

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32177

Priority: February 24, 2005

Maximum Diversion Volume: 13.8 AF

This is to certify, that JOHN HAUCK
PO BOX 2137
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: UNNAMED SLOUGH Tributary: BOISE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	13.8 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED SLOUGH L4 (NW¼NW¼) Sec. 26, Twp 05N, Rge 05W, B.M. CANYON County

PLACE OF USE: WILDLIFE 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	
05N 05W 26						X											
						L 4											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2005**.
2. Subject to all prior water rights.
3. Wildlife storage is for a reservoir. The surface area of the reservoir shall not exceed 2.5 acres.
4. This right authorizes the diversion of 5.0 af of water to fill the reservoir and the diversion of up to 8.8 af of water to replace evaporation losses from the reservoir each year.
5. 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. 63.
6. 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.
7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32177

CONDITIONS OF APPROVAL CONTINUED

8. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of November, 2005.


FOR KARL J DREHER, Director

RECEIVED

SEP 22 2005

WATER RESOURCES
WESTERN REGION

FORM 202

12/99

Ident. No. 63-32177RECEIVED
NOV 17 2005
Department of Water ResourcesSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of Applicant John Hauck Phone (208) 634-4837
Mailing address P.O. Box 2137, McCall, Idaho 83638
2. Source of water supply unnamed slough which is a tributary of Boise River (see remarks)
3. Location of point of diversion is Township 5N Range 5W Sec. 26, in the _____ 1/4,
NW 1/4, NW 1/4, Govt. Lot 4, B.M., Canyon County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 13.8 acre feet for wildlife 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 13.8 acre-feet 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 A weir will be installed as identified on the attached map. The weir construction will comply with all regulatory standards and engineering/licensing requirements.
 - b. Height of storage dam 3.0 ft high x 25.0 ft wide feet; active reservoir capacity 5.0 acre-feet acre-feet; total
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 86°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time Required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is 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	
5N	5W	26						W											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A

- Who owns the property at the point of diversion? John Hauck
- Who owns the land to be irrigated or place of use? John Hauck
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: The weir design will allow landowner to maintain an annual water level in slough at or slightly below the seasonal high water mark. Water elevation upgradient of weir structure will be below existing high water mark of slough. The amount of water requested includes 5.0 acre-feet, the estimated capacity of the slough upgradient of the weir structure and within the property border, and 8.75 acre-feet for annual pond evaporation. The average depth of the slough was estimated to be two feet. This estimation considered some deep pockets and many shallow areas (less than one foot in depth). Pond evaporation was determined using the Pond Evaporation Map supplied by IDWR. (See attached calculation sheet).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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 of Applicant (and title, if applicable)

Received by dn Date 2/24/05 Time _____ Preliminary check by dn
 Fee \$ 100.00 Receipted by dn Date 2/24/05 Preliminary check by dn
 Publication prepared by dn Date 11-10-05 Published in PRESS TRIBUNE
 Publication approved dn Date 11-10-05

and many shallow areas (less than one foot in depth). Pond evaporation was determined using the Pond Evaporation Map supplied by IDWR. (See attached calculation sheet).

Application for Permit
John Hauck
February 15, 2005

Pond Evaporation Calculation Sheet

pond water surface = 2.5 acres

evaporation coefficient = 42 inches (taken from Pond Evaporation Map supplied by IDWR)

$2.5 \text{ acres} \times 42/12 = 8.75 \text{ acre feet}$

63-32177

BASIS OF BEARING
N00°34'29"E 2587.00'

533.02'
1786.74'

BOISE RIVER

TOP OF BANK
BOISE RIVER
AS SURVEYED 2-2-05

IRRIGATION
CANAL

PORTION OF
GOVT. LOT
4
35.4 AC.±

PROPOSED
CULTIVATION
AREA
7.45 AC.±

POND
0.86 AC.±

PROPOSED
CONTROL
STRUCTURE

PROPOSED
PUMP
LOCATION

SLOUGH
0.74 AC.±

SLOUGH

SLOUGH
2.91 AC.±

POND

POND

10' WC

S00°46'02"W 1710.10'

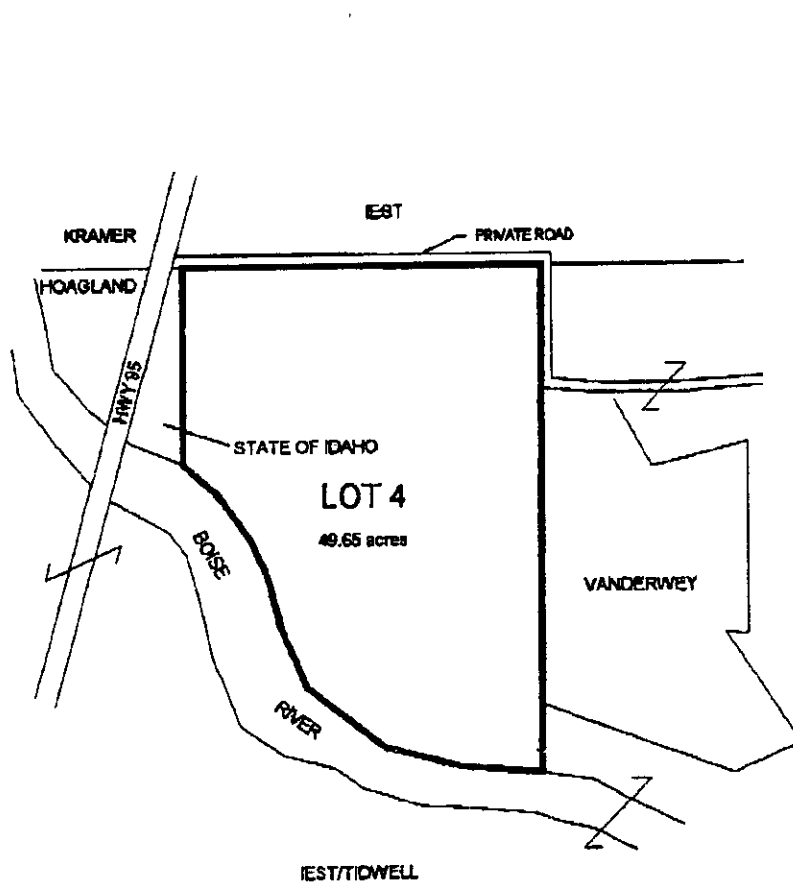
1318.21'

Case No.

963186E26-5N-5W

300' NOTIFICATION

A request by Joseph E. Smith for an ADMINISTRATIVE LOT SPLIT (H)(3) to divide approximately 49.65 acres into 2 parcels.



Date: 9-24-96

Location: NW 26-5-5

Zoning: A

Aerial:

All proportions and dimensions shown on this drawing are approximate

63-32177



63-32177

REQUEST TO PROCESS

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

Name of Applicant

John Hauck

Mailing Address

P.O. Box 2137

McCall, Idaho 83638

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



Date

Please return this form to:

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

INSTRUMENT NO.

200509799

PC62263

WARRANTY DEED

FOR VALUE RECEIVED Mary Louise Smith, an unmarried woman

the Grantor, does hereby grant, bargain, sell and convey unto John A. Hauck and Kristen A. Hauck, Trustees of THE HAUCK FAMILY REVOCABLE TRUST

the Grantees, whose address is

P.O. Box 2137, McCalla, Id 83638

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of two (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: February 23, 2005

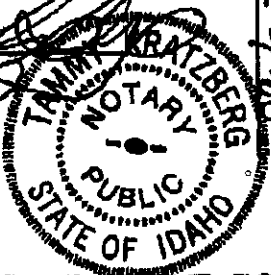
Mary Louise Smith
 Mary Louise Smith

STATE OF IDAHO

COUNTY OF CANYON

On this 24th day of February in the year 2005, before me, a Notary Public, personally appeared Mary Louise Smith known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Tammy Kratzberg
 Notary Public
 Residing at Caldwell
 My Commission Expires 2/3/10



PIONEER TITLE COMPANY
 OF CANYON COUNTY

100 10TH AVE SOUTH
 NAMPA, IDAHO 83651

610 SOUTH KIMBALL
 CALDWELL, ID 83605

REQUEST
 TYPE *Hand* SEE 9-00

PIONEER-CALDWELL

BY *A. M. Caldwell*
 CANYON CNTY RECORDER

G NOEL HALE

2005 FEB 25 PM 3 57

RECORDED

200509799

1983 (1982)
Min Language Committ

PC 62263

Exhibit "A"

Parcel 1

A portion of Government Lot 4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, the Northwest corner of said Section 26; thence

South 89° 14' 18" East along the North boundary of said Government Lot 4 a distance of 1,323.28 feet to the Northeast corner of said Government Lot 4; thence

South 0° 46' 02" West along the East boundary of said Government Lot 4 a distance of 401.88 feet to the centerline of an existing irrigation ditch; thence traversing said centerline as follows:

North 87° 51' 19" West a distance of 98.15 feet;

North 82° 10' 17" West a distance of 234.42 feet;

North 74° 45' 06" West a distance of 120.83 feet;

North 72° 47' 53" West a distance of 343.63 feet;

South 66° 09' 06" West a distance of 325.78 feet;

South 71° 50' 26" West a distance of 61.34 feet;

South 80° 50' 58" West a distance of 66.29 feet;

North 76° 21' 33" West a distance of 69.93 feet;

North 58° 19' 16" West a distance of 28.90 feet;

North 43° 49' 20" West a distance of 131.74 feet to a point on the

West boundary of said Government Lot 4; thence

North 0° 34' 29" East along said West boundary a distance of 287.34 feet to the POINT OF BEGINNING.

Parcel 2

Lot 4, Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

TOGETHER WITH AN ACCESS EASEMENT:

A portion of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, and a portion of the Northeast Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter of the Southwest Quarter; thence

North 00° 00' 00" East along the West boundary of said Southwest Quarter of the Southwest Quarter, a distance of 25.00 feet; thence

North 89° 54' 00" East parallel with the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 1,348.72 feet; thence

(continued)

Revised (1987)
Main Language Committee

South 00° 03' 00" East parallel with the West boundary of said Southeast Quarter of the Southwest Quarter, and parallel with the West boundary of said Northeast Quarter of the Northwest Quarter, a distance of 450.00 feet; thence

South 89° 54' 00" West parallel with the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 25.00 feet to a point on the West boundary of said Northeast Quarter of the Northwest Quarter; thence

North 00° 03' 00" West along the West boundary of said Northeast Quarter of the Northwest Quarter a distance of 435.00 feet to the Northwest corner of said Northeast Quarter of the Northwest Quarter, which point is also the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence

South 89° 54' 00" West along the South boundary of said Southwest Quarter of the Southwest Quarter a distance of 1,323.74 feet to the POINT OF BEGINNING.

AND

The Southerly 28 feet of the Southeast Quarter of the Southeast Quarter in Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, lying East of the right-of-way of U.S. Highway 95.

EXCEPTING THEREFROM:

A portion of Government Lot 4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, the Northwest corner of said Section 26; thence

South 89° 14' 18" East along the North boundary of said Government Lot 4 a distance of 1,323.28 feet to the Northeast corner of said Government Lot 4; thence

South 0° 46' 02" West along the East boundary of said Government Lot 4 a distance of 401.88 feet to the centerline of an existing irrigation ditch; thence traversing said centerline as follows:

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North 82° 10' 17" West a distance of 234.42 feet;

North 74° 45' 06" West a distance of 120.83 feet;

North 72° 47' 53" West a distance of 343.63 feet;

South 66° 09' 06" West a distance of 325.78 feet;

South 71° 50' 26" West a distance of 61.34 feet;

South 80° 50' 58" West a distance of 66.29 feet;

North 76° 21' 33" West a distance of 69.93 feet;

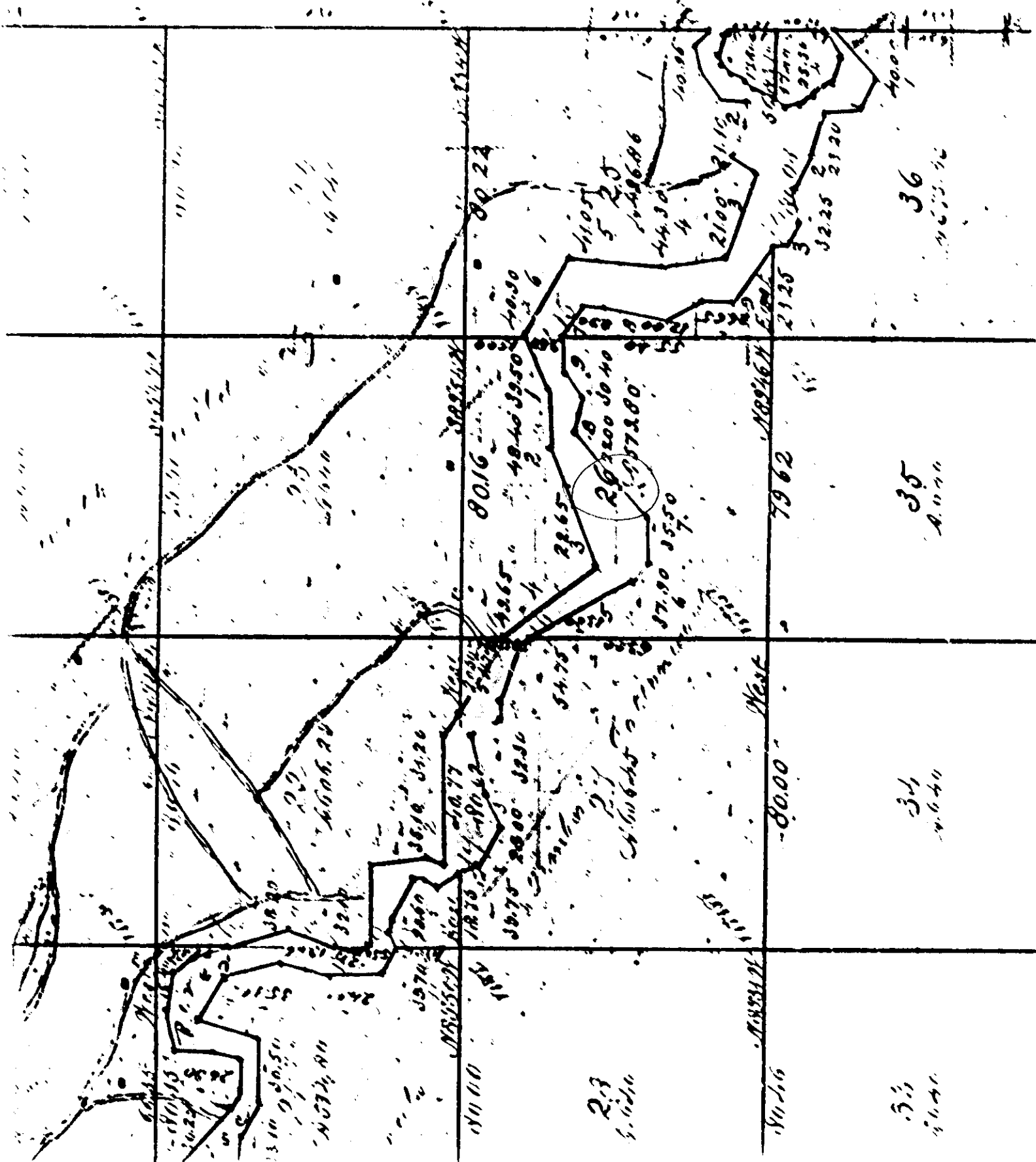
North 58° 19' 16" West a distance of 28.90 feet;

North 43° 49' 20" West a distance of 131.74 feet to a point on the West boundary of said Government Lot 4; thence

North 0° 34' 29" East along said West boundary a distance of 287.34 feet to the POINT OF BEGINNING.

ML 5

193



RECEIVED

FEB 24 2005

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

ORIGINAL

To appropriate the public waters of the State of Idaho

1. Name of Applicant John Hauck Phone (208) 634-4837
Mailing address P.O. Box 2137, McCall, Idaho 83638
2. Source of water supply unnamed pond which is a tributary of Boise River (see remarks)
3. Location of point of diversion is Township 5N Range 5W Sec. 26, in the _____ 1/4,
NW 1/4, NW 1/4, Govt. Lot 4, B.M., Canyon County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 13.8 acre-feet for Wildlife 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) 13.8 acre-feet 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 A weir will be installed as identified on the attached map. The weir construction will comply with all regulatory standards and engineering/licensing requirements.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 86°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time Required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Wildlife; Weir structure will maintain consistent annual water level in slough for wildlife.

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	
5N	5W	26						W	W										

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? John Hauck

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

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: The weir design will allow landowner to maintain an annual water level in slough at or slightly below the seasonal high water mark. Water elevation upgradient of weir structure will be below existing high water mark of slough. The amount of water requested includes 5.0 acre-feet, the estimated capacity of the slough upgradient of the weir structure and within the property border, and 8.75 acre-feet for annual pond evaporation. The average depth of the slough was estimated to be two feet. This estimation considered some deep pockets and (see attached)

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.

akt
Signature of Applicant (and title, if applicable)

Received by akt Date 2-24-05 Time 4:10 Preliminary check by _____
 Fee \$ 100 Received by akt # W032630 Date 2-24-05
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

**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

November 22, 2005

JOHN HAUCK
PO BOX 2137
MC CALL ID 83638

RE: Permit No. 63-32177

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.

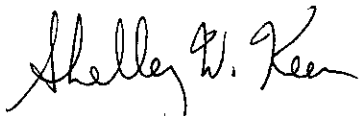
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: JON C GOULD

CERTIFICATE OF SERVICE

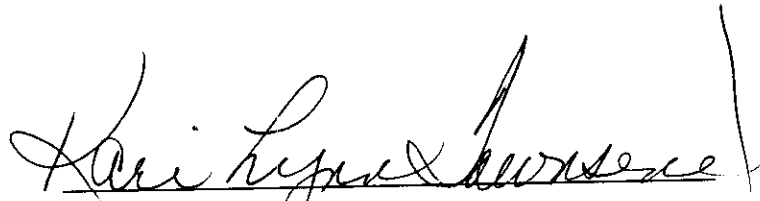
I hereby certify that on November 22, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32177

**JOHN HAUCK
PO BOX 2137
MC CALL ID 83638**

**JON C GOULD
RINGERT CLARK
PO BOX 2773
BOISE ID 83701**



**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.

✓/sk

LEGAL NOTICE

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

63-32177

JOHN HAUCK

PO BOX 2137

MC CALL ID 83638

Point(s) of Diversion NWNW S26 T05N R05W CANYON County Source UNNAMED SLOUGH

Tributary To BOISE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 13.8 AFA

Total Diversion: 13.8 AFA

Date Filed: 02/24/2005

Place Of Use: WILDLIFE STORAGE

T05N R05W S26 NWNW

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 11/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

October 20, 27, 2005

04525566

RECEIVED

OCT 28 2005

WATER RESOURCES
WESTERN REGION

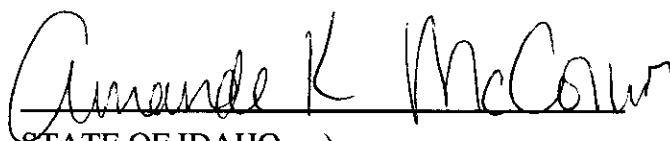
e0100285 04525566
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Canyon) SS.

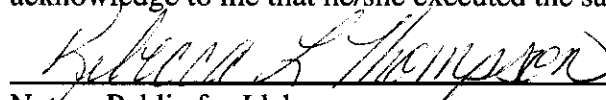
Amanda K. McCollum
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

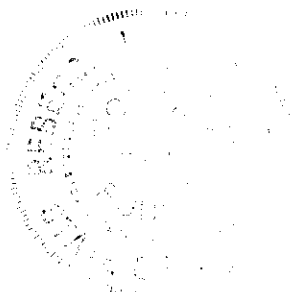
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
10/20/2005, 10/27/2005

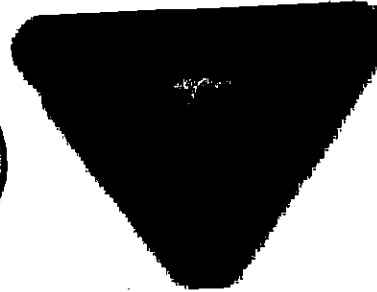
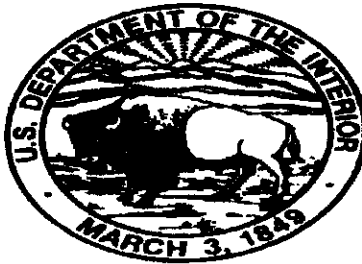


STATE OF IDAHO)
County of Canyon)

On the 27th day of October in the year of 2005
before me, a Notary Public, personally appeared.
Amanda K. McCollum,
known 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
acknowledge to me that he/she executed the same.


Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008





Lin Buck - Water Rights Assistant (ID933B)
Department of the Interior - Bureau of Land Management - Idaho State Office
1387 South Vinnell Way - Boise, Idaho 83709
Phone: (208) 373-4097 Fax: (208) 373-3839 Email: Lin_Buck@blm.gov

FAX

October 24, 2005

To: Sue Taylor - IDWR - Western Regional Office - Fax # (208) 334-2348
cc: Mike Truden - BLM - Bruneau/Owyhee FO - Fax # (208) 384-3493

From: Lin Buck - BLM - Idaho State Office - Fax # (208) 373-3839

Re: Application for Permit No. 63-32177, for John Hauck

Good Afternoon Sue:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report from your website.

Our MTP (copy attached) shows the POD and POU as described may be missing a lot number.

POD: T05N R05W S26 NWNW
POU: T05N R05W S26 NWNW

BLM does not have a problem with this claim; we are just providing this for your information.

Thank you.

Have a nice day!!

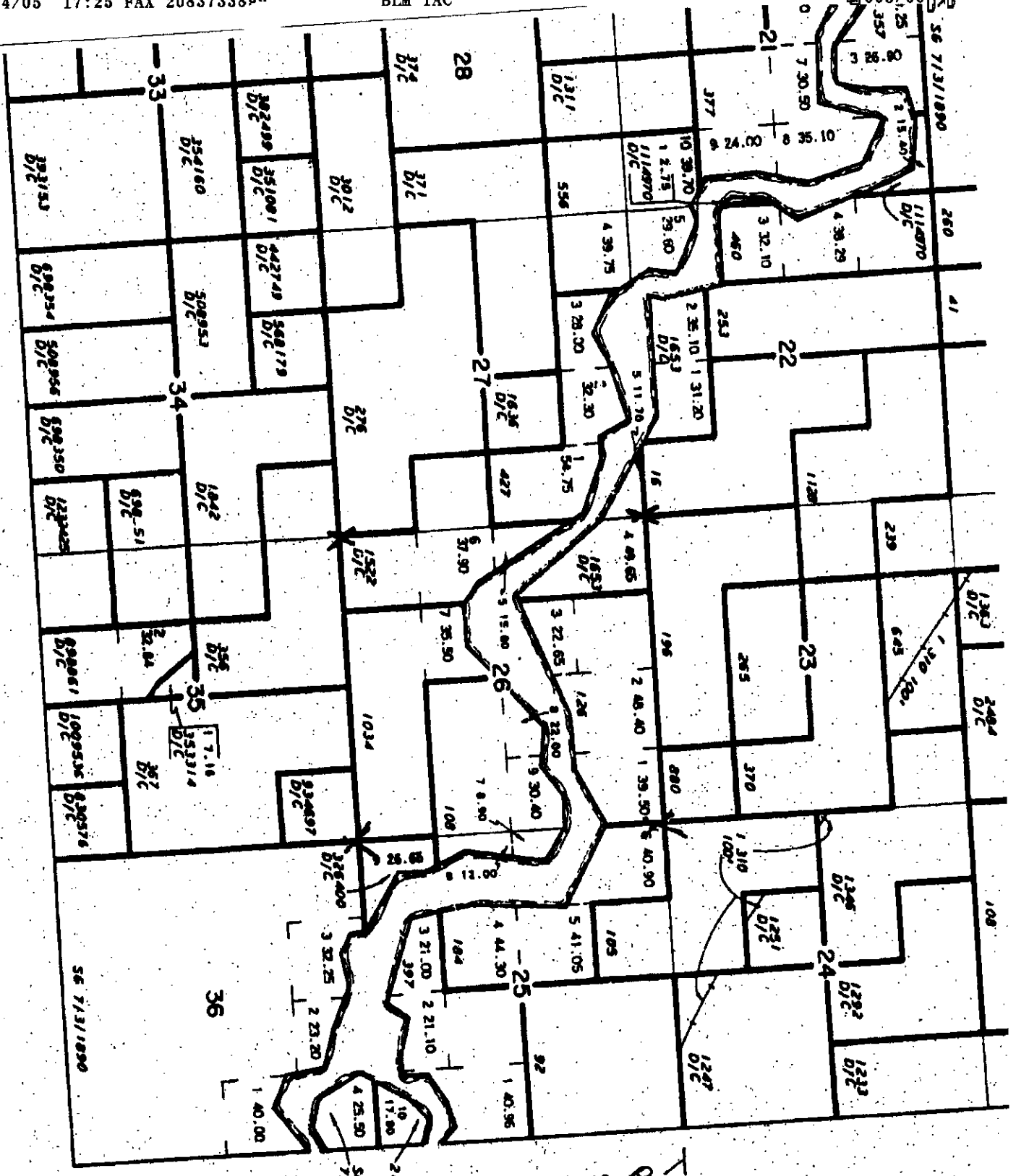
Pages: 3 (includes cover sheet)

0003/00

0 5 0 10 20 30 60

SCALE in Chains

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. It is not a legal document and does not reflect title changes which may have been made.



LOSS
RASH
Sole
OWNER

USE PLATS
CR
FOR ORDER
UNIDENTIFIED
MISCELLAN

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

RECEIVED
OCT 13 2005
WATER RESOURCES
WESTERN REGIONApplication Number: 63-32177Applicant's Name: John Hauck

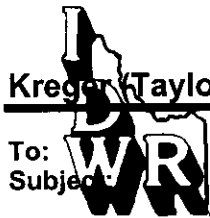
Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned as follows:Standard watermaster conditionsc) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments: _____

Dated this 13 day of Oct, 2005Water District Number: 63 Watermaster's Signature: Lee Swier

Use back side of this page if you need more space



State of Idaho

Kreger (Taylor), Sue

DEPARTMENT OF WATER RESOURCES

To:
Subject:

Western Region Office, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
comment letters FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL DREHER
Director

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

September 29, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached is a copy(s) of one or more 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 October 24, 2005.

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

Sincerely,



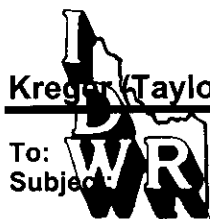
63-32176.pdf



63-32177.pdf



72203.pdf



State of Idaho

Kregg (Taylor), Sue

DEPARTMENT OF WATER RESOURCES

To:
Subject:

Western Region
comment letters

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

September 29, 2005

LEE SISCO
WATERMASTER DIST. NO. 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application(s) for Water Right (s)

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,



63-32176.pdf



63-32177.pdf



Copy of
commendation of Wa

RECEIVED

MAR 03 2005

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

March 2, 2005

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit

Dear Water Resource Agent,

Please find two copies of the Warranty Deed for the real property which encompasses the places of use and point of diversion for two recently submitted Application for Permits in the name of John Hauck. While a deed was not requested, I would like to supplement the two recent applications to ease processing. Please contact me if additional information is needed. Thank you.

Yours very truly,


Jon C. Gould

cc: Client

RECEIVED
FEB 24 2005
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Harris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Alyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

February 24, 2005

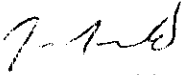
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit

Dear Water Resource Agent,

Please find Application for Permit, Request to Process, pond evaporation calculation sheet, application fee in the amount of one-hundred dollars, a map showing the proposed control structure location and the slough, an aerial photo including property boundaries, and additional map displaying the lot number and township, range and section. Please contact me if additional information is needed to complete the ownership change. Thank you.

Yours very truly,


Jon C. Gould

cc: Client

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

October 14, 2005

Legal Notice Department

PRESS-TRIBUNE

PO BOX 9399

NAMPA ID 83652

RE: Application for Permit No. 63-32172, 63-32176 and 63-32177

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 11/07/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger

Administrative Assistant

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JOHN HAUCK
PO BOX 2137
MC CALL ID 83638

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KARL J DREHER, Director

Published in the Press-Tribune on October 20 and 27, 2005.