

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23768

Priority: May 01, 2018

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GREGORY BARRETO And
CHRISTINE BARRETO
62819 LOWER COVE RD
COVE OR 97824

has applied for a permit to appropriate water from:

Source: PAYETTE RIVER**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>
FIRE PROTECTION	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER L5 (SW ¼ SW ¼) Sec. 26, Twp 07N, Rge 02E, B.M. BOISE County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 02E 27													X			X	

CONDITIONS OF APPROVAL

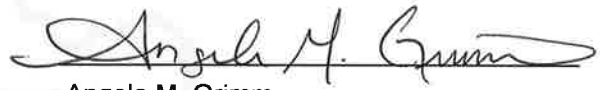
1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2019**.
2. Subject to all prior water rights.
3. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
4. 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.
5. 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.

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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. 65.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
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 15th day of NOVEMBER, 2018.



Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-23768

This map depicts the FIRE PROTECTION 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

November 15, 2018

CHRISTINE BARRETO
GREGORY BARRETO
62819 LOWER COVE RD
COVE OR 97824

RE: Permit No. 65-23768

Permit Approval Notice

Dear Permit Holder(s):

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. **If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.**

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,

 Annika Kaiser For

Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2018, I served a true and correct copy of Permit to Appropriate Water No. 65-23768 by U.S. Mail, postage prepaid, to the following:

CHRISTINE BARRETO (Current Owners)
GREGORY BARRETO
62819 LOWER COVE RD
COVE OR 97824

WATER DISTRICT #65
RON SHURTLEFF (Watermaster)
102 N MAIN ST
PAYETTE ID 83661



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.

MEMORANDUM

Date: October 22, 2018
To: Water Right File 65-23768
From: JShearer
Re: Assignment of Application for Permit

Assignment of Application of Permit for 65-23768 received 9/10/2018 assigned the application by Vintage Properties LLLP to Gregory and Christine Barreto. On 10/17/2018 the Department received an Assignment of Permit for WR's 65-23768 and 65-23783. Because the Assignment of Application for Permit had already been received, an Assignment of Permit for WR 65-23768 is not necessary. As a result, Varin Vardwell should be refunded \$25 against receipt C105778 so that they are only paying the \$25 fee for one Assignment of Permit. Please issue a refund of \$25.00 to:

Varin Vardwell, LLC
242 N 8th ST STE 220
PO Box 1676
Boise, ID 83701

Receipt ID: C105778

Rev. 04/12

RECEIVED

RECEIVED
OCT 17 2018

OCT 18 2018
VIA EMAIL
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

\$25 fee per permit

Received by W

Receipt amt. \$ 50

Receipt no. 6105718

Date 10-17-18

DEPARTMENT OF
WATER RESOURCES

I, Vintage Properties LLLP, hereby assign to Gregory Barreto and Christine Barreto
Current owner(s) New owner(s)
of, 62819 Lower Cove Road, Cove, Oregon 97824 541-663-6560
New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s): 65-23768, 65-23783 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of
diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☒ Yes ☐ No
Place of use? ☒ Yes ☒ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Some of the irrigation under 65-23783 will occur on neighboring land. The application included written permission
from the neighboring landowner.

Dated this 12th day of OCTOBER, 2018.

Gregory Barreto CHRISTINE BARRETO
Permit holder Title (if applicable) Permit holder Title (if applicable)

State of Idaho

County of Ada

On this 12th day of October, 2018, personally appeared before me the signer(s) of the above
instrument who duly acknowledged to me that he/she/they executed the same.

SEAL



Notary Public

My commission expires: 6/13/2023

RECEIVED

OCT 17 2018

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 18 2018

VIA EMAIL INTEROFFICE
WATER RESOURCES
WESTERN REGION



ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

242 N. 8TH STREET, SUITE 220

P.O. BOX 1676

BOISE, IDAHO 83701

P: 208.907.1529

F: 1.866.717.1758

VARINWARDWELL.COM

October 17, 2018

VIA HAND DELIVERY

Idaho Department of Water Resources
Idaho Water Center
322 E. Front St., Ste. 648
Boise, Idaho 83702-7371

Re: Assignment of Permits 65-23768, 65-23783

Dear Sir or Madam:

I have enclosed with this letter the signed, original Assignment of Permit form for the above-referenced permits and a check in the amount of \$50 to cover the processing fee. Please process this Assignment at your earliest convenience. If you need anything else from the assignees, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

VARIN WARDWELL, LLC

A handwritten signature in blue ink, appearing to read "Dylan B. Lawrence".

Dylan B. Lawrence

Enclosures (2)

The Idaho World

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

RECEIVED

OCT 17 2018

WATER RESOURCES
WESTERN REGION

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 September 5, 2018 and ending with the issue of September 12, 2018.

Eileen Capson

State of Idaho)
County of Boise)

On this 15 day of Oct 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.

Shirley A. George

Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 6-27-2023

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

65-23768

VINTAGE PROPERTIES LLLP
C/O RANDY THOMPSON
PO BOX 1486
BOISE, ID 83701

Point of Diversion SWSW S26
T07N R02E BOISE County Source
PAYETTE RIVER Tributary SNAKE
RIVER

Use: FIRE PROTECTION 01/01 to
12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 5/1/2018

Place of Use: FIRE PROTECTION
T07N R02E S27 NESE SESE

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 9/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Idaho World
on 9/5/2018 and 9/12/2018.

VOR RN
10/17/18

