

RECEIVED

NOV 14 2008

Ident. No. 65-23300
WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

65-23300

APPLICATION FOR PERMIT

RECEIVED

To appropriate the public water of the State of Idaho

NOV 21 2008

WATER RESOURCES
WESTERN REGION

1. Name: LAST CHANCE DITCH CO
PO BOX 428
EMMETT ID 83617
(208)365-1902

2. Source: UNNAMED DRAIN Tributary to: PAYETTE RIVER

3. Location of Point of Diversion:

#1 UNNAMED DRAIN	L1 (NW1/4NW1/4)	Sec. 34, Twp 07N, Rge 01W, B.M.
GEM County		
#2 UNNAMED DRAIN	L2 (NW1/4SE1/4)	Sec. 33, Twp 07N, Rge 01W, B.M.
GEM 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	04/15 to 10/15 03/01 11/15	5.00 CFS	
5. Total quantity to be appropriated is:		5.00 CFS	

6. Proposed diverting works:

POINT OF DIVERSION #1

- Type and size of devices used to divert water from the source: PUMP
- Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.
- Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.
- Is ground water with a temperature of greater than 85F being sought?
- If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #2

- a. Type and size of devices used to divert water from the source: 10 INCH PIPE, GRAVITY FLOW
- 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. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Anthony Dern, Steve Mednicoff (on Last Chance Ditch easement)

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.

Shareholders of Last Chance Ditch Co.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [X]

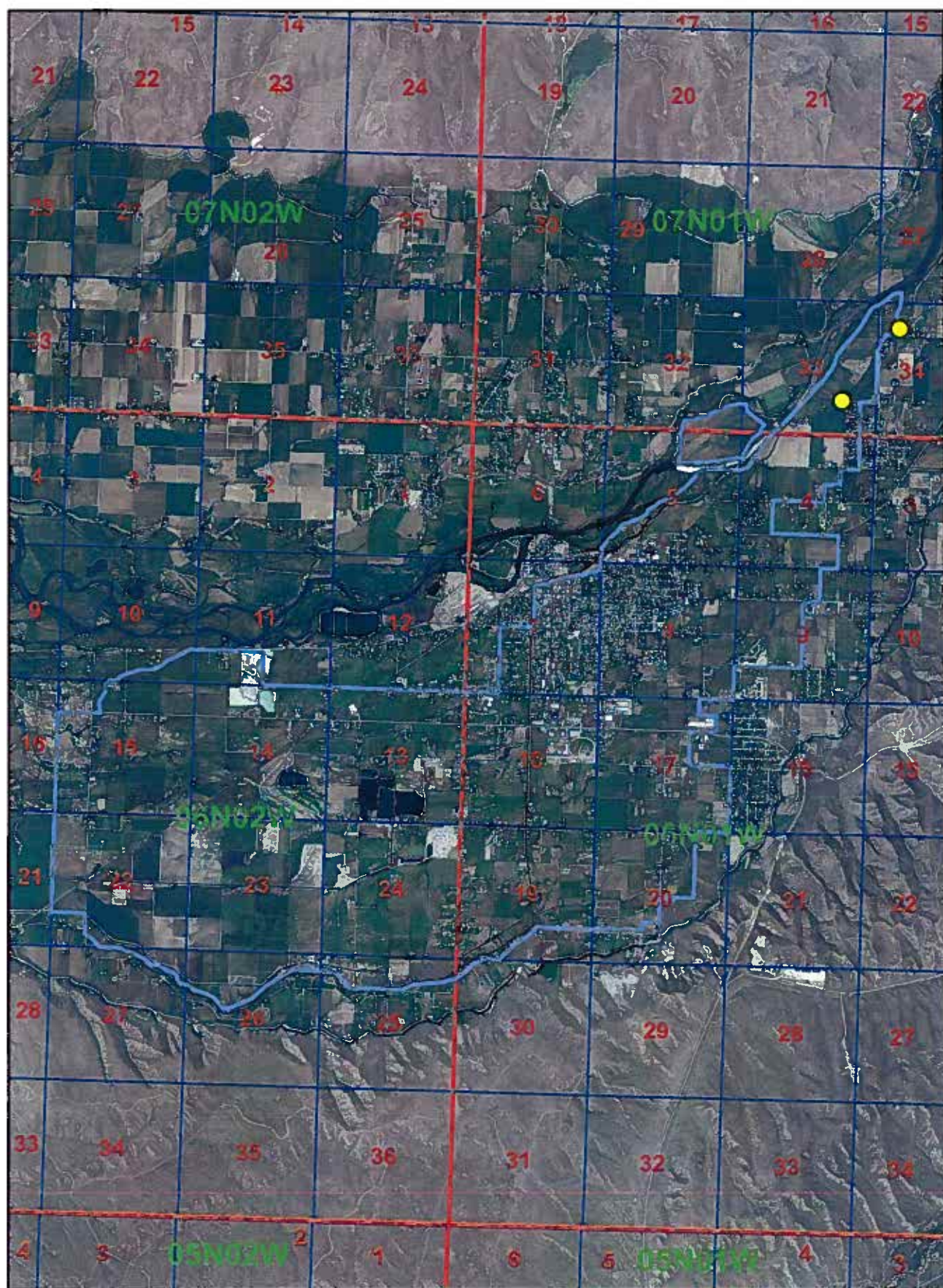
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Kristina Maxwell

Applicant

Received by DB gmh Date 11-21-08 Time 1:00 Preliminary check by JFW
Publication prepared by DB Date 10/15/09 Published in MESSENGER INDEX
Publication approved _____ Date 1 OCT. 21 & 28, 2009
Receipt No. W037042 Date: 11-14-08
Received by: gmh

✓ \$410



LAST CHANCE DITCH COMPANY

PO BOX 428 or 118 N Commercial Ave

Emmett ID 83617

Phone: (208) 365-1902

Fax: (208) 365-1903

Email: lastchanceditch@qwestoffice.net

RECEIVED

OCT 14 2009

WATER RESOURCES
WESTERN REGION

October 14, 2009

Idaho Dept of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit # 65-23300

Please find the following responses relating to your letter dated July 16, 2009 regarding the application for permit of unnamed drain for irrigation.

Addressed in order received.

d.

- The 5 cfs sought will be available from the drain source from April 15 through October 15 during irrigation runoff season.
- Yes, the water will be used as supplemental in the service area of the Last Chance Ditch.
- No, there are no existing senior rights downstream from the diversion on the existing drain ditch.

e.

- Right of Way/Easements (See attached map labeled Exhibit A).

f.

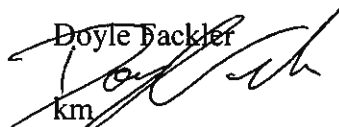
- Project Information (See attached sketch labeled Exhibit B-1 and B-2).
- Drain Route (See attached map labeled Exhibit A).

g.

- To supplement and in addition to our senior water rights in the event of a short water year.

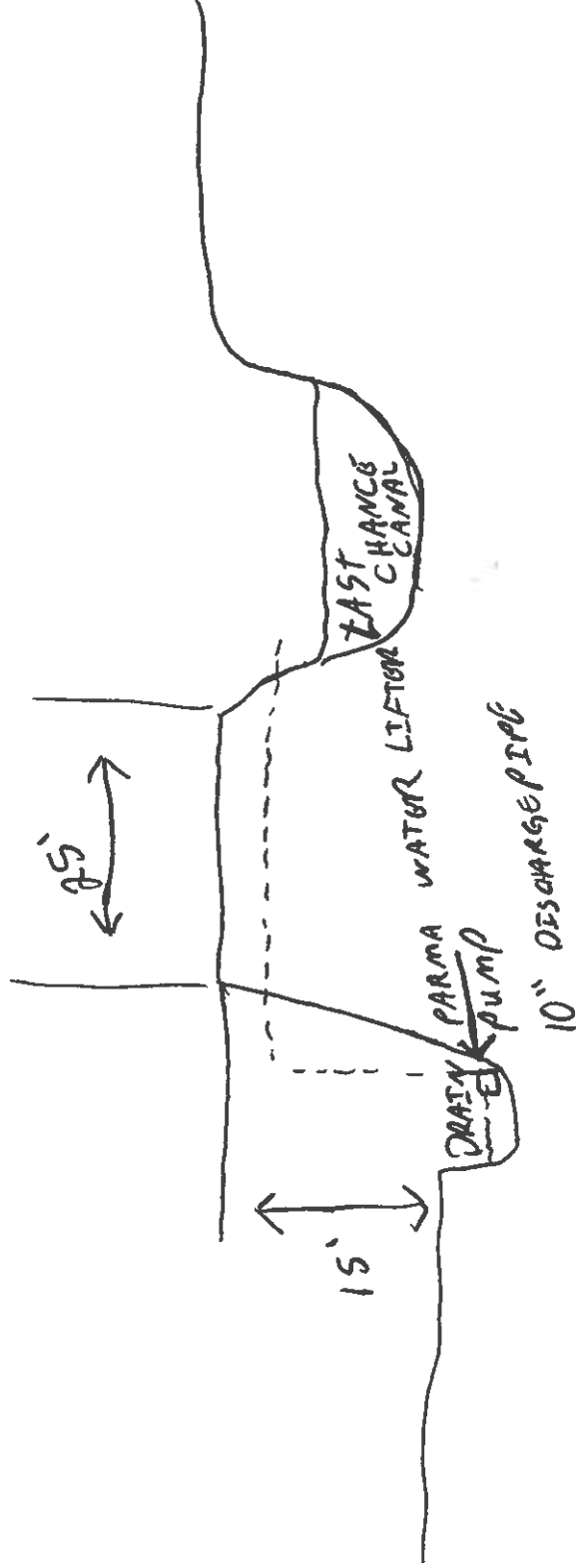
Please direct any additional questions to the Last Chance Ditch Co. office at lastchanceditch@qwestoffice.net or 208-365-1902 or Doyle Fackler, Ditch Manager at 208-89-7331.

Respectfully,

Doyle Fackler

km
enc

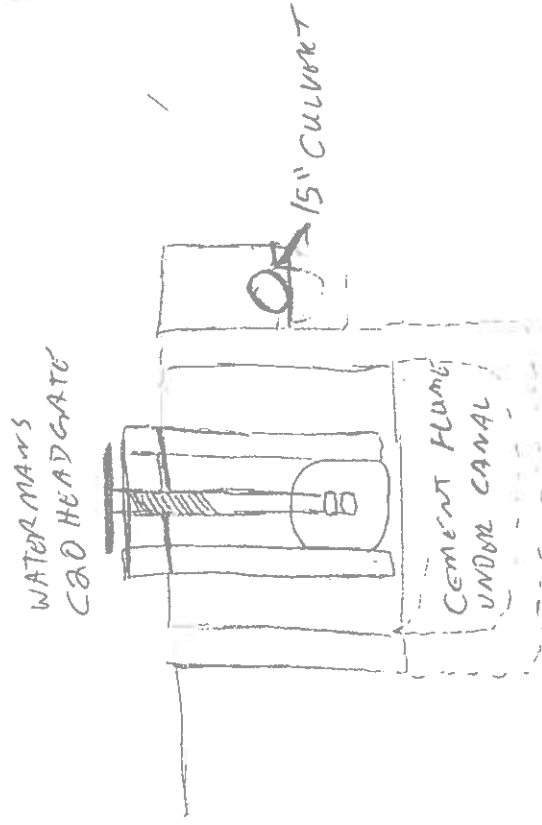
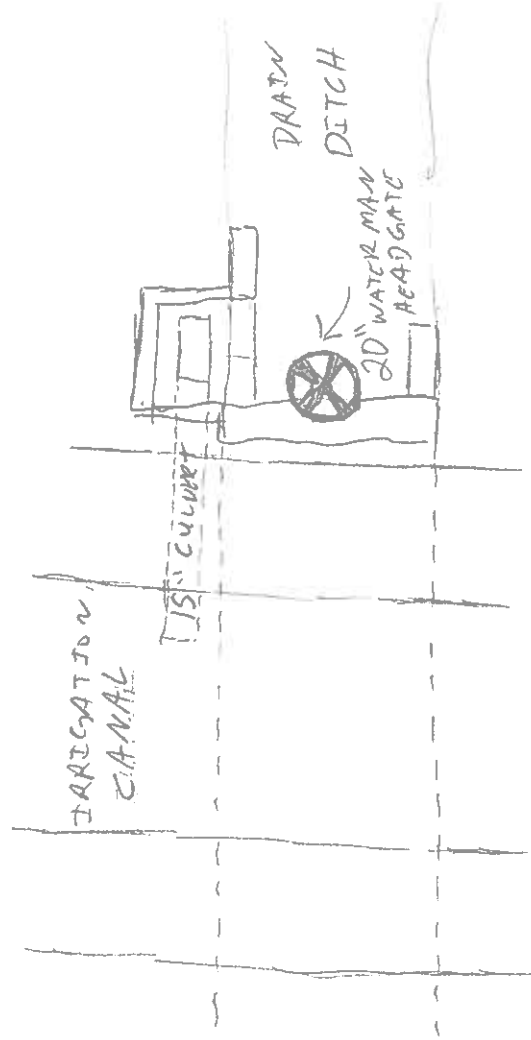
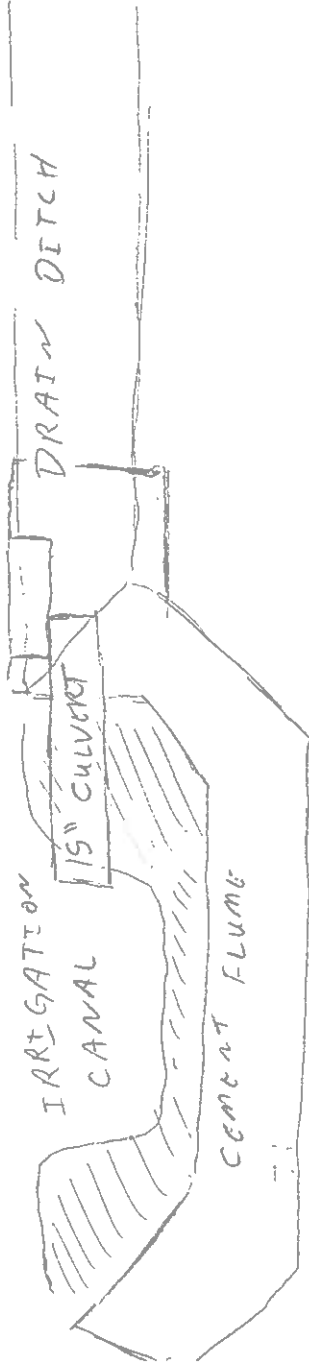
Project Information

Location 2



Project Information
Location 1

Exhibit B-2



RES

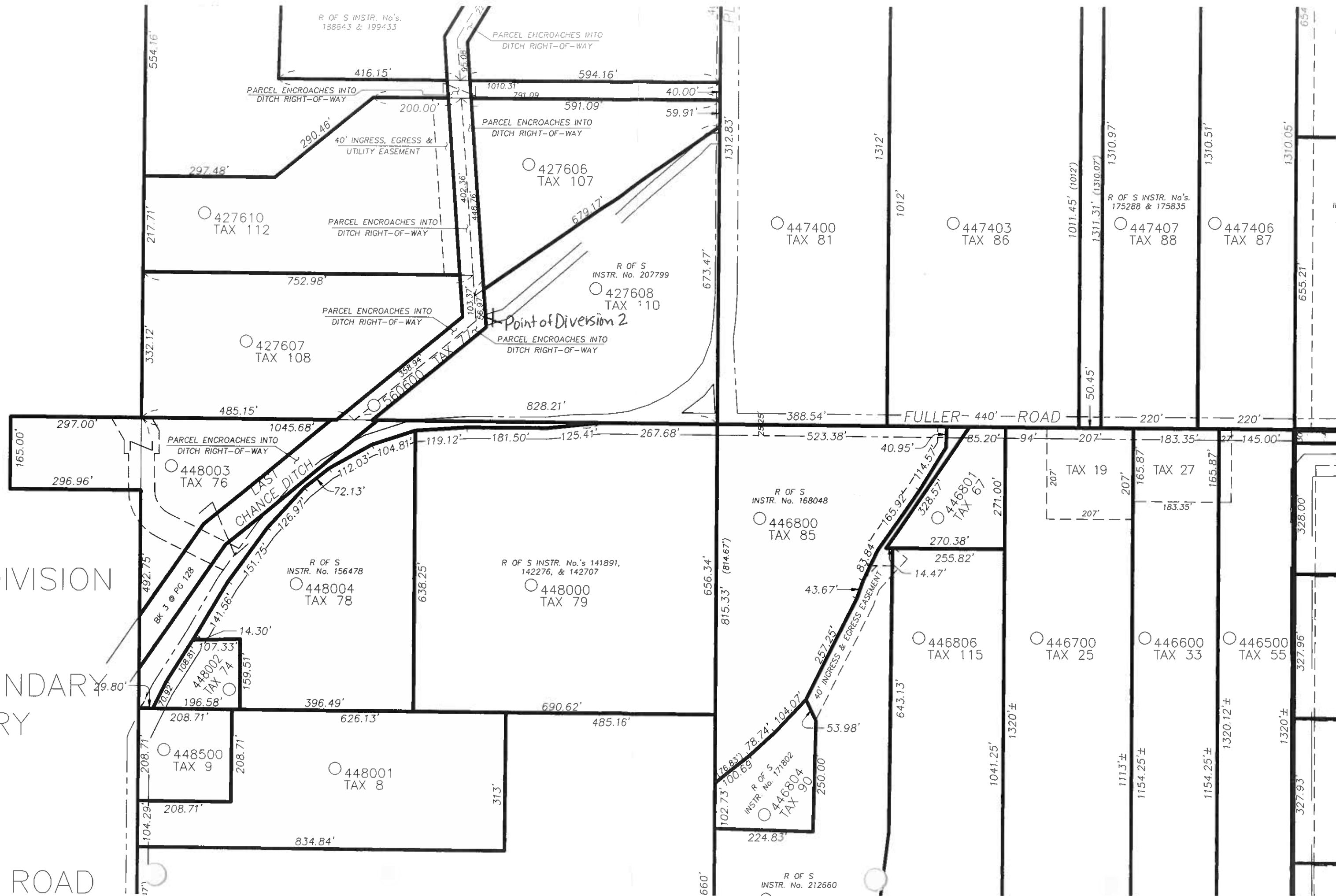
296.96

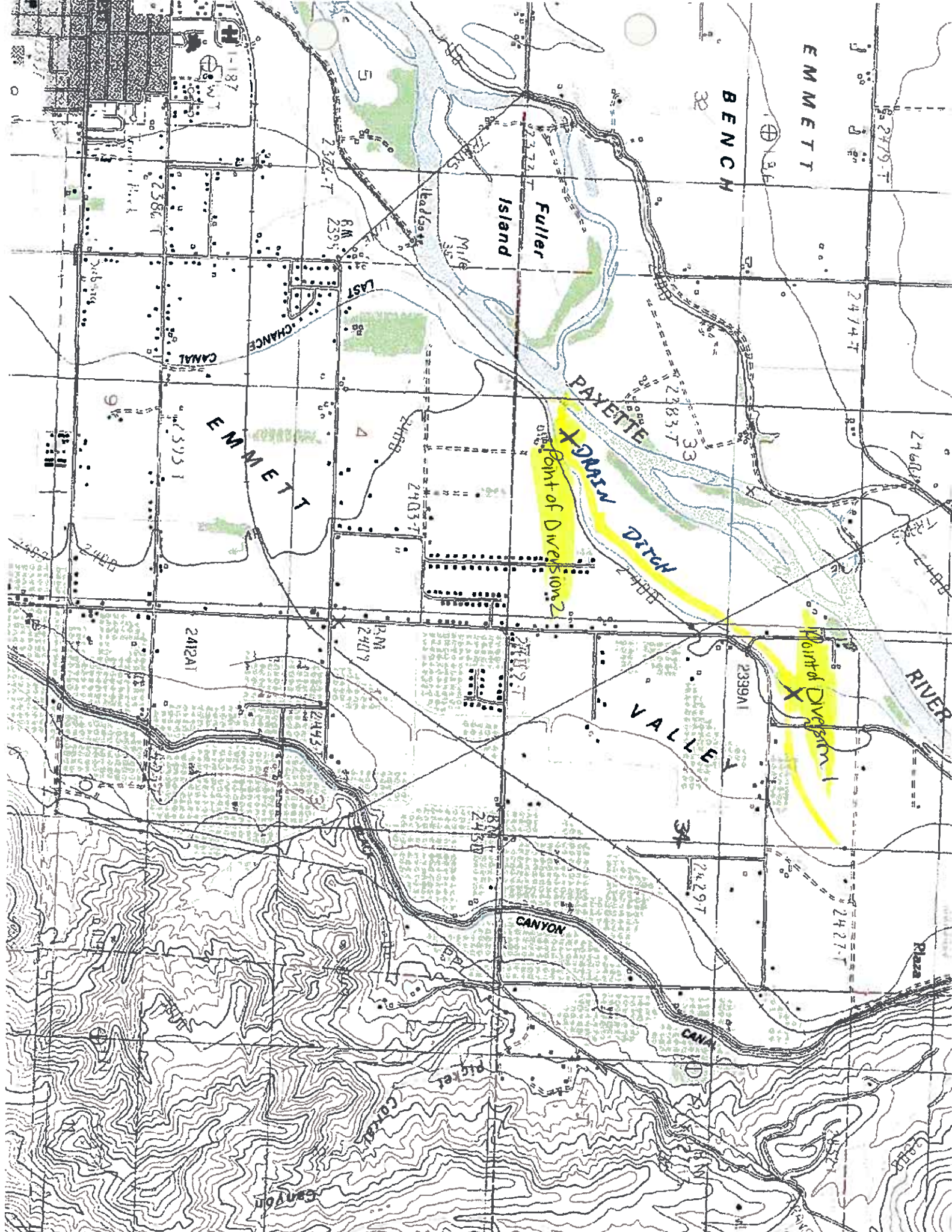
SUBDIVISION

BOUNDARY 29.8

NDARY

NTY ROAD



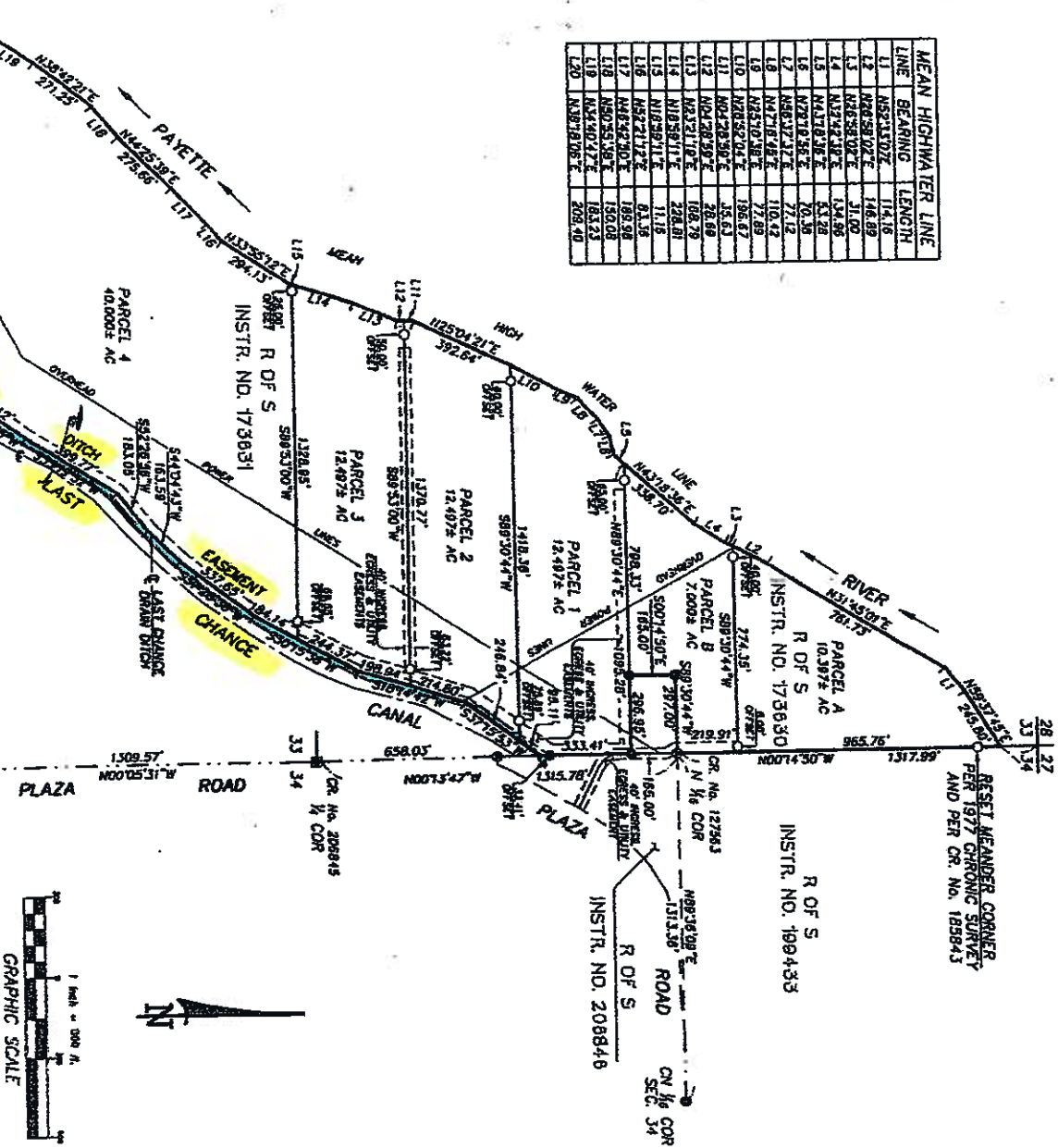


OF GOVERNMENT LOTS 2, 3 & 4, AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, AND A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 1 WEST, BOISE MERIDIAN, GEM COUNTY, IDAHO.

RECORD OF SURVEY

Right of Way / Easement Map H

LINE	BEARING	LENGTH
L1	N82°11'02"E	114.16
L2	N82°59'02"E	146.89
L3	N83°58'10"E	31.00
L4	N81°44'10"E	134.86
L5	N81°18'48"E	53.38
L6	N72°10'58"E	70.56
L7	N65°17'27"E	77.12
L8	N47°16'48"E	110.42
L9	N83°10'58"E	196.67
L10	N82°52'04"E	155.63
L11	N04°28'50"E	28.69
L12	N83°21'10"E	168.79
L13	N18°58'11"E	228.81
L14	N18°58'11"E	11.16
L15	N82°21'12"E	189.98
L16	N82°21'12"E	190.08
L17	N82°21'12"E	190.08
L18	N82°21'12"E	190.08
L19	N82°21'12"E	190.08
L20	N82°21'12"E	190.08



BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 1 WEST, BOISE MERIDIAN, GEM COUNTY, IDAHO, I.E. N00°13'47"W.

- LEGEND:**
- ROUND 5/8" IRON PIN
 - ROUND 1/2" IRON PIN
 - ROUND SQUARE BOLT
 - SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
 - BARBED WIRE FENCE
 - DITCH

NOTES:

- 1) THE COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.
- 2) THE MEAN HIGH WATER LINE OF THE LEFT BANK OF THE PAYETTE RIVER WAS LOCATED JANUARY 26, 2001.

SURVEY FOR:
SIEVE & JEANETTE MEDNICOFF
2025 NORTH PLAZA ROAD
EMMETT, ID 83617
(208) 365-9888



TFI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 974
703 N. WASHINGTON AVE.
EMMETT, IDAHO 83617
Phone: (208) 365-7470

X Point of diversion
drain route to Payette River

IDAHO PRESS TRIBUNE
AD AUTHORIZATION

Salesperson: MARISSA MCNEAL

Printed at 10/15/09 13:04 by \$LOGIN

Acct#: 29512 Ad#: 76426 Status: N
1 IDAHO DEPT. OF WATER RESOURCES Start: 10/21/09 Stop: 10/28/09
2735 AIRPORT WAY Times Ord: 2 Times Run: ****
BOISE ID 83705 LEG 3.00 X 27.00 Words: 163
Contact: DENISE BUFFINGTON Rate: L3 Cost: 128.16
Phone: (208)334-2190 Class: 0001 LEGAL NOTICES
Fax#: Descript: 65-23300
Email: Denise.Buffington@idwr.idaho.gov Given by: *
Agency: Created: mmc14 10/15/09 13:02
Last Changed: mmc14 10/15/09 13:03

PUB ZONE ED TP START INS STOP SMTWTFS
EMI A 96 S 10/21,28

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

DB

Name (signature)

LEGAL NOTICE

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

65-23300

LAST CHANCE DITCH CO
PO BOX 428
EMMETT, ID 83617

Point of Diversion L1(NWNW) S34 T07N R01W GEM County Source UNNAMED DRAIN
Point of Diversion L2(NWSE) S33 T07N R01W GEM County Source UNNAMED DRAIN
Use: IRRIGATION 03/01 to 11/15 5 CFS
Total Diversion: 5 CFS
Date Filed: 11/14/2008

Place of use is within the Last Chance Ditch Company service area.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. 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 11/9/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Interim Director

October 21, 28, 2009

76426

✓ OK 10/15/09

E-mailed Press Tribune / messenger
Index 10/15/09

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, October 15, 2009 11:15 AM
To: 'legals@idahopress.com'
Subject: Legal Notice - Gem County
Attachments: Gem County Ads - Cover Letter.doc; 65-23300 Ad.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

10/15/2009

October 15, 2009

LEGAL NOTICE DEPARTMENT

MESSENGER-INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application For Permit No(s): 65-23300

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 11/9/2009. 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:

65-23300

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PO BOX 428
EMMETT, ID 83617

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GARY SPACKMAN, Interim Director

Published on 10/21/2009 and 10/28/2009



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 15, 2009

GEM COUNTY COURTHOUSE
COUNTY COMMISSIONER
415 E MAIN ST
EMMETT ID 83617

Re: Application No(s). 65-23300

To Whom It May Concern:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by November 9, 2009.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, October 15, 2009 3:25 PM
To: 'waterdist65@srvinet.com'
Subject: Comment Letter
Attachments: 65-23300 Comment Letter to WD65.doc; 65-23300 APP.pdf

Please review the attached information and comment as necessary. Please do not hesitate to contact our office if you have any questions regarding the attached information.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

10/15/2009

October 15, 2009

RON SHURTLEFF, WATERMASTER 65
102 N MAIN
PAYETTE ID 83661

Re: Application No(s). 65-23300

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please complete the necessary recommendation form(s) and return to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

If after 21 days from the date of this letter the Department has not received your written recommendation, the Department will presume you do not oppose approval of the application and you have no comments for the Department to consider.

However, possible approval of the application(s) will include conditions of approval about standard controls for uses in your water district (lockable, measureable diversion works, etc).

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure Copy of Applications(s)

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, October 15, 2009 3:20 PM
To: 'rward@idfg.idaho.gov'
Subject: Comment Letters
Attachments: 65-23300 & 23342 Comment letter to IDFG.doc; 65-23300 APP.pdf; 65-23342 APP.pdf

Please review the attached information and comment as necessary. Please do not hesitate to contact our office if you have any questions regarding the attached information.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

10/15/2009

October 15, 2009

RICK WARD
ENVIRONMENTAL STAFF BIOLOGIST
ID DEPT FISH & GAME SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Water Right Application(s): 65-23300 & 65-23342

Dear Mr. Ward:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by November 9, 2009.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 16, 2009

Last Chance Ditch Company
PO Box 428
Emmett ID 83617

COPY

Re: Application for Permit #65-23300

Dear Applicant:

Your recent application for permit regarding an unnamed drain for irrigation is being processed. To assist this office in completing the initial processing steps, please submit additional information required by I. C. § 42-203A(5)(a-e) for "large diversion projects." This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g:

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

Relating to your application, the following items need to be addressed.

d. Information relative to water supply sufficiency

-What time periods during the irrigation season will there be water available from the drain source points of diversion, and will the full 5cfs sought be available? (Provide data if available)

-It is assumed this application will be supplemental to other rights held by the Ditch Company with no new development of lands within the current service area. Is this correct?

-Are there existing senior water rights downstream to the Payette River that could be injured by a new appropriation ? (Provide a list of downstream users/water rights that divert from the drain to the Payette River)

e. Information relative to good faith, delay or speculation.

-Provide specific information regarding right of ways/easements needed for proposed pipelines and diversion stations. Anthony Dern and Steve Mednicoff are listed as property owners at the points of diversion.

f. Project Information

-Please provide a general system sketch—approx. pipeline length/dia, and general pump specifications, etc. for each diversion.

-Provide a map that depicts the drain route from the proposed points of diversion to the Payette River—see map enclosed.

Page 2.
Last Chance Ditch Co.

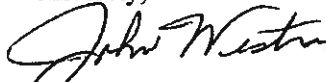
g. Local public interest

-What additional benefits could result from this new appropriation—water quality improvement, water conservation, improved water regulation/management etc?

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your response or a request for more time to seek the information must be received within the next sixty (60) days. The application will be voided without a timely written reply.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



John Westra, Manager

Enclosure: Map, Rule 40,

Westra, John

From: Westra, John
Sent: Wednesday, September 30, 2009 8:07 AM
To: 'doylefackler@msn.com'
Subject: Last Chance Ditch Co Application for Permit

Mr. Fackler:

On July 16, 2009 our office sent the Ditch Company a letter requesting additional information. The information was due within 60 days of the letter. To date, the information has not been received.

This e-mail will serve as an *Intent to Void Notice*. The Ditch Company's application will be ordered void if the requested information is not received by **October 15, 2009**.

John Westra, Manager