

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22958

Priority: May 25, 2005

Maximum Diversion Rate: 0.16 CFS

This is to certify, that A RALPH GURNEY
1111 W CENTRAL RD
EMMETT ID 83617

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.06 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼SE¼ Sec. 36, Twp 07N, Rge 02W, B.M., GEM 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	
07N 02W 36													2.0				2.0
Total Acres:																	2

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 02W 36													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 4 homes. Irrigation of lawns, gardens and landscaping associated with the homes is authorized under the irrigation component of this right.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 9.0 af at the field headgate for the lands above.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22958

7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 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 17th day of August, 2005.


for KARL J DREHER, Director

RECEIVED

MAY 19 2005

FORM 202
12/98DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHOIdent. No. 65-22958DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant: A. RALPH GURNEY Phone 365-4150
Mailing address 1111 W. CENTRAL Rd. EMMETT, ID. 83617
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township 7N Range 2W Sec. 36 in the NE $\frac{1}{4}$,
SE $\frac{1}{4}$, _____ Govt. Lot _____ B.M. Gem County;
additional points of diversion if any: W. CENTRAL Rd.
4. Water will be used for the following purposes:
Amount .10 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 cfs/acre for IRRIGATION purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.00 for (2 ACRES) AREA 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) .126 cfs and/or (b) _____
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 Ground water
Well - Pump -
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
c. Proposed well diameter is 6" inches; proposed depth of well is 85 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 George Post Well Drilling
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. 4
e. Other: describe fully. _____

RECEIVED

MAY 25 2005

WATER RESOURCES
WESTERN REGION

No Gov Lts

EXHIBIT "A"

RECORD OF SURVEY

OF A PORTION OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION
TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE MERIDIAN
COUNTY OF GEM, STATE OF IDAHO

CENTRAL ROAD

FOR

N89°12'19"W

1321.85'

451.88'

30.00'
OFFSET

452.63'

30.00'
OFFSET

417.34'

PARCEL 1
1.703±AC

N89°33'42"W 452.58'

PARCEL 2
1.701±AC

N89°12'33"W 452.52'

PARCEL 3
1.700±AC

N89°12'33"W 452.46'

PARCEL 4
1.698±AC

N89°11'52"W 452.41'

N00°44'02"E
163.67'
163.44'

33.00'

R35.00'

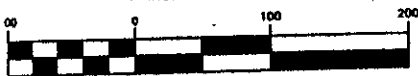
163.67' DITCH
N00°45'11"E
163.53'

R OF S NO. 220714

Well Location



1 inch = 100 ft.



GRAPHIC SCALE

65-22958 R OF S NO. 210640

TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE MERIDIAN

IDAHO DIV

RECEIVED

MAY 25 2005

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

A. Ralph Gurney

Mailing Address

1111 W. Central Rd
Emmett, Id 83617Application No.
(if known)**ARA****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.

X 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

A. Ralph Gurney

Date

5/24/05

Please return this form to:

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

65-22958

x p/d 2

3

4

7N 2W S36
NESE

No Gov Lt

**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

August 19, 2005

A RALPH GURNEY
1111 W CENTRAL RD
EMMETT ID 83617

RE: Permit No. 65-22958

Permit Approval Notice

Dear Permit Holder:

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

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

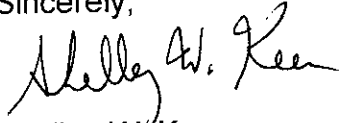
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

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 fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

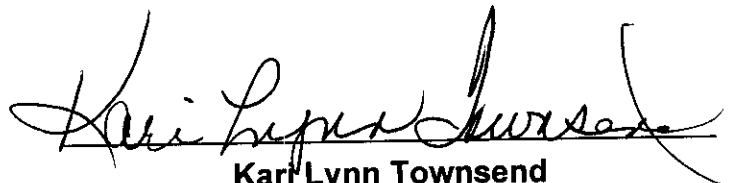
CERTIFICATE OF SERVICE

I hereby certify that on August 19, 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.

65-22958

**A RALPH GURNEY
1111 W CENTRAL RD
EMMETT ID 83617**



**Karl 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.

SEARCHED
SERIALIZED
INDEXED
FILED

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.

Comment Report

65-22958

1. kwalker 8/17/2005 POD

Comment: Updated shape

2. kwalker 8/17/2005 POU

Comment: Updated Shape

3. kwalker 8/17/2005 POU

Comment: Updated Shape

4. scurtis 6/22/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 4 homes.

5. Igraves 6/22/2005 Comment/Analysis

Comment: Each of the four lots is 1.7 acre is size. Applicant originally filed for .10 cfs for domestic use and .02 cfs/ac for 7 acres irrigation (rather than listing .14 cfs). Because the irrigation rate, p/u and request to process needed to be clarified, applicant made an office visit 6/21/05. During his visit, the applicant stated that he was going to restrict irrigation to 1/2 ac per lot in the well covenant. As a result, he reduced the irrigation use to 2 acres. He stated the property is covered by Emmett Irrigation District water. The well will primarily be used for internal domestic uses and supplemental irrigation if necessary, not to exceed 1/2 ac/lot. No other rights are used. DEQ will be sent notice since a shared well is proposed for > than 2 homes.

6. kwalker 8/17/2005 Permit Review

Comment: Application does not fall within any problem areas. Property has been irrigated by Emmett Irrigation Dist. water and right holder will continue to use that water along with water from well. Added supplemental use conditions. Recommend approval.

STATE OF IDAHO)
County of Gem) SS.

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.

3. That the notice, of which the annexed is a printed copy, was published in the newspaper one time in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

STATE OF IDAHO
County of Gem

On this 6th day of July the year of 2005 before me a Notary Public, personally appeared. Tomi Riley 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 acknowledge to me that he executed the same.

Marianne Chaney
Notary Public for Idaho
My Commission Expires 2/24/2011

PUBLISHED IN THE MESSENGER JULY 1964

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

65-22958

A RALPH GURNEY
1111 W CENTRAL RD
EMMETT ID 83617

Point(s) of Diversion
GEM County Source

Use:	IRRIGATION	03/01 To 11/15	0.06 CFS
Use:	DOMESTIC	01/01 To 12/31	0.1 CFS
	Total Diversion:		0.16 CFS

Date Filed: 05/25/2005
Place Of Use: IRRIGATION
T07N R02W S36 NESE
Number of Acres 2
Place Of Use: DOMESTIC
T07N R02W S36 NESE

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

Domestic use is for 4 homes.

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

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

65-22959

JAMES W RAMBOW
1635 SUNSET DR
EMMETT ID 83617

Point(s) of Diversion
GEM County Source

Use:	IRRIGATION	03/01 To 11/15	0.05 CFS
Use:	DOMESTIC	01/01 To 12/31	0.08 CFS
	Total Diversion:		0.13 CFS

Date Filed: 05/09/2005
Place Of Use: DOMESTIC
T06N R02W S1 NESW
Place Of Use: IRRIGATION
T06N R02W S1 NESW
Number of Acres 1.5

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

Domestic use is for three homes.

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 07/25/2005.

The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub.: 7-6, 13, 2005

Legal Notice No.5942
Published in the Messenger Index

RECEIVED

JUL 14 2005

WATER RESOURCES
WESTERN REGION

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Tuesday, July 05, 2005 10:42 AM
To: 'srae@deq.state.id.us'
Subject: comment letters

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

July 5, 2005

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

Re: Applications for Permit

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 July 25, 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,



65-22958.pdf



65-22959.pdf

Please let me know that you received these 2 ads.

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

June 29, 2005

Legal Notice Department
MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

RE: Application for Permit No. 65-22958 and 65-22959

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 07/25/2005. 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:

65-22958

A RALPH GURNEY
1111 W CENTRAL RD
EMMETT ID 83617

Point(s) of Diversion NESE S36 T07N R02W GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.06 CFS

Use: DOMESTIC 01/01 To 12/31 0.1 CFS

Total Diversion: 0.16 CFS

Date Filed: 05/25/2005

Place Of Use: IRRIGATION

T07N R02W S36 NESE

Number of Acres 2

Place Of Use: DOMESTIC

T07N R02W S36 NESE

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

Domestic use is for 4 homes.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on July 6 and 13, 2005.



FARMERS

Fax

☐ Urgent! Hand deliver

To LORI GRAYS -
Company/Dept. _____
Fax number _____
Pages _____ (Including this coversheet)
Subject Application FOR
Permit

From A. Ralph Gurney
Company/Dept. A. Ralph Gurney
Fax number 208-365-4141
Phone number 208-365-4150

Message

This fax is intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If this material has been sent to you in error, please inform the sender immediately and destroy this copy.

Lori - Per Our Phone Call 6/15/05
Please Expedite My Application -
due to Well driller - And Builder
Are Ready to Start - Thank you -

Signed

A. Ralph Gurney

Date

6/15/05