

**STARTING  
LEFT  
SIDE OF  
FILE**

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 02-10292

Priority: September 14, 2005

Maximum Diversion Rate: 0.03 CFS

This is to certify, that JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639

has applied for a permit to appropriate water from:

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/01 to 11/15       | 0.03 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

SNAKE RIVER L2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) Sec. 14, Twp 02N, Rge 04W, B.M., OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp            | Rge | Sec | NE |    |    |    | NW |    |     |    | SW |    |     |    | SE |    |    |    | Totals |
|----------------|-----|-----|----|----|----|----|----|----|-----|----|----|----|-----|----|----|----|----|----|--------|
|                |     |     | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW  | SE | NE | NW | SW | SE |        |
| 02N            | 04W | 14  |    |    |    |    |    |    | .8  |    |    |    | .2  |    |    |    |    |    | 1.0    |
|                |     |     |    |    |    |    |    |    | L 2 |    |    |    | L 3 |    |    |    |    |    |        |
| Total Acres: 1 |     |     |    |    |    |    |    |    |     |    |    |    |     |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2008**.
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 the permit holder had no control.
4. 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.
5. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.
6. 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 12<sup>th</sup> day of January, 2006.

  
for CARL J. DREHER, Director

RECEIVED

9-13-05

SEP 14 2005

Ident. No. 2-10292

FORM 202  
12/99

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JAN 11 2006

DEPARTMENT OF  
WATER RESOURCESWATER RESOURCES  
WESTERN REGION  
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

CELL - 208-249-4827

1. Name of Applicant JAMES L. BOUTILLIER Home Phone 208-455-1082  
Mailing address 7240 OLD BRUNEAU HWY MARSING, ID 83639
2. Source of water supply SNAKE RIVER which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 2N Range 4W Sec. 14 in the SW 1/4,  
NW 1/4, \_\_\_\_\_ Govt. Lot 2 B.M., OWYHEE County;  
additional points of diversion if any: NONE

4. Water will be used for the following purposes:
- |                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|
| Amount <u>0.23 CFS</u> for <u>D-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)                                                                                   |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)                                     |
| (cfs or acre-feet per annum)                                                                                   |

5. Total quantity to be appropriated is (a) 0.30 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 1 hp WATER PUMP  
w/1" line
- 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? NO
- e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

## 8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. ONE SINGLE FAMILY HOME
- e. Other; describe fully. LANDSCAPING TREES, FLOWERS & SHRUBS TO BEAUTIFY, CONTROL EROSION & HABITAT

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WATER RESOURCES  
WESTERN REGION

9. 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  | 4W  | 14  |    |    |    |    |    |    | 3/4 |    |    |    | 1/4 |    |    |    |    |    | 2.0 AF |
|     |     |     |    |    |    |    |    |    |     |    |    |    |     |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |     |    |    |    |     |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |     |    |    |    |     |    |    |    |    |    |        |

Total number of acres to be irrigated ONE

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

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

12. Remarks: If this is not enough info, please  
Call me on my cell, and I'll provide  
what ever you need.

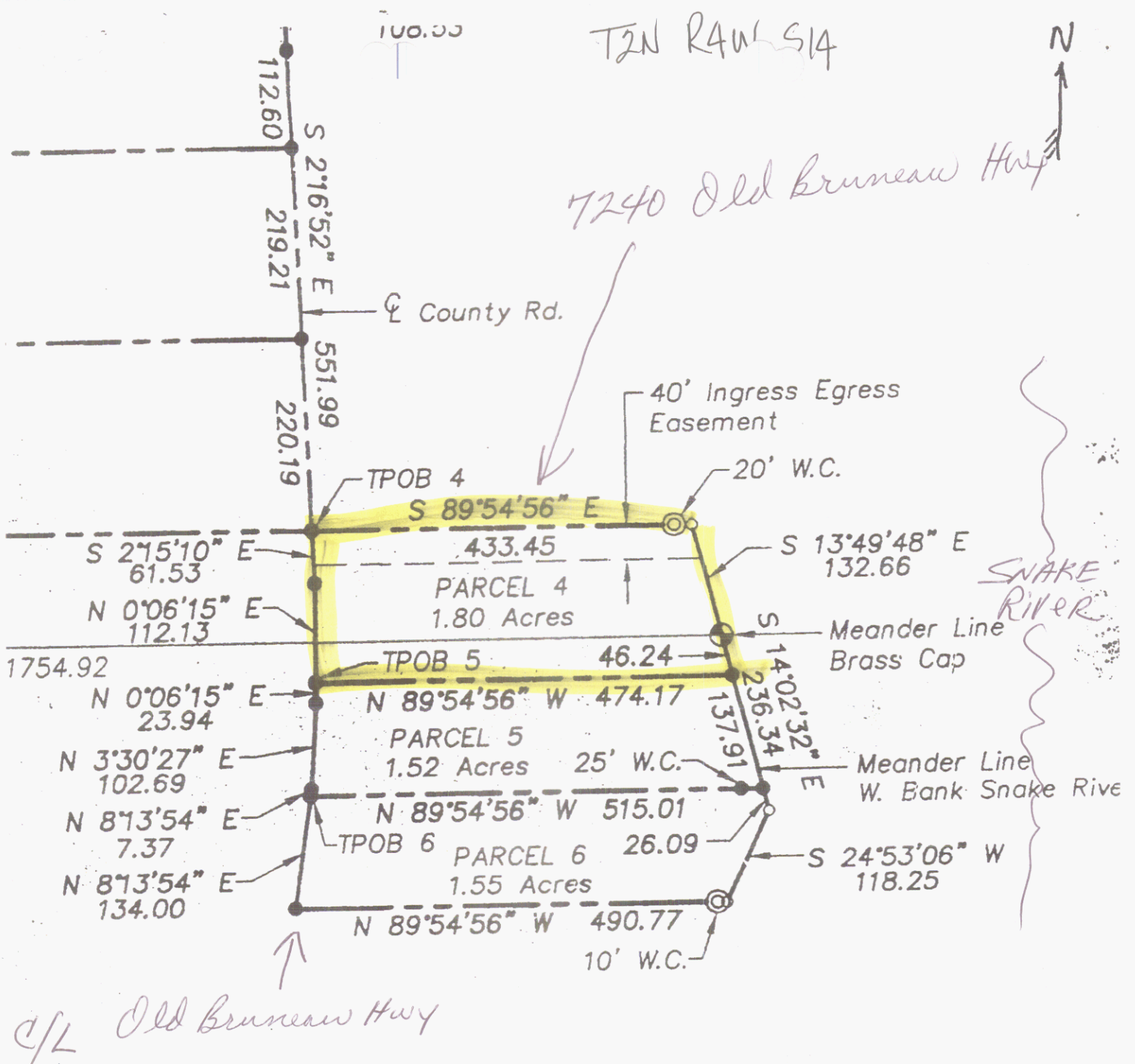
Water to be used to grow flowers & trees  
for one single family home.

- 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.

James R. Boutlier  
 Signature of Applicant (and title, if applicable)  
CR # 1077 9-13-05

Received by [Signature] Date 9/14/05 Time 11:15am Preliminary check by \_\_\_\_\_  
 Fee \$ 100.00 Received by [Signature] # W033425 Date 9/14/05  
 Publication prepared by [Signature] Date 8-21-05 Published in \_\_\_\_\_  
 Publication approved [Signature] Date 1-10-06 **OWYHEE AVALANCHE**





SWNW

NWSW

2-102912

PO6654

**Exhibit "A"**

A portion of Government Lot 2 and of Government Lot 3 of Section 14, Township 2 North, Range 4 West of the Boise Meridian, Owyhee County, Idaho and is more particularly described as follows:

**COMMENCING** at the Southwest corner of said Government Lot 2; thence

North  $0^{\circ} 04' 01''$  East along the West boundary of said Government Lot 2 a distance of 130.38 feet; thence

South  $89^{\circ} 54' 56''$  East a distance of 1289.61 feet to a point in the centerline of an existing county road, which point is the **TRUE POINT OF BEGINNING**; thence continuing

South  $89^{\circ} 54' 56''$  East a distance of 433.45 feet to a point on the meander line for the West bank of the Snake River; thence

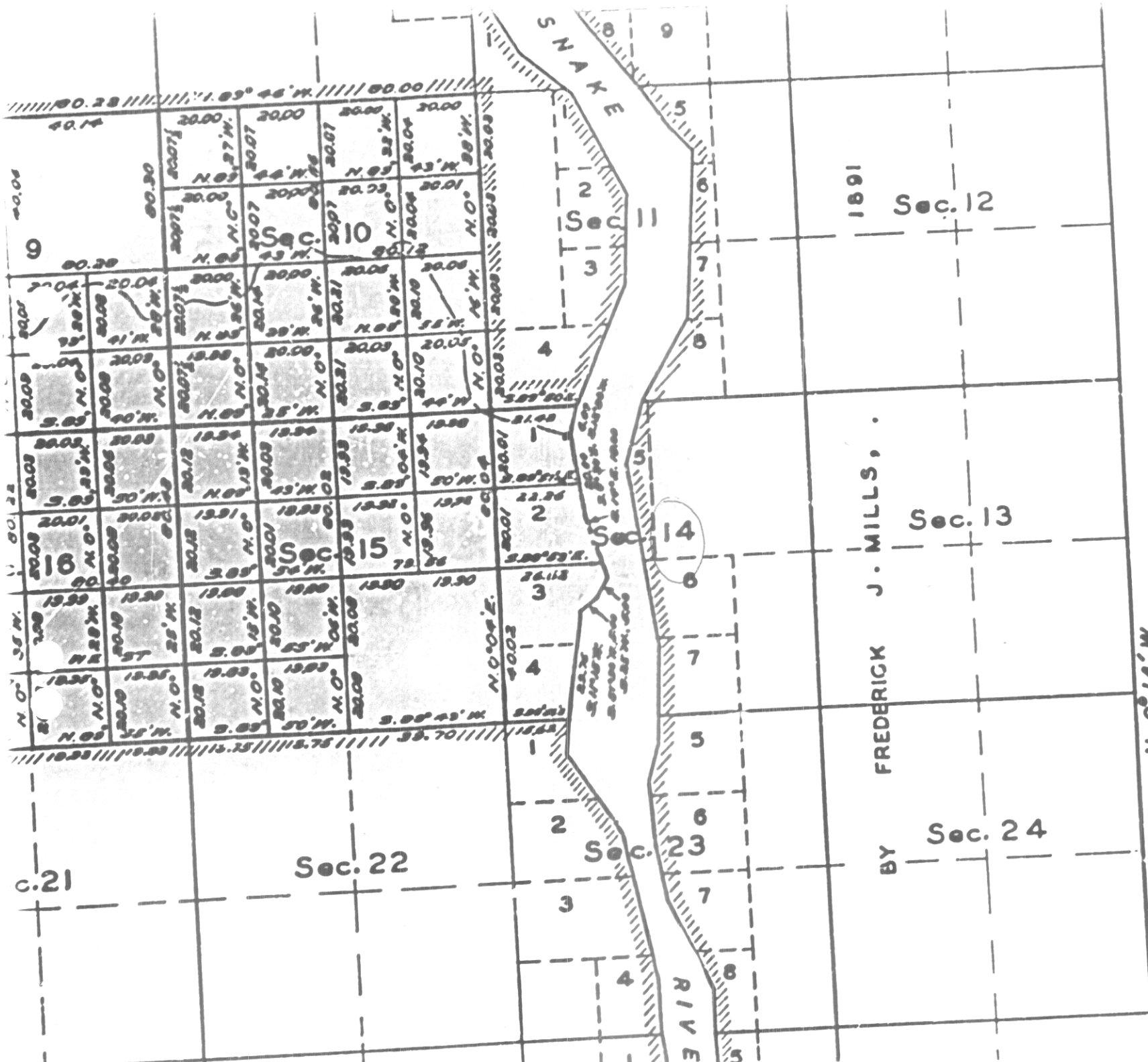
South  $13^{\circ} 49' 48''$  East along said meander line a distance of 132.66 feet to an existing brass cap monument; thence

South  $14^{\circ} 02' 32''$  East continuing along said meander line a distance of 46.24 feet; thence

North  $89^{\circ} 54' 56''$  West a distance of 474.17 feet to a point in the aforementioned county road centerline; thence

North  $0^{\circ} 06' 15''$  East along said centerline a distance of 112.13 feet; thence

North  $2^{\circ} 15' 10''$  West continuing along said centerline a distance of 61.53 feet to the **TRUE POINT OF BEGINNING**.



2N  
4W

THIS PLAT  
T. 2 N., R. 4  
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THE LINES OF  
AS SHOWN UPON  
MAY 1, 1874,  
INAL POSITION  
BEST AVAILAB  
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TRACEMT HA  
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MADE TO THE  
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SMALLER SUBD

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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

JAMES & VERA BOUTILIER

Mailing Address

7240 Old BRUNEAU Hwy  
MARSING, ID 83639

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

James & Vera Boutilier

Date

11-3-05

Please return this form to:

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

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 13, 2006

JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639

RE: Permit No. 2-10292

**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.

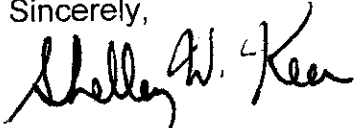
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

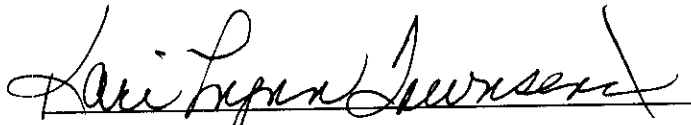
## **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**2-10292**

**JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

# 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):

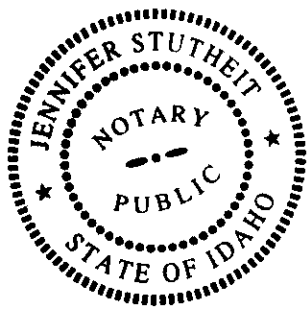
DECEMBER 21, 28, 2005

SIGNED: \_\_\_\_\_

STATE OF IDAHO }  
COUNTY OF OWYHEE }

On this 28th day of Dec in the year of 2005 before me, a

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



Jennifer Stutheit  
Notary Public of Idaho  
Residing at HOMEDALE, IDAHO  
My commission expires: JANUARY 3, 2009

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 2-10292 ✓

JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639  
Point(s) of Diversion L2  
(SWNW) S14 T02N R04W  
OWYHEE County Source  
SNAKE RIVER  
Tributary To COLUMBIA  
RIVER

Use: IRRIGATION 03/01 To  
11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 09/14/2005

Place Of Use: IRRIGATION  
T02N R04W S14 SWNW Lot  
2 NWSW Lot 3

Number of Acres 1

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

Permits will be subject to all  
prior water rights. Protests may  
be submitted based on the criteria  
of Sec 42-203A, Idaho Code.  
Any protest against the approval  
of this application must be filed  
with the Director, Dept. of Water  
Resource, together with a protest  
fee of \$25.00 for each application  
on or before 01/09/2006. The  
protestant must also send a copy  
of the protest to the applicant.

KARL J DREHER, Director  
12/21,28/05

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JAN 03 2006

WATER RESOURCES  
WESTERN REGION

RECEIVED

JAN 03 2006

FISCAL

RECEIVED

DEC 29 2005

ACCTS PAYABLE

**Kreger (Taylor), Sue**

---

**From:** Kreger (Taylor), Sue  
**Sent:** Thursday, December 15, 2005 9:55 AM  
**To:** 'eleitzing@idfg.idaho.gov'  
**Subject:** comment letters

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

December 15, 2005

ERIC LEITZINGER, IDFG  
PO BOX 25  
BOISE ID 83707

**Re:** Applications for Permit Nos. 65-22998, 65-22999, 65-23001, 65-23002, 79-14139 and 2-10292

Dear Eric:

Attached is a copy(s) of one or more 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 January 9, 2006.

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

Sincerely,



65-22998.pdf



65-22999.pdf



65-23001.pdf



65-23002.pdf



79-14139.pdf



2-10292.pdf



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 2, 2005

JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639

RE: Application for Permit

Dear Mr. Boutilier:

Your recent application for permit regarding water from the Snake River for irrigation purposes is being processed. To assist this office in completing the initial processing steps, please address the following items.

- 1) Under item #3, identify the 40-acre tract in which the point of diversion is to be located. According to the map submitted with the application and the aerial photo I have enclosed herein, it appears the point of diversion is within either the SW $\frac{1}{4}$ NW $\frac{1}{4}$  or the NW $\frac{1}{4}$ SW  $\frac{1}{4}$ , Section 14..
- 2) The normal maximum rate of diversion for irrigation of 5 acres or less is 0.03 cfs per acre unless you provide written justification for the higher rate for our review. Please adjust the rate in items 4 and 5 accordingly.
- 3) The irrigation season for the area specified in the application is 3/1 to 11/15. Please adjust the season accordingly in item #4.
- 4) Under item #7, specify the number of years you need to develop your diversion system and put water to the use proposed (minimum is 1 year, maximum is 5 years).
- 5) Please identify the  $\frac{1}{4}$   $\frac{1}{4}$ (s) for the place of use in item #9.
- 6) The enclosed Request to Process form must be marked, signed and returned to us along with the amended application.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosures: Original Application w/ maps  
Request to Process Form & Explanation

*this original  
Returned w/ Appl.  
... consider as  
enclosurement of  
changes -SL*



## 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 2, 2005

JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639

RE: Application for Permit

Dear Mr. Boutilier:

Your recent application for permit regarding water from the Snake River for irrigation purposes is being processed. To assist this office in completing the initial processing steps, please address the following items.

- 1) Under item #3, identify the 40-acre tract in which the point of diversion is to be located. According to the map submitted with the application and the aerial photo I have enclosed herein, it appears the point of diversion is within either the SW $\frac{1}{4}$ NW $\frac{1}{4}$  or the NW $\frac{1}{4}$ SW  $\frac{1}{4}$ , Section 14..
- 2) The normal maximum rate of diversion for irrigation of 5 acres or less is 0.03 cfs per acre unless you provide written justification for the higher rate for our review. Please adjust the rate in items 4 and 5 accordingly.
- 3) The irrigation season for the area specified in the application is 3/1 to 11/15. Please adjust the season accordingly in item #4.
- 4) Under item #7, specify the number of years you need to develop your diversion system and put water to the use proposed (minimum is 1 year, maximum is 5 years).
- 5) Please identify the  $\frac{1}{4}$   $\frac{1}{4}$ (s) for the place of use in item #9.
- 6) The enclosed Request to Process form must be marked, signed and returned to us along with the amended application.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosures: Original Application w/ maps  
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IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 AIRPORT WAY  
BOISE ID 83705

December 14, 2005

**Legal Notice Department**  
OWYHEE AVALANCHE  
PO BOX 97  
HOMEDALE ID 83628

RE: Applications for Permit Nos. 57-11678, 57-11679, 2-10292  
Application for Transfer of Water Rights Nos. 57-7100 and 2-202A

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find four legal notices 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 notices 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 01/09/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger  
Administrative Assistant

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

2-10292

JAMES L BOUTILIER  
7240 OLD BRUNEAU HWY  
MARSING ID 83639

Point(s) of Diversion L2 (SWNW) S14 T02N R04W OWYHEE County Source SNAKE RIVER

Tributary To COLUMBIA RIVER

Use: IRRIGATION 03/01 To 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 09/14/2005

Place Of Use: IRRIGATION

T02N R04W S14 SWNW Lot 2 NWSW Lot 3

Number of Acres 1

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, together with a protest fee of \$25.00 for each application on or before 01/09/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on December 21 and 28, 2005.