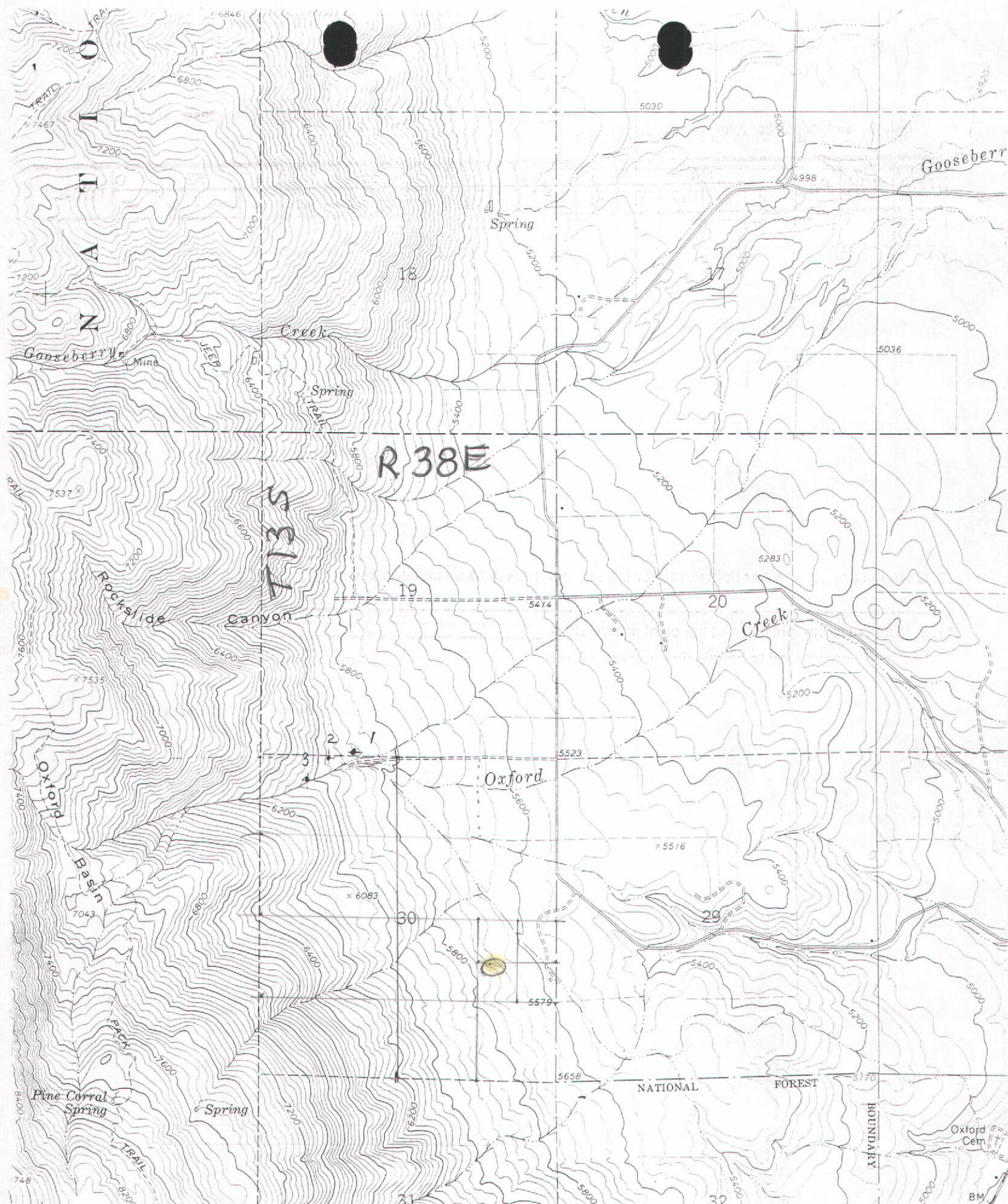
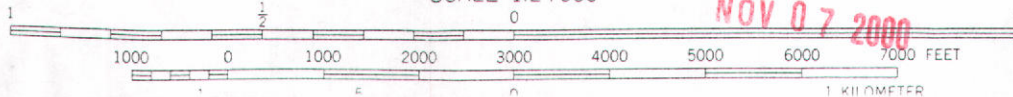




MICROFILMED

NOV 07 2000

SCALE 1:24 000



CLIFTON 4.7 MI.
PRESTON (U.S. 91) 16 MI.

Oxford, Idaho

Pri
har

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Necia Sammons

being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 14, , 2000, and ending

with the issue of June 21, 2000

Necia Sammons

Fee \$ 78.

Subscribed and sworn to before me this 21 day

of June, 2000.

[Signature]

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14, 2001.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07581

HENRY HATCH FAMILY TRUST
C/O EARL HATCH, TRUSTEE
360 S 500 W

RICHFIELD, UT 84701

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNESW Sec 30 T
13S R 38E in FRANKLIN Coun-
ty.

Use:

DOMESTIC (0.020 CFS)

Total Diversion: (0.020 CFS)

Date Filed: 5/30/2000

In: FRANKLIN County
T13S R38E S30 NESW

Any protests against the pro-
posed application must be filed
with the Department of Water Re-
sources, 900 N. Skyline Dr., Ste. A,
Idaho Falls, ID 83402, together

with a protest fee of \$25.00 on or
before July 3, 2000, to be consid-
ered by the Department in its deci-

sion to grant or deny any part of
the proposed application. The
protestant must also send a copy

of the protest to the applicant.

KARL J. DREHER, Director

Legal No. 5026 - Publish June
14 and 21, 2000.

RECEIVED

JUL 03 2000

Department of Water Resources
Eastern Region

MICROFILMED

NOV 07 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 13-7581 Telephone No. 435-896-5019
2. Name of Permit Holder(s): Henro Hatch Family Trust c/o Earl Hatch
3. Mailing Address: 360 S. 500 W.
City Richfield State Ut Zip 84701
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes _____ or No ☒
Yes _____ or No ☒

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Claire Hatch Telephone Number: 208-747-3424
Address: 8985 N. Westside Hwy (Oxford) Clifton, Idaho 83228

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Earl Hatch
(include your title, if on behalf of company or organization)

Date: 18 July 2002

MICROFILMED

AUG 26 2002

RECEIVED

JUL 22 2002

Department of Water Resources
Eastern Region

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 23 2001 REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 13-07581
Name(s) of Permit Holder: Henry Hatch Family Trust c/o Earl C Hatch
Address: 360 S. 500 W. City Richfield State UT Zip 84701
Telephone No. 435-896-5019 Date Proof is Due: 1 August 2001

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Access cleared into Spring site - \$300.00
Development of Spring, Clear site, Excavation,
Retaining Wall & discharge pipes - \$3,700.00

Costing \$ 4,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Due to the Contractor not being able to complete the
spring Development in time to allow The completion
of the Storage tank, & Pipe to Building site

Permit holder(s) request an extension to August 2002

Earl C Hatch
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to August 1, 2002.

Signed this 30 th day of July, 2001

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JUL 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (reason for request must be submitted).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07581

Priority: May 30, 2000

Maximum Diversion Rate:

0.02 CFS

This is to certify, that HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD UT 84701

has applied for a permit to appropriate water from:
SPRING tributary of SINKS

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNESW , Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC
TWN RGE SEC
13S 38E 30 NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before August 1, 2001.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

4th day of August, 2000

Karl J. Dreher
for
Karl J. Dreher, Director

MICROFILMED

NOV 11 2000

RECEIVED

JUL 1 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 30 2000

Department of Water Resources
Eastern Region

Department of Water Resources

1. Name of Applicant HENRY HATCH FAMILY TRUST Phone 435-896-5019
Mailing address 50 Earl Hatch, Trustee 360 S. 500 W. Richfield, Utah 84701
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 13S Range 38E Sec. 30, in the SW 1/4, NE 1/4, SW 1/4, Govt. Lot _____, B.M., Franklin County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for Domestic 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 cfs 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 Develop Spring +
Storage 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.
c. Municipal; show name of municipality.
d. Domestic; show number of households. ONE
e. Other; describe fully. _____

MICROFILMED

NOV 8 7 2000

9. 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	
13S	38E	30									D								

Total number of acres to be irrigated _____

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

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: _____

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.)

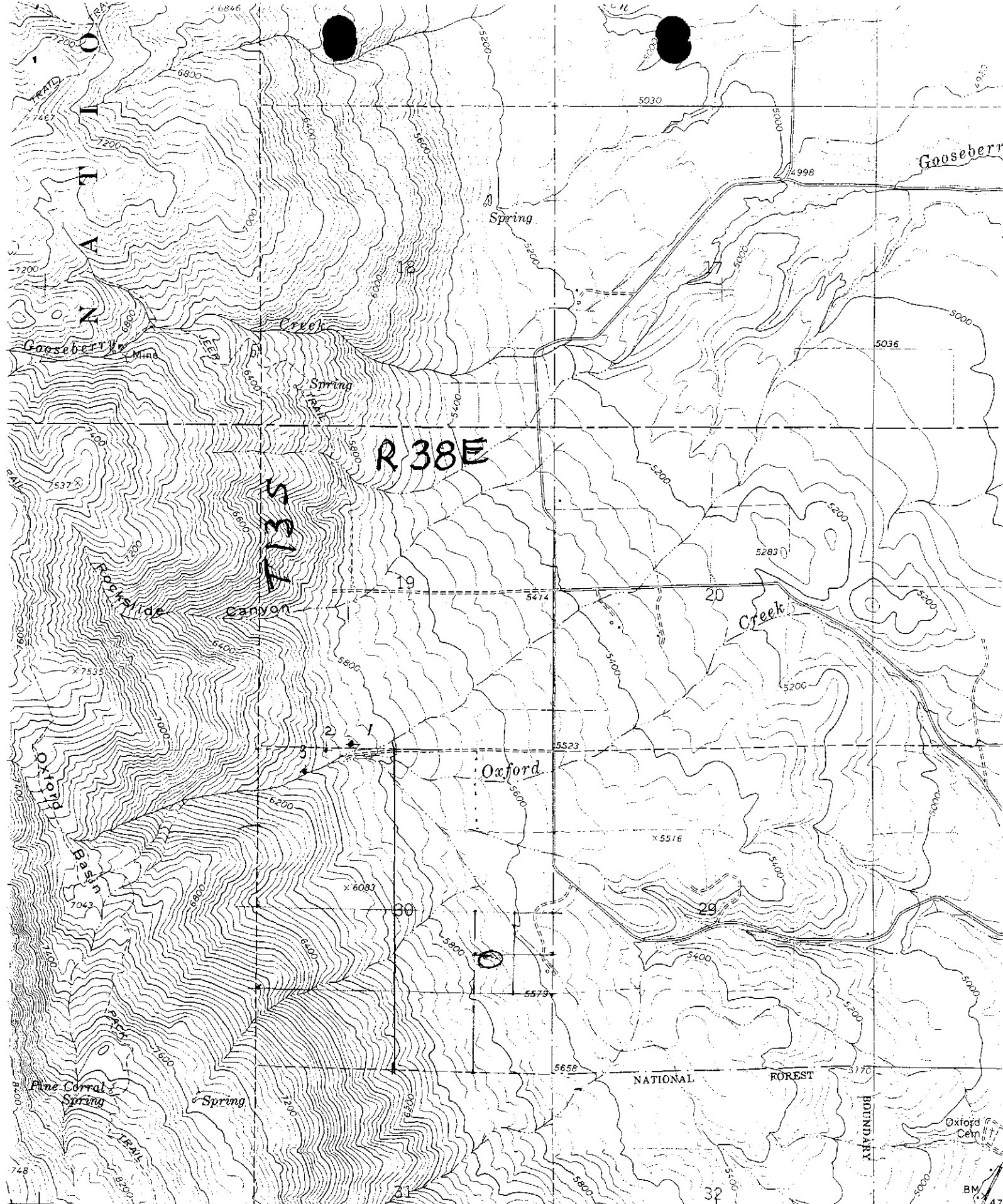
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
NOV 07 2000

Earl C. (P) Hall, Trustee
Signature of Applicant (and title, if applicable)

Received by HLWJ Date 5-30-00 Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by HLWJ # E025862 Date 5-31-00
Publication prepared by SL Date 6/15 & 6/22/00 Published in Paxton Citizen
Publication approved SL Date 7/3/00





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

August 1, 2002

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD UT 84701

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07581

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
AUG 26 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 13-7581

Reviewed By: dgibson

Date: July 31, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E025862, E028002	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/24/2002
Date proof due	-	08/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/30/2000
New priority date	=	05/30/2000

Deficiencies of Actions Items

Acknowledge proof.

May 31, 2002

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD, UT 84701

PROOF DUE NOTICE

RE: PERMIT NO. 13-7581

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

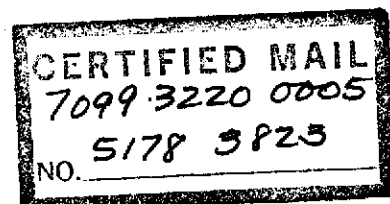
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

AUG 26 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2001

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD UT 84701

RE: PERMIT NO. 13-07581

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **August 1, 2002**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department may not be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

AUG 26 2002

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 13-7581

Reviewed By: dgibson

Date: July 25, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	E025862, C055061		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	07/23/2001	New proof due date	08/01/2002
Date proof due	- 08/01/2001		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 05/30/2000		
New priority date	= 05/30/2000		

Action Taken

Approve and extend proof to 8/1/2002.

May 31, 2001

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD, UT 84701

PROOF DUE NOTICE

RE: PERMIT NO. 13-7581

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

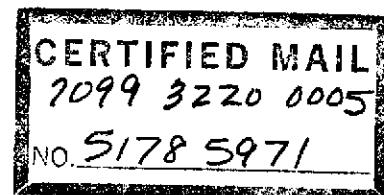
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
AUG 26 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 8, 2000

DIRK KEMPTHORNE
GOVERNOR

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD UT 84701

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07581

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

NOV 07 2000

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of August, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 13-07581

HENRY HATCH FAMILY TRUST
C/O EARL HATCH
360 S 500 W
RICHFIELD UT 84701


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 07 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 7/25/00

No. 13-07581 Name: Hatch Farm Trust Corp. Officers Trustee(s) Ad ok ☒ Govt Lots ☐

AREA OF CONCERN: No/Yes ☐ ☐ Moratorium ☐ ☐ GWMA ☐ ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - ~~P84 (20s-70s, 81-86)~~
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 1 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 1 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 8/01/2001

MISC CONDITIONS/REMARKS:

~~Protected~~ - 020-W19
Development Period
≤ 1 yr - **P16**
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSP - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
~~> 0.24 cfs/5 acres~~ - 01M or No MD

RIVER BASINS: (SW special considerations)

Snow R (01) - W22(P04), N/A
(02, 03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022, 075
Irr., GW supp to SW - 102
DOMESTIC W01 (1)
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON N/A (Per updated map)

IRR VOLUME/ACRE N/A

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

JUL 17 2000

Department of Water Resources

Dist for Staffing
Submitted for advertising 5-31-00STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMITHatch Family TrustINITIAL REVIEW BY HWT DATE 5-31-00 APPLICATION NO. 13-07581REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION:

- ☐ Overlapping place of use (Describe source & relationship to present application on the back)
- ☐ Overlapping point of diversion
- | | | |
|------------------------------|--|--|
| ☐ Yes | ☒ No | Critical groundwater area |
| ☐ Yes | ☒ No | Groundwater management area |
| ☐ Yes | ☒ No | Send dam safety information |
| ☐ Yes | ☒ No | Send fish farm requirement letter |
| ☐ Yes | ☒ No | Power residency affidavit |
| ☐ Yes | ☒ No | Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>) |
| ☐ Yes | ☒ No | Public Water System |
| ☐ Yes | ☒ No | Planning section review |
| ☐ Yes | ☒ No | Moratorium Hold file |
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

- | | | |
|---|--|--|
| ☒ Yes | ☒ No | In form for advertising |
| ☐ Yes | ☒ No | Statewide advertising |
| ☒ Yes | ☐ No | Fee amount, receipt date & No. recorded on application |

SEND COPIES TO:

- ☐ Id Dept of Health & Welfare
- ☐ Id Dept of Fish & Game
- ☐ Id Dept of Lands
- ☐ Adjudication Bureau Unit

- ☐ U.S. BLM
- ☐ U.S. Forest Service
- ☐ Water District
- ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW:

☒	Yes	☐ No	Affidavit of publication received
☒	Yes	☐ No	Application published correctly. If not, record action taken
☒	Yes	☐ No	Publication dates & paper, recorded on application
☐	Yes	☒ No	Protests received
			Final date for protest _____
☐	Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐ No	Recommendations attached
☐	Yes	☐ No	Measuring device required
☐	Yes	☐ No	Access port required
☐	Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☐	Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommendation

By: Shelf

Date:

STATE OFFICE REVIEW

By: _____

Date: _____

ADDITIONAL INFORMATION: _____

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Necia Sammons

being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

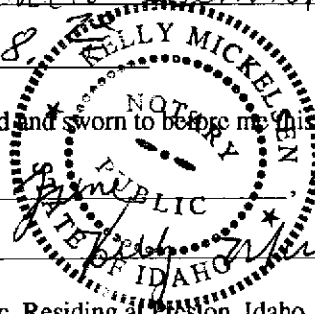
Such notice was published in the issue beginning with

June 14, 2000, and endingwith the issue of June 21, 2000

Fee \$

78.Subscribed and sworn to before me this 21 day

of



Notary Public, Residing at Preston, Idaho

My Commission Expires

8/14

2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07581

HENRY HATCH FAMILY TRUST
C/O EARL HATCH, TRUSTEE

360 S 500 W

RICHFIELD, UT 84701

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNESW Sec 30 T
13S R 38E in FRANKLIN County.

Use:

DOMESTIC (0.020 CFS)

Total Diversion: (0.020 CFS)

Date Filed: 5/30/2000

In: FRANKLIN County

T13S R38E S30 NESW

Any protests against the proposed application must be filed with the Department of Water Resources, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402, together

with a protest fee of \$25.00 on or before July 3, 2000, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy

of the protest to the applicant.

KARL J. DREHER, Director

Legal No. 5026 - Publish June
14 and 21, 2000.

RECEIVED

JUL 03 2000

Department of Water Resources
Eastern Region

MICROFILMED

JUL 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HENRY HATCH FAMILY TRUST
C/O EARL HATCH, TRUSTEE
360 S 500 W
RICHFIELD UT 84701

RE: Application for Permit #13-07581

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on June 15 and 22, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

NOV 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 7, 2000

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 3, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

MICROFILMED

NOV 07 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07581

HENRY HATCH FAMILY TRUST
C/O EARL HATCH, TRUSTEE
360 S 500 W
RICHFIELD, UT 84701

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNESW Sec 30 T 13S R 38E in FRANKLIN County.

Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 5/30/2000

In: FRANKLIN County
T13S R38E S30 NESW

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before JULY 3, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/15/2000 & 6/22/2000

MICROFILMED

NOV 07 2000