

07/2008

RECEIVED

MAR 23 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

WATER RESOURCES
WESTERN REGION

1. Matter being protested:

Application for Permit No. 02-10416 in the name of Gem Irrigation District

2. Name of protestant:

**United States Department of the Interior (USDO)
Bureau of Land Management (BLM)
Idaho State Office (ISO)**

3. Protestant's Representative for service (If different than protestant):

Fredric W. Price, Water Rights Specialist, ID933B

4. Service mailing address:

**United States Department of the Interior (USDO)
Bureau of Land Management (BLM), Idaho State Office (ISO)
1387 South Vinnell Way
Boise, Idaho 83709**

5. Service telephone #: (208) 373-3831 Fred Price Email Address: Fredric_Price@blm.gov

6. Basis of protest (including statement of facts and law upon which the protest is based):

Claimant's water right includes federal public land. The United States of America, through the Bureau of Land Management, is the owner of the land listed below. The claimant's use of Federal land is unauthorized as there is no evidence that Gem Irrigation District is authorized to use the public land described in Application for Permit No. 02-10416 for the Places of Use (POUs) within:

T02N	R04W	S15	SESW (mixed)
T02N	R04W	S17	NENW
T02N	R04W	S17	SENW
T02N	R05W	S05	NWSW
T02N	R05W	S06	Lot 5 (SWNW)
T02N	R05W	S06	SENW
T02N	R05W	S06	NWSE
T02N	R05W	S06	SWSE
T02N	R05W	S08	NWNW
T02N	R05W	S08	SENW (mixed)
T02N	R05W	S08	NESW
T02N	R05W	S08	NWSW

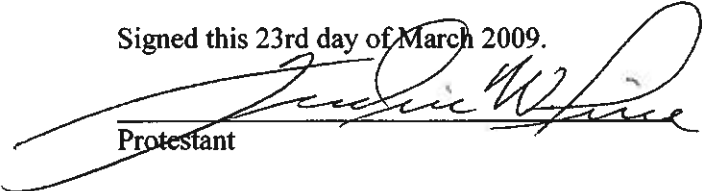
T02N	R05W	S08	SWSW
T02N	R05W	S08	SESW
T02N	R05W	S08	SWSE (mixed)
T02N	R05W	S08	SESE (mixed)
T02N	R05W	S17	NENE
T02N	R05W	S17	NWNE
T02N	R05W	S22	Lot 1 (NWSW)
T02N	R05W	S22	Lot 2 (SWSW)
T02N	R05W	S22	Lot 3 (SESW)
T02N	R06W	S01	Lot 2 (NWNE)
T03N	R06W	S26	SWSE

7. What would resolve your protest?

Provide evidence of a Land Use Authorization or remove Places of Use (POUs) describing federal public land managed by BLM. For the POUs marked above as "mixed," these POUs contain both public and private lands, therefore clarify the POU element with a remark that reads: "Place of use does not include federal public land managed by the U.S.D.I., Bureau of Land Management." Also adjust the shapefile and/or digital boundary to exclude federal public lands managed by BLM.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23rd day of March 2009.


Protestant

Fredric W. Price
Protestant's Representative

Enclosures:

Copy of Application for Permit No. 02-10416 for Gem Irrigation District from IDWR weekly water Right report.

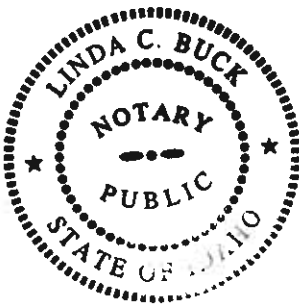
Copy of Application for Permit No. 02-10416 for Gem Irrigation District from IDWR website.

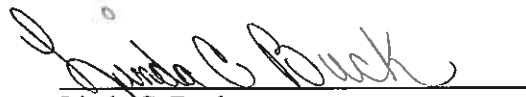
Copy of Application for Permit No. 02-10416 for Gem Irrigation District form #202 submitted by application Gem Irrigation District.

Digital Boundary Maps

Master Title Plats (MTPs)

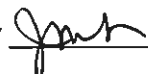
NOTARY: Subscribed and sworn to before me on this 23rd day of March 2009.




Linda C. Buck

Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission expires: December 21, 2011

FOR DEPARTMENT USE ONLY

Received by  Date: 3-29-09 Time: 3:50 AM / PM
\$25.00 fee Received by  # W037291 Date: 3-29-09

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NOTICE OF PROTEST
02-10416, Gem Irrigation District
March 23, 2009

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/2/09

Application for Permit No. 2-10416

Name: GEM IRRIGATION DISTRICT

Diversion Pt NWSE Sec 32 T 04N R 05W OWYHEE County Source SNAKE RIVER
Use: IRRIGATION 03/01 To 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 12/06/2007

Place Of Use: IRRIGATION

T02N R04W S10	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S11	NENW Lot 1 NWNW SWNW SENW Lot 2 NESW Lot 3 NWSW SESW Lot 4
T02N R04W S14	NWNW Lot 1 SWNW Lot 2
T02N R04W S15	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
T02N R04W S16	NENE NWNE SWNE SENE NENW NWNW SWNW SENW
T02N R04W S17	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S18	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESE NWSE SWSE SESE
T02N R04W S2	SWSW Lot 1
T02N R04W S3	NWNE Lot 3 SWNE Lot 4 NENW Lot 2 NWNW Lot 1 SWNW SENW NESW NWSW SWSW SESW NESE Lot 5 NWSE SWSE SESE
T02N R04W S4	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S5	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S6	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW Lot 5 SENW NESW NWSW Lot 6 SWSW Lot 7 SESW NESE NWSE SWSE SESE
T02N R04W S7	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T02N R04W S8	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S9	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S1	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S10	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S11	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S12	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S13	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
T02N R05W S14	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S15	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S16	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S17	NENE NWNE

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/2/09

T02N R04W S10	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S11	NENW Lot 1 NWNW SWNW SENW Lot 2 NESW Lot 3 NWSW SESW Lot 4
T02N R04W S14	NWNW Lot 1 SWNW Lot 2
T02N R04W S15	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
T02N R04W S16	NENE NWNE SWNE SENE NENW NWNW SWNW SENW
T02N R04W S17	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S18	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESE NWSE SWSE SESE
T02N R04W S2	SWSW Lot 1
T02N R04W S3	NWNE Lot 3 SWNE Lot 4 NENW Lot 2 NWNW Lot 1 SWNW SENW NESW NWSW SWSW SESW NESE Lot 5 NWSE SWSE SESE
T02N R04W S4	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S5	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S6	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW Lot 5 SENW NESW NWSW Lot 6 SWSW Lot 7 SESW NESE NWSE SWSE SESE
T02N R04W S7	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T02N R04W S8	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R04W S9	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S1	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S10	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S11	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S12	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S13	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
T02N R05W S14	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S15	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S16	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S17	NENE NWNE
T02N R05W S2	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S21	NENE NWNE
T02N R05W S22	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S23	NENW NWNW
T02N R05W S3	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S4	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S5	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/2/09

T02N R05W S6	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW Lot 5 SENW NESE NWSE SWSE SESE
T02N R05W S8	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R05W S9	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T02N R06W S1	NWNE Lot 2
T03N R04W S17	NWSW Lot 6 SWSW Lot 6 SESW Lot 5 SWSE Lot 5
T03N R04W S18	NESW Lot 8 SWSW Lot 9 SESW Lot 8 NESE Lot 6 NWSE Lot 7 SWSE Lot 7 SESE Lot 6
T03N R04W S19	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R04W S20	NENE Lot 1 NWNE Lot 1 SWNE SENE Lot 2 NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R04W S21	SWNW Lot 6 NESW Lot 5 NWSW Lot 6 SWSW SESW Lot 5 SWSE Lot 5
T03N R04W S27	NWNW Lot 7 SWNW Lot 7 NWSW Lot 6 SWSW Lot 5 SESW Lot 5
T03N R04W S28	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R04W S29	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R04W S30	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R04W S31	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R04W S32	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R04W S33	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R04W S34	NENW Lot 8 NWNW SWNW SENW Lot 7 NESW Lot 6 NWSW SWSW SESW Lot 5 SWSE Lot 5
T03N R05W S1	SESE Lot 5
T03N R05W S10	SWNE Lot 5 NENW Lot 6 NWNW SWNW SENW NESW NWSW SWSW SESW NWSE Lot 4 SWSE SESE Lot 3
T03N R05W S13	NESW Lot 7 NWSW Lot 8 SWSW SESW SWSE Lot 6
T03N R05W S14	SWNE Lot 4 SWNW Lot 6 SENW Lot 5 NESW NWSW SWSW SESW NESE Lot 3 NWSE SWSE SESE
T03N R05W S15	NENE Lot 1 NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S16	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
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T03N R05W S20	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S21	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/2/09

T03N R05W S22	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S23	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S24	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S25	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S26	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S27	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S28	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S29	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S3	SWSW Lot 8
T03N R05W S30	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R05W S31	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 7 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R05W S32	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S33	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S34	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S35	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S36	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S4	NWNW Lot 3 SWNW SENW Lot 4 NESW NWSW SWSW SESW NESE Lot 6 NWSE Lot 5 SWSE SESE
T03N R05W S5	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
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T03N R05W S7	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R05W S8	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R05W S9	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R06W S1	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R06W S11	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R06W S12	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T03N R06W S13	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 03/2/09

T03N R06W S14	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T03N R06W S2	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW Lot 5 SENW NESW NWSW Lot 6 SWSW Lot 7 SESW NESE NWSE SWSE SESE
T03N R06W S23	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW Lot 3 NWNW Lot 4 SWNW Lot 5 SENW NESW NWSW Lot 6 SWSW Lot 7 SESW NESE NWSE SWSE SESE
T03N R06W S24	NENE Lot 1 NWNE Lot 2 SWNE SENE Lot 5 NENW Lot 3 NWNW Lot 4 SWNW SENW NESW NWSW SWSW SESW NESE Lot 6 NWSE SWSE SESE Lot 7
T03N R06W S25	NENE Lot 1 NWNE SWNE SENE Lot 2 NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE Lot 3 NWSE SWSE SESE Lot 4
T03N R06W S26	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESE NWSE SWSE SESE
T03N R06W S36	NENE Lot 1 NWNE SWNE SENE Lot 2 NENW NWNW SWNW SENW NESE Lot 3 NWSE SWSE SESE Lot 4
T04N R05W S19	SWNE Lot 6 SENE Lot 5 SWNW Lot 8 SENW Lot 7 NESW NWSW Lot 9 SWSW Lot 10 SESW NESE NWSE SWSE SESE
T04N R05W S20	NWSW Lot 4 SWSW Lot 3
T04N R05W S29	NWNW Lot 8 SENW Lot 7 NWSW Lot 6 SESW Lot 5
T04N R05W S30	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T04N R05W S31	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T04N R05W S32	NENW Lot 7 NWNW SWNW SENW Lot 6 NESW NWSW SWSW SESW NWSE Lot 5 SWSE SESE Lot 4
T04N R05W S33	SWSW Lot 3
T04N R06W S14	SWSW Lot 8 SESW Lot 7 SWSE Lot 6
T04N R06W S23	NENE Lot 1 NWNE Lot 2 SWNE SENE NENW NWNW Lot 3 SWNW Lot 4 SENW NESW NWSW Lot 5 SWSW Lot 6 SESW NESE NWSE SWSE SESE
T04N R06W S24	SWNW Lot 4 SENW Lot 5 SENW Lot 6 SENW Lot 7 NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T04N R06W S25	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
T04N R06W S26	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T04N R06W S35	NENE NWNE SWNE SENE NENW NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3 SWSW Lot 4 SESW NESE NWSE SWSE SESE
T04N R06W S36	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

Remarks: Place of use is the Gem Irrigation District service area.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

3/23/2009

WATER RIGHT NO. 2-10416

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEM IRRIGATION DISTRICT PO BOX 67 HOMEDALE, ID 83628 (208)337-5107
Attorney	ALBERT P BARKER BARKER ROSHOLT & SIMPSON LLP P O BOX 2139 BOISE, ID 83701-2139 (208)336-0700

Priority Date: 12/06/2007

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	30 CFS	
Total Diversion			30 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	NWSE	Sec. 32	Township 04N	Range 05W	OWYHEE County
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Place(s) of use: Large POU Info

Dates:

Date Application Received: 12/06/2007

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 3/23/2009

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: This right is intended to be used in conjunction with rights 2-64 and 2-65, and a combined use remark would be appropriate.

Other Water Rights:

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

RightID620715

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	04W	2	1	SWSW										
		3	3	NWNE		4	SWNE							
			2	NENW		1	NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
			5	NESE			NWSE			SWSE			SESE	
		4	1	NENE		2	NWNE			SWNE			SENE	
			3	NENW		4	NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		5	1	NENE		2	NWNE			SWNE			SENE	
			3	NENW		4	NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		6	1	NENE		2	NWNE			SWNE			SENE	
			3	NENW		4	NWNW		5	SWNW			SENE	
				NESW		6	NWSW		7	SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		7		NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW		2	SWNW			SENE	
				NESW		3	NWSW		4	SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		8		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		9		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		10		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		11	1	NENW			NWNW			SWNW		2	SENE	
			3	NESW			NWSW		4	SESW				
		14	1	NWNW		2	SWNW							
		15		NENE			NWNE			SWNE			SENE	

			NENW		NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
	16		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
	17		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	18		NENE		NWNE		SWNE		SENE
			NENW	1	NWNW	2	SWNW		SENW
			NESE		NWSE		SWSE		SESE
05W	1	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	2	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	3	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	4	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	5	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	6	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW	5	SWNW		SENW
			NESE		NWSE		SWSE		SESE
	8		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	9		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	10		NENE		NWNE		SWNE		SENE

				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		11		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		12		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		13		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
		14		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		15		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		16		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		17		NENE		NWNE				
		21		NENE		NWNE				
		22		NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		23		NENW		NWNW				
	06W	1	2	NWNE						
03N	04W	17	6	NWSW	6	SWSW	5	SESW		
			5	SWSE						
		18	8	NESW	9	SWSW	8	SESW		
			6	NESE	7	NWSE	7	SWSE	6	SESE
		19		NENE		NWNE		SWNE		SENE
				NENW	1	NWNW	2	SWNW		SENW
				NESW	3	NWSW	4	SWSW		SESW
				NESE		NWSE		SWSE		SESE
		20	1	NENE	1	NWNE		SWNE	2	SENE
				NENW		NWNW		SWNW		SENW

			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	21	6	SWNW						
		5	NESW	6	NWSW		SWSW	5	SESW
		5	SWSE						
	27	7	NWNW	7	SWNW				
		6	NWSW	5	SWSW	5	SESW		
	28	1	NENE	2	NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENE
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	29		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENE
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	30		NENE		NWNE		SWNE		SENE
			NENW	1	NWNW	2	SWNW		SENE
			NESW	3	NWSW	4	SWSW		SESW
			NESE		NWSE		SWSE		SESE
	31		NENE		NWNE		SWNE		SENE
			NENW	1	NWNW	2	SWNW		SENE
			NESW	3	NWSW	4	SWSW		SESW
			NESE		NWSE		SWSE		SESE
	32		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENE
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	33		NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENE
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	34	8	NENW		NWNW		SWNW	7	SENE
		6	NESW		NWSW		SWSW	5	SESW
		5	SWSE						
05W	1	5	SESE						
	3	8	SWSW						
	4	3	NWNW		SWNW	4	SENE		
			NESW		NWSW		SWSW		SESW
		6	NESE	5	NWSE		SWSE		SESE
	5	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENE
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE

6	1	NENE	2	NWNE		SWNE		SENE
	3	NENW	4	NWNW	5	SWNW		SENW
		NESW	6	NWSW	7	SWSW		SESW
		NESE		NWSE		SWSE		SESE
7		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESW	3	NWSW	4	SWSW		SESW
		NESE		NWSE		SWSE		SESE
8		NENE		NWNE		SWNE		SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
9		NENE		NWNE		SWNE		SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
10	5	SWNE						
	6	NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
	4	NWSE		SWSE	3	SESE		
13	7	NESW	8	NWSW		SWSW		SESW
	6	SWSE						
14	4	SWNE						
	6	SWNW	5	SENW				
		NESW		NWSW		SWSW		SESW
	3	NESE		NWSE		SWSE		SESE
15	1	NENE		NWNE		SWNE		SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
16		NENE		NWNE		SWNE		SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
17		NENE		NWNE		SWNE		SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
18		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESW	3	NWSW	4	SWSW		SESW
		NESE		NWSE		SWSE		SESE
19		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW

20	NESW	3	NWSW	4	SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
21	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
22	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
23	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
24	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
25	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
26	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
27	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
28	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
29	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE
	NENW		NWNW		SWNW	SENW
30	NESW		NWSW		SWSW	SESW
	NESE		NWSE		SWSE	SESE
	NENE		NWNE		SWNE	SENE

				NENW	1	NWNW	2	SWNW		SENW
				NESW	3	NWSW	4	SWSW		SESW
				NESE		NWSE		SWSE		SESE
	31			NENE		NWNE		SWNE		SENE
				NENW	1	NWNW	2	SWNW		SENW
				NESW	7	NWSW	4	SWSW		SESW
				NESE		NWSE		SWSE		SESE
	32			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	33			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	34			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	35			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	36			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
06W	1	1		NENE	2	NWNE		SWNE		SENE
		3		NENW	4	NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	2	1		NENE	2	NWNE		SWNE		SENE
		3		NENW	4	NWNW	5	SWNW		SENW
				NESW	6	NWSW	7	SWSW		SESW
				NESE		NWSE		SWSE		SESE
	11			NENE		NWNE		SWNE		SENE
				NENW	1	NWNW	2	SWNW		SENW
				NESW	3	NWSW	4	SWSW		SESW
				NESE		NWSE		SWSE		SESE
	12			NENE		NWNE		SWNE		SENE
				NENW		NWNW		SWNW		SENW
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	13			NENE		NWNE		SWNE		SENE

14		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
		NESE		NWSE		SWSE		SESE
		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESW	3	NWSW	4	SWSW		SESW
		NESE		NWSE		SWSE		SESE
23	1	NENE	2	NWNE		SWNE		SENE
	3	NENW	4	NWNW	5	SWNW		SENW
		NESW	6	NWSW	7	SWSW		SESW
		NESE		NWSE		SWSE		SESE
24	1	NENE	2	NWNE		SWNE	5	SENE
	3	NENW	4	NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
	6	NESE		NWSE		SWSE	7	SESE
25	1	NENE		NWNE		SWNE	2	SENE
		NENW		NWNW		SWNW		SENW
		NESW		NWSW		SWSW		SESW
	3	NESE		NWSE		SWSE	4	SESE
26		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESE		NWSE		SWSE		SESE
36	1	NENE		NWNE		SWNE	2	SENE
		NENW		NWNW		SWNW		SENW
	3	NESE		NWSE		SWSE	4	SESE
19	6	SWNE	5	SENE				
	8	SWNW	7	SENE				
		NESW	9	NWSW	10	SWSW		SESW
		NESE		NWSE		SWSE		SESE
20	4	NWSW	3	SWSW				
29	8	NWNW	7	SENE				
	6	NWSW	5	SESW				
30		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESW	3	NWSW	4	SWSW		SESW
		NESE		NWSE		SWSE		SESE
31		NENE		NWNE		SWNE		SENE
		NENW	1	NWNW	2	SWNW		SENW
		NESW	3	NWSW	4	SWSW		SESW
		NESE		NWSE		SWSE		SESE
32	7	NENW		NWNW		SWNW	6	SENW
		NESW		NWSW		SWSW		SESW
	5	NWSE		SWSE	4	SESE		

RECEIVED

DEC 07 2007

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

2-10416
57-11712WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant Gem Irrigation District Phone 208-337-3505
Mailing address P. O. Box 67 Homedale, Idaho 83628 Email _____
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Township 2N 4N Range 8W 5W Sec. 32 in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot _____, B.M., Owyhee County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | |
|---|-----------------------|---|
| Amount <u>30 cfs</u>
(cfs or acre-feet per year) | for <u>Irrigation</u> | purposes from <u>03/01</u> to <u>11/15</u> (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
5. Total quantity to be appropriated is (a) 30 cfs 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 15 cfs Floway pumps,
powered by 2 Fairbanks-Morse 200 hp motors
- 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. _____

AMENDED

9. Description of place of use: Place of use is within the boundary- Gem Irrigation District pursuant to section- Idaho Code 4323
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. See attached.
- 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	

Total number of acres to be irrigated: 22,594

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? 2-64, 2-65, 57-2118, 57-2177, 57-4104, 57-10854, 57-10901, 57-10912, and 57-10913.
11. a. Who owns the property at the point of diversion? Gem Irrigation District
- b. Who owns the land to be irrigated or place of use? Landowners within the Gem Irrigation District
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Title 43, Idaho Code
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This right is intended to be used in conjunction with rights 2-64 and 2-65, and a combined use remark would be appropriate.
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.)

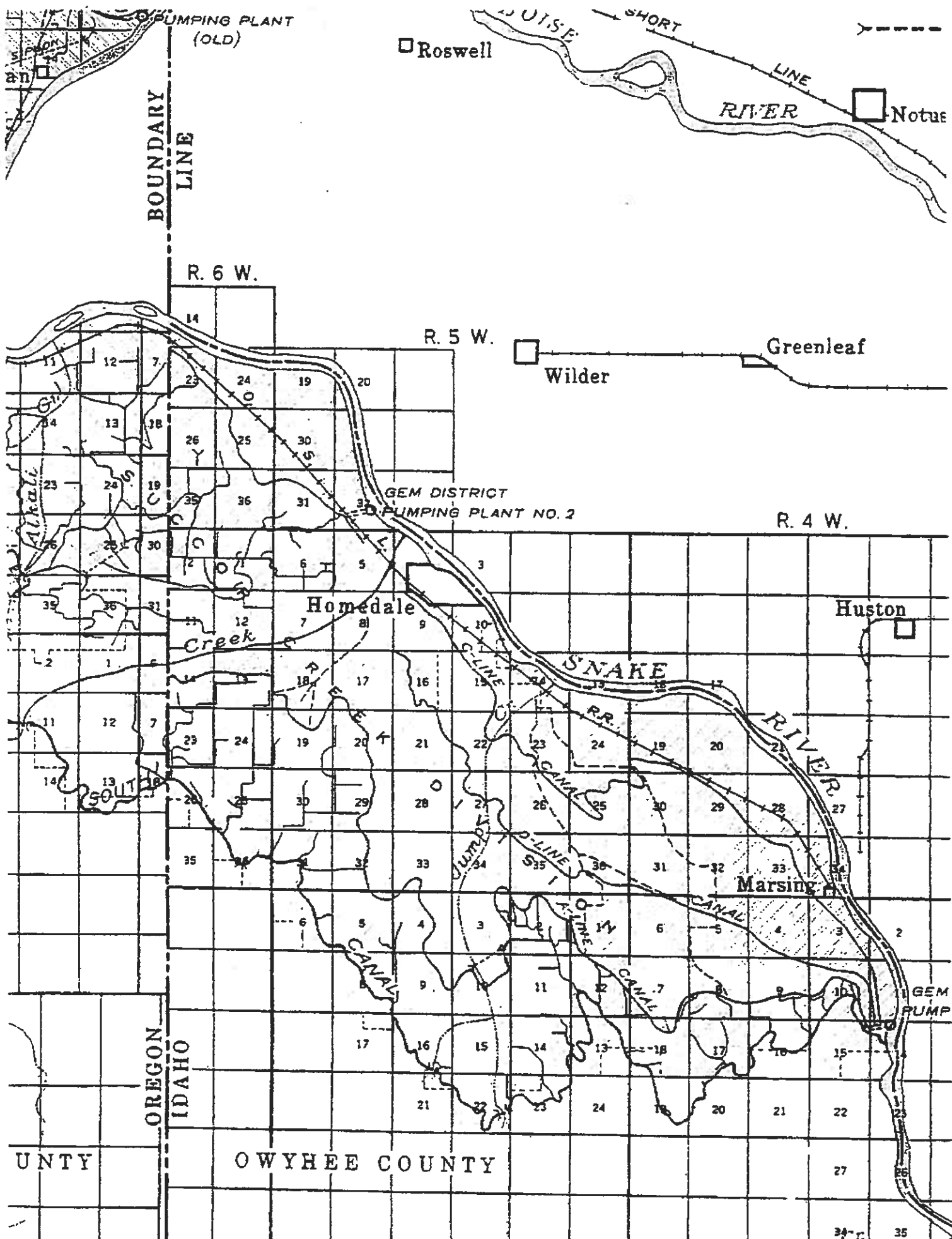
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant

ALBERT P. BAKKER
ATTORNEY
GEM IRRIGATION DISTRICT
Print Name (and title, if applicable)

For Department Use:

Received by AMB Date 12-6-07 Time 2:40 Preliminary check by VLM
Fee \$ 1,210.00 Received by AMB Receipt No. CO85476 Date 12-6-07
Publication prepared by DB Date 2/26/2009 Published in OWYHEE AVALANCHE
Publication approved _____ Date _____ Dates Published MARCH 4 & 11, 2009



RECEIVED

DEC 07 2007

WATER RESOURCES
WESTERN REGION

SUPERSEDED

Ident. No.

2-10416

57-11712

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gem Irrigation District Phone 208-337-3505
Mailing address P. O. Box 67 Homedale, Idaho 83628 Email _____
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Township 2N Range SW Sec. 32 in the NW $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot _____, B.M., Owyhee County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | |
|---|-----------------------|---|
| Amount <u>30 cfs</u>
(cfs or acre-feet per year) | for <u>Irrigation</u> | purposes from <u>03/01</u> to <u>11/15</u> (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
| Amount _____
(cfs or acre-feet per year) | for _____ | purposes from _____ to _____ (both dates inclusive) |
5. Total quantity to be appropriated is (a) 30 cfs 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 15 cfs Floway pumps,
powered by 2 Fairbanks-Morse 200 hp motors
- 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. _____

Buffington, Denise

From: Buffington, Denise
Sent: Friday, February 27, 2009 2:00 PM
To: 'rward@idfg.idaho.gov'
Subject: Comment Letters
Attachments: Comment letter to IDFG mult apps.doc; 55-13893 App.pdf; 65-23139 App.pdf; 02-10416 App.pdf; 55-13887 App.pdf; 55-13888 App.pdf; 55-13889 App.pdf; 55-13891 App.pdf; 55-13892 App.pdf; 67-14951 App.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please contact our office at 334-2190.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

2/27/2009

February 27, 2009

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

Re: Water Right Application(s) 02-10416, 55-13887, 55-13888, 55-13889, 55-13891, 55-13892,
55-13893, 65-23139 & 67-14951

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 March 23, 2009.

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

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, February 26, 2009 5:09 PM
To: owyheeavalanche@cableone.net
Subject: Legal Notices
Attachments: Owyhee County Ads - Cover Letter.RTF; 02-10416 Ad.RTF; 55-13893 Ad.RTF; 55-13887 Ad.RTF; 55-13888 Ad.RTF; 55-13889 Ad.RTF; 55-13891 Ad.RTF; 55-13892 Ad.RTF

Attached please find (7) legal notices being submitted for publication. Please contact me if you have any questions 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

2/27/2009

February 26, 2009

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 2-10416, 55-13887, 55-13888, 55-13889, 55-13891, 55-13892
AND 55-13893

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 03/23/2009. 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:

2-10416

GEM IRRIGATION DISTRICT
PO BOX 67
HOMEDALE ID 83628

Point(s) of Diversion NWSE S32 T04N R05W OWYHEE County Source SNAKE RIVER
Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/01 To 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 12/06/2007

Place Of Use: IRRIGATION

Remark: Place of use is the Gem Irrigation District service area.

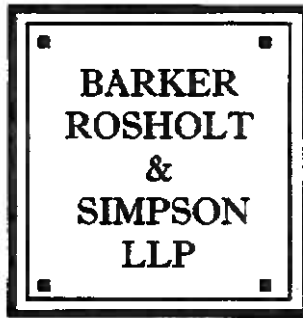
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 03/23/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on March 4th & 11th, 2009

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson St., Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

113 Main Avenue West, Suite 303
Twin Falls, ID 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

February 3, 2009

RECEIVED

FEB 04 2009

WATER RESOURCES
WESTERN REGION

Vicky Music
Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit 2-10416

Dear Vicky:

Thank you for your letter of January 30, 2009 questioning whether there were some clerical errors in the Application. You are correct. The point of diversion should be Township 4N Range 5W. I have made the changes on the attached copy of page 1 and am returning them to you for your signature. In addition to the information I provided in my letter to you of January 16, 2009 concerning this Application, I have determined that the historical information shows that the minimum stream flow measured at the Weiser gauge of 4750 cfs was not met on only six days since that minimum stream flow was established in 1976. There were two days in 1977 and four days in 1992, both extreme drought years, when that minimum stream flow right was not satisfied. Otherwise, Gem is unaware of any downstream water rights that might be affected by this Application. Gem is aware that this right would be junior to and subject to the minimum stream flow at Weiser.

Thank you for the opportunity to correct the record for this Application.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP


Albert P. Barker

APB/se
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 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

January 30, 2009

Gem Irrigation District
c/o Al Barker
Barker Rosholt & Simpson
1010 W. Jefferson St., Ste. 102
Boise, ID 83702

Re: Application for Permit 2-10416

Dear Applicant:

There is an error in the application referenced above that must be corrected before processing can continue. As you see from the attached *Application For Permit*, Page 1, Item No. 3, the Location of the Point of diversion is incorrect. The Township is listed as "2N" (I think it is intended to be 4N) and the Range is identified as "SW". (I think it is intended to be 5W).

If the error is a clerical error, it can be corrected in one of the following ways:

- 1 - You can change the original page 1 in person at Western by lining out the errors, inserting the correct township and range, initialing and dating the original page 1;
 - 2 - You can direct me in writing to make the changes; or,
- You can make the changes as directed in no. 1 on the attached copy of page 1.

Thank you for your attention to this matter.

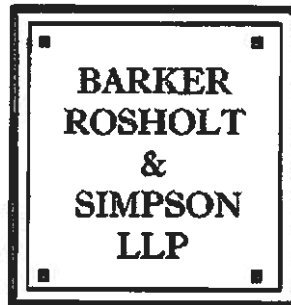
Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky Music'.

Vicky Music
Sr. Water Resource Agent

Enclosure: *Copy of Application For Permit, 2-10416, page 1.*

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

113 Main Avenue West, Suite 303
Twin Falls, ID 83301-8167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

FACSIMILE COVER SHEET**DATE:** January 16, 2009**RE:** Gem Irrigation
District Application for Permit 2-10416**TO:** Vicky L. Music
Sr. Water Resource Agent
Idaho Department of Water Resources**FACSIMILE#:** (208) 334-2348**FROM:** Albert P. Barker**NUMBER OF PAGES INCLUDING THIS COVER SHEET:** 3☒
☐
☐

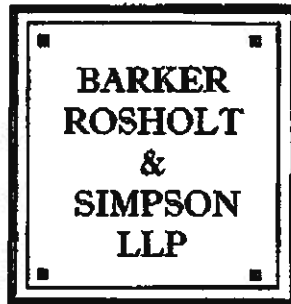
Original will not be sent.
Original will be sent by first class mail
Original will be sent by Federal Express.

MESSAGE:

If you have any questions please contact us. Thank you.

CONFIDENTIALITY NOTICE - THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY-CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL (208) 336-0700, AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
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(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Albert P. Barker
apb@idahowaters.com

January 16, 2009

VIA FACSIMILE

Vicky L. Music
Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2348 fax

Re: Gem Irrigation District
Application for Permit 2-10416

Dear Ms. Music,

I am writing in response to your letter concerning the application for this permit, requesting information concerning the effect of Gem's application on existing water rights. In particular, you requested the Applicant's position concerning impact on downstream water rights, including the hydropower rights at the Hells Canyon Complex.

In the original Swan Falls decision, *Idaho Power v. State Department of Water Resources* 104 Idaho 575, 661 P 2d 741 (1983), the Idaho Supreme Court extensively reviewed the conditions in Idaho Power's Snake River licenses, including Swan Falls and the Hells Canyon Project. The argument in that case was that the Swan Falls hydropower rights were subordinated to future upstream depletion, in part, on the theory that the subordination clauses in the Hells Canyon licenses caused subordination of Swan Falls rights as well. The Supreme Court held that the Swan Falls rights were not subordinated. However, the Court held that the clause in the Hells Canyon rights which subordinated Idaho Power's Hells Canyon water rights to future upstream depletion was a valid condition as applied to the water rights at the Hells Canyon Project. This application is for diversion below Swan Falls and above Hells Canyon. This proposed right would not be subject to any of the complex dealings concerning the Swan Falls trust water. None of those Swan Falls issues are impacted by this application.

Gem Irrigation District has not extensively attempted to catalog all of the downstream rights on the Snake River. However, it is Gem's understanding that, other than the hydropower rights, such rights are very few, particularly those involving consumptive uses or withdrawals from the River.

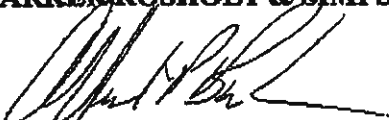
The Idaho State Water Plan recognizes an average daily flow at the Weiser gage downstream of Marsing at 4750 cfs. The Idaho Water Resource Board holds a water right (#3-6) with a priority date of 12/29/1976 for minimum stream flow, year round, of 4750 cfs, measured at the Weiser gage. Gem understands that the water flow in the Snake River downstream of the Marsing plant and above the Weiser gage is generally far more than necessary to meet the minimum flow requirements at the Weiser gage. Gem is aware of only one drought year in which the minimum stream flow at Weiser gage was affected by low flow in the River. Obviously in those situations Gem would not be in the position to exercise its right under permit 2-10416.

Under these circumstances the Gem Irrigation District believes that there will be no impact on existing water rights. To the extent that there is an impact on the water available to Idaho Power at Hells Canyon this amount of water is fairly insignificant in the grand scheme of Hells Canyon water. More importantly, the Idaho Power water rights and FERC license both specifically contemplate that the "water right" is subordinate to future upstream diversion, exactly as contemplated by the Gem application here. See also Idaho Code §42-203 B.

If you have any additional questions concerning this application please direct them to me.

Very truly yours,

BARKER, ROUSHOLT & SIMPSON LLP


Albert P. Barker

APB/jcm

cc: Gem Irrigation District



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
DAVID R. TUTHILL, JR., Director

October 16, 2008

Gem Irrigation District
c/o Al Barker
Barker Rosholt & Simpson
1010 W. Jefferson St., Ste. 102
Boise, ID 83702

Re: Application for Permit 2-10416

Dear Applicant:

The recent application for permit you submitted on behalf of your client, Gem Irrigation District, regarding Snake River for supplemental 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.

Your client need only address item 1, relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, which reads as follows:

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

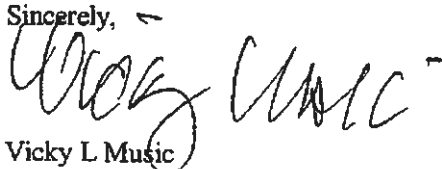
In particular, IDWR seeks information regarding the impact on downstream water rights, such as the hydropower rights in the Hells Canyon complex.

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

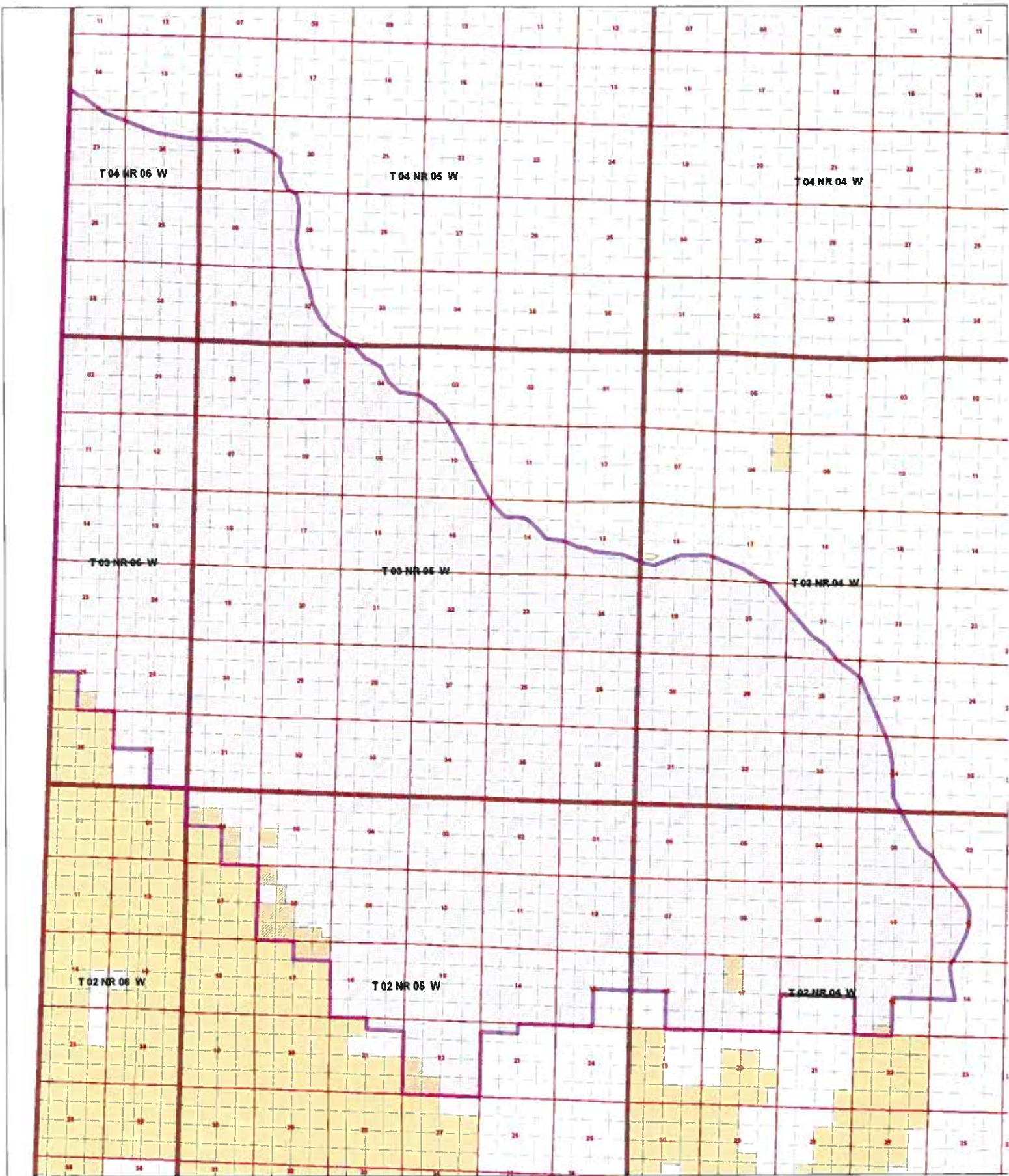
Page 2
October 16, 2008
2-10414

seek the information must be received by January 16, 2009. The application will be voided without a timely written reply.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to this matter.

Sincerely, 

Vicky L Music
Sr. Water Resource Agent

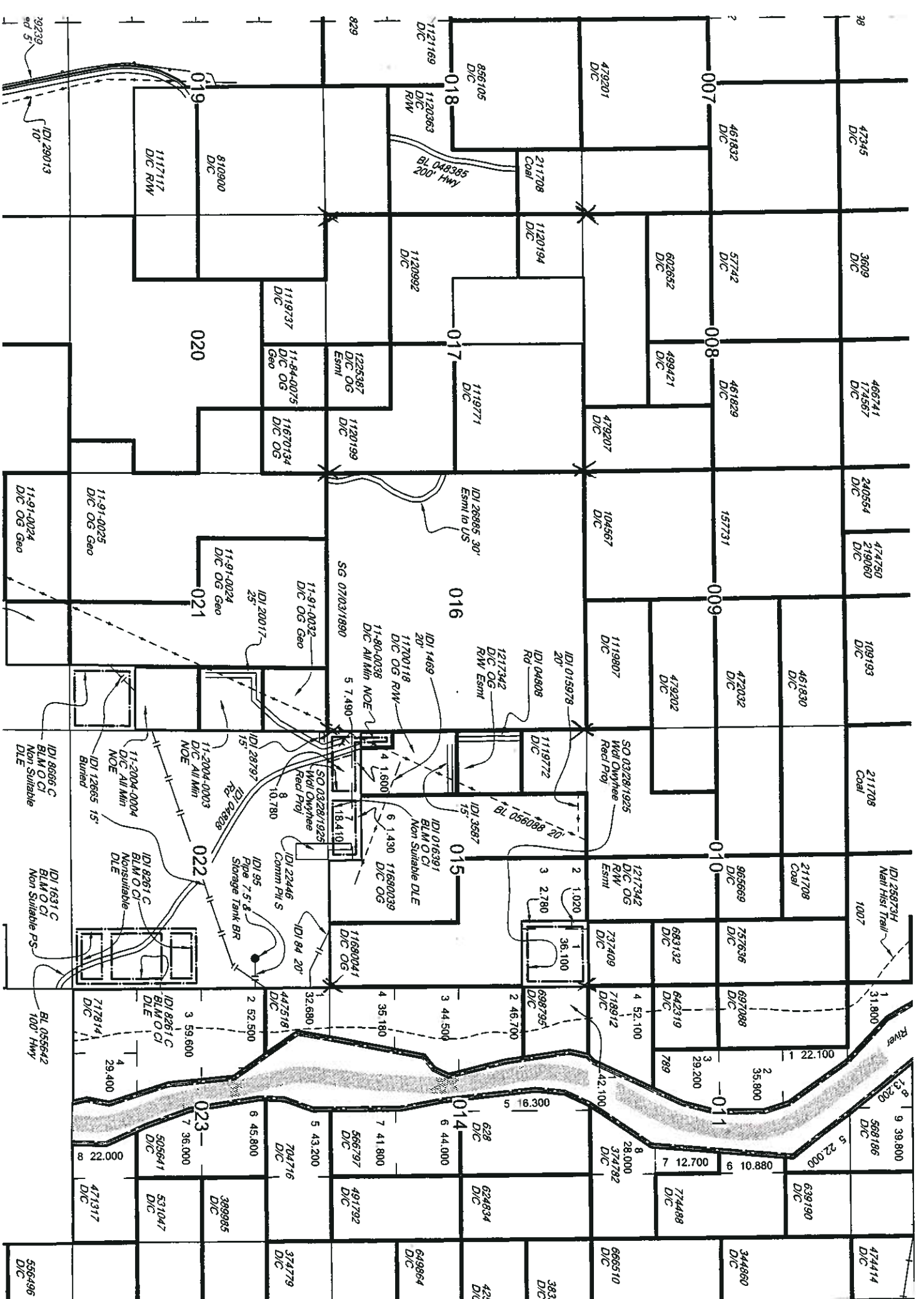


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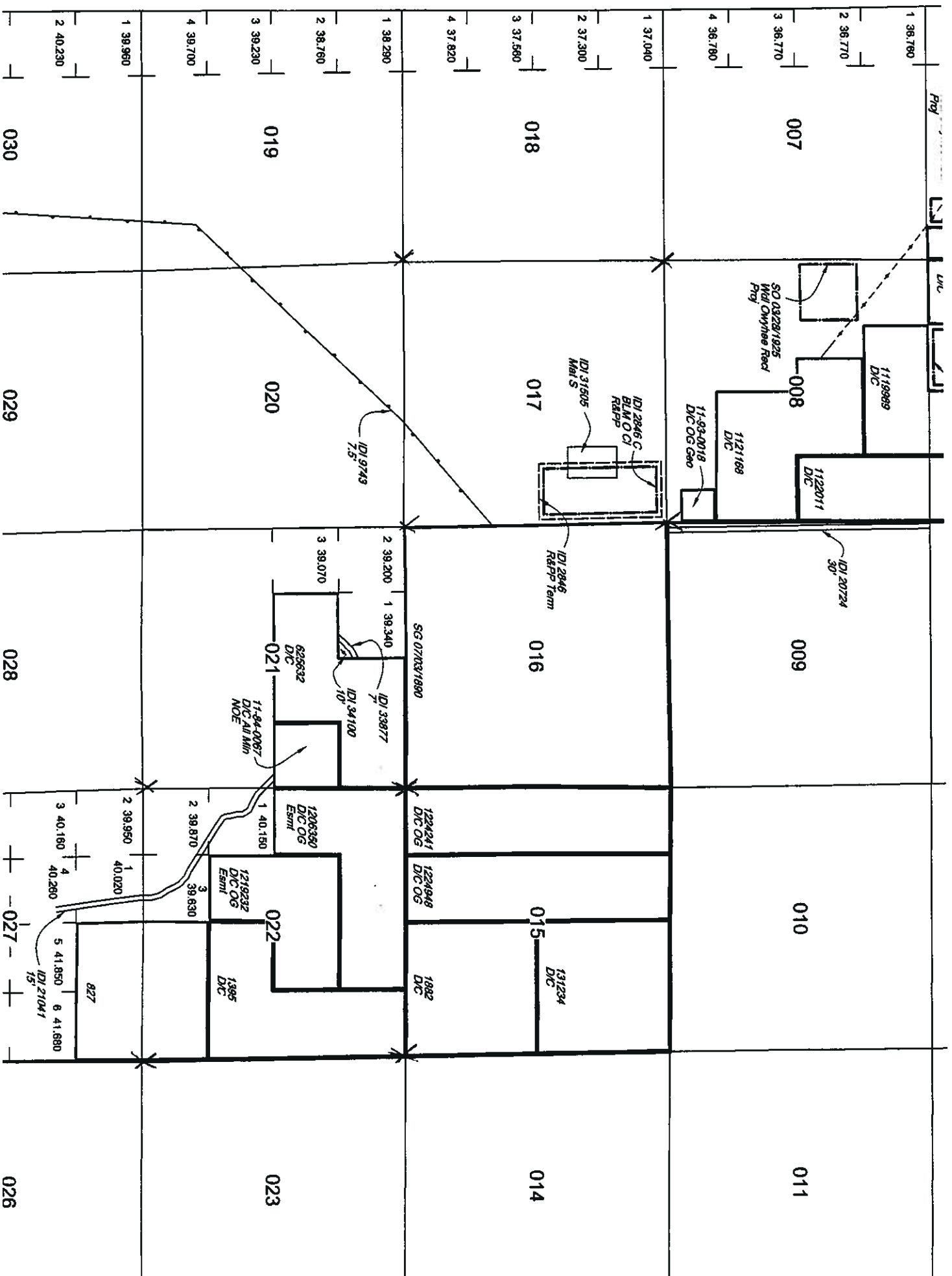
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OWYHEE COUNTY 073
BOISE DISTRICT SEC 3



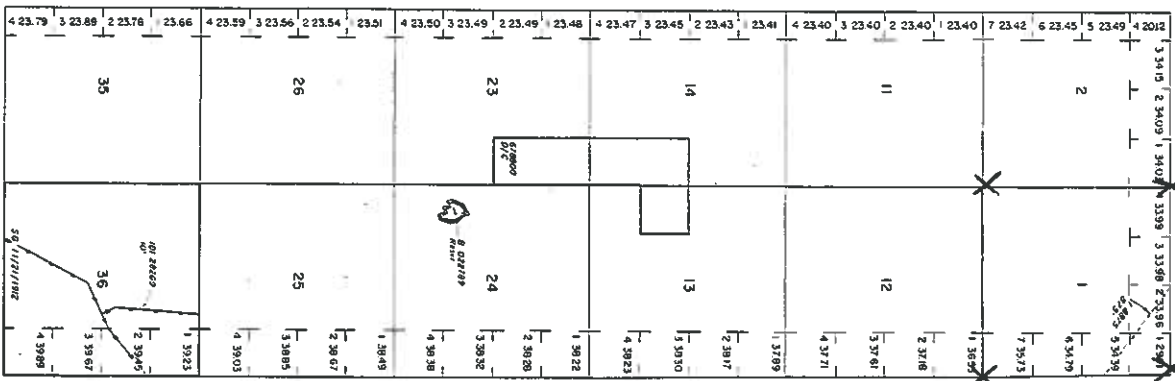


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 BOISE DISTRICT SEC 3

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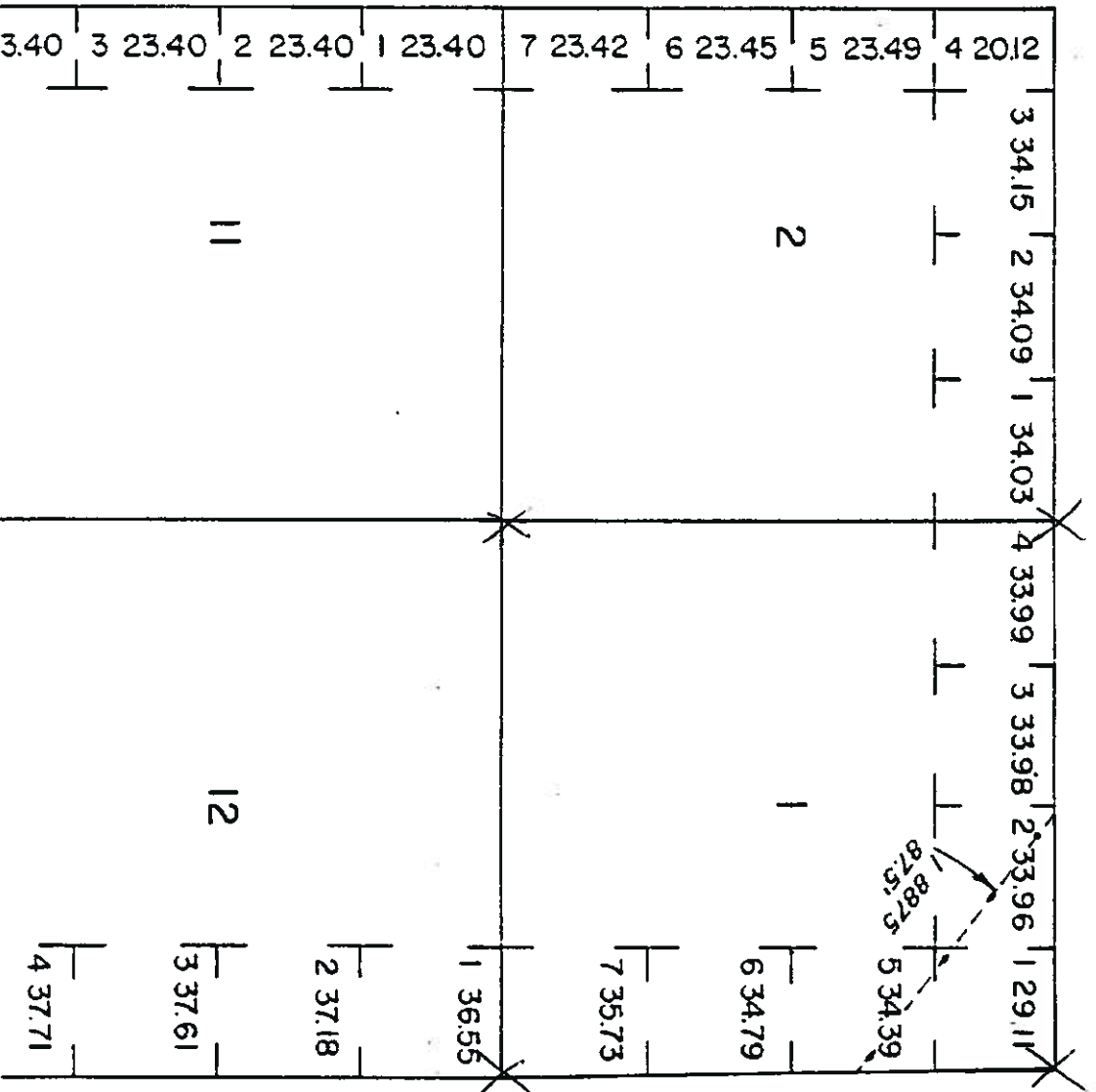
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