

RECEIVED

MAY 10 2018

FORM 202 Rev. 09/16

RECEIVED

FEB 13 2018

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

Ident. No. 65-23753

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) D & A Commercial Warehousing, LLC Phone 208-529-0891
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 51092, 6261 S Doug Andrus Dr City Idaho Falls
 State ID ZIP 83402 Email dhix@idahopackage.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
 Mailing address 300 E Mallard Dr, Ste 350 City Boise
 State ID ZIP 83706 Email lgraves@spfwater.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 #
7N	5W	2			NE	SW	Payette	Ground Water	

5. Water will be used for the following purposes:

Amount 0.04 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.04 cfs for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.7 af for Fire Protection Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.7 af for Fire Protection from Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) 0.7 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, fire protection storage tank
- 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 150 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 [Signature] Date 2/13/18 Time 12:00 Preliminary check by [Signature]
 Fee \$ 225 Received by [Signature] Receipt No. W046042 Date 2/13/18
 (125 - permit + 125 - well upgrade)

AMENDED

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. Commercial use for potable uses associated with a container warehouse, storage uses for a storage tank to serve as fire protection for the warehouse
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	
7N	5W	2									X	X							

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? None
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. See item 8.e. above. An application for temporary approval of water use accompanies this application to allow initial fill of the storage tank. This application seeks permanent authorization for filling, storing, and refilling the tank, plus the opportunity to use more than 2500 gpd for commercial/domestic purposes if needed.
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)

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65 - 23753

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WESTERN REGION

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Ident. No. 65-23753

DEPARTMENT OF WATER RESOURCES

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- 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 [Signature] Date 2/13/18 Time 12:00 Preliminary check by [Signature]
 Fee \$ 225 Receipted by [Signature] Receipt No. W046042 Date 2/13/18

(125 - permit + 125 - well upgrade) *Superseded by Amended Application RCD 5/10/18*

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
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7N	5W	2									X	X							

Total number of acres to be irrigated: _____

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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.

L. Paul Jenkins
 Signature of Applicant
L. PAUL JENKINS (PM)
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

65 - 23753



Legend

- Proposed POD
- Proposed POU

D & A Commercial Warehousing, LLC
Application for Permit



0 250 500
Feet



65-23753

No. W 6309	Due no later than Jun 30, 2017		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. D & A COMMERCIAL WAREHOUSING LLC DOUGLAS N HIX PO BOX 51092 IDAHO FALLS ID 83405		DOUGLAS N HIX 6261 S DOUG ANDRUS DRIVE IDAHO FALLS ID 83402			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	DOUGLAS N HIX	PO BOX 51092	IDAHO FALLS	ID		83405
MANAGER	ALENE N HIX	PO BOX 51092	IDAHO FALLS	ID		83405
5. Organized Under the Laws of: ID W 6309		6. Annual Report must be signed.* Signature: Douglas N Hix Name (type or print): Douglas N Hix Date: 05/01/2017 Title: Manager				
Processed 05/01/2017		* Electronically provided signatures are accepted as original signatures.				

65 - 23753



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

CL. "BUTCH" OTTER
Governor

GARY SPACEMAN
Director

May 11, 2018

D & A COMMERCIAL WAREHOUSING LLC
PO BOX 51092
6261 S DOUG ANDRUS DR
IDAHO FALLS, ID 83402

Application for Permit No. 65-23753

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 INDEPENDENT ENTERPRISE on 5/16/2018 and 5/23/2018. 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

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

Neely, Rachel

From: Neely, Rachel
Sent: Friday, May 11, 2018 9:48 AM
To: 'Ind-Ent Legals'
Subject: Payette Legal Ad
Attachments: Payette Cover Letter.docx; Payette Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 5/16/2018 & 5/23/2018.

Please confirm these are okay to publish as shown.

Rachel Neely

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

May 11, 2018

LEGAL NOTICE DEPARTMENT
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Application for Permit No. 65-23753

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 6/4/2018. 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:

65-23753

D & A COMMERCIAL WAREHOUSING LLC

PO BOX 51092

6261 S DOUG ANDRUS DR

IDAHO FALLS, ID 83402

Point of Diversion NESW S2 T07N R05W PAYETTE County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.04 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.04 CFS

Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 0.7 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.7 AF

Total Diversion: 0.04 CFS, 0.7 AF

Date Filed: 2/13/2018

Places of Use: COMMERCIAL, FIRE PROTECTION STORAGE, FIRE PROTECTION FROM STORAGE
T07N R05W S2 NESW NWSW

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 6/4/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/16/2018 and 5/23/2018

MEMORANDUM

Date: May 10, 2018
To: Water Right File 65-23753
From: jshearer
Re: Comment/Analysis

Authorized signature by an officer of the company received 5/10/18 via email. Because application was already accepted for filing, this amendment does not qualify for an advancement of priority date.

MEMORANDUM

Date: May 10, 2018
To: Water Right File 65-23753
From: jshearer
Re: DP Fee Upgrade

Well fee upgrade fee of \$125 paid for well permit 885142, metal tag # D0077483 paid as part of application for permit fee receipt # W046042.



February 13, 2018

Nick Miller
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED
FEB 13 2018
WATER RESOURCES
WESTERN REGION

Subject: Amended Application for Temporary Approval, Application for Permit

Dear Nick,

Per your email dated February 9, 2018, enclosed on behalf of D & A Commercial Warehousing, LLC, is an **Amended Application for Temporary Approval of Water Use** to allow initial fill of a storage tank for fire protection and an **Application for Permit** seeking permanent authorization for filling, storing, and refilling the tank, plus the opportunity to use more than 2500 gpd for commercial purposes if needed.

The filing fee for the amended temporary application has been paid. The filing fee for the permanent application is \$100. Since the well will be drilled as a domestic well (limited to 2500 gpd) under a \$75 domestic drilling permit, a \$125 well upgrade fee is included to allow the well to be used for commercial use (>2500 gpd) once approved. Attached is check No. 400376 for \$225 to cover the permit application and well upgrade filing fees.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Dan Zimmerman, Paul Jenkins

Enclosures

SPF file number: 1362.0010