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OCT 07 2011

Page 1

WATER RESOURCES
WESTERN REGION

Ident. No. 67-15058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: DEBRA P NYBERG
1305 PRICE RD
WEISER ID 83672

2. Source: SPRING Tributary to: SPRING CREEK

3. Location of Point of Diversion:

#1 SPRING	NE1/4NW1/4	Sec. 27, Twp 12N, Rge 06W, B.M.
WASHINGTON County		
#2 SPRING	NW1/4NW1/4	Sec. 27, Twp 12N, Rge 06W, B.M.
WASHINGTON County		
#3 SPRING	NE1/4NW1/4	Sec. 34, Twp 12N, Rge 06W, B.M.
WASHINGTON County		

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	3/15 ~~04/15~~	to 10/31	0.30 CFS	
STOCKWATER	01/01	to 12/31	0.03 CFS	

5. Total quantity to be appropriated is: 0.33 CFS

6. Proposed diverting works:

Type and size of devices used to divert water from the source: 5" PVC Pipeline

7. Description of proposed uses (if irrigation only, go to item 8)

b. Stockwatering: list number and kind of livestock

Cattle (50)

8.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12N 06W 27									12.0								25.0	37.0
12N 06W 34																10.0		10.0

Total Acres: 47

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

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 06W 27					X			X									
12N 06W 34								X									

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

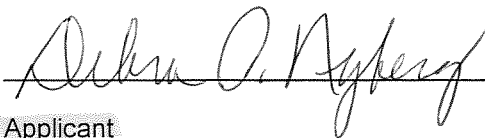
APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [X]

12. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

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



Date Oct 6, 2011

Applicant

Received by SB Date 10/7/11 Time 11:42 Preliminary check by JFW

Publication prepared by _____ Date _____ Published in _____

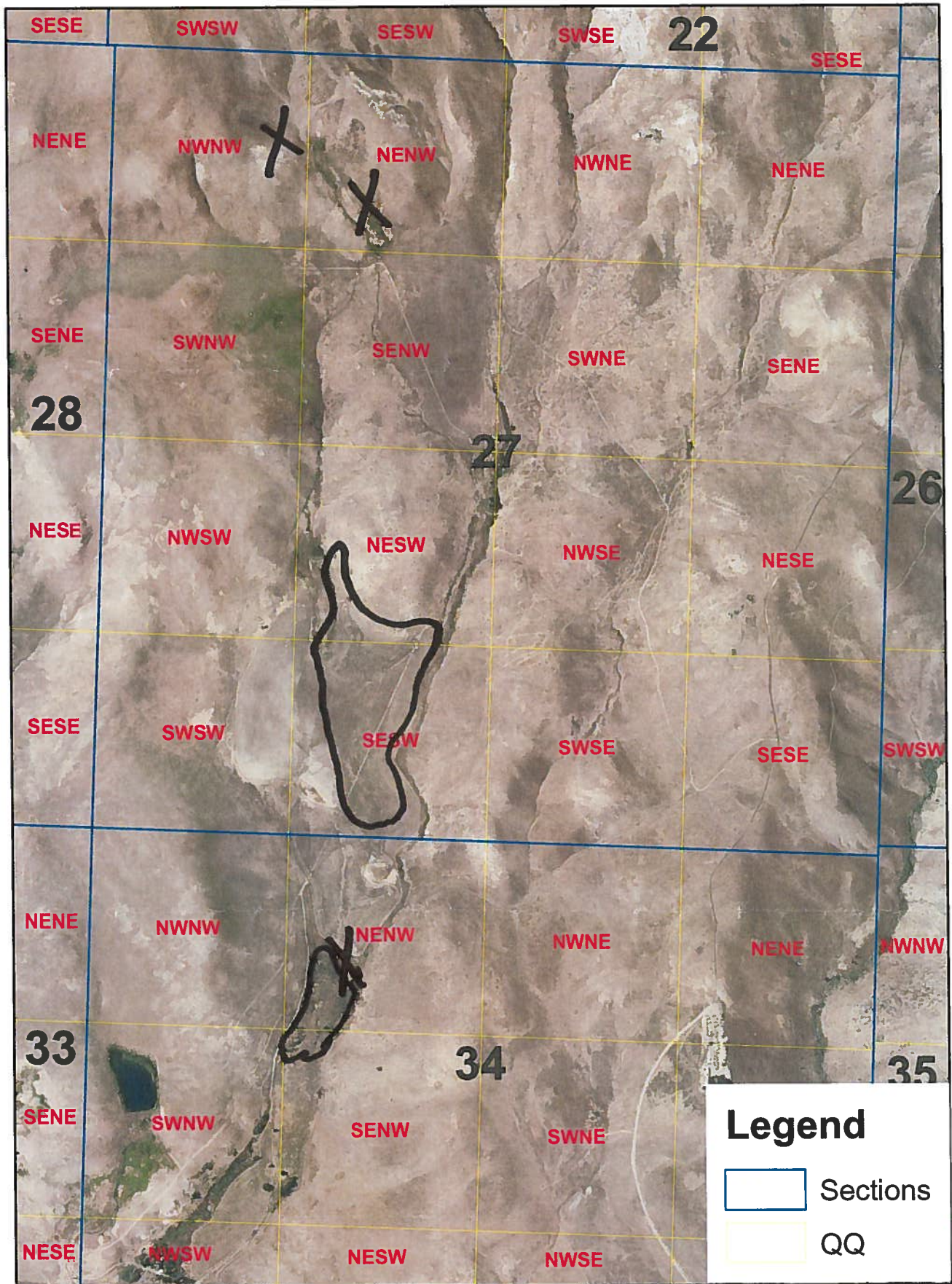
Publication approved _____ Date _____

Receipt No. W039330

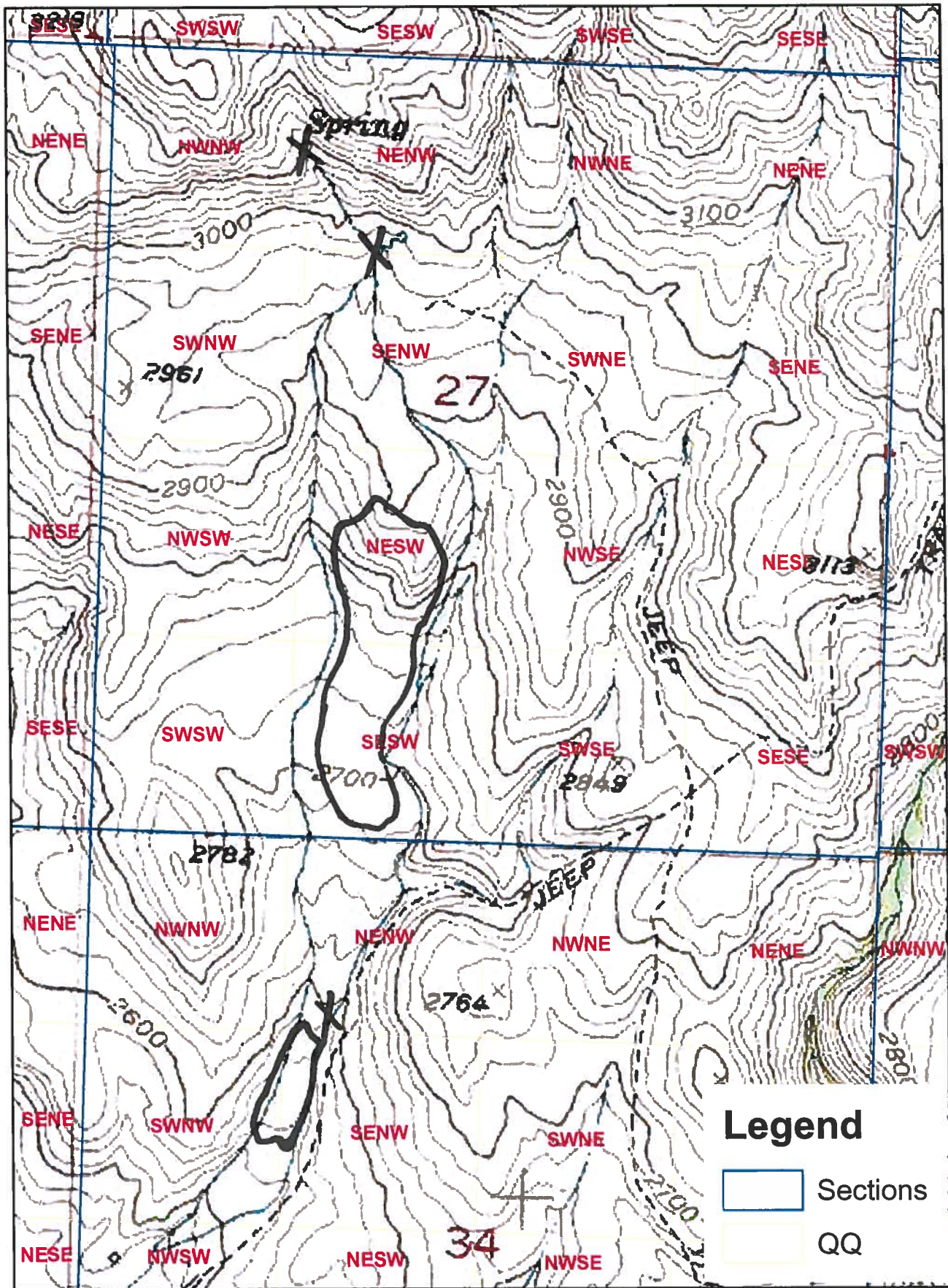
Date: _____

Received by: _____

12N 6W Sections 27 & 34



12N 6W Sections 27 & 34



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OCT 07 2011

WATER RESOURCES
WESTERN REGION

Weiser River Surface Water Regulation

APPLICATION NUMBER 67-15058

CHOOSE ONE OF THE FOLLOWING OPTIONS:

 NO

An approved application with a June 15 curtailment requirement will not work for me. I withdraw my application. Please issue a full refund of the application fee that I paid.

X YES

An approved application with a June 15 curtailment requirement will work for me. Please process my application.

Applicant Name (Print)

Debra P. Nyberg

Applicant Signature

Debra P. Nyberg

Date

Oct 6, 2011

Return to:

IDWR Western Region
2735 Airport WY
Boise, ID 83705-5082

RECEIVED

JUN 16 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 67-15058

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Debra P. Nyberg Phone 208-549-0358
 Name connector (check one): ☐ and ☐ or ☐ and/or 208-740-9220
 Mailing address: 1305 Price Rd. City Weiser
 State ID Zip 83672 Email: Nyberg10@juno.com
2. Source of water supply Springs which is a tributary of Spring Creek
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12N	06W	27		NE	NW		Washington	Springs	
12N	06W	27		NW	NW		Washington	Springs	
12N	06W	34		NE	NW		Washington	Springs	

4. Water will be used for the following purposes:

Amount 0.3 cfs for irrigation purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.03 cfs for stockwater purposes from 11/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- 33
- cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 5" pvc pipeline

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

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? ☐ Yes ☒ Noe. If well is already drilled, when? _____; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

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 or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. 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	
12N	06W	27					S			S	12			25					37
12N	06W	34					10			S									10

Total number of acres to be irrigated: 47

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

10. a. Who owns the property at the point of diversion? Debra P. Nyberg
- b. Who owns the land to be irrigated or place of use? Debra P. Nyberg
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water right #67-4164 was never claimed in the SRBA adjudication process, we are filing a new water right with advanced priority date per attached water right #67-4164.

12. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year).
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.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Debra P. Nyberg
Signature of Applicant
Debra P. Nyberg
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by SB Date 6.16.2011 Time 10:31A Preliminary check by JFW.
Fee \$ 150- Received by DB Receipt No. W039330 Date 6.16.2011

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Tuesday, October 25, 2011 9:45 AM
To: 'rick.ward@idfg.idaho.gov'
Subject: Comment letter for applications #63-32366, 67-15058, 67-15059, 65-23458 & 65-23459
Attachments: Comment Letter to F & G.doc; 63-32366 Ap.pdf; 67-15058 Ap.pdf; 67-15059 Ap.pdf; 65-23458 Ap.pdf; 65-23459 Ap.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)

October 24, 2011

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

RE: Applications for Permit: 63-32366, 65-23458, 65-23459, 67-15059, & 67-15058

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.

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

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Tuesday, October 25, 2011 9:42 AM
To: 'watermaster67@hotmail.com'
Subject: Comment Letters for application #67-15058 & 67-15059
Attachments: Comment Letter to WD 67.docx; Watermaster Recommendation form for 67.doc; 67-15058 Ap.pdf; 67-15059 Ap.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)

October 24, 2011

BRANDI HORTON
WATER DISTRICT #67
2297 SNAPP LN
MIDVALE, ID 83645

RE: Application for Permit No(s). 67-15058 & 67-15059

Dear Ms. Horton:

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 unprotested 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.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Tuesday, October 25, 2011 8:42 AM
To: 'NEWSROOM@RURALNETWORK.NET'
Subject: Legal Notice
Attachments: Washington County - Cover Letter.doc; Washington County - Legal Notice.doc

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)

October 25, 2011

LEGAL NOTICE DEPARTMENT

WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

RE: Application For Permit No.(s): 67-15058

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 11/21/2011. 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:

67-15058

DEBRA P NYBERG

1305 PRICE RD

WEISER, ID 83672

Point of Diversion NENW S27 T12N R06W WASHINGTON County Source SPRING Tributary SPRING CREEK

Point of Diversion NWNW S27 T12N R06W WASHINGTON County Source SPRING Tributary SPRING CREEK

Point of Diversion NENW S34 T12N R06W WASHINGTON County Source SPRING Tributary SPRING CREEK

Use: IRRIGATION 03/15 to 10/31 0.3 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.33 CFS

Date Filed: 6/16/2011

Place Of Use: IRRIGATION

T12N R06W S27 NESW SESW

T12N R06W S34 NENW

Place Of Use: STOCKWATER

T12N R06W S27 NENW SENW

T12N R06W S34 SENW

Total Acres: 47

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s). 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 November 21, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 11/2/2011 and 11/9/2011



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

September 19, 2011

Debra P Nyberg
1305 Price RD
Weiser ID 83672

**Re: Application for Permit No. 67-15058- Nyberg
Transfer Application
Application Fees**

Dear Applicant:

The purpose of this letter is to address the above matters related to your water rights and recently received application for permit.

Application for Permit

Our office has begun the initial review and processing of the above described application. In order to continue processing additional information is requested: A copy of the original application and a new amended application form are attached. Please place the requests below on the new amended application form.

-Application form #7b. Description of proposed uses-b. stockwater list kind and number of livestock: Please provide the approximate kind and number of stock at #7b..

-Application form #12 Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum of 1 year, maximum of 5 years). Please provide the number of years desired on #12

*-Map-*On the enclosed maps, please mark an X on the 3 points of diversion locations listed on your application under #3. Also outline by pen/marker the place of use boundaries listed on #8. A poor copy of #67-4164 map is also attached for reference.

-Please sign and date the amended application form and return it with the map to this office.

Weiser River Surface Water Regulation.

You filed an application for a new water right from a regulated source within the Weiser River Water District. Regulated sources include tributary surface water and tributary shallow ground water (ground water above the first confining layer in the aquifer). If approved, your application would be a junior water right.

COPY
FOR YOUR FILES

The Weiser River Watermaster regularly curtails junior water rights by June 15 each year. This is necessary under Idaho law to protect senior water rights when the water supply is not adequate to fill all rights at the same time.

This means your application, if approved, would include a condition of approval automatically curtailing your new use by June 15 of each year. This condition of approval balances protection of senior water rights with promotion of the maximum economic benefit of water resources. *If you desire to proceed with your application based on the above explanation, please complete and return the enclosed questionnaire.*

Application for Transfer/Water Right #67-10102

As discussed in our Department letter of 08/11/11 (J. Hershley) your transfer application was not required and is being returned.

Fees.

The required filing fee for your application for permit is \$250. You have submitted a total of \$150 for the permit and \$100 for the transfer application. Your application for transfer is being returned. Therefore, the \$100 transfer amount is being credited to the permit application equaling the correct amount required.

More information about water rights and other matters administered by IDWR is available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions.

Sincerely,



John Westra, Manager

Enclosure: amended application form, maps, Weiser regulation form, WR #67-4146, returned transfer application, original application for permit copy.

MEMO

August 10, 2011

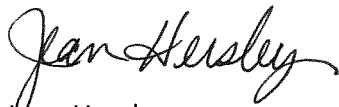
RE: Water Right No. 67-10102

On May 26, 2011, this office received a Notice of Change of Water Right Ownership for water right 67-10102. I looked at the proof report and the POU was listed as being in T12N, R06W, Section 27 NESE and it should have been Section 33. None of the deeds that accompanied the request included this legal in the descriptions.

On May 31, 2011, a letter was sent explaining the error and the applicant was given the options of fixing the error either with a transfer or petitioning the court to fix the decree.

After further review, it was discovered that water right had been claimed and recommended in section 27 then BLM protested since this is on BLM land. The correction was made and the water right was decreed in the correct Township 12N, Range 06W, Section 33 NESE. The recommendation had never been updated and when the water right was pushed over from adjudication the wrong information was moved also. I corrected the database and completed the ownership change.

The Applicants filed a transfer in the name of Debra Nyberg and Dana Baker for this correction. The transfer is no longer valid and can be returned with a full refund.



Jean Hersley

RECEIVED

JUN 16 2011

6/15/11

WATER RESOURCES
WESTERN REGION

Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Water Rights: 67-10102, 67-4164 - ^{not} claimed.
+ 67-7475

Dear Jean:

As per your letter of May 31st
please find attached additional
required fees and paperwork
for subject water rights transfer.
Please let me know if any
further information is required.
Thank you for your assistance.

Sincerely,

Deb Taylor
549-0358
740-9220