

RECEIVED

STATE OF IDAHO

Ident. No. 65-23457

DEPARTMENT OF WATER RESOURCES

JUN 17 2011

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION1. Name of applicant(s) Glenn Ford Joyce Ford Phone 208 860 7838
Name connector (check one): ☐ and ☐ or ☒ and/orMailing address 569 Brenda Ln. City CascadeState Idaho Zip 83611 Email: ford929@gmail.com2. Source of water supply Rock Creek AKA RICHARDS CREEK which is a tributary of Skeen Lake

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>13N</u>	<u>3E</u>	<u>3</u>			<u>NE</u>	<u>SW</u>	<u>VALLEY</u>	<u>VALLEY CO. AGRICULTURE</u>	

4. Water will be used for the following purposes: ASTHETIC USEAmount 0.04cfs for Backyard waterfall purposes from April 1 to Nov. 14 (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) 0.04 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. 4" plastic pipe from culvert to top of waterfall,
Pipe delivers water to waterfall where it falls into tank to another pipe, returning it to Rock Creek. No water is consumed.b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity
n/a 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 ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? n/a; drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a

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

a. Hydropower; show total feet of head and proposed capacity in kW. n/ab. Stockwatering; list number and kind of livestock. n/ac. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. n/ad. Domestic; show number of households N/A

e. Other; describe fully. _____

* please # per 8/3/11 email attached
-82

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	
13N	3E	3									X								

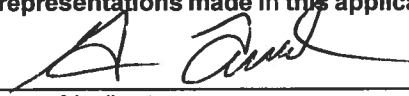
Total number of acres to be irrigated: N/A

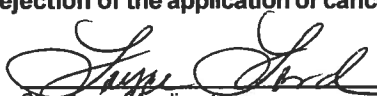
9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? no

10. a. Who owns the property at the point of diversion? Glenn and Joyce Ford
- b. Who owns the land to be irrigated or place of use? Glenn and Joyce Ford
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This request is for use of a small amount of water to be diverted from Rock Creek to a water feature on my property. The pipe will be inserted into a culvert approx 120' above the water feature where it will travel in the pipe to the top of the water feature (waterfall). The water will then travel down the waterfall approx 15' where it is collected in a 100 gallon plastic tank. A overflow pipe in the tank then returns the water back to Rock Creek. No water is used or consumed in this process. This waterfall is for esthetics only.

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.


 Signature of Applicant
 Glenn Ford
 Print Name (and title, if applicable)


 Signature of Applicant
 Joyce Ford
 Print Name (and title, if applicable)

For Department Use:

Received by D. Smith Date 6/16/11 Time 3:40 PM Preliminary check by Smith JR
 Fee \$ 100.00 Receipted by Smith Receipt No. 0093411 Date 6-16-11

Glenn and Jovce Ford
569 Brenda Dr.
Cascade, Idaho 83611
208-866-7838 cell
208-830-6133 cell

The residence address is 569 Brenda Drive, Cascade, Idaho. The legal description is as follows: (note * symbol in description below means degree)

Beginning at a point which is S. 58° 16' 48" W., 149.16 feet from the most south corner of Lot 33, Block 3, West Mountain Subdivision No. 2 in accordance with the official plat thereof on file with the Valley County, Idaho, Records office; thence N. 16° 45' W. 208.45 feet to a steel pin; thence S. 88° 41' W., 150.0 feet to a steel pin; thence S. 16° 45' E., 103.74 feet to a steel pin on the creek bank; thence S. 88° 41' W., 150.0 feet to a steel pin in the creek; thence S. 16° 45' E., 103.74 feet to a steel pin; thence 88° 41' E., 150.0 feet to a steel pin; thence S. 16° 45' E., 103.74 feet to a steel pin; thence N. 88° 41' E., 150.0 feet to a steel pin on the boundary of said West Mountain Subdivision No. 2; thence N. 16° 45' W., 102.74 feet to the place of beginning. AKA Tax No. 10.

While contacting Valley County Planning and Zoning, they were unable to provide me an exact description of "Point of Diversion", nor an exact description of "point of re-entry or discharge" back into the creek.

As a result, I took GPS readings at both of these locations as follows:

Point of Diversion — **N4429.348 W11605.359 Elevation 5066**

Point of return to creek - **N4429.352 W11605.270 Elevation 4995**

Both of these positions are on applicants property.



65-23457

Lester, Steve

From: Glenn Ford [ford929@gmail.com]
Sent: Wednesday, August 03, 2011 9:20 AM
To: Lester, Steve
Subject: Re: Rock Creek application

Thanks Steve. My phone number is 208-866-7838. Sorry for the confusion. Glenn

On Wed, Aug 3, 2011 at 8:29 AM, Lester, Steve <Steve.Lester@idwr.idaho.gov> wrote:

Glenn:

It was good talking with you the other day. Your application for a waterfall is number 65-23457. Based on our discussion, please confirm your telephone number is 866-7838 instead of 860-7838 that is on the application. Your email reply will be sufficient to correct the application so it can be processed fairly soon.

Thank you.

Steve Lester

Water Rights Supervisor

IDWR Western Region

208-334-2190

phone # correction

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Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 24, 2011 1:25 PM
To: The Star-News
Subject: LEGAL NOTICE
Attachments: Valley County - Cover Letter.docx; Valley County Ads.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

August 24, 2011

LEGAL NOTICE DEPARTMENT

STAR NEWS
1000 1ST ST
MC CALL, ID 83638

RE: Application For Permit No.(s): 65-23457

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 September 19, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

65-23457

GLENN FORD

JOYCE FORD

569 BRENDA LN

CASCADE, ID 83611

Point of Diversion NESW S3 T13N R03E VALLEY County Source ROCK CREEK Tributary NORTH FORK PAYETTE RIVER

Use: AESTHETIC 04/01 to 11/14 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/16/2011

Place Of Use: AESTHETIC

T13N R03E S3 NESW

Seeking approval for existing use, small waterfall with water returned to creek. Source also known as Richard Creek.

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 September 19, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 9/1 & 9/8/2011

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 24, 2011 1:59 PM
To: Ron Shurtleff, WD-65
Subject: COMMENT LETTER FOR 65-23457
Attachments: Comment Letter to WD65.Doc; Watermaster Recommendation form for 65 & 67.doc; 65-23457 APP.pdf

Attached is a cover letter and a copy of an Application(s), for your review &/or comment. Please feel free to use the attached recommendation form as needed. If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

August 24, 2011

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Application for Permit: 65-23457

Dear Watermaster:

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,

Denise Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 24, 2011 1:57 PM
To: Rick Ward
Subject: COMMENT LETTER FOR 65-23457
Attachments: Comment Letter to F & G.Doc; 65-23457 APP.pdf

Attached is a cover letter and a copy of an Application(s), for your review &/or comment. Please feel free to use the attached recommendation form as needed. If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190

August 24, 2011

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

RE: Application for Permit: 65-23457

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,

Denise Buffington
Administrative Assistant

Enclosure(s)

SEPARATE STREAMS BASIN #65

A dozen streams in Bs 65 were designated as sources separate from the Payette River for purposes of water distribution. In other words, water rights from these separate sources were not junior to senior water rights beyond the separate sources.

This was Conclusion of Law #3 from the Payette River Adjudication preceding the SRBA.

Settlement language in 2003 regarding SRBA recommendations in Bs 65 affected this scenario. Amended partial decrees were issued that codified the following two principles:

1. Separate streams provision does not apply to appropriations with priorities junior to October 18, 1977.
2. A proposed transfer of a separate source water right could result in revoking the separate source provision to prevent injury if necessary. Since this principle referenced changes under IC § 42-222 ("transfer statute"), an application for extension of time to avoid forfeiture under that statute could also result in revoking the separate source provision to prevent injury if necessary.

Separate Streams include the following sources and water tributary to those sources:

1. **Big Willow** Creek & tributaries – tributary to Payette R.
2. **Boulder** Creek & tributaries – tributary to N. Fk. Payette R. at Cascade Res.
3. **Campbell** Creek & tributaries – tributary to N. Fk. Payette R. at Cascade Res.
4. **Lake Fork** Creek & tributaries – tributary to N. Fk. Payette R. at Cascade Res.
5. **Little Willow** Creek & tributaries – tributary to Payette R.
6. **Porter** Creek & tributaries – tributary to Payette R.
7. **Richards** Creek & tributaries – tributary to S. Fk. Payette R.
8. **Rock (Richard)** Creek & tributaries – tributary to N. Fk. Payette R. at Cascade Res.
9. **Scrifer** Creek & tributaries – tributary to Middle Fk. Payette R.
10. **Squaw** Creek & tributaries – tributary to Payette R.
11. **Warm Springs** Creek & tributaries – tributary to Middle Fk. Payette R.
12. **Willow** Creek & tributaries – tributary to N. Fk. Payette R. at Cascade Res.

Note: Middle & South Forks in Garden Valley-Lowman area; North Fork in Banks-McCall area.

Shallow ground water close to a surface water source is presumed to be tributary to that surface water and treated accordingly.

Appl 65-23457 not separate stream
re priority date
JE 8/18/11

USE THESE GUIDELINES

Separate source rights with priorities October 18, 1977 or older remain separate from the Payette River unless possibility affected by an *Application for Transfer* or an *Application for Extension of Time to Avoid Forfeiture*.

Application for Transfer or Application for Extension of Time to Avoid Forfeiture

- normal processing
- Watermaster comment letter only applies to water district for the source in the right(s)
- other special notification for separate source issue n/a.

Application for Permit from a stream in the separate source list, or from water tributary to the list, will not be considered separate.

Application:

- part of Payette River system
- subject to Water District 65 mitigation requirements (rental pool lease to avoid 6/15 curtailment etc.)
- requires comment letter to Payette River Watermaster
- subject to any requirements for source in question (other water district etc.)
- requires comment letter to Watermaster for source in question if another active water district exists. Other active districts in bs 65 are:
 - 65A Squaw Creek
 - 65B Porter Creek
 - 65D Boulder Creek – applicant first show water available ¹
 - 65K Lake Fork Creek – applicant first show water available. ²

¹ & ² See *WR PROCESSING/STREAMS WITH WATER SHORTAGES* about water supply etc. issues before can process the application.

September 10, 2010

Glen Ford
569 Brenda LN
Cascade ID 83611

CERTIFIED MAIL

RE: Pending Notice of Violation—Illegal Diversion/Use of Water.

Dear Mr. Ford:

Recently, the Idaho Department of Water Resources (Department) received a complaint alleging you are diverting Rock Creek water for a water feature off stream. Although the complaint is unconfirmed, our records show no water right listed for this beneficial use and location.

Under Idaho Code (IC) §42-351 & §42-1701B, it is unlawful to divert or beneficially use water from a natural water course without having obtained a valid water right. The Department shall have the discretion to issue a written notice of violation upon investigation. Use of water without a valid water right is considered an illegal diversion/use, and is subject to enforcement penalties and fines by the Department.

The Department requires **one** of the following actions be taken by **October 15, 2010**:

1. Submit written proof/statement to the Department that you are indeed not diverting or beneficial using water from Rock Creek.
2. **Cease and desist** all diversions and beneficial use. Provide written/photo documentation to the Department this has been done.
- ✓ 3. Provide written documentation to the Department that you have a valid water right-
No. _____ *Appl. 65-23857 Pending*

If our office does not receive a response from you by the October 15, 2010 deadline, a field inspection will be scheduled to confirm the allegations. Enforcement actions will be considered if the allegations are confirmed.

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

Sincerely,

John Westra
Western Regional Manager

→ *Verbally confirmed that
signed original was sent,
this copy for file
-JL 8/18/11*