

State of Idaho
 Department of Water Resources
Permit to Appropriate Water
 No. 63-34672

Priority: February 06, 2019

Maximum Diversion Rate: 0.44 CFS

This is to certify that

RIVERVIEW PROPERTIES LLC 13577 WALKER LAKE RD CALDWELL ID 83607-9631

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	03/01 to 11/15	0.44 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NW¼, Sec. 36, Twp 03N, 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	
03N	04W	36			16.0		1.7			4.6									22.3

Total Acres: 22.3

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 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of 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.

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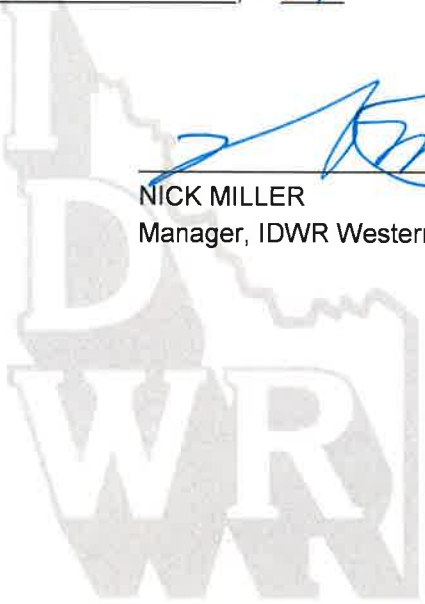
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.

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

Signed this 25th day of June, 2019.



NICK MILLER
Manager, IDWR Western Region



State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

63-34672


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



-  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

June 25, 2019

RIVERVIEW PROPERTIES LLC
13577 WALKER LAKE RD
CALDWELL ID 83607-9631

RE: Permit No. 63-34672

Permit Approval Notice

Dear Permit Holder:

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 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 June 25, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34672 by U.S. Mail, postage prepaid, to the following:

RIVERVIEW PROPERTIES LLC (Current Owner)
13577 WALKER LAKE RD
CALDWELL ID 83607-9631

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



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.

CONDITIONS OF APPROVAL
BLANK LINE = ADD INFO WHERE NEEDED

APPLICATION # 63-34672

PROOF DUE DATE 6/1/2024

STANDARD

- ✓26A start within 1 year
- ** All permits requiring >1 year
- ✓046 wells (proposed & existing)
- ** All GW sources
- ✓X121 future mitigation possible
- ** Any consumptive use
- ✗X01 domestic # homes _____
- ✗X02 stock type/# _____
- ✗004 no trespass
- ** Ownership concern/crosses parcel etc.

COMMON IRRIGATION

- Possible measure and/or reporting
- ** See WeNet measure flow chart
 - R62-~~R65~~ 0.02 cfs/headgate vol. 4.5
 - R66-R69 0.03 cfs/headgate vol.
 - ✗R05 water district # = _____
 - ✗185 6/15 cutoff Basin 65
 - ✗086 6/15 cutoff Basin 67
 - ✗087 6/15 cutoff Basin 67
 - 165 Basin 63 GW Restricted Area
 - 930 WBZ – only w/in B63 GWRA

STORAGE

See "PONDS/STORAGE" Section
(n/wr processing/conditions of approval/conditions categorized)

SUPPLEMENTAL IRRIGATION

943 & WB7 supplemental irrigation, total =
_____ ac x _____ af/ac = _____ af
** R58-R61 replaces R62-R69 for headgate vol.

OTHER CONDITIONS:

OIM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 13 2019

WATER RESOURCES
WESTERN REGION

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): Riverview Properties, LLC

Mailing Address: 13577 Walker Ln Rd, Caldwell, ID 83607

Phone: 208-459-7098

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of X all, or part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 63-11721.

I hereby abandon all, or X part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

Upon approval of Application 63-34672, applicant agrees to abandon 21.9 acres described as follows:

T3N R4W S36, SWNE 15.6 acres, NENW 1.7 acres, and SENW 4.6 acres

Thomas D. Baxter

Signature of Water Right Owner(s) or Authorized Representative

6-10-19

Date

Thomas D. Baxter, owner, member

Print Name and Title of Authorized Representative

(Complete if applicable and include your authority to act on behalf of the water right owner)

State of Idaho)

County of Canyon) ss)

On this 10th day of June, 2019, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

Kara E. Aburquia
Notary Public
My commission expires: 5/27/2020

SEAL



June 11, 2019

RECEIVED

JUN 13 2019

WATER RESOURCES
WESTERN REGION

Allen Bradbury
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: 21.9-acre Abandonment Request

Dear Allen,

Per your request, enclosed on behalf of the Riverview Properties, LLC, is a *Notice of Abandonment of Water Right* for 21.9 acres currently authorized for **supplemental** ground water irrigation under water right 63-11721 that are being replaced for **primary** ground water irrigation under permit 63-34672.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Jon Watson, Tom and Jane Baxter

Enclosure

SPF file number: 1462.0010



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 5, 2019

COPY

RIVERVIEW PROPERTIES LLC
13577 WALKER LAKE RD
CALDWELL, ID 83607-9631

RE: Partial Abandonment - Water Right No. 63-11721

Mr. Permit Applicant:

The Department has finished processing your application for permit number 63-34672 which will irrigate 21.9 acres with 0.44 cfs of primary groundwater. This application clarifies the primary irrigation status for 21.9 acres authorized under water right 63-11721. Currently these acres are classified as supplemental to Wilder Irrigation District surface water as verified by account statements provided with the application. The Department is ready to issue your permit upon receipt of the Notice of Abandonment of Water Right Form.

Please complete the attached Notice of Abandonment of Water Right Form for 21.9 acres under water right number 63-11721 to complete the application process. Please submit your response in writing within thirty **(30) days** of the date of this letter.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. If you have any questions concerning the enclosed information, please contact this office at 208-334-2190.

Respectfully,

A handwritten signature in black ink that reads "Allen Bradbury". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Allen Bradbury

Water Resource Agent, Sr.
Idaho Department of Water Resources - Western
(208) 334-2190
Allen.Bradbury@idwr.idaho.gov

Enclosure: Notice of Abandonment of Water Right Form

CC: SPF Water Engineering

RECEIVED

MAY 17 2019

WATER RESOURCES
WESTERN REGION

29512 1894160

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**)

)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:
05/02/2019 05/09/2019

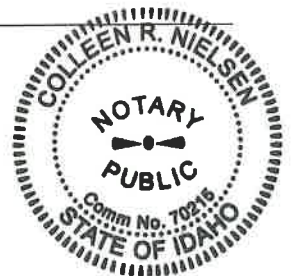
Sharon Jessen

STATE OF IDAHO
County of Canyon)

On this 9th day of May 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:

63-34631

SHANE DITTRICH
APRIL DITTRICH
3850 E KINGS GATE DR
NAMPA, ID 83687

*Jok
AK
5/21/19*

Point of Diversion SWNE S30 T03N R01W CANYON
County Source GROUND WATER
Use: AESTHETIC 01/01 to 12/31 0.05 CFS
Use: AESTHETIC STORAGE 01/01 to 12/31 19 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.05 CFS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 19 AF
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 19 AF
Use: IRRIGATION 03/01 to 11/15 0.32 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 80 AF
Use: IRRIGATION STORAGE 03/01 to 11/15 80 AF
Use: RECREATION STORAGE 01/01 to 12/31 19 AF
Total Diversion: 0.43 CFS 99 AF
Date Filed: 11/5/2018

Place Of Use: IRRIGATION, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, AESTHETIC STORAGE, AESTHETIC, RECREATION STORAGE, FIRE PROTECTION STORAGE, FIRE PROTECTION FROM STORAGE, DOMESTIC
T03N R01W S30 SWNE
Total Acres: 16
Water bearing zone to be appropriated is from 38 to 300 feet.

63-34672

RIVERVIEW PROPERTIES LLC
13577 WALKER LAKE RD
CALDWELL, ID 83607-9631
Point of Diversion NENW S36 T03N R04W CANYON
County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.44 CFS
Total Diversion: 0.44 CFS
Date Filed: 2/6/2019
Place Of Use: IRRIGATION
T03N R04W S36 SWNE NENW SENW
Total Acres: 21.9
Water bearing zone to be appropriated is from 75 to 470 feet.

*Jok
AK
5/21/19*

63-34703

TREVOR SOGGS
11495 W COLONY ST
BOISE, ID 83709-7759
Point of Diversion SWSW S36 T05N R02W CANYON
County Source WASTE WATER Tributary BOISE RIVER
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 3/21/2019
Place Of Use: IRRIGATION
T05N R02W S36 SWSW
Total Acres: 7.5

*Jok
AK
5/21/19*

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 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

May 2, 9, 2019

1894160

