350 to 04 Intervention Intervenor Rules of Procedure

11/99

RECEIVED
JAN 0 2 2004
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 57-11656
2. Name of protestant Bob D Callett
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 24912 Callett Rd. Arena, Id. 83605
5. Service telephone no. 834-2306
6. Basis of protest (including statement of facts and law upon which the protest is based)

I am concerned that the deptt may put this well into the hot artesian water our wells are already depleting on that hot water we do not wish to lose any more wells.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? limit well depths so as not to hit the hot artesian water

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 2 day of January, 2004.

Bob D Callett
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by DAN Date 1-2-03 Time 2:00

$25.00 fee Receipted by DAN # W 03121 Date 1-2-03

Idaho Department of Water Resources Receipt

Receipt ID W031221

Payment Amount	$25.00	**Date Received**	1/2/2004 2:11:56 PM	**Region**	Western	**Status**	
Payment Type	Check	**Check Number**	12163				

Payer COLLETT, BOB D. AND RUTHM.

Comment: Protest against water right 57-11656

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$25.00	PROTESTS	0229	21	62103	1155

Signature Line (Dept. Representative)

Form No 202a
April 2003

COMMENT LETTERS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 11-25-03 Application # 57-11656

REQUIRED INFORMATION

- X Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- X Address
- X Source (see USGS quad for source names)
- X P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- X County
- X Quantity (flow & /or volume)
- X Period of use
- X Nature of use (list details in appl. Item 8 if non-irrigation)
- X Description of diverting works
- X Time required for beneficial use of water
- X P/U
- X Map (show T, R, S, QQ &/OR QQQ)
- N/A Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- X Signature (if corporation, partnership, municipality, need title of signatory)
- Correct fee paid

Government Lots
NO P/D
NO P/U

ADDITIONAL INFORMATION

Yes ADVERTISE REMARKS (Yes or No)

YES	NO		
X		P/D overlap (explain)	57-10581 OVERLAPS GW SW 5.25 (NOT significant)
X		P/U overlap (explain)	CASTLE CREEK RIGHTS OVERLAP P/U.
	X	Critical groundwater area	(send letter)
	X	Ground water management area	(send letter) – OUTSIDE ~~BURNEAU~~ BRUNEAU/GRANDVIEW GWMA.
	X	Drilling concern area	(send letter)
	X	1992 moratorium	(send letter)
	X	Surface water source, IDFG comment letter	
	X	Protected river or minimum flow reach, notify water planning bureau	
	X	E-mail to Dam Safety staff (if any storage)	
X		Mitigation plan: "request to process form" in file:	
		Immediate = closed areas, acceptable plan required & submitted	
		X Future = open areas, plan not required	
	X	Send power requirement letter &/or fish farm requirement letter	
	X	Power residency affidavit	
	X	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)	

	X	REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 57-11656

YES	NO	
X		In form for advertising
	X	Statewide advertising (> 10 cfs &/or 1000 af)
X		Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES	NO		YES	NO	
	X	IDEQ		X	US BLM
	X	District Health		X	US Forest Service
	X	IDFG		X	Water Dist #
	X	IDL		X	Water Planning Bureau
			X		Other

FINAL REGIONAL PROCESSING REVIEW

Rose King
P.O. 36
Murphy, ID 83650

YES	NO	
		Affidavit of publication received
		Application published correctly? If not,record action taken
		Publication dates & paper recorded on application
		Final date for protest 1-5-03
		Protests received
		Recommendations attached
		Measuring device required
		Water delivered by water master? District #
		Special conditions of approval or cover letter

Recommended Date of Priority _____

Recommendation ☐ Approve ☐ Deny by _____ Date _____

ADDITIONAL INFORMATION

☑ See attached proof report, note Legal Notice Remarks &/or Comments

☑ Shapefile completed (optional: attach with proof report)

12/02/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11656

WATER RIGHT NUMBER: 57-11656

Owner Type	Name and Address
Current Owner	JOE SPENCE 30103 STATE HWY 78 OREANA, ID 83650 (208)834-2807
Current Owner	CYNTHIA SPENCE 30103 STATE HWY 78 OREANA, ID 83650 (208)834-2807

Priority Date: 11/28/2003

Basis:

Status: Active

Source: GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/01	11/15	2.400 CFS	
		Total Diversion:	2.400 CFS	

Location of Point(s) of Diversion

GROUND WATER OWYHEE County	SW1/4NW1/4	Sec. 25,	Twp 04S,	Rge 01E, B.M.
GROUND WATER OWYHEE County	SW1/4SW1/4	Sec. 25,	Twp 04S,	Rge 01E, B.M.
GROUND WATER OWYHEE County	SE1/4SE1/4	Sec. 26,	Twp 04S,	Rge 01E, B.M.

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	
04S	01E	25							40.0			40.0	40.0						120.0

Total Acres: 120

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11656

Comments:

1. scurtis 12/2/2003 Legal Notice Remarks
Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. dnelson 12/2/2003 Comment/Analysis
Comment: The applicant increased the rate of diversion on 11/28/2003, therefore, the priority date should be advanced to 11/28/2003. The applicant currently holds two water rights from Castle Creek for these lands. The Castle Creek water is not stable enough to supply irrigation water through the season. This water right should be supplemental to the Castle Creek rights, and the applicant should use the full allotment of Castle Creek water when available prior to diverting this groundwater right. This application is outside of the Bruneau/grandview groundwater management area. The major concern of reviewing this application is the depth of the well, 1500 feet. A local resident Rose King called our office concerned about this application. Ms. King stated that they have a well at 1500 ft that has cold water and it has an artesian flow. Ms. King stated that she did not believe that this water zone could supply enough water at the rate being requested without harming their artesian well. Ms. King also stated that they have an irrigation well that is in a water zone capable of supplying the rate needed for irrigation. However, the King irrigation well is a geothermal well and has been drilled to 2900 feet. Ms. King stated that she did not believe that the applicant could attain enough water for irrigation without tapping into the geothermal aquifer. Therefore, this application should conditioned to strickly prohibit any diversion or the drilling of any well that would have a temperature at the bottom of the well exceeding 85 degrees. There was also the concern of lifting water from the 1500 foot level, however, since the wells are artesian in this area, pumping cost would not be a factor.

Dates and Other Information:

Application Received Date: 11/28/2003
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: The water rights from Castle Creek are not sufficient irrigation for the development of this property.
Other Water Rights: 57-123 and 57-220B
Time to Complete Works: 1
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

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

December 12, 2003

ROSE KING
PO BOX 36
MURPHY ID 83650

Re: Water Right Application(s)

Dear Interested Party:

Enclosed is a copy of application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by January 5, 2004.

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

Sincerely,
Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 25, 2003

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

JOE AND CYNTHIA SPENCE
30103 STATE HWY 78
OREANA ID 83650

RE: APPLICATION FOR PERMIT TO DIVERT GROUND WATER

Dear Mr. and Ms. Spence:

Enclosed is your original application for permit to divert groundwater on your 120 acre farm. I have marked the areas on the application that we discussed on the telephone on 11/25/2003. Per our telephone call, I have listed the correction needed to the application below:

1.) **Section 4, page 1**--You may have a minors inch of water per acre or 0.02 cfs/acre to irrigate your property. Whereas, your surface water may not be available all year, we can allow the full diversion rate of 0.02 cfs/acre. Therefore, you may list a diversion rate up to 2.40 cfs on your application for the 120 acres of ground.
2.) **Section 4, page 1** -- The application lists the old season of use standard of 3/15 to 11/15. The Snake River Basin Adjudication court asked the department to revisit these standards and revise them. The new season of use approved by the court for your area is 3/1 to 11/15. You can apply for this new season of use if you choose.
3.) **Section 6a, page 1** -- You marked 6a on the front page N/A. However, we do need to know if the well will be diverting into a pressurized sprinkler system or in a non-pressurized ditch system. We will need a general description of how the water will be diverted.
4.) **Section 11a, page 2** – You have shown the owner of the point of diversion as Sam Steiner, but all of the tax lot information shows that you own the property where the wells will be located. Please list who owns the property where the wells will be located. If you are not the owner of the property, then you will need to inform us of the agreement or authorization of the owner that allows you to use their land for your point of diversion.

The above issues need to be addressed. If you decide to change your original application, then please draw a single line through the error and make the change. Then write your initials and the date in the margins, so it is clear that you made the changes. **Once the changes have been made return or mail the application to the above address C/O DAN NELSON.** If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-123

WATER RIGHT NUMBER: 57-123

Owner Type	Name and Address
Original Owner	MARTHA HENDERSON , ID
Directors Report Owner	BLAINE COLLETT HC 79 BOX 2205 OREANA, ID 83650 (208)834-2304
Previous Owner	LARRY B BACHMAN PO BOX 336 GRAND VIEW, ID 83624 (208)834-2684
Original Owner	GERALDINE COX 10725 MORRISON ENCINO, CA 91436
Directors Report Owner	DENISE COLLETT HC 79 B0X 2205 OREANA, ID 83650 (208)834-2304
Previous Owner	MARY ANNE BACHMAN PO BOX 336 GRAND VIEW, ID 83624 (208)834-2684
Current Owner	JOE E SPENCE 30103 STATE HWY 78 OREANA, ID 83650
Current Owner	CYNTHIA SPENCE 30103 STATE HWY 78 OREANA, ID 83650
Original Owner	GLADYS J COX 10725 MORRISON ENCINO, CA 91436

Priority Date: 04/01/1897

Basis: Decreed

Status: Active

Source	Tributary
CASTLE CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/15	0.140 CFS	
	Total Diversion:	0.140 CFS	

Location of Point(s) of Diversion

CASTLE CREEK SW1/4NW1/4SW1/4 Sec. 35, Twp 04S, Rge 01E, B.M.

OWYHEE County

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-123

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	
04S 01E 25							1.0			26.0	30.0						57.0
04S 01E 26																14.0	14.0

Total Acres: 71

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Explanatory RIGHT NOS. 57-00220A AND 57-00220B ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. MCCARTHY 12/10/1991 COPIED FROM REMARKS
Comment: GERALDINE COX IS THE CONSERVATOR AND GUARDIAN FOR GLADYS J. COX.

2. MMINICUC 12/12/1994 OWNERSHIP
Comment: OWNERSHIP CHANGED 12/12/1994 BY MM. NOTIFIED BACHMANS THAT SF3 IS REQUIRED BY THE SRBA COURT TO CHANGE THEIR RECORDS.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-123

Dates and Other Information:

Licensed Date:
Decreed Date: 10/25/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 57C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-220B

WATER RIGHT NUMBER: 57-220B

Owner Type	Name and Address
Directors Report Owner	BLAINE COLLETT HC 79 BOX 2205 OREANA, ID 83650 (208)834-2304
Directors Report Owner	LARRY B BACHMAN PO BOX 336 GRAND VIEW, ID 83624 (208)834-2684
Original Owner	GERALDINE COX 10725 MORRISON ENCINO, CA 91436
Original Owner	JAMES HENDERSON , ID
Current Owner	JOE E SPENCE 30103 STATE HWY 78 OREANA, ID 83650
Current Owner	CYNTHIA SPENCE 30103 STATE HWY 78 OREANA, ID 83650
Original Owner	GLADYS J COX 10725 MORRISON ENCINO, CA 91436
Original Owner	JOHN HENDERSON , ID
Directors Report Owner	MARY ANNE BACHMAN PO BOX 336 GRAND VIEW, ID 83624 (208)834-2684
Directors Report Owner	DENISE COLLETT HC 79 B0X 2205 OREANA, ID 83650 (208)834-2304

Priority Date: 07/18/1910

Basis: Decreed

Status: Active

Source	Tributary
CASTLE CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/15	0.640 CFS	
	Total Diversion:	0.640 CFS	

Location of Point(s) of Diversion

CASTLE CREEK SW1/4NW1/4SW1/4 Sec. 35, Twp 04S, Rge 01E, B.M.

OWYHEE County

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-220B

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	
04S 01E 25							1.0			26.0	30.0						57.0
04S 01E 26																14.0	14.0

Total Acres: 71

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Purpose of Use: THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. Place of Use: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory: RIGHT NOS. 57-00220A AND 57-00123 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. MCCARTHY 12/10/1991 COPIED FROM REMARKS
Comment: GERALDINE COX IS THE CONSERVATOR AND GUARDIAN FOR GLADYS J. COX.

2. MMINICUC 12/12/1994 OWNERSHIP
Comment: OWNERSHIP CHANGED 12/12/1994 BY MM. NOTIFIED BACHMANS THAT SF3 IS REQUIRED BY THE SRBA COURT TO CHANGE THEIR RECORDS.

3. jpeppers 11/3/2003 5:12:57 PM Water Right
Comment: This water right record was updated by decree record from old RightID 193905 to new RightID 420958

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-220B

Dates and Other Information:

Licensed Date:
Decreed Date: 10/25/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 57C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	57-123	JOE E SPENCE, CYNTHIA SPENCE,	CASTLE CREEK	04S01E25							1			26	30						57
Right	57-220B	JOE E SPENCE, CYNTHIA SPENCE,	CASTLE CREEK	04S01E25							1			26	30						57
Claim	57-10859	DENISE COLLETT, BLAINE COLLETT,	CASTLE CREEK	04S01E25										40	20						60
Claim	57-160A	DENISE COLLETT, BLAINE COLLETT,	CASTLE CREEK	04S01E25										40	20						60
Claim	57-237B	DENISE COLLETT, BLAINE COLLETT,	CASTLE CREEK	04S01E25										40	20						60
Claim	Feb-81	GISELA SCHAAL,	SNAKE RIVER	04S01E25						40											40
Right	57-129	GISELA SCHAAL,	CASTLE CREEK	04S01E25						31											31
Right	57-137	GISELA SCHAAL,	CASTLE CREEK	04S01E25						31											31
Right	57-153	GISELA SCHAAL,	CASTLE CREEK	04S01E25						31											31
Right	57-220	JAMES HENDERSON, JOHN HENDERSON,	CASTLE CREEK	04S01E25											32						32

OLD Rights
NOT a PROBLEM
Should Have
Been
Replaced.

Partial
Decrees
Don't
List
S-25
FOR ANY
OF THE
COLLETT
Rights

RECEIVED 11-18-2003
NOV 20 2003
WATER RESOURCES
WESTERN REGION

Joe Spence

13-2003

Dan —

enclosed is the original Request to Process for as requested —

Let me know if there is anything I need to do further —

Thanks for your help —

Joe

☐ Reply ☐ Please Recycle

aidite the processing

maps the point of

Water Resources

To: State of Idaho From: Joe Spence

Attention: Dan Nelson Pages: 4

Fax: 334-2348 Date: 11-13-2003

Re: water right Permit CC:

☐ Urgent ☐ For Review ☐ Please Comment ☑ Please Reply ☐ Please Recycle

Special Message: Would you please expedite the processing of my water right application - I have indicated on the map the point of diversion -

Thank You -

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

December 11, 2003

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 57-11656 and 57-11657

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 01/05/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

57-11656

JOE SPENCE
30103 STATE HWY 78
OREANA ID 83650
CYNTHIA SPENCE
30103 STATE HWY 78
OREANA ID 83650

Point(s) of Diversion	SWNW	S25	T04S R01E	OWYHEE County	Source GROUND WATER
Point(s) of Diversion	SWSW	S25	T04S R01E	OWYHEE County	Source GROUND WATER
Point(s) of Diversion	SESE	S26	T04S R01E	OWYHEE County	Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 2.4 CFS

Total Diversion: 2.4 CFS

Date Filed: 11/28/2003

Place Of Use: IRRIGATION

T04S R01E S25 SWNW NWSW SWSW

Number of Acres 120

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Owyhee Avalanche on December 17 and 24, 2003.

RECEIVED
DEC 0 1 2003
WATER RESOURCES
WESTERN REGION

FORM 202
RECEIVED
SEP 17 2003
WATER RESOURCES
WESTERN REGION

Ident. No. 57-11656

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Joe Spence and/or Cynthia Spence Phone 208-834-2807
   Mailing address 30103 State Hwy 78, OREANA, ID 83650
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 4S Range 1E Sec. 25, in the SW ¼, NW ¼, ____ ¼, Govt. Lot ____, B.M., Owyhee County;
   additional points of diversion if any: 4S 1E S.25 SW4 SW4, S.26 SE4 SE4
4. Water will be used for the following purposes:

   11/28 CS JS

   Amount ~~2.01~~ 2.40 cfs (cfs or acre-feet per annum) for Irrigation purposes from ~~Mar 15~~ Mar 1. to Nov 15 (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)

   11/28 CS JS

5. Total quantity to be appropriated is (a) ~~2.01~~ 2.40 cubic feet per second and/or (b) ____ acre feet per annum

   11/28 CS JS

6. Proposed diverting works:

   11/28 CS JS

   a. Describe type and size of devices used to divert water from the source ~~NA~~ well to sprinklers
   b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet
   c. Proposed well diameter is 8 inches; proposed depth of well is 1500 feet
   d. Is ground water with a temperature of greater than 85°F being sought? No
   e. If well is already drilled, when? ____; Drilling firm ____;
   Well was drilled for (well owner) ____; Drilling Permit No. ____
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. NA
   b. Stockwatering; list number and kind of livestock. NA
   c. Municipal; show name of municipality. NA
   d. Domestic; show number of households. NA
   e. Other; describe fully. Irrigation well

11-20-03
Applicant added P/D info on Map & Apl.
Signed Request to process.
JS

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	1E	25							40			40	40						120

Total number of acres to be irrigated 120

10. Describe any other water rights used for the same purposes as described above. water right #57-123 + #57-220B

11/28
03 55

11. a. Who owns the property at the point of diversion? ~~Sam Steiner~~ Joe or Cynthia Spence

b. Who owns the land to be irrigated or place of use? Joe or Cynthia Spence

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

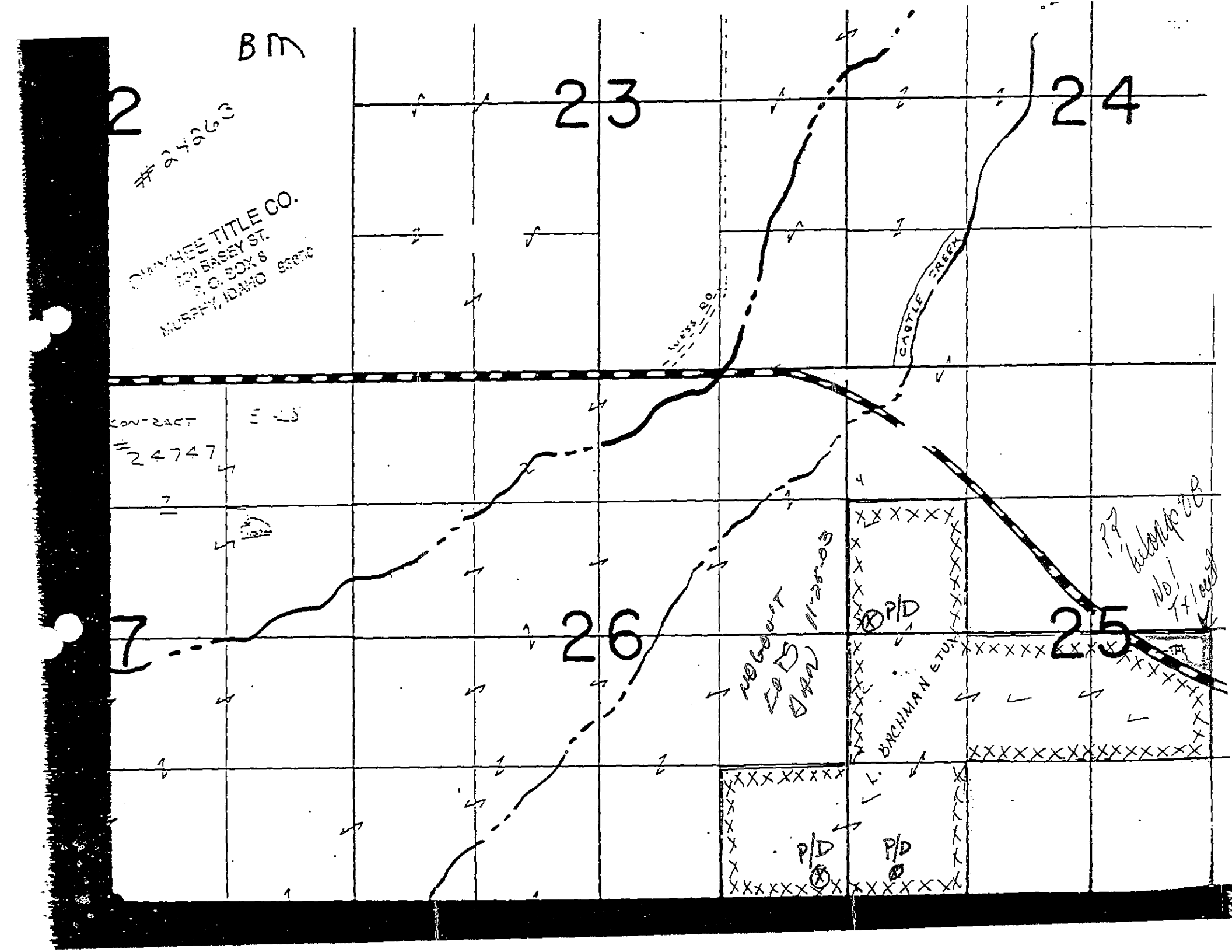
12. Remarks: The water rights from Castle Creek are not sufficient irrigation for the developement of this property.

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.

Signature of Applicant (and title, if applicable)

Received by KG Date 9/17/03 Time 11:08 Preliminary check by DAN
Fee $ 330.00 Receipted by KG # W030933 Date 9/17/03
Publication prepared by AK Date 12-17+24-03 Published in OWYHEE AVALANCHE
Publication approved _____ Date _____


BM
2
#24263
CHINOOK TITLE CO.
120 BASSEY ST.
P. O. BOX 8
MURPHY, IDAHO 83650
23
24
WEISS RD.
CATTLE CREEK
CON-TRACT
#24747
26
25
P/D
P/D
P/D
L. BACHMAN ETUX

RECEIVED
NOV 20 2003
WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

RECEIVED
DEC 01 2003
WATER RESOURCES
WESTERN REGION

Name of Applicant: Joe Spence and/or Cynthia Spence

Mailing Address: 30103 State Hwy 78
Orofino, Idaho 83650

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: _____

Date: 11-13-2003

Please return this form to:

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

Form 235-1
1/31/03

Drilling Permit No. 88-388-809188
Drilling Permit I.D. Tag No. 0029755
Water Right Permit No. _____
Injection Permit No. _____

RECEIVED
JUL 10 2003
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Joe Spence or Cynthia Spence

2. Mailing Address: 30103 State Hwy 78 454.5007 WK

City: Oreana State: ID Zip Code: 83650 Telephone (208) 834-2807

3. Proposed Well Location: Twp. 4 south, Rge. 1 East, Sec. 25, SW 1/4 NW 1/4 ~~SW 1/4~~ 1/4;

Gov't Lot No. _____ County Owyhee Lat. _____ : _____ : _____ Long. _____ : _____ : _____

Street Address of Well Site 30103 State Hwy 78 / Hwy 78 & Wolf Road City Oreana
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. Proposed Use of Well: Domestic use only pending approval of water Right

[X] DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to ½ acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: [X] Irrigation [ ] Municipal [ ] Industrial
[ ] Livestock [ ] Test [ ] Other _____
Type____ Number Hd.___ (Describe)

[ ] INJECTION

[ ] MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:

A. [X] New well [ ] Modify [ ] Replace

B. Proposed Casing Diameter 8" Proposed Maximum Depth 1500'

C. Anticipated bottom hole temperature:
[X] 85 F or less (Cold Water Well)
[ ] 85 F to 212 F (Low Temp. Geo. Well)
[ ] 212 F. or more (Geothermal Well)

6. Construction Start Date: upon permit

7. Anticipated Well Driller: Wayne Smith Driller's Lic. No. 536
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: _____ Date 7-7-2003

Address (if different than owner): _____

City: _____ State: ____ Zip Code: _____ Telephone _____

Title: _____
(Owner, Firm Representative, Other)

COPY

APPLICATIONS CHECKLIST FOR **PROTESTED** FILES

APPLICATION NO: 57-11656 APPLICANT: Joe Spence

☑ Green sticker on file ☑ Protest information sheet

☑ Put protest names & date in data base ☑ Change bar code ☑ Put protest in apps.lis

☐ Reserve Room ☐ Protest letters ☐ Conference notices

☐ Copy to vault ☐ Copies of interventions to vault

☐ Copy of conference notice to Gary ☐ Make sure rooms are handicap approved

☐ Double check mailing list. ☐ Attendance sheet ☐ Room confirmation letter

☐ Put conf. dates on John's calendar, and

☐ Sue's calendar

☐ Western's calendar (if applicable).

AFTER PREHEARING CONFERENCE

☐ Protestants/intervenors updated ☐ Hearing notices sent ☐ Copy to Gary

☐ Dates on my, John's, and Western's calendars (if applicable).

PROTEST OR APPLICATION WITHDRAWN

☐ Protest withdrawn ☐ Application withdrawn

☐ Change bar code ☐ Change apps.lis ☐ Change database

☐ Put protest WD in database ☐ If conditions, send letters to applicant

☐ Sent to S.O. (Kari Lynn) Date _____

PROTEST INFORMATION SHEET

APPLICANT: JOE &/OR CYNTHIA SPENCE
30103 STATE HWY 78
OREANA ID 83650

PH: 208-834-2807

APPLICATION NO: 57-11656

DATE FILED: 9/17/03 **PROTEST DATE:** 1-5-04

PROTESTANT(S) NAME & ADDRESS:

BOB D COLLETT 834-2306
24912 COLLETT RD
OREANA ID 83650

BLAINE & DENISE COLLETT 834-2304
25804 COLLETT RD
OREANA ID 83650

Protestant's Attorney Name & Address: Issues:

Applicant - Attorney - Name & Address:

Other: _____

W031219 #6

7/94

RECEIVED

JAN 0 2 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 57-11656
2. Name of protestant Blaine & Denise Collett
3. Protestant's representative for service (if different than protestant)

4. Service mailing address 25804 Collett Rd., Orenna, Id. 83650
5. Service telephone no. 208-834-2304
6. Basis of protest (including statement of facts and law upon which the protest is based) We object to this irrigation well because the depth suggests it will be hot water. In 2003 irrigation season, Randalls farm, witch we lease, had to put 20 feet more pipe down to get back in water. Our well ¼ mile away could be next. Another well will further drain the system, especially if it cant be fully capped in off season, like some other wells in the area. (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Guaranty 57-11656 will not be hot water or disallow the well for irrigation.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 30 day of Dec, 2003

Blaine L Collett
PROTESTANT

PROTESTANT'S REPRESENTATIVE

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
DEC 31 2003
WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

DECEMBER 17, 24, 2003

SIGNED: Joe E. Aman

STATE OF IDAHO)
COUNTY OF OWYHEE)
)

On this 24th day of December in the year of 2003 before me, a Notary Public, personally appeared JOE E. AMAN known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

JENNIFER STUHEIT NOTARY PUBLIC STATE OF IDAHO

Jennifer Stuheit
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: January 3, 2009

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

57-11656

JOE SPENCE
30103 STATE HWY 78
OREANA ID 83650
CYNTHIA SPENCE
30103 STATE HWY 78
OREANA ID 83650
Point(s) of Diversion SWNW S25 T04S R01E OWYHEE County, Source GROUND WATER
Point(s) of Diversion SWSW S25 T04S R01E OWYHEE County Source GROUND WATER
Point(s) of Diversion SESE S26 T04S R01E OWYHEE County, Source GROUND WATER
Use: IRRIGATION 03/01 To 11/15 2.4 CFS
Total Diversion: 2.4 CFS
Date Filed: 11/28/2003
Place Of Use: IRRIGATION T04S R01E S25 SWNW NWSW SWSW
Number of Acres 120
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 01/05/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director
12/17,24/03