

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34148

Priority: March 03, 2016

Maximum Diversion Rate: 1.00 CFS

This is to certify, that MIKE SKOGSBERG And/Or
DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL ID 83607

has applied for a permit to appropriate water from:

Source: UNNAMED DRAIN

Tributary: BOISE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

WILDLIFE

PERIOD OF USE

11/16 to 02/28

RATE OF DIVERSION

1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED DRAIN SW¼SE¼ Sec. 1, Twp 04N, Rge 04W, B.M. CANYON County

UNNAMED DRAIN SE¼SE¼ Sec. 1, Twp 04N, Rge 04W, B.M. CANYON County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	1																	
											X							X	
											L 2							L 1	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2017**.
2. Subject to all prior water rights.
3. 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.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
6. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

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7. 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.
8. Points of diversion are located on separate unnamed drains.
9. Wildlife use is for waterfowl habitat.

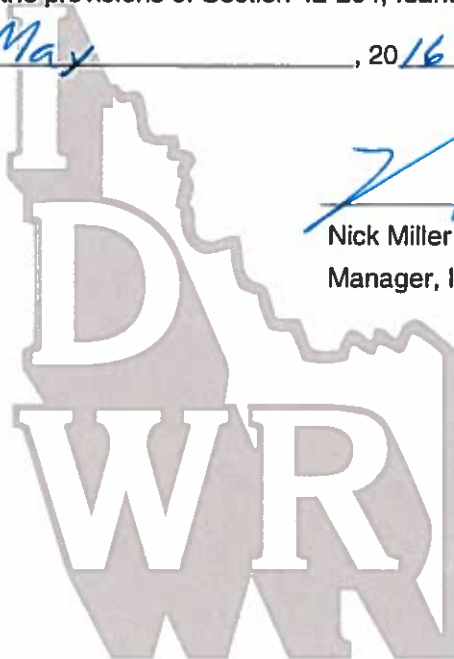
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 18th day of May, 2016.



Nick Miller

Manager, IDWR Western Region

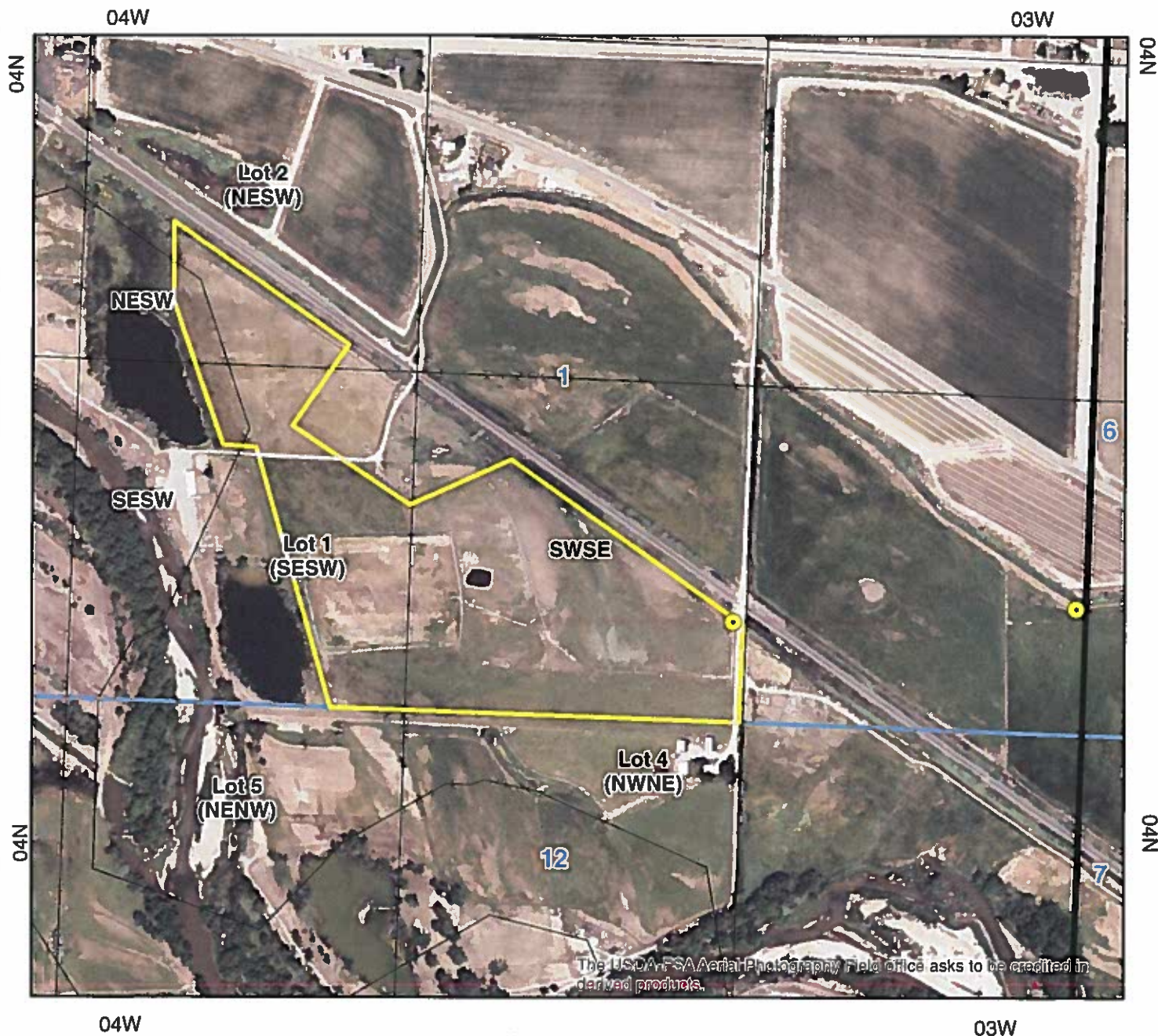


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34148

This map depicts the WILDLIFE 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 0.075 0.15 0.3 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 • Web Site: www.idwr.idaho.gov

May 18, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MIKE SKOGSBERG
23460 STAFFORD RD
CALDWELL ID 83607

DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL ID 83607

RE: Permit No.63-34148

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.

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 Neely for:*

Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 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. 63-34148

**MIKE SKOGSBERG
23460 STAFFORD RD
CALDWELL ID 83607**

**DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL ID 83607**

**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.

RECEIVED

APR 18 2016

WATER RESOURCES
WESTERN REGION

29512 1440411

1 IDAHO DEPT OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705AFFIDAVIT 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.

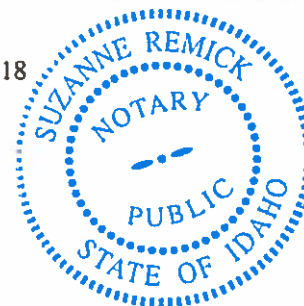
That said notice was published the following:
04/07/2016 04/14/2016

STATE OF IDAHO

County of Canyon)

On this 14th day of April 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.

Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018



LEGAL NOTICE

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

63-34148 *✓ OK RN 4/26/16*
MIKE SKOGSBERG
DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL, ID 83607
Points of Diversion SWSE
SESE S1 T04N R04W
CANYON County Source
UNNAMED DRAIN Tribu
tary BOISE RIVER
Use: WILDLIFE 11/16 to
02/28 1 CFS
Total Diversion: 1 CFS
Date Filed: 9/17/2015
Place of Use: WILDLIFE
T04N R04W S1 L2(NESW)
L1(SESW) SWSE

63-34171 *✓ OK RN 4/26/16*
VALLIVUE SCHOOL DIS
TRICT #139
5207 S MONTANA AVE
CALDWELL, ID 83607
Point of Diversion NWSE
S30 T04N R02W CANYON
County Source GROUND
WATER
Use: IRRIGATION 03/01 to
11/15 0.72 CFS
Total Diversion: 0.72 CFS
Date Filed: 11/27/2015
Place of Use: IRRIGATION
T04N R02W S30 NWSE
TOTAL ACRES: 19
Water bearing zone to be
appropriated is from 50 to
200 feet.
Irrigation of 12 acres will
occur within a 19 acre per
missible place of use.

63-34184 *✓ OK RN 4/26/16*
MOBLEY LLC
120 MOBLEY DR
BOISE, ID 83712
(2)Points of Diversion
NWSW S13 T03N R04W
CANYON County Source
GROUND WATER
Use: IRRIGATION 03/01 to
11/15 0.27 CFS
Total Diversion: 0.27 CFS
Date Filed: 12/28/2015
Place of Use: IRRIGATION
T03N R04W S13 NWSW
Total Acres: 14
Water bearing zone to be
appropriated is from 100 to
500 feet.
Application is for irrigation
within Shiraz Point Subdivi
sion.

63-34188
GAYLE MANUFACTURING
CO
80 N KINGS RD *✓ OK RN 4/26/16*
NAMPA, ID 83687
Point of Diversion NESW
S24 T04N R04W CANYON
County Source GROUND
WATER
Use: FIRE PROTECTION 0
01/01 to 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 1/21/2016
Place of Use: FIRE PRO
TECTION
T04N R04W S24 NESW
Water bearing zone to be
appropriated is from 100 to
150 feet.

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/WaterManagement/WaterRights. 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 4/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

April 7, 14, 2016 1440411

Neely, Rachel

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Thursday, April 07, 2016 8:10 AM
To: Neely, Rachel
Subject: RE: Applications for Permits, & Applications for Transfers

Rachel,

I have reviewed these and have no objections as long as standard watermaster rules apply.

Rex R. Barrie
Boise River Watermaster

From: Neely, Rachel [<mailto:Rachel.Neely@idwr.idaho.gov>]
Sent: Friday, April 01, 2016 9:34 AM
To: waterdistrict63@qwestoffice.net
Subject: Applications for Permits, & Applications for Transfers

April 1, 2016

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Applications for Permit No's. 63-34017, 63-34025, 63-34148, 63-34182, & 63-34208
Applications for Transfer No's. 79391 & 80028

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form for each, and submit your reply, if any, to this office by April 25, 2016.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov