

GREG  
GARLICK

ORIGINAL  
PT. OF DEVERSION

X NEW  
X PT. OF DEVERSION

IRENE  
HULTGREN

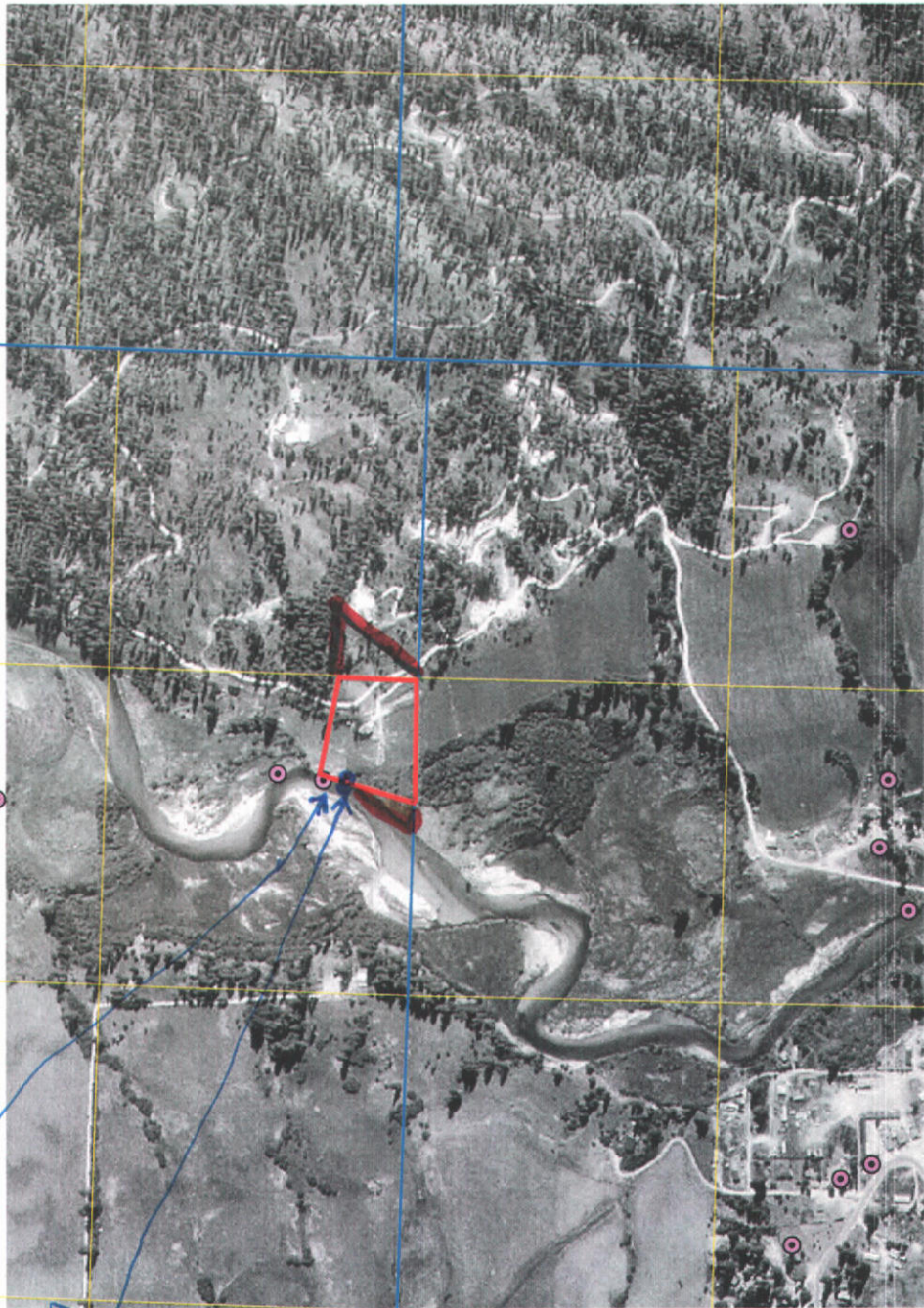
Payette River

SE 1/4 of Section 10, Township 9 North, Range 4 East,  
Boise Meridian, Boise County, Idaho

# Portion of 65-2976B

pd under  
65-2976B

adding  
new  
pld



65-2976b.shp - portion

Sections

QQ

GCDB09N04E GCDB

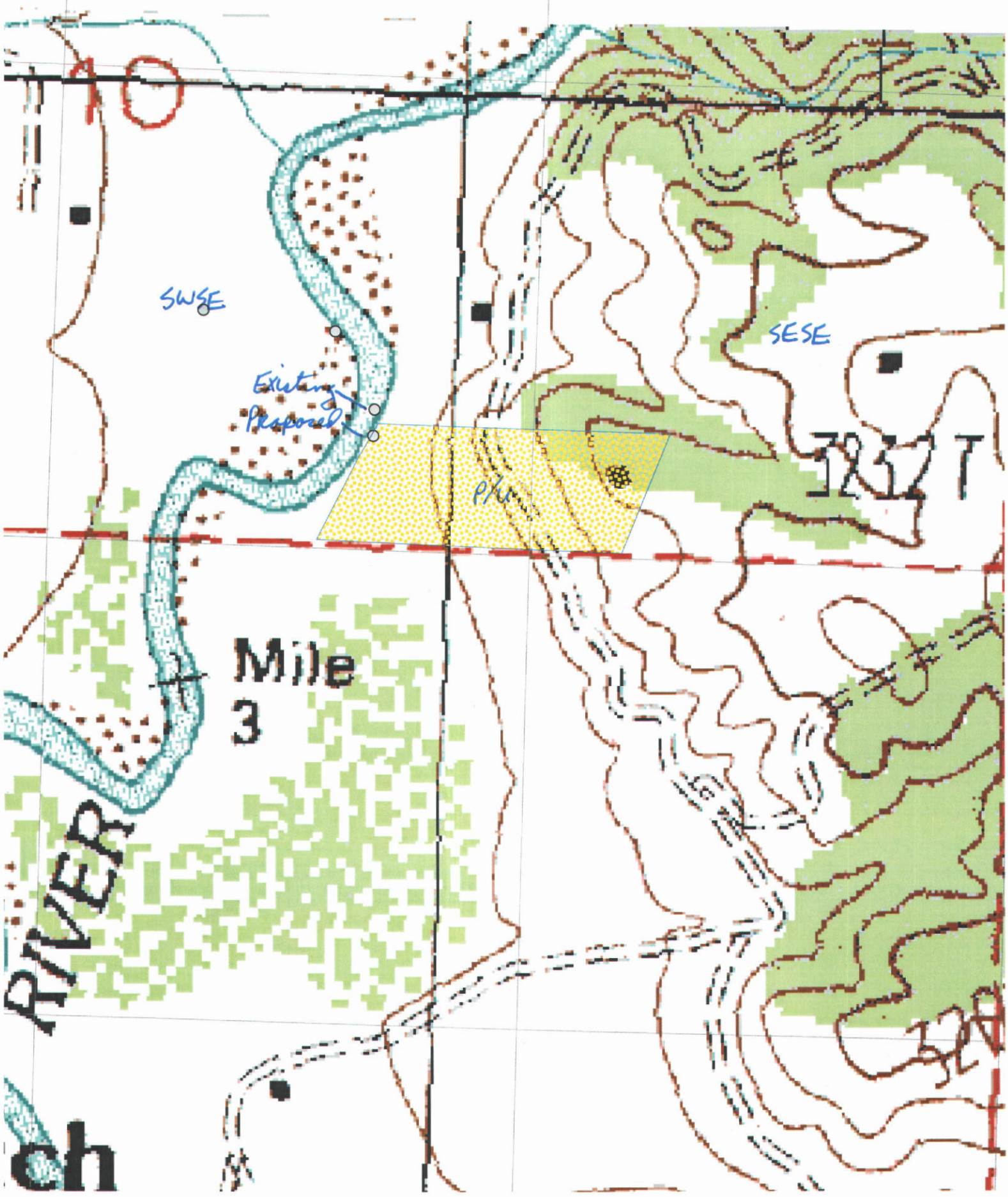
Right POD



65-22903

T9N  
R4E  
S 10

No Gov Lt



SWSE

Existing  
Proposed

SESE

P/W

Mile  
3

RIVER

ch

RECEIVED

DEC 27 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 Dec 15, 2004 and ending with the issue of Dec 22, 2004.

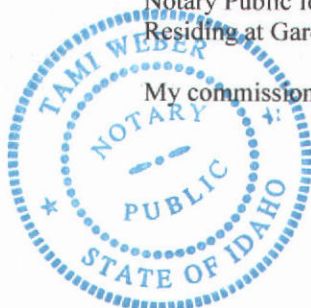
*Deanna Stevenson*

State of Idaho )  
 )  
County of Boise )

On this 23 day of Dec 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.

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:

65-22903

IRENEHULTGREN  
PO BOX 326  
GARDEN VALLEY ID 83622  
Point(s) of Diversion SWSE S10 T09N R04E  
BOISE County Source MIDDLEFORK PAYETTE RIVER  
Tributary To PAYETTE RIVER  
Point(s) of Diversion SWSE S10 T09N R04E  
BOISE County Source MIDDLEFORK PAYETTE RIVER  
Tributary To PAYETTE RIVER  
Use: IRRIGATION 03/15 To 10/31 0.08 CFS  
Use: STOCKWATER 01/01 To 12/31 0.02 CFS  
Total Diversion: 0.1 CFS

Date Filed: 07/08/2004  
Place Of Use: IRRIGATION  
T09N R04E S10 SWSE SESE  
Number of Acres 6  
Place Of Use: STOCKWATER  
T09N R04E S10 SWSE SESE  
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 01/03/2005. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director

in the Idaho World on December 15 and 22, 2004.

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

NO. 65-22903

Priority July 08, 2004

Maximum Diversion Rate 0.10 CFS

This is to certify, that IRENE HULTGREN  
PO BOX 326  
GARDEN VALLEY ID 83622

has 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:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 10/31       | 0.08 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |

**LOCATION OF POINTS OF DIVERSION:**

MIDDLE FORK PAYETTE RIVER SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 10, Twp 09N, Rge 04E, B M., BOISE County

MIDDLE FORK PAYETTE RIVER SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 10, Twp 09N, 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 | NE | NW | SW  | SE  | Totals |
| 09N 04E 10   |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 | 3.0 | 6.0    |
| Total Acres: |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     | 6      |

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 09N 04E 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
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.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 65-22903

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Stockwater use is for 6 head mixed stock
7. 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.
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 21<sup>st</sup> day of January, 2005

  
KARL J DREHER, Director

RECEIVED

JUL 18 2004

RECEIVED  
WATER RESOURCES  
WESTERN DIVISION  
JUL 17 2004

Department of Water Resources

RECEIVED  
JAN 18 2005  
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

65-22903

RECEIVED

JUL 08 2004

Department of Water Resources

1. Name of Applicant Irene Hultgren Phone 208 462-8023  
Mailing address P.O. Box 326 Garden Valley Id 83622
2. Source of water supply Middle Fork Payette River which is a tributary of Payette River
3. Location of point of diversion is Township 9N Range 4E Sec. 10, in the SW 1/4, SE 1/4, Govt. Lot       , B.M., Boise County;  
additional points of diversion if any: 2 points DIVERSION
4. Water will be used for the following purposes:
- |                                          |                                              |                        |
|------------------------------------------|----------------------------------------------|------------------------|
| Amount <u>.08</u> for <u>IRRIGATION</u>  | purposes from <u>MAR 15</u> to <u>DEC 31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
| Amount <u>.02</u> for <u>Stock Water</u> | purposes from <u>JAN 1</u> to <u>12/31</u>   | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
| Amount <u>      </u> for <u>      </u>   | purposes from <u>      </u> to <u>      </u> | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
| Amount <u>      </u> for <u>      </u>   | purposes from <u>      </u> to <u>      </u> | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
| Amount <u>      </u> for <u>      </u>   | purposes from <u>      </u> to <u>      </u> | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
| Amount <u>      </u> for <u>      </u>   | purposes from <u>      </u> to <u>      </u> | (both dates inclusive) |
| (cfs or acre-feet per annum)             |                                              |                        |
5. Total quantity to be appropriated is (a) .10 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 8 HP / 3 HP ELEC.  
PUMPS AND 3" Pipe.
- 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. 6 Cows / Horses
- 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 |        |
| 9N  | 4E  | 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3  | 3  | 6      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated 6

10. Describe any other water rights used for the same purposes as described above. Portion of 652976B

(Water Right)

11. a. Who owns the property at the point of diversion? Applicant (NEW) Greg Garlick (ORG.)

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: N/A - NEW, Historic Use/ORG.

12. Remarks: 3 AC UNDER WATER RIGHT 652976B at .04 CFS  
This Application will bring all 6 AC up to 1" PER  
ACRE of WATER

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.

Greg Garlick  
 Signature of Applicant (and title, if applicable)

Received by EW Date 7/8/2004 Time 10:30 AM Preliminary check by 6  
 Fee \$ 100. Received by SM # CD74435 Date 7-8-04  
 Publication prepared by sk Date 12-15-22-04 Published in IDAHO WORLD  
 Publication approved sk Date 1-6-05

## REQUEST TO PROCESS

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

Name of Applicant

IRENE HULTGREN

Mailing Address

PO BOX 326

GARDEN VALLEY 83622

Application No.  
(if known)

65-22903

☐ 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

Irene Hultgren

Date

11-30-04

Please return this form to:

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

GREG  
GARLICK

ORIGINAL  
PT. OF DEVERSION

X NEW  
PT. OF DEVERSION

IRENE  
HULTGREN

Payette River

SE 1/4 of SECTION 10, TOWNSHIP 9 NORTH, RANGE 4 EAST,  
BOISE MERIDIAN, BOISE COUNTY, Idaho

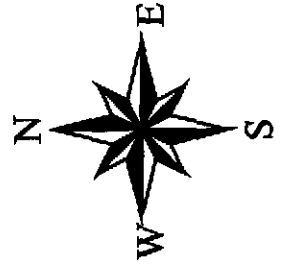
# Portion of 65-2976B

pd under  
65-2976B

adding  
new  
pld



65-2976b.shp - portion  
Sections  
QQ  
GCDB09N04E GCDB  
Right POD



65-22903

● T9N  
R4E  
S 10

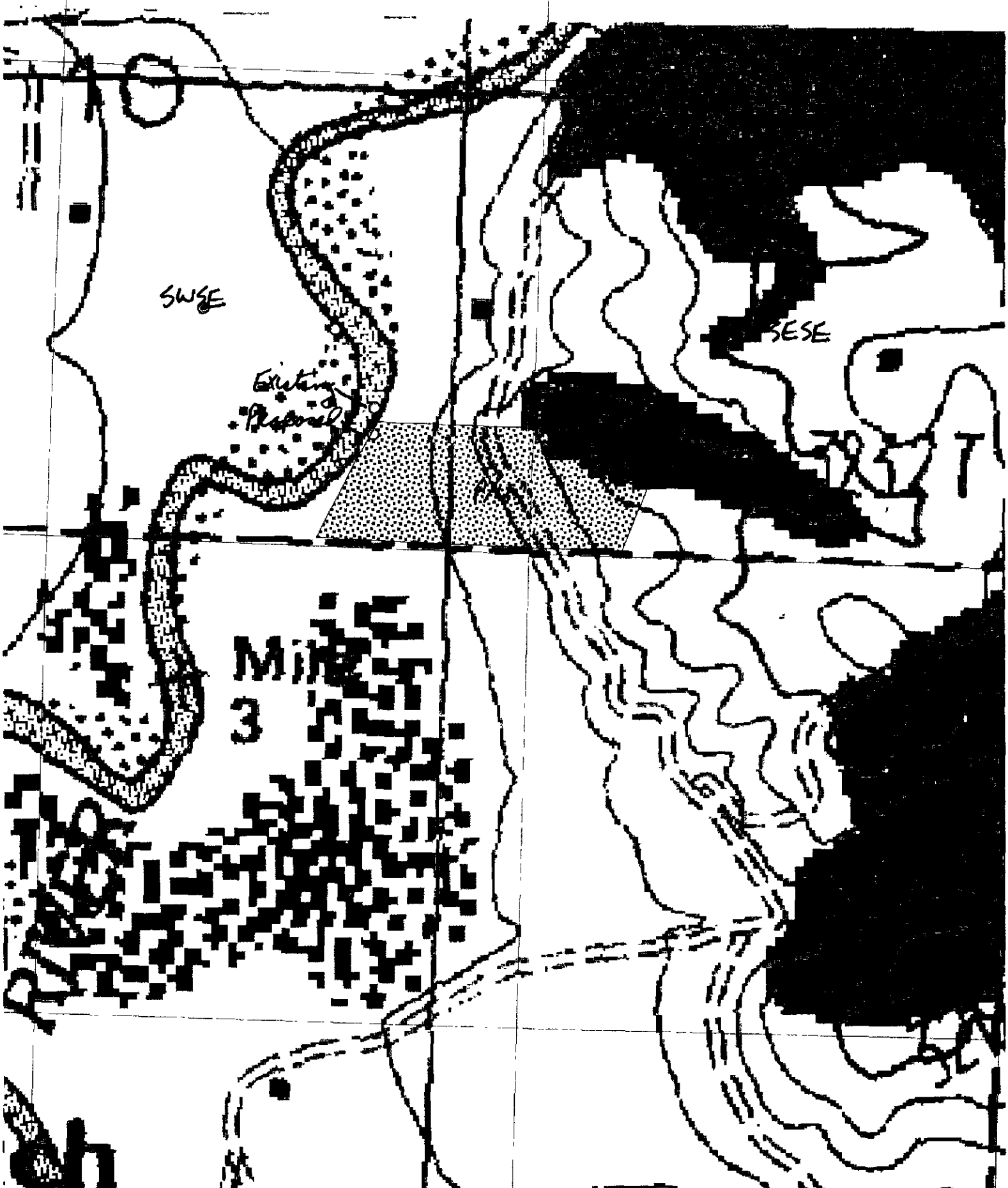
● No Gov Lt

SWSE

Existing  
Proposed

SESE

Min  
3





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 24, 2005

IRENE HULTGREN  
PO BOX 326  
GARDEN VALLEY ID 83622

RE: Permit No. 65-22903

**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.

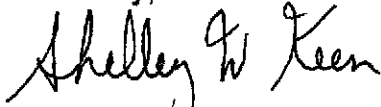
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 cursive script that reads "Shelley W. Keen". The signature is written in black ink and is positioned above the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

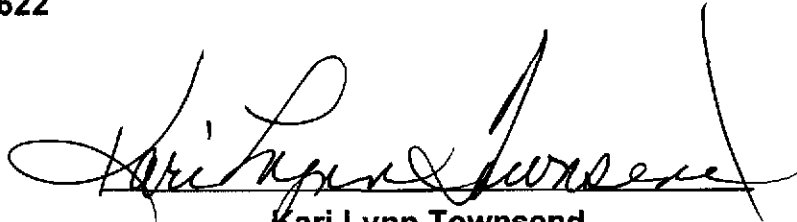
# **CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 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.**

**65-22903**

**IRENE HULTGREN  
PO BOX 326  
GARDEN VALLEY ID 83622**



**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

65-22903

1. Igraves 12/1/2004 Legal Notice Remarks

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

2. Igraves 12/1/2004 Comment/Analysis

Comment: Three of applicants six acres are covered with a portion of decree 65-2976B, as indicated on the associated arc view map. Applicant filed a change of ownership for her three acre portion of right 65-2976B with this application. The three acres were decreed .04 cfs. Applicant now wishes to have full appropriation of water for irrigation on all six acres (.04 cfs decreed + .08 cfs this application = .12 cfs or 1"/acre).

The applicant proposes one new p/d on her property and an existing p/d located on Greg Gaarlicks property. The existing p/d is one of the two decreed for right 65-2976B. Please note that when referencing the arc view photo associated with decree 65-2976B, it appears that the existing p/d is located on applicants property. Regardless, Greg Garlick will be sent notice.

Applicant filed for three acres in the SWSE and three acres in the SESE for a total of six acres. It appears that there may be less of the six acres in the SESE and more of the six acres in the SWSE. An accurate distribution of the acres can be determined at the time of the field investigation.

3. kwalker 1/21/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by 6 Date 11/30/04 Application # 65-22903

**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

Government Lots  
☒ P/D  
☒ P/U

RECEIVED  
JAN 19 2005  
Department of Water Resources

**ADDITIONAL INFORMATION**

**ADVERTISE REMARKS**

☒ YES ☐ NO

YES NO

- ☒ ☐ P/D overlap (explain) ☒ ☐ P/U overlap (explain) *> see proof report comments*  
☒ ☐ 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

*request to process*

Date Requested 11/30/04 Date Response Received 11/30/04

**PROCESSING**

APPLICATION # 65-22903

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  
☒ ☐ IDFG  
☒ ☐ IDL  
☒ ☐ IDWR Water Planning  
Bureau

YES NO

☐ ☒ US BLM  
☐ ☒ US Forest Service  
☒ ☐ Water Dist # 65 12-10-04 rec'd 12-17-04  
☒ ☐ Other - list here or attach information  
GREG GARLICK  
HC 76  
BOX 2671  
GARDEN VALLEY ID 83622

**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 1-3-05  
☐ ☒ Protests received  
☒ ☐ Recommendations attached  
☒ ☐ Measuring device required  
☒ ☐ Water delivered by water master? District # 65  
☐ ☒ Special conditions of approval or cover letter

see wms recommendations  
X23, 004, X35

Recommended Date of Priority 7/8/04

Recommendation ☒ Approve ☐ Deny by Lori Brown Date 1/13/05

**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 65-22903

WATER RIGHT NUMBER: 65-22903

|                   |                                                                          |
|-------------------|--------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                  |
| Current Owner     | IRENE HULTGREN<br>PO BOX 326<br>GARDEN VALLEY, ID 83622<br>(208)462-8023 |

Priority Date. 07/08/2004

Basis:

Status: Active

|                           |                  |
|---------------------------|------------------|
| <u>Source</u>             | <u>Tributary</u> |
| MIDDLE 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          | 0.080 CFS             |                      |
| STOCKWATER            | 01/01 to 12/31          | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.100 CFS             |                      |

Location of Point(s) of Diversion

|                           |            |                                 |
|---------------------------|------------|---------------------------------|
| MIDDLE FORK PAYETTE RIVER | SW1/4SE1/4 | Sec. 10, Twp 09N, Rge 04E, B.M. |
| BOISE County              |            |                                 |
| MIDDLE FORK PAYETTE RIVER | SW1/4SE1/4 | Sec. 10, Twp 09N, Rge 04E, B.M. |
| BOISE County              |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |     | Totals |     |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|--------|-----|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  |        |     |
| 09N | 04E | 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0 | 3.0    | 6.0 |

Total Acres: 6

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |  |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|--|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |  |
| 09N | 04E | 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  | X      |  |

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Application Report 65-22903

Remarks:Comments:

## 1. Igraves 12/1/2004 Legal Notice Remarks

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

## 2. Igraves 12/1/2004 Comment/Analysis

Comment Three of applicants six acres are covered with a portion of decree 65-2976B, as indicated on the associated arc view map. Applicant filed a change of ownership for her three acre portion of right 65-2976B with this application. The three acres were decreed .04 cfs. Applicant now wishes to have full appropriation of water for irrigation on all six acres (.04 cfs decreed + .08 cfs this application = .12 cfs or 1"/acre).

The applicant proposes one new p/d on her property and an existing p/d located on Greg Gaarlicks property. The existing p/d is one of the two decreed for right 65-2976B. Please note that when referencing the arc view photo associated with decree 65-2976B, it appears that the existing p/d is located on applicants property. Regardless, Greg Garlick will be sent notice

Applicant filed for three acres in the SWSE and three acres in the SESE for a total of six acres. It appears that there may be less of the six acres in the SESE and more of the six acres in the SWSE. An accurate distribution of the acres can be determined at the time of the field investigation.

Dates and Other Information:

Application Received Date: 7/8/2004

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 65

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: 3 acres under right 65-2976B at 0.04 cfs. This application will bring all 6 acres up to 1 inch/acre of water.

Other Water Rights: Portion of 65-2976B

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

RECEIVED

DEC 27 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 Dec 15, 2004 and ending with the issue of Dec 22, 2004.

Deanna Stevenson

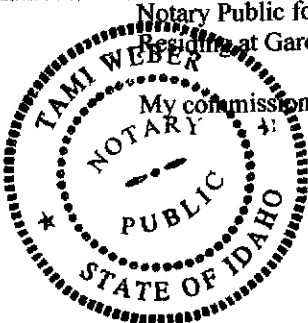
State of Idaho )  
County of Boise )

On this 23 day of Dec 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:

65-22903

IRENE HULTGREN

PO BOX 326

GARDEN VALLEY ID 83622

Point(s) of Diversion SWSE S10 T09N R04E  
BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER

Point(s) of Diversion SWSE S10 T09N R04E  
BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.08 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 0.1 CFS

Date Filed: 07/08/2004

Place Of Use: IRRIGATION

T09N R04E S10 SWSE SESE

Number of Acres 6

Place Of Use: STOCKWATER

T09N R04E S10 SWSE SESE

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 01/03/2005. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

In the Idaho World on December 18 and 22, 2004.

12-04

State of Idaho  
Department of Water Resources

RECEIVED

DEC 13 2004

WATER RESOURCES  
WESTERN REGION

## RECOMMENDATION OF WATERMASTER

Application No: 65-22903

Applicant's Name: Irene Hultgren

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: To be under control of Water District No. 65 and subject to Annual Assessments and Water Bank, Rental Pool Fees.

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

d) Additional Comment: \_\_\_\_\_

Dated this 9th day of December, 2004

Water District No. 65

Ron Shurtleff  
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

December 10, 2004

GREG GARLICK  
HC 76 BOX 2671  
GARDEN VALLEY ID 83622

Re: Water Right Application No. 65-22903 in the Name of Irene Hultgren

Dear Mr. Garlick:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2005.

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

Sincerely,

Sue Kreger  
Administrative Assistant

Encl. Copy of Application(s)

**Kreger (Taylor), Sue**

---

**To:** Waterdist65@srvinet.com  
**Subject:** comment letters

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

December 10, 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,



65-22903.pdf



65-22904.pdf



65-22919.pdf



Copy of  
commendation of Wa

Sue Kreger  
(208) 334-2190  
Id Dept Water Resources  
Sue.Kreger@idwr.idaho.gov

**Kreger (Taylor), Sue**

---

**To:** eleitzin@idfg.state.id.us  
**Subject:** comment letters

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

December 8, 2004

ERIC LEITZINGER, IDFG  
PO BOX 25  
BOISE ID 83707

**Re:** Applications for Permit

Dear Eric:

Enclosed is a copy(s) of an application(s) for permit. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 3, 2005.

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

Sincerely,

Sue Kreger  
(208) 334-2190  
Id Dept Water Resources  
Sue.Kreger@idwr.idaho.gov



2-10264.pdf



63-32010.pdf



65-22903.pdf



65-22904.pdf



65-22919.pdf



67-14500.pdf

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

December 08, 2004

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

RE: Applications for Permit No. 65-22903 and 65-22904

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues) If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/03/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger  
Administrative Assistant

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

65-22903

IRENE HULTGREN  
PO BOX 326  
GARDEN VALLEY ID 83622

Point(s) of Diversion SWSE S10 T09N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER

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Total Diversion: 0.1 CFS

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T09N R04E S10 SWSE SESE

Number of Acres 6

Place Of Use: STOCKWATER

T09N R04E S10 SWSE SESE

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

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KARL J DREHER, Director

Published in the Idaho World on December 15 and 22, 2004.