

RECEIVED

APR 12 2017

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FEB 14 2017

AMENDED

FORM 202 Rev. 09/16

WATER RESOURCES WESTERN REGION IDAHO

Ident. No.

57-11899

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Delbert Phifer Phone 208-337-5366
Name connector (check one): [] and [] or [x] and/or
Mailing address 1780 Nielsen Lane City Homedale
State Idaho ZIP 83628 Email phiferconstruction@gmail.com

2. Name of representative, if any N/A Phone
Mailing address City
State ZIP Email

- a. [] Send all correspondence for this application to the representative and not to the applicant OR [] Send original correspondence to the applicant and copies to the representative.
b. [] The representative may submit information for the applicant but is not authorized to sign for the applicant OR [] The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Sage Creek which is a tributary of Snake River

4. Location of point(s) of diversion:

Table with 10 columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Row 1: 03N, 06W, 25, no, SW, SE, Owyhee, Sage Creek.

5. Water will be used for the following purposes:

Amount 30 cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)

6. Total quantity to be appropriated is (a) 30 .16 cfs cubic feet per second (cfs) and/or (b) 36 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Approximately 4 inch main with 4 inch supply from creek with 5 hp pump mounted on upright culvert.
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 [x] 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 [x] No
e. If well is already drilled, when? N/A; drilling firm; well was drilled for (well owner); Drilling Permit No.

Received by [Signature] Date 2/14/17 Time 8:30 Preliminary check by [Signature]
Fee \$ 250 Received by [Signature] Receipt No. W044950 Date 2/14/17

57-11899

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - d. Domestic; show number of households _____
 - 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	
03N	06W	25															8		8

Total number of acres to be irrigated: 8

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? Plan to use already established irrigation well, Water Right No. 57-11678, plus this water application to irrigate eight acres of pasture.


11. a. Who owns the property at the point of diversion? Delbert Phiifer
 b. Who owns the land to be irrigated or place of use? Delbert Phiifer
 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. I already have an irrigation well, Water Right No. 57-11678, but would like to use water from Sage Creek in addition to it because the ag well doesn't provide enough water; it frequently runs dry, and contains heavy alkali. I would like to use an approximate 5 hp pump from Sage Creek mounted on an upright culvert, to tie into 4 inch main , to existing gated pipe, to irrigate approximate 8 acres of pasture.

13. Time required for completion of works and application of water to proposed beneficial use is 2 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
 Delbert Phiifer
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

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STATE OF IDAHO

Ident. No. 57-11899

WATER RESOURCES WESTERN REGION

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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State Idaho ZIP 83628 Email phiferconstruction@gmail.com

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- a. Send all correspondence for this application to the representative and not to the applicant OR
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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? N/A; drilling firm; well was drilled for (well owner); Drilling Permit No.

Received by [Signature] Date 2/14/17 Time 8:30 Preliminary check by [Signature]
Fee \$ 250.00 Received by [Signature] Receipt No. W044950 Date 2/14/17

57-11899 superseded by amendment received 4-12-17

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 - b. Stockwatering; list number and kind of livestock. _____
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 Signature of Applicant
 Delbert Phifer
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Map of Proposed Project



The USDA-PCA Aerial Photography Field Office asks to be credited in derived products.



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

DELBERT PHIFER
1780 NIELSEN LN
HOMEDALE, ID 83628

Application for Permit No. 57-11899

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 OWYHEE AVALANCHE 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,

A handwritten signature in black ink, appearing to read 'Rachel Neely', followed by a horizontal line.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, May 11, 2017 1:38 PM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Afternoon 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
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 57-11899
Application for Transfer No. 81376

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:

57-11899

DELBERT PHIFER

1780 NIELSEN LN

HOMEDALE, ID 83628

Point of Diversion SWSE S25 T03N R06W OWYHEE County Source SAGE CREEK Tributary SUCCOR CREEK

Use: IRRIGATION 03/01 to 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 2/14/2017

Place of Use: IRRIGATION

T03N R06W S25 SWSE

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81376**

DE RUYTER DAIRY LLC, PO BOX 580, MARSING, ID 83639-0580; has filed Application No. 81376 for changes to the following water rights within OWYHEE County(s): Right No(s): 57-2292, 57-7047. The purpose of this transfer is to add two new points of diversion to two existing rights. The new wells will be connected to the existing distribution system to supply water for the DeRuyter Dairy. The water will be used in the current place of use, north of East Thompson Rd. between Buntrock and Hogg roads, generally located approximately 5 miles southeast of Homedale, 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

Delbert Phifer
1780 Nielsen Lane
Homedale, ID 8328
Phone: 208-337-5366

April 10, 2017

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

RECEIVED
APR 12 2017
WATER RESOURCES
WESTERN REGION

Re: Application for Permit No. 57-11899

As per your letter, and our phone conversation on April 10, 2017, I have revised the application for permit No. 57-11899.

I am requesting a refund of \$150.00 due to the reduction in the water diversion rate from .30cfs to .16cfs for 8 acres.

I have enclosed the revised application. Please let me know if there is anything else you need from me.

Thank you for your help and patience.


Del Phifer

MEMORANDUM

Date: April 11, 2017
To: Water Right File 57-11899
From: cparker
Re: Tributary Clarified

The applicant listed the source, Sage Creek, as tributary to the Snake River on their application. However, according to the USGS topo, Sage Creek runs north into Succor Creek before entering the Snake River. The 7 existing rights diverting from Sage Creek list it as tributary to Succor Creek, confirming this interpretation of the USGS topo. The tributary information has been clarified in data entry to show that the source is tributary to Succor Creek per AP Admin Memo 9.

MEMORANDUM

Date: April 11, 2017
To: Water Right File 57-11899
From: cparker
Re: Season of Use

The season of use has been corrected in data entry per AP Admin Memo 9 to reflect the period from 03/01 to 11/15.



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 7, 2017

DELBERT PHIFER
1780 NIELSEN LN
HOMEDALE ID 83628

NOTICE OF INTENT TO VOID APPLICATION FOR PERMIT NO. 57-11899

Dear Mr. Phifer,

I am writing today in regard to water right application no. 57-11899. The Idaho Dept. of Water Resources received this application on February 14, 2017. Shortly after its submission, I began an initial review of your application and I determined that additional information was needed to complete its processing. On March 8, 2017, I sent a letter requesting information concerning the diversion rate proposed on your application. The letter specified that you were to submit written response within thirty (30) days or the application would be voided without refund. The Department has not received your reply as of April 7, 2017, the 30-day deadline.

At this time, I will grant an extension allowing you to submit your response within **fourteen (14) days** of the date of this letter. The new deadline for submission is **April 21, 2017**. I have enclosed a copy of the original letter for your reference. Please review the information and respond accordingly. Written response should be sent to the address listed in the letterhead at the top of this page. If I do not receive your reply within fourteen (14) days, I will assume that you no longer have an interest in developing a water right and I will take action to void your application. Refunds will not be granted for voided applications. You should contact me with any questions or concerns that you may have regarding your application or the information requested. I can be contacted by phone at 208-334-2190 or by email at cody.parker@idwr.idaho.gov. Thank you for your time.

Respectfully,

Cody Parker
Water Resource Agent
IDWR, Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 8, 2017

DELBERT PHIFER
1780 NIELSEN LN
HOMEDALE ID 83628

RE: Application for Permit No. 57-11899

Dear Mr. Phifer,

I am writing today in regard to the application you recently submitted to divert 0.30 cfs from Sage Creek for the irrigation of 8 acres. The Idaho Dept. of Water Resources (IDWR) received this application on February 14, 2017. On March 8, 2017 I began an initial review of the proposal outlined in your application. The next step in the water appropriation process is to advertise your application in the local newspaper for two consecutive weeks to provide an opportunity for comment from the public. In order to continue processing your application and have it advertised in the paper, I will need you to address the following items:

- Your application proposes to divert 0.30 cfs for 8 acres of irrigation. According to 42-202(6) *Idaho Code*, the standard diversion rate for irrigation use is 0.02 cfs per acre. Therefore, the maximum approvable diversion rate for irrigation of 8 acres is 0.16 cfs, unless it can be shown that a greater amount is necessary.

If you believe that your system requires a diversion rate greater than 0.02 cfs per acre, please explain your justification in writing. However, if you are able to develop your proposed beneficial use with the standard 0.02 cfs per acre I ask that you amend the enclosed application to reflect this lower rate. To amend the application you may simply cross out the old rate, write in the new, and initial next to any changes made. Return your justification for the requested rate, or your amended application, to the address shown in the letterhead above. If you opt to reduce your requested diversion rate to 0.16 cfs, you are eligible for a refund of \$150. Please request this refund in writing for the Department's record.

Thank you for your time and for your attention to these matters. I look forward to your written response within the next thirty (30) days. The application will be voided without a timely response. Refunds are not available for voided applications. Please contact me with any questions concerning your application. I can be reached by phone at 208-334-2190, by email at cody.parker@idwr.idaho.gov, or in writing at the address listed in the letterhead above.

Respectfully,

Cody Parker
Water Resource Agent

Enclosed: Copy of application for amendments