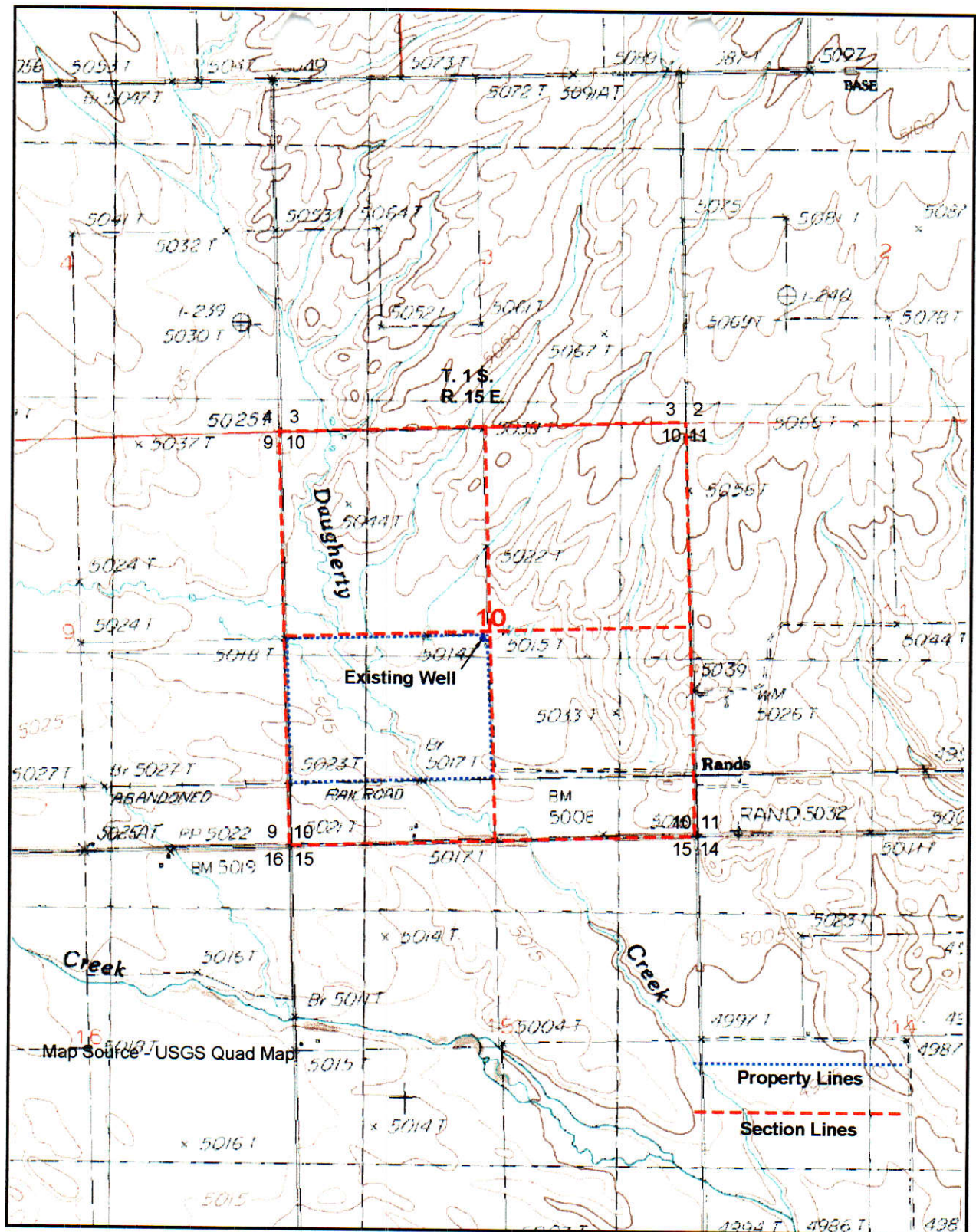




VICINITY MAP FOR APPLICATION FOR TRANSFER / APPLICATION FOR PERMIT
APPLICANT: WILLIAM FRUEHLING

Brockway Engineering, PLLC
 October 11, 2001

MICROFILMED
 JUN 05 2002

37-20628

Revised map
Reviewed on
3/21/02

A SITE SURVEY SHOWING
A PORTION OF THE SW 1/4 OF SECTION 10
T15S, R15E, BOISE MERIDIAN, CAMAS COUNTY, IDAHO
Topographic mapping and creek delineation done by
Alpine Enterprises



LEGEND

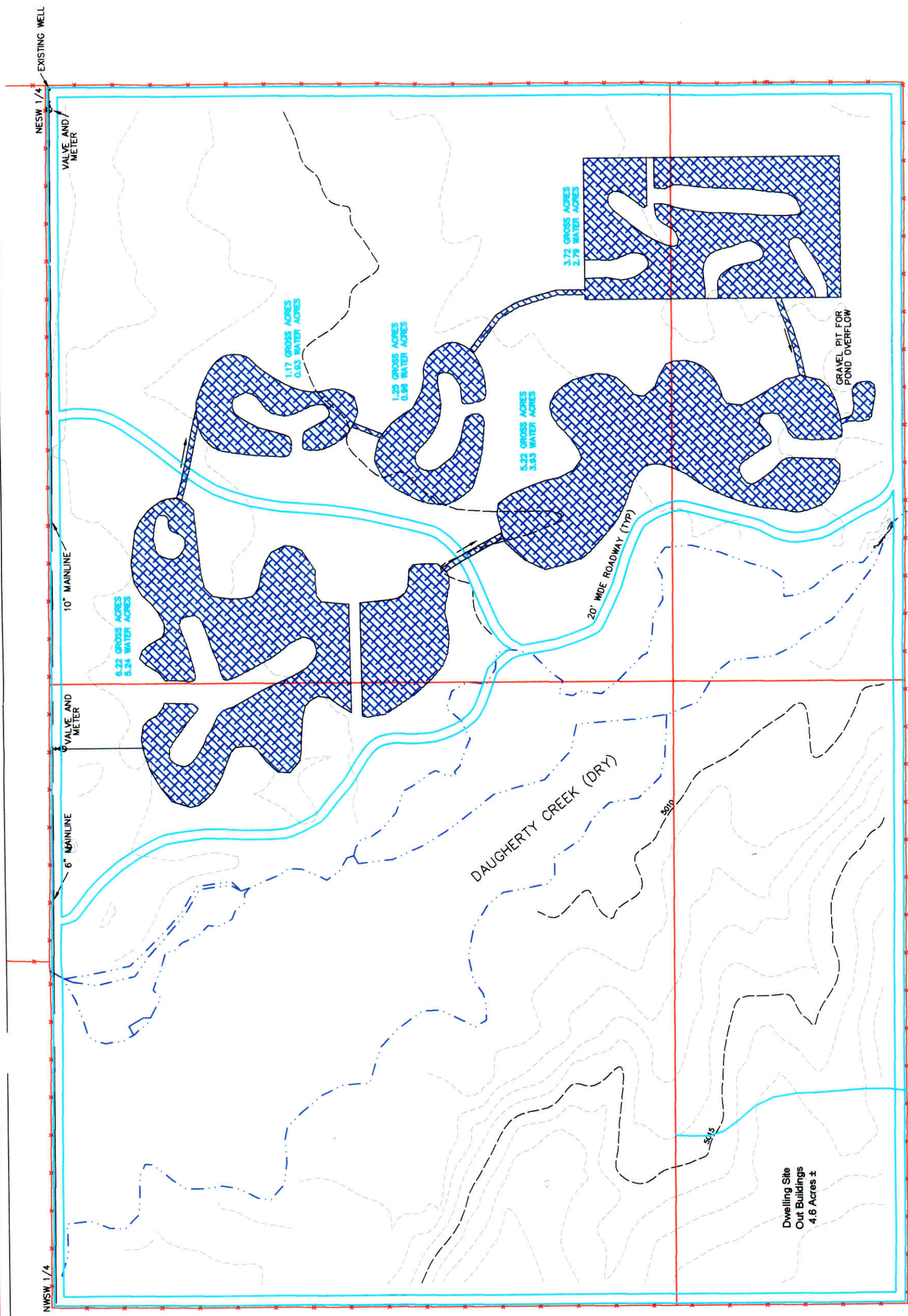
- FL - FLOWLINE DRY STREAMBED
- FNC - FENCELINE
- LAND MASS
- FLOW DIRECTION

TOTAL LAND AND
WATER ACRES 17.69
TOTAL WATER ACRES 13.96

NWNE	1.31	NENE	8.52
SWNE	0.01	SENE	4.13
ACRES BY 40			

NOTE:
LOCATION OF INTER-POND CHANNELS IS
APPROXIMATE AND MAY CHANGE SLIGHTLY.

NOT FOR CONSTRUCTION



THIS DRAWING HAS BEEN PREPARED
BY BROCKWAY ENGINEERING, PLLC
FOR A SPECIFIC PROJECT AND
FOR A SPECIFIC CLIENT. IT IS THE
PROPERTY OF BROCKWAY ENGINEERING,
PLLC. NO PART OF THIS DRAWING
SHALL BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR
MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING, OR
BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT
THE WRITTEN PERMISSION OF
BROCKWAY ENGINEERING &
THE CLIENT IS GRANTED.

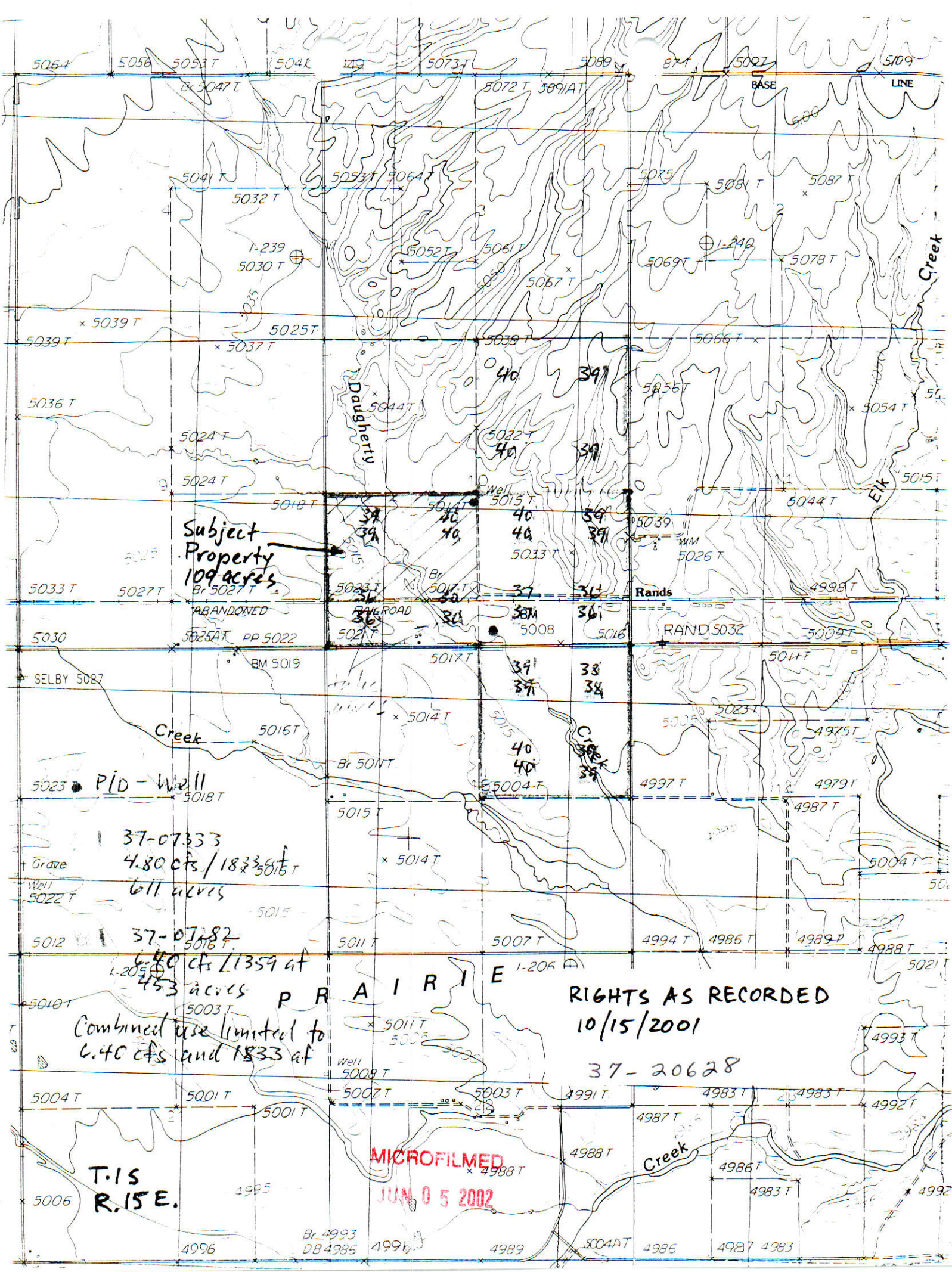
REV	DESCRIPTION	DATE	APPRO.	REFERENCE DRAWINGS
D	FOR REVIEW PER PROTEST WITHDRAWAL	3/20/02		
C	ISSUED FOR CLIENT REVIEW	11/27/01		
B	ISSUED FOR OCTOBER 2001 WATER RIGHT TRANSFER	10/12/01		

1" = 100'
(24" x 36" ONE ONLY)

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-8543

WILLIAM FRUEHLING
WILDLIFE HABITAT PROJECT
FAIRFIELD, IDAHO

PROJECT #
456-01-2000
DWG #
01
REV
D



Subject
Property
109 acres

37-07333
4.80 cfs / 1833 af
611 acres

37-07282
6.40 cfs / 1359 af
453 acres

Combined use limited to
6.40 cfs and 1833 af

T.1S
R.15E.

MICROFILMED
JUN 05 2002

RIGHTS AS RECORDED
10/15/2001

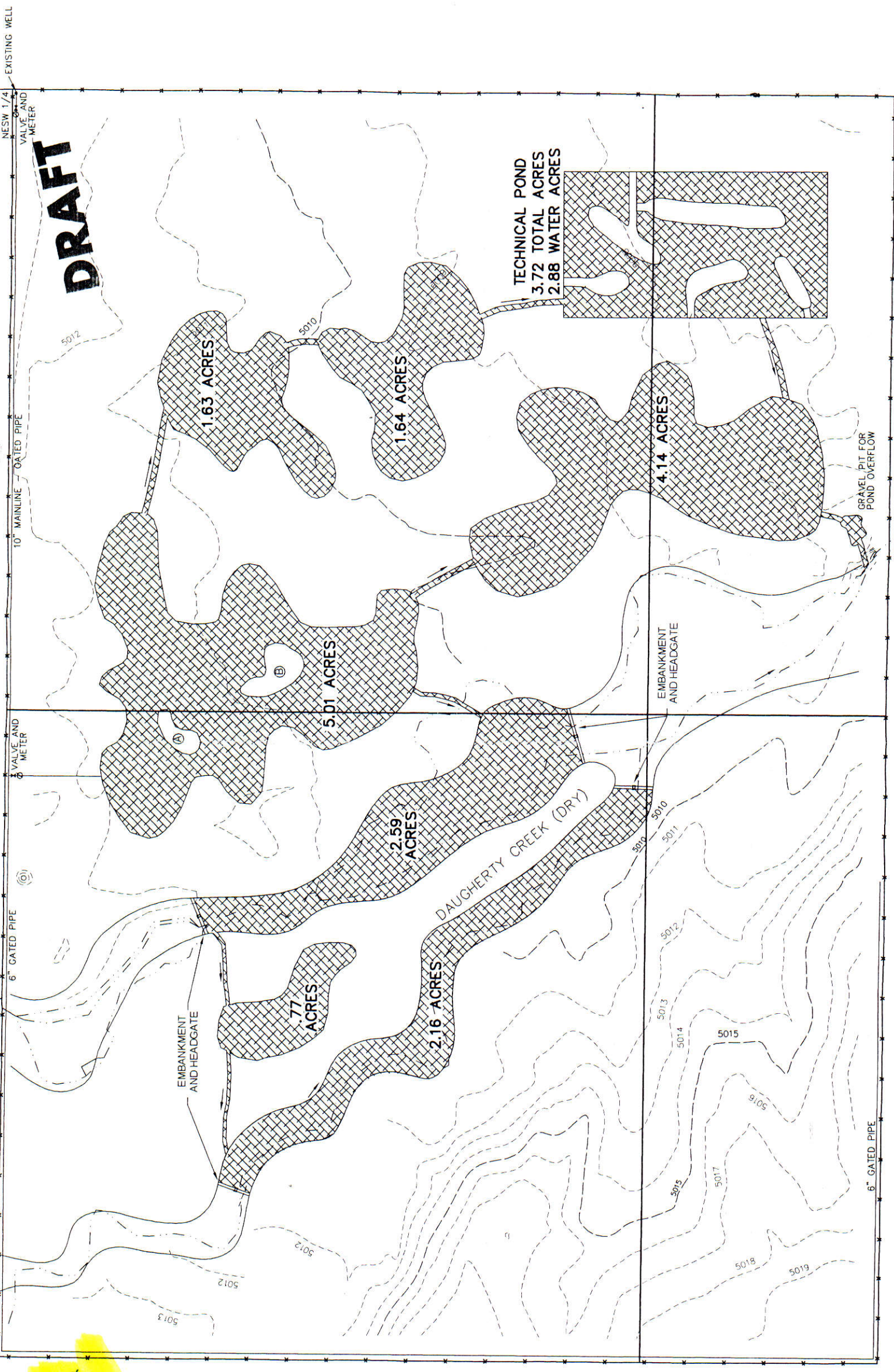
37-20628

37-20628

A SITE SURVEY SHOWING
A PORTION OF THE SW 1/4 OF SECTION 10
T.15S. R.15E., BOISE MERIDIAN, CAMAS COUNTY, IDAHO
Topographic mapping and creek delineation done by
Alpine Enterprises

Superceded
3/21/02
by map

DRAFT



LEGEND



WATER AND CHANNEL ACRES



LAND MASS

FL - FLOWLINE DRY STREAMBED

FNC - FENCELINE

FLOW DIRECTION

LAND	AREA
A	43610.23
B	8276.40
Total Land Area	51886.63
Total Land Acres	1.19
TOTAL LAND AND WATER ACRES	22.27
TOTAL WATER ACRES	21.08

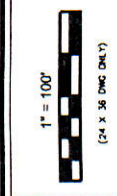
NWNE	7.15	NENE	9.88
SWNE	0.01	SENE	4.05

ACERS BY 40

- NOTES:
1. CONSTRUCTION TO OCCUR IN DAY CONDITIONS.
 2. LOCATION OF INTER-POND CHANNELS IS APPROXIMATE AND MAY CHANGE SLIGHTLY.
 3. HEADGATES TO REMAIN FULLY OPEN UNTIL RUNOFF COMPLETELY CEASES.

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC UNIQUE REQUIREMENTS OF THIS PROJECT. IT IS NOT TO BE USED FOR ANY PURPOSES IS PROVIDED UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS GRANTED.

DRAFT



BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-8543

WILLIAM FRUEHLING
WILDLIFE HABITAT PROJECT
FAIRFIELD, IDAHO

PROJECT #
456-01-2000
DWG #
01
REV
B

AMENDED

State of Idaho
Department of Water Resources

AMENDED

Permit to Appropriate Water

NO. 37-20628

Priority: 10/15/2001

Maximum Diversion Rate: 4.00 CFS

This is to certify, that WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	04/01 to 10/31	4.00 CFS	
RECREATION	04/01 to 10/31	4.00 CFS	
AESTHETIC	04/01 to 10/31	4.00 CFS	
DIVERSION TO STORAGE	04/01 to 10/31	4.00 CFS	
WILDLIFE STORAGE	04/01 to 10/31		42.2 AF
RECREATION STORAGE	04/01 to 10/31		42.2 AF
AESTHETIC STORAGE	04/01 to 10/31		42.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼SW¼ Sec. 10, Twp 01S, Rge 15E, B.M. CAMAS County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	10																	X

PLACE OF USE: RECREATION, same as Wildlife**PLACE OF USE:** AESTHETIC, same as Wildlife**PLACE OF USE:** WILDLIFE STORAGE, same as Wildlife**PLACE OF USE:** RECREATION STORAGE, same as Wildlife**PLACE OF USE:** AESTHETIC STORAGE, same as Wildlife**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **June 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

JUN 13 2002

AMENDED

State of Idaho
Department of Water Resources

AMENDED

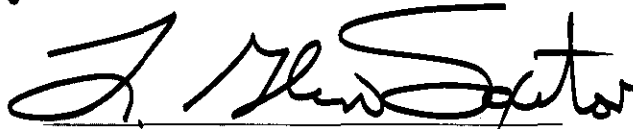
Permit to Appropriate Water

NO. 37-20628

CONDITIONS OF APPROVAL

4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. Evaporative losses associated with storage authorized under this right shall only be replenished by diversion under Rights 37-7282B and 37-7333B as approved in Transfer No. 69650. All water diverted under this right shall be maintained on the property for the beneficial uses associated with this right and/or allowed to recharge back to ground water and shall not be allowed to leave the property as runoff.
9. Uses of water described in this right are for a waterfowl habitat project.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of June, 2002.


for KARL J DREHER, Director

MICROFILMED

JUN 5 5 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20628

Priority: 10/15/2001

Maximum Diversion Rate: 4.00 CFS

This is to certify, that WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	04/01 to 10/31	4.00 CFS	
RECREATION	04/01 to 10/31	4.00 CFS	
AESTHETIC	04/01 to 10/31	4.00 CFS	
DIVERSION TO STORAGE	04/01 to 10/31	4.00 CFS	
WILDLIFE STORAGE	04/01 to 10/31		42.2 AF
RECREATION STORAGE	04/01 to 10/31		42.2 AF
AESTHETIC STORAGE	04/01 to 10/31		42.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Twp 01S, Rge 15E, B.M. CAMAS County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	10									X	X		X					

PLACE OF USE: RECREATION, same as Wildlife

PLACE OF USE: AESTHETIC, same as Wildlife

PLACE OF USE: WILDLIFE STORAGE, same as Wildlife

PLACE OF USE: RECREATION STORAGE, same as Wildlife

PLACE OF USE: AESTHETIC STORAGE, same as Wildlife

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 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.

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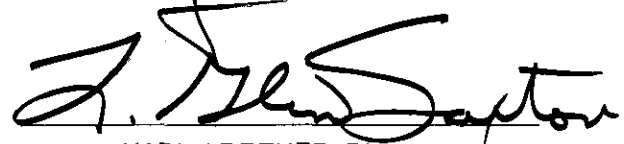
JUN 15 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20628

CONDITIONS OF APPROVAL

4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. Consumptive use from evaporation under this right shall be mitigated by the reduction of irrigation under Rights 37-7282B and 37-7333B as approved in Transfer No. 69650. All water diverted under Rights 37-7282B, 37-7333B and 37-20628 shall be maintained on the property for the beneficial uses associated with these rights and/or allowed to recharge back to ground water and shall not allowed to leave the property as runoff.
9. Uses of water described in this right are for a waterfowl habitat project..

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of May, 2002


for KARL J DREHER, Director

MICROFILMED
JUN 15 2002

RECEIVED

APR 8 2002

Form 202
1/96

Ident. No. 37-20628

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

OCT 15 2001

Department of Water Resources
Southern Region

** Revised on 3/27/02* To appropriate the public waters of the State of Idaho

1. Name of applicant William Fruehling Phone (208) 726-4320
Post Office address P.O. Box 4508, Ketchum, ID 83340
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____
Sec. 10 Township 1S Range 15E B.M. Camas County; additional
points of diversion, if any: _____
4. Water will be used for the following purposes:
Amount 4.0 cfs for Wildlife / Aesthetic CB purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 4.0 cfs for Recreation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 42.2 af for Wildlife / Aesthetic CB purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 42.2 af for Recreation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) 4.0 cfs and/or (b) 42.2 af
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well and pipe to ponds
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? 1974; Drilling firm Lightning C Bar Drilling;
Well was drilled for (well owner) Bar H Bar Inc.
7. Time required for completion of works and application of water to proposed beneficial use is _____ 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. Ponds for wildlife and recreation and aesthetic. CB

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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	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	15E	10									W, R, J	W, R, J	~~W, R, J~~	W, R, J					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Conversion of a portion of irrigation rights 37-07282 and 37-07333 to wildlife/recreation for aesthetic use

11. a. Who owns the property at the point of diversion? Steven Greenawalt & Rod/Melanie Gonsales
- b. Who owns the land to be irrigated or place of use? Steven Greenawalt & Rod/Melanie Gonsales
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Sale Agreement and Amendment to Sale Agreement.

12. Remarks: Groundwater diverted under this permit will be non-consumptive. Water will enter a system of ponds and return to the aquifer partially via seepage, with overflow from the pond system returning to the aquifer via a gravel pit.
Consumptive use of ponds is covered by a concurrent transfer application.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

M. L. Blum
 (Applicant)

Power of Attorney

MICROFILMED

NOV 13 2002

Received by JF Date 10/15/01 Time _____ Preliminary check by JF
 Fee \$ 660 - Transfer to this app Received by JF # 5024367 Date 10/15/01
 Publication prepared by MB Date 2/14/02 Published in Camas Courier
 Publication approved MB Date 7/6/02

A SITE SURVEY SHOWING
A PORTION OF THE SW 1/4 OF SECTION 10
T.15S., R.15E., S03E WARDIAN, CAMAS COUNTY, IDAHO
Topographic mapping and creek delineation done by
Alpine Enterprises



LAND MASS

FL - FLOWLINE DRY STREAMBED

FNC - FENCELINE

FLOW DIRECTION

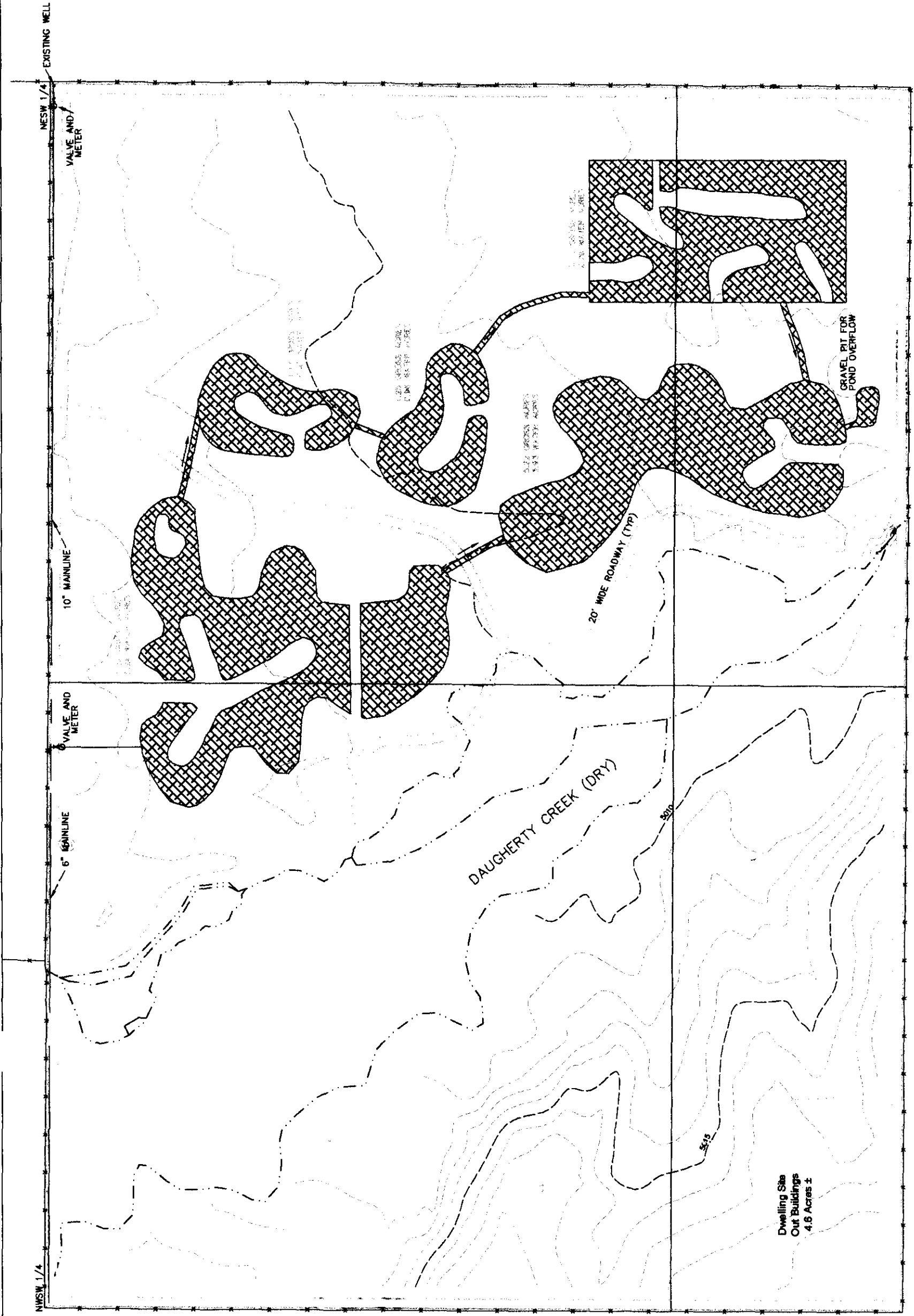
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TOTAL WATER ACRES	13.96

NWNE 1.31	SENE 4.13
NENE 8.52	SWNE 0.01

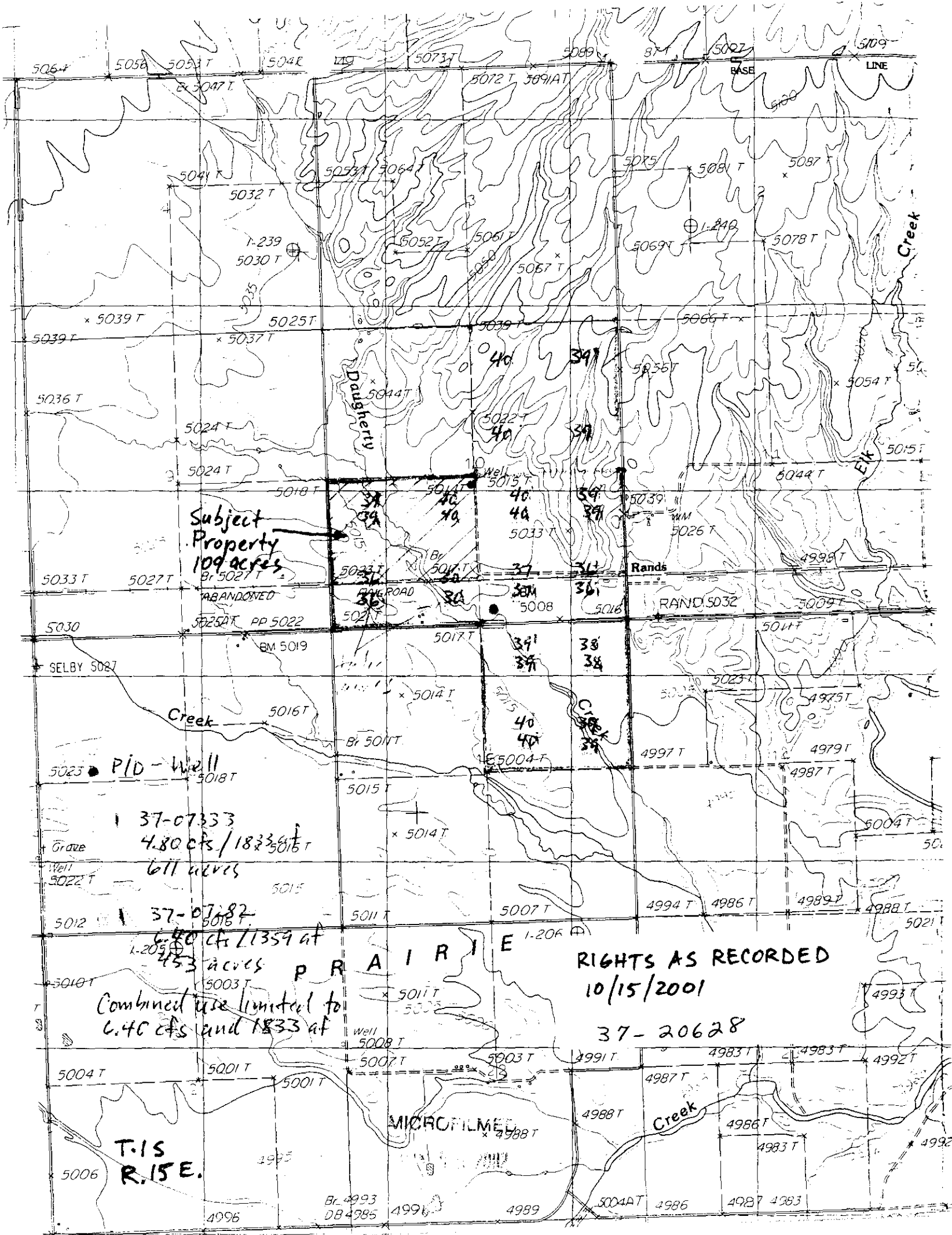
ACRES BY 40

NOTE:
LOCATION OF INTER-POND CHANNELS IS
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NOT FOR CONSTRUCTION



THIS DRAWING HAS BEEN PREPARED BY AN ENGINEER OR ARCHITECT FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS AUTHORITY PERMISSION FROM THE ENGINEERING FIRM & THE CLIENT IS GRANTED.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Narrative in Support of Application for Transfer and Application for Permit

Applicant: William Fruehling
Project: Wildlife Habitat Project – Fairfield, Idaho

Brockway Engineering P.L.L.C.
October 15, 2001

William Fruehling is purchasing nearly a quarter section east east of Fairfield, Idaho. The legal description is as follows: All land north of the old railroad grade in the SW ¼, Sec. 10, T. 1 S., R. 15 E. This is a parcel with a gross area of 110 acres that has historically been irrigated from a groundwater well located in the extreme northeast corner of the property.

Groundwater Rights - Current

Groundwater rights appurtenant to the property are 37-07282 and 37-07333. These are large irrigation rights allowing 6.40 cfs / 453 acres and 4.80 cfs / 611 acres, respectively. These rights are partially overlapping and there is a combined-use condition limiting the total from both rights to 6.40 cfs and 611 acres, or 0.0105 cfs/acre (0.52 inches per acre) – see the attached overlap map showing the current configuration. The water rights allow a diversion volume of 3.0 ac-ft/acre, which is less than IDWR's standard allowance of 3.5 ac-ft/acre for this area.

Sales of portions of these lands over time have not been recorded with IDWR and the rights have not been split to reflect current ownership. On the Fruehling parcel, SRBA claims 37-07282B and 37-07333B were filed for 109.0 acres of total irrigation. This acreage is justified by aerial photos of the property. A proportional split of the water rights, accounting for the fact that the 109-acre parcel is within the area of full overlap of both rights, yields the following amounts appurtenant to this land:

37-07282	1.24 cfs / 109 acres / 381.5 ac-ft
37-07333	0.86 cfs / 109 acres / 381.5 ac-ft
Total combined use limited to 1.24 cfs / 109 acres / 327 ac-ft	

The diversion volume is assumed to be based on the current standard of 3.5 ac-ft/acre, which is more than the licensed amount. This assumption is being made pursuant to the direction of Pam Skaggs and Jeff Peppersack at IDWR, who have indicated to the IDWR-Southern Region that in a transfer proceeding, IDWR is using the current per-acre standard if the licensed amount is lower, as long as the diversion rate is not limiting on the volume. In this case, the diversion rate on the original licenses is 6.4 cfs, which

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would provide 2285 ac-ft over a 180-day irrigation season, or 3.74 ac-ft/acre. Therefore, a volume of 3.5 ac-ft/acre can be assumed.

SRBA claims were filed for 2.18 cfs, or 0.020 cfs per acre for each right, which is more than the licensed per-acre rate.

Proposed Project

The applicant proposes to construct ponds primarily for wildlife habitat and recreation. A diagram of the proposed pond layout and the water system configuration is provided with the application. The ponds will be excavated to approximately 24 inches below grade, with a 6-inch berm above natural grade. Average water depth will be 24 inches. The total water surface area of the ponds will be 21.1 acres, for a total volume of 42.2 ac-ft. All ponds will be lined with compacted select native material to reduce seepage losses. Laboratory soil tests from two test pit locations indicate clay content of 13% to 20% in the upper two feet. It is estimated that seepage losses can be easily reduced to less than 0.2 ft/day, and possibly to as low as 0.05 ft/day. Seepage tests on the property conducted in the summer of 2001 and the fall of 2000 confirm this assumption.

Two of the ponds will be located within existing dry channels of Daugherty Creek. The creek carries spring runoff only, and is typically dry after mid-June. Daugherty Creek is clearly an intermittent stream, supporting no fishery or wetlands in its natural state, and is not subject to the Idaho stream channel alteration permit process. The ponds will have embankments and headgates on either end as shown on the diagram, which will remain fully open whenever natural flow exists above the ponds. After all runoff ceases, the headgates will be closed to allow impoundment to occur. In this manner, no impediment to spring runoff conveyed to Camas Creek will occur. This operational structure is necessary to ensure that zero impact occurs to runoff feeding Magic Reservoir.

Water Right Changes

A transfer application is necessary to convert a portion of the irrigation rights to wildlife/recreation for mitigation of the evaporative losses of the ponds. In addition, a permit application is being filed for the pond storage volume and to allow non-consumptive flow-through water.

Evaporative losses from the ponds were estimated using data from Wright and Jensen (1975), who computed pond evaporation for the Silver Creek Triangle area (see the attached spreadsheet). This information should be reasonably representative of the project area. The seasonal evaporation for the maximum period of impoundment of 4/1 – 11/1 will be 30.5 inches, which equates to a volume of 53.6 acre-feet for a pond surface area of 21.1 acres. Using the IDWR allowable crop consumptive use for this area of 2.5 ac-ft/ac, a total of $53.6 / 2.5 = 21.4$ acres must be removed from irrigation to mitigate for pond evaporation. This portion of the irrigation rights will be converted from irrigation to recreation and aesthetics as follows:

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Portion of irrigation converted = $21.4 / 109.0 = 19.63\%$

Wildlife/recreation diversion rate = $0.1963 \times 1.24 \text{ cfs} = 0.24 \text{ cfs}$

(0.24 cfs on 37-7282 and 0.17 cfs on 37-7333; total limited to 0.24 cfs)

Remaining irrigation = $109.0 - 21.4 = 87.6 \text{ acres}$

Remaining irrigation diversion rate = $1.24 \text{ cfs} - 0.24 \text{ cfs} = 1.00 \text{ cfs}$

(1.00 cfs on 37-7282 and 0.69 cfs on 37-7333; total limited to 1.00 cfs)

Water will be pumped from the well to the head of the pond system, and irrigation water will be withdrawn from the lower end and applied to the remaining cropland. To provide additional flow rate through the ponds, an Application for Permit is being submitted for a non-consumptive groundwater use. Under this permit, water could be diverted from the well to the ponds at a maximum rate of 4.0 cfs. A portion of this water will return to the aquifer via pond seepage; the portion that does not seep will overflow the last pond and return to the aquifer via an excavated gravel pit. The portion returning by seepage will depend on the actual achievable seepage rate. For example, if the seepage rate is 0.1 ft/day, the total seepage rate would be 1.1 cfs, or 28% of the total non-consumptive right. It is anticipated that the additional flow rate sought by the permit application will be required to maintain water quality in the ponds only during the hottest periods of the season. The maximum diversion rate from the well will be 1.00 cfs (irrigation right) + 0.24 cfs (wildlife/recreation) + 4.00 cfs (new non-consumptive right) = 5.24 cfs.

The rate of flow and cumulative volume diverted from the well to the ponds and to irrigation will be monitored using flow meters with totalizers. The proposed placement of meters is shown on the diagram. This will allow determination of the water balance on the system, in terms of diversion rate and annual volume, to ensure that no expansion of the water right occurs and that all provisions of the proposed permit and transfer are met.

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12/15/2002

POND EVAPORATION DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975
 1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK-
 CREEK TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976
 EVAPORATION CALCULATED USING THE KOHLER-NORDENSON-FOX PROCEDURE

Month	Average Daily Evap (mm)	Average Daily Evap (in)	Monthly Evap (in)
JAN	0.56	0.022	0.68
FEB	0.91	0.036	1.00
MAR	1.43	0.056	1.75
APR	2.29	0.090	2.70
MAY	4.32	0.170	5.27
JUN	5.19	0.204	6.13
JUL	5.19	0.204	6.33
AUG	4.55	0.179	5.55
SEP	3.96	0.156	4.68
OCT	2.07	0.081	2.53
NOV	1.01	0.040	1.19
DEC	0.63	0.025	0.77
MAX MONTH			6.33
ANNUAL TOTAL			38.59
APR-SEP TOTAL			30.67
MAY-OCT TOTAL			30.49

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A SITE SURVEY SHOWING
A PORTION OF THE SW 1/4 OF SECTION 10
T.18N., R.10E., BOISE MOUNTAIN, CAMAS COUNTY, IDAHO
Topographic mapping and creek delineation done by
Alpine Enterprises

Surveyed by Alpine Enterprises
10/12/01

LEGEND



WATER AND CHANNEL ACRES



LAND MASS

FL - FLOWLINE DRY STREAMBED

FNC - FENCELINE

FLOW DIRECTION

LAND	AREA
A	43610.23
B	8276.40
Total Land Area	51886.63
Total Land Acres	1.19
TOTAL LAND AND WATER ACRES	22.27
TOTAL WATER ACRES	21.08

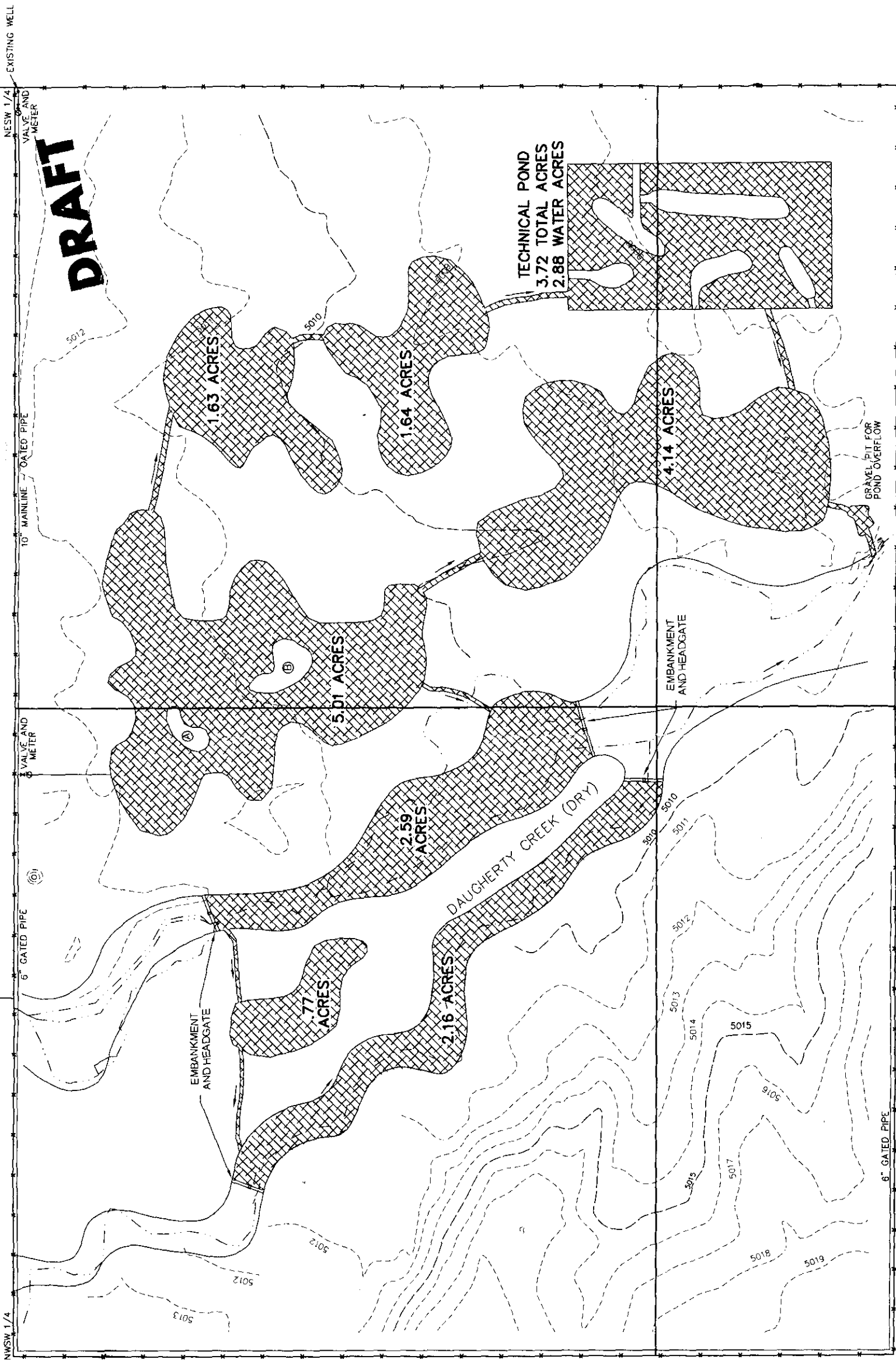
NWNE	7.15	NNNE	9.88
SWNE	0.01	SENE	4.06

ACERS BY 40

- NOTES:
- CONSTRUCTION TO OCCUR IN DAY CONDITIONS.
 - LOCATION OF INTER-POND CHANNELS IS APPROXIMATE AND MAY CHANGE SLIGHTLY.
 - HEADGATES TO REMAIN FULLY OPEN UNTIL RUNOFF COMPLETELY CEASES.

THIS DRAWING HAS BEEN PREPARED BY BROCKWAY ENGINEERING, PLLC FOR A SPECIFIC PROJECT TAKING INTO ACCOUNT THE SPECIFIC INFORMATION PROVIDED TO US. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR FOR ANY PURPOSE OF THIS DRAWING FOR ANY PURPOSE IS PROHIBITED. UNLESS WRITTEN PERMISSION FROM BOTH BROCKWAY ENGINEERING & THE CLIENT IS OBTAINED.

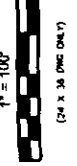
DRAFT



PROJECT # 456-01-2000
DWG # 01
REV A

WILLIAM FRUEHLING
WILDLIFE HABITAT PROJECT
FAIRFIELD, IDAHO

BROCKWAY ENGINEERING, PLLC
HYDRAULICS - HYDROLOGY - WATER RESOURCES
2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, ID 83301
(208) 736-8543



REV	DESCRIPTION	DATE	APPD.	REFERENCE DRAWINGS
B	ISSUED FOR OCTOBER 2001 WATER RIGHT TRANSFER	10/12/01		

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, William Fruehling, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

Transfer application for water rights 37-07282 and 37-07333.

Concurrent permit applications as may be required for non-consumptive groundwater
usage and for storage.

in Camas County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 10th day of OCT. 2001.

[Signature]

Signature

Signature

State of Idaho)

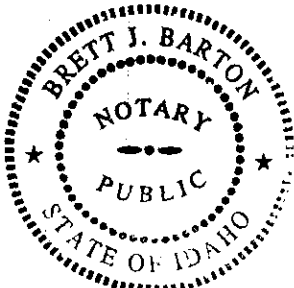
County of Blaine)

ss.

On this 10th Day of October, 2001, before me, a Notary Public
in and for said County and State, personally appeared William Fruehling
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Brett J. Barton

Notary Public
In and for said State and County

2-11-2006
My Commission Expires

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1999 10 1 2002

Real Estate Purchase and Sale Agreement

Purchase Price

\$

Seller: Steven S. and Rita Greenwalt

Buyer: William A. Fruhling and/or assigns

Property Address:
Legal Description: Parcel #1 (60.17 ac) and Parcel #2 (50 ac) as per survey located in the SW 1/4 of Section 10, T8 1S, R 15 E, B.M. including water right #s A37-07282B, A37-07333B (2.18 CFS)

City:
County: Camas

State: Idaho

Buyer hereby agrees to buy, and Seller agrees to sell, the property on the following terms and conditions:

Terms The purchase price is payable as follows:

\$ _____ Cash, cashier's check, or certified funds at closing, including Earnest Money.
 \$ _____ Seller Financing - See Financing/Other Terms.
 \$ _____ Other
 \$ _____ Total Purchase Price - Not including closing costs.

Earnest Money

\$ 1,000.

one thousand Dollars

Evidenced By:
To Be Held By:
Other Remarks:

☒ Personal Check
☐ Cashier's Check
☐ Promissory Note

☐ Listing Broker
☒ Selling Broker
☐ Title Company

E-money to be mailed upon acceptance of this offer by sellers

Earnest Money to be deposited in trust account upon acceptance of this agreement by all parties.

Offer Expires On

 Date: ~~3/30/00~~ 7/9/00

Time: 5:00 pm

Closing Date 3/31/01 or sooner

Possession Date:
☒ On the closing date ☐
Inspections

 N/A ☐

This offer is contingent upon Buyer's inspection of the premises and acceptance of the condition of the premises. Buyer shall have the right to conduct inspections, tests, surveys and other studies ("inspections") at Buyer's sole cost. Seller shall provide reasonable access for such inspections. Buyer shall indemnify Seller and hold Seller harmless from all injury, loss or liability regarding such inspections. If Buyer has not waived or satisfied this contingency in writing on or before see other contingencies then this Agreement shall terminate and the earnest money shall be refunded to Buyer (less any expenses incurred on behalf of Buyer pursuant to the "Costs Paid By" section of this agreement), unless on Buyer's request Seller extends the deadline in writing prior to expiration of the above deadline, in which case the new deadline shall control this contingency.

Financing This Agreement is contingent upon Buyer securing the following financing:

 N/A ☐

Buyer agrees to make a best effort to obtain such financing and to make written application within business days after acceptance of this agreement by both parties. If Buyer has not waived or satisfied this contingency in writing on or before

this Agreement shall terminate and the earnest money shall be refunded to Buyer (less any expenses incurred on behalf of Buyer pursuant to the "Costs Paid By" section of this agreement), unless on Buyer's request Seller extends the deadline in writing prior to expiration of the above deadline, in which case the new deadline shall control this contingency.

☐ New Loan
☐ Assume Existing

Type of Loan:

☐ Conv.
☐ FHA
☐ VA
☐ Fixed Rate
☐ Adj. Rate

Other Terms:

Buyer to execute a promissory note and mortgage in favor of the sellers in the payments of balance "plus interest" remaining

Total Points
 Amount
 Maximum % Rate
 Years

Document # TAC - 98

Date 7/1/00

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1998 11 2002

**Addendum to Purchase Agreement
dated July 1, 2000**

This addendum of a Real Estate Purchase and Sale Agreement between Steven S. and Rita Greenawalt, Rod and Melanie Gonsales, sellers, and William A. Fruehling and /or assignees, buyer, dated July 1, 2000 is hereby amended as follows:

Closing date shall be April 30, 2002 or sooner.

Buyer agrees to reimburse seller for any costs which seller has incurred in the way of pumps, irrigation equipment, Idaho Power costs, culvert costs, and any other costs of improvements which can be used by buyer in the future construction of said pond and irrigation construction. Buyer and seller shall mutually agree on said value of each item as evidenced by receipts from seller of each specific item and the current value. Each party shall reasonably value the improvements so as to adequately reimburse seller. Said agreed amount shall be paid by buyer to seller at the close of escrow.

Agents: Buyer and seller mutually agree that there are no real estate broker fees involved in this transaction and that sale is a direct transaction between buyer and seller.

Earnest Money: Upon refund of deposit from former broker to buyer, buyer agrees to deposit a check in the amount of \$1000 with seller as earnest money. Said refund of deposit by buyer from seller shall be governed by the original agreement.

All other conditions of the Real Estate Purchase and Sale Agreement dated July 1, 2000 shall remain in effect.

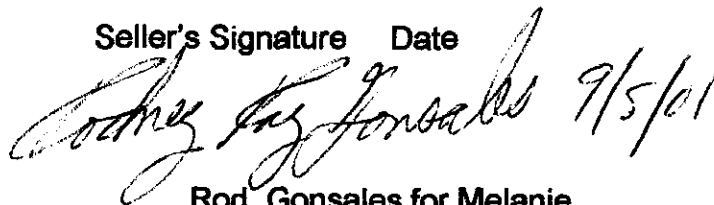
Buyer's Signature Date



William A. Fruehling

9/4/01

Seller's Signature Date



Rod Gonsales for Melanie
Gonsales and Steven S. and
Rita Greenawalt

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SEP 15 2002



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

June 5, 2002

WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

RE: Permit 37-20628

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet at <http://www.idwr.state.id.us> to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosures

MICROFILMED

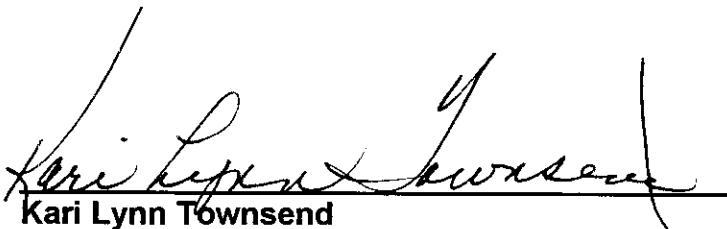
JUN 11 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2002 I mailed a true and correct copy, postage prepaid, of the forgoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

RE: AMENDMENT OF PERMIT 37-20628

**WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 5 5 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 15 2009

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: Files 37-7282B, 37-7333B and 37-20628

From: Sharla

Date: June 3, 2002

Re: Amended Transfer and Permit Approvals

Based upon the petition for reconsideration submitted by Brockway Engineering, an amended transfer approval should be prepared for the following changes:

- Remove condition 01J, listed as condition number 4 on the original approval. Condition 01M is the appropriate condition and it was appropriately listed on the approval document. Condition 01J is not applicable.
- The place of use can be shown as a permissible place of use with all 108 acres shown; a remark limiting the rights to 86.6 acres per season will be added.
- The language of the last transfer condition on both rights will be changed to better explain what is ~~being mitigated~~ ^{Covered} by these rights.

An amended permit can also be prepared to simplify the condition regarding evaporative losses.

MICROFILMED

JUN 9 5 2302



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 29, 2002

Ms. Sharla Curtis
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

VIA FACSIMILE

Re: Transfer No. 69650 / Rights 37-7282B and 37-7333B
Petition for Reconsideration

Dear Ms. Curtis:

Please consider this letter as a Petition for Reconsideration for the above-referenced transfer application in the name of William Fruehling.

Item 1

The place of use for the remaining irrigation under both rights needs to be structured as a permissible place of use. The ponds have not yet been constructed, and the exact location of the ponds may vary as plans are finalized. Allen Merritt recommended the PPU approach to allow Mr. Fruehling the flexibility in this regard (please refer to Mr. Merritt's memo relative to this transfer). It is my understanding that the applicant has the option to structure an irrigation right as a permissible place of use if he so desires. Please give Mr. Merritt a call to discuss this issue if there is any confusion.

Item 2

Conditions #3 and #4 appear to be somewhat inconsistent. #3 implies that the right holder is obligated to measure and report only after specific notification, whereas #4 specifically directs the right holder to measure and report. Mr. Fruehling does intend to install a flow meter on the well, and I believe Mr. Merritt's recommendation to include the standard condition about a lockable controlling works and a measuring device approved by the Department is appropriate.

Item 3

Condition #10 appears to say that the portions of the original irrigation rights that were split off for recreation, aesthetic, and wildlife uses are not real water but are listed on the right only to identify the mitigation provided for the new

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

MAY 30 2002

permit 37-20628. In my telephone conversation with you yesterday, you confirmed this interpretation.

I believe there may be a misunderstanding regarding the relationship of the transfer and the new permit. The intent of the transfer was to convert 21.4 acres of the original irrigation right, along with the associated diversion rate and volume, to recreation/aesthetic/wildlife for the ponds. The required acreage conversion was calculated to mitigate for the evaporative loss of the pond. This converted portion is real water, and must physically be diverted to the pond to make up for evaporative losses, both on an annual volume basis and on an instantaneous rate basis. The purpose of the new permit application was 1) to obtain a storage permit for the ponds; and 2) to allow for up to 4.0 cfs of non-consumptive diversion that would be recharged back to the aquifer. A non-consumptive diversion needs no mitigation – only the storage component and evaporative loss from the water surface needs to be mitigated.

If the converted portion of the irrigation rights is only symbolic, Mr. Fruehling will have lost the ability to divert 20% of his 1973-74 priority date groundwater rights. It was never the intention of the applicant to do so.

In summary, please consider the following changes to the transfer:

1. Structure the remaining irrigation as a permissible place of use, allowing 86.6 acres of irrigation in any one season within the 109-acre gross parcel area.
2. Replace conditions #3 and #4 with the single condition recommended by Mr. Merritt.
3. Delete condition #10.

I will be in the office tomorrow and Friday. If you would, please give me a call and let me know the status of the changes prior to issuing a final order.

Sincerely,

Charles G. Brockway, P.E.

cc: Allen Merritt
Norm Young
William Fruehling

MICROFILMED

MAY 31 2002



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

May 22, 2002

WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

RE: Permit No. 37-20628

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.

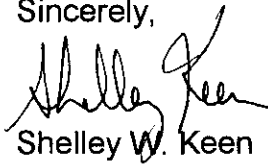
MICROFILMED

MAY 21 2002

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If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

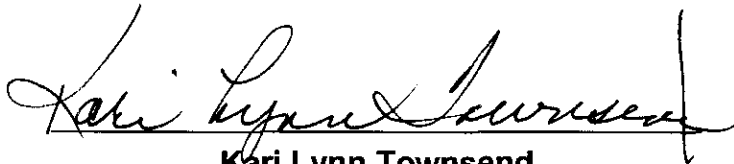
SEP 9 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 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. 37-20628

**WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED
MAY 25 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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MICROFILMED

JUN 11 1997

FINAL ORDER

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MICROFILMED
OCT 24 2002

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 5/17/02

No. 37-20628 Name: Fruehling Corp. Officers N/A Ad ok _____ Govt Lots _____

AREA OF CONCERN: No/Yes ESPA non cons & mt. plan Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
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
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust N/A - 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)
STOCKWATER - 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: 6/01/2007

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# _____)
≤ 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) - 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

FISH PROP

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075 (no parks/common areas)
Irr 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 ¼¼ - 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 p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

MEMORANDUM

To: Files 37-7282B, 37-7333B and 37-20628

From: Sharla

Date: May 17, 2002

Re: Mitigation

Application for Permit 37-20628 was filed for wildlife, recreation and aesthetic uses for a total of 4.00 cfs. The ponds will cover a surface area of 21.1 acres at a depth of 2 feet for a total of 42.2 af; wildlife storage, recreation storage and aesthetic storage uses were interpreted based on the 42.2 af listed. A diversion to storage component is also appropriate and has been added to the permit; such an addition does not require re-advertising and the change is acceptable to the applicant, per a telecon on this date.

Based on the information from regional personnel and Chuck Brockway, the consumptive use (evaporation from the ponds) will be mitigated with the reduction of irrigated acres (upon which the ponds are being excavated). As the application was originally filed, it was protested but the protest was resolved via an agreement between the parties. Chuck Brockway's analysis calculates the number of acres to be removed from irrigation based on a consumptive volume of 2.5 af/acre. The licenses were issued with a headgate volume of 3.0 af/ac, which would correspond to a current consumptive volume of 2.0 af/ac. SRBA recommendations show the current value of 3.5 af/ac, however, per current administrative guidance, the volume is limited to the amount licensed. Attached is information from the Fairfield Ranger Station used to determine the consumptive volume for that area which is approximately 2.6 af/ac. Thus, Mr. Brockway's calculations are acceptable and the proposed number of acres to be retired from irrigation are sufficient.

Mr. Brockway also indicates that the ponds will be lined to reduce the amount of seepage from the ponds. With a natural flow component and a diversion to storage component along with a miniscule amount of seepage, the applicant has sufficient rights to cover the maintenance of the ponds while at the same time mitigating for whatever evaporative losses may occur from the ponds.

Conditions will be placed on both the permit and transfer approvals explaining the mitigation, etc.

MICROFILMED
JUN 17 2002

Est. CU and CIR.		Fairfield Ranger Station (Allen & Brockway, 1983)										mm/day and mm/season
		MO	MYRS	PREC	ETR	ALFH.	SILGE	POTAT	SGRAN	WGRAN	PAST.	
AVE ET	3	3	321.00.00	.80							.24	
AVE IR	3	3	321.00.00								-.33	
STD ET	3	3	321.00.00	.47							.14	
STD IR	3	3	321.00.00								.41	
SKW ET	3	3	321.00.00	.06							-.06	
SKW IR	3	3	321.00.00								-.23	
AVE ET	4	4	311.00.00	4.10							1.90	1.41
AVE IR	4	4	311.00.00								1.36	.87
STD ET	4	4	311.00.00	.52							.24	.18
STD IR	4	4	311.00.00								.54	.49
SKW ET	4	4	311.00.00	-.56							-.56	-.22
SKW IR	4	4	311.00.00								-.21	-.22
AVE ET	5	5	321.17	5.99	3.62	1.80	1.80	1.83	5.49	4.76	4.35	5.88
AVE IR	5	5	321.17		2.92	1.21	1.34	1.31	4.76	4.41	3.66	5.11
STD ET	5	5	321.17	.44	.27	.13	.13	.14	.41	.41	.71	.71
STD IR	5	5	321.17		.68	.55	.43	.50	.78	.78	.71	.71
SKW ET	5	5	321.17	.05	.06	.05	.05	.06	.06	.06	.05	.05
SKW IR	5	5	321.17		-1.28	-1.42	-1.37	-1.40	-1.10	-1.10	-1.20	-1.20
AVE ET	6	6	321.10	7.63	6.94	2.34	3.13	5.23	7.63	6.80	5.11	5.88
AVE IR	6	6	321.10		6.08	1.73	2.65	4.57	6.80	5.11	4.35	5.11
STD ET	6	6	321.10	.43	.39	.13	.18	.30	.43	.43	.32	.32
STD IR	6	6	321.10		.83	.53	.46	.64	.83	.83	.73	.73
SKW ET	6	6	321.10	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01	1.01
SKW IR	6	6	321.10		-1.40	-1.70	-1.55	-1.43	-1.32	-1.32	-1.44	-1.44
AVE ET	7	7	311.83.87	7.86	6.51	5.22	6.33	7.81	7.86	6.05	5.80	6.05
AVE IR	7	7	311.83.87		6.24	4.99	6.14	7.56	7.59	5.80	5.22	5.22
STD ET	7	7	311.83.87	.28	.43	.37	.36	.45	.47	.47	.40	.40
STD IR	7	7	311.83.87		.69	.66	.72	.71	.75	.75	.75	.75
SKW ET	7	7	311.83.87	.73	.58	.66	.33	.35	.42	.42	.58	.58
SKW IR	7	7	311.83.87		-.58	-.66	-.33	-.35	-.42	-.42	-.58	-.58
AVE ET	8	8	301.64	6.68	4.98	6.35	5.45	5.87	5.18	5.14	4.83	5.14
AVE IR	8	8	301.64		4.66	6.01	5.20	5.38	4.88	4.33	3.35	3.35
STD ET	8	8	301.64	.43	.32	.41	.35	.38	.71	.72	.72	.72
STD IR	8	8	301.64		.75	.82	.64	.73	.71	.71	.71	.71
SKW ET	8	8	301.64	-.21	-.20	-.20	-.21	-.21	-.20	-.21	-.21	-.21
SKW IR	8	8	301.64		-2.16	-2.07	-2.00	-2.05	-2.12	-2.12	-2.14	-2.14
AVE ET	9	9	301.72	5.04	2.41	4.36	3.58	1.19	.90	3.88		
AVE IR	9	9	301.72		2.04	3.95	3.28	.89	.58	3.48		
STD ET	9	9	301.72	.48	.23	.42	.34	.11	.09	.37		
STD IR	9	9	301.72		.59	.76	.59	.42	.43	.71		
SKW ET	9	9	301.72	-.83	-.83	-.83	-.83	-.83	-.83	-.83		
SKW IR	9	9	301.72		-1.44	-1.29	-1.26	-1.56	-1.62	-1.32		
AVE ET	10	10	311.84	3.07						2.36		
AVE IR	10	10	311.84							1.95		
STD ET	10	10	311.84	.39						.30		
STD IR	10	10	311.84							.56		
SKW ET	10	10	311.84	-.00						-.00		
SKW IR	10	10	311.84							-.41		
AVE ET	11	11	177.7	1260.	747.	614.	621.	673.	893.	889.		
AVE IR	11	11	177.7		669.	546.	568.	609.	782.	782.		
STD ET	11	11	177.7	.0.	.21.	.20.	.37.	.39.	.53.	.49.		
STD IR	11	11	177.7	.0.	.46.	.46.	.37.	.08.	.47.	.02.		
SKW ET	11	11	177.7	.43.	-.19.	-.67.	-.63.	-.93.	-.06.	-.55.		
SKW IR	11	11	177.7		-.81	-1.15	-1.15	-.93.	-.06.	-.55.		

784 mm

Season

$$\frac{784 \text{ mm}}{\text{Season}} = \frac{2.57 \text{ AP}}{\text{Season}}$$

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JUN 8 3 2007

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APR 18 2002

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: April 17, 2002

TO: Transfer File No. T69650
Water Right(s): 37-7282B and 37-7333B
AND
TO: Application for Permit 37-20628

Both in the name of: **William Fruehling****SUBJECT: Review and Recommendation**

This transfer application and permit application proposing uses from ground water are related and should be processed as a package. The transfer proposes to reduce acres irrigated (21.4 acres) under existing rights and change that portion originally used for irrigation to the consumptive use associated with building of several wildlife, recreation, and aesthetic ponds. The ponds will be built and supplied water pursuant to the application for permit. The application for permit is mitigated by the transfer. The application for permit identifies volumes for the ponds and a flow rate for the uses. The concept is that ground water will be pumped through the ponds and allowed to sink with the consumptive use due to evaporation being made up by the transfer. Brockway Engineering prepared the applications and has provided a written analysis.

The transfer application and application for permit were processed and were both protested by the Big Wood Canal Company. Ultimately the parties resolved the protests by agreement. (See enclosed) The agreement essentially eliminates the potential of building ponds and capturing water from the Daugherty Creek channel crossing the property. The applications were modified reducing the initial size of the ponds pursuant to the agreement but the application still proposes to dry up the same number of acres. The lands remaining irrigated under the rights totaling 86.6 acres are left configured they way they were before the agreement. There is a letter in the file from Brockway indicating "The surface area of the ponds has decreased somewhat on this plan, but the applicant will not be changing the acreage on the transfer application, in order to allow flexibility in the pond size." In light of this statement I believe that it would be best to recommend the remaining irrigated acreage (86.6 acres) be listed in a PPU consisting of the 108 original place of use for irrigation. I have drafted my recommendation based on putting the irrigation into a PPU. The application for transfer lists the volume associated with the subject rights as 3.5 afa/acre being the new standard. The original license was based on 3.0 afa/acre. Due to recent direction from administration the recommendation is based on 3.0 afa/acre.

Recommendation

I recommend that this transfer and application for permit be approved subject to the conditions:

WATER RIGHT NO. 37 7282B

020 Use of water under this right may be affected by an agreement between the protestant and

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APR 18 2002

the right holder.

- GEN The Wildlife, Recreation and Aesthetics uses of this right provide for the consumptive uses associated with use of water right 37-20628.
- 01J 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.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- GEN Rights 37-7282B, 37-7333B and 37-20628 are diverted through the point of diversion described above and when combined shall not exceed a total diversion rate of 5.52 cfs and may be further limited on final development of permit 37-20628.
- W27 This right is limited to the irrigation of 86.6 acres within the place of use described above in a single irrigation season.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37 7333B

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- GEN The Wildlife, Recreation and Aesthetics uses of this right provide for the consumptive uses associated with use of water right 37-20628.
- 01J 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.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- GEN Rights 37-7282B, 37-7333B and 37-20628 are diverted through the point of diversion described above and when combined shall not exceed a total diversion rate of 5.52 cfs and may be further limited on final development of permit 37-20628.
- W27 This right is limited to the irrigation of 86.6 acres within the place of use described above in a single irrigation season.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this

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JUN 5 5 2002

water right in the ongoing Snake River Basin Adjudication.

- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37 20628

- GEN Use of water under this right shall be non-consumptive as long as portions of rights 37-7282B and 37-7333B for Wildlife, Recreation and Aesthetics are maintained to mitigate the consumptive nature of this development. All water diverted from ground water pursuant to 37-7282B, 37-7333B and this right shall be maintained on the property for the beneficial uses associated with these rights and/or allowed to recharge back to ground water and not allowed to leave the property as runoff.
- 01J 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.
- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.

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SEP 05 2002

FILE PROGRESS SUMMARY

APPLICANT:

FROM: William Fruehling, WATER RIGHT NO. 37-20628

[illegible]

William Lucking

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY John Fritzy DATE 1/30/01

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/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
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt?

++++ PROPOSED PRIORITY DATE _____ 19, ____

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back. *See memo*)
☒ Overlapping point of diversion. *See memo*
☒ Yes ☒ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by _____
☒ Yes ☒ No Field report attached?
☒ Yes ☒ No Critical Ground water area?
☒ Yes ☒ No Groundwater management area? *Big Bend GOMA*
☒ Yes ☒ No Measurement District or Groundwater District?
What District? _____
☒ Yes ☒ No Send Dam safety information?
☒ Yes ☒ No Send power requirement letter?
☒ Yes ☒ No Send fish farm requirement letter?
☒ Yes ☒ No Power residency affidavit attached?
☒ Yes ☒ No Power efficiency form?
☒ Yes ☒ No Within trustwater boundary? (If yes, attach trustwater supplementary analysis sheet.
☒ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
☒ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>37</u> ^{Per} <u>Peters</u>	<u>3/14/02</u>	_____
☒ Adjudication Bureau Unit	_____	_____
☒ <u>Big Wood Canal Co.</u>	<u>3/14/02</u>	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☐ Yes ☒ No Fee amount, receipt date & No. recorded?

☒ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: Agreement

☒ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____

☒ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 4/17/02

Date of priority recommended: _____

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By [Signature] Date 4/17/02

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 08 2002

Department of Water Resources
Southern Region

STATE OF IDAHO)
)
) SS.
County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of February, 2002, and the date of the last publication was on the 27th day of February, 2002.

Edward Reagan

On this 5 day of April, in the year of 2002, before me, a Notary Public, personally appeared EDWARD REAGAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

J. R. Smith
Notary Public for Idaho

Residing in Fairfield.

My commission expires: COUNTY CLERK

THE CAMAS COURIER

Post Office Box 339

Fairfield, Idaho

Cost of Publication

Number of lines in notice	<u>70</u>	
Number of insertions	<u>2</u>	
Cost for advertisement	First insertion	\$ <u>24.50</u>
	Second insertion(s)	\$ <u>21.00</u>
	Total cost	\$ <u>45.50</u>

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APR 9 2002

Legal Advertisements Legal Advertisements Legal Advertisements

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House Annex on Monday the 11th day of March 2002, at 9:40 a.m. The purpose of this hearing is to hear an amendment to Camas County Ordinance #11.

Namely, to change Section 2, from "The Commission shall consist of twelve (12) members" to "The Commission shall consist of seven (7) members; and change "The terms of office for the appointive members shall be between three (3) and six (6) years" to "The terms of office for the appointive members shall be six (6) years".

published on February 20, 27, and March 6, 2002

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning and Zoning Commission will hold a public hearing in the Camas County High School Study Hall on Tuesday the 12th day of March, 2002 at 7:00 p.m.

The purpose of this hearing is to hear Camas County, Idaho, Street Construction Standards. A copy of these standards may be obtained at the P&Z Administrator's office during his business hours.

published on February 20, 27, and March 6, 2002

NOTICE OF APPLICATIONS

Notice is hereby given that WILLIAM FRUEHLING, PO BOX 4508, KETCHUM ID 83340 filed two applications with the Idaho Department of Water Resources on 10/15/2001 concerning uses within Camas County.

Application for Permit No. 37-20628

Point(s) of Diversion: NESW S10 T01S R15E
Source: GROUND WATER
Use: 01/01 To 12/31
WILDLIFE 4 CFS 42.2 AFA
- RECREATION 4 CFS 42.2 AFA
AESTHETIC 4 CFS 42.2 AFA
Total Diversion: 4 CFS 42.2 AFA
Place Of Use: SW 1/4 S10 T01S R15E

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Application for Transfer No. 69650 proposes to divert a combined total of 1.52 cfs from ground water within S10 T01S R15E (existing well) for Wildlife, Recreation, Aesthetic & Irrigation uses at the same site.

- This Companion Transfer is proposing to dry up 21.4 acres of land irrigated from groundwater. Purpose of transfer is to mitigate for evaporative losses from proposed ponds for wildlife, recreation and aesthetic purposes proposed in Application for Permit 37-20628 and define location of remaining 86.6 acres to be irrigated. Location of proposed transfer is 6 miles East and 1/2 mile North of Fairfield, ID. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 11, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning and Zoning Commission will hold a public hearing in the Camas County High School Study Hall on Tuesday the 12th day of March, 2002 at 7:20 p.m.

The purpose of this hearing is to hear an amendment to the Camas County Subdivision Ordinance, namely to add:

ARTICLE III, PROCEDURE FOR SUBDIVISION APPROVAL, SECTION C. PRELIMINARY PLAT.

2. MINOR SUBDIVISION: A subdivision application may be processed as a Minor Subdivision if all of the following exist:

1. The proposed subdivision does not exceed four (4) lots.
2. The proposed subdivision does not involve special development considerations such as lying within the Flood Plain Overlay District, Critical Area District, Tourism Overlay District, Streamside Overlay District and is not a Hillside and Foothill Area Development.
3. All required information for the preliminary plat is complete.

When the Planning and Zoning Administrator deems the minor subdivision preliminary plat application complete and valid and all relevant agencies have been notified - the Administrator may then take the preliminary plat to the Board of County Commissioners for their review. The Planning and Zoning Commission and the Technical Review Committee are not engaged in the review of a minor subdivision preliminary plat application unless the administrator requests their review.

published on February 20, 27, and March 6, 2002

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning and Zoning Commission will hold a public hearing in the Camas County High School Study Hall on Tuesday the 12th day of March, 2002 at 7:30 p.m.

The purpose of this hearing is to hear an amendment to the Camas County Subdivision Ordinance, namely to add:

ARTICLE V, IMPROVEMENT STANDARDS, SECTION B. REQUIRED PUBLIC IMPROVEMENTS, add:

1. **ROAD ACCESS:** No subdivision shall be developed without access to a public street or road, built to such construction standards as set by the County. Should such street or road not be built to County standards, it shall be the responsibility of the property owner whose property is being developed to improve the street or road to County standards prior to building permits being issued.
2. **STREETS (INCLUDING BRIDGES), ALLEYS, CURBS, GUTTERS AND BICYCLE PATHWAYS:** All streets, bridges, curbs and gutters shall meet the requirements set forth by the State of Idaho Highway Department, in order to qualify a street for Highway User funds, and the Camas County, Idaho Street Construction Standards. All streets, bridges, curbs, and gutters are subject to approval by the Camas County road and Bridge Department.

published on February 20, 27, and March 6, 2002

25 X 2 columns = 70 lines
1st In
70 X .35 = 24.5
2nd In
70 X .30 = 21.00

OK MP 4/3/02
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Baldwin, Mary

From: Baldwin, Mary
Sent: Friday, March 29, 2002 9:24 AM
To: Camas Courier (E-mail)
Cc: Baldwin, Mary
Subject: PUBLISHING AFFIDAVITS

Good Morning, Eddy:

I need publishing Affidavits at your earliest convenience for Notice of Applications in the name of **William Fruehling** published in February. Thanks!

Mary

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JUN 05 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2002

WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

Re: Application for Permit No. 37-20628 & Application for Transfer No. 69650

Dear Mr. Fruehling:

This office acknowledges receipt of the Settlement Agreement regarding the above referenced applications.

Since the issue of the protests have been resolved, the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

By copy of this letter, all parties have been notified and the Department will continue review of the applications without further contact with the parties unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:

LYNN HARMON GEN MGR
BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

CHARLES G. BROCKWAY
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

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JUN 9 5 2002

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MAR 27 2002

Department of Water Resources
Southern Region

AGREEMENT FOR WITHDRAWAL OF PROTEST

This Agreement is made effective this 19th day of March, 2002 by and between William Fruehling (hereinafter referred to as "Applicant") and the Big Wood Canal Company (hereinafter referred to as "Protestant").

1. Applicant has made application before the Idaho Department of Water Resources (IDWR) for a transfer of groundwater rights 37-07282B and 37-07333B (Transfer No. 69650) to convert a portion of said rights from irrigation to recreation, aesthetic, and wildlife uses in several ponds.
2. Applicant has also made application before IDWR for a non-consumptive groundwater permit (Application No. 37-20628).
3. BWCC has filed protests against both the transfer and permit applications.
4. Applicant hereby agrees to the following conditions pursuant to the water right applications noted above:
 - a. No construction of ponds, embankments, culverts, or any other potential flow restrictions will be made in any flow channel of Daugherty Creek.
 - b. No diversion of water of any amount or at any time will be made from Daugherty Creek.
 - c. All ponds and/or waterways constructed on Applicant's property will be wholly independent of the Daugherty Creek flow channels and will be supplied solely with water from the Applicant's well.
 - d. At no time will the recharge pit receive water from Daugherty Creek.
5. Protestant agrees to withdraw its protests against Application for Transfer No. 69650 and Application for Permit No. 37-20628, and to seek no further opposition to these applications, through IDWR or by any other means.

69650 and Application for Permit No. 37-20628.

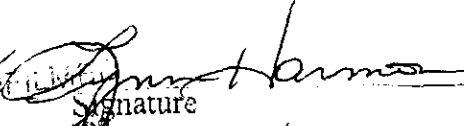
William Fruehling,
Applicant:


Signature

Name

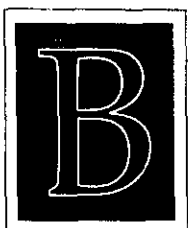
William Fruehling
Title
APPLICANT

Big Wood Canal Company,
Protestant:

3/20/02  3-19-02
Date Signature Date

Name

LYNN HARMON
Title
General Manager



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 21, 2002

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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MAR 21 2002

Department of Water Resources
Southern Region

Re: Fruehling – protest withdrawal
Transfer Application 69650 and Permit Application 37-20628

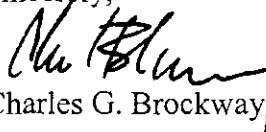
Dear John:

The Big Wood Canal Company has withdrawn its protest against the above-referenced applications. Enclosed is an executed protest withdrawal agreement.

I am also enclosing a revised site plan reflecting changes pursuant to the agreement with the BWCC. The surface area of the ponds has decreased somewhat on this plan, but the applicant will not be changing the acreage on the transfer application, in order to allow flexibility in the pond size.

Since the protest has been resolved, please process the application at the earliest possible time, and do not hesitate to call if you have any questions.

Sincerely,


Charles G. Brockway P.E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Enc: Protest withdrawal agreement
Revised site plan
cc: William Fruehling

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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MAR 21 2002



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 21, 2002

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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MAR 21 2002

Department of Water Resources
Southern Region

Re: Fruehling - protest withdrawal
Transfer Application 69650 and Permit Application 37-20628

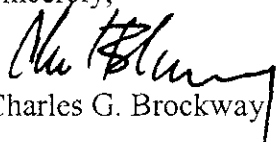
Dear John:

The Big Wood Canal Company has withdrawn its protest against the above-referenced applications. Enclosed is an executed protest withdrawal agreement.

I am also enclosing a revised site plan reflecting changes pursuant to the agreement with the BWCC. The surface area of the ponds has decreased somewhat on this plan, but the applicant will not be changing the acreage on the transfer application, in order to allow flexibility in the pond size.

Since the protest has been resolved, please process the application at the earliest possible time, and do not hesitate to call if you have any questions.

Sincerely,


Charles G. Brockway P.E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Enc: Protest withdrawal agreement
Revised site plan
cc: William Fruehling

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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APR 15 2002

S.F.
Receipt #
5024640

Big Wood Canal Company
American Falls Reservoir District No. 2
112 S. Apple * Box C
Shoshone, Idaho 83352
(208) 886-2331 Fax (208) 886-2010

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MAR 07 2002
Department of Water Resources
Southern Region

March 5, 2002

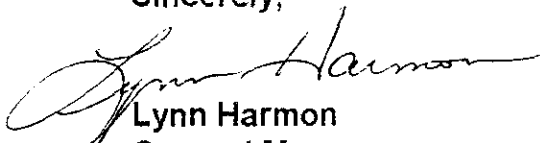
Idaho Department of Water Resources
1341 Filmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: William Fruehling Application for permit No. 37-20628 and Transfer
Application No. 69650

Big Wood Canal Company is opposed to the proposed water right
application 37-20628 and transfer application No. 69650 in the name of
William Fruehling.

The proposed applications listed above call for the construction of
diversions in Dauherty Creek which would divert surface water run-off
which is tributary to Camas Creek and Magic Reservoir. The diverting of
this water would infringe on prior decree rights belonging to Big Wood
Canal Company. From the map which was enclosed it appears that closing
off the flow into the gravel pit from the creek would be necessary to
prevent loss of creek water into the gravel pit.

Sincerely,


Lynn Harmon
General Manager

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JAN 13 2002

Idaho Department of Water Resources Receipt

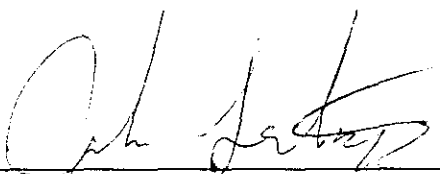
Receipt ID S024640

Payment Amount \$25.00 Date Received 3/7/2002 4:24:21 PM Region Southern Status
Payment Type Check Check Number 11594

Payer BIG WOOD CANAL COMPANYComment Protest for transfer 69650 in the name of William Fruehling.

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 64103 1155


Signature Line (Dept. Representative)

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FEB 6 5 2002

State of Idaho
Department of Water Resources
Transfer of Water Right(s) & Permit

RECEIVED
MAR 01 2002
Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 69650 & 20628
Applicant's Name: William Fruehling

Water Right No(s): 37-7282B, 37-20628
& 37-7333B

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
b) X I do not oppose approval of this application if it is conditioned as follows.

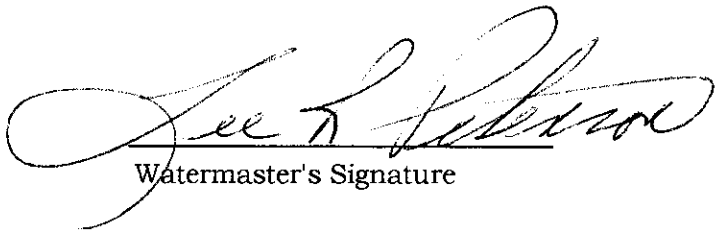
Providing the surface stream flow within the creek is not altered or interfered with, so the flow can proceed down stream to water users further down Camas Creek and Big Wood River. The overflow gravel pit needs to be sealed, allowing the overflow from the ponds to proceed on down to Camas Creek.

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

- d) _____ Additional Comment:

Dated this 27th day of February, 2002 .

Water District No. 37


Watermaster's Signature

MICROFILMED

MAR 15 2002

NOTICE OF APPLICATIONS

Notice is hereby given that WILLIAM FRUEHLING, PO BOX 4508; KETCHUM ID 83340 filed two applications with the Idaho Department of Water Resources on 10/15/2001 concerning uses within Camas County:

Application for Permit No. 37-20628

Point(s) of Diversion: NESW S10 T01S R15E

Source: GROUND WATER

Use: 01/01 To 12/31

WILDLIFE	4 CFS	42.2 AFA
RECREATION	4 CFS	42.2 AFA
AESTHETIC	4 CFS	42.2 AFA

Total Diversion: 4 CFS 42.2 AFA

Place Of Use : SW¼ S10 T01S R15E

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Application for Transfer No. 69650 proposes to divert a combined total of 1.52 cfs from ground water within S10 T01S R15E (existing well) for Wildlife, Recreation, Aesthetic & Irrigation uses at the same site.

This Companion Transfer is proposing to dry up 21.4 acres of land irrigated from groundwater. Purpose of transfer is to mitigate for evaporative losses from proposed ponds for wildlife, recreation and aesthetic purposes proposed in Application for Permit 37-20628 and define location of remaining 86.6 acres to be irrigated. Location of proposed transfer is 6 miles East and 1/2 mile North of Fairfield, ID. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 11, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Camas Courier on 02/20 & 02/27/02.

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MAR 5 5 2002

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN Regional Manager
1341 FILLMORE STREET-SUITE #200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

February 14, 2002

EDWARD REAGAN EDITOR
CAMAS COURIER
PO BOX 339
FAIRFIELD ID 83327

Dear Mr. Reagan:

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. Your prompt cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

MICROFILMED

FEB 14 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2002

CHARLES G. BROCKWAY
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

Re: Application for Permit No. 37-20628 & Application for Transfer No. 69650-William Fruehling

Dear Mr. Brockway:

The Department of Water Resources acknowledges receipt of the water right application filed on behalf of Mr. Fruehling. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office has scheduled advertising the applications in the **Camas Courier** for 2/20 & 02/27/02. A period of ten days following the second publication will be allowed for the submittal of protests. (March 11, 2002)

If an application is protested the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

cc:
WILLIAM FRUEHLING
PO BOX 4508
KETCHUM ID 83340

MICROFILMED

FEB 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Applications for Permit & Transfer in the name of William Fruehling

Dear Mr. Peterson:

Enclosed are copies of Applications within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an untested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an applications, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

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FEB 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2002

ATTN LYNN HARMON
BIG WOOD CANAL CO
PO BOX C
SHOSHONE ID 83352

Re: Application for Permit No. 37-20628 and Application for Transfer No. 69650 filed in the name of William Fruehling

Dear Mr. Harmon:

The Department is seeking your comment and/or recommendations regarding the above referenced applications; copies are enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

FEB 14 2002

Memorandum

To: 37-20628

From: John Freitag

Re: Legal notice

Date: 1/30/02

This application is proposing to pump 4 cubic feet per second and 42.2 acre feet per year from ground water for wildlife, recreation, and aesthetic uses. Application is proposing non-consumptive use due to recharge from pond seepage and a gravel pit.

There is an accompanying transfer^{(61650) S.F.}, which is proposing to dry up 21.4 acres of land irrigated from groundwater. Purpose of transfer is to mitigate for evaporative losses from proposed ponds for wildlife, recreation and aesthetic purposes.

Location of proposed use is 6 miles east and 1/2 mile north of Fairfield Idaho.

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APR 9 5 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Memorandum

To: ~~XXXXXX~~ 37-20628 J.F.

From: John Freitag J.F.

Application
Re: ~~XXXXXX~~ review

Date: 10/30/02 01/30/02

This application is proposing to divert 4 cfs of ground water and a volume of 42.2 acre feet per year. Applicant is proposing non-consumptive use due to recharge through pond seepage and a gravel pit (see narrative with application). There is also a transfer accompanying this application for permit.

(69650) J.F.
The accompanying transfer will convert 21.4 acres of irrigated land to mitigate for pond evaporation. Total pond area is 21.1 acres. Ponds are to be a total of 42.2 acre feet in volume. Totalizers are to be installed at the top and bottom of the pond system so that during run-off times the full amount of run-off will flow through the pond system to Daughterty Creek and to Magic Reservoir (see Brockway narrative accompanying transfer).

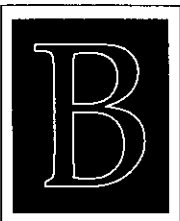
Applicant is also asking for head gate volume to be reflected in wildlife, recreation, and aesthetic uses. Brockway feels this is reasonable due to recharge incurred from pond seepage.

Note consumptive use volumes were used in calculating the number of acres to be dried up for mitigation.

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JUN 6 2002

MORE



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

Jan. 14 2002
~~October 15, 2001~~

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Fruehling applications / Project No. 456-01-2000

Dear John:

Enclosed is a revised Application for Transfer and Application for Permit for the Fruehling project near Fairfield. Revisions were made pursuant to the recent adjudication recommendation prepared by IDWR. The site map submitted with the original transfer is still valid.

Regards,


Charles G. Brockway, P.E.

cc: William Fruehling

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

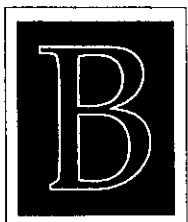
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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NOV 5 2002



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 19 2001

**Department of Water Resources
Southern Region**

October 15, 2001

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Fruehling applications / Project No. 456-01-2000

Dear John:

Enclosed is an Application for Transfer and Application for Permit for the Fruehling project near Fairfield. Please refer to the attached narrative, which explains the project and the proposed water right changes. I am enclosing a check for \$660.00 to cover the applications fees (\$290 for the transfer and \$370 for the permit).

Regards,


Charles G. Brockway, P.E.

cc: William Fruehling

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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WASHINGTON
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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

OCT 19 2001