

RECEIVED

Ident. No. 65-23598

SEP 16 2014

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) Clinton H. and/or Eilene H. Evans Phone (208)462-3072
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 11 Elk Springs Rd. City Garden Valley
 State ID Zip 83622 Email elk4sale@att.net

2. Source of water supply Middle Fork Payette River which is a tributary of Payette River
 3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
10N	4E	26			SW	NW	Boise	Middle Fork Payette River	

4. Water will be used for the following purposes:
 Amount 0.06 for irrigation purposes from 3/15 to 10/31 (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) 0.06 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. Pump from river.

 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. _____

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	
10N	4E	26							1.5	0.5									2.0

Total number of acres to be irrigated: 2.0

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?

10. a. Who owns the property at the point of diversion? Applicants
- 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.

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.

Clinton H. Evans
Signature of Applicant

Eilene H. Evans
Signature of Applicant

Clinton H Evans
Print Name (and title, if applicable)

Eilene H. Evans
Print Name (and title, if applicable)

For Department Use:

Received by BB Date 9-16-2014 Time 12:00 Preliminary check by kw
Fee \$ 100.00 Received by CN Receipt No. W042195 Date 6/5/14

SWNW

26

10N04E

SENW

POU

10N-4E-S26-S $\frac{1}{2}$ NW

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 08, 2014 11:21 AM
To: 'rick.ward@idfg.idaho.gov'
Subject: Application for Permit
Attachments: Agency Recommendation Form.docx; Application No. 65-23598.pdf

October 8, 2014

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

RE: Application for Permit No. 65-23598

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 November 3, 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, October 08, 2014 11:21 AM
To: 'wd65@srvinet.com'
Subject: Application for Permit
Attachments: Application No. 65-23598.pdf

October 8, 2014

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

RE: Application for Permit No. 65-23598

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 November 3, 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, October 08, 2014 11:22 AM
To: 'EDITOR@IDAHOWORLD.COM'
Subject: Boise Legal Ad
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Good Morning Theresa,

Please see the attached ad for publication on 10/15/2014 & 10/22/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

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

October 8, 2014

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-23598

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 11/3/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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

65-23598

CLINTON H EVANS

EILENE H EVANS

11 ELK SPRINGS RD

GARDEN VALLEY, ID 83622

Point of Diversion SWNW S26 T10N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 9/16/2014

Place of Use: IRRIGATION

T10N R04E S26 SWNW SENW

Total Acres: 2

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/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application 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 11/3/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/15/2014 and 10/22/2014

MEMORANDUM

TO: Sascha Marston

FROM: Kay Walker *Kay*

DATE: October 3, 2014

RE : **Refund**

Clinton H. &/or Eilene H. Evans paid \$200.00 for an Application for Transfer on June 5, 2014. The application was withdrawn on September 16, 2014. A partial refund should be issued, a portion of their filing fee was used to file an application for permit.

Please issue a \$100.00 refund to the **payer** as follows:

TO

CLINTON H. OR EILENE H. EVANS
11 ELK SPRINGS RD.
GARDEN VALLEY, ID 83622

TEL. (208)462-3072

RECEIPT W042195, copy attached

Copy: App. 65-23598



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

September 4, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CLINTON H AND EILENE H EVANS
11 ELK SPRING RD
GARDEN VALLEY ID 83622

Re: Application for Transfer No. 79375

Dear Applicants:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. After preliminary review of the application, some concerns were identified regarding injury, expansion, and local public interest issues that may result from your proposed changes. The transfer application would be rejected if processed as filed due to these concerns.

Possible injury &/or expansion issues are a concern regarding the change from Lightening Creek to the Middle Fork of the Payette River considering (a) changing from a smaller source to a larger source, and (b) the distance of the point of diversion from the creek to the proposed point of diversion in the river. The water master would be required to measure water available in Lightening Creek before he could turn on any water from the Middle Fork of the Payette River. He would then have to measure what you were diverting from the Middle Fork of the Payette River to make sure you are not taking more water than allowable. At best, you would only be able to divert from the river to the extent the creek water is available to satisfy the priority date of your right.

You may want to withdraw your application and use a portion of the filing fee to file a new application for permit. We can process a new water right for the 2 acres you wish to irrigate around your home from the Middle Fork of the Payette River without the above referenced complications. If you don't want to withdraw your transfer application, please submit a plan that would resolve the injury, expansion and local public interest issues.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application.

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 this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent