

Ident. No. 65-23238 **RECEIVED**

DEC 17 2008

WATER RESOURCES
WESTERN REGION

CELL 208 636 3151

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Amended

1. Name of Applicant VICTOR BERTAGNOLLI AND OR LOUISE Phone 208-853-6036
Mailing address 9364 W PEARLBROOK CN, Boise ID 83714 Email VICB@JSTHFG.COM
2. Source of water supply Ground Water which is a tributary of Williams Creek.
3. Location of point of diversion is Township 18N Range 3E Sec. 18 in the NE SE Valley County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 4.0 for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- 0 Amount 8.0 for Irrigation Storage purposes from 3/4/15 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 0.6 for Irrigation purposes from 3/4/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 4.0 for Irrigation 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) 1.06 and/or (b) 4
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 UNDERGROUND WATER
NATURAL FLOW - NO PUMP
- b. Height of storage dam 5-6 feet; active reservoir capacity 2 acre-feet; JFW
total reservoir capacity 2 acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? N/A; Drilling firm N/A;
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. _____

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	
18N	3E	18													A				
															2.0				

Total number of acres to be irrigated: 2

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? 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. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

Pond: $\frac{1}{4}$ ac. surface area X 8 ft depth = 2 ac-ft
 Evaporation / Losses 2 ac-ft
4 ac-ft

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.

Victor J. Bertagnolle 12/17/08
 Signature of Applicant

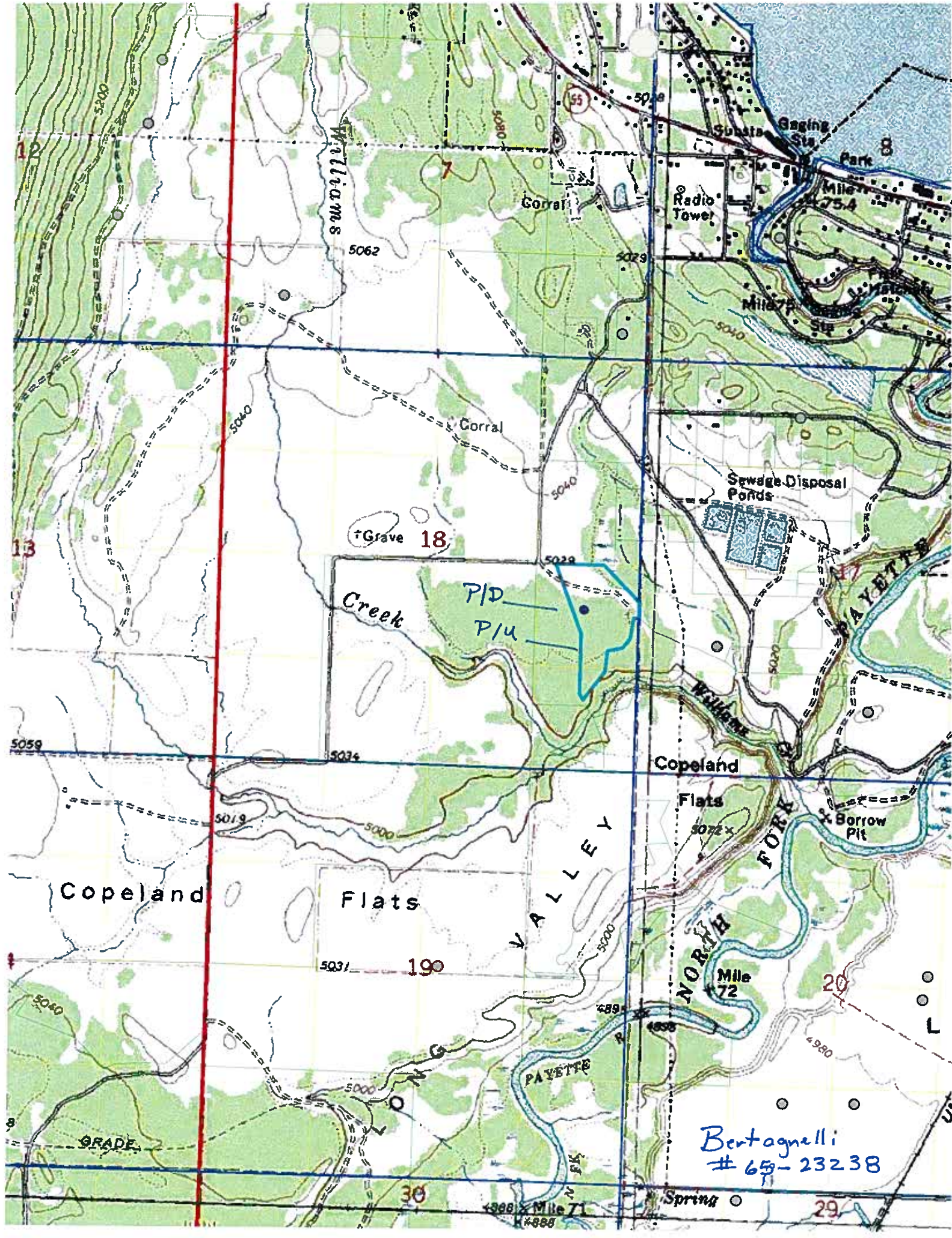
VICTOR J. BERTAGNOLLE 12/17/08
 Print Name (and title, if applicable)

For Department Use: Amendment Application

Received by JFW Date 12/17/08 Time 3:30 PM Preliminary check by _____
 Fee \$ 100.00 Received by _____ Receipt No. C084826 Date 08/28/07

See Original
 Publication prepared by DB Date 12/23/2008 Published in STAR NEWS
 Publication approved _____ Date _____ Dates Published JANUARY 1 & 8, 2009

Original Application Received 8/28/07



Williams Creek

Corral

Gaging Sta

8

Mile 75.4

Mile 75

Sewage Disposal Ponds

Grave 18

Creek

PID
P/U

Copeland

Flats

Borrow Pit

Copeland

Flats

VALLEY

NORTH FORK

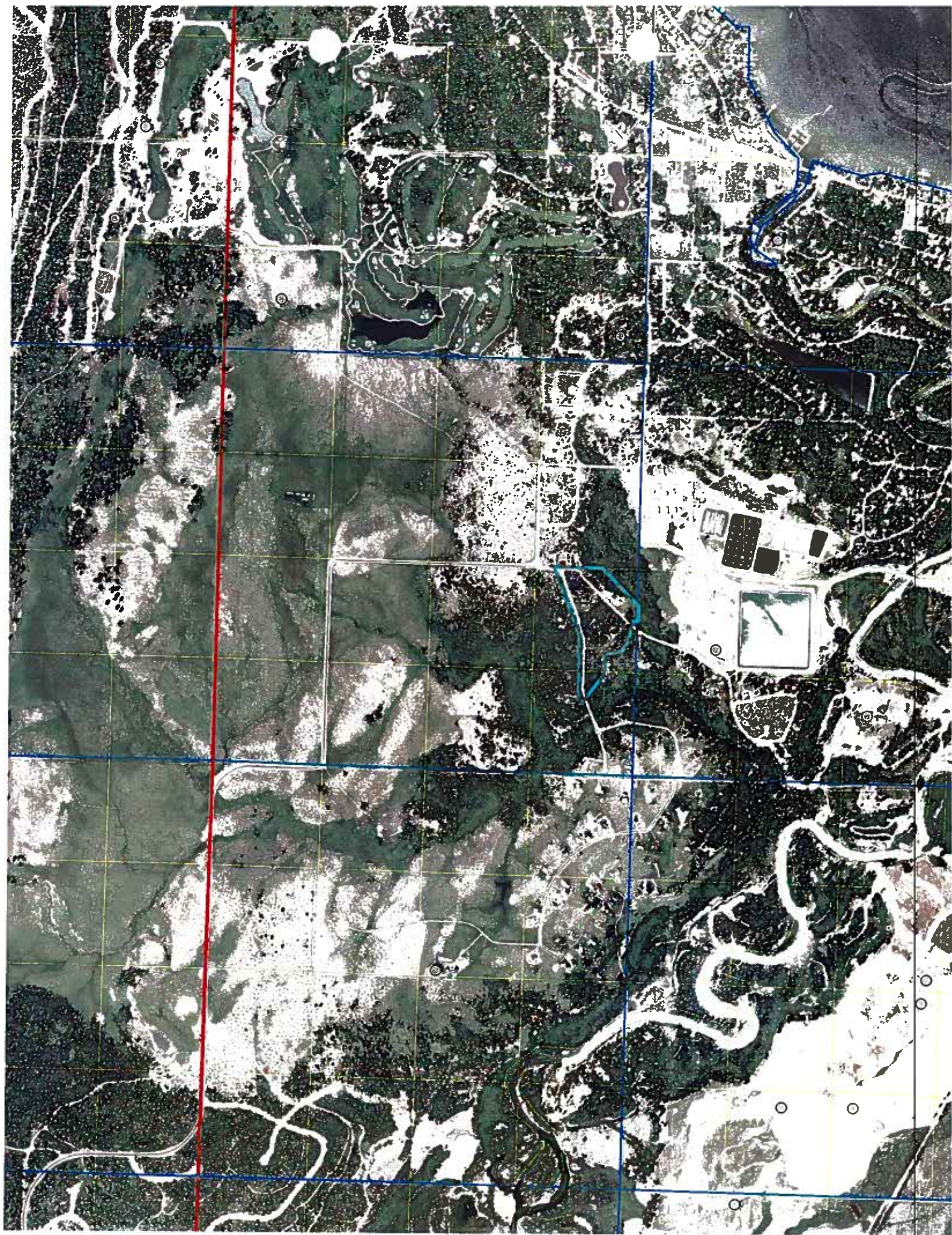
Mile 72

PAYETTE

Bertagnelli
#65-23238

Spring

Mile 71



RECEIVED

AUG 28 2007

FORM 202
12/89

Ident. No. 65-23238

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho CELL - 631-3151

1. Name of Applicant VICTOR BERTAGNOLLI Phone 208-853-4036
Mailing address 9364 W PEBBLEBROOK LN, BOISE ID 83714

2. Source of water supply UNDER GROUND WATER which is a tributary of _____

3. Location of point of diversion is Township T18NR3E Range VALLEY CO. Sec. 18 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Govt. Lot _____, B.M., _____ County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for AESTHETIC STORAGE purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.3 for AESTHETIC purposes from JAN 1 to DEC 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) 1.3 and/or (b) 1.0
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 UNDER GROUND WATER
(NATURAL) FLOW - NO PUMP

b. Height of storage dam 5.6 feet; active reservoir capacity .7 acre-feet; total reservoir capacity 1 acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet

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

e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is _____ 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. _____

RECEIVED

AUG 29 2007

WATER RESOURCES
WESTERN REGION

3. 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	
18N	3E	18														2			2

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. No

11. a. Who owns the property at the point of diversion? Vic + LOUISE BERTAGNOLLI TST PROPERTIES
 b. Who owns the land to be irrigated or place of use? Vic + LOUISE BERTAGNOLLI
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

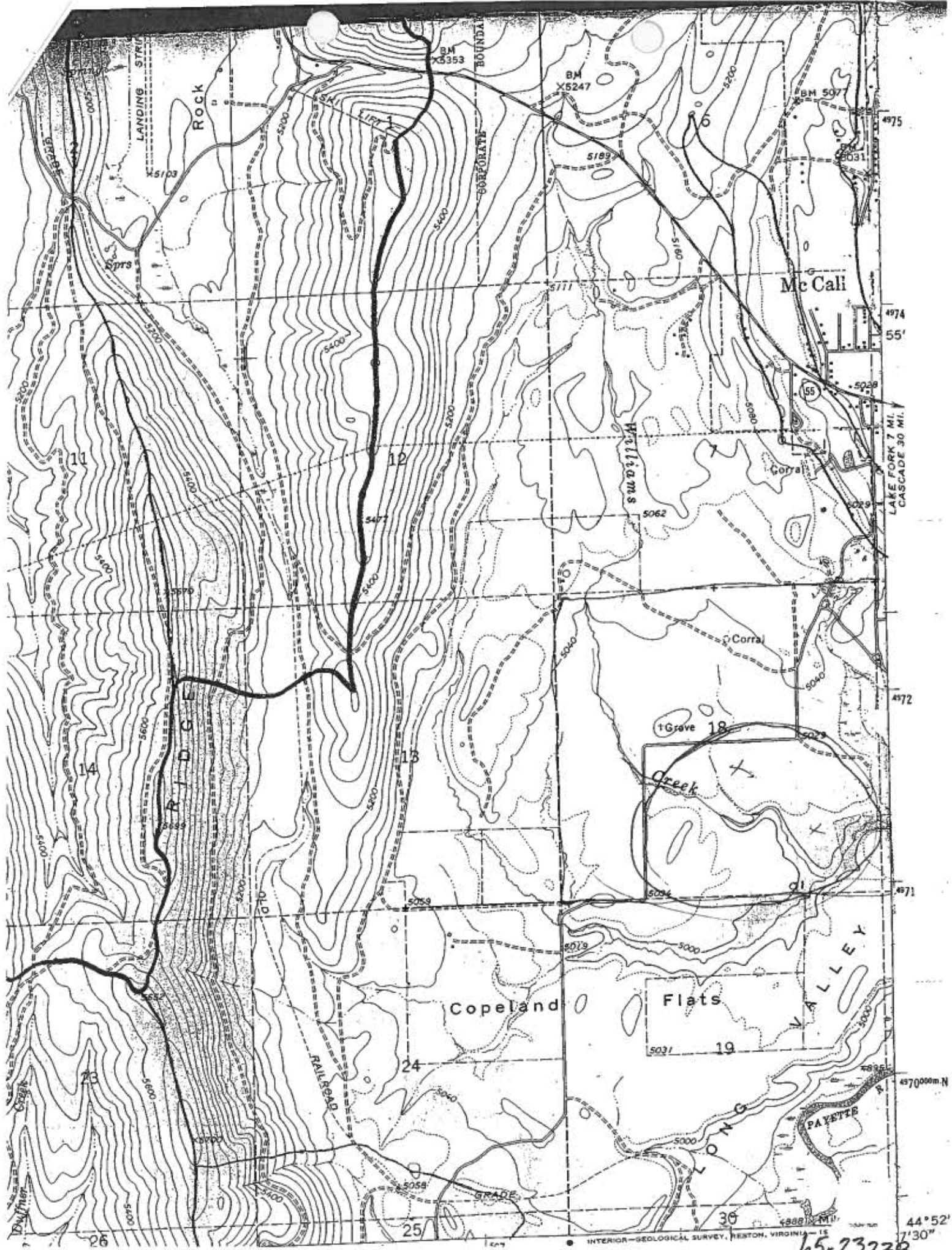
12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


 Signature of Applicant (and title, if applicable)

Received by S.O. Date 8-28-07 Time _____ Preliminary check by _____
 Fee \$ 100- Received by S.O. # C084826 Date 8-28-07
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



65-23238

EXHIBIT "A"

Russell Surveying, Inc.

P.O.Box 945 — 702 W. Lakeside
McCall, Idaho 83638
(208) 634-7607

Legal Description

A parcel of land in the SE 1/4 of Section 18, T.18N., R.3E., Boise Meridian, more particularly described as follows:

Beginning at the SE Corner of Section 18, noted above; thence, along the East line of said Section, N.0°03'28"W., 1328.17 feet to a point, the S. 1/16 Corner of Sec. 18; thence continuing along said Section line, N.0°03'00"W., 511.79 feet to a point on the South Right-of-Way of Chad Drive; thence along said Right-of-Way on a curve to the right having a delta angle of 1°54'45", radius of 729.73 feet, and a long chord of 24.36 feet bearing N.55°12'25"W., 24.36 feet to a point; thence S.0°03'00"E., 149.97 feet to a point; thence S.43°00'20"W., 213.85 feet, to a point; thence S.80°53'08"W. 151.08 feet to a point, The Real Point of Beginning:

Thence, S.57°40'03"W., 20.05 feet to a point; thence, N.36°24'58"W., 150.00 feet to a point; thence, along a curve to the left having a delta angle of 8°12'47", a radius of 140.00 feet, and a long chord of 20.05 feet bearing N.57°41'25"E., 20.07 feet to a point; thence S.36°24'58"E., 150.00 feet to a point, The Real Point of Beginning.

Containing .0687 acres

December 20, 1994

RECORDED
2001 PM 301
TYPE: Ack #10
BY: J. H. H. H.
FEE: 9.00

208830
MOUNTAIN TITLE & ESCROW
REQUESTED BY: _____
RECORDED BY: _____

WARRANTY DEED

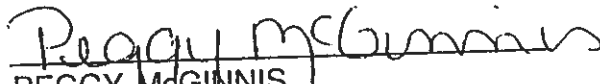
FOR VALUE RECEIVED, DAVID C. McGINNIS and PEGGY McGINNIS, husband and wife, of Box 705, Donnelly, Idaho, 83615, as Grantors, do hereby grant, bargain, sell, and convey unto TSJ PROPERTIES, an Idaho Limited Liability Company of 9364 West Pebblebrook Lane, Boise, Idaho 83703, Grantee, the following described real property situated in Valley County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

To have and to hold the said premises, together with improvements and appurtenances and all water rights associated therewith, unto said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with said Grantee, that they are the owners in fee simple of said premises; that the said premises are free from all encumbrances except those noted above and those currently of record or plainly visible on the premises; and, that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 30th day of December, 1994.

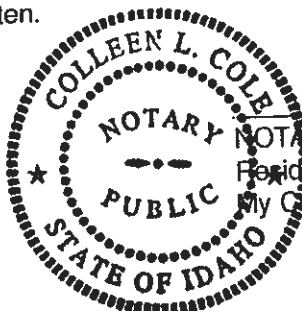

DAVID C. McGINNIS

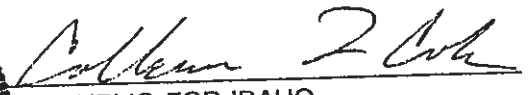

PEGGY McGINNIS

STATE OF IDAHO,)
 (ss.
County of Valley.)

On this 30 day of December, 1994, before me, Colleen L. Cole, a Notary Public in and for said State, personally appeared **DAVID C. McGINNIS** and **PEGGY McGINNIS**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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




NOTARY PUBLIC FOR IDAHO
Residing at: Cascade
My Commission Expires: 6/6/99

wdeed

Commission Expires: 6-6-99

AFFIDAVIT

TSJ Properties, L.L.C. hereby swear and affirm that said TSJ
Properties, L.L.C. has never been altered, amended nor disbanded.

FURTHER, THE AFFIANTS SAYETH NAUGHT.

DATED: 12/29/94

BY:

Victor J. Bertagnolli
Victor J. Bertagnolli

State of Idaho)

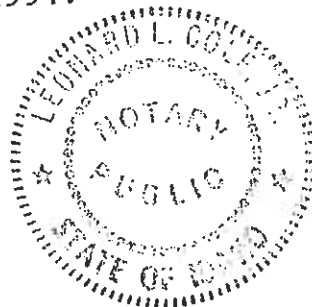
County of Valley)

SUBSCRIBED AND SWORN BEFORE ME,
ON this 29 day of Dec, 1994.

Leonard L. Cole
Notary Public

Residing at: CASCADE, Idaho

Comm. Expires: 1-13-99



Buffington, Denise

From: Buffington, Denise
Sent: Friday, December 26, 2008 1:58 PM
To: 'rward@idfg.idaho.gov'
Subject: Comment Letter
Attachments: Fish & Game Commenet Letter.doc; 63-32889 App.pdf; 63-32946 App.pdf; 63-32947 App.pdf; 65-23238 App.pdf

Please review the attached information and comment as necessary. Please contact me if you have any questions regarding this information.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/26/2008

December 26, 2008

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

Re: Water Right Application(s) 63-32889, 63-32946, 63-32947 & 65-23238

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 January 20, 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: Friday, December 26, 2008 1:54 PM
To: 'waterdist65@srvinet.com'
Subject: Comment Letter
Attachments: 65-23238 Comment Letter WD65.doc; 65-23238 App.pdf

Please review the attached information and comment as necessary. Please contact me if you have any questions regarding this information.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/26/2008

December 26, 2008

RON SHURTLEFF, WATERMASTER 65
102 N MAIN
PAYETTE ID 83661

Re: Application No(s). 65-23238

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please complete the necessary recommendation form(s) and return to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

If after 21 days from the date of this letter the Department has not received your written recommendation, the Department will presume you do not oppose approval of the application and you have no comments for the Department to consider.

However, possible approval of the application(s) will include conditions of approval about standard controls for uses in your water district (lockable, measureable diversion works, etc).

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

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure Copy of Applications(s)

Buffington, Denise

From: Buffington, Denise
Sent: Friday, December 26, 2008 1:52 PM
To: 'emcgarry@pn.usbr.gov'
Subject: Comment Letter
Attachments: 65-23238 Comment Letter USBOR.doc; 65-23238 App.pdf

Please review the attached information and comment as necessary. Please contact me if you have any questions regarding this information.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/26/2008

December 26, 2008

E GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS STE 100
BOISE ID 83706

RE: Application No(s). 65-23238

Dear Ms. McGarry:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 20, 2009.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, December 23, 2008 3:27 PM
To: starcarol@citlink.net
Subject: Legal Notice
Attachments: Valley County Cover Letter.RTF; 65-23238 Ad.RTF

Attached please find (1) legal notice being submitted for advertising. Please contact me immediately if you have any questions or if you are not able to run the notice on the dates listed.

Thank You and Happy Holidays,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/23/2008

December 23, 2008

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Application for Permit No. 65-23238

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 01/20/2009. 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:

65-23238

VICTOR BERTAGNOLLI
LOUISE BERTAGNOLLI
9364 W PEBBLEBROOK LN
BOISE ID 83714

Point(s) of Diversion NESE S18 T18N R03E VALLEY County Source GROUND WATER

Tributary To WILLIAMS CREEK

Use: IRRIGATION	04/15 To 10/31	0.06 CFS	
Use: IRRIGATION STORAGE	04/15 To 10/15		4 AFA
Use: IRRIGATION FROM STORAGE	04/15 To 10/31		4 AFA
Use: AESTHETIC STORAGE	01/01 To 12/31		4 AFA
Total Diversion:		0.06 CFS	4 AFA

Date Filed: 08/28/2007

Place Of Use: IRRIGATION

T18N R03E S18 NESE

Number of Acres 2

Place Of Use: AESTHETIC STORAGE SAME AS IRRIGATION

Place Of Use: IRRIGATION STORAGE SAME AS IRRIGATION

Place Of Use: IRRIGATION FROM STORAGE SAME AS IRRIGATION

Number of Acres 2

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 01/20/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on January 1st & 8th, 2009

Vic & Louise Bertagnolli, 6351 W. Pebblebrook Ln, Boise, ID 83714

RECEIVED

December 3, 2008

DEC 09 2008

Department of Water Resources
22 East Front Street
PO Box 83720
Boise, ID 83720

WATER RESOURCES
WESTERN REGION

Attention: John Wester
Subject: Application # 65-23238

Dear Mr. Wester:

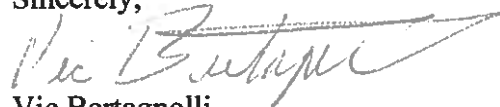
On April 30, 2007 I applied with both the Water Resources and the Corps Of Engineers for an application to fix and clean up a mosquito swamp area on property located in McCall area. Upon receiving a permit from the Corp on August 22, 2007 I made calls into IDWR a couple of times to follow up but no one would assist me. On August 27, 2007 I personally visited your office after waiting for some time, an agent finally met with me to find my application in the computer. In doing so she told me there was an additional form to fill out which she help me complete. I then paid \$100.00 in addition to the \$20.00 I paid in April. I was told it would take another 90 days to process the application.

After waiting the 90 days I called the Water Resources office several times over the past months, only to be told some one would be in touch with me. I have never received a telephone call or received documentation from Water Resources requiring this application. I was told in one of my calls that IDWR is under staffed and there were several applications ahead of mind.

It is difficult for me to believe it is taking more than 17 months to obtain this permit when in the past I have received other permits from IDWR in a very timely matter.

I have attached a copy of the Corps of Engineers permit (dated August 22, 2007) and to checks with the mention above dates. Please note that the Corps permit states the work requires to be completed with in two years. I very much appreciate your attention to resolving this issue for me. You can contact me by telephone at 361 3151 or in writing.

Sincerely;


Vic Bertagnolli

LOUISE BERTAGNOLLI
 VIO BERTAGNOLLI
 836 W. PEBBLE BROOK LN. 906-883-4000
 BOSTON, MA 02114-1708

5168
 4-30-07

P. I. W. R.
 Dues and so

\$30.00

12410379953571000474 5168 0000000000

REF#8823999705 CK# 5168 20.00

LOUISE BERTAGNOLLI
 VIO BERTAGNOLLI
 836 W. PEBBLE BROOK LN. 906-883-4000
 BOSTON, MA 02114-1708

6341
 AUG 28 2007 8/28/07

STATE OF CALIF. Dist. of Santa Barbara Resources
 One Hundred and so

\$100.00

12410379953571000474 06341 00000010000

REF#8814500290 CK# 6341 100.00



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE, IDAHO 83702-5833

RECEIVED

DEC 09 2008

WATER RESOURCES
WESTERN REGION

August 22, 2007

Regulatory Division

SUBJECT: NWW-2007-556-B01

Mr. Vic Bertagnolli
9364 W. Pebblebrook Lane
Boise, Idaho 93714

*NOTE:
THIS PERMIT REQUIRES THE WORK
BE COMPLETED WITHIN TWO YEARS*

Dear Mr. Bertagnolli:

Your proposed project to discharge about 400 cubic yards of native dirt fill material and river cobble into a small unnamed spring fed stream and wetland to line 130 linear feet of the stream and create a small 60' x 60' x 3' pond is authorized under the terms and conditions of Department of the Army Nationwide Permit (NWP) 18 (33 CFR 330, Appendix A). The project entails digging out a small pond in wetlands and using the excavated material to build a small berm on the downstream side of the drainage to create the pond. Other work includes excavating about 130 linear feet of a small spring fed stream on the upstream side of the proposed pond, lining it with an impervious liner and placing river cobble to recreate the stream. This work is to retain as much of the spring water as possible to fill the proposed pond. Your project is within the Section 18, Township 18 North, Range 3 East, Boise Meridian. This authorization requires your project is constructed as shown on the enclosed drawings and complies with the terms and conditions of the enclosed nationwide permit and the special conditions listed below.

- a. Permittee shall install straw bales down stream of the project area to trap sediment generated by the proposed activity. Once all excavation and fill work is complete, sediments trapped on the upstream side of the straw bales shall be removed, either by hand or mechanically so that they do not wash downstream into Williams Creek. The straw bales can then be removed.
- b. Permittee shall plant the earthen berm with ground vegetation and tree's to stabilize the fill and prevent erosion of the berm.
- c. Permittee shall perform the work in accordance with drawings sheets 1 through 3.

- d. Permittee shall dispose of an excess earthen fill material in uplands. Excess earthen fill material shall not be wasted in wetlands.**
- e. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization (including any special conditions).**

Please carefully review these conditions, including the Water Quality Certification conditions. If you cannot meet these conditions, this NWP verification is not valid. Your project must comply with the Idaho Water Quality Standards as stated in IDAPA 58.01.02. If you have questions about the Water Quality Certification conditions, telephone Mr. Jack Gantz at (208) 373-0599. If you change the project description in your permit application, this NWP may not be valid and you should contact us before starting work. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.

This verification is valid for 2 years from the date of this letter. If you start or are under contract to start this activity before this date, you will have an additional 12 months to complete the activity under the present terms and conditions of this NWP.

This authorization applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources and/or Idaho Department of Lands, you will need to obtain their approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

We have enclosed our approved jurisdictional determination for your project. This determination identifies waters of the United States on your project site that are subject to jurisdiction under Section 404 of the Clean Water Act. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date. We are enclosing an appeals form which explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the appeals form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access

and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may telephone and request a paper copy of the survey so you may complete and return to us by mail or facsimile.

If you have questions concerning this authorization or Corps jurisdiction, telephone me at (208) 345-2154. A copy of this letter is being sent to: Aaron Golart, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705; and Mr. Jack Gantz, Idaho Department of Environmental Quality, 1445 North Orchard, Boise, Idaho 83706.

Sincerely,

A handwritten signature in black ink, reading "Gregory J. Martinez". The signature is written in a cursive, flowing style.

Gregory J. Martinez
Regulatory Project Manger

Enclosures

MEMORANDUM

Type: In Office Conversation

Telephone

Meeting Notes

Follow-up

Log of Events

Other _____

To: 65-23238 - Victor Bergtnelli

From: J. Westra, Western Reg.

Date: 4/24/08

RE: Status of Application

4/24/08 - Discussed status of application,
Wedding this summer concerned about mosquito + insects.
Protests possibly from BOR and #65 Watermark.
Place in line for processing. 14 apps in 65 ahead of him.

12/17/08 Met with Mr. Bergtnelli - discussed Application and made
amendment.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 10, 2007

RECEIVED

AUG 29 2007

WATER RESOURCES
WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

VIC BERTAGNOLLT
9364 W PEBBLEBROOK LN
BOISE, ID 83714

RECEIVED

AUG 28 2007

DEPARTMENT OF
WATER RESOURCES

Re: Channel Stream Alteration Application

Dear Mr. Bertagnollt:

While reviewing your stream channel alteration application for work on your property, IDWR noted that you might need a water right for the pond you are constructing. The application that you did submit lacked some information, so I was unable to tell if establishing a water right is the correct course of action.

A water right is the right to divert the public waters of the state of Idaho and put them to beneficial use. Since 1963, anyone proposing to divert and use ground water in Idaho has been required to obtain a permit from IDWR. The same has been true for surface water uses since 1971. *Idaho Code* § 42-202 says:

No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

The only exceptions are ground water diversions for domestic use, as it is defined in *Idaho Code* § 42-111, and instream stock watering.

From your stream channel alteration application, it appears that you intend to impound surface water in a pond. To obtain authorization for the impoundment, you must submit an application for a water right. If you want to establish a water right, an application for permit form will need to be filled out. Please find a copy of the necessary forms along with the instructions enclosed.

For further information on water rights, please see the enclosed document Water Right Primer. If you have any further questions you can contact me at (208) 287-4944.

Sincerely,

Cherie Padilla
Water Agent

Enclosures