

State of Idaho
 Department of Water Resources
Amendment of Permit

NO. 63-33940

Priority: April 22, 2014

Maximum Diversion Rate: 5.03 CFS

This is to certify, that DENNIS TURNER Or
 DEBBIE TURNER
 2558 WILLIAMS LN
 HOMEDALE ID 83628

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER **Tributary:** SNAKE RIVER
 WASTE WATER SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.70 CFS
IRRIGATION	03/01 to 11/15	5.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Twp 04N, Rge 06W, B.M. CANYON County
 WASTE WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Twp 04N, Rge 06W, B.M. CANYON County

PLACE OF USE: STOCKWATER

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 06W 13														X			

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 05W 18							40		30	32		38			40		180
04N 06W 13	32															40	72

Total Acres: 252

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2020**.
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.

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4. Stockwater use is for 1500 dairy cows.
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. This right when combined with all other rights shall not exceed a combined annual maximum irrigation diversion volume of 1134 af at the field headgate for the place of use.
7. Rights 2-10501 and 63-33940 when combined shall not exceed a total diversion rate of 5.03 cfs, the irrigation of 252 acres and stockwater use for 1500 dairy cows.
8. This right is supplemental to rights under the Wilder Irrigation District.
9. This right does not authorize construction of a new well or modification of an existing well.
10. 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.
11. A regulating pond under this right and right 2-10501 shall not exceed a total capacity of 10 af.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. 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 amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 24th day of OCTOBER, 2018.



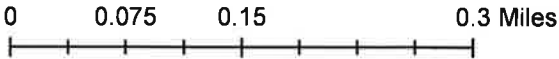
Angela M. Grimm

Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Amendment of Permit 63-33940

This map depicts the STOCKWATER 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.

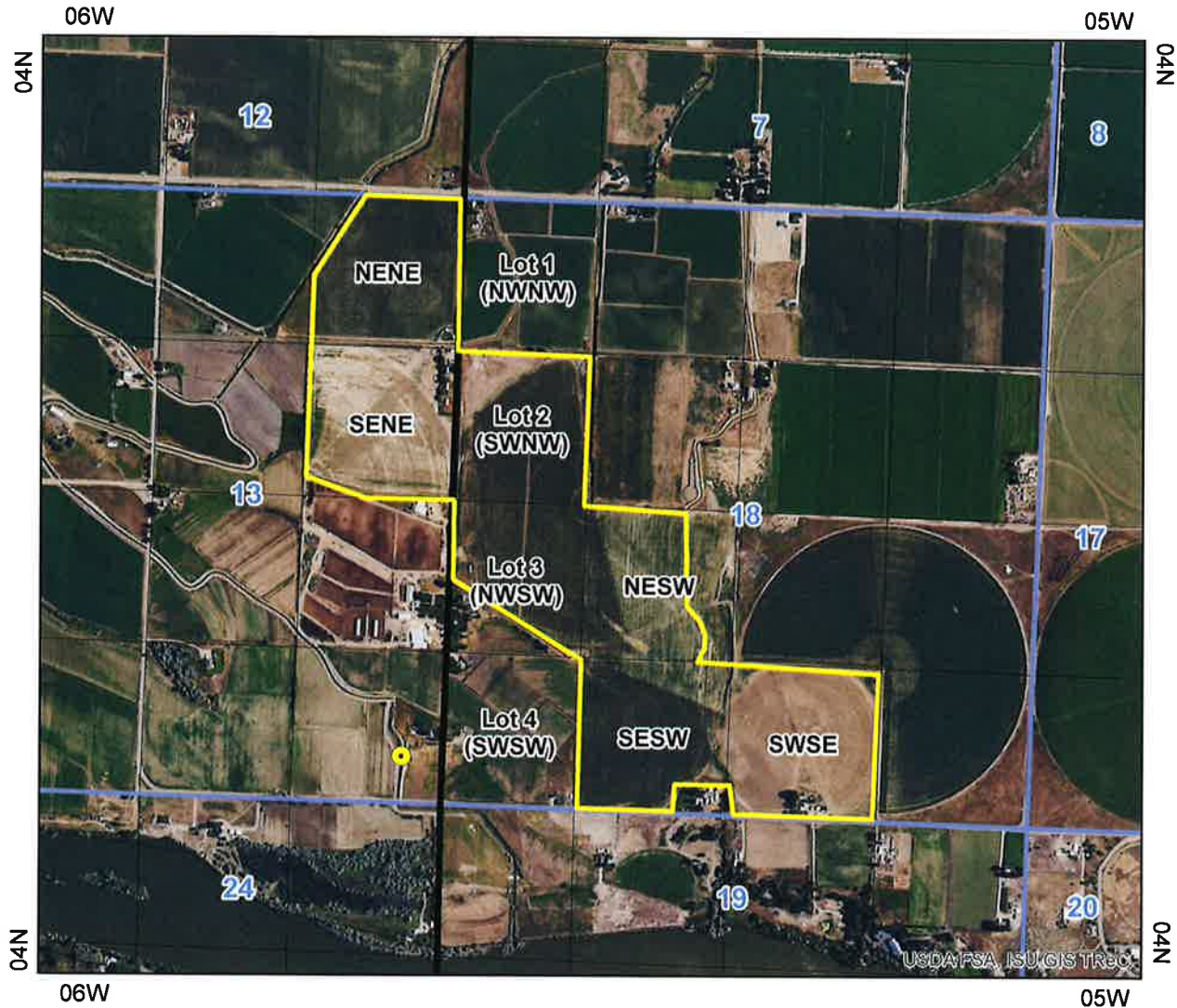






- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Attachment to Amendment of Permit
63-33940

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.175 0.35 0.7 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

October 24, 2018

DENNIS TURNER
2558 WILLIAMS LN
HOMEDALE ID 83628

RE: Amendment of Permit No. 63-33940

Amendment of Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed amendment of 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 amendment of 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.

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,

A handwritten signature in black ink, appearing to read "Nick Miller", written over a horizontal line.


Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2018, I served a true and correct copy of Amendment of Permit to Appropriate Water No. 63-33940 by U.S. Mail, postage prepaid, to the following:

DENNIS TURNER (Current Owner)
2558 WILLIAMS LN
HOMEDALE ID 83628



Rachel Neely
Administrative Assistant I

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.

LEGAL NOTICE

PROPOSED AMENDMENT OF WATER PERMIT

✓ OK RN 9/25/18

Dennis and Debbie Turner of 2558 Williams Lane, Homedale, Idaho 83628 filed Application No. 82641 on August 6 2018 to amend a water permit no. 63-33940 with a 2014 priority from ground water and wastewater totaling 5.03 cfs for stockwater and supplementary irrigation use located approximately 4.5 miles northwest of Wilder, Idaho. The applicant proposes to amend the permit to change the point of diversion from a location near the Snake River to a point along the riverside canal roughly 0.3 miles north of the original location.

2-10558

HGOAL LLC
7996 S BOGUS RIDGE WAY
BOISE, ID 83716
Point of Diversion L6(NWSE) S8 T01N R03W CANYON County
Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 0.35 CFS
Total Diversion: 0.35 CFS
Date Filed: 2/12/2018
Place of Use: IRRIGATION
T01N R03W S8 L7(SWSE) L7(SESE)
Total Acres: 24

✓ OK RN 9/25/18

63-34587 continued:

T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 4 Blk 2 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34581

JOELENE GOULD
JARED GOULD
PO BOX 189
MELBA, ID 83641
Point of Diversion NENE S8 T05N R03W CANYON County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31/04 CFS
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/30/2018
Places of Use: IRRIGATION, DOMESTIC, STOCKWATER
T05N R03W S8 NENE
Water bearing zone to be appropriated is from 119 to 240 feet.

✓ OK RN 9/25/18

63-34588

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 3 Blk 2 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34589

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place Of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 2 Blk 2 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34582

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 6 Blk 1 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34590

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 1 Blk 2 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34583

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 5 Blk 1 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34591

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 4 Blk 1 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34584

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 7 Blk 2 in Linfield Estates Subdivision.

✓ OK RN 9/25/18

63-34585

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON
County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from
0 to 18 feet.
This proposal is located in Lot 6 Blk 2 in Linfield Estates
Subdivision.

VOK RN 9125118

63-34586

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 5 Blk 2 in Linfield Estates
Subdivision.

VOK RN 9125118

63-34587

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 01/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION

VOK RN 9125118

63-34592

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON
County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 3 Blk 1 in Linfield Estates
Subdivision.

VOK RN 9125118

63-34593

DRK LLC
11347 W DALLAN CT., BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON
County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 2 Blk 1 in Linfield Estates
Subdivision.

VOK RN 9125118

63-34594

DRK LLC
11347 W DALLAN CT
BOISE, ID 83713
Point of Diversion NENE S10 T04N R02W CANYON
County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/18/2018
Place of Use: IRRIGATION
T04N R02W S10 NENE
Total Acres: 1.3
Water bearing zone to be appropriated is from 0 to 18 feet.
This proposal is located in Lot 1 Blk 1 in Linfield Estates
Subdivision.

VOK RN 9125118

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) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A 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 9/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

September 6, 13, 2018

1808117

DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES

ZIP 83702 \$ 000.37⁸
02 4W
0000359173 AUG 31 2018

8/30/18
Letter acknowledging advertising
WR + RP: 63-33940

RECEIVED
SEP 07 2018
WATER RESOURCES
WESTERN REGION

DEBBIE TURNER
2830 RIVER RD
HOMEDALE, ID 83628

Application to Amend Permit No. 63-33940

130071010009/01/18
RETURN TO SENDER
TURNER
2830 WILLIAMS LN
HOMEDALE ID 83628-3000
RETURN TO SENDER

