

RECEIVED

OCT 23 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 65-23103

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Bogus Basin Recreational Assn Inc Phone 208-332-5100
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 2600 Bogus Basin Rd City Boise
 State ID ZIP 83702 Email bwilson@bogusbasin.org
2. Name of representative, if any Chris M. Bromley, McHugh Bromley PLLC Phone 208-287-0991
 Mailing address 380 S. 4th St. Ste. 103 City Boise
 State ID ZIP 83702 Email cbromley@mchughbromley.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 Bogus Creek which is a tributary of Shafer Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
05N	03E	16			SE	SW	Boise	Bogus Creek	
05N	03E	16			SW	SW	Boise	Bogus Creek	

5. Water will be used for the following purposes:
- Amount _____ for See attached. 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 3.5 cubic feet per second (cfs) and/or (b) 80.3 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. See attached.
- 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. _____

For Department Use

Received by P. Kelly Date 10-23-17 Time _____ Preliminary check by P. Kelly
 Fee \$ 500 Received by VC Receipt No. C103659 Date 6-1-2017

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. Diversion of water and storage of water for commercial, recreation, aesthetic, and fire protection at the Bogus Basin ski area.

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	
05N	03E	15										FS	FS						
05N	03E	16			BB	BB					BB			BB	BB	BB	BB	BB	
05N	03E	21	FS	FS	FS	FS	FS								FS	FS			
05N	03E	22						FS	FS			FS							

Total number of acres to be irrigated: "BB" = Lands owned by Bogus Basin Rec. Assn. Inc; "FS" = Lands operated pursuant to a Special Use Permit through the United States Forest Service ("FS")

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? Water right nos. 65-13381 and 65-13382

- Who owns the property at the point of diversion? Bogus Basin Rec. Assn. Inc.
- Who owns the land to be irrigated or place of use? Bogus Basin Rec. Assn. Inc. and United States Forest Service
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: As shown in Line 9, lands not owned are operated by Bogus Basin Rec. Assn. Inc. pursuant to a Special Use Permit through FS

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

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.

Brad Wilson

Signature of Applicant

Brad Wilson, General Manager

Print Name (and title, if applicable)

6/1/17

Signature of Applicant

Print Name (and title, if applicable)

RECEIVED

OCT 23 2017

WATER RESOURCES
WESTERN REGION

Application No. 65-23703
Date Received: October _____, 2017

AMENDED ATTACHMENT

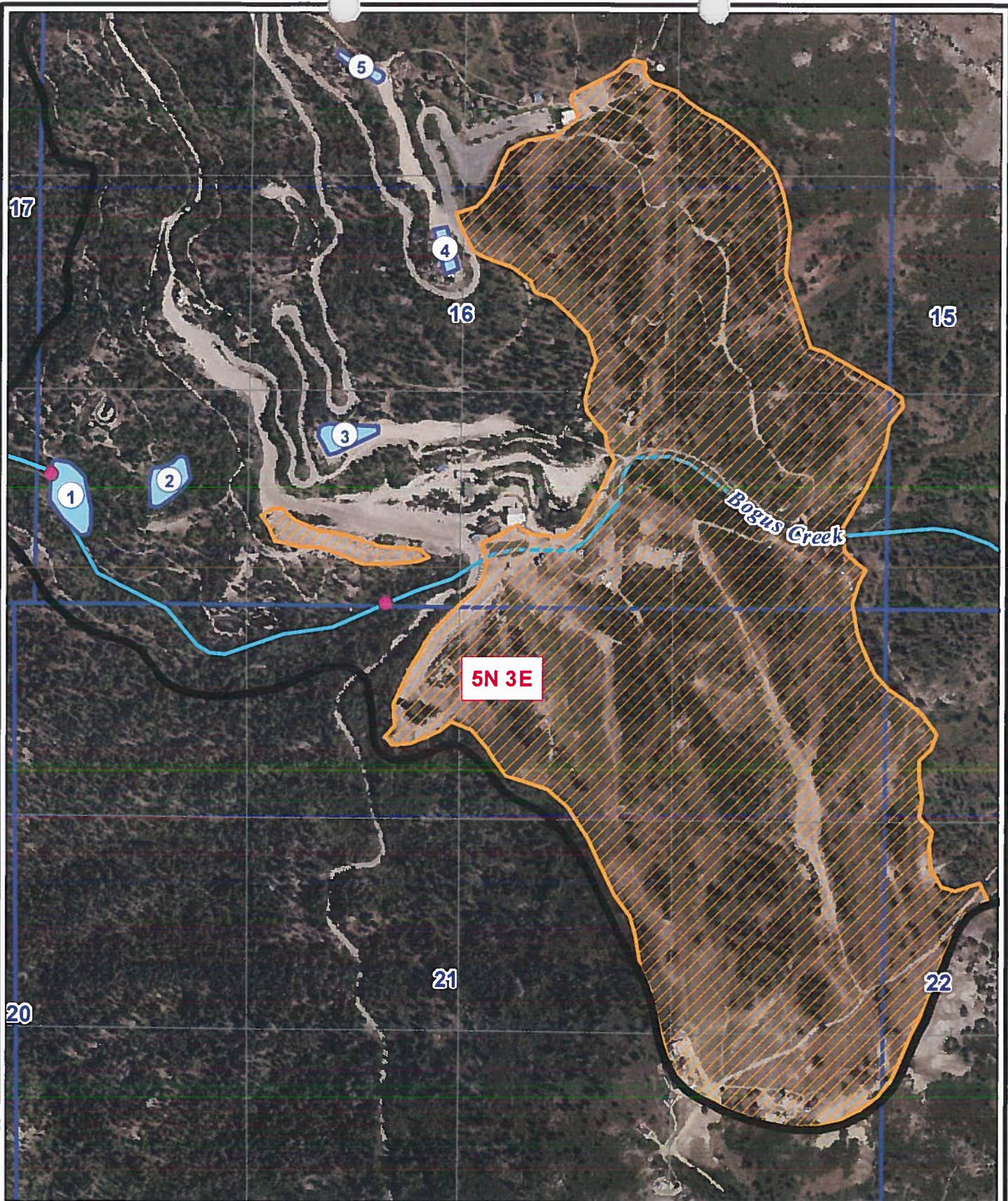
IDWR Application for Permit Line #5:

Amount	3.5 cfs	for	Diversion to Storage	from	9/15	to	5/31
Amount	0.10 cfs	for	Diversion to Storage	from	6/1	to	9/14
Amount	80.3 acre-feet	for	Commercial from Storage	from	11/1	to	3/31
Amount	80.3 acre-feet	for	Commercial Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Recreation Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Aesthetic Storage	from	1/1	to	12/31
Amount	80.3 acre-feet	for	Fire Protection Storage	from	1/1	to	12/31

IDWR Application for Permit Line #7, Line #12:

Water will be diverted from Bogus Creek into one or more ponds, as depicted in Exhibit 1, for commercial, recreational, aesthetic, and fire protection purposes of use. The proposed point(s) of diversion and pond(s) are wholly located on private property owned by the Bogus Basin Recreational Association, Inc. ("BBRA"). The preferred pond location is Pond 1, which is an in-stream pond. For an in-stream pond, the dam outlet structure will be constructed to maintain constant pond water levels, facilitating the pass-through of inflows for downstream users. As depicted in Exhibit 1, water for the commercial purposes of use will be used for snowmaking on the front side of the Bogus Basin ski area, which includes land owned by BBRA, as well as lands owned by the United States, but operated by BBRA pursuant to a Special Use permit with the United States Forest Service. The front side of the ski area is served by Chair 1 (Deer Point) and Chair 2 (Morning Star). Use of water for snowmaking is primarily non-consumptive and will benefit downstream water users by delaying runoff of water used for snowmaking to a time when it can be beneficially used for irrigation. The maximum, anticipated surface area for Pond 1, which is the largest of the proposed ponds, is 3 acres. With a maximum, anticipated surface area of 3 acres, and using IDWR's pond spreadsheet with ET station Boise 7N (NWS – 101017), the calculated average, annual evaporative loss is an estimated 5.3 acre-feet. According to the National Weather Service, ET station Boise 7N (NWS – 101017) is located at 3,885 feet above sea level. Because the pond(s) will be located on BBRA private property at approximately 6,000 feet above sea level, the evaporative loss is anticipated to be less than the estimated 5.3 acre-feet

that is calculated using IDWR's pond spreadsheet and ET station Boise 7N (NWS – 101017). Any pond(s), regardless of location, would likely be constructed with low-permeability materials or a liner to eliminate or greatly reduce seepage. No pond or any combination of ponds under this application will exceed 75 acre-feet of storage, plus the estimated 5.3 acre-feet for evaporative losses, for a total of 80.3 acre-feet. The 3.5 cfs diversion to storage element is proposed to start 9/15 and end 5/31 so as to divert spring runoff and fall rains; diversions to storage or in-stream pond fill will not occur when downstream flows are insufficient for downstream uses. From 6/1 to 9/14, the diversion to storage element should allow for a pond maintenance diversion of 0.10 cfs to make up for the estimated 5.3 acre-feet of evaporative loss.



- Ski Area Boundary
- Proposed Point of Diversion
- Proposed Pond
- Snowmaking Permissible Place of Use

Bogus Basin Snowmaking Application



RECEIVED

JUN 01 2017

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 65-23703THIS PAGE SUPERCEDED
BY AMENDED PAGE 1
REC. 10-23-2017

1. Name of applicant(s) Bogus Basin Recreational Assn Inc Phone 208-332-5100
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 2600 Bogus Basin Rd City Boise
 State ID ZIP 83702 Email bwilson@bogusbasin.org
2. Name of representative, if any Chris M. Bromley, McHugh Bromley PLLC Phone 208-287-0991
 Mailing address 380 S. 4th St. Ste. 103 City Boise
 State ID ZIP 83702 Email cbromley@mchughbromley.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 Bogus Creek which is a tributary of Shafer Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
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 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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6. Total quantity to be appropriated is (a) 3.5 cubic feet per second (cfs) and/or (b) 75 acre-feet per year (af).
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 a. Describe type and size of devices used to divert water from the source. See attached.
- 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. _____.

For Department Use

Received by VC Date 6/11/17 Time 4:01 PM Preliminary check by _____
 Fee \$ 500 Received by VC Receipt No. C103659 Date _____

65-23703

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. Diversion of water and storage of water for commercial, recreation, aesthetic, and fire protection at the Bogus Basin ski area.

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	03E	15										FS	FS						
05N	03E	16			BB	BB					BB			BB	BB	BB	BB	BB	
05N	03E	21	FS	FS	FS	FS	FS								FS	FS			
05N	03E	22						FS	FS			FS							

Total number of acres to be irrigated: "BB" = Lands owned by Bogus Basin Rec. Assn. Inc; "FS" = Lands operated pursuant to a Special Use Permit through the United States Forest Service ("FS")

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- Who owns the property at the point of diversion? Bogus Basin Rec. Assn. Inc.
 - Who owns the land to be irrigated or place of use? Bogus Basin Rec. Assn. Inc. and United States Forest Service
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: As shown in Line 9, lands not owned are operated by Bogus Basin Rec. Assn. Inc. pursuant to a Special Use Permit through FS
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached.

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

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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.

Brad Wilson
Signature of Applicant
Brad Wilson, General Manager
Print Name (and title, if applicable)

6/1/17
Signature of Applicant

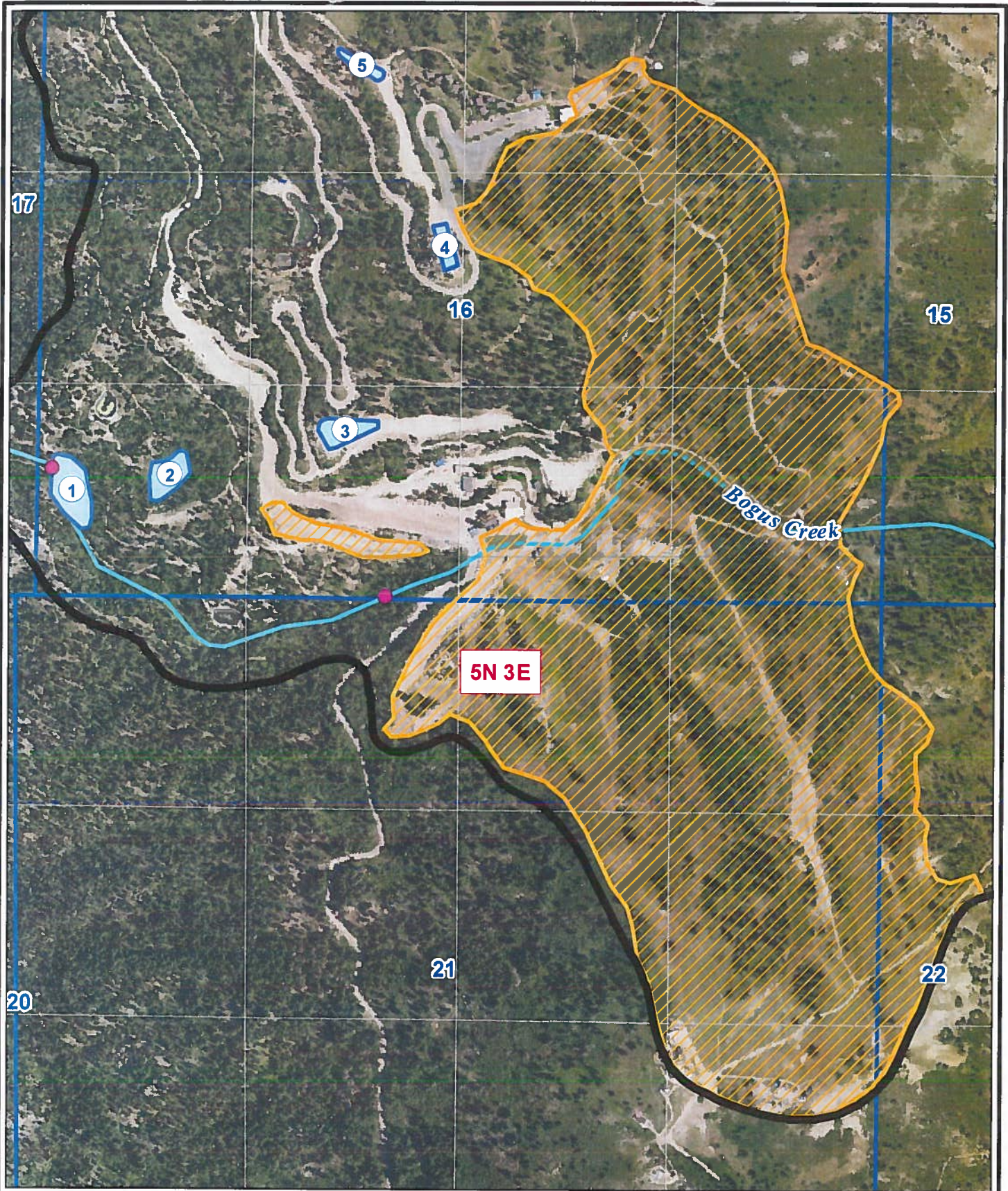
Print Name (and title, if applicable)

ATTACHMENTIDWR Application for Permit Line #5:

Amount	3.5 cfs	for	Commercial to Storage	from	9/15	to	5/31
Amount	75 acre-feet	for	Commercial from Storage	from	11/1	to	3/31
Amount	75 acre-feet	for	Commercial Storage	from	1/1	to	12/31
Amount	3.5 cfs	for	Recreation to Storage	from	9/15	to	5/31
Amount	75 acre-feet	for	Recreation Storage	from	1/1	to	12/31
Amount	3.5 cfs	for	Aesthetic to Storage	from	9/15	to	5/31
Amount	75 acre-feet	for	Aesthetic Storage	from	1/1	to	12/31
Amount	3.5 cfs	for	Fire Protection to Storage	from	9/15	to	5/31
Amount	75 acre-feet	for	Fire Protection	from	1/1	to	12/31
Amount	0.10 cfs	for	Diversion to Storage	from	1/1	to	12/31

IDWR Application for Permit Line #7, Line #12:

Water will be diverted from Bogus Creek into one or more ponds, as depicted in Exhibit 1, for commercial, recreational, aesthetic, and fire protection purposes of use. The proposed point(s) of diversion and pond(s) are wholly located on private property owned by the Bogus Basin Recreational Association, Inc. ("BBRA"). The preferred pond location is Pond 1, which is an on-stream pond. For an on-stream pond, a pass-through mechanism would be constructed. No pond or any combination of ponds will exceed 75 acre-feet of storage under this application. Depending on climate and operations, the proposed pond(s) may have some amount of refill. As depicted in Exhibit 1, water for the commercial purposes of use will be used for snowmaking on the front side of the Bogus Basin ski area, which includes land owned by BBRA, as well as lands owned by the United States, but operated by BBRA pursuant to a Special Use permit with the United States Forest Service. The front side of the ski area is served by Chair 1 (Deer Point) and Chair 2 (Morning Star). In order to take advantage of spring runoff and fall rains when there will be no interference with downstream irrigation demand, the diversion to storage element for commercial, recreational, aesthetic, and fire protection is described as 9/15 to 5/31. The maximum, anticipated surface area for Pond 1, which is the largest of the proposed ponds, is 3 acres. Any pond(s), regardless of location, would be constructed with a liner to eliminate or greatly reduce seepage. A pond maintenance flow of 0.10 cfs is described for evaporative losses. Use of water for snowmaking is primarily non-consumptive and will benefit downstream water users by delaying runoff of water used for snowmaking to a time when it can be beneficially used for irrigation.



-  Ski Area Boundary
-  Proposed Point of Diversion
-  Proposed Pond
-  Snowmaking Permissible Place of Use

Bogus Basin Snowmaking Application



0 500 1,000
Feet



65-23703

FILED EFFECTIVE**STATEMENT OF CHANGE OF
REGISTERED AGENT,
REGISTERED OFFICE,
OR BOTH**

(See reverse for instructions)

2016 SEP -8 PM 3:09

SECRETARY OF STATE
STATE OF IDAHO

File #:

C21014

The undersigned entity submits the following statement for the purpose of changing its registered agent, its registered office, or both, in the State of Idaho.

1. The name of the entity is:

Bogus Basin Recreational Assoc., Inc.

2. The name and street address of the
- old
- registered agent and office is:

Nathan Shake2600 Bogus Basin Road, Boise, ID 83702Bogus Basin Recreational Assoc., Inc.

3. The name and street address of the
- new
- registered agent and office in Idaho is:

Brad Wilson2600 Bogus Basin Road, Boise, ID 83702

(not a PO box or PMB)

Bogus Basin Recreational Assoc., Inc.

I consent to serve as registered agent for the above-named entity.

Brad Wilson

(Signature of new registered agent)

9/8/16

(Date)

Date:

9/8/16

Signature:

Irene Feiguen

Printed:

IRENE FEIGUEN

Capacity:

CONTROLLER

NO FEE REQUIRED



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

October 27, 2017

BOGUS BASIN RECREATIONAL ASSN INC
C/O BRAD WILSON
2600 BOGUS BASIN RD
BOISE, ID 83702

Application for Permit No. 65-23703 & Application for Transfer No. 81738

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the number referenced above in all future correspondence regarding these applications.

A legal notice of the applications have been prepared and are scheduled for publication in the IDAHO WORLD on 11/1/2017 and 11/8/2017. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If either 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 either 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 applications.

Sincerely,

Rachel Neely
Administrative Assistant

CC:

CHRIS M BROMLEY
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE, ID 83702

Neely, Rachel

From: Neely, Rachel
Sent: Friday, October 27, 2017 8:43 AM
To: 'Idaho World Editor'
Subject: Boise Legal Ads
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 11/1/2017 & 11/8/2017.

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

October 27, 2017

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-23703
Application for Transfer No. 81738

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 11/20/2017. 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:

65-23703

BOGUS BASIN RECREATIONAL ASSN INC
C/O BRAD WILSON
2600 BOGUS BASIN RD
BOISE, ID 83702

Points of Diversion SESW SWSW S16 T05N R03E BOISE County Source BOGUS CREEK Tributary SHAFER CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 80.3 AF

Use: COMMERCIAL FROM STORAGE 11/01 to 03/31 80.3 AF

Use: COMMERCIAL STORAGE 01/01 to 12/31 80.3 AF

Use: DIVERSION TO STORAGE 06/01 to 09/14 0.1 CFS

Use: DIVERSION TO STORAGE 09/15 to 05/31 3.5 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 80.3 AF

Use: RECREATION STORAGE 01/01 to 12/31 80.3 AF

Total Diversion: 3.5 CFS, 80.3 AF

Date Filed: 6/1/2017

Places of Use: COMMERCIAL STORAGE, FIRE PROTECTION STORAGE, AESTHETIC STORAGE, RECREATION STORAGE

T05N R03E S16 SENW NESW SWSW SESW

Place of Use: COMMERCIAL FROM STORAGE

T05N R03E S15 NWSW SWSW

T05N R03E S16 SWNE SENE NESW SESW SE(ALL)

T05N R03E S21 NE(ALL) NENW NESE NWSE

T05N R03E S22 NWNW SWNW NWSW

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81738

BOGUS BASIN RECREATIONAL ASSN INC, 2600 BOGUS BASIN RD, BOISE, ID 83702; has filed Application No. 81738 for changes to the following water rights within BOISE County(s): Right No(s). 65-13382. The purpose of the transfer is to redefine the commercial use for the purpose of snowmaking. The transfer will add two points of diversion on Bogus Creek, and establish a water storage system in connection with Application for Permit 65-23703. Water will be used at the current place of use within the Bogus Basin Ski Resort.

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 transfer (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 11/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/1/2017 and 11/8/2017



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

October 27, 2017

BEN DOBSON
PO BOX 125
HORSESHOE BEND ID 83624

Re: Application for Transfer No. 81738 & Application for Permit No. 65-23703

Dear Interested Party:

The above referenced applications may be of interest to you. I would like to inform you that the applications have been submitted to the *Idaho World* for advertising. I have enclosed copies of the applications 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 either application, a written protest along with the \$25.00 protest fee must be received in this office by **November 20, 2017**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Neely, Rachel

From: Neely, Rachel
Sent: Friday, October 27, 2017 11:01 AM
To: 'Ron Shurtleff'
Subject: Application for Transfer No. 81738 & Application for Permit No. 65-23703
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer 81738.pdf; Application for Permit 65-23703.pdf

October 27, 2017

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Application for Transfer No. 81738 & Application for Permit No. 65-23703

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **November 20, 2017**.

IDWR will assume you do not object to these applications 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

Neely, Rachel

From: Neely, Rachel
Sent: Friday, October 27, 2017 11:00 AM
To: 'Bassista, Tom'
Subject: Application for Permit No. 65-23703
Attachments: IDFG Recommendation Form.docx; Application for Permit 65-23703.pdf

October 27, 2017

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

RE: Application for Permit No. 65-23703

Dear Mr. Bassista:

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 **November 20, 2017**.

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, October 27, 2017 11:01 AM
To: 'Spencer, Steven M -FS'
Subject: Application for Permit No. 65-23703
Attachments: Agency Recommendation Form.docx; Application for Permit 65-23703.pdf

October 27, 2017

STEVE SPENCER
WATER USE SPECIALIST
C/O BOISE NATIONAL FOREST
1805 HWY 16, ROOM 5
EMMETT ID 83617

RE: Application for Permit No. 65-23703

Dear Mr. Spencer:

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 **November 20, 2017**.

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

Kelly, Patrick

From: Chris Bromley <cbromley@mchughbromley.com>
Sent: Wednesday, October 25, 2017 7:35 AM
To: Kelly, Patrick
Subject: RE: Your Voicemail

Patrick,

I believe there most likely could be a dam height greater than 10' but don't believe there will be a single pond that is greater than 50 AF, so that keeps it out of dam safety based on the 2016 statutory amendment to require exceedence of both height and volume. That said, SPF had a preliminary meeting with John Falk either earlier this month or late September.

Chris

On Oct 25, 2017 7:23 AM, "Kelly, Patrick" <Patrick.Kelly@idwr.idaho.gov> wrote:

OK. Also, are any of the ponds going to have a diversion structure (dam) 10 ft or greater? I have to send a comment letter to dam safety on anything greater than 10 ft and 50 af.

From: Chris Bromley [mailto:cbromley@mchughbromley.com]
Sent: Tuesday, October 24, 2017 4:49 PM
To: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Subject: RE: Your Voicemail

Patrick,

Attached is the correct map. It's the same map that was filed with the original application, and is the same map that's filed with the transfer. There was a mix up on my end with attaching the incorrect map.

Chris

From: Chris Bromley [mailto:cbromley@mchughbromley.com]
Sent: Tuesday, October 24, 2017 4:46 PM
To: 'Kelly, Patrick' <Patrick.Kelly@idwr.idaho.gov>
Subject: Your Voicemail

Patrick,

I was out in the field today meeting with a client, so just now listened to your voicemail. Please give me a call tomorrow. I think what happened is I gave you an incorrect map that shows a POD and pond in a QQ that's not contemplated. The POD legal descriptions in the transfer and application are correct. The map isn't. What I think I need to do is give you the correct map for the application.

Chris

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Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, June 15, 2017 9:00 AM
To: 'Chris Bromley'; 'Christian Petrich'
Subject: Bogus Basin app 65-23703 and transfer 81737
Attachments: Pond Spreadsheet.xlsm

Gentlemen,

I began reviewing the applications submitted for Bogus Basin. Just some notes.

- The maximum volume associated with the application is 75 af of storage. The 0.10 cfs diversion to storage is described to provide flow through for evaporation. The department describes evaporation loss for storage systems in terms of a volume and adds this to the capacity. I did a pond analysis (attached) for the system using a surface area of 3 acres and ET station Boise 7N (NWS – 101017). This calculates an evaporation loss of 5.3 af. (You may find more accurate data using the nearby SnoTel site?) So for example, the Commercial Storage use should be at least a total of 80.3 af. If the capacity of the ponds turns out to equal 75 af, and Bogus wishes to keep the ponds full for recreation or aesthetic storage, then there will not be enough left over for consumptive losses. These uses too should add the evaporation as a volume to the capacity. This requires an amended application, but because the flow through component of 0.10 cfs will annually produce whatever the final calculated evaporation might be, we do not need to advance the priority date.
- Are the “Commercial to Storage” and other to storage uses for 3.5 cfs meant to describe the pumping from Bogus Creek to potential pond sites off stream? If so, we want to describe this as a “Diversion to Storage” use. Once the water is stored, we do not care to recognize the rate the water leaves the pond system for the use. So for Bogus, whatever the snow making system pulls from the ponds won’t actually be described by the right UNLESS they intend to pull water straight from Bogus Creek (i.e. pump in the stream). The water that is stored on stream for pond 1 does not have a Diversion to Storage use since it is on-stream.
- Applying for both an on-stream and off-stream storage use on the same application somewhat creates a complicated permit. Case specific conditions would need to be added to distinguish the differences between what is authorized for on-stream and what is for off. Preferably we would like to see these uses separated into 2 applications, but we can’t come up with any reason to justify denying it.
- Without fully processing the transfer, at this stage it looks good. Only issue I have found is Page 3 Item 3 for POD only describes the new locations. Does Bogus wish to keep the old diversion point as well? If so, we need to add the existing POD to the legal description list for a total of 3 PODs.

Give me a call if you have any further questions or just want to chat about any of the above.

Regards,

Patrick Kelly

Water Resource Agent, Senior

Idaho Department of Water Resources

2735 Airport Way

Boise, Idaho 83705

p: 208.334.2190

f: 208.334.2348

patrick.kelly@idwr.idaho.gov