

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 79-14088

Priority: April 19, 2004

Maximum Diversion Volume: 2.5 AF

This is to certify, that HUNT HATCH
PO BOX 115
KAMIAH ID 83536

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** MALONEY CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	2.5 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NW¼NE¼SE¼ Sec. 19, Twp 32N, Rge 02W, B.M., LEWIS County

PLACE OF USE: STOCKWATER 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	
32N 02W 19													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2005**.
2. Subject to all prior water rights.
3. The reservoir authorized under this permit shall not exceed 1/2 acre in total volume. The storage of 2.5 AF under this right is authorized only by emptying and refilling the reservoir multiple times.
4. Stockwater storage use is for 30 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 24th day of June, 2004.


for KARL J DREHER, Director

RECEIVED RECEIVED

APR 19 2004

JUN 23 2004

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES

Ident. No. 79-14088

RECEIVED

JAN 22 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Hunt Hatch Phone 208 935 2196
Mailing address Box 115, Hamiah, ID 83536
2. Source of water supply Unnamed Stream which is a tributary of Maloney Creek
3. Location of point of diversion is Township 32N Range 2W Sec. 19 in the NW $\frac{1}{4}$,
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Lewis County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.5 ~~0.02~~ HA for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.5 ~~0.5~~ HA for Stock Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.2 cubic feet per second and/or (b) 2.5 HA acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 9' dam built across
creek

b. Height of storage dam 9' feet; active reservoir capacity 0.5 acre-feet; total HA
reservoir capacity 0.5 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. 30 CATTLE
- 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	
32N	2W	19													5				

Total number of acres to be irrigated _____

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? Applicant

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

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

12. Remarks: Dam is 80' across. Pond is 40' long and avg. depth is 6'
2.0 of the 7.5 acre feet is to allow
me to maintain the pond level

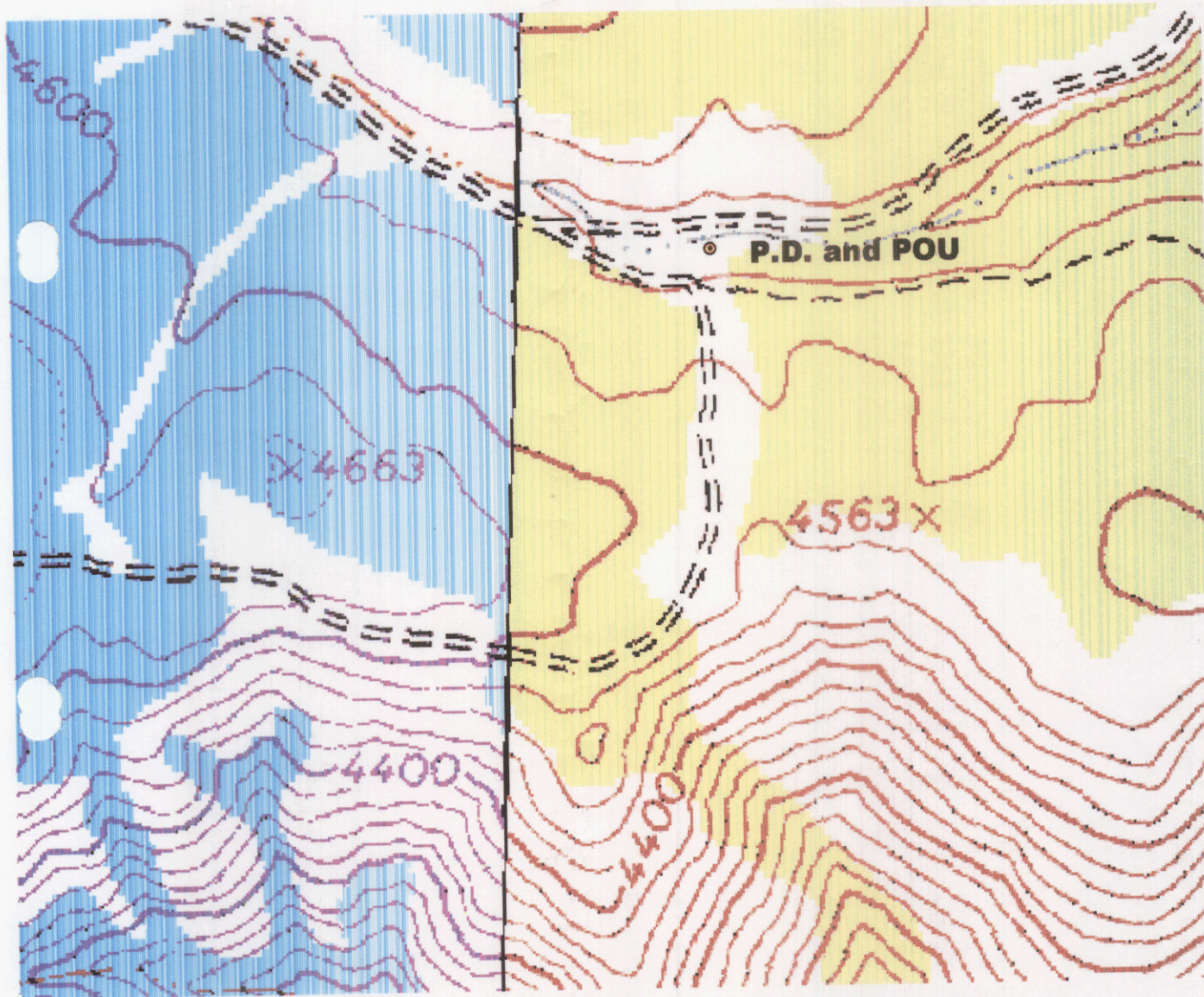
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

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

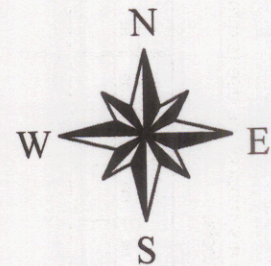
Received by [Signature] Date 1-22-04 Time 11:40 a. Preliminary check by OAN
 Fee \$ 100.00 Received by [Signature] # C-72399 Date 1-27-04
 Publication prepared by [Signature] Date 5-6-12-04 Published in Idaho City Herald
 Publication approved [Signature] Date 6-11-04

Hatch Application



T32N R02W
Section 19

● Point of Diversion
□ Place of Use



NO
GOV'T LOTS
OAN
3-29-04

0 400 800 1200 1600 2000 2400 2800 Feet

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

June 24, 2004

HUNT HATCH
PO BOX 115
KAMIAH ID 83536

RE: Permit No. 79-14088

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.

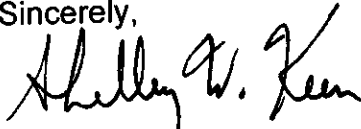
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 a 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 208-327-7946.

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 the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

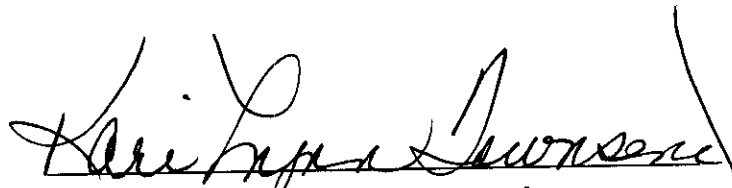
CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2004 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.

79-14088

**HUNT HATCH
PO BOX 115
KAMIAH ID 83536**



**Karl 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.

Comment Report

79-14088

1. dnelson 4/20/2004 Comment/Analysis

Comment: This application is for a small on stream stockwater pond. The pond is within the Salmon River Moratorium area, but it is under a ½ acre of surface area. A ½ acre surface area pond is still considered to be exempt in the Salmon River Moratorium. The pond has 0.5 acre-feet of volume. The additional 2 acre- feet of water is to maintain the pond level throughout the season.

2. kwalker 6/24/2004 Permit Review

Comment: Recommend approval.

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, STEVEN A. WHERRY, being first duly sworn, depose and say that I am Editor of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the

first publication being on the 6th day of

May, 2004, and the last publication on the

13th day of May, 2004 and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Steven A. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 27th day of May in the year of 2004, before me, a Notary Public, personally appeared Steven A. Wherry, know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

PATRICIA E. WHERRY
NOTARY PUBLIC
STATE OF IDAHO

Patricia E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12-2006

NOTICE

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

79-14088

HUNT HATCH

PO BOX 115

KAMIAH ID 83536

Point(s) of Diversion

NWNESE S19 T32N R02W

LEWIS County Source UN-

NAMED STREAM Tributary To

MALONEY CREEK

Use: STOCKWATER STOR-

AGE 01/01 To 12/31 2 . 5

AFA

Total Diversion: 2.5 AFA

Date Filed: 04/19/2004

Place Of Use: STOCKWATER

STORAGE

T32N R02W S19 NESE

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 05/24/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 6 and 13, 2004.

RECEIVED

JUN 10 2004

WATER RESOURCES
WESTERN REGION



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

April 28, 2004

NEZ PERCE TRIBE
BOX 305
LAPWAI ID 83540

Re: Water Right Application for Permit No. 79-14088

Dear Interested Party:

Enclosed are copies of application(s) that may be of interest to you. 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 you desire 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 May 24, 2004.

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

Sincerely,
Sue Kreger 
Administrative Assistant

Encl. Copy of Application(s)

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, April 28, 2004 1:54 PM
To: 'eleitzin@idfg.state.id.us'
Cc: Kreger (Taylor), Sue
Subject: comment letters

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

April 28, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached are copies of one or more applications that may be of interest to you. 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 May 24, 2004.

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

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



65-22880.pdf



79-14088.pdf



63-31878.pdf

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

April 28, 2004

Legal Notice Department
LEWIS COUNTY HERALD
517 OAK
NEZPERCE ID 83543

RE: Application for Permit No. 79-14088

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on May 5 and 12, 2004 (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 05/24/2004. 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:

79-14088

HUNT HATCH
PO BOX 115
KAMIAH ID 83536

Point(s) of Diversion NWNESE S19 T32N R02W LEWIS County Source UNNAMED STREAM
Tributary To MALONEY CREEK

Use: STOCKWATER STORAGE 01/01 To 12/31 2.5 AFA
Total Diversion: 2.5 AFA

Date Filed: 04/19/2004

Place Of Use: STOCKWATER STORAGE

T32N R02W S19 NESE

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 05/24/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 5 and 12, 2004.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HUNT HATCH
BOX 115
KANIAH ID 83536

RE: APPLICATION FOR PERMIT FOR STOCKWATER

Dear Mr. Hatch:

In our recent telephone conversation, I discussed the changes that would be needed for your application for permit for stockwater. I have returned your application to you to make the following changes:

- 1.) Stockwater is not needed for on stream stockwater storage. Therefore, you should remove it from the application. Simply draw a single line through the stockwater use and initial that change.
- 2.) You listed a storage component only for a single fill. This would allow you to fill the pond once and then let the remaining water in the stream flow by the pond. You want to maintain the pond level throughout the year for your livestock. Therefore, you will need to file for enough volume to account for the evaporation and seepage of the pond. In discussing the situation with you, it would seem that you would need at least an additional 2 acre feet of water to maintain the water level. Therefore, you would need to replace the 0.5 afa for stock storage to 2.5 afa. You should also mention that 2 of the 2.5 afa are for refill of the pond in remarks under section 12.
- 3.) You listed your pond dimensions in the remarks section, but you neglected to insert this information in under 6a on the front page.

Please make the above changes and initial the changes. The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in cursive script that reads 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent