

AUG 12 2008

DEPARTMENT OF
WATER RESOURCES

August 7, 2008

Michele Edl
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Frisby Family LP Permits 63-31177, 63-31178 and 63-31505

Dear Michele,

Thank you for your letter dated July 28, 2008. In response, the following letter and attachments explain why ground water and surface water are not combined for irrigation on the Frisby Farm.

Applications 63-31177 and 63-31178 were originally filed for both primary and supplemental irrigation. Some of the proposed acres were considered new acres and some received water from the US Bureau of Reclamation (USBOR) and Black Canyon Irrigation District (BCID).

The applications were protested by USBOR. BCID later filed a petition to intervene. Both entities protested the applications due to their supplemental intent. They claimed that the Frisby's were proposing acres not authorized for delivery of surface water, also referred to as "expanded acres".

To resolve the protests and intervention, the Frisby applications were amended to separate lands irrigated with ground water from lands irrigated with surface water. Approved transfer No. 69956 was also filed on ground water right 63-10785 to change the licensed place of use to the designated ground water lands. To allow full appropriation of ground water for irrigation when the rights were combined, supplemental application 63-31505 was filed. As stipulated, special conditions were included on the ground water rights, making them subordinate to the USBOR water rights.

Supporting documentation is attached in chronological order. A 2006 aerial photo of the Frisby farm is also included to show which acres are irrigated with surface water and which acres are irrigated with ground water. Please let me know if you have any further questions. Thanks Michele.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Rod and Maureen Frisby

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Permit No. 63-31177 in the name of Rod and Maureen Frisby 6208 Southeast 8th Avenue Caldwell, ID 83605
2. Name of protestant United States Department of Interior acting through the Bureau of Reclamation
3. Protestants Representative for service (If different than protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Region, Bureau of Reclamation
Kathleen Carr, Attorney, Office of the Boise Field Solicitor, United States Department of Interior
4. Service mailing address
E. Gail McGarry, FN-3100, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, ID 83706-1234
Kathleen Carr, Office of the Field Solicitor, Federal Building, Rm 365, 550 West Fort St. Boise, ID 83724
5. Service telephone no. E. Gail McGarry (208) 378-5306; Kathleen Carr (208) 334-1911
6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to Reclamation project water rights. There is no way to measure or determine whether or not Reclamation project water is being used on non-project lands since the delivery system for both sources is the same. Furthermore, Reclamation project water co-mingled with well water is not permitted without Federal approval.
7. What would resolve your protest? Exclusive system for project and non-project water precluding application of Reclamation project water to non-project lands or comingling of water. Applicant must demonstrate water to be appropriated is not waste seepage or return flows from the Reclamation project.

I hereby acknowledge that if I, or my designated representative, fails 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 26th day of Nov., 2001.

United States

Protestant

E. Gail McGarry
Protestant's Representative

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Permit No. 63-31178 in the name of Rod and Maureen Frisby 6208 Southeast 8th Avenue Caldwell, ID 83605
2. Name of protestant United States Department of Interior acting through the Bureau of Reclamation
3. Protestant's Representative for service (If different than protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Region, Bureau of Reclamation
Kathleen Carr, Attorney, Office of the Boise Field Solicitor, United States Department of Interior
4. Service mailing address
E. Gail McGarry, PN-3100, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, ID 83706-1234
Kathleen Carr, Office of the Field Solicitor, Federal Building, Rm 365, 350 West Fort St. Boise, ID 83724
5. Service telephone no. E. Gail McGarry (208) 378-5366; Kathleen Carr (208) 334-1911
6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to Reclamation project water rights. There is no way to measure or determine whether or not Reclamation project water is being used on non-project lands since the delivery system for both sources is the same. Furthermore, Reclamation project water co-mingled with well water is not permitted without Federal approval.
7. What would resolve your protest? Exclusive system for project and non-project water precluding application of Reclamation project water to non-project lands or comingling of water. Applicant must demonstrate water to be appropriated is not waste seepage or return flows from the Reclamation project

I hereby acknowledge that if I, or my designated representative, fails 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 26th day of Nov, 2001.

United States

Protestant

E. Gail McGarry
Protestant's Representative

Subj: **Frisby Farms Application for Permit - Proposed Stipulated Conditions**
Date: 04/01/2002 3:54:33 PM Mountain Standard Time
From: mcc@givenspursley.com
To: gspackma@idwr.state.id.us, chas@mcdevitt-miller.com, kcarr@pn.usbr.gov
Sent from the Internet (Details)

The following is language for two conditions that Frisby Farms and the USBOR have agreed would resolve the USBOR protests of the Frisby Farms permit applications, provided IDWR indicates that it is prepared to include them as written in any permits issued to Frisby Farms:

1. Use of ground water under this [permit/license] is subject to administration as a water right from connected sources in accordance with applicable laws and regulations.
2. Use of ground water under this [permit/license] is subject to present and future authorized uses of existing water rights of the United States Bureau of Reclamation, including the right to reuse project waste, seepage and return flows in accordance with applicable laws and regulations.

I would appreciate the favor of your reply acknowledging receipt of this e-mail.

Sincerely,

Michael C. Creamer
Givens Pursley LLP
208-388-1247
mcc@givenspursley.com



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 7, 2002

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

ROD & OR MAUREEN FRISBY
FRISBY FAMILY LIMITED PARTNERSHIP
6208 S E 8TH AVE
CALDWELL ID 83605

KATHLEEN CARR ATTORNEY
OFFICE OF THE BOISE FIELD SOLICITOR
FEDERAL BUILDING RM 365
550 W FORT ST
BOISE ID 83724

Re: Application for Permit Nos. 63-31177 and 63-31178

Dear Parties:

The Idaho Department of Water Resources (IDWR) received a petition to intervene from Black Canyon Irrigation District in the above-referenced matter. IDWR records show you received a copy of the petition.

Any objection to the petition to intervene must be filed on or before February 28, 2002.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

Gary Spackman

GS:st

CC: Chas F. McDevitt

McDevitt & Miller LLP
Lawyers

COPY

(208) 343-7500
(208) 336-6912 (Fax)

420 W. Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

Chas. F. McDevitt
Dean J. (Joe) Miller

April 4, 2002

Via U.S. Mail

Rod and Maureen Frisby Family Limited Partnership
620S Southeast 8th Avenue
Caldwell, Idaho 83605

RECEIVED

APR 15 2002

Givens Pursley, LLP

Dear Mr. & Mrs. Frisby:

As a result of Mr. Frisby's appearance before the Board of Directors of the Black Canyon Irrigation District on April 2, 2002, the Board asked me to transmit to you their decision on your requested exemption from paying a double penalty under the Board's policy for irrigating expanded acres with Black Canyon Irrigation District water.

The Board appreciates the fact that you have expended considerable time and energy in an attempt to resolve the problem of expanded acres and in that vein in an attempt to cooperate with you, have reached the following decision:

Prior to the delivery of water to you for the irrigation of the expanded acres (which acres are those set forth on the Affidavits signed by you in April of 2001, appended hereto and made a part hereof as if set forth at length herein) you will pay the full penalty for those expanded acres being irrigated.

If you have a well(s) producing water in accordance with your agreement with the Bureau of Reclamation and BCID prior to the time that the District stops delivering water to its users in the fall of 2002 the District will refund to you one half of the monies paid to you for the delivery of water for the 2002 irrigation season.

Pursuant to the settlement you have reached the District will, following the 2002 irrigation season, remove the head gates on the west side of I-S4 appurtenant to the property owned by you at that location.

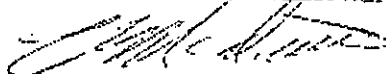
Rod and Maureen Frisby Family Limited Partnership
April 4, 2002 - Page 2 of 2

All other terms and conditions of your settlement remain in force.

If you have any questions concerning this matter please let me know.

Very truly yours,

McDEVITT & MILLER LLP



Chas. F. McDevitt

CFM/sg

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

April 30, 2002

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Right Applications – Frisby Family Limited Partnership

Dear Gary:

On behalf of Frisby Family Limited Partnership, Scanlan Engineering is pleased to submit the following three water right applications.

- (1) Application for Transfer of Water Right 63-10785, which is intended to clarify the distribution of irrigated acres within the currently described place of use for this licensed water right. The diversion rate of 1.70 cfs for irrigation of 292 acres (the licensed diversion rate and total acres) will not be changed.
- (2) Amended Application for Permit 63-31178, which is intended to clarify the distribution of irrigated acres within the same $\frac{1}{4}$ $\frac{1}{4}$ s proposed in the original Application for Permit. The original request for a diversion rate of 2.42 cfs for irrigation of 121 acres has not been changed. The 121 acres proposed for irrigation under 63-31178 will overlap lands irrigated by 63-10785.
- (3) A new Application for Permit proposes diversion of 1.92 cfs for irrigation of 302 acres. This application seeks to appropriate supplemental water for the 292 acres of land irrigated under 63-10785 and 63-31178, and a primary supply for up to 10 acres of additional irrigated area.

In combination, the three water rights propose a total diversion rate of 6.04 cfs (2,711 gpm). This combined diversion rate will provide no more than 0.02 cfs/acre (9 gpm/acre) over the 302-acre irrigated area. The applications have been prepared to allow the Frisby's to continue to irrigate their farm following recent changes in policy by the US Bureau of Reclamation and the Black Canyon Irrigation District that now require them to separate their lands that are irrigated with groundwater from their lands that are irrigated with surface water supplied by the Bureau and Black Canyon Irrigation District.

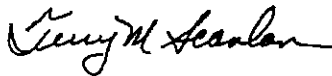
I have enclosed a \$330.00 check for the filing fee associated with the new application for permit.

Because the Amended Application for Permit 63-31178 does not propose irrigation in any $\frac{1}{4}$ $\frac{1}{4}$ sections that were not previously listed on the original application, and does not propose changes to the quantity, point of diversion, purpose or season of use originally applied for, we have assumed that this amendment can be accomplished administratively without the need for an additional filing fee or further legal notice. Thus, I have not included a filing fee with the application for to amend application for permit 63-31178.

Similarly, the Application for Transfer of water right 63-10785 does not propose irrigation in any $\frac{1}{4}$ $\frac{1}{4}$ sections that were not previously licensed under this water right. Since no other changes to the license are proposed, we assume that the change can be accomplished administratively without legal notice. Thus, I have not included a filing fee with the application for transfer.

Please contact me if you disagree with our assumptions or if you have any questions concerning these applications.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Mike Creamer
Rod & Maureen Frisby

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Maureen Frisby and Rod Frisby Phone 208-459-0875Post Office address 6208 SE 8th Avenue, Caldwell, ID 83607

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Consolidate groundwater use on lands not irrigated with water from Black Canyon Irrigation District

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-10785	11/28/1977	1.70/824.7	irrigation	3/15 to 11/15
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.70 cubic feet per second and/or 824.7 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	20	6N	3W	Payette	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	19	35	35															70
		20		35	35		39	37	37	39									222

Total Acres 292

PART 1

6. General Information:

a. Description of diversion system well with turbine pump and pipelines to sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Overlap with Black Canyon Irrigation District water use will be eliminated.
No change in total irrigated area is proposed, but commingling of District
and groundwater sources will be eliminated.

d. Remarks:

See companion applications for permit.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
 - a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. 63-10785 issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice
 ☐ Warranty Deed
 ☐ Other _____
3. Source of water ground water tributary to _____
4. Date or priority 11/28/1977
5. Water is used for the following purposes:

amount 1.70/824.7 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
5. Total amount of water under right 1.70 cubic feet per second and/or 824.7 acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	20	6N	3W	Payette	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	18															35	17	52
		19	22	22															44
		20		40	40		39	13	24	40									196

Total Acres 192

Describe any other water rights used for the same purpose as described above Black Canyon Irrigation District

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

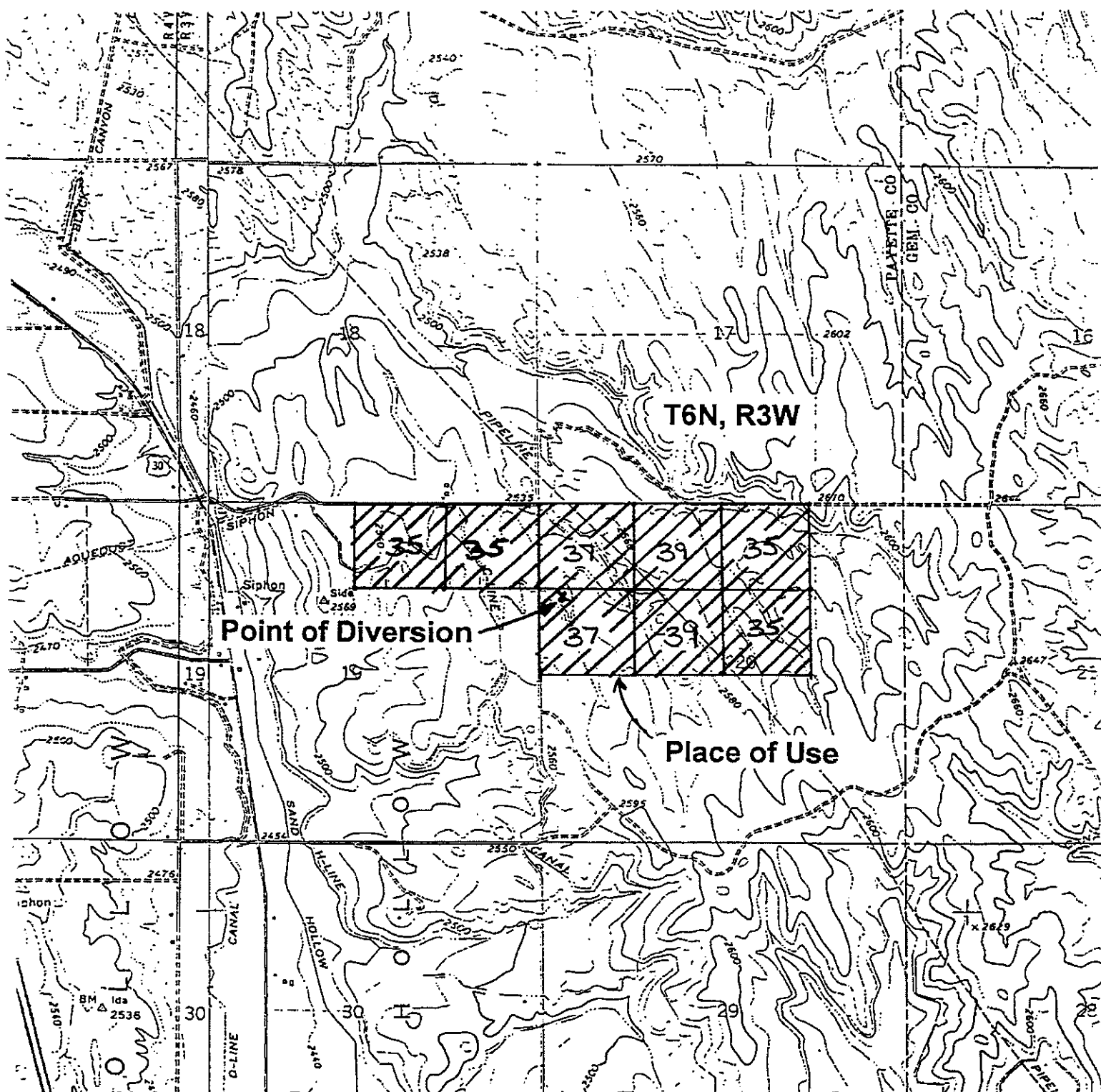
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

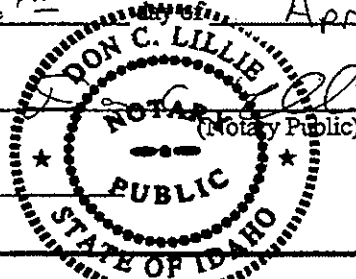
I understand that any willful misrepresentations made in this application may result in voiding its approval.



 (Signature of Applicant)

Subscribed and sworn to before me this 26th day of April, 2002.

My commission expires 10/17/07



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Rod & Maureen Frisby Family LTD Partnership Phone 208-459-0875
Mailing address 6208 S.E. 8th Avenue, Caldwell, ID 83607
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 6N Range 3W Sec. 20 in the SW 1/4, NW 1/4, Govt. Lot _____, B.M., Payette County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.92 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)
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) 1.92 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source existing well, new or upgraded pump system
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? no
e. If well is already drilled, when? 1978?; Drilling firm _____;
Well was drilled for (well owner) Harmon Hughes; 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	
6N	3W	19	38	38															76
		20		35	35		40	38	38	40									226

Total number of acres to be irrigated 302

10. Describe any other water rights used for the same purposes as described above. 63-10785, 63-31178

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

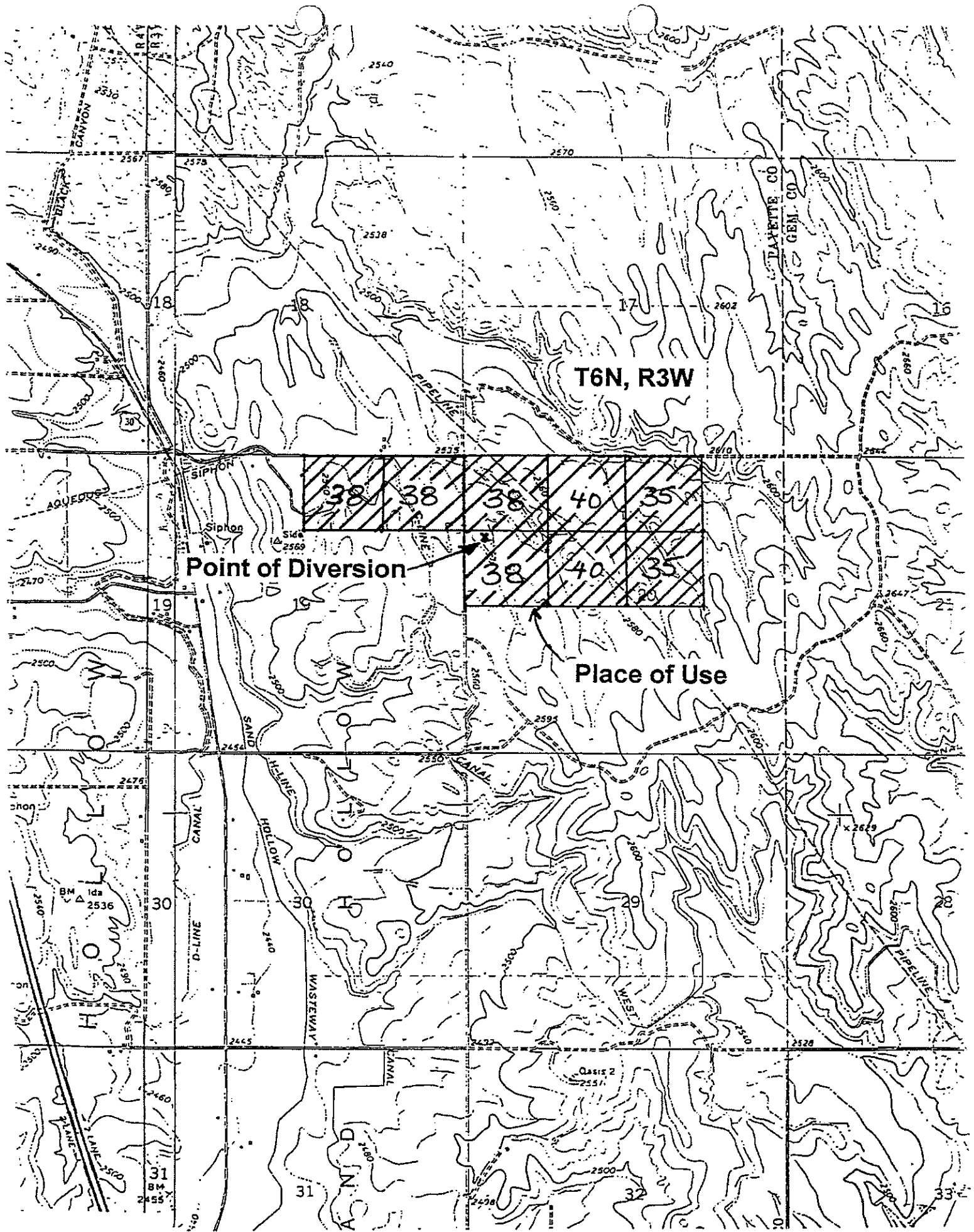
12. Remarks: This application seeks to increase the diversion to lands proposed for irrigation under water rights 63-10875 and 63-31178. This application overlaps these water rights and increases the diversion rate up to 0.02 cf/ac. A maximum of 10 additional acres (without overlap) are proposed. Water will be diverted from the existing well that serves 63-10875. The same well is proposed as diversion point for 63-31178.

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.

Maureen G. Truby
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



AMENDED

Ident. No. 63-31178

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Rod & Maureen Frisby Family LTD Partnership 208-459-0875
1. Name of Applicant _____ Phone _____
Mailing address 6208 S.E. 8th Avenue, Caldwell, ID 83605
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 6N Range 3W Sec. 20 in the _____ 1/4.
SW 1/4, NW 1/4, Govt. Lot _____, B.M., Payette County.
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.42 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)
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) 2.42 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source existing well, new or upgraded pump system
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? no
e. If well is already drilled, when? 1978?; Drilling firm _____
Well was drilled for (well owner) Harmon Hughes; 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	19	38	38															76
		20						25	20										45

Total number of acres to be irrigated 121

10. Describe any other water rights used for the same purposes as described above. 63-10785

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

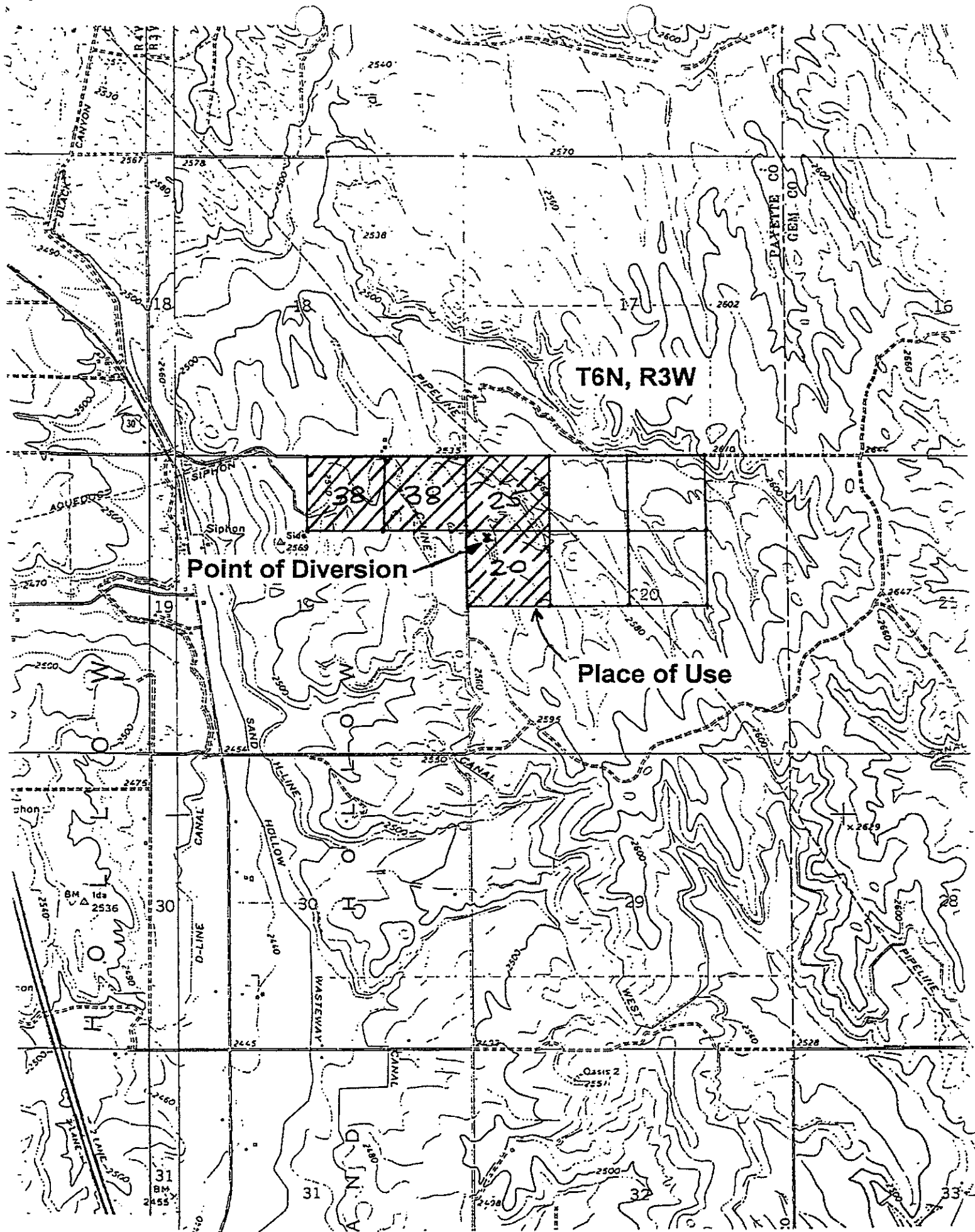
12. Remarks: This amended application seeks to revise the place of use proposed for irrigation under 63-31178.

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.

Maureen M. Luby
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



T6N, R3W

Point of Diversion

Place of Use

