

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13963

Priority: October 30, 2001

Maximum Diversion Rate: 0.50 CFS

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

has applied for a permit to appropriate water from:

Source: DODGE CREEK

Tributary: SOUTH FORK PAYETTE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	0.50 CFS	
AESTHETIC STORAGE	01/01 to 12/31		19.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.50 CFS	
COMMERCIAL	01/01 to 12/31	0.50 CFS	

LOCATION OF POINT OF DIVERSION:

DODGE CREEK SW¼SW¼ Sec. 1, Twp 08N, Rge 05E, B.M., BOISE County

PLACE OF USE: AESTHETIC and 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	
08N 05E 1												X					

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 05E 1											X	X					
											L 6						

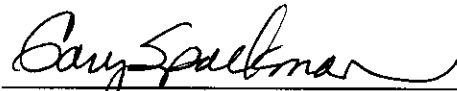
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-13963

5. 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.
6. Rights 65-08992 and 65-13392 are also diverted through the point of diversion described above.
7. This right does not grant any right-of-way or easement across the land of another.
8. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
9. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.
10. 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 13th day of August, 2004.



KARL J DREHER, Director

RECEIVED

AUG 04 2004

DEPARTMENT OF
WATER RESOURCES

Page 1

Ident. No. 65-13963

RECEIVED

OCT 30 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

AMENDED

1. Name: TINA MARIE HOVEN

PO BOX 300

GARDEN VALLEY ID 83622

(208)462-2215

2. Source: DODGE CREEK Tributary to: PAYETTE, SOUTH FORK

3. Location of Point of Diversion:

#1 DODGE CREEK

SW1/4SW1/4

Sec. 1, Twp 08N, Rge 05E, B.M.

BOISE County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
~~IRRIGATION~~	~~03/15~~	~~to 10/31~~	~~0.24 CFS~~	
AESTHETIC	01/01	to 12/31	0.50 CFS	
AESTHETIC STORAGE	01/01	to 12/31		19.0 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.50 CFS	
COMMERCIAL	01/01	to 12/31	0.50 CFS	

5. Total quantity to be appropriated is:

0.50 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source:

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

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

8.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: ~~IRRIGATION~~

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	05E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	12.0
											6.0	6.0							

Total Acres: 12

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	05E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	05E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X	X							

PLACE OF USE: DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	05E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	05E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X	X							

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Point of Diversion #1: US FOREST SERVICE - Special use permit. Documentation supplied

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

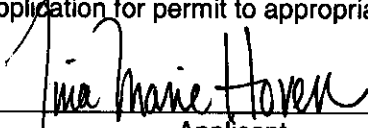
APPLICANT

10. Remarks:

The commercial use is to supply water to a greenhouse for growing plants for sale, supplying water to 3 rental type units, and to run through a boiler for heating of the green house and housing units and some outdoor garden space. The pond will be approximately 400 ft X 400 ft X 5 ft.

11. 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.

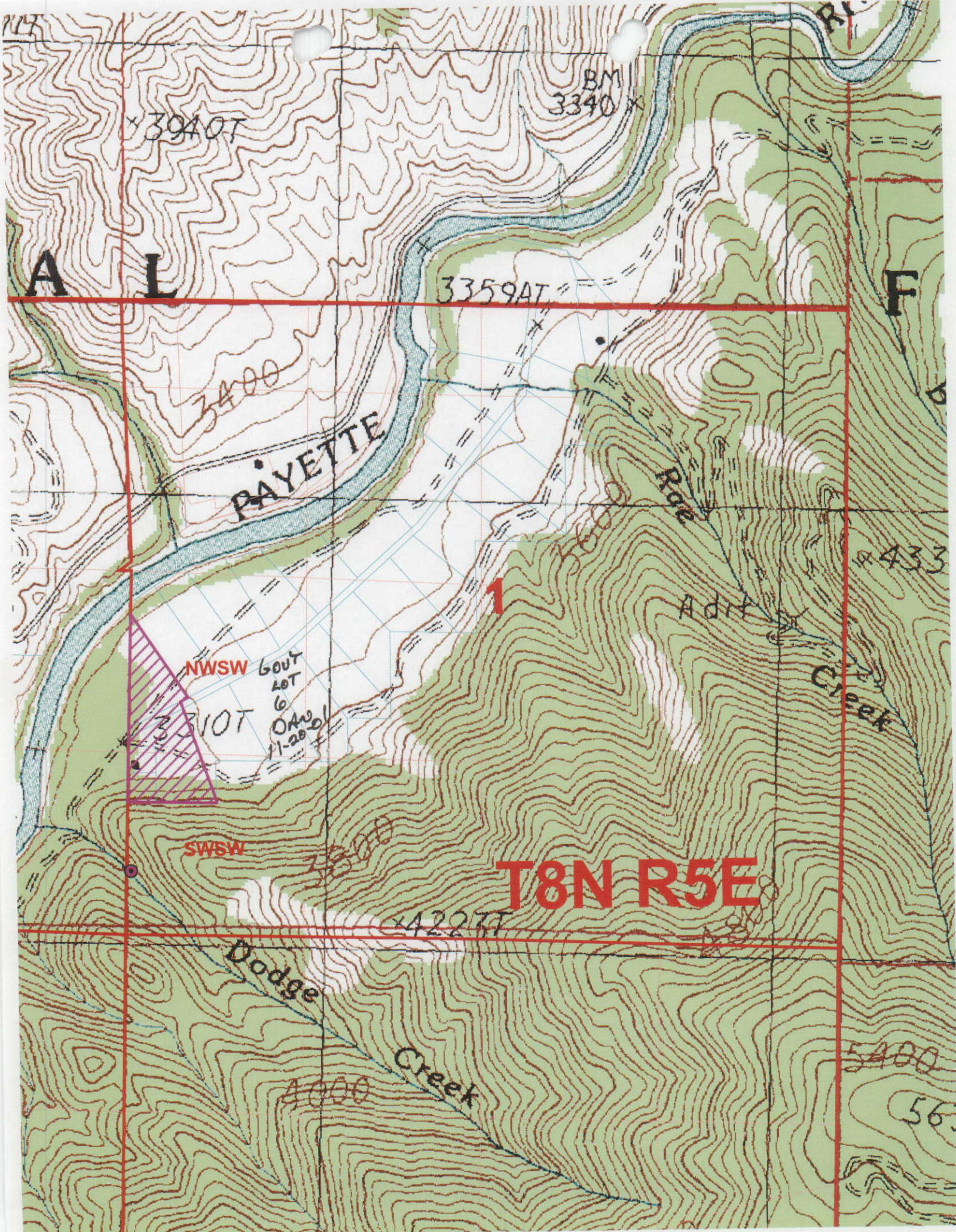

Applicant

Received by DAN Date 10-30-01 Time 3:00 Preliminary check by DAN
Publication prepared by dt Date 12-5-01 Published in IDAHO WORLD
Publication approved _____ Date _____

Receipt No. W026027

Date: 12-30-1999

Received by: DAN FOR SB 10-30-01



33940T

BM
3340 X

A L

F

3359AT

PAYETTE

Rae

Creek

NWSW

6047
40T
6
0420
11-2001

3310T

SWSW

T8N R5E

4223T

Dodge

Creek

5400

56

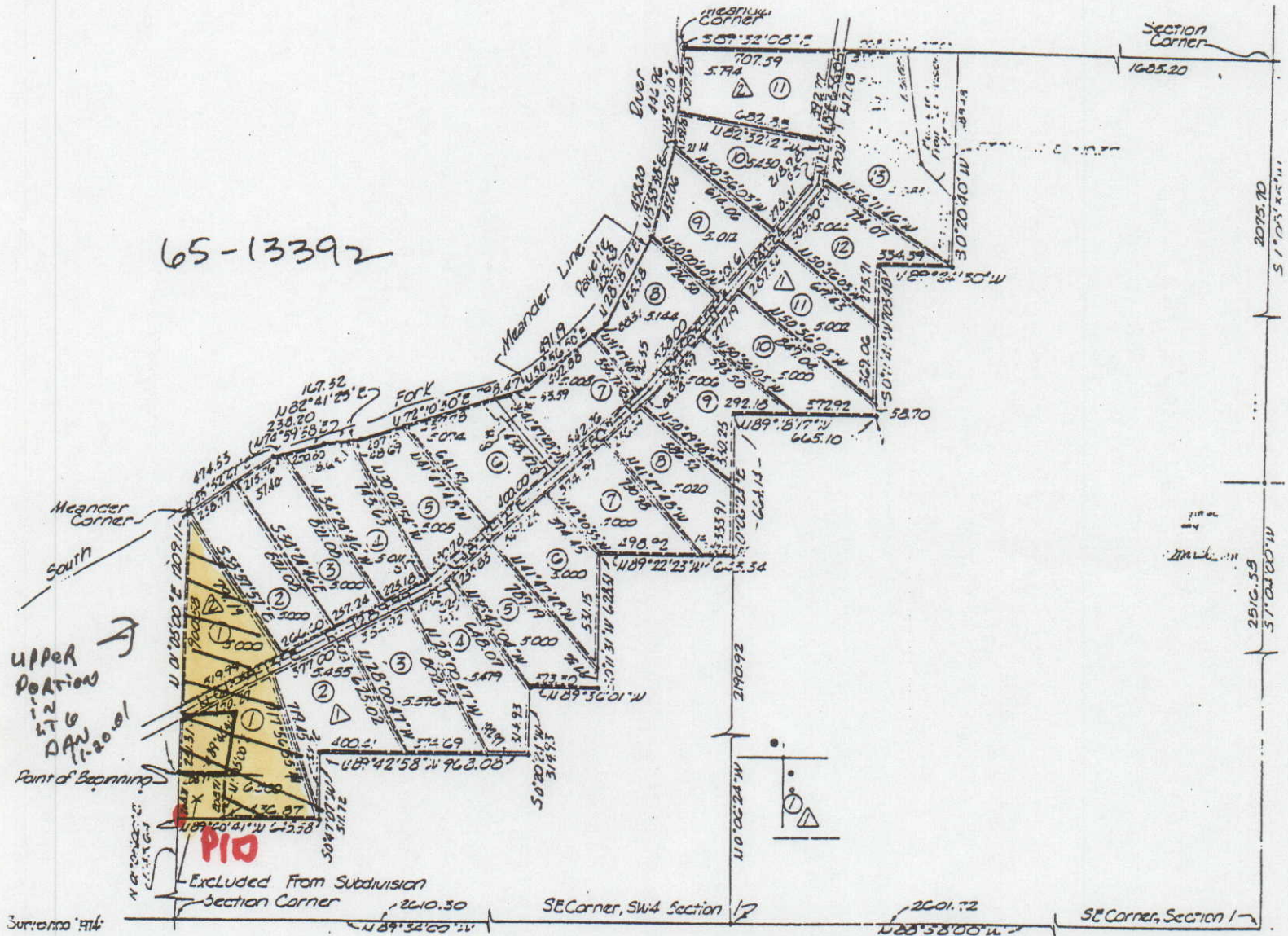
PAYET RIVER HEIGHTS SUBDIVISION

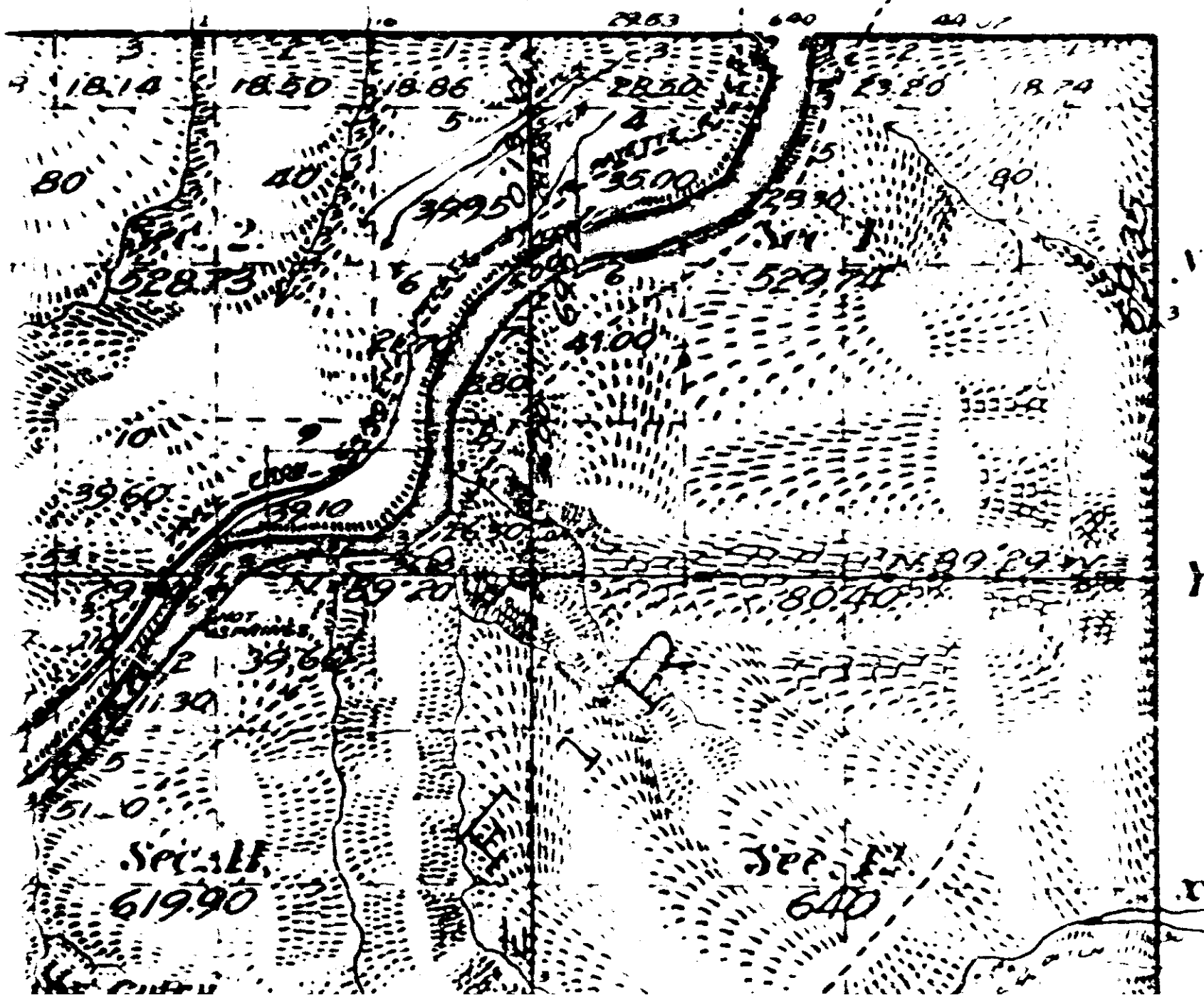
Situated in Section 1, Township 8 North,
Range 5 East, Boise Meridian, Boise County, Idaho

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





S. 89° 39' E 80.00

29.59

6.40

19.07

5.00

20.00

8

7

18.50 ms.

4.70 ms.

1

South Fork of Payette River

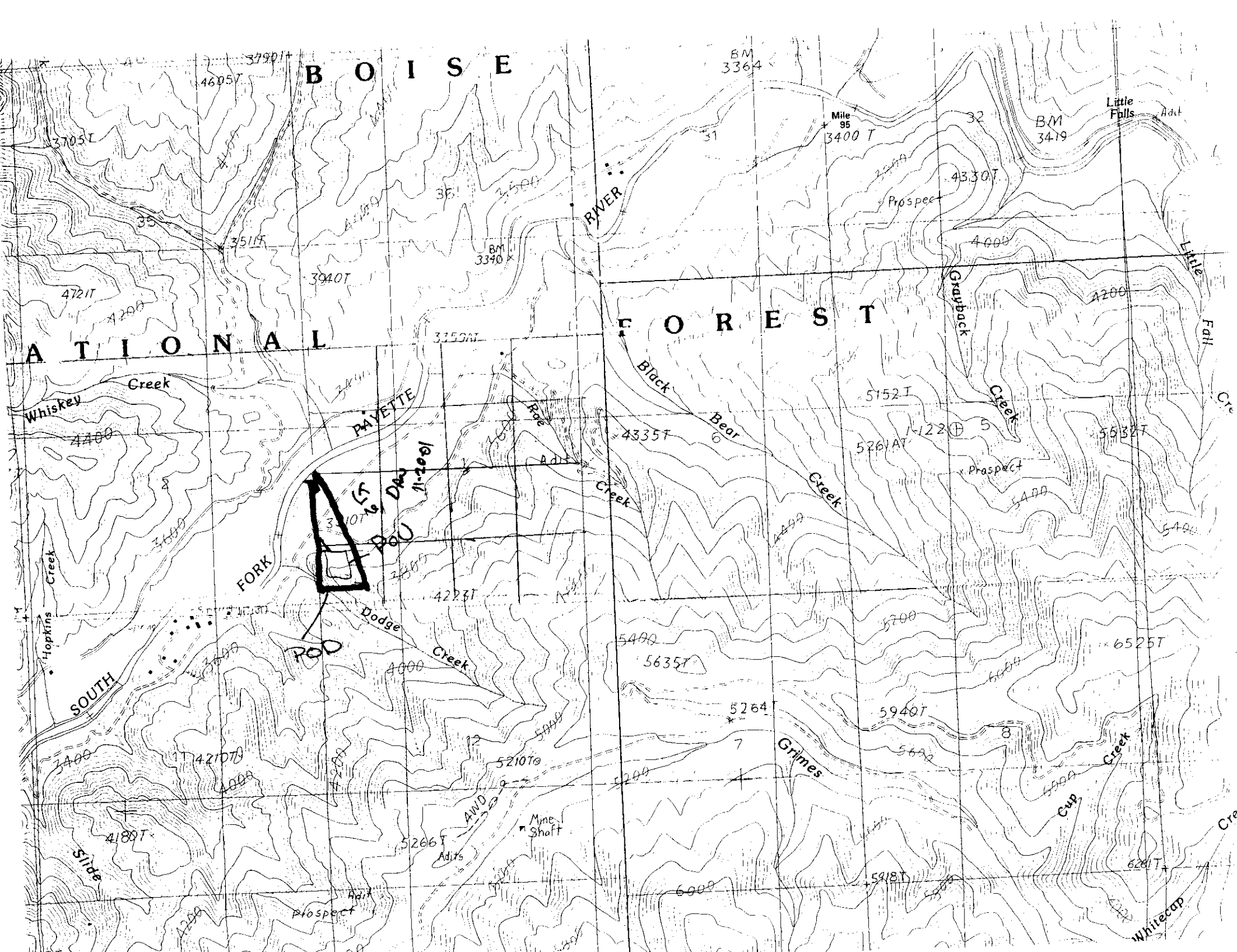
Sec. 1

N. 89° 29' W. 80.40

S. 0° 29' W. 69.52

74.00

N. 0° 29' E 69.35





United States
Department of
Agriculture

Forest
Service

Emmett
Ranger
District

1805 Highway 16, No. 5
Emmett, ID 83617

File Code: 2720

Date: November 9, 2000

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

Dear Tina Marie:

Enclosed please find two copies of an amendment for your special use permit for a water diversion and waterline to your private property in Garden Valley. This amendment allows for irrigation and other agriculture use for your water diversion. Please review the amendment carefully, sign both copies, and return them to this office. The authorized officer will sign the amendments and a signed copy will be returned to you.

You are also given permission to proceed with the repairs and modifications to your waterline as outlined in your application dated October 2, 2000. These modifications will not result in an increased fee.

There will be no billing associated with this action. All fees are covered by the lump-sum billing associated with the amended authorization.

If you have any questions, please call David Hale or Susan Morrow at (208) 365-7000 for more information.

Sincerely,

MORRIS D. HUFFMAN
District Ranger

Enclosures



REQUEST TO PROCESS

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

Name of Applicant

Tina Marie Hoven

Mailing Address

P.O. Box 300

Garden Valley, Idaho

Application No.
(if known)

83622

 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

Tina Marie Hoven

Date

12/30/99

Please return this form to:

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

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: _____ Authorized Officer: _____
Holder: _____ Title: _____
Date: _____ Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Tina Marie Hoven Phone 208-462-2215
Post Office address P.O. 300 Garden Valley, IDAHO 83622
2. Source of water supply DODGE CREEK which is a tributary of SOUTH Fork Payette
3. Location of point of diversion is 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____
Sec. 1 Township 8N Range 5E B.M. BOISE County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .5 for ELECTRICITY 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .5 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pump (PAM) in creek
to gravity flow
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. electricity - capacity unsure

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.

Total number of acres to be irrigated 0

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

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

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

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

12. Remarks: Expect within 30 days to have Special Use Permit From Forest Service in place. Please hold from Advertising #20 right till paper work is in place.

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

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

Tina Marie Hoxer
(Applicant)

Received by SB Date 12/30/99 Time 4:07 Preliminary check by _____
 Fee \$ 100.00 Received by SB # WIB 26027 Date 12/30/99
 Publication prepared by [Signature] Date 12-5-12-01 Published in Idaho World
 Publication approved _____ Date 1-7-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2004

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: Permit No. 65-13963

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

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

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

Sincerely,

for Kari Lynn Jensen
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

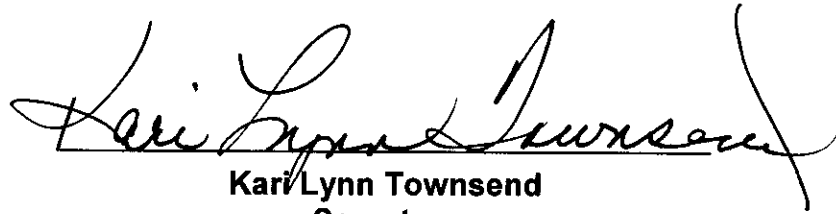
CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-13963

**TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

65-13963

1. dnelson 11/21/2001 Legal Notice Remarks

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

2. dnelson 11/21/2001 Comment/Analysis

Comment: This application is to add diversion rate and volume to the commercial permit 65-13392. The applicant wants to use a boiler type heating system to heat the water and run it through the greenhouse, buildings, and underground for a small garden spot. This application is over and above what was requested in 65-13392. When Combined with 65-13392 the total diversion rate would be 0.54 cfs for commercial use. The storage componet is for a pond 400 X 400 X 5 feet or 19 af in total volume. The aesthetic componet is to maintain the pond level. 65-8992 overlaps the place of use and point of diversion and is for domestic use for the homes. Permit 65-13393 was filed for by the Hovens, but that permit has lapsed and is no longer significant.

3. kwalker 8/12/2004 Permit Review

Comment: In preparing this permit I added conditions X13 pursuant to USFS protest withdrawal and only allowed 2 years to submit proof since request was made by USFS to limit amount of time for development to avoid speculation. The applicant also has Permit 65-13392 and Rt. 65-8992 from same pd. Recommend approval.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 12, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

STEVE SPENCER
USDA FOREST SERVICE
161 E MALLARD DR STE A
BOISE ID 83706-3974

Re: Application for Permit No. 65-13963

Dear Parties:

This letter acknowledges the withdrawal of protest of the above referenced application for permit.

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 'Steve Lester', is written over a horizontal line.

Steve Lester
Senior Water Right Agent

SL:st

CC: Terry Scanlan

TeleFAX Transmission Cover Sheet

Mark if Applicable:

☐

Privileged

☐

Confidential

This message is intended only for the use of the addressee. As noted, this message may contain privileged and/or confidential information and may be exempt from disclosure under applicable law. If you receive this message in error, please notify us at the telephone number provided and return the original message to us at the below stated address via U.S. Mail

Deliver only to:

Steve Lester

Organization/Location:

IDWR Western

Fax Number:

334-2348

Voice Number:

Date:

7/8/04

Time:

9:20 Am

Number of Pages (incl. Cover):

2

From:

Steve Spencer

Subject:

Haven

Message:

My e-mail is still not working this morning so here is the message I'm trying to send to you withdrawing the FS protest to 65-13963. I suppose when the e-mail is up you'll get it again. IF you have any questions about this please contact me. Thank you.

Boise Adjudication Team

U.S.D.A. Forest Service
Intermountain Region
161 E. Mallard Drive, Suite A
Boise, Id. 83706

Voice:

(208) 331-5942-44

FAX

(208) 387-0842



Boise Adjudication

May be: Attorney-Client and Work Product Privileged

Protest withdrawal OK -82



Steven M
Spencer/R4/USDAFS
07/07/2004 03:05 PM

To slester@idwr.stste.id.us
cc Michael E Collette/R4/USDAFS@FSNOTES, John R
Erickson/R4/USDAFS@FSNOTES
bcc
Subject Hoven

I have discussed the Forest Service protest of Tina Marie Hoven's water right application no. 65-13963 with the District Ranger in Emmett, John Erickson, and members of his staff. I have also spoken with Ms. Hoven. Based on those discussions and other considerations, we are withdrawing our protest to application no. 65-13963. If you have any questions about this matter please contact me. And thank you for your cooperation in this regard.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2004

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-13963

Dear Applicant:

Your application to appropriate water from Dodge Creek for various beneficial uses was filed in late 1999. Several extensions of time to complete processing have been approved in this matter. Completion of a prehearing conference has eluded the parties so far.

Given the protracted nature of this situation, the Idaho Department of Water Resources (IDWR) does not intend to approve additional requests for more time to resolve your protested application.

IDWR will contact you and the protestant soon to schedule a prehearing conference for your application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', is written over a horizontal line.

Steve Lester
Water Rights Supervisor

Copy: Steve Spencer, USDA Forest Service



State of Idaho

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FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 24, 2003

ATTN STEVE SPENCER
USDA FOREST SERVICE
161 E MALLARD DR STE A
BOISE ID 83706-3794

Re: Application for Permit No. 65-13963 in the name of Tina Marie Hoven

Dear Steve:

I apologize for the last two letters in this matter being mailed to your outdated address. I hope that does not occur again.

I received your November 10, 2003, email in which you provided a reasonable explanation for not attending the November 3 prehearing conference. The Forest Service protest remains in good standing as a result of your explanation. Please remember that for each document you submit for the Idaho Department of Water Resources (IDWR) record in a protested application, you should also provide a copy to the other party or parties. The same is true for an applicant in a protested matter. All information in the IDWR record needs to be equally available to all parties to avoid ex parte communication. This includes emails and documents attached to emails.

Your email discussed some good ideas to resolve the protest and allow the application to move ahead. I am going to reschedule the prehearing conference for about the middle of January 2004 (details to follow in a separate mailing). Meanwhile, I encourage the parties to meet and settle the protest if at all possible. Any settlement before the prehearing conference should be provided in writing to IDWR.

I am providing the applicant a copy of your email and a copy of this letter.

Sincerely,

Steve Lester
Water Rights Supervisor

CC: Tina Marie Hoven

Lester, Steve

From:
Sent:
To:
Subject:

Steven M Spencer [sspencer@fs.fed.us]
Monday, November 10, 2003 9:44 AM
slester@idwr.state.id.us
65-13963

I apologize for missing the prehearing conference you scheduled Nov. 3. I've been on the road for most of 3 weeks and didn't open the mail until last Friday morning. However, in my defense, I see the notice was signed by you Oct, 17. I understand from talking with you Friday that the notice went to our old office address on Parkcenter. It was returned and received here at our new address having gone through your postage meter on Fri. Oct 24. So, there was at least a 10 day delay from the date of signing on Oct 17 until it would have arrived in my office Oct 27.

In any event we would like to offer to settle our protest to Ms. Hoven's application for water right no. 63-13963.

We have considered these facts:

There is a diversion on National Forest System lands on Dodge Creek. Ms. Hoven has three water right numbers using this point of diversion to deliver water to her private land. Dodge Creek is ephemeral or seasonal, not running water year round.

We are concerned about riparian resources below the diversion. Healthy riparian vegetation is vital to maintaining the health of the stream system. Diverting more water will result in Dodge Creek drying up sooner each season. Less water will be available to sustain riparian vegetation. As riparian vegetation is stressed and weakens it loses ability to handle high water events. We are concerned about this and the runoff or thunderstorm event that will exceed the capacity of a diminished riparian area to absorb and meet the demands of such an event. Vegetation, rocks and soil will be moved, the natural stream channel will effectively unravel, there will be unnatural deepening of the stream channel. Flood and runoff debris will be delivered downstream downstream.

We see Ms. Hoven has water right numbers:

65-08992 decreed .04 cfs for domestic use 1/1 to 12/31 from Dodge Creek.

65-13392 a permit approved 12/4/2000 for .22 cfs for irrigation from 3/15 to 10/31 and .04 cfs for commercial use at greenhouses from Dodge Creek and the South Fork of the Payette River. There is no delineation of

the quantity from either Dodge Creek or the river. The procedure for this permit is due 12/1/2005.

65-13963 is an application which the Forest Service protested for a total diversion of 0.5 cfs from Dodge Creek from 1/1 to 12/31 for commercial use at greenhouses and 3 rental units, some outdoor garden space (irrigation?), aesthetic and storage in a 400 ft by 400 ft by 5 ft deep pond.

There appears to be a very close and possibly duplicative association between all these uses, but particularly the latter two. We would suggest that if work is diligently proceeding on perfecting permit no. 65-13392 because three seasons have passed and two remain to complete work on this use, and because it is for irrigation as opposed to outdoor garden space and commercial use at greenhouses that there should be significant progress evident on these uses proposed under 65-13392 and the new 65-13963.

We would suggest that a five year period to develop 65-13963 would be overly generous in light of the fact that there appears to be significant duplication between it and 65-13392. If an extension for the completion of works beyond 12/1/2005 on 65-13392 is requested, approval would be inappropriate and reflect an element of pure speculation and/or financial inability to complete said work. This would also be the case and another concern we have for 65-13963. This is because there is only one diversion and conveyance for these three water right numbers. No new construction on the National Forest has been requested. Therefore the existing diversion works must have the capacity to deliver the total amount of water under consideration.

We request that the conditions of approval for 65-13963 include the same conditions already in place for 65-13392, particularly the measuring device and lockable controlling works. It would appear that work required for these two water rights should proceed concurrently in this regard.

We would also urge Ms. Hoven to consider a minimum instream flow or bypass flow for water in Dodge Creek to help protect the riparian system she is dependent upon as well as the aesthetics and natural beauty in her area. We would suggest something such as when total undiverted flow of Dodge Creek diminishes to a certain point that the water be shared or split in half so that half be diverted to her uses and half be allowed to remain in the creek to maintain the natural riparian areal and associated ecosystem.

I know the Department still have to make a determination on the Forest Service standing in this case because we missed the November 3 Prehearing Conference. In any event, we respectfully request the department and the applicant consider these comments pertaining to this application. If you have any questions on this matter, please contact me.

Steve Spencer

(208) 331-5944

Boise Adjudication Team
161 E. Mallard, Suite A

(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Boise, ID 83706



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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/10/03

TO: Steve Spencer
USDA Forest Service
fax 387-0842

FROM: Steve L.

DOCUMENT DESCRIPTION: 11/3/03 Letter e Hoven April 65-13963:

This letter is correctly addressed but was mailed to your
old address - sorry e that. Here's a fax copy for your
file.

Received your email & will reply soon.

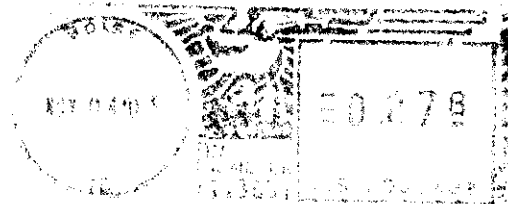
TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

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

RETURN SERVICE REQUESTED

NOV 10 2003



RECEIVED

NOV 10 2003

WATER RESOURCES
WESTERN REGION

W. Spencer

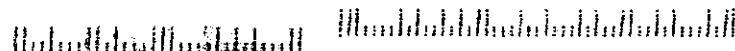
STEVE SPENCER
USDA FOREST SERVICE
380 E PARK CENTER STE 330
BOISE ID 837

NIXIE

2018 1 05 11/06/03

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

1AAGTME 83705-5082





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

November 3, 2003

ATTN STEVE SPENCER
USDA FOREST SERVICE
161 E MALLARD DR STE A
BOISE ID 83706-3974

Correct

**Re: Application for Permit No. 65-13963 in the name of Tina Marie Hoven
Notice of Intention to Void the USDA Forest Service Protest**

Dear Steve:

I am sending this letter to your attention hoping you are the correct contact person for a Forest Service protest against the above referenced application. Please provide this letter to the appropriate person in your office if you are not the correct person for the Idaho Department of Water Resources (IDWR) to contact in this regard.

The application proposes a new use of water from Dodge Creek in Garden Valley. The proposed point of diversion is on land administered by the Forest Service. You agency protested the application in 2001 when your Parkcenter Boulevard address was current.

IDWR mailed a notice of prehearing conference to the parties on October 17, 2003 for a meeting to be held today at the Forest Service district office in Garden Valley. The mailing to the Forest Service included the Parkcenter address but was returned as "undeliverable/unable to forward" by the US Post Office on October 24. IDWR sent another copy of the notice to your current address on Mallard Drive later that same day.

The applicant appeared at the prehearing conference today. A Forest Service representative did not show up. I left the site at 10:30 this morning.

Please explain the protestant's failure to appear at the prehearing conference. A reasonable explanation will keep the protest active, resulting in a rescheduled conference in the near future. The protest must be voided if a reasonable explanation cannot be provided. The protestant should provide a written response to IDWR within thirty (30) days of the date of this letter. The applicant should receive a copy of your reply. Your prompt attention to this matter will be helpful. Thank you for taking care of this matter, and please call me at 334-2190 if you need further assistance.

Sincerely,

Steve Lester
Water Rights Supervisor

CC: Tina Marie Hoven



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

November 3, 2003

ATTN STEVE SPENCER
USDA FOREST SERVICE
161 E MALLARD DR STE A
BOISE ID 83706-3974

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Sincerely,

Steve Lester
Water Rights Supervisor

CC: Tina Marie Hoven

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13963 IN THE)
NAME OF TINA MARIE HOVEN)
_____)

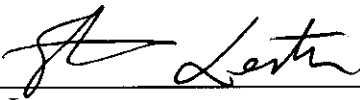
NOTICE OF PREHEARING
CONFERENCE

On December 30, 1999 Tina Marie Hoven filed with the Idaho Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service. The previous prehearing conference to resolve the protest was postponed at the request of the applicant.

IDWR has scheduled a prehearing conference for the protests to be held on **Monday, November 3, 2003 at 10:00 am at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, Idaho 83622.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

Dated this 17th day of October 2003.



Steve Lester

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

RETURN SERVICE REQUESTED

Address
New USA-FS

RECEIVED

OCT 24 2003

WATER RESOURCES
WESTERN REGION

STEVE SPENCER
USDA FOREST SERVICE
380 E PARK CENTER STE 330
BOISE ID 83706

NIXIE

2011 1

06 10/22/03

RETURN TO SENDER
ATTEMPTED-NOT KNOWN
UNABLE TO FORWARD

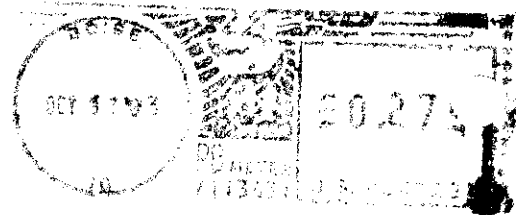
HAGCTM23705-5082



resent
161 E Mallard Ste A
Boise 83706-3974
10-24-03
A

Vol m

POSTED
OCT 24 2003



ROSTER OF ATTENDANCE

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

Re: Application for Permit No. 65-13963 in the Name of Tina Marie Hoven

Place: Garden Valley Ranger Station

Date: November 3, 2003

Conducted by: Steve Lester

NAME

ADDRESS

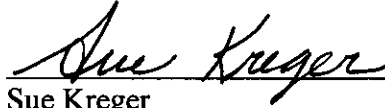
Tina Marie Hoven P.O. Box 300 Garden Valley
ID. 83622

✓ GRRival 10:00

✓ left 10:30 after "no-show" by protestant
-JL

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of October 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

A handwritten signature in cursive script, reading "Sue Kreger", is written over a horizontal line.

Sue Kreger
Administrative Assistant

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY 83622

STEVE SPENCER
USDA FOREST SERVICE
380 E PARK CENTER STE 330
BOISE ID 83706



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

October 17, 2003

GARDEN VALLEY RANGER STATION
1219 BANKS-LOMAN RD
GARDEN VALLEY ID 83622

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Monday, November 3, 2003 at 10:00 am.

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

Sincerely,

Sue Kreger
Administrative Assistant

MEMORANDUM

TO: APPLICATION FOR PERMIT FILE 65-13963

FROM: DANIEL A. NELSON

DATE: 9/17/03

SUBJECT: TELEPHONE CONVERSATION WITH TINA MARIE HOVEN
CONCERNING APPLICATION FOR PERMIT 65-13963

On 9/9/2003, I received a telephone call from Tina Marie Hoven concerning my letter dated 8/25/2003. Ms. Hoven has asked for several delays in processing on her application for permit that was filed in 1999. In my letter, Ms. Hoven was given until 9/9/2003 to give a written detailed description of what she has done to resolve the protest against her application from the US Forest Service.

In my telephone conversation with Ms. Hoven, it was clear that she had not prepared a plan or kept significant records on what she had done to justify another delay of the application process. I informed Ms. Hoven that it would be in her best interest to find out exactly what the US Forest Service wants done through the Pre-Hearing Conference.

Ms. Hoven agreed that the Pre-Hearing Conference would be the best route to take. However, Ms. Hoven stated that she had many work related commitments within the next couple of months and would not be able to have the meeting until November. Ms. Hoven agreed to fax a letter on 9/10/2003 that said that she was willing to proceed with the Pre-hearing conference, but she would like to request that the hearing be scheduled on 3 to 4 specific dates. No communication was received from Ms. Hoven on 9/10/2003.

On 9/17/2003, I received a letter from Ms. Hoven dated 9/16/2003. In this letter, Ms. Hoven states that she cannot give me a firm date for the Pre-Hearing Conference. I spoke about this matter with the Western Region water right supervisor, Steve Lester. Mr. Lester and I agreed that Ms. Hoven did not supply the dates by 9/10/2003 as agreed to by Ms. Hoven, and so our office must proceed with the scheduling of the Pre-Hearing Conference. Mr. Lester and I decided that we would schedule the conference in November, which would give Ms. Hoven adequate time to take care of her business matters.

Mr. Lester and I have discussed the possibility that Ms. Hoven's continuous delays and late responses could suggest that this application may have been filed for speculative purposes. Any further requests for delays or late responses should be reviewed with this possibility in mind.

Jina Marie
Enterprises

P.O. Box 300
923 South Fork Road
Garden Valley, Idaho 83622
208-462-2215

RECEIVED

SEP 17 2003

WATER RESOURCES
WESTERN REGION

Sept 16, 03

Dear Daniel:

just a quick
note to let you know
I'm still waiting to hear
from 2 accounts when our
~~our~~ shows of clothing are
scheduled this fall. I will
let you know of a firm date
soon when I will be available
for the meeting with the
Forest Service. Thank you for
your patience.

Sincerely;

Jina Marie

Leaping Lizard

LIL BOBCAT
FARM

Black Bear
HERBS

Walk
Lightly

Green-Neck
•Cowboy Shirts•



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 25, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
GARDEN FALLEY ID 83622

**RE: REQUEST FOR EXTENSION OF TIME FOR APPLICATION FOR PERMIT
65-13963**

Dear Ms. Hoven:

We received your request for additional time to collect more data on the stream. As requested you supplied documentation that shows you have been monitoring the flows in the stream. However, you neglected to explain how this information would benefit in the issuance of your application for permit.

In order to grant another extension of time, you would need to show the relevance of the information you are collecting, and how it will pertain to the protest against your application. We also need a plan that tells in specific time frames how you plan to resolve the protests, and identify the representative from the protesting party that you are currently working with to resolve these issues. Please include the dates and times of meetings you have already had with the protestant or other individuals to work on the resolution of the protest against your application. **Please supply the information and plan requested above within 14 days of the date of this letter. If we do not receive the plan by 9/9/2003 our office will schedule the pre-hearing conference.**

If you do not have a specific goal or plan to resolve the protest, I would recommend that you proceed with the application process, or that you contact a consultant or attorney to assist you with this process. A consultant or attorney may have access to the data that you are seeking, or they may be able to work with the information you have already collected. It can take several months to schedule a pre-hearing conference and a final hearing, which would allow you a few more months of data collection if you decide to proceed on your own. I have also included a couple of Internet sources that may assist you in gathering stream flow information in your area.

If you have any questions or concerns please contact Steve Lester or myself at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

8/13/03

RECEIVED

AUG 15 2003

WATER RESOURCES
WESTERN REGION

Dear Dan:

Enclosed is a copy of my water reading. I would like one more extension of time on this permit so I will have a full year of readings. I do want to continue with the application. The creek is flowing much stronger than before and I will be curious how this fall is after the hot dry summer.

Thank you

Jinia Marie

8 sec. 35 gal/min
leaving 5 pm

2040/hr = 50 gal/hr
13000-305 = 12695
4745000.

serial numbers
lawnmower
95 mcl # 917.378451
11 sec - 043002M
006037
weedwacker

chainsaw

Jan Jan	Feb Feb	Mar Mar	Apr Apr	May May	Jun Jun	Jul Jul	Aug Aug	Sep Sep	Oct Oct	Nov Nov	Dec Dec
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3 F	3 M	3 M	3 S	3 S	3 T	3 T	3 S	3 W	3 F	3 M	3 W
4 S	4 T	4 T	4 S	4 S	4 W	4 F	4 M	4 T	4 T	4 T	4 T
5 S	5 S	5 W	5 M	5 M	5 T	5 S	5 T	5 F	5 S	5 W	5 F
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25 S	25 T	25 T	25 F	25 F	25 T	25 T	25 M	25 T	25 T	25 M	25 T
26 S	26 W	26 W	26 S	26 S	26 W	26 S	26 T	26 F	26 T	26 T	26 F
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28 T	28 F	28 F	28 S	28 S	28 W	28 T	28 F	28 M	28 T	28 F	28 S
29 W	29 S	29 S	29 T	29 T	29 T	29 T	29 F	29 M	29 T	29 M	29 M
30 T	30 T	30 S	30 F	30 F	30 M	30 W	30 S	30 T	30 T	30 S	30 T
31 F	31 M	31 M	31 T	31 T	31 W	31 T	31 S	31 T	31 T	31 S	31 W

5 gal/4 sec. = 75 gpm

Apr Apr	May May	Jun Jun	Jul Jul	Aug Aug	Sep Sep	Oct Oct	Nov Nov	Dec Dec
1 T	1 T	1 S	1 T	1 T	1 S	1 W	1 S	1 M
2 W	2 F	2 M	2 T	2 S	2 S	2 W	2 S	2 T
3 T	3 S	3 T	3 F	3 M	3 M	3 T	3 M	3 W
4 F	4 S	4 W	4 S	4 T	4 T	4 S	4 T	4 T
5 S	5 M	5 T	5 S	5 F	5 S	5 M	5 W	5 F
6 S	6 T	6 F	6 T	6 M	6 T	6 W	6 T	6 S
7 M	7 W	7 S	7 T	7 F	7 T	7 T	7 F	7 S
8 T	8 T	8 S	8 T	8 M	8 T	8 W	8 S	8 M
9 W	9 F	9 M	9 T	9 T	9 T	9 T	9 S	9 W
10 T	10 S	10 T	10 T	10 F	10 T	10 F	10 M	10 W
11 F	11 S	11 W	11 T	11 S	11 S	11 T	11 T	11 T
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21 M	21 W	21 S	21 T	21 T	21 T	21 T	21 F	21 S
22 T	22 T	22 T	22 T	22 S	22 W	22 W	22 S	22 M
23 W	23 F	23 M	23 T	23 T	23 T	23 T	23 T	23 T
24 T	24 S	24 T	24 T	24 F	24 T	24 T	24 M	24 W
25 F	25 S	25 T	25 T	25 S	25 S	25 S	25 T	25 T
26 S	26 M	26 W	26 T	26 T	26 T	26 T	26 W	26 F
27 S	27 T	27 T	27 T	27 T	27 T	27 T	27 T	27 T
28 M	28 W	28 S	28 T	28 T	28 T	28 T	28 F	28 S
29 T	29 T	29 S	29 T	29 T	29 T	29 W	29 S	29 M
30 W	30 F	30 M	30 T	30 T	30 T	30 W	30 S	30 T
31 S	31 S	31 W	31 T	31 T	31 T	31 F	31 S	31 W

Jun Jun	Jul Jul	Aug Aug	Sep Sep	Oct Oct	Nov Nov	Dec Dec
1 S	1 T	1 T	1 S	1 W	1 S	1 M
2 M	2 T	2 S	2 S	2 T	2 S	2 T
3 T	3 F	3 M	3 M	3 T	3 M	3 W
4 W	4 S	4 T	4 T	4 S	4 T	4 T
5 T	5 S	5 F	5 S	5 M	5 W	5 F
6 F	6 T	6 M	6 T	6 W	6 T	6 S
7 S	7 T	7 F	7 T	7 T	7 F	7 S
8 S	8 T	8 M	8 T	8 W	8 S	8 M
9 M	9 T	9 T	9 T	9 T	9 S	9 W
10 T	10 T	10 T	10 F	10 F	10 M	10 W
11 W	11 T	11 T	11 S	11 S	11 T	11 T
12 T	12 F	12 M	12 S	12 S	12 W	12 F
13 T	13 T	13 T	13 T	13 M	13 T	13 S
14 S	14 T	14 T	14 T	14 T	14 F	14 S
15 S	15 T	15 W	15 W	15 W	15 S	15 T
16 M	16 T	16 T	16 T	16 T	16 S	16 T
17 T	17 T	17 T	17 T	17 F	17 M	17 W
18 W	18 T	18 T	18 S	18 S	18 T	18 T
19 T	19 T	19 T	19 M	19 T	19 W	19 F
20 F	20 T	20 S	20 T	20 M	20 T	20 S
21 S	21 T	21 T	21 T	21 T	21 F	21 S
22 S	22 T	22 T	22 S	22 W	22 S	22 M
23 M	23 T	23 T	23 T	23 T	23 T	23 T
24 T	24 T	24 T	24 T	24 F	24 M	24 W
25 W	25 S	25 T	25 T	25 S	25 T	25 T
26 T	26 T	26 T	26 T	26 T	26 W	26 F
27 F	27 T	27 T	27 T	27 T	27 T	27 T
28 S	28 S	28 T	28 T	28 T	28 F	28 S
29 S	29 T	29 T	29 T	29 W	29 S	29 M
30 M	30 T	30 T	30 T	30 W	30 S	30 T
31 W	31 T	31 T	31 T	31 F	31 S	31 W

Jun Jun	Jul Jul	Aug Aug	Sep Sep	Oct Oct	Nov Nov	Dec Dec
1 S	1 T	1 T	1 S	1 W	1 S	1 M
2 M	2 T	2 S	2 S	2 T	2 S	2 T
3 T	3 F	3 M	3 M	3 T	3 M	3 W
4 W	4 S	4 T	4 T	4 S	4 T	4 T
5 T	5 S	5 F	5 S	5 M	5 W	5 F
6 F	6 T	6 M	6 T	6 W	6 T	6 S
7 S	7 T	7 F	7 T	7 T	7 F	7 S
8 S	8 T	8 M	8 T	8 W	8 S	8 M
9 M	9 T	9 T	9 T	9 T	9 S	9 W
10 T	10 T	10 T	10 F	10 F	10 M	10 W
11 W	11 T	11 T	11 S	11 S	11 T	11 T
12 T	12 F	12 M	12 S	12 S	12 W	12 F
13 T	13 T	13 T	13 T	13 M	13 T	13 S
14 S	14 T	14 T	14 T	14 T	14 F	14 S
15 S	15 T	15 W	15 W	15 W	15 S	15 T
16 M	16 T	16 T	16 T	16 T	16 S	16 T
17 T	17 T	17 T	17 T	17 F	17 M	17 W
18 W	18 T	18 T	18 S	18 S	18 T	18 T
19 T	19 T	19 T	19 M	19 T	19 W	19 F
20 F	20 T	20 S	20 T	20 M	20 T	20 S
21 S	21 T	21 T	21 T	21 T	21 F	21 S
22 S	22 T	22 T	22 S	22 W	22 S	22 M
23 M	23 T	23 T	23 T	23 T	23 T	23 T
24 T	24 T	24 T	24 T	24 F	24 M	24 W
25 W	25 S	25 T	25 T	25 S	25 T	25 T
26 T	26 T	26 T	26 T	26 T	26 W	26 F
27 F	27 T	27 T	27 T	27 T	27 T	27 T
28 S	28 S	28 T	28 T	28 T	28 F	28 S
29 S	29 T	29 T	29 T	29 W	29 S	29 M
30 M	30 T	30 T	30 T	30 W	30 S	30 T
31 W	31 T	31 T	31 T	31 F	31 S	31 W

Jun Jun	Jul Jul	Aug Aug	Sep Sep	Oct Oct	Nov Nov	Dec Dec
1 S	1 T	1 T	1 S	1 W	1 S	1 M
2 M	2 T	2 S	2 S	2 T	2 S	2 T
3 T	3 F	3 M	3 M	3 T	3 M	3 W
4 W	4 S	4 T	4 T	4 S	4 T	4 T
5 T	5 S	5 F	5 S	5 M	5 W	5 F
6 F	6 T	6 M	6 T	6 W	6 T	6 S
7 S	7 T	7 F	7 T	7 T	7 F	7 S
8 S	8 T	8 M	8 T	8 W	8 S	8 M
9 M	9 T	9 T	9 T	9 T	9 S	9 W
10 T	10 T	10 T	10 F	10 F	10 M	10 W
11 W	11 T	11 T	11 S	11 S	11 T	11 T
12 T	12 F	12 M	12 S	12 S	12 W	12 F
13 T	13 T	13 T	13 T	13 M	13 T	13 S
14 S	14 T	14 T	14 T	14 T	14 F	14 S
15 S	15 T	15 W	15 W	15 W	15 S	15 T
16 M	16 T	16 T	16 T	16 T	16 S	16 T
17 T	17 T	17 T	17 T	17 F	17 M	17 W
18 W	18 T	18 T	18 S	18 S	18 T	18 T
19 T	19 T	19 T	19 M	19 T	19 W	19 F
20 F	20 T	20 S	20 T	20 M	20 T	20 S
21 S	21 T	21 T	21 T	21 T	21 F	21 S
22 S	22 T	22 T	22 S	22 W	22 S	22 M
23 M	23 T	23 T	23 T	23 T	23 T	23 T
24 T	24 T	24 T	24 T	24 F	24 M	24 W
25 W	25 S	25 T	25 T	25 S	25 T	25 T
26 T	26 T	26 T	26 T	26 T	26 W	26 F
27 F	27 T	27 T	27 T	27 T	27 T	27 T
28 S	28 S	28 T	28 T	28 T	28 F	28 S
29 S	29 T	29 T	29 T	29 W	29 S	29 M
30 M	30 T	30 T	30 T	30 W	30 S	30 T
31 W	31 T	31 T	31 T	31 F	31 S	31 W

_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	__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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

July 31, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: APPLICATION FOR PERMIT NUMBER 65-13963

Dear Ms. Hoven:

Our office allowed a six-month extension of time for you to compile information for water right 65-13963 on 1/13/2003. This extension was to allow you to compile information for the pre-hearing conference for this water right. The six-month period has lapsed and we have not received a request from you to continue with the pre-hearing conference.

You have filed several extensions on the processing of this water right over the last three years. In order to file another extension of time, you will need to show documentation that you have made a good faith effort to actively pursue this permit.

Therefore, if we do not receive a request from you to proceed with the pre-hearing conference or a written request asking for additional time to compile the information by 8/15/2003 we will void this application for permit. If you wish to request additional time to compile the needed information, you will need to provide documentation that shows you have been actively pursuing this permit. I have also included a withdrawal form with this letter in case you are no longer interested in pursuing this application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink that reads 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent

To: Daniel A. Nelson

Department of Water Resources

From: Tina Marie Hoven.

January 13, 03

Dear Dan;

IF acceptable by the Department
I would like to extend the application
for permit 65-13963. I feel
with the changing weather patterns
that I need to collect more data
than what I already have to
make the decision to move forward
with a hearing with the USDA
OR withdraw my application.

Thank you

Tina Marie Hoven



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
923 SOUTH FORK ROAD
GARDEN VALLEY ID 83622

RE: APPLICATION FOR PERMIT 65-13963

Dear Ms. Hoven:

I contacted you in October of this year to determine if you wanted to pursue application for permit 65-13963 for Aesthetic, Aesthetic Storage, Diversion to Storage, and Commercial uses from Dodge Creek that has been protested by USDA Forest Service. You informed me at that time that you wanted to withdraw the application for permit. I informed me that you would need to send me a letter stating that you no longer wished to pursue the application and we could close the file.

As of the date of this letter, I have not received a withdrawal letter from you. We are unsure at this time if you still wish to withdraw the application or would like to proceed with the hearing for the protested water right.

Therefore, I have enclosed a withdrawal form with this letter if this is still the path you choose to take. If you wish to proceed with the hearing, please contact me immediately so we can schedule the hearing for this application. I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days, or our office will be required to void the application for permit. **Therefore, if the above information is not received by 1/13/2003 your applications for permit will be voided.** You will be able to re-file this application, but it will have a later priority date.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2002

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13963

Dear Tina:

Your February 19, 2002, letter requesting a delay in processing of the above referenced application was received a couple days ago. Your request is approved. Processing will be interrupted for six months, renewable upon written request. Processing can resume anytime within the next six months by contacting this office.

The prehearing conference scheduled for today has been cancelled as telephonically noted to you and to the protestant. The application will be revisited in late August 2002.

Please let me know if you need additional information in this regard. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', is written over a horizontal line.

Steve Lester
Water Rights Supervisor

CC: Steve Spencer, USDA Forest Service

To: STEVE LESTER
Dept of water Resources
Fax # 334-2348

From: Tina Marie Hoven
Fax- 208-462-2215

To whom it may concern;

Please postpone the Prehearing conference
scheduled for Feb 21, 2002 for 6 months.
This is for permit # 65-13963.

Thank you;

Tina Marie Hoven

Fax request acceptable per prior telephone conversation
with applicant.
JL 2/19/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 8, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13963

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 February 21, 2002 at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, ID 83622. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the 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,

Steve Lester

SL:st

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 8, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEVE SPENCER
USDA FOREST SERVICE
380 E PARK CENTER STE 330
BOISE ID 83706

Re: Application for Permit No. 65-13963 in the Name of Tina Marie Hoven

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 February 21, 2002 at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, ID 83622. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,

Steve Lester

SL:st

Encl: Copy of Application
Notice of Prehearing Conference

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 65-13963 IN THE)	NOTICE OF PREHEARING
NAME OF TINA MARIE HOVEN)	CONFERENCE
_____)	

On October 30, 2001, Tina Marie Hoven filed with the Department of Water Resources (IDWR) application for permit no. 65-13963 to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, February 21, 2002, at 9:00 a.m. at the Garden Valley Ranger Station, 1219 Banks-Lowman Rd., Garden Valley, ID 83622.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

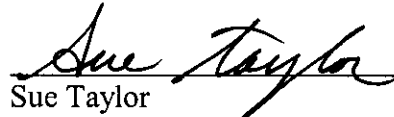
Dated this 8 day of February 2002.



Steve Lester

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of February 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

STEVE SPENCER
USDA FOREST SERVICE
380 E PARK CENTER STE 330
BOISE ID 83706

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.

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

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

1. Matter being protested Application for permit 65-13963, applicant Tina Marie Hoven
2. Name of protestant USDA Forest Service
3. Protestant's Representative for service (If different than protestant)
State Coordinator
4. Service mailing address 380 E. Parkcenter, Suite 330, Boise, ID 83706
5. Service telephone no. (208) 331-5944
6. Basis of protest (including statement of facts and law upon which the protest is based)

Applicants Special Use permit to use NFS land is for agriculture & irrigation. Commercial use is not presently authorized. Diminished flow and dewatering due to this additional amount to be diverted may result in direct harm to adjacent riparian and aquatic eco-systems. NEPA compliance is required. Possibly speculative. The proposed uses are quite ambitious. Proof of beneficial use on existing permit 65-13392 has not yet been made.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Submit a complete project proposal to the Emmett District Ranger and coordinate with the Forest Service to complete a NEPA analysis. Stay processing of this application pending NEPA decision.

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

Signed this 21st day of December, 2000.

USDA Forest Service
Protestant

Steven M. Spencer
Protestant's Representative

NOTE:

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

INSTRUCTIONS

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

FOR DEPARTMENT USE ONLY

Received by AT Date 12-21-01 Time _____
\$25.00 fee Receipted by AT # W028584 Date 12-28-01

DEC 19 2001

WATER RESOURCES
WESTERN REGION

Use reverse side of page if you need more space.

The Idaho World

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

RECEIVED

DEC 19 2001

WATER RESOURCE
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Dec 5, 2001 and ending with the issue of Dec 12, 2001.

Deanna Stevenson

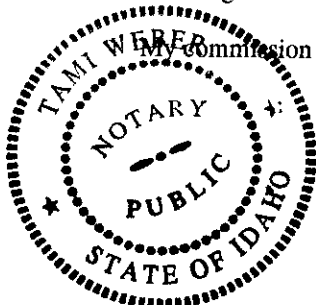
State of Idaho)
County of Boise)

On this 14 day of Dec in the year 2001, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



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

65-13983

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY, ID 83622

Point(s) of Diversion SWSW S1 T08N R05E BOISE County
Source DODGE CREEK

Tributary To PAYETTE, SOUTH FORK

Use:	COMMERCIAL	01/01 To 12/31	0.5 CFS
Use:	AESTHETIC	01/01 To 12/31	0.5 CFS
Use:	AESTHETIC STORAGE	01/01 To 12/31	19 AFA
Use:	DIVERSION TO STORAGE	01/01 To 12/31	0.5 CFS
Total Diversion:			0.5 CFS

Date Filed: 10/30/2001

Place Of Use: AESTHETIC

T08N R05E S1 SWSW

Place Of Use: AESTHETIC STORAGE

T08N R05E S1 SWSW

Place Of Use: DIVERSION TO STORAGE

T08N R05E S1 SWSW

Place Of Use: COMMERCIAL

T08N R05E S1 NWSW Lot 6 SWSW

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 12/24/2001. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in The Idaho World December 5 and 12, 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMP THORNE
Governor

KARL J. DREHER
Director

November 30, 2001

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

Re: Application for Extension of Time to Avoid Forfeiture of Water Right No. 63-2586 and 63-2587 in the Name of Charles Mann.
Application for Water Right No. 57-11597 in the Name of John &/or Catherine Romero.
Application for Water Right No. 57-11598 in the Name of John &/or Catherine Romero.
Application for Water Right No. 57-11599 in the Name of John &/or Catherine Romero.
Application for Water Right No. 67-14277 in the Name of Clayton &.or Catherine Wilson.
Application for Water Right No. 67-14278 in the Name of Clayton &.or Catherine Wilson.
Application for Water Right No. 63-31329 in the Name of Ronald W. Bubb.
Application for Water Right No. 63-31350 in the Name of Steven &/or Chris Stout.
Application for Water Right No. 65-13963 in the Name of Tina Marie Hoven.
Application for Water Right No. 67-7878 in the Name of Little Weiser Irrigation District.
Application for Water Right No. 63-31326 in the Name of Boise Housing Corp.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 24, 2001.

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

Sincerely,

Gary Spackman

GS:lm
Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMP THORNE
Governor

KARL J. DREHER
Director

November 30, 2001

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-13963 in the Name of Tina Marie Hoven.

Dear Mr. Limbaugh:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form



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

November 30, 2001

STEVE SPENCER
IDAHO STATE COORDINATOR
USDA FOREST SERVICE
380 PARK CENTER SUITE 330
BOISE ID 83706

Re: Application for Water Right No. 65-13963 in the Name of Tina Marie Hoven.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application for permit.

Please review the application and return any comments you might have within two weeks.

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

Sincerely,

A handwritten signature in black ink that reads 'Gary Spackman'. The signature is written in a cursive, flowing style with a large, sweeping 'G' and a long, horizontal tail stroke.

Gary Spackman

GS:lm

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

November 28, 2001

Legal Notice Department

Idaho World

PO Box 99

Garden Valley ID 83622

RE: Application for Permit No. 65-13963

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 12/24/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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

65-13963

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

Point(s) of Diversion SWSW S1 T08N R05E BOISE County Source DODGE CREEK
Tributary To PAYETTE, SOUTH FORK

Use: COMMERCIAL	01/01 To 12/31	0.5 CFS	
Use: AESTHETIC	01/01 To 12/31	0.5 CFS	
Use: AESTHETIC STORAGE	01/01 To 12/31		19 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.5 CFS	
Total Diversion:		0.5 CFS	

Date Filed: 10/30/2001

Place Of Use: AESTHETIC

T08N R05E S1 SWSW

Place Of Use: AESTHETIC STORAGE

T08N R05E S1 SWSW

Place Of Use: DIVERSION TO STORAGE

T08N R05E S1 SWSW

Place Of Use: COMMERCIAL

T08N R05E S1 NWSW Lot 6 SWSW

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 12/24/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on December 5 and 12, 2001.

Daniel A. Nelson
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

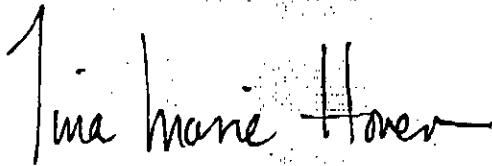
September 17, 2001

RE: APPLICATION FOR PERMIT 65-13963

Dear Dan;

I would like to continue with the permit 65-13963 and would like another one year extension of time.

Thank You

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 Marie Hoven
P.O. Box 300
Garden Valley, Idaho
83622



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 17, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

RE: APPLICATION FOR PERMIT 65-13963

Dear Ms. Hoven:

On August 15, 2000 I received a request for an extension of time for application for permit 65-13392 for hydropower use on Dodge Creek. You asked that we hold the application for 2 years in order for you to attain the special use permit from the US Forest Service. I wrote a letter on 8/17/2000 to inform you that we could not give a 2-year extension of time, but we did grant you a one-year extension of time. This is the final day of the one-year extension of time.

Please let me know in writing if you are ready to continue with the permit or need another extension of time. I will need to receive this written response by September 17, 2001 or we will be forced to void your application for permit. If you are no longer interested in pursuing this application please send a letter asking to withdraw the application for permit.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent



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

8/17/2000

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

COPY

RE: REQUEST FOR AN EXTENSION OF TIME

Dear Ms. Hoven:

On August 15, 2000, I received a request for an extension of time for application for permit 65-13392. I assume that your request is for the permit that was filed on 12/30/1999, since I have not worked on 65-13392. If this extension of time was for application for permit 65-13392 then please contact me as soon as possible so we can clear up this discrepancy. I have just given this permit an application number today so it could be put on hold. We did not number this permit in the beginning, because we were unsure whether or not your were going to develop the application. The application number for this permit is 65-13963.

Your request asks our office to hold your application for up to 2 years. The Idaho Water Appropriation Rules only allows our department to hold an application for a maximum of 1 year. I have enclosed a copy of Section 40.01.d of these rules for your reference. Therefore, I will place your file on hold until 8/17/2001. At that time you will need to give us the go ahead to process your application or request another extension in writing.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent

August 10, 2000

Daniel A. Nelson
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

AUG 15 2000

WATER RESOURCES
WESTERN REGION

Dear Dan;

This is a written request to put my water right # 65-13392 on hold till a new special use permit can be obtained from the United States Forest Service. I have met with them concerning this matter and they do not feel there will be a problem. I do not know how long this will take so please hold this application for up to two years. If you have any questions you may contact me at 208-462-2215.

Thank You

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 Marie Hoven



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

8/11/2000

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY ID 83622

COPY

**RE: APPLICATION FOR PERMIT TO DIVERT WATER FROM DODGE
CREEK TRIBUTARY TO SOUTH FORK OF THE PAYETTE**

Dear Ms. Hoven:

Our office received an application for permit from you on 12/30/1999. You requested that this application be held for 30 days to allow you to attain a conditional use permit from the US Forest Service. I called you on 2/11/2000 to determine if you were still interested in the application for permit. You called me back on 2/12/1999 and stated that you were still interested in the application for permit, and that you had an appointment with the US Forest Service on 2/12/1999. I told you on the telephone that I could give you another 30 days, but if you could not get the special use permit that you would need to contact me.

I then sent you a letter dated 3/27/2000 to determine if you were still interested in the permit, which gave you 30 days to respond. On 5/3/2000 you telephoned me and asked for the permit to be held until 8/6/2000. I told you on the telephone that I would need a written request to hold the permit this long. You did not send this letter. I then called you on 8/6/2000 and left you a message. You called later that day and informed me that you would need more time. I informed you that I could not hold your application any longer without a written request to do so. You told me that you would hand deliver a request to me the next day or would mail me a request.

I still have not received any request to hold this application. **Therefore, if I do not receive a written request to hold the application by 8/28/2000, I will be forced to void your application for permit.** You will be able to re-file your application for permit with a later priority date and under the new fee schedule.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson'.

Daniel A. Nelson
Sr. Water Right Agent



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

3/27/2000

TINA MARIE HOVEN
PO BOX 300
GARDEN VALLEY, IDAHO 83622

***RE: APPLICATION FOR PERMIT FOR POWER GENERATION ON
DODGE CREEK***

Dear Ms. Hoven:

Our office received an application for permit from you on 12/30/1999. You requested that this application be held for 30 days to allow you to attain a conditional use permit from the US Forest Service. August 15, 2000 we received a written request for an extension of time. This extension of time lapsed on 8/17/2001. We received a second extension request for an additional year to supply the information needed for your application on 9/17/2001.

Idaho Dept. of Water Resources (IDWR) cannot issue a second extension of time unless the applicant supplies information that shows that they have been pursuing this application with due diligence. I have spoken with a representative from the US Forest Service that informed me that generally a special use permit is issued within one year of the date it was filed.

Therefore, in order to grant a second extension of time you will need documentation showing what has caused the delay in attaining the special use permit from the US Forest Service. **Please supply the documentation requested, or supply the information needed to proceed with the processing of the application for permit by October 31, 2001, or your application for permit will be voided.**

If you have questions or concerns, please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

MEMORANDUM

TO: FILE

FROM: DANIEL A NELSON

DATE: 2/7/2000

SUBJECT: TINA MARIE HOVEN APPLICATION FOR PERMIT

I called Tina Marie Hoven today to determine if she wanted us to proceed with processing of her application for permit. I did not receive an answer and left a message. If I do not here back from her by 2/11/2000, I will need to send a letter.

Mrs. Hoven called me Back today
and Requested That I hold the application
For permit until the special use permit
is Recieved From the Forest Service.
She Told me That she was meeting
With them today