

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34128

Priority: February 26, 2016

Maximum Diversion Rate: 0.05 CFS

This is to certify, that KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716
has applied for a permit to appropriate water from:

Source: SPRING

Tributary: LESTER CREEK

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>
STOCKWATER	01/01 to 12/31	0.05 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼NE¼SW¼ Sec. 11, Twp 01N, Rge 09E, B.M. ELMORE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 09E 11									X								

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	
01N 09E 11																X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2021.
2. Subject to all prior water rights.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Use of water under this right will 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. 63.
5. Domestic use is for 1 home.
6. Stockwater use is for 120 range cattle.
7. 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.

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8. 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 29th day of June, 2016.



Nick Miller
Manager, IDWR Western Region



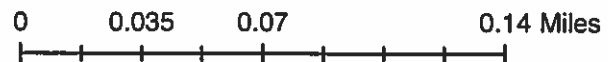
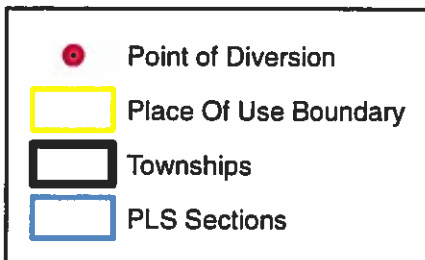
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34128

This map depicts the 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.

09E



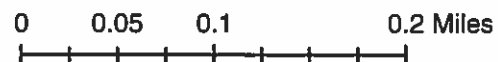
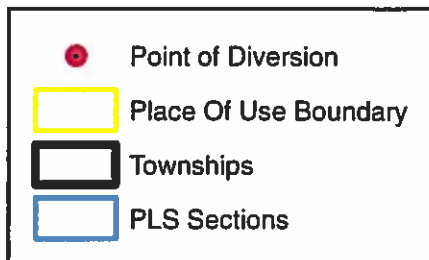
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34128

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.

09E





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

June 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716

RE: Permit No.63-34128

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.

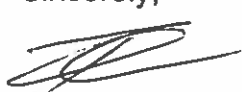
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,

 Rachel Nedy For

Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2016 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. 63-34128

**KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD ID 83716**

**REX R. BARRIE
WATERMASTER OF DISTRICT 63
10769 W STATE ST
PO BOX 767
STAR ID 83669**



**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.

NOTICE

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

63-34128
KEITH O NEIL HELMICK
16 E INDIAN CREEK RD
MAYFIELD, ID 83716
Point of Diversion NW/NE SW S11 T01N
R09E ELMORE County Source SPRING
Tributary LESTER CREEK
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: STOCKWATER 01/01 to 12/31
0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 8/10/2015
Place of Use: STOCKWATER
T01N R09E S11 NESW
Place of Use: DOMESTIC
T01N R09E S11 SESE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80342

CASA DEL NORTE LP, 11204 N BAR
21 DR, GLENNS FERRY, ID 83623, SPF
WATER ENGINEERING LLC, C/O LORI
GRAVES 300 E MALLARD DR STE 350,
BOISE, ID 83706, has filed Application No.
80342 for changes to the following water
rights within ELMORE County(s): Right
No(s). 61-11887A, 61-2095A, 61-2199A, 61-
2209A, to see a full description of these rights
and the proposed transfer, please see [www.
idwr.idaho.gov/apps/wr/QueryNewTransfers/
QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of the
transfer is to change a portion of the above
rights as follows: This transfer proposes to
add a point of diversion to water right nos.
61-2095A, 61-2199A, 61-2209A, and 61-
11887A. The new point of diversion will be
located in the SW NW of Section 10, Twp 4S
Rge 9E, generally located 10 miles NW of
Glenns Ferry. Source will be ground water.
No other changes proposed.

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) or proposed transfer (s) please
see [www.idwr.idaho.gov/WaterManagement/
WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based
on the criteria of Idaho Code §§ 42-203A and
42-222. 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 applica-
tion on or before 5/9/2016. The protestant must
also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
First Publication: April 20, 2016
Last Publication: April 27, 2016

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the
Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once
a week, in Mountain Home, Idaho, that the notice attached
hereto which is a part of publication thereof; was
published in said newspaper for 2 consecutive
weeks, the first publication having been made on the
20th day of April, 2016, and the last publication
having been made on the 27th day of April, 2016;
every Wednesday issue of the paper during the period and
time of publication and that the notice was published in
the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News
has been continuously and uninterruptedly published in
said Elmore County during the period of 78 consecutive
weeks prior to the first publication of the attached notice.

Brenda M. Fincher
Publisher

Subscribed and sworn to me this 2nd day of May
2016.

[Signature]
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-17-2017.

RECEIVED

MAY 05 2016

WATER RESOURCES
WESTERN REGION

