

RECEIVED

DEC 16 2003

Department of Water Resources

Ident. No. 67-14433

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

AMENDED

1. Name: MARC AGOSTINI
29407 BLUEWATER
MALIBU CA 90265
(310)457-5007

RECEIVED

OCT 10 2003

WATER RESOURCES
WESTERN REGION

MARC AGOSTINI
2301 COVE ROAD
WEISER ID 83672-5349
(310)457-5007

2. Source: COVE CREEK Tributary to: WEISER RIVER
GROUND WATER

3. Location of Point of Diversion:

- | | | |
|-------------------|------------|---------------------------------|
| #1 COVE CREEK | NE1/4NE1/4 | Sec. 11, Twp 10N, Rge 04W, B.M. |
| WASHINGTON County | | |
| #2 GROUND WATER | SE1/4NE1/4 | Sec. 11, Twp 10N, Rge 04W, B.M. |
| WASHINGTON County | | |

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
WILDLIFE	01/01 to 12/31	2.00 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	2.00 CFS	

5. Total quantity to be appropriated is: 2.00 CFS

MICROFILMED

FEB 24 2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: **HEAD GATE DIVERSION CANAL**

b. Height of storage dam 5 feet;

Active reservoir capacity 20 acre-feet;

Total reservoir capacity 20 acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: **WELL WITH PUMP**

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 10 inches;

Proposed depth of well is 150 feet.

d. Is ground water with a temperature of greater than 85F being sought? **N**

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04W	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X			X													

MICROFILMED

FEB 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04W	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X			X													

PLACE OF USE: DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10N	04W	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X			X													

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

The Wildlife and Wildlife Storage from Cove Creek will only be diverted during spring runoff. During spring runoff the creek floods my property ~~causing minor damage to pasture land and meadows~~. I would like to divert this water into a pond for wildlife uses for year around use and to protect my property. The high diversion rate is to allow capture of the high flows during the spring runoff. Once the creek returns to normal flows and threat of flooding is over, I will stop diverting from the creek and the well will be used to maintain the water levels in the pond and to account for evaporative and seepage losses. This should provide a benefit to down stream users by preventing a large rush of water and allowing a more constant flow in the creek from the pond seepage. The well will also supply additional water to the pond that can seep back into the creek increasing the flows in the creek during the late summer months when the creek flows are the lowest. I will also allow the pond level to drop during the winter months to allow enough room in the pond to capture the spring flows.

MICROFILMED

FEB 24 2004

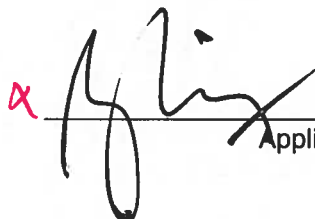
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

 Applicant

Received by DAV Date 10-10-03 Time 9:00 Preliminary check by DAV

Publication prepared by St Date 10-29-03 Published in Union Signal

Publication approved St Date 12-3-03

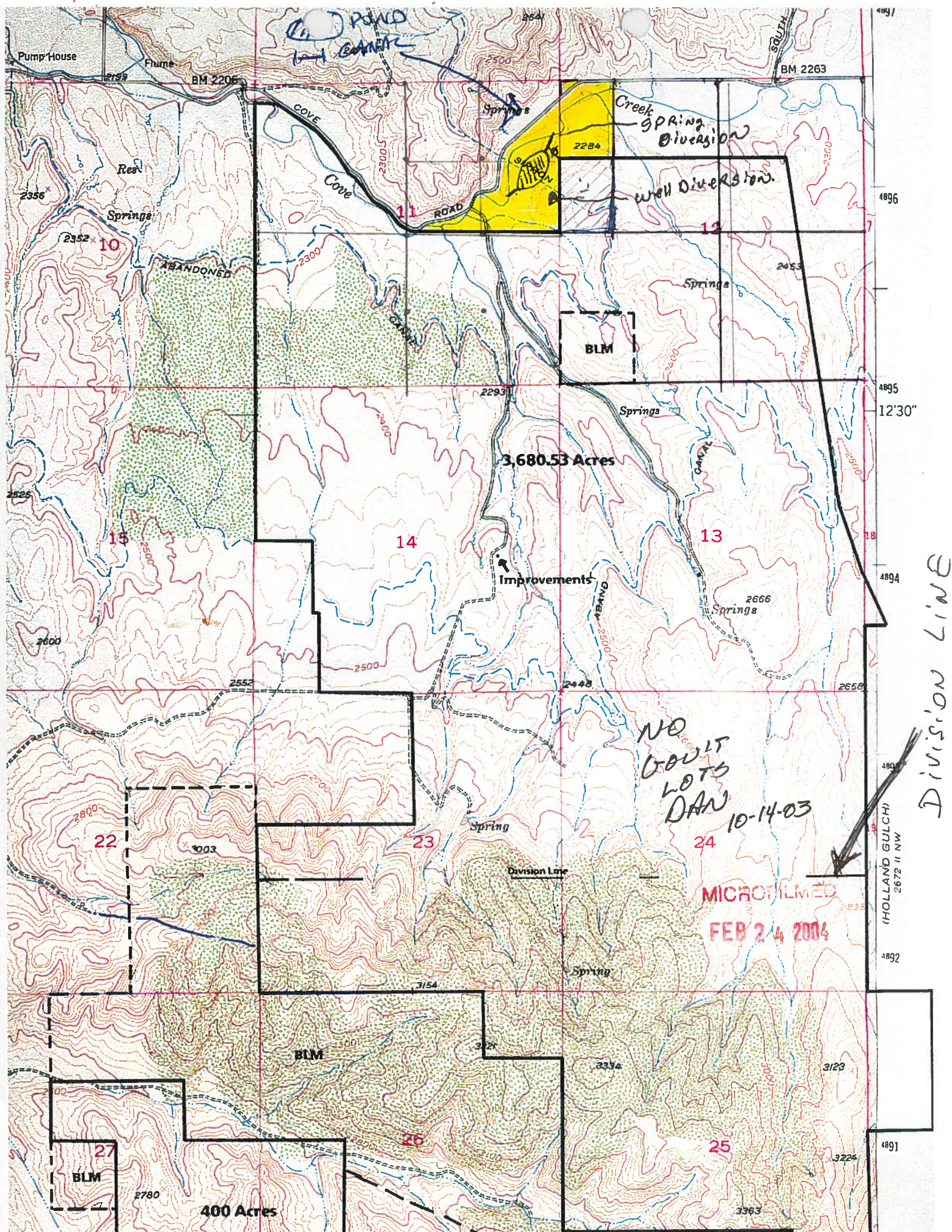
Receipt No. C069858

Date: 7/3/2003

Received by: Massi

MICROFILMED

FEB 24 2004



REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant MARC AGOSTINI

Mailing Address 29407 BLUEWATER, MALIBU, CA 90265 OR
2301 COVE RD, WEISER, ID 83672-5007

Application No. 67-14433
(if known)

RECEIVED
OCT 10 2003
WATER RESOURCES
WESTERN REGION

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

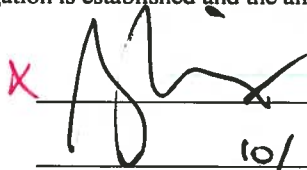
 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

~~XXX~~ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

X 

Date

10/10/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082

MICROFILMED

FEB 24 2004

RECEIVED
JUL 07 2003
WATER RESOURCES
WESTERN REGION

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

RECEIVED
JUL - 3 2003

Department of Water Resources

1. Name of Applicant MARC AGOSTINI Phone 310 457 5007
Mailing address 29407 BLUEWATER RD. MALIBU CA 90265
2. Source of water supply COVE CREEK which is a tributary of WEAVER RIVER
3. Location of point of diversion is Township 10N Range 4W Sec. 11, in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., WASHINGTON County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 20 for WILDLIFE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2 cfs for WILDLIFE purposes from 1-1 to 6-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2 cfs and/or (b) 40
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source HEADGATE, DIVERSION CANAL

b. Height of storage dam 5 feet; active reservoir capacity 20 acre-feet; total reservoir capacity 20 acre-feet

c. Proposed well diameter is 10" inches; proposed depth of well is 150 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. WILDLIFE POND - 5 ACRES WILDLIFE POND USING RUN OFF WATER FROM COVE CREEK - SUPPLEMENTED BY WELL - WELL DRILLING APPLICATION FILED SEPARATELY -

MICROFILMED

FEB 24 2004

3. 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	
10N	4W	11	40																40 ACRE FEET/ANNUUM

Total number of acres to be irrigated 5 OR 40 ACRE FEET/ANNUUM. | RUN OFF WATER FROM COVE CREEK TO FEED 5 ACRES POND ON

10. Describe any other water rights used for the same purposes as described above. NONE 40 ACRE/FEET/ANNUUM -

11. a. Who owns the property at the point of diversion? MARC AGOSTINI (SAME) APPLICANT
- b. Who owns the land to be irrigated or place of use? MARC AGOSTINI (SAME) 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. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

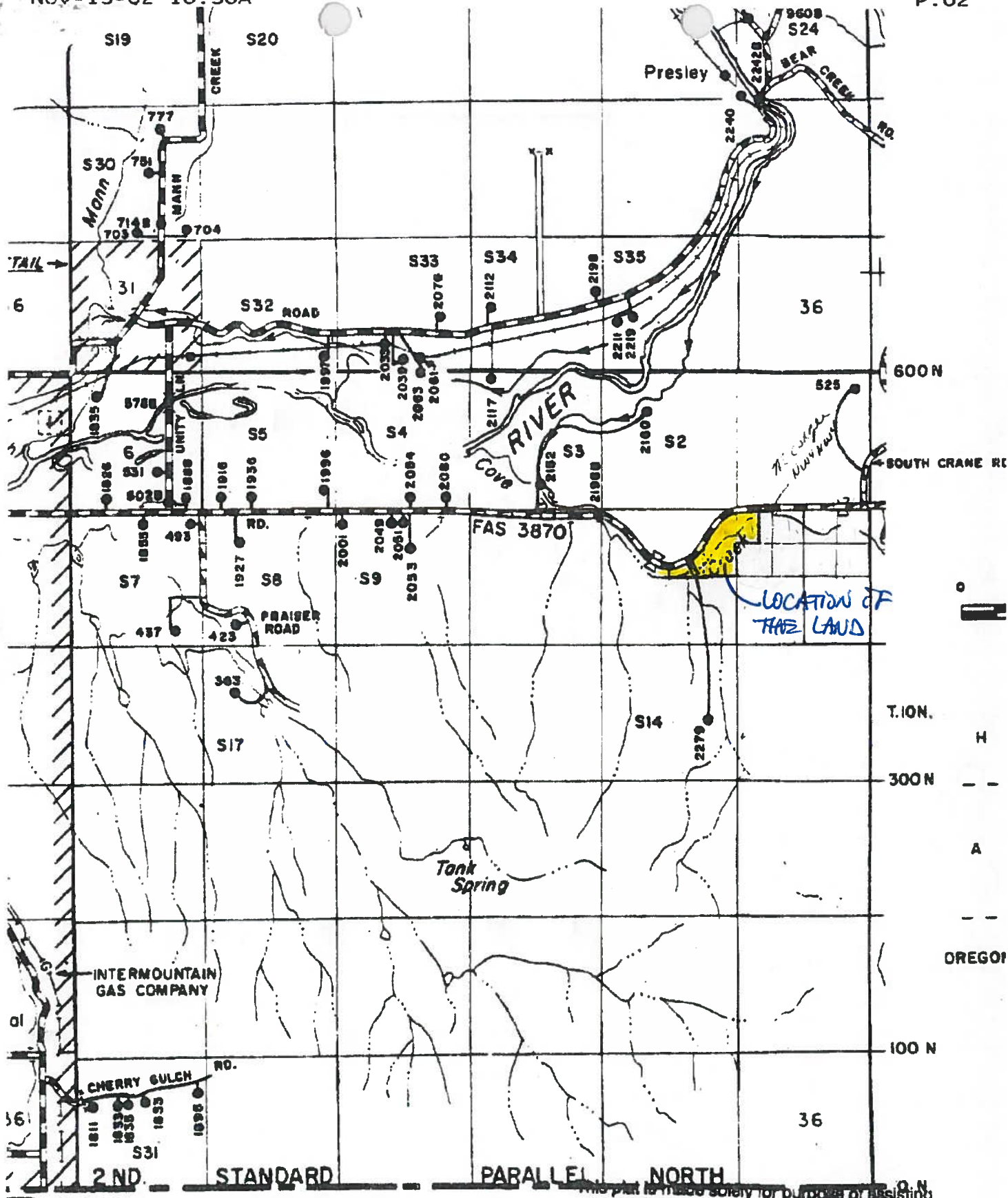
Received by [Signature] Date 7/3/03 Time 9:41 Preliminary check by [Signature] Date 7/3/03

Fee \$ \$330.00 Received by [Signature] # 2069858 Date 7/3/03

Publication prepared by [Signature] Date 11-5-12-03 Published in WEISER SIGNAL

Publication approved _____ Date _____

MICROFILMED
FEB 24 2004



WILDLIFE
SACRED LAND IN SEC 11 OF THE
 ABOVE LAND - Fed by run off
 water from COVE CREEK AND
 supplemented by well water during
 IRRIGATION SEASON.

This plat is made solely for purposes of assisting
 in locating the land and Washington County
 Title Co. assumes no liability for variations, if
 any, with actual survey.

MICROFILMED
FEB 24 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

October 29, 2003

Legal Notice Department
WEISER SIGNAL
PO BOX 709
WEISER ID 83672

RE: Application for Permit No. 67-14433

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/24/2003. Your cooperation is appreciated.

Sincerely



Sue Kreger
Administrative Assistant



faxed - 10-29-03

MICROFILMED

FEB 24 2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-14433

MARC AGOSTINI
29407 BLUEWATER
MALIBU CA 90265
MARC AGOSTINI
2301 COVE ROAD
WEISER ID 83672-5349

Point(s) of Diversion NENE S11 T10N R04W WASHINGTON County Source COVE CREEK
Tributary To WEISER RIVER

Point(s) of Diversion SENE S11 T10N R04W WASHINGTON County Source GROUND WATER

Use: WILDLIFE 01/01 To 12/31 2 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 20 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 07/03/2003

Place Of Use: WILDLIFE STORAGE

T10N R04W S11 NENE SENE

Place Of Use: WILDLIFE

T10N R04W S11 NENE SENE

Place Of Use: DIVERSION TO STORAGE

T10N R04W S11 NENE SENE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Weiser Signal on November 5 and 12, 2003.

MICROFILMED
FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARC AGOSTINI
29407 BLUEWATER
MALIBU CA 90265

RE: APPLICATION FOR PERMIT 67-14433

Dear Mr. Agostini:

Enclosed is the application for permit that we discussed in our 9/30/2003 telephone conversation. Please review the application to ensure that I have included everything that we discussed. If you wish to make changes please draw a single line through the area that is in error and make the correction below that item. Please initial and date any changes that you make to ensure that you made those changes.

I have also included a few extra lines in the remarks area. Please add any information that is needed. Once you have made any needed corrections and agree with the application, please sign the form in the space indicated. The request to process form is also included with the application for permit. In our telephone call, I believe that you wanted to choose the third choice. I have marked this choice for you. If you disagree with this please change the form. If the form is acceptable, please sign and date the form.

Once all the corrections have been made and all the forms are signed, please return the application to the above address, Attn. Dan Nelson. If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

enclosure

MICROFILMED

FEB 24 2004

Nelson, Dan

From: Nelson, Dan
Sent: Monday, September 22, 2003 9:00 AM
To: 'magostini@diagnostic.com'
Subject: Application for Permit from Idaho Department of Water Resources.

Dear Mr. Agostini;

I tried to telephone you and could not contact you, so I thought this email may be a better avenue to work through your application for permit, whereas setting a meeting to go over this information would be difficult. I found a few problems in your application. I have attached a copy of your application with this email, where I have marked where the problems arise. Once I have the answers to the following questions, I can then send you an amended application for permit and email it to you to review, sign, and mail back to me.

1.) In Section 2, you did not add groundwater onto the application for permit. You did submit a well drilling permit, however, these are two separate processes. First you need to obtain a water right and then file a well drilling permit to drill the well. If you wish to use the well for this pond, you will need to add Groundwater to the application for permit. (see Page 1 of attachment 1) Do you wish to add groundwater to the application for permit?

2.) In Section 3, you listed the point of diversion for the creek in the SENE of Section 11. Your map shows that the creek diversion is in the NENE of Section 11. It also looks as though the well will be located in the same tract of land - NENE Section 11. (see Page of attachment 1 and map attachment 3). Do you wish to change the location of the point of diversion to the NENE Section 11?

3.) In Section 4, there are several points we need to discuss in this section.

A.) You neglected to request any wildlife storage, but you do ask for 20 acre-feet per annum for wildlife. This is generally recorded as wildlife storage for ponds. (see page 1 attachment 1) Would you like to change this to wildlife storage?

B.) Under your diversion rate for wildlife you list a season of use for Jan 1 to June 1. However, on your maps say that you want to divert the creek water during the non-irrigation season and the groundwater during the irrigation season. If you add groundwater to this application, your wildlife use should be year round and a comment added to the remarks. (see page 1 - attachment 1 and page 2 - attachment 2). Would you like to make your wildlife use for year round use?

C.) Your map shows that you will be diverting the water from the stream to a pond not on the stream channel. In order to divert water to a pond or storage, you need to have diversion to storage. (see page 1 attachment 1) Would you like to add diversion to storage?

D.) You have listed 2.00 cfs or 900 gallons per minute as your diversion to storage. This is a great deal of water for a 5 acre pond. At this diversion rate, you could adequately irrigate 100 acres of ground. You can apply for this amount of water if you feel it is necessary, but I wanted to make sure you didn't want 0.20 cfs or 90 gallons per minute instead, which would seem more reasonable. What rate of diversion do you wish to have on your application?

4.) In section 5 you list the acre feet per annum as 40 acre feet. The annual volume for the wildlife will be determined by your actual use of water during the field exam after the application is approved. All we need on the application is the rate the water will be diverted. Would you like to remove the annual volume from the application?

5.) In Section 9, you marked the place of use as being in the NENE Section 11. However, your map shows the pond straddles the tract line and is located in the NENE and the SENE in Section 11. Would like to have both tracts of land on your application?

6.) In Section 12, you did not include any comments in under the remarks section. This is the place where you discuss the season of use mentioned in 3B above, and write all the comments you have written on the form and maps. Would you like me to include all of your comments in remarks?

7.) You did not include a request to process form with your application for permit. This is required on all new applications. I will send you this form for your signature and discuss it further when I send your final application to review and sign.

All of the above information is needed before we can proceed with the application for permit. I have sent a copy of the application and the map for your reference with the above corrections marked on the form. If you agreed to all of these changes, simply send me an email and I will put together a computer generated form with all the corrections, and I will

FEB 24 2004

send it back to you for signature. I cannot make any changes or corrections on your application. However, I we can discuss how you want the form to look and I can then send it to you for your review. It is difficult not to be able to go over the application together, but I believe we can work through it using email and the mail. You also may get a refund of a portion of your application for permit fee. It looks as though you paid a greater fee than is required for the diversion rate requested. I will hold the refund until we determine the diversion rate you want for the application. If you reduce the diversion rate from 2.00 cfs to 0.20 cfs, your fee will be reduced from \$290.00 to \$100.00. You paid \$330.00, so you should recieve a refund of a portion of the application fee.

Your drilling permit is still on file and being held until we can get the application for permit sorted out. If you have any questions, please call me at (208) 334-2190 and I will work through the application with you.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources



agostini 1.jpg



agostini 2.jpg



agostini 3.jpg

MICROFILMED

FEB 24 2004

RECEIVED

JUL - 3 2003

Department of Water Resources

Mr. Shelley Walter Keen ^{swk} To Western Region
Water Rights Supervisor
Department of Water Resources
1301 North Orchard Street, Boise ID 83706.

June 30th 2003

RECEIVED

JUL 07 2003

WATER RESOURCES
WESTERN REGION

Dear Mr. Keen,

I have contacted you by phone about a month ago. I was inquiring about the feasibility to obtain the rights to build a wildlife pond on my property in Weiser ID.

At that time you indicated that I will have to file two different applications:

1. A permit to use run off water from Cove Creek during Winter and Spring
2. An application to obtain a permit to drill a well to supplement the pond during irrigation season due to the evaporation.

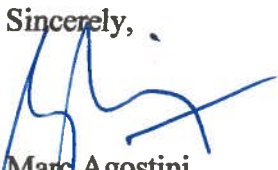
I am submitting these two documents for your review. I am not sure that I have completed the applications as accurately as they should be, so please forgive me. I will be glad to complete the missing information with some guidance from your department.

The actual construction of the pond will be done by the Idaho Fish and Game department but they told me to first obtain the right to divert the Creek for runoff water as well as the rights to drill a well before they could engineer the pond construction.

I hope Mr. Keen that the enclosed applications are in enough good order that we could finalized them via either Email or phone.

Thank you in advance for your understanding and I am looking forward to hear from you soon.

Sincerely,


Marc Agostini
29407 Bluewater RD
Malibu, CA 90265
Tel: 310 457-5007
Email: magostini@diagnostic.com

Marc Agostini
2301 Cove Road
Weiser, ID 83672-5349

MICROFILMED

FEB 24 2004