

NO. 63-32067

Maximum Diversion Rate: 90.00 CFS

has applied for a permit to appropriate water from:

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

[illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32067

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2010**.
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. Wildlife and Wildlife Storage uses are for water to supply a series of 8 ponds during the non-irrigation season.
5. The Director retains jurisdiction to require a bypass flow on Sand Run Gulch Creek for maintenance of fish, wildlife, riparian and aquatic habitat.
6. When notified by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. 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.
8. Sand Run Gulch Creek is also known as Sand Hollow Creek and Sand Hollow Drain.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of September, 2005.


FOR KARL J DREHER, Director

RECEIVED

RECEIVED

AUG 30 2005

FORM 202
12/99

MAY 11 2005

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

Ident. No. 63-32067

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

5/23/05

1. Name of Applicant Greg and/or Ann Obendorf Phone (208) 722-6451

Mailing address 26496 Deb Lane, Parma, Idaho 83660

2. Source of water supply Sand Run Gulch / AND POND which is a tributary of *Boise River / Sand Run gulch

3. Location of point of diversion is Township 5N Range 5W Sec. 23, in the SW 1/4, SE 1/4, Govt. Lot _____, B.M., _____ Canyon _____ County;
additional points of diversion if any: NW1/4SE1/4 and SW1/4NE1/4 of Section 23, T 5 N, R 5 W, B.M.

4. Water will be used for the following purposes:

Amount 90 cfs for diversion to storage purposes from Nov. 15 to March 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 90 cfs for wildlife purposes from Nov. 15 to March 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 200 AFA for wildlife storage purposes from Nov. 15 to March 15 (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) 90 and/or (b) 200
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 3 diversion ditches from creek, 8 ponds leftover from gravel excavation.

b. Height of storage dam N/A feet; active reservoir capacity 200 acre-feet;
total reservoir capacity 200 acre-feet

c. Proposed well diameter is N/A 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 5 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Wildlife habitat project

* See Remarks.

** SNAKE River per 6/16/05 watermaster
clarification. OK w/o Applicant's endorsement.
-R 8/25/05*

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	23			W	W				W					W	W	W	W	

Total number of acres to be irrigated _____.

10. Describe any other water rights used for the same purposes as described above. 63-10867 = adjacent wildlife project

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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: 8 ponds cover about 15 acres, about 12 foot average depth = 180 AF. Estimate about 200 AF for variation in actual buildout. These are existing ponds leftover from gravel work. Surface water will refresh existing ponds. No ground water appropriated. Creek water may be routed through ponds. Surface water will run across land for habitat improvement. Return flow to creek will occur naturally (no stream channel work for this). Flow data from USGS shows about 90 cfs available in winter.

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

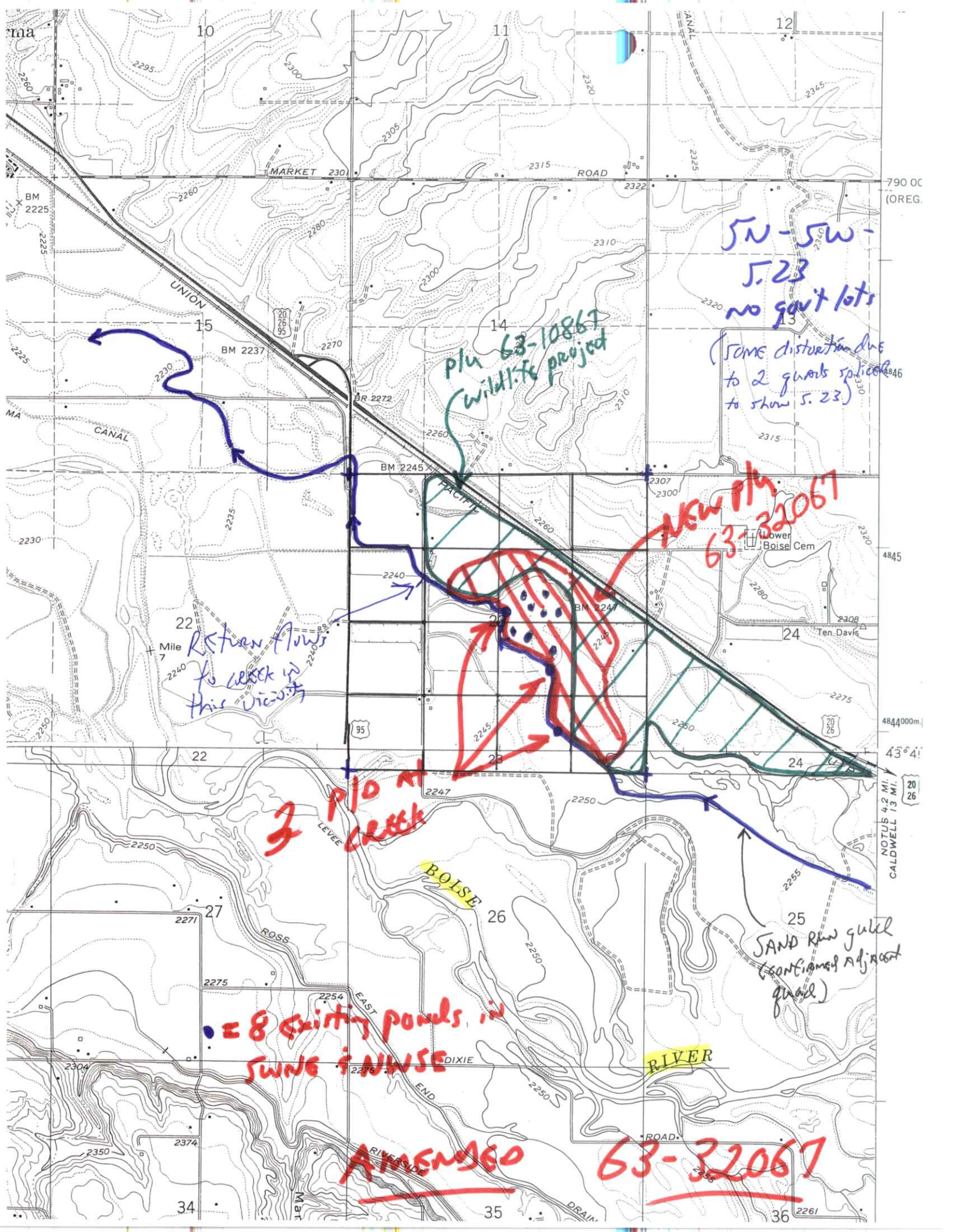
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by DB Date 5-11-05 Time 4:50 pm Preliminary check by JL
 Fee \$ SEE ORIGINAL Received by _____ # _____
 Publication prepared by AK Date 6-24-05 Published in Statewide
 Publication approved _____ Date 6-24-05

OK →

IS ✓
 PR ✓
 LM ✓
 TR ✓
 PT ✓
 > OK JL 8/25/05



Water Resources

Data Category:

Surface Water

Geographic Area:

Idaho

go

X

Notice! <http://water.usgs.gov/> will be unavailable due to scheduled maintenance on Wednesday December 8, starting at Noon EST, for approximately 20 minutes.

This server(nwis.waterdata.usgs.gov) is currently experiencing network and database connectivity problems which prevent Real-Time data from being updated. We are actively working on resolving this issue.

All real-time data continues to be available at <http://waterdata.usgs.gov/nwis/rt>.

Daily Streamflow Statistics for Idaho

USGS 13213072 SAND RUN GULCH NR PARMA ID

Available data for this site

Surface-water: Daily streamflow statistics

GO

Canyon County, Idaho
Hydrologic Unit Code 17050114
Latitude 43°47'59", Longitude 116°58'29" NAD27

Output formats

[HTML table of all data](#)
[Tab-separated data](#)
[Reselect output format](#)

Day of month	Mean of daily mean values for this day for 3 years of record ¹ , in ft ³ /s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	67.0	63.5	56.0	52.5	97.0	135	113	119	158	119	85.0	72.0
2	66.5	60.5	56.0	52.0	99.0	136	110	121	152	119	85.0	74.5
3	66.5	61.0	56.0	52.5	105	133	113	122	149	109	85.0	74.0
4	67.0	60.0	55.5	51.5	101	131	122	127	145	107	85.0	73.5
5	67.5	60.0	55.5	51.0	93.5	133	128	132	140	102	85.0	72.0
6	65.5	60.5	55.5	51.5	84.5	144	134	128	145	100	86.5	72.0
7	65.0	60.0	55.0	52.0	82.5	151	138	118	147	102	87.0	71.5
8	65.0	59.5	54.5	53.0	84.5	152	137	113	144	98.5	87.0	70.5
9	66.0	59.5	54.5	52.0	95.0	128	134	114	131	94.5	81.5	69.5
10	67.5	59.5	54.0	51.0	103	121	129	112	130	96.5	76.0	69.5

DATA SHOWS up to 90 ± cfs can be available outside of irrigation season

63-32067

11	67.0	59.0	54.0	62.5	107	135	124	116	144	98.5	76.5	68.5
12	70.0	58.5	53.5	72.5	95.0	147	127	118	143	102	76.0	68.0
13	70.5	59.5	53.5	70.0	98.5	156	126	154	135	110	75.5	67.0
14	69.0	64.0	53.0	63.0	116	151	124	145	139	114	75.0	67.0
15	68.5	62.0	52.0	60.0	127	142	127	136	134	114	75.0	67.5
16	69.0	62.0	51.5	62.0	133	131	123	135	133	102	74.5	67.0
17	68.5	62.0	51.0	72.5	130	119	119	137	133	89.5	74.5	66.5
18	67.5	63.5	53.0	74.5	129	118	124	136	134	84.0	74.0	66.0
19	65.5	63.5	53.0	80.5	130	119	133	136	125	85.0	74.0	66.0
20	65.5	63.0	57.5	87.0	133	119	140	135	122	82.0	74.0	66.0
21	65.0	62.0	63.5	96.0	119	114	136	137	123	81.5	73.5	67.0
22	65.0	62.0	57.5	89.5	114	119	135	131	120	80.5	75.0	67.0
23	65.5	61.5	55.0	85.5	114	117	134	134	118	80.0	75.5	65.5
24	68.0	61.0	53.5	88.5	121	117	118	133	122	77.5	75.0	68.5
25	67.0	59.5	54.0	112	130	117	119	130	124	79.0	74.0	80.0
26	66.0	59.0	54.0	111	131	110	126	133	126	82.0	73.5	74.0
27	65.0	58.0	56.5	112	135	110	130	131	130	83.5	72.5	71.5
28	66.0	57.5	54.0	111	137	113	128	130	131	83.0	72.5	70.0
29	65.0	58.0	54.5	93.5	130	118	127	137	128	80.5	72.5	68.5
30	65.5		53.0	93.5	130	119	123	150	131	80.5	71.5	68.0
31	65.0		52.0		139		124	158		82.0		68.0

1 -- Available period of record may be less than value shown for certain days of the year.

Questions about data [Idaho NWISWeb Data Inquiries](#)
 Feedback on this website [Idaho NWISWeb Maintainer](#)
 Surface Water data for Idaho: Daily Streamflow Statistics
<http://waterdata.usgs.gov/id/nwis/dvstat?>

[Top](#)
[Explanation of terms](#)

Retrieved on 2004-12-08 02:05:36 EST
 Department of the Interior, U.S. Geological Survey
 USGS Water Resources of Idaho
[Privacy Statement](#) || [Disclaimer](#) || [Accessibility](#) || [FOIA](#)
 1.58 1.08 nadww01

Water Resources

Data Category:

Surface Water


Geographic Area:

Idaho

go

X

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Monthly Streamflow Statistics for Idaho

USGS 13213072 SAND RUN GULCH NR PARMA ID

Available data for this site

Surface-water: Monthly streamflow statistics

GO

Canyon County, Idaho
Hydrologic Unit Code 17050114
Latitude 43°47'59", Longitude 116°58'29" NAD27

Output formats

[HTML table of all data](#)
[Tab-separated data](#)
[Reselect output format](#)

YEAR	Monthly mean streamflow, in ft ³ /s											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1979								133	119	93.6	79.3	77.2
1980	74.2	62.3	54.6	69.5	118	123	122	130	140	94.6	75.8	62.0
1981	59.2	59.0	54.6	78.2	111	134	131	130	145			
Mean of monthly streamflows	66.7	60.7	54.6	73.8	115	129	127	131	135	94.1	77.5	69.6

Questions about data [Idaho NWISWeb Data Inquiries](#)
Feedback on this website [Idaho NWISWeb Maintainer](#)
Surface Water data for Idaho: Monthly Streamflow Statistics
<http://waterdata.usgs.gov/id/nwis/monthly/>

[Top](#)
[Explanation of terms](#)

SEE ATTACHED NOTE
 & ATTORNEY
 CONTRACT

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
 To appropriate the public waters of the State of Idaho

1. Name of Applicant Greg and/or Ann Obendorf Phone (208) 722-6451
 Mailing address 26496 Deb Lane, Parma, Idaho 83660
2. Source of water supply Sand Run Gulch which is a tributary of Boise River
GROUND WATER
3. Location of point of diversion is Township 5 N Range 5 W Sec. 23 in the — 1/4,
SW 1/4, SE 1/4, Govt. Lot —, B.M., CANYON County;
 additional points of diversion if any: NW1/4SE1/4 of Section 23, T 5 N, R 5 W, B.M. plus 8 P/D for ponds:
5 in SWNE & 3 in NWSE
4. Water will be used for the following purposes:
- | | | |
|------------------------------|-----------------------------|--|
| Amount <u>90</u> | for <u>Wildlife</u> | purposes from <u>Nov. 15</u> to <u>March 15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>200</u> | for <u>Wildlife storage</u> | purposes from <u>Nov. 15</u> to <u>March 15</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) | | |
| 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) 90 and/or (b) 200
 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 2 diversion ditches from creek,
8 ponds left over from gravel excavation
- b. Height of storage dam N/A feet; active reservoir capacity 200 acre-feet; *
 total reservoir capacity 200 acre-feet
- c. Proposed well diameter is N/A 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 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. —
- b. Stockwatering; list number and kind of livestock. —
- c. Municipal; show name of municipality. —
- d. Domestic; show number of households. —
- e. Other; describe fully. Wildlife habitat project

ORIGINAL
 SUPERSEDED

* 8 ponds cover about 15 acres, about 12' average depth = 180 ac.
 Estimate about 200 ac. for variation in actual build-out.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	23		*	W	W			*	W					W	W	W	W	

Total number of acres to be irrigated .

10. Describe any other water rights used for the same purposes as described above. 63-10867 = adjacent wildlife project

11. a. Who owns the property at the point of diversion? Applicant

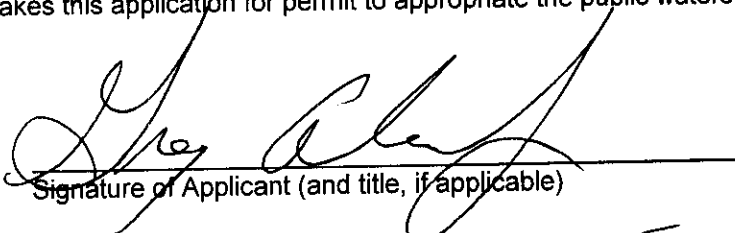
b. Who owns the land to be irrigated or place of use? Applicant

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: Ponds filled with shallow ground water. Creek water may be routed through ponds (not a storage activity). Surface water run across land for habitat improvement. Return flow to creek will occur naturally (no stream channel work for this). Flow data from USGS shows about 90 cfs available in winter ground water bearing zone from land surface to 30 feet. Ground water storage in non-irrigation season considered non-consumptive.

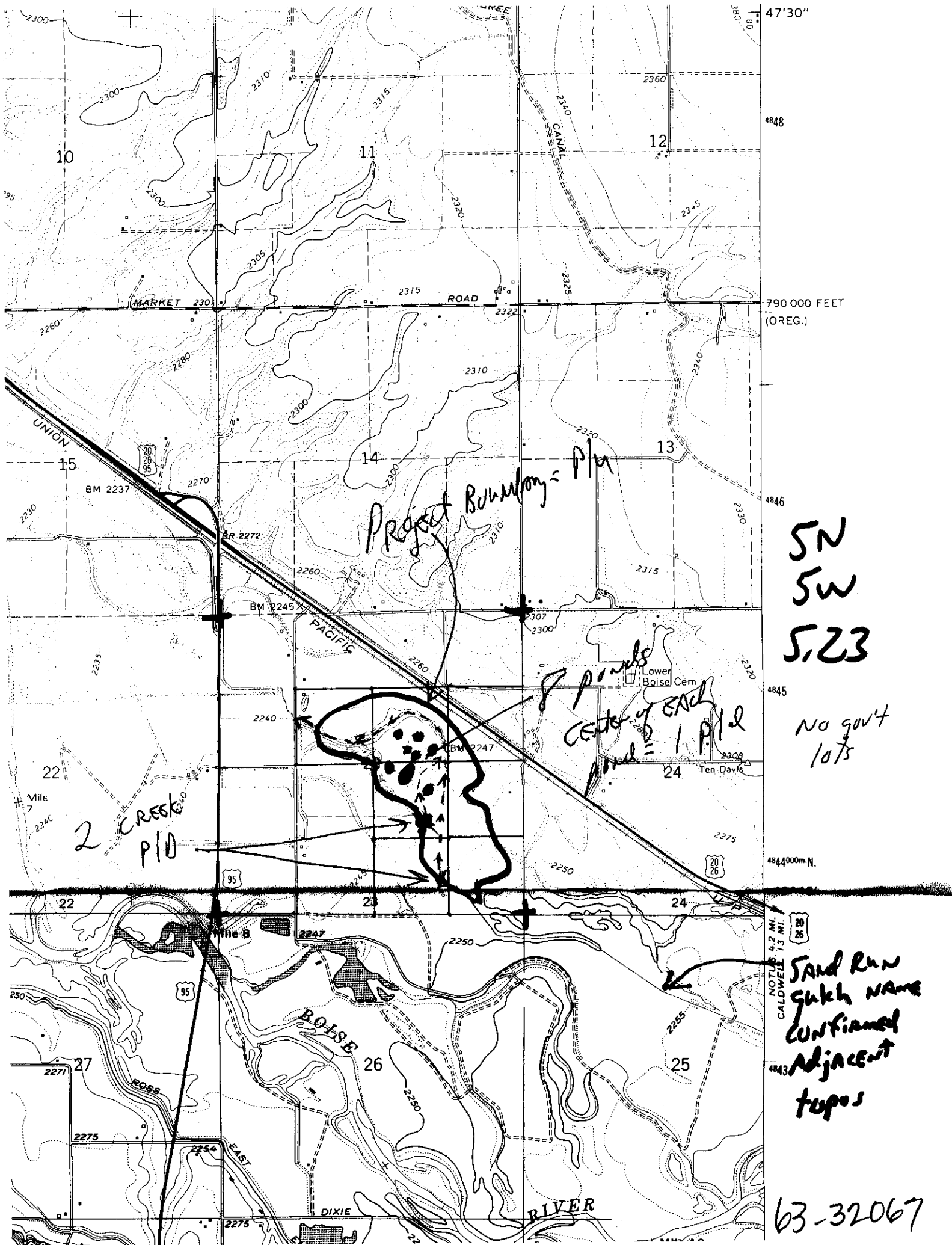
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


Signature of Applicant (and title, if applicable)

Received by SL Date 12/8/04 Time 11:21 Preliminary check by SL
Fee \$ 2410.00 Received by SL # W032454 Date 12/8/04
Publication prepared by SL Date 6-24-05 Published in Statewide
Publication approved Date

ES
LM
PR
TN



47°30"

4848

790 000 FEET
(OREG.)

4846

4845

4844000m N.

NOTES 4.2 MI.
CALDWELL 13 MI.

4843

5N
5W
5.23

No gov't
lots

Sand Run
gully NAME
Confirmed
Adjacent
to pos

63-32067

Obenlandt Appl. Fee

200 at storage = \$290

90 cts = \$1010
\$1400
\$2410

1st 20 cts
e \$20/cts exceeding 1st 20
(20 x 70 = 1400)

Fee = greater of 2 = \$2410

-52, per applicant office visit
12/8/04

CONTACT INFO

DANA HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 W. FRANKLIN ST.
BOISE 83702
(424-7800)

attorney accompanied applicant e
time of filing

**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

September 13, 2005

ANN OBENDORF
GREG OBENDORF
26496 DEB LN
PARMA ID 83660

RE: Permit No. 63-32067

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

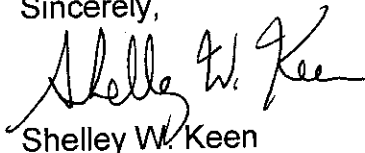
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: HOFSTETTER LAW OFFICE LLC

CERTIFICATE OF SERVICE

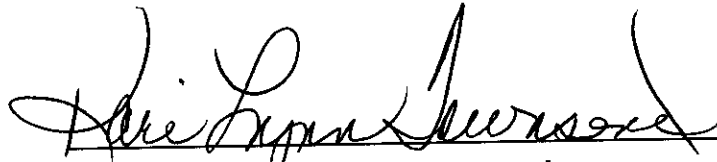
I hereby certify that on September 13, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32067

**ANN OBENDORF
GREG OBENDORF
26496 DEB LN
PARMA ID 83660**

**HOFSTETTER LAW OFFICE LLC
C/O DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702**

A handwritten signature in black ink, appearing to read "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.


MEMORANDUM

Date: September 01, 2005
To: Water Right File 63-32067
From: Shelley Keen *SK*
Re: Nature of Proposed Use

This afternoon I spoke with Steve Lester about whether IDWR should require the use of water under Permit 63-32067 to be non-consumptive. We concluded that IDWR can approve consumptive uses of surface water from the proposed source at the proposed location without mitigation and that there might be a little consumption of water under the proposed use. Steve recommended that we include protections for downstream senior water right holders. We think the likelihood of injury to downstream right holders is very slight given that the proposed use is limited to the non-irrigation season and that there is really no place for the water to go but back into Sand Run Gulch Creek, but just to be certain, we included the approval condition stating that this right is subject to prior rights and a condition stating that IDWR can require installation of measuring devices and measuring and reporting in the future.

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: August 25, 2005

RE: Conditions of Approval for Application No. 63-32067

The application originally proposed water from a creek and shallow ground water for existing ponds for a wildlife project outside of the irrigation season near the Boise River around Notus (surface water below Star). This evolved into the current application proposing water from the creek and existing ponds.

Watermaster Lee Sisco clarified the creek as tributary to the Snake River instead of the Boise River. That was my mistake during the filing of the application with Obendorf and his attorney, Dana Hofstetter. A more careful examination of topo maps confirmed Sisco's point (6/16/05 documents).

See database legal notice remarks and comments for an overview of this application. In my opinion, the application is approvable as filed. Amendment of the application prior to legal notice clarified details without expanding the project. Additional fees were not needed.

The creek name is confusing. Five topo quads cover the area upstream from the project to the mouth of the creek. The name on the topo closest to the creek P/Ds is Sand Run Gulch (long reach on quad W54). The name on quad X4 to the west is Sand Hollow Creek. The other three quads do not include a name for the creek. Sisco calls the creek Sand Hollow Drain. A query of Basin 63 records in Canyon County revealed 4 for Sand Run Gulch, 47 for Sand Hollow Creek and 13 for Sand Hollow Drain. I assumed the topo name nearest the project, and for the longest named reach of the stream on any of those quads, should be used. Let conditions of approval note the other names.

For some reason, I could not delete "Sand Run Gulch Creek tributary to Boise River" in the database. That remains to be done.

The application proposes up to 200 af of storage in existing ponds. Creek water will probably be routed through the ponds to some degree. New ponds are not proposed. It is possible although unlikely that additional storage capacity will be developed. The application is probably too vague on this point. It is conceivable that circumstances could exist in which pond water levels declined due to natural factors (drought etc.). Creek water could raise pond levels without adding or expanding impoundment structures. That

would be an example of storage developed under this proposal. It is hard to see the harm in allowing storage as requested provided it is properly conditioned in an approval. Pond water could be diverted for wildlife use, although that is probably unlikely (pumping costs).

The application proposes a non-consumptive use. Even if ponds and/or additional storage become part of this development, the proposed period of use assumes de minimus evaporative loss for the non-irrigation season. A vague return flow to the creek is proposed – the application map shows return flows at the end of the applicant's property. A condition of approval can reinforce the non-consumptive nature of the project.

Large diversion information was minimal in this case. A non-consumptive use of water diverted and returned to the source within the applicant's property should have little if any impact on other water users. An application attachment addressed the water supply. Finances and some other factors have little bearing on the proposal. Comment letters addressed local public interest factors (also abbreviated per SO directives in that arena).

Proposed Conditions of Approval

Standard conditions. Allow 5 years.

Measuring devices required for all diversions from the creek. Measuring devices required for return flow to the creek.

SCA approval might be required for return flow to the creek.

Remains subject to annual measurement and reporting (do not need to report now).

Storage is limited to replenishment at 8 existing ponds. Construction of new ponds or of any impoundment facilities at existing ponds is not authorized.

Non-consumptive use.

Use is for wildlife habitat during the non-irrigation season (see similar language in 63-11617).

Sand Run Gulch Creek is also known as Sand Hollow Creek and Sand Hollow Drain.

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

Proof of Publication The Post Register

State of Idaho
County of Bonneville

I, ~~Dan Moore~~, or James Smith, first being duly sworn, depose and say: That I am the ~~Production Manager~~, or Production Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

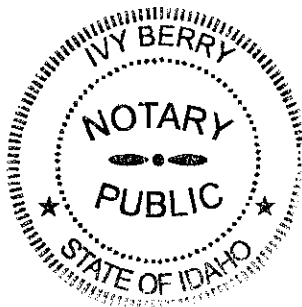
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of JUNE 2005, last publication having been made on the 9TH day of JUNE 2005 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

James B. Smith

Subscribed and sworn to before me, this 22ND day of JUNE 2005

Ivy Berry
Notary Public

My commission expires January 10, 2009



See back
↓

**APPLICATION FOR
NEW WATER RIGHT**

Greg and Ann Obendorf of 26496 Deb Lane, Parma ID 83660 filed the following application to appropriate the public waters of the State of Idaho in Section 23, T5N, R5W, Canyon County:

Application 63-32067 filed on 12/8/2004 for 90.0 cfs and 200 af of storage for a wildlife habitat project. Water will be diverted during the non-irrigation season from 11/15-3/15 from 3 ditches on Sand Run Gulch Creek tributary to the Boise River, routed to eight existing ponds (former gravel pits) and across the project area. Source will also include the existing ponds tributary to the creek. Diverted water will be returned to the creek just west of the project boundary. The project is proposed to be essentially non-consumptive. Development will occur in the SENW and most of the E ½ of Section 23 between Hwy 20/26 and the creek.

The permit will be subject to all prior water rights. For specific details regarding the applications, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against approval of the application(s) must be filed with IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before June 20, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published: June 2, 9, 2005

RECEIVED

AFFIDAVIT OF PUBLICATION JUN 22 2005

WATER RESOURCES
WESTERN REGION

e0100285 04522856
Sue Kreger
1 Idaho Dept. of Water Resources
Western Region
2735 Airport Way
BOISE, ID 83705

STATE OF IDAHO)
) SS.

County of Canyon)
Amanda K. Anderson
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

**APPLICATION FOR NEW
WATER RIGHT**

✓ sk
Greg and Ann Obendorf of 26496
Deb Lane, Parma, ID 83660 filed the
following application to appropriate
the public waters of the State of Ida-
ho in Section 23, T5N, R5W, Can-
yon County:

Application 83-32067 filed on
12/8/2004 for 90.0 cfs and 200 af of
storage for a wildlife habitat project.
Water will be diverted during the
non-irrigation season from 11/15-
3/15 from 3 ditches on Sand Run
Gulch Creek tributary to the Boise
River, routed to eight existing ponds
(former gravel pits) and across the
project area. Source will also include
the existing ponds tributary to the
creek. Diverted water will be re-
turned to the creek just west of the
project boundary. The project is pro-
posed to be essentially non-con-
sumptive. Development will occur in
the SENW and most of the E 1/2 of
Section 23 between Hwy 20/26 and
the creek.

The permit will be subject to all pri-
or water rights. For specific details
regarding the applications, please
contact the Idaho Department of
Water Resources (IDWR) Western
Region at 208-334-2190 or visit
www.idwr.idaho.gov with detail pro-
vided under "new water right appli-
cations". Protests may be submitted
based on the criteria of Sec 42-
203A, Idaho Code. Any protest
against approval of the application(s)
must be filed with IDWR Western
Region, 2735 Airport Way, Boise ID
83705-5082 together with a protest
fee of \$25.00 for each application on
or before June 20, 2005. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

June 2, 9, 2005 04522856

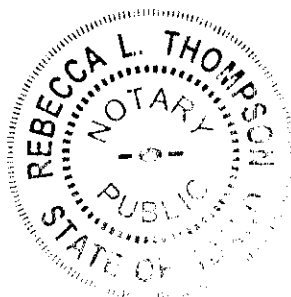
1. That I am a citizen of the United States,
and at all times hereinafter mentioned
was over the age of eighteen years, and
not a party to the above entitled action.
2. That I am the Principle Clerk of the
Idaho Press-Tribune, a daily newspaper
published in the City of Nampa, in the
County of Canyon, 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:
06/02/05, 06/09/05

Amanda K Anderson

STATE OF IDAHO)
County of Canyon)

On this 21st day of June in the year of
2005 before me a Notary Public, personally
appeared. Amanda K. Anderson, 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.

Rebecca L Thompson
Notary Public for Idaho
Residing at Nampa
My Commission expires April 19, 2008



State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 63-32067Applicant's Name: Greg & Ann Obendorf

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 Conditions
Sand Run Gulch (Sand Hollow Drain)
is a tributary to the Snake River not
Boise River.c) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments:

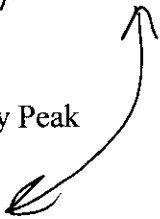
Dated this 16 day of June, 2005Water District Number: 63 Watermaster's Signature: Lee Suea

TRIBUTARY SURFACE WATER APPLICATIONS

- JZ 6/16/05

- Calwell to Parma
- wildlife projects, 1 irrigation
- some with existing ponds
- most with vague return flow method
- dewatering Boise River (timing of return flow) re "instream flow" Lucky Peak license?
- "Snake River Hold" issues? same issues for other tributary basins?

*OK to process
per follow up
from DRT, JFW
re manager's mtg.*



NAME	NUMBER	SOURCE	TRIBUTARY	AMOUNT	PERIOD
Iest	63-32066	Boise R.	Snake	20.5 cfs	non-irr season
Obendorf	63-32067	Sand Run Gulch / Sand Hollow Ck.	Snake	90 cfs 200 af storage	non-irr season
Obendorf	none yet	Boise R.	Snake	24 cfs	non-irr season
Obendorf	none yet	wastewater	Boise	6 cfs 40 af storage	all year new ponds
Hauck	none yet	pond	Boise	0.15 cfs 38 af storage	irr season irr, not wildlife
Hauck	none yet	pond	Boise	14 af storage	all year
Stout	none yet	Boise R.	Snake	30 cfs	all year
TOTAL				170.65 cfs 292 af storage¹	

¹ Most storage already exists via leftover ponds from gravel pits, doubtful if much additional storage to be developed so exaggerated storage quantity shown.

CONVERSATION MEMORANDUM

DATE 8/16/05
FILE 63-32067

NAME OF PARTY LEE Siew, Westminster
EMPLOYEE FL

RE: SOURCE / Tributary

Sources locally known as Sand Hollow DRAIN for
records (prior records etc.), has not heard
of Sand Run gulch.

Tributary to Snake River c 3/4 mile below confluence of
Boise + Snake Rivers. *

Should be OK in unregulated portion of water district.

Will send him comments soonest.

*

SEE ATTACHED P Snake not Boise

follow source name downstream

per 7 1/2 topo quadrants:

WS4 & x4: Sand Run gulch, Sand Hollow Ct.

WS3 & x3

WS2 ... stream ends

NO NAME

NAME per quad

Sand Run gulch (WS4)

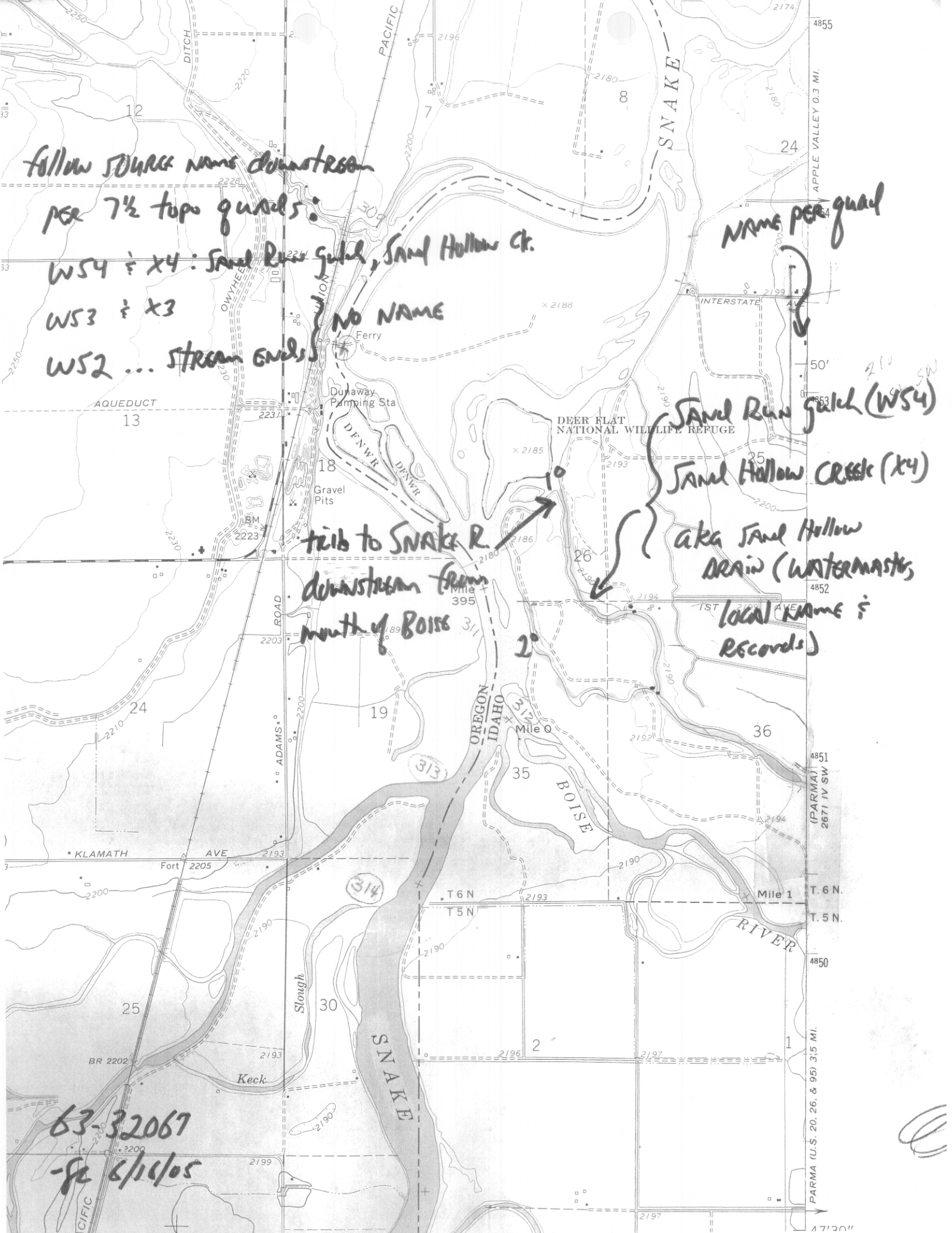
Sand Hollow Creek (x4)

aka Sand Hollow
Drain (watermaster,

local name &
records)

trib to Snake R
downstream from
mouth of Boise

63-32067
-82 6/16/05



P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	1287334	APPLICATION	\$79.88
Attention:	P.O. #	Run Dates	
SUE KREGER		JUNE 2, 9, 2005	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 48 Affidavit 1 Legal # 22589

LEGAL NOTICE
APPLICATION FOR NEW WATER RIGHT

Greg and Ann Obendorf of 26496 Deb Lane, Parma ID 83660 filed the following application to appropriate the public waters of the State of Idaho in Section 23, T5N, R5W, Canyon County.

R5W, Canyon County: Application 63-32067 filed on 12/8/2004 for 90.0 cfs and 200 af of storage for a wildlife habitat project. Water will be diverted during the non-irrigation season from 11/15/15 from 3 ditches on Sand Run Gulch Creek tributary to the Boise River, routed to eight existing ponds (former gravel pits) and across the project area. Source will also include the existing ponds tributary to the creek. Diverted water will be returned to the creek just west of the project boundary. The project is proposed to be essentially non-consumptive. Development will occur in the SENW and most of the E 1/4 of Section 23 between Hwy 20/26 and the creek. Diverted water will be subject to all prior

The permit will be subject to all prior water rights. For specific details regarding the applications, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against approval of the application(s) must be filed with IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before June 20, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Pub. Jun. 2, 9, 2005

22589

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 uninterruptedly 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

X	consecutive weekly		single
	consecutive daily		odd skip
insertion(s)			

beginning issue of: JUNE 2, 2005
ending issue of: JUNE 9, 2005

Janice Hildreth

STATE OF IDAHO)
)
) ss.
COUNTY OF ADA)

On this 9 day of JUNE in the year of 2005
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.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires:

for Idaho
oise, Idaho

RECEIVED

JUN 13 2005

TRIBUNE PUBLISHING COMPANY, INC. WATER RESOURCES
WESTERN REGIONThe Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411Date 06/09/2005INVOICE NO. 392181Account No. 964760Description 392181APPLICATION FORNTimes 2Lines 53

Tab. Lines _____

\$ 79.24SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

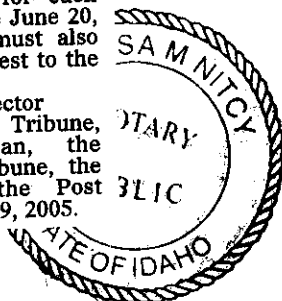
AFFIDAVIT OF PUBLICATION

APPLICATION FOR
NEW WATER RIGHT

392181
Greg and Ann Obendorf of 26496 Deb Lane, Parma ID 83660 filed the following application to appropriate the public waters of the State of Idaho in Section 23, T5N, R5W, Canyon County: Application 63-32067 filed on 12/8/2004 for 90.0 cfs and 200 af of storage for a wildlife habitat project. Water will be diverted during the non-irrigation season from 11/15-3/15 from 3 ditches on Sand Run Gulch Creek tributary to the Boise River, routed to eight existing ponds (former gravel pits) and across the project area. Source will also include the existing ponds tributary to the creek. Diverted water will be returned to the creek just west of the project boundary. The project is proposed to be essentially non-consumptive. Development will occur in the SENW and most of the E 1/2 of Section 23 between Hwy 20/26 and the creek. The permit will be subject to all prior water rights. For specific details regarding the applications, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications".

Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against approval of the application(s) must be filed with IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before June 20, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the Press Tribune, the Idaho Statesman, the Lewiston Morning Tribune, the Times News, and the Post Register on June 2 and 9, 2005.



Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 392181APPLICATION attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune,

2 time(s). Publication being on 06/02, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 06/02/2005, and the last publication thereof being on the 06/09/2005 and said 392181APPLICATION was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9 day of June in the year of 2005, before me, a Notary Public, personally appeared Karen Lewis, 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 he executed the same.

Ceresa M Nitzky
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 11/23/2010

APPLICATION FOR NEW WATER RIGHT

✓ sk

RECEIVED

JUN 13 2005

WATER RESOURCES
WESTERN REGION

Greg and Ann Obendorf of 28496 Deb Lane,
Parma ID 83660 filed the following application
to appropriate the public waters of the State of
Idaho in Section 23, T5N, R5W, Canyon
County:

Publication

Application 63-32067 filed on 12/8/2004 for 90.0
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the creek. Diverted water will be returned to the
creek just west of the project boundary. The
project is proposed to be essentially non-con-
sumptive. Development will occur in the SENW
and most of the E 1/2 of Section 23 between
Hwy 20/26 and the creek.

N FALLS) SS.

, being first duly sworn upon oath, depose and say that I am Legal Clerk of the
shed daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice
per clipping attached, was published in the regular and entire issue of said newspaper,
ment thereof, for two consecutive weeks, commencing with the
of June, 2005 and ending with the issue dated 9th day of June, 2005

The permit will be subject to all prior water rights.
For specific details regarding the applications,
please contact the Idaho Department of Water
Resources (IDWR) Western Region at 208-334-
2190 or visit www.idwr.idaho.gov with detail
provided under "new water right applications".
Protests may be submitted based on the criteria
of Sec 42-203A, Idaho Code. Any protest
against approval of the application(s) must be
filed with IDWR Western Region, 2735 Airport
Way, Boise ID 83705-5082 together with a
protest fee of \$25.00 for each application on or
before June 20, 2005. The protestant must also
send a copy of the protest to the applicant.
KARL J DREHER, Director

that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times,
except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which
publication had been published under said names in said city and county continuously and uninterruptedly
in twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published
on Saturday, until July 31, 1978, at which time said newspaper began daily publication under said
continuously and uninterruptedly.

it pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day
work or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof
the day on which said legal will be published.

PUBLISH: June 2 and 9, 2005

COUNTY OF TWIN FALLS

On this 9th day of June, 2005, before me,

a Notary Public, personally appeared Ruby Anderson
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 he executed the same.

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

Linda Capps-McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-07

✓sk

RECEIVED

JUN 13 2005

WATER RESOURCES
WESTERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of June, 2005 and ending with the issue dated 9th day of June, 2005

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 9th day of June, 2005, before me,

a Notary Public, personally appeared Ruby Aufderheide, 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 he executed the same.

LINDA CAPPS-McGUIRE
NOTARY PUBLIC
STATE OF IDAHO

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-07

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, May 31, 2005 1:12 PM
To: 'Bob_Mallis@blm.gov'
Subject: comment letter

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

May 31, 2005

BOB MALLIS
US BUREAU OF LAND MANAGEMENT
3948 DEVELOPMENT AVE
BOISE ID 83705

Dear Mr. Mallis:

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 June 20, 2005.

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

Sincerely,

Sue Kreger
Administrative Assistant



63-32067.pdf

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

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

May 31, 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 June 20, 2005.

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

Sincerely,



63-32067.pdf



65-22948.pdf



65-22949.pdf



65-22950.pdf



65-22951.pdf



65-22952.pdf



65-22953.pdf



65-22954.pdf

Kreger (Taylor), Sue

To: srae@deq.state.id.us
Subject: comment letter

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

May 31, 2005

ID DEPT ENV QUALITY
STEVE RAE
1445 N ORCHARD
BOISE ID 83706-2239

Re: Application for Permit No. 63-32067

Dear Mr. Rae:

Attached is a copy(s) of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by June 20, 2005. A copy of the protest must also be sent to the applicant.

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

Sincerely,



63-32067.pdf

Kreger (Taylor), Sue

To: Wd63@iglide.net
Subject: comment letter

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

May 31, 2005

LEE SISCO
WATERMASTER DIST. NO. 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application(s) for Water Right No. 63-32067

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,



Copy of
commendation of Wa



63-32067.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

May 31, 2005

E GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS STE 100
BOISE ID 83706

Dear Ms. McGarry:

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 June 20, 2005.

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

Sincerely,

A handwritten signature in cursive script that reads "Sue Kreger".

Sue Kreger
Administrative Assistant

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

May 24, 2005

Legal Notice Department
TIMES NEWS
TWIN FALLS ID 83301

RE: Application for Permit No. 63-32067

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 06/20/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, May 24, 2005 1:55 PM
To: 'KLEWIS@LMTRIBUNE.COM'
Subject: LEGAL AD

Hi Karen, Please let me know that you received this ad. It's a little early but I will be out of town the rest of the week.
Thank you for your help.

Thanks,

Sue

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 AIRPORT WAY

BOISE ID 83705

May 24, 2005

Legal Notice Department
LEWISTON MORNING TRIBUNE
505C
PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 63-32067

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 06/20/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

May 24, 2005

Legal Notice Department
IDAHO STATESMAN
BOISE ID 83707

RE: Application for Permit No. 63-32067 and Notice of Draft Permit

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 06/20/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

APPLICATION FOR NEW WATER RIGHT

Greg and Ann Obendorf of 26496 Deb Lane, Parma ID 83660 filed the following application to appropriate the public waters of the State of Idaho in Section 23, T5N, R5W, Canyon County:

Application 63-32067 filed on 12/8/2004 for 90.0 cfs and 200 af of storage for a wildlife habitat project. Water will be diverted during the non-irrigation season from 11/15-3/15 from 3 ditches on Sand Run Gulch Creek tributary to the Boise River, routed to eight existing ponds (former gravel pits) and across the project area. Source will also include the existing ponds tributary to the creek. Diverted water will be returned to the creek just west of the project boundary. The project is proposed to be essentially non-consumptive. Development will occur in the SENW and most of the E ½ of Section 23 between Hwy 20/26 and the creek.

The permit will be subject to all prior water rights. For specific details regarding the applications, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov <<http://www.idwr.idaho.gov/>> with detail provided under "new water right applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against approval of the application(s) must be filed with IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before June 20, 2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune, the Idaho Statesman, the Lewiston Morning Tribune, the Times News, and the Post Register on June 2 and 9, 2005.

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

May 24, 2005

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

RE: Application for Permit No. 63-32067

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 06/20/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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KARL J DREHER, Director

Published in the Press Tribune, the Idaho Statesman, the Lewiston Morning Tribune, the Times News, and the Post Register on June 2 and 9, 2005.

63-32067

Attorney contact.

DANA Hofstetter visited office today
with greg Obendorf to file this application.

She will be added as attorney of
record in processing this one.

-JZ 12/8/04