

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

Ident. No. 65-23489

1. Name of applicant(s) ROY MITCHELL SUSAN MITCHELL Phone 939 4184
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address: 14449 W. STOCKWELL STREET City BOISE
 State ID Zip 83713 Email: roymitche16@hotmail.com
 2. Source of water supply SPRING which is a tributary of SINKS
 3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
6N	2E	8		SW	NE	NE	BOISE	SPRING	

4. Water will be used for the following purposes:

Amount 0.02 for STOCK purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.02 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.05*15 for IRRIGATION purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per year) SEE MEMO DATED 1/29/14Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- 19 0.05*
- 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. _____

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 ☐ Noe. 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. FIVE CATTLE

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households ONE

e. Other; describe fully. _____

RECEIVED

APR 17 2012

WATER RESOURCES
WESTERN REGION* RM 7/2/2012

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	2E	8	S																5
			DS																

Total number of acres to be irrigated: 5

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? _____
- b. Who owns the land to be irrigated or place of use? _____
- 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. GPS COORDINATES FOR SPRING - 116.2389, 43.8762 DECIMAL DEGREE
DOMESTIC AND STOCK SAME AS IRRIGATION
DEVELOP SPRING, GRAVITY FEED TO STOCK/STORAGE TANK, PUMP TO
PRESSURIZED IRRIGATION SPRINKLERS AND HOME.

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

Roy MITCHELL

Print Name (and title, if applicable)

Signature of Applicant

Susan A Mitchell

Print Name (and title, if applicable)

For Department Use:

Received by RS Date 4-17-12 Time 11:16am Preliminary check by _____
 Fee \$ 100 Received by RS Receipt No. W040090 Date 4-17-12

T6N
R2E

POV

POD

Mitchell
Lot RP 6402 E 80270

JEEP

TRAIL

Home Lake

Robbs

Creek

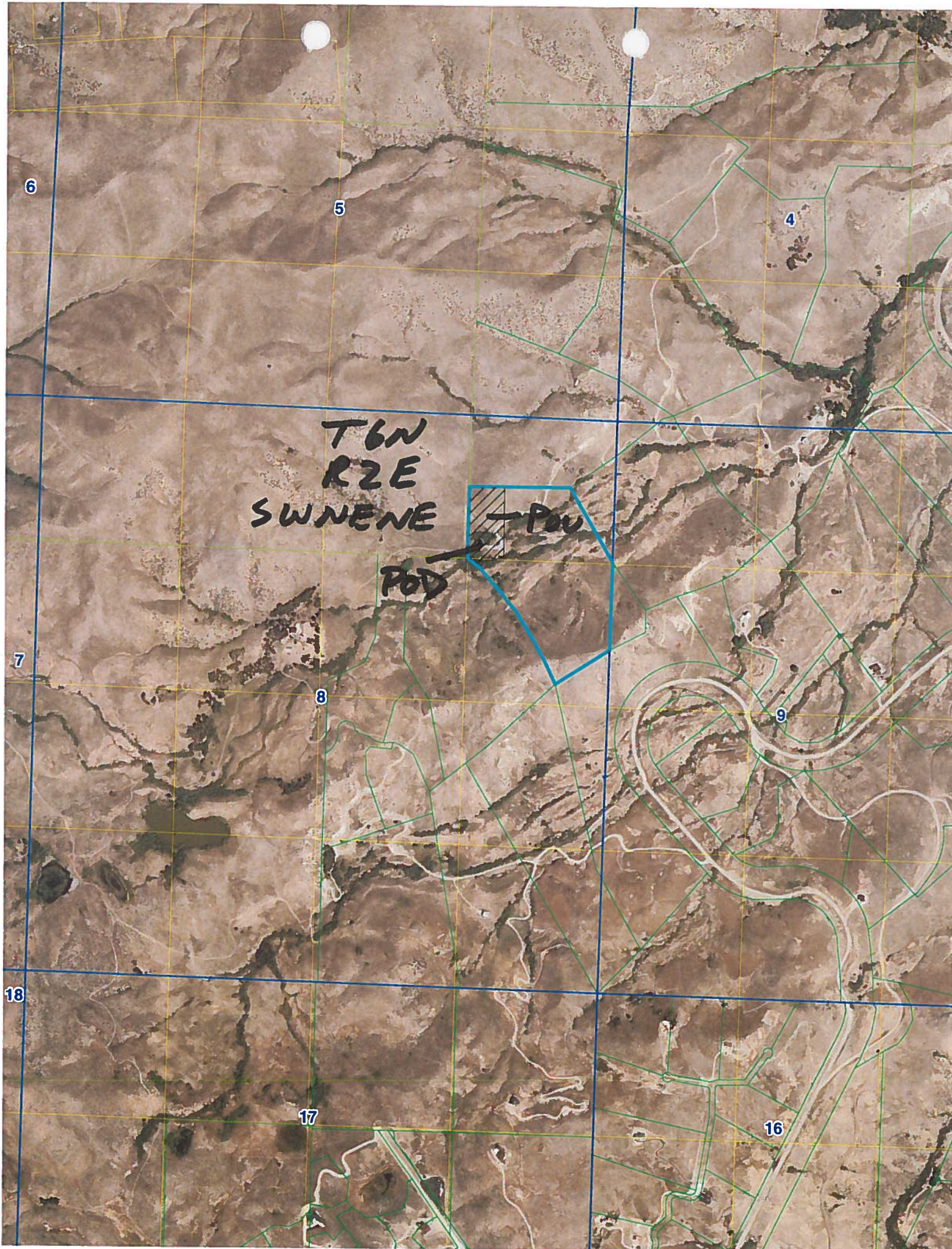
BM 3383

BM

ROAD

Creek

65-23489



Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, February 04, 2014 12:13 PM
To: 'wd65@srvinet.com'
Subject: Applications for Permit
Attachments: Application 65-23489.pdf; Application 65-23553.pdf

February 4, 2014

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

RE: Application for Permit No's: 65-23489, 65-23553

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 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 within 21 days.

The protest deadline for any interested party is 2/24/2014. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

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, January 29, 2014 4:56 PM
To: 'EDITOR@IDAHOWORLD.COM'
Subject: Boise Legal Ad
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Good Afternoon Theresa,

Please see the attached ad for publication on 2/5/2014 & 2/12/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

January 29, 2014

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

RE: Application For Permit No's: 65-23489, 65-23553, 65-23567

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 2/24/2014.** 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:

65-23489

ROY MITCHELL
SUSAN MITCHELL
14449 W STOCKWELL ST
BOISE, ID 83713
Point of Diversion SWNE S8 T06N R02E BOISE County Source SPRING Tributary SINKS
Use: DOMESTIC, STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.04 CFS
Date Filed: 4/17/2012
Place of Use: DOMESTIC, STOCKWATER
T06N R02E S8 NENE

65-23553

US DEPT OF AGRICULTURE
FOREST SERVICE
1249 S VINNELL WAY STE 200
BOISE, ID 83709-1663
Point of Diversion L11(NESWSW) S28 T09N R03E BOISE County Source PAYETTE RIVER Tributary SNAKE RIVER
Use: DOMESTIC, FIRE PROTECTION 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/31/2013
Place of Use: DOMESTIC, FIRE PROTECTION
T09N R03E S28 L11(SWSW)

65-23567

GEORGE HOBBS
DARLENE HOBBS
7073 SOUTHERN VISTA CT
STAR, ID 83669
Point of Diversion SENE S34 T10N R04E BOISE County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/15 to 10/31 0.06 CFS
Total Diversion: 0.1 CFS
Date Filed: 10/23/2013
Place of Use: DOMESTIC, IRRIGATION
T10N R04E S34 SENE
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 2/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/5/2014 and 2/12/2014

MEMORANDUM

To: File 65-23489

From: Sharla

Date: January 29, 2014

RE: Telecon with Applicant

On this date, Mr. Mitchell called in response to my 1/15/14 letter. He agrees to the conditions that will be placed on the permit and asked that the application be processed for the stockwater and domestic purposes only.

I told Mr. Mitchell that I would document the file concerning our conversation and would finish my review so that the application can go to advertising.



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

January 15, 2014

Roy & Susan Mitchell
14449 W. Stockwell St.
Boise, ID 83713

RE: Application for Permit No. 65-23489

Dear Mr. and Mrs. Mitchell:

I am writing this letter in follow up to our phone conversation a couple of weeks ago. Although your source (a spring) may sink, it is still presumed to be hydraulically connected to downstream surface water (Robbs Creek, Shafer Creek, etc). The results and conclusions from last year's field work and data gathering confirm that water is not available for new consumptive use.

In the case of your application, it is not feasible for us to authorize use of water from a spring for irrigation use. We can, however, issue a permit for the stockwater and domestic uses identified in the application because these uses are considered non-consumptive. The domestic use would allow you to irrigate up to ½ acre lawn, garden, trees, landscape, etc. You should be aware though that the permit would include the following conditions:

The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.

Upon notification by the Department, the right holder shall contact the watermaster by June 15 each year for authorization to continue diverting under this right. When required to contact the watermaster, the right holder shall provide sufficient information to the watermaster to verify there is sufficient water available for downstream senior rights, including unnamed streams tributary to Robbs Creek, Robbs Creek or Shafer Creek downstream from its confluence with Robbs Creek. The department may amend the June 15 contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.

Please let us know how you wish to proceed with this application. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".
SHARLA CURTIS
Sr. Water Resource Agent

Curtis, Sharla

From: Curtis, Sharla
Sent: Wednesday, July 25, 2012 4:27 PM
To: 'roymitchell@hotmail.com'
Subject: Application for Permit 65-23489

Mr. Mitchell,

As I told you when we spoke last week, my review isn't the final determination of action in regards to your application. I told you I would discuss the information you provided with my supervisors to determine if we could proceed with processing your filing. As a result of that discussion I learned that the Department has done some field work and is gathering data (and will continue to do so probably through the end of next year's runoff period) to help determine what to do with new applications in this area.

Although your source may sink, it is still presumed to be hydraulically connected (underground flow) to downstream surface water (Robbs Creek, Shafer Creek, etc). Physical inspection of downstream sources indicate that by the summer months, streams are totally dry and other senior water rights cannot be satisfied with what little water there is early in the season. Until we finish gathering the data, your application will be placed on hold along with the other applications that have been filed in recent months. I will enter your application on a tickler file so that I can give you an update of department findings/recommendations as a result of the data we gather and we can go from there.

Thank you for your continued patience in this matter.

Sharla Curtis
Sr. Water Resource Agent
IDWR

MEMORANDUM

To: Application for Permit 65-23489

From: Sharla

Date: July 17, 2012

On July 2, Roy Mitchell met with me to discuss my letter of June 28. He described the source as a marshy area where water rises from the ground on his property. The water does not flow anywhere and for that reason the tributary was listed as "sinks". After describing what his intentions are for irrigation and after I explained how many gallons per minute he was requesting for that use, he readily agreed that 0.15 cfs was more than he would be diverting or needed. He's going to start with a few fruit trees and then maybe plant a few other trees in the future. The narrative he provided in the application indicated the use of pressurized irrigation sprinklers, however, as he stated in his note received along with the photos on July 6, he wants to use some type of solar power to run a small pump from the spring to a holding tank, the home and whatever watering system he devises for the trees. At that time, he amended the rate for irrigation and total rate to 0.05 cfs.

I asked Mr. Mitchell to take some photos and send them to me which he did. In his note, the applicant states that the wire fence shown in the photos keep the cows out of the spring area. After I received the photos, I again spoke with the applicant. He told me that Mr. Loomis(Sands LLC) has a "spring" identical to this one; he developed a box at the spring for diversion and use and was the person who encouraged Mr. Mitchell to develop his spring in the same manner. The water is in the dark areas on the photos; dense trees, bushes and foliage maintain the marsh. The attached aerial photo confirms the dense area. I've also identified all pod's in close proximity; the closest being the spring used under Right 65-3504 in the name of Sands LLC.

Even if the source sinks, it is still presumed to be hydraulically connected to downstream surface water (Robbs Creek, Shafer Creek, etc). We are gathering more data (probably through the end of next year's runoff period) to help determine what to do with new applications in this area. Until then, the file will be placed on hold and the applicant will be notified of this action.

T6N
R2E

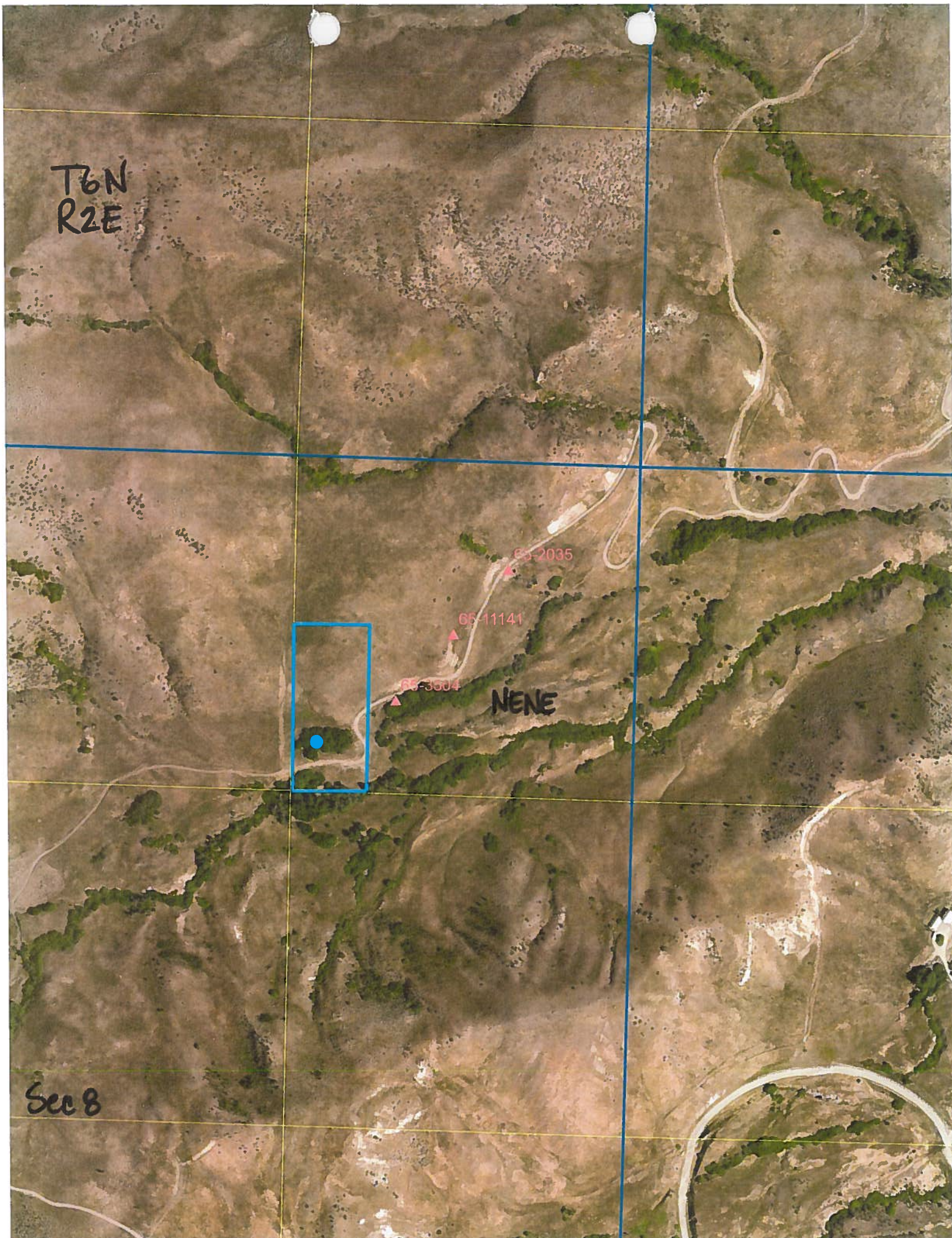
65-2035

65-11141

65-3504

NENE

Sec 8



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JUL 06 2012

SHARLA,

WATER RESOURCES
WESTERN REGION

LET ME KNOW IF THESE
PICTURES ARE SUFFICIENT.
THE WIRE FENCE HELPS
KEEP THE COWS OUT.

AS FOR IRRIGATION, I WILL
PLANT A FEW (4 OR 5) FRUIT
TREES TO START. MY PLAN IS
TO HAVE A SOLAR POWER
SOURCE THAT WILL RUN AN
ELECTRIC PUMP. AS I
MENTIONED, I WILL ALSO
PLACE A 300/400 GALLON
HOLDING TANK.

Roy Mitchell







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
Interim Director

June 28, 2012

Roy & Susan Mitchell
14449 W. Stockwell St.
Boise, ID 83713

RE: Application for Permit No. 65-23489

Dear Mr. and Mrs. Mitchell:

The Idaho Department of Water Resources (IDWR) received your application for permit requesting a new water right from a spring in Boise County. The department has reviewed several recent filings in the general area where you seek development of the spring. Because of this, there are significant concerns about water availability in that area.

Your filing seeks the diversion of 0.19 cfs (approximately 90 gallons per minute) from a spring which you indicate sinks. This is a considerable amount of water to be appropriated from a spring and most unlikely to sink into the ground before entering another surface water source.

Before we can give further consideration to your application, you need to provide us with the following:

- 1) Evidence to show that there is indeed 90+ gpm available for appropriation from the spring.
- 2) Evidence to confirm the spring is not tributary to Robbs Creek or another surface water source.
- 3) Information showing there will be no injury to any other water rights.

I am enclosing a document which I have highlighted to help you in gathering the information we have requested. Please submit the 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 sixty (60) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. I am also enclosing a list of consultants that have expertise in water rights if you desire to seek their assistance with this filing. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosure