

RECEIVED

SEP 28 2000

Department of Water Resources
Southern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident. No. 37-08916

To appropriate the public waters of the State of Idaho

1. Name of applicant Walker Monroe Phone (208) 788-9408
Post Office address P.O. Box 6543, Ketchum, ID 83340
2. Source of water supply Big Wood River which is a tributary of Malad River
3. Location of point of diversion is 1/4 of SW 1/4 of NE 1/4, Govt. Lot
Sec. 7 Township 3N Range 18E B.M. Blaine County; additional
points of diversion, if any: _____
4. Water will be used for the following purposes:
Amount 6.0 cfs for Aesthetics purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 4.0 ac-ft for Aesthetic* Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) 6.0 and/or (b) 4.0
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Little Mackawao channel from Big Wood River, through pre-existing pond, and return to river. See maps.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
- * 7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - 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. _____
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Non-consumptive flow in Little Mackawao channel and storage in pre-existing pond.

* CHANGES/ADDITIONS PER C.G. BROCKWAY 10/11/2000 P. SKINNER

Applicant :

101 W. Channel Ln
Hailey, id 83333

Per 37-20434

ownership change

Filed 2005.

37-08916

9. 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	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	18E	7			J	J									J				
3N	18E	7													S				

J = Aesthetic, S = Storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None11. a. Who owns the property at the point of diversion? Don Nickelsonb. Who owns the land to be irrigated or place of use? Various owners in Little Macakwao subdiv.c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Consent of owners.

12.. Remarks: Little Mackawao channel is a minor channel of the Big Wood River flowing through Little Mackawao subdivision. This permit would provide the ability to maintain the flow in this channel, and would codify the historical usage of the channel and pond for aesthetic purposes. The pond was created in 1979.

13. MAP OF PROPOSED PROJECT ATTACHED _____ show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

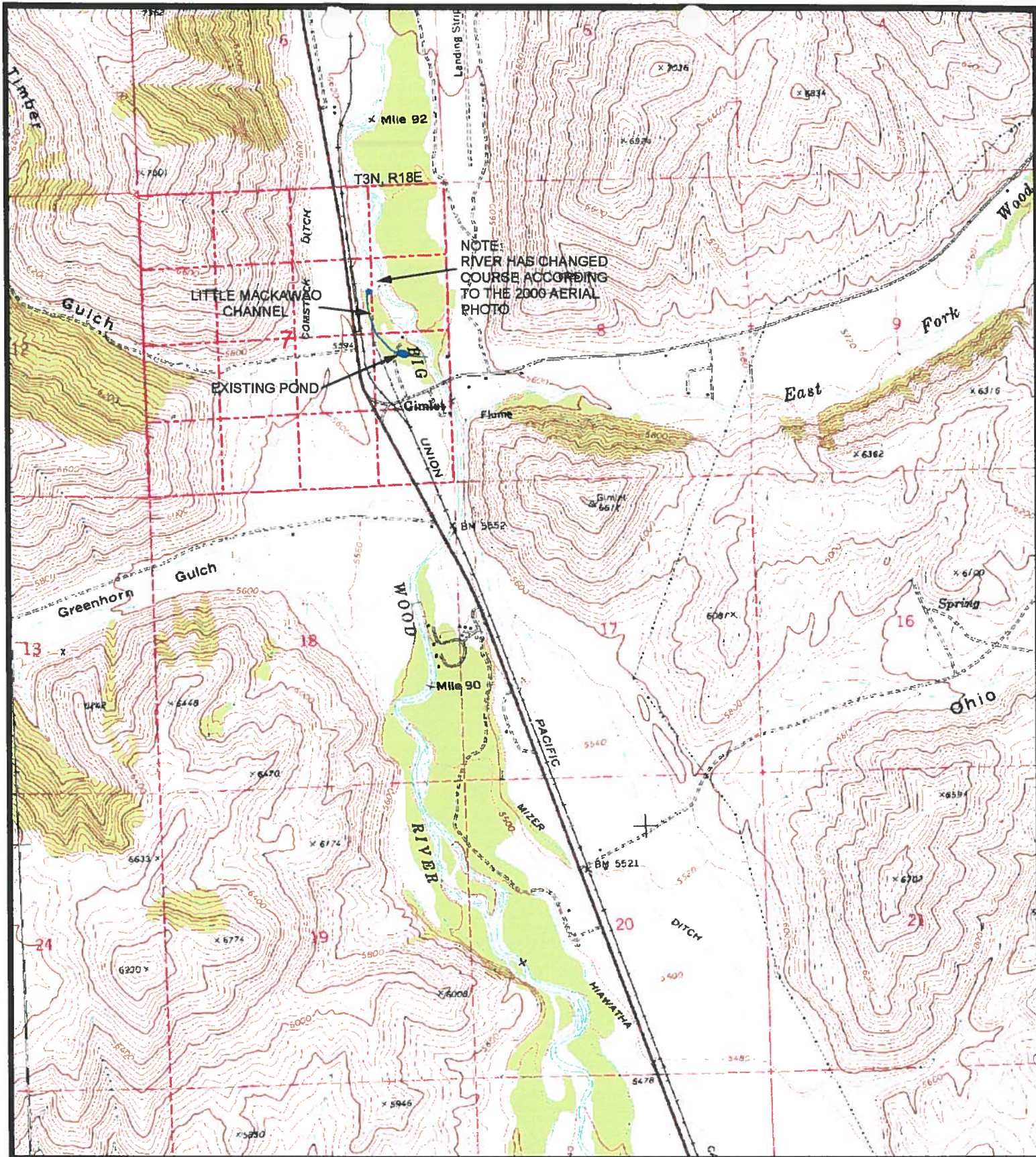
Walker Monroe

(Applicant)

Received by P. SKINNER Date 9/28/2000 Time PM Preliminary check by P. SKINNERFee \$ 450.00 Received by P. SKINNER # 5023421 Date 9/29/2000 *Publication prepared by MB Date 10/24/00 Published in Wood River Journal

Publication approved _____ Date _____

* WAITED UNTIL NEXT DAY TO RECEIVE APPLICATION AS.



BROCKWAY
ENGINEERING
P.L.L.C.

VICINITY MAP

N.T.S.

APPLICATION FOR PERMIT

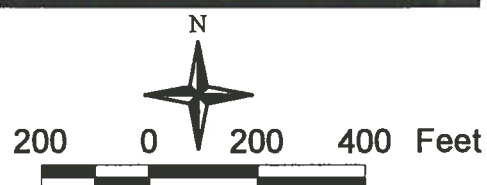
WALKER MONROE - LITTLE MACKAWAO SUBDIVISION

September 18, 2000

37-08916



APPLICATION FOR PERMIT
WALKER MONROE
LITTLE MACKAWAO SUBDIVISION
T. 03N, R. 18E, S 07
9/18/2000



37-08916



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

October 26, 2000

**KARL J. DREHER
DIRECTOR**

**ATTN LEGALS DEPT
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333**

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

**Mary Baldwin
Administrative Assistant**

Enclosure

NOTICE OF APPLICATIONS FOR WATER PERMIT & CHANGES TO WATER RIGHTS

The following applications have been filed regarding the public waters of the State of Idaho, Blaine County:

WALKER MONROE
PO BOX 6543
KETCHUM ID 83340

Application for Permit No. 37-08916

Source: Big Wood River tributary to Malad River (existing development)

Diversion Pt(s): SWNE via Little Mackawao channel

Year Round Use:	Aesthetics	(6.0 cfs)
	Aesthetic Storage	(4.0 afa)

Used in: E½, all S07, T03N, R18E

Date Filed: 09/28/00

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant is requesting pre-1987 developmental processing of the application.

CHARLES THOMAS FOLEY &
KATHLEEN MAHER FOLEY
430 PARK AVE., 18TH FLOOR
NEW YORK NY 10022

Application for Permit No. 37-08917

Source: ground water

Diversion Pt(s): NESE

Year Round Use:	Recreation Storage	(12.8 AFA)
	Aesthetic Storage	(12.8 AFA)

Total Storage: 12.8 AFA

In: NESE, all S23, T01S, R19E

Date Filed: 06/26/00

Companion Transfer No. 5852 was filed by Charles & Kathleen Foley as mitigation for the above listed Application for Permit by drying up 2.6 irrigated acres within NESE in order to fill an excavated pond with a 2.60 acre surface area from high ground water table at that site. The transfer involves ground water rights diverted and used within NESE for irrigation of 28.0 acres recorded as Water Right No. 37-02686B (0.23 cfs) with priority date of 12/11/1962 and Water Right No. 37-07598B (0.32 cfs) with priority date of 07/08/1977.

Transfer No. 5852 proposes to use Designated Right No. 37-02686F for recreational storage (6.5 afa) & aesthetic storage (6.5 afa) and Designated Right No. 37-07598F for recreational storage (6.5 afa) and aesthetic storage (6.5 afa). The remaining portions, Designated Right No. 37-02686E (0.212 cfs) and Designated Right No. 37-07598E (0.298 cfs) will continue to irrigate 25.4 acres at the original site, all S23, T01S, R19E.

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 20, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). **(Each application requires a separate protest)**. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 11/01 & 11/08/00.

MEMORANDUM

DATE: October 24, 2000

TO: Stream Channel Program (Terry Blau); Water Planning Bureau (Jeff Peppersack)

FROM: Mary Baldwin, Southern Region

SUBJECT: Comment on Application for Permit No. 37-08916 (Monroe)

This is a request for a written Comment &/or Recommendation regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about the application, please contact this office or the applicant.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 24, 2000

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352**

Re: Two Applications for Permit (Monroe, Foley) & one Application for Transfer (Foley)

Dear Mr. Peterson:

Enclosed are copies of applications within your District.

We also have enclosed a Watermaster's Recommendation Form for your comment and/or recommendation.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

**Mary A. Baldwin
Administrative Assistant**

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

October 24, 2000

**ATTN DAVE PARRISH
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338**

Re: Application for Permit No. 37-08916

Dear Mr. Parrish:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

**Mary A. Baldwin
Administrative Assistant**

Enclosure(s)

FAX COVER SHEET

BLAINE COUNTY BOARD OF COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300
HAILEY, IDAHO 83333

FAX (208) 788-5576 * PHONE (208) 788-5500

Date: 10-17-00

To: IDWR /

Mr. Allen Merritt

RECEIVED
OCT 17 2000
Department of Water Resources
Southern Region

Fax No. 736-3037

Phone No. 736-3033

From: Bl. Co. Commissioners

Subject: Request for Copy of Applications

Messages: Please forward copies of the
2 designated Applications - Thanks for
your help and please call if you
have any questions - Thanks - etc

Number of pages including cover sheet 3

Water right number - 37-08307

Prefix Translation: WATER RIGHT

		Remarks		
		This minimum stream flow reach is from the confluence with Warm Springs Creek in the SEM, S13, T4N, R17E downstream approximately 18 miles to the Bellevue diversion in the SMW, S36, T2N, R18E.		
		The Director retains jurisdiction, as described below, to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.		
		Old Water Right Numbers		
		No Old Water Right Numbers found.		
		Conditions of Approval		
		R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37.		
		027 - Use of water under this right shall be non-consumptive.		
		Decree Plaintiff	Decree Defendant	Decree Date
				00/00/0000
		-Comments-		
		No Comments Found		
		Audit Fields		
		10/21/87 05/28/88 CONVERT 09/01/88 CURTIS 03/03/94 COMMENTS 03/29/94 YARBROUG		
		03/29/94 COMMENTS 07/25/94 CURTIS 09/06/94 Scurtis 07/28/94 Scurtis 08/01/94 Scurtis		
		09/06/94 Scurtis 09/20/94 Scurtis 02/08/98 CLEARFLD		
		Water Rights Dates and Flags Area		
Proof Due Date	01/01/1997	Field Exam Made	00/00/0000	Field Exam Fee
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Swan Falls
Proof Made Date	03/02/1994	Hearing Date	00/00/0000	Temporary Right
Exam to S.O. Date	00/00/0000	Verified Date	00/00/0000	DLE/Carey Act
Order Show Cause	00/00/0000	Receipt Number		Water District
Licensed Date	10/11/1994	Appl Received	10/16/1987	Transfer/Amended
Presumption Flag		Name Connector		POU Ownership Flag
SRBA Decreed Flag				

HR5808NP
(CD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/11/00 10:21:21
Page 1

Water Right Number - 37-08307

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - IDAHO WATER RESOURCE BOARD
2 - STATEHOUSE
3 -
City- BOISE
Phone - 208-327-7900

State- ID Zip- 837200000

+ - - Priority Date - - +
10/16/1987

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +
BIG WOOD RIVER

+ - - Tributary - - - - - +
MALAD RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	--------------------	----------------	----------------	---------------

04N	17E	13	SE NW	B	(13)	BLAINE				
02N	18E	36	SW NW	E	(13)	BLAINE				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	-----------	----------------	------------------

34 - MINIMUM INSTREAM FLOW		01/01	12/31		119.000	
+ - - Total Div. Rate - +	+ - - Total Div. Volume - +	+ - - Total Div. Capacity - +	+ - - Total Consumptive Use - +	+ - - Km Usage - +		
119.000	119.000	119.000	0.0			

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

GEN

Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, title 42, Idaho Code, with the priority of the water right dated earlier than 10/16/87, the priority of this right.
Upon the future finding and order of the director that gauging stations are required to maintain the approved minimum flow on the Big Wood River, such measuring devices shall be permanently installed as specified by the Department.
This right is subordinate to development of groundwater for domestic and municipal uses as defined by the management plan for the Big Wood River Ground Water Management Area.

WR5751NP
(OD-5751-3)IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGSDATE: 10/16/00
PAGE: 1

11-07453

JOHN FINDLEY
LELAND G BARKERPriority Date: 10/10/2000
Stage: APPLICATION

Source: SPRINGS

Tributary: BLOOMINGTON CREEK

Water Use:
FISH PROPAGATIONFrom: To:
01-01 12-31Diversion:
3.00 CFS
3.00 CFS TOTAL

Point(s) of Diversion:

Twp:	Rng:	Sec:	Tract:	Lot:	County:
14S	43E	19	NENESE		BEAR LAKE
			NENWSE		BEAR LAKE

Place of Use: FISH PROPAGATION

14S 43E 19 NESE NWSE

13-07584

DENA CHRISTENSEN

Priority Date: 09/29/2000
Stage: APPLICATION

Source: GROUND WATER

Water Use:
DOMESTICFrom: To:
01-01 12-31Diversion:
0.16 CFS
0.16 CFS TOTAL

Point(s) of Diversion:

Twp:	Rng:	Sec:	Tract:	Lot:	County:
16S	40E	08	SENE		FRANKLIN

Place of Use: DOMESTIC

16S 40E 8 SENE



37-08916

WALKER MONROE

Priority Date: 09/28/2000
Stage: APPLICATION

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Water Use:
AESTHETIC
AESTHETIC STORAGEFrom: To:
01-01 12-31
01-01 12-31Diversion:
6.00 CFS
4.00 AFA
6.00 CFS TOTAL

Point(s) of Diversion:

Twp:	Rng:	Sec:	Tract:	Lot:	County:
03N	18E	07	SWNE		BLAINE

11

WR5751NP
(OD-5751-3)IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGSDATE: 10/16/00
PAGE: 2

Place of Use: AESTHETIC

MEMORANDUM

TO: Application for Permit 37-08916 File

FROM: Corey Skinner *CS*

DATE: October 11, 2000

SUBJECT: Staff Review

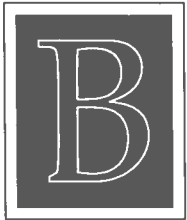
The enclosed application for permit, 37-08916, was submitted by Brockway Engineering in the name of Walker Monroe. The application proposes to obtain a water right for aesthetic flow through the Little Mackawao channel along the Big Wood River between Hailey and Ketchum. In addition, the application proposes an aesthetic storage component for an existing pond located on the Little Mackawao channel.

It appears that the main problem with this application is that the Little Mackawao channel is actually a side channel of the Big Wood River. This particular channel is regulated as a jurisdictional stream channel by IDWR's stream channel protection section. In addition, the Water Resource Board has two minimum instream flow rights (37-07919 for 70.0 cfs and 37-08307 for 119.0 cfs) for this section of the Big Wood River. It appears that the application could be an attempt to establish a minimum instream flow through a particular channel of the Big Wood River.

It should also be noted that Brockway Engineering has filed a couple of transfer applications (#5560 and #5561) that propose diverting "Big Wood River" water from the Little Mackawao channel. The processing of these applications is being held at the request of Brockway Engineering, while issues involving related transfer applications are addressed. However, it should be noted that the enclosed application for permit, 37-08916, proposes describing the point of diversion of the proposed right as the head of the Little Mackawao channel. However, transfer applications #5560 and #5561 propose describing points of diversion (from the Big Wood River) further down the Little Mackawao channel. It appears that there is a discrepancy in the interpretations of the source and points of diversion of these transfers and application 37-08916.

It appears that the Department should consider application 37-08916 very carefully. Approving this application as proposed would probably have stream channel and flow impacts on the Big Wood River. I spoke with Terry Blau, IDWR stream channel specialist, regarding application 37-08916, and he said that he was currently investigating a potential stream channel violation the Little Mackawao channel. Terry said that he was quite familiar with the channel, and had several photographs of the area, so I did not perform a pre-permit field investigation.

37-08916



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 27, 2000

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

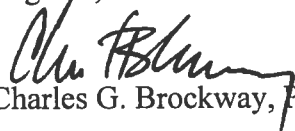
Re: Application for Permit
Project No. 448-01-2000

Dear Allen:

Enclosed is an Application for Permit to maintain flows in the Little Mackawao channel on the Big Wood River above East Fork Road. The attached narrative explains the application in detail.

Please call if you have any questions.

Regards,


Charles G. Brockway, P.E.

cc: Walker Monroe

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
SEP 28 2000
Department of Water Resources
Southern Region

37-08916

NARRATIVE FOR PERMIT APPLICATION

September 20, 2000
Brockway Engineering, PLLC
C. G. Brockway, P.E.

This permit application is being submitted to codify an existing water use within a minor channel of the Big Wood River known as Little Mackawao channel. The channel is located just upstream of East Fork road (see the attached map and June 2000 aerial photo). From the point of diversion to the point of return flow, the channel is approximately 1640 feet long, not including a pond containing approximately 4.0 acre-feet located 250 feet upstream of the return flow point. The pond was constructed in 1979 and contains water year-round, being filled either with surface water or shallow groundwater.

No water rights currently exist either for the channel or storage in the pond. The proposed permit would codify both historical flow through the channel and storage within the pond. The mouth of the channel is uncontrolled, but is protected by rock placed historically for bank stabilization. The channel carries water when the river level is moderate or high, and ceases to flow when the river level declines below the mouth of the entrance. No records have been kept on the magnitude or the timing of discharge in the channel, but it appears that the channel has historically carried water at least through June and perhaps through July and August in wetter years. In the 2000 season, when river levels were extremely low, the channel flowed until late June.

No new water usage is being requested by the permit application. The pond has been in place since 1979, and the channel has historically carried water. The permit, if granted, would allow the maintenance of flow in the channel to enhance water quality in the pond and to maintain fisheries in the pond and channel.

It is proposed to install and maintain a water measuring device within the channel. A suitable location exists approximately 150 feet downstream of the pond outlet. At this location, an existing rock and concrete headwall with a rectangular cutout is in place. Inspection of this structure confirmed that a steel plate can be attached to create a sharp-crested rectangular overflow weir that will measure the flow rate to within $\pm 5\%$.

The Watermaster of District 37, Mr. Lee Peterson, has been contacted regarding the proposed permit. Mr. Peterson indicated that he did not see a problem with the proposal, provided that 1) a suitable measuring device be installed and maintained, and 2) the applicant is aware that he could be cutoff at any time if the Watermaster believes such action is necessary to fill other water rights. Mr. Peterson confirmed that there are no diversions from the Big Wood River between the Little Mackawao channel entrance and the return flow point. He also indicated that he did not see a need for a headgate or control structure at the channel entrance.

The application is being made in the name of Walker Monroe, a homeowner within the subdivision. The point of diversion from the river is located on property owned by Mr. Don Nickelson. The channel flows through the subdivision and across property owned by various parties. Mr. Monroe is contacting other homeowners, and it is anticipated that a concurrence from Mr. Nickelson and the homeowner's association will be forthcoming to allow the permit to be approved.

37-08916