

RECEIVED

OCT 31 2014

WATER RESOURCES
WESTERN REGION

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

Ident. No. 63-33910

AMENDED

1. Name of applicant(s) BID, LLC Phone 208-489-7488
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address c/o Douglas Bates, 950 W. Bannock, Ste 1050 City Boise
 State ID Zip 83702 Email doug@clearwateranalytics.com
2. Source of water supply Boise River which is a tributary of Snake 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 #
5N	5W	26	4		SW	NW	Canyon	Boise River	

4. Water will be used for the following purposes:
- Amount 4.5 cfs for Wildlife purposes from 9/1 to 2/28 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 4.5 cfs for Recreation purposes from 9/1 to 2/28 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 4.5 cfs for Diversion to storage purposes from 9/1 to 2/28 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 15 af for Wildlife and Recreation Storage purposes from 9/1 to 2/28 (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 4.5 cubic feet per second (cfs) and/or (b) 15 acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Pump, headgates and ditches
- 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. Miscellaneous wildlife, including waterfowl habitat; recreation use is for waterfowl hunting

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	
5N	5W	26						27	8										35
								L4	L4										

Total number of acres to be ~~irrigated~~ ^{flooded}: 30 acres w/ a 35-acre permissible place of use (PPU)

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?

None. This application seeks continuous flow to create shallow water and moist soil habitat. Permit 63-32177
authorizes deep water wildlife storage in unnamed slough within proposed PPU.

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 proposed flow rate allows diversion of 0.15 cfs per acre for 30 acres of field and habitat flooding. An estimated 5-acre portion of the 35-acre PPU is pre-existing ponds and sloughs. Field flooding will range from less than 1 inch up to approximately 12 inches depth. A low-lift pump is proposed for diverting water from the Boise River.

Proposed locations for return flows are upstream from Highway 95 and are indicated on the attached maps. Season of use allows flooding to occur from approximately 1 month prior to waterfowl season through the end of the season.

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.

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

DOUGLAS K. BATES
 Print Name (and title, if applicable)

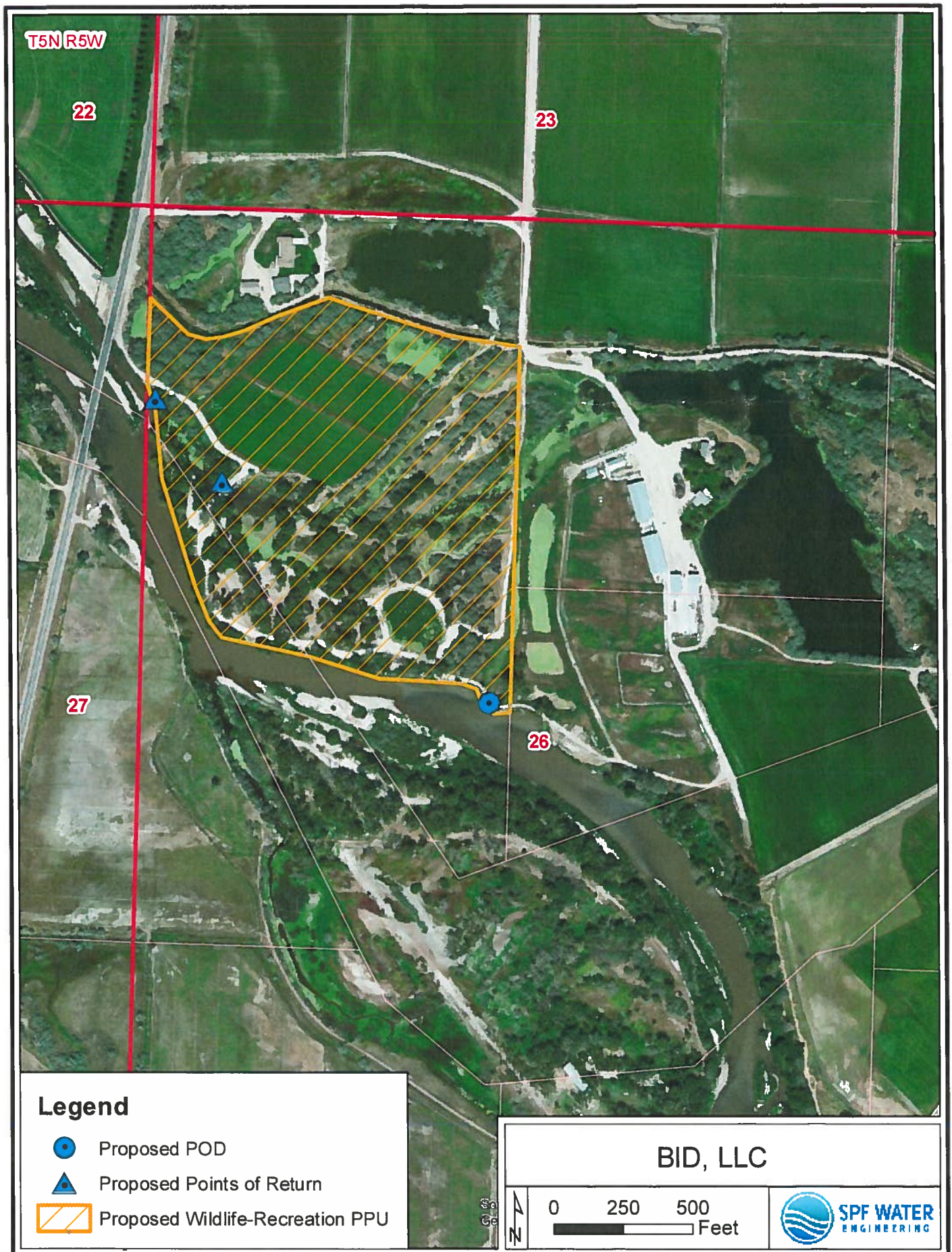
 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by AG Date 10/31/14 Time — Preliminary check by AG
 Fee \$ 410.00 Received by CN Receipt No. W041815 Date 2/3/2014

*FEE RECEIVED WITH ORIGINAL APPLICATION.



Rev. 05/12

RECEIVED

JUN 16 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

WATER RESOURCES
WESTERN REGION

I, TheDrake, LLC, hereby assign to BID, LLC
Current applicant New applicant(s)
of, no change
New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Application for Permit No(s): 63-33910
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No(s):
_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new applicant own the property at the:

Point of diversion? ☐ Yes ☒ No
Place of use? ☐ Yes ☒ No

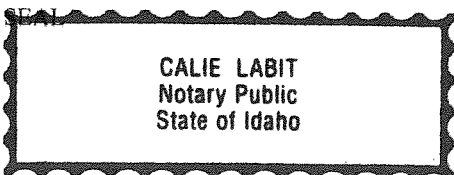
If no, describe the arrangement enabling the new applicant to access the point of diversion and/or the place of use:
The point of diversion and place of use are owned by TheDrake, LLC. Doug Bates, who signed and submitted
the original application, is a the Managing Member of TheDrake, LLC and Manager of BID, LLC.

Dated this 12 day of JUNE, 20 14.

[Signature] BID, LLC
Signature of current applicant Title (if applicable) Signature of current applicant Title (if applicable)

State of Idaho)
County of Ada)ss

On this 12 day of June, 20 14, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he/she/they executed the same.



Calie Labit
Notary Public
My commission expires: 9-27-2018

FEE N/A, Refund will be issued 8/19/14
J.S. 16-16-14
W042232 825

RECEIVED

JUN 03 2014

WATER RESOURCES
WESTERN REGION

Amended

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. _____

63-33910

1. Name of applicant(s) The Drake, LLC Phone 208-489-7488
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address c/o Douglas Bates, 950 W. Bannock, Ste 1050 City Boise
 State ID Zip 83702 Email doug@clearwateranalytics.com
2. Source of water supply Boise River which is a tributary of Snake 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 #
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 (cfs or acre-feet per year)
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 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
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- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. Miscellaneous wildlife, including waterfowl habitat; recreation use is for waterfowl hunting

SUPERCEDED BY AMENDED APP RECEIVED 10/31/14. AQ

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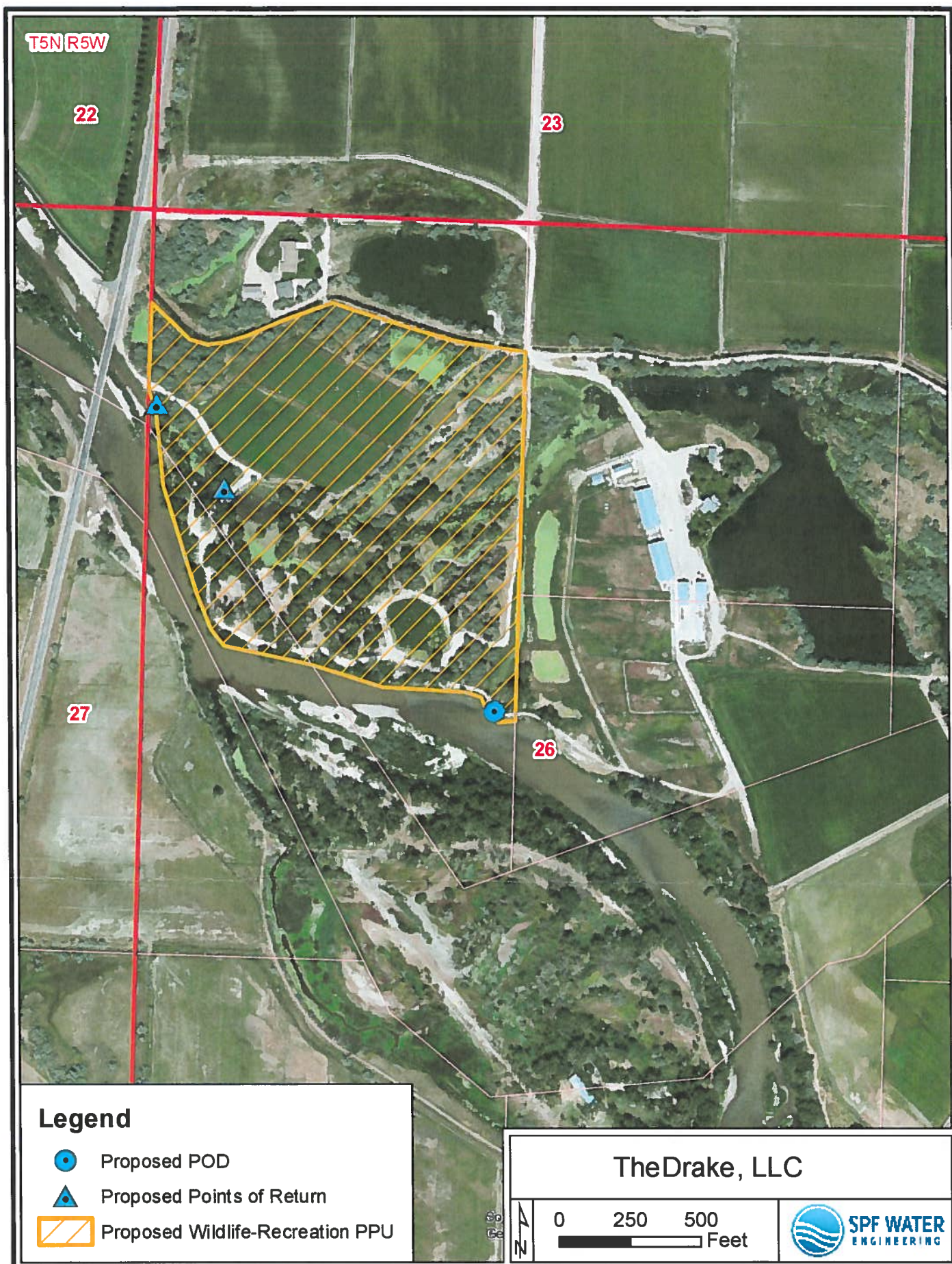
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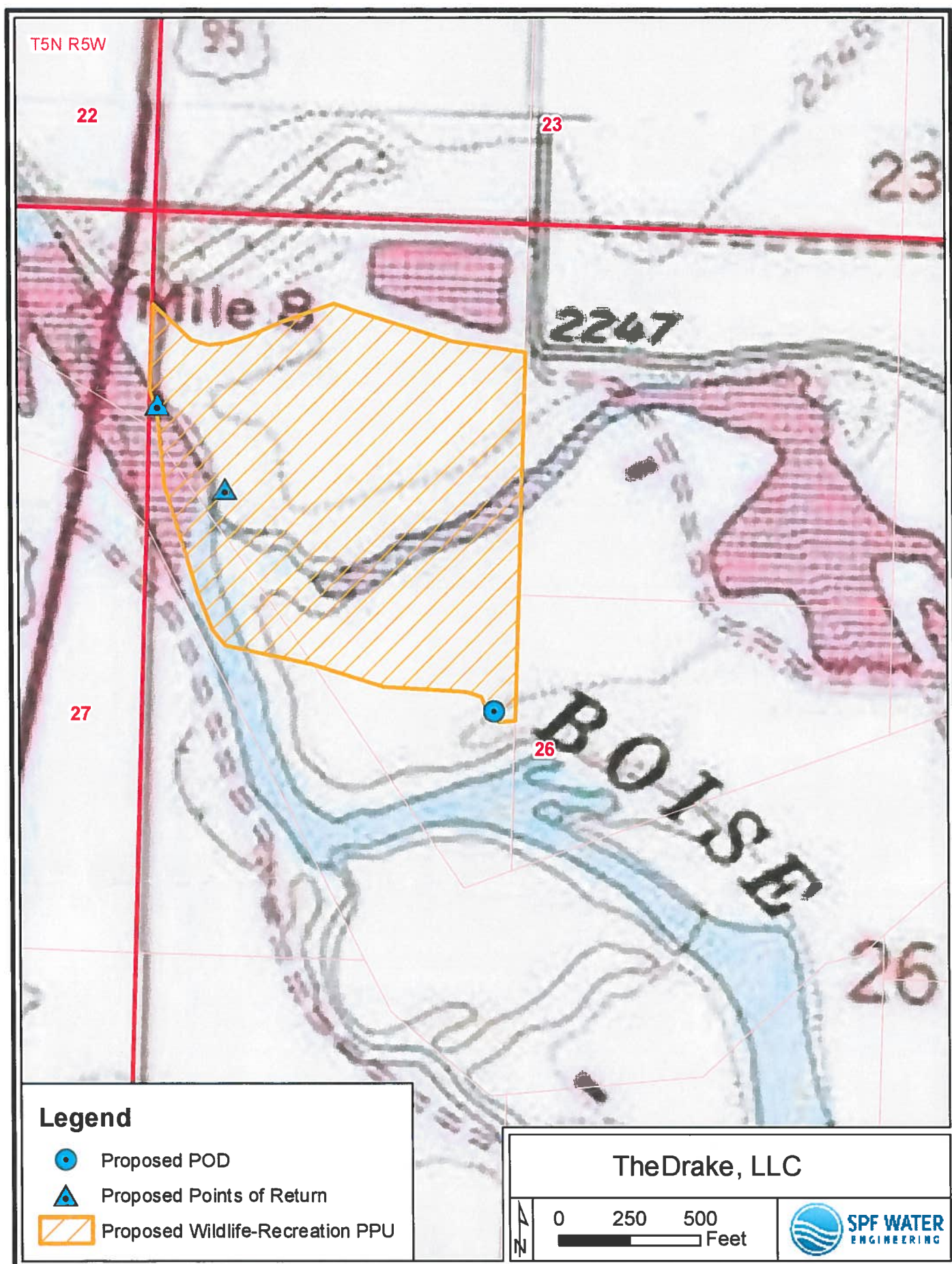
DOUGLAS K. BATES OWNER
Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by RL Date 6/3/2014 Time 1:00 Preliminary check by ah
Fee \$ 410 Received by CN Receipt No. W041815 Date 2/3/2014

pen original
SUPERCEDED BY AMENDED APP RECEIVED 10/31/14. AH





RECEIVED**FEB 03 2014****WATER RESOURCES
WESTERN REGION**

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Superseded

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Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

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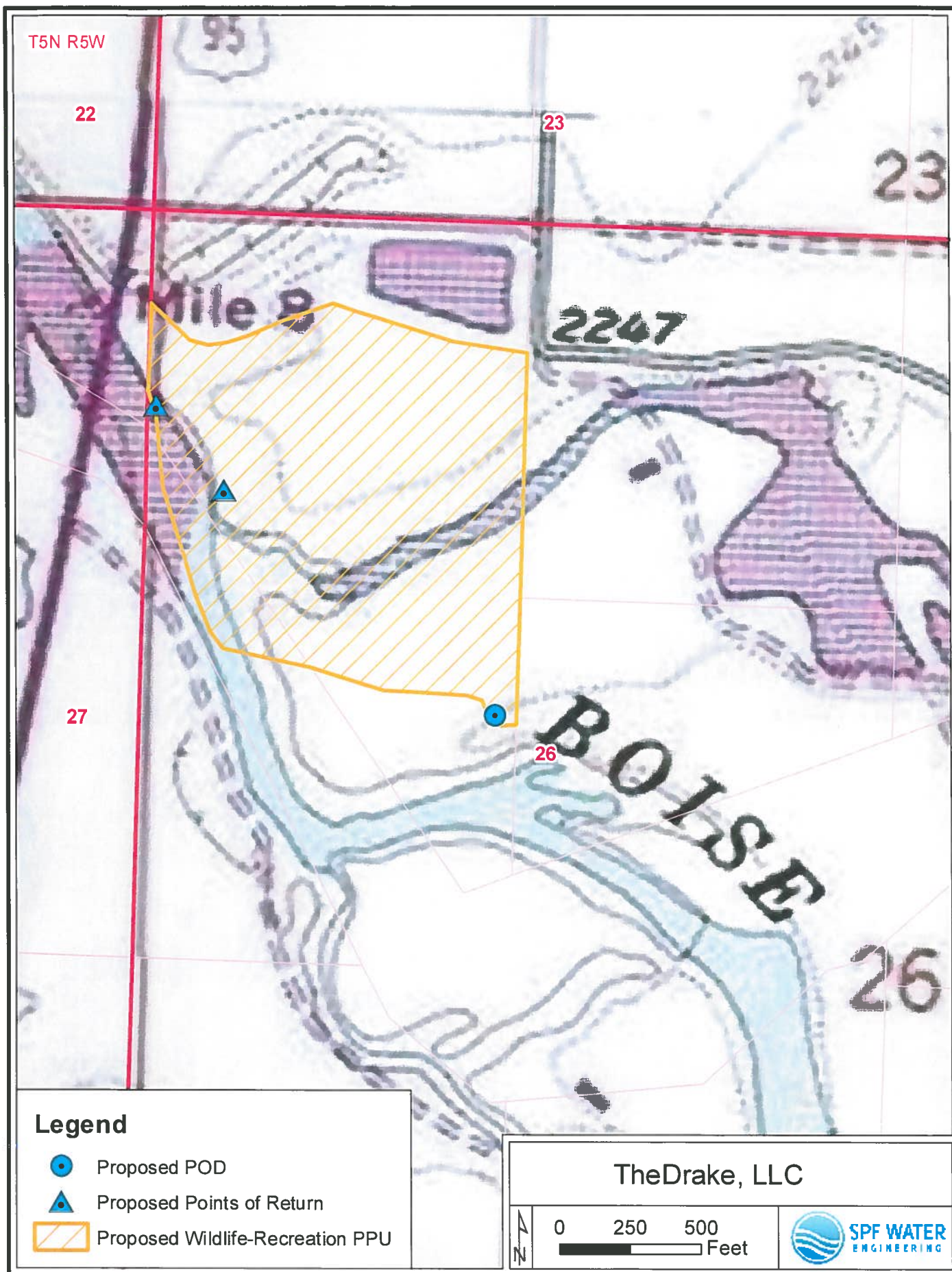
For Department Use:

Received by Crystal Nuse Date 2/3/2014 Time 11:20 Preliminary check by _____

Fee \$ 410 Received by CNuse Receipt No. W041815 Date 2/3/2014



63-33910



63-33910

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, November 12, 2014 9:52 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: 63. Application for Permit
Attachments: Watermaster Recommendation Form.docx; Application No. 63-33910.pdf

November 12, 2014

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-33910

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 December 8, 2014.

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 Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, November 12, 2014 9:46 AM
To: 'rick.ward@idfg.idaho.gov'
Subject: IDFG. Application for Permit
Attachments: Agency Recommendation Form.docx; Application No. 63-33910.pdf

November 12, 2014

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application for Permit No. 63-33910

Dear Mr. Ward:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency 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 the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of December 8, 2014.

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 Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, November 12, 2014 9:57 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Janice Hildreth,

Please see the attached ad for publication on 11/20/2014 & 11/27/2014.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

November 12, 2014

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

RE: Application for Permit No's: 63-33910, 63-33995
RE: Extension of Time for Water Right No. 63-32058

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 12/8/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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

63-33910

BID LLC

950 W BANNOCK ST STE 1050

BOISE, ID 83702

Point of Diversion L4(SWNW) S26 T05N R05W CANYON County Source BOISE RIVER Tributary SNAKE RIVER

Use: DIVERSION TO STORAGE, RECREATION, WILDLIFE 09/01 to 02/28 4.5 CFS

Use: RECREATION STORAGE, WILDLIFE STORAGE 09/01 to 02/28 15 AF

Total Diversion: 4.5 CFS

Date Filed: 2/3/2014

Place of Use: RECREATION, RECREATION STORAGE, WILDLIFE, WILDLIFE STORAGE

T05N R05W S26 L4(NWNW) L4(SWNW)

63-33995

VALLIVUE SCHOOL DISTRICT #139

5207 S MONTANA

CALDWELL, ID 83607

(3) Points of Diversion SESW S35 T04N R04W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.84 CFS

Total Diversion: 0.84 CFS

Date Filed: 10/9/2014

Place of Use: IRRIGATION

T04N R04W S35 SESW

Total Acres: 14

Water bearing zone to be appropriated is from 80 to 435 feet.

Place of use aka West Canyon Elementary School located at 19548 Ustick Rd, Caldwell, ID.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Dorel and Ligia Antimie of 844 W Heather Woods Dr, Nampa, ID 83686 filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. **63-32058** with a 1967 priority from ground water totaling 0.08 cfs. The applicants do not know the year the right was last used. The right serves property located in the Salmon Ridge Subdivision, southeast of the intersection of Farner Road and Lewis Lane in Nampa. The applicants requests the extension of time because they recently purchased the property, are currently building a home, and need additional time to install the irrigation system.

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, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. For specific details of the extension see this link www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp using right no 63-32058. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, Idaho Code. Any protest against the approval of this 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 12/8/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/20/2014 and 11/27/2014

Sommer, Rachel

From: Doug Bates [Doug@clearwateranalytics.com]
Sent: Thursday, November 06, 2014 4:14 PM
To: Sommer, Rachel
Subject: address change

Hi Rachel,

Thanks for your help today. Per our discussion, could you please move the "c/o Douglas Bates" from the address line of the application. The BID address is 950 W Bannock, ste 1050, Boise, Idaho 83702. There is no need to include my name in the address. Thanks for all your help. We are keeping our fingers crossed. Could you please confirm you received this email with a return email.

Douglas Bates



SPF WATER
ENGINEERING

October 31, 2014

RECEIVED

OCT 31 2014

WATER RESOURCES
WESTERN REGION

Angela Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Amended Application for Permit 63-33910

Dear Angie,

In response to your letter dated October 28, 2014 and our telephone conversation yesterday, enclosed is an amended application for permit that addresses the changes requested in your letter.

Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Doug Bates

Enclosures

SPF file number: 1073.0010



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

October 28, 2014

BID LLC
C/O TERRY SCANLAN
SPF WATER ENGINEERING
300 E MALLARD DR SUITE 350
BOISE ID 83706

Re: Application for Permit No. 63-33910 – Amended Application Request

Dear Terry:

The Idaho Department of Water Resources (IDWR) is processing of the above referenced application proposing diversion of water from the Boise River for wildlife and recreation. Upon initial review of the application, it appears the application requires amendment to address the following items:

- **Proposed uses (item no. 4):** The proposed creation of waterfowl habitat through flooding of the area resulting in standing water from one inch to 12 inches deep constitutes a wetland. Wetland beneficial use should be described as "Wildlife Storage" and "Diversion to Storage" terms, based upon the permit application processing model recently developed with applicants through processing of contested wildlife applications in the Boise River basin. The proposed recreation use for waterfowl hunting on the same place of use should be described as "Recreation Storage". Recognizing this project proposal is not a traditional pond or reservoir storage use, the recommendation to describe the wetland use in storage use terminology is more consistent with the idea that water will be pooled within the place of use rather than swiftly shooting across 30 acres at a rate of 4.5 cfs. Evaporative losses will likely be negligible during the proposed period of use, therefore only storage capacity volume needs to be considered.
- **Period of Use (item no. 4):** It appears the applicant intends to divert water for the waterfowl habitat during the non-irrigation season on the same land at least a portion of which is irrigated. The proposed season start date 9/1 coincides with the wildlife processing model recently established, however the 3/10 season end date does not. The beginning of the standard irrigation season in this area is 3/1. The season ending date will be permitted as 2/28 in agreement with other applications for similar use, unless the applicant can provide convincing evidence why this ending date will not work for the proposed project.

Please provide an amended application to allow for further application processing. You may seek additional time to provide the amended application by making a written request to interrupt processing for up to six months. **Your response including the requested amended application, or a request for more time to submit an amended application, must be received within the next thirty (30) days.** The application will be voided without a timely written reply.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.



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

June 17, 2014

BID, LLC
c/o Douglas Bates
950 W. Bannock, Ste 1050
Boise, ID 83702

RE: Assignment of Application for Permit No. 63-33910

Dear Mr. Bates

The department acknowledges receipt of correspondence assigning the above referenced application to BID, LLC. The department has modified its records to reflect this change and has enclosed a computer-generated report for your records.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosure

MEMORANDUM

TO: Sascha Marston
FROM: Sharla Curtis
DATE: June 17, 2014
RE : Refund

~~The~~ BID, LLC paid \$25 for an Assignment of an Application for Permit on 6/16/2014. An assignment of an Application for Permit requires no fee. A full refund should be issued.

Please issue a \$25 refund to the **payer** as follows:

BID, LLC
c/o Douglas Bates
950 W. Bannock, Suite 1050
Boise, ID 83702

TEL. 489-7488

RECEIPT
W042232, copy attached

Copy: File 63-33910



SPF WATER
ENGINEERING

June 13, 2014

RECEIVED
JUN 16 2014
WATER RESOURCES
WESTERN REGION

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Assignment of Application for Permit 63-33910

Dear Steve,

Enclosed on behalf of TheDrake, LLC, is an Assignment of Application for Permit 63-33910.

Check No. 1249 for \$25 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Doug Bates

Enclosures

SPF file number: 1073.0010



RECEIVED

JUN 03 2014

WATER RESOURCES
WESTERN REGION

June 2, 2014

Steve Lester
Water Rights Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Amended Application 63-33910 – TheDrake LLC

Dear Steve:

Enclosed please find an amended application for permit 63-33910 for TheDrake LLC. The amendment corrects the place of use listed in item 8.b. from the NENW to the NWNW of Section 26. This was a typographical mistake on my part; the original map was correct.

Please contact me with any questions.

Sincerely,

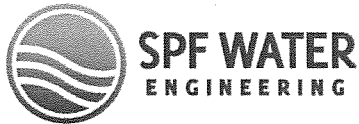
A handwritten signature in black ink, appearing to read "Terry M. Scanlan", is written in a cursive style.

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Doug Bates

Enclosure: Amended Application for Permit

File: 1073.0010



RECEIVED

FEB 03 2014

WATER RESOURCES
WESTERN REGION

January 30, 2014

Steve Lester
Water Rights Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit for Wildlife and Recreation Purposes – TheDrake LLC

Dear Steve:

Enclosed please find an application for permit for TheDrake LLC. Included is a check for the \$410 filing fee.

The application proposes 4.5 cfs for wildlife and recreation purposes on 30 acres near Parma using water pumped from the Boise River. The diversion rate is based on an average rate of 0.15 cfs per acre. No storage is proposed. The water will flow through the property and return to the river approximately ¼ mile downstream of the point of diversion. The application has been signed by Douglas Bates, Member of TheDrake LLC.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan", is written in a cursive, flowing style.

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Doug Bates

Enclosure: Application for Permit and Filing Fee

File: 1073.0010