

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23804

Priority: September 12, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DAN V FRY And
SHAUNA G FRY
PO BOX 765
GARDEN VALLEY ID 83622

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 16, Twp 09N, Rge 04E, B.M., BOISE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 04E 16															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2023**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Point of diversion is located within Lot 1, Blk. 1, Fry Segregation.
6. Place of use is located within Lot 1, Blk. 1, Fry Segregation.
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.

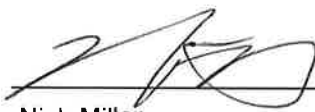
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Permit to Appropriate Water

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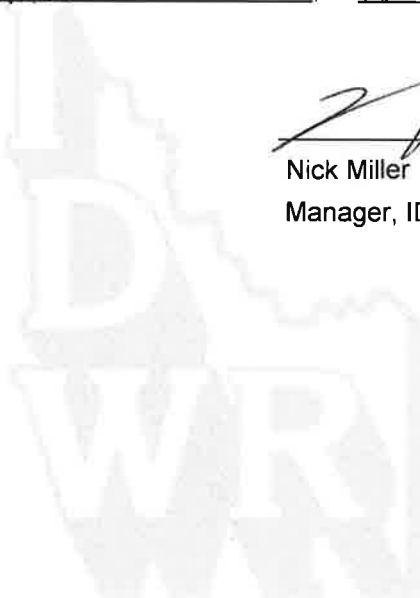
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed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

Signed this 4th day of December, 2018.



Nick Miller
Manager, IDWR Western Region

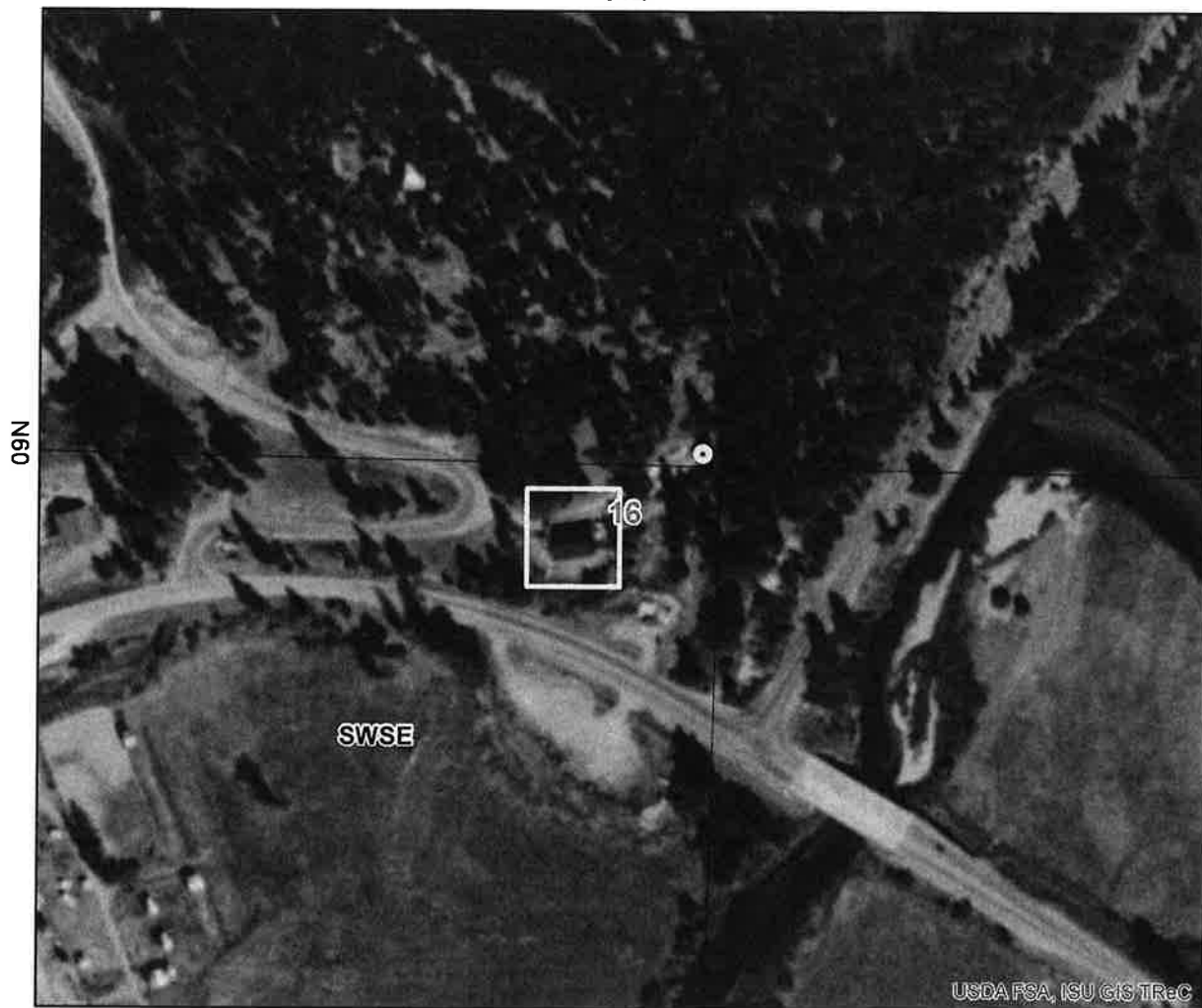


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water
65-23804

This map depicts the DOMESTIC 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.

04E



0 0.035 0.07 0.14 Miles

- Point of Diversion
- Place Of Use Boundary

-  Townships
-  PLS Sections





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 04, 2018

SHAUNA G FRY
DAN V FRY
PO BOX 765
GARDEN VALLEY ID 83622

RE: Permit No. 65-23804

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 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 For

Nick Miller
Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 04, 2018, I served a true and correct copy of Permit to Appropriate Water No. 65-23804 by U.S. Mail, postage prepaid, to the following:

SHAUNA G FRY (Current Owner)
DAN V FRY (Current Owner)
PO BOX 765
GARDEN VALLEY ID 83622

A handwritten signature in cursive script, appearing to read "Anna Kaiser", written over a horizontal line.

Anna Kaiser
Office Specialist II

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.

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

State of Idaho)
County of Boise)

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Oct. 3, 2018 and ending with the issue of Oct. 10, 2018.

State of Idaho)
County of Boise)

On this 2nd day of November in the year 2018, before me, a notary public, personally appeared Eileen Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Kristi Coffelt
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 6/4/21

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

65-23788 ✓OK RN 11/5/18
WILLIAM S LAWTON
BEVERLY L LAWTON
18642 AMATE CR
VILLA PARK, CA 92861
Point of Diversion NWSE S34
T10N R04E BOISE County Source
MIDDLE FORK PAYETTE RIVER
Tributary PAYETTE RIVER
Use: IRRIGATION 03/15 to 10/31
0.15 CFS
Total Diversion: 0.15 CFS

Date Filed: 7/27/2018
Place of Use: IRRIGATION
T10N R04E S34 NESE NWSE

Total Acres: 5.5

65-23793 ✓OK RN 11/5/18
GO LEFT LLC
851 BANKS LOWMAN RD
GARDEN VALLEY, ID 83622
(2) Points of Diversion SWSE S16
T09N R04E BOISE County Source
GROUND WATER
Point of Diversion SESW S16
T09N R04E BOISE County Source
GROUND WATER
Use: COMMERCIAL 01/01 to 12/31
0.02 CFS
Use: DOMESTIC 01/01 to 12/31
0.3 CFS
Use: FIRE PROTECTION 01/01 to 12/31
2.23 CFS
Use: RECREATION 01/01 to 12/31
0.01 CFS
Use: WILDLIFE 01/01 to 12/31
0.69 CFS
Total Diversion: 3.25 CFS

Date Filed: 8/15/2018

Places of Use: DOMESTIC, COMMERCIAL, RECREATION, FIRE PROTECTION
T09N R04E S16 SESW SWSE
Place of Use: WILDLIFE
T09N R04E S16 SWSE

RECEIVED

NOV 05 2018

WATER RESOURCES
WESTERN REGION

65-23797 ✓OK RN 11/5/18
ERIK BRY
PO BOX 204
GARDEN VALLEY, ID 83622
Point of Diversion L3 (SESW) S22
T10N R04E BOISE County Source
SCRIVER CREEK Tributary MIDDLE
FORK PAYETTE RIVER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Use: IRRIGATION 03/15 to 10/31
0.08 CFS
Total Diversion: 0.12 CFS
Date Filed: 8/30/2018
Places of Use: DOMESTIC, IRRIGATION
T10N R04E S22 L3 (SESW)

Total Acres: 2
Domestic and irrigation use is for 1 home and yards in Lot 2 of Pine Tree Ranch Subdivision.

65-23804 ✓OK RN 11/5/18
SHAUNA G FRY
DAN V FRY
PO BOX 765
GARDEN VALLEY, ID 83622
Point of Diversion NWSE S16
T09N R04E BOISE County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 9/12/2018
Place of Use: DOMESTIC
T09N R04E S16 SWSE
This proposal is located within Lot 1 Blk 1 of Fry Segregation.

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 10/22/2018. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published in the Idaho World on 10/3/2018 and 10/10/2018.

