

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14475

Priority: March 17, 2004

Maximum Diversion Rate: 1.00 CFS

This is to certify, that WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645

has applied for a permit to appropriate water from:

Source: BEAVER CREEK

Tributary: WEISER RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/31

RATE OF DIVERSION

1.00 CFS

LOCATION OF POINT OF DIVERSION:

BEAVER CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Twp 13N, Rge 03W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	03W	17									13.0		2.7	40.0					55.7

Total Acres: 55.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2009**.
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. 67.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
7. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 67-14475

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. 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 14th day of August, 2004.


KARL J DREHER, Director

RECEIVED
AUG 12 2004
Department of Water Resources

FORM 202
12/99

RECEIVED

MAR 17 2004

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 14 2004

WATER RESOURCES
WESTERN REGION
STATE OF IDAHO

AMENDED

Ident. No. 67-14475

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant WHITENER RANCHING CO Phone (208) 355-3343

Mailing address 2620 BRUCE LANE MIDVALE ID. 83645

* 2. Source of water supply WASTEWATER BEAVER CREEK which is a tributary of WEISER RIVER

3. Location of point of diversion is Township 13 N Range 03 W Sec. 17 in the ~~SE~~ SE 1/4,

~~SE~~ SE 1/4, ~~SE~~ SE 1/4, Govt. Lot , B.M., WASHINGTON County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 2.0 CFS for IRRIGATION purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

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

5. Total quantity to be appropriated is (a) 1.0 CFS and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 25 H.P. ELECTRIC
PUMP WITH SUCTION LINE

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? 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):

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.

* See Remarks

3. Description of place of use: HAYGROUND

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	
13N	3W	17									13		2.7	~~4.7~~					55.7
													40						

Total number of acres to be irrigated 55.7

10. Describe any other water rights used for the same purposes as described above. BEAVER CK LATERAL 24 HRS ONCE EVERY SEVEN DAYS (NOT SUFFICIENT WATER)

11. a. Who owns the property at the point of diversion? WHITENER RANCHING CO

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

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 LETTER OF APPROVAL FROM MIDDLE VALLEY DITCH CO.

BOSCO BUSLER HAS NO OBJECTIONS EITHER
THE SOURCE OF WATER IN THE CREEK IS PRIMARILY WASTE WATER FROM THE IRRIGATION OF
LANDS THROUGH WHICH BEAVER CREEK PASSES (AS NOTED IN LICENSE 67-2195).

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.

June E. Whitener
 Signature of Applicant (and title, if applicable)

Received by KL Date 3/17/04 Time 11:41 Preliminary check by SL
 Fee \$ 250.00 Receipted by KL # W031390 Date 3/18/04
 Publication prepared by AK Date 2-14-04 Published in Upper City News Reporter
 Publication approved AK Date 2-14-04

RECEIVED

MAR 17 2004

WATER RESOURCES
WESTERN REGION

WHITENER RANCHING CO. MEMBERS

JESSE WHITENER

BONNIE WHITENER

JOHN WHITENER

LISA WHITENER

MIKE WHITENER

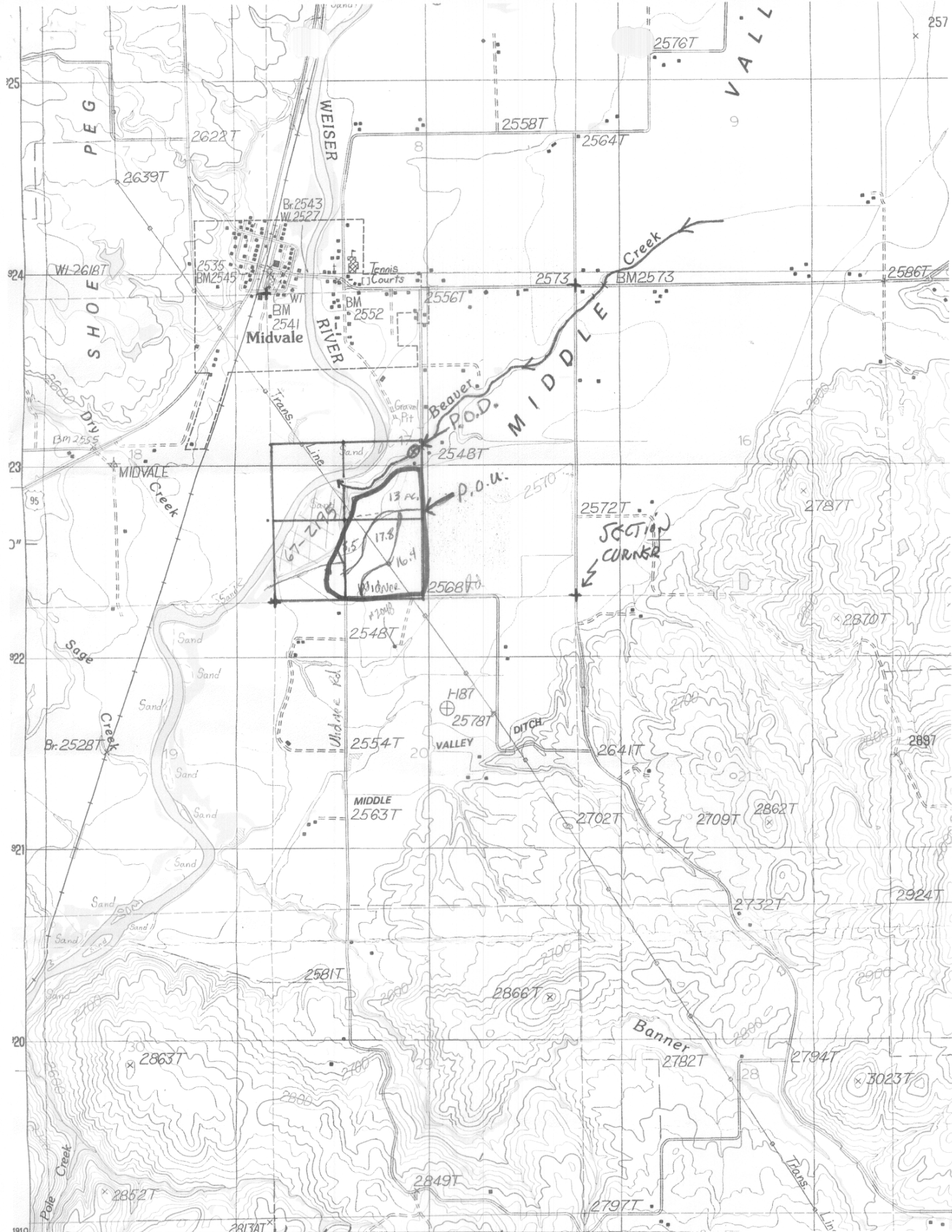
SHIRLEY WHITENER

ELDON WHITENER

ERIN WHITENER

This CC from ownership change to
on ACTION 87-2195 3/17/04,
route to DB for its processing.

-JR



REQUEST TO PROCESS

RECEIVED
MAR 17 2004
WATER RESOURCES
WESTERN REGION

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

Name of Applicant WHITENER RANCHING CO
Mailing Address 2620 BRUCE LANE MIDVALE, ID.
83645
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

John Whitener, PARTNER

Date

3-16-04

Please return this form to:

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

**Middle Valley Ditch Corp. (MVDC)
C/O Terry L. Horton
2574 School Road
Midvale, ID 83645
(208) 355-2315 Fax (208) 355-4082**

RECEIVED

MAR 17 2004

WATER RESOURCES
WESTERN REGION

3/11/04

Idaho Dept. of Water Resources,

***In regards to water right application and point of diversion for
Jesse Whitener's surface irrigation water, the MVDC has no
problem or concerns with his application.***

Thank you,

**, President
Harmon H. Horton**

Now

Starting

Right Side

of file.



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

August 16, 2004

WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645

RE: Permit No. 67-14475

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.

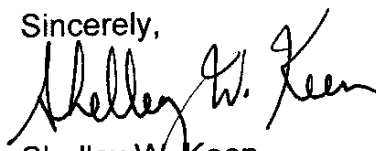
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-327-7946.

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:klt

Enclosure(s)

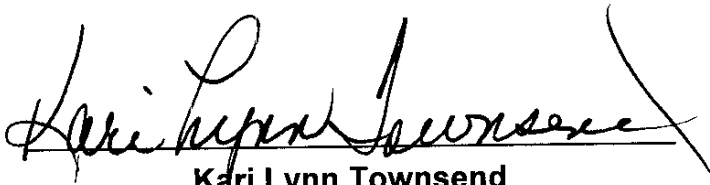
CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2004 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.

67-14475

**WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645**



**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

67-14475

1. scurtis 6/15/2004 Legal Notice Remarks

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

2. slester 6/15/2004 Comment/Analysis

Comment: 67-2195 is a different P/D for adjacent acres for same owner. Proposed acres also covered by Weiser River water from Middle Valley Ditch Corp. shares. Owner has problems receiving shares for adequate irrigation and therefore filed this application.

3. kwalker 8/12/2004 Permit Review

Comment: Recommend approval under Weiser River watermaster control.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 67-14475

WATER RIGHT NUMBER: 67-14475

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WHITENER RANCHING CO 2620 BRUCE LN MIDVALE, ID 83645 (208)355-3343

Priority Date: 03/17/2004

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BEAVER CREEK	NE1/4SW1/4	Sec. 17, Twp 13N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION	NE				NW				SW				SE				
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N 03W 17									13.0		2.7	40.0					55.7

Total Acres: 55.7

Remarks:Comments:

1. scurtis 6/15/2004 Legal Notice Remarks
Comment: Applicant agrees to mitigate consumptive use in the future as needed.
2. slester 6/15/2004 Comment/Analysis
Comment: 67-2195 is a different P/D for adjacent acres for same owner. Proposed acres also covered by Weiser River water from Middle Valley Ditch Corp. shares. Owner has problems receiving shares for adequate irrigation and therefore filed this application.

Dates and Other Information:

Application Received Date: 3/17/2004
 Water District Number: 67
 Application Type: New Appropriation
 Applicant Remarks: Filing contains letter of approval from Middle Valley Ditch Co. Bosco Bosler has no objections either. The source of water in the creek is primarily waste water from the irrigation of lands through which Beaver Creek passes (as noted in license 67-2195).
 Other Water Rights: Beaver Creek lateral - 24 hrs once every 7 days (not sufficient water)
 Time to Complete Works: 5

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NESW	SESW	Total
Permit	67-14384	CHRISTINE HECK, DENNIS HECK,	GROUND WATER	13N03W17	3		3
Right	67-10204	DOROTHY R PICKETT,	GROUND WATER	13N03W17	X		0
Right	67-10203	DOROTHY R PICKETT,	SPRING	13N03W17	X		0
App	67-7590	STATE OF IDAHO,	WEISER RIVER	13N03W17	40	40	80
Claim	67-23	MIDDLE VALLEY DITCH CORP,	WEISER RIVER	13N03W17	35	40	75
Claim	67-24	MIDDLE VALLEY DITCH CORP,	WEISER RIVER	13N03W17	35	40	75
Claim	67-25	MIDDLE VALLEY DITCH CORP,	WEISER RIVER	13N03W17	35	40	75
Claim	67-4434	MIDDLE VALLEY DITCH CORP,	WEISER RIVER	13N03W17	35	40	75
Right	67-4434	MIDDLE VALLEY DITCH CORP,	WEISER RIVER	13N03W17	5	40	45

Affidavit of Publication

STATE OF IDAHO }
County of Washington } ss

Norman Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof 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 July 1, 2004 and ended July 8, 2004.

Norman Dopf

Subscribed and sworn to before me this

12th day of July, 2004.

Bonnie A Fisk

Notary Public in and for the State
of Idaho, residing at Council,
Idaho 83612

MY COMMISSION EXPIRES

November 21, 2009

BONDED THRU NOTARY PUBLIC UNDERWRITERS

LEGAL NOTICE

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

67-14475

WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645

Point(s) of Diversion NESW S17 T13N R03W
WASHINGTON County Source BEAVER CREEK
Tributary To WEISER RIVER
Use: IRRIGATION 03/15 To 10/31 1 CFS
Total Diversion: 1 CFS

Date Filed: 03/17/2004

Place Of Use: IRRIGATION

T13N R03W S17 NESW SWSW SESW

Number of Acres 55.7

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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER Director

Published in the Upper County News Reporter on July 1 and 8, 2004.

RECEIVED

JUL 14 2004

WATER RESOURCES
WESTERN REGION

BONNIE A FISK
Notary Public
State of Idaho

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 67-14475

Applicant's Name: Whitener Ranching Co.

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:

Applicant needs to understand that on a bad or low water year, this water will be shut off!

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

Additional Comments:

Dated this 2 day of July, 2004

Water District Number 67 Watermaster's Signature Bosco Bosler

Reply via email - OK
-JB

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, June 24, 2004 1:43 PM
To: 'leitzin@idfg.state.id.us'

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

June 24, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached are copies of one or more applications 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 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 July 19, 2004.

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

Sincerely,

Sue Kreger
ID Dept Water Resources

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



67-14475.pdf



67-14476.pdf

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, June 24, 2004 2:56 PM
To: 'boscob@ruralnetwork.net'

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

June 24, 2004

BOSCO BOSLER
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application for Water Right No. 67-14475

Hi Bosco;

I e-mailed you a copy of this application today. I should have included in the letter the following language:

“Applicant stated that new use will augment or replace shares from Middle Valley Ditch Corporation (Weiser River). If that’s the case, should this application be subject to June 15 cutoff? Will local situation allow use after that date in “typical year?”

Thanks, Bosco.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us

Kreger (Taylor), Sue

To:

boscob@ruralnetwork.net

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

June 24, 2004

BOSCO BOSLER
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications.

Please review the application(s) that are in your area. 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,

Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax



67-14475.pdf



67-14476.pdf

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

June 23, 2004

Legal Notice Department
UPPER COUNTY NEWS REPORTER
PO BOX 9
CAMBRIDGE ID 83601

RE: Application for Permit No. 67-14474 & 67-14475

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/19/2004. 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:

67-14475

WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645

Point(s) of Diversion NESW S17 T13N R03W WASHINGTON County Source BEAVER CREEK
Tributary To WEISER RIVER

Use: IRRIGATION 03/15 To 10/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 03/17/2004

Place Of Use: IRRIGATION

T13N R03W S17 NESW SWSW SESW

Number of Acres 55.7

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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Upper County News Reporter on July 1 and 8, 2004.



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

May 18, 2004

RECEIVED

JUN 14 2004

WATER RESOURCES
WESTERN REGION

WHITENER RANCHING CO
2620 BRUCE LN
MIDVALE ID 83645

RE: Application for Permit

Dear Mr. Whitener:

Your application for additional irrigation water is enclosed for revision as outlined in this letter. The application can be processed as soon as it is clarified and returned. **Please endorse the following revisions to the application by initialing and dating the top of the first page of the application.**

O.K. #2 Source - The topo map shows the source as Beave added to show the wastewater aspect of the flow of w

#3 Diversion Point - The topo map indicates the dive show if this is the same diversion used in License No for other acres; licensing information mentions that v wastewater from other irrigation).

#4 Season of Use - The standard irrigation season fo

#9 Place of Use - Each $\frac{1}{4}$ $\frac{1}{4}$ section is limited to 40 a therefore cannot have more than 40 acres. The additi $\frac{1}{4}$ $\frac{1}{4}$. The map suggests the following place of use: N of 55.7 acres.

However, if you don't own land in SWSW or will nc the other 2.7 acres in NESW as follows: NESW 15.7

You can indicate which list is correct and I can make prefer. See the note attached to the map for a diagram within thirty (30) days to maintain it in good standing 334-2190 if you have any questions. Thank you for yc

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

THIS IS THE CORRECT
DIVERSION POINT,

NOT THE SAME AS
LICENSE # 67-2195

FOR PLACE OF USE,
LET'S USE NESW-13.0
SWSW-2.7
SESW-40.0

Applicant's info with
Amended Appl. 6/14/04
-52



State of Idaho

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May 18, 2004

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MIDVALE ID 83645

RE: Application for Permit

Dear Mr. Whitener:

Your application for additional irrigation water is enclosed for revision as outlined in this letter. The application can be processed as soon as it is clarified and returned. **Please endorse the following revisions to the application by initialing and dating the top of the first page of the application.**

#2 Source – The topo map shows the source as Beaver Creek. A clarifying Remark (item 12) was added to show the wastewater aspect of the flow of water available in the creek.

#3 Diversion Point – The topo map indicates the diversion is in NESW. Please add a Remark to show if this is the same diversion used in License No. 67-2195 (license from Beaver Creek but for other acres; licensing information mentions that water in the creek is mostly a result of wastewater from other irrigation).

#4 Season of Use – The standard irrigation season for your area has been noted: 3/15 to 10/31.

#9 Place of Use – Each $\frac{1}{4}$ $\frac{1}{4}$ section is limited to 40 acres by definition in this section. The SESW therefore cannot have more than 40 acres. The additional 2.7 acres should be listed in a different $\frac{1}{4}$ $\frac{1}{4}$. The map suggests the following place of use: NESW 13, SWSW 2.7, SESW 40, for a total of 55.7 acres.

However, if you don't own land in SWSW or will not irrigate any of your land in SWSW, place the other 2.7 acres in NESW as follows: NESW 15.7, SESW 40, for a total of 55.7 acres.

You can indicate which list is correct and I can make changes to item 9 of the application if you prefer. See the note attached to the map for a diagram of this item. Please return your application within thirty (30) days to maintain it in good standing to be processed. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure