

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23032

Priority: March 07, 2006

Maximum Diversion Rate: 0.27 CFS

This is to certify, that ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM**Tributary:** ROUND VALLEY 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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.24 CFS	
IRRIGATION STORAGE	01/01 to 12/31		12.0 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		12.0 AF
STOCKWATER STORAGE	01/01 to 12/31		12.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		12.0 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM SE¼ SW¼ Sec. 20, Twp 12N, Rge 04E, B.M. VALLEY County

UNNAMED STREAM SE¼ SW¼ Sec. 20, Twp 12N, Rge 04E, B.M. VALLEY County

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 20												12.0					12.0

PLACE OF USE: IRRIGATION STORAGE, STOCKWATER, STOCKWATER STORAGE, STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 20												X					

State of Idaho
Department of Water Resources

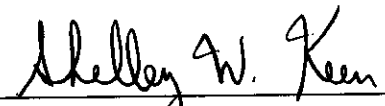
Permit to Appropriate Water

NO. 65-23032

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Stockwater use is for 80 range cattle.
5. This right authorizes the watering of livestock directly from the stream without a diversion.
6. 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.
7. Prior to diversion of water under this right, the right holder shall install lockable devices, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversions.
8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
9. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
10. 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.
11. 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.
12. Water shall not be diverted under this right when flows in the North Fork of the Payette River are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of May, 2006.


FOR KARL JOREHER, Director

03/07/06 agree to following application changes.
Date MAY 3 2006

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

Ident. No. 65-23032

03/07/06
(RM)

DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Robert M. Flaten Phone 382-3046
Mailing address P.O. Box 550 Cascade, Id. 83611
2. Source of water supply UNNAMED STREAM which is a tributary of ROUND VAIKEY CR
3. Location of point of diversion is Township 18N Range 4E Sec. 20 in the WV 1/4, SW 1/4, SE 1/4, Govt. Lot SW, B.M., Cascade County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount 246 for IRRIGATION purposes from APR 15 to OCT 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12 for STOCKWATERING purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12 for IRRIGATION STORAGE purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12 for STOCKWTR STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12 for TERR FR STORAGE purposes from 4/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 12 for STOCKWTR FR STOR purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 27 cubic feet per second and/or (b) 9 12 acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source POOD

b. Height of storage dam 5' feet; active reservoir capacity _____ acre-feet; total reservoir capacity 12 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? NO

e. If well is already drilled, when? N/A; Drilling firm _____; Well was drilled for (well owner) N/A; 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. N/A
b. Stockwatering; list number and kind of livestock. Angus Cows (light use) 80
c. Municipal; show name of municipality. ten miles S of Cascade
d. Domestic; show number of households. 1 (ONE)
e. Other; describe fully. single family dwelling on 40 acres, possible split upon the road which would divide the forty acres into 4 (four) ten acre parcels.

RECEIVED

NOV 17 2005

WATER RESOURCES
WESTERN REGION

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	
12N	4E	20												12					12
														5					
														X					

Total number of acres to be irrigated 12

10. Describe any other water rights used for the same purposes as described above. _____

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

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

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: POND, WITH SURFACE AREA OF APPX. 1 1/2 ACRES. BUILT BY
CONSTRUCTING 5' HIGH DAM 40' WIDE + EXCAVATING 3' BEHIND
DAM. WATER TO BE USED FOR SINGLE FAMILY FARM (40 ACRES)
PICTURES ENCLOSED.

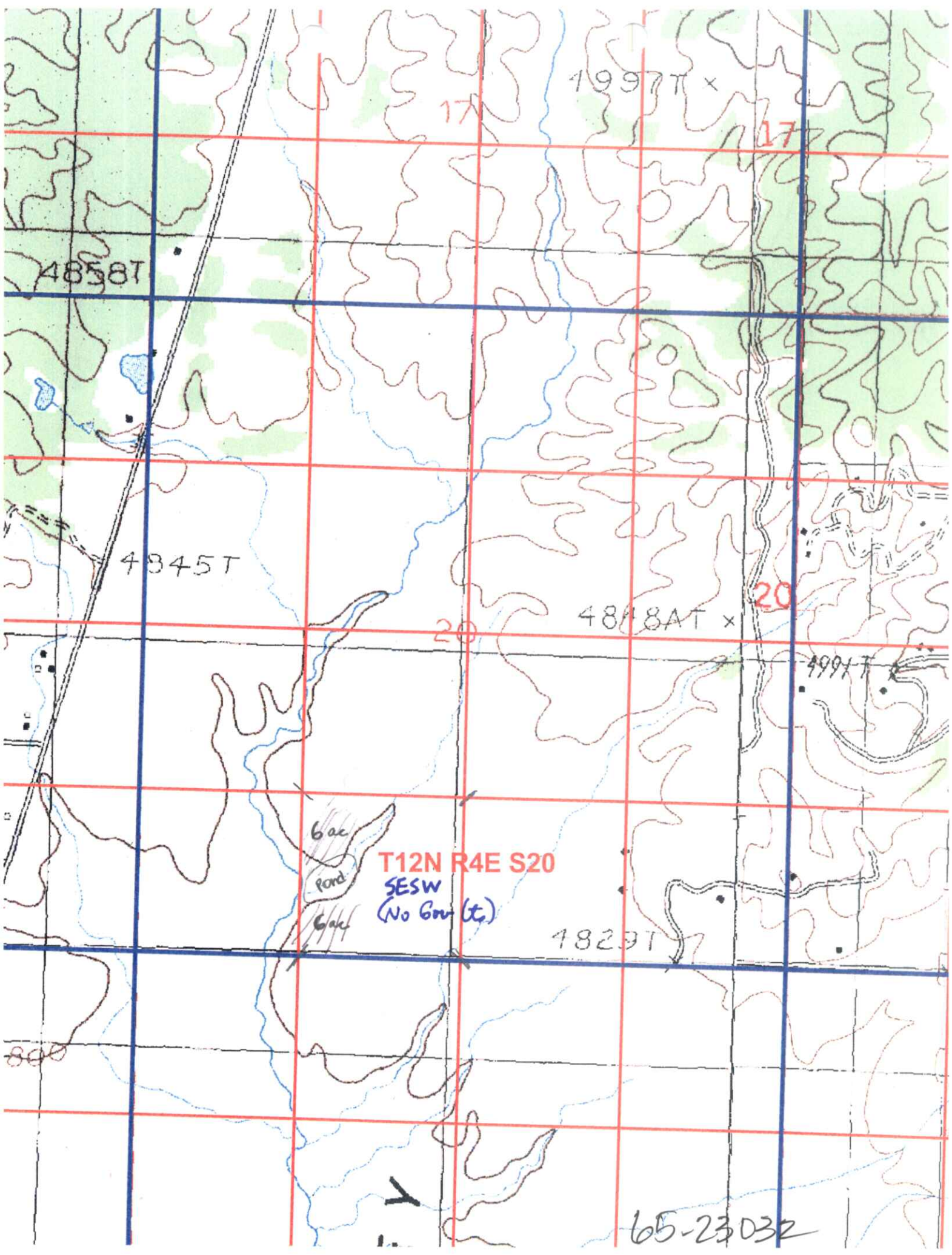
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Robert M. Flaten (OWNER)
 Signature of Applicant (and title, if applicable)

Received by DB Date 11-17-05 Time _____ Preliminary check by ly
 Fee \$ 100- Receipted by RB # W033623 Date 11-22-05
 Publication prepared by SK Date 4-7-06 Published in STAR NEWS
 Publication approved SK Date 4-24-06

* Additional \$150 paid 3/7/06, 9:00AM, receipt no. W033917
 ly 3/7/06



1997T x

17

17

4858T

4845T

20

4848AT x

20

4991T

T12N R4E S20
SESW
(No Grv (t))

4829T

800

65-23032

REQUEST TO PROCESS

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

Name of Applicant

ROBERT FLATEN

Mailing Address

PO BOX 556

CASCADE ID 83611

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

Robert M. Flaten

Date

03/07/06

Please return this form to:

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





SESW 40 ac tract Coordinates
confirming P/U. Submitted
by applicant 3/7/06. y

HERRICK
Road

#1

N 44° 21.188
W 116° 00.859

#4

N 44° 21.236
W 116° 00.856

#2

N 44° 21.204
W 116° 00.778

#3

N 44° 21.241
W 116° 00.777

N

**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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2006

ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611

RE: Permit No. 65-23032

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.

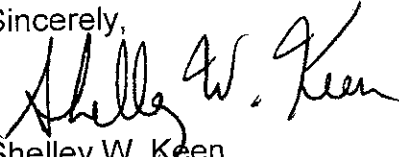
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

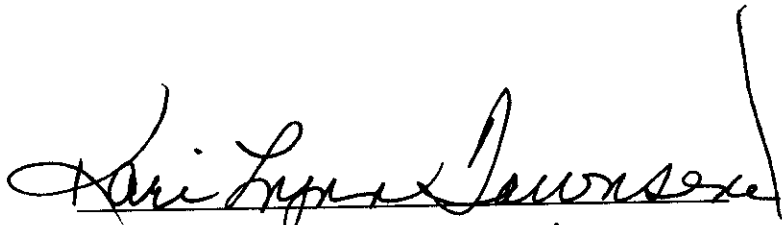
CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2006 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.

65-23032

**ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**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.

MEMORANDUM

Date: May 10, 2006
To: Water Right File 65-23032
From: eretelle
Re: permit review

WD 65
June 15 cutoff

Min Stream Flow NF Payette (65-12822 and -12839)

No overlap or protest.

Added 2nd PoD to account for live flow components in addition to storage reservoir (regarding lockable diversion works and measurement).

Recommend approval as suggested by IDWR Western.

MEMORANDUM

Date: March 8, 2006
To: Water Right File 65-23032
From: Igraves
Re: Comment/Analysis

Application priority date advanced to 3/7/06 due to changes made and payment of additional fees. The proposed on-stream pond size is 1.5 ac x 8 ft max depth or 12 af total. 12 acres irrigation and stockwater have also been proposed. Because more volume than the pond capacity is required to satisfy the proposed uses, a cfs component was included for irrigation and stockwater to account for the diversion of natural flow from the unnamed stream in addition to the pond capacity. The evaporative loss for the pond was not included in the proposed pond volume due to the proposed live flow components. No other rights are used. Applicant was made aware of the 6/15 cutoff condition applicable to Basin 65 per office visit.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

RECEIVED

APR 28 2006

WATER RESOURCES
WESTERN REGIONApplication No: 65-23032Applicant's Name: Robert M. Flaten

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:

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

Other conditions: Under control of Watermaster, Water District No. 65.

Subject to annual assessment and local rental pool fees.

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

- d) ☐ Additional comments:

Dated this 26th day of April, 2006

Water District No: 65

Ron Shuttell
Watermaster's signature

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

Publisher's Affidavit of Publication

STATE OF IDAHO }
County of Valley } .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began April 6, 2006 and ended April 13, 2006.

Carol J. Wright

Subscribed and sworn before me this the 13th day of April, 2006.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 13th day of April, in the year of 2006, before me, a Notary Public, personally appeared Carol J. Wright, 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.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/12

RECEIVED
APR 14 2006
WATER RESOURCES
WESTERN REGION

THE FOLLOWING
APPLICATION(S) HAVE BEEN
FILED TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO: ✓sk

65-23032
ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611
Point(s) of Diversion SESW S20
T12N R04E VALLEY County
Source UNNAMED STREAM
Tributary To ROUND VALLEY
CREEK
Use: IRRIGATION 04/15 To 10/31
0.24 CFS
Use: IRRIGATION STORAGE
01/01 To 12/31 12 AFA
Use: IRRIGATION FROM 04/15 To
10/31 12 AFA
STORAGE
Use: STOCKWATER 01/01 To 12/31
0.03 CFS
Use: STOCKWATER STORAGE
01/01 To 12/31 12 AFA
Use: STOCKWATER FROM 01/01
To 12/31 12 AFA
STORAGE
Total Diversion: 0.27 CFS
Date Filed: 03/07/2006
Place Of Use: IRRIGATION FROM
STORAGE
T12N R04E S20 SESW
Number of Acres 12
Place Of Use: IRRIGATION STOR-
AGE
T12N R04E S20 SESW
Place Of Use: IRRIGATION
T12N R04E S20 SESW
Number of Acres 12
Place Of Use: STOCKWATER
T12N R04E S20 SESW
Place Of Use: STOCKWATER
FROM STORAGE
T12N R04E S20 SESW
Place Of Use: STOCKWATER
STORAGE
T12N R04E S20 SESW
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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director 2tc4/13

Kreger (Taylor), Sue

To: eleitzinger@idfg.idaho.gov
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 3, 2006

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit Nos. 63-32265, 65-23032, 67-14694, 02-10303 and 02-10304

Dear Eric:

Attached are copies of applications that may be of interest to your agency. Please review the application(s) 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 any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by April 24, 2006.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



63-32265.pdf



65-23032.pdf



67-14694.pdf



2-10303.pdf



2-10304.pdf

Kreger (Taylor), Sue

To: Waterdist65@srvinet.com
Subject: comment letter

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

March 31, 2006

RON SHURTLEFF
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right No. 65-23032 in the Name of Robert M. Flaten

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax



65-23032.pdf



Recomm
atermaster Eform.doc

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

March 30, 2006

Legal Notice Department
STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Transfer No. 72503
Water Right No(s). 65-2963 65-12007
Application for Water Right No. 65-23032

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 04/24/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

65-23032

ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611

Point(s) of Diversion SESW S20 T12N R04E VALLEY County Source UNNAMED STREAM

Tributary To ROUND VALLEY CREEK

Use: IRRIGATION	04/15 To 10/31	0.24 CFS	
Use: IRRIGATION STORAGE	01/01 To 12/31		12 AFA
Use: IRRIGATION FROM STORAGE	04/15 To 10/31		12 AFA
Use: STOCKWATER	01/01 To 12/31	0.03 CFS	
Use: STOCKWATER STORAGE	01/01 To 12/31		12 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31		12 AFA

Total Diversion: 0.27 CFS

Date Filed: 03/07/2006

Place Of Use: IRRIGATION FROM STORAGE

T12N R04E S20 SESW

Number of Acres 12

Place Of Use: IRRIGATION STORAGE

T12N R04E S20 SESW

Place Of Use: IRRIGATION

T12N R04E S20 SESW

Number of Acres 12

Place Of Use: STOCKWATER

T12N R04E S20 SESW

Place Of Use: STOCKWATER FROM STORAGE

T12N R04E S20 SESW

Place Of Use: STOCKWATER STORAGE

T12N R04E S20 SESW

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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