

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13719

PRIORITY: April 08, 1997

Maximum Diversion Rate: 0.08 CFS

It is hereby certified that:

KATHLEEN COLLIER PO BOX 666 GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 08, 1997, and has submitted Proof of Beneficial Use on May 30, 2000. An examination confirms water is diverted from:

SOURCE:
EDDY CREEK

TRIBUTARY:
PAYETTE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 10/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

EDDY CREEK NW¼SE¼ Sec. 19, Twp 09N, Rge 04E, B.M. BOISE 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	
09N	04E	19														1.7	1.1		2.8

Total Acres: 2.8

CONDITIONS OF APPROVAL

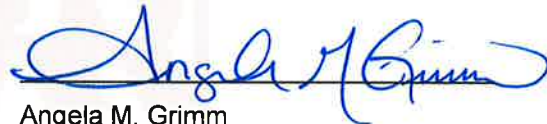
1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. This right shall be diverted only when the flow of Eddy Creek exceeds and can be maintained at 0.25 cfs.
Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
Source is locally known as Frazier Creek.
3. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
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. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

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6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
7. 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.
8. Places of use are located within Lots 21-22, Blk. 2 and Lots 1-3, Blk. 5; Garden Valley Summer Homesites No. 2.
9. Point of diversion is located at the northwest corner of Timberline Drive and Lot 1, 2 & 3, Blk. 5, Garden Valley Summer Homesites No. 2.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of JULY, 2018.



Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right License

65-13719

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.

04E



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

0 0.035 0.07 0.14 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

July 25, 2018

KATHLEEN COLLIER
PO BOX 666
GARDEN VALLEY ID 83622

RE: License No. 65-13719

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2018, I served a true and correct copy of Water Right License No. 65-13719 by U.S. Mail, postage prepaid, to the following:

KATHLEEN COLLIER (Current Owner)
PO BOX 666
GARDEN VALLEY ID 83622

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



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.

RECEIVED

JUL 14 2018

WATER RESOURCES
WESTERN REGION

n/wr field exams/waive-modify condition

April 2012

REQUEST TO WAIVE/MODIFY

CONDITION OF APPROVAL

Permit # 65-13719

I request the condition(s) of approval requiring (select 1 or more):

- ☒ measuring device
☒ lockable controlling works
☐ annual measuring/reporting, or power records alternative
☐ other – identify in space below

be waived or modified because:

I do not oppose the request to waive the conditions requiring the installation of an ap-
proved measuring device and a lockable control works for permit No. 65-13719 at this
time.

Ron Shurtleff
signature

7/14/2018
date

Ron Shurtleff
print name

Skinner, Aaron

From: Bosworth, Bill <bill.bosworth@idfg.idaho.gov>
Sent: Friday, July 06, 2018 1:39 PM
To: Skinner, Aaron
Cc: Compton, Brad; Kozfkay, Joe
Subject: RE: Water Right Condition from Eddy Creek

Aaron,

I've consulted with staff here, and we do not have concerns about removing the requirement for a lockable controlling works at this time. We would support inclusion of a new condition: "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." We also understand that the following statement will remain one of the conditions of the water right: "This right shall be diverted only when the flow of Eddy Creek exceeds and can be maintained at 0.25 cfs."

Please let me know if you need additional information or if you would like this feedback provided more formally on IDFG letterhead.

Best Regards,
Bill

Bill Bosworth
Environmental Staff Biologist
Southwest Region
3101 S. Powerline Dr.
Nampa ID 83686
208-465-8465



From: Skinner, Aaron <Aaron.Skinner@idwr.idaho.gov>
Sent: Tuesday, July 03, 2018 2:07 PM
To: Bosworth, Bill <bill.bosworth@idfg.idaho.gov>
Subject: Water Right Condition from Eddy Creek

Bill,

As promised from our phone conversation, I've attached documents associated to Water Right 65-13719 (Irrigation) from Eddy Creek. I've included IDFG's comment letter dated 5/14/2016, a conversation memo dated 4/30/1998, a map of the diversion/place of use, and the proof report explaining the right. The right holders are wanting the requirement of installing a measuring device and lockable controlling works removed. Ron Shurtleff (Basin 65 watermaster) hesitates approving a waiver without comments from IDFG since the original application approval was based off adding this condition. Please let me know of any concerns at your convenience.

Helpful tips:

1. Applicable conditions are highlighted on the proof report that were added to the permit in response to IDFG's concerns.
2. Water Right Permit No. 65-13621 has been relinquished as no hydro power was developed. A well was drilled covering the domestic use for the same right.
3. If okay to remove the measuring device and lockable controlling works condition, the Department still includes a new condition as follows: 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.

Best,

Aaron Skinner
Idaho Department of Water Resources
Water Resource Agent, Sr.
(208) 334-2190
aaron.skinner@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 22, 2018

COPY

KATHLEEN COLLIER
PO BOX 666
GARDEN VALLEY, ID 83622

RE: Water Permit 65-13719

Dear Mrs. Collier:

In an effort to finalize recommendations for WR Permit No. 65-13719, I will need you to follow-up with the watermaster for Water District 65 regarding the potential waiver of Condition 01J, which reads;

"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."

We have communicated a few times over the phone and email to resolve this, but ultimately I need you to follow-up and get an answer from the watermaster. I have not received a response to the email I sent to the water district on March 22, 2018. The watermaster for Water District 65 is Ron Shurtleff who can be reached at (208) 642-4465 or via email at waterdist65@srvinet.com.

The permit will be voided for not complying with the permitted conditions without a timely response within the next thirty (30) days or June 22, 2018. Please contact me at (208) 334-2190 if you have any questions. Thank you for your attention to this matter.

Respectfully,

Aaron Skinner
Water Resource Agent, SR.
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: aaron.skinner@idwr.idaho.gov

Enclosure: Condition Waiver Form