

RECEIVED

Print Single Sided Only

RECEIVED

FORM 202, Rev. 09/16

JAN 11 2022

MAR 28 2022

WATER RESOURCES
WESTERN REGIONWATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 57-12084

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) City of Grand View Phone 208-834-2700
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 69 City Grand View
 State Idaho ZIP 83624 Email terryc@agri-lines.com
2. Name of representative, if any Terry Carothers Phone 208-880-1609
 Mailing address PO Box 338 City Grand View
 State ID ZIP 83624 Email terryc@agri-lines.com
- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Drain Ditch / surface water which is a tributary of Snake River TC
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
~~5S~~	~~3E~~	~~15~~	~~6~~	~~SW~~	~~NW~~	~~6~~	~~OWYHEE~~	~~SURFACE WATER~~	~~DRAIN DITCH~~
5S	3E	15	6	NW	SW	~~6~~	OWYHEE	SURFACE WATER	DRAIN DITCH TC
~~5S~~	~~3E~~	~~22~~	~~6~~	~~SW~~	~~SW~~				

5. Water will be used for the following purposes:
 Amount 10 cfs for IRRIGATION purposes from 3-1 TC to 11-15 TC (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 10.15 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. PUMP TO DELIVER ALLOTTED WATER FROM THE DRAIN DITCH AT EXISTING SUMP, INTO UNDER GR
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☒ No
- c. Proposed well diameter is SUMP inches; proposed depth of well is SUMP DEPTH 10 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? SUMP INSTALLED 1990; drilling firm SELF;
 well was drilled for (well owner) CITY; Drilling Permit No. _____

For Department Use

Received by DL Date 01/11/2022 Time 3:25pm Preliminary check by AO
 Fee \$ 100.00 Receipted by DL Receipt No. W050045 Date 01.11.2022

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
5S	3E	15																	
5S	3E	16																	
5S	3E	22																	
15									0.6				2.7	0.2					3.5
16						0.2									0.5				0.7

Total number of acres to be irrigated: 4.2

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE TC This will water CITY park And Green Belt
11. a. Who owns the property at the point of diversion? CITY OF GRAND VIEW
- b. Who owns the land to be irrigated or place of use? CITY OF Grand View
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. THIS WATER HAS BEEN USED BY THE CITY OR THE GRAND VIEW SCHOOL DISTRICT SINCE AT LEAST 1970 WHEN I WENT TO SCHOOL AT THIS LOCATION.
- TC ITS source IS Located 4PSTream From The Point OF diversion Approx. 1000' Spring water + Irrigation waste water
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

CITY OF Grand View Id

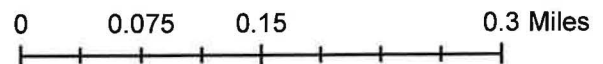
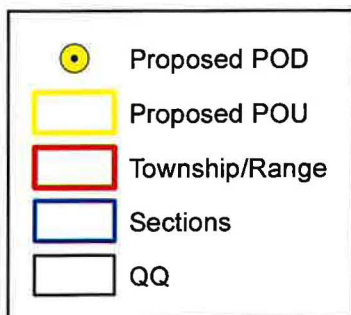
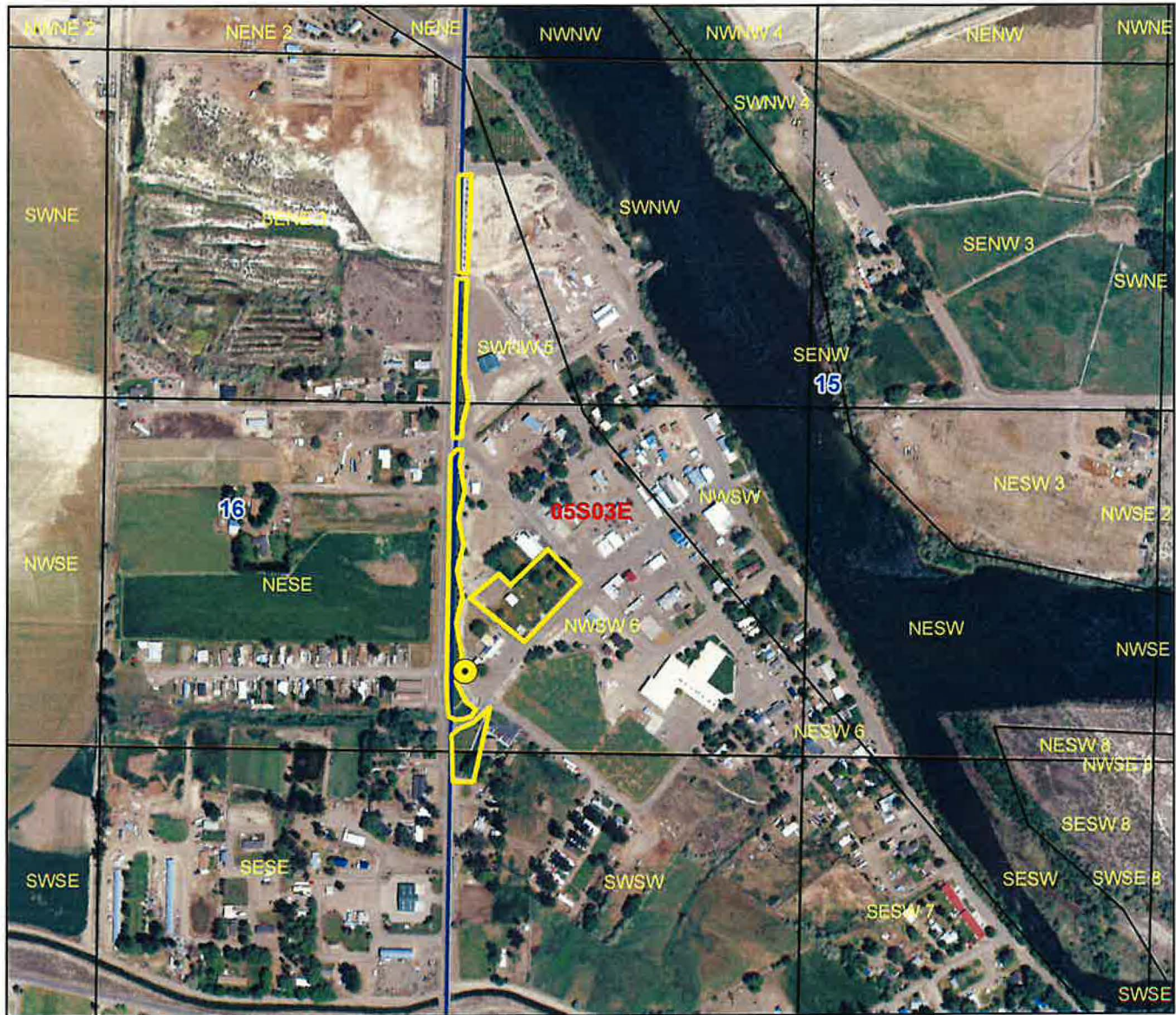
Signature of Applicant

Terry C Carothers
Print Name (and title, if applicable)

Signature of Applicant

Terry C Carothers
Print Name (and title, if applicable)
city Park member

State of Idaho
Department of Water Resources
Attachment to Application



Application for Water Right



1/11/2022, 12:20:41 PM

Lines

Section

Override 1

Township/Range

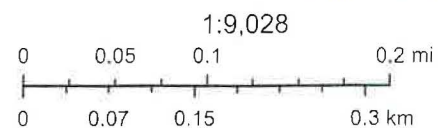
 Override 2

Idaho Outline

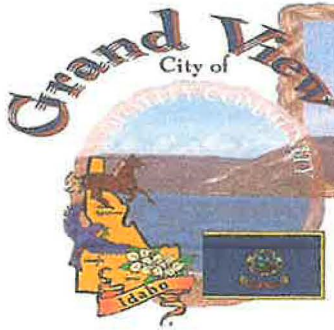
Counties

Idaho Mask

Quarter Quarter



Created by NRCS from 1:24,000 scale USGS topographic maps. Esri, HERE, iPC, Idaho Department of Water Resources, Maxar



P.O BOX 69
GRAND VIEW, ID 83624

HUNT, FISH, CAMP, BIKE, WATER SPORTS & MORE TO EXPLORE

Mayor:
Daniel Martinez

City Council President
Jon Pennington
City Council Members:
Terry Nielson
Andrea Owens
Jon Pennington
Tom Payne

March 9, 2022

To whom it may concern,

I Daniel Martinez, Mayor of the City of Grand View authorizes Terry Carothers to represent the City of Grand View on water right issues on behalf of the City. If there are any questions or concerns City hall hours are 7:30am - 3:30pm Monday -Thursday, unless a federal holiday. The phone number is 208-834-2700. You can also email me at cityofgrandview@speedyquick.net

Thank you,

Daniel Martinez

Mayor, City of Grand



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 12, 2022

CITY OF GRAND VIEW
PO BOX 69
GRAND VIEW, ID 83624-0069

RE: Application for Permit No. 57-12084

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 5/18/2022 and 5/25/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact the Western Region office at (208) 334-2190 if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

CC: TERRY C CAROTHERS

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

57-12084

CITY OF GRAND VIEW

PO BOX 69

GRAND VIEW, ID 83624-0069

Point of Diversion L6(NWSW) S15 T05S R03E OWYHEE County

Source DRAIN DITCH Tributary SNAKE RIVER

Use: IRRIGATION

03/01 to 11/15

0.15 CFS

Total Diversion:

0.15 CFS

Date Filed: 03-28-2022

Place Of Use: IRRIGATION

T05S R03E S15 L5(SWNW),L6(NWSW),SWSW

T05S R03E S16 L3(SENE),NESE

Total Acres: 4.2

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/6/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/18/2022 and 5/25/2022

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, May 12, 2022 9:47 AM
To: Jon Brown
Subject: Application for Permit No. 57-12084
Attachments: Legal Notice.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in the **Owyhee Avalanche** 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 the Western Region office, 2735 Airport Way, Boise, Idaho, 83705-5082 before June 6, 2022. Your cooperation is appreciated.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, May 12, 2022 10:34 AM
To: Whitney, Rob
Subject: Application for Permit of 57-12084
Attachments: tmp2B6F.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to the Western Region office by June 6, 2022. This source of this application is drain ditch tributary to the Snake River.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by June 6, 2022, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact the Western Region office if you have any questions regarding the application.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 12, 2022

GRAND VIEW IRRIGATION DISTRICT
PO BOX 9
GRAND VIEW, ID 83624

BRUNEAU GRANDVIEW IND SCHOOL DISTRICT #365
39678 HWY 78
BRUNEAU ID 83604-5131

RE: Application for Permit No. 57-12084

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee By June 6, 2022.

Please contact the Western Region office at (208) 334-2190 if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" being more prominent.

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Governor Brad Little

Director Gary Spackman

April 25, 2022

TERRY CAROTHERS
PO BOX 338
GRAND VIEW ID 83624-0338

COPY

RE: Application for Permit to Appropriate Trust Water – No. 57-12084

Dear Applicant:

The Department of Water Resources (“Department”) has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company (“IPC”) and the State of Idaho (“State”).¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC’s water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC’s hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust by the State.

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department’s web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

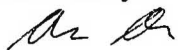
In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

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

Sincerely,



Aaron Olson

Enclosure: Withdrawal of Application form

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).



Governor Brad Little

Director Gary Spackman

2/3/2022

COPY

TERRY CAROTHERS
PO BOX 338
GRAND VIEW ID 83624

Re: Water Right Application Incomplete - Returned

Dear Applicant:

This office received your application on January 11, 2022. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are complete:

- **Source**
Please provide further clarification of the source of the surface water.
- **Point of Diversion(s)**
Label the Point of Diversion on the attached map.
- **Place of Use or acres irrigated**
Label the Place of Use on the attached map. The number of acres to be irrigated in each 40-acre tract (QQ) must be listed in the table on item 9. of the application.
- **Period of Time to complete the project works and application of water to the proposed beneficial use**
-Estimate the time required for completion of work and application of water to the proposed use. The minimum term of a permit is one year. A development period of up to five years may be requested.
- **The Map**
Clearly label on the map the location of the Place of Use and Point of Diversion. On the maps currently submitted the place of use covers acres in several 40-acre tracts (QQ's) of Township 05S Range 03E Section 16 (SESE, NESE, SENE Gov Lot 3). If the proposed place of use is intended to cover lands to be irrigated within these QQ's include the number of acres to be irrigated in the table on item 9. of the application.

- **The Signature and/or Title**

-Include documentation that the person signing the application is an officer, elected official, or agent who has authority to sign on behalf of the applicant (City of Grand View).

The original incomplete application is enclosed. Please make the necessary amendments to the original form and re-submit <together with payment of the fee> within the next thirty (30) days. If IDWR does not receive your written response within thirty (30) days, a refund will be issued for this filing. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please consult the IDWR website or contact this office at 208-334-2190 and ask for the "office day person" if you have any questions about the necessary information or fee.

Sincerely,

Western Region Water Rights Staff

Enclosure: Original Application