

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-34216

Priority: April 07, 2016

Maximum Diversion Rate: 0.23 CFS

This is to certify, that DAVID RIPPLINGER And/Or  
 KATIE RIPPLINGER  
 6532 N DOUBLE EAGLE LN  
 MERIDIAN ID 83646

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	0.19 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼SW¼ Sec. 13, Twp 05N, Rge 04W, 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	
05N 04W 13																	9.5

Total Acres: 9.5

**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	
05N 04W 13																	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. 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 42.8 af at the field headgate for the place of use.
4. 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.
5. 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 use authorized under this right.

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6. 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.
7. 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. This right does not grant any right-of-way or easement across the land of another.
10. Domestic use is for 1 home.
11. 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.
12. 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 27<sup>th</sup> day of June, 2016.



Nick Miller  
Manager, IDWR Western Region






# Attachment to Permit to Appropriate Water

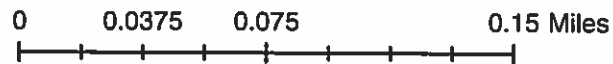
63-34216

This map depicts the IRRIGATION and 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



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





**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](http://www.idwr.idaho.gov)

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June 27, 2016

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

DAVID RIPPLINGER  
KATIE RIPPLINGER  
6532 N DOUBLE EAGLE LN  
MERIDIAN ID 83646

RE: Permit No.63-34216

**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.

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 Neely for:". The signature is written in a cursive style and is positioned above the typed name "Nick Miller".

Nick Miller  
Western Regional Manager

Enclosure(s)

**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 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.                      63-34216**

**DAVID RIPPLINGER  
KATIE RIPPLINGER  
6532 N DOUBLE EAGLE LN  
MERIDIAN ID 83646**



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**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.

RECEIVED

MAY 16 2016

WATER RESOURCES  
WESTERN REGION

29512 1452572

1 IDAHO DEPT OF WATER RESOURCES

WESTERN REGION  
2735 AIRPORT WAY  
BOISE ID 83705

AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO )

County of Canyon )

)SS.

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

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 times(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:  
05/05/2016 05/12/2016

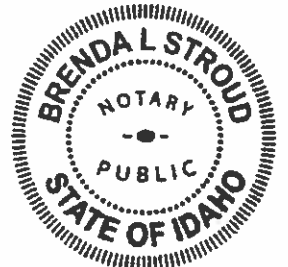
*Sharon Jessen*  
\_\_\_\_\_  
STATE OF IDAHO)

County of Canyon)

On this 12th day of May in the year of 2016 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.

*Brenda L. Stroud*  
\_\_\_\_\_  
Notary Public for Idaho

Residing at Canyon County  
My Commission expires 05/04/2021



LEGAL NOTICE

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

63-34213 *✓ OK RN 5/23/16*  
GOOSE RIDGE HOME OWNERS CO.  
17014 GOOSE LN  
CALDWELL, ID 83607  
Point of Diversion SESE  
S30 T03N R03W CANYON  
County Source GROUND  
WATER  
Use: DOMESTIC 01/01 to 12/31 0.2 CFS  
Use: IRRIGATION 03/01 to 11/15 0.14 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 4/5/2016  
Place of Use: DOMESTIC T03N R03W S30 L5(NESE) SESE  
Place of Use: IRRIGATION T03N R03W S30 NESE SESE  
Total Acres: 7  
Water bearing zone to be appropriated is from 130 to 205 feet.

63-34216 *✓ OK RN 5/23/16*  
KATIE RIPPLINGER  
6532 N DOUBLE EAGLE LN  
MERIDIAN, ID 83646  
Point of Diversion NWSW  
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 0.19 CFS  
Total Diversion: 0.23 CFS  
Date Filed: 4/7/2016  
Places of Use: IRRIGATION, DOMESTIC  
T05N R04W S13 NWSW  
Total Acres: 9.5  
Water bearing zone to be appropriated is from 250 to 300 feet.

63-34218 *✓ OK RN 5/23/16*  
TRAVIS PARKIN  
12609 W GAMBRELL ST  
STAR, ID 83669  
Point of Diversion NWSE  
S29 T04N R02W CANYON  
County Source GROUND  
WATER  
Use: COMMERCIAL 01/01 to 12/31 0.04 CFS  
Use: DOMESTIC 01/01 to 12/31 0.16 CFS  
Use: IRRIGATION 03/01 to 11/15 0.32 CFS  
Total Diversion: 0.52 CFS  
Date Filed: 4/13/2016  
Places of Use: DOMESTIC, COMMERCIAL, IRRIGATION  
T04N R02W S29 NWSE  
Total Acres: 15  
Water bearing zone to be appropriated is from 110 to 160 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80024

KASPER LAND & CATTLE LLC, 3349 HILL RD, MELBA, ID 83641, has filed Application No. 80024 for changes to the following water rights within CANYON County(s): Right No(s). 2-7109, 63-

2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099; 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). Transfer 80024 proposes to change the place of use of irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

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/Water-Management/WaterRights](http://www.idwr.idaho.gov/Water-Management/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 application on or before 5/23/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,  
Director

May 5, 12, 2016

1452572

*✓ OK RN 5/23/16*

RECEIVED  
MAY 12 2016  
CANYON COUNTY

