

RECEIVED

FORM 202 Rev. 09/16

DEC 31 2018

STATE OF IDAHO

Ident. No. 57-11996

RECEIVED
DEC 14 2018
IN COMPLETE
WATER RESOURCES
WESTERN REGION

WATER RESOURCES
WESTERN REGION

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

1. Name of applicant(s) Highway 78 Trust Phone 208-608-1200

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address PO Box 220 City STAR

State ID ZIP 83669 Email gjohnston7@gmail.com

2. Name of representative, if any GARY JOHNSTON Phone 208-608-1200

Mailing address PO Box 220 City STAR

State ID ZIP 83669 Email gjohnston7@gmail.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 Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1S	3W	2		NE	SE	NE	Owyhee	Ground Water	DOO 80211
1S	3W	2		NE	SE	NE	Owyhee	Ground Water	

5. Water will be used for the following purposes: 57-11776, 57-1126, 57-1125

Amount 0.20 cfs for Stock water purposes from JAN 1 to Dec 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.2 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. well, to waterline to watering troughs

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 600 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? 10-27-18; drilling firm Jim's Well Drilling
well was drilled for (well owner) GARY JOHNSTON; Drilling Permit No. 888182

For Department Use

Received by Alc Date 12/14/2018 Time 2:31pm Preliminary check by P. Kelly

Fee \$ 10000 Received by Alc Receipt No. W047000 Date 12/14/2018

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. 999 cattle
- 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	
~~44~~	~~36~~	~~2~~				B									B				
~~44~~	~~36~~	~~2~~																	
15	36	2				S									S				

Total number of acres to be irrigated: _____

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? Existing rights

57-1125, 57-1126, 57-1127

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- 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. To support 999 head of cattle using

two existing wells

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.

Jocelyn Benton

Signature of Applicant

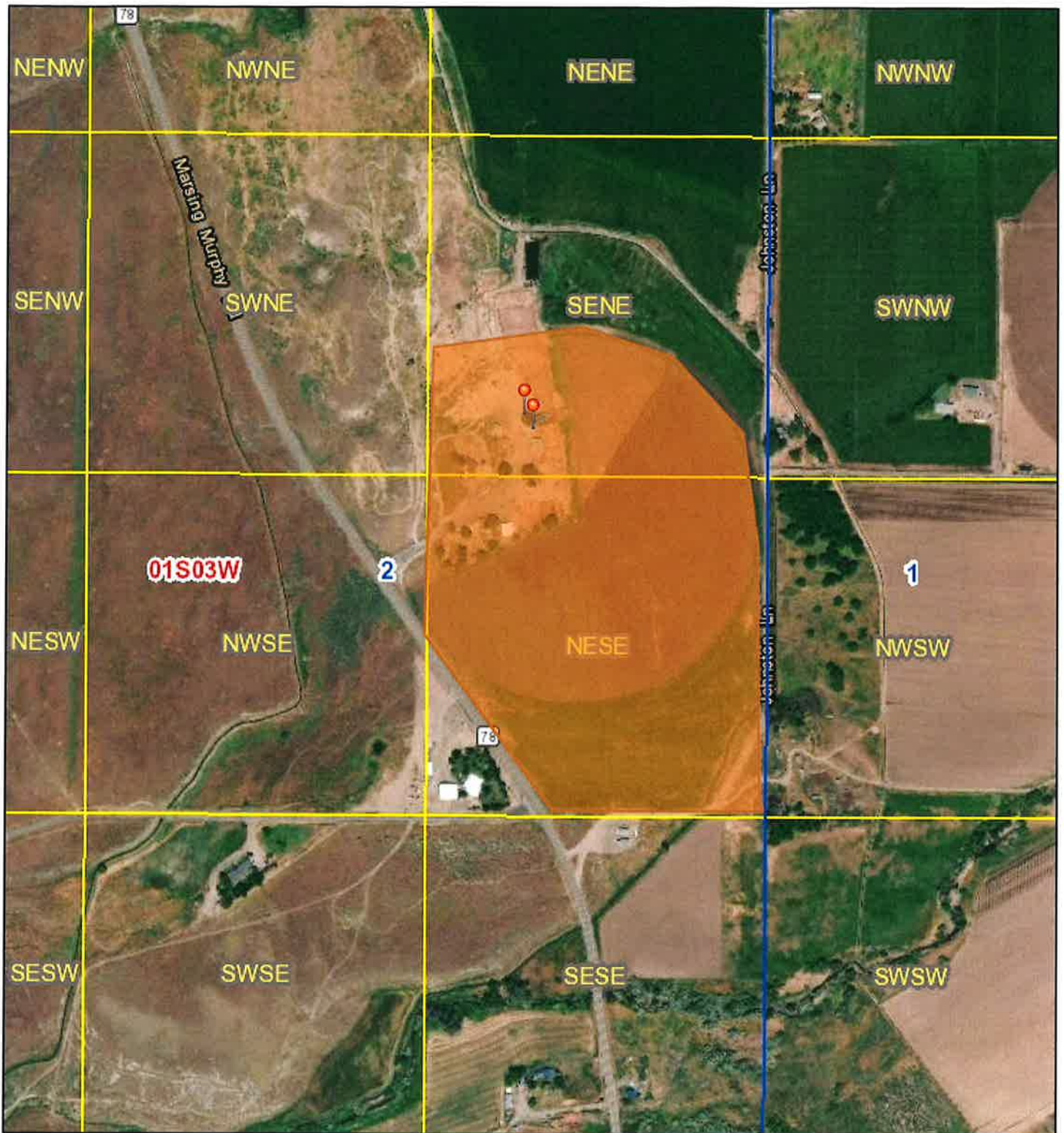
Jocelyn Benton, Trustee

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Application for Water Right



12/28/2018 2:15:47 PM

PODS
Override 1
POU
Override 1

Counties

Quarter Quarter

Section

Township/Range

Idaho Outline

Idaho Mask

1:9,028
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User

Idaho Department of Water Resources
USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | Created by NRCS from 1:24,000 scale USGS topographic maps, Idaho Department of Water Resources | USDA Natural Resources

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, January 31, 2019 2:55 PM
To: 'TODD.CRUTCHER@DEQ.IDAHO.GOV'
Subject: Application for Permit No. 57-11996
Attachments: Agency Recommendation Form.docx; WR 57-11996.pdf

January 31, 2019

TODD CRUTCHER
DEPARTMENT OF ENVIRONMENTAL QUALITY

RE: Application for Permit 57-11996

Dear Mr. Crutcher:

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 application is enclosed with this email for your reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **February 25, 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



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

January 31, 2019

HIGHWAY 78 TRUST
PO BOX 220
STAR, ID 83669-0220

Application for Permit No. 57-11996

Dear Applicant:

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 2/6/2019 and 2/13/2019. 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', with a stylized flourish at the end.

Anna Kaiser
Administrative Assistant

CC:
GARY JOHNSTON
PO BOX 220
STAR, ID 83669

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, January 31, 2019 8:30 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 2/6/2019 & 2/13/2019.

Please confirm these are okay to publish as shown.

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

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

55-13967

TAL R. TRAUTMAN
JENNIFER TRAUTMAN
2170 OLD HWY 95
JORDAN VALLEY, ID 97910
Point of Diversion NWNW S29 T05S R05W OWYHEE County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/6/2018
Place Of Use: DOMESTIC
T05S R05W S29 NWNW

57-11996

HIGHWAY 78 TRUST
PO BOX 220
STAR, ID 83669-0220
(2) Point of Diversion SENE S2 T01S R03W OWYHEE County Source GROUND WATER
Use: STOCKWATER 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 12/31/2018
Place Of Use: STOCKWATER
T01S R03W S2 SENE NESE

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-2245A with a 1963 priority from the Snake River totaling 0.7cfs & 195 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the corner of Emigrant Trl and Farm Ln.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-2156 with a 1959 priority from the Snake River totaling 5.79 cfs & 1575 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the intersection of Farm Ln and Tindall Rd

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-7055 with a 1970 priority from the Snake River totaling 5.83 cfs & 1480 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the intersection of Farm Ln and Tindall Rd.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-7112A with a 1973 priority from the Snake River totaling 3.017 cfs & 760 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located near the intersection of Emigrant Trl and Crane Falls Rd.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

John Clay Atkins of 598 Harmon Ln, Hillsboro, KY 4109 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-10562 with a 1963 priority from the Snake River totaling 3.4 cfs and 925 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the corner of Emigrant Trl and Farm Ln in Bruneau, ID.

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) or proposed extension(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. 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 02/25/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/6/2019 and 2/13/2019

January 30, 2019

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application For Permit Nos: 55-13967, 57-11996
Application for Extension of Time to Avoid Forfeiture of Water Right Nos: 2-2245, 2-2156, 2-7112A, 2-7055, 2-10562

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 2/25/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures



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

December 17, 2018

PECKHAM ROAD TRUST
C/O GARY JOHNSTON
PO BOX 220
STAR, ID 83669

Re: Water Right Application Incomplete - Returned

Dear Applicant:

This office received your application on December 14, 2018. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- 12 – Narrative:
 - Recommend adding narrative that describes whether the points of diversion are existing or proposed new well(s).
- 14 – Map of Proposed Project
 - Applications must include an 8½" x 11" map clearly identifying (i.e. labeled and illustrated) the proposed POD(s), POU(s), section #, township & range. The included map does not clearly illustrate the locations of the PODs listed in Item 4. Please illustrate the location of the PODs on the map and label them as "POD." Also, please label the place of use boundary (POU) to avoid confusion.

The original incomplete application is enclosed. Please make the necessary amendments to the original form and re-submit it 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

RECEIVED

FORM 202 Rev. 09/16

DEC 14 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Highway 78 Trust Phone 208-608-1200
 Mailing address PO Box 220 City Star
 State ID ZIP 83669 Email gjohnston7@gmail.com
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any Gary Johnston Phone 208-608-1200
 Mailing address PO Box 220 City Star
 State ID ZIP 83669 Email gjohnston7@gmail.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 Ground Water which is a tributary of _____
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1S	3W	2		NW	SE	NE	Owyhee	Ground Water	
1S	3W	2		SW	SE	NE	Owyhee	Ground Water	

5. Water will be used for the following purposes: 57-11778, 57-1126, 57-1125
 Amount 0.20 cfs for Stock water purposes from Jan 1 to Dec 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.2 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. well, to waterline to watering troughs
- 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 6 inches; proposed depth of well is 600 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 Ale Date 12/14/2018 Time 2:31pm Preliminary check by _____
 Fee \$ 10000 Received by Ale Receipt No. W047008 Date 12/14/2018

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. 999 cattle
 - 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	
~~15~~	~~36~~	~~2~~				B									B				
15	36	2				S									S				

Total number of acres to be irrigated: _____

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? Existing rights
57-1125, 57-1126, 57-1178
11. a. Who owns the property at the point of diversion? Applicant
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: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To support 999 head of cattle
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.

Jocelyn Benton
Signature of Applicant
Jocelyn Benton, Trustee
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

