

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34268

Priority: September 14, 2016

Maximum Diversion Rate: 0.14 CFS

This is to certify, that CHARLES P ROBERTS And
JOY C ROBERTS
2000 W HOMER RD
EAGLE ID 83616

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	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SE¼ Sec. 30, Twp 05N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SE¼ Sec. 30, Twp 05N, Rge 01E, B.M. ADA County

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		
05N	01E	30																0.5	4.0	4.5

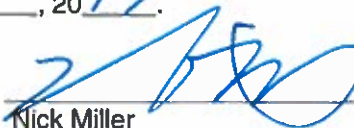
Total Acres: 4.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2018**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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 31st day of July, 2017.


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34268

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



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

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

July 31, 2017

CHARLES P ROBERTS
JOY C ROBERTS
2000 W HOMER RD
EAGLE ID 83616

RE: Permit No.63-34268

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 that reads "Rachel Newby". The signature is written in a cursive style with a large, stylized initial "R".

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 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.

63-34268

**CHARLES P ROBERTS
JOY C ROBERTS
2000 W HOMER RD
EAGLE ID 83616**



**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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
283978	0003076601	LEGAL NOTICE The following applications have	63-34330,63-34357,63-34358,63	\$622.55	2	203

Attention: Neely, Rachel

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

RECEIVED
MAY 30 2017

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34268
CHARLES P ROBERTS
JOY C ROBERTS
2000 W HOMER RD
EAGLE, ID 83616
Points of Diversion SWSE SESE S30 T05N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 9/14/2016
Place of Use: IRRIGATION
T05N R01E S30 SWSE SESE
Total Acres: 4.5
Water bearing zone to be appropriated is from 260 to 280 feet.

✓ OK RN 6/7/17

63-34329
GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1700
BOISE, ID 83702
Point of Diversion L2(SWNE) S17 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC 10/01 to 04/15 1.6 CFS
Use: RECREATION 10/01 to 04/15 1.6 CFS
Total Diversion: 1.6 CFS
Date Filed: 1/3/2017
Places of Use: AESTHETIC, RECREATION
T04N R01E S17 L1(NENE) L2(NWNE) L2(SWNE) L1(SENE)
NENW N4(SWNE) L4(SWNE) L3(SENE)
T04N R01E S18 L1(SENE)
No additional consumptive use of groundwater tributary to the Boise River system (<200 ft below ground surface, upstream of the Star Bridge) proposed.
Water bearing zone to be appropriated is from 20 to 200 feet.

✓ OK RN 6/7/17

63-34330
GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1700
BOISE, ID 83702
Point of Diversion NWNW S17 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC 10/01 to 04/15 1.6 CFS
Use: RECREATION 10/01 to 04/15 1.6 CFS
Total Diversion: 1.6 CFS
Date Filed: 1/3/2017
Places of Use: AESTHETIC, RECREATION
T04N R01E S17 L1(NENE) L2(NWNE) L2(SWNE) L1(SENE) NENW
NWNW L4(SWNE) L3(SENE)
T04N R01E S18 L1(SENE)
No additional consumptive use of groundwater tributary to the Boise River system (<200 ft below ground surface, upstream of the Star Bridge) proposed.
Water bearing zone to be appropriated is from 0 to 37 feet.

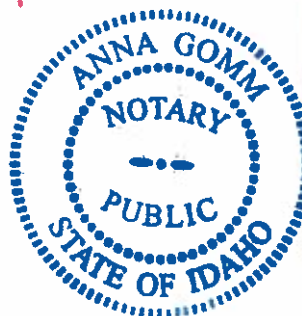
✓ OK RN 6/7/17

63-34357
HALL INVESTMENTS LP
C/O BUTCH HALL
10050 SCENIC VIEW LN
STAR, ID 83669
Point of Diversion L3(NWSW) S31 T04N R01W ADA County Source
GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 0.2 CFS
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 3/20/2017
Places of Use: IRRIGATION, COMMERCIAL
T04N R01W S31 NESW L3(NWSW)
Total Acres: 11
Water bearing zone to be appropriated is from 4 to 105 feet.

✓ OK RN 6/7/17

63-34358
ROY SPAUDLING
ANGELA SPAUDLING
2801 S BLUEGRASS DR
NAMP, ID 83686
Point of Diversion SWNE S34 T03N R01W ADA County Source
GROUND WATER

✓ OK RN 6/7/17



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: 05/18/2017

Ending issue of: 05/25/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 26th day of May in the year of 2017 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

Use: DOMESTIC 01/01 to 12/31 0.0
Use: IRRIGATION 03/01 to 11/15 0.0
Use: STOCKWATER 01/01 to 12/31 2 CFS
Total Diversion: 0.09 CFS
Date Filed: 4/3/2017
Places of Use: STOCKWATER, DOMESTIC, IRRIGATION
T03N R01W S34 SWNE
Total Acres: 1
Water bearing zone to be appropriated is from 75 to 222 feet.

63-34334
THORPE FAMILY TRUST
C/O RYAN THORPE
28854 BOULDER RD
PARMA, ID 83660
Point of Diversion SWSE S16 T05N R05W CANYON County Source
BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 09/01 to 02/28 13.05 CFS
Use: RECREATION 09/01 to 02/28 13.05 CFS
Use: RECREATION STORAGE 09/01 to 02/28 1624.7 AF
Use: WILDLIFE 09/01 to 02/28 13.05 CFS
Use: WILDLIFE STORAGE 09/01 to 02/28 1624.7 AF
Total Diversion: 13.05 CFS, 1624.7 AF
Date Filed: 1/26/2017
Place of Use: WILDLIFE, RECREATION, WILDLIFE STORAGE, RECREATION STORAGE
T05N R05W S17 NENW NWNW L4(SWNW) L3(SENW)

✓ OK RN 6/6/17

63-34335
THORPE FAMILY TRUST
C/O RYAN THORPE
28854 BOULDER RD
PARMA, ID 83660
Point of Diversion NESE S1 T04N R05W CANYON County Source
DIXIE SLOUGH Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 09/01 to 02/28 9.75 CFS
Use: IRRIGATION 03/01 to 11/15 1.3 CFS
Use: RECREATION 09/01 to 02/28 9.75 CFS
Use: RECREATION STORAGE 09/01 to 02/28 1816.8 AF
Use: WILDLIFE 09/01 to 02/28 9.75 CFS
Use: WILDLIFE STORAGE 09/01 to 02/28 1816.8 AF
Total Diversion: 9.75 CFS, 1816.8 AF
Date Filed: 1/26/2017
Places of Use: IRRIGATION, WILDLIFE, RECREATION, WILDLIFE STORAGE, RECREATION STORAGE
T04N R05W S1 SWNE SENE NESE
Total Acres: 65

✓ OK RN 6/7/17

65-23617
BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE, ID 83661
NORTHWEST FARM CREDIT SERVICES FLCA
308 SE 10TH ST
ONTARIO, OR 97914
Point of Diversion SENW S1 T08N R02W PAYETTE County Source
BIG WILLOW CREEK Tributary PAYETTE RIVER
Use: DIVERSION TO STORAGE 11/01 to 04/01 6 CFS
Use: IRRIGATION 03/01 to 06/15 6 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 1900 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 1900 AF
Total Diversion: 6 CFS, 1900 AF
Date Filed: 6/17/2015
Place of Use: IRRIGATION STORAGE
T09N R02W S27 NESW NWSW SESE NWSE SWSE
Places of Use: IRRIGATION FROM STORAGE, IRRIGATION
T08N R02W S3 SENE L4(NWNW) NESW SWSW SESE SE(ALL)
T08N R02W S4 SWNE SENE SW(ALL) SE(ALL)
T08N R02W S5 SWSW SESE SWSE SESE
T08N R02W S7 NENE SWNE SENE NESW L3(NWSW) L4(SWSW)
SESE NESE NWSE
T08N R02W S8 NE(ALL) NW(ALL) NESW NWSW NWSE
T08N R02W S9 NE(ALL) NW(ALL)
T08N R02W S10 NWNE SWNE NW(ALL)
T08N R03W S11 NESW SWSW SESE SE(ALL)
T08N R03W S12 SW(ALL) SE(ALL)
T08N R03W S13 NENW NWNW
T08N R03W S14 NENE NWNE NENW
T09N R02W S34 SWNW NWSW SWSW
Total Acres: 1520

✓ OK RN 6/7/17

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 6/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. May 18, 25, 2017

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