

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 67-14671

Priority: September 15, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RITA BALDERSON  
2605 UPPER DALE  
COUNCIL ID 83612

has applied for a permit to appropriate water from:

**Source:** SPRING

**Tributary:** HORNET 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                 |

**LOCATION OF POINT OF DIVERSION:**

SPRING L1 (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) Sec. 8, Twp 17N, Rge 02W, B.M. ADAMS County

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 17N | 02W | 8   | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     | L1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2007**.
2. Subject to all prior water rights.
3. Stockwater use is for 100 head mixed stock.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of February, 2006.

  
for KARL DREHER, Director

RECEIVED

FEB 14 2005

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

SEP 15 2005

WATER RESOURCES  
STATE OF IDAHO  
WESTERN REGION

Ident. No. 67-14671

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant RITA BALDERSON Phone 208 253 6974  
Mailing address 2605 UPPER Dale COUNCIL ID 83612
2. Source of water supply SPRING which is a tributary of HORNET CREEK
3. Location of point of diversion is Township 17N Range 2W Sec. 8, in the ADAMS Co.,  
~~SENECA~~ SENECA ADAMS County;  
additional points of diversion if any: SENECA
4. Water will be used for the following purposes:  
Amount 0.04 cfs for STOCK purposes from Jan 1 to Dec 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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) \_\_\_\_\_ 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 DRAIN TILE TO  
500 gallon Tank  
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. 1 - 100 CATTLE + HORSES  
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 |        |
| 17N | 2W  | 8   | 5  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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? RITA BALDEASON

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

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

12. Remarks: \_\_\_\_\_

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

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

Rita Baldeason  
Signature of Applicant (and title, if applicable)

Received by AK Date 9-15-05 Time 11:30 a.m. Preliminary check by SC  
Fee \$ 100.00 Received by AK # W2033429 Date 9-15-05  
Publication prepared by AK Date 1-5-12-06 Published in THE RECORD  
Publication approved AK Date 2-7-06



Rita BALDERSON 8-25-05

67-14671



**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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 24, 2006

RITA BALDERSON  
2605 UPPER DALE  
COUNCIL ID 83612

RE: Permit No. 67-14671

**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.

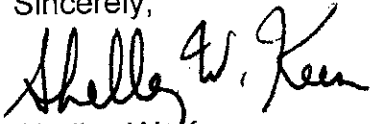
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

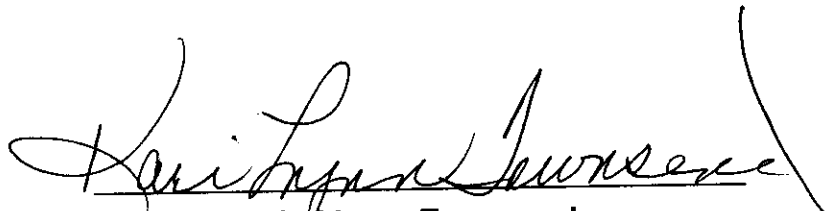
## **CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 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.**

**67-14671**

**RITA BALDERSON  
2605 UPPER DALE  
COUNCIL ID 83612**



**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:** February 23, 2006  
**To:** Water Right File 67-14671  
**From:** eretelle  
**Re:** permit review

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WD 67

No moratorium

No protest or overlap

Recommend approval as suggested by IDWR Western.

LLC The Adams County Record

PO Box R  
211 Illinois Avenue  
Council ID 83612

RECEIVED

FEB 01 2006

WATER RESOURCES  
WESTERN REGION

# Invoice

| Date     | Invoice # |
|----------|-----------|
| 1/5/2006 | 4         |

|                                                           |
|-----------------------------------------------------------|
| Bill To                                                   |
| Idaho Dept of Water<br>2735 Airport Way<br>Boise ID 83705 |

| P.O. No. | Terms | Project |
|----------|-------|---------|
|          |       |         |

| Quantity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Description                                 | Rate  | Amount |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------|--------|
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Published 01-05-06 #67-24671 Rita Balderson | 55.44 | 55.44  |
| <div style="text-align: center; border: 1px solid black; padding: 5px; margin: 10px 0;"> <h2>LEGAL NOTICE</h2> </div> <div style="border: 1px solid black; padding: 10px;"> <p>The following application(s) have been filed to appropriate the public waters of the State of Idaho:</p> <p><b>67-14671</b><br/> <b>RITA BALDERSON</b><br/> <b>2605 UPPER DALE</b><br/> <b>COUNCIL ID 83612</b></p> <p>Point(s) of Diversion      L1 (SENENE)      S8      T17N      R02W      ADAMS County</p> <p>Source SPRING</p> <p>Tributary To HORNET CREEK<br/> Use: STOCKWATER    01/01 To 12/31    0.04 CFS<br/> Total Diversion: 0.04 CFS<br/> Date Filed: 09/15/2005<br/> Place Of Use: STOCKWATER<br/> T17N R02W S8 NENE Lot 1</p> <p>Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.<br/> Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region,<br/> 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/23/2006. The protestant must also send a copy of the protest to the applicant.<br/> <b>KARL J DREHER, Director</b></p> <p>Published in The Adams County Record January 5, 2006 and January 12, 2006</p> </div> |                                             |       |        |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                             |       | 555.44 |

Kreger (Taylor), Sue

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

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

January 4, 2006

ERIC LEITZINGER, IDFG  
PO BOX 25  
BOISE ID 83707

Re: Applications for Permit Nos. 55-13850, 55-13851, 55-13853, 55-13874, 55-13873, 79-14149, 63-32226, 67-14669, and 67-14671

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 January 23, 2006.

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

Sincerely,



55-13850.pdf



55-13851.pdf



55-13853.pdf



55-13873.pdf



55-13874.pdf



63-32226.pdf



67-14669.pdf



67-14671.pdf



79-14149.pdf

**Kreger (Taylor), Sue**

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**From:** Kreger (Taylor), Sue  
**Sent:** Wednesday, January 04, 2006 1:14 PM  
**To:** 'boscob@ruralnetwork.net'  
**Subject:** Comment Letter

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

January 4, 2006

BOSCO BOSLER  
2711 SHOEPEG RD  
MIDVALE ID 83645

Re: Application(s) for Water Right No. 67-14671 in the name of Rita Balderson

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,



67-14671.pdf



Copy of  
commendation of Wa

*Watermaster refused to comment; proceed w/o recommendation  
from him.  
SC 2/13/06*

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

December 29, 2005

**Legal Notice Department**  
RECORD  
PO BOX R  
COUNCIL ID 83612

RE: Applications for Permit Nos. 67-14671 and 67-14673

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find two 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 01/23/2006. 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:

67-14671

RITA BALDERSON  
2605 UPPER DALE  
COUNCIL ID 83612

Point(s) of Diversion L1 (SENE) S8 T17N R02W ADAMS County Source SPRING

Tributary To HORNET CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 09/15/2005

Place Of Use: STOCKWATER

T17N R02W S8 NENE Lot 1

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 01/23/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Record on January 5 and 12, 2006.