

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13161

Priority: February 09, 1990

Maximum Diversion Rate: 1.65 CFS

This is to certify, that HAW CREEK RANCH INC
PO BOX 785
EMMETT ID 83617

has applied for a permit to appropriate water from:

Source: HAW CREEK**Tributary:** PAYETTE 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>
IRRIGATION	03/01 to 11/15	1.60 CFS	
STOCKWATER	01/01 to 12/31	0.05 CFS	
STOCKWATER STORAGE	01/01 to 12/31		10.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		10.0 AF
IRRIGATION STORAGE	01/01 to 12/31		10.0 AF

LOCATION OF POINT OF DIVERSION:

HAW CREEK NE¼ NE¼ Sec. 8, Twp 07N, Rge 01W, B.M. GEM County

PLACE OF USE: STOCKWATER STORAGE, IRRIGATION 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
07N 01W 8	X																

PLACE OF USE: IRRIGATION, IRRIGATION 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
07N 01W 8	40.0	40.0															80.0

Total Acres: 80

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 01W 8	X	X															

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-13161

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2008**.
2. Subject to all prior water rights.
3. This right does not authorize the irrigation of land not previously irrigated.
4. 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. 65.
5. 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(s).
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. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
8. 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.
9. Stockwater use is for 200 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of May, 2007.


for DAVID R. GUTHILL, JR., Director

RECEIVED

MAY 02 2007

DEPARTMENT OF
WATER RESOURCES

AMENDED

Ident. No. 65-13161

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

APR 12 2007

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name: HAW CREEK RANCH INC.
Address: P.O. BOX 785
EMMETT, ID 83617

208-365-4022

* 2. Source: HAW CREEK Trib. to: PAYETTE RIVER
~~BRISTOL CREEK~~ ~~HAW CREEK~~

3. Location of Point of Diversion: NENE Sec. 8, Township 07N, Range 01W
GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.600		
* IRRIGATION STORAGE	01/01	12/31			10.00
IRRIGATION FROM STORAGE	03/15	11/15			10.00
STOCKWATER	01/01	12/31	0.050		
STOCKWATER STORAGE	01/01	12/31			10.00
~~STOCKWATER FROM STORAGE~~	~~01/01~~	~~12/31~~			~~10.00~~

5. Total quantity to be appropriated is:
1.650 CFS (and/or) 10.00 AF

6. Proposed diverting works:

- * a. Description of ditches, flumes, pumps, headgates, etc.
DEVELOPED POND FOR STOCKWATER AND IRRIGATION, ON-STREAM STORAGE
- b. Height of storage dam 9 feet; active reservoir capacity 10.00
acre-feet; total reservoir capacity 10.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- * c. Proposed well diameter is inches; proposed depth of well is
feet.
- d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.

8. Description of proposed uses:

IRRIGATION & STOCKWATER, 200 HEAD RANGE CATTLE

* Revised application per telecon with J. Woodie,
Vice-Pres. JR 2/20/90

see attached
letter
JW

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07N	01W	8	NENE 40	NWNE 40		80
Total number of acres irrigated:						80

Place of Use: IRRIGATION STORAGE, same as IRRIGATION use
Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use
Place of Use: STOCKWATER, same as IRRIGATION use
Place of Use: STOCKWATER STORAGE, same as IRRIGATION use
~~Place of Use: STOCKWATER FROM STORAGE, same as IRRIGATION use~~

- * 10. Describe any other water rights used for the same purposes.
NONE (USE FROM 1940'S BUT NOT CLAIMED IN PAYETTE ADJUD.)
11. a. Who owns the property at the point of diversion?
APPLICANT
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

* 12. Remarks: RESERVOIR IS IN T7N R1W S.8 NENE.

13. Map of proposed point of diversion and place of use attached? [X]

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

See attached original for
Applicant *signature*

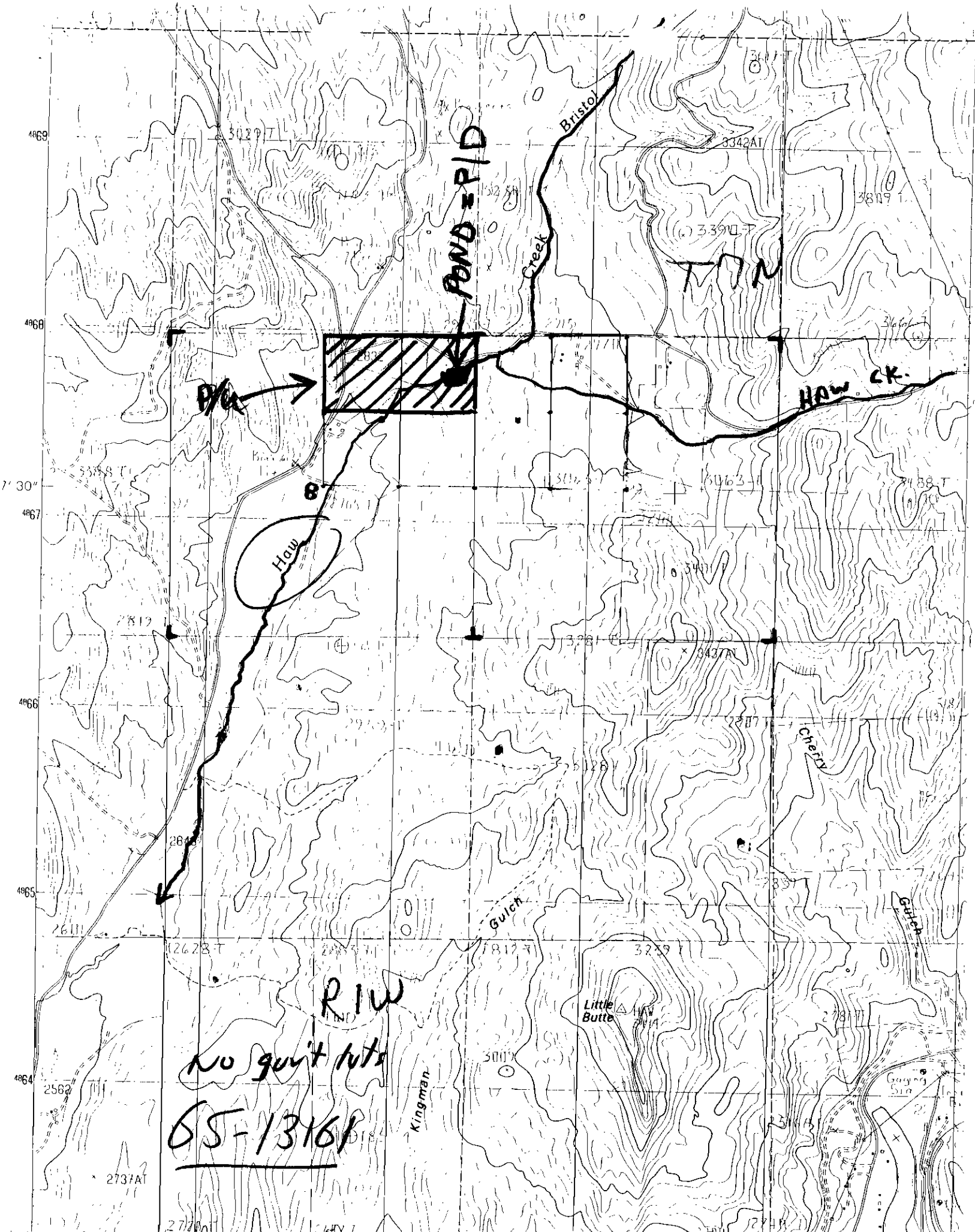
Received by 82 KW Date 2/12/90 Time 11:30 Preliminary check by 82

Fee \$ 65⁰⁰ Received by KW # C 01453 Date 2/9/90

Publication prepared by GG Date 2-21-90 Published in Messenger-Index

Publication approved 82 Date 4-12-90 ^{3/1 & 3/8/90}

* Revised as noted on pg. 1 of application.



Ident. No. 65-13161

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: HAW CREEK RANCH INC. 208-365-4022
Address: P.O. BOX 785
EMMETT, ID 83617
2. Source: HAW CREEK Trib. to: PAYETTE RIVER
BRISTOL CREEK PAYETTE RIVER
3. Location of Point of Diversion: NENE Sec. 8, Township 07N, Range 01W
GEM County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.600		
IRRIGATION STORAGE	11/15	07/01			10.00
IRRIGATION FROM STORAGE	03/15	11/15			10.00
STOCKWATER	01/01	12/31	0.050		
STOCKWATER STORAGE	01/01	12/31			10.00
STOCKWATER FROM STORAGE	01/01	12/31			10.00
5. Total quantity appropriated is:
1.650 CFS (and/or) 10.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DEVELOPED POND FOR STOCKWATER AND IRRIGATION.
 - b. Height of storage dam feet; active reservoir capacity 10.00
acre-feet; total reservoir capacity 10.00 acre-feet; period of
year when water will be diverted to storage: 11/15 to 7/01 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
IRRIGATION AND STOCKWATER FOR 200 HEAD.

Original Application with signature pg.

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
07N 01W 8	NENE 40	NWNE 40		80
Total number of acres irrigated:				80

Place of Use: IRRIGATION STORAGE, same as IRRIGATION use
Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use
Place of Use: STOCKWATER, same as IRRIGATION use
Place of Use: STOCKWATER STORAGE, same as IRRIGATION use
Place of Use: STOCKWATER FROM STORAGE, same as IRRIGATION use

10. Describe any other water rights used for the same purposes.

11. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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

Jacqueth A. Woodie
Applicant.
Vice President

Received by 82 kw Date 2/12/90 Time 11:30 Preliminary check by R
Fee \$ 65.00 Receipted by kw # C014531 Date 2/9/90
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

May 8, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

HAW CREEK RANCH INC
PO BOX 785
EMMETT ID 83617

RE: Permit No. 65-13161

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.

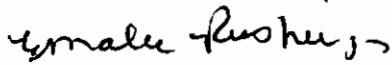
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

Sincerely,


Shelley W. Keen, Acting Section Manager
Water Right Permits Section

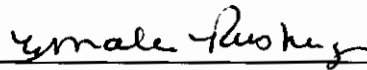
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO. 65-13161

**HAW CREEK RANCH INC
PO BOX 785
EMMETT ID 83617**

A handwritten signature in cursive script, reading "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
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.

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 issuance 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

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 8, 2007

RON SHURTLEFF
102 N MAIN ST
PAYETTE ID 83661

RE: Water Right Permit #65-13161

Dear Watermaster:

Enclosed is a copy of the recently issued Permit for the above referenced water rights in the name of Haw Creek Ranch Inc.

If you have any questions, please call me at 208-287-4952.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Technical Records Specialist

Enclosure

MEMORANDUM

TO: Files

FROM: Steve Lester 

DATE: April 24, 2007

RE: Applications 65-13161 and 65-13162, Haw Creek Ranch Inc.

These applications were filed in 1990 as a result of SRBA claims taking. The owners realized these existing systems (1940s?) were not covered in the Payette Adjudication and could not be covered under the SRBA because of that history. The applications simply seek protection for existing developments.

These applications were held through the mid-1990s due to a senior protested application that was later relinquished (65-12791) and also due to moratorium issues in that period.

Later in the 1990s, we tried to resume processing with a mass mailing for consumptive use applications held under the “no-see-um moratorium” – applications were delayed while the department wrestled with downstream fishery concerns. That effort ultimately lead to the “request to process form.” In any event, the applicant did not respond to the 2/4/1998 mailing in that regard. Western had a few stragglers like this. The intent was to make a final contact effort and then void those applications if responses were not received.

These two applications suffered from that process, lingering far too long in an overlooked backlog mode. A 3/12/2007 IDWR letter sought to correct this oversight.

The applicant responded by returning the original/revised applications with a cover letter. The information was received 4/12/2007. The applications included the old style of revisions based on telephone calls. The applicant endorsed the final versions:

- 65-13161 now includes Judy Woodie’s¹ initials with a reference to her recent letter in addition to signing the current version (labeled “revised” in red ink from 1990). She eliminated a non-applicable source and use in this application.
- 65-13162 only needed her endorsement for the revised diversion works. She endorsed that by initialing near the application number in upper left corner of the form.

¹ Current president of Haw Creek Ranch Inc. per 2006 business entity registration on file with the Idaho Secretary of State.

- The current versions were then stamped “amended” by staff. These changes do not require additional fees, additional advertising or advancement of priority.

Older processing standards did not include comment letters to IDFG and the Payette Watermaster. I called and emailed them recently about these applications. IDFG did not provide any comments. The Watermaster endorsed the projects based on standard water district conditions for his water district. The applicant knows about the need to mitigate the district with rental pool water and will work with the Watermaster to do that.

There are no overlapping rights for either application.

Storage Volume in 65-13161

Note Woodie’s 4/11/07 letter in 65-13161. The applicant described an on-stream pond that could hold about 29 AF. I called Woodie to discuss that – this suggested an expanded application, re-advertising and so forth. She said the pond only fills to capacity during peak runoff and quickly reduces to a much smaller volume after that. By late summer the pond is usually about empty. An average depth of about 3 feet is generally found after runoff subsides and irrigation water is needed. That depth times the surface area of the pond (about 3.2 acres) equals about 10 AF as noted in the original filing. The applicant would be satisfied with a right to store 10 AF and would not mind releasing any extra volume if a delivery call is made against that extra volume.

It is highly unlikely that storage exceeding 10 AF under these circumstances would be subject to delivery calls since that volume would only be present during peak periods when irrigation water is generally not needed. Rather than complicate this process any more than necessary and add more delays, it should be acceptable to approve 10 AF and let priority-based regulation cover other complications if they arise. Under this scenario, 10 AF of storage is a fair estimate of the storage beneficial use for this operation. Additionally, the lack of known complaints/protests about these existing uses argues against over-complicating things at this late date.

Conditions of Approval – Both Applications

Standard conditions.

Does not authorize new development.

One year to file proof.

Lockable/measurable diversion works plus mitigation condition (#185) for Water District #65.

“Possible future mitigation” condition (#121).

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDATION OF WATERMASTER

Application No: 65-13161

Applicant's Name: Haw Creek Ranch Inc.

Watermaster's Recommendation:

- a) I do not oppose approval of this application.
- b) X I do not oppose approval of this application if conditioned as follows:

 X No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions: Under control of Watermaster, Water District No.

65. Subject to annual water district assessment and subject to annual rental pool fees.

- c) I oppose approval of this application for the following reasons:

d) Additional comments:

Dated this 18th day of April, 2007

Water District No: 65

Ron Shultz
Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments. **RECEIVED**

Use reverse side of page if you need more space.

APR 20 2007

WATER RESOURCES
WESTERN REGION

Lester, Steve

From: Clark, Cynthia (Bridge)
Sent: Friday, April 20, 2007 6:28 PM
To: Lester, Steve
Subject: Permit 65-13161

Steve,

In response to your request for comments, Manuel Rauhut and I reviewed Application for Permit 65-13161. Based on the information provided by the applicant, the proposed dam will be less than ten (10) feet in height, store less than fifty (50) acre-feet of water, and will be considered a low risk dam. If constructed accordingly, this dam will not be regulated dam safety and will not require certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

John Westra and I have discussed drafting a new condition to address some of the long-term problems identified with dams that are not regulated by the Department. John mentioned that he and I will discuss it further once he the permit is passed to him for approval.

Let me know if you have questions or need additional documentation.

Thank you,
Cynthia

Cynthia Bridge Clark
Staff Engineer, Resource Protection Bureau
Idaho Department of Water Resources
Phone (208) 334-2190
Fax (208) 334-2348
cynthia.clark@idwr.idaho.gov

email e dam safety

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2007 11:58 AM
To: 'waterdist65@srvinet.com'
Subject: Watermaster Comments - Applications 65-13161 and 65-13162

Ron:

This email is about the voicemail message I left you earlier today.

The applications lingered at IDWR for multiple reasons over many years - protests, moratoriums and so on. But the path is clear now to issue a decision once we get your comments.

The applications are for Haw Creek existing systems (1940s?) that were never filed on before 1990 according to the applicant. Applicant is aware of the June 15 cutoff idea, rental pool etc. so won't be too surprised by getting a copy of your recommendation form.

The small pond noted in 65-13162 map is not part of that system. It was mistakenly included when the application was originally filed. This application is limited to natural flow from the creek.

Please send your Watermaster recommendations to me by April 23 if you can. An email reply is fine if you prefer. Thanks for your help on such short notice.

Steve



65-13161.pdf



65-13162.pdf

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2007 11:37 AM
To: 'eleitzinger@idfg.idaho.gov'
Subject: Comments for Water Right Applications - re voicemail today

Eric:

I left you a voicemail message about these two attached applications earlier today. The applications were filed in 1990 and lingered for reasons I won't bore you with. Now we can proceed.

Back then we did not seek comments for surface water applications from IDFG. Since we now do that, I wanted to see if you have any concerns about these two. The applicant said both systems were developed long ago (1940s?) but were overlooked in previous water right actions by the owners.

Both applications involve Haw Creek between Emmett and Squaw Butte.

I will assume "no problem" unless I hear otherwise from you by April 23. An email reply is fine if you want to comment. Let me know if you have any questions. Thanks for your help on such short notice.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel 208.334.2190
fax 208.334.2348
steve.lester@idwr.idaho.gov



65-13161.pdf



65-13162.pdf

Haw Creek Ranch, Inc.
P.O. Box 785
Emmett, Idaho 83617
208-365-4022
jwoodie@bigskytel.com

April 11, 2007

Steve Lester
2735 Airport Way
Boise, Idaho 83705-5082

Dear Steve,

I went out and paced off the dam, permit #65-13161, this morning and came up with more acre feet of storage than what our permit application says. But, since I was doing the figuring, it could very well be incorrect. I came up with it being 390ft by 360ft, for a sq footage of 140,400 sq feet, or 3.22 acres. With the dam height of 9 feet, that comes out to 28.98 acre feet of water. The pond is full as we have water going over the overflow today, and I think my figures are high compared to the water that is in the pond.

I lined through on the stockwater from storage line after our conversation on Monday, the 9th of April and I also lined through the Bristol Creek source line.

If you have any other questions, my phone number is at the top of this letter. If I'm not home, leave a message. Thank you for your help on this matter.

Sincerely,



Judy Woodie
President
Haw Creek Ranch, Inc.

Attachment to Application 65-13161

RECEIVED

APR 12 2007

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Interim Director

March 12, 2007

HAW CREEK RANCH INC
PO BOX 785
EMMETT ID 83617

Re: Applications for Permit Nos. 65-13161 and 65-13162

Dear Applicant:

You filed the above referenced applications for new water rights in 1990. Unresolved downstream issues prevented application processing for many years. Those issues have been sufficiently covered for the purposes associated with your applications. The Idaho Department of Water Resources (IDWR) seeks additional information to determine if you want to proceed with the applications or if you prefer to withdraw them. The latter option can be done by using the enclosed withdrawal forms.

Please be aware that new applications for tributary water in the Payette River system will be subject to June 15 curtailments each year by the Payette River Watermaster to protect senior water rights in the system. Continued use of a new right after the annual curtailment will require an annual lease of available storage water from the Payette Rental Pool administered by the watermaster. This will involve some additional annual costs (fairly minor). You can learn more about that by contacting Watermaster Ron Shurtleff in Payette (208-642-4465).

If you want to proceed with the applications, please provide the following information.

Application 65-13161 lists two creeks for water sources. However, the application map shows the diversion pond located on Haw Creek without any diversion from Bristol Creek. Bristol Creek ends in NWNW Section 9. Please confirm whether or not a direct diversion from Bristol Creek is involved. If not, delete that source from the enclosed original application (labeled as "revised" from earlier telephone conversations). If Bristol Creek is directly involved, mark that diversion on the map and add this additional diversion point to application item 3. Specify if the Bristol Creek diversion is on your property or not. If not, who owns that property and what legal access do you have to the property (application items 11a and 11c)?

The term "stockwater from storage" is currently used when water will be diverted from a storage pond and delivered to another site for a beneficial use. Please confirm if stockwater use under this application will be

Applications for Permit Nos. 65-13161 and 65-13162
March 12, 2007
Page 2

limited to animals drinking from the pond – in that case, delete “stockwater from storage” from the application. Otherwise, please include information summarizing how water will be diverted from the pond and provided to the place of use for “stockwater from storage.”

List the total area covered by the pond (acres) and the average depth of the pond (feet). Multiply those estimates to estimate total pond capacity in acre-feet. Include this information with your application.

Changes can be made to your application by lining through anything no longer applicable and/or writing in additional details as needed. Endorse those changes by signing the application following item 13 on the second page. Label the application “amended” near the top of the first page.

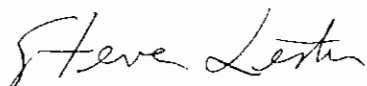
On the other hand, you can use the enclosed blank form to prepare a fresh amended version if you prefer. Be sure to complete the entire application and sign it if you use this option.

Application 65-13162 looks complete. Please add your initials and date near the top of the first page of the application to confirm that application item 6a as previously modified is correct. Other changes can be made to the enclosed original application if necessary. On the other hand, you can use the enclosed blank form to prepare a fresh amended version. Be sure to complete the entire application and sign it if you use the latter option.

Your written reply should be received within the next thirty (30) days. You can seek an interruption in processing for up to six months if you need more time. The applications will be voided without a timely written reply.

Forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Withdrawal Forms
 Original Applications
 Blank Application Forms



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

WITHDRAWAL

TO WHOM IT MAY CONCERN:

I hereby withdraw Application For Permit
to Appropriate the Public Water of the State
of Idaho No. _____.

Signed at _____
(location)

this _____ day of _____, 199__.

Signature of Applicant

Printed Name of Applicant

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant _____

Mailing Address _____

Application No. _____

Mitigation Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature _____

Date _____

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

FILE NOTES

5/15/1996 - 1/31/1997

65-13161

65-13162

- RE 1990's DELAYS
- Filed in 65-13161 with just this cover sheet in 65-13162

-82

FROM Dave Tutthill

DATE 5/17/96

①

TO 65-13161, 65-13162

SUBJECT

Processing

Plz hold pending resolution of 65-12791 (same source, senior right)

Dro

SIGNATURE

65-12791 at ¹¹⁻¹⁵ 5.0.
withdrawn &
destroyed 8/26/96.

st
②

Steve agree ✓
Still can't
approve. Hold?

Gary ④

65-13161
- 13162

③

add'l H processing delayed now
since migration use
"advertising delay" we've?
called this in open area

JL 1/31/97

5/15/96

Joe

65-12791 Upper Bench Farm

65-13161 } How a. Ranch
65-13162 }

2 NAMES = same owner since
have same address?

3 SEPARATE diversions from How Ch.

12791 protested etc

13161+13162 Kept w/ 12791 per above
but weren't protested.

Seems like should be ~~possible~~ able to
forward them 2 to Dave? -gl

STATE OF IDAHO
COUNTY OF GERI

On this 7th day of MARCH in the year of 90, before me,
a Notary Public, personally appeared Edna Reys
known or identified to me to be the person whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Mary Ann Hanson
Notary Public for Idaho

Residing at Emmett, Ida

My commission expires: 3-21-95

RECEIVED
MAR 9 1990

Department of Water Resources
Western Regional Office

65-13162
HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617
Source: HAW CREEK
Tributary: PAYETTE RIVER
Diversion Pt: SWNW Sec 17 T
07N R 01W
Use: IRRIGATION (.600 CFS)
Total Diversion: (.600 CFS)
Date Filed: 2/09/1990
In: T07N R01W S17 NWSW
S18 NESE SESE
30.0 ACRES TOTAL
65-13163
HAW CREEK RANCH, INC.
P.O. BOX 785
EMMETT, ID 83617
Source: SPRINGS
Tributary: SINKS
Diversion Pt: NWSWNW Sec
16 T 07N R 01W
SWSWNW Sec 16 T 07N R
01W
SENESE Sec 16 T 07N R 01W
SENENW Sec 17 T 07N R 01W
SENWNW Sec 20 T 07N R
01W
Use: STOCKWATER (.190)
Total Diversion: (.190)
Date Filed: 2/09/1990
In: T07N R01W S16 SWNW
NESE
S17 NENW NWSW SWSW
S18 SESE
S20 NWNW

65-13164
HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617
Source: SPRINGS
Tributary: SINKS
Diversion Pt: LOT 3
(SWNENW) Sec 6 T 07N R 01E
NWNENW Sec 7 T 07N R 01E
LOT 2 (SWSWNW) Sec 31 T
08N R 01E
LOT 2 (SESWNW) Sec 31 T
08N R 01E
LOT 4 (SESWSW) Sec 31 T
08N R 01E
NWSWSE Sec 36 T 08N R 01W
Use: STOCKWATER (.070 CFS)
Total Diversion: (.070)
Date Filed: 2/09/1990
In: T07N R01E S06 Lot 3
(NENW)
S07 NENW
T08N R01E S31 Lot 2 (SWNW)
Lot 4 (SWSW)
R01W S36 SWSE
65-13177
MC CAULOU, HARRY J.
MC CAULOU, JUDITH A.
P.O. BOX 54
OLA, ID 83657

65-13184
SUTTON, ALLEN L.
P.O. BOX 28
OLA, ID 83657
Source: SPRING
Tributary: SQUAW CREEK
Diversion Pt: NESENW Sec 23
T 10N R 01E
Use: STOCKWATER (.070 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.110 CFS)
Date Filed: 2/02/1990
In: T10N R01E S23 SENW
65-13185
TJT ENTERPRISES
P.O. BOX 278
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: LOT 9 (SWNWSE)
Sec 6 T 06N R 01W
Use: COMMERCIAL (.020
CFS)
Total Diversion: (.020 CFS)
Date Filed: 2/12/1990
In: T06N R01W S08 Lot 9
(NWSE)

65-13186
BABCOCK, OTIS
BABCOCK, FLORENCE
3131 FULLER RD.
EMMETT, ID 83617
Source: WASTE WATER
Tributary: SAND HOLLOW
CREEK
Diversion Pt: NESWNE Sec 9
T 06N R 01 W
Use: IRRIGATION (.200 CFS)
Total Diversion: (.200 CFS)
Date Filed: 2/06/1990
In: T06N R01W S09 SWNE
10.0 ACRES TOTAL

65-13187
BABCOCK, OTIS
BABCOCK, FLORENCE
3131 FULLER RD.
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: NWSWNE Sec 9
T 06N R 01W
Use: DOMESTIC (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 2/06/1990
In: T06N R01W S09 SWNE

The permit(s) will subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources,
Western Region, 2735 Airport
Way, Boise, Idaho 83705 on or
before MARCH 19, 1990.

R. KEITH HIGGINSON,
Director

Pub.: 2-28, 3-7-90
Legal Notice No. 708
Pub. in the Messenger Index

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11153
BLANTON, RODNEY J.
BROSSMAN, NANCY J.
3602 HILLCREST DR.
BOISE, ID 83705
Source: WILLOW CREEK,
NORTH FORK
Tributary: WILLOW CREEK
Diversion Pt: NWNSE Sec 17
T 06N R 01E
Use: IRRIGATION (.030 CFS)
Source: UNNAMED STREAM
Tributary: PAYETTE RIVER
Diversion Pt: SWSESW Sec 4
T 06N R 01W
Use: IRRIGATION (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 1/25/1990
In: T06N R01W S04 SESW
1.0 ACRES TOTAL
65-13147
HOWE, KRISTINE
HOWE, DAVID
1568 N. PLAZA
EMMETT, ID 83617
Source: SPRINGS
Tributary: PAYETTE RIVER
Source: UNNAMED STREAM
Tributary: PAYETTE RIVER
Diversion Pt: SWSESW Sec 4
T 06N R 01W
Use: IRRIGATION (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 1/25/1990
In: T06N R01W S04 SESW
1.0 ACRES TOTAL
65-13151
ELDRIDGE, JAMES A.
BOX 261
EMMETT, ID 83617
Source: YERGENSEN CREEK
Tributary: SQUAW CREEK
Diversion Pt: LOT 2 (NWNE)
Sec 5 T 07N R 01E
Use: IRRIGATION (.700 CFS)
Total Diversion: (.700 CFS)
Date Filed: 2/02/1990
In: T07N R01E S05 Lot 2
(NWNE) SWNE Lot 3 (NENW)
SESW
35.0 ACRES TOTAL
65-13158
EMMETT SUNSET MANOR
C/O LARRY & MARIANNE
WILLIAMS
914 HOUSTON RD.
BOISE, ID 83706
Source: GROUNDWATER
Diversion Pt: LOT 3 (SESW)
Sec 5 T 06N R 01W
Use: IRRIGATION (.030 CFS)
DOMESTIC (.080 CFS)
Total Diversion: (.110 CFS)
Date Filed: 2/08/1990
In: T06N R01W S05 Lot 3
(SESW)
1.0 ACRES TOTAL
65-13159
HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: NWNE Sec 8 T
07N R 01W
Use: DOMESTIC (.060 CFS)
IRRIGATION (.030 CFS)
Total Diversion: (.090 CFS)
Date Filed: 2/09/1990
In: T07N R01W S08 SWNE
1.0 ACRES TOTAL
65-13160
HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617
Source: SPRING
Tributary: SINKS
Diversion Pt: NESWNW Sec 9
T 07N R 01W
Use: STOCKWATER (.190 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.230 CFS)
Date Filed: 2/09/1990
In: T07N R01W S08 SWNE
SENE

65-13161
HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617
Source: HAW CREEK
Tributary: PAYETTE RIVER
Source: BRISTOL CREEK
Tributary: HAW CREEK
Diversion Pt: NENE Sec 8 T
07N R 01W
Use: IRRIGATION (1.600 CFS)
IRRIGATION STORAGE (10.00
AF)
IRRIGATION FROM STORAGE
(10.00 AF)
STOCKWATER (.050 CFS)
STOCKWATER STORAGE
(10.00 AF)
STOCKWATER FROM
STORAGE (10.00 AF)
Total Diversion: (1.650 CFS)
(10.00 AF)
Date Filed: 2/09/1990
In: T07N R01W S08 NENE
NWNE
80.0 ACRES TOTAL

Source: SPRINGS
Tributary: SQUAW CREEK
Diversion Pt: NWSWNE Sec 34
T 10N R 01E
NENWSE Sec 34 T 10N R 01E
Use: STOCKWATER (.050 CFS)
Total Diversion: (.050 CFS)
Date Filed: 2/14/1990
In: T10N R01E S34 SWNE
NWSE
65-13178
MC CAULOU, JUDITH A.
MC CAULOU, HARRY J.
P.O. BOX 54
OLA, ID 83657
Source: UNNAMED STREAM
Tributary: SQUAW CREEK
Diversion Pt: NESW Sec 34 T
10N R 01E
Use: DIVERSION TO
STORAGE (.170 CFS)
IRRIGATION (.120 CFS)
IRRIGATION STORAGE (.86
AF)
IRRIGATION FROM STORAGE
(.86 AF)
STOCKWATER (.050 CFS)
STOCKWATER STORAGE (.86
AF)
STOCKWATER FROM
STORAGE (.86 AF)
Total Diversion: (.170 CFS) (.66
AF)
Date Filed: 2/14/1990
In: T10N R01E S34 SWNE
NESW NESE NWSE
6.0 ACRES TOTAL
65-13179
CARLOCK, CARROLL
SUTTON, LARRY
OLA, ID 83657
Source: SPRING
Tributary: SQUAW CREEK
Diversion Pt: NESESW Sec 14
T 10N R 01E
Use: STOCKWATER (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 2/02/1990
In: T10N R01E S14 SESW
SWSE

65-13180
SUTTON, LARRY
P.O. BOX 2
OLA, ID 83657
Source: SPRINGS
Tributary: SQUAW CREEK
Source: UNNAMED STREAMS
Tributary: SQUAW CREEK
Diversion Pt: SESWNE Sec 11
T 10N R 01E
SWSENE Sec 14 T 10N 01E
SESENE Sec 14 T 10N 01E
NWNENE Sec 14 T 10N R 01E
SWNWSE Sec 14 T 10N R 01E
SESWSE Sec 14 T 10N R 01E
Use: STOCKWATER (.120 CFS)
STOCKWATER STORAGE
(.400 CFS)
Total Diversion: (.120 CFS) (.40
AF)
Date Filed: 2/02/1990
In: T10N R01E S11 SWNE
S14 SENE NESE NWSE SWSE

65-13181
MC LINN, WAYNE
2615 S. SLOPE RD.
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt: NESWNE Sec 27
T 06N R 02W
NWSENE Sec 27 T 06N R 02W
Use: COMMERCIAL (.040
CFS)
Total Diversion (.040 CFS)
Date Filed: 1/08/1990
In: T06N R02W S27 NENE

65-13182
HERR, RODNEY H.
HERR, MARCIA H.
400 COSTON ST.
BOISE, ID 83712
Source: SPRING
Tributary: SQUAW CREEK
Diversion Pt: SWNESW Sec 9
T 07N R 01E
Use: STOCKWATER (.090 CFS)
Total Diversion: (.090 CFS)
Date Filed: 2/09/1990
In: T07N R01E S09 NESW

65-13183
SUTTON, ALLEN L.
P.O. BOX 26
OLA, ID 83657
Source: SPRINGS
Tributary: SQUAW CREEK
Diversion Pt: SENENW Sec 24
T 10N R 01E
Use: STOCKWATER (.070 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.110 CFS)
Date Filed: 2/02/1990
In: T10N R01E S24 NWNW

CONVERSATION MEMORANDUM

DATE 2/20/90FILE 65-13159NAME OF PARTY Judith Woodie, Vice-Pres.EMPLOYEE Steve Laster13161

13162

RE: Questions concerning applications:65-13159

- 1) 2 lower internal use, allow .06 cfs
- 2) 2 yards, total 1 acre, allow .03 cfs
- 3) Keep total at .08 cfs

65-13161

Trib to Hama Creek per USFS maps

- 1) Bristol Ck. & Hama Ck. converge, on-stream storage at this point. Pond is in NENG.
- 2) Dam is 9' tall
- 3) want Ariz. Storage 1/1-12/31 (also show diversion to storage 1/1-12/31 in item 6b)
- 4) present since 1940's but not filed on in Payette adjudication.

65-13162

- 1) Pld is below pld for 65-12791 (1986 application)
- 2) pond is not part of irrigation. Pond is on west side of road & is used for stockwater on another owner's land. The other owner will look into filing a right on stock ~~water~~ pond.

MEMORANDUM

TO: APPLICATIONS FOR PERMIT

FROM: KAY WALKER

RE: HAW CREEK RANCH INC. OFFICERS

DATE: 9-FEB-1990

=====

The officers of Haw Creek Ranch Inc. are:

David Little, President
P.O. Box 68
Emmett, ID 83617

Judith A. Woodie, Vice President
P.O. Box 785
Emmett, ID 83617

65-13161

HAW CREEK RANCH INC.
P.O. BOX 785
EMMETT, ID 83617

Source: HAW CREEK
BRISTOL CREEK

Tributary: PAYETTE RIVER
HAW CREEK

Diversion Pt: NENE Sec 8 T 07N R 01W

Use: IRRIGATION	(1.600 CFS)	
IRRIGATION STORAGE		(10.00 AF)
IRRIGATION FROM STORAGE		(10.00 AF)
STOCKWATER	(.050 CFS)	
STOCKWATER STORAGE		(10.00 AF)
STOCKWATER FROM STORAGE		(10.00 AF)
Total Diversion:	(1.650 CFS)	(10.00 AF)

Date Filed: 2/09/1990

In: T07N R01W S08 NENE NWNE

80.0 ACRES TOTAL