

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34515

Priority: May 10, 2018

Maximum Diversion Rate: 0.12 CFS

This is to certify, that JAMES A EATON
2403 N STEWART RD
KUNA ID 83634

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>
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼SW¼ Sec. 16, Twp 02N, Rge 01E, B.M., ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 01E 16								2.0				2.0					4.0

Total Acres: 4.0

CONDITIONS OF APPROVAL

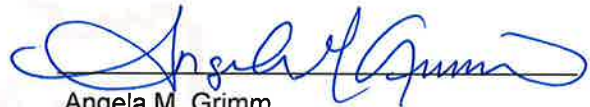
1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 18.0 af at the field headgate for the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.

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6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.
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 20th day of JULY, 20 18.



Angela M. Grimm

Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34515

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.

01E



-  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 20, 2018

JAMES A EATON
2403 N STEWART RD
KUNA ID 83634

RE: Permit No. 63-34515

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.

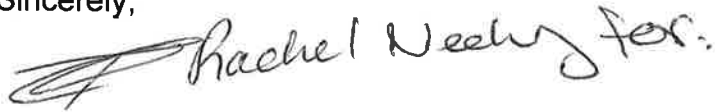
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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,

A handwritten signature in black ink that reads "Rachel Neely for." The signature is written in a cursive, flowing style.

Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2018, I served a true and correct copy of Permit to Appropriate Water No. 63-34515 by U.S. Mail, postage prepaid, to the following:

JAMES A EATON (Current Owner)
2403 N STEWART RD
KUNA ID 83634



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 PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003688306	LEGAL NOTICE The following applications have	Eaton	\$376.85	2	122

Attention: RACHEL NEELY

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

LEGAL NOTICE

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

63-34515
JAMES A EATON ✓ OK RN 6/29/18
2403 N STEWART RD
KUNA, ID 83634
Point of Diversion NESW S16 T02N R01E ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 2/20/2018
Place of Use: IRRIGATION
T02N R01E S16 SE NW NESW
Total Acres: 4
Water bearing zone to be appropriated is from 280 to 301 feet.

63-34519
DIAMOND S FARMS LLC ✓ OK RN 6/29/18
23460 STAFFORD RD
CALDWELL, ID 83607
(2)Points of Diversion L1(NESE) S2 T04N R04W CANYON County
Source UNNAMED STREAM Tributary BOISE RIVER
(2)Points of Diversion L3(NWSW) S1 T04N R04W CANYON County
Source UNNAMED STREAM Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 11/16 to 02/28 7.2 CFS
Use: IRRIGATION 03/01 to 11/15 0.96 CFS
Use: WILDLIFE 11/16 to 02/28 7.2 CFS
Use: WILDLIFE STORAGE 11/16 to 02/28 1032 AF
Total Diversion: 7.2 CFS
Date Filed: 3/2/2018
Places of Use: WILDLIFE STORAGE, IRRIGATION, WILDLIFE
T04N R04W S1 L3(NWSW)
T04N R04W S2 L1(NESE)
Total Acres: 48

63-34537
E4 PARTNERS LLLP ✓ OK RN 6/29/18
6152 W HALF MOON LN
EAGLE, ID 83616
Points of Diversion SWNE SENW L3(NESW) S13 T04N R02W CAN-
YON County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 1020 AF
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 275 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 275 AF
Total Diversion: 1300 AF
Date Filed: 4/6/2018
Places of Use: IRRIGATION STORAGE, AESTHETIC STORAGE
T04N R02W S13 SWNE SENW L3(NESW) L2(NWSE)
Place of Use: IRRIGATION FROM STORAGE
T04N R02W S13 NE:ALL) NENW SENW L3(NESW) L2(NWSE)
Total Acres: 86.9
Water bearing zone to be appropriated is from 0 to 30 ft.
This application proposes a 61 acre limit within an 87 acre permissi-
ble place of use.

63-34497
HARRY L BETTIS ✓ OK RN 6/29/18
PO BOX 7
EMMETT, ID 83617
Point of Diversion SWNE S31 T06N R01E GEM County Source
SOUTH FORK WILLOW CREEK Tributary WILLOW CREEK
Use: AESTHETIC STORAGE 01/01 to 12/31 2158 AF
Use: RECREATION STORAGE 01/01 to 12/31 2158 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 2158 AF
Total Diversion: 2158 AF
Date Filed: 1/11/2018
Places of Use: WILDLIFE STORAGE, RECREATION STORAGE, AES-
THETIC STORAGE
T06N R01E S31 SWNE SENE NESE NWSE SESE
T06N R01E S32 SW:ALL)

77-14325
VARIETY EXCURSIONS LLC ✓ OK RN 6/29/18
11405 PARK RD STE 180
ANCHORAGE, KY 40223
Point of Diversion NWSW S9 T24N R05E IDAHO County Source
BEAR CREEK Tributary SALMON RIVER
Use: POWER 01/01 to 12/31 5.5 CFS

JANICE HILDRETH, being duly sworn,
deposes and says: That she is the
Principal Clerk of The Idaho
Statesman, a daily newspaper printed
and published at Boise, Ada County,
State of Idaho, and having a
general circulation therein, and which
said newspaper has been
continuously and uninterruptedly
published in said County during a
period of twelve consecutive months
prior to the first publication of the
notice, a copy of which is attached
hereto: that said notice was published
in The Idaho Statesman, in conformity
with Section 60-108, Idaho Code, as
amended, for:

2 Insertions

Beginning issue of: 06/07/2018

Ending issue of: 06/14/2018

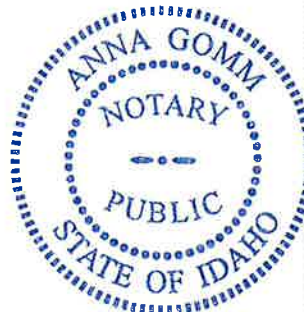
Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 15th day of June in the year of
2018 before me, a Notary Public,
personally appeared before me
Janice Hildreth known or identified to
me to be the person whose name
subscribed to the within instrument,
and being by first duly sworn,
declared that the statements therein
are true, and acknowledged to me
that she executed the same.



Anna Gomm

Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022

Total Diversion: 5.5 CFS
Date Filed: 8/28/2009
Place of Use: POWER
T24N R05E S9 SE1/4

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for a nonconsumptive use.

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 6/25/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. June 7, 14, 2018

-0003688306-01