

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 67-15040

Priority: April 05, 2010

Maximum Diversion Rate: 0.40 CFS

This is to certify, that JANINE L and RANDY L SMITH
1587 LOAFER LN
WEISER ID 83672

has applied for an amendment of 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

0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4SW1/4

Sec. 9, Twp 10N, Rge 05W, B.M.

WASHINGTON County

GROUND WATER

SE1/4SW1/4

Sec. 9, 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	9																	20.0
																			20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2015**.
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 does not grant any right-of-way or easement across the land of another.

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5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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.
7. 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 lands above.
8. 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 23rd day of March, 2015.



STEVE LESTER

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

March 23, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JANINE L SMITH
RANDY L SMITH
1587 LOAFER LN
WEISER ID 83672

RE: Permit No.67-15040

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,

Steve Lester
Interim Western Region Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 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. 67-15040

**JANINE L SMITH
1587 LOAFER LN
WEISER ID 83672**

**RANDY L SMITH
1587 LOAFER LN
WEISER ID 83672**



**Rachel Sommer
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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 2, 2015

Randy and Janine Smith
1587 Loafer Lane
Weiser, ID 83672

RE: Application for amendment of a permit

Dear Mr. and Mrs. Smith,

This letter is in regards to the application for amendment of permit 67-15040. On February 25, 2015 we received your amended form with the additional point of diversion included. Standard processing protocol requires submission of a map with this form in order to have a visualization of where the point of diversions will be. I neglected to ask for a map in my previous letter, but still need one submitted in order to continue with processing your request. In order to make up for the inconvenience, I have generated a map of the point of diversion for the existing well. If you could please mark on the map where the new well will be located, we can add the point to our database and proceed with processing.

Please send the completed map back to the Western Regional Office at your earliest convenience within the next thirty (30) days. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. Again, I am sorry for any inconvenience and appreciate your attention to this matter.

Sincerely,

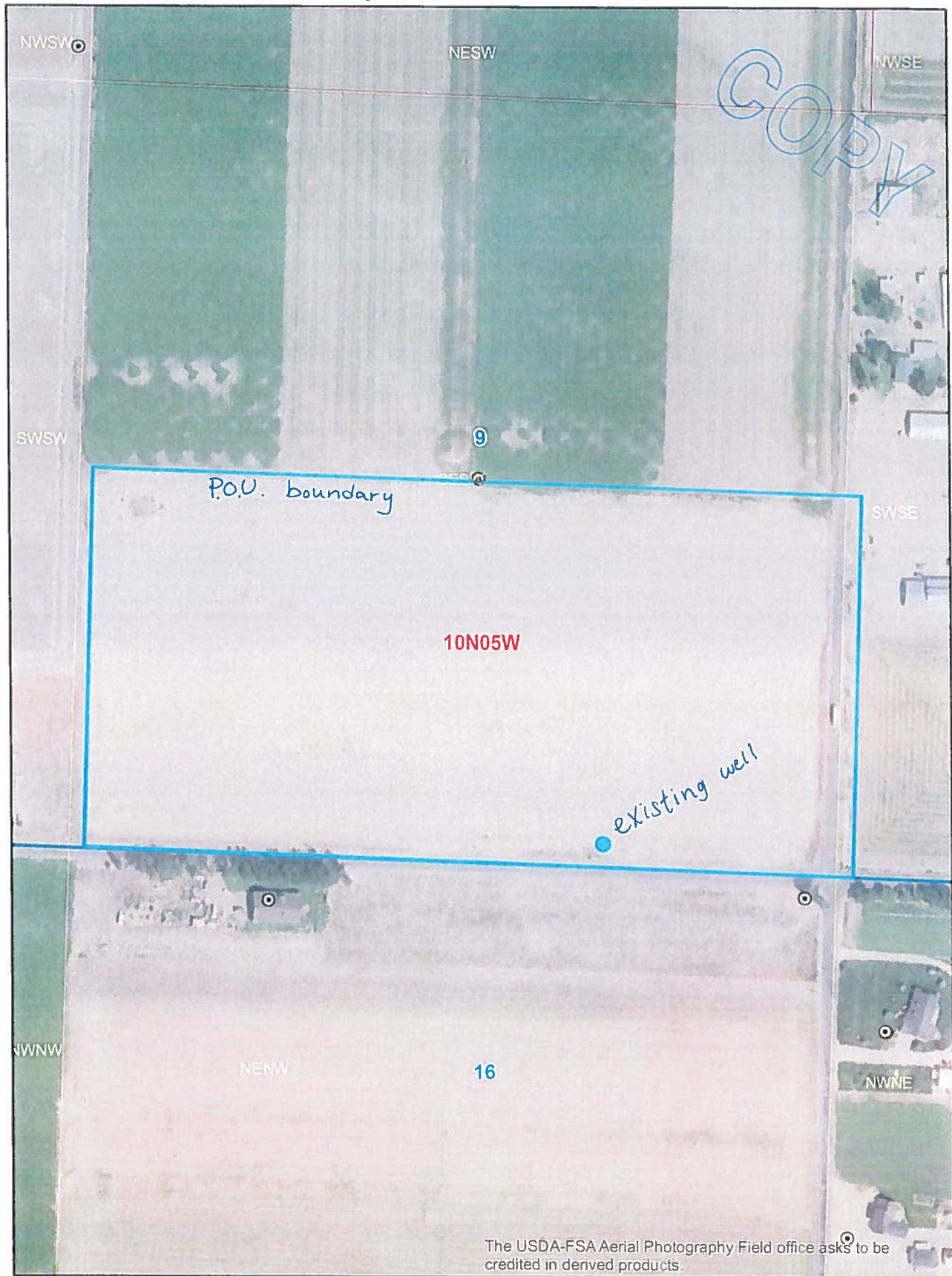
Danie Merriman
Water Resource Agent
IDWR, Western Region

Enclosure: Map of point of diversion area

COPY

Water Permit 67-15040

Randy and Janine Smith



Legend

- Wells
- Sections
- Township/Range
- QQ



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 12, 2015

Randy and Janine Smith
517 Oleander Rd.
Ontario, OR 97914

Copy

Re: Application for Amendment of a Permit- Request for Additional Information

Dear Mr. and Mrs. Smith,

The purpose of this letter is to request additional information related to the application for amendment of permit 67-15040. Your current amendment application is missing two key components that make it a valid request.

1. Two points of diversion identified in part one (1) of the application. If you would like to use both the existing well and a new well, you must list two (2) points of diversion.
2. A signature by the owner of the property in section seven (7). Currently the form is signed by the well driller. In order to be considered, the application must be signed by Janine and Randy Smith, per the name connector selected on your original permit application.

In addition, your contact information on the application for amendment of a permit is different than the recorded information on your permit. If your information has, in fact, changed from the original address shown at the top of this sheet, please complete the 'Change in Address' form included with this letter.

I am also returning the original application for amendment of a permit, marking the sections that need to be corrected. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Danie Merriman

Danie Merriman
Water Resource Agent
IDWR, Western Region

cc: Randy and Janine Smith
1587 Loafer Lane
Weiser, ID 83672

Enclosures