't been much activity in that file. We will fax 6 pages to you.

Shelley Keen
 Water Right Permits Section
 Idaho Dept. of Water Resources
 208-287-4947
 shelley.keen@idwr.idaho.gov

*Kari Lynn,
 Will you FAX the clipped
 pages, including the amendment,
 to Deb Nelson at the number
 underlined below.
 Thanks for
 your help.
 Shelley*

*File ran go back on
 call-req.*

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

From: Deborah E. Nelson [mailto:den@givenspursley.com]
Sent: Tuesday, September 27, 2005 3:09 PM
To: Shelley Keen
Cc: Michael & Sarah Redman; CaviarHog@spro.net>
Subject: request for documents re 65-13598

Hi Shelley,

I'm easing back into work from maternity leave. I have just reviewed your August 24th letter to John Marshall responding to my request to cancel Permit 65-13598. I would like to obtain a copy of the letter you reference (requesting Mooers to amend his permit application) and any other recent correspondence, memoranda, or other documentation in file 65-13598. I would be happy to send a runner to make these copies, or, if it is minimal, could you please fax them to me at 388-1300?

Thanks,
 Deb

Deborah E. Nelson
 Givens Pursley LLP
 601 W. Bannock St.
 P.O. Box 2720
 Boise, Idaho 83702
 phone: (208) 388-1200
 fax: (208) 388-1300
 website: www.givenspursley.com

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9/27/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DATE: 9.27.05

TO: Deb Nelson
388-1300

FROM: Shelly Kean

DOCUMENT DESCRIPTION: Misc. Correspondence re Permit 65-13598

COMMENTS: _____

COVER SHEET + 6 PAGES

PLEASE CONTACT Shelly Kean IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT

287-4952



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 13, 2005

BETTY L DERBONNE-MOOERS
PO BOX 70
OLA ID 83657-0070

RE: Water Right Permit 65-13598

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received the amendment. If I do not receive the amendment within **14 days**, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you have been misplaced, a new one is enclosed. Please note that the filing fee is **\$50.00**.

If you have any questions regarding this matter, please call me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelley W. Keen', is written over a horizontal line.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-13598

Date of Priority: February 23, 1995

Maximum Diversion Rate: 0.69 CFS

Maximum Diversion Volume: 26.2 AF

Comes now BETTY L DERBONNE-MOOERS
PO BOX 70

OLA ID 83657-0070 and represents to the Director of the Idaho Department of Water Resources that she is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13598, and requests that the permit be changed as follows:

Source: FIR TREE GULCH CREEK **Tributary:** SQUAW CREEK
UNNAMED STREAMS SQUAW CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		26.2 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.69 CFS	

LOCATION OF POINT(S) OF DIVERSION:

FIR TREE GULCH CREEK	NE¼NW¼NE¼ Sec. 21, Twp 10N, Rge 01E, B.M.	GEM County
UNNAMED STREAMS	NW¼NE¼ Sec. 27, Twp 10N, Rge 01E, B.M.	GEM County
UNNAMED STREAMS	NE¼NE¼ Sec. 27, Twp 10N, Rge 01E, B.M.	GEM County
UNNAMED STREAMS	NE¼NE¼ Sec. 27, Twp 10N, Rge 01E, B.M.	GEM County
UNNAMED STREAMS	NE¼NE¼ Sec. 27, Twp 10N, Rge 01E, B.M.	GEM County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 01E 22							X										
10N 01E 27	X	X															

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13598

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-13598 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right will 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. 65A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. When 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 the depletion of water caused by this water use.
4. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
5. Wildlife use is for upland fowl habitat improvement.

Witness my hand this _____ day of _____, 2005.

KARL J. DREHER
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 24, 2005

BETTY L DERBONNE-MOOERS
PO BOX 70
OLA ID 83657-0070

RE: Water Right Permit No. 65-13598

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4947.

Sincerely,

A handwritten signature in cursive script that reads 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

Enclosure(s)