

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11677

Priority: October 4, 2005

Maximum Diversion Volume: 20.0 AF

This is to certify, that RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: SNAKE 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>
WILDLIFE STORAGE	01/01 to 12/31	20.0 AF
AESTHETIC STORAGE	01/01 to 12/31	20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING L2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 21, Twp 01N, Rge 03W, B.M. OWYHEE County
SPRING L2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 21, Twp 01N, Rge 03W, B.M. OWYHEE County
SPRING L2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 21, Twp 01N, Rge 03W, B.M. OWYHEE County

PLACE OF USE: WILDLIFE STORAGE AND AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 03W 21		X			X												
		L 2			L 2												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2010**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
4. 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.
5. Wildlife storage and aesthetic storage uses are for an excavated pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of November, 2005.


For KARL J DREHER, Director

NOV 18 2005

Ident. No. 57-11677

To appropriate the public waters of the State of Idaho

- RECEIVED

MAY 06 2005

WATER RESOURCES
WESTERN REGION

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	
1N	3W	21		X			X												—

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. 57-11614. This pond will be add on to ponds which provide some irrigation water

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

12. Remarks: Pond will be developed over existing springs. Excavation will create minimal silt as it will be an addition to larger pond. This pond extension developed to provide open water to wildlife and to enhance the existing wetlands by controlling water flow and plant growth for wildlife & fish

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
Signature of Applicant (and title, if applicable)

Received by DB Date 5-6-05 Time 10:30 AM Preliminary check by ly
Fee \$ 20- Received by DB # W032898 Date 5-6-05
Publication prepared by ak Date 10-19-05 Published in OWYHEE AVALANCHE
Publication approved ak Date 11-14-05

\$80 balance paid 10/4/05 per receipt #W033478



57-11677

1987 Photo

TIN R3W S21
GOV Lt Z

NENW NWNE

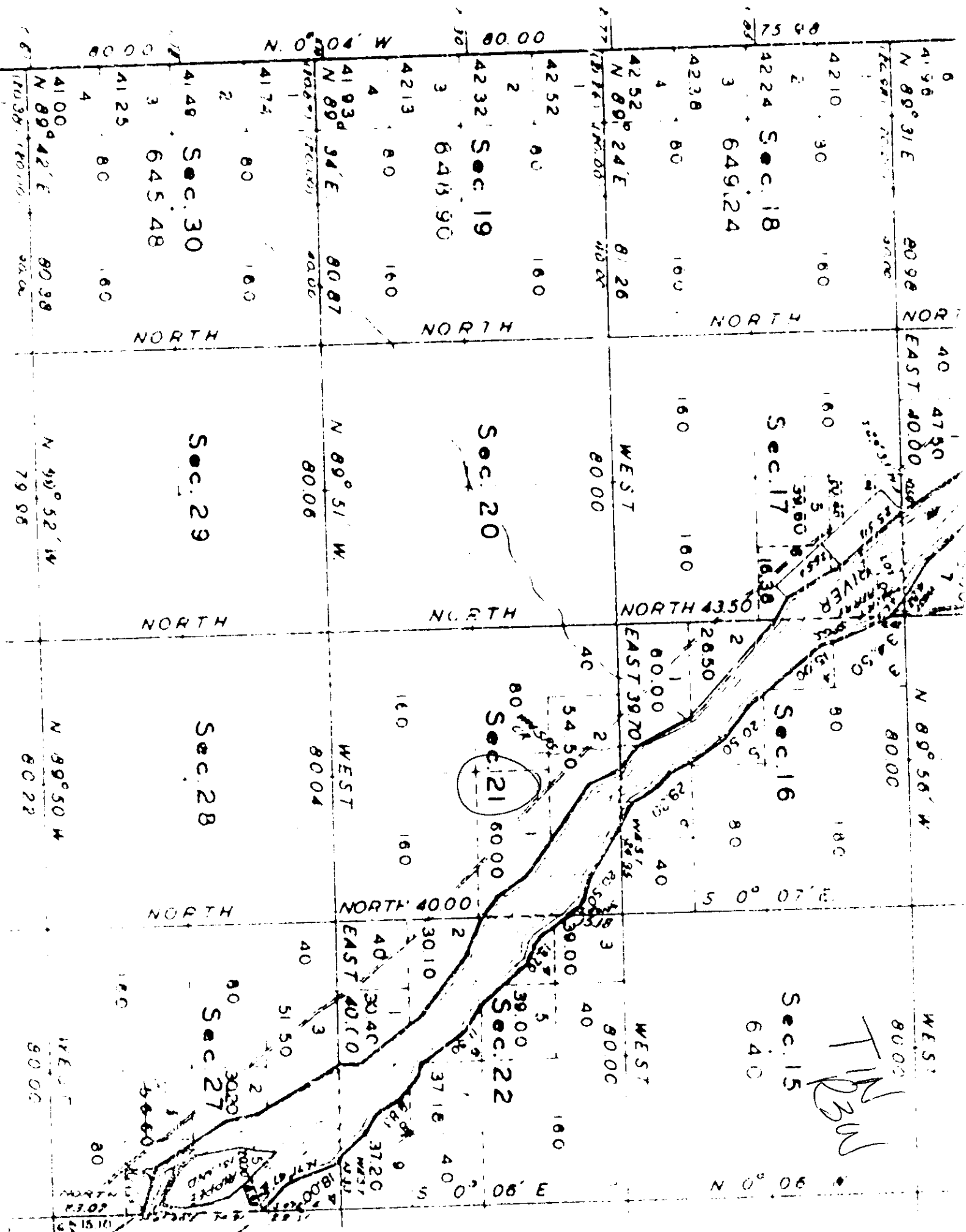
57-11677



2003 Photo

NENW NWNE

57-11677



REQUEST TO PROCESS

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

Name of Applicant

RICHARD LARITZ

Mailing Address

10555 W AMITY RD

BOISE ID 83709

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.

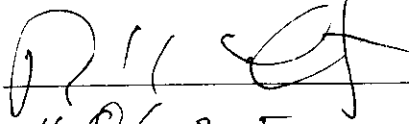
☐ PROPOSE MITIGATION NOW

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



Date

4 Oct 2005

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 23, 2005

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

RE: Permit No. 57-11677

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.

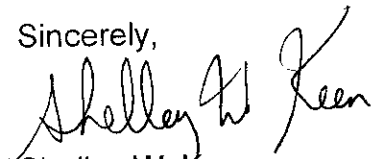
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

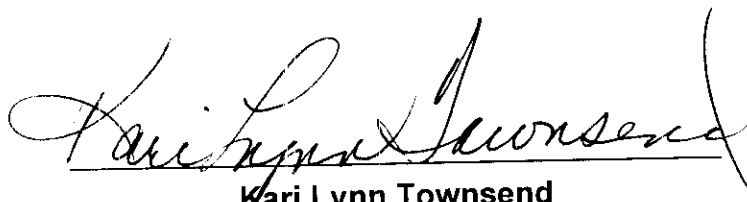
CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

57-11677

**RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709**



**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)

RECEIVED

NOV 03 2005

WATER RESOURCES
WESTERN REGION

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):

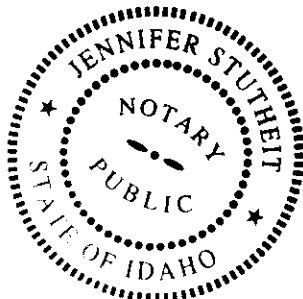
OCTOBER 19, 26, 2005

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 28th day of Oct 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:
57-11677

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709
Point(s) of Diversion L2
(NWNE) S21 T01N R03W
OWYHEE County
Source SPRING
Tributary To SNAKE RIVER
Point(s) of Diversion L2
(NWNE) S21 T01N R03W
OWYHEE County
Source SPRING
Tributary To SNAKE RIVER
Point(s) of Diversion L2
(NENW) S21 T01N R03W
OWYHEE County
Source SPRING
Tributary To SNAKE RIVER
Use: WILDLIFE STORAGE
01/01 To 12/31 20 AFA
Use: AESTHETIC STORAGE
01/01 To 12/31 20 AFA
Total Diversion: 20 CFS
Date Filed: 10/04/2005
Place Of Use: WILDLIFE
STORAGE
T01N R03W S21 NWNE Lot 2
NENW Lot 2
Place Of Use: AESTHETIC
STORAGE
T01N R03W S21 NWNE Lot 2
NENW Lot 2
Remark: Applicant agrees to
mitigate consumptive use in the
future as needed.

Permits will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec 42-203A, Idaho Code.
Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Western Region, 2735
Airport Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application on or
before 11/07/2005. The protestant
must also send a copy of the
protest to the applicant.

KARL J DREHER, Director
10/19/26/05

RECEIVED
NOV 02 2005
FISCAL

Kreger (Taylor), Sue

To: eleitzin@idfg.idaho.gov
Subject: comment letters

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

October 13, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

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 November 7, 2005.

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

Sincerely,



57-11676.pdf



57-11677.pdf



67-14618.pdf



75-12245.pdf



77-14221.pdf

RECEIVED

5 May 5, 2005

MAY 06 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Attn: Ms Lori Graves
2735 Airport Way
Boise, Id 83705-5082

WATER RESOURCES
WESTERN REGION

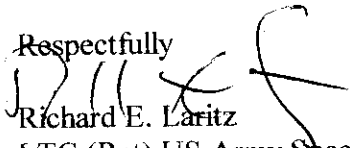
Dear Ms. Graves

Ref our phone conversation of last week, please find application as discussed along with filing fee.

This application serves to extend the ponds approved in application 57-11614, copy provided. As with the first permit, excavation will enhance existing wetlands by digging out marshland and creating open water for fish and wildlife only. As with the first permit, construction will take at least 5 years at the present rate of digging. Water quality is not a problem, as any silt produced will have ample time to filter out in other ponds prior to being discharged into the Snake River. Please note that drawings provided are more accurate and based on actual digging as lay of land is realized. Additionally, it should be noted that much more water is available for use owing to Springs near Highway 78 and large volumes of water coming under the highway which the Highway Department is attempting to control.

Thank you for your help.

Respectfully


Richard E. Laritz

LTC (Ret) US Army Special Forces
10555 West Amity Rd
Boise, Id, 83709

Water Permit Report 57-11614

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD LARITZ 10555 W AMITY RD BOISE, ID 83709 (208)362-9200

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		20.00 AF
AESTHETIC STORAGE	01/01 to 12/31		20.00 AF
IRRIGATION STORAGE	01/01 to 12/31		20.00 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		20.00 AF
IRRIGATION	03/01 to 11/15	0.120 CFS	
	Total Diversion:	0.120 CFS	20.00 AF

SPRING	L2 (SW1/4NW1/4NE1/4)	Sec. 21, Twp 01N, Rge 03W, B.M.
OWYHEE County		
SPRING	L2 (SW1/4NW1/4NE1/4)	Sec. 21, Twp 01N, Rge 03W, B.M.
OWYHEE County		

WILDLIFE STORAGE

[illegible]

AESTHETIC STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 57-11614

IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 03W 21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		X															
		L 2															

IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 03W 21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	4.0
		4.0															
		L 2															

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 03W 21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	4.0
		4.0															
		L 2															

Conditions of Approval:

1. 01M 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.
2. R69 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.
3. 26A 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.
4. 121 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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 57-11614

Dates and Other Information:

Permit Proof Due Date: 12/1/2007
Permit Proof Made Date:
Permit Approved Date: 12/3/2002
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.03
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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

October 13, 2005

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Applications for Permit Nos. 57-11676, 57-11677 and Transfer No. 72283

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 11/07/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

57-11677

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

Point(s) of Diversion L2 (NWNE) S21 T01N R03W OWYHEE County Source SPRING

Tributary To SNAKE RIVER

Point(s) of Diversion L2 (NWNE) S21 T01N R03W OWYHEE County Source SPRING

Tributary To SNAKE RIVER

Point(s) of Diversion L2 (NENW) S21 T01N R03W OWYHEE County Source SPRING

Tributary To SNAKE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 20 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 20 AFA

Total Diversion: 20 CFS

Date Filed: 10/04/2005

Place Of Use: WILDLIFE STORAGE

T01N R03W S21 NWNE Lot 2 NENW Lot 2

Place Of Use: AESTHETIC STORAGE

T01N R03W S21 NWNE Lot 2 NENW Lot 2

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/07/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on October 19 and 26, 2005.