

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23730

Priority: October 15, 2017

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that:

ROLAND E GOWER 12600 SHELBURNE RD ANCHORAGE AK 99516

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 27, 2017, and has submitted Proof of Beneficial Use on December 19, 2022. An examination confirms water is diverted from:

Source : TIMBER CREEK

Tributary: SQUAW CREEK

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Location of Point(s) of Diversion

TIMBER CREEK L4 (SW¼ SW¼), Sec. 7, Twp 08N, Rge 02E, B.M. BOISE County (Beginning of Stream Flow)

TIMBER CREEK L4 (SW¼ SW¼), Sec. 7, Twp 08N, Rge 02E, B.M. BOISE County (Ending of Stream Flow)

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	02E	7											X L4						

Conditions of Approval

1. This right authorizes the watering of livestock directly from the stream without a diversion.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65A.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 8th day of March, 2023.

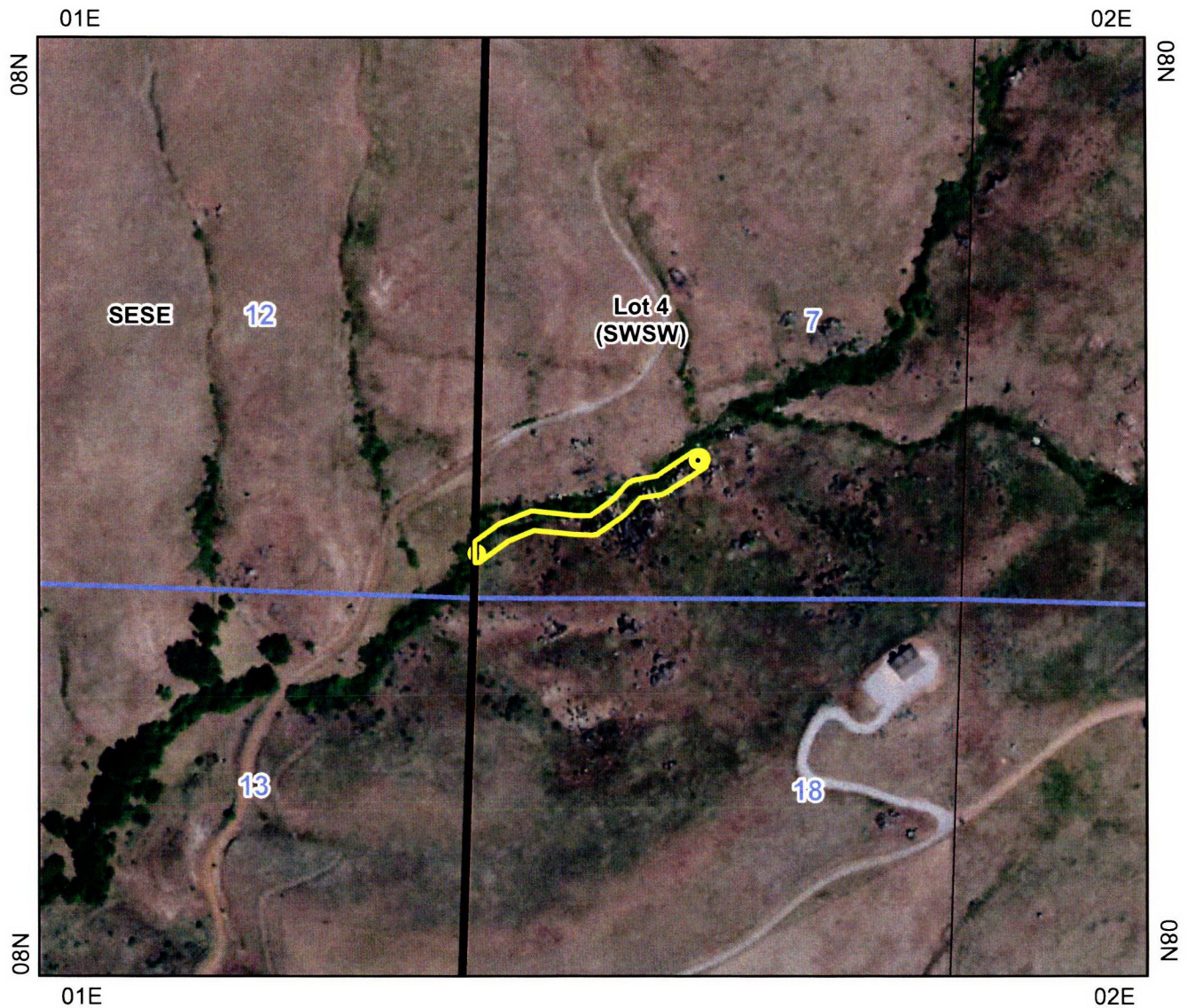


PHILL HUMMER
Water Rights Supervisor

SCANNED
MAR 13 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23730

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

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MAR 13 2023



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 65-23730	)	PRELIMINARY ORDER
IN THE NAME OF ROLAND E GOWER	)	REINSTATING A PERMIT
_____	)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On November 30, 2017, the Department issued Permit No. 65-23730 (“Permit”) in the name of Roland E. Gower (“Permit Holder”) authorizing the diversion of 0.02 cubic feet per second of surface water for stockwater use in the Government Lot 4 (SW¼SW¼) of Section 7 of Township 08 North, Range 02 East, B.M., Boise County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before December 1, 2022.
2. On September 30, 2022, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”), or a *Request for Extension of Time* (“Extension Request”).
3. On December 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On December 19, 2022, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use..., has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect... . Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the December 19, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-23730 is **REINSTATED** and the Permit's priority date is advanced to October 15, 2017.

DATED this 2nd day of January, ~~2022~~ ²⁰²³

Shelley W. Keen

Shelley W. Keen, Chief
Water Allocation Bureau

NOV 30 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50-
Receipt No. C114898
Received By Km
Date Received 12/19/22

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 65-23730 Name of Permit Holder(s) Roland Gower
Telephone No. 907-952-2093 Email rolande.gower@gmail.com
Mailing Address 12600 Shelburne Road City Anchorage State AK Zip 99516
2. Source of Water Timber Creek If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) ____ Irrigation (No. acres) ____ Stockwater (No. and stock type) 30 head of live stock
Other no diversion planned

4. Total diversion rate or volume (storage only) for which proof is submitted ____ cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

N.A.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ ____ or ☐ CWRE field report attached or ☒ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Roland Gower Telephone No. 907-952-2093 Email rolande.gower@gmail.com
Mailing Address 12600 Shelburne Road City Anchorage State AK Zip 99516

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

[Signature]
SIGNATURE OF PERMIT HOLDER*

Roland E. Gower owner
PRINTED NAME AND TITLE

11/25/2022
DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
JAN 13 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 65-23730Exam Date: 3/7/2023

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other < >

2. Current Owner: Name: Roland Gower
- Owner of Record Correct? X Y N
- Address of Record Correct? X Y N
- If No: Address

According to Tax Parcel Data the property is owned by Roland Gower.

3. Beneficial Use Fees have been paid: X Y N Receipt No: C114898

4. SOURCE TRIBUTARY
- Timber Creek Squaw Creek

Method of Determination: GIS and Tax Parcel DataChange in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: There is a stockwater right, 65-10807, in the parcel to the south adjacent to this permit but, does not overlap.

2. Other water rights with the same point of diversion: No Overlap

Water Right No.	Source	Purpose of Use	Basis
N/A			

Comments: N/A

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Timber Creek (Beginning of Reach)	4		SW	SW	7	08N	02E	B.M.	Boise
Timber Creek (Ending of Reach)	4		SW	SW	7	08N	02E	B.M.	Boise
								B.M.	

Method of Determination: GIS and Tax Parcel DataChange in POD? Y X N Amendment Required? Y X N

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MAR 13 2023

2. PLACE OF USE: Use: Stockwater

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	02E	7											S						N/A
		Lot #											4						N/A
Total Acres =																			N/A

Method of Determination: GIS and Tax Parcel DataChange in POU? Y X N Amendment Required? Y X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

 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
N/A					

*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
N/A						

2. Measurements: Because this permit is for in-stream stockwater a diversion rate measurement is not possible.**E. FLOW CALCULATIONS** Additional Computation Sheets Attached

Measured Method: **This permit is for in-stream stockwater. Therefore, a diversion rate calculation is not possible. According to Administrative Processing Memo #3 the standard diversion rate for 0-50 mixed stock is 0.02 cfs. The permit authorizes 0.02 cfs for the stockwater of 5 head of mixed stock. I am recommending a 0.02 cfs diversion rate.**

F. VOLUME CALCULATIONS

2. Volume Calculations for Other Uses: **This permit authorizes the in-stream stockwatering. According to the IDAPA Beneficial Use Field Examination Rules 37.03.02.35.01j.iii a volume is not required for the in-stream watering of livestock.**

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MAR 13 2023

G. PURPOSE OF USEIrrigation ☐ Y ☒ X ☐ N # Stock 5 Domestic # of Homes N/A

Other: < >

Change in Purpose of Use? ☐ Y ☒ X ☐ NMethod of Determination: Tax Parcel Data

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house examination. This permit authorizes the in-stream stockwatering of 5 mixed stock from Timber Creek. Since this permit is for in stream stock water a diversion rate calculation is not possible. The standards set in Administrative Processing Memo #3 were used to determine a diversion rate recommendation. On the permit holders Statement of Completion for Proof of Beneficial Use they stated there are 30 mixed stocks. Although this is higher than what is permitted the rate authorized can handle up to 50 head of mixed stock. According to the IDAPA Beneficial Use Examination Rules 37.03.02.35.01j.iii a diversion volume is not required for the in-stream watering of livestock. All of the conditions have been met and it is believed the permit holder is using water for the beneficial use authorized in their permit. Therefore, I am recommending 0.02 cfs diversion rate.

Condition 111 should remain on the license. Condition X02 should be removed as is standard with licensing. Condition R05 should be added to the license because the points of diversion are within Water District 65A. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? ☒ X Yes ☐ No**I. RECOMMENDATIONS****1. Recommended Amounts**

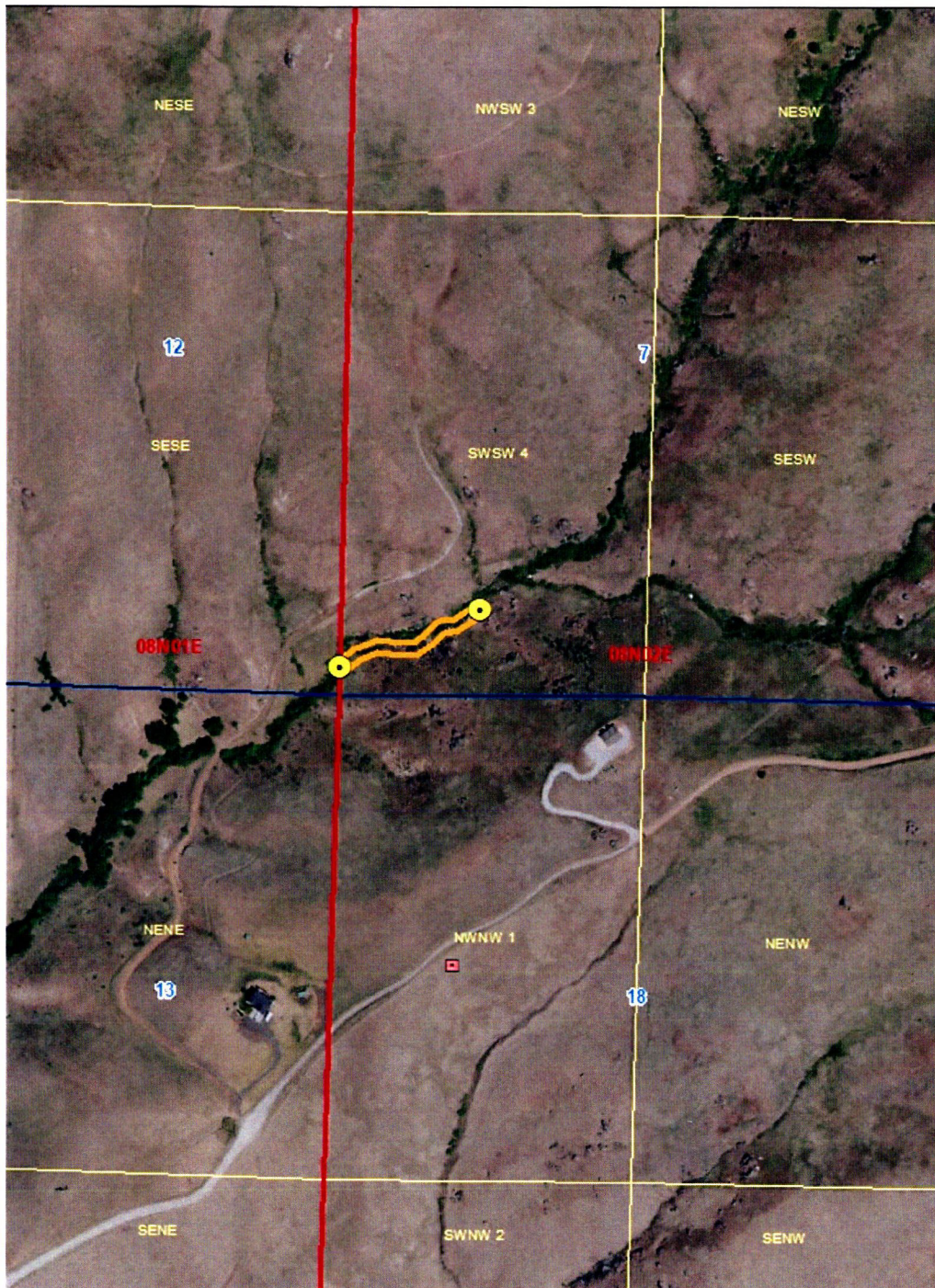
BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
Stockwater	1/1 to 12/31	0.02 CFS
<u>Totals:</u>		0.02 CFS

2. Recommended Amendments☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ X None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ X None

Other: < >

J. AUTHENTICATION Skyler Cheever, Water Resource AgentField Examiner's Name Skyler Cheever Date 3/7/2023Reviewer PH Date 3/8/23SCANNED
MAR 13 2023

The orange border represents the place of use, and the yellow point represents the point of diversion.



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MAR 13 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 10, 2023

ROLAND E GOWER
12600 SHELBURNE RD
ANCHORAGE AK 99516

RE: License No. 65-23730

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,


PH
Phill Hummer

Water Rights Supervisor

Enclosures

SCANNED
MAR 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2023, I served a true and correct copy of Water Right License No. 65-23730 by U.S. Mail, postage prepaid, to the following:

ROLAND E GOWER (Current Owner)
12600 SHELBURNE RD
ANCHORAGE AK 99516

HDR INC (Representative)
C/O LORI GRAVES – *via email*
300 E MALLARD DR STE 350
BOISE ID 83706-6660
Lori.graves@hdrinc.com

WATER DISTRICT #65A
ERIC HERR (Watermaster) – *via email*
8917 BUTTE RD
SWEET ID 83670-5005
Ericph1@frontiernet.net



Debbi Judd
Technical Records Specialist



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
January 13, 2023

Director Gary Spackman

ROLAND E GOWER
12600 SHELBURNE RD
ANCHORAGE AK 99516

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 65-23730

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **October 15, 2017**, pursuant to Idaho Code § 42-218a(2).

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 according to the conditions of the permit.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

A handwritten signature in black ink that reads "Debbi Judd".

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – *via email*

SCANNED
JAN 13 2023

CERTIFICATE OF SERVICE

I hereby certify that on **January 13, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **65-23730**

**ROLAND E GOWER
12600 SHELBURNE RD
ANCHORAGE AK 99516**

**HDR INC
C/O LORI GRAVES – *via email*
300 E MALLARD DR STE 350
BOISE ID 83706-6660
lori.graves@hdrinc.com**



**Debbi Judd
Technical Records Specialist**

SCANNED
JAN 13 2023

Beneficial Use Proof Evaluation

Permit Number: 65-23730 Reviewer: djudd Review Date: 12/20/2022

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 12/19/2022
- 4) Proof Due Date: 12/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 18
- 8) Proof received timely? No

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

W045700

Comments

Proof received 18 days late. Reinstate permit and advance priority date to October 15, 2017.

Reinstate Evaluation

Permit Number: 65-23730 Reviewer: djudd Review Date: 12/20/2022

Analysis

- 1) Proof/extension request received date: 12/19/2022
- 2) Number of days proof/extension request received late: 18
- 3) Was a lapsed notice sent? No
- 4) Date lapsed notice sent:
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 0
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 9/27/2017
- 8) New priority date: 10/15/2017
- 9) New status: Active

Comments

Proof received 18 days late. Reinstate permit and advance priority date to October 15, 2017.



Governor Brad Little
December 1, 2022

Director Gary Spackman

ROLAND E GOWER
12600 SHELBURNE RD
ANCHORAGE AK 99516

PROOF DEFICIENCY LETTER

RE: Permit No. 65-23730

Dear Permit Holder:

The Department received the proof of beneficial use (proof) form submitted for the above referenced permit. The proof is not acceptable without the correct fee. A copy of the form is enclosed for your reference.

This permit authorizes a diversion rate of 0.02 cfs (cubic feet per second) of **surface water** requiring a license examination fee of \$50.00.

Please submit the required fees as soon as possible as this permit will lapse on **December 01, 2022**. If you have any questions concerning this matter, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debby Judd
Technical Records Specialist

Enclosure

c: HDR INC – *via email*

SCANNED
DEC 02 2022



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
September 30, 2022

Director Gary Spackman

ROLAND E GOWER
12600 SHELBURNE RD
ANCHORAGE AK 99516

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 65-23730

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

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 01, 2022**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

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 Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – via email

