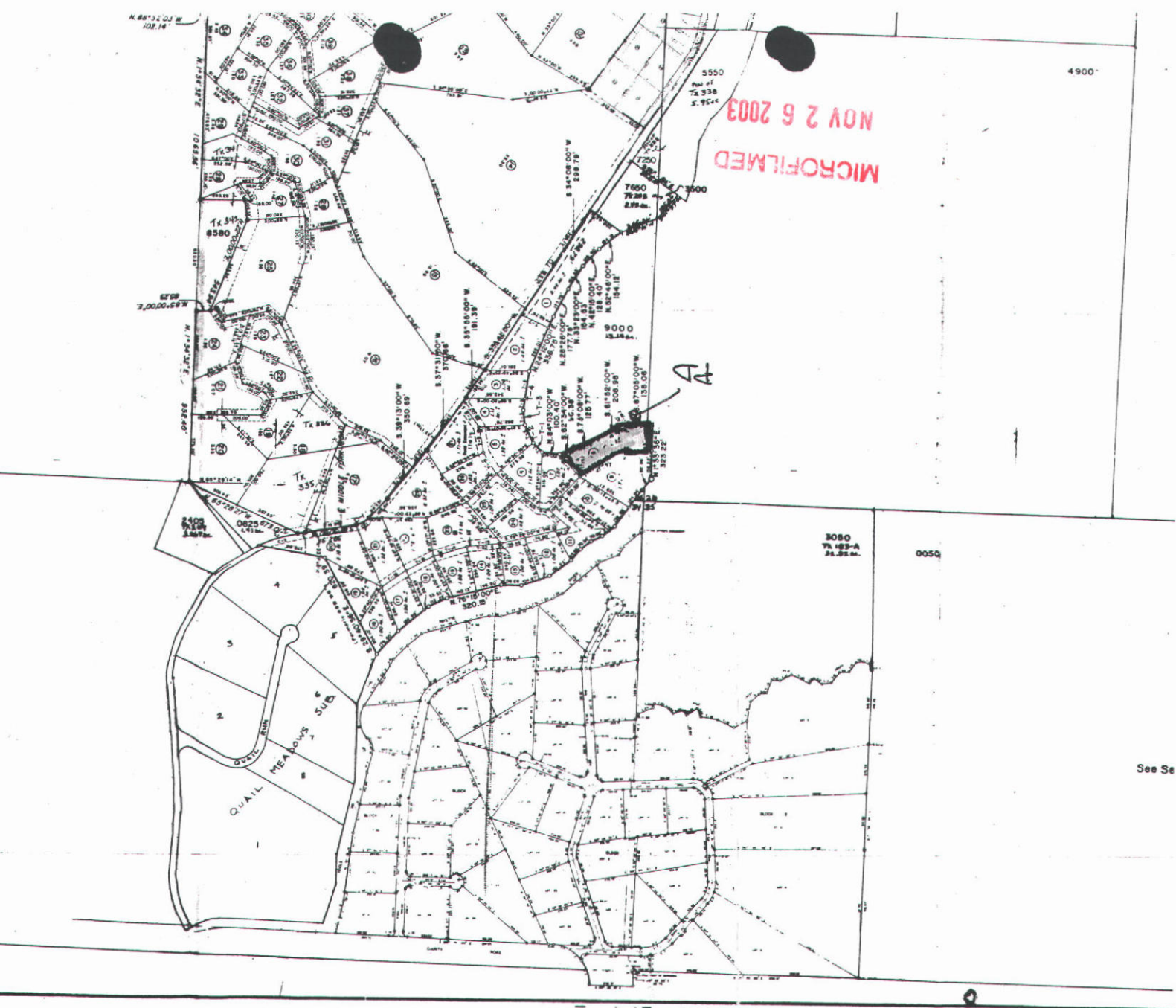
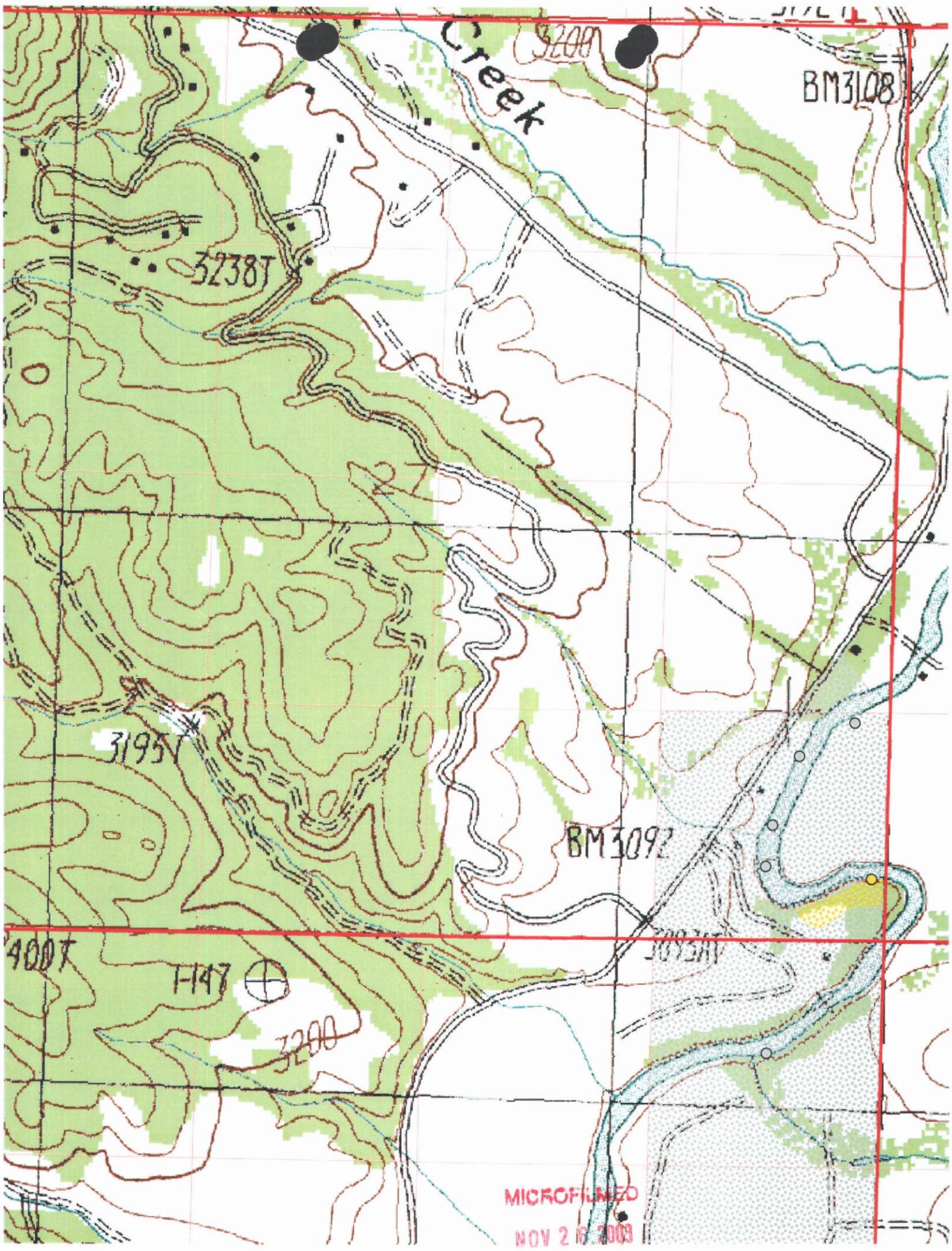




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NOV 26 2003



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MICROFILMED  
NOV 26 2009

# The Idaho World

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

RECEIVED

SEP 12 2003

WATER RESOURCES  
WESTERN REGION

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 Aug 20, 2003 and ending with the issue of Aug 27, 2003.

Deanna Stevenson

State of Idaho )  
 )  
County of Boise )

On this 10 day of Sept in the year 2003, 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.

Jami Weber

Notary Public for Idaho  
Residing at Garden Valley, Idaho

My commission expires 2/10/05

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

65-22804

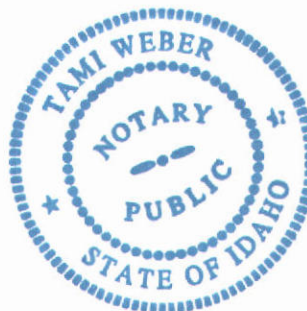
DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622  
Point(s) of Diversion SESE S27 T10N R04E  
BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER  
Use: IRRIGATION 03/15 To 10/31 0.06 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 06/06/2003  
Place Of Use: IRRIGATION  
T10N R04E S27 SESE  
Number of Acres 1.7

Remark: Applicant agrees to mitigate consumptive use in the future as needed. This application was advertised on 7/16/2003 and 7/23/2003 with the incorrect filing date. The correct date the application was filed is 6/6/2003 as listed above.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director

Published in the Idaho World on August 20 and 27, 2003.



MICROFILMED

NOV 26 2003

# The Idaho World

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

RECEIVED

JUL 28 2003

WATER RESOURCES  
WESTERN REGION

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 16, 2003 and ending with the issue of July 23, 2003.

Deanna Stevenson

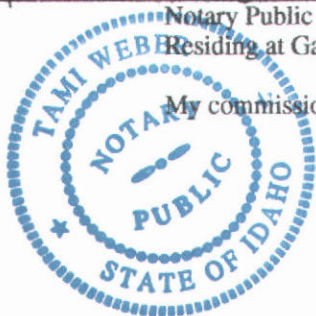
State of Idaho )  
County of Boise )

On this 25 day of July in the year 2003, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho  
Residing at Garden Valley, Idaho

My commission expires 2/10/05



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

65-22804

DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622

Point(s) of Diversion SESE S27 T10N R04E BOISE County  
Source MIDDLE FORK PAYETTE RIVER Tributary To PAYETTE RIVER  
Use: IRRIGATION 03/15 To 10/31 0.06 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 06/27/2003  
Place Of Use: IRRIGATION  
T10N R04E S27 SESE  
Number of Acres 1.7

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 08/04/2003. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director

Published in the Idaho World on July 16 and 23, 2003.

MICROFILMED  
NOV 26 2003

RECEIVED  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AUG 27 2004  
WATER RESOURCES  
WESTERN REGION

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED  
AUG 30 2004  
DEPARTMENT OF  
WATER RESOURCES

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 65-22804  
Name(s) of Permit Holder: Doug Bolen  
Address: 6 River Ln City Garden Valley State Id Zip 83622  
Telephone No. \_\_\_\_\_ Date Proof is Due: \_\_\_\_\_

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

Pump PURCHASE, PIPE INSTALLATION (PARTIAL),  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Costing \$ 1000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

STARTED NEW COMPANY & HAVENT HAD TIME TO  
COMPLETE!  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit holder(s) request an extension to August 27, 2009.

(Signature)  
\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to  
September 1, 2009.

Signed this 21<sup>st</sup> day of December, 2004.

Gary Spackman  
GARY SPACKMAN

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

NO. 65-22804

Priority June 06, 2003

Maximum Diversion Rate: 0.06 CFS

This is to certify, that DOUG BOLEN  
6 RIVER LN  
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       | 0.06 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

MIDDLE FORK PAYETTE RIVER SE¼SE¼ Sec. 27, 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 27  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.7    | 1.7 |

Total Acres: 1.7

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2004**.
2. Subject to all prior water rights.
3. Place of use is located within Lot 8, Pine Tree Ranch No. 11.
4. 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.
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. 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 25<sup>th</sup> day of September, 2003

  
KARL J DREHER, Director

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2003 2 6 2004

RECEIVED

SEP 17 2003

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 Dan Bolen Phone 208 462-1920  
Mailing address 6 RIVER LANE GARDEN VALLEY ID. 83622
2. Source of water supply MIDDLE FORK PAYETTE which is a tributary of SNAKE RIVER PAYETTE RIVER
3. Location of point of diversion is Township 10N Range 4E Sec. 27, in the BOISE County, SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Govt Lot           , B M,             
additional points of diversion if any. LGT #8 PINE TREE RANCH #11
4. Water will be used for the following purposes:
- |                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|
| Amount <u>.08 cfs</u> for <u>IRRIGATION</u> purposes from <u>3/15</u> to <u>10/31</u> (both dates inclusive)               |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
5. Total quantity to be appropriated is (a) .08 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 Pump in MIDDLE FORK PAYETTE TO 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 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW
- b. Stockwatering; list number and kind of livestock
- c. Municipal; show name of municipality.
- d. Domestic, show number of households.
- e. Other, describe fully

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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  |        |
| DN  | 4E  | 27  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.7 | 1.7    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above PINE TREE RANCH  
SUBDIVISION WATER

- 11 a. Who owns the property at the point of diversion? DOUG BOLEN
- b. Who owns the land to be irrigated or place of use? DOUG & MARY BOLEN
- 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 FOR IRRIGATION ONLY

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Doug B. Bolen  
 Signature of Applicant (and title, if applicable)

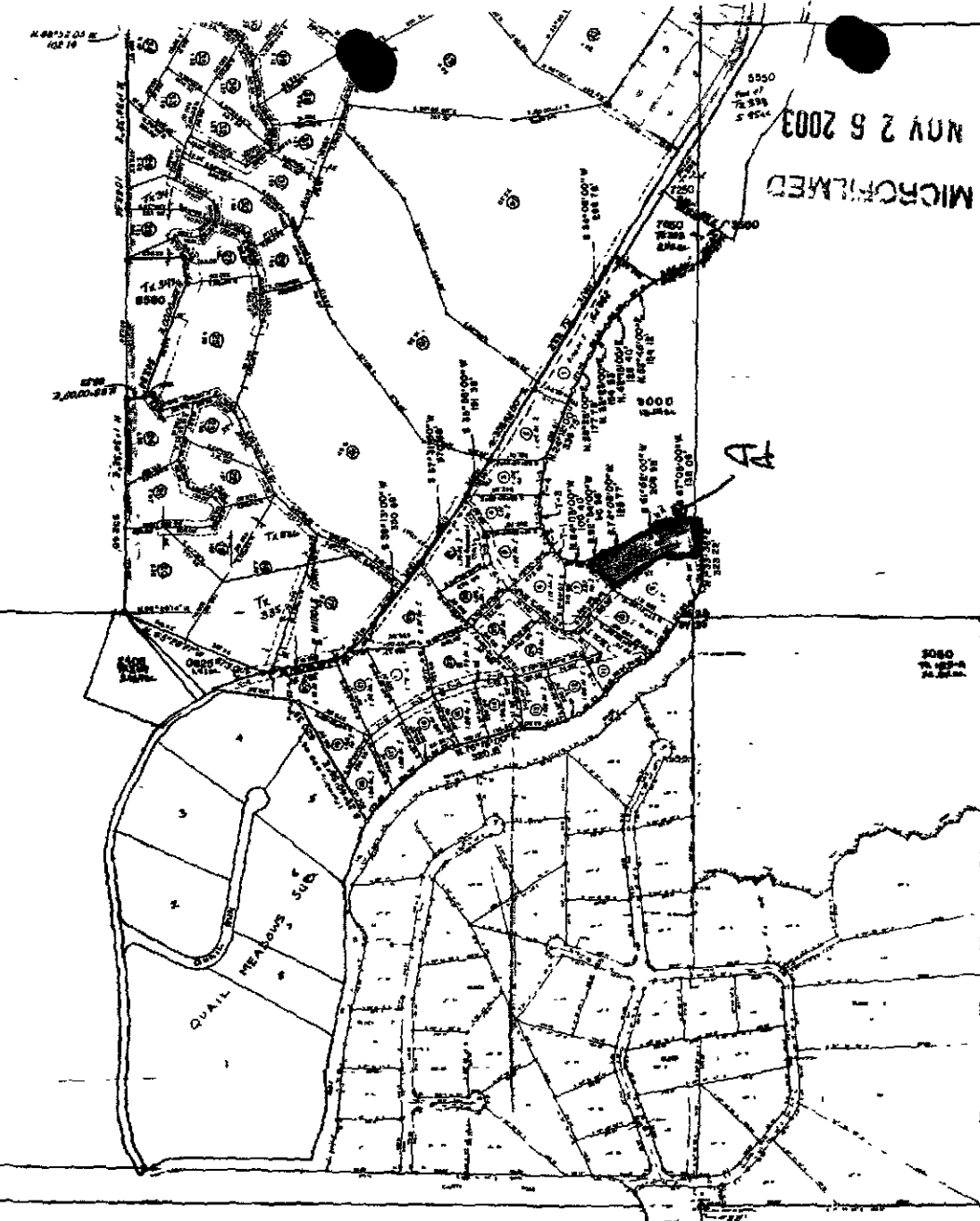
Received by DAN Date 6-6-2003 Time 11:00 Preliminary check by DAN  
 Fee \$ 100.00 Receipted by DAN # W030550 Date 6-6-03  
 Publication prepared by AW Date 7-16-03 Published in IDAHO WORLD  
 Publication approved AW 8-20 + 27-03 Date 9-12-03

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NO GOVT  
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DAN  
6-27-03

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NOV 26 2003

## REQUEST TO PROCESS

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

Name of Applicant

Douglas Bolen

Mailing Address

6 RIVER LANE

GARDEN VALLEY ID. 83622

Application No.  
(if known)

N.A.

☐ 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

Douglas B Bolen

Date

06/06/03

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
Attn: Dan Nelson  
2735 Airport Way  
Boise, ID 82705-5082

MICROFILMED

MAY 26 2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 3, 2004

DOUG BOLEN  
11 RIVER MEADOW DR  
GARDEN VALLEY ID 83622-5035

Re: Water Right Permit No. 65-22804

Dear Mr. Bolen:

Enclosed is a letter with an approved Request for Extension of Time to file proof of beneficial use for the above-referenced permit. This letter and extension were returned to the department because of a change of address you filed with the post office. I am enclosing a Change of Address form for you to file with the department to update this and other water right records you may have showing your authorization for the change.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: [www.idwr.state.id.us](http://www.idwr.state.id.us).

If you have any questions please contact me, or the department's regional office.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

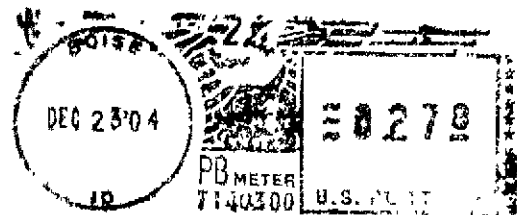
Enclosure

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
322 East Front Street, P O Box 83720  
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED  
DEC 30 2004  
DEPARTMENT OF  
WATER RESOURCES

UNSORTED  
FIRST CLASS



BOLE006 836222008 1804 18 12/27/04  
RETURN TO SENDER  
BOLEN DOUGLAS  
11 RIVER MEADOW DR  
GARDEN VALLEY ID 83622-5035  
RETURN TO SENDER

KAGGTHS 83622

1100000000000000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 22, 2004

DOUG BOLEN  
6 RIVER LN  
GARDEN VALLEY ID 83622

RE: PERMIT NO. 65-22804

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **September 1, 2009**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at:  
<http://www.idwr.idaho.gov>

If you have any questions regarding this matter, contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.. 65-22804

Reviewed By. dgibson

Date: December 21, 2004

|                                                                | <u>Yes</u>          | <u>No</u> |                                                                                               | <u>Yes</u> | <u>No</u> |
|----------------------------------------------------------------|---------------------|-----------|-----------------------------------------------------------------------------------------------|------------|-----------|
| Request received timely?                                       | X                   |           | Is delay by a government agency?                                                              |            | X         |
| Appropriate fee                                                | X                   |           | Is supporting documentation needed to support the file?                                       |            |           |
| Additional Amount Due:                                         |                     |           |                                                                                               |            |           |
| Receipt No..                                                   | W030550,<br>W032168 |           | Has the permit been involved in litigation?                                                   |            | X         |
| Name and signature same as permit?                             | X                   |           | Is supporting documentation needed to support the file?                                       |            |           |
| Is address same as permit?                                     | X                   |           | Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir? |            |           |
| Has adequate work been completed to demonstrate due diligence? | X                   |           |                                                                                               |            |           |

### Priority Calculation

|                            |              |                    |            |
|----------------------------|--------------|--------------------|------------|
| Extension request received | 08/27/2004   | New proof due date | 09/01/2009 |
| Date proof due             | - 09/01/2004 |                    |            |
| Lapse notice sent          | -            |                    |            |
| No. of days late           | = 0          |                    |            |
| Holiday allowance          | +            |                    |            |
| Priority date              | + 06/06/2003 |                    |            |
| New priority date          | = 06/06/2003 |                    |            |

### Action Taken

Acknowledge request and extend proof deadline to Sept 1, 2009



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](http://www.idwr.state.id.us)

June 30, 2004

DOUG BOLEN  
6 RIVER LN  
GARDEN VALLEY, ID 83622

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**PROOF DUE NOTICE**

RE: PERMIT NO. 65-22804

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

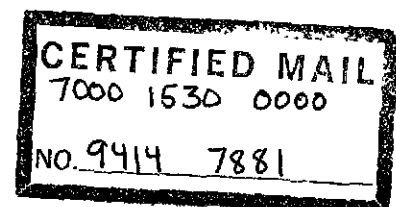
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

*for Shelley Keen*  
for Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures





**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](http://www.idwr.state.id.us)

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

September 25, 2003

DOUG BOLEN  
6 RIVER LN  
GARDEN VALLEY ID 83622

RE: Permit No. 65-22804

**Permit Approval Notice**

Dear Permit Holder:

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

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

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

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

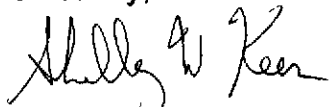
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

**MICROFILMED**

**NOV 26 2003**

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

NOV 25 2003

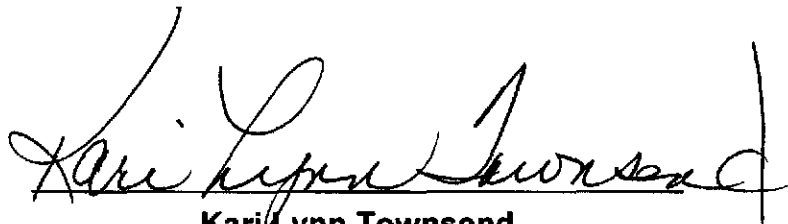
## CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2003 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.

65-22804

DOUG BOLEN  
6 RIVER LN  
GARDEN VALLEY ID 83622



Kari Lynn Townsend  
Secretary

MICROFILMED  
NOV 25 2003

**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.

MICROFILMED  
NOV 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 6-25-03 Application # 65-22804

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)  
☒ Address  
☒ Source (see USGS quad for source names)  
☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)  
☒ County  
☒ Quantity (flow &/or volume)  
☒ Period of use  
☒ Nature of use (list details in appl. Item 8 if non-irrigation)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ P/U  
☒ Map (show T, R, S, QQ &/OR QQQ)  
☒ Subdivision plat (if > 1 home restricted area  $\geq$  5 homes non-restricted area)  
☒ Signature (if corporation, partnership, municipality, need title of signatory)  
☒ Correct fee paid
- Government Lots  
NO P/D  
NO P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) NO SIGNIFICANT OVERLAP  
☒ P/U overlap (explain) 65-32255, 65-8287, 65-8283  
☒ 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)
- X REQUEST ADDITIONAL INFORMATION FROM APPLICANT

PINE TREE  
RANCH  
SCRIBER CREEK  
SPRINGS.

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

**PROCESSING**

APPLICATION # \_\_\_\_\_

YES NO

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

**COMMENT LETTERS**

YES NO

\_\_\_\_\_ ☒ IDEQ  
\_\_\_\_\_ ☒ District Health  
☒ \_\_\_\_\_ IDFG  
\_\_\_\_\_ ☒ IDL

YES NO

\_\_\_\_\_ ☒ US BLM  
\_\_\_\_\_ ☒ US Forest Service  
☒ \_\_\_\_\_ Water Dist # 65  
\_\_\_\_\_ ☒ Water Planning Bureau  
\_\_\_\_\_ ☒ Other \_\_\_\_\_

**FINAL REGIONAL PROCESSING REVIEW**

YES NO

☒ \_\_\_\_\_ Affidavit of publication received  
☒ \_\_\_\_\_ Application published correctly? If not, record action taken \_\_\_\_\_  
\_\_\_\_\_  
☒ \_\_\_\_\_ Publication dates & paper recorded on application  
\_\_\_\_\_ Final date for protest 8-4-03 9-8-03  
\_\_\_\_\_ ☒ Protests received  
\_\_\_\_\_ ☒ Recommendations attached  
\_\_\_\_\_ ☒ Measuring device required  
☒ \_\_\_\_\_ Water delivered by water master? District # 65 - water master Row SHUTLER  
\_\_\_\_\_ Special conditions of approval or cover letter

Standard conditions - water master conditions, ~~REDD~~  
Payette River conditions.

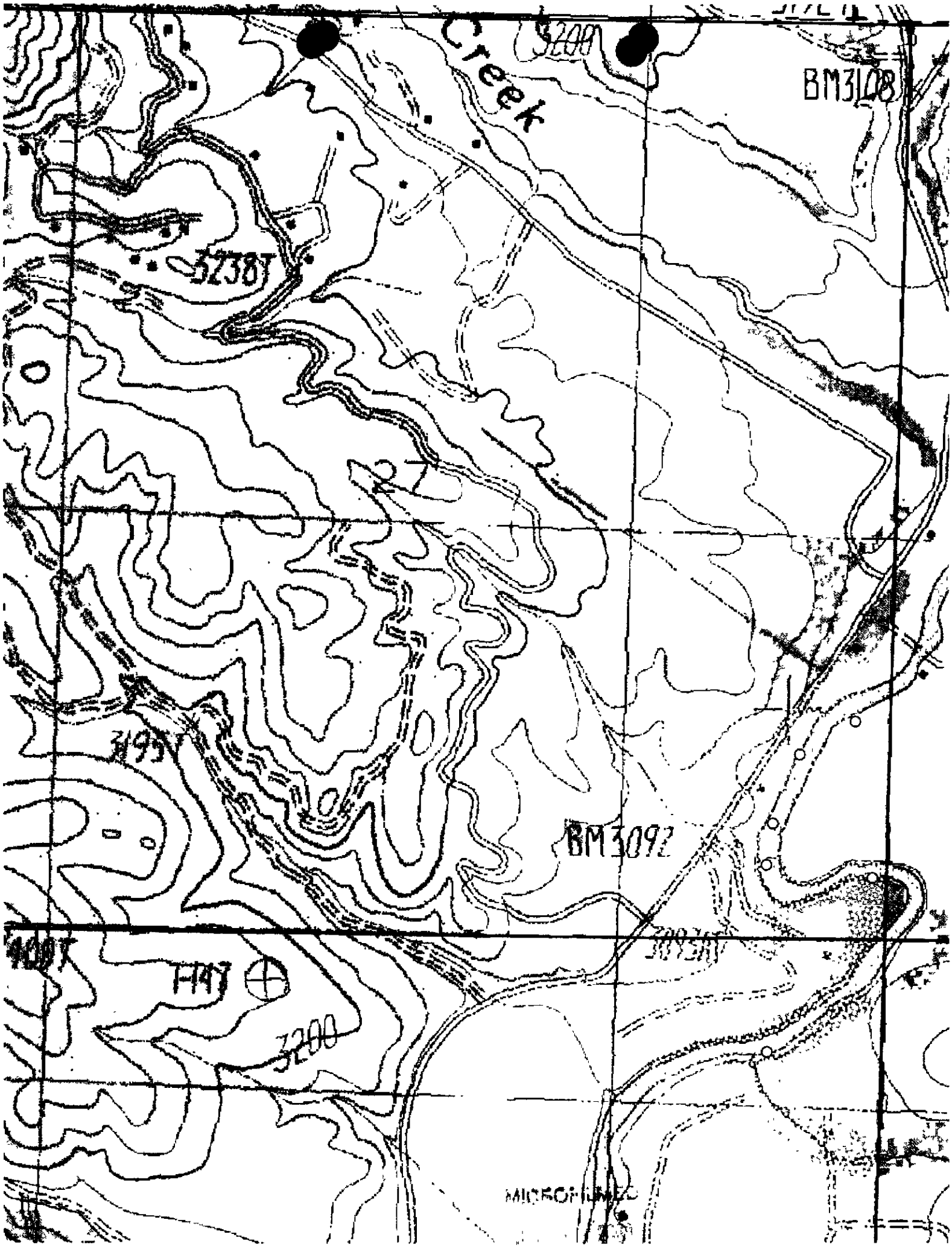
Recommended Date of Priority 10-6-2003

Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 9-15-03

**ADDITIONAL INFORMATION**

☐ See attached proof report, note Legal Notice Remarks &/or Comments

☐ Shapefile completed (optional: attach with proof report)



# The Idaho World

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

RECEIVED

SEP 12 2003

WATER RESOURCES  
WESTERN REGION

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 Aug 20, 2003 and ending with the issue of Aug 27, 2003.

Deanna Stevenson

State of Idaho )  
 )  
County of Boise )

On this 10 day of Sept in the year 2003, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho  
Residing at Garden Valley, Idaho

My commission expires 2/10/05

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

65-22804

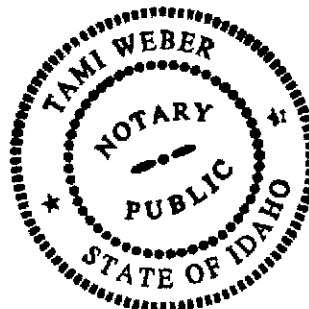
DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622  
Point(s) of Diversion SESE S27 T10N R04E  
BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER  
Use IRRIGATION 03/15 To 10/31 0.06 CFS  
Total Diversion. 0.06 CFS  
Date Filed 06/06/2003  
Place Of Use. IRRIGATION  
T10N R04E S27 SESE  
Number of Acres 17

Remark. Applicant agrees to mitigate consumptive use in the future as needed. This application was advertised on 7/16/2003 and 7/23/2003 with the incorrect filing date. The correct date the application was filed is 6/6/2003 as listed above.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director

Published in the Idaho World on August 20 and 27, 2003.



MICROFILMED

SEP 12 2003

# The Idaho World

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

RECEIVED

JUL 28 2003

WATER RESOURCES  
WESTERN REGION

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 16, 2003 and ending with the issue of July 23, 2003.

Deanna Stevenson

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

65-22804

DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622

Point(s) of Diversion SESE S27 T10N R04E BOISE County  
Source MIDDLE FORK PAYETTE RIVER Tributary To PAYETTE RIVER  
Use IRRIGATION 03/15 To 10/31 0 06 CFS  
Total Diversion 0 06 CFS  
Date Filed 06/27/2003  
Place Of Use IRRIGATION  
T10N R04E S27 SESE  
Number of Acres 17

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 08/04/2003. The protestant must also send a copy of the protest to the applicant  
KARL J DREHER, Director

Published in the Idaho World on July 16 and 23, 2003.

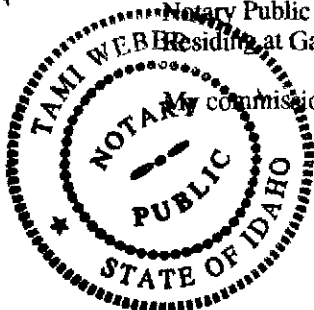
State of Idaho )  
 )  
County of Boise )

On this 25 day of July in the year 2003, 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 Webb

Notary Public for Idaho  
Residing at Garden Valley, Idaho

My commission expires 2/10/05



MICROFILMED

State of Idaho  
Department of Water Resources

RECEIVED  
JUL 24 2003  
WATER RESOURCES  
WESTERN REGION

## RECOMMENDATION OF WATERMASTER

Application No: 65-22804

Applicant's Name: Doug Bolen

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 22<sup>nd</sup> day of July, 2003

Water District No. 65

Ron Shurtleff  
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

MICROFILMED

**Taylor, Sue**

---

**To:** IDFG (E-mail)

**Subject:** COMMENT LETTERS

July 15, 2003

ERIC LEITZINGER, IDFG  
PO BOX 25  
BOISE ID 83707

Dear Sir:

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 August 4, 2003.

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

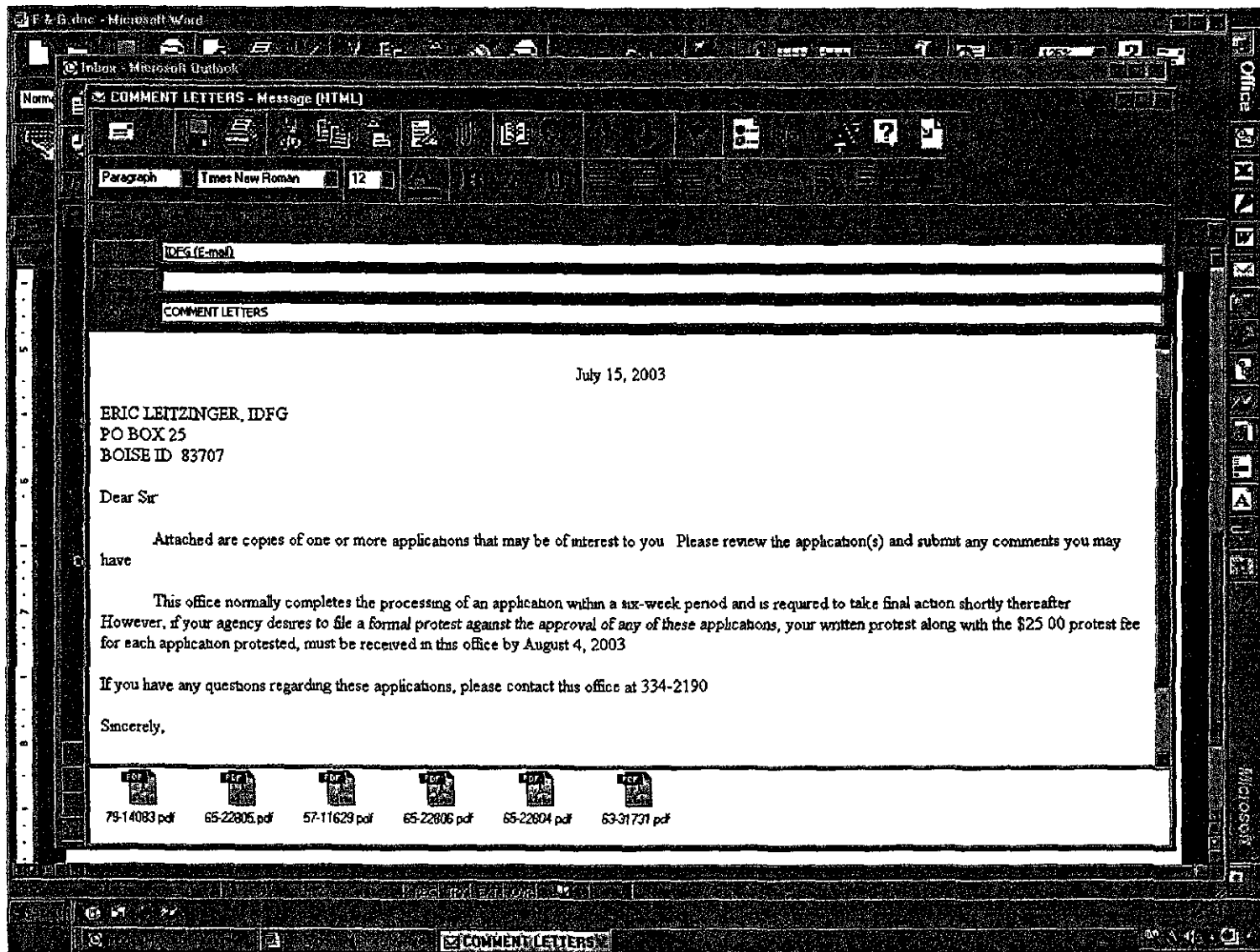
Sincerely,

Sue Taylor  
ID Dept Water Resources

MICHAEL J. TAYLOR

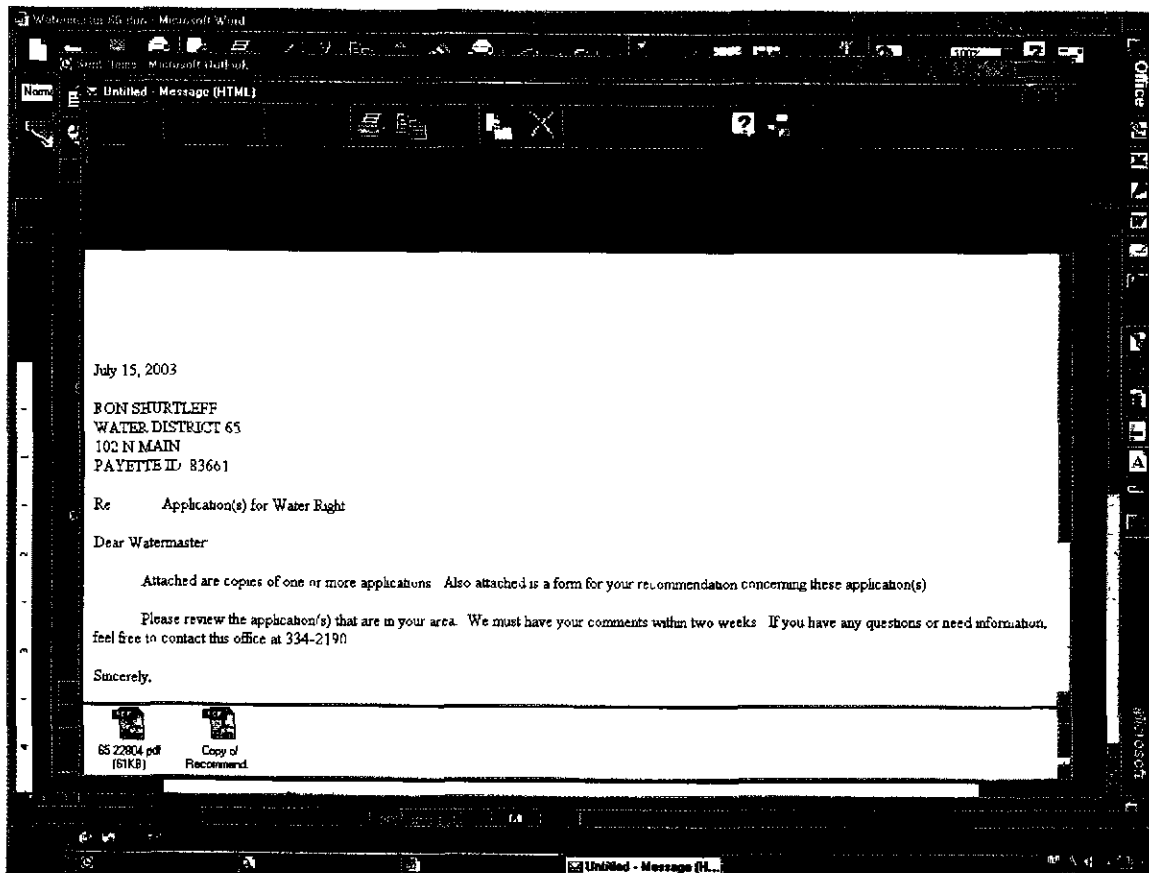
July 15, 2003

7/15/2003



MICHAEL J. JAMES

3-11



MICRO

2003

Taylor, Sue

---

To: WD65 (E-mail)

July 15, 2003

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

WD65

MILWAUKEE  
JUL 15 2003

7/15/2003

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

August 13, 2003

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

RE: Application for Permit No. 65-22804

**Dear LEGAL NOTICE DEPARTMENT:**

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/08/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

MAILED  
AUG 13 2003

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

65-22804

DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622

Point(s) of Diversion SESE S27 T10N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.06 CFS  
Total Diversion 0.06 CFS

Date Filed 06/06/2003

Place Of Use IRRIGATION

T10N R04E S27 SESE

Number of Acres 1.7

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

This application was advertised on 7/16/2003 and 7/23/2003 with the incorrect filing date. The correct date the application was filed is 6/6/2003 as listed above.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on August 20 and 27, 2003.

MICHAEL J. DREHER

ADVISOR



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 10, 2003

**Legal Notice Department**

IDAHO WORLD

PO BOX 99

GARDEN VALLEY ID 83622

RE Application for Permit No. 65-22804

**Dear LEGAL NOTICE DEPARTMENT:**

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

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Sincerely

Sue Taylor  
Senior Secretary

MICHAEL J. TAYLOR  
JUL 15 2003

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

65-22804

DOUG BOLEN  
6 RIVER LANE  
GARDEN VALLEY ID 83622

Point(s) of Diversion SESE S27 T10N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER  
Tnbutary To PAYETTE RIVER

Use. IRRIGATION 03/15 To 10/31 0 06 CFS

Total Diversion 0 06 CFS

Date Filed: 06/27/2003

Place Of Use: IRRIGATION

T10N R04E S27 SESE

Number of Acres 1.7

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 critena 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 08/04/2003. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Published in the Idaho World on July 16 and 23, 2003

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