

Should dissions arise during the prucessing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

Department of water resources
APPLICATION FOR PERMIT

Ident. No. ___63-11923

+

To appropriate the public waters of the State of Idaho

| 1. | Name of applicant Riverview Ventures Phone 336-4262 |
|----|--|
| | Post office address P.O. Box 9294, Boise, ID 83707 |
| 2. | Source of water supply Boise River which is a tributary of Snake River |
| 3. | Location of point of diversion is NE 1/4 of SE 1/4 of NW 1/4, Govt. Lot |
| | Sec. 30 Township 3N Range 3E B.M. County; additional |
| | points of diversion if any: Lt6(NWSW), Sec. 29, T3N, R3E |
| 4. | Water will be used for the following purposes: |
| | Amount 5.0 for Aesthetics / P&W purposes from 1/1 to 12/31 (both dates inclusive) |
| (| Amount for purposes from to (both dates inclusive) |
| | Amount for purposes from to (both dates inclusive) |
| | Amount for purposes from to (both dates inclusive) |
| 5. | Total quantity to be appropriated is (a) 5.0 and/or (b) acre feet per annum |
| | Proposed diverting works: |
| | a. Description of ditches, flumes, pumps, headgates, etc. <u>Existing diversion works will be</u> |
| | modified for this water right. Water will flow through an existing wetland |
| | discharging into Loggers Creek and eventually back to the Boise River. |
| | b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total |
| | reservoir capacity acre-feet; period of year when water :vill be diverted to storage: |
| | to inclusive |
| | c. Proposed well diameter is N/A inches; proposed depth of well is feet. |
| | d. Is ground water with a temperature of gre than 90°F being sought? No |
| 7. | . Time required for the completion of the works and application of the water to the proposed beneficial use is |
| | 5years (minimum 1 year). |
| 4 | + See rements -5: 7/17/92 |

| 8. | Descri | | | | | | | | | | | | | | | | | | |
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| 9. | Descri | • | | | | | | | | | | | | * | باييطم | n | holov | ., | |
| | | 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 corres- | | | | | | | | | | | | | | | | | |
| | | b. If water is used for other purposes, place a symbol of the use (example: D for bothesic) in the corresponding place of use below. See instructions for standard symbols. [Jart Dothesic] in the corresponding place of use below. See instructions for standard symbols. | | | | | | | | | | | | | | | | | |
| | pon | iding p | lace (| of use | e belo | w. Se | e ins | tructi | ons fe | or sta | ndarc | sym | bols. | | بر ر | , , | 001~ | . | 74 62 7767 |
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| 3N | 3E | 30 | | | 10/5 | | W/J | W/J | W/J | W/J | 14/5 | | | | | wjs | | | N/A |
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-PC- 7/17/92

Sandra J. Johnson is hereby authorized to represent and sign all necessary documents on behalf of River View Ventures regarding the change in nature of use for all water rights on the attached described property from irrigation to wildlife and aesthetics.

RIVER VIEW VENTURES

Villiam D. Tate

President/

Date

arthirty to sign this applicant sufficient some store discusses transful opply of 13-00249 -0027800279.

OK out it by interesses.

- Si 8/25/92

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

| SEE ATTA | CHMENT "A" | 5 in 6, 1. f | 11.7 | | |
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Scale: 2 inches equal 1 mile.

| BE IT KNOWN that the undersigned hereby makes ap | plication for permit to | o appropriate the p | public waters of |
|--|-------------------------|---------------------|------------------|
| the State of Idaho as herein set forth. | | | |
| C 4411 -41 | () h. (: | A(II', B) | , |

* SEE Attiched for Signatury INFS

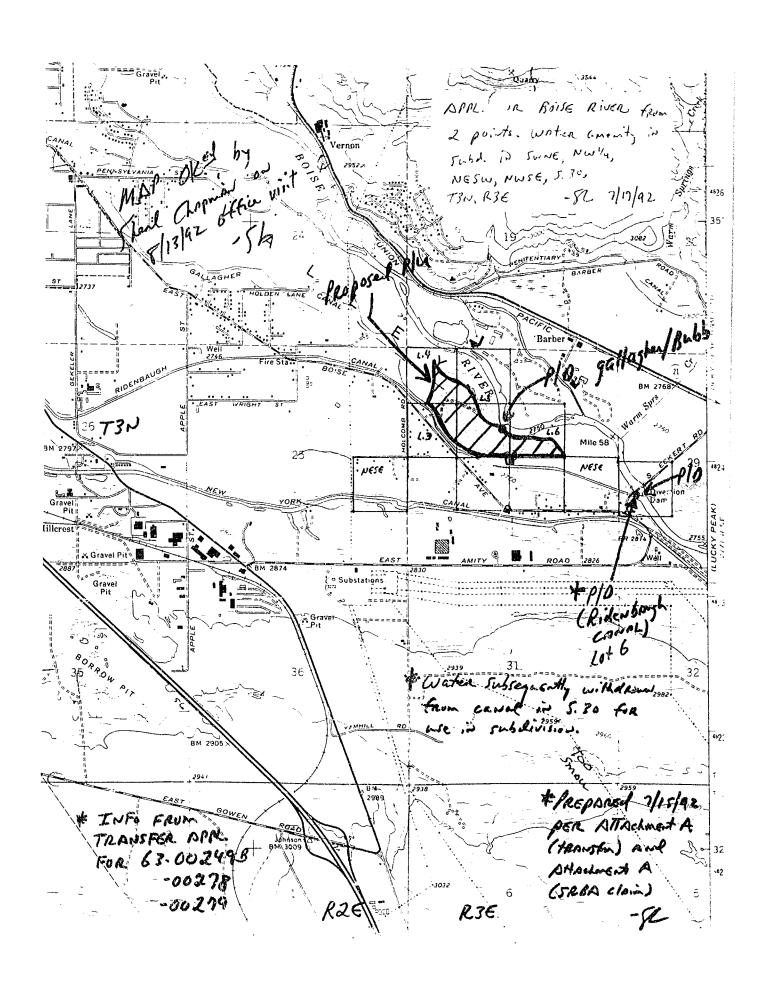
(Applicant)

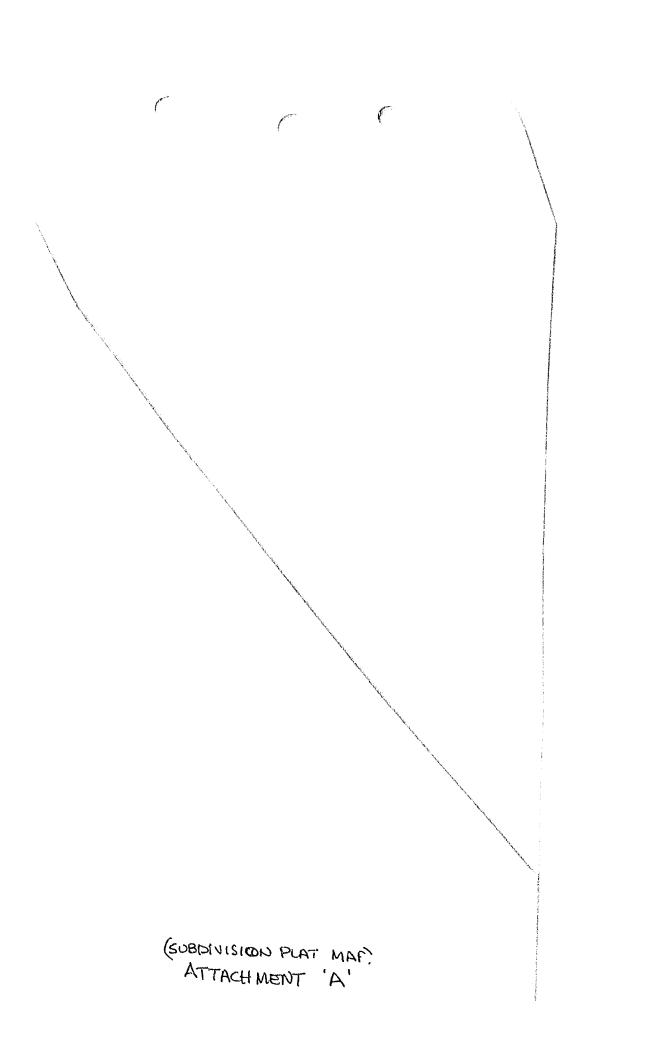
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| Publication prepared by Publication approved | | st_ | Date | 11-2-9 | 9/3 i | & 9/10/92 |
| ACTION | OF THE DIRECTOR | , DEPARTM | ENT OF | WATER R | ESOUR | CES |
| This is to certify tha | t I have examined Appli | cation for Peri | mit to appi | ropriate the | public w | aters of the State of |
| Idaho No | , and said | d application i | s hereby _ | | | |
| Approval of said appl | ication is subject to the | following limi | tations an | d condition | s: | |
| a. SUBJECT TO ALL | PRIOR WATER RIGHTS. | | | | | |
| b. Proof of construct | ion of works and applic | ation of water | to benefi | cial use sh | all he sub | rmitted on or before |
| | , 19 | , | | | | |
| c. The rate of diversi- water rights for th | on, if water is to be used e same land shall not ex | for irrigation ceed 0.02 cub | under this ic feet per | permit, who second for | en combi each acr | ned with all other e of land. |
| rights to the use of | quired under this permit f water, other than hydro this permit and shali no r than hydropower, with | power, withir at give rise to a | n the State any right o | e of Idano the r claim aga | nat are ini inst any f | tiated later in time uture rights to the |

e. Other:

Water from the Boise River for the above uses will be diverted through existing structural facilities for the Gallagher and Bub Canals then through a measuring device and directly into an existing wetland. Water will flow through the wetland eventually entering Loggers Creek just below the creek's Roise River diversion. Water entering Loggers Creek will have traveled several hundred yards through the undisturbed wetland and no adverse water quality impacts are anticipated. Water discharging into Loggers Creek will flow down Loggers Creek and eventually re-enter the Boise River. No diversion for consumptive purposes will be made from the wetland and the only consumption of water will be by existing natural vegetation. The purpose for the diversion is to provide sufficient water to maintain the natural wetland, it's vegetation and wildlife habitat and to provide a water barrier between the subdivision and a natural heron rookery that exists adjacent to the Boise River. Consumption of water through the wetland by natural vegetation is anticipated to be mitigated by the reduction of irrigated acreage within the subdivision under a transfer and change in nature of use application for water rights #63-00249, #63-00278 and #63-00279 filed as a part of this project. Water for these water rights also is from the Boise River and therefore the mitigation will be direct. Winter time diversions for the wetland, if they occur, will be through an agreement with the Idaho Department of Fish and Game and water from the Fish and Game storage account would be utilized. If this agreement cannot be reached, an effort will be made to obtain augmentation water through the Boise River Water Bank.

This application will also provide for water to be diverted from an existing diversion on the Ridenbaugh Canal in order to provide for a sufficient volume of water diverted under water rights #63-00249, #63-00278 and #63-00279.





State of Idaho Department of Water Resources

Permit To Appropriate Water

NO. 63-11923

Proposed Priority: May 6, 1992

Maximum Diversion Rate:

5.00 CFS

This is to certify, that RIVERVIEW VENTURES

PO BOX 9294

BOISE ID 83707-9294

has applied for a permit to appropriate water from:

BOISE RIVER

tributary of SNAKE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

AESTHETIC

01/01 to 12/31

5.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NWSW), Sec. 29, Township O3N, Range O3E NESENW , Sec. 30, Township 03N, Range 03E ADA County

PLACE OF USE: AESTHETIC

TWN RGE SEC

Lot 6(SWNE) 03N 03E 30

Lot 3(SWNW)

Lot 5 (NENW) SENW

Lot 4 (NWNW)

NESW

NWSE

CONDITIONS/REMARKS:

- 1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1998.
- 2. Subject to all prior water rights.
- 3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 4. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
- 5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
- 6. Water shall not be diverted under this right until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permitted use with the irrigation district or canal company
- 7. Use of water under this right may be affected by an agreement between the protestant and the right holder.

State of Idaho Department of Water Resources

Permit To Appropriate Water

NO. 63-11923

Proposed Priority: May 6, 1992

Maximum Diversion Rate:

5.00 CFS

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AESTHETIC

01/01 to 12/31

5.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NWSW), Sec. 29, Township 03N, Range 03E NESENW , Sec. 30, Township 03N, Range 03E

ADA County

PLACE OF USE: AESTHETIC

TWN RGE SEC

O3N O3E 30

Lot 6(SWNE) Lot 3(SWNW)

Lot 5 (NENW)

Lot 4(NWNW)

NESW

NWSE

CONDITIONS/REMARKS:

- 1. Proof of construction of works and application of water to beneficial use shall be submitted on or before Docember 1, 1998.
- 2. Subject to all prior water rights.
- 3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 4. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
- 5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
- 6. Water shall not be diverted under this right until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permitted use with the irrigation district or canal company
- 7. Use of water under this right may be affected by an agreement between the protestant and the right holder.

PAGE 2

State of Idaho Department of Water Resources

Permit To Appropriate Water

NO. 63-11923

CONDITIONS/REMARKS:

- Place of use is located within Natures Wood Duck Island Subdivision No. 1.
- 9. Aesthetic use is for a waterway.
- 10. This permit does not authorize the divertion of water from the Boise River when water flow in the river is less than 225 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

day of

R. Keith Higginson, Director

63-11923

RIVERVIEW VENTURES PO BOX 9294 BOISE, ID 83707

Source: BOISE RIVER Tributary: SNAKE RIVER

Diversion Pt: LOT 6 (NWSW) Sec 29 T 03N R 03E in ADA County.

NESENW Sec 30 T 03N R 03E in ADA County.

Use: AESTHETIC (5.000 CFS)

Total Diversion: (5.000 CFS;

Date Filed: 5/ 6/1992

In: ADA County
TO3N RO3E S30 Lot 6(SWNE) Lot 5(NENW) Lot 4(NWNW) Lot 3(SWNW)

NESW NWSE SENW

P O BOX 40. BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

NT

NOTICE OF APPLICATION FOR WATER RIGHT

Run Dates

September 3, 10, 1992

Estimated Inches

Identification

P.O. Number

Rate

Account Number

Gail Garrett

State of Idaho

Ordered By

| Amount | Due |
|--------|-----|
| # 11/0 | 25 |
| 11/4/) | 5 |

Real Inches

| State of Idams | | | | 1 | |
|---|--|---|--|---|---|
| Department of Water Resources | | | | ĺ | |
| Western Region | | # Affidavits | | Legal Nui | mber |
| 2735 Airport Way | | ,,,,,, | | | |
| Boise, Idaho 83705 | | | | ١ , | 065 |
| Boise, Idano os, os | | 11 | | 13 | 065 |
| | | | | | |
| | JUL | JIE DAY | | | , being duly |
| LEGAL NOTICE NOTICE OF APPLICATION FOR WATER RIGHT The Following application(s) have been filed to appropriate the public waters of the State of Idaho: BERRY, WILLIAM A BERRY, SHIRLEY P PO BOX 692 EAGLE, ID 83616 Source: GROUNDWATER Diversion Pt: Use: IRRIGATION Total Diversion: LEGAL NOTICE APPLICATION FOR APPLICATION FOR WATER WATER 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 63-11901 | taily ne Idaho spaper junty d lirst pu t said i | That she is the ewspaper print o, and having a has been confuring a period ablication of the notice was publich Section 60- | ted and position and position of twelve anotice, and the first term of the first ter | Clerk of it ublished a circulation and unintended consecuted to the Idaho | The at Boise, a therein cerruptedly tive which is |
| Date Filed: | | | | | مناها مارنج |
| In: ADA County T05N R01E S29 NENW 7.0 ACRES TOTAL | ľ | consecutive d | CEDT | | 0.0 |
| CITY OF MERIDIAN | ig with | n the issue of $_$ | ODIT. | | , 19_ _ |
| 33 E IDAHO AVE MERIDIAN, ID 83642 **Cource: GROUNDWATER Diversion Pt: NENE Sec 11 T 03N R 01W in ADA County. Use: MUNICIPAL (3.000 CFS) Total Diversion: 8/20/1992 Date Filed: 8/20/1992 | | of Juli | SEPT. | 10 | _, 1992 |
| 2 03-11720 A P | ·) | | | | |
| RIVERVIEW VENTURES PO BOX 9294 BOISE, ID 83707 Source: BOISE RIVER Diversion Pt: NESENW Sec 30 T 03N R 03E in ADA County Lot 6 (NWSW) Sec 29 T 03N R 03 E in ADA County Use: AESTHETIC Total Diversion: (5.000 CFS: 57 6/1992 Date Filed: In: ADA County T03N R03E S30 Lot 6(SWNE) Lot 5(NENW) Lot 4(NWN) SENW NESW NV 63-11924 | pre r | ss. day ofS me, a Notary se name subsc y sworn, decla | Public, j , know cribed to tred that the | personally own or ic the within he stateme | y appeared dentified to instrument, ents therein |
| RIVERVIEW VENTURES | rieug | ieu tome man | 1 | .,,,, 00 | |
| PO BOX 9294 BOISE, ID 83707 Source: GROUNDWATER Diversion Pt: SESENW Sec 30 T 03N R 03E in ADA Count Diversion Pt: (3.000 CFS Use: AESTHETIC (3.000 CFS | sidir | Public for Idal | BOISE | | 2 |
| Date Filed: | | mmission expir | ·AS: // | 1-27 43 | |
| In: ADA County T03N R03E S30 Lot 6(SWNE) Lot 5 (NENW) Lot 4(NWNW) Lot 3(SWNW) SENW NESW NWSE The permit(s) will be subject to all prior water rights. Protests must be given with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director, Dept. of Water Resources, Western Region, 273 filed with the Director Region | e l | minission expir | · | | - |
| SEPTEMBER 21, 1992. R. Keith Higginson, Director Pub. September 3, 10, 1992 | 55 | | | | |
| Pull, September 37 (47) | _ | | | | |



State of Claho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON DIRECTOR

August 31, 1992

Lee Sisco, Watermaster 214 Broadway Boise, ID 83702

Re: Application for Water Right No. 63-11923 in name of Riverview Ventures

Dear Watermaster:

Enclosed is an application for water right within your water district. Also enclosed is a form for your recommendation concerning this application for permit.

Please review the application and return your recommendation within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.

Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

Recommendation of Watermaster Form



State of laho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS GOVERNOR

R. KEITH HIGGINSON DIRECTOR

September 2, 1992

SOUTH BOISE MUTUAL IRRIG CO LTD 1120 CHAMBERLIN ST BOISE ID 83706

Re: Application for Water Right No. 63-11923 in name of Riverview Adventures

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which is within your drainage district. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six week period and is required to take final action shortly thereafter, however, if you desire to file a formal protest against the approval of this application(s), your written protest must be received in this office by September 21, 1992.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID R. TUTHILL, JRJ, P. E.

Manager, Western Regional Office

DRT:st

Enclosure(s):



State of laho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS GOVERNOR

R. KEITH HIGGINSON DIRECTOR

September 2, 1992

NAMPA-MERIDIAN IRRIGATION DIST 1503 1ST S NAMPA ID 83651-4395

Re: Application for Water Right No. 63-11923 in name of

Riverview Adventures

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which is within your drainage district. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six week period and is required to take final action shortly thereafter, however, if you desire to file a formal protest against the approval of this application(s), your written protest must be received in this office by September 21, 1992.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P. E.

Java R. Tithel &

Manager, Western Regional Office

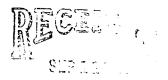
DRT:st

Enclosure(s):



ş \$

3101 S. Powerline Nampa, ID 83686 (208) 465-8465



Department of Weter Resources Western Regions, Office

September 8, 1992

Dave Tuthill Dus Idaho Department of Water Resources Western Region Office 2735 Airport Way Boise, ID 83705

Re: New Water Right Filings

63-11923 Riverview Ventures 63-11924 Riverview Ventures

Dear Mr. Tuthill:

The Idaho Department of Fish and Game has reviewed the above referenced applications for new water rights from the Boise River and wishes to protest both applications, particularly the use of water during the critical winter period following the shutdown of irrigation systems. In our opinion, any further diversion of Boise River water during the winter period would be detrimental to both fish and wildlife resources.

The Department has a water storage right of 50,000 acre-feet in Lucky Peak Reservoir which is used to provide a maintenance flow in the Boise River for fish and wildlife during the winter months. Regardless of whether it is a surface or groundwater application, the public and the resources will be best served by leaving the water within the Boise River channel. It is important to note that the Department considers the typical winter flow of 150 cubic feet per second as a subsistence flow and not the optimum flow for fishery resources. We do not support any further diversion of Boise River water through subdivisions during the crucial winter season. The last six years of drought in southern Idaho have taken a toll on everyone from irrigators to natural resources and it has become apparent to us that the Boise River is fully appropriated.

Cecil D. Andrus Governor Jerry M. Conley Director

Equal Opportunity Employer



Mr. Dave Tuthill September 8, 1992 Page 2

Thank you for the opportunity to comment on these applications. If you have any questions, please contact Scott Grunder, Environmental Staff Biologist.

Sincerely,

Stacy Gebhards Regional Supervisor

SG:sag

cc: Natural Resources Policy Bureau Legal Section (Steve Goddard)

Terry Holubetz

Bureau of Reclamation (J. Gregg) Boise Project Board of Control

City of Boise (Planning and Zoning Dept.)

Ada County (Planning and Zoning)

USFWS (Lobdell) EPA (Boise)

SFP 14 1907

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 63-11923

Department of Water Secources
Wastern Regional Office

RECOMMENDATION OF WATERMASTER

| I, Lee Sisce, watermaster of |
|--|
| Boise River, of Water District No. 63, County of |
| Ada, State of Idaho, whose address is |
| , have read |
| the attached copy of the application for permit for a water |
| right in the name of Biveryiew Ventures. |
| A. I hereby endorse the above numbered application |
| and recommend that the Director of the Department of Water |
| Resources approve the application subject to the following |
| conditions: |
| |
| |
| OR |
| |
| B. I do not endorse approval of the above numbered |
| application for water right as requested for the following |
| reagong! |
| I will not endorse any new Acsthedics |
| type Filings from the river at vethe |
| return flow area. Each of these types of |
| use contribute to the eyaporation loss and |
| with our current drought we can't continue |
| use contribute to the exesoration loss and with our current drought we can't continue to suffer these losses to the river, pated at 18015c , Idano, this 11 day of |
| S-st., 1992. |
| |
| Lee your |
| (signature) |

Please use reverse side if needed.



State of aho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise. Idaho 83705-5082 - (208) 334-2190

September 16, 1992

CECIL D. ANDRUS GOVERNOR

STACY GEBHARDS ID FISH & GAME 3101 S POWERLINE NAMPA ID 83686 R. KEITH HIGGINSON DIRECTOR

Re: Applications for Permit Nos. 63-11923 & 63-11924 in the Name of Riverview Ventures

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

- Will the proposed use reduce the quantity of water under existing water rights?
- 2. Is the proposed water supply insufficient for the purposes intended?
- 3. Is the application made in good faith or for delay or speculative purposes?
- 4. Has the applicant sufficient financial resources with which to complete the project?
- 5. Will the proposed use under this permit conflict with the local public interest?
- 6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.

Manager, Western Regional Office

DRT/st



State of % aho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS

R. KEITH HIGGINSON DIRECTOR

September 16, 1992

RIVERVIEW VENTURES PO BOX 9294 BOISE ID 83707

Re: Applications for Permit Nos. 63-11923 & 63-11924

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, <u>Idaho Code</u>):

- 1. Will the proposed use reduce the quantity of water under existing water rights?
- 2. Is the proposed water supply insufficient for the purposes intended?
- 3. Is the application made in good faith or for delay or speculative purposes?
- 4. Has the applicant sufficient financial resources with which to complete the project?
- 5. Will the proposed use under this permit conflict with the local public interest?
- 6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR.,

Manager, Western Regional Offica

Enclosure: Copy of protest(s)

HUBBLE ENGINEERING, INC.

9550 Bethel Court Boise, Idaho 83709

208/322-8992 = Fax 208/378-0329

September 16, 1992

PN: 92016

Mr. Dale Milton South Boise Mutual Irrigation District 1120 Chamberlin Boise, Idaho

RE: Modifications to the Bubb Canal Measuring Device

Dear Mr. Milton,

The attached conceptual plan shows the modification to the submerged orifice measuring device for the Bubb Canal which we discussed yesterday.

The structure will be constructed according to the requirements of the Bureau of Reclamation's "Water Measurement Manual". This structure will allow for Wood Duck Island's proposed water allotment and also for the Bubb Canal's full allotment.

Wood Duck Island's flow will exit the structure to the north prior to the orifice which regulates the flow for the Bubb Canai. The detailed design for the structure will also be coordinated with the irrigation district so as to meet their requirements.

Also shown on the correptual plan is the proposed realignment of a short section of the canal. The size and requirements for access and maintenance will be coordinated with the irrigation district during the final design of the channel.

If you need anything further, please do not hesitate to call.

Sincerely,

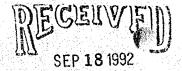
Jim Merkle, P.E.

HUBBLE ENGINEERING, INC.

Enclosure

JCM/dkg/364.ltr

cc: Sandi Johnson, Wood Duck Island





Department of Water Resources Western Regional Office

To: Western R

State of Idaho Department of Water Resources

From:

South Boise Mutual 1rrig Co LTD

Date:

9-18-92

Subject:

Application for Right No. 63-11923 in the name of Riverview Adventures.

I have reviewed this application and a set of planes submitted to S.B.M.I.C. by Hubble Engineering, Inc. This application and the plans meet with the needs of the South Boise Mutual Irrig Co. We find them to be in the best interest of both parties.

I have inclosed a copy of a letter that accompanied the plans we reviewed.

A.J. Mitchell

Chairman of the Board

A my takel

South Mutual Irrigation District LTD.



SEP 22 1992

September 1, 1992

Department of Water Resources
Western Regional Office

Mr. Sherl L. Chapman 410 S. Orchard, Suite 144 Boise, ID 83705

RE: Wood Duck Island

Dear Sherl:

The following are officers of the various corporation involved with Wood Duck Island.

Developing Entity: River View Ventures, a Joint Venture

- 1) Development Group, Inc.
 William D. Tate, President
 Larry D. Knapp, Vice President-Treasurer
 Sandra J. Johnson, Secretary
- 2) Real Estate Ventures, Inc. Larry D. Knapp, President Kathryn L. Knapp, Secretary
- 3) Landvest Ventures, Inc.
 Ronald S. Hall, President
 Nancy J. Hall, Secretary

Land Owners of balance of property not yet purchased by River View Ventures:

Boise River Ranch, LTD Partnership Larry D. Knapp, Ronald S. Hall & Limited Partner

Please have a copy of the legal description provided to you by Hubble Engineering along with the date on you map and the "title" of the map mailed to Jim Merkle, Hubble Engineering, 9550 Bethul Court, Boise 83704. We have requested they review the legal description and let us know if there is a discrepancy from the land actually purchased.

P.O. Box 9294 • Boise, Idaho 83707 Information Center • 2800 East Boise Avenue

2 1992



SEP 22 1992

September 1, 1992

Department of Water Resourced Western Regional Office

Mr. Sherl L. Chapman 410 S. Orchard, Suite 144 Boise, ID 83705

RE: Wood Duck Island

Dear Sherl:

The following are officers of the various corporation involved with Wood Duck Island.

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Please have a copy of the legal description provided to you by Hubble Engineering along with the date on you map and the "title" of the map mailed to Jim Merkle, Hubble Engineering, 9550 Bethel Court, Boise 83704. We have requested they review the legal description and let us know if there is a discrepancy from the land actually purchased.



State of Paho DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON DIRECTOR

October 26, 1992

SANDRA J JOHNSON PO BOX 9294 BOISE ID 83707

Re: Applications for Permit Nos. 63-11923 & 63-11924

Dear Ms. Johnson:

This letter is to approve your request for a 60 day extension to work with Fish and Game to resolve their protest to the above-referenced applications.

Please keep us advised of any progress you make.

Sincerely,

DAVID R. TUTHILL, JR () P.E.

Manager, Western Regional Office

DRT:st

RIVERVIEW Vent





Department of Water Resources Western Regional Office

October 2, 1992

Mr. David R. Tuthill, Jr., P.E. Manager, Western Regional Office State of Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082

RE: Applications for Permit Nos. 63-11923 & 63-11924

Dear Mr. Tuthill:

As per our telephone conversation yesterday, we hereby request a 60-day extension to work with Mr. Stacey Gebhard and staff at Fish and Game to resolve the objection to our application.

We are requesting a meeting with Fish and Game to receive more input from them regarding their protest and feel we may be able to answer questions for them that will eliminate their concerns.

Please advise if the requested extension is acceptable.

Sincerely,

River View Ventures

Sandra J. Johnson

js:sj

P.O. Box 9294 • Boise, Idaho 83707 Information Center • 2800 East Boise Avenue



NOV 23 1992

Department of Water Resources Western Regional Offica

November 19, 1992

David R. Tuthill, Jr., P.E. Manager, Western Regional Office Department of Water Resources 2735 Airport Way Boise, ID 83705-5082

Re: Application for Permit Nos. 63-11923 & 63-11924

Dear Mr. Tuthill,

On November 12, 1992, Rob Tiedeman and myself met with Scott Grunder and Stacey Gebhards of the Regional Fish and Game office to discuss our water right filing on the above permits.

At this meeting we were able to answer questions regarding Fish and Game concerns and discuss further our purpose for the permits. As a result of this meeting, the issues surrounding the protest have been resolved.

Two of the main issues of concern were the intended use and the year round nature of the application during potential low-flow periods in the Boise River.

First, the intended use is to add supplemental water into an existing slough to allow revegetation of a 13-acre wildlife preserve set aside adjacent to the Boise River Greenbelt. The slough does not flow through the subdivision but rather through the Wildlife Preserve over which Fish and Game will have a Conservation Agreement.

Secondly, we have agreed to modify our application to limit our access to the water during the critical winter months.

Page 2
David R. Tuthill, Jr., P.E.
Department of Water Resources

In line with Fish and Game's desires, we hereby request our application be modified to limit our access to water from the Boise River to a minimum flow rate of 225 cubic feet per second or above. Since the intake facilities we plan to utilize are essentially dry at a flow rate between 225 and 250 cubic feet per second this will not impact our planned use of the water.

While we have plans to rebuild a portion of the intake facility, diversion at this point will be maintained to assure no water could be diverted by Wood Duck Island once the flow in the Boise River drops below 225 cubic feet per second.

Hopefully this will resolve the concerns of Fish and Game and the application can continue being processed.

If additional information is required please contact us.

Sincerely,

RIVER VIEW VENTURES

Sandra J. Johnson

Project Manager, Wood Duck Island

SJJ:js

CC: Stacey Gebhards
Scott, Grunder
Rob Tiedeman
Bruce Haak
Ed Nigbor
Dale Milton

Sherl L. Chapman



State of laho DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000 Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS

November 22, 1993

R. KEITH HIGGINSON

STACY GEBHARDS
IDAHO DEPT OF FISH & GAME
REGION 3
3101 S POWERLINE RD
NAMPA ID 83686

RE: Applications for Permit Nos. 63-11923 & 63-11924

Dear Mr. Gebhards:

The above referenced applications in the name of Riverview Ventures have been received at the State Office for final review and processing (copies enclosed).

On September 8, 1992, the Department of Fish & Game filed protests against these applications. The applicant has submitted correspondence indicating that an agreement resolving the protested issues had been reached (copy enclosed).

The purpose of this letter is to clarify the status of your protest. Our files do not reflect that your protest has been withdrawn. If you still maintain the protest against these applications, please notify me. If your protest has been resolved, please sign and return the enclosed 'Withdraw of Protest' form I have provided.

I will hold further processing of these applications for 30 days pending your reply.

If you have any questions, please feel free to contact me directly at 327-7944.

Sincerely,

CINDY ZIMMERMAN

Water Resource Agent

Enclosures

PECTIVED
DEC 1 3 1993
Department of Water Resources

WITHDRAW OF PROTEST

I, the undersigned, representative of Idaho Department of Fish & Game, hereby withdraw our protest of Applications for Permit Nos. 63-11923 and 63-11924.

Signature

Kegional hap

Dated



State of Idaho DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000 Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS

R. KEITH HIGGINSON DIRECTOR

January 7, 1994

RIVERVIEW VENTURES PO BOX 9294 BOISE ID 837079294

PERMIT APPROVAL NOTICE

RE: PERMIT NO.

63-11923

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

nosáhot mit

Water Rights Supervisor

JJ:dc

Enclosures

September 30, 1998

RIVERVIEW VENTURES PO BOX 9294 BOISE ID 837079294

PROOF DUE NOTICE

RE: PERMIT NO.

63-11923

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH Senior Secretary

Enclosures

CENTIFIED MAIL

December 3, 1998

RIVERVIEW VENTURES PO BOX 9294 BOISE ID 837079294

LAPSE NOTICE

RE: PERMIT NO.

63-11923

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
Thereby certify that on 12/9/28
a copy/an original of this document was deposited in the United States mail, postage precaid eddressed to the individual(s) named above.

| + | + | + | | + | + | | + | NE0 | ¥ . | + | + | *** C RIVER | + | Wate | WR5808NP (00-26) |
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| | | | | + | 1 + | | + | | No. + | + | + | 7294 | + | | 1:59 |

GEN Place of use is located within Natures Wood Duck Island Subdivision No. 1.

Aesthetic use is for a waterway.

This permit does not authorize the divertion of water from the Boise River when water flow in the river is less than 225 cfs.

Remarks -

| | + | + | + | | + | + | | + | 03N | CM1 | + | + | *** RIV | + | Wate | WR5808NP (0D-26) |
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Aesthetic use is for a waterway.

This permit does not authorize the divertion of water from the Boise River when water flow in the river is less than 225 cfs.

- - Remarks - -

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROOF READING REPORT

WATER RIGHT

04/01/99 08:31:59 Page

Water right number - 63-11923 Prefix Translation:

- - - - Old Water Right Mumbers - - - ---- Old Water Right Numbers No Old Water Right Numbers found.

26A completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to Conditions of Approval - - - -

005 - Use of water under this right is subject to control by the watermaster of State Water District No. 63.
01J - Prior to diversion of water under this right, the right holder

controlling works of a type acceptable to the Department as part shall install and maintain a measuring device and lockable

ដ a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permitted use with the irrigation district or canal of the diverting works.
The right holder shall not divert water under this right until

2020 between the protestant and the right holder. Use of water under this right may be affected by an agreement company operation.

+ - - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

Date: 12/14/1993 User Id: ZIMMERKA Subject: NORATORIUM EXEMPTION
This permit is located within the Boise River Drainage Moratorius boundary; however, its aesthetic use is within the acceptable

- - - - - - - Comments- -

parameters of the Moratorium guidelines.

Water from the Boise River for the above uses will be diverted Canals then through a measuring device and directly into an entering Loggers Creek just below the creek's Boise River several hundred yards through the undisturbed metiand and no several hundred yards through the undisturbed metiand and no into Loggers Creek will flow down Loggers Creek and eventually Date: 12/14/1993 User Id: ZIMMERMA Subject: DIVERSION DESCRIPTION augmentation wtaer through the Bosie River Water Bank. from an existing diversion on the Riderbaugh Canal in order to rights 63-00249/00278/00279/. will be made from the wetland and the only consumption of water diversion is to provide sufficient water to maintain the natural water barrier between the subdivision and a natural heron rookery through the wetland by natural vegetation is anticipated to be time diversions for the wetland, if they occur, will be through the Fish & Game storage account would be utilized. If this of this project. subdivision under a transfer and change in nature of use of this project. Water for these water rights also is from the

adverse water quality impacts are anticipated. Water discharging re-enter the Boise River. No diversion for consumptive purposes will be by existing natural vegetation. The purpose for the wetland, its vegetation and wildlife habitat and to provide a that exists adjacent to the Boise River. Consumption of water mitigated by the reduction of irrigated acreage within the application for water rights 63-00249/00278/00279 filed as part Boise River and, therefore, the mitigation will be direct. Winter an agreement with the Idaho Dept. of Fish & Game and water from an agreement with the Idaho Dept. of Fish & Game and water from through existing structural facilities for the Gallagher and Bubb existing wetland. Water will flow through the wetland eventually diversion. Water entering Loggers Creek will have traveled

agreement cannot be reached, an effort will be made to obtain This application will also provide for water to be diverted provide for a sufficient volume of water diverted under water

報のないま

04/01/99 08:31:59 Page 3

Water right number - 63-11923

Prefix Translation: WATER RIGHT

| Proof Due Date - 12/01/1998 Field Exam Made - 00/00/0000 Field Exam Fee - Approved/Denied - 01/07/1994 Protested Date - 00/20/0000 Swan Falls - 9 Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Emporary Right - 9 Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act - 00/00/0000 Presumption Flag - 00/00/0000 Appl Received - 05/06/1992 Transfer/Amended - Presumption Flag - Wame Connector - 900 Ownership Flag - SRBA Decreed Flag - | + /Ludit Fields - 08/25/92 GARRETT 11/22/93 ZIMMERHA 12/14/93 ZIMMERHA 12/29/93 ZIMMERHA 12/03/98 COMMENTS + | Date: 12/29/1993 User id: ZIMMERNA Subject: COMPORATE OFFICERS The following are officers of the various corporations involved with Wood Duck Island Subdivision: 1) Development Group, Inc.; William D. Tate, President Larry D. Knapp, Vice President-Treasurer Sandra J. Johnson, Secretary Exity D. Knapp, Vice President-Treasurer 2) Real Estate Ventures, Inc.; Larry D. Knapp, President 3) Landvest Ventures, Inc.; Ronald S. Hall, President 4) Boise River Ranch, LTD Partnership; Larry D. Knapp, Date: 12/73/1993 User Id: VAULT Subject: Layse Notice Sent Lapse Notice Sent |
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l certify that file No. <u>63-11923</u>
has been reviewed and is ready to be
MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

Lai Lyn J.

4-1-99

Date