

DEPARTMENT OF WATER RESOURCES

OCT 13 2020

Amended

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) WNBC Group, LLC Phone 551-275-2169

Name connector (check one): and or and/or

Mailing address C/o Julie Klein Fischer City Nampa

State ID _____ ZIP 83687 Email _____

2. Name of representative, if any Julie Klein Fischer Phone 208-475-2200

Mailing address 332 North Broadmore Way, Suite 102 City Nampa

State ID _____ ZIP 83687 Email jfischer@morrowfischer.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 Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4N	1W	18	7		NE	SE	Ada	Ground Water	

5. Water will be used for the following purposes:

Amount 0.15 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount 36 af for Aesthetic Storage purposes from 1/1 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.15 cubic feet per second (cfs) and/or (b) 36 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing 1.2 acre pond estimated to be 30 feet deep that intercepts shallow ground water. Pump and pipeline to divert from pond for sprinkler irrigation.

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 10/13/2020 Time 11:30AM Preliminary check by _____

Fee \$ _____ Received by _____ Receipt No. _____ Date _____

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; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Existing pond for aesthetic purposes and provides water for irrigation of landscape. Pond intercepts shallow ground water.

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	
4N	1W	18													Lt7 J	Lt6			
															5.5	1.7			7.2

Total number of acres to be irrigated: 7.2

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? Applicant holds 5 shares of Pioneer Ditch Co. Ltd. for irrigation purposes but does not have access to water from Pioneer. Applicant will continue to hold those shares for mitigation purposes should a delivery call ever be made against this ground water right.
11. 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A portion of this property falls within the meander lines of the Boise River. The legal descriptions provided were obtained by projecting the government lot lines for lots 6 and 7 south to cover the property in this application.
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.

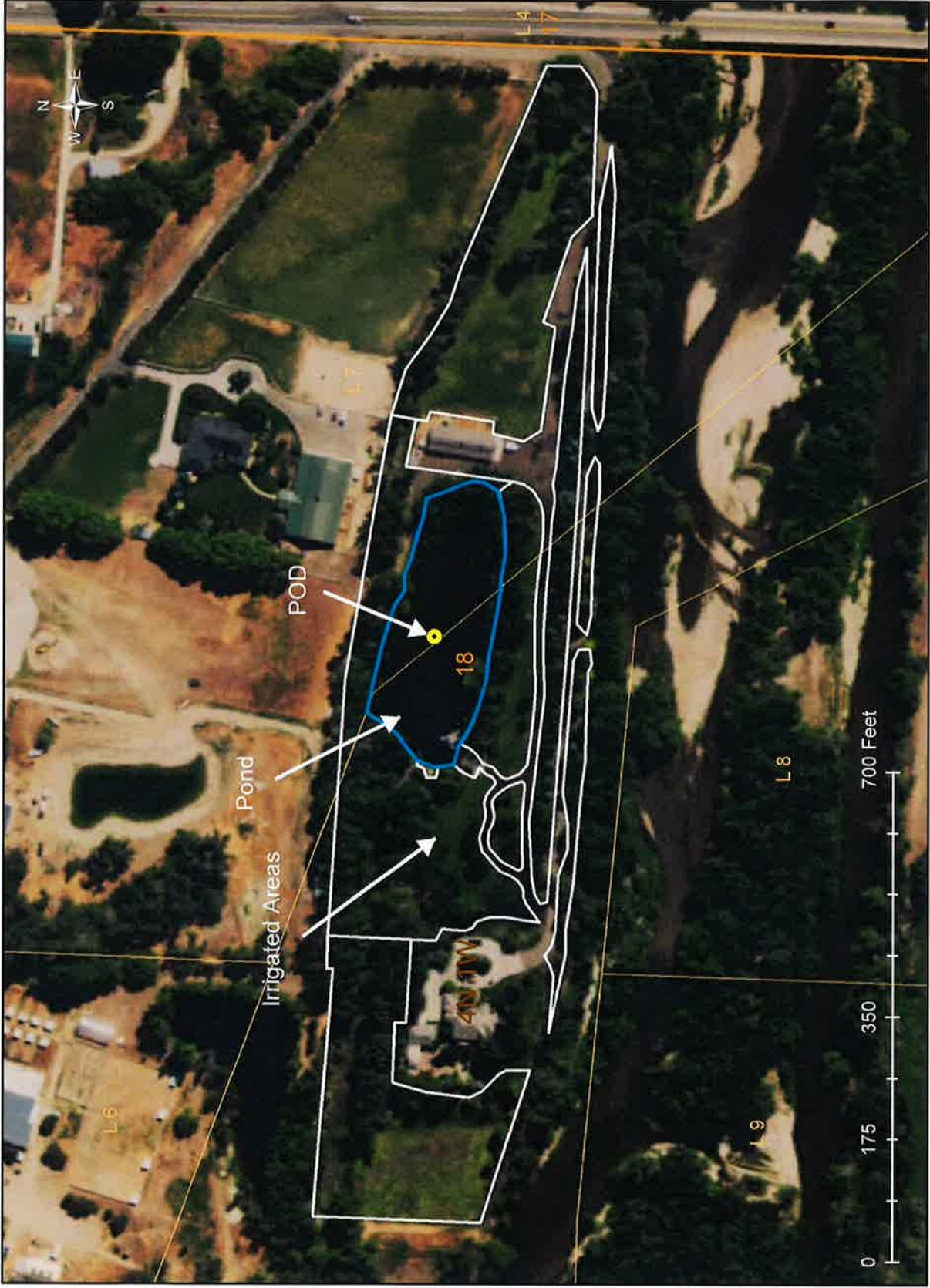
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Signature of Applicant
KEVIN ZINNGRABE MANAGER
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Application for Permit in the Name of WNBC Group, LLC



Based on 2019 NAIP Photography

Prepared by ERO 9-2020

RECEIVED

FORM 202, Rev. 09/16

AUG 31 2020

WATER RESOURCES WESTERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT To appropriate the public waters of the State of Idaho

Ident. No. 63-34953

1. Name of applicant(s) Amber and/or Daniel Brockett Phone 208-484-0471 Mailing address 11600 Coriander Lane City Star State ID ZIP 83669 Email

2. Name of representative, if any Dave Shaw Phone 208-365-7684 Mailing address 4001 E Main St City Emmett State ID ZIP 83617 Email dshaw@eroresources.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 Ground Water which is a tributary of

4. Location of point(s) of diversion:

Table with 10 columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Row 1: 4N, 1W, 18, 7, NE, SE, Ada, Ground Water.

5. Water will be used for the following purposes:

Amount 0.11 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive) Amount 36 af for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)

6. Total quantity to be appropriated is (a) 0.11 cubic feet per second (cfs) and/or (b) 36 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Existing 1.2 acre pond estimated to be 30 feet deep that intercepts shallow ground water. Pump and pipeline to divert from pond for sprinkler irrigation. b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet. c. Proposed well diameter is inches; proposed depth of well is feet. d. Is ground water with a temperature of greater than 85°F being sought? 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 06/31/2020 Time 10:40AM Preliminary check by Receipt No. W048671 Date 06/31/2020 Fee \$ 250.00

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; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Existing pond for aesthetic purposes and provides water for irrigation of landscape. Pond intercepts shallow ground water.
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					
4N	1W	18																	Lt7 J	Lt6			
																			3.5	0.3			3.8

Total number of acres to be irrigated: 3.8

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? Applicant holds 5 shares of Pioneer Ditch Co. Ltd. for irrigation purposes but does not have access to water from Pioneer. Applicant will continue to hold those shares for mitigation purposes should a delivery call ever be made against this ground water right.
11. 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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A portion of this property falls within the meander lines of the Boise River. The legal descriptions provided were obtained by projecting the government lot lines for lots 6 and 7 south to cover the property in this application.
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.

Amber L. Brockett
 Signature of Applicant
Amber L. Brockett
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Application for Permit in the Name of Amber & Daniel Brockett



Based on 2019 NAIP Photography

Prepared by ERO 8-2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 13, 2020

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

Re: Application for Permit No. 63-34953

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Statesman* for advertising. I enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you wish to formally protest the approval of the application, you must submit a protest with the \$25.00 protest fee to this office by **5:00 p.m., December 7, 2020**. You must also send a copy of your protest to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Water Resource Agent
Western Regional Office

Enclosures



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

November 13, 2020

WNBC GROUP, LLC
C/O JULIE KLEIN FISCHER
MORROW & FISCHER, PLLC
332 N BROADMORE WAY STE 102
NAMPA, ID 83687-5331

RE: Application for Permit No. 63-34953

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 IDAHO STATESMAN on 11/19/2020 and 11/26/2020. 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.

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Water Resource Agent

Enclosure(s)

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, November 13, 2020 11:40 AM
To: 'BOI Legals'
Subject: ADA Legal Notice
Attachments: ADA Cover Letter.docx; ADA Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 11/19/2020 and 11/26/2020.

Please *confirm this is okay to publish as shown and send confirmation and all other correspondence to this email and to westerninfo@idwr.idaho.gov.*

Thank you,

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@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

November 13, 2020

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34953, 63-34972
RE: Transfer No. 84105

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 12/7/2020. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Water Resource Agent

Enclosure(s)

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

63-34953

WNBC GROUP, LLC

C/O JULIE KLEIN FISCHER

MORROW & FISCHER, PLLC

332 N BROADMORE WAY STE 102

NAMPA, ID 83687-5331

Point of Diversion L7(NESE) S18 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 36 AF

Total Diversion: 0.15 CFS 36 AF

Date Filed: 08-31-2020

Place Of Use: AESTHETIC STORAGE

T04N R01W S18 L7(NESE) NWSE

Place Of Use: IRRIGATION

T04N R01W S18 L7(NESE) L6(NWSE)

Water bearing zone to be appropriated is from 0 to 30 feet.

63-34972

DUSTIN PORTELA

KATIE PORTELA

8095 S CLOVERDALE RD

BOISE, ID 83709-7318

Point of Diversion NENE S9 T02N R01E ADA County Source TENMILE CREEK Tributary BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 10-29-2020

Place Of Use: IRRIGATION

T02N R01E S9 NENE

Total Acres: 3

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84105

THURMAN MILL DITCH CO LTD, 10611 W TREELINE CT, BOISE, ID 83713 has filed Application No. 84105 for changes to the following water rights within ADA County(s): Right No(s). 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of the transfer is to change the nature of use of a portion of the identified water right to provide diversion to storage and municipal storage in excavated ponds at Bernadine Quinn Riverside Park and Esther Simplot Park. Applicants also propose changing their current service area boundary to account for the park pond and irrigated areas. Water will be diverted from the Boise River at the Thurman Mill Ditch Company headgate.

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 12/7/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/19/2020 and 11/26/2020

**MORROW & FISCHER**
ATTORNEYS AT LAW

332 N. Broadmore Way, Ste. 102
Nampa, Idaho 83687
208-475-2200
Fax 208-475-2201
www.morrowfischer.com

RECEIVED

OCT 13 2020

WATER RESOURCES
WESTERN REGION

October 8, 2020

Justin Shearer
Senior Water Resources Agent
Idaho Department of Water Resources, Western Region
2735 W. Airport Way
Boise, Idaho 83705-5082

Re: *Amended Application for Permit No. 69-34953*

Dear Justin:

Enclosed is WNBC Group, LLC's Amended Application for Permit. As you know, a copy of the Amended Application was emailed to you today.

If you have any questions regarding the Application, or this matter, feel free to contact either Dave Shaw or me.

As always, thank you!

Sincerely,

MORROW & FISCHER, PLLC


Julie Klein Fischer

Encl.

C: Kevin Zinngrabe
Dave Shaw



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: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 7, 2020

WNBC GROUP, LLC
C/O JULIE KLEIN FISCHER
MORROW & FISCHER, PLLC
N BROADMORE, STE 102
NAMPA, ID 83687

COPY

RE: Application for Permit 63-34953

Dear Applicant:

The Department is evaluating your application to appropriate ground water for irrigation purposes. The information in the file suggests the proposed permit will provide primary irrigation water and that the existing appurtenant surface water supply through Pioneer Ditch Co. Ltd. is not available. The purpose of this letter is to request information relative to the availability of surface water to help the Department decide whether it can authorize your proposed use of ground water as a primary irrigation source on land historically irrigated with surface water.

Among the criteria the Department must evaluate in deciding whether to approve an application for permit to appropriate water is whether it will conflict with the local public interest as defined in section [42-202B](#), Idaho Code, and whether it is contrary to conservation of water resources within the state of Idaho. In evaluating these criteria for applications seeking to appropriate ground water, the Department considers the availability of surface water for irrigation. Idaho's ground water is a limited resource in certain areas and is generally a higher quality water source. Additionally, the extensive delivery systems maintained by organized surface water delivery entities play an essential role in the availability of surface water to various lands. The public interest is served by encouraging existing users of those systems to continue participating in the delivery organization to maintain the availability of surface water to as much land as possible. The public interest and conservation of water resources are both further served through the use of surface water by the benefits associated with incidental ground water recharge that helps maintain existing ground water levels.

Where surface water is reasonably available, it is not in the public interest and not consistent with conservation of water resources to appropriate ground water as the primary water source for irrigation¹. The Department typically addresses this concern by conditioning new permits to

¹ The strong public policy in favor of the use of surface water first when both ground water and surface water sources are available is also reflected in Idaho's land use code. Idaho Code§ 67-6537 provides, in relevant part, that

require that the right holder first use available surface water for irrigation and limit ground water use to those times when surface water is not available. The Department's standard condition is as follows:

The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

With the foregoing in mind, please respond to this letter in writing describing why your proposal to utilize ground water as a primary irrigation source is in the public interest and consistent with conservation of water resources in Idaho. Information to support such a position could include a statement from the existing irrigation delivery entity supporting the proposal to cease using surface water, and/or a demonstration that surface water is not reasonably available, or other facts specific to the project that support a decision in favor of the proposal.

If the application is otherwise approvable, but the Department finds the proposal to utilize ground water as a primary irrigation source is not in the public interest and/or is not consistent with conservation of water resources, the application could still be approved with a condition requiring surface water be used when it is available. As an alternative to providing the public interest and conservation of water resources justification, you may provide a written response to this letter agreeing to utilize surface water as the primary source.

Please submit the requested information within 30 days of the date of this letter. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

Sincerely,



Justin Shearer
Water Resource Agent, Sr.

"[a]ll applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation." Idaho Code § 67-6537(1).



RECEIVED

AUG 31 2020

WATER RESOURCES
WESTERN REGION

August 26, 2020

Nick Miller, Manager
Department of Water Resources Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Permit in the Name of Amber and Daniel Brockett

Dear Nick:

This application for permit was prepared after our discussion of the situation west of Star Bridge on the north side of the Boise River. The application by the Brocketts is intended to cover the existing pond and irrigation that has been occurring on the property. The Pioneer Ditch Co. Ltd. Water appurtenant to the property is not available for use but the ditch shares will be maintained should there ever be a delivery call in the future. The \$250 filing fee is enclosed.

Please let me know if I can provide you with any additional information or answer any questions. Thank you in advance for your consideration.

Yours truly,

Enc.

cc: Amber & Daniel Brockett
Don Giles
Lysi@lysibishop.com
mandy@lysibishop.com

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 1/2 Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Consultants in
Natural Resources
and the Environment