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WATER RESOURCES
WESTERN REGION

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JAN 17 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-12309

To appropriate the public waters of the State of Idaho

323-1919 wk

939-1223 hmn

1. Name of applicant Jonathan Seal Phone 939-1223 hmn
Post office address 2906 Haven Dr. Eagle 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____
Sec. 31 Township 5N Range 1E B.M. Ada County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

.15 Amount 0.75 for Irrigation purposes from 3-1 to 11-15 (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) .19 0.19 .12 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 124 130 feet.

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 1977; Drilling firm Dennis Phipps;
Well was drilled for (well owner) Lowell Rasabalm

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

714 Seal

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 Home
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	1E	31					D												8.285
							8												
							2.8												
							5												

Total number of acres to be irrigated 8.285

10. Describe any other water rights used for the same purposes as described above. None - Pending
TRUST for 74512 same with but other acres

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Well drilled in 1977
Lot 6, Block 1, Heather Haven Estates.
Water bearing zone 100-130 ft.

SEE ATTACHED map

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.

(Applicant)

Received by VR Date 1-3-96 Time 11:00 Preliminary check by G/SZ
Fee \$ 50- Receipted by VR # W620221 Date 1-3-96
Publication prepared by DB Date 4/29/2009 Published in IDAHO STATESMAN
Publication approved _____ DATE: _____ Date MAY 7 & 14, 2009

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

T5N

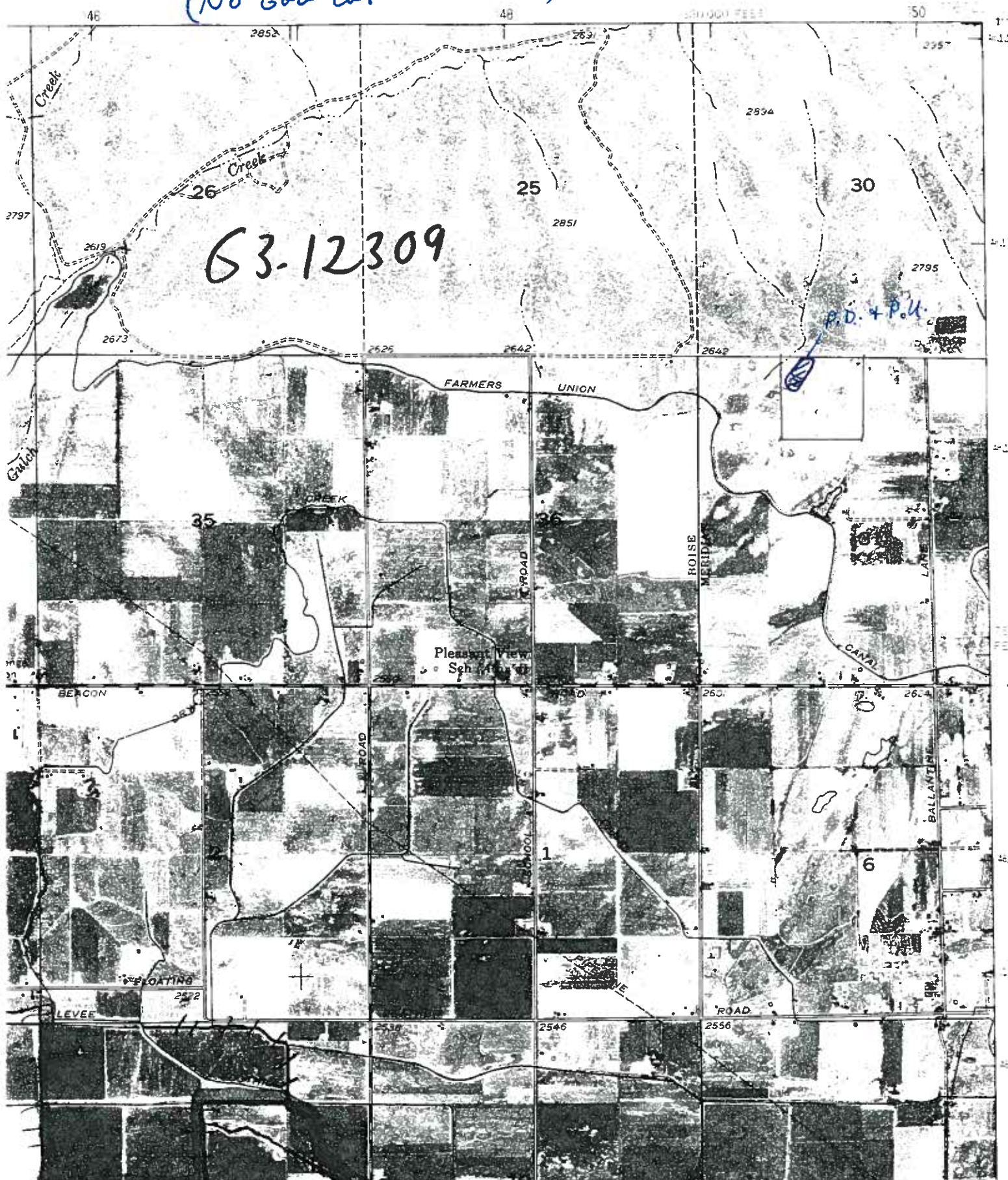
RIW

RIE

Sec 31
(No Bar lot in NENW)

STAR QUADRANGLE
IDAHO

7.5-MINUTE SERIES (ORTHOPHOTOQUAD)



Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 11:06 AM
To: legals@idahostatesman.com
Subject: LEGAL NOTICES
Attachments: Ada County Ads Cover Letter.RTF; 63-32994 Ad.RTF; 63-12309 Ad.RTF; X-fer 74689 Ad.doc; X-fer 74755 Ad.doc

Attached please find (4) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

April 29, 2009

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-12309, 63-32994

RE: Transfer No. 74689
Water Right No(s). 63-9422 63-3479

RE: Transfer No. 74755
Water Right No(s). 63-32335

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 05/26/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

63-12309

JONATHAN SEEL
2906 HAVEN DR
EAGLE ID 83616

Point(s) of Diversion NENW S31 T05N R01E ADA County Source GROUND WATER

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

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.19 CFS

Date Filed: 01/03/1996

Place Of Use: IRRIGATION

T05N R01E S31 NENW

Number of Acres 5

Place Of Use: DOMESTIC SAME AS IRRIGATION

Remark: Water bearing zone to be appropriated from a 1977 domestic well is from 100 to 130 feet.

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/26/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on May 7th & 14th, 2009



SPF WATER
ENGINEERING

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APR 23 2009

WATER RESOURCES
WESTERN REGION

April 22, 2009

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

Re: Transfer No. 74512 – Jonathan Seel
Change in Ownership

Dear Steve,

Thank you for your time and effort concerning Mr. Seel's transfer and permit applications. I know that he appreciates the need for careful consideration before a decision can be made under unusual circumstances such as these.

The following documents are enclosed:

1. A signed, notarized *Withdrawal of Transfer* form for Transfer #74512 and request for refund,
2. A copy of the IWSB lease form (which has been sent to Aaron Marshall for processing), and
3. A signed *Notice of Change in Water Right Ownership* form for Mr. Seel's portion of Water Right No. 63-32853, with the warranty deed, map and supporting materials.

✓ We understand that your staff will now process Mr. Seel's permit application and we can expect advertising of the application in May 2009. I would be happy to answer any additional questions you have concerning these materials. Thanks again.

Sincerely,

Roxanne Brown

Roxanne Brown

Cc: Jonathan Seel

SPF Job No.: 302.0010

↖ 63-12309

MEMORANDUM

TO: Application 63-12309
FROM: Steve Lester 
DATE: April 21, 2009
RE: Ground Water Tributary to Boise River

The applicant visited the office today to discuss his application. He reduced the application in a 3/11/09 visit but restored it to the original amount today, proposed priority unchanged.

He believes his well is about 130 ft. deep. A well log cannot be identified for this 1977 well. The well is barely within the boundary of shallow ground tributary to the Boise River above Star.

Well logs for the site generally show various clay layers down to about 130 feet. This suggests less rather than more communication between shallow ground water and the river in this particular case.

The applicant confirmed the following information:

- Most of the proposed use has been in place for many years.
- He has sought water right coverage since 1996 when he filed this application.
- He will soon withdraw Transfer Application 74512 ¹ that proposed the same well for half of the irrigation in his permit application.
- Water bearing zone estimated at about 100-130 feet.

The applicant is willing to accept a condition of approval to address potential injury to senior rights. He thinks it is only a matter of time before he will need to drill deeper anyway. He would be satisfied with a future requirement to do that if/when justified to address shallow ground water issues. Condition #166 can be used for 63-12309:

Upon determination by the Director that the diversion and use of water under this right is injuring prior water rights, the Director may require reconstruction of the well used as a point of diversion for this right and/or limit withdrawals of water under this right to prevent injury.

The above information supports processing the application and possible approval if protests are not filed.

Received
4/23/09
→

¹ Will replace transfer with ownership change plus application to lease his portion of senior right 63-32853 to the water bank.



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 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Jonathan Seel
2906 Haven
Eagle ID 83616

RE: Held Application for Permit #63-12309- filed 01/17/96

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a proof profile of your application as submitted to our agency. You must still have full possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration. Please check carefully the specifics on the application. Your applications will need to have public notice published in the local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

The application lists the point of diversion in Township 05N, Range 01E, Section 31. Ground water less than 200 feet depth at this location is considered tributary to the Boise River. Surface water in or tributary to the Boise River upstream of Star bridge is fully appropriated. This means that a new appropriation of ground water would potentially injure a senior Boise River surface water right. Our agency can not process your application unless one of the following can be satisfied:

- 1. An acceptable mitigation plan is filed to mitigate for ground water use that would otherwise cause injury to senior water rights from the Boise River. An example might be the purchase and retirement of an equivalent Boise River surface right*
- 2. The application proposes to appropriate ground water deeper than 200 feet below ground surface. Applications meeting this criteria shall be evaluated on a case-by-case basis in accordance with applicable water laws and rules.*

Response- see ~~3/11/09~~ memo, ok.
4/21/09
-JL

Page 2.
Application

We are asking for you to convey your intentions regarding the application by completing the attached response form. Please respond to the following:

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response. Also, mark the choice needed to meet the Boise River shallow ground water criteria. A consultant list is enclosed if you need assistance.

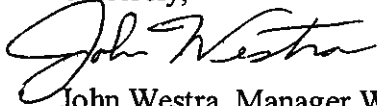
OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about the history or further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet , Consultant list, Map Shallow GW.