

Field
Phillips

Locations are Approx.
as are acres.

☆ This whole area is
lower than everything
around it, Pond tailings
will raise this land.

pre. by C. Phillips
Feb. 2002.

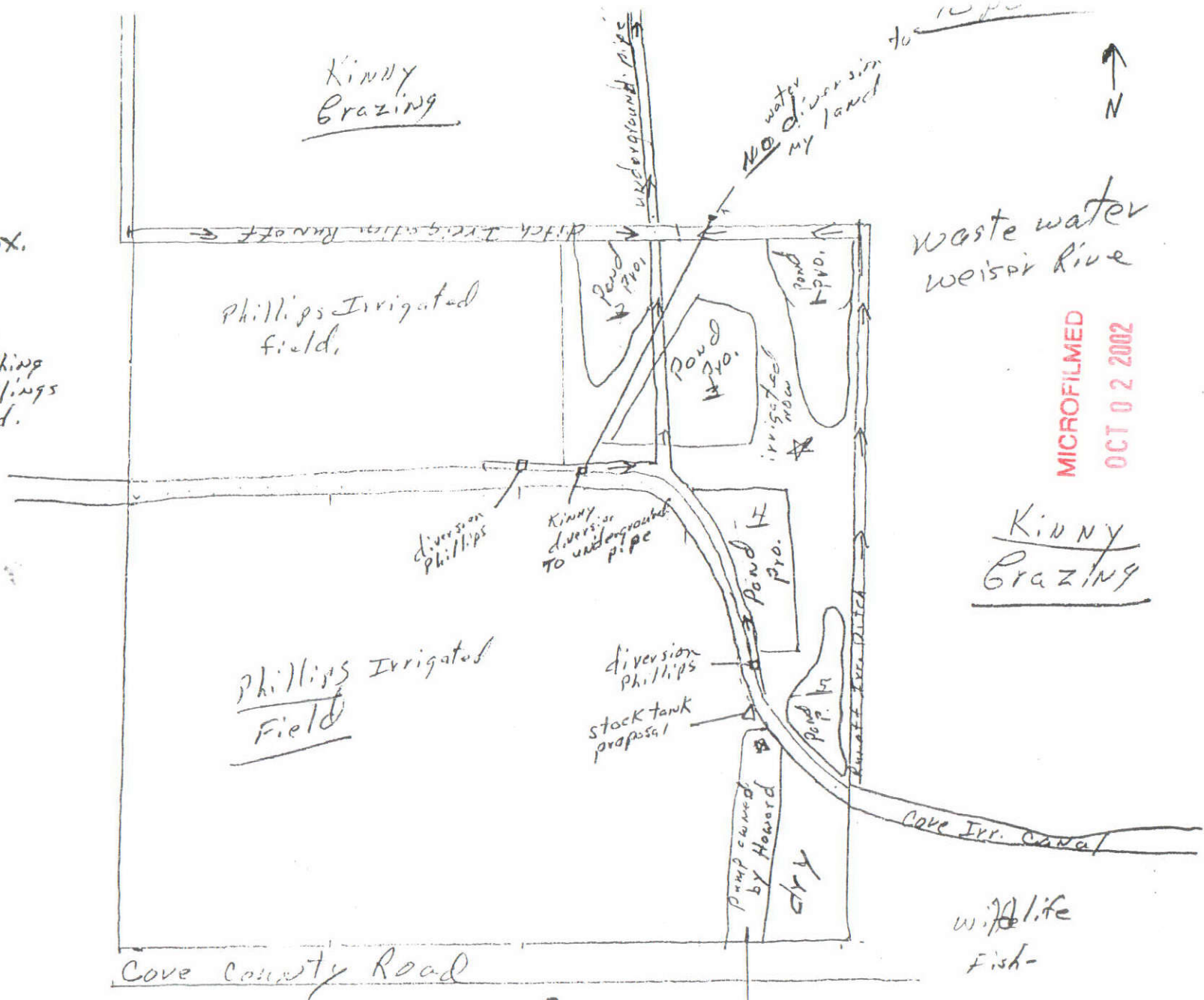
Field
Phillips

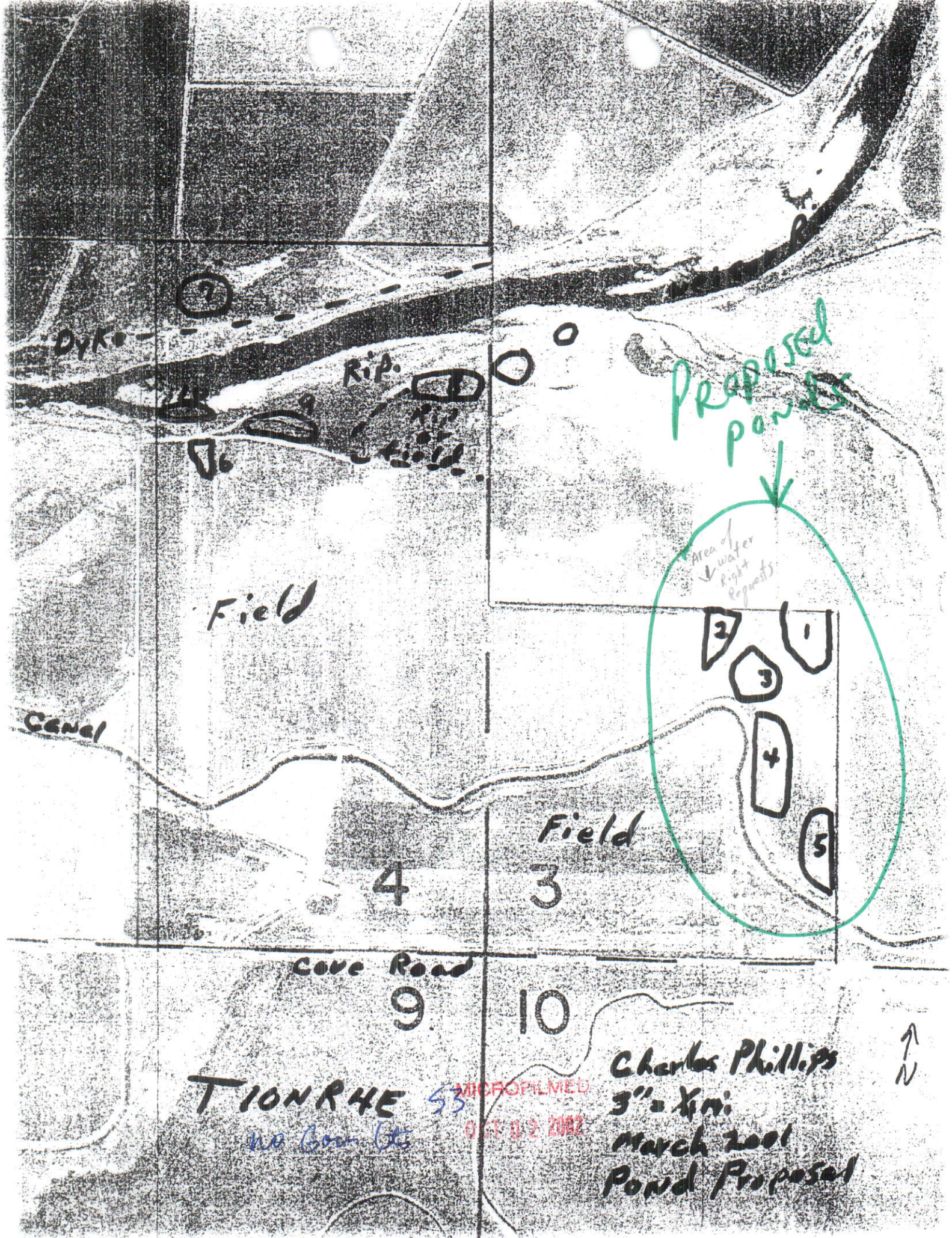
T10N R4W S3
no Gov. L

T10N, R4W, Sec 3, SW, SW

5" = 1/4 mile

Sage Brush





Proposed ponds

Area of water Right Requests

TIONRHE 53
no Gov'ts

MICROFILMED
OCT 02 2002

Charles Phillips
3" x 4" mi
March 2001
Pond Proposal



Field
Phillips

Locations are Approx.
as are acres.

☆ This whole area is 2' lower than everything around it, Pond tailings will raise this land.

pre. by C. Phillips
Feb. 2002.

Kinny
Grazing

Phillips Irrigated
field.

Phillips Irrigated
Field

Kidney
Grazing

Cove County Road

T 10 N, R 4 W, Sec 4, SW, SW

$5'' = \frac{1}{4}$ mile

50.00 Brush

↑
N

No water diversion to my land

diversion
phillips

Kinny
divers: or
TO underground
p.p.c

diversion
Phillips

stock tank
proposal -

Pump owned
by Howard

1/2

Cove Irr. Canal

555

Nº 1630

RECEIVED

MAY 03 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with

April 17, 2002, and ending
with the issue of April 24, 2002

Fees \$ 119.60

Subscribed and sworn to before me this 24

day of April, 2002

Justin A. Parsons
Notary Public, residing at Weiser, Idaho

My commission expires 2

MICROFILMED
OCT 02 2002

No. 1630

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

67-14299

CHARLES A. PHILLIPS
1226 MANN CREEK RD.
WEISER, ID 83672-5528

Point(s) of Diversion: SWSW S3 T10N R04W
WASHINGTON County Source GROUND WA-
TER

Point(s) of Diversion SWSW S3 T10N R04W
WASHINGTON County Source WASTE WATER
Tributary to WEISER RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 27AFA
Use: RECREATION STORAGE 01/01 To 12/31 27
AFA

Total Diversion: 27 AFA

Date Filed: 03/25/2002

Place Of Use: WILDLIFE STORAGE

T10N R04W S3 SWSW

Place Of Use: RECREATION STORAGE

T10N R04W S3 SWSW

Remark: Applicant agrees to mitigate consump-
tive 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 applica-
tion must be filed with the Director, Dept. of
Water Resource, Western Region, 2735 Airport
Way, Boise, ID 83705 together with a protest fee
of \$25.00 for each application on or before
05/06/2002. The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director

Published in the Weiser Signal on April 17 and 24,
2002. 20-2S

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 22 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

Submission Date 20 Jan 2003

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 67-14299 Telephone No. 208-549-1658

2. Name of Permit Holder(s): Charles A. Phillips

3. Mailing Address: 1226 Mann Creek RD

City Weiser State ID Zip 83672

4. Source of Water: wastewater/groundwater If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit): Project Completed Aug. 2002

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: wildlife storage and Recreation Storage

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 27 acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? N/A Yes _____ or No _____

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Charles A. Phillips Telephone Number: 208-549-1658

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Charles A. Phillips owner Date: 19 Jan 2003
(include your title, if on behalf of company of organization)

MICROFILMED

MAR 2 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14299

Priority: 03/25/2002

Maximum Diversion Volume: 27.0 AF

This is to certify, that CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528

has applied for a permit to appropriate water from:

Source: WASTE WATER Tributary: WEISER RIVER
GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	27.0 AF
RECREATION STORAGE	01/01 to 12/31	27.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
WASTE WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
WASTE WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
WASTE WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
WASTE WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County
WASTE WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3, Twp 10N, Rge 04W, B.M.	WASHINGTON County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04W	3																	X

PLACE OF USE: RECREATION STORAGE, same as Wildlife Storage

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before July 1, 2007.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

MICROFILMED

001 02 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14299

CONDITIONS OF APPROVAL

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. This permit does not authorize the construction of any well; the ground water source listed on this right describes the collection of natural seepage.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
8. Recreation and wildlife storage is for 5 ponds which may be used for fishing, public viewing and education.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of June, 2002


KARL J DREHER, Director

MICROFILMED

OCT 02 2002

RECEIVED

MAR 25 2002

RECEIVED

JUN - 5 2002

FORM 202
12/99WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 67-14299

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of Applicant Charles A. Phillips Phone 208 549 1658
Mailing address 1226 Mann Cr. Rd. Weiser, ID 83672
2. Source of water supply waste water, Ground water which is a tributary of Weiser River
3. Location of point of diversion is Township 10N Range 4W Sec. 3 in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot _____, B.M., Washington County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 27 for wildlife storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 27 for Recreation storage purposes from Jan 1 to Dec 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) _____ and/or (b) 27
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 Five Ponds
4.5 acres at 3-10' deep (Ave. depth = 6').
b. Height of storage dam NONE feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is N/A 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? N/A; 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 wildlife, Recreation (viewing, hunting, fishing,
education).

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OCT 11 2002

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	
10N	4W	3											X						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 4.5 share (17.55 acre feet)
Cave Irrigation Dist. Asking for approval march 2002

- Who owns the property at the point of diversion? Charles A. Phillips
- Who owns the land to be irrigated or place of use? Charles A. Phillips
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: The area of ponds is lower than Cave ditch and surrounding fields. Therefore, waste water and ground water move to this area, maintaining ground water near (less than 18") the ground surface, all year. Farming Potential low. Difficult and Expensive to drain and farm.

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.

Charles A. Phillips, Owner
 Signature of Applicant (and title, if applicable)

Received by LCB Date 3/25/02 Time 10:00 Preliminary check by ly
 Fee \$ 250 Receipted by LCB # W028790 Date 2/3/02
 Publication prepared by AX Date 4-17-24-02 Published in WEISER SIGNAL
 Publication approved AX Date 5-15-02

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APR 2 2002

Field

Phillips

locations are approx.

as are acres.

★ This whole area is
lower than everything
around it, pond tailings
will raise this land.

pre. by C. Phillips
Feb. 2002.

Field

Phillips

Field

T10N R4W S3
no Gov L

KINDY
Grazing

Phillips Irrigated
field.

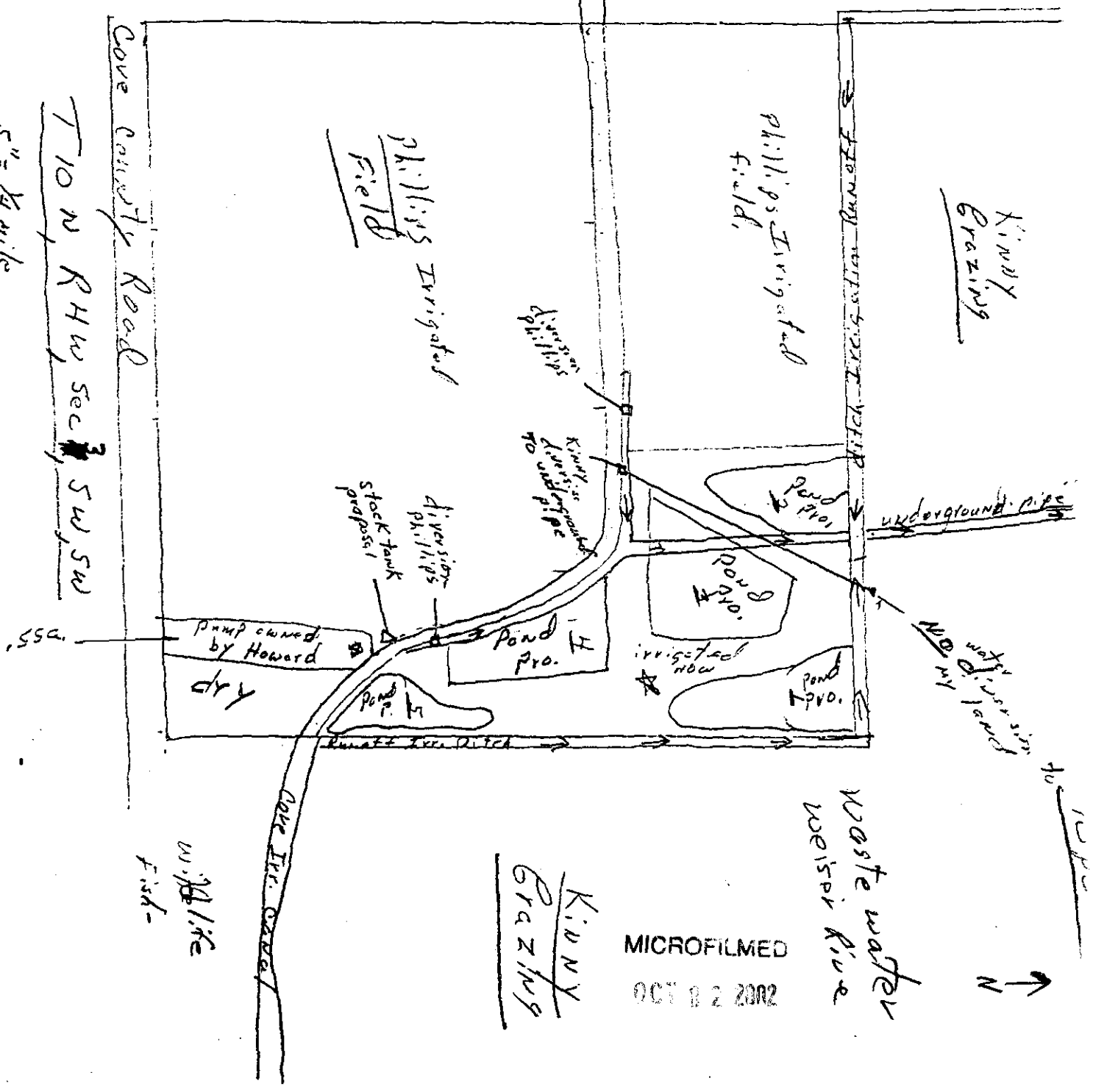
Phillips
Irrigated
Field

Cove County Road

T10N, R4W, Sec 3, SW SW

5" = 1/4 mile

Sage brush



underground pipe

water flowing
no water

Waste water
Weiser River

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OCT 12 2002

KINDY
Grazing

W. life
fish-

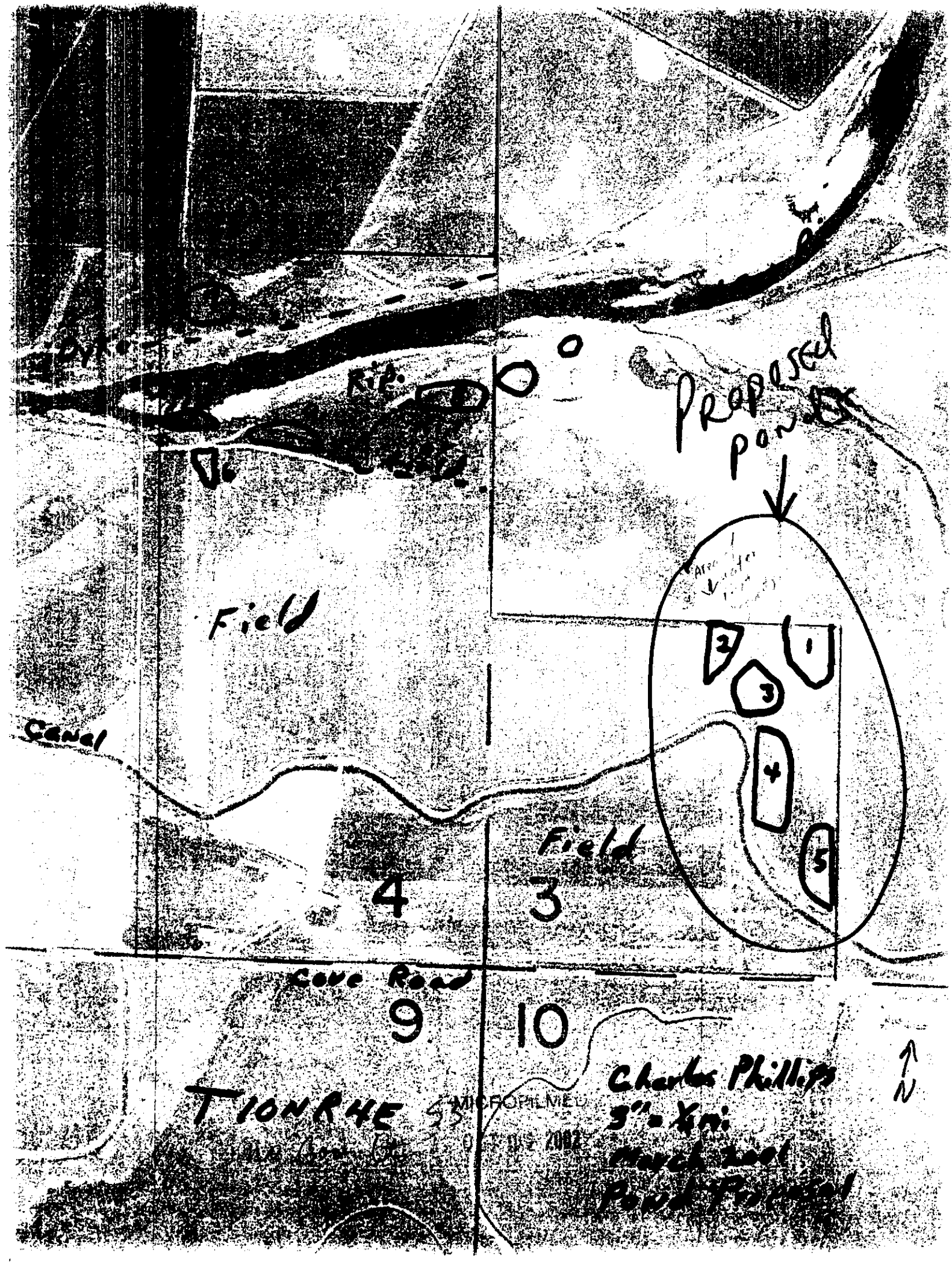
Cove Irr. Canal

Pump owned
by Howard

diversion
Phillips
stock tank
proposed

Phillips
diversion
no under pipe

...



Rip.

Proposed pond

Field

Canal

Field

Cove Road

TIONRHE

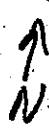
MICROFILMED

Charles Phillips

3" x 4"

March 2001

Pond Project



RECEIVED

FEB 25 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

ORIGINAL

To appropriate the public waters of the State of Idaho

1. Name of Applicant Charles A. Phillips Phone 208-549-1658
Mailing address 1226 Mann Cr. Rd. Weiser, ID 83622 natural subbia
2. Source of water supply Cove Irrigation Ditch, which is a tributary of Weiser R. Drainage
3. Location of point of diversion is Township T 10 N Range 4 W Sec. 4, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., _____, Washington County;
additional points of diversion if any: Throughout 5 alys
4. Water will be used for the following purposes:
 Amount 17.5 for wildlife Recreation, Fisheries purposes from Mar 15 to Nov 15 (both dates inclusive) Irrigation water
 (cfs or acre-feet per annum)
 Amount 30 Est. for wildlife Recreation, Fisheries purposes from Jan 1 to Dec 31 (both dates inclusive) Cross water
 (cfs or acre-feet per annum)
 Amount 10 Est. for wildlife Recreation, Fisheries purposes from Jan 1 to Dec 31 (both dates inclusive) Irrigation water
 (cfs or acre-feet per annum)
 Amount 15 Est. for wildlife Recreation, Fisheries purposes from Jan 1 to Dec 31 (both dates inclusive) Ditch
 (cfs or acre-feet per annum)
 Amount 10 Est. for wildlife Recreation, Fisheries purposes from Jan 1 to Dec 31 (both dates inclusive) Other water
 (cfs or acre-feet per annum)
 Amount 1 for stock water purposes from Apr 1 to Oct 15 (both dates inclusive)
 (cfs or acre-feet per annum) 25-300 cfs in ponds at any moment Cross
5. Total quantity to be appropriated is (a) _____ and/or (b) 182.6 Estimates
 cubic feet per second acre feet per annum
6. Proposed diverting works: To 5 Ponds - Approx 4-5 Acre surface 3-10' Deep.
 a. Describe type and size of devices used to divert water from the source Existing 12" Pipe from Ditch, Existing Ditch
from Irrigated fields, Existing underground water, Existing subbing from canal or other.
 b. Height of storage dam NONE feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet
 c. Proposed well diameter is N/A 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? N/A; 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 As Ponds are completed 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 Recreation (viewing and Hunting), Fisheries (possibly commercial and private)

MICROFILMED

DEC 10 2002

Existing = Existing Condition
N = Proposed New Condition

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		
10N	4W	4																	4.5	NE
																			—	NO
																			—	NE
																			—	NO
																			.1	NE
10N	4W	4																		EXISTING
10N	4W	4																		EXISTING

Total number of acres to be irrigated 27.5

10. Describe any other water rights used for the same purposes as described above. 32 acres has been used for irrigation after project 27.5 acres will be irrigated. All acres are estimates
11. a. Who owns the property at the point of diversion? Charles A. Phillips (see 12. Remarks)
- b. Who owns the land to be irrigated or place of use? Charles A. Phillips
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Drainage from Kinney lands has existed for many years.
12. Remarks: 11a. One diversion existing irrigation runoff & settling ditch that crosses my place from Calvin Kinneys (may be a new owner). Settling & Irrigation diversion come from Cove Irrigation ditch ROW on my property.
Note: Due to the area of ponds being lower than Cove ditch and surrounding fields water moves toward it. This area is not Riparian or wetlands (NRCS and Care of Engineer determination).
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.

Charles A. Phillips, Owner
 Signature of Applicant (and title, if applicable)

Received by KL Date 2/26/02 Time 10:04 Preliminary check by KL
 Fee \$ 250.00 Receipted by KL # W028790 Date 2/26/02
 Publication prepared by KL Date 2/26/02 Published in KL
 Publication approved KL Date 2/26/02

Field
Phillips

Locations are Approx.
as are acres.

★ This whole area is
2' lower than everything
around it. Pond tailings
will raise this land.

pre. by C. Phillips
Feb. 2002.

Field
MICROFILMED
OCT 02 2002
Phillips

Kinny
Grazing

Phillips Irrigated
field.

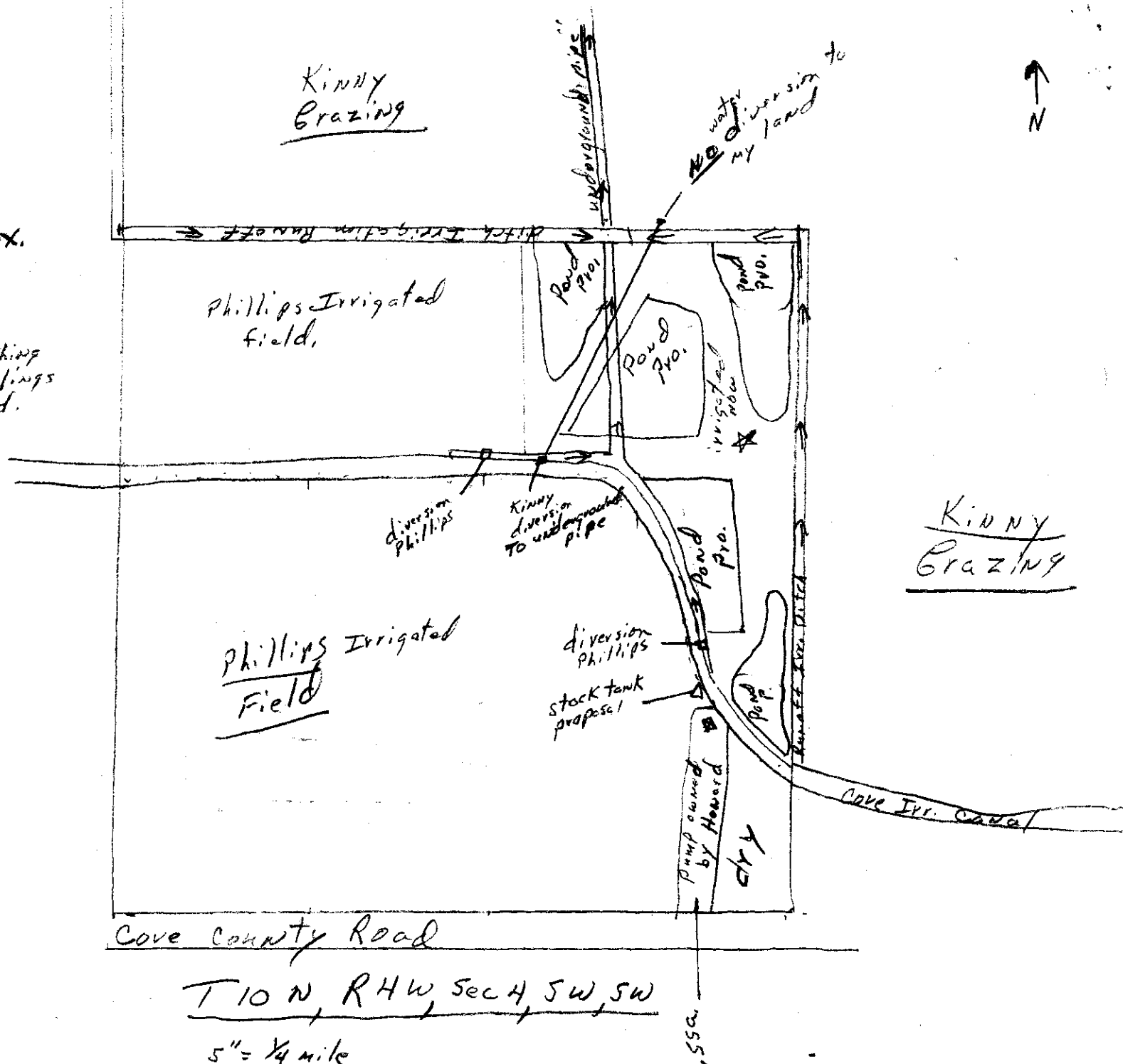
Phillips Irrigated
Field

Cove County Road

T 10 N, R 4 W, Sec 4, SW, SW

5" = 1/4 mile

no ac brush





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

February 3, 2003

CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-14299

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 344-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

APR 3 7 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-14299

Reviewed By: dgibson

Date: January 31, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	W028790, C067015		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/22/2003
Date proof due	- 07/01/2007
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/25/2002
New priority date	= 03/25/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2002

CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528

RE: Permit No. 67-14299

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED

OCT 17 2002

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,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

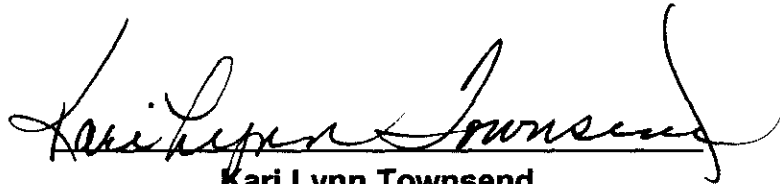
OCT 6 2 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2002 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. 67-14299

**CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528**



**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 8 2 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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).

MICROFILMED
OCT 02 2002

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.

MICROFILMED
OCT 9 2 2002

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 6/27/02

No. 67-14299 Name: Phillips Corp. Officers N/A Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046 **NOT A WELL**
Basin 34 - 084 (if necessary) **008 modify**
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104 **use**
Supp irr (+ other uses) - 100-105 **cond 123**
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 7/01/2007

MISC CONDITIONS/REMARKS:

~~PROPOSED~~ - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

~~P&C~~ contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# 67)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) **N/A** - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
In separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single pd intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS Star = 5 ponds maybe used for fishing, public

COMMENTS viewing & education.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

JUN - 5 2002

Initial review by ly Date 3/27/02 Application # 67-14871 Department of Water Resources

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U *none*

ADDITIONAL INFORMATION

☒ ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage) *JFW*
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT.

see 3/6/02 letter

+ 3/11/02

Date Requested 3/6/02 Date Response Received 3/25/02

PROCESSINGAPPLICATION # 67 -YES ☒ NO ☐

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USEDYES ☐ NO ☒

- ☐ I.D. Environmental Quality
☐ I.D. District Health
☒ I.D. Fish & Game
☒ I.D. Lands

YES ☐ NO ☒

- ☐ US BLM
☐ US Forest Service
☒ Water Dist # 67
☒ Water Planning Bureau
☒ Other

FINAL REGIONAL PROCESSING REVIEW

- SUNNYSIDE DITCH CO
PO BOX 829
WEISER ID 83672

- WEISER COVE IRRIG DIST
PO BOX 829
WEISER ID 83672

YES ☒ NO ☐

- ☒ Affidavit of publication received
☒ Application published correctly? If not, record action taken

~~BUREAU OF REC~~

- ☒ Publication dates and paper recorded on application
☒ Final date for protest 5-6-02
☒ Protests received
☒ Recommendations attached
☒ Measuring device required
☒ Water delivered by water master? District # 67
☒ Special conditions of approval or cover letter

N/A
this part of
BS 67 - 82
4/25/02

see attached comments from
entities listed above

Recommended Date of Priority 3/25/02Recommendation ☒ Approve ☐ Deny by Lon Gnauer Date 5/29/02**ADDITIONAL INFORMATION**☐ See Attachment(s) ... always include application proof report

SUNNYSIDE DITCH COMPANY

Post Office Box 829
Weiser, Idaho 83672

RECEIVED

MAY 30 2002

WATER RESOURCES
WESTERN REGION

May 28, 2002

Mr. Gary Spackman
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Water Right No. 67-14299 in the name of Charles A. Phillips

Dear Mr. Spackman:

The Board of Directors has met on several occasions to discuss the above-referenced application. Their first concern was that prior to approval, Mr. Phillips needed to provide a written acknowledgement from his neighbor to the east, Mr. John Holmes, Jr., stating that he had discussed the proposal project with Mr. Phillips and that all of his concerns had been addressed and that he had no objection. We have now been provided with a written acknowledgement from Mr. Holmes.

The Board has no objection to Mr. Phillips' application as long as he agrees, which he has, that during any low water years when Crane Creek Reservoir fails to fill, that he will not divert water to fill or partially fill his ponds. Mr. Phillips holds 96 shares of stock in the company which entitles him to draw no more than 96 inches per day as long as he has ordered the water in advance.

With the above understandings, the Board has no objection to Mr. Phillips' application. If you desire any additional information, please do not hesitate to let us know.

Sincerely,

SUNNYSIDE DITCH COMPANY



Jacques Wray
Secretary

Copy: Mr. Charles A. Phillips

MICROFILMED

MAY 30 2002

WEISER COVE IRRIGATION DISTRICT

**Post Office Box 829
Weiser, Idaho 83672**

May 28, 2002

**Mr. Gary Spackman
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082**

Re: Application for Water Right No. 67-14299 in the name of Charles A. Phillips

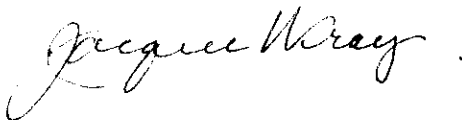
Dear Mr. Spackman:

After discussing the above-referenced application with Lori Graves to ascertain what adverse effects the District could suffer by not objecting to Mr. Phillips' application and finding that there were none, the Board has no objection his application.

If there is any additional information you require, please do not hesitate to contact the Board.

Sincerely,

WEISER COVE IRRIGATION DISTRICT



**Jacquie Wray
Secretary**

Copy: Mr. Charles A. Phillips

MICROFILMED

OCT 6 2 2002

**CRANE CREEK RESERVOIR INDEPENDENT
WATER USERS COMPANY, INC.**

Post Office Box 829
Weiser, Idaho 83672-0829

May 28, 2002

Mr. Gary Spackman
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Water Right No. 67-14299 in the name of Charles A. Phillips

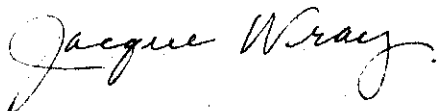
Dear Mr. Spackman:

After discussing the above-referenced application with Lori Graves to ascertain what adverse effects the Company could suffer by not objecting to Mr. Phillips' application and finding that there were none, the Board of Director has no objection his application.

If there is any additional information you require, please do not hesitate to contact the Board.

Sincerely,

CRANE CREEK RESERVOIR INDEPENDENT
WATER USERS COMPANY, INC.



Jacquie Wray
Secretary

Copy: Mr. Charles A. Phillips

MICROFILMED

OCT 02 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 03 2002

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 67-14299Applicant's Name: Charles A. Phillips

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 asfollows: As long as no
water is taken from canalc) ☐ I oppose approval of this application for the following reasons:d) ☐ Additional Comment:Dated this 2 day of May, 2002.Water District No: 67Bosco Bush
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

OCT 02 2002

Weiser Irrigation District
128 E. Main St.
Weiser, Idaho 83672

RECEIVED

APR 23 2002

WATER RESOURCES
WESTERN REGION

April 2, 2002

Charles A. Phillips
1226 Mann Cr. Road
Weiser, Idaho 83672

Re: Water Permit

Dear Sir:

Your proposed water permit for ponds lie South of the Weiser River and does not affect the water used by the Weiser Irrigation District. The Weiser Irrigation District does not object to your permit.

Sincerely yours,

Board of Directors



Gail Van Tassell



Vernon Lolley

A.G. Salfen

MICROFILMED

OCT 02 2002

RECEIVED

MAY 03 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Washington

SS.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the owner of THE WEISER SIGNAL AMERICAN, a bi-weekly newspaper published at Weiser, in the County of Washington and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Weiser; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 17, 2002, and ending
with the issue of April 24, 2002

Fees \$ 119.00

Subscribed and sworn to before me this 24

day of April, 2002.

Notary Public, residing at Weiser, Idaho

My commission expires March 2, 1968 08

The following applications have been filed to
 appropriate the water rights of the State of Idaho
 and the United States:
 17-14238
 CHARLES A. PHILLIPS
 1711 W. 10th St. RD
 Boise, Idaho 83702
 Water Right: RWSW S3 T10N R34W
 Water Source: Gravity Source GROUND WATER
 Point of Diversion SWSW S3 T10N R34W
 Water Use: Gravity Source WASTE WATER
 17-14239
 DICKSON, JAMES RIVER
 Diversion: STORAGE 01/01 To 12/31 37AF
 Use: RECREATION STORAGE 01/01 To 12/31 37
 AFA
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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 30, 2002

Weiser Cove Irrigation District &
Sunnyside Ditch Co
PO Box 829
Weiser ID 83672

Re: Application for Water Right No. 67-14299 in the Name of Charles A. Phillips

Gentlemen:

Enclosed is a copy of the above-referenced application for permit.

Please review the application and return any comments you might have within two weeks.
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 6, 2002.

If you have any questions or need information, feel free to contact this office.

Sincerely,


Gary Spackman

GS:st

Encl: Copy of Application

MICROFILMED

OCT 10 2 2002



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 25, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 67-14298 in the Name of Kwader
Application for Permit No. 67-14299 in the Name of Phillips
Application for Permit No. 63-31465 in the Name of Renfro
Application for Transfer No. 69320 in the Name of Wilderness Ranch

Dear Sir:

Enclosed are copies of the above-referenced applications for permit or transfer proposing the use of surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any given application, your written protest along with the \$25.00 protest fee must be received in this office by May 6, 2002.

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

Sincerely,

Steve Lester

Encl.

MICROFILMED
APR 2 2002



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 25, 2002

**BOSCO BOSLER WATERMASTER
WATER DISTRICT 67
2711 SHOEPEG RD
MIDVALE ID 83645**

**Re: Application for Permit No. 67-14298 in the Name of Kwader
Application for Permit No. 67-14299 in the Name of Phillips**

Dear Bosco:

Enclosed are copies of the above-referenced applications. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications and provide your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Steve Lester

**Encl: Copy of Applications
Recommendation of Watermaster Forms**

MICROFILMED

APR 27 2002

RECEIVED

MAR 25 2002

WATER RESOURCES
WESTERN REGION

Lori

Enclosed is the letter discussed.
I am a poor writer. If you think
it should be changed just make the changes
on a copy and mail back and I will
do it. No need to make this formal
with a letter.

Thank You
Charles A. Phillips

Please let me know about this letter
if OK. So I can mail it, your
letter, forms to irrigation districts to
set up meetings.

Sorry this has taken so long to get in the
mail. Some things for my daughter came
up that needed my attention.

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OCT 02 2002



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 10, 2002

Legal Notice Department

Weiser Signal

PO Box 709

Weiser ID 83672

RE: Application for Permit No. 67-14299

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 05/06/2002. Your cooperation is appreciated.

Sincerely

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

Sue Taylor
Senior Secretary

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OCT 02 2002

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

67-14299

CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528

Point(s) of Diversion SWSW S3 T10N R04W WASHINGTON County Source GROUND WATER

Point(s) of Diversion SWSW S3 T10N R04W WASHINGTON County Source WASTE WATER
Tributary To WEISER RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 27 AFA

Use: RECREATION STORAGE 01/01 To 12/31 27 AFA

Total Diversion: 27 AFA

Date Filed: 03/25/2002

Place Of Use: WILDLIFE STORAGE

T10N R04W S3 SWSW

Place Of Use: RECREATION STORAGE

T10N R04W S3 SWSW

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 05/06/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Weiser Signal on April 17 and 24, 2002.

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RECEIVED

MAR 25 2002

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

Charles A. Phillips

Mailing Address

1226 Mann Cr. Rd.

Weiser, ID 83672

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

Charles A. Phillips

Date

11 March 2002

Please return this form to:

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

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OCT 6 2 2002

16 March 2002

Charles A. Phillips
1226 Mann Cr. Rd.
Weiser, ID 83672

Dept. of Water Resources
Western Region
Attention: Lori Graves
2735 Airport Way
Boise, ID 83705-5082

Dear Lori Graves

The following letter is in response to your letter of March 11, 2002. I appreciate your asking for more information as I felt the forms did not provide enough information for a decision.

My goal: To use the soil, water, wildlife, recreation, and visual values to maintain a healthy ecosystem.

For this project I would like to use the water in a positive way by creating ponds for wildlife, fish and recreation use. This area has easy access and could be used for educational purposes for local schools. There is a hill to the south on the Cove road that overlooks this site. There is a wide pull out here and people often stop to look over the valley.

The fields where this project is located have a low productivity for crops. Without intense management this field has become inhabited by noxious weeds. Due to the low productivity and high water table, it is not profitable to farm this land, as it exists.

My conclusions in response to your March 11, 2002 letter are:

1. There is likely enough ground water to fill the ponds and likely keep the ponds full and have overflow to the Weiser River.
2. Wastewater passing through the ponds from the canal, the neighbors and my place will vary from nothing to quite a bit depending on the water owners use and time of year.
3. There are no natural surface waters being affected.
4. I have water rights on the pond area, and the areas to the south, east and west.
5. There is 17.5 acre feet of irrigation water per year available if approved by the District Board.
6. Once the ponds are full, water should continue to move through the pond overflows and to the Weiser River at the same rate as before the ponds were built.
7. The soils from building of ponds will be used to raise the land areas remaining to about the same height as surrounding land.
8. This area has been complicated by modifications to provide canal, farming, waste water ditches and attendant structures.
9. I am willing to meet with anyone interested or with concerns on the site to discuss the project and consider modifications.
10. Due to all the factors involved there may be additional things to be learned about the best way to manage this piece of land.

Following is additional information about the conclusions.

1. There is likely enough ground water to fill the ponds and likely keep the ponds full and have overflow to the Weiser River. I dug two test holes (6' in diameter and 7 feet deep) in March 2001. The two sites filled with water within 24 hours. In monitoring these sites at least once per month the water levels remained at the same level all year. The drain ditches in this area have water flowing in them even when the canal has no water and no other irrigation is taking place. There is ground water under the field at about 18". This

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67-14299 Attachment

area is lower than the surrounding land and water is moving underground to this area. There may be springs in this area that were buried when the field was leveled. There may be tilled pipes in the area that drain the water (tilled pipes have been found along the waste ditches). Water near the surface has been a problem for many years.

2. Wastewater passing through the ponds from the canal, the neighbors and my place will vary from nothing to a steady stream depending on the water owners use and the time of year. These 3 entities have the right to stop, decrease or increase the flow of wastewater to the waste ditches (ponds) by using the water as per their water rights. The water right for the ponds will be whatever they allow to go to the ponds.

The canal is perched on a hill and the downside bank is about 10 higher than the field. A waste ditch parallels the canal to catch and remove seepage away from the field to the underground pipe taking the water to the Weiser River. According to the District Irrigation people it is my responsibility to maintain this waste ditch (the previous owner did and so have I). The canal seepage is not being used for irrigation before it reaches the Weiser River (1/4 mile +). This does not appear to be a deliberate movement of water to the Weiser River through this water way by the Irrigation Districts. The District did fix some seepage from the canal in 2001 in some other areas and I have heard they are planning to try and reduce the seepage from the canal in 2002. Total stopping seepage may be quite expensive. My field becomes marshy and equipment cannot be used on it if the waste ditch is not maintained.

Another waste ditch leads from the neighbor's property (from the east) across the north end of my field to the underground pipe leading to the Weiser River. A ditch that parallels the fence between my place and the neighbors until it joins the ditch on my place feeds this waste ditch. There was standing and moving water in this ditch in all months during 2001. The ditch on the neighbors is his responsibility and on my place it is mine. There must be some ground water entering this ditch likely some seepage from the canal and wastewater from the neighbor's irrigation. The neighbor does not irrigate from this ditch. No natural surface water feeds this ditch.

Another waste ditch runs along my north property line from the west to the underground pipe leading to the Weiser River. Cattails and willows grow abundantly in this ditch indicating there is water in it most of the year. This ditch catches wastewater from my irrigation. This is my ditch to maintain. No natural surface water feeds this ditch.

3. There are no natural surface waters being affected. The Weiser River is about 1/4 mile north of the pond sites. Another creek is about 1/2 mile east of the ponds. There is an intermittent draw about 1/8 mile east and south of the pond area. This draw may drain water into the canal or the neighbor's field. According to my neighbor there is springs coming from this draw.

4. I have water rights on the pond area, and the areas to the south, east and west. The area of the ponds, the field just east, the field to the west and the field to south belong to me and have water rights from Weiser Cove Irrigation District and Crane Creek Reservoir Independent Water Users Company Inc.

The neighbor has an underground waterline going through this low field from the canal to his land for irrigation. Two owners before myself claimed this waterline leaked water and caused this field to be to wet to farm. The ponds will be built each side of this pipeline. I do not wish to disturb the pipeline or affect the neighbors right away.

There are 3 neighbors who remove their irrigation water from the canal with pumps. The pumps are above the canal to the southwest of the ponds. The ponds should not affect their pump site or their ability to get water.

5. There is 17.5 acre feet of irrigation water per year available if approved by the District Board. The area of the ponds is 4.5 acres and there are 3.9 acre-feet per acre of water for irrigating. If the Weiser Cover Irrigation District approves it I can use this water to fill and move through the ponds. If the ponds are full I will not use this water for this purpose. I will still pay the assessment for this water to maintain this option.

6. Once the ponds are full, water should continue to move through the pond overflows and down to the Weiser River at the same rate as before the ponds were built. The ponds will exist in a low area. This was

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created by leveling of fields as there is number of indications that irrigation was once managed differently in this area. The NRCS has determined this site was not a natural wetland.

The ways for water to leave this area are through ground water, evaporation and the underground pipe. There is little I can do to manage underground water so that will continue. Evaporation will be about the same as exists now. Water that is excess to the ponds being full will be allowed to continue its journey through the underground drain to the Weiser River.

The ponds will be dug out from the existing ground levels. The area along the canal will use the waste ditch as the depth to maintain the pond bottom for 10-15 feet. This is to not effect the integrity of the canal and further effect the seepage of water from the canal. It will be OK for the District to widen this section of canal bank into the pond to maintain the effectiveness of the canal. I have no desire to affect the canal structure or delivery of water.

The ponds are designed to not effect the water line that carries water from the canal to the neighbor. The only foreseeable problem is where is the location of the pipeline. If it is a straight line between the outlet from the canal and the diversion point there is no problem. If someone knows the location of that line I would like to mark it.

7. The soils from the ponds will be used to raise the land areas remaining to about the same height as surrounding land. Presently, this field is about 2 feet lower than surrounding land. Raising the ground level should make for less ground water problems and provide soil as productive as exist before the ponds were built (maybe better). These sites can then be irrigated as needed with the existing water rights.

8. This area has been complicated by modification to provide canal, farming, waste water ditches and attendant structures. This area was naturally a rolling hill area with salt brush. In ancient history the Weiser River and the creek to the east flowed through or near this site. This activity likely made the area relatively level and the wind blew small rolling hills onto the area. The land was flooded in the spring and dry in the summer.

To make this area more efficient to farm the lands around were leveled. As they were leveled the surrounding areas were made higher than the proposed pond sites. At one time there may have been a ditch from this area to the Weiser River. This was replaced by the underground pipe.

The canal has always seeped water in this area. I have no idea of what the history of repairs and maintainance are. If the land was to be farmed and irrigated then it needed to be drained. Not just of the canal seepage but also of the underground waters collecting here due to the lower level of the area. The ditches have been dug quite deep and need constant maintainance. The waste ditch on the neighbors appears to have sloughed in. Leaving a shallow, wide canal looking structure. There are large pieces of cement in one location indicating some sort of management of water. There is old tilling that has been dug up and left. There may be other tilling in the area. Obviously, water management has been a problem and expense for a long time.

9. I am willing to meet with anyone interested or with concerns on the site to discuss the project and consider modifications. I have met at the site and discussed the ponds with Ducks Unlimited, NRCS, Calvin Kinney (previous neighbor) Idaho Dept. of Water Resources and the Core of Engineers. These persons have no objections to the ponds and have all added to the development.

I have discussed the ponds with US Fish and Wildlife, Idaho Dept of Fish and Wildlife, Curtis Hickey (Weiser Cove Irrigation District).

I will meet with the 4 irrigation district boards in the area, whom may have water interests, to explain what is taking place with the ponds and get a letter on if the water seeping from the canal is wastewater that can be used in the ponds.

I will meet with Jack Holmes the new neighbor and discuss the ponds.

Spring, summer and fall are busy times for farmers and ranchers. Therefore, for me and the farmers or ranchers on the irrigation boards set up meetings and discuss the projects will take some time. Then it will take some time to prepare letters. Due to 4 irrigation districts being involved this will take more than the 30 days given in the letter of March 11, 2002.

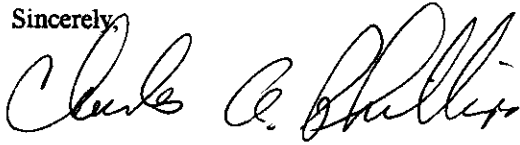
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10. Due to all the factors involved there may be additional things to be learned about the best way to manage this piece of land. The ponds will be built one at a time over 1-5 years, if some unexpected problem results pond construction can be modified.

I am hopeful that the process for getting the water rights for the ponds will continue as I meet with the irrigation boards. If there are other groups or agencies that would like to visit the site please have them call me at 208 549 1658 to establish a meeting time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles A. Phillips".

Charles A. Phillips

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Charles Phillips
1226 Mann Cr Rd
Weiser ID 83672

RE: Application for Permit

Dear Mr. Phillips:

You recently filed a water right application with Idaho Dept. of Water Resources (IDWR), proposing the diversion of wastewater for irrigation. IDWR must question whether the water you wish to appropriate is wastewater or whether it is actually "live" water under control of an irrigation district and/or Company. State law allows for appropriation of unappropriated wastewater, but IDWR is not authorized to issue a permit for use of irrigation district "live" water. Because of this distinction, it is necessary for IDWR to understand the nature of the water you are seeking to appropriate.

The term "wastewater" may be used in several different contexts. For instance, a water right holder may capture water "wasting" from the end of his fields and reapply the water to the lands from which the water right authorizing the use of water is appurtenant. The recapture of this water does not authorize application of the water to lands that are not described as a place of use under the water right authorizing the original use.

The term "wastewater" may also describe a source of water for appropriation. For purposes of appropriation, the source "wastewater" refers to water flowing in a waste way or channel (i.e. a waste drain or waste ditch). In order for the wastewater to be available for further appropriation, the original water user must have discontinued exercising control over the water. A water user receiving irrigation district live water acts as an agent for the use of district water while it is in the possession of the water user. If the water user continues to control the surface water before it leaves his property, or the water will be recaptured by the irrigation district for delivery to downstream water users, the water retains its original character as irrigation district live water.

Prior to further processing of your application, you must demonstrate that the water you seek to appropriate is flowing in a waste way or channel, has not commingled with other water in a natural stream, and that both you and the irrigation district and/or company have discontinued control of the water as live water. Please provide written statements from the entities involved that shows they do not object to your proposal. Also, if you propose to divert from a waste channel owned and controlled by an irrigation entity, you must show you have a right of way to divert water from the channel.

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The irrigation entities that show up in the area of your proposal are Sunnyside Ditch Co., Weiser Cove Irrigation District and Weiser Irrigation District.

Please provide the requested information within 30 days from the date of this letter. If you have any questions, you can reach me at the address listed above.

Sincerely,

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

Lori Graves

Sr. Water Resource Agent

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OCT 02 2002



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 6, 2002

CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER, ID 83672

RE: Application for Permit

Dear Applicant(s):

The Department of Water Resources has received your water right application. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete and clarify the necessary items. The required information is described below.

The Time required for beneficial use of water was not provided correctly

The Map was not provided correctly.

The Nature of Proposed Use was not provided correctly.

The Point of Diversion was not provided correctly.

The Source was not provided correctly.

The Quantity was not provided correctly.

The Place of Use or acres irrigated was not provided correctly.

A Request to Process Form was not included.

Enclosed is a new application, instructions, and a request to process form for your convenience. Also enclosed is a list of consultants that could provide assistance in completing the application. If we do not receive the corrected application within 30 days from the date of this letter (April 8, 2002), the Department will initiate steps to remove your application from our records. Please feel free to contact this office if you have any questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

<Enclosures>

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