

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

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-22942 IN THE NAME) NOTICE OF HEARING
OF DONALD &/OR PATRICIA BASSO)
_____)**

On February 22, 2005, Donald &/or Patricia Basso filed with the Idaho Department of Water Resources (IDWR) an application for permit for irrigation beneficial use. Public notice for the application was made in the Idaho World News April 6 & 13, 2005. A timely single protest was received from lower Warm Spring Creek waterusers- John L Alderman, F. L. Honsaker, Ed Davis, Jeff Bass, and Roger Belau. A pre-hearing conference was held on July 6, 2005. The protest was not settled. On May 29, 2007, the applicant amended application for permit #65-22942. The amended application was re-advertised February 20 & 27, 2008. To date, the protest has not been settled.

PLEASE TAKE NOTICE that a formal hearing will be held **9:30 AM, Wednesday, September 9, 2009 at the Idaho Department of Water Resources Western Regional Office, 2735 Airport Way, Boise, Idaho.**

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Idaho Code, Chapters 2 and 17, Title 42, Chapter 52, Title 67 and Department Rules of Procedure IDAPA37.01.01. A copy of the code/rules may be obtained from the Department's website www.idwr.idaho.gov or upon request. Parties appearing in this matter will have opportunity to present information, examine witnesses, and provide argument relating to the contested application.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend or participate in the hearing, please advise the Department within 10 days prior of the hearing date.

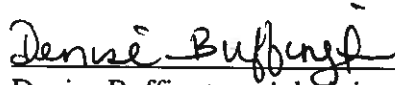
Dated this 3rd day of March, 2009



John Westra, Manager Western Region

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of March, 2009, I mailed a true and correct copy, postage prepaid *certified* mail of listed documents to those on the attached list.



Denise Buffington, Administrative Assistant

Documents Sent

-Notice of Hearing

Mailings

**Donald &/or Patricia Basso
3940 Southhampton RD
Moorpark CA 93021**

D. Gibson, SO

**Dave L Nettleton
14 Valley Hi RD
Garden Valley ID 83622**

**Roger Belau
52 Middle Fork Ridge RD
Garden Valley ID 83622**

**John R Alderman
28 Broken Oar RD
Garden Valley ID 83622**

**Farren L Hunsaker
311 Middle Fork RD
Garden Valley ID 83622**

**Ed Davis
315 Middle Fork RD
Garden Valley ID 83622**

**Jeff Bass
350 Middlefork RD
Garden Valley ID 83622**

Evaluation Criteria Applications for Permit

Pursuant to Idaho Code §42-203A (5)

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply sufficient for the purposes intended?
3. Is the application made in good faith, for delay, or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest? *that is, the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.*
6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

Web References www.idwr.idaho.gov, select **forms-rules-statutes**

- Idaho Code 42-203A *Protests—Hearings Appeals*
- Rules of Procedure; IDAPA 37.01.01
- Water Appropriation Rules; IDAPA 37.03.08