

RECEIVED

SEP 23 2021

FORM 202 Rev. 09/16

STATE OF IDAHO

Ident. No. 57-12065

RECEIVED WATER RESOURCES WESTERN REGION

DEPARTMENT OF WATER RESOURCES

MAR 01 2021

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES WESTERN REGION

1. Name of applicant(s) Gregory, Cassandra, and Dakota Kelly Phone (208) 919-3364
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 3665 Hwy 95 City Homedale
 State Idaho ZIP 83628 Email kellylandscaping@hotmail.com
2. Name of representative, if any Greg Kelly Phone (208) 919-3364
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- 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 groundwater Spring which is a tributary of Un-Named Drain
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
04N	06W	25		NE	SE	SW	OWYHEE	Groundwater	

5. Water will be used for the following purposes:
- Amount ~~20 cfs~~ 0.01 for Stock water purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount ~~32.5 af~~ for Storage Irrigation purposes from 4/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount ~~0.26 cfs~~ for Diversion to Storage purposes from 4/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) 0.01 cfs
6. Total quantity to be appropriated is (a) 0.26 cfs cubic feet per second (cfs) and/or (b) 32.5 af acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 3" pipe from source to pond, storage, and to 5 livestock tanks to drain ditch
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by LE Date 03/01/2021 Time 11:00AM Preliminary check by _____
 Fee \$ 250.00 Receipted by _____ Receipt No. W048906 Date 12/30/2020

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. 1200 goats
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Irrigation from storage and pond if bad water year

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	25												6.5					6.5

Total number of acres to be irrigated: 6.5

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? Have full 6.5 acre water rights from irrigation district. Would only use if needed from storage and fish pond on bad water year.

11. a. Who owns the property at the point of diversion? Gregory and Cassandra Kelly
- b. Who owns the land to be irrigated or place of use? same
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water livestock all year round. Have a storage and fish pond in case of emergency. Have fish to catch and eat.

13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Signature of Applicant

Gregory Michael Kelly - Owner

Print Name (and title, if applicable)

Signature of Applicant

Cassandra S Kelly Owner

Print Name (and title, if applicable)

Application for Permit

Danota Kelly - Daughter

Application for Water Right Kelly

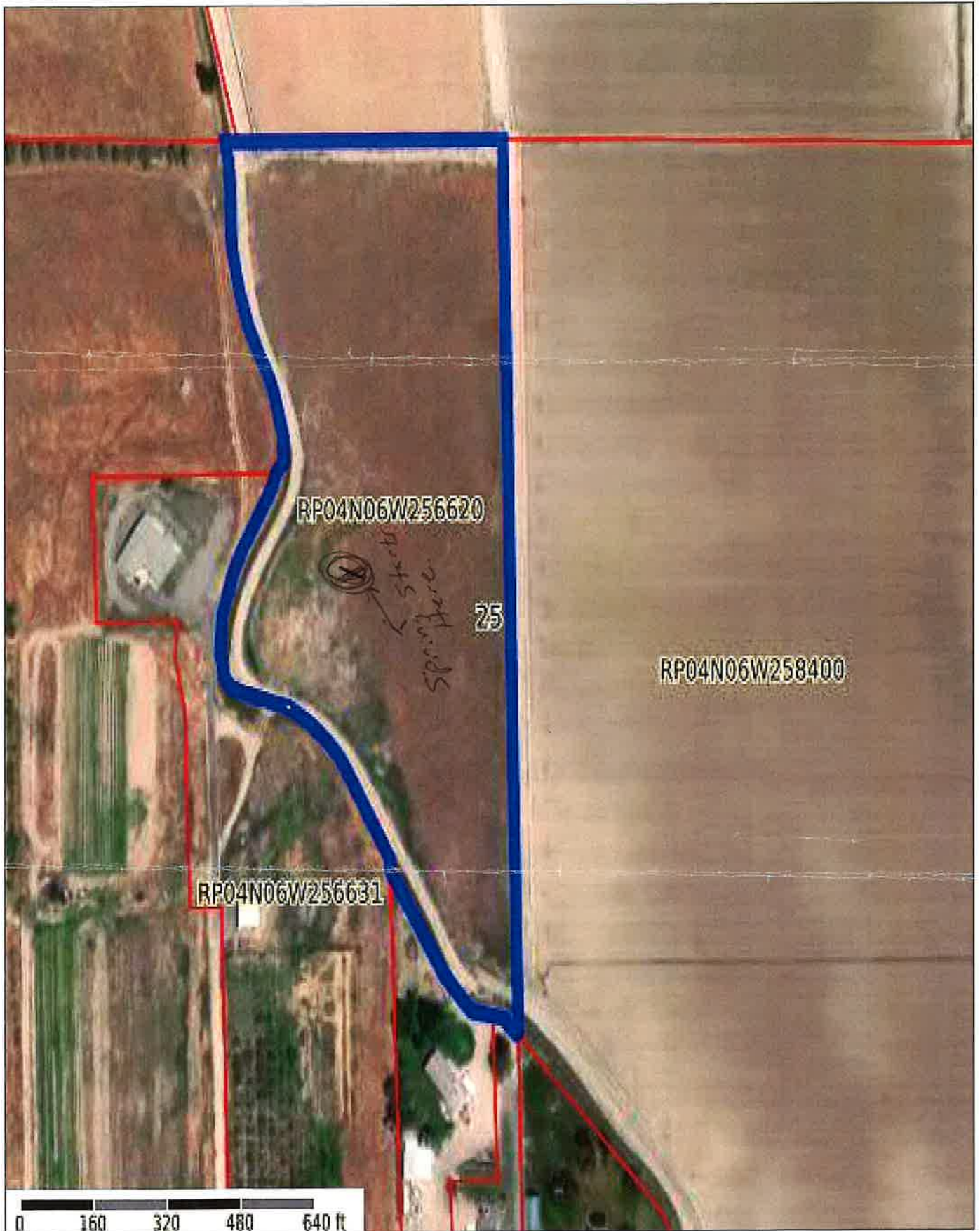


The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Legend

- Parcels
- Township/Range
- Sections

0 0.04 0.08 Miles





Governor Brad Little

Director Gary Spackman

September 30, 2021

GREGORY KELLY
CASSANDRA KELLY
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE, ID 83628-3372

RE: Application for Permit No. 57-12065

Dear Applicant:

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 10/6/2021 and 10/13/2021. 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 this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 29, 2021

GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE, ID 83628

RE: Application for Permit No. 57-12065

Dear Interested Party:

The Idaho 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>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

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 within 10 days after final publication.

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

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Application for Permit No. 57-12065

New Appropriation Applicant's
Name:

GREGORY KELLY
CASSANDRA KELLY
3665 HIGHWAY 95
HOMEDALE, ID 83628-3372

Recommendation:

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

Dated this _____ day of _____

Signature

Lauerman, Denise

From: Lauerman, Denise
Sent: Wednesday, September 29, 2021 4:17 PM
To: office@owyheeavalanche.com
Cc: Jon Brown
Subject: OWYHEE COUNTY Legal Notice - Application for Permit No. 57-12065
Attachments: Cover Letter Owyhee County 57-12065.docx; Legal Notice Owyhee County 57-12065.docx

Good afternoon,

Please see the attached ad for publication on 10/06/2021 and 10/13/2021.

Please publish the enclosed legal notice 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 10/25/2021. Your cooperation is appreciated.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thanks!
Denise



Denise Lauerman | Administrative Assistant
Idaho Department of Water Resources - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334.2190 | denise.lauerman@idwr.idaho.gov
<http://idwr.idaho.gov/>



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 29, 2021

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 57-12065

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 10/25/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosures

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

57-12065

GREGORY KELLY

CASSANDRA KELLY

DAKOTA KELLY

3665 HIGHWAY 95

HOMEDALE, ID 83628-3372

Point of Diversion NESESW S25 T04N R06W OWYHEE County Source SPRING Tributary UNNAMED DRAIN

Use: STOCKWATER 01/01 to 12/31 0.01 CFS

Total Diversion: Date Filed: 03-01-2021

Place Of Use: STOCKWATER

T04N R06W S25 SESW

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 10/25/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/6/2021 and 10/13/2021



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 15, 2021

CONFIDENTIAL

GREGORY KELLY
3665 HIGHWAY 95
HOMEDALE, ID 83628-3372

Re: Water Right Application for Permit #57-12065

Dear Mr. Kelly,

This letter is regarding application for permit no. 57-12065, submitted to the Idaho Department of Water Resources (Department) on March 1, 2021. In reviewing your application for permit to appropriate water for stock water and storage some discrepancies were found in the proposed water use in item 5 and the proposal narrative in items 7 and 12, and information provided on the map. An email was sent to you on 5/19/2021, however no response was received by the Department. More information is needed for your application to ensure that the project is adequately described and can be publicly advertised. Processing of your application cannot be completed until the following information is provided.

Section 3. Source. The source as noted on your map appears to be from a spring tributary to an unnamed drain. Please amend the source of water to spring.

Section 4. Point of diversion. Spring sources should be described to the nearest 10-acre tract, in this case it appears to be NE SE SW with source amended to spring.

Section 5. Purpose of use.

- *Stock water.* The rate requested for stock water is 0.26 cfs or 168,042 gallons/day. This far exceeds the standard domestic use of 0.04 cfs which is limited to 13,000 gpd. Please justify the rate of 0.26 cfs or amend your rate. A helpful resource might be the Natural Resources Conservation Service, Conservation Practice Standard 614 which estimates the daily water requirement for goats at 1 to 3 gallons/day depending on field conditions.
- *Irrigation from Storage* should be added as a use of the water with the same volume as the *Irrigation Storage* component. The irrigation season in your area is from 3/1 to 11/15.
- If you are planning to store water year around then you could add either an *aesthetic storage* or *recreational storage* use.

Section 12. In order to evaluate your proposal, the Department needs the surface area (acres) and maximum depth (feet) of the proposed pond to calculate the volume of the proposed storage system. Also indicate whether the pond will be lined to prevent seepage losses.

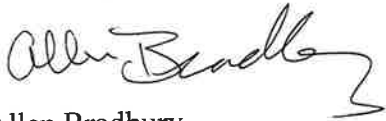
Section 13. Will each of the elements of your proposal be completed within 1 year or would you like to increase the project development period to 5 years.

- You may need to modify the descriptions in sections 7, 8e, 10 & 12 to make your plans consistent with the rest of application. For example, if you plan to have a fish pond then add recreational storage as a use, otherwise please cross out references to a fish pond.

The original application is enclosed. Please make the necessary amendments to the original forms. Changes to your application should be made by crossing out the old values, writing in the new values, and adding the date and your initials next to the changes. Please make the necessary amendments to the original forms and re-submit 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.

Please let me know if you have any questions regarding the content of this letter. I can be reached by phone at 208-334-2190 or by email at allen.bradbury@idwr.idaho.gov. IDWR forms and other information can be found at www.idwr.idaho.gov.

Sincerely,



Allen Bradbury
Water Resource Agent, Sr.
Idaho Department of Water Resources - Western

Enclosed: Application for Permit #57-12064
Map

Bradbury, Allen

From: Bradbury, Allen
Sent: Wednesday, May 19, 2021 3:09 PM
To: 'kellylandscaping@hotmail.com'
Subject: Water Right Application for Permit #57-12065
Attachments: 57-12065 Kelly_ApplicationforPermit.pdf

Dear Mr. Kelly,

In reviewing your application for permit to appropriate water for stock water and storage I found some discrepancies in the proposed water use in item 5 and the proposal narrative in items 7 and 12. I need more information for your application to insure that it is advertised correctly. This may require you to make a few changes to your application. I think it would be easiest if you came into our office in Boise so we could discuss your proposed project. However, I understand that you may not want to make the drive. My concern is that writing a letter attempting to describe the issues and explaining the changes would make things more confusing and difficult. Though to give you an idea I've included the following list of items that need addressed.

- Need dimensions and/or volume of proposed storage system and whether or not there will be evaporation or seepage from storage.
- Will each of the elements of your proposal be completed within 1 year as per item 13 or would you like to increase it to 5 years.
- Also stock water for goats needs to be justified or changed. Recommend domestic use rate of 0.04 cfs (18 gpm)
- Water uses in item 5:
 - irrigation?
 - storage? recreation? irrigation? Stock water?
 - Stock water - yes
- May need to modify descriptions in items 7, 8e, 10 & 12 to make plans consistent with the rest of application.

Also, I've attached a copy of your application. Please let me know what might work best for you. I can be reached by phone at 208-334-2190 or by email at allen.bradbury@idwr.idaho.gov.

Regards,

Allen Bradbury | Water Resource Agent, Sr.
Idaho Department of Water Resources – Western
2735 W Airport Way | Boise, ID 83705
P: 208-334-2190 | E: Allen.Bradbury@idwr.idaho.gov