

RECEIVED

MAR 11 2019
INCOMPLETE
WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

79-14249
RECEIVED
APR 29 2019
COMPLETE
WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Malcolm T Porter; Rhonda J Barker Phone (208) 839-9984
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 227 Deasy RD City White Bird
 State ID ZIP 83554 Email rhondabarker@msn.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- 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 Salmon River which is a tributary of Snake River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
27N	01E	23			SE	NE	Idaho	Salmon River	

5. Water will be used for the following purposes:
- Amount 0.07 for Fire Protection purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 for Irrigation purposes from 02/15 to 11/30 (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)
6. Total quantity to be appropriated is (a) 0.07 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Electric pump 30 gpm/minute
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ 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 _____ Date _____ Time _____ Preliminary check by AB
 Fee \$ 100 Received by W Receipt No. W047104 Date 1-30-19

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	
27N	01E	23													F				
															L7 F				

Total number of acres to be irrigated: 0.5

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? None

11. a. Who owns the property at the point of diversion? Dept. of Lands - No easement needed.
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: exempt

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We request river water to irrigate 1/2 acre for garden & also fire prevention since it is close to our house. We would also like water for fire prevention on entire lot if need arises.

13. Time required for completion of works and application of water to proposed beneficial use is 5 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

Malcolm T Porter

Print Name (and title, if applicable)

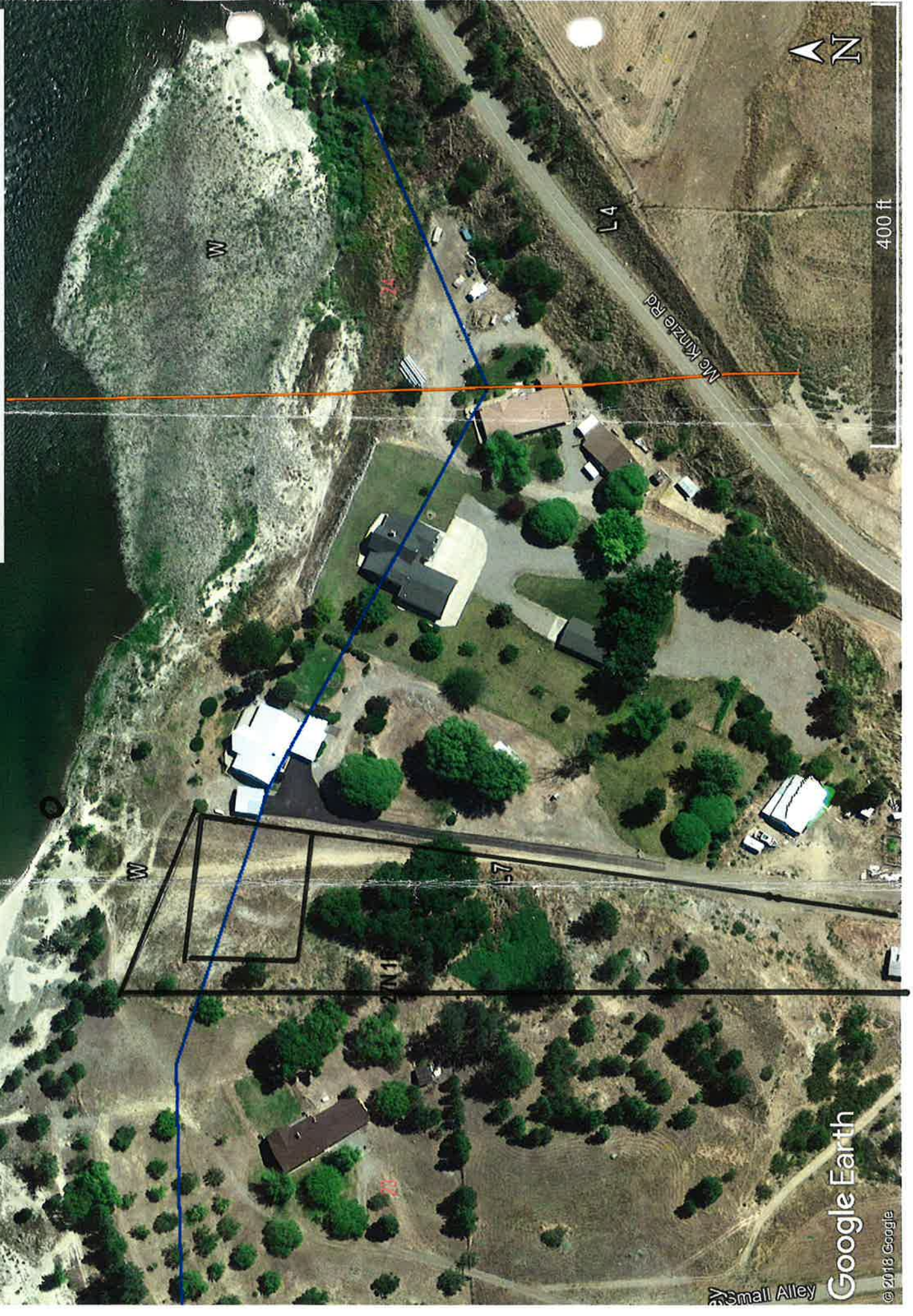
Signature of Applicant

Rhonda J Barker

Print Name (and title, if applicable)

Place of Use and Point of Diversion

227 Deasy Drive, White Bird, ID 83554



400 ft

WARRANTY DEED

For value received, J. CARL KILLGORE, a married person dealing with his sole and separate property, and LESLY R. KILLGORE, an unmarried person, ("Grantors"), do hereby convey, grant, bargain, and sell to MALCOLM T. PORTER and RHONDA J. BARKER, husband and wife, ("Grantees"), whose mailing address is: 116 E. Fairview Avenue, Meridian, ID 83642, and Grantees' heirs, successors and assigns forever, the following described real property situated in Idaho County, State of Idaho:

Lot 6, Twin Bridges Subdivision, Idaho County, State of Idaho, as shown by the recorded plat thereof.

SUBJECT TO taxes and assessments for the year 2018, and all subsequent years, together with any and all existing easements, rights-of-way, reservations, covenants, restrictions and encumbrances of record, and the following matters:

1. All matters, covenants, provisions, restrictions, easements and any rights, interests or claims which may exist by reason of or disclosed by the recorded plat of said subdivision, records of Idaho County, Idaho.
2. Right of Way Easement, including the terms and provisions thereof, by and between BEN LARGE and GEM STATE TEL. CO., recorded June 7, 1965, under Instrument No. 219747, in Book 103 page 90; said easement was deeded to CITIZENS TELECOMMUNICATIONS COMPANY OF IDAHO, a Delaware corporation, by Quitclaim Deed, recorded March 15, 1994, under Instrument NO. 373279; records of Idaho County, Idaho.
3. Easement for Road Purposes, including the terms and provisions thereof, by and between TRAVIS W. WADLEY and BETTY JUNE WADLEY, husband and wife, CHARLES S. CHRISTENSEN and HELEN T. CHRISTENSEN, husband and wife, and PHILLIP W. LABAREE AND MAXINE LABAREE, husband and wife, recorded December 5, 1978, under Instrument No. 276669, records of Idaho County, Idaho.
4. Matters as shown on Survey No. S-579, recorded February 2, 1989, under Instrument No. 346107; Survey No. S-909, recorded May 2, 1994, under Instrument No. 373997; and Survey No. S-916, recorded May 18, 1994 under Instrument No. 374349; all records of Idaho County, Idaho.

5. Any claim arising from the difference in mean high water line of the Salmon River and the meander line as shown by Government Survey or the State of Idaho.

6. Rights and easements in favor of the public for recreational uses of the Salmon River.

7. Right, title and interest of the State of Idaho as to the Old North-South State Highway 95 right of way.

TOGETHER WITH any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the real property herein described.

The Grantors covenant to the Grantees that Grantors are the owners in fee simple of said real property; that the real property is free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantors will warrant and defend the same from all lawful claims.

Except as otherwise expressly provided in this instrument, Grantors hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event Grantors shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or occupy the above-described premises, or any portion thereof, for any purpose, with or without the knowledge of Grantors, it was not the intent of Grantors, by permitting or suffering such possession, use or occupation, to thereby define property boundaries or ownership thereof.

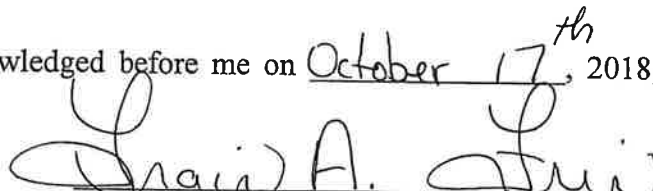
DATED this 17th day of October, 2018.


J. CARL KILLGORE

State of Idaho)
 : ss.
County of Idaho)

This record was acknowledged before me on October 17th, 2018, by J. CARL KILLGORE.

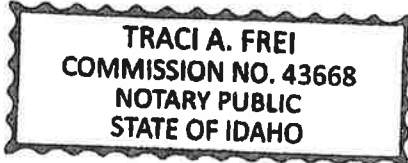
TRACI A. FREI
COMMISSION NO. 43668
NOTARY PUBLIC
STATE OF IDAHO


Signature of notary public
My commission expires: 2/1/2023

Lesly R Killgore
LESLY R. KILLGORE

State of Idaho)
 : ss.
County of Idaho)

This record was acknowledged before me on October 17th, 2018, by LESLY R. KILLGORE.



Traci A. Frei
Signature of notary public
My commission expires: 2/1/2023

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 8, 2019 4:38 PM
To: 'Bosworth,Bill'
Subject: Application for Permit 79-14269
Attachments: IDFG Recommendation Form.docx; 79-14269.pdf

May 8, 2019

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: BILL BOSWORTH
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application for Permit 79-14269

Dear Mr. Bosworth:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **June 3, 2019**.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 8, 2019 4:36 PM
To: 'dgreen@idl.idaho.gov'
Subject: Application for Permit No. 79-14269
Attachments: Agency Recommendation Form.docx; 79-14269.pdf

May 8, 2019

IDAHO DEPT OF LANDS
ATTN: DIANE GREEN
DGREEN@IDL.IDAHO.GOV

RE: Application for Permit No. 79-14269

Dear Ms. Green:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **June 3, 2019**.

If your agency desires to formally protest approval of these applications, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to these applications if a timely response is not received. Please contact me if you have any questions regarding the applications. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 8, 2019 4:34 PM
To: Skoro, Emily; Golden, Kala
Cc: Clark, Cynthia Bridge
Subject: Application for Permit No. 79-14269
Attachments: Agency Recommendation Form.docx; 79-14269.pdf

May 8, 2019

RE: Applications for Permit No. 79-14269

Dear IDWR Planning Bureau:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the applications is enclosed with this email for your reference. Please review the applications, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **June 3, 2019**.

IDWR will assume your agency does not object to these applications if a timely response is not received. Please contact me if you have any questions regarding the applications. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



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

May 8, 2019

MALCOLM T PORTER
RHONDA J BARKER
227 DEASY RD
WHITE BIRD, ID 83554-5057

Application for Permit No. 79-14269

Dear Applicants:

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 COTTONWOOD CHRONICLE, IDAHO COUNTY FREE PRESS on 5/16/2019 and 5/23/2019. 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,

Anna Kaiser
Administrative Assistant

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, May 8, 2019 2:10 PM
To: 'cotchron@qwestoffice.net'
Subject: Idaho Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 5/16/2019 & 5/23/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I

IDWR-Western Region

2735 W Airport Way, Boise ID 83705

(208).334.2190 | anna.kaiser@idwr.idaho.gov

May 8, 2019

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

RE: Application For Permit No: 79-14269

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 6/3/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

The following application has been filed to appropriate the public waters of the State of Idaho:

79-14269

MALCOLM T PORTER

RHONDA J BARKER

227 DEASY RD

WHITE BIRD, ID 83554-5057

Point of Diversion SENE S23 T27N R01E IDAHO County Source SALMON RIVER Tributary SNAKE RIVER

Use: FIRE PROTECTION 01/01 to 12/31 0.07 CFS

Use: IRRIGATION 02/15 to 11/30 0.02 CFS

Total Diversion: 0.07 CFS

Date Filed: 1/30/2019

Place Of Use: IRRIGATION, FIRE PROTECTION

T27N R01E S23 L7(NESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 6/3/2019. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director

Published on 5/16/2019 and 5/23/2019

MEMORANDUM

April 30, 2019

Application for Permit: 79-14269

Author: abradbury

Subject: Comment/Analysis

On 4/25/19, spoke with Ian from the Idaho Department of Lands office in Kamiah does not require an easement for the POD due to an irrigation exemption.



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: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 22, 2019

MALCOLM T PORTER & RHONDA J BARKER
227 DEASY RD
WHITE BIRD, ID 83554-5057

COPY

RE: Application for Permit 79-14269

Dear Applicant:

This office received your amended application on March 11, 2019. The Department cannot continue to process your permit application until the following items are addressed.

Item 5. You must fill out a rate for fire protection use. I would recommend that you base it off of the anticipated pump capacity. For example, if your pumps capacity is 30 gpm then your rate in cfs would be $30 \text{ gpm} / 448.83 \text{ gal/cfs} = 0.066 \text{ cfs}$ or rounded to 0.07 cfs.

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

The original incomplete application is enclosed. Please fill in the missing information in items 5 and 11a then return the application to our office 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.

Sincerely,

Western Region Water Rights Staff

Enclosure: original application



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 12, 2019

COPY

MALCOM T PORTER and
RHONDA J BARKER
227 DEASY RD
WHITE BIRD ID 83554

Re: Water Right Application Incomplete - Returned

Dear Applicant:

This office received your application on January 30, 2019. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- Separated your uses on the new application. The standard flow rate for irrigation per acre is 0.03 cfs. In your case, a half-acre would be 0.02 cfs ($0.03 \text{ cfs} \times 0.5 \text{ acres} = 1.5$, but we can round up. 0.02 cfs, which equals 18 gallons per minute (gpm). This would be the most the Department can authorize for irrigation in your situation. Decide if the electrical pump will produce that much and adjust accordingly if necessary.
- Outline where the 0.5 acre irrigation will occur within your parcel. Generalization is fine. There are two different quarter-quarters on your parcel; NESE and government lot 7 NESE. Both these quarter-quarters will need to be identified on the application if you plan to irrigate in both areas. This portion of the application was left blank for you to separate if necessary. The standard season of use for your area is 02/15 to 11/30; even if you irrigate a shorter time.
- Fire Protection is outlined on the map provided. It can include your whole parcel. The season of use for fire protection can be year round; 01/01 to 11/30. The rate you need for fire protection is really up to you. 1/8 of a cfs is 56 gpm or 0.12 cfs ($0.125 \times 448.83 \text{ gallons/cfs}$). This is okay, but you will need to show that the pump can produce 56 gpm and the delivery system can also support this rate to the whole property.
- Fill out 11a on the application identifying who owns the place of diversion.
- Review the enclosed map. Make sure I did not assume incorrectly. Add the 0.5 acres of irrigation to the map and legend with a marker or pen.
- The time required for completion to 5 years. This is the most time we authorize for development.
- Both Malcom and Rhonda need to sign the new application.

The original incomplete application is enclosed. I've also included a revised application with some of the corrections necessary. Please return the appropriate signed application to our office 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
Revised Application
Map