

REC'D

FEB 06 2008

For Office Use Only

\$50 Fee Received by: KAW

Date: 02/06/08

Receipt No.: 0085876

STATE OF IDAHO DEPARTMENT OF
WATER RESOURCES
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No.: 37-8894

Name(s) of Permit Holder: Dry Creek Partners

Mailing Address: c/o Bill Novinger

Date Proof is Due: March 1, 2008

Telephone No.: (208) 934-4448

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Approximately 50% of the authorized pond volume has been excavated. Work has proceeded as quickly as possible
within typical late-summer construction windows due to high sub-water. Fencing and revegetation has been placed
around the pond. Entire work can be completed within one additional construction window in 2008. See attached
listing of work completed. Costing \$ 20,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Site conditions, particularly high sub-water, exist much of the year. Work is possible typically in late summer and
early fall. Justification for extension is also asserted under I.C. 204(1) due to time necessary to obtain a federal
404 permit from the Corps of Engineers. See attached documentation.

Permit holder(s) request an extension to November 1, 2008.

FEE \$ 50.00

Dry Creek Partners
by: [Signature]
(Signature)

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HERBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 19, 2008.

Signed this 8th day of February, 2008.

[Signature]
JEFF PEPPERBACK, Bureau Chief
Water Allocation Bureau

JOINT APPLICATION FOR PERMITS
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH
THE
CORPS AND THE STATE**

application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent lands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act (Section 58-142 et. seq., Idaho Code). **Route Uses:** Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet describes instructions and a checklist for completing the drawings.

Corps of Engineers # _____	2a. Department of Water Resources # _____	2b. Department of Lands # _____	
Date Received _____	Date Received _____	Date Received _____	
Fee Rec'd By: _____	Receipt # _____	Fee Rec'd By: _____	Receipt # _____

PLEASE TYPE OR PRINT

Applicant <u>Dry Creek Partners</u>	4. a. Authorized Agent _____
Mailing Address <u>1598 E 1300 South</u>	b. Mailing Address _____
<u>Gooding, Id. 83330</u>	
Area _____	Area _____
Work Phone (208) <u>934-4448</u> Home (208) <u>308-4600</u>	c. Work Phone () _____ Home () _____
Fax Number _____	d. Fax Number _____
Email Address _____	e. Email Address _____

Location where proposed activity exists or will occur.	5. e. Tax Assessor's Description <u>Section 3 TSS R14E</u>
Waterway <u>Black Canyon Creek</u>	Distance/Direction from nearest city/town _____
Tributary of <u>Dry Creek</u>	<u>NE 1/4 SE 1/4</u> <u>3</u> <u>SS</u> <u>14E</u>
Distance/Direction from nearest city or town _____	f. 1/4 1/4 Section Township Range
<u>7 miles</u> <u>Gooding, Gooding County, Idaho</u>	g. UTM Coordinate Grid _____
Zip Code _____	Zone _____ Northing _____ Easting _____
Local jurisdiction (city or county) _____	
Directions to the site <u>Five miles north of Gooding, 3 miles west to Dry Creek Farms, 1/2 mile north to Black Canyon Creek</u>	
Describe Project (Work below the ordinary high water mark or in wetlands). <u>Black Canyon and Dry Creeks are intermittent streams, typically dry in May</u>	

Black Canyon was altered or straightened at one point in time to allow farming of square fields. This alteration creates a 90 degree corner which becomes a constricted point during runoff events, causing out of bank flow which is scouring the field surfaces on both north and south fields. This is causing sediment and attached nutrient transport return flow to Black Canyon Creek and eventually to the Big Wood River. The use of sprinkler application will allow the stream to be returned to a natural sinuous pattern. This request is to construct a new channel, positioned between two pivots systems, following the natural contour and merging into the existing stream channel down stream. The existing bank material in addition to excavated material will be utilized to fill the existing stream channel. Native, existing plant materials such as willows, sedge and rush plant species will be harvested prior to construction to be utilized in vegetation of the new stream banks. A second alternation proposed is an in stream 5 acre pond, non-consumptive use for wildlife habitat.

Construction methods and equipment _____
Self-propelled scraper will be used to excavate the new channel and place fill material into existing stream channel. Willow transplant will utilize a backhoe to extract clump plantings where possible. Willow sprigs and vegetative plug and broadcast seeding will be completed with supplemental irrigation.

Length of project along the stream or extension into lake or reservoir: _____	1100 feet of stream will be relocated.
Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.) _____	

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)?	8704 (cubic yards)
Will fill be placed in wetlands? <u>Yes</u> If yes, area: <u>2</u> (acres) Type of fill material: <u>Rock, gravels and soil</u> (i.e. sand, rock, clay, concrete, etc.)	
Will dredging be required waterward of the ordinary high water mark or in wetlands? <u>No</u> If yes, volume _____ (cubic yards)	
Type of dredged material _____	
Disposal site for dredged material: <u>N/A</u> Method of dredging: <u>N/A</u>	
Method to control turbidity and sedimentation: <u>N/A</u>	
Is project located in a mapped floodway? <u>N/A</u> If yes, complete the Engineering "No-Rise" certification form.	

Purpose and intended use: Commercial _____ Public ☒ Private _____ Other _____ Des _____

Reason for project To restore proper function and stream dynamics and improve habitat

Stream alteration: May 15, 2004 to July 30, 2005

Pond construction: May 1, 2005 to May 1, 2007

Proposed Starting Date May 15, 2005

Estimated Duration

See item 15

List portions of the project that are complete with month and year of completion, Label this work on your drawings.

Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.

Doug Youren 1646 E 1300 S Gooding Id. 83330 208-934-5576

Roger Kinney 1884 E 1400 S, Gooding Id. 83330 208-934-4040

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

2. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name _____ d. Phone Work () _____
b. Mailing Address _____ Home () _____
c. City, State, Zip Code _____

3. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
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4. Has any agency denied approval for the proposed activity? Yes ☒ No ☐ (If "Yes" explain)

5. Other comments/information:

Dry Creek and Black Canyon Creek are intermittent stream channels, as such has had extensive remodeling in years past. Our goal is to focus on the symbiotic relationship of agriculture land use and wildlife habitat while maintaining the hydrology of the watershed. We have completed one reconstruction, .5 miles of Dry Creek, and focused extensively on wildlife considerations and tree plantings. Dry Creek was once straightened into a functioning canal; restoration involved restoring meanders, hydrogeology and vegetative planting. This was completed in 1999.

6. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

Printed Name

Date

7. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Dry Creek Partners

by: [Signature]

Gen Partner

4/12/05

Original Signature of Authorized Agent

Date

Original Signature of Applicant

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

REFERENCE SLIP

TO

5/23/05

Rob Brochu

- ☒ ACTION ☐ NOTE AND RETURN
- ☐ APPROVAL ☐ PER PHONE CALL
- ☐ AS REQUESTED ☐ RECOMMENDATION
- ☐ FOR COMMENT ☐ REPLY FOR SIGNATURE OF _____
- ☐ FOR INFORMATION ☐ RETURNED
- ☐ INITIALS ☐ SEE ME
- ☐ NOTE AND FILE ☐ YOUR SIGNATURE

REMARKS

This must have gone to Boise on the first try. We have vegetative plantings on the cooler on anticipation of re-vegetation.

Thanks

FROM

Steve Thompson
Nees - Gordy

GPO : 1982 - 385-528/5030

FORM AD-514 (8-64)

APPLICATION FOR PERMIT

ARMY CORPS OF ENGINEERS
DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF LANDS

DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH
THE
CORPS AND THE STATE

Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States, including their adjacent channels, and the Idaho Lake Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act on provided on this form will be used in evaluating the application. Disclosure of information provided, however, the permit application cannot be processed nor can permits be issued. The applicant must submit a set of good reproducible drawings showing the location and character of the proposed project, to include a plan view and cross sections. Drawings NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet

1. Department of Water Resources # _____ 2b. Department of Lands # _____
3. Date Received _____
4. Fee Rec'd By: _____ Receipt # _____

PLEASE TYPE OR PRINT

4. a. Authorized Agent _____
b. Mailing Address _____
c. Work Phone () _____ Area _____ Home () _____
d. Fax Number _____
e. Email Address _____
5. e. Tax Assessor's Description _____
Distance/Direction from nearest city/town _____
f. 1/4 1/4 Section Township Range
g. UTM Coordinate Grid _____
Zone _____ Northing _____ Easting _____

6. Location of project (e.g., west to Dry Creek Farms, 1/2 mile north to Black Canyon Creek)

7. Description of project (e.g., Black Canyon and Dry Creeks are intermittent streams, typically dry in May)

8. Description of work (e.g., time to allow farming of square fields. This alteration creates a 90 degree corner which is out of bank flow which is scouring the field surfaces on both north and south fields. The return flow to Black Canyon Creek and eventually to the Big Wood River. The use of a natural sinuous pattern. This request is to construct a new channel, positioned and merging into the existing stream channel down stream. The existing bank material is to be utilized in the existing stream channel. Native, existing plant materials such as willows, sedge and rush are to be utilized in vegetation of the new stream banks. A second alternation proposed is an in situ.

9. Description of work (e.g., channel and place fill material into existing stream channel. Willow transplant will utilize a mix of sprigs and vegetative plug and broadcast seeding will be completed with supplemental

- c. Length of project along the stream or extension into lake or reservoir: 1100 feet of stream will be relocated.
- d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? 12,141 (cubic yards)
- b. Will fill be placed in wetlands? Yes If yes, area: 2 (acres) Type of fill material: Rock, gravels and soil (i.e. sand, rock, clay, concrete, etc.)
- c. Will dredging be required waterward of the ordinary high water mark or in wetlands? No If yes, volume _____ (cubic yards)
- d. Type of dredged material _____
- e. Disposal site for dredged material: N/A Method of dredging: N/A
- f. Method to control turbidity and sedimentation: N/A
- g. Is project located in a mapped floodway? N/A If yes, complete the Engineering "No-Rise" certification form.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402-1718

August 30, 2005

Regulatory Division

SUBJECT: NWW No. 053200128

Mr. Bill Novinger
1958 East 1300 South
Gooding, Idaho 83330-4811

Dear Mr. Novinger::

Your proposed discharge of dredged and fill material into Black Canyon Creek and Dry Creek to realign and alter the channel, including construction of an on-stream pond in Dry Creek is authorized under the terms and conditions of Department of the Army Nationwide Permit (NWP) 27 (33 CFR 330, Appendix A). This authorization requires your project is constructed as shown on the enclosed drawings and complies with the terms and conditions of the enclosed nationwide permit and the special conditions listed below. Your project is located in Sec. 3, T.5S., R.14E., B.M., Gooding County, Idaho.

a. You must monitor and report on the construction and revegetation to this office to demonstrate the project goals have been met. Your application did not include a plan for the monitoring and reporting as requested. Accordingly, the enclosed monitoring and reporting plan must be adhered to.

Please carefully review these conditions, including the Water Quality Certification conditions. If you cannot meet these conditions, this NWP verification is not valid. Your project must comply with the Idaho Water Quality Standards as stated in IDAPA 58.01.02. If you have any questions about the Water Quality Certification conditions, please contact Mr. Scott Stanton at 208-736-2190. If you change the project description in your permit application, this NWP may not be valid and you should contact us before starting work. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.

This verification is valid until the NWP is modified, reissued, or revoked. All the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

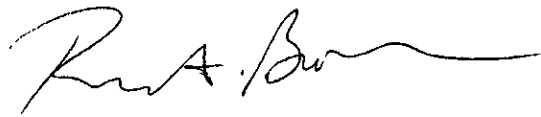
This authorization applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources, you will need to obtain their approval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

We have enclosed our approved jurisdictional determination for your project. This determination identifies waters of the United States on your project site that are subject to jurisdiction under Section 404 of the Clean Water Act.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey so you may complete and return to us by mail or fax.

If you have any questions concerning this authorization or Corps jurisdiction, please contact me at 208-522-1645. A copy of this letter is being sent to Mr. Stephen Thomas, Natural Resources Conservation Service, USDA Service Center, 820 Main Street, Gooding, Idaho 83330; Mr. Terry Blau, Idaho Department of Water Resources, Southern Region, 1341 Fillmore Street, Suite 200, Twin Falls, Idaho 83301-3380; Mr. Doug Howard, Regional Administrator, Idaho Department of Environmental Quality, 601 Pole Line Road, Suite 2, Twin Falls, Idaho 83301; and Mr. Mike McDonald, Idaho Department of Fish and Game, 868 East Main Street, Jerome, Idaho 83338.

Sincerely,



Robert A. Brochu
Regulatory Project Manager

Enclosures: Drawings, nationwide permit conditions, compliance certification, approved jurisdictional determination, appeals form, Monitoring Plan

Pond Hab Investment

Date	Ref No	Vendor/Contractor	Service/Matr	Quantity	Units	Sub-total	Total
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Pond Construction

11/10/05	3894	Kiser Construction	over-burden	12906.7 yds			5,600.00
fall 2005	7644	Gooding Hwy Dist	gravel	4330.8 yds		8,661.50	
8/3/06		John Carter	gravel	300.0 yds		100.00	
8/25/06	2651	John Carter	gravel	208.0 yds		624.00	
12/28/06	5831	Steve Paulin	gravel	30.0 yds		90.00	
6/12/07	8331	Gooding Hwy Dist	gravel	1427.0 yds		2,854.00	
8/16/07	5382	Gooding Hwy Dist	gravel	107.0 yds		321.00	
10/30/07	6271	Steve Paulin	gravel	473.0 yds		1,420.00	
12/7/07	3137	John Carter	gravel	484.0 yds		1,452.00	
				20266.4 yds			

Irrigation & Conveyance System

7/22/06	4054	Sliman & Butler	irrigation system				8,546.46
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Plant Matr & Planting

12/13/05	3928	Montana Conservation Nursery	plant matr			122.70	
2/8/06	3948	Montana Conservation Nursery	plant matr			218.60	
2/8/06	3947	Cabela	plant matr			148.96	
2/16/06	3953	TFCA girls	planting labor			NC	
5/4/06	3984	Cabela	plant matr			112.47	
6/4/06	4007	Cabela	marker flags			8.38	
6/22/06	771	Montana Conservation Nursery	seedling refund			-24.00	
6/23/06	4026	Gooding Seed	grass seed			123.75	
7/7/06	4043	Cabela	marker flags			66.00	
	4043	Cabela	plant matr			117.32	
7/22/06	4059	Gooding Seed	grass seed			81.00	
8/5/06	4075	Cabela	plastic mulch			570.15	
	4075	Cabela	plant matr			50.00	
11/4/06	4170	Cabela	frt on mulch			74.07	
7/9/07	4335	Cabela	plant matr			230.72	
8/15/07	4361	reimb self	plastic mulch			165.63	
						<u>2,065.75</u>	
var dates		Ground Prep & Planting Labor				<u>2,065.75</u>	
							4,131.50

Deer / Elk Fence

8/28/07	4366	Pulling Post	6X6 fence posts			1,444.36	
9/13/07	4399	Valley Coop	fencing matr			41.34	
9/13/07	4406	Gooding Lumber	fencing matr			40.52	
	4406	Gooding Lumber	fencing matr			31.05	
10/11/07	4429	Valley Coop	fiberglas posts, etc			2,923.41	
10/30/07	4439	Cabela	fencing matr			1.37	
11/2/07	4443	Liberty Company	gates			556.78	
11/6/07	4447	Valley Coop	fencing matr			119.91	
	4447	Valley Coop	fencing matr			76.33	
	4447	Valley Coop	fencing matr			51.26	
	4447	Valley Coop	fencing matr			24.65	
	4447	Valley Coop	fencing matr			22.23	
	4447	Valley Coop	fencing matr			38.16	
	4447	Valley Coop	fencing matr			19.19	
						<u></u>	5,390.51

Professional Services

1/30/08	4501	Brockway Engineering	professional services			112.00	
						<u>112.00</u>	
							112.00

Total All Costs

23,780.47