

AMENDED

FORM 202 10/07

Ident. No. 79-14220

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Deer Creek LLC Phone 208-424-3865
Mailing address 501 Baybrook Ct., Boise ID 83706 Email Dmoyer@alscott.com
2. Source of water supply Salmon River which is a tributary of Snake River
3. Location of point of diversion is Township 31N Range 3W Sec. 27 in the _____
SE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Lewis County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.12 for Irrigation purposes from 3/15 to 10/31 (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)
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) 0.12 and/or (b) _____
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 Pipeline to sprinklers
same pump as 79-14083 - 3 hp.
 - 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. Emergency fire control

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	
31N	3W	27			2					2									4

Total number of acres to be irrigated: 4

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? Permit 79-14083

for domestic & fire protection purposes

11. a. Who owns the property at the point of diversion? Deer Creek LLC
- b. Who owns the land to be irrigated or place of use? Deer Creek LLC
- 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. _____

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.

[Signature]
Signature of Applicant

Deer Creek LLC
BY: Dennis Alcott Inc. Manager
BY: Dennis Moyer, Vice President

Print Name (and title, if applicable)

For Department Use:

Received by KW Date 7/21/09 Time 3:50pm Preliminary check by KW
 Fee \$ 100. Receipted by DB Receipt No. W036978 Date 10-10-2008
 Publication prepared by DB Date 8/12/2009 Published in COTTONWOOD CHRONICLE
 Publication approved _____ Date _____ Dates Published AUGUST 20 & 27, 2009

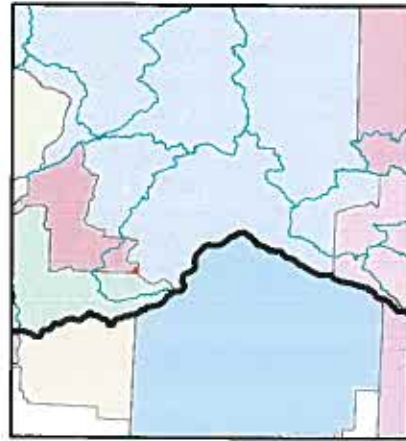


Idaho Department of Water Resources

Application
79-14220
(IRRIGATION)

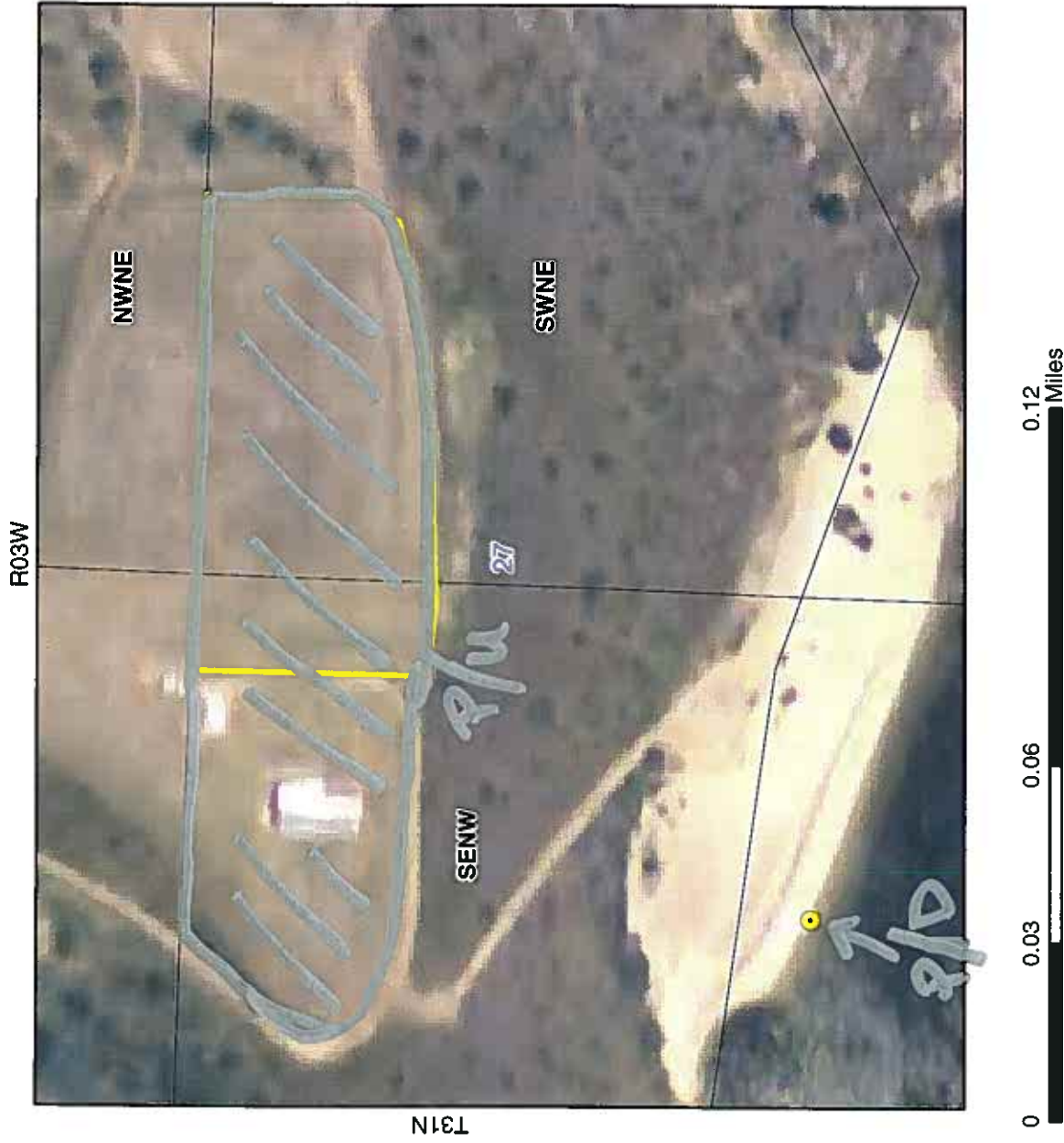
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Lewis County
IDWR Basin 79

Prepared by Kay Walker
On July 21, 2009
2004 Aerial Photography





ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE
05 MAY 13 PM 2:50

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Deer Creek, LLC

2. The street address of the initial registered office is:

501 Baybrook Court, Boise, Idaho, 83706

and the name of the initial registered agent at the above address is:

Thomas J. Wilford

3. The mailing address for future correspondence is:

501 Baybrook Court, Boise, Idaho, 83706

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Alscott, Inc.

501 Baybrook Court, Boise, Idaho, 83706

6. Signature of at least one person responsible for forming the limited liability company:

Signature: *Thomas J. Wilford*

Typed Name: Thomas J. Wilford

Capacity: President, Alscott, Inc.

Signature _____

Typed Name: _____

Capacity: _____

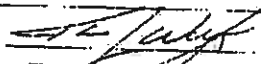
Secretary of State use only

IDAHO SECRETARY OF STATE
05/13/2005 05:00
CL: 9999 CT: 2562 NH: 819419
1 @ 100.00 = 100.00 ORGAN LLC # 2

W39467

Was Filed

Current for 2008
PER IDOS website 10/15/08

No. C 53334		Due no later than April 30, 2005 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box, if applicable ALSCOTT, INC. JOSEPH SCOTT P O BOX 70001 BOISE, ID 83707 0101		THOMAS J WILFORD 501 BAYBROOK CT BOISE, ID 83708	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office held	Name	Street or P.O. Address	City	State	Zip
Chairman of the Board	J. B. Scutt	P.O. Box 70001	Boise	Idaho	83707-0101
President	T. J. Wilford	P.O. Box 70001	Boise	Idaho	83707-0101
Vice President					
Real Estate	D. Moyer	P.O. Box 70001	Boise	Idaho	83707-0101
Sec/Treas	T. J. Wilford	P.O. Box 70001	Boise	Idaho	83707-0101
5. Organized Under the Laws of:		6. Signature		Date	
IDAHO C 53334				2/24/05	
		Name: Thomas J. Wilford		Title: President	
Issued 02/01/2005		Do Not Tape or Staple		200504005314	



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for DEER CREEK, LLC](#)]

DEER CREEK, LLC

501 BAYBROOK CT
BOISE, ID 83706

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 13 May 2005

State of Origin: IDAHO

Date of 13 May 2005

Origination/Authorization:

Current Registered Agent: THOMAS J WILFORD
501 BAYBROOK CT
BOISE, ID 83706

File Number: W39467

Date of Last Annual Report:

Amendments:

Amendment filed 13 May 2005 ARTICLES OF
ORGANIZATION

[View Document](#)
[Online](#)
[Download \(TIFF](#)
[format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

133094

WARRANTY DEED

David A Spencer, a single man, as GRANTOR herein, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Deer Creek LLC**, of PO BOX 70001, Boise, ID 83707-0101, GRANTEE, and to grantee's successors and assigns forever, all of the following described real estate located in the County of LEWIS, State of Idaho, TO WIT:

Township 31 North, Range 3, West B.M.

**Section 27: W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ of Lot 3, Except the East 50 feet thereof;
W $\frac{1}{2}$ W $\frac{1}{2}$ of Lot 3;**

Section 27: That part of Lot 1, described as follows:

Beginning at the Northwest Corner of Lot 3, which is the Northeast Corner of the parcel being described;

**Thence 100 feet westerly parallel to the North boundary of said Lot 1,
thence southerly parallel to the East boundary of Lot 1 to an
intersection with the South boundary of said Lot 1;
thence easterly along the South boundary of Lot 1 to the Southeast
Corner of said Lot 1;
thence northerly on the East boundary of Lot 1 to the Point of
Beginning.**

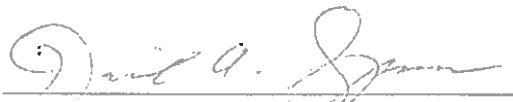
TOGETHER with all improvements, water rights, ditches, easements, hereditaments and appurtenances thereto.

SUBJECT TO: The lien for current taxes.

GRANTOR, does hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by the GRANTEE and grantee's successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has executed this instrument January 18, 2006.


David A Spencer, a single man

STATE OF IDAHO)
) s.s.
COUNTY OF ~~LEWIS~~)
 Nez Perce)

On this January 4, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared David A Spencer, a single man, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Alicia M. Eganor
Notary Public for the State of Idaho
Residing at Lewiston
My commission expires: 1/18/2006

NOTARY SEAL

Instrument # 133096

NEZPERCE, LEWIS, IDAHO

2006-01-23

02:12:32 No. of Pages: 2

Recorded for : LEWIS COUNTY ABSTRACT CO.

CATHY LARSON

Fee: 5.00

Ex-Officio Recorder Deputy

D/GAME

WARRANTY DEED

JOSEPH B. SCOTT, a married man dealing with his sole and separate property (hereinafter referred to as "Grantor") for good and valuable consideration grants and conveys to DEER CREEK, LLC, an Idaho limited liability company (hereinafter referred to as "Grantee") whose address is 501 Baybrook Court, Boise, Idaho, 83706, the property described below, all of which is located in Lewis County, State of Idaho:

That part of the Government Lot 1, Section 27, Township 31 North, Range 3 West of the Boise, Meridian, described as follows:

Commencing at the Center North 1/16 corner of said Section 27; thence N.89°48'17"W., 100.00 feet to the Point of Beginning; thence continuing N.89°48'17"W., 435.60 feet; thence S.0°06'24"W., 500 feet more or less to the mean high water line of the Salmon River; thence Easterly along said high water line 435.60 feet more or less to a point 500.00 feet S.0°06'24"W., of the Point of Beginning; thence N.0°06'24"E., 500.00 feet to the Point of Beginning;

TOGETHER WITH such easements as Grantor may now have or may hereafter acquire providing ingress and egress between the above-described property and the public road known as the "Eagle Creek Road."

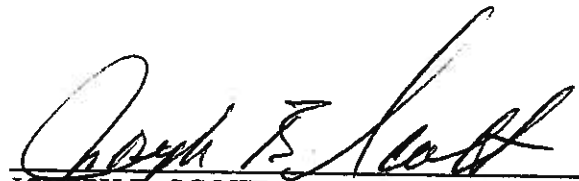
SUBJECT TO, easements of record or use, covenants, conditions, encumbrances and defects.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, claim or demand whatsoever of the Grantor either in law or equity of, in and to the above described and bargained premises.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, his heirs and assign, forever.

AND the Grantor shall and will warrant and forever defend the above bargained premises in the quiet and peaceable possession of the Grantee, his heirs and assigns, against all and every person or persons lawfully claiming title, or to claim the whole or any part thereof.

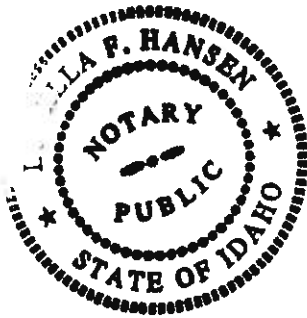
DATED this 11 day of May, 2005.


JOSEPH B. SCOTT

STATE OF IDAHO)
) ss
County of Ada)

On this 11 day of May, in the year 2005, before me, Louella F. Hansen, a Notary Public in and for said State, personally appeared JOSEPH B. SCOTT, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County the day and year first above written.



Louella F. Hansen
Notary Public for Idaho
Residing at: Caldwell ID
Commission Expires: 12/02/2010

RECEIVED

OCT 10 2008

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

Ident. No. 79-14220

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant Deer Creek L.L.C. Phone 208-424-3865
Mailing address 501 Baybrook Ct. Boise, ID 83706 Email Dmoyer@alscott.com
- Source of water supply Salmon River which is a tributary of Snake River
- Location of point of diversion is Township 31 N Range 3 W Sec. 27, in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot _____, B.M., Lewis County County;
additional points of diversion if any: Same diversion point as permit # 79-14083 (See section #12)
- Water will be used for the following purposes:
Amount .15 cfs ~~0.9~~ for Irrigation purposes from 01/01 to 12/31 (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)
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)
- Total quantity to be appropriated is (a) 450 ~~cfs~~ 0.09 cfs and/or (b) _____
cubic feet per second acre feet per year
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Pipeline to Sprinklers
Water pump connected to the Salmon River
Currently used to pump domestic water to adjacent property as per permit #79-14083 3 hp pump
b. Height of storage dam None feet; active reservoir capacity None acre-feet;
total reservoir capacity None acre-feet
c. 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? N/A
e. 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
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- 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. Emergency fire control

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	
31 N	3 W	27			1/2				1/2										3

Total number of acres to be irrigated: 3 1/2 Acres

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? Water from the pump described in this permit, and pending approval of this permit will be the sole source of water on the property.

11. a. Who owns the property at the point of diversion? Deer Creek L.L.C.
- b. Who owns the land to be irrigated or place of use? Deer Creek L.L.C.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Deer Creek L.L.C. Operator

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This permit is a request to use an existing diversion point (the same point used in permit # 79-14083) this diversion point is a medium size (3 horse power) water pump which draws water from the Salmon River. This pump/hose system is already approved by IDWR and Fish & Game via permit #79-14083.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

[Signature]
Signature of Applicant

DEER CREEK LLC
BY: AISCOTT INC., Manager
BY: DENNIS MOYER Vice President
Print Name (and title, if applicable)

For Department Use:

Received by DB Date 10-10-08 Time 11:00 am Preliminary check by kw
Fee \$ 100- Received by DB Receipt No. W036978 Date 10-10-08

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



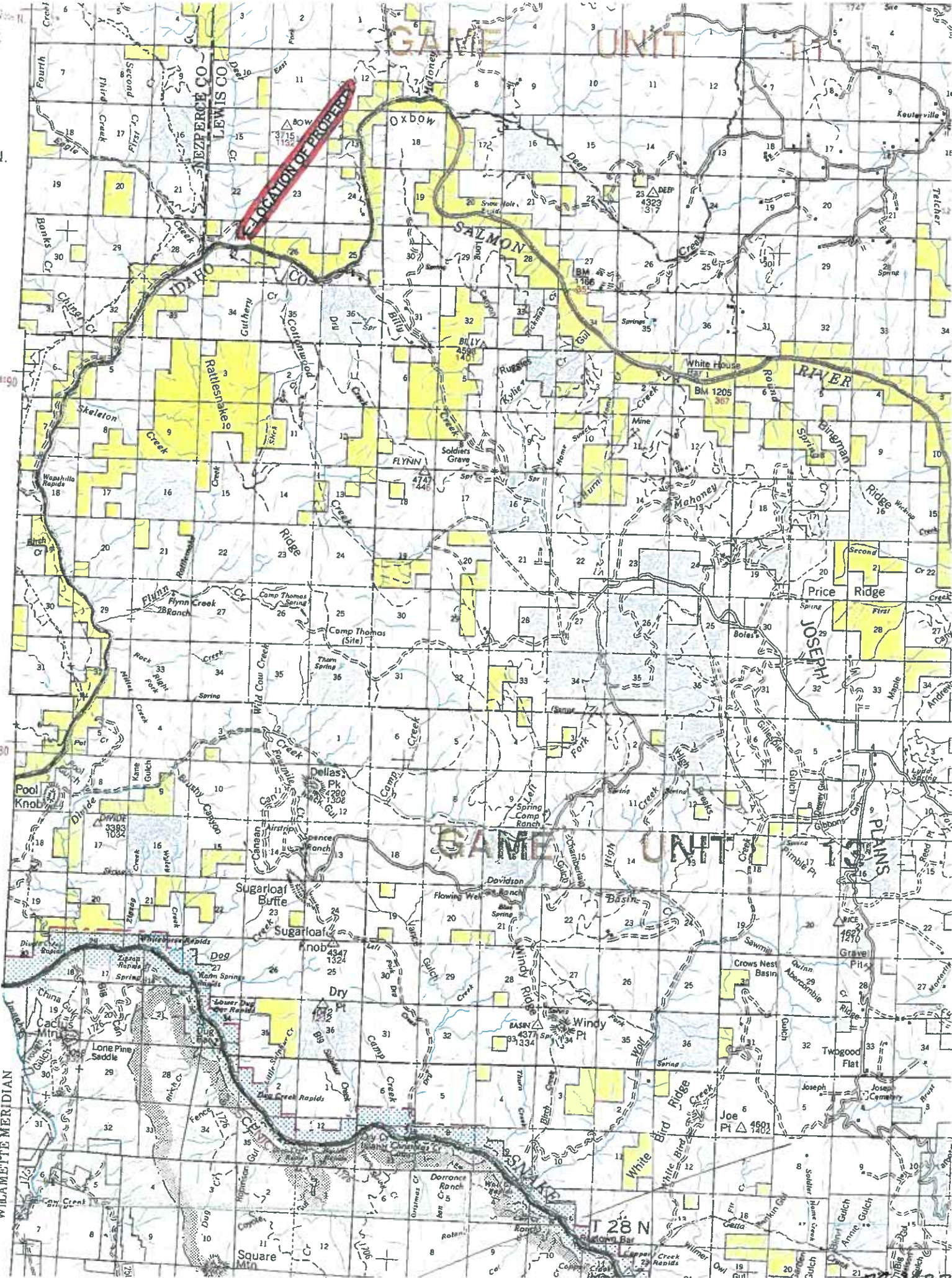
31N 3W 27

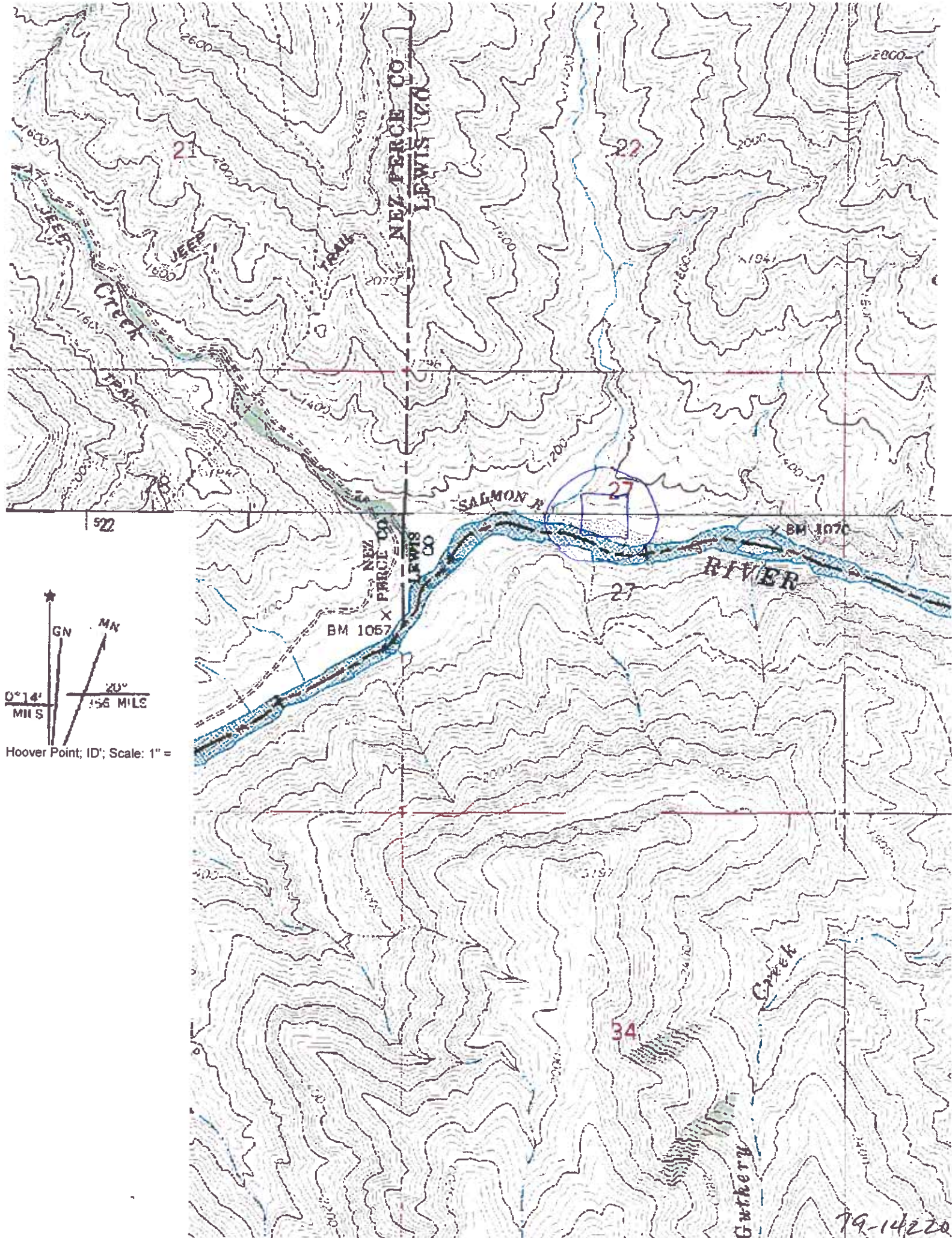
1 N.

N.

BOISE MERIDIAN

WILAMETTE MERIDIAN





79-14220

STATE OF NEW YORK

100 Lote
ATTENDING LIFE CO
INDEPENDENT

28. A.

$$\begin{array}{r} 305 \\ 145,685 \\ \hline 121,320 \end{array}$$

1707
1210

How - Property

Louis County
County

Stamps
Overtime
Gift
Insurance
Co

Howell /
Howard

[illegible]

1. SALMON RIVER

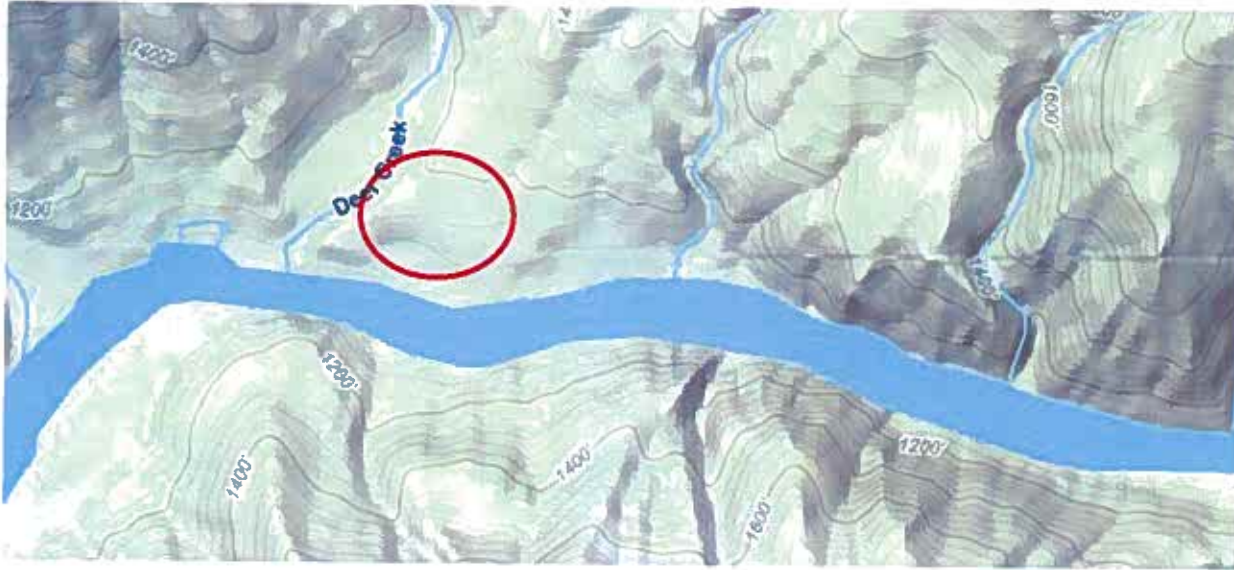
6. 11. 198

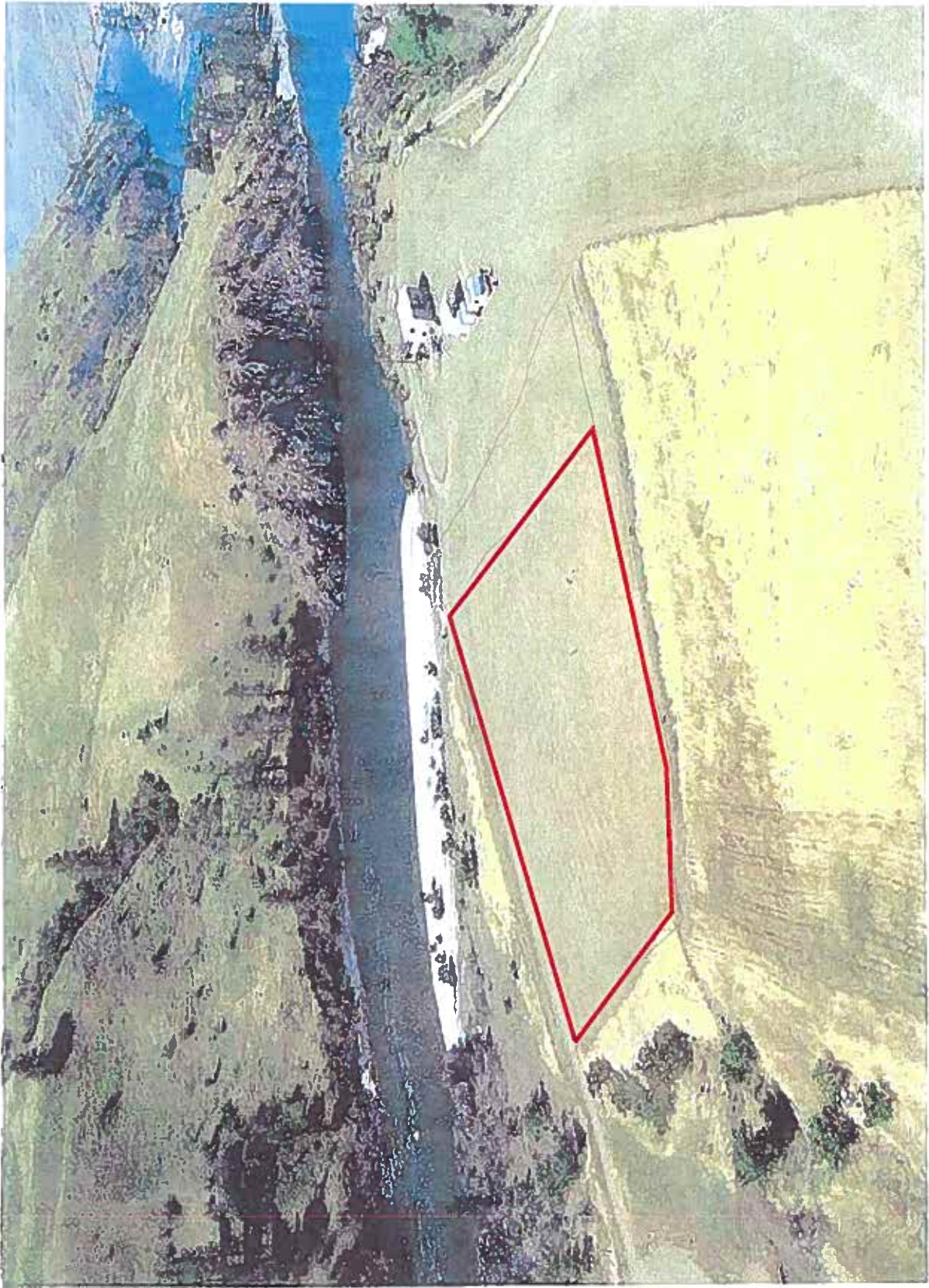
$\Gamma_3 = 1320'$
 $\Gamma_{2+3} =$
 $H_{II} = (2\epsilon^2 \omega^2$
 $\in 50' \omega^2 \in 2\omega^2$

$$\begin{array}{r} 150' \\ 30 \\ \hline 213' \end{array}$$

IDAHO COUNTY

This sketch is made solely for the purpose of assisting in locating the premises. The Company assumes no liability for alleged loss or damage which may result from reliance on this map.





David Spencer
2015



Buffington, Denise

From: Buffington, Denise
Sent: Friday, August 14, 2009 1:25 PM
To: Golart, Aaron
Subject: Comment Letter for 79-14220
Attachments: 79-14220 APP.pdf; 79-14220 Comment Letter to Stream Channel.doc

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

8/14/2009

August 14, 2009

IDWR, STREAM CHANNEL SECTION
ATTN: AARON GOLART
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

Re: Application No(s). 79-14220

Dear Mr. Golart:

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 September 8, 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: Friday, August 14, 2009 1:22 PM
To: Thiel, Sandra
Subject: Comment Letters for 79-14205 & 79-14220
Attachments: Comment Letter to IDWR Planning (2 apps).doc; 79-14205 APP.pdf; 79-14220 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

8/14/2009

August 14, 2009

IDWR, PLANNING BUREAU
ATTN: SANDRA THIEL
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

Re: Application No(s). 79-14205 & 79-14220

Dear Ms. Thiel:

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 September 8, 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: Wednesday, August 12, 2009 2:45 PM
To: 'Chronicle Editor'
Subject: LEGAL NOTICES - LEWIS COUNTY
Attachments: Lewis County Ads - Cover Letter.doc; 79-14220 Ad.doc

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

Thank You in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

8/12/2009

August 12, 2009

LEGAL NOTICE DEPARTMENT

COTTONWOOD CHRONICLE
PO BOX 157
COTTONWOOD ID 83522

RE: Application For Permit No.: 79-14220

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 9/8/2009. 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:

79-14220

DEER CREEK LLC
501 BAYBROOK CT
BOISE, ID 83706

Point of Diversion SENW S27 T31N R03W LEWIS County Source SALMON RIVER
Tributary to SNAKE RIVER

Use: IRRIGATION 03/15 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 10/10/2008

Place Of Use: IRRIGATION
T31N R03W S27 SWNE SENW
Number of Acres: 4

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 9/8/2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 8/20/2009 and 8/27/2009

If There is anything Else
needed for this file or any Questions
Regarding this Application please
Contact:

Dennis Moyer *co-signed Appl*
or
Tony Scott / (208) 424-3840

Thank You,



ALSCOTT

DENNIS R. MOYER

501 Baybrook Court • Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101
TELEPHONE: (208) 424-3840 • FAX: (208) 424-3850

RECEIVED

OCT 10 2008

WATER RESOURCES
WESTERN REGION