

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-34121

Priority: April 14, 1993

Maximum Diversion Rate: 0.20 CFS

This is to certify, that JIM FAY VALENTINE
14284 W LEWIS LN
NAMPA ID 83686

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SE¼ Sec. 10, Twp 02N, Rge 03W, 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	03W	10																10.0	10.0

Total Acres: 10.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 01, 2018.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Water bearing zone to be appropriated is 300 to 500 feet.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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 lands above.

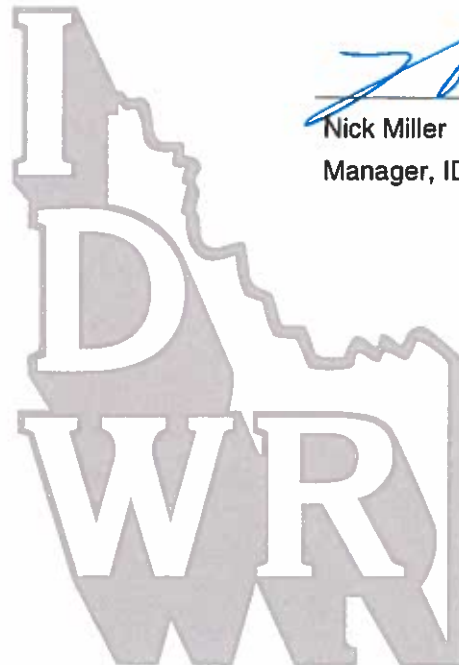
State of Idaho
Department of Water Resources
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NO. 63-34121

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

Signed this 15th day of March, 20 16.



A handwritten signature in blue ink, appearing to read 'Nick Miller', written over a horizontal line.

Nick Miller

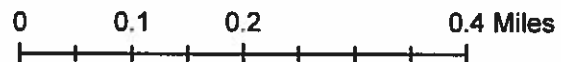
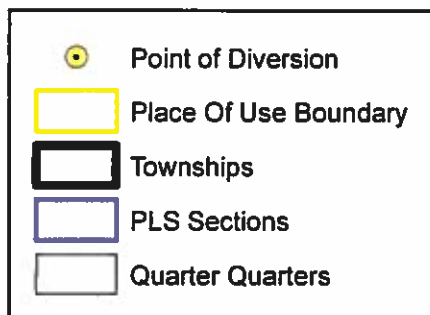
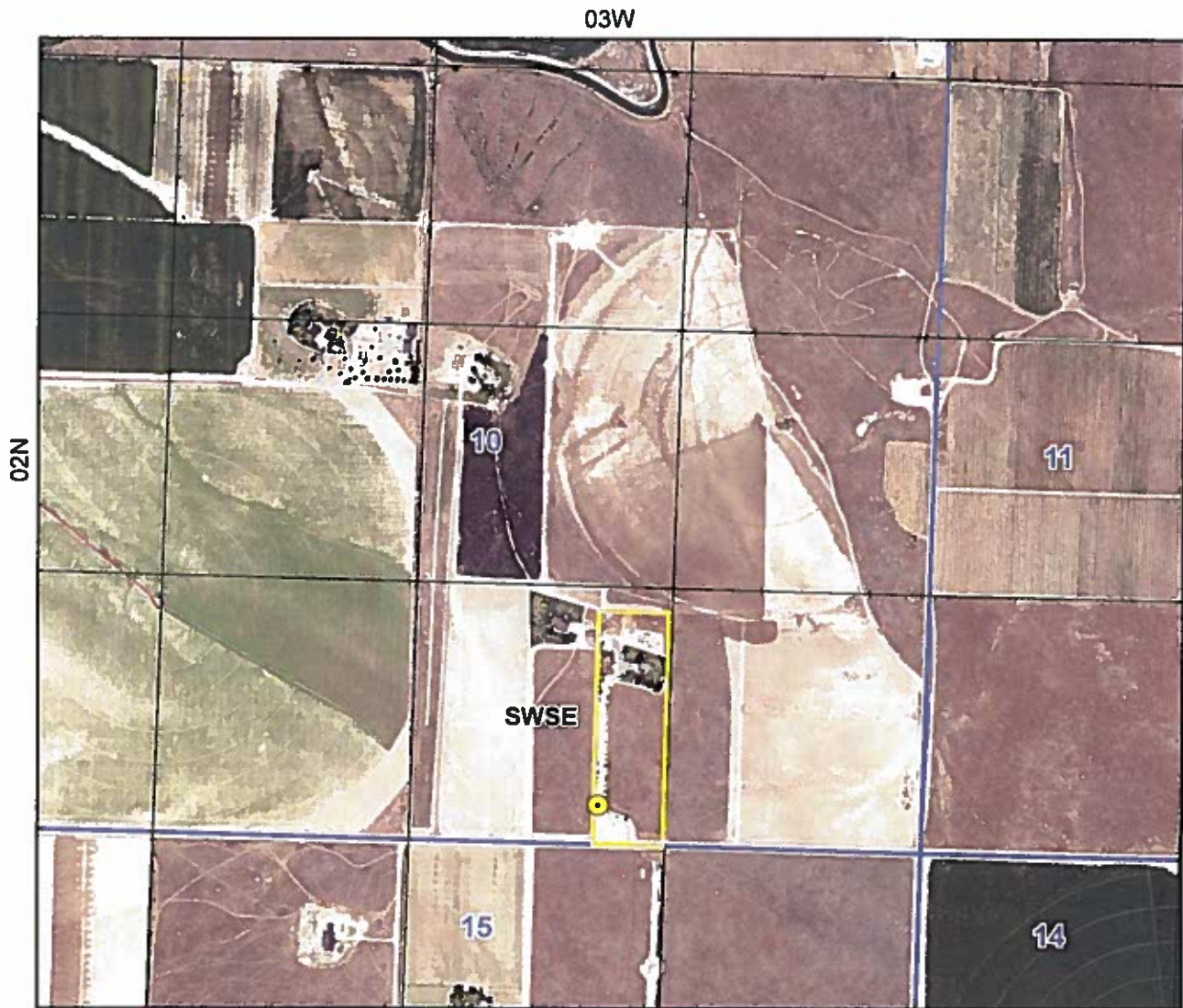
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34121

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.





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 17, 2016

JIM FAY VALENTINE
14284 W LEWIS LN
NAMPA ID 83686

RE: Permit No.63-34121

Amended 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,

 Rachel Neely for:

Nick Miller

Western Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amended Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-34121

**JIM FAY VALENTINE
14284 W LEWIS LN
NAMPA ID 83686**



**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.

29512 1418653

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

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

RECEIVE

FEB 29 2016

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-33640

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Point of Diversion L9(SWSW) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 3 CFS
Use: RECREATION 09/15 to 02/28 3 CFS
Use: RECREATION STORAGE 01/01 to 12/31 129.9 AF
Use: WILDLIFE 09/15 to 02/28 3 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 129.9 AF
Total Diversion: 3 CFS
Date Filed: 4/9/2012
Places of Use: WILDLIFE, RECREATION, RECREATION
STORAGE, WILDLIFE STORAGE
T05N R05W S25 L5(SENW) L4(NESW) L8(NWSW) L
(SWSW) L3(SESW) L2(SWSE)

63-33641

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Point of Diversion L6(SWNW) S30 T05N R04W CANYON
County Source SAND HOLLOW CREEK Tributary BOISE
RIVER
Point of Diversion SWNE S30 T05N R04W CANYON County
Source SAND HOLLOW CREEK Tributary BOISE RIVER
Point of Diversion L9(SESW) S30 T05N R04W CANYON
County Source UNNAMED SLOUGH Tributary BOISE RIVER
Use: RECREATION 09/15 to 02/28 7.5 CFS
Use: WILDLIFE 09/15 to 02/28 7.5 CFS
Use: WILDLIFE STORAGE 03/01 to 08/31 176.5 AF
Total Diversion: 7.5 CFS
Date Filed: 4/9/2012
Place of Use: WILDLIFE STORAGE
T05N R05W S25 NWNE NENW L5(SWNW) L5(SENW) L
(NESW) L4(NWSW) L3(SESW) L2(SWSE)
Places of Use: WILDLIFE, RECREATION
T05N R05W S25 NWNE SWNE SENE NENW L6(NWNW)
L5(SWNW) L5(SENW) L4(NESW) L4(NWSW) L3(SWSW)
L3(SESW) L1(NESE) NWSE L2(SWSE) L1(SESE)
Applicant proposes to flood 50 acres within the place of use
for wildlife and recreation purposes.

63-33642

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Points of Diversion NENE NENE NWNE NWNE NENW L
(NESW) S25 T05N R05W CANYON County Source
GROUND WATER
Use: DIVERSION TO STORAGE 09/15 to 02/28 1 CFS
Use: RECREATION 09/15 to 02/28 1 CFS
Use: RECREATION STORAGE 01/01 to 12/31 130 AF
Use: WILDLIFE 09/15 to 02/28 1 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 130 AF
Total Diversion: 1 CFS
Date Filed: 4/9/2012
Place of Use: WILDLIFE, RECREATION
T05N R05W S25 NWNE SWNE SENE NENW L6(NWNW)
L5(SWNW) L5(SENW) L4(NESW) L4(NWSW) L3(SWSW)
L3(SESW) L1(NESE) NWSE L2(SWSE) L1(SESE)
Places of Use: RECREATION STORAGE, WILDLIFE STO
AGE
T05N R05W S25 NWNE NENW L5(SWNW) L5(SENW) L
(NESW) L4(NWSW) L3(SESW) L2(SWSE)
Water bearing zone to be appropriated is from 15 to 300 feet.
Applicant proposes to flood 50 acres within the place of use
for wildlife and recreation purposes.

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:
02/18/2016 02/25/2016

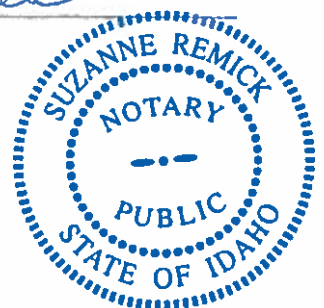
STATE OF IDAHO

County of Canyon

On this 25th day of February 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



63-33908

PLACES LLC

PO BOX 300

PARMA, ID 83680

Points of Diversion SWNE SWNW NESW NESW NWSW

NESE S5 T05N R05W CANYON County Source UNNAMED

DRAIN Tributary SAND HOLLOW CREEK

Use: AESTHETIC 01/01 to 12/31 1.2 CFS

Use: AESTHETIC 09/01 to 02/28 5.8 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 167.7 AF

Use: RECREATION 01/01 to 12/31 1.2 CFS

Use: RECREATION 09/01 to 02/28 5.8 CFS

Use: RECREATION STORAGE 01/01 to 12/31 167.7 AF

Use: WILDLIFE 01/01 to 12/31 1.2 CFS

Use: WILDLIFE 09/01 to 02/28 5.8 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 167.7 AF

Total Diversion: 7 CFS

Date Filed: 1/29/2014

Places of Use: RECREATION STORAGE, WILDLIFE STORAGE, WILDLIFE, RECREATION, AESTHETIC, AESTHETIC STORAGE

T05N R05W S5 SWNE SWNW SENW NESW NWSW NESE NWSE

63-34187

MARK S TRACY

10506 FARNER RD

NAMPA, ID 83686

Point of Diversion SWNW S10 T02N R03W CANYON County Source WASTE WATER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2 CFS

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 90 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 117 AF

Total Diversion: 2 CFS 117 AF

Date Filed: 1/13/2016

Place of Use: IRRIGATION STORAGE

T02N R03W S10 SWNW

Place of Use: IRRIGATION FROM STORAGE

T02N R03W S10 SWNW SENW NESW NWSW

Total Acres: 91

PROPOSED AMENDMENT OF WATER PERMITS

Jim Fay Valentine of 14284 W Lewis Ln Nampa ID 83686 filed Application No. 80668 on 2/8/16 to amend a water permit no. 63-34121 with a 1993 priority from ground water totaling 0.20 cfs for irrigation of 10 acres. The permit provides irrigation water for property located near the northwest corner of the intersection of Lewis Ln and Pump Rd approximately 1.5 miles south of Lake Lowell. The applicant proposes to amend the permit to add a new well as a point of diversion on his property. The water bearing zone to be appropriated is 300 to 500 feet per existing permit condition. The new well is also proposed to serve as the irrigation well for water permit no. 63-34120 per amendment of permit Application No. 80669 filed 2/8/16 by Jeffrey J. Danielson of 14370 Lewis Ln Nampa ID 83686. Water permit no. 63-34120 with a 1993 priority from ground water totaling 0.20 cfs authorizes irrigation of 10 acres of property directly west of and adjacent to Jim Fay Valentine's property.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80630

The City of Middleton, of P.O. Box 487, Middleton, ID 83644, has filed application no. 80630 to add an additional well in the NWNE of Sec. 18 T4N R2W and connect/list all of the City's municipal wells under all of their municipal water rights as a common system. A total of 9.44 cfs is authorized under the City's rights. Priorities of the rights are between 1936 and 2005. No other changes proposed. To see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx

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), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov/WaterManagement/WaterRights.

Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. 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 3/07/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 18, 25, 2016

1418653

✓OK RN 3/8/16

✓OK RN 3/8/16

✓OK RN 3/8/16

✓OK RN 3/8/16