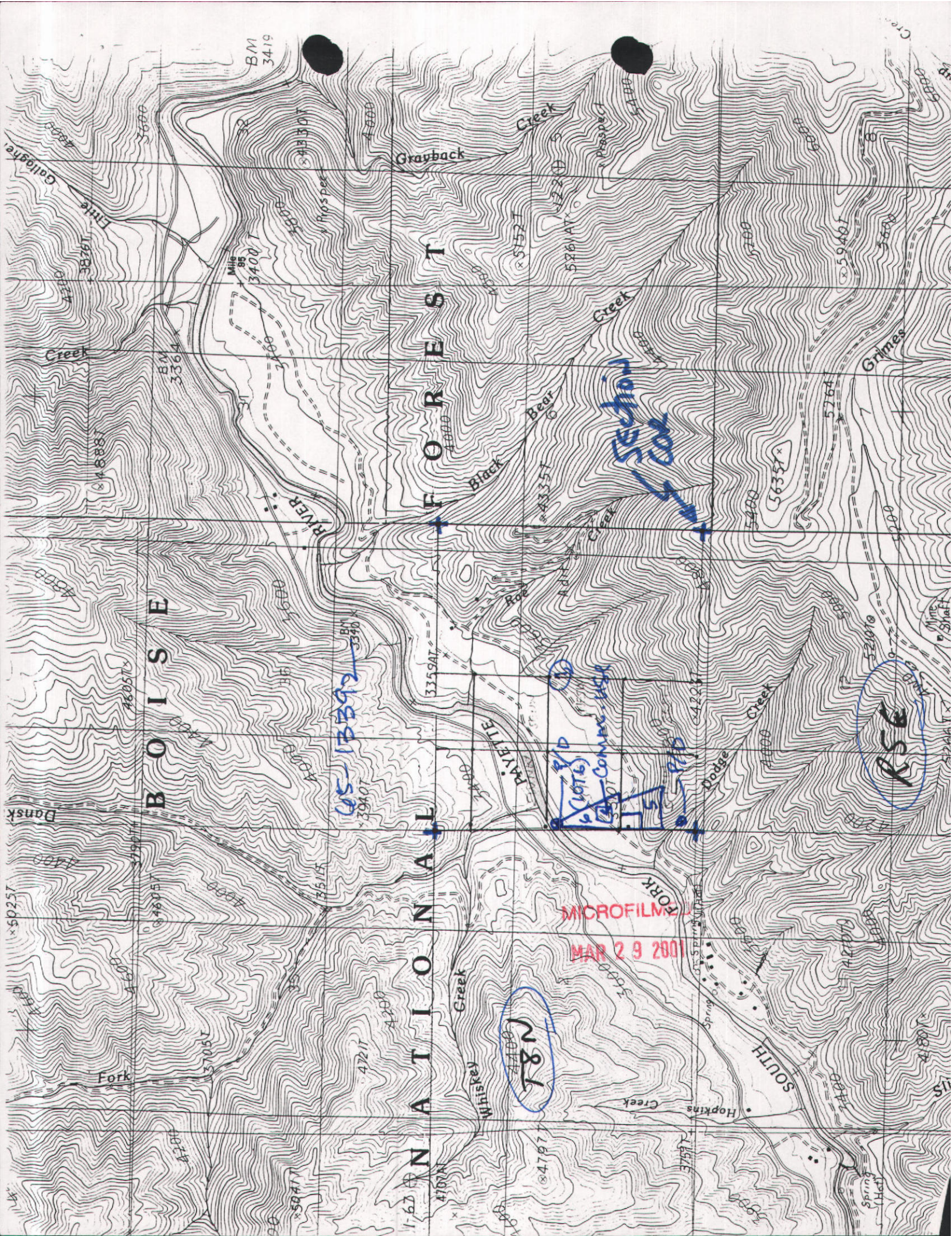




BOYSE

F O R E S T

P A Y E T T E

Section 50A

RSE

78N

MICROFILMED
MAR 29 2001

Grayback Creek

Creek

Creek

Grimes

Dodge Creek

SOUTH FORK

Whiskey Creek

Creek

Fork

Creek

Hopkins

Spring (Hot)

BM 3419

BM 3364

BM 3340

BM 4797

BM 3413

BM 3041

BM 4721

BM 3705

BM 4605

BM 4605

BM 4888

BM 3400

BM 3826

BM 3419

BM 3041

BM 4721

BM 3705

BM 4605

BM 4605

BM 4888

BM 3400

BM 3826

BM 3419

BM 3041

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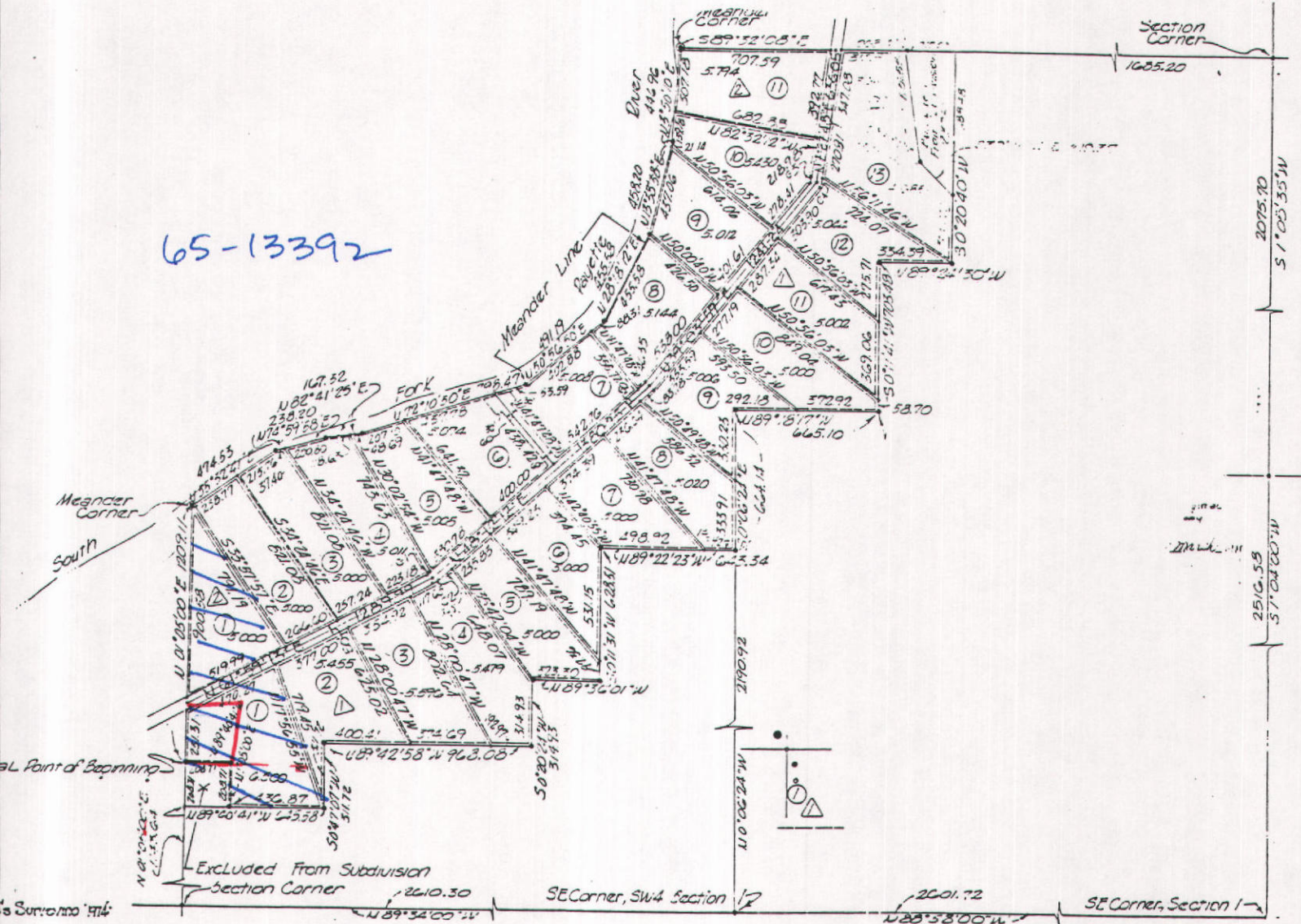
PAYETTE RIVER HEIGHTS SUBDIVISION

Situated in Section 1, Township 8 North,
Range 5 East, Boise Meridian, Boise County, Idaho

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.



65-13392



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MAR 29 2001

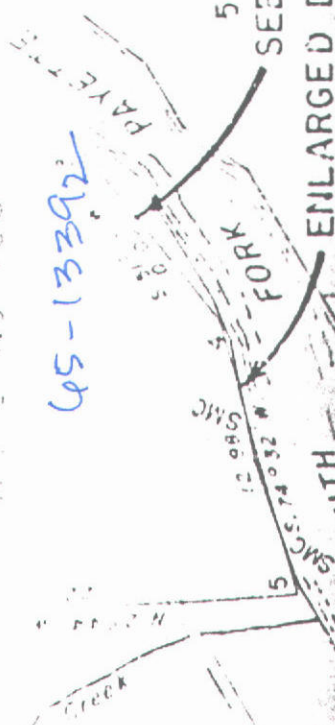
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406 No 333

65-13392

MICROFILM

MAR 29 2001



ENLARGED DIAGRAM

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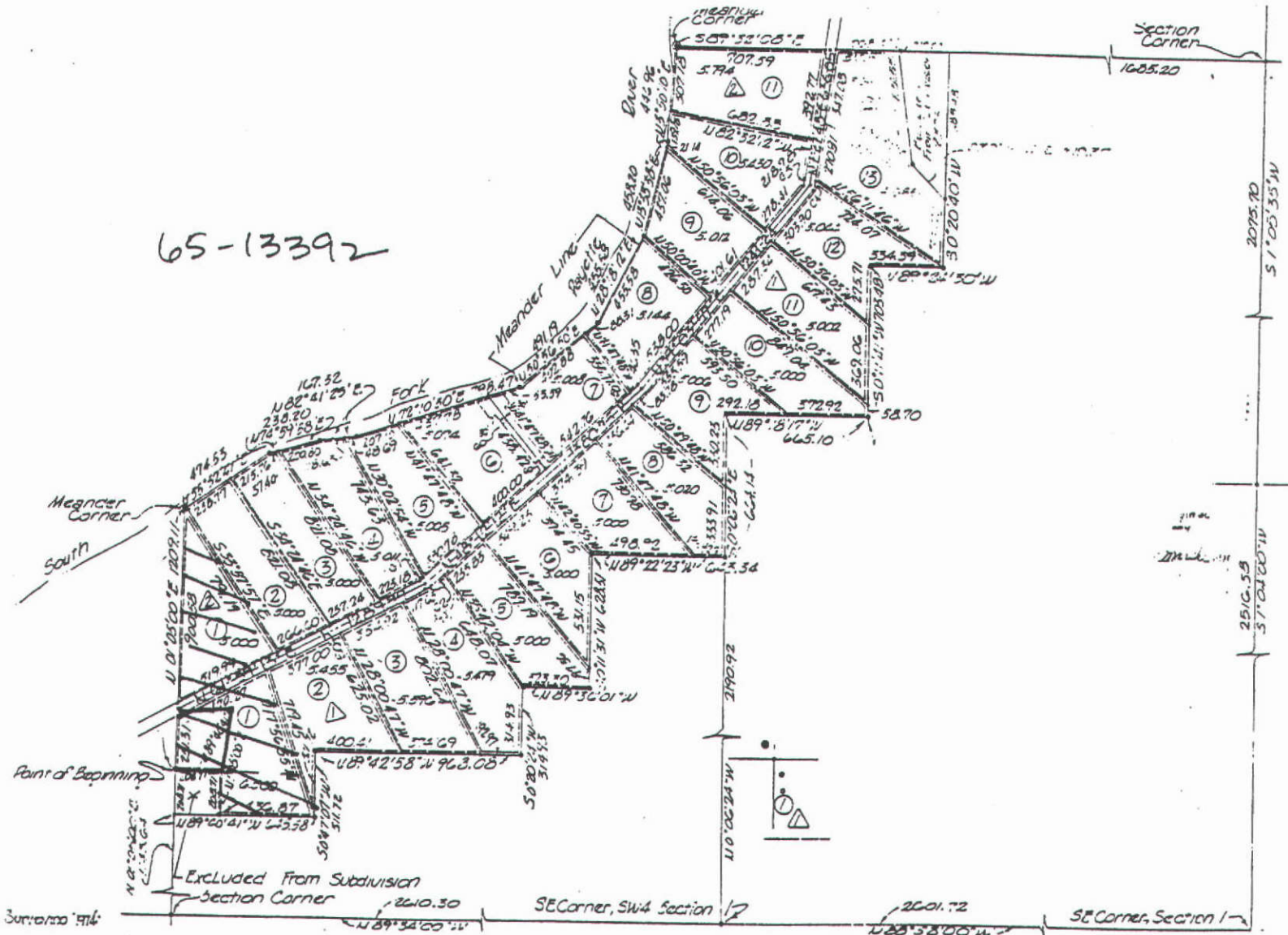
PAYETT RIVER HEIGHTS N. SUBDIVISION

Situated in Section 1, Township 8 North,
Range 5 East, Boise Meridian, Boise County, Idaho

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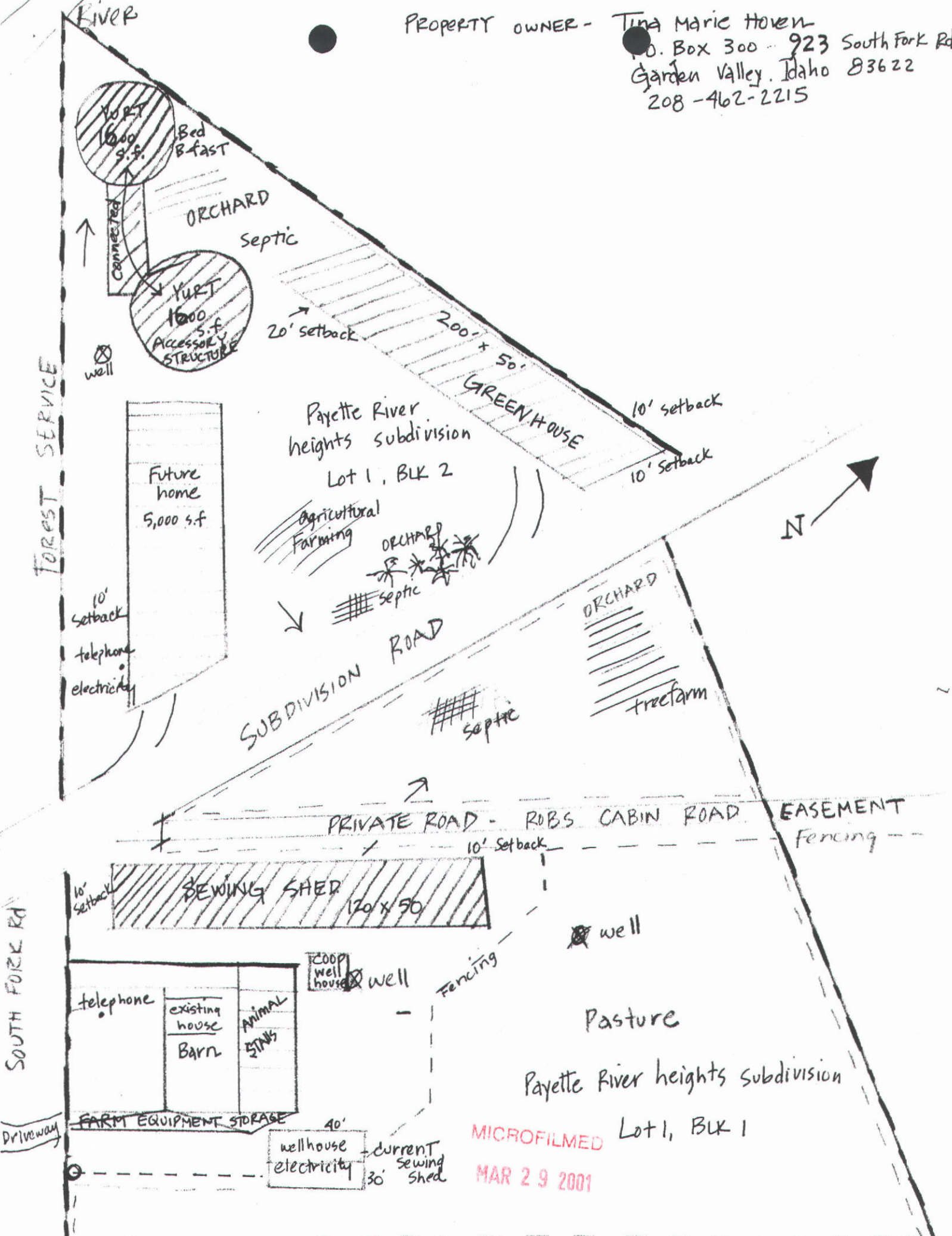


65-13392



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MAR 29 2001

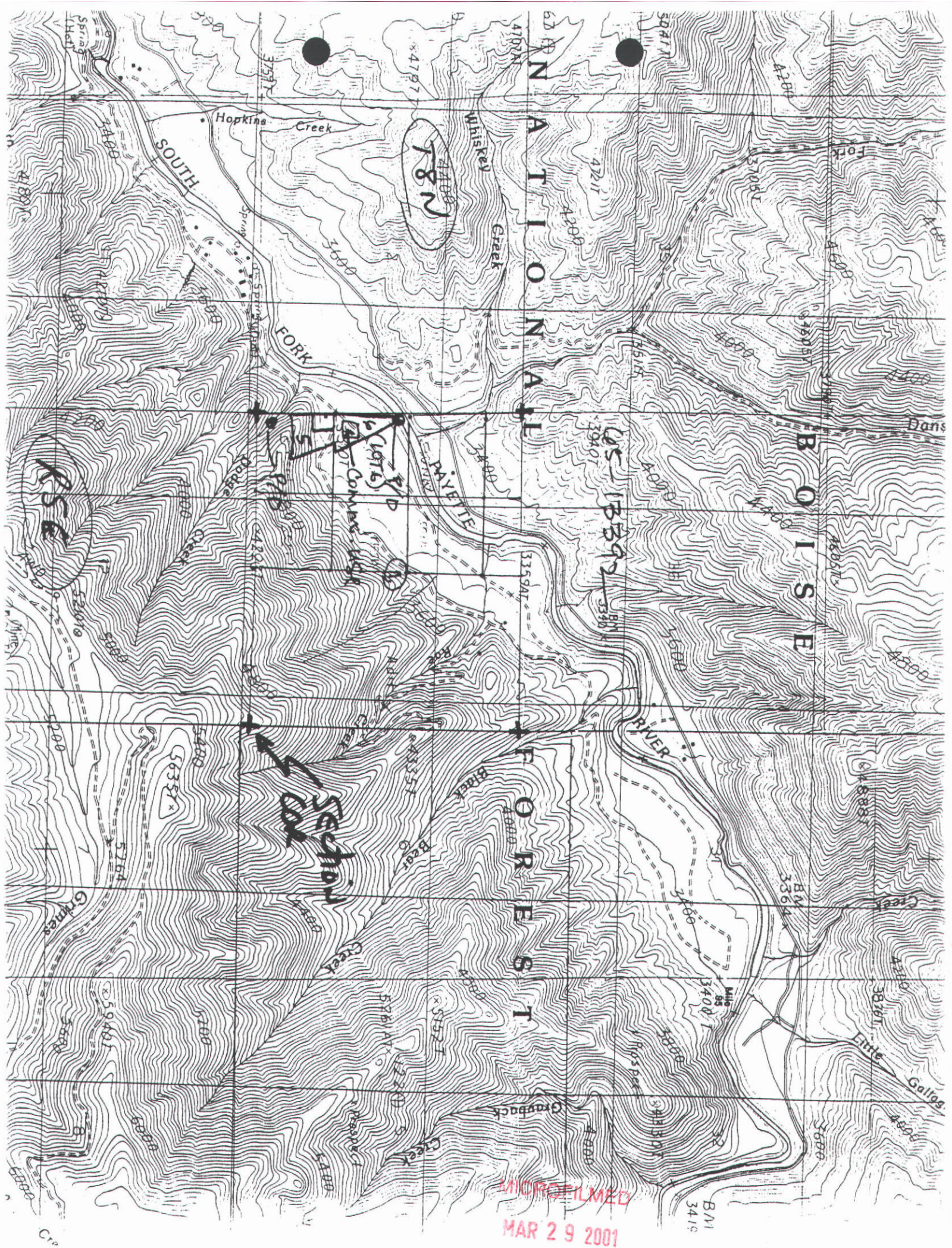
PROPERTY OWNER - Tina Marie Hoven
P.O. Box 300 - 923 South Fork Rd
Garden Valley, Idaho 83622
208-462-2215



MICROFILMED

Lot 1, BLK 1

MAR 29 2001



Tina Marie Hoven
P.O. 300
Garden Valley, ID
83622

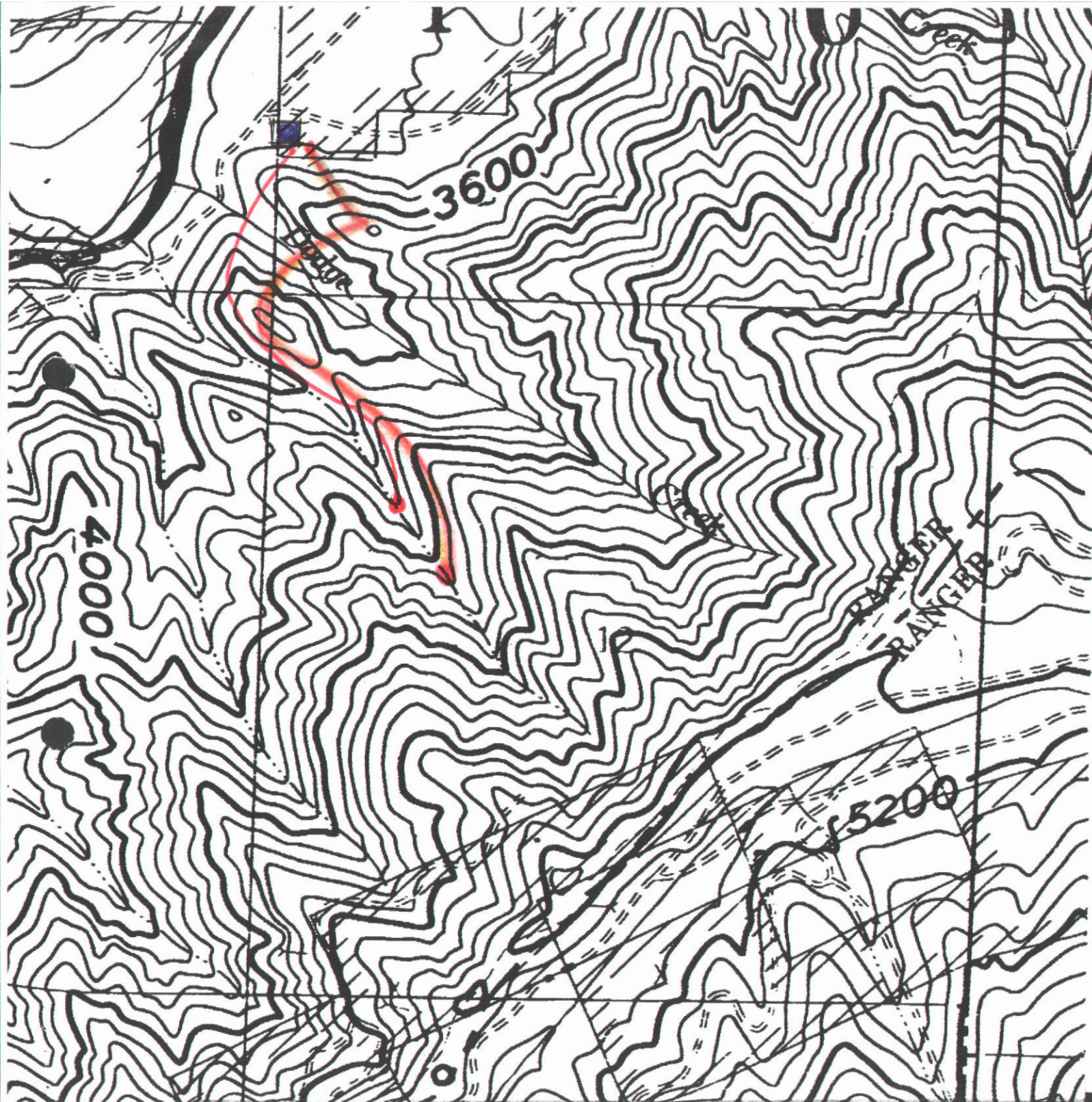
my house

past water line
destroyed by
disaster

proposed line.

- to accomidate
water right
65-13392 &
new line needs
to be bui lt
slightly higher
up hill with a
steep fall near
the bottom
for water pressure

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MAR 29 2000



State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13392

Priority: June 12, 1992

Maximum Diversion Rate:

0.26 CFS

This is to certify, that TINA MARIE HOVEN
SHIRLEY C HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

DODGE CREEK tributary of PAYETTE RIVER, SOUTH FORK
PAYETTE RIVER, SOUTH FORK tributary of 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	0.22 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS
	Totals	0.26 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (NWNWSW), Sec. 1, Township 08N, Range 05E
SWSWSW, Sec. 1, Township 08N, Range 05E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	05E	1	Lot 6 (NWSW) 5.0	SWSW 6.0		11.0

Total number of acres irrigated: 11.0

PLACE OF USE: COMMERCIAL

TWN RGE SEC
08N 05E 1 Lot 6 (NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

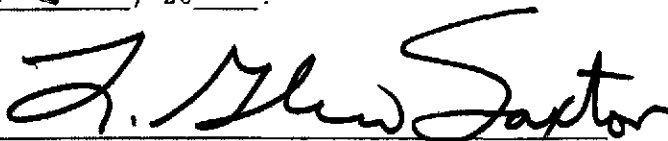
NO. 65-13392

CONDITIONS OF APPROVAL AND REMARKS

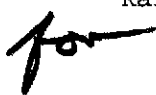
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum flow amounts.
10. Commercial use is for greenhouses.
11. Place of use is located within Lot 1, Blk. 1 and Lot 1, Blk. 2, Payette River Heights 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

4th day of December, 2000



Karl J. Dreher, Director



MICROFILMED
1982

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13392 IN THE)
NAME OF TINA MARIE HOVEN)
AND/OR SHIRLEY C HOVEN)
_____)

**ORDER
REINSTATING APPLICATION**

FINDINGS OF FACT

1. On June 12, 1992, Tina Marie Hoven and/or Shirley C Hoven ("applicant") filed Application for Permit No. 65-13392 ("application") with the Idaho Department of Water Resources ("Department") seeking the diversion of 0.26 cubic feet per second of water from Dodge Creek tributary to the South Fork Payette River and from the South Fork Payette River tributary to the Payette River to be used for irrigation and commercial purposes.
2. On January 31, 2000, the Department issued a Preliminary Order Voiding Application for failure of the applicant to provide requested information to the Department
3. On February 14, 2000, the applicant filed a Petition for Reconsideration with the Department seeking to have the application reinstated.
4. On February 16, 2000, the department issued an Order Granting Petition for Reconsideration allowing the applicant additional time to provide information.

CONCLUSIONS OF LAW

1. The applicant has shown reasonable cause and has provided sufficient information for the Department to rescind the Preliminary Order Voiding the Application and to reinstate the application.
2. The Department should rescind the preliminary order and should reinstate the application.

ORDER

IT IS, THEREFORE HEREBY ORDERED as follows:

1. The Preliminary Order Voiding Application for Permit No. 65-13392 issued by the Department on January 31, 2000, is **RESCINDED**.
2. Application for Permit No. 65-13392 in the name of Tina Marie Hoven and/or Shirley C. Hoven is **REINSTATED** and will be further considered by the Department for issuance of a permit.

Dated this 17th day of March, 2000.



L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR WATER)
RIGHT NO 65-13392 IN THE)
NAME OF TINA MARIE HOVEN)
AND/OR SHIRLEY C HOVEN)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a preliminary order voiding application, the Department makes the following Findings of Fact, Conclusions of Law, and Order

FINDINGS OF FACT

1. Tina Marie Hoven and/or Shirley C. Hoven (applicants) filed application for water right no 65-13392 (application) on June 12, 1992
2. The U.S. Forest Service protested the application. The protest stated that the proposed point of diversion was located on National Forest land, and that the application should be denied unless a special use permit is issued by the Forest Service.
3. In May 1997, the applicant submitted a copy of the special use permit no 5605-01. The special use permit granted Tina Marie Hoven the right to construct a water line not to exceed twelve (12) inches in diameter on an area approximately 300 feet in length by 12 feet wide for the purpose of a domestic water system.
4. Application no 65-13392 sought to use water for irrigation and commercial purposes. The special use permit allows only for a pipeline for domestic use.
5. By order dated September 1998, the Department dismissed the protest by the U.S. Forest Service.
6. Prior to processing application no. 65-13392, the Department received a telephone call from Tina Marie Hoven. Ms. Hoven stated that the Department did not have sufficient information. As a result of the telephone call, the Department corresponded with Tina Marie Hoven on November 4, 1998, asking for additional information.
7. Tina Marie Hoven did not respond to the correspondence of the Department within the thirty days set forth in the Department's November 4, 1998 letter.

8. On January 31, 2000 the Department issued a preliminary order (order) voiding application for water right no 65-13392 in the name of Tina Marie Hoven and/or Shirley C. Hoven (petitioners).
9. On February 14, 2000, the Department received a Petition for Reconsideration (petition) in connection with the order from Tina Marie Hoven. The petitioner asserts that the water right is needed and asks that the order be reconsidered.

CONCLUSIONS OF LAW

- 1 Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The petition was filed timely.
- 3 The Department should conditionally grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, to give the petitioner an opportunity to submit evidence of a special use permit from the U.S. Forest Service to construct a water line for irrigation and commercial purposes, or any additional information necessary to support the application.

ORDER

IT IS HEREBY ORDERED that the petition is **CONDITIONALLY GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, to allow the petitioner 30 days to submit evidence of a special use permit from the U.S. Forest Service to construct a water line for irrigation and commercial purposes, or any additional information necessary to support the application

IT IS FURTHER ORDERED that if the petitioner does not submit the required information in support of the application within 30 days of the service date of this order, the January 31, 2000 preliminary order voiding the application is automatically reinstated and shall again be in full force and effect.

Dated this 16th day of February, 2000

L. GLEN SAXTON
Chief, Water Allocation Bureau

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MAR 2 2001

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

IN THE MATTER OF APPLICATION FOR) WATER RIGHT NO. 65-13392 IN THE) NAME OF TINA MARIE HOVEN) AND/OR SHIRLEY C. HOVEN) _____)	)	PRELIMINARY ORDER VOIDING APPLICATION
---	---	--

FINDINGS OF FACT

1. Tina Marie Hoven and/or Shirley C. Hoven filed application for water right no. 65-13392 on June 12, 1992. The application sought the following:

Purpose	Season	Flow
Irrigation	4/15 to 10/15	0.22 cfs
Commercial	1/1 to 12/31	<u>0.040 cfs</u>
Total		0.26 cfs

The application proposes one point of diversion from each of two sources of water. The point of diversion for Dodge Creek, tributary to the Payette River, South Fork, is located in the SW1/4 SW1/4SW1/4 of Section 1, Township 8 North, Range 5 East, Boise-Meridian. The point of diversion from the Payette River, South Fork tributary to the Payette River, is located in Lot 6 (NW1/4NW1/4SW1/4), Section 1, Township 8 North, Range 5 East, Boise-Meridian.

2. The U.S. Forest Service protested the application. The protest stated that the proposed point of diversion was located on National Forest land, and that the application should be denied unless a special use permit is issued by the Forest Service.

3. In May 1997, the applicant submitted a copy of the special use permit no. 5605-01. The special use permit granted Tina Marie Hoven the right to construct water line not to exceed twelve (12) inches in diameter on an area approximately 300 feet in length by 12 feet wide for the purpose of a domestic water system.

4. Application no. 65-13392 sought to use water for irrigation and commercial purposes. The special use permit allows only for a pipeline for domestic use

5. By order dated September 1998, IDWR dismissed the protest by the U.S. Forest Service.

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6. Prior to processing application 65-13392, IDWR received a telephone call from Tina Marie Hoven. Ms. Hoven stated that IDWR did not have sufficient information. As a result of the telephone call, IDWR corresponded with Tina Marie Hoven on November 4, 1998, asking for additional information.

7. Tina Marie Hoven did not respond to the correspondence of IDWR within the thirty days set forth in IDWR's November 4, 1998 letter.

CONCLUSIONS OF LAW

1. Idaho Code Section 42-204 states:

If . . . the department shall request additional information and the applicant fails . . . to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

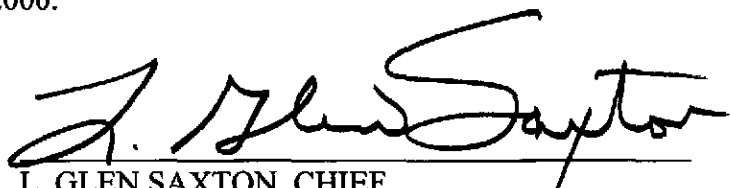
2. IDWR requested additional information from the applicant. The applicant failed or refused to respond to the request.

3. Application for water right no. 65-13392 should be voided.

ORDER

IT IS HEREBY ORDERED that application for water right no. 65-13392 in the name of Tina Marie Hoven and/or Shirley C. Hoven is **VOIDED**.

DATED this 31st day of January, 2000.


L. GLEN SAXTON, CHIEF
Water Allocation Bureau

MICROFILMED

6/15/00 1:28 PM

RECEIVED

JUN 3 1993

Ident. No. 65-13392

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: TINA MARIE HOVEN
Address: ~~HC 77 BOX 2871~~ *D.B. Change (1992)*
GARDEN VALLEY ID 83622

208-462-3596

AND/OR

Name: SHIRLEY C HOVEN
Address: ~~2620 S JASMINE ST~~ 9966 E HAWAII PL
DENVER CO 80222 80231

306-6268
303-757-0827

2. Source: DODGE CREEK Trib. to: PAYETTE RIVER, SOUTH FORK
PAYETTE RIVER, SOUTH FORK PAYETTE RIVER
3. Location of Point of Diversion: Lot 6 (NWNWSW), Sec. 1, Township 08N, Range 05E
SWSWSW Sec. 1, Township 08N, Range 05E
BOISE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.220		
COMMERCIAL	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.260 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
DIVERSION BOX, PUMPS, PIPELINE
- 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 groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 years.

8. Description of proposed uses:
IRRIGATION AND COMMERCIAL

MICROFILMED

Page 2 of 2

* addresses updated 2/6/98 per Applicant's 1/26/98 Response Form. -82

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
08N	05E	1 Lot 6(NWSW)	5	SWSW 6		11

Total number of acres irrigated: 11

Place of Use: COMMERCIAL

TWN RGE SEC
08N 05E 1 Lot 6(NWSW)

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

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

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

12. Remarks: Applicant agrees to mitigate consumptive use in the future as needed. **

move to
Comments

Commercial use is for greenhouses.

Application being held pending withdrawal of drought moratorium.

Place of use also known as Lot 1, Block 1, and Lot 1, Block 2, Payette River Heights Subdivision.

13. Map of proposed point of diversion and place of use attached? ☒

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

Jan Marie Amer
Applicant

Received by CYU Date 6/12/92 Time 200 Preliminary check by JP

Fee \$ 45- Receipted by CYU # W014879 Date 6/12/92

Publication prepared by AT Date 5-27-93 Published in Idaho World

Publication approved AT Date 6-21-93

* Receipt # date entered 6/18/92 - 82. MICROFILMED

** d'base updated 2/6/98 per dept standards & applicant's 1/26/98 Response

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 02/06/98
Time: 13:45:16

Water Right Number: 65-13392

Comment Date: 2/ 6/1998 User ID: SLESTER

Subject: NOTES FOR DEPT. PROCESSING

Future mitigation condition accepted for fishery issues. Will
also need more immediate water district mitigation for water
supply issues.

Commercial use is for greenhouses. Property aka L1, B1 & L1, B1 2
Payette River Heights Subdivision.

Forest Service Special Use Permit received 5/23/97.

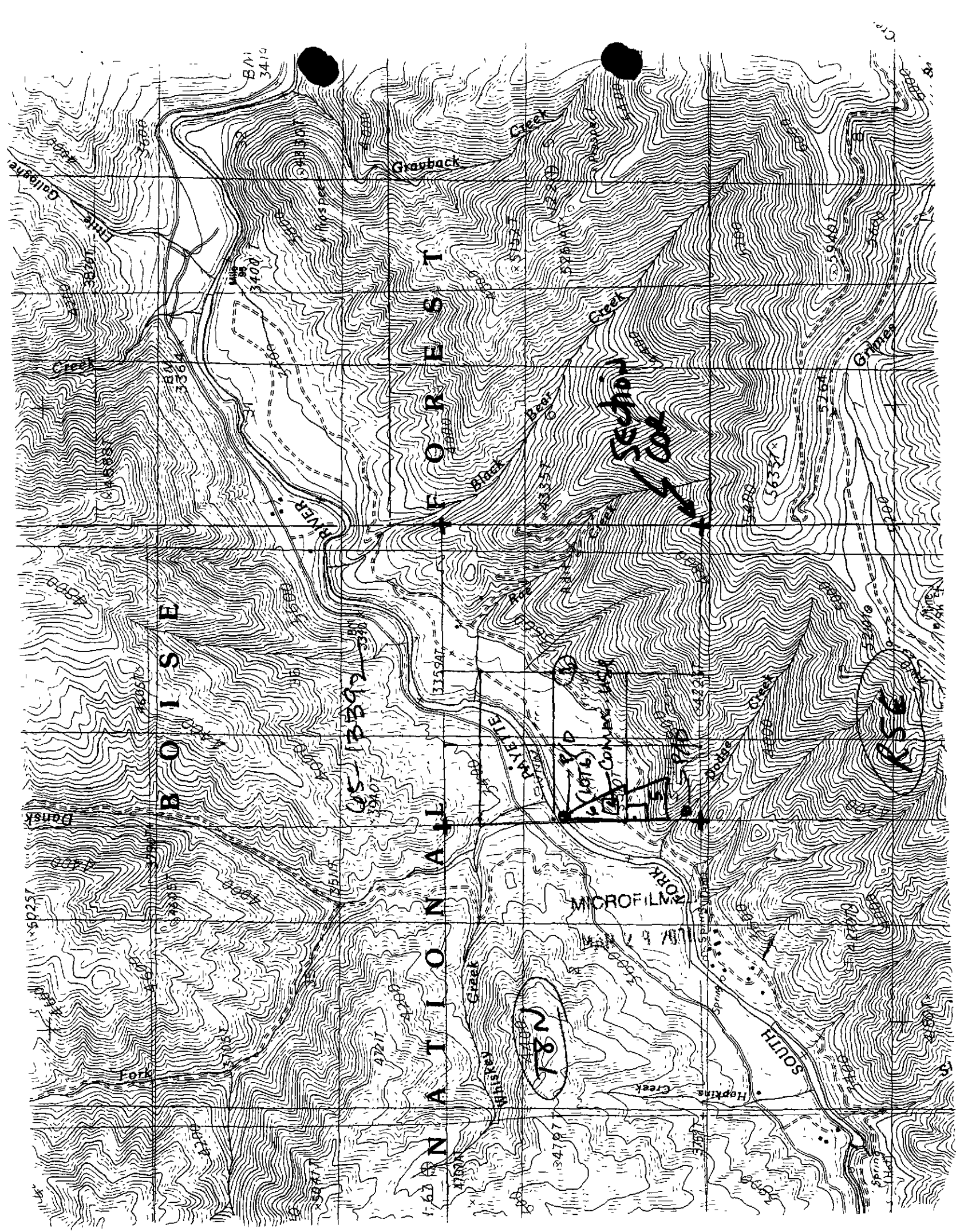
Appears to be same Dodge Creek diversion as 65-08992 (domestic).

Dual sources integrated into common system for single right.

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

MICROFILMED

MAR 24 1998



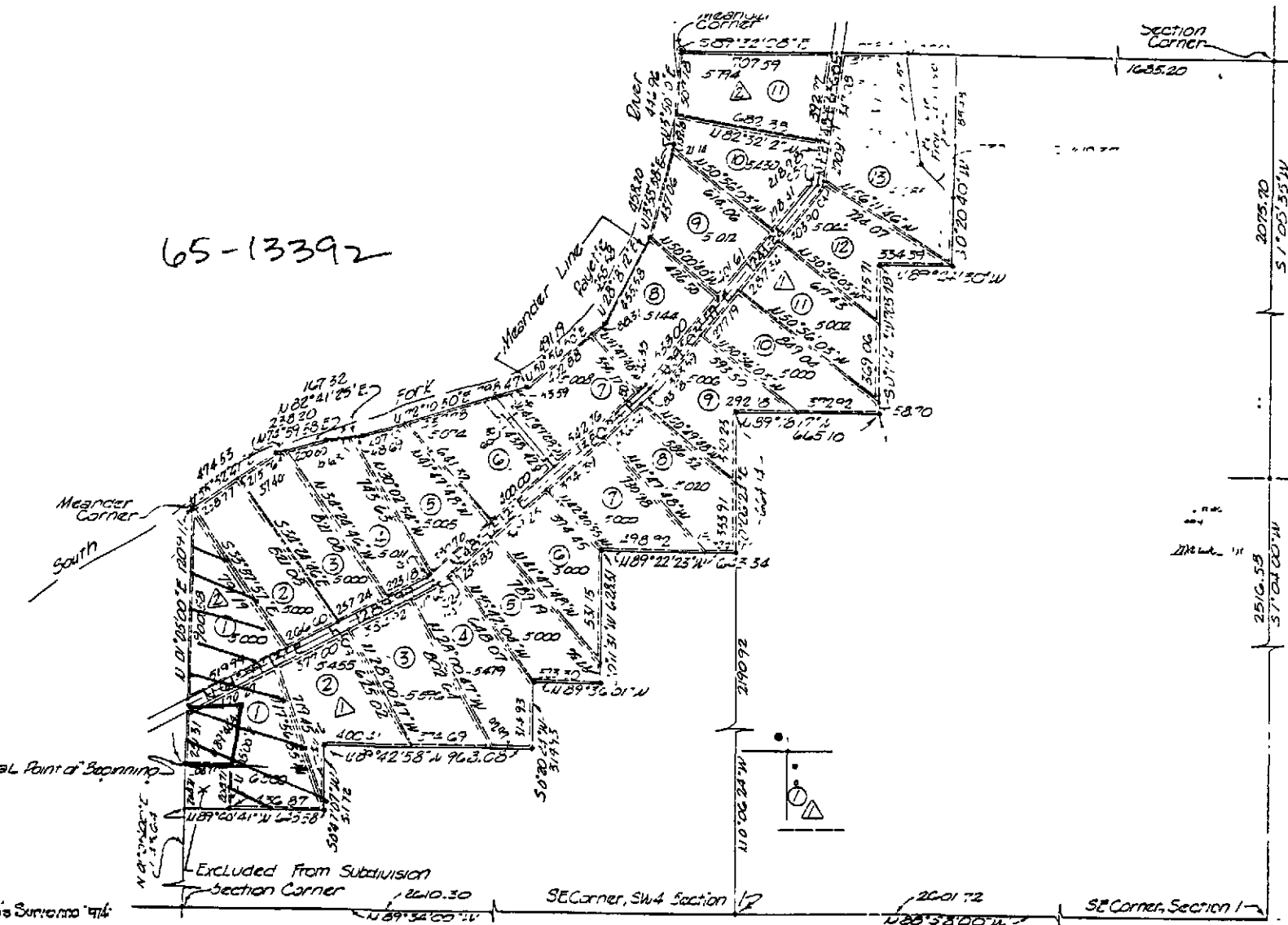
PAYETT RIVER HEIGHTS N. SUBDIVISION

Situated in Section 1, Township 8 North
Range 5 East, Boise Meridian Boise County Idaho

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.



65-13392



MICROFILM

1984

65-13392

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 5, 2000

TINA MARIE HOVEN
SHIRLEY C HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13392

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

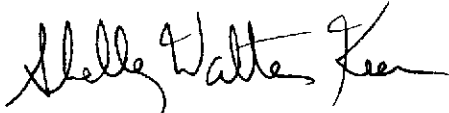
Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least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

400 2 5 2000

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

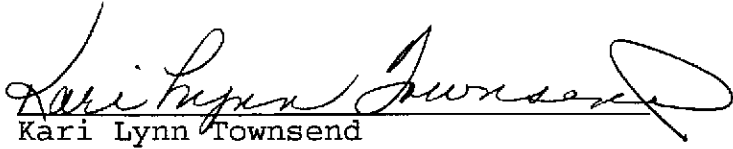
APR 1 1988

CERTIFICATE OF MAILING

I hereby certify that on the **5th** day of **December, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 65-13392

TINA MARIE HOVEN
SHIRLEY C HOVEN
PO BOX 300
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED

APR 2 1991

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

582 6 3 1996

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

MAY 2 8 1977

RECEIVED

NOV 29 2000

Department of Water Resources

Authorization ID: EMT560501
Contact ID: HOVEN

Page 1 of 1
FS-2700-23 (4/97)
OMB No 0596-0082

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

AMENDMENT
FOR
SPECIAL USE AUTHORIZATION
AMENDMENT NUMBER: 1

This amendment is attached to and made a part of the special use authorization (indicated above) issued to TINA HOVEN on 05/16/1995 which is hereby amended as follows:

Add to purpose:

Irrigation and other agricultural use

This Amendment is accepted subject to the conditions set forth herein, and to conditions _____ to _____ attached hereto and made a part of this Amendment.

Holder: TINA MARIE HOVEN

Authorized Officer: [Signature]

Holder: Tina Marie Hoven

Title: District Ranger

Date: 11/18/00

Date: 11/27/00

MICROFILMED

NOV 29 2000

Curtis, Sharla

From: Graham, Bill
Sent: Monday, April 03, 2000 1:45 PM
To: Curtis, Sharla
Cc: Sherman, Frank; Luke, Tim
Subject: RE:

For now I would add the standard minimum streamflow condition. At some point we may want to evaluate the number and diversion Q's of consumptive water rights junior to the minimum streamflows. Stream flow measurements to ensure that instream flows are being maintained may be necessary at some point.

-----Original Message-----

From: Curtis, Sharla
Sent: Wednesday, March 29, 2000 8:59 AM
To: Graham, Bill
Subject:

This application is IN a MSF filing. Let me know your thoughts on this one.

<< File 65-13392.doc >>

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 3/25/00

No. 65-13392 Name Haven Corp. Officers N/A Ad ok ✓ Govt Lots —

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P04 (20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 12/01/2005

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19 *pre dismissed*
Development Period
≤ 1 yr - P16
> 1 yr - 264(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response —
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE bully
In-stream development - P52
WD - R04 (WD# 65)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01A(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

~~Snake R (01)~~ - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake) N/A
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 *lot 1, Blk 1, & lot 1, Blk 2*
Use definitions - W02 example - S/50 range *Payette R.*
Pre-1987 development - 068-074 (allow 120 days for proof due) *lights*
Single p/d intended - 076 *Subd.*

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

OTHER CONDITIONS/REMARKS Greenhouse *21 is significant*
and from water table to comm.

COMMENTS —



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: Application for Permit 65-13392

Dear Ms. Hoven:

Enclosed please find an Order Reinstating Application issued by the department in the above referenced matter.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Shirley C. Hoven

MICROFILMED

APR 24 2001

March 16, 2000

State of Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Information Regarding Petition for Reconsideration

To Whom This May Concern,

Explanations of Findings to Fact

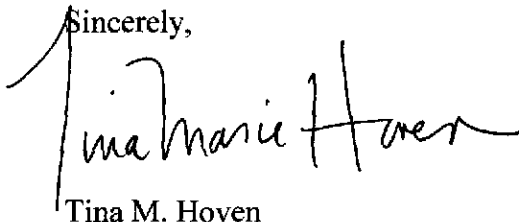
A new special use permit is requested from the Forest Service to install a new pipeline to accommodate water permit # 65-13392. The line will be built slightly higher up on the hill to take advantage of the terrain and increase the water pressure. The current line was destroyed by the disaster of 1997 and needs to be rebuilt. Also enclosed is a future property map describing the buildings in which permits have been obtained. Currently business of Farming, Sewing and Herbal Medicine is being conducted there. This is the reason why the water right for irrigation and commercial is needed.

Papers labeled A & B are old water right information from the owners of the property before me. Item A , list under domestic as including irrigation.

Also enclosed is a letter from the Forest Service to repair my system. Item C.

It needs to be noted that when the Forest Service protested the water right in 93 it affected my use from the Southfork of the Payette. This was not very nice. They kept it under protest for close to 5 years and prevented me from acquiring a ditch bill easement. Many times they were contacted by the water board to release the Protest. (see enclosed letters) Failure on my part to respond to a letter from the water board was due to lack of information obtained from the Forest Service. All communication lines will be open and please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tina Marie Hoven". The signature is written in a cursive style with a large initial "T".

Tina M. Hoven

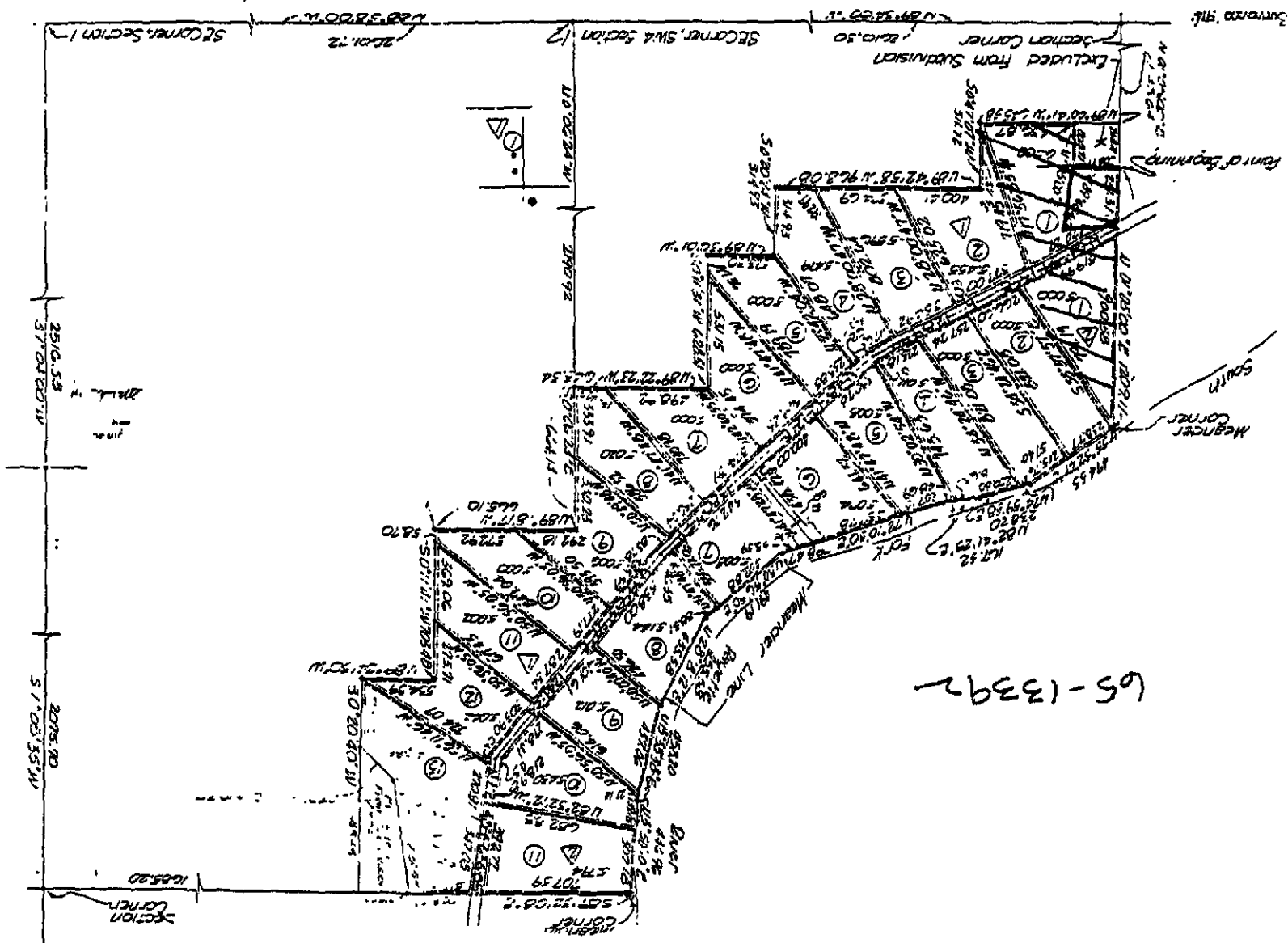
MICROFILMED

MAR 22 2000

SUBDIVISION

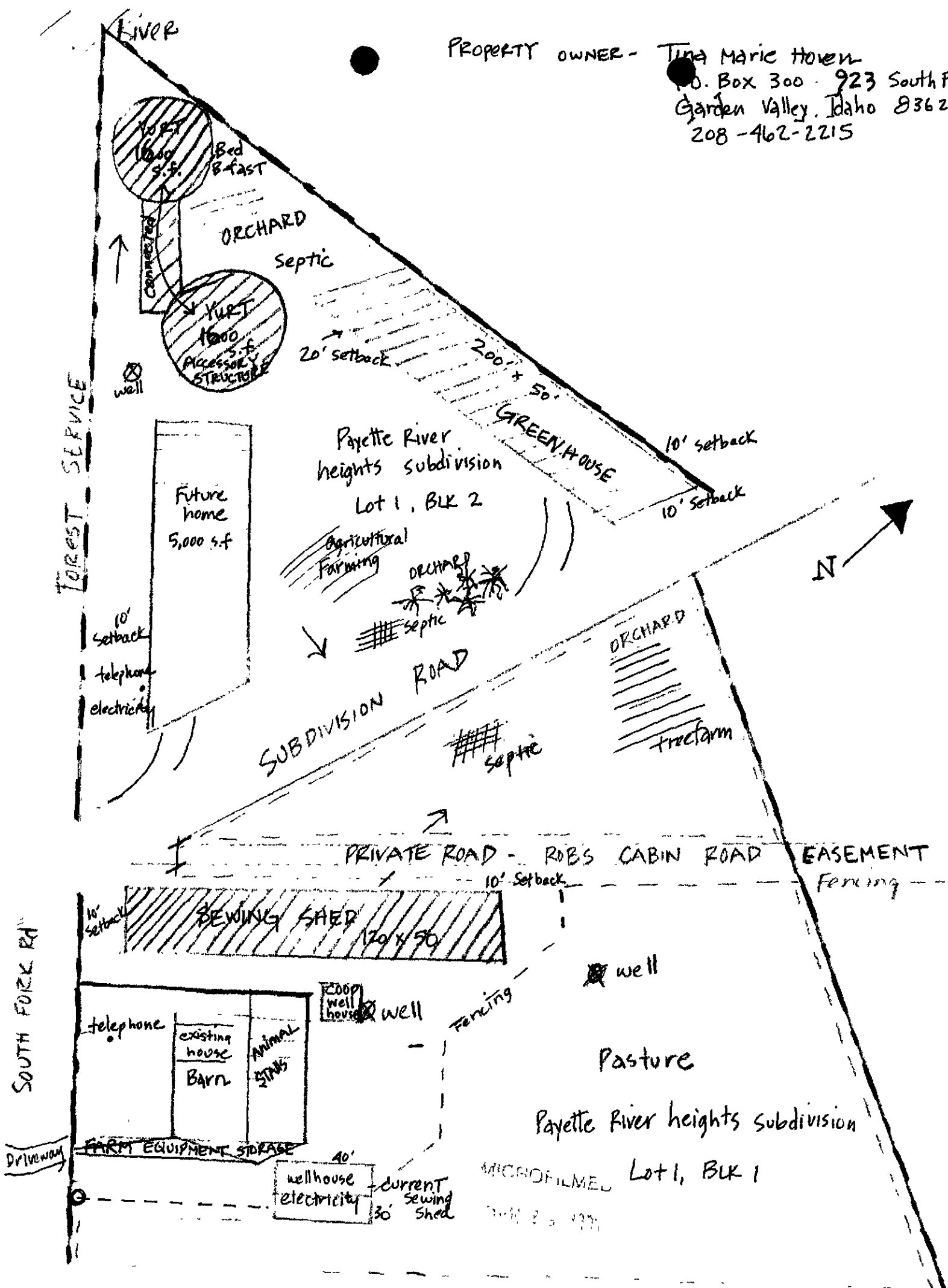
Situated in Section 1, Township 8 North,
Range 5 East, 20th Meridian, Cass County, Idaho

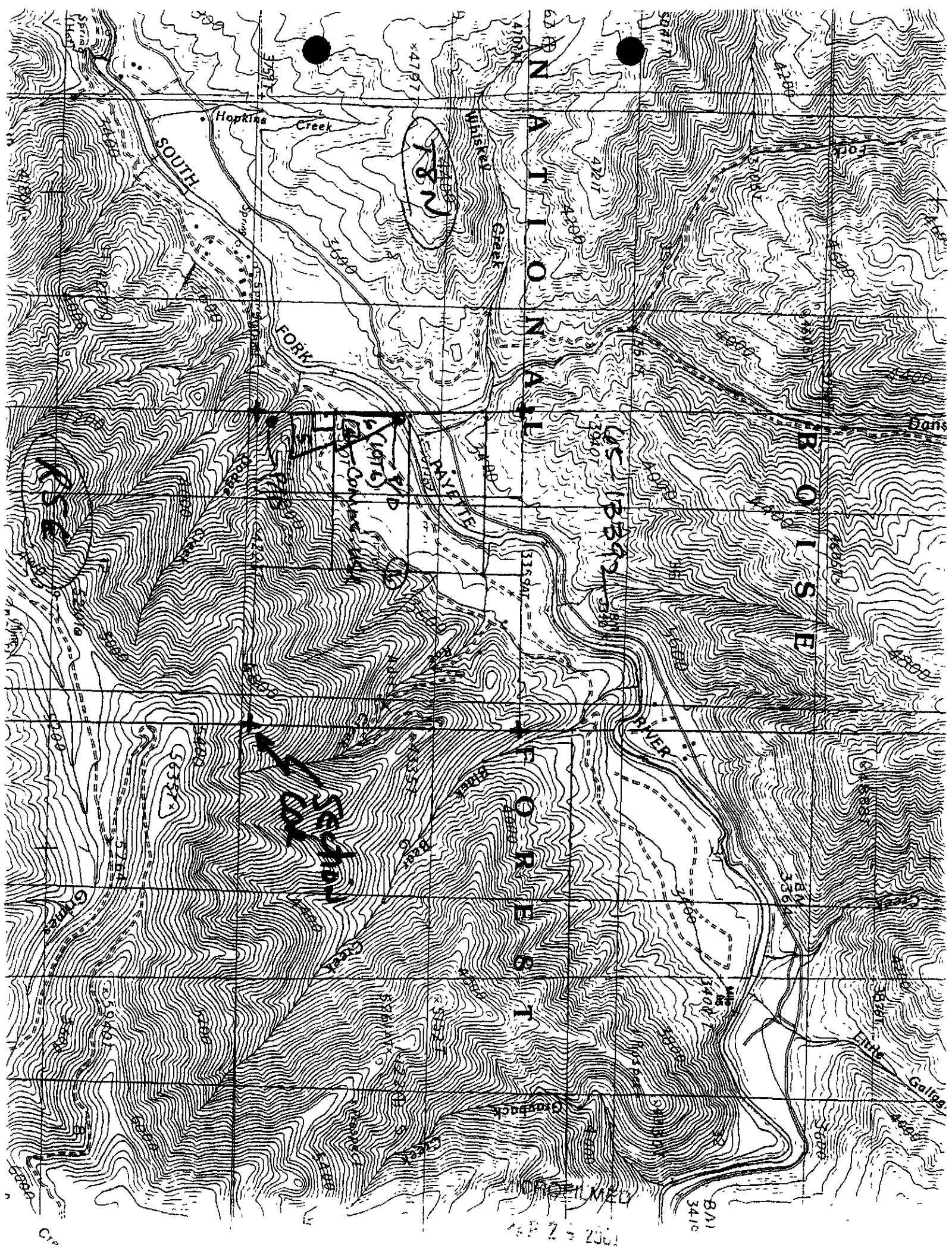
While this man is a photographic reproduction of that on file in either the records of Sawyer's office, the company assumes no liability for variation, if any, with another of re-entry.



1. 1/2 2 2976
MICROFILMED

PROPERTY OWNER - Tina Marie Hoven
P.O. Box 300 - 923 South Fork Rd
Garden Valley, Idaho 83622
208-462-2215





65-13392

HOVEN, TINA MARIE
HOVEN, SHIRLEY C
HC 77 BOX 2871
GARDEN VALLEY, ID 83622

Source: DODGE CREEK	Tributary: PAYETTE RIVER, SOUTH FORK
Source: PAYETTE RIVER, SOUTH FORK	Tributary: PAYETTE RIVER

Diversion Pt: LOT 6 (NWNWSW) Sec 1 T 08N R 05E in BOISE County.
SWSWSW Sec 1 T 08N R 05E in BOISE County.

```

Use: IRRIGATION      ( .220 CFS)
    COMMERCIAL        ( .040 CFS)
        Total Diversion: ( .260 CFS)

```

Date Filed: 6/12/1992

In: BOISE County
T08N R05E S01 Lot 6 (NWSW) SWSW

11.0 ACRES TOTAL

MICROFILMED

[illegible]

Circ 1980? (A)

DESCRIPTIONS
OF
COLUMN HEADINGS AND ABBREVIATIONS
FOR THE

LISTING OF WATER RIGHTS

CLAIM NUMBER

One number is assigned to each right. This number should be referenced in any communication since it is our most effective means of cataloging and identifying your right.

NAME AND ADDRESS

Please notify us of any changes or errors. Note that any remarks or conditions pertinent to the right are described here.

PRIORITY DATE

This date is very important since it provides the basis for regulating rights in times of shortage. The date should indicate when the water was first used beneficially, or in the case of a permit or license, the date of filing.

USE

"Domestic" includes water for a single household culinary use, household stock, and irrigation of up to one half (1/2) acre.

USE PERIOD FROM TO

Dates are inclusive.

MAX AMOUNT MAX RATE

Two entries are in this column: (1) AFA-volume in acre feet per year and (2) CFS-flow in cubic feet per second. Note that 1.2 AFA is about 1,000 gallons per day and .04 CFS is about 18 gallons per minute.

DIVERSION POINT

This is the location of the well. All unnecessary symbols are omitted. For example, SESE S 3 T 7N R 2W means SE 1/4 SE 1/4, Section 3, Township 7 North, Range 2 West.

PLACE OF USE

Same as diversion point in most cases.

BASIS FOR CLAIM

The claim may be based on Beneficial Use, Decree, License or Permit.

10/20/81

10/20/81



WATER RIGHT LICENSE

License No. 05-12361 Priority August 28, 1980 Amount 0.04 CFS 1.2 AF

THIS IS TO CERTIFY that ORVILLE R. VINCENT of GARDEN VALLEY, IDAHO, has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated August 28, 1980, and has submitted proof to the Department of Water Resources on August 28, 1985, that water has been applied to a beneficial use; in examination by the Department indicates that the works have a capacity of 0.04 cfs of water from a groundwater source and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
Domestic (1 Unit)	01/01 - 12/31	0.04 cfs	1.2 af

Location or point of diversion: SENW, Sec. 15, Twp 9N, Rge 4E, Boise Co.

Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	15	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
			:	:	:	:	:	:	:	X	:	:	:	:	:	:	:	:	:
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Total number of acres irrigated:

NOTE: The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right is subject to all prior water rights and may be forfeited by five years of non-use.

Witness the seal and signature of the Director, affixed at Boise, this 31st day of August, 1980.

Acting for the Director



United States
Department of
Agriculture

Forest
Service

Emmett
Ranger
District

1805 Highway 16 #5
Emmett, ID 83617



File Code: 2720

Date: March 11, 1997

Tina Marie Hoven
P.O. Box 300
Garden Valley, ID 83622

Dear Holder:

The recent events of mud slides, wash outs, and high water may have affected your permitted improvements on the National Forest. If repairs to your improvements are needed beyond normal annual maintenance, the work must be coordinated with this office. My staff is available to advise you of the proper procedure so you will have authorization to complete the necessary work.

If you have any questions, or plan on doing any improvement work, please contact Dave Hale of this office by telephone at (208)365-7000, or by letter at the above address.

Sincerely,

MORRIS D. HUFFMAN
District Ranger

Thurs - 9³⁰?
6:24
Steve Burris
800 #?

Michael
Henes-
331-3340

MICROFILMED

APR 28 1997



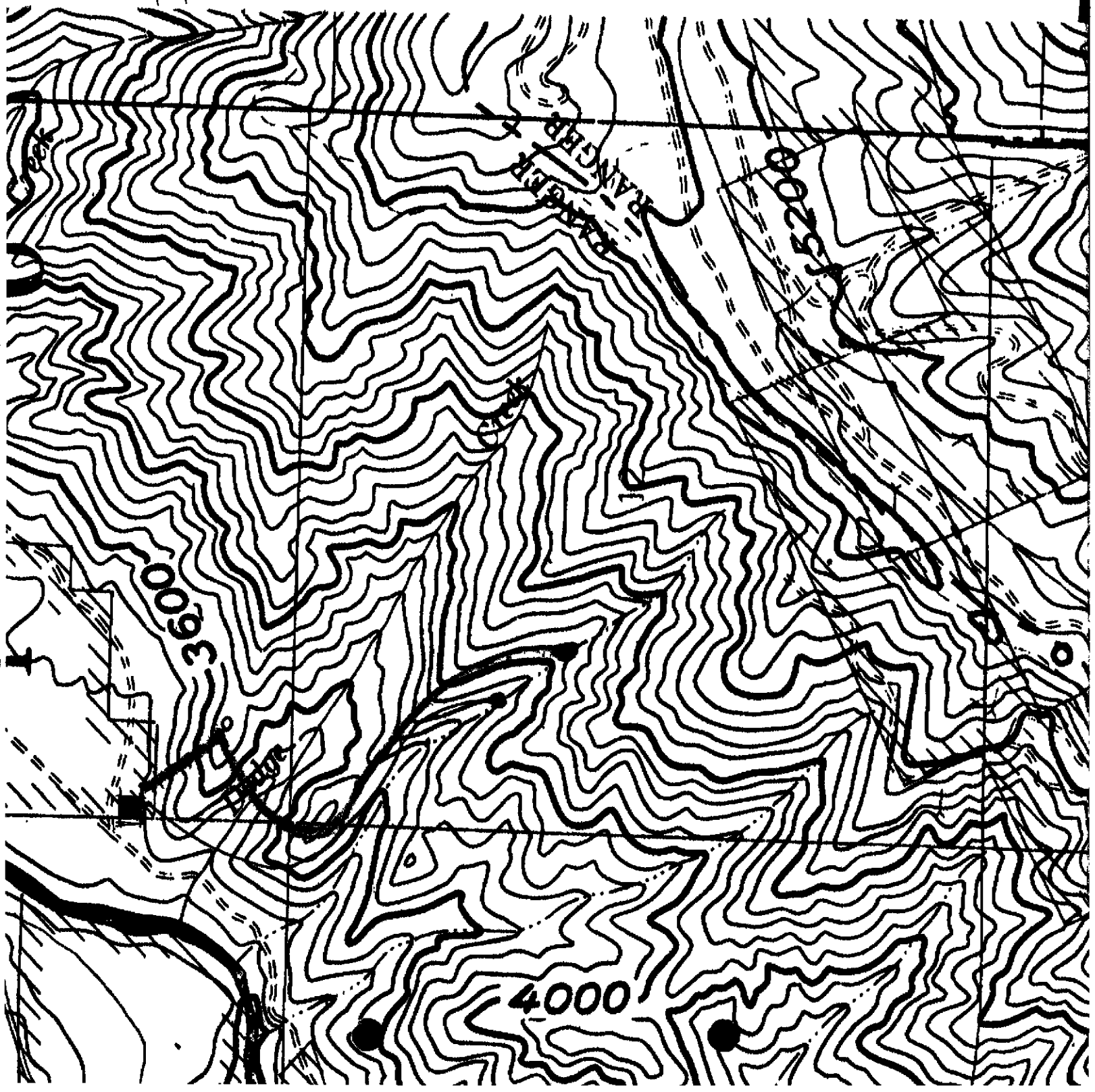
Tina Marie Hoven
P.O. 300
Garden Valley, ID 83622

my house

past water line
destroyed by
disaster

proposed line

to accomodate
water right
65-13392 d
new line needs
to be built
slightly higher
up hill with a
steep fall near
the bottom
for water pressure





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 2000

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: Application for Water Right 65-13392

Dear Ms. Hoven:

Enclosed please find an Order Granting Petition for
Reconsideration issued by the department in the matter of
Application for Water Right 65-13392.

If you have any questions regarding this matter, please call
me at 327-7940.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Shirley C. Hoven

MICROFILMED

Aug 2 - 1999

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER GRANTING PETITION FOR RECONSIDERATION to the person(s) listed below:

RE: Application for Water Right 65-13392

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

SHIRLEY C HOVEN
9966 E HAWAII PL
DENVER CO 80231


Kari Lynn Townsend
Secretary

MICROFILMED

1999 & 2000

RECEIVED

FEB 14 2000

Department of Water Resources

February 14, 2000

To: Idaho Department of Water Resources

From: Tina Marie Hoven

Application # 65-13392

To whom it may concern,

This letter is a notification that the above water right is needed and this is a petition for reconsideration of the preliminary order sent February 3, 2000. Please contact me for any additional information needed.

Thank You;

A handwritten signature in cursive script that reads "Tina Marie Hoven". The signature is written in dark ink and is positioned above the printed name.

Tina Marie Hoven

MICROFILMED

1998 12 18

MEMORANDUM

Date. February 9, 2000

To. WR Application File No. 65-13392

From: Jeff Peppersack

Re. Preliminary Order Voiding Application

Tina Marie Hoven called to inquire about filing a *petition for reconsideration*. I indicated that she could send a letter asking for a petition for reconsideration and including any information in support of the petition. She also requested a copy of the application file to be picked up later today. I had the file copied and left at the front reception area for her to pick up.

MICROFILMED

MAR 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: Preliminary Order for Application for Water Right 65-13392

Dear Ms. Hoven:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Shirley C. Hoven

MICROFILMED

MAR 2 1984

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

RE: Preliminary order for Application for Water Right 65-13392

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

SHIRLEY C HOVEN
9966 E HAWAII PL
DENVER CO 80231


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 23 1991

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

1145 2 9 2001

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

SEP 23 1997

RECEIVED

JAN 31 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

~~MORATORIUM HOLD~~
~~DO NOT~~
~~ADVERTISE~~

Department of Water Resources INITIAL REVIEW BY: PC DATE: 6/18/92 APPLICATION: 65-13392

REQUIRED 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)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
y P/D
y P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☒	Critical groundwater area:
☒	☒	Groundwater management area:
☒	☐	1992 moratorium
☐	☒	Diversion within interim protected river area
☐	☒	Send dam safety information:
☐	☒	Send power requirement letter:
☐	☒	Send fish farm requirement letter:
☐	☒	Power residency affidavit:
☐	☒	Power efficiency form:
☐	☒	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☒	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____
☒ Additional information on reverse side:

MORATORIUM QUESTIONNAIRE N/A at this time.
" LETTER SENT 6/18/92.

PROCESSING

APPLICATION N

65-13392

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☐
☐ ☒
☒ ☐
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # 65

Other

re. 50th. FR.
 1/1/93

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:

Protests received. Final date for protest June 21, 1993

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port 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

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION

Overhang
 file 7 65-13392 same Dodge Cr. driveway (was Vincent, now House?)
 file 3 but for Harvest's use.

Require postal protection augmentation for use of L. F. K. Payette water?

I recall that applicant is not active just a time of filing, speak it
 integrating both sources, its common delivery master for property.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13392

Dear Ms. Hoven:

On September 30, 1998, the Idaho Department of Water Resources (IDWR) dismissed the protest against your application for water right proposing to divert water from Dodge Creek for irrigation purposes. After the order was issued, however, you spoke to me on the telephone, stating that IDWR did not have proper information regarding the application. You stated you would set up an appointment to meet with me. I have not heard from you since that time.

The purpose of this letter is to request the additional information from you. If I have not received the information or you have not clarified it with this office within the next thirty (30) days, I will take action to remove the application from our records.

Respectfully,


Gary Spackman

GS:st

MICROFILMED

NOV 11 1998

RECEIVED

OCT 26 1998

Department of Water Resources

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13392

RECOMMENDATION OF WATERMASTER

I, Mark Limbaugh, watermaster of the Payette River, of Water District No. 65, County of Boise, State of Idaho, whose address is 102 N. Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of Tina Marie Hoven.

- A. I hereby endorse the above numbered application and recommend that the Director of the Department of Water Resources approve the application subject to the following conditions: Mitigation for fishery resource protection from the Water District No. 65 Rental Pool is conditioned upon the availability of storage water for rental. A measuring device is required, and this diversion will be under the control of the Watermaster for Water District No. 65.

OR

- B. I do not endorse approval of the above numbered application for water right as requested for the following reasons: _____

Dated at Payette, Idaho, this 20th day of February, 1998.

Mark Limbaugh W.M.
(signature)

RECEIVED

FEB 23 1998

WATER RESOURCES
WESTERN REGION

MICROFILMED

MAR 2 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1998

RE: In the Matter of Application for Permit No. 65-13392 in the name of Tina Marie Hoven &/or Shirley C. Hoven

Dear Interested Parties:

I have enclosed a copy of the Order Dismissing Protest issued in connection with the above referenced matter.

If you have any questions concerning the enclosed document, please contact Gary Spackman at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Senior Secretary
Water Allocation Bureau

Enclosure

c: IDWR - Western Region

MICROFILM

SEP 24 1998

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 65-13392 IN THE NAME)
TINA MARIE HOVEN &/OR SHIRLEY C.)
HOVEN.)**
_____)

**ORDER
DISMISSING PROTEST**

This matter having come before the Idaho Department of Water Resources (department), the department Finds, Concludes, and Orders as follows.

FINDINGS OF FACT

1 On June 12, 1992, Tina Marie Hoven &/or Shirley C Hoven filed with the department an application to appropriate 0 26 cubic feet per second of water from Dodge Creek, tributary to Payette River, South Fork for irrigation and commercial purposes

2 The application was published and on June 21, 1993, the U S. Forest Service protested the application The protest stated that the proposed point of diversion was located on national forest land and that the application should be denied unless a special use permit was issued by the Forest Service.

3. In May, 1997, the applicants submitted a copy of special use permit no 5605-01 The special use permit granted Tina Marie Hoven the right to construct a water line not to exceed 12 inches in diameter on an area approximately 300 feet in length by 12 feet wide for the purpose of a domestic water system.

4. Although application no. 65-13392 was filed seeking to use water for irrigation and commercial purposes, and a special use permit allows only for a pipeline for domestic use, the size of the pipeline described is sufficient to supply the water applied for

5. It appears the Forest Service has resolved and addressed its concerns raised in its initial protest.

ORDER DISMISSING PROTEST

*MICROFILMED
1997 12 14*

ORDER

IT IS HEREBY ORDERED that the protest of application no. 65-13392 in the name of Tina Marie Hoven &/or Shirley C. Hoven by the U. S. Forest Service is DISMISSED.

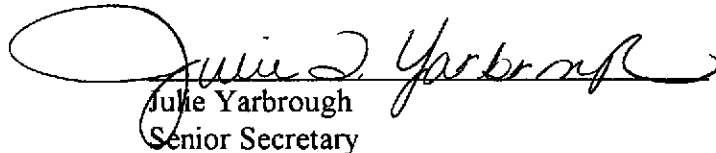
Dated this 30th day of September, 1998



GARY SPACKMAN
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 22^d day of October, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed below.



Julie Yarbrough
Senior Secretary

TINA MARIE HOVEN &/OR
SHIRLEY C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

EMMETT RANGER DIST
1648 N WASHINGTON
EMMETT ID 83617

MICROFILMED

ORDER DISMISSING PROTEST 1998, 10, 22



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK LIMBAUGH
PAYETTE RIVER WATER MASTER
102 N MAIN
PAYETTE ID 83661

RE: APPLICATION FOR PERMIT NO. 65-13392

Dear Mark:

Enclosed is a profile report and map for the above referenced application that was advertised in 1993 but protested. The protest issue has been resolved. A water master recommendation was not received in the previous attempt to address water district concerns.

Please provide your recommendations on the enclosed form and return it at your earliest convenience. Of course, the usual district limitations are to be expected. In addition, the applicants have agreed to accept a more general condition of approval requiring future mitigation that might be needed regarding fishery resource protection. The latter condition is the one that will now allow the department to proceed with consumptive use applications in areas considered open to new appropriations.

Please let me know if you need more information. Thanks for your help in moving this one along.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

ENCLOSURE

RESPONSE FORM

RECEIVED

JAN 26 1998

WATER RESOURCES
WESTERN REGION

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant • TINA MARIE HOVEN - 208.462.2215
P.O. Box 300
Mailing Address Garden Valley, ID 83622
• SHIRLEY C. HOVEN - SHIRLEY C. HOVEN
9966 E. HAWAII PL
DENVER, COLORADO 80231
303-306-6268
Application No. 65-13392

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Date

Tina Marie Hoven
January 24, 1998

Please return this form to:

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

MICROFILMED

JAN 23 1998

CONVERSATION MEMORANDUM

DATE 1/23/98

FILE 65-13392

NAME OF PARTY Tina Marie Hoven

EMPLOYEE JR

RE: Processing —

Discussed possible resumption of processing:

Protest will be voided by dept. order.

Waterside comments will be obtained.

Applicant will accept cond. of approval & future mitigation
re fishing revenues (sent her a form to complete
& that).

She will include new address/phone for Shirley &
~~to her~~ herself.

Once region receives Waterside comments & Appl.
response form & future mitigation, should be able
to proceed.

MICROFILMED
MAR 29 2001

SD-0601-2 Last Name: HOVEN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

	HOVEN						
	SHIRLEY C	C	65-13392	06/12/1992	DODGE CREEK PAYETTE RIV	0.260	01 IRR 10 COMMER
	SHIRLEY C	C	65-13393	00/00/0000		0.00	
	SHIRLEY C	C	65-13416	00/00/0000		0.00	
	TINA MARIE	C	65-13392	06/12/1992	DODGE CREEK PAYETTE RIV	0.260	01 IRR 10 COMMER
	TINA MARIE	C	65-13393	00/00/0000		0.00	
	TINA MARIE	C	65-13416	00/00/0000		0.00	

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

65-13392

6/16/97
-JL

Status

1. CC of FS Special Use permit rec'd 5/23/97.
Refers to T-R-S → OK ✓
" " line for Domestic use, that's probably use
e 65-08992 same system but other use than Appl.
Does not appear to be "fatal" oversight e water rights.
2. DRT 2/10/96 notice e pending order to dismiss protest -
was actual order issued? Does not appear that it
was
3. Should issue order to dismiss protest, but file would
still be held e cons. use impact on fishery resource
("no-saw monitoring").
4. But if appl. agrees to mitigate (beyond water district
#65 issues e water supply / quantity), could probably
approve.
5. No response to 6/2/93 Watermaster comment letter.

MICROFILMED

MAY 23 1997

AJ5809NP
No. A65-08992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/23/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TINA MARIE HOVEN HC 76 BOX 2871 GARDEN VALLEY ID 83622 (208) 462-3596	06/01/1947	DOMESTIC	01-01 12-31	0.04 CFS	
					TOTAL DIVERSION:	0.04 CFS

C SHIRLEY C HOVEN
2620 S JASMINE ST
DENVER CO 80222
(303) 757-0827

Water Source: DODGE CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T08N R05E S01

SWSW

BOISE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:
08N	05E	1	:				:				:				:				:				:				:			:	

POU County: BOISE

Non-Irrigation Uses: D/1 HOUSEHOLD W/LAWN AND GARDEN IRRIG.

Other Rights: NONE

Remarks: GEN LOT 1 BLK. 1 PAYETTE RIVER HEIGHTS SUBD.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 65-08992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/23/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ORVILLE R. VINCENT	06/01/1947	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	LORRAINE P. VINCENT					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: DODGE CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T08N R05E S01 SWSW BOISE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
08N	05E	1	:					:					:					:					:

Pou County: BOISE

Dates:	App. Received:	Priority Date:	06/01/1947
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

RECEIVED

MAY 23 1997

WATER RESOURCES
WESTERN REGION

✓
Dear Steve;

I'm truly sorry
this took so long. I
thought the Forest Service
would of sent it.

I've applied for Ditch
water rights- so ill be
in touch- also the

MICROFILMED

S. F. Right.

Hope all is well
with you!

Sincerely;
Lina Maine

U. S. DEPARTMENT OF AGRICULTURE Forest Service SPECIAL-USE PERMIT Authority: <u>Federal Land Policy and Management Act of October 21, 1976</u>	Holder No. <u>5605-01</u>	Issue Date <u>05/16/85</u>	Expir. Date <u>1 2/3 1/0 4</u>
	Type Site(s) <u>9 1 5 - - -</u>	Authority <u>6 7 6</u>	Auth. Type <u>2 0 - -</u>
	Region/Forest/District <u>0 4/ 0 2 / 0 6</u>		State/County <u>1 6/ 0 1 5</u>
	Cong. Dist. <u>0 1</u>	Latitude <u>- - - - -</u>	Longitude <u>- - - - -</u>

Tina Marie Hoven of P. O. Box 300
(Holder Name) (Billing Address - 1)

Garden Valley ID 83622
(Billing Address - 2) (City) (State) (Zip Code)

(hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Emmett Ranger District of the Boise National Forest.

This permit covers .5 acres and is described as Section 1, Township 8 North, Range 5 East, BM as shown on the location map attached to and made a part of this permit, and is issued for the purpose of: Maintenance of a waterline not to exceed 12" in diameter on an area approximately 300 feet in length by 12 feet wide for the purpose of a domestic water system.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management ~~plans~~ ^{conditions}.

-FOREST SERVICE SPECIAL USE PERMIT -

1985 2 3 2006

65-13392

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use. Unless expressly provided in additional terms, this permit is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area for any purpose.

G. Public Access and Use. Unless specifically limited under additional terms to this permit, the holder agrees to allow the public free and unrestricted access to and use of the permit area at all times for all lawful purposes. To facilitate public use of the permit area, all existing roads or roads as may be constructed by the holder shall remain open to the public, except for roads as may be closed by joint agreement of the holder and the authorized officer.

H. Forest Service Right of Entry and Inspection. The Forest Service shall have free and unrestricted access at all times, including the right to enter into all buildings, dwellings, and other facilities to ensure compliance with the terms and conditions of this permit. In addition, the Forest Service may enter the authorized facilities for any purpose or reason consistent with any right or obligation of the United States under any law or regulation.

I. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding shall cease to be the owner of the improvements, this permit shall terminate.

J. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on December 31, 2004. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Construction. Any construction authorized by this permit may commence by n/a and shall be completed by n/a. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

C. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

D. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

E. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.

MICROFILMED

1994 4 14

3. The permit area is being operated and maintained in accordance with the provisions of the permit.

4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits, laws, or regulation.

F. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

III. RESPONSIBILITIES OF THE HOLDER

A. Plans. If required by the authorized officer, all plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a licensed engineer, architect, and/or landscape architect. Such plans must be approved in writing by the authorized officer or a designated representative before the commencement of any work. A holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

B. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer, and consistent with applicable Federal, State, and local health and safety and other requirements.

C. Hazard Analysis. The holder has a continuing responsibility to identify and abate hazardous conditions on the permit area which could affect the improvements or pose a risk of injury to individuals. Any actions to abate such hazards shall be performed after consultation with the authorized officer.

D. Compliance with Laws, Regulations, and other Legal Requirements. The holder, in exercising the uses authorized by this permit, will assume responsibility for compliance with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit. The obligations of the holder under this permit are not contingent upon any duty of the Forest Service to inspect the premises. A failure by the Forest Service, or other governmental officials, to inspect is not a defense to noncompliance with any of the terms and conditions of this permit.

E. Fire Prevention and Suppression. The holder shall take all reasonable precautions to prevent and suppress forest fires. Open fires are prohibited except with written permit from the authorized officer or the authorized officer's agent.

F. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

G. Change in Ownership of the Authorized Improvements. This permit is not assignable and terminates upon change of ownership of the improvements. The holder shall immediately notify the authorized officer when a change in ownership is pending. Notification by the present holder and potential owner shall be executed using Form FS-2700-3, Special Use Application and Report, or Form FS-2700-3a, Request for Termination of and Application for Special-Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the new owner of the improvements.

IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

NOT RECORDED

A. Risk of Loss. The holder assumes all risk of loss of the property. Loss to the property may result from, but is not limited to, theft, vandalism, fire, avalanches, rising waters, winds, falling limbs or trees, and acts of God. If the authorized improvements are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed.

B. Damage to Property of the United States. The holder has an affirmative duty to protect from injury and damage the land, property, and other interest of the United States. Damage includes, but is not limited to, fire suppression costs and all costs and damages associated with or resulting from the release or threatened release of a hazardous substance occurring during or as a result of the holder's activities on, or related to, the lands property, and other interests covered by the permit.

1. The holder shall compensate in full the United States for damages occurring under the terms of this permit or under any law or regulation applicable to the National Forests. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs associated with rehabilitation or restoration of natural resources, associated with the holder's use or occupancy. Compensation shall include, but is not limited to, the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney fees), and other costs in connection therewith.

2. With respect to roads, the holder shall be liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided under paragraph IV (B)(1), except that liability shall not include reasonable and ordinary wear and tear.

3. In addition to liability provided in this paragraph, the holder may incur strict liability for certain high hazard situations if so provided by additional clauses appended to this permit.

C. Indemnification and Liability of the United States. The holder shall comply with all applicable federal, state, and local laws and regulations, including but not limited to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq, the Oil Pollution Act, 33 U.S.C. 2701 et seq, the Clean Air Act, 42 U.S.C. 7401 et seq, the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq, and the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq, as subsequently amended. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for any costs, damages, claims, liabilities, and judgements arising from past, present, and future acts or omissions of the holder in connection with the use and/or occupancy authorized by this permit. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the holder in connection with the use and/or occupancy authorized by this permit which result in: (1) violations of the above or any applicable laws and regulations; (2) judgements, claims, or demands assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) other releases or threatened releases on or into land, property, and other interest of the United States by solid waste and/or hazardous substance(s).

The holder's indemnification of the United States shall also include any damage to life or property arising from the holder's occupancy or use of land, property, and other interest of the United States. The United States has no duty to inspect permit area or to warn of hazards and, if the United States does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Upon abandonment, revocation, termination, or expiration of this authorization, the holder shall remove within a reasonable time prescribed by the authorized officer all structures and improvements, except those owned by the United States, and shall restore the site. If the holder fails to remove all structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. The holder shall pay in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization for a Five (5) year period. The payment is set at \$225.00 for the initial 5 year period. Payments for each subsequent 5 year period shall be the amount of the payment for the initial period, adjusted using an appropriate indexing factor to reflect more nearly the current fair market value of the use at the beginning of the new period. At certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the fair market value of the authorized rights and privileges, as determined by appraisal or other sound business management principle.

C. Payment Due Date. The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments due the United States for this use shall be deposited at USDA Forest Service, Intermountain Region, File 61657, P. O. Box 60000, San Francisco, CA 94160-1657 in the form of a check, draft, or money order payable to "Forest Service, USDA." Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If

the due date for the fee or calculation statement falls on a non workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest. Pursuant to 31 USC 3717, and regulations at 7 CFR Part 3, Subpart B, and 4 CFR Part 102, an interest charge shall be assessed on any payment or financial statement not received by the due date. Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury's Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment or financial statement was due. In the event that two or more billings are required for delinquent accounts, administrative costs to cover processing and handling of the delinquent debt will be assessed.

E. Additional Penalties. In the event of permit termination pursuant to provisions VI (A), and prior to the issuance of a new permit, a penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the payment due date. This penalty shall accrue from the due date of the first billing or the date the fee calculation financial statement was due. The penalty is in addition to interest and any other charges specified in the above paragraph.

F. Disputed Fees. Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or appeal decision.

G. Delinquent Fees.

1. Delinquent fees and other charges shall be subject to all rights and remedies afforded the United States pursuant to Federal law and implementing regulations (31 U.S.C. 3711 et seq.).

2. The authorized officer shall require payment of fees owed the United States under any Forest Service authorization before issuance of a new permit.

VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Removal and Planting of Vegetation. This permit does not authorize the cutting of timber or other vegetation. Trees or shrubbery may be removed or destroyed only after the authorized officer, or authorized officer's agent, has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed shall be paid for by the holder as follows: Merchantable timber at appraised value and young-growth timber below merchantable size at current damage appraisal value, provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the holder at no stumpage cost to the holder. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the authorized officer.

D. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

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6-1-77

VIII. SPECIAL CONDITIONS

A. Health, Safety, and Environmental Protection. (B-26) Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the *, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including, but not limited to, areas of vegetation or timber, fish or other wildlife populations or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection with such activities.

B. Improvement Relocation. (X-33) This permit is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.

C. Nonexclusive Use. (X-49) This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.

E. Water Rights. (X-74) This permit confers no right to the use of water by the holder.

This permit is accepted subject to the conditions set out above.

HOLDER NAME: Tina Marie Hoven

By: Tina M Hoven
(Holder Signature)

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

By: [Signature]
(Authorized Officer Signature)

District Ranger
(Title)

Date: April 25, 1995

Date: 5/16/95

Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

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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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 1997

TINA MARIE &/OR SHIRLEY C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13392 in the Name of Tina Marie
&/or Shirley C. Hoven

Dear Applicants:

On June 12, 1992, you filed with the Department of Water Resources the above-referenced application. The application was protested by the U.S. Forest Service until a special use permit could be obtained.

In a conversation with you in November, 1995, you advised us that you had received a special use permit from the Forest Service. In order to continue processing this application we need a copy of this permit for our files. Please send a copy to the department within ten (10) days so we can move forward with the processing of this application.

If you have any questions, please call this office.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

WCHS: L -

4, 11, 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Re: Application for Permit No. 65-13392 in the Name of Tina Marie
&/or Shirley C. Hoven

Dear Protestants:

NOTICE OF PENDING ORDER DISMISSING PROTEST

On June 12, 1992, Tina Marie &/or Shirley C. Hoven filed with the Department of Water Resources an application for permit no. 65-13392 to appropriate water for irrigation and commercial purposes with point of diversion located within Sec. 01, T08N, R05E, B.M.

The application was protested by the U. S Forest Service.

The applicant was working with the protestant to obtain a Special Use permit and in November, 1995, Ms. Hoven called this office to say they had obtained this permit.

On November 15, 1995, the department sent a letter and a withdrawal form to the Forest Service requesting that they withdraw their protest. No communication was received from the Forest Service.

The purpose of this letter is to request that you withdraw your protest or explain why the department should not reject the protest. Enclosed is a withdrawal form that should be signed and returned to the department, unless you have an explanation that would prevent the department from rejecting the protest.

If you fail to respond to this inquiry within thirty (30) days from the date of this letter, the department will act to reject your protest. The protest will be rejected on the grounds that there has been no objection from your organization to this application.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Manager, Western Regional Office

DRT:st

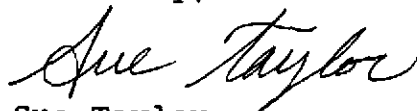
Enclosure

WFOBO:JLW

WFOBO:JLW

I hereby certify that on this 16TH day of February, 1996,
I sent the original copy of this letter, postage prepaid, to the
person and address listed above.

Sincerely,

A handwritten signature in cursive script that reads "Sue Taylor".

Sue Taylor
Senior Secretary

ENCLOSURE

100-5-1-100

P 311 578 307



**Receipt for
Certified Mail**

No Insurance Coverage Provided

GRAY F REYNOLDS REG FOR
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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APR 2 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 1995

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

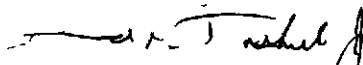
Re: Application for Water Right Permit No. 65-13392 in the Name of
Tina Marie &/or Shirley C. Hoven

Dear Protestant:

In a recent conversation with the applicants they said they
have received a special use permit from the Forest Service.

Enclosed is a protest withdrawal form. Please sign this form
and return it to this office so we can proceed with the processing
of this application.

Sir


DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

Encl.

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3 7 25 3076

CONVERSATION MEMORANDUM

DATE 11/1/95

FILE 65-13392

NAME OF PARTY Tina Marie Horen

EMPLOYEE D. T. H. II

RE:

Ms. Horen called to say they have rec'd a special

use permit from USFS. Request withdrawal of

Protest from USFS.

Ans

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MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1995

TINA MARIE &/OR SHIRLEY C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-13392

Dear Applicant:

The purpose of this letter is to inquire as to the status of the above-referenced application.

Let us know if you have obtained a special use permit from the Forest Service and have resolved the protest.

Please bring us up to date on this matter as soon as possible.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

MICROFILMLL

10/20/95



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1994

TINA MARIE &/OR SHIRLEY C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13392

Dear Applicants:

We note that we have not yet received notification of a resolution of the protest in the above-referenced water from the U.S. Forest Service. The purpose of this letter is to ask about the status of your dealings with the Forest Service in this matter. Please contact this office by the end of January in this matter.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

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2000 7 27

CONVERSATION MEMORANDUM

DATE 10/4/93
FILE 65-13392NAME OF PARTY Tina M. HavenEMPLOYEE Steve LesterRE: Conference for 10/5/93

Applicant has been out of town & did not realize that conference was scheduled for 10/5. Said is working with FS on special use permit & should be able to resolve problem.

Cannot make conference on 10/5. I suggested that we wait to hear from applicant & protestant. If don't hear anything by 10/31, will reschedule conference.

HOLD UNTIL 10/31/93 PENDING RESOLUTION
OF PROTEST BETWEEN THE PARTIES.

CONTACT DAVE HALE AT EMMETT RANGER
DISTRICT & CANCELLED CONFERENCE.

I notified Dave Hale that the conf was cancelled. 10/4/93

D. Tuttle

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MAY 24 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR PERMIT NO. 65-13392 IN THE	)	NOTICE OF CONFERENCE
	)	
NAME OF TINA MARIE &/OR SHIRLEY C.)	)	
	)	
<u>HOVEN</u>	)	

On June 12, 1992, Tina Marie &/or Shirley C. Hoven filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the U.S. Forest Service.

The Department has set the matter of protest for a conference to be held on Tuesday, October 5, 1993, at 11:00 a.m., at the Garden Valley Ranger Station, Garden Valley, Idaho 83622. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 20th day of September, 1993.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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SEP 29 1993

I hereby certify that on the 21st day of September, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

TINA MARIE &/OR
SHIRLEY C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

GRAY F REYNOLDS, REGIONAL FORESTER
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

P 311 578 308



**Receipt for
Certified Mail**

No Insurance Coverage Provided

Non-Certified Mail

EMMETT RANGER DISTRICT
1648 N WASHINGTON
EMMETT ID 83617

TINA MARIE &/OR SHIRLEY
C HOVEN
HC 77 BOX 2871
GARDEN VALLEY ID 83622

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

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

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

BURDEN OF PROOF

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

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

PROCEDURE

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

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

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ALL 6 2007



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

Reply to: 2540-1

Date: June 18, 1993

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720

RECEIVED

JUN 21 1993

Department of Water Resources

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 65-13392, filed by Tina Marie Hoven and Shirley C. Hoven to appropriate a total of 0.26 cfs from Dodge Creek and the Payette River for irrigation and commercial use.

Our concern centers on the diversion on Dodge Creek. As described, the diversion is on National Forest land. We believe the diversion point, as described in the Application, is in error and should be on private land. Even if on National Forest land, the applicants do not have authority to occupy National Forest land for the purpose of diverting and conveying water.

Until the question of the location can be clarified, the Director should defer action on this Application. If the point of diversion is described correctly, the Application should be denied until and if an occupancy permit is issued to the applicants.

Sincerely,

for GRAY F. REYNOLDS
Regional Forester

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JUN 21 1993

Caring for the Land and Serving People



FS-6200-28b(4/88)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 30, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

GRAY F. REYNOLDS, REGIONAL FORESTER
U. S. DEPT. OF AGRICULTURE
FOREST SERVICE
324 25TH ST.
OGDEN, UT 84401

Re: Application for Permit No. 65-13392 in the Name of Tina
Marie &/or Shirley C. Hoven

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

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

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

Sincerely,

A handwritten signature in cursive script, reading 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st MICHAEL

MAR 1 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 30, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TINA MARIE HOVEN &/OR
SHIRLEY C HOVEN
HC 79 BOX 2871
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13392

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

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

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

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1993 JUL 1



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 2, 1993

HELEN BIVINS
828 CENTRAL AVE
PAYETTE ID 83661

Re: Applications for Permit No. 65-13390 in the Name of Frank
Buffington, No. 65-13386 in the Name of Ralph &/or Dvona
P. Russi, No. 65-13392 in the Name of Tina Marie &/or
Shirley C. Hoven and No. 65-13423 in the Name of Edwin
Mark Ellis

Dear Watermaster:

Enclosed are applications for permit within your water
district. Also enclosed are forms for your recommendations
concerning these applications for permit.

Please review the applications and return your recommendations
within two weeks. If you have questions or need information,
feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copies of Applications
Recommendation of Watermaster Forms



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 5, 1993

TO: WATER RIGHT APPLICANT(S)

RE: WATER RIGHT APPLICATION(S) BEING HELD DUE TO MORATORIUM

Dear Interested Party:

An Application(s) for Permit for a water right(s) in your name has been held due to a moratorium declared by the director of this department on May 15, 1992. The moratorium was established because of limited water supplies caused by another year of drought.

The water supply situation in your area has improved this year. The director rescinded the moratorium in your area on April 30, 1993. Processing of your application(s) can now proceed. I will assume that you want to proceed with the application unless this office hears from you by May 14, 1993. You can contact me or other staff by calling (334-2190) or writing to the above address.

Sincerely,

Steve Lester
Water Rights Supervisor

MICROFILMED

MAY 11 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 18, 1992

Tina Marie Hoven &/or Shirley C. Hoven
HC 77 Box 2871
Garden Valley, ID. 83622

RE: Application for Permit No. 65-13392

Dear Applicants:

Your recent application for permit to appropriate irrigation and commercial water from the South Fork Payette River and Dodge Creek was received on 6/12/92. Due to continued drought and the need to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/92 concerning water right applications proposing new consumptive uses of public water. Your application cannot be processed for possible approval until the moratorium ends. Delays related to department decisions do not affect the date of priority or seniority of an application.

This office will hold the application pending future developments in the water supply situation and will inform you of any changes. You might be able to locate someone with a valid water right with available water to sell or lease for your needs. If so, an Application for Transfer of Water Right should be filed at this office to legally change the right(s) prior to any sale or lease.

Please let me know if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Sr. Water Resource Agent

RECEIVED

JUN 21 1992

HOVEN, TINA MARIE
HOVEN, SHIRLEY C
HC 77 BOX 2871
GARDEN VALLEY, ID 83622

Source: DODGE CREEK	Tributary: PAYETTE RIVER, SOUTH FORK
Source: PAYETTE RIVER, SOUTH FORK	Tributary: PAYETTE RIVER

Diversion Pt: LOT 6 (NWNWSW) Sec 1 T 08N R 05E in BOISE County.
SWSWSW Sec 1 T 08N R 05E in BOISE County.

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Use:  IRRIGATION      ( .220 CFS)
      COMMERCIAL      ( .040 CFS)
      Total Diversion: ( .260 CFS)

```

Date Filed: 6/12/1992

In: BOISE County
T08N R05E S01 Lot 6 (NWSW) SWSW

11.0 ACRES TOTAL

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... ..

GRIM, STAN
703 E PENNSYLVANIA
BOISE, ID 83706
Source SPRING

Tributary RO CREEK

Diversion Pt SESESW Sec 24 T 04N R 03E in BOISE County

Use DOMESTIC (.040 CFS)
TOTAL DIVERSION (.040 CFS)

Date Filed 5/11/1993

In BOISE County
T04N R03E S24 SESW

65-13384

FRAZIER, MIKE
FRAZIER, LORI
HC 76 BOX 1203
BANKS, ID 83602

Source PAYETTE RIVER MIDDLE FORK Tributary PAYETTE RIVER

Diversion Pt: SESW Sec 16 T 09N R 04E in BOISE County.

Use IRRIGATION (.040 CFS)
Total Diversion (.040 CFS)

Date Filed 5/22/1992

In BOISE County
T09N R04E S16 SESW

2.0 ACRES TOTAL

HOVEN, TINA MARIE
HOVEN, SHIRLEY C
HC 77 BOX 2871
GARDEN VALLEY, ID 83622

Source DODGE CREEK Tributary PAYETTE RIVER, SOUTH FORK
Source PAYETTE RIVER, SOUTH FORK Tributary PAYETTE RIVER

Diversion Pt: LOT 6 (NWNWSW) Sec 1 T 08N R 05E in BOISE County
SWSWSW Sec 1 T 08N R 05E in BOISE County.

Use IRRIGATION (.220 CFS)
COMMERCIAL (.040 CFS)
Total Diversion (.260 CFS)

Date Filed 6/12/1992

In BOISE County
T08N R05E S01 Lot 6(NWSW) SWSW

11.0 ACRES TOTAL

65-13397

DE LONG, WILLIAM E
DE LONG, SHIRLEY A
PO BOX 83
GARDEN VALLEY, ID 83622

Source SCRIVER CREEK Tributary PAYETTE RIVER, MIDDLE FORK

Diversion Pt LOT 4 (NESWSW) Sec 22 T 10N R 04E in BOISE County

Use IRRIGATION (.030 CFS)
Total Diversion (.030 CFS)

Date Filed 7/9/1992

In BOISE County
T10N R04E S22 Lot 3(SESW) Lot 2(SWSE)

1.0 ACRES TOTAL

65-13399

MC CALLUM, JOHN B
PO BOX 143
GARDEN VALLEY, ID 83622

Source PAYETTE RIVER, SOUTH FORK Tributary PAYETTE RIVER

Diversion Pt SESENE Sec 34 T 09N R 04E in BOISE County.

Use IRRIGATION (3.000 CFS)
Total Diversion (3.000 CFS)

Date Filed 5/1/1992

In BOISE County
T09N R04E S27 NENW NESW NWSW SWSW
S28 SESW SWSE
NWNE SWNE SENE NENW
NESE
S34 NENE NWNE SWNE SENE
NENW NWNW SWNW NESE
NWSE

512.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests must be filed with the Director, Dept of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JUNE 21, 1993
R KEITH HIGGINSON, Director

Published in The Idaho World June 2, and 9, 1993.

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