

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34030

Priority: October 09, 2014

Maximum Diversion Rate: 0.11 CFS

This is to certify, that JOHN P FARRELL
15604 ORCHARD AVE
CALDWELL ID 83607

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>
IRRIGATION	03/01 to 11/15	0.11 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 16, Twp 03N, 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		
03N	03W	16													3.0				.7	3.7

Total Acres: 3.7

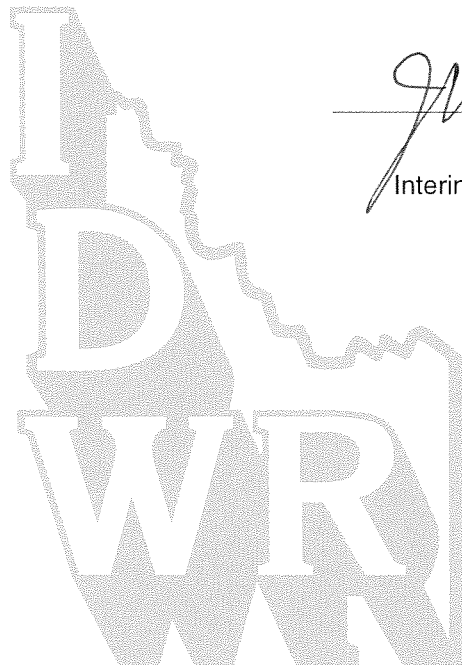
CONDITIONS OF APPROVAL

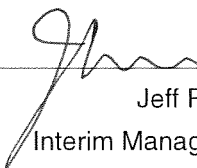
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2020**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. 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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7. 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 6th day of April, 2015.





Jeff Peppersack
Interim Manager, 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

April 9, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JOHN P FARRELL
15604 ORCHARD AVE
CALDWELL ID 83607

RE: Permit No.63-34030

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.

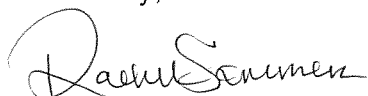
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,



For.

Jeff Peppersack
Interim Manager, Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 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.

63-34030

**JOHN P FARRELL
15604 ORCHARD AVE
CALDWELL ID 83607**

A handwritten signature in cursive script, appearing to read "Rachel Sommer", is written over 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 06 2015

After Recording, return document to:

WATER RESOURCES
WESTERN REGION

2013-040852

RECORDED

09/04/2013 02:34 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=3 MBROWN

\$16.00

TYPE: DEED

STEWART TITLE - EMERALD OFFICE
ELECTRONICALLY RECORDED

Recorder's Use Only

01096-6163 LM

63-32479

WARRANTY DEED

In consideration of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by TODD CARSON and TRACEY CARSON, the Grantor hereby grants, bargains, sells, conveys and warrants unto
* HUSBAND AND WIFE

JOHN P. FARRELL AND SHAWNA M. FARRELL, HUSBAND AND WIFE
, the Grantee whose current address is:

15604 ORCHARD AVENUE, CALDWELL, ID 83607



the following described property CANYON County, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, covenants, agreements, provisions and mineral exceptions of record, and Assessments, if any.

7th Canon

Tracey Carson
TRACEY CARSON

TRACEY CARSON

STATE OF Wisconsin)

155.

County of Jefferson)

On this 6th day of May, 20 13, before me, Todd Carson, the undersigned, a Notary Public, in and for said State, personally appeared TODD CARSON, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

Oebra S. Peepel
Notary Public for the State of New York

Notary Public for the State of: Illinois

Residing In: Fort Atkinson

Commission Expires: 11-30-14

STATE OF Idaho)

}ss.

County of Canyon)

On this 2 day of May, 2013, before me, PAULA LOSTNER, the undersigned, a Notary Public, in and for said State, personally appeared TRACEY CARSON, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

David
Notary Public for the State of

Notary Public for the State of: Idaho

Residing In: *Idaho*

Commission Expires: 05/01/2014

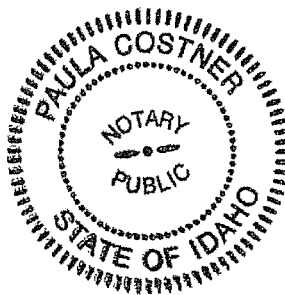


EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 16, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at a brass cap marking the South 1/16 corner on the Easterly line of the Southwest Quarter of Section 16, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence South 0°04'30" East a distance of 185 feet along the said Easterly line of Section 16 to a point where it intersects with the centerline of Orchard Avenue; thence North 75°03' West a distance of 148 feet along the centerline of Orchard Avenue to a point, said point being South 0°10'30" East a distance of 25.45 feet from an iron pin, said point also being the True Point of Beginning; thence continuing North 75°03' West a distance of 290.05 feet along the centerline of Orchard Avenue to a point, said point being South 0°10'30" East a distance of 25.90 feet from an iron pin; thence North 0°10'30" West a distance of 534.82 feet to an iron pin; thence North 88°50'30" East a distance of 280.04 feet to an iron pin; thence South 0°10'30" East a distance of 615.31 feet to the True Point of Beginning.

Together with:

An Ingress-egress easement being the Westerly 28 feet of the following described parcel:

A portion of the East half of the Southwest Quarter of Section 16, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 16; thence South 00°04'30" East a distance of 185 feet, along the East boundary of the Southwest Quarter of said Section 16, to a point on the centerline of Orchard Avenue; thence North 75°03' West along said Orchard Avenue centerline a distance of 1,102.31 feet to a set PK Nail, being The Point of Beginning; thence North 21°34'30" East a distance of 276.97 feet to a set 5/8-inch Iron pin; thence North 88°50'30" East a distance of 256.78 feet; thence South 0°10'30" East a distance of 358.93 feet, more or less, to the centerline of said Orchard Avenue; thence North 75°03' West a distance of 371.95 feet, more or less, to The point of Beginning.

RECEIVED

FEB 17 2015

WATER RESOURCES
WESTERN REGION

29512 1233127

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

LINDA SPENCER
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

LEGAL NOTICE

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

✓ 63-33945

MEL LACY
DEBRA LACY
310 W 7TH ST N
MIDDLETON, ID 83644
Point of Diversion NENE S24 T05N R04W CANYON County
Source GROUND WATER
Use: IRRIGATION 04/15 to 10/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 5/1/2014
Place of Use: IRRIGATION
T05N R04W S24 NENE
Total Acres: 6.5
Water bearing zone to be appropriated is from 155 to 321 feet.

✓ 63-33979

DEER FLAT FREE METHODIST CHURCH INC
C/O RICK DAY
17703 BEET RD
CALDWELL, ID 83607
Point of Diversion L1(NENE) S3 T03N R04W CANYON
County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.17 CFS
Total Diversion: 0.17 CFS
Date Filed: 6/12/2014
Place of Use: IRRIGATION
T03N R04W S3 SENE
Total Acres: 10
Water bearing zone to be appropriated is from 50 to 63 feet.

✓ 63-34030

JOHN P FARRELL
15604 ORCHARD AVE
CALDWELL, ID 83607
Point of Diversion NESW S16 T03N R03W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 10/9/2014
Place of Use: IRRIGATION
T03N R03W S16 NESW SESW
Total Acres: 3.7
Water bearing zone to be appropriated is from 200 to 300 feet.

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), please see www.idwr.idaho.gov/apps/ExtSearch/WR_Filing.asp. Protests may be submitted 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 2/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 05, 12, 2015

1233127

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:
02/05/2015 02/12/2015

Linda Spencer
STATE OF IDAHO)

County of Canyon)

On this 12th day of February in the year of 2015 before me a Notary Public, personally appeared. LINDA SPENCER, 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.

Suzanne Remick
Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018

