

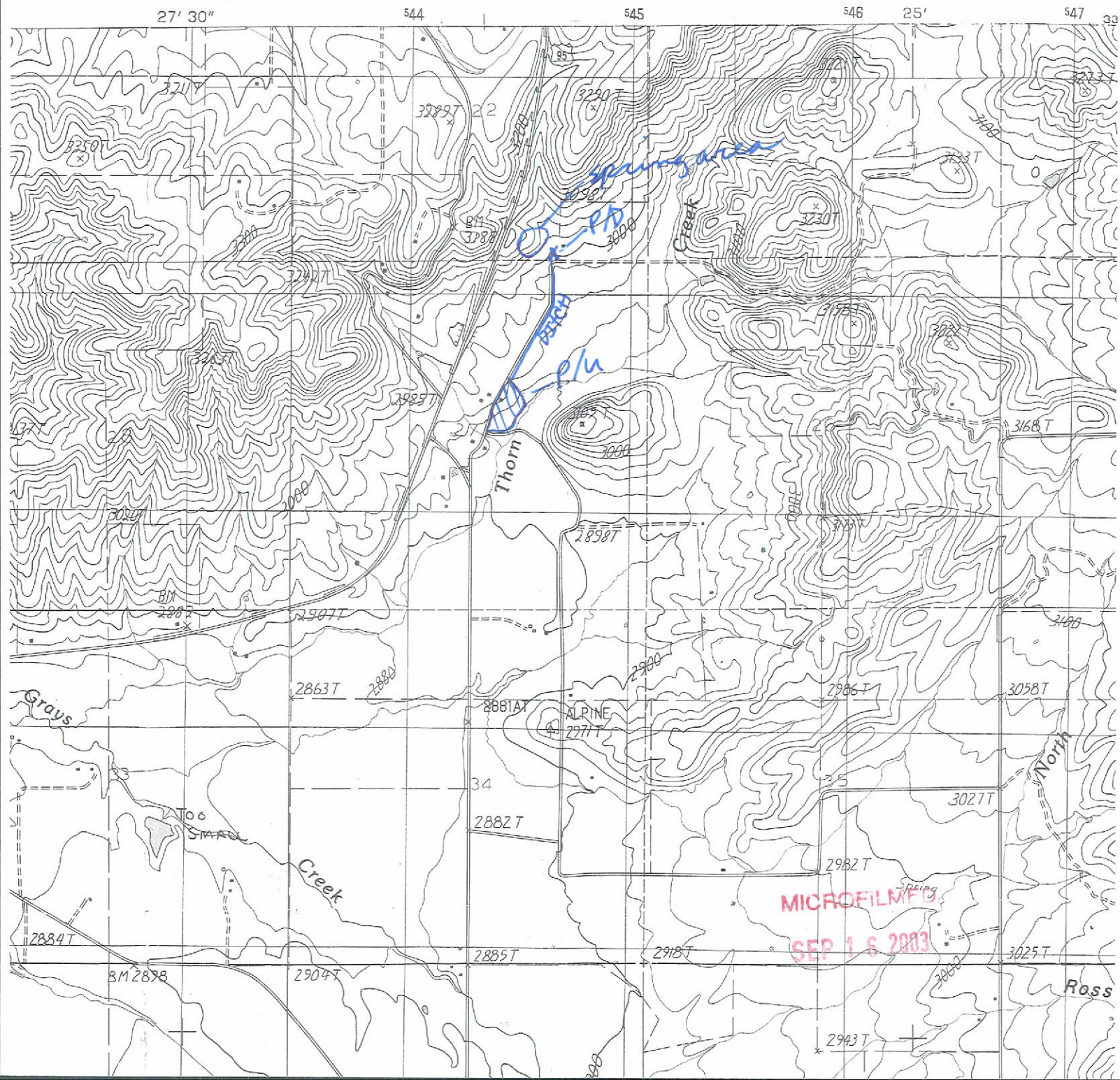
No bar lts

T15N
RIW

P/u
S 27
SWNE

P/D
S 22
SESWSE

man-made
P/D = ditch that collects
spring water



67-14380
10/11/02 LM



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SEP 16 2003

No bar lts

P/u

T15N
RIW

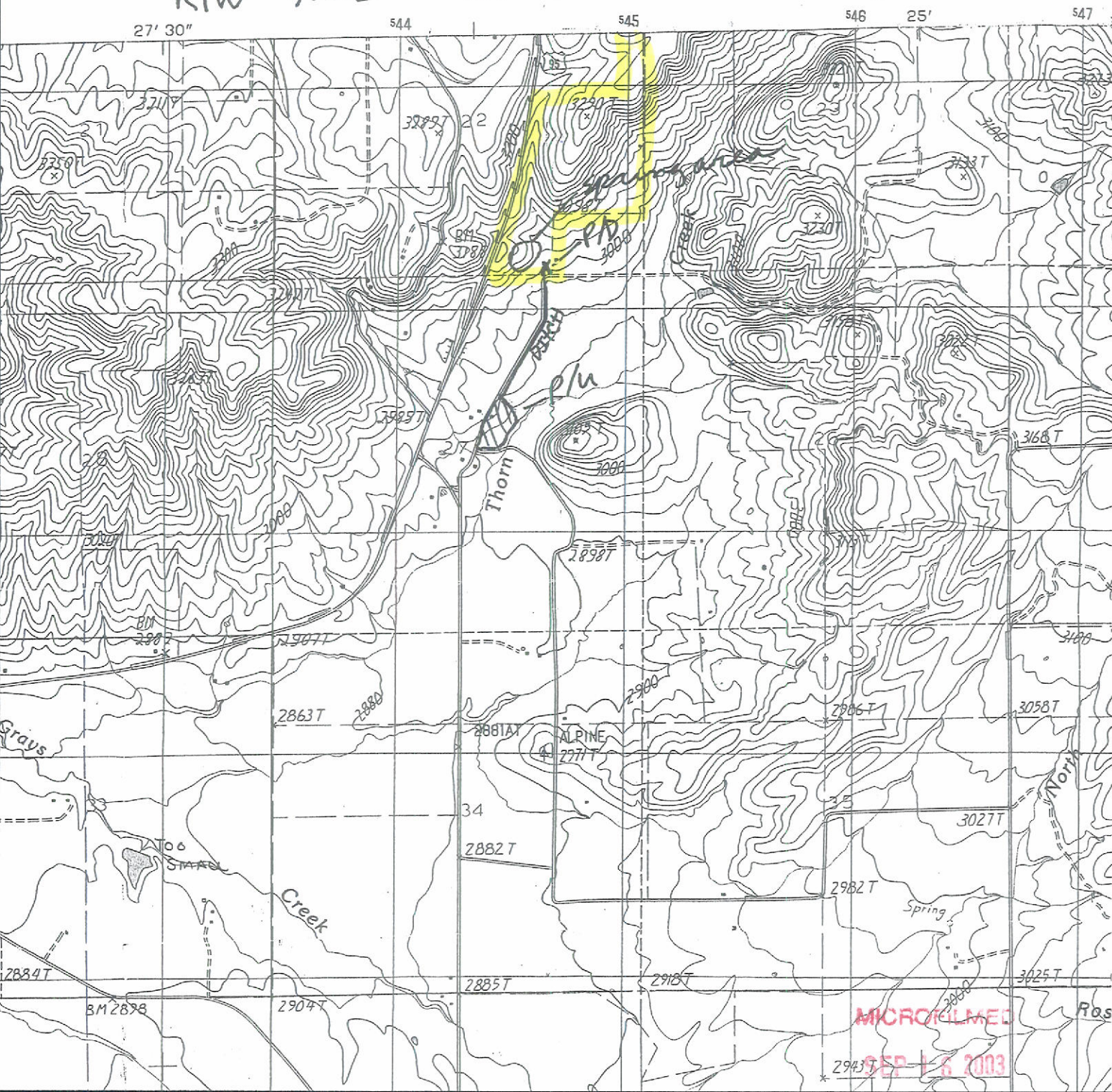
S 27
SWNE

P/D

S 22
SESWSE

MY

man-made
P/D = ditch that collect
spring water



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14380

Priority: July 26, 2002

Maximum Diversion Rate: 0.20 CFS

This is to certify, that LESLIE G DAVIS And/Or
KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: THORN CREEK

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>
STOCKWATER	01/01 to 12/31	0.04 CFS
IRRIGATION	03/15 to 10/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, Twp 15N, Rge 01W, B.M., ADAMS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N 01W 27			10.0														10.0
Total Acres:																	10.0

PLACE OF USE: STOCKWATER, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2008**.
2. Subject to all prior water rights.
3. 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 permit holder had no control.
4. 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.
5. No water shall be diverted under this right after June 15 of each year without prior written approval of the watermaster of Water District No. 67-A, Little Weiser River.
6. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
7. 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. 67-A.

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SEP 16 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14380

8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This right does not grant any right-of-way or easement across the land of another.
11. Stockwater use is for 50 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 28th day of July, 2003.

Karl J. Dreher
for KARL J DREHER, Director

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SEP 16 2003

*Agree to appl
changer 7/26/02*

RECEIVED

MAY 29 2003

7-26-02

Department of Water Resources

Ident. No. 67-14380

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Leslie G & Kathleen A Davis Phone (209) 256-4311
Mailing address P.O. Box 88 Indian Valley ID 83632
2. Source of water supply SPRINGS which is a tributary of THORN CR
3. Location of point of diversion is Township 15N Range 1W Sec. 32 in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Adams County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>.20 cfs</u> for <u>Irrigation</u>	purposes from <u>3-15</u> to <u>10-31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>.04</u> for <u>Stock water</u>	purposes from <u>1/1</u> to <u>12/31</u> (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)	
5. Total quantity to be appropriated is (a) .20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source DITCH, gravity
 - 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. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. CATTLE (BEEF) 50 head
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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3. 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	
15N	1W	27			X														10

Total number of acres to be irrigated 10

10. Describe any other water rights used for the same purposes as described above. THORN CREEK APPLICATION

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

12. Remarks: spring water (boggy area) is collected in a man-made ditch

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

David A. Davis
Signature of Applicant (and title, if applicable)

Received by Lori Graves Date 7/26/02 Time 4:30 Preliminary check by g
 Fee \$ 100.00 Received by J Fontaine # W029512 Date 7/26/02
 Publication prepared by df Date 8-20-02 Published in THE RECORD
 Publication approved 2-6-13-03 Date _____

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SEP 16 2003

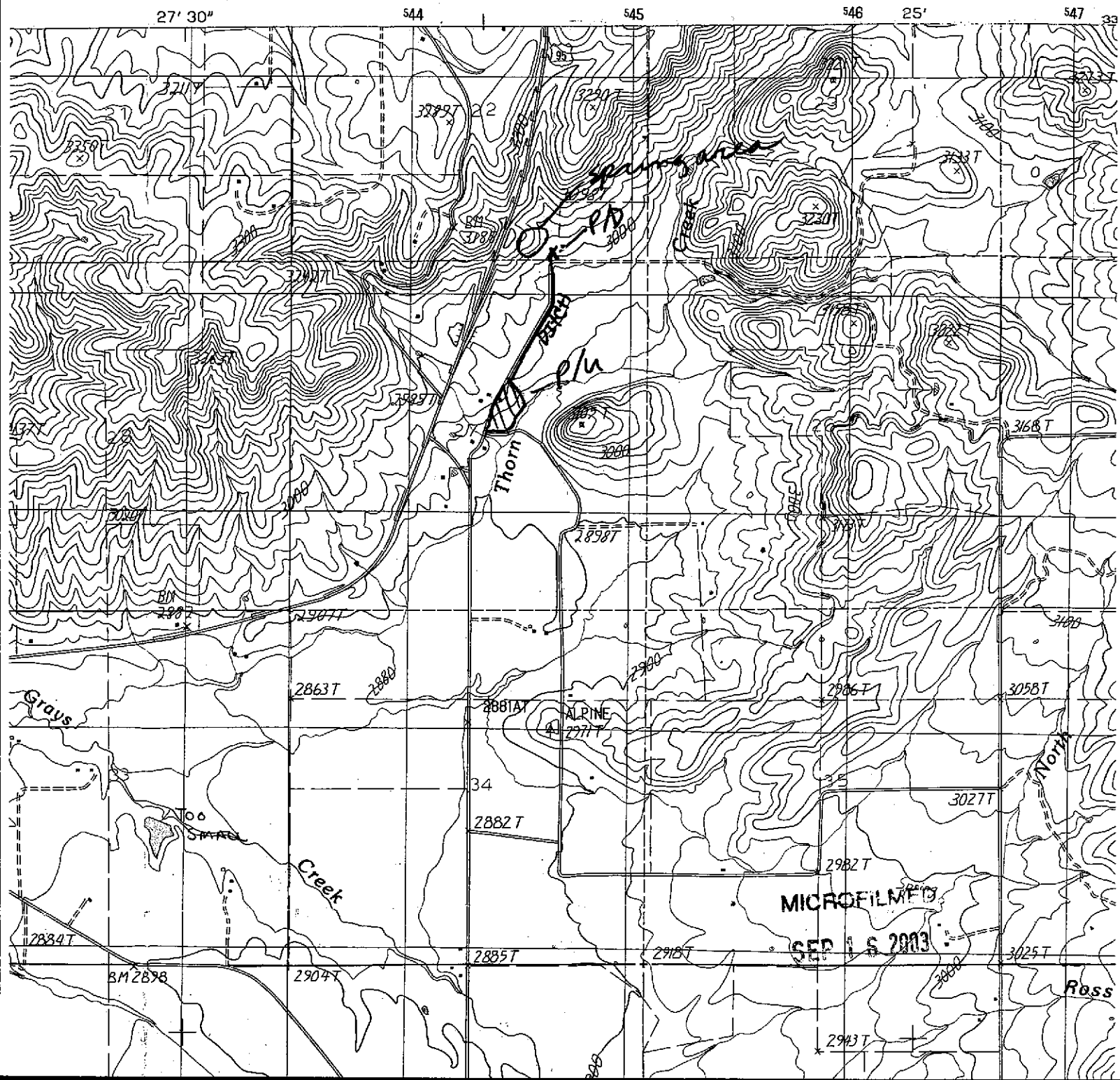
No bar lts

T15N
RIW

P/u
S 27
SWNE

P/D
S 22
SESWSE

man-made
P/D = ditch that collects
spring water



REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

LESLIE + KATHLEEN DAVIS

Mailing Address

PO BOX 88

INDIAN VALLEY ID 83632

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Leslie A. Davis

Date

7-26-2002

Please return this form to:

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

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SEP 16 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 67-7918

WATER RIGHT NUMBER: 67-7918

Owner Type Name and Address
 Current Owner STEVENS F ALCOCK
 PO BOX 372
 DONNELLY, ID 83615-0372
 (208)325-8161

Priority Date: 05/07/1993

Basis:

Status: Active

Source Tributary
 SPRINGS THORN CREEK
 UNNAMED STREAMS THORN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.500 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	1.530 CFS	

Location of Point(s) of Diversion

UNNAMED STREAMS	SW1/4SE1/4	Sec. 22, Twp 15N, Rge 01W, B.M.
ADAMS County		
SPRINGS	SE1/4NW1/4SE1/4	Sec. 22, Twp 15N, Rge 01W, B.M.
ADAMS County		
UNNAMED STREAMS	SW1/4NE1/4	Sec. 22, Twp 15N, Rge 01W, B.M.
ADAMS County		
SPRINGS	SE1/4SE1/4NE1/4	Sec. 22, Twp 15N, Rge 01W, B.M.
ADAMS 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	
15N	01W	22			2.0	13.0									40.0	10.0	10.0		75.0

Total Acres: 75

STOCKWATER same as IRRIGATIONConditions of Approval:

- 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

*P/D possible
 overlap
 (reviewers
 Notes)*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 67-7918

3. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
4. 26A 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 permit holder had no control.

Remarks:

1. General Stockwater use is for 75 range cattle.

Comments:Dates and Other Information:

Permit Proof Due Date: 6/1/1999
Permit Proof Made Date: 4/29/1999
Permit Approved Date: 6/13/1994
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 67A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 29, 2003

LESLIE G DAVIS
KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

RE: Permit No. 67-14380

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.

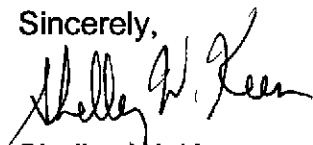
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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SEP 16 2003

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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

LITTLE WEISER IRRIGATION DIST
STEVENS F ALCOCK

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SEP 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

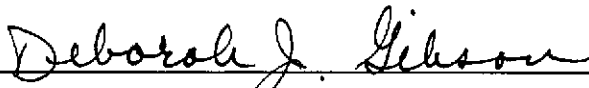
RE: WATER RIGHT NO.

67-14380

**KATHLEEN A DAVIS
LESLIE G DAVIS
PO BOX 88
INDIAN VALLEY ID 83632**

**LITTLE WEISER IRRIGATION DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632**

**STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83615-0372**



**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
SEP 16 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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.

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SEP 16 2003

MEMORANDUM

Date: June 03, 2003
To: Water Right File 67-14380
From: dgibson
Re: Permit Review

Condition No. 86 has been modified to reflect an agreement between the applicant and one of the protestants, Little Weiser Irrigation District, for withdrawal of their protest. The second protestant, Steven Alcock requested that two standard conditions be added to the permit, to settle his protest.

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

JUL 24 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 1, 2003

STEVEN F ALCOCK
PO BOX 372
DONNELLY ID 83615

LITTLE WEISER IRRIG DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

LESLIE &/OR KATHLEEN DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Re: Application to Appropriate Water nos. 67-14377, 67-14379, & 67-14380 in the name of
Leslie G. Davis

Dear Parties:

On March 18, 2003, I conducted a prehearing conference for the above applications to appropriate water. The Little Weiser Irrigation District (District) protested all three applications. Steven F. Alcock protested application no. 67-14380.

The applicant and both protestants agreed to settle the contested case provided that conditions be placed on the water right permits. The District hand-wrote its withdrawal of protest at the conference. The District agreed to withdraw its protest if the following language limits use of water under the permit:

Irrigation use of water is subject to a June 15th shut-off each year unless otherwise authorized in writing by the Watermaster of the Little Weiser Irrigation District.

After the District submitted the document, I told the District representatives that permission would only be required of the watermaster of the Little Weiser Water District not the Irrigation District. They recognized that the identity of the water district and the irrigation district is sometimes blurred in the Little Weiser River drainage, and agreed to my suggested change.

IDWR proposes the following modifications to the proposed condition in the withdrawal of protest:

No water shall be diverted under this right after June 15 of each year without prior written approval of the watermaster of the Water District no. 67-A, Little Weiser River.

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SEP 16 2003

Alcock, Davis, & Little Weiser Irrig Dist

July 1, 2003

Page -2-

Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.

Steven Alcock (Alcock) agreed to withdraw his protest based on a verbal agreement that the Davis water use would not grant a right of way and that it would be subject to any prior water rights held by Alcock. I told Alcock he would need to withdraw his protest in writing, and he asked me for specific language. As a result, I wrote him a letter proposing condition language. Alcock wrote a reply letter withdrawing his protest to application no. 67-14380 provided the following language is included as conditions of the permit approval.

This right does not grant any right-of-way or easement across my land or the land of another.

This right is subject to all prior water rights.

IDWR does not feel a specific reference to "my land" is appropriate. As a result, IDWR proposes the original language of the right of way condition as follows:

This right does not grant a right-of-way or easement across the land of another.

If any of you disagree with these minor changes to the condition language, you have fourteen (14) days to object. If you object, IDWR will schedule a hearing for consideration of the protests. If you do not object, IDWR will issue permits to Leslie Davis containing the above amended conditions.

Sincerely,


Gary Spackman

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SEP 16 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAY 29 2003

Department of Water Resources

Initial review by 6 Date 11/4/02 Application # 67-14380

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 67-14380

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 67A
☐ ☒ Water Planning Bureau
☒ ☐ Other STEVEN ALCOCK

PO BOX 372

DONNELLY ID 88615-0372

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____

☒ ☐ Publication dates and paper recorded on application

☐ ☐ Final date for protest ~~12-9-02~~ 2-24-03

☒ ☐ Protests received

☒ ☐ Recommendations attached

☐ ☒ Measuring device required

☒ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter

Recommended Date of Priority _____

Recommendation ☐ Approve ☐ Deny by _____ Date _____**ADDITIONAL INFORMATION**

☐ See attached proof report, note any Legal Notice Remarks &/or Comments

☐ See attached shapefile

Water Application Report 67-14380

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LESLIE G DAVIS PO BOX 88 INDIAN VALLEY, ID 83632 (208)256-4311

Current Owner KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY, ID 83632
(208)256-4311

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	THORN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.200 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	Total Diversion:	0.200 CFS	

SPRINGS SE1/4SW1/4SE1/4 Sec. 22, Twp 15N, Rge 01W, B.M.
ADAMS County

IRRIGATION

[illegible]

Total Acres: 10

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 67-14380

Conditions of Approval:Remarks:Comments:

1. Igraves 11/4/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. Igraves 11/4/2002 Comment/Analysis

Comment: Irrigation overlaps include claim 67-14267 from Fall Creek and application 67-14377 from Thorn Creek.

Stockwater overlaps include applications 67-14377 (Thorn Cr), 67-14379 (NWNWSE S27 springs) and claim 67-10718 (SWSWNE S27 spring).

Permit 67-7918 was found for springs in the SENWSE S22, which appears on the attached shapefile to be part of the same spring area listed for this application in the SESWSE S22. The permit holder will be sent notice.

Dates and Other Information:

Application Received Date: 7/26/2002

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Spring Water (boggy area) is collected in a man made ditch. Unspecified number multiple springs in same tract.

Other Water Rights: Thorn Creek Application

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

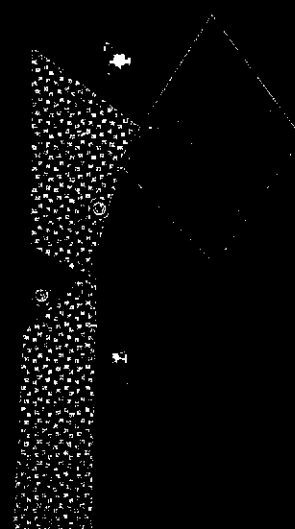
Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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67-14380
10/11/02 LM



MEMORANDUM

To: File nos. 67-14377, 67-14379, and 67-14380 in the Name of Leslie G. Davis
From: Gary Spackman *Gay*
Date: May 27, 2003

Re: Recommended Conditions of Approval

On March 18, 2001, I conducted a prehearing conference for the above applications to appropriate water. The Little Weiser Irrigation District (District) protested all three applications. Stevens F. Alcock protested application no. 67-14380.

The applicant and both protestants agreed to settle the contested case provided that conditions be placed on the water right permits. The District hand-wrote its withdrawal of protest at the conference. The document withdraws the protest if the following language limits use of water under the permit:

Irrigation use of water is subject to a June 15th shut-off each year unless otherwise authorized in writing by the Watermaster of the Little Weiser Irrigation District.

After the District submitted the document, I told the District representatives that permission would only be required of the watermaster of the Little Weiser **Water** District not the Irrigation District. They recognized that the identity of the water district and the irrigation district is sometimes blurred in the Little Weiser River drainage, and agreed to my suggested change.

Steven Alcock withdrew his protest to application no. 67-14380 provided the following language is included as conditions of the permit approval.

This right does not grant any right-of-way or easement across my land or the land of another.

This right is subject to all prior water rights.

Withdrawal of Protest by Little Weiser Irrigation District

Two standard conditions of approval are similar to the condition written by the Little Weiser Irrigation District:

086 - No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

087 - Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.

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SEP 16 2003

The stipulated condition is most like standard condition no. 086, but requires written approval of the watermaster and identifies the District within which the watermaster serves.

I suggest the following modifications to standard condition no. 086 to incorporate the intent of the agreement:

No water shall be diverted under this right after June 15 of each year without prior written approval of the watermaster of the Water District no. 67-A, Little Weiser River.

I also recommend the inclusion of standard condition no. 087 in its entirety.

I believe if we make these changes, Little Weiser Irrigation District and Davis should be apprised of the changes before the amended language becomes a condition in a permit. I would be happy to write the letter.

Withdrawal of Protest by Steven F. Alcock

Steven Alcock (Alcock) agreed to withdraw his protest based on a verbal agreement that the Davis water use would not grant a right of way and that it would be subject to any prior water rights held by Alcock. I told Alcock he would need to withdraw his protest in writing, but he asked me for specific language. As a result, I wrote him a letter proposing exact standard condition language. As you can see by his withdrawal of protest, he added additional language to the standard right-of-way condition stating that the permit would not grant a right-of-way on his ("my") property.

I suggest we include the language of the standard condition without accepting the amendment offered by Alcock. I believe we must also communicate with Alcock despite the minor effect of the change. I am happy to write a letter to Alcock prior to permit approval.

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 28, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LESLIE &/OR KATHLEEN DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83615

Re: Application for Permit No. 67-14380 in the Name of Leslie G. &/or Kathleen A. Davis

Dear Parties:

This letter is to acknowledge the withdrawal of protest of the above referenced application for permit.

Since all protests have been withdrawn, the department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script, reading 'Gary Spackman'.

Gary Spackman

GS:st

CC: Little Weiser Irrigation District

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SEP 16 2003

Director
Department of Water Resources
Western Region
2735 Airport Way.
Bain, Id 83405

Dear Sir:

The Little Weiser Irrigation District Board
of Directors agrees to withdraw our protest
of water right applications 67-14380, 349
and 377 provided that the following
situation become part of these filings:

"Irrigation use of water is subject to
a June 15th shut off each year unless
otherwise authorized in writing by the
Water Master of the Little Weiser Irrigation
District."

Board of Directors
Jerry Laeger
Joseph H. Ford
Wayne Bushard

MICROFILMED

SEP 16 2003

April 14, 2003

Gary Spackman
Dept. of Water Resources

RECEIVED

APR 21 2003

WATER RESOURCES
WESTERN REGION

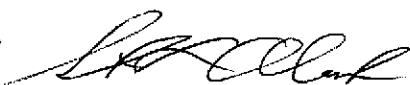
Re: protest against No. 67-14380

I will withdraw my protest to the application for water right No. 67-1430 providing the permit issued contains language stating that:

1. This right does not grant any right-of way or easement across my land or the land of another.
2. This right is subject to all prior water rights.

Thanks for your time.

Sincerely,


Stevens F. Alcock

MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 24, 2003

STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83615

Re: Your Protest Against Application for Water Right No. 67-14380 in the Name of
Leslie G. &/or Kathleen A. Davis

Dear Mr. Alcock:

After the prehearing conference conducted on March 18, 2003, I promised to send you standard conditions of approval upon which you could withdraw your protest. The following conditions will be placed on any future approval of application no. 67-14380:

This right does not grant any right-of-way or easement across the land of another.

Subject to all prior water rights.

Please write me a letter stating that you will withdraw your protest to application no. 67-14380 if the permit issued is conditioned with the language I have set forth above. Please restate the conditions set forth above in your letter.

Sincerely,

Gary Spackman

GS/st

CC: Leslie &/or Kathleen Davis
Little Weiser Irrig. Dist.

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

LESLIE &/OR KATHLEEN DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Re: Application for Permit No. 67-14383 in the Name of Mark Wagner
Application for Permit Nos. 67-14379 and 67-14380 in the Name of Leslie G.
Davis

Dear Mr. & Mrs. Davis:

This office acknowledges receipt of your protest to the issuance of permit pursuant to the above referenced application in the name of Mark Wagner. We have also enclosed a copy of a protest filed against the issuance of permits pursuant to the above-referenced application nos. 67-14379 and 67-14380.

These matters will be considered at the conference already scheduled for March 18, 2003 at 2:00 pm at the Council Forest Service Office, 500 E. Whitley Ave., Council, Idaho 83612.

If you have any questions please call this office.

Sincerely,



Gary Spackman

GS/st

CC: Mark Wagoner - + prot. by Davis
Little Weiser Irrig. Dist.
Stevens F. Alcock

MICROFILMED

SEP 16 2003

LITTLE WEISER IRRIGATION DISTRICT
C/O J. WAYNE BURKHARDT
2410 LITTLE WEISER RD.
INDIAN VALLEY, ID 83632

RECEIVED
FEB 19 2003
WATER RESOURCES
WESTERN REGION

Director
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

February 18, 2003

Dear Sir,

The Little Weiser Irrigation District, acting through the Board of Directors, hereby protests applications 67-14383 by Mark Wagner and 67-14379 and 67-14380 by Leslie G Davis. We have previously filed a protest on application 67-14377. These applications are to appropriate irrigation, storage and stock water in Adams County from tributaries to the Little Weiser River.

This protest is because existing adjudicated irrigation water rights already exceed the natural flows of the Little Weiser River and it's tributaries during the normal irrigation season. Approval of this application would further over-obligate available stream flows and increase demands by existing irrigation rights for stored water in C. Ben Ross reservoir.

For the foregoing reason, the Board of Directors of the Little Weiser Irrigation District requests that applications 67-14383, 67-14379 and 67-14380 be denied. Our fee of \$75.00 (\$25.00 per application protested) is enclosed.

Sincerely,



J. Wayne Burkhardt- Treasurer
Little Weiser Irrigation District

CC: Leslie G. Davis and Mark Wagner

SEP 16 2003

W03009Z-KG

February 21, 2003

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
FEB 24 2003
WATER RESOURCES
WESTERN REGION

Dear Sir:

Re: Application No. 67-14383

We would like to file a protest on application 67-14383 by Mark Wagner. This application is for a storage pond in Adams County.

The irrigation lateral located on the south of the now existing pond supplies irrigation water to the follow water rights:

#67-00103	6/01/1883	Eugene W. Fisher Family Trust	1.86CFS
		Grays Creek Meadow Ditch Company	

#67-00094	6/01/1883	Robert Harrell	2.40CFS
-----------	-----------	----------------	---------

The water in this ditch is designated irrigation water for land below the exiting pond. How is this pond replenished in the summer when the run-off water is gone? This run-off water also runs in the Thorn Creek.

Our \$25.00 fee is enclosed.

Leslie G. Davis
Sincerely,

Leslie G. Davis

Kathleen A. Davis
Kathleen A. Davis
P.O. Box 88
Indian Valley, Idaho 83632

MICROFILMED

SEP 16 2003

LEGAL NOTICE

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

67-14380

LESLIE G DAVIS
PO BOX 88
INDIAN VALLEY ID 83632
KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Point(s) of Diversion SESWSE S22 T15NR01W ADAMS
County

Source SPRINGS

Tributary To THORN CREEK

Use: IRRIGATION 03/15 To 10/31 0.2 CFS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Total Diversion: 0.2 CFS

Date Filed: 07/26/2002

Place Of Use: IRRIGATION

T15N R01W S27 SWNE

Number of Acres 10

Place Of Use: STOCKWATER

T15N R01W S27 SWNE

Remark:

Applicant agrees to mitigate consumptive use in the future as needed.

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 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Adams County Record on February 6 and February 13, 2003.

RECEIVED

FEB 20 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
)S.S
COUNTY OF ADAMS)

Nancy Laker being duly sworn, deposes and says That she is the Principle Clerk of The Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the advertisement, a copy of which is attached hereto; that advertisement was published in the regular edition of The Adams County Record.

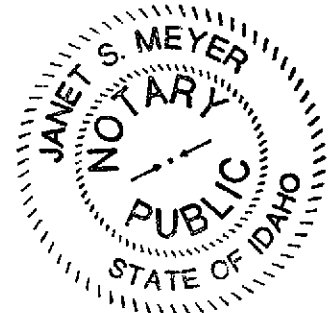
for June insertion(s) beginning with the
issue of Feb 6, 2003 and ending with the
issue of Feb 13, 2003.

Nancy Laker

Subscribed and sworn to before me this 19th day of
February, 2003

Janet S. Meyer
Notary Public for Idaho, Residing at Council

MICROFILMED
SEP 16 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 3, 2002

LITTLE WEISER IRRIG DIST
J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83625

Re: Application for Water Right Nos. 67-14377, 67-14379, 67-14380, in the Name of Leslie
&/or Kathleen Davis and 67-14383 in the Name of Mark Wagner

Dear Sirs:

Enclosed are copies of the above-referenced applications for permit. Application no. 67-14377 was advertised in the Council Record and has been protested by the Little Weiser Irrigation District. Application nos. 67-14379, 67-14380 and 67-14383 will be advertised in the Council Record on February 6 and 13, 2003. Application no. 67-14383 has been protested by Stevens F. Alcock.

The protest period for nos. 67-14379, 67-14380 and 67-14383 is February 24, 2003. If you wish to protest the approval of these applications, your written protest along with the \$25.00 protest fee must be received in this office by February 24, 2003. If there are protests they will be considered at the conference already scheduled for March 18, 2003 at the Council Forest Service office.

If you have any questions or need information, feel free to contact this office.

Sincerely,


Gary Spackman

GS:st

Encl: Copy of Applications
Conference Notice

CC: Applicants

MICROFILMED

SEP 16 2003

January 30, 2003

Legal Notice Department

Record

PO Box R

Council ID 83612

RE: Application for Permit No. 67-14379, 63-14380 and 63-14383

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find three 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 02/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
SEP 16 2003

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

67-14380

LESLIE G DAVIS
PO BOX 88
INDIAN VALLEY ID 83632
KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Point(s) of Diversion SESWSE S22 T15N R01W ADAMS County Source SPRINGS

Tributary To THORN CREEK

Use: IRRIGATION 03/15 To 10/31 0.2 CFS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Total Diversion: 0.2 CFS

Date Filed: 07/26/2002

Place Of Use: IRRIGATION

T15N R01W S27 SWNE

Number of Acres 10

Place Of Use: STOCKWATER

T15N R01W S27 SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Record on February 5 and 12, 2003.

MICROFILMED

SEP 16 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-14380 IN THE)
NAME OF LESLIE &/OR KATHLEEN)
DAVIS)
_____)

NOTICE OF PREHEARING
CONFERENCE

On July 26, 2002 Leslie &/or Kathleen Davis filed with the Idaho Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Stevens F. Alcock and Little Weiser Irrigation District.

IDWR has scheduled a prehearing conference for the protest to be held on **Tuesday, March 18, 2003 at 2:00 p.m. at the US Forest Service, 500 E. Whitely Avenue, Council, Idaho 83612.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 16th day of January 2003.

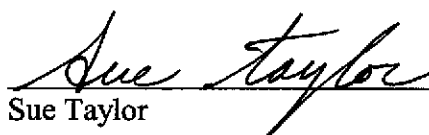


Gary Spackman

MICROFILMED
SEP 16 2003

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of January 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

LESLIE &/OR KATHLEEN DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83615

LITTLE WEISER IRRIG DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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SEP 16 2003

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled 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, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2003

US FOREST SERVICE
500 E WHITELY AVE
COUNCIL ID 83612

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Tuesday, March 18, 2003, at 2:00 pm.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MICROFILMED
SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 15, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEVENS F ALCOCK
PO BOX 372
DONNELLY ID 83615

LITTLE WEISER IRRIG DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632

Re: Application for Permit No. 67-14380 in the Name of Leslie G. &/or Kathleen Davis

Dear Protestant:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or 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?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for March 18, 2003 at the US Forest, Council District Office, 500 E. Whitley Ave., Council, Idaho 83612. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference

MICROFILMED
SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 15, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LESLIE G &OR KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Re: Application for Permit No. 67-14380

Dear Applicant:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or 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?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for March 18, 2003 at the US Forest Service, Council District Office, 500 E. Whitley Ave., Council, Idaho 83612. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,



Gary Spackman

GS:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

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SEP 16 2003

W02990746

RECEIVED

12/3/02

DEC 05 2002

WATER RESOURCES
WESTERN REGION

Re: Application for water Right No. 67-14380 in the name Leslie & Kathleen Davis

I would like to file a formal protest against this application for the following reasons.

1. The water originates on my property.
2. The point of diversion is on my property, not the applicant.
3. I have all ready filed on the water. permit # 67-07918
4. The water does not flow to the applicant's property naturally.

Please do not approve this application.

Sincerely,



Stevens F. Alcock
208-634-8500 office
208-630-3192 cell
208-325-8161 home

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SEP 16 2003

No Bar Lts

P/u

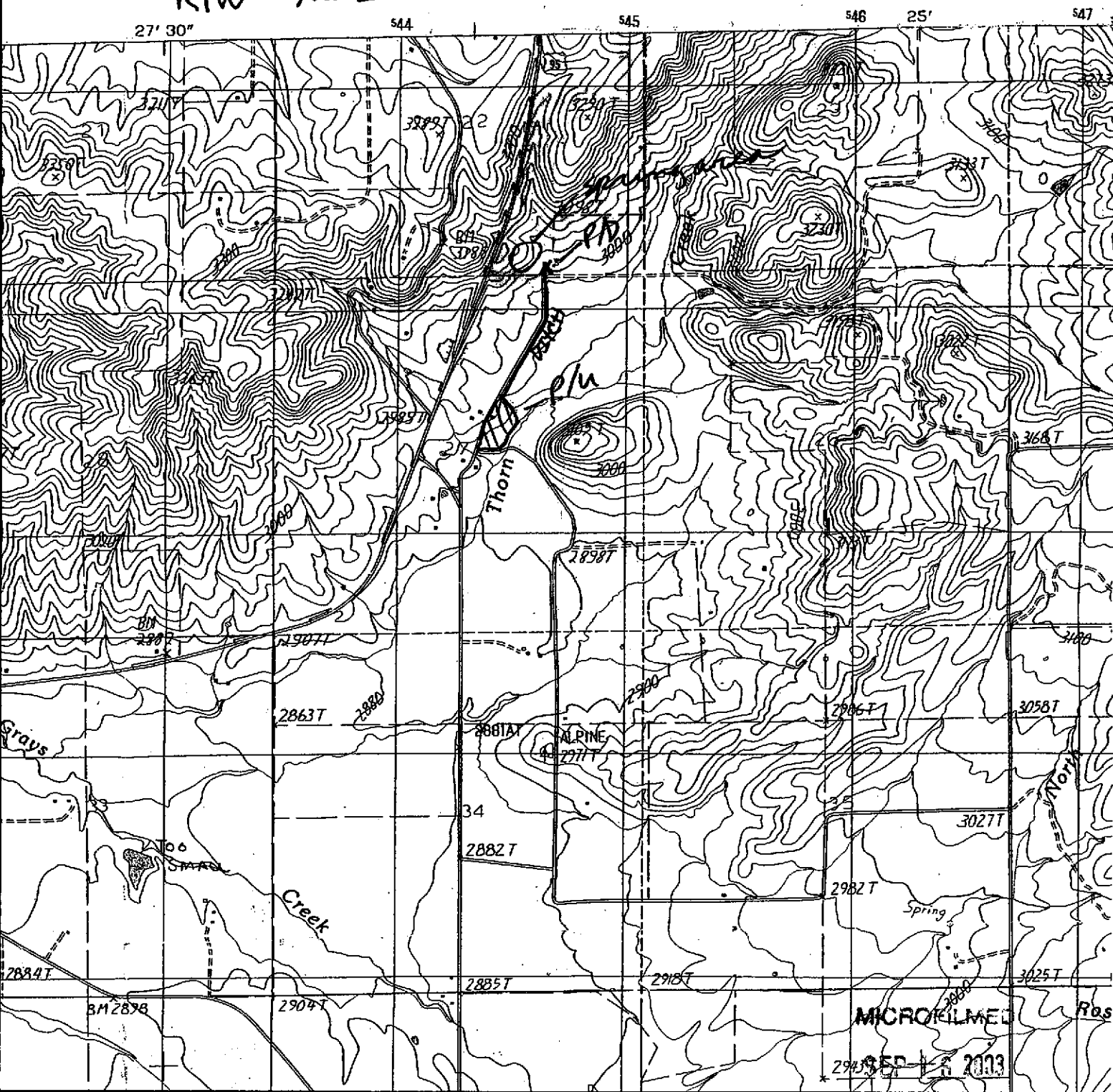
T15N
RIW

S 27
SWNE

P/D

S 22
SESWSE

man-made
P/D = ditch that collect
spring water





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2002

MIKE BISHOP
WATER DISTRICT 67A
PO BOX 34
INDIAN VALLEY ID 83632

Re: Application for Water Right No. 67-14377 in the Name of Leslie &/or Kathleen Davis.
Application for Water Right No. 67-14379 in the Name of Leslie Davis.
Application for Water Right No. 67-14380 in the Name of Leslie &/or Kathleen Davis.
Application for Water Right No. 67-14383 in the Name of Mark Wagner.

Dear Mr Horn:

Enclosed are copies of the above-referenced applications for permit.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Applications

MICROFILMED

SEP 1 8 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 21, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 67-14377 in the Name of Leslie &/or Kathleen Davis.
Application for Water Right No. 67-14379 in the Name of Leslie Davis.
Application for Water Right No. 67-14380 in the Name of Leslie &/or Kathleen Davis.
Application for Water Right No. 67-14383 in the Name of Mark Wagner.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 9, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Applications

MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

STEVEN ALCOCK
PO BOX 372
DONNELLY ID 83615-0372

Re: Application for Water Right No. 67-14380 in the Name of Leslie &/or Kathleen Davis.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by December 9, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

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SEP 16 2003

Taylor, Sue

From: The Record [record@ctcweb.net]
Sent: Wednesday, November 13, 2002 12:34 PM
To: Taylor, Sue
Subject: Re: LegalNotice.RTF

Got it.

Tim Hohs

Please advise when you receive this ad.

Thank you

Sue

Attachment converted: Radius 81/110 HD:LegalNotice_.rtf (RTF /MSWD) (0005AB4C)

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SEP 16 2003

11/14/2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Legal Notice Department

Record

PO Box R

Council ID 83612

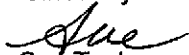
RE: Application for Permit No. 67-14377, 67-14379, 67-14380 and 67-14383

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 12/09/2002. Your cooperation is appreciated.

Sincerely


Sue Taylor

Senior Secretary

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SEP 16 2003

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

67-14380

LESLIE G DAVIS
PO BOX 88
INDIAN VALLEY ID 83632
KATHLEEN A DAVIS
PO BOX 88
INDIAN VALLEY ID 83632

Point(s) of Diversion SESWSE S22 T15N R01W ADAMS County Source SPRINGS
Tributary To THORN CREEK

Use: IRRIGATION 03/15 To 10/31 0.2 CFS
Use: STOCKWATER 01/01 To 12/31 0.04 CFS
Total Diversion: 0.2 CFS

Date Filed: 07/26/2002

Place Of Use: IRRIGATION

T15N R01W S27 SWNE

Number of Acres 10

Place Of Use: STOCKWATER

T15N R01W S27 SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Record on November 20 and 27, 2002.

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SEP 16 2003