

T15N
R3E
Sec 23

3000

Location Map

No Gov Lts

CASCADE QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRA)

574 575 577 430000 FEET 578



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
65-13907 IN THE NAME OF) **REINSTATEMENT ORDER**
US DEPT. OF INTERIOR, BUREAU)
OF RECLAMATION)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before March 1, 2001; and,

WHEREAS, the Department notified the permit holder on December 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

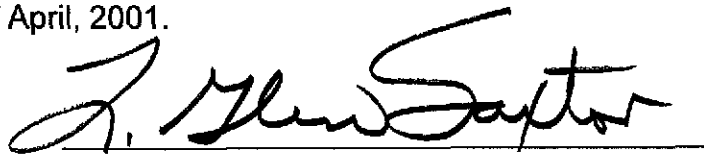
WHEREAS, the Department sent the permit holder a lapse notice on March 8, 2001, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on April 10, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13907 is **REINSTATED** with an advance in priority to **November 5, 1999**.

DATED this 10 day of April, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

APR 26 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 65-13907)
IN THE NAME OF US DEPT. OF INTERIOR,)
BUREAU OF RECLAMATION)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install/maintain permanent measuring devices on a storage reservoir; and

WHEREAS, the department received a letter from the Bureau of Reclamation noting that the storage is for a wildlife pond created by the diversion immediately adjacent to Cascade Reservoir; and

WHEREAS, the department has determined that the measuring devices are not presently needed to measure the water in question.

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of measuring devices for the above captioned permit is **WAIVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 11 ^{*th*} of April, 2001.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

APR 26 2001

FOR OFFICE USE ONLY
 Amt of Fee \$ 50.00
 Receipt No C053103
 Receipt By Baron
 Date Received 4/9/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 09 2015

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 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. 65-13907 Telephone No. (208) 334-9844

2. Name of Permit Holder(s):
US BUREAU OF RECLAMATION

3. Mailing Address: 214 BROADWAY AVE

City BOISE State ID Zip 83702-7298

4. Source of Water: UNNAMED STREAM If **GROUNDWATER** (well), Date Drilled: mo. / yr.

Well Driller: _____ Drilling Permit Number: _____

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

Domestic (No. of households): N/A Stockwater (No. and type of stock):

Irrigation (No. of acres): N/A **Other:** WILDLIFE STORAGE, WATER QUAL. IMPR. STOR

6 Total rate of diversion and/or volume for which proof is submitted: cfs OR 7.0 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 X or No _____

Has the measuring device been installed?

Yes _____ or No x

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on 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: WARREN SEDLACEK Telephone Number: (208) 382-4258

Address: P.O. BOX 270 USBR CASCADE, ID 83611

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 any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

MICROFILMED

(include your title, if on behalf of company or organization)

Date _____

APR 26 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13907

Priority: September 27, 1999

Maximum Storage Volume:

7.0 AF

This is to certify, that US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of PAYETTE RIVER, NORTH FORK

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		7.0 AF
WATER QUAL. IMPR. STOR	01/01 to 12/31		7.0 AF
	Totals		7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 23, Township 15N, Range 03E
VALLEY County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

15N 03E 23

SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2001.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. Wildlife storage is a habitat pond for waterfowl and wildlife.

MICROFILMED

0551 / 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13907

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 March, 2000.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
OCT 12 2000

Ident. No. 65-13907

RECEIVED
MAR 1 . 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
SEP 27 1999

WATER RESOURCES
WESTERN REGION

Department of Water Resources

U.S. Department of Interior
Bureau of Reclamation

Phone 208-334-1460

1. Name of Applicant Hembry Creek Irrigation Drainage ¹⁸⁷² Phone 208-334-1460
Mailing address 214 Broadway Avenue, Boise ID 83702-7298
2. Source of water supply Hembry Creek Irrigation Drainage which is a tributary of Cascade Reservoir
3. Location of point of diversion is Township 15N Range 3E Sec. 23 in the SW 1/4, NE 1/4, Govt Lot 14, B.M., Valley County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- * Amount 75 CFS for Water Quality Improvement purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 75 CFS for Wildlife purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7 AC-FT for Water Quality Storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7 AC-FT for Wildlife Storage purposes from 1-1 to 12-31 (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)

5. Total quantity to be appropriated is (a) 0.75 and/or (b) 7.0
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 Earthen Embankment with Spillway and emergency CMP/Valve to maintain wetlands area. Water level maintained at 4828.5 FT. Surface area is approximately 4 AC.

- b. Height of storage dam 6 (max) feet; active reservoir capacity 7 acre-feet; total reservoir capacity 7 acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

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

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

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

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

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

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Water Quality improvement & Water Quality Storage. Minimize sediment entering reservoir. Removal of nitrates and phosphorus by Filtering and plant uptake. Wildlife uses are for habitat pond for waterfowl and other wildlife.

OCT 12 2000

* Per Shelley Keen 12/7/99. G

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	3E	23			W														
15N	3E	23			WQ														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? United States, Bureau of Reclamation

b. Who owns the land to be irrigated or place of use? United States, 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 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Jerry Gregg
[Signature]
 Signature of Applicant (and title, if applicable)
 Snake River Area Manager

Received by Kb Date 9/27/99 Time 11:18 Preliminary check by Lg
 Fee \$ 10000 Receipted by Kb # W025764 Date 9/27/99
 Publication prepared by ST Date 12-15-2000 Published in LONG VALLEY ADVOCATE
 Publication approved LM NOV 23 1999

OCT 12 2000

T15N
R3E
Sec 23

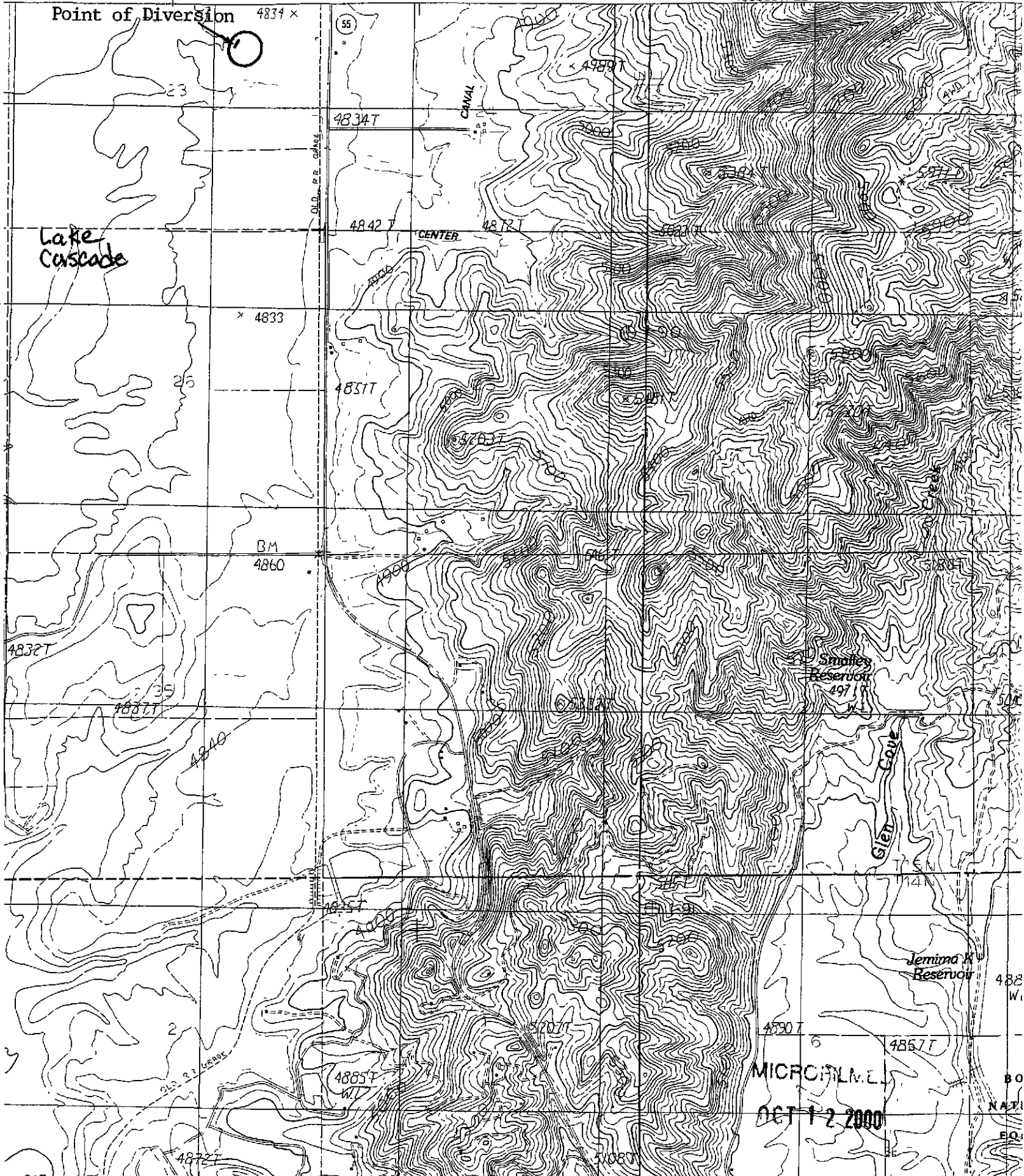
3000

Location Map

No Gov Lts

CASCADE QUADRANGLE
IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

574 575 576 577 430000 FEET 578





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

April 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13907

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

In response to your letter dated April 5, 2001, the department has issued the enclosed Order waiving the requirement for measuring devices for your referenced permit at this time. You will be notified by the department if this condition must be reinstated, should there become a need to measure your storage water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

APR 26 2001



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF RECLAMATION

SNAKE RIVER AREA OFFICE
214 BROADWAY AVENUE
BOISE, IDAHO 83702-7298

RECEIVED

APR - 9 2001

Department of Water Resources

SRA-6123
ENV-11.00

5-APR 2001

Mr. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise ID 83706

Subject: Proof of Beneficial Use for Permit No. 65-13907

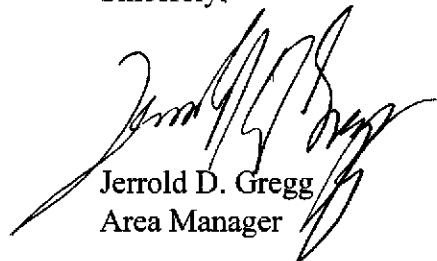
Dear Mr. Saxton:

In response to your Lapse Notice for the subject permit, we have enclosed a completed Proof of Beneficial Use form and \$50 payment for the license examination fee.

In reference to Permit condition no. 5, there are no devices installed for measuring inflow or outflow of the wetland area. Although water measuring devices are not installed in this natural setting, they can be installed if determined necessary by your department. Please note that the wildlife pond created by the diversion is immediately adjacent to Bureau of Reclamation's Cascade Reservoir.

If you have any questions pertaining to this subject, please contact Steve Dunn at (208) 334-9844.

Sincerely,



Jerrold D. Gregg
Area Manager

Enclosures

MICROFILMED

APR 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13907

Reviewed By dgibson

Date: April 10, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No..		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		C053103	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/09/2001	99 ✓
Date proof due	- 03/01/2001	-66
Lapse notice sent	- 3/8/01	39
No. of days late	= 39	
Holiday allowance	+	
Priority date	+ 09/27/1999	+ 270
New priority date	= 11/05/1999	309

Deficiencies of Actions Items

Acknowledge proof and reinstate permit with an advance in the priority date to 11/5/1999.

March 8, 2001

US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE, ID 837027298

LAPSE NOTICE

RE: PERMIT NO. 65-13907

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated December 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton , Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
This document was mailed on 3/8/01
at Boise, ID and was deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

APR 25 2001

December 31, 2000

US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE, ID 837027298

PROOF DUE NOTICE

RE: PERMIT NO. 65-13907

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

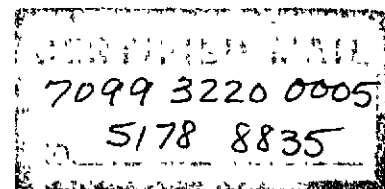
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
APR 26 2001





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

March 3, 2000

DIRK KEMPTHORNE
GOVERNOR

US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13907

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

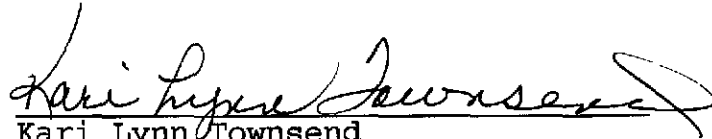
OCT 12 2000

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of March, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13907

US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 12 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

OCT 12 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 3/1/00

No. 65-13907 Name: BKK Corp. Officers N/A Ad ok ✓ Govt Lots ---

AREA OF CONCERN: No/Yes --- Moratorium --- GWMA --- TRUST/NON-TRUST ---

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01) 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0 03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0 02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 3 1 01 120001

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

IRRIGATION SEASON --- - --- (Per updated map)

OTHER CONDITIONS/REMARKS W/O/minimize sediment entering reservoir

COMMENTS trib = Payette River, Nfk. w/sj habitat pond for waterfowl & wildlife.

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response None

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE ---

~~In-stream development~~ - P52

WD - R04 (WD# 5)

≤ 0 20 cfs/others - 01H(P01), 01P or No MD

> 0 20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0 24 cfs/5 acres - No MD

> 0 24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02.03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake) N/A
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAR 1 2000

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: lg DATE: 11/19/99 APPLICATION: 65-13907

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, 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. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater 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) done
- ☒ 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

Request to process

Date Requested 11/19/99 Date Response Received _____

PROCESSING

APP. NO.

13907

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

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ U.S. BLM
☐ ☒ U.S. 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 1-3-00

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☐ ☐ Special conditions of approval or cover letter: standards

☒ See below for additional information

Recommended Date or Priority 9/27/99

Recommended by: Loi Gnarner Date: 2/24/00

ADDITIONAL INFORMATION:

RECEIVED

MAR 1 . 2000

Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

MICROFILMED

SEP 17 2000

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 Long Valley 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 water rights app 65-13906, 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 12/15, 1999, and ended 12/22, 1999.

Robin M. Simpson

Robin M. Simpson

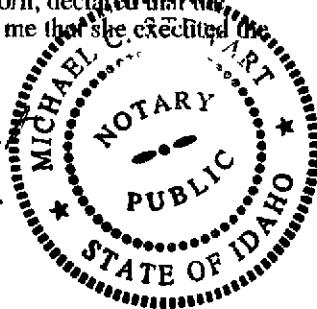
Signed this the 12 day of Jan 2000

STATE OF IDAHO
COUNTY OF VALLEY

RECEIVED
:SS. JAN 21 2000
WATER RESOURCES
WESTERN REGION

On this the 12th day of Jan, 2000, 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 J. Stevan
Notary Public State of Idaho
Residing at: Cascade
Commission Expires: 10/30/2004



NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13906
CHURCH OF THE NAZARENE INTER-MOUNTAIN DISTRICT
PO BOX 1159
NAMPA, ID 83653
Source: GROUNDWATER
Diversion Pt: LOT 5 (NENW) Sec 6 T 13N R 04E in VALLEY County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)
Date Filed: 9/3/1999
In: VALLEY County
T13N R04E S06 Lot 5(NENW) Lot 99SENW)
40.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in the future as needed.

65-13907
US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE, ID 83702-7298
Source: UNNAMED STREAM
Tributary: CASCADE RESERVOIR
Diversion Pt: SWNE Sec 23 T 15N R 03E in VALLEY County.
Use: WILDLIFE STORAGE (7.00 AF)
WATER QUALITY IMPR. STORAGE
Total Diversion: (7.00 AF)

PUBLIC NOTICE

Date Filed: 9/27/1999
In: VALLEY County
T15N R-3E S23 SWNE
Applicant agrees to mitigate consumptive use in the future as needed.

65-13912
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: SPRING
Tributary: MOORES CREEK
Diversion Pt: NESENE Sec 13 T 13N R 03E in VALLEY County.
Use: COMMERCIAL (0.500 CFS)
HEATING (0.500 CFS)
Total Diversion: (0.500 CFS)
Date Filed: 8/2/1999
In: VALLEY County
T13N R03E S13 SENE NESE
R04E S18 Lot 2(SWNW) SENW NESW Lot 3(NWSW)
Applicant agrees to mitigate consumptive use in the future as needed.

65-13913
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: GROUNDWATER
Diversion Pt: SENE Sec 13 T 13N R 03E in VALLEY County
Use: COMMERCIAL (2.000 CFS)
HEATING (2.000 CFS)
TOTAL DIVERSION: (2.000 CFS)
Date Filed: 8/2/1999
In: VALLEY County
T13N R03E S13 SENE NESE
R04E S18 Lot 2(SWNW) SENW NESW Lot 3(NWSW)
Applicant agrees to mitigate consumptive use in the future as needed.

65-13914
NUZZO, MIKE
9723 EDGE CT
SMITHS FERRY
CASCADE, ID 83611
Source: PAYETTE RIVER, NORTH FORK
Tributary: PAYETTE RIVER
Diversion Pt: Lot 5(NWSE) Sec 10 T 11N R 03E in VALLEY County.
Use: IRRIGATION (0.440 CFS)
TOTAL DIVERSION: 0.440 CFS)
Date Filed: 10/22/1999
In: VALLEY County
T11N R03E S10 Lot 4(SWNE) SENE NESE Lot 5(NWSE)
22.0 ACRES TOTAL
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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705, together with a protest fee of \$25.00 for each application on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director
Publish 12/15 & 12/28/1999

NOTICE OF TRUSTEE'S SALE
On WEDNESDAY, the 29th day of MARCH, 2000, at the hour of 11:00 o'clock A.M., of said day in the office of ALLIANCE TITLE & ESCROW CORP., located at 301 EAST



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
Nampa ID 83686

Re: Application for Permit

Dear Sir:

Enclosed are copies of applications for permit that the proposed use is from surface water. Please review the applications 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(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2000.

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

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 12 2000

Taylor, Sue

From: Lester, Steve
Sent: Monday, December 20, 1999 1:48 PM
To: Taylor, Sue
Subject: FW: Numerous Water Right Applications

Sue:

Please file a copy in each of the applications listed in Scott's message.

thanks,

Steve

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

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Monday, December 20, 1999 1:22 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Numerous Water Right Applications

Dear Mr. Lester,

The Idaho Department of Fish and Game has reviewed the following applications for permit for a water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting permits.

51-07371/BLM
51-07370/BLM
51-07369/BLM
65-13912/MacGregor
65-13914/Nuzzo
65-13908/Rasmussen
77-07380/Pyle
67-08044/Stippich
55-07463/BLM
65-13907/BOR
65-13909/Herbel
65-13915/Hamlin
65-13911/Charles
63-12545/Atkeson
65-13919/McCumber
65-13916/Vlasach
65-13910/Seehusen/Crow
67-08043/Ferrel
63-12548/McGrew

We have a concern with application for permit 63-12550 by Richard Porter and Robert Horowitz. Those comments will be in a separate letter signed by the regional supervisor. Thank you for the opportunity to comment on these applications.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
465-8465

UNCLASSIFIED



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF RECLAMATION

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

September 23, 1999

SRA-6123
ENV-1.10

RECEIVED

SEP 27 1999

WATER RESOURCES
WESTERN REGION

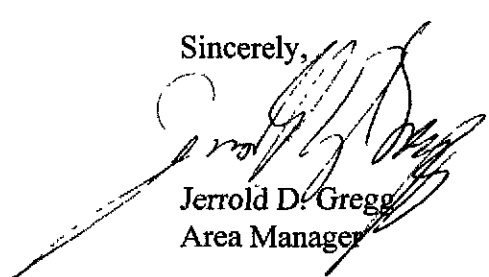
Mr. Gary Spackman, Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Applications for Water Right Permits for a Constructed Wetland Near
Cascade Reservoir

Dear Mr. Spackman:

Enclosed for your processing is an Application for Permit for the Hembry Creek North constructed wetland near Cascade Reservoir. We have also enclosed application fees in the amount of \$100.00. If you have any questions about this application, please contact Mr. Steve Dunn at 334-9844.

Sincerely,


Jerrold D. Gregg
Area Manager

Enclosures

MICROFILMED

OCT 12 2000

REQUEST TO PROCESS

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

Name of Applicant

U.S. Dept of Interior
Bureau of Reclamation

Mailing Address

214 Broadway
Boise ID 83702

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

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

PROPOSE MITIGATION NOW

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

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Date

Please return this form to:

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

MICROFILMED

OCT 12 2000

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 12/07/99
Time: 11:33:46

Water Right Number: 65-13907

Comment Date: 11/19/1999 User ID: LGRAVES

Subject: MISC

Per Applicant: Purpose of proposal is to minimize sediment
entering the reservoir. Wildlife uses are for waterfowl and
other wildlife that use the pond.

Source of water aka Hembry Creek Irrigation Drainage.

Per IDWR: Flow-through rate assumed for proposal. CFS not
necessary (per Shelley Keen 12/7/1999)

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED

OCT 12 2000



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 8, 1999

Legal Notices Department
Long Valley Advocate
PO Box 1079
Cascade, ID 83611

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 3, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED
OCT 12 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
OCT 12 2000

65-13907

US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE, ID 837027298

Source: UNNAMED STREAM

Tributary: CASCADE RESERVOIR

Diversion Pt: SWNE Sec 23 T 15N R 03E in VALLEY County.

Use: WILDLIFE STORAGE	(	7.00 AF)
WATER QUAL. IMPR. STOR	(	7.00 AF)
Total Diversion:	(	7.00 AF)

Date Filed: 9/27/1999

In: VALLEY County
T15N R03E S23 SWNE

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

MICROFILMED

OCT 12 2000

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 12/15/1999 & 12/22/1999

MICROFILMED

OCT 12 2000