

RECEIVED

APR 20 2007

FORM 202

WATER RESOURCES  
WESTERN REGION

Ident. No. 63-32647 12/99

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

1. Name of Applicant E G Johnson Farms, Inc. Phone (208) 722-5829  
Mailing address 24007 Hwy 20-26, Parma ID 83660

2. Source of water supply Sand Hollow Creek which is a tributary of Boise River

3. Location of point of diversion is Township 5N Range 4W Sec. 30, in the \_\_\_\_\_ ¼,  
SW ¼, NE ¼, Govt. Lot \_\_\_\_\_, B.M., Canyon County;  
additional points of diversion if any: T05N R04W, S30, SWNW, Lot 6

4. Water will be used for the following purposes:  
Amount 130.0 acre-feet for wildlife storage purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 4.53 cfs for diversion to storage purposes from 01/01 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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 4.53 and/or (b) 130.0 acre feet  
cubic feet per second acre feet per annum lg  
2/15/12

6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source existing headgates and irrigation ditches

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet;  
total reservoir capacity \_\_\_\_\_ acre-feet

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? \_\_\_\_\_

e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. diversion to create ponds and waterways for water fowl habitat

AMENDED

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 | RGE | SEC | NE |    |               |    | NW |                        |           |             | SW          |    |    |             | SE |    |             |    | TOTALS |
|-----|-----|-----|----|----|---------------|----|----|------------------------|-----------|-------------|-------------|----|----|-------------|----|----|-------------|----|--------|
|     |     |     | NE | NW | SW            | SE | NE | NW                     | SW        | SE          | NE          | NW | SW | SE          | NE | NW | SW          | SE |        |
| 5N  | 5W  | 25  |    | WS | <del>WS</del> |    | WS | <del>WS</del><br>Lot 6 | WS<br>L+6 | WS<br>Lot 5 | WS<br>Lot 4 | WS |    | WS<br>Lot 3 |    |    | WS<br>Lot 2 |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |
|     |     |     |    |    |               |    |    |                        |           |             |             |    |    |             |    |    |             |    |        |

lg  
2/15/12

WS = Wildlife Storage

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

10. Describe any other water rights used for the same purposes as described above. None.

11.a. Who owns the property at the point of diversion? Lamar Roache

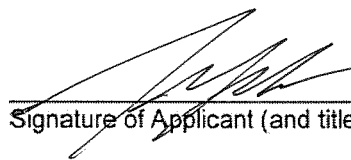
b. Who owns the land to be irrigated or place of use? E G Johnson Farms, Inc

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Points of diversion are existing headgates delivering to existing ditches

12. Remarks: The ponds to be used for wildlife storage are a combination of existing wasteways, natural basins, existing gravel excavation sites and excavated ponds.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" 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.)

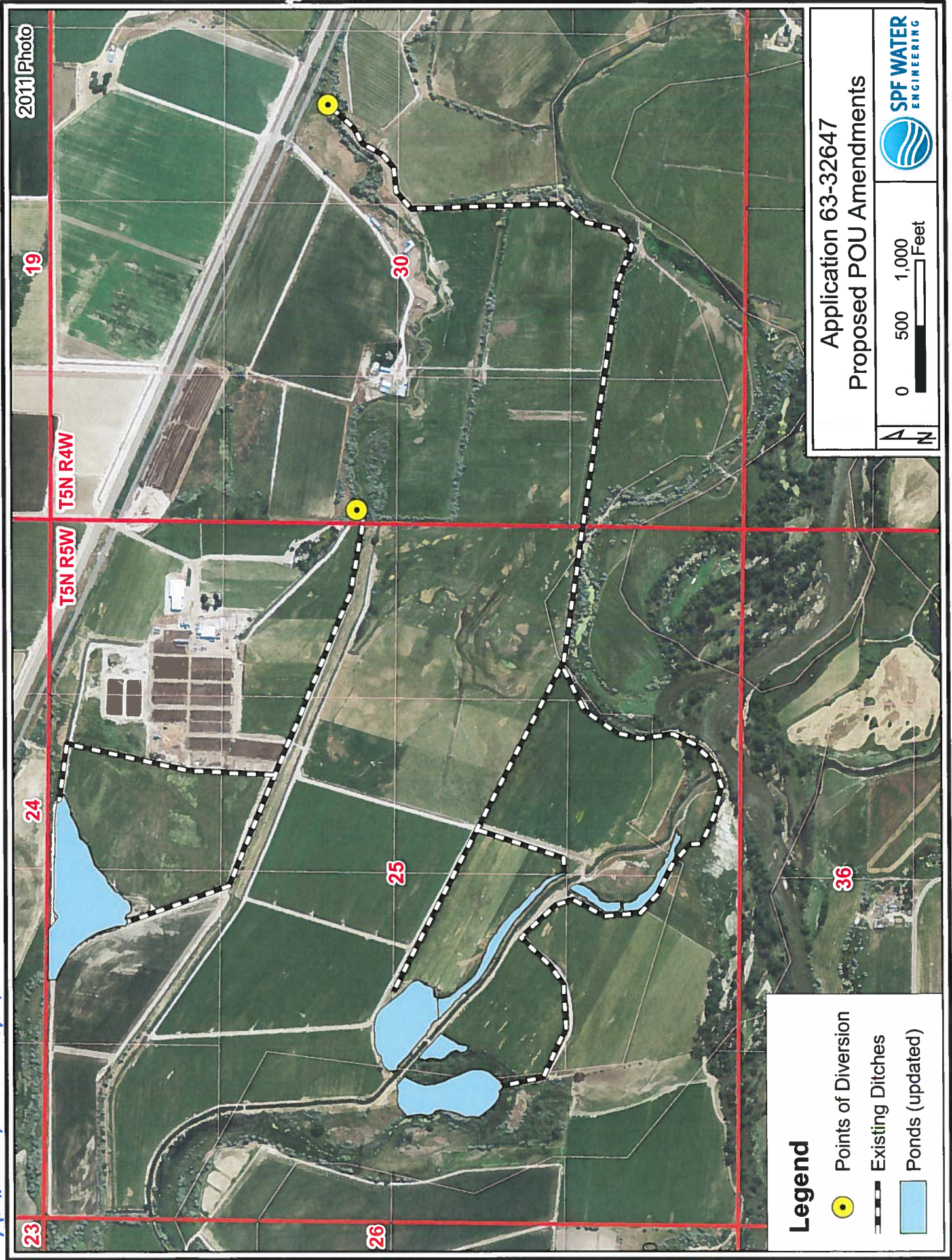
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

 VICE PRESIDENT  
Signature of Applicant (and title, if applicable)

Received by SB Date 4-20-07 Time 11:00 A Preliminary check by JL  
 Fee \$ 410- Received by DB # W035297 Date 4-20-07  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

→ don't record here

AMENDED MAP e 2/15/12 letter. Other ditches link ponds, see 4/20/07 original map. / Appl. -R 2/21/02



2011 Photo

19

T5N R4W

T5N R5W

24

25

23

26

30

36

**Legend**

- Points of Diversion
- - - Existing Ditches
- Ponds (updated)

Application 63-32647  
Proposed POU Amendments





**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](http://www.idwr.idaho.gov)

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

February 23, 2012

To: Distribution List

Re: Application for Permit No. 63-32647

Dear Interested Party:

In recent years numerous water right applications for wildlife projects have been filed in your area. The applications propose significant amounts of water from the Boise River, Sand Hollow Creek and various drains. Numerous ponds are proposed. Some applications include unresolved protests. Other applications need to be advertised in the legal notices of the *Press Tribune*. The Idaho Department of Water Resources (IDWR) developed a common mailing list for remaining applications that need to be advertised. This might help resolve current and/or future protests regarding these projects.

The above referenced application is being advertised in the first two weeks of March. Please see the enclosed legal notice and application map for that filing.

If your application is the subject of this letter and you received this mailing, please note this was done to give you with the same information provided to the others on the list.

Additional details about the advertised application can be obtained from the IDWR website noted in the legal notices. You will receive similar letters when other applications are advertised in the next few months. Please contact me at this office if you need more information.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester  
Water Rights Supervisor

Enclosure

file copy

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-32647

E G JOHNSON FARMS INC

24007 HWY 20-26

PARMA, ID 83660

Point of Diversion: SWNE & L6 (SWNW) S30 T05N R04W CANYON County Source SAND HOLLOW CREEK Tributary SNAKE RIVER

Use 01/01 to 12/31 : DIVERSION TO STORAGE 4.53 CFS & WILDLIFE STORAGE 130 AF

Date Filed: 4/20/2007

Place of Use: WILDLIFE STORAGE

T05N R05W S25 NWNE NENW L6(SWNW) L5(SENW) L4(NESW) NWSW L3(SESW) L2(SWSE)

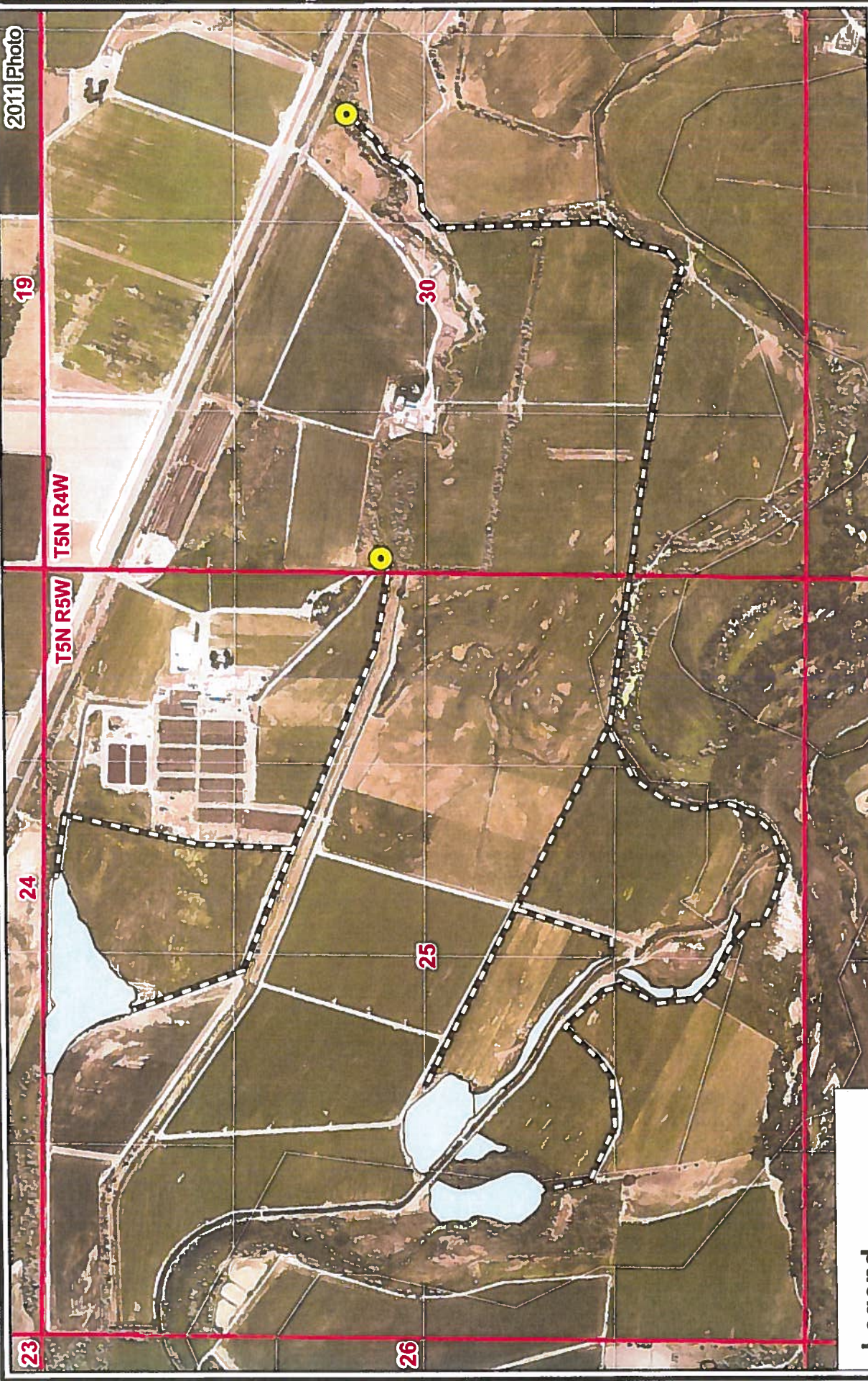
Use existing irrigation ditches.

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 3/19/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 3/1/2012 and 3/8/2012

APPROVED MAP c 2/15/12 letter. Other ditches like ponds, see 4/20/07 original map. 1/19/10, 1 App. - R. Spiller



2011 Photo

19

T5N R4W

T5N R5W

24




25

26

30

36

### Legend

-  Points of Diversion
-  Existing Ditches
-  Ponds (updated)

## Application 63-32647 Proposed POU Amendments



DISTRIBUTION LIST FOR WILDLIFE APPLICATIONS

DOUG & LORI MERGES  
27205 WING SETTER LN  
PARMA ID 83660

DANA HOFSTETTER  
HOFSTETTER LAW OFFICE  
608 W FRANKLIN ST  
BOISE ID 83702

E G JOHNSON FARMS INC  
24007 HWY 20-26  
PARMA ID 83660

MICHAEL CREAMER  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

G O INVESTMENTS LLC  
24034 BATT CORNER RD  
PARMA ID 83660

ATTN SCOTT-ROXANNE-LORI  
SPF WATER ENGINEERING LLC  
300 E MALLARD DR STE 350  
BOISE ID 83706

J F WATSON FARMS CO  
PO BOX 300  
PARMA ID 83660

PARMA PONDS LLC  
6417 PLANTATION LN  
BOISE ID 83703

TREE TOP RANCHES  
PO BOX 8126  
BOISE ID 83707

W & H PARTNERSHIP LLC  
DBA MALLARD FARMS  
PO BOX 7943  
BOISE ID 83707

DAVE & JEANNE HARROLD  
27922 PET LN  
PARMA ID 83660

GREG OBENDORF  
26496 DEB LN  
PARMA ID 83660

ANDREW WALDERA  
MOFFATT THOMAS ET AL  
PO BOX 829  
BOISE ID 83701-0829

## Lester, Steve

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**From:** Lester, Steve  
**Sent:** Thursday, February 23, 2012 12:12 PM  
**To:** 'Ward,Rick'  
**Subject:** Water Right Application  
**Attachments:** 63-32647.pdf; 63-32647 IDFG comment letter.docx; 63-32647 consultant letter.pdf

**Contacts:** Rick Ward

Rick:

Due to some unexpected events, I am temporarily covering legal notices and associated comment letters etc. until more help arrives. Please bear with me if things seem a little off – I'm making some of it up as I go!

Attached information is about another wildlife application in lower part of Boise River area. This one is for Sand Hollow Creek. Return flow is described on page 2 of consultant's letter. The information about Andrews Ditch needs more clarification – that ditch diverts from the river and I am not sure if that ditch water ever reaches Sand Hollow Creek. If it does not, this project might dewater the creek to some unknown extent.

Please let me know if you have any questions or need more information. Thanks for your time checking this out.

Steve Lester  
Water Rights Supervisor  
IDWR Western Region  
208-334-2190

*comment letter to IDFG*

February 23, 2012

STATE OF IDAHO  
DEPT OF FISH & GAME  
ATTN: RICK WARD  
3101 S POWERLINE RD  
NAMPA, ID 83686

RE: Application for Permit No. 63-32647

Dear Mr. Ward:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

If your agency desires to formally protest this application, you may do so by filing a written protest along with a \$25.00 filing fee on or before March 19, 2012.

Please contact this office if you have any questions regarding the application.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosure(s)

State of Idaho  
Department of Water Resources  
Application for Permit  
**RECOMMENDATION FORM**

**Application No.:** 63-32647  
**Applicant's Name:** E G JOHNSON FARMS INC  
24007 HWY 20-26  
PARMA ID 83660

Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:
- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- d) \_\_\_\_\_ Additional comments:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**Idaho Dept of Fish & Game**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**Lester, Steve**

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**From:** Lester, Steve  
**Sent:** Thursday, February 23, 2012 10:22 AM  
**To:** 'legals@idahopress.com'  
**Subject:** Legal Ad  
**Attachments:** Canyon County cover letter.docx; 63-32647 ad.docx

Please see attached information for publication 3/1 & 3/8/2012. Please confirm if this can be published on those dates.

Thank you for your help.

Steve Lester  
Water Rights Supervisor  
IDWR Western Region  
208-334-2190

*LEGAL NOTICE*

February 23, 2012

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

RE: Application For Permit No.(s): 63-32647

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 3/19/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester  
Water Right Supervisor

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-32647

E G JOHNSON FARMS INC

24007 HWY 20-26

PARMA, ID 83660

Point of Diversion: SWNE & L6 (SWNW) S30 T05N R04W CANYON County Source SAND HOLLOW CREEK Tributary SNAKE RIVER

Use 01/01 to 12/31 : DIVERSION TO STORAGE 4.53 CFS & WILDLIFE STORAGE 130 AF

Date Filed: 4/20/2007

Place of Use: WILDLIFE STORAGE

T05N R05W S25 NWNE NENW L6(SWNW) L5(SENW) L4(NESW) NWSW L3(SESW) L2(SWSE)

Use existing irrigation ditches.

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 3/19/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 3/1/2012 and 3/8/2012



RECEIVED

FEB 15 2012

WATER RESOURCES  
WESTERN REGION

February 15, 2012

Steve Lester  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: Application for Permit 63-32647**

Dear Steve,

On behalf of E G Johnson Farms, Inc., this letter provides additional information requested in your letter dated December 22, 2012.

**Source.** The applicant does not seek shallow ground water as a source for any of the proposed ponds.

**Total Quantity of Water.** Upon delivery of this letter, 4.53 cfs will be added to the Item 5 as requested.

**Place of Use.** The proposed place of use has been slightly adjusted. Upon delivery of this letter, the application will be amended and an associated GIS photo will be provided showing the place of use changes.

**Storage.** Maximum pond area proposed is 23.3 acres. Pond depths will range from less than 1 foot up to 10 feet. Anticipated average depth is 2 feet, for a total storage volume of 46.6 acre feet. Annual evaporation, at 2.2 ft/year net pond evaporation (ET Idaho) will total up to 51.3 acre feet. The proposed 130-acre foot volume provides for a seepage loss of 32 acre feet (130 af – 46.6 af – 51.3 af), the first year and 78.6 acre feet (130 af – 51.3 af) in subsequent years (i.e., after the initial fill).

Pond surface areas may fluctuate seasonally, with smaller surface areas in summer and larger surface areas in fall and winter. Smaller surface areas during summer months will seasonally reduce losses, provide more water for seepage losses during other months.

Pond volumes and depths may vary from year to year due to siltation and dredging.

**Point of Diversion Access.** Applicants currently have access to the proposed points of diversion during the irrigation season. Authorization from the current land owners, Lamar Roche and Nathan Douglas, to allow diversion of water for year-round wildlife purposes from the proposed points of diversion have been requested and granted. Mr. Roche and Mr. Douglas will provide authorization statements upon request.

February 15, 2012

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**Return Flows.** The pond in the NENW and NWNE Section 25 will overflow in the NENW to a drain located on the northern border of Section 25. This drain flows westward and eventually discharges back to Sand Hollow Creek in the NENE Section 26. Return flow from the other ponds can be diverted into either the Andrews Ditch near the boundary of the SWNW and NWSW Section 25 or into an unnamed slough that borders the west side of the Andrews Ditch in the same area.

Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Jeff Johnson

SPF file number: 341.0040



**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](http://www.idwr.idaho.gov)

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

December 22, 2011

E G JOHNSON FARMS INC  
C/O ROXANNE BROWN  
SPF WATER ENGINEERING LLC  
300 E MALLARD DR STE 350  
BOISE ID 83706

Re: Application for Permit No. 63-32647

Dear Roxanne:

The above referenced application for a wildlife project can be processed once the application is clarified and perhaps amended as outlined in this letter. Please respond to the following points.

Source – Application remarks mention excavated ponds. Typically that infers a proposed excavation to appropriate shallow ground water where a high water table exists. However, most/all wildlife applications in the same general area in recent years have shown shallow ground water is not a factor. Please confirm the applicant does not seek shallow ground water as a source for any proposed excavation, if any. Alternately, the application should be amended to add this source and corresponding points of diversion represented by the approximate center of each pond involving an appropriation of this source. The latter option would advance the proposed priority date.

Storage – Item 6b is incomplete. Also, total acres to be covered by ponds and average depth of the ponds should be identified to confirm total pond capacity. Without more volume for refills, evaporation, and/or seepage, the application would describe ponds to be filled to capacity once per year. The addition of more volume should include the method used to determine that increment. Additional volume would be added to items 4 and 5 but not to item 6b. The result would be an expanded application with an advanced priority date. Also, the map appears to show a maximum of 6 ponds. This will be assumed to be the correct maximum unless more ponds are identified.

Total Quantity of Water – Item 5 should also show total cfs.

Place of Use – The map shows some storage in SWNW. Item 9 does not include that tract. The map and item 9 should match.

Application for Permit No. 63-32647  
December 22, 2011  
Page 2

Point of Diversion Access – Item 11c appears incomplete. Existing irrigation ditches do not necessarily confirm access for another use and for use during the non-irrigation season. A more complete explanation is needed.

Return Flows – Describe the extent of return flows to the creek. Identify the location of return flows to the  $\frac{1}{4}$   $\frac{1}{4}$  level. Explain why water will not be returned to the creek if that is the case.

**Please submit the requested information by February 15, 2012, for application processing to continue. The application will be voided without a timely written reply. Refunds are not issued for voided applications.**

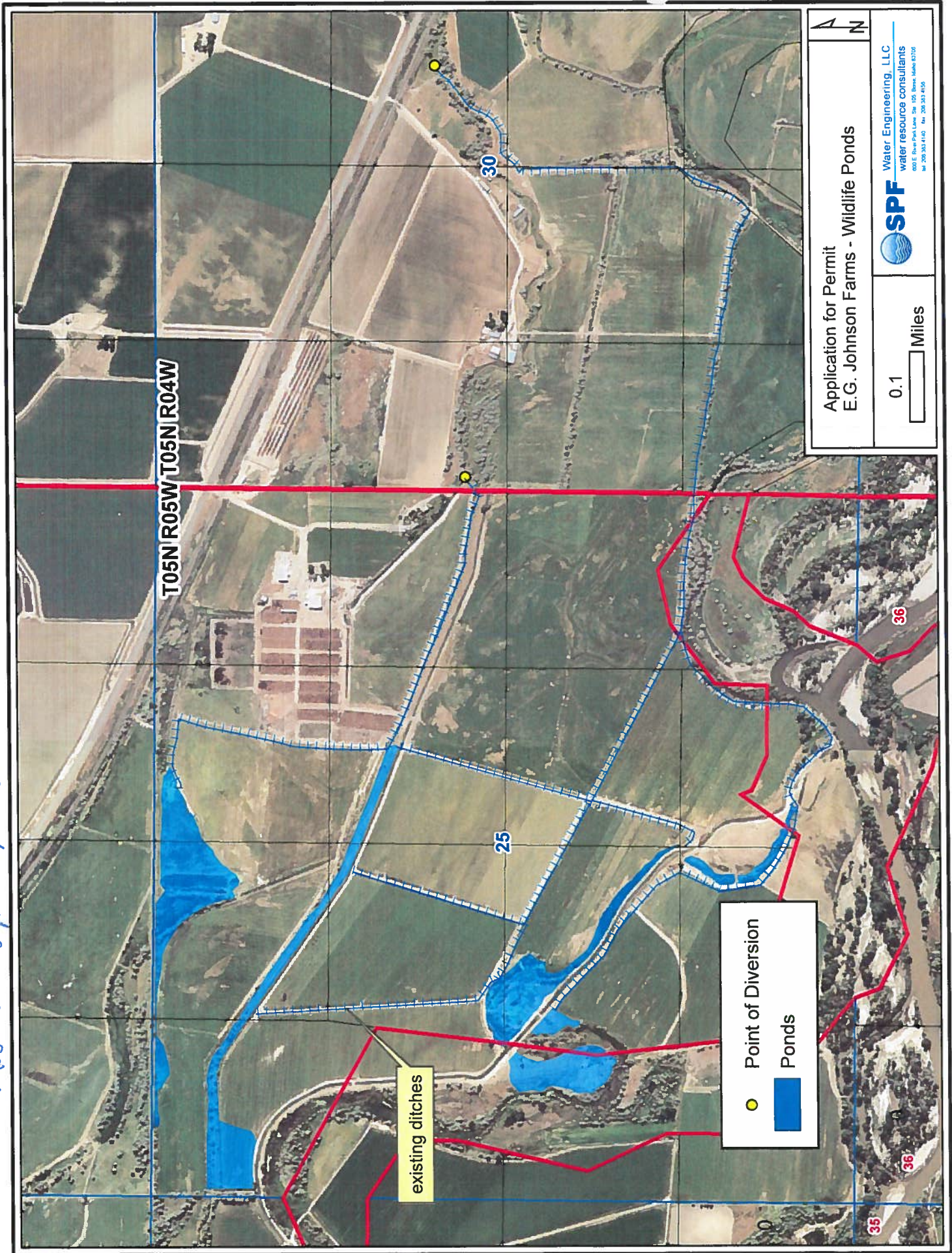
Please let me know if you have any questions or need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized flourish at the end.

Steve Lester  
Water Rights Supervisor

Assuming / system per ditcher (+++++) / existing ponds = / Apph, not 2



T05N R05W T05N R04W

Application for Permit  
E.G. Johnson Farms - Wildlife Ponds

0.1 Miles

**SPF** Water Engineering, LLC  
water resource consultants  
600 E. River Park Lane, Ste. 105, Sierra Vista, AZ 85635  
PH: 702.943.4142 FAX: 702.943.4156

Point of Diversion

Ponds

existing ditches

4/20/07 original map, see 2/15/12 amended map

63-32647



April 19, 2007

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705

Subject: Application for Permit  
E. G. Johnson Farms - Wildlife Ponds

Dear Steve,

Enclosed on behalf of E. G. Johnson Farms, is an *Application for Permit* to develop a water right for wildlife storage use. The fee for this application is \$410.00; please find a check for that amount enclosed.

Please let me know if you have questions concerning this application.

Sincerely,

Roxanne Brown  
Water Rights Specialist

Enclosures  
Application  
Map  
Check

SPF file number: 341.0040

RECEIVED

APR 20 2007

WATER RESOURCES  
WESTERN REGION