

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

JUL 31 2009

**WATER RESOURCES
WESTERN REGION**

1. Name: W EUGENE FISHER
2275 N GRAYS CREEK RD
INDIAN VALLEY ID 83632
(208) 256-4426

AND/OR

NIKI FISHER
2275 N GRAYS CREEK RD
INDIAN VALLEY ID 83632
(208) 256-4426

2. Source: WASTE WATER Tributary to: SINKS

3. Location of Point of Diversion:

#1 WASTE WATER NE1/4NE1/4
ADAMS County

Sec. 27, Twp 15N, Rge 01W, B.M.

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>
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
STOCKWATER	01/01 to 12/31	0.04 CFS	
5. Total quantity to be appropriated is:		0.04 CFS	2.0 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 2 INCH BURIED PIPE
BRINGING WASTE WATER FROM YOUNGS TO FISHERS 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. _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
15N 01W 27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X																

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
15N 01W 27	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:

To obtain secondary water rights to water right 67-11484

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.

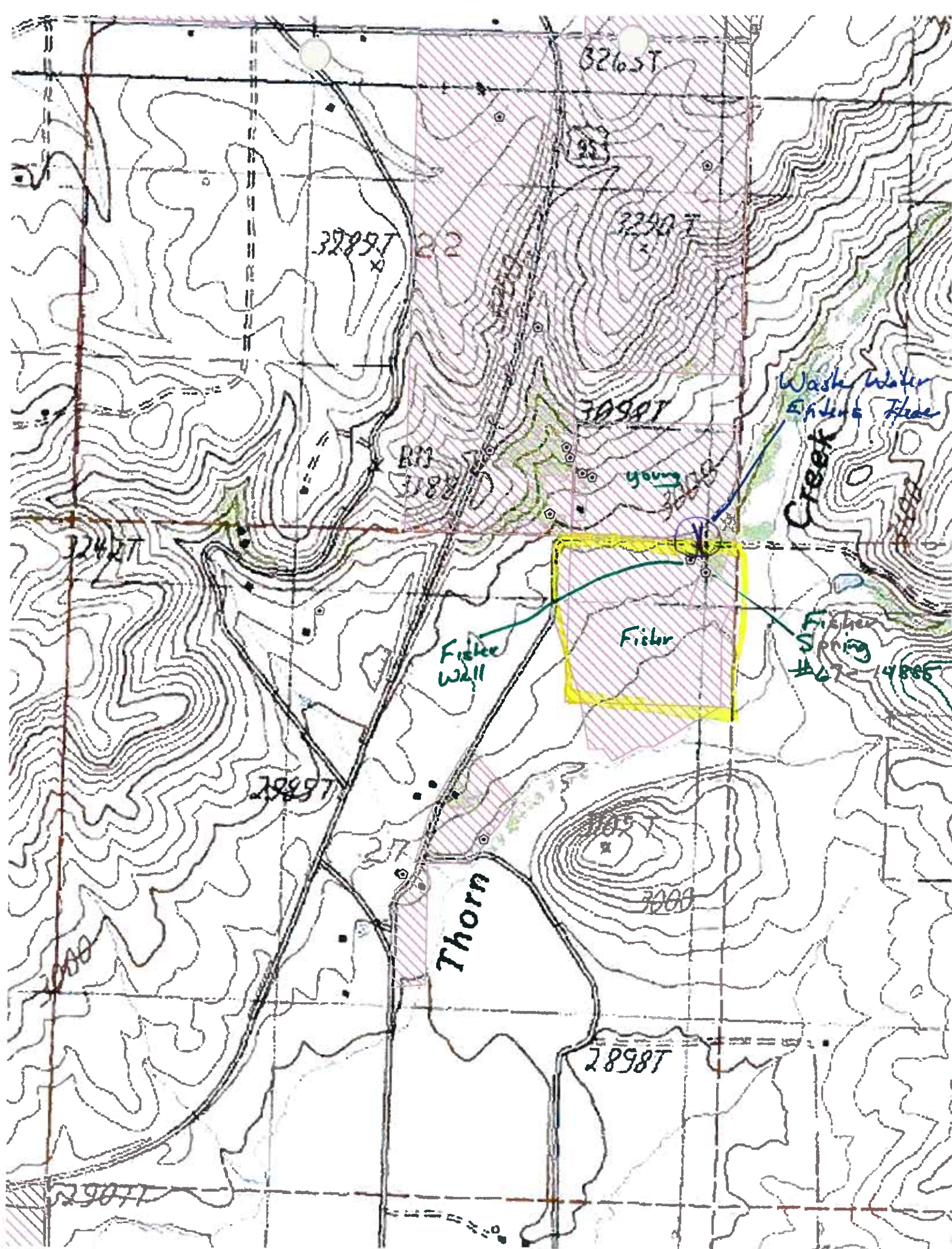
[Signature] 07/29/09 *[Signature]* 07/29/09
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Publication prepared by DB Date 8/12/09 Published in THE RECORD

Publication approved: _____ Date: _____ Published on: AUGUST 20 & 27, 2009

Receipt: W037153 1/21/09 \$100 by DB



RECEIVED

FORM 202 10/07

JAN 21 2009

Ident. No.

67-15007

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant W. Eugene and Niki Fisher Phone 208-256-4426
Mailing address 2295 N Grays CR RD Indian Valley ID 83632 Email _____
2. Source of water supply Springs which is a tributary of Sinks
3. Location of point of diversion is Township 15N Range 01W Sec. 22, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, _____ $\frac{1}{4}$, Govt. Lot _____, B.M., Adams Grant, _____ County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 for stockwater 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)
5. Total quantity to be appropriated is (a) 0.02 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 2" buried pipe bringing
waste water from Young's to Fisher's pond
b. Height of storage dam 2' feet; active reservoir capacity 1.57 acre-feet;
total reservoir capacity 1.57 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 2 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. 100 Sheep ; 50 cows
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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	
15N	01W	22	SW				SW												
		22																J	
																		W	
15N	01W	22																F	
																		S	

Total number of acres to be irrigated: 0

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? _____

11. a. Who owns the property at the point of diversion? James L. Young and Gertrud M. Young
- b. Who owns the land to be irrigated or place of use? W. Eugene Fisher Family Trust
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Waste water from Young's property is piped under the county road onto Fisher's
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To obtain secondary water rights to water right # 67-11484

See attached copy of Water Right Report

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

W. Eugene Fisher
Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date Jan 21, 09 Time 1:37 pm Preliminary check by JFW.
Fee \$ 100- Received by DB Receipt No. W037153 Date 1-21-09

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

10/20/2008

WATER RIGHT NO. 67-11484

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERTRAUD M YOUNG
Current Owner	JAMES L YOUNG
	515 9TH AVE S
	NAMPA, ID 83651-4133
Original Owner	RUTH D WARDEN
	2280 N GRAYS CREEK RD
	INDIAN VALLEY, ID 83632
	(208)256-4412
Original Owner	MELVIN L WARDEN
	2280N GRAYS CRK RD
	INDIAN VALLEY, ID 83632
	(208)256-4412

Priority Date: 04/20/1965

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.02 CFS	
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

SPRINGS	SWSE	Sec. 22	Township 15N	Range 01W	ADAMS County
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DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: STOCKWATER same as

Place of Use Legal Description: DOMESTIC ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	01W	22		SESE										

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.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.	X01	Domestic use is for 1 home.
5.	X02	Stockwater use is for 11 range cattle, 2 horses.
6.		Parcel No: RP00040009012BA
7.	J01	Property is also known as Lot 12, 13, 14, Blk 9, Council Mesa Orchards MH (1).

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

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



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

August 14, 2009

JAMES YOUNG
GERTRUDE YOUNG
515 9TH AVE S
NAMPA ID 83651

Re: Application No(s). 67-15007

Dear Mr. & Mrs. Young:

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,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 12, 2009 2:50 PM
To: Record (legals@theadamscountyrecord.com)
Subject: LEGAL NOTICES - ADAMS COUNTY

Attachments: Adams County Ads - Cover Letter.doc; 67-14975 Ad.doc; 67-14992 Ad.doc; 67-15004 Ad.doc; 67-15007 Ad.doc; 78-12351 Ad.doc; ~~79-14205 Ad.doc~~

Attached please find ⁵(5) legal notices being submitted for publication. If you have any questions or are not able to run the notices on the dates requested, please contact me immediately.

Thank You in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

NOTE: 79-14205 SHOULD NOT HAVE BEEN ATTACHED / SENT TO ADAMS COUNTY, THE RECORD. SHOULD HAVE GONE TO IDAHO COUNTY FREE PRESS. NOTIFIED ADAMS COUNTY AND THEY CONFIRMED, THEREFORE WILL NOT PUBLISH IT.

DB

8-12-09
3:15 pm

8/12/2009

August 12, 2009

LEGAL NOTICE DEPARTMENT

THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application For Permit No.: 67-14975, 67-14992, 67-15004, 67-15007 & 78-12351

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:

67-15007

W EUGENE FISHER
NIKI FISHER
2275 N GRAYS CREEK RD
INDIAN VALLEY, ID 83632

Point of Diversion	NENE	S27	T15N	R01W	ADAMS County	Source	WASTE WATER
	Tributary to SINKS						
Use:	STOCKWATER		01/01 to 12/31		0.04 CFS		
Use:	STOCKWATER STORAGE		01/01 to 12/31			2 AF	
Use:	DIVERSION TO STORAGE		01/01 to 12/31		0.04 CFS		
			Total Diversion:		0.04 CFS		

Date Filed: 1/21/2009

Place Of Use: STOCKWATER
T15N R01W S27 NENE

Place Of Use: STOCKWATER STORAGE SAME AS STOCKWATER

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



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

July 20, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

W Eugene & Niki Fisher
2275 N Grays Creek RD
Indian Valley ID 83632

RE: Applications for permit #67-15007 & #67-15004

Dear Fishers:

This letter is a follow-up to our phone conversation last Friday in relation to processing of the above described applications for permit. As discussed, I have made several changes to the attached amended applications. Please review and follow the directions as outlined below:

Application 67-15007

-#2: The water source has been changed to *waste water* trib to *sinks*. A condition of approval on the permit will specify this is waste water from #67-11484.

-#3: The point of diversion will need to be where the water enters your property.
NE of NE Sec 27 15N-1W . Please mark the map where it crosses the road.

-#4: The flow rate and storage volume have been increased to *.04 and 2.0 ac-ft. Purposes are added stockwater storage & diversion to storage*. This will match you other right for the same pond #67-14885

-#8: The place of use (pond location) same as #67-14885—NE of NE Sec 27 15N-1W

If these changes are acceptable please sign and date the application on page 2- at sticky.

Application 67-15004

-I was not able to find the pond location on the map. Please mark the approx. location of pond on the enclosed map.

-Once the map is marked, transfer the map 40 acre tract location ($\frac{1}{4}$ of $\frac{1}{4}$) to #3 and #8 on the application form—see stickys.

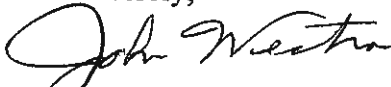
Please sign and date the application on page 2.

Page 2.
Fisher

Once you have made the edits and signed the applications, please return the forms to me as soon as possible so that your processing position can be retained. No response or an untimely response after 30 days may result in the applications order void.

Feel free to contact me if you have questions or concerns at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager

Enclosures: amended applications, original appl. copies, maps.

MEMORANDUM

Type: In Office Conversation

Telephone
Meeting Notes

Follow-up
Log of Events
Other _____

To: # 67-15007

From: J. Westra, Western Reg.

Date: 7-17-09

RE: Conversation with Nicki Fisher

- P/D is spring on Young property, application is for waste water from Young. - pipeline to pond change source to wastewater. Assume P/D across road at edge of Young property.
- Pond size $95' - 65' \times 12' = 1.57 \text{ Ac-Ft}$ Same Pond as 67-14885. Located 15N-01W Sec 27 NE NE.