

OCT 28 2020

RECEIVED

FORM 202 Rev. 08/18

OCT 15 2020

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO

WATER RESOURCES  
WESTERN REGIONIdent. No. 63-34970

SEP 25 2020

INCOMPLETE  
WATER RESOURCES  
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) TVM Inc. and/or Mosaics Public School Phone 208-850-7777  
 Name connector (check one): ☐ and ☐ or ☒ and/or  
 Mailing address P.O. Box 3304 City Nampa  
 State Idaho ZIP 83653 Email mike@mussellconstruction.com
2. Name of representative, if any Mike Mussell Phone 208-850-7777  
 Mailing address P.O. Box 3304 City Nampa  
 State Idaho ZIP 83653 Email mike@mussellconstruction.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 groundwater which is a tributary of n/a

## 4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	3W	14		SW	SE		Canyon	groundwater	

## 5. Water will be used for the following purposes:

- Amount .20cfs for DOMESTIC Commercial purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount .04cfs for irrigation purposes from 3/1/44 to 11/15/42 (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) .31 cubic feet per second (cfs) and/or (b) n/a acre-feet per year (af).

## 7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. pressurized irrigation from well.
- b. Height of storage dam n/a 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 6" 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? no; drilling firm unknown  
 well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by LE Date 09/25/2020 Time 10:40AM Preliminary check by SN  
 Fee \$ 250.00 Received by LE Receipt No. W1048734 Date 09/25/2020

\*This page supersedes 10/15/2020 page

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FORM 202 Rev. 09/16

SEP 25 2020

INCOMPLETE

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WESTERN REGIONWATER RESOURCES  
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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

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Ident. No. 63-34970

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 Name connector (check one): ☐ and ☐ or ☒ and/or  
 Mailing address P.O. Box 3304 City Nampa  
 State Idaho ZIP 83653 Email mike@mussellconstruction.com
2. Name of representative, if any Mike Mussell Phone 208-850-7777  
 Mailing address P.O. Box 3304 City Nampa  
 State Idaho ZIP 83653 Email mike@mussellconstruction.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
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- 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 which is a tributary of n/a
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	3W	14		SW	SE		Canyon	groundwater	

5. Water will be used for the following purposes:  
 Amount .20 cfs for DOMESTIC Commercial MM 10/12 purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount MM 10/12 .04 cfs .03 for Irrigation purposes from 3/1/14 to MM 11/15 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) .31 cubic feet per second (cfs) and/or (b) n/a acre-feet per year (af).  
MM 10/12
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. pressurized irrigation from well.
- b. Height of storage dam n/a 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 6" 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? no; drilling firm unknown; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by LE Date 09/25/2020 Time 10:40AM Preliminary check by SN  
 Fee \$ 250.00 Receipted by LE Receipt No. 62048734 Date 09/25/2020

\*This page was superseded by 10/28/2020 page

OCT 22 2020

WATER RESOURCES  
WESTERN REGION

## 8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. n/a
- b. Stockwatering; list number and kind of livestock. n/a
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households ~~n/a~~ 20 Homes
- e. Other; describe fully. 20 Commercial (town homes)

## 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	3W	14					2.8	0.7									3.5		3.5
							X	X									D		

Total number of acres to be irrigated: 3.510. 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? N/A11. a. Who owns the property at the point of diversion? TVM Inc.b. Who owns the land to be irrigated or place of use? TVM Inc. and Mosaics Public Schoolc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Representative from School is in agreement for TVM Inc to do what's necessary for commercial well.12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. One and a half acres of school grounds will be irrigated from commercial well. Approximately two acres of future single level town homes will be irrigated as well. This will total to approximately three and one half acres being used from this commercial well.Water Bearing Zone = 18 feet to 135 feet13. 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 &amp; 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.

Mike Mussell MM 10/22/2020  
Signature of Applicant

MIKE MUSSELL  
Print Name (and title, if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name (and title, if applicable)



8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. n/a
- Stockwatering; list number and kind of livestock. n/a
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households. 20 HOMES
- Other; describe fully. 20 Commercial (town homes)

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	
4N	3W	14					2.0	1.5	MM	0.3					2.0	1.5			3.5
							e	e	MM	0.3					D	D			

Total number of acres to be irrigated: 3.5

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? N/A

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

b. Who owns the land to be irrigated or place of use? TVM Inc. and Mosaics Public School

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Representative from School is in agreement for TVM Inc to do whats necessary for commercial well.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. One and a half acres of school grounds will be irrigated from commercial well. Approximately two acres of future single level town homes will be irrigated as well. This will total to approximately three and one half acres being used from this commercial well.

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

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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.

Mike Mussell

Signature of Applicant

MIKE MUSSELL

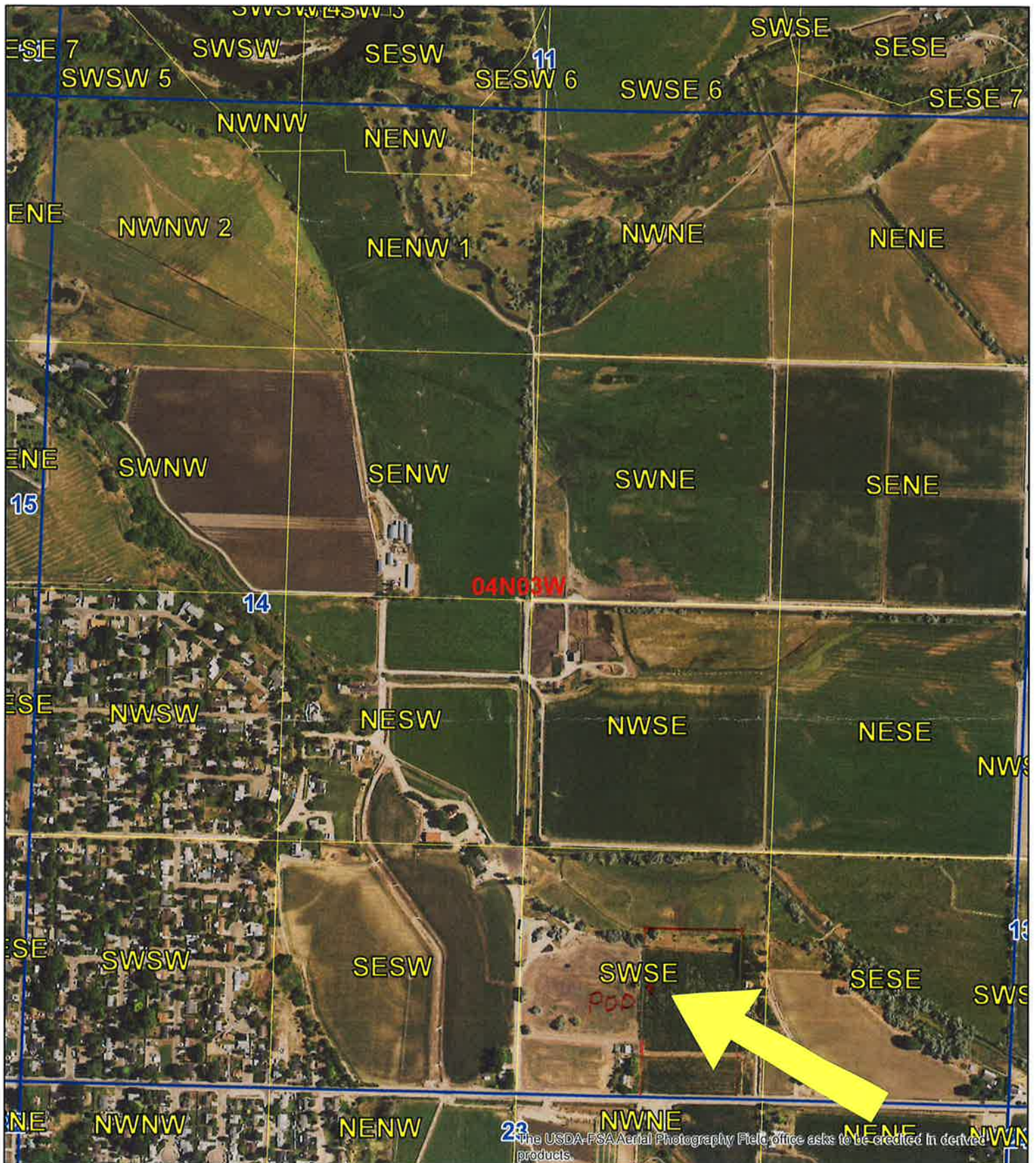
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



# Map for Application for Permit TVM Inc and/or Mosaics Public School





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](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

October 28, 2020

FRANKLIN DITCH CO  
8450 JOPLIN RD  
CALDWELL ID 83605

PIONEER IRRIGATION DIST.  
PO BOX 426  
CALDWELL ID 83606

CITY OF CALDWELL  
PO BOX 1177  
CALDWELL ID 83606

**Re: Application for Permit No. 63-34970**

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 Press Tribune* for advertising. I enclosed a copy of the application for your convenience. This information is also available on our website [www.idwr.idaho.gov](http://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., November 23, 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,

Anna Kaiser  
Water Resource Agent  
Western Regional Office

Enclosures



## Kaiser, Anna

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**From:** Kaiser, Anna  
**Sent:** Wednesday, October 28, 2020 4:08 PM  
**To:** 'danielle.merriman@deq.idaho.gov'  
**Subject:** FW: Application for Permit No. 63-34970  
**Attachments:** 63-34970.pdf; Agency Recommendation Form.docx

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**From:** Kaiser, Anna  
**Sent:** Wednesday, October 28, 2020 4:05 PM  
**To:** 'danielle.merriam@deq.idaho.gov' <danielle.merriam@deq.idaho.gov>  
**Cc:** 'lance.holloway@deq.idaho.gov' <lance.holloway@deq.idaho.gov>  
**Subject:** Application for Permit No. 63-34970

October 28, 2020

DEPARTMENT OF ENVIRONMENTAL QUALITY

**RE: Application for Permit No. 63-34970**

Dear Mr. Crutcher:

The Idaho Department of Water Resources (IDWR) requests written comment and/or recommendation from your agency regarding the above referenced water right applications. A copy of the application is enclosed with this email for your reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **November 23, 2020**.

If your agency desires to formally protest approval of these applications, you can file a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

if you do not respond before the protest deadline, IDWR will assume your agency does not object to the application(s). Please contact me if you have any questions regarding the applications. Thank you for your help.

Sincerely,

**Anna Kaiser** | Water Resource Agent  
IDWR-Western Region  
2735 W Airport Way, Boise ID 83705  
(208).334.2190 | [anna.kaiser@idwr.idaho.gov](mailto:anna.kaiser@idwr.idaho.gov)



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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Brad Little  
Governor

Gary Spackman  
Director

October 28, 2020

MOSAICS PUBLIC SCHOOL  
TVM INC  
PO BOX 3304  
NAMPA, ID 83653-3304

**RE: Application for Permit No. 63-34970**

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 PRESS TRIBUNE on 11/5/2020 and 11/12/2020. 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.

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

Sincerely,

Anna Kaiser  
Water Resource Agent

CC:  
MIKE MUSSELL  
PO BOX 3304  
NAMPA, ID 83653-3304



## Kaiser, Anna

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**From:** Kaiser, Anna  
**Sent:** Wednesday, October 28, 2020 3:09 PM  
**To:** 'IDAHO PRESS TRIBUNE'  
**Subject:** CANYON Legal Notice  
**Attachments:** Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 11/5/2020 and 11/12/2020.

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

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](mailto:anna.kaiser@idwr.idaho.gov)



Brad Little  
Governor

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](http://www.idwr.idaho.gov)

Gary Spackman  
Director

October 28, 2020

LEGAL NOTICE DEPARTMENT  
PRESS TRIBUNE  
PO BOX 9399  
NAMPA, ID 83652

**RE: Application for Permit No. 63-34958, 63-34962, 63-34970**

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 11/23/2020. Your cooperation is appreciated.

Sincerely,

Anna Kaiser  
Water Resource Agent

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**63-34958**

UNDURRAGA FARMS LLC

9971 N BOGUS BASIN RD

BOISE, ID 83702-1566

(2) Points of Diversion SWNW S12 T06N R06W CANYON County Source ROSS DRAIN Tributary SNAKE RIVER

Use: WILDLIFE STORAGE 09/15 to 03/14 915.4 AF

Use: RECREATION STORAGE 09/15 to 03/14 915.4 AF

Use: AESTHETIC STORAGE 09/15 to 03/14 915.4 AF

Use: DIVERSION TO STORAGE 09/15 to 03/14 3 CFS

Total Diversion: 3 CFS 915.4 AF

Date Filed: 09-17-2020

Place Of Use: AESTHETIC STORAGE, DIVERSION TO STORAGE, RECREATION STORAGE, WILDLIFE STORAGE  
T06N R06W S12 SWNW

**63-34962**

MUSSELL CONSTRUCTION

PO BOX 3304

NAMPA, ID 83653-3304

Point of Diversion SWSE S5 T02N R02W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.03 CFS

Use: FIRE PROTECTION 01/01 to 12/31 3.34 CFS

Use: COMMERCIAL 01/01 to 12/31 0.04 CFS

Total Diversion: 3.41 CFS

Date Filed: 09-25-2020

Place Of Use: COMMERCIAL, FIRE PROTECTION, IRRIGATION

T02N R02W S5 SWSE

Total Acres: 1

Water bearing zone to be appropriated is from 160 to 220 feet.

**63-34970**

MOSAICS PUBLIC SCHOOL

PO BOX 3304

NAMPA, ID 83653-3304

TVM INC

PO BOX 3304

NAMPA, ID 83653-3304

Point of Diversion SWSE S14 T04N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/01 to 11/15 0.11 CFS

Total Diversion: 0.31 CFS

Date Filed: 10-22-2020

Place Of Use: DOMESTIC, IRRIGATION

T04N R03W S14 SWSE

Total Acres: 3.5

Water bearing zone to be appropriated is from 18 to 135 feet.

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/WRApplicationResults/>. 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 11/23/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2020 and 11/12/2020





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

October 1, 2020

TVM INC AND/OR MOSAICS PUBLIC SCHOOL  
ATTN: MIKE MUSSELL  
PO BOX 3304  
NAMPA ID 83653

### Re: Water Right Application Incomplete - Returned

Dear Applicant:

This office received your application on September 25, 2020. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **Proposed Use #5**
  - Commercial use should be changed to Domestic. Domestic includes residential homes and commercial generally includes manufacturing, services, retail, and government activities. Please cross out "Commercial", initial and date the change, then write in **Domestic**.
  - Irrigation season of use 3/1 to 11/15. Please cross out 1/1 and 12/31, initial and date the change, and replace with **3/1** to **11/15**.
  - The highest rate of water that can be requested is 0.03 cfs (per acre) for irrigation under 5 acres. Please cross out 0.04 cfs, initial and date the change to **0.03 cfs**.
- **Total Quantity #6**
  - Using the new rate of 0.03 cfs per acre, your new total use changes to 0.31 cfs. (See math below.) Please cross out .24 cfs, initial and date change to **0.31 cfs**.

<i>Irrigation</i>	<i>Domestic</i>	<i>Total</i>
0.03 cfs/acre × 3.5 acres = .11 cfs	0.20 cfs	0.11 cfs + 0.20 cfs = <b><u>0.31 cfs</u></b>

- **Description of Proposed Use #8**
  - Since adding Domestic use, **20 homes** should be added to number of households line.
- **Place of Use #9**
  - Current place of use (POU) is almost one mile northwest of the point of diversion (POD) in the NWNW and NENW part of Section 14. If this not the correct place, please cross out the current information, initial and date the change, and write in the correct area.
  - If the POU is in the same SWSE area as the POD, you will need to put 3.5 in the SWSE box.

- **The Map #14**

- You must include an 8½" x 11" map that clearly identifies the proposed **point of diversion**, **place of use**, section #, township, and range. You may use the mapping tool found on our website:
  - <https://idwr.idaho.gov/forms/water-rights.html> under "Tools" click *Create and Print a Map for Water Right Applications*.
  - Direct link to map:  
<https://idwr.maps.arcgis.com/apps/webappviewer/index.html?id=bc4648fa5d3a4ff697414f6290b5f02c>
- A couple maps have been included for you to hand draw your point of diversion and place of use. Please return only one map with the **POD** and **POU** identified.

- **Water Bearing Zone**

- The water bearing zone is the depth the well will be pulling water from and can generally be determined using old well information. Since there is no well in place, please provide an estimated depth that you may draw water from. This number is an approximation and is needed for advertising purposes in the local area. Some example wells around the area of the application have water bearing zones 75ft to 143ft, 78 to 226ft, 31ft to 135ft. If you would like to view more wells in your area, visit the IDWR website and go to *Find a Well* under the "Wells" tab. I hope this information helps you determine a depth. Please write "**Water Bearing Zone = \_\_feet to \_\_feet**" with your depths on the returned application in the space on #12.

The original incomplete application is enclosed. Please make the necessary amendments to the original form 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. This letter is an attempt to ensure that your application is complete in order to establish a priority date. You may receive future correspondence regarding more specific details of your application. IDWR forms and other information are available online at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please consult the IDWR website or contact me at [shilynn.novak@idwr.idaho.gov](mailto:shilynn.novak@idwr.idaho.gov) or this office at (208) 334-2190 if you have any questions about the necessary information.

Sincerely,

Shilynn Novak  
Water Resource Agent

Enclosure: Original Application  
Maps to add POD & POU