

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-31593

Priority: April 23, 2002

Maximum Diversion Volume: 2.0 AF

This is to certify, that RON SALI
100 N 9TH ST STE 200
BOISE ID 83701

has applied for a permit to appropriate water from:

Source: UNNAMED DRAIN

Tributary: BOISE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
FISH HABITAT STORAGE	01/01 to 12/31	2.0 AF
WILDLIFE STORAGE	01/01 to 12/31	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED DRAIN	L10 (NW¼SE¼)	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
UNNAMED DRAIN	L9 (SW¼SE¼)	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
UNNAMED DRAIN	NE¼SE¼	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
UNNAMED DRAIN	SE¼SE¼	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
UNNAMED DRAIN	L9 (SW¼SE¼)	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
UNNAMED DRAIN	SE¼SE¼	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County

PLACE OF USE: FISH HABITAT STORAGE

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 01W 14													X	X	X	X	
													L10		L9		

PLACE OF USE: WILDLIFE STORAGE – Same as Fish Habitat Storage**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2007**.
2. Subject to all prior water rights.
3. 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 permit holder had no control.

MICROFILMED

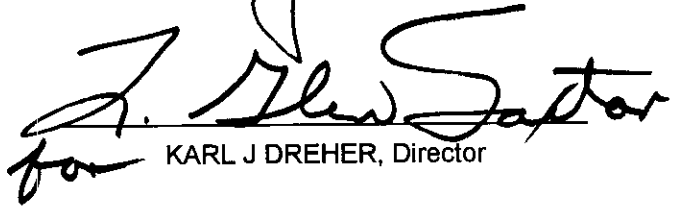
MLP 2 0 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-31593

CONDITIONS OF APPROVAL CONTINUED

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. Fish habitat storage and wildlife habitat storage are for six small pools to be created along the source stream.
6. Use of water under this right shall be non-consumptive.
7. The right holder shall mitigate for evaporation losses under this right by reducing the irrigated acreage under Right 63-11381 by 1/2 (one half) acre. If mitigation is not provided in this manner, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of February, 2003.


for KARL J DREHER, Director

MICROFILMED
MAR 28 2009

RECEIVED

JAN - 3 2003

RECEIVED

FORM 202
12/99
RECEIVED

APR 23 2002

WATER RESOURCES
WESTERN REGION

SEP 11 2002

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 63-31593

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Revisions Approval:
KS 9-5-02
initials date

1. Name of Applicant Ron Sali Ste 200 Phone 344-4224
Mailing address 100 N. 9th Street Boise Id. 83702
2. Source of water supply unnamed drain which is a tributary of Boise River
3. Location of point of diversion is Township 4 N Range 1 W Sec. 14 in the - 1/4,
NE 1/4, SE 1/4, Govt. Lot -, B.M., Ada County;
additional points of diversion if any: none

4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>2 AF</u> for <u>Fish + Wildlife</u> purposes from <u>Jan 1st</u> to <u>Dec 31st</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>storage</u> for <u>storage</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>-</u> for <u>-</u> purposes from <u>-</u> to <u>-</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |

5. Total quantity to be appropriated is (a) - cubic feet per second and/or (b) 2 acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Deepen pools
for fish holding areas
- b. Height of storage dam 2 ft. feet; active reservoir capacity two acre-feet; total
reservoir capacity two 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 4 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. non consumptive use for fish +
wildlife thru a series of 4-6 pools
on an existing drain that is 3300
feet long.

* up to 6 pld total in 4 tracts, as above &

NWSE 2.10
SWSE 1.9
SESE } all same section
adjoined

MAR 20 2003

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.

All of SE 1/4 ok ✓

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	14													W	W	X	W	
																L.10	L.9		

Total number of acres to be irrigated N/A

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, Ron Sali

b. Who owns the land to be irrigated or place of use? Applicant Ron Sali

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: I am requesting a nonconsumptive use water right ~~of 9 cfs~~ for fish and wildlife habitat. This will be an "in stream flow" seeking enough water to keep stream and pools full of water

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Ron Sali
Signature of Applicant (and title, if applicable)

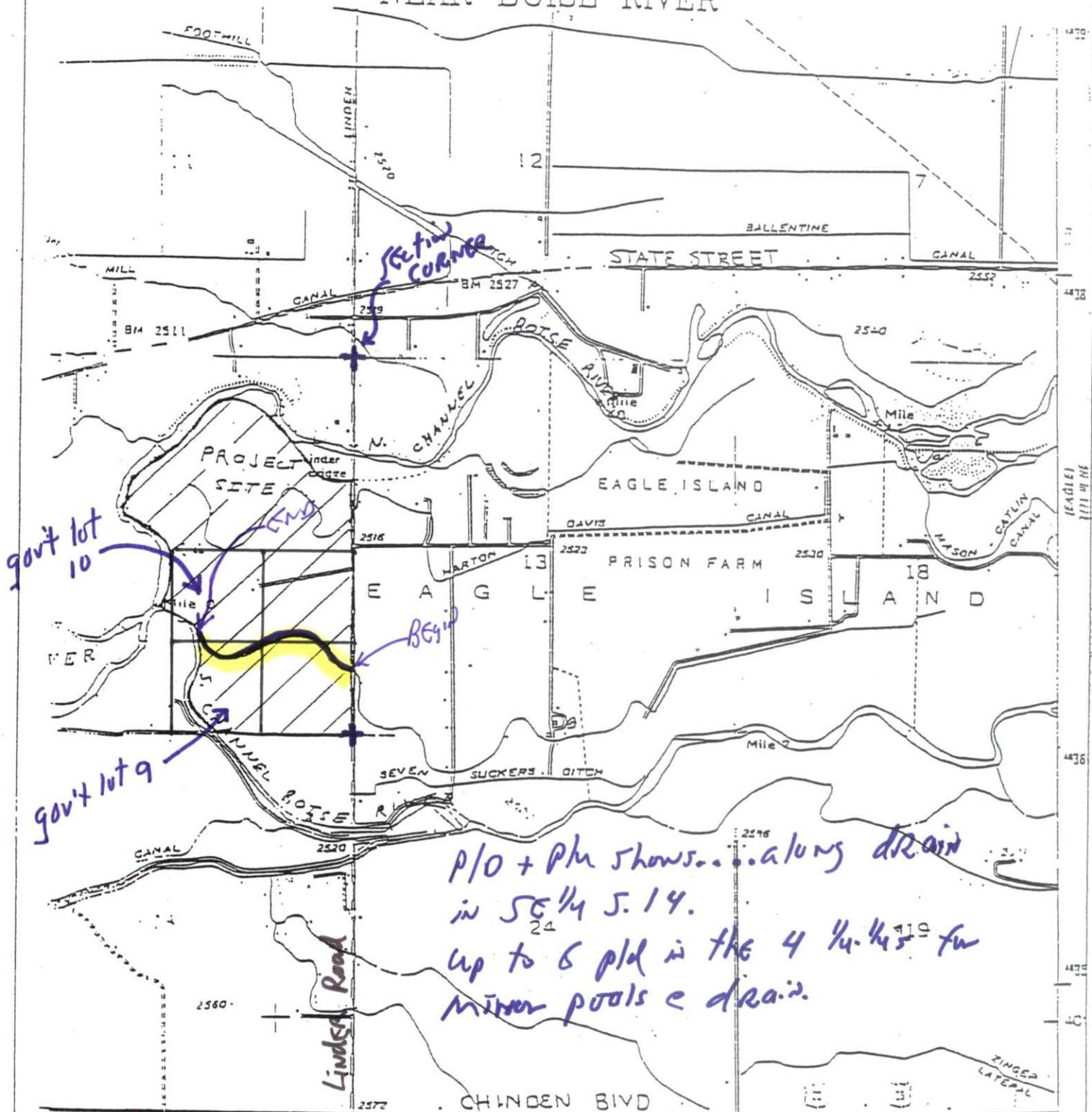
Received by AG Date 4/23/02 Time 10:46 Preliminary check by SL
Fee \$ 100.00 Received by AG # W029064 Date 4/23/02
Publication prepared by AG Date 11-21-02 Published in THE IDAHO STATESMAN
Publication approved AG Date 12-10-02

* SEE attached estimates showing combined pools will hold c 2 AF of water.

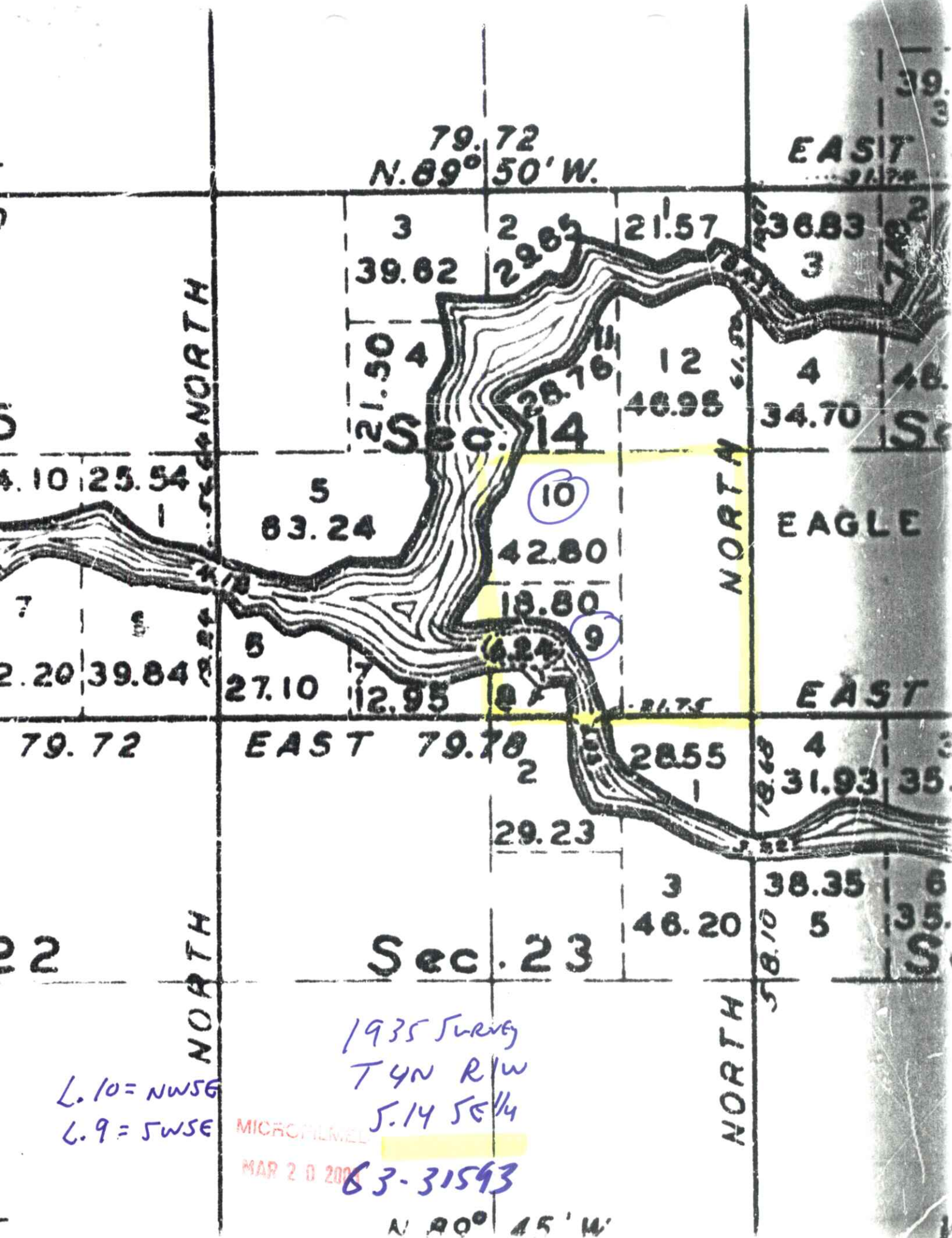
MICROFILMED

MAR 20 2003

GRAVEL EXTRACTION PIT NEAR BOISE RIVER



P/O + Pm shows... along drain
in SE 1/4 S. 14.
up to 6 pld in the 4 1/4 - 1/2 - 1/4 - 1/8 - 1/16 - 1/32 - 1/64 - 1/128 - 1/256 - 1/512 - 1/1024 - 1/2048 - 1/4096 - 1/8192 - 1/16384 - 1/32768 - 1/65536 - 1/131072 - 1/262144 - 1/524288 - 1/1048576 - 1/2097152 - 1/4194304 - 1/8388608 - 1/16777216 - 1/33554432 - 1/67108864 - 1/134217728 - 1/268435456 - 1/536870912 - 1/1073741824 - 1/2147483648 - 1/4294967296 - 1/8589934592 - 1/17179869184 - 1/34359738368 - 1/68719476736 - 1/137438953472 - 1/274877906944 - 1/549755813888 - 1/1099511627776 - 1/2199023255552 - 1/4398046511104 - 1/8796093022208 - 1/17592186044416 - 1/35184372088832 - 1/70368744177664 - 1/140737488355328 - 1/281474976710656 - 1/562949953421312 - 1/1125899906842624 - 1/2251799813685248 - 1/4503599627370496 - 1/9007199254740992 - 1/18014398509481984 - 1/36028797018963968 - 1/72057594037927936 - 1/144115188075855872 - 1/288230376151711744 - 1/576460752303423488 - 1/1152921504606846976 - 1/2305843009213693952 - 1/4611686018427387904 - 1/9223372036854775808 - 1/18446744073709551616 - 1/36893488147419103232 - 1/73786976294838206464 - 1/147573952589676412928 - 1/295147905179352825856 - 1/590295810358705651712 - 1/1180591620717411303424 - 1/2361183241434822606848 - 1/4722366482869645213696 - 1/9444732965739290427392 - 1/18889465931478580854784 - 1/37778931862957161709568 - 1/75557863725914323419136 - 1/151115727451828646838272 - 1/302231454903657293676544 - 1/604462909807314587353088 - 1/1208925819614629174706176 - 1/2417851639229258349412352 - 1/4835703278458516698824704 - 1/9671406556917033397649408 - 1/19342813113834066795298816 - 1/38685626227668133590597632 - 1/77371252455336267181195264 - 1/154742504910672534362390528 - 1/309485009821345068724781056 - 1/618970019642690137449562112 - 1/1237940039285380274899124224 - 1/2475880078570760549798248448 - 1/4951760157141521099596496896 - 1/9903520314283042199192993792 - 1/19807040628566084398385987584 - 1/39614081257132168796771975168 - 1/79228162514264337593543950336 - 1/158456325028528675187087900672 - 1/316912650057057350374175801344 - 1/633825300114114700748351602688 - 1/1267650600228229401496703205376 - 1/2535301200456458802993406410752 - 1/5070602400912917605986812821504 - 1/10141204801825835211973625643008 - 1/20282409603651670423947251286016 - 1/40564819207303340847894502572032 - 1/81129638414606681695789005144064 - 1/162259276829213363391578010288128 - 1/324518553658426726783156020576256 - 1/649037107316853453566312041152512 - 1/1298074214633706907132624082305024 - 1/2596148429267413814265248164610048 - 1/5192296858534827628530496329220096 - 1/10384593717069655257060992658440192 - 1/20769187434139310514121985316880384 - 1/41538374868278621028243970633760768 - 1/83076749736557242056487941267521536 - 1/166153499473114484112975882535043072 - 1/332306998946228968225951765070086144 - 1/664613997892457936451903530140172288 - 1/1329227995784915872903807060280344576 - 1/2658455991569831745807614120560689152 - 1/5316911983139663491615228241121378304 - 1/10633823966279326983230456482242756608 - 1/21267647932558653966460912964485513216 - 1/42535295865117307932921825928971026432 - 1/85070591730234615865843651857942052864 - 1/170141183460469231731687303715884105728 - 1/340282366920938463463374607431768211456 - 1/680564733841876926926749214863536422912 - 1/1361129467683753853853498429727072845824 - 1/2722258935367507707706996859454145691648 - 1/5444517870735015415413993718908291383296 - 1/10889035741470030830827987437816582766592 - 1/21778071482940061661655974875633165533184 - 1/43556142965880123323311949751266331066368 - 1/87112285931760246646623899502532662132736 - 1/174224571863520493293247799005065324265472 - 1/348449143727040986586495598010130648530944 - 1/696898287454081973172991196020261297061888 - 1/1393796574908163946345982392040522594123776 - 1/2787593149816327892691964784081045188247552 - 1/5575186299632655785383929568162090376495104 - 1/11150372599265311570767859136324180752990208 - 1/22300745198530623141535718272648361505980416 - 1/44601490397061246283071436545296723011960832 - 1/89202980794122492566142873090593446023921664 - 1/178405961588244985132285746181186892047843328 - 1/356811923176489970264571492362373784095686656 - 1/713623846352979940529142984724747568191373312 - 1/1427247692705959881058285969449495136382746624 - 1/2854495385411919762116571938898990272765493248 - 1/5708990770823839524233143877797980545530986496 - 1/11417981541647679048466287755595961091061972992 - 1/22835963083295358096932575511191922182123945984 - 1/45671926166590716193865151022383844364247891968 - 1/91343852333181432387730302044767688728495783936 - 1/182687704666362864775460604089535377456991567872 - 1/365375409332725729550921208179070754913983135744 - 1/730750818665451459101842416358141509827966271488 - 1/1461501637330902918203684832716283019655932542976 - 1/2923003274661805836407369665432566039311865085952 - 1/5846006549323611672814739330865132078623730171904 - 1/11692013098647223345629478661730264157247460343808 - 1/23384026197294446691258957323460528314494920687616 - 1/46768052394588893382517914646921056628989841375232 - 1/93536104789177786765035829293842113257979682750464 - 1/187072209578355573530071658587684226515959365500928 - 1/374144419156711147060143317175368453031918731001856 - 1/748288838313422294120286634350736906063837462003712 - 1/1496577676626844588240573268701473812127674924007424 - 1/2993155353253689176481146537402947624255349848014848 - 1/5986310706507378352962293074805895248510699696029696 - 1/11972621413014756705924586149611790497021399392059392 - 1/23945242826029513411849172299223580994042798784118784 - 1/47890485652059026823698344598447161988085597568237568 - 1/95780971304118053647396689196894323976171195136475136 - 1/191561942608236107294793378393788647952342390272950272 - 1/383123885216472214589586756787577295904684780545900544 - 1/766247770432944429179173513575154591809369561091801088 - 1/1532495540865888858358347027150309183618739122183602176 - 1/3064991081731777716716694054300618367237478244367204352 - 1/6129982163463555433433388108601236734474956488734408704 - 1/12259964326927110866866776217202473468949912977468817408 - 1/24519928653854221733733552434404946937899825954937634816 - 1/49039857307708443467467104868809893875799651909875269632 - 1/98079714615416886934934209737619787751599303819750539264 - 1/196159429230833773869868419475239575503198607639501078368 - 1/392318858461667547739736838950479151006397215279002156736 - 1/784637716923335095479473677900958302012794430558004313472 - 1/1569275433846670190958947355801916604025588861116008626944 - 1/3138550867693340381917894711603833208051177722232017253888 - 1/6277101735386680763835789423207666416102355444464034507776 - 1/12554203470773361527671578846415332832204710888928069015552 - 1/25108406941546723055343157692830665664409421777856138031104 - 1/50216813883093446110686315385661331328818843555712276062208 - 1/100433627766186892221372630771322662657637687111424552124416 - 1/200867255532373784442745261542645325315275374222849104248832 - 1/401734511064747568885490523085290650630550748445698208497664 - 1/803469022129495137770981046170581301261101496891396416995328 - 1/1606938044258990275541962092341162602522202993782792833990656 - 1/3213876088517980551083924184682325205044405987565585667981312 - 1/6427752177035961102167848369364650410088811975131171335962624 - 1/12855504354071922204335696738729300820177623950262342671925248 - 1/25711008708143844408671393477458601640355247900524685343850496 - 1/51422017416287688817342786954917203280710495801049370687700992 - 1/102844034832575377634685573909834406561420991602098741375401984 - 1/205688069665150755269371147819668813122841983204197482750803968 - 1/411376139330301510538742295639337626245683966408394965501607936 - 1/822752278660603021077484591278675252491367932816789931003215872 - 1/1645504557321206042154969182557350504982735865633579862006431744 - 1/3291009114642412084309938365114701009965471731267159724012863488 - 1/6582018229284824168619876730229402019930943462534319448025726976 - 1/1316403645856964833723975346045880403986188692506863889605145376 - 1/2632807291713929667447950692091760807972377385013727779210290752 - 1/5265614583427859334895901384183521615944754770027455558420581504 - 1/10531229166855718669791802768367043231889509540054911116841163008 - 1/21062458333711437339583605536734086463779019080109822233682326016 - 1/42124916667422874679167211073468172927558038160219644467364652032 - 1/84249833334845749358334422146936345855116076320439288934729304064 - 1/168499666689691498716668844293872691710232152640878577869458608128 - 1/336999333379382997433337688587745383420464305281757155738917216256 - 1/673998666758765994866675377175490766840928610563514311477834432512 - 1/1347997333517531989733350754350981533681857221127028622955668865024 - 1/2695994667035063979466701508701963067363714442254057245911337730048 - 1/5391989334070127958933403017403926134727428884508114491822675460096 - 1/10783978668140255917866806034807852269454857769016228983645350920192 - 1/21567957336280511835733612069615704538909715538032457967290701840384 - 1/43135914672561023671467224139231409077819431076064915934581403680768 - 1/86271829345122047342934448278462818155638862152129831869162807361536 - 1/172543658690244094685868896556925636311277724304259663738325614723072 - 1/345087317380488189371737793113851272622555448608519327476651229446144 - 1/690174634760976378743475586227702545245110897217038654953302458892288 - 1/1380349269521952757486951172455405090490221794434077309906604917784576 - 1/2760698539043905514973902344910810180980443588868154619813209835569152 - 1/5521397078087811029947804689821620361960887177736309239626419671138304 - 1/11042794156175622059895609379643240723921774355472618479252839342276608 - 1/22085588312351244119791218759286481447843548710945236958505678684553216 - 1/44171176624702488239582437518572962895687097421890473917011357369106432 - 1/88342353249404976479164875037145925791374194843780947834022714738212864 - 1/176684706498809952958329750074291851582748389687561895668045429476425728 - 1/353369412997619905916659500148583703165496779375123791336090858952851456 - 1/706738825995239811833319000297167406330993558750247582672181717905702912 - 1/1413477651990479623666638000594334812661987117500495165344363435811405824 - 1/2826955303980959247333276001188669625323974235000990330688726871622811648 - 1/5653910607961918494666552002377339250647948470001980661377453743245623296 - 1/11307821215923836989333104004754678501295896940003961322754907486491246592 - 1/22615642431847673978666208009509357002591793880007922645509814972982493184 - 1/45231284863695347957332416019018714005183587760015845291019629945964986368 - 1/90462569727390695914664832038037428010367175520031690582039259891929972736 - 1/180925139454781391829329664076074856020734351040063381164078519783859945472 - 1/361850278909562783658659328152149712041468702080126762328157039567719890944 - 1/723700557819125567



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 19, 2003

RON SALI
100 N 9TH ST STE 200
BOISE ID 83701

RE: Permit No. 63-31593

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 a least sixty days prior to the commencement of work in the stream.

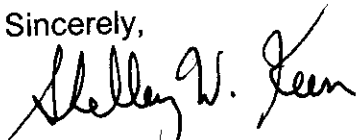
MICROFILMED

MAR 20 2003

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 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

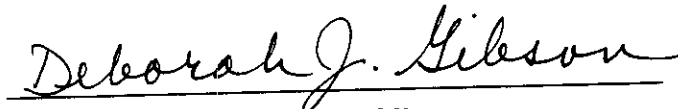
MAR 20 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2003 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. 63-31593

**RON SALI
100 N 9TH ST STE 200
BOISE ID 83701**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

MAR 26 2003

**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: February 18, 2003
To: Water Right File 63-31593
From: skeen *SK*
Re: Permit Review

Permit review and data entry by S. Keen on 2/18/2003.

MITIGATION

The right holder is required to mitigate for 2 AF of evaporation by reducing the irrigated acreage under Right 63-11381 by half an acre.

MICROFILMED
MAR 20 2003

FEB 12 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

February 10, 2003

RON SALI
100 N 9TH ST STE 200
BOISE ID 83701*Re: Application for Permit No. 63-31593*

Dear Ron:

Thank you for your letter of February 6, 2003, regarding the above referenced application. It appears you can mitigate the proposed use by retiring a minor portion of your existing irrigation right. As you noted, this would avoid the need for an annual process to identify the means of mitigation.

I will forward your letter to the department's Water Rights Permit Section for final resolution of your application. You should hear from that unit fairly soon.

Please let me know if you need more information in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a horizontal line.

Steve Lester
Water Rights Supervisor

MICROFILMED

FEB 20 2003

RECEIVED

FEB 12 2003

Department of Water Resources

RON J. SALI



RECEIVED

FEB 10 2003

WATER RESOURCES
WESTERN REGION

February 6, 2003

Steve Lester
IDWR
2735 Airport Way
Boise, Id. 83705

Re: Application for Permit No. 63-31593

Dear Steve,

This letter is in response to your letter dated January 9, 2003.

I hereby choose the second option referred to in your letter, which says, "you could refrain from irrigating one-half acre under your license right no. 63-11381 for each year..."

We are permitted to mine gravel and create a 35-acre lake on this 60-acre parcel for which we will then not need all of our water under licensed right 63-11381.

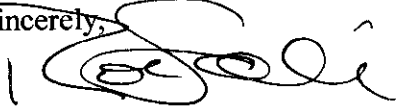
In the summer 2002 we stopped irrigating approximately 20 acres of this parcel to start the mining process.

I do acknowledge that some water rights are needed when the mining is completed for evaporation purposes. However, we are permitted to irrigate the entire 60 acres and when the mining is completed and the 35 acre lake is full of water we will still not need nearly all of the permitted water right.

Hopefully when all the mining is completed we could analyze exactly what is needed for water rights for evaporation and any irrigation that may occur then at that point maybe an annual letter will not be necessary since all improvements would then be permanent.

Please do not hesitate to call if you have any questions.

Sincerely,



Ron Sali

MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2003

RON SALI
100 N 9TH ST STE 200
BOISE ID 83702

Re: Application for Permit No. 63-31593

Dear Ron:

The above referenced application for fish and wildlife habitat use via an unnamed drain is almost ready to be approved. An oversight occurred during my review and processing of the application. Please excuse my error in not catching this detail earlier in the application process.

The application was processed as an essentially non-consumptive use not subject to restrictions for new uses associated with water tributary to the Boise River. You submitted information about the application stating that about two acre-feet (af) of water would be evaporated from the surface area of the proposed pools each year. Therefore the application includes a consumptive use, however minor, to be evaluated in light of restrictions associated with the river.

Similar filings have resulted in the following condition of approval to address potential impacts on the Boise River water supply:

The right holder must provide for storage water or some other source of water to be released into the Boise River for mitigation purposes and shall annually provide to the department an executed storage lease agreement or other documentation as proof of such release into the Boise River.

In your case, a combination of two likely solutions might be used. *One*, you can seek to lease two af each year from the local rental pool. This "water bank route" can be sought each year by contacting the Boise River Watermaster, Lee Sisco, at 378-0246. A copy of a valid lease could be submitted to the department prior to the irrigation season for each year in which rental pool water becomes available. *Two*, you could refrain from irrigating one-half acre under your licensed right no. 63-11381 for each year in which rental pool water did not become available. The irrigation license involves the same unnamed drain and provides 4.5 af of water per acre each year. One-half acre retired for an irrigation

MAILED
JAN 20 2003

Application No. 63-31593

January 9, 2003

Page 2

season under this right would yield a little more than two af to cover your new use. A letter to that effect could be submitted to the department prior to each irrigation season in which this option becomes effective.

The above solutions should cover the proposed consumptive use. You might have other solutions in mind that would also cover the situation. In any event, some step is needed to address potential impacts to the water supply of the Boise River.

The purpose of my letter is to tell you about this likely condition of approval. My letter also seeks your response either accepting the above condition of approval or proposing an equally adequate solution. Please submit your written reply within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. Thank you for your attention to these matters, and let me know if you need more information regarding your application.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Copy of License 63-11381 and Application 63-31593

CC: Lee Sisco, Boise River Watermaster

MICROFILM

MAR 20 2003

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, January 09, 2003 7:56 AM
To: Lester, Steve
Subject: ArcView Training

Steve,

Jeff Peppersack and Sharla Curtis are available as a team to provide ArcView training. They will await your invitation.

On the Ron Sali matter, I recommend looking at the mitigation condition on License 63-12521. We have received Water Bank Water Lease Agreement documents from them in compliance with the condition.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

*Steve Lester has promised to pursue mitigation for
2 AF of consumption.*

*S. Keen
1/9/03*

MICROFILMED

MAR 20 2003

Keen, Shelley

To: Lester, Steve
Subject: App. 63-31593 (Ron Sali)

Steve,

Jeff and I have a concern about the volume requested in Application 63-31593, which Ron Sali submitted for some small reservoirs or ponds on an unnamed drain on Eagle Island. We do think the application for a water right is appropriate given the directive in the draft "pond" memo, which says:

A similar circumstance arises from excavation of a stream channel either to deepen or widen it or by adding a check structure in the stream to create a pond. If the purpose is to provide for beneficial use of the ponded water, including uses such as aesthetics or recreation, a water right permit is needed for the increment of water (including any proposed refills) added by the excavation or structure. If beneficial use is not the intent, a stream alteration permit may be required.

However, the 2 acre-feet requested does not seem to be based on "the increment of water (including any proposed refills) added by the excavation or structure." Instead, the 9/11/2002 letter from Ron Sali indicates that it is based on an estimate of the evaporation from an acre of pond surface in a year's time. Moreover, if he's right, then this is not a non-consumptive use. Even if the volume of the proposed ponds will be 2 acre-feet, the requested volume should be greater to cover the storage, the evaporation, and seepage.

And should mitigation be required to cover the evaporation losses? In the ESPA moratorium area we don't allow ponds over 1/2 an acre in surface area without mitigation. Because lawns are not allowed with domestics in the area subject to the Wilderness Areas moratorium, we don't allow any ponds or reservoirs without mitigation.

Maybe we should talk over how to proceed with this one. Call or email me.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

MICROFILMED
MAR 20 2003

01-99

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 63-31593Applicant's Name: Ron Sali

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned as follows:Standard Watermaster conditionsc) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments:

Dated this 17 day of December2002Water District Number: 63 Watermaster's SignatureLee Sali

Use back side of this page if you need more space

MICROFILMED
MAR 20 2003

RECEIVED
DEC 04 2002
WATER RESOURCES
WESTERN REGION

DEC 04 2002

DEC 8 1964
WATER RESOURCES
WESTERN REGION

LEGAL NOTICE


 Sandra Z. Brightman
 Notary Public for the State of Idaho
 My Commission Expires 12-22-2006
 6/20/06
 MICRO, TEXAS
 MAR 20 2008

The Idaho

Statesman

RECEIVED

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

DEC 04 2002

WATER RESOURCES
WESTERN REGION

Account #	OT #	Identification	Amount
047628	776737	APPLICATION FOR PERMIT NO. 63-31593	\$231.76
Attention:	P.O. #	Run Dates	
SUE TAYLOR		NOVEMBER 21, 28, 2002	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705		Number of Lines	3 X 43
		Adm'n	Legal #
		1	15005

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-31593

RON SALL
100 N 9TH ST STE 200
BOISE ID 83702

Point(s) of Diversion NESE S14 T04N R01E
Tributary to BOISE RIVER
Point(s) of Diversion L10 (NWSE) S14 T04N R01W
Tributary To BOISE RIVER
Point(s) of Diversion L9 (SWSE) S14 T04N R01W
Tributary To BOISE RIVER
Point(s) of Diversion SESE S14 T04N R01W
Tributary To BOISE RIVER

ADA County Source UNNAMED DRAIN
ADA County Source UNNAMED DRAIN
ADA County Source UNNAMED DRAIN
ADA County Source UNNAMED DRAIN

Use: WILDLIFE STORAGE 01/01 To 12/31 2 AFA
Use: FISH HABITAT STORAGE 01/01 To 12/31 2 AFA
Total Diversion 2 AFA
Date Filed: 04/23/2002
Place Of Use: FISH HABITAT STORAGE

TO4N R01W S14 NESE NWSE Lot 10 SWSE Lot 9
SESE
Place Of Use: WILDLIFE STORAGE
TO4N R01W S14 NESE NWSE Lot 10 SWSE Lot 9
SESE

Remark: Nonconsumptive use by
developing several minor
pools along a drain on Eagle
Island west of Linder Road is
proposed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Nov. 21,28, 2002

15005

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterrupted published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

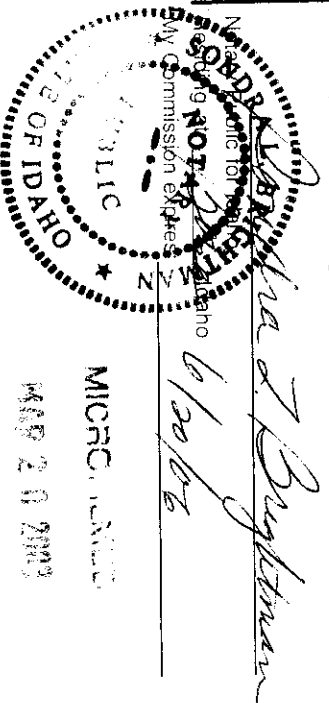
beginning issue of: NOVEMBER 21, 2002
ending issue of: NOVEMBER 28, 2002

Janice Hildreth

STATE OF IDAHO)

SS

On this 2 day of DECEMBER in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application for Water Right No. 63-31593 in the Name of Ron Sali.

Dear Mr. Sisco:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Steve Lester

SL:lm

Encl: Copy of Application

MICROFILMED

NOV 20 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 63-31593 in the Name of Ron Sali.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application 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 this application, your written protest along with the \$25.00 protest fee must be received in this office by December 9, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl: Copy of Application

MICROFILMED

MAR 20 2003

RON J. SALI



Sept. 5, 2002

Steve Lester
IDWR2735 Airport Way
Boise, Idaho 83705

RECEIVED

SEP 11 2002

**WATER RESOURCES
WESTERN REGION**

Dear Steve,

The estimated of water storage was determined by Karl Gebhardt who designed the creek restoration project. I just received an email from him explaining how he determined the two acre-feet as follows.

The total surface area of the water (ponds and creek) is about 1+ acre.

The estimated pan evaporation for Boise is about 4 feet per year. The corresponding evaporation from water or a lake would be 50 to 70 percent of that figure.

Therefore, 2 acre-feet per acre is not unreasonable.

Best regards,

Ron Sali

MICRO 10/22

SEP 20 2002

100 N. 9TH ST., STE. 200

FAX: 208.367.0139

BOISE, IDAHO U.S.A. 83701

TEL: 208.344.4224

63-31593



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2002

RON SALI
100 N 9TH ST
BOISE ID 83702

Re: Application for Permit for an Unnamed Drain

Dear Ron:

Enclosed is your application seeking a water right to use surface water for a minor storage use along the length of the drain in the SE ¼ of Section 14. Revisions to the application have been made based on the map associated with your application.

The portion of the drain noted on the map occurs within all four tracts of the SE ¼. Up to six points of diversion will be placed along the drain to create up to six fish and wildlife pools. The points of diversion and places of use will be within all four tracts of the SE ¼. The use of water will be for storage, a term added to item four of the application.

A note was added to the Remarks portion of the application. Information used to arrive at the estimated two acre feet value should be supplied to justify your request.

Please review the revised application. If it properly describes your request, initial and date your approval of the revisions. Return the application to me with an attachment describing how you estimated the amount of storage to be created. Your reply should be received within thirty (30) days of the date of this letter to keep your application viable. Thank you for your attention to these matters, and please give me a call if you need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

AUG 20 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Application for Permit No. 63-31593

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 12/09/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILM

MAR 23 2003

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

63-31593

RON SALI

100 N 9TH ST STE 200

BOISE ID 83702

Point(s) of Diversion	NESE	S14	T04N R01W	ADA County	Source UNNAMED DRAIN
Tributary To BOISE RIVER					
Point(s) of Diversion	L10 (NWSE)	S14	T04N R01W	ADA County	Source UNNAMED DRAIN
Tributary To BOISE RIVER					
Point(s) of Diversion	L9 (SWSE)	S14	T04N R01W	ADA County	Source UNNAMED DRAIN
Tributary To BOISE RIVER					
Point(s) of Diversion	SESE	S14	T04N R01W	ADA County	Source UNNAMED DRAIN
Tributary To BOISE RIVER					

Use: WILDLIFE STORAGE 01/01 To 12/31 2 AFA

Use: FISH HABITAT STORAGE 01/01 To 12/31 2 AFA

Total Diversion: 2 AFA

Date Filed: 04/23/2002

Place Of Use: FISH HABITAT STORAGE

T04N R01W S14 NESE NWSE Lot 10 SWSE Lot 9 SESE

Place Of Use: WILDLIFE STORAGE

T04N R01W S14 NESE NWSE Lot 10 SWSE Lot 9 SESE

Remark: Nonconsumptive use by developing several minor pools along a drain on Eagle Island west of Linder Road is proposed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on November 21 and 28, 2002.

MICHELLE

MAR 28 2002