

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

Ident. No. 67-15096 **RECEIVED**

MAY 15 2013

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) Howard S. Commers / Shannon M. Commers Phone (208) 258-4962 or 4961  
Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address: 7190 West Baron Avenue City BoiseState ID Zip 83714 Email: stevecommers@hotmail.com (and) shannon.commers@yahoo.com2. Source of water supply un-named spring which is a tributary of Goodrich Creek

3. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | ¼ | ¼  | ¼  | County | Source          | Local name or tag # |
|-----|-----|-----|----------|---|----|----|--------|-----------------|---------------------|
| 16n | 2w  | 30  |          |   | nw | se | Adams  | un-named spring |                     |
|     |     |     |          |   |    |    |        |                 |                     |
|     |     |     |          |   |    |    |        |                 |                     |
|     |     |     |          |   |    |    |        |                 |                     |

4. Water will be used for the following purposes:

Amount 1 af for (W) wildlife purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per year)Amount 1 af for (J) aesthetic purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per year)Amount 1 af for (R) recreation purposes from Jan 1 to Dec 31 (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) \_\_\_\_\_ cubic feet per second (cfs) and/or (b) 1 af acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Natural run off plus pipe from upstream spring box which is unused portion of flow allocated to applicants by Appropriation Permit No. 67-15078 (see Item 11 narrative)b. Height of storage dam +/- 6 feet; active reservoir capacity < 1af acre-feet; total reservoir capacity aprox. 1 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 ☒ Noc. Proposed well diameter is N/A 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? N/A; 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; show name of municipality or the applicant's qualifications as a municipal provider. N/A

d. Domestic; show number of households \_\_\_\_\_

e. Other; describe fully. \_\_\_\_\_

6/27/13

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 |        |
| 16n | 2w  | 30  |    |    |    |    |    |    |    |    |    |    |    |    |    | WJR |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |

Total number of acres to be irrigated: \_\_\_\_\_

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? N/A 6/27/13

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 applicants hold Appropriation Permit No. 67-15078 for Domestic use which allows a diversion rate of 0.04 CFS. This volume is approximately 25% of the underground flow of the spring in question. The allotted flow is being diverted by means of a collection bed with perforated pipe and piping to a spring box from which it is pumped to a holding tank for domestic use. Excess water is being returned to the surface flow channel which has a negligible seasonal rate. This, essentially underground, spring is in a steep narrow draw which bisects our property. Fill across this draw to provide access to the southwest portion of the property will create a dam to the surface flow but will not (cont. on additional sheet)
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

Howard S. Commers  
Print Name (and title, if applicable)

  
Signature of Applicant

Shannon M. Commers  
Print Name (and title, if applicable)

For Department Use:

Received by JA Date 5/15/2013 Time 3:29 Preliminary check by VLM  
Fee \$ 100.00 Receipted by JA Receipt No. W041136 Date 5/15/2013

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WATER RESOURCES  
WESTERN REGION

**Application for Permit**

COMMERS

Item 11 (cont.):

disturb the underground flow of the spring.

The proposal is to clear, grade, and line (by organic means) an area in the draw above the fill (dam) that will collect and hold winter and spring run off water plus the overflow from the spring box mentioned in item 6.(a) of this application.

The level in the pond that is formed will be regulated by means of piping through the fill with riser(s) in the pond that are cut off at the desired water level. The level control riser(s) will be protected from clogging by debris with a screening system.

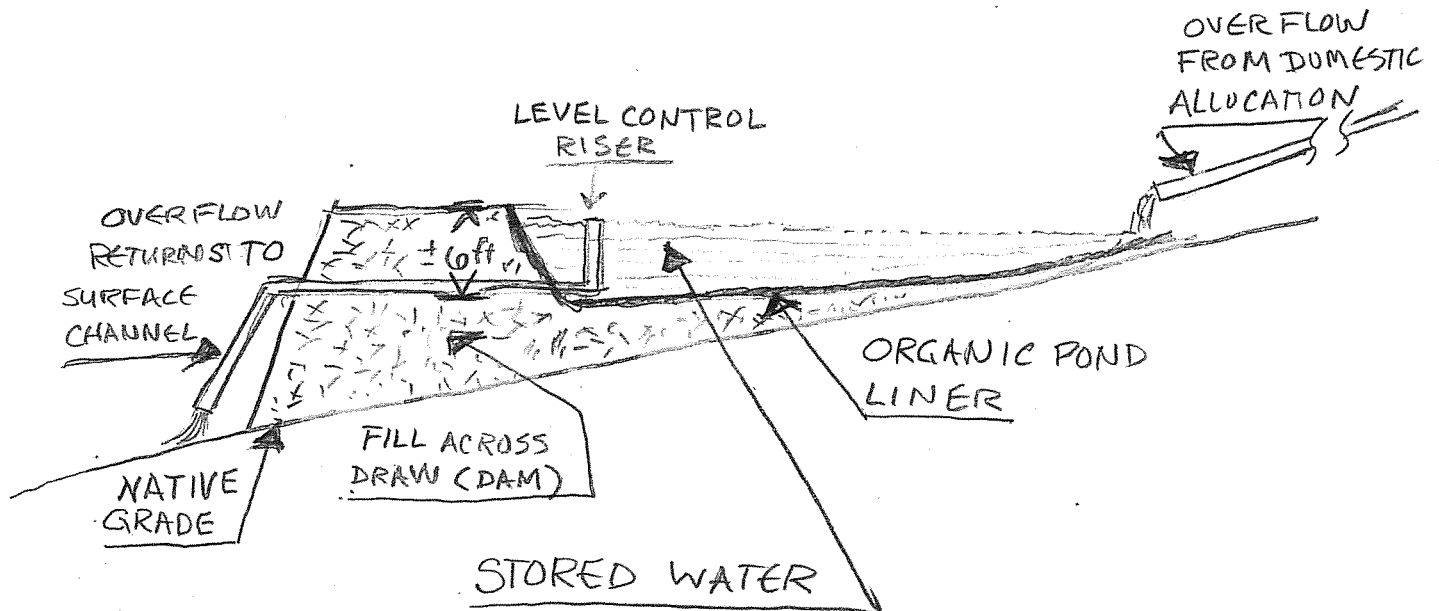
It is understood that in-stream ponds are not the most desirable due to down-stream impact and difficulty measuring and controlling flow through the pond. However, it is our feeling that the impact on the underground flow of this spring will be minimal, if any. Water flow in excess of the already allocated volume will be returned to the surface channel via the level control system described.

Due to the lay of the land and soil types, it would not be feasible to create an off-stream area to store water for the intended purpose without incurring unreasonable costs and a level of negative environmental impact. It is our intent to enhance not compromising the aesthetics and water quality of this picturesque wildlife habitat and our future home.

## Application for Permit

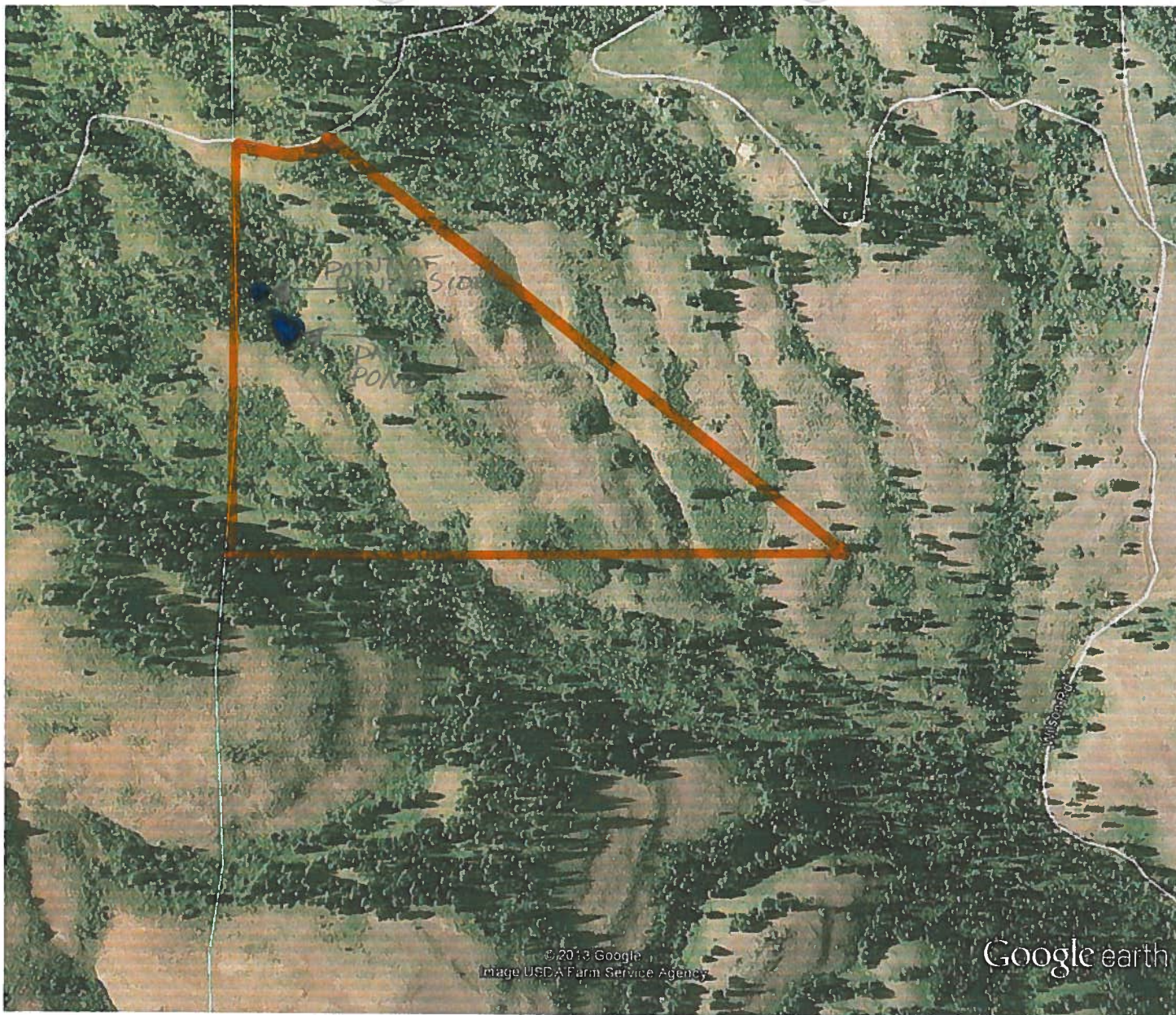
### COMMERS

Sketch of purposed dam and pond.



surface area:  $\pm 10,000$  sq.ft.  
average depth: 4 ft.  
est. volume :  $< 1\text{af}$

NO SCALE



Google earth

feet 3000  
km 1

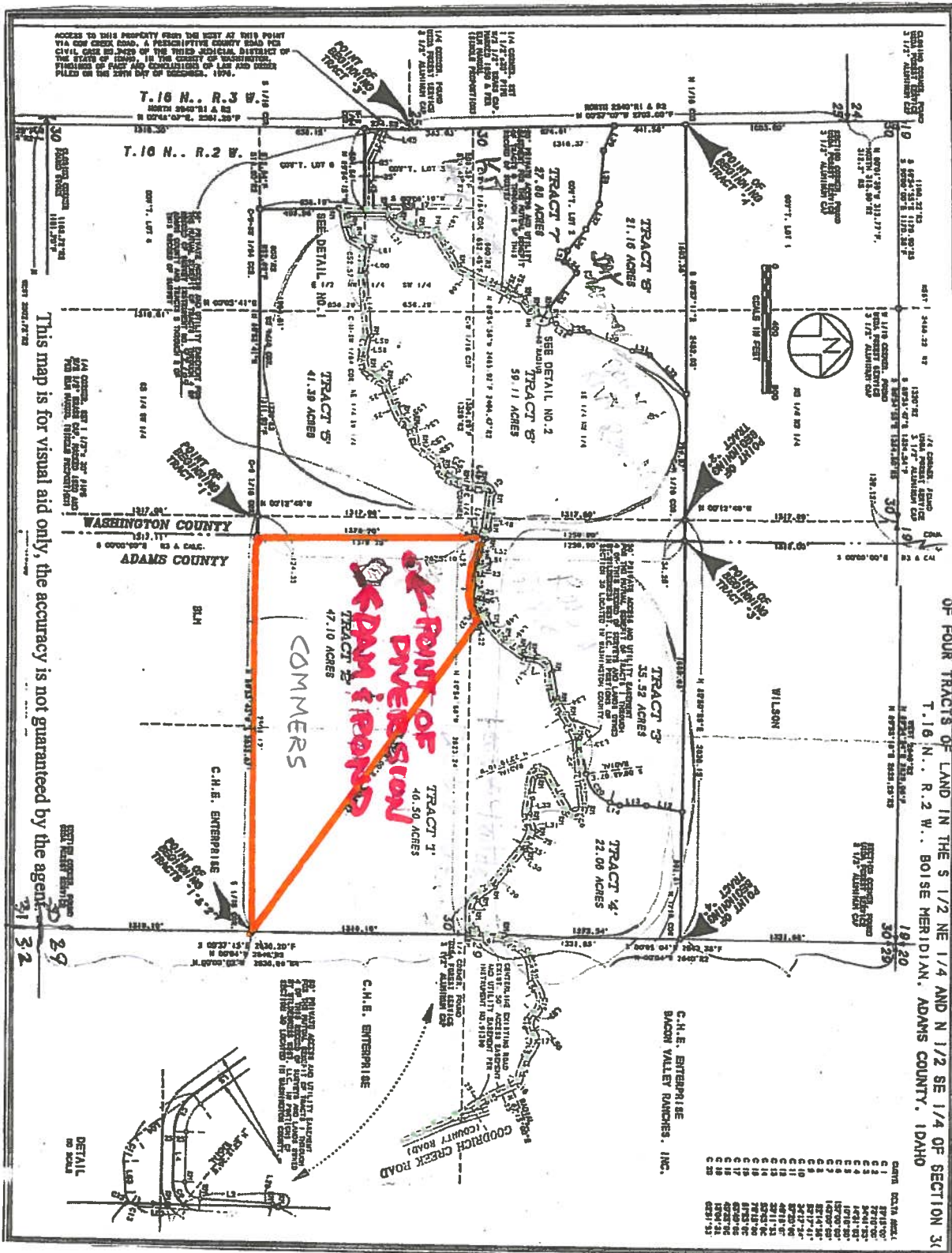


APPLICATION FOR PERMIT

COMMERS

67-15096

**This parcel, containing +/- 47.1 acres, is located in Twp 16n, Rge 2w, Sec 30. and is commonly known as Tract "2" of the Turkey Tracks subdivision.**



## Sommer, Rachel

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**From:** Sommer, Rachel  
**Sent:** Wednesday, July 10, 2013 4:52 PM  
**To:** 'watermaster67@hotmail.com'  
**Subject:** Applications for Permit  
**Attachments:** Permit App 67-15093.pdf; Amended Permit App 67-15093.pdf; Permit App 67-15096.pdf; Watermaster Recommendation Form.docx

July 10, 2013

BRANDI HORTON  
WATER DISTRICT #67  
2297 SNAPP LN  
MIDVALE ID 83645

**RE: Application for Permit No. 67-15093 & 67-15096**

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(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office within 30 days.

The protest deadline for any interested party is August 5, 2013. 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(s) 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  
IDWR, Western Region  
Office: 208-334-2190  
Fax: 208-334-2348  
[rachel.sommer@idwr.idaho.gov](mailto:rachel.sommer@idwr.idaho.gov)

## Sommer, Rachel

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**From:** Sommer, Rachel  
**Sent:** Wednesday, July 10, 2013 11:58 AM  
**To:** 'LEGALS@THEADAMSCOUNTYRECORD.COM'  
**Subject:** Adams Legal Ad  
**Attachments:** Adams Cover Letter.docx; Adams Legal Ad.docx

Good Morning Gamaliel Masters,

Please see the attached ad for publication on 7/17/2013 & 7/24/2013.

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

July 10, 2013

LEGAL NOTICE DEPARTMENT  
THE RECORD  
PO BOX R  
COUNCIL, ID 83612

RE: Application For Permit No's: 67-15093 & 67-15096

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 8/5/2013. 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:

**67-15093**

JIM O MEAD  
3241 HWY 55  
NEW MEADOWS, ID 83654  
Points of Diversion SWNWNE SENWNE S32 T15N R01W ADAMS County Source SPRINGS Tributary GRAYS CREEK  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: STOCKWATER 01/01 to 12/31 0.02 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 5/9/2013  
Place of Use: DOMESTIC, STOCKWATER  
T15N R01W S32 NWNE

**67-15096**

HOWARD S COMMERS  
SHANNON M COMMERS  
7190 W BARON AVE  
BOISE, ID 83714  
Point of Diversion NWSE S30 T16N R02W ADAMS County Source SPRING Tributary GOODRICH CREEK  
Use: AESTHETIC, RECREATION, WILDLIFE 01/01 to 12/31 1 AF  
Total Diversion: 1 AF  
Date Filed: 5/15/2013  
Place of Use: AESTHETIC, RECREATION, WILDLIFE  
T16N R02W S30 NWSE

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 8/5/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/17/2013 and 7/24/2013

## Music, Vicky

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**From:** Music, Vicky  
**Sent:** Thursday, June 27, 2013 11:17 AM  
**To:** 'Steve Commers'  
**Subject:** RE: application for Permit for water 67-15096

That sound great. Seen you soon. Thanks. Vicky

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**From:** Steve Commers [<mailto:stevecommers@hotmail.com>]  
**Sent:** Thursday, June 27, 2013 10:52 AM  
**To:** Music, Vicky  
**Subject:** RE: application for Permit for water 67-15096

Good morning Vicky,

I appologize for the inconvenience. I know how busy you get.

I will be able to get to your office today before noon if that works for you.

Regards,

Steve Commers

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**Subject:** application for Permit for water 67-15096  
**Date:** Thu, 27 Jun 2013 09:51:28 -0600  
**From:** [Vicky.Music@idwr.idaho.gov](mailto:Vicky.Music@idwr.idaho.gov)  
**To:** [stevecommers@hotmail.com](mailto:stevecommers@hotmail.com); [shannon.commers@yahoo.com](mailto:shannon.commers@yahoo.com)

Good morning Mr. and Mrs. Commers:

The application has been assigned to me for review and processing, however, it is incomplete. Specifically, responses to item # 9 re other water rights on the property, and # 10 re ownership of the place of use and point of diversion, are required. Otherwise, the application is fine.

The original application cannot leave the Dept office, so please contact me as to when one of you can visit the office and complete the application, and initial and date the additions, so that I can continue my analysis, and forward the application to advertising. Please call with questions. Thank you.

Sincerely,

Vicky Music  
Sr. Water Resource Agent  
IDWR Western Region  
2735 Airport Way  
Boise, ID 83705  
208.334.2190

Howard S. and/or Shannon M. Commers  
7190 West Baron Ave.  
Boise, ID 83714

Phone: (208) 258-4962  
Email: stevecommers@hotmail.com

May 14, 2013

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

**RECEIVED**

**MAY 15 2013**

WATER RESOURCES  
WESTERN REGION

**RE: Application for Permit**

**To Whom It May Concern:**

The undersigned applicants are current water right (67-15078) holders on the unnamed seep spring addressed in this application. The allocation from that right is being diverted by means of a collection bed where the spring seasonally surfaces and to a spring box from where it is pumped to a storage tank for domestic use. The flow from this diversion is equal to or less than the 0.04 cfm domestic allotment. The overflow from that allotment will be utilized to maintain the water level when the storage pond is permitted.

This spring has a minimal seasonal surface flow across our property and we would like to capture the early runoff and supplement it with the overflow from our spring box to create a pond a short distance (+/- 100 ft.) down the draw from our collection point.

Included with our application please find the following enclosures:

\$100.00 Fee    Check # 2640  
Continuation of Item #11 narrative.  
Sketch of purposed Dam and pond.  
Satellite photo showing property, domestic diversion and purposed pond.  
Map showing location of property.

Thank you for considering this application.

Yours truly,



Howard S. and Shannon M. Commers