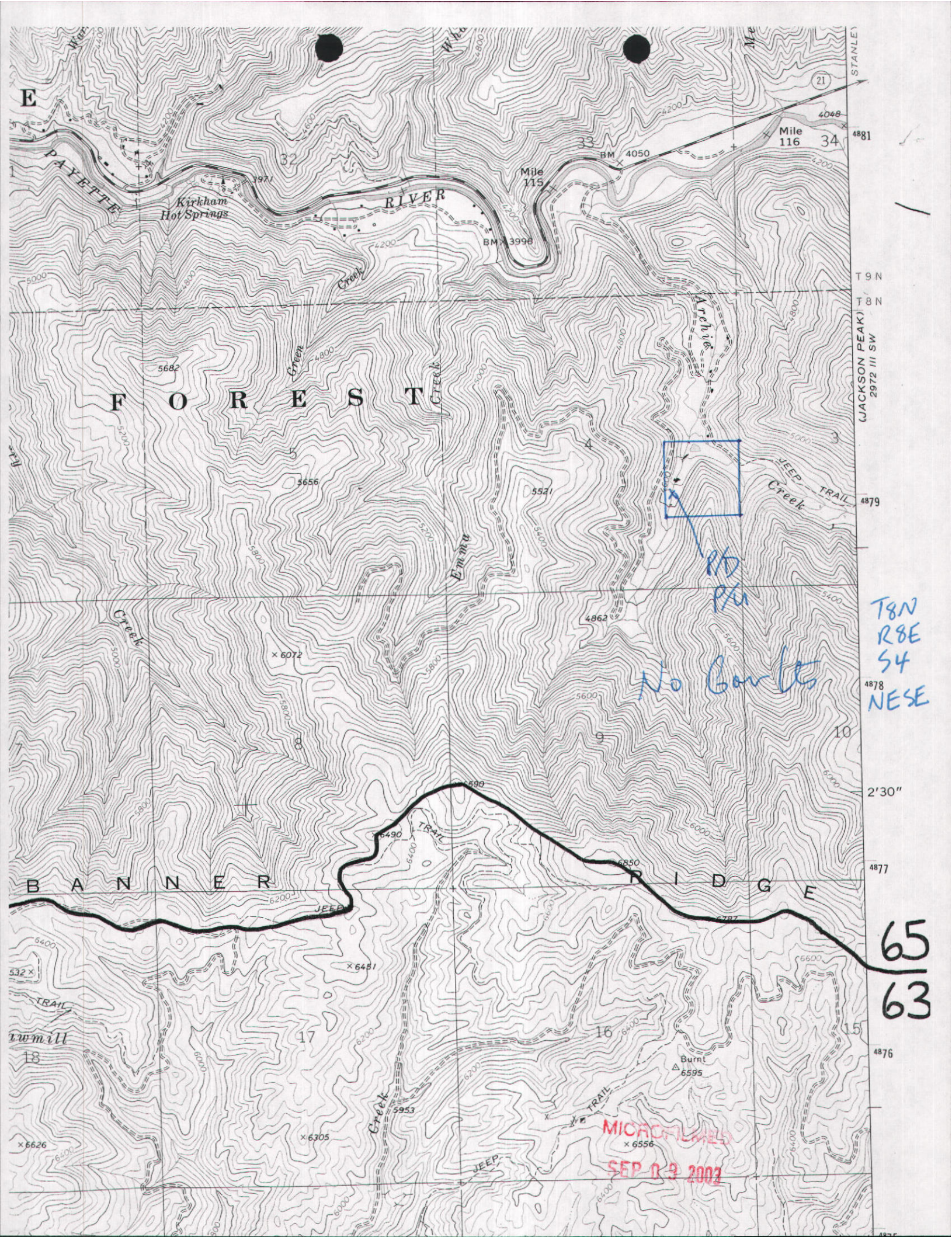




E

PAYETTE RIVER

Kirkham Hot Springs

RIVER

FOREST

BANNER BRIDGE

6451

6305

MICROFILMED

SEP 09 2002



RD
PK

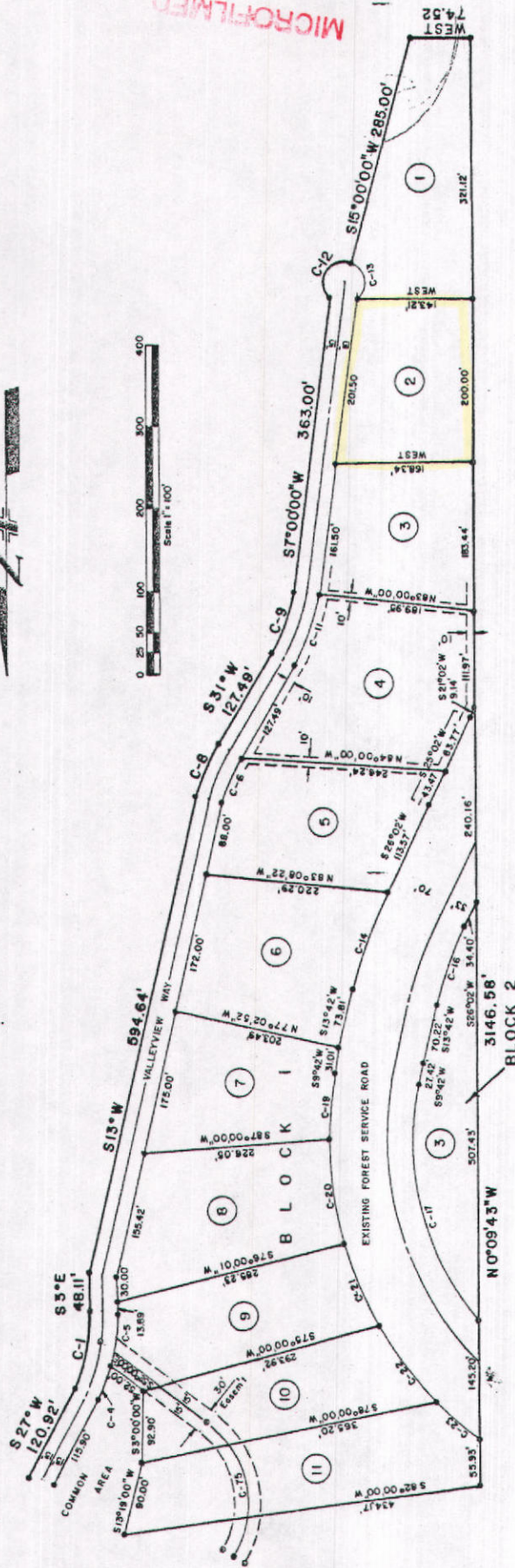
No Garbets

T8N
R8E
S4
NESE

65
63

ENCHANTED VALLEY SUBDIVISION NO. 3

A TRACT OF LAND SITUATED IN A PORTION OF E 1/2 OF NE 1/4 & E 1/2 OF SE 1/4 OF SECTION 4,
T8N, R8E, BM., BOISE COUNTY, IDAHO
ROYLANCE ENGINEERING 1976



CURVE TABLE

No.	Ch. Bearing	Ch. L.	R	A	Ac. L.	Ten.
C-1	S19°00'00"W	95.76'	115.00'	36°00'00"	96.86'	49.57'
C-2	S27°00'00"W	48.07'	215.00'	12°50'14"	48.17'	84.19'
C-3	S05°34'48"W	64.16'	215.00'	17°03'44"	64.40'	32.44'
C-4	S22°00'00"W	59.45'	190.00'	18°00'00"	59.68'	30.09'
C-5	S22°00'00"W	68.83'	220.00'	18°00'00"	69.11'	34.84'
C-6	S19°00'00"W	76.53'	185.00'	24°00'00"	77.48'	39.32'
C-7	S19°00'00"W	89.40'	215.00'	24°00'00"	90.06'	45.70'
C-8	S22°00'00"W	48.42'	25.00'	131°07'48"	65.94'	97.12'
C-9	S22°00'00"W	46.22'	25.00'	135°07'48"	65.94'	97.12'
C-10	S19°00'00"W	100.33'	407.00'	12°50'14"	100.53'	161.59'
C-11	S19°00'00"W	255.76'	407.00'	47°54'41"	304.44'	504.44'
C-12	N04°38'53"E	82.76'	470.00'	10°06'15"	82.88'	41.55'
C-13	N08°04'29"E	125.47'	470.00'	15°20'28"	125.85'	63.30'
C-14	N2°22'13"W	111.16'	470.00'	13°55'00"	111.42'	55.96'
C-15	N36°22'31"W	115.41'	470.00'	14°06'11"	115.70'	58.14'
C-16	N47°42'31"W	70.06'	470.00'	08°53'02"	70.14'	35.14'

NOTES

- (1) ALL EXISTING ROADS AND ANY FUTURE ROADS CONSTRUCTED WILL BE PRIVATE ROADS. BOISE COUNTY ASSUMES NO RESPONSIBILITY FOR MAINTENANCE OR SNOW REMOVAL. SUBJECT TO SEC. 4, BOISE COUNTY ORDINANCE DATED JUNE 9, 1969.

LEGEND

- 1/2" x 24" REBAR
- 5/8" x 30" REBAR
- 10' Utility & Drainage Easements.
- 10' Inside All Lot Lines Along Roads, Subdivision Boundary and Common Area Boundary
- 10' Centered on All Interior Lot Lines.
- 5 Lot Numbers

NOTE: SANITARY RESTRICTIONS IN FORCE.



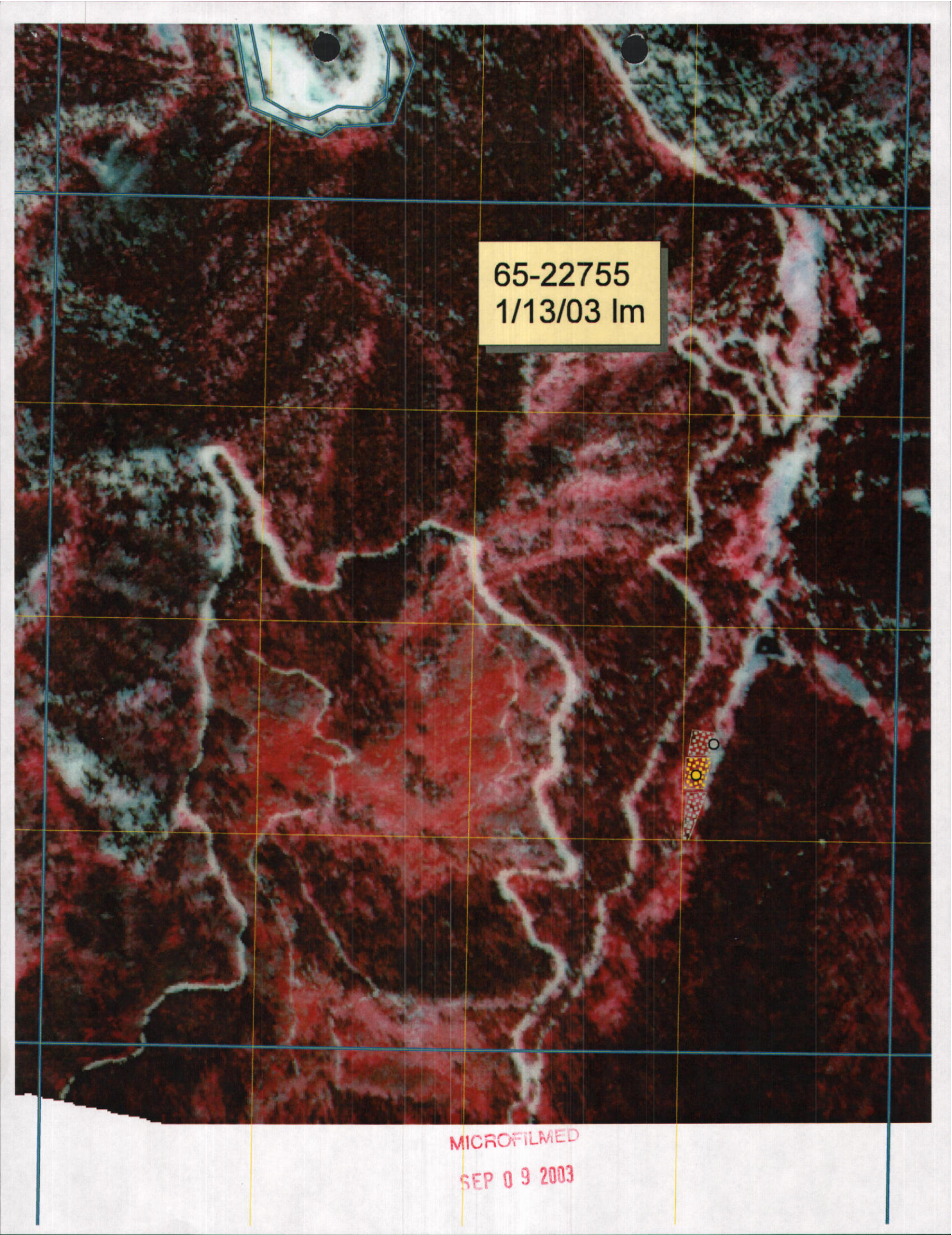
STATE OF IDAHO)
COUNTY OF BOISE) ss

I, DAVID H. ROYLANCE, HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER, LICENSED TO PRACTICE BY THE STATE OF IDAHO, THAT I HAVE COMPARED THE ORIGINAL SURVEY RECORDS WITH THE PLAT, AND THAT THE SAME IS A TRUE AND EXACT COPY OF SAID PLAT.

DAVID H. ROYLANCE P.E. NO. 2848



KEY MAP



65-22755
1/13/03 Im

MICROFILMED
SEP 09 2003

The Idaho World

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

RECEIVED

FEB 18 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 Feb 5, 2003 and ending with the issue of Feb 12, 2003.

Deanna Stevenson

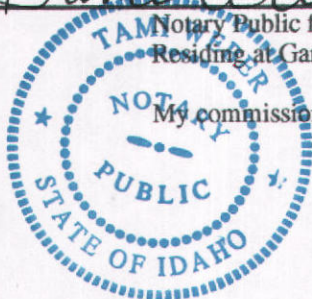
State of Idaho)
County of Boise)

On this 13 day of Feb 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.

Tammy Wilson

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:

65-22755

ROBERTA J MARMON

RT 1 BOX 1328

HOMEDALE ID 83628

Point(s) of Diversion NESE S4 T08N R08E BOISE County
Source UNNAMED STREAM Tributary To ARCHIE CREEK

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/29/2002

Place Of Use: DOMESTIC

T08N R08E S4 NESE

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 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Idaho World February 5 and 12, 2003

MICROFILMED

SEP 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22755

Priority November 29, 2002

Maximum Diversion Rate. 0.04 CFS

This is to certify, that ROBERTA J MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

has applied for a permit to appropriate water from

Source: UNNAMED STREAM

Tributary: ARCHIE CREEK

and a permit is APPROVED for development of water as follows.

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 4, Twp 08N, Rge 08E, B M, BOISE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	08E	4														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2008**.
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 permit holder had no control.
4. 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.
5. Water shall not be diverted under this right when flows in the South Fork of the Payette River are below established minimum flow amounts
6. Diversion of water under this permit is limited to a portable pump. A permanent diversion structure shall not be installed in the unnamed stream, locally known as the West Fork of Archie Creek.
7. Use of water under this right and Water Right No. 65-11340A shall not exceed a combined diversion rate of 0.04 cfs for the domestic use occurring on Lot 2, Block 1, Enchanted Village Subdivision No. 3.
8. 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
9. Point of diversion and place of use is located within Lot 2, Blk. 1, Enchanted Valley Subdivision
10. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of May, 2003

MICROFILMED

[Signature]
for KARL J DREHER, Director

RECEIVED

MAY 20 2003

FORM 202
12/99

Ident No.

65-22755

RECEIVED

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JAN 13 2003

WATER RESOURCES
WESTERN REGION1. Name of Applicant ROBERTA JEAN MARMON Phone 208-337-5060Mailing address RT. 1 Box 1328 HOMEDALE, ID 836282. Source of water supply UNNAMED AREA which is a tributary of ARCHIE CREEK3. Location of point of diversion is Township T8N Range R8E Sec 4 in the SE $\frac{1}{4}$, ENCHANTED VALLEY NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt Lot BLK 1 - LOT 2, B.M., BOISE County; Subdivision #3

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount .04 for IRRIGATION purposes from APR 1 to OCT 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) .04 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 UP TO 2"
WITH NEEDED PIPING * PUMP (Portable Pump) R/M 5-7-03b. 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. ONE

e. Other, describe fully. _____

MICROFILMED

SEP 19 2003

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	
T8N	R8E	4													X				
T8N	R8E	4																	

Total number of acres to be irrigated 692

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

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

12 Remarks Place of use and point of diversion also known as LOT 2 BLOCK 1 ENCHANTED VALLEY SUBDIVISION #3

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

Robert J. Marmore
Signature of Applicant (and title, if applicable)

Received by G Date 11/29/02 Time 1 PM Preliminary check by G
Fee \$ 100 Received by G # W029897 Date 11/29/02
Publication prepared by AT Date 2-24-03 Published in IDAHO WORLD
Publication approved AT Date 2-24-03

MICRO FILM

DEC 13 2003

REQUEST TO PROCESS

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

Name of Applicant _____

Mailing Address _____

Application No.
(if known) _____

____ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

____ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

____ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

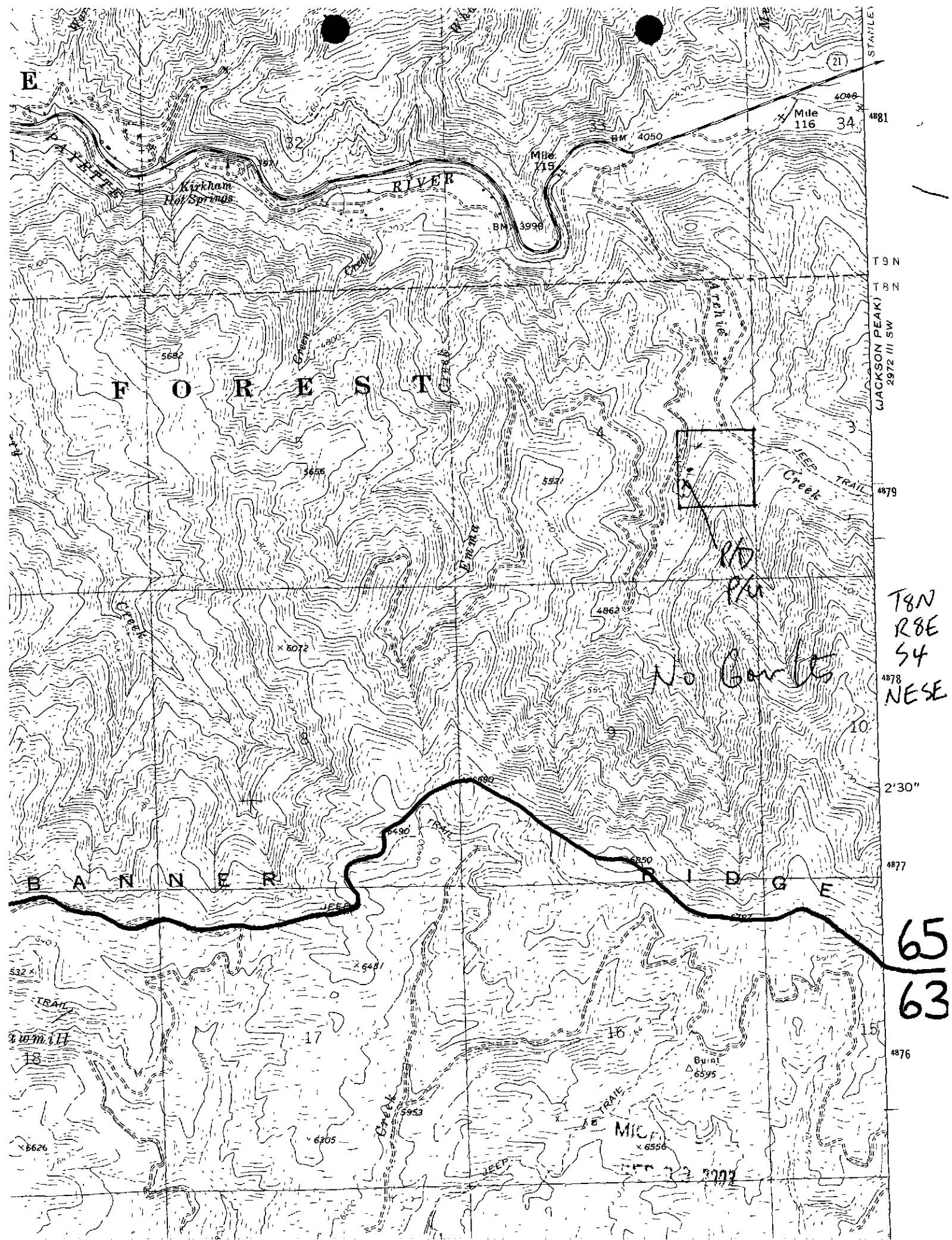
Signature _____

Date _____

Please return this form to:

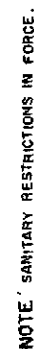
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICRO
SEP 11 2 1992



A TRACT OF LAND SITUATED IN A PORTION OF E 1/2 OF NE 1/4 & E 1/2 OF SE 1/4 OF SECTION 4,
T8N, R8E, BM, BOISE COUNTY, IDAHO

ROYLANCE ENGINEERING 1976



LEGEND

NOTES

(1) ALL EXISTING ROADS AND ANY FUTURE ROADS CONSTRUCTED WILL BE PRIVATE ROADS BOISE COUNTY ASSUMES NO RESPONSIBILITY FOR MAINTENANCE OR SNOW REMOVAL SUBJECT TO SEC 4, BOISE COUNTY ORDINANCE DATED JUNE 9, 1969

CURVE TABLE						
No	Ch Bearing	Ch L	R	d	Arc L	Tan
C-0	80°00'00" W	45.76	185.00	30°00'00"	96.88	49.57
C-1	52°03'55.5" W	46.18	215.00	30°00'00"	96.88	49.57
C-2	50°23'34.48" W	46.18	215.00	17°09'14"	45.40	53.44
C-3	52°03'55.5" W	46.18	215.00	16°00'00"	59.89	30.00
C-4	52°29'00.00" W	48.93	230.00	16°00'00"	59.11	34.84
C-5	51°00'00.00" W	76.93	185.00	2°40'00"	77.49	39.33
C-6	51°00'00.00" W	76.93	185.00	2°40'00"	90.06	45.70
C-7	51°00'00.00" W	89.40	215.00	2°40'00"	93.94	47.12
C-8	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-9	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-10	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-11	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-12	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-13	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-14	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-15	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-16	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-17	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-18	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-19	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-20	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-21	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-22	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86
C-23	49°28'00.00" W	48.42	23.00	151°07'48"	83.96	40.86

10' Utility & Drainage Easements
10' Inside All Lot Lines Along Roads, Subdivision
Boundary and Common Area Boundary
10' Centered on All Interior Lot Lines

Lot Number



STATE OF IDAHO)
COUNTY OF BOISE) ss

1, DAVID H. ROULANCE, HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER, LICENSED TO PRACTICE BY THE STATE OF IDAHO, THAT I HAVE COMPARED THE ABOVE COPY WITH THE ORIGINAL PLAT AND THAT THE SAME IS A TRUE AND EXACT COPY OF SAID PLAT

DAVID H ROYLANCE PF NO 2858



KEY MAP

ENCHANTED VALLEY SUBDIVISIONS

PROPOSED DIVISION OF WATER RIGHT NO. A65-02597 (Irrigation):

Source: Archie Creek
Purpose: Irrigation
Total Acres: 50.0

The original irrigation water right ("Right") was for a total of 50 acres in Section 4, T8N, R8E, Boise County, Idaho, which had not yet been platted. The applicable acreage was divided as follows:

NENE	10 acres
SENE	15 acres
NESE	14 acres
SESE	11 acres

The five Enchanted Valley subdivisions were developed over a period of years and eventually occupied somewhat different areas than originally envisioned by the developer, e.g., none of them were located on the 11 acres allotted water in the SESE of Section 4, and only a portion of Subdivision No. 3 occupies the 14 acres allotted in the NESE. Therefore, this allocation is currently being undertaken in connection with the Snake River Adjudication in order to clarify the Right.

The five Enchanted Valley subdivisions contain the following number of Lots:

No. 1	25 lots
No. 2	12 lots
No. 3	23 lots
Gordon Segregated	3
Enchanted View	10 lots

In addition, the unplatted area in the NESE contains one lot within the area described in the Right, for a total of 74 parcels.

However, the only lots potentially irrigable from Archie Creek without a pressure irrigation system are as follows:

No. 1	Lots 21, 22, 23, 24 and 25
No. 2	Lots 1 through 12
Sub No. 3	Lots 6, 7, 8, 9, 10 and 11
	(extremely steep, only about one-third of each is feasible for irrigation)
	Lots 12, 13, 14, 15 and 16

It is not included

MICHAEL

DEC 10 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 28, 2003

ROBERTA J MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

RE: Permit No. 65-22755

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.

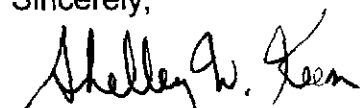
MICROFILMED

SEP 23 2003

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

ENCHANTED VALLEY RANCH TRUST

MICROFILMED
SEP 19 2003

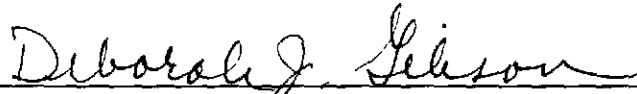
CERTIFICATE OF SERVICE

I hereby certify that on May 29, 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. 65-22755

**ROBERTA J MARMON
RT 1 BOX 1328
HOMEDALE ID 83628**

**ENCHANTED VALLEY RANCH TRUST
50 ARCHIE CREEK RD
LOWMAN ID 83637**


**Deborah J. Gibson
Administrative Assistant**

MICROFILMED
SEP 12 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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
1997

MEMORANDUM

Date: May 22, 2003
To: Water Right File 65-22755
From: dgibson
Re: Permit Review

The permit issued for this right has a provision that water shall not be diverted when flows in the S F. of the Payette are below established min flow amounts per a comment from Bill Graham, Planning Dept

This application was protested. The protest was withdrawn based on a condition on the permit that the diversion is limited to a portable pump. A permanent diversion structure shall not be installed in the stream. A second condition being placed on the permit is regarding use of this right and right no 65-11340A shall be limited to 0.04 cfs. This provision is to limit the use if the permit holder was able to connect to the community system at a later date.

MICHAEL

SEP 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Comments
RECEIVED

MAY 20 2003

Department of Water Resources

Initial review by lg Date 1/3/3 Application # 65-22755

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and/or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U ~

ADDITIONAL INFORMATION

☒ ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau ✓ 1/3/3 lg
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☐ Future = open areas, acceptance of condition of approval is in file
- ☒ 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 THE APPLICANT

Date Requested _____ Date Response Received _____

acknowledged
for permit
done - RW

PROCESSINGAPPLICATION # 65-

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 65
☒ ☐ Water Planning Bureau *done 1/3/3 by*
☒ ☐ Other see attached

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____

☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 2-24-03
☐ ☒ Protests received
☒ ☐ Recommendations attached see Steven 5/8/03 memo
☐ ☒ Measuring device required
☒ ☐ Water delivered by water master? District # 65
☒ ☐ Special conditions of approval or cover letter

Per Bill Graham - water shall not be diverted when
S.F. Payette flows are below established min.
stream flows.

Recommended Date of Priority 11/25/02Recommendation ☒ Approve ☐ Deny by W. Graham Date 5/12/03**ADDITIONAL INFORMATION**☐ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22755

WATER RIGHT NUMBER: 65-22755

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERTA J MARMON RT 1 BOX 1328 HOMEDALE, ID 83628 (208)337-5060

Priority Date 11/29/2002

Basis

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ARCHIE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SE1/4	Sec 4,	Twp 08N,	Rge 08E, B M
BOISE County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	08E	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

Conditions of ApprovalRemarks:Comments

1 Imattson 1/13/2003 Comment/Analysis

Comment The p/u and p/d aka Lt 2 Blk 1 Enchanted Valley Subdivision No. 3 Because of its location, this lot cannot utilize the subdivisions gravity irrigation system from Archie Creek and was not included on right 65-2597A Applicant wishes to install a small pressurized irrigation system (pump, sprinklers)

The source was originally listed as the West Fork Archie Creek tributary to the Payette River The topo map does not list the West Fk, Archie Creek The source and trib were then clarified to an Unnamed Stream tributary to Archie Creek.

MICROFILMED

SEP 24 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22755

Dates and Other Information

Application Received Date 11/29/2003

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 Place of use and point of diversion also known as Lot 2 Block 1 Enchanted Valley Subdivision No. 3

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

MICROFILMED
SEP 03 2011

65-22755
1/13/03 lm

Dixon and Marmon Applications
Mailing List

Water Dist 65

Idaho Dept of Fish & Game

Fred Kopke
421 S Curtis Rd #24
Boise ID 83705

Enchanted Valley Ranch Trust
50 Archie Creek Rd
Lowman ID 83637

Lewis Davis
1811 N Maple Grove
Boise ID 83704

Julie Jurica
11501 Highlander Rd
Boise ID 83709

Robert Farber
General Delivery
Lowman ID 83637

MICROFILMED

1991 JUL 2003

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: May 8, 2003

RE: Applications 65-22753, 65-22754 and 65-22755

I conducted a joint prehearing conference for these three protested applications for permit yesterday. One party, Robert Farber, protested all three applications.

The applications are very simple. Each proposes a pump to serve one home in a subdivision near Lowman. Numerous complex issues surround the situation, and the issues involve things normally outside of department jurisdiction – subdivision covenants, disputes over ownership of the community water system and so forth. The parties discussed the issues at length.

The protests were withdrawn after it was revealed that the applicants intend to use portable pumps for occasional use, most likely for weekend visits. The protestant was not concerned about portable pumps. All the parties signed a settlement agreement and withdrawal of protests. The settlement agreement noted that specific conditions of approval as suggested might not be used by the department.

I think we can include the specific conditions as matters clearly within department jurisdiction. The applications can be approved and should include the following special conditions of approval:

Diversion of water under this approval is limited to a portable pump. A permanent diversion structure shall not be installed in the unnamed stream, locally known as the West Fork of Archie Creek.

Use under this approval and all other rights for the same use shall be limited to 0.04 cfs.

The first condition is preferred over the generic “subject to a private agreement” language. The second condition protects against “stacking” if a permit holder decides to hook up to the Archie Creek community system in the future.

Please send a copy of approved applications to the protestant.

MICHAEL

MAY 9 2003

Steve
5/8/03 Memo

Applications 65-22753
65-22754
65-22755

Settlement Agreement &
Withdrawal of Protests:

Each Applicant agrees to divert water
using a portable pump.

A permanent structure will not be installed
in the creek.

I understand approval of each application
probably will not include this specific language
but probably will reference a private agreement.

The protest against ~~each~~ application is withdrawn
based on this agreement.

Robert J. Marmore

Robert J. Marmore

Brian Hagen

Brian Hagen

Donald Lynn Dixon

Donald Lynn Dixon

MICROFILMED

SEP 11 2003

Robert Farber

Robert Farber

MAY 7, 2003
Lawman Ranger District
Lawman, Idaho

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 65-22755 in the Name of Roberta Jean Marmon
Place: Garden Valley Ranger Station
Date: May 7, 2003
Conducted by: Gary Spackman

65-22754 " " DONALD Lynn Dixon
65-22753 " " BRIAN HAGEN

** }*

NAME

ADDRESS

Roberta Marmon Rt 1, Box 1328 Homedale, ID 83628
Brian Hagen 10883 W. Vigen Ln. Star, ID, 83669
Roberta " Rt 1 Box 1328 HOMEDALE ID 83628
Bob Furbush 50 Arche Creek Road
Kathy Furbush 50 Arche Creek Road Lowman, ID 83637
Barney Furbush 81 Arche Creek Rd. Lowman 83637
↳ Director Enchanted Valley Water Users Corp.

MICHAEL BAKER

2003 MAY 7

** all 3 Appls. protested by Robert Furbush Trustee, Enchanted Valley Ranch Trust*

5/03

State of Idaho
Department of Water Resources

RECEIVED
MAY 16 2003
WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22755

Applicant's Name: Roberta Jean Marmon

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 15th day of May, 2003

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

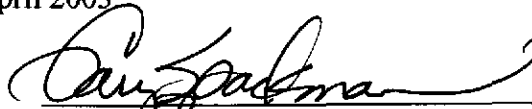
MICROFILMED
JUN 11 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	
FOR WATER RIGHT NOS. 65-22753)	NOTICE OF CHANGE OF
IN THE NAME OF BRIAN HAGEN,)	LOCATION OF PREHEARING
65-22754 IN THE NAME OF DONALD)	CONFERENCE
LYNN DIXON AND 65-22755 IN THE)	
NAME OF ROBERTA MARMON)	
_____)	

IDWR scheduled a prehearing conference for the above protested matter to be held on Wednesday, May 7, 2003. The location was scheduled for the Garden Valley Ranger District in Garden Valley, Idaho. The location has been changed to the **Lowman Ranger District, 7359 Hwy 21, Lowman, Idaho 83637. The date and time remain the same at 2:00 pm on May 7, 2003.**

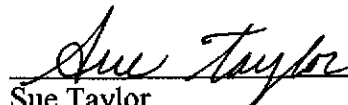
Dated this 15th day of April 2003



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of April 2003 I mailed a true and correct copy, postage prepaid, of the Notice of Change of Location of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

ROBERTA JEAN MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

DONALD L DIXON
PO BOX 1313
CALDWELL ID 83606

BRIAN HAGAN
10883 W VEGA LN
STAR ID 83669

MICHAEL

ENCHANTED VALLEY RANCH
50 ARCHIE CREEK RD
LOWMAN ID 83757



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

April 15, 2003

LOWMAN RANGER DISTRICT
7359 HWY 21
LOWMAN ID 83637

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, May 7, 2003 at 2:00 pm.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor
Senior Secretary

MICHAEL
APR 16 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

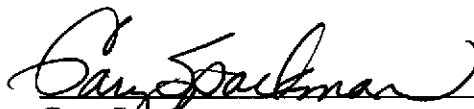
IN THE MATTER OF APPLICATION)	
FOR WATER RIGHT NOS. 65-22753)	NOTICE OF PREHEARING
IN THE NAME OF BRIAN HAGEN,)	CONFERENCE
65-22754 IN THE NAME OF DONALD)	
LYNN DIXON AND 65-22755 IN THE)	
NAME OF ROBERTA MARMON)	
_____)	

On January 3, 2003 Brian Hagen filed with the Department of Water Resources (IDWR) application for water right no. 65-22753. On November 29, 2003 Donald Lynn Dixon filed application for water right no. 65-22754. On November 29, 2002 Roberta Marmon filed application for water right no. 65-22755. The applications were protested by Enchanted Valley Ranch Trust, Inc.

IDWR has scheduled a conference for the protests to be held on **Wednesday, May 7, 2003 at 2:00 p.m. at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, Idaho 83622.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 7th day of April 2003.

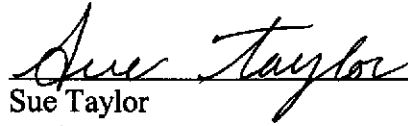


Gary Spackman

MICROFILMED
MAY 14 2007

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of April 2003 I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

ROBERTA JEAN MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

BRIAN HAGAN
10883 W VEGA LN
STAR ID 83669

DONALD L DIXON
PO BOX 1313
CALDWELL ID 83606

ENCHANTED VALLEY RANCH
50 ARCHIE CREEK RD
LOWMAN ID 83757

APR 10 2003
10 10 2003

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICHAEL L. LIVINGSTON
JULY 1, 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

1997 JUL 10



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 7, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ENCHANTED VALLEY RANCH
50 ARCHIE CREEK RD
LOWMAN ID 83757

Re: Application for Permit Nos. 65-22753 in the Name of Brian Hagan, 65-22754 in the Name of Donald L. Dixon, and 65-22755 in the Name of Roberta Marmon

Dear Protestant:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for May 7, 2003 at the Garden Valley Ranger Station, Garden Valley, Idaho 83622. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,



Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference

MICROFILMED

SEP 03 2003



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

April 4, 2003

ROBERTA JEAN MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

BRIAN HAGAN
10883 W VEGA LN
STAR ID 83669

DONALD L DIXON
PO BOX 1313
CALDWELL ID 83606

Re: Application for Permit No. 65-22755 in the Name of Roberta Jean Marmon, 65-22753 in the name of Brian Hagan, and 65-22754 in the Name of Donald L. Dixon

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for May 7, 2003 at the Garden Valley Ranger Station in Lowman, Idaho 83637. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

MICROFILMED

APR 13 2003

Marmon, Dixon, Hagen

April 4, 2003

Page -2-

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,



Gary Spackman

GS:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

MICRO, ILMEJ
APR 5 2003

RECEIVED
FEB 14 2003
WATER RESOURCES
WESTERN REGION

W030060
Kg
Enchanted Valley Ranch Trust
50 Archie Creek Rd.
Lowman, Idaho 83637
(208) 259-3823

February 11, 2003

Idaho Dept Water Resources
2735 Airport Way
Boise Idaho, 83637-5082
(208) 334-2190 fax 334-2348

Attn: Lori Graves

Re: Application for Water Right No. 65-22754 applicant Donald Dixon
Application for Water Right No. 65-22755 applicant Roberta Marman
Application for Water Right No. 65-22753 applicant Brian Hagen

Dear Lori Graves:

We do indeed wish to file a formal protest against the approval of the above mentioned applications, please schedule a hearing so we may attend to give testimony as to the evidence we feel is pertinent as to why these permits should be denied. Our ck.#1420 in the amount of \$75.00 enclosed.

cc. to Jim Gillespie. P.A.

Sincerely, Enchanted Valley Ranch Trust



Robert Farber trustee

MIUC

SEP 11 2003

The Idaho World

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

RECEIVED

FEB 18 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 Feb 5, 2003 and ending with the issue of Feb 12, 2003.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 13 day of Feb 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.

Tamara Wilson

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

65-22755

ROBERTA J MARMON
RT 1 BOX 1328

HOMEDALE ID 83628

Point(s) of Diversion NESE S4 T08N R08E BOISE County
Source UNNAMED STREAM Tributary To ARCHIE CREEK
Use DOMESTIC 01/01 To 12/31 0 04 CFS

Total Diversion

0 04 CFS

Date Filed 11/29/2002

Place Of Use DOMESTIC

T08N R08E S4 NESE

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 02/24/2003. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

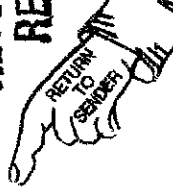
Published in The Idaho World February 5 and 12, 2003

NOT RECORDED

SEP 3 8 2003

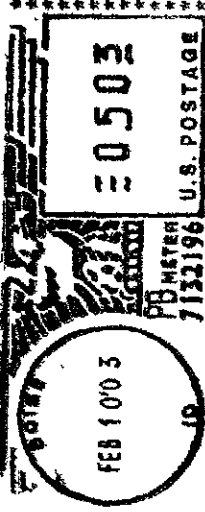
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED



UNDELIVERABLE AS
ADDRESSED-
NO FORWARDING
ORDER ON FILE

POSTAGE
FIRST CLASS



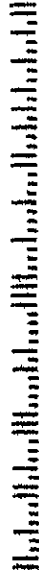
RECEIVED

FEB 12 2003

WATER RESOURCES
WESTERN REGION

FRED KOPKE
421 S CURTIS RD #24
BOISE ID 83705

LAAGTMS 83705



*Comment letter was returned
with no forwarding address.*

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

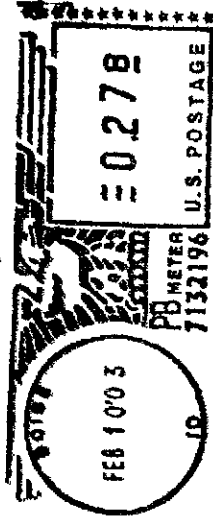
RETURN SERVICE
REQUESTED

RECEIVED

FEB 14 2003

WATER RESOURCES
WESTERN REGION

JULIE JURICA
11501 HIGHLANDER RD
BOISE ID 83709



FIRST CLASS

2735 AIRPORT WAY

BOISE, IDAHO 83705-5082

11501 HIGHLANDER RD
BOISE, IDAHO 83709

MICROFILM



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

February 10, 2003

ROBERT FARBER
GENERAL DELIVERY
LOWMAN ID 83637

Re: Application for Water Right No. 65-22754 in the Name of Donald Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marman.
Application for Water Right No. 65-22753 in the Name of Brian Hagen.

Dear ROBERT FARBER:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of 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 February 24, 2003.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

*Letter mailed to attached list 2/10/03
hm*

FRED KOPKE
421 S CURTIS RD #24
BOISE ID 83705

ENCHANTED VALLEY RANCH
TRUST
50 ARCHIE CREED RD
LOWMAN ID 83637

LEWIS DAVIS
1811 N MAPLE GROVE
BOISE ID 83704

JULIE JURICA
11501 HIGHLANDER RD
BOISE ID 83709

ROBERT FARBER
GENERAL DELIVERY
LOWMAN ID 83637

MICHAEL J. JONES
BOISE ID 83705

Mattson, Lisa

To: waterdist65@fmtc.com
Subject: comment letters

February 10, 2003

RON SHURTLEFF
WATER DISTRICT 65

Re: Application for Water Right No 65-22753 in the Name of Brian Hagen.
Application for Water Right No 65-22754 in the Name of Donald Dixon.
Application for Water Right No 65-22755 in the Name of Roberta Marman.
Application for Water Right No 65-22715 in the Name of Daryl J. Sermersheim

Dear Mr. Shurtleff

Enclosed are copies of the above-referenced applications for permit. Please note the change in place of use for Water Right No. 65-22715 in the Name of Daryl J. Sermersheim. Please review the applications and submit any comments you have. We must have your comments within two weeks.

If you have any questions on application for Water Right No. 65-22715 in the Name of Daryl J. Sermersheim please contact Dan Nelson at this office.

For questions on the remaining applications, please contact Steve Lester at this office.

Sincerely,

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



Recomm
atermaster Eform.d



65-22753 2-03.pdf



65-22754 2-03.pdf



65-22755 2-03.pdf



65-22715 2-03.pdf

*AMC, - recent 5-13-03
ST*

Mattson, Lisa

To: eleitzin@idfg.state.id.us
Subject: Comment Letters

FEBRUARY 5, 2003

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Re: Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.
Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22757 in the Name of Ronald J Pascoe.
Application for Water Right No. 65-22753 in the Name of Brian Hagen
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No 67-14405 in the Name of Kermit Wiggins.

Dear Mr. Leitzinger:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications 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 February 24, 2003.

If you have any questions regarding the application, please contact this office at 334-2190. Contact the following agents for questions on a specific permit:

Lori Graves

Application for Water Right No. 65-22753 in the Name of Brian Hagen.
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No 67-14405 in the Name of Kermit Wiggins.

Dan Nelson

Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.

Steve Lester

Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No 65-22757 in the Name of Ronald J Pascoe.



65-22753 2-03.pdf 65-22754 2-03.pdf 65-22755 2-03.pdf 67-14405 2-03.pdf

MICRO...

...



65-22715 2-03.pdf 77-14145 2-03.pdf



65-22756 2-03.pdf 65-22756 2-03.pdf



Sincerely,

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

MICRO...

...



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

January 29, 2003

Legal Notice Department

Idaho World

PO Box 99

Garden Valley ID 83622

RE: Application for Permit Nos. 65-22753, 65-22754 and 65-22755

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 02/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICHAEL L. LEMMON
JAN 31 2003

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

65-22755

ROBERTA J MARMON
RT 1 BOX 1328
HOMEDALE ID 83628

Point(s) of Diversion NESE S4 T08N R08E BOISE County Source UNNAMED STREAM

Tributary To ARCHIE CREEK

Use: DOMESTIC 01/01 To 12/31 0 04 CFS

Total Diversion 0 04 CFS

Date Filed 11/29/2003 - *data base changed 2-4-03 at*

Place Of Use DOMESTIC

T08N R08E S4 NESE

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 02/24/2003 The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Published in the Idaho World on February 5 and 12, 2003

MICHAEL J. JENSEN

2003 2 5 11:23



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 3, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Roberta Marmon
Rt 1 Box 1328
Homedale ID 83628

Re: Application For Permit

Dear Roberta:

Enclosed please find your application and Don Dixon's application. As discussed on the telephone, please initial and date the hand drawn line next to number 2. The source should be listed as Unnamed Stream tributary to Archie Creek. As you can see on the enclosed topographical map, the creek that you and Don propose to divert from is not labeled West Fork Archie Creek. I will note in the application comments that the source is locally known as the West Fork of Archie Creek.

Please get Don's initials on his application and return both to my attention within the next thirty days from the date of this letter. Let me know if you have any questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encls

MICROFILM

SEP 11 2003