

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34600

Priority: August 10, 2018

Maximum Diversion Rate: 0.40 CFS

This is to certify, that MICHAEL D HATFIELD
24016 NOTUS RD
CALDWELL ID 83607

has applied for a permit to appropriate water from:

Source: BOISE RIVER
GROUND WATER

Tributary: SNAKE 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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.40 CFS	
WILDLIFE	09/01 to 02/28	0.40 CFS	
RECREATION	09/01 to 02/28	0.40 CFS	
WILDLIFE STORAGE	03/01 to 08/31		30.5 AF
WILDLIFE STORAGE	09/01 to 02/28		123 AF
RECREATION STORAGE	03/01 to 08/31		30.5 AF
RECREATION STORAGE	09/01 to 02/28		123 AF
DIVERSION TO STORAGE	09/01 to 02/28	0.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	NE¼NE ¼	Sec. 3,	Twp 04N,	Rge 04W, B.M.	CANYON County
GROUND WATER	NE¼NE¼	Sec. 3,	Twp 04N,	Rge 04W, B.M.	CANYON County
GROUND WATER	L1 (NE¼NE¼)	Sec. 3,	Twp 04N,	Rge 04W, B.M.	CANYON County
GROUND WATER	SE¼SE¼	Sec. 34,	Twp 05N,	Rge 04W, B.M.	CANYON County
GROUND WATER	L7 (SE¼SE¼)	Sec. 34,	Twp 05N,	Rge 04W, B.M.	CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 04W 3	8.8																8.8
04N 04W 3	8.2																8.2
	L1																
05N 04W 34															8.7		8.7
05N 04W 34															4.3		4.3
															L7		

Total Acres: 30

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PLACE OF USE: WILDLIFE, RECREATION, WILDLIFE STORAGE, and RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 04W 3	X																
04N 04W 3	X																
	L1																
05N 04W 34																X	
05N 04W 34																X	
																L7	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2024**.
2. Subject to all prior water rights.
3. 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.
4. This right when combined with all other rights shall be limited to 20 acres and provide no more than 0.02 cfs per acre and nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. The four (4) ponds established by the storage of water under this right shall not exceed a total capacity of 20 acre-feet or a total surface area of 4 acres.
6. Right 63-34600 authorizes a total annual storage volume of 123 acre-feet; 20 acre-feet to be used for the initial filling or carryover storage of the ponds, 11 acre-feet for the replacement of losses caused by seepage and evaporation associated to the ponds, 10 acre-feet to be used for the initial filling for seasonal field flooding, and 82 acre-feet for the replacement of losses caused by seepage and evaporation associated with seasonal field flooding.
7. 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.
8. 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.
9. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
10. This permit does not authorize the construction of any new well.
11. Wildlife and Recreation is for hunting and wildlife viewing.

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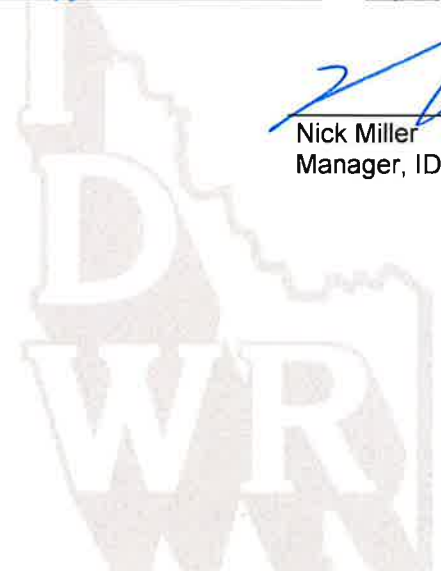
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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 Section 42-204, Idaho Code.

Signed this 31st day of December, 2018.



Nick Miller
Manager, IDWR Western Region



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34600

This map depicts the IRRIGATION, WILDLIFE, RECREATION, WILDLIFE STORAGE, and RECREATION STORAGE 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

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 31, 2018

MICHAEL D HATFIELD
24016 NOTUS RD
CALDWELL ID 83607

RE: Permit No. 63-34600

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
Anna Kaiser

Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2018, I served a true and correct copy of Permit to Appropriate Water No. 63-34600 by U.S. Mail, postage prepaid, to the following:

MICHAEL D HATFIELD (Current Owner)
24016 NOTUS RD
CALDWELL ID 83607

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

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



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.

NOV 05 2018

WATER RESOURCES
WESTERN REGION

29512 1824627

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

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:
10/18/2018 10/25/2018STATE OF IDAHO)
County of Canyon)

On this 25th day of October in the year of 2018 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.

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



LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34600

MICHAEL D HATFIELD
24016 NOTUS RD
CALDWELL, ID 83607
Point of Diversion NENE S3
T04N R04W CANYON
County Source BOISE
RIVER Tributary SNAKE
RIVER
Point of Diversion NENE L
1(NENE) S3 T04N R04W
CANYON County Source
GROUND WATER
Point of Diversion SESE
L7(SESE) S34 T05N R04W
CANYON County Source
GROUND WATER
Use: DIVERSION TO
STORAGE 09/01 to 02/28
0.4 CFS
Use: IRRIGATION 03/01 to
11/15 0.4 CFS
Use: RECREATION 09/01
to 02/28 0.4 CFS
Use: RECREATION
STORAGE 01/01 to 12/31
30.5 AF
Use: RECREATION
STORAGE 09/01 to 02/28
164.5 AF
Use: WILDLIFE 09/01 to
02/28 0.4 CFS
Use: WILDLIFE STORAGE
01/01 to 12/31 30.5 AF
Use: WILDLIFE STORAGE
09/01 to 02/28 164.5 AF
Total Diversion: 0.4 CFS
Date Filed: 8/10/2018
Places of Use:
IRRIGATION, WILDLIFE,
RECREATION, WILDLIFE
STORAGE, DIVERSION
TO STORAGE,
RECREATION STORAGE
T04N R04W S3 L1(NENE)
T05N R04W S34 L7(SESE)
Total Acres: 30
Water bearing zone to be
appropriated is from 0 to 13
feet.

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 11/5/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

October 18, 25, 2018
1824627