



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO)	
APPROPRIATE WATER NO. 65-22722 IN)	ORDER OF REINSTATEMENT
THE NAME OF U. S. DEPT. OF INTERIOR)	
_____)	

This matter having come before the Department of Water Resources (Department) as a proof of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 29, 2003, the Department issued Permit to Appropriate Water No. 65-22722 (permit) to U. S. Dept. of Interior, Bureau of Reclamation, (permit holder) for the diversion and use of 0.04 cfs from ground water in the SW¼SE¼SE¼ of Section 8, Township 11 North, Range 7 East, B. M., for domestic purposes and for the irrigation of 0.3 acres.
2. On the application for permit, the permit holder requested one year to complete the diversion works and to apply water to the proposed beneficial use.
3. Approval condition no. 1 of the permit says:

Proof of application of water to beneficial use shall be submitted on or before June 1, 2003.

4. Section 42-218a, *Idaho Code*, says, in pertinent part:

A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect.

5. On June 1, 2003, the permit lapsed for failure of the permit holder to submit proof of beneficial use within the time indicated on the permit.
6. On June 18, 2003, the Department received the permit holder's proof of beneficial use statement.
7. Section 42-218a.3., *Idaho Code*, says, in pertinent part:

The original priority date of a lapsed permit shall not be reinstated except upon a showing of error or mistake of the department.

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CONCLUSIONS OF LAW

1. Requiring the permit holder to submit proof of beneficial use three days after the permit was issued was an error of the Department. The permit should have required proof of beneficial use to be submitted on or before June 1, 2004.
2. The permit should be reinstated with no advance in priority in accordance with the provisions of §42-218a.3., *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 65-22722 is **REINSTATED** with no advance in priority.

Dated this 7th day of July, 2003.


L. GLEN SAXTON, Administrator
Water Management Division

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that the water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 65-22722 Telephone No. 208-378-5306

2. Name of Permit Holder(s): United States of America, Acting through the Regional Director Bureau of Reclamation Code 3100

3. Mailing Address: 1150 North Curtis Road, Suite 100

City: Boise State: ID Zip: 83704-1234

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 08 /yr. 1996

Well Driller: Bureau of Reclamation drill crew Drilling Permit Number: - - - - -

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 2 Stockwater (No. and type of stock):

Irrigation (No. of acres): 0.3 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u></u> or No <u>x</u>
	Has the measuring device been installed?	Yes <u></u> or No <u>x</u>

8 Fee Enclosed: \$ 50.00 (See Fee Schedule on the back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Robert Adams, Black Canyon Facility Manager Telephone No. 208-365-2600 ext 13

Address: 3999 E. Black Canyon HWY, Emmett ID 83617

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish and undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Manger, Snake River Area Office Date: 6/16/03
(include your title, if on behalf of company or organization)

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State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22722

Priority: February 19, 2002

Maximum Diversion Rate: 0.04 CFS

This is to certify, that US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/15 to 10/31	0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp 11N, Rge 07E, B.M. VALLEY County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 07E 8																	X

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	
11N 07E 8																	3

Total Acres: 0.3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22722

CONDITIONS OF APPROVAL CONTINUED

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. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 0.9 afa at the field headgate for irrigation of the land described above.
6. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of May, 2003


for KARL J DREHER, Director

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RECEIVED

FEB 19 2002

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident. No. 65-22722

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAY 27 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant United States of America, acting through Phone (208) 378-5085
Regional Director, PN Region
Bureau of Reclamation

Mailing address 1150 No. Curtis Rd. Suite 100 Boise, ID 83706-1234

2. Source of water supply groundwater which is a tributary of n/a
3. Location of point of diversion is Township 11N Range 07E Sec. 8 in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B. M., _____ Valley _____ County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .035 for domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .005 for Irrigation purposes from 04/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source: Well, 8" casing from 0' to 18', 6" casing from 18' to 27', 225' deep, 1/2 h.p. pump, 1/2 gal/min yield.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet

c. Proposed well diameter is 8" from 0' to 18' and 6" from 18' to 27'; proposed depth of well is 225' feet

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

e. If well is already drilled, when? 8/27/1996; Drilling firm U.S. Bureau of Reclamation

Well was drilled for (well owner) U.S. Bureau of Reclamation Drilling Permit No. 65-96-C-0298-000

7. Time required for completion of works and application of water to proposed beneficial use is 1 yr

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. Two (2) cabins

e. Other; describe fully. _____

Revising
Approval

JLH 2/14/02
Initials & date

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NOV 02 2001

WATER RESOURCES
WESTERN REGION

9. Description of place of use:

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

irr 1/4 acre

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	07E	8																1/4	0.25

Total number of acres irrigated 0.25 acre

10. Describe any other water rights used for the same purposes as described above. n/a

11. a. Who owns the property at the point of diversion? U.S. Bureau of Reclamation

b. Who owns the land to be irrigated or place of use? U.S. Bureau of Reclamation

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. _____

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 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by Janis Fontaine Date 11-2-01 Time 12:20 pm Preliminary check by JK

Fee \$ 100.00 Receipted by Janis Fontaine # W028472 Date 11-2-01

Publication prepared by JK Date 11-4-02 Published in LONG VALLEY ADVOCATE

Publication approved JK Date 2-5-03 Date 3-5-03

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BM 5324

$\frac{1}{4}$ - $\frac{1}{4}$ miles

8

NWSE

Sand

Spillway 5311

BM 5321

Cozy O
Camp

No gov't. lots
- 8/11/13/02

T11N R7E Sec 8 SWSE (power)
and SESE (domestic).

→ 65-22723

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⊕ P0D
⊙ P04

→ 65-22722

REQUEST TO PROCESS

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

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

Name of Applicant United States of America acting through
Mailing Address Regional Director, PN Region
Bureau of Reclamation
1150 N. Curtis Rd, Suite 100 Boise, ID 83706
Application No. 65-22722
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

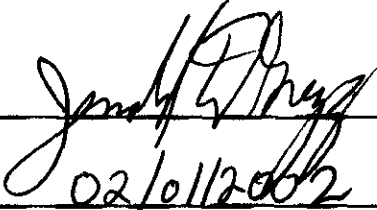
Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Date


02/01/2002

Please return this form to:

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

MITIGATION
FEB 19 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 7, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-22722

Dear Permit Holder:

I acknowledge receipt of the Proof of Beneficial Use you filed in connection with the above referenced permit. Enclosed is an order reinstating the permit without advancement of the priority since the department issued the permit with the wrong proof deadline. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western Regional Office** of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

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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

May 30, 2003

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

RE: Permit No. 65-22722

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

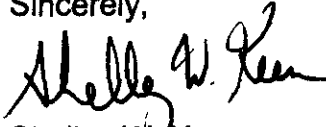
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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact 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,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22722

**US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155**

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

**Deborah J. Gibson
Administrative Assistant**

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**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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MEMORANDUM

Date: May 28, 2003
To: Water Right File 65-22722
From: S Keen 
Re: Priority Date

This application was first received by IDWR on 11-2-2001. It was found to be deficient and was returned to the applicant on 12-24-2001. IDWR received an amended application on 2-19-2002. The priority of the application will be advanced to 2-19-2002 because Section 42-204, Idaho Code, says, "If the corrected application is returned or the information is supplied after thirty (30) days, such corrected application shall be treated in all respects as a new application, and the priority of the right initiated shall be determined by the date of receipt, in the office of the department, of the corrected application or additional information."

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IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JZ Date 11/14/02 Application # 65-22722

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
P/D
P/U

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MAY 27 2003
Department of Water Resources

ADDITIONAL INFORMATION

Y **ADVERTISE REMARKS (Yes or No)**

YES NO

☒ ☐ Overlapping place of use (Describe source and relationship to present application on next page)
☒ ☐ Overlapping point of diversion
☐ ☒ 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 _____

App'l. Revisions prior to Advertising, additional fees etc. N/A

PROCESSINGAPPLICATION # 65-22722YES ☒ 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 USEDYES ☒ 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 REVIEWYES ☒ NO ☐

Affidavit of publication received

Application published correctly? If not, record action taken

Publication dates and paper recorded on application

Final date for protest 12-23-02 2-24-03

Protests received

Recommendations attached

Measuring device required

Water delivered by water master? District #

Special conditions of approval or cover letter

No Reply Received - OK

Standard conditions including possible future mitigation & well drilling requirements. Still need to pay WD fee upgrade. See d'base comments.

Recommended Date of Priority 11-2-2001*Recommendation ☒ Approve ☐ Deny by J. L. Lister Date 5/22/03**ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile

Overlap - See d'base comments, NONE relevant. Appl. 65-22722 is for power purchase & ~~at~~ Deschutes Res. dam for use at BOR work station there.

* Original intent was 1/2 wd dams, clarification without expansion, priority unchanged.

Address
per data
entry standards

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22722

WATER RIGHT NUMBER. 65-22722

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR BUREAU OF RECLAMATION 1150 N CURTIS RD STE 100 BOISE, ID 83706-5155 (208)378-5085

Priority Date. 11/02/2001

Basis:

Status Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	04/15 to 10/31	0.010 CFS	
	<u>Total Diversion</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SE1/4	Sec 8,	Twp 11N,	Rge 07E, B M
VALLEY County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	07E	8																	X

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	
11N	07E	8																	.3

Total Acres: 0.3

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22722

RemarksComments1 Imattson 11/18/2002 **Legal Notice Remarks**

Comment Applicant agrees to mitigate consumptive use in the future as needed

2 Imattson 11/18/2002 **Comment/Analysis**

Comment Priority date not advanced since multiple domestic use clarified but not expanded as internal and external clarified prior to processing Drilling Permit 65-96-C-0298-000 issued as \$75 permit receipt C036531 Applicant notified of need to upgrade dp fee in IDWR letter of 12-24-01 but did not pay in 2-19-02 resubmittal of clarified application Western wd staff notified of drilling firm listed on well log (firm listed as BOR not sure that agency is licensed driller) Appears from well log that site is Lower Deadwood FS Station but do not list this information in permit conditions Allow licensing process to confirm this This is a different ground water diversion for different cabins than those listed in 65-9906 and 65-22206

Dates and Other Information

Application Received Date 11/2/2001

Application Denied Date

Last Date of Beneficial Use

Extension End Date

Protest Deadline Date

Number of Protests 0

Enlargement Use Priority Date

Enlargement Statute Priority Date

State or Federal

Owner Name Connector

Water District Number

Generic Max Rate Per Acre

Generic Max Volume Per Acre

Application Type. New Appropriation

Applicant Remarks: Requesting 0.035 cfs domestic and 0.005 cfs irrigation of 1/4 acre

Other Water Rights n/a

Time to Complete Works 1

Transfer Affected Description

Transfer Affected Contracts

Old Transfer Number

Transfer Reason

Transfer Return Flows

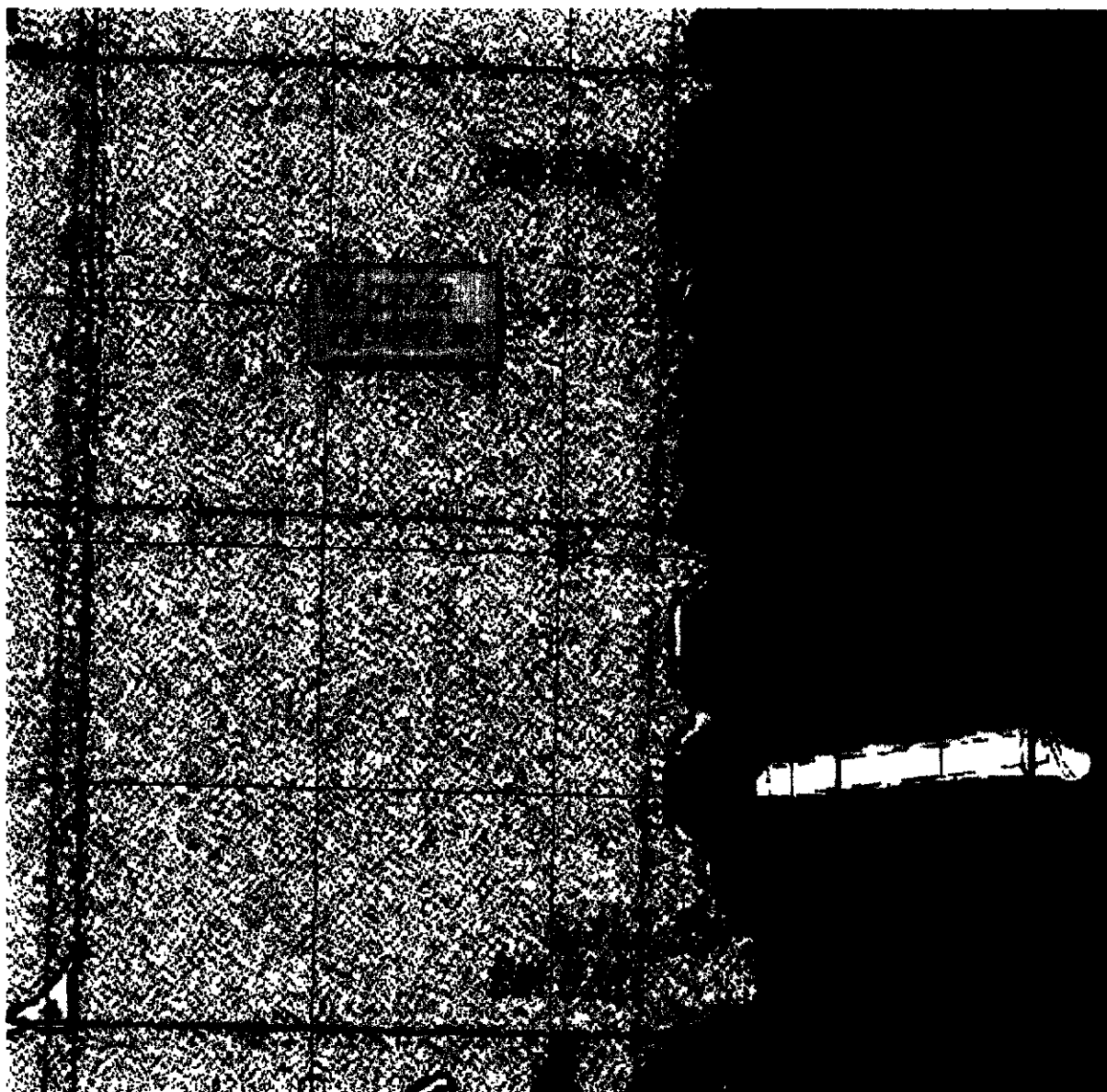
Swan Falls Trust or Nontrust

Swan Falls Dismissed

DLE Act Number

Carey Act Number

Mitigation Plan False



APPLICATION FOR WATER RIGHTS

The following application have been
filed to appropriate the public waters of
the State of Idaho

65-22722 US DEPT OF INTERIOR ✓
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

Point(s) of Diversion SWSESE S8
T11N R07E VALLEY County

Source GROUND WATER

Use IRRIGATION 04/15 To 10/31
0.01 CFS

Use DOMESTIC 01/01 To 12/31 0.04
CFS

Total Diversion: 0.04 CFS

Date Filed: 11/02/2001

Place Of Use: DOMESTIC T11N R07E
S8 SESE

Place Of Use: IRRIGATION

T11N R07E S8 SESE
Number of Acres 0.3

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 togeth-
er with a protest fee of \$25.00 for each
application on or before 02/24/2003. The
protestant must also send a copy of the
protest to the applicant

KARL J DREHER, Director
Publish 2/5, 2/12

Feb-11

372

Affidavit of Publication

STATE OF IDAHO COUNTY OF VALLEY

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of the McCall-Cascade Times Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho, and having a general circulation therein and of legal status in said county.

The Advertising Rules, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began 2/12, 2003, and ended 2/19, 2003.

Robin M. Simpson

MAR 04 2003

**WATER RESOURCES
WESTERN REGION**

Signed this the 3 day of March, 2003

STATE OF IDAHO)
:SS.
COUNTY OF VALLEY)

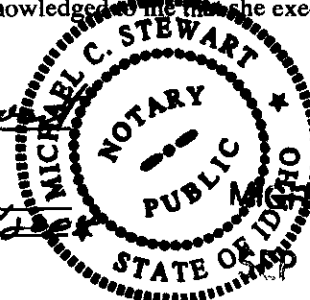
On this the 3rd day of March, 2003, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is subscribed to the within Instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Michael C. Stewart

Notary Public State of Idaho

Residing at: Cascade

Commission Expires: 10/30/2005



**FILED
SEP 09 2003**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 9, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CENTRAL DISTRICT HEALTH DEPT
707 N ARMSTRONG PL
BOISE ID 83704

Re: Application for Permit No. 65-22722 in the Name of United States of America Bureau of Reclamation.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application, which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by December 23, 2002.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester

SL:lm

Encl: Copy of Application

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SEP 09 2003

65-22722

-FR
11/14/02

REVIEWER NOTES

WELL LOG (1)

- Appears to be well referenced in Appl. but depth listed c 198' vs. 225' on Appl.
- Assumed \$75 peril ... confirmed re Receipt C036531 that id. DP # 65-96-C-0298-000 ... matches id. on well log

WELL LOG (2)

- Only other well listed in Sec. 8, appears N/A to Appl.

CONCLUDE

- Upgrade well (1) from \$75 to \$200 since not serving exempted use, Applicant owes \$125

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SEP 09 2003

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat _____ Long _____

1. WELL TAG NO. D 19195
DRILLING PERMIT NO _____
Other IDWR No _____

2. OWNER:
Name USDA Forest Ser
Address 1249 S VINNELL way Suite 200
City Boise State ID Zip 83709

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

Sketch map location must agree with written location

Twp 11 North ☒ or South ☐
Rge 7 East ☒ or West ☐
Sec 8 1/4 SE 1/4 SE 1/4
Gov't Lot _____ County Vally Long _____
Lat _____
Address of Well Site Deadwood GS City _____
(Give at least name of road + Distance to Road or Landmark)

Lt _____ Blk _____ Sub _____ Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Bentonite	0	60'	30		over bore

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8" + 2	60'	312		Steel	☒	☐	☒	☐
5"	6	174		PVC	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method Factory Reamer
Screens Screen Type PVC

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
174	240	20"	~	5"	PVC	☐	☒ Screen

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

19 ft below ground Artesian pressure _____ lb
Depth flow encountered _____ ft Describe access port or control devices Well cap

11. WELL TESTS:

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
15	119	200	4 Hr

Water Temp. _____ Bottom hole temp _____

Water Quality test or comments _____

Depth first Water Encounter 170

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
12	0	1	Top Soil		
12	1	60	Decomposed Granite		
8	60	75	Black + white Granite		
8	75	85	Brown + white Granite		
8	85	115	Black + white Granite		
8	115	150	Brown + white Granite		
8	150	160	white + Gray Very Hard		
8	160	170	Granit with water Strips		
8	170	195	Hard + Soft Spots in Granite		
8	195	240	Black + white Granite with some water Strips		

RECEIVED

OCT 30 2001

WATER RESOURCES
WESTERN REGION

Completed _____ Depth 240 (Measurable)
Date Started 9-27-01 Completed 10-3-01

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed

Company Name Eric Pump+Drilling Firm No. 417

Firm Official Mike Line Date 10-27-01

and Driller or Operator Senne Date _____
(Sign once if Firm Official & Operator)

Well Log (3)



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298

WTR-4.10
SRA-6434

FEB 14 2002

RECEIVED
FEB 19 2002
WATER RESOURCES
WESTERN REGION

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705-5082

Subject: *Steve* Applications for Permit (Your Letter dated December 24, 2001)

Dear Mr. ~~Lester~~:

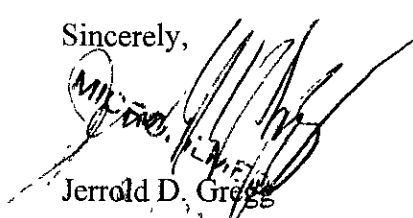
Enclosed are the revised applications for Application No. 65-22641, **Deadwood domestic**, and Deadwood power. We have made the necessary changes and initialed the original permits. A request to process is included for Application No. 65-22641 and the Deadwood domestic lawn irrigation.

Regarding Application No. 65-22641 and Rule 40, we have sent letters of inquiry to the necessary parties with a copy of the letter to your agency.

The Federal Energy Regulatory Commission does not regulate federal hydropower projects. We have enclosed information on this subject.

Should you have further questions on these applications, please do not hesitate to contact Rick Wells, Water Operations Manager, Snake River Area Office (334-9078).

Sincerely,


Jerrold D. Gregg
Area Manager

Enclosures



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

December 24, 2001

Mr. Jerold Gregg
United States of America, Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise ID 83706

Re: Applications for Permit

Dear Jerry:

Enclosed are three original applications for permit regarding Black Canyon and Deadwood facilities administered by the Bureau of Reclamation (BOR). The applications are returned for clarification as discussed in this letter. First let me say I hope you are the appropriate contact for these applications. If not, please provide this information to the right person at your earliest convenience.

Application No. 65-22641 addresses existing uses provided by Black Canyon Reservoir. Please address or confirm the following items for this application.

1. Indicate agreement to revisions of items 3 and 4 for diversion point and beneficial uses. For example, "irrigation storage" and "irrigation from storage" are the terms to describe irrigation in this context as noted by the margin notes. The noted revisions are adequate as shown without re-doing the application.
2. The minimum answer of one year in item 7 was added to correctly describe existing uses.
3. It is acceptable to have a generally described place of use for irrigation in this case but a definite acre limit is needed. An 80,000 acre limit is assumed to be correct.
4. A completed "request to process" form is required for consumptive use (irrigation from storage). Most applicants choose the last option about possible future mitigation. A form and explanation are enclosed.

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5. Water Appropriation Rule 40 requires additional information for "large diversion" projects. An abbreviated response suffices for existing and/or supplemental uses. For this situation, Rule 40 only requires BOR to seek comment and submit all letters of comment from the Gem County Commissioners, the Gem County irrigation districts associated with the dam, and the Idaho Departments of Fish and Game and Environmental Quality. BOR should provide the Idaho Department of Water Resources (IDWR) with copies of letters of inquiry to these entities plus any replies you receive (or the replies could be sent directly to IDWR).
6. Power production from the facility is probably subject to jurisdiction of the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission (PUC). Copies of FERC and/or PUC approvals, or documentation of why approvals are not needed, should be submitted to IDWR.

Domestic well at Deadwood Reservoir

This unnumbered application appears to cover an existing well for two BOR cabins not already covered by a water filing. Please clarify the following points.

- ✓ 1. Will the well be used for lawn irrigation? If so, describe this use as irrigation in item 4 together with an appropriate rate of flow. Irrigation of up to .03 cfs per acre is acceptable for up to five acres. The standard irrigation season for the site is April 15 through October 31. The number of irrigated acres should be charted in item 9
- ✓ 2. Item 7 needs a numerical response. Again, use one year for an existing use or up to five years for a use not already developed.
- ✓ 3. The map should show the well location and the site of the two homes. The locations should agree with the written locations in items 3 and 9.
- ✓ 4. A "request to process" form should be completed if lawn irrigation will be included
5. If lawn irrigation exceeding one-half acre is involved, the approved well drilling permit should be upgraded from a \$75 domestic well to a \$200 non-domestic well. If that is the case, an additional \$125 needs to be paid.

NOT paid
in reply
REC'd 2/19/02

Power production at Deadwood Reservoir

This unnumbered application discusses minor power production at the site. Has this use already been developed? Please clarify these points for generating power

1. IDWR standards do not include a reservoir name for a source of water. The source should state Deadwood River, tributary to the South Fork Payette River

MICRO, LEMEL

2. Item 7 needs a numerical response similar to the previous information.
3. Show the point of diversion and place of use on the application map to correspond with the written locations in items 3 and 9.
4. It appears the power is for use at BOR facilities at Deadwood. PUC jurisdiction is probably not involved. FERC oversight might be involved due to power production on federal land. Please document whether or not FERC allows an exemption for minor power plants. Please address the FERC issue as you did in the Black Canyon situation, and document if FERC and/or PUC approvals apply to this situation.

The "request to process" form does not apply to this non-consumptive use of public water.

Changes to the applications can be made on the enclosed originals. Please have the appropriate person initial and date all three applications at the bottom of each first page as noted. Alternately, amended applications can be prepared, signed, and returned with the originals. The original applications, together with any amended versions, can be returned to this office for immediate processing upon receipt.

Thank you for your attention to these matters and be sure to let me know if I can lend a hand with anything. Best wishes for the holidays.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures 3 original applications
 2 Request to Process forms
 Blank application forms

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SEP 09 2003

January 30, 2003

Legal Notice Department

Long Valley Advocate

PO Box 1079

Cascade ID 83611

RE: Application for Permit No. 65-22722 and 65-22723

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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SEP 09 2003

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

65-22722

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

Point(s) of Diversion SWSESE S8 T11N R07E VALLEY County Source GROUND WATER

Use: IRRIGATION 04/15 To 10/31 0.01 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion. 0.04 CFS

Date Filed: 11/02/2001

Place Of Use: DOMESTIC

T11N R07E S8 SESE

Place Of Use: IRRIGATION

T11N R07E S8 SESE

Number of Acres 0.3

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 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Long Valley Advocate on February 5 and 12, 2003.

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SEP 9 3 2003