

RECEIVED

FEB 27 2018

FORM 202 Rev. 09/16

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 63-34518**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) AL RUSSELL JR. Phone 208-724-8899
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1350 S. WILLOW wood way City EAgle
 State IDAHO ZIP 83616 Email ARJ6302@MAC.com
2. Name of representative, if any SELF 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 BOISE 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 #
4N	1E	16		NE	SW		ADA	BOISE RIVER	

5. Water will be used for the following purposes:
 Amount .06 for LAWN purposes from 3-1 to 11-15 (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) .06 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 pump
- 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. _____

Received by AS Date 2/27/18 Time 11:20 Preliminary check by PH
 Fee \$ 100.00 Receipted by AS Receipt No. 21046089 Date 2/27/18

For Department Use

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	
4N	1E	16									3								3

Total number of acres to be irrigated: 3

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? SELF
b. Who owns the land to be irrigated or place of use? SELF
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. WORKING WITH BOISE CITY CANAL TO BUY WATER SHARE TO BE MITIGATION. AND HAVE BEEN APPROVED BY BOARD.
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]
Signature of Applicant
AL KESSEL JR.
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



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. "BLITCH" OTTER
Governor

GARY SPACEMAN
Director

June 15, 2018

AL RUSSELL JR
1350 S WILLOW WOOD WAY
EAGLE, ID 83616

Application for Permit No. 63-34518

Dear Applicant(s):

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 IDAHO STATESMAN on 6/21/2018 and 6/28/2018. 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,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Friday, June 15, 2018 10:13 AM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 6/21/2018 & 6/28/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

June 15, 2018

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34518

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 7/9/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-34518

AL RUSSELL JR

1350 S WILLOW WOOD WAY

EAGLE, ID 83616

Point of Diversion NESW S16 T04N R01E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 2/27/2018

Place of Use: IRRIGATION

T04N R01E S16 NESW

Total Acres: 3

Mitigation is proposed for consumptive use, a portion of Boise City Canal Co will be left undiverted in the Boise River.

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 7/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/21/2018 and 6/28/2018



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

June 15, 2018

BOISE CITY CANAL CO
PO BOX 2157
BOISE ID 83701

Re: Application for Permit No. 63-34518

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 Statesman* 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 **July 9, 2018**. 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,

A handwritten signature in dark ink, appearing to read 'Rachel Neely'.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Neely, Rachel

From: Neely, Rachel
Sent: Friday, June 15, 2018 11:41 AM
To: 'bill.bosworth@idfg.idaho.gov'
Subject: Applications for Permit Nos. 63-34518 & 65-23756
Attachments: IDFG Recommendation Form.docx; Application for Permit 63-34518.pdf; Application for Permit 65-23756.pdf

June 15, 2018

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

RE: Applications for Permit Nos. 63-34518 & 65-23756

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 **July 9, 2018**.

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,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Friday, June 15, 2018 11:41 AM
To: 'Rex Barrie'
Subject: Application for Permit No. 63-34518
Attachments: Watermaster Recommendation Form_F.PDF; Application for Permit 63-34518.pdf

June 15, 2018

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

RE: Application for Permit No. 63-34518

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you 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 a recommendation form, and submit your reply, if any, to this office by **July 9, 2018**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

RECEIVED
MAY 24 2018
WATER RESOURCES
WESTERN REGION

April 25, 2018

Mitigation Plan

Al Russell

1350 s Willow Wood Way

Eagle Id, 83616

I have a agreement to purchase 3 ac shares of water @ .75 per ac =2.25 miners inches
from(Boise city canal co. per Mike supervisor) to be mitigated from the Boise River and I
would use to water my .75 ac lawn during the spring and summer months per
application permit no. 63-34518,please contact me if you have any question
208-724-8899

Sincerely yours,

Al Russell



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

04/19/2018

AL RUSSELL
1350 S WILLOW WOOD WAY
EAGLE ID 83616

RE: Application for Permit No. 63-34518

Dear Applicant(s):

The Idaho Department of Water Resources (IDWR) received your Application for Permit seeking a new water right. Your proposal involves a point of diversion within an area where new appropriations of water from the Boise River system (including ground water less than 200 ft below ground surface considered tributary to the river) are not approvable since the Boise River system is considered fully appropriated above Star Bridge. IDWR policy states that applications for consumptive use that propose diversion of water in this portion of the Boise River system will be held without further processing unless the applicant can show that the new appropriation will not injure existing users or that injury will be avoided through some mitigating practice that completely offsets the impacts (in time, location, and quantity) of the proposed use on the water supply of other users.

Based on the information above, the following are the options with regard to your application:

- a) You may provide evidence the use will not injure existing water right users.
- b) You may provide an acceptable mitigation plan to offset injury to existing water right users.
- c) For groundwater appropriations, you may agree to a condition on an approval that prohibits the use of ground water from less than 200 feet below ground surface.
- d) You may request IDWR to hold your application without further processing
- e) You may withdraw your application (form enclosed).

If you choose option b, please provide a detailed plan to mitigate the depletion expected by the proposed use. The plan should describe the expected depletion to the Boise River from the new appropriation, and should describe how that depletion will be mitigated at the appropriate quantity and time. IDWR Application Processing Memorandum #71 and #72 describe various types of mitigation and the criteria for evaluating mitigation plans (copies enclosed for your reference).

Please provide IDWR with a written response outlining which option you chose with regard to your application. You may seek additional time to provide the response by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. 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 need more information. Thank you for your attention to these matters.

Regards,

A handwritten signature in black ink, appearing to read 'PH' followed by a stylized, wavy line.

Phill Hummer
Water Resource Agent, Sr.
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosures: Memo #s 71 and 72, withdrawal form



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

March 6, 2018

AL RUSSELL JR
1350 S WILLOW WOOD WAY
EAGLE ID 83616

Re: Water Right Application Incomplete - Returned

Dear Applicant:

This office received your application on February 27, 2018. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **Section 9-** The place of use listed in section 9 does not match the map provided. To correct this please either add the point **SENW** to section 9 or show the specific place of use on the map. The map shows a place of use that is too large according to section 9.

The original incomplete application is enclosed. Please make the necessary amendments to the original form, **initial and date next to the changes**, and re-submit 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.

Sincerely,

Western Region Water Rights Staff

Enclosure: Original Application

RECEIVED

FEB 27 2018

FORM 202 Rev. 09/16

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) AL RUSSELL JR. Phone 208-724-8899
 Mailing address 1350 S. WILLOW WOOD WAY City EAGLE
 State IDAHO ZIP 83616 Email ARJ6302@MAG.COM

2. Name of representative, if any SELF 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 BOISE 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 #
4N	1E	16		NE	SW		ADA	BOISE RIVER	

5. Water will be used for the following purposes:

Amount .06 for LAWN purposes from 3-1 to 11-15 (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) .06 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 pump
- 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. _____

Received by CS Date 2/27/18 Time 11:20 Preliminary check by _____
 Fee \$ 100.00 Receipted by CS Receipt No. 21046089 Date 2/27/18

For Department Use

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	
4N	1E	16									3								3

Total number of acres to be irrigated: 3

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? _____
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- b. Who owns the land to be irrigated or place of use? SELF
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12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. WORKING WITH BOISE CITY CANAL TO BUY WATER SHARE TO BE MITIGATED, AND HAVE BEEN APPROVED BY BOARD.
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]
Signature of Applicant
AL KUSSEL JR.
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

