

AMENDED

CRM 262
12/99

SEH 8/27/08

Ident. No. 63-32602

RECEIVED

FEB 12 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

1. Name of Applicant C.L. "Butch" Otter Phone 208-286-9833
Mailing address 1009 South Star Road, Star, ID 83669

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township 4N Range 1W Sec. 18 in the ~~SW~~ NE 1/4, SW 1/4, Govt. Lot _____, B.M., Ada County;

additional points of diversion if any: See Attachment A

4. Water will be used for the following purposes:

Amount 215 Ac-ft for Wildlife Habitat Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 215 Ac-ft for Aesthetic Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 215 Ac-ft for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.48 cfs for Irrigation purposes from 03/01 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.48 cfs and/or (b) 215 Acre-feet
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 See Attachment A

b. Height of storage dam N/A feet; active reservoir capacity 215 acre-feet; total
reservoir capacity 215 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 (No Wells);
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 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. _____

e. Other; describe fully. Wildlife Habitat, Aesthetics, Recreation - See Attachment

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	
4N	1W	18									WJR					WJR			
4N	1W	18			1.1						37.6			5.1	2.1	13.0			58.9(P.P.U)

Note: Irrigation not to exceed 24.0-Acres within Permissible Place of Use (P.P.U.)

Total number of acres to be irrigated 24.0 Acres

10. Describe any other water rights used for the same purposes as described above. See Attachment A.

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: N/A

12. Remarks: See Attachment A.

Water bearing zone is 1-40 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.


Signature of Applicant (and title, if applicable)

Received by 2-12-07 Date J.V.O. Time Preliminary check by RZ
Fee \$ 330.00 Received by 2-12-07 # 40035069 Date Feb. 12, 07
Publication prepared by DB Date 9/10/2008 Published in IDAHO STATESMAN
Publication approved DATE: SEPTEMBER 18 & 25, 2008

RECEIVED

FEB 12 2007

REQUEST TO PROCESS

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant C. L. "Butch" Otter
Mailing Address 1009 South Star Road
Star, ID 83669
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 X

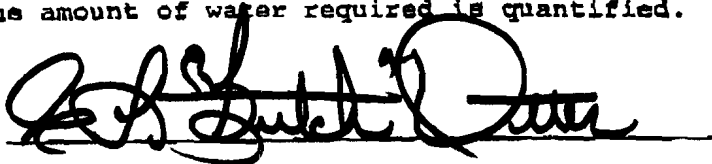
 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

Please return this form to:

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

FEB 12 2007

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Application for Permit

Attachment A
Narrative

Applicant: Mr. C. L. "Butch" Otter

This Application is being submitted to the Idaho Department of Water Resources (Department) to request a permit to appropriate groundwater for irrigation, in-place wildlife habitat, an aesthetic feature and recreational use on property owned by the Applicant. The Application seeks to appropriate 215 acre-feet of ground water that will naturally fill an excavated pond for use as wildlife habitat, aesthetics and recreation. The Application also requests authorization to divert groundwater at a maximum rate of 0.48 cfs from the pond to irrigate no more than 24 acres within a permissible place of use defined by the Applicant's property boundary. The Application proposes use of surface water delivered pursuant to the Applicant's existing shares in the Pioneer Ditch Company to mitigate evaporative losses from the pond and the consumptive use associated with irrigation.

The property is located west of Star Road and north of the Boise River as illustrated on Figure 1. Figure 1 also shows the point of diversion for groundwater that will naturally fill the excavated pond and thereafter function as wildlife habitat, an aesthetic amenity and recreational use. This point of diversion is identified as the center of the pond. Figure 1 also illustrates the proposed alternate points of diversion of groundwater from the pond for irrigation using the diversion works described in Item #6a below. The property boundary shown on Figure 1 defines the 58.9 acre requested permissible place for irrigation within which no more than 24 acres will be irrigated using groundwater diverted from the pond.

Excavation of the pond will eliminate 7 acres of historically irrigated agricultural grazing lands and expose groundwater to the effects of evaporation. Irrigation water historically delivered to the property by the Pioneer Ditch Company will be used to mitigate for the consumptive losses associated with evaporation of groundwater from the pond and use of groundwater for irrigation. The proposed mitigation plan is described in detail in Item #12 below and includes a proposed reduction of diversion from the Boise River by 0.62 cfs under the Pioneer Ditch Company water right.

Specific Application Items

3. Location of Point of Diversion

The proposed point of diversion for groundwater that will naturally fill the excavated pond and be used as wildlife habitat, aesthetics and recreation; and the proposed alternate points of diversion of groundwater from the pond for irrigation, are all located within Township 4 North, Range 1 West, Section 18, Boise Meridian, Ada County, Idaho. The point of diversion for wildlife habitat, aesthetics and recreation is the estimated geometric center of the pond surface area and falls within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$. The alternate points of diversion for the irrigation pump are located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. The points of diversion are shown on Figure 1.

This Application requests two alternate points of diversion of groundwater from the pond for irrigation to provide flexibility in the configuration of the pond and placement of the irrigation diversion works. Item #9 below proposes that the pond be constructed in two quarter-quarter sections and the irrigation diversion works described in Item #6a below will be placed along the perimeter of the pond in one of those two quarter-quarter sections. The constructed location of the irrigation diversion works will be determined by several factors including proximity to power supply, access for operation and maintenance, and layout of the irrigation distribution piping. The quarter-quarter section of the constructed location of the single point of diversion of irrigation water will be provided to the Department upon completion of construction.

4. Water will be used for the following purposes:

The Application seeks the right to appropriate, for purposes of wildlife habitat, aesthetics and recreation, up to 215 acre-feet of groundwater that will fill the excavated pond. The request for 215 acre-feet is based on the estimated maximum volume in the pond. Specifically, the pond surface area is estimated to be no more than 7 acres with side slopes at approximately 2:1 (horizontal to vertical) and a maximum depth of 40 feet. Assuming the pond surface and bottom are circular in shape and neglecting reductions in pond volume due to deviations from this assumption, the storage volume is estimated to be 215 acre-feet. Groundwater will naturally fill the pond that will be excavated below natural grade and no dams are expected to be required along the perimeter of the pond.

The Application also proposes diversion of no more than 0.48 cfs of groundwater from the pond to irrigate no more than 24 acres. The Application requests that the 24 acres of irrigation be allowed to occur within a permissible place of use comprised of property owned by the Applicant and described in Item# 9 below. Continuous diversion of 0.48 cfs is not expected to reduce the natural groundwater level in the pond by a measurable quantity based on the relatively high hydraulic permeability of the river gravels and sands that comprise the dominant substrate in the area. That is, the rate of infiltration of groundwater through the pond below ambient groundwater level will be essentially the same as the rate of diversion. Therefore, this Application requests 0.48 cfs of diversion from the pond as a natural flow quantity rather than requesting accumulation to and diversion from stored groundwater. In addition, the Application requests that the period of irrigation use be March 01 through November 15 to be consistent with

the Department's recommendation to the Snake River Basin Adjudication court for the period of use of the Pioneer Ditch Company water right No. 63-183 and associated ditch shares proposed for mitigation.

6a. Describe type and size of devices used to divert water from the source.

18 ft The requested wildlife habitat, aesthetic and recreational uses will result from natural infiltration of groundwater into the excavated pond. Groundwater will be diverted from the pond for irrigation using a pump installed in an approximately 4-foot diameter manhole located next to the pond. The manhole will be connected to the pond with an intake pipe of approximately 8-inch diameter set less than ~~20~~ feet below existing grade. The maximum pump size will be approximately 20 horsepower and sized to yield no more than 0.48 cfs with approximately 70 pounds per square inch of output pressure for a pressure irrigation system. The Applicant asks for the flexibility to use a smaller pump, approximately 3 horsepower, for delivery of the 0.48 cfs to a flood irrigation system. Applicant also asks for the flexibility to use two pumps at one constructed point of diversion, with total capacity not to exceed 0.48 cfs, to provide mechanical redundancy in the diversion works.

6b. Height of storage dam, active reservoir capacity and total reservoir capacity.

Groundwater will accrue to a pond excavated below natural grade rather than a typical reservoir with a dam to support water levels above natural ground. Accordingly, Item #6b lists 215 acre-feet for both active and total volume in the excavated pond below existing ground.

8e. Description of proposed uses.

The 215 acre-feet of groundwater that will naturally fill the excavated pond will function as wildlife habitat and provide an aesthetic feature with recreational opportunities on the Applicant's property. Therefore, the proposed uses are designated "wildlife habitat, aesthetics and recreation".

9. Description of Place of Use

The requested place of use for wildlife habitat, aesthetics and recreation consists of the two quarter-quarter sections listed on the application form to provide flexibility in the constructed pond location. The requested permissible place of use for no more than 24 acres of irrigation consists of 58.9 acres of property owned by the Applicant.

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

No other water rights in the name of the Applicant are used for the same purposes described above. Attached is a letter from the Pioneer Ditch Company documenting that 55 ditch shares are issued in the name of the Applicant. The ditch shares and associated irrigation water have historically been beneficially used by the Applicant for irrigation on the property. As explained in the mitigation plan in Item# 12 below, thirty-one (31) of the Applicant's existing ditch shares

will no longer be diverted from the Boise River to offset evaporative losses from the pond and the consumptive use associated with irrigation using groundwater from the pond.

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

The Applicant owns the property at the requested points of diversion for the pond and irrigation. Figure 3 provides property parcel numbers at the requested points of diversion that are under ownership by the Applicant based on Ada County records.

11b. Who owns the land to be irrigated or place of use?

The Applicant owns the property at the requested place of use of wildlife habitat, aesthetics and recreation and the property comprising the requested permissible place of use for irrigation. Figure 3 provides property parcel numbers at the requested places of use that are under ownership by the Applicant based on Ada County records.

12. Remarks.

Mitigation Plan:

The consumptive uses of groundwater arising from evaporative losses from 7 acres of pond surface area and irrigation of 24 acres will be mitigated by no longer diverting from the Boise River an equal amount of water historically delivered to the property and used for irrigation. Specifically, 31 ditch shares held in the name of the Applicant and authorized for diversion of 0.62 cfs from the Boise River for irrigation under the parent Pioneer Ditch Company Water Right No. 63-183 will be left in the Boise River without diversion. The 0.62 cfs of mitigation water equates to 31 acres of irrigation water historically diverted from the Boise River and used to irrigate a highly consumptive crop including pasture grass on the Applicant's property. Documentation of 31 acres of historic irrigated area is provided in Figure 2.

The proposed 7 acre pond surface area will be located within the historically irrigated areas in the NW ¼ of the SE ¼ and the NE ¼ of the SW ¼ of Section 18 shown in Figure 2. This application proposes that mitigation of evaporative losses from the pond be considered equal to the consumptive use of 7 acres of historical irrigation of a highly consumptive crop including pasture grass. The 7 acres of historically irrigated area will be "dried up" in exchange for evaporation from the pond.

The Applicant requests that the Department document the mitigation water by revising 0.62 cfs of the Pioneer Ditch Company water right (No. 63-183) from the existing irrigation use to mitigation use with the understanding that mitigation is considered a valid beneficial use and affords protection of the 0.62 cfs of mitigation water from forfeiture by reason of not diverting the water from the Boise River. Attached is a letter from the Pioneer Ditch Company to the Department indicating their approval of the mitigation plan and consent to leave 0.62 cfs of mitigation water in the Boise River without diversion at the Pioneer Ditch Company's headworks.

The Applicant requests that the 1870 priority date associated with the proposed 0.62 cfs of mitigation water be included in the permit, if approved. Specifically, the Applicant requests that diversion of groundwater from the pond for irrigation and evaporative pond losses be administered with an 1870 priority pursuant to the 1870 priority of the mitigation water from the parent Pioneer Ditch Company water right.

RECEIVED

FEB 12 2007

WATER RESOURCES
WESTERN REGION

Jan 6 2007, 2006

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Application for Water Right Permit
Applicant: Mr. C. L. "Butch" Otter

To Whom It May Concern:

The Pioneer Ditch Company (PDC) confirms that there are 55 assessed ditch shares in good standing and appurtenant to property owned by Mr. C. L. "Butch" Otter located in Section 18, Township 4 North, Range 1 West, Boise Meridian, Ada County. PDC also confirms that each ditch share is sufficient for one acre of irrigation and diverted at the rate of 1 miner's inch per acre (0.02 cfs per acre), consistent with the Idaho Department of Water Resources' (IDWR) adjudication recommended right report for Water Right No 63-183 that confirms a total of 25.66 cfs for irrigation of 1283.1 acres within the PDC boundary.

Mr. Otter has requested of the PDC to use 31 existing ditch shares in his name, represented by 0.62 cfs of PDC Water Right No. 63-183, to mitigate consumptive uses associated with evaporation of water from a pond with approximately 7 acres of surface area and irrigation of 24 acres using water diverted from the pond. PDC understands that use of 0.62 cfs of Water Right No. 63-183 for mitigation requires that PDC leave 0.62 cfs in the Boise River without diversion. PDC further understands that mitigation is recognized by IDWR as a valid beneficial use and will not subject the 0.62 cfs to forfeiture by reason of not diverting the water.

PDC supports Mr. Otter's mitigation plan to the extent that, if IDWR approves Mr. Otter's application for permit, PDC agrees to not divert 0.62 cfs from the Boise River and consents to Water Right No. 63-183 being administratively modified by IDWR to convert 0.62 cfs from irrigation to mitigation.

Sincerely,

*Ronald Z Kiang
Richard W. Emery
Brenda Carlson*

*Pioneer Ditch Co LTD
BOARD MEMBERS*

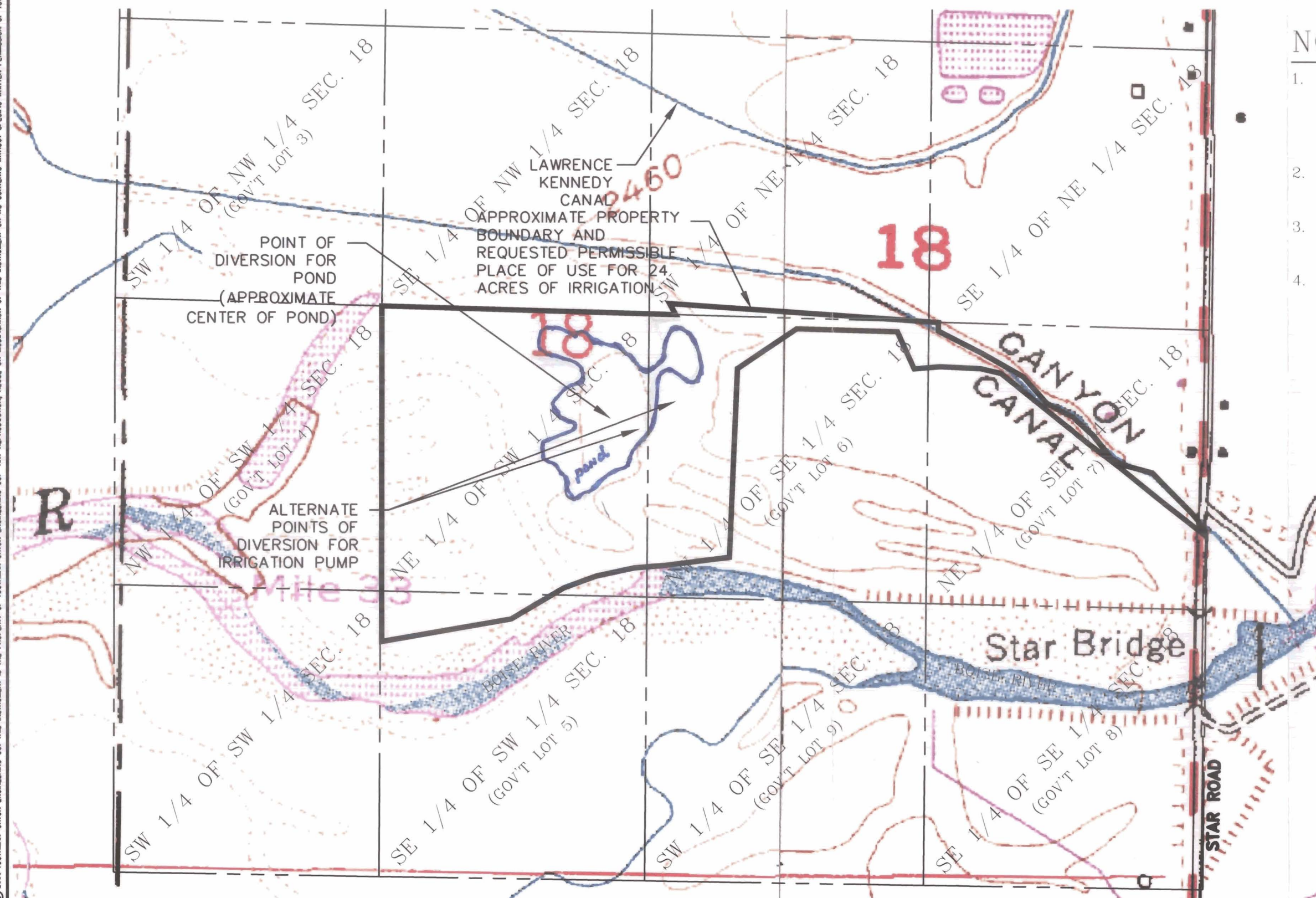
Pioneer Ditch Company
P.O. Box 70
Star, Idaho 83669

© 2006 TOOTHMAN-ORTON ENGINEERING CO. THIS INSTRUMENT IS THE PROPERTY OF TOOTHMAN-ORTON ENGINEERING CO. ANY REPRODUCTION, REUSE OR MODIFICATION OF THIS INSTRUMENT OR ITS CONTENTS WITHOUT SPECIFIC WRITTEN PERMISSION OF TOOTHMAN-ORTON ENGINEERING CO. IS STRICTLY PROHIBITED.

FIGURE 1.

63-32602

APPLICATION FOR PERMIT – MR. OTTER PROPERTY POND LOCATION AND IRRIGATION P.P.U.



NOTES:

1. PROPERTY IS LOCATED WITHIN THE SOUTHERN HALF OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST, ADA COUNTY, IDAHO.
2. PROPERTY BOUNDARY WAS OBTAINED FROM ADA COUNTY ASSESSOR MAPS.
3. USGS QUAD MAP WAS BEST FIT TO PROPERTY BOUNDARY.
4. QUARTER-QUARTER SECTION LINES ARE ASSUMED TO BE PROPORTIONAL PARTS OF SECTION 18.



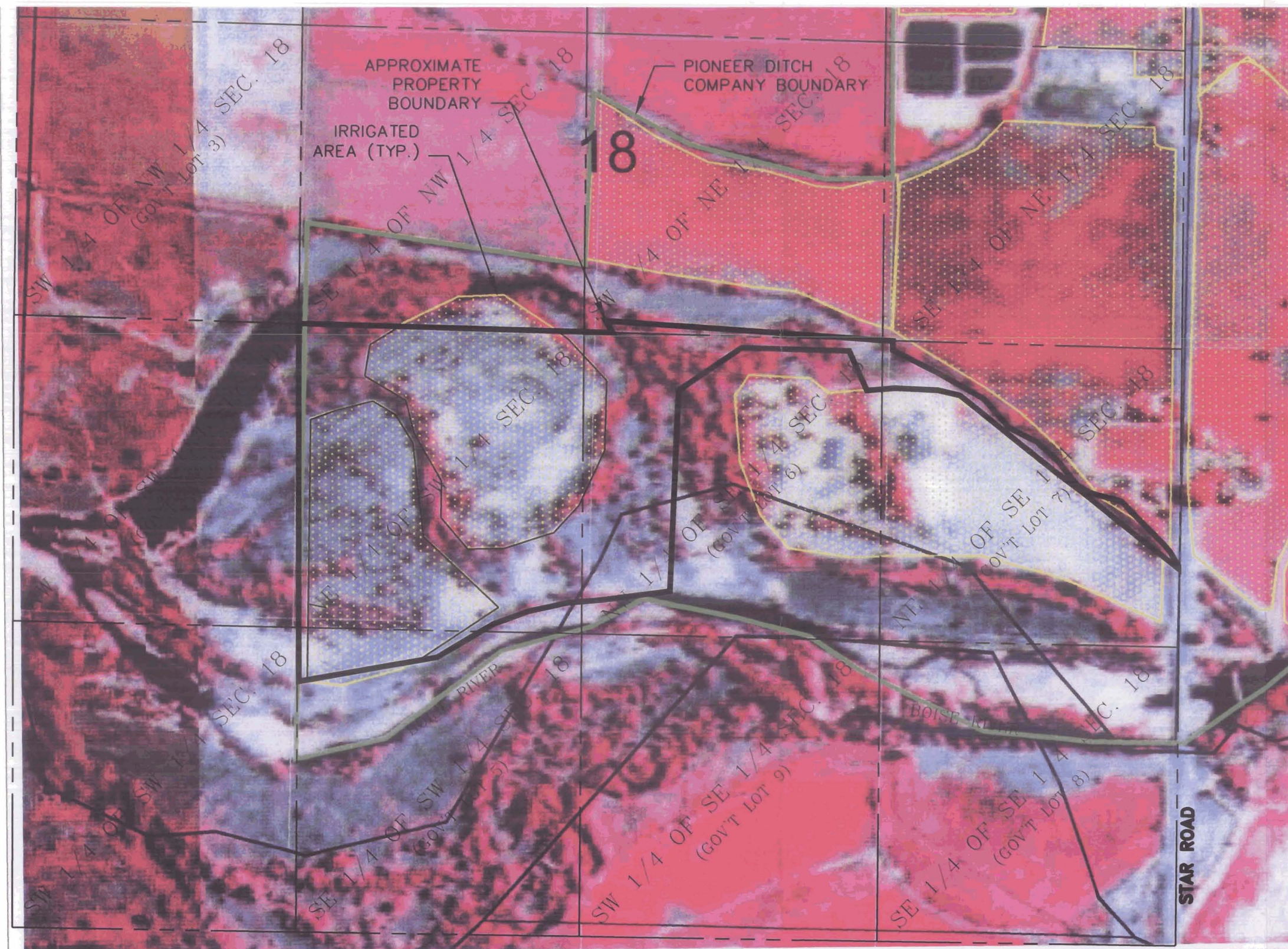
TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS • SURVEYORS • PLANNERS
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: G:\06034\BASE.DWG DATE: 01/19/07 JOB: 06034-20-200

FIGURE 2.

APPLICATION FOR PERMIT – MR. OTTER PROPERTY

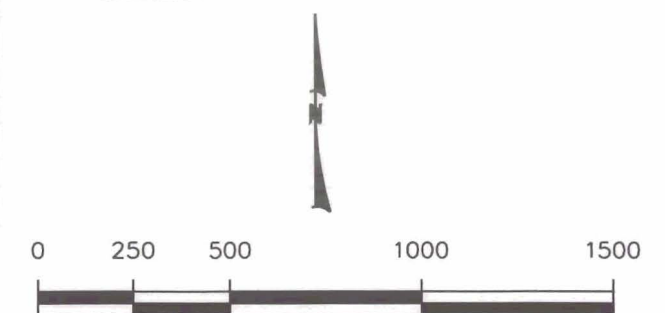
HISTORIC IRRIGATED AREA

63-32602



NOTES:

1. INFRARED AERIAL PHOTOGRAPH DATED 1987 OBTAINED FROM IDAHO DEPARTMENT OF WATER RESOURCES (IDWR).
2. DELINEATION OF IRRIGATED AREAS BY IDWR.
3. TOTAL IRRIGATED AREA WITHIN APPLICANT'S PROPERTY IS 31 ACRES.



TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS • SURVEYORS • PLANNERS
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: G:\06034\BASE.DWG DATE: 01/19/07 JOB: 06034-20-200

FIGURE 3.

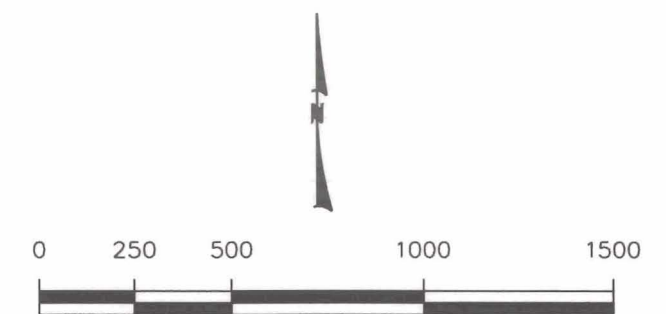
APPLICATION FOR PERMIT – MR. OTTER PROPERTY

ADA COUNTY OWNERSHIP INFORMATION

NOTES:

1. PROPERTY BOUNDARY WAS OBTAINED FROM ADA COUNTY ASSESSOR MAPS.
2. PROPERTY OWNERSHIP INFORMATION AND PARCEL NUMBERS WERE OBTAINED FROM ADA COUNTY ASSESSOR MAPS.
3. THE APPLICANT OWNS THE FOLLOWING PARCELS:
 - PARCEL # S0418427937 (55.4 AC)
 - PARCEL # S0418131650 (1.1 AC)
 - PARCEL # S0418417510 (2.35 AC)

TOTAL AREA: 58.85 ACRES



TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS • SURVEYORS • PLANNERS
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: G:\06034\BASE.DWG DATE: 01/23/07 JOB: 06034-20-200

TOOTHMAN-ORTON ENGINEERING COMPANY
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008
208-323-2288 • FAX 208-323-2399

February 9, 2007

RECEIVED
FEB 12 2007
WATER RESOURCES
WESTERN REGION

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

Re: Application for Permit
Mr. C.L. "Butch" Otter

Dear Mr. Lester:

Attached are two signed originals of an application for permit to appropriate groundwater for aesthetic storage and irrigation including a plan for mitigation of the associated consumptive use using existing ditch shares in the Pioneer Ditch Company. Also attached is a check for \$330.00 from the applicant for the application fee.

Please return a conformed copy of one of the original applications to me in the self-addressed postage paid envelope.

Sincerely,

Toothman-Orton Engineering Company



Steven E. Holt, P.E.

G:\06034\WPfiles\Transmit App to IDWR Feb 07.doc

Buffington, Denise

From: Buffington, Denise

Sent: Wednesday, September 10, 2008 3:01 PM

To: legals@idahostatesman.com

Subject: Legal Ads

Attachments: Ada County Ads - Cover Letter.RTF; 63-12254 Ad.RTF; 63-12592 Ad.RTF; 63-31191 Ad.RTF; 63-31592 Ad.RTF; 63-32602 Ad.RTF

Attached please find (5) legal notices, 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

9/10/2008

September 10, 2008

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-12254, 63-12592, 63-31191, 63-31592 and 63-32602

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 10/06/2008. 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:

63-32602

C L BUTCH OTTER
1009 S STAR RD
STAR ID 83669

Point(s) of Diversion NESW S18 T04N R01W ADA County Source GROUND WATER
Tributary To BOISE RIVER

Point(s) of Diversion NESW S18 T04N R01W ADA County Source GROUND WATER
Tributary To BOISE RIVER

Point(s) of Diversion L6 (NWSE) S18 T04N R01W ADA County Source GROUND WATER
Tributary To BOISE RIVER

Use: IRRIGATION 03/01 To 11/15 0.48 CFS

Use: WILDLIFE STORAGE 01/01 To 12/31 215 AFA

Use: RECREATION STORAGE 01/01 To 12/31 215 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 215 AFA

Total Diversion: 0.48 CFS

Date Filed: 02/12/2007

Place Of Use: WILDLIFE STORAGE

T04N R01W S18 NESW NWSE Lot 6

Place Of Use: AESTHETIC STORAGE SAME AS WILDLIFE STORAGE

Place Of Use: RECREATION STORAGE SAME AS WILDLIFE STORAGE

Place Of Use: IRRIGATION

T04N R01W S18 SWNE NESW SESW Lot 5 NESE Lot 7 NWSE Lot 6

Number of Acres 58.9

Remark: Proposal includes shallow ground water from 1 to 40 feet deep near the Boise River for a pond covering about 7 acres and for irrigation of 24 acres in a 59 acre place of use. Mitigation is proposed for consumptive use by retiring a 31 acre equivalent of Pioneer Ditch Company shares (0.62 cfs). The shares will remain undiverted in the Boise River. The mitigation right has an 1870 priority date. The site is downstream from the Star Bridge and just west of Star Road on the north side of the river.

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 10/06/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on September 18th & 25th, 2008

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, September 11, 2008 10:53 AM
To: 'WaterDistrict63@gmail.com'
Subject: Comment Letter
Attachments: 63-32602 Letter to WD63.doc; 63-32602 app.pdf

Please review the attached information and comment as necessary.

Thank you,

Denise Buffington
Idaho Department of Water Resources
Western Region

9/11/2008

September 11, 2008

REX BARRIE, WATERMASTER 63
10769 W STATE ST
PO BOX 767
STAR ID 83669

Re: Application No(s). 63-32602

Dear Watermaster:

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

Please complete the enclosed 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)