

MAR 23 2020
INCOMPLETE
WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoRECEIVED
Ident. No. 65-23934
APR 16 2020
Complete
WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) ALANA L. RATHBUN DAVID J. RATHBUN Phone 818-216-4821
 Mailing address P.O. Box 129 City LA CANADA FLINTRIDGE
 State CA ZIP 91012 Email rathbuns@earthlink.net
 Name connector (check one): ☐ and ☐ or ☒ and/or
2. Name of representative, if any MICHAEL RATHBUN Phone 818-822-4420
 Mailing address 27614 MORNING GLORY City CASTALE
 State CA ZIP 91384 Email MIKEC.RATHBUN@GMAIL.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 MIDDLE FORK PAYETTE RIVER which is a tributary of _____
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
10N	04E	23	X	SW	NE		BOISE	MIDDLE FORK PAYETTE R.	RP00164001003A

5. Water will be used for the following purposes:
 Amount .0312 for IRRIGATION purposes from MAY 1 to SEPT 30 (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) .03 cubic feet per second (cfs) and/or (b) 2 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. PUMP WITH SUCTION HOSE
3 HP 2"
- b. Height of storage dam NA feet; active reservoir capacity NA 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 03/23/2020 Time 11:00 am Preliminary check by [Signature]
 Fee \$ 1.00 Received by LE Receipt No. W048136 Date 03/23/2020

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

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

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	
10N	4E	23			2.5														2.5

Total number of acres to be irrigated: 2.5

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? SOME IRRIGATION WATER MAY BE SEASONALLY AVAILABLE FROM AN EXISTING IRRIGATION SYSTEM BORDING APPLEWOOD DR.

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- 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. IRRIGATION TO MAINTAIN NATURAL TREES AND A FEW FRUIT & DECORATIVE TREES AND GROUND COVER AS NEEDED

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

Print Name (and title, if applicable)

Signature of Applicant

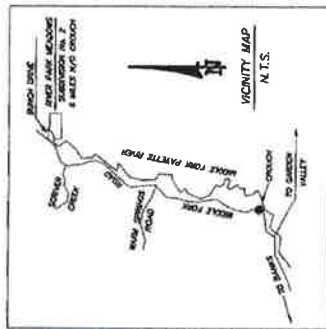
Print Name (and title, if applicable)

RUSTY RIVER SUBDIVISION

LOT 3 OF RIVER PARK MEADOWS SUBDIVISION No. 2, RECORDED AS INSTR. No. 169646, RECORDS OF BOISE COUNTY, IDAHO, IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, 2001

NOTES:

1. THE DEVELOPER SHALL COMPLY WITH 31-3008, IDAHO CODE, RELATING TO TRANSFER OF WATER RIGHTS.
2. BUILDING SETBACKS SHALL BE AT LEAST:
FRONT 20 FEET.
SIDE 20 FEET.
REAR 20 FEET.
FLANKING STREET 12 FEET.
3. BOISE COUNTY ASSUMES NO RESPONSIBILITY FOR MAINTENANCE OF ROADS PLATTED HEREON, SUBJECT TO BOISE COUNTY ORDINANCE 10-2000.
4. A 12 FOOT UTILITY AND DRAINAGE EASEMENT EXISTS INSIDE ALL LOT LINES ALONG ROADS AND ALONG THE SUBDIVISION BOUNDARY AND A 12 FOOT EASEMENT WILL BE CENTERED ON ALL INTERIOR LOT LINES.
5. LOTS SHALL NOT BE REDUCED BY SIZE WITHOUT PRIOR APPROVAL OF APPROPRIATE HEALTH AUTHORITY AND THE BOISE COUNTY COMMISSIONERS.
6. ALL AREAS SHOWN HEREON ARE FOR TAX PURPOSES ONLY.
7. UTILITY AND DRAINAGE EASEMENTS ALONG ROADS MAY BE USED AS A ROAD RIGHT-OF-WAY EASEMENT AND FOR SNOW STORAGE.
8. ALL ROADS PLATTED HEREON ARE PRIVATE ROADS AND THEREFORE NO COUNTY SERVICES (EXCEPT EMERGENCY IN NATURE) WILL BE PROVIDED.
9. ROAD GRADES SHALL NOT EXCEED 10% EXCEPT THAT SECONDARY ACCESS EASEMENTS MAY EXCEED 10% GRADE.
10. LOT 8 IS A PRIVATE ROAD AND IS TO BE MAINTAINED BY THE RIVER PARK MEADOWS SUBDIVISION No. 2 HOMEOWNERS ASSOCIATION.
11. LOT 9 IS A PRIVATE ROAD AND PARK AND IS TO BE MAINTAINED BY THE RIVER PARK MEADOWS SUBDIVISION No. 1 & 2 HOMEOWNERS ASSOCIATIONS.



Point of Direction

TOTAL CURVE DATA

$\Delta = 287.6700^\circ$
 $R = 500.00'$
 $L = 238.12'$
 $LCH = 167.09571'$
 $227.22'$



LEGEND:

- 15 FOUND ALUMINUM CAP MONUMENT
- 16 FOUND 1/2" IRON PIN
- 17 FOUND 2" IRON PIPE
- 18 FOUND 1" IRON PIPE W/PLASTIC CAP PLS 674
- 19 FOUND 3/4" IRON PIN PER RIVER PARK MEADOWS No. 2 SUBDIVISION, REPLACED WITH 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- 20 SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- 21 LOT NUMBER PER RIVER PARK MEADOWS SUBDIVISION No. 2, INSTR. No. 169646
- 22 CH LONG CHORD

DEVELOPER:

BARRY & JILL ROARK
3502 BROOKSIDE LANE
BOISE ID 83703
(208) 939-6464



TRI COUNTY SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS
703 No. Washington Ave.
P.O. Box 974
Emmett, Idaho 83617-0974
Phone: (208) 365-7470

UNPLATTED GRAZING

C 1/4 COR SEC 23

SE 1/4 SECTION 23

BASES OF BEARINGS

1/4 COR

C.R. No. 108833 NOVEMBER 2001
SHEET 1 OF 2 SHEETS
INDEX No. 1041-23-1-3-0 JOB No. 01-081

This map is furnished as an accommodation strictly for the purposes of generally locating the land. It does not represent a survey of the land or imply any representations as to the size, area, or any other facts related to the land shown.

NOVEMBER 2001
NO. 01-091542

David and Alana Rathbun
PO Box 129
La Canada Flintridge CA 91012

March 10, 2020

Idaho Department of Water Resources
2735 Airport Way
Boise Idaho 83705-5082

To whom it may concern:

Please find enclosed our fee and application for a permit to appropriate the public waters. Please also be aware this is our first time applying for such a permit and therefore, there could be mistakes reflecting our first-time experience. Please advise us of any corrections or additions that may be necessary.

Thank you for your assistance,



David and Alana Rathbun



Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, May 29, 2020 8:29 AM
To: 'bill.bosworth@idfg.idaho.gov'
Subject: Application for Permit 63-34905, 65-23926, 65-23934, and 65-23867
Attachments: IDFG Recommendation Form.docx

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.

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

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, May 29, 2020 8:27 AM
To: 'waterdist65@srvinet.com'
Subject: Application for Permit 65-23926, 65-23934, and 65-23867
Attachments: Watermaster Recommendation Form.docx

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.

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

May 29, 2020

DAVID J RATHBUN
ALANA W RATHBUN
PO BOX 129
LA CANADA FLT, CA 91012-0129

RE: Application for Permit No. 65-23934

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 IDAHO WORLD on 6/3/2020 and 6/10/2020. 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:
MICHAEL RATHBUN

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, May 29, 2020 8:32 AM
To: 'Idaho World Editor'
Subject: Boise 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 06/03/2020 and 06/10/2020.

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

May 29, 2020

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-23926, 65-23932, 65-23934

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 6/22/2020. 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:

65-23926

DAVID KOHTZ

LAURIE KOHTZ

5995 S EASTWOOD PL

BOISE, ID 83716-8810

Point of Diversion SESE S34 T10N R04E BOISE County Source PAYETTE RIVER Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04-28-2020

Place Of Use: IRRIGATION

T10N R04E S34 SESE

Total Acres: 1.8

65-23932

JOSEFINA R JINDRICH

RANDY HALL

159 ANDERSON CREEK RD

GARDEN VALLEY, ID 83622-8095

Point of Diversion L5(SESW) S14 T09N R04E BOISE County Source ANDERSON CREEK Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 05-18-2020

Place Of Use: IRRIGATION

T09N R04E S14 L5(SESW)

65-23934

DAVID J RATHBUN

ALANA W RATHBUN

PO BOX 129

LA CANADA FLT, CA 91012-0129

Point of Diversion SWNE S23 T10N R04E BOISE County Source PAYETTE RIVER Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 04-16-2020

Place Of Use: IRRIGATION

T10N R04E S23 SWNE

Total Acres: 2.5

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 6/22/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/3/2020 and 6/10/2020

Shearer, Justin

From: rathbuns@earthlink.net
Sent: Thursday, April 16, 2020 4:29 PM
To: Shearer, Justin
Cc: alana.rathbun@gmail.com
Subject: Corrected application for permit David & Alana Rathbun
Attachments: Water resources application updated04162020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sir,

My apologies for the errors in the application. This is my first time doing this. Thanks for the guidance. I owned a small ranch in Texas and was somewhat familiar with the terminology but the deed and subdivision documents I worked from seemed to use different descriptions. I have made the suggested changes to the application. Hopefully I did that correctly. Could you please, at your convenience, review the attached revised application for accuracy and advise whether I need to make more corrections. Also please let me know if the emailed copy is acceptable or if I need to resend it via US Mail. We are frustrated and mildly annoyed to be trapped in California where we were visiting our kids and Grand Children. Hope to be back in God's country soon.

Thanks for your guidance,
David & Alana Rathbun



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

April 3, 2020

ALANA W RATHBUN AND/OR
DAVID J RATHBUN
PO BOX 129
LA CANADA FLINTRIDGE, CA 91012

Re: Water Right Application Incomplete for Dvid and Alana Rathbun - Returned

Dear Applicant:

This office received your application on January 31, 2020. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **4 – Location of Points of Diversion**
 - From the plat map provided it would appear as though the point of diversion lies within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 23, Twp 10N, Rge 04E
- **5 – Amounts to be Appropriated**
 - Needs rate between 0.03 cfs to 0.08 cfs. Please specify.
- **6 – Total Quantity to be Appropriated**
 - Should match item 5.
- **9- Place of Use (POU) Table**
 - If irrigating 2.5 acres, the table needs to reflect that. Amend current $\frac{1}{4}$ designations to reflect full 2.5 acres intended for irrigation. 2.5 acres within SW $\frac{1}{4}$ NE $\frac{1}{4}$. Please amend the POU table to have NE $\frac{1}{4}$ portion of the table look like below:

NE			
NE	NW	SW	SE
		2.5	

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 on the Internet at www.idwr.idaho.gov. Please consult the IDWR website or contact this office at 208-334-2190 and ask for the "office day person" if you have any questions about the necessary information or fee.

Sincerely,

Western Region Water Rights Staff
Enclosure: Original Application