

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: JOHN BERILLA
4131 W QUAIL RIDGE DR
BOISE ID 83703
208-429-9621

SALLIE BERILLA
4131 W QUAIL RIDGE DR
BOISE ID 83703
208-429-9621

2. Source: UNNAMED STREAM Tributary to: NORTH FORK PAYETTE RIVER
3. Location of Point of Diversion:
#1 UNNAMED STREAM SE1/4NE1/4 Sec. 12, Twp 16N, Rge 02E, B.M.
VALLEY 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>
FIRE PROTECTION FROM STORAGE	01/01	to 12/31		5.0 AF
AESTHETIC STORAGE	01/01	to 12/31		6.2 AF
WILDLIFE STORAGE	01/01	to 12/31		6.2 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		6.2 AF

5. Total quantity to be appropriated is:

6.2 AF

6. Proposed diverting works:

* Received amendment Letter 4/12/10
JFW.

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

a. Type and size of devices used to divert water from the source: INSTREAM POND

- 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. _____.

8.

[illegible][illegible][illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
16N 02E 12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				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:

This application for permit seeks authorization to excavate a shallow instream pond along an unnamed stream/drainage ditch within my property. This unnamed stream/drainage ditch also picks up irrigation runoff from an adjacent field. The pond is approx. 0.5 acres and no more than 10 ft. deep.

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

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.

See 4/12/10 Letter attached.

Applicant

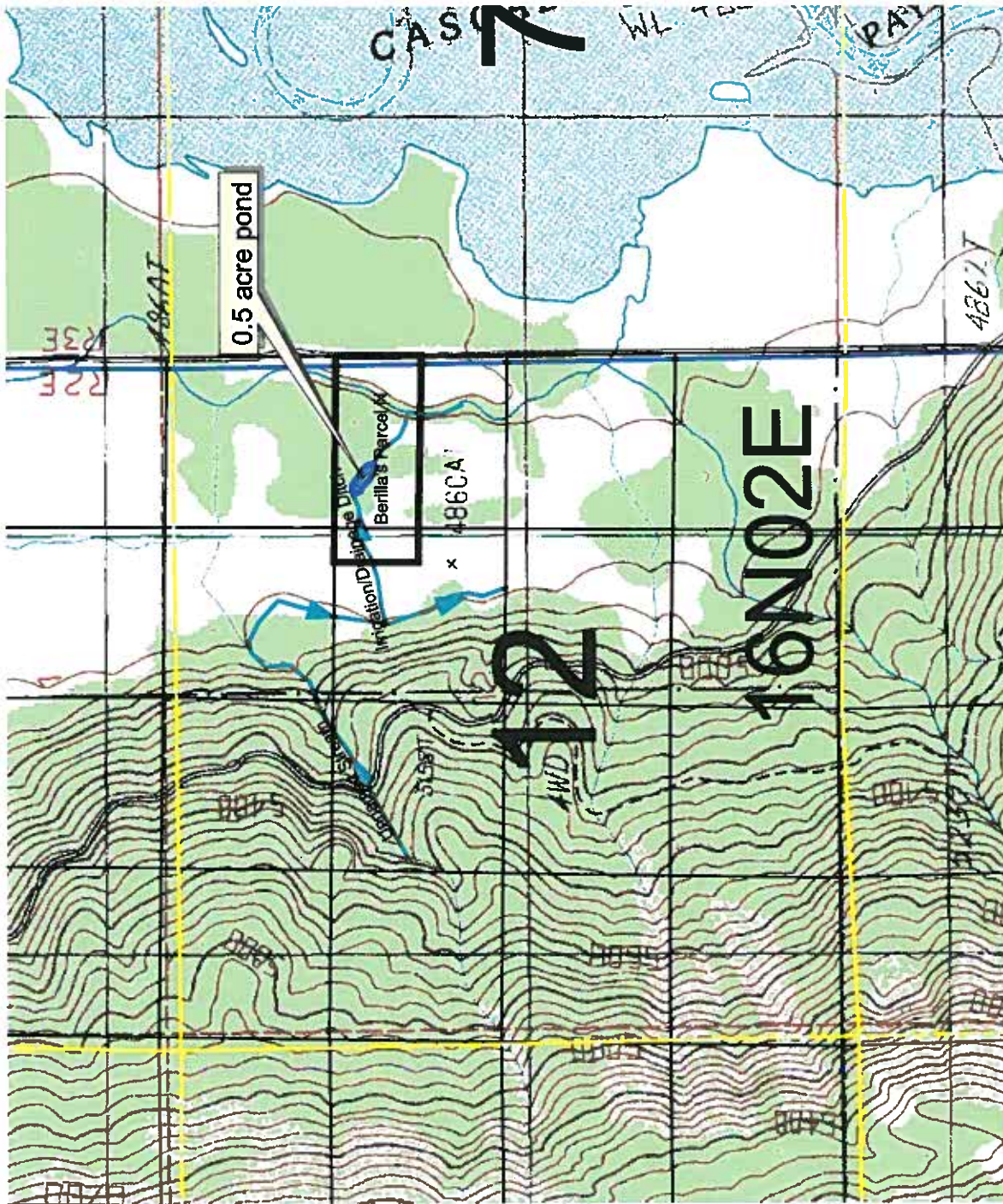
Received by See Original Date _____ Time _____ Preliminary check by _____
 Publication prepared by DB Date 4/29/2010 Published in STAR NEWS
 Publication approved _____ DATE: _____ Date 7 MAY 6 & 13, 2010

Receipt No. W037747

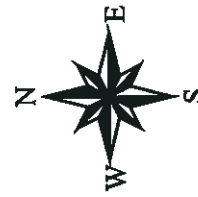
Date: 7-30-09

Received by: SB

**Figure 1 Application for Permit: Berilla Property, Place of Use and Point of Diversion
(T16N, R2E, Section 12, Valley County)**



-  Pond
-  Conveyance
-  Parcel N
-  Townships
-  Sections
-  Quarter-Quarter



1000 0 1000 2000 Feet

Prepared by: ERO Resources
3314 Grace St.
Boise, ID 83703
(208) 373-7983

6323350



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985
www.eroresources.com
eroboise@eroresources.com

RECEIVED

APR 12 2010

WATER RESOURCES
WESTERN REGION

April 12, 2010

John Westra
Idaho Department of Water Resources
2735 airport Way
Boise, ID 83705

RE: Berilla Application for Permit: 65-23350

Dear Mr. Westra:

Recently, you requested some minor modifications to the subject application for permit. I was unable to personally contact the Berilla's to explain these changes, but because they have hired ERO to facilitate this application for permit, I would like to make the following modifications to the original application on the Berilla's behalf.

- 1) Please strike out the Aesthetic use for 0.02 cfs. It is my understanding that the Idaho Department of Water Resources' policy is no Aesthetic flow for instream ponds.
- 2) Please modify the "Fire Protection" use to "Fire Protection Storage".
- 3) Please add the use "Fire Protection from Storage" in the amount of 5 ac-ft.
- 4) Please modify the volume of the Aesthetic and Wildlife Storage to 6.2 ac-ft, which is the sum of the 5 ac-ft storage volume plus the annual Potential Evapotranspiration of 723 mm for open ponds (*Allen, Richard G. and Clarence W. Robison, 2009. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*); the 1/2 acre pond will transpire 1.2 ac-ft of water per year.
- 5) Please modify the total volume sought to 6.2 ac-ft and strike out the 0.02 cfs.

These modifications do not alter the filing fee. The intent of these modifications are to streamline your processing of the application, yet satisfy the needs of the Berilla's to operate the proposed pond in compliance with Idaho law. If you need additional information, please call.

Regards,

Steven R. Hannula

cc: Berilla

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

RECEIVED

JUL 30 2009

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

WATER RESOURCES ~~to~~ appropriate the public waters of the State of Idaho
 WESTERN REGION

1. Name of Applicant John and Sallie Berilla Phone (208) 429-9621
 Mailing address 4131 W. Quail Ridge Dr. Boise, Idaho 83703 Email _____
2. Source of water supply Unnamed Stream which is a tributary of North Fork Payette River
3. Location of point of diversion is Township 16N Range 2E Sec. 12, in the _____ ¼,
SE ¼, NE ¼, Govt. Lot _____ B.M., Valley County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 5 ac-ft for Aesthetic, Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 0.02 cfs for Aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 5 ac-ft for Fire Protection purposes from 1/1 to 12/31 (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) 0.02 cfs and/or (b) 5 ac-ft
Cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Instream pond
 - b. Height of storage dam excavated pond feet; active reservoir capacity _____ acre-feet;
 total reservoir capacity 5 acre-feet
 - 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? No
 - e. If well is already drilled, when? _____; 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 if 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. Excavate shallow pond on an existing drainage ditch for year around aesthetic and wildlif
uses. Also, this pond provides a volume of fire fighting water as needed.

9. 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	
16N	2E	12				J													

Total number of acres to be irrigated: N/A

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?

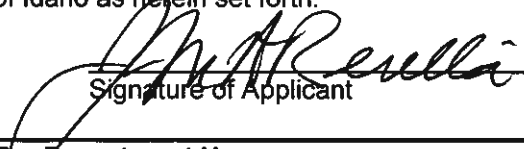
NONE

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. This application for permit seeks authorization to excavate a shallow instream pond along an unnamed stream/drainage ditch within my property. This unnamed stream/drainage ditch also picks up irrigation runoff from an adjacent field. The pond is approximately 0.5 acres and no more than 10 feet deep. The evaporative loss is 0.7 ft/yr based on the average precipitation deficit estimates for shallow stock ponds in Cascade and McCall.

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.


Signature of Applicant

John A. Behilla
Print Name (and title, if applicable)

For Department Use:

Received by SB Date 7-30-09 Time 8:01 AM Preliminary check by JFW
Fee \$ 100.00 Received by SB Receipt No. WD37747 Date 7-30-09

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____

Buffington, Denise

From: Buffington, Denise
Sent: Friday, April 30, 2010 9:43 AM
To: Ron Shurtleff
Subject: Comment Letter
Attachments: Comment Letter to WD65.Doc; 65-23350 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 30, 2010

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

RE: Application for Permit: 65-23350

Dear Mr. Shurtleff:

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: Friday, April 30, 2010 9:39 AM
To: Rick Ward
Subject: Comment Letters
Attachments: Comment Letter to IDFG.Doc; 03-10265 APP.pdf; 65-23350 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 30, 2010

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

RE: Application for Permit: 03-10265 and 65-23350

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)

Buffington, Denise

From: Buffington, Denise
Sent: Friday, April 30, 2010 9:42 AM
To: emcgarry@pn.usbr.gov
Subject: Comment Letters
Attachments: Comment Letter to BOR.Doc; 03-10265 APP.pdf; 65-23350 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 30, 2010

E GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS STE 100
BOISE ID 83706

Re: Application for Permit No(s).: 03-10265 and 65-23350

Dear Ms. McGarry:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 24th, 2010.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, April 29, 2010 1:45 PM
To: The Star-News
Subject: LEGAL NOTICE
Attachments: Valley County - Cover Letter.Doc; Valley County Ads.Doc

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

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 29, 2010

LEGAL NOTICE DEPARTMENT

STAR NEWS
1000 1ST ST
MC CALL, ID 83638

RE: Application For Permit No(s): 65-23350

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 5/24/2010. 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:

65-23350

JOHN BERILLA

SALLIE BERILLA

4131 W QUAIL RIDGE DR

BOISE, ID 83703

Point of Diversion SENE S12 T16N R02E VALLEY County Source UNNAMED STREAM Tributary PAYETTE RIVER

Use: WILDLIFE STORAGE 01/01 to 12/31 6.2 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 6.2 AF

Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 5 AF

Use: AESTHETIC STORAGE 01/01 to 12/31 6.2 AF

Total Diversion: 6.2 AF

Date Filed: 7/30/2009

Place Of Use: FIRE PROTECTION FROM STORAGE, AESTHETIC STORAGE, WILDLIFE STORAGE, FIRE PROTECTION STORAGE
T16N R02E S12 SENE

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 5/24/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/6 & 5/13/2010