

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31742

Priority: July 17, 2003

Maximum Diversion Rate: 3.34 CFS

This is to certify, that STATE OF IDAHO
DEPT OF FISH & GAME
1414 E LOCUST LN
NAMPA ID 83686-8451

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
FIRE PROTECTION	01/01 to 12/31	3.34 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp 02N, Rge 02W, B.M., CANYON County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N 02W 3																	X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Water bearing zone to be appropriated is from 20 to 250 feet.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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 *Michael* at Boise, this 4th day of September, 2003.

SEP 09 2003

Karl J Dreher
for **KARL J DREHER, Director**

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SEP - 3 2003

FORM 202
12/99

Department of Water Resources

Ident. No. 63-31742

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 02 2003 APPLICATION FOR PERMIT

WATER RESOURCES To appropriate the public waters of the State of Idaho
WESTERN REGION Department of Fish & Game

1. Name of Applicant Idaho Fish & Wildlife Foundation Phone 208/334-3730
Mailing address 1414 E. Locust Lane, Nampa Id 83686-8451
2. Source of water supply well which is a tributary of _____
3. Location of point of diversion is Township 2N Range 2W Sec. 3, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot _____, B.M., Canyon County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- 2910B Amount 0.56 3.34 for Fire Protection purposes from Vol to 12/31 (both dates inclusive)
cfs (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) 3.34 and/or (b) 0.56 2910B
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 well

- b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total
reservoir capacity NA acre-feet

- c. Proposed well diameter is 12 inches; proposed depth of well is 250 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 1 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. Fire Protection Flow

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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	
2N	2W	5																F	

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. None

- Who owns the property at the point of diversion? Idaho Department Fish & Game
- Who owns the land to be irrigated or place of use? Same
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Well To be used for Fire protection only
WATER BEARING ZONE 20-250 FT.

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.

Lee Van R. Bogan P.E.
 Signature of Applicant (and title, if applicable)
Staff Engineer

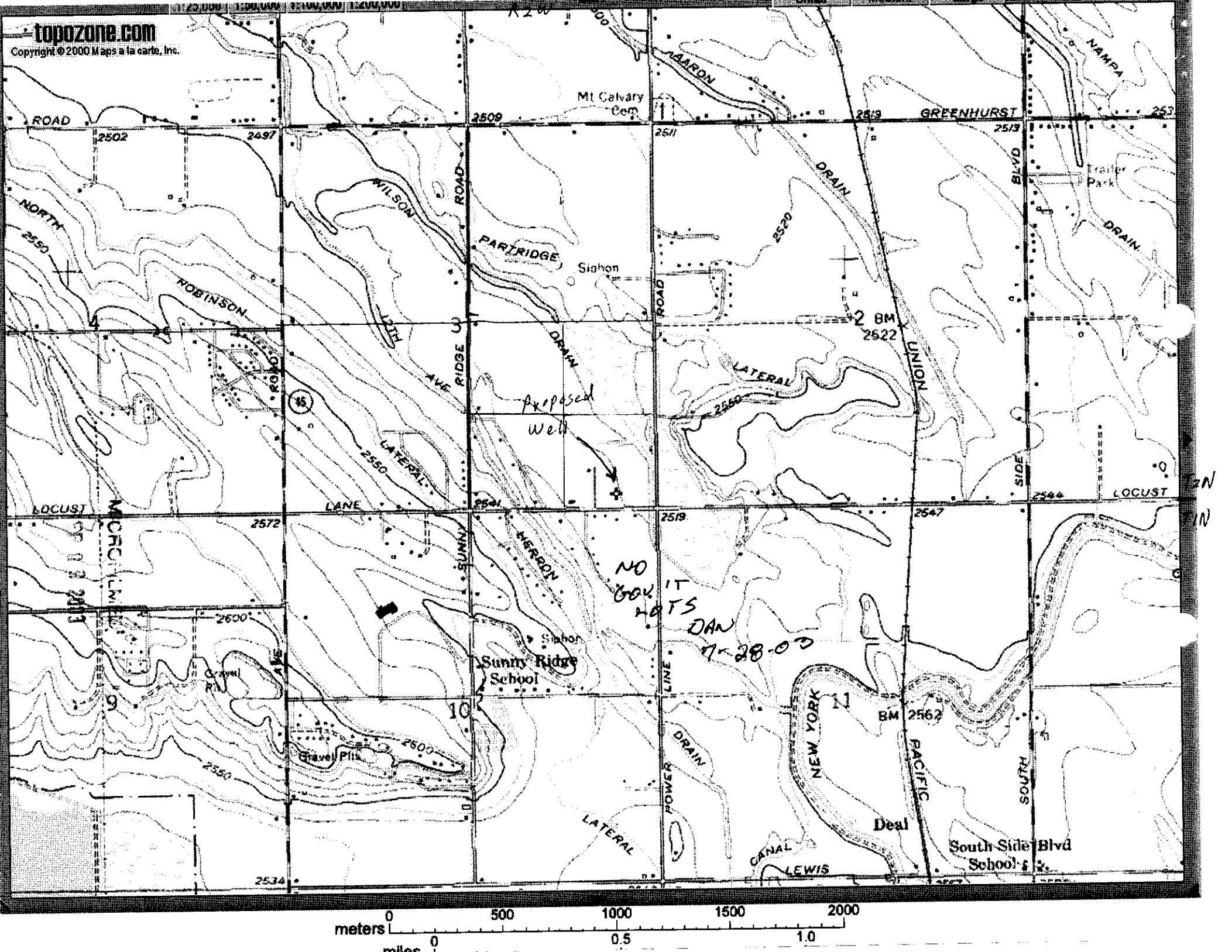
Received by LB Date 7/2/03 Time 2:08 Preliminary check by _____
 Fee \$ 10000 Received by ED # W030676 Date 7/2/03
 Publication prepared by AT Date 8-9-14-03 Published in PRESS TRIBUNE
 Publication approved AT Date 8-26-03

FREE Upgrade \$270.00 Received BY DAW Receipt # W030730

Date 7-17-03

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SEP 09 2003



T02N R02W S3
SESE

NO GOV'T
LOTS
DAN
7-28-03

MICHAEL
9-28-03 2003

Idaho Department of Water Resources Receipt

Receipt ID W030730

Payment Amount \$270.00 Date Received 7/17/2003 9:41:14 AM Region Western Status ☐
Payment Type Check Check Number 57817

Payer STATE OF IDAHO, STATE TREASURER

Comment Application for permit fee

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$270.00	PERMITS	0229	21	62103	1155


Signature Line (Dept. Representative)

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JUL 30 2003

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

Phil Jenson
Idaho Fish & Wildlife Foundation

Mailing Address

P.O. Box 25

Boise, ID 83707

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

Phil Jenson for Id. F&W. Foundation

Date

7/28/03

Please return this form to:

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

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JUL 30 2003

**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

September 5, 2003

STATE OF IDAHO
DEPT OF FISH & GAME
1414 E LOCUST LN
NAMPA ID 83686-8451

RE: Permit No. 63-31742

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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.

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.

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SEP 09 2003

If you have any questions, please contact me at 208-327-7946.

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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SEP 19 2003

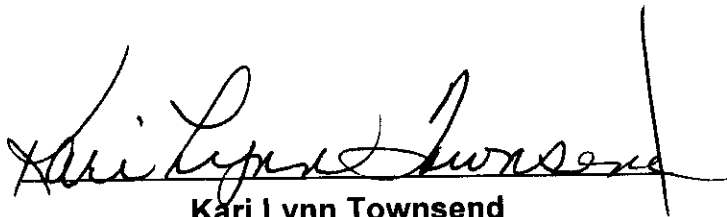
CERTIFICATE OF SERVICE

I hereby certify that on September 5, 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.

63-31742

STATE OF IDAHO
DEPT OF FISH & GAME
1414 E LOCUST LN
NAMPA ID 83686-8451



Kari Lynn Townsend
Secretary

MICROFILMED
SEP 29 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.

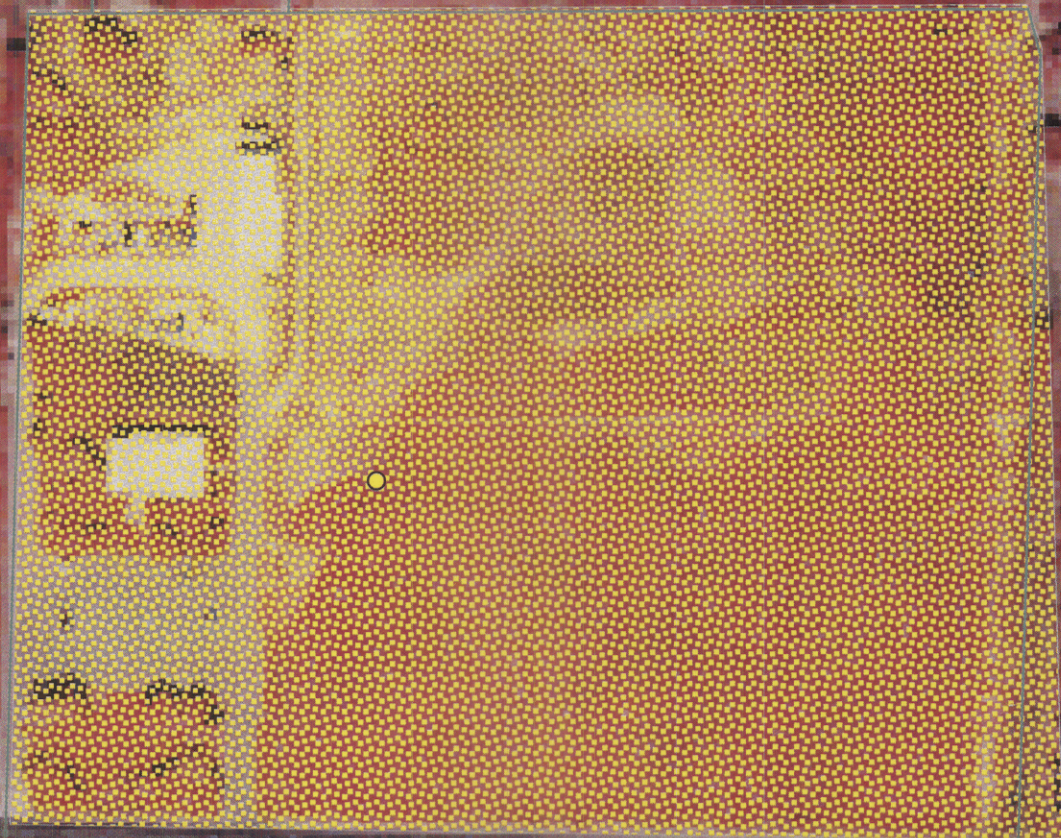
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

SHAPE CREATED BY
DAN 7/29/2003



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SEP 09 2003

✓st
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Christina M. Allison
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:

08/07/2003, 08/14/2003


STATE OF IDAHO)
County of Canyon)

On the 14th day of August in the year of 2003
before me, a Notary Public, personally appeared.
Christina M. Allison,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.


Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008

e0100285 07518874
1 Idaho Dept. of Water Resource
2735 Airport Way
BOISE ID 83705

LEGAL NOTICE

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

63-31742

STATE OF IDAHO
DEPT OF FISH & GAME
1414 E LOCUST LN
NAMPA ID 83686-8451

Point(s) of Diversion
SESE S3 T02N R02W
CANYON County
Source GROUND WATER

Use: FIRE PROTECTION
01/01 To 12/31 3.34 CFS

Total Diversion: 3.34 CFS
Date Filed: 07/17/2003

Place Of Use:
FIRE PROTECTION
T02N R02W S3 SESE

Number of Acres 0.3

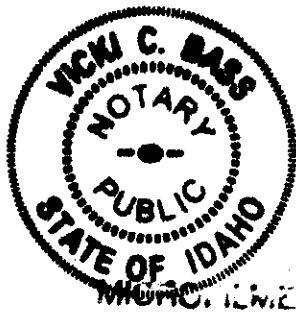
Remark: Applicant agrees to miti-
gate consumptive use in the future
as needed. Water bearing zone to
be appropriated is from 20 to 250
feet.

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

Any protest against the approval of
this application must be filed with Di-
rector, Dept. of Water Resource,
Western Region, 2735 Airport Wy,
Boise ID 83705 together with a pro-
test fee of \$25.00 for each applica-
tion on or before 08/25/2003. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director

August 7, 14, 2003 07518874



RECEIVED

AUG 15 2003

**WATER RESOURCES
WESTERN REGION**

SEP 03 2003

Taylor, Sue

From: Taylor, Sue
Sent: Friday, August 01, 2003 3:39 PM
To: IDFG (E-mail)
Cc: Taylor, Sue

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

August 1, 2003

63 - 31742
ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Dear Sir:

Attached are copies of one or more applications that may be of interest to you. 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 August 25, 2003.

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

Sincerely,

Sue Taylor
ID Dept Water Resources

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SEP 09 2003

8/1/2003

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

July 30, 2003

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit Nos. 63-31732 and 63-31742

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 08/25/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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SEP 09 2003

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

63-31742

STATE OF IDAHO
DEPT OF FISH & GAME
1414 E LOCUST LN
NAMPA ID 83686-8451

Point(s) of Diversion SESE S3 T02N R02W CANYON County Source GROUND WATER

Use: FIRE PROTECTION 01/01 To 12/31 3.34 CFS

Total Diversion: 3.34 CFS

Date Filed: 07/17/2003

Place Of Use: FIRE PROTECTION

T02N R02W S3 SESE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Water bearing zone to be appropriated is from 20 to 250 feet.

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 08/25/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on August 7 and 14, 2003.

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SEP 09 2003

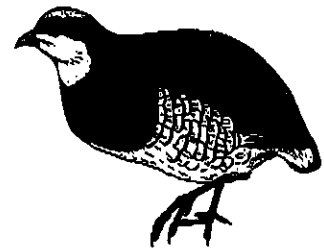


Idaho Department of Fish and Game
Bureau of Engineering
600 South Walnut, PO Box 25
Boise, Idaho 83707

Facsimile Cover Sheet

TO: Dan Nelson
ORGANIZATION: Id. Dept of Water Resources
PHONE: 334-2190
FAX: 334-2348
DATE: 7/28/03
PAGES: 2 (Including Cover Sheet)

FROM: Phil Legross
Idaho Department of Fish and Game
PHONE: (208) 334-3730
FAX: (208) 334-2148
EMAIL: _____@idfg.state.id.us
SUBJECT: "Request to Process" Form



☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

COMMENTS:

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<http://www.state.id.us/fishgame>

SEP 09 2003

REQUEST TO PROCESS

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

Name of Applicant

Phil Jorgensen
Idaho Fish & Wildlife Foundation

Mailing Address

P.O. Box 25
Boise, ID 83707

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

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Signature

Phil Jorgensen for Id. F&W. Foundation

Date

7/28/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2738 Airport Way
Boise, ID 83705-5082

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