

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A.

Name of applicant Bogus Basin Recreational Association Phone (208) 332-5100
 Mailing address 2600 Bogus Basin Rd City Boise
 State Idaho Zip 83702 Email bwilson@bogusbasin.org

1. Source of water Pine Creek tributary to Boise River
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
05N	03E	14		NW	SW		Boise	Pine Creek	

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03E	14									X	X	X						

4. Proposed use of water:
 a. ☐ Prevention of flood damage ☐ Ground water recharge ☐ Ground water or surface water remediation
☒ Other (Limited to a diverted volume of 5 acre-feet.) Describe: Snowmaking
 b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.
 5. Amount of water. Complete all three:
 a. Maximum rate of diversion: 0.40 cfs; or _____ gpm.
 b. Maximum daily volume: _____ AF; or 20,000 gallons.
 c. Maximum volume over the duration of the request: 5.0 AF; or _____ gallons.
 6. Duration of diversion: from 12/1 (month-day) to 3/31 (month-day).
 7. Describe proposed diverting works: Pipe from Pine Creek into 10,000 gallon storage tank
 8. a. Who owns the property at the requested point of diversion? United States Forest Service (USFS)
 b. Who owns the facilities that will convey water to the place of use? Bogus Basin Recreational Association (Bogus Basin)
 c. Who owns the land to be irrigated or place of use? USFS
 d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Bogus Basin operates the area through a USFS special use permit
 9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Brian Wilson General Manager
 Signature of Applicant Title, if any Date 8/14/20

Received by LE Date 08/24/2020 Time 10:45 AM
 \$50.00 fee received by LE # 4048650 Date 08/24/2020
 Watermaster comments received? email to Rental Pool already completed. Date 08/28/2020

SCANNED
 SEP 21 2020

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

 A. The application for temporary approval should be denied.

X B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendation of the watermaster.

This application is therefore hereby:

 A. DENIED

X B. APPROVED, subject to the following conditions:

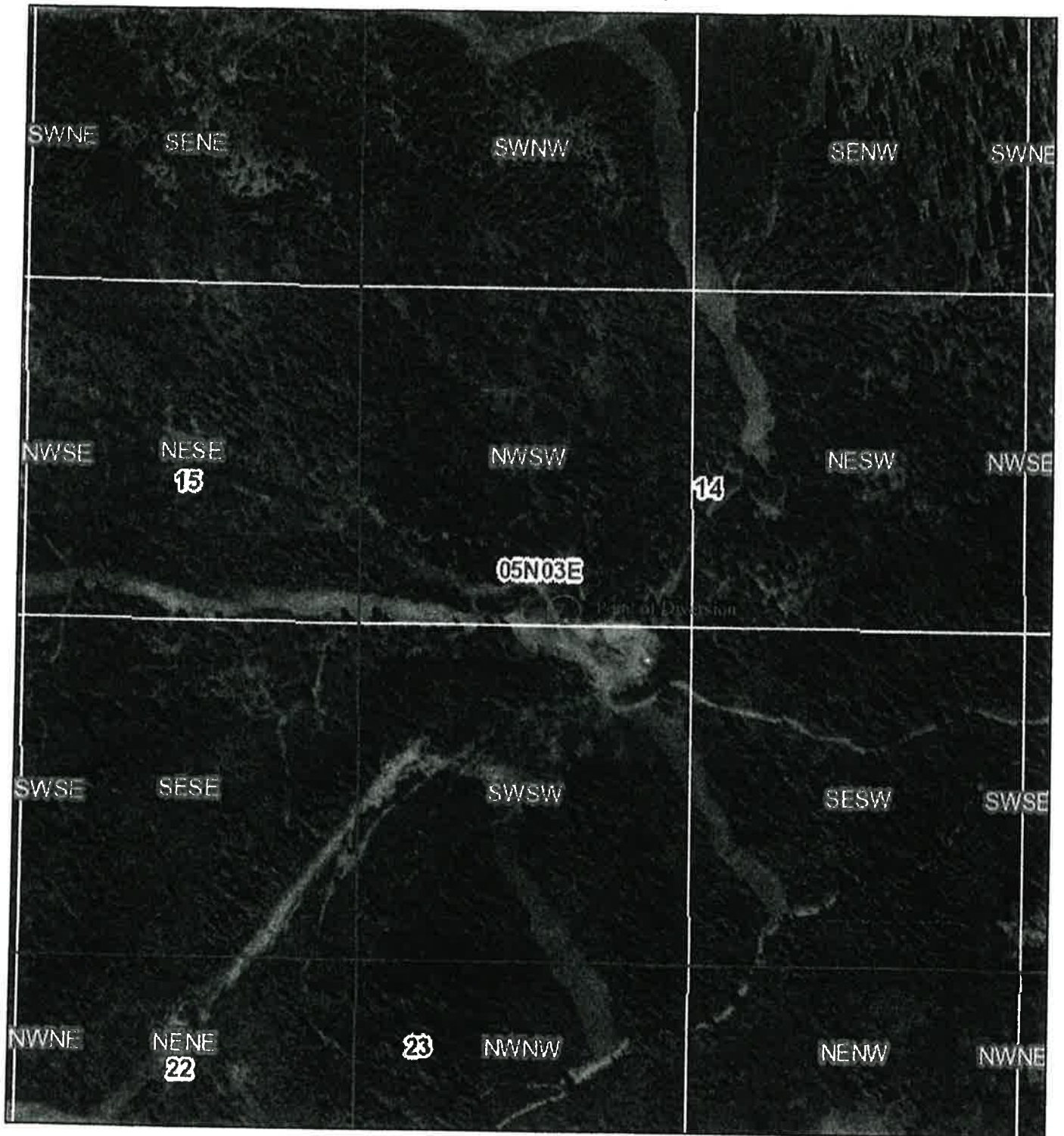
1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of 5.0 AF and a maximum rate of diversion of 0.40 CFS or GPM.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
7. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
8. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
9. The holder of this temporary approval shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
10. A ¼ inch mesh screen shall be installed on the pump intake.
11. Direct discharge of waste water/slurry into rivers, creeks, or streams is not authorized.
12. All equipment involved with transporting water shall be treated/sterilized prior to use to avoid spread of invasive aquatic species and may require inspection. Contact the Idaho State Department of Agriculture (www.agri.idaho.gov) for specific recommendations at 208-332-8500 or by email to info@agri.idaho.gov.
13. This temporary use of water remains subject to control of the Boise River Watermaster.
14. This approval is subject to the availability of Boise River Rental Pool water to mitigate water losses and injury to existing water rights. This authorization will require the rental of 5.0 AF of water from the Boise River Rental Pool (2 AF minimum). Contact Boise River Watermaster, 208-908-5480.
15. This approval expires on MARCH 31, 2021.

Signed this 2nd day of September, 2020


For the Director

SCANNED
SEP 02 2020

ArcGIS Web Map



9/6/2018 4:22:13 PM

POU - Water Rights

☒ All Other POU (non-provider)

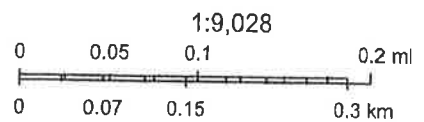
☐ Irrigation Providers and Municipal Service Areas

☐ POD - Water Rights

Quarter Quarter

☐ Section

☐ Township/Range



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SEP 07 2020

**BOISE RIVER RENTAL POOL LEASE AGREEMENT
FOR 2020**

The Committee of Water District No. 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Boise River Rental Pool by water users who own reservoir space and have excess supplies for the current year, does agree to sell Bogus Basin Recreational Association, Five (5) A.F. of water requested for snowmaking. This agreement is subject to the adopted Rules and Regulations of the Boise River Rental Pool and execution of same by the party herein named.

Upon receipt of \$100.00 and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify Five (5) A.F. of stored water between December 1 and March 31 of 2020-21.

Description of point of diversion:

Located in NW 1/4 SW 1/4, Sec. 14, T. 05N, R. 03E;

Other: _____

On Source: Pine Creek

Pump H.P. _____ Lift _____

Headgate _____ (canal name if appropriate)

Description of place of use:

Legal Description: T05N, R03E, S14, NESW, NWSW, SWSW

Total number of acres irrigated Snowmaking around base of Chair #6 not to exceed 5 AF

Dated this _____ day of _____ 20____.

C. B. W.
(name) Attorney for Bogus Basin

380 S. 4th St., Ste. 103, Boise, ID
(address) 83702

State of Idaho)
County of Ada)

On this 17th day of Aug 2020, before me the undersigned Notary Public in and for said county and state, personally appeared Chris Bromley, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and year in this certificate first written.

STACIE M DOUGLAS
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 41533
MY COMMISSION EXPIRES 1-27-2022

Stacie M. Douglas
Notary Public in and for Idaho
Residing at: 1/27/2022

I have accepted the request of Bogus Basin Rec. Assn. to purchase water from the Boise River Rental Pool this 20 day of Aug 202020

ENTERED

AUG 20 2020

STATE OF IDAHO
WATER DISTRICT #63

Roy R. Bann
Watermaster, Water District No. 63
Agent for the Committee of Water

SCANNED
SEP 02 2020



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

Gary Spackman
Director

September 2, 2020

BOGUS BASIN RECREATIONAL ASSN INC
2600 N BOGUS BASIN RD
BOISE ID 83702-0908

RE: Application for Temporary Approval of Water Use: TP-63-345

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on March 31, 2021**. The expiration date cannot be extended under this temporary approval.

Also note the condition requiring the **purchase of storage water from the Boise River Rental Pool** to mitigate the injury to senior water right holders below the Boise River. A Boise River Rental Pool Lease Agreement form is enclosed for your convenience. Contact Boise River Watermaster, Rex Barrie at 208-908-5480 to complete the lease agreement prior to diverting water under this temporary approval.

If you have any questions, please feel free to contact this office at (208) 334-2190 and any of our agents will be able to assist you.

Sincerely,

Chad Jones
Technical Records Specialist I

Enclosures

SCANNED
SEP 02 2020

RECEIVED

AUG 24 2020

WATER RESOURCES
WESTERN REGION

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

August 20, 2020

Nick Miller
IDWR Western Region
2735 W. Airport Way
Boise, ID 83705-5082

Re: Bogus Basin Temporary Application

Dear Nick:

Please find enclosed an *Application for Temporary Approval of Water Use* ("Application") along with a \$50.00 check, to allow Bogus Basin Recreational Association ("Bogus Basin") to use water for snowmaking from Pine Creek, tributary to Boise River, during the 2020-2021 snowmaking season.

Also enclosed is a copy of an approved *Boise River Rental Pool Lease Agreement* for five (5) acre-feet of water from the Water District No. 63 rental pool.

Bogus filed the same application and rental agreement last year and the year before that; however, given the winters that we have been having, Bogus Basin did not need to divert water from Pine Creek for snowmaking in those seasons. As in past years, this Application is mitigated with the rental of 5 acre-feet of storage water from the rental pool.

If you have any questions regarding this Application, please do not hesitate to let me know. If you approve this Application, please mail the original to Bogus Basin, with a copy to me.

Sincerely,



Chris M. Bromley

Encls.

SCANNED
SEP 02 2020