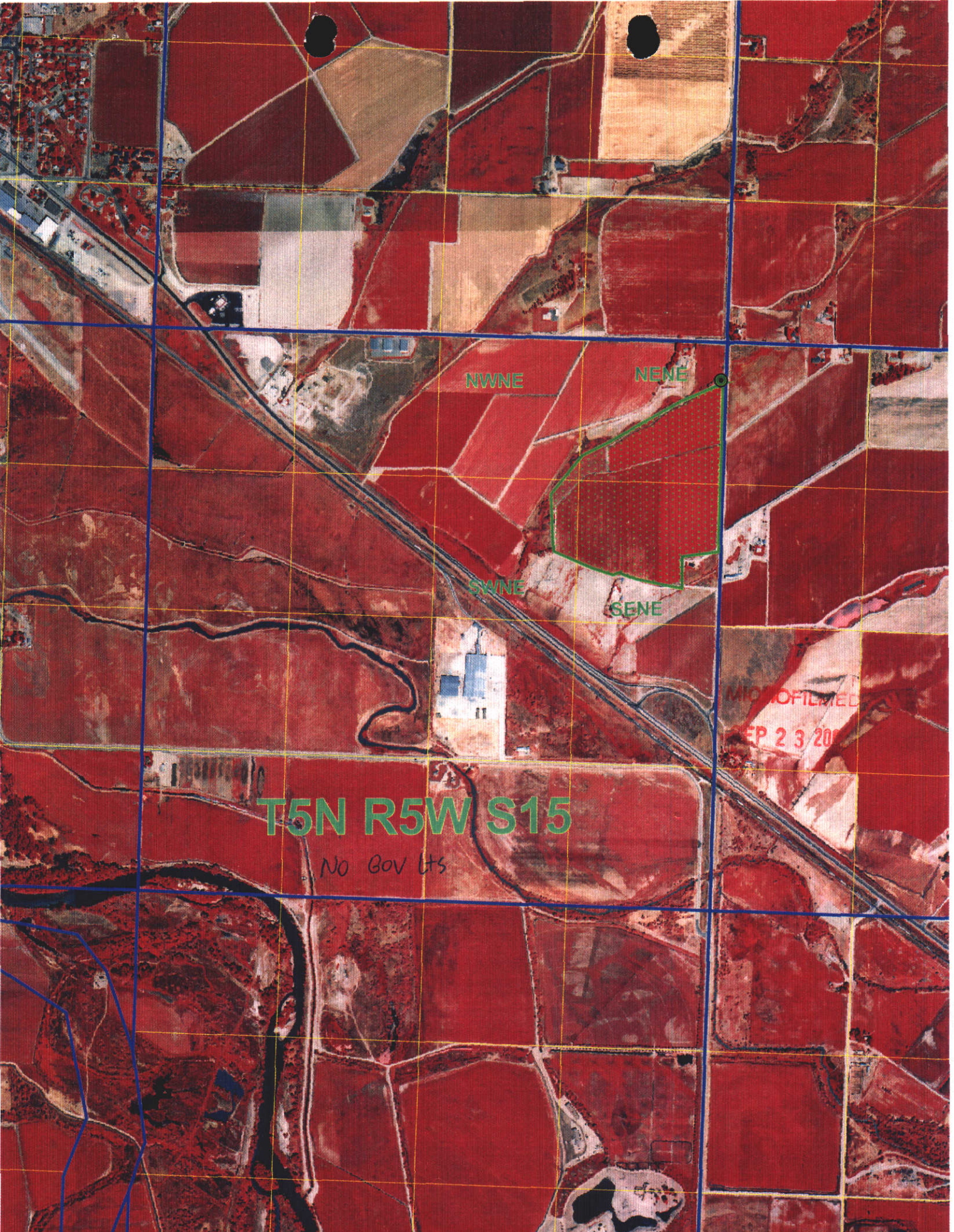




NWNE

NENE

SWNE

SENE

T5N R5W S15

No Gov Lts

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SEP 23 200

Simplot

SOILBUILDERS

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WATER RESOURCES
WESTERN REGION

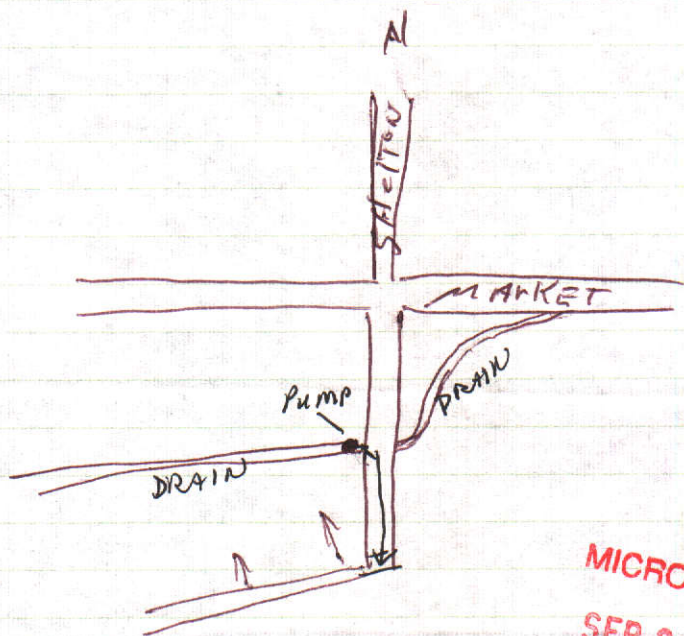
Rocky Mountain Region West Office - 208-454-2525

Bell Rapids, ID - 208-837-6111
Buhl, ID - 208-543-6434
Caldwell, ID - 208-459-3694
- 208-888-4471
- 208-466-0162

Jerome, ID - 208-324-4357
Weiser, ID - 208-549-2143
Wilder, ID - 208-482-6211
Winnemucca, NV - 775-623-2005
Ontario, OR - 541-889-2353

Grand View, ID - 208-834-2418

THE NORTH HALF OF THE SOUTHEAST QUARTER
AND THE SOUTH HALF OF THE NORTH EAST
QUARTER OF SECTION 15, TOWNSHIP 5 NORTH,
RANGE 5 WEST, BOISE MERIDIAN, CAYON
COUNTY, IDAHO



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BRINGING EARTH'S RESOURCES TO LIFE

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31393

Priority: 12/13/2001

Maximum Diversion Rate: 0.96 CFS

This is to certify, that HAROLD ROHRBACHER
28253 SHELTON RD
PARMA ID 83660

has applied for a permit to appropriate water from:

Source: WASTE WATER

Tributary: BOISE RIVER

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>
IRRIGATION	03/01 to 11/15	0.96 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NE 1/4 NE 1/4 Sec. 15, Twp 05N, Rge 05W, B.M. CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	15	18.0	1.0	4.0	25.0													48.0

Total Acres: 48

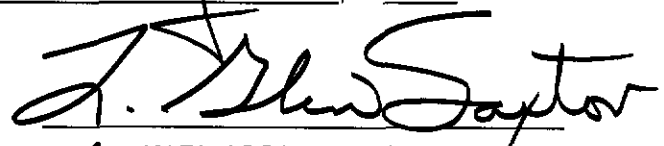
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 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.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
7. 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of May, 2002.

MICROFILMED

SEP 2 1 2001


for KARL J DREHER, Director

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DEC 13 2001

FORM 202
12/99WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 63-31393

RECEIVED

APR 18 2002

Department of Water Resources

1. Name of Applicant HAROLD ROHRBACHER Phone 222-6078
Mailing address 28253 SHELTON ROAD, PARMA ID 83660
2. Source of water supply WASTE WATER which is a tributary of BOIEE RIVER
3. Location of point of diversion is Township 5N Range 5W Sec. 15, in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot , B.M., CANYON County; additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .96 CFS for IRRIGATION purposes from 3/1 to 11/10 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .96 CFS and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source PUMPED FROM DRAIN DITCH TO CEMENT DITCH
b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
c. Proposed well diameter is inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought?
e. If well is already drilled, when? ; Drilling firm ; Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully.

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3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	5W	15	18	6	4	25													48

Total number of acres to be irrigated 48

10. Describe any other water rights used for the same purposes as described above. FARMER COOP CANAL

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: AN AGREEMENT ALLOWING ME TO USE THE WATER

12. Remarks: AT 501 WASTE DITCH ALSO KNOWN AS SAND HOLLOW CREEK

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Harold R. Rohrbacher
Signature of Applicant (and title, if applicable)

Received by DAN Date 12-13-01 Time 1:00 PM Preliminary check by ly
Fee \$ 250 Received by DAN # W028570 Date 12-13-01
Publication prepared by AT Date 2-24-02 Published in PRESS TRIBUNE
Publication approved JE Date 3/5/02

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SEP 23 2002



SENE

OFFICIAL
SEP 23 20



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 2, 2002

HAROLD ROHRBACHER
28253 SHELTON RD
PARMA ID 83660

RE: Permit No. 63-31393

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

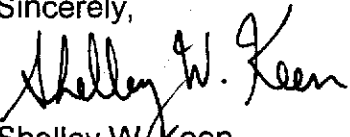
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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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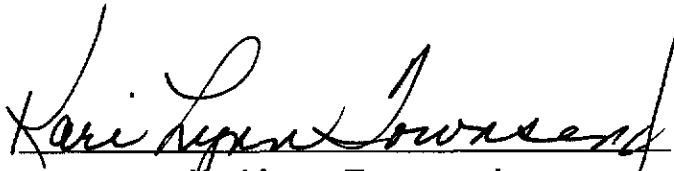
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-31393

**HAROLD ROHRBACHER
28253 SHELTON RD
PARMA ID 83660**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 2 4 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).

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/22/02

No. 63-31393 Name: Rohrbacher Corp. Officers N/A Ad ok / Govt Lots

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 24 - 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 - 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: 5/01/2007

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# 63)
≤ 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

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 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

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APR 1 2002

Initial review by Ly Date 1/17/02 Application # 63-31393

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the directors, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots

☒ P/D

☒ P/U

Department of Water Resources

APR 18 2002

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ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

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

see attached letter

Date Requested

1/4/02

Date Response Received

1/11/02

PROCESSINGAPPLICATION # 63-

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

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

YES NO

- ☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist # 63
☒ ☒ Water Planning Bureau
☒ ☒ Other BOR OFFICE OF FIELD SOL
ATTN: Kathleen Carr
Federal Bldg Rm 365
550 W Fort St
Boise Id 83724

FINAL REGIONAL PROCESSING REVIEW*Lee Sirko*

YES NO

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

- ☒ ☒ Publication dates and paper recorded on application
☒ ☒ Final date for protest 2-25-02
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District # 63, Boise River
☒ ☒ Special conditions of approval or cover letter

121, Under control of watermaster, measuring devices & controlling
works upon notification.

Recommended Date of Priority 12/13/01Recommendation ☒ Approve ☐ Deny by Gary S Date 4/16/02**ADDITIONAL INFORMATION**☐ See Attachment(s) ... always include application proof report

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTERApplication Number: 63-31393Applicant's Name: Harold Rohrbacher**Watermaster's Recommendation:**a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned as follows:Standard Watermaster Conditionsc) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments:

Dated this 12 day of April 2007Water District Number: 63 Watermaster's SignatureLee Lisco



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2002

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application for Water Right No. 63-31393 in the Name of Harold Rohrbacher.

Dear Mr. Sisco:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

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

Sincerely,

A handwritten signature in cursive script, reading 'Gary Spackman', is written over a horizontal line.

Gary Spackman

GS:lm

Encl: Copy of Application

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SEP 23 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2002

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

Re: Applications for Extension of Time to Avoid Forfeiture for Water Right Nos 65-1972,
65-1973 in the name of Carol Lynn MacGregor.
Application for Water Right No. 63-31393 in the Name of Harold Rohrbacher.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 25, 2002.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

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SEP 23 2002

Farmers' Co-Operative Ditch Company

P.O. Box 430

Parma, Idaho 83660

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JAN 15 2002

WATER RESOURCES
WESTERN REGION

January 11, 2002

Lori Graves, Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Your letter dated 1/4/02 concerning Harold Rohrbacher's application for water right.

Dear Ms. Graves:

Please be advised that the water in the drain ditch located in the N ½ of the SE ¼ and the S ½ of the NE ¼ of Section 15, T 5N, R 5W, Boise Meridian, Canyon County, Idaho (see enclosed hand-drawn map) is wastewater. Farmers' Co-Operative Ditch Company does not re-use the water in this drain ditch.

If we can be of further assistance in this matter, please contact us at the above letterhead address. Thank you, Ms. Graves.

Sincerely,



Jerry D. Stone
Secretary

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SEP 14 2002



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JAN 15 2002

WATER RESOURCES
WESTERN REGION

SOILBUILDERS

Rocky Mountain Region West Office - 208-454-2525

Bell Rapids, ID - 208-837-6111

Buhl, ID - 208-543-6434

Caldwell, ID - 208-459-3694

- 208-888-4471

- 208-466-0162

Jerome, ID - 208-324-4357

Weiser, ID - 208-549-2143

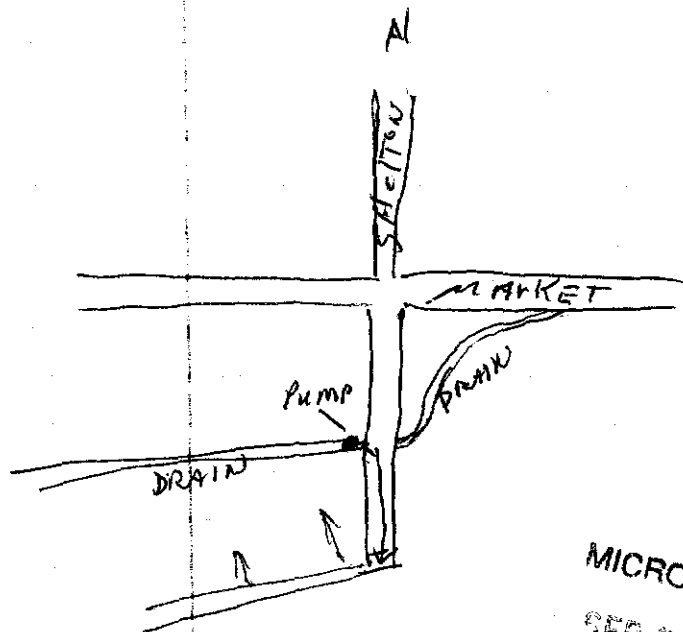
Wilder, ID - 208-482-6211

Winnemucca, NV - 775-623-2005

Ontario, OR - 541-889-2353

Grand View, ID - 208-834-2418

THE NORTH HALF OF THE SOUTHEAST QUARTER
AND THE SOUTH HALF OF THE NORTHEAST
QUARTER OF SECTION 15, TOWNSHIP 5 NORTH,
RANGE 5 WEST, BOISE MERIDIAN, CAYON
COUNTY, IDAHO



MICROFILMED
SEP 23 2002

BRINGING EARTH'S RESOURCES TO LIFE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Harold Rohrbacher
28253 Shelton Rd
Parma ID 83660

RE: Application for Permit

Dear Mr. Rohrbacher:

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

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

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

Prior to further processing of your application, you must demonstrate that the water you seek to appropriate is flowing in a waste way or channel, has not commingled with other water in a natural stream, and that both you and the irrigation district have discontinued control of the water as live water. IDWR will continue to process the application once you have submitted the above information. If you propose to divert from a waste channel owned and controlled by the irrigation district, you must also show you have a right of way to divert water from the channel.

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SEP 25 2002

Please submit the requested information within 14 days of the date of this letter. Failure to submit the information is cause for IDWR to void your application.

Sincerely,

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

Lori Graves
Sr. Water Resource Agent

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SEP 23 2002

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Traci L. Griffin
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:

02/07/2002, 02/14/2002

STATE OF IDAHO)
County of Canyon)

On the 14th day of February in the year of 2002
before me, a Notary Public, personally appeared.
Traci L. Griffin,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Janet Lusk
Notary Public for Idaho
Residing at Nampa
My commission expires June 21, 2003

e0100285 04506279
1 Idaho Dept. of Water Resource
2735 Airport Way
BOISE ID 83705

RECEIVED

FEB 15 2002

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-31393
HAROLD ROHRBACHER
28253 SHELTON RD
PARMA ID 83660
Point(s) of Diversion
NENE S15 T05N R05W
CANYON County
Source WASTE WATER
Tributary To BOISE RIVER
Use: IRRIGATION
03/01 To 11/15
0.96 CFS
Total Diversion: 0.96 CFS
Date Filed: 12/13/2001
Place Of Use: IRRIGATION
T05N R05W S15
NENE NWNE SWNE
SENE

Number of Acres 48

Remark: Applicant agrees to miti-
gate consumptive use in the future
as needed.

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

Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resource,
Western Region, 2735 Airport Wy,
Boise ID 83705 together with a pro-
test fee of \$25.00 for each applica-
tion on or before 02/25/2002. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director
February 7, 14, 2002.

04506279





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2002

BOR OFFICE OF FIELD SOL
ATT KATHLEEN CARR
FEDERAL BLDG RM 365
550 W FORT ST
BOISE ID 83724

Re: Application for Water Right No. 63-31393 in the Name of Harold Rohrbacher.

Dear Sir or Madam::

Enclosed is a copy of the above referenced application for transfer, which may be of interest to your agency. The proposed use of this application is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 25, 2002.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl. Copy of Application

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SEP 23 2002

February 01, 2002

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Applications for Permit

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/25/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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FEB 14 2002

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

63-31393

HAROLD ROHRBACHER
28253 SHELTON RD
PARMA ID 83660

Point(s) of Diversion NENE S15 T05N R05W CANYON County Source WASTE WATER
Tributary To BOISE RIVER

Use: IRRIGATION 03/01 To 11/15 0.96 CFS

Total Diversion: 0.96 CFS

Date Filed: 12/13/2001

Place Of Use: IRRIGATION

T05N R05W S15 NENE NWNE SWNE SENE

Number of Acres 48

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/25/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on February 7 and 14, 2002.

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SEP 24 2002

REQUEST TO PROCESS

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

Name of Applicant

HAROLD K. ROHRBACHER

Mailing Address

28253 SHELTON ROAD
PARMA, IDAHO 83660

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Harold K. Rohrbacher

Date

Please return this form to:

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

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SEP 24 2002