

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 3-10278

Priority: November 26, 2014

Maximum Diversion Rate: 0.16 CFS

This is to certify, that MARTY AND/OR
ELLEN OVERLIN
2108 SHELLEY DR
PAYETTE ID 83661

has applied for a permit to appropriate water from:

Source: SNAKE RIVER **Tributary to:** COLUMBIA RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L3 (SE1/4NE1/4) Sec. 35, Twp 10N, Rge 05W, B.M. WASHINGTON 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	
10N 05W 35				3													3
10N 05W 36				L 3			5										5

Total Acres: 8

CONDITIONS OF APPROVAL

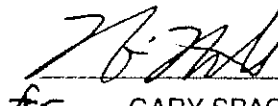
1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2020**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. 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 place of use.
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.

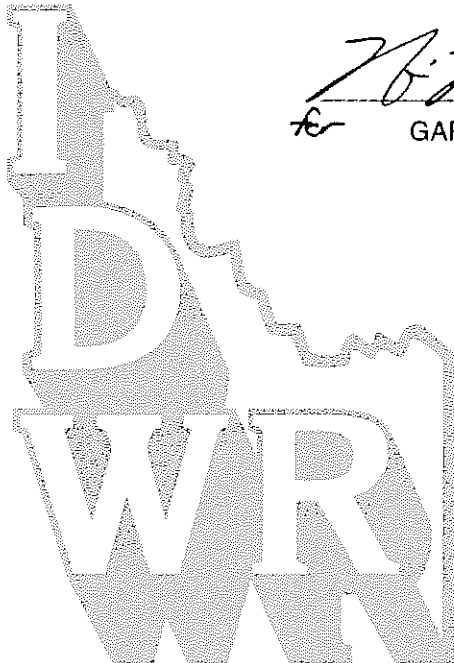
State of Idaho
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6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water 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. Witness the signature of the Director, affixed at Boise, this 18th day of June, 2015.


for GARY SPACKMAN, Director





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 18, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MARTY OVERLIN
ELLEN OVERLIN
2108 SHELLEY DR
PAYETTE ID 83661

RE: Permit No. 3-10278

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 Neely for:

Nick Miller
Western Region Manager

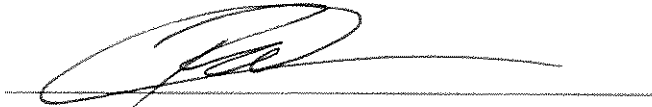
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2015 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. 3-10278

**ELLEN OVERLIN
MARTY OVERLIN
2108 SHELLEY DR
PAYETTE ID 83661**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant I**

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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
 County of Washington) ss.

Sarah Boles, being duly sworn,
 deposes and says:

That she is the Clerk of
 THE WEISER SIGNAL AMERICAN, a weekly newspaper
 published at Weiser, in the County of Washington and State of
 Idaho; that said paper has been and is in general circulation in
 the county aforesaid, and in the vicinity of Weiser; that the ad-
 vertisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in
 the regular and entire issue of said paper during the period and
 time of publication, and was published in the newspaper proper
 and not in a supplement; that said paper has been established
 and regularly published for more than seventy-eight consecutive
 weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 15, 2015

and ending

with the issue of April 22, 2015

Sarah Boles

Fees, \$ 124.93

Subscribed and sworn to before me this 22

date of April 2015

Stephanie McDaniel

Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18

No.

The following application has been filed to appropriate the
 public waters of the State of Idaho:

3-10278

MARTY OVERLIN

ELLEN OVERLIN

2108 SHELLEY DR

PAYETTE, ID 83661

Point of Diversion L3(SENE) S35 T10N R05W WASHING-
 TON County Source SNAKE RIVER Tributary COLUMBIA
 RIVER

Use: IRRIGATION 03/01 to 11/15 0.16 CFS

Total Diversion: 0.16 CFS

Date Filed: 11/26/2014

Place of Use: IRRIGATION

T10N R05W S35 L3(SENE)

T10N R05W S36 SWNW

Total Acres: 8

Permits will be subject to all prior water rights. For additional
 information concerning the property location, contact West-
 ern Region office at (208) 334-2190; or for a full description
 of the right(s), please see [www.idwr.idaho.gov/WaterMan-
 agement/WaterRights/#NewListings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). Protests may be sub-
 mitted based on the criteria of Idaho Code § 42-203A. Any
 protest against the approval of this application 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 5/4/2015. The
 protestant must also send a copy of the protest to the appli-
 cant.

GARY SPACKMAN, Director

Published on 4/15/2015 and 4/22/2015

15-2S

RECEIVED

MAY 04 2015

WATER RESOURCES
 WESTERN REGION

OK 5-19-15

RN

