

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**AMENDED APPLICATION FOR PERMIT**

To appropriate the public water of the State of Idaho

RECEIVED

SEP 13 2011

WATER RESOURCES  
WESTERN REGION

1. Name: DANIEL RUSSELL

3535 HWY 95  
PARMA ID 83660  
(208)830-1803

AND/OR

TINA RUSSELL  
3535 HWY 95  
PARMA ID 83660  
(208)830-1803

2. Source: WHITNEY DRAIN Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WHITNEY DRAIN SW1/4SW1/4 Sec. 33, Twp 07N, Rge 05W, B.M.  
PAYETTE County

4. Water will be used for the following purposes:

| <u>Purpose</u> | <u>From</u> | <u>To</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|----------------|-------------|-----------|--------------------------|----------------------|
| IRRIGATION     | 03/01       | to 11/15  | 0.03 CFS                 |                      |

5. Total quantity to be appropriated is: 0.03 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: CONCRETE BOX WITH 7.5 HP PUMP

b. Height of storage dam \_\_\_\_\_ feet;  
Active reservoir capacity \_\_\_\_\_ acre-feet;  
Total reservoir capacity \_\_\_\_\_ acre-feet;

c. Proposed well diameter is \_\_\_\_\_ inches;  
Proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? \_\_\_\_\_;  
Drilling Firm \_\_\_\_\_;  
Drilling Permit No. \_\_\_\_\_.

**To appropriate the public water of the State of Idaho**

8.

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 07N | 05W | 33  |           |           |           |           |           |           |           |           |           |           | 1.0       |           |           |           |           |           | 1.0    |

APPLICANT

11. Map of proposed point of diversion and place of use attached? ☒

waters of the State of Idaho as herein set forth.

X Dan Russell Date 9/9/11 X Dan Russell Date 9/9/11  
Applicant Applicant

Received by JFW Date 9-13-11 Time 10:54 Preliminary check by JFW  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

into  
NOT  
Required

Receipt No. W039180  
Date: \_\_\_\_\_

Received by: \_\_\_\_\_

\$250



T7N  
R5W  
Sec 33

Area to be  
irrigated

Point of  
Diversion

6333509

RECEIVED

MAY 03 2011

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESIdent. No. 63-33509

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION1. Name of applicant(s) Daniel and/or Tina Russell Phone 208-830-1803  
Name connector (check one): ☐ and ☐ or ☒ and/orMailing address: 3535 Hwy 95 City ParmaState ID Zip 83660 Email: jdtrussell1@gmail.com2. Source of water supply Whitney Drain which is a tributary of Snake River

3. Location of point(s) of diversion:

| TwP | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County  | Source        | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|---------|---------------|---------------------|
| 7N  | 5W  | 33  |          | SW  | SW  |     | Payette | surface water |                     |
|     |     |     |          |     |     |     |         |               |                     |
|     |     |     |          |     |     |     |         |               |                     |
|     |     |     |          |     |     |     |         |               |                     |

4. Water will be used for the following purposes:

Amount 0.45 cfs for irrigation purposes from 3-1 to 11-15 (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)Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.45 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. Concrete box 14' x 10'  
(see attached photos) with a Model 1 1/2 HP Cornell Pump

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 ☒ No

e. 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. \_\_\_\_\_

Superseded

8. 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 |        |
| 7N  | 5W  | 33  |    |    |    |    |    |    |    |    |    |    | 1  |    |    |    |    |    | 1      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 1

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? Daniel and/or Tina Russell  
b. Who owns the land to be irrigated or place of use? Daniel and/or Tina Russell  
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. The diverted water has been used to irrigate an apple orchard in place since 1986 (see attached affidavit) and is currently used for the same purpose. The above described pump is used to supply water to an underground sprinkler system in the apple orchard. An extension to the sprinkler system will be added for irrigation of addition areas over the next year.

12. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Daniel Russell  
Signature of Applicant  
Daniel Russell  
Print Name (and title, if applicable)

Tina Russell  
Signature of Applicant  
TINA RUSSELL  
Print Name (and title, if applicable)

For Department Use:

Received by JAT Date 5-3-11 Time 11:50 Preliminary check by \_\_\_\_\_  
Fee \$ 250.00 Received by JAT Receipt No. W039180 Date 5-3-11



pump house

Diversion gate



Pump for diverting  
water to the orchard



pump house



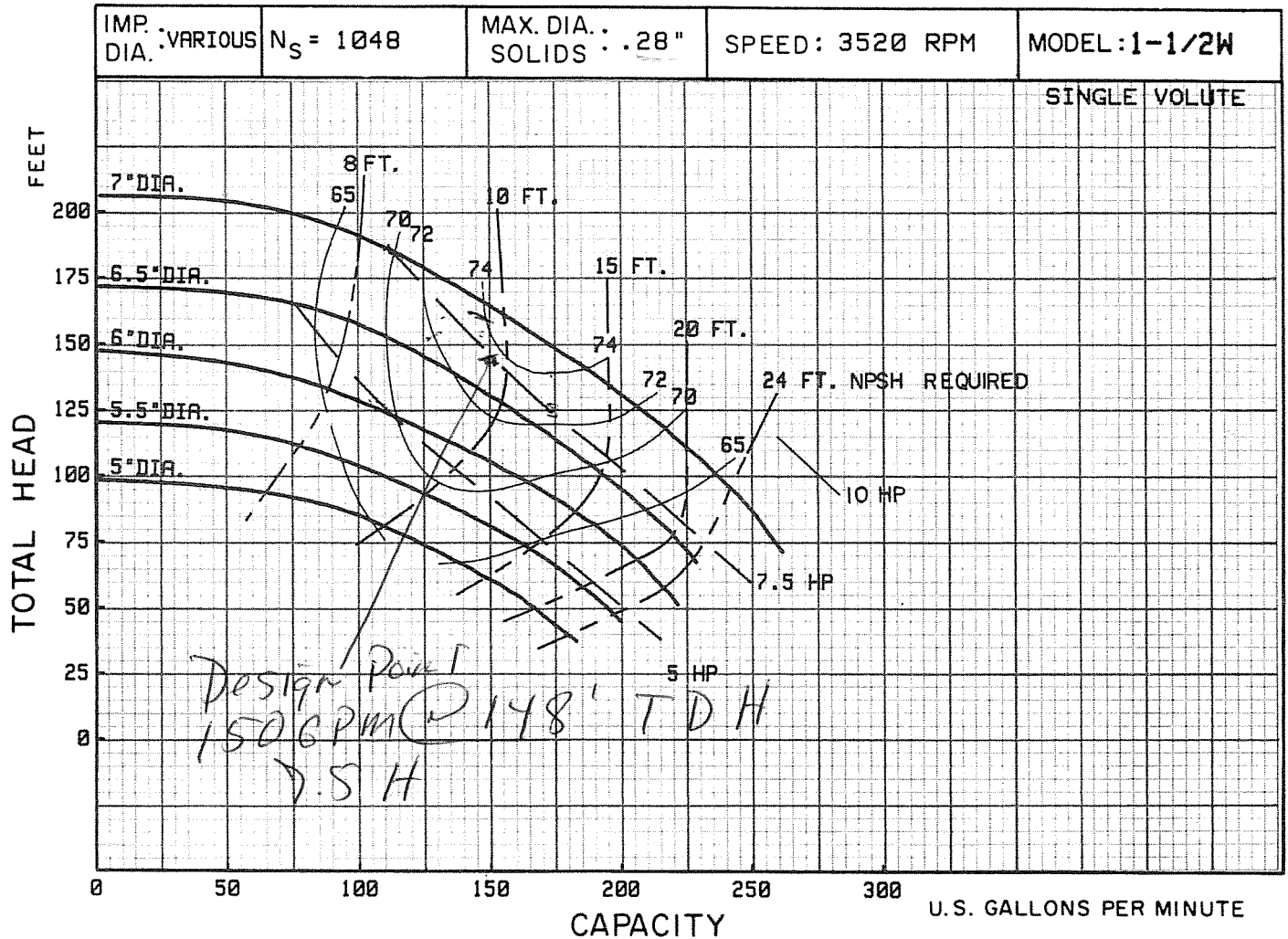
SUPERSEDES 132-31, 31C  
FEB. 54, DEC. 71

APRIL 1985

132-19

**MODEL 1 1/2 W PUMP**  
**SPEED - 3600 RPM**  
**CLOSED IMPELLER**  
**60 HERTZ**

*Pump Information*



| HP  | MAXIMUM IMPELLER DIAMETER |                                |
|-----|---------------------------|--------------------------------|
|     | FOR FULL MOTOR LOAD       | FOR FULL MOTOR LOAD + 15% S.F. |
| 10  | A (7.0")                  |                                |
| 7.5 | B (6.56")                 | B+ (7.0")                      |
| 5   | C (5.5")                  | C+ (5.94")                     |

FT. x (.305) = METERS

GPM x (.227) = CUBIC METERS PER HOUR

Per Pump Co.  
Other

shown are for closed mode

PORTLAND, OREGON

performance adjustments.

Grant Weir, Fruitland, Idaho 83619 March 12, 86

Model 1 $\frac{1}{2}$  W - 7 $\frac{1}{2}$  HP Cornell Pump

S/N # 47869

6 3/4" Dia. Impeller

with 7 $\frac{1}{2}$  HP Century Motor

Invoice # 20485

Linda A. Weir

200 N.E. 8<sup>th</sup> St.

Fruitland, Idaho 83619

To whom it may concern,

In regards to a portion of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 33, Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho, located southeast of Highway 95, currently owned by Lewis G. Weir and a one acre portion of Lot 1, Weir Acres, Section 33, Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho, located in the SW corner, currently owned by Dan Russell. This property was under my ownership and irrigated.

The property owned by Lewis G. Weir began to be irrigated by water supplied from the waste water ditch, located in Homestead Gulch and owned by Black Canyon in 1989.

The one acre section of property, previously a 4.4 acre field, prior to the Weir Acres Subdivision, owned by Dan Russell began to be irrigated by water supplied from the waste water ditch, located in Homestead Gulch and owned by Black Canyon in 1986.

Linda A Weir

Date: 3-24-11

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Thursday, September 15, 2011 11:08 AM  
**To:** 'Rex Barrie (waterdistrict63@qwestoffice.net)'  
**Subject:** Water Right Application 63-33509  
**Attachments:** Comment Letter WD 63.docx; 63-33509.pdf

**Contacts:** Rex Barrie

Rex:

Denise Buffington transferred to the IDWR Southern Region in Twin Falls earlier this week. I am taking up the slack for the time being.

Enclosed is a comment letter and copy of an application for your review. Please let me know if you need more information. Thanks for your help.

Steve

September 15, 2011

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

RE: Application for Permit No. 63-33509

Dear Watermaster:

A copy of the above referenced application is enclosed with this email. Please review the application and provide your comments, if any, 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 your 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.

This office can finish reviewing an unprotested application shortly after the protest period has ended. Your prompt response to this request will ensure your recommendation will be considered. If IDWR has not received your written recommendation within 21 days, IDWR will presume you do not oppose approval of the application.

Sincerely,

Steve Lester  
Water Rights Supervisor

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Thursday, September 15, 2011 11:21 AM  
**To:** 'Ward,Rick'  
**Subject:** Water Right Application 63-33509  
**Attachments:** Comment letter IDFG.docx; 63-33509.pdf

**Contacts:** Rick Ward

Rick:

Denise Buffington transferred to the IDWR Southern Region in Twin Falls this week. I am picking up the slack for the time being.

Please review the enclosed comment letter and copy of an application. Please let me know if you need more information. Thank you for your help.

Steve

September 15, 2011

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

RE: Application For Permit No. 63-33509

Dear Mr. Ward:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed with this email 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 approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee by October 11, 2011.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact this office if you have any questions regarding the application.

Sincerely,

Steve Lester  
Water Rights Supervisor



State of Idaho  
Department of Water Resources  
**RECOMMENDATION FORM**

**Application No.:** 63-33509

**Applicant Name:** Daniel & Tina Russell

Recommendation:

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Idaho Dept of Fish & Game**

\_\_\_\_\_  
Signature

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

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Thursday, September 15, 2011 11:42 AM  
**To:** 'roy@blackcanyonirrigation.com'  
**Subject:** Water Right Application 63-33509  
**Attachments:** Comment Letter Black Canyon Irr Dist.docx; 63-33509.pdf

Mr. Maxwell:

Enclosed is a comment letter, recommendation form and copy of an application that may be of interest to you. Please review the information and provide your written response if you so desire.

Please contact me if you need more information. Thank you for your help.

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

September 15, 2011

ROY MAXWELL  
MANAGER BLACK CANYON IRRIGATION DISTRICT  
474 ELGIN ST  
NOTUS, ID 83656

Re: Application No. 63-33509

Dear Mr. Maxwell:

A copy of an application that may be of interest to your district is included with this email. Please contact the applicants if you have concerns about the application.

The enclosed recommendation form can be used to submit comments if you prefer to use it.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by October 11, 2011.

Please contact this office at 208-334-2190 if you have any questions regarding the application, or you may visit our website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) for more details.

Sincerely,

Steve Lester  
Water Rights Supervisor

State of Idaho  
Department of Water Resources  
**RECOMMENDATION FORM**

**Application No.:** 63-33509  
**Applicant Name:** Daniel & Tina Russell

Recommendation:

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Black Canyon Irrigation District**

\_\_\_\_\_  
Signature

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

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Wednesday, September 14, 2011 2:58 PM  
**To:** 'lisaallison@qwestoffice.net'  
**Subject:** LEGAL NOTICE  
**Attachments:** Payette County cover letter.docx; 63-33509 Ad.docx

Hi Lisa:

Denise Buffington transferred to the IDWR Twin Falls regional office and I am picking up the legal notice slack for a while. I did this for a few months several years ago and hope I remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

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

→ confirmed e mail  
reply some day  
-SL

September 14, 2011

**LEGAL NOTICE DEPARTMENT**

INDEPENDENT ENTERPRISE  
124 S MAIN  
PAYETTE, ID 83661

RE: Application For Permit No.(s): 63-33509

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 October 11, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester  
Water Rights Supervisor

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

63-33509

DANIEL & TINA RUSSELL

3535 HWY 95

PARMA, ID 83660

Point of Diversion SWSW S33 T07N R05W PAYETTE County Source WHITNEY DRAIN Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 5/3/2011

Place Of Use: IRRIGATION

T07N R05W S33 SWSW

Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before October 11, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 9/21/2011 and 9/28/2011

## MEMORANDUM

TO: Sascha Marston  
FROM: Steve Lester   
DATE: September 14, 2011  
RE: **Refund**

Daniel & Tina Russell paid \$250 for Application 63-33509 on 5/3/2011. The application was amended for less water requiring only a \$100 fee.

Please issue a \$150 refund as follows:

TO

DANIEL & TINA RUSSELL  
3535 HWY 95  
PARMA ID 83660

(tel. 208-830-1803)

RECEIPT #

W039180, copy attached

Not included w/ memo cc for wa file



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

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

September 7, 2011

Daniel & Tina Russell  
3535 Hwy 95  
Parma ID 83660

**RE: Application for Permit #63-33509**

Dear Applicants:

Our office has recently began the review and processing of the above application for permit. You have done a commendable job of filling out the application form and providing additional information.

The application is complete with the exception of the #4 flow rate on the application form. For a new appropriation, the maximum flow that is allowable for acreage under 5 acres is .03 cfs per acre of irrigation. Therefore, #4 on the application should read .03 cfs for 1 irrigated acre. An amended application form is enclosed with the correct flow rate. Please sign, date, and return the form to this office. Once received, public notice for the application will be made in the county newspaper.

Should you have questions please contact me at the Western Regional Office, phone 334-2190.

Thank you for your cooperation,



John Westra, Manager

Enclosure: amended application form.

.03 cfs = 13.5 gal./min.