

FORM 202
 296
Ident. No. 02-07473

APR 13 1998

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

 Department of Water Resources
 Southern Region

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 09 1998

Department of Water Resources

1. Name of Applicant Idaho Water Resource Board Phone (208) 327-7900
 Mailing address 1301 N. Orchard St., Boise, ID 83706
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Township 10S Range 21E Sec. 28 in the 1/4,
SW 1/4, NW 1/4, Govt Lot , B.M., Jerome County;
 additional points of diversion if any:
4. Water will be used for the following purposes:
 Amount 2831.0 cfs for Groundwater Recharge purposes from 01/01 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)
 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) 2831.0 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 Headworks of Northside Canal Co.
 - 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 85°F being sought?
 - 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 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. Groundwater Recharge using canal systems

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. SEE ATTACHED RECHARGE PLAN

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? NORTHSIDE CANAL COMPANY LTD

b. Who owns the land to be irrigated or place of use? NORTHSIDE CANAL COMPANY LTD

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: There is an agreement signed by the canal and the Board

12. Remarks: _____

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.

Clarence Parn
Signature of Applicant (and title, if applicable)

Received by MA Date 3-20-98 Time 3:30^P Preliminary check by GLS
Fee \$ N/A Receipted by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

WATER CONVEYANCING AGREEMENT
BETWEEN THE IDAHO WATER RESOURCE BOARD
AND THE NORTH SIDE CANAL COMPANY, LTD.

THIS AGREEMENT is made and entered into this 26th day of May, 1998, by and between the IDAHO WATER RESOURCE BOARD ("IWRB") and the NORTH SIDE CANAL COMPANY, LTD. ("NSCC").

W I T N E S S E T H:

WHEREAS, the IWRB is authorized to appropriate water for recharge of the Snake River Plain Aquifer; and

WHEREAS, it appears that unappropriated water and some storage water will be available for use for artificial recharge purposes to the Snake Plain Aquifer through the canal systems of several water user entities; and

WHEREAS, IWRB has requested NSCC's permission to convey water through NSCC's canal system in future years to points where the water can be diverted to recharge; and

WHEREAS, such water conveyances can only be carried in capacity not required by NSCC for irrigation water deliveries; and

WHEREAS, the parties wish to reduce their agreement to writing for 1998 and fully intend to renew this Agreement for 1999, recognizing that neither party shall be obligated to renew, and any extension shall be by additional written Agreement with terms and conditions as the parties may negotiate;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. If flood flows at or over 5,900 cfs exist at Milner Dam for diversion to hydropower between February 15 and June 15 to fill Water Right No. 01-7011, or IWRB obtains a lease of other available water, NSCC agrees to convey up to 2831 cfs in its main canal to diversion points as shown on Exhibit "A" hereto. The parties agree that this Agreement shall constitute adequate permission by NSCC for diversion to artificial recharge through NSCC's canal pursuant to a water right for recharge to be obtained by the IWRB so long as all prior rights are being filled or the water used is rental pool water at the time of the conveyance to recharge.

2. IWRB acknowledges the target bypass flow required by Article 407 of the Milner Hydroelectric Project License in the amount of 200 cfs (FERC License No. 2899-003), and that between April 1 and May 31, delivery under this Agreement shall also be subject to the requirements of Article 415 of the Milner Project License.

3. NSCC shall use its best efforts to divert and convey IWRB's water in NSCC's available capacity prior to the full capacity of the canal being demanded by NSCC shareholders; for irrigation and that the conveyance of any water of IWRB may be curtailed in the discretion of NSCC based on the irrigation demands of NSCC stockholders.

4. NSCC reserves the right to not convey water for recharge pursuant to this Agreement because of seasonal icing and other adverse weather conditions, as determined by NSCC.

5. All water diverted to recharge shall be measured at Milner Dam; i.e., IWRB will assume all losses of any kind in the NSCC system below the diversion at Milner Dam.

Nothing in this Agreement shall be construed as a guarantee of the delivery of IWRB's water.

6. Subject to the availability of funds, IWRB agrees to pay and the NSCC agrees to accept as additional consideration for this Agreement a per acre-foot conveyance fee, as determined by IWRB.

7. IWRB shall designate one (1) representative and one (1) alternate for the purposes of communication with NSCC and NSCC shall only be authorized to deliver water or turn off water when requested by said designated IWRB representative or his alternate. IWRB's representative will request water deliveries at least forty-eight (48) hours in advance, including the requested amount in cfs. IWRB will give NSCC twenty-four (24) hours notice of a requested turn-off. NSCC will give IWRB twenty-four (24) hours notice of an intended shut-off of IWRB's water because of lack of capacity to convey for IWRB.

8. The parties agree that Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 apply solely to the use of water for agricultural and domestic purposes, and do not apply to water used for recharge purposes. To the extent that Article 15, Section 4 and Idaho Code Section 42-914 may be construed or amended to apply to water used for recharge purposes, the parties agree that the provisions of Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 shall not apply to this Agreement. IWRB expressly and knowingly waives any rights it may have or claim to have under Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 to compel NSCC to continue to deliver water from NSCC's system after the termination of this Agreement. IWRB represents that it knows of the existence of Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914, understands and agrees with the interpretation herein stated, and further understands that the waiver contained in this paragraph is a condition precedent to NSCC's execution of this Agreement.

9. IWRB shall be responsible for complying with any applicable water quality standards and requirements for all IWRB water conveyed in NSCC's system, and diverted for recharge from the NSCC canal system. IWRB agrees to indemnify and hold harmless NSCC from all liability and expense on account of claims, suits and costs growing out of or connected with willful or negligent acts, errors, or omissions by its employees or agents, provided, however, that NSCC shall not be relieved hereby from liability for its own willful or negligent acts, errors,

or omissions, and those of its employees or agents. IWRB agrees to further indemnify NSCC for additional costs incurred by NSCC in complying with federal or state laws attributable to the delivery of IWRB's water.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

IDAHO WATER RESOURCE BOARD

By: Clarence Parr
Its: Chairman

Date: 5/26/98

NORTH SIDE CANAL COMPANY, LTD.

By: Russell Woolley
Its: President

Date: 5/19/98

01089803.JAR

AQUIFER RECHARGE PLAN
EASTERN SNAKE PLAIN AQUIFER

RECEIVED

APR 30 1996

Department of Water Resources
Eastern Region

1. NAME AND ADDRESS OF THE PARTICIPATING ORGANIZATION:

NAME NORTH SIDE CANAL Company
ADDRESS 921 N Lincoln
Jerome Idaho
CONTACT PERSON TED DIEHL
PHONE (208) 324-2319
ADDRESS Same as Company.

2. PROPOSED BEGINNING AND ENDING DATES OF RECHARGE:

ANTICIPATED STARTING DATE: March 25, 1996
ANTICIPATED ENDING DATE: June 15, 1996

3. AMOUNT OF WATER REQUESTED: 5000 Acre-feet.

4. MAP OF RECHARGE AREA

Attach a map of the recharge area paying specific attention to location of features directly related to the recharge effort. This would include such things as measuring devices, seepage pits, injection wells etc. These features should be indicated on the map and then identified and described below.

- | | |
|------------------------------------|-----------------------------|
| A. <u>"F" Spill Gate</u> | B. <u>Red Bridge Pond</u> |
| C. <u>Prescott Pond</u> | D. <u>"W" Spill Pond</u> |
| E. <u>"W" 26 Pond</u> | F. <u>"W" 40 Pond</u> |
| G. <u>Nature Conservative Pond</u> | H. <u>"J3" Pond (maybe)</u> |
| I. _____ | J. _____ |
| K. _____ | L. _____ |

02-07473

5. MEASUREMENT FREQUENCY FOR EACH MEASURING DEVICE IDENTIFIED IN 4.

- | | |
|---|--|
| A. "F" Spill Gate (estimate) | B. Red Bridge (staff gage) twice weekly |
| C. Prescott Pond (headgate submerge weir) | "W" Spill Pond (daily) |
| E. "W" 26 Pond (weir twice weekly) | "W" 40 Pond (submerge weir) twice weekly |
| G. Nature Conservative Pond (weir daily) | H. J3 Pond - estimate |
| I. _____ | J. _____ |
| K. _____ | L. _____ |

6. WRITTEN SUMMARY OF PROPOSED RECHARGE PLAN

This summary should include such things as time limited elements of the plan, the measuring devices and procedures that will be used to identify water that is diverted but not recharged.

Water was turned into Wilson Lake on March 13, 1996 (500 cfs). Water was turned out of Wilson Lake on March 18, 1996 (300 cfs) and was charging the canal system. On March 25, 1996 the headgates of "F" Spill, Red Bridge Pond, Prescott Pond was opened to start recharging. As the water worked its way through the system, additional headgates were turned on. March 27, 1996 the water was turned into "W" Spill Pond and "W" 26 Pond. On April 2, 1996 water turned into "W" 40 Pond and on April 8, 1996 water was turned into the Nature Conservative Pond. Following is the amount of water that we are trying to recharge in cfs.

- (A) "F" Spill Pond - 5 cfs
- (B) Red Bridge Pond - 20 cfs
- (C) Prescott Pond - 2 cfs
- (D) "W" Spill Pond - 2.5 cfs

6. CONTINUED

(2) "W26" Pond - 1 cfs

(1) "W40" Pond - 1 cfs

(1) Nature Conservative Pond - 1 cfs

(2) "J3" Pond - 2 cfs if used

At the present the Company is recharging 65 acre feet per day. It doesn't appear that we will use any of the other recharge sites used last year. Too much trouble to measure water on the other sites. Total amount will be sent after each month, starting with March - April combined.

SUBMITTED BY Ted Diehl

DATE 4/26/96

WATERMASTER REVIEW _____

DATE _____

DIRECTOR'S REVIEW _____

DATE _____

WATERBOARD APPROVAL _____

DATE _____

02-07473

FILE PROGRESS SUMMARY

APPLICANT: Id. Water Resource Board WATER RIGHT NO. 02-07473

[illegible]

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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JUN 03 1998

Department of Water Resources
Southern Region

May 19, 1998

Phil Rassier
Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706-2237

Re: Recharge Conveyance Agreement

Dear Phil:

Enclosed please find three signed North Side Canal Company Recharge Conveyance Agreements. Once they have been signed by the Board, please send one copy to our office.

Regards,

John A. Rosholt /bh

JOHN A. ROSHOLT

JAR:bh
Enclosure
05129802.JAR

*Sent: 1 copy to water right file in region
1 copy to Wayne for IWRB
1 copy returned to John Rosholt 5/28/98 Jf*

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MAY 20 1998

Department of Water Resources

RECEIVED

JUN 01 1998

Department of Water Resources
Eastern District Office

To: Allen Merritt
From: Julie L. Yarbrough *JLY*
Subject: Recharge Applications
Date: April 10, 1998

MEMORANDUM

Attached are 2 recharge applications in the name of the Idaho Water Resource Board. Could you have the apps. reviewed, numbered and then send back copies. The state office is going to handle the advertising of the applications. Thank you.

RECEIVED

APR 13 1998

Department of Water Resource
Southern Region

02-07473

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY G. Satterlee DATE 27 April, 1998
APPLICATION NO. 02-07473

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated. → DESCRIBED IN ATTACHED RECHARGE PLAN.
☒ Map Request from Ted Diehl April 20, 1998
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee N/A per App. info.
☐ Yes ☒ No* In form to receipt

++++PROPOSED PRIORITY DATE
20 March 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion. ALL UNDER NSCC
☐ Yes ☒ No Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

ADDITIONAL INFORMATION:

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☐ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☐ Yes ☐ No Groundwater
☐ Plat showing proposed well and any other wells &/or
springs within $\frac{1}{4}$ mile radius
- ☐ Yes ☐ No Statement of design construction, or operation techniques
which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

Water Requirements of Proposed Project

- ☐ Required diversion rate during peak use (Maximum rate)
☐ Required diversion rate during average use period
☐ Annual volume
☐ Season of use
☐ Volume to be consumptively used/year
- Quantity of Water Available from Source
- ☐ Flow rates for surface water sources available during peak
and average water demand period
☐ Properties of aquifers
☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☐ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
☐ Yes ☐ No Other needed permits, licenses, or approvals required. If
yes, _____

FINANCIAL RESOURCES

- ☐ Current certified financial statement
☐ Financial commitment letter/financial statement from
committed party
☐ Project design/plans along with cost estimation to
complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|--|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | ☐ Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

