



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 14, 2008

Bruce M. Smith
Moore, Smith, Buxton & Turcke, Chartered
950 W. Bannock, Suite 520
Boise, ID 83702

Re: Application for Permit No. 2-10343

COPY

Dear Bruce Smith:

This office received the Application for Permit referenced above seeking a water right submitted on behalf of TFR Partnership. Upon review of this application, there are a few areas of the application that need correction or completion. I have enclosed a copy of the original application with the areas that need corrected highlighted in yellow. I have made a few notes referencing how these areas should be corrected in red. The amendments must be completed to allow for further processing of this application.

The areas of the above reference application that need correction or completion are as follows:

- The source and tributary for the proposed water source (item no. 2). Please list the surface water source and what water source it is a tributary of for the proposed point of diversion (POD) located in Govt. Lot 3 (NW NW), Sec. 4, T3N, R5W.
- The county (item no. 3). Please indicate on the application the county in which the proposed POD is located.
- The amount of water purposed for diversion to storage and a component for refill. The application proposes a flow rate component of 0.8 cfs (item no. 5). Based on this information, I assume this is the flow rate intended for initial fill of the storage facility. There also must be a refill component added the application should the applicant wish to continue to fill the pond throughout the year in addition to the one time fill allowable under the diversion to storage component. The flow rate should be listed above (item no. 4) for the diversion to storage and

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wildlife (refill) component. Quantities listed in item no. 5 may need to be adjusted according to amendments to uses proposed in item no. 4.

- Height of the storage dam (item no. 6b). If the storage facility is to be the result of excavation, as the information provided implicates, please indicate so in the space provided. If a storage dam is proposed, please indicate the height of the planned dam.
- The active reservoir capacity and total reservoir capacity (item no. 6b). Based on the information provided, it appears the active reservoir and total reservoir capacity proposed is 50 acre feet.
- The place of use description. The place of use description identified in item no. 9 does not correlate with the accompanying map submitted with the application. If the map is accurate, the place of use is in Govt. Lot 4 (SE SE), Sec. 32, T4N, R5W, in Govt. Lot 1 (NE NE), Sec. 5, T3N, R5W, and in Govt. Lot 3 (SW SW), Sec. 33, T4N, R5W. Please place an "X" in the appropriate block of the table to indicate the correct place of use for the wildlife storage and natural flow wildlife proposed uses.

Please submit an amended application or schedule an appointment to come in and amend the original application to allow further processing. An amended application or a request for more time must be received within the next thirty (30) days. The application will be voided without a timely written reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Angela M. Grimm
Water Resource Agent

Enclosure(s): Copy of Application for Permit No. 67-14855 with agent comments

COPY

Ident. No. 2-10343Form 202
12/99STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant TFR Partnership c/o Richard Caldwell Phone 208-378-5243
Mailing Address 45625 Manzo Drive, Indian Wells, CA 922102. Source of water supply SNAKE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is Township 3N Range 5W Sec. 4, in the OWYHEE County;
additional points of diversion, if any: T4N, R5W, Section 33, Lot 3

4. Water will be used for the following purposes:

Amount 50 A/F for WILDLIFE STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.8 cfs for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.8 cfs for WILDLIFE purposes from 1/1 to 12/31 (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) 8 cubic feet per second and/or (b) 50 acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Mechanical pump tractor
PTO Driven or portable pump - 15-20 hp (estimated)PLEASE INDICATE THE ACTIVE AND TOTAL RESERVOIR CAPACITIES. ALSO PLEASE STATE "EXCAVATED" OR THE HEIGHT OF THE STORAGE DAM.
b. Height of storage dam N/A EXCAVATED feet; active reservoir capacity 50 acre-feet; total reservoir capacity 50 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 degrees being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 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. Development of wildlife habitat for waterfowl/upland birds

RECEIVED

JUN 07 2007

WATER RESOURCES
WESTERN REGION

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

* PLEASE AMEND THE TABLE BELOW AS INDICATED TO MATCH THE PLACE OF USE INDICATED ON THE MAP. IF THE MAP IS INCORRECT PLEASE AMEND IT AND THE TABLE BELOW ACCORDINGLY.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4 N	5 W	32										Lot 4 (W)						Lot 4 X	
3 N	5 W	5	Lot 1 X	Lot 4(W)															
4 N	5 W	33										Lot 3 (W)	Lot 3 X						

Total number of acres to be filled 17.5

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

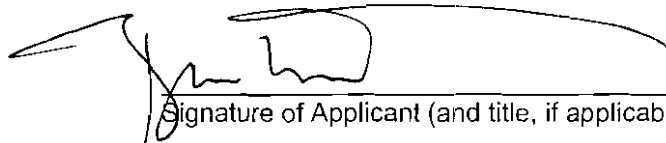
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This project being undertaken in conjunction with U.S. Fish & Wildlife Service grant

13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8 ½"x 11" map clearly identifying the

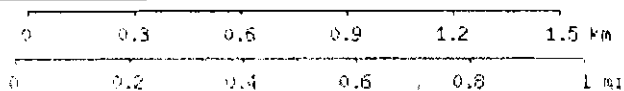
proposed point of diversion, place of use, section #, township & range. (A photocopy of USGS 7.5 minute topographic quadrangle map is preferred.)

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 DB Date 6-7-07 Time 12:00 PM Preliminary check by AD
 Fee \$ 250- Received by DB # W035485 Date 6-7-07
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



Projection is UTM Zone 11 NAD83 Datum

$M = 15.655$
 $G = 0.039$

MAX. WATER ELEVATION - 78' -

MAX. WATER ELEVATION - 78' -

20:1 TO 50:1
VARY SIDESLOPES

SECTION A-A'

SCALE: 1 INCH = 100 FEET

OUTLET
INSTALL WATER CONTROL STRUCTURE

NOTES:

ELEVATIONS ARE ASSUMED AND BASED ON A
TEMPORARY BENCHMARK OF 100.00 FEET.

CONTOUR INTERVAL = 1 FOOT

WATER SURFACE = 77.0'

POND BOTTOM - 72.0'

AREA WITHIN FENCED AREA = 40 ACRES

TOTAL INUNDATED AREA = 17.5 ACRES

10'-1' WATER DEPTH = 6.6 ACRES (38%)

11'-2" WATER DEPTH = 2.3 ACRES (13%)

12'-3' WATER DEPTH = 5.3 ACRES (30%)

3'-4' WATER DEPTH - 0.9 ACRES (5%)

ISLAND AREA (ABOVE MAX. WATER) = 4750 SQ. FT. (0.11 ACRES)

UPLAND AREA = 22.5 ACRES

WATER VOLUME AT MAX. DEPTH = 44 ACRE-FEET

TOTAL EXCAVATION = 43,318 C.Y.

RESTORE/ESTABLISH GOOD GRASS/FORB COVER
IN ENTIRE UPLAND AREA ADJACENT TO POND.
LIVESTOCK GRAZING TO BE EXCLUDED

— PAGE INLET

PIPE OUTLET-

INSTALL NEW FENCE
TOTAL LENGTH = 2700 FEET

Scale in Feet

2-10343

[illegible]