

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22946

Priority: April 11, 2005

Maximum Diversion Volume: 12.0 AF

This is to certify, that MICHAEL J DE BOER
PO BOX 1751
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: MEADOW CREEK

Tributary: LAKE 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	N/A	12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MEADOW CREEK NW¼SW¼ Sec. 26, Twp 18N, Rge 03E, B.M. VALLEY County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N 03E 26										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2008**.
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 the permit holder had no control.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65K.
5. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
6. This right does not grant any right-of-way or easement across the land of another.
7. Wildlife Storage includes 9.1 AF to fill the reservoir, 0.1 AF for continuous re-circulation of stored water through an artificial stream, and 2.8 AF to replace evaporation and seepage losses.

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Department of Water Resources
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NO. 65-22946

CONDITIONS OF APPROVAL CONTINUED

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3RD day of June, 2005.


for KARL J DREHER, Director

AMENDED

Ident. No. 65-22946FORM 202
RECEIVED

MAY 19 2005

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MICHAEL J. DEBOER Phone 208 630-3449 (cell)
208 634-1438 (Home)
Mailing address PO BOX 1751 McCall ID 83638
2. Source of water supply MEADOW CREEK which is a tributary of LAKE FORK CR
3. Location of point of diversion is Township 18N Range 3E Sec. 26 in the $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot , B.M., County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 12 AF for WILDLIFE SPRING purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5 AF for WILDLIFE FROM SPRING 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)
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) cubic feet per second and/or (b) 12 acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source EXISTING DAM FOR ON-STREAM
POND, PUMP(S), PIPE, LINED CHANNEL FOR CIRCULATING SYSTEM
b. Height of storage dam 3.5 feet; active reservoir capacity 9.1 acre-feet; total
reservoir capacity 9.1 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?
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 3 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. WILDLIFE HABITAT

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3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	3E	26										X							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. LAKE FORK IRRIGATION
WATER FOR SEPARATE ACRES

11. a. Who owns the property at the point of diversion? APPLICANT / STEVE CONLEY

b. Who owns the land to be irrigated or place of use? APPLICANT / STEVE CONLEY

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: EMAIL CONFIRMATION (SEE ATTACHED)

12. Remarks: WATER WILL BE PUMPED FROM THE POND INTO BURIED PIPE
THEN DISCHARGED INTO A LINED, OPEN CHANNEL THAT FLOWS
BACK TO THE POND. THE CIRCULATING SYSTEM WILL PROVIDE
OXYGEN, BREEDING BODS & FOOD SUPPLY FOR FISH. SEE ATTACHED
FOR TOTAL VOLUME CALCULATIONS

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.

Steve P. Conley
Signature of Applicant (and title, if applicable)

Received by DB Date 4/11/05 Time _____ Preliminary check by 6
Fee \$ 100 Received by DB # W032644 Date 3-2-05
Publication prepared by AK Date 4-21-05 Published in STAR NEWS
Publication approved AK Date 5-10-05

Pond Capacity Calculations
DeBoer Property

Existing Pond Size: .9 Acres
Existing Pond Ave Depth 7 feet
 $.9 \times 7 = 6.3 \text{ af}$

Pond Expansion Size: .4 Acres
Pond Expansion Ave Depth: 7 ft
 $.4 \times 7 = 2.8 \text{ af}$

Existing: 6.3 af
Expansion: 2.8 af
Total: 9.1 af

Evaporation/Flow through Calculations:
Pond surface area = 1.3 acres $\times$ 2.0 AFA consumptive use
Irrigation requirement = 2.6 AFA

Channel (stream) surface area: $8' \times 120' = .02 \text{ acre} \times 2.0 = .04 \text{ AFA}$

$2.6 \text{ AFA} + .04 \text{ AFA} = 2.64 \text{ AFA}$ additional volume added to allow for evaporation and flow through.

$2.64 \text{ AFA} + 9.1 \text{ AFA} = 11.74 \text{ AFA}$ rounded to 12 AFA total volume

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MAR 02 2005

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

Mike DeBoer

Mailing Address

PO Box 1751

McCall ID 83638

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.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Mike DeBoer

Date

8/15/03

Please return this form to:

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

5060

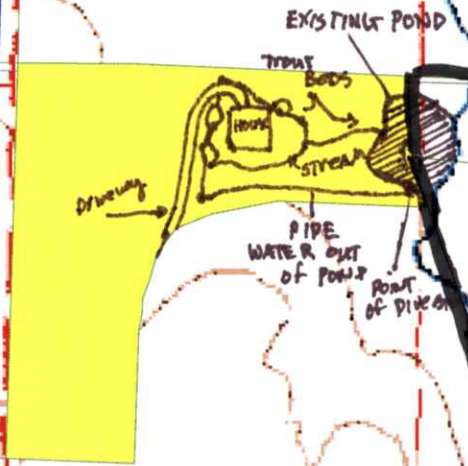
5060

5017

T18N R3E S26
NWSW
No Gov Lts

Meadow

26



STEVE ONLY
OWNS THIS
100 ACRE
PARCEL
(OUTLINED)

5001

Creek

Spring

Fork

5064

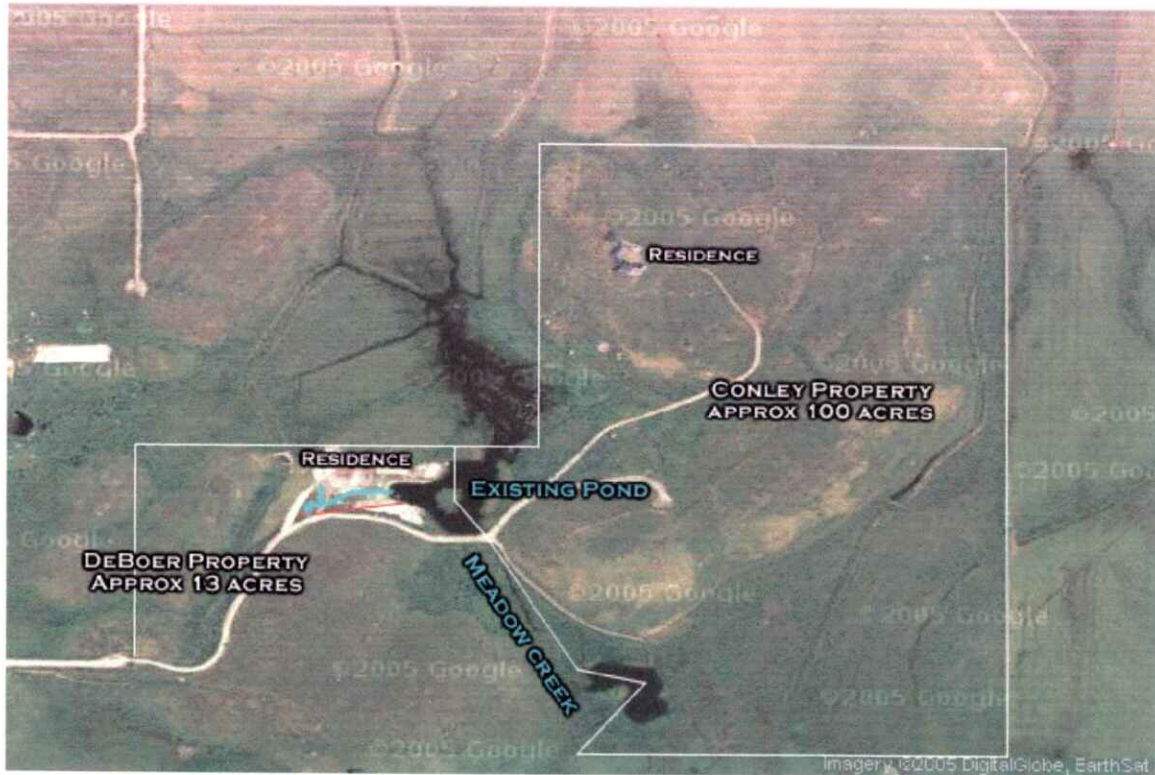
65-22946

Satellite Map of Location 130 Sandhill Lane

Date Taken: Unknown

Red Line represents pipe from existing pond to lined stream

Light blue represents stream flow returning back to pond.



65-22946

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MICHAEL J. DEBOER Phone 208-630-3449 (cell)
208-634-1483 (Home)
Mailing address PO Box 1751 McCall ID 83638
2. Source of water supply MEADOW CREEK AND POND Tributary to Meadow CRK which is a tributary of LAKE FORK CREEK
3. Location of point of diversion is Township 18N Range 3E Sec. 26 in the NW $\frac{1}{4}$, (NWSE)
SW $\frac{1}{4}$, Govt. Lot _____, B.M., Valley County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 8.82 AF for Wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .5 AF for Wildlife From Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .12 AF for Wildlife 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .12 CFS and/or (b) 9.32
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 TWO 5HP SINGLE PHASE PUMPS or ONE 10HP Pump. 10"-14" PIPE for recirculating stream

b. Height of storage dam 3.5 feet; active reservoir capacity 8.82 acre-feet; total reservoir capacity 8.82 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? _____

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 3 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. Creation of Wildlife Habitat for Trout including A LINED STREAM WHICH WOULD DRAW WATER FROM STORAGE POND AND CIRCULATE BACK TO SAME POND. STREAM TO PROVIDE OXYGEN, BREEDING BEDS AND FOOD SUPPLY.

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3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	3E	26										6							6
												W							

Total number of acres to be irrigated 6

10. Describe any other water rights used for the same purposes as described above. 7 MINOR INCHES FAN
lakefront irrigation for other acres.

- Who owns the property at the point of diversion? APPLICANT / STEVE CONLEY
- Who owns the land to be irrigated or place of use? _____
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: LETTER OF APPROVAL FROM OTHER OWNER

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.

Michael T. Ahn
 Signature of Applicant (and title, if applicable)

Received by DB Date 3-2-05 Time 11:30 am Preliminary check by 6
 Fee \$ 100- Received by DB # W032644 Date 3-2-05
 Publication prepared by SK Date 3-21-28-05 Published in STAR NEWS
 Publication approved _____ Date _____

Pond Capacity Calculations DeBoer Property

Existing Pond Size: .9 Acres

Existing Pond Ave Depth: 7 feet

$$.9 \times 7 = 6.3 \text{ AF}$$

Pond Expansion Size: .36 Acres

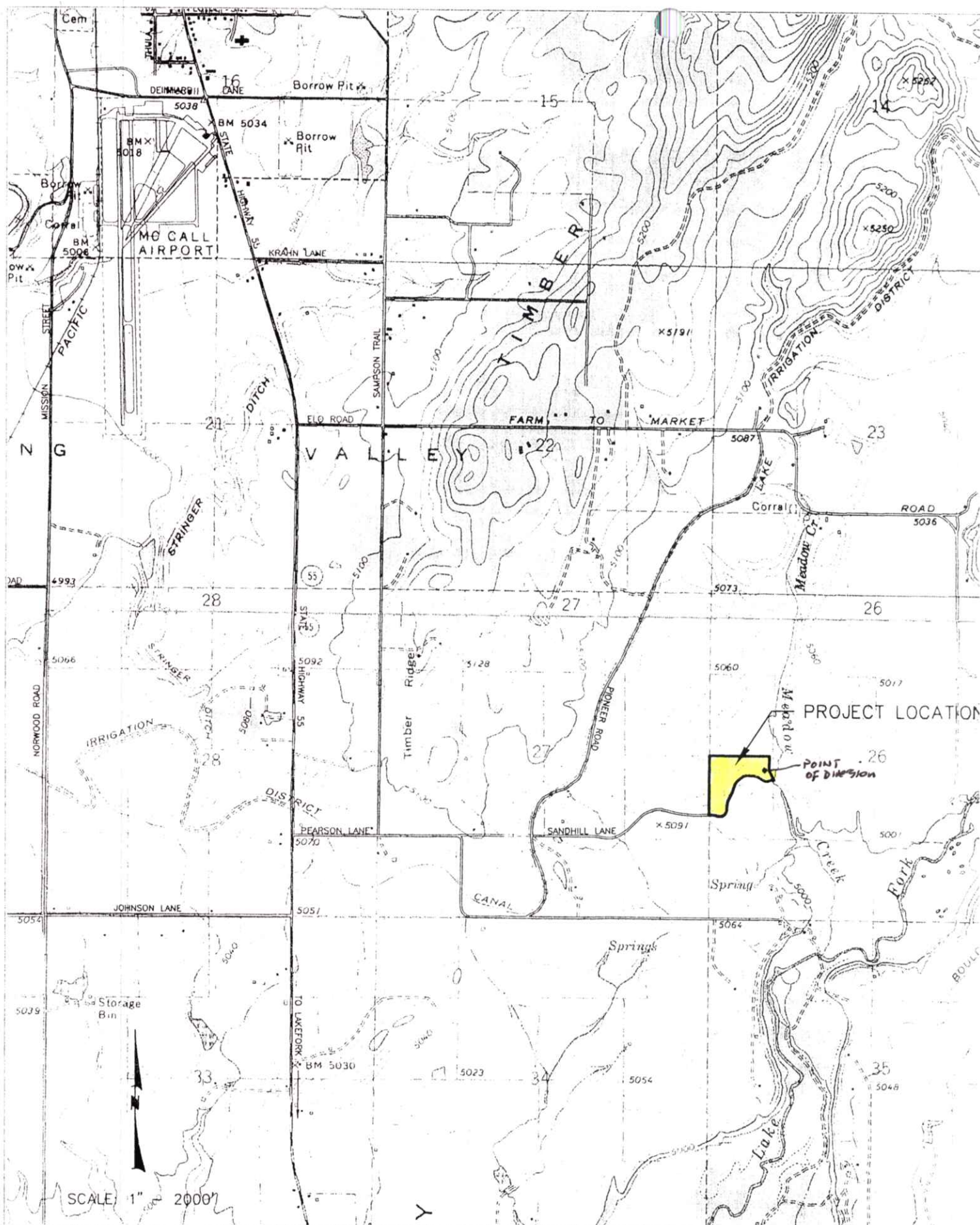
Pond Expansion Ave Depth: 7 Feet

$$.36 \times 7 = 2.52 \text{ AF}$$

Existing: 6.3 AF

Expansion: 2.52 AF

Total: 8.82 AF



SECESH ENGINEERING, INC.
 335 DEINHARD LANE, SUITE 1
 McCALL, IDAHO 83638
 208-634-6336

VICINITY MAP
 DEBOER PROPERTY

Drawing No.: 1 OF 1
 Drawn by: GJ
 Date: 9/1/00

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2005

MICHAEL J DE BOER
PO BOX 1751
MC CALL ID 83638

RE: Permit No. 65-22946

Permit Approval Notice

Dear Permit Holder:

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

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

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

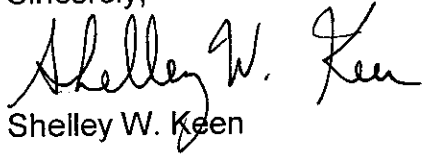
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

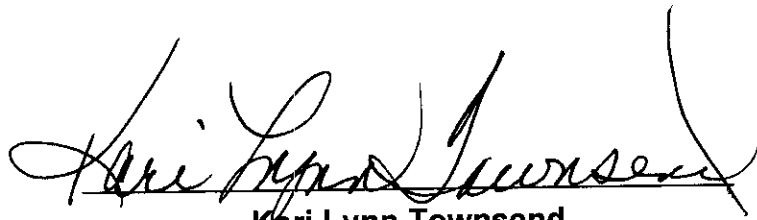
CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22946

**MICHAEL J DE BOER
PO BOX 1751
MC CALL ID 83638**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

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.

MEMORANDUM

Date: June 02, 2005
To: Water Right File 65-22946
From: Shelley Keen *SKF*
Re: Permit Review

PRIORITY DATE -- The application was originally submitted to IDWR, along with the statutory filing fee, on March 2, 2005. At that time, the application requested 8.82 AF for storage and 0.12 cfs for wildlife purposes. On April 11, 2005, the applicant submitted a revised application for 12 AF of storage. Water Appropriation Rule 35.04.c. requires advancing the priority date of an application if the change to the application would result in a greater volume of water being used. Because the volume of water to be diverted for wildlife purposes was not indicated on the original application, and because the greater storage volume shown on the revised application would likely result in a greater consumptive use than under the original filing, the priority date of the application should be advanced to April 11, 2005.

WATER USES

The application included 0.5 AF for wildlife from storage. Because the 0.5 AF is not intended to be released and used, but will just be re-circulated through the reservoir, it is covered by the Wildlife Storage component of the right.

Attn Dan Nelson

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: 65-22946Applicant's Name: Michael DeBoer

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: _____

Dated this 1 day of May, 2005.Water District No: 65-K
Watermaster's Signature

Use reverse side of page if you need more space.

MAY 04 2005

WATER RESOURCES
WESTERN REGION

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began April 21, 2005 and ended April 28, 2005.

Carol J. Wright

Subscribed and sworn before me this the 28th day of April, 2005.
STATE OF IDAHO

COUNTY OF VALLEY

}

On this 28th day of April, in the year of 2005, before me, a Notary Public, personally appeared Carol J. Wright, 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.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06



THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:

65-22945
SAGE SG INC
C/O SIMA MUROFF
1220 20TH ST SE, SALEM OR
97302
Point(s) of Diversion SESW S25
T18N R02E VALLEY County Source
GROUND WATER
Point(s) of Diversion SWSE S25
T18N R02E VALLEY County Source
GROUND WATER
Point(s) of Diversion L1 (SESE)
S25 T18N R02E VALLEY County
Source GROUND WATER
Point(s) of Diversion NENW S36
T18N R02E VALLEY County Source
GROUND WATER
Point(s) of Diversion L11 (SWSW)
S30 T18N R03E VALLEY County
Source GROUND WATER
Point(s) of Diversion
SWNW S12 T17N R02E VALLEY
County Source GROUND WATER
Point(s) of Diversion
NWWSW S12 T17N R02E VALLEY
County Source GROUND WATER
Use: IRRIGATION 04/15 To 10/31
2.84 CFS
Use: DOMESTIC 01/01 To 12/31
0.65 CFS
Use: FIRE PROTECTION 01/01 To
12/31 3.34 CFS
Total Diversion: 5 CFS
Date Filed: 01/07/2005
Place Of Use: IRRIGATION, Do-
mestic, Fire Protection
T17N R02E S1, 2, 11, 124
T18N R02E S5, 36
T18N R02E S30, 31
NWNW Lot 1
Number of Acres 142
Remark: Applicant agrees to mitigate
consumptive use in the future as needed.
Domestic use is for 250 homes in
Blackhawk Ranch and Blackhawk Lake
Subdivisions.
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
05/09/2005. The
protestant must also send a copy of
the protest to the applicant,
KARL J DREHER, Director P u b-
lished in the Star News on April 21 and
28, 2005.
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
65-22946
MICHAEL J DE BOER, PO BOX
1751
MC CALL ID 83638
Point(s) of Diversion
NWSW S26 T18N R03E VALLEY
County Source MEADOW CREEK
Thruway To LAKE FORK
Use: WILDLIFE STORAGE 01/01
To 12/31 12 AFA
Use: WILDLIFE FROM STORAGE
01/01 To 12/31 0.5 AFA
Total Diversion: 12 AFA
Date Filed: 03/02/2005
Place Of Use: WILDLIFE FROM
STORAGE
T18N R03E S26 NWSW
T18N R03E S26 NWSW
Place Of Use: WILDLIFE STOR-
AGE
T18N R03E S26 NWSW
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
05/09/2005. The
protestant must also send a copy of
the protest to the applicant,
KARL J DREHER, Director 21c4/28



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

April 15, 2005

STEVE CONLEY
174 SANDHILL LN
MCCALL ID 83638

Re: Water Right Application for Permit No. 65-22946 in the Name of Michael
DeBoer

Dear Interested Parties:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) 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 you desire 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 May 9, 2005.

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

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

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

April 14, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached is a copy(s) of one or more applications that may be of interest to your agency. Please review the application(s) 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 any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 9, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



65-22946.pdf



67-14548.pdf



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

April 14, 2005

JOHN LEEDOM
WATER DISTRICT 65K
370 KNIGHTS RD
MCCALL ID 83638

Re: Application(s) for Water Right no. 65-22946 in the Name of Michael
DeBoer

Dear Watermaster:

Enclosed are copies of one or more applications. Also enclosed is a form for your recommendation concerning these application(s).

Please review the application(s). We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

334-2190 phone
334-2348 fax

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

April 14, 2005

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Application for Permit No. 65-22945 and 65-22946

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find 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 05/09/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

65-22946

MICHAEL J DE BOER
PO BOX 1751
MC CALL ID 83638

Point(s) of Diversion	NWSW	S26	T18N R03E	VALLEY County	Source	MEADOW CREEK
Tributary To LAKE FORK						
Use:	WILDLIFE STORAGE	01/01 To 12/31			12 AFA	
Use:	WILDLIFE FROM STORAGE	01/01 To 12/31			0.5 AFA	
Total Diversion:					12 AFA	

Date Filed: 03/02/2005

Place Of Use: WILDLIFE FROM STORAGE
T18N R03E S26 NWSW

Place Of Use: WILDLIFE STORAGE
T18N R03E S26 NWSW

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 05/09/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on April 21 and 28, 2005.

RECEIVED

APR 11 2005

WATER RESOURCES
WESTERN REGION

April 8, 2005

Lori Graves
Sr. Water Resource Agent
State of Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83638

Dear Lori,

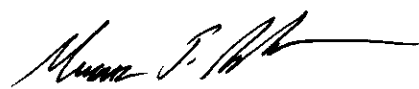
Again, I appreciate your patience and assistance you have given to me in my application. Your entire department has truly been a great resource.

Enclosed is the amended permit application. As I mentioned on the phone we are in the process of purchasing Lot P from Mr. Conley, but at the time of this application, he still owns the land (our scheduled closing date is May 15th, 2005). I did receive his permission for this project, however, both verbally, and via email in September of 2003.

I have also enclosed a topo map of the property with the proposed trout stream, house location, and piping from the pond.

Please call me if you have any questions. My cell phone number is 208-630-3449.

Best Regards,



Michael J. DeBoer
PO Box 1751
McCall, ID 83638
imike@inidaho.com



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

March 31, 2005

Michael DeBoer
PO Box 1751
McCall ID 83638

Re: Application For Permit

Dear Mr. DeBoer:

The department received your application for permit for a pond on Meadow Creek 3/2/2005. Based on our telephone conversation 3/31/2005, it appears that the several items on the application need to be modified. I have enclosed a draft application addressing the items we discussed. Please complete the blank application accordingly and return it to my attention along with the following items:

1. Revised calculations (similar to draft attachment) accounting for total pond capacity and evaporation/flow through water.
2. Description of your arrangement with Mr. Conley enabling you to submit the proposal since he owns part of the place of use and/or point of diversion.
3. Schematic of the proposal indicating locations of the dam, pond, portion of pond owned by Conley, buried pipe and channel. Included are topo maps magnified to your 40-acre tract that may be helpful.

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. Please contact me at 334-2190 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resource Agnet

Encls

RECEIVED

MAR 02 2005

WATER RESOURCES
WESTERN REGION

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

Dear Steve,

I appreciate the assistance you and your department have provided in my application process. Please let me know if there is any further information I can provide.

Project Summary:

I have been working with the Corp of Engineers and the Natural Resources Conservation Service to help create a wildlife habitat. The habitat is currently home to elk, deer, coyote, fox, otter, and many other wildlife. The pond, however, currently does not support fish because there are no breeding areas present.

The pond itself has been in place for many years and is fed year-round by Meadow Creek. By expanding the pond we will create additional storage for the downstream flows used in the irrigation season as well as deepen the pond for wildlife. Additionally, the project includes an artificial stream which will be designed to support fish and provide breeding beds needed to sustain a trout population. The entire stream portion will be lined to prevent water loss into the soil.

Although we have less than one minor inch per acre for irrigation on our current property, this application does not include any water for irrigation. We have also received a wetland permit from the Corp of Engineers. Last year I met with Lake Fork Irrigation to discuss the permit and they did not see any problem with a permit for recalculating the water for the wildlife habitat.

We would like to begin this project this spring or early summer. Please contact me if you have any questions or concerns. Again, I appreciate your department's help in this project.

Sincerely,



Mike DeBoer
208-630-3449

Encl:
Check #4378, Pond Capacity Calculations, Request to Process, Vicinity Map, Application, Site Plan

Mike

From: Steve Conley [kaniksu@hotmail.com]
Sent: Friday, September 26, 2003 12:21 PM
To: mike@inidaho.com
Subject: Pond Enhancements

Dear Mike,

This is confirmation of my approval of the pond modifications as outlined in your to me dated 28 Aug 2003. Please keep in mind that in the future we, meaning several other property owners, would like to raise the lake level by as much as 6 to 10 feet and create a lake community that would be truly unique in Valley County. To that goal I would like you to consider the elevation of your building site and ponds so that a future lake could compliment your property.

Still up in the air about getting to McCall next week but if I can swing it i would like to meet over coffee if you have the time. I think we both have good ideas about the future of this area.

Regards,
Steve

Instant message with integrated webcam using MSN Messenger 6.0. Try it now FREE!
<http://msnmessenger-download.com>



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 5, 2003

MICHAEL J DEBOER
PO BOX 1751
MCCALL ID 83638

Re: Application for Permit for Wildlife Pond

Dear Mr. DeBoer:

Enclosed is your recent draft application for permit for the pond and irrigation project you described to me during a telephone conversation last month. It sounds like a very interesting project. I also enclosed an edited copy of your draft plus a fresh application form.

Your application might be protested. There has been considerable concern expressed by numerous water users regarding pond projects in your area. You might be able to mitigate those concerns by focusing on the following items:

- pond has been in place for many years so storing water does not introduce a new problem
- pond will be slightly enlarged for a recirculating system for wildlife habitat, and reuse of stored water will minimize the need for additional water to refill the pond during each year
- enhanced pond will create a more secure year around storage facility to enhance downstream natural flows later in the irrigation season, acting like a beaver pond. Such ponds have proved beneficial to watersheds in many circumstances.

Protests might depend on the existence of any downstream diversions from Meadow or Lake Fork Creeks. If the situation becomes hard to resolve, you could consider eliminating irrigation from the filing to minimize adverse impacts on the downstream water supply.

Please see the notes concluding this letter to help you sort through the water right issues if you decide to file the application.

APPLICATION NOTES

- Source should include a pond tributary to Meadow Creek plus the creek. This is typical for any existing ponds. Diversions from the sources would be considered a single system eligible to be on one application.
- Include information to identify your best estimate of the total pond capacity once it is redesigned. You need a storage right for all the water to be held in the pond. Capacity should be expressed in acre feet (af). Estimate the total surface area of the pond (acres) and multiply that by the average depth (feet) of the pond to show total af to be stored. One acre equals 43,560 square feet. Include your calculations with the application.
- Total af should be listed in application items 4 (wildlife storage), 5 (af per annum to be stored), and 6 (active and total capacity of the pond).
- It is acceptable to list 0.5 af as “wildlife from storage” for the recirculating portion of the use.
- Include 0.12 cfs “wildlife” in water uses. This allows the pond to be replenished as needed. This term is needed because storage allows the pond to be filled just once per year.
- If the dam/dike to hold the storage water will not be on Meadow Creek, include 0.12 cfs “diversion to storage” (or a higher rate of flow if applicable) to divert water from the creek to the pond.
- It is not necessary to include “irrigation storage” and “irrigation from storage” of the pond water. Your application correctly describes irrigation from the natural flow of the creek instead of from the stored water.
- Be sure the points of diversion (P/D) and places of use (P/U) are marked on the topo and agree with application items 3 and 9. The draft application lists a P/D in NWSW but a P/U in SWNW. Show 6 acres of irrigation but delete the 3 currently shown in the draft P/U item. “Total number of acres to be irrigated” in application item 9 refers to acres under this application, not total acres under all rights combined.
- A completed “Request to Process” form is necessary to address consumptive use from irrigation and from pond evaporation.

Michael J. DeBoer

August 5, 2003

Page 3

- The filing fee depends on the total cfs or the total af of storage, whichever results in a higher fee. \$100 covers up to 0.20 cfs and up to 20 af. You do not have to pay a fee for the cfs and a separate fee for the af of storage.
- Approval of the application might include a condition requiring a stream channel alteration permit (the "Joint 404 Permit" between US Army Corps of Engineers and IDWR) for the return flow from the pond back into the creek upstream from the pond if the design envisions that function. You probably would not need this separate approval if the recirculated water were pumped back into the upper reach of the pond. You could explore this issue with the Corps since you are already working with that staff.
- The P/U includes the entire pond, the recirculating channel and the acres to be irrigated. You need to either own all of the P/U or otherwise show a possessory interest in the P/U. If you do not own a portion of the P/U, identify the other owner and explain your ties to the unowned portion of the P/U (easement, contract, verbal agreement etc. allowing you to hold a water permit on land you do not own).
- Applications for permit received during July through October are subject to a "field season processing delay." This allows IDWR to focus on critical fieldwork needing attention during that time. Full processing of applications will resume by early November. Expect about three to four months for processing to be completed if protests are not filed.

Please contact me at your convenience if you have any questions.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

CC: Lori Graves, IDWR Western Region

RECEIVED

Ident. No. _____

JUL 14 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MICHAEL J. DEBOER Phone 208-630-3449 (C)
Mailing address PO Box 1751 McCall ID 83638
2. Source of water supply Meadow Creek which is a tributary of Lake Fork Creek
3. Location of point of diversion is Township 18N Range 3E Sec. 26, in the NW 1/4, SW 1/4, Govt. Lot _____, B.M., Valley County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

* Amount 1.3 AF for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .5 AF for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .12 cfs for IRRIGATION purposes from 4/15 to 10/31 (both dates inclusive) 4/15-10/31
(cfs or acre-feet per annum) IRRIGATION
Amount .12 cfs for wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) wildlife
Amount .12 cfs for diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) diversion to storage
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .12 cubic feet per second and/or (b) * 1.8 acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source PUMPS used for re-circulating stream and for sprinkler irrigation.

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

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 5 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. IRRIGATION AND creation of wildlife Habitat FOR Trout INCLUDING A stream which would draw water from storage pond and circulate back to same pond. Stream to provide oxygen, breeding beds, and food supply.

* show capacity of pond in AF here. assume active = total capacity in item 6.

COPY

SW or NW SW?
6 Acres, not 3

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	3E	26							6										
18N	3E	26							3										
									W										

Total number of acres to be irrigated 12 6 (not 13 in all rights combined)

10. Describe any other water rights used for the same purposes as described above. 7 MINOR INCHES FROM Lake for irrigation for other acres

11. a. Who owns the property at the point of diversion? SELF

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

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: Please see ATTACHED COVER LETTER AND DRAWINGS.

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.

Murray J. Rhoad
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

include - topo
- Request to process form re consumptive use
Fee based on total cfs or total storage at, whichever
Fee is higher.

NW5W

1 wrAdjudicationRecommendation

1 wrAdjudicationRecommendation

1 wrAdjudicationRecommendation
wrWaterRight

Jan 22

wrWaterRight

July 14, 2003,

RECEIVED

JUL 14 2003

WATER RESOURCES
WESTERN REGION

Dear Department of Water Resources,

This is my first application for a new water right so I thought I would write a cover letter to help explain what I am trying to do. My wife and I own 13 acres south of McCall. Meadow Creek runs throughout the year on the property. This is a tributary to Lake Fork. On the property is an existing pond that was man made at least 15 years ago by the developer. When they dug the pond they put the fill on the banks that has caused the groundwater coming down the hill to collect in this area and then eventually evaporate. This area is wetlands.

I have met with Greg Martinez from the Corp of Engineers and we are going to remove this area of wetlands to allow the water to return to the draw like it did prior to the pond being built. By doing this we will be reshaping the existing pond and expanding it by approximately 75 ft x 75 ft.

We are also working with the Idaho Department of Fish and Game and the Natural Conservation Resource to make this area into a viable wildlife habitat and fish habitat.

Which leads me to the next part of the permit... We are hoping to build a stream, which would draw water from the pond and put it into a man-made, lined stream flowing approximately 200-300 ft. This would provide much needed oxygen as well as a food supply and spawning beds for rainbow trout. The water would be re-circulating and return to the pond it was originally drawn from. We do not have a final assessment of water flows needed but we need at least 1 CFS to provide the necessary wildlife conditions. We originally were going to apply for this right as a non-consumptive, but it is my understanding that there would be evaporation loss so we needed a consumptive permit. I am assuming that since the stream returns the water to the source, the actual amount we use will be minimal, which is why our permit is for .5 acre-feet per annum.

The third part of our application is for irrigation. We currently receive 7 minor inches from Lake Fork Irrigation district. This irrigation water flows from the opposite end of the property through irrigation ditches. We would like to apply for another 6 minor inches, which would be drawn from the streams natural water flow via pumps and used in a sprinkler system on the property. It is my understanding that you usually have 1 minor inch for each acre and we do not currently have enough to irrigate the entire property.

I realize that this may be quite confusing, but we are trying to do everything right with all involved and appreciate your assistance in making this application correct. I have attached photos of the proposed plan as well as a location map. If you have staff in this area it would be great for them to view the area for a full understanding of the project.

Sincerely,



Mike DeBoer, 208-630-3449