

T3N R4W S18

NWSE
Gov Lt 7

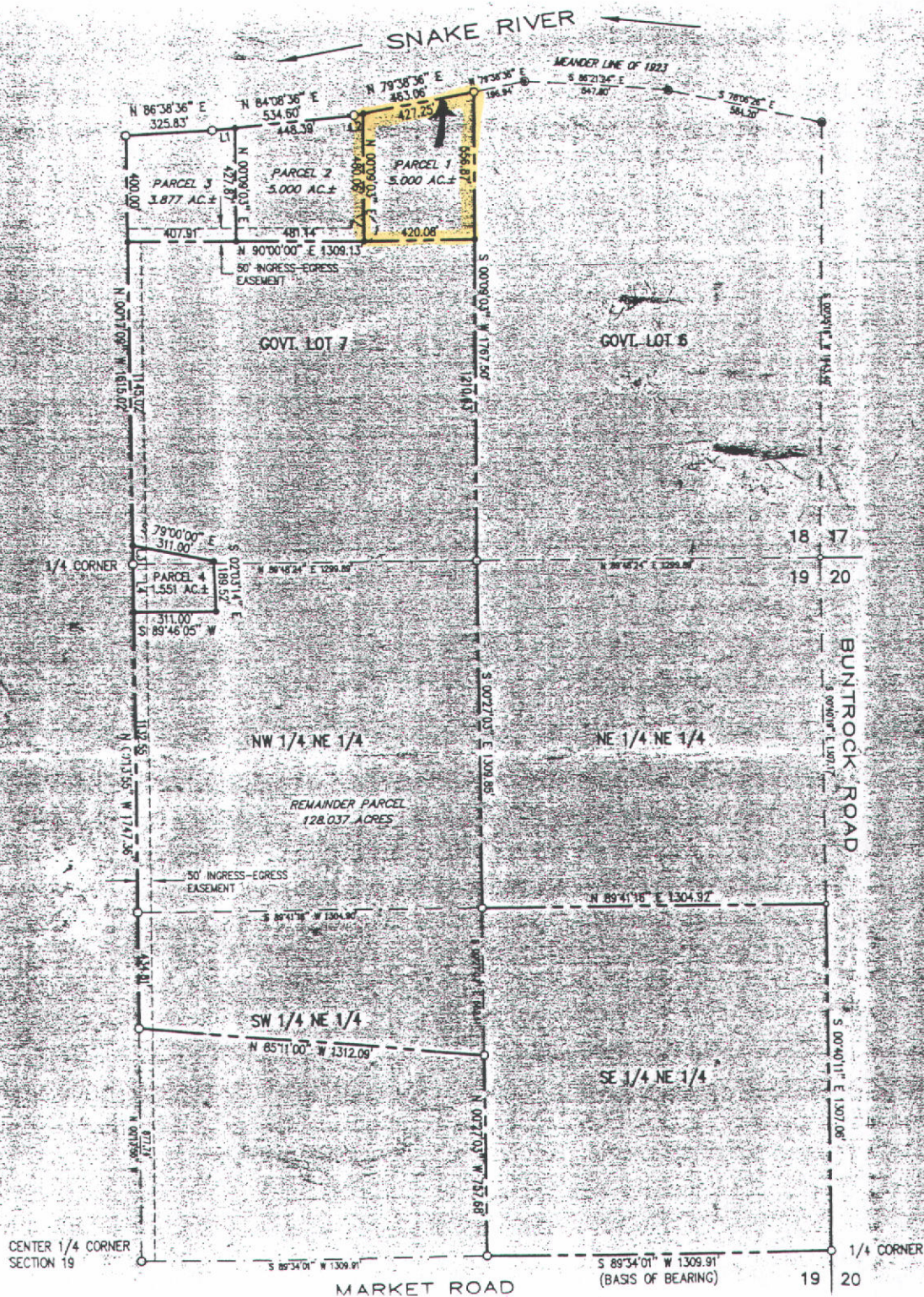
SWSE
Gov Lt 7

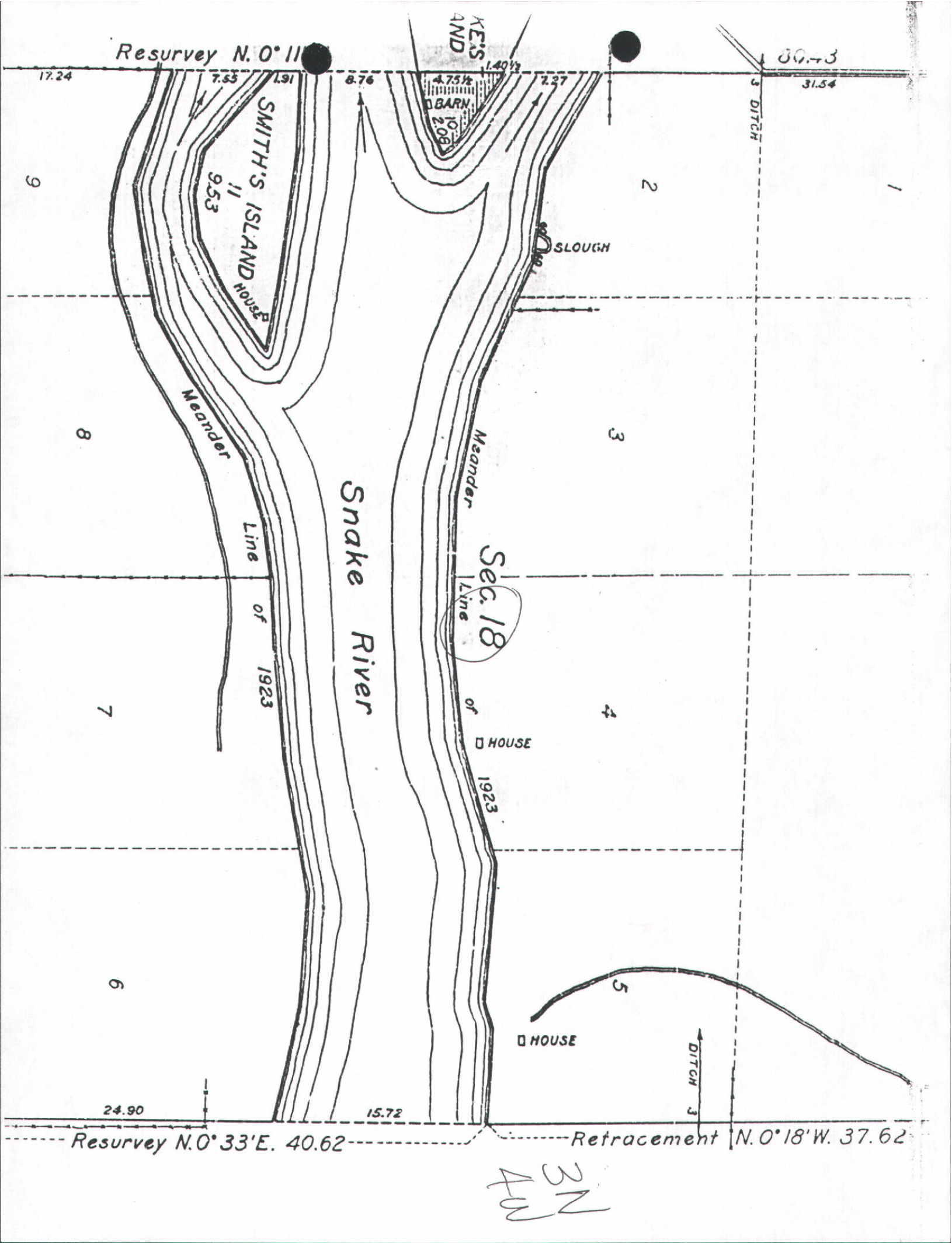
V S18

2-10299



2-10299





The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

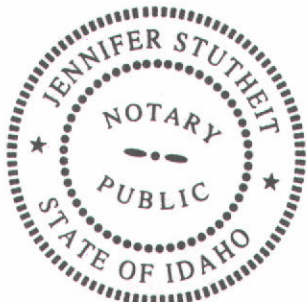
FEBRUARY 1, 8, 2006

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 27th day of Feb in the year of 2006 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2009

The following application(s)
have been filed to appropriate
the public waters of the State
of Idaho: 2-10299

MARGARET SCOTT ✓
PO BOX 715
MERIDIAN ID 83680
ROBERT SCOTT
PO BOX 715
MERIDIAN ID 83680
Point(s) of Diversion L7
(NWSE) S18 T03N
R04W OWYHEE County
Source SNAKE RIVER
Tributary To COLUMBIA
RIVER
Point(s) of Diversion L7
(NWSE) S18 T03N
R04W OWYHEE County
Source GROUND WATER
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To
11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 12/16/2005
Place Of Use: IRRIGATION
T03N R04W S18 NWSE Lot 7
SWSE Lot 7
Number of Acres 5

Remark: Applicant agrees to
mitigate consumptive use in the
future as needed.

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 Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application on or
before 02/21/2006. The protestant
must also send a copy of the
protest to the applicant.

KARL J DREHER, Director
2/1,8/06

RECEIVED

MAR 03 2006

WATER RESOURCES
WESTERN REGION
RECEIVED

MAR 02 2006

ACCTS PAYABLE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10299

Priority: December 16, 2005

Maximum Diversion Rate: 0.15 CFS

This is to certify, that ROBERT SCOTT And/Or
MARGARET SCOTT
PO BOX 715
MERIDIAN ID 83680

has applied for a permit to appropriate water from:

Source: GROUND WATER
SNAKE RIVER

Tributary: SNAKE RIVER
COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.15 CFS

LOCATION OF POINTS OF DIVERSION:

SNAKE RIVER L7 (NW¼ SE¼) Sec. 18, Twp 03N, Rge 04W, B.M. OWYHEE County
GROUND WATER L7 (NW¼ SE¼) Sec. 18, Twp 03N, Rge 04W, B.M. OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 18															3.0	2.0	5.0
															L7	L7	

Total Acres: 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2008**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.
6. 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.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 2-10299

7. The right holder shall make full beneficial use of all Gem Irrigation District water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of water under this right to those times when the Gem Irrigation District water supply is not available or the Gem Irrigation District water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the Gem Irrigation District water appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
10. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of April, 2006


for KARL J DREHER, Director

RECEIVED

MAR 14 1996

DEPARTMENT OF
WATER RESOURCESFORM 202
2/92

RECEIVED

DEC 16 2005

WATER RESOURCES
WESTERN REGION

Ident. No.

2-10299

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROBERT AND OR MARGARET SCOTT Phone 208 250 0996
Mailing address PO BOX 715 MERIDIAN ID 83680
2. Source of water supply SNAKE RIVER which is a tributary of COLUMBIA RIVER
GROUNDED WATER SNAKE RIVER
3. Location of point of diversion is Township 3N Range 4W Sec. 18, in the NW 1/4, SE 1/4, Govt. Lot 7, B.M., OWYNABE County;
additional points of diversion if any: 2 POINTS - 1 ON THE RIVER, 1 10' to 20' SO OF RIVER (SUMP)
4. Water will be used for the following purposes:
Amount .15 CFS for IRRIGATION purposes from MAR 1 to NOV 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) .15 CFS 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 PUMP ON RIVER, PUMP
ON SUMP 10' to 20' SOUTH OF RIVER
b. Height of storage dam N/A 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? _____; 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. _____

3. 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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	4W	18														3	2		5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. GEM IRRIGATION DIST.
1.35 ACRES + 3.15 ACRES DITCH WATER

- Who owns the property at the point of diversion? ROBERT AND/OR MARGARET SCOTT
- Who owns the land to be irrigated or place of use? ROBERT AND/OR MARGARET SCOTT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: THE PROPOSED SUMA WILL BE SHALLOW AND HYDROLOGICALLY
CONNECTED TO THE RIVER. THE REASON FOR THE SUMA P/D IS
ADDITION TO THE RIVER P/D IS TO ALLOW PUMPING WHEN SOLID
CONTAMINANTS ARE ABUNDANT IN THE RIVER DECREASING
PUMPING VOLUME DIRECTLY FROM THE RIVER

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.

Robert Scott
 Signature of Applicant (and title, if applicable)

Received by 6 Date 12/16/05 Time 1 PM Preliminary check by OWAN
 Fee \$ 100 Received by 6 # W03368 DWYHEE AVALANCHE
 Publication prepared by sk Date 2-10-06 Published in OWYHEE AVALANCHE
 Publication approved 3 OK Date 2-9-06

REQUEST TO PROCESS

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

Name of Applicant

ROBERT AND OR MARGARET SCOTT

Mailing Address

PO BOX 715

MORRIS AV ID 83680

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.

☐ 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

Robert Scott

Date

12/16/05

Please return this form to:

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

T3N R4W S18

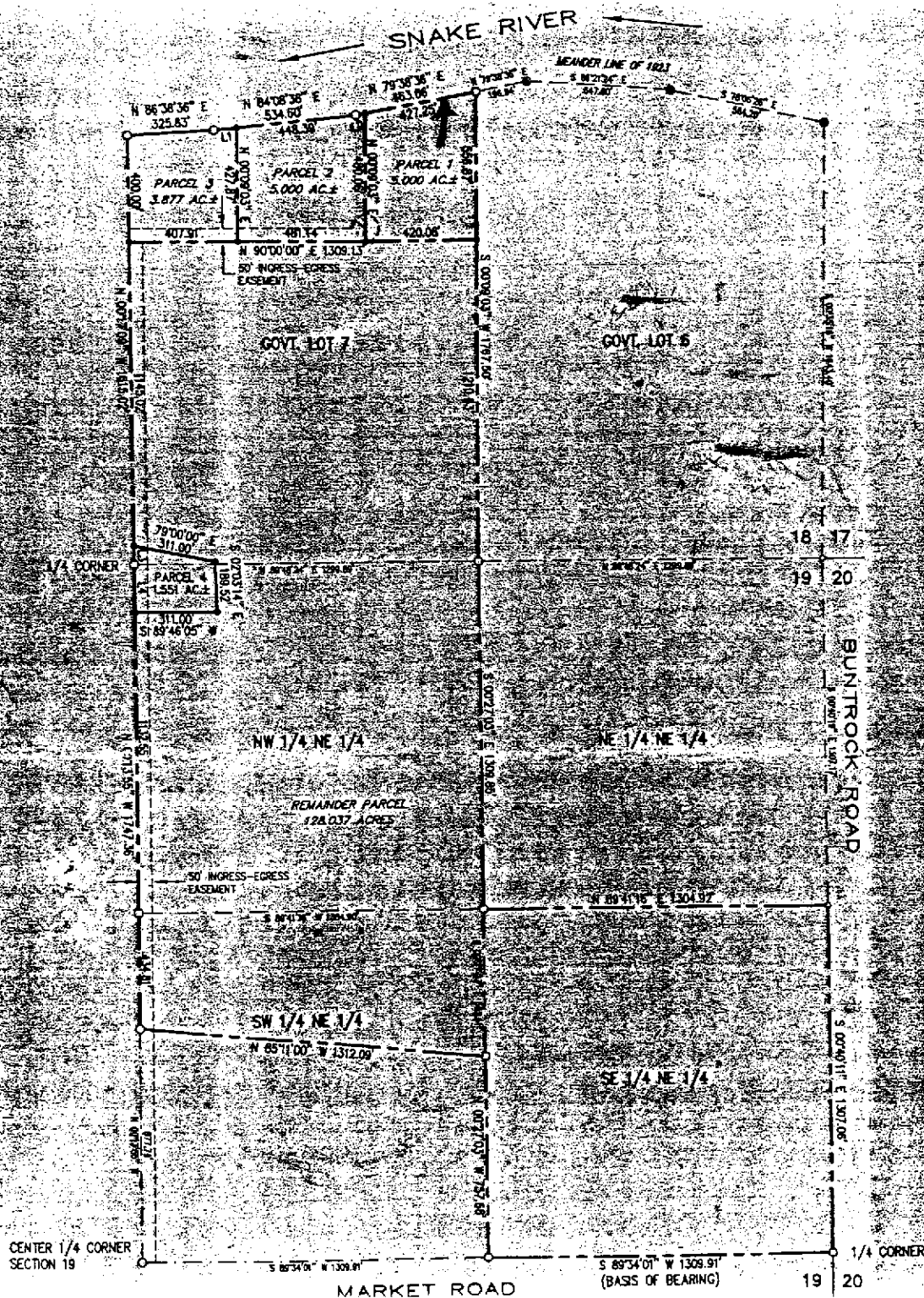
NWSE

Gov Lt 7

SWSE

Gov Lt 7

18



Resurvey N. 0° 11'

30.43

17.24 7.53 1.91 8.76 4.75 1.40 2.27 31.54

KE'S
AND

BARN
1000
200

DITCH

SMITH'S ISLAND
II
HOUSE

9.53

SLOUGH

Meander

Line of 1923

Snake River

Meander

Sec. 18

of

HOUSE

1923

HOUSE

DITCH

24.90

15.72

Resurvey N. 0° 33' E. 40.62

Retracement N. 0° 18' W. 37.62

327
43



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 3, 2006

ROBERT SCOTT
MARGARET SCOTT
PO BOX 715
MERIDIAN ID 83680

RE: Permit No. 2-10299

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

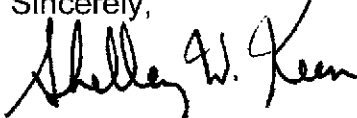
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

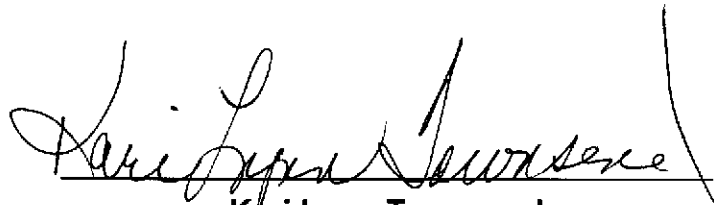
CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

2-10299

**MARGARET SCOTT
ROBERT SCOTT
PO BOX 715
MERIDIAN ID 83680**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 30, 2006
To: Water Right File 2-10299
From: eretelle
Re: permit review

No WD or moratorium

No protest.
Overlap with Gem Irrigation District shares

Conditioned to be supplemental to canal company water.

Recommend approval as suggested by IDWR Western.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT REVIEW CHECKLIST

RECEIVED

MAR 14 2006

DEPARTMENT OF
WATER RESOURCES

Initial review by DAN Date 1-18-06 Application # 02-10299

REQUIRED INFORMATION

☒ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included) } N/A
} bus. entity #
☒ Address
☒ Source (see USGS quad for source names, comment for local name)
☒ P/D (10 acres for spring, lot & block info for subdivisions)
☒ County
☒ Quantity (flow &/or volume) Government Lots
☒ Period of use yes P/D
☒ Nature of use (list details in appl. item 8 if non-irrigation) yes P/U
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ P/U
☒ Map (show T, R, S, QQ &/OR QQQ)
☒ Signature (need title of signatory if applicable)
☒ Correct fee paid

ANALYSIS

YES NO

☒ ☐ P/D overlap (explain) *BLM instream rights - insignificant.*
☒ ☐ P/U overlap (explain) *BLM irrigation dist (2 phase rights owned by district which include waste water)*
☐ ☒ Basin 63 "moratorium" delay - send letter if cannot process
☐ ☒ Critical ground water area delay - send letter if cannot process
☐ ☒ Drilling concern area - send letter to inform applicant
☐ ☒ Ground water mngt. area delay - send letter if cannot process
☐ ☒ Large diversion > 5 cfs, > 500 af storage or > 200 acres - attach large diversion checklist
☒ ☐ Minimum flow or Protected river status - email water planning bureau
☒ ☐ Mitigation plan: "request to process form" for consumptive use:
☐ Immediate mitigation, p/d in closed areas, acceptable plan required & submitted
☒ ☐ Future mitigation, p/d in open areas, acceptable plan not required
☐ ☒ Power residency affidavit - send power letter if needed
☐ ☒ Storage proposed - email regional dam safety
☐ ☒ Stream channel, perennial stream p/d &/or return flow - email regional SCA
☐ ☒ Surface water source - IDFG comment letter
☐ ☒ Trust Water - p/d in t.w. boundary for consumptive use - attach trust water checklist
☐ ☒ Wild & Scenic processing - spreadsheet data entry & required legal notice remarks
☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # _____

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af storage)
☐ ☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☒ ☒ IDEQ
☒ ☒ IDFG
☐ ☒ IDL
☐ ☒ IDWR Water Planning Bureau

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist # _____
☐ ☒ Other – list here or see attached

LEGAL NOTICE & PROTEST

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly
☐ ☐ Re-published correctly
☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest 2-21-06
☐ ☒ Protests received

RECOMMENDATIONS

☐ ☐ memo attached, list date of memo _____
☐ ☐ measuring device required
☐ ☐ watermaster factors – regulated source in district? 6/15 cutoff needed? explain below

Standard conditions.

Date of Priority December 16, 2005

☒ Approve ☐ Deny by Daniel A. Nelson Date 3-10-06

NOTES

☒ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)

☐ DP fee upgrade requested & documented ☐ Paid ☐ Not Paid = SO follow up

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 2-10299

WATER RIGHT NUMBER: 2-10299

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARGARET SCOTT PO BOX 715 MERIDIAN, ID 83680 (208)250-0996

Current Owner	ROBERT SCOTT PO BOX 715 MERIDIAN, ID 83680 (208)250-0996
---------------	---

Priority Date: 12/16/2005

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	SNAKE RIVER
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L7 (NW1/4SE1/4)	Sec. 18, Twp 03N, Rge 04W, B.M.	OWYHEE County
GROUND WATER	L7 (NW1/4SE1/4)	Sec. 18, Twp 03N, Rge 04W, B.M.	OWYHEE County

Place of Use

IRRIGATION																	
Twp Rge Sec																	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 04W 18																	5.0

Total Acres: 5

Comments:

1. scurtis 1/18/2006 Legal Notice Remarks
Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. dnelson 1/18/2006 Comment/Analysis
Comment: This application is for irrigation from the Snake River, and a small sump pump next to the Snake River, approximately 20 to 30 feet away. The ground is already covered by Gem Irrigation District water, but the water delivery is dependent on other water users. The applicant plans to grow grapes, which will need a consistent supply of water. The owner is at the end of the Gem Irrigation system, so his water rights from them consist of a combination of wastewater returns and regular flows. This creates the inconsistency of his water supply. This right should be considered a supplemental water right to the Gem Irrigation District water. Conditions should be put on this application that prevent the removal of the Gem Irrigation District water, and prevents diversion of more than 0.03 cfs and 4.5 afa.

Dates and Other Information:

Application Received Date: 12/16/2005

Owner Name Connector: AND/OR

Water District Number:

Application Type: New Appropriation

Applicant Remarks: The proposed sump will be shallow and hydraulically connected to the river. The reason for the sump pod in addition to the river pod is to allow pumping when solid contaminants are abundant in the river decreasing pumping volume directly from the river.

Other Water Rights:

Time to Complete Works: 2

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

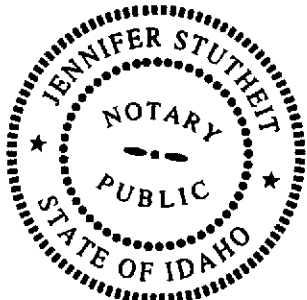
FEBRUARY 1, 8, 2006

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 27th day of Feb in the year of 2006 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2009

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 2-10299

MARGARET SCOTT ✓
PO BOX 715
MERIDIAN ID 83680
ROBERT SCOTT
PO BOX 715
MERIDIAN ID 83680
Point(s) of Diversion L7
(NWSE) S18 T03N
R04W OWYHEE County
Source SNAKE RIVER
Tributary To COLUMBIA RIVER
Point(s) of Diversion L7
(NWSE) S18 T03N
R04W OWYHEE County
Source GROUND WATER
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To
11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 12/16/2005
Place Of Use: IRRIGATION
T03N R04W S18 NWSE Lot 7
SWSE Lot 7
Number of Acres 5

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/21/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
2/1.8/06

RECEIVED

MAR 03 2006

WATER RESOURCES
WESTERN REGION
RECEIVED

MAR 02 2006

ACCTS PAYABLE

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, January 25, 2006 1:36 PM
To: 'eleitzinger@idfg.idaho.gov'
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

January 25, 2006

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit Nos. 65-23006 and 02-10299

Dear Eric:

Attached are copies of applications that may be of interest to your agency. Please review the application (s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by February 21, 2006.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



2-10299.pdf



65-23006.pdf

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

January 25, 2006

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 2-10299

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 02/21/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10299

MARGARET SCOTT
PO BOX 715
MERIDIAN ID 83680
ROBERT SCOTT
PO BOX 715
MERIDIAN ID 83680

Point(s) of Diversion L7 (NWSE) S18 T03N R04W OWYHEE County Source SNAKE RIVER
Tributary To COLUMBIA RIVER

Point(s) of Diversion L7 (NWSE) S18 T03N R04W OWYHEE County Source GROUND WATER
Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 12/16/2005

Place Of Use: IRRIGATION

T03N R04W S18 NWSE Lot 7 SWSE Lot 7

Number of Acres 5

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/21/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on February 1 and 8, 2006.