

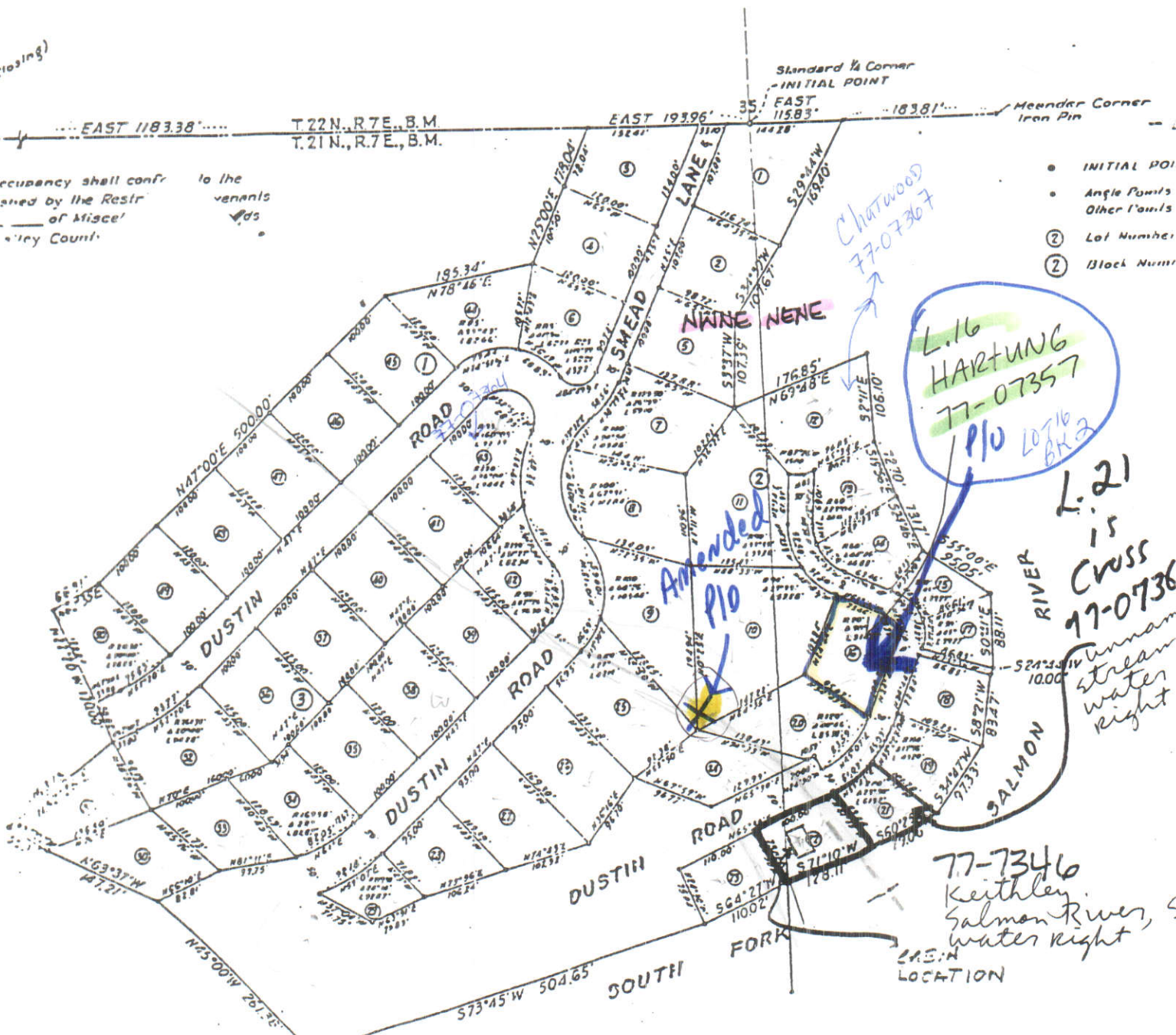
TRAIL END SUBDIVISION

A PART OF THE N² SECTION 2, T.21N., R.7E., B.M.
VALLEY COUNTY, IDAHO.

BILL HARRIS CONSULTING ENGINEER

(Closing)

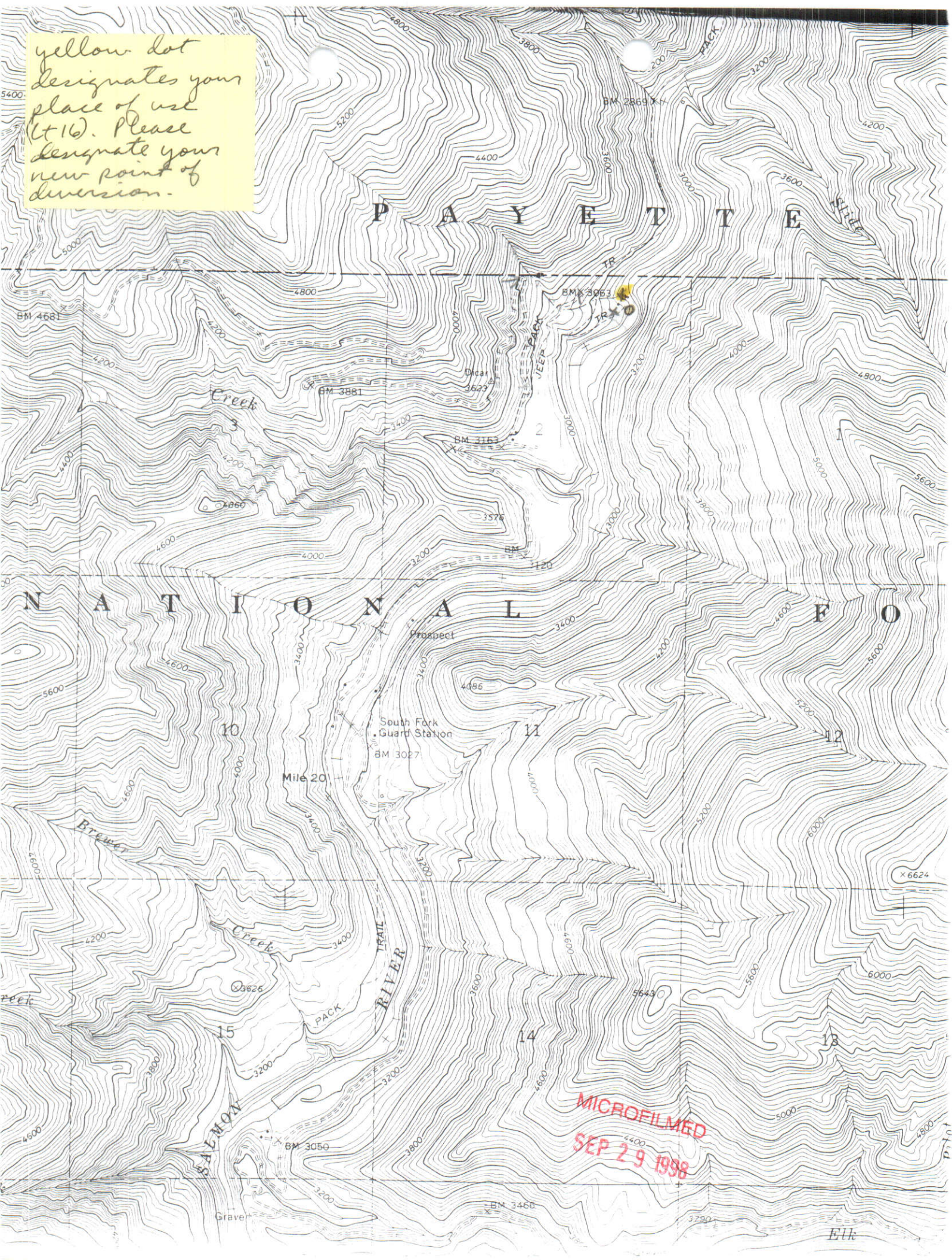
and occupancy shall conform to the
established by the Restr
of Miscel
Valley County

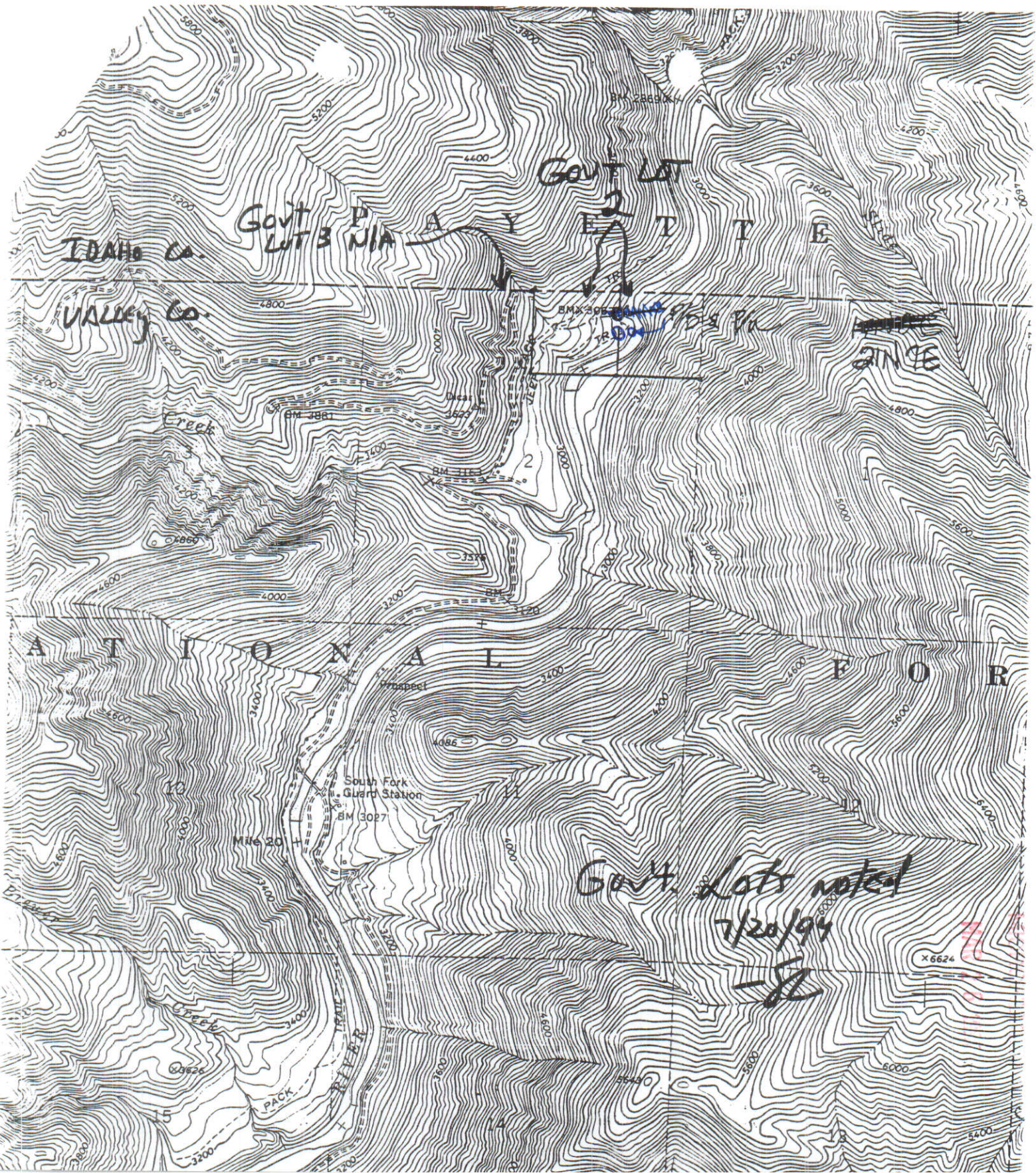


Please also
designate
source and
point of diversion
on this map.

MICROFILMED
SEP 29 1998

yellow dot
designates your
place of use
(t16). Please
designate your
new point of
diversion.





IDAHO CO.

VALLEY CO.

Govt Lot 3 P NIA

Govt Lot 2

Govt Lot 4
Lots noted
7/20/94
-SL

South Fork
Guard Station

Mile 30

X 6624

IDAHO

COUNTY

35

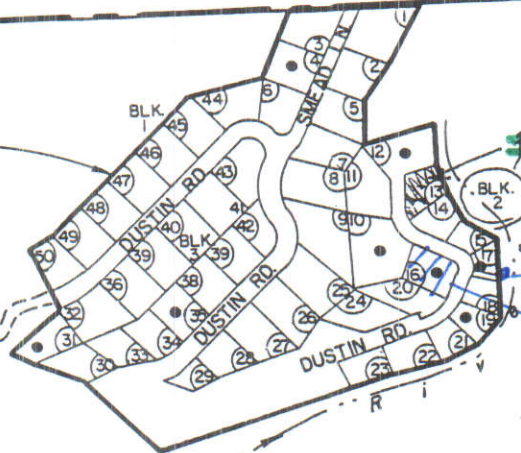
36

2

1

VALLEY CO

TRAILS END SUBDIVISION



1/6 = P/O LOT 13 BLK 2

2 IN 7E
~~1/6 = P/O~~

P/O
→ LOT 16 BLK 2
SEC 2

77-7339

77-7357

MICROFILMED
MAR 26 1987

Publisher's Affidavit of Publication

STATE OF IDAHO }
County of Valley } .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 16, 1998, and ended July 23, 1998.

Carol J. Wright

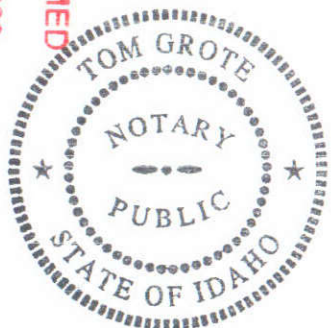
Subscribed and sworn before me this the 31st day of July, 1998.
STATE OF IDAHO

COUNTY OF VALLEY }
}

On this 31st day of July, in the year of 1998, before me, a Notary Public, personally appeared Carol J. Wright, 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.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999



RECEIVED
AUG 10 1998

RECEIVED
AUG 10 1998
WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT
Notice is given that MARY AND/OR MORRIS HARTUNG, Box 585, Payette ID 83661 have applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Valley County pursuant to I.C. §42-211:
RECORDED RIGHT
Permit 77-07357, South Fork of the Salmon River, filed on 10/30/1996 for .040 cfs diverted at a point on or near the line between T21N R7E S2 Lot 1 (NWNENE) and Lot 2 (NENWNE), and used for domestic use on or near the line between T21N R7E S2 Lot 1 (NENE) and Lot 2 (NWNE), AKA Lot 16, Blk 2, Trail's End Subdivision.
PROPOSED AMENDMENT
Change point of diversion to T21N R7E S2 Lot 2 (NWNE), unnamed stream tributary to the South Fork of the Salmon River.
The amended permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 3, 1998. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director 2tc/7/23

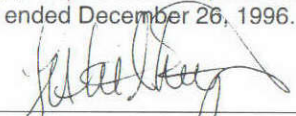
SEP 29 1998

MICROFILMED

Publisher's Affidavit of Publication

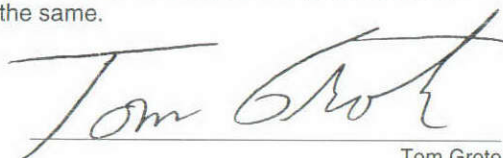
STATE OF IDAHO }
County of Valley } .ss

I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began December 19, 1996 and ended December 26, 1996.


Subscribed and sworn before me this the 9th day of January, 1997.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 9th day of January, in the year of 1997, before me, a Notary Public, personally appeared Leslie S. Freyer, 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.



Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

NOTICE OF APPLICATION FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

77-07357 ✓
HARTUNG, MORRIS
HARTUNG, MARY
BOX 147
PAYETTE, ID 83661
Source: SALMON RIVER, SOUTH FORK Tributary: SALMON RIVER
Diversion Pt: LOT 2 (NWNENE) Sec. 2 T 21N R 07E in VALLEY County.
LOT 2 (NENWNE) Sec. 2 T 21N R 07E in VALLEY County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 10/30/1996
In: VALLEY County
T21N R07E S02 Lot 2 (NENE) Lot 2 (NWNE)

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JANUARY 6, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director. 2/12/26

RECEIVED
JAN 14 1997
WATER RESOURCES
WESTERN REGION

MICROFILMED
MAR 26 1997

RECEIVED

NOV 23 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 26 1999

For Office Use Only
\$25 Filing Fee
Receipt # 6025761
Date 9/24/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, MARY HARTUNG, hereby assign to DAVID M. HARTUNG
of, (128 No 10th St) P.O. Box 585 Payette Id 83661 642-1753
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 77-07357 to
appropriate the public waters of the State of Idaho.

OR, (for partial assignments)

N/A The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 24th day of September, 1999.

Mary Hartung
Permit Holder

State of Idaho)
County of Ada) ss

On this 24th day of September, 1999, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Beth Sparks
Notary Public residing at
Beth Sparks

MICROFILMED

DEC 14 1999

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 08 1999

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 77-07357 Telephone No. 208-642-3270 4206
2. Name(s) of Permit Holder(s): MARY HARTUNG OR DAVID HARTUNG
3. Mailing Address: Box 585 Payette ID 83661
4. Source of Water: Un named Stream If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 42
- a. Well Driller: _____ Drilling Permit Number: _____
- b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | | | |
|------------------------|--|-----------|----|-------------|
| Measuring Device: | Is a measuring device required? | Yes _____ | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>✓</u> |
8. Fee Enclosed: \$ 50⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system. OR
- Name: MARY OR DAVID HARTUNG Telephone Number: 642-3270 642-1753
OR 334-4206
- Address: Box 585 Payette ID 83661
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Mary Hartung
(include your title, if on behalf of company or organization)

Date:

Sept 7-1999

MICROFILMED

DEC 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 77-07357

This is to certify, that MORRIS HARTUNG
MARY HARTUNG
PO BOX 585
PAYETTE ID 83661-0147

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

UNNAMED STREAM

tributary to SALMON RIVER, SOUTH FORK

Priority: October 30, 1996

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 2, Township 21N, Range 07E
VALLEY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

21N 07E 2 Lot 2(NENE)

CONDITIONS OF APPROVAL AND REMARKS

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Point of diversion is located within Lot 10, Blk. 2, Trail's End Subdivision.
3. Place of use is located within Lot 16, Blk. 2, Trail's End Subdivision.
4. Domestic use is for 1 home.

Witness my hand this 15th day of

September, 1998
L. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

SEP 29 1998

RECEIVED

AUG 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 15 1998

WATER RESOURCES
WESTERN REGION

Applicant MORRIS +/or MARY HARTUNG Phone _____

Address Box 585 PAYETTE Id 83661

I am the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 77-07357, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion Change place of use Change nature of use Change period of use SOURCE Other

1. Point of diversion: 1/4 NW 1/4 NE 1/4, Section 2, Township 21N, Range 7E, B.M.,
County of Valley. Other points of diversion Govt Lot 2

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) *N/C*

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated: *N/C*

T w p	R g e	S e c	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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SEP 20 1992

Total number of acres to be irrigated =

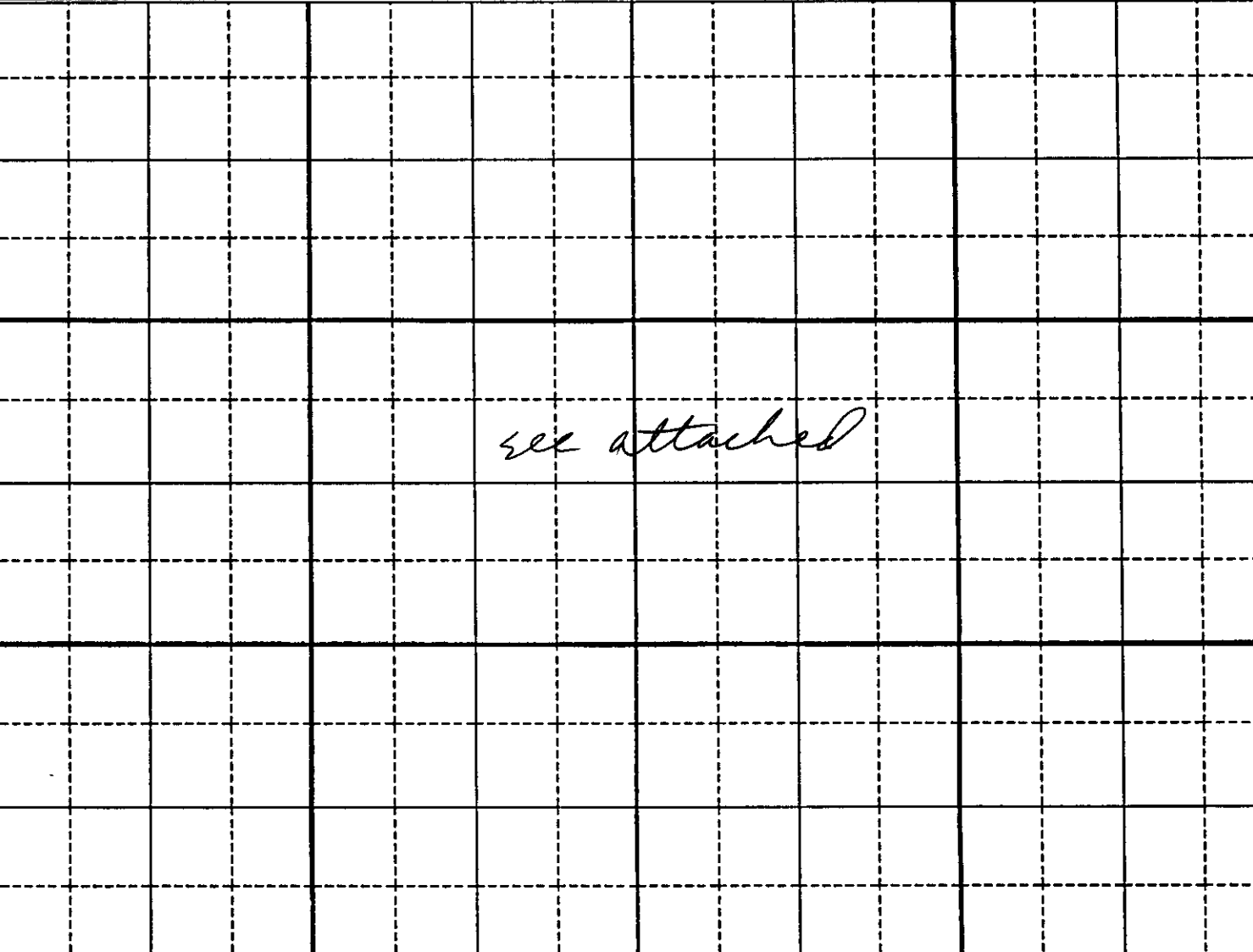
4. a. Who owns the property at the point of diversion? Dennis Fee^{Lot #10} and Dwight Cross

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Dennis Fee is our son-in-law & Dwight Cross is good friend and neighbor and have given permission. they own Lot 10

* Added per sub. not submitted by applicant. Do 7/2/1998
* Change in description of proposed amendment with permission of Flory Hartung by telephone. 07/02/1998

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



see attached

Scale: 2 inches equal 1 mile

Signed this 10th day of June, 19 98.

Mary Hartung
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by TH Publication prepared by AT Date 7-8-98
Published in Star News Publication dates 7-16 & 23-98

I, _____, of the Department of Water Resources hereby

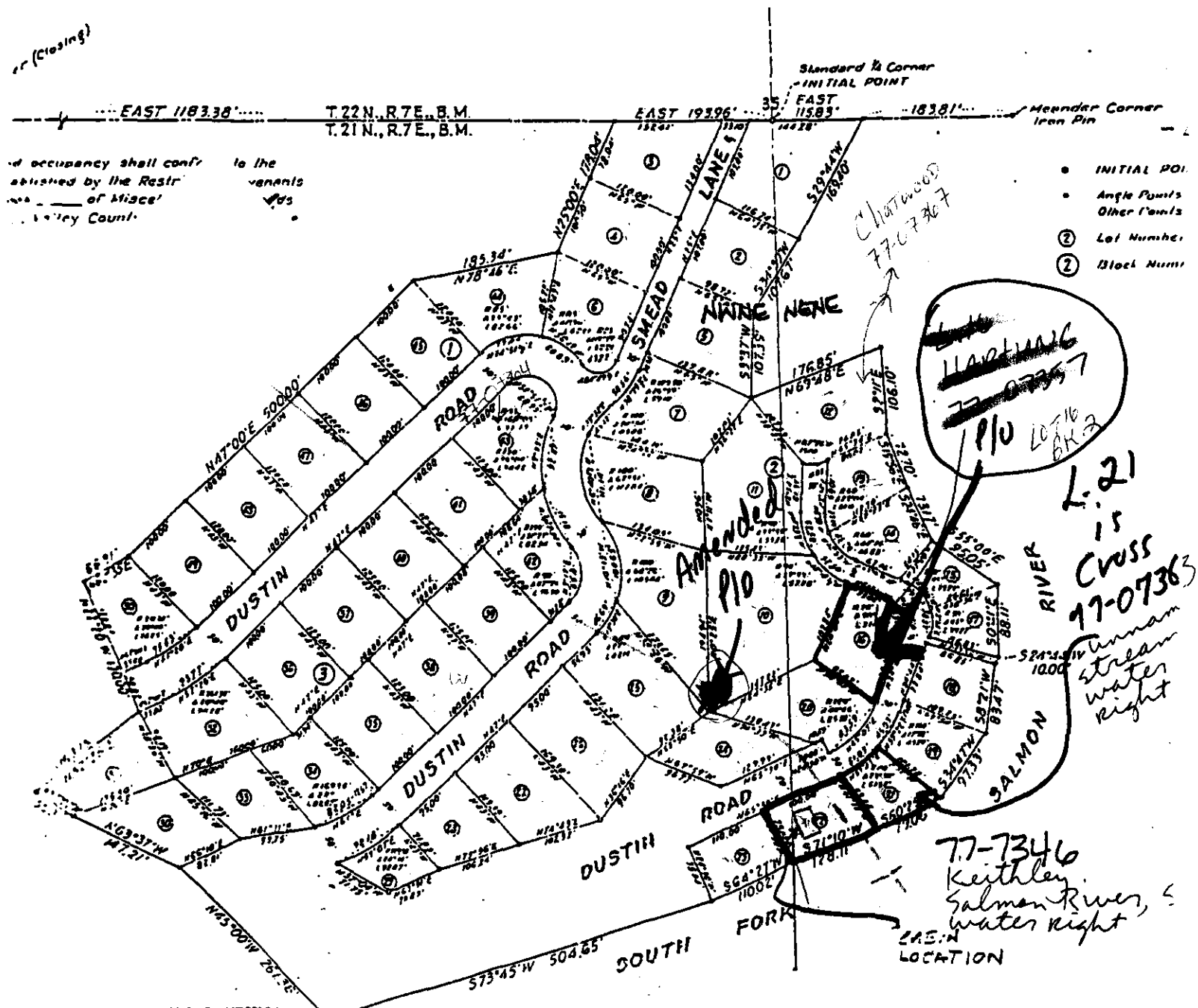
MICROFILMED

Witness my hand this _____ day of _____, 19____

SIGNATURE

A PART OF THE N² SECTION 2, T.21N., R.7E., B.M.
VALLEY COUNTY, IDAHO.

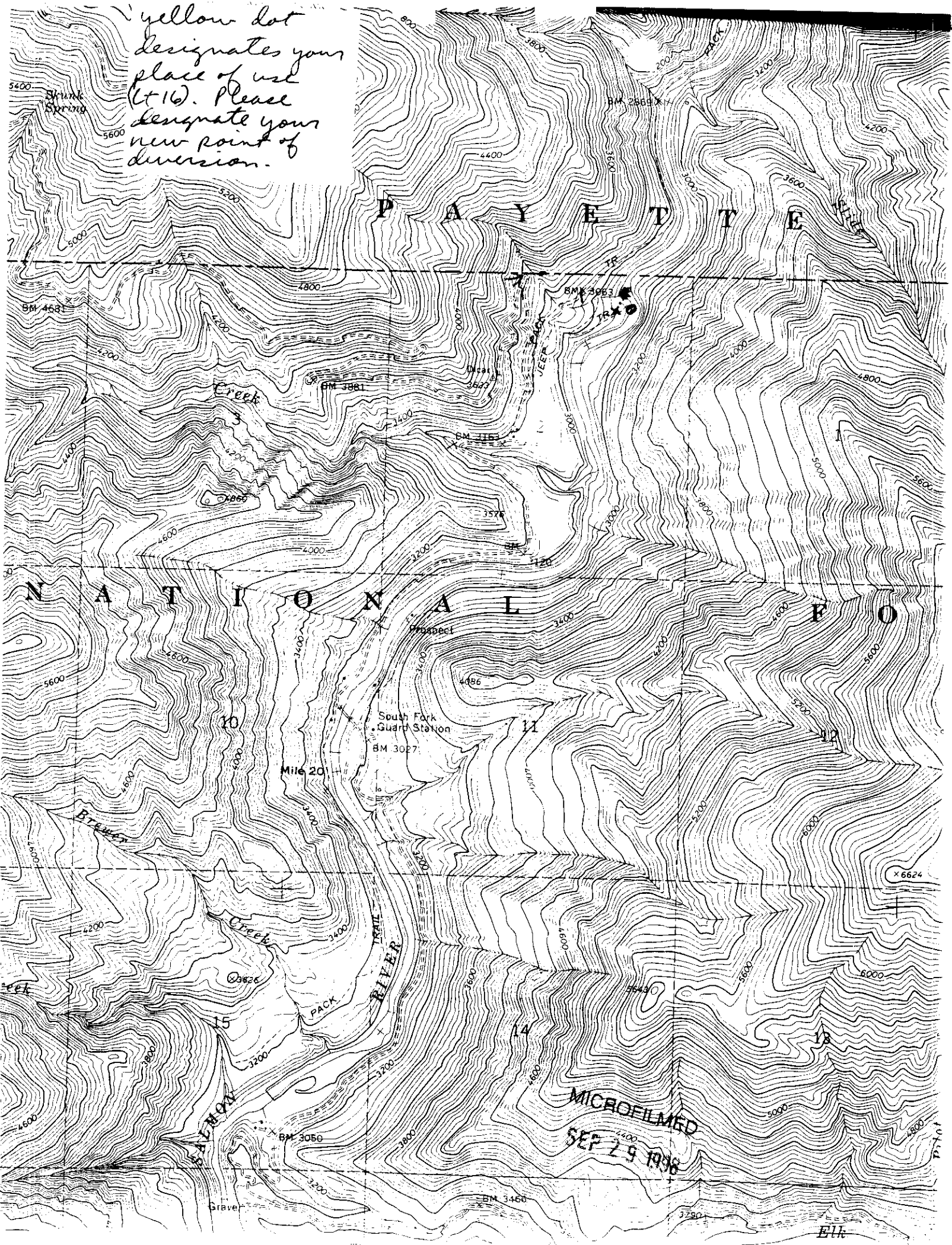
cc (closing)



Please also designate source and point of diversion on this map.

MICROFILMED
SEP 29 1996

yellow dot
designates your
place of use
(L+16). Please
designate your
new point of
diversion.



State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 77-07357

Proposed Priority: October 30, 1996

Maximum Diversion Rate:

0.04 CFS

This is to certify, that MORRIS HARTUNG

MARY HARTUNG

PO BOX 147

PAYETTE ID 83661-0147

has applied for a permit to appropriate water from:

SALMON RIVER, SOUTH FORK

tributary of SALMON RIVER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 2, Township 21N, Range 07E
Lot 2(NENWE), Sec. 2, Township 21N, Range 07E
VALLEY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

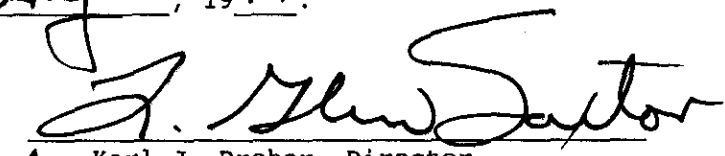
21N 07E 2 Lot 2(NENE) Lot 2(NWNE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right authorizes a single point of diversion.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Point of diversion is located within the community access corridor between Lots 17 and Lot 18, Blk. 2; Trail's End Subdivision.
7. Place of use is located within Lot 16, Blk. 2; Trail's End Subdivision.
8. Domestic use is for 1 home.

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

18th day of February, 1997.


for Karl J. Dreher, Director

RECEIVED
FEB 11 1997

Ident. No. 77-07357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: MORRIS HARTUNG 208-642-3270
Address: BOX 147
PAYETTE ID 83661
AND
Name: MARY HARTUNG 208-642-3270
Address: BOX 147
PAYETTE ID 83661
2. Source: SALMON RIVER, SOUTH FORK Trib. to: SALMON RIVER
3. Location of Point of Diversion: Lot 2 (NWNENE), Sec. 2, Township 21N, Range 07E
Lot 2 (NENWNE), Sec. 2, Township 21N, Range 07E
VALLEY County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP, PIPELINE AND STORAGE TANK
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 year(s).

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FEB 26 1997

8. Place of Use: DOMESTIC

TWN RGE SEC

21N 07E 2 Lot 2(NENE) Lot 2(NWNE)

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

APPLICANT

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

APPLICANT

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

10. Remarks:

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 _____

Fee \$ 50.00 Receipted by _____ #W021674 Date 10/30/1996

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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OCT 30 1996

Ident. No. 77-07357

Comments: Date: 12/ 3/1996 User-ID: CHODGES

Subject: APPLICATION INFO

Domestic use for 1 home. Place of use is Lot 16 Block 2, Trails End Subdivision.

Home also serviced by Trails End community system from Pony Ck. Application is for backup and wintertime supply.

Point of diversion is within a community access corridor between Lots 17 and 18, block 2.

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FORM 202
2/96

OCT 30 1996

WATER RESOURCES
WESTERN REGION

Ident. No. 77-7357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MORRIS and MARY HARTUNG Phone 208-642-3270
Mailing address Box 147 PAYETTE ID 83661
2. Source of water supply SO. FORK Salmon River which is a tributary of Salmon River
3. Location of point of diversion is Township 21 N Range 7 E Sec. 2, in the NW 1/4, NE 1/4, NE 1/4, Govt. Lot 2, B.M., Valley County;
additional points of diversion if any: N.E. N.W. N.E. Sec. 2 (Lot 2) single point on CR near
per map Track Line
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 put pump in river and
pump to storage tank at house
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
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 in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1
 - e. Other; describe fully. _____

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	7E	2	D	D															
			lot 2	lot 3															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Trail's End

Community System from Pony Creek

11. a. Who owns the property at the point of diversion? Applicant Joe Edwards or Dwight Cross

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

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

12. Remarks: Place of use known as Lot 16, Block 2
Trail's End Subdivision. Application is for
Backup and winter time supply.

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.

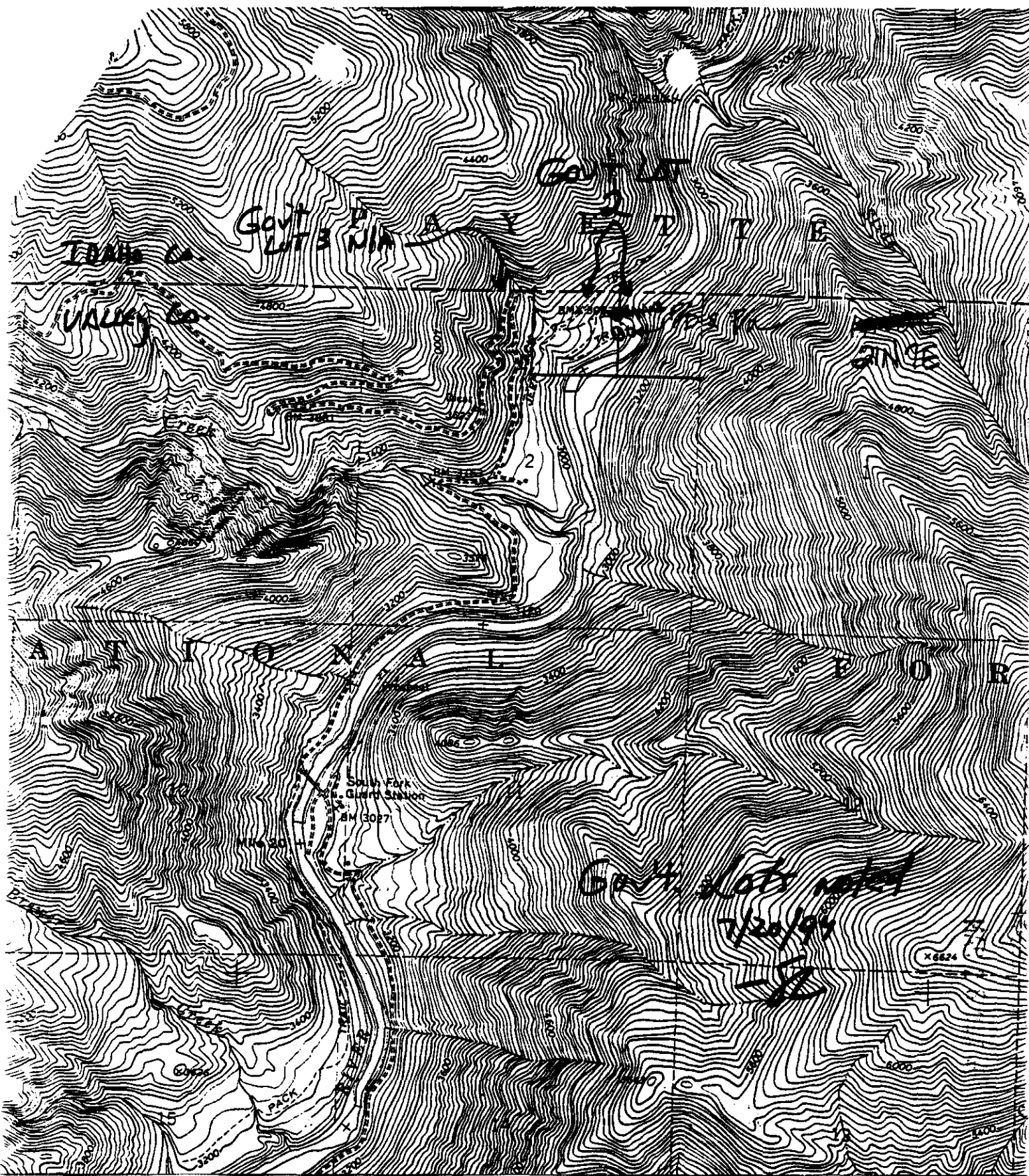
* per telecon w/ Mary
12/3/96 cjh

Mary Hartman
Mary Hartman
 Signature of Applicant (and title, if applicable)

Received by DB Date 10-30-96 Time 11:00 am Preliminary check by cjh
 Fee \$ 50- Receipted by DB # W021674 Date 10-30-96
 Publication prepared by AT Date 12-11-97 Published in Star News
 Publication approved AT Date 1-14-97

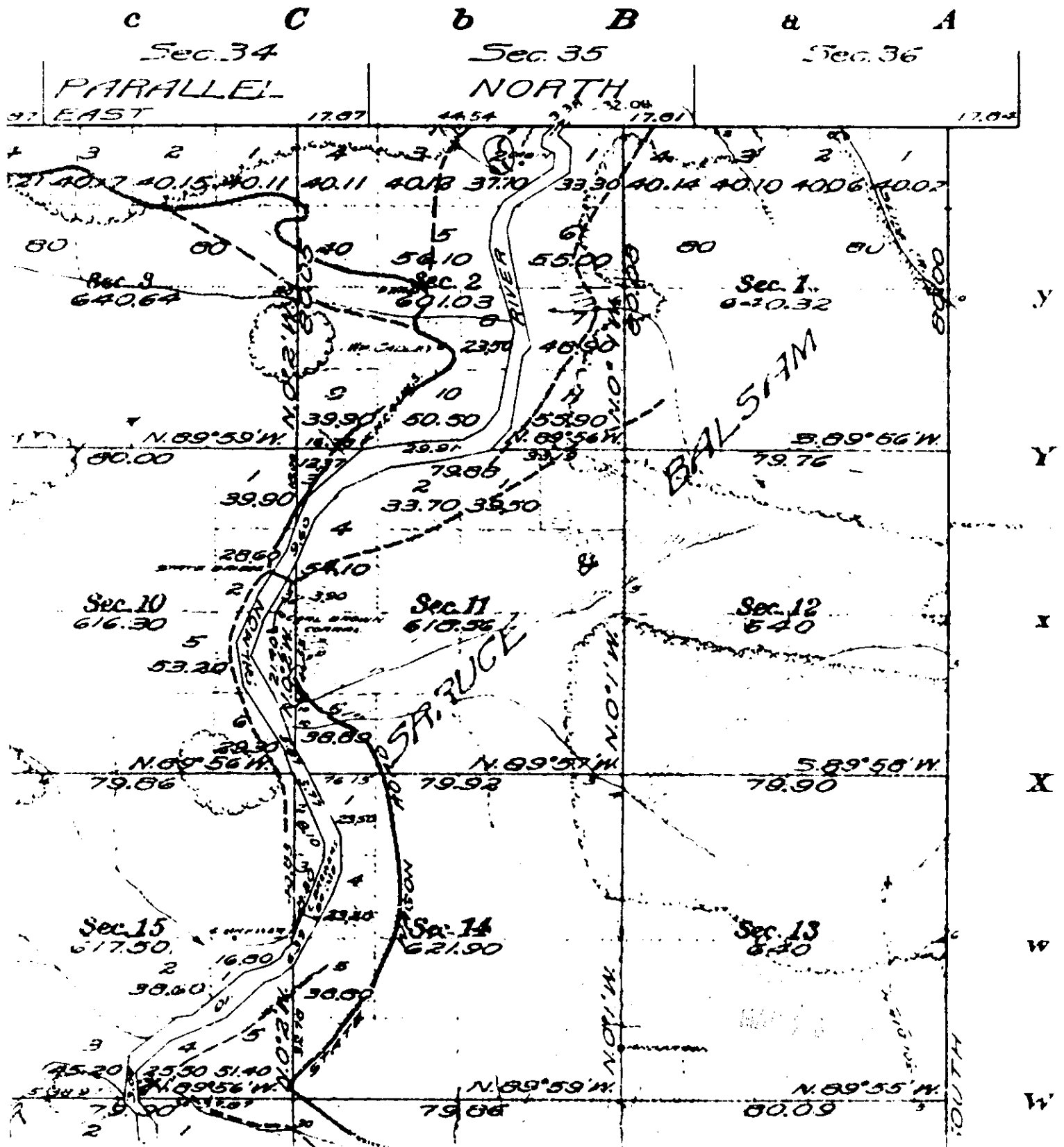
12/3/96

RECEIVED



(4-6754)

st of the Boise Meridian, Idaho.



IDAHO COUNTY

35

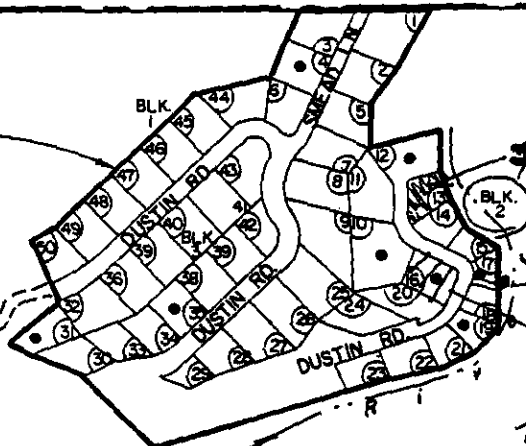
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1

VALLEY CO

TRAILS END SUBDIVISION



~~76-760~~ LOT 15 BLK 2
21N 7E
~~14-15E~~
P/O SEC 2
→ LOT 16 BLK 2
~~77-7329~~

77-7357



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID M HARTUNG
PO BOX 585
PAYETTE ID 83661

RE: ASSIGNMENT OF PERMIT 77-07357

Dear Mr. Hartung:

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to include you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

DEC 14 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-01357 Reviewed by [Signature] Date 11-22-99

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

[Handwritten calculation: 11-22-99 - 11-22-99 = 0]

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 9-8-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

November 24, 1999

KARL J. DREHER
DIRECTOR

Morris and Mary Hartung
PO Box 585
Payette ID 83661

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07357

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

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DEC 14 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARY HARTUNG
DIRECTOR IDAHO DEPT OF INSURANCE
PO BOX 83720
BOISE ID 83720-0043

RECEIVED

NOV 17 1999

Department of Water Resources

RE: WATER RIGHTS IN TRAILS END SUBDIVISION

Dear Mary:

I sent this to your Boise office instead of the Payette address in the interests of saving time for your water right processing for Trails End property.

Enclosed please find the original assignment form and letter that you recently submitted. Your receipt for the \$25 assignment fee is also attached. New forms are included for your use.

To complete the assignment process, in this case basically a name change, please use the following information.

1. Assignment of Permit No. 77-07357 should be completed.
2. Assignment of Application for Permit No. 77-07379 should also be completed.
3. For each form, the "following described portion of my right" section is not applicable. That section refers to splitting the ownership of the right into multiple parts.
4. No additional fees are required to accomplish the change.

The status of pending Application for Permit No. 77-07379 is uncertain due to the "wilderness moratorium" recently invoked by the Director of this agency as we discussed the other day. However, I am fairly confident that the application can be approved if a condition of approval is accepted that limits the river water use to in-house use at your cabin.

Even though the river water can be physically used on the small yard via your water system in which multiple sources are integrated for use at the cabin, it is likely that a new permit can be approved to authorize a more limited use of the river water. A limited approval of this type would respect the new moratorium

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DEC 16 1999

November 16, 1999
Page 2 of 2

while authorizing at least some use of the river water at your property. This type of arrangement, while not common, is not unprecedented in water right actions.

Unless you hear otherwise from me in the next few weeks, it is safe to assume that the application will be approved within those limits. If so, the approved permit can be licensed with the other permits that I recently inspected in September.

Please return the completed assignment forms to me at your earliest convenience. I will be glad to provide any help in this matter or any other water right matters in which you are interested.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", written in a cursive style.

Steve Lester
Water Rights Supervisor

Enclosures

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DEC 14 1999

RECEIVED

AUG 05 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 4, 1999

To: Distribution List

Re: Field Examinations of Water Systems

Dear Water Right Owner:

You are one of five water right owners of individual water right permits serving property in Trails End Subdivision. I plan to conduct field exams of completed water delivery systems right after Labor Day of this year. The purpose of the field exams is to verify the completed development in order for this department to issue water right licenses, which represent the end product of your water right process.

Seven water right permits for five owners are involved. I already conducted the exam for Keithley's cabin (#77-07346). I also conducted the field work for the community system several years ago, so I am familiar with the site.

A field exam can be done for a permit in which the proof of beneficial use has been filed by the owner. The proof filing is your statement that the development has been completed. For domestic situations, you do not necessarily have to finish building the cabin. As long as you have completed a water delivery system and have made beneficial use of that water in a domestic setting such as camping etc., your domestic use will be recognized in the licensing process.

For example, a diversion system and a delivery line ending at your domestic site -- whether it be a cabin, an occasional use of a trailer or camping set up, or something similar -- can be licensed within your domestic permit.

Proof has been filed for three permits. Proof is due within the next two years for three other permits. For the latter group, you may choose to file your proof right away if your development is completed as discussed above. The proof filing fee is \$50. Early filing of the proof of beneficial use will allow me to conduct all of the field exams at once, which will save the taxpayers quite a lot of money in the long run. Do not file your proof if your development is not completed as discussed above -- instead, use

MICROFILMED

DEC 14 1999

August 4, 1999
Page 2

your remaining development time to complete your system before filing proof.

Please review the attached table and diagram and send your response to me as soon as possible. That will help me complete the necessary field work to advance your permit into a license, which will protect your water right and enhance the value of your property. Please call me at 334-2190 if you have any questions or concerns about this arrangement. Thank you very much for your help in this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

Distribution: Myra & Gerald Chatwood, Linda & Dwight Cross, Mary & Morris Hartung, M. C. & Scott Keithley, Jerleen & Leland Kelly

Aug 19 1999

Table 1. Trails End Subdivision Permits.

<u>Owner</u>	<u>Right #</u>	<u>Proof filing</u>	<u>Comments</u>
Keithley	77-07346	filed 1996	Lot 22, field exam done 1997
Cross	77-07339	filed 1998	Lot 13, river water, exam can be done
Cross	77-07363	filed 1998	Lot 21, unnamed stream, exam can be done
Kelly	77-07364	filed 1998	Lot 43, unnamed stream, exam can be done
Hartung	77-07357	due 2/2000	Lot 16, unnamed stream, file proof if development done
Chatwood	77-07367	due 3/2001	Lot 12, unnamed stream, file proof if development done
Chatwood	77-07368	due 6/2001	Lot 12, river water, file proof if development done

If you have filed or are filing proof now so exams can be done:

- 1) See attached diagram with your lot(s) shown.
- 2) Send me a brief diagram that describes what your cabin or site looks like.
- 3) Include directions of how to locate your diversion point once I get to your lot. Indicate how water is conveyed from the diversion point to your cabin or other place of use (i.e., 50' of 2" buried pipe).
- 4) If your diversion is a portable pump, list the brand name, horsepower (hp) and serial number of the pump. If the portable pump is stored at the site but I will not be able to see it to read the pump tag, please provide your best recollection of at least the hp of the pump.

If I can identify your point of diversion, type of diversion, conveyance system from the diversion, place of use (cabin, camping spot etc.) and any hp etc. specs for pumps, the field exam will be completed and your license will be issued.

DEC 14 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MORRIS HARTUNG
MARY HARTUNG
PO BOX 147
PAYETTE ID 83661-0147

RE: WATER RIGHT NO. 77-07357

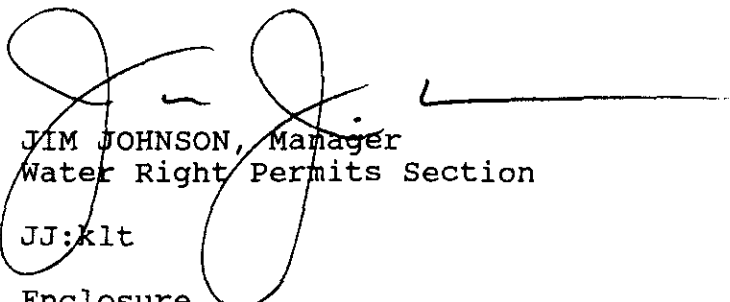
Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

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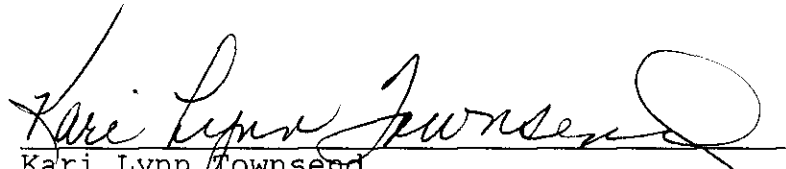
SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** (Amendment of Permit) to the person(s) listed below:

Water Right 77-07357

**MORRIS HARTUNG
MARY HARTUNG
PO BOX 147
PAYETTE ID 83661-0147**


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 29 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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SEP 29 1998

AMENDMENT OF PERMIT REVIEW

Review Date 9/11/98

PERMIT NO. 77-07357 NAME Hartung

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER Source *
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: Mor GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes (No) Due < 6 months? Yes (No)

GROUNDWATER:
Drilling Permit No. 1-A - - - - ;
Drilled

Swan Falls Flag

Conditions of Approval: COA

Remarks/Comments P/D = Lot 10, BLK 2; P/U = Lot 16, BLK 2;
Trail's End Subd.
DI home.

* NO AS CLAIMS FOR UNN. STREAM TRIB TO SALMON RIVER, S. FK.

WR DATABASE INFO ATTACHED - ~~THE~~ ONE RIGHT WITH A JUNIOR
(77-07363) PRIORITY ~~IS~~ OWNED BY SON-IN-LAW DENNIS FEE, P/D NENE, upstream
77-07367 is upstream, & 77-07364 appears to be upstream as well.
Change acceptable

OD-5816
WRS816NP
SELECTION FILE: SRC_SAMSEK

IDAHO DEPARTMENT OF WATER RESOURCES
SOURCE SUMMARY REPORT
BY WATER SOURCE/POINT OF DIVERSION

DATE: 09/11/98
TIME: 11:15:51
PAGE: 1

WATER RIGHT
NUMBER

OWNER NAME

O PRIORITY
C DATE

STG POINT OF DIVERSION

NAME

NAME

FLAG TOTAL DIVERSION

ACRES

WATER USES

WATER SOURCE: UNNAMED STREAM

77-02203 US DEPT OF AGRICULTURE
77-02199 US DEPT OF AGRICULTURE
✓ 77-07363 CROSS, DWIGHT H
B77-07357 HARTUNG, MORRIS
77-07364 KELLY, JERLEEN
77-07367 CHATWOOD, MYRA G

C 04/30/1966 L 15N 06E 14 SMSH
C 04/30/1966 L 15N 06E 36 SMSH
C 08/21/1997 P 21N 07E 2 NENE 2
C 10/30/1996 P 21N 07E 2 NENE 2
C 08/26/1997 P 21N 07E 2 NENE 2
C 11/20/1997 P 21N 07E 2 NENE 2

0.680 CFS
0.020 CFS
0.040 CFS
0.040 CFS
0.040 CFS
0.040 CFS

43
43
43,49
43
43,49
43,49

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RECEIVED
AUG 27 1998
Department of Water Resources

Right Number 77-07357 WP File Name WP 77-07357-HARTUNG
Initial Review By: 727 Date 7/2/1998
Applicant Dan and/or Doris Hartung
Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s)
☐ Increase amount. ☐ Change place of use. ☒ Other Change source

CHECK:

- ☒ Description of amended point(s) of diversion Added per plat submitted w/app'l. Amend. 7/2/1998
☒ Amount, nature and period of use. If increased, delay date of priority.
☐ Ownership of point of diversion and place of use.
☒ Map.
☒ Signature (must be permit holder).
☒ Fee.
☐ Existing water rights from the same source, amended place of use.
☒ Right number(s) P77-07363, same source, P77-07364 possibly same source.
☒ Yes ☐ No Should amendment be advertised?
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? to be determined
☒ Legal notice electronically transmitted to State Office.
☒ Additional analysis information attached. Dated 7/6/1998

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. ☐ Amendment published correctly
☐ Protest processed.
☒ Comment letters to: IDFG, Attached list of permit owners
☐ Copy for region file: Always include application, staff analysis sheet, legal notice
List other items to copy _____
☒ Approve.
☐ Deny.

Conditions _____

By Dan Date 8/22/98

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete: By _____ Date _____
☐ Approved copy sent to applicant and to Region. By _____ Date _____

MEMORANDUM
APPLICATION FOR AMENDMENT OF PERMIT 77-07357
REVIEWER'S MEMO

The applicants seek to change the source of the above permit via a change in point of diversion. The source will change from the South Fork of the Salmon River to a tributary unnamed stream.

Based on review of IDWR records, there are four other water rights from the same unnamed stream. The first three are domestic permits with priority dates junior to this permit:

Permit	Priority	Comments
77-07363	08/12/1997	Unnamed stream has changed its channel during recent flooding
77-07364	08/26/1997	
77-07367	11/20/1997	

The fourth right is statutory claim 77-04041 in the name of Trails End Water Dept. This right was not claimed in the SRBA. Comments to file 77-07363 indicate that a 1991 field exam found the system for 77-04041 was not in place and is no longer used. 77-04041 will be not considered an overlapping right of 77-07357.

It is not clear from the application maps if the diversions for the above permits are upstream from the Amended diversion point.

Comment letters will be sent to the owners of the other three permits from the unnamed stream as well as the appropriate regional office of IDFG.

M. Minicucci 
07/06/1998

MICROFILMED
SEP 29 1998

~~Common letter~~

Application for amendment

77-07357 Hartung

①

Dwight Cross

(77-07363) ?

Common: unnamed stream

Linda K Cross

8/12/1997

has pond - flooding

5415 Custer Rd

ALSO LOT 10 BIR 2

77-04011 NOT in place

New Plymouth 83655

per 1991 field work

(S.L.)

Jekleen Kelly

(77-07364)

upstream

Leland J Kelly

8/26/1997

PO Box 462

Fruitland 83619-0462

Gerald L Chatwood

(77-07367) ?

Myra G Chatwood

11/20/1997

PO Box 613

Marionna FL 32447-0613

MICROFILMED

SEP 29 1998

Publisher's Affidavit of Publication

STATE OF IDAHO

.ss

County of Valley

RECEIVED
AUG 10 1998

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 16, 1998, and ended July 23, 1998.

Carol J. Wright

Subscribed and sworn before me this the 31st day of July, 1998.
STATE OF IDAHO

RECEIVED

COUNTY OF VALLEY

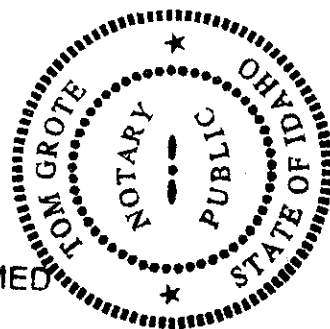
AUG 10 1998

WATER RESOURCES
WESTERN REGION

On this 31st day of July, in the year of 1998, before me, a Notary Public, personally appeared Carol J. Wright, 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.

MICROFILMED

SEP 29 1998



Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF FISH & GAME
600 WALNUT ST
BOISE ID 83707

Re: Application for Amendment of Permit No. 77-07357 in the Name of Morris &/or Mary Hartung

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if 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 August 3, 1998.

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is fluid and cursive, with the first name "Gary" and last name "Spackman" clearly distinguishable.

Gary Spackman

GS:st

Encl.

MICROFILMED

SEP 29 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 1998

DWIGHT &/OR LINDA CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

LELAND &/OR JERLEEN
KELLY
PO BOX 462
FRUITLAND ID 83619-0462

GERALD &/OR MYRNA
CHATWOOD
PO BOX 613
MARIANNA FL 32447-06613

Re: Application for Amendment of Water Right Permit No. 77-07357 in the Name of Morris
&/or Mary Hartung

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment of a water right
which may be of interest to you.

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

A protest must be received with a \$25.00 protest fee on or before August 3, 1998. If you
do not wish to protest, informal comments should still be submitted by the end of the protest
period.

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

SEP 29 1998

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **MARY AND/OR MORRIS HARTUNG**, Box 585, Payette ID 83661 have applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Valley County pursuant to I.C. § 42-211:

RECORDED RIGHT

Permit 77-07357, South Fork of the Salmon River, filed on 10/30/1996 for .040 cfs diverted at a point on or near the line between T21N R7E S2 Lot 1 (NWNENE) and Lot 2 (NENWNE), and used for domestic use on or near the line between T21N R7E S2 Lot 1 (NENE) and Lot 2 (NWNE), AKA Lot 16, Blk 2, Trail's End Subdivision.

PROPOSED AMENDMENT

Change point of diversion to T21N R7E S2 Lot 2 (NWNE), unnamed stream tributary to the South Fork of the Salmon River.

The amended permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 3, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Star News on July 16 and 23, 1998.

MICROFILMED

SEP 29 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 25, 1997

MORRIS HARTUNG
MARY HARTUNG
PO BOX 147
PAYETTE ID 83661-0147

RE: Water Right No. 77-07357

PERMIT APPROVAL NOTICE

Dear Permit Holder:

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

The permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action by IDWR unless a party petitions for reconsideration within fourteen (14) days after issuance.** To learn more about preliminary orders, please refer to the enclosed information sheet.

As a permit owner you must commence the excavation or construction of your 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 on your permit is the date the project must be completed. Approximately 60 days before the date your project must be completed, IDWR will send you a Proof Due Notice reminding 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 IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right. Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

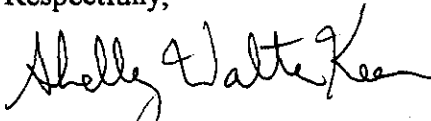
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to IDWR. If you acquired a water right or changed your mailing address prior to July 1, 1996, you have until July 30, 1998, to notify IDWR. If you acquire a water right or change your mailing address after July 1, 1996, you must

Hartung
February 25, 1997
Page 2

notify IDWR within 120 days of the change. Failure to comply with these requirements could result in a \$100 late filing fee. Contact any IDWR office to obtain the proper reporting form.

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

Respectfully,

A handwritten signature in cursive script, reading "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

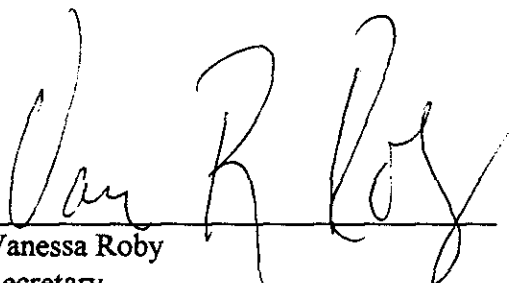
Enclosures

CERTIFICATE OF MAILING

I certify that on the **25th** day of **February, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right Nos. 77-07357

**MORRIS HARTUNG
MARY HARTUNG
PO BOX 147
PAYETTE ID 83661-0147**



Vanessa Roby
Secretary

WR0749NP
No. P77-07357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MORRIS HARTUNG	10/30/1996	DOMESTIC	01/01 12/31	0.040 CFS	
C	MARY HARTUNG					
	PO BOX 147			TOTAL DIVERSION:	0.040 CFS	
	PAYETTE ID 83661-0147					
	(208) 642-3270					

Water Source: SALMON RIVER, SOUTH FORK

Tributary to: SALMON RIVER

Stage: ~~PERMIT~~

Point(s) of Diversion: T21N R07E S02 Lot 02(NWNENE) Lot 02(NENWNE)

VALLEY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
21N	07E	2	:	02-D		02-D														:

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion and Source:

77-07339 77-07346 77-07357

Other Water Rights Listing Overlapping Place(s) of use:

77-04169

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 076 - This right authorizes a single point of diversion.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks:

Point of diversion is located within the community access corridor between Lots 17 and Lot 18, Blk. 2; Trail's End Subdivision.
Place of use is located within Lot 16, Blk. 2; Trail's End Subdivision.
Domestic use is for 1 home.

Dates: App. Received: 10/30/1996 Priority Date: 10/30/1996
Proof Due Date: 02/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. P77-07357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/14/97
PAGE: 2

=====
Comments: Date: 12/03/1996 User-ID: CHODGES Subject: DIVERSION DESCRIPTION
Put pump in river and pump to storage tank at house.
Home also serviced by Trails End community system from Pony Ck.
Application is for backup and wintertime supply.

Audit: 02/14/97 CZIMMERM

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

01/97

No.: 77-7357 Name: Hartung Date: 2/14/97 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN?

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement)

SYSTEM COMPLETED:

Yes/proof filed

- NA

1 year/no proof

- P16

+1 year

- 26A(P17)

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs

- 01M

=/- 0.24 cfs

- No MD

=/+ 5 a.

- 01M, 065 (if GW use SW 1st)

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87)

Included w/permit

- Permit No. _____, P99

No WD permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (~~dem~~)

- 005 (req) WD # _____ <SEE MAP & LISTING>

=/+ 0.24 cfs

- 01J (meas dev)-P08

- 0.24 cfs

- 01H (lock dev)-P01 or No MD

In WD =/+ 0.24 cfs

- 01M or No MD (in-stream stock)

- 0.24 cfs

- No MD

=/+ 5 a. irr.

- 01M

RIVER BASINS (*Surface water):

SNAKE R (01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise River (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette River (65)

- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)

- *WB5 (Boise River above Star Bridge); 27A (Payette River); NA

Fish Propagation

- 07A-042 (req)-010/06A/09E (WQ)-P10; 044 (North of 1000 Springs)

Irr <POU> =/- 5 a

- 057 (0.03 cfs/acre)

+ 5 a

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 06A/010/09E-P10

Power

- 08A-17K-025-027-028-01F(P19)-09E(P10);
+25 cfs-P18; 17G (FERC) or 17M (FERG); 18B-P09

Storage (✓ 3 compo.)

- 072 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

LOCATION:

42-248 area

- P84 (if in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (-85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

Swan Falls Flag

- _____ <SEE CODE CHART>

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust <1>

- 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU) Joe Edwards on Dwight Cross/Easement

OTHER CONDITIONS:

- 076

STANDARD REMARKS:

- ① PD/LT 17, B2-2 ② PU/LT 16, B2, Trails End Subd. ③ WOI/1

BENEFICIAL USE DUE:

- 2-1-2000

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: egl DATE: 12/3/96 APPLICATION: 77-7357

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* ☐ In form to receipt:

Gov't. Lots:
☒ P/D
☐ P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ ☐ Overlapping point of diversion.
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☒ ☒ Groundwater management area:
☒ ☐ 1992 moratorium: Salmon R, exempt
☐ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ ☐ Copy to Dam Safety staff: (for any storage)
☐ ☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ 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

ADDITIONAL INFORMATION ON REVERSE SIDE:

RECEIVED
FEB 11 1997

PROCESSING

APP. NO. 77-7357

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:

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ 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:
☐ ☐ Protests received. Final date for protest 1-6-97
☐ ☐ Protest dates, resolution of protest recorded on application:
☐ ☐ Recommendations attached:
☐ ☐ Measuring device required:
☐ ☐ Measuring port required:
☐ ☐ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 10/30/96Recommended by: Bangs Date: 2/10/97STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

P/D overlap / P/A overlap

77-7346 Lot 22 overlapping Hts on neighboring lots.-7339 Lot 13

P/A overlap

77-4041 Trails End Community System, Pony Creek - also used77-41691 hr. from Pony Creek on adjacent lot (13?)

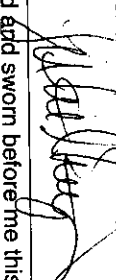
Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

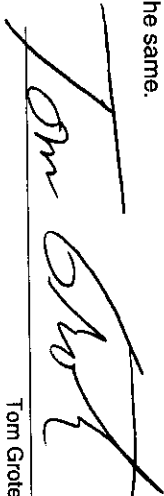
I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began December 19, 1996 and ended December 28, 1996.



Subscribed and sworn before me this the 9th day of January, 1997.
STATE OF IDAHO

COUNTY OF VALLEY

On this 9th day of January, in the year of 1997, before me, a Notary Public, personally appeared Leslie S. Freyer, 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.



Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

77-07357
HARTUNG, MORRIS
HARTUNG, MARY

BOX 147
PAYETTE, ID 83461

Source: SALMON RIVER, SOUTH FORK
LOT 2 (WATERED) Sec. 2 T 21 N R 07E in VALLEY County,
Division PE LOT 2 (OVERSEER) Sec. 2 T 21 N R 07E in VALLEY County

Use: DOMESTIC
Total Diversion: (0.040 CFS)

Deq. File # 20001006
In # 7, 1997
T2, 1997, 2000, 2002, 2004, 2006, 2008, 2010, 2012 (WATERED)

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705, and must be accompanied by a protest fee of \$25.00 on or before JANUARY 6, 1997. The protestant must also send a copy of the protest to the applicant.
KARL J. DEBEVER, Director, 2012/26

RECEIVED
JAN 14 1997
WATER RESOURCES
WESTERN REGION

77-07357

HARTUNG, MORRIS
HARTUNG, MARY
BOX 147
PAYETTE, ID 83661

Source: SALMON RIVER, SOUTH FORK

Tributary: SALMON RIVER

Diversion Pt: LOT 2 (NWNENE) Sec 2 T 21N R 07E in VALLEY County.
LOT 2 (NENWNE) Sec 2 T 21N R 07E in VALLEY County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 10/30/1996

In: VALLEY County
T21N R07E S02 Lot 2 (NENE) Lot 2 (NWNE)

10/30/1996
8:22 11 6.27

4-4206

PHILIP E. BATT
GOVERNOR



MARY HARTUNG
ADMINISTRATOR
DEPARTMENT OF INSURANCE

700 W. STATE STREET
P.O. BOX 83720
BOISE, ID 83720-0043

PHONE (208) 334-4250
FAX (208) 334-4398

From the desk of...

Mary Hartung

I obtained this form and
assistance in filling it
out from Cindy Zimmerman.
If there are any questions
or if I have done
anything wrong please call
me at 334-4206.

Thanks

Mary Hartung
P.S. Will you notify me if
anyone files an
objection?

