

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

FEB 05 2010

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Jerry L. and/or Mary Louise Tlucek Phone 208-495-2550
Mailing address 15188S. Can-Ada Rd., Melba, ID 83641 Email _____
Representative SPF Water Engineering LLC, 300 E. Mallard, Ste 350, Boise, ID 83706 208-383-4140
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is Township 1N Range 2W Sec. 26, in the _____ ¼,
_____ NW ¼, _____ NW ¼, Govt. Lot _____, B.M., _____ Canyon _____ County;
additional points of diversion if any: SWNW, S26
4. Water will be used for the following purposes:
Amount 1.32 cfs for Irrigation purposes from 3/1 to 11/15 (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)
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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.32 cfs 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 Two existing wells, pumps, pressurized irrigation system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 16 inches; proposed depth of well is 424 & 480 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 1963; Drilling firm Russell Cowe;
Well was drilled for (well owner) Kenneth Casper; Drilling Permit No. 36341 & 36342
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. _____

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	
1N	2W	26						39	40	39.5	40	40							198.5
		27	40	40	3.5	31												31	114.5

Total number of acres to be irrigated 66 acres within a 313-acre ppu

10. 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? 63-3323 & 63-3324

- 11.a. Who owns the property at the point of diversion? Applicant
- 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: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Currently, the proposed (existing) wells have been recommended for decree on overlapping rights 63-3323 and 63-3324 for irrigation of 247 acres within a 285-acre place of use. This application proposes irrigation of an additional 66 acres within a 313-acre place of use. An expansion claim is expected to be filed in the SRBA for 38 of the 66 acres that were developed prior to 1987.

Water bearing zone to be appropriated is from 200 to 500 feet.

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.)

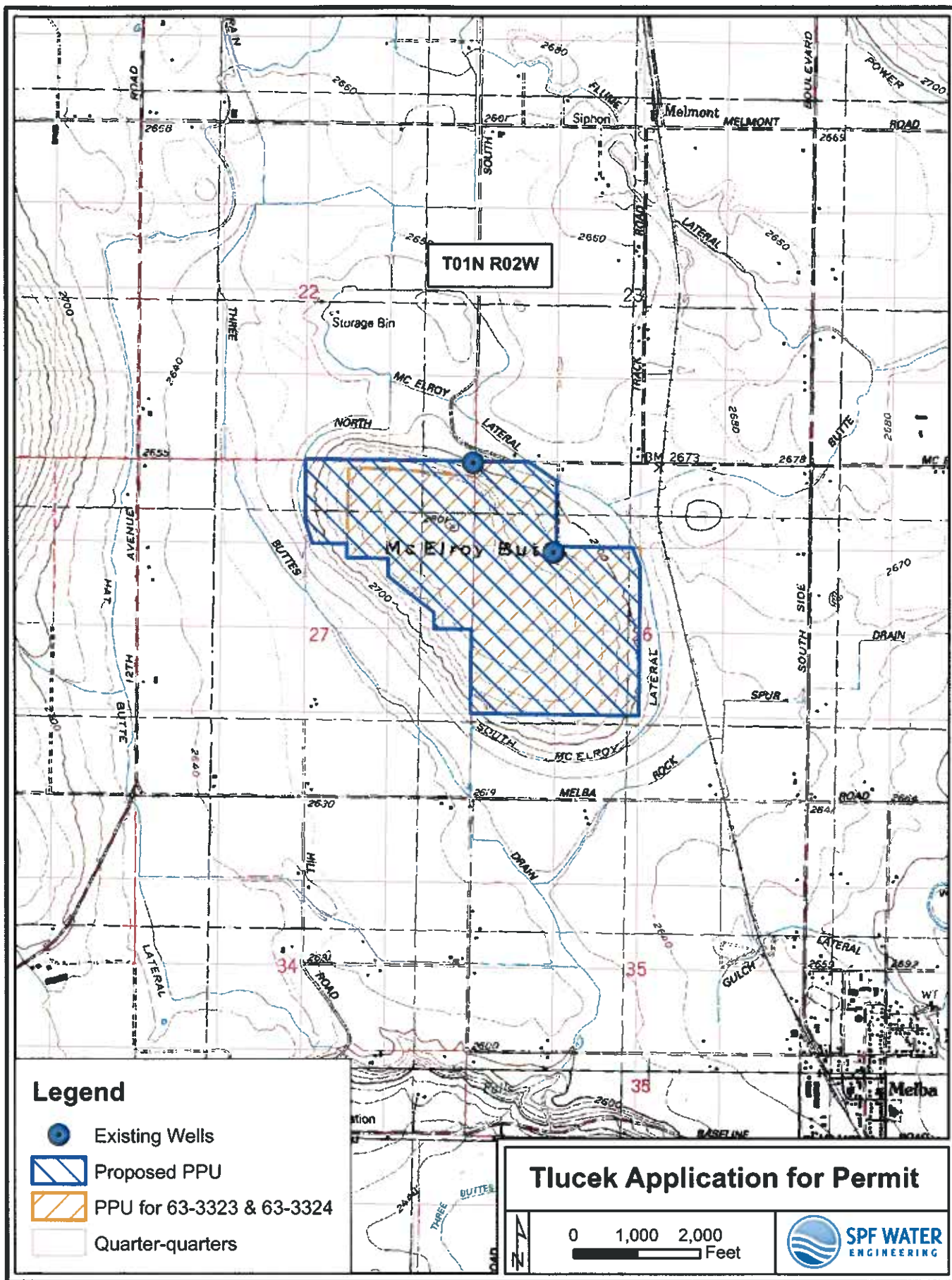
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mary L. Tucek
Signature of Applicant
Mary Lou Tucek

JEFFREY L. TUCEK
Print Name (and title, if applicable)
Mary Lou Tucek

For Department Use:

Received by gsk Date 2-5-10 Time 10:30 AM Preliminary check by VLM
 Fee \$ 290 Received by DB Receipt No. W038120 Date 2-5-2010
 Publication prepared by DB Date 2/9/2011 Published in Idaho Press Tribune
 Publication approved _____ Date _____ Dates Published February 17 & 24, 2011



63-33333

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

11/22/2009

WATER RIGHT NO. 63-3323

Owner Type	Name and Address
Current Owner	JERRY L. TLUCIEK
Current Owner	MARY LOUISE TLUCIEK 15188 S CAN-ADA RD MELBA, ID 83641 (208) 495-2550
Attorney	MOFFATT THOMAS BARRIETT ROCK & FIELD CHTD C/O SCOTT L. CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Original Owner	KENNETH D CASPIER C/O JAY C NEIDER RT 3 BOX 251 NAMPA, ID 83651

Priority Date: 01/02/1963

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	2.4 CFS	1111.5 AFA
Total Diversion			2.4 CFS	

Location of Point(s) of Diversion

GROUND WATER|NWNW|Sec. 26|Township 01N|Range 02W|CANYON County

IRRIGATION Use:

Acre Limit: 247

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	26		NWNW39		SWNW40		SENW40						
				NE3W40		NWSW39								
		27		NENE34		NWNE18		SWNE4		SENE31				

Total Acres: 285

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as

- may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 11:55 Right Nos. 63-3323 and 63-3324 are limited to the irrigation of a combined total of 247 acres within the place of use described above in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 11:53 Right Nos. 63-3323 and 63-3324 are limited to a total combined annual diversion volume of 1111.5 AF.

Dates:

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

11/22/2009

WATER RIGHT NO. 63-3324

Owner Type	Name and Address
Current Owner	JERRY L TLUCEK
Current Owner	MARY LOUISE TLUCEK 15188 S CAN-ADA RD MELBA, ID 83641 (208)495-2550
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000
Original Owner	KENNETH D CASPER C/O JAY C NEIDER RT 3 BOX 251 NAMPA, ID 83651

Priority Date: 01/02/1963

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/11	11/15	2.03 CFS	1046.9 AFA
Total Diversion			2.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNW|Sec. 26|Township 01N|Range 02W|CANYON County

IRRIGATION Use:

Acre Limit: 247

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	26		NWNW	39		SWNW	40		SENN	40			
				NESW	40		NWSW	39						
		27		NENE	34		NWNE	18		SWNE	4		SENE	31

Total Acres: 285

Conditions of Approval:

1. C-18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as

- may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. [E55] Right Nos. 63-3323 and 63-3324 are limited to the irrigation of a combined total of 247 acres within the place of use described above in a single irrigation season.
3. [C05] Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. [E53] Right Nos. 63-3323 and 63-3324 are limited to a total combined annual diversion volume of 1111.5 AF.

Dates:

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

WELL LOG AND REPORT OF THE
STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED
MAY 21 1963
Department of Reclamation

Permit No. G-30871 Well No. 5 County Canyon

36341

Owner Kenneth Casper

Locate well in section

Address ROUTE ##3 Box 251 NAMPA, IDAHO

Driller Russel Gove

Address Boise, Idaho

Well location SW 1/4 NW 1/4 Sec. 26, T. 2N. 1 N. 1/4 R. 2W E/W

Size of drilled hole 16"

Total depth of well 480

Give depth to standing water from the ground 228 Water temp. _____ °Fahr.

On "Pumping Test" delivery was _____ g.p.m. or _____ c.f.s. Drawdown was 102 feet.

Size of pump and motor used to make test. _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for irrigation Weight of casing per lineal foot 54

Thickness of casing 023 Casing material steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 18" 10" set in lava from surface
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well Jan 5, 1963 Date of completion of well March 12, 1963

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed

By-

Dated _____ 19__.

License No. 65

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Aug 21 1963

Permit No. G- 30870 Well No. 6 County Oanyon

36342

Owner Kenneth Casper

Locate well in section

Address Rt. 3 Box 251 Nampa, Idaho

NW¼	NE¼
SW¼	SE¼

Driller Russel Cowe

Address Boise, Idaho

Well location SW ¼ NW ¼ Sec. 26 T. 1N N/S. R. 2W E/W

Size of drilled hole 16"

Total depth of well 424

Give depth to standing water from the ground 188 Water temp. _____ °Fahr.

On "Pumping Test" delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for _____ Weight of casing per lineal foot _____

Thickness of casing _____ Casing material _____ (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 16" 18' set in lava rock
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well July 1, 1963 Date of completion of well Aug. 29, 1963

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed

By-

Dated _____ 19____

License No. 65

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, February 09, 2011 11:07 AM
To: Press Tribune
Subject: LEGAL NOTICE
Attachments: Canyon County Ad - Cover Letter.Doc; Canyon County Ad.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately 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*

February 9, 2011

LEGAL NOTICE DEPARTMENT

PRESS-TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No(s): 63-33333

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 3/7/2011. 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:

63-33333

JERRY L TLUCEK

MARY LOUISE TLUCEK

15188 S CAN-ADA RD

MELBA, ID 83641

Point of Diversion NWNW S26 T01N R02W CANYON County Source GROUND WATER Tributary

Point of Diversion SWNW S26 T01N R02W CANYON County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 1.32 CFS

Total Diversion: 1.32 CFS

Date Filed: 2/5/2010

Place Of Use: IRRIGATION

T01N R02W S26 NWNW SWNW SENW NESW NWSW

T01N R02W S27 NE (ALL)

Total Acres: 313

Irrigation is for 66 acres within a 313 acre PPU.

Water bearing zone to be appropriated is from 200 to 500 feet.

For a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Permits will be subject to all prior water rights. 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before March 7, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/17/2011 and 2/24/2011

Music, Vicky

From: Scott King [SKing@spfwater.com]
Sent: Tuesday, January 18, 2011 11:59 AM
To: Music, Vicky; Lori Graves
Subject: RE: Tlucek

Hi Vicky –

Our main question comes down to the issue of the permit application overlapping the enlargement claim. You mentioned a difficulty in processing both the application and claim which increases your time investment. We were wondering if the application were amended/split based on the overlap, would it simplify your work? For example, would it help the portion of the application on the new ground proceed while the portion overlapping the enlargement ground held by IDWR until the SRBA processing caught up?

Thank you,
Scott

From: Music, Vicky [<mailto:Vicky.Music@idwr.idaho.gov>]
Sent: Tuesday, January 18, 2011 11:56 AM
To: Lori Graves; Scott King
Subject: Tlucek

Lori and Scott –

So sorry I did not return the first call you made re the above. I am into some other applications at the present so if you will kindly hang on to your ideas for a while, I would appreciate it. I'll let you know when I will be working on Tlucek again. Thanks so much.

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



DEC 10 2010

WATER RESOURCES
WESTERN REGION

December 10, 2010

Vicky Music
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit No. 63-33333, Jerry Tlucek

Dear Vicky,

Thank you for your attention to application 63-33333. As you stated in your letter dated November 9, 2010, the elements of the application overlap with claim 63-33149 that was filed for expansion acres in the SRBA. The following is in response to your inquiry about the applicant's intentions in filing both a late claim and new application.

As stated on the application, decreed rights 63-3323 and 63-3324 authorize irrigation of 247 acres within a 285-acre place of use. This 285-acre place is within the application for permit's proposed 313-acre permissible place of use (PPU). SRBA claim 63-33149 represents 38 enlargement acres which fill in the 285-acre PPU based upon irrigation practices developed prior to or during 1975. The SRBA court forwarded this late claim to IDWR on May 24, 2010. Unfortunately, it does not appear that a recommendation for this claim has yet been prepared as a recommendation was not included in IDWR's recent late claim report.

The reasons for filing application for permit no. 63-33333 include the following:

1. If claim 63-33149 is decreed in the SRBA, the application for permit will accommodate irrigation of 28 additional acres outside of the 285-acre PPU applicable to water rights 63-33149, 63-3323 and 63-3324. The application for permit will also provide additional flow rate for the 38 enlargement acres as Idaho law requires the recommendation for claim 63-33149 to be conditioned to limit the total diversion rate to that provided in 63-3323 and 63-3324.
2. If for some reason claim 63-33149 is ultimately not decreed in the SRBA, the application for permit accommodates irrigation of the 38 acres claimed by 63-33149 plus 28 acres planned for new irrigation development.

Mr. Tlucek has been irrigating the 38 acres listed in the enlargement claim for many years and plans to continue irrigating them in 2011 and beyond. These acres have been irrigated since at least 1975. Mr. Tlucek was prepared to begin irrigating the additional 28 acres this year, and certainly anticipates the opportunity to begin irrigating them in 2011. He is not amenable to

IDWR holding the application until the late claim is decreed, which could very likely be at least one or two years away.

Because the application for permit is junior in priority to the overlapping SRBA rights, the conditions applied to IDWR's recommendation on the claim should not be impacted by the application. In our experience, senior rights decreed in the SRBA are rarely tied to a junior right through combined use limitations and other similar conditions, especially when the junior right is a new permit.

Alternately, we agree that the junior-priority permit could be conditioned appropriately to address senior water rights. A permit issued now could certainly be conditioned to address overlap and combined uses with the decreed rights and beneficial use enlargement claim. Similarly, any license issued later could be appropriately conditioned, or in the extreme, issuance could be delayed until 63-33149 is decreed. In fact, it seems more likely that by the time it is necessary to conduct a beneficial use field exam for 63-33333, 63-33149 will have already reached final resolution in the SRBA. Assuming that to be the case, the license for 63-33149 will necessarily reflect and incorporate the SRBA results through the beneficial use exam process.

Consequently, we are unaware of any need or justification to further delay processing the application for permit, which has now been pending with IDWR for almost one year. It is not in Mr. Tlucek's interests for processing to be delayed when he is prepared to develop the permit during the upcoming year.

Thanks Vicky. Please resume processing of the Tlucek application at your earliest convenience, and please let me know if you have any further questions or require any additional information from the applicant.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Jerry Tlucek, Dylan Lawrence

Enclosures

SPF file number: 272.0102



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 9, 2010

Jerry and Mary Louise Tlucek
c/o Lori Graves
SPF Water Engineering
300 E Mallard Dr, Ste 350
Boise, ID 83706

Re: Application for Permit No. 63-33333

Dear Ms. Graves:

In February 2010, SPF submitted an application for permit on behalf of Jerry L. and/or Mary Louise Tlucek. The application has been assigned to me for review and processing. The application references a possible SRBA expansion claim for 38 of the 66 acres that are the subject of this application, and I see that the SRBA Court forwarded late claim no 63-33149 to IDWR in May of this year. Claim 63-33149 is a POD and POU overlap of application 63-33333.

It would be helpful to know what the applicant intentions are in filing both the late claim and the new application. What does the applicant hope to accomplish and how do the late claim and application relate to the other? IDWR prefers to hold the application until the late claim is decreed so that all of the overlapping rights can be conditioned accurately. Is the applicant amenable to this?

Please respond in writing by December 10, 2010. Thank you for your assistance and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky Musie', is written over a faint, larger signature that appears to be 'Vicky Musie'.

Vicky Musie
Sr. Water Resource Agent

Lester, Steve

From: Lester, Steve
Sent: Friday, November 05, 2010 10:48 AM
To: 'Scott King'
Subject: RE: Status of 63-33333 / Jerry Tlucek

Hi Scott:

Reviewer is out these last couple days but I checked the file: no letter has been sent for more information, so you have not missed anything. I will visit with reviewer next week & get back to you with current status of what's up.

Steve

From: Scott King [<mailto:SKing@spfwater.com>]
Sent: Wednesday, November 03, 2010 3:20 PM
To: Lester, Steve
Subject: Status of 63-33333 / Jerry Tlucek

Hello Steve,

I'm checking in on the status of application 63-33333 for Jerry Tlucek. This one was filed 2/5/2010. Your update of 7/30 indicated that it was recently assigned for review. I'm just wondering if something went out that I've missed and I don't want to miss a response deadline.

Thank you much,
Scott

Scott N. King, P.E.
Supervising Engineer
SPF Water Engineering, LLC
300 East Mallard Drive, Suite 350
Boise, Idaho 83706
phone: (208) 383-4140 ext. 209
fax: (208) 383-4156
email: sking@spfwater.com
www.spfwater.com

*The information contained in this e-mail is intended only for the individual or en-
attachments) may contain confidential and/or privileged information. If you are
disseminate, copy or print its contents. If you receive this e-mail in error, please
destroy the message.*

*I found the
file in your
absence so could
reply to Scott.*

Let's visit e April

xhx, JL



SPF WATER
ENGINEERING

RECEIVED

FEB 05 2010

WATER RESOURCES
WESTERN REGION

February 4, 2010

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit

Dear Steve,

Enclosed on behalf of Jerry and Mary Tlucek is an Application for Permit for ground water irrigation use. Check No. 5243 for \$290 is enclosed for the filing fee.

Please let me know if there are any questions. Thanks Steve.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jerry and Mary Tlucek, Scott Campbell

Enclosures

SPF file number: 272.0102