

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-22986

PRIORITY: October 26, 2005

Maximum Diversion Rate: 0.16 CFS

Maximum Diversion Volume: 14.4 AF

It is hereby certified that:

HARVEY D MEYER PO BOX 829 MC CALL ID 83638

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 26, 2005, and has submitted Proof of Beneficial Use on November 21, 2007. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.14 CFS	13.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 5, Twp 17N, Rge 03E, B.M. VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	5														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	
17N	03E	5									0.8					3.8			4.6

Total Acres: 4.6

CONDITIONS OF APPROVAL

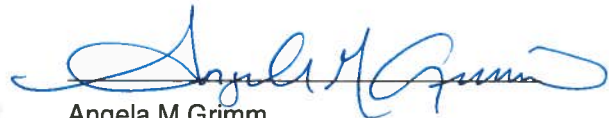
- Point of diversion is located within Lot 31, Brookdale Meadows Subdivision Phase 2.
- Place of use is located within Lot 31, Brookdale Meadows Subdivision Phase 2.
- This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
- Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
- 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

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-22986

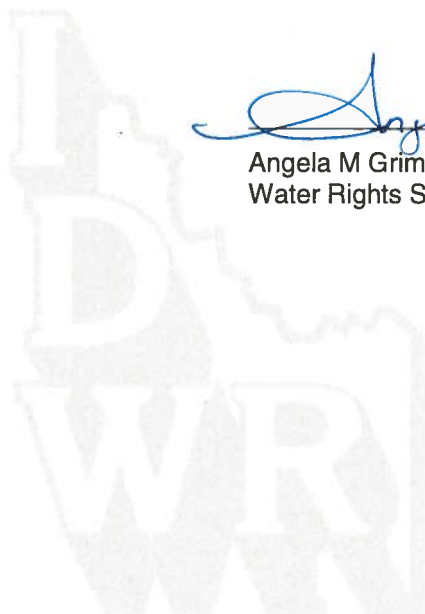
water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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 15 day of MARCH, 2018.



Angela M Grimm
Water Rights Supervisor



State of Idaho
Department of Water Resources

Attachment to Water Right License

65-22986

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.

03E



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

0 0.035 0.07 0.14 Miles

2009 Image



State of Idaho
Department of Water Resources
Attachment to Water Right License
65-22986

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.

03E





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 15, 2018

HARVEY D MEYER
PO BOX 829
MC CALL ID 83638

RE: License No. 65-22986

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

 Rachel Neely for.

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22986

**HARVEY D MEYER
PO BOX 829
MC CALL ID 83638**

**JEFFEREY MILLER
138 BROOKDALE DR
MC CALL ID 83638**



**Rachel Neely
Administrative Assistant**

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 8, 2018

COPY

HARVEY D MEYER
PO BOX 829
MCCALL ID 83638

RE: Additional Information Request for Permit 65-22986

Dear Permit Holder or Property Owner,

On May 31, 2005, you filed an Application for Permit for an irrigation and domestic use in Valley County. In 2007, a proof of beneficial use was filed stating that the use had been fully developed. I am contacting you today in an effort to complete the licensing process and issue a water right license related to the use described by the permit.

The permit was issued to recognize two points of diversion, or wells. A 2001 well log was found in the name of Harvey Myers, but records could not be found that would suggest a second well was ever drilled. Attached to this letter is a map of the property. Describe the system in place used for domestic and irrigation use, outlining either a single or double well system. Any additional information related to the development of multiple wells would be useful in determining the extent of beneficial use that was developed.

Please submit the requested information to complete the licensing process. Without a timely written reply within the next thirty (30) days, a license will be issued recognizing only a single well system. Please contact me at 208-334-2190 with any questions you might have. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Property Map



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 8, 2018

COPY

JEFFEREY MILLER
138 BROOKDALE DR
MCCALL ID 83638

RE: Additional Information Request for Permit 65-22986

Dear Permit Holder or Property Owner,

On May 31, 2005, you filed an Application for Permit for an irrigation and domestic use in Valley County. In 2007, a proof of beneficial use was filed stating that the use had been fully developed. I am contacting you today in an effort to complete the licensing process and issue a water right license related to the use described by the permit.

The permit was issued to recognize two points of diversion, or wells. A 2001 well log was found in the name of Harvey Myers, but records could not be found that would suggest a second well was ever drilled. Attached to this letter is a map of the property. Describe the system in place used for domestic and irrigation use, outlining either a single or double well system. Any additional information related to the development of multiple wells would be useful in determining the extent of beneficial use that was developed.

Please submit the requested information to complete the licensing process. Without a timely written reply within the next thirty (30) days, a license will be issued recognizing only a single well system. Please contact me at 208-334-2190 with any questions you might have. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Property Map