

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34138

Priority: September 02, 2015

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JUSTIN CHRISTENSEN AND
SUNNY CHRISTENSEN
8571 BENNETT RD
NAMPA ID 83686

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
HEATING	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 02N, Rge 02W, B.M. CANYON County**PLACE OF USE:** DOMESTIC AND HEATING

Twp Rge Sec	NE	NW	SW	SE	Totals
02N 02W 34	X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2021**.
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. Domestic use is for 1 home and 1 shop and does not include lawn, garden, landscape, or other types of irrigation.
6. Low temperature geothermal water diverted under this right shall not be used for domestic purposes unless it is first used for heating purposes.
7. Heating use is for 1 single family home and 1 shop.

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

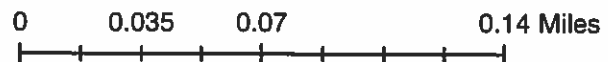
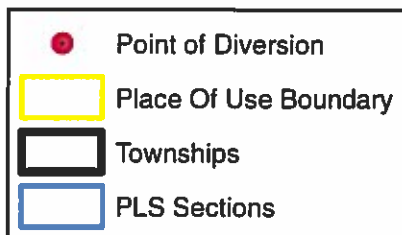
Signed this 25th day of January, 2016.

 Nick Miller

Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34138

This map depicts the DOMESTIC and HEATING 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

January 25, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JUSTIN CHRISTENSEN
SUNNY CHRISTENSEN
8571 BENNETT RD
NAMPA ID 83686

RE: Permit No.63-34138

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,

 Rachel Neely for:

Nick Miller
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 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.

63-34138

**JUSTIN CHRISTENSEN
SUNNY CHRISTENSEN
8571 BENNETT RD
NAMPA ID 83686**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**



**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 1386533

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

Rae Barbosa
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

RECEIVED

JAN 04 2016

WATER RESOURCES
WESTERN REGION

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:

12/03/2015 12/10/2015

Rae Barbosa
STATE OF IDAHO)

County of Canyon)

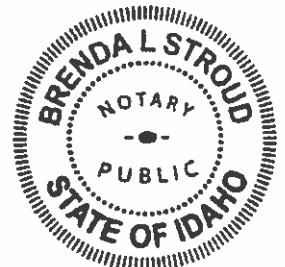
On this 28th day of December in the year of
2015 before me a Notary Public, personally appeared.

Rae Barbosa, 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



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

63-34138

JUSTIN CHRISTENSEN
SUNNY CHRISTENSEN
8571 BENNETT RD
NAMPA, ID 83686

Point of Diversion NENW S34 T02N R02W CANYON County
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: HEATING 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 9/2/2015

Places of Use: DOMESTIC, HEATING

T02N R02W S34 NENW

Water bearing zone to be appropriated is from 154 to 242 feet.

63-34139

DIXIE LAND LLC

22993 HOWE RD

CALDWELL, ID 83607

Point of Diversion L1(NENE) S1 T04N R05W CANYON

County Source NORTH DRAIN Tributary DIXIE SLOUGH

Use: IRRIGATION 03/01 to 11/15 1.06 CFS

Total Diversion: 1.06 CFS

Date Filed: 9/8/2015

Place of Use: IRRIGATION

T04N R05W S1 L1(NENE) L2(NWNE)

Total Acres: 53

63-34142

SCHOBER & SON LLC

430 AURORA DR

NAMPA, ID 83686

Point of Diversion SWSE S19 T03N R02W CANYON County

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.94 CFS

Total Diversion: 0.94 CFS

Date Filed: 9/14/2015

Place of Use: IRRIGATION

T03N R02W S19 NWSE SWSE

Total Acres: 47

Water bearing zone to be appropriated is from 100 to 350 feet.

63-34147

MIKE SKOGSBERG

DIAMOND S FARMS LLC

23460 STAFFORD RD

CALDWELL, ID 83607

Point of Diversion SENE S25 T05N R04W CANYON County

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 3 CFS

Total Diversion: 3 CFS

Date Filed: 9/17/2015

Place of Use: IRRIGATION

T05N R03W S30 L2(SWNW) NESW L3(NWSW)

T05N R04W S25 SWNE SENE SWSW SESW NESE SESE

Total Acres: 301

Water bearing zone to be appropriated is from 40 to 240 feet.

Applicant proposes irrigating 200 acres.

63-34161

AMELIA RASMUSSEN

TIMOTHY RASMUSSEN

1281 LA REATA WAY

MIDDLETON, ID 83644

Point of Diversion SWSE S2 T05N R03W CANYON County

Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.26 CFS

Date Filed: 11/4/2015

Places of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R03W S2 SWSE

Total Acres: 10

Water bearing zone to be appropriated is from 200 to 450 feet.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-2712 with a 1950 priority from ground water totaling 1.80 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-2955 with a 1953 priority from ground water totaling 5.00 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-3099 with a 1956 priority from ground water totaling 3.70 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 2-7109 with a 1973 priority from the Snake River totaling 11.87 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Stephen H and Connie J Farden of 1708 Primrose Drive, Nampa, ID 83686 filed an application on 10-28-15 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-34150 with a 1963 priority from ground water totaling .08 cfs. The right holder is a new property owner who desires to put the 2009 decreed right to use, but needs time to repair the system. The right serves property located on the corner of Primrose Drive and South Powerline Road in Nampa.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

John P and Shauna R Mullins of 3423 Portland Ave, Nampa, ID 83686 filed an application on 10-29-15 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-34151 with a 1963 priority from ground water totaling .07 cfs. The right holder is a new property owner who desires to put the 2009 decreed right to use, but needs time to repair the system. The right serves property located on the corner of Primrose Drive and South Powerline Road in Nampa.

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 extension(s) please see 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 application on or before 12-21-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

December 03, 10, 2015

1386533

RECEIVED

JAN 04 2016

WATER RESOURCES
WESTERN REGION