

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22931

Priority: November 02, 2004

Maximum Diversion Rate: 0.05 CFS

It is hereby certified that GRAYCE GUILLES And EVELYN JORDAN
1032 VANDERDASSON RD
EMMETT ID 83617 have complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated November 02, 2004; and have submitted Proof of
Beneficial Use on September 25, 2014. An examination confirms water is diverted from:

SOURCE

PAYETTE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.05 CFS

LOCATION OF POINTS OF DIVERSION:

PAYETTE RIVER L5 (NW1/4SW1/4) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County (Injection)

PAYETTE RIVER L5 (NW1/4SW1/4) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County

PAYETTE RIVER SW1/4NW1/4 Sec. 9, Twp 06N, Rge 02W, B.M., GEM County (Rediversion)

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	
06N 02W 8				1.5													1.5
06N 02W 9							1.0										1.0

Total Acres: 2.5

CONDITIONS OF APPROVAL

1. 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. 65.
2. Water diverted from the Payette River under this permit is injected into Sevenmile Slough which conveys the water to the point of rediversion from the Sevenmile Slough to irrigate the place of use. Water shall not be diverted from Sevenmile Slough unless an equal amount of Payette River water is being injected into Sevenmile Slough.
3. Upon future notification, the right holder shall install and maintain acceptable measuring devices at the point of diversion from Payette River and at the point of rediversion from Sevenmile Slough.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
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WATER RIGHT NO. 65-22931

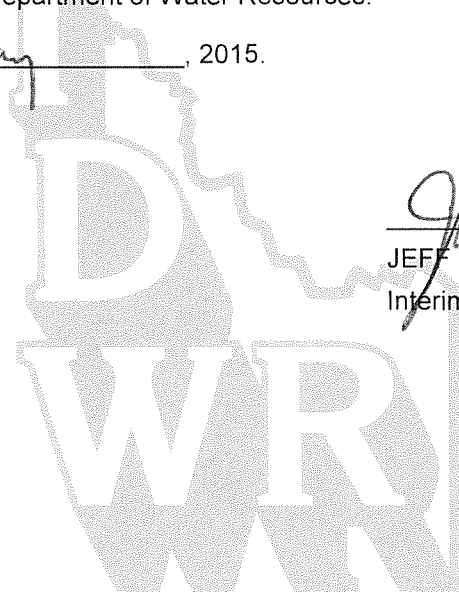
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 20th day of May, 2015.



JEFF PEPPERSACK
Interim Western Region Manager



RECEIVED

APR 20 2015

WATER RESOURCES
WESTERN REGIONState of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-22931

Date of Priority: November 02, 2004

Maximum Diversion Rate: 0.05 CFS

Comes now MICHAEL KELLEY

5881 HWY 20

UKIAH CA 95482-9251

And

CYNTHIA KELLEY

1032 VANDERDASSON RD

EMMETT ID 83617 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-22931, and requests that the permit be changed as follows:

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.05 CFS

LOCATION OF POINTS OF DIVERSION:

PAYETTE RIVER L5 (NW1/4SW1/4) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County (Injection)

PAYETTE RIVER L5 (NW1/4SW1/4) Sec. 10, Twp 06N, Rge 02W, B.M., GEM County

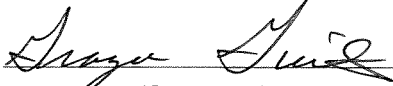
PAYETTE RIVER SW1/4NW1/4 Sec. 9, Twp 06N, Rge 02W, B.M., GEM County (Rediversion)

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	
06N 02W 8				1.5													1.5
06N 02W 9							1.0										1.0

Total Acres: 2.5

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 2015.


(Signature)

APR 20 2015

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-22931

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$25⁰⁰ Received by JMH # C099728 Date 12/19/14
\$75.00 CJ W043041 4/27/15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, JEFF PEPPERSACK, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-22931 with the following:

CONDITIONS OF APPROVAL

1. 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. 65.
2. Water diverted from the Payette River under this permit is injected into Sevenmile Slough which conveys the water to the point of rediversion from the Sevenmile Slough to irrigate the place of use. Water shall not be diverted from Sevenmile Slough unless an equal amount of Payette River water is being injected into Sevenmile Slough.
3. Upon future notification, the right holder shall install and maintain acceptable measuring devices at the point of diversion from Payette River and at the point of rediversion from Sevenmile Slough.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Witness my hand this 20th day of May, 2015.


JEFF PEPPERSACK
Interim Western Region Manager



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

May 21, 2015

GRAYCE GUILLES
EVELYN JORDAN
1032 VANDERDASSON RD
EMMETT ID 83617

RE: License No. 65-22931

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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:

Jeff Peppersack
Interim Manager, Western Region

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22931

**EVELYN JORDAN
GRAYCE GILES
1032 VANDERDASSON RD
EMMETT ID 83617**

**RON SHURTLEFF
102 N MAIN
PAYETTE ID 83661**

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

**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.

BENEFICIAL USE FIELD EXAM CHECKLIST

Permit # 65-22931

EXAM FILE PREP

- ☒ Copy of original application for permit
- ☒ Copy of permit approval & proof report
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Assignments/Ownership Docs
- ☒ Exam Fee Required \$ 50.⁰⁰ Exam Fee Paid \$ 50.⁰⁰
- ☒ P/D Overlap Summary none
- ☒ P/U Overlap Summary none
- ☒ Other permits, same owner, need exam none
- ☒ Aerial Photo
- ☒ Topo map
- ☒ BLM Gov't Lot (Section)
- ☒ Blank field report
- ☒ Well Inspection form N/A
- ☒ Well log N/A

ADDITIONAL INFORMATION/REMARKS/NOTES

- modify measurement device condition for point of re diversion to "upon future notification install." language.
- licensing amendment for P.O.D (redirection) required
- in cover letter, w/ licensing amendment, need to request deed to complete ownership change, at licensing

PRE-LICENSING

(initial & date)

Fully completed & signed field report form	<u>DM</u>	<u>2-13-15</u>
Draft license & shape done in Workflow	<u>DM</u>	<u>2-5-15</u>
Exam-date data entered	<u>DM</u>	<u>2-5-15</u>

4/2014

IN-OFFICE BENEFICIAL USE EXAM REPORT

Permit No. 65-22931

Prepared by Danie Merriman

Date 02-13-15

Same as permit Different than permit

Owner Name ☐ ☒ Grayce Guiles and Eveyln Jordan- Ownership
Change submitted with proof of beneficial use
Owner Address ☒ ☐ _____
Source ☒ ☐ _____
Tributary ☒ ☐ _____
POD ☐ ☒ 06N02W9 SWNW (rediversion)
POU ☒ ☐ Only irrigating 2.5 acres of original 6 permitted
Beneficial Use(s) ☒ ☐ Recommend .05 CFS (2.5 acres x .02 cfs/acre)

Exam Fee Required for Permitted Rate \$50

Exam Fee Paid \$50

Overlaps ☒ No ☐ Yes, summarize 65-3690, 65-3691 same QQ
different lot. Within service area of Bilbrey Ditch Co. Ltd. but does not have shares

Amendment ☐ No ☒ Yes, summarize Point of rediversion is different than
permitted

Technical Confirmation Tools

ArcMap	☒	GPS	☒
Taxlot	☐	Photos	☒
Well Log	☐	Diagrams	☐
Other	☒	explain: <u>site visit on 2/3/15</u>	

Conditions/Comments See attached comments

Exam Date Entered ☒

Draft License Created ☒

Shapes Updated ☒

Danie Merriman *2-13-15*

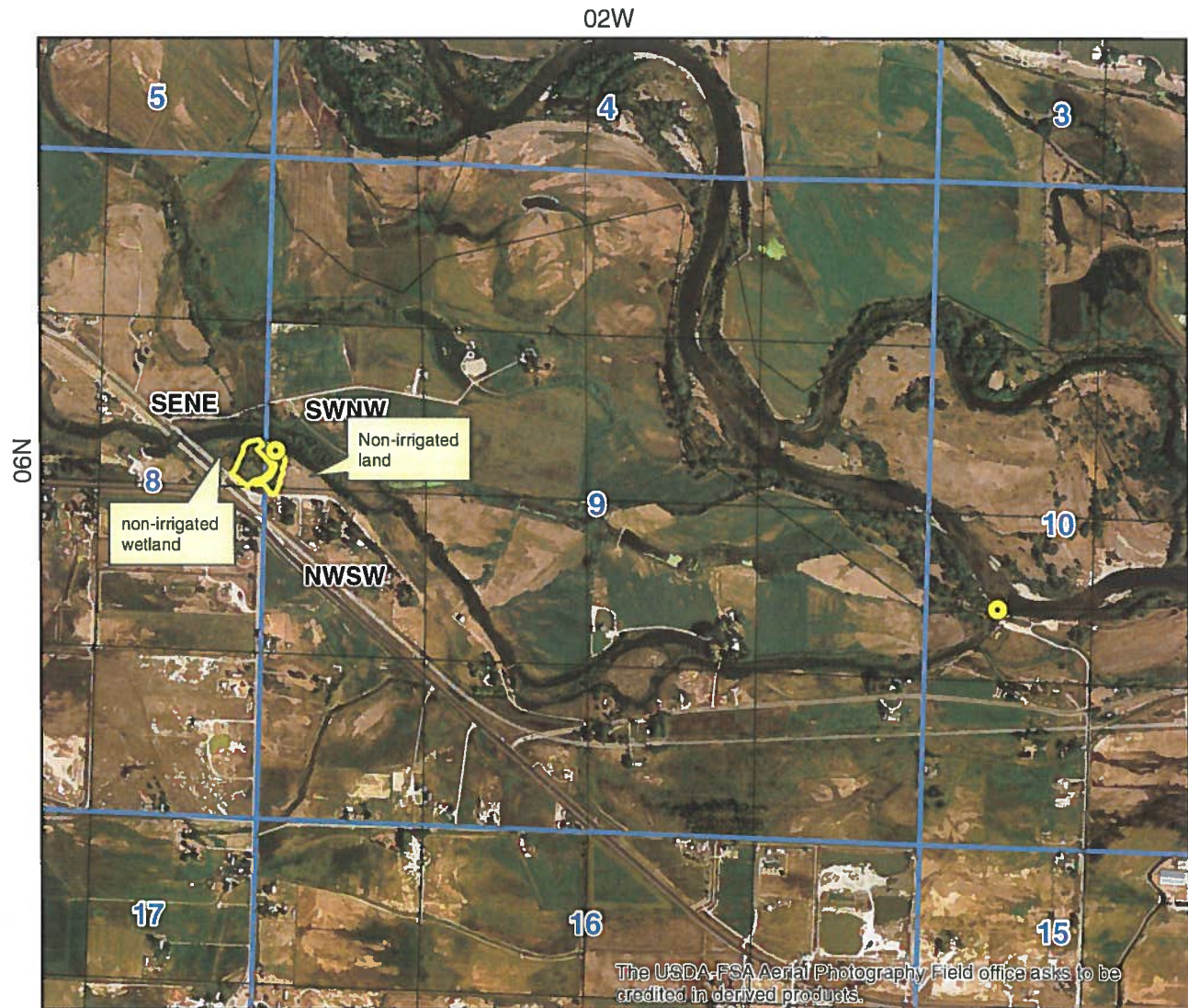
State of Idaho
Department of Water Resources
Beneficial Use Field Exam Notes
65-22931

Diversion/injection location: N. 43° 52' 11.4600" W. -116° 34' 12.700"
Rediversion location: N. 43° 52' 22.3680" W. -116° 35' 31.5600".

Less than .1 acre of irrigated land lies outside of permitted POU, based on ArcMap PLS lines. Recommend including this land with SWNW section 9 due to variations/inaccuracies in projections of PLS lines. It appears the lines are shifted because they do not line up with the aerial photo. Far west of property is unirrigated wetland and far east is unirrigated and undeveloped stubblefield. Total land irrigated is 2.5 acres. 1.5 acres are in T06N R02W Section 8 SENE and 1 acre is in T06N R02W Section 9 SWNW. Recommend changing diverted amount to .05 cfs.

Measurement device installed at POD/injection (a gauge station on the Payetter River). Diversion pump and injection are at the same location. Pump feeds a sprinkler system directly and includes newer model orbit sprinkler heads. No measuring device installed at point of rediversion. Modify condition #4 (X11) from, "right holder shall install and maintain acceptable measuring devices," to, "right holder, upon future notification, shall install and maintain acceptable measuring devices," as confirmed by water master Ron Shurtleff per phone conversation on 2-12-15 at 11:00 am.

State of Idaho
Department of Water Resources
Water Right License
65-22931



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

0 0.175 0.35 0.7 Miles



State of Idaho
Department of Water Resources
Beneficial Use Field Exam Pictures
65-22931



(65-22931, 2/3/15) Lockable head gate and gauge station at point of diversion
(43° 52' 11.4600", -116° 34' 12.7200".) At the confluence of the Payette River and Sevenmile Slough on
02/03/15.



(65-22931, 2/3/15) Gauge station and stationary water depth measurer at point of diversion
(43° 52' 11.4600", -116° 34' 12.7200".) At the confluence of the Payette River and Sevenmile Slough on
02/03/15.



(65-22931, 2/3/15) Wooden vault where motor for point of redirection is located, 15' below surface level, before connecting to sprinkler system. Pump on right side of picture is from older uses and is no longer used.
(43° 52' 22.3680", -116° 35' 31.5600".)



(65-22931, 2/3/15) East side of property that is irrigated. Far left of picture shows boundary between irrigated yard and unirrigated land.



(65-22931, 2/3/15) West side of property that is irrigated. Far right of picture shows boundary with wetland that is not irrigated.



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

April 21, 2015

GRAYCE GUILLES AND EVELYN JORDAN
1032 VANDERDASSON RD
EMMETT ID 83617

RE: Water Right Permit No. 65-22931

Ladies:

We received a partial copy of the deed of your property this morning, the signed application for amendment form, information you received from Water District 65 regarding your rental pool water, and a \$25.00 filing fee for something.

We are returning the information you submitted in regard to your rental pool water since we do not need this information in our records. We also see in your note submitted with the above documents that you have questions in regard to the waiver of the measuring device condition on your permit. The Department plans to modify the measuring device condition when we issue the license with the following language:

Upon future notification, the right holder shall install and maintain acceptable measuring devices at the point of diversion from Payette River and at the point of rediversion from Sevenmile Slough.

We must have a copy of "Exhibit A" that is supposed to be attached to your warranty deed. As mentioned above, we only received a partial copy of your deed. Without the attachment we have no way of knowing where the property you purchased is located. Please submit that attachment at your earliest convenience.

We also found you had signed the Application for Amendment that we sent to you. The filing fee for the amendment form is \$100.00. You submitted a check for \$25.00 that we assume is partial payment for the amendment form. Please submit an additional \$75.00 so we can complete the licensing of the above referenced permit.

If you have any questions, please feel free to call me at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

I called Mr. Shurtleff (Water Master) District #65,
He thought, I was watering ⑥ acres!

I was watering ② acres

So, After Inspectors left the property, they
wanted Mr. Shurtleff to email a "Waiver" —
and He Did that!

Pls call Him to verify —
He knows me

Thanks
GG

RECEIVED

APR 20 2015

WATER RESOURCES
WESTERN REGION



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

April 15, 2015

GRAYCE GUILLES AND EVELYN JORDAN
1032 VANDERDASSON RD
EMMETT ID 83617

RE: Water Right Permit No. 65-22931

Ladies:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, this permit must be amended to depict your water use as it was actually developed. Based on the examiner's report, the point of re-diversion was developed differently than described on this permit. It was permitted within the SENE, Sec. 9 but developed in the SWNW, Sec. 9, Twp. 6N, Rge. 2W.

We also notice that you have attempted to submit a "Notice of Change in Water Right Ownership" form several times. We are enclosing a copy of the form, as submitted, for your information. Please note that we cannot process this request without a copy of a deed showing you are the current owners of the property. The deed previously submitted shows the property going from James Stewart to Michael Kelley and Cynthia Kelley. We do not have anything in our records to show you purchased the property from Mr. and Mrs. Kelley. Please submit a copy of a deed that shows you are now the property owners and we will proceed with the ownership change. Until that is completed, you can sign the amendment form and a license can be issued in the name of the Kelley's.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures