

RECEIVED
MAR 10 2017
WATER RESOURCES
WESTERN REGION

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

Ident. No. 65-23689

1. Name of applicant(s) James M Bier or Rosanne Lichte Bier Phone 208-5843204
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 17400 Sweet Ola Hwy OLA, ID 83657 Email bjbier@fmtcblue.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ 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 providing authority to sign for the applicant.
3. Source of water supply Squaw Creek which is a tributary of PAIETTE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
9N	1E	14			NW	SE	Gem	Squaw Cr	NA
					NE	SW	GEM	SQUAW CR.	

5. Water will be used for the following purposes:
 Amount 19.02 for irrigation purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount 0.02 for stock purposes from 01/01 to 12/31 (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) 0.22 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. PUMPING WATER FROM SQUAW CREEK USING 4" PIPE & IRRIGATING PROPERTY WITH 3" PIPE.
- 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 11. 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 N/A 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 ad Date 3/10/17 Time 4:00 Preliminary check by CP
 Fee \$ 250.00 Received by ad Receipt No. W045008 Date 3/10/17

Amended on 05/01/17

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. 15 head

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	
9N	1E	14														~~9.4~~			~~9.4~~
											8.5					1			9.5
											5					5			

Total number of acres to be irrigated: 9.4 9.5

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? domestic exempt well; no other irrigation water

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. _____

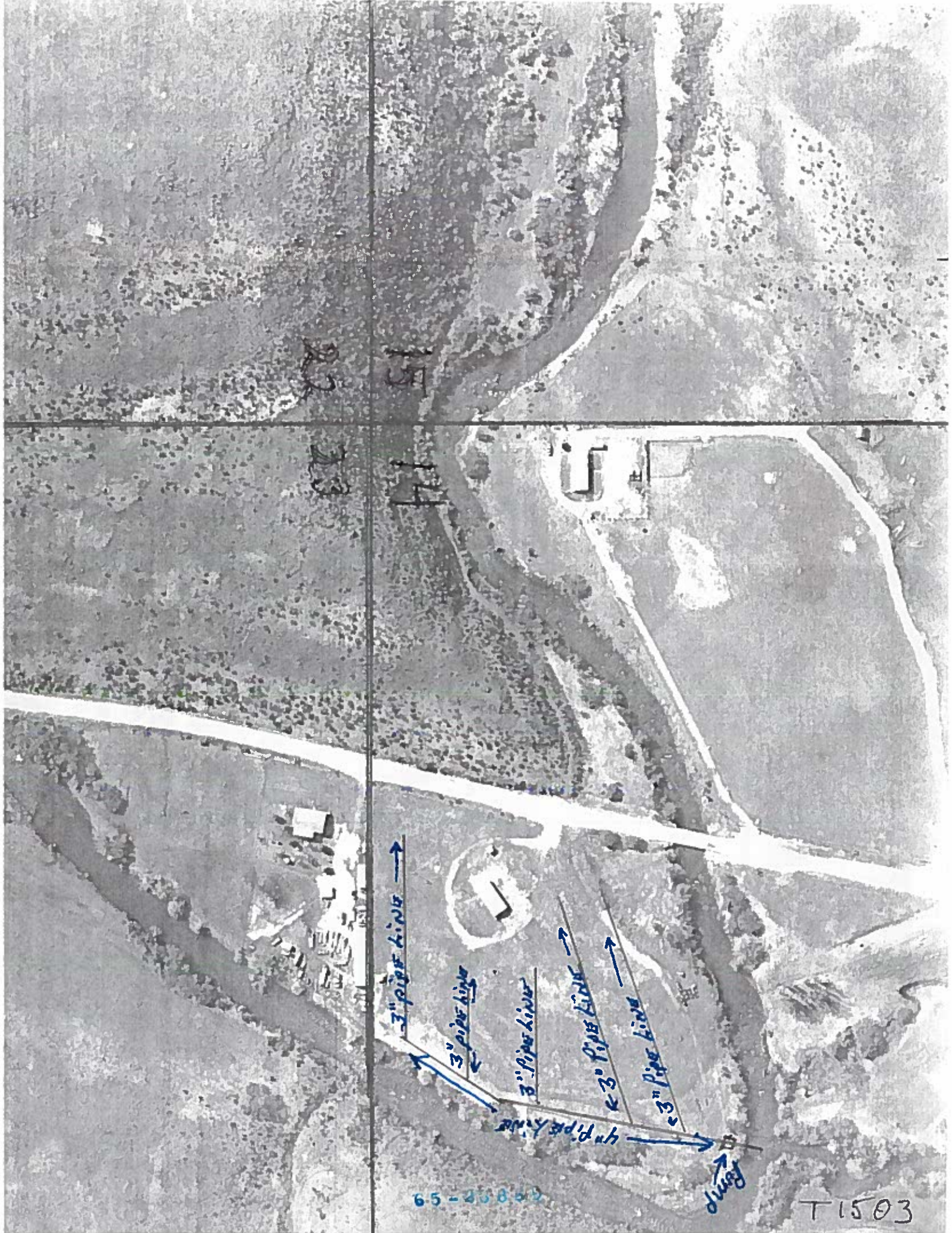
13. Time required for completion of works and application of water to proposed beneficial use is X5 years (minimum 1 year).

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.

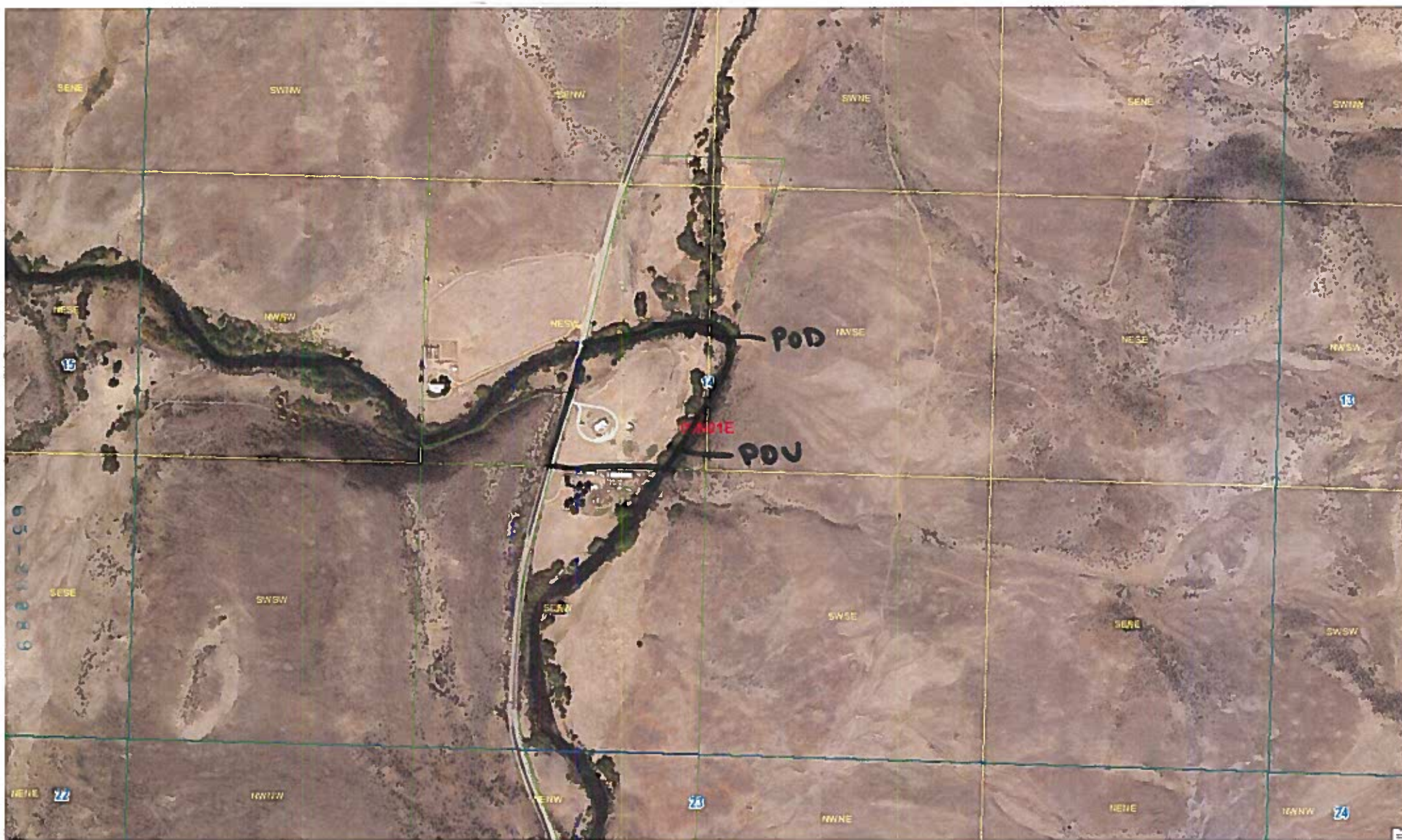
James M. Bier
Signature of Applicant
JAMES M. BIER Owner
Print Name (and title, if applicable)

Rosanne L. Bier
Signature of Applicant
ROSANNE L. BIER
Print Name (and title, if applicable)



65-23800

T1503





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

May 11, 2017

JAMES M BIER
ROSANNE LICHTER BIER
17400 SWEET OLA HWY
OLA, ID 83657

Application for Permit No. 65-23689

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 MESSENGER INDEX on 5/17/2017 and 5/24/2017. 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

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, May 11, 2017 9:56 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Gem Legal Ads
Attachments: Gem Cover Letter.docx; Gem Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 5/17/2017 & 5/24/2017.

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

May 11, 2017

LEGAL NOTICE DEPARTMENT
MESSENGER INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application for Permit No. 65-23689
Application for Transfer No. 81190

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 6/5/2017. 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:

65-23689

JAMES M BIER

ROSANNE LICHTE BIER

17400 SWEET OLA HWY

OLA, ID 83657

Points of Diversion NWSE NESW S14 T09N R01E GEM County Source SQUAW CREEK Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.19 CFS

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

Total Diversion: 0.21 CFS

Date Filed: 3/10/2017

Places of Use: IRRIGATION, STOCKWATER

T09N R01E S14 NESW NWSE

Total Acres: 9.5

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81190

M & T RANCHES LLC, PO BOX 30, OLA, ID 83657; has filed Application No. 81190 for changes to the following water rights within GEM, VALLEY County(s): Right No(s). 65-10473, 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, 65-9539. The purpose of this transfer is to define a permissible place of use for 10 water rights to use the available water supply on the property more efficiently. The applicant is installing pivots and other sprinkler irrigation methods to better utilize the available water supply for the ranch. Water will be used at the current place of use generally located south of Holbrook Lane, approximately 1.5 miles southeast of Ola, Idaho.

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 6/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/17/2017 and 5/24/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, May 11, 2017 2:03 PM
To: 'Bassista, Tom'
Subject: Applications for Permit Nos. 65-23684, 63-34333, 63-34334, 63-34335, 65-23689, 65-23690, 79-14264, 57-11899, 65-23617, 65-23668, & 67-15170
Attachments: IDFG Recommendation Form.docx; Application for Permit 65-23684.pdf; Application for Permit 63-34333.pdf; Application for Permit 63-34334.pdf; Application for Permit 63-34335.pdf; Application for Permit 65-23689.pdf; Application for Permit 65-23690.pdf; Application for Permit 79-14264.pdf; Application for Permit 57-11899.pdf; Application for Permit 65-23617.pdf; Application for Permit 65-23668.pdf; Application for Permit 67-15170.pdf

May 11, 2017

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

RE: Applications for Permit Nos. 65-23684, 63-34333, 63-34334, 63-34335, 65-23689, 65-23690 79-14264, 57-11899, 65-23617, 65-23668, & 67-15170

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 June 5, 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: Thursday, May 11, 2017 1:59 PM
To: 'Ron Shurtleff'
Subject: Applications for Permit Nos. 65-23684, 65-23689, 65-23617, 65-23668, 65-23690 & Application for Transfer No. 81190
Attachments: Watermaster Recommendation Form_F.pdf; Application for Permit 65-23684.pdf; Application for Permit 65-23689.pdf; Application for Permit 65-23617.pdf; Application for Permit 65-23668.pdf; Application for Permit 65-23690.pdf; Application for Transfer 81190.pdf

May 11, 2017

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

RE: Applications for Permit Nos. 65-23684, 65-23689, 65-23617, 65-23668, 65-23690 & Application for Transfer No. 81190

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 applications 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 June 5, 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 11, 2017

ERIC HERR
8917 BUTTE RD
SWEET ID 83670

RE: Application for Permit No. 65-23689 and Application for Transfer No. 81190

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 letter for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **June 5, 2017**.

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,

A handwritten signature in black ink, appearing to be 'R. Neely', with a long horizontal line extending to the right.

Rachel Neely
Administrative Assistant

MEMORANDUM

Date: May 02, 2017
To: Water Right File 65-23689
From: cparker
Re: Stockwater Use

The applicants may develop the permit as either in-stream stockwater use or they may divert from the stream to watering troughs. The shapefiles created for the application show stockwater as if it was developed by diverting into troughs. However, the legal descriptions provide the flexibility for them to develop stockwater use either way.

MEMORANDUM

Date: May 02, 2017
To: Water Right File 65-23689
From: cparker
Re: Amendments

The applicants came to the Western Region office to discuss a request for information letter I had sent them. I had them amend the requested irrigation diversion rate to reflect a 0.02 cfs/acre rate. However, at that time I overlooked the total quantity line in item 6 of the application so the total cfs requested was not amended to reflect a reduced rate for irrigation. Because the amendment was at my request, I will update the total cfs rate in data entry without an amendment per Admin AP Memo No. 9 .



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

April 18, 2017

JAMES & ROSANNE BIER
17400 SWEET OLA HWY
OLA ID 83657

RE: Application for Permit No. 65-23689

Mr. and Mrs. Bier,

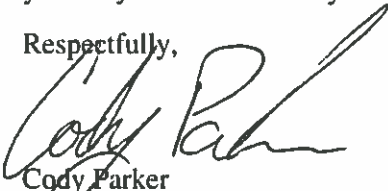
I am writing you today concerning the water right application referenced above, which proposes to divert 0.22 cfs from Squaw Creek for irrigation and stockwater use. The Idaho Dept. of Water Resources (IDWR) received this application on March 10, 2017. The next step in developing a water right is to advertise your application in the local paper to provide an opportunity for public protest. Before the application is advertised, I must confirm that your application accurately describes your proposed project. After an initial review of your application, I have come up with the following questions regarding your project which will need to be addressed for processing to continue:

- First, the diversion rate you have listed for the irrigation component of your application is 0.20 cfs. The IDWR standard (0.02 cfs/acre) allows for only 0.19 cfs in this case, unless you can justify the need for a higher rate. Please provide any justification you have for needing a rate exceeding the IDWR standard. Otherwise, the Department can advertise your application at the lower rate without an amendment to your application.
- Second, I need to clarify your plan for the stockwater component of the application. Do you intend for stock to drink directly from Squaw Creek, or will you divert water from Squaw Creek into stock tanks? Also, you show on your map and in **Item 9** of your application that the place of use for irrigation is the NWSE and NESW of Section 14 Township 09 North, Range 01 East, B.M. Am I to understand from your application that the place of use that you are proposing for stockwater use is the same two quarter-quarter descriptions?

Please submit your response in writing to the address listed in the letterhead above. **I look forward to your response within thirty (30) days of the date of this letter.** If I do not receive your response within thirty (30) days, I will assume that you no longer have an interest in pursuing a water right permit, and I will take action to void your application. Refunds are not available for voided applications. You may also submit a written request for more time to gather and submit the requested information.

IDWR forms and other information can be found on our website at www.idwr.idaho.gov. Please let me know if you have any questions or concerns regarding this water right application. I look forward to hearing from you. Thank you for your time and for your attention to these matters.

Respectfully,



Cody Parker
Water Resource Agent
IDWR Western Region
208.334.2190
cody.parker@idwr.idaho.gov