

AMENDED

FORM 202
2/99

Ident. No. 63-32562
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

OCT 23 2006

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant DOUG & LORI ANN MERGEN Phone 208-722-7440
Mailing address 27205 WING SETTER LN. PARMA, ID 83660

2. Source of water supply UNNAMED DRAIN which is a tributary of POSS E END DRAIN

3. Location of point of diversion is Township 5N Range 5W Sec. 17, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 7, B.M., CANYON County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.00 CFS for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .27 CFS for WILDLIFE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

(16) Amount 29 AF for WILDLIFE 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1 CFS and/or (b) 16 29 AF
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source SLIDE GATE TO DITCH
TO DUG POND

b. Height of storage dam 2' feet; active reservoir capacity 16 acre-feet; total
reservoir capacity 16 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 1 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. WILDLIFE POND

3. 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	17									X								
											LT6								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 63-32166

11. a. Who owns the property at the point of diversion? WOODY HAROLD ESTATE

b. Who owns the land to be irrigated or place of use? DOUG MERGES

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SAME POINT OF DIVERSION AS IRRIGATION USE.

12. Remarks: WILDLIFE USE TO REFRESH POND. ADDITIONAL STORAGE OF 13 AF IS FOR EVAPORATION LOSSES. 40" PAN EVAPORATION / 12 X 4 AC. SURFACE AREA = 13 AC. POND HAS 4 AC. OF SURFACE AREA & APPROX 4' DEEP.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

R. M. Mays
Signature of Applicant (and title, if applicable)

Received by lgagnon Date 10-23-06 Time 2:45pm Preliminary check by jl
Fee \$ 250.00 Received by lgagnon # W034810 Date 10-23-06
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

T5N R5W S17

NESW
LT 6

SESW
LT 7

Pipe water from
lwn. drain over
Ross East End
Drain, return
flow to Ross East
End Drain

Return
flow to
Ross East End

lwn. drain

Ross East
End Drain

WHIP 2005 Plan Map

Date: 4/13/2005

Customer(s): DOUGLAS M MERGES
District: CANYON SOIL CONSERVATION DISTRICT

Field Office: CALDWELL SERVICE CENTER
Agency: USDA-NRCS
Assisted By: Pamela L Scheinost
State and County: ID, CANYON

Legal Description: T5N R5W Sec 17



Legend

-  Structure for Water Control
-  Irrigation Water Conveyance, Pipeline, Steel

 Wetland Creation

 WHIP05

Image: Topographic



125 0 125 250 375 500 Feet



63-32562

40 ci — DIVERSION IS AT END OF DRAIN. NO IMPACT ON OTHERS ABOVE.

40 ciii — SEE MAP FOR RETURN FLOW. NO IMPACT ON OTHERS ABOVE.

40 di — ESTABLISH WATERFOWL RESTING, FEEDING, ¹/₂ REPRODUCTION HABITAT AS WELL AS UPLAND GAME COVER. RATE OF FLOW NECESSARY TO MAINTAIN OPEN WATER DURING WINTER MONTHS.

40 dii — THE DITCH IS FULL YEAR AROUND BASED UPON LIVING ON PROPERTY FOR 9 YEARS. NO IMPROVEMENT OR MODIFICATION OF DITCH IS NECESSARY — SAME AS IRRIGATION SEASON.

40 ei — IRRIGATION EASEMENT AND WILL SEEK ANY OTHER APPROVAL AS NECESSARY.

40 g — SEND LETTER TO.

DOUGLAS M. MERGES

Dalman

7/17/07

RECEIVED

JUL 17 2007

WATER RESOURCES
WESTERN REGION

63-32562



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

January 11, 2012

Re: Application No. 63-32562 & 63-32608

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.

Two applications are being advertised at this time as noted above. Please see the enclosed legal notices and application maps for those two filings. They appear to describe the same ditch used for several older irrigation rights. The unnamed drain flows into the Ross East End Drain, which is presumably tributary to the Boise River. However, the Ross East End Drain might be tributary to the Snake River based on topographic maps. The tributary issue can be clarified as application processing continues.

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 applications 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 Steve Lester at this office if you need more information.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure

DISTRIBUTION LIST FOR WILDLIFE APPLICATIONS

DOUG & LORI MERGES
27205 WING SETTER LN
PARMA, ID 83660

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

G O INVESTMENTS LLC
24034 BATT CORNER RD
PARMA, ID 83660

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

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

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

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

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

2-10460

A D CATTLE CO INC

PO BOX 1582

BOISE, ID 83701

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 1.88 CFS

Total Diversion: 1.88 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S14 NE (ALL) SE (ALL)

Total Acres: 320

2-10461

ALLEN NOBLE FARMS INC

PO BOX 1582

BOISE, ID 83701

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 3.76 CFS

Total Diversion: 3.76 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S11 NW (ALL) SW (ALL)

T01N R03W S14 NW (ALL) SW (ALL)

Total Acres: 640

2-10462

BASIN LAND PROJECT

PO BOX 1582

BOISE, ID 83701

Point of Diversion L7(SWSWNE) S36 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 26 CFS

Total Diversion: 26 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R02W S19 (ALL)

T01N R02W S20 NW (ALL)

T01N R02W S29 NWNW SWNW SENW SW (ALL)

T01N R02W S30 (ALL)

T01N R02W S31 NE (ALL) NW (ALL) NESW NWSE

T01N R02W S32 NENW NWNW SWNW

T01N R03W S23 (ALL)

T01N R03W S24 (ALL)

T01N R03W S25 NE (ALL) NENW NWNW SENW SE (ALL)

T01N R03W S26 NENE

T01N R03W S36 NENE SENE

Total Acres: 3715

2-10463

BIGFOOT FARM LLC

DAVID PALFREYMAN MANAGER

5001 FIFESHIRE PL N

BOISE, ID 83713

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 0.94 CFS

Total Diversion: 0.94 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S15 SE (ALL)

T01N R03W S22 NENE SENE

Total Acres: 193

63-32562

DOUG MERGES

LORI ANN MERGES

27205 WING SETTER LN

PARMA, ID 83660

Point of Diversion L7(SES)W S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: WILDLIFE 01/01 to 12/31 0.27 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 29 AF
Total Diversion: 1 CFS
Date Filed: 10/23/2006
Place Of Use: WILDLIFE & WILDLIFE STORAGE
T05N R05W S17 L6(NESW)
Use existing irrigation ditch. Presumed tributary to Boise River via Ross East End Drain. Return flows to Ross East End Drain near wildlife pond.

63-32608

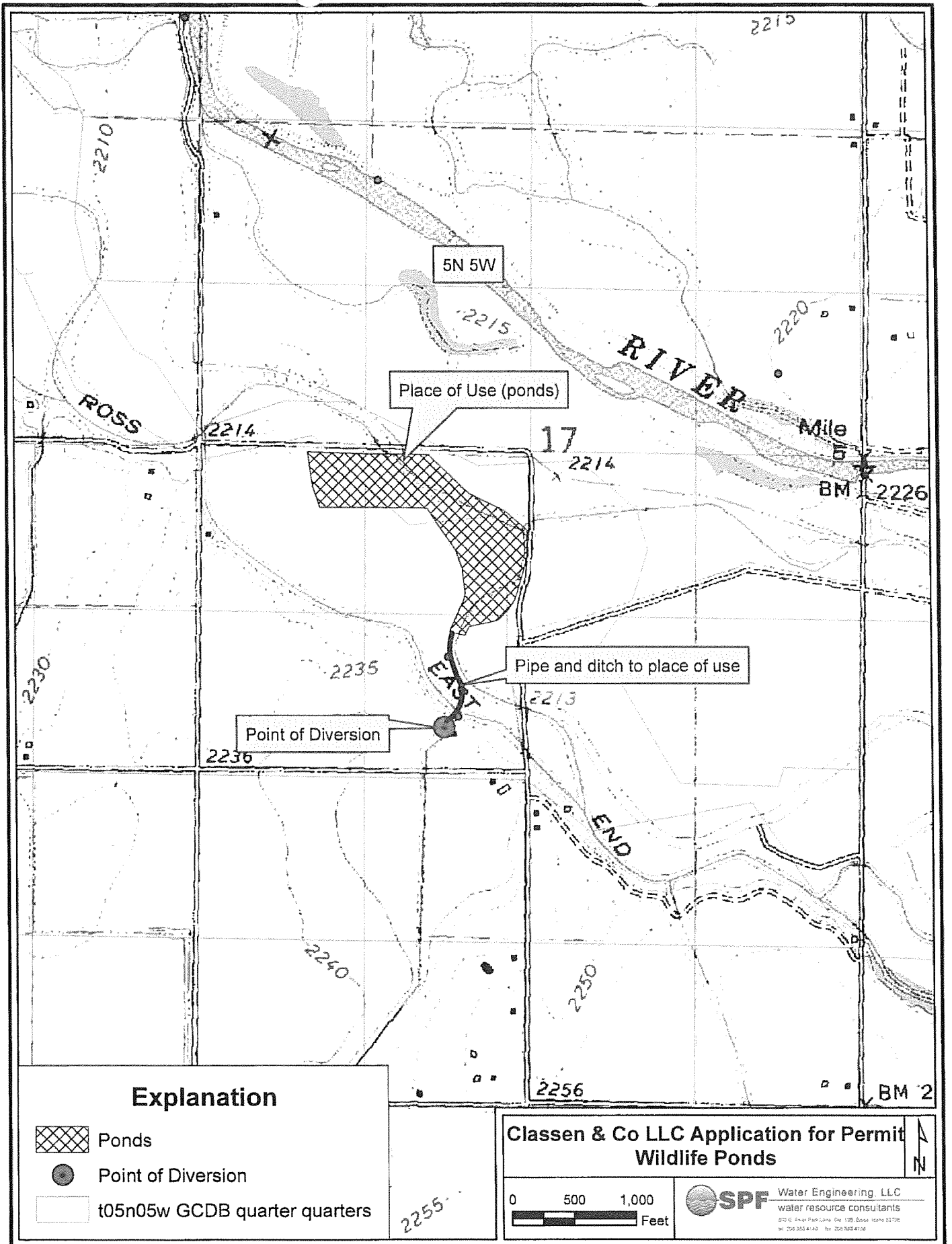
PARMA PONDS LLC
6417 PLANTATION LN
BOISE, ID 83703
Point of Diversion L7(SESW) S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 35 AF
Total Diversion: 2.8 CFS
Date Filed: 11/21/2006
Place Of Use: WILDLIFE & WILDLIFE STORAGE
T05N R05W S17 L6(NESW) L5(NWSW) L7(SESW)
Use existing irrigation ditch. Presumed tributary to Boise River via Ross East End Drain. Return flows to Ross East End Drain near wildlife ponds.

63-33593

JOHN LINDLEY
29453 GOTSCH RD
PARMA, ID 83660
Point of Diversion SENE S1 T05N R05W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 1.13 CFS
Total Diversion: 1.13 CFS
Date Filed: 10/26/2011
Place Of Use: IRRIGATION
T05N R05W S1 SWNE SENE NESE
Total Acres: 57

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/WRTFiling.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 February 6, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 1/19/2012 and 1/26/2012



63-32608

T5N R5W S17

NESW
LT 6

SESW
LT 7

Pipe water from
L.W. drain over
Ross East End
Drain, return
flow to Ross East
End Drain

63-32562

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 11, 2012 3:57 PM
To: 'rick.ward@idfg.idaho.gov'
Subject: Comment Letter for Applications 67-15074, 2-10460, 2-10461, 2-10462, 2-10463, 63-32562, 63-32608
Attachments: Comment Letter to F & G - Special.doc; 67-15074.pdf; 2-10460.pdf; 2-10461.pdf; 2-10462.pdf; 2-10463.pdf; 63-32562.pdf; 63-32608.pdf

Attached is a cover letter & copies of application(s) for your review and/or comment. If you have any questions regarding this information please feel free to contact this office.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 11, 2012

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

RE: Application(s) for Permit: 67-15074, 2-10460, 2-10461, 2-10462, 2-10463, 63-32562, 63-32608

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.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

The applications 63-32562 & 63-32608 appear to describe the same ditch used for several older irrigation rights. The unnamed drain flows into the Ross East End Drain, which is presumably tributary to the Boise River. However, the Ross East End Drain might be tributary to the Snake River based on topographic maps. The tributary issue can be clarified as application processing continues.

Please contact Steve Lester at this office if you need more information.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 11, 2012 3:55 PM
To: 'waterdistrict63@qwestoffice.net'
Subject: Comment Letter for Application 63-32562 & 63-32608
Attachments: Comment Letter to WD 63 - Special.doc; 63-32608.pdf; 63-32562.pdf

Attached is a cover letter & copies of application(s) for your review and/or comment. If you have any questions regarding this information please feel free to contact this office.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 11, 2012

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Water Right No(s): 63-32562, 63-32608

Dear Mr. Barrie:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

The applications appear to describe the same ditch used for several older irrigation rights. The unnamed drain flows into the Ross East End Drain, which is presumably tributary to the Boise River. However, the Ross East End Drain might be tributary to the Snake River based on topographic maps. The tributary issue can be clarified as application processing continues.

Please contact Steve Lester at this office if you need more information.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 11, 2012 2:47 PM
To: 'legals@idahopress.com'
Subject: Legal Notice
Attachments: Canyon Cty - Cover Letter.docx; Canyon Cty - Ad.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 11, 2012

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

RE: Application For Permit No.(s): 2-10460, 2-10461, 2-10462, 2-10463, 63-32562, 63-32608, 63-33593

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 2/6/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

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

2-10460

A D CATTLE CO INC

PO BOX 1582

BOISE, ID 83701

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 1.88 CFS

Total Diversion: 1.88 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S14 NE (ALL) SE (ALL)

Total Acres: 320

2-10461

ALLEN NOBLE FARMS INC

PO BOX 1582

BOISE, ID 83701

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 3.76 CFS

Total Diversion: 3.76 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S11 NW (ALL) SW (ALL)

T01N R03W S14 NW (ALL) SW (ALL)

Total Acres: 640

2-10462

BASIN LAND PROJECT

PO BOX 1582

BOISE, ID 83701

Point of Diversion L7(SWSWNE) S36 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 26 CFS

Total Diversion: 26 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R02W S19 (ALL)

T01N R02W S20 NW (ALL)

T01N R02W S29 NWNW SWNW SENW SW (ALL)

T01N R02W S30 (ALL)

T01N R02W S31 NE (ALL) NW (ALL) NESW NWSE

T01N R02W S32 NENW NWNW SWNW

T01N R03W S23 (ALL)

T01N R03W S24 (ALL)

T01N R03W S25 NE (ALL) NENW NWNW SENW SE (ALL)

T01N R03W S26 NENE

T01N R03W S36 NENE SENE

Total Acres: 3715

2-10463

BIGFOOT FARM LLC

DAVID PALFREYMAN MANAGER

5001 FIFESHIRE PL N

BOISE, ID 83713

Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 0.94 CFS

Total Diversion: 0.94 CFS

Date Filed: 5/6/2011

Place Of Use: IRRIGATION

T01N R03W S15 SE (ALL)

T01N R03W S22 NENE SENE

Total Acres: 193

63-32562

DOUG MERGES

LORI ANN MERGES

27205 WING SETTER LN

PARMA, ID 83660

Point of Diversion L7(SESW) S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: WILDLIFE 01/01 to 12/31 0.27 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 29 AF
Total Diversion: 1 CFS
Date Filed: 10/23/2006
Place Of Use: WILDLIFE & WILDLIFE STORAGE
T05N R05W S17 L6(NESW)
Use existing irrigation ditch. Presumed tributary to Boise River via Ross East End Drain. Return flows to Ross East End Drain near wildlife pond.

63-32608

PARMA PONDS LLC
6417 PLANTATION LN
BOISE, ID 83703
Point of Diversion L7(SESW) S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 35 AF
Total Diversion: 2.8 CFS
Date Filed: 11/21/2006
Place Of Use: WILDLIFE & WILDLIFE STORAGE
T05N R05W S17 L6(NESW) L5(NWSW) L7(SESW)
Use existing irrigation ditch. Presumed tributary to Boise River via Ross East End Drain. Return flows to Ross East End Drain near wildlife ponds.

63-33593

JOHN LINDLEY
29453 GOTSCH RD
PARMA, ID 83660
Point of Diversion SENE S1 T05N R05W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 1.13 CFS
Total Diversion: 1.13 CFS
Date Filed: 10/26/2011
Place Of Use: IRRIGATION
T05N R05W S1 SWNE SENE NESE
Total Acres: 57

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. 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 February 6, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 1/19/2012 and 1/26/2012

IDWR SUMMARY FOR WILDLIFE APPLICATIONS

The following information is provided for a group of similar wildlife applications in the lower portion of Basin 63:

- 11/9/07 memo summarizing the situation and proposing key conditions of approval if the applications can be approved
- 11/8/07 memo with its attachments documenting extensive IDWR efforts to solicit IDFG comments on the projects
- Includes 3/2/07 IDWR overview notes provided to all the applicants.

Originals are filed in Application 63-32226, the lowest numbered filing in this group.

This cover page is provided to the following applications:

- 63-32226
- 63-32238
- 63-32458
- 63-32459
- 63-32460
- 63-32461
- 63-32462
- 63-32465
- 63-32466
- 63-32467
- 63-32560
- 63-32561
- ✓ • 63-32562

-JL 11/9/07

RECEIVED

JUL 25 2007

WATER RESOURCES
WESTERN REGION

July 24, 2007

US Army Corps of Engineers
Attn: Greg Martinez
304 N. 8th St., Room 140
Boise, ID 83702

Dear Greg,

As instructed by the IDWR, I'm writing to seek any comments about my amended application (enclosed). If you have any comments, questions or concerns, please notify me within 30 days.

Doug Merges
27205 Wing Setter Lane
Parma, ID 83660
208.722.7440

Douglas Merges
7/24/07

63-32562

*Applicant comment letters
to - Army Corps
- County Comm.
- Riverside Im Dist.*

July 24, 2007

Canyon County Commissioners
1115 Albany
Caldwell, ID 83605

RECEIVED

JUL 25 2007

WATER RESOURCES
WESTERN REGION

Dear Canyon County Commissioners,

As instructed by the IDWR, I'm writing to seek any comments about my amended application (enclosed). If you have any comments, questions or concerns, please notify me within 30 days.

Doug Merges
27205 Wing Setter Lane
Parma, ID 83660
208.722.7440

Doug M Merges

7/24/07

~~Canyon County Courthouse
1115 Albany
Caldwell, ID 83605~~

July 24, 2007

Riverside Irrigation District
PO Box 1080
Parma, ID 83660

RECEIVED

JUL 25 2007

WATER RESOURCES
WESTERN REGION

Dear Riverside Irrigation,

As instructed by the IDWR, I'm writing to seek any comments about my amended application (enclosed). If you have any comments, questions or concerns, please notify me within 30 days.

Doug Merges
27205 Wing Setter Lane
Parma, ID 83660
208.722.7440

Douglas M Merges

7/24/07

CONVERSATION MEMORANDUM

Date 7/17/07

File 63-32562

NAME OF PARTY Doug & Lori Ann Merges

EMPLOYEE JL

RE: ADDITIONAL INFO c IOWA 7/5/07 LETTER

Amount of Appl. c today's office visit, no expression.

Provided handwritten response to Rule 40 items (attached with Application).

Will send letters to 3 entities seeking comments.

Can process in priority order w/ other BS 63 Apps - also see wildlife Apps. tracking list (JL has) about processing.

Left them phone message after they left:

processing will continue in priority order so legal notice not next month (I misinterpreted that during their visit).



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
DAVID R. TUTHILL, JR., Interim Director

July 5, 2007

DOUG &/OR LORI ANN MERGES
27205 WING SETTER LN
PARMA ID 83660

Re: Application for Permit No. 63-32562

Dear Applicants:

Numerous applications for new wildlife projects in your area have been filed with the Idaho Department of Water Resources (IDWR) in recent months, including your above referenced application. A significant amount of water from various surface water sources has been proposed by these multiple projects (in excess of 300 cfs). This is an unprecedented situation for IDWR to evaluate.

In order to determine if the applications meet water right requirements, IDWR has been requesting additional information from the applicants. The same request is now made for your application. The additional information is necessary to determine if your application is approvable under the criteria IDWR must use (availability of water, injury to other water rights, local public interest etc.). This request is based on Water Appropriation Rule 40.05, copy enclosed. A copy of your application is enclosed for your convenience. Please respond to the following items.

- ✓ Name – The application lists Doug and Lori Ann. Doug signed the application. Multiple names joined by "and" require signatures for all the names. Lori Ann should also sign the application or it should be modified to join your names by "and/or" to allow only one signature.
- ✓ Source, Tributary, Diversion Point – The application identifies an unnamed drain as the source. The application lists the same diversion point as your irrigation right 63-32166 (unnamed drain, see enclosed map). The application map appears to show the Ross End Drain as the source. Please clarify the correct source, tributary and diversion point.
- ✓ Amount of Water – The application includes storage (AF) and natural flow (CFS). The beneficial use term "wildlife 0.27 CFS" covers pond refills. The application should be reduced from 29 to 16 AF because of that.
- ✓ Rule 40, Item ci – Provide the information about other water users from the same drain.

✓ = info provided 7/17/07 office visit

- ✓ Rule 40, Item ciii – Confirm that return flows will occur to the Ross East End Drain near the line between NESW and SESW, Section 17. Describe how the proposed system will operate to minimize impacts on other water rights from the proposed source. For example, show that your proposed year around wildlife diversion will not adversely dewater the drain and injure other water rights between the point of diversion and point of return flow.
- ✓ Rule 40, Item di – Establish a credible link between the amount of water to be diverted and the specific beneficial use to be developed. For example, why are 1.00 CFS diversion to storage and 0.27 CFS wildlife uses proposed for the project? Exactly what beneficial use will be provided for wildlife? Determine why the requested amount of water for the proposed beneficial use is not speculative.
- ✓ Rule 40, Item dii – Provide credible information to show that the requested amount of water is available from the source during the proposed period of use. If you need to enlarge the drain to get the water, describe the necessary work and any other approvals (other landowners etc.) that you would need.
- ✓ Rule 40, Item ei – Provide information regarding your legal access to the proposed point of diversion for the proposed period of use and nature of use. An irrigation easement is presumed not to cover other uses or the non-irrigation season.
- ✓ Rule 40, Item g – Send comment letters to the Canyon County Commissioners, any irrigation district and/or canal company or drainage district in the local area, and the US Army Corps of Engineers. Provide IDWR with copies of your comment letters to these entities and any written responses received from them. Please contact the Army Corps as follows:

Attn. Greg Martinez
US Army Corps of Engineers
304 N. 8th St., Room 140
Boise, ID 83702

Phone: (208) 343-2154
Fax: (208) 343-2968

✓ only Riverside for merges please

- ✓ Your area apparently includes at least the Haas Ditch Company, the Island Highline Ditch Company, and the Riverside Irrigation District. Those entities, and any other water delivery organizations involving drain water in your area, should provide information to show that water from the proposed source is not already committed to other water users and therefore not available for a new appropriation.

The application should be amended to change the term joining your names, the amount of water, and perhaps the source/tributary. Please call me to make arrangements for that while you prepare your response to the other items in this letter. Also, please let me know if you need information about hiring a consultant to help with your response.

The additional information should be provided within the next ninety (90) days. Alternately, you may request up to six months interruption in processing. The application will be voided under IC § 42-204 without a timely written response.

Application for Permit No. 63-32562

July 5, 2007

Page 3

After receiving the additional information from you, IDWR will consult with other natural resource agencies to evaluate the information. Processing of the application will continue after that step is completed.

Thank you for your attention to these matters. Please contact me at your convenience if you need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester

Water Rights Supervisor

Enclosure: Copy of Application
 Copy of Map 63-32166
 Copy of Water Appropriation Rule 40.05

Water Appropriation Rules 40.05.c through 40.05.g

c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

N/A — (ii.) For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

N/A — (ii.) The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

N/A { i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

SEE cover letter from IOWR for letters you should send.
Don't send to others in this item.
Send cc of your letters & any responses to IOWR.