

RECEIVED

FORM 202

OCT 01 2008

WATER RESOURCES
WESTERN REGION

Amended
STATE OF IDAHO

Ident. No. 65-23316 12/99

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Cherry Gulch Inc. c/o Dr. Andrew Sapp Phone (208) 365-3437
Mailing address P.O. Box 678 Emmett, ID 83617
Representative Jason Thompson, SPF Water Engineering LLC, 300 E. Mallard Dr., Suite 350, Boise, ID 83706
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point of diversion is Township 7 North Range 1 West Sec. 22 in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot , B.M., Gem County;
additional points of diversion if any: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T7N R1W (2 points total)
4. Water will be used for the following purposes:
Amount 0.11 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.15 for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Stockwater 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)
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) 0.20 (see remarks) 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 Proposed and existing wells, submersible pumps, pipeline to system
 - b. Height of storage dam feet; active reservoir capacity acre-feet;
total reservoir capacity acre-feet
 - c. Proposed well diameter is 6 inches; proposed depth of well is 400 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 3/16/2007; Drilling firm George Post Well Drilling;
Well was drilled for (well owner) Cherry Gulch Boys Ranch; Drilling Permit No. 898777-845503
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. Up to 25 miscellaneous stock including horses, goats, pigs, and chickens.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully. Domestic use for a boarding school that houses 40 students and 20 staff.

AMENDED

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	
7N	1W	22					40							~~40~~					80 40
7N	1W	22					D, S												
7N	1W	15												S, 40					40

Total number of acres to be irrigated 5 acres within 80-acre permissible place of use

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

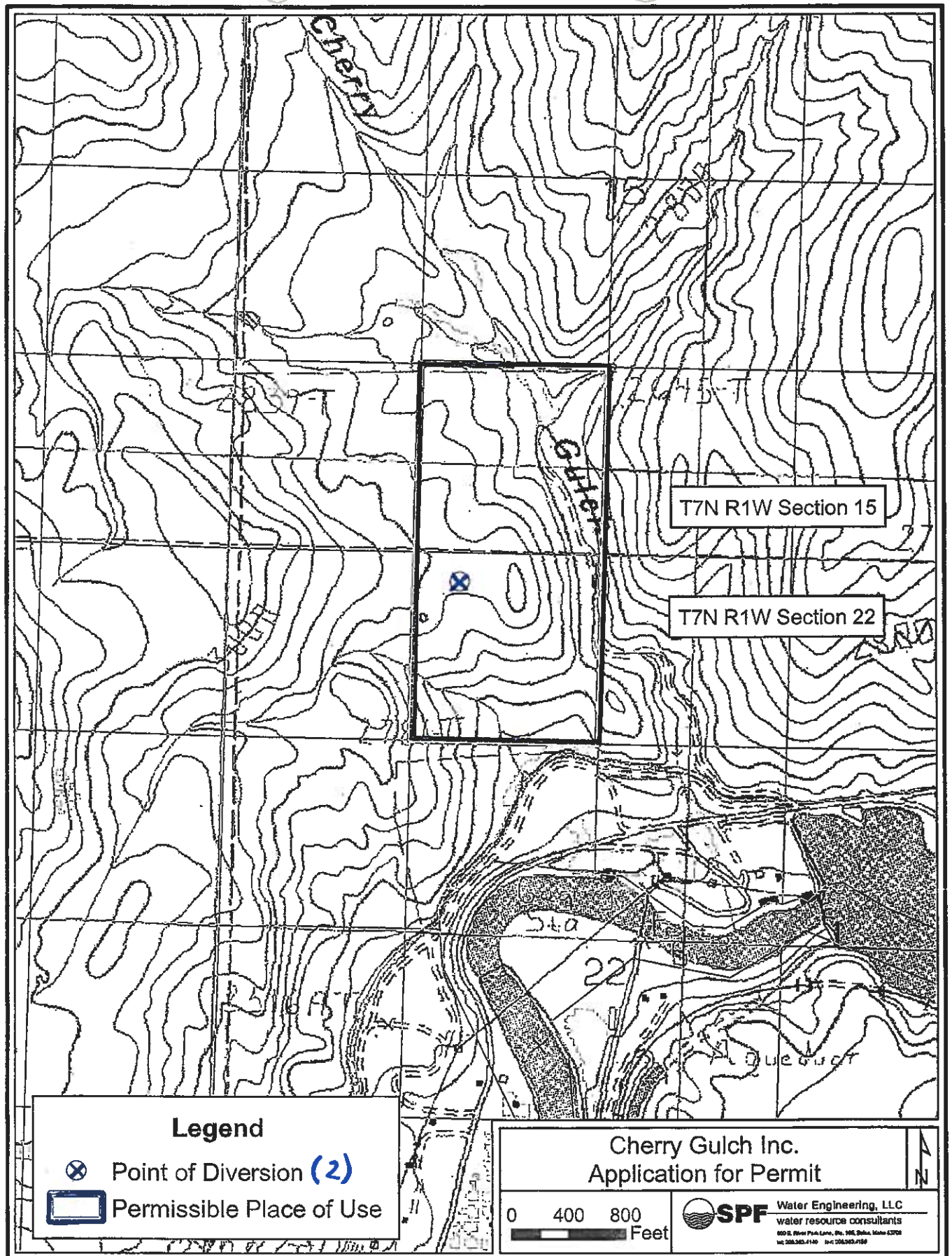
12. Remarks: Total peak hourly demand or diversion capacity is not expected to exceed 0.20 cfs. Water-bearing zone to be appropriated occurs from 300 to 400 feet.

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 of Applicant (and title, if applicable)

Received by [Signature] Date 08.1.09 Time 10:24 Preliminary check by VLM
 Fee \$ 100.00 Received by DB # W036958 Date 10-1-08
 Publication prepared by DB Date 8/12/2009 Published in MESSENGER INDEX
 Publication approved _____ DATE: _____ Date 7 AUGUST 19 & 26, 2009



65-23316

IDAHO PRESS TRIBUNE
AD AUTHORIZATION

Salesperson: MARISSA MCNEAL

Printed at 08/13/09 08:08 by \$LOGIN

Acct#: 29512 Ad#: 37144 Status: N
1 IDAHO DEPT. OF WATER RESOURCES Start: 08/19/09 Stop: 08/26/09
2735 AIRPORT WAY Times Ord: 2 Times Run: ****
BOISE ID 83705 LEG 4.00 X 40.00 Words: 203
Contact: DENISE BUFFINGTON Rate: L4 Cost: 254.93
Phone: (208)334-2190 Class: 0001 LEGAL NOTICES
Fax#: Descript: 65-23316
Email: Denise.Buffington@idwr.idaho.gov Given by: *
Agency: Created: mmc14 08/13/09 08:02
Last Changed: mmc14 08/13/09 08:07

PUB ZONE ED TP START INS STOP SMTWTFS
EMI A 96 S 08/19,26

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 *OK*
Name (signature)

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

65-23316

CHERRY GULCH INC
C/O ANDREW SAPP
PO BOX 678
EMMETT, ID 83617

E-mailed newspaper
w/ OK ✓

Point of Diversion	NENW	S22	T07N	R01W	GEM County	Source	GROUND WATER
Point of Diversion	NENW	S22	T07N	R01W	GEM County	Source	GROUND WATER
Use:	IRRIGATION	03/01 to 11/15			0.15 CFS		
Use:	STOCKWATER	01/01 to 12/31			0.02 CFS		
Use:	DOMESTIC	01/01 to 12/31			0.11 CFS		
Total Diversion:					0.2 CFS		

Date Filed: 10/1/2008

Place Of Use: IRRIGATION
T07N R01W S15 SESW
T07N R01W S22 NENW

Number of Acres: 80

Place Of Use: DOMESTIC
T07N R01W S22 NENW

Place Of Use: STOCKWATER SAME AS IRRIGATION

Limited to 5 acres with the 80.

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

August 19, 26, 2009

37144

E-mailed messenger Index / Press Tribune 8/13. ✓ OK

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 12, 2009 2:39 PM
To: 'Legals'
Subject: LEGAL NOTICES - GEM COUNTY
Attachments: Gem County Ads - Cover Letter.doc; 65-23316 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

MESSENGER-INDEX
PO BOX 577
EMMETT, ID 83617

RE: Application For Permit No.: 65-23316

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:

65-23316

CHERRY GULCH INC
C/O ANDREW SAPP
PO BOX 678
EMMETT, ID 83617

Point of Diversion NENW S22 T07N R01W GEM County Source GROUND WATER

Point of Diversion NENW S22 T07N R01W GEM County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/1/2008

Place Of Use: IRRIGATION
T07N R01W S15 SESW
T07N R01W S22 NENW

Number of Acres: 80

Place Of Use: DOMESTIC
T07N R01W S22 NENW

Place Of Use: STOCKWATER SAME AS IRRIGATION

Limited to 5 acres with the 80.

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

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GARY SPACKMAN, Interim Director

Published on 8/19/2009 and 8/26/2009

Music, Vicky

From: Jason Thompson [JThompson@spfwater.com]
Sent: Friday, July 10, 2009 10:15 AM
To: Music, Vicky
Subject: RE: Cherry Gulch application

Vicky, the proposed well will target the same aquifer as the existing domestic well.

Jason

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Thursday, July 09, 2009 12:06 PM
To: Jason Thompson
Subject: Cherry Gulch application

Jason – I have a couple more items that I need to address regarding this application. It can then go to advertising.

First, will you please confirm for me if the proposed will produce from the same aquifer as the domestic well, which is screened about 300'-357' or the shallow aquifer which may be trib to the Payette?

Last, the place of use description for the irrigation [item 9] on the application does not comport with the place of use on the map. The application states that the irrigation will all be in Section 22, NENW and SESW. IT also describes the stockwater use as being in Section 15 SESW.

However, the map shows the total place of use as being in Sec 15 SESW and Sec 22 NENW. Either the application must be corrected or a new map showing the correct POU must be submitted.

Please let me know. Thanks.

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

7/10/2009

Music, Vicky

From: Jason Thompson [JThompson@spfwater.com]
Sent: Wednesday, July 01, 2009 8:51 AM
To: Music, Vicky
Cc: Dr Sapp
Subject: RE: Cherry Gulch permit application 65-23316

Vicki, please find my responses to your comments below:

1. There is one well proposed and one existing well. Only these two wells will be used for irrigation.
2. There was one domestic well drilled in 2006. This same well was modified to conform to public water system standards in 2007. A \$125 drilling permit upgrade fee will be paid for this well.
3. There are no other water rights used for the same purposes.

I can come in to IDWR on Monday to modify the application and pay the upgrade fee if this works for you.

Thanks
Jason

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Friday, June 19, 2009 2:22 PM
To: Jason Thompson
Subject: Cherry Gulch permit application 65-23316

Hello Jason –

1 - This application has been assigned to me for review and processing. I have a question about the wells. There is one well proposed and 2 wells already drilled. I want to confirm whether all 3 wells will be used for irrigation.

2 - The 2 wells drilled in 2006 and 2007 were drilled as domestic wells and were charged the domestic drilling permit fee. If both of the existing wells are going to be used for irrigation, then a \$125 drilling permit upgrade fee required for each of these wells.

3 - Also, an answer to Item #10 in the application, re whether other rights are used, is required. Please let me when you can come in to answer this as it must be recorded on the original application.

I will hold the application until I hear from you. I can continue processing without the fees however the application will not be approved as a permit until they are paid. Thanks

-

Vicky L. Music
Sr. Water Resource Agent
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

7/7/2009

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

841072

Office Use Only			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	1/4
Lat	:	Long	:

1. DRILLING PERMIT NO. - - - - -

Other IDWR No. D0046946

2. OWNER:

Name CHERRY GULCH BOYS RANCH

Address P.O. BOX 678

City EMMETT State ID Zip 83617

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N

W	E		Twp. <u>7</u> North ☒ or South ☐
			Rge. <u>1</u> East ☐ or West ☒
			Sec. <u>22</u> 1/4 NE 1/4 NW 1/4 10 acres 40 acres 160 acres

Gov't lot County GEM

Lat: Long:

Address of Well Site BLACK CANYON HWY 52 1/2 MI

SW OF 3800 HWY 52 City EMMETT

(Give at least name of road + Distance to Road or Landmark)

Lt. Blk. Sub. Name

4. USE:

- ☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	70	1050	POUR

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s)

Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	+2	68	250	STEEL	☒	☐	☒	☐
4.5"	17	297		PVC	☐	☒	☐	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

- ☐ Perforations Method
☒ Screens Screen Type pvc

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
297	357	020		4.5	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

180ft. below ground

Artesian Pressure lb

Depth flow encountered 335 ft.

Describe access port or control devices: WELL CAP

11. WELL TESTS:

- ☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
100		340	3 HR

Water Temp. Bottom hole temp.

Water Quality test or comments:

Depth first Water Encountered 140

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water				Remarks: Lithology, Water Quality & Temp.		Y	N
Bore Dia	From	To					
12"	0	2		TOP SOIL		☒	☐
12"	2	6		RED CLAY		☒	☐
12"	6	10		TAN CLAY		☒	☐
12"	10	25		PURPLE CLAY		☒	☐
12"	25	40		GRAVEL		☒	☐
12"	40	45		BASALT		☒	☐
12"	45	60		RED BASALT		☒	☐
12"	60	70		RED & BLACK BASALT		☒	☐
8"	70	85		RED & BLACK BASALT		☒	☐
8"	85	93		BLACK BASALT		☒	☐
8"	93	115		RED & BLACK BASALT		☒	☐
8"	115	140		RED CINDER W/STRIPS OF BAKED CLAY		☒	☐
8"	140	160		RED CINDER 5-10 GPM		☒	☐
8"	160	170		BASALT		☒	☐
8"	170	180		BASALT W/CRACKS		☒	☐
8"	180	205		RED & BLACK CINDER		☒	☐
8"	205	280		BLUE GREEN SANDY CLAY		☒	☐
8"	280	290		BASALT		☒	☐
8"	290	320		BAKED CLAY		☒	☐
8"	320	335		RED & BLACK BASALT		☒	☐
8"	335	357		BASALT W/CRACKS 90 GPM		☒	☐

RECEIVED ORIGINAL
OCT 12 2006

WATER RESOURCES
WESTERN REGION

Completed Depth: 357 (Measurable)

Date: Started 09/20/2006 Completed 09/27/2006

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name GEORGE POST WELL DRILLING

Firm No. 563

Firm Official

Date 09/28/2006

Supervisor or Operator
(Sign once if Firm Official & Operator)

Date 09/28/2006

Date: 9/28/2006 Time: 10:19:26 AM

65

845503

Form 238-7
3/95-C96IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by _____			
Twp _____	Rge _____	Sec _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____	Long: _____		

1. DRILLING PERMIT NO. - - 46-946
Other IDWR No. D0047675 (MODIFIED)

2. OWNER:

Name CHERRY GULCH BOYS RANCH

Address PO BOX 678

City EMMETT State ID Zip 83617

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N

W		E	Twp. 7 North ☒ or South ☐
			Rge. 1 East ☐ or West ☒
			Sec. 22 1/4 NE 1/4 NW 1/4 10 acres 40 acres 160 acres

S Gov't lot _____ County GEM

Lat: _____ Long: _____

Address of Well Site BLACK CANYON HWY 52 1/2 MI

SW OF 3800 HWY 52 City EMMETT

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☐ New Well ☒ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
GROUT	200	320	350 GAL	PUMP
CEMENT	0	200	400 GAL	PUMP

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	320	280	ST	☒	☐	☒	☐
5"	317	327	250	ST	☒	☐	☒	☐

Length of Headpipe 10' Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type ss, 2 k-packers

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
327	357	.020		5"	SS	☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

178ft. below ground

Depth flow encountered 335 ft.

devices: WELL CAP

Artesian Pressure _____ lb

Describe access port or control

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
100		340	3 HRS

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered 140

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water					Y	N
Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.			
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12"	6	10	TAN CLAY			
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12"	25	40	GRAVEL			
12"	40	45	BASALT			
12"	45	60	RED BASALT			
12"	60	70	RED & BLACK BASALT			
8"	70	85	RED & BLACK BASALT			
8"	85	93	BLACK BASALT			
8"	93	115	RED & BLACK BASALT			
8"	115	140	RED CINDER W/STRIPS OF BAKED CLAY			
8"	140	160	RED CINDER 5-10 GPM			
8"	160	170	BASALT			
8"	170	180	BASALT W/CRACKS			
8"	180	205	RED & BLACK CINDER			
8"	205	280	BLUE GREEN SANDY CLAY			
8"	280	290	BASALT			
8"	290	320	BAKED CLAY			
8"	320	335	RED & BLACK BASALT			
8"	335	357	BASALT W/CRACKS 90 GPM			

RECEIVED

MAR 23 2007

ORIGINAL

WATER RESOURCES
WESTERN REGION

Completed Depth: 357 (Measurable)

Date: Started 03/06/2007 Completed 03/16/2007

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name GEORGE POST WELL DRILLING

Firm No. 563

Firm Official

Date 03/20/2007

Supervisor or Operator

Date

(Sign once if Firm Official & Operator)

Date: 3/20/2007 Time: 11:17:08 AM

No. W 34177	Due no later than Oct 31, 2007 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. CHERRY GULCH BOYS RANCH LLC ANDREW DEAN SAPP PHD PO BOX 678 EMMETT ID 83617		ANDREW DEAN SAPP PHD 616 S WASHINGTON AVE EMMETT ID 83617	
			3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State Country Postal Code
MANAGER	ANDREW DEAN SAPP PHD	P.O. BOX 678	EMMETT	ID USA 83617
5. Organized Under the Laws of: ID W 34177		6. Annual Report must be signed.* Signature: Andrew Sapp Date: 11/07/2007 Name (type or print): Andrew Sapp Title: Manager		
Processed 11/07/2007		* Electronically provided signatures are accepted as original signatures.		

No. C 164777	Due no later than Jan 31, 2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)					
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			1. Mailing Address: Correct in this box if needed. CHERRY GULCH, INC. ANDREW SAPP P.O. BOX 678 EMMETT ID 83617		STEPHEN F SMITH 102 SUPERIOR ST SANDPOINT ID 83864			
				3. <u>New</u> Registered Agent Signature:*				
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and(optional) Treasurer.								
Office Held	Name	Street or PO Address	City	State	Country	Postal Code		
DIRECTOR	ANDY BAYOLA	14178 HAIGHT CREEK	KAYSVILLE	UT	USA	84037		
DIRECTOR	CHRIS MCROBERTS	14178 HAIGHT CREEK	KAYSVILLE	UT	USA	84037		
DIRECTOR	ANDREW SAPP	P.O. BOX 678	EMMETT	ID	USA	83617		
SECRETARY	MICHAEL ERVIN	11 FORESTDALE DR	ASHVILLE	NC	USA	28803		
PRESIDENT	ANDREW SAPP	P.O. BOX 678	EMMETT	ID	USA	83617		
5. Organized Under the Laws of: ID C 164777		6. Annual Report must be signed.* Signature: Andrew Sapp Name (type or print): Andrew Sapp Date: 02/17/2009 Title: President						
Processed 02/17/2009		* Electronically provided signatures are accepted as original signatures.						