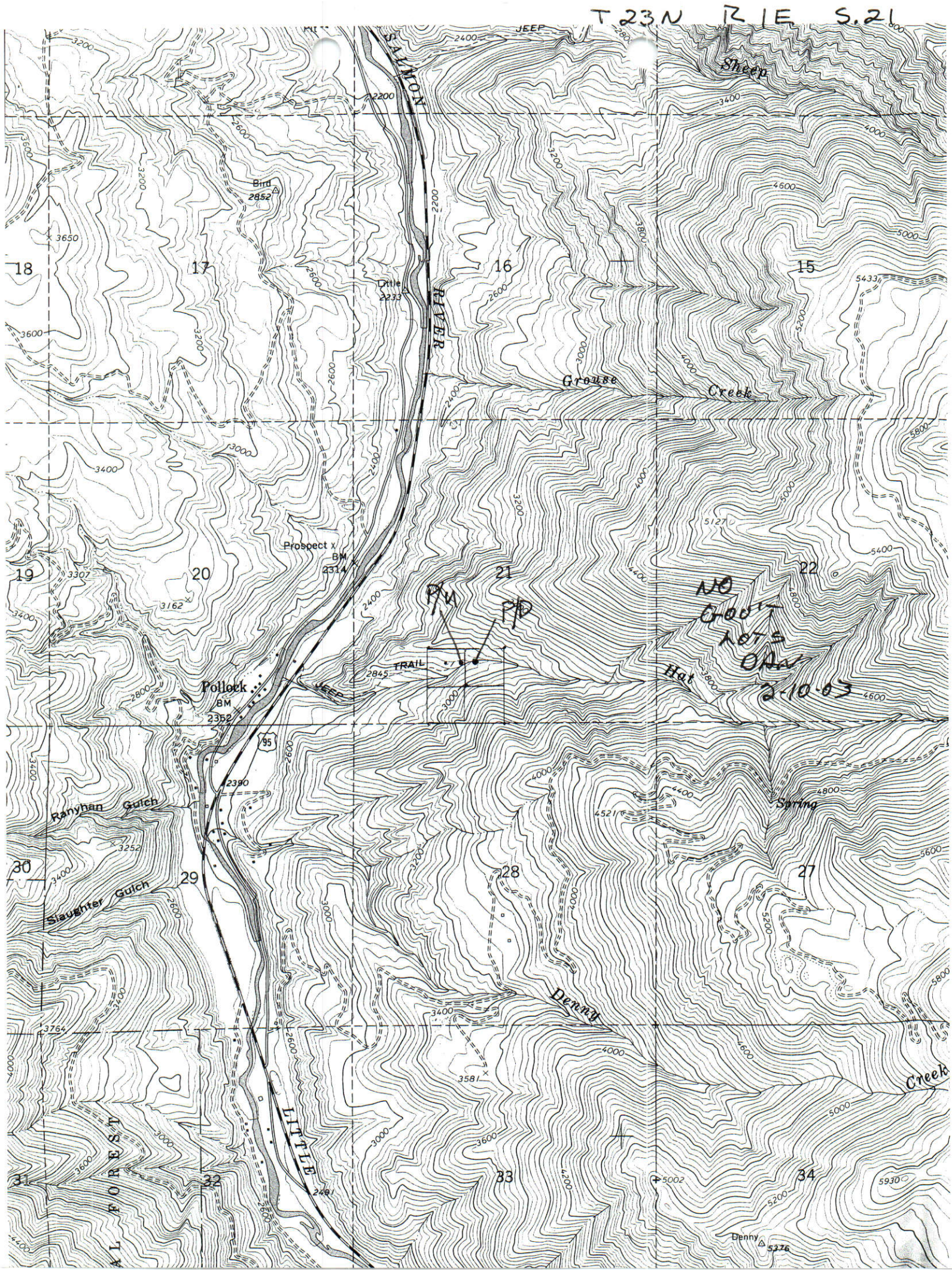
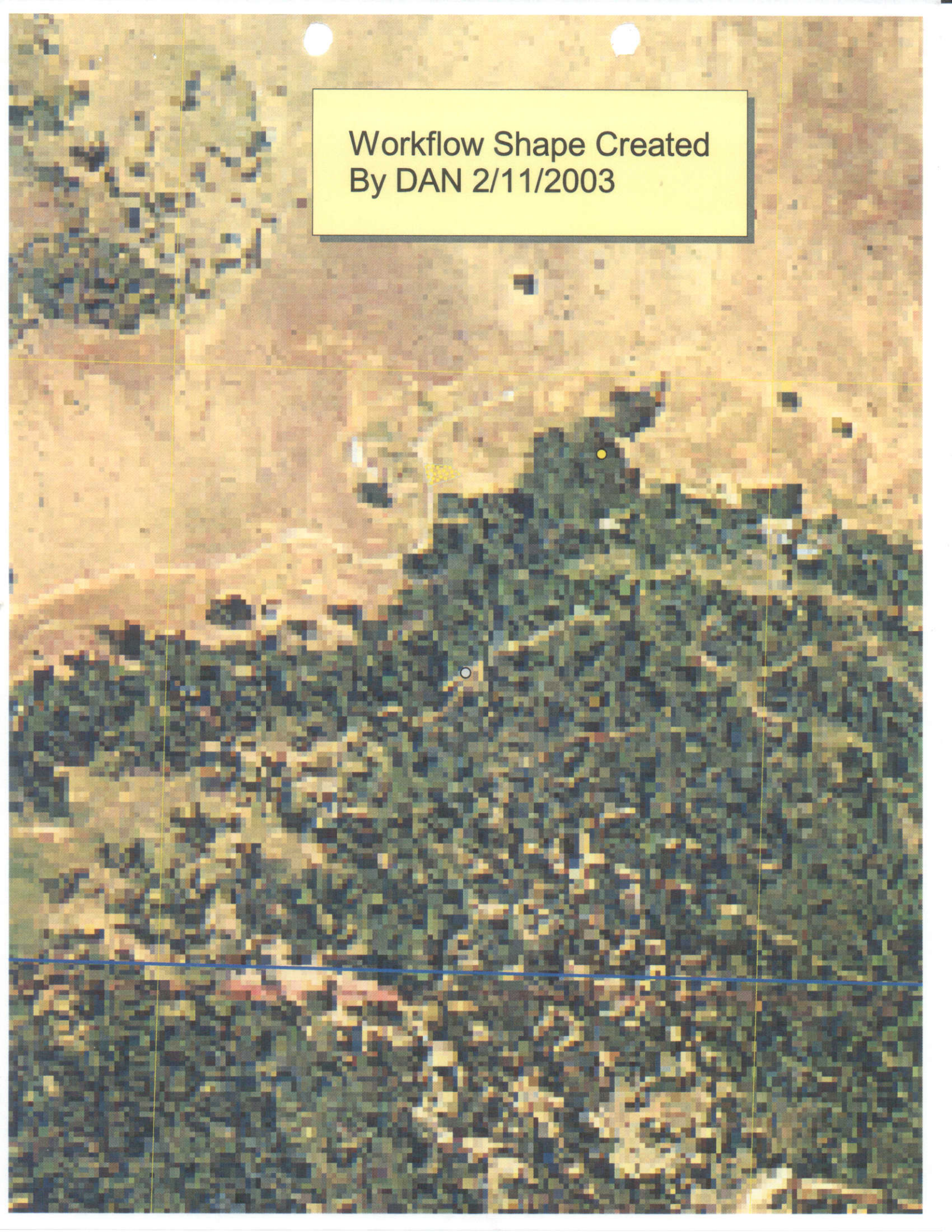


T 23 N R 1 E S. 21



Workflow Shape Created
By DAN 2/11/2003



RECEIVED

MAR 03 2003

WATER RESOURCES
WESTERN REGION

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

78-12190

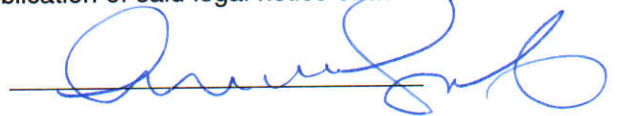
✓st
TONY CESARIO
PO BOX 159
RIGGINS ID 83549-0159
BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159
Point(s) of Diversion NESESW S21 T23N
R01E IDAHO County Source UNNAMED
STREAM
Tributary To HAT CREEK
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/31/2002
Place Of Use: DOMESTIC T23N R01E
S21 SESW
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 03/10/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
F19-26

AFFIDAVIT OF PUBLICATION

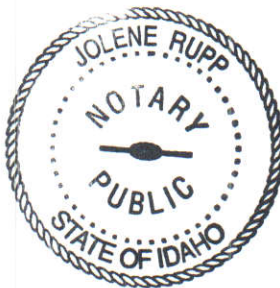
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 19th day of February, 2002; and the last publication on the 26th day of February, 2003; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 26th day of Februry in the year of 2003, before me a Notary Public personally appeared Andrew J. McNab, 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 he executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-07



57-11619.pdf



78-12190.pdf



65-22765.pdf



65-22764.pdf



Application.pdf



Application.pdf



Applictation.pdf



Application.pdf

70276



Application
amended.pdf

70262

70266

70275

70376

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12190

Priority: October 31, 2002

Maximum Diversion Rate: 0.01 CFS

This is to certify, that TONY CESARIO And/Or BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

have applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: HAT CREEK

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.01 CFS

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NE¼SE¼SW¼ Sec. 21, Twp 23N, Rge 01E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N 01E 21													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Use of water under this permit and any subsequent license shall be limited to in-house use only when earlier priority water rights authorizing diversion of water from Hat Creek are not being satisfied.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of December, 2003.


KARL J DREHER, Director

RECEIVED

DEC 1 2003

Department of Water Resources

Page 1

Ident. No. 78-12190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

NOV 10 2003

WATER RESOURCES
WESTERN REGION

1. Name: TONY CESARIO
PO BOX 159
RIGGINS ID 83549-0159
(208)628-0005
AND/OR
BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159
(208)628-0005

AMENDED
PER
STIPULATION
AGREEMENT

2. Source: UNNAMED STREAM Tributary to: HAT CREEK
3. Location of Point of Diversion:
#1 UNNAMED STREAM NE1/4SE1/4SW1/4 Sec. 21, Twp 23N, Rge 01E, B.M.
IDAHO County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.01 CFS	

5. Total quantity to be appropriated is: 0.01 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 10 FT OF 3 IN DIAGONAL PERFORATED PVC PIPE IN 12 IN DIAGONAL GRAVEL BED WITH CONCRETE FACE. 2300 GALLON STORAGE TANK

- 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. _____.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N 01E 21												X					

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

APPLICANT

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.

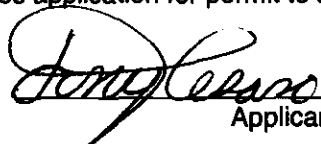
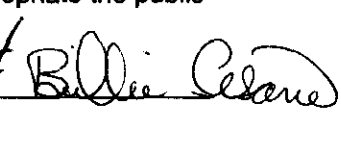
APPLICANT

10. Remarks:

Application amended per stipulation agreement.

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 _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. W029836

Date: _____

Received by: _____

RECEIVED

OCT 31 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Name of Applicant Tony & Billie Cesario Phone 208-629-0005
Mailing address Po Box 154 Rigging, ID 83544-0154

2. Source of water supply Unnamed Spring which is a tributary of Hat Creek
3. Location of point of diversion is Township 23N Range 1E Sec. 21 in the NE $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for Domestic 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)
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) .04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 10' of 3" Dia. Perfor-
ated PVC Pipe in 12" Dia. gravel bed with concrete Footer

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 2300 gal

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

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

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

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

8. Description of proposed uses (If irrigation only, go to Item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 home
e. Other; describe fully. _____

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	1E	21											D/1						

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: _____

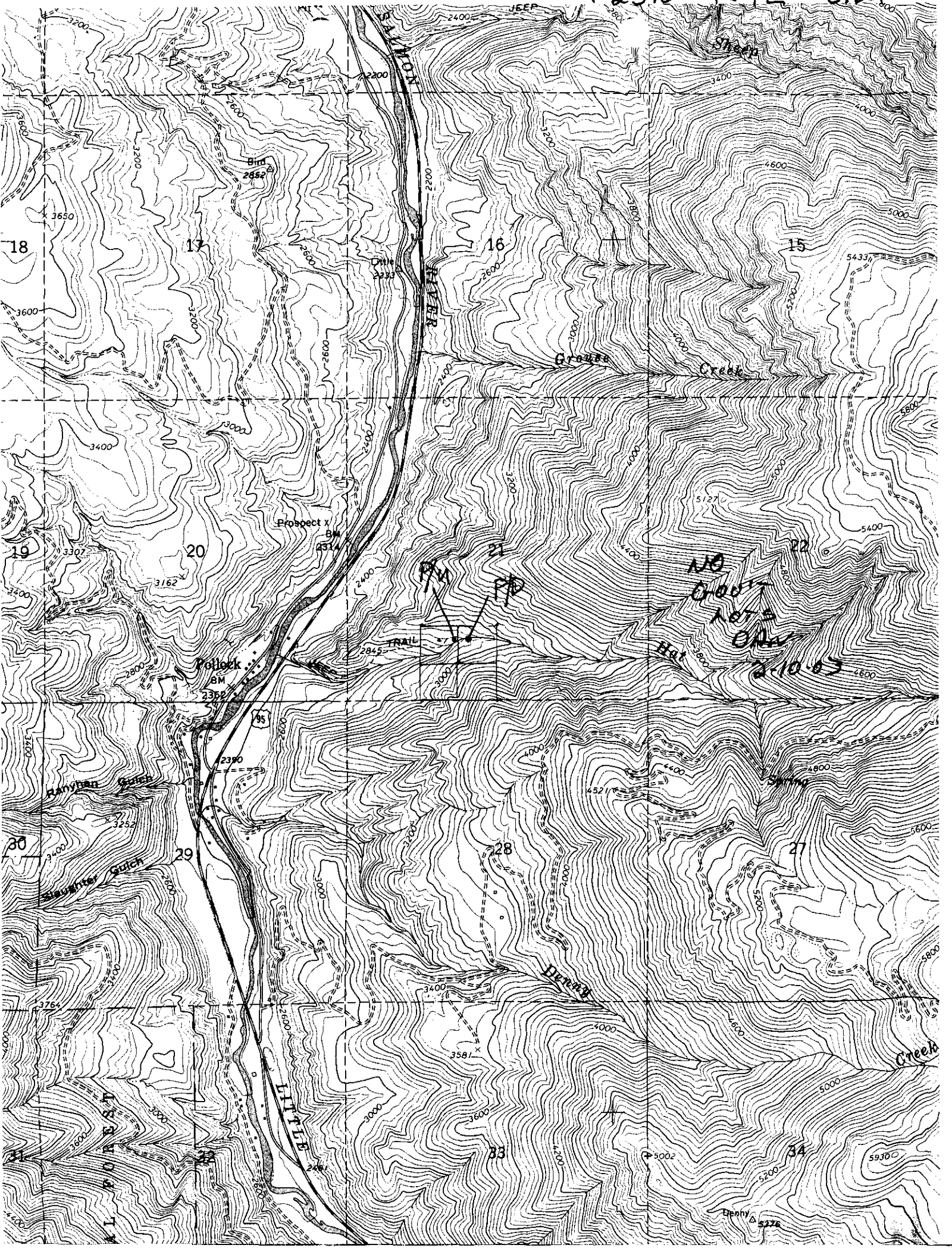
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

[Signature]
Signature of Applicant (and title, if applicable)

Received by KG Date 10/31/02 Time 1:19 Preliminary check by DAW
 Fee \$ 100.00 Receipted by KG # W029836 Date 10/31/02
 Publication prepared by AK Date 2-19-26-03 Published in Idaho Sun Times
 Publication approved AK Date 3-5-03

T 23 N 14 E S. 21





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

December 12, 2003

TONY CESARIO
BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

RE: Permit No. 78-12190

Permit Approval Notice

Dear Permit Holder:

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

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

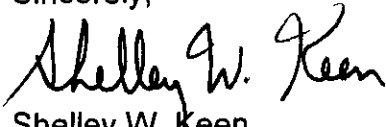
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klf

Enclosure(s)

cc: HAT CREEK WATER USERS
JACK D HUBBARD

CERTIFICATE OF SERVICE

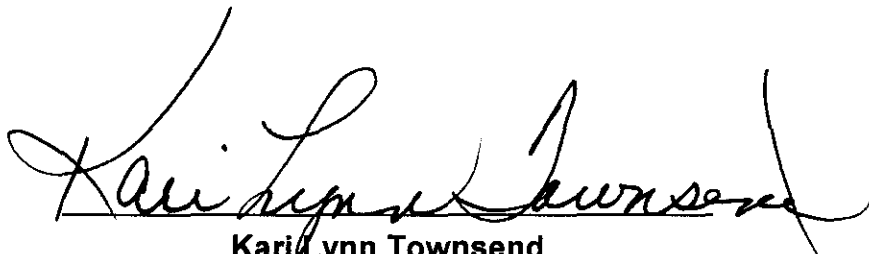
I hereby certify that on December 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 78-12190

**BILLIE CESARIO
TONY CESARIO
PO BOX 159
RIGGINS ID 83549-0159**

**HAT CREEK WATER USERS
HC 1 BOX 825
POLLOCK ID 83547**

**JACK D HUBBARD
HC 1 BOX 810
POLLOCK ID 83547**


**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

78-12190

1. dnelson 2/11/2003 Comment/Analysis

Comment: This application for a domestic use described in Idaho Code 42-111. Therefore it can be processed in the Salmon River Moratorium. The only significant overlapping water right is a statutory claim for stockwater from a number of springs, this application is from an unnamed stream tributary to Hat Creek. The statutory claim is from another source and for another use and should not affect this application. The storage component mentioned in section 6b is below the 24 hour fill rule and should not be a concern.

2. kwalker 12/4/2003 Permit Review

Comment: In review of this application I noted that the region recommended we limit this use to in-house use only. However, the Stipulation for Withdrawal of Protests only limits this use to in-house when prior rights are not being satisfied. I have recommended approval with the limitation as per the stipulation.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
DEC - 1 2003
Department of Water Resources

Initial review by DAV Date 2-10-03 Application # 78-12190

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
NO P/D
NO P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) The ONLY significant overlapping right is 78-4169
- ☒ Overlapping point of diversion and it is a statutory claim for
- ☒ Critical groundwater area SPRINGS- and STOCK WATER.
- ☒ Ground water management area
- ☒ 1992 moratorium EXEMPT USE - EXEMPT PER 42-111.
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply EXEMPT USE REQUEST TO PROCESS NOT NEEDED.
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or Irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 12190

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

☒ ☐ Publication dates and paper recorded on application

☒ ☐ Final date for protest 3-10-03

☒ ☒ Protests received

☐ ☒ Recommendations attached

☐ ☒ Measuring device required

☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter

Conditions:

- In House use only.

- Standard conditions.

Recommended Date of Priority

Recommendation ☒ Approve ☐ Deny by John F. Winter Date 11/24/03

ADDITIONAL INFORMATION

☐ See attached proof report, note any Legal Notice Remarks &/or Comments

☐ See attached shapefile

Workflow Shape Created
By DAN 2/11/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TONY AND BILLIE CESARIO
PO BOX 710262
SAN DIEGO CA 92171

RE: AMENDED APPLICATION FOR PERMIT 78-12190

Dear Mr. and Ms. Cesario:

Enclosed is an amended application for permit per our telephone call on 10/29/2003 and the stipulation agreement signed 7/9/2003. Please carefully review the amended application and make sure that everything is correct and how you want your application to look. If you agree with the amended application please sign and return it to my office C/O Dan Nelson. If there are further corrections needed to the amended application, please draw a single line through the error and make the needed correction.

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

Respectfully,

A handwritten signature in black ink that reads 'Daniel A. Nelson'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

APPLICATIONS CHECKLIST FOR PROTESTED FILES

APPLICATION NO: 78-12190 APPLICANT: Cesaris

- ☒ Green sticker on file ☒ Protest information sheet
- ☒ Put protest names & date in data base ☒ Change bar code ☒ Put protest in apps.lis
- ☐ Reserve Room ☒ Protest letters ☒ Conference notices
- ☒ Copy to vault (thru Norm) ☐ Copies of interventions to vault thru Norm (if any)
- ☒ Copy of conference notice to Glen ☐ Make sure rooms are handicap approved
- ☒ Double check mailing list. ☒ Attendance sheet ☒ Room confirmation letter
- ☒ Put conf. dates on Gary's calendar, and
 - ☒ Sue's calendar
 - ☐ Western's calendar (if applicable).

AFTER PREHEARING CONFERENCE

- ☐ Protestants/intervenors updated ☐ Hearing notices sent ☐ Copy to Glen
- ☐ Dates on my, Gary's, and Western's calendars (if applicable).

PROTEST OR APPLICATION WITHDRAWN

- ☐ Protest withdrawn ☐ Application withdrawn
- ☐ Change bar code ☐ Change apps.lis ☐ Change database
- ☐ Sent to S.O. (Kari Lynn) Date _____

RECEIVED

OCT 15 2003

WATER RESOURCES
WESTERN REGION

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

Re: 78-12190 Cesario, Stipulation for Withdrawal of Protest

Attached is the stipulation with signatures from the principals involved in the protest.

Gary M. Solberg
P.O. Box 184
Pollock, Idaho 83547
Ph. 208-628-3633

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

OCT 15 2003

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO.)
78-12190 IN THE NAME OF TONY)
&/OR BILLIE CESARIO)

STIPULATION FOR
WITHDRAWAL OF
PROTESTS

On October 31, 2002, Tony &/or Billie Cesario (Cesarios) filed with the Idaho Department of Water Resources (IDWR) an application for permit to appropriate the public waters of Hat Creek, tributary to the Little Salmon River. The application was protested by the Hat Creek Water Users and by Jack &/or Arlene Hubbard.

On June 5, , IDWR conducted a prehearing conference for the contested case. As a result of negotiations at the conference, the parties agreed to settle the controversy. The parties agreed that the following conditions be included in the approval by IDWR:

1. The total diversion rate authorized is limited to 0.01 cfs, or 4.5 gallons per minute. (This condition can be satisfied by a direct reduction of the flow rate authorized by the permit, and does not have to be printed as a separate condition).

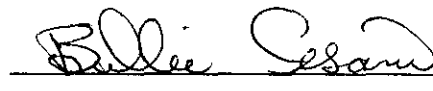
2. Use of water diverted under this permit and any subsequent license shall be limited to in-house use only when earlier priority water rights authorizing diversion of water from Hat Creek are not being satisfied. Earlier priority water rights are decreed in the case titled Aubin v. Howard, (Idaho County 1929).

In consideration of the agreement by Cesarios to limit their water use as described above, and to have their future water right conditioned as described above, the protestants withdraw their protests contingent upon placement of the above conditions of and limitations upon a water right permit and any subsequent license.

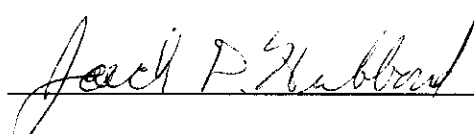
Dated this 9 day of July, 2003.


Tony Cesario, Applicant

Dated this 9 day of July, 2003.

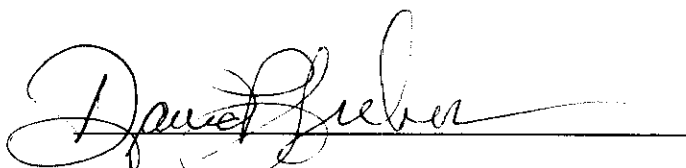

Billie Cesario, Applicant

Dated this 4 day of ~~July~~^{Aug 4-03}, 2003.



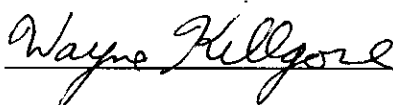
Jack &/or Arlene Hubbard, Protestants

Dated this 5th day of ~~July~~^{AUG}, 2003



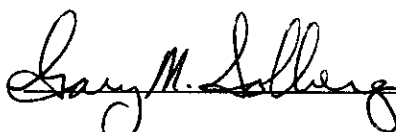
David P. &/or Phyliss A. Sieber, Protestants

Dated this 5th day of ~~July~~^{Aug}, 2003



Wayne &/or Sue Killgore, Protestants

Dated this _____ day of ~~July~~^{4 Aug}, 2003



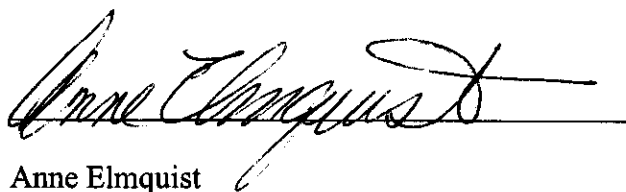
Gary &/or Patty Solberg

Dated this 6 day of ~~July~~^{Aug}, 2003



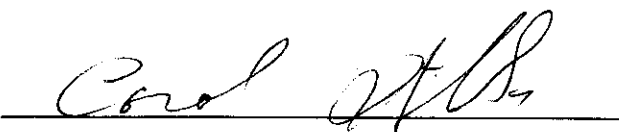
Irene Owens

Dated this 6 day of ~~July~~^{Aug}, 2003



Anne Elmquist

Dated this 11 OCT day of ~~July~~, 2003



Carol Hibbs

1 TONY &/OR BILLIE CESARIO
PO BOX 710262
SAN DIEGO CA 92171

HAT CREEK WATER USERS
C/O DAVID P SIEBER
HC-1 BOX 825
POLLOCK ID 83547

JACK &/OR ARLENE HUBBARD
HC 1 BOX 810
POLLOCK ID 83547

DAVID &/OR PHYLLIS SIEBER
HC 1 BOX 825
POLLOCK ID 83547

WAYNE &/OR SUE KILLGORE
PO BOX 261
POLLOCK ID 83547

GARY &/OR PATTY SOLBERG
PO BOX 184
POLLOCK ID 83547

IRENE OWENS
PO BOX 242
POLLOCK ID 83547

ANNE ELMQUIST
PO BOX 272
POLLOCK ID 83547

CAROL HIBBS
UPPER PLEASANT RIDGE RD
WILDER ID 83676

June 24, 2003

To: Parties on the Attached List

Re: Application to Appropriate Water no. 78-12190 in the Name of Tony &/or Billie Cesario

Dear Party:

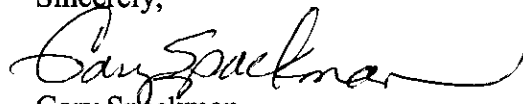
Enclosed is a draft Stipulation for Withdrawal of Protest. Hopefully the language reflects the agreement discussed at the prehearing conference conducted on June 5, 2003. Please review the document. If you have any suggested corrections to the document, please submit them to me on or before July 17, 2003. I prefer that you submit suggestions in writing. You may e-mail me at www.gspackma.idwr.state.id.us.

During the week of July 21, 2003, I ask that Tony or Billie Cesario call me at (208) 334-2190 to determine whether there are any additional corrections. If additional corrections are necessary, I will send an amended stipulation to Cesarios.

Cesarios should sign the most recent stipulation and forward it to Gary & Patty Solberg. Gary & Patty Solberg will circulate the stipulation to the protestants for their signatures and will forward the fully signed stipulation to me at 2735 Airport Way, Boise, Idaho 83705. After receiving the fully executed stipulation, IDWR will prepare the permit for approval.

I appreciate the efforts of all in helping resolve this contested water right application.

Sincerely,


Gary Spackman

Encl.

TONY &/OR BILLIE CESARIO
PO BOX 710262
SAN DIEGO CA 92171

HAT CREEK WATER USERS
C/O DAVID P SIEBER
HC-1 BOX 825
POLLOCK ID 83547

JACK &/OR ARLENE HUBBARD
HC 1 BOX 810
POLLOCK ID 83547

DAVID &/OR PHYLLIS SIEBER
HC 1 BOX 825
POLLOCK ID 83547

WAYNE &/OR SUE KILLGORE
PO BOX 261
POLLOCK ID 83547

GARY &/OR PATTY SOLBERG
PO BOX 184
POLLOCK ID 83547

IRENE OWENS
PO BOX 242
POLLOCK ID 83547

ANNE ELMQUIST
PO BOX 272
POLLOCK ID 83547

CAROL HIBBS
UPPER PLEASANT RIDGE RD
WILDER ID 83676

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
TO APPROPRIATE WATER NO.)	STIPULATION FOR
78-12190 IN THE NAME OF TONY)	WITHDRAWAL OF
&/OR BILLIE CESARIO)	PROTESTS
_____)	

On October 31, 2002, Tony &/or Billie Cesario (Cesarios) filed with the Idaho Department of Water Resources (IDWR) an application for permit to appropriate the public waters of Hat Creek, tributary to the Little Salmon River. The application was protested by the Hat Creek Water Users and by Jack &/or Arlene Hubbard.

On June 5, , IDWR conducted a prehearing conference for the contested case. As a result of negotiations at the conference, the parties agreed to settle the controversy. The parties agreed that the following conditions be included in the approval by IDWR:

1. The total diversion rate authorized is limited to 0.01 cfs, or 4.5 gallons per minute. (This condition can be satisfied by a direct reduction of the flow rate authorized by the permit, and does not have to be printed as a separate condition).

2. Use of water diverted under this permit and any subsequent license shall be limited to in-house use only when earlier priority water rights authorizing diversion of water from Hat Creek are not being satisfied. Earlier priority water rights are decreed in the case titled Aubin v. Howard, (Idaho County 1929).

In consideration of the agreement by Cesarios to limit their water use as described above, and to have their future water right conditioned as described above, the protestants withdraw their protests contingent upon placement of the above conditions of and limitations upon a water right permit and any subsequent license.

Dated this _____ day of July, 2003.

Tony Cesario, Applicant

Dated this _____ day of July, 2003.

Billie Cesario, Applicant

Dated this _____ day of July, 2003.

Jack &/or Arlene Hubbard, Protestants

Dated this _____ day of July, 2003

David P. &/or Phyliss A. Sieber, Protestants

Dated this _____ day of July, 2003

Wayne &/or Sue Killgore, Protestants

Dated this _____ day of July, 2003

Gary &/or Patty Solberg

Dated this _____ day of July, 2003

Irene Owens

Dated this _____ day of July, 2003

Anne Elmquist

Dated this _____ day of July, 2003

Carol Hibbs

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-260A

WATER RIGHT NUMBER: 78-260A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAT CREEK WATER USERS HC 1 BOX 810 POLLOCK, ID 83547 (208)628-3758

Priority Date: 06/01/1927

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAT CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.070 CFS	
IRRIGATION	3/15 to 11/15	2.700 CFS	
	<u>Total Diversion:</u>	2.770 CFS	

Location of Point(s) of Diversion

HAT CREEK	NW1/4SE1/4SW1/4	Sec. 21, Twp 23N, Rge 01E, B.M.
IDAHO County		
HAT CREEK	SE1/4SE1/4	Sec. 20, Twp 23N, Rge 01E, B.M.
IDAHO County		
HAT CREEK	NE1/4SE1/4SW1/4	Sec. 21, Twp 23N, Rge 01E, B.M.
IDAHO County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01E	20															5.0	25.0	30.0
23N	01E	21											20.0	3.0					23.0
23N	01E	29	9.0		12.0														21.0

Total Acres: 74

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 78-260A

Remarks:

1. General WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS. THEN 3 USERS ROTATE THE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.
CONT. FROM ITEM 5.
DITCHES/HEADGATES- 1. 2' SQUARE BOX 2. 2' SQUARE BOX 3. CONCRETE W/ 12" PIPE & WATERMAN HEADGATE, 2' X 3' CONCRETE 3" PIPE INLET REDUCE TO 2" ALL THE LANDS ABOVE ARE SANDY SOIL AND IT TAKES MORE THAN 1 MINERS INCH TO DEEP IT IRRIGATED. ALSO, OUR AREA CONSISTS OF A LONGER IRRIGATING SEASON. OTHER PLACES COVERED BY THIS SAME DECREE HAVE LOST THEIR RIGHT OF USE DUE TO HIGHWAY AND STATE LAND SALES, AND DITCHES THAT CARRIED THE WATER WERE DESTROYED.
THIS IS THE COMBINED WATER RIGHT OF 78-0260, 78-0261 AND 78-0262. | CLAIM AMENDED 9-19-1988 TO INCLUDE 1 ACRE OF LAND NOW OWNED BY WILLIAM HUBBARD FOR IRRIGATION AND STOCKWATER.

Comments:Dates and Other Information:

Claim Received Date: 9/19/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Tony & Billie Cesario
78-12190

Prehearing Conference
Riggins, ID
June 5, 2003

40-60 gallons/day person -

Diversion from spring - no other diversions -

All water already decreed

Hydro system - 478-07198

below 135 minus inches -
2.7 cfs -

measured at upper -

Annie
Elmqvist

Limited to ^{4.5} gallons/min

Use of water diverted under this permit and subsequent will be limited to in-house use when earlier priority water rights diverted from Hat Creek are not being satisfied. The earlier are defined and described.

ROSTER OF ATTENDANCE

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

Re: Application for Permit No. 78-12190 in the Name of Tony &/or Billie Cesario

Place: Riggins City Hall

Date: June 5, 2003

Conducted by: Gary Spackman

NAME

ADDRESS

✓	Jack Hubbard	HC I Box 810	Pollock Idaho 83547
✓	Greene R. Hubbard	HC I Box 810	Pollock Id. 83547
✓	David P. Sieber	HC-1 Box 825	Pollock ID 83547
	Phyllis A. Sieber	HC I Box 825	Pollock ID 83547
✓	Wayne & Sue Killgore	P.O. Box 241	Pollock, ID 83547
contact	Gary & Patty Solberg	P.O. Box 184	Pollock, ID 83547
✓	Sue Owens	P.O. Box 242	Pollock Id. 83547
	Maacie Barron	P.O. Box 284	Pollock Idaho 83547
✓	Anne Elmqvist	PO Box 222	Pollock ID 83547
✓	Billie Cesario	PO Box 159	Riggins Id. 83549
✓	Tony Cesario	PO Box 159	Riggins Id 83549
		mail to → PO Box 710262	San Diego, CA 92171
*	Carol Hibbs	Upper Pleasant Ridge Rd	Wilder, ID 83676
		→ (Did not attend - but needs info sent)	



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

April 25, 2003

RIGGINS CITY HALL
126 S MAIN
RIGGINS ID 83542

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Thursday, June 5, 2003 at 1:30 p.m.

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

Sincerely,

Sue Taylor
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 78-12190 IN THE)
NAME OF TONY &/OR BILLIE)
CESARIO)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On October 31, 2002 Tony &/or Billie Cesario 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 Hat Creek Waters and Jack &/or Arlene Hubbard.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, June 5, 2003 at 1:30 p.m. at the Riggins City Hall, 126 S. Main, Riggins, Idaho 83549.** 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.

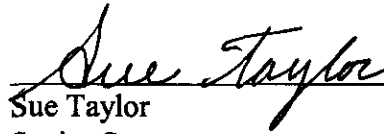
Dated this 24th day of April 2003.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of April 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

HAT CREEK WATER USERS
C/O DAVID P SIEBER
HC-1 BOX 825
POLLOCK ID 83547

JACK &/OR SHIRLEY HUBBARD
HC1 BOX 810
POLLOCK ID 83547

TONY &/OR BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

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

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

BURDEN OF PROOF

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

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

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TONY &/OR BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549

Re: Application for Permit No. 78-12190

Dear Applicant:

Enclosed are copies of protests 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 June 5, 2003 at the Riggins City Hall, Riggins, Idaho. 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,



Gary Spackman

GS: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

April 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HAT CREEK WATER USERS
C/O DAVID P SIEBER
HC-1 BOX 825
POLLOCK ID 83547

JACK &/OR SHIRLEY HUBBARD
HC1 BOX 810
POLLOCK ID 83547

Re: Application for Permit No. 78-12190 in the Name of Tony &/or Billie Cesario

Dear Protestant:

This office acknowledges receipt of your protests 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 June 5, 2003 at the Riggins City Hall in Riggins, Idaho. 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,


Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference

W030650-KB
030150

March 3, 2003

Director
Department of Water Resource
Western Region
Boise, Idaho 83705

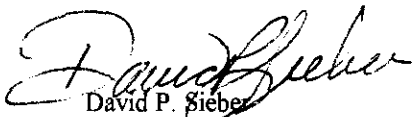
RECEIVED
MAR 06 2003
WATER RESOURCES
WESTERN REGION

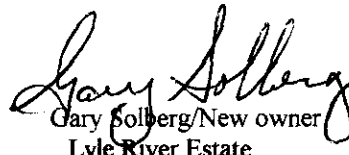
RE: Application #78-12190

Dear Sir:

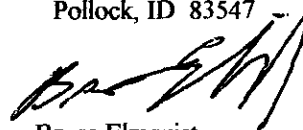
We as members of the Hat Creek Water Users protest application #78-12190. We have concerns that this will adversely affect prior existing water rights.

Sincerely,


David P. Sieber
HC-1, Box 825
Pollock, ID 83547


Gary Solberg/New owner
Lyle River Estate
P.O. Box 184
Pollock, ID 83547


Irene Owens
P.O. Box 242
Pollock, ID 83547


Bruce Elmquist
P.O. Box 272
Pollock, ID 83547

cc: TONY CESARIO
BILLIE CESARIO
P.O. BOX 159
RIGGINS, ID 83549-0159

W030145
RL

March 2, 2003

RECEIVED

MAR 05 2003

WATER RESOURCES
WESTERN REGION

Dept. of Water Resource
Western Region
2735 Airport Way
Boise, ID 83705

ATTN: Karl J Dreher, Director

Subject: Protest to water filing 78-12190
Points of Diversion NESESW S21 T23N R01E Idaho County Source Unnamed Stream,
Tributary To Hat Creek

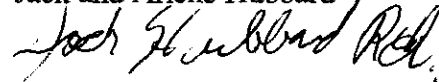
We, Jack and Arlene Hubbard, Also known as Jack Hubbard Ranch, have the largest decreed water right with the HAT CREEK WATER USERS ASSN. The creek, tributaries and unnamed springs have been filed on and used since the 1800's and are under Grandfather clause.

The HAT CREEK WATER USERS have to rotate the water now to have enough for everyone during low water years. Our livestock water got lower last year than ever before.

At this time we protest any extra use of diverting water from tributaries or springs from Hat Creek.

We suggest that the Dept. of Water Resource set a hearing on this matter before any water rights are given with the HAT CREEK WATER USERS at Pollock or Riggins sometime around April 25, 2003 or later. I am including the name of Carol Hibbs in my letter of protest as he is out of the country now and cannot be reached.

Sincerely,
Jack Hubbard Ranch
Jack and Arlene Hubbard

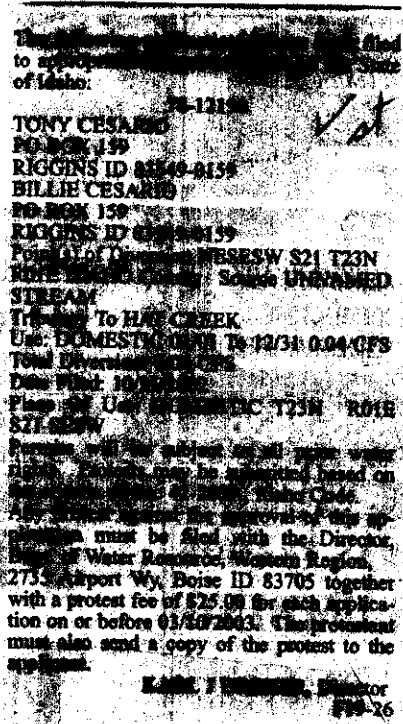


Hc1 Box 810
Pollock, ID 83547
Address we need to be reached at until April 15, 2003:
13469 E. 46th Street
Yuma, AZ 85367

Cc: Tony Cesario
PO Box 159
Riggins, ID 83549

WATER RESOURCES WESTERN REGION

John Rupp
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-07



Mattson, Lisa
To: eleitzin@idfg.state.id.us

February 19, 2003

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Re: Application for Water Right No. 78-12190 in the Name of Tony &/or Billie Cesario.
Application for Water Right No. 57-11619 in the Name of Bruce &/or Terry Reuck.
Application for Water Right No. 65-22765 in the Name of David Little Farms.
Application for Water Right No. 65-22764 in the Name of Brandon Howerton.
Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.
Application for Transfer No. 70262 in the Name of Ballentyne Ditch Co.
Application for Transfer No. 70266 in the Name of New Union Ditch Co.
Application for Transfer No. 70275 in the Name of Boulder Meadows Irrigation Inc.
Application for Transfer No. 70376 in the Name of David Little Farms.

Dear Mr. Leitzinger:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by March 10, 2003.

If you have any questions regarding the application, please contact the following agents at this office:

Dan Nelson:

Application for Water Right No. 78-12190 in the Name of Tony &/or Billie Cesario.
Application for Water Right No. 57-11619 in the Name of Bruce &/or Terry Reuck.

Lori Graves:

Application for Water Right No. 65-22765 in the Name of David Little Farms.
Application for Water Right No. 65-22764 in the Name of Brandon Howerton.
Application for Transfer No. 70276 in the Name of John &/or Deborah Edwards.
Application for Transfer No. 70262 in the Name of Ballentyne Ditch Co.
Application for Transfer No. 70266 in the Name of New Union Ditch Co.
Application for Transfer No. 70275 in the Name of Boulder Meadows Irrigation Inc.
Application for Transfer No. 70376 in the Name of David Little Farms.

Sincerely,

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax



57-11619.pdf



78-12190.pdf



65-22765.pdf



65-22764.pdf



Application.pdf

70276



Application.pdf

70262



Applictation.pdf

70266



Application.pdf

70275



Application
amended.pdf

70376

February 12, 2003

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 78-12190

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 03/10/2003. 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:

78-12190

TONY CESARIO
PO BOX 159
RIGGINS ID 83549-0159
BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

Point(s) of Diversion NESESW S21 T23N R01E IDAHO County Source UNNAMED STREAM
Tributary To HAT CREEK

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/31/2002

Place Of Use: DOMESTIC

T23N R01E S21 SESW

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 03/10/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho County Free Press on February 19 and 26, 2003.