

RECEIVED

FORM 202 10/07

JAN 25 2008

Ident. No. 57-11714

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Phillip M. and/or Susan H. Warner Phone 208-896-4340
Mailing address 7548 Riverfront Drive, Marsing, ID 83639 Email pwarner11@msn.com
2. Source of water supply ground water which is a tributary of -
3. Location of point of diversion is Township 2N Range 4W Sec. 23 in the - NE SW Govt. Lot 3 B.M., DWghel County;
additional points of diversion if any: -
4. Water will be used for the following purposes:
Amount 0.05 for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
Amount 0.02 for Domestic purposes from 1/1 to 12/31 (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)
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) 0.07 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 existing well, pump, and pipelines
b. Height of storage dam - feet; active reservoir capacity - acre-feet;
total reservoir capacity - acre-feet
c. ~~Proposed~~ Actual well diameter is 6 inches; proposed depth of well is 200 feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? 2/3/2007; Drilling firm Willow Creek Irrigation, Inc.;
Well was drilled for (well owner) Larry Harpe (previous owner); Drilling Permit No. 845246
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. One
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	
2N	4W	23									1.5								1.5
											D								

Total number of acres to be irrigated: 1.5

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? 2-10331 (see attached explanation), use well for home and all irrigation, including ground.

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? Applicants

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. Lot 3, Block 1 - Hidden Valley Estates. This is an existing system. We are the new owners of this property, which has been 100% established for well water (ground) irrigation. The property has been landscaped 100% (1/2 is with red feather fescue, as a weed inhibitor & to secure against soil erosion). Also, sprinkler system is already installed (light flow & drip for trees) on 100% of property. It is not viable, feasible or economically/environmentally reasonable to establish a new method for irrigation of additional 1/2 - 1 acre only. (see attachment)

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.

Phillip M. Warner
Signature of Applicant

Phillip M. Warner, owner
Print Name (and title, if applicable)

For Department Use:

Received by DB Date 1-25-08 Time 10:30 AM Preliminary check by VLM
 Fee \$ 100- Received by DB Receipt No. W036105 Date 1-25-08
 Publication prepared by DB Date 10/8/2008 Published in OWYHEE AVALANCHE
 Publication approved _____ Date _____ Dates Published OCTOBER 15 & 22, 2008

receipt # W036953 \$125.- DP upgrade

Warner - Attachment ①

Appl. for permit 7548 Riverfront
for ground water irrigation Marsing, ID

Adj. Claim # 2-10331

-2N 4W 23 -NE&W
Gov't. Lot 3 - Own free



★ This front area (approx 1/2 acre) has been planted with red feather fescue, 10 deciduous trees -- it is fully designed for well water irrigation (^{sprinklers} are installed).

This is the area that we desire to irrigate, using our high-capacity well (designed for the entire property @ 32 gal./min. -- well report is attached).



The natural, unimproved landscape is full of weeds...

Whereas...

★ The feather fescue is a weed inhibitor and prohibits soil erosion.

(10 deciduous trees have been planted across front, since this photo.)

Attachment ①

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

WATER RIGHT NUMBER: 2-10331 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ESTATE OF ESTHER F ASHE C/O JACK HURT 4470 VEGAS VALLEY #108 LAS VEGAS, NV 89121 (702)457-3477
Current Owner	VANCE VAN HALL RT 1 BOX 16 MARSING, ID 83639 (208)896-4848

Priority Date: 01/19/1949

Basis:	License
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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>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.960 CFS	418.61 AF
	Total Diversion:	1.960 CFS	418.61 AF

Location of Point(s) of Diversion

SNAKE RIVER L4 (NE1/4SE1/4SW1/4) Sec. 23, Twp 02N, Rge 04W, B.M.
OWYHEE County

Place of Use

IRRIGATION

[illegible]

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 92.6 acres within the place of use described above in a single irrigation season.

owner:
Warner

7548 Riverfront Drive, Marsing
★ portion per lot for Lot 3, Bl. 1:

$$\frac{1.98 \text{ cfs}}{94.1 \text{ Acres}} \times 1.89 \text{ Acres} = 0.0398 \text{ cfs}$$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. X36 Rights 2-7463 and 2-2077B are also diverted through the point of diversion described above.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. This right is a split from former right 2-10257.
8. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

1. dshaff 3/19/2007 Change Owner Split
Comment: Split by change in ownership

Dates and Other Information:

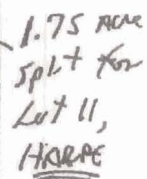
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Answered

④ 3

Hidden Valley Estates
T2N R4W S. 23

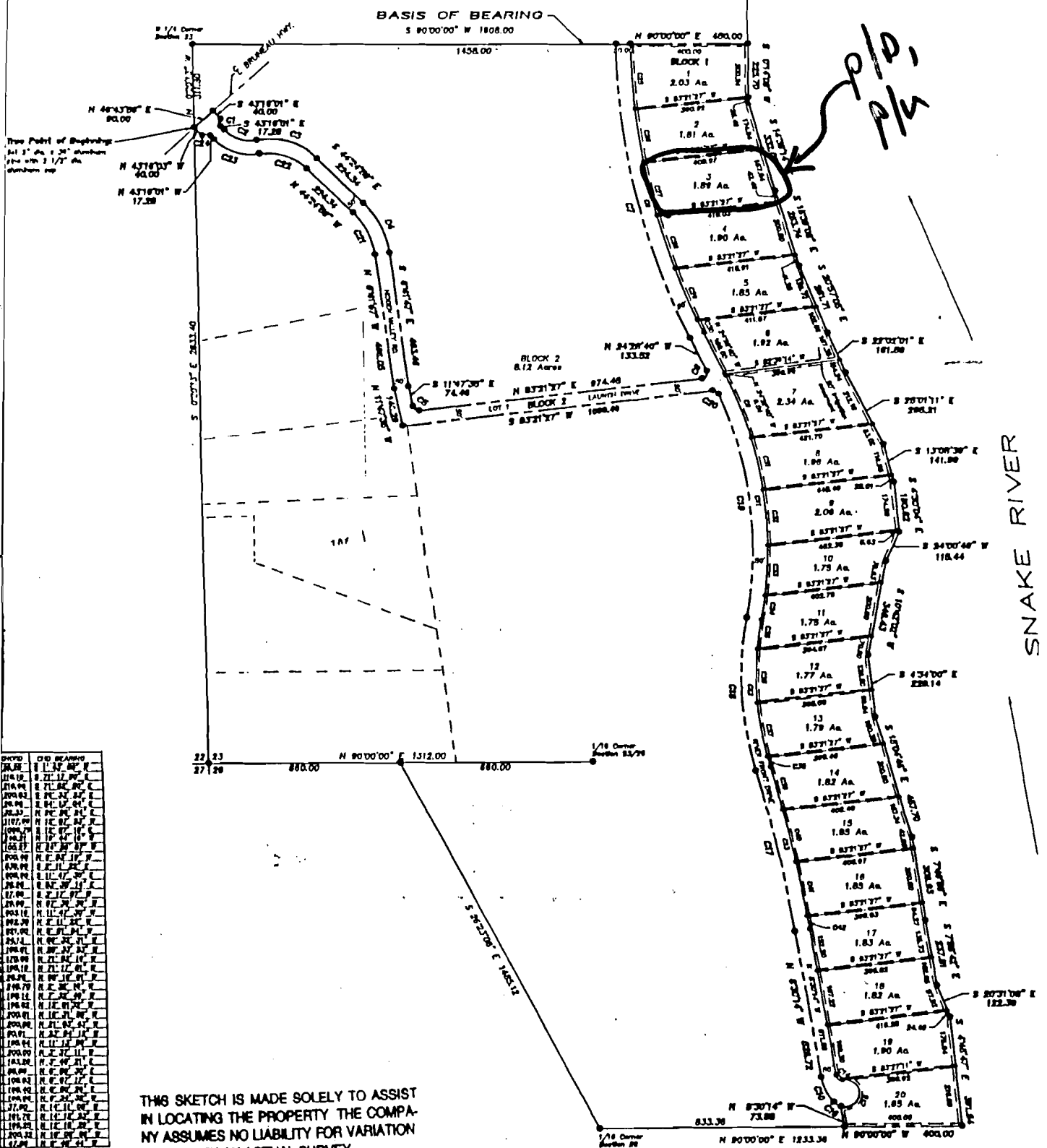


Subel. Lot 3 = NESW qvrt. Lot 3
Subel. Lot 11 = SESW qvrt. Lot 4

HIDDEN VALLEY ESTATES

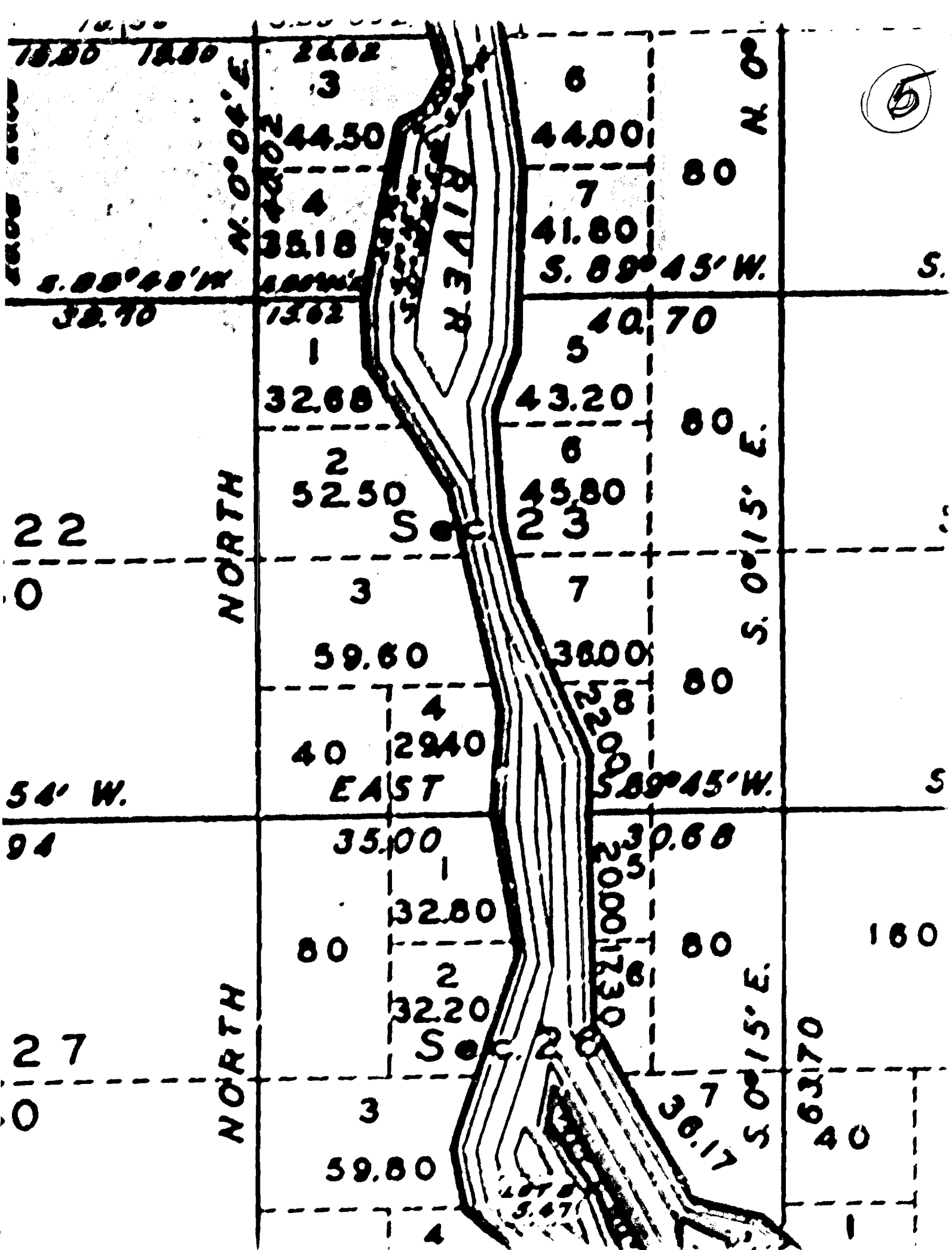
A PORTION OF GOV'T. LOTS 3&4 AND THE SW1/4SW1/4 OF SECTION 23
ALSO GOV'T. LOT 1 OF SECTION 26
TOWNSHIP 2 NORTH, RANGE 4 WEST, BOISE MERIDIAN
OWYHEE COUNTY, IDAHO
1995

(4)



57-11714

(B)





New owner - Phillip M. and Susan H. Warner

Idaho Department of Water Resources

Listing of Driller Reports

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	Well Address	Sub	Bl/L	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number	Tag Number
HARPE, LARRY	Domestic	02N	04W	23	SWSW		7548 RIVERFRONT DR.	HIDDEN VALLEY ESTATES	1 3	32	12	200	38	6	2/3/2007	845246	D0047698

• Well Seal

From Depth	To Depth	Material	Amount	Method
0	37	Bentonite granuals	1500#	Pour

• Well Screen

Type	From Depth	To Depth	Slot Size	# of Slots	Diameter	Perforation Method	Screen Type	Material	Installed Flag
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• Well Casing

From Depth	To Depth	Diameter	Type	Gauge	Join Type	Material
2	38	6	Casing	0.25	Welded	Steel

• Well Lithologic Layer

Bore Diameter	From Depth	To Depth	Water	Color	Material	Texture	Descriptor
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• Construction Details

Drilling Company	License Number	Metal Tag Number
WILLOW CREEK IRRIGATION INC	573	D0047698

$$32 \div 448.8 = \text{CFS} \cdot 07$$

1/22/08
no domestic filing on well.
per Steve

2N

4W

23

NESW - Govt. Lot 3 - Dwyne

New Owner: Warner

Form 238-7
6/02IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT1. WELL TAG NO. D 004 7698
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:

Name Larry Harper
Address Pocatello 83401
City Pocatello State ID Zip 83401

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 2 N North ☐ or South ☐
Rge. 1 W East ☐ or West ☐
Sec. 13 1/4 34 1/4 34 1/4
Gov't Lot _____
County _____
Lat: _____ Long: _____
Address of Well Site 7548 Riverfront Drive
City PocatelloRte. _____ Blk. _____ Sub. Name Golden Valley

4. USE:

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

5. TYPE OF WORK check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
	0	37		

Was drive shoe used? ☒ N Shoe Depth(s) 38 ftWas drive shoe seal tested? ☒ N How? 38 ft

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threatened
6 + 2	38	350	4.00	Steel	☒	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

12-3 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

Office Use Only			
Well ID No. _____			
Inspected by _____			
Twp. _____	Rge. _____	Sec. _____	
1/4 _____	1/4 _____	1/4 _____	
Lat: _____		Long: _____	

12. WELL TESTS:

Yield per min.	Drawdown	Pumping Level	Time
33	20 ft	33 ft	2 hrs

Water Temp. 62° Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter 30 ft

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

From	To	Remarks: Lithology, Water Quality & Temperature	Water
0	30	Gr. Sandy Clay	☒
30	32	Gravel - medium	☒
32	37	Blue Silty	☒
37	40	Blue Silty	☒
40	500	Shale - Sand Strips	☒

Completed Depth: 500 ft (Measurable)Date Started 2-2-07 Completed 2-2-07

14. DRILLER'S CERTIFICATION

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

Company Name Warner Irrigation No. 573Principal Driller Don Price Date 2-1-07

Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, October 08, 2008 8:17 AM
To: owyheeavalanche@cableone.net
Subject: Legal Notice
Attachments: 57-11714 Cover Letter.RTF; 57-11714 Ad.RTF

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

Thank you,

Denise Buffington
Idaho Department of Water Resources
Western Region

10/8/2008

October 08, 2008

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 57-11714

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 11/03/2008. 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:

57-11714

PHILLIP M WARNER
SUSAN H WARNER
7548 RIVERFRONT DR
MARSING ID 83639

Point(s) of Diversion L3 (NESW) S23 T02N R04W OWYHEE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.05 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.07 CFS

Date Filed: 01/25/2008

Place Of Use: IRRIGATION

T02N R04W S23 NESW Lot 3

Number of Acres 1.5

Place Of Use: DOMESTIC SAME AS IRRIGATION

Remark: Place of use is Lot 3, Block , Hidden Valley Estates Subdivision

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 11/03/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on October 15th & 22nd, 2008

RECEIVED

SEP 29 2008

WATER RESOURCES
WESTERN REGION

Vicky L. Music;

ATTACHED Per. Your
INSTRUCTIONS IS THE
drawing with the location
of our well.

It This does not work
Please notify me. WE
ARE ANXIOUS TO HAVE
this complete. Steve
Lester led us to be-
lieve it would be
comp. in the May-June
time frame. So you
can understand our
urgency.

208-896-4340

THANK YOU Phil WARNER

RECEIVED

SEP 29 2008

WATER RESOURCES
WESTERN REGION



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

Handwritten: Vicky
THANKS for
the continued
help. Phil

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

September 26, 2008

Phillip and Susan Warner
7548 Riverfront Dr.
Marsing, ID 83639

Re: Water Right Application 57-11714 and Well Drilling Fee Upgrade

Dear Mr. and Mrs. Warner:

Your recent water right application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 2007 under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

Proposed use from your well does require water right approval, and your water right application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$75. IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit to facilitate processing of your water right application. I will continue to process your application in the interim, however, final approval of your application will be delayed if your upgrade fee is not received.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

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

Vicky L. Music

Sr. Water Resource Agent



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

September 26, 2008

Phillip and Susan Warner
7548 Riverfront Dr.
Marsing, ID 83639

Re: Water Right Application 57-11714 and Well Drilling Fee Upgrade

Dear Mr. and Mrs. Warner:

Your recent water right application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

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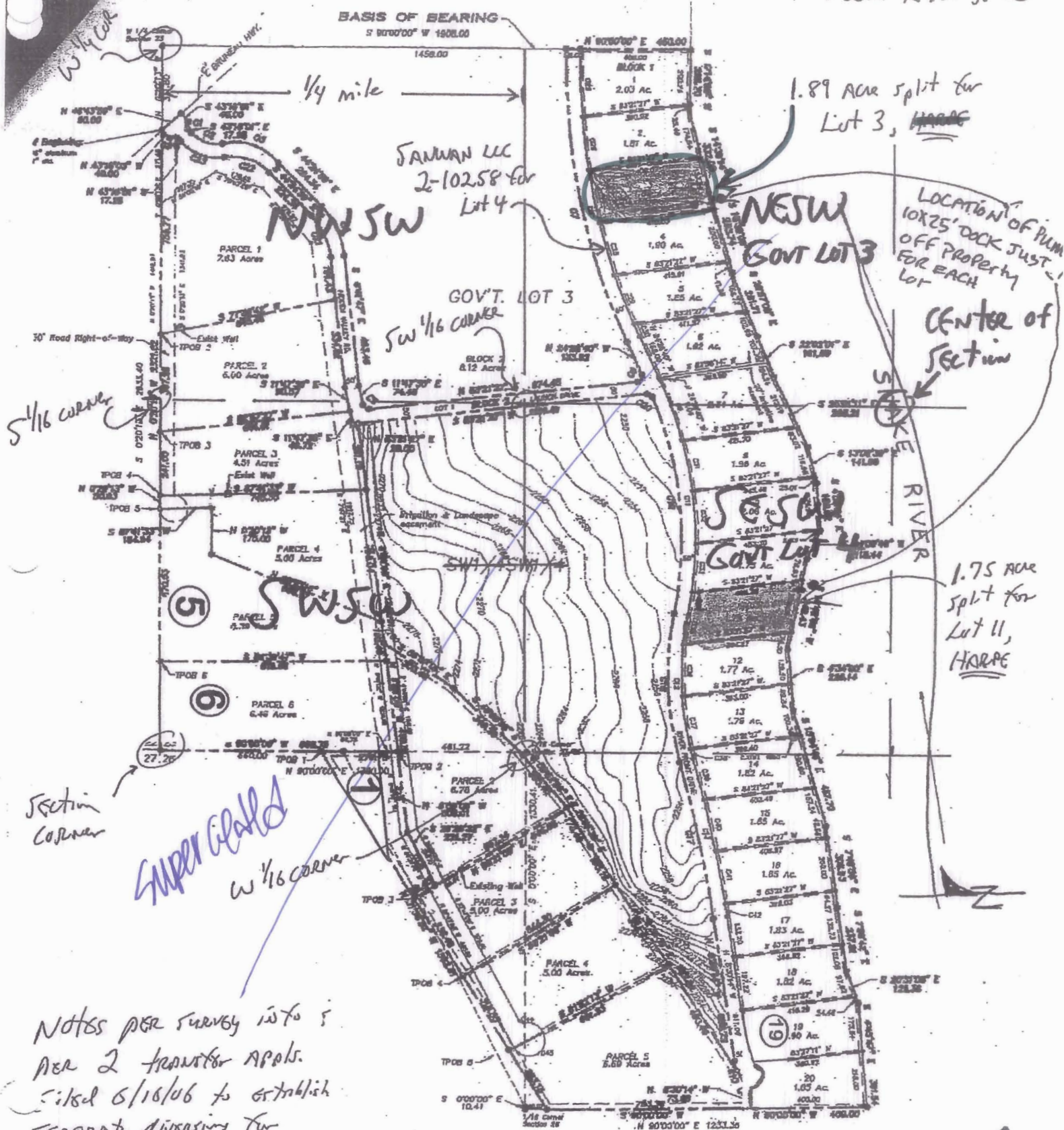
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Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,


Vicky L. Music
Sr. Water Resource Agent



NOTES per survey into
per 2 transfer apols.
Filed 6/16/06 to establish
separate diversions for
Lots 3 & 11, HARPE.

-82 6/22/06

Subel. Lot 3 = NSW Govt. Lot 3 ✓ 1714

Subl. Lot 3 = NESW Govt. Lot 3 ✓
Subl. Lot 11 = SESW Govt. Lot 4 57-11714

23 January 2008

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

JAN 25 2008

WATER RESOURCES
WESTERN REGION

Re: Application for Ground Water Permit – 7548 Riverfront Drive, Marsing, 83639
Notice of Change of Ownership Right – 2-10331, 2N 4W 23-NESW-Govt. Lot 3

Dear Steve,

Per your council in our meeting yesterday, enclosed you will find the following packages:

Package #1 – IDWR Application for Permit: This is the application for groundwater permit and future license to use the existing well, which was designed to more than handle the irrigation and domestic use for our property (1.89 acres, of which 1 acre of irrigation is required) – see attached well driller's report and state website validation.

This water right is for fairly minor use (additional ½ acre). In addition, it is not viable, feasible, or economically reasonable to pump water from the river (using our Snake River water right) for only ½ acre, because it is available through our ground well – it is not worth the trade off of bringing electricity down to the river for the pump, installing a culvert, potential for sand/silt problems with the sprinklers, etc. – not to mention the waste of electricity and unsightliness of another pump in the river.

Attached you will find the following documents in Package #1: Application for Permit and check for \$100 fee; 1-aerial photos of site w/explanations; 2-Adjudication Recommendation Report 2-10331; 3 & 4-plat maps; 5-survey map; 6-IDWR driller report; 7-IDWR Well Driller's Report, as submitted by driller.

Package #2 – IDWR Notice of Change in Water Right Ownership: This package includes the change of ownership of 7548 Riverfront Drive (2-10331) from Larry and Barbara Harpe to Phillip and Susan Warner, including the following attachments: 1-Warranty Deed; 2-Escrow doc from Pioneer Title; 3-Adjudication Recommendation Report 2-10331; 4-plat map; 5-survey map.

Also, we have prepared the necessary paperwork to bank our Snake River water right and left a telephone message to advise Mr. Aaron Marshall (287-4943), asking whether he might have any information or advice that we might need – or if we need to provide additional information, etc.

We truly appreciate the time and advice you provided us yesterday – this meeting was so beneficial, and we left feeling supported and extremely positive and encouraged about our new life in Idaho. Should you need anything else, or if we have missed something, please do not hesitate to call or email us (208.896.4340 or pwarner11@msn.com).

Very Best Regards,

Phil & Susan Warner
7548 Riverfront Drive
Marsing, ID 83639
208-896-4340

Attachments

Change of ownership ↑
sent to S.O. to
process. File is
over there & still
pending in AG.

DB 1/25

MEMORANDUM

TO: Transfer 73805
FROM: Steve Lester 
DATE: January 22, 2008
RE: Withdrawal of Application?

New owners Sue and Phil Warner visited the office today to discuss their situation. They purchased subdivision lot 3 from Harpe. Harpe filed T. 73805 to add a separate P/D for this property. The transfer remains on hold at Western.

Warner property has an existing domestic well (tag D0047698, well log not scanned yet) that includes a completed irrigation system for about 1.5 acres of low water use plants. They said it is not economically feasible to redesign the property and install a new river pump system for the irrigation. The well is productive enough to cover domestic and irrigation uses (has been in use).

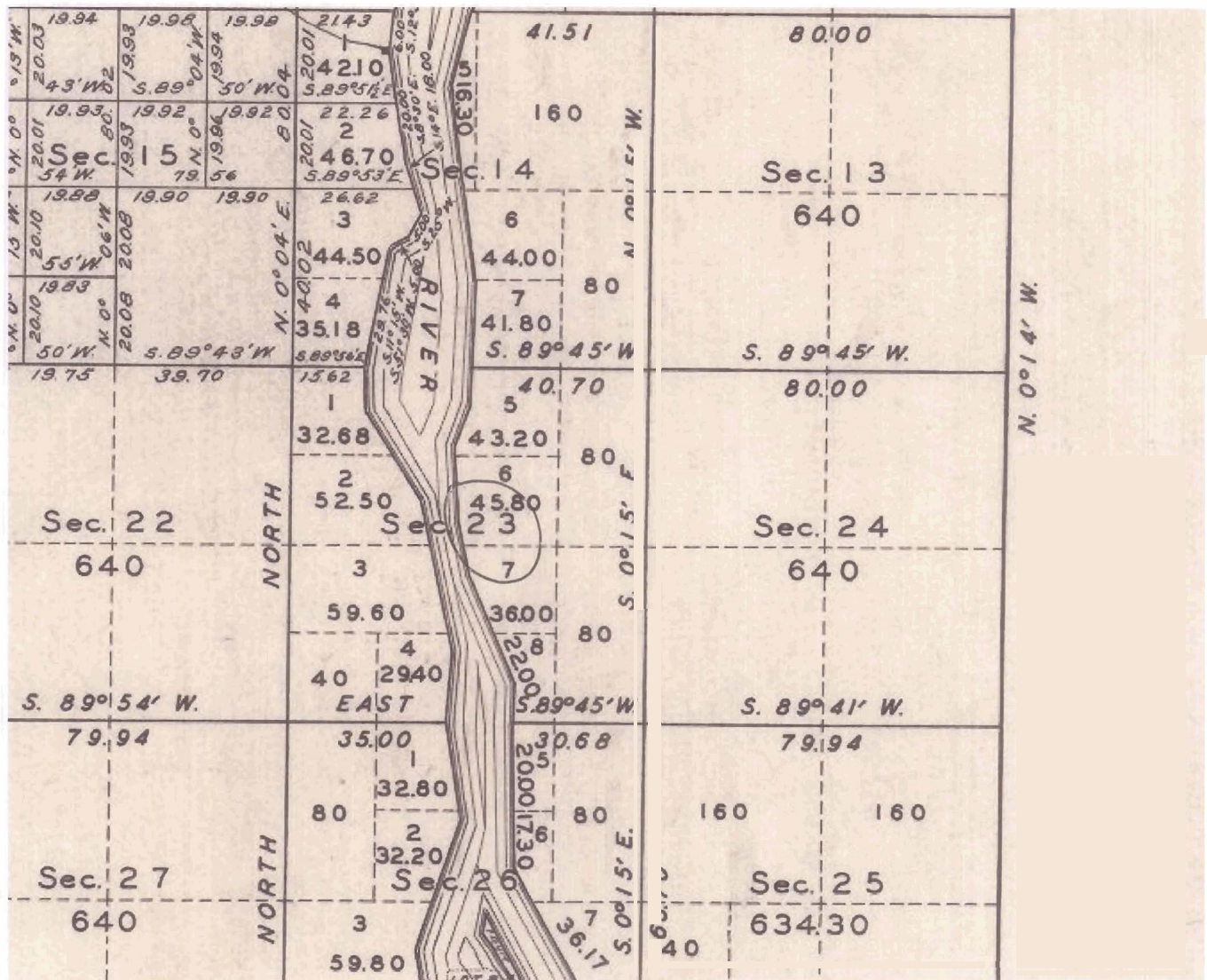
Warners will file an Application for Permit for the well system. The application will include their explanation and request a waiver to the typical supplemental use conditions for ground water.

Warners also will file an ownership change for their portion of 2-10331 (was 2-10257 when Harpe filed the transfer). They will also seek to lease their surface water to the water bank.

This might be a good example of a reasonable basis to allow ground water to replace surface water as the primary right, with the added benefit of making surface water available to another user via the water bank. It is difficult to see a downside to that arrangement. Approval of an Application for Permit might require more flexible language to allow surface water to be leased to the bank but not permanently removed from the P/U in this case.

done ✓ * Transfer reviewer should seek withdrawal of the transfer application from Harpe based on the above explanation. We should offer to refund the filing fee in this case.

* T. 73805 to S.O. 2/8/08 for initial processing
(S.O. LSP with xfer books). SL



T2N
RAW