State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 65-24051

Priority: August 03, 2023 **Maximum Diversion Rate:** 0.02 CFS

This is to certify that

JAMES MCNAMARA 3134 N TREASURE DR BOISE ID 83703-5024

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM **Tributary:** PAYETTE LAKE

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
DOMESTIC	1 /1 to 12/31	0.02 CFS

Location of Point(s) of Diversion

UNNAMED STREAM L1 (NW¼ NW¼), Sec. 33, Twp 19N, Rge 03E, B.M. VALLEY County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	03E	33						X L1											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2025.**
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right is subordinate to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purposes during and following flood control operations until the date of allocation.
5. 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. 65.
6. Point of diversion is located within Lot 1, Blk. 6, SW Payette Cottage Sites, State Subdivision.
7. Place of use is located within Lot 1, Blk. 6, SW Payette Cottage Sites, State Subdivision.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 65-24051

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 29th day of January, 2024.

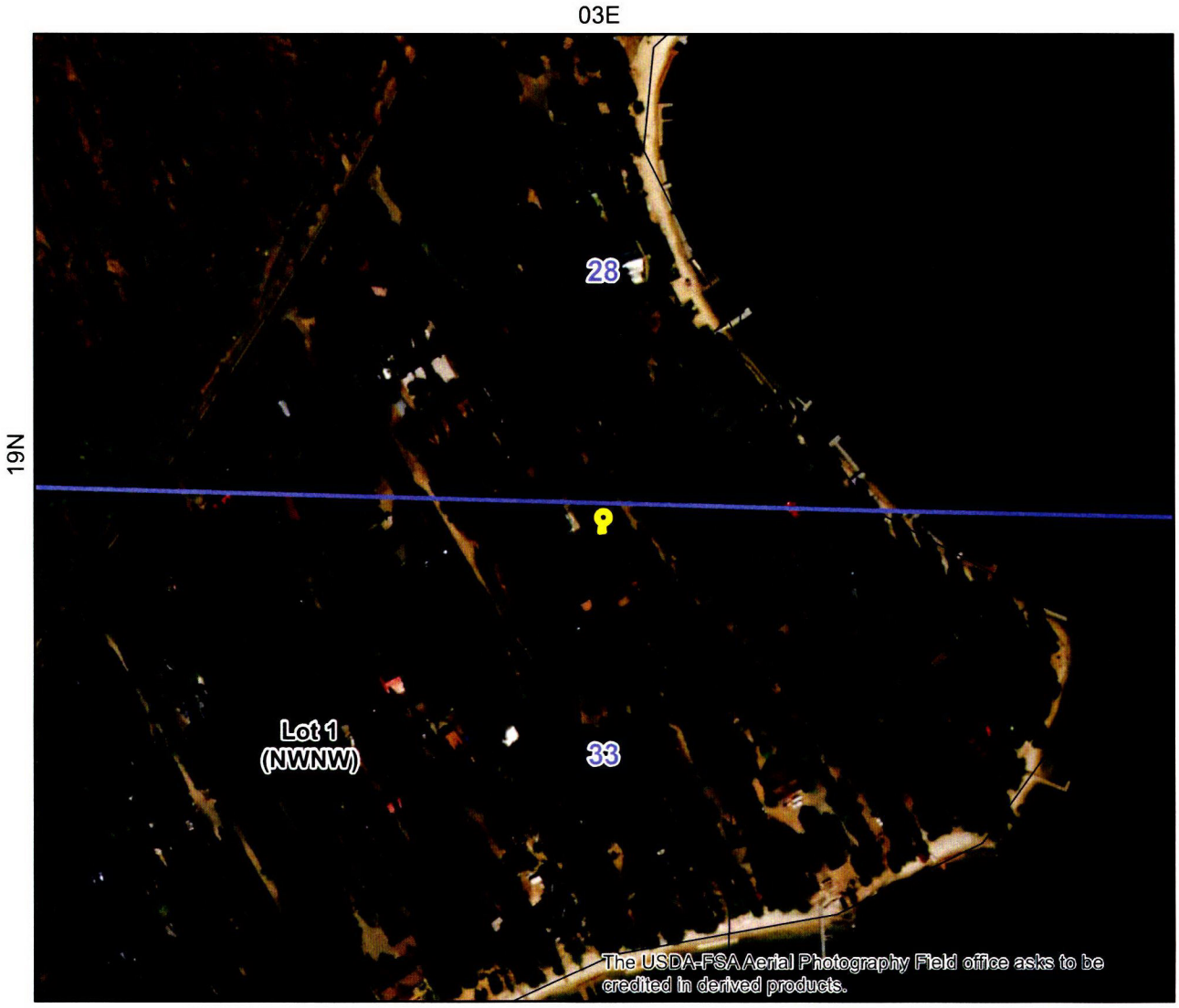
SCOTT STORMS
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-24051

This map depicts the DOMESTIC 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
- State Outline

N

RECEIVED

AUG 0 3 2023

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho
No. 65-24051

1. Applicants

James McNamara
3134 N. Treasure Dr
Boise ID 83703
2084730315
jmcnamar@boisestate.edu

2. Representatives

Submitter is one of the applicants

3. Source of Water Supply
Source : tributary tributary to Payette Lake

4. Location of Point(s) of Diversion

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQQ/QQ/Q	County
1	tributary	Payette Lake		19N	03E	33	Lot 1	/NW/NW	VALLEY

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.02 cfs	0.00 afa	Domestic non-drinking water.

6. Total quantity to be appropriated is (a) 0.02 cfs and/or 0.00 afa

7. Proposed Diverting Works:

POD No :1
Description: Shallow well pump, 1/2 hp, with an intake pipe in the stream.
Drill Date :
Metal Tag :
Drilled By :
Drilled For :
Drilling Permit :
GeothermalWater :False

8. Description of Place Of Use:

DOMESTIC

Township	Range	Section	QQ	Q	County	Govt Lot	Acres

19N 03E 33 NW/NW Valley LOT1 0.75

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping.
None

10. Land Ownership
- Who owns the land to be irrigated or place of use? Applicant does not own Applicant owns the place of use
- Who owns the land at the point of diversion? Applicant

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.
I would like to pump water from a creek into a buried 1000 gallon cistern to serve as a non-potable water supply for my house. A intake pipe in the stream will drain to a 1/2 hp shallow groundwater pump located in a subsurface structure adjacent to the stream. The cistern will have water level detectors to control the pump automatically.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum is 1 year).

AMENDED

SCANNED

SEP 0 1 2023

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 07 2023
WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

No. 65-24051

1. Applicants

James McNamara
3134 N. Treasure Dr
Boise, ID 83703
2084730315
jmcnamar@boisestate.edu

2. Representatives

Submitter is one of the applicants

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Source : tributary tributary to Payette Lake

4. Location of Point(s) of Diversion

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQQ/QQ/Q	County
1	tributary	Payette Lake		19N	03E	33		/NW/NW	VALLEY

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.02 cfs	0.00 afa	Domestic non-drinking water.

6. Total quantity to be appropriated is (a) 0.02 cfs and/or 0.00 afa

7. Proposed Diverting Works:

POD No :1
Description: Shallow well pump, 1/2 hp, with an intake pipe in the stream.
Drill Date :
Metal Tag :
Drilled By :
Drilled For :
Drilling Permit :
GeothermalWater :False

8. Description of Place Of Use:

DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping.
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10. Land Ownership
- Who owns the land to be irrigated or place of use? Applicant does not own
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SCANNED
SEP 01 2023

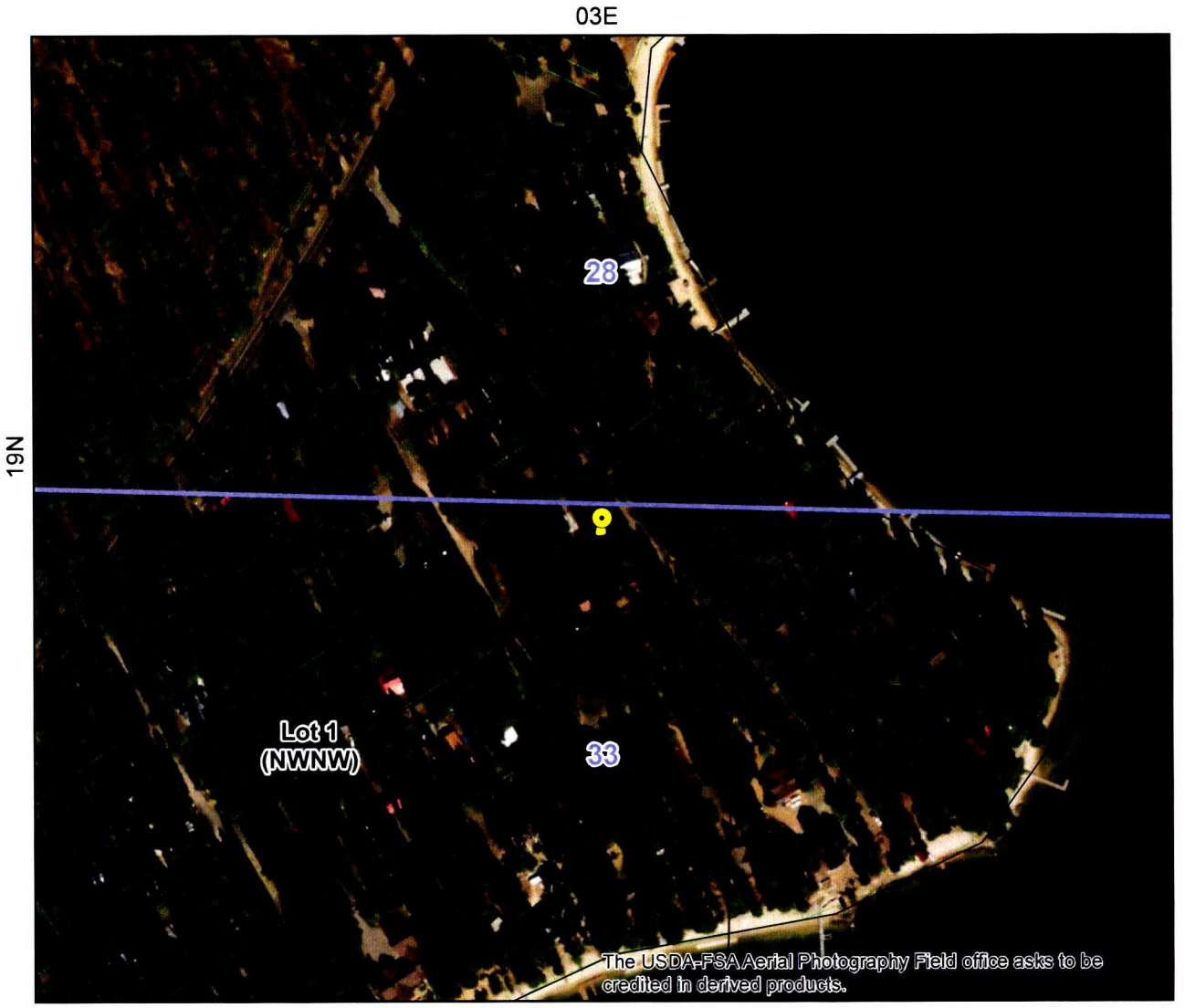
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum is 1 year)

Superceded

State of Idaho
Department of Water Resources

Application For Permit

65-24051



0 0.035 0.07 0.14 Miles

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

N

SCANNED
SEP 01 2023

Prepared ByMcSherry, Laura

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 Mathew Weaver

November 29, 2024

JAMES MCNAMARA
3134 N TREASURE DR
BOISE ID 83703-5024

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 65-24051

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(s):

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 **February 01, 2025**. 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 Section 42-204, Idaho Code. 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,

Jean Hersley

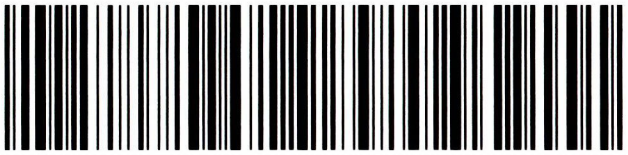
Jean Hersley
Technical Records Specialist II

Enclosure(s)

SCANNED
DEC 02 2024

IDAHO DEPT WATER RESOURCES
322 E FRONT ST
STE 648
BOISE IDAHO 83720-0098

USPS CERTIFIED MAIL



9214 8901 9403 8389 7123 43

JAMES MCNAMARA
3134 N TREASURE DR
BOISE ID 83703-5024

Banner Page Note:

SCANNED
DEC 02 2024

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

January 30, 2024

JAMES MCNAMARA
3134 N TREASURE DR
BOISE ID 83703-5024

RE: Permit No. 65-24051

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a Statement of Completion for Submitting Proof of Beneficial Use by the date shown in condition no. 1 of your permit. The Department will send you a Proof Due Notice approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

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

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, I served a true and correct copy of Permit to Appropriate Water No. 65-24051 by U.S. Mail, postage prepaid, to the following:

JAMES MCNAMARA (Current Owner)
3134 N TREASURE DR
BOISE ID 83703-5024

BLACK CANYON IRRIGATION DISTRICT (Protestant)
C/O ANDREW J. WALDERA
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
BOISE ID 83702-7067

NEIL SHIPPY (Watermaster)
WATER DISTRICT #65
102 N MAIN ST
PAYETTE ID 83661-2522

Lynne Evans
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date 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.

Miller, Nick

From: Miller, Nick
Sent: Tuesday, January 23, 2024 3:21 PM
To: 'Andy Waldera'; James McNamara
Cc: Evans, Lynne; carl@blackcanyonirrigation.com
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

Thank you both. This email string will be sufficient for us to document the file. Also, there will still be an opportunity for either party to petition for reconsideration of any preliminary order that is issued. I will reassign this application and get it moving forward.

Thanks again,

Nick.

From: Andy Waldera <andy@sawtoothlaw.com>
Sent: Tuesday, January 23, 2024 3:00 PM
To: James McNamara <jmcnamar@boisestate.edu>; Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; carl@blackcanyonirrigation.com
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I apologize, Nick. I thought that James' October 10, 2023 email "agree[ing] to [BCID's] request" did the trick because the condition language is contained at the end of the District's protest.

But, to end any confusion to the extent any exists:

BCID agrees to conditionally withdraw its protest to Application for Permit No. 65-24051 in exchange for the following reservoir "refill"-related condition being placed on any permit and future license that may issue under the application:

"This right is subordinate to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purpose during and following flood control operations until the date of allocation."

It seems we are all on the same page, but this summary should do it; provided that James again responds in the affirmative.

Thanks, and sorry for any confusion.

Regards,
Andy

Andrew J. Waldera
SAWTOOTH LAW OFFICES, PLLC
andy@sawtoothlaw.com
www.sawtoothlaw.com
Telephone: (208) 629-7447 ext. 216

Facsimile: (208) 629-7559
P.O. Box 7985, Boise, Idaho, 83707

SAWTOOTH LAW
OFFICES, PLLC

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 629-7447, so that our address record can be corrected. Thank you.

From: James McNamara <jmcnamar@boisestate.edu>
Sent: Tuesday, January 23, 2024 2:51 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>
Subject: Re: Protest Acknowledgment: Application for Permit No. 65-24051

Thank you for following up. I think you're right, we are waiting for BCID to accept their stipulations. Is there anything else I need to do?

Regards,

Jim McNamara

On Tue, Jan 23, 2024 at 2:46 PM Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

Hello all,

I do not see that anything has happened with this application since our last email exchange back in October. It looks like we are waiting on a withdrawal of protest document from BCID. Please let me know if I missed something, or if the parties are still working on settlement or if we need to schedule a conference.

Thank you,

Nick Miller

Manager, IDWR Western Region

From: Miller, Nick
Sent: Friday, October 20, 2023 12:25 PM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>; James McNamara <jmcnamar@boisestate.edu>
Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

It looks like I didn't respond to this, sorry for the delay.

Normally, Black Canyon can submit a conditional withdrawal of protest or some other document withdrawing their protest on the condition that any permit issued contains the condition you have agreed to.

In the past, Mr. Waldera and I have been a little less formal and documented these kinds of withdrawals via an email string. So, I guess the next step would be for BCID to either file a withdrawal document or send all of us an email with the conditions of their withdrawal and I can use that email string to document the withdrawal. Then we can proceed to process the application.

Nick.

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Sent: Tuesday, October 10, 2023 9:02 AM
To: James McNamara <jmcnamar@boisestate.edu>
Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>; Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: Protest Acknowledgment: Application for Permit No. 65-24051

Good morning James,

Thank you for the update. I'm adding Nick Miller to this conversation to confirm the details of Black Canyon's conditional withdrawal of protest.

If all parties are satisfied with this outcome, we can move forward without scheduling a settlement conference.

Sincerely,

Lynne Evans | Administrative Assistant I

IDWR - Western Region

2735 W Airport Way, Boise ID 83705

(208) 334-2190 | lynne.evans@idwr.idaho.gov

From: James McNamara <jmcnamar@boisestate.edu>
Sent: Tuesday, October 10, 2023 7:26 AM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Cc: carl@blackcanyonirrigation.com; Andy Waldera <andy@sawtoothlaw.com>
Subject: Re: Protest Acknowledgment: Application for Permit No. 65-24051

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Lynne,

I have reviewed the protest and agree to the request. Black Canyon Irrigation has offered to withdraw the protest if I add a phrase to My application acknowledging their senior water right.

Can you tell me my next step?

Regards,

Jim McNamara

On Wed, Sep 27, 2023 at 12:14 PM Evans, Lynne <Lynne.Evans@idwr.idaho.gov> wrote:

Dear parties:

Please see the attached letter acknowledging protests received against Application for Permit No. 65-24051.

This letter has also been sent by mail to all parties who have not requested service by email. If you would like to receive future correspondence on this matter served via email only, please reply to this message to let me know.

Regards,

Lynne Evans | Administrative Assistant I

IDWR - Western Region

2735 W Airport Way, Boise ID 83705

(208) 334-2190 | lynne.evans@idwr.idaho.gov

Evans, Lynne

From: Evans, Lynne
Sent: Wednesday, September 27, 2023 12:14 PM
To: jmcnamar@boisestate.edu; carl@blackcanyonirrigation.com; Andy Waldera
Subject: Protest Acknowledgment: Application for Permit No. 65-24051
Attachments: Protest Letter 65-24051.pdf; 65-24051 Calendar.pdf

Dear parties:

Please see the attached letter acknowledging protests received against Application for Permit No. 65-24051.

This letter has also been sent by mail to all parties who have not requested service by email. If you would like to receive future correspondence on this matter served via email only, please reply to this message to let me know.

Regards,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

SCANNED
SEP 27 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Mathew Weaver**

September 27, 2023

JAMES MCNAMARA
3134 N TREASURE DR
BOISE ID 83703-5024
Email: jmcnamar@boisestate.edu

ANDREW J. WALDERA
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
BOISE ID 83702-7067
Email: andy@sawtoothlaw.com

BLACK CANYON IRRIGATION DISTRICT
PO BOX 226
NOTUS ID 83656-0226
Email: carl@blackcanyonirrigation.com

RE: Application for Permit No(s). 65-24051

Dear Parties:

This letter acknowledges receipt of a protest(s) filed against Application for Permit No(s). 65-24051. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months using the enclosed calendar.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference

SCANNED
SEP 27 2023

phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Lynne Evans
Administrative Assistant I
(208) 605-4622
Lynne.Evans@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure, Oct-Dec 2023 Calendar

SCANNED
SEP 27 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

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INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

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NAME:

RE: Conference for Contested Application 65-24051 (James McNamara)

Please Note: Only mark the dates that you are **unavailable** for a conference.

October 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9 IDWR Closed	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10 IDWR Closed	11
12	13	14	15	16	17	18
19	20	21	22	23 IDWR Closed	24	25
26	27	28	29	30		

December 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25 IDWR Closed	26	27	28	29	30
31						

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Rev. 04/2022

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SEP 25 2023
WATER RESOURCES
WESTERN REGION

Filing Fee: $25.00

STATE OF IDAHO
DEPARTMENT OF WATER RESROUCRES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate $25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant**.

1. Matter protested. Application for ☑ Permit ☐ Amendment of Permit ☐ Transfer ☐ Exchange
   No. 65-24051 in the name of James McNamara
2. Protestant's Name: Black Canyon Irrigation District
   Address: P.O. Box 226, Notus, ID 83656
   Telephone: (208) 459-4141 Email: carl@blackcanyonirrigation.com
3. Protestant's Representative: Andrew J. Waldera, Sawtooth Law Offices, PLLC
   Address: 1101 W. River Street, Suite 110, Boise, ID 83702
   Telephone: (208) 629-7447 Email: andy@sawtoothlaw.com
4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See *Instructions for Filing a Notice of Protest* for the relevant review criteria.
   Please see attached.

   (Additional pages may be attached to describe the basis of your protest.)

   Identify any review criteria that are not a basis for your protest:

5. ☑ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, 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.**

Protestant's or Representative's Signature	Andrew J. Waldera, Attorney for BCID Printed Name and Title (if applicable)	Sept. 25, 2023 Date

FOR DEPARTMENT USE ONLY

$25.00 fee receipted by CC Receipt # WOS 1553 Date 9-25-23

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SEP 27 2023

APPLICATION FOR PERMIT NO. 65-24051
in the name of James McNamara

PROTEST SUPPLEMENTAL SHEET

Question No. 4 (Basis of Protest)

Black Canyon Irrigation District ("BCID") protests the above-referenced Application for Permit under Idaho Code Section 42-203A on the following grounds:

Section 42-203A(5)(a); Injury

Applicant seeks to appropriate 0.02 cfs from an unnamed stream for domestic purposes from January 1 to December 31 each year. The stream is tributary to Payette Lake, which is ultimately tributary to Cascade Reservoir downstream. Several months of the proposed season of use overlap with forecast and rule curve-based federal flood control operations during flood control years. The current position of the Idaho Department of Water Resources ("Department") and the State of Idaho is that senior storage water rights for Cascade Reservoir are accounted for on a "paper fill" (*i.e.*, accrual method) basis. This water right accounting construct is performed year-round and accrues/accounts natural flow to the senior Cascade Reservoir storage water rights regardless of whether physical storage actually occurs (*i.e.*, the paper fill-based water right accounting construct counts flood control bypass flows and reservoir evacuations against the existing storage rights for Cascade Reservoir).

Whether the Department's paper fill-based water right accounting construct is consistent with Idaho law is still an open question at the ultimate appellate level. The Idaho Supreme Court declined the address the "already appropriated" arguments presented by BCID in the context of its (BCID's) "refill"-based appeal in *Black Canyon Irr. Dist. v. State (In Re SRBA Case No. 39576*, 163 Idaho 144, 408 P.3d 899 (2018), holding that those arguments are matters of water right administration first reserved for the Director to address. Nearly identical "already appropriated" arguments were also pending before the Idaho Supreme Court in the Boise River Basin appeals because: (1) flood control operations in the basin occur under similar forecast and rule-curve-based protocols; and (2) the appeals were predicated on IDAPA-based judicial review of administrative contested case proceedings directly addressing the Department's paper-fill water rights accounting construct. The Idaho Supreme Court was poised to address the "paper fill" water rights accounting construct in the Boise River Basin (Basin 63), but the matter was ultimately settled by those parties short of oral argument and Court decision. To the extent the paper-fill water rights accounting construct is consistent with Idaho law, this Application for Permit can decrease the quantity of "excess" or "ancillary use" water available and necessary to physically fill Cascade Reservoir during flood control years under the existing storage water rights.[1]

[1] The Department expressly recognizes the "historic practice" of using so-called "excess" flows to physically fill reservoir spaces in the Payette River Basin bypassed or vacated for flood control purposes. The pending Application for Permit, if not sufficiently conditioned, erodes the quantity of "excess" water

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This injury concern is magnified by what the Idaho Supreme Court did decide in Docket Nos. 44635 (the United States appeal) and 44636 (the BCID appeal): namely that beneficial use-based late claims previously pending in the SRBA designed to preserve the undisputed historic practice of storing and using post-flood control release water in the Payette River Basin are barred by the operation of *res judicata* (resulting from the prior completion of the Payette Adjudication in 1986).

One of the administrative means by which BCID is left to preserve the historic status quo (*i.e.*, by preventing the future/further erosion of available "excess" flows used to physically fill Cascade Reservoir) is protesting new surface water right applications sourced from the Payette River and its tributaries going forward under Idaho Code Section 42-203A(4).

Section 42-203A(5)(e); Conflicts with the Local Public Interest

As noted in the *Comprehensive State Water Plan for the Payette River Basin* (approved and adopted by the Idaho Legislature on February 5, 1999), forecast and rule curve-based flood control operations (*i.e.*, "spill and fill" reservoir operations) are critical to the protection of property and life in the lower Payette River Valley. *See*, *e.g.*, *id.*, pp. 39-42; 68-72; and 160-163. Consequently, the Plan memorializes the existence and desirability of these operations and the balance between flood control and beneficial use storage the operations achieve (through the "refilling" of Cascade and Deadwood Reservoirs as and when it is safe to do so for beneficial use storage; *i.e.*, as the flood risk wanes). *Id.*, pp. 160-163.

Issuing the requested permit in this matter is contrary to the public interest because it jeopardizes the integrity (and balance) of spill and fill flood control operations by widening the gap between "paper fill" and physical fill of the reservoirs. This, in turn, could lead to future reservoir operations shifting closer to a "fill and spill" flood control regime providing less public flood control benefit than presently exists.

Section 42-203A(5)(f); Contrary to the Conservation of Water Resources

Cascade Reservoir contains a conservation pool (both for water quality and wildlife/fisheries habitat) and additional water storage increasingly relied upon for downstream anadromous fish flow augmentation. While much of Cascade Reservoir is "uncontracted space," that space is not free to be used for other purposes. Rather that space was formally set aside via NEPA process in 1995—creating a pool of water supporting a variety of environmental demands integral to local water quality and fisheries, and central to meeting the flow augmentation requirements of the landmark Nez Perce Water Rights Settlement Agreement (and resulting Congressional Act) of 2004. Flows from the Payette River Basin are also integral to meeting downstream Snake River minimum stream flows, particularly at the Weiser Gage.

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otherwise historically available and used to physically fill the reservoir, in turn injuring existing water users dependent on stored water supplies, including BCID.

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Issuing the requested permit can decrease the quantity of water available to physically fill the reservoir in flood control years, thereby jeopardizing the conservation, environmental, and water rights settlement-based demands already placed on those stored water supplies.

Reservation of Rights

During the course of these proceedings, additional bases of protest may come to light. BCID reserves the right to raise additional contentions as they reveal themselves and as it deems necessary.

Proposed Condition Language

To preserve the historic status quo of on-stream reservoir operations in the Payette River Basin, BCID would withdraw its protest in exchange for inclusion of the following water right remark applied to all purposes of use under the right: "This right is subordinate to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purpose during and following flood control operations until the date of allocation."

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SEP 14 2023
WATER RESOURCES
WESTERN REGION

The Star-News

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION: #1426460

STATE OF IDAHO
SS.
COUNTY OF VALLEY

I, Dawn Schnepf, as publisher/agent of

The Star-News

of Valley County, State of Idaho, state that this newspaper is a qualified newspaper, published and of general circulation in said county, was published in regular edition of said paper, and that the notice of which the annexed is a copy was published on the following date(s):.

09/07/2023, 09/14/2023

Dan R. Schnepf
Agent Signature

Subscribed and sworn to before me this

14th day of September, A.D. 2023.

Notary Public

Advertising Fee: $63.38

WENDY CHROBAK
Notary Public, State of Kansas
My Appointment Expires
8.22.2024

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

65-24051
JAMES MCNAMARA
3134 N TREASURE DR
BOISE, ID 83703-5024
Point of Diversion L1 (NWNW) S33 T19N R03E VALLEY County
Source UNNAMED STREAM Tributary PAYETTE LAKE
Use: DOMESTIC
01/01 to 12/31; 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07-14-2023
Place Of Use: DOMESTIC
T19N R03E S33 L1 (NWNW)

OK LE 9/25/23

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 9/25/2023. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director

Published in The Star-News September 7, 14, 2023.

1426460

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SEP 26 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 1, 2023

JAMES MCNAMARA
3134 N TREASURE DR
BOISE ID 83703-5024

RE: Application for Permit No. 65-24051

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the STAR NEWS on 9/7/2023 and 9/14/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Lynne Evans
Administrative Assistant I

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SEP 01 2023

Evans, Lynne

From: Evans, Lynne
Sent: Friday, September 1, 2023 4:41 PM
To: Flack,Brandon
Subject: Application for Permit No. 65-24051

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

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SEP 01 2023

Evans, Lynne

From: Evans, Lynne
Sent: Friday, September 1, 2023 4:40 PM
To: neil.waterdistrict65@gmail.com
Subject: Application for Permit No. 65-24051
Attachments: 65-24051 WM.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office by September 25, 2023.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by September 25, 2023, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

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SEP 01 2023

State of Idaho

Department of Water Resources

RECOMMENDATION FORM

RE: Application for Permit No. 65-24051

New Appropriation Applicant's Name:

JAMES MCNAMARA
3134 N TREASURE DR
BOISE, ID 83703-5024

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

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

d) _____ Additional comments:

Dated this _____ day of _____.

_____
Watermaster's Signature

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SEP 01 2023

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Star-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(620) 504-9885 Ext. 2330 or mccalllegals@cherryroad.com**.

Notice ID: GI3U3eLpWpz8skky0qhr | **Proof Updated: Aug. 31, 2023 at 05:21pm MDT**
Notice Name: 65-24051 McNamara

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Lynne Evans lynne.evans@idwr.idaho.gov (208) 334-2190	The Star-News

Columns Wide: 1

Ad Class: Legals

09/07/2023: Legal Notice	31.69
09/14/2023: Legal Notice	31.69

Subtotal	$57.62
Tax %	0
Processing Fee	$5.76
Total	**$63.38**

See Proof on Next Page

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SEP 07 2023

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

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JAMES MCNAMARA
3134 N TREASURE DR
BOISE, ID 83703-5024
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Source UNNAMED STREAM Tributary PAYETTE LAKE
Use: DOMESTIC
01/01 to 12/31; 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07-14-2023
Place Of Use: DOMESTIC
T19N R03E S33 L1 (NWNW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 9/25/2023. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director

Published in The Star-News September 7, 14, 2023.

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SEP 01 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-24051
JAMES MCNAMARA
3134 N TREASURE DR
BOISE, ID 83703-5024
Point of Diversion L1 (NWNW) S33 T19N R03E VALLEY County
Source UNNAMED STREAM Tributary PAYETTE LAKE
Use: DOMESTIC
01/01 to 12/31; 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 07-14-2023
Place Of Use: DOMESTIC
T19N R03E S33 L1 (NWNW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 9/25/2023. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director

Published on 9/7/2023 and 9/14/2023

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SEP 01 2023

Olson, Aaron

From: James McNamara <jmcnamar@boisestate.edu>
Sent: Thursday, August 3, 2023 12:43 PM
To: Olson, Aaron
Subject: Re: Application for Permit 65-24051
Attachments: 20230802112831_edit_jm.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Aaron,

I added text to the attached document as you requested. Table 8 asks for acres. I put the acreage of my lot, but I'm using the water for a household supply.
Let me know if you need any other clarifications.

Jim McNamara

On Wed, Aug 2, 2023 at 11:41 AM Olson, Aaron <on.Olson@idwr.idaho.gov> wrote:

Hi James,

I just left a voicemail but figured I could follow up with an email. Some simple clarifications are needed on the application, I think there might have been an error with the online application due to how small the place of use is for your application.

I have attached a scan of the application, if you could please simply write the clarifications on the copy and send that back to me that should be all that is needed to move forward with the application. I can provide a physical copy if needed as well. The items that need addressing are:

4. Location of Point(s) of Diversion): Enter Govt Lot for the point of diversion, according to the provided map the point is in Govt Lot 1.

8. Description of Place of Use): Write in the required description of the place of use next to the table on #8.

10. Land Ownership): Clarify if you own the land at the place of use.

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Let me know if you have any questions.

Thanks,

Aaron

Aaron Olson - Water Resource Agent

Idaho Dept. of Water Resources

2735 W Airport Way

Boise, ID 83705

(208) 605-4629

Aaron.Olson@idwr.idaho.gov

Let me know if you have any questions.

Thanks,

Aaron

Aaron Olson - Water Resource Agent

Idaho Dept. of Water Resources

2735 W Airport Way

Boise, ID 83705

(208) 605-4629

Aaron.Olson@idwr.idaho.gov

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SEP 01 2023

REVIEW CHECKLIST -- APPLICATION FOR PERMIT

Application # _____ REVIEWER _____ DATE _____

1. REQUIRED INFORMATION – COMPLETE & ACCURATE – INITIAL DE

- ✓ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included – Rule 35.03.b.i) _____ bus. entity #
- ✓ Address
- ✓ Source * (see USGS quad for source/trib names, comment for local name)
- ✓ P/D (10 acres for spring, lot & block info for subdivisions)
- ✓ County *
- ✓ Quantity (flow & /or storage volume)
- ✓ Period of use *
- ✓ Nature of use (list details in app. item 8 if non-irrigation)
- - Municipal Checklist
- ✓ Description of diverting works
- ✓ Time required for beneficial use of water
- ✓ P/U
- ✓ Map (show T, R, Sect, POD & POU)
- ✓ Signature (need title of signatory if applicable)
- ✓ Correct fee paid
- ✓ Fee amount, receipt number, receipt date, WR #, and reviewer initials recorded on app
- ✓ Attach proof report & WR Layout Map
- ✓ AdHoc, Application tab: Status = ACTIVE Draft = NO
- ✓ Log APPSLIST for Initial DE ✓ and Log File Location ✓

Government Lots
_____P/D
_____P/U

*____ tributary, county &/or irrigation season corrected per dept. standards w/o amended appl. per AP Memo #9

2. PRE-ADVERTISING ANALYSIS

YES	NO	
_____	✓	Bs 63 GW? Water bearing zone legal notice remark required
_____	✓	Bs 63 GW between Star & Lucky Peak? Consumptive uses must appropriate deeper than 200' or mitigate, except §42-111 uses
_____	✓	Bs 63 GW Above Lucky Peak? All GW of any depth is directly tributary to Boise River mitigation required for all consumptive uses, except §42-111 uses
_____	✓	Mitigation plan (consumptive use & POD closed area) – legal notice remark + mitigation checklist
_____	✓	Critical Ground Water Area – send letter if cannot process
_____	✓	Ground Water Mngt. Area – send letter if cannot process
_____	✓	Bs 77, 78, 79 – 42-111 D/S any source or community well, normal process; all others use Salmon/Clearwater Area Processing
_____	✓	W&S Rv – Bs 77 or 78 + legal notice remark, W&S Workflow application record
_____	✓	W&S Rv – Bs 51 or 55, attach Bs 51 - 55 W&S Watersheds checklist
_____	✓	Water Dist. 67 – send Bs 67 June 15 cutoff form letter to confirm BU. possible prior to 6/15
_____	✓	Waste Water – send form letter
_____	✓	Trust Water – send form letter (AdHoc/Reports tab) + legal notice remark + TW checklist
_____	✓	South Ada Co. GW Area of Concern – send form letter
_____	✓	South Canyon Co. GW Area of Concern – send form letter
_____	✓	Complaint or Enforcement action with significant nexus? Review Enforcement database for considerations and comment letters
_____	✓	US BLM is POD/POU Property Owner, Verify location with Applicant and check w/ BLM

ADD INFO Requested On: _____ Response Received: Y ____ N____
Extension Requested On: _____ Response Received: Y ____ N____

3. ADVERTISING

YES	NO	
_____	✓	*STATEWIDE ADVERTISING* (> 10 cfs or > 1000 af storage)
_____	✓	Legal Notice Remarks (WB Zone, Wild & Scenic, Subdivision Info, Mitigation, etc.) – See attached proof report

4. COMMENT LETTERS

YES	NO	
✓		Water Dist # 65
✓		IDFG [SW "fish live-in" AP Memo #62, Bs 77-79, other] (____ reply in file)
	✓	IDEQ [Bs 77-79, Land Application, Basin Recharge, Dairy, PWS, other] (____ reply in file)
	✓	Western Dam Safety [Storage Dam (n/a excavated ponds); Complete checklist____]
	✓	IDWR Planning Bureau [Min. Stream Flow Bs 77-79, Protected Stream, other]
	✓	IDL [POD/POU Property Owner, other]
	✓	US BLM [POD/POU Property Owner, other]
	✓	US Forest Service [POD/POU Property Owner, other]
	✓	Irrigation Entity [Overlap GW Irr, Waste water, other]: _____
	✓	Complainants – list here or see attached
	✓	Other [Previous Protestants in Area, ect.] – list here or see attached

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline 9/25/2023

YES	NO	
✓		Protested — If Yes: Prepare protest checklist and complete
✓		Affidavit received/published correctly? If No, Re-advertise.

Re-Adv Protest Deadline _____

YES	NO	
		Protested
		Affidavit received/published correctly — If No: _____ Re-advertised & published correctly

Re-Adv Comment Letters To: _____

POST-ADVERTISING ANALYSIS

YES	NO	
	✓	POD overlap – briefly explain_____
	✓	POU overlap – briefly explain_____
	✓	Large diversion > 5 cfs, > 500 af storage or > 200 acres – attach large diversion checklist
	✓	Public Land Access – IDL, BLM, USFS owns POD/POU land, Rule 40.05.e info needed
	✓	BLM or USFS Stockwater Appl. – consider Joyce Livestock Decision – send form letter
	✓	Municipal – Review AP Memo #18 and/or AP Memo #74
	✓	Commercial, Heating/Cooling, Industrial, WQI, etc. – Rate request justified in file
	✓	Storage Use – AP Memo #76 complete for explanation/justification of volume request in file
	✓	Power residency affidavit – send power letter for other factors if needed
	✓	DP fee upgrade : ___ Paid ___WR & WC Files Documented ___ Not Paid = SO follow up

ADD INFO Requested On: _____ Response Received: Y ____ N____

Extension Requested On: _____ Response Received: Y ____ N____

DRAFT PERMIT

YES	NO	
	✓	W&S Rv – Bs 51, 55, 77 or 78 W&S Workflow/spreadsheet update for permit record
	✓	Memo To File Re:_____
✓		Draft approval created w/ Map (WRLayouts - 'Print Attachment Page') & saved to backfile