

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 67-15335

Priority: December 12, 2019

Maximum Diversion Rate: 1.23 CFS

This is to certify that

ELDEN ISAAK 2275 N GRAYS CR RD INDIAN COVE ID 83632

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	03/15 to 10/31	1.23 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ SW¼, Sec. 26, Twp 15N, Rge 01W, B.M. ADAMS 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	
15N	01W	26										39.0							39.0
15N	01W	27													23.0				23.0

Total Acres: 62.0

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. 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 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.
4. This right when combined with all other rights shall provide no more than 4.0 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 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 248 af at the field headgate for the place of use.

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No. 67-15335

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.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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

Signed this 29th day of January, 2020.


NICK MILLER

Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15335

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.

01W



Point of Diversion



Place Of Use Boundary



Townships



PLS Sections



Quarter Quarters

0 0.05 0.1 0.2 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

Brad Little
Governor

Gary Spackman
Director

January 29, 2020

ELDEN ISAAK
2275 N GRAYS CR RD
INDIAN COVE ID 83632

RE: Permit No. 67-15335

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources Western 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 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,



Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, I served a true and correct copy of Permit to Appropriate Water No. 67-15335 by U.S. Mail, postage prepaid, to the following:

ELDEN ISAAK
2275 N GRAYS CR RD
INDIAN COVE ID 83632



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.

RECEIVED

JAN 17 2020

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)
COUNTY OF WASHINGTON)

Dara J Victorino being duly sworn, deposes and says that she is the Principle Clerk of The Record-Reporter, a weekly newspaper published at Council, Adams County, State of Idaho and at Cambridge, Washington County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said Counties under the imprint of "The Adams County Record" in Adams County and "The Upper Country News-Reporter" in Washington County for a period exceeding seventy-eight (78) consecutive weeks prior to the first publication of this advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Record-Reporter for two (2) insertions beginning with the Issue of January 01, 2020 and ending with the Issue of January 08, 2020.

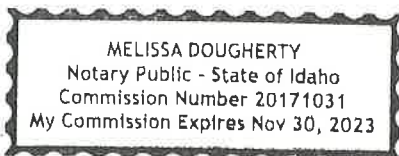
Dara J Victorino

On this 13th day of January, 2020 ^{mo}, before me, a Notary Public, personally appeared Dara J Victorino, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.

Melissa Dougherty
Notary Public of Idaho

Residing at Council, Id

My Commission Expires 11/30/2023



To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATIONS TO APPROPRIATE 67-15335 67-15336

THE RIGHT TO KNOW : READ THE LEGALS

Please submit legal notices to legals@theadamscountyrecord.com

LEGAL NOTICE

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

IN RE: Kiana Lashay Davis
Case No. CV02-19-000157

NOTICE OF HEARING ON NAME CHANGE (Minor)

A Petition to change the name of Kiana Lashay Davis, a minor, now residing in the City of Indian Valley, State of Idaho has been filed in the District Court in Adams County, Idaho. The name will change to Kiana Lashay Sharp. The reason for the change in name is: Kiana has lived in Idaho with Walt & Sharon Sharp since August 2014 we have 100% guardianship. Kiana would like to have her name changed before she gets a drivers license & goes to college.

A Hearing on the petition is scheduled for 4:00 o'clock p.m. February 3, 2020 at the Adams County Courthouse. Objections may be filed by any person who can show the court a good reason against the name change.

Date: December 26, 2019
Sherry Ward, Clerk of the District Court
(Signed By) Charissa Branson, Deputy Clerk

Published in the The Record-Reporter on
January 01, 2020 • January 08, 2020
January 15, 2020 • January 22, 2020

LEGAL NOTICE

LEGAL NOTICE IS HEREBY GIVEN that the

LEGAL NOTICE

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

67-15335

ELDEN ISAAK
2275 N GRAYS CR RD
INDIAN VALLEY, ID 83632
Point of Diversion NWSW S26 T15N R01W ADAMS
County Source GROUND WATER
Use: IRRIGATION 03/15 to 10/31 1.23 CFS
Total Diversion: 1.23 CFS
Date Filed: 12/12/2019
Place Of Use: IRRIGATION
T15N R01W S26 NWSW
T15N R01W S27 NESE
Total Acres: 61.7

67-15336

ELDEN ISAAK
2275 N GRAYS CR RD
INDIAN VALLEY, ID 83632
Point of Diversion NWNE S33 T15N R01W ADAMS
County Source GROUND WATER
Use: IRRIGATION 03/15 to 10/31 0.66 CFS
Total Diversion: 0.66 CFS
Date Filed: 12/12/2019
Place Of Use: IRRIGATION
T15N R01W S33 NWNE
Total Acres: 33

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/20/2020. The protestant must also send a copy of the protest to the applicant.

CADY CHACOMAN Director Published on 1/1/2020

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ELDEN ISAAK
 2275 N GRAYS CR RD
 INDIAN VALLEY, ID 83632
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Source GROUND WATER
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Published in the The Record-Reporter on January 01, 2020 • January 08, 2020

LEGAL NOTICE

LEGAL NOTICE IS HEREBY GIVEN that the Washington County Planning and Zoning Commission will hold a public hearing on the 21st day of January, 2020 at 7:00 p.m. at the Commissioners meeting room, in the basement of the Washington County Courthouse, 256 East Court, Weiser, Idaho. Enter through the west door of the building.

The purpose of this hearing will be to receive comment on the following matter.

property off of Walte Road northwest of Midvale. The applicants wish to rezone parcels RP13N03W066500 and RP13N04W019450 from the current A1 (agricultural) to A2 (agricultural transitional) to allow for four subdivision lots.

All interested persons are invited to attend the hearing and comment or submit written comment prior to or at the hearing. Due to uncertainty of the numbers giving testimony, all testimony will be limited to five (5) minutes. Any person needing special accommodations to participate