

AMENDEDIdent. No. 74-16008STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED****APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 13 2015

Department of Water Resources
Eastern Region

1. Name of applicant(s) Lynn Herbst and Robin Herbst Phone 208-756-2584
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address PO Box 21 City Tendoy
 State ID Zip 83468 Email _____

2. Source of water supply Springs which is a tributary of Agency Creek

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
19N	24E	29		SW	NE	NW	LEMHI	SPRINGS	
19N	24E	20		NW	SE	SW	LEMHI	SPRINGS	
19N	24E	20		SW	NE	SW	LEMHI	SPRINGS	INJECTION
19N	24E	20		SW	NE	SW	LEMHI	SPRINGS	REDIVERSION

4. Water will be used for the following purposes:

Amount 5.76 cfs for Irrigation purposes from 03/15 to 11/15 (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)

5. Total quantity to be appropriated is (a) 5.76 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Spring water enters L-31, a ditch, and then injects into Agency Creek, and then is rediverted through a headgate and fish screen to the place of use.

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 OR reservoirs with a total 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. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. _____

AMENDED

EXHIBIT 205

8. 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	
19N	24E	17			.2					17.4	31.4			36.1		3.2	1.6		89.9
19N	24E	20					33.9	15	12.1	27.9	6.2	1.2							96.3

Total number of acres to be irrigated: 186.2

9. 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?
74-740, 74-741, 74-742, and 74-7147. 74-16008 will be supplemental to these rights (which are currently being amended through a transfer to create a combined POU) and will share the same POU of the base rights (182.9 acres)

10. 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:

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

The water applied for enters L-31 on Applicant's property as L-31 traverses Applicant's property. L-31 injects water into Agency Creek for only a few feet before it is diverted into another headgate for L-31 to continue to Applicant's property. The spring water sought to be appropriated is tributary to Agency Creek, and therefore, within Water District 74-M. This amended application for permit is being made to resolve protests to the original application, and it also increases the diversion rate and irrigated acres to match the total diversion rate and irrigated acres of the base rights.

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

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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.

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.

Robert L. Harris
 Signature of Applicant

Robert L. Harris, Attorney
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 50 Received by SC Receipt No. E041545 Date 10/13/15
50 SC E041200 6/26/15²

LYNN & ROBIN HERBST WATER RIGHTS

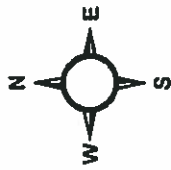
74-16008 BASE WATER RIGHTS

BEFORE TRANSFER

Type	Basin	Sequence	Priority Date	Basis	Div. Rate (cfs)	Period of Use	Source	Water Use	Acre Limit	Combined Acre Limit	Point of Diversion
WR	74	740	4/1/1961	Decreed	0.2	3/15 to 11/15	LEMHI RIVER	IRRIGATION	7	None	SENN, Sec. 29, T19N, R24E (L-31)
WR	74	741	1/8/1908	Decreed	4.3	3/15 to 11/15 1/1 to 12/31	LEMHI RIVER	IRRIGATION, STOCKWATER	143.1		SENN, Sec. 29, T19N, R24E (L-31)
WR	74	742	6/1/1871	Decreed	0.38	3/15 to 11/15	LEMHI RIVER	IRRIGATION	12.5		SENN, Sec. 29, T19N, R24E (L-31)
WR	74	7147	11/16/1981	Decreed	0.88	3/15 to 11/15	LEMHI RIVER	IRRIGATION	44.1	None	NESW, Sec. 20, T19N, R24E (A-21) (Above Agency Ck. fish screen) NWSW, Sec. 20, T19N, R24E (Herbst Agency Ck. Diversion west of Hwy)
TOTAL					5.76				206.7		SENN, Sec. 29, T19N, R24E (L-31)

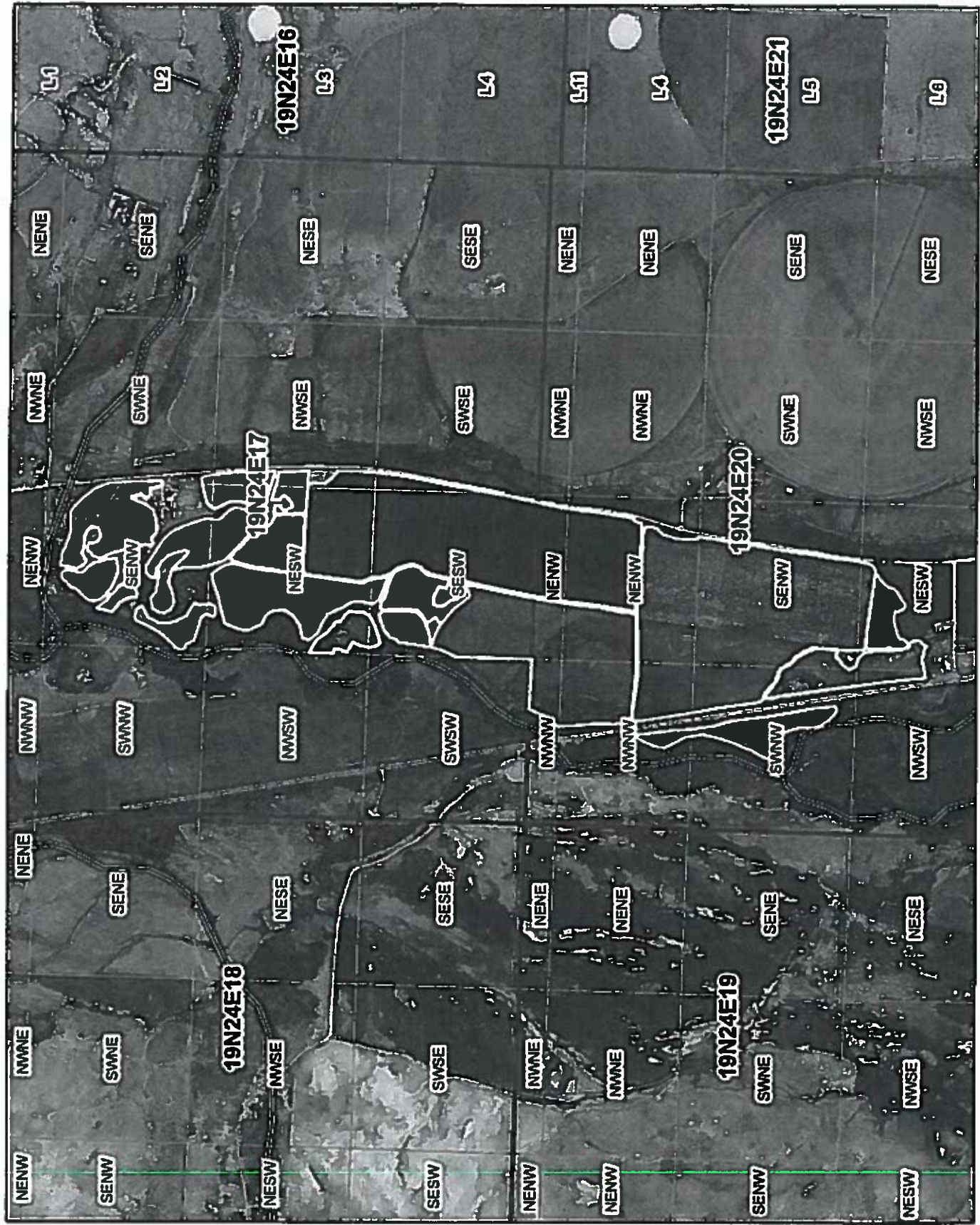
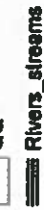
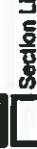
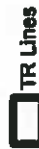
AFTER TRANSFER

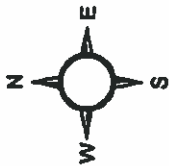
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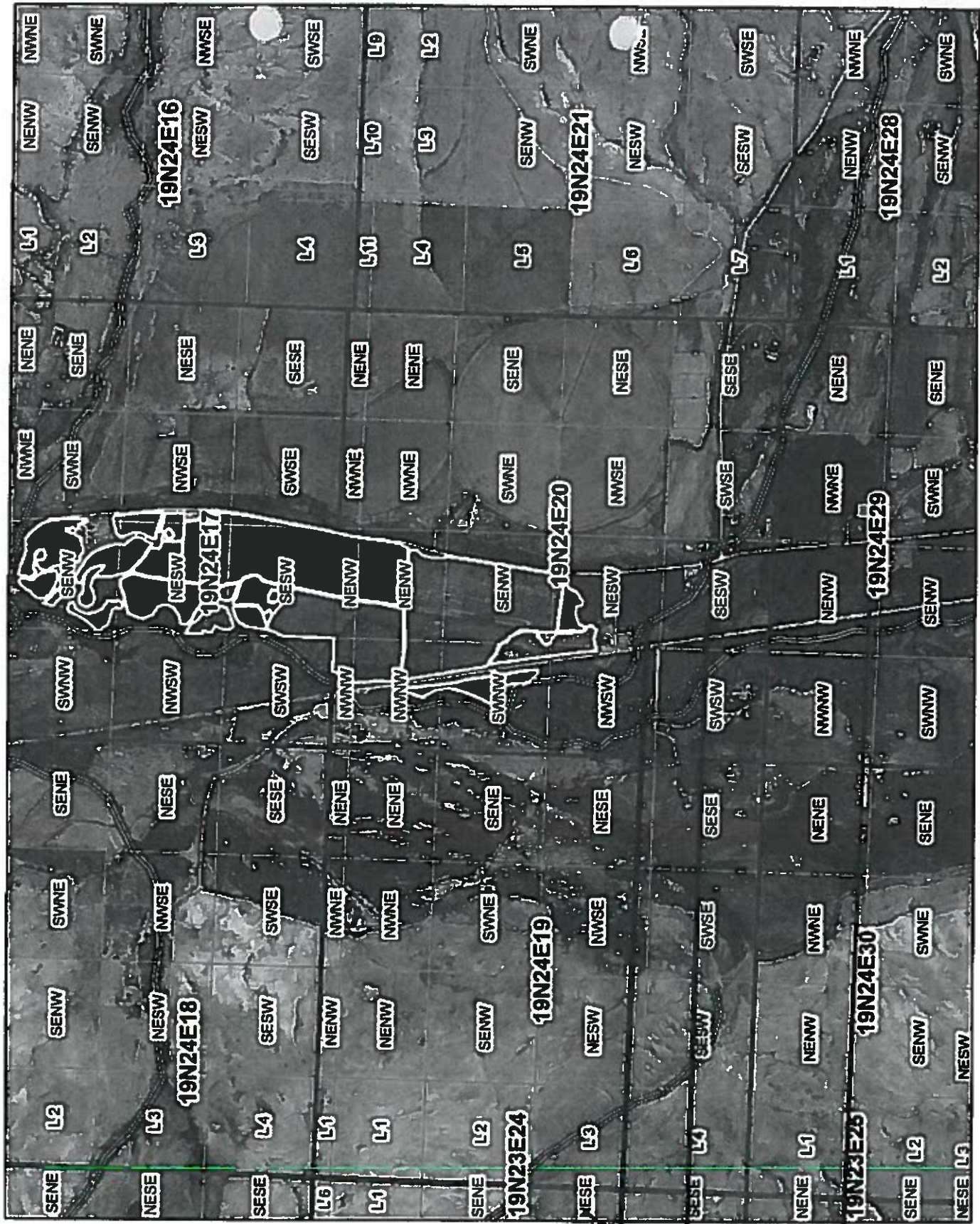
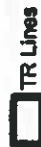
New POU FINAL





Legend

New POU FINAL



POINT OF INTERSECTION
W/ RIVER

POINT OF
DIVERSION

POINT OF
DIVERSION



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

Ident. No. 74-16008

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Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address PO Box 21 City Tendoy
State ID Zip 83468 Email _____

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Eastern Region

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AMENDED**SUPERCEDED**

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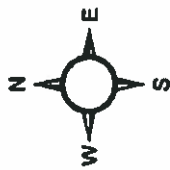
 Signature of Applicant

Robert L. Harris, Attorney
 Print Name (and title, if applicable)

 Print Name (and title, if applicable)

Received by Se Date 6/26/15 Time _____ Preliminary check by _____
 Fee \$ 50- Received by Se Receipt No. E041200 Date 6/26/15

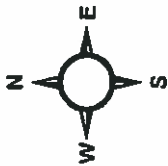
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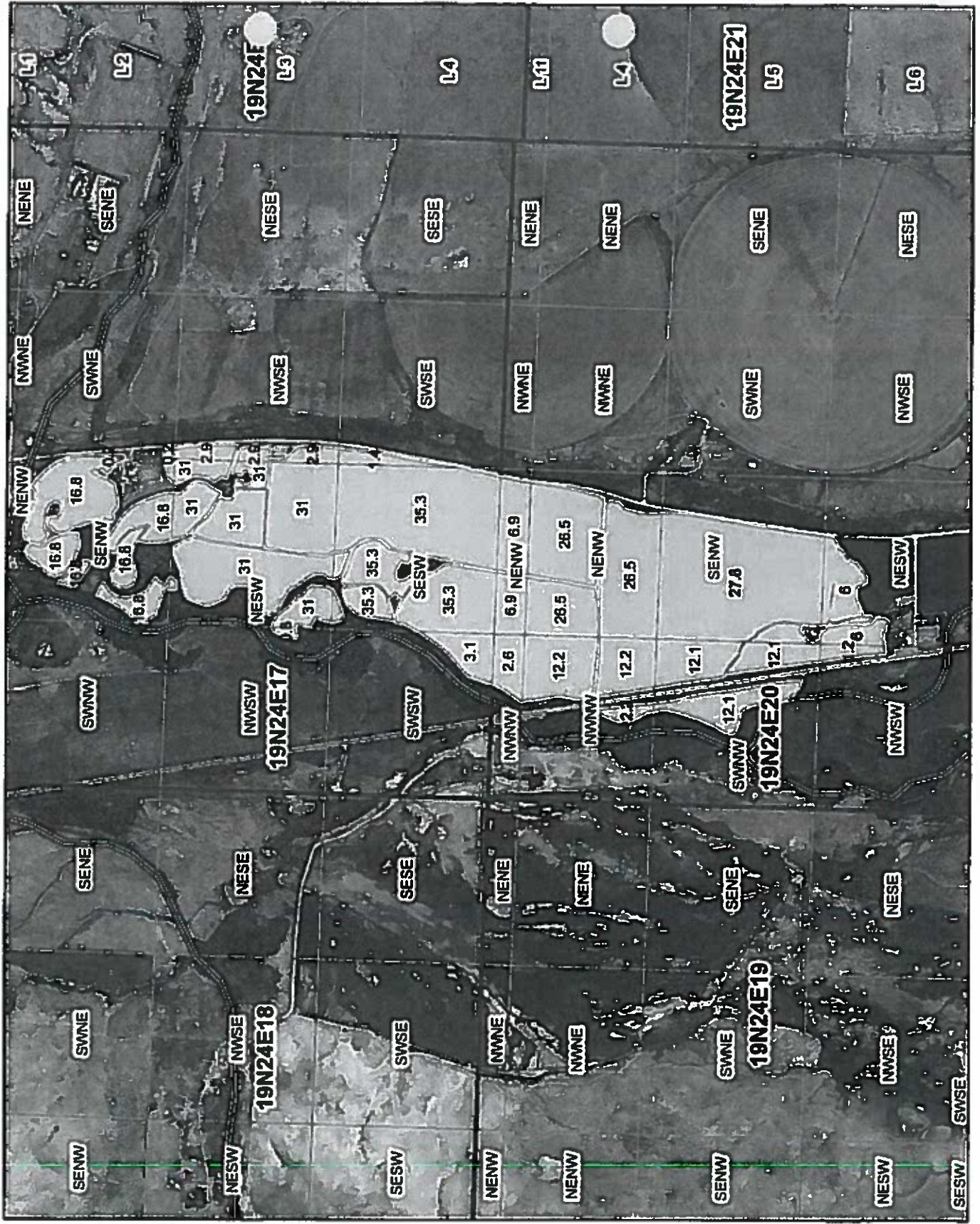
New POW

- Section Lines
Rivers_streams
TR Lines
QQ



Legend

- POU by QQ
- New POU
- Section Lines
- Rivers_streams
- TR Lines
- QQ





Section Lines

Rivers_streams



8

Point of Interest

POINT OF RESUMPTION

Point of Discontinuity

INT OF DIVERGENCE

LYNN & ROBIN HERBST WATER RIGHTS

74-16008 BASE WATER RIGHTS

BEFORE TRANSFER

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