

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11688

Priority: April 26, 2006

Maximum Diversion Rate: 0.12 CFS

This is to certify, that DWIGHT UHLENKOTT And/Or
SUSAN UHLENKOTT
19545 FISH RD
WILDER ID 83676

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: SNAKE 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	03/01 to 11/15	0.12 CFS

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM L4 (NW¼ SE¼) Sec. 10, Twp 03N, Rge 05W, B.M. OWYHEE County

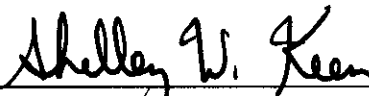
PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 05W 10														4.0			4.0
														L 4			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2008**.
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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of March, 2007.


FOR DAVID R. TUTTILL, JR., Interim Director

RECEIVED

Nov 30 2006

Ident. No. 57-11688

FORM 202
2006
RECEIVED

APR 26 2006

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Dwight & Luan Uhlenkott Phone 208-337-3902
Mailing address 3596 Industrial Rd Homedale Id 83628-3664

2. Source of water supply unnamed stream which is a tributary of Snake River

3. Location of point of diversion is Township 3N Range 5W Sec. 10, in the - 1/4,
NW 1/4, SE 1/4, Govt. Lot -, B.M., Owyhee County;

additional points of diversion if any: -

4. Water will be used for the following purposes:

Amount 0.12 for IRRIGATION purposes from 3/1 to 11/15 (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)
Amount - for - purposes from - to - (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.12 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 pump, pipeline & sprinklers

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 1 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. -
c. Municipal; show name of municipality. -
d. Domestic; show number of households. -
e. Other; describe fully. -

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
3N	5W	10													4				4

Total number of acres to be irrigated 4

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? } 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: Existing use started about 1973 (see 57-10675 for domestic well, same owner).

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.)

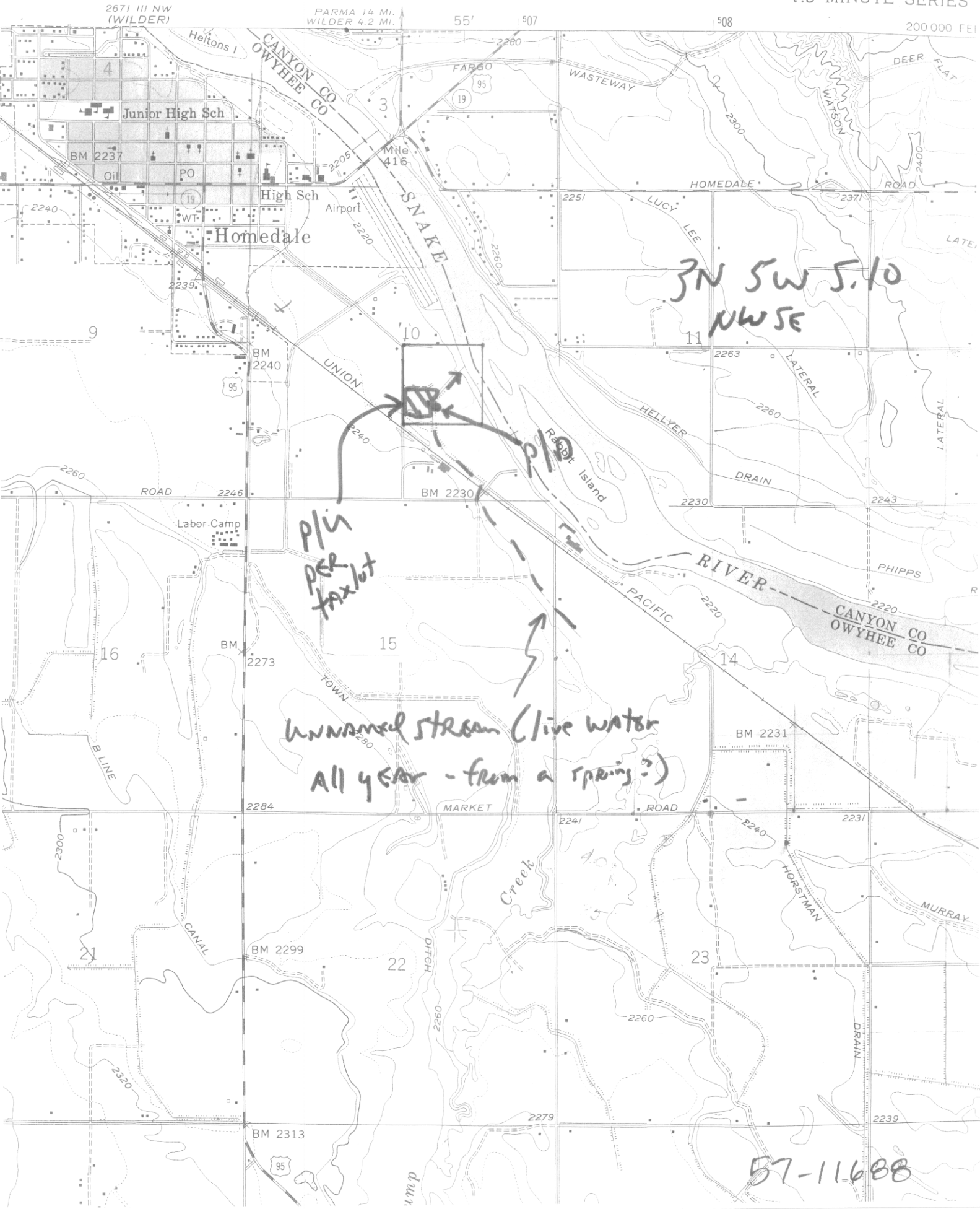
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dwight Yhlenkath (owner)
Signature of Applicant (and title, if applicable)

Received by SL Date 4/26/06 Time 11:25 Preliminary check by SC
 Fee \$ 100 Received by SL # W 034097 Date 4/26/06
 Publication prepared by SL Date 8/29/06 Published in OWY FREE AVALANCHE
 Publication approved SL Date 11/15/06 9/13/08
10/18 & 25/08

3N-5W 10

HOMEDALE QU
IDAHO
7.5 MINUTE SERIES

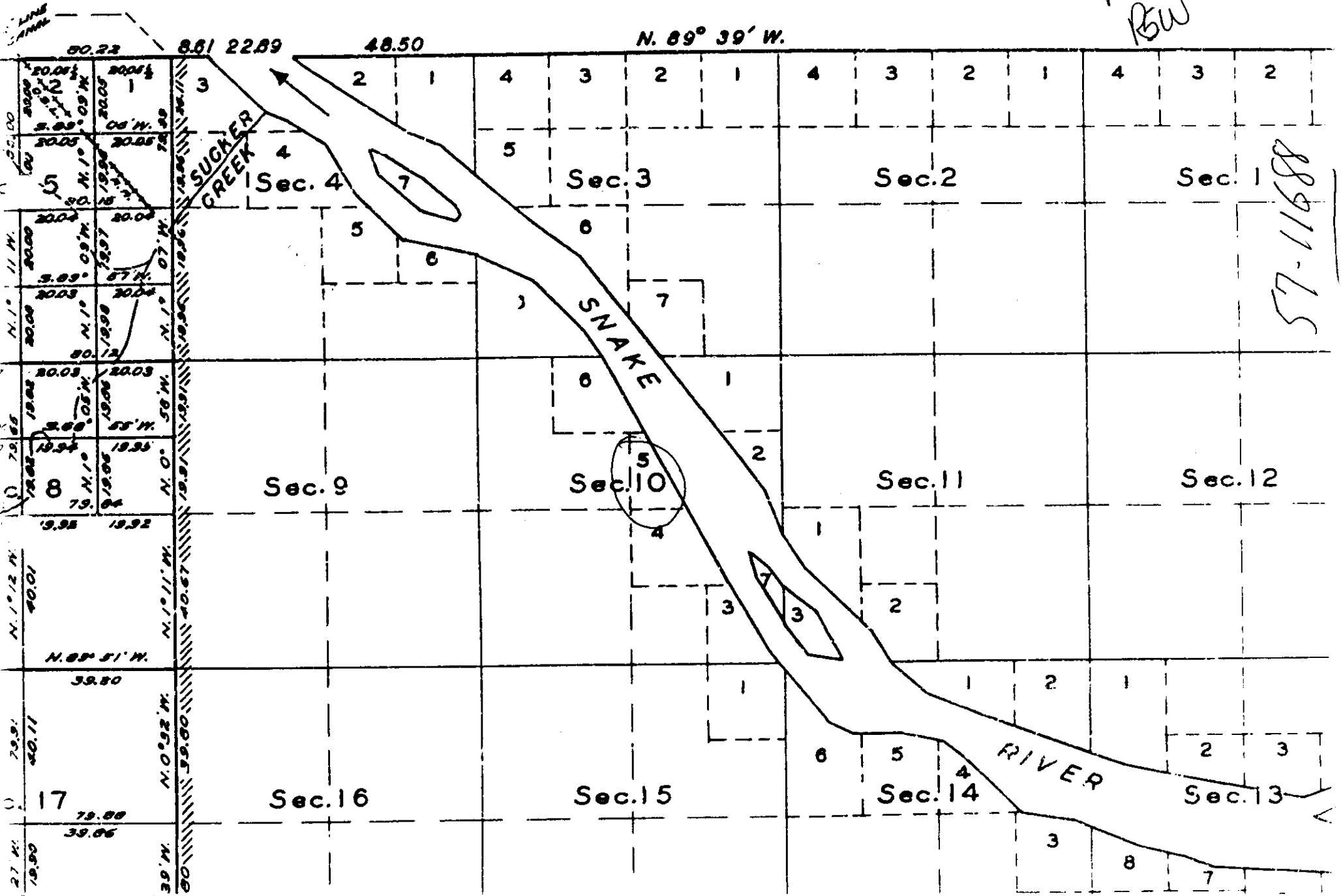


57-11688

GE N° 5 WEST OF THE BOISE MERIDIAN

NT RESURVEY AND SUBDIVISION OF SECTIONS

T3N
BW



57-11688

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

March 13, 2007

DWIGHT UHLENKOTT
SUSAN UHLENKOTT
19545 FISH RD
WILDER ID 83676

RE: Permit No. 57-11688

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

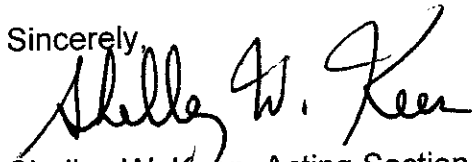
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

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

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

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

57-11688

**DWIGHT UHLENKOTT
SUSAN UHLENKOTT
19545 FISH RD
WILDER ID 83676**

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

**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 09, 2007
To: Water Right File 57-11688
From: eretelle
Re: permit review

No WD or moratorium

No protests
domestic well and Gem Irrigation Dist in area

Recommend approval as suggested by IDWR Western

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

OK
-SL

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

OCTOBER 18, 25, 2006

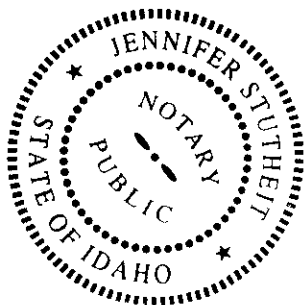
SIGNED: _____

[Signature]

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 27th day of Oct in the year of 2006 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



[Signature]
Notary Public of Idaho
Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2009

The following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:
57-11688

DWIGHT & SUSAN
UHLENKOTT
3596 INDUSTRIAL RD
HOMEDALE ID 83628-3664
Point(s) of Diversion L4
(NWSE) S10 T03N
R05W OWYHEE County
Source UNNAMED STREAM
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To
11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 04/26/2006
Place Of Use: IRRIGATION
T03N R05W S10 NWSE Lot
4
Number of Acres 4

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 11/6/2006. The protestant
must also send a copy of the
protest to the applicant.

KARL J DREHER, Director
10/18,25/06

REC'd 10/31/06

Lester, Steve

From: Lester, Steve
Sent: Wednesday, October 04, 2006 8:32 AM
To: 'Jennifer'
Subject: RE: 57-11680, 57-11686, 57-11688, 57-11690



57-11680 etc
ad.RTF

Jennifer:

Thanks for getting back to me on those. Please publish the notices on October 18 and 25 instead of 11 and 18. This is because we are required to publish notices on the first and second weeks or the third and fourth weeks of the month.

Please provide the affidavits and invoices to this office by November 6, 2006.

Revised notices are attached for your convenience.

Please let me know if you have any questions. Again, thanks for your help.

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

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

From: Jennifer [mailto:jstutheit@cableone.net]
Sent: Tuesday, October 03, 2006 4:15 PM
To: Lester, Steve
Subject: 57-11680, 57-11686, 57-11688, 57-11690

Steve,
Called you back but you had already left.

After looking into what happened I found an attachment was overlooked. Please let me know if there is anything I can do to correct this matter. The soonest the legals can be ran is Oct. 11 & Oct. 18.

Again, I apologize for this error.

Thank you, Jennifer
Owyhee Avalanche
337-4681

*Legal notices 10/18 & 25 with
protest deadline 11/6/06 (Newspaper error, did
not publish 9/6 & 9/13)*

-82 10/4/06

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

57-11688

DWIGHT & SUSAN UHLENKOTT
3596 INDUSTRIAL RD
HOMEDALE ID 83628-3664

Point(s) of Diversion L4 (NWSE) S10 T03N R05W OWYHEE County Source UNNAMED STREAM
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To 11/15 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 04/26/2006

Place Of Use: IRRIGATION

T03N R05W S10 NWSE Lot 4

Number of Acres 4

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 11/6/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 10/18 & 10/25/2006

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 1:21 PM
To: 'owyheeavalanche@cableone.net'
Subject: Legal Ads

Joe or Jennifer: Please send confirmation that notices will run Sept. 6 & 13. Thanks, SL.

August 28, 2006

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Transfer No. 72518, Application for Permit Nos. 57-11680, 57-11685, 57-11688, 57-11690

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 09/25/2006. Your cooperation is appreciated.

Sincerely

Steve Lester
Water Rights Supervisor



57-11680 etc
ad.RTF



Transfer 72518
Johnson.doc

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

57-11688

DWIGHT & SUSAN UHLENKOTT
3596 INDUSTRIAL RD
HOMEDALE ID 83628-3664

Point(s) of Diversion L4 (NWSE) S10 T03N R05W OWYHEE County Source UNNAMED STREAM
Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 04/26/2006

Place Of Use: IRRIGATION

T03N R05W S10 NWSE Lot 4

Number of Acres 4

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 on 9/6 & 9/13/2006