

RECEIVED

MAY 06 2011

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident. No. 2-10461

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

1. Name of Applicant Allen Noble Farms, Inc. Phone 208-342-6524
Mailing address PO Box 1582, Boise, Idaho 83701
with copy to: John Marshall, 575 W Bannock, Suite B, Boise, ID 83702
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Township 1N Range 3W Sec. 22 in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot , B.M., Canyon County;
Additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 3.76 cfs for irrigation purposes from March 1 to Nov 15 (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) 3.76 and/or (b)
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 Existing pump station, 4 pumps.
 - b. Height of storage dam NA feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is feet
 - d. Is ground water with a temperature of 85°F being sought? No
 - e. If well is already drilled, when? NA ; 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. NA
 - b. Stockwatering; list number and kind of livestock. NA
 - c. Municipal; show name of municipality. NA
 - d. Domestic; show number of households. NA
 - e. Other; describe fully. NA

9. Description of place of use: **Please see attached land list.**
- 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	

Total number of acres irrigated 640

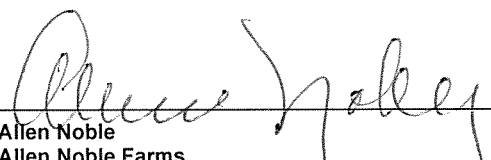
10. Describe any other water rights used for the same purposes described above. 02-2160A and 02-2171

11. a. Who owns the property at the point of diversion? State of Idaho (Applicant holds an easement)
- 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, please describe the arrangement enabling the applicant to make this filing _____

12. Remarks: This application requests additional diversions to supplement the authorized diversions under the water rights 02-2160A and 02-2171. The additional diversion proposed under this Application will bring the total authorized diversion for the lands described in the application to one-inch per acre. This application does not propose the irrigation of any additional acreage and therefore will not increase the consumptive use out of the Snake River.

13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) **See Attached**

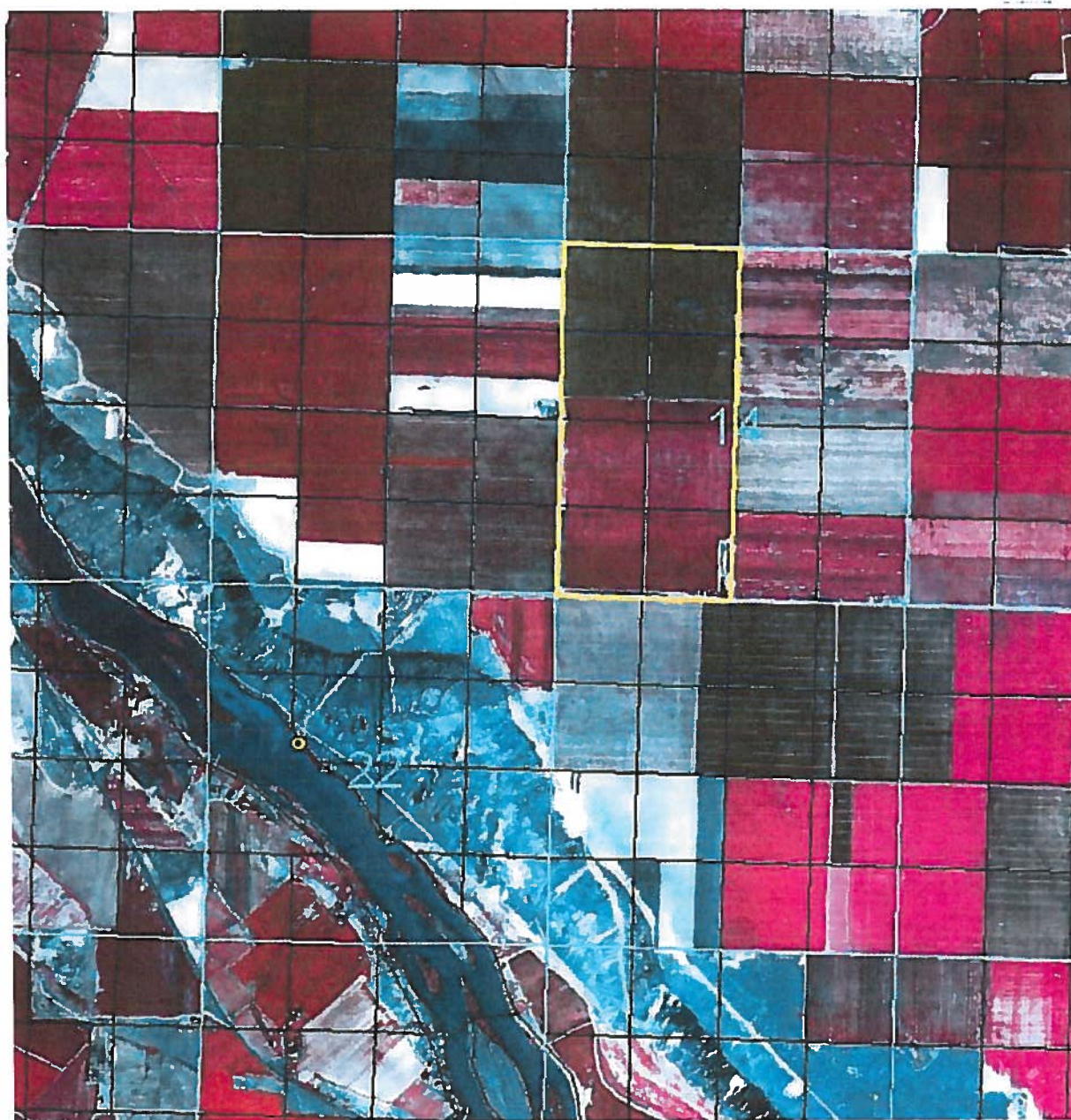
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


 Allen Noble
 Allen Noble Farms

Received by SB Date 5/6/11 Time 2:06p Preliminary check by KW
 Fee \$ 370.00 Receipted by SB # W039198 Date 5/6/11
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



Maps



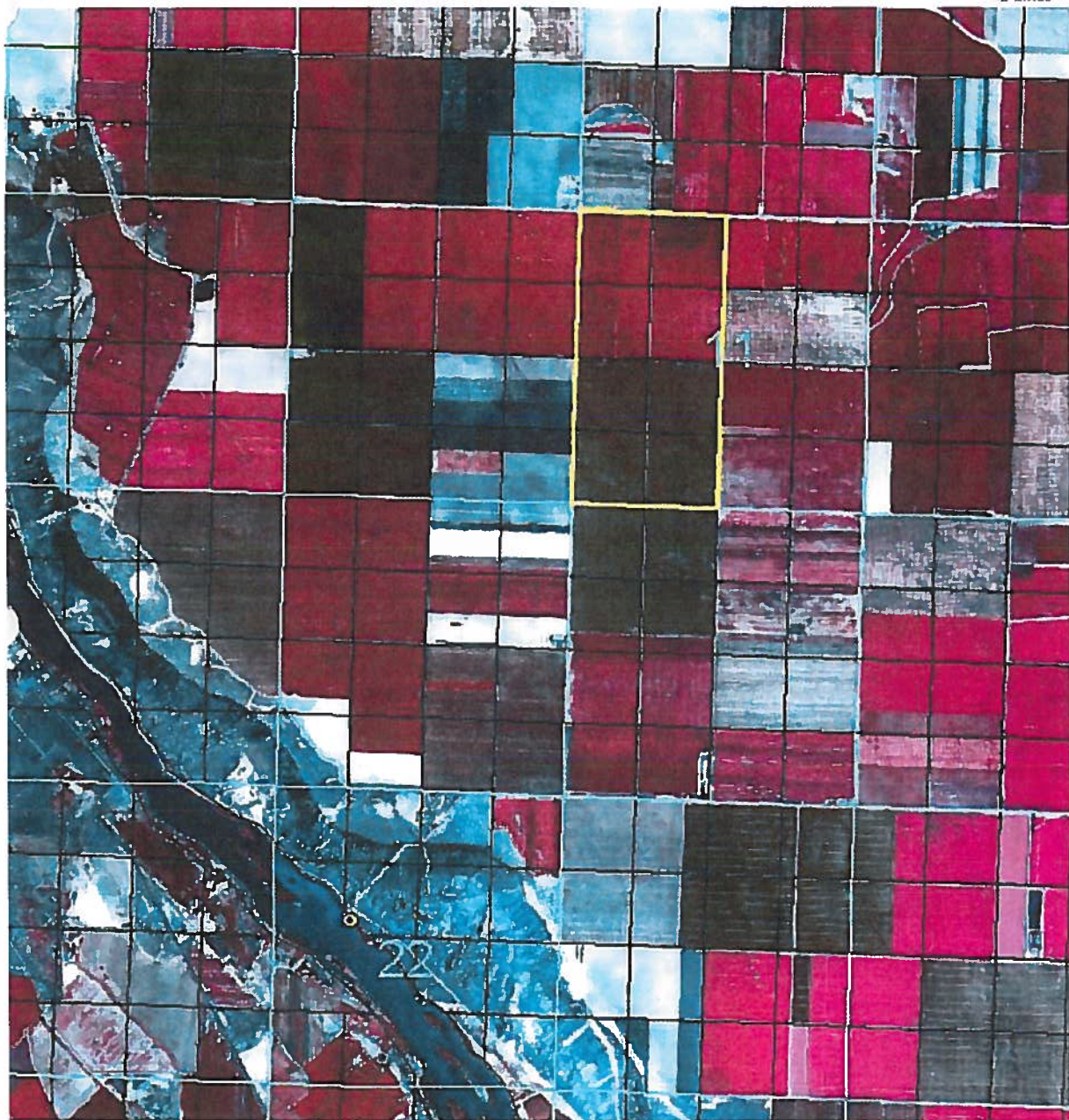
0 1 2 Miles

Claim Number: 02-2160A
Legal: T01N, R03W, S14 & 22
Reviewed By: BTD 6/16/05

- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



2-10461



0 1 2 3 Miles

Claim Number: 02-2171
 Legal: T01N, R03W, S11 & 22
 Reviewed By: JLD 3/9/06

- Place of Use
- Point of Diversion
- Section Lines
- Quarter Quarter Lines



2-10461

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 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

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

December 23, 2011

Via Email

Kay Walker
Sr. Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

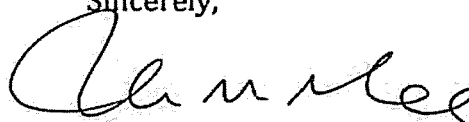
Re: Permit Application Nos. 02-10460, 02-10461 and 10462

Dear Kay:

This responds to your letter dated November 28, 2011, concerning the permit applications referenced above. In response to your inquiry about how the applications would provide an additional increment of beneficial use, each of the applications seeks to fill a gap in the diversion rate needed and actually used to accomplish the irrigation beneficial use authorized by the primary decreed rights for the lands identified in the applications at issue here. Our review of the underlying rights during the SRBA adjudication process revealed that these licensed-based rights were either in error and/or that system improvements had been made that increased the diversion rate available to accomplish the authorized irrigation beneficial use after the licenses were issued. The binding effect of licenses in the adjudication, the 1971 mandatory permit date and the unavailability of an enlargement right under I.C. § 42-1426 for a diversion rate increase foreclosed any opportunity to align the original water rights with the on-the-ground manner in which the irrigation beneficial use is accomplished. Accordingly, the applicants need to obtain new water rights to cover their peak irrigation diversions.

Concerning Basin Land Project's absence from the Idaho Secretary of State records, this is because the Basin Land Project is a tenancy in common, which is not legally required to register with the Secretary of State to exist. The tenancy in common agreement that creates the Basin Land Project is attached for your reference.

Sincerely,



John M. Marshall

Enclosure:

Cc: Garrick Baxter

see
in
file
02-10462



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

November 28, 2011

A-D CATTLE CO INC AND
ALLEN NOBLE FARMS AND
BASIN LAND PROJECT
PO BOX 1582
BOISE ID 83701

RE: Applications for Permit Nos. 02-10460 (A-D Cattle Co. Inc.), 02-10461 (Allen Noble Farms) and 02-10462 (Basin Land Project)

Dear Applicants:

Your recent applications for permit regarding the Snake River for irrigation purposes are being reviewed. To assist this office in completing the initial processing steps, please submit additional information required by I. C. § 42-203A(5)(a-e) for "large diversion projects". This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g:

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

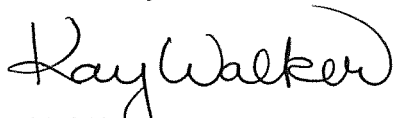
In this situation, only the following item needs to be addressed. Since these applications are for adding a marginal rate of flow to existing water rights, we would request that you provide an explanation of how water proposed to be diverted under these applications would provide an additional increment of beneficial use of water that is in the local public interest.

We also notice that Application for Permit 02-10462 may need to be assigned to an entity that is authorized to conduct business in Idaho. We have checked the Secretary of State's website and do not find that "Basin Land Project" has registered with them. It would be helpful if this applicant was qualified to do business in Idaho since they will be involved with other water user's rights. We have enclosed an "Assignment of Application for Permit" form in case you wish to assign the application to a party that is authorized to do business by the Secretary of State. There is no fee for submittal of this form.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your response or a request for more time to seek the information must be received within the next ninety (90) days. The application will be voided without a timely written reply.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please feel free to contact me at (208)334-2190 if you have questions in regard to this request. Thank you for your attention to these matters.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: John Marshall
575 W Bannock, Suite B
Boise, ID 83702

Borgeman, Sherry

From: IDAHO PRESS TRIBUNE [aweaver@idahopress.com]
Sent: Thursday, January 12, 2012 9:53 AM
To: Borgeman, Sherry
Cc: aweaver@idahopress.com
Subject: APPLICATION FOR P- Ad # 601889
Attachments: AD601889_jnl.pdf

Hi Sherry,

Here is the proof, price and corrected pub dates. Let me know if I can help with anything else.

Amanda

IDAHO PRESS TRIBUNE
ORDER CONFIRMATION

Salesperson: AMANDA WEAVER

Printed at 01/12/12 08:51 by awe14

Acct #: 29512

Ad #: 601889

Status: N

1 IDAHO DEPT. OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

Start: 01/19/2012 Stop: 01/26/2012
Times Ord: 2 Times Run: *****
LEG 3.00 X 124.00 Words: 648
Rate: L3 Cost: 583.09
Class: 0001 LEGAL NOTICES

Contact: SHERRY BORGEMAN

Phone: (208)334-2190

Fax#:

Email: Sherry.Borgeman@idwr.idaho.gov

Agency:

Descript: APPLICATION OF PERMIT

Given by: *

Created: awe14 01/12/12 07:44

Last Changed: awe14 01/12/12 08:08

COMMENTS:

COPIED from AD 372037

PUB ZONE ED TP START INS STOP SMTWTFS
IPT A 96 S 01/19,26

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Sherry Borgeman
Name (print or type)

Sherry Borg
Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE
ORDER CONFIRMATION (CONTINUED)

Salesperson: AMANDA WEAVER

Printed at 01/12/12 08:51 by awe14

Acct #: 29512

Ad #: 601889

Status: N

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 3/01 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) 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 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/WFFiling.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

January 16, 23, 2011

601889

1/19 + 1/26