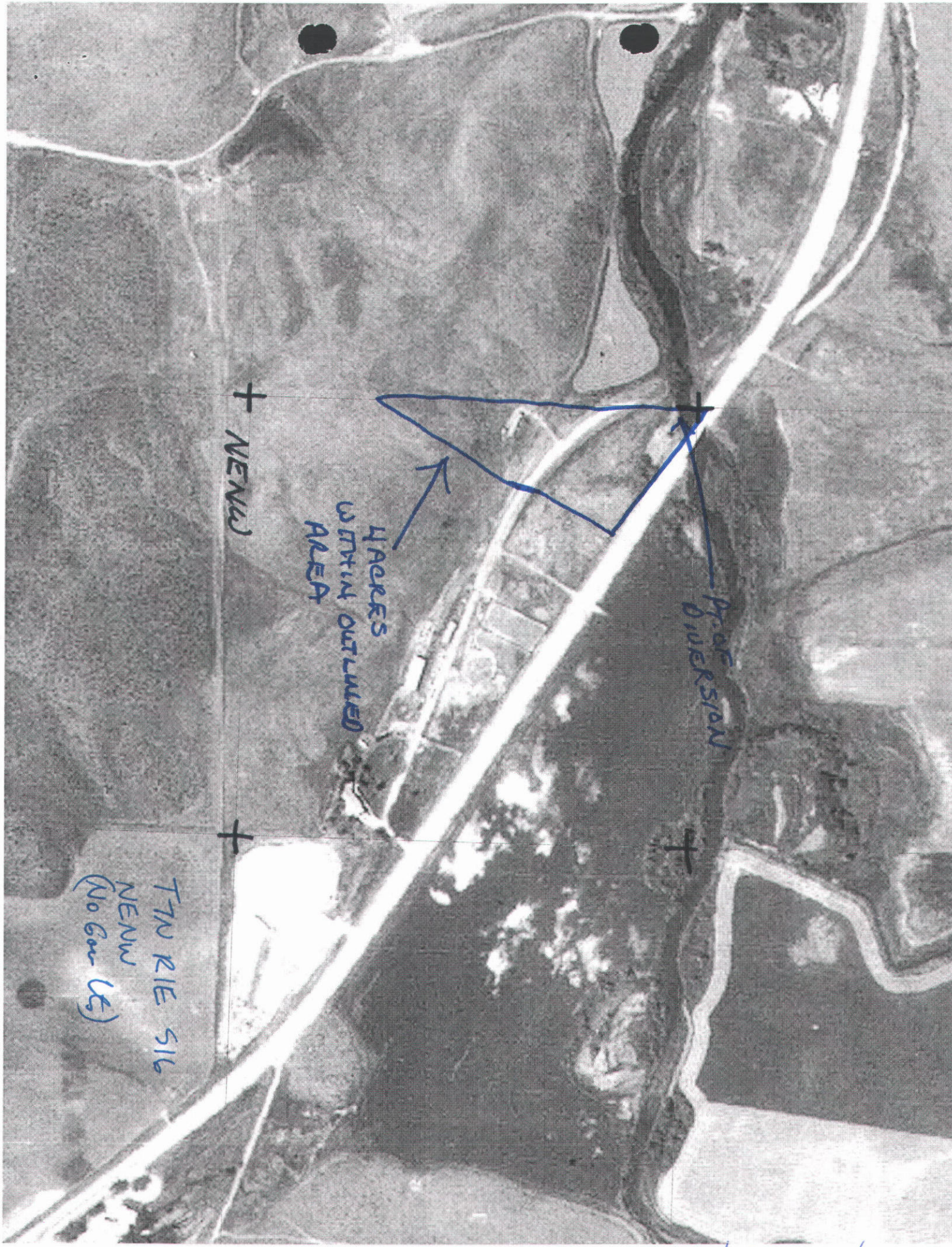




4 ACRES
WITHIN OUTLINED
AREA

PRECEDENCE

TIN RIE SIB
NENW
(No Gas Lt)

65-22894

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS.

ANTHONY M. CLARK
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
October 6, 13, 2004

Anthony M. Clark
STATE OF IDAHO)
County of Gem)

On this 13th day of October in the year of 2004 before me a Notary Public, personally appeared. Anthony M. Clark 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 acknowledge to me that he executed the same.

Ruben Silva
Notary Public for Idaho
Residing at
My Commission expires

RUBEN SILVA
Notary Public
State of Idaho

My Commission Expires
April 2, 2007

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

65-22894

NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670

Point(s) of Diversion NENW S16 T07N R01E
GEM County Source SQUAW CREEK
Tributary To PAYETTE RIVER

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

Date Filed: 06/15/2004
Place Of Use: IRRIGATION
T07N R01E S16 NENW
Number of Acres 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 10-6, 13, 2004

Legal Notice No. 5645
Published in the Messenger Index

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22894

Priority June 15, 2004

Maximum Diversion Rate 0.08 CFS

This is to certify, that NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670

has applied for a permit to appropriate water from.

Source: SQUAW CREEK

Tributary: PAYETTE RIVER

and a permit is APPROVED for development of water as follows

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.08 CFS

LOCATION OF POINT OF DIVERSION:

SQUAW CREEK NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 16, Twp 07N, Rge 01E, B M, GEM 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
07N 01E 16					4.0												4.0
Total Acres:	4																

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **November 01, 2009**.
- 2 Subject to all prior water rights
- 3 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.
- 4 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. 65A.
- 5 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.
- 6 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.
7. This right does not authorize the diversion of stored water released from Sagehen Reservoir for beneficial use by other water users.
- 8 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22894

- 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 KARL J DREHER, Director

RECEIVED

NOV - 1 2004

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Nancy Kay Hartzell Phone (208) 584-3637
Mailing address P.O. Box 12 Sweet, ID 83670
2. Source of water supply SQUAW CREEK which is a tributary of PAYETTE RIVER
3. Location of point of diversion is Township 7 N Range 1 E Sec. 16 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, X $\frac{1}{4}$, Govt. Lot X, B.M., GEM County;
additional points of diversion if any: N/A
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>OCT 31</u> (both dates inclusive)	(3-1)
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) 08 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source pump, pipeline & sprinkler system for irrigation
 - 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 5 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
1N	1E	16				4													4

Total number of acres to be irrigated 4

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? NANCY KAY HARTZELL

b. Who owns the land to be irrigated or place of use? Nancy Kay Hartzell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 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.

Nancy Kay Hartzell
Signature of Applicant (and title, if applicable)

Received by [Signature] Date 6-15-04 Time 12:15 Preliminary check by [Signature]
Fee \$ 10.00 Received by [Signature] # 10031833 Date 6-15-04
Publication prepared by sk Date 7-21-04 Published in MESSANGER INDEX
Publication approved sk Date 10-6-04 Date 10-25-04

REQUEST TO PROCESS

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

Name of Applicant

Nancy Kay Hartzell

Mailing Address

P.O. Box 12
SWEET ID 83670

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.

 X 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

Nancy Kay Hartzell

Date

4-15-04

Please return this form to:

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

NEW

POSSIBLE
DIPLOMA AREA

TRD RIE 516
NEW
(RUE 65)



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

NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670

RE: Permit No. 65-22894

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.

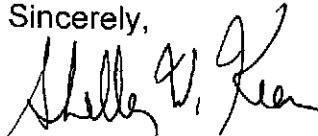
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK.klt

Enclosure(s)

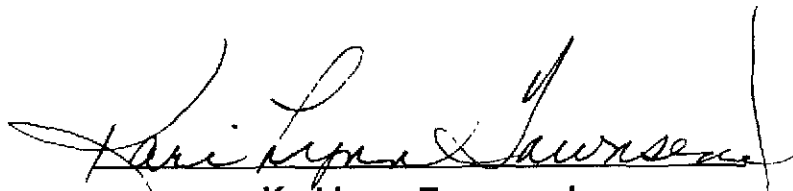
CERTIFICATE OF SERVICE

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.

65-22894

**NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670**

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

**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

65-22894

1. scurtis 7/12/2004 Legal Notice Remarks

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

2 Igraves 7/12/2004 Comment/Analysis

Comment: Claim 65-2845 from the Payette River, in the name of Robert Hunter, appears to be a p/u overlap, however the overlapping acres in S16 were not recommended or decreed in the SRBA. Permit 65-13148 from an unnamed stream, in the name of Rod Herr, appears to be a p/u overlap also, however the overlapping acres in S16 were not recommended for licensing on the beneficial use field exam.

3. kwalker 11/2/2004 Permit Review

Comment: Changed irrigation season to standard. Added special condition requested by watermaster of WD65A. Recommend approval.

Comments

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by Ly Date 7/8/04 Application # 65-32844

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 3-1 to 11-15
☒ 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

RECEIVED
NOV - 1 2004
DEPARTMENT OF
WATER RESOURCES

Government Lots

N P/D
N P/U

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

☒ ☒ P/D overlap (explain)
☒ ☒ P/U overlap (explain)
☒ ☒ 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

Notified applicant that may be subject to early curtailment based on water supply in GSA

Notified
Date Requested 7/12/04 Date Response Received 7/12/04

PROCESSING

APPLICATION #

65-33894

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 # 65A
☐ ☐ Other - list here or attach information

rec'd 9-15-04 sk

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~~ 10-25-04
☐ ☒ Protests received
☒ ☐ Recommendations attached *see w/ attached recommendation*
☒ ☐ Measuring device required
☒ ☐ Water delivered by water master? District # 65A
☐ ☐ Special conditions of approval or cover letter

standard conditions for WD 65A (Squaw CR)

Recommended Date of Priority 6/15/04

Recommendation ☒ Approve ☐ Deny by Wei Gauer Date 10/28/04

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 65-22894

WATER RIGHT NUMBER: 65-22894

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY KAY HARTZELL PO BOX 12 SWEET, ID 83670 (208)584-3637

Priority Date. 06/15/2004

Basis

Status: Active

<u>Source</u>	<u>Tributary</u>
SQUAW CREEK	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	
	<u>Total Diversion</u>	0.080 CFS	

Location of Point(s) of Diversion

SQUAW CREEK	NE1/4NW1/4	Sec. 16, Twp 07N, Rge 01E, B.M
GEM 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
07N 01E 16					4.0												4.0

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22894

Comments:

1. scurtis 7/12/2004 Legal Notice Remarks

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

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Comment: Claim 65-2845 from the Payette River, in the name of Robert Hunter, appears to be a p/u overlap, however the overlapping acres in S16 were not recommended or decreed in the SRBA Permit 65-13148 from an unnamed stream, in the name of Rod Herr, appears to be a p/u overlap also, however the overlapping acres in S16 were not recommended for licensing on the beneficial use field exam

Dates and Other Information:

Application Received Date: 6/15/2004

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:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights:

Time to Complete Works: 5

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:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

ANTHONY M. CLARK
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:
October 6, 13, 2004

Anthony M. Clark
STATE OF IDAHO)
County of Gem)

On this 13th day of October in the year of 2004 before me a Notary Public, personally appeared Anthony M. Clark 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 acknowledge to me that he executed the same.

Ruben Silva
Notary Public for Idaho
Residing at
My Commission expires

RUBEN SILVA
Notary Public
State of Idaho

My Commission Expires
April 2, 2007

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

65-22894

NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670

Point(s) of Diversion NENW S16 T07N R01E
GEM County Source SQUAW CREEK
Tributary To PAYETTE RIVER

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

Date Filed: 06/15/2004
Place Of Use: IRRIGATION
T07N R01E S16 NENW
Number of Acres 4

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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 10/25/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 10-6, 13, 2004

KARL J DREHER, Director

Legal Notice No. 5645
Published in the Messenger Index

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

September 29, 2004

Legal Notice Department
MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

RE: Application for Permit No. 65-22894, 65-22896 and 65-22918

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 10/25/2004. 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.

65-22894

NANCY KAY HARTZELL
PO BOX 12
SWEET ID 83670

Point(s) of Diversion NENW S16 T07N R01E GEM County Source SQUAW CREEK

Tributary To PAYETTE RIVER

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

Total Diversion 0.08 CFS

Date Filed 06/15/2004

Place Of Use: IRRIGATION

T07N R01E S16 NENW

Number of Acres 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on October 6 and 13, 2004

12/99

RECEIVED

SEP 15 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: 65-22894

Applicant's Name: Nancy Kay Hartzell

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: ~~Applicant Diversion~~ If permit is
issued, applicant understands & permit makes
clear that water is unavailable when storage
out of Sagehen res. is released which will typically
take place July 15 thru Oct 15

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

d) Additional Comment: _____

Dated this 13 day of Sept, 2004.

Water District No: 65H

Eun Herr
Watermaster's Signature

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

July 15, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ERIC HERR
8917 BUTTE RD
SWEET ID 83670

Re: Application(s) for Water Right No. 65-22894

Dear Watermaster:

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

Please review the application(s). 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,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

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