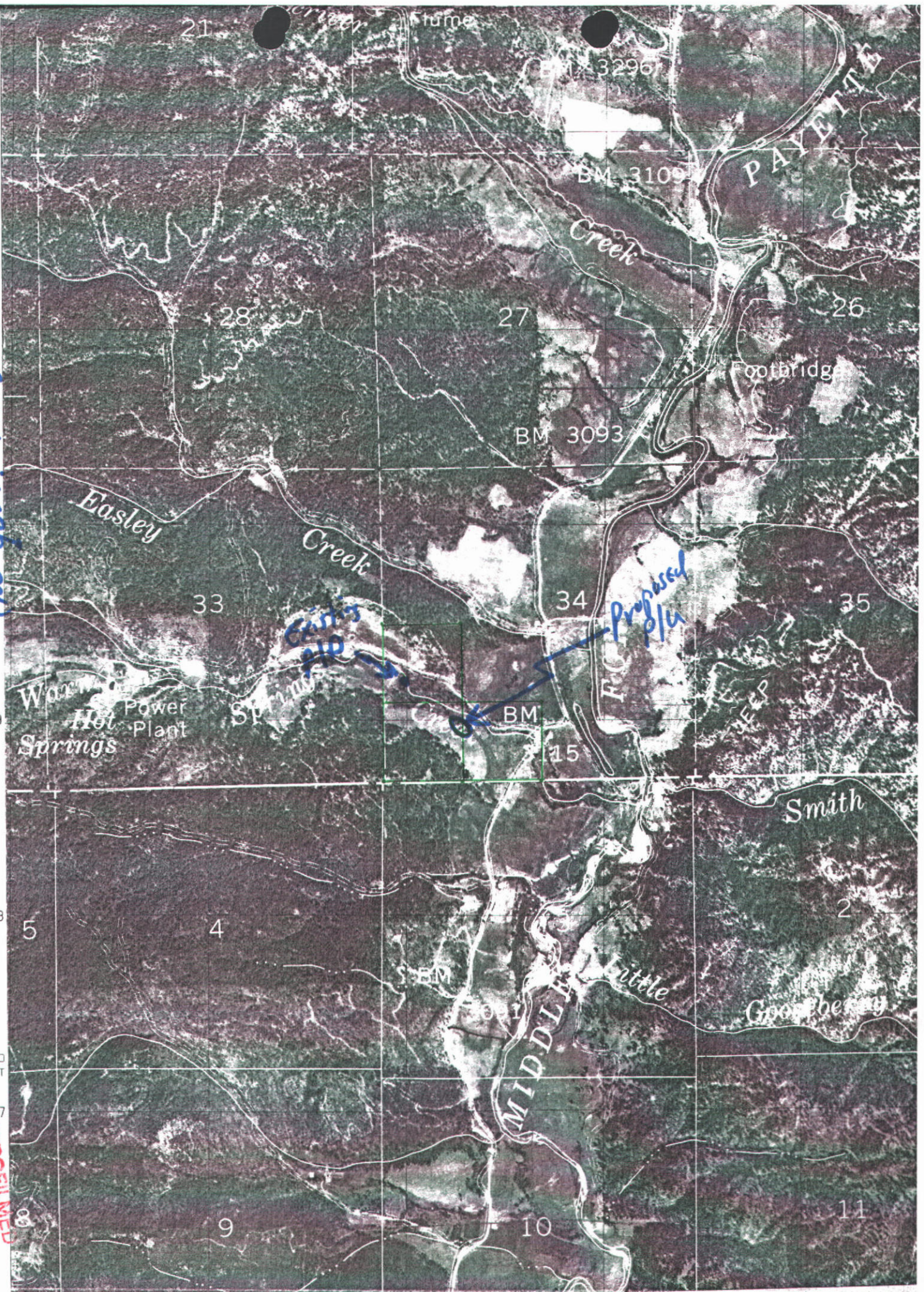


5 1/2 5w/4
p/b n/wsw p/b
(no gert. lots)

TION R4c 5.34

OCT 02 2002
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PLAT SHOWING
MIDDLEFORK RIDGE ESTATES
A SUBDIVISION IN
A PORTION OF THE SW1/4, SECTION 34, T10N, R4E, B1M
BOISE COUNTY, IDAHO

This sketch is for location purposes only. The Company assumes no liability for variations.

PIONEER TITLE COMPANY
of Ada County

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.

NOTES:

1. Lot 10, Block 1 is a Private Road Right-of-Way and is not dedicated to the use of the public.
2. All irrigation ditches shall have a 10 foot permanent easement centered on the ditch centerline for the purpose of maintenance and operation.
3. All lot lines common to public and private right-of-way lines have a 10 foot wide permanent public utilities, drainage and snow removal easement.
4. Side yard lot lines have a 5 foot wide permanent public utilities, irrigation and drainage easement.
5. Subject to Section 4 of Boise County Ordinance, date June 9, 1969.

STATE OF IDAHO)
COUNTY OF ADA) ss

D. Michael Preston, being first duly sworn, deposes and says That he is a professional engineer licensed to practice by the State of Idaho, that he has compared the above copy with original plat and that the same is a true and exact copy of said plat.

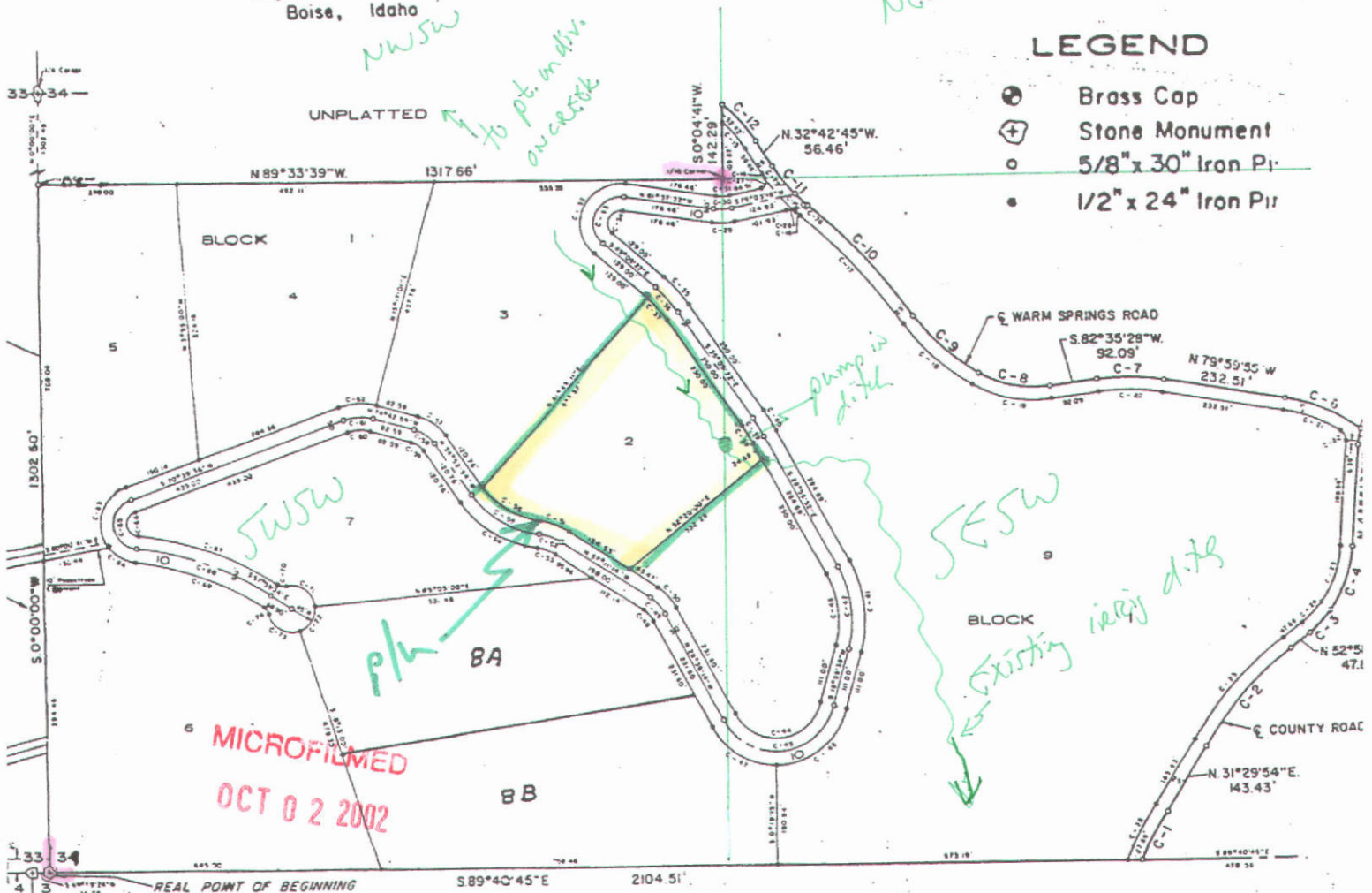
D. Michael Preston
Subscribed and sworn before me this 30th
day of November, 1976.

Barry D. Walsh
Notary Public for Idaho My Commission Expires
Residing at Boise, Idaho 2/11/78

J-U-B ENGINEERS, INC
Engineers Planners
Boise, Idaho

LEGEND

- Brass Cap
- ⊕ Stone Monument
- 5/8" x 30" Iron Pin
- 1/2" x 24" Iron Pin



65-22689
10N 4E 34 NWSW
6/25/02 LM

POD

POU

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OCT 02 2002

The Idaho World

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

RECEIVED

AUG 06 2002

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 17, 2002 and ending with the issue of July 24, 2002.

Deanna Stevenson

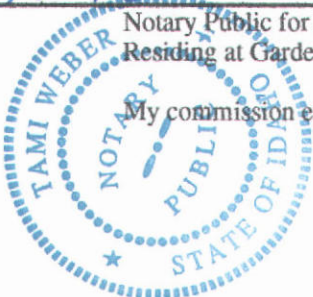
State of Idaho)
County of Boise)

On this 2 day of Aug in the year 2002, 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:

65-22689

ROGER E BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622
Point(s) of Diversion NWSW S34 T10N R04E BOISE County
Source WARM SPRINGS CREEK
Tributary To MIDDLE FORK PAYETTE RIVER
Use: IRRIGATION 03/15 To 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 06/12/2002
Place Of Use: IRRIGATION
T10N R04E S34 SWSW SESW
Number of Acres 2

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 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Idaho World July 17 and 24, 2002

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OCT 02 2002

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JUN 13 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUN 24 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

- 1 Permit No. 65-22689 Telephone No 208/462-2060
- 2 Name of Permit Holder(s). ROGER E. BELAU AND/OR JOANNE M. BELAU
- 3 Mailing Address: 52 MIDDLE FORK RIDGE RD
City GARDEN VALLEY State ID Zip 83622
- 4 Source of Water: WARM SPRINGS CREEK GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

5 Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock) _____

Irrigation (No. of acres): 2 Other: _____

6 Total rate of diversion and/or volume for which proof is submitted: 0.06 cfs OR _____ acre feet

7 Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ☒

Has the measuring device been installed?

Yes _____ or No _____

8 Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name ROGER BELAU Telephone Number: 208/462-2060

Address: 52 MIDDLE FORK RIDGE RD, GARDEN VALLEY, ID 83622

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder. Roger E. Belau Date 6-13-03

(include your title, if on behalf of company or organization)

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SEP 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22689

Priority: 06/12/2002

Maximum Diversion Rate: 0.06 CFS

This is to certify, that ROGER E BELAU And/Or JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

Source: WARM SPRINGS CREEK **Tributary:** MIDDLE FORK 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:

WARM SPRINGS CREEK NW 1/4 Sec. 34, 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 34											18	2					20

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 01, 2003.
2. Subject to all prior water rights.
3. Place of use is located within Lot 2, Blk. 1, Middlefork Ridge Estates Subdivision.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion

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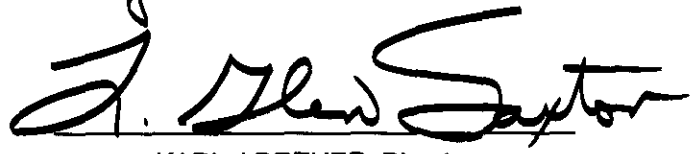
OCT 07 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22689

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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of August, 2002.


KARL J DREHER, Director
for

MICROFILMED

OCT 02 2002

RECEIVED

AUG 20 2002

FORM 202
12/99

Ident. No.

65-22689

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant ROGER E. AND/OR JANNIE M. BELAU Phone 208/462-2060
Mailing address 52 MIDDLE FORK RIDGE RD, GARDEN VALLEY ID, 83622
- Source of water supply Warm Springs Creek which is a tributary of Middle Fork Payette River
- Location of point of diversion is Township 10N Range 4E Sec. 34, in the $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot , B.M., Boise County;
additional points of diversion if any:
- Water will be used for the following purposes:
Amount .03 .06 for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) .03 .06 and/or (b)
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source subm. pump with 1" pipe
from existing irrig. ditch
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.
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- 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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OCT 02 2002

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	34											1.8	.2					2.0

Total number of acres to be irrigated 2.0

10. Describe any other water rights used for the same purposes as described above. NONE

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

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: USE pump on Applicant's property RE existing ditch serving

12. Remarks: OTHER OWNERS. VERBAL OK PER discussion with NEIGHBORING
USERS of same ditch. See 65-30026 for ID of other USERS.
Point of ditch withdrawal is SWSW 1/4 S. 24.
Property AKA L. 2 BL. 1 Middleton Ridge Estates Subd.
PARCEL # RPO41010010020A. HAS domestic well
65-18061. *with ownership change to be filed.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Koger E. Belan
 Signature of Applicant (and title, if applicable)

Received by SL Date 6/12/02 Time 10:06 Preliminary check by LY
 Fee \$ 100.00 Recsptd by SL # 6029310 Date 6/12/02
 Publication prepared by SL Date 7-17-02 Published in IDAHO WORLD
 Publication approved SL Date 8-13-02

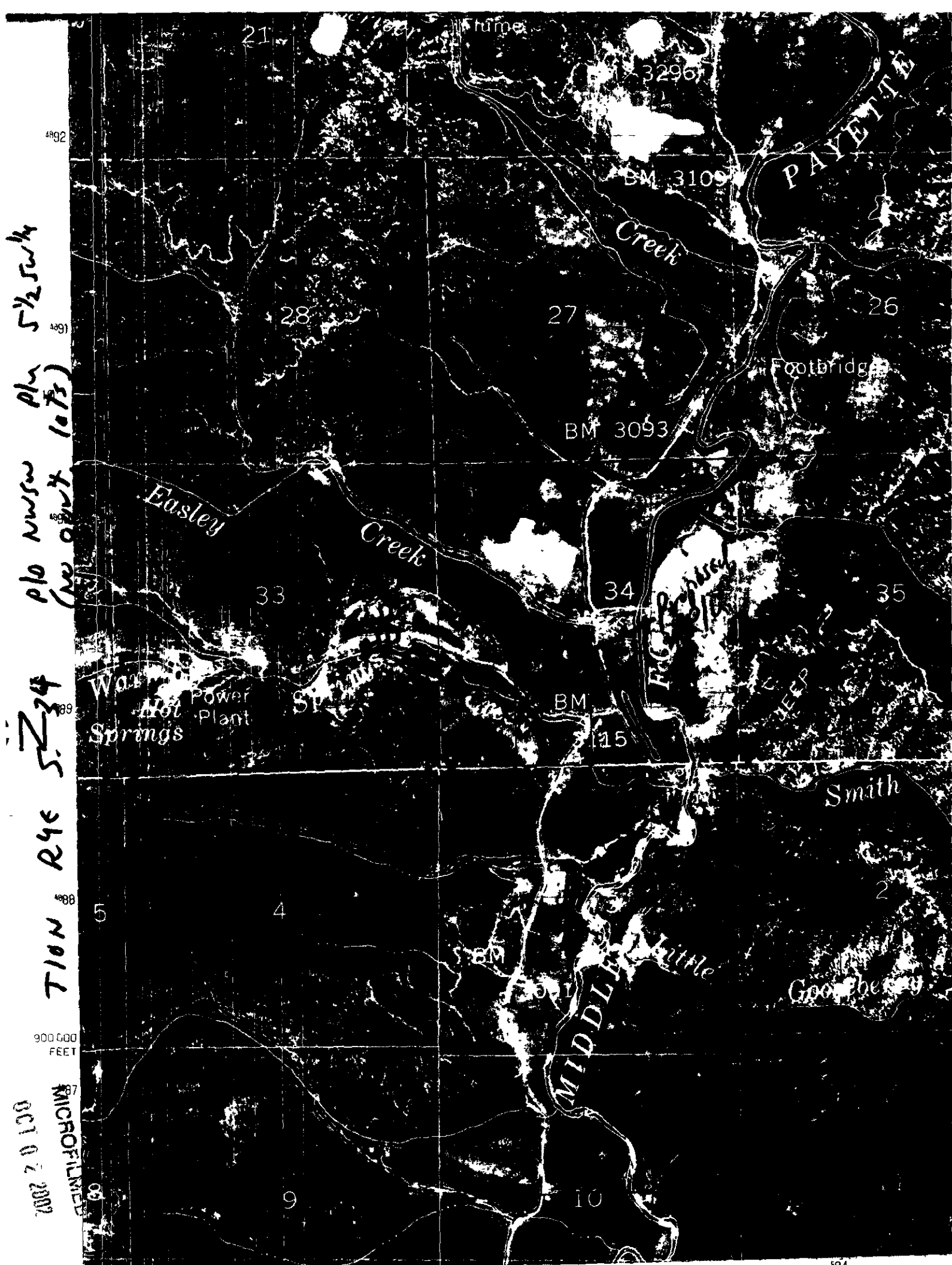
* ownership change completed

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 OCT 7 2002

5 1/2 sec
plu
plu nws
(no 900 ft 1073)

5-234
R4C
T10N

OCT 02 2007
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PLAT SHOWING
MIDDLEFORK RIDGE ESTATES
A SUBDIVISION IN
BOISE COUNTY, IDAHO

This shown is a location purposes only. The Surveyor assumes no liability for variations.
PIONEER TITLE COMPANY
of Ada County

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.



NOTES:

1. Lot 10, Block 1 is a Private Road Right-of-Way and is not dedicated to the use of the public.
2. All irrigation ditches shall have a 10 foot permanent easement centered on the ditch centerline for the purpose of maintenance and operation
3. All lot lines common to public and private right-of-way lines have a 10 foot wide permanent public utilities, drainage and snow removal easement.
4. Side yard lot lines have a 5 foot wide permanent public utilities, irrigation and drainage easement.
5. Subject to Section 4 of Boise County Ordinance, date June 9, 1969.

STATE OF IDAHO)
COUNTY OF ADA) ss

I, Michael Preston, being first duly sworn, deposes and says That he is a professional engineer licensed to practice by the State of Idaho, that he has compared the above copy with original plat and that the same is a true and exact copy of said plat.

Michael Preston
Subscribed and sworn before me this 30th
day of November, 1976.

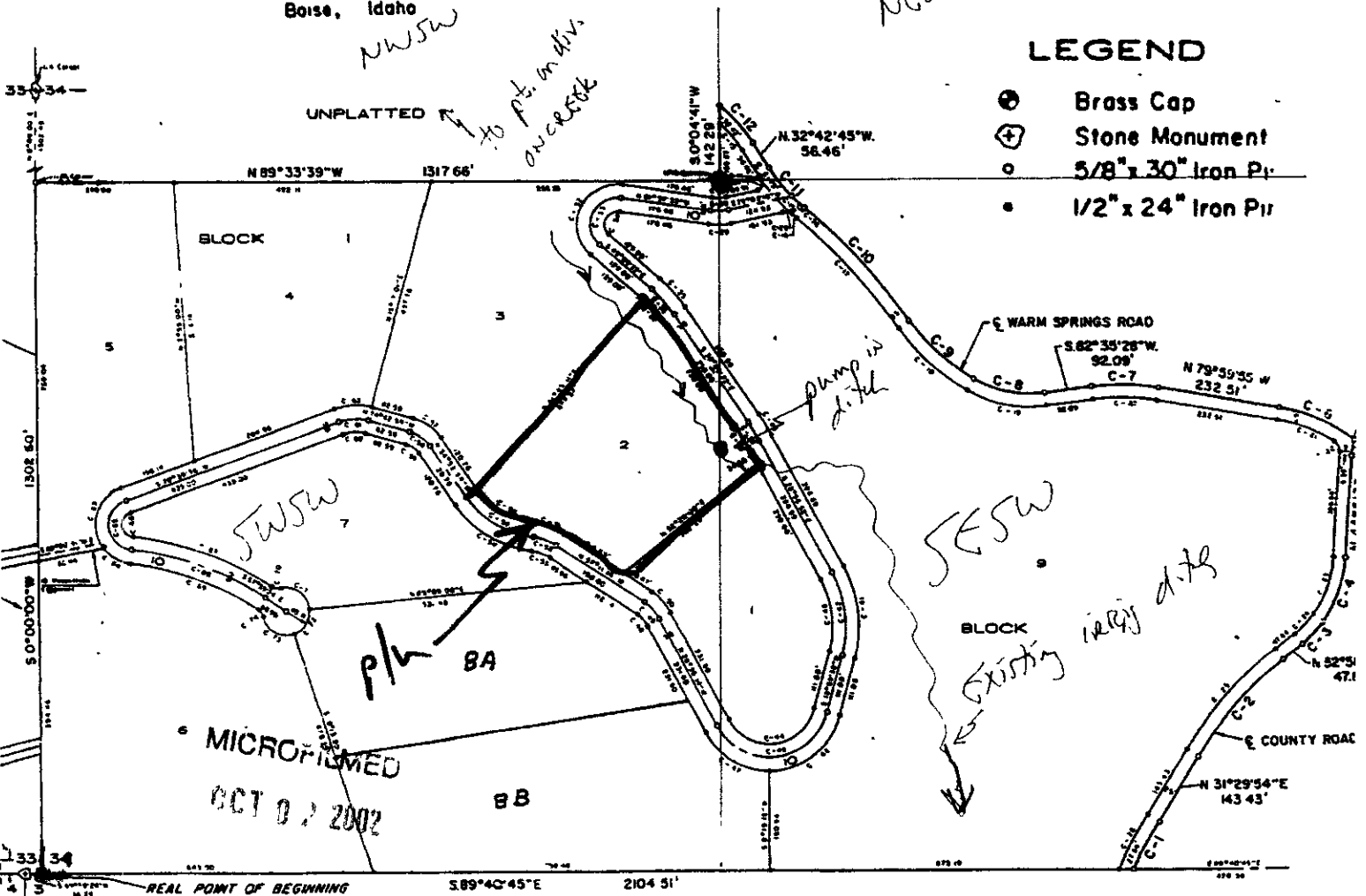
James D. Walsh
Notary Public for Idaho My Commission Expires
Residing at Boise, Idaho 2/11/78



J-U-B ENGINEERS, INC
Engineers Planners
Boise, Idaho

LEGEND

- ⊙ Brass Cap
- ⊕ Stone Monument
- 5/8" x 30" Iron Pin
- 1/2" x 24" Iron Pin



REQUEST TO PROCESS

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

Name of Applicant

ROGER E. BELAU

Mailing Address

52 MIDDLE FORK RIDGE RD.
GARDEN VALLEY ID 83622

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

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

PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Roger E. Belau

Date

6-12-02

Please return this form to:

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

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SEP 3 2 2002



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

July 29, 2003

ROGER E BELAU
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22689

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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SEP 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-22689

Reviewed By. dgibson

Date: July 28, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No..		W029310, W030588	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		06/13/2003
Date proof due	-	09/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/12/2002
New priority date	=	06/12/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2002

ROGER E BELAU
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622

RE: Permit No. 65-22689

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.

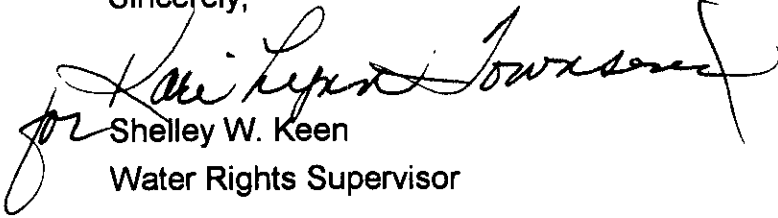
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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2002

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)

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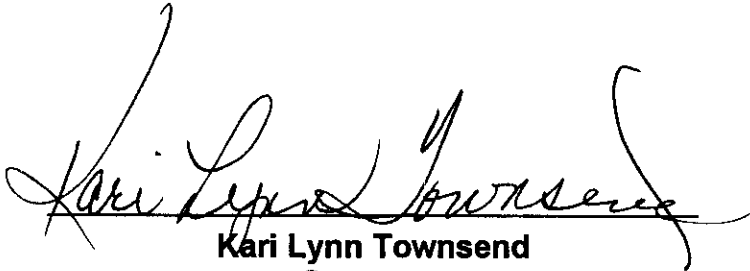
OCT 02 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2002 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. 65-22689

**ROGER E BELAU
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 02 2002**

**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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

AUG 20 2002

Department of Water Resources

Initial review by g Date 6/19/02 Application # 65-22689

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

Y **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
- ☐ ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☐ ☒ 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 _____

PROCESSINGAPPLICATION # 65-22689

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
☒ ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

*see comments: send
notice to current owners
of recommended rt 65-30026
and current owners of all the
rts listed in comments
of rt 65-30026
(see attached)*

- ☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 8-5-02
☐ ☒ Protests received
☐ ☒ Recommendations attached
☒ ☐ Measuring device required
☒ ☐ Water delivered by water master? District # 65
☐ ☒ Special conditions of approval or cover letter

standard WM conditions

Recommended Date of Priority 6/12/02Recommendation ☐ Approve ☐ Deny by Loi Gnanen Date 8/16/02**ADDITIONAL INFORMATION**

P/U overlaps: other sources + uses

P/D " : see comments

☐ See Attachment(s) ... always include application proof report

65-22689
10N 4E 34 NWSW
6/25/02 LM

POD

POU

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APR 22 2002

07-02

State of Idaho
Department of Water Resources

RECEIVED

AUG 07 2002

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No. 65-22689

Applicant's Name: Roger &/or Joanne Belau

Watermaster's Recommendation:

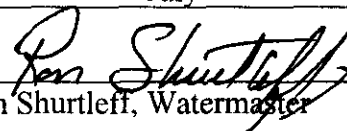
- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

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

- d) Additional Comment: _____

Dated this 29th day of July, 2002

Water District No. 65


Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

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AUG 01 2002

WATER RESOURCES
WESTERN REGION

The Idaho World

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

RECEIVED

AUG 06 2002

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 17, 2002 and ending with the issue of July 24, 2002.

Deanna Stevenson

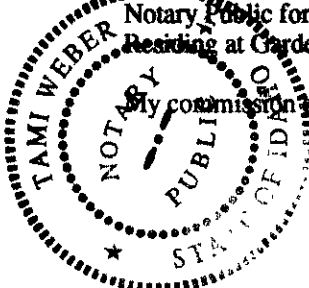
State of Idaho)
County of Boise)

On this 2 day of Aug in the year 2002, 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.

Wami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



The following application(s) have been filed with the State of Idaho:

ROGER E BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622

Point(s) of Diversion NWSW S34 T10N R04E S4888 County

Source WARM SPRINGS CREEK

Tributary To MIDDLE FORK PAYETTE RIVER

Use: IRRIGATION 03/15 To 10/31 0.000000

Total Diversion: 0.000000

Date Filed: 06/12/2002

Place of Use: IRRIGATION

T10N R04E S34 SWSW SESW

Number of Acres 2

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

Permit will be subject to all state water laws. Permit may be submitted based on the original application or a copy of the original application.

Any protest or appeal must be filed with the Director, Dept. of Water Resources, Western Region, 2735 University Blvd ID 83705 together with a protest fee of \$25.00 for each application on or before 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J BREHER, Director

Published in The Idaho World Aug 17 2002

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OCT 02 2002



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 17, 2002

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right. 65-22690 in the Name of Kurt &/or Sharon Svenson.
Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Mr. Shurtleff:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,



Lori Graves

LG:lm

Encl: Copy of Applications
Recommendations of Watermaster Forms

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OCT 11 2 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 17, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right. 65-22690 in the Name of Kurt &/or Sharon Svenson.
Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.
Application for Transfer No. 69991 in the Name of Arlene Dibble.

Dear Sir or Madam:

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 July 8, 2002.

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

Sincerely,



Lori Graves

LG:lm

Encl: Copy of Applications

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JUL 22 2002



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 18, 2002

THELMA DAVIS TRUST
HC 76 BOX 4411
GARDEN VALLEY ID 83622

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,


Lori Graves

LG:lm

Encl: Copy of Application

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JUL 23 2002



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 18, 2002

TERRACE LAKES RECREATION RANCH INC
HC 76 BOX 4201
GARDEN VALLEY ID 83622

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

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JUL 22 2002



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 18, 2002

MICHAEL &/OR REBECCA BUTLER
HC 76 BOX 2590
GARDEN VALLEY ID 83622

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

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AUG 1 2002



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 18, 2002

WEST ONE BANK TRUSTEE
WILLS OF RAY & DOROTHY PITMAN
& PITMAN TWEKSBUY DANCER
PO BOX 7928
BOISE ID 83707

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

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SEP 12 2002



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 18, 2002

DAVID &/OR JANIS NETTLETON
14 VALLEY HI RD
GARDEN VALLEY ID 83622

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,



Lori Graves

LG:lm

Encl: Copy of Application

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OCT 17 2002



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 18, 2002

RICHARD DAVIS TRUST
HC 76 BOX 4411
GARDEN VALLEY ID 83622

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,


Lori Graves

LG:lm

Encl: Copy of Application

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OCT 17 2002



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 18, 2002

LOREN H BODINE
10810 ESTATE DR
BOISE ID 83709

Re: Application for Water Right No. 65-22689 in the Name of Roger &/or Joanne Belau.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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 this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

MICROFILM

OCT 02 2002

06/12/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-3002G V1

WATER RIGHT NUMBER: 65-3002G V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID L NETTLETON 14 VALLEY HI RD GARDEN VALLEY, ID 83622 (208)462-2101
Directors Report Owner	TERRACE LAKES RECREATION RANCH INC HC 76 BOX 4201 GARDEN VALLEY, ID 83622 (208)462-3250
Current Owner	JANIS K NETTLETON 14 VALLEY HI RD GARDEN VALLEY, ID 83622 (208)462-2101

Priority Date: 06/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS CREEK	MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK	NW1/4SW1/4	Sec. 34, 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	
09N	04E	3					3.1	1.3		4.5									8.9
							L 3	L 4											

Total Acres: 8.9

Conditions of Approval:

- 1 C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

MICROFILM

JUN 10 2002

*P/D overlap &
Same d-til-
Send comment letter
to correct owners
-JK*

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-3002G V1

Comments:

1 AJU10-JS 1/31/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

2 DBUFFING 5/1/2000 COPIED FROM REMARKS

Comment. USE OF THIS RIGHT WITH RIGHT NO. 65-03237G IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 8.9 ACRES IN A SINGLE IRRIGATION SEASON. COPIED FROM REMARKS THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03002C, 65-03002D, 65-03002E, 65-03002F, 65-03236A, 65-03237C, 65-03237D, 65-03237E, 65-03237F & 65-03237G.

Dates and Other Information.

Decreed Date:

Enlargement Use Priority Date

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector: OR

Water District Number: 65

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed.

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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JUN 2 2002



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, 2002

Legal Notice Department

Idaho World

PO Box 99

Garden Valley ID 83622

RE: Application for Permit Nos. 65-22689 and 65-22690

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/05/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED

OCT 02 2002

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

65-22689

ROGER E BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622
JOANNE M BELAU
52 MIDDLEFORK RIDGE RD
GARDEN VALLEY ID 83622

Point(s) of Diversion NWSW S34 T10N R04E BOISE County Source WARM SPRINGS CREEK

Tributary To MIDDLE FORK PAYETTE RIVER

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

Total Diversion: 0.06 CFS

Date Filed: 06/12/2002

Place Of Use: IRRIGATION

T10N R04E S34 SWSW SESW

Number of Acres 2

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 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on July 17 and 24, 2002.

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OCT 07 2002