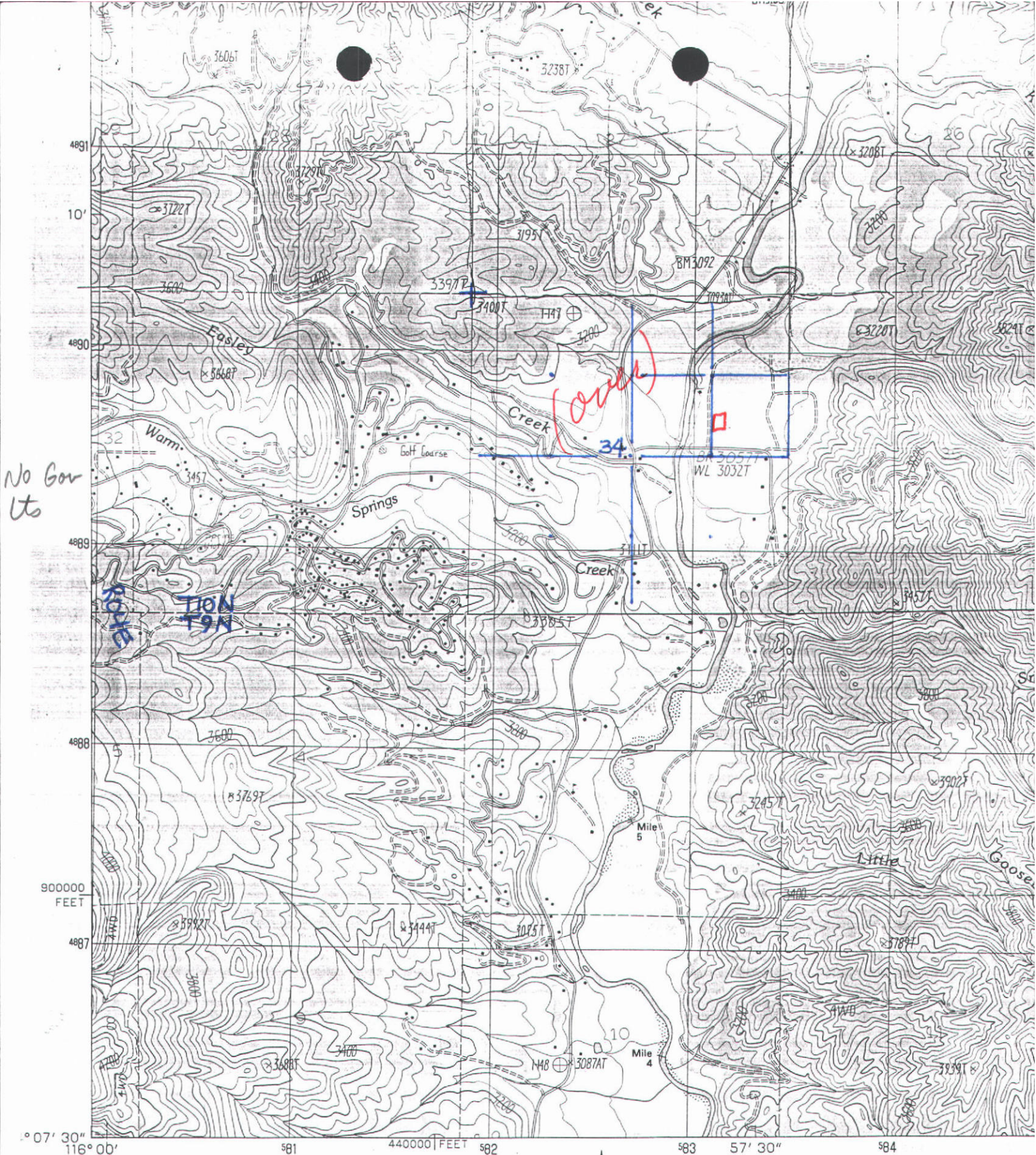
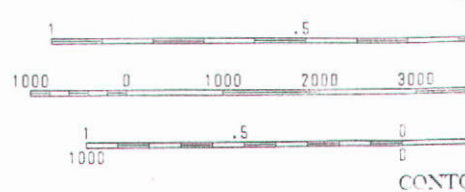




PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1983-84
FIELD CHECKED 1985 MAP EDITED 1988
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
UTM GRID DECLINATION 0°44' EAST
1988 MAGNETIC NORTH DECLINATION 17' EAST
VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
To place on the predicted North American Datum of 1983,
move the projection lines as shown by dashed corner ticks

65-13778
MICROFILMED
AUG 10 1998
PROVISIONAL MAP
Produced from original



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 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. 65-13778 Telephone No. 208-462-2617
2. Name of Permit Holder(s): Otto & Mary Bennig
3. Mailing Address: 11 River Meadow Dr
City Garden Valley State Id Zip 83622
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 09 / yr. 95
Well Driller: SOS Drilling Permit Number: 65-95-W-0326-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1.5 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .07 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 _____ or No X
Has the measuring device been installed? Yes _____ or No _____
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: _____ Telephone Number: _____
Address: _____
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: Otto Bennig Date: 06/23/2003
(include your title, if on behalf of company or organization)

MICROFILMED
SEP 09 2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13778

Proposed Priority: April 8, 1998

Maximum Diversion Rate:

0.07 CFS

This is to certify, that OTTO BENNIG
MARY BENNIG

11 RIVER MEADOW DR
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.05 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
Totals		0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 34, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	34	SENE	1.5		1.5

Total number of acres irrigated: 1.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.

MICROC-FILMED
AUG 10 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

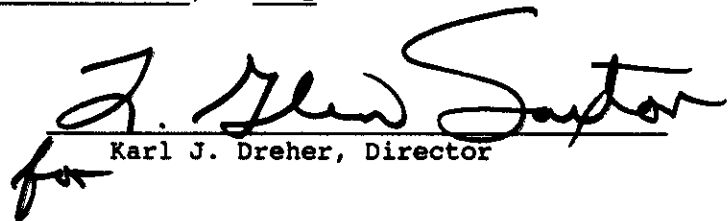
NO. 65-13778

CONDITIONS OF APPROVAL AND REMARKS

7. Point of diversion and place of use is located within Lot 29, Blk. 2, Middlefork Meadows Subdivision.
8. Domestic use is for 1 home 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

26 day of June, 1998.


Karl J. Dreher, Director

MICROFILMED
AUG 10 1998

RECEIVED

JUN 19 1998

RECEIVED

APR 09 1998

WATER RESOURCES
WESTERN REGION

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 65-13778

RECEIVED

APR 08 1998

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: OTTO BENNIG 208-368-3836
Address: 11 RIVER MEADOW DR
GARDEN VALLEY ID 83622
AND/OR
Name: MARY BENNIG 208-368-3836
Address: 11 RIVER MEADOW DR
GARDEN VALLEY ID 83622
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SENE Sec. 34, Township 10N, Range 04E
BOISE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.050		
DOMESTIC	01/01	12/31	0.020		
5. Total quantity to be appropriated is:
0.070 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING 6" X 103' WELL WITH PUMP.
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 103
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 09/05/1995
Drilling Firm SOS DRILLING UNDER PERMIT 65-95-W-0326-000.
Well was drilled for ROBERT KERCHUSKY (FORMER OWNER)
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

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AUG 10 1998

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
10N 04E 34	SENE 01.5			1.5

Total number of acres irrigated: 1.5

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks: *Applicant agrees to mitigate consumption
here in the future as needed.*
11. Map of proposed point of diversion and place of use attached? ☒

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

Otto Benning
Applicant

Received by CS Date 4/8/98 Time 10am Preliminary check by CS

Fee \$ 50.00 Receipted by CS #C041992 Date 4/ 8/1998

Publication prepared by AT Date 4-30-98 Published in Idaho World

Publication approved Kb Date 5/22/98 ^{5-6 + 13-98}

MICROFILMED

AUG 10 1998

Ident. No. 65-13778

Comments: Date: 4/ 8/1998 User-ID: CZIMMERM

Subject: DIVERSION DESCRIPTION

Existing 6" x 103' well drilled 1995 by SOS under 65-95-W-0326
for domestic use.

Place of use is located within Lot 29, Blk. 2, Middlefork Meadows
Subdivision. cz.

MICROFILMED

AUG 10 1998

OTTO BENNIC

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• •
• •

15



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

July 29, 2003

OTTO BENNIG
MARY BENNIG
11 RIVER MEADOW DR
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13778

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

SEP 09 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13778

Reviewed By: dgibson

Date: July 28, 2003

	<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.:	65-95-W-0326-000	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	C069711		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		06/23/2003
Date proof due	-	07/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/08/1998
New priority date	=	04/08/1998

Deficiencies of Actions Items

Acknowledge proof.

April 30, 2003

OTTO BENNIG
MARY BENNIG
11 RIVER MEADOW DR
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13778

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 July 01, 2003. (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.

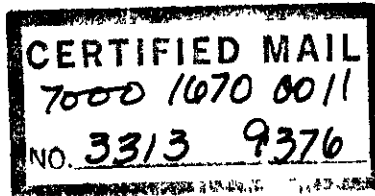
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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
SEP 09 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 29, 1998

OTTO BENNIG
MARY BENNIG
11 RIVER MEADOW DR
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13778

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.

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

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

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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

AUG 10 1998

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,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

AUG 10 1998

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of June, 1998, 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. 65-13778

OTTO BENNIG
MARY BENNIG
11 RIVER MEADOW DR
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 10 1998

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.

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.

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AUG 10 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 65-13778 Name: Bennig Date: 6/24/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A/P17
- ~~< 1 year~~ no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0 24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ~~≤ 0 24 cfs/5 acres~~ - ~~No MD~~
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0 24 cfs/5 acres - 01M (report when notified)
- ≤ 0 24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDAQ3) - 046/P23
- In Basin 34? - 085
- Irr within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)

- IN/ABOVE MIN STR FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD #)
- > 0 10 cfs - 01J-P08 (MD & LD)
- ≤ 0 10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- ≤ 0 24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0 24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0 24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA
- >1 in rest area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- ~~→ 5 acres~~ - R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use), 17G (FERC) or 17M (FERG), 18B-P09, >25 cfs-P18
- Stockwater - R37 (BLM/USFS), NA
- Storage (✓ 3 compo) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

DWB5/1 2 WSQ-60/LT29 R2 Muddyfork Meadows Subd.
7/1/2003

3/98

RECEIVED

JUN 19 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES
INITIAL REVIEW BY: gDATE: 4/13/98APPLICATION: 65-13778

adv. Xeta
N/A
4/21/98
-8

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: Gov't. Lots: P/D
- ☒ Nature of proposed use: (Include description of use) P/U
- ☒ 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

ADDITIONAL INFORMATION

~~to be~~ ADVERTISE REMARK(S)

(Reviewer identify which remarks)

YES NO

done ☒ T FLAG CHANGED TO P FLAG

- ☒ *small* Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ *N/A* Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ *N/A* Bull trout impact area
- ☒ 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:
- ☒ Send 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

will permit upgrade money (\$165)
(see attached letter)

Date Requested 4/13/98 Date Response Received

PROCESSING

APP. NO. 65-13778

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ 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 pretest 5-26-98

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 120,046

See below for additional information

Recommended Date or Priority 4/8/98

Recommended by: Ray S Date: 6/17/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with May 6, 1998 and ending with the issue of May 13, 1998.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of May in the year 1998, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

RECEIVED

MAY 18 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12315

NELSON, JAMES T
4150 KINGSWOOD DR
BOISE, ID 83704

Source: UNNAMED STREAM

Tributary: CANYON CREEK

Diversion Pt: SENE Sec 28 T 07N R 04E in BOISE County.

Use: STOCKWATER	(	0.020 CFS)	
STOCKWATER STORAGE	(		2.00 AF)
FIRE PROTECTION STORAGE	(		2.00 AF)
Total Diversion:	(	0.020 CFS)	

Date Filed: 2/8/1996

In: BOISE County
T07N R04E S28 SENE

Mitigation is proposed for consumptive losses from existing pond

65-13778

BENNIG, OTTO
BENNIG, MARY
11 RIVER MEADOW DR
GARDEN VALLEY, ID 83622

Source: GROUNDWATER

Diversion Pt: SENE Sec 34 T 10N R 04E in BOISE County

Use: IRRIGATION	(	0.050 CFS)	
DOMESTIC	(	0.020 CFS)	
Total Diversion	(	0.070 CFS)	

Date Filed: 4/8/1998

In: BOISE County
T10N R04E S34 SENE

1.5 ACRES TOTAL

65-13788

GIBSON, TED
GIBSON, HELEN
1304 E 5TH
MERIDIAN, ID 83642

Source: SPRING Tributary: BEAR CREEK

Diversion Pt: SENWSW Sec 28 T 10N R 11E in BOISE County.

Use: DOMESTIC	(	0.040 CFS)	
Total Diversion:	(	0.040 CFS)	

Date Filed: 4/24/1998

In: BOISE County
T10N R11E S28 NWSW

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 on or before MAY 26, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World May 6 and 13, 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Otto and/or Mary Bennis
11 River Meadow Dr
Garden Valley ID 83622

RE: Application for Permit No. 65-13778
Drilling Permit No. 65-95-W-0326-000

Dear Applicants:

The above application for permit to appropriate ground water for irrigation/domestic use was received on April 8, 1998.

According to your application for permit, the proposed well has already been constructed under the above drilling permit, with a \$35.00 fee paid. The well was constructed as an exempted-use domestic well, and its use is presently limited to diversions for a single-family home and no more than $\frac{1}{2}$ acre irrigation. Because the well is now proposed for purposes in excess of domestic use, the drilling permit must be upgraded to non-domestic use.

A \$200.00 drilling fee is required for non-domestic wells. The fee you have already paid has been applied to this amount, and you must submit the balance of \$165.00 so the drilling permit may be upgraded.

In order to avoid further delays, please submit the additional \$165.00 fees by May 1, 1998.

If you have any questions or if I can be of any assistance please contact me at 208-334-2190.

Sincerely,

Lori Graves
Sr. Water Resource Agent

REC'D - 10-11

AUG 10 1998

65-13778

BENNIG, OTTO
BENNIG, MARY
11 RIVER MEADOW DR
GARDEN VALLEY, ID 83622

Source: GROUNDWATER

Diversion Pt: SENE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION	(	0.050 CFS)
DOMESTIC	(	0.020 CFS)
Total Diversion:	(	0.070 CFS)

Date Filed: 4/ 8/1998

In: BOISE County
T10N R04E S34 SENE

1.5 ACRES TOTAL

NOT RECORDED
JUL 10 1998

WD5805NP
(00-5805)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT/LOG INDEX

DATE: 04/08/98
PAGE: 1

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	FLG	ACC	COUNTY
65-95-W-0326-000	0	ROBERT J KERCHUSKY	10N	04E	34	NE NE		L		BOISE

Subdivision Well Site Location and Description: Lot(s): 029
Subdivision Name: MIDDLEFORK MEADOWS Block(s): 002
Well Site Address: GARDEN VALLEY, ID
City, State: GARDEN VALLEY, ID

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Proposed Use of Well: Domestic
Proposed Casing Diameter: 6 In.
Anticipated Bottom Temp: 85f or less
Proposed Depth: 200 Ft.

Well Use Comments:

Driller License No: 0212
Firm Name: SOS WELL DRILLING & PUMP CO INC
Official: FRANK SKINNER

Permit Status:	Filed	Verbal Issued Date:	09/05/1995	Receipt No.	Receipt Date	Fee
		Verbal Issued Time: <td>13:52:25</td> <td></td> <td></td> <td></td>	13:52:25			
		Received Date: <td>09/12/1995</td> <td>W019860</td> <td>09/12/1995</td> <td>\$ 665.00</td>	09/12/1995	W019860	09/12/1995	\$ 665.00
		Approved Date: <td>09/12/1995</td> <td></td> <td></td> <td></td>	09/12/1995			
		Proposed Start Date: <td>09/05/1995</td> <td></td> <td></td> <td></td>	09/05/1995			
		Extension Date: <td></td> <td></td> <td></td> <td></td>				
		Extension Expiration: <td></td> <td></td> <td></td> <td></td>				

Specific Conditions:

Permit Remarks:

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.

The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

MD5805NP
(00-5805)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT/LOG INDEX

DATE: 04/08/98
PAGE: 2

WELL DRILLING PERMIT/LOG INDEX: Permit No. 65-95-W-0326-000 (cont'd)

Conditions of Approval: This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 Degrees F (29.44 C) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

The use of water from this well is for Domestic purposes only which includes irrigation of up to 1/2 acre of land with all combined uses not to exceed 13,000 gallons per day (42-111[A]), or for Domestic uses other than for homes, organization camps, public campgrounds or livestock where the diversion rate and volume does not exceed .04 cfs and 2500 gpd (42-111[B]).

Comments: No Comments Found

WELL DRILLER'S LOG REPORT

Drilling Permit No: 65-95-W-0326-000 Water Right No:
Log Status: Sent To/Microfilmed Injection Permit No:

Nature of Work:	REPLACE	Construction Method:	AIR ROTARY
Casing Diameter:	6 IN.	Static Water Level:	12 Ft.
Depth of Casing:	59 Ft.	Temperature:	F.
Total Depth:	103 Ft.	Production Rate:	12.00 GPM
Screen Installed?	No	Actual Start Date:	09/05/1995
		Well Finish Date:	09/05/1995
		Log Received Date:	09/14/1995
		Certification Date:	09/12/1995

Field Inspection Date:

Inspector:

Well Log Remarks: SURFACE SEAL 18 BENTONITE USED, OVERBORE METHOD.
CASING .250 STEEL 6" DIA FROM +1 TO 59 FT
SC40 PVC 4.5" DIA FROM 32 TO 92 FT
SAW PERFS #160 PVC FROM 52 TO 92 FT
COMPLETED DEPTH 102 FT FROM TOP OF CASING

RESPONSE FORM

**COMPLETE THIS FORM ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED**

Name of Applicant OTTO/MARY BENNIG

Mailing Address 11 RIVER MEADOW DR

GARDEN VALLEY ID 83622

208/368-3836

Application No. 65-13778

Mitigation Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director of Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature Otto Bennig

Date 07/08/98

Please return this form to:

Idaho Dept of Water Resources
WR Permits Section
1301 N Orchard St
Boise, ID 83706