

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22912

Priority: August 25, 2004

Maximum Diversion Volume: 100.0 AF

This is to certify, that JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: WILHELM CREEK

Tributary: BOULDER CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	100.0 AF
WILDLIFE STORAGE	01/01 to 12/31	100.0 AF
RECREATION STORAGE	01/01 to 12/31	100.0 AF

LOCATION OF POINT OF DIVERSION:

WILHELM CREEK NE¼SW¼ Sec. 12, Twp 17N, Rge 03E, B.M., VALLEY County

PLACE OF USE: AESTHETIC STORAGE, WILDLIFE STORAGE & RECREATION 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
17N 03E 12							X	X	X	X							

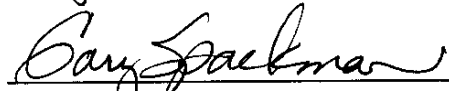
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2010**.
2. Subject to all prior water rights.
3. The consumption of water under this right is currently attributable to the use of the same water under Right 65-2941.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. 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.
6. 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. 65D.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22912

7. 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.
8. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
9. Rights 65-2941 and 65-22912 when combined shall not exceed a total annual diversion volume of 100.0 af.
10. Recreation storage use is for fishing, golfing & swimming.
11. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of February, 2005.


FOR KARL J DREHER, Director

FILED - 1 2005
DEPARTMENT OF
WATER RESOURCES

Ident. No. 65-22912 12/99

RECEIVED
25
AUG 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant Jug Mountain Ranch LLC Phone (208) 634-7641

Mailing address c/o Millemann Pittenger McMahan & Pemberton, P.O. Box 1066, McCall, ID 83638

2. Source of water supply Wilhelm Creek which is a tributary of Boulder Creek

3. Location of point of diversion is Township 17N Range 3E Sec. 12, in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot Valley County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount ¹⁰⁰ 122 afa for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ¹⁰⁰ 122 afa for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount ¹⁰⁰ 122 afa for recreation storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) ¹⁰⁰ 122 afa
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 Jussila Bow Reservoir, 122 af
capacity; existing earthen dam;

b. Height of storage dam 24 feet; active reservoir capacity 122 acre-feet; total
reservoir capacity 122 acre-feet *SEE D65-2941 file*

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 5 years (minimum 1 year)

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

- Hydropower; show total feet of head and proposed capacity in kW.
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Aesthetic, wildlife, and recreation storage in Jussila Bow. Recreation uses include fishing, golfing, and swimming.

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	12							J	J	J	J							

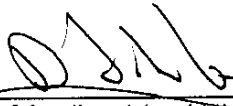
J = aesthetic storage; same place of use for wildlife storage and recreation storage

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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Jussila Bow Reservoir stores water for irrigation purposes under water right 65-2941. Applicant seeks to also store water for aesthetic, recreation, and wildlife purposes. No additional storage capacity is proposed. No changes to the reservoir or dam are proposed.

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.



Signature of Applicant (and title, if applicable)

Received by KG Date 8/25/04 Time 10:08 Preliminary check by 82
Fee \$ 25000 Receipted by KG # W032156 Date 8/25/04
Publication prepared by sk Date 12-16-23-04 Published in STAR NEWS
Publication approved sk Date 1-6-05

FILED EFFECTIVE



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2004 MAR 25 AM 8:42

STATE OF IDAHO

1. The name of the limited liability company is:

JUG MOUNTAIN RANCH LLC

2. The street address of the initial registered office is:

706 North 1st Street, McCall, Idaho 83638

and the name of the initial registered agent at the above address is:

Steven J. Millemann

3. The mailing address for future correspondence is:

c/o Steven J. Millemann, P.O. Box 1066, McCall, Idaho 83638

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
<u>D. John Carey</u>	<u>P.O. Box 1066, McCall, Idaho 83638</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

6. Signature of at least one person responsible for forming the limited liability company:

Signature: Typed Name: D. JOHN CAREYCapacity: ManagerSignature: Typed Name: Capacity:

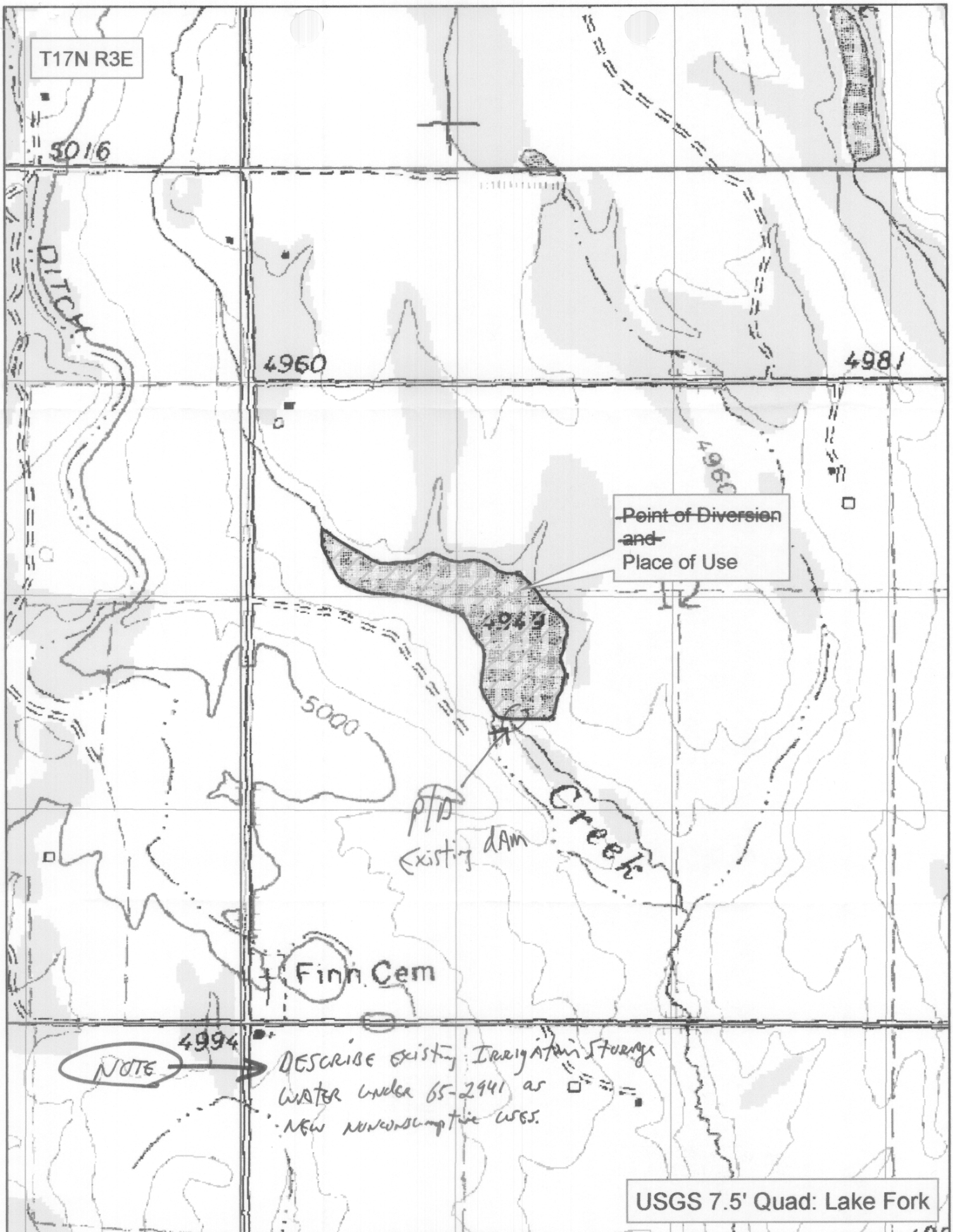
Secretary of State use only

g:\corp\form\llc\form\llcorgn.zafior.pdf
Revised 07/2002

Web Form

IDAHO SECRETARY OF STATE
03/25/2004 05:00
CK: 12547 CT: 5652 BH: 735370
1 @ 100.00 = 100.00 ORGAN LLC # 8
1 @ 20.00 = 20.00 EXPEDITE C # 9

W 29491



NO govt luts -82 12/2/04

65-22912

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

February 9, 2005

JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL ID 83638

RE: Permit No. 65-22912

Permit Approval Notice

Dear Permit Holder:

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

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

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

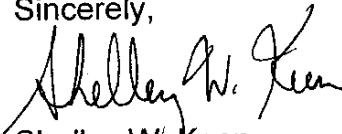
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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 being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

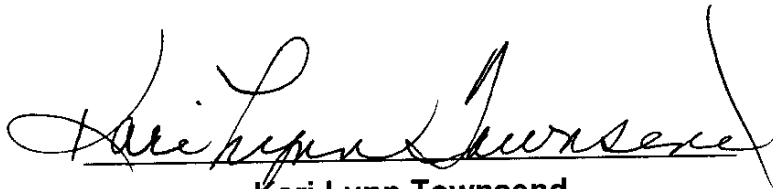
I hereby certify that on February 9, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22912

**JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL ID 83638**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**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.

Comment Report

65-22912

1. slester 12/2/2004 Legal Notice Remarks

Comment: Proposes non-consumptive uses of water already stored under an existing irrigation right for Jussila Bow Reservoir. Dam or reservoir expansion is not proposed.

2. kwalker 2/2/2005 Permit Review

Comment: Recommend approval as described by region.

RECEIVED
JAN 21 2005
Department of Water Resources

CONVERSATION MEMORANDUM

File: #65-22912—Jug Mountain Ranch LLC

Party: Jerry Greenland, Watermaster, Boulder Creek Water Dist. 65D

From: J. Westra, Western Reg.

Date: 1/20/05

RE: Advertisement Application for Permit #65-22912

* On 1/20/05, I called Mr. Greenland to alert him the above described application was going to be advertised in the McCall paper shortly. The application purpose is to document new beneficial uses of the storage water in the Jussila Bow Reservoir on Wilhelm Creek resulting from the development of the Carey golf course. The reservoir storage capacity will not increase, nor will regulation by the Watermaster for irrigation delivery change. Mr. Greenland indicated, he was going to ask Mr. Carey to install a new staff gauge on the creek upstream to aid in irrigation release measurements.

The Watermaster had no issues with the application. He would inform George Duncan, the District Chairman and other key water users that would be concerned. We agreed that questions could be addressed at the Water District meeting the first week in March.

-Please consider this memo as the Watermaster's recommendation: *not to oppose approval of the application.*

* advertising already completed -SZ 1/20/05

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: January 7, 2005

RE: Application 65-22912 Conditions of Approval

This application simply renames existing storage water developed for irrigation under 65-2941. The applicant wants recognition of non-irrigation storage to accommodate anticipated development (homes etc.?) near the site. The applicant is not asking to store water beyond that water already stored for irrigation.

This means no new development can be approved. For example, as the reservoir diminishes due to irrigation use in any particular year, the reservoir cannot be refilled for other uses under 65-22912. The new approval will allow whatever irrigation storage water is present to be recognized for non-irrigation storage.

Watermaster reply to 12/8/04 request for comments was not received. The reservoir is already controlled by the watermaster under the older right. This is another of the rare cases in which permit approval without written watermaster comments should be acceptable.

Proposed Conditions of Approval

Standard conditions.

Subject to Boulder Creek Watermaster 65D control.

Does not authorize additional development, additional storage or refill of existing storage beyond than already authorized under right 65-2941.

Limited to 100 af of storage when combined with right 65-2941.

This right is for a non-consumptive use (consumption covered by 65-2941).

Remains subject to dam safety certification, controllable diversion works and measurement device requirements based on right 65-2941.

Allow 5 years (since not sure when or at what rate surrounding area will need less irrigation water, could vary over time).

Possible future mitigation n/a since a new consumptive use is not involved.

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 December 16, 2004 and ended December 23, 2004.

Carol J. Wright

Subscribed and sworn before me this the 23rd day of December, 2004.
STATE OF IDAHO

COUNTY OF VALLEY

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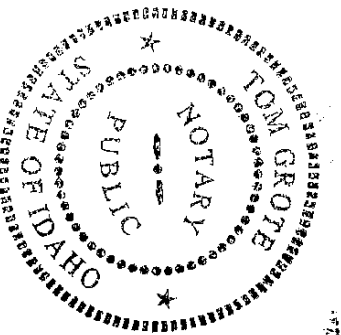
On this 23rd day of December, in the year of 2004, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote

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

RECEIVED
DEC 27 2004

WATER RESOURCES
WESTERN REGION



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

65-22911

WHITETAIL A CLUB FOR ALL SEASONS LLC, ONE MARKET PLACE 33RD FLOOR, SAN DIEGO CA 92101

Point(s) of Diversion: SENE S12 T18N R02E VALLEY County Source GROUND WATER Point(s) of Diversion NWSE S12 T18N R02E VALLEY County Source GROUND WATER Point(s) of Diversion SENE S12 T18N R02E VALLEY County Source GROUND WATER

Use: WILDLIFE STORAGE 01/01 To 12/31 60 AFA

Use: RECREATION STORAGE 01/01 To 12/31 60 AFA

Use: FIRE PROTECTION 01/01 To 12/31 60 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 60 AFA

Use: AESTHETIC FROM 01/01 To 12/31 60 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS
Date Filed: 08/16/2004

Place Of Use: FIRE PROTECTION STORAGE

Place Of Use: FIRE PROTECTION STORAGE

Place Of Use: FIRE PROTECTION STORAGE

Place Of Use: FIRE PROTECTION STORAGE

Place Of Use: RECREATION STORAGE

Place Of Use: RECREATION STORAGE

Place Of Use: AESTHETIC FROM STORAGE

Place Of Use: AESTHETIC FROM STORAGE

Place Of Use: AESTHETIC STORAGE

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Place Of Use: AESTHETIC STORAGE

must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

65-22912

JUG MOUNTAIN RANCH LLC
C/O MILLEMAN PITTINGER
MC MAHAN & PEMBERTON
PO BOX 1066

MC CALL ID 83638

Point(s) of Diversion: NESW S12 T17N R03E VALLEY County

Source: WILHELM CREEK
Tributary To BOLDER CREEK

Use: WILDLIFE STORAGE 01/01 To 12/31 100 AFA

Use: RECREATION STORAGE 01/01 To 12/31 100 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 100 AFA

Total Diversion: 100 AFA
Date Filed: 08/25/2004

Place Of Use: AESTHETIC STORAGE

Place Of Use: AESTHETIC STORAGE

Place Of Use: RECREATION STORAGE

Place Of Use: RECREATION STORAGE

Place Of Use: RECREATION STORAGE

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Place Of Use: RECREATION STORAGE

over-



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, 2004

JERRY GREENLAND
WATER DISTRICT 65D
PO BOX 532
DONNELLY ID 83615

Re: Application(s) for Water Right

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**

December 08, 2004

Legal Notice Department

STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Applications for Permit No. 65-22911, 65-22912, 65-22919 and 65-22922

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/03/2005. 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:

65-22912

JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL ID 83638

Point(s) of Diversion NESW S12 T17N R03E VALLEY County Source WILHELM CREEK

Tributary To BOULDER CREEK

Use: WILDLIFE STORAGE 01/01 To 12/31 100 AFA

Use: RECREATION STORAGE 01/01 To 12/31 100 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 100 AFA

Total Diversion: 100 AFA

Date Filed: 08/25/2004

Place Of Use: AESTHETIC STORAGE

T17N R03E S12 SWNW SENW NESW NWSW

Place Of Use: WILDLIFE STORAGE

T17N R03E S12 SWNW SENW NESW NWSW

Place Of Use: RECREATION STORAGE

T17N R03E S12 SWNW SENW NESW NWSW

Remark: Proposes non-consumptive uses of water already stored under an existing irrigation right for Jussila Bow Reservoir. Dam or reservoir expansion is not proposed.

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 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on December 16 and 23. 2004.

Lester, Steve

From: Lester, Steve
Sent: Thursday, November 18, 2004 2:37 PM
To: 'tmscanlan@aol.com'
Subject: Jug Mtn. Ranch Application for Permit

Contacts: Terry Scanlan

Terry:

This application involves non-irrigation uses associated with Jussila Bow Reservoir. That reservoir is operated under right 65-2941 authorizing storage & use from storage of 100 af.

Surface water in the Boulder Creek drainage is informally although not yet formally considered fully appropriated. This usually makes the appropriation of additional surface water difficult.

Regardless of any physical capacity of the reservoir in excess of 100 af, any new storage right would be limited to the same 100 af already covered in 65-2941. In this case, that means simply putting another label on that 100 af but not storing any additional water. As the reservoir level declines during the irrigation season, it could not be refilled to any extent under new uses proposed by the application.

The application needs to be reduced to 100 af and clarified to make clear that not only are no changes proposed to the dam & reservoir, but no additional water will be stored beyond the 100 af associated with 65-2941 (that's a lot of negatives in one sentence!). The application as filed can be interpreted to mean the reservoir will refill under new uses during periods of depletion from irrigation use.

Under the "no refill" arrangement, the request to process form should be n/a since consumptive use is already covered by the older right.

Please let me know when you can revise the application. Thanks.

Steve

11/19 Reply - NO Expansion or Replacement of
Storage diminished during use of
65-2941 ... just call stored water &
some other uses ... truly no increase



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AUG 24 2004

WATER RESOURCES
WESTERN REGION

August 24, 2004

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

Subject: Application for Permit – Jug Mountain Ranch LLC

Dear Steve:

On behalf of Jug Mountain Ranch LLC, I am please to submit the following application for permit for aesthetic storage, wildlife storage, and recreation storage at Jussila Bow Reservoir near Lakefork in Valley County. The reservoir is currently authorized to store water for irrigation purposes under water right 65-2941. The enclosed application seeks to store water for aesthetic, wildlife, and recreation purposes associated with golf course and residential development at Jug Mountain Ranch. The current capacity of the reservoir is 122 acre feet, based on a survey conducted while the reservoir was empty.

A check for the \$250 application fee is enclosed. Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Brian McMahan