

Note:
Coordinates shown are project datum, based upon the Idaho State Plane Coordinate System, West Zone, N.A.D. 1927, 1980 Ada County Adjustment. Divide coordinates shown by the C.A.F. of 1.000162499 to obtain grid values, bearings are grid bearings, distances are ground distances.

SECTION 9
SW¹/₄SW¹/₄

*EXISTING R/W NOT INCLUDED
IN TOTAL ASSESSED ACREAGE FIGURE

PROPOSED EAGLE ALT. ROUTE ROADWAY

E OF EAGLE RD

T.4 N.R.I.E.B.M. SECTION 16

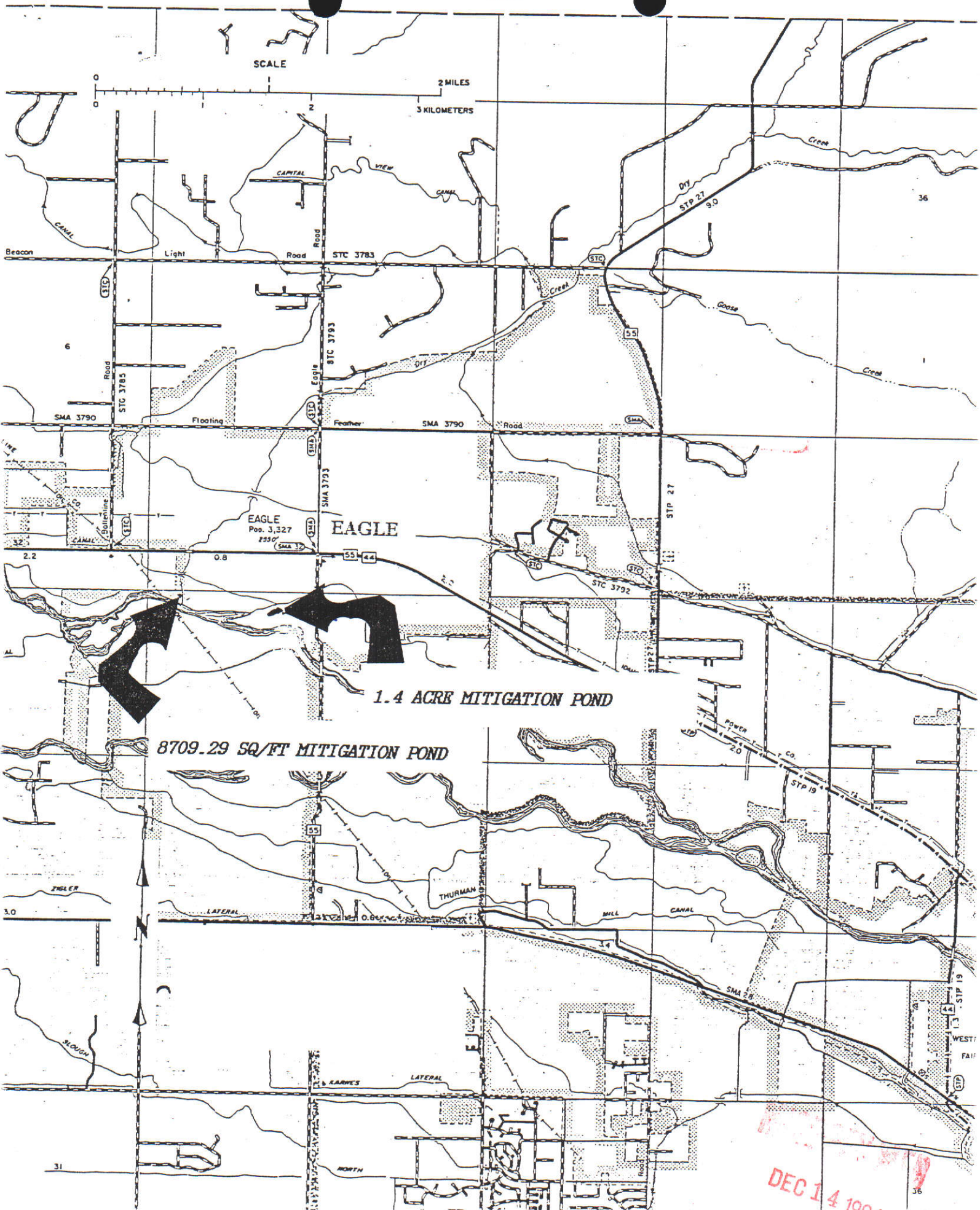
AREA OF PROPOSED MITIGATION POND

63-12137
NENE Sec 17

T.4 N., R. 1 E., B.M.
SECTION 15

highlighted area
(new roadway) shows
disturbed area
See also 63-12136

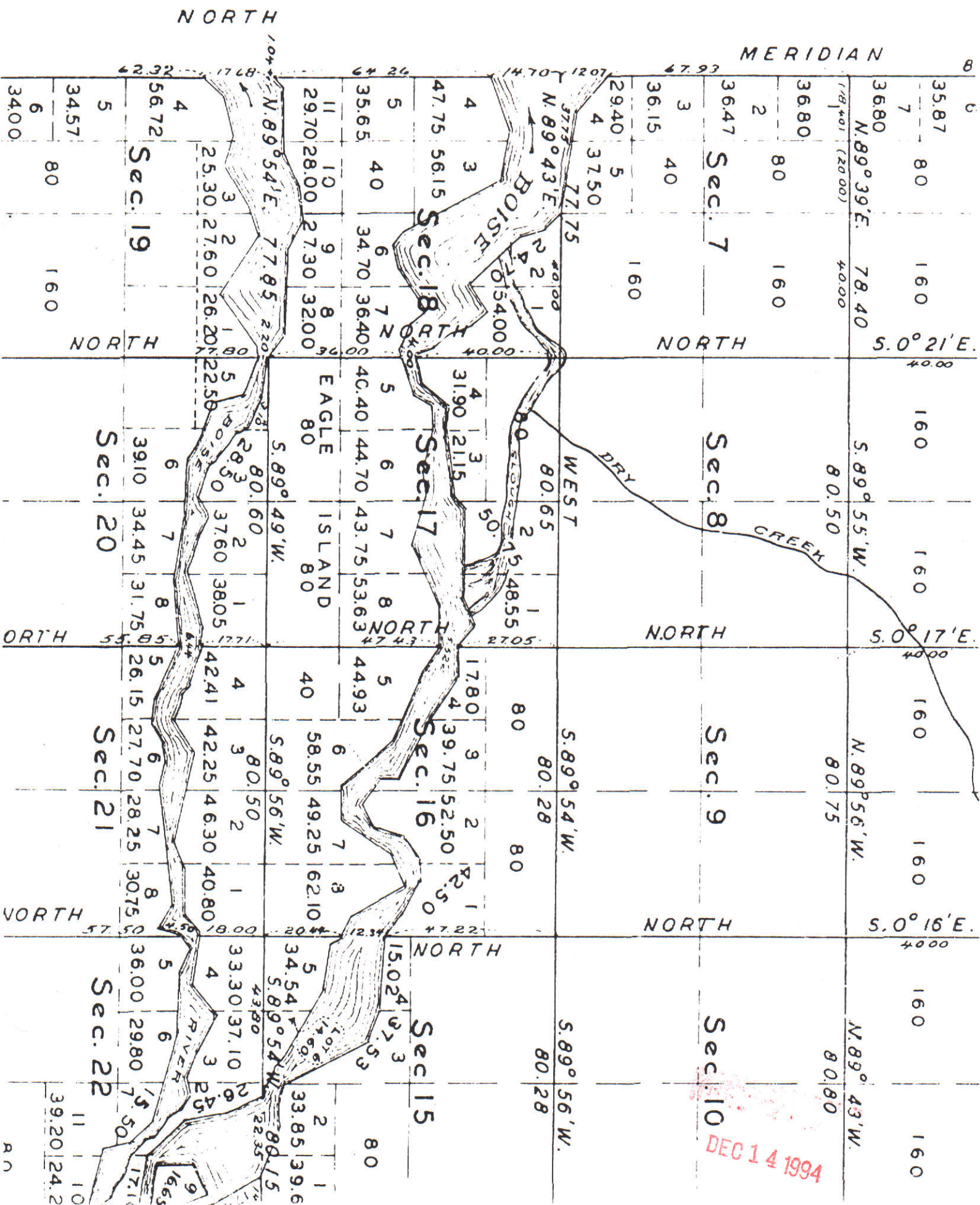
EAGLE ALTERNATE ROUTE
STP-F-3271(033) KEY
2027



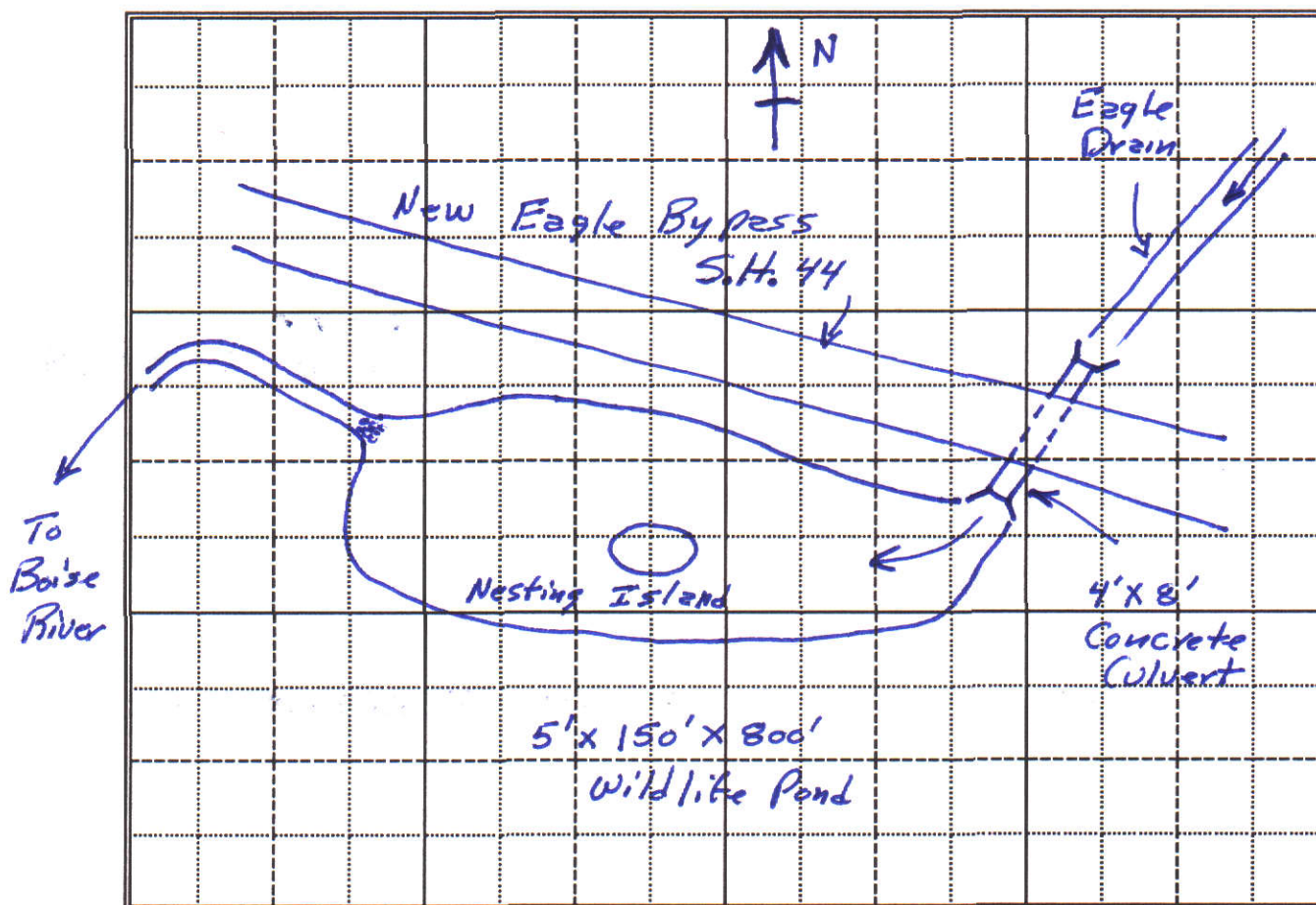
1.4 ACRE MITIGATION POND

8709.29 SQ/FT MITIGATION POND

DEC 14 1994



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

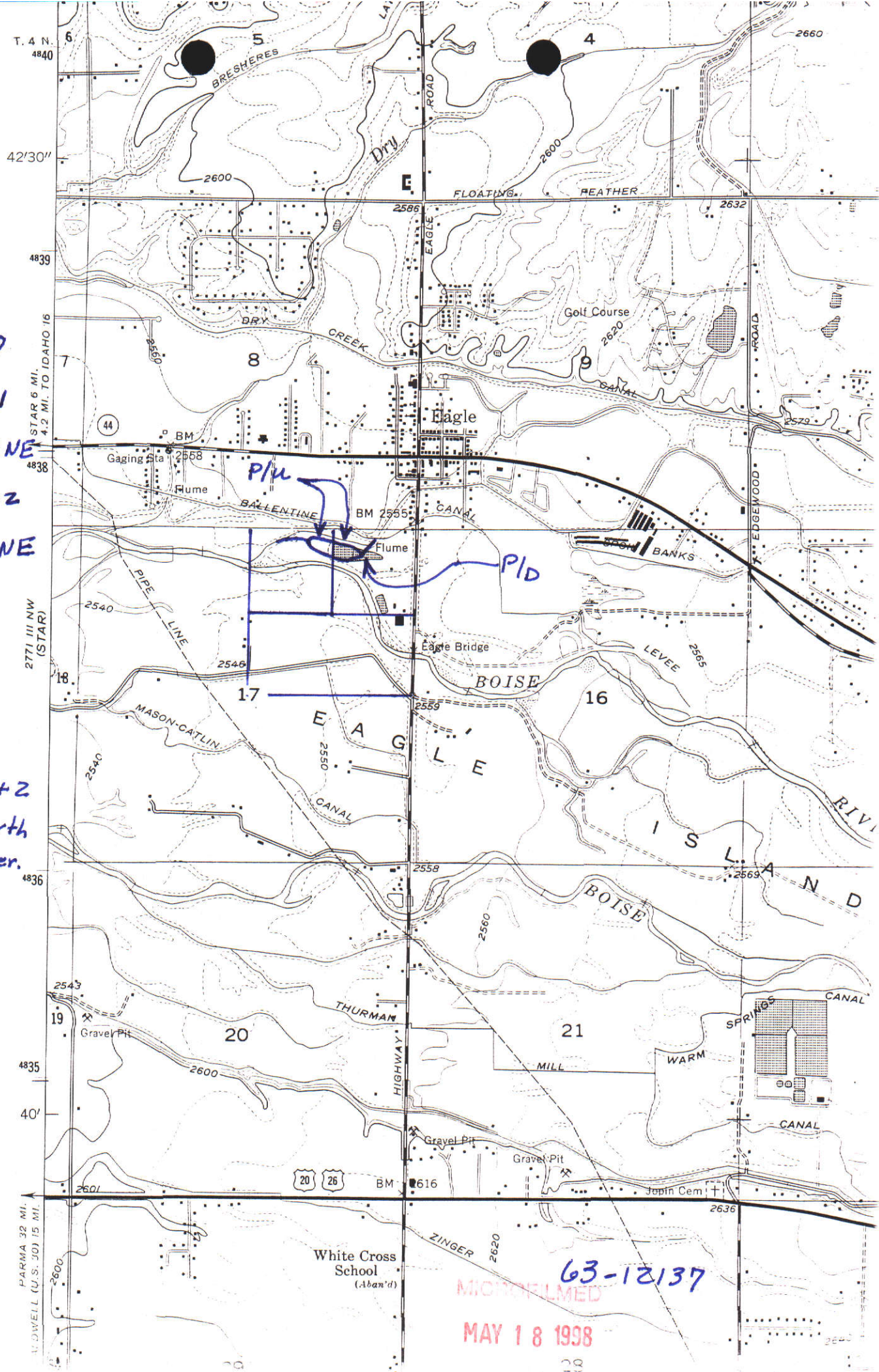
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

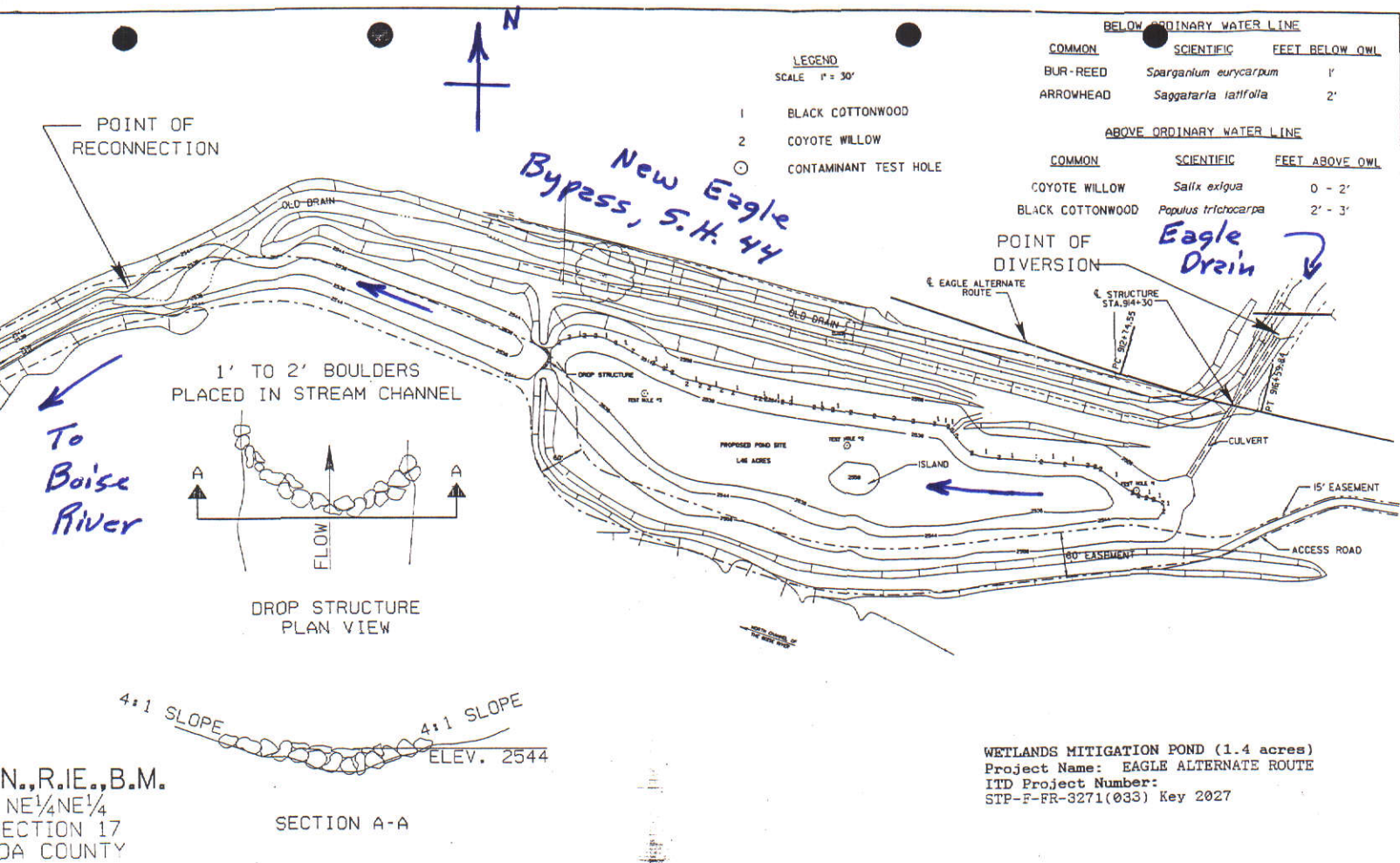
2. Measurements: None

NOT FILMED
MAY 18 1998

T4N
R1E
Sec. 17
Lot 01
NWNENE
Lot 02
NENWNE

Note:
Lots 1+2
are North
of river.





N., R. 1 E., B. M.
NE 1/4 NE 1/4
SECTION 17
DA COUNTY

REVISIONS		DESIGNED	DESIGN CHECKED	DETAILED	DWG. CHECKED	SCALES SHOWN ARE FOR 22" X 34" PRINTS ONLY	CADD FILE NO.	DRAWING DATE	DISTRICT	FEDERAL AID PROJECT NO.	REGION 10	IDAHO	PLAN	FORM CATALOG NO. 26-0182100
BY	DESCRIPTION													
		HICKMAN, L.								STP-F-327K033			WETLAND MITIGATION AREA EAGLE ALTERNATE ROUTE	COUNTY ADA
				BONJORNO, J.			2027DWT2.DGN	3/94						KEY NUMBER 2027
														SHEET OF

one wildlife Pond

5' x 150' x 800'

MICROFILMED

MAY 18 1998

63-12137



P/O
Eagle
Drain.
Inflow to
Concrete
Box Culvert
on North
Side of
Eagle Bypass,
S.H. 44.
View Looking
North



P/O
Eagle
Drain.
outflow
from Box
Culvert
into Pond.
View
Looking
North

S.H. 44,
Eagle Bypass,
Crossing Culvert

MAY 18 1997

63-12137

2 of 2



P/u
Wildlife
Pond

View
Looking
West



P/u
Wildlife
Pond
outflow
Control
Structure.

View
Looking
East

MAY 18 1993

63-12137

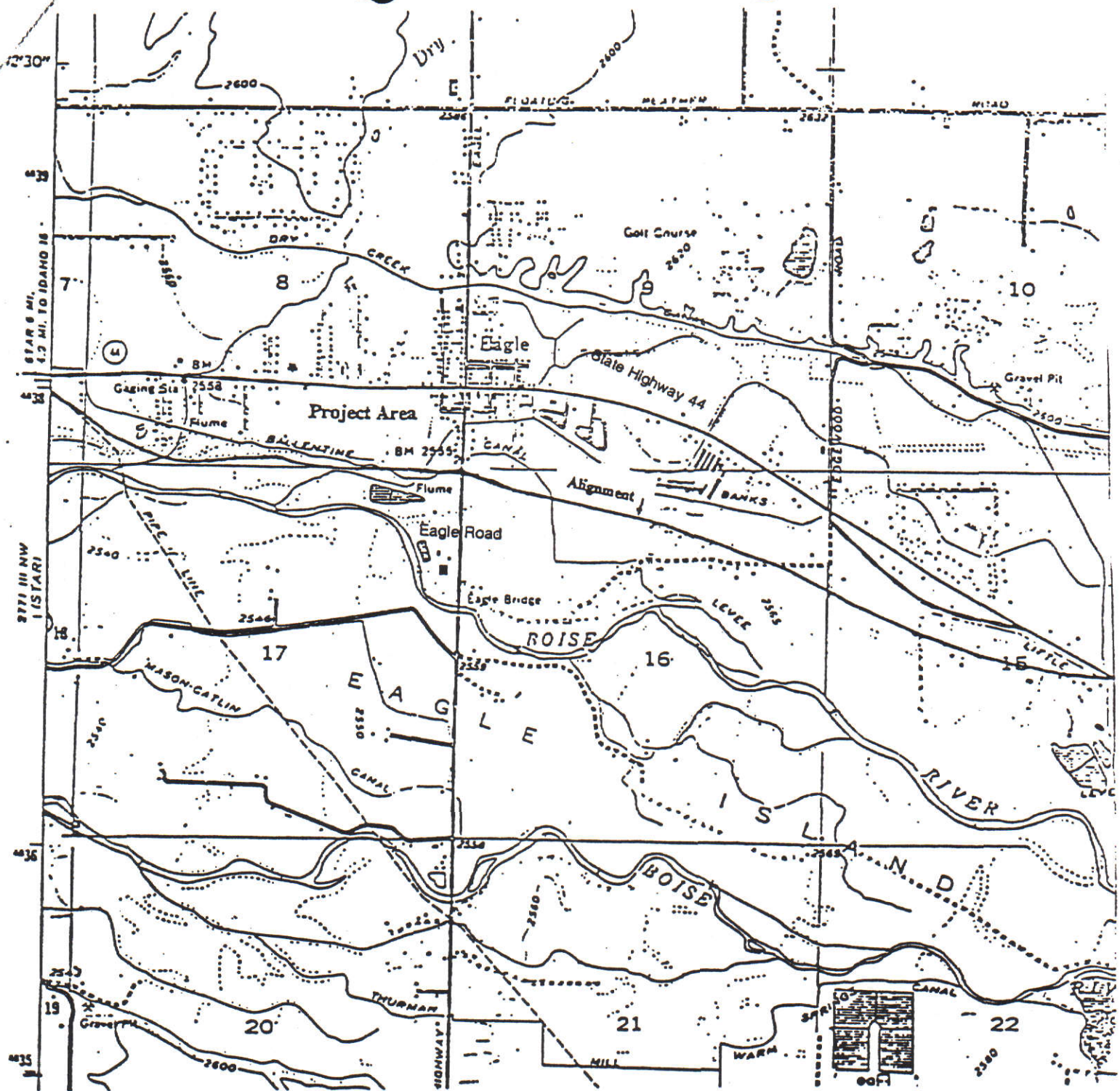
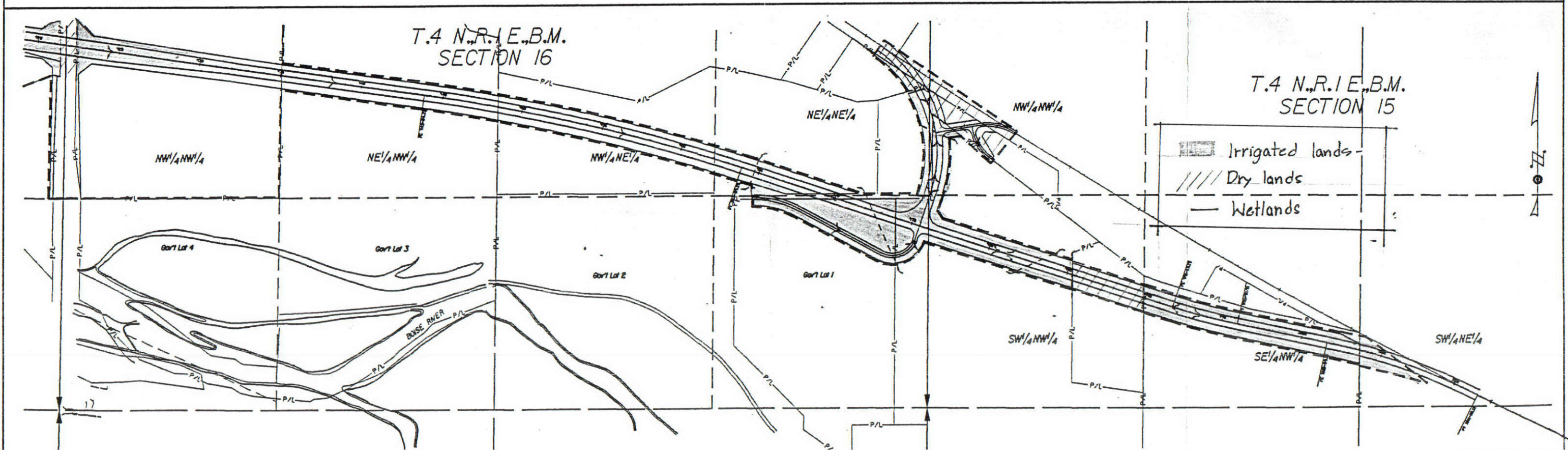


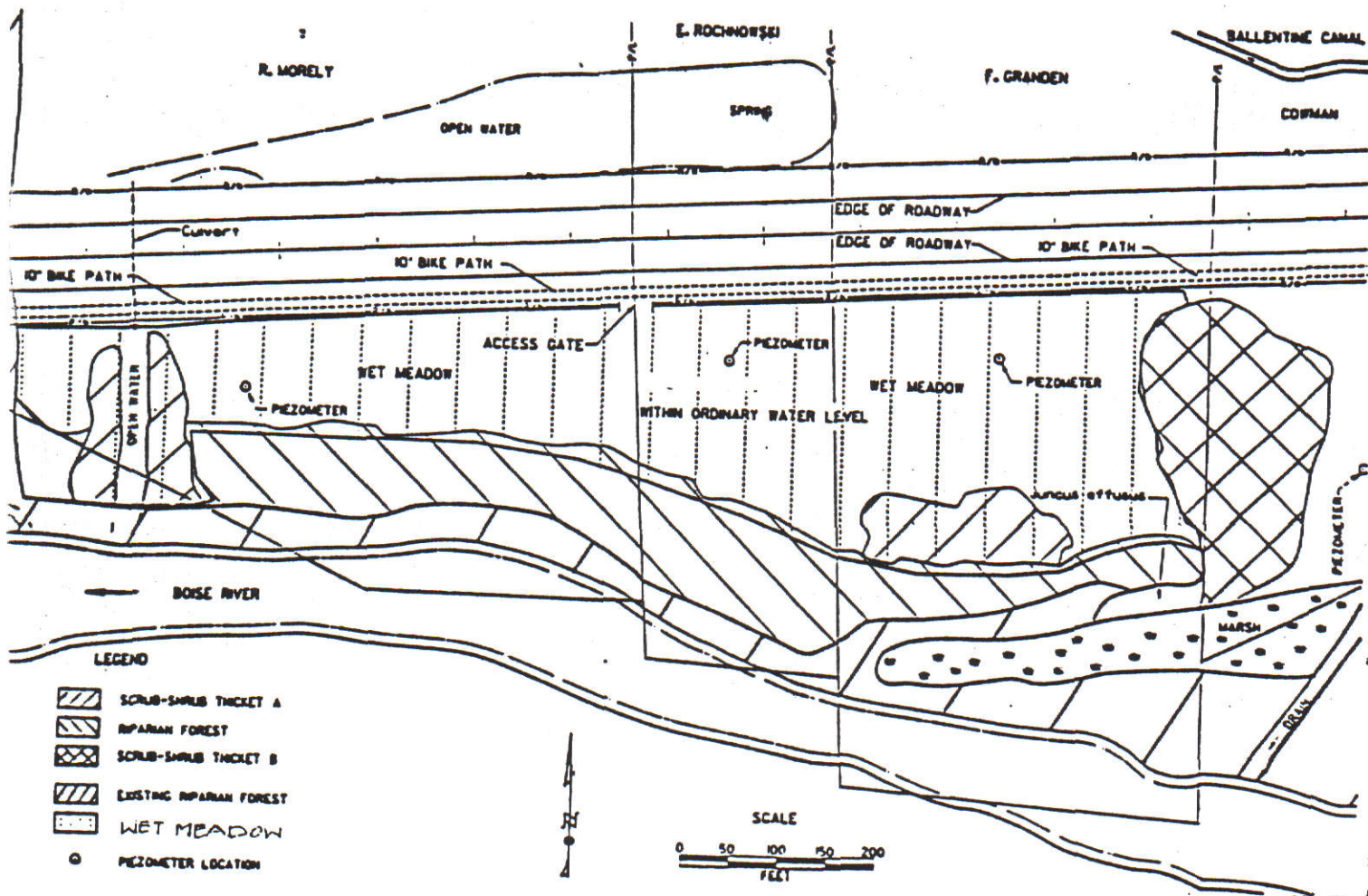
Figure 1. Location of proposed alternate project near Eagle, Idaho.

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DEC 14 1994



REVISIONS NO. DATE BY DESCRIPTION DESIGNED HICKMAN, L. DESIGN CHECKED ELVIN, R. DETAILED BONGIORNO, J. DWG. CHECKED HICKMAN, L. SCALES SHOWN ARE FOR 22" X 34" PRINTS ONLY CADD FILE NO. 2027DSWP.DGN DRAWING DATE: 9/93 IDAHO TRANSPORTATION DEPARTMENT  DISTRICT 3 FEDERAL AID PROJECT NO. STP-F-327K(033) REGION 10 IDAHO SWPP PLAN SHEET EAGLE ALTERNATE ROUTE SWPP SITE PLAN FORM CATALOG NO. 26-0184007 COUNTY ADA KEY NUMBER 2027 SHEET OF			
--	--	--	--

DEC 14 1994



Map of mitigation site.

RECEIVED
DEC 14 1994

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12137

Priority: August 7, 1994

Maximum Storage Volume:

3.0 AF

This is to certify, that STATE OF IDAHO

DEPARTMENT OF TRANSPORTATION

PO BOX 8028

BOISE ID 83707-8028

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 4, 1994; and has submitted Proof of Beneficial Use on December 4, 1996. An examination indicates that the works have a storage capacity of 3.000 af of water from:

UNNAMED DRAIN

tributary to **BOISE RIVER**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 17, Township 04N, Range 01E
ADA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

04N 01E 17 Lot 1(NENE) Lot 2(NWNE)

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-12137

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 4TH
day of MAY, 1998.


Acting for KARL J. DREHER, Director



STATE OF IDAHO

IN THE NAME OF STATE OF IDAHO DEPARTMENT OF
TRANSPORTATION

ORDER OF REINSTATEMENT

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-12137 is **REINSTATED** with an advance in priority to August 7, 1994.

DATED this 9th day of December, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

DEC 23 1956

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-12137 Telephone No. 208/334-8300

2. Name(s) of Permit Holder(s): IDAHO TRANSPORTATION DEPARTMENT

3. Mailing Address: P.O. BOX 8028, BOISE, ID 83707-8028

4. Source of Water: UNNAMED DRAIN - TRIBUTARY OF BOISE RIVER -
If **GROUNDWATER** (well), Date Drilled: mo. N.A. / yr.

a. Well Driller: N.A. Drilling Permit Number: - - - - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): Other: WILDLIFE STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: cfs OR 4.0 acre feet

ANNUALLY

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

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

Measuring Device: Is a measuring device required? Yes or No X

Has the measuring device been installed? Yes or No X

Flow Measurement Port: Is a flow measurement port required? Yes or No X

Has the measurement port been installed? Yes or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: WILLIAM J. NANCE Telephone Number: 208/459-7429

Address: CALDWELL RESIDENCY

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

Signature of permit holder: [Signature] Date: 12-2-96

(Include your title, if on behalf of company of organization)

MICROFILMED

DEC 2 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12137

Proposed Priority: August 4, 1994

Maximum Storage Volume:

4.0 AF

This is to certify, that **STATE OF IDAHO**
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707-8028

has applied for a permit to appropriate water from:

UNNAMED DRAIN

tributary of **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>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		4.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNENE), Sec. 17, Township 04N, Range 01E
ADA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

04N 01E 17 Lot 1(NENE) Lot 2(NWNE)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1996**.
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. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
5. Water shall not be diverted under this right until an easement or right-of-way with the owner of the drain is filed with the Department of Water Resources.
6. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
7. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.

DEC 1 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12137

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 November, 1994.

R. Keith Higginson

for
R. Keith Higginson, Director



6-30-94

RECEIVED

OCT 21 1994

Ident. No. 63-12137

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: STATE OF IDAHO 208-334-8335
Address: DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707
2. Source: UNNAMED DRAIN Trib. to: BOISE RIVER
3. Location of Point of Diversion: Lot 1(NWNENE), Sec. 17, Township 04N, Range 01E
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
WILDLIFE STORAGE	01/01	12/31			4.00
5. Total quantity to be appropriated is:
CFS (and/or) 4.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
Culvert and pond.
 - 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 greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).
8. Place of Use: WILDLIFE STORAGE

TWN RGE SEC

04N 01E 17 Lot 1(NENE)

Lot 2(NWNE)

OCT 14 1994

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

A 1.4 acre pond will be constructed for wetland mitigation. Objectives are to provide open-water ponds with emergent hydrophytes and scrub-shrub area with cottonwoods. The ponds are to provide sediment retention, wildlife habitat, groundwater recharge, nutrient removal, and passive recreation. Applicant seeks exemption from the Snake River Moratorium for use existing prior to November, 1987.

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by _____ #W017866 Date 8/ 4/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

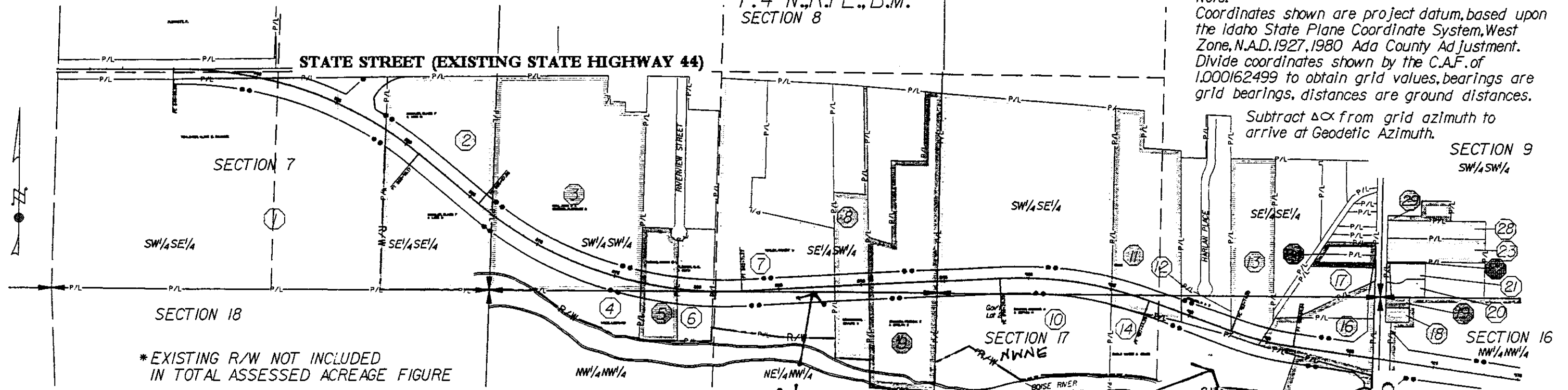
APPROVED
8-14-1994

T.4 N.R.1 E., B.M.
SECTION 8

Note:
Coordinates shown are project datum, based upon
the Idaho State Plane Coordinate System, West
Zone, N.A.D. 1927, 1980 Ada County Adjustment.
Divide coordinates shown by the C.A.F. of
1,000,624.99 to obtain grid values, bearings are
grid bearings, distances are ground distances.

Subtract $\Delta\alpha$ from grid azimuth to
arrive at Geodetic Azimuth.

SECTION 9
SW $\frac{1}{4}$ SW $\frac{1}{4}$



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AUG 04 1994

WATER RESOURCES
WESTERN REGION

fee ok. No
Signature

RECEIVED

AUG 18 1994

WATER 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. 63-12137

ITD Project #:
STP-F-FR-3171(033)
Key: 2027
Eagle Alt. Route

1. Name of applicant Idaho Transportation Department Phone 334-8335

Post office address P.O. Box 8028 Boise, Idaho 83707
Groundwater - .20 acre pond N/A

2. Source of water supply Drain 15- 1.4 acre pond which is a tributary of Boise River
(unnamed drain)

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 1

Sec. 17 Township 4N Range 1E B.M. ADA County; additional

points of diversion if any: N/A

4. Water will be used for the following purposes:

~~110 cfs~~

Amount ~~max.~~ for ~~Wetlands~~ purposes from ~~Jan. 1~~ to ~~Dec. 31~~ (both dates inclusive)
(cfs or acre-feet per annum) mitigation pond.

Amount ~~8709.22~~ sq/ft. for ~~Wetlands~~ purposes from ~~Jan.~~ to ~~Dec.~~ (both dates inclusive)
(cfs or acre-feet per annum) mitigation pond.

Amount 4.0 for WILDLIFE STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) ~~110 cfs~~ and/or (b) 4.0
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1.4 acre pond- An 8'x4' box culvert will
be constructed to divert water from drain under highway. Max 5' depth

~~.20 acre pond~~ N/A

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
N/A to N/A inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

2 yrs
1 year 5 months 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. Wetlands mitigation. See #12

Mitigated area is that previously wetted area which has been disturbed by construction of Eagle Alternate route. See map.

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	
4N	1E	17	W, R, E	W, R, E															N/A
			1.1	1.2															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Idaho Transportation Department

b. Who owns the land to be irrigated or place of use? Idaho Transportation Department

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: A 1.4 acre ~~6.20 acre~~ pond will be constructed for wetland mitigation. Our objectives are to provide open-water ponds with emergent hydrophytes and scrub-shrub areas with cottonwoods. The ponds are to provide sediment retention, wildlife habitat, groundwater recharge, nutrient removal, and passive recreation.

(see attachments for illustration)

See attached

application for permit to appropriate the public waters of

Hermi Clark ENV. PLANNER
(Applicant) TITLE

Received by VR Date 8-4-94 Time 10:30 am Preliminary check by _____
Fee \$ 50.00 Receipted by VR # W017866 Date 8-4-94
Publication prepared by ST Date 8-24-94 Published in Id. Statesman
Publication approved ST Date 9-19-94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

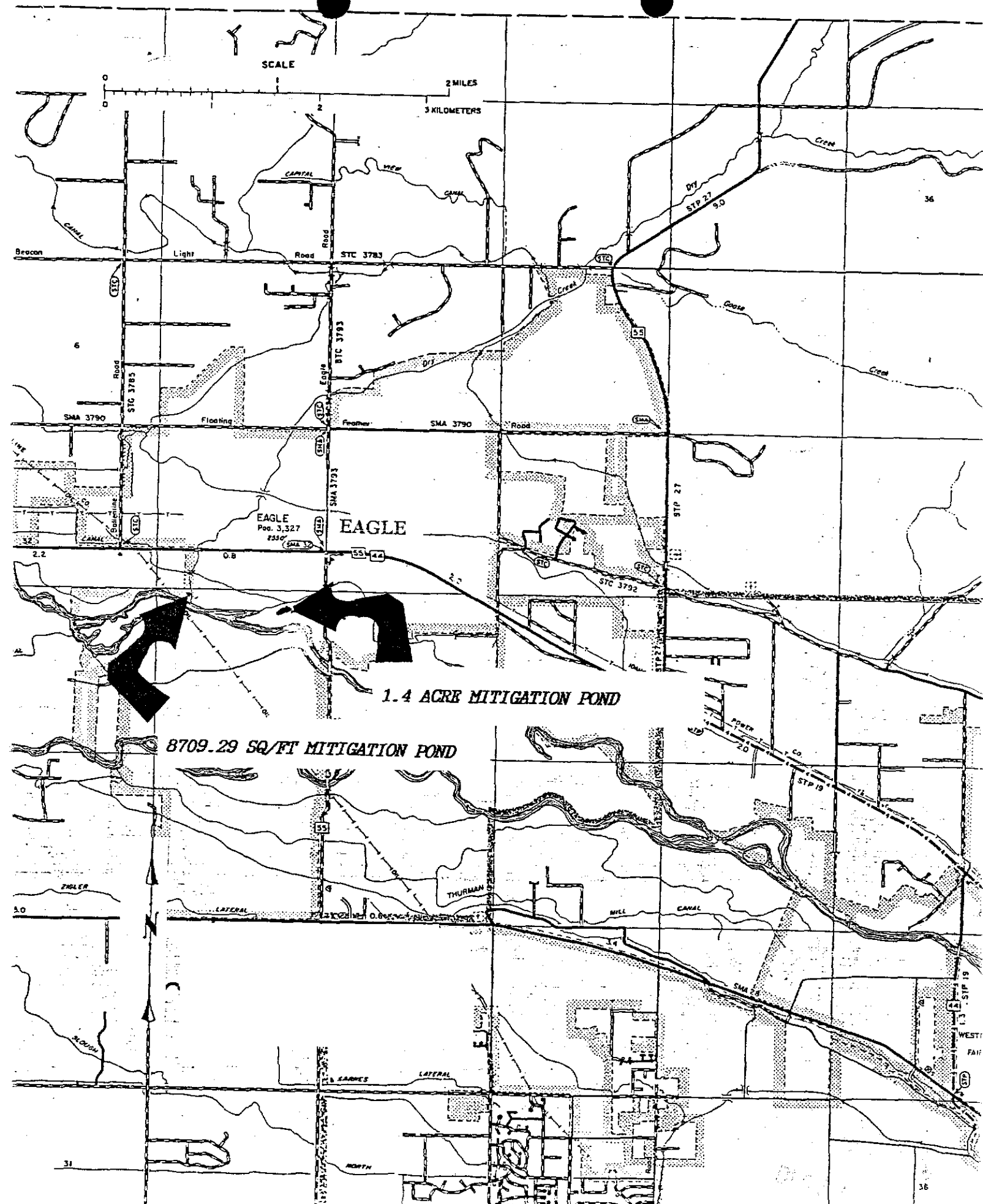
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

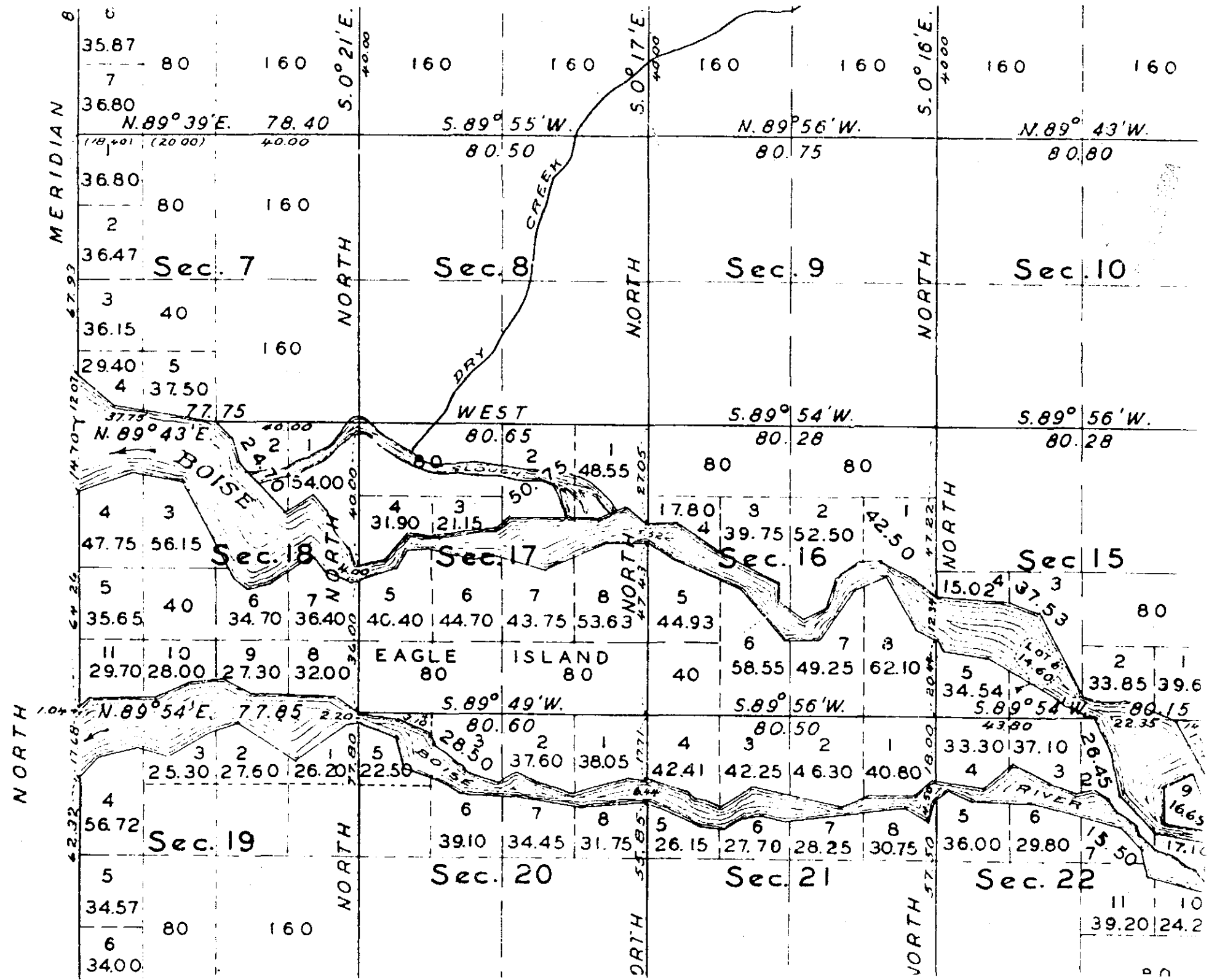
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

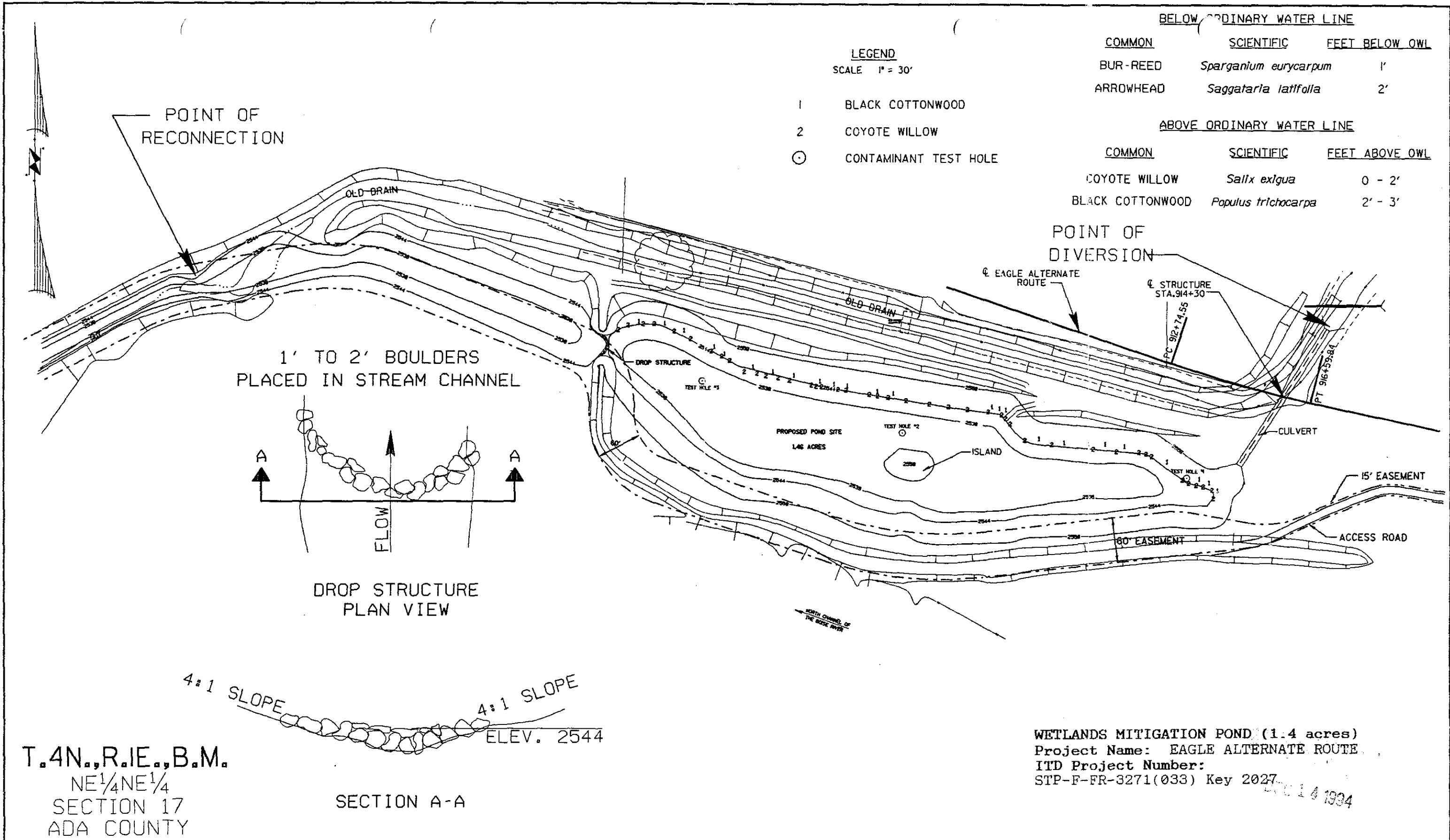
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:







T.4N.,R.1E.,B.M.
NE 1/4 NE 1/4
SECTION 17
ADA COUNTY

WETLANDS MITIGATION POND (1.4 acres)
Project Name: EAGLE ALTERNATE ROUTE
ITD Project Number:
STP-F-FR-3271(033) Key 2027

REVISIONS				DESIGNED HICKMAN, L	SCALES SHOWN ARE FOR 22" X 34" PRINTS ONLY	IDaho TRANSPORTATION DEPARTMENT		FEDERAL AID PROJECT NO.		PLAN		FORM CATALOG NO.		
NO.	DATE	BY	DESCRIPTION					DESIGN CHECKED	CADD FILE NO.	STP-F-327(K033)		WETLAND MITIGATION AREA		COUNTY
△						DISTRICT 3		REGION 10	IDAHO	EAGLE ALTERNATE ROUTE		26-0182100		
△				DETAILED BONGIORNO, J	2027DWT2.DGN									ADA
△				DWG. CHECKED	DRAWING DATE: 3/94									KEY NUMBER 2027
△										SHEET		OF		



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

May 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707-8028

RE: WATER RIGHT NO. 63-12137

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

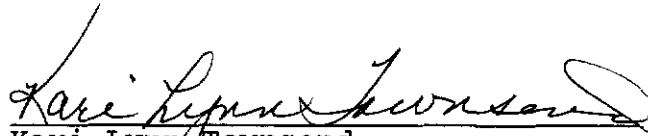
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 63-12137

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707-8028


Kari Lynn Townsend
Secretary

B/U FIELD EXAM REVIEW

by *Cindy Lou*Permit #: 63-12137 Name: Id. DOT Date: 4/27/98 ✓ Lots ✓

NAME Chng Same ✓ Or Address Change?

SOURCE ✓ Clarify source _____
_____ Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? Addn'l 1/4? _____ Legal _____ P39
 Same 1/4? W32 P36
 Overlap(s) none

P/U ✓ Amendment Needed? _____ P41
 Overlap(s) none
 (Gov't use special ¶s) _____ *P/D & P/U Amend? P37

~~RATE~~ ✓ Permit/proof fee limits 4.0 AF / 20.0 AF
_____ Measured Quantity = _____ cfs Theoretical Quantity = _____ cfs

Storage only NO FLOW

_____ Recommended capacity 3.0 ~~AF~~
_____ Recommended rate _____ cfs

VOLUME ✓ Season: (_____ / _____) 1/1 - 12/31 = _____ days
 Calculations: 1.5 ac x 5' x 0.4 = 3.0 AF

✓ Flow limit: _____ cfs x _____ days/yr. x 1.9835 = _____ AF
_____ Recommended volume 3.0 AF

USES ✓ Same Nature of Use? _____ P46
_____ Amendment Needed? _____

REMARKS _____ Multiple p/d's in same 1/4? Use W32 _____

CONDITIONS R04 Measuring Device (R43) or Lockable Controlling Works (R02)
_____ Watermaster Control (R04) - WD # 63
_____ Irrigation rate/annual volume overlap
_____ GW irrigation replaces surface water (050)
_____ GW irrigation supplements surface water (065)
_____ Water Quality
✓ Other mit.

PRIORITY App Rcd 8/4/94 Due 12/1/96 Rcd 12/4/96
 Receipt# 037111 Fee OK? (Yes/No) #50
 Order to Reinstate Needed? Yes (No) Done? 12/9/96 Advanced to: 8/7/94
 Priority 8/9/94 Examined 5/6/97

COMMENTS: _____

USE	CFS	VOLUME
<u>Wildlife Star</u>	<u>_____</u>	<u>3.0</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
TOTAL	<u>_____</u>	<u>3.0</u>

SRBA Overlap none
 Adjustment Memo ✓
 LICENSE
 #1 AMEND: _____ /P38
 #2 AMEND: (R)P42/(C)P47

MEMORANDUM

DATE: April 27, 1998
TO: File No. 63-12137
FROM: Cindy Lou Zimmerman *CLZ*
SUBJECT: Review of Beneficial Use Field Report

The plan included with this exam identifies the pond as 1.46 acres. Per telecon today with Dennis Clark, Idaho Dept. of Transportation, that figure is for surface acres. Dennis confirmed the maximum depth of the pond is no more than 5 feet and the bottom is gently sloping. For purposes of calculation and in compliance with department standards, I rounded the surface area to the nearest 1/10th acre. Dennis agreed that this pond was no more than 3.0 acre feet.

The following adjustments¹ were made on the field report to reflect department standards and licensing practises for the use developed under this permit:

G. Volume Calculations.

- a. Storage Calculation per Field Examiners Handbook, Appendix A, Exhibit 16.
 $V = \text{surface area} \times \text{maximum depth} \times 0.4 = 1.5 \times 5 \times 0.4 = \underline{3.0} \text{ AF.}$

H. Recommendations.

1. Recommended amounts:

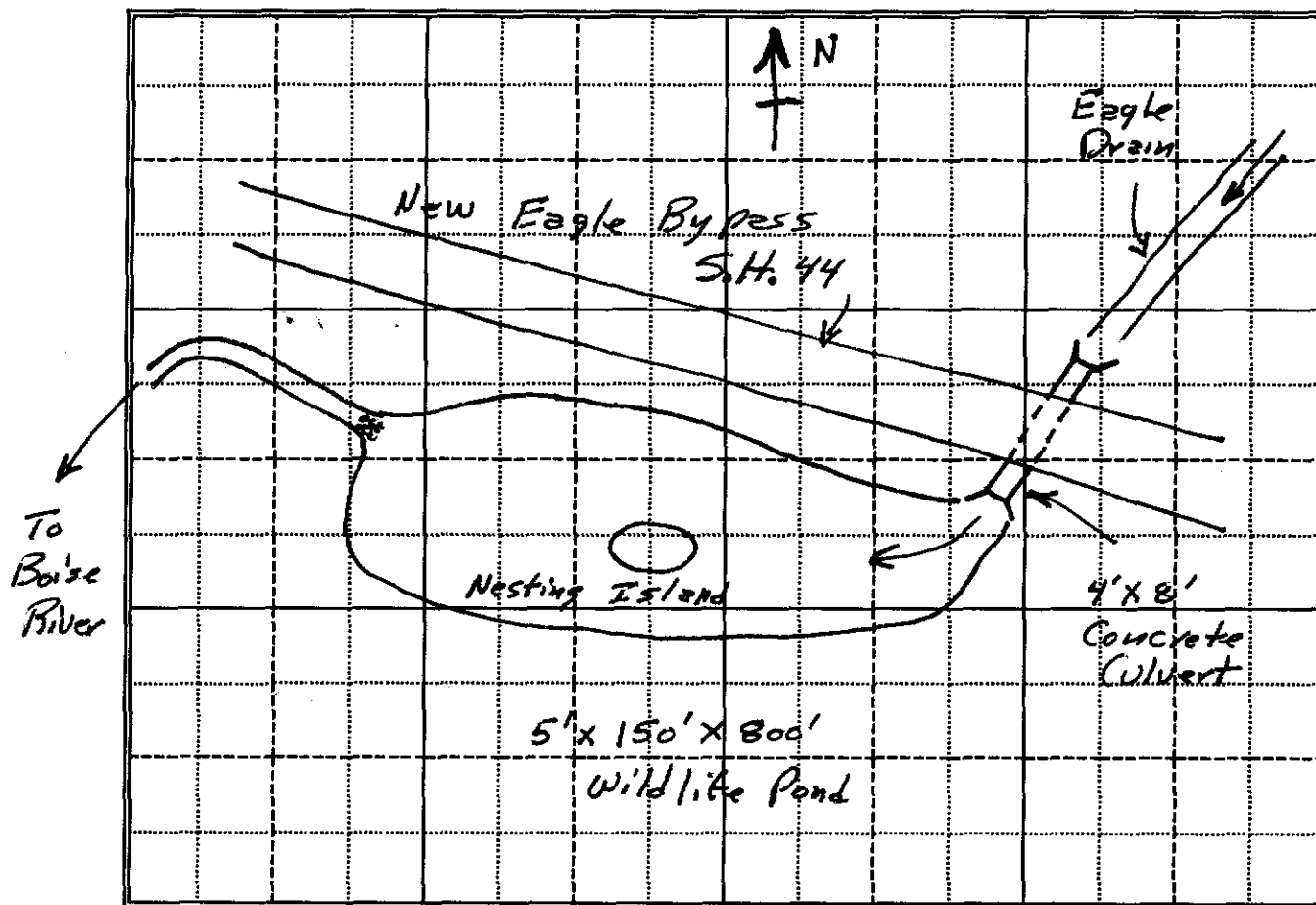
Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Wildlife Storage	1/1-12/31		<u>3.0</u> AF
	Totals:		<u>3.0</u> AF

Examiner: Dan Tomich
Examined: May 6, 1997

¹ Adjustments are bolded and underlined.

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for one 5'x150'x800' wildlife pond constructed adjacent to the south boundary of the new Eagle Bypass for State Highway 44. The pond was built for mitigation of wetlands needed for the new highway alignment.
2. Water for the pond is supplied from Eagle Drain. The drain water is conveyed under the highway through a 4'x8' concrete box culvert, and flows continuously through the pond and into the Boise River.
3. Maintenance work on the pond and drain channels is done by the Eagle Drainage District #2.

Have conditions of permit approval been met? ☒ yes ☐ no

Condition 5: Dennis Clark, Environmental Planner, ITD, stated that they had obtained an agreement with Eagle District Drainage District #2 for construction and maintenance of the pond and conveyance channels.

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

No flow rate - on stream storage for wildlife.
Eagle Drain water flows in and out - pond
is always full.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Wildlife Pond:

$$\text{Vol. of Pond} = (5') (150') (800') / (66)(66)(10) = \underline{\underline{13.8 AF}}$$

Allow the 4.0 AF in permit

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	01/01	12/31		4.0 AF *
Totals:				4.0 AF *

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don Zornich Date 1-6-98

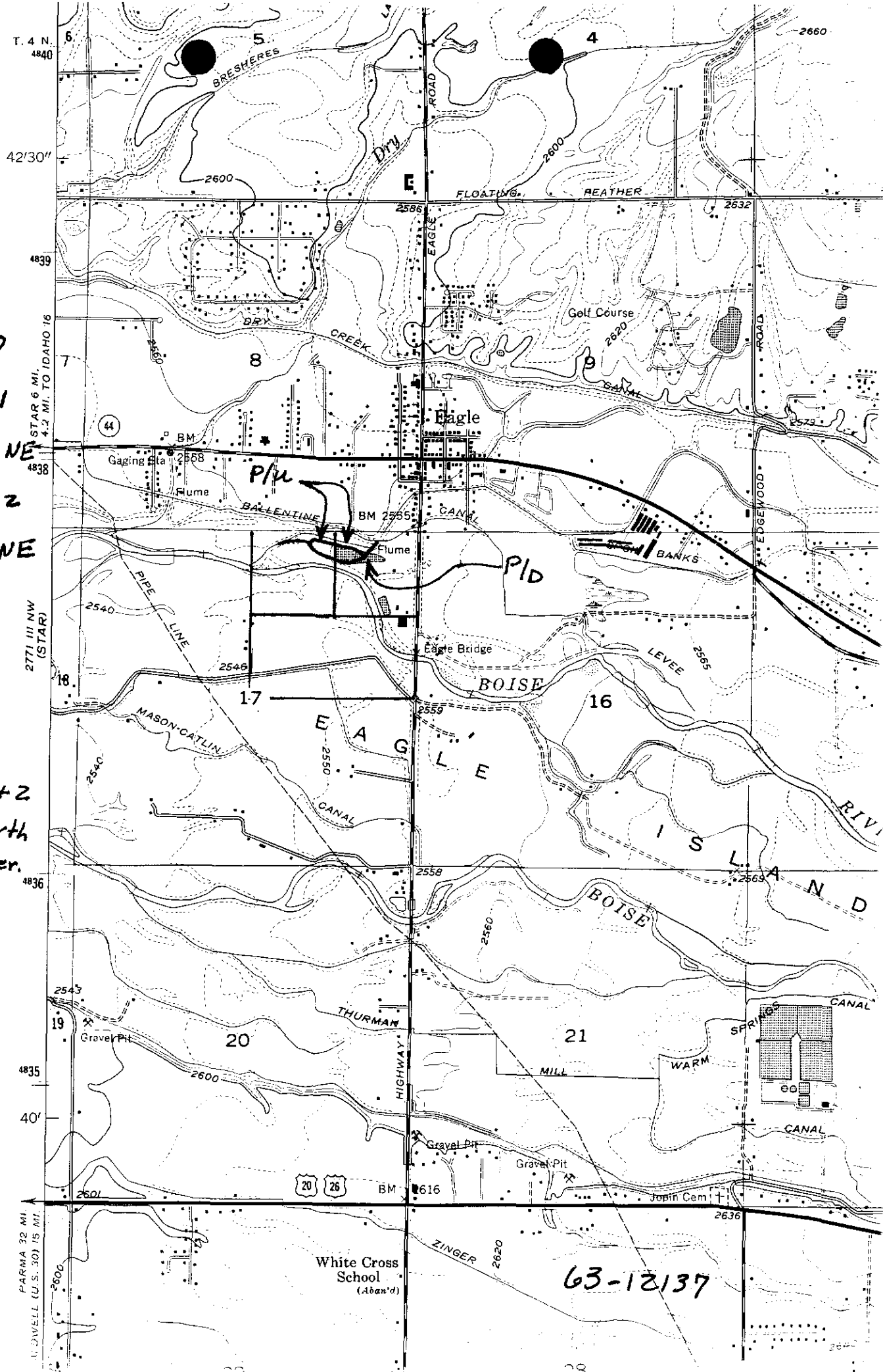
Reviewer _____ Date _____

SEAL

* Adjustments made during review of this right for license approval.
See Memo for additional information. 4/27/98 ES

T4N
R1E
Sec. 17
Lot 01
NWNENE
Lot 02
NENWNE

Note:
Lots 1+2
are North
of river.



63-12137

T.4 N.R.1 E.B.M.
SECTION 8

SECTION 9

SECTION 7

SW/4SE/4

SE/4SE/4

SW/4SW/4

SE/4SW/4

SW/4SE/4

SE/4SE/4

SW/4SW/4

SECTION 18

LEGEND:

--- Limit of Soil Disturbance

→ Direction of Water Flow

--- Irrigation Piping

WETLAND MITIGATION AREA
40A PERMIT #920200200
ISSUED SEPT. 21993

37 acre mitigation site

SECTION 16
NW/4NW/4

T.4 N.R.1 E.B.M.
SECTION 16

T.4 N.R.1 E.B.M.
SECTION 15

■ Irrigated lands -

/// Dry lands

— Wetlands

NW/4NW/4

NE/4NW/4

NW/4NE/4

NE/4NE/4

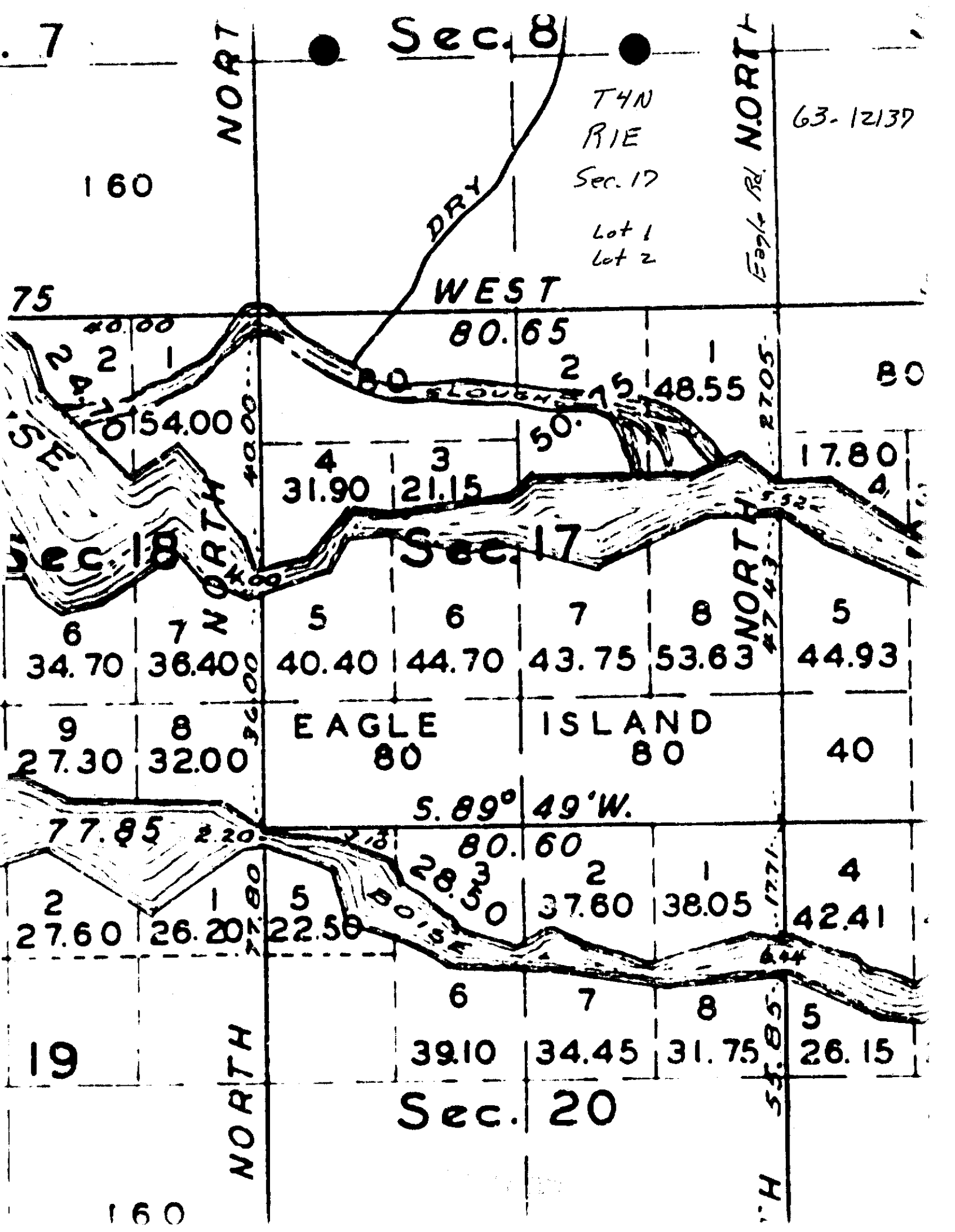
NW/4NW/4

SW/4NW/4

SE/4NW/4

SW/4NE/4

REVISIONS				DESIGNED HICKMAN, L.	SCALES SHOWN ARE FOR 22' X 34' PRINTS ONLY	IDAHO TRANSPORTATION DEPARTMENT	FEDERAL AID PROJECT NO. STP-F-3271(033)		SWPP PLAN SHEET EAGLE ALTERNATE ROUTE SWPP SITE PLAN		FORM CATALOG NO. 26-0184007
NO.	DATE	BY	DESCRIPTION								
△				DESIGN CHECKED ELVIN, R.	CADD FILE NO. 2027DSWP.DGN	DISTRICT 3	REGION 10	IDAHO			COUNTY ADA
△				DETAILED BONGIORNO, J.	DRAWING DATE: 9/93						KEY NUMBER 2027
△				DWG. CHECKED HICKMAN, L.							SHEET OF





P/D
Eagle
Drain.

Inflow to
Concrete
Box Culvert
on North
Side of
Eagle Bypass,
S.H. 44.

View Looking
North



P/D
Eagle
Drain.

outflow
from Box
Culvert
into Pond.

View
Looking
North

S.H. 44,
Eagle Bypass,
Crossing Culvert

63-12137

2 of 2



P/u
Wildlife
Pond
View
Looking
West



P/u
Wildlife
Pond
outflow
Control
Structure.
View
Looking
East

63-12137



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 9, 1996

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707-8028

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12137

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since proof was submitted after the proof due date of December 1, 1996. Please note that the priority date has been advanced to August 7, 1994.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, contact the **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

MICROFILMED
DEC 7 1996

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 6, 1996

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 837078028

LAPSE NOTICE

RE: PERMIT NO. 63-12137

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

DEC 23 1996

CERTIFICATION OF MAILING

I hereby certify that on 12/6/96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

September 30, 1996

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 837078028

PROOF DUE NOTICE

RE: PERMIT NO. 63-12137

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1996. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

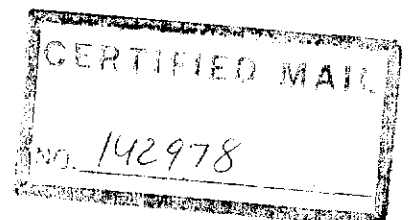
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
DEC 2 1996





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707-8028

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12137

Dear Permit Holder:

Enclosed is a copy of your approved application for permit.
Please be sure to thoroughly review the "CONDITIONS/REMARKS:"
listing on the permit.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

DEC 24 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 63-12137 Name: Id. D. of Trans. Date: 11/16/94 Correct Fee? ☒

AREA OF CONCERN? - No/Yes BRD Mor GWMA Trust/Non-trust

SYSTEM COMPLETED:

No

Complete in 1 year

Yes

Proof not submitted

Proof submitted

GROUNDWATER:

+ 0.2 cfs <FLO-CH>

- 0.2 cfs

Drilling Permit:

Included w/permit

Existing well

No WD permit?

SURFACE WATER: not in WD

LOCATION:

Water District(~~dem~~)

*Surface water

(doesn't sink)

Groundwater

In stream channel

Irr Dist/Canal Co.

Drainage Districts

Flood Control Dist.

Boise Front (63)

Swan Falls Flag

Trust

Non Trust <1>

RIVER BASINS (*Surface water):

Boise R(63)

Payette R(65)

Snake R(01/02/03)

USE:

Fish Propagation

Irrigation

Power

Mining

Storage(✓ 3 compo.)

Domestic (surface)

OWNERSHIP:

Non land owner

PROTESTED:

OTHER CONDITIONS:

REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes BRD Mor GWMA Trust/Non-trust

- 26A-P17 - Mitigated

- P16

- P16

- NA

- T17 (new), 01K (existing), No MD

- No MD <FLOW CHART>

- Permit No. , P99

- NA (pre 7/1/87)

- 046-46A(Irr)-46B-P23 (post 7/1/87)

- T17 (+.2 w/pump), No MD <FLOW CHART>

- WD No. 63

- 005 (req) 01J-P08 <FLOW CHART>

- or 01H-P01 <FLOW CHART>; No MD

- P05 (new irrigation well)

- 030 (stream channel alteration)

- 023 (Twin Falls area)

- 024

- 063

- 058 (-85° GW temp only)

- 13 <SEE CONDITION CODE CHART>

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 05A (if WD), 11E (non-domestic use), NA

- 064(consump. use), 047-P04(Payette Lake), NA

- 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

- 07A-042 (req) & 010/06A/09E(WQ)-P10

- 044 (N 1000 Spr)

- 03A/057, 803(if GW use SW 1st)(+5A PU comp), NA

- 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;

- +25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09

- 054 (req) & 06A/010/09E-P10

- 18A(multi MD in WD), 18B-P09 (+10' dam), NA

- 021(Boise R ↑ L Peak), 064(Payette R), NA

- 004 (PD/PU)

- 020(Prehearing agreement)/W19(See Order)

- W57

- 12-1-1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Cyt DATE: 8/19/94 APPLICATION: 63-12137

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

RECEIVED
OCT 21 1994

ADDITIONAL INFORMATION

Department of Water Resources

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☒ ☐ 1992 moratorium mitigation. OK to advertise.
☒ ☐ Copy to SCA staff (perennial stream, non-pump diversion):
☐ ☐ Send dam safety information:
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐ ☐ 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

DATE REQUESTED: _____

☒ ☐ Additional information on reverse side:

PROCESSING

APPLICATION NO.

65-12131

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

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☒ ☐
☒ ☐

U.S. BLM

U.S. Forest Svc.

Water Dist. # 63

Other Drainage Dist #2

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest 9-19-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dr

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

26A (Allow 2 yrs)

See letter dated 10/6/94 in file 63-12136 which shows no net increase in wetted area.

See below for additional information

Recommended Date of Priority 8/4/1994

Recommended by: Dr

Date 10/19/94

STATE OFFICE REVIEW

See below for additional information. By Date

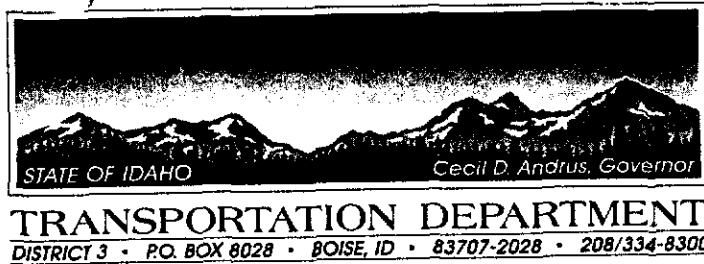
ADDITIONAL INFORMATION

P/D overlaps all G.W., except 63-00182 ft. Boise River, non-specified P/D.

P/D overlaps all irrigation/domestic.

This may be on drain w/ drainage district right.

This ap for mitigation purposes - to new wetted area to be exchanged for disturbed area under roadway.



RECEIVED
OCT 11 1994

October 6, 1994

Cindy Hodges
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Cindy Hodges:

Here is the information as requested in your letter dated September 28, 1994. I have included calculations of actual acres disturbed by the new roadway, and the number of presently wetted acres which will be covered by construction. In addition I have enclosed a plan sheet of the area identifying location of these areas and contract limit lines.

Thank you for your time and consideration on this matter. If I can be of further assistance in providing information please contact me.

Sincerely,

Dennis Clark
Senior Environmental Planner

DC:gv

Enclosure

✓ OK
DPT

OCT 14 1994

October 6, 1994

PROJECT NUMBER: STP-F-FR-3271(033) KEY 2027

PROJECT NAME: Eagle Alternate Route

RE: Appropriating public waters; description of wetted areas destroyed vs. created.

The Eagle Alternate route involves the construction of a 4.3 mile segment of highway south of Eagle, Idaho (Figure 1). The proposed highway will connect with State Highway 44 on the west and east sides of Eagle and intersect State Highway 55 to the south of Eagle. The approximate width of the highway from toe to toe is nearly equal to the width of the right-of-way which is 150'. The new highway will disturb or cover 65 acres of land. Out of the total 65 acres, 42 acres of wetted land will be covered by highway fill (see attachment A). The 42 acres include the following lands:

- 3.4 acres of wet meadow: grazed meadow, ponds.
- 0.7 acres of forested wetland: grazed.
- 37.9 acres of irrigated land: farmland, and grazed pasture.

In addition to the highway right-of-way the Idaho Transportation Department would acquire approximately 37 acres (see attachment A) to mitigate for project impacts. Areas not being considered as 'wetted area' are those that are not irrigated which support minimal amounts of natural vegetation (ie. areas disturbed by construction that will be reseeded for soil stability such as highway shoulders). The 37 acres consist of the following lands (see attachment B):

- 8.3 acres of wet meadow: grazed meadow.
- 12 acres of riparian forest: forested wetland.
- 0.5 acres of open water: not present in summer.
- 15.2 acres of upland: scrub-shrub thicket, grazed upland.

1
DEC 14 1994

A total of 9.6 acres of this 37 acres will be developed as ponds, wetlands and other types of habitat (see attachment C). The habitat enhancement would include:

- 4.6 acres of wet meadow: currently 2.3 acres grazed meadow, 2.3 grazed uplands.
- 1.6 acres of scrub-shrub thicket: currently grazed pasture lands.
- 2.1 acres of riparian forest: currently grazed.
- 1.3 acres of wetland pond: currently 1.1 acres barren land, .20 acres grazed pasture.

63-12136 & 12137

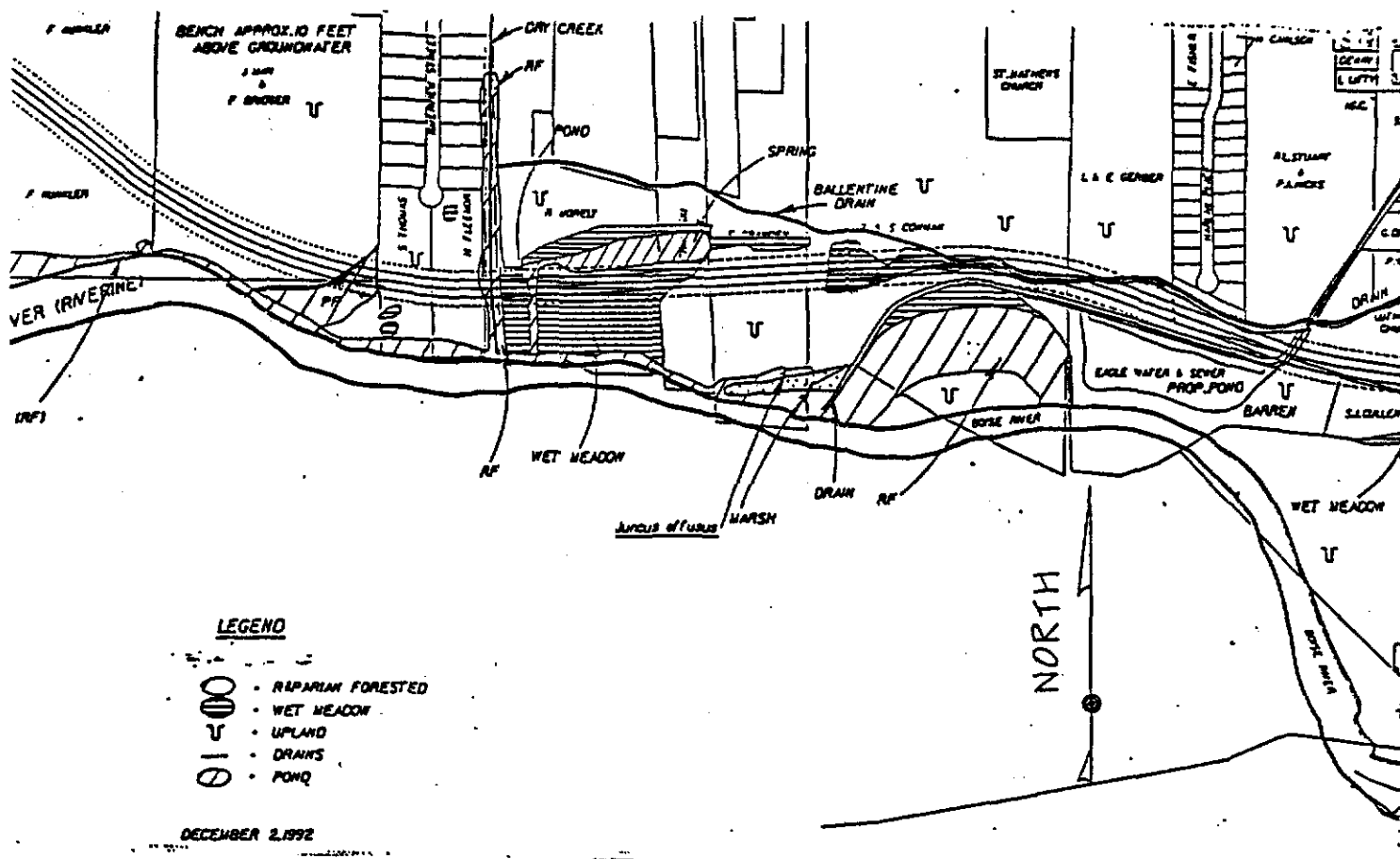
Total subject land taken out of production: 42.0 acres.

Total subject land being altered: 9.6 acres.

✓
These totals represent a 23 percent replacement of wetted area which would provide no increase of consumptive losses to the Boise River system.

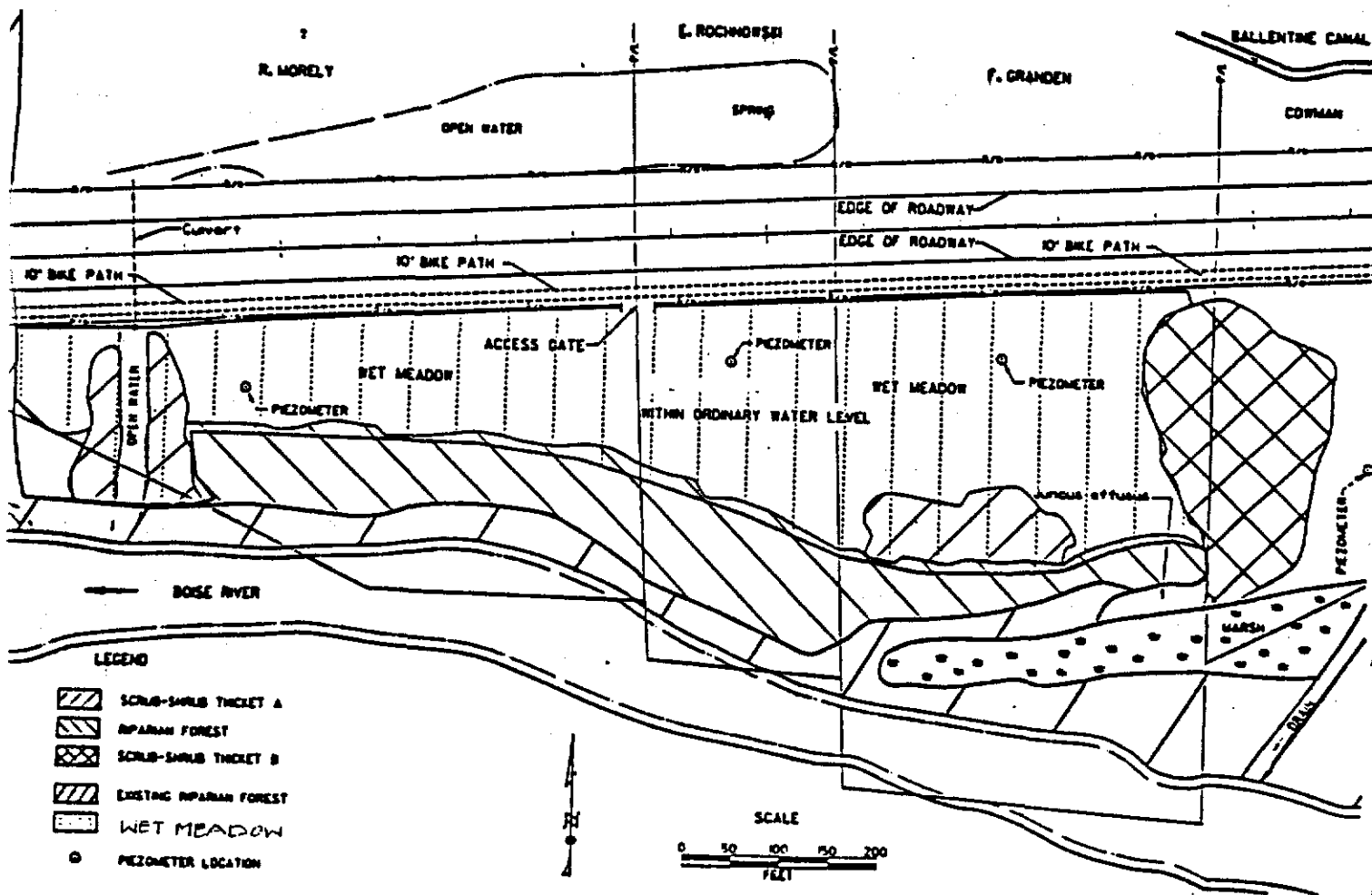
Eagle Alternate Route

STP-P-FR-3271(033) KEY 2027



Wetlands delineated in the project area by type and location.

DEC 2 4 1994



Map of mitigation site.

DEC 14 1984



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DENNIS CLARK
IDAHO DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707

RE: Eagle Alternate Route Mitigation Plan

Dear Dennis:

Thank you again for the submittal of the maps showing the area under this project. I discussed the maps with Dave Tuthill, our Regional Manager, to see if they satisfied our needs.

Mr. Tuthill advised that a complete description of the mitigation plan should include a calculation of actual acres disturbed by the new roadway, and the number and location (by QQ section) of those acres which are presently wetted area which will be dried up during construction. Wetted area may be considered as either irrigated land or boggy/marshy areas which support natural vegetation. Also included should be description/sizes of any easements retained and whether or not the easement area is included in the mitigation proposal.

Because of the current moratorium on new consumptive water rights, IDWR is concerned that there is not a net increase in wetted area developed which would increase consumptive losses to the Boise River system. For each surface acre of wetted area developed as mitigation pond, one acre of previously wetted area must be shown to be dried up or taken out of production. For purposes of the water right application, this exchange must be accountable at a 1:1 ratio, even though Fish and Game ratio requirements may differ.

Thank you for your continued assistance in providing information. Please contact me or Mr. Tuthill if you have questions.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

DEC 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

SEP 2 1994

Department of Water Resources

September 27, 1994

Timothy J. Gass, Esq.
1655 Fairview Avenue, Suite 204
Boise, Idaho 83702

RE: Application for Permit No. 63-12137

Dear Mr. Gass:

Thank you for your letter dated September 21, 1994 in which you expressed input on behalf of Drainage District No. 2 in the above-referenced matter. The protest period for this application has passed and the file has already been sent to the State Office for final action. However, I will respond to the information in your letter.

The water right applicant, and not the Department, is required to obtain any required easements for the development of a project which utilizes water resources within the state. A water user must obtain a water right and any other required easement before a water-using project is constructed. Accordingly I am forwarding to the applicant for this project, the State of Idaho Department of Transportation, a copy of your letter.

In the meantime we will continue to process the water right application. Our approval of the water right will not grant any easement or right-of-way for development of the project.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: State of Idaho, Department of Transportation
✓ State Office File for Application for Permit 63-12137

DEC 14 1994

RECEIVED

SEP 29 1994

Department of Water Resources

Gass Law Office
Timothy J. Gass
Counselor & Attorney at Law
1655 Fairview Avenue, Suite 204
Boise, Idaho 83702

RECEIVED

SEP 22 1994

WATER RESOURCES
WESTERN REGION

September 21, 1994

DW
Mr. David R. Tuthill, Jr., P.E.
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: APPLICATION FOR WATER RIGHT NO. 63-12137

Dear Mr. Tuthill:

The Board of Commissioners of Drainage District No. 2 reviewed the above-referenced application for water right at its general meeting held on September 6, 1994, and said District was unable to review the same and therefore requires the Department of Water Resources to submit to the District for its review, a location map showing the District's drainage ditch and showing the District's 100' exclusive drainage easement extending 50 feet on each side of the centerline of its ditches. An Agreement must be executed with the Agreement granting the Department of Water Resources the water right and the Department must pay all of the costs and attorney's fees required to effectuate the same to District, as well as recording costs.

If you have any questions or comments regarding the foregoing, please feel free to contact me at any time.

Very truly yours,

Timothy J. Gass
TIMOTHY J. GASS
Attorney at Law

TJG:rl

RECEIVED

SEP 12 1994

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$192.00

Account Number 04762800		Identification Idaho Dept. of Water Resources, Western Region Notice of Application for Water Right	
Ordered By R. Keith Higginson	P.O. Number	Rate NT	Run Dates September 1 & 8, 1994
Idaho Dept. of Water Resources, Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 8384

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE, ID 83707

Source: UNNAMED DRAIN Tributary: BOISE RIVER
Diversion Pt: LOT 1 (NWNENE) Sec 17 T04N R01E in ADA County.
Use: WILDLIFE STORAGE (4.00 AF)
Total Diversion: (4.00 AF)

Date Filed: 8/4/1994

In: ADA County

T04N R01E S17 Lot 1 (NENE) Lot 2 (NWNE)

Applicant seeks exemption from the Snake River Moratorium for use existing prior to November, 1987.

63-12136

STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 8028
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: NENE Sec 17 T04N R01E in ADA County.
Use: WILDLIFE STORAGE (1.00 AF)
Total Diversion: (1.00 AF)

Date Filed: 8/18/1994

In: ADA County

T04N R01E S17 NENE

Applicant seeks exemption from the Snake River Moratorium for use existing prior to November, 1987.

63-12138

BOISE WATER CORPORATION
PO BOX 7488
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: NENE Sec 17 T02N R02E in ADA County.
Use: MUNICIPAL (3.900 CFS)
Total Diversion: (3.900 CFS)

Date Filed: 8/19/1994

Place of use is within the city limits of Boise.

Applicant seeks limited municipal use exempted from Snake River Moratorium and will use an existing well.

63-12139

BOISE WATER CORPORATION
PO BOX 7488
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: NENE Sec 21 T02N R02E in ADA County.
Use: MUNICIPAL (4.900 CFS)
Total Diversion: (4.900 CFS)

Date Filed: 8/19/1994

Place of use is within the city limits of Boise.

Applicant seeks limited municipal use exempted from Snake River Moratorium and will use an existing well.

63-12140

BOISE WATER CORPORATION
PO BOX 7488
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: SWSW Sec 28 T04N R01E in ADA County.
Use: MUNICIPAL (3.500 CFS)
Total Diversion: (3.500 CFS)

Date Filed: 8/22/1994

Place of use is within the city limits of Boise.

Applicant seeks limited municipal use exempted from Snake River Moratorium and will use an existing well.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before SEPTEMBER 19, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

Pub. Sept. 1 & 8, 1994

8384

LINDA PORTER

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 1, 19 94and ending with the issue of September 8, 19 94

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 8th day of SEPTEMBER in the year of 1994

before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Janice Madril
Notary Public for Idaho
Residing at Boise, Idaho

My commission expires: 5/97



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 24, 1994

LEE SISCO
6616 OVERLAND RD
BOISE ID 83709

Re: Application for Water Right No. 63-12136 and 63-12137 in
the Name of State of Idaho, Department of Transportation

Dear Mr. Sisco:

Enclosed is a copy of the above referenced application for water
right.

Please review the application and return any comments you might
have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.', with a large, stylized flourish at the end.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

RECEIVED
SEP 1 1994

SEP 14 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 24, 1994

TIMOTHY GASS ESQ
DRAINAGE DISTRICT #2
1655 FAIRVIEW AVE
BOISE ID 83702

Re: Application for Water Right No. 63-12137 in the Name of
the State of Idaho, Department of Transportation

Dear Mr. Gass:

Enclosed is a copy of the above referenced application for water
right.

Please review the application and return any comments you might
have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 15, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DENNIS CLARK
IDAHO DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE ID 83707

RE: Applications for Permit, Eagle Alternate Route Project

Dear Dennis:

Enclosed are two applications for permit for the mitigation pond sites on the Eagle Alternate Route. The first application, showing the larger pond, needs only a signature. The second application requires both a signature and a \$50.00 filing fee. For both applications, I have assumed 2.5' to 3' average pond depth for purposes of calculating total pond volumes.

I have kept the site maps and other supporting information and will attach them to the correct applications when they are returned. On the enclosed area map, please highlight or show the location(s) which will be disturbed by the new roadway and which are to be mitigated by this project.

Thanks for your help. Please return both applications and the fee to my attention.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Hodges".

Cindy Hodges
Sr. Water Resource Agent

Enclosures

RECEIVED

DEC 14 1994



TRANSPORTATION DEPARTMENT
DISTRICT 3 • P.O. BOX 8028 • BOISE, ID • 83707-2028 • 208/334-8300

RECEIVED
AUG 04 1994
WATER RESOURCES
WESTERN REGION

August 3, 1994

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: Project # Eagle Alternate Route STP-F-3271(033) KEY 2027

An Application for Permit to appropriate the public waters of the State of Idaho is attached. This application is for water that will be consumed through evaporation from two ponds which are to be constructed as mitigation measures for wetlands disturbed by construction of the Eagle Alternate Route highway project.

If we can provide additional information please contact this office at 334-8335.

DENNIS

DENNIS CLARK
Environmental Planner

Enclosures

NOV 09 1964
FBI - NEW YORK

Elbert E. Gass
of Counsel

Dear Mr. Hickman,

[illegible]

Sincerely,

TJG/k1m

63-12137

STATE OF IDAHO
DEPARTMENT OF TRANSPORTATION
PO BOX 8028
BOISE, ID 83707

Source: UNNAMED DRAIN

Tributary: BOISE RIVER

Diversion Pt: LOT 1 (NWNENE) Sec 17 T 04N R 01E in ADA County.

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(4.00 AF)

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(4.00 AF)

Date Filed: 8/ 4/1994

In: ADA County

T04N R01E S17 Lot 1(NENE) Lot 2(NWNE)

Applicant seeks exemption from the Snake River Moratorium for
use existing prior to November, 1987.

RECEIVED

DEC 14 1994