

RECEIVED

NOV 08 2016

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

Ident. No.

63-34319

1. Name of applicant(s) Forty Two Acres LLC Phone 208-484-4455
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 11299 Bass Lane, Caldwell ID 83605 Email steve.peel@rulesteel.com
2. Name of representative, if any David Sterling Phone 208-323-2288
 Mailing address 2471 S. Titanium Place Email dsterling@to-engineers.co
- 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 ground water which is a tributary of n/a
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	2W	7	3		SE	SW	Canyon	ground water	

5. Water will be used for the following purposes:
 Amount 292.7 AF for Aesthetic Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 292.7 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Pond
- b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a 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 n/a 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 n/a;
 well was drilled for (well owner) n/a; Drilling Permit No. n/a

For Department Use

Received by CS Date 11/8/16 Time 11:40 Preliminary check by AS
 Fee \$ 330 Received by CS Receipt No. W044776 Date 11/8/16

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. n/a
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households n/a
- e. Other; describe fully. Aesthetic storage within a pond, pond is located within land that will be donated to the City of Middleton for use as a future park. +

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	
4N	2W	7												J					

Total number of acres to be irrigated: n/a

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? None

11. a. Who owns the property at the point of diversion? Forty Two Acres LLC
- b. Who owns the land to be irrigated or place of use? Forty Two Acres LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A pond will be excavated and the material used to fill an adjacent property. The resulting pond will be used for aesthetic and recreation. The owner plans to transfer owner ship of the land and pond to the City of Middleton for use as a park. The Water bearing Zone is 8-16' below ground level. +

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.



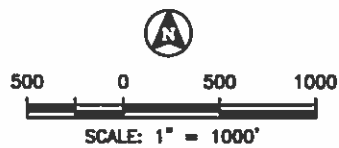
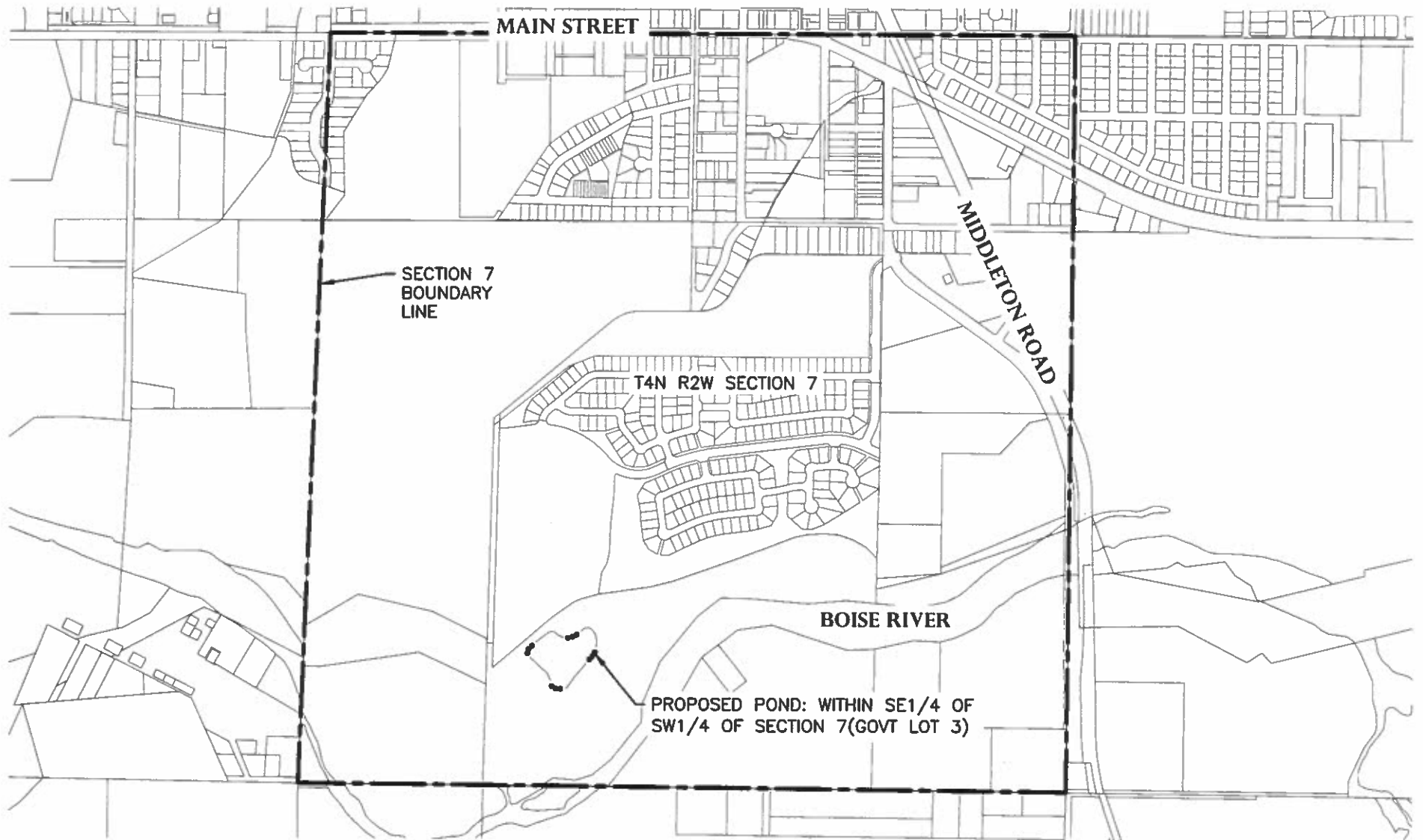
Signature of Applicant
Steve Peel, Member

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

63-34319



2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83642-6703
PHONE: (208) 323-2288 FAX: (208) 323-2399
E-FILE: 160068-MAP DATE: OCTOBER 2016 JOB: 160068

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	XX-XXXXX
REVIEWER	Engineer
DATE	10-27-2016

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	3.5	AC.
-------------------------	-----	-----

Pond Surface Area (SQ. FT.)	152460	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	GP	
Suggested Seepage Rate (FT./DAY)	0.2000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	228080	GPD
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Total Seepage Loss (AFA)	255.5	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	xx-xxxxx
REVIEWER	Engineer
DATE	10-27-2016

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.83	31	0.00
Feb	0.18	28	5.04
March	1.22	31	37.82
April	2.51	30	75.30
May	3.74	31	115.94
June	4.22	30	126.60
July	5.01	31	155.31
August	4.27	31	132.37
September	3.06	30	91.80
October	1.89	31	58.59
November	-0.12	30	0.00
December	-0.78	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 798.77

$$[(798.77 \div (\text{convert to feet})) \times (\text{Surface area of pond, in acres})] = \text{Evaporation Loss in Acre Feet}$$

$$(798.77 \div 304.8) \times 3.50 = 9.2 \text{ AFA}$$

Total Storage Calculations

FILE NUMBER	XX-XXXXX
REVIEWER	Engineer
DATE	10-27-2016

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	3.5	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	8	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	28	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	255.5	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	9.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	292.7	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate into Pond (CFS)	0.00	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	5.01	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.76	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	0.38	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	-37	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.
Days Required to Fill the Pond at 13,000 Gallons per Day	-39	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.

Soil Classification with Published Soil Surveys

Alternative to Soil Classification with the NRCS Web Soil Survey

This spreadsheet has been designed by Idaho Department of Water Resources to determine the soil type and classification at the pond site.

FILE NUMBER	XX-XXXXX
REVIEWER	Engineer
DATE	10-24-2016

User Input
Calculated value
Formula Explanations

County: Canyon, Idaho

1. Navigate to the NRCS Soil Survey Website

NRCS Published Soil Surveys for Idaho found at:

<http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=ID>

Reviewer used the Survey entitled:

Cayon Area, Idaho

2. Use GIS and the Soil Survey to determine Soil Type

Utilize ArcGIS to Obtain the Soil Symbol (may be a number or abbreviated name)

The shapefile SSURGOOnePlan is found at X:\Spatial\Soils\SSURGOOnePlan\soils.shp

Soil Symbol (GIS field MUSYM):

MaV

What if my Soil Symbol is 999?* (see box)

Find the name of the soil in the Soil Legend.

The Soil Legend is typically the last bookmark in the Soil Survey report.

The Full Name of This Soil is:

Moulton loam

3. Use the Soil Survey to determine the USCS Classification

Within the county NRCS Soil Survey report, click the bookmarked link to "Tables."

Scroll down until you reach a table called "Engineering Properties and Classifications" or

"Engineering Index Properties." The table is ordered by soil symbol and the soil name.

Scroll down until you reach the soil which matches your soil symbol and name.

The table lists the USCS Classification for each depth in the soil profile.

Be sure to use the predominant soil classification for the pond depth where seepage occurs.

If the pond has a greater depth than the soil survey, use data from the lowest depth reported.

Pond Depth:	8	feet	=	96	inches
The Soil Survey states the soil USCS Classification at			96	inches is	GP

Application for Permit Fee Schedule

Per Idaho Code § 42-221

The application fee is based on the proposed storage volume (acre-feet per year or AFY) or on the proposed diversion rate (cubic feet per second or CFS). For applications proposing both a diversion rate and a storage volume, determine each fee separately and pay the greater of the two.

Flow Rate (CFS)	Storage Volume (AFY)	Fee	Flow Rate (CFS)	Storage Volume (AFY)	Fee
0.00 to 0.20	0.0 to 20.0	\$100	11.01 to 12.00	1,100.1 to 1,200.0	\$690
0.21 to 1.00	20.1 to 100.0	\$250	12.01 to 13.00	1,200.1 to 1,300.0	\$730
1.01 to 2.00	100.1 to 200.0	\$290	13.01 to 14.00	1,300.1 to 1,400.0	\$770
2.01 to 3.00	200.1 to 300.0	\$330	14.01 to 15.00	1,400.1 to 1,500.0	\$810
3.01 to 4.00	300.1 to 400.0	\$370	15.01 to 16.00	1,500.1 to 1,600.0	\$850
4.01 to 5.00	400.1 to 500.0	\$410	16.01 to 17.00	1,600.1 to 1,700.0	\$890
5.01 to 6.00	500.1 to 600.0	\$450	17.01 to 18.00	1,700.1 to 1,800.0	\$930
6.01 to 7.00	600.1 to 700.0	\$490	18.01 to 19.00	1,800.1 to 1,900.0	\$970
7.01 to 8.00	700.1 to 800.0	\$530	19.01 to 20.00	1,900.1 to 2,000.0	\$1,010
8.01 to 9.00	800.1 to 900.0	\$570	20.01 to 100.00	2,000.1 to 10,000.0	*
9.01 to 10.00	900.1 to 1,000.0	\$610	100.01 to 500.00	10,000.1 to 50,000.0	**
10.01 to 11.00	1,000.1 to 1,100.0	\$650	500.01 & over	50,000.1 & over	***

* \$1,010.00 plus \$20.00 for each additional cfs or part thereof or 100 acre-feet or part thereof

** \$2,610.00 plus \$10.00 for each additional cfs or part thereof or 100 acre-feet or part thereof

*** \$6,610.00 plus \$2.00 for each additional cfs or part thereof or 100 acre-feet or part thereof

Statutory Claim Fee Schedule		Amendment of Permit	
For Domestic Use	\$100	Flat Fee	\$100
For All Other Uses	\$1,000		
After June 30, 2025	\$1,500		

See separate fee schedule for Application for Transfer or Exchange.

63-34319

No. W 80910	Due no later than Jan 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. FORTY TWO ACRES LLC STEVE PEEL 11299 BASS LN CALDWELL ID 83605		STEVE PEEL 11299 BASS LN CALDWELL ID 83605	
			3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State Country Postal Code
MEMBER	STEVE PEEL	11299 BASS LANE	CALDWELL	ID USA 83605
5. Organized Under the Laws of: ID W 80910		6. Annual Report must be signed.* Signature: Steve A Peel Name (type or print): Steve A Peel Date: 01/06/2016 Title: Member		
Processed 01/06/2016		* Electronically provided signatures are accepted as original signatures.		

63-34319



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2017

FORTY TWO ACRES LLC
C/O STEVE PEEL
11299 BASS LN
CALDWELL, ID 83605

Application for Permit No. 63-34319

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 1/19/2017 and 1/26/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

CC:
TO ENGINEERS
C/O DAVID STERLING
2471 S TITANIUM PL
MERIDIAN, ID 83642

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 12, 2017 10:18 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 1/19/17 & 1/26/17.

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

January 12, 2017

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

RE: Application for Permit No. 63-34070
Application for Permit No. 63-34319

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 2/6/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-34070

KASPER LAND & CATTLE LLC

3349 HILL RD

MELBA, ID 83641

Points of Diversion SWNW SENW S15 T01S R02W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 4.57 CFS

Total Diversion: 4.57 CFS

Date Filed: 4/1/2015

Place of Use: IRRIGATION

T01S R02W S8 SESE

T01S R02W S9 SWSW SESW SWSE SESE

T01S R02W S15 NWNW SWNW SENW SW(ALL) SWSE

T01S R02W S16 NE(ALL) NW(ALL) SW(ALL) SE(ALL)

T01S R02W S17 NENE

T01S R02W S21 NE(ALL) NENW L4(NWNW) L3(SWNW) SENW L2(NESW) SE(ALL)

T01S R02W S22 NWNE NW(ALL) SW(ALL) NWSE SWSE SESE

T01S R02W S27 NENE NWNE NENW NWNW

T01S R02W S28 NENE

Total Acres: 1893

63-34319

FORTY TWO ACRES LLC

C/O STEVE PEEL

11299 BASS LN

CALDWELL, ID 83605

Point of Diversion L3(SESW) S7 T04N R02W CANYON County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 292.7 AF

Total Diversion: 292.7 AF

Date Filed: 11/8/2016

Place of Use: AESTHETIC STORAGE

T04N R02W S7 L3(SESW)

Water bearing zone to be appropriated is from 8 to 16 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 2/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/19/2017 and 1/26/2017

MEMORANDUM

Date: December 14, 2016
To: Water Right File 63-34319
From: jshearer
Re: Excavated Pond Exception to Seepage Loss

Applicant informed that 255.5 AFA accounting for seepage loss will be struck from the approved total volume permitted as per Administrative Memo #76 exception for excavated ponds filled by intercepting groundwater.

Shearer, Justin

From: Shearer, Justin
Sent: Tuesday, December 13, 2016 11:14 AM
To: 'steve.peel@rulesteel.com'
Cc: 'dsterling@to-engineers.com'
Subject: Seepage Loss and Requested Volume for Permit Application
Attachments: DOC008.pdf

Good Morning Mr. Peel,

I am currently in the process of reviewing your application for permit to appropriate water for the purpose of creating an aesthetic storage pond. I wanted to inform you that because the proposed pond will be an excavated pond filled by intercepting ground water, it is not reasonable to apply normal seepage rate standards. Attached you will find IDWR Administrative Memo #76 explaining this exception (see highlighted sections).

You have applied for the amount of 292.7 AF for the proposed pond. However, as a result of this exception the estimated seepage loss volume of 255.5 AFA will be struck from the approved total volume permitted. Thus, the total permitted volume should result in the amount of 37.2 AF.

There is no need to amend application as we can proceed this application to advertising with the requested volume, but I wanted to let you know that the smaller amount of 37.2 AF will likely end up being the approved amount on the permit. Additionally, a refund of \$80.00 will be issued at the end of processing (the permit approval stage) to account for the difference in application fee cost between the "applied for" and "permitted" volumes.

If you have any questions or concerns in regards to this matter, do feel free to contact me.

Thanks and regards,

Justin Shearer
Idaho Department of Water Resources
Water Resource Agent
(208) 334-2190
justin.shearer@idwr.idaho.gov