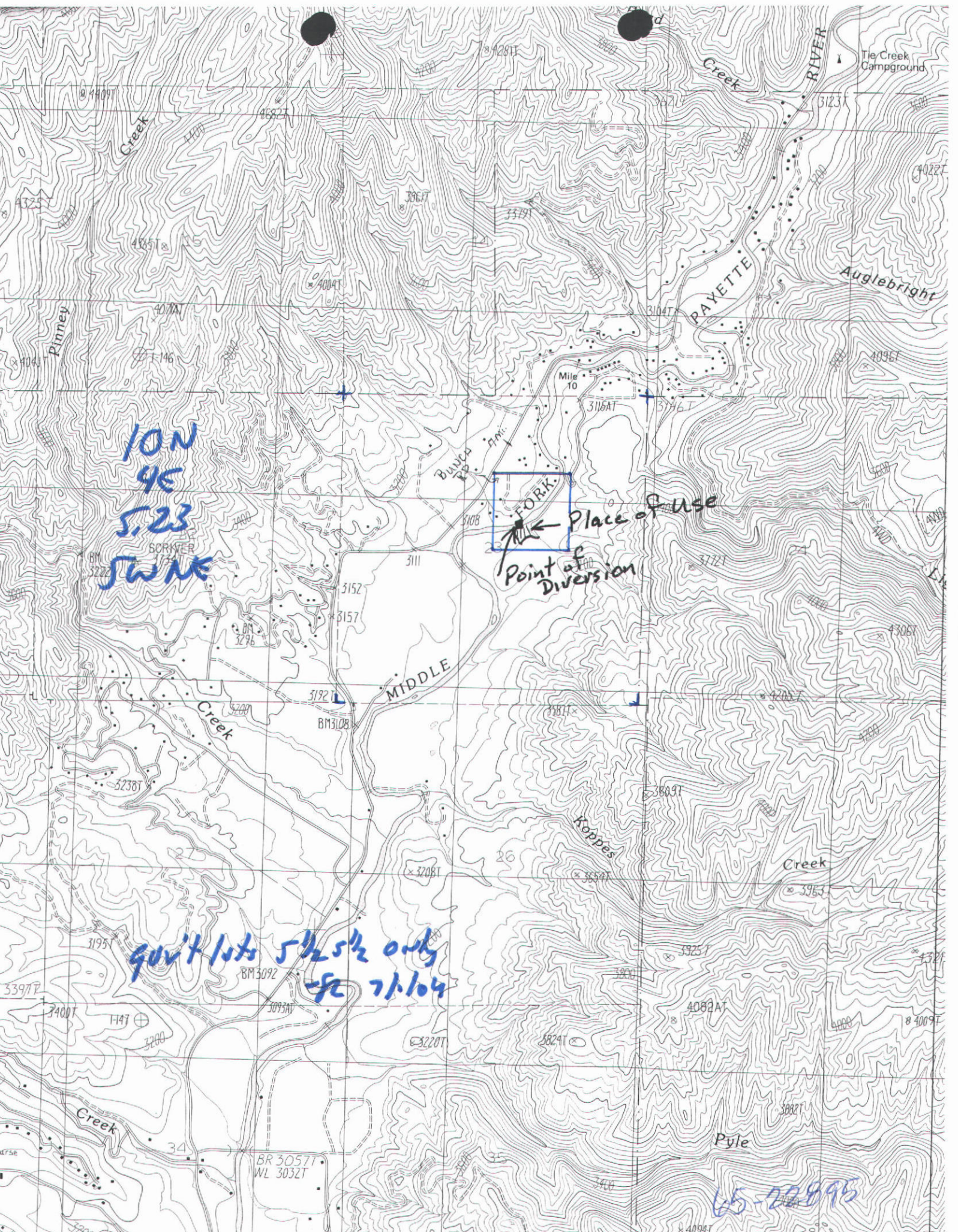


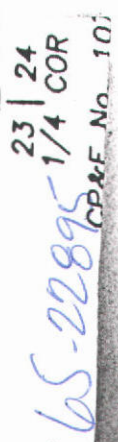


10N
4E
5.23
SWNE

FORK
Point of Diversion
Place of Use

gov't lots 5 1/2 5 1/2 only
- for 7/1/04

65-22895



RECEIVED

AUG 09 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 July 21, 2004 and ending with the issue of July 28, 2004.

Deanna Stevenson

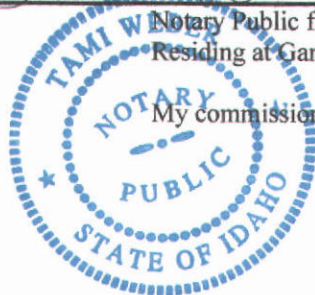
State of Idaho)
County of Boise)

On this 5 day of Aug 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 Wheeler

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:

65-22895

GLENN E HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622
Point(s) of Diversion SWNE S23 T10N R04E
BOISE County Source MIDDLE FORK PAYETTE RIVER
Tributary To PAYETTE RIVER
Use: IRRIGATION 03/15 To 10/31 0.14 CFS
Total Diversion: 0.14 CFS

Date Filed: 07/01/2004
Place Of Use: IRRIGATION
T10N R04E S23 SWNE
Number of Acres 7.4

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 08/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on July 21 and 28, 2004.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22895

Priority: July 01, 2004

Maximum Diversion Rate: 0.14 CFS

This is to certify, that GLENN E HIGBY
DEANNA F HIGBY
24 APPLE WOOD DR
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	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE FORK PAYETTE RIVER SW¼ NE¼ Sec. 23, Twp 10N, Rge 04E, B.M. BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
10N 04E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	7.4
			7.4														

Total Acres: 7.4

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
- 2 Subject to all prior water rights
- 3 Point of diversion and place of use are located within Lot 4, Block 1, River Park Meadows Subdivision No. 2.
- 4 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
- 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. 65.
- 6 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.
- 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22895

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.
9. Water shall not be diverted under this right when flows in the Payette River are below established minimum flow amounts.
10. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of August, 2004.


for KARL J DREHER, Director

RECEIVED

AUG 16 2004

Department of Water Resources

Ident. No. 65-22895

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Glenn and/or Deanna Higby Phone 208.462.3280
Mailing address 24 Apple Wood Drive 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 10N Range 4E Sec. 23, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot Boise B.M., Boise County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.14 cfs for Irrigation purposes from 04/01 to 11/01 ^{← 3/15-10/31} (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.14 cubic feet per second and/or (b) 24.8 ^{N/A} acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 2 1/2 HP Pump, PVC pipe, Sprinkler System

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 2 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. _____

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	23			7.4														7.4

Total number of acres to be irrigated 7.4

10. Describe any other water rights used for the same purposes as described above. 65-22665

11. a. Who owns the property at the point of diversion? Glenn/Deanna Higby (JTROS)
- b. Who owns the land to be irrigated or place of use? Glenn/Deanna Higby (JTROS)
- 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 is identified as Lot 4 of RIVER PARK MEADOWS Subdivision No. 2 Boise County

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Glenn E Higby
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7/1/04 Time 11:45 Preliminary check by [Signature]
Fee \$ 100.00 Receipted by [Signature] # W031912 Date 7/1/04
Publication prepared by [Signature] Date 7-21-04 Published in IDAHO WORLD
Publication approved [Signature] Date 8-11-04

10N
9E
523
SWNE

Point of
Diversion
Place of
Use

gout 1/10 5 1/2 5 1/2 only
etc 7 1/10 4

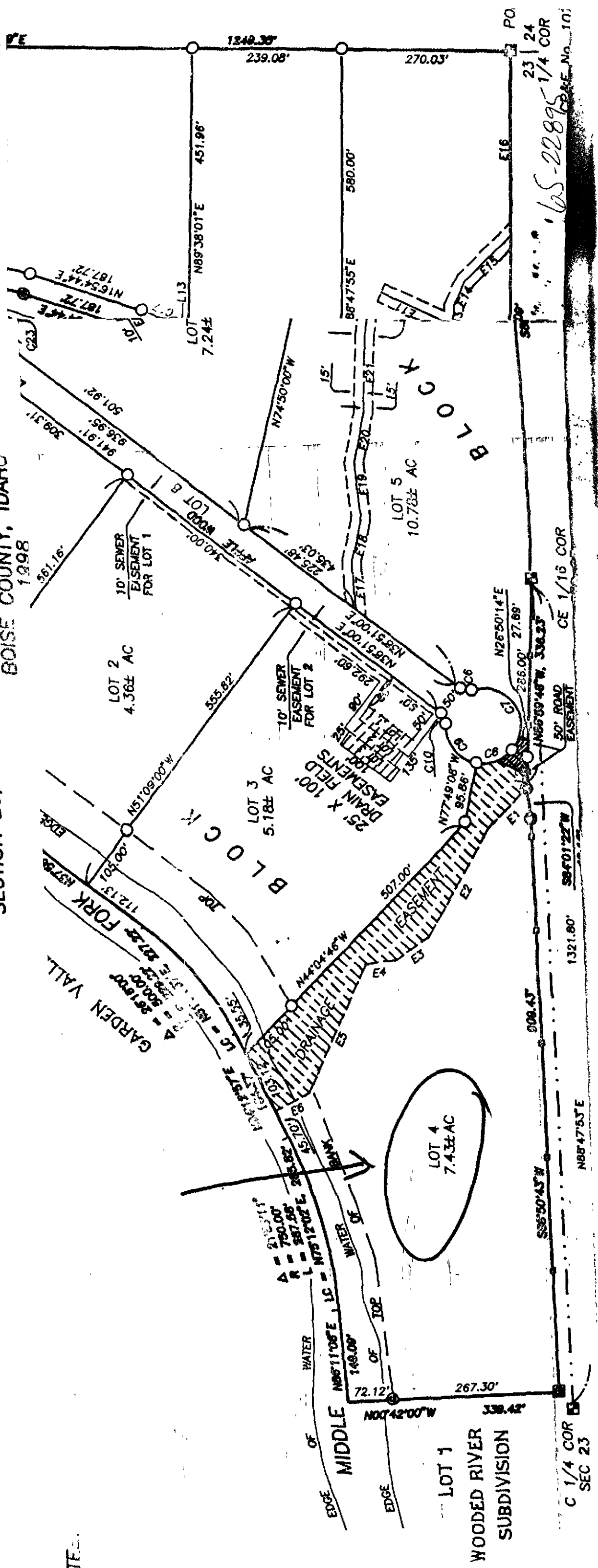
65-22895

Just # 16a646

RIVER PARK MEADOWS SUBLN. 2

A PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF
SECTION 23, TOWNSHIP 10 NORTH, RANGE 4 EAST, BOISE MERIDIAN
BOISE COUNTY, IDAHO
1298

14 13
23 24
CP&F No. 10782



REQUEST TO PROCESS

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

Name of Applicant

Glenn and/or Deanna Higby

Mailing Address

24 Apple Wood Drive
Garden Valley, Id 83622

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

Glenn E Higby

Date

6/30/2004

Please return this form to:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 19, 2004

GLENN E HIGBY
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622

RE: Permit No 65-22895

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed

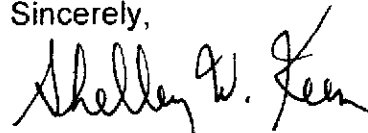
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form

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 208-327-7946

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

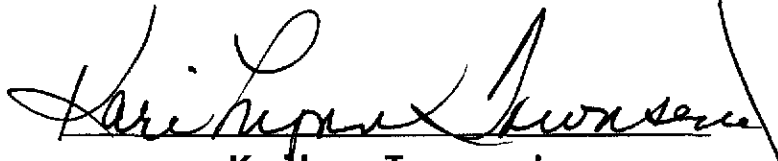
CERTIFICATE OF SERVICE

I hereby certify that on August 19, 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.

65-22895

**DEANNA F HIGBY
GLENN E HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622**

A handwritten signature in black ink, appearing to read "Karl Lynn Townsend", is written over a horizontal line.

**Karl 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.

Comments

Form No 202a
April 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

AUG 18 2004

Department of Water Resources

Initial review by 6

Date 7/9/04

Application # 65-22665

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 ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid
- Government Lots
N P/D
N P/U

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

- ☒ ☒ P/D overlap (explain)
- ☒ ☒ P/U overlap (explain) 65-22665 (lightning Ck, same acres)
- ☒ ☒ 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 7/12/04 6
- ☒ ☒ 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 # 65-22895

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

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 65
☐ ☒ Other - list here or attach information

done < Bureau
Notified Bill Graham 7/12/04. g

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 8-9-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☒ ☐ Measuring device required
☒ ☐ Water delivered by water master? District # 65
☐ ☒ Special conditions of approval or cover letter

standards + X23

see attached WR recommendation

Per Bill Graham: Standard remark regarding pr. Status

Recommended Date of Priority 7/1/04

Recommendation ☒ Approve ☐ Deny by Loi Graham Date 8/11/04

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 65-22895

WATER RIGHT NUMBER: 65-22895

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLENN E HIGBY 24 APPLE WOOD DR GARDEN VALLEY, ID 83622 (208)462-3280

Current Owner	DEANNA F HIGBY 24 APPLE WOOD DR GARDEN VALLEY, ID 83622 (208)462-3280
---------------	--

Priority Date: 07/01/2004

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	0.140 CFS	
	<u>Total Diversion.</u>	0.140 CFS	

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER	SW1/4NE1/4	Sec. 23, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04E	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	7.4

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22895

Comments:

1 scurtis 7/12/2004 Legal Notice Remarks

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

2. Igraves 7/13/2004 Comment/Analysis

Comment. Applicants also have water right 65-22665 from Lightning Creek for irrigation of the same acres. Lightning Creek is tributary to the Middle Fork Payette River

Dates and Other Information:

Application Received Date: 7/1/2004

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: AND/OR

Water District Number

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Property is identified as Lot 4 of River Park Meadows Subdivision No. 2, Boise County.

Other Water Rights: 65-22665

Time to Complete Works: 2

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

AUG 09 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)

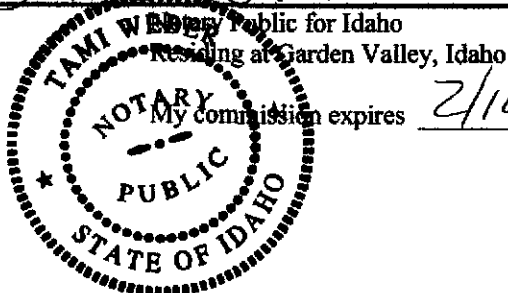
Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; 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 July 21, 2004 and ending with the issue of July 28, 2004.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 5 day of Aug 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 Wilson



The following application is made to appropriate the public waters of the State of Idaho:

GLENN E HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622
Point(s) of Diversion SWNE S23 T10N R04E
BOISE County Source MIDDLE FORK PAYETTE RIVER
Tributary To PAYETTE RIVER
Use: IRRIGATION 03/15 To 10/31 0.14 CFS
Total Diversion: 0.14 CFS

Date Filed: 07/01/2004
Place Of Use: IRRIGATION
T10N R04E S23 SWNE
Number of Acres: 7.4

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 22-203a, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Blvd, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho State Gazette on 08/09/2004

State of Idaho
Department of Water Resources

RECEIVED

JUL 26 2004

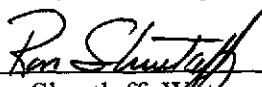
WATER RESOURCES
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No: 65-22895Applicant's Name: Glenn and/or Deanna Higby

Watermaster's Recommendation:

- a) I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows: Under the control of Water District No. 65 and
subject to the Annual Assessments and Rental Pool Fees.
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 23rd day of July, 2004

Water District No. 65


Ron Shurtleff, Watermaster

Kreger (Taylor), Sue

To: Waterdist65@srvinet.com
Cc: Kreger (Taylor), Sue
Subject: comment letters

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

July 15, 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



65-22884.pdf



65-22893.pdf



65-22895.pdf



Copy of
commendation of Wa

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, July 15, 2004 8:51 AM
To: 'eleitzin@idfg.state.id.us'
Cc: Kreger (Taylor), Sue
Subject: comment letters.

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

July 15, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

There are copies of six applications this time. I will try e-mailing them all at once but if it doesn't work again I will send them two at a time (or however many it will let me send). 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 August 9, 2004.

Thanks, Eric. 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
skreger@idwr.state.id.us



55-13836.pdf



65-22884.pdf



65-22893.pdf



65-22894.pdf



65-22895.pdf



79-14090.pdf

Graves, Lori

7/12/04

To: Graham, Bill
Subject: Application

Hi Bill, I just faxed you another application filed in a protected reach on the Middle Fork of the Payette River. Please let me know if you have concerns. Thank you. lg

Graves, Lori

From: Graham, Bill
Sent: Tuesday, July 13, 2004 5:18 PM
To: Graves, Lori
Cc: Walker, Kay
Subject: RE: Application

Thanks Lori - I have been bogged down, but will take care of this before I go home tonight.

In short, the Middle Fork Payette River is not protected. However, it is tributary to minimum stream flow reaches on the South Fork and main Payette, and should therefore contain the standard condition regarding the right's junior status.

Thanks for your patience - BG

-----Original Message-----

From: Graves, Lori
Sent: Monday, July 12, 2004 11:32 AM
To: Graham, Bill
Subject: Application

Hi Bill, I just faxed you another application filed in a protected reach on the Middle Fork of the Payette River. Please let me know if you have concerns. Thank you. lg

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

July 14, 2004

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

RE: Application for Permit Nos. 65-22884, 65-22893 and 65-22895

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find three 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 08/09/2004. 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.

65-22895

GLENN E HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622

Point(s) of Diversion SWNE S23 T10N R04E BOISE County

Source MIDDLE FORK PAYETTE RIVER

Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.14 CFS

Total Diversion 0.14 CFS

Date Filed: 07/01/2004

Place Of Use: IRRIGATION

T10N R04E S23 SWNE

Number of Acres 7.4

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 08/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on July 21 and 28, 2004