

T11N R01E

S02

Owner : Malloy
Application
Prepared by:
Ron Howerton
Date: May 11, 2001

 Place of use

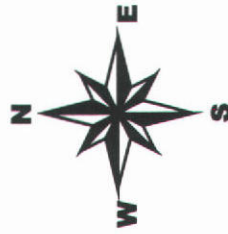
 POD

 SECTION LINES

1/4 1/4

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OCT 18 2001

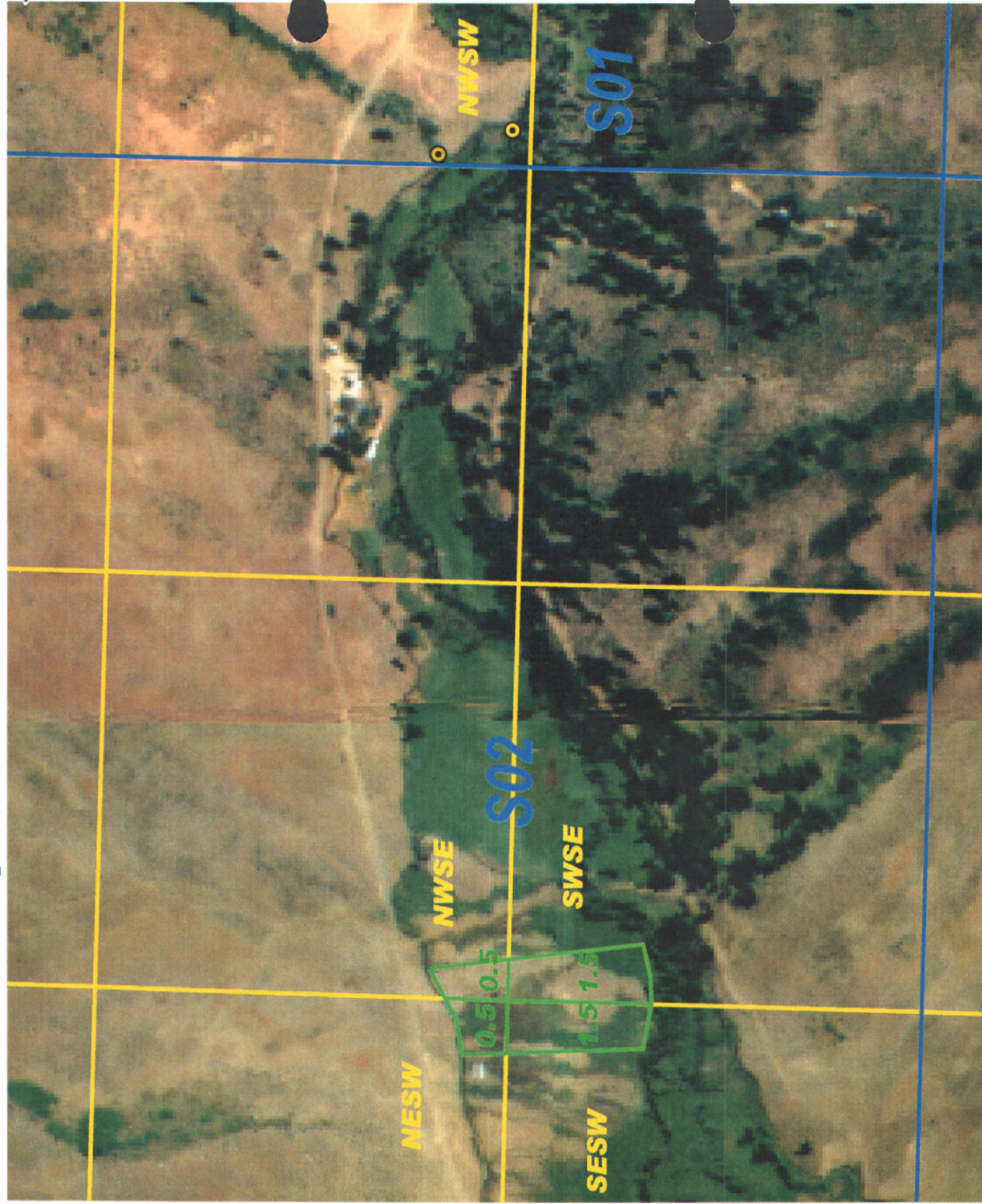
4.0 Acres



1987 NAPP

NO GOV'T
LOT'S DAN.

Idaho Department of Water Resources



RECEIVED

JUL 13 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

DIXIE THOME
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

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

4. That said notice was published the following:
July 4, 11, 2001

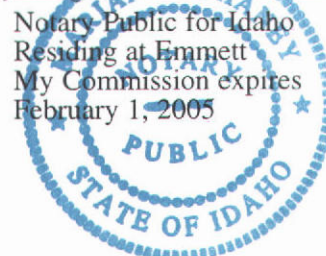
Dixie Thome

STATE OF IDAHO)
County of Gem)

On this 11th day of July in the year of 2001 before me a Notary Public, personally appeared. Dixie Thome known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

M. J. Dreher

Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005



NOTICE OF CORRECTION FOR
APPLICATION FOR PERMIT
65-22490

PATRICIA J. MALLOY of 2211 3rd Street South, Nampa, ID 83651 applied for an Application for permit pursuant to I.C. § 42-203A. Adequate protest notice was not published in the original legal notice on June 6th and 13th. The notice was advertised as follows in T11N R1E, Gem County:

Permit 65-22490, Kimball Gulch Creek tributary to Second Fork Squaw Creek diverted in the SWN-WSW S1, and Second Fork Squaw Creek Tributary to Squaw Creek diverted in the SWNWSW S1, Date Filed 05/11/2001, for 0.08 cfs for Irrigation use from 03/15 to 10/31 and used in SESE S2, for 4 acres.

Any protests against approval of this application must be filed with the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before July 23, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Pub.: 7 - 4, 11, 2001
Legal Notice No. 4338
Published in the Messenger Index

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OCT 19 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP - 3 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. 65-22490 Telephone No. 466-6497 or 584-3269

2. Name of Permit Holder(s): Patricia J. Malloy

3. Mailing Address: 2211 3rd St. So.

City Nampa State ID Zip 83651

4. Source of Water: Kimbrell Gulch Cr. / Second Fork Square Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.

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): 4 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.08 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 X
Has the measuring device been installed? Yes or No X

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: Patricia J. Malloy Telephone Number: 466-6497, 466-6719, 584-3269

Address 2211 3rd St. So. 83651 Nampa, ID 83651

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 Patricia J. Malloy
(include your title, if on behalf of company or organization)

Date: 8/30/03

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NOV 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED

AUG - 6 2002

Department of Water Resources

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

Permit No. 65-22490
Name(s) of Permit Holder: Patricia J. Malloy
Address: 2211 3rd St. So. City Nampa State ID Zip 83651
Telephone No. 466-6497 Date Proof is Due: October 1, 2002

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

- One six inch lockable headgate has been installed in the ditch
- 170' of 4" pipe is in place with two sprinkler lines running off of
the 4" pipe

Costing \$ 840.00

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

The headgate is leaking, this will need to be fixed after the H₂O
is out of the ditch in October. We still need to set one more headgate and
about the same amount of pipe and sprinkler lines need to be put in place
as is already there.

Permit holder(s) request an extension to October 1, 2003

Patricia J. Malloy
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

APPROVED and the time within which to submit proof of beneficial use is
extended to October 1, 2003.

Signed this 21st day of August MICHAEL 2002

NOV 26 2003

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22490

Priority: 05/11/2001

Maximum Diversion Rate. 0.08 CFS

This is to certify, that PATRICIA J MALLOY
2211 3RD ST S
NAMPA ID 83651

has applied for a permit to appropriate water from.

Source: SECOND FORK SQUAW CREEK
KIMBALL GULCH CREEK

Tributary: SQUAW CREEK
SECOND FORK SQUAW CREEK

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	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

KIMBALL GULCH CREEK	SW¼NW¼SW¼	Sec. 1, Twp 11N, Rge 01E, B.M.	GEM County
SECOND FORK SQUAW CREEK	SW¼NW¼SW¼	Sec. 1, Twp 11N, Rge 01E, B.M.	GEM 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					
11N	01E	2									5			15		5	15	40	

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2002**
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another
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. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 65A
7. 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 19 2001

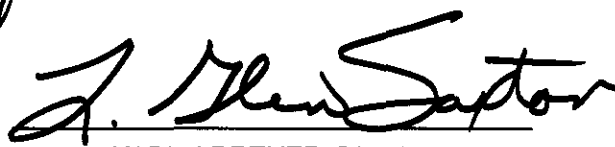
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22490

CONDITIONS OF APPROVAL

8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. Place of use is located within Lot 2, Blk. 1, Nesbitts Emerald Glen Subdivision

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of September, 2001.


for
KARL J DREHER, Director

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OCT 19 2001

SEP 13 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 65-22490
APP ID # 69158

APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

MAY 11 2001

1. Name of Applicant PATRICIA J. MALLOY Phone (208) 666-6719
Post Office address 2211 3RD ST. S. NAMPA, IDAHO 83651
2. Source of water supply Kimball Gulch Cr. / Second Fork Squaw Creek which is a tributary of Second Fork Squaw Creek
3. Location of point of diversion is SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
Sec. 1 Township 11N Range 1E B.M. Gem County; additional points of diversion if any: T11N R1E S1 SWNWSW
4. Water will be used for the following purposes:
Amount 0.08 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)
5. Total quantity to be appropriated is (a) 0.08 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headgate to ditch
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
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) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if 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 13 2001

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	1E	2									.5			1.5	.5		1.5		4

Total number of acres to be irrigated 4

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? Mrs. Gerald Carlock

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 enable the applicant to make this filing: Delivered thru ditch co-owned by water users

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Catherine J. Malloy
(Applicant)

Received by Rdh Date 5-11-01 Time 4:54 Preliminary check by DAW
 Fee \$ 100.00 Received by Rdh # W027741 Date 5-11-01
 Publication prepared by --- Date 6-6-01 Published in MESSANGER INDIAN
 Publication approved --- Date 7-4-01

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OCT 14 2001

Idaho Department of Water Resources

T111N R01E

S02

Owner : Malloy

Application

Prepared by:

Ron Howerton

Date: May 11, 2001

Place of use

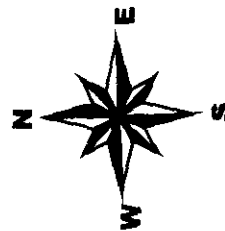


POD

SECTION LINES

1/4 1/4

4.0 Acres

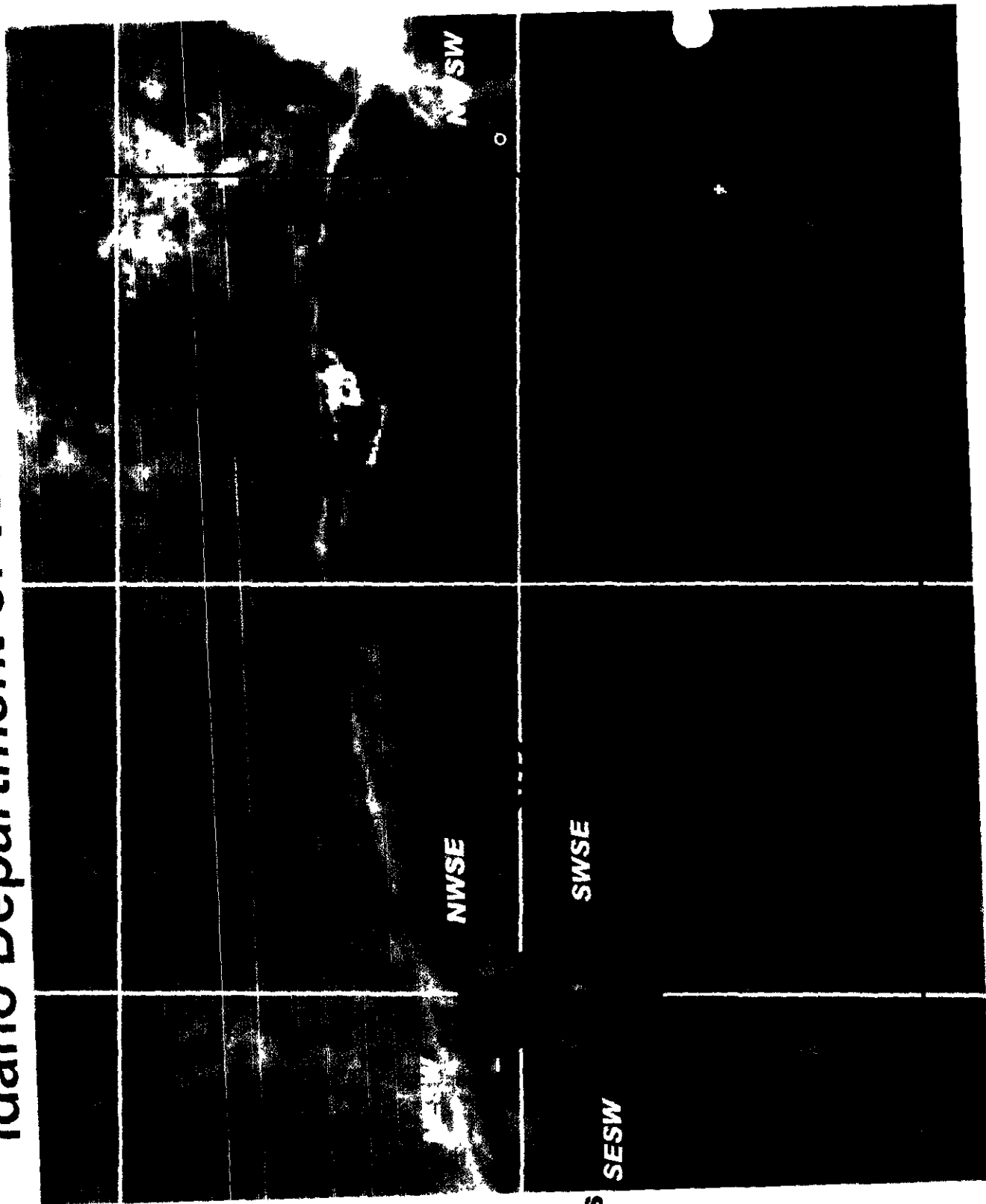


1981 NAPP

0.5 Miles

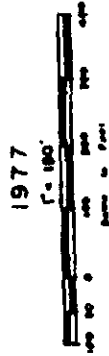


NE 660' LOTS DNR



NESBITTS' EMERALD GLEBE SUBDIVISION

SITUATED IN A PORTION OF
SECTION 2, T11N, R1E, B.M.
SEN COUNTY, IDAHO



LEGEND

- Lot Center
- Lot Numbers
- Section Corner

All lot lines shown on this map are subject to the right of way easement, easement & riparian easement. All lots are subject to the right of way easement. All lots are subject to the right of way easement. All lots are subject to the right of way easement.

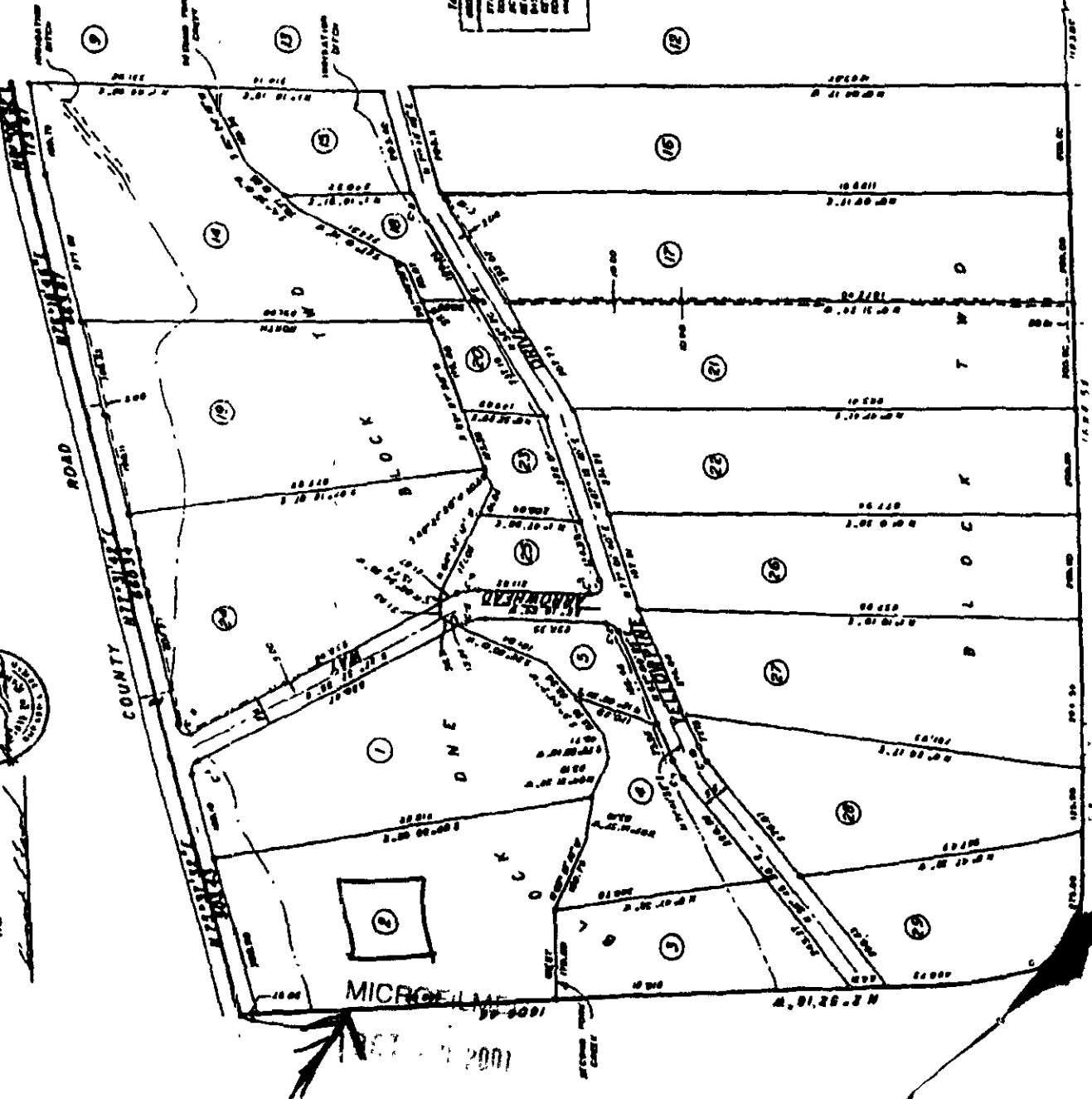
Lot 10 is north side of Silver Lake Drive. All lots are subject to the right of way easement. All lots are subject to the right of way easement. All lots are subject to the right of way easement.

C	R	A	T	CA	CA Group
1	100	100	100	100	100
2	100	100	100	100	100
3	100	100	100	100	100
4	100	100	100	100	100
5	100	100	100	100	100
6	100	100	100	100	100
7	100	100	100	100	100
8	100	100	100	100	100
9	100	100	100	100	100
10	100	100	100	100	100
11	100	100	100	100	100
12	100	100	100	100	100
13	100	100	100	100	100
14	100	100	100	100	100
15	100	100	100	100	100
16	100	100	100	100	100
17	100	100	100	100	100
18	100	100	100	100	100
19	100	100	100	100	100
20	100	100	100	100	100
21	100	100	100	100	100
22	100	100	100	100	100
23	100	100	100	100	100
24	100	100	100	100	100
25	100	100	100	100	100
26	100	100	100	100	100
27	100	100	100	100	100
28	100	100	100	100	100
29	100	100	100	100	100
30	100	100	100	100	100

FRIEND & PELKOLA
LAND SURVEYING & ENGINEERING
BOISE, IDAHO



I HEREBY CERTIFY THIS TO BE
A TRUE AND EXACT COPY OF
THE ORIGINAL.



Lot	Area	Perimeter	Volume
1	100	100	100
2	100	100	100
3	100	100	100
4	100	100	100
5	100	100	100
6	100	100	100
7	100	100	100
8	100	100	100
9	100	100	100
10	100	100	100
11	100	100	100
12	100	100	100
13	100	100	100
14	100	100	100
15	100	100	100
16	100	100	100
17	100	100	100
18	100	100	100
19	100	100	100
20	100	100	100
21	100	100	100
22	100	100	100
23	100	100	100
24	100	100	100
25	100	100	100
26	100	100	100
27	100	100	100
28	100	100	100
29	100	100	100
30	100	100	100



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

November 4, 2003

PATRICIA J MALLOY
2211 3RD ST S
NAMPA ID 83651

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22490

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, or at the department's website at: www.idwr.state.id.us.

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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NOV 26 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-22490

Reviewed By dgibson

Date: November 3, 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 .		W027741, C0070711	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	09/03/2003
Date proof due	- 10/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 05/11/2001
New priority date	= 05/11/2001

Deficiencies of Actions Items

Acknowledge proof.

July 31, 2003

PATRICIA J MALLOY
2211 3RD ST S
NAMPA, ID 83651

PROOF DUE NOTICE

RE: PERMIT NO. 65-22490

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

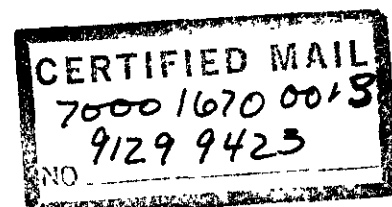
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

NOV 26 2003

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2002

PATRICIA J MALLOY
2211 3RD ST SOUTH
NAMPA ID 83651

RE: PERMIT NO. 65-22490

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit that extends the time within which to submit proof of beneficial use to **October 1, 2003**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department may not be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

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NOV 26 2003

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-22490

Reviewed By. dgibson

Date August 21, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due.					
Receipt No.	W027741, C063826		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	08/06/2002	New proof due date	10/01/2003
Date proof due	- 10/01/2002		
Lapse notice sent	-		
No of days late	= 0		
Holiday allowance	+		
Priority date	+ 05/11/2001		
New priority date	= 05/11/2001		

Action Taken

Acknowledge request and extend proof deadline to Oct. 1, 2003.

July 31, 2002

PATRICIA J MALLOY
2211 3RD ST S
NAMPA, ID 83651

PROOF DUE NOTICE

RE: PERMIT NO. 65-22490

Dear Permit Holder:

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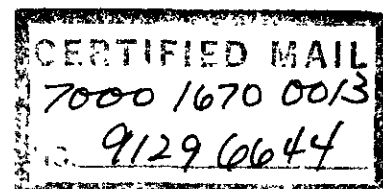
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Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
NOV 26 2003





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

September 28, 2001

PATRICIA J MALLOY
2211 3RD ST S
NAMPA ID 83651

RE Permit No. 65-22490

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.

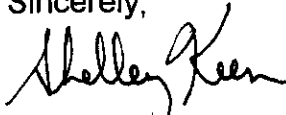
MICROFILMED

3 2001

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,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

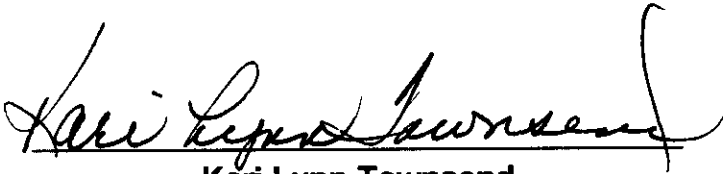
MICROFILMED
OCT 13 2001

CERTIFICATE OF MAILING

I hereby certify that on September 28, 2001 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. 65-22490

**PATRICIA J MALLOY
2211 3RD ST S
NAMPA ID 83651**


**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 19 2001

**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.

Reviewed by Sharla Curtis on 9/26/01

AREA OF CONCERN: No/Yes Moratorium ~~GWMA~~ ~~TRUST/NON-TRUST~~

DRILLING PERMIT

LOCATION:

USES:

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr , GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def i.e D/convenience store)

MISC CONDITIONS/REMARKS:

Protested	- 020-W19
Development Period	
> 1 yr	- 26A
Ownership	- 004
Non-consumptive	027
Water Quality	- 106-R07

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/15 - 10/31 (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS

COMMENTS

January 2001

ID. OH DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETCOMMENT
LETTERSINITIAL REVIEW BY: DAV DATE: 5-23-01 APPLICATION: 65-22490
APP ID #69158REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, 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) RECEIVED N/D P/D
N/D P/U
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water: SEP 23 2001
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

ADDITIONAL INFORMATION

~~MC~~ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater 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 _____

PROCESSING

APP. NO. _____

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

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 65,65A
☐ ☒ Water Planning Bureau
☒ ☐ Other see ATTACHED list

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 6-25-01 7-23-01
☐ ☐ Protests received.
☐ ☐ Recommendations attached:
☐ ☐ Measuring device required:
☐ ☐ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority _____
 Recommended by: _____ Date: _____

ADDITIONAL INFORMATION:

MULTIPLE OVERLAPS. COMMENT
LETTERS SENT TO all P/D
OVERLAPS.

COMMENT LETTERS: P/D overlaps

✓ Dennis + Fay Weavers +
HC 78 Box 3755
OLA ID 83657

✓ Nesbitt Ranch + Cattle Co X
10500 Nesbitt Ln
OLA ID 83657

✓ Fay + Rudy Stone X
30250 Boulder Rd
Parma Id 83660

✓ Jerry Marx X
10825 Nesbitt Ln
OLA ID 83657

✓ Dale Nesbitt X
1712 Marin Ave
Berkeley Ca 94707

✓ Gerald Carlock X
2254 Plum St
Emmett Id 83617

✓ Suzanne Howell
Dale E Meyers
2802 Alamo RD
Boise, ID 83704

MICROFILMED
JUL 1 - 2001

MEMORANDUM

To: File no. 65-22490 in the name of Patricia J. Malloy
From: Gary Spackman *Gay*
Date: September 19, 2001

Re: Recommended Conditions of Approval

Application no. 65-22490 seeks to appropriate water from Kimball Gulch Creek and Second Fork of Squaw Creek. Both these streams are ultimately tributary to Squaw Creek. The waters of Squaw Creek and its tributaries are delivered to the holders of prior existing water rights during times of shortage. Water stored in Sage Hen Reservoir is delivered to some of the users in all years, often because junior water rights owned by the users cannot be delivered.

If the applicant is allowed to divert during the entire water year, she would deprive senior water right holders of water to which they are entitled.

I propose the following conditions:

1. Under control of the watermaster of Water District No. 65A, Squaw Creek.
2. The water right holder must cease diverting water at all times that storage water from Sage Hen Reservoir is being released into Squaw Creek and delivered for beneficial use to holders of the right to receive storage water from the reservoir.
3. (121)

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OCT 19 2001



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

August 1, 2001

QUENTIN NESBITT
7435 MOON VALLEY RD
EAGLE ID 83616

Re: Application for Permit No. 65-22490 in the Name of Patricia J. Malloy

Dear Protestant:

We received your protest dated July 6, 2000, in which you expressed concerns about the approval of the above-referenced application for a water right. Please be advised, however, that the \$25.00 protest fee was not received. Pursuant to Idaho Code, we cannot recognize your protest as valid. Your concerns, however, will be taken into consideration.

The department will now continue to process the application, subject to certain conditions of approval.

Please feel free to contact this office if you have questions.

Sincerely,



Gary Spackman

GS:st

CC: Patricia J. Malloy

MICROFILMED

OCT 19 2001

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
JUL 06 2001
WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application For Permit No. 65-22490
2. Name of protestant QUENTIN NESBITT
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 7435 Moon Valley Rd Eagle Id 83616
5. Service telephone no. (208) 388-2519 work (208) 286-9712 Home FATHER 584-3550
6. Basis of protest (including statement of facts and law upon which the protest is based)
 1. KIMBALL GULCH CREEK FULLY APPROPRIATED.
 2. SQUAW CREEK IS FULLY APPROPRIATED ONCE SAGEHEN RESERVOIR IS OPENED.
 3. SUPPLY DITCH IS NOT CO-OWNED BY WATER USERS
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? IF WATER RIGHT WAS FOR SPRING RUNOFF ONLY. (OR UNTIL SAGEHEN RESERVOIR IS TURNED ON) PROPOSED USE LIMITED TO 3/15 TO 7/15. ALSO WATER RIGHT ONLY SHOW SOURCE AS SECOND FORK OF SQUAW CREEK.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 29th day of JUNE, 2001.

Protestant Quentin E. Nesbitt

Protestant's Representative

MICROFILMED
JUL 15 2001

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Received by _____ # _____ Date _____

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RECEIVED

JUL 13 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
County of Gem)

DIXIE THOME

of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho, that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached

3 That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

4. That said notice was published the following:
July 4, 11, 2001

Dixie Thome
STATE OF IDAHO)
County of Gem)

On this 11th day of July in the year of 2001 before me a Notary Public, personally appeared Dixie Thome known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same

NOTICE OF CORRECTION FOR
APPLICATION FOR PERMIT
65-22490

PATRICIA J. MALLOY of 2211 3rd Street South, Nampa, ID 83651 applied for an Application for permit pursuant to I.C. § 42-203A. Adequate protest notice was not published in the original legal notice on June 6th and 13th. The notice was advertised as follows in T11N R1E, Gem County:

Permit 65-22490, Kimball Gulch Creek tributary to Second Fork Squaw Creek diverted in the SWN-WSW S1, and Second Fork Squaw Creek Tributary to Squaw Creek diverted in the SWNWSW S1, Date Filed 05/11/2001, for 0.08 cfs for irrigation use from 03/15 to 10/31 and used in SESE S2, for 4 acres.

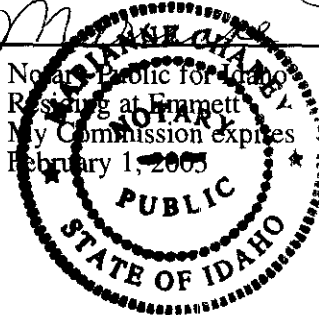
Any protests against approval of this application must be filed with the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before July 23, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Pub - 7 - 4, 11, 2001

Legal Notice No. 4338
Published in the Messenger Index

M. J. Carey
Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005



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JUL 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 28, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MESSENGER INDEX
PO BOX 577
EMMETT ID 83617

Dear Legal Dept.:

Enclosed you will find two legal notices which we wish to have published in your newspaper on the dates indicated. 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. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before **JULY 23, 2000**.

Sincerely,

Sue Taylor
Senior Secretary

Enc.

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JUL 19 2001

**NOTICE OF CORRECTION FOR
APPLICATION FOR PERMIT 65-22490**

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Karl J. Dreher, Director Published in the Messenger Index on July 4 and 11, 2001.

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OCT 13 2001

RECEIVED

JUN 15 2001

**WATER RESOURCES
WESTERN REGION**

RECOMMENDATION OF WATERMASTER

Application No: 65-22490

Applicant's Name: Patricia J. Malloy

Watermaster's Recommendation:

- a) ___ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows: Under control of Watermaster for Water District No. 65.
- c) ___ I oppose approval of this application for the following reasons:
- d) Additional Comment: _____

Dated this 13th day of June, 2001

Water District No. 65

Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

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2009

June 06, 2001

RECEIVED

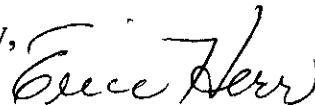
JUN 11 2001

WATER RESOURCES
WESTERN REGION

Dear Mr. Spackman,

As pertains to the application for water right No. 65-22490, I have similar concerns as were expressed with regards to the most recent application in Dist. 65A. Namely, that indicated time of use would occur during release of storage water from Sage Hen reservoir. In that there is no storage water available in Sage Hen to allocate to new acres, the water right, if granted, must state that the owner of that right agrees to discontinue use when storage is released and will not resume use until the reservoir is shut off for the season.

Sincerely,



MICROFILMED

SEP 14 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DALE NESBITT
1712 MARIN AVE
BERKELEY CA 94707

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:lm

Encl: Copy of Application

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OCT 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JERRY MARX
10825 NESBITT LANE
OLA ID 83657

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

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JUN 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAY & JUDY STONE
30250 BOULDER RD
PARMA ID 83660

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

JUL 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NESBITT RANCH & CATTLE CO
10500 NESBITT LANE
OLA ID 83657

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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.

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

JUN 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DENNIS & JOY WEAVER
HC 78 BOX 3755
OLA ID 83657

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

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DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
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June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUSAN HOWELL
DALE E MEYERS
2802 ALAMO RD
BOISE ID 83704

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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.

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

Sincerely,

Gary Spackman

GS:lm

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD CARLOCK
2254 PLUM STREET
EMMETT ID 83617

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Sir and/or Madam:

Enclosed is a 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(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application

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JUN 9 2001



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

June 1, 2001

ERIC HERR
WATER DISTRICT 65A
8917 BUTTE RD
SWEET ID 83670

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.

Dear Mr. Herr:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

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

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

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2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 1, 2001

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 No. 65-22490 in the Name of Patricia J. Malloy.
Application for Water Right No. 65-22421 in the Name of Louis &/or Ella May Johns.
Application for Water Right No. 65-22456 in the Name of Greg &/or Deborah Knighten.

Dear Sir:

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 this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 25, 2001.

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

Sincerely,

Gary Spackman

GS:lm
Encl.

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SEP 13 2001



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

June 1, 2001

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22490 in the Name of Patricia J. Malloy.
Application for Water Right No. 65-22421 in the Name of Louis &/or Ella May Johns.
Application for Water Right No. 65-22456 in the Name of Greg &/or Deborah Knighten.

Dear Mr. Limbaugh:

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,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED
JUN 13 2001



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

May 30, 2001

Legal Notice Department
Messenger-Index
PO Box 577
Emmett ID 83617

RE: Application for Permit No. 65-22421 and 65-22490

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 06/25/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

OCT 13 2001

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

65-22490

PATRICIA J MALLOY
2211 3RD STREET SOUTH
NAMPA ID 83851

Point(s) of Diversion SWNWSW S1 T11N R01E GEM County
Tributary To SECOND FORK SQUAW CREEK

Source KIMBALL GULCH CREEK

Point(s) of Diversion SWNWSW S1 T11N R01E GEM County
Tributary To SQUAW CREEK

Source SECOND FORK SQUAW CREEK

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

Total Diversion: 0.08 CFS

Date Filed: 05/11/2001

Place Of Use: IRRIGATION

T11N R01E S2 NESW SESW NWSE SWSE

Number of Acres 4

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, together with a protest fee of \$25.00 for each application on or before 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on June 6 and 13, 2001.

MICROFILM

06/11/2001

REQUEST TO PROCESS

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

Name of Applicant

Patricia J. Malloy

Mailing Address

2211 3RD ST. S.
Nampa, IDAHO 83651

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

Patricia J. Malloy

Date

5/11/01

Please return this form to:

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

MICROFILMED

JUL 15 2001