

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23073

Priority: March 21, 2006

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

Source: ANDERSON CREEK**Tributary:** MIDDLE FORK 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>
IRRIGATION	03/15 to 10/31	0.10 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

ANDERSON CREEK NW¼SE¼ Sec. 15, Twp 09N, Rge 04E, B.M. BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 04E 15															5.0		5.0

Total Acres: 5

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 04E 15														X			

CONDITIONS OF APPROVAL

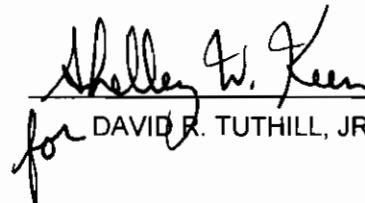
1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2009**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23073

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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of August, 2007.


for DAVID R. TUTHILL, JR., Director

RECEIVED

OCT 11 2006

Ident. No. 65-23073

FORM 202
12/99

RECEIVED

MAR 21 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant John W Hanna Phone 208 462 5000
Mailing address 35 Anderson Creek Rd. Garden Valley ID 83622
- Source of water supply Anderson Creek which is a tributary of Widdowson Fork Payette R.
- Location of point of diversion is Township 9N Range 4E Sec. 15, in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot _____, B.M., BOISE County;
additional points of diversion if any: _____
- Water will be used for the following purposes:
Amount .1 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stock water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) .10 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source diverted out of Anderson Cr.
w/ sprinkler system
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ 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? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
- 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. up to 5 horses
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
9N	4E	15		/											5ac.				5ac.

Total number of acres to be irrigated 5 ac.

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? John and Nancy Hansen (applicant)

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

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 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.

[Signature]
Signature of Applicant (and title, if applicable)

Received by SC for SK Date 3-21-06 Time 11:08 Preliminary check by SC
 Fee \$ 100.00 Received by SK # W033974 Date 3-22-06
 Publication prepared by SC Date 8/29/06 Published in IDAHO WORLD 9/8/13/08
 Publication approved SC Date 9/28/06

NW SE of Sec 15

PIONEER TITLE COMPANY LTD

2735 Airport Way Scott VanHoff

Drawn by 170577

YOUREN DIVISION II SUBDIVISION

SITUATE IN THE SOUTH 1/2 OF SECTION 15, T.9N., R.4E., B.M., BOISE COUNTY, IDAHO 1998



SCALE

1" = 200'

NOTES

- BOISE COUNTY ASSUMES NO RESPONSIBILITY FOR MAINTENANCE AND NO COUNTY SERVICES (EXCEPT EMERGENCY IN NATURE) WILL BE PROVIDED.
- A DRAINAGE EASEMENT SHALL EXIST ALONG ANDERSON CREEK, THE MIDDLE FORK OF THE PAYETTE RIVER, AND THE ANDERSON CREEK CANAL, AND SHALL BE RESERVED FOR THE MAINTENANCE OF EXISTING DRAINAGE OF UPSTREAM LAND OWNERS AND SHALL ENCOMPASS THOSE PORTIONS OF THE WATERWAY, BELOW THE MEAN HIGH WATER LINE, THAT FALL WITHIN THE BOUNDARY OF THIS SUBDIVISION.
- A 20' IRRIGATION EASEMENT, RESERVED FOR THE EXISTING USERS, SHALL EXIST ADJACENT TO AND ALONG THE PLATTED CENTERLINE OF ANDERSON CREEK CANAL, FOR THE PURPOSE OF MAINTENANCE AND TRANSMISSION OF IRRIGATION WATER, TO THE EXTENT THAT THE EXISTING USERS ARE CURRENTLY LEGALLY ENTITLED.
- A TWELVE (12) FOOT UTILITY EASEMENT SHALL EXIST INSIDE ALL LOT LINES ALONG ROADS AND ALONG THE SUBDIVISION BOUNDARY, AND A TWELVE (12) FOOT UTILITY EASEMENT SHALL BE CENTERED ON ALL INTERIOR LOT LINES.
- ALL UTILITY EASEMENTS SHOWN OR DESIGNATED HEREON SHALL BE RESERVED FOR USE BY UTILITY COMPANIES TO INSTALL AND MAINTAIN UTILITIES FOR THE YOUREN DIVISION II LOT OWNERS INDIVIDUALLY AND COLLECTIVELY.
- ALL EASEMENTS SHOWN OR DESIGNATED HEREON SHALL BE PERPETUAL AND FOR THE INSTALLATION AND MAINTENANCE OF THE SERVICES SHOWN HEREON OR DESIGNATED HEREIN. BUILDING SETBACKS SHALL BE AT LEAST FIFTEEN (15) FEET FROM ANY LOT LINE.
- THE DEVELOPER SHALL COMPLY WITH IDAHO CODE 31-3005 RELATING TO THE TRANSFER OF WATER RIGHTS.
- LOTS SHALL NOT BE FURTHER DIVIDED OR REDUCED IN SIZE WITHOUT PRIOR APPROVAL OF THE APPROPRIATE HEALTH AUTHORITY AND BOISE COUNTY COMMISSIONERS.
- ALL AREAS SHOWN HEREON ARE FOR TAX PURPOSES ONLY.
- NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
- REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.
- ALL COURSES SHOWN HEREON ARE BASED ON PREVIOUSLY RECORDED INFORMATION BY OTHERS, UNLESS OTHERWISE NOTED BY [1].
- ALL MONUMENTS ARE MARKED TLS 5710 BERKEY UNLESS OTHERWISE NOTED BY [1].
- LOT 1 BLOCK 2 IS AN UNBUILDABLE LOT LOCATED WITHIN THE FLOOD PLAIN.
- OWNERS OF LOT 1 BLOCK 1 SHALL COMPLY WITH IDAHO CODE TITLE 27 CHAPTER 5 REGARDING PROTECTION OF GRAVES AND WITH IDAHO CODE TITLE 18 CHAPTER 10 SECTION 27 REGARDING DESACRATION OF GRAVES.



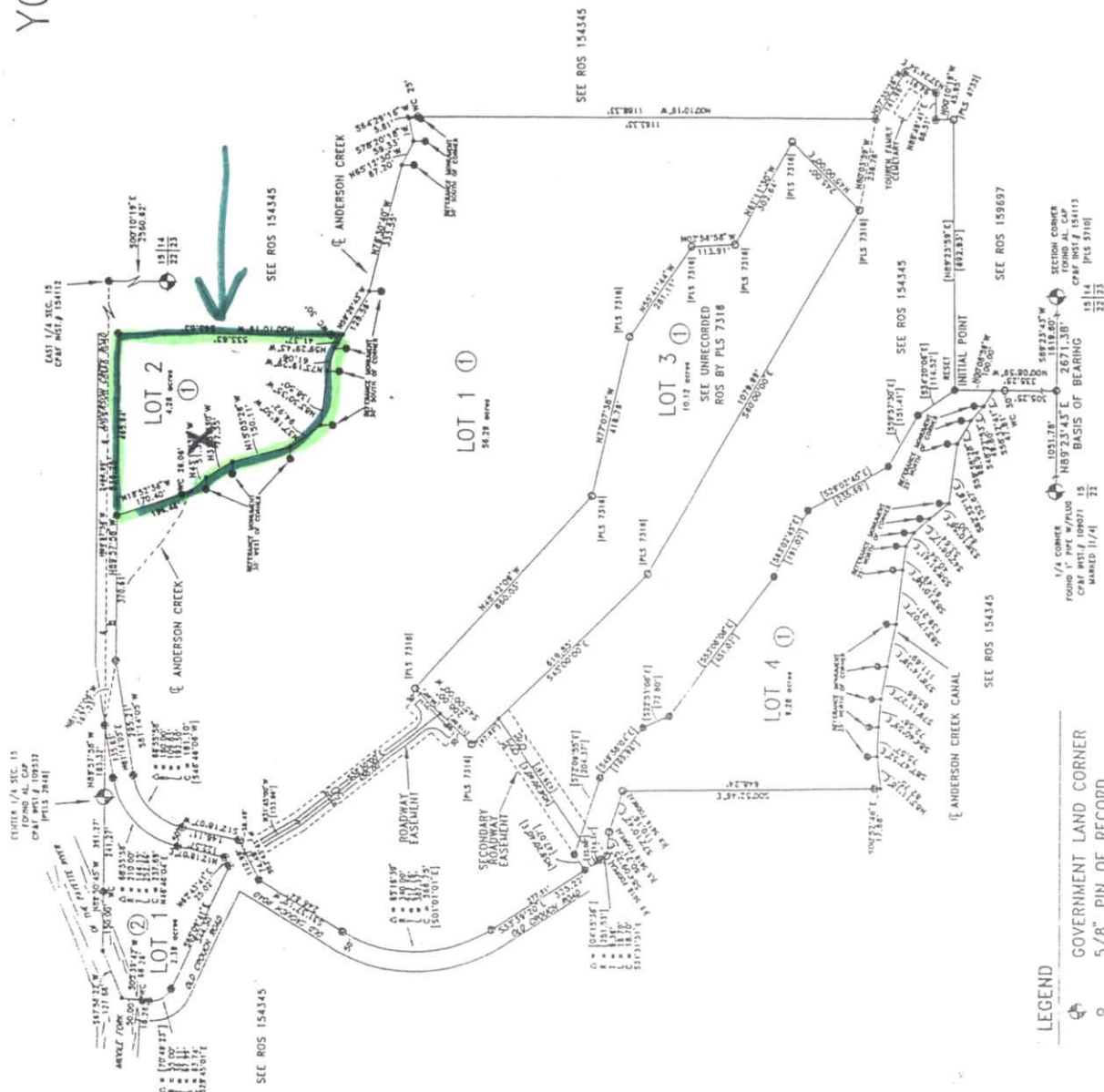
JOHNSON LAND SURVEYING, INC.
9225 CHINDEN BLVD. SUITE P 83714
BOISE, IDAHO (208)332-9000
YOUREN DIVISION II

INDEX No. 9.4.1-15-23 DRAWING NAME: Y927A.DWG
SHEET 1 OF 2

NOTICE:
NO PROTECTIVE COVENANTS HAVE BEEN
ESTABLISHED OR ADOPTED FOR THIS
SUBDIVISION AT THE TIME OF FIRST RECORDING.

LEGEND
GOVERNMENT LAND CORNER
5/8" PIN OF RECORD
1/2" PIN OF RECORD
SET 5/8" PIN WITH CAP MARKED "RAJ 943"
POINT NOT SET OR FOUND
COURSES SURVEYED BY PLS 943
COURSES SURVEYED BY OTHERS

THOMAS E. HUBBARD



65-23073

Claim No(s): 65-5539,
65-10743, 65-11394
T9N, R04E, S 15
Prepared by: Sue Bock
Date: 041/30/2001

 Place of Use

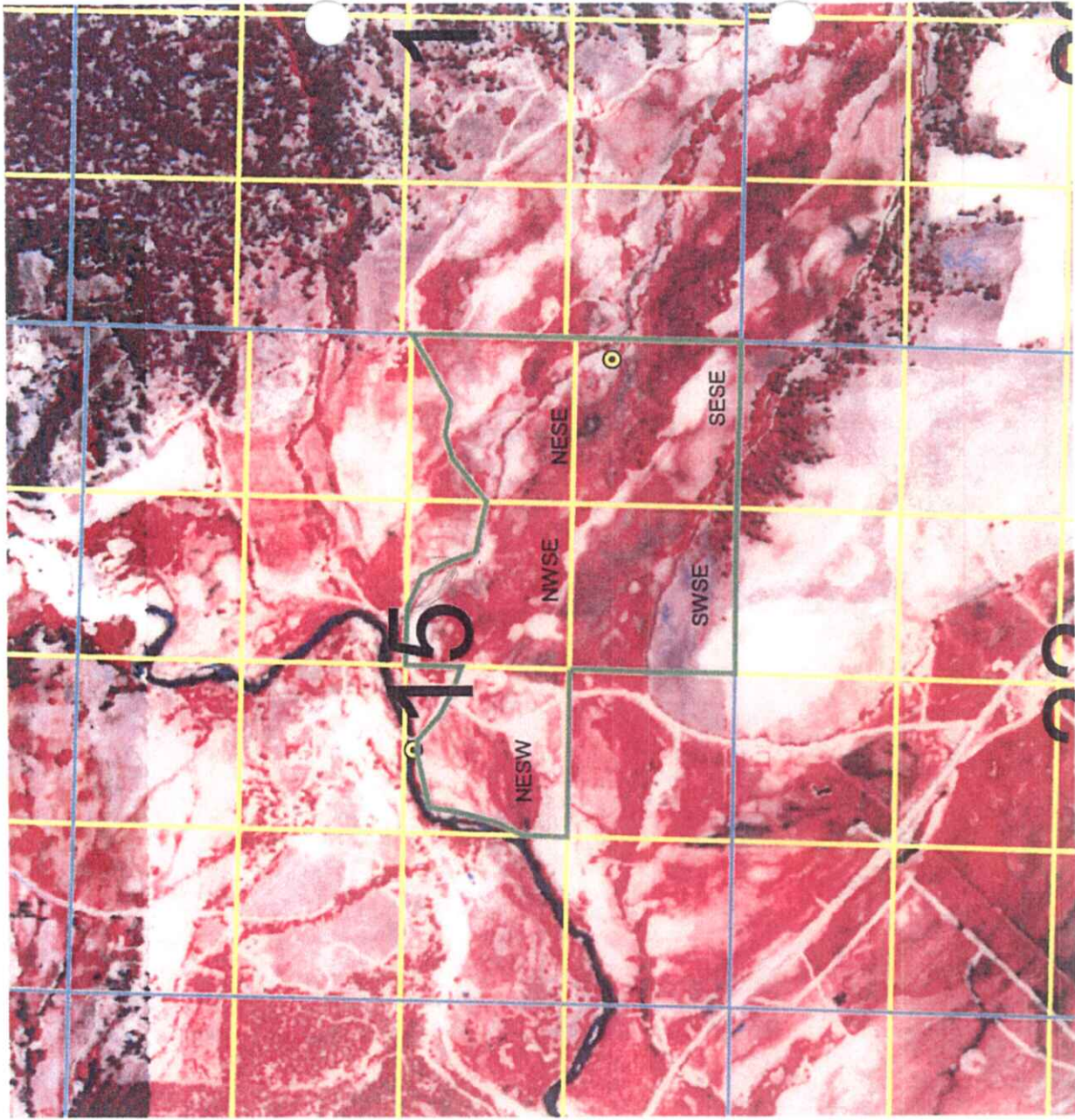
 Point of Diversion

 Section lines

 1/4 1/4 lines



63-23073



0 0.1 0.2 Miles

1987 NAPP Photo

258907
CB/SU



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

661 S. Rivershore Lane, Suite 110 / Eagle, Idaho 83616
(208) 938-8075

Instrument # 203580

IDAHO CITY, BOISE COUNTY, IDAHO

2005-08-01 04:32:02 No. of Pages: 1

Recorded for : PIONEER TITLE

RORA A. CANODY

Ex-Officio Recorder Deputy

Index to: DEEDS

Fee: 3.00

Shirley

WARRANTY DEED

For Value Received

STEVEN K. SEMELS, An Unmarried Man

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

John W. Hanna and Nancy G. Hanna
JOHN W. HANNA and NANCY G. HANNA, Husband and Wife

hereinafter referred to as Grantee, whose current address is 35 Anderson Creek, Garden Valley, ID 83622
the following described premises, to-wit:

Lot 2 in Block 1, of Youren Division II Subdivision, according to the official plat thereof, filed as
Instrument No. 170577, records of Boise County, Idaho.

To HAVE AND TO HOLD the said premiscs, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except current
years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record,
and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims
whatsoever.

Dated: August 1, 2005

Steven K. Semels

Steven K. Semels

STATE OF Idaho. County of Ada, ss.

On this 1st day of August, in the year of 2005, before me the Undersigned, notary public personally
appeared Steven K. Semels known or identified to me to be the person/persons whose name is/are
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Middleton, Idaho
Commission Expires 07-21-2009

Camille A. Baldwin

Camille A. Baldwin
Notary Public of Idaho
Residing at Middleton, ID
Commission expires: July 21, 2009

Idaho Department of Water Resources Receipt

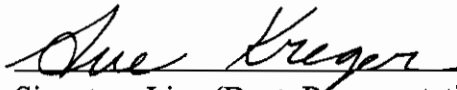
Receipt ID W033974

Payment Amount	\$100.00	Date Received	3/22/2006 11:08:21 AM	Region	Western	Status	
Payment Type	Check	Check Number	3109				

Payer HANNA, JOHN**Comment** APPLICATION FOR PERMIT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

**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

August 14, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622

RE: Permit No. 65-23073

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

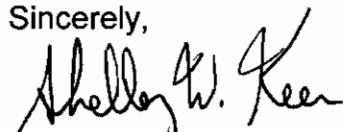
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen, Manager
Water Right Permits Section

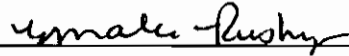
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 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. 65-23073

**JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622**

A handwritten signature in cursive script, reading "Emalee Rushing", is positioned above 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.
Director

August 14, 2007

RON SHURTLEFF
102 N MAIN ST
PAYETTE ID 83661

RE: Water Right Permit #65-23073

Dear Watermaster:

Enclosed is a copy of the recently issued Permit for the above referenced water right in the name of John W. Hanna.

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

Date: August 10, 2007
To: Water Right File 65-23073
From: cpadilla
Re: Permit Review

WD-65

WM comment recommends conditional approval (182).

Overlap analysis shows overlapping water rights.

Letter sent to applicant regarding overlap-no response

Per letter process application as submitted.

Recommend for approval as suggested by the region.

Type	WR #	Owner	Source	TRS	NWSE
App	65 23073	JOHN W HANN/ANDERSON CREEK	09N04E15	5	RP001150010020A
Right	65 23031	STERLING ALLI GOOSEBERRY CREEK	09N04E15	5	
Right	65 11394	JAMES E YOUR ANDERSON CREEK	09N04E15	10	
Right	65 22932	JAMES E YOUR ANDERSON CREEK	09N04E15	29	

All WRs above partially overlap 65-23073.

Letter sent regarding overlap, applicant unresponsive.

Will proceed w/ application processing w/ conditions

POD overlap analysis for 65-23073

No POD overlap known



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

June 7, 2007

JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622

RE: Application for Permit 65-23073

Dear Applicant:

The Department of Water Resources is reviewing the application you filed for 0.1 cfs of water from Anderson Creek to be used for stockwater and irrigation purposes. During my review, I found a water right that may be appurtenant to your property. 65-23031 is for irrigation of 30 acres from Gooseberry Creek. The right is listed in the name of Sterling Alley and has a priority date of April 30, 1937. The water right was decreed in the Snake River Adjudication in the year 2000.

There are a few different options available to you. If the existing water right on the property covers your intended use and has been used within the last 5 years, you may file a notice of change in water right ownership for the portion of the water right appurtenant to your property and amend your new application to be for stockwater use only.

If the existing water right on the property has not been used within the last 5 years, it could be subject to forfeiture under Idaho Code § 42-222. In this case, you may wish to proceed with your new application as it is.

If the existing water right does not cover your intended use, please provide further information regarding the difference between your proposed use and the use authorized under the existing water right.

Enclosed are a water right report for the existing water right, an ownership change form and a copy of your application for permit, which you can alter and sign. Please either return the completed ownership change form, ownership change fee and amended application for permit or provide information detailing the difference between your proposed use and the use covered by the existing water right within 30 days.

If we do not receive the documentation within 30 days, I will assume you have no interest in the existing water right, and your application will be processed as it is.

If you have any questions, please contact me at (208) 287-4949 or erin.retelle@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "E. A. Retelle". The signature is fluid and cursive, with the first letter of the first name being a large, stylized "E".

ERIN RETELLE
Sr. Water Resource Agent

Cc: IDWR, Western Region
Enclosures: 4

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTERSEP 21 2006
WATER RESOURCES
WESTERN REGIONApplication No: 65-23073Applicant's Name: John W. Hanna

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ 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: To be under control of watermaster of Water District

No. 65 and subject to Annual Assessments and Rental Pool Fees.

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

- d) ☐ Additional comments:

Dated this 19th day of September, 2006

Water District No: 65


Watermaster's signature

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

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3507

RECEIVED

SEP 21 2006

WATER RESOURCES
WESTERN REGION

dk-jr

State of Idaho)
County of Boise)

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

85-23073

JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622

Point(s) of Diversion NWSE S15 T09N R04E
BOISE County Source ANDERSON CREEK
Tributary To MIDDLE FORK PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.1 CFS
Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.1 CFS

Date Filed: 03/21/2006

Place Of Use: IRRIGATION

T09N R04E S15 NWSE

Number of Acres 5 STOCKWATER same place as irrigation

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/25/2006. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

Published in The Idaho World September 6 and 13, 2006

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 6, 2006 and ending with the issue of Sept 13, 2006.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of Sept in the year 2006, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

TAMI WEBER
Notary Public
State of Idaho

MY COMMISSION EXPIRES
February 10, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Lester, Steve

From: Lester, Steve
Sent: Friday, September 01, 2006 9:11 AM
To: 'waterdist65@srvinet.com'
Subject: Application Comment Letter

Contacts: Shurtleff, Ron

September 1, 2006

RON SHURTLEFF
WATERMASTER #65
102 N MAIN
PAYETTE ID 83661

Re: Application Nos. 65-23073 and 65-23077

Dear Ron:

Attached are copies of applications that may be of interest to you.

Please provide your Watermaster recommendations by September 25, 2006.

Note that Application 65-23077 proposes significant storage of shallow ground water tributary to the surface water system under your regulation. The consumptive use portion proposed in that filing will apparently include about 341 af per year (141 evaporation and 200 supplemental irrigation). That is most likely the amount of mitigation needed for this project. I intend to send a request for additional information to that applicant. The request will require the applicant to contact you and the Bureau of Reclamation to address the issue of water availability and anticipated impacts regarding the proposed project. You will probably be contacted by the applicant's consultant, SPF Water Engineering.

Please let me know if you need more information about these applications. Thank you for your help with this.

Sincerely,

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



65-23073.pdf



65-23077.pdf

Lester, Steve

From: Lester, Steve
Sent: Friday, September 01, 2006 8:37 AM
To: 'eleitzinger@idfg.idaho.gov'
Subject: Application Comment Letters

September 1, 2006

ERIC LEITZINGER
ID DEPT FISH & GAME
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Mr. Leitzinger:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 25, 2006.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

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



57-11688.pdf



63-32392.pdf



63-32395.pdf



65-23073.pdf



77-14235.pdf



77-14236.pdf



77-14237.pdf



77-14238.pdf



78-12292.pdf

Lester, Steve

From: Lester, Steve
Sent: Tuesday, August 29, 2006 12:05 PM
To: 'editor@idahoworld.com'
Subject: Legal Ads

Deanna: please send confirmation that notices will run Sept. 6 & 13. Thanks, SL

August 28, 2006

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 63-32393 and 65-23073

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

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 09/25/2006. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor



63-32393 and
65-23073 ad.RTF

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

65-23073

JOHN W HANNA
35 ANDERSON CREEK RD
GARDEN VALLEY ID 83622

Point(s) of Diversion NWSE S15 T09N R04E BOISE County Source ANDERSON CREEK

Tributary To MIDDLE FORK PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.1 CFS

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

Total Diversion: 0.1 CFS

Date Filed: 03/21/2006

Place Of Use: IRRIGATION

T09N R04E S15 NWSE

Number of Acres 5 STOCKWATER same place as irrigation

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/25/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published 9/6 & 9/13/2006

MEMORANDUM

Date: August 8, 2006
To: Application for Permit 65-23073
From: Sharla Curtis
Re: Comment/Analysis

John Westra's memo dated 3/23/06 states that the applicant may be asked to provide information relating to availability of water and injury to senior users. This item was not pursued because research shows that all senior rights are upstream from the pod listed in this application. The pod on this application is just before entry of the creek into the Middle Fork of the Payette River.

Boise County taxlot data is misaligned; shape file has been adjusted accordingly. The county was not listed on the application, however, the pod is located in Boise County.

The standard irrigation season is 3/15 - 10/31; data entry reflects this standard season.

The applicant did not state how many years required for completion of works; 5 years has been given.

MEMORANDUM

To: Application for Permit File—John Hanna, Garden Valley

From: J. Westra 

Date: 3/23/06

RE: Processing of Application/Conditions of Approval

The applicant submitted this application at the regional office. Because of lack of time I contacted him by phone the following day to discuss several items regarding the application. The following were discussed:

- The application would more than likely be held due to the priority of completing the ADJ. possibly into late summer/fall.
- The permit, if approved would have a 6/15 curtailment condition—basin 65
- The Garden Valley has become a “hot spot” related to water issues and conflict. Processes are under way to consider re-activating water district regulation.
- The applicant may be asked to provide the Department with information relating to availability of water and injury to senior users.