

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 67-15331

Priority: November 20, 2019

Maximum Diversion Rate: 0.08 CFS

This is to certify that

TODD SALZSIEDER 10920 W ONEIDA DR BOISE ID 83709-4541 AND
JESSICA SALZSIEDER 10920 W ONEIDA DR BOISE ID 83709-4541

has applied for a permit to appropriate water from:

Source : MIDDLE FORK WEISER RIVER

Tributary: WEISER RIVER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.04 CFS

Location of Point(s) of Diversion

MIDDLE FORK WEISER RIVER NE¼ NE¼, Sec. 18, Twp 15N, Rge 01E, B.M. ADAMS 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	
15N	01E	18	X																

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	01E	18	5.1																5.1

Total Acres: 5.1

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2021**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. 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. 67.
7. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

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8. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
9. 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 29th day of January, 2020.



NICK MILLER
Western Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15331

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.

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

Attachment to Permit to Appropriate Water

67-15331

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

Brad Little
Governor

Gary Spackman
Director

January 29, 2020

TODD SALZSIEDER
JESSICA SALZSIEDER
10920 W ONEIDA DR
BOISE ID 83709-4541

RE: Permit No. 67-15331

Permit Approval Notice

Dear Permit Holders:

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written over a horizontal line.

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. 67-15331 by U.S. Mail, postage prepaid, to the following:

TODD SALZSIEDER
JESSICA SALZSIEDER
10920 W ONEIDA DR
BOISE ID 83709-4541

WATER DISTRICT #67
BRANDI BONNER
2297 SNAPP LN
MIDVALE ID 83645-5005



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

DEC 16 2019

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 December 04, 2019 and ending with the Issue of December 11, 2019.

Dara J Victorino

On this 17th day of December, 2019, 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

MELISSA DOUGHERTY
Notary Public - State of Idaho
Commission Number 20171031
My Commission Expires Nov 30, 2023

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATIONS TO APPROPRIATE 67-15331 AND 78-12515



YOU HAVE THE RIGHT TO KNOW: READ THE LEGALS

Please submit legal notices to legals@theadamscountyrecord.com

LEGAL NOTICE

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

67-15331

TODD SALZSIEDER
JESSICA SALZSIEDER
10920 W ONEIDA DR
BOISE, ID 83709-4541

✓ 10/24/19

Point of Diversion NENE S18 T15N R01E ADAMS County Source MIDDLE FORK

WEISER RIVER Tributary WEISER RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 4/01 to 10/31 0.04 CFS

Total Diversion: 0.08 CFS

Date Filed: 8/6/2019

Place Of Use: DOMESTIC, IRRIGATION

T15N R01E S18 NENE

✓ 10/24/19

78-12515

JEFFREY J CLEMMER

32 CEMETERY RD

..W MEADOWS, ID 83654-5026

Point of Diversion SENW S8 T19N R02E ADAMS County Source WASTE WATER

Use: IRRIGATION 04/01 to 10/31 0.74 CFS

Total Diversion: 0.74 CFS

Date Filed: 7/10/2019

Place Of Use: IRRIGATION

T19N R02E S8 NWSW

Published on 12/4/2019 and 12/11/2019

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 12/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

RECEIVED

DEC 02 2019

**WATER RESOURCES
WESTERN REGION**

Water District # 67 - Weiser River

Application # 67-15331

Applicant Name Todd and Jessica Salzsieder

Watermaster 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:

The usage dates for the irrigation portion of this water right application are incorrect. I believe the typical usage dates for new water rights filed in our district are April 1st through June 16th. It is necessary that the irrigation portion of this right be subject to the 6-15 curtailment.

c) ☐

I oppose approval of this application for the following reasons:

d) ☐

Additional comments:

Dated this 30 day of November, 2019

Watermaster Signature

Brandi S. Horton-Bonner

Printed Name