

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

Ident. No. 57-12003

1. Name of applicant(s) City of Marsing Phone 208-896-4122
 Name connector (check one): and or and/or
 Mailing address PO Box 125 City Marsing
 State Idaho ZIP 83639 Email jbicandi@marsingcity.com

2. Name of representative, if any Kirby Cook Phone 208-453-2028
 Mailing address 305 Cornell St City Middleton
 State Idaho ZIP 83644 Email kirby@civildynamics.net

- 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 ground water which is a tributary of n/a

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
3N	4W	34		NW	SW	SE	Owyhee	ground water	

5. Water will be used for the following purposes:

Amount .07 for irrigation purposes from Mar.15 to Nov.15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) .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. _____

 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 8 inches; proposed depth of well is 50 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 AL Date 3/13/2019 Time 3:08pm Preliminary check by CP
 Fee \$ 100.00 Received by AK Receipt No. W047265 Date 3/13/2019

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully. _____

9. Description of place of use:
- 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 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		
3N	4W	34										.1			.1		.05	3.0		3.25

Total number of acres to be irrigated: 3.25

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? _____

11. a. Who owns the property at the point of diversion? City of Marsing
- b. Who owns the land to be irrigated or place of use? City of Marsing
- c. 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. The well will be installed with the ITD project and used to irrigate the City of Marsing's Island Arboretum and park.

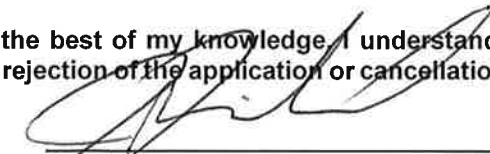
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

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.

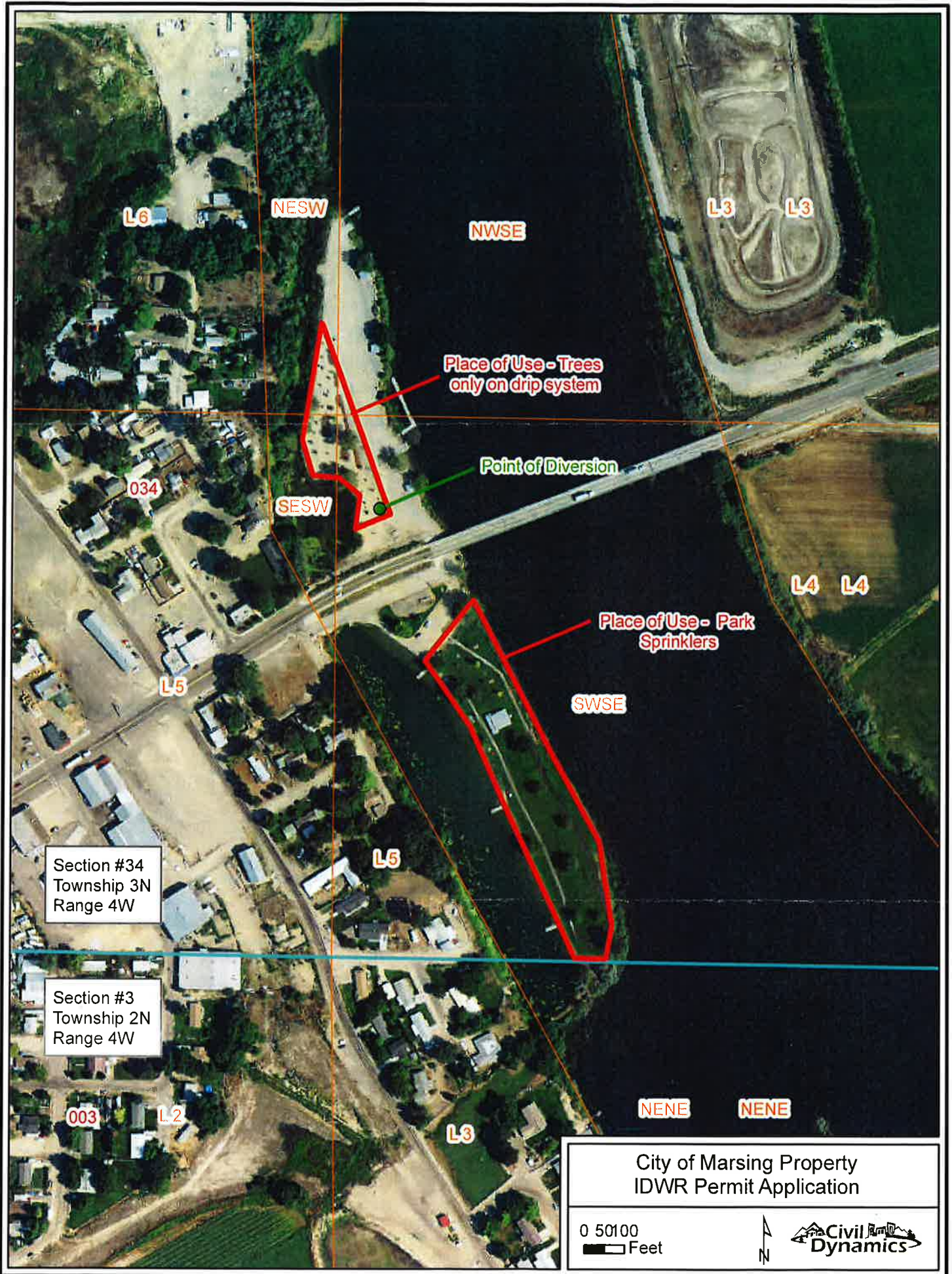
Signature of Applicant

Print Name (and title, if applicable)



Signature of Applicant
James Ferdinand

Print Name (and title, if applicable)



Section #34
Township 3N
Range 4W

Section #3
Township 2N
Range 4W

Place of Use - Trees
only on drip system

Point of Diversion

Place of Use - Park
Sprinklers

City of Marsing Property
IDWR Permit Application

0 50100
Feet





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

CITY OF MARSING
PO BOX 125
MARSING, ID 83639-0125

CIVIL DYNAMICS PC
C/O KIRBY COOK
305 CORNELL ST
MIDDLETON, ID 83644-4742

Application for Permit No. 57-12003

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 OWYHEE AVALANCHE on 4/17/2019 and 4/24/2019. 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,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Administrative Assistant

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, April 11, 2019 3:39 PM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/17/2019 & 4/24/2019.

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
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application For Permit No: 57-12003

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

57-12003

CITY OF MARSING

PO BOX 125

MARSING, ID 83639-0125

CIVIL DYNAMICS PC

C/O KIRBY COOK

305 CORNELL ST

MIDDLETON, ID 83644-4742

Point of Diversion SWSE S34 T03N R04W OWYHEE County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 3/13/2019

Place Of Use: IRRIGATION

T03N R04W S34 NESW SESW NWSE SWSE

Total Acres: 3.25

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 4/17/2019 and 4/24/2019

Parker, Cody

From: Kirby Cook <kirby@civildynamics.net>
Sent: Monday, April 08, 2019 2:58 PM
To: Parker, Cody
Cc: jbicandi@marsingcity.com
Subject: RE: Application for water right permit no. 57-12003
Attachments: Island Park Deed.pdf

Cody,

Describe your proposed diversion system. A Grundfos 40S20-7, 2 HP pump with 4" motor installed in a 8" casing.

Describe the nature of ownership of the proposed irrigated area. The City of Marsing owns all of the proposed project area to be irrigated with water from the well. Please find attached the documentation.

Please let me know if you have any other questions.

Thank You,

Kirby Cook, PE



305 Cornell St.
Middleton, ID 83644
208-453-2028
kirby@civildynamics.net

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Friday, March 15, 2019 9:07 AM
To: jbicandi@marsingcity.com
Cc: kirby@civildynamics.net
Subject: Application for water right permit no. 57-12003

Good Morning!

I am writing today in regard to application for water right permit no 57-12003. The Idaho Dept. of Water Resources received this application on March 13, 2019. The next step in the water appropriation process is to advertise your application in the local newspaper for two consecutive weeks to give the public the opportunity to protest your project. However, before I can forward the application to advertising I require the following information:

- **Describe your proposed diversion system.** Include in your description the type and size of devices used to divert water from the well.
- **Describe the nature of ownership of the proposed irrigated area.** IDWR must evaluate if an applicant has the ability to develop the proposed project, which includes owning or have access to the proposed place of use. The park appears to be on an island in the Snake River. I was not able to find any ownership information through the Owyhee county assessor's office. Describe the ownership situation for the island and provide any relevant documentation.

Thank you for your time and for your attention to these matters. I look forward to your reply within thirty (30) days of the date of this correspondence. If you do not make a timely reply, I will assume that you have no further interest in pursuing a water right permit.

RECEIVED
APR 08 2019
WATER RESOURCES
WESTERN REGION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior, acting by and through the Northwest Regional Director, Bureau of Outdoor Recreation, under and pursuant to the power and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and particularly as amended by Public Law 485, 91st Congress, and regulations and orders promulgated thereunder (hereinafter designated "Grantor"), for and in consideration of the perpetual use of the hereinafter described premises as and for public park and public recreation area purposes, by the City of Marsing, a municipal corporation, located in Owyhee County, State of Idaho (hereinafter designated "Grantee"), does hereby release and quitclaim to Grantee, and to its successors and assigns, subject to the reservations, exceptions, restrictions, conditions, and covenants hereinafter expressed and set forth, all of the Grantor's right, title, and interest in and to that certain parcel of real property consisting of 20 acres, more or less, known as Marsing Island, located in Owyhee County, State of Idaho, and more particularly described in Exhibit "A," attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the hereinbefore described property, subject to the reservations, exceptions, restrictions, conditions, and covenants herein expressed and the easements and rights of way as set forth in Exhibit "A," unto the Grantee, its successors and assigns, forever.

RESERVING, HOWEVER, unto the Grantor all coal, oil, gas, and other minerals on said real property, together with the right to prospect for, mine, and remove the same under applicable laws, rules, and regulations prescribed by the Secretary of the Interior.

Pursuant to authority contained in the Federal Property and

Administration determined the property to be surplus to the needs of the United States of America and assigned the property to the Department of the Interior for further conveyance to the Grantee.

It is agreed and understood by and between the Grantor and Grantee, and the Grantee by its acceptance of this Deed, does acknowledge its understanding of the agreement, and does covenant and agree for itself, and its successors and assigns, forever, as follows:

1. This property shall be used and maintained for the public purposes for which it is conveyed in perpetuity as set forth in the program of utilization and plan contained in the application dated April 16, 1972, submitted by the Grantee and accepted by the Grantor on May 19, 1972, which program and plan may be amended from time to time at the request of either the Grantor or Grantee, with the written concurrence of the other party, and such amendments shall be added to and become a part of the original application.

2. The Grantee shall, within six (6) months of the date of the deed of conveyance, erect and maintain a permanent sign or marker near the point of principal access to the conveyed area indicating that the property is a park or recreation area and has been acquired from the Federal Government for use by the general public.

3. The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions as contained in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in

the Secretary of the Interior.

preceding two-year period, and other pertinent data establishing its continuous use for the purposes set forth above, for ten consecutive reports and as further determined by the Secretary of the Interior.

5. If at any time the United States of America shall determine that the premises herein conveyed, or any part thereof, are needed for the national defense, all right, title, and interest in and to said premises, or part thereof, determined to be necessary to such national defense, shall revert to and become the property of the United States of America.

6. As part of the consideration for this Deed, the Grantee covenants and agrees for itself, its successors and assigns, that (1) the program for or in connection with which this Deed is made will be conducted in compliance with, and the Grantee, its successors and assigns, will comply with all requirements imposed by or pursuant to the regulations of the Department of the Interior as are in effect on the date of this Deed (43 C.F.R. Part 17) issued under the provisions of Title VI of the Civil Rights Act of 1964; (2) this covenant shall be subject in all respects to the provisions of said regulations; (3) the Grantee, its successors and assigns, will promptly take and continue to take such action as may be necessary to effectuate this covenant; (4) the United States shall have the right to seek judicial enforcement of this covenant; and (5) the Grantee, its successors and assigns, will (a) obtain from each other person (any legal entity) who, through contractual or other arrangements with the Grantee, its successors or assigns, is authorized to provide services or benefits under said program, a written agreement pursuant to which such other person shall, with respect to the services or benefits which he is authorized to provide, undertake for himself the same obligations as those imposed upon the Grantee, its successors and assigns, by this covenant, and (b) furnish a copy of such agreement to the Secretary of the Interior,

... this covenant shall run with the land

fullest extent permitted by law and equity for the benefit of, and in favor of the Grantor and enforceable by the Grantor against the Grantee, its successors and assigns.

7. In the event there is a breach of any of the conditions and covenants herein contained by the Grantee, its successors and assigns, whether caused by the legal or other inability of the Grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title, and interest in and to the said premises shall revert to and become the property of the Grantor at its option, which in addition to all other remedies for such breach shall have the right of entry upon said premises, and the Grantee, its successors and assigns, shall forfeit all right, title, and interest in said premises and in any and all of the tenements, hereditaments, and appurtenances thereunto belonging; provided, however, that the failure of the Secretary of the Department of the Interior to require in any one or more instances complete performance of any of the conditions or covenants shall not be construed as a waiver or relinquishment of such future performance, but the obligations of the Grantee, its successors and assigns, with respect to future performance shall continue in full force and effect.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf this the 30 day of August, 1972.

UNITED STATES OF AMERICA
Acting by and through the
Secretary of the Interior

By M. M. Lundy
Regional Director
Pacific Northwest Region
Bureau of Outdoor Recreation

STATE OF WASHINGTON)
) ss.
County of King)

On this 30th day of August, 1972, before me, the subscriber, personally appeared Maurice H. Lundy, to me known and known to be the Regional Director, Pacific Northwest Region, Bureau of Outdoor Recreation, of the United States Department of the Interior, a governmental agency of the United States of America, and known to me to be the same person described in and who executed the foregoing instrument as such Regional Director aforesaid, as the act and deed of the United States of America, for and on behalf of the Secretary of the Interior, duly designated, empowered, and authorized so to do by said Secretary, and he acknowledged that he executed the foregoing instrument for and on behalf of the United States of America for the purposes and uses therein described.



[Signature]
Notary Public in and for the State
of Washington. Residing at:

Seattle

Pursuant to the authority of a resolution dated April 5, 1972, the foregoing conveyance is hereby accepted and the undersigned agrees, by this acceptance, to assume and be bound by all the obligations, conditions, covenants, and agreements therein contained.

CITY OF MARSING, a municipal
corporation, located in Owyhee
County, State of Idaho

By [Signature]
Charles E. Falen
Mayor, City of Marsing

STATE OF IDAHO)
) ss.
County of Ada)
~~Owyhee~~

On this 27th day of October, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles E. Falen, to me known and known to me to be the same person whose name is subscribed to the foregoing acceptance, who being by me duly sworn, did depose and say he, Charles E. Falen, is Mayor of the City of Marsing, Idaho, that he is duly designated, empowered, and authorized by a resolution dated April 5, 1972, of the City of Marsing to execute the foregoing acceptance and to sign his name thereto; and that he signed his name thereto and acknowledged that he executed the foregoing instrument for and on behalf of the City of Marsing for the purposes and uses therein described.

Instrument 13-1001
Number _____

QUITCLAIM DEED

United States of America

Recorded	<input checked="" type="checkbox"/>
Compared	<input checked="" type="checkbox"/>
Indexed	<input checked="" type="checkbox"/>
to	
Index	<input checked="" type="checkbox"/>
Filed	<input checked="" type="checkbox"/>
Released	<input type="checkbox"/>

City of Marsing

STATE OF IDAHO, } ss.
Owyhee County, }

Filed for record this 13th day
of Nov, 1972.
at 11:10 o'clock AM. at
request of City of Marsing

and Micro-filmed
.....
....., in the records of said county.

BARBARA JAYO
Ex-Officio Recorder.

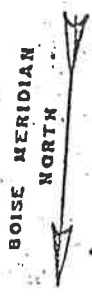
By Linda Taylor
Deputy.

Fee, \$ 5.00

City Hall

and authorized so to do by said Secretary.

T 3 N, R 4 W, W 1/2 SE 1/4 SEC 34



PUBLIC SERVICE BUILDING



River

S n a k e

STATE HWY. 55

BRIDGE.

R i v e r s

S n a k e

CITY LIMITS

RIVERSIDE DRIVE

COMFORT STATION

R i v e r

S n a k e

CITY OF MARSING

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

MARSING ISLAND
RECREATION AREA

1964