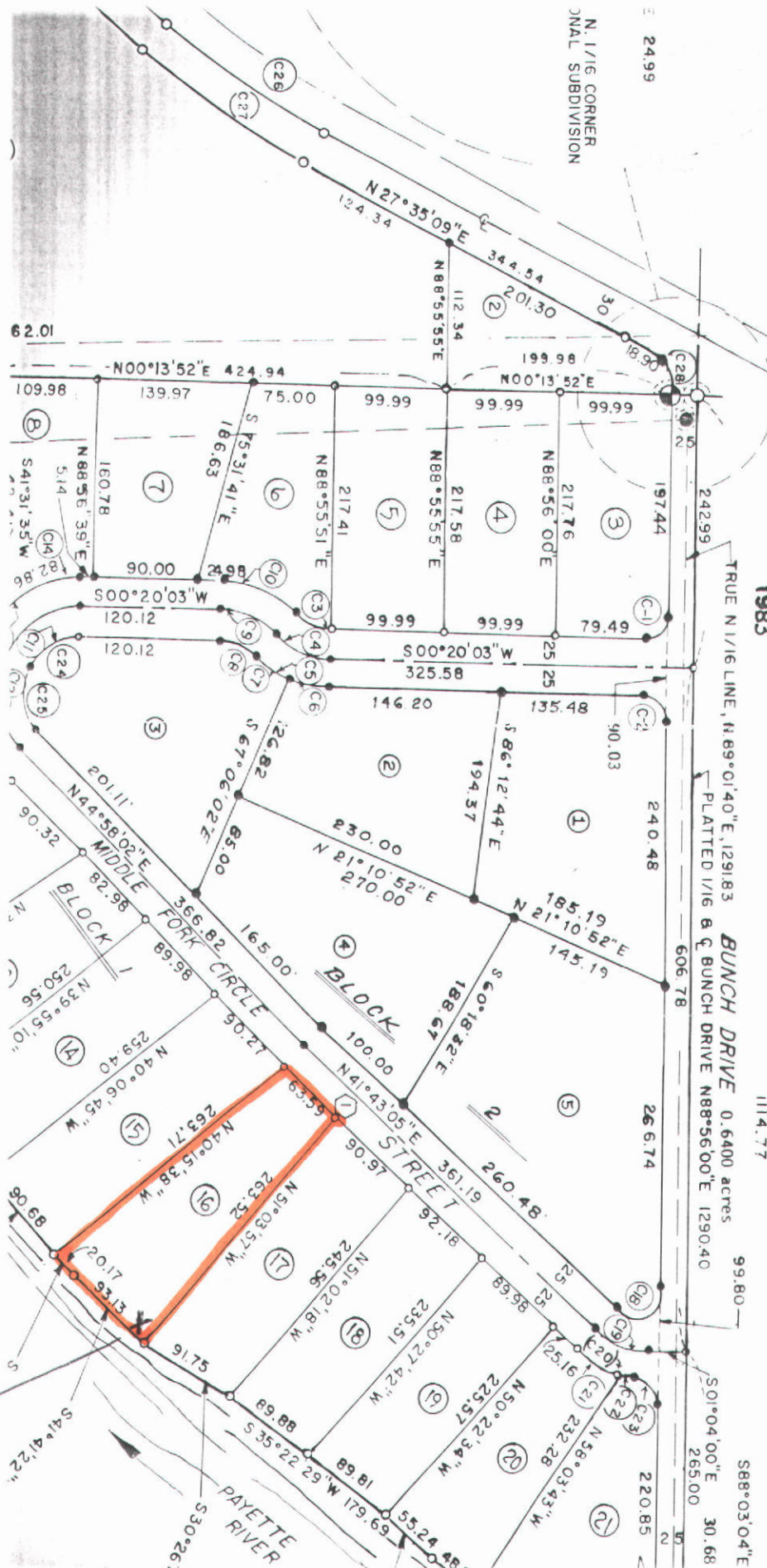


Steve Mathes
 Lot 16
 Block 1
 Garden Valley
 Estates
 #1

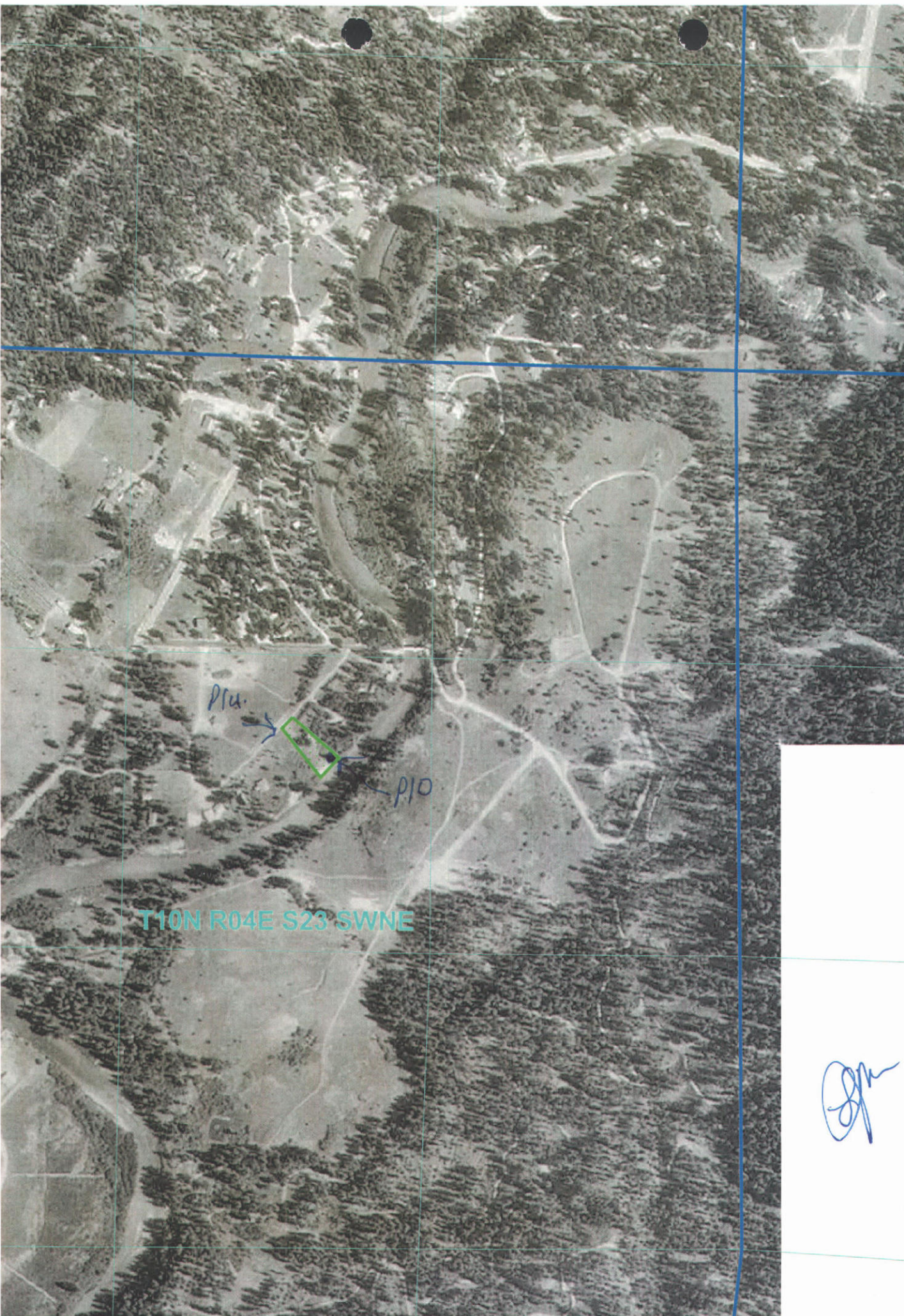
GARDEN VALLEY ESTATES NO. 1
 SITUATED IN THE NORTH HALF, SECTION 23, T.10N, R.4E, B.M.
 BOISE COUNTY, IDAHO
 1983

RECORDER'S PLAT
 OF



NO 10759
 DAN
 7-12-04

65-22905



T10N R04E S23 SWNE

[Signature]

RECEIVED

SEP 13 2004

WATER RESOURCES
WESTERN REGION

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 1, 2004 and ending with the issue of Sept 8, 2004.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 9 day of Sept in the year 2004, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05

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

65-22905

STEPHEN MATHES
1150 E BASENJI
MERIDIAN ID 83642
LESLIE MATHES
1150 E BASENJI
MERIDIAN ID 83642

Point(s) of Diversion SWNE S23 T10N R04E
BOISE County Source NORTH FORK PAYETTE RIVER
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 08/05/2004

Place Of Use: IRRIGATION

T10N R04E S23 SWNE

Number of Acres 1

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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on September 1 and 8, 2004.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22905

Priority August 05, 2004

Maximum Diversion Rate 0.03 CFS

This is to certify, that STEPHEN MATHES And/Or LESLIE MATHES
1150 E BASENJI
MERIDIAN ID 83642

have applied for a permit to appropriate water from

Source: MIDDLE FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/31

RATE OF DIVERSION

0.03 CFS

LOCATION OF POINT OF DIVERSION:

MIDDLE FORK PAYETTE RIVER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23, Twp 10N, Rge 04E, B.M , BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 04E 23			1.0														1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2005**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 65.
4. 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
5. Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum flow amounts.
6. Point of diversion and place of use are located within Lot 16, Blk. 1, Garden Valley Estates No 1
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above
8. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22905

- 9 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 4th day of November, 2004.


for KARE J DREHER, Director

RECEIVED

MAY 28 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Permit No.

65-22905

12/99

RECEIVED

1. Name of Applicant

OCT 15 2004

Stephen & Leslie Mathes

Phone

887-0887

MAILING ADDRESS
DEPARTMENT OF
WATER RESOURCES

1150 E. Basenji Meridian ID 83642

2. Source of water supply

Middle Fork of Payette which is a tributary of Payette River

3. Location of point of diversion is Township 10N Range 4E Sec 23 in the SW $\frac{1}{4}$,NESE $\frac{1}{4}$, Govt Lot 36, B.M., Boise County;

additional points of diversion if any.

4. Water will be used for the following purposes:

Amount 0.03 for Irrigation purposes from Mar 15 to Oct 31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.03 and/or (b) 3.5

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 1 Horse Pump

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. 87. 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

- 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	
10	4E	23			1													~~SE~~	1

Total number of acres to be irrigated ~~25~~ 1 *AK*

10 Describe any other water rights used for the same purposes as described above none

11 a Who owns the property at the point of diversion? Steve and Leslie Mathes

b Who owns the land to be irrigated or place of use? Steve and Leslie Mathes

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

Property also known as Lot 16 Block 1
Garden Valley Estates #1

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 5 minute topographic quadrangle map is preferred.)

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

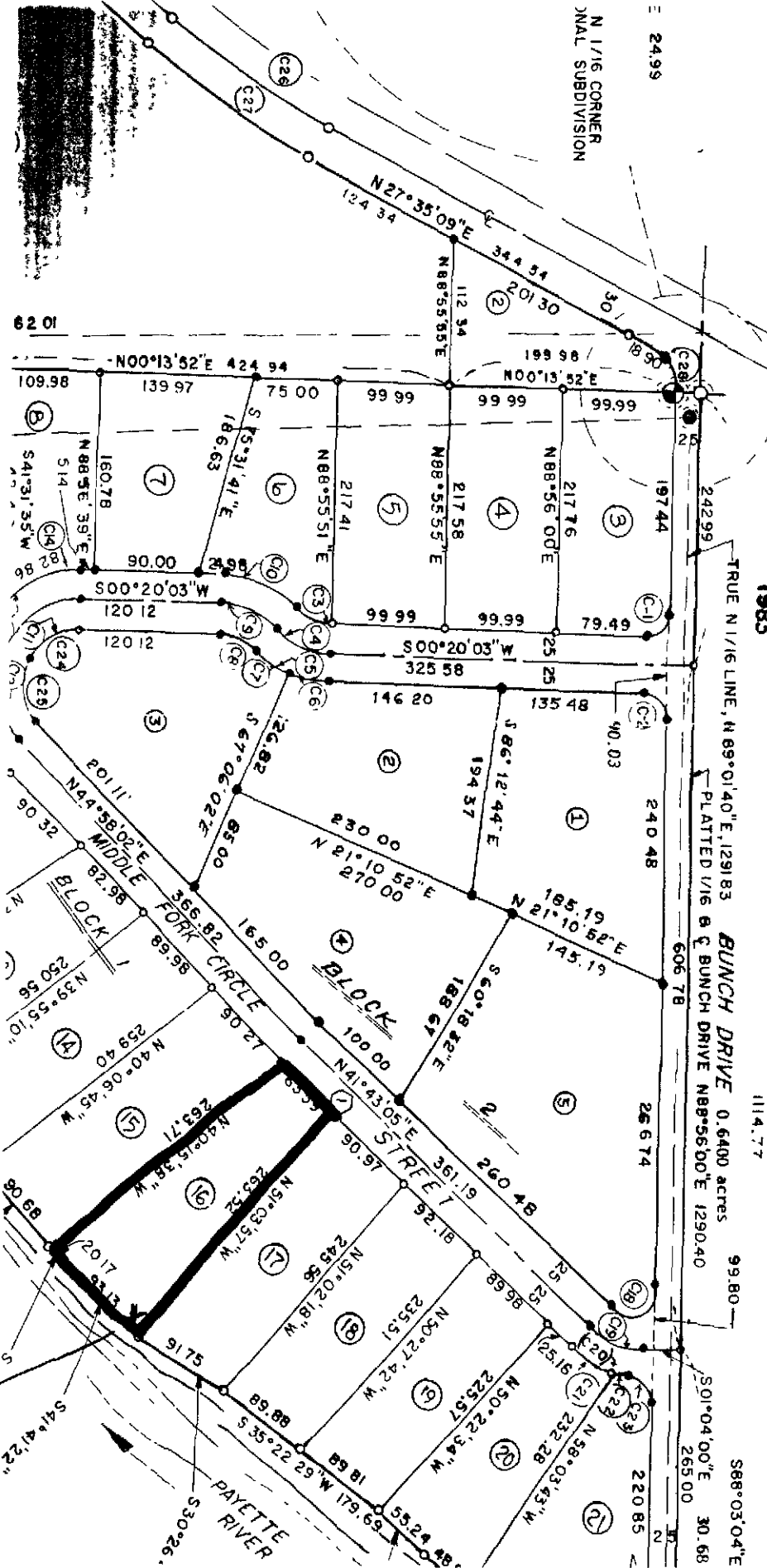

Signature of Applicant (and title, if applicable)

Received by KL Date 5/28/04 Time 11:57 Preliminary check by
 Fee \$ 10000 Receipted by KL # W031770 Date 5/28/04
 Publication prepared by AK Date 9-14-04 Published in
 Publication approved AK Date 9-20-04 IDAHO WORLD

Steve Mathes
 Lot 16
 Block 1
 Garden Valley
 Estates
 #1

GARDEN VALLEY ESTATES NO. 1
 SITUATED IN THE NORTH HALF, SECTION 23, T.10N, R.4E, BM
 BOISE COUNTY, IDAHO
 1983

RECORDER'S PLAT
 OF



NO 600T
 1015
 1012
 1012

65-22905

REQUEST TO PROCESS

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

Name of Applicant

Leslie Mathes

Mailing Address

1150 E. Basenji
Meridian ID 83642

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.

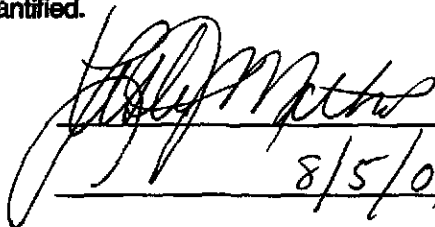
___ PROPOSE MITIGATION NOW

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

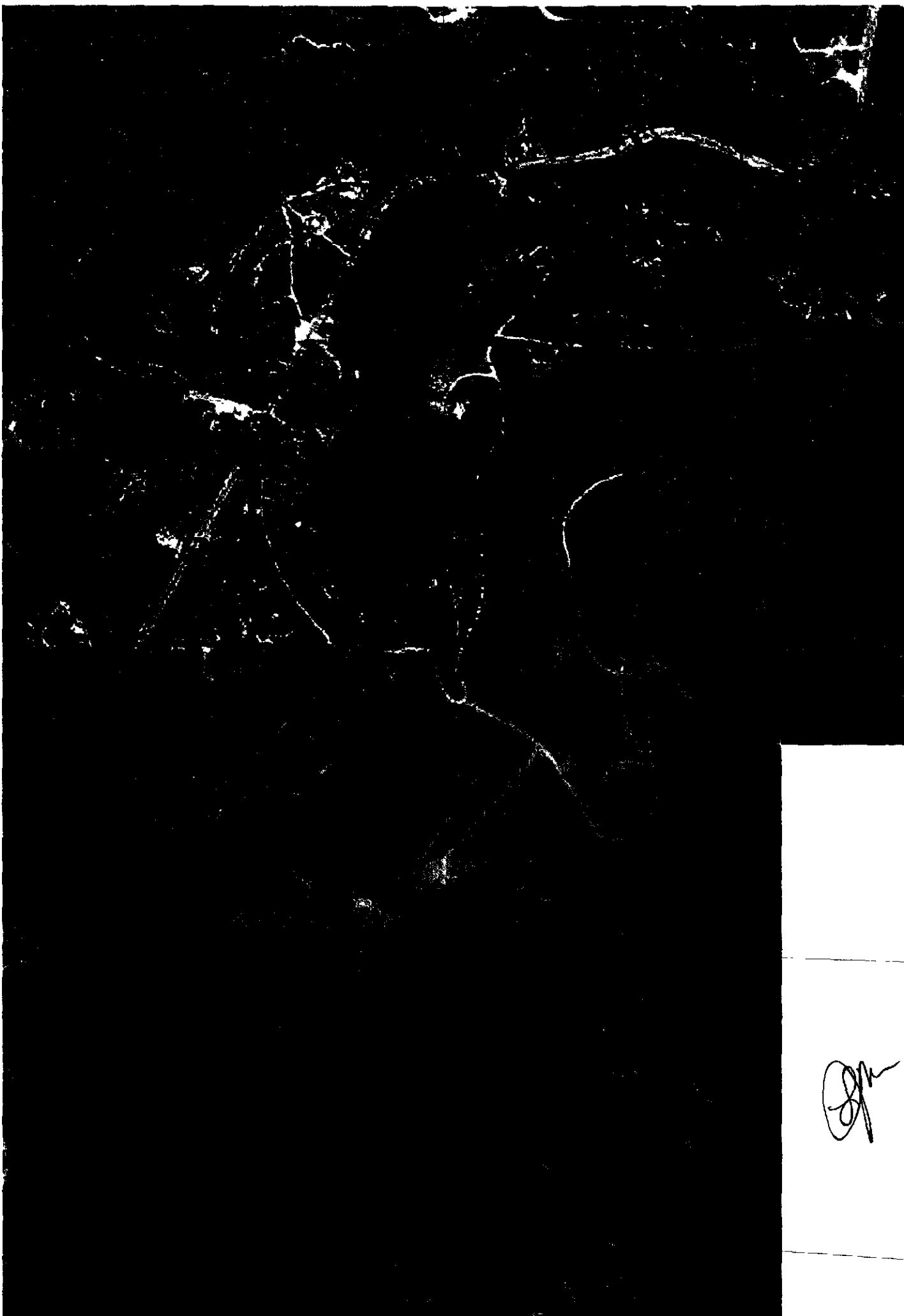


Date

8/5/04

Please return this form to:

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



gm



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 4, 2004

STEPHEN MATHES
LESLIE MATHES
1150 E BASENJI
MERIDIAN ID 83642

RE: Permit No. 65-22905

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

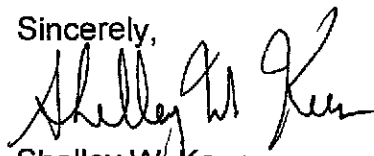
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

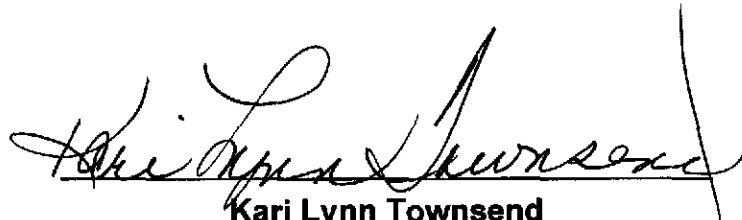
CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22905

**LESLIE MATHES
STEPHEN MATHES
1150 E BASENJI
MERIDIAN ID 83642**



**Kari Lynn Townsend
Secretary**

**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.

Comment Report

65-22905

1. dnelson 8/16/2004 Comment/Analysis

Comment: This application is for irrigation from the Middle Fork of the Payette River. There are several overlapping rights, but none seem significant. The application will need to be conditioned with the standard Payette River limitation language. Property is also known as Lot 16 Block 1 Garden Valley Estates #1.

2. scurtis 8/16/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

3. kwalker 11/2/2004 Source & Review

Comment: Application listed source as Middle Fork Payette River but was entered and advertised as North Fork Payette River. Have corrected source per review of topographical map V11. Recommend approval.

Graham, Bill

86

10-31-04

To: Walker, Kay
Subject: Application for Permit to Appropriate Water, #65-22905

Kay - I believe this one is on the Middle Fork Payette River, which does not contain minimum stream flow reaches. However, it is tributary to the South Fork Payette which does have minimum stream flow reaches extending downstream of the Middle Fork confluence. If approved, this permit should contain the standard condition regarding the right's junior status.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAW Date 7-12-04 Application # 65 22965

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☐ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area $\geq$ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

RECEIVED
OCT 15 2004
DEPARTMENT OF
WATER RESOURCES

Government Lots
NO P/D
NO P/U

ADDITIONAL INFORMATION

Yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) There are numerous overlapping
- ☒ P/U overlap (explain) rights, but none seem significant.
- ☒ Critical groundwater area (send letter)
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file:
- ☐ Immediate = closed areas, acceptable plan required & submitted
- ☒ Future = open areas, plan not required
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 65. 22905

YES NO

☒ ☐ In form for advertising
☒ ☐ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☐ ☒ IDEQ
☐ ☒ District Health
☐ ☒ IDFG
☐ ☒ IDL

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 65
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____
☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest 9-20-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter

STANDARD conditions including
Payette River controls

Recommended Date of Priority _____

Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 10-8-04

ADDITIONAL INFORMATION

☒ See attached proof report, note Legal Notice Remarks &/or Comments
☒ Shapefile completed (optional: attach with proof report)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22905

WATER RIGHT NUMBER: 65-22905

Owner Type Name and Address
 Current Owner STEPHEN MATHES ✓
 1150 E BASENJI ✓
 MERIDIAN, ID 83642 ✓
 (208)887-0887 ✓

Current Owner LESLIE MATHES ✓
 1150 E BASENJI ✓
 MERIDIAN, ID 83642 ✓
 (208)887-0887 ✓

Priority Date: 08/05/2004

Basis:

Status: Active

Source Tributary
 NORTH FORK PAYETTE RIVER ✓ PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15 to 10/31	0.030 CFS ✓	
	<u>Total Diversion:</u>	0.030 CFS ✓	

Location of Point(s) of Diversion
 NORTH FORK PAYETTE RIVER ✓ SW 1/4 NE 1/4 ✓ Sec. 23, Twp 10N, Rge 04E, B.M. ✓
 BOISE County

Place of Use
 IRRIGATION
 Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals
 10N 04E 23 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 1.0

Remarks:Comments:

1. dnelson 8/16/2004 Comment/Analysis
 Comment: This application is for irrigation from the Middle Fork of the Payette River. There are several overlapping rights, but none seem significant. The application will need to be conditioned with the standard Payette River limitation language. Property is also known as Lot 16 Block 1 Garden Valley Estates #1 ✓

2. scurtis 8/16/2004 Legal Notice Remarks
 Comment: Applicant agrees to mitigate consumptive use in the future as needed. ✓

Dates and Other Information:

Application Received Date: 8/5/2004
 Owner Name Connector: AND/OR
 Application Type: New Appropriation
 Applicant Remarks: Property also known as Lot 16, Blk. 1, Garden Valley Estates #1. ✓
 Other Water Rights:
 Time to Complete Works: 1

State of Idaho
Department of Water Resources

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OCT 08 2004

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22905Applicant's Name: Stephen and or, Leslie Mathes

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: _____

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

- d) Additional Comment In the future diversions of this rate
will possibly be added into the accounting system of the district.
And become subject to Annual Assessments and Rental Pool Fees.

Dated this 7th day of October, 2004

Water District No. 65


Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, September 21, 2004 10:35 AM
To: 'Waterdist65@srvinet.com'
Subject: Comment letter

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

September 21, 2004

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Ron:

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

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

Sincerely,

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



65-22905.pdf



Copy of
commendation of Wa

RECEIVED

SEP 13 2004

WATER RESOURCES
WESTERN REGION

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 1, 2004 and ending with the issue of Sept 8, 2004.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 9 day of Sept in the year 2004, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber
Notary Public for Idaho
Residing at Garden Valley, Idaho
My commission expires 2/10/05

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

65-22905

STEPHEN MATHES
1150 E BASENJI
MERIDIAN ID 83642
LESLIE MATHES
1150 E BASENJI
MERIDIAN ID 83642

Point(s) of Diversion SWNE S23 T10N R04E
BOISE County Source NORTH FORK PAYETTE RIVER
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 08/05/2004
Place Of Use: IRRIGATION
T10N R04E S23 SWNE
Number of Acres: 1

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 Resources, Western Region, 2735 Airport Wy, Boise ID 83725 together with a protest fee of \$25.00 for each application on or before 09/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the Idaho World on September 4 and 8, 2004.

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

August 25, 2004

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 65-22905 and 63-31981

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 09/20/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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Date Filed 08/05/2004

Place Of Use IRRIGATION

T10N R04E S23 SWNE

Number of Acres 1

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

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KARL J DREHER, Director

Published in the Idaho World on September 1 and 9, 2004.