

10/09

RECEIVED

DEC 02 2009

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of a permit

I, Classen's Co. LLC / L S Classen hereby assign to Perma Ponds LLC / L S Classen Gen Mgr
of, 6417 Plantation Lane Boise ID 83703 208.854.1037
Full address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s). 63-32608 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):
_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of Diversion? ☐ Yes ☒ No
Place of Use? ☒ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use: easement

Made this 30th day of November, 2009.

Perma S. Classen Gen Mgr
Signature of Permit Holder Title (if applicable)

Signature of Permit Holder Title (if applicable)

State of Idaho)
County of Ada)ss

On this 1st day of December, 2009, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Notary Public

My commission expires: Dec 17, 2013

✓ data-entry done
DB 12/3/09

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 21 2006

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Classen & Co LLC Phone (208) 854-1037
Mailing address 6417 Plantation Ln Boise, ID 83703
2. Source of water supply Unnamed Drain which is a tributary of Ross East 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 _____, B.M., Canyon County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>2.8 cfs</u> (cfs or acre-feet per annum)	for <u>Diversion to Storage</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount <u>35 acre-feet</u> (cfs or acre-feet per annum)	for <u>Wildlife Storage</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount <u>2.8 cfs</u> (cfs or acre-feet per annum)	for <u>Wildlife</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount _____ (cfs or acre-feet per annum)	for _____	purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 2.8 and/or (b) 35

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 Check structure in unnamed drain with headgate to ditches to wildlife ponds
 - b. Height of storage dam 3 feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is n/a 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. Diversions (2.8 cfs) to wildlife ponds (23 acres) for wildlife storage (35 acre-feet)

9. 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	
5N	5W	17									W	W		W					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 63-32226

11.a. Who owns the property at the point of diversion? Estate of ~~Harold Woodward~~ Woodrow Herrold sk

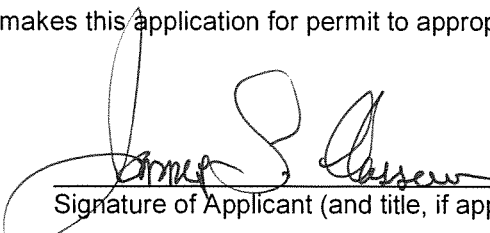
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant will divert from an existing point of diversion located on the late ~~Harold Woodward~~ Woodrow Herrold estate's property. Other rights diverted from this point of diversion include 63-32226 (application), 63-32165, and 63-32166. sk

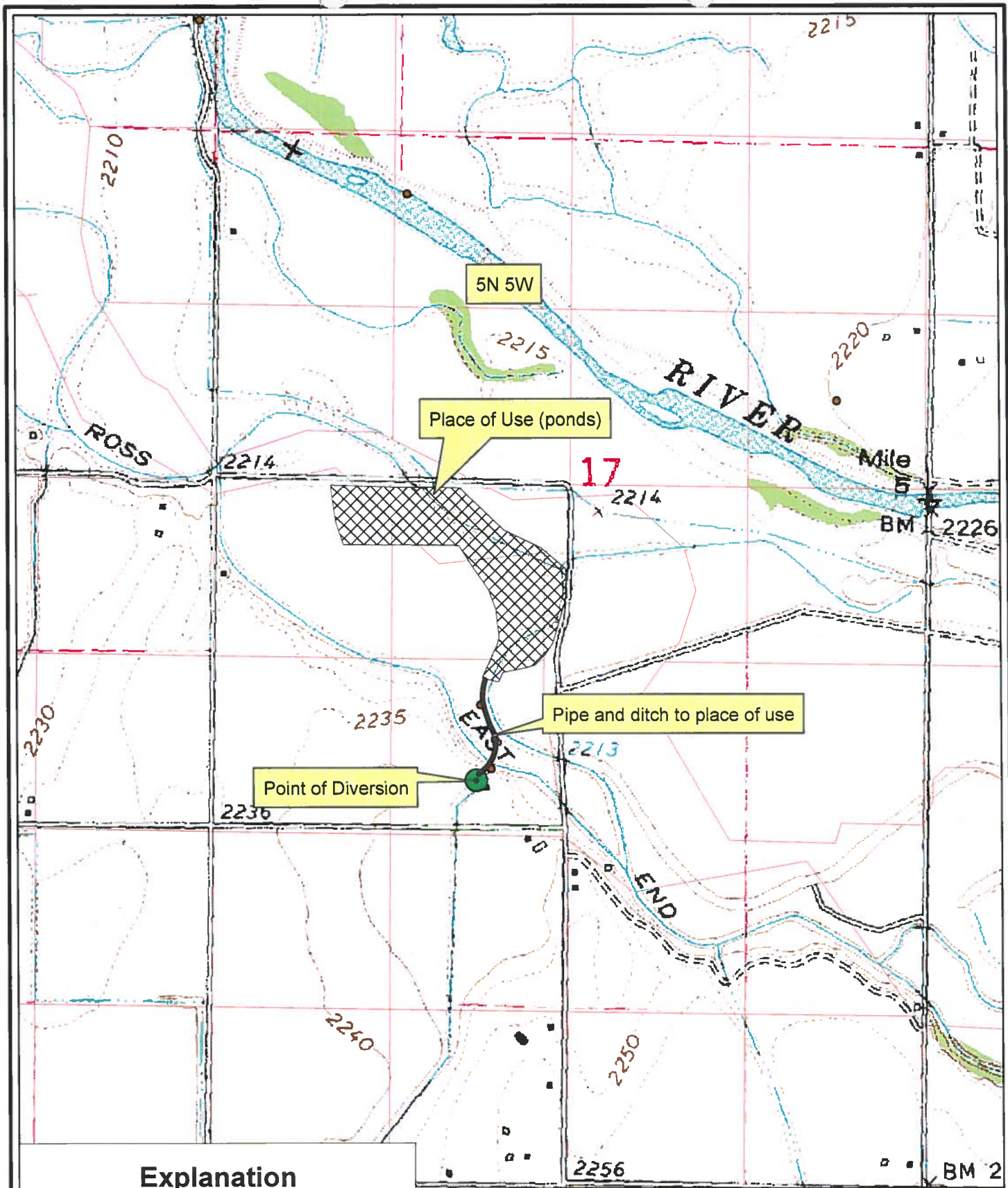
12. Remarks: Water will be diverted from the unnamed drain to a series of ponds for wildlife habitat. The applicant also owns water right no. 63-32165 which is diverted from the same source and point as that proposed by this application. Further, application for permit no. 63-32226 also proposes diverting from this point. Total proposed pond area is 23 acres. Average pond depth is 18-inches with a total capacity of about 35 acre-feet. Pond discharge will enter an unnamed drain in the NESW Section 17. This unnamed drain is tributary to the Ross East End Drain.

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.


Signature of Applicant (and title, if applicable) General Manager.

Received by lgagnon Date 11-21-06 Time 1:57 pm Preliminary check by sk
Fee \$ 330.00 Receipted by lg # W034899 Date 11-21-06
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____



Explanation



Ponds



Point of Diversion



t05n05w GCDB quarter quarters

**Classen & Co LLC Application for Permit
Wildlife Ponds**

0 500 1,000
Feet



Water Engineering, LLC
water resource consultants
800 E. River Park Lane, Ste. 105, Boise, Idaho 83706
tel. 208.363.4140 fax. 208.363.4156



63-32608



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(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

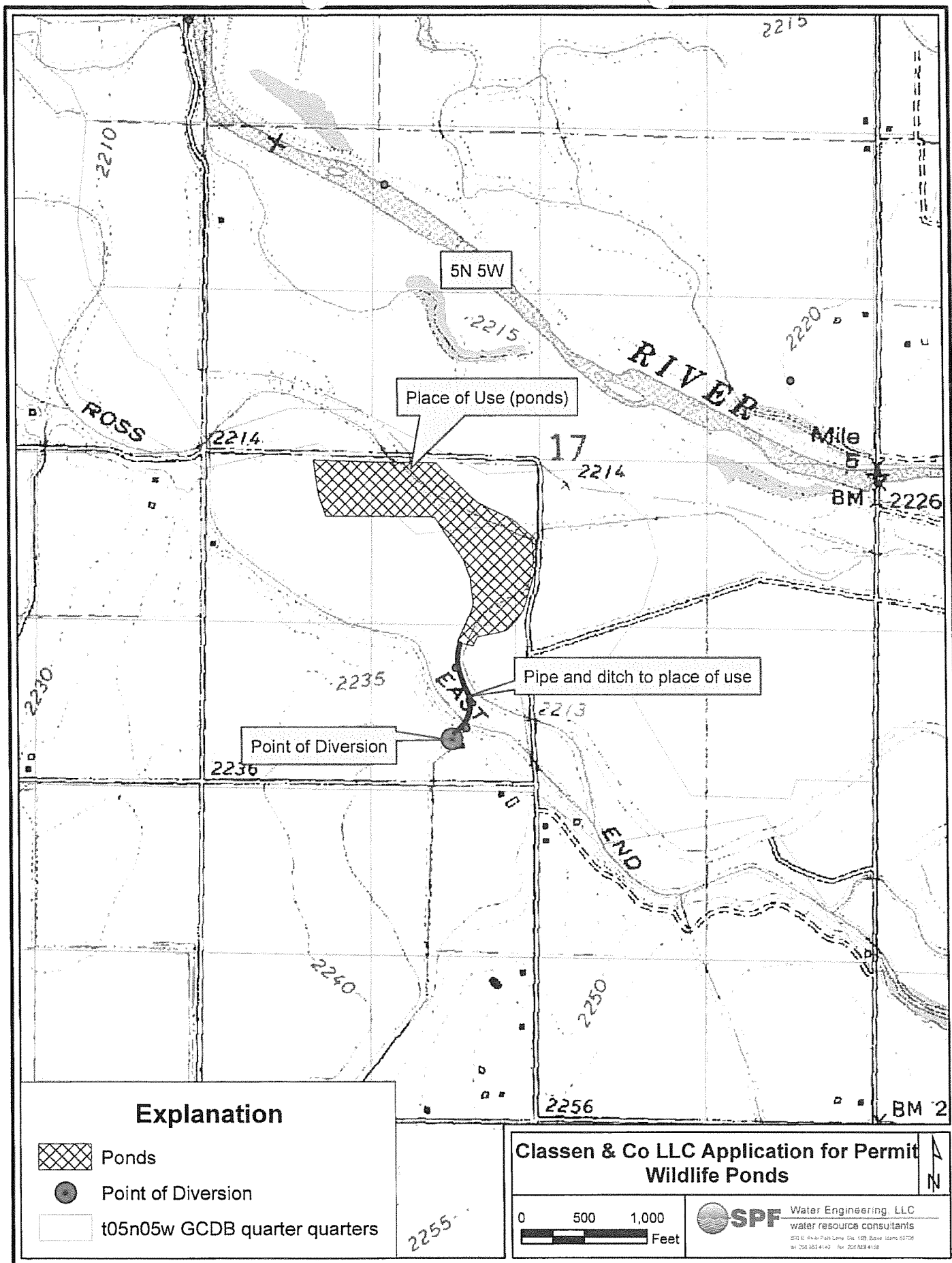
PARMA PONDS LLC
6417 PLANTATION LN
BOISE, ID 83703
Point of Diversion L7(SESW) S17 T05N R05W CANYON County Source UNNAMED DRAIN Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE 01/01 to 12/31 2.8 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 35 AF
Total Diversion: 2.8 CFS
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/WRI/ filing.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
low. 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
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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

Lester, Steve

From: Palmer, Cherie
Sent: Tuesday, January 03, 2012 11:01 AM
To: Lester, Steve
Subject: Parma Ponds Person of Interest

Alleged
↓

Hello Again,

Mr. Raymond Abbott had some concerns about Parma Pond's application for permit for wildlife storage. He is being injured as water is backing up on his property. He would like to be in the loop when this application goes to advertising. His address is:

26948 Stephen Ln
Parma ID 83660

Thank you and happy new year!

Cherie

Per S.O. office day call:

*Request for comment letter
e 63-32608*

JZ

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
- 63-32608

-JL 11/9/07

**SPF**

Water Engineering, LLC
water resource consultants

June 1, 2007

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JUN 04 2007

WATER RESOURCES
WESTERN REGION

Attention: Steve Lester

Subject: Classen & Co, LLC Application for Permit No. 63-32226

Dear Steve,

On behalf of our client, Classen & Co LLC, this letter is a reply to your request for additional information regarding application for permit 63-32226. Classen & Co LLC has also filed a second and similar application for permit now numbered 63-32608. Although your letter did not request additional information for this second application, this reply attempts to provide a response addressing both applications. We are providing information for both applications in order to simplify IDWR's review and perhaps accelerate approval of both applications.

Rule 40, Item ciii, location(s) of return flows and operation of system

The point of return flow for both applications 63-32226 and 63-32608 is indicated on an enclosed map (see Attachment A). Return flow enters the Ross East End Drain near the northwest corner of the southwest quarter-section. When undiverted, flow from the proposed source enters the same Ross East End Drain about 0.6 miles upstream of the identified return flow location.

The water rights and applications listed in Table 1 divert from the same source and from approximately the same location. The applicant's proposed wildlife uses will divert in priority to minimize impacts to existing senior water rights.

Water Right No	Quantity (cfs)	Source	Priority	Use	Season	Status	Owner
63-3001A	0.08	Unnamed Drain	8/4/1954	Irrigation	3/1 - 11/15	License	Harrold, Woodrow
63-3001C	0.16	Unnamed Drain	8/4/1954	Irrigation	3/1 - 11/15	License	Harrold, Dave
63-32165	1.03	Unnamed Drain	8/4/1954	Irrigation	3/1 - 11/15	License	Classen & Co LLC
63-32166	0.27	Unnamed Drain	8/4/1954	Irrigation	3/1 - 11/15	License	Merges, Doug & Lori
63-32226	1.03	Unnamed Drain	9/23/2005	Wildlife	1/1 – 12/31	Application	Classen & Co LLC
63-32562	1.00	Unnamed Drain	10/23/2006	Wildlife	1/1 – 12/31	Application	Merges, Doug & Lori
63-32608	2.8	Unnamed Drain	11/21/2006	Wildlife	1/1 – 12/31	Application	Classen & Co LLC

Table 1: Water rights diverted from the same source at approximately the same point.

The water rights listed in Table 2 include diversions from the Ross East End Drain (or Waste Water likely from the Ross East End Drain) downstream of the proposed point of diversion. Mr. James Classen of Classen and Co. LLC has observed that the flow in the Ross East End Drain at the point where the unnamed drain enters always has substantial flow rates throughout the year, and higher flows during the irrigation season. Because of adequate supplies in the Ross East End Drain, Mr. Classen does not anticipate any potential for significant impact on these water users' ability to divert their rights due to his proposed diversions. However, if conflicts do occur, Mr. Classen recognizes that water shall be distributed within the priority system as provided by law.

Water Right No	Quantity (cfs)	Source	Priority	Use	Season	Status	Owner
63-26236	0.02	Waste Water	6/1/1964	Domestic	1/1 – 12/31	Decreed	Stutheit
63-12606	0.09	Ross East End Drain	10/13/2000	Irrigation	3/1 - 11/15	Permit	Merges
63-31509	0.02	Ross East End Drain	4/1/2002	Irrigation	3/1 - 11/15	Permit	Carpenter

Table 2: Water rights diverted from the Ross East End Drain downstream of the proposed diversion.

The upper portion of the ditch conveying the proposed flow from the point of diversion to the place of use is shared by the water right owners listed in Table 1. Mr. Classen will cooperate with the other users, as he has in the past, to ensure that the facilities are appropriately maintained (e.g. ditch cleaning) so as to not interfere with the other's use of their respective water rights. Merges has also filed an application for similar wildlife use (63-32562) and Mr. Classen understands that his application number 63-32608 is junior in priority to Merges' application and shall be delivered appropriately respective to priority.

Rule 40, item di, link between quantity diverted and beneficial use

Mr. Classen has provided a statement addressing the link between the amount diverted and the beneficial use to be developed (see Attachment B). The applicant has teamed with the USDA Natural Resources Conservation Service to construct a Wildlife Habitat Incentives Program (WHIP) pond and has experimented to determine the maximum habitat benefit developable from the available flow.

Rule 40, Item dii, show that requested amount is available

Scott King of SPF Water Engineering measured stream discharge of over 3 cfs in the unnamed drain just upstream of the proposed point of diversion on October 20, 2006, demonstrating that the requested amount of water is available during the proposed period of use to fill both applications 63-32226 and 63-32608.

Rule 40, item ei, legal access to proposed point of diversion

Mr. Classen and prior owners of his property have demonstrated legal access to the proposed point of diversion due to their control over and use of the point of diversion and headgate for many years for delivery of water right 63-32165. The other water right owners listed in Table 1 access the same point of diversion and headgate for delivery of their water rights and share the responsibility of operating and maintaining the point of diversion and associated appurtenances.

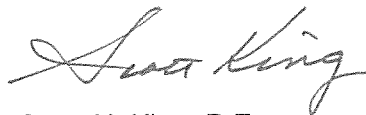
Mr. Classen has also provided deeds documenting easements and water right access to existing ditches. He explained that these deeds pertain to all of the involved lands and were part of the old Harrold property which was subsequently split to Merges and Classen & Co. LLC. Copies of deeds are included in Attachment C.

Rule 40, Item g, comment letters

Letters requesting comment from Canyon County Commissioners and the US Army Corps of Engineers were sent by Roxanne Brown of SPF Water Engineering on May 2, 2007. Copies of these letters are enclosed (see Attachment D). To this date, SPF has not received any responses from either entity.

I trust that this response addresses all of the points identified in your March 2, 2007 request. Please contact me with any questions or requests for additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott N. King".

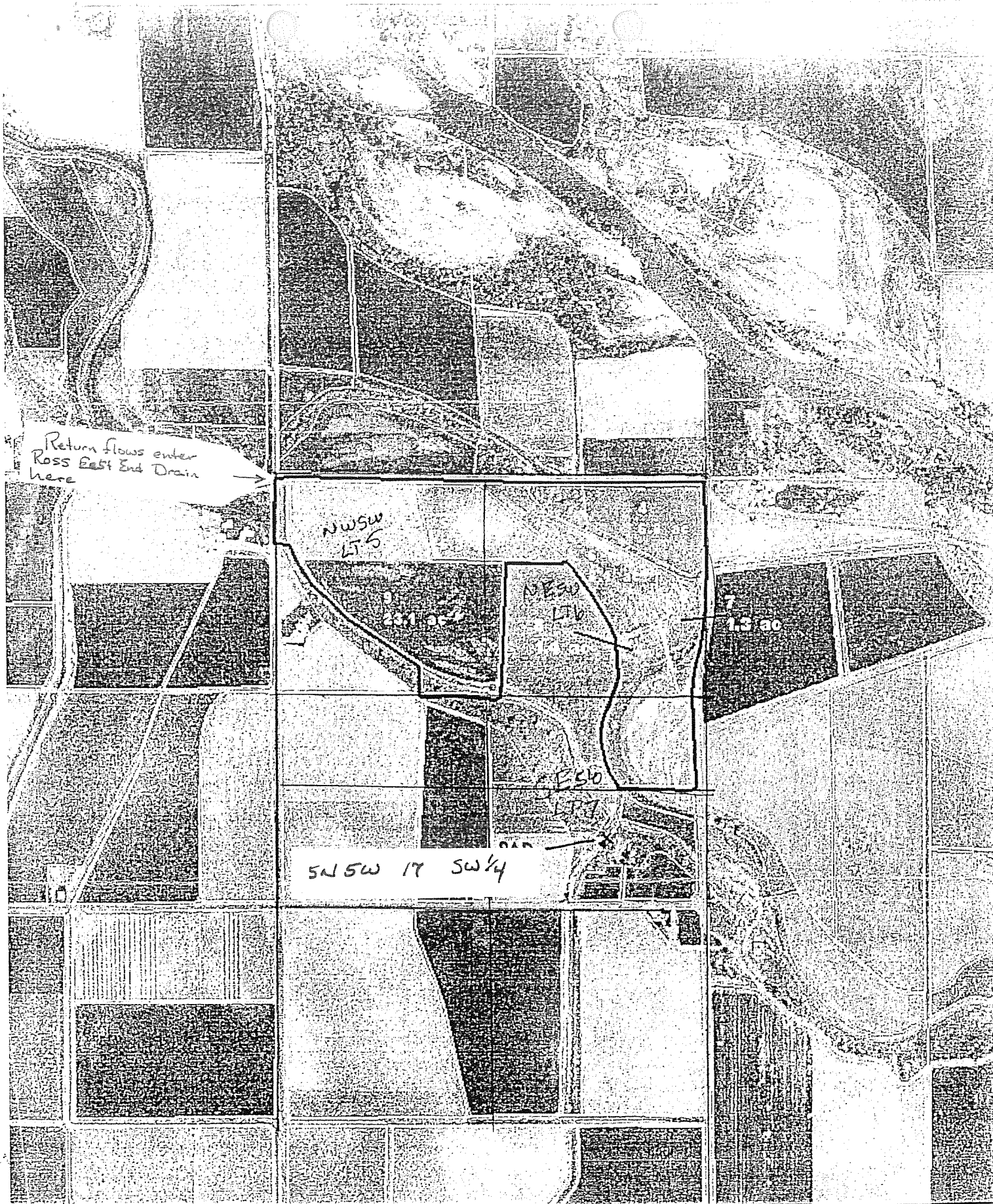
Scott N. King, P.E.
Project Manager

cc: Classen & Co. LLC

File: 562.0010



ATTACHMENT A
POINT OF RETURN FLOW MAP



Canyon County FSA office
2208 East Chicago St. Suite B
Caldwell, ID 83605
208-454-8695

Farm 8198
Tract 6561



Map Printed: Oct 19, 2004

15 2001

ATTACHMENT B
APPLICANT'S STATEMENT REGARDING BENEFICIAL USE

CLASSEN & CO. LLC WILDLIFE WATER STORAGE APPLICATION

Rule 40, Item di

Application for all year usage of our existing irrigation water rights of 1.03 cfs (63-32226) has been expanded by a second application (11/20/06) upping the requested usage to 2.8 cfs during non-irrigation periods. The requested water is sourced from a northward flowing un-named drain that empties into the Ross East End Drain at our point of diversion, and thence into the Boise River. We already have another agricultural/natural drain that runs through our property and empties into the Ross East End Drain northeast of our property. In addition, we also have constructed a 6 acre WHIP pond. Both of these wildlife areas require additional water during non-agricultural water usage periods to maintain habitat. The requested 2.8 cfs would be utilized for improved storage and flow throughout the project areas during lower water flow, after the irrigation season. These areas provide habitat for wildlife year round. We have experimented with water flows and usage and determined that we could provide improved open water habitat during the colder times of winter with even more water flow than requested. The water flows would enter the same Ross East End Drain about 1/3 mile downstream.

**ATTACHMENT C
DEEDS**

Documentation of water right access to existing irrigation ditches on our property
4/30/07:

FROM BACK TO FRONT:

Construction of ditching recorded 10/02/1918

Deed Oregon Corp to James Arthur & Jane Foss dated 8/28/1990

Parcel also subject to maintenance and access easements lying 20.00' either side of the
centerline of those irrigation drain ditches traversing said parcel.

Deed Foss to Whiskey Bottom LP dated 8/13/1997 same as above.

Deed Whiskey Bottom LP to Classen & Co. LLC dated 11/22/2000 Subject to all
other easements and rights-of-way of record or implied.

PC36151

20004147

WARRANTY DEED

FOR VALUE RECEIVED Whiskey Bottom Limited Partnership

the Grantors, do hereby grant, bargain, sell and convey unto Classen & ~~Company, L.L.C.~~ Co., LLC

the Grantees, whose address is 6417 Plantation Ln., Boise, ID

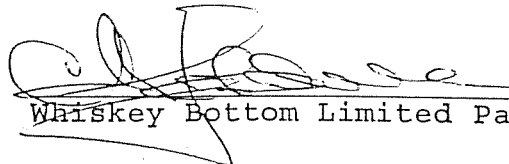
the following described premises, to-wit:

83703

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of three(3) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2000 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

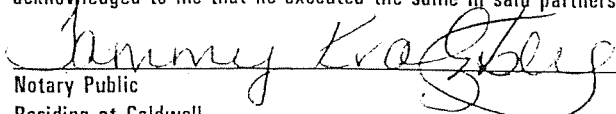
DATED: November 22, 2000

 General Partner
Whiskey Bottom Limited Partnership

STATE OF IDAHO

COUNTY OF CANYON

On this 27th day of November in the year 2000, before me, a Notary Public, personally appeared Charles H. Lobdell known or identified to me to be the partner in the partnership of Whiskey Bottom Limited Partnership and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.


Notary Public
Residing at Caldwell
My commission expires 2/3/04

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

PC 36151

Exhibit "A"

PARCEL 1

A portion of Government Lots 5, 6 and 7 of the Southwest Quarter of the Southwest Quarter and of the Boise River Channel as shown on the 1868 G.L.O. Survey Plat for Section 17, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 17, as monumented by a brass cap monument; thence

South 0° 43' 01" West along the West boundary of said Section 17 a distance of 8.09 feet to a point in the centerline of Boulder Road, said point being the TRUE POINT OF BEGINNING; thence

South 88° 03' 58" East along said centerline a distance of 1,186.70 feet; thence

South 50° 55' 56" East a distance of 791.25 feet; thence

South 32° 56' 45" East a distance of 18.51 feet; thence

North 88° 57' 28" West a distance of 388.10 feet; thence

South 4° 59' 23" West a distance of 846.76 feet to a point in the centerline of the Ross East End Drain; thence traversing said centerline as follows:

North 77° 44' 19" West a distance of 35.70 feet;

North 74° 52' 58" West a distance of 367.83 feet;

North 56° 53' 02" West a distance of 323.56 feet;

North 54° 19' 35" West a distance of 389.54 feet;

North 44° 32' 12" West a distance of 284.11 feet;

North 29° 41' 45" West a distance of 123.38 feet;

North 24° 24' 13" West a distance of 188.45 feet;

North 0° 24' 55" West a distance of 206.63 feet;

North 1° 44' 29" East a distance of 120.27 feet;

North 45° 57' 48" West a distance of 49.67 feet to a point on the West boundary of said Section 17; thence

North 0° 43' 01" East along said West boundary a distance of 40.62 feet to the POINT OF BEGINNING.

SUBJECT TO a county road right-of-way along the North boundary and to all other easements and rights-of-way of record or implied.

EXCEPTING THEREFROM

Any portion situated in the Southwest Quarter of the Southwest Quarter, Section 17, Township 5 North, Range 5 West, Boise Meridian in Canyon County, Idaho.

(continued)

PARCEL 2

A portion of Government Lots 6 and 7 and of the old original Boise River Channel as shown on the 1868 G.L.O. Survey of Section 17, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

BEGINNING at the Center Quarter corner for said Section 17; thence South 1° 13' 26" West along the North-South midsection line for said Section 17 a distance of 829.55 feet to a point in the centerline of Stephen Lane; thence traversing said centerline as follows:
South 8° 36' 21" West a distance of 52.23 feet;
South 12° 31' 59" West a distance of 336.85 feet;
South 1° 50' 35" West a distance of 153.05 feet; thence leaving said centerline and bearing
North 88° 37' 42" West a distance of 544.04 feet to the centerline of an existing ditch; thence traversing said centerline as follows:
North 24° 56' 01" East a distance of 172.78 feet;
North 5° 16' 08" West a distance of 249.04 feet;
North 22° 27' 09" West a distance of 142.90 feet;
North 32° 56' 45" West a distance of 406.37 feet;
North 50° 55' 56" West a distance of 791.25 feet to a point in the centerline of Boulder Road; thence
South 88° 03' 58" East along said centerline a distance of 150.55 feet to a point on the Northerly extension of the West boundary of said Government Lot 6; thence
North 0° 58' 10" East along said extension a distance of 15.81 feet to the West One Sixteenth corner of said Section 17; thence
South 88° 23' 50" East along the East-West midsection line of said Section 17 a distance of 1,337.17 feet to the POINT OF BEGINNING.

SUBJECT TO a county road right-of-way along the North boundary and along the East boundary and to all other easements and rights-of-way of record or implied.

PARCEL 3

A portion of Government Lot 7 and of the old original Boise River Channel as shown on the 1868 G.L.O. Survey for Section 17, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the South One Sixteenth corner for said Section 17; thence South 1° 13' 26" West along the North-South midsection line of said Section 17 a distance of 56.49 feet; thence
North 88° 37' 42" West a distance of 74.43 feet to a point in the centerline of Stephen Lane, which point is the TRUE POINT OF BEGINNING; thence
South 1° 23' 36" East along said centerline a distance of 734.38 feet to a point on the Northerly boundary of the parcel described as the exception in the Warranty Deed filed as Instrument No. 9016492, records of Canyon County, Idaho; thence

(continued)

North 72° 10' 51" West along said North boundary a distance of 490.41 feet; thence

South 59° 37' 01" West continuing along said boundary a distance of 50.93 feet to a point in the centerline of an existing ditch; thence traversing said centerline as follows:

North 2° 00' 54" East a distance of 93.55 feet;

North 29° 57' 11" West a distance of 175.54 feet;

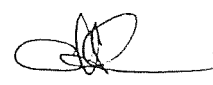
North 10° 56' 14" West a distance of 142.23 feet;

North 4° 59' 49" East a distance of 133.13 feet;

North 24° 56' 01" East a distance of 115.82 feet; thence leaving said ditch centerline and bearing

South 88° 37' 42" East a distance of 544.04 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a county road right-of-way along the East boundary and to all other easements and rights-of-way or record or implied.



200041447

RECORDED

00 NOV 27 PM 12 01

G NOEL HALES

CANYON CNTY RECORDER

BY



REQUEST PIONEER - CALDWELL

TYPED Word FEE 1200

7726982
PC20854

WARRANTY DEED

FOR VALUE RECEIVED James Arthur Foss and Jane Foss, husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Whiskey Bottom Limited Partnership

the Grantee, whose address is 2205 W. Mace Rd., Eagle, ID 83616

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of two (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1997 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 13, 1997

James Arthur Foss Jane Foss
James Arthur Foss Jane Foss

STATE OF IDAHO

COUNTY OF CANYON

On this 13th day of August in the year 1997, before me, a Notary Public, personally appeared James Arthur Foss and Jane Foss known and identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

William C. Corbett
Notary Public
Residing at Caldwell
My commission expires 1-27-99

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 20854

Exhibit "A"

BEGINNING at the Northwest corner of Government Lot 3, Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; running thence

Easterly along the North line of Government Lot 3 of said Section 17 a distance of 1,000 feet, more or less, to a point on the mean high water line on the left (Southerly bank) of the Boise River; thence

Southeasterly along the said mean high water line to a point on the East line of the Southwest Quarter of the Northeast Quarter of said Section 17; thence

Southerly along the East line of the said Southwest Quarter of the Northeast Quarter a distance of 265.0 feet, more or less, to the Southeast corner thereof; thence

Westerly along the South line of the said Southwest Quarter of the Northeast Quarter to the Southwest corner thereof; thence

Southerly along the East line of said Government Lot 3 and the Southerly extension thereof to a point on the South line of said Section 17; thence

Westerly along the Easterly extension of the South line and the South line of Government Lot 7 to said Section 17 a distance of 1,320 feet, more or less, to the Southwest corner thereof; thence

Northerly along the West line of said Government Lot 7 to the Northwest corner thereof; thence

Northwesterly along the centerline of the drain ditch to the Westerly line of said Section 17; thence

Northerly along the West line of said Section 17, 475 feet, more or less, to the centerline of the County Road; thence in an

Easterly direction along the centerline of said County Road 1,320 feet, more or less, to the Southerly extension of the West line of Lot 3 in said Section 17; thence

North 1,320 feet, more or less, to the Northwest corner of said Lot 3, the POINT OF BEGINNING.

EXCEPTING THEREFROM:

This parcel is a portion of Government Lot 7 and of the original Boise River Channel as shown on Government Land Office plat of the 1868 survey of Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17; thence

East along the Southerly boundary of said Section 17 a distance of 1,764.88 feet to the TRUE POINT OF BEGINNING; thence

North 9° 16' 56" East a distance of 482.63 feet; thence

North 58° 28' 46" East a distance of 349.98 feet; thence

(continued)

South 73° 19' 06" East a distance of 548.84 feet to a point on the Southerly extension of the Easterly boundary of Government Lot 3 of said Section 17; thence

South 0° 04' 19" East along said extension a distance of 501.74 feet to a point on the Southerly boundary of said Section 17; thence

North 90° 00' 00" West along said Southerly boundary a distance of 902.56 feet to the TRUE POINT OF BEGINNING.

This parcel is subject to County road rights of way along the Southerly and Easterly boundaries and is also subject to maintenance and access easements lying 20.00 feet either side of the centerline of those irrigation drain ditches traversing said parcel.

9726982

RECORDED

97 AUG 15 PM 4 30

NED J KERR

CANYON CNTY RECORDER

BY *Jackie D. Brown*

REQUEST PIONEER - CALDWELL
TYPE *Full* FEE *9.00*

INSTRUMENT NO. 97700

PC 02227

WARRANTY DEED

D C Intermediaries, Ltd., an Oregon corporation, as Grantor, conveys and warrants to James Arthur Foss and Jane Foss, husband and wife, as Grantees, whose address is 11375 NE 13th, Terrebonne, Oregon, 97700, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

SUBJECT TO taxes and assessments for the year 1990 and all subsequent years, together with any and all existing easements, rights-of-way, reservations and restrictions of record, to all zoning laws and ordinances, to any state of facts an accurate survey or inspection of the premises would show, including but not limited to any difference in the mean high water line of the Boise River and the meander line as shown by the government survey, and to any changes in ownership resulting from accretion or avulsion.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way, accretions and alluvial land and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that it is the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and that it will warrant and defend the same from all lawful claims. Provided, however, that this covenant shall not apply to ownership of or claims regarding title to any portion of the premises acquired by accretion or avulsion resulting from changes of the mean high water line of the Boise River.

DATED this 28th day of August, 1990.

D C Intermediaries, Ltd.

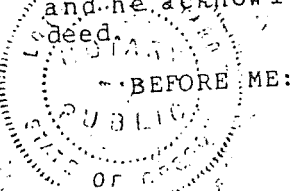
By: Douglas S. Chiapuzio
Douglas S. Chiapuzio, President
and Secretary of Intermediary

STATE OF OREGON
County of Multnomah

)
) ss.
)

August 28th, 1990

Personally appeared Douglas S. Chiapuzio who being duly sworn, did say that he is the President and Secretary of D C Intermediaries, Ltd., an Oregon corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.



After recording, return original Deed to:

Douglas S. Chiapuzio
Notary Public for Oregon
My Commission Expires: 12/1/91

All tax statements should be
Sent to:

EXHIBIT "A"

BEGINNING at the Northwest corner of Government Lot 3, Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; running thence

Easterly along the North line of Government Lot 3 of said Section 17 a distance of 1,000 feet, more or less, to a point on the mean high water line on the left (Southerly bank) of the Boise River; thence

Southeasterly along the said mean high water line to a point on the East line of the Southwest Quarter of the Northeast Quarter of said Section 17; thence

Southerly along the East line of the said Southwest Quarter of the Northeast Quarter a distance of 265.0 feet, more or less, to the Southeast corner thereof; thence

Westerly along the South line of the said Southwest Quarter of the Northeast Quarter to the Southwest corner thereof; thence

Southerly along the East line of said Government Lot 13 and the Southerly extension thereof to a point on the South line of said Section 17; thence

Westerly along the Easterly extension of the South line and the South line of Government Lot 7 to said Section 17 a distance of 1,320 feet, more or less, to the Southwest corner thereof; thence

Northerly along the West line of said Government Lot 7 to the Northwest corner thereof; thence

Northwesterly along the centerline of the drain ditch to the Westerly line of said Section 17; thence

Northerly along the West line of said Section 17, 475 feet, more or less, to the centerline of the County Road; thence in an

Easterly direction along the centerline of said County Road 1,320 feet, more or less, to the Southerly extension of the West line of Lot 3 in said Section 17; thence

North 1,320 feet, more or less, to the Northwest corner of said Lot 3, the POINT OF BEGINNING.

EXCEPTING THEREFROM:

This parcel is a portion of Government Lot 7 and of the original Boise River Channel as shown on Government Land Office plat of the 1868 survey of Section 17, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17; thence East along the Southerly boundary of said Section 17 a distance of 1,764.88 feet to the TRUE POINT OF BEGINNING; thence North $90^{\circ} 16' 56''$ East a distance of 482.63 feet; thence North $58^{\circ} 28' 46''$ East a distance of 349.98 feet; thence South $73^{\circ} 19' 06''$ East a distance of 548.84 feet to a point on the Southerly extension of the Easterly boundary of Government Lot 3 of said Section 17; thence

(continued)

PC 02227

South 0° 04' 19" East along said extension a distance of 501.74 feet to a point on the Southerly boundary of said Section 17; thence

North 90° 00' 00" West along said Southerly boundary a distance of 902.56 feet to the TRUE POINT OF BEGINNING.

This parcel is subject to County road rights of way along the Southerly and Easterly boundaries and is also subject to maintenance and access easements lying 20.00 feet either side of the centerline of those irrigation drain ditches traversing said parcel.

9015492

RECORDED

90 SEP 6 PM 4 02

REC'D KERR

CANYON CNTY RECORDER

BY *Caldwell*

REQUEST PIONEER — CALDWELL

TYPE *Deed* *12*

H.W. Carlyle (a single man)

90882

U.S. of A. acting under the provisions of the Act of Congress of June 17, 1902 (32 Stat., 388) known as Reclamation Act.

C.S.D.

Dated Oct. 2, 1918.
Rec. Oct. 28, 1918. 10:16 A.M.
Book 81 D. Page 274.
Cons. 51. and the benefits to be derived from the construction of drainage works in the vicinity of the land desc. herein.

A strip of land 100 feet wide, 50 ft on each side of the center line of the so-called Ross Drain, measured at right angles thereto and extending throughout the property of the grantor in Sections 17 and 18 all in T. 5 N.R. 5 W.B.M. Said center line is more part. desc. as follows.

Beg. at a point situated S 24° 43' W 2500 ft from the NE corner of Sec. 18; thence S 67° 13' E 56.6 feet; thence S 48° 3' E 282.5 feet; thence S 69° 14' E 245.5 ft thence N 89° 50' E 563.5 feet thence S 44° 51' E 114.3 feet thence S 11' W 338.2 feet thence S 29° 10' E 386 feet; thence S 53° 47' E 500 feet; thence S 57° 33' E 450 feet; thence S 78° 3' E 444 feet; thence S 64° 39' E 237.6 feet; thence to the right, on a curve of 191 feet radius 175.7 feet as measured on 25 foot cords; thence S 12° 32' E 303 feet; thence to the left on a curve of 191 feet radius 157.8 feet as measured on 25 foot cords; thence S 52° 52' E 214.9 feet; thence S 78° 19' E 356.2 feet; thence S 35° 11' E 197.3 feet; thence S 44° 54' E 118.5 feet to a point situated N 86° 16' E 2650.1 feet from the SW corner of said Sec. 17 said strip of land contains 11.8 acres more or less.

Also a strip of land 100 feet wide, 50 ft on each side of the center line of the so-called Lowell Drain, measured at right angles thereto and extending throughout the property of the grantor along said center line which is more particularly desc. as follows:

Beg. at a point in the center line of the said Ross Drain situated in said Sec. 17 N 75° 21' E 2153 ft from the SW corner of said Sec. 17 thence S 38° 45' W 98 feet; thence S 44° 1' W 305 feet; thence S 3° 37' W 181.4 feet to a point in the S line of said Sec. 17 situated 1813 feet E of the SW corner thereof. Said strip for the Lowell Drain contains 1.3 acres more or less.

Also a strip of land bordering the so-called Sterry Drain throughout the property of the grantor all in lot 8 Sec. 18 T. 5 N.R. 5 W.B.M. the said strip of land being bounded and more part. desc. as follows:

Beg. at a point near the NW corner of said lot 8 situated N 26° 55' West 2944 ft from the SW corner of said Sec. 18; thence E 134 feet thence S 55.6 feet; thence S 33° 36' West 151.7 ft thence S 1138 feet thence W 50 ft to the center line of said Sterry Drain; thence E along said center line and the Western boundary of said lot 8, 1320 ft to the point of beg. Said strip of land contains 1.74 acres more or less.

Proof of Execution. S. of I.C. of Ada Co. I, A.E. Eby a H.P. in and for the S. and C. above named hereby CERTIFY that on this 7th day of Oct. 1918 before me personally appeared E.J. Paul to me known and known to me to be the person whose name is subscribed to the attached instrument as a witness thereto; that the said subscribing witness, having been by me duly sworn, did depose and say that H.W. Carlyle whose name is subscribed to the attached instrument as party thereto is the person desc. in said instrument and that such person executed the said instrument and the said affiant subscribed his name as a witness thereto; and that my commission expires Feb'y 27, 1921. A.E. Eby H.P. (SEA)

90883

G.M. Anderson

-TO-

George M. Read and Helen Read his wife

Rel. of Mtg #51729
Dated Oct. 1, 1918.
Rec. Oct. 28, 1918. 11:45 A.M.
Book 18 Rel., Page 357.

KNOW ALL MEN BY THESE PRESENTS, That Mrs. G.M. Anderson, assignee and owner of the herein desc. Mtg. does hereby certify and declare that a certain Mtg dated March 25, 1913 to Sarah J. Canter recorded in Book 54 of Mtgs on page 18 and was recorded on March 26, 1913 together with the debt, etc.

Ack. Oct. 1, 1918 before W.A. Ruiz H.P. res. at Boise Ada Co. I. (SEA)

Robert Noble Estate a corporation

90884

-TO-

Samuel Kendall

W.D.
Dated, April 12, 1918
Recorded, Oct. 28, 1918. 1:24 P.M.
Book 81 D. Page 276
Cons. 519.41 51. I.R.S.C.

All that part of the NW 1/4 of the SE 1/4 Sec. 16 in T. 3 N.R. 2 W.B.M. lying S and W of the right of way of the Oregon Short Line Railway Company, as the same is now located over and across said lands, containing 5.1941 acres of land, more or less, according to United States survey thereof.

Together with the water rights, ditch rights and rights of way for ditches thereunto belonging or in anywise appertaining.

This conveyance is made subject to rights of way for drainage and other ditches, as the same are now constructed over or across the said premises, and also subject to construction and other charges for drainage of said lands, and water rights for the irrigation thereof, and the taxes and water assessments due or payable thereon in the year 1917 and thereafter.

Signed: Robert Noble Estate By Anna Noble, President Attest: Ernest Noble Secretary (Corp.S)
Ack. April 12, 1918 by Anna Noble President of the corporation before J.L. Miday H.P. res. Boise Ada Co. I. (SEA)

**ATTACHMENT D
COMMENT LETTERS**

May 2, 2007

Canyon County Commissioners
1115 Albany St.
Caldwell, ID 83605

Re: Proposed Water Right Development
Application for Permit 63-32226

Dear Sirs,

The Idaho Dept. of Water Resources (IDWR) has asked our client to solicit comments from the Canyon County Commissioners concerning the above captioned *Application for Permit* to develop a water right from an unnamed drain tributary to the Ross East End Drain. A copy of the application is enclosed.

Please review the application and provide comments to:

Steve Lester
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID. 83705-5082

Please provide a copy of your response to SPF Water Engineering at the address shown below. IDWR has requested that any response be submitted prior to June 2, 2007. Please contact Scott King, in this office, if you have questions concerning the application. Thank you for your consideration of this matter.

Sincerely,



Roxanne Brown

Enclosures:
IDWR Water Application Report

cc: Steve Lester
Classen & Co., LLC

SPF Job No.: 562.0010

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

5/02/2007

WATER RIGHT NO. 63-32226

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLASSEN & CO LLC 6417 PLANTATION LN BOISE, ID 83703 (208)854-1037

Priority Date: 09/23/2005

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	ROSS EAST END DRAIN

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	12/31	1.03 CFS	10 AFA
WILDLIFE STORAGE	01/01	12/31		
DIVERSION TO STORAGE	01/01	12/31	1.03 CFS	
Total Diversion			1.03 CFS	

Location of Point(s) of Diversion:

UNNAMED DRAIN	SESW Lt 7	Sec. 17	Township 05N	Range 05W	CANYON County
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Place(s) of use:

Place of Use Legal Description: WILDLIFE CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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05N	05W	17	6	NESW	5	NWSW	7	SESW			
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Place of Use Legal Description: WILDLIFE STORAGE CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	17	6	NESW		5	NWSW		7	SESW				

Dates:

Date Application Received: 09/23/2005

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 1/23/2006

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 63

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: 3/15 - 11/15 irrigation already to periodically irrigate the area when necessary. Likely in fall, will fill pond for wildlife usage. Filling of pond dependent on crop maturity and wildlife needs.

Other Water Rights: 63-32165 for irrigation from same system

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Water Falls Trust or Nontrust:

Water Falls Dismissed:

ULE Act Number:

Wary Act Number:

Mitigation Plan: False

Close



May 2, 2007

Greg Martinez
U.S. Army Corps of Engineers
304 N. 8th St., Rm. 140
Boise, ID 83702

Re: Proposed Water Right Development
Application for Permit 63-32226

Dear Sirs,

The Idaho Dept. of Water Resources (IDWR) has asked our client to solicit comments from the Corps concerning the above captioned *Application for Permit* to develop a water right from an unnamed drain tributary to the Ross East End Drain. A copy of the application is enclosed.

Please review the application and provide comments to:

Steve Lester
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID. 83705-5082

Please provide a copy of your response to SPF Water Engineering at the address shown below. IDWR has requested that any response be submitted prior to June 2, 2007. Please contact Scott King, in this office, if you have questions concerning the application. Thank you for your consideration of this matter.

Sincerely,

Roxanne Brown

Enclosures:
IDWR Water Application Report

cc: Steve Lester
Classen & Co., LLC

SPF Job No.: 562.0010

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

5/02/2007

WATER RIGHT NO. 63-32226

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLASSEN & CO LLC 6417 PLANTATION LN BOISE, ID 83703 (208)854-1037

Priority Date: 09/23/2005

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	ROSS EAST END DRAIN

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	12/31	1.03 CFS	
WILDLIFE STORAGE	01/01	12/31		10 AFA
DIVERSION TO STORAGE	01/01	12/31	1.03 CFS	
Total Diversion			1.03 CFS	

Location of Point(s) of Diversion:

UNNAMED DRAIN	SESW Lt 7	Sec. 17	Township 05N	Range 05W	CANYON County
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Place(s) of use:

Place of Use Legal Description: WILDLIFE CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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05N	05W	17	6	NESW	5	NWSW	7	SESW			
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Place of Use Legal Description: WILDLIFE STORAGE CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05W	17	6	NESW		5	NWSW		7	SESW				

Dates:

Date Application Received: 09/23/2005

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 1/23/2006

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 63

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: 3/15 - 11/15 irrigation already to periodically irrigate the area when necessary. Likely in fall, will fill pond for wildlife usage. Filling of pond dependent on crop maturity and wildlife needs.

Other Water Rights: 63-32165 for irrigation from same system

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Down Falls Trust or Nontrust:

Down Falls Dismissed:

OLE Act Number:

Lary Act Number:

Litigation Plan: False

Close



November 20, 2006

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

NOV 21 2006

WATER RESOURCES
WESTERN REGION

Attention: Steve Lester

Subject: Classen and Co LLC Application for Permit

Dear Steve,

Enclosed on behalf of our client, Classen and Co. LLC, is an application for permit proposing diversion of 2.8 cfs from an unnamed stream tributary to the Ross East End Drain for wildlife and 35 acre-feet of wildlife storage. Total proposed ponded area is 23 acres. Anticipated dams and/or berms are expected to be 2 or 3 feet in height.

Classen and Co. LLC are applicants on a similar permit application, number 63-32226, proposing diversion from the same point for a similar place of use. Based on my discussion with you today, application 63-32226 is held along with several others as the department considers issues surrounding the proposed diversions and uses. Please continue to process application 63-32226; the enclosed application is not intended to replace it.

Irrigation rights 63-32165 (Classen and Co. LLC) and 63-32166 (Doug and Lori Ann Merges) are also diverted from the source and point identified in the enclosed application.

Enclosed is a check for \$330 covering application fees. Please contact me with any questions or requests for additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

cc: Classen & Co LLC

File: 562.0010