

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 21 2020

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Roka Adams Phone (208) 315-5842
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1205 W 11th Street City Meridian
 State Idaho ZIP 83642 Email radamsfamily5@yahoo.com
2. Name of representative, if any Albert P. Barker, Attorney at Law Phone 208-336-0700
 Mailing address Barker Rosholt & Simpson, LLP, P.O. Box 2139 City Boise
 State Idaho ZIP 83702-2139 Email apb@idahowaters.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 Bear Gulch Creek which is a tributary of Getta Creek
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|------------------|---------------------|
| 28N | 01W | 21 | | | NW | NW | IDAHO | Bear Gulch Creek | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

5. Water will be used for the following purposes:
- Amount 0.04 cfs for domestic 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 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. POD is an existing structure in Bear Gulch Creek through existing 2 1/2" PVC pipe to a bifurcation to Applicant's house.
- 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 n/a 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. _____

Received by KM Date 9-18-2020 Time 3:00 Preliminary check by AKC
 Fee \$ 10000 Received by S.O. Receipt No. C109205 Date 8/31/2020

For Department Use

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 one
- 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 | NE | | | | NW | | | | SW | | | | SE | | | | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 28N | 01W | 21 | | | | | | X | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated: up to 1/2 acre

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? Domestic purposes, including lawn, garden and landscaping, not to exceed 1/2 acre.

11. a. Who owns the property at the point of diversion? Larry Bratcher

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. Diversion works and pipe are in place and have been since 1997. Water is used for household purposes. See Affidavit of original water user and land owner - Neils Behn, attached.

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. Attached

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.

Roka R. Adams
Signature of Applicant

Roka R. Adams
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

AFFIDAVIT OF NILS BEHN

Nils Behn being first sworn, states as follows:

1. I certify that the strawbale house located in Getta Creek canyon which was previously owned by me and is now owned by Roka Adams has been utilizing the water source fed from Bear Gulch full time since 1997.
2. I certify that the water usage rights were assumed to be transferred, and were intended to be transferred, by me to Roka Adams when I sold the home to her on 8/1/2014.
3. I further certify that the information contained herein labeled " **EXHIBIT 1- Getta Creek Strawbale House Water Line**" is true to the best of my recollection.



Nils Behn

STATE OF VERMONT
COUNTY OF WASHINGTON, SS.

On this 22ND day of JULY, 20, personally appeared Nils Behn and he swore to the truth of the foregoing statements.

Before me, 

Notary Public

Printed Name: RAY DONERTY

Notary commission issued in WASHINGTON County

My commission expires: 1/30/2021



Raymond Doherty
Notary Public State of Vermont
Commission
★ No. 157-0010884 ★
My Commission Expires
1/30/21



Place of Use

Point of Diversion

EXHIBIT A

Getta Creek Strawbale House Water Line

This map shows the approximate location of the waterline feeding the Getta Creek Strawbale House. This waterline was installed using a water level to ensure that there is a constant downward slope from the point where it ties into the Bear Gulch waterline (B) and the point where the waterline enters the house (C). The elevation gain from point C to point B is approximately 35'-40'. At point B there is a 6" diameter tin can covering a 4" diameter PVC vertical pipe which serves as a dry access to the waterline shutoff valve on the waterline extension going to the house. The waterline extension was hand dug and buried between 10" and 2" deep depending on the ease of digging. The shallowest section is the middle third. The waterline was installed in 1997. The vertical head provided by this design provides the house with average water pressure without the need for a pump or pressure tank and the electricity to run such equipment.

ALL MEASUREMENTS AND LOCATIONS ARE APPROXIMATE



Legend

- Bear Gulch Waterline 1,050'+-
- Elev. 2,910'
- Elev. 2,945'
- Elev. 3,035'
- House
- Water Line Extension to Strawbale House 520'+-

RECEIVED

FORM 202 Rev. 09/16

RECEIVED
AUG 31 2020
INCOMPLETE
DEPARTMENT OF
WATER RESOURCES

SEP 03 2020

INCOMPLETE
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. _____

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Roka Adams Phone (208) 315-5842
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1205 W 11th Street City Meridian
 State Idaho ZIP 83642 Email radamsfamily5@yahoo.com
2. Name of representative, if any Albert P. Barker, Attorney at Law Phone 208-336-0700
 Mailing address Barker Rosholt & Simpson, LLP, P.O. Box 2139 City Boise
 State Idaho ZIP 83702-2139 Email apb@idahowaters.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 Bear Gulch Creek which is a tributary of Getta Creek
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|------------------|---------------------|
| 28N | 01W | 21 | | | NW | NW | IDAHO | Bear Gulch Creek | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

5. Water will be used for the following purposes:
- Amount 0.04 cfs for domestic 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 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. POD is an existing structure in Bear Gulch Creek through existing 2 1/2" PVC pipe to a bifurcation to Applicant's house.
- 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 n/a 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 KM Date 8-31-2020 Time 3:40 Preliminary check by _____
 Fee \$ 100- Receipted by KM Receipt No. C109205 Date 8-31-2020

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. _____
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households one
- 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 | NE | | | | NW | | | | SW | | | | SE | | | | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 28N | 01W | 21 | | | | | | X | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated: up to 1/2 acre

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? Domestic purposes, including lawn, garden and landscaping, not to exceed 1/2 acre.

11. a. Who owns the property at the point of diversion? Larry Bratcher

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. Diversion works and pipe are in place and have been since 1997. Water is used for household purposes. See Affidavit of original water user and land owner - Neils Behn, attached.

13. Time required for completion of works and application of water to proposed beneficial use is n/a 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. Attached

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.

DocuSigned by:

Roka Adams
Signature of Applicant
Roka Adams

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)



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

October 2, 2020

LARRY BRATCHER
PO BOX 71
WHITE BIRD ID 83554

RE: Permit No 79-14277

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 within 10 days of the final publication.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)



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

October 2, 2020

ROKA ADAMS
1205 W 11TH ST
MERIDIAN, ID 83642-2020

RE: Application for Permit No. 79-14277

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 COUNTY FREE PRESS on 10/7/2020 and 10/14/2020. 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,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant

CC:
ALBERT P BARKER

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, October 02, 2020 10:58 AM
To: 'IFP Legals'
Subject: Idaho Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 10/7/2020 and 10/14/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



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

October 2, 2020

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Application for Permit No. 79-14277

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 10/26/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

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

79-14277

ROKA ADAMS

1205 W 11TH ST

MERIDIAN, ID 83642-2020

Point of Diversion NWNW S21 T28N R01W IDAHO County Source BEAR GULCH CREEK Tributary GETTA CREEK

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

Total Diversion: 0.04 CFS

Date Filed: 09-18-2020

Place Of Use: DOMESTIC

T28N R01W S21 NWNW

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 10/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/8/2020 and 10/15/2020



**Barker Rosholt
& Simpson LLP**

RECEIVED

SEP 18 2020

**DEPARTMENT OF
WATER RESOURCES**

1010 W. Jefferson St. Suite 102
Boise, Idaho 83702
p. 208.336.0700
f. 208.344.6034

Attorneys

Albert P. Barker
John K. Simpson
Travis L. Thompson
Scott A. Magnuson
Sarah W. Higer

John A. Rosholt
(1937-2019)

Albert P. Barker

EMAIL: apb@idahowaters.com

PHONE: 208.336.0700

WEB: idahowaters.com

RECEIVED

SEP 21 2020

September 16, 2020

**WATER RESOURCES
WESTERN REGION**

Idaho Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702-7371

Re: Roka Adams Application for Water Permit (re-submission)


Dear Clerk,

Enclosed please find Roka Adams' original signature on the 2nd page of her Application for Permit. I am also enclosing a copy of her original application stamped received by your office for reference.

If you have any other question or concern, please do not hesitate to let us know.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP


Ailen Evaniuck
Legal Assistant

Enc. a/s



**Barker Rosholt
& Simpson LLP**

Albert P. Barker

EMAIL: apb@idahowaters.com

PHONE: 208.336.0700

WEB: idahowaters.com

1010 W. Jefferson St. Suite 102
Boise, Idaho 83702
p. 208.336.0700
f. 208.344.6034

Attorneys

Albert P. Barker
John K. Simpson
Travis L. Thompson
Scott A. Magnuson
Sarah W. Higer

John A. Rosholt
(1937-2019)

Idaho Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702-7371

RECEIVED

AUG 31 2020

**DEPARTMENT OF
WATER RESOURCES**

Re: Roka Adams Application for Water Permit

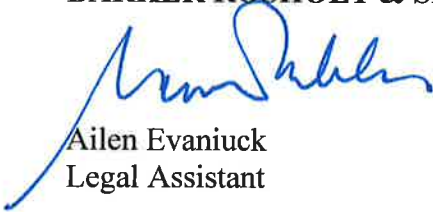
Dear Clerk,

Enclosed please find Roka Adams' Application for Water Permit including a check of \$100.00 filing fee.

Please return the copy with your file or received stamp in the enclosed envelope for our records. Thank you for your assistance. ✓

Sincerely,

BARKER ROSHOLT & SIMPSON LLP


Ailen Evaniuck
Legal Assistant

Enc. a/s