

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34975

Priority: December 18, 2020

Maximum Diversion Rate: 0.18 CFS

This is to certify that

JOHN M KIMURA 1381 TORTOSA CT YUBA CITY CA 95993-1179

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	03/01 to 11/15	0.14 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NE¼, Sec. 10, Twp 04N, Rge 02W, B.M. CANYON 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		
04N	02W	10			4.6															4.6

Total Acres: 4.6

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		
04N	02W	10			X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2022**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
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. 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 20.7 af at the field headgate for the place of use.
6. 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

State of Idaho
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No. 63-34975

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.

7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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.

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

Signed this 18th day of February, 2021.








PATRICK KELLY
Water Rights Supervisor

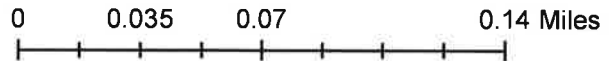
Attachment to Permit to Appropriate Water

63-34975

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



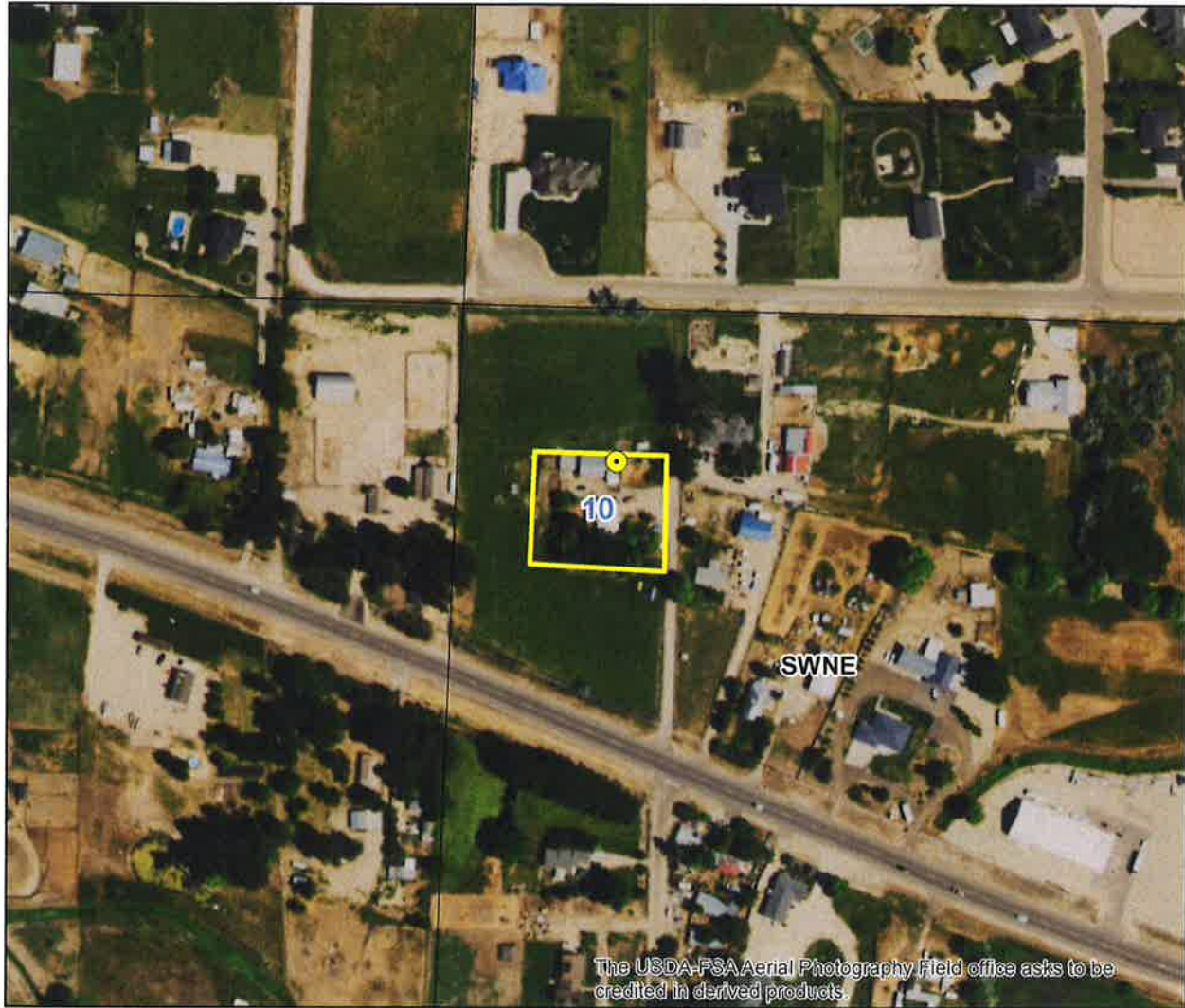
Attachment to Permit to Appropriate Water

63-34975

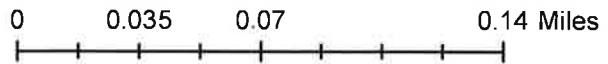
This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02W

04N



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 18, 2021

JOHN M KIMURA
1381 TORTOSA CT
YUBA CITY CA 95993-1179

RE: Permit No. 63-34975

Permit Approval Notice

Dear Permit Holder and other Interested Persons:

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) 334-2190.

Sincerely,



DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosure(s)

CC:

CHARLIE S BASER
PO BOX 2720
BOISE ID 83701-2720

WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-4500

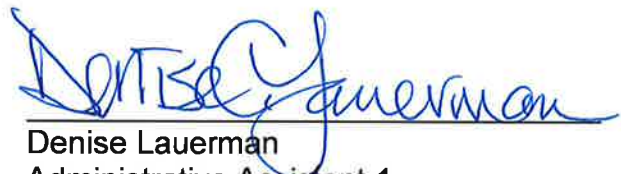
CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2021, I served a true and correct copy of Permit to Appropriate Water No. 63-34975 by U.S. Mail, postage prepaid, to the following:

JOHN M KIMURA (Current Owner)
1381 TORTOSA CT
YUBA CITY CA 95993-1179

CHARLIE S BASER (Representative)
PO BOX 2720
BOISE ID 83701-2720

WATER DISTRICT #63
REX BARRIE (Watermaster)
PO BOX 767
STAR ID 83669-4500



Denise Lauerman
Administrative Assistant 1

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

JAN 22 2021

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon and Ada

23100 63960
1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE, ID 83705

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 Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, 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: 01/07/2021,
01/14/2021

Sharon Jessen

SHARON JESSEN
STATE OF IDAHO
County of Canyon and Ada

On this 18th day of January, in the year of 2021 before me a Notary Public, personally appeared. SHARON JESSEN, 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.

Colleen Nielsen

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



LEGAL NOTICE

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

63-34958

UNDURRAGA FARMS LLC
9971 N BOGUS BASIN RD BOISE, ID 83702-1566
Point of Diversion SWNW S12 T05N R06W CANYON County
Source ROSS DRAIN Tributary SNAKE RIVER
Point of Diversion SWNW S12 T05N R06W CANYON County
Source ROSS DRAIN Tributary SNAKE RIVER
Use: WILDLIFE STORAGE 09/15 to 03/14 915.4 AF
Use: RECREATION STORAGE 09/15 to 03/14 915.4 AF
Use: AESTHETIC STORAGE 09/15 to 03/14 915.4 AF
Use: DIVERSION TO STORAGE 09/15 to 03/14 3 CFS
Total Diversion: 3 CFS 915.4 AF
Date Filed: 09-17-2020
Place Of Use: AESTHETIC STORAGE, DIVERSION TO STORAGE, RECREATION STORAGE, WILDLIFE STORAGE T05N R06W S12 SWNW

DL
OK
01.25.2021

63-34975

JOHN M KIMURA
1381 TORTOSA CT YUBA CITY, CA 95993-1179
Point of Diversion SWNE S10 T04N R02W CANYON County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.19 CFS
Date Filed: 11-10-2020
Place Of Use: DOMESTIC, IRRIGATION T04N R02W S10 SWNE Total Acres: 4.6
Water bearing zone to be appropriated is from 80 to 120 feet.

DL
OK
01.25.2021

63-34993

ALAN NOE, TEILA NOE
11905 GOLDFINCH ST CALDWELL, ID 83605-8127
Point of Diversion SENE S1 T04N R05W CANYON County
Source DIXIE SLOUGH Tributary BOISE RIVER
Use: IRRIGATION 03/01 to 11/15 0.52 CFS
Total Diversion: 0.52 CFS
Date Filed: 12-23-2020
Place Of Use: IRRIGATION T05N R05W S36 NWSW,SWSW
Total Acres: 26

DL
OK
01.25.2021

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

63-34992

JEFF MOONEY
1899 W PIAZZA DR MERIDIAN, ID 83646-6830
Point of Diversion SWSE S16 T05N R05W CANYON County
Source BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 10/01 to 02/01 1 CFS
Use: WILDLIFE STORAGE 10/01 to 02/01 1 CFS
Use: WILDLIFE STORAGE 10/01 to 02/01 30 AF
Total Diversion: 1 CFS, 30 AF
Date Filed: 10-16-2020
Place Of Use: DIVERSION TO STORAGE, WILDLIFE, WILDLIFE STORAGE T05N R05W S7 SWSE

DL
OK
01.25.2021

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84578**

HOLLY J DUNNING and KYLE L DUNNING, PO BOX 1163, DONNELLY, ID 83615-1100 has filed Application No. 84578 for changes to the following water rights within CANYON County(s): Right No(s). 63-4485; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Water right 63-4485 allocates 0.35 cfs of water for 17.6 acres of irrigation and 0.02 cfs for stock water purposes. The applicant proposes drying 4.1 historically irrigated acres to transfer 0.08 cfs from irrigation to domestic use for three (3) households. Transfer proposes no alterations to the stock water portion of right 63-4485. The transfer site is located in Caldwell, ID approximately 0.3 miles north of the intersection of Symms Rd and State Hwy 55.

DL
OK
01.25.2021

Permits will be subject to all prior water rights. For additional 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/WRAApplicationResults/>. 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 1/25/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

January 7, 14, 2021

63960

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

RECEIVED

JAN 21 2021

WATER RESOURCES
WESTERN REGION

David P. Claiborne *

S. Bryce Farris

Patxi Larrocca-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

Andrew J. Waldera **

James R. Bennetts (retired)

*Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon*

Wednesday, January 20, 2021

Denise Lauerma
Idaho Department of Water Resources
Western Region Office
2735 W. Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-34975

Dear Ms. Lauerma:

I am writing to you on behalf of Middleton Irrigation Association, Inc. ("Ditch Company"). Thank you for providing the Ditch Company the opportunity to comment on this Application.

The Application provides that irrigation use will be supplemental to the existing surface water rights of the Ditch Company. So long as a condition requiring the continued use of the primary surface water and that groundwater use is supplemental, as provided in the Application, the Ditch Company does not intend to protest the Application.

Please advise if the Application is amended or if you have any questions.

Very truly yours,

S. Bryce Farris

SBF/dll
cc: Client

Bradbury, Allen

From: Gary Kimura <garykimura56@gmail.com>
Sent: Thursday, January 21, 2021 12:46 PM
To: Bradbury, Allen
Subject: Re: John kimura application 63-349775

Hello Allen

Please move ahead with the application for the well sorry about the error on mine part about the location .
Cancel the hold.

Gary

On Thu, Jan 21, 2021, 10:04 AM Gary Kimura <garykimura56@gmail.com> wrote:

Hello allen

Please put a 6 month hold on application 63-34975 to get new owner on board .

Contact :

Art Ramos 530-813-0595

Artramos52@hotmail.com

Gary kimura. 530-713-5209

Garykimura56@gmail.com

Gary kimura



January 20, 2021

Idaho Dept. of Water Resources
Western Region
Attn: Chad Jones
2735 W. Airport Way
Boise, ID 83705

Chad.jones@idwr.idaho.gov

Re: John Kimura Trust Administration
Kimura/Cook Application
Our File No. 17575

Dear Mr. Jones:

Our office represented John Kimura in his business and estate planning matters for many years. As you may be aware, John passed away on December 19, 2020. A copy of his death certificate is enclosed.

John had a Trust Agreement, and John's brother, Gary Kimura, is the named successor Trustee of the Trust. Our office represents Gary in his capacity as Successor Trustee in the administration of the Trust.

Please contact me or my paralegal, Janet Dailey, if you have any questions regarding this matter.

Very truly yours,

**WAGNER KIRKMAN BLAINE
KLOMPARENS & YOUMANS LLP**

ROBIN L. KLOMPARENS

Enclosure
cc: Gary Kimura, Trustee

{17575.00000 / 01584228.DOC.1 }

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF SUTTER

HEALTH DEPARTMENT
YUBA CITY, CALIFORNIA 95993

3052020360114

CERTIFICATE OF DEATH

3202051000598

Form containing fields for decedent's personal data, usual residence, informant, funeral directory, place of death, cause of death, physician's certification, and comments.



CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF SUTTER

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, SUTTER COUNTY DEPARTMENT OF PUBLIC HEALTH.

DATE ISSUED BY JAN 04 2021

This copy not valid unless prepared on engraved border displaying the date, seal and signature of Registrar

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

