

RECEIVED

APR 06 2016

FORM 202 11/13

Ident. No. 65-23630

RECEIVED

amended version on
WATER RESOURCES
WESTERN REGION

JAN 04 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Raymond H, Peter R, Stephanie M OXLEY phone 208 365-3349
Name connector (check one): ☐ and ☐ or ☒ and/orMailing address PO Box 141 City LethaState ID Zip 83636 Email stephanie@stephanieoxley.com2. Source of water supply unnamed drained 7 Mile Slough waste which is a tributary of Seventy Mile Slough SD

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	$\frac{5}{8}$	$\frac{1}{4}$	$\frac{1}{4}$	County	Source	Local name or tag #
6N	3W	1		SE	NW		Gem	Columbia Ditch	

4. Water will be used for the following purposes:

Amount .24 cfs for irrigation purposes from Apr 1 to Oct 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)5. Total quantity to be appropriated is (a) .24 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. Extension of existing ditch on applicants property. Needs no additional diversion devicesb. Height of storage dam 4 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. Fordams 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 ☒ Noc. Proposed well diameter is 12 inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? na; 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. _____

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	
6N	3W	1		12A			12												
							613												

Total number of acres to be irrigated: 12

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?

Seitz Ditch Co (Letha Irrig & Water Co) currently delivers water to this acreage. We intend to close that access

10. a. Who owns the property at the point of diversion? applicants Dale + Gail Knecht SD
- b. Who owns the land to be irrigated or place of use? applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: natural easement (previous owners of land) SD

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

Applicants currently have exclusive waste/tail water rights through the Columbia Ditch for approximately 120 A irrigated pastures. We propose to extend a current lateral ditch north across the 12 A pasture now irrigated from north to south through Seitz Ditch Co. with minimal land leveling (Shippy Bros.) and eliminating the Ditch Co access.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" 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.

copy in file of Nicholas Van Dyke

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.

Raymond H. & Stephanie M Oxley
Signature of Applicant

Peter R Oxley
Signature of Applicant

Raymond H. & Stephanie M Oxley
Print Name (and title, if applicable)

Peter R Oxley
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 1/4/16 Time 1:30 Preliminary check by DM
Fee \$ 250 Received by [Signature] Receipt No. WD43783 Date 1/4/16

125-23630



NESE

NWSW

NESE

NWSE 8

NESE 9

35

36

SENE 3

SESE

SWSW

SESW

SWSE

SESE 10

SENE 1

NWNW 4

SENE 3

SENE 1

SENE

SWSW

SENE

SWNE

SENE

2

1

SENE 3

NESE

NWSW

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NWSE

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SESE

SWSW

SESW

SWSE

SESE

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JAN 04 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s)
- Raymond H. Peter R. Stephanie M. OXLEY
- phone
- 208 365-3349
-
- Name connector (check one):
- ☐
- and
- ☐
- or
- ☐
- and/or

Mailing address PO Box 141 City LethaState ID Zip 83636 Email stephanie@stephanieoxley.com

2. Source of water supply
- 7 Mile Slough waste
- which is a tributary of
- Payette River

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>6N</u>	<u>3W</u>	<u>1</u>		<u>NE</u>	<u>NW</u>		<u>Gem</u>	<u>Columbia Ditch</u>	

4. Water will be used for the following purposes:

Amount .24 cfs for irrigation purposes from Apr 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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- .24
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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	1		12A															

Total number of acres to be irrigated: 12

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Seitz Ditch Co (Letha Irrig & Water Co) currently delivers water to this acreage. We intend to close that access

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- b. Who owns the land to be irrigated or place of use? applicants
- 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.

Applicants currently have exclusive waste/tail water rights through the Columbia Ditch for approximately 120 A irrigated pastures. We propose to extend a current lateral ditch north across the 12 A pasture now irrigated from north to south through Seitz Ditch Co. with minimal land leveling (Shuppy Bros.) and eliminating the Ditch Co access.

12. Time required for completion of works and application of water to proposed beneficial use is 5 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.

copy in file of Nicholas Van Dyke

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.

Raymond H. & Stephanie M Oxley
Signature of Applicant

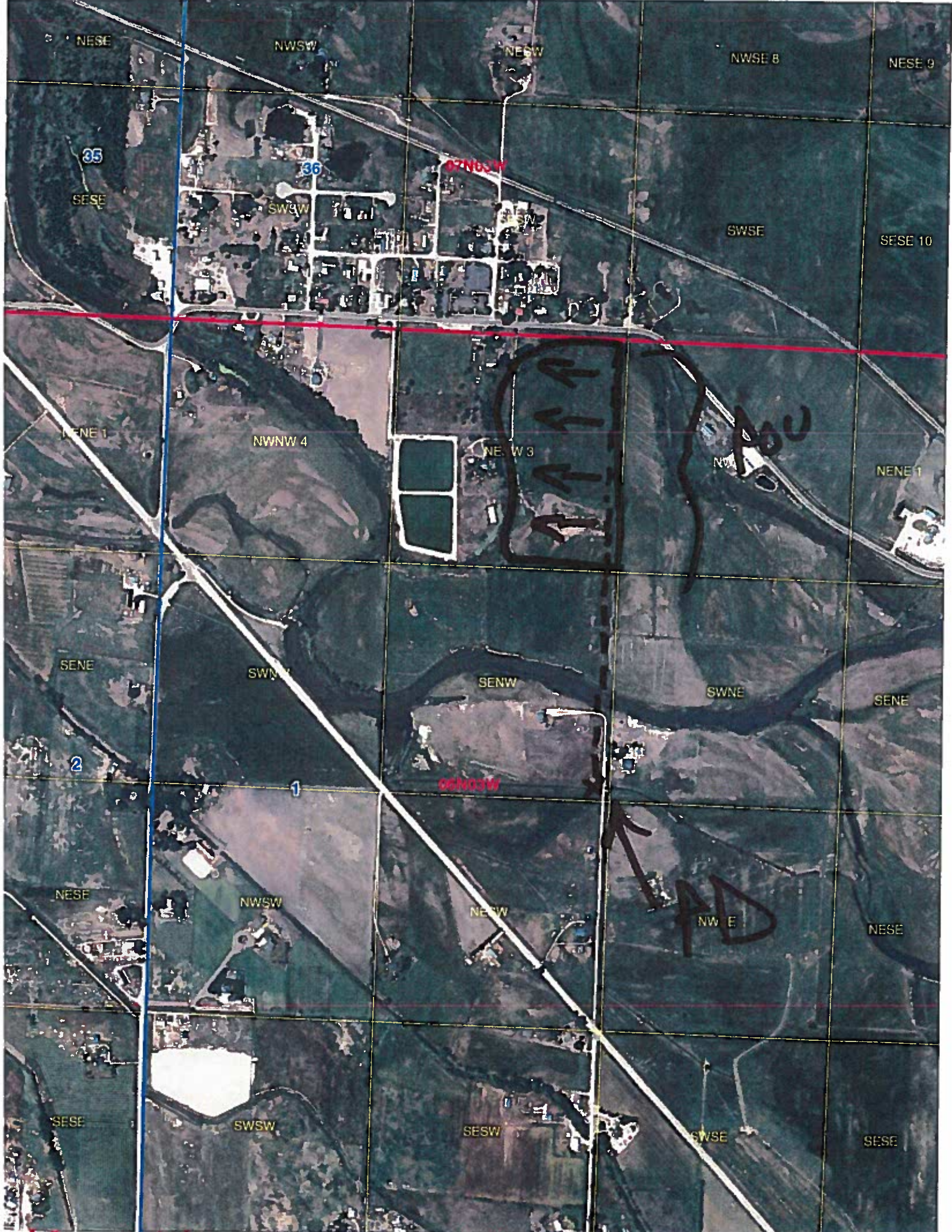
Signature of Applicant

Raymond H. & Stephanie M Oxley
Print Name (and title, if applicable)

Peter R. Oxley
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 1/4/16 Time 1:30 Preliminary check by DM
Fee \$ 250 Received by [Signature] Receipt No. WD43783 Date 1/4/16



* superseded by amended app received 4-6-12 - NM

10/1/12



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

April 14, 2016

RAYMOND H OXLEY
STEPHANIE M OXLEY
PETER R OXLEY
PO BOX 141
LETHA, ID 83636-0141

Application for Permit No. 65-23630

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 4/20/2016 and 4/27/2016. 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', with a stylized flourish at the end.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 14, 2016 11:18 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Gem Legal Ad
Attachments: Gem Cover Letter.docx; Gem Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/20/2016 & 4/27/2016.

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

April 14, 2016

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

RE: Application for Permit No. 65-23630

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 5/9/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

65-23630

RAYMOND H OXLEY

STEPHANIE M OXLEY

PETER R OXLEY

PO BOX 141

LETHA, ID 83636-0141

Point of Diversion SENW S1 T06N R03W GEM County Source UNNAMED DRAIN Tributary PAYETTE RIVER

Use: IRRIGATION 03/01 to 11/15 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 1/4/2016

Place of Use: IRRIGATION

T06N R03W S1 L3(NENW)

Total Acres: 12

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 5/9/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/20/2016 and 4/27/2016

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 14, 2016 12:06 PM
To: 'wd65@srvinet.com'
Subject: Application for Permit No. 65-23630
Attachments: Application for Permit No. 65-23630.pdf; Watermaster Recommendation Form.docx

April 14, 2016

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

RE: Application for Permit No. 65-23630

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 email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by May 9, 2016.

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,

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

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

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

April 14, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SEITZ DITCH CO
7777 W IDAHO BLVD
EMMETT ID 83617

Re: Application for Permit No: 65-23630

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Messenger Index* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by May 9, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



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

April 14, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LETHA IRRIGATION & WATER CO
C/O NELDA PLATZ
6550 DALLAS RD
NEW PLYMOUTH ID 83655

Re: Application for Permit No: 65-23630

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Messenger Index* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by May 9, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

MEMORANDUM

TO: 65-23630 Oxley File

FROM: Danie Merriman (Western)

DATE: April 6, 2016

RE : In-office conversation with applicant Stephanie Oxley

The following information was acquired per an in-person conversation with the applicant on April 6, 2016 at 1:00 in regards to a letter sent to them on March 24, 2016.

First, the source you listed is unclear. Section 2 of your application for permit form states that you are planning on pulling water from the Sevenmile Slough, but your map shows that you are planning on pulling from an unnamed drain that flows into Sevenmile Slough. Is this the ditch you referred to as Columbia Ditch? Please amend section two of your application to list 'unnamed drain' as the source and 'Sevenmile Slough' as the tributary.

The ditch forms at what is locally known as the Columbia Reservoir and flows through what is locally known as the Columbia Ditch. The water is piped and goes through a gravity system to different acres of pasture both north and south of Sevenmile Slough. If the water wasn't diverted, it would sink into the fields or flow into Sevenmile Slough. There are three separate spillways that lead to Sevenmile Slough along the drain.

Your described Point of Diversion (POD) is also unclear. Section three of the form describes the POD T06N R03W Sec1 in the NENW corner. The map you included shows the water being diverted in the SENW corner. Please amend section three of your form to reflect the correct description. In section 10a of the form, you list yourselves as owners of the land where the POD is located. Based on Gem County tax lot data from February 24, 2016, the land is owned by Dale and Gail Knecht. Please describe the arrangement you have with the Knechts that enables you to make this filing.

The form was amended to show the SENW corner. The land at the POD is owned by Dale and Gail Knecht. That parcel was previously owned by the Oxleys and they have a historic easement to the diversion box and pipeline.

Your map shows your POD on an unnamed drain that flows to Sevenmile Slough. It shows a dashed line where the water is presumably moved from the ditch, through the Knecht's lot, and to your property. At one point, this line crosses the main channel of Sevenmile Slough. How are you proposing to get water from the unnamed drain to your acres across Sevenmile Slough? Is the water piped? What does the system look like?

See amended map. The water flows from the reservoir to the east to the diversion box listed. From there, it splits to either continue west or head north through a pipe under the Knecht's driveway and across Sevenmile Slough. Once to the field to the north, the water goes through a drain to the west or flows onto the fields heading north. The project proposes extending the drain to the north to access the proposed 12 acres. The whole system is gravity fed. No Sevenmile Slough water is diverted.

Our records indicate that you have another water right (65-5611) to irrigate five acres in the same QQ that you are proposing to irrigate with this application. This right authorizes wastewater to be diverted from a source in the NESE QQ. Does your application propose to pull water from the same source as 65-5611? Do any others pull water from the unnamed drain at the proposed POD?

The application proposes pulling water from the same source and system as 65-5611. No others pull water from this diversion box, or from the unnamed drain after the diversion box.

In section eight of your application for permit form, you describe 12 acres to be irrigated in T06N R03W Sec1 in the NWNE corner. Based on the map you included, the Place of Use (POU) should actually be described as NENW GL3. Please amend section eight of your application to reflect this correction. The POU shape you included on your map was measured in our mapping software as encompassing 17.5 acres. This is greater than the 12 acres you described, but appears to be appropriate once you include the five acres from water right 65-5611.

The POU description was amended to describe the NENW GL3. The original shape was incorrect because it included the 5 acres from water right 65-5611. The POU shape was amended on the map to only include the 12 acres above the existing water right and below the wetland at the north of the property. The 12 acres also receive shares of Seitz Ditch company water. One of the access points will be closed, but the field will still be able to receive water from the ditch company.

Please check one of the boxes in section one of the form that describes the name connector for the listed applicants. The boxes "or" and "and/or" provide the most flexibility if changes need to be made to the application in the future.

The applicant chose to mark "and/or."

Finally, it appears as though the application for permit was submitted with the printed names of each applicant. If you checked "or" or "and/or" in section one, please have at least one applicant sign the bottom of page two of the form so the Department has an original signature on file.

Peter Oxley signed the form. Stephanie Oxley had previously signed the form, but her signature is similar to her printed writing so it is difficult to tell the difference.



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

March 24, 2016

COPY

RAYMOND, PETER, STEPHANIE OXLEY
PO BOX 141
LETHA, ID 83636

Re: Application for Permit 65-23630

Dear Applicants,

The purpose of this letter is to request additional information related to the application for permit 65-23630 submitted on January 4, 2016. There are a few aspects of your application that need to be clarified before it can be processed further.

First, the source you listed is unclear. Section 2 of your application for permit form states that you are planning on pulling water from the Sevenmile Slough, but your map shows that you are planning on pulling from an unnamed drain that flows into Sevenmile Slough. Is this the ditch you referred to as Columbia Ditch? Please amend section two of your application to list 'unnamed drain' as the source and 'Sevenmile Slough' as the tributary.

Your described Point of Diversion (POD) is also unclear. Section three of the form describes the POD T06N R03W Sec1 in the NENW corner. The map you included shows the water being diverted in the SENW corner. Please amend section three of your form to reflect the correct description. In section 10a of the form, you list yourselves as owners of the land where the POD is located. Based on Gem County tax lot data from February 24, 2016, the land is owned by Dale and Gail Knecht. Please describe the arrangement you have with the Knechts that enables you to make this filing.

Your map shows your POD on an unnamed drain that flows to Sevenmile Slough. It shows a dashed line where the water is presumably moved from the ditch, through the Knecht's lot, and to your property. At one point, this line crosses the main channel of Sevenmile Slough. How are you proposing to get water from the unnamed drain to your acres across Sevenmile Slough? Is the water piped? What does the system look like?

Our records indicate that you have another water right (65-5611) to irrigate five acres in the same QQ that you are proposing to irrigate with this application. This right authorizes wastewater to be diverted from a source in the NESE QQ. Does your application propose to pull water from the same source as 65-5611? Do any others pull water from the unnamed drain at the proposed POD?

In section eight of your application for permit form, you describe 12 acres to be irrigated in T06N R03W Sec1 in the NWNE corner. Based on the map you included, the Place of Use (POU) should actually be described as NENW GL3. Please amend section eight of your application to reflect this correction. The POU shape you included on your map was measured in our mapping software as encompassing 17.5 acres. This is greater than the 12 acres you described, but appears to be appropriate once you include the five acres from water right 65-5611.

Please check one of the boxes in section one of the form that describes the name connector for the listed applicants. The boxes "or" and "and/or" provide the most flexibility if changes need to be made to the application in the future.

Finally, it appears as though the application for permit was submitted with the printed names of each applicant. If you checked "or" or "and/or" in section one, please have at least one applicant sign the bottom of page two of the form so the Department has an original signature on file.

I am returning a copy of your original application with notes showing the areas that need to be addressed. Please submit the amended application (with your initials) and requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,



Danie Merriman
Water Resource Agent
IDWR, Western Region

Enclosed: Copy of Original Application for Permit