

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-23690

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	8															X		
																	L	8	
18N	03E	17		X															
				L	3														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2020**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 0.5 acres within the authorized place of use in a single irrigation season.
4. 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 place of use.
5. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
6. Right 65-23690 authorizes the storage of an annual total of 11.4 acre-feet; 0.4 acre-feet to be used for the initial filling or carryover storage of the pond, 8.5 acre-feet for the replacement of losses due to seepage and evaporation, and up to 2.5 acre-feet for additional refills for irrigation from storage use.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 0.4 acre-feet or a total surface area of 0.1 acre(s).
8. This right authorizes a single point of diversion.
9. 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.
10. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
11. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
12. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

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13. 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.
14. 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 23 day of AUGUST, 20 17.

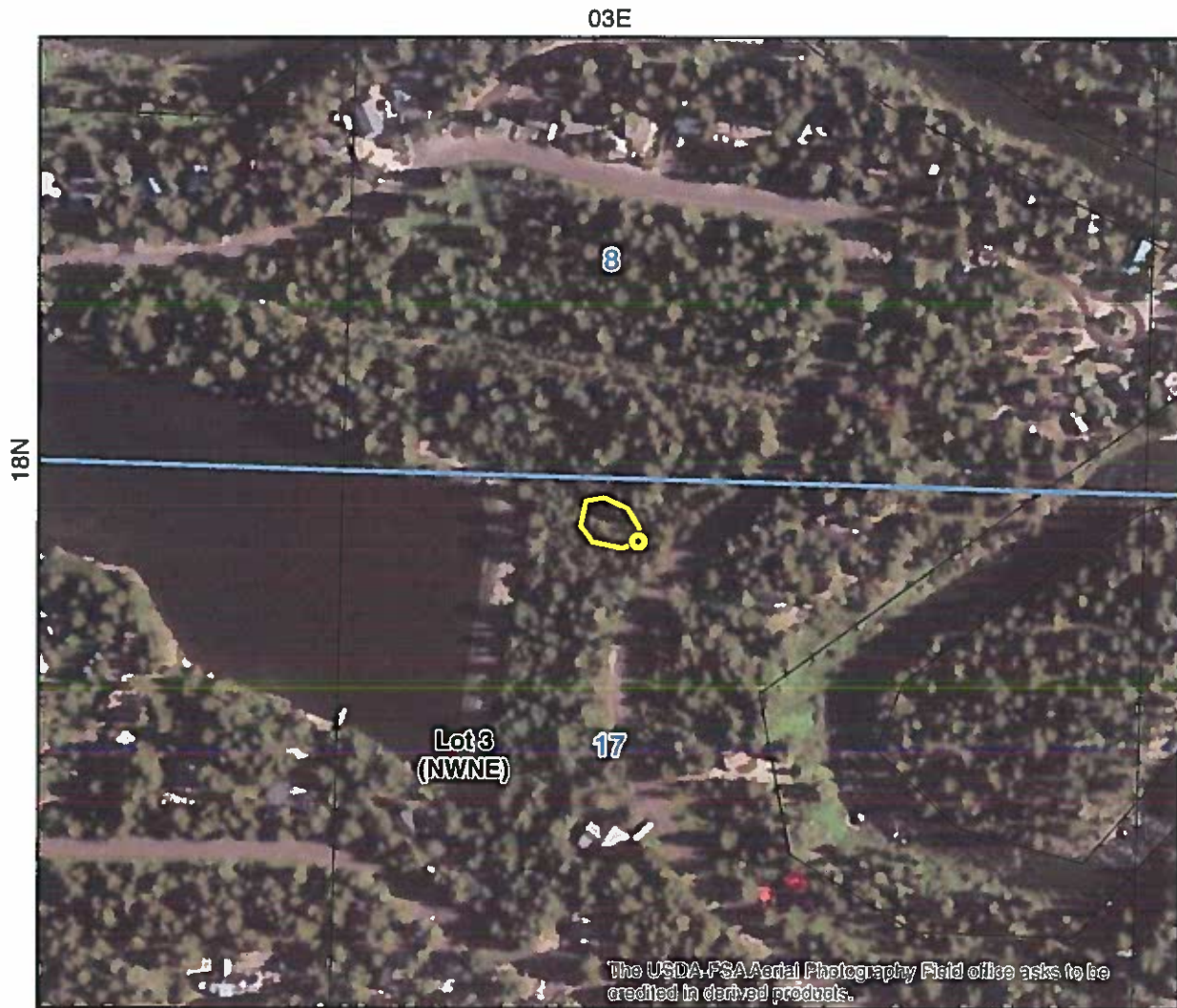

Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-23690

This map depicts the WILDLIFE STORAGE, RECREATION STORAGE, and IRRIGATION STORAGE 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.



- 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

Attachment to Permit to Appropriate Water

65-23690

This map depicts the IRRIGATION FROM STORAGE 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





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

August 23, 2017

PATRICK HILL
PO BOX 4529
MCCALL ID 83638

RE: Permit No.65-23690

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Nick Miller

Western Regional Manager

Enclosure(s)

cc: MATHEW FALVEY
WATERMASTER OF DISTRICT 65

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 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.

65-23690

**MATHEW FALVEY
FALVEYS LLC
PO BOX 710
MCCALL ID 83638**

**PATRICK HILL
PO BOX 4529
MCCALL ID 83638**

**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

Date: August 09, 2017
To: Water Right File 65-23690
From: cparker
Re: pond volume calc

The pond analysis spreadsheet on file for this permit lists a total required volume of 11.4 af which accounts for 0.4 afa for initial fill, 8.9 afa to recover seepage and evaporative losses, and 2.1 afa replacement of from-storage uses. However, the application narrative I helped to compose describes the same total volume and capacity, but with 2.5 afa from storage use and 8.5 afa for evaporation and seepage. We changed the irrigation from storage volume from 2.1 to 2.5 afa to reflect the 5.0 afa/acre statutory limit for irrigation storage. We kept the total volume the same because the pond will be excavated in-stream, so the initial seepage estimate shown on the spreadsheet is likely an overestimate. The estimated seepage volume was reduced by 0.4 afa to keep the total volume the same.

MEMORANDUM

Date: August 09, 2017
To: Water Right File 65-23690
From: cparker
Re: Error on amendment

The change to the description of the POU on the amended application was intended to add numbers of acres irrigated and separate uses out individually. It was not meant to change the description of the uses in any way. The second line of the description on the amended app is meant to say section 8 rather than 17. The intent of the applicant is clear. However, the permit will not match the most current version of the application form.

**PUBLIC NOTICE
IDAHO DEPARTMENT OF WATER RESOURCES**

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

65-23668

LARRY FITZGERALD
279 BACON CREEK RD
CASCADE, ID 83611

✓ OK RN 6/7/17

Point of Diversion NWSE S9 T11N R04E VALLEY County Source UNNAMED STREAM Tributary BACON CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 0.5 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 0.5 AF

Total Diversion: 0.5 AF

Date Filed: 8/24/2016

Places of Use: WILDLIFE STORAGE, AESTHETIC STORAGE

T11N R04E S9 NWSE

65-23669

JUDY L GROOTHUIS
MARION D GROOTHUIS
3490 N SADDLEMAN PL
EAGLE, ID 83616

✓ OK RN 6/7/17

Point of Diversion NESE S20 T16N R03E VALLEY County Source GROUND WATER

Use: IRRIGATION 04/15 to 10/31 0.48 CFS

Total Diversion: 0.48 CFS

Date Filed: 8/31/2016

Place of Use: IRRIGATION

T16N R03E S20 SENE NESE SESE

Total Acres: 24

65-23683

ALZAR SCHOOL INC
PO BOX 1609
CASCADE, ID 83611

✓ OK RN 6/7/17

Point of Diversion L1(NWNW) S8 T13N R04E VALLEY County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.16 CFS

Use: IRRIGATION 04/15 to 10/31 0.24 CFS

Total Diversion: 0.4 CFS

Date Filed: 12/27/2016

Places of Use: DOMESTIC, IRRIGATION

T13N R04E S8 L1(NWNW)

Total Acres: 4

65-23688

SCOTT ROBERT GRESSLEY
KYLIE VICTORIA GRESSLEY
1093 FOOTHILL DR
VALE, OR 97918

✓ OK RN 6/7/17

Point of Diversion SESE S5 T16N R03E VALLEY County Source GROUND WATER

Use: IRRIGATION 04/15 to 10/15 2 CFS

Total Diversion: 2 CFS

Date Filed: 3/16/2017

Place of Use: IRRIGATION

T16N R03E S4 L4(NWNW) SWNW NWSW SWSW

T16N R03E S5 L1(NENE) L2(NWNE) SWNE SENE L3(NENW) L4(NWNW) SWNW NESE NWSE SESE

T16N R03E S6 L1(NENE)

T16N R03E S9 NWNW SWNW

Total Acres: 456.8

65-23690

PATRICK HILL
PO BOX 4529
MCCALL, ID 83638

✓ OK RN 6/7/17

Point of Diversion L3(NWNE) S17 T18N R03E VALLEY County Source UNNAMED STREAM Tributary NORTH FORK PAYETTE RIVER

Point of Diversion L8(SWSE) S8 T18N R03E VALLEY County Source UNNAMED STREAM Tributary NORTH FORK PAYETTE RIVER

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 2.5 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 2.5 AF

Use: RECREATION STORAGE 01/01 to 12/31 8.9 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 8.9 AF

Total Diversion: 11.4 AF

Date Filed: 2/21/2017

Place Of Use: RECREATION STORAGE, IRRIGATION FROM STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T18N R03E S8 L8(SWSE)

T18N R03E S17 L3(NWNE)

Total Acres: 1

2tc5/25

Publisher's Affidavit of Publication

STATE OF IDAHO }
County of Valley } .ss

See affidavit page 2.

I, Tricia Warren, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began May 18, 2017 and ended May 25, 2017.

Tricia Warren

Subscribed and sworn before me this the 25th day of May, 2017.
STATE OF IDAHO

COUNTY OF VALLEY }
}

On this 25th day of May in the year of 2017, before me, a Notary Public, personally appeared Tricia Warren, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/18

RECEIVED

MAY 30 2017

WATER RESOURCES
WESTERN REGION

State of Idaho
Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

RECEIVED

MAY 22 2017

WATER RESOURCES
WESTERN REGION

Water District # Water District No. 65
Application # 65-23690
Applicant Name Patrick Hill

Watermaster Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
New Water Rights are curtailed each year based on the water supply and the seniority system. Continued use of this water right can be accomplished by mitigating with a lease of stored water from the Watermaster. No water shall be diverted under this water right after June 15th of each year without a preapproved mitigation lease of stored water from the watermaster.
This water right will be subject to annual Water District Assessments, and storage water lease, Rental Pool fees. +
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 24th day of May, 2017

Ron Shurtleff
Watermaster Signature

Ron Shurtleff
Printed Name