

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 63-34878**

**Priority:** April 03, 2020

**Maximum Diversion Rate:** 0.15 CFS

This is to certify that

DEBRA MEYER PO BOX 993 EAGLE ID 83616-0993 AND  
 JOHN MEYER PO BOX 993 EAGLE ID 83616-0993

has applied for a permit to appropriate water from:

**Source :** GROUND WATER

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

<b><u>Beneficial Use</u></b>	<b><u>Period of Use</u></b>	<b><u>Rate of Diversion</u></b>
IRRIGATION	03/01 to 11/15	0.15 CFS

**Location of Point(s) of Diversion**

GROUND WATER NW¼ NW¼, Sec. 32, Twp 05N, Rge 01E, B.M. ADA 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	
05N	01E	32						5.0											5.0

Total Acres: 5.0

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2025**.
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 more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
5. Water bearing zone to be appropriated is 200 to 300 feet.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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 09 day of June, 2020.

  
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 PATRICK KELLY  
 Water Rights Supervisor

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-34878

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.

01E



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

0 0.035 0.07 0.14 Miles





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 09, 2020

JOHN MEYER  
DEBRA MEYER  
PO BOX 993  
EAGLE ID 83616-0993

RE: Permit No. 63-34878

**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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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](http://idwr.idaho.gov) for more information about these programs.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Kencie Thorneycroft  
For: Patrick Kelly  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on June 09, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34878 by U.S. Mail, postage prepaid, to the following:

JOHN MEYER  
DEBRA MEYER  
PO BOX 993  
EAGLE ID 83616-0993

WATER DISTRICT #63  
REX BARRIE  
PO BOX 767  
STAR ID 83669-0767



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Kensie Thorneycroft  
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.

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004621505	The following application(s) have been filed to app	Ada Legal Notice	\$176.75	1	10.67 In

**Attention:** Kensie Thorneycroft

IDAHO DEPT OF WATER RESOURCES / WEST  
2735 AIRPORT WAY  
BOISE, ID 837055082

**RECEIVED**

APR 27 2020

WATER RESOURCES  
WESTERN REGION

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

**63-34859**

BETTY L BAIR  
BRUCE L BAIR  
9805 W KUNA RD  
KUNA, ID 83634-2605  
Point of Diversion NENW S26  
T02N R01E ADA County Source  
GROUND WATER  
Use: IRRIGATION 03/01 to  
11/15 0.25 CFS  
Total Diversion: 0.25 CFS  
Date Filed: 03-04-2020  
Place Of Use: IRRIGATION  
T02N R01E S26 NENW  
Total Acres: 5  
Water bearing zone to be appro-  
priated is from 233 to 370 feet.

**63-34878**

DEBRA MEYER  
JOHN MEYER  
PO BOX 993  
EAGLE, ID 83616-0993  
Point of Diversion NWNW S32  
T05N R01E ADA County Source  
GROUND WATER  
Use: IRRIGATION 03/01 to  
11/15 0.15 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 04-03-2020  
Place Of Use: IRRIGATION  
T05N R01E S32 NWNW  
Total Acres: 5  
Water bearing zone to be appro-  
priated is from 200 to 300.

NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT

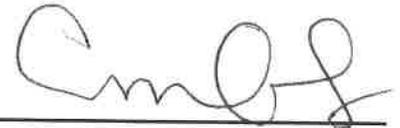
TRANSFER NO. 78341  
RON SALI, 919 S LINDER RD,  
EAGLE, ID 83616 has filed Appli-  
cation No. 78341 for changes to  
the following water rights within  
ADA County(s): Right No(s), 63-  
11273, 63-11934; to see a full  
description of these rights and  
the proposed transfer, please  
see <https://research.idwr.idaho.gov/apps/waterrights/querynewt>  
ransfers. The purpose of the  
transfer is to change a portion of  
the above rights as follows: Pur-  
pose of the transfer is to (1)  
Change the irrigation place of  
use and consolidate the irrigation  
rate and irrigation from storage  
volume applicable to acres that  
have been converted to pond  
area to acres that remain  
irrigated; (2) Change the storage

AMBAR LIZARRAGA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 04/16/2020

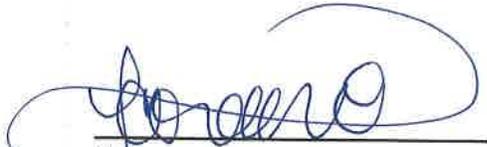
Ending issue of: 04/23/2020



(Legals Clerk)

On this 23rd day of April in the year of 2020 before me, a Notary Public, personally appeared before me Ambar Lizarraga known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



  
Notary Public in and for the state of  
Texas, residing in Dallas County

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

place of use under right b-5-11934 to reflect the current pond surface area. The site is located 4 miles east of Star, southwest of State Hwy 44 and S Linder Rd intersection. 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 5/4/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on 4/16/2020 and  
4/23/2020

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