

T10N
R4E

23

Gov't lots 5 1/2 5 1/2 only
to NIA - 82 5/13/04

MICROFILMED

11-15-2004

65-22881

T10N R4E Section 23
NWNE

MICROFILMED
JUL 15 2004

65-22881

Scott Mt. Sub.

Township - 10N
Range - 4E

Section 14 23

Scott Mountain - 1 Subdivision
Block 2 Lot 10



14 23 N 87° 12' E
7.93.0'
1/4 CORNER FOUND

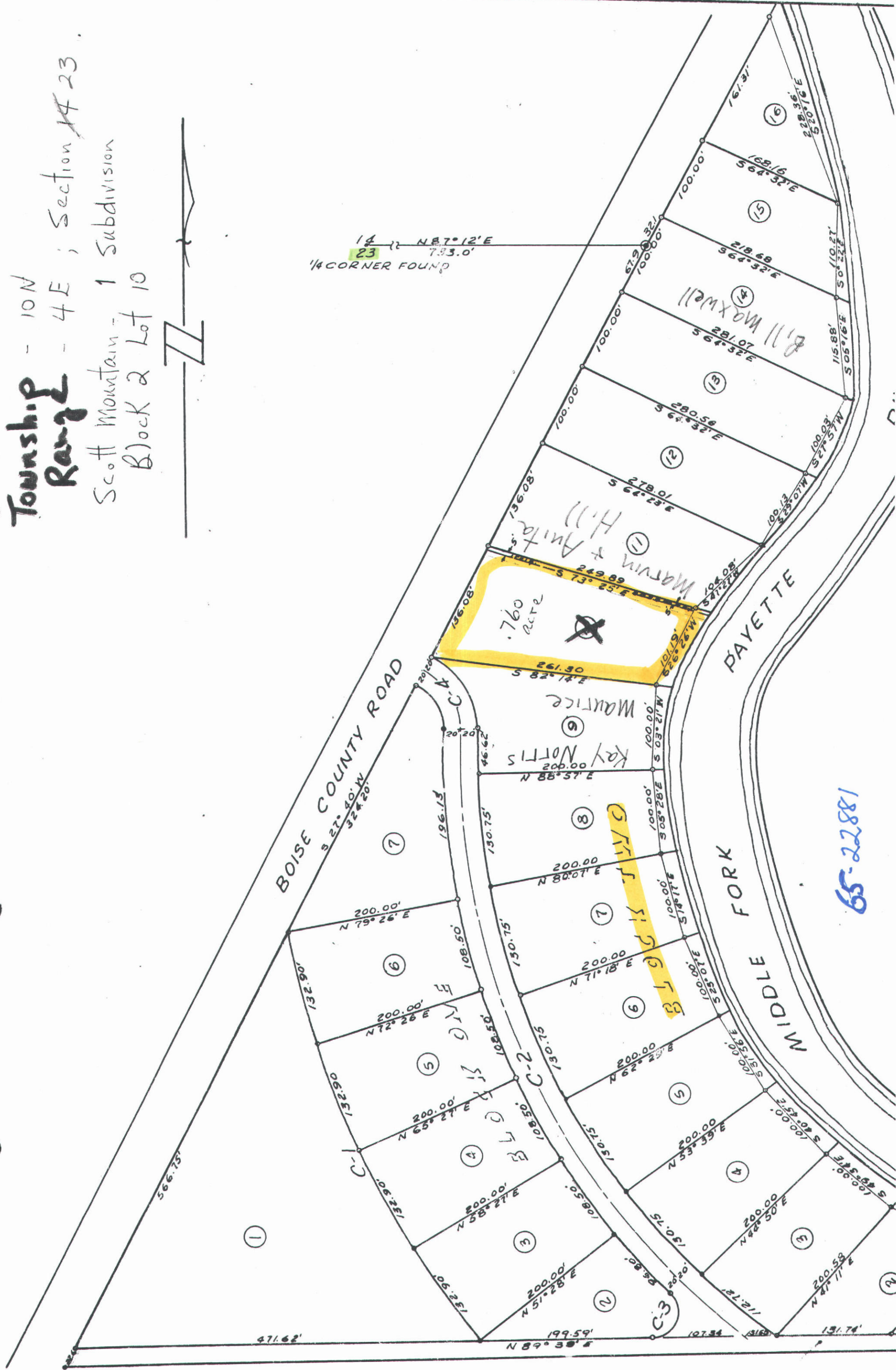
BOISE COUNTY ROAD

PAYETTE

FORK

MIDDLE

18872-59



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 June 2, 2004 and ending with the issue of June 9, 2004.

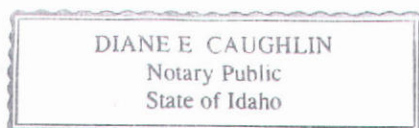
Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 10 day of June 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.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho
My commission expires June 26, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS



RECEIVED

JUN 14 2004

WATER RESOURCES
WESTERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 65-22881 ✓ sk

HAROLD W HATTEN JR
6200 NORTHVIEW

BOISE ID 83704

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

Use: IRRIGATION 03/15 To 10/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 04/26/2004
Place Of Use: IRRIGATION
T10N R04E S23 NWNE
Number of Acres 0.7

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Idaho World on June 2 and 9, 2004.

MICROFILMED

JUN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22881

Priority April 26, 2004

Maximum Diversion Rate 0.02 CFS

This is to certify, that HAROLD W HATTEN JR
6200 NORTHVIEW
BOISE ID 83704

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 02 CFS

LOCATION OF POINT OF DIVERSION:

MIDDLE FORK PAYETTE RIVER NW¼NE¼ Sec. 23, Twp 10N, 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	
10N 04E 23		.7															7

Total Acres 0 7

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **June 01, 2006**.
- 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. 65
- 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 Point of diversion is located within Lot 10, Blk 2, Scott Mountain Subdivision No 1.
- 7 Place of use is located within Lot 10, Blk 2, Scott Mountain Subdivision No. 1
- 8 This right when combined with all other rights shall provide no more than 0 03 cfs per acre nor more than 3 5 afa per acre at the field headgate for irrigation of the lands above

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JUN 15 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22881

9. 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
10. 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 24th day of June, 2004


for KARL J DREHER, Director

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JUL 15 2004

RECEIVED

JUN 24 2004

Ident. No. 65-22881

RECEIVED

APR 28 2004

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

APR 26 2004

Department of Water Resources

To appropriate the public waters of the State of Idaho

- 1 Name of Applicant Harold W. Hatten, Jr Phone 208-375-2085
Mailing address 6200 Northview Boise, ID 83704
- 2 Source of water supply Middle fork of Payette R. which is a tributary of Payette river system
- 3 Location of point of diversion is Township 10 N Range 4 E Sec 23, in the — $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot —, B.M., Boise County;
additional points of diversion if any: —
- 4 Water will be used for the following purposes:
Amount .02 for irrigation purposes from 15 Mar to 31 Oct (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) .02 cfs 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 1 (one) horse power submersible pump
b. Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet
c. Proposed well diameter is — inches; proposed depth of well is — feet
d. Is ground water with a temperature of greater than 85°F being sought? —
e. If well is already drilled, when? —; Drilling firm —
Well was drilled for (well owner) —; Drilling Permit No. —
- 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 —

MICRO

JUL 15 2004

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	
10N	4E	23		.7															

Total number of acres to be irrigated 0.76

10. Describe any other water rights used for the same purposes as described above. None except existing domestic well supplying house

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

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: according to the plat filed June, 1967 (Instrument # 71993) Boise County

12 Remarks: Land is lot 10 in Scott Mountain 1 Subdivision (Block 2)
Purpose of irrigation is minimum hydration of low, controlled
ground cover for fire protection

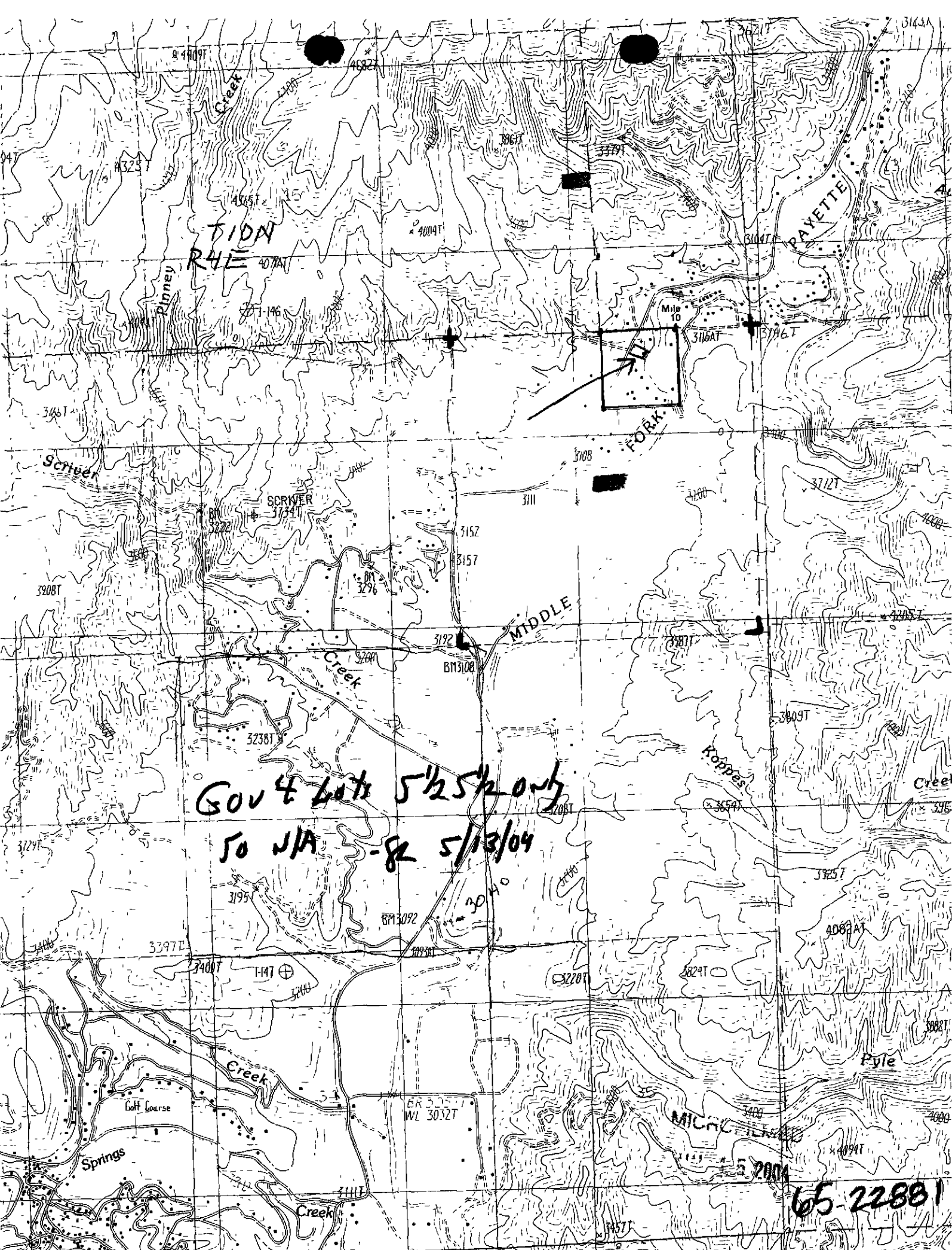
13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

John J. Walter Jr.
 Signature of Applicant (and title, if applicable)

MICROFILMED
 1111 15 2004

Received by C. Calais Date 4/26/04 Time 3:20 PM Preliminary check by JL
 Fee \$ 100.00 Receipted by C. Calais # CP33642 Date 4/26/04
 Publication prepared by WJH Date 6-3-10-04 Published in IDAHO WORLD
 Publication approved AK Date 6-21-04





Scott Mt. Sub.

Township - 10N
Range - 4E ; Section 23

Scott Mountain - 1 Subdivision
Block 2 Lot 10



1/4 CORNER FOUND
N 87° 12' E
753.0'

BOISE COUNTY ROAD

MIDDLE FORK
PAYETTE

65-22881

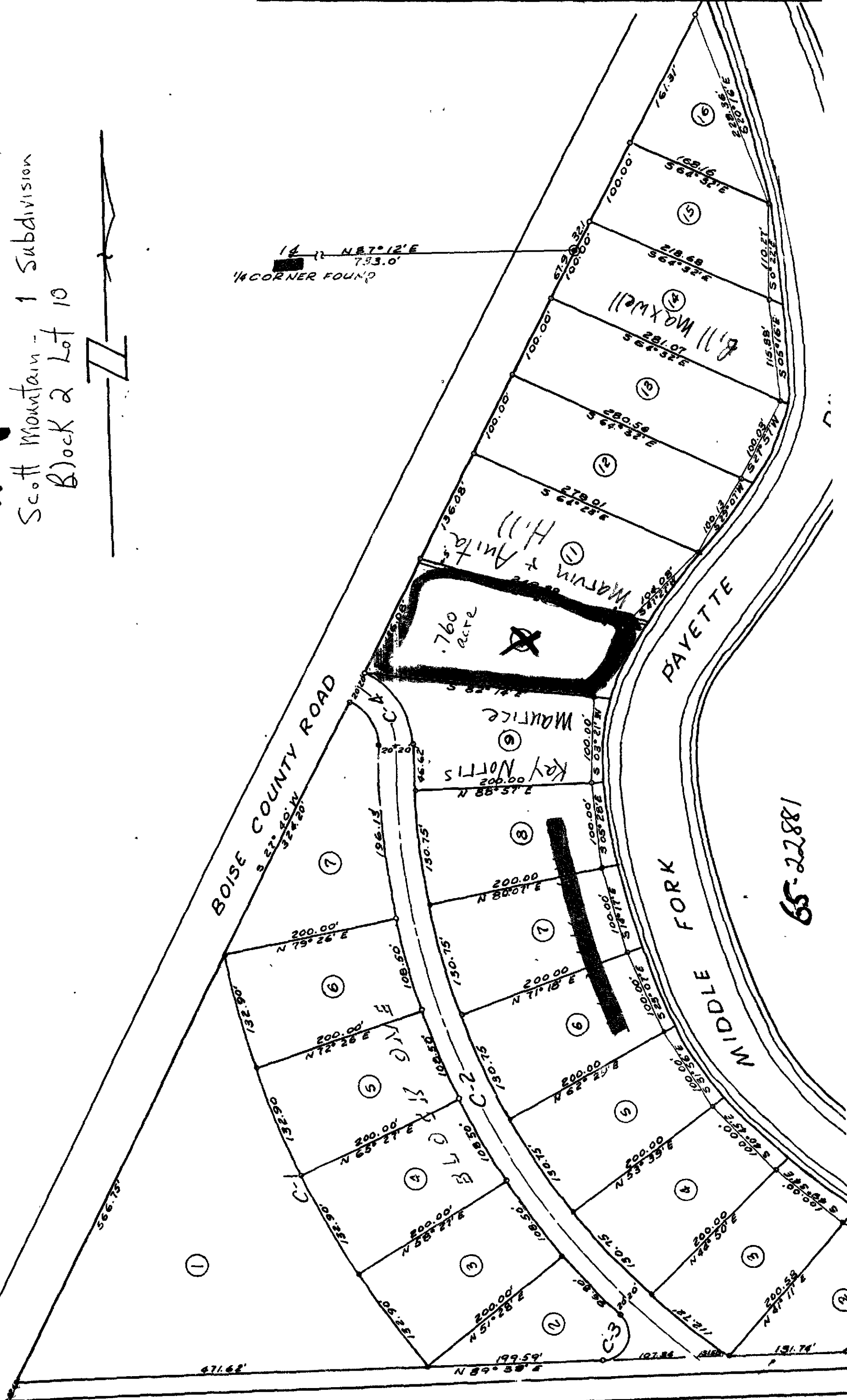
.760
acre

KAY NOTTIS

MAITICE

MARTIN & ANITA
(H.I.)

(12) MAXWELL



PC35727

He H
LRH

WARRANTY DEED

FOR VALUE RECEIVED Houston S. Garman and Lawanda N. Garman,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Harold W. Hatten, Jr. and Lois
R. Hattan, husband and wife

the Grantees, whose address is 6200 Northview Street, Boise, ID 83704

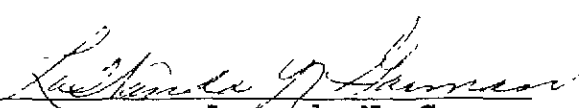
the following described premises, to-wit:

Lot 10 in Block 2 of Scott Mountain Subdivision No. 1, According to
the plat thereof, filed June 12, 1967 as Instrument No. 71993,
records of Boise County, ID.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises, that said premises are free from all encumbrances, except for general taxes and assessments for the year 2000 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same
from all lawful claims whatsoever

DATED: October 16, 2000

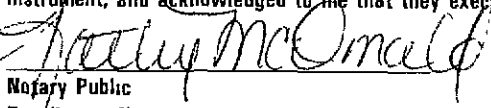

Houston S. Garman


Lawanda N. Garman

STATE OF IDAHO

COUNTY OF CANYON

On this 16TH day of OCTOBER in the year 2000, before me, a Notary Public,
personally appeared HOUSTON S. GARMAN AND LAWANDA N. GARMAN known
or identified to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.



Notary Public
Residing at Nampa
My commission expires 5/27/05



PIONEER TITLE COMPANY
OF CANYON COUNTY

610 SOUTH KIMBALL
CALDWELL, ID 83605

65-22881

RECEIVED

MAY 21 2004

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

HAROLD W. HATTEN JR.

Mailing Address

6200 Northview

Boise, ID 83704

Application No.
(if known)

65-22881

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

H. W. Hatten Jr. MD

Date

19 May 04

Please return this form to:

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

Idaho

2004



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

June 28, 2004

HAROLD W HATTEN JR
6200 NORTHVIEW
BOISE ID 83704

RE: Permit No. 65-22881

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.

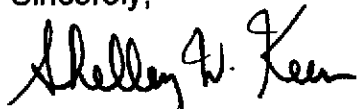
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

111 - 11111

2004

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 the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

APR 15 2004

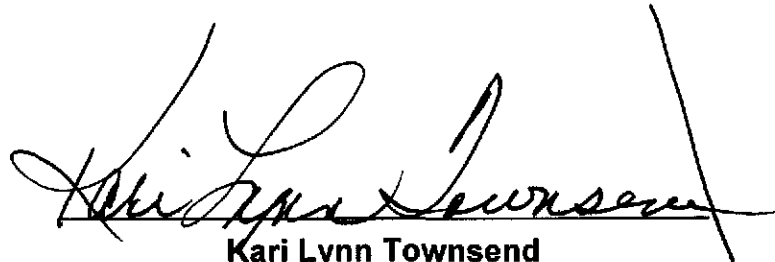
CERTIFICATE OF SERVICE

I hereby certify that on June 28, 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.

65-22881

**HAROLD W HATTEN JR
6200 NORTHVIEW
BOISE ID 83704**



**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).

MICROFILMED
JUN 15 2004

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.

MICROFILMED
JUL 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JZ Date 5/4/04 Application # 65-22881

RECEIVED

JUN 24 2004

DEPARTMENT OF
WATER RESOURCES

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
P/U

56+80. Lot = .76 Acre per plat,
.7 Acre fully max. OK despite total
2 Appl. appearing as .76 Acre

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

☒ P/D overlap (explain) } NONE for this owner, this property
☒ 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

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION #

65-22881

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 # 85
☒ ☒ Other - list here or attach information

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 6-21-04
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District # 85
☒ ☒ Special conditions of approval or cover letter

Standard conditions including Payette River Watermaster controls; allow 2 years; future mitigation possible; AKA Lot 10, Block 2, Scott Mountain Subdivision #1.

Recommended Date of Priority 4/28/2004

Recommendation ☒ Approve ☐ Deny by A. Leten Date 6/23/04

ADDITIONAL INFORMATION

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

also uses existing S/I well per application info.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22881

WATER RIGHT NUMBER: 65-22881

Owner Type Name and Address
 Current Owner HAROLD HATTEN JR.
 6200 NORTHVIEW
 BOISE, ID 83704
 (208)375-2085

← HAROLD W. HATTEN JR.
 =
 d'base updated 5/13/04
 -SL

Priority Date. 04/26/2004

Basis.

Status Active

Source
 MIDDLE FORK PAYETTE RIVER

Tributary
 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	0.020 CFS	
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER
 BOISE County

NW1/4NE1/4

Sec. 23, Twp 10N, Rge 04E, B.M

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	NE NW SW SE
			7				7

CORRECT,
 NOT .76 AC
 shown on
 APPL.

Conditions of ApprovalRemarksComments.

1. slester 5/13/2004 3:46:37 P.M. Additional Information Supporting Application
 Comment. Mitigation Plan or acceptance form. Attached

2. slester 5/13/2004 Legal Notice Remarks
 Comment Applicant agrees to mitigate consumptive use in the future as needed

minor clarification
 per map interpretation,
 does not need
 Applicant's endorsement
 on original appl.

Total lot = .76 AC.,
 presume some not
 irrigated (home etc),
 allow .7 ACRES maximum

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22881

Dates and Other Information

Application Received Date: 4/26/2004

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. Land is **Lot 10 in Scott Mountain 1 Subdivision, Block 2**. Purpose of irrigation is minimum hydration of low, controlled ground cover for fire protection.

Other Water Rights

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

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 June 2, 2004 and ending with the issue of June 9, 2004.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 10 day of June 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.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires

MY COMMISSION EXPIRES
June 26, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

DIANE E. CAUGHLIN
Notary Public
State of Idaho

RECEIVED

JUN 14 2004

WATER RESOURCES
WESTERN REGION

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

HAROLD W HATTEN JR
6200 NORTHVIEW
BOISE ID 83704

Point(s) of Diversion NWNE S23 T10N R04E BOISE County
Source MIDDLE FORK PAYETTE RIVER Tributary To PAYETTE RIVER
Use: IRRIGATION 03/15 To 10/31 0.02 CFS
Total Diversion: 0.02 CFS

Date Filed: 04/26/2004
Place Of Use: IRRIGATION
T10N R04E S23 NWNE
Number of Acres 0.7

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on June 2, 2004.

MICROFILMED

JUN 15 2004

State of Idaho
Department of Water Resources

RECEIVED

JUN 07 2004

WATER RESOURCES
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No: 65-22881Applicant's Name: Harold W. Hatten, Jr.

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows: _____

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

- d) Additional Comment: _____

Dated this 3rd day of June, 2004

Water District No. 65


Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

MICROFILMED

JUL 15 2004

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, May 27, 2004 3:50 PM
To: 'eleitzin@idfg.state.id.us'
Subject: COMMENT LETTERS

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

May 27, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached are copies of one or more applications 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 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 June 21, 2004.

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



65-22881.pdf



65-22884.pdf

MAILING LABEL

MAY 15 2004

Kreger (Taylor), Sue

To: WATERDIST65@SRVINET.COM
Subject: COMMENT LETTERS

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

May 27, 2004

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Watermaster:

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

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

Sincerely,

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



65-22881.pdf



65-22884.pdf



Copy of
commendation of Wacmmendation of Wa



Copy of

MICROFILMED

MAY 25 2004

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

May 27, 2004

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

RE: Application for Permit Nos. 65-22881 and 65-22884

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legals notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues) If you cannot publish the 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 06/21/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

RECEIVED
MAY 27 2004

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65-22881

HAROLD W HATTEN JR
6200 NORTHVIEW
BOISE ID 83704

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

Use: IRRIGATION 03/15 To 10/31 0.02 CFS
Total Diversion: 0.02 CFS

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Place Of Use: IRRIGATION

T10N R04E S23 NWNE

Number of Acres 0.7

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 June 2 and 9, 2004.

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JUL 15 2004