

RECEIVED

MAR 07 2019

WATER RESOURCES
WESTERN REGION

FORM 202 Rev. 09/16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-34706

1. Name of applicant(s) Russell E. Steiner, Trustee of the Steiner Living Trust Phone 208-495-2213
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 7978 Baseline Road City Melba
State Idaho ZIP 83641 Email _____
2. Name of representative, if any Julie Klein Fischer, Morrow & Fischer, PLLC Phone (208) 475-2200
Mailing address 332 N. Broadmore, Ste. 102 City Nampa
State Idaho ZIP 83687 Email jfischer@morrowfischer.com
- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Grouch Drain / Waste Water 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 #
1N	2W	35			SW	SW	Canyon	Grouch Drain	

5. Water will be used for the following purposes:

Amount .09 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount .02 for Stockwater purposes from 1/1 to 12/31 (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) .11 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. Water will be diverted from the grouch drain and pumped from a small pond. See project summary attached.
- b. Height of storage dam N/A 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 N/A 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. _____

Received by CS Date 03/07/19 Time 10:50 Preliminary check by [Signature]
Fee \$ 100⁰⁰ Receipted by CS Receipt No. W047186 Date 03/07/19

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	
1N	2W	35											4.5						
1N	2W	35											S						

Total number of acres to be irrigated: 4.5

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? The property is located in the Boise-Kuna Irrigation District and receives water therefrom

- Who owns the property at the point of diversion? Steiner Living Trust
- Who owns the land to be irrigated or place of use? Steiner Living Trust
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Please see project summary attached hereto

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Russell E Steiner
Signature of Applicant

Russell E. Steiner, Trustee
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

PROJECT SUMMARY

Exhibits Attached

- Exhibit A: Map of Property with proposed point of diversion
- Exhibit B: Legal Description of Steiner Property and copy of vesting deed

Description

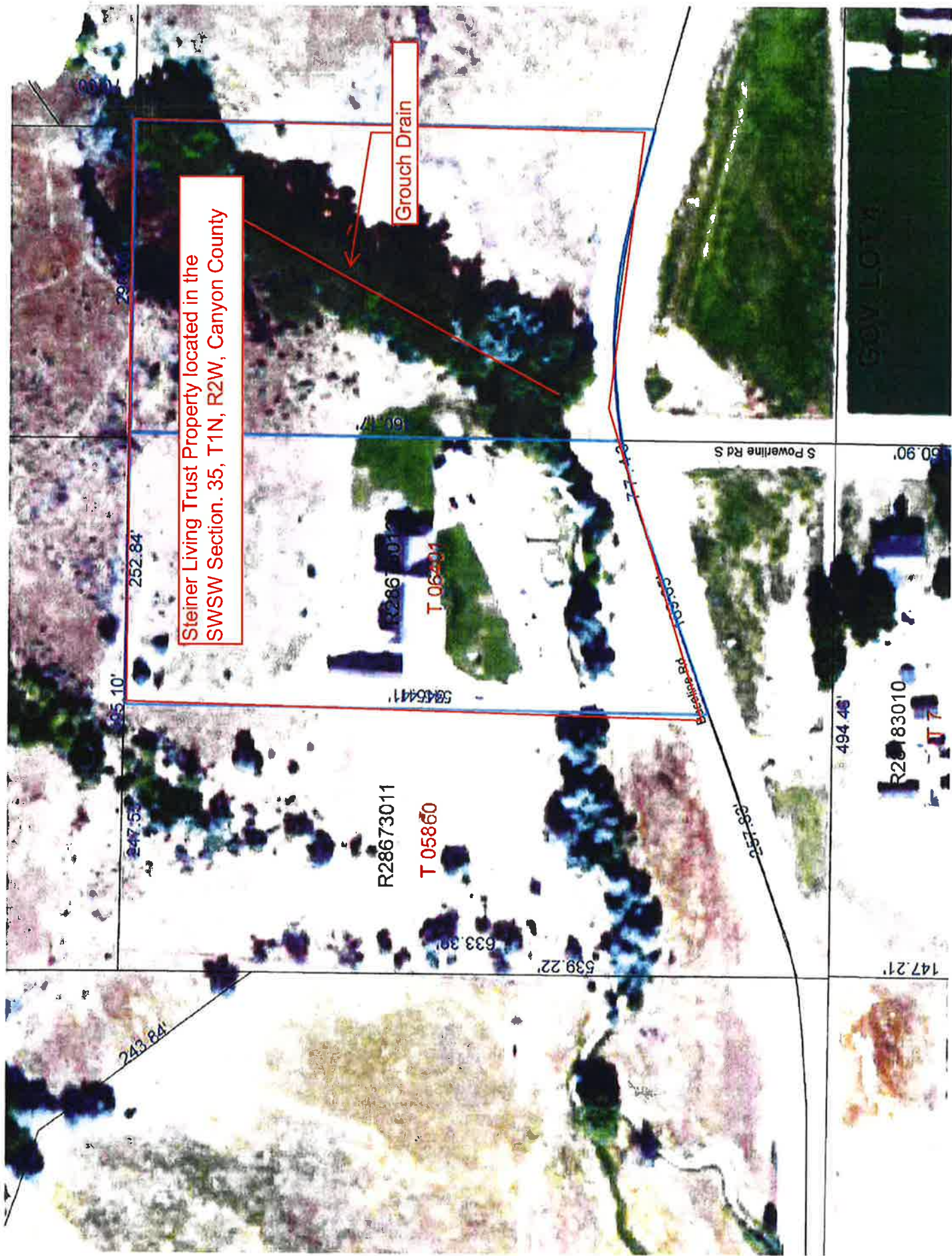
Grouch Drain is located on the Steiner Living Trust Property. The Steiners intend to divert water from Grouch Drain in location depicted on the map in yellow. Water would be removed from the Drain via a gravity ditch system and diverted into a small sediment pond approximately 20 x 30 feet and approximately three feet deep. From the sediment pond the water would be delivered to a second small pond approximately 25 x 30 feet and roughly four feet deep. Water would then be pumped from the second pond using a 10 horse power pump and applied to approximately 4.5 acres of land via a sprinkler system. Some gravity irrigation may be employed. The ponds also will be used as a source of water for livestock.

Conditions of Approval

It is anticipated that Boise Kuna Irrigation District will request the conditions be included on any permit or license issued by the Department in this matter. Accordingly, the Steiners have no objection to the following conditions being attached:

- i) The source of this water right may include wastewater. The wasting of water may be discontinued at any time.
- ii) Boise Kuna Irrigation District has no duty to deliver wastewater to the water right holder.

EXHIBIT A



Steiner Living Trust Property located in the
SWSW Section. 35, T1N, R2W, Canyon County

Grouch Drain

R28673011

T 05860

R28673012

T 06201

R28683010

494.48'

60.90'

GOV LOT 2

S Powerline Rd S

Powerline Rd S

243.84'

247.53'

252.84'

296.17'

539.22'

633.39'

586.41'

77.13'

257.93'

147.21'

EXHIBIT B

2015-020742

RECORDED

06/04/2015 01:31 PM



00170372201500207420020024

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 MBROWN

\$13.00

DEED

WARRANTY DEED

RUSSELL E. STEINER and PATRICIA K. STEINER, husband and wife, the GRANTORS,

Whose mailing address is 7978 Baseline Road, Melba, ID 83641;

FOR A GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do hereby give, grant, bargain, sell and confirm to

RUSSELL E. STEINER and PATRICIA K. STEINER, as co-Trustees of the THE STEINER LIVING TRUST, U/A dated May 1, 2015, the GRANTEE,

Whose mailing address is 7978 Baseline Road, Melba, ID 83641;

and to Grantee's successors and assigns, all of THE FOLLOWING described real property located in the County of Canyon, State of Idaho:

PARCEL 2

A parcel of land located in the Southwest Quarter of Section 35, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

BEGINNING at a point on the centerline of Baseline Road, from which the Southwest corner of said Section 35 bears

South 64° 24' 07" West a distance of 269.14 feet; thence leaving said centerline

North 00° 17' 53" East a distance of 545.41 feet; thence

South 89° 42' 07" East a distance of 252.84 feet; thence

South 00° 17' 53" West, to a point on said centerline, a distance of 460.17 feet; thence along said centerline the following two courses; from a tangent which bears

South 79° 27' 01" West, along a circular curve to the right with a radius of 487.50 feet and a central angle of 09° 06' 00" an arc length of 77.43 feet (with a chord bearing of South 74° 54' 01"

West, and a chord distance of 77.35 feet); thence

South 70° 21' 01" West a distance of 189.65 feet to the POINT OF BEGINNING.

Also known as Parcel 2 on Record of Survey recorded March 10, 2004 as Instrument No. 200412840, records of Canyon County, Idaho.

PARCEL 2A

For Ingress-egress and Utilities

TOGETHER WITH AND SUBJECT TO an easement 30 feet in width the centerline of which begins at the Southwest corner of the above described Parcel 2; thence North along the West line of said Parcel 2 a distance of 130 feet.

My commission expires: 3/24/16



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 12, 2019

BOISE KUNA IRRIGATION DISTRICT
129 N SCHOOL AVE
KUNA ID 83634

Re: Application for Permit No. 63-34705 & 63-34706

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **May 6, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, April 12, 2019 8:50 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Permit No 63-34706
Attachments: Watermaster Recommendation Form.docx; Application 63-34706.pdf

April 12, 2019

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-34706

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **May 6, 2019**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. 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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 11, 2019

STEINER LIVING TRUST
7978 BASE LINE RD
MELBA, ID 83641-5122

Application for Permit No. 63-34706

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 PRESS TRIBUNE on 4/18/2019 and 4/25/2019. 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

CC:

JULIE KLEIN FISCHER
MORROW & FISCHER PLLC
332 N BROADMORE WAY STE 102
NAMPA, ID 83687

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, April 11, 2019 4:40 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 4/18/2019 & 4/25/2019.

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

April 11, 2019

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit Nos: 63-34604, 63-34675, 63-34705, 63-34706

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 5/6/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34604

CHARLES W YOUNG JR
491 S HILL RD
MELBA, ID 83641
Point of Diversion NWSW S3 T01S R02W CANYON County Source WASTE WATER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 1.42 CFS
Total Diversion: 1.42 CFS
Date Filed: 8/28/2018
Place Of Use: IRRIGATION
T01S R02W S3 NWSW SWSW
Total Acres: 71

63-34675

STEVEN L MARTINEAU
VICKI D MARTINEAU
6814 LYNWOOD RD
NAMPA, ID 83686-9286
Point of Diversion NWNW S33 T02N R02W CANYON County Source WASTE WATER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.27 CFS
Total Diversion: 0.27 CFS
Date Filed: 2/7/2019
Place Of Use: IRRIGATION
T02N R02W S33 NWNW
Total Acres: 13.5

63-34705

MIKE LENZ
324 WHITE ROCK WAY
MELBA, ID 83641-5279
Point of Diversion SWSW S35 T01N R02W CANYON County Source WASTE WATER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 1.4 CFS
Total Diversion: 1.4 CFS
Date Filed: 3/7/2019
Place Of Use: IRRIGATION
T01S R02W S3 L1(NENE) SENE
Total Acres: 70

63-34706

STEINER LIVING TRUST
7978 BASE LINE RD
MELBA, ID 83641-5122
Point of Diversion SWSW S35 T01N R02W CANYON County Source WASTE WATER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.11 CFS
Date Filed: 3/7/2019
Place Of Use: IRRIGATION, STOCKWATER
T01N R02W S35 SWSW
Total Acres: 4.5

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 5/6/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2019 and 4/25/2019



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

4/10/2019

COPY

STEINER LIVING TRUST
c/o RUSSEL E STEINER
7978 BASE LINE RD
MELBA, ID 83641-5122

Re: Application for Permit 63-34706

Dear Applicant:

You recently filed a water right application with the Idaho Department of Water Resources (IDWR) proposing to divert waste water for IRRIGATION and STOCKWATER uses. IDWR must determine if the water you wish to appropriate is waste water available for appropriation or whether it is "live" water under control of an irrigation delivery organization to satisfy downstream users. The irrigation organization in your area appears to be BOISE KUNA IRRIGATION DISTRICT.

The waste water status in your area can be determined by providing written consent from the correct irrigation delivery organization confirming if the water does nor does not remain under its control for other users. Also, please provide written confirmation of a right-of-way to use the waste ditch or waste drain if that conveyance is owned by the organization or by some other person or entity.

Please provide the requested information within thirty (30) days. You may request up to six months additional time if necessary. You may withdraw the application by returning the enclosed withdrawal form if you prefer. The application will be voided without a timely written response. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Justin Shearer
Water Resource Agent, Sr.



MORROW & FISCHER

ATTORNEYS AT LAW

332 N. Broadmore Way, Ste. 102

Nampa, Idaho 83687

208.475.2200

Fax 208.475.2201

www.morrowfischer.com

March 4, 2019

RECEIVED

MAR 07 2019

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: *The Steiner Living Trust*

Dear Representative:

Enclosed please find an *original* and one (1) copy of our client's Application for Permit. We also have enclosed a check for the filing fee in the amount of \$100.00.

Please process the enclosed Application and provide our office with date stamped filed copy for our records, envelope enclosed. *-cs*

If you have questions, please contact me. Thank you for your assistance with this matter.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Enclosures
c: Client