

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 65-24099

Priority: November 22, 2021

Maximum Diversion Rate: 0.05 CFS

This is to certify that

REBECCA LANDIS 1115 W IDAHO BLVD EMMETT ID 83617 OR
JIM LANDIS 1115 W IDAHO BLVD EMMETT ID 83617-9699

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.05 CFS

Location of Point(s) of Diversion

GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 1, Twp 06N, Rge 02W, B.M. GEM County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	1	1.5 L1																1.5

Total Acres: 1.5

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 6.8 af at the field headgate for the place of use.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable

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Well Construction Rules of the Department.

7. 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.

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

Signed this 24th day of February, 20 22.



SCOTT STORMS
Water Rights Supervisor



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-24099

This map depicts the IRRIGATION 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.



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

0 0.035 0.07 0.14 Miles





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 Gary Spackman

February 24, 2022

JIM LANDIS
1115 W IDAHO BLVD
EMMETT ID 83617-9699

REBECCA LANDIS
1115 W IDAHO BLVD
EMMETT ID 83617

RE: Permit No. 65-24099

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,

A handwritten signature in blue ink, appearing to read "Scott Storms", with a long horizontal flourish extending to the right.

Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2022, I served a true and correct copy of Permit to Appropriate Water No. 65-24099 by U.S. Mail, postage prepaid, to the following:

JIM LANDIS (Current Owner)
1115 W IDAHO BLVD
EMMETT ID 83617-9699

REBECCA LANDIS (Current Owner)
1115 W IDAHO BLVD
EMMETT ID 83617



Scott Storms
Water Rights Supervisor

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.

RECEIVED

DEC 13 2021

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Gem

23100 175224

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE, ID 83705

LEGAL NOTICE

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

65-24069

CHEREE LEBRECHT
MATT CHURCH
136 BROWNLEE RD
HORSESHOE BND, ID
83629-8096
Point of Diversion NWNENE
S24 T10N R01E GEM
County Source SPRING
Tributary SINKS
Use: STOCKWATER STORAGE
01/01 to 12/31 9.9 AF
Total Diversion: 9.9 AF
Date Filed: 09-21-2021
Place Of Use: STOCKWATER
STORAGE
T10N R01E S24 NENE

\$25.00 for each application on
or before 12/20/2021. The prot-
estant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director

December 1, 8, 2021
175224

65-24099

REBECCA LANDIS
JIM LANDIS
1115 W IDAHO BLVD
EMMETT, ID 83617
Point of Diversion NENE
S1 T06N R02W GEM
County Source GROUND
WATER
Use: IRRIGATION 03/01 to
11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 11-22-2021
Place Of Use: IRRIGATION
T06N R02W S1 NENE

Permits will be subject to all
prior water rights. For addition-
al information concerning the
property location, contact the
Western office at (208)334-
2190; or for a full description
of the right(s), please see
[https://idwr.idaho.gov/apps/
ExtSearch/WRAApplicationRe-
sults/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/). Protests may be sub-
mitted based on the criteria of
Idaho Code § 42-203A. Any
protest against the approv-
al 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

SHARON JESSEN

of the State of Idaho, being of first duly sworn, deposes
and says:

1. That I am a citizen of the United States, and at all
times hereinafter mentioned was over the age of
eighteen years, and not a party to the above entitled
action.
2. That I am the Principle Clerk of the Emmett
Messenger Index, a weekly newspaper published
in the State of Idaho; that the said newspaper is
in general circulation in the said county of Gem,
and in the vicinity of Emmett, Idaho and has been
uninterruptedly published in said Counties during a
period of seventy -eight consecutive weeks prior to
the first publication of this notice, a copy of which is
hereto attached.
3. That the notice, of which the annexed is a printed
copy, was published in said newspaper 2 times(s)
in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement

That said notice was published the following: 12/01/2021,
12/08/2021

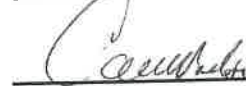


SHARON JESSEN

STATE OF IDAHO

County of Canyon and Ada

On this 8th day of December, in the year of 2021 before
me a Notary Public, personally appeared. SHARON JES-
SEN, known or identified to me to be the person whose
name is subscribed to the within instrument, and being by
me first duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she executed the
same.



Notary Public of Idaho
My commission expires 6/28/23

