

NESE

T04N R05W S20

SESE

SWSW
LT3

SESW
LT3

NENE

NWNW
LT 8

NENW
LT 8

T04N R05W S29

SENE

SENW

57-11681

Idaho Dept. of Water Resources

Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NW/NW	Total
Claim	63-2388	UNITED STATES OF AMERICA ACTING THROUGH,	BOISE RIVER	04N05W/29		0
Right	63-2388	US DEPT OF INTERIOR,	BOISE RIVER	04N05W/29		0
Right	57-10229	KENNETH R MC RAE, REY L MC RAE,	GROUND WATER	04N05W/29	X	0
Right	57-10229	KENNETH R MC RAE, REY L MC RAE,	GROUND WATER	04N05W/29	X	0
Claim	2-64	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29		0
Claim	2-65	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29		0
Claim	2-78	REY L MC RAE, KENNETH R MC RAE,	SNAKE RIVER	04N05W/29		33
Rec	2-78	REY L MC RAE, KENNETH R MC RAE,	SNAKE RIVER	04N05W/29		54
Rec	2-7095	REY L MC RAE, KENNETH R MC RAE,	SNAKE RIVER	04N05W/29		54
Right	2-78	REY L MC RAE,	SNAKE RIVER	04N05W/29		33
Right	2-2276	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29		4

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 15, 22, 2006

SIGNED: _____

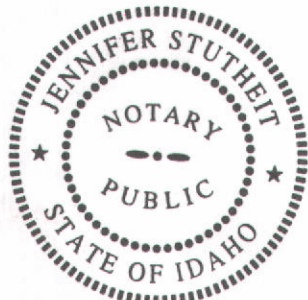
STATE OF IDAHO }
COUNTY OF OWYHEE }

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:
57-11681 *sk*

DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628
Point(s) of Diversion L3
(SESWW) S20 T04N R05W
OWYHEE County Source
SPRING
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To
11/15 0.1 CFS
Use: STOCKWATER 01/01 To
12/31 0.03 CFS
Use: DOMESTIC 01/01
To 12/31 0.04 CFS
Total Diversion: 0.17 CFS
Date Filed: 11/23/2005
Place Of Use: IRRIGATION
T04N R05W S29 NWNW Lot 8
Number of Acres 3.5
Place Of Use: DOMESTIC
T04N R05W S29 NWNW Lot 8
Place Of Use: STOCKWATER
T04N R05W S29 NWNW Lot 8
Remark: Applicant agrees to
mitigate consumptive use in the
future as needed.
Domestic use is for 1 home.
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 03/06/2006. The protestant
must also send a copy of the
protest to the applicant.
KARL J DREHER, Director
2/15,22/06

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. 57-11681

Priority: November 23, 2005

Maximum Diversion Rate: 0.17 CFS

This is to certify, that DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SNAKE 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	0.10 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

SPRING L3 (SE¼ SW¼ SW¼) Sec. 20, Twp 04N, Rge 05W, 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	
04N 05W 29							3.5										3.5
							L 8										

Total Acres: 3.5

PLACE OF USE: DOMESTIC and STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 05W 29							X										
							L 8										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. Stockwater use is for 100 range cattle.
5. 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.
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11681

7. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of March, 2006.


for KARL J DREHER, Director

RECEIVED

MAR 14 2006

RECEIVED

NOV 23 2005

DEPARTMENT OF
WATER RESOURCESWATER RESOURCES
WESTERN REGION

Ident. No.

57-11681

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Dennis Turner Phone 337-5125
Mailing address 2830 River Road Honsdale
2. Source of water supply giant Spring which is a tributary of Snake River
3. Location of point of diversion is Township 4N Range 5W Sec. 20, in the SE $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 3, B.M., ouhyer County;
additional points of diversion if any: close to Line maybe in SW SE SW
4. Water will be used for the following purposes:

Amount <u>0.04</u> for <u>Domestic</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>.03</u> for <u>Stock</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>0.10</u> for <u>IRRIGATION</u>	purposes from <u>3/1</u> to <u>11/15</u> (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) 0.17 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Spring to House and Sprinkler
 - b. Height of storage dam _____ 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? _____
 - 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 5 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. 100 Range cattle
 - c. Municipal; show name of municipality. Idaho
 - d. Domestic; show number of households. 1 home
 - e. Other; describe fully. _____

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	5W	29						3.5											3.5
								D											
								S											

Total number of acres to be irrigated 3.5

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

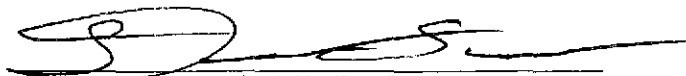
57-10229 For ^{Dom} ~~Dom~~
02-2178 02-7095 02-7384 For Irrigation

11. a. Who owns the property at the point of diversion? Dennis Turner
 b. Who owns the land to be irrigated or place of use? Dennis Turner
 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: _____

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 DAN Date 11-23-05 Time 10:27AM Preliminary check by SC
 Fee \$ 100.00 Received by DAN # W033625 Date 11-23-05
 Publication prepared by uk Date 2-15-22-06 Published in _____
 Publication approved sk Date 3-10-06 **OWYHEE AVALANCHE**

NESE

T04N R05W S20

SESE

SWSW
LT3

SESW
LT3

NENE

NWNW
LT 8

NENW
LT 8

T04N R05W S29

SENE

SENW

REQUEST TO PROCESS

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

Name of Applicant

Dennis Turner

Mailing Address

2830 River Road #

Hamdale Id

Application No.
(if known)

83628

☐ 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.

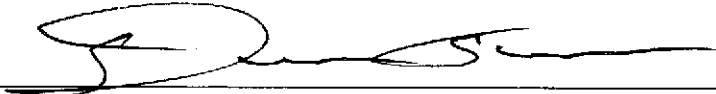
☐ PROPOSE MITIGATION NOW

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



Date

11/23/05

Please return this form to:

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

Idaho Department of Water Resources Receipt

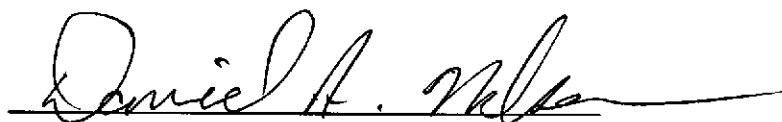
Receipt ID W033625

Payment Amount Date Received Region Status
Payment Type Check Number

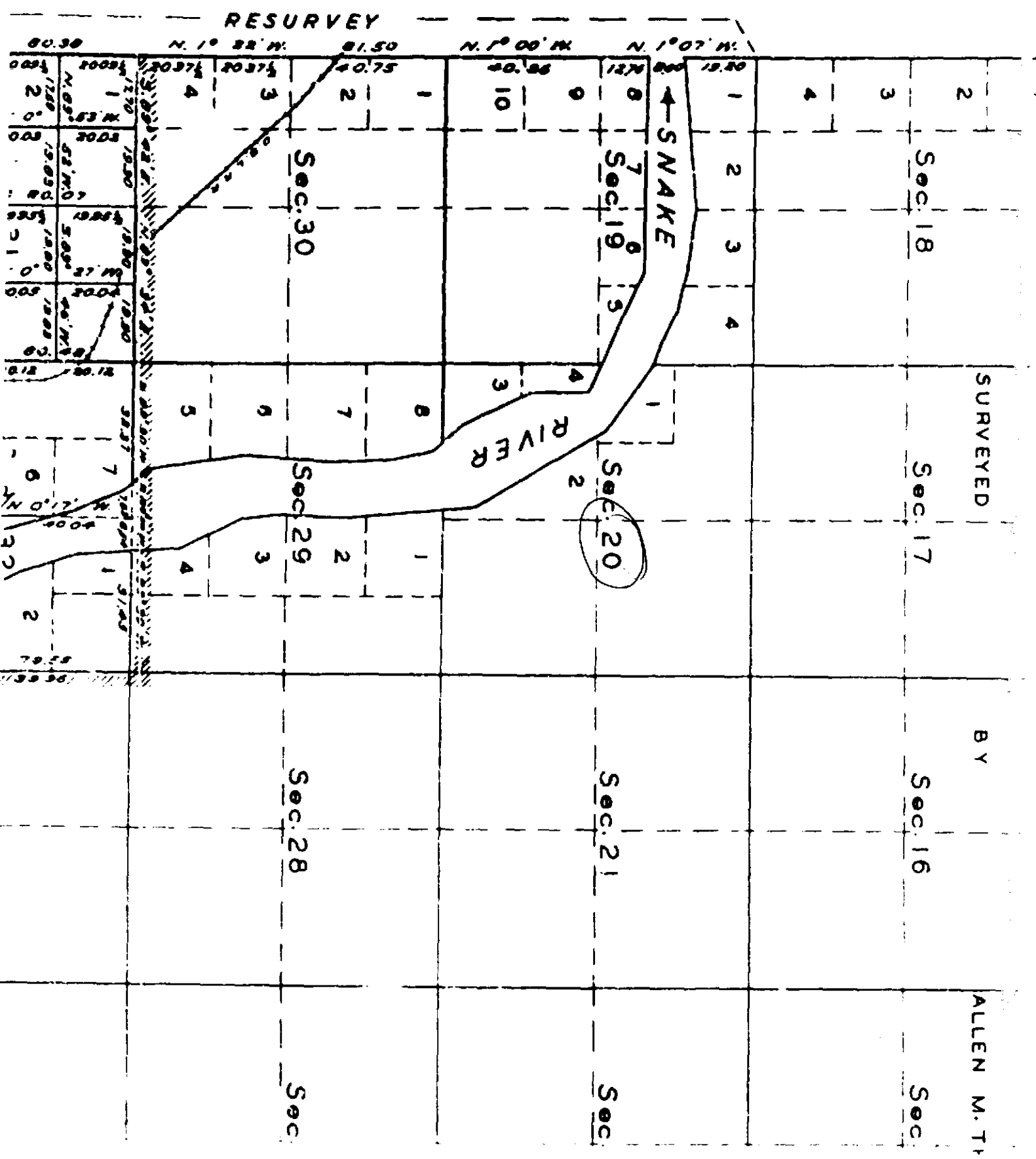
Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	62103	1155


Signature Line (Dept. Representative)

AN
5m



April 2005

APPLICATION RESEARCH

Completed by _____ Date _____

Add reviewer's initials Sharla to APPS.LIS and SAVE

RESEARCH

1. N/A Corporation, partnership or other business entity: conduct Business Entity search at ID Sec. of State website and list results:
_____ registration # _____ not registered
2. ✓ Gov't Lots, attach results if any in the entire section(s). Use most recent survey found on microfiche.
3. ✓ P/D overlap, existing/proposed site(s). Attach results or summarize here.
✓ none _____ see attached
gw or Snake River only
4. ✓ P/U overlap, existing/proposed site(s). Attach results or summarize here.
_____ none ✓ see attached
5. N/A Transfer, Extension or Exchange: print "highest version" proof report(s)

NOTES TO REVIEWER

_____ SRBA reviewer

_____ MITIGATION PLAN involved, remember data entry in Mitigation Plan field

11/23

12/13/2005

Idaho Dept. of Water Resources Place of Use Comparison Report

Page 1

Type	WR #	Owner	Source	TRS	NWNW	Total
Claim	63-2388	UNITED STATES OF AMERICA ACTING THROUGH,	BOISE RIVER	04N05W/29		0
Right	63-2388	US DEPT OF INTERIOR,	BOISE RIVER	04N05W/29		0
Right	57-10229	KENNETH R MC RAE, REY L MC RAE,	GROUND WATER	04N05W/29	X	0
Right	57-10229	KENNETH R MC RAE, REY L MC RAE,	GROUND WATER	04N05W/29	X	0
Claim	2-64	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29		0
Claim	2-65	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29		0
Claim	2-78	REY L MC RAE, KENNETH R MC RAE,	SNAKE RIVER	04N05W/29	33	33
	2-78					
Right	2-78	REY L MC RAE,	SNAKE RIVER	04N05W/29	33	33
Right	2-2276	GEM IRRIGATION DIST,	SNAKE RIVER	04N05W/29	4	4



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

DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628

RE: Permit No. 57-11681

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.

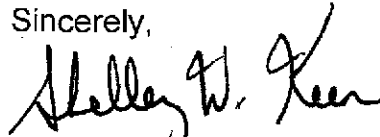
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

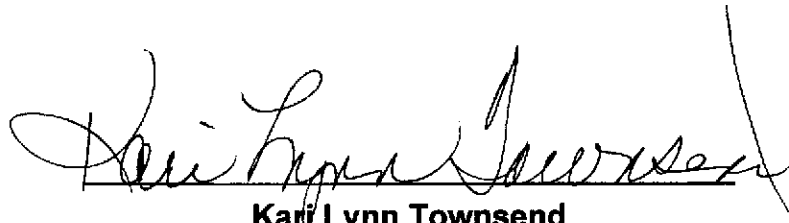
CERTIFICATE OF SERVICE

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.

57-11681

**DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628**



**Karl 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 31, 2006
To: Water Right File 57-11681
From: eretelle
Re: permit review

No WD or moratorium.

No protest.

No PoD overlap.

PoU overlaps 57-10229 for domestic, 02-2178, -7095 and -7384 irrigation.

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 A. Carter Date 2/6/06 Application # 57-11681

REQUIRED INFORMATION

☒ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included) } N/A
} bus. entity #
☒ Address 210 =
☒ 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 _____ P/D
☒ Nature of use (list details in appl. item 8 if non-irrigation) _____ 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)
☒ ☒ P/U overlap (explain) Dem. Ins. Dist, Snake R. of gul rts - standard ins.
☒ ☒ Basin 63 "moratorium" delay - send letter if cannot process overlap cond. sufficient
☒ ☒ Critical ground water area delay - send letter if cannot process dom. overlap ok w/o
☒ ☒ Drilling concern area - send letter to inform applicant cond. remarks -
☒ ☒ Ground water mngt. area delay - send letter if cannot process sep. sources
☒ ☒ 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 57-11681

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 3-6-06
☒ Protests received

RECOMMENDATIONS

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

26A, WBS(1), R69

Date of Priority 11/23/05

☒ Approve ☐ Deny by SCurtis

Date 3/13/06

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 57-11681

WATER RIGHT NUMBER: 57-11681

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS TURNER 2830 RIVER RD HOMEDALE, ID 83628 (208)337-5125

Priority Date: 11/23/2005

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SNAKE 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	0.100 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.170 CFS	

Location of Point(s) of Diversion

SPRING L3 (SE1/4SW1/4SW1/4) Sec. 20, Twp 04N, Rge 05W, B.M.
OWYHEE County

Place of Use

<u>IRRIGATION</u>																			
Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	29							3.5									3.5	
									L 8										

Total Acres: 3.5

<u>DOMESTIC</u>																			
Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	29							X										
									L 8										

<u>STOCKWATER</u>																			
Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	05W	29							X										
									L 8										

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 57-11681

Remarks:

Comments:

1. scurtis 2/7/2006 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 1 home.

2. scurtis 2/7/2006 Comment/Analysis

Comment: The applicant states on the application that the point of diversion is close to the 1/4 1/4 line and may be in the SWSESW. The point of diversion as indicated on the applicants map is located in Gov. Lot 3; plat map and ArcView show Lot 3 as being the SWSW. Even if the point of diversion ends up being further to the east and right next to the river, it will still be Gov. Lot 3 and no amendment or transfer would be required.

Dates and Other Information:

Application Received Date: 11/23/2005

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights: 57-10229 for domestic

02-2178, 02-7095, 02-7384 for irrigation

Time to Complete Works: 5

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 15, 22, 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: sk
57-11681

DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628
Point(s) of Diversion L3
(SESWSW) S20 T04N R05W
OWYHEE County Source
SPRING
Tributary To SNAKE RIVER
Use: IRRIGATION 03/01 To
11/15 0.1 CFS
Use: STOCKWATER 01/01 To
12/31 0.03 CFS
Use: DOMESTIC 01/01
To 12/31 0.04 CFS
Total Diversion: 0.17 CFS
Date Filed: 11/23/2005
Place Of Use: IRRIGATION
T04N R05W S29 NWNW Lot 8
Number of Acres 3.5
Place Of Use: DOMESTIC
T04N R05W S29 NWNW Lot 8
Place Of Use: STOCKWATER
T04N R05W S29 NWNW Lot 8
Remark: Applicant agrees to
mitigate consumptive use in the
future as needed.
Domestic use is for 1 home.
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 03/06/2006. The protestant
must also send a copy of the
protest to the applicant.
KARL J DRÉHER, Director
2/15, 22/06

RECEIVED

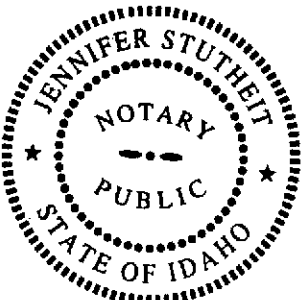
MAR 03 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 02 2006

ACCTS PAYABLE



Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, February 09, 2006 2:30 PM
To: 'eleitzinger@idfg.idaho.gov'
Subject: comment letters

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

February 9, 2006

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit Nos. 65-22970, 57-11681, 79-7247, and 78-7391

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 March 6, 2006.

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

Sincerely,



57-11681.pdf



65-22970.pdf



78-7391.pdf



79-7247.pdf

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

February 9, 2006

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 57-11681

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 03/06/2006. 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:

57-11681

DENNIS TURNER
2830 RIVER RD
HOMEDALE ID 83628

Point(s) of Diversion L3 (SESWSW) S20 T04N R05W OWYHEE County Source SPRING

Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.1 CFS

Use: STOCKWATER 01/01 To 12/31 0.03 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.17 CFS

Date Filed: 11/23/2005

Place Of Use: IRRIGATION

T04N R05W S29 NWNW Lot 8

Number of Acres 3.5

Place Of Use: DOMESTIC

T04N R05W S29 NWNW Lot 8

Place Of Use: STOCKWATER

T04N R05W S29 NWNW Lot 8

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 1 home.

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 03/06/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
2006.

Published in the Owyhee Avalanche on February 15 and 22,