

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**  
 No. 63-34731

**Priority:** May 16, 2019

**Maximum Diversion Rate:** 0.09 CFS

This is to certify that

PING RICH 22843 BUSKIRK DR MIDDLETON ID 83644-5656 AND/OR  
 KEVIN RICH 22843 BUSKIRK DR MIDDLETON ID 83644-5656

has applied for a permit to appropriate water from:

**Source :** BOISE RIVER

**Tributary:** SNAKE RIVER

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

**Beneficial Use**    **Period of Use**    **Rate of Diversion**  
 IRRIGATION        03/01 to 11/15    0.09 CFS

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

BOISE RIVER SE¼ NE¼, Sec. 32, Twp 05N, Rge 04W, 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	04W	32				3.0 L8													3.0

Total Acres: 3.0

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2024**.
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. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. When notified by the Department, the right holder shall install and maintain a measuring device 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. 63.
7. 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.

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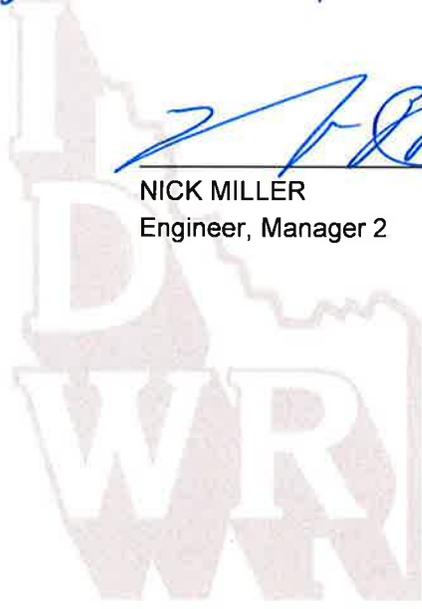
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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 10<sup>th</sup> day of July, 2019.



NICK MILLER  
Engineer, Manager 2



# Attachment to Permit to Appropriate Water

63-34731

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.

04W

05N



-  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

July 10, 2019

PING RICH  
KEVIN RICH  
22843 BUSKIRK DR  
MIDDLETON ID 83644-5656

RE: Permit No. 63-34731

**Permit Approval Notice**

Dear Permit Holders:

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,

  
Anna Kaiser

*For* Nick Miller  
Engineer, Manager 2

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34731 by U.S. Mail, postage prepaid, to the following:

PING RICH (Current Owner)  
KEVIN RICH (Current Owner)  
22843 BUSKIRK DR  
MIDDLETON ID 83644-5656

SPF WATER ENGINEERING LLC (Representative)  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660

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



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Anna Kaiser  
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

JUN 20 2019

29512 1907293

1 IDWR - WESTERN REGION

2735 AIRPORT WAY  
BOISE ID 83705

**AFFIDAVIT OF PUBLICATION** WATER RESOURCES  
STATE OF IDAHO ) 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 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** *Jok AK 6/25/19*  
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** *Jok AK 6/25/19*  
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** *Jok AK 6/25/19*  
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 IMPROVEMENT01/01 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(SESW)  
T04N R03W S12 L1(NESE) SESE  
The following application(s) have been filed to amend  
Permit to Appropriate Water:

**63-34079** *Jok AK 6/25/19*  
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 FOS-  
TER 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 de-  
scription of these rights and the proposed transfer, please  
see: [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/  
QueryNewTransfers.aspx](http://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 irriga-  
tion use to water quality improvement. The water quality im-  
provement use is proposed within the Canyon County Water  
Co service boundary three quarters of a mile SW of Middle-  
ton where Mill Slough enters the Boise River.

Permits will be subject to all prior water rights. For addition-  
al information concerning the property location, contact West-  
ern 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](http://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

1907293

*Jok  
AK  
6/25/19*



State of Idaho

Department Of Water Resources

**WATERMASTER RECOMMENDATION FORM**

**Water District #**     **63**

**Application #**       **63-34731**

**Applicant Name**     **Kevin Rich and/or Ping Rich**

Watermaster Recommendation:

- a)   \_\_\_\_\_    I do not oppose approval of this application.
- b)   **XX**         I do not oppose approval of this application if it is conditioned as follows:  
Standard Watermasters requirements should be on the conditions. Applicant should contact our  
office at (208) 908-5480 with updates of progress.

c)   \_\_\_\_\_    I oppose approval of this application for the following reasons:

d)   \_\_\_\_\_    Additional comments:

Dated this 1<sup>st</sup> day of June , 2019

Rex R. Barrie

Watermaster Signature

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Printed Name