

RECEIVED

AUG 19 2010

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

Ident. No.

63-33415

WATER RESOURCES
WESTERN REGION1. Name of applicant(s) D. YAMAMOTO DEVELOPMENT LLC Phone _____Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: P.O. Box 64 City KUNAState ID Zip 83634 Email: DDJYAM@ID.COM2. Source of water supply ground 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 #
IN	1E	5			SW	SW	ADA	GROUND WATER	EXISTING WELL
IN	1E	5			SE	SE	ADA	" "	" "
IN	1E	5			NW	SW	ADA	" "	" "
IN	1E	5			SE	SW	ADA	" "	NEW WELL
IN	1E	8			NE	NW	ADA	" "	" " NOT DEFIN

4. Water will be used for the following purposes:

Amount 2.98 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) 2.98 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. 200 HP TURBINE AND DISBURBED WITH BURIED PIPELINE

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 14-16" inches; proposed depth of well is 400' feet. U13 ZONEd. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No 250-400'

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; 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
01N	01E	8					40	40	40	40									160
01N	01E	5			40			40	40	40	40	40	40	40	40	40	40	40	480

Total number of acres to be irrigated: 640

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? 63-12009 FOR SECTION 8. 63-3126, 63-7286, AND 63-3167 FOR SECTION 5.

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 AND RAY NEBEKER OWNS VACIES NW SEC.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: VERBAL

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. APPLYING FOR FULL 1" / ACRE ON ALL MY PROPERTY, SEC 5, SEC 8 IN 1/4

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]
Signature of Applicant

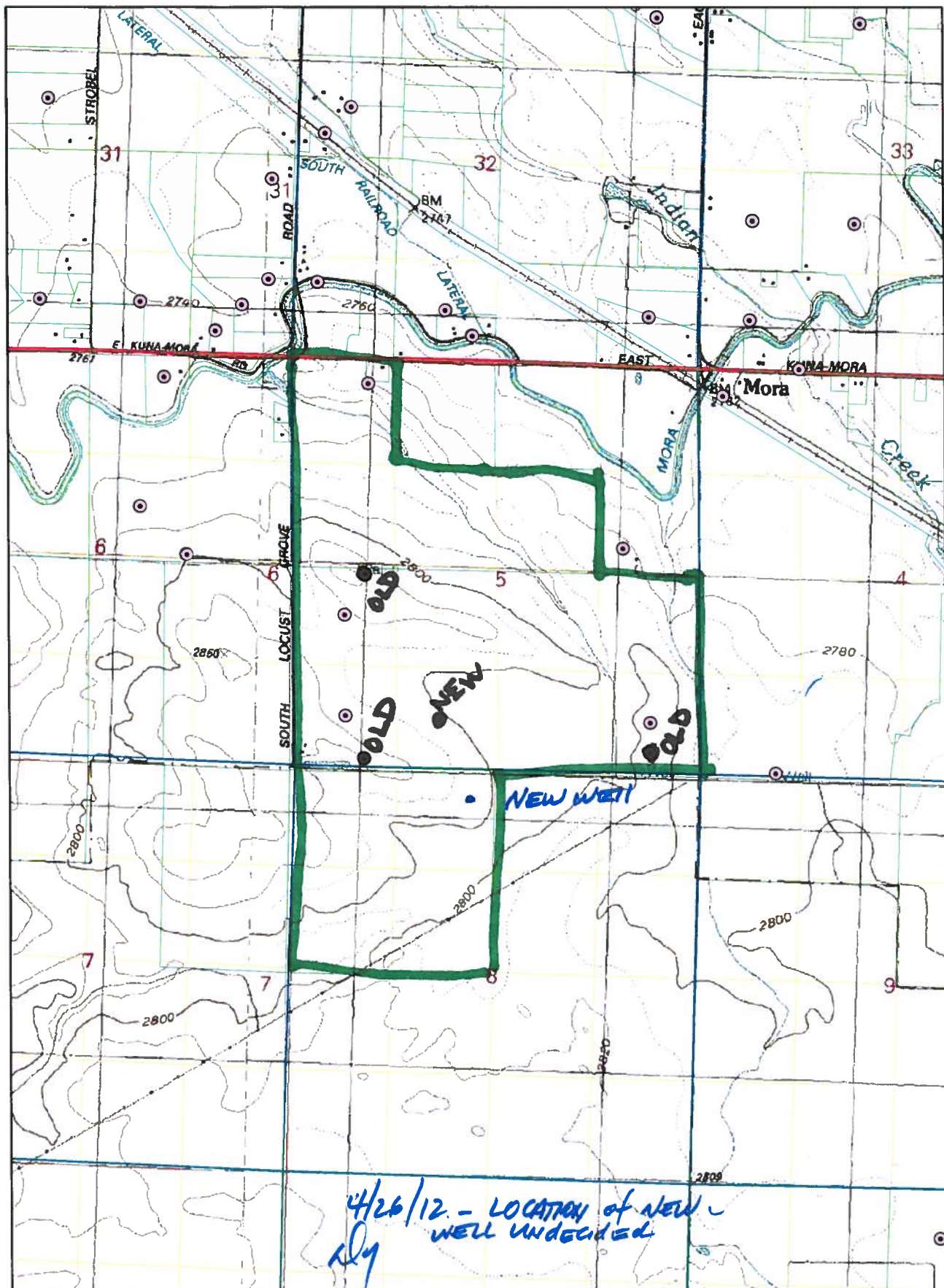
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by AG/SB Date 8-19-2010 Time 4:00pm Preliminary check by VLM
Fee \$ 330 - Received by SB Receipt No. W038672 Date 8-19-2010



 POU

• P/DS

63-33415

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 8:51 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Ads
Attachments: Ada Cover Letter.docx; Ada Combined Ad.docx

Janice,

Please see the attached ad for publication on 2/7/13 & 2/14/13.

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

January 30, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No's: 63-33415 & 63-33707
Application for Transfer No's: 78266, 78267 & 78269
Application for Extension of Time No. 63-146

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 2/25/2013. 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:

63-33415

D YAMAMOTO DEVELOPMENT LLC

PO BOX 64

KUNA, ID 83634

Points of Diversion SWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESE S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NENW S8 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.98 CFS

Total Diversion: 2.98 CFS

Date Filed: 8/19/2010

Place Of Use: IRRIGATION

T01N R01E S5 SWNE NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

T01N R01E S8 NENW NWNW SWNW SENW

Total Acres: 640

Water bearing zone to be appropriated is from 250 to 400 feet.

63-33707

CHARLES MADENFORD FAMILY TRUST

3605 N POLLARD LN

STAR, ID 83669

Point of Diversion NWSW S33 T05N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE

01/01 to 12/31 26 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.25 CFS

Use: RECREATION STORAGE 01/01 to 12/31 26 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 26 AF

Total Diversion: 0.25 CFS 26 AF

Date Filed: 10/19/2012

Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE

T05N R01W S33 NWSW

Water bearing zone to be appropriated is from 91 to 188 feet.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

New Union Ditch Company of PO Box 31, Eagle, ID, 83616, filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. 63-146 with an 1865 priority from the Boise River totaling 13.76 cfs. The application proposes to cover approximately 5.76 cfs. The balance of the right was last used in 2012. The right serves property located within the boundaries of New Union Ditch Company generally located in the Eagle area. The applicant requests the extension of time due to rapid urbanization of lands within their boundaries. The company does not want to lose any of Rt. 63-146 due to non-use.

PROPOSED CHANGE OF WATER RIGHTS

Jerry L. & Mary Louise Tlucek and Snake River Dairies LLC of 15188 S. Can-Ada Rd., Melba, ID 83641 filed Application No. 78269 to transfer two water rights with 1969 priority dates from ground water totaling 1.41 cfs. The purpose of the transfer is to create a permissible place of use and identify the two existing wells which are to be used for irrigation. Water will be used at the current place of use approximately 1.5 miles north of the Snake River and 1.5 miles east of the Ada & Canyon county lines.

Meridian Joint School District #2, Operations & Maintenance of 1303 E Central Dr., Meridian, ID, 83642 has filed Application Nos. 78266 and 78267 to transfer portions of one water right with a 1969 priority date from ground water totaling 0.80 cfs. The purpose of Transfer 78266 is to move 3 acres of supplemental irrigation water from Rt. 63-31763, appurtenant to Education Campus Subdivision, to Meridian Middle School Campus for supplemental irrigation. The purpose of Transfer 78267 is to move 2.5 acres of supplemental irrigation water from Rt. 63-31763 to Meridian Academy Campus for supplemental irrigation.

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 rights, proposed transfer &/or extension, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp using the above referenced water right no. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of these applications 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 2/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 2/7/2013 and 2/14/2013

April 26, 2012

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport way
Boise, Idaho 83705

RE: Application for Permit No. 63-33415
D Yamamoto Development LLC

Dear Ms. Music,

I am requesting that my Application for Permit No. 63-33415 be kept active.

Enclosed is the well drillers report on a replacement well I drilled in April of 2011.
Please note the well depth and water temperature readings.

Layne Pumps of Nampa, Idaho, have done all repair and maintenance service on my wells. Water level checks on wells in and near the area in the drillers report have not shown a decrease in water tables. Other than my own existing water rights, I do not have privileged information regarding other water rights...public or otherwise. As well, I am not aware of all water conservation resources within the State of Idaho, so cannot state whether or not my proposed use would be considered contrary.

A correction to the water right permit should read Sections 5 & 8. The application is for the purpose of acquiring water for acres currently in and owned by me within these sections. Irrigation will be done by sprinklers and possibly drip irrigation.

I am financially able to undertake drilling a new well as I am 'debt free' from all properties owned. I also understand that a decision on my permit will be a slow process due to needed additional data and information by IDWR and its reduced staff and resources.

PLEASE ADVERTISE AND PROCESS THE APPLICATION NOW

Thank you for your attention to this letter (please note the address change).

Sincerely,



Duane Yamamoto
5255 W Hubbard Rd.
Kuna, ID 83634



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

March 28, 2012

D. Yamamoto Development LLC
P.O. Box 64
Kuna, ID 83634

RE: Application for Permit No. 63-33415

Dear D. Yamamoto Development LLC:

The Idaho Department of Water Resources (IDWR) received your application for permit August 19, 2010, requesting a new ground water right in South Ada County. This letter provides you with information regarding the ground water aquifer in that area and some options for you to consider.

Ground Water Aquifer

The cold water aquifer in the area has been declining since the 1960's with an average rate of decline of 0.3 to 0.4 feet per year during the past 30 years. There appears to be a correlation between the increase in water right approvals and declines in the aquifer level. In 1960 the non-domestic ground water diversions equaled approximately 100 cubic feet per second (cfs). By 1980 the cumulative diversion rate approached 500 cfs, and currently the withdrawal rate is about 600 cfs. It appears the aquifer is currently in overdraft and water levels have yet to stabilize to the current demand level.

Low temperature geothermal water (> 85 degrees F.) may be encountered approximately 400 feet in depth in this area. As cold water levels continue to decline, an increase in ground water temperatures will occur due to increased communication with the hotter water. Continued pumping of cold water will reduce the volume of cold water stored in the aquifer, causing increased upwelling of hotter waters from below. State law requires low temperature geothermal ground water to be used primarily for its heat value first and subsequently for other uses such as irrigation. Generally, the hotter water cannot be a source for primary irrigation use.

IDWR has very limited data and knowledge regarding hydrology and aquifer characteristics of this area. Additional data and information will continue to be compiled to help determine how these ground water resources should be managed and if new water rights should be approved. However, recent reductions in IDWR resources and staff will make this a slow process and unlikely to be completed soon.

New Water Right Applications

Section 42-203A, *Idaho Code*, requires IDWR to consider certain criteria in processing new water right applications. The applicant must provide IDWR with sufficient evidence to address 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?

March 28, 2012

Page 2

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?

Currently, there are about 20 pending ground water applications proposing diversion of an additional 28 cfs in this area.

Options for Consideration

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

1. Provide convincing evidence and data to satisfy the above evaluation criteria to allow continued processing of the 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. You may re-file at a later date if desired. A withdrawal form is enclosed.
3. Have IDWR publish legal notices for your application to determine if protests will be filed. With or without protests, IDWR will then hold the application until there is sufficient evidence and data available to allow continued processing of the application. A refund cannot be issued under this option.

Please select one of these options and provide your written response to me by April 30, 2012. If a timely response is not received, your application will be voided and a refund will not be issued.

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,



Vicky Music
Sr. Water Resource Agent
IDWR, Western Region

Enclosures: boundary map, withdrawal form

**WITHDRAWAL OF
APPLICATION FOR PERMIT**

TO WHOM IT MAY CONCERN:

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

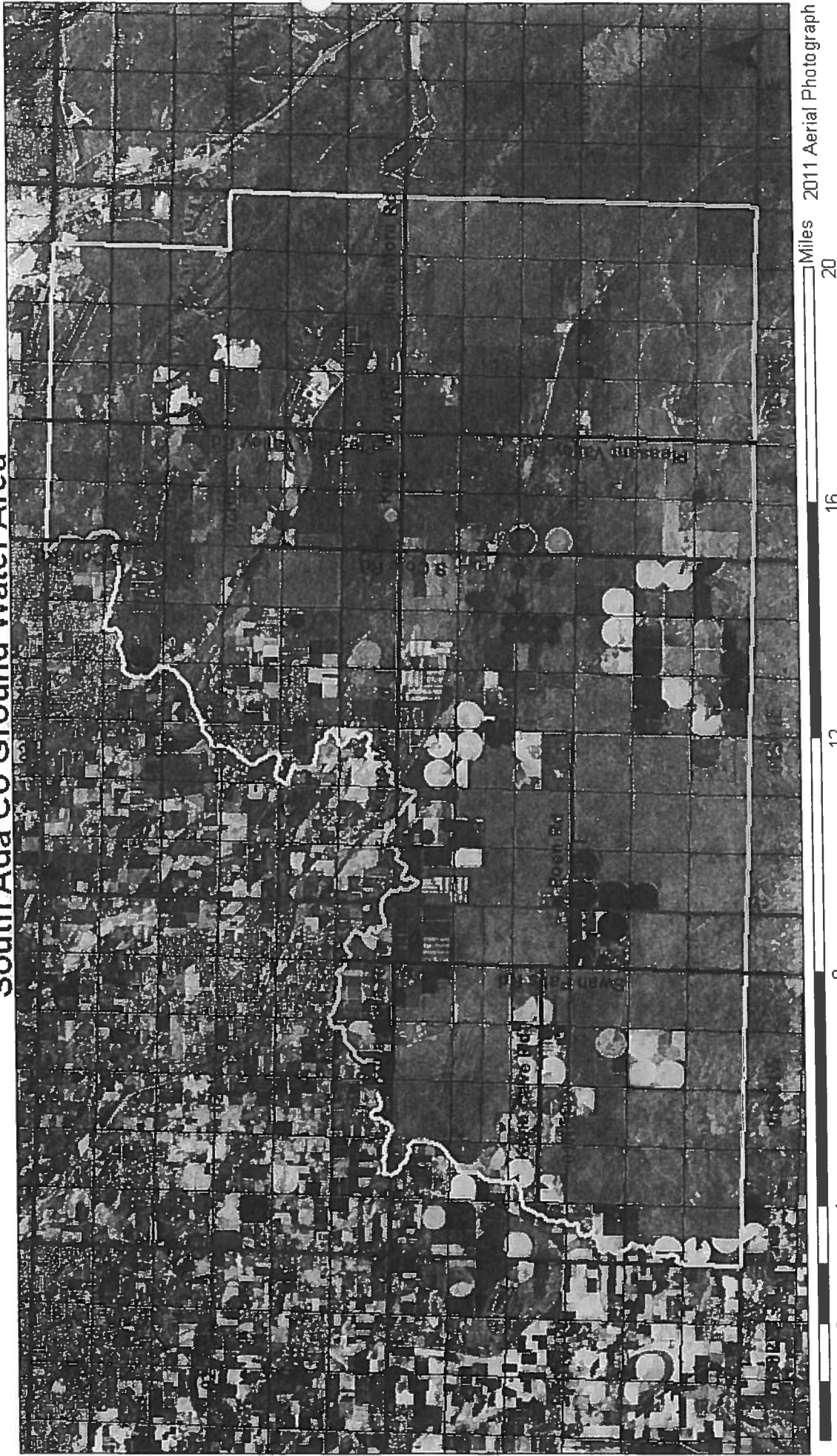
_____(63-33415)_____

Signed this _____ day of _____, 20_____

Signature of Applicant

Printed Name of Applicant

South Ada Co Ground Water Area



Legend

- Active Protested App PODs
- Active App PODs
- Major Roads
- Area of Concern
- BLM Ground
- Township/Range
- Sections



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
Interim Director

January 28, 2011

Duane Yamamoto
P.O. Box 64
Kuna, ID 83634

Re: Application for Permit 63-33415

Dear Mr. Yamamoto,

I received your letter request for a six month extension of time in which to provide the information IDWR needs to continue to process your application referenced above.

Your request for an extension is granted. The new deadline is September 9, 2011. **If you fail to make a timely response, IDWR will void this application and no refund of the application fee will be issued.**

Sincerely,


Vicky Musick
Sr. Water Resource Agent

Duane Yamamoto
P.O. Box 64
Kuna, ID 83634

RECEIVED
JAN 28 2011
WATER RESOURCES
WESTERN REGION

January 28, 2011

Idaho Department of Water Resources
Attention: Vicky Music

Re: Application for Permit 63-33415

Dear IDWR,

I received your letter setting March 7, 2011, as the due for additional information.

I request a six month extension to September 7, 2011, to provide the additional information.

Sincerely,



Duane Yamamoto



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
Interim Director

January 7, 2011

Duane Yamamoto
P.O. Box 64
Kuna, ID 83634

Re: Application for Permit 63-33415

Dear Mr. Yamamoto,

The application you filed, referenced above, has been assigned to me for review and processing. There are omissions in the application that you will have to complete here in the office. Additionally, I would like to discuss the place of use with you. The application proposes irrigation in Sections 5 and 8 only, but the map attached to the application includes acres in Section 6 and 7. The map is a required part of an application and must be consistent with the rest of the application.

In the southeast Kuna/ South Boise area, IDWR is currently tracking 79 ground water permits that total 93.76 cfs plus 19 applications for permits for new ground water rights that total 39.49 cfs for a potential grand total of 133.25 cfs of ground water diverted. IDWR is not sure the cold water aquifer (water less than 85 degrees F) can sustain this production if all of the applications are licensed. The area has become very controversial.

A further complication is the interface between the cold and low temperature geothermal ("hot") ground water sources that is not well defined in your area. Current information suggests a somewhat limited cold water aquifer down to about 400 feet and a significant possibility of encountering hot water below that. Idaho statutes state that low temperature geothermal water, defined as water with temperatures between 85 and 212 degrees Fahrenheit, must be used for its heat value first (not irrigation).

The water produced by the replacement well you had drilled in 2004 was measured and found to have a temperature of 70 degrees F, which suggests that there may be some communication between the hot and cold water sources in your vicinity. Communication factors can include the quantity, quality, temperature and pressure of the hot water resource. This means you would need to show that your proposed use would not adversely affect the hot water resource in your area since it must be used for its heat value before being applied to another beneficial use.

Application for Permit 63-33415

January 7, 2011

Page 2 of 2

In light of all of the applications in this area and in addition to making an appointment to correct the application, IDWR must have the following: [1] credible evidence that there is sufficient water for your proposal; [2] that approval of your application will not injure the senior ground water rights producing from the cold water aquifers; and, [3] that your proposal will not adversely affect the low temperature geothermal resource in your area.

IDWR must receive the requested information by March 7, 2011. If you are not able to submit the additional information by this date, you may submit a written request for an extension of time to submit the information of up to 6 months. If you fail to make a timely response, IDWR will void this application and no refund of the application fee will be issued.

If you provide the information IDWR requests and your application is corrected, IDWR will process your application along with the others in this area. Approval of your application will depend on the outcome of the other applications that precede yours. Unfortunately, IDWR has no idea how long it will take.

You may want to retain the services of a consultant. I have enclosed a consultant list for you convenience. Please contact me at 208-334-2190 to set an appointment for you to complete the application. Thank you for your attention to this matter.

Sincerely,



Vicky Music
Sr. Water Resource Agent

Enclosure: Consultant list