

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-12998

PRIORITY: March 21, 1989

Maximum Diversion Rate: 0.14 CFS

Maximum Diversion Volume: 5.4 AF

It is hereby certified that:

GARDEN VALLEY SUMMER HOME SITES C/O PAT & TERI GREESON
6 FRAZIER CREEK GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 16, 1989, and has submitted Proof of Beneficial Use on August 01, 1990. 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>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.14 CFS	5.4 AF

LOCATION OF POINT(S) OF DIVERSION:

EDDY CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Twp 09N, Rge 04E, B.M. BOISE 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	
09N	04E	19															X		
09N	04E	30	X L 1	X															

CONDITIONS OF APPROVAL

1. Rights 65-12998 and 65-12999 when combined shall not exceed a total diversion rate of 0.14 cfs and a total annual maximum diversion volume of 5.4 af.
2. Domestic use is for nine (9) homes and does not include lawn, garden, landscape, or other types of irrigation. Water Rights 65-12998 and 65-12999 service the same nine (9) homes.
3. Place of use is located within Garden Valley Summer Home Sites Units 1, 2 and 3. Specifically, blk 1 lots 7 and 12 of Home Sites 1, blk 2 lots 38, 39, 41, and 42 of Home Sites 1, blk 4 lots 1 and 7 of Home Sites 1, and blk 2 lot 12 of Home Sites 2.
4. 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.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-12998

5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. 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.
7. 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.
8. The source is locally known as Frazier Creek.

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 12th day of March, 2018.



Nick Miller
Manager, IDWR Western Region

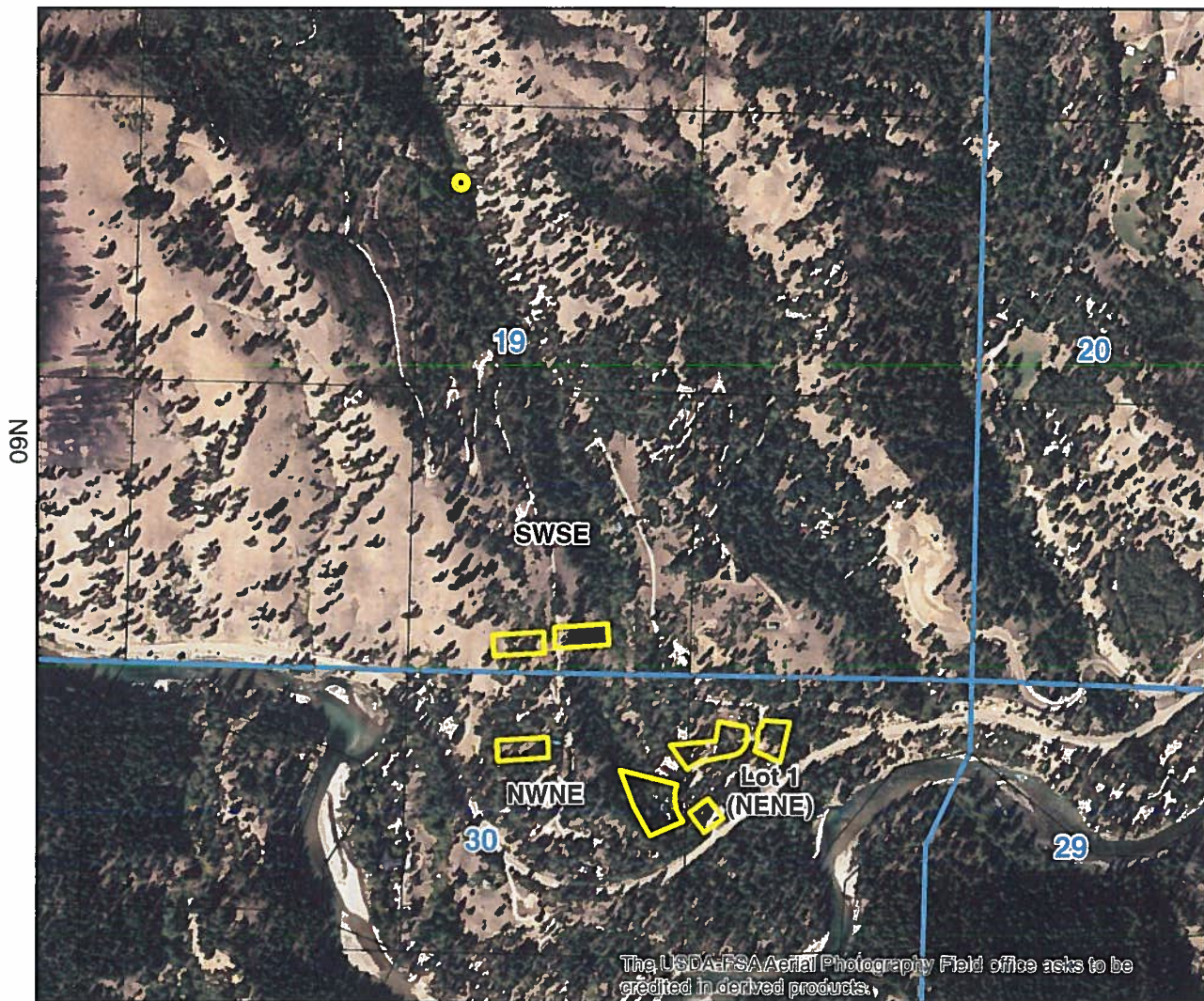
State of Idaho
Department of Water Resources

Attachment to Water Right License

65-12998

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.

04E



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

0 0.1 0.2 0.4 Miles





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 12, 2018

GARDEN VALLEY SUMMER HOME SITES
C/O PAT & TERI GREESON
6 FRAZIER CREEK
GARDEN VALLEY ID 83622

RE: License No. 65-12998

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,

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 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. 65-12998

**GARDEN VALLEY SUMMER HOME SITES
C/O PAT & TERI GREESON
6 FRAZIER CREEK
GARDEN VALLEY ID 83622**

**RON SHURTLEFF
WATERMASTER OF DISTRICT 65
102 N MAIN
PAYETTE ID 83661**



**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.

MEMORANDUM

TO: Sascha Marston
FROM: Aaron Skinner
DATE: January 17, 2018
RE: Refund

Pat and Teri Greeson paid \$200.00 for a permit amendment on December 8, 2017. The amendment was unnecessary. A full refund should be issued.

Please issue a \$200.00 refund as follows:

TO

PAT AND TERI GREESON
6 FRAZIER CREEK
GARDEN VALLEY, ID 83622

TEL. (208) 462-6050

RECEIPT

Receipt ID: W045894

Copy: Permit No. 65-12998 and 65-12999

Idaho Department of Water Resources Receipt

Receipt ID: W045894

Payment Amount \$200.00 Date Received 12/8/2017 4:45 PM Region WESTERN
Payment Type Cash
Payer GREESON, PAT / TERI
Comments APPLICATION FOR AMENDMENT FOR 65-12999 AND 65-12998 FOR APPLICANT GARDEN VALLEY
 SUMMER HOME SITES

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	AMENDMENTS	62105	0229	21		1155



Signature Line (Department Representative)

MEMORANDUM

TO: Water Right File – 65-12998 and 65-12999
FROM: Aaron Skinner – Water Resource Agent
DATE: January 17, 2018
SUBJECT: Amendment Should Not Have Been Requested (Refund Necessary)

Erroneously, an amendment was requested to show the new lots included in the POU boundary. Although the lot quantities were adjusted, the POU did not add lots outside the permitted legal description. As such, an amendment was unnecessary and a refund should be issued to the owners.

BACKGROUND

After receiving the POU amendment for each right, it was revealed that a POU amendment for WRs 65-12998 and 65-12999 were unnecessarily received. During the 1993 field exam, 13 lots were noted as developed with stubs at each lot, but not identified anywhere on a map or noted in the file. Therefore, it was difficult to understand what 13 lots were recognized. As the POU developed into a new boundary, many of the original 30 lots highlighted on the map submitted with the application were not part of the updated (2017) POU. This change initiated an amendment, but shouldn't have since the permitted POU legal description wasn't increased.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-12998

RECEIVED

DEC 08 2017

WATER RESOURCES
WESTERN REGION

PRIORITY: March 21, 1989

Maximum Diversion Rate: 0.16 CFS
Maximum Diversion Volume: 7.8 AF

Comes now

GARDEN VALLEY SUMMER HOME SITES C/O PAT & TERI GREESON
6 FRAZIER CREEK GARDEN VALLEY ID 83622

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-12998, and requests that the permit be changed as follows:

SOURCE:
EDDY CREEK

TRIBUTARY:
PAYETTE RIVER

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.16 CFS

**ANNUAL
DIVERSION VOLUME**
7.8 AF

LOCATION OF POINT(S) OF DIVERSION:

EDDY CREEK NW¼SE¼ Sec. 19, Twp 09N, Rge 04E, B.M. BOISE 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	
09N	04E	19															X	X	
09N	04E	30	X L1	X															

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 12/8/17 day of _____, 2017.

Pat & Teri Greeson
(Signature)
Teri Greeson

* unnecessary amendment. Please see memo dated 1/17/2018 for explanation.

MEMORANDUM

TO: Water Right File – 65-12999 and 65-12998
FROM: Aaron Skinner – Water Resource Agent
DATE: December 11, 2017
SUBJECT: Clarification of POD (GROUND WATER) and POU Boundary

On October 13 and October 31, 2017 an amendment was sent to Pat and Teri Greeson changing the place of use. Various POU versions were developed in an effort to understand developed use. On December 8, 2017 I stopped by their house to better discuss Pat and Teri's concerns. After sitting with them for almost two hours, we concluded that the "spring" Pat wanted on the WR was in fact the horizontal well located in the SWNWSE of Section 19. I am unsure the difference in department definitions relative to a horizontal well and spring. As such, I thought it would be helpful to include this memo in the backfile to clarify any confusion that may arise later down the road.

On December 11, 2017 Pat called into the office wanting to take off three more lots that I originally proposed in my draft license; BLK 2 LOT 32 and 40 and BLK 3 LOT 31 & 32 (one house) of Home Sites 1. LOT 40 was not developed until 2002 as a garage structure. There is no evidence that use was established within the garage (no bathroom, hose bibs, etc.). LOTS 32 of BLK 2 and BLK 3 LOT 31 & 32 are currently owned by Charles Ensign. Mr. Ensign noted that he does not want these two lots included in the POU as there is a well he uses to service the lots. Therefore, BLK 2 LOT 32 and 40 and BLK 3 LOT 31 & 32 (one house) of Home Sites 1 will not be included in the POU boundary and license.

MEMORANDUM

TO: Water Right File – 65-12998/12999
FROM: Aaron Skinner – Water Resource Agent
DATE: October 31, 2017
SUBJECT: POU Boundary Change

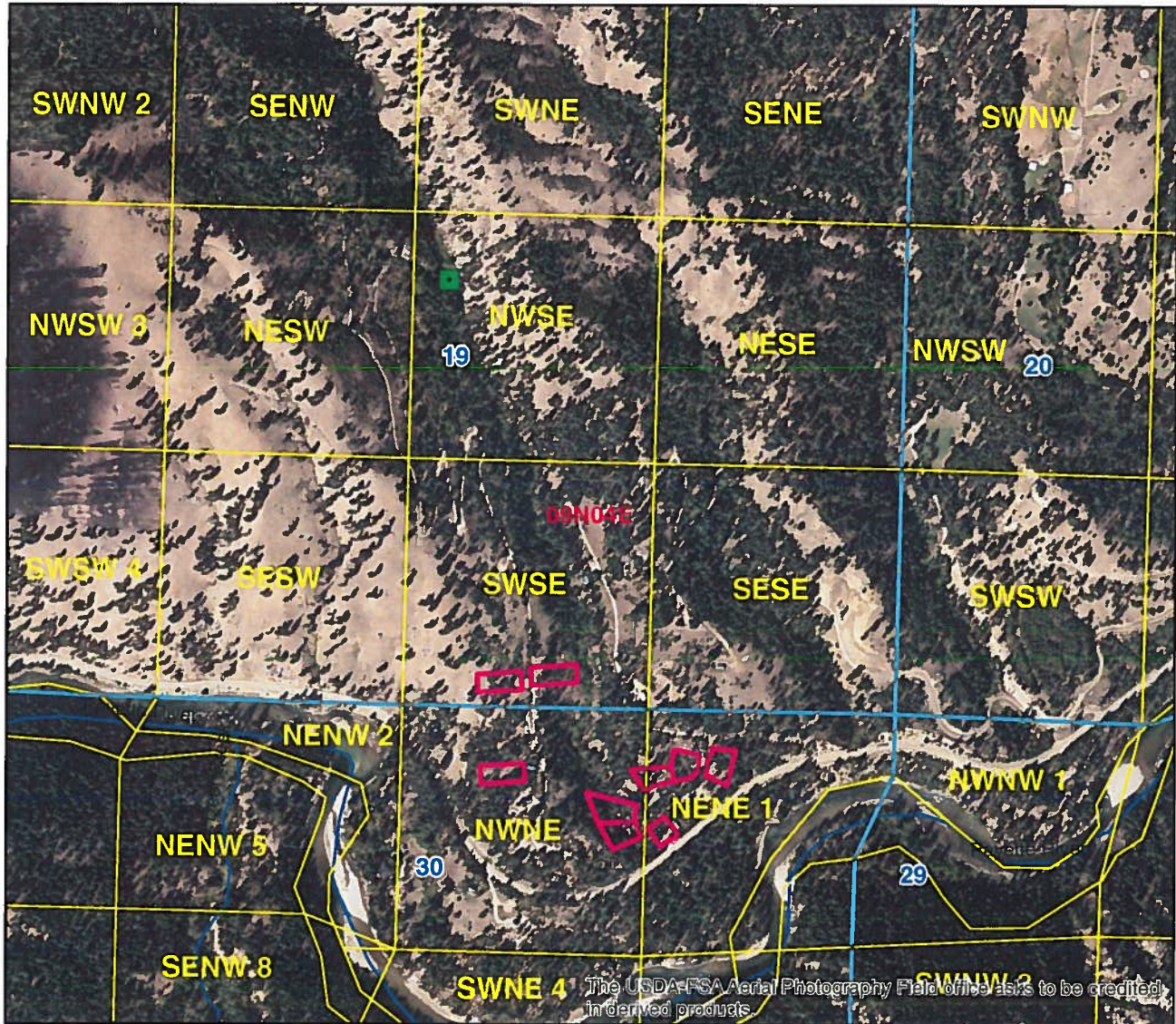
An Application of Amendment was sent to Pat and Teri Greeson on October 13, 2017 in an effort to change the Place of Use (POU) boundary to 13 parcels identified during the field exam. On October 31, 2017, Pat called the office to talk about the recommended POU. He had reservations about Parcel Number RP027010020090 Home Sites 1 BLK 2 LOT 9 as they have not used water on the lot and didn't build a structure through Boise County until 2013. The Beneficial Use form was submitted in 1990, therefore, development within that time frame is highly unlikely. With this new understanding, Home Sites 1 BLK 2 LOT 9 will be removed from the recommendation and a new Application of Amendment will be sent to them.

State of Idaho
Department of Water Resources

Place of Use and Point of Diversion

Water Permit No. 65-12998

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.



0 0.1 0.2 0.4 Miles

-  Place of Use
-  Point of Diversion





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 31, 2017

COPY

GARDEN VALLEY SUMMER HOME SITES
C/O PAT & TERI GREESON
6 FRAZIER CREEK
GARDEN VALLEY ID 83622

RE: Water Right Permit No. 65-12998

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☐ **Point(s) of Diversion**

☒ **Place(s) of Use**

☐ **Other**

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

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

Sincerely,

Aaron Skinner
Water Resource Agent

Enclosure(s): Application for Amendment



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 13, 2017

COPY

GARDEN VALLEY SUMMER HOME SITES
C/O PAT & TERI GREESON
6 FRAZIER CREEK
GARDEN VALLEY ID 83622

RE: Water Right Permit No. 65-12998

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

Sincerely,

Aaron Skinner

Water Resource Agent

Enclosure(s): Application for Amendment