

RECEIVED

JAN 29 2014

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) Places, LLC Phone 208-722-5141  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address P.O. Box 300 City Parma  
 State ID Zip 83660 Email jon@soobrand.com

2. Source of water supply Unnamed Drains which is a tributary of Boise River SAND HOLLOW CREEK 6/5/14  
 3. Location of point(s) of diversion:

| TWP | RGE | SEC | Govt Lot | 1/4 | 1/4 | 1/4 | County       | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------------|--------|---------------------|
|     |     |     |          |     |     |     | see attached |        |                     |
|     |     |     |          |     |     |     |              |        |                     |
|     |     |     |          |     |     |     |              |        |                     |
|     |     |     |          |     |     |     |              |        |                     |

4. Water will be used for the following purposes:

Amount 5.82 cfs for Irrigation purposes from 3/1 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) 5.82 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. Pumps, sprinkler and gravity irrigation

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 |        |
| 5N  | 5W  | 5   |    |    | 40 | 36 |    |    | 40 | 40 | 39 | 17 |    |    | 39 | 40 |    |    | 291    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 291

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?

55 shares surface water rights from Farmers Cooperative Ditch Co.

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.

Low-lift pumps or diversion structures will divert water from the drains to ditches and pipelines for gravity and sprinkler irrigation. One or more booster pumps will pressurize water for sprinklers. Irrigation will be a supplemental source to Farmers Cooperative Co. shares on 110 acres and a primary source for the remaining acres. Irrigation will supply row crops, pasture, wildlife food plots, and wildlife habitat enhancement.

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.**

Jon C Watson  
Signature of Applicant

Jon C Watson  
Print Name (and title, if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name (and title, if applicable)

**For Department Use:**

Received by MG Date 1/29/14 Time 1:35 Preliminary check by KEW

Fee \$ 490 Received by MG Receipt No. NOA1803 Date 1/29/14

\$450.00

## Ident. No. \_\_\_\_\_

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer\*\* ☐ Adjudication Claim  
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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.

[illegible]

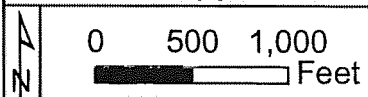
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WATER RESOURCES  
WESTERN REGION

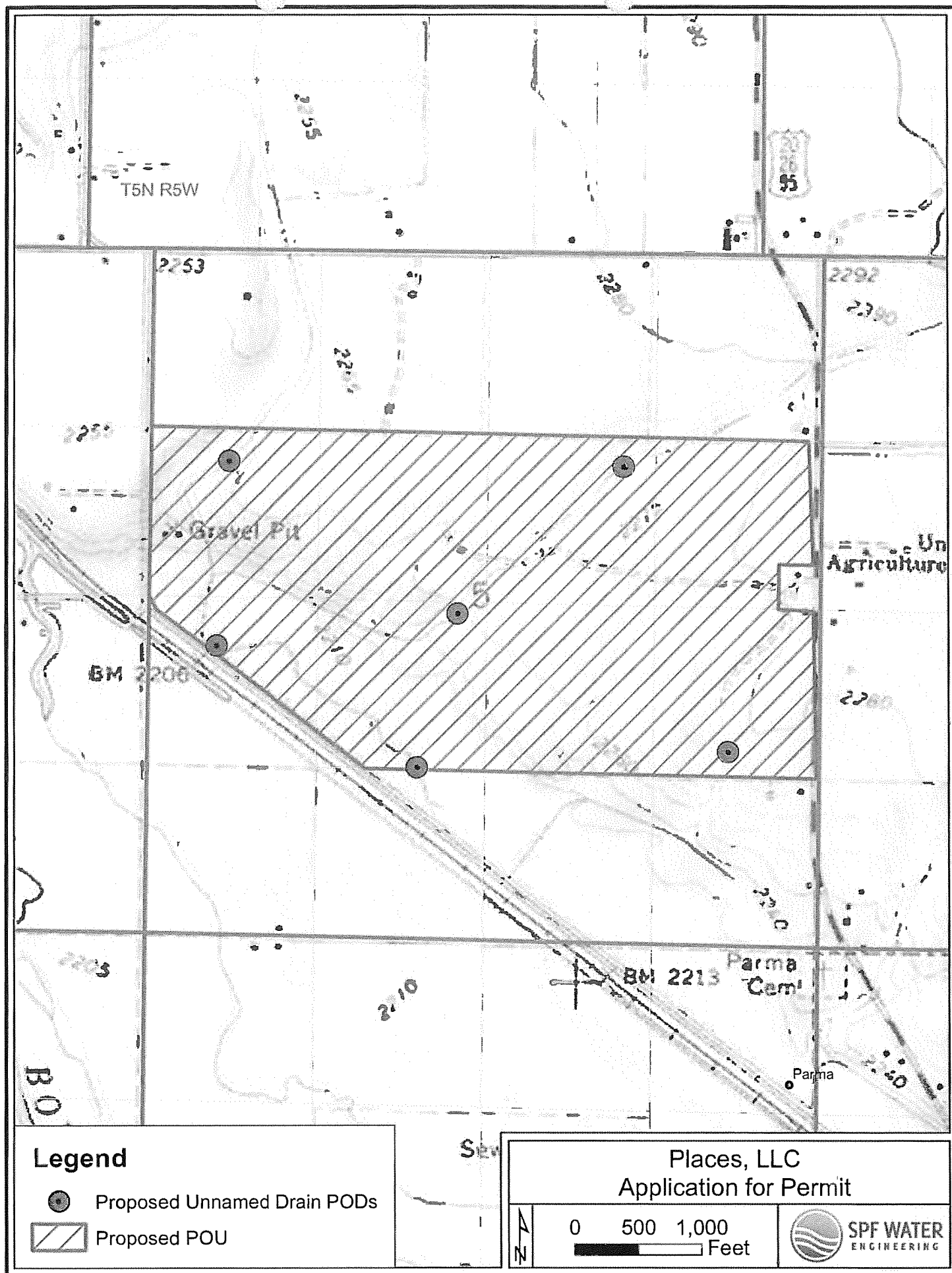


**Legend**

-  Proposed Unnamed Drain PODs
-  Proposed POU

Places, LLC  
Application for Permit





**Legend**

-  Proposed Unnamed Drain PODs
-  Proposed POU

Places, LLC  
Application for Permit



0 500 1,000  
Feet



63-33907

## Sommer, Rachel

---

**From:** Sommer, Rachel  
**Sent:** Tuesday, June 03, 2014 1:08 PM  
**To:** 'waterdistrict63@qwestoffice.net'  
**Subject:** Application for Permit  
**Attachments:** Application for Permit no. 63-33907.pdf

June 3, 2014

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

**RE: Application for Permit No. 63-33907**

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 June 23, 2014.

Also, these wells may produce shallow ground water next to the Boise River. We have requested that the City of Caldwell file for water right coverage on existing ponds inside the proposed park.

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](mailto:rachel.sommer@idwr.idaho.gov)

## Sommer, Rachel

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**From:** Sommer, Rachel  
**Sent:** Thursday, May 29, 2014 3:53 PM  
**To:** 'LEGALS@IDAHOPRESS.COM'  
**Subject:** Canyon Legal Ad  
**Attachments:** Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 6/5/2014 & 6/12/2014.

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](mailto:rachel.sommer@idwr.idaho.gov)

May 29, 2014

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

RE: Application For Permit No's: 63-33895, 63-33907

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 6/23/2014. 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:

**63-33895**

GREG TROOST  
30540 SABIN RD  
PARMA, ID 83660  
Point of Diversion SESW S21 T04N R05W CANYON County Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 5.57 CFS  
Total Diversion: 5.57 CFS  
Date Filed: 1/16/2014  
Place of Use: IRRIGATION  
T04N R05W S12 NESE  
T04N R05W S20 SWSE SESE  
T04N R05W S21 SW(ALL) NWSE SWSE  
T04N R05W S22 SWNW  
T04N R05W S23 SESE  
T04N R05W S25 NENW NWNW  
T04N R05W S26 NWSW SWSW  
T04N R05W S27 SENW  
T04N R05W S28 SESE  
T04N R05W S29 NENE L1(NWNE) SENE  
T04N R05W S33 NWNE NENW  
T04N R05W S35 NESW SESW  
Total Acres: 819  
Water bearing zone to be appropriated is from 20 to 100 feet.

**63-33907**

PLACES LLC  
PO BOX 300  
PARMA, ID 83660  
Points of Diversion SWNE SWNW NESW NWSW NESE S5 T05N R05W CANYON County Source UNNAMED DRAIN Tributary SAND  
HOLLOW CREEK  
Use: IRRIGATION 03/01 to 11/15 5.82 CFS  
Total Diversion: 5.82 CFS  
Date Filed: 1/29/2014  
Place of Use: IRRIGATION  
T05N R05W S5 SWNE SENE SWNW SENW NESW NWSW NESE NWSE  
Total Acres: 291

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](http://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 6/23/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/5/2014 and 6/12/2014



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

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MAY 28 2014  
WATER RESOURCES  
WESTERN REGION

## *DEQ Response to Request for Environmental Comment*

Date: 05/27/2014  
Agency Requesting Comments: Idaho Dept of Water Resources  
Date Request Received: 4/30/2014  
Applicant/Description: Irrigation Project

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

### **1. Air Quality**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

### **2. Wastewater and Recycled Water**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

All projects for construction or modification of wastewater systems require

*preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at:  
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).  
  
Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

*For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at 208-373-0550.*

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robbs@deq.idaho.gov](mailto:danielle.robbs@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1958

## Walker, Kay

---

**From:** Walker, Kay  
**Sent:** Monday, May 19, 2014 9:46 AM  
**To:** Lori Graves  
**Cc:** Walker, Kay  
**Subject:** RE: Places Appl 63-33907

Just put it in the basket to be done this morning. Should be advertised on June 5<sup>th</sup> and 12<sup>th</sup> with the last day of protest on June 23<sup>rd</sup>. Hope this helps. Kay

---

**From:** Lori Graves [<mailto:LGraves@spfwater.com>]  
**Sent:** Monday, May 19, 2014 9:39 AM  
**To:** Walker, Kay  
**Subject:** Places Appl 63-33907

Hey Kay,

Can you tell me when the above application is set to hit the paper. Thanks.

Regards,  
Lori

---

### Lori Graves | Water Rights Specialist

SPF Water Engineering, LLC  
300 E Mallard Drive, Suite 350 | Boise, ID 83706  
p. 208.383.4140 | f. 208.383.4156 | c. 208.869.4569  
e. [lgraves@spfwater.com](mailto:lgraves@spfwater.com) | w. [www.spfwater.com](http://www.spfwater.com)

*The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.*



**SPF WATER**  
ENGINEERING

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MAY 15 2014

WATER RESOURCES  
WESTERN REGION

May 15, 2014

Kay Walker  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Application for Permit 63-33907***

Dear Kay,

Enclosed per your request in an email sent May 9, 2014, is a signed statement of authorization from Farmers Cooperative Ditch Company indicating they do not oppose Places LLC diverting from unnamed drains for supplemental irrigation use as proposed on Application 63-33907. Please let me know if you have any further questions.

Sincerely,

Lori Graves  
Water Rights Specialist

Cc: Jon Watson

Enclosures

SPF file number: 1075.0010

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MAY 15 2014

WATER RESOURCES  
WESTERN REGION

Idaho Department of Water Resources  
Attn: Kay Walker  
2735 Airport Way  
Boise, ID 83705

Re: Application for Permit 63-33907

Dear Kay Walker:

Farmers Cooperative Ditch Company does not object to Application 63-33907 in the name of Places, LLC proposing diversion from unnamed drains for supplemental irrigation use. At the points of diversion proposed, a right-of way from Farmers Cooperative Ditch Company is not required.

Sincerely,

Rod Nielsen President  
Name & Title, Farmers Cooperative Ditch Company

14 May 2014  
Date



**IDAHO DEPARTMENT OF FISH AND GAME**

SOUTHWEST REGION  
3101 South Powerline Road  
Nampa, Idaho 83686

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MAY 09 2014

WATER RESOURCES  
WESTERN REGION

C.L. "Butch" Otter / Governor  
Virgil Moore / Director

May 8, 2014

Kay Walker  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

RE: Water Right Application 63-33907

Dear Kay:

SPF Water Engineering requested comments on water right application 63-33907 from Idaho Department of Fish and Game (IDFG) on behalf of the applicant, Places, LLC. IDFG has reviewed the attached Application for Permit and has no comments regarding the application as proposed.

If you have any questions or information needs, please contact me at 475-2760 or [jerry.deal@idfg.idaho.gov](mailto:jerry.deal@idfg.idaho.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Deal".

Jerry Deal  
Regional Wildlife Habitat Manager

## Walker, Kay

---

**From:** Walker, Kay  
**Sent:** Friday, May 09, 2014 9:38 AM  
**To:** LGraves@spfwater.com  
**Cc:** Walker, Kay  
**Subject:** Application for Permit 63-33907 - PLACES, LLC.

Hi, Lori!

We have reviewed the response to my April 18<sup>th</sup> request for more information regarding the above referenced application. After review of your response, we believe that the tributary of this application should be shown as Sand Hollow Creek, rather than the Boise River. Please stop by our office and make this change to the application if you agree with us. If you think the drains are tributary to the Boise River, as shown on the application, please submit what you have to validate this.

We also need to have something from the Farmers Cooperative Ditch Company that shows they have no objection to the use of the drains under this proposal.

Once the above 2 items are taken care of we will be able to route this application for advertising. Thanks for your attention to this matter.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent  
334-2190



May 2, 2014

Kay Walker  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Additional Information for Application 63-33907***

Dear Kay,

On behalf of Places, LLC, this letter is in response to your letter dated April 8, 2014 requesting additional information to support Application 63-33907 per IDAPA 37.03.08, Water Appropriation Rules 40.05.c and 40.05.d.

Application 63-33907 proposes diversion of 5.82 cfs from unnamed drains for primary and supplemental irrigation of 291 acres located in Canyon County, approximately ½ mile northwest of Parma in Section 5, T5N, R5W. The information provided below supports the application.

**IDAPA 37.03.08, 40.05.c: Effect on Existing Water Rights**

- I. **Other Users of Spring or Stream.** Within the upstream and downstream drainage system proposed for appropriation, 7 water right diversions listing surface water as a source were found; 1 upstream from an unnamed drain for irrigation use and 6 downstream from Sand Hollow Creek for irrigation and wildlife uses. A summary of the water rights and their diversion locations are included in Attachment A.

The majority of the land proposed for primary and supplemental irrigation by this application has been historically irrigated from the proposed drain sources. Unfortunately, the prior land owner failed to make a claim for these irrigation uses in the Snake River Basin Adjudication (SRBA). Application 63-33907 seeks a permit for these historical uses, plus the irrigation of a small number of formerly dry acres that can now be irrigated with sprinklers. As a result, the diversions proposed will not be significantly greater than diversions from these sources in the past. As a result, significant new impacts to downstream water rights are not anticipated.

- II. Not applicable
- III. **Design, Construction, or Operation Techniques to Reduce Impacts on Other Water Rights.** Adequate means of measurement and controlling works will be installed at each diversion point to enable water curtailment if necessary to protect downstream water rights. As noted above, the proposed appropriation is for historical uses that were not

claimed in the SRBA. As a result, new impacts to downstream water rights will be minimal, and the proposed use will be junior to all existing rights.

**IDAPA 37.03.08, 40.05.d: Sufficiency of Water Supply**

- I. **Water Requirements.** The 5.82 cfs of ground water proposed by application 63-33907 accounts for diversion of 0.02 cfs per acre for supplemental irrigation of 155 acres and primary irrigation on the remaining 136 acres. The applicant uses 77.5 shares of surface water from Farmers Cooperative Ditch Company (share certificate Nos. 3990 and 3991) as the primary source of water on the acres proposed for supplemental irrigation. Each Farmers Cooperative share is equivalent to 2 acres of irrigation. Farmers Cooperative Ditch Company provides a reliable supply during the canal delivery season. As a result, very little supplementation is needed, except for periods prior to and after the canal operation season. Therefore, the majority of water required under the proposed permit will be the diversion rate ( $136 \text{ ac} \times 0.02 \text{ cfs/ac} = 2.72 \text{ cfs}$ ) and volume ( $136 \text{ ac} \times 4.5 \text{ af/ac} = 612 \text{ af}$ ) for up to 136 acres of primary irrigation.

Water that is diverted under 63-33907 will be used in an existing gravity ditch irrigation system and pivot sprinkler system.

- II. **Water Availability.** Water availability from the drain system varies seasonally. When water is not being delivered from the Farmers Cooperative Ditch Company and Black Canyon Irrigation District to upstream lands, flows within the drains consist of groundwater which discharges to the drains. Estimated flow rate of groundwater into the drains is 2 to 4 cfs. During the canal delivery season, the drain system also carries irrigation wastewater. At such times, drain flows may greatly exceed the 5.82 cfs requested for permit 63-33907.

**IDAPA 37.03.08, 40.05.f: Financial Resources**

As evidenced on dated aerial photography, the proposed place of use has been historically irrigated with surface water from Farmers Cooperative Ditch Company and drain water. The use of drain water was not claimed in the Snake River Basin Adjudication, and therefore was not decreed. The gravity ditch system to convey water from these sources has been in place many years and a new pivot sprinkler was added in early 2014. Consequently, no additional financial resources are required to implement the project because the infrastructure is already in place.

**IDAPA 37.03.08, 40.05.g: Local Public Interest**

Notice of the application has been sent to the local governing bodies including Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Canyon County Planning and Zoning, and Farmers Cooperative Ditch Company. Copies of the notices are included as Attachment B.

In addition to the above, you also requested documentation from the entity that controls the drains intended to be utilized, stating they have no objection to the use of the proposed drains. Included as Attachment C is correspondence with Drainage District No. 3. Drainage District No. 3 maintains the drain system that is tributary to the drain on the west side of the property. The Drainage District does not maintain the drain within the Places LLC property or downstream to Sand Hollow Creek. The other drains within the property are not associated with a drainage district, and are maintained by Places LLC. These drains contain wastewater from the Farmers Cooperative Ditch Company service area.

In summary, the data provided with this letter demonstrates that (1) there is water available for appropriation and (2) the water can be developed without significant impact to other water rights or local water users.

Please contact us with any questions. Thanks Kay.

Sincerely,



Lori Graves  
Water Right Specialist



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

cc: Jon Watson



Attachments

- Attachment A - Area Water Rights
- Attachment B - Comment Letters
- Attachment C – Drainage District No. 3 Authorization

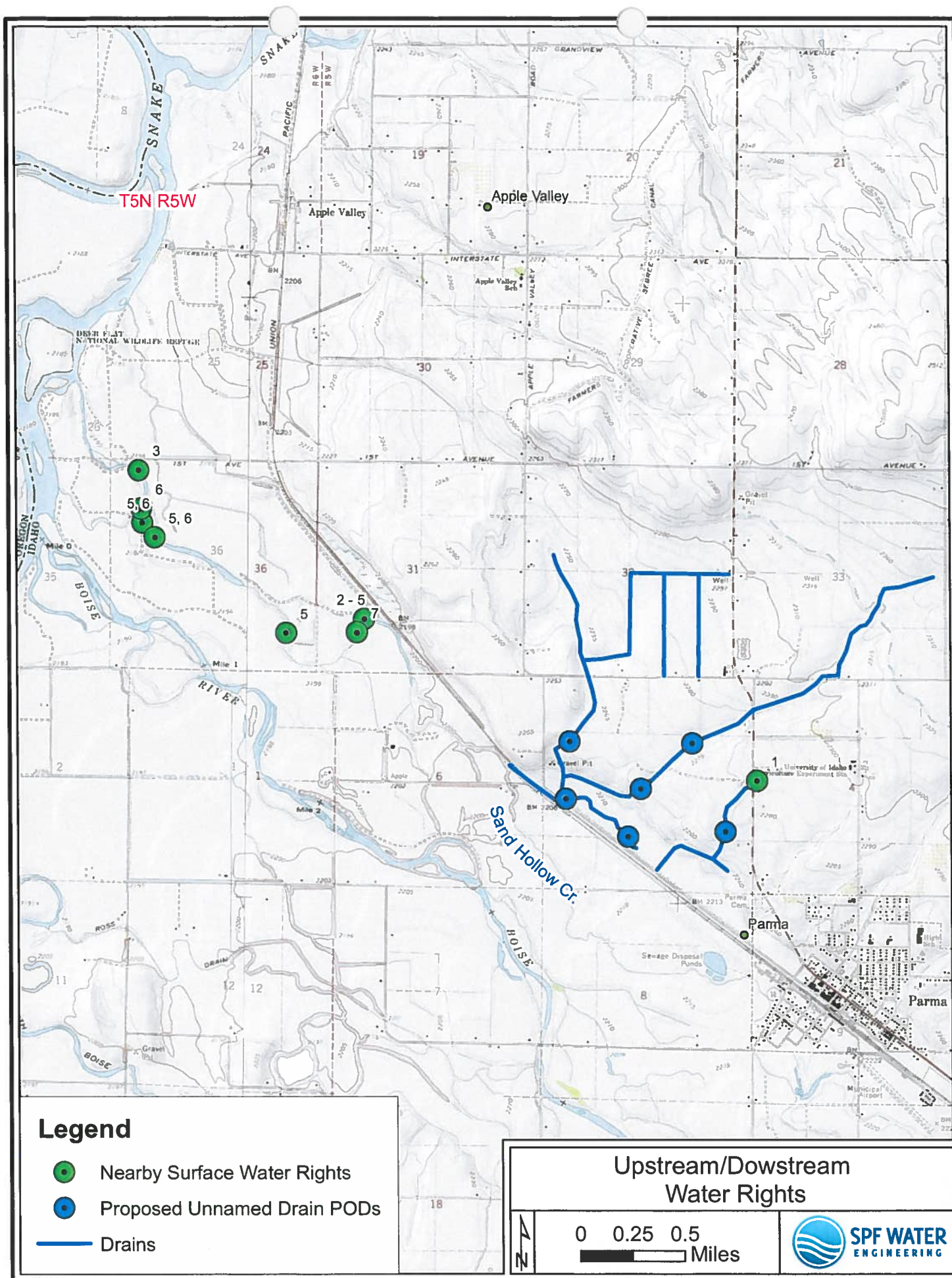
SPF file number: 1075.0010

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MAY 05 2014

WATER RESOURCES  
WESTERN REGION

**ATTACHMENT A**  
**NEARBY WATER RIGHTS**



## Upstream and Downstream Surface Water Rights

| Water Right | Basis   | Priority Da | Source            | Tributary   | Div. Rate (cfs) | Storage Ac-ft | Uses             | Owner            | Map No. |
|-------------|---------|-------------|-------------------|-------------|-----------------|---------------|------------------|------------------|---------|
| 63-21642    | Decreed | 3/1/1953    | UNNAMED DRAIN     | Boise River | 0.03            |               | Irrigation       | KAREN J CORNWELL | 1       |
| 63-4638     | Decreed | 11/6/1938   | SAND HOLLOW CREEK | Snake River | 0.68            |               | Irrigation       | STATE OF IDAHO   | 2       |
|             |         |             |                   |             | 2.36            |               | Wildlife         |                  |         |
| 63-4639     | Decreed | 11/25/1960  | SAND HOLLOW CREEK | Snake River | 0.12            |               | Irrigation       | STATE OF IDAHO   | 3       |
| 63-4717     | Decreed | 3/1/1938    | SAND HOLLOW CREEK | Snake River | 0.86            |               | Irrigation       | STATE OF IDAHO   | 4       |
| 63-9218     | Decreed | 3/12/1979   | SAND HOLLOW CREEK | Snake River | 5.16            |               | Div. to Storage  | STATE OF IDAHO   | 5       |
|             |         |             |                   |             |                 | 874.0         | Wildlife Storage |                  |         |
| 63-4640     | Decreed | 4/16/1962   | SAND HOLLOW CREEK | Snake River | 0.96            |               | Irrigation       | STATE OF IDAHO   | 6       |
|             |         |             |                   |             | 1.04            |               | Wildlife         |                  |         |
| 63-11812    | Permit  | 5/4/1992    | UNNAMED DRAIN     | Snake River | 2.00            |               | Wildlife         | STATE OF IDAHO   | 7       |
|             |         |             |                   |             |                 | 35.0          | Wildlife Storage |                  |         |
|             |         |             |                   |             | 2.00            |               | Div. to Storage  |                  |         |

**ATTACHMENT B**  
**COMMENT LETTERS**



**SPF WATER**  
ENGINEERING

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April 29, 2014

DEQ Boise Regional Office  
1445 N. Orchard St.  
Boise, ID 83706

Re: Proposed Water Right Development  
Places, LLC (Jon Watson, Manager)

To Whom It May Concern:

As part of processing of water right application 63-33907, the Idaho Department of Water Resources has requested that the applicant, Places, LLC, seek comment on the application from local governing bodies. Attached for your review and comment is a copy of the application. Please contact me or the Department of Water Resources with any questions related to the application.

Your comment letter should be submitted to Kay Walker with IDWR, who is processing the application and can be reached at the following address and phone number:

Kay Walker  
Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID. 83705-5082  
208-334-2190

Thank you for your consideration of this matter.

Sincerely,

Lori Graves

Enclosures

cc: Jon Watson, Kay Walker

SPF Job No.: 1075.0010



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MAY 05 2014

WATER RESOURCES  
WESTERN REGION

April 29, 2014

Farmers Cooperative Ditch Company  
PO Box 729  
Parma, ID 83660

Re: Proposed Water Right Development  
Places, LLC (Jon Watson, Manager)

To Whom It May Concern,

As part of processing of water right application 63-33907, the Idaho Department of Water Resources has requested that the applicant, Places, LLC, seek comment on the application from local governing bodies. Attached for your review and comment is a copy of the application. Please contact me or the Department of Water Resources with any questions related to the application.

Your comment letter should be submitted to Kay Walker with IDWR, who is processing the application and can be reached at the following address and phone number:

Kay Walker  
Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID. 83705-5082  
208-334-2190

Thank you for your consideration of this matter.

Sincerely,

Lori Graves

Enclosures

cc: Jon Watson, Kay Walker

SPF Job No.: 1075.0010



SPF WATER  
ENGINEERING

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April 29, 2014

Jerry Deal  
Regional Wildlife Habitat Manager  
IDF&G SW Regional Office  
3101 S. Powerline Rd.  
Nampa, ID 83686

Re: Proposed Water Right Development  
Places, LLC (Jon Watson, Manager)

Dear Mr. Deal,

As part of processing of water right application 63-33907, the Idaho Department of Water Resources has requested that the applicant, Places, LLC, seek comment on the application from local governing bodies. Attached for your review and comment is a copy of the application. Please contact me or the Department of Water Resources with any questions related to the application.

Your comment letter should be submitted to Kay Walker with IDWR, who is processing the application and can be reached at the following address and phone number:

Kay Walker  
Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID. 83705-5082  
208-334-2190

Thank you for your consideration of this matter.

Sincerely,

Lori Graves

Enclosures

cc: Jon Watson, Kay Walker

SPF Job No.: 1075.0010



SPF WATER  
ENGINEERING

April 29, 2014

Steve Rule  
Canyon County Commissioner, District 1  
1115 Albany Street, Room 101  
Caldwell, ID 83605

Re: Proposed Water Right Development  
Places, LLC (Jon Watson, Manager)

Dear Mr. Rule,

As part of processing of water right application 63-33907, the Idaho Department of Water Resources has requested that the applicant, Places, LLC, seek comment on the application from local governing bodies. Attached for your review and comment is a copy of the application. Please contact me or the Department of Water Resources with any questions related to the application.

Your comment letter should be submitted to Kay Walker with IDWR, who is processing the application and can be reached at the following address and phone number:

Kay Walker  
Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID. 83705-5082  
208-334-2190

Thank you for your consideration of this matter.

Sincerely,

Lori Graves

Enclosures

cc: Jon Watson, Kay Walker

SPF Job No.: 1075.0010

**ATTACHMENT C**

**CANYON COUNTY DRAINAGE DISTRICT NO. 3 AUTHORIZATION**



**SPF WATER**  
ENGINEERING

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April 29, 2014

Kent Mann  
Chairman, Canyon County Drainage District No. 3

Via email: [mmfeedlot@frontiernet.net](mailto:mmfeedlot@frontiernet.net)

Re: Proposed Water Right Development  
Places, LLC (Jon Watson, Manager)

Dear Kent,

As part of processing of water right application 63-33907, the Idaho Department of Water Resources has requested that the applicant, Places, LLC, seek documentation from the entity in control of the drains that are intended to be utilized. The documentation needs to state that they have no objection to the use of these drains as proposed. Attached for your review is a copy of the application.

Drainage District No. 3 maintains the drain system that is tributary to the drain on the west side of the property. The Drainage District does not maintain the drain within the Places LLC property or downstream to Sand Hollow Creek. The other drains within the property are not associated with a drainage district, and are maintained by Places LLC. These drains contain wastewater from the Farmers Cooperative Ditch Company service area.

Per the Department's request, please provide me documentation indicating whether Drainage District No. 3 does or does not object to this proposal. Feel free to contact me (383-4140) or the Department (Kay Walker, 334-2190) with any questions related to the application.

Thank you for your consideration of this matter.

Sincerely,

Lori Graves

Enclosures

cc: Jon Watson, Kay Walker

SPF Job No.: 1075.0010

April 30, 2014

Lori Graves  
SPF Water Engineering

Dear Lori,

In regards to the water right application 63-33907, Drainage District No. 3 has no objection to the proposal concerning the use of these drains. Please feel free to contact me with any other questions or concerns you have concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'KM' followed by a horizontal line.

Kent Mann  
Chairman, Canyon County Drainage District No. 3



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 18, 2014

PLACES LLC  
C/O LORI GRAVES  
SPF WATER ENGINEERING LLC  
300 E MALLARD DR STE 350  
BOISE ID 83706

RE: Applications for Permit 63-33907 and 63-33908

Dear Lori:

We have completed an initial review of the above referenced applications for permit.

Application 63-33908 filed for wildlife, aesthetic and recreation uses will not be processed at this time. We have other applications for wildlife uses pending in this area that were filed prior to this application, so we will hold this until we can process them all together.

Application 63-33907 is being processed. To assist the Idaho Department of Water Resources (IDWR) in completing the initial processing steps, please submit additional information required by I.C. Section 42-203A(5)(a-e) for "large diversion projects". This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05C through 040.05g (copy attached):

1. Effect on existing water rights
2. Sufficiency of water supply
3. Financial resources
4. Local public interest

In addition to the above, we also need to have something from the irrigation district or other entity that is in control of the drains that are intended to be utilized. We need some sort of documentation that states they have no objection to the use of these drains under this proposal.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information if necessary. Your written response is needed within the next thirty days. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay", with a stylized flourish at the end.

KAY WALKER  
Sr. Water Resource Agent

Enclosure

## **Water Appropriation Rules 40.05.c through 40.05.g**

**c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:**

- i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.
- ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

**d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:**

- i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

**e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:**

- i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.
- ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

**f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:**

- i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.
- ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

**g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:**

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

## Walker, Kay

---

**From:** Jon Watson [jon@SOOBRAND.COM]  
**Sent:** Monday, April 14, 2014 9:46 AM  
**To:** Walker, Kay  
**Subject:** 63-33907; 63-33908

Kay

Please be advised that SPF water will be assisting Places LLC on these applications.

✓ DE 4/15/14  
KW

Jon C. Watson Manager Places LLC.

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Friday, March 14, 2014 3:31 PM  
**To:** 'Lori Graves'  
**Subject:** RE: Places, LLC

Hi Lori:

These will be assigned for processing soon. Just glancing at them, some significant questions come to mind, imagine SPF & client have already thought about some issues. Review will include some type of request for more information. Cannot devote time to that today but something soon should gear up.

Steve

---

**From:** Lori Graves [<mailto:LGraves@spfwater.com>]  
**Sent:** Friday, March 14, 2014 11:56 AM  
**To:** Lester, Steve  
**Subject:** Places, LLC

Steve, could you please give me the status for the applications 63-33907 and 63-33908.

Regards,  
Lori

---

**Lori Graves | Water Rights Specialist**

SPF Water Engineering, LLC  
300 E Mallard Drive, Suite 350 | Boise, ID 83706  
p. 208.383.4140 | f. 208.383.4156 | c. 208.869.4569  
e. [lgraves@spfwater.com](mailto:lgraves@spfwater.com) | w. [www.spfwater.com](http://www.spfwater.com)

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