

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-33911

Priority: February 03, 2014

Maximum Diversion Rate: 2.40 CFS

This is to certify, that A J P FARMS INC
23546 HARTLEY LN
MIDDLETON ID 83644

And

JLP FARMS INC
ATTN JERRY PAYNE
27333 FOUNTAIN RD
PARMA ID 83660

have applied for a permit to appropriate water from:

Source: GROUND WATER

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

2.40 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE1/4NE1/4 Sec. 18, Twp 05N, Rge 04W, 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		
05N 04W 18	40.0	40.0	40.0	36.0													30.0	186.0

Total Acres: 186

CONDITIONS OF APPROVAL

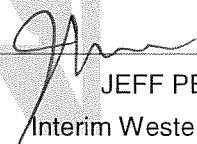
1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2015**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Right holder shall comply with the drilling permit requirements of Section 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.

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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.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 837.0 af at the field headgate for the place of use.
10. Use of this right is combined with water from Black Canyon Irrigation District.
11. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of April, 20 15.



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

April 24, 2015

A J P FARMS INC
23546 HARTLEY LN
MIDDLETON ID 83644

JLP FARMS INC
ATTN JERRY PAYNE
27333 FOUNTAIN RD
PARMA ID 83660

RE: Permit No.63-33911

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of 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.

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,

Jeff Peppersack
Interim Manager, Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-33911

**A J P FARMS INC
23546 HARTLEY LN
MIDDLETON ID 83644**

**JLP FARMS INC
ATTN JERRY PAYNE
27333 FOUNTAIN RD
PARMA ID 83660**

A handwritten signature in black ink, reading "Rachel Sommer", is positioned above a horizontal line.

**Rachel Sommer
Water Resource Agent**

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

FEB 25 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) JLP Farms Inc. Attn: Jerry Payne & A J P Farms Inc. Phone (208) 941-1489
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address 27333 Fountain Rd / 23546 Hartley Ln City Parma / MiddletonState ID Zip 83660 / 83644 Email: _____I am the owner of Water Appropriation Permit No. 63-33911 and request that the permit be amended as follows:

- ☒ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☐ Change nature of use ☐ Change place of use ☐ Other _____

1. **Point of diversion:** ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
05N	04W	18			NE	NE	Canyon	Ground Water	D0068880

2. **Period and nature of use:** ☒ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. **Place of use or land to be irrigated:** ☒ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

2/23/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	A J P FARMS INC 23546 HARTLEY LN MIDDLETON, ID 83644 (208)585-5834

4. **Property ownership:** ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

a. Who owns the property at the point of diversion? A J P Farms, Inc.

b. Who owns the land to be irrigated or place of use? A J P Farms, Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

5. **Describe the proposed change in narrative form:**

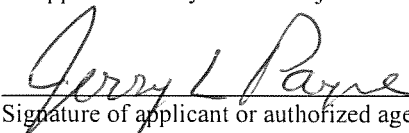
Anticipated drilling well in the NWNE Sec 18 T05N R04W. Actual drilling site selected ~ 250 ft to the east within a
different 40 acre-tract. Need to correct the PLS location for this permit point of diversion.

6. **Map:** ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and $\frac{1}{4}$ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

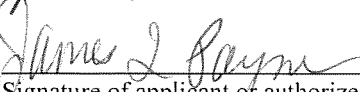
7. **Signature:**

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

X 
Signature of applicant or authorized agent

Jerry L. Payne, Pres. JLP Farms, Inc.
Print name (and title, if applicable)

2-23-15
Date

X 
Signature of applicant or authorized agent

James L. Payne, Pres. A J P Farms, Inc.
Print name (and title, if applicable)

2-23-15
Date

FOR DEPARTMENT USE ONLY

Received by J. Strange

Date 2-25-2015

Received by J. Strange

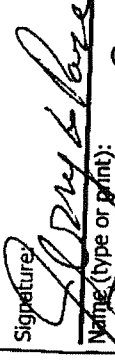
Date 2-25-2015

Receipt No. W042850

Reviewed by JS

Date 3-4-2015

No. C 43195	Due no later than Dec 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. A-J-P FARMS, INC. JAMES L PAYNE 23546 HARTLEY LN MIDDLETON ID 83644 USA		JAMES L PAYNE 23546 HARTLEY LN MIDDLETON 83644			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
SECRETARY	GLENDA K PAYNE	23546 HARTLEY LANE	MIDDLETON	ID	USA	83644
PRESIDENT	JAMES L PAYNE	23546 HARTLEY LANE	MIDDLETON	ID	USA	83644
5. Organized Under the Laws of: ID C 43195		6. Annual Report must be signed.* Signature: James L Payne Name (type or print): James L Payne Date: 12/17/2014 Title: President				
Processed 12/17/2014		* Electronically provided signatures are accepted as original signatures.				

No. C 114073	Due no later than Mar 31, 2014 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) JERRY PAYNE 27333 FOUNTAIN RD PARMA ID 83660																								
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address: Correct in this box if needed. JLP FARMS, INC. JERRY PAYNE 27333 FOUNTAIN RD PARMA ID 83660		3. <u>New</u> Registered Agent Signature.																								
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres. <table border="1"> <thead> <tr> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td><i>PRES</i></td> <td><i>Jerry L Payne</i></td> <td><i>27333 Fountain</i></td> <td><i>Idaho</i></td> <td><i>US</i></td> <td><i>83660</i></td> </tr> <tr> <td><i>Sec</i></td> <td><i>Gay L Base</i></td> <td><i>27333 Fountain</i></td> <td><i>Idaho</i></td> <td><i>US</i></td> <td><i>83660</i></td> </tr> <tr> <td><i>Treasurer</i></td> <td><i>Gay L Base</i></td> <td><i>27333 Fountain</i></td> <td><i>Idaho</i></td> <td><i>US</i></td> <td><i>83660</i></td> </tr> </tbody> </table>				Name	Street or PO Address	City	State	Country	Postal Code	<i>PRES</i>	<i>Jerry L Payne</i>	<i>27333 Fountain</i>	<i>Idaho</i>	<i>US</i>	<i>83660</i>	<i>Sec</i>	<i>Gay L Base</i>	<i>27333 Fountain</i>	<i>Idaho</i>	<i>US</i>	<i>83660</i>	<i>Treasurer</i>	<i>Gay L Base</i>	<i>27333 Fountain</i>	<i>Idaho</i>	<i>US</i>	<i>83660</i>
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5. Organized Under the Laws of: IDAHO C 114073		6. Signature:  Name (type or print): Jerry L Payne Date: 2-17-14 Title: Pres																									
Issued 02/13/2014 by CLH 120878																											

