

RECEIVED

FEB 12 2013

WATER RESOURCES
WESTERN REGION

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

Ident. No. 63-33744

1. Name of applicant(s)
- Alberta & Eugene J. Daffner dba A & E Family Enterprises, LLC
- Phone
- 208 559-8685

Name connector (check one): ☐ and ☐ or ☒ and/orMailing address: 10729 Farmer RoadCity NampaState ID Zip 83686Email: ALBERTA-GENE@LIVE.COM

2. Source of water supply
- Ground Water

which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
02N	03W	9		<u>NE</u>	SE	NE	CANYON	GROUND WATER	

4. Water will be used for the following purposes:

Amount 0.3 for Irrigation purposes from MAR 1 to NOV 15 (both dates inclusive)
(cfs or acre-feet per year)Amount 10.2.02 for water cattle 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)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- .32
- 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. Well pump and ditches

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is 10 inches; proposed depth of well is 400 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. 15 Range Cattle

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

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	
02N	03W	9				15													15-24 16 AC

Total number of acres to be irrigated: 15

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE

10. a. Who owns the property at the point of diversion? Alberta and Eugene J. Daffner (A&E Family Enterprises, LLC)
- b. Who owns the land to be irrigated or place of use? Alberta and Eugene J. Daffner (A&E Family Enterprises, LLC)
- 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. Water is to be used to grow crops or pasture and to water cattle.

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
Eugene J. Daffner
 Print Name (and title, if applicable)


 Signature of Applicant
Alberta Daffner
 Print Name (and title, if applicable)

For Department Use:

Received by KW Date 2-12-2013 Time 2:50 Preliminary check by KW
 Fee \$ 250.00 Received by MS Receipt No. W6A0861 Date 2/12/13



IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 130
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

Project No. 12-126

November 5, 2012

**DESCRIPTION FOR
DAFFNER-16.26 ACRE PARCEL**

A parcel of land located in the S 1/2 of the NE 1/4 of Section 9, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

BEGINNING at the E 1/4 corner of said Section 9 from which the NE corner of said Section 9 bears North 00°26'47" East, 2655.62 feet;

Thence along the East-West centerline of said Section 9 South 89°43'20" West, 1,188.59 feet to a point on the approximate centerline of the Mora Canal;

Thence along said centerline the following 8 courses:

Thence leaving said East-West centerline North 30°11'11" East, 386.11 feet;

Thence 242.18 feet along the arc of a curve to the right having a radius of 375.00 feet, a central angle of 37°00'08", and a long chord which bears North 48°41'15" East, a distance of 237.99 feet;

Thence North 67°11'19" East, 491.65 feet;

Thence 79.02 feet along the arc of a curve to the left having a radius of 100.00 feet, a central angle of 45°16'21", and a long chord which bears North 44°33'08" East, a distance of 76.98 feet;

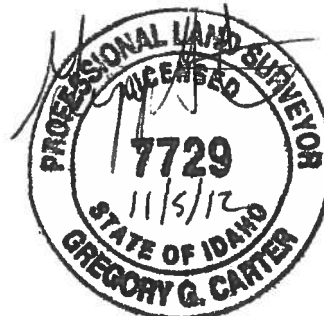
Thence North 21°54'58" East, 173.22 feet;

Thence 69.13 feet along the arc of a curve to the right having a radius of 100.00 feet, a central angle of 39°36'21", and a long chord which bears North 41°43'08" East, a distance of 67.76 feet;

Thence North 61°31'19" East, 162.36 feet;

Thence North 46°47'06" East, 88.40 feet to a point on the East boundary line of said Section 9;

Thence along said East boundary line South 00°26'47" West, 1,079.82 feet to the **POINT OF BEGINNING**. Containing 16.26 acres, more or less.



NWNE

9

NENE

02N03W

NWNW

10

NWNE

9

NENE

02N03W

NWNW

10

SWNE

9

SWNE

SENE

02N03W

NWNW

SWNW

10

SWNE

9

SENE

02N03W

SWNW

10

SWNE

9

SENE

02N03W

SWNW

10

NWSE

NESE

02N03W

NWSW

NWSW

10

NWSE

9

NESE
02N03W

NWSW

10

bing NWSE

Image courtesy of USGS © 2013 Microsoft Corporation

Place of
Use
P/D →

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, February 27, 2013 2:28 PM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Amanda Weaver,

Please see the attached ad for publication on 3/7/2013 & 3/14/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

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

February 27, 2013

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

RE: Application for Permit No. 63-33744

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 3/25/2013. 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:

63-33744

EUGENE J DAFFNER

ALBERTA A DAFFNER

A & E FAMILY ENTERPRISES LLC

C/O ALBERTA & EUGENE DAFFNER

10729 FARNER RD

NAMPA, ID 83686

Point of Diversion SENE S9 T02N R03W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.3 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.32 CFS

Date Filed: 2/12/2013

Place Of Use: IRRIGATION, STOCKWATER

T02N R03W S9 SENE

Total Acres: 15

Water bearing zone to be appropriated is from 140 to 440 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 3/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/7/2013 and 3/14/2013

Walker, Kay

From: Alberta and Gene Daffner [alberta-gene@live.com]
Sent: Wednesday, February 27, 2013 1:24 PM
To: Walker, Kay
Subject: RE: Application for Permit 63-33744

Kay Walker, Sr. Water Resource Agent:

In answer to your two questions...

-The water bearing zone to be appropriated is from 140 to 440 feet. This is based on depth averages of other wells in our general area .

-We have no shares in any irrigation district or canal company for this 15 acres of land that we want to irrigate with this proposed well.

I would like to know which newspaper(s) will be used to advertise our request for a well permit. Can you provide the names of these newspapers?

Please let us know if any further information is required.

Alberta and Gene Daffner
208 559-8685

Subject: Application for Permit 63-33744
Date: Wed, 27 Feb 2013 12:52:56 -0700
From: Kay.Walker@idwr.idaho.gov
To: alberta-gene@live.com
CC: Kay.Walker@idwr.idaho.gov

Mr. and Mrs. Daffner:

I have been assigned to review your application for permit before it goes to advertising. I find we need to have a little bit more information before we can proceed.

We need to know what water bearing zone you plan to appropriate. The water bearing zone is the location in the well that you propose to pump from. You may want to contact a well driller to assist with this information. This is the remark that I will have to use: *Water bearing zone to be appropriated is from _____ to _____ feet.*

I also need to verify that you have no surface water available to water this 15 acres. If you have shares in any irrigation district or canal company please let me know.

If you could reply by e-mail I can put the information in our file. Thanks for your help in this matter. If you have any questions, feel free to contact me.

Kay Walker
Sr. Water Resource Agent
334-2190

ALBERTA AND EUGENE DAFFNER
A & E FAMILY ENTERPRISES, LLC
10729 FARNER ROAD
NAMPA, ID 83686
208 559-8685
Email: Alberta-Gene@Live.com

RECEIVED
FEB 20 2013
WATER RESOURCES
WESTERN REGION

February 19, 2013

Mr. Steve Lester, Water Rights Supervisor
State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit, Irrigation Well

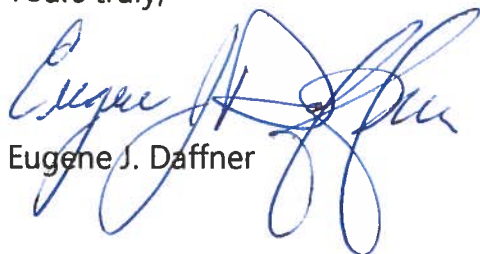
Dear Mr. Lester:

In response to your letter date 2/13/2013, we are requesting that IDWR publish legal notices _____
for our application to determine if protests will be filed.

Please notify us if additional information is required to process this application.

Thank you for your assistance.

Yours truly,

A handwritten signature in blue ink, appearing to read "Eugene J. Daffner", with a large, stylized flourish at the end.

Eugene J. Daffner



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

February 13, 2013

✓ - sent today ofc

ALBERTA &/OR EUGENE DAFFNER
10729 FARNER RD
NAMPA ID 83686

Re: Application for Permit, Irrigation Well

Dear Applicants:

The Idaho Department of Water Resources (IDWR) received your application for permit requesting a new ground water right in the south Canyon County area. You asked for the application to be expedited. This letter provides information regarding ground water in your area and some options for your consideration.

A number of applications for new ground water uses in your general area are pending before IDWR. The full extent of proposed development is being clarified based on an ongoing process between the applicants and IDWR.

IDWR has limited data and knowledge regarding water availability for your area. Ideally, additional data and information will become available as pending applications are processed and evaluated. This should help determine the extent to which new applications should be approved. An estimate of how long this will take is unknown at this time

New Water Right Applications

Section 42-203A, *Idaho Code*, requires IDWR to consider certain criteria in processing new water right applications. In some cases, the applicant is asked to provide sufficient information to address some or all of the following criteria:

1. Will the new appropriation injure existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought?
3. Is the application made in good faith or for delay or speculation?
4. Does the applicant have sufficient financial resources to complete the project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Alberta &/or Eugene Daffner
February 13, 2013
Page 2

Please see the enclosed copy of a recent letter sent to applicants in your area. The letter summarizes information currently available to IDWR in this regard. This will help anyone who intends to provide more information in support of an application for new ground water uses.

Options for Consideration

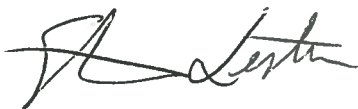
Based on the above explanation, the following options are available for your application:

1. Provide convincing evidence and data to satisfy all of the above evaluation criteria for continued processing of your application. The evidence should include data analysis, documents and arguments in favor of approving the application.
2. Withdraw the application and receive a full refund (see attached). You may re-file at a later date if desired.
- ✓ 3. Have IDWR publish legal notices for your application to determine if protests will be filed. With or without protests, IDWR will hold the application until there is sufficient information available for continued processing of your application. A refund cannot be issued under this option.

Please select one of these options and respond within the next sixty (60) days. You may request more time to make your decision. Your application will be voided if a timely written response is not received. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please call me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

✓ option 3 per 2/19/13 reply -JL

**WITHDRAWAL OF
APPLICATION FOR PERMIT**

TO WHOM IT MAY CONCERN:

I withdraw my Application for Permit to Appropriate the Public Waters of the State of Idaho filed in the name of:

Printed Name(s) of Applicant

Signed this _____ day of _____, 20____

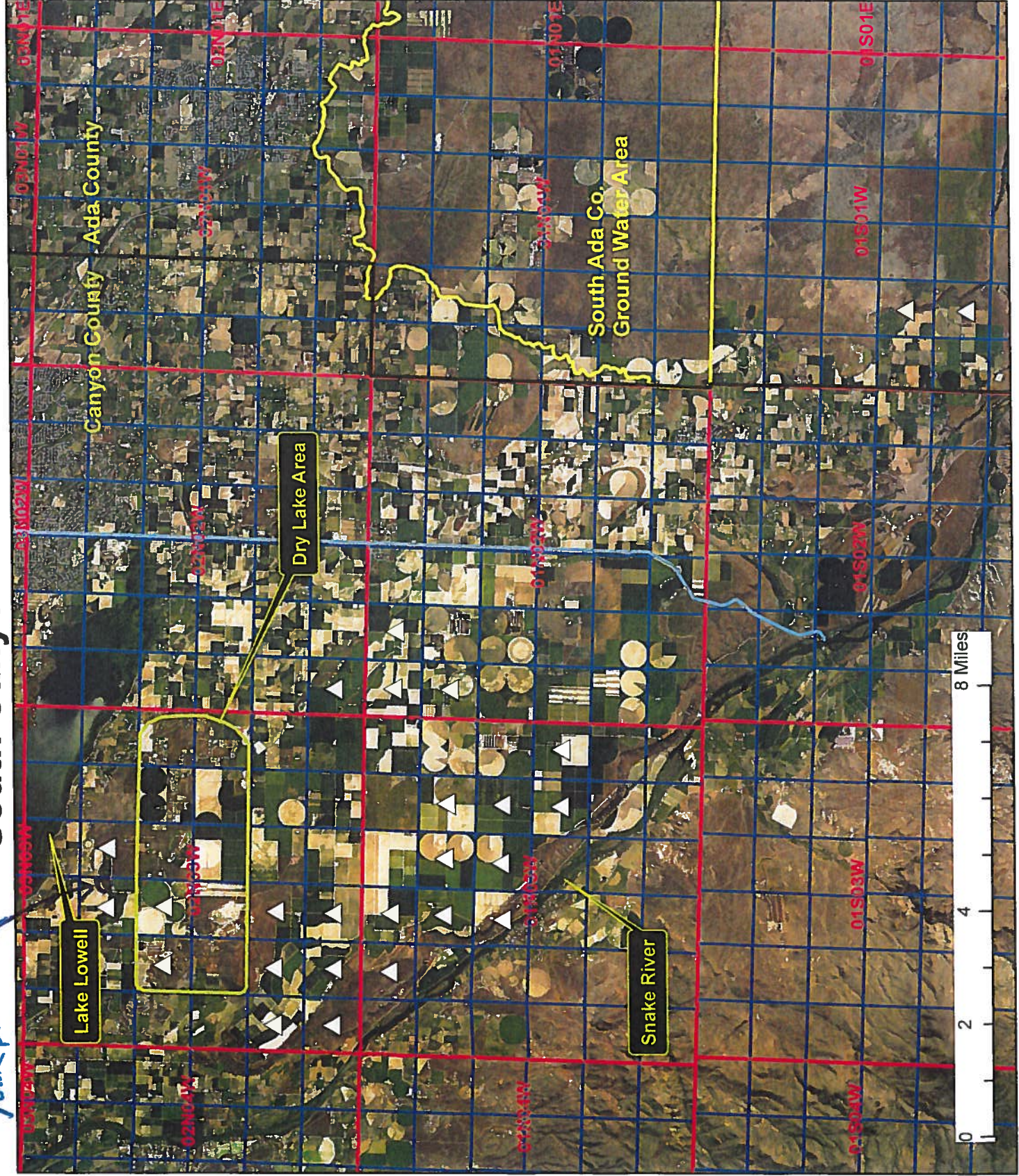
Please issue a full refund of the \$ 250.00 application fee I paid.

Signature of Applicant

Additional Applicant Signature(s), if any:

South Canyon Co.

your place



prop used
wells



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

February 1, 2013

To: Distribution List

Re: Applications for Permits, Ground Water in South Canyon County

Dear Interested Party:

A number of applications seeking new appropriations of ground water generally south of Lake Lowell have been filed by various parties. To date, the total amount of ground water sought is about 115 cubic feet per second (cfs). The total extent of proposed development remains unclear – estimated annual volume to divert etc. The Idaho Department of Water Resources (IDWR) asked the applicants for additional information regarding water supply, injury to senior water rights, local public interest and so forth. Some applicants provided more information while other responses are pending.

Please refer to the enclosed list of applications. They can be grouped in priority order as follows.

- Farm Development et al senior applications 63-33131 through 63-33135 propose most of the additional water for the area. The proposed use will be supplemental irrigation. IDWR does not know the anticipated extent of supplemental irrigation on an annual basis for these applications (expected rate and volume of ground water needed).
- WDT Lake View application 63-33625 includes a relatively modest rate and volume for irrigation. This application might not be significantly related to the others due to its proximity to Lake Lowell.
- Beranna Dairy application 63-33629 includes a significant rate of flow and proposes to bring land irrigated under other rights up to a full 0.02 cfs/acre with little if any additional volume expected to be diverted.
- Snake River Dairies application 63-33639 covers land in the southwest corner of Ada County. It is included due to its similar scope and location compared to the other filings. This application includes supplemental and primary irrigation.
- SunRidge Dairy applications 63-33644 and 63-33713 include a significant rate of flow. They propose to bring land irrigated under other rights up to a full 0.02 cfs/acre with little if any additional volume expected to be diverted.

IDWR has been asked to identify information the department has regarding ground water in the general area south of Lake Lowell. The following summary is provided for your consideration whether you are preparing additional information to support your application(s) or have already responded to IDWR in that regard.

- 1) IDWR website, Treasure Valley Hydrologic Project, overview of broader area,
<http://www.idwr.idaho.gov/WaterInformation/projects/tvhp-revised/>.
- 2) IDWR website, hydro.online, monitoring wells etc.,
<http://www.idwr.idaho.gov/hydro.online/gwl/default.html>.
- 3) 2005 memorandum, South Canyon County Ground Water Conditions, copy enclosed.
- 4) SPF Water Engineering memorandum, 10/24/2012 revised additional information for WDT Lake View application 63-33625.
- 5) SPF Water Engineering memorandum, 10/23/2012 additional information for SunRidge Dairy applications 63-33644 and 63-33713.
- 6) Beranna Dairy application 63-33629, supporting information with amended application 1/22/2013.

Additional information listed for items 4-6 is available under those application numbers on the IDWR website,

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

(select "search water rights" icon on homepage, not "new water right applications" icon).

I hope you find this information useful as you pursue your application(s). Please contact me if you have questions about this letter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

DISTRIBUTION LIST, GROUND WATER IN SOUTH CANYON COUNTY

FARM DEVELOPMENT CORP ET AL ¹
C/O JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702

WDT LAKE VIEW LLC
14068 SUNNY SLOPE RD
CALDWELL ID 83607

BERANNA DAIRY
9166 PERCH RD
CALDWELL ID 83607

SNAKE RIVER DAIRIES LLC
C/O DYLAN LAWRENCE
MOFFATT THOMAS ET AL
PO BOX 829
BOISE ID 83701-0829

SUNRIDGE DAIRY LLC
4890 DRY LAKE RD
NAMPA ID 83686

CHRISTIAN PETRICH
SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706

DARWIN VANDER STELT
16931 STAR RD
NAMPA ID 83687

¹ Also includes applicants A-D Cattle Co. and Allen Noble Farms Inc.

Basin	Sequence	Process	Priority Date	Rate	Source List	Water Use List	Current Owner	Total Acres
63	33644	Application	5/8/2012	6.42	GROUND WATER	IRRIGATION	SUNRIDGE DAIRY LLC	796.0
63	33131	Application	12/5/2008	55.48	GROUND WATER	IRRIGATION	FARM DEVELOPMENT CORP	2,774.0
63	33132	Application	12/5/2008	6.40	GROUND WATER	IRRIGATION	A-D CATTLE CO INC	320.0
63	33133	Application	12/5/2008	12.80	GROUND WATER	IRRIGATION	ALLEN NOBLE FARMS INC	640.0
63	33134	Application	12/5/2008	3.20	GROUND WATER	IRRIGATION	ALLEN NOBLE FARMS INC	160.0
63	33135	Application	12/5/2008	19.72	GROUND WATER	IRRIGATION	ALLEN NOBLE FARMS INC	986.0
63	33625	Application	2/17/2012	1.89	GROUND WATER	IRRIGATION	WDT LAKE VIEW LLC	146.0
63	33629	Application	3/15/2012	6.62	GROUND WATER	IRRIGATION	BERANNA DAIRY	865.0
63	33639	Application	4/4/2012	2.50	GROUND WATER	IRRIGATION	SNAKE RIVER DAIRIES LLC	168.0
63	33713	Application	10/25/2012	0.20	GROUND WATER	IRRIGATION	SUNRIDGE DAIRY LLC	26.0

63-33625 unrelated to others?
63-33639 in sw Ada County

Total CFS 115.23

GW APPLS SOUTH CANYON COUNTY, OCTOBER 2012

2-12-2013

To whom it may concern -

Please expedite this Application
for Permit. We would like
to start drilling our well by
April 2013 (cud plant
pasture for our cattle

Thank you for your
consideration.

Sincerely

Eugene and Alberta Daffner

EUGENE

ALBERTA

DAFFNER

10729 FARMER ROAD

NAMPA ID 83686

208 559 - 8685

ALBERTA-GENE@LIVE.COM

RECEIVED

FEB 12 2013

WATER RESOURCES
WESTERN REGION