

State of Idaho
Department of Water Resources
Amendment of Permit
No. 63-34079

Priority: May 08, 2015

Maximum Diversion Rate: 1.90 CFS

This is to certify that

CHRIS EMMERT 7180 BOWMONT RD NAMPA ID 83686

has applied to amend a permit, and the amendment is APPROVED for development of water as follows:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

1.90 CFS

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 35, Twp 02N, 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	
02N	02W	35	15.0		40.0	40.0													95.0

Total Acres: 95.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2023**.
2. Subject to all prior water rights.
3. The right holder shall submit proof of beneficial use by the due date stated in condition no. 1 but no sooner than November 1, 2022.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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, the annual surface water allotment is not yet known, the Boise Project Board of Control's annual maximum surface water allowance must be exceeded, or the surface water supply 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 Section 42-222, Idaho Code, or other Department approval.
7. 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.
8. 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 427.5 AF at the field headgate for the place of use.

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9. The total volume of water diverted pursuant to this right shall not exceed 133 AF each irrigation season.
10. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
11. During each irrigation season prior to submitting proof of beneficial use, the right holder shall record the volume of water diverted for irrigation purposes each week. The right holder shall maintain the diversion records for at least ten years and shall make them available to the Department upon request.
12. Pursuant to Idaho Code § 42-701, the right holder shall annually report the quantity of water diverted pursuant to this right and shall report other pertinent hydrologic system information, as required by the Department.
13. The right holder shall mitigate for the depletion of water stored in Lake Lowell that will occur as a result of the ground water diversions authorized by this right. Prior to March 1 each year, the right holder shall make 4.0 AF of water available to the Boise Project Board of Control for diversion from the Boise River at the New York Canal for use within its member irrigation districts. The required supply of mitigation water may be rented from the Water District 63 Rental Pool or the Water Supply Bank, or it may result from the permanent transfer of a water right or portion of a water right. The right holder may arrange for the necessary mitigation water supply in multiple year increments. Each time the right holder enters into a new rental or other arrangement for the required mitigation water supply, the right holder shall give a copy of the agreement to the Boise Project Board of Control within seven days of the execution of the agreement. If the right holder does not comply with the mitigation requirement for any irrigation season, the right holder shall not divert water pursuant to this water right during that irrigation season.
14. When submitting proof of beneficial use for this right, the right holder shall attach copies of the weekly diversion volume records for the entire development period and copies of the rentals or other agreements for the required mitigation water supply for the entire development period.
15. 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.
16. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.

This amendment of permit is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 10th day of July, 2019.



NICK MILLER
Engineer, Manager 2

State of Idaho
Department of Water Resources

Attachment to Amendment of Permit

63-34079

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 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 10, 2019

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686

Re: Amendment of Permit No: 63-34079

Amendment of Permit Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Amendment of Permit. Please be sure to thoroughly review the conditions of approval and remarks listed on each approval document.

The Amendment of Permit is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. Each can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



Anna Karzer

For Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, I served a true and correct copy of Amendment of Permit to Appropriate Water No. 63-34079 by U.S. Mail, postage prepaid, to the following:

Re: Amendment of Permit No: 63-34079

CHRIS EMMERT
7180 BOWMONT RD
NAMPA ID 83686



Anna Kaiser
Administrative Assistant

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

JUN 20 2019

29512 1907293

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

WATER RESOURCES
WESTERN REGION

) SS.

County of Canyon)

Sharon Jessen
of Nampa, Canyon County, Idaho, being
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 City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County 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 time(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:
06/06/2019 06/13/2019

Sharon Jessen

STATE OF IDAHO)
County of Canyon)

On this 13th day of June in the year of
2019 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 R. Nielsen

Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34731

PING RICH
KEVIN RICH

22843 BUSKIRK DR

MIDDLETON, ID 83644-5656

Point of Diversion SENE S32 T05N R04W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 5/16/2019

Place Of Use: IRRIGATION

T05N R04W S32 L8(SENE)

Total Acres: 3

63-34734

JARED HOEKSEMA

3505 DYNAMITE DR

NAMPA, ID 83686-8486

Point of Diversion SESE S4 T05N R03W CANYON County

Source GROUND WATER

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

Use: IRRIGATION 03/01 to 11/15 0.08 CFS

Total Diversion: 0.12 CFS

Date Filed: 5/21/2019

Place Of Use: DOMESTIC, IRRIGATION

T05N R03W S4 SESE

Total Acres: 2.5

Water bearing zone to be appropriated is from 100 to 300 feet.

63-34370

CITY OF MIDDLETON

6 NORTH DEWEY AVE

MIDDLETON, ID 83644

Point of Diversion L1(NESE) S12 T04N R03W CANYON

County Source MILL SLOUGH Tributary BOISE RIVER

Point of Diversion L4(NWSW) S7 T04N R02W CANYON

County Source MILL SLOUGH Tributary BOISE RIVER

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31

150 CFS

Use: WATER QUALITY IMPROVEMENT STORAGE 01/01

to 12/31 78.8 AF

Total Diversion: 150 CFS 78.8 AF

Date Filed: 4/27/2017

Place Of Use: WATER QUALITY IMPROVEMENT,

WATER QUALITY IMPROVEMENT STORAGE

T04N R02W S7 L4(NWSW) L4(SWSW) L8(SESSE)

T04N R03W S12 L1(NESE) SESE

The following application(s) have been filed to amend

Permit to Appropriate Water:

63-34079

CHRIS EMMERT

7180 BOWMONT RD

NAMPA, ID 83686

Point of Diversion SENE S35 T02N R02W CANYON

County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.9 CFS

Total Diversion: 1.9 CFS

Date Filed: 4/17/2019

Place Of Use: IRRIGATION

T02N R02W S35 NENE SWNE SENE

Total Acres: 95

Chris Emmert of 7180 Bowmont Rd Nampa, ID 83686 filed application no. 83235 on 4/17/2019 to amend a water permit no. 63-34079 with a 5/8/2018 priority to divert groundwater totaling 1.90 cfs for irrigation purposes. The permit provides irrigation water for property located on Southside Blvd between Bennett and Bowmont Rd, 5 miles west of Kuna. The applicant proposes to amend the permit to replace the current point of diversion to a new well located on the applicants property. The new well is proposed within SENE of Section 35 of Twp 02N Rge 02W.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82960

CANYON COUNTY WATER CO LTD, C/O BETHA FOSTER PO BOX 11, STAR, ID 83669; has filed Application No. 82960 for changes to the following water rights within ADA, CANYON County(s): Right No(s). 63-21761; to see a full description of these rights and the proposed transfer, please see: www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx.

The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to change 0.64 cfs from the applicants' water right from irrigation use to water quality improvement. The water quality improvement use is proposed within the Canyon County Water Co service boundary three quarters of a mile SW of Middleton where Mill Slough enters the Boise River.

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), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. 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 6/24/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

June 6, 13, 2019

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