

AUG 07 2017

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. 63-34427

1. Name of applicant(s) Mike Lenz Phone 208-250-6801
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 324 Whiterock Way City Melba
 State Idaho ZIP 83641 Email mlenz@q.com
2. Name of representative, if any Julie Klein Fischer, Morrow & Fischer, PLLC Phone 208-475-2200
 Mailing address 332 N. Broadmore 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 and/or Waste 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 #
1S	2W	3		SW	NW	NE	Canyon	Grouch Drain	Grouch Drain
1S	2W	3	3				Canyon	Grouch Drain	Grouch Drain
1S	2W	3		SW	SE	NW	Canyon	Grouch Drain	Grouch Drain

5. Water will be used for the following purposes:
- Amount 1.6 cfs for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount .02 cfs for Stockwater 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)
6. Total quantity to be appropriated is (a) 1.62 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 is diverted from Grouch Drain in the locations shown on map and project summary attached hereto
- 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 BKS Date 8/7/17 Time _____ Preliminary check by CP
 Fee \$ 580.- Received by BKS Receipt No. 41045567 Date 8/7/17

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. n/a
 - Stockwatering; list number and kind of livestock. 30 beef cattle
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households n/a
 - 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	
1S	2W	3		8	35				7.5	29									79.5
1S	2W	3							S	S									

Total number of acres to be irrigated: 79.5

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 therfrom. _____

11. a. Who owns the property at the point of diversion? Mike Lenz; Raymond and JoAnn Lenz Family Trust
b. Who owns the land to be irrigated or place of use? Mike Lenz; Raymond and JoAnn Lenz Family Trust
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The Property in the NE1/4 is owned by the Family Trust, Mike Lenz is the beneficiary of the Trust

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

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.

Mike Lenz
Signature of Applicant

Mike Lenz
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

RECEIVED

SEP 01 2017

WATER RESOURCES
WESTERN REGION

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. n/a
- b. Stockwatering; list number and kind of livestock. 30 beef cattle
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households n/a
- 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	
1S	2W	3		8	35				7.5	29									79.5
1S	2W	3							S	S									

Total number of acres to be irrigated: 79.5

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.

11. a. Who owns the property at the point of diversion? Mike Lenz; Raymond and JoAnn Lenz Family Trustb. Who owns the land to be irrigated or place of use? Mike Lenz; Raymond and JoAnn Lenz Family Trustc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The Property in the NE1/4 is owned by the Family Trust, Mike Lenz is the beneficiary of the Trust

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

Please see attached project summary

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

Mike Lenz

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

* original signature
submitted upon request

PROJECT SUMMARY

Exhibits Attached

- Exhibit A: Map of the properties and proposed points of diversion from Grouch Drain.
- Exhibit B: Legal descriptions for each parcel of the Lenz property.
- Exhibit C: Record of Survey showing the various Lenz parcels referenced herein.

Description

Grouch Drain, as it pertains to the Lenz properties, is depicted on the Exhibit A map as a blue-dashed line. The yellow dots represent proposed points of diversion and the blue ovals represent small holding ponds.

Applicant desires to divert water from the Drain at three locations shown on the map. The most easterly diversion point would remove water from Grouch Drain via a five (5) hp pump which would transfer water to a small pond. Water from the pond would then be diverted to gated pipe and used to irrigate forty-three (42) acres located in the NWNE and SWNE of Section 3. This Property is owned by the Family Trust.

The point of diversion shown in the center of the map (located on Govt. Lot 3) would be comprised of a small hp pump which would remove water from the Drain and divert it to an open ditch. Said water would be used to irrigate the Lenz property shown as parcels 2 and 3 on the Record of Survey attached as Exhibit C.

The most westerly point of diversion (located SWSNW) would consist of a weir wherein water would be diverted to a pond located between parcels 4 and 5 shown on the Record of Survey (Exhibit C). Water would be pumped from the pond via a ten (10) hp pump to irrigate parcels 4 and 5. Irrigation on parcels 4 and 5 would be accomplished by sprinkler irrigation.

Stock water would occur from the pond located between parcels 4 and 5.

PROJECT SUMMARY

Exhibits Attached

- Exhibit A: Map of the properties and proposed points of diversion from Grouch Drain.
- Exhibit B: Legal descriptions for each parcel of the Mike Lenz property.
- Exhibit C: Record of Survey showing the various Mike Lenz parcels referenced herein.

Description

Grouch Drain, as it pertains to the Lenz properties, is depicted on the Exhibit A map as a blue-dashed line. The yellow dots represent proposed points of diversion and the blue ovals represent small holding ponds.

Applicant desires to divert water from the Drain at three locations shown on the map. The most easterly diversion point would remove water from Grouch Drain via a five (5) hp pump which would transfer water to a small pond. Water from the pond would then be diverted to gated pipe and used to irrigate forty-three (43) acres located in the NWNE and SWNE of Section 3. This Property is owned by the Family Trust.

The point of diversion shown in the center of the map (located on Govt. Lot 3) would be comprised of a small hp pump which would remove water from the Drain and divert it to an open ditch. Said water would be used to irrigate the Lenz property shown as parcel 3 on the Record of Survey attached as Exhibit C.

The most westerly point of diversion (located SWSENE) would consist of a weir wherein water would be diverted to a pond located between parcels 4 and 5 shown on the Record of Survey (Exhibit C). Water would be pumped from the pond via a ten (10) hp pump to irrigate parcels 4 and 5. Irrigation on parcels 4 and 5 would be accomplished by sprinkler irrigation.

Stock water would occur from the pond located between parcels 4 and 5.

EXHIBIT A
(Map)



EXHIBIT B
(Legal Descriptions)



Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Clark, PE

December 10, 2014

Legal Description for
Mike Lenz
Job No. NV0714

Parcel 2

This parcel is a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Government Lot 3 of Section 3 in Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of Government Lot 3 (N $\frac{1}{4}$ Corner, Section 3), a found 5/8 inch diameter rebar;

thence South $00^{\circ} 02' 32''$ East along the east boundary of Government Lot 3 a distance of 988.88 feet to the **TRUE POINT OF BEGINNING**, a point on the centerline of a drain ditch, a Magnail set with an aluminum washer stamped P.L.S. 15352;

thence continuing South $00^{\circ} 02' 32''$ East along said east boundary a distance of 83.82 feet to the northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a found 5/8 inch diameter rebar;

thence South $00^{\circ} 02' 46''$ East along the east boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 141.50 feet to a Magnail set with an aluminum washer stamped P.L.S. 15352;

thence North $89^{\circ} 34' 39''$ West parallel with the north boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 250.98 feet to a point witnessed by a $\frac{1}{2}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South $89^{\circ} 34' 39''$ East a distance of 2.00 feet;

thence North $00^{\circ} 04' 10''$ West a distance of 257.90 feet to a point on the centerline of a drain ditch witnessed by a $\frac{1}{2}$ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South $00^{\circ} 04' 10''$ East a distance of 12.90 feet;

thence traversing said centerline as follows:

Southeasterly 156.10 feet along the arc of a curve to the Right having a radius of 400.00 feet and a central angle of $22^{\circ} 21' 36''$ and a long chord which bears South $85^{\circ} 48' 05''$ East a distance of 155.11 feet;

South $74^{\circ} 37' 16''$ East a distance of 62.70 feet;

South $79^{\circ} 50' 07''$ East a distance of 36.53 feet to the **TRUE POINT OF BEGINNING**, containing 1.436 acres, more or less, and being subject to any and all easements and rights-of-way of record or implied.





*Skinner Land
Survey Co. Inc.*

312 W. South Street
Grangeville, Idaho 83530
(208)983-2517 Grangeville
(208)454-0933 Nampa/Caldwell
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

*Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Clark, PE*

December 10, 2014

Legal Description for
Mike Lenz
Job No. NV0714

Parcel 3

This parcel is a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Government Lot 3 of Section 3 in Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of Government Lot 3 (N $\frac{1}{4}$ Corner, Section 3), a found 5/8 inch diameter rebar;

thence South 00° 02' 32" East along the east boundary of Government Lot 3 a distance of 1072.70 feet to the to the northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a found 5/8 inch diameter rebar;

thence South 00° 02' 46" East along the east boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 141.50 feet to the **TRUE POINT OF BEGINNING**, a Magnail set with an aluminum washer stamped P.L.S. 15352;

thence continuing South 00° 02' 46" East along the east boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1158.87 feet to the southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a found 5/8 inch diameter rebar;

thence North 89° 07' 45" West along the south boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 890.92 feet;

thence North 05° 38' 54" East for 485.53 feet;

thence North 10° 43' 55" East a distance of 152.55 feet to a point on the centerline of a drain ditch witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 88°25' 55" West a distance of 24.00 feet;

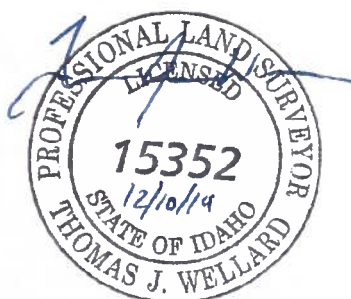
thence traversing said centerline as follows:

North 18° 21' 53" East for 227.08 feet;

North 13° 15' 33" East a distance of 285.03 feet;

Northeasterly 66.10 feet along the arc of a curve to the Right having a radius of 150.00 feet and a central angle of 25° 14' 50" and a long chord which bears North 25° 52' 58" East a distance of 65.56 feet;

North 38° 30' 23" East a distance of 173.41 feet;





Skinner Land Survey Co. Inc.

312 W. South Street
Grangeville, Idaho 83530
(208)983-2517 Grangeville
(208)454-0933 Nampa/Caldwell
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Clark, PE

Lenz Legal Description
Parcel 3, page 2 of 2

Northeasterly 68.34 feet along the arc of a curve to the Right having a radius of 100.00 feet and a central angle of 39° 09' 19" and a long chord which bears North 58° 05' 02" East a distance of 67.02 feet;

North 77° 39' 41" East a distance of 199.78 feet;

Northeasterly 37.40 feet along the arc of a curve to the Right having a radius of 400.00 feet and a central angle of 05° 21' 26" and a long chord which bears North 80° 20' 24" East a distance of 37.39 feet to a point witnessed by a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 00° 04' 10" East a distance of 12.90 feet;

thence leaving said centerline and bearing South 00° 04' 10" East a distance of 257.90 feet to a point witnessed by a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing South 89° 34' 39" East a distance of 2.00 feet;

thence South 89° 34' 39" East a distance of 250.98 feet to the **TRUE POINT OF BEGINNING**, containing 23.071 acres, more or less, and being subject to any and all easements and rights-of-way of record or implied.





Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Clark, PE

December 10, 2014

Legal Description for
Mike Lenz
Job No. NV0714

Parcel 4

This parcel is a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3 in Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ (C $\frac{1}{4}$ Corner, Section 3), a found 5/8 inch diameter rebar;

thence North $89^{\circ} 07' 45''$ West along the south boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 890.92 feet to the **TRUE POINT OF BEGINNING**;

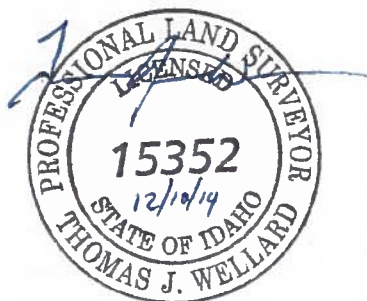
thence continuing North $89^{\circ} 07' 45''$ West along said south boundary a distance of 436.96 feet to the southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a 5/8 x 30 inch rebar set with a 2 inch aluminum cap stamped P.L.S. 15352;

thence North $00^{\circ} 17' 30''$ East along the west boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 640.38 feet;

thence South $88^{\circ} 25' 55''$ East a distance of 510.04 feet to a point witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North $88^{\circ} 25' 55''$ West a distance of 24.00 feet;

thence South $10^{\circ} 43' 55''$ West a distance of 152.55 feet;

thence South $05^{\circ} 38' 54''$ West a distance of 485.53 feet to the **TRUE POINT OF BEGINNING**, containing 6.853 acres, more or less, and being subject to any and all easements and rights-of-way of record or implied.





*Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Clark, PE*

December 10, 2014

Legal Description for
Mike Lenz
Job No. NV0714

Parcel 5

This parcel is a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3 in Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ (C $\frac{1}{4}$ Corner, Section 3), a found 5/8 inch diameter rebar;

thence North $89^{\circ} 07' 45''$ West along the south boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1327.88 feet to the **TRUE POINT OF BEGINNING**, said point being the southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, a 5/8 x 30 inch rebar set with a 2 inch aluminum cap stamped P.L.S. 15352;

thence North $89^{\circ} 07' 45''$ West along the south boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 923.14 feet;

thence North $49^{\circ} 50' 52''$ East a distance of 330.91 feet;

thence North $64^{\circ} 15' 32''$ East a distance of 336.56 feet;

thence North $33^{\circ} 41' 21''$ East a distance of 234.44 feet;

thence North $13^{\circ} 20' 09''$ East a distance of 79.96 feet to a 5/8 x 30 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South $88^{\circ} 25' 55''$ East a distance of 221.81 feet to a point on the east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence South $00^{\circ} 17' 30''$ West along the east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 640.38 feet to the **TRUE POINT OF BEGINNING**, containing 7.558 acres, more or less, and being subject to any and all easements and rights-of-way of record or implied.

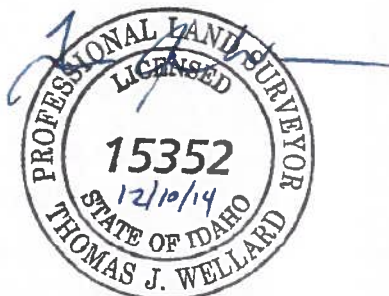


EXHIBIT C
(Record of Survey)

RECORD OF SURVEY

A PORTION OF THE SW 1/4 NW 1/4, SE 1/4 NW 1/4 AND GOVERNMENT LOT 3 OF SECTION 3,
TOWNSHIP 1 SOUTH, RANGE 2 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO

LINE TABLE

NO	BEARING	LENGTH
L1	N89°34'39"W	16.83'
L2	S00°02'32"E	83.82'
L3	N79°50'07"W	36.63'
L4	N74°37'16"W	82.70'
L5	N13°20'09"E	79.95'
L6	N12°22'03"E	140.38'

CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	400.00'	27°43'03"	193.50'	191.62'
C2	100.00'	30°03'19"	88.34'	87.02'
C3	400.00'	23°14'56"	96.10'	95.36'
C4	400.00'	27°14'56"	155.11'	155.11'
C5	400.00'	57°17'26"	37.39'	37.39'

Govt Lot 4

Reference Surveys:
Unrecorded Survey for Rolph
Gent by JUB Engineers, Inc.
DWC. No. N760909
Inst. No. 954353
Inst. No. 20070333
Inst. No. 9947822
Inst. No. 200364262

Govt Lot 3

LEGEND

- BRASS CAP MONUMENT - FOUND
- 5/8" x 30" REBAR W/ALUMINUM CAP - SET
- 5/8" REBAR - FOUND
- 5/8" x 30" REBAR - SET
- 1/2" x 24" REBAR - SET
- MAGNAIL & ALUMINUM WASHER - SET
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- FENCE LINE
- W.C. WITNESS CORNER

Scale: 1" = 180'

CERTIFICATION

I, Thomas J. Welford, do hereby certify that I am a Professional Land Surveyor in the State of Idaho, and that this map has been prepared from an actual survey made by me and under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 55-1601 through 55-1612.



LENZ/CLAUSEN

INDEX No. 129-09-4-D-00-00-00
SURVEY FOR:

Skinner Land
Survey Co. Inc.
311 W. South Street
Nampa, Idaho 83850-0105
(208)-464-0853 (208)-889-2817
WWW.SKINNERLANDSURVEY.COM

Drawn By: TJW
Date: Dec. 9, 2014
Surveyed By: TJW
Job No. NV0714



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

November 30, 2017

MIKE LENZ
324 WHITEROCK WAY
MELBA, ID 83641

Application for Permit No. 63-34427

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 PRESS TRIBUNE on 12/7/2017 and 12/14/2017. 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:
JULIE KLEIN FISCHER
MORROW & FISCHER PLLC
332 N BROADMORE WAY STE 102
NAMPA, ID 83687

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, November 30, 2017 9:34 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 12/7/2017 & 12/14/2017.

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

November 30, 2017

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

RE: Application for Permit No. 63-34427
Application for Permit No. 63-34473

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 12/26/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-34427

MIKE LENZ

324 WHITEROCK WAY

MELBA, ID 83641

Points of Diversion L3(NENW) L2(NWNE) SENW S3 T01S R02W CANYON County Source GROUCH DRAIN Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 1.6 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 1.62 CFS

Date Filed: 8/7/2017

Place of Use: IRRIGATION

T01S R02W S3 NWNE SWNE SWNW SENW

Place of Use: STOCKWATER

T01S R02W S3 SWNW SENW

Total Acres: 80

63-34473

CORP OF PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

50 E NORTH TEMPLE ST 12TH FLOOR

SALT LAKE CITY, UT 84150-0012

Point of Diversion NENW S8 T04N R02W CANYON County Source GROUND WATER Tributary BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 11/9/2017

Place of Use: IRRIGATION

T04N R02W S8 NENW

Total Acres: 1.8

Water bearing zone to be appropriated is from 100 to 200 feet.

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 12/26/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/7/2017 and 12/14/2017



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

November 30, 2017

BOISE KUNA IRRIGATION DISTRICT
129 N SCHOOL AVE
KUNA ID 83634

BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

Re: Application for Permit No: 63-34427

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 **December 26, 2017**. 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 black ink, appearing to read 'Rachel Neely', with a long horizontal line extending to the right.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

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NOV 29 2017

WATER RESOURCES
WESTERN REGION

Julie Klein Fischer
MORROW & FISCHER, PLLC
332 N. Broadmore Way, Ste. 102
Nampa, Idaho 83687
Telephone: (208) 475-2200
Facsimile: (208) 475-2201
ISB No. 4601
jfischer@morrowfischer.com

Attorneys for Applicant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

In the Matter of Application for Permit To
Appropriate Water No. 63-34427

STIPULATION

Comes now, Applicant, Michael Lenz, by and through his counsel, the law firm of Morrow & Fischer, PLLC and Boise Kuna Irrigation District, by and through its counsel, the law firm of Barker Rosholt & Simpson LLP, and hereby agree and stipulate as follows:

1. Michael Lenz filed an Application for Permit with the Idaho Department of Water Resources on August 7, 2017.
2. In his Application, Mr. Lenz seeks to divert water, including wastewater from the Grouch Drain located within the Boise Kuna Irrigation District.

STIPULATION - I

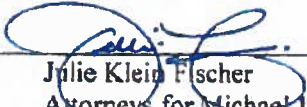
3. Boise Kuna Irrigation District has reviewed the Application and has no objection to the same provided the following conditions are included on any permit or license issued by the Department in this matter:

(i) The source of this water right includes wastewater. The wasting of water may be discontinued at any time.

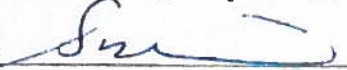
(ii) Boise Kuna Irrigation District has no duty to deliver wastewater to the water right holder..

Dated this 15th day of November, 2017

Morrow & Fischer, PLLC

By: 
Julie Klein Fischer
Attorneys for Michael Lenz

Barker Rosholt & Simpson, LLP

By: 
Shelley Davis
Attorneys for
Boise Kuna Irrigation District



MORROW & FISCHER

ATTORNEYS AT LAW

332 N. Broadmore Way, Ste. 102
Nampa, Idaho 83687
208.475.2200
Fax 208.475.2201
www.morrowfischer.com

November 27, 2017

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WATER RESOURCES
WESTERN REGION

Sent via US Mail and Email to cody.parker@idwr.idaho.gov

Cody Parker
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Mike Lenz - Permit No. 63-34427

Dear Mr. Parker:

In response to your August 24, 2017 letter regarding the above-application for permit, we are enclosing a Stipulation between the Applicant and Boise Kuna Irrigation District.

If you need additional information or have any questions, please feel free to contact me by phone or email.

Thank you.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

C: Mike Lenz
Shelley Davis

MEMORANDUM

Date: November 20, 2017
To: Water Right File 63-34427
From: cparker
Re: Proposed Ponds

The applicant mentions in their application at least two small ponds are to be constructed as part of the irrigation and stockwater distribution system. They have not described a storage component for irrigation or stockwater in their application. The proposed ponds are assumed to fall within the 24-hour rule. If the ponds are developed in such a way that the 24-hr rule does not apply, the applicants will need to apply separately to cover the storage of water.

MEMORANDUM

Date: November 20, 2017
To: Water Right File 63-34427
From: cparker
Re: Stockwater Shapefile

Remarks from the "Project Summary" submitted with the application indicate that "Stock water would occur from the pond located between parcels 4 and 5. I have used those parcel shapes to represent the stockwater POU shapefiles in ArcMap.

MEMORANDUM

Date: November 20, 2017
To: Water Right File 63-34427
From: cparker
Re: Place of Use

The irrigated acreage is rounded to the nearest acre for each quarter-quarter for data entry and advertising. Therefore, the SWNW which shows 7.5 acres on the application will be advertised as 8 acres. Furthermore, the map submitted with the application appears to show possible irrigation use in Gov Lot 3 (NENW). It is assumed that this irrigation is not greater than 0.5 acres and would thus round down to zero.

MORROW & FISCHER
ATTORNEYS AT LAW

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October 20, 2017

Sent via email to cody.parker@idwr.idaho.gov

Cody Parker
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Permit No. 63-34427

In response to your August 24, 2017 letter regarding the above-application for permit, we are providing the following information.

First, the original signature page on the Application for Permit was sent by mail to your offices on August 31, 2017.

Regarding the right to use the Grouch Drain, and water flowing therein, we have been in contact Shelley Davis, attorney for Boise Kuna Irrigation District ("BKID"). Although it is not clear to us whether Grouch Drain consists *only* of waste water, we have discussed with Ms. Davis a stipulation regarding conditions of approval. In that regard, it appears BKID will not object to the Application if there is a remark on the water right that identifies the water as "wastewater" and makes clear "the wasting of water may be discontinued at any time." Ms. Davis also requested a comment making clear the water right holder has no right to call for the delivery of wastewater. I expect we will be able to submit a stipulation to IDWR on this point within the next week.

I believe this answers the questions posed. If you need additional information or have any questions, please feel free to contact me by phone or email.

Thank you.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

C: Mike Lenz
Shelley Davis



MORROW & FISCHER

ATTORNEYS AT LAW

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Nampa, Idaho 83687

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SEP 01 2017

WATER RESOURCES
WESTERN REGION

August 31, 2017

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Permit No. 63-34427

In response to your August 24, 2017 letter, we are enclosing herewith the original signature page for Mike Lenz's Application for Permit. Our response to the other information requested in the letter will follow.

Thank you.

Sincerely,

MORROW & FISCHER, PLLC

Dove Spangler, Paralegal for
Julie Klein Fischer

Encls.



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

August 24, 2017

MIKE LENZ
324 WHITEROCK WAY
MELBA ID 83641

RE: Application for Permit No. 63-34427

Dear Mr. Lenz,

I am writing you today in regard to the water right application referenced above, which proposes to divert 1.62 cfs from the Grouch Drain for stockwater and irrigation uses. IDWR received submission of this application on August 7, 2017. The next step in the water appropriation process is to advertise your application in the local paper to provide an opportunity for public protests of your project proposal. However, before I can forward your application to advertising I need you to provide the Application form with your original signature.

In addition, your application proposes to divert waste water. IDWR must determine if the water you seek 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 the Boise Kuna Irrigation District.

The waste water status in your area can be determined by providing written consent from the irrigation delivery organization confirming whether or not the water remains 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.

You may send your response by mail to the address listed in the letterhead above. You can contact me by email at cody.parker@idwr.idaho.gov or by phone at 208-334-2190. IDWR forms and other information are available at www.idwr.idaho.gov.

Please provide the requested information within sixty (60) days of the date of this letter. 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. Thank you for your time and for your attention to these matters.

Respectfully,

Cody Parker
Water Resource Agent
IDWR Western Region

Enclosure
CC: MORROW & FISCHER PLLC



MORROW & FISCHER

ATTORNEYS AT LAW

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AUG 07 2017

WATER RESOURCES
WESTERN REGION

332 N. Broadmore Way, Ste. 102

Nampa, Idaho 83687

208.475.2200

Fax 208.475.2201

www.morrowfischer.com

August 4, 2017

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

Re: Application for Permit

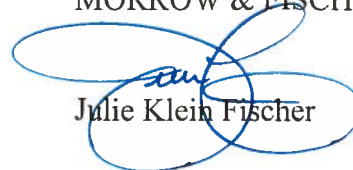
Enclosed please find an Application for Permit prepared on behalf of our client, Mike Lenz as Well as one copy of the same. We also have enclosed the filing fee in the amount of \$580.00.

Please conform the copy and return it to us in the enclosed envelope. If additional information is needed or you have any questions about the Application, please free to contact me.

Thank you.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Encls.