

RECEIVED

FEB 20 2020

Form 211 07/2011 Print Form as a 2 page, single sided document
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

RECEIVED
Amended
APR 20 2020

WATER RESOURCES
WESTERN REGION

Applicant(s) Stephen V. Fischer III Phone 650 544-3721
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address PO Box 175 City Half Moon Bay
State Ca. Zip 94019 Email: fischerstephen967@gmail.com

I am the owner of Water Appropriation Permit No. 65-23706 and request that the permit be amended as follows:

- ☐ Change point of diversion ☒ Add point of diversion ☐ Change period of use
☐ Change nature of use ☒ Change place of use ☐ Other _____

1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

DF
4-20-20

Twp	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag #
06N	02W	4	3	SE	SW		Gem	Payette River	Additional POD
06N	02W	4	3	SE	SW		Gem	Payette River	Additional POD
06N	02W	4	3	SE	SW		Gem	Payette River	Additional POD

2. Period and nature of use: ☒ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☐ No changes to place of use. Skip item #3 and proceed to #4.

DF

4-20-20

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	9		X		X									SE				
06N	02W	4													X		X		
06N	02W	9		X			X												
06N	02W	9		X			X												
				L2			L3												

This 17 acre parcel will be removed from permit 65-23706. Total number of acres to be irrigated 17

FEB 20 2020

Form 211 07/2011 Print Form as a 2 page, single sided document

WATER RESOURCES
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APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) Stephen V. Fischer III Phone 650 544-3721
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 175 City Half moon Bay
 State Ca. Zip 94019 Email: fischerstephen967@gmail.com

I am the owner of Water Appropriation Permit No. 65-23706 and request that the permit be amended as follows:

- ☐ Change point of diversion ☒ Add point of diversion ☐ Change period of use
☐ Change nature of use ☒ Change place of use ☐ Other _____

1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
06N	02W	4	3	SE	SW		Gem	Payette River	

2. Period and nature of use: ☒ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☐ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	9		X		X													

This 17 acre parcel will be removed from permit 65-23706. Total number of acres to be irrigated 17

4. **Property ownership:** ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.
- a. Who owns the property at the point of diversion? Stephen V. Fischer Trust
- b. Who owns the land to be irrigated or place of use? Same
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
N/A

5. **Describe the proposed change in narrative form:**

Water permit 65-23706 contains 60 acres of my property.
I am currently in escrow to sell 16.748 Acres and
wish to remove that portion of land from 65-23706.
The remainder of property will continue to be part of
the Wetlands Reserve Easement as described in permit.
MAPS are enclosed showing property changes. When change
of ownership is completed, or with intent to change use
to stockwater and irrigation I would hope to attain a
separate water right for acres removed from 65-23706.

6. **Map:** ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. **Signature:**

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

Stephen V. Fischer III Trust
Signature of applicant or authorized agent

Stephen V. Fischer III Trustee
Print name (and title, if applicable)

FEB 15 2020
Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

FOR DEPARTMENT USE ONLY

Received by LE
Receipted by LE
Reviewed by SN

Date 02/20/2020
Date 02/20/2020
Date 4-15-2020

Receipt No. W048065

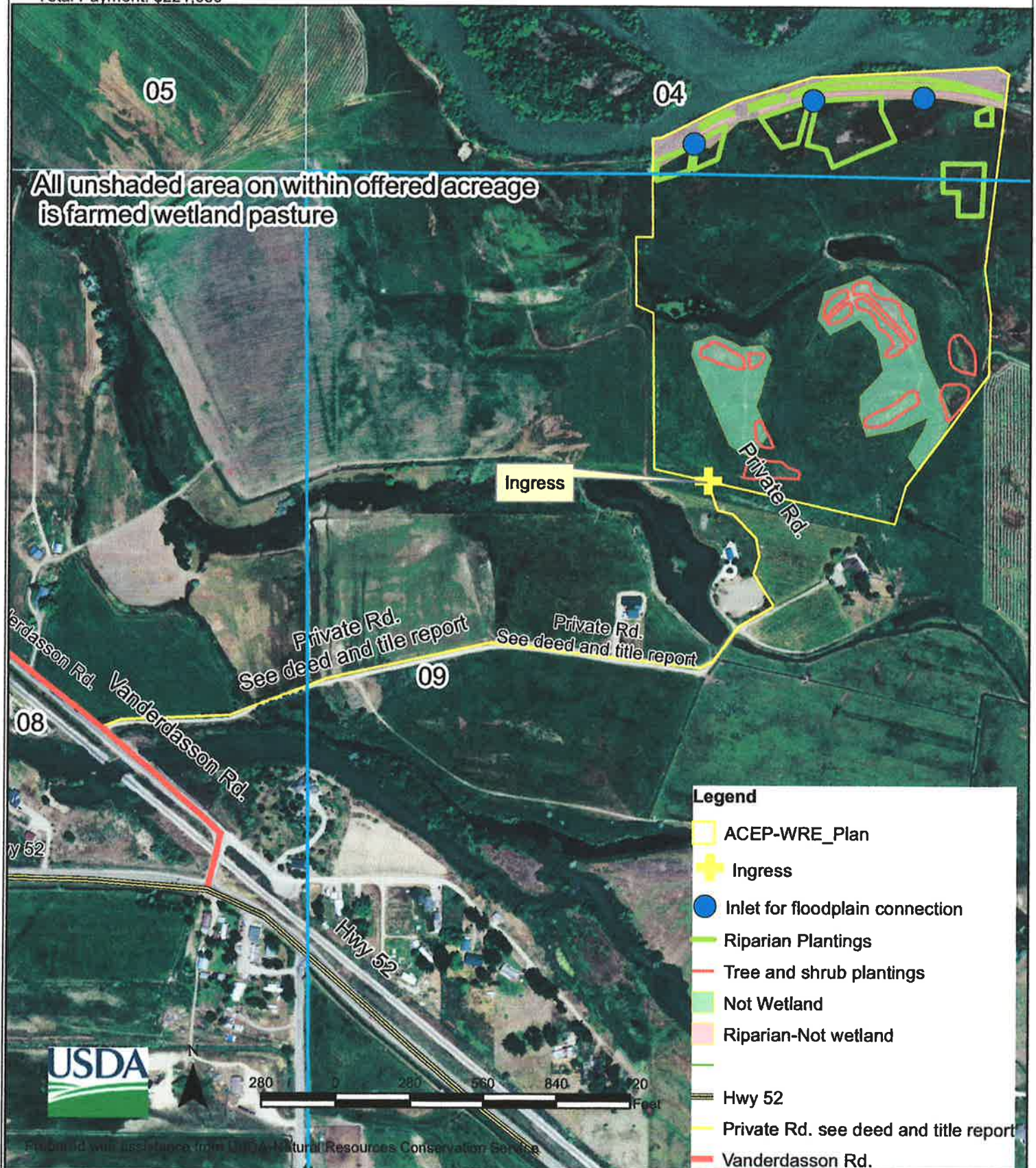
WRE Map

Total Pasture Acres: 44.21 - To remain as 65-23706
 Wetland: 31.71 ac Project not started.
 Riparian Non-Wetland: 4 ac
 Non-Wetland: 8.5 ac

Capped Pasture GARC Rate = \$5,000/acre
 Total Payment: \$221,050

Customer(s): STEPHEN VINCENT FISCHER III TRUST
 Field Office: EMMETT SERVICE CENTER
 Agency: NRCS

Land Units: Land Units: Farm 2969 Tract 2737
 Part of SW1/4, Sec 4, T6N, R2W
 Part of NW1/4, Sec 9, T6N, R2W



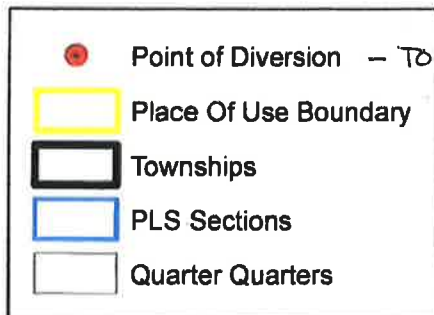
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-23708

This map depicts the WILDLIFE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02W



0 0.075 0.15 0.3 Miles



Property to be removed - see instrument

For current
Description & map.

DESCRIPTIONS OVER PORTIONS OF SECTIONS 4 AND 9
TOWNSHIP 6 NORTH, RANGE 2 WEST, BOISE MERIDIAN,
GEM COUNTY, IDAHO



INSTR. NO. 302154
PAGE 1 OF 3

~~ASE~~
~~NOTARY~~
~~OFFICIAL~~

Instrument # 302154

EMMETT, GEM, IDAHO

6-16-2015 02:10:27 PM No. of Pages: 3

Recorded for: CAPITOL LAW GROUP

SHELLY TILTON

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED

Susie Stewart

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

44 Acres

Jacob A. Sweeten
Capitol Law Group, PLLC
P.O. Box 188
Emmett, Idaho 83617

(Space Above For Recorder's Use)

QUITCLAIM DEED

For value received STEPHEN VINCENT FISCHER III, a married man dealing with his sole and separate property ("Grantor"), does hereby release and forever quitclaim unto STEPHEN V. FISCHER, III as Trustee of the STEPHEN V. FISCHER, III TRUST dated May 14, 2015 ("Grantee"), whose address is P.O Box 175, Half Moon Bay, California 94019, and it's heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Gem County, State of Idaho:

SEE EXHIBIT A

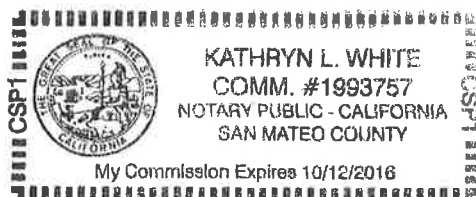
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 9th day of June, 2015.

Stephen Vincent Fischer
STEPHEN VINCENT FISCHER III

STATE OF CALIF)
County of SAN MATEO) ss.

On this 9th day of JUNE, 2015, before me KATHRYN L WHITE, Notary Public personally appeared STEPHEN VINCENT FISCHER III, known or identified to me (or proved to me on the oath of Stephen Vincent Fischer III), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



B. White
NOTARY PUBLIC FOR CALIF
Residing at SAN MATEO CO
My Commission Expires 10/12/2016

EXHIBIT "A"
Property Description
Parcel B Revised Again

That portion of Sections 4 and 9, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the southwest corner of the Northwest $\frac{1}{4}$ of Section 9, Township 6 North, Range 2 West, Boise Meridian from which the northwest corner of said Northwest $\frac{1}{4}$ bears North $00^{\circ}39'22''$ East, 2670.38 feet;
Thence North $30^{\circ}33'59''$ East, 1829.79 feet to the northwest corner of Parcel 3 of that certain Record of Survey filed as instrument no. 190216, records of Gem County, Idaho;
Thence South $76^{\circ}12'34''$ East, 1362.24 feet, along the northerly line of said Parcel 3, to the Point of Beginning;
Thence North $17^{\circ}24'16''$ East, 149.12 feet; Thence North $37^{\circ}42'33''$ East, 519.73 feet;
Thence North $02^{\circ}32'32''$ East, 226.54 feet; Thence North $06^{\circ}31'07''$ West, 185.32 feet;
Thence North $07^{\circ}50'17''$ East, 746.87 feet to a point on the revised meander line of the right bank of the Payette River as shown on that certain Record of Survey filed as instrument no. 163758, records of Gem County, Idaho;
Thence along said revised meander line the following courses and distances:
North $59^{\circ}07'47''$ West, 50.85 feet; South $87^{\circ}39'50''$ West, 704.33 feet;
South $74^{\circ}05'10''$ West, 308.76 feet; South $60^{\circ}43'22''$ West, 306.24 feet;
South $86^{\circ}16'07''$ West, 33.45 feet to a point on an existing fence line referred to hereinafter as Point "A";
Thence leaving said revised meander line South $00^{\circ}38'10''$ West, 373.10 feet, along said fence line;
Thence North $89^{\circ}21'46''$ West, 62.93 feet;
Thence South $00^{\circ}38'43''$ West, 255.00 feet to a fence corner;
Thence South $64^{\circ}53'45''$ East, 69.19 feet, along a fence line, to an angle point in said fence line;
Thence South $00^{\circ}38'10''$ West, 585.72 feet, along said fence line, to a point on said northerly line of Parcel 3 of Record of Survey No. 190216;
Thence South $76^{\circ}12'34''$ East, 932.11 feet, along said northerly line, to the Point of Beginning.

Reserving unto the grantor, his heirs and assigns a river access easement over a strip of land lying 10.00 feet east of and adjacent to the following described line:

Beginning at Point "A" described above:
Thence South $00^{\circ}38'10''$ West, 373.10 feet, along a fence line;
Thence North $89^{\circ}21'46''$ West, 62.93 feet;
Thence South $00^{\circ}38'43''$ West, 255.00 feet to a fence corner;
Thence South $64^{\circ}53'45''$ East, 69.19 feet, along a fence line, to an angle point in said fence line;
Thence South $00^{\circ}38'10''$ West, 585.72 feet, along said fence line, to a point on the northerly line of Parcel 3 of said Record of Survey No. 190216.

Together with and subject to a 50.00 foot ingress, egress and utility easement lying 25.00 feet each side of the following described centerline (originally described in that certain deed filed as instrument no. 208243, records of Gem County, Idaho):

50' Easement from

Vanderdasson to Pond

PAGES 3 OF 3

Commencing at the southwest corner of the Northwest $\frac{1}{4}$ of Section 9, Township 6 North, Range 2 West, Boise Meridian from which the northwest corner of said Section 9 bears North $00^{\circ}39'22''$ East, 2670.38 feet (Record N00 $^{\circ}24'43''$ E, 2667.49');
Thence North $53^{\circ}10'58''$ West, 953.65 feet (Record N53 $^{\circ}37'55''$ W, 951.53') to a point on the centerline of Vanderdasson Road being the **Point of Beginning**;
Thence North $87^{\circ}25'53''$ East, 499.74 feet (Record N87 $^{\circ}09'55''$ E, 499.75');
Thence North $70^{\circ}13'42''$ East, 371.91 feet (Record N69 $^{\circ}57'44''$ E, 371.93');
Thence North $78^{\circ}23'29''$ East, 658.72 feet (Record N78 $^{\circ}07'32''$ E, 658.68') to the beginning of a tangent 450.00 foot radius curve to the right (Record R=475');
Thence easterly along the arc of said curve through a central angle of $20^{\circ}19'47''$ a distance of 159.67 feet (Record L=168.54');
Thence tangent to said curve South $81^{\circ}16'44''$ East, 618.15 feet (Record S81 $^{\circ}32'41''$ E, 618.15');
Thence South $79^{\circ}10'14''$ East, 33.52 feet to a point referred to hereinafter as Point "A";
Thence continuing South $79^{\circ}10'14''$ East, 23.02 feet (Record S79 $^{\circ}26'11''$ E, 56.54') to the terminus of this easement.

Easement From D/W at Pond B-g Facility to Parcel 6
44r

Also together with and subject to a 40.00 foot ingress, egress and utility easement lying 20.00 feet each side of the following described centerline:

Beginning at Point "A" described above:

Thence North $36^{\circ}59'37''$ East, 211.90 feet;
Thence South $75^{\circ}08'40''$ East, 20.38 feet;
Thence North $62^{\circ}19'42''$ East, 183.25 feet;
Thence North $31^{\circ}25'02''$ West, 134.63 feet to the beginning of a tangent 30.00 foot radius curve to the right;
Thence northerly along the arc of said curve through a central angle of $56^{\circ}27'54''$ a distance of 29.56 feet to the beginning of a tangent reversing 136.00 foot radius curve to the left;
Thence northerly along the arc of said curve through a central angle of $62^{\circ}29'49''$ a distance of 148.35 feet;
Thence tangent to said curve North $37^{\circ}26'58''$ West, 131.47 feet to a point on the south line of Parcel B as shown on that certain Record of Survey filed as Instr. No. 235308, records of Gem County, Idaho being the terminus of this easement.

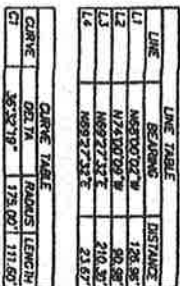
Said tract of land containing therein a calculated area of 44.205 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby and is subject to rights-of-way or easements of record or in use.

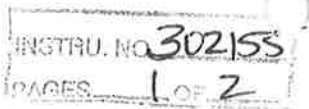
OF A PORTION OF THE NORTH $\frac{1}{2}$ OF SECTION 9,
TOWNSHIP 6 NORTH, RANGE 2 WEST, BOISE MERIDIAN,
GEM COUNTY, IDAHO

Ex-Officio Recorder Deputy *[Signature]*
Index to: RECORD OF SURVEY

For: \$.00
 Deputy Shag Stuart

OCTOBER 2014
RPT. No. 624-09-0-0-0 P2 No. 11-0617





16.748 AC
House
Parcel

Instrument 302155

EMMETT, GEM, IDAHO

6-16-2015 02:14:17 PM No. of Pages: 2

Recorded for: CAPITOL LAW GROUP

SHELLY TILTON

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED

Sissy Stewart

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Jacob A. Sweeten
Capitol Law Group, PLLC
P.O. Box 188
Emmett, Idaho 83617

(Space Above For Recorder's Use)

QUITCLAIM DEED

For value received STEPHEN VINCENT FISCHER III, a married man dealing with his sole and separate property ("Grantor"), does hereby release and forever quitclaim unto STEPHEN V. FISCHER, III as Trustee of the STEPHEN V. FISCHER, III TRUST dated May 14, 2015 ("Grantee"), whose address is P.O Box 175, Half Moon Bay, California 94019, and it's heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Gem County, State of Idaho:

SEE EXHIBIT A

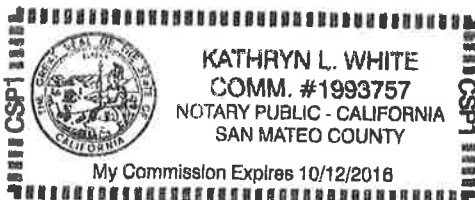
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 9th day of JUNE, 2015.

Stephen Vincent Fischer III
STEPHEN VINCENT FISCHER III

STATE OF CA)
County of SAN MATEO) ss.

On this 9th day of JUNE, 2015, before me KATHRYN L. WHITE, Notary Public, personally appeared STEPHEN VINCENT FISCHER III, known or identified to me (or proved to me on the oath of Stephen Vincent Fischer III), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]
NOTARY PUBLIC FOR SAN MATEO, CO CALIFORNIA
Residing at _____
My Commission Expires 10/12/2016

EXHIBIT A
Parcel C

That portion of the North ½ of Section 9, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the southwest corner of the North ½ of Section 9, Township 6 North, Range 2 West, Boise Meridian;
 Thence North 00°39'22" East, 665.73 feet (formally N00°34'43"E, 661.48'), along the west line of said North ½ of Section 9;
 Thence North 70°13'42" East, 89.61 feet (formally N69°57'44"E, 89.94');
 Thence South 49°36'19" East, 282.25 feet (formally S49°52'16"E);
 Thence South 53°52'53" East, 380.00 feet (formally S54°08'50"E);
 Thence South 81°45'39" East, 715.78 feet (formally S82°01'36" E);
 Thence North 22°19'24" East, 610.75 feet (formally N22°09'14"E, 612.07');
 Thence North 36°59'37" East, 82.74 feet (formally N36°42'34"E) to the **Point of Beginning**;
 Thence North 43°45'43" West, 334.84 feet;
 Thence North 15°39'16" West, 282.73 feet;
 Thence North 68°34'39" West, 193.55 feet;
 Thence North 61°04'36" West, 255.85 feet;
 Thence North 37°11'23" East, 62.59 feet;
 Thence South 76°12'34" East, 1362.24 feet;
 Thence North 17°24'16" East, 149.12 feet;
 Thence North 37°42'33" East, 519.73 feet;
 Thence South 00°35'20" West, 931.62 feet to a point on the centerline of the Shultz irrigation ditch said point being on the arc of a non-tangent 292.00 foot radius curve to the left, a radial bearing from said point bears South 36°49'14" West;
 Thence northwesterly along the arc of said curve and said centerline through a central angle of 46°46'53" a distance of 238.41 feet;
 Thence tangent to said curve South 80°02'21" West, 199.31 feet, along said centerline;
 Thence South 69°27'32" West, 233.97 feet, along said centerline, to the beginning of a tangent 175.00 foot radius curve to the right;
 Thence westerly along the arc of said curve and said centerline through a central angle of 36°32'19" a distance of 111.60 feet;
 Thence North 74°00'09" West, 90.98 feet, along said centerline;
 Thence North 68°00'02" West, 126.96 feet, along said centerline;
 Thence South 36°59'37" West, 76.50 feet to the **Point of Beginning**.

Said tract of land containing therein a calculated area of 16.748 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby and is subject to rights-of-way or easements of record or in use.

Together with a 50.00 foot ingress, egress and utility easement as shown on deed filed as Instr. No. 208243, records of Gem County, Idaho.

Also together with and subject to 40.00 foot ingress and egress easements per deeds filed as Instr. No.'s 282540 and 286485, records of Gem County, Idaho.



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 1, 2020

BILBREY DITCH CO LTD
C/O LEANNE STRICKLAND
2430 TOMS CABIN RD
EMMETT ID 83617

RE: Application for Amendment of Permit No. 65-23706

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)

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, May 01, 2020 9:43 AM
To: 'bill.bosworth@idfg.idaho.gov'
Subject: Application for Amendment of 2-10516, Application for Amendment of 65-23706, and Application for Permit No: 57-12011

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 applications. You can find a copies of the applications 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 these applications, 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 applications.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, May 01, 2020 9:48 AM
To: 'waterdist65@srvinet.com'
Subject: Application for Transfer No. 84026, Application for Amendment of 65-23706
Attachments: RecommendationForm Transfer2.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you 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, then complete the enclosed recommendation form and return it to this office by 05/26/2020.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by 05/26/2020, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
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 1, 2020

STEPHEN V. FISCHER III
PO BOX 175
HALF MOON BAY, CA 94019

RE: Application for Amendment of Permit No. 65-23706

Dear Applicant(s):

The Department of Water Resources has received your application to amend the above referenced permit. 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 MESSENGER INDEX on 5/6/2020 and 5/13/2020. 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 to amend the permit is approved, the Department will send you a copy of the amended permit.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
NRCS

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, April 30, 2020 10:16 AM
To: 'legals@idahopress.com'
Subject: Gem Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Completed

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 05/06/2020 and 05/13/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
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 1, 2020

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Amendment of Permit No. 65-23706

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 5/26/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

PROPOSED AMENDMENT OF WATER PERMIT

65-23706

STEPHEN V. FISCHER III, PO BOX 175, HALF MOON BAY, CA 94019 filed an application to amend permit no. 65-23706 on 02-20-2020 to amend a water permit no. 65-23706 with a 2018 priority from Payette River totaling 1.24 cfs for an NRCS project to flood the pasture for waterfowl loafing and feeding. The permit provides wildlife, diversion to storage, and wildlife storage water for property located approx. 0.5 miles NE of Toms Cabin Rd and HWY 52 east of Emmett. The applicant proposes to amend the permit to add 3 new PODs –only used at high water or flood stage- and update the POU to reflect reduction in acres.

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/WRAJSearch/WRADJSearch.aspx>. 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 5/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/6/2020 and 5/13/2020

Novak, Shilynn

From: stephen fischer <fischerstephen967@gmail.com>
Sent: Monday, April 20, 2020 10:57 AM
To: Novak, Shilynn
Subject: Re: Application for Amendment of a Permit: Please Amend

I will E-mail back today. Dont have scanner at house, so need to go to UPS store.
In theory, copied what you wrote and initialed each section with Date.

Thanks, Steve

On Fri, Apr 17, 2020 at 3:05 PM Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov> wrote:

Hi Steve,

After going through your application and checking in with my supervisor, your application will need to be amended by you. I've attached a scan of your application. If you can make the following changes to #1 Point of Diversion and #2 Place of Use, I can continue processing your application.

#1 Point of Diversion Fix:

This section needs to be updated to reflect the three total PODs that will be added. You will need to add two more lines with the same information as what is written on your application. Initial and date the changes next to this section. (Below is an example of what we are looking for.)

1. **Point of diversion:** ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion at

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Loca
06N	02W	4	3	SE	SW		GEM	PAYETTE RIVER	ADDI
06N	02W	4	3	SE	SW		GEM	PAYETTE RIVER	ADDI
06N	02W	4	3	SE	SW		GEM	PAYETTE RIVER	ADDI

#2 Place of Use Fix:

The place of use listed does not match up with your map. Using the map, below is the change that you would need to make to make your application accurate:

TWP	RGE	SEC	NE				NW				SW				SE		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW
06N	02W	4												X			X
06N	02W	9		X			X										
06N	02W	9		X			X										
				L2			L3										

Please cross out the SENE "X" and add the above information to your application.

Initial and date the changes next to this section.

Please initial and date the changes next to each section and email me your amended application. If you have any questions, please let me know.

Hope you have a good weekend,

Shilynn Novak | Water Resource Agent

Idaho Department of Water Resources

Western Regional Office

Phone: (208) 334-2190

Novak, Shilynn

From: stephen fischer <fischerstephen967@gmail.com>
Sent: Wednesday, April 15, 2020 4:12 PM
To: Novak, Shilynn
Subject: Re: Application for Amendment of Permit 63-23706

Shilynn, the 3 inlets would be new as they were added this time for the NRCS project and were left out when we were approved for water right 65-23706. As I understand it, they would be used at high water or flood stage to flood my most northerly pasture for waterfowl loafing and feeding. I am not sure if you received the total project map, as it has been so long ago.

Let me know if this helps, and I can also get any clarification you may have from NRCS.

Thanks, Steve

On Wed, Apr 15, 2020 at 1:36 PM Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov> wrote:

Hi Stephen,

I wanted to check with you about a question I had on your application.

1. Point of Diversion

On your application you indicated you wanted to add a point of diversion (POD) at 06N 02W Sec 4 SESW L3. When I compared it with the map, I saw the three inlets with no other identifiers in that area. Are the inlets what you would like to add to your application or is there a different point that I am missing? Will it be all three inlets?

Thank you for your help!

Shilynn Novak | Water Resource Agent

Idaho Department of Water Resources

Western Regional Office

Phone: (208) 334-2190