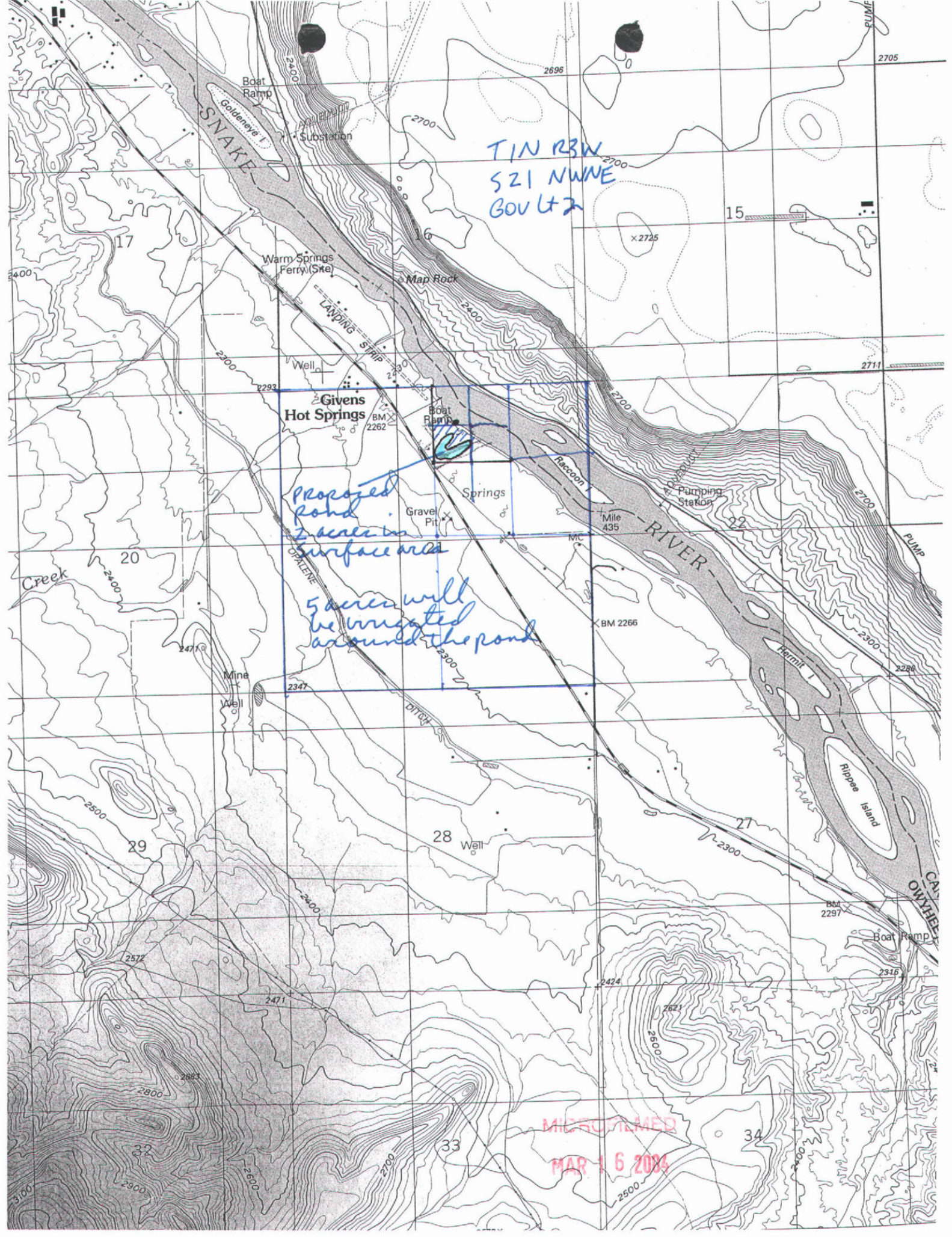




TIN RBW
S21 NWNE
Gov Lt 2

Givens
Hot Springs

Proposed
pond
2 acres in
surface area
5 acres will
be irrigated
around the pond

MICROFILMED
MAR 16 2024

SUNRISE SKY PARK
SUNRISE SKY PARK

\$70,600

RISE SKY PARK
1000-03

(756.
DESC
TAX
1-10
1-10)

SNAKE RIVER

Hwy 78

Dd 198090

Drill
Site
for Geothermal
Well

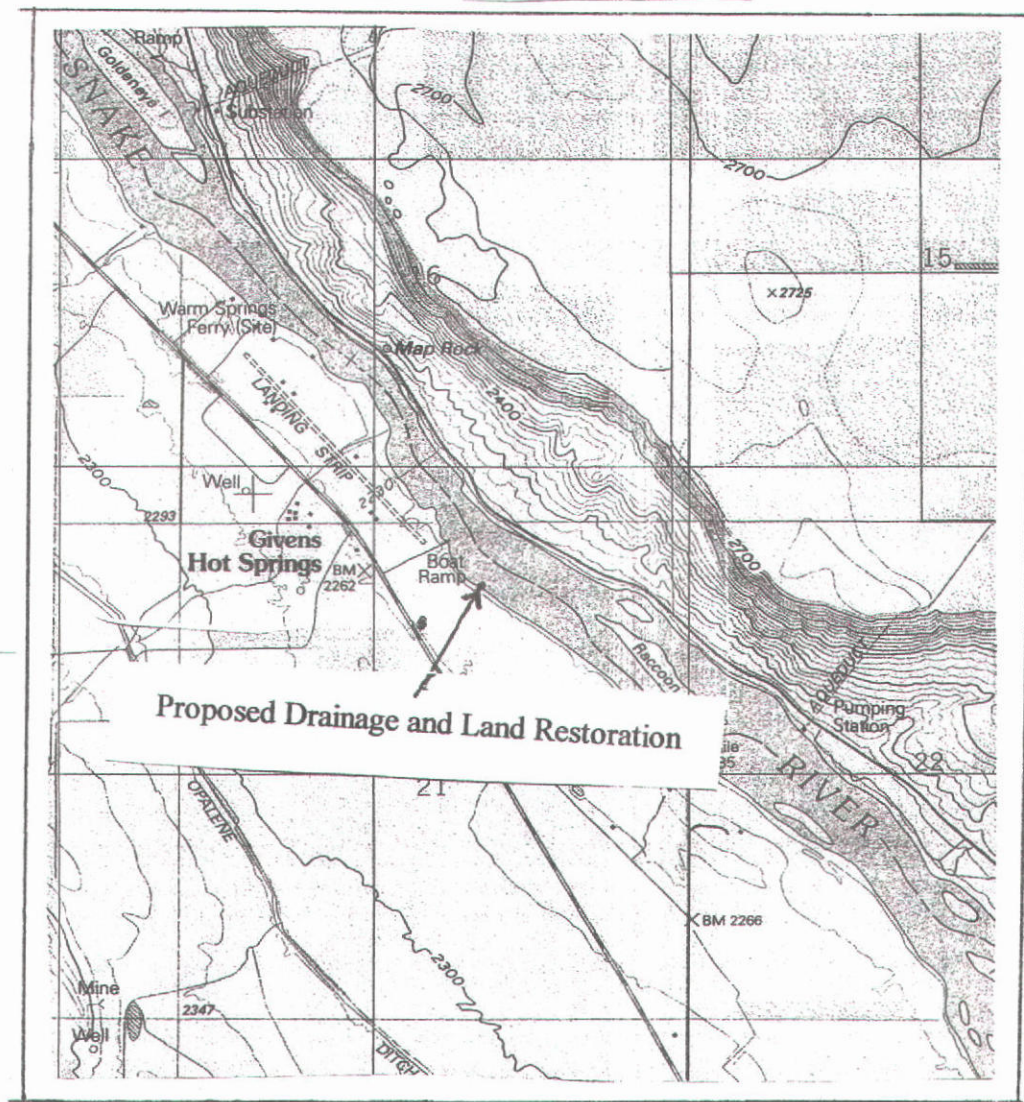
MOLD M. JENIN M

MICROFILMED
MAR 16 2004

PROPOSED DRAINAGE AND LAND RESTORATION

Range 3 West

Township 1 North



Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

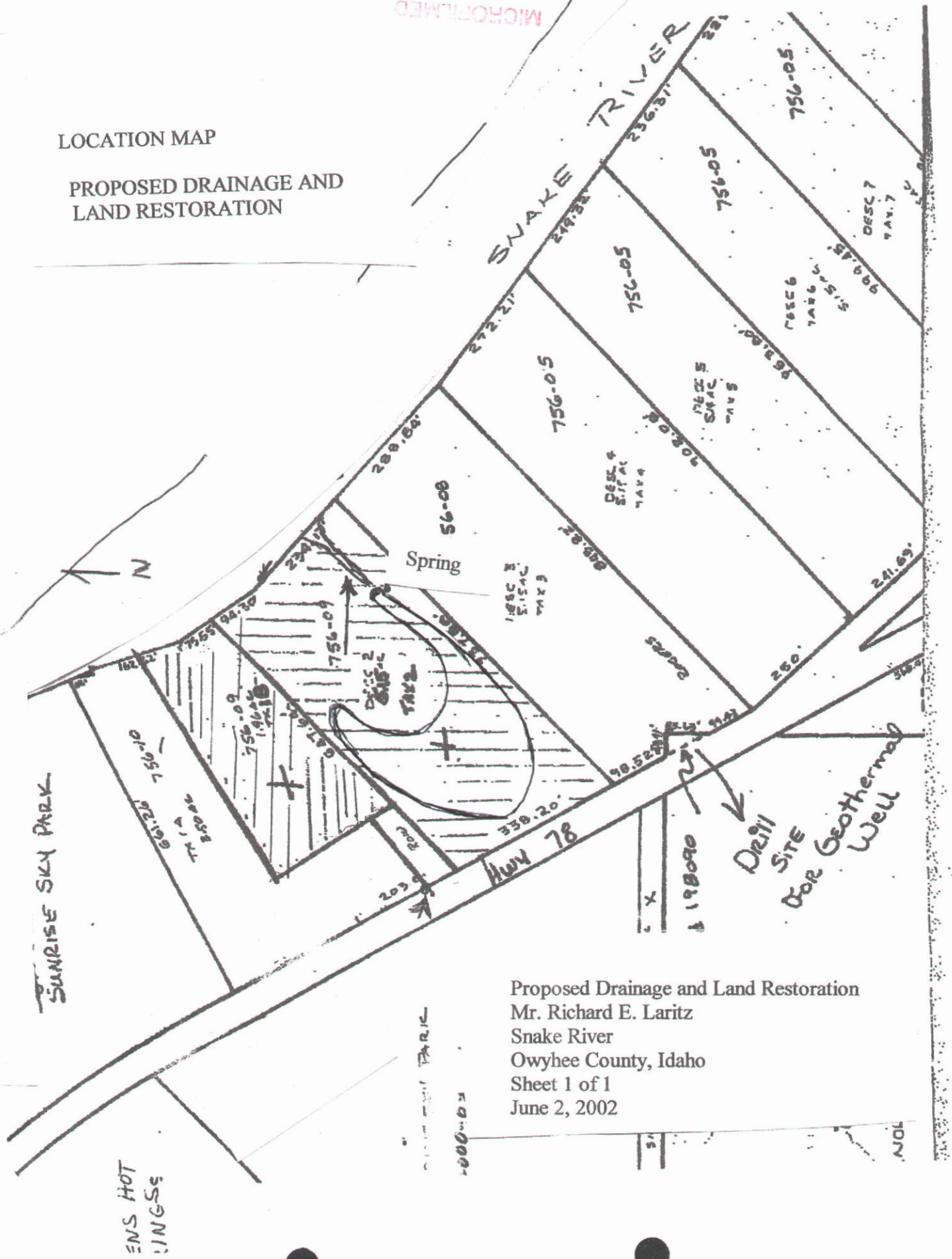
MICROFILMED

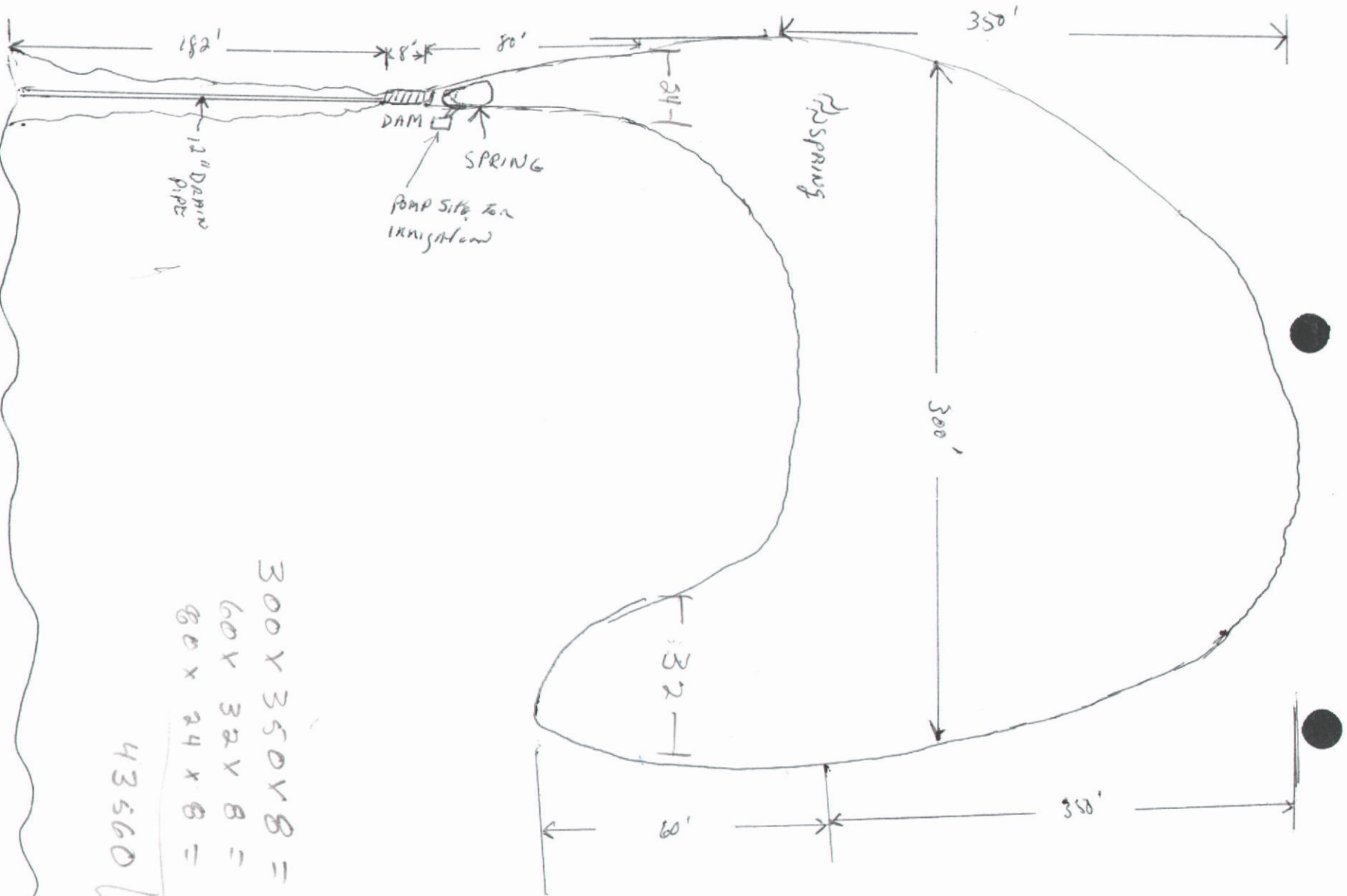
MAR 16 2004

MAR 16 2004
MICROFILMED

LOCATION MAP

PROPOSED DRAINAGE AND
LAND RESTORATION





$$\begin{aligned}
 300 \times 350 \times 8 &= 840,000 \\
 60 \times 32 \times 8 &= 15,600 \\
 80 \times 24 \times 8 &= 15,600
 \end{aligned}$$

$$\begin{array}{r}
 43560 \overline{) 871,200} \\
 20 AF
 \end{array}$$

Snake River

MICROFILMED

MAR 16 2004

GULLY TO BE FILLED
WITH MATERIAL FROM
POND EXCAVATION

HOLE
APPROX
6' x 6' x 3.5' DEEP
SPRING

10 M:1 PLASTIC FACING

12" DRAIN
PIPE

SPRING

GULLY WASHOUT IS 2' x 8'
AT SPRING - WILL BE FILLED WITH
MATERIAL EXCAVATED FROM
HOLE AT SPRING AND TANGLED
SOLID AND FACED WITH PLASTIC
TO PREVENT DIRECT CONTACT
WITH TANGLED FILL. AS
POND IS EXCAVATED, MATERIAL
WILL BE USED TO FILL BEHIND
DAM AND RECLAIM LOST LAND

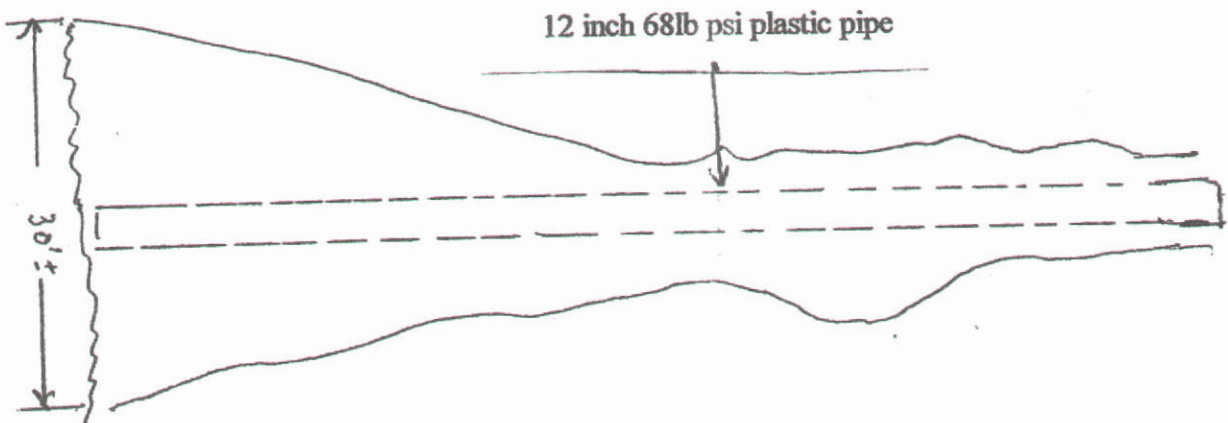
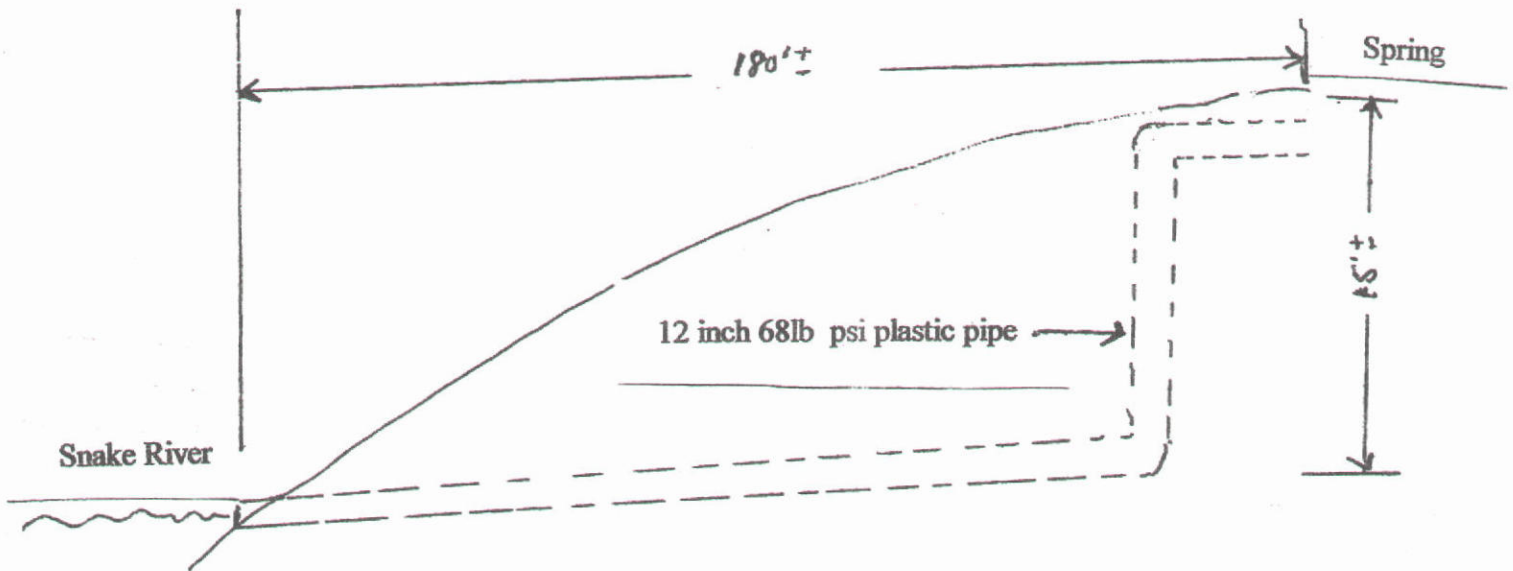
12" DRAIN
PIPE

MICROFILMED
MAR 16 2004

MAR 15 2004

MICROFILM

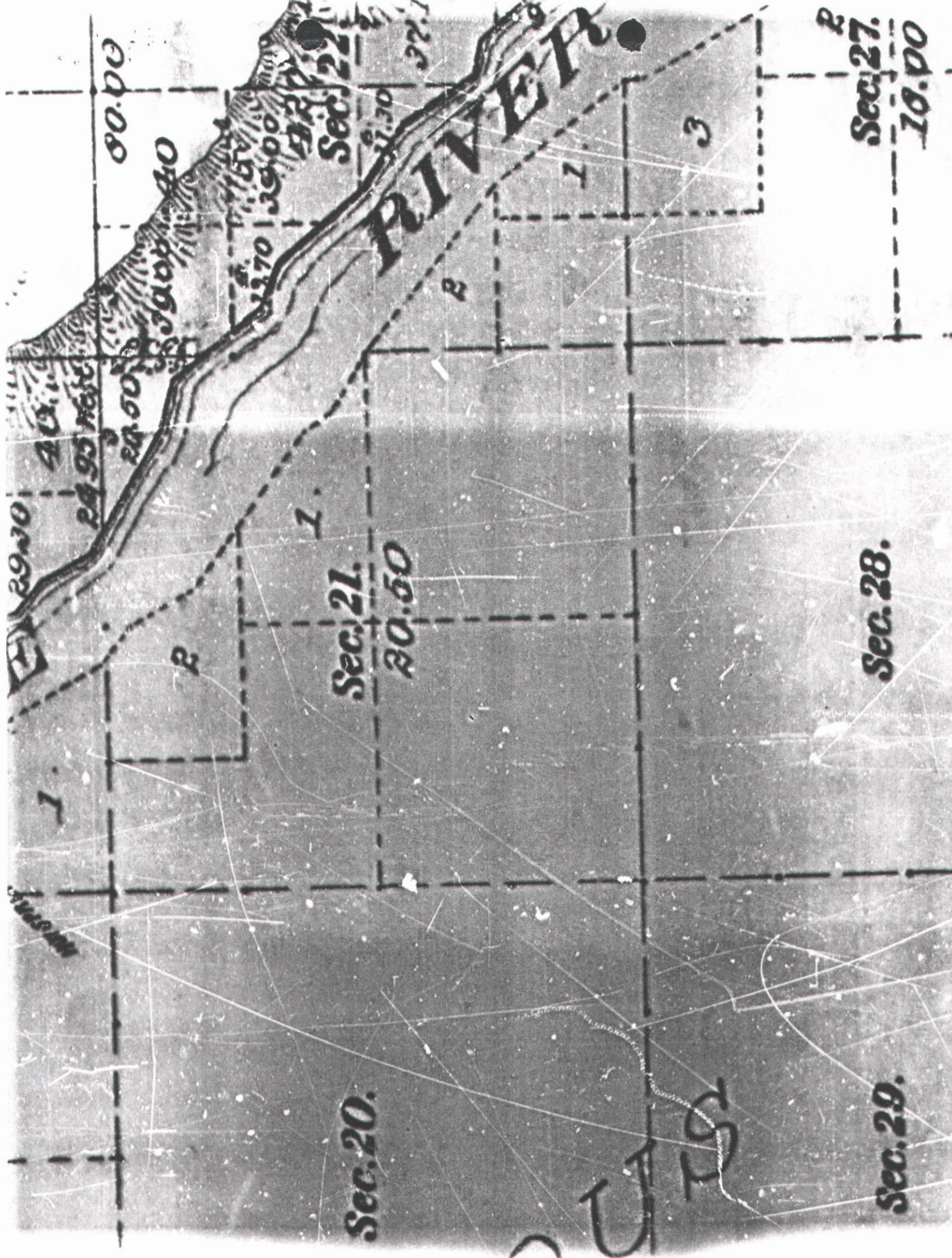
Proposed Drainage and Land Restoration



Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

An aerial photograph of a coastal area. A large, irregularly shaped region is shaded in red, indicating a specific area of interest. A yellow dot is located on the boundary of this red-shaded area. A red line runs diagonally across the image, and a white arrow points towards the yellow dot. A yellow text box is overlaid on the image.

57-11614 by Im 6-10-02



The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

AUG 29 2002

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 the 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):

August 7 and 14, 2002

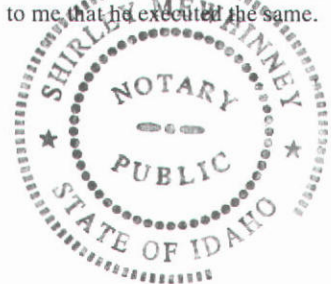
SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 28th day of August in the year of 2002 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.



Shirley McKinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06 **MICROFILMED**

MAR 16 2004

APPLICATION FOR PERMIT *✓*

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 57-11614

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

Point(s) of Diversion L2 SWNWNE S21 T01N R03W OWYHEE
County Source SPRING
Tributary To SNAKE RIVER
Point(s)

of Diversion L2 SWNWNE S21 T01N R03W

OWYHEE County

Source SPRING

Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS

Use: IRRIGATION STORAGE

01/01 To 12/31 20 AFA

Use: IRRIGATION FROM 03/01 To 11/15 20 AFA

STORAGE

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

Use: AESTHETIC STORAGE

01/01 To 12/31 20 AFA

Total Diversion: 0.12 CFS 20 AFA

Date Filed: 07/23/2002

Place Of Use: WILDLIFE STORAGE

T01N R03W S21

NWNE Lot 2

Place Of Use: AESTHETIC STORAGE

T01N R03W S21

NWNE Lot 2

Place Of Use: IRRIGATION STORAGE

T01N R03W S21

NWNE Lot 2

Place Of Use: IRRIGATION FROM STORAGE

T01N R03W S21

NWNE Lot 2

Number of Acres 4

T01N R03W S21

NWNE Lot 2

Number of Acres 4

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

This application was previously advertised on 6/19 and 6/26 2002. The applicant has revised his application for permit too more accurately describe his water use. The applicant has proposed the following changes to the application: Change the source of water from ground water to 2 springs located in the SWNWNE; Increase the size of pond from 16 acre feet to 20 acre feet; Add irrigation, irrigation from storage, and irrigation storage uses to the application; Add 0.12 cfs diversion rate for irrigation; and Add 4 acres of irrigation in the NWNE.

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

Any protest against the approval of this application must be filed

with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/26/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

8/7, 14/02

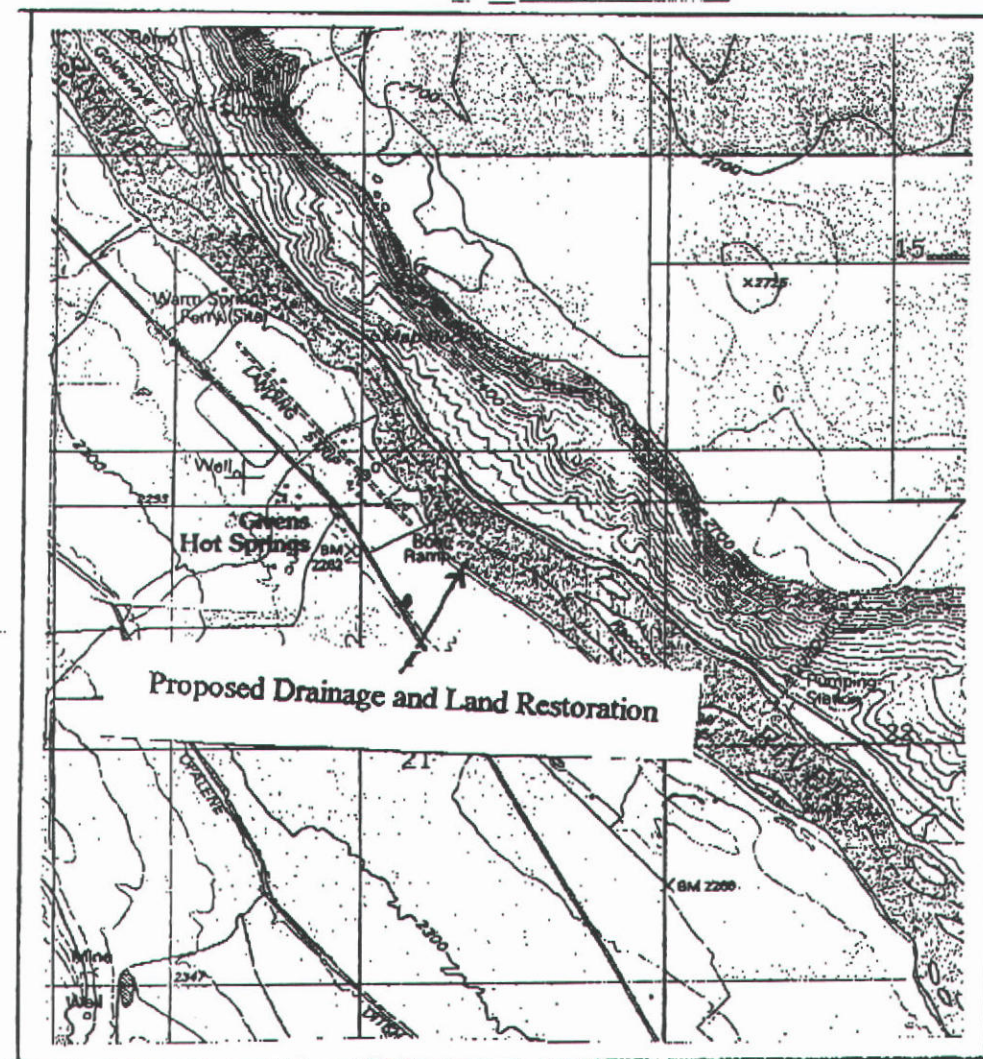
MICROFILMED
MAR 16 2004

LOCATION MAP

PROPOSED DRAINAGE AND LAND RESTORATION

Range 3 West

Township 1 North



From U.W. Geological Survey Map
Quadrangle titled Givens Hot Springs, Id

Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MICROFILMED
MAR 16 2004

JUL 08 2002

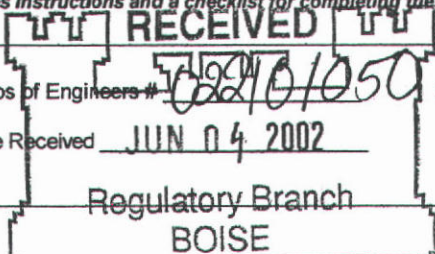
JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LAND

DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE

WATER RESOURCES

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for the State of Idaho permit. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act. (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. Seq., Idaho Code. Routine Uses: Information provided on this form will be used in evaluating the application. Disclosure of Requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 x 11 INCHES IN SIZE. The applicant information provides instructions and a checklist for completing the drawings.



1. Corps of Engineers # 022101050 2a. Department of Water Resources # _____ 2b. Department of Lands # _____

Date Received JUN 04 2002 Date Received _____ Date received _____

Fee Rec'd By _____ Receipt # _____ Fee Rec'd _____ Receipt # _____

3. Applicant RICHARD E. LARITZ

PLEASE TYPE OR PRINT

4. Authorized Agent

Mailing Address 10555 WEST AMITY ROAD

Mailing Address _____

BOISE, IDAHO 83709

Area _____ Area _____
Work Phone () _____ Home (208) 362-9200

Area _____
Work Phone () _____

Fax Number (208) 362-5321

Fax Number _____

Email Address: SFBoise@AOL.Com

Email Address _____

5. Location where proposed activity exists or will occur

Tax Assessor's Description

Waterway Snake River

Government Lot 2 of Section 21, township 1 North, Range 3 W of the Boise Meridian

11.5 miles south of Marcing on Hwy 78 across from Givens Hot Springs.

In Owyhee County, Idaho.

Distance/Direction from nearest city or town _____ County/State _____

UTM Coordinate Grid 242067

83641 Owyhee County

Zip Code _____ Local jurisdiction (city or county) _____

Zone 11 Northing 4806594 Easting 524316

Directions to the site Proceed to Marcing. Go South 11.5 miles on Highway 78. Site is across from Givens Hot Springs and immediately south, approx 300 feet from Sunrise Sky Park on the east side of the highway.

6. Describe Project (Work below the ordinary high water mark or in wetlands.) Install 12 inch pipe in gully to drain spring water from source to Snake River to halt erosion. With receipt of permit for ponds from Department of Water Resources, to serve as overflow and take excess water from developed ponds and deliver to Snake River without erosion. Reclaim lost high ground by filling large gully with fill material taken out of pond site and adjacent areas.

Construction methods and Equipment: Initial work will be hand labor only to install 12 inch pipe sections and sundry connections. Fill will be accomplished by single tractor with backhoe and front end loader.

Length of project along the stream or extension into lake or reservoir. Project will install approximately 180 feet of drainage pipe perpendicular to the river, draining spring waters into the river

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

Volume dredged or fill material to be placed waterward of ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? _____

(cubic yards)

Will fill be placed in wetlands? yes If yes, area: gully 180 X 15X 10 Type of fill material: pipe followed by sand/silt taken from pond site

(i.e. sand, rock, clay, concrete, etc.)

Will dredging be required waterward of the ordinary high water mark or in wetlands? No If yes, volume _____ (cubic yards)

Type of dredged material _____

Disposal site for dredged material: _____ Method of dredging: _____

Method to control turbidity and sedimentation: _____

Is project located in a mapped floodway? _____ If yes, complete the Engineering "No-Rise" certification form

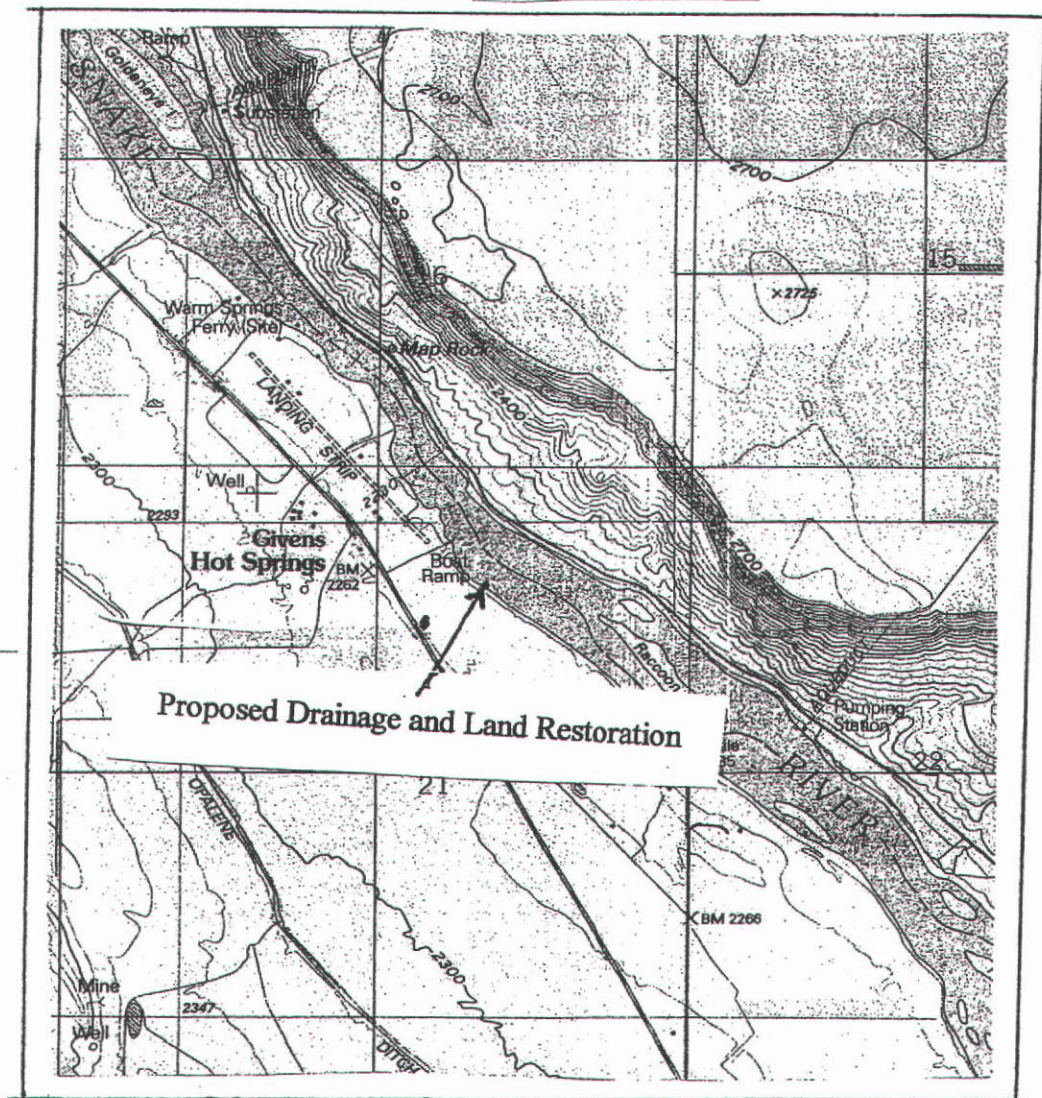
MICROFILMED
MAR 16 2004

LOCATION MAP

PROPOSED DRAINAGE AND LAND RESTORATION

Range 3 West

Township 1 North



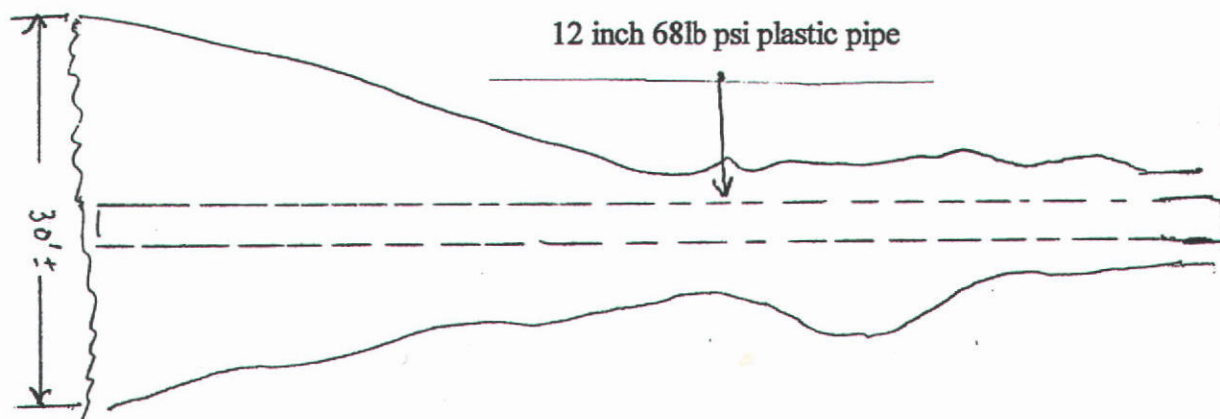
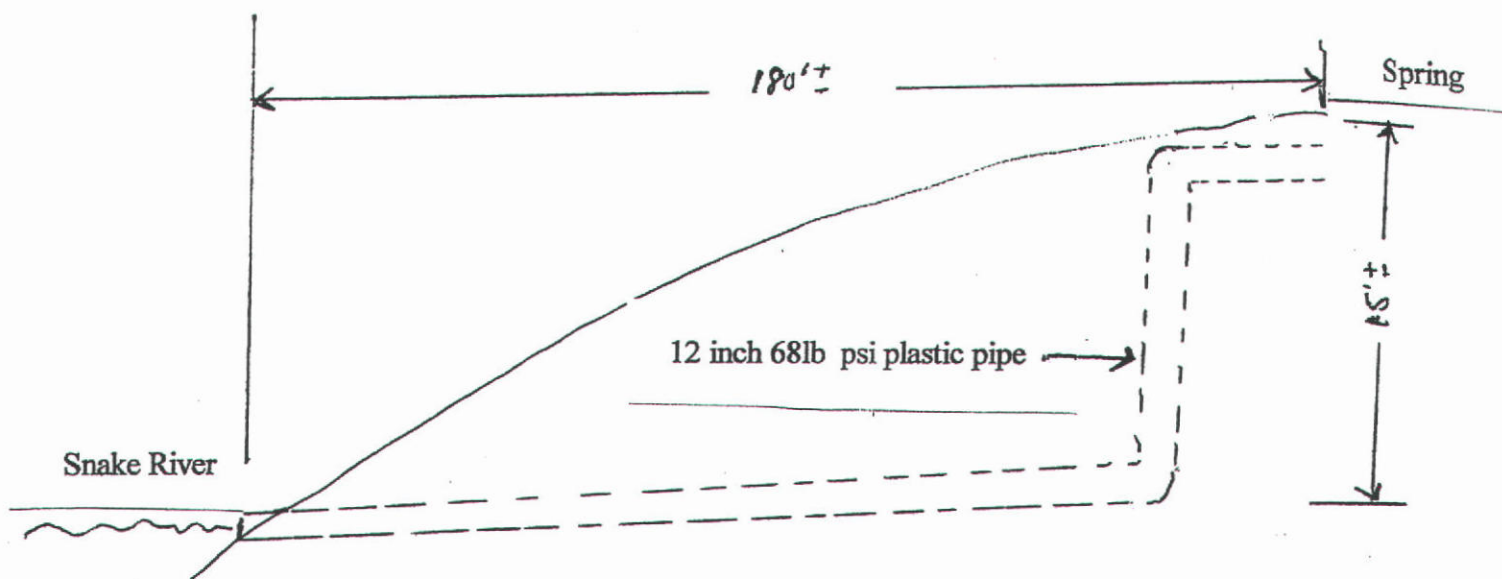
From U.W. Geological Survey Map
Quadrangle titled Givens Hot Springs, Id

Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MICROFILMED

MAR 16 2004

Proposed Drainage and Land Restoration

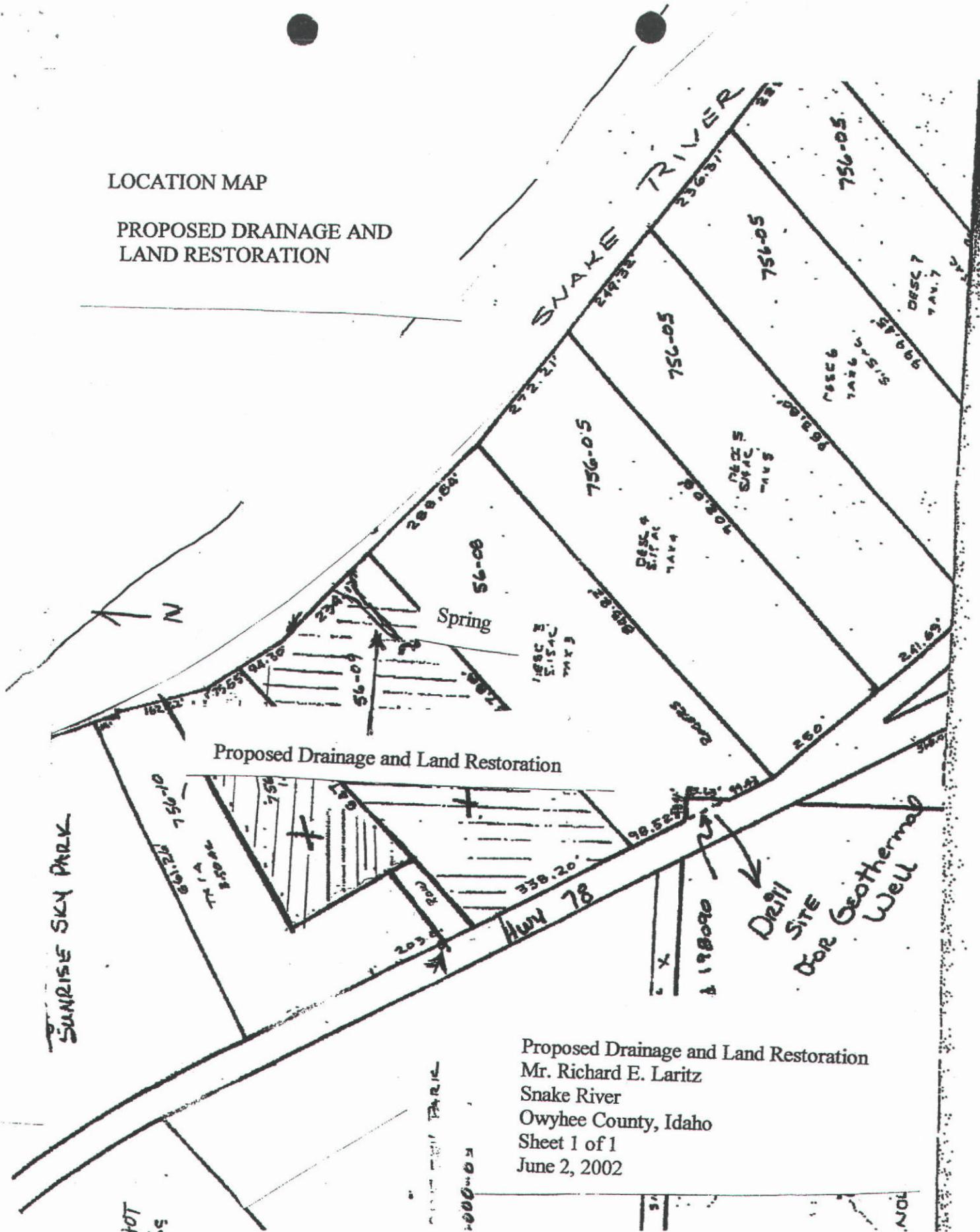


Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MICROFILMED

MAR 16 2004

PROPOSED DRAINAGE AND LAND RESTORATION



Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MICROFILMED
MAR 16 2004

JENS HOT
RINGS

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

JUN 28 2002

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 the 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):

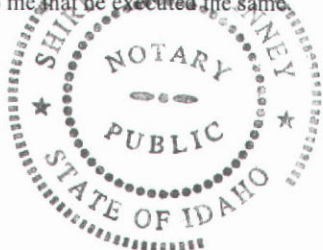
June 19 and 26, 2002

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 26th day of June in the year of 2002 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.



Shirley Mowbray
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

APPLICATION FOR PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 57-11614

RICHARD LARITZ ✓
10555 W AMITY RD
BOISE ID 83709

Point(s) of Diversion L2
NWNE S21 T01N R03W
OWYHEE County
Source GROUND WATER
Use: WILDLIFE STORAGE
01/01 To 12/31 16 AFA
Use: AESTHETIC STORAGE
01/01 To 12/31 16 AFA
Total Diversion: 16 CFS
Date Filed: 05/01/2002
Place Of Use: WILDLIFE STORAGE
T01N R03W S21
NWNE Lot 2
Place Of Use: AESTHETIC STORAGE
T01N R03W S21
NWNE 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
6/19, 26/02

MICROFILMED
MAR 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11614

Priority July 23, 2002

Maximum Diversion Rate 0.12 CFS
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: SPRING

Tributary: SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		20.0 AF
IRRIGATION	03/01 to 11/15	0.12 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SPRING L2 (SW¼NW¼NE¼), Sec. 21, Twp 01N, Rge 03W, B.M., OWYHEE County

SPRING L2 (SW¼NW¼NE¼), Sec. 21, Twp 01N, Rge 03W, B.M., OWYHEE County

PLACE OF USE: WILDLIFE STORAGE

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

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	
01N 03W 21		4.0															4.0
		L 2															

Total Acres: 4.0

PLACE OF USE: AESTHETIC STORAGE same as Wildlife Storage

PLACE OF USE: IRRIGATION STORAGE same as Wildlife Storage

PLACE OF USE: IRRIGATION FROM STORAGE same as Irrigation

MICROFILMED

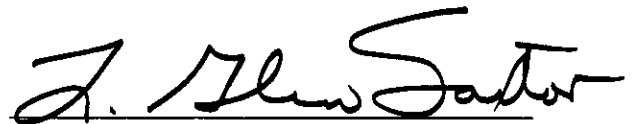
MAR 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11614

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2007**.
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 permit holder had no control.
4. 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.
5. 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.
6. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of December, 2002


for KARL J DREHER, Director

MICROFILMED

MAR 16 2004

Ident. No. 57-11614
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

NOV 19 2002

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Richard E. Laritz Phone 208-362-8200
Mailing address 10555 W. Am. Ky Road Boise ID 83703

2. Source of water supply Ground water SPRING which is a tributary of SNAKE RIVER

3. Location of point of diversion is Township 1N Range 3W Sec. 21, in the SW $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 2, B.M., OWNEYEE County;

additional points of diversion if any: 2 SPRINGS.

4. Water will be used for the following purposes:

Amount 160 AF for WILDLIFE STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1" 20 AF for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 AF for IRRIGATION STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 AF for IRRIGATION FLOW STORAGE purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.12 CFS for IRRIGATION purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.12 CFS and/or (b) 20 ACRE FEET
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 2.5 FEET OF POND AREA OF

UP TO 8 FT DEEP. POND WILL BE OVER THE TOP OF THE SPRINGS. NO well

b. Height of storage dam 3.5 feet; active reservoir capacity 20 FT acre-feet; total
reservoir capacity 20 FT acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? N/A; Drilling firm N/A;

Well was drilled for (well owner) N/A; 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. _____

AMENDED

3 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	
1N	3W	21		X															
				u2															
				4															4

Total number of acres to be irrigated 4

10. Describe any other water rights used for the same purposes as described above. 02-10307

IRrigates same land

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: Gravel water will result from pond development. Pond over flow will be piped to Snake River. Dirt from pond will be used to fill existing gully created from road off. Excess dirt will be dispersed over existing high ground. Pond will be developed over the top of the springs, so the will discharge into the bottom of the pond.

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7 1/2 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.

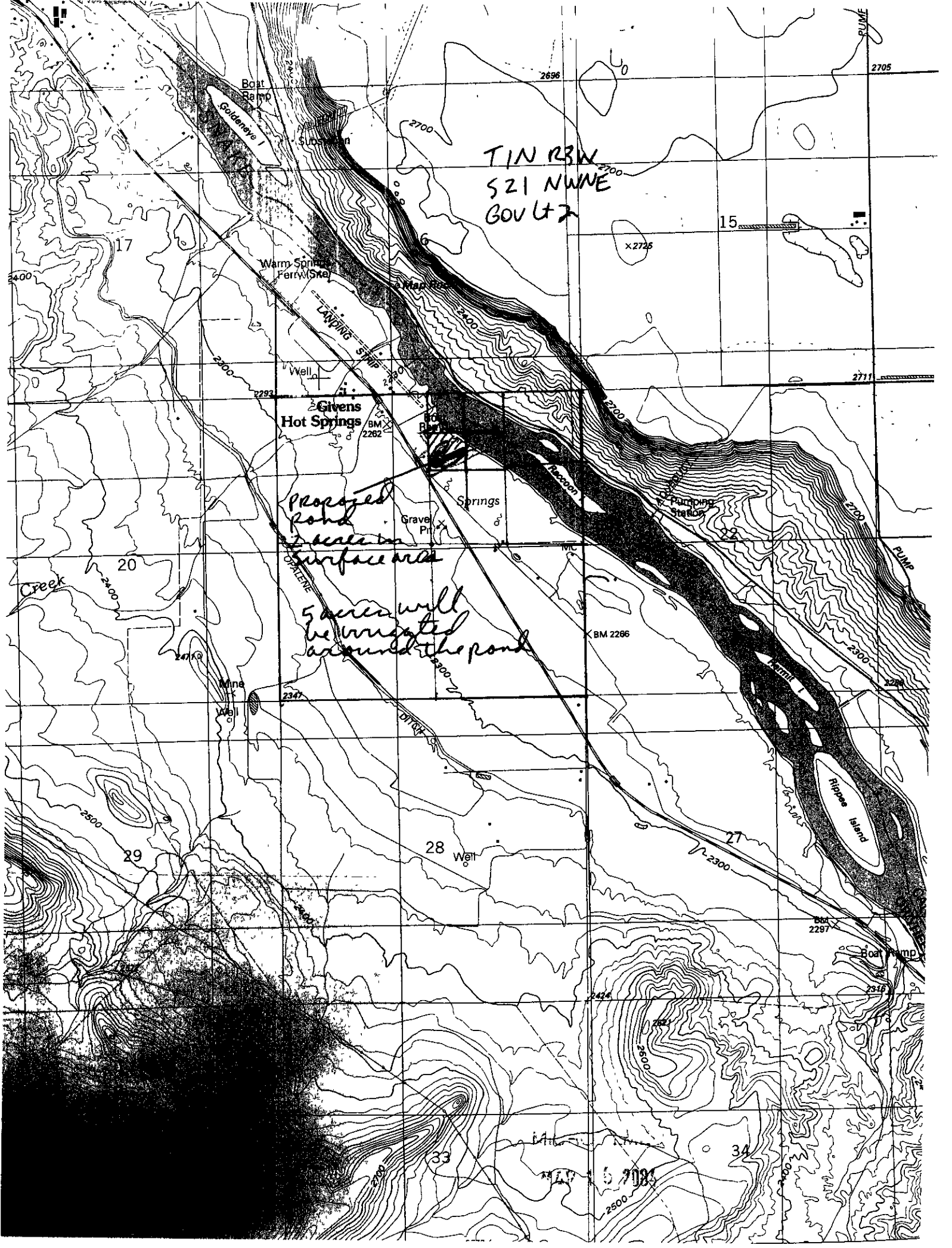
[Signature]
Signature of Applicant (and title, if applicable)

7/23/02 Rec'd Amended App.

Received by JF Date 5/1/02 Time 3:10 pm Preliminary check by DAN
Fee \$ 100.00 Receipted by JF # W029109 Date 5/1/02
Publication prepared by [Signature] Date 6-12-02 Published in OWYHEE AVALANCHE
Publication approved [Signature] Date 7-11-02

7-7-14-02

8-30-02



T1N R3W
S21 NWNE
GOV LT 2

Givens
Hot Springs

Proposed pond
2.5 acres in
surface area

5 acres will
be irrigated
around the pond

Creek

Mine

Well

Grave Pit

Ditch

Pumping Station

BM 2297

Boat Ramp

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

BM 2297

SUNRISE SKY PARK
SUNRISE SKY PARK

\$70,600

RISE SKY PARK
1000-03

(756-
DESC
TAX 1-10)

SNAKE RIVER

Drill
SITE
for Geothermal
Well

DA 198090

NOLO M. JENIN M

771

SHIRLEY MASHU 2,834 X

Aug 78

756-08

756-05

756-05

756-05

756-05

DESC 7
TAX 7

DESC 6
TAX 6

DESC 5
TAX 5

DESC 4
TAX 4

DESC 3
TAX 3

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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 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

12 (KLS)

Date _____

29 Apr 2002

Please return this form to:

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

15.

1997

Exhibit A**Parcel I:**

A part of Government Lot 2 of Section 21, Township 1 North, Range 3 West of the Boise Meridian in Owyhee County, Idaho, more particularly described to wit:

COMMENCING at the East Quarter corner of said Section 21; thence
 North 89°44'26" West 1433.85 feet, along the East-West Half Section line of said Section 21,
 to the Northeast right-of-way line of a county road; thence
 North 44°43'30" West 1636.04 feet, along said county road, to a point on the Northeast
 right-of-way line of a state highway; thence
 North 29°40'20" West 632.68 feet, along the said Northeast right-of-way line of a state
 highway; thence
 North 47°00'00" East 181.52 feet, to the **INITIAL POINT** of this description; thence
 North 29°40'20" West 238.24 feet; thence
 North 59°00'00" East 459.84 feet, to a point on the Southwesterly bank of the Snake River;
 thence meandering along said Southwesterly bank
 South 18°06'45" East 67.63 feet; thence
 South 35°17'42" East 75.55 feet; thence leaving said Southeasterly bank
 South 47°00'00" West 466.12 feet, to the **INITIAL POINT** of this description.

EXCEPT mobile home(s) located thereon.

Parcel II:

A non-exclusive easement for ingress and egress as
 Created by: **WARRANTY DEED**
 Grantor: **ARTHUR H. COLLINS and CONSTANCE J. COLLINS**
 Grantee: **KENNETH R. COLLINS**
 Recorded: September 19, 1989
 Instrument No.: 200335
 Over and across:

COMMENCING at the **INITIAL POINT** of the above description; thence
 South 47°00'00" West 181.52 feet, to the **INITIAL POINT** of this ingress-egress road
 Right-of-way; thence
 North 29°40'20" West 51.38 feet; thence
 North 47°00'00" East 181.52 feet; thence
 South 29°40'20" East 51.38 feet; thence
 South 47°00'00" West 181.52 feet, to the **INITIAL POINT** of this ingress-egress right of way
 description.

120
 160
 280



Parcel III:

A part of Government Lot 2 of Section 21, Township 1 North, Range 3 West of the Boise Meridian in Owyhee County, Idaho, more particularly described to wit:

COMMENCING at the East Quarter corner of said Section 21; thence
 North 89°44'26" West 1433.85 feet, along the East-West Half Section line of said Section 21,
 to the Northeast right-of-way line of a county road; thence
 North 44°43'30" West 1636.04 feet, along said county road, to a point on the Northeast
 right-of-way line of a state highway; thence
 North 29°40'20" West 294.48 feet, along the said state highway right-of-way to the INITIAL
 POINT of this description; thence continue
 North 29°40'20" West 338.20 feet; thence leaving said state highway right-of-way line
 North 47°00'00" West 647.64 feet, to a point on the Southwesterly bank of the Snake river;
 thence meandering along said Southwesterly bank
 South 35°17'42" East 94.30 feet; thence
 South 49°06'34" East 234.17 feet; thence leaving said Southwesterly bank
 South 46°46'58" West 737.88 feet, to the INITIAL POINT of this description.

Parcel IV:

A part of the Southeast Quarter of the Northwest Quarter of Section 21, Township 1 North, Range 3 West of the Boise Meridian in Owyhee County, Idaho, lying North and East of State Highway 78 and more particularly described to wit:

COMMENCING at the East Quarter corner of said Section 21; thence
 North 89°44'26" West 1433.85 feet, along the East-West Half Section line of said Section 21,
 to the Northeast right-of-way line of a county road; thence
 North 44°43'30" West 1636.04 feet, along said county road, to a point on the Northeast
 right-of-way line of a state highway; thence
 North 29°40'20" West 99.43 feet along said state highway right-of-way to a point on the
 North-South Half Section line of said Section 21, the INITIAL POINT of this
 description; thence
 North 0°25'44" East 83.63 feet, along the said North-South Half Section line, to the Center
 North 1/16 corner of said Section 21; thence
 North 89°42'37" West 48.41 feet, along the South line of Government Lot 2, to a point on
 said state highway right-of-way line; thence
 South 29°40'20" East, along said state highway right-of-way line to a point on the North-
 South Half Section line of said Section 21, to the INITIAL POINT of this
 description.

22 July 2002

DEPARTMENT OF WATER RESOURCES

Western Region
2735 Airport Way
Boise, Idaho 83705

Subject: Requested clarification of water permit request. (*irrigation*)

Mr. Nelson

Reference our telephone conversation this PM, find attached material you requested. All numbers are approximate and drawings are not to scale but accurate as to plan for pond development. Following additional information, while shown on drawings, is provided here to insure clarity.

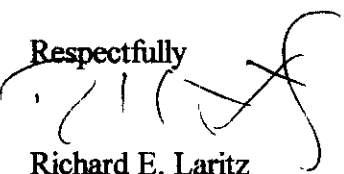
- Primary spring as verified by Corps of Engineers is located 182 feet from the river in a hole approximately 6X6X3.5 feet deep. Another spring is located approximately 100 feet to the west; water running to join the spring nearest the river. Water runs year long and is now running at approximately 15 acre feet or enough to fill a 8 inch drainage pipe. I suspect that some of the water now running is also water draining from the marsh area. During the winter, water was approximately 10 acre feet.
- The gully leading to the spring is approximately 182 feet long and empties into the river. At the spring, the eroded area is approximately 2X8X3.5 feet deep. From that point it widens out to a maximum width of 25 feet wide and 15 foot deep at the river. Initially, this small eroded area will be filled with material from the hole at the spring, tamped, a 12 inch pipe laid and connected to drainage pipe and covered with an additional foot of material, hole will be faced with plastic extending over eroded area and additional material placed over the plastic to provide a solid and basically water tight dam. As the pond is excavated from the dam westward, the excavated material from the pond site will be filled in behind the dam to reinforce this area, extend the dam and reclaim lost solid high ground.
- When ponds are completed and gully filled, the dam will in effect be in excess of 182 feet wide. Water depth at face of dam will remain approximately 3.5 feet deep and will increase in depth out into the pond with the maximum depth being 10 feet at its deepest. (*Some water to be used for irrigation*) (2)
- When pond is completed in approximately 5 years, eastern and western edges will be planted with poplar and willow trees to provide shade and to stabilize the soil. Northern and southern edges will essentially remain marshlands.

1/1 -

445 - 6 2004

- All planning is based on the assumption that I will be able to develop adequate floatation for backhoe by means of tandem tires of a type to stop tractor sinking in the wet marsh areas. It is envisioned that all excavation of the pond site must be accomplished during the winter months when water levels are low and the ground hardened by frost or ice.
- All excavation will be done by backhoe and material picked up and carried by front-end loader to gully or other high ground to insure compliance with Corps of Engineer regulations.
- When pond becomes large enough, selected fish will be introduced, e.g, bream, crappie and bass.

Respectfully



Richard E. Laritz
10555 West Amity Road
Boise, Idaho 83709

Tel 362-9200

CF: Mr. Martinez, US Army Corps of Engineers.

1.1.1.

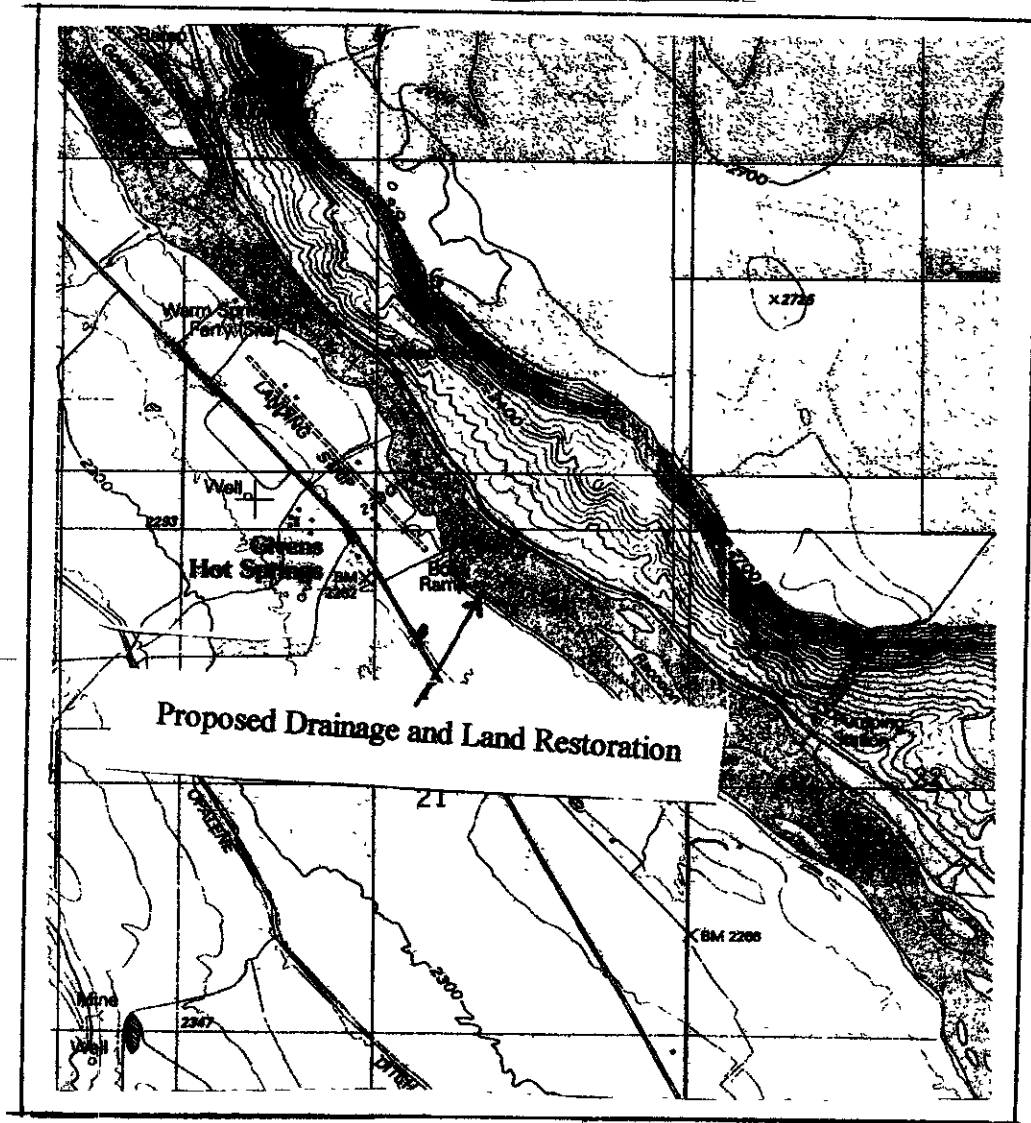
10/15/84

LOCATION MAP

PROPOSED DRAINAGE AND
LAND RESTORATION

Range 3 West

Township 1 North

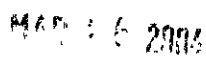


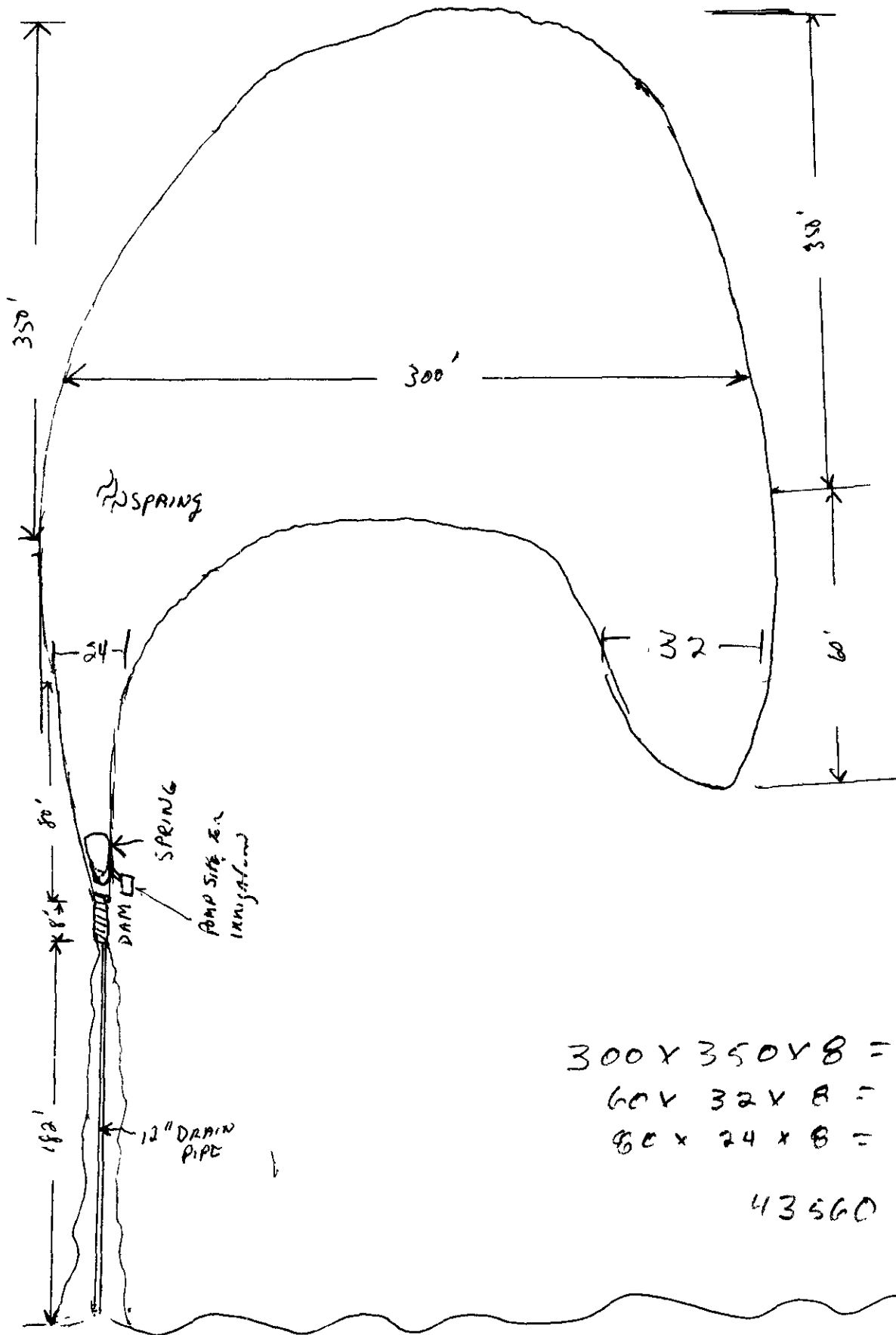
From U.W. Geological Survey Map
Quadrangle titled Givens Hot Springs, Id

Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MAY 16 2004

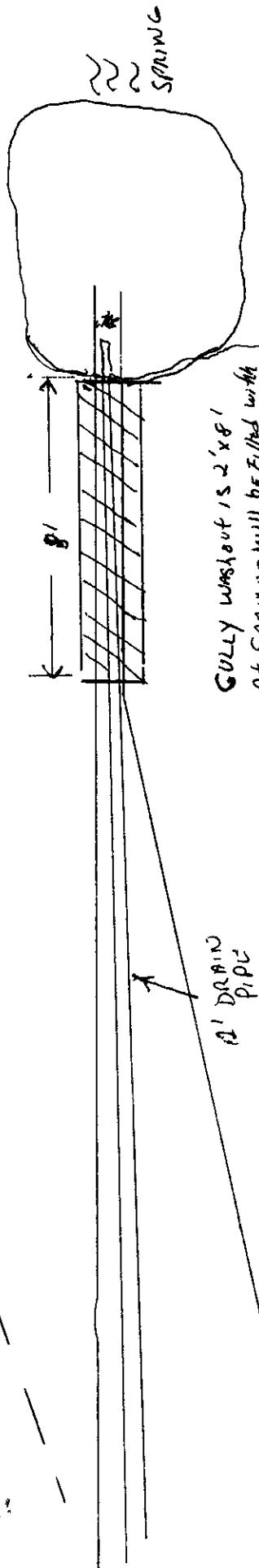
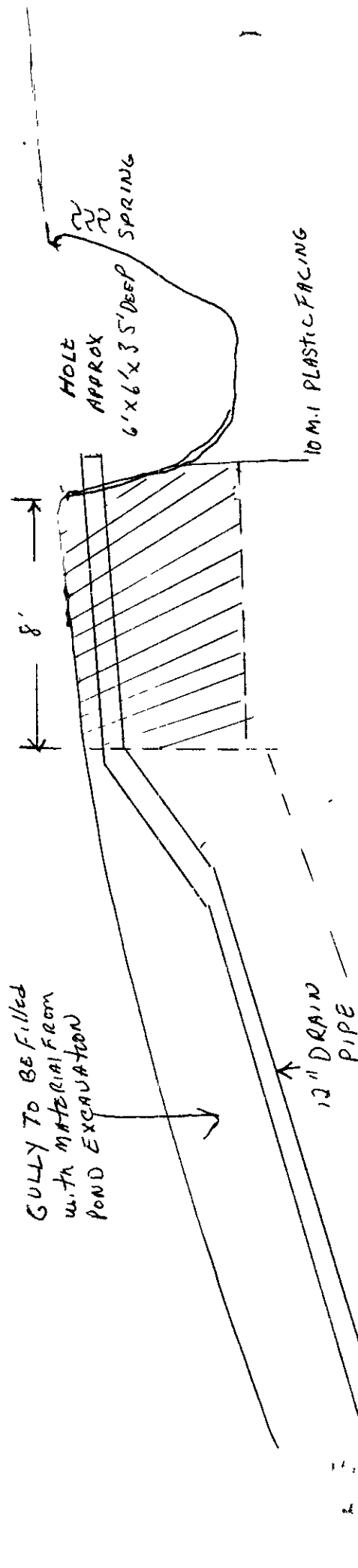
PROPOSED DRAINAGE AND LAND RESTORATION





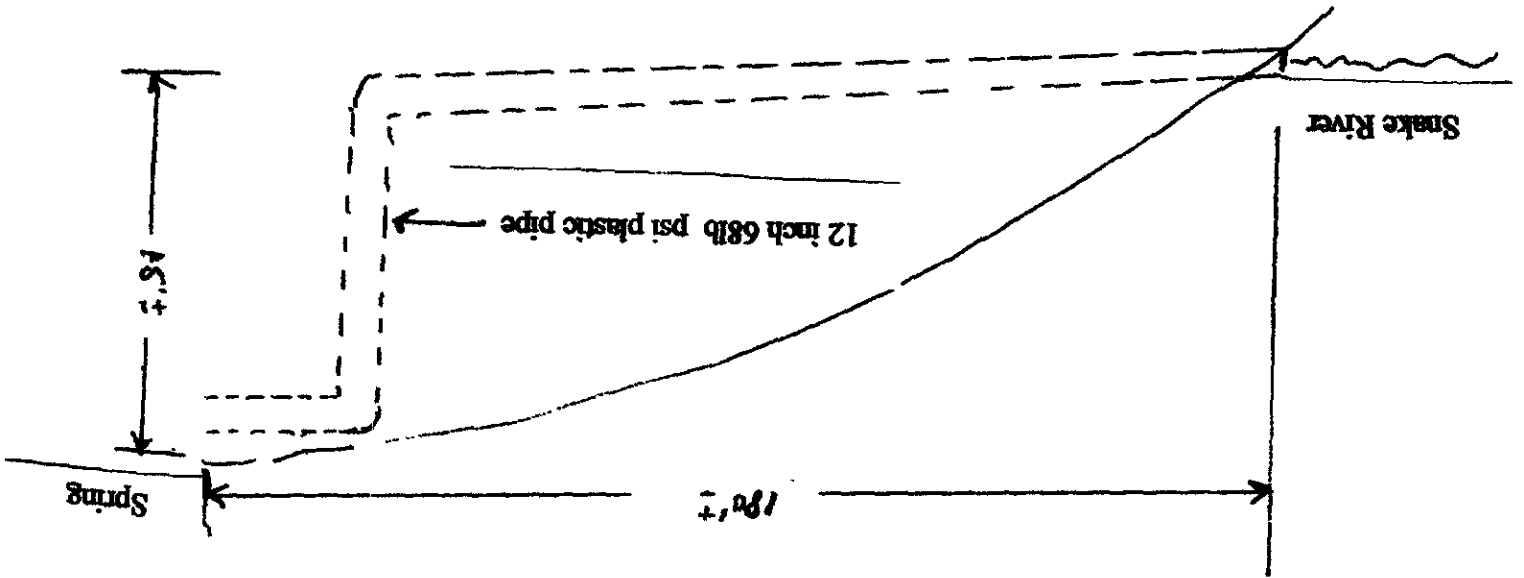
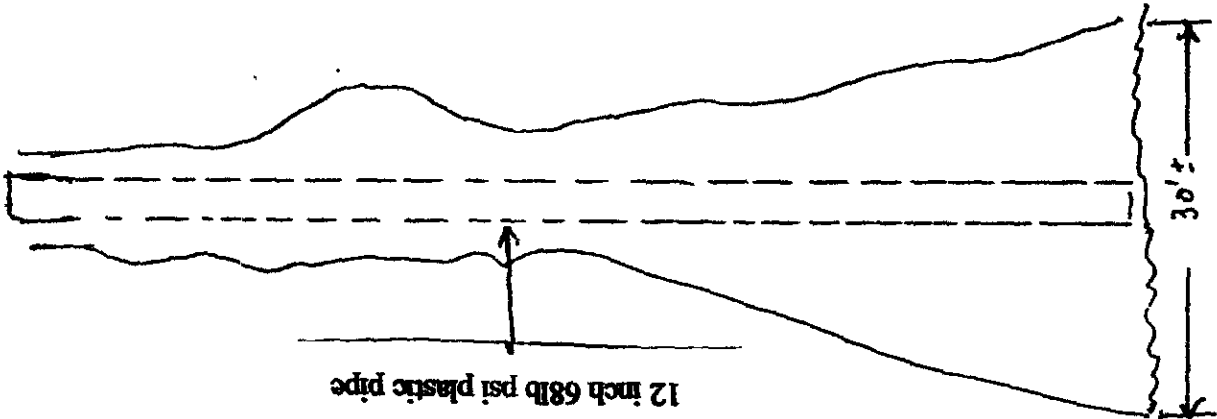
$$\begin{aligned}
 300 \times 350 \times 8 &= 840,000 \\
 60 \times 32 \times 8 &= 15,600 \\
 80 \times 24 \times 8 &= 15,600 \\
 43560 \times 8 &= 1,200 \\
 &20 \text{ AF}
 \end{aligned}$$

SNAKE RIVER



GULLY WASHOUT IS 2' X 8'
 AT SPRING - WILL BE FILLED WITH
 MATERIAL EXCAVATED FROM
 HOLE AT SPRING AND TAMPED
 SOLID AND FACED WITH PLASTIC
 TO PREVENT DIRECT CONTACT
 WITH TAMPED FILL. AS
 POND IS EXCAVATED, MATERIAL
 WILL BE USED TO FILL BEHIND
 DAM AND RECLAIM LOST LAND

Proposed Drainage and Land Restoration
 Mr. Richard E. Lantz
 Snake River
 Owyhee County, Idaho
 Sheet 1 of 1
 June 2, 2002



Proposed Drainage and Land Restoration

Table 2: 1000
 7/1



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 4, 2002

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

RE: Permit No. 57-11614

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 a least sixty days prior to the commencement of work in the stream.

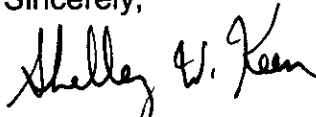
MAILED

MAR 16 2004

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 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

M.C. 11.1.1
MAR 16 2004

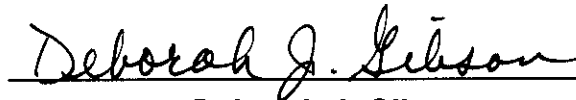
CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2002 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.

57-11614

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

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Secretary**

REC'D
MAR 14 2004

**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.

MICROFILMED
MAR 16 2004

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

RECORDED
MAR 16 2004

MEMORANDUM

Date: December 03, 2002
To: Water Right File 57-11614
From: dgibson
Re: Permit Review

There is no documentation in this file to show whether a SCA permit was issued, or if the Army Corp of Engineers has jurisdiction over this project. The transmittal cover letter for this permit will refer to Stream Channel Alteration permit being necessary and should satisfy this question regarding their involvement in this project.

The diversion rate is calculated at 0.03 cfs/acre

MICROFILMED
MAR 16 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 5-31-02 Application # 57-11614

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County
☒ Quantity (Flow and /or Volume)
☒ Period of use
☒ Nature of proposed use (Include description of use)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map (Show T, R, S, QQ &/OR QQQ)
☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
☒ Correct fee paid

Government Lots

YES P/D

YES P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) OPALINE IRRIG. DISTRICT OVERLAPS PLU, BUT IT'S
☒ Overlapping point of diversion NOT ASSOCIATED W/ PROPERTY
☒ Critical groundwater area
☒ Ground water management area
☒ 1992 moratorium
☒ Surface water source, IDFG letter needed
☒ Protected river or minimum flow reach, notify water planning bureau
☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
☒ E-mail to Dam Safety staff (for any storage)
☒ Mitigation plan Check any that apply
____ Immediate = acceptable plan required and submitted
☒ Future = open areas, acceptance of condition of approval is in file
☒ Send power requirement letter &/or fish farm requirement letter
☒ Power residency affidavit
☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)
☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # _____

YES NO

☒☐

In form for advertising

☐☒

Statewide advertising (> 10 cfs &/or 1000 af)

☒☐

Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐☒

I.D. Environmental Quality

☐☒

I.D. District Health

☐☒

I.D. Fish & Game

☐☒

I.D. Lands

YES NO

☐☒

US BLM

☐☒

US Forest Service

☐☒

Water Dist # _____

☐☒

Water Planning Bureau

☐☒

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒☐

Affidavit of publication received

☒☐

Application published correctly? If not, record action taken _____

☒☐

Publication dates and paper recorded on application

☒☐Final date for protest ~~5-7-02~~ 8-26-02☒☐

Protests received

☒☐

Recommendations attached

☒☐

Measuring device required

☒☐

Water delivered by water master? District # _____

☒☐

Special conditions of approval or cover letter

046,121

Recommended Date of Priority

7/23/02

Recommendation

☒

Approve

☐

Deny

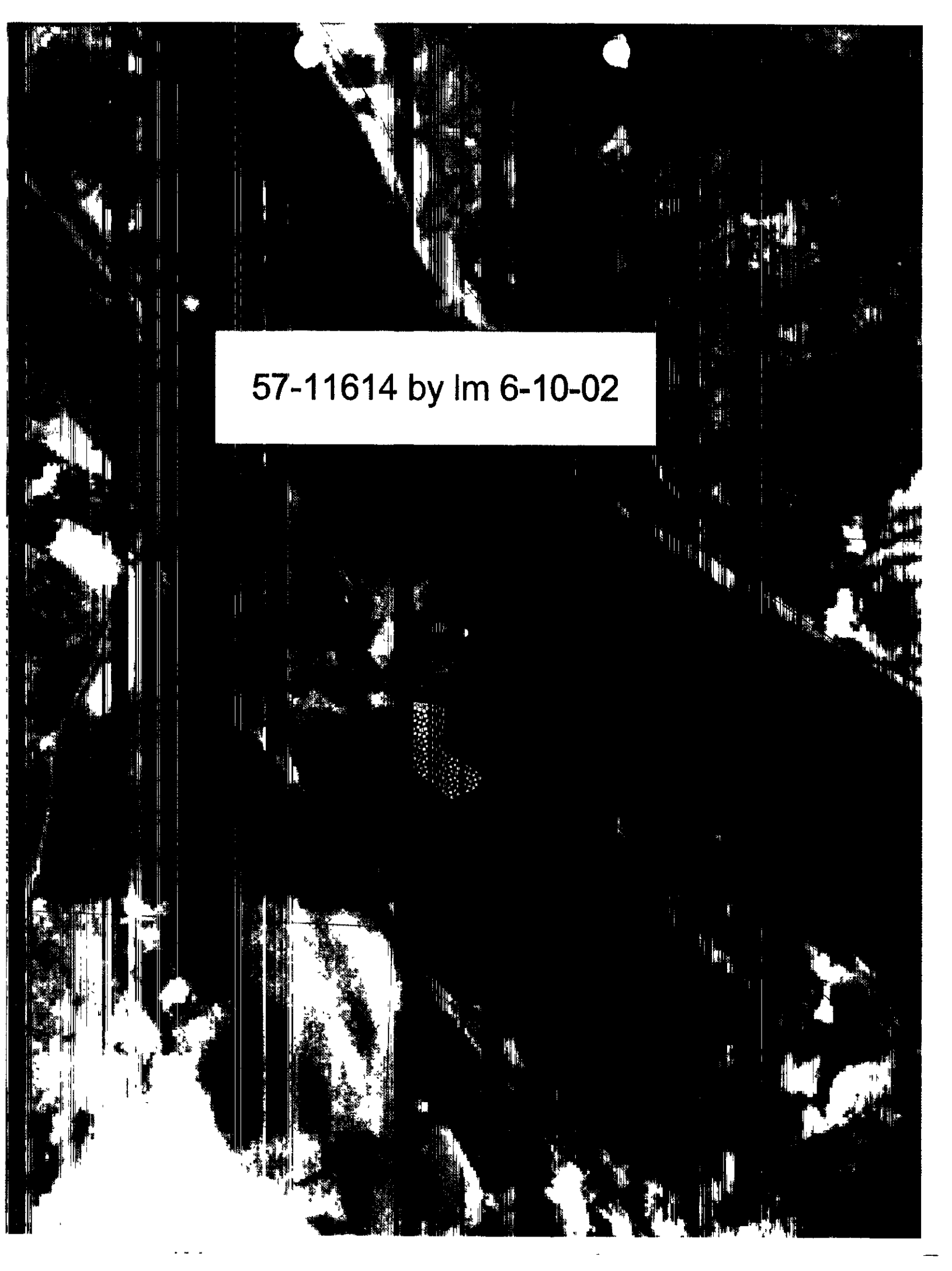
by

Gays

Date

11/15/02

ADDITIONAL INFORMATION☐ See Attachment(s) ... always include application proof report



57-11614 by Im 6-10-02

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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

September 9, 2002

RICHARD E LARITZ
10555 W AMITH RD
BOISE ID 83709

JOHN M LARSEN
SUNRISE SKY PARK HOMEOWNERS ASSN
HC 79 BOX 740
MELBA ID 83641

Re: Application for Permit No. 57-11614 in the Name of Richard E. Laritz

Dear Mr. Laritz and Mr. Larsen:

This letter acknowledges the withdrawal of protest of the above-referenced application for permit. The prehearing conference scheduled for October 9, 2002 **IS CANCELLED**.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

MICROFILMED

MAR 16 2004

Sunrise Sky Park Homeowners Association
HC 79 Box 740
Melba, ID 83641

RECEIVED
SEP 09 2002
WATER RESOURCES
WESTERN REGION

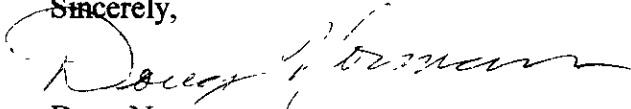
Sept. 6, 2002

Director
Idaho Dept. of Water Resources
2735 Airport Wy
Boise, ID 83705

Dear Director:

On July 8, 2002, the Sunrise Sky Park Homeowners Association filed a protest against an application for water permit #57-11614 by Richard Laritz. Shortly afterward, Mr. Laritz met with some directors of the Board. Mr. Laritz took the directors to his land and discussed his plans. Based on the explanation and representation made by Mr. Laritz, the majority of the Board is satisfied that Mr. Laritz will not in any way increase the hazards to the operation of the airport. For this reason, the Board would like to withdraw their protest.

Sincerely,


Doug Norman
Vice-President
For and on behalf of the Board

cc: Richard Laritz

MICROFILMED
MAR 16 2004

SEP - 9 2002

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 57-11614 IN THE)
NAME OF RICHARD E. LARITZ)
_____)

NOTICE OF PREHEARING
CONFERENCE

On May 1, 2001 Richard Laritz filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the Sunrise Sky Park Homeowners Association.

IDWR has scheduled a prehearing conference for the protest to be held on **Wednesday, October 9, 2002 at 10:00 a.m. at the Owyhee County Courthouse, Highway 78, Murphy ID 83650**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 5th day of September 2002.

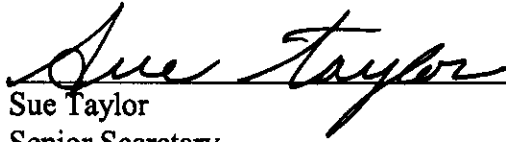


Gary Spackman

MICHO. J. MILLER
MAR 15 2003

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of September 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

RICHARD E LARITZ
10555 W AMITY RD
BOISE ID 83709

JOHN M LARSEN
SUNRISE SKY PARK HOMEOWNERS ASSN
HC 79 BOX 740
MELBA ID 83641

MICROFILMED
MAR 16 2004

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

WILL - 2/15/04
MRS 16 2004

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

WAS 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 5, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD E LARITZ
10555 W AMITY RD
BOISE ID 83709

Re: Application for Permit No. 57-11614

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for October 9, 2002 at the Owyhee County Courthouse in Murphy, Idaho. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,



Gary Spackman

GS:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

MAIL ROOM

MAY 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 5, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUNRISE SKY PARK HOMEOWNERS ASSN
C/O JOHN M LARSEN
HC 79 BOX 740
MELBA ID 83641

Re: Application for Permit No. 57-11614 in the Name of the Richard E. Laritz

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for October 9, 2002 at the Owyhee County Courthouse in Murphy, Idaho. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

MAR 15 2004

GS:st

Encl: Copy of Application
Notice of Prehearing Conference



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

September 5, 2002

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY ID 83650

- Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, October 9, 2001 at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MAILED

MAR 15 2006

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

W029425
K6

RECEIVED

JUL 08 2002

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for water permit #57-11614 by Richard Laritz.

2. Name of protestant Sunrise Sky Park Homeowners Association

3. Protestant's Representative for service (If different than protestant)

Board of Directors

4. Service mailing address HC 79 Box 740, Melba, ID 83641

5. Service telephone no. (208) 495-2834

6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached page.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? _____

Please see attached page.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 7th day of July, 2002.

Sunrise Sky Park Homeowners Association

Protestant

John M. Larsen
Protestant's Representative John Larsen, President
Board of Directors

16.05.02
W029425

Pd-25⁰⁰ W029425 7/8/02

Basis of Protest

This application for water use in a retention pond should be rejected on the basis cited in Idaho Code, 42-203A (5)(e).

This proposed usage is in conflict with the established local interest because it would create a federally documented hazard to the adjacent residential airport subdivision. Aircraft striking birds attracted to the pond could cause irreparable physical and financial damage to the members and the viability of the community where they have invested their life savings.

Prior to construction of the airport, acceptance of the project was obtained from the FAA, the Idaho State Aeronautical Division, and the Owyhee County Commissioners. The airport has been registered with the FAA since 1981. Over 20 years of operation of the airport exists.

The development work of the airport has cost \$500,000. Of the 62 residential lots in the subdivision, only 9 of the lots remain unsold. A reasonable, average estimate of the tax basis of the developed residential lots is \$200,000 each. The values of the lots are tied to the viable airport. The values of the lots are also substantially significant revenue to the County when compared to the surrounding property.

The proposed usage of a retention pond is readily recognized as a bird attractant. The FAA has spent considerable funds and time in documenting the hazards of bird attractants and has produced guidelines to mitigate these hazards. From the generalized information available, the proposed retention pond does not meet the FAA's criteria.

The proposed water usage by one property owner should not be allowed to jeopardize the safety, lives or financial viability of the current 53 airport lot owners.

Resolution of Protest

The Sunrise Sky Park Homeowners Association has not seen a detailed description or a site plan of what Mr. Laritz is proposing. The Board would appreciate the opportunity to obtain this information and then make a determination if the project would adhere to the established FAA criteria. Again, we are concerned for the safety, lives and the financial investment of our members.

ACCU-1

MAY 16 2001

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

AUG 29 2002

I, Joe E. Aman, being first duly sworn, depose and say:

WATER RESOURCES
WESTERN REGION

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 the 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):

August 7 and 14, 2002

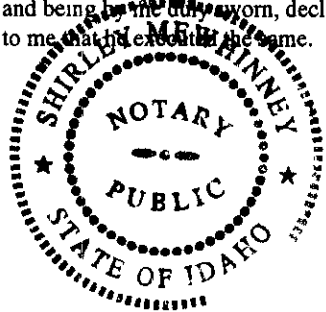
SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 28th day of August in the year of 2002 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 first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Shirley M. McKinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

MAE 15 2002

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 57-11614

RICHARD LARITZ
10535 W AMITY RD
BOISE ID 83709

Point of Diversion L2 SWNWNE S21 T01N R03W OWYHEE County Source SPRING Tributary To SNAKE RIVER Point(s)

of Diversion L2 SWNWNE S21 T01N R03W

OWYHEE County Source SPRING

Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS

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

Use: IRRIGATION FROM 03/01 To 11/15 20 AFA STORAGE

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

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

Total Diversion 0.12 CFS 20 AFA Date Filed 8/28/02

Place Of Use: WILDLIFE STORAGE

T01N R03W S21 NWNE

Place Of Use: AESTHETIC STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: IRRIGATION STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: IRRIGATION FROM STORAGE

T01N R03W S21 NWNE Lot 2

Number of Acres 4

T01N R03W S21 NWNE Lot 2

Number of Acres 4

Remarks: Applicant agrees to mitigate consumptive use in the future as follows:

This application was previously advertised on 8/26/2002.

The applicant has revised his application to permit for more accurate assessment of water use.

The applicant has proposed the following changes to the application:

1. Change the source of water from Snake River to 2 springs located in the SWNWNE.

2. Increase the flow of point from 16 acre feet to 20 acre feet; Add irrigation storage, and irrigation from storage to the application.

3. Increase the diversion rate for irrigation from 4 acres of irrigation to 20 acres.

Permit is subject to senior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002

MAE 15 2002



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



FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 8/8/02

TO: Greg Martinez
Corps of Engr.
fax 345-2968

FROM: Steve Latta

DOCUMENT DESCRIPTION: Lacey Amended Appl. for Permit
57-11614, as discussed.

TOTAL PAGES SENT: 4 + COVER SHEET

*Sent 8/1/02 comment letter
w/ cc of amended appl.*

CONTACT: _____

info faxed to Greg & COE re immediate visit today

MAR 16 2004



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

August 1, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

CORPS OF ENGINEERS
HC 33 BOX 1020
BOISE ID 83706

Re: Application for Amendment of Permit No. 57-11614 in the Name of Richard Laritz

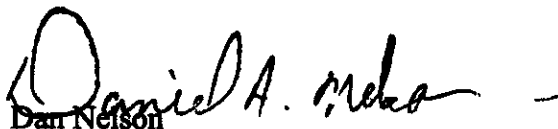
Dear Sir:

Enclosed is a copy of the above-referenced application for amendment of a permit that may be of interest to you.

Please review the application and return any comments you might have within two weeks.

If you have any questions regarding the application, please contact this office.

Sincerely,


Dan Nelson

DN:st

Encl.

10/10/02

MAR 16 2004

Taylor, Sue

From: Gibson, Gene
Sent: Tuesday, July 30, 2002 8:51 AM
To: Nelson, Dan; Taylor, Sue
Subject: RE: REVIEW CHANGES TO APPLICATION FOR PERMIT 57-11614

SCPP will still need to issue a permit for this application, But we will not do anything with the SCA until the protests are cleared up.

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, July 25, 2002 12:00 PM
To: Gibson, Gene; Westra, John
Subject: REVIEW CHANGES TO APPLICATION FOR PERMIT 57-11614

Hello John and Gene;

Richard Laritz revised his application for permit, 57-11614. Please review the revisions and comment as needed. The file should be at Sue Taylor's or Lisa Mattson's desk.

Dan Nelson
Western Region

10/16/02
4/16/2004

23 July 2002

DEPARTMENT OF WATER RESOURCES
Western Region
2735 Airport Way
Boise, Idaho 83705

RECEIVED
JUL 24 2002
WATER RESOURCES
WESTERN REGION

Subject: Requested clarification of water permit request.

Dan

Ref our meeting of this AM, find enclosed check for \$50 necessary for amended water permit request. Thanks again for yours and Lori's kind assistance.

Richard E (Jim) Laritz

MAR 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD LARITZ
1055 W AMITY RD
BOISE ID 83709

***RE: RECEIPT FOR RE-ADVERTISEMENT OF APPLICATION FOR
PERMIT 57-11614***

Dear Mr. Laritz:

Enclosed is your receipt for the fifty dollars that you paid for the re-advertisement of your application for permit 57-11614. Your revised permit will be advertised in the next advertisement round and should be advertised during the first and second week of August.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson', with a long horizontal line extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

APR 16 2002

Idaho Department of Water Resources Receipt

Receipt ID W029497

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

FACSIMILE TRANSMITTAL HEADER SHEET

For use of this form, see AR 25-11; the proponent agency is GDI/SCA

COMMAND/ OFFICE		NAME/ OFFICE SYMBOL	OFFICE TELEPHONE NO. (AUTOVON/Comm.)		FAX NO. (AUTOVON/Comm.)	
FROM:						
GREGORY J. MARTINEZ		CENWW-OD-RF	208-345-2154		208-345-2968	
TO:						
Gene Gibson		IDWR			334-2348	
CLASSIFICATION	PRECEDENCE	NO. PAGES (Including this Header)	DATE-TIME	MONTH	YEAR	RELEASER'S SIGNATURE
		4	12	7	02	Greg Martine

REMARKS

Additional info on Richard Laritz application
to build pond and do work along Snake River
File # 022101050

Space Below For Communications Center Use Only

DA FORM 3918-R, JUL 90

DA FORM 3918-R, AUG 72 IS OBSOLETE

V2.00

Gene,

Says This is a
Spring NOT Ground
water. See Stream
channel Application.

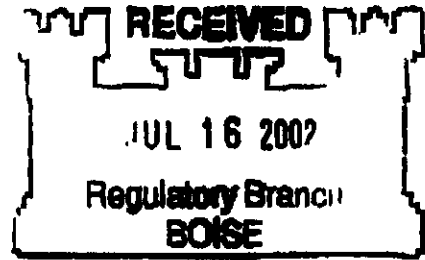
NO. 121112

F 10 2002

Stream Channel
Permit Needed
FOR INFLOW
BACK INTO THE
Snake River
How do we condition?

14 July 2002

BOISE REGULATORY OFFICE
304 North Eighth Street Room 140
Boise, Idaho 83702-5820



Mr. Martinez

1. Reference your letter of 10 July, the following information is submitted.

- Proposed pond, (see attached location map with pond drawing) will be approximately 2 acres in size with an average depth of 8 feet.
- Water will be dammed at spring and water diverted through 12 pipe to the river.
- Primary purpose of the pond is to provide irrigation water and to provide a pleasing fishing area and a refuge for birds and other wildlife in the area.
- Construction as envisioned (if possible owing to the wet condition and problems with floatability of equipment) will be done with backhoe and front-end loader only. As material is removed from the wetland, it will be used to restore eroded areas, and or deposited on existing high ground.
- Excavated material from the south side of the pond will be moved to the high ground on the southwest corner of my property on which grass will be sown and trees planted to stabilize and beautify the area and provide shade for the ponds.
- Material from the north and east sides of the pond will be move onto the high ground to the north and along the river bank as well as in the gully to recover that eroded land. Trees and grass will be sown along the edges of the high ground to provide soil stabilization and shade for the pond area.
- The majority of work will be conducted over the next 5 years when irrigation has stopped and the ground hardened by cold weather to provide maximum flotation and minimal damage to the surrounding area. As material is dug out, it will be carried to selected high ground away from other existing wetlands.

2. This plan is on record and permits pending for water rights to springs at the Department of Water Resources. POC is Ms Lori Graves, tel 334-2190, who completed the application for me.

Sincerely
Richard E. Laritz
10555 West Amity Road
Boise, Id 83709

MICROFILMED

MAR 16 2004

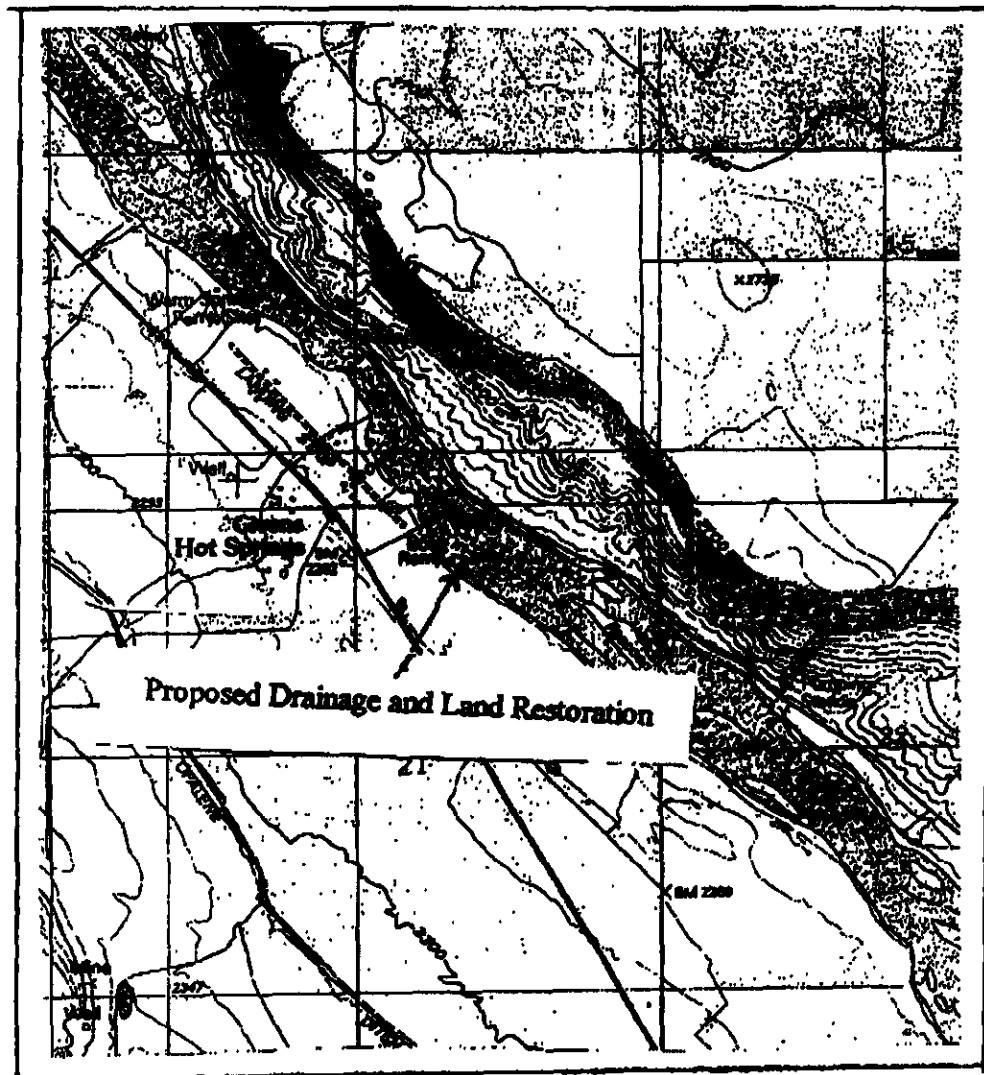
MAR 16 2004

LOCATION MAP

PROPOSED DRAINAGE AND LAND RESTORATION

Range 3 West

Township 1 North



From U.W. Geological Survey Map
Quadrangle titled Givens Hot Springs, Id

Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

MAR 18 2004

JUL 08 2002

JOINT APPLICATION FOR PERMITS
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LAND

DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE

WATER RESOURCES
WESTERN REGION

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for the State of Idaho permit. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act. (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et seq., Idaho Code. Routine Uses. Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 x 11 INCHES IN SIZE. The applicant information provides instructions and a checklist for completing the drawings.

1 Corps of Engineers # 22101050 2a Department of Water Resources # _____ 2b Department of Lands # _____
Date Received JUN 14 2002 Date Received _____ Date received _____
Regulatory Branch Fee Rec'd By _____ Receipt # _____ Fee Rec'd _____ Receipt # _____
BOISE

3 Applicant RICHARDE CARITZ 4 Authorized Agent _____
Mailing Address 0555 WEST AMITY ROAD Mailing Address _____
BOISE, IDAHO 83709

Area _____ Area _____
Work Phone () _____ Home (208) 362-9200 Work Phone () _____
Fax Number (208) 362-3321 Fax Number _____
Email Address 3E10is-@AOL.Com Email Address _____

5 Location where proposed activity exists or will occur Tax Assessor's Description
Waterway Snake River Government Lot 2 of Section 21, township 1 North, Range 3 W of the Boise Meridian
1.5 miles south of Maring on Hwy 78 across from Givens Hot Springs In Owyhee County, Idaho
Distance/Direction from nearest city or town County/State
83641 Owyhee County UTM Coordinate Grid 242087
Zip Code Local jurisdiction (city or county) Zone Northing Easting
11 4806594 524316

Directions to the site Proceed to Maring. Go South 11.5 miles on Highway 78. Site is across from Givens Hot Springs and immediately south, approx 300 feet from Sunrise Sky Park on the east side of the highway.

6 Describe Project (Work below the ordinary high water mark or in wetlands) Install 12 inch pipe in gully to drain spring water from source to Snake River to halt erosion. With receipt of permit for ponds from Department of Water Resources, to serve as overflow and take excess water from developed ponds and deliver to Snake River without erosion. Reclaim lost high ground by filling large gully with fill material taken out of pond site and adjacent areas.

Construction methods and Equipment Initial work will be hand labor only to install 12 inch pipe sections and sundry connections. Fill will be accomplished by single tractor with backhoe and front end loader.

Length of project along the stream or extends on into lake or reservoir Project will install approximately 180 feet of drainage pipe perpendicular to the river, draining spring waters into the river.

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

Volume dredged or fill material to be placed waterward of ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? _____
(cubic yards)
Will fill be placed in wetlands? yes if yes, area gully 180 X 15 X 10 Type of fill material pipe followed by sand/silt taken from pond site
(i.e. sand, rock, clay, concrete, etc.)
Will dredging or excavation waterward of the ordinary high water mark or in wetlands? No If yes, volume _____ (cubic yards)
Type of dredged material _____
Disposal site for dredged material _____ Method of dredging _____
Method to control turbidity and sedimentation _____
Is project located in a mapped floodway? _____ If yes, complete the Engineering "No-Rise" certification form

7. Purpose and intended use: Commercial _____ Public _____ Private Yes Other _____ Der _____ Construct road/access to my property

Describe Reason for project To install a 12 inch _____ pipe to draw spring waters to the Snake River and to _____ erosion and _____ land lost to erosion.

8. Proposed Starting Date Upon receipt of permit and necessary supplies to complete project. Estimated Duration Pipe installation will be accomplished within one week. Filling the gully cannot start until necessary permits are obtained and thereafter several years as ponds are dug out and material used to fill gully.

9 List portions of the project that are complete with month and year of completion _____
Label this work on your drawings

10 Names, addresses, and telephone numbers of adjoining property owners, leasees, etc., whose property also adjoins the waterway

<u>Edward and John Welsh</u>	<u>Interwest Development Corporation</u>
<u>P.O. Box 605</u>	<u>% West One Bank Trustee</u>
<u>Bruneau, Idaho 83804</u>	<u>P.O. Box 7928 Boise, Id 83807</u>

D Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

11. Legal owner if other than applicant.

Name _____ Phone Work () _____

Mailing Address _____ Home () _____

City, State, Zip Code _____

12 List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application. None

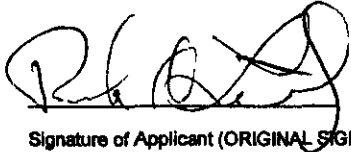
Issuing Agency Type of Approval Identification No. Date of Application Date of Approval

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

13. Has any agency denied approval for the proposed activity? Yes No (If "Yes" explain) No

14 Other comments/information _____

15 Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.



Richard G. Laritz
Printed Name

2 June 2002
Date

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

16. If you wish to designate an authorized agent, complete item 4 and the following information

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit

Original Signature of Authorized Agent

Date

Original Signature of Applicant

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsify conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or make or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

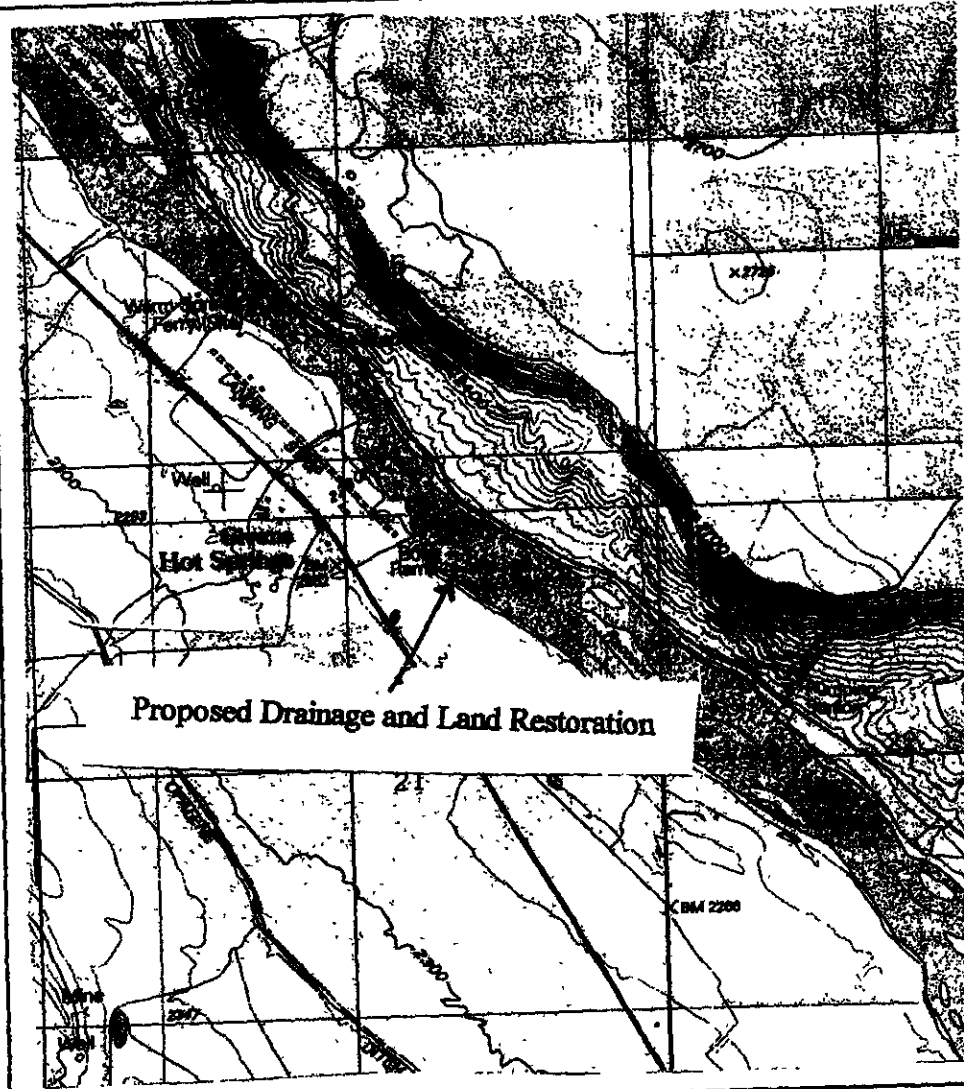
SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

LOCATION MAP

PROPOSED DRAINAGE AND LAND RESTORATION

Range 3 West

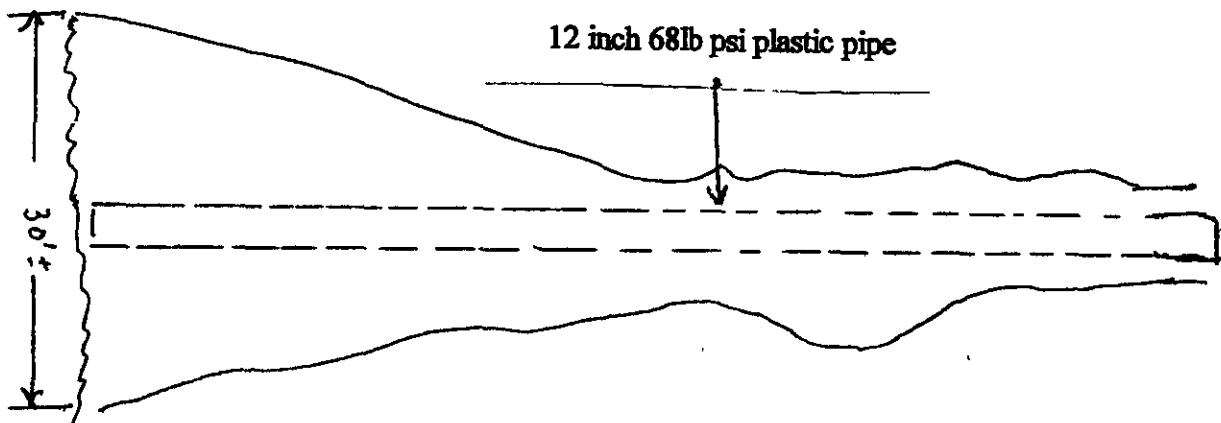
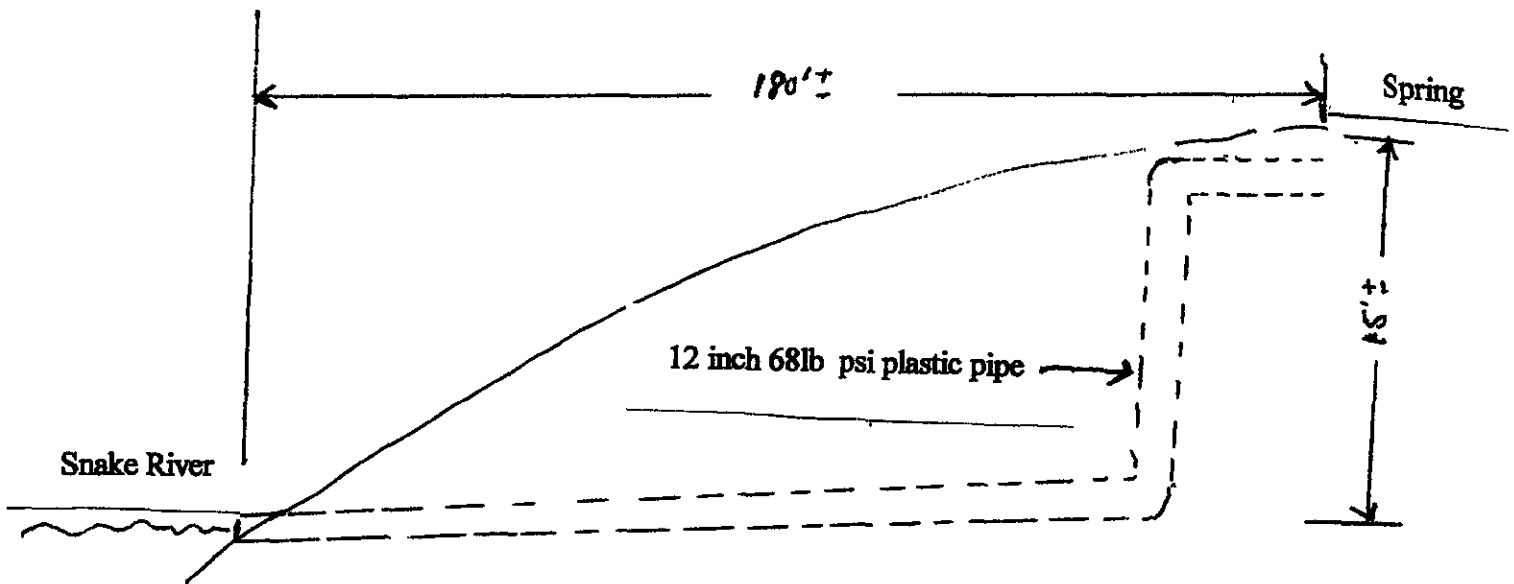
Township 1 North



From U.W. Geological Survey Map
Quadrangle titled Givens Hot Springs, Id

Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

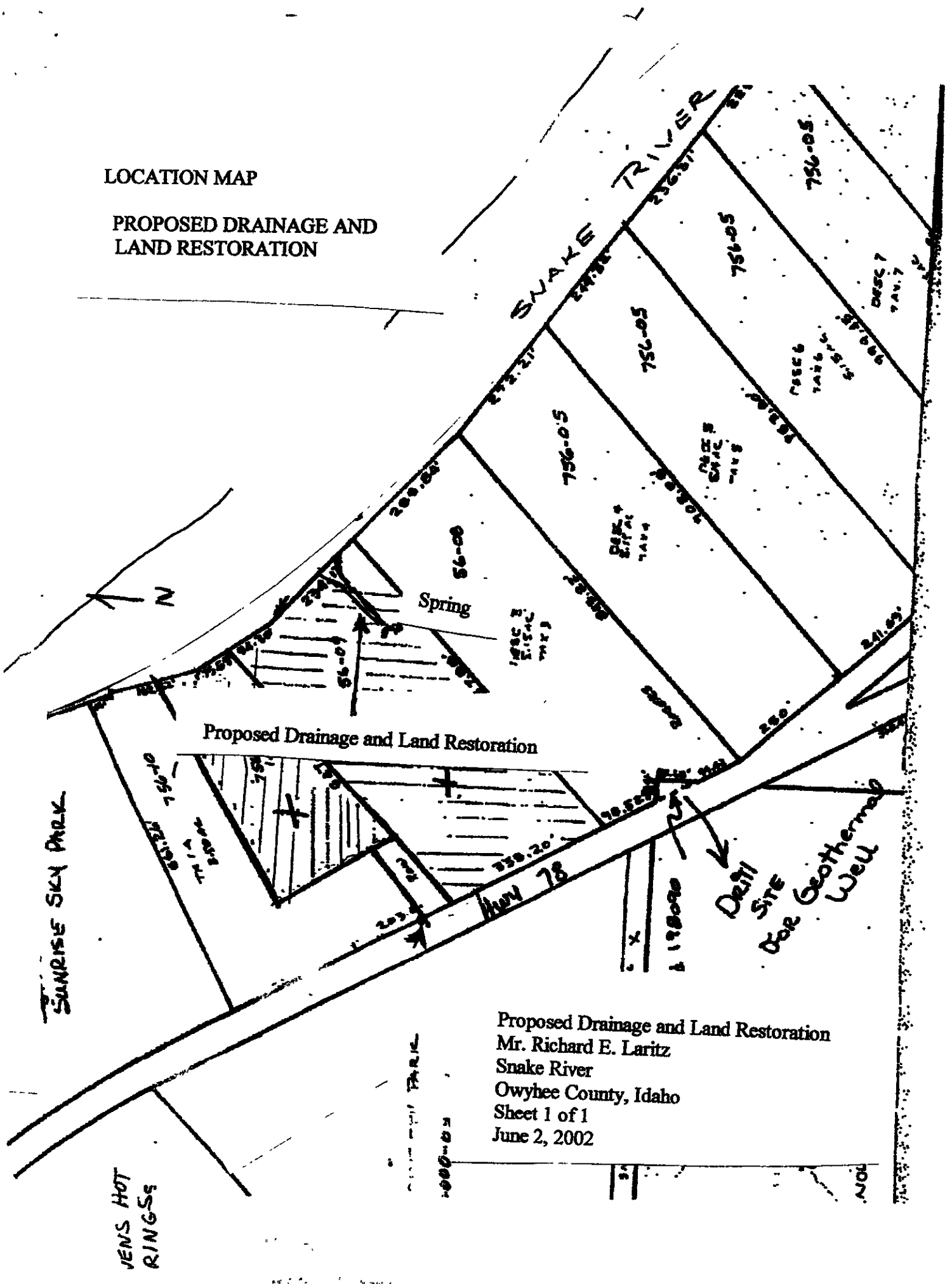
Proposed Drainage and Land Restoration



Proposed Drainage and Land Restoration
Mr. Richard E. Laritz
Snake River
Owyhee County, Idaho
Sheet 1 of 1
June 2, 2002

LOCATION MAP

PROPOSED DRAINAGE AND
LAND RESTORATION





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE, IDAHO 83702-5820
July 10, 2002

RECEIVED

JUL 12 2002

WATER RESOURCES
WESTERN REGION

Operations Division

SUBJECT: NWW No. 022101050

Mr. Richard E. Laritz
10555 West Amity Road
Boise, ID 83709

Dear Mr. Laritz:

I want to personally thank you for the letter you sent to General Fastabend, Commanding General, Portland Division, on my behalf. General Fastabend had an opportunity to stop by and visit with me on May 30, 2002, when he was in Boise, for a meeting with the Governor. I was truly honored by his visit and he passed along your kind words. Again thank you.

And now for the application you submitted to address the erosion caused by the spring on your property. We have reviewed your application and need some additional information from you. Since the fill material you plan to use to back fill the gully will come from your proposed pond and also since the 12-inch pipe is an integral part of the spill way/overflow, we need to see the pond design and any fills into the wetlands associated with the construction. We also need to have you describe how the pond will be excavated. If you plan to excavate the pond with bucket type equipment and remove the material to an upland location, then we would not have any regulatory authority on this portion of your proposed project. If, however, you excavate using a bull dozer, then the pushing of soils in a wetland area is considered to be a redeposition of dredged material and a permit is required. Please provide the requested information by August 2, 2002. Once the information is received I will provide a copy to Idaho Department of Water Resources.

A copy of this letter is being sent to Idaho Department of Water Resources. If you have any questions, please contact me at 208-345-2154.

Sincerely,

Greg Martinez
Regulatory Project Manager

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

JUN 28 2002

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 the 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).

June 19 and 26, 2002

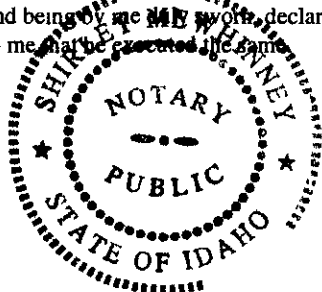
SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 26th day of June in the year of 2002 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.



Shirley Newkern
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

APPROVED FOR THE
The following information
have been filed to appropriate the
public lands of the State of Idaho:
57.14004 Ac. Aerial
RICHARD LARITZ
10933 W. 1000 N. RD.
BOISE ID 83709
Point of Deviation L2
NW 1/4 Sec 16 T10N R03W
OWYHEE County
Searched: 06/01/2002
Use: WILDLIFE STORAGE
01/01 To 12/31 16 AFA
Use: AESTHETIC STORAGE
01/01 To 12/31 16 AFA
Total (Mileage): 16 CFS
Date Filed: 05/01/2002
Place Of Use: WILDLIFE
STORAGE
T10N R03W S21
NW 1/4 Sec 16
Place Of Use: AESTHETIC
STORAGE
T10N R03W S21
NW 1/4 Sec 16
Resident: Applicant agrees to
mitigate consumptive use in the
future as needed.
Permits will be subject to all prior
water rights. Protections 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, 12735
Airport Wy, Boise ID 83705
together with a protest fee of \$25.00
for each application on or before
07/08/2002. The protestant must
also make an appeal to the
applicant.
KARL FENNER, Director
6/19/2002

MAILED

MAR 16 2004



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

July 31, 2002

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11614

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/26/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

16.08.02.000000

MAR 16 2004

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

57-11614

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

Point(s) of Diversion L2 SWNWNE S21 T01N R03W OWYHEE County Source SPRING
Tributary To SNAKE RIVER

Point(s) of Diversion L2 SWNWNE S21 T01N R03W OWYHEE County Source SPRING
Tributary To SNAKE RIVER

Use:	IRRIGATION	03/01 To 11/15	0.12 CFS	
Use:	IRRIGATION STORAGE	01/01 To 12/31		20 AFA
Use:	IRRIGATION FROM STORAGE	03/01 To 11/15		20 AFA
Use:	WILDLIFE STORAGE	01/01 To 12/31		20 AFA
Use:	AESTHETIC STORAGE	01/01 To 12/31		20 AFA
	Total Diversion:		0 12 CFS	20 AFA

Date Filed: 07/23/2002

Place Of Use: WILDLIFE STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: AESTHETIC STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: IRRIGATION STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: IRRIGATION FROM STORAGE

T01N R03W S21 NWNE Lot 2

Number of Acres 4

Place Of Use: IRRIGATION

T01N R03W S21 NWNE Lot 2

Number of Acres 4

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

This application was previously advertised on 6/19 and 6/26 2002. The applicant has revised his application for permit too more accurately describe his water use. The applicant has proposed the following changes to the application. Change the source of water from ground water to 2 springs located in the SWNWNE; Increase the size of pond from 16 acre feet to 20 acre feet; Add irrigation, irrigation from storage, and Irrigation storage uses to the application; Add 0.12 cfs diversion rate for irrigation; and Add 4 acres of irrigation in the NWNE.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/26/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on August 7 and 14, 2002.

MARG. LARITZ

MAR 15 2004



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

June 12, 2002

Legal Notice Department
Owyhee Avalanche
PO Box 97
Homedale ID 83628

RE: Transfer No. 69917
Water Right No(s). 02-10207 and 57-11614

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 07/08/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

428 1 6 2004

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

57-11614

RICHARD LARITZ
10555 W AMITY RD
BOISE ID 83709

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

Use: WILDLIFE STORAGE 01/01 To 12/31 16 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 16 AFA

Total Diversion: 16 CFS

Date Filed: 05/01/2002

Place Of Use: WILDLIFE STORAGE

T01N R03W S21 NWNE Lot 2

Place Of Use: AESTHETIC STORAGE

T01N R03W S21 NWNE 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on June 19 and 26, 2002

MAY 16 2002