

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14500

Priority: November 17, 2004

Maximum Diversion Rate: 1.18 CFS

This is to certify, that FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

has applied for a permit to appropriate water from:

Source: SPRING
GROUND WATER

Tributary: MONROE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	1.18 CFS	
IRRIGATION STORAGE	01/01 to 12/31		5.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		5.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.18 CFS	
AESTHETIC STORAGE	01/01 to 12/31		7.3 AF

LOCATION OF POINTS OF DIVERSION:

SPRING NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, Twp 11N, Rge 05W, B.M., WASHINGTON County
GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, Twp 11N, Rge 05W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 05W 21															19.2	39.9	59.1

Total Acres: 59.1

PLACE OF USE: IRRIGATION STORAGE & AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 05W 21															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2010**.
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 the permit holder had no control.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-14500

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Use of spring water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
6. The right holder shall not divert water from the spring, tributary to Monroe Creek, for irrigation or storage purposes after June 15 of each year without prior approval of the watermaster.
7. After June 15 of each year, if the right holder is not authorized to divert surface water from the pond, the water diverted from the pond for irrigation purposes shall not exceed the amount of water discharged to the pond from the well and any amount of water discharged to the pond from Monroe Creek Irrigation District shares.
8. When notified by the Department, the right holder shall install lockable controlling works on all points of diversion under this right so the watermaster can determine the amounts of water diverted from all sources as described in the condition above.
9. Diversion of water from the spring, after June 15 of each year, in violation of the conditions of this water right is cause for the director to cancel or revoke this water right if the watermaster determines the use causes injury to senior right holders.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of March, 2005.


For KARL J DREHER, Director

RECEIVED

MAR 11 2005

Ident. No. 67-14500

FORM 202
12/99

RECEIVED

DEPARTMENT OF IDAHO
WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

NOV 17 2004
WATER RESOURCES
WESTERN REGION

1. Name of Applicant FRANK MOSER Phone 208-455-9282
Mailing address 25076 GERI LN - CALDWELL, ID 83607
2. Source of water supply Spring & groundwater which is a tributary of MONROE Creek and NA
3. Location of point of diversion is Township 11N Range 5W Sec. 21 in the NE $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot , B.M. WASHINGTON County;
additional points of diversion if any: groundwater - T 11N R 5W E 21 SW SE

4. Water will be used for the following purposes:

- Amount 1.18 for IRRIGATION purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
jm Amount 7.3 for Aesthetic STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5 for IRRIGATION STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5 for IRRIGATION FROM STORAGE purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.18 for DIVERSION TO STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.18 and/or (b) 7.3
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source DIG POND IN SPRING
AREA 1/2 ACRE by 10' DEEP AND WELL POND & PUMP OUT FOR IRRIGATION
b. Height of storage dam 0 feet; active reservoir capacity 5 ACRE FT acre-feet; total
reservoir capacity 5 ACRE FT acre-feet
c. Proposed well diameter is 10" inches; proposed depth of well is 120 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. Aesthetic use DURING WINTER AND
possible Fish

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	5W	21															192329		59.1
																	X		

Total number of acres to be irrigated 59.1

10. Describe any other water rights used for the same purposes as described above. MONROE Creek
Ditch Co. Rights

11. a. Who owns the property at the point of diversion? FRANK MOSER
b. Who owns the land to be irrigated or place of use? FRANK MOSER
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: DIG THE SPRINGS OUT CREATING A POND, PUMPKIN
FROM WELL INTO POND RELIEF PUMP FROM POND TO
SPRINKLER SYSTEM

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Frank Moser
Signature of Applicant (and title, if applicable)

Received by DAN Date 11-17-04 Time 11:22 AM Preliminary check by DAN
Fee \$ 200.00 Receipted by DAN # W032401 Date 11-17-04
Publication prepared by sk Date 12-15-04 Published in WEISER SIGNAL
Publication approved sk Date 1-3-05

REQUEST TO PROCESS

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

Name of Applicant

FRANK MOSER

Mailing Address

25076 GERI LANE

CALDWELL, ID 83607

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

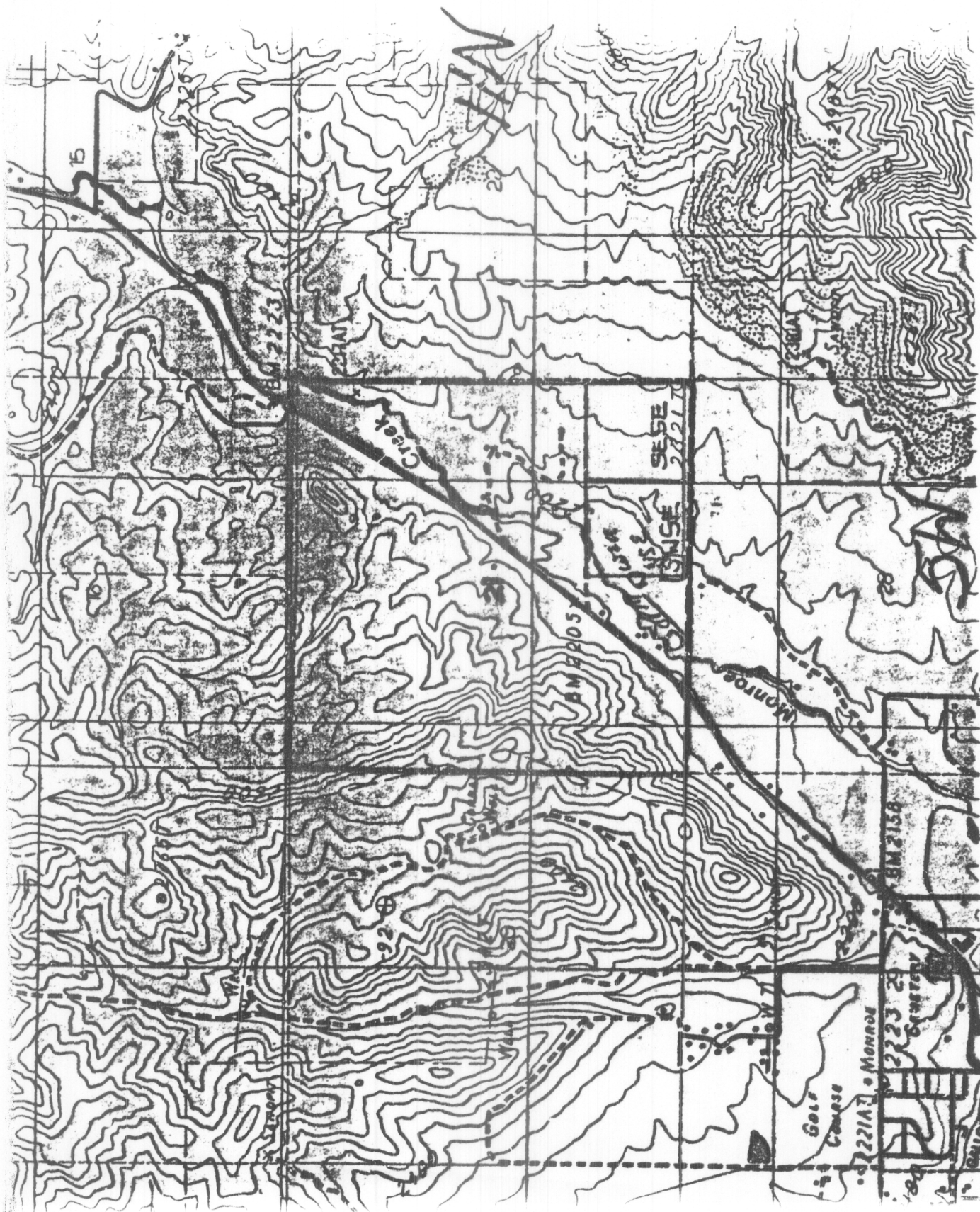
Frank Moser

Date

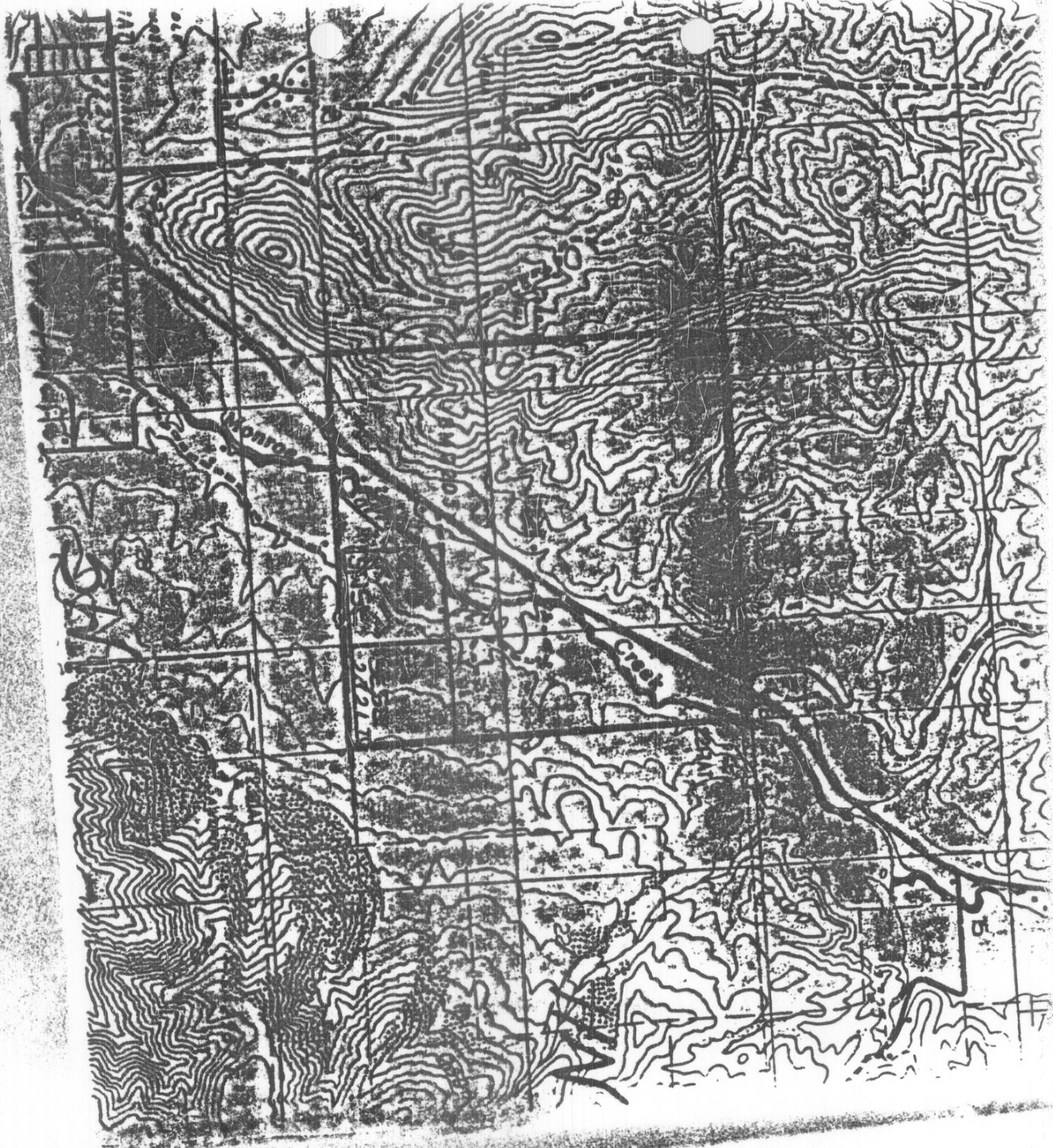
11-17-04

Please return this form to:

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







SPRINGS
AND
POND

WELL

PLACE OF USE

192 ac

539.9 ac

SWSE

SESE

T11N R05W S21

NO
WELL
12-3-04

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2005

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

RE: Permit No. 67-14500

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

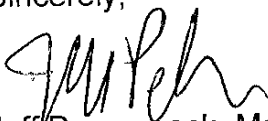
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

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

If you have any questions, please contact me at 208-287-4948.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Peppersack", written over a horizontal line.

Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: JOE RANDALL

CERTIFICATE OF SERVICE

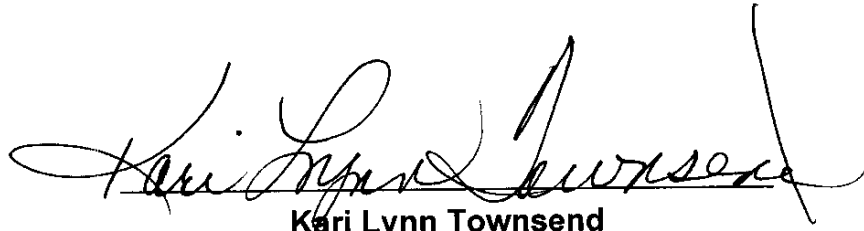
I hereby certify that on March 30, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-14500

**FRANK MOSER
25076 GERI LN
CALDWELL ID 83607**

**JOE RANDALL
1980 E HUBBARD RD
KUNA ID 83634**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

67-14500

1. scurtis 12/7/2004 Legal Notice Remarks

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

2. dnelson 12/7/2004 Comment/Analysis

Comment: This application for permit was filed to settle a complaint against Mr. Moser for starting to construct the ponds in question. The ponds have not been completed, and the construction of the pond is currently on hold until permit has been approved. The applicant proposes to construct a pond in a marshy, spring area below the ditch. The pond will fill with the water from the spring. The pond will also be supplemented with a proposed well to maintain the water level in the pond. The water in the pond will be diverted up the hill to irrigate 59 acres of ground. The pond will be kept full year round and will be stocked with fish for aesthetic purposes. The applicant has requested an additional 2.3 afa for aesthetic storage to account for any evaporative losses if and when the pond is not being used for irrigation purposes. The applicant does own some shares from the Monroe Creek Irrigation District for irrigation of lands below the ditch. The applicant may divert these shares into the pond to provide irrigation to the bottomland. Water right 67-10052 is a water right for domestic use from the same spring. The point of diversion for 67-10052 is further up the hill then the point where the pond will be constructed. The pond will be the point of diversion for the spring. There are no longer any visible diversion structures for 67-10052 and many of the locals in the area, say that the owner of the water right has not used this right in many years. The owner of 67-10052 also has a ground water right 67-10051 for the same purposes. Therefore, I dont foresee any problems with the overlapping rights for this property. Monroe Creek Irrigation District and the owner of 67-10051 have been sent comment letters concerning this application.

3. kwalker 3/18/2005 Permit Review

Comment: Application does not fall within any problem areas. It does, however, fall within WD67 and the surface water should be under watermaster control but the well would not normally be regulated. In this situation we have tried to condition the permit to allow the watermaster control of all sources being diverted to the pond. Recommend approval as drafted.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2005

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

JOE E RANDALL
1980 E HUBBARD LN
KUNA ID 83634

Re: Application for Water Right No. 67-14500 in the Name of Frank Moser

Dear Applicant and Protestant:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for permit and also to cancel the prehearing conference set for March 14, 2005 at the Idaho Department of Water Resources, Western Region.

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

If you have any questions please call this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', written in a cursive style.

JOHN WESTRA
Western Regional Manager

JW:sk

RECEIVED

MAR 02 2005

WATER RESOURCES
WESTERN REGION

3/2/05

Department of Water Resources
Boise, Idaho

Attn: Dan Nelson

Re: Frank Moser Protest

This correspondence is to advise you that I have met with Mr. Moser regarding his proposal to build an irrigation pond on his farm in Weiser. After reviewing his excavation plan's it is apparent it will not impact my water rights to springs on his property. We have signed a written agreement concerning his obligations in regard to my water rights and my improvements to realty located on his farm. I therefore withdraw my protest in this matter.

Sincerely,

A handwritten signature in black ink that reads "Joe E. Randall". The signature is written in a cursive, flowing style.

Joe E. Randall

|

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-14500 IN THE)
NAME OF FRANK MOSER)
)

CORRECTED NOTICE OF
PREHEARING CONFERENCE

IDWR scheduled a prehearing conference for the protest in the above-referenced application for permit stating that the conference was to be held on Monday, March 17, 2005 at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The correct date for the conference is **Monday, March 14, 2005.**

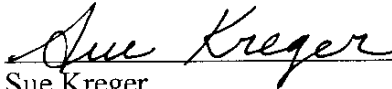
Dated this 24th day of February 2005.



Dan Nelson
Senior Water Rights Agent

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of February 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Kreger
Administrative Assistant

JOE E RANDALL
1980 E HUBBARD RD
KUNA ID 83634

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 67-14500 IN THE)	NOTICE OF PREHEARING
NAME OF FRANK MOSER)	CONFERENCE
_____)	

On November 17, 2004 Frank Moser filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Joe Randall.

IDWR has scheduled a prehearing conference for the protest to be held on **Monday, March 17, 2005 at 10:00 am at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

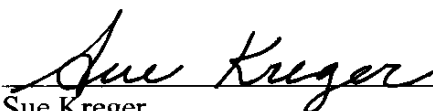
Dated this _____ day of January 2005.



Dan Nelson
Senior Water Rights Agent

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of January 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Kreger
Administrative Assistant

JOE E RANDALL
1980 E HUBBARD RD
KUNA ID 83634

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 21, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

Re: Application for Permit No. 67-14500

Dear Applicant:

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

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

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

Enclosed is a Notice of Prehearing Conference scheduled for Monday, March 14, 2005 at the Idaho Department of Water Resources, Western Region, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,

Dan Nelson
Senior Water Rights Agent

DN:sk

Enclosure: Copy of protest(s)
Notice of Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOE E RANDALL
1980 E HUBBARD RD
KUNA ID 83634

Re: Application for Permit No. 67-14500 in the Name of Frank Moser

Dear Protestant:

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

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

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

Enclosed is a Notice of Prehearing Conference scheduled for Monday, March 14, 2005 at the Idaho Department of Water Resources, Western Region, Boise Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,

Dan Nelson
Senior Water Rights Agent

DN:sk

Encl: Copy of Application
Notice of Prehearing Conference

Water Resources

RECEIVED
JAN 03 2005
WATER RESOURCES
WESTERN REGION
4032493

Re: 67-14500

I wish to protest the above referenced application pending my review of his proposed project.

Sincerely

Joe E. Randaef

1980 E Hubbard Rd.

Kuna, Id. 83634

Home 888-1503

Work 334-7675

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a
week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
December 15, 2004, and ending
with the issue of December 22, 2004

Sarah Boles
Fees \$ 147.74

Subscribed and sworn to before me this 22
day of December, 2004

A. Larson
Notary Public, residing at Weiser, Idaho

My commission expires 2, 04

No. 272
The following application(s) have been filed to
appropriate the public waters of the State of Idaho:
67-14500

FRANK MOSER
25076 GERILN.
CALDWELL, ID 83607
Point(s) of Diversion NESWSE S21 T11N R05W
WASHINGTON County Source SPRING
Tributary To MONROE CREEK
Point(s) of Diversion SWSE S21 T11N R05W
WASHINGTON County Source GROUND WA-
TER
Use: IRRIGATION 03/01 To 11/15 1.18 CFS
Use: IRRIGATION STORAGE 01/01 To 12/31 5
AFA
Use: IRRIGATION FROM STORAGE 03/01 To 11/
15 5 AFA
Use: AESTHETIC STORAGE 01/01 To 12/31 7.3
AFA
Use: DIVERSION TO STORAGE 01/01 To 12/31
1.18 CFS
Total Diversion 1.18 CFS
Date Filed: 11/17/2004
Place Of Use: IRRIGATION
T11N R05W S21 SWSE SESE
Number of Acres 59.1
Place Of Use: IRRIGATION STORAGE
T11N R05W S21 SWSE
Place Of Use: IRRIGATION FROM STORAGE
T11N R05W S21 SWSE SESE
Number of Acres 59.1
Place Of Use: AESTHETIC STORAGE
T11N R05W S21 SWSE

Remark: Applicant agrees to mitigate consump-
tive use in the future as needed.

Permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of
Sec 42-203A, Idaho Code. Any protest against the
approval of this application must be filed with the
Director, Dept. of Water Resource, Western Re-
gion, 2735 Airport Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each application
on or before 01/03/2005. The protestant must also
send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published in the Weiser Signal on December 15
and 22, 2004. 90-2S

RECEIVED

JAN 03 2005

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 67-14500

Applicant's Name: Frank Moser

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:

Additional Comments:

Dated this 20 day of December, 2004

Water District Number 67 Watermaster's Signature Bosco Bosler



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 10, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MONROE CREEK IRRIG DIST
C/O GEORGE L CHANDLER
1116 HWY 95
WEISER ID 83672

Re: Water Right Application(s)

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2005.

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

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'. The signature is written in dark ink and is positioned above the printed name and title.

Sue Kreger
Administrative Assistant

Encl. Copy of Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 10, 2004

DOUGLAS P SMITH
1420 PEARL LN
WEISER ID 83672

Re: Water Right Application No. 67-14500 in the Name of Frank Moser

Dear Mr. Smith:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2005.

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

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

Kreger (Taylor), Sue

To: boscob@ruralnetwork.net
Subject: COMMENT LETTER

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

December 10, 2004

BOSCO BOSLER
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

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

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



Copy of
ommendation of Wa



67-14500.pdf

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

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

December 8, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Enclosed is a copy(s) of an application(s) for permit. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 3, 2005.

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

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



2-10264.pdf



63-32010.pdf



65-22903.pdf



65-22904.pdf



65-22919.pdf



67-14500.pdf

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

December 08, 2004

Legal Notice Department

WEISER SIGNAL

PO BOX 709

WEISER ID 83672

RE: Application for Permit No. 67-14500

Dear LEGAL NOTICE DEPARTMENT:

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

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

Sincerely

Sue Kreger
Administrative Assistant

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

67-14500

FRANK MOSER
25076 GERI LN
CALDWELL ID 83607

Point(s) of Diversion NESWSE S21 T11N R05W WASHINGTON County Source SPRING
Tributary To MONROE CREEK

Point(s) of Diversion SWSE S21 T11N R05W WASHINGTON County Source GROUND WATER

Use: IRRIGATION	03/01 To 11/15	1.18 CFS	
Use: IRRIGATION STORAGE	01/01 To 12/31		5 AFA
Use: IRRIGATION FROM STORAGE	03/01 To 11/15		5 AFA
Use: AESTHETIC STORAGE	01/01 To 12/31		7.3 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	1.18 CFS	
Total Diversion:		1.18 CFS	

Date Filed: 11/17/2004

Place Of Use: IRRIGATION

T11N R05W S21 SWSE SESE

Number of Acres 59.1

Place Of Use: IRRIGATION STORAGE

T11N R05W S21 SWSE

Place Of Use: IRRIGATION FROM STORAGE

T11N R05W S21 SWSE SESE

Number of Acres 59.1

Place Of Use: AESTHETIC STORAGE

T11N R05W S21 SWSE

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

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

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

KARL J DREHER, Director

Published in the Weiser Signal on December 15 and 22, 2004.