



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

1/09/2020

ANDI AND LUETTA CHASAR
16753 OASIS RD
CALDWELL ID 83607-8687

BLACK CANYON IRRIGATION DISTRICT
C/O CHAS F MCDEVITT
PO BOX 1543
BOISE ID 83701

Re: Withdrawal of Protest of Application for Permit No. 63-34761 (Chasar)

Dear Parties:

The Department of Water Resources acknowledges receipt of your *Settlement Stipulation and Agreement* ("Stipulation") that conditionally withdraws the protest against the above-referenced application. The parties have agreed to the protestant's withdrawal provided the Department conditions any permit approval of the application as provided in the Stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. Further, the Department may modify the conditions as written to fit the approval format, to improve clarity, or to reduce ambiguity. The Department may substitute a standard condition of the Department with essentially the same language and intent.

The Department has prepared the attached draft permit approval reflecting the condition listed in the Stipulation as well as other conditions required by the Department. Note, the condition of approval listed in the Stipulation is similar in language and intent to a standard Department condition. The Department has included the standard condition in place of the stipulated condition on the attached draft approval.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. Note that you may file a petition for reconsideration within 14 days after the Department issues a preliminary order approving the permit.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34761

DRAFT

Priority: July 24, 2019

Maximum Diversion Rate: 0.12 CFS

This is to certify that

ANDI CHASAR 16753 OASIS RD CALDWELL ID 83607-8687 AND
LUETTA CHASAR 16753 OASIS RD CALDWELL ID 83607-8687

has applied for a permit to appropriate water from:

Source : SAND HOLLOW CREEK

Tributary: SNAKE RIVER

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

0.12 CFS

Location of Point(s) of Diversion

SAND HOLLOW CREEK L4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 5, Twp 05N, Rge 03W, 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	
05N	03W	5						5.9 L4											5.9

Total Acres: 5.9

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2025**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. 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.
6. 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.
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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34761

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

Signed this _____ day of _____, 20_____.

DRAFT

NICK MILLER
Western Regional Manager








State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34761

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

