

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34453

Priority: September 18, 2017

Maximum Diversion Rate: 0.90 CFS

This is to certify, that RODNEY SEQUEIRA Or
PAM SEQUEIRA
18840 GOODSON RD
CALDWELL ID 83607

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	0.82 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER L4 (SW¼SW¼) Sec. 13, Twp 05N, Rge 04W, B.M., CANYON County
GROUND WATER L4 (SW¼SW¼) Sec. 13, Twp 05N, Rge 04W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
05N 04W 13	NE	NW	SW	SE	41.0
			41.0		
			L 4		
Total Acres: 41					

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
05N 04W 13	NE	NW	SW	SE	
			X		
			L 4		

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
05N 04W 13	NE	NW	SW	SE	
			X		
			L 4		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2019**.
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.

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4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 184.5 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.
6. 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. Domestic use is for 1 home.
10. Stockwater use is for 30 dairy cattle and 20 range cattle.
11. 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 14 day of DECEMBER, 20 17.



Angela M. Grimm
Water Rights Supervisor

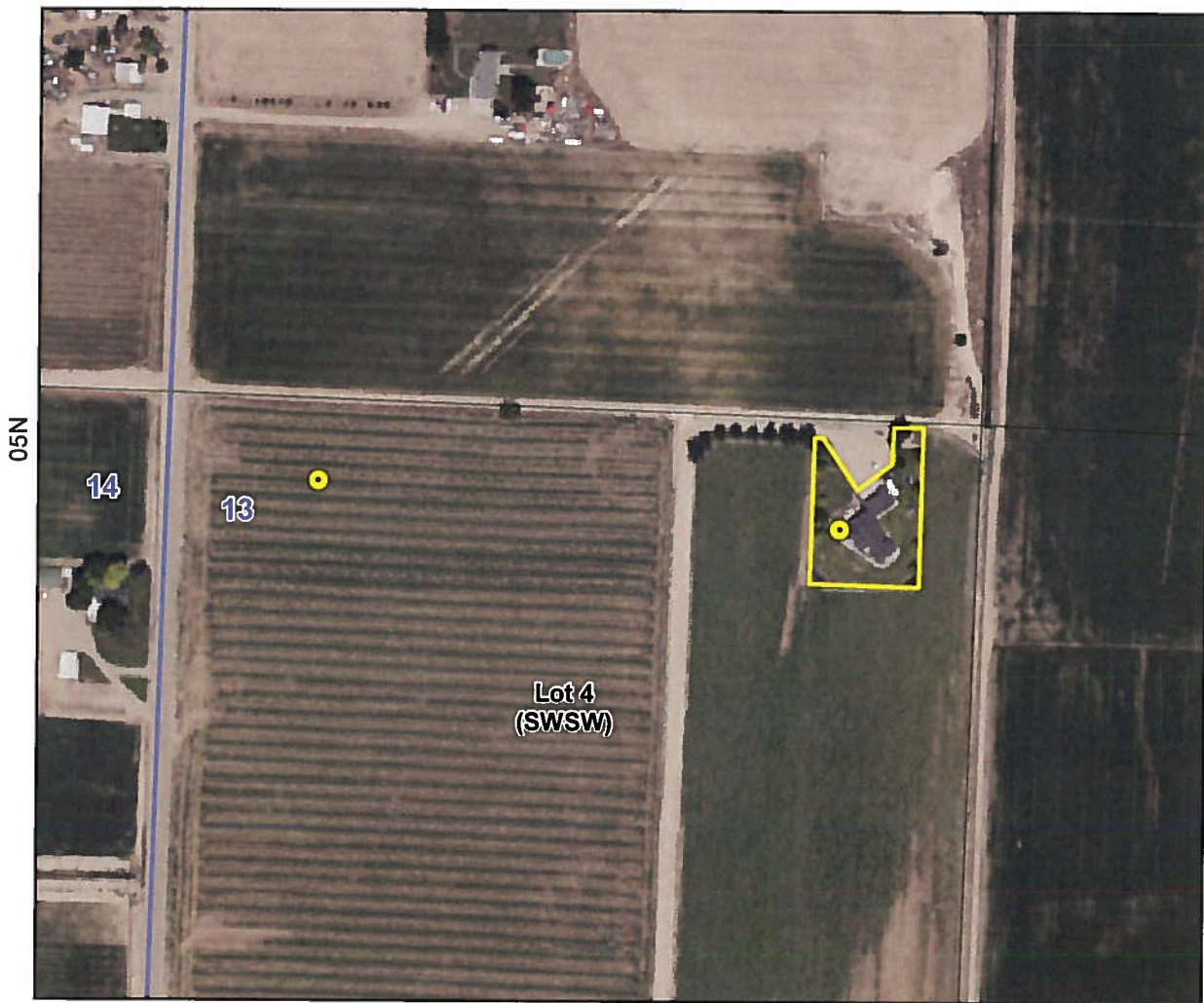
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34453

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.

04W



0 0.035 0.07 0.14 Miles

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



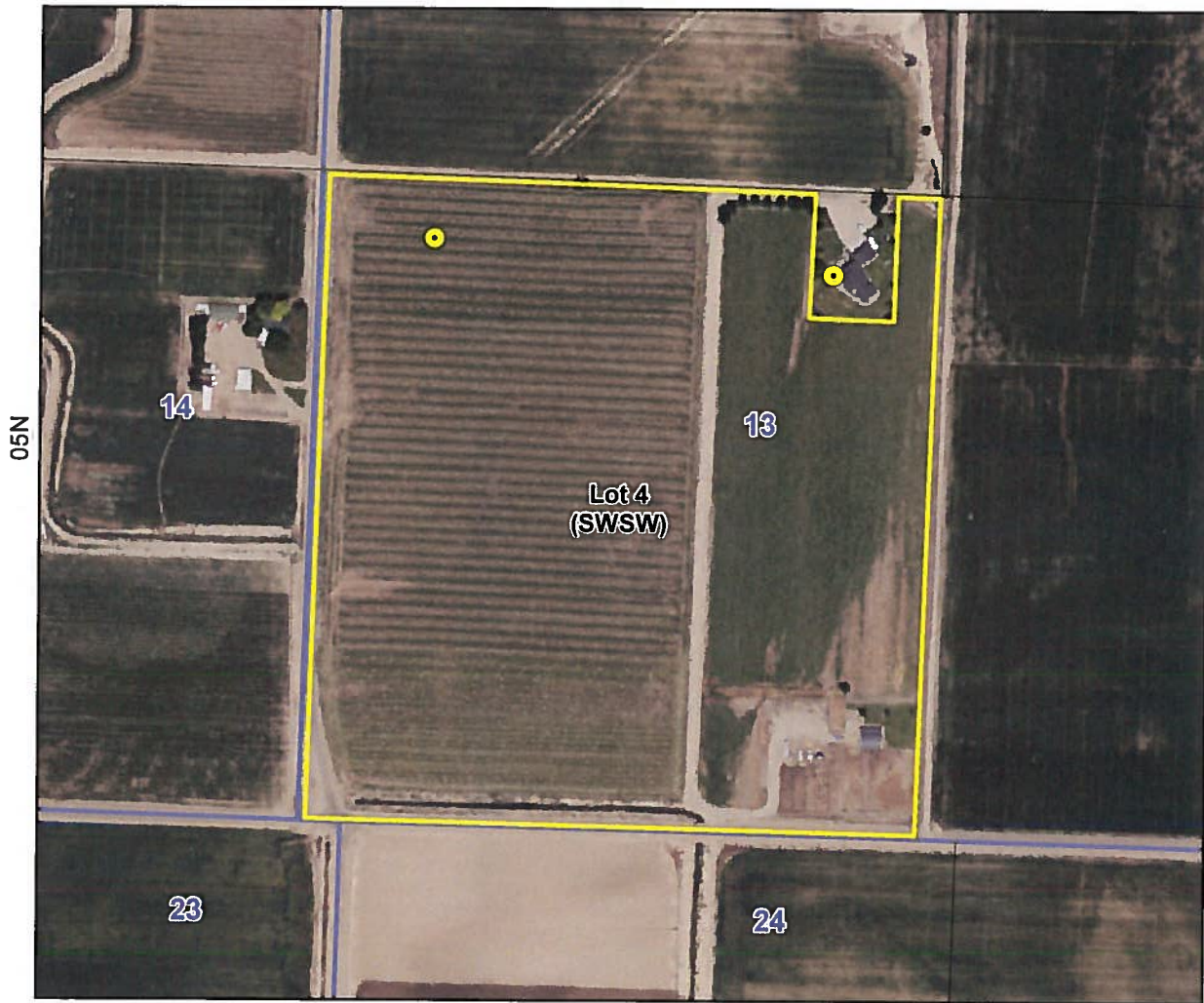
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34453

This map depicts the IRRIGATION and 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.

04W



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

0 0.0475 0.095 0.19 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

December 14, 2017

RODNEY SEQUEIRA
PAM SEQUEIRA
18840 GOODSON RD
CALDWELL ID 83607

RE: Permit No.63-34453

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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. 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,

A handwritten signature in black ink, appearing to read "Rachel Neely for:", is written over a faint, larger signature that appears to be "Nick Miller".

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-34453

**PAM SEQUEIRA
RODNEY SEQUEIRA
18840 GOODSON RD
CALDWELL ID 83607**



**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

Date: December 13, 2017
To: Water Right File 63-34453
From: rsommer
Re: Permit Recommendations

This application received September 18, 2017 proposes domestic, stockwater, and irrigation uses from ground water.

The irrigation proposal is to be supplemental to Black Canyon Irrigation District (BCID) surface water. On 12/13/17 the applicants clarified the domestic lawn will solely be irrigated from ground water. Therefore, it is recommend the application be permitted authoring the domestic use to include irrigation of a lawn and garden up to half an acre and will not be supplemental to BCID surface water.

The application indicates stockwater use is for 55 head of mature beef cattle. The maximum rate allowable per IDWR AP Memo #3 for this number and type of cattle is 0.03 cfs. The applicants were notified that if a permit was to be granted the rate would be reduced unless justification was submitted to support the excessive rate. On 12/13/17 the applicants clarified that the permit request is for 30 dairy cattle and 20 beef cattle. The maximum rate allowable per IDWR AP Memo #3 for this number and type of cattle is 0.04 cfs. Therefore, it is recommended the application be permitted for 0.04 cfs for stockwater and 0.90 cfs as the overall total diversion rate on the permit.

Sommer, Rachel

From: HD222 <highdesert222@yahoo.com>
Sent: Wednesday, December 13, 2017 8:46 AM
To: Sommer, Rachel
Subject: Re: 63-34453 Application for Permit

Hi Rachel,

Our lawn will be watered solely with well water, and we plan on keeping approx. 30 head of dairy replacements and 20 head of beef cattle (cow/calf).

Thank you.
Rodney and Pam Sequeira

On Tuesday, December 12, 2017 4:46 PM, "Sommer, Rachel" <Rachel.Sommer@idwr.idaho.gov> wrote:

Rodney and Pam,

What kind of and many cattle do you intend on having?

Will your half acre of lawn be supplied with Black Canyon Irrigation water and well water or solely well water?

Sincerely,
Rachel Sommer | Water Resource Agent, Senior
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

29512 1689024

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

RECEIVE

NOV 15 2017

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34416
BIBLE MISSIONARY CHURCH INC
3200 E USTICK RD
CALDWELL, ID 83605
Point of Diversion L2(NWNE) S2 T03N R03W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.12 CFS
Use: IRRIGATION 03/01 to 11/15 0.06 CFS
Total Diversion: 0.18 CFS
Date Filed: 7/7/2017
Place of Use: DOMESTIC
T03N R03W S2 L2(NWNE)
Place of Use: IRRIGATION
T03N R03W S2 L2(NWNE)
Total Acres: 3
Water bearing zone to be appropriated is from 165 to 175 feet.

63-34453
RODNEY SEQUEIRA
PAM SEQUEIRA
18840 GOODSON RD
CALDWELL, ID 83607
(2)Points of Diversion L4(SWSW) S13 T05N R04W
CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.82 CFS
Use: STOCKWATER 01/01 to 12/31 0.07 CFS
Total Diversion: 0.93 CFS
Date Filed: 9/18/2017
Places of Use: IRRIGATION, DOMESTIC, STOCKWATER
T05N R04W S13 L4(SWSW)
Total Acres: 41
Water bearing zone to be appropriated is from 116 to 251 feet.

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 11/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

November 2, 9, 2017

1689024

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
11/02/2017 11/09/2017

STATE OF IDAHO)

County of Canyon)

On this 9th day of November in the year of 2017 before me a Notary Public, personally appeared. Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023

