

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-11116

PRIORITY: March 02, 1990

Maximum Diversion Rate: 1.33 CFS
Maximum Diversion Volume: 319.5 AF

It is hereby certified that:

KATHY F HENRICKSON 5705 E GREENHURST NAMPA ID 83651 Or

TERRY R HENRICKSON 5705 E GREENHURST NAMPA ID 83651

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 31, 1990, and has submitted Proof of Beneficial Use on July 31, 1991. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

TRIBUTARY:

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/01 to 11/15

DIVERSION RATE
1.33 CFS

ANNUAL DIVERSION VOLUME
319.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER NW¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER SE¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON 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	
02N	01W	6			2.0	11.0	7.0 L 3	10.0 L 4		1.0					34.0	3.0		3.0	71.0

Total Acres: 71

CONDITIONS OF APPROVAL

1. 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.
2. 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 319.5 af at the field headgate for the place of use.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-11116

use authorized under this right.

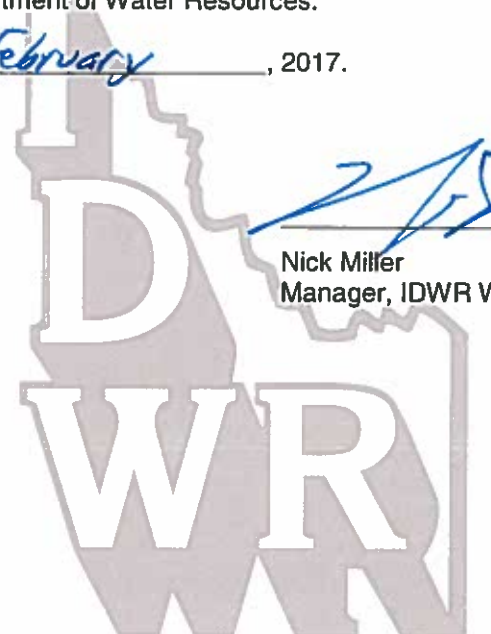
4. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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 1st day of February, 2017.

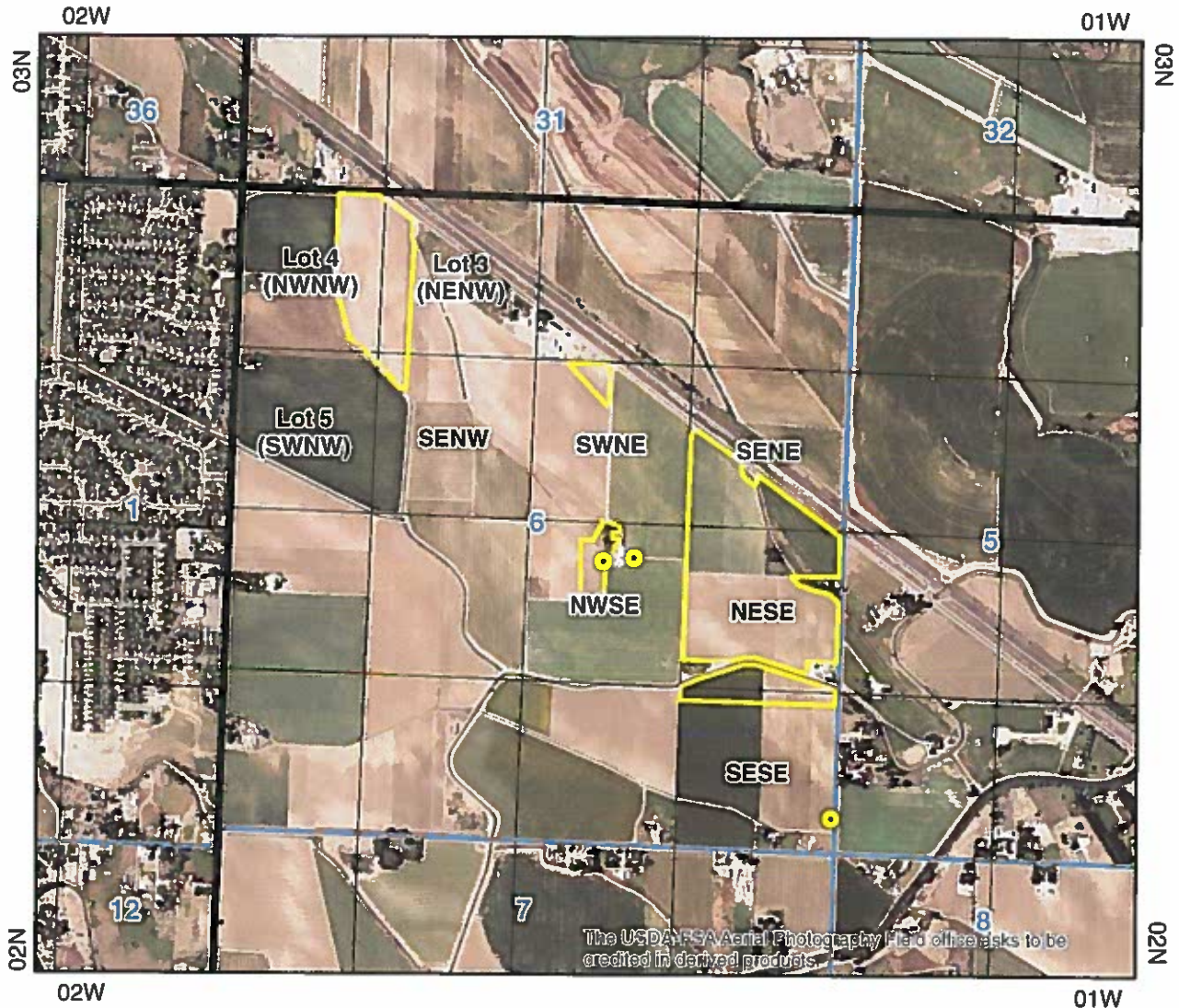


Nick Miller
Manager, IDWR Western Region



State of Idaho
Department of Water Resources
Attachment to Water Right License
63-11116

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.



0 0.175 0.35 0.7 Miles

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



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-11116

RECEIVED

DEC 09 2016

WATER RESOURCES
WESTERN REGION

PRIORITY: March 02, 1990

Maximum Diversion Rate: 1.33 CFS
Maximum Diversion Volume: 319.5 AF

Comes now

TERRY R HENRICKSON 5705 E GREENHURST NAMPA ID 83651 Or
KATHY F HENRICKSON 5705 E GREENHURST NAMPA ID 83651

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. 63-11116, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/01 to 11/15

DIVERSION RATE
1.33 CFS

**ANNUAL
DIVERSION VOLUME**
319.5 AF

LOCATION OF POINT(S) OF DIVERSION:

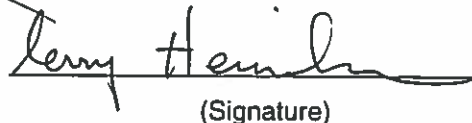
GROUND WATER NW¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER NW¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER SE¼SE¼ Sec. 6, Twp 02N, Rge 01W, B.M. CANYON County

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	
02N	01W	6			2.0	11.0	7.0 L 3	10.0 L 4		1.0					34.0	3.0		3.0	71.0

Total Acres: 71

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 6 day of Dec, 2016.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-11116

FOR DEPARTMENT USE ONLY

Preliminary check by PK Fee = \$100⁰⁰ Received by [Signature] # W044832 Date 12/9/16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-11116 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 31st day of January, 2018.



Nick Miller
Manager, IDWR Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 1, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KATHY F HENRICKSON
TERRY R HENRICKSON
5705 E GREENHURST
NAMPA ID 83651

RE: License No. 63-11116

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 February 1, 2017 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.

63-11116

**KATHY F HENRICKSON
TERRY R HENRICKSON
5705 E GREENHURST
NAMPA ID 83651**



**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

December 20, 2016

COPY

TERRY R HENRICKSON
KATHY F HENRICKSON
5705 E GREENHURST
NAMPA ID 83651

RE: Water Right Permit No. 63-11116

Dear Permit Holder(s):

I am contacting you in regards to the Proof of Beneficial Use fee that has been paid regarding permit 63-11116. Records show that on 7/31/1991 and 8/26/1991 you paid \$50 for a total of \$100. This total fee of \$100 authorizes the licensing of 0.20 – 1.00 cfs. On 1/7/2014 a Proof of Beneficial Use form was completed again and claimed a diversion rate of 0.78 cfs. I am currently attempting to issue you a water right license for 1.33 cfs.

To complete the licensing process and issue a right for 1.33 cfs, the appropriate fee must be paid. The fee schedule under Idaho Code 42-221 requires a fee of \$125 for diversions between 1.01 – 2.00 cfs.

It is not clear why the fee was collected at two different times for a lesser amount than the permit authorized. Also, even though your statement suggests a lesser rate of 0.78 cfs, we can license the full beneficial use of 1.33 cfs based on the field exam findings. We can also apply the \$100 that has already been paid towards the fee that is due.

Please submit a fee of \$25 to complete the licensing process. If a fee is not received in fourteen days, a license will be issued for the limit that has been paid.

If you have any questions, please do not hesitate to call me at 208-334-2190.

Sincerely,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure: 2014 Proof of Beneficial Use form



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

November 16, 2016

COPY

TERRY R HENRICKSON
KATHY F HENRICKSON
5705 E GREENHURST
NAMPA ID 83651

RE: Water Right Permit No. 63-11116

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,

Patrick Kelly
Water Resource Agent, Sr.