

67-7947

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
										X									

67-7948

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																X			

67-7949

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																X			

67-7950A

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																	X		

67-7950B

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																	X		

67-7951

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	03W	32	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
																	X		

67-7952

Twp	Rge	Sec	NE				NW				SW				SE				Totals
12N	03W	5	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
					X														

Method of Determination: Aerial Photography w/ field verification.

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4. <u>Well or Diversion</u>					
<u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

D. FLOW MEASUREMENTS

1. <u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

2. Measurements: Measurements not taken

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Method:

Permits 67-7946, 67-7947, 67-7948, 67-7949, 67-7950A, 67-7950B

Permitted Rate per each permit individually: **0.03 cfs**

Proof of Beneficial Use fee paid per permit individually: \$50.00 = up to **0.2 cfs**

Recommended Rate: 0.03 cfs for each permit individually

Permit 67-7951

Permitted Rate: **0.02 cfs**

Proof of Beneficial Use fee paid per permit individually: \$50.00 = up to **0.2 cfs**

Recommended Rate: 0.02 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: Per attached notes dated 2/8/1994, each circular pit developed at each spring cannot store more than 0.1 acre-foot. This volume can be filled in less than 24-hours for each permit based on permitted rate.

G. NARRATIVE/REMARKS/COMMENTS**SYSTEM DESCRIPTION:**

67-7946: One spring feeds one pond in the SENENW Section 32 T13N R3W. Photo no. 7 attached.

67-7947: Two springs feed one pond in the S½ of the SENW “ “. Photo no. 6 attached.

67-7948: Two springs, both within the NWNWSE “ “. One spring per pond, connected by natural drainage. Flow thru was observed from the upper pond to the lower. Photo nos. 4 and 5 attached.

67-7949: Two springs feed one pond in the S½ of the NWSE “ “. Photo no. 3 attached.

67-7950A: One spring feeds pond in the NWSWSE “ “. No photo was taken.

67-7950B: One spring feeds pond in the NESWSE " " . No photo was taken.

67-7951: One spring feeds pond in the SESWSE " " . Photo no. 2 attached.

67-7952: No development found at permitted location: Photo no. 1 attached shows a spring/pond combination, similar to the others, that was found during the exam that is without a water right filing. It's proposed that this permit is amended thru the licensing process to cover this spring/location.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

67-7946	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7947	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7948	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7949	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7950A	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7950B	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.03 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7951	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.02 CFS	<u>ANNUAL VOLUME</u> N/A AF
67-7952	<u>BENEFICIAL USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01/01 to 12/31	<u>DIVERSION RATE</u> 0.01 CFS	<u>ANNUAL VOLUME</u> N/A AF

2. Recommended Amendments

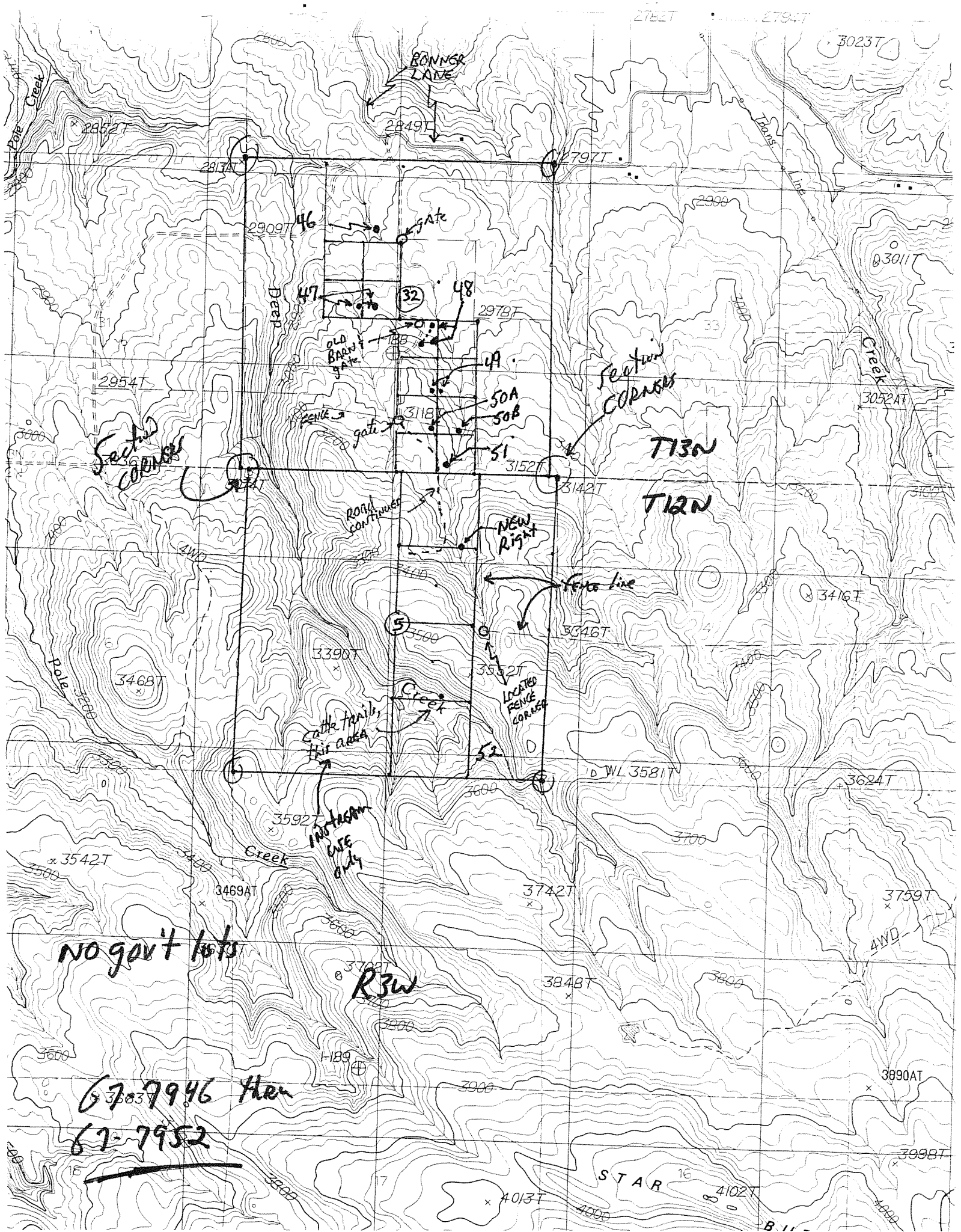
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other

Recommend the split of permit no. 67-7950 into two parts based off the field observation that the two ponds were served by two separate springs not in any apparent connection to each other. Also recommend the change in point of diversion and place of use to 67-~~7592~~ **7952**.

I. AUTHENTICATION

Field Examiner's Name Nicholas V. Ag L Date 3/5/14

Reviewer _____ Date _____



no govt lots

R3w

67-7946 Hen

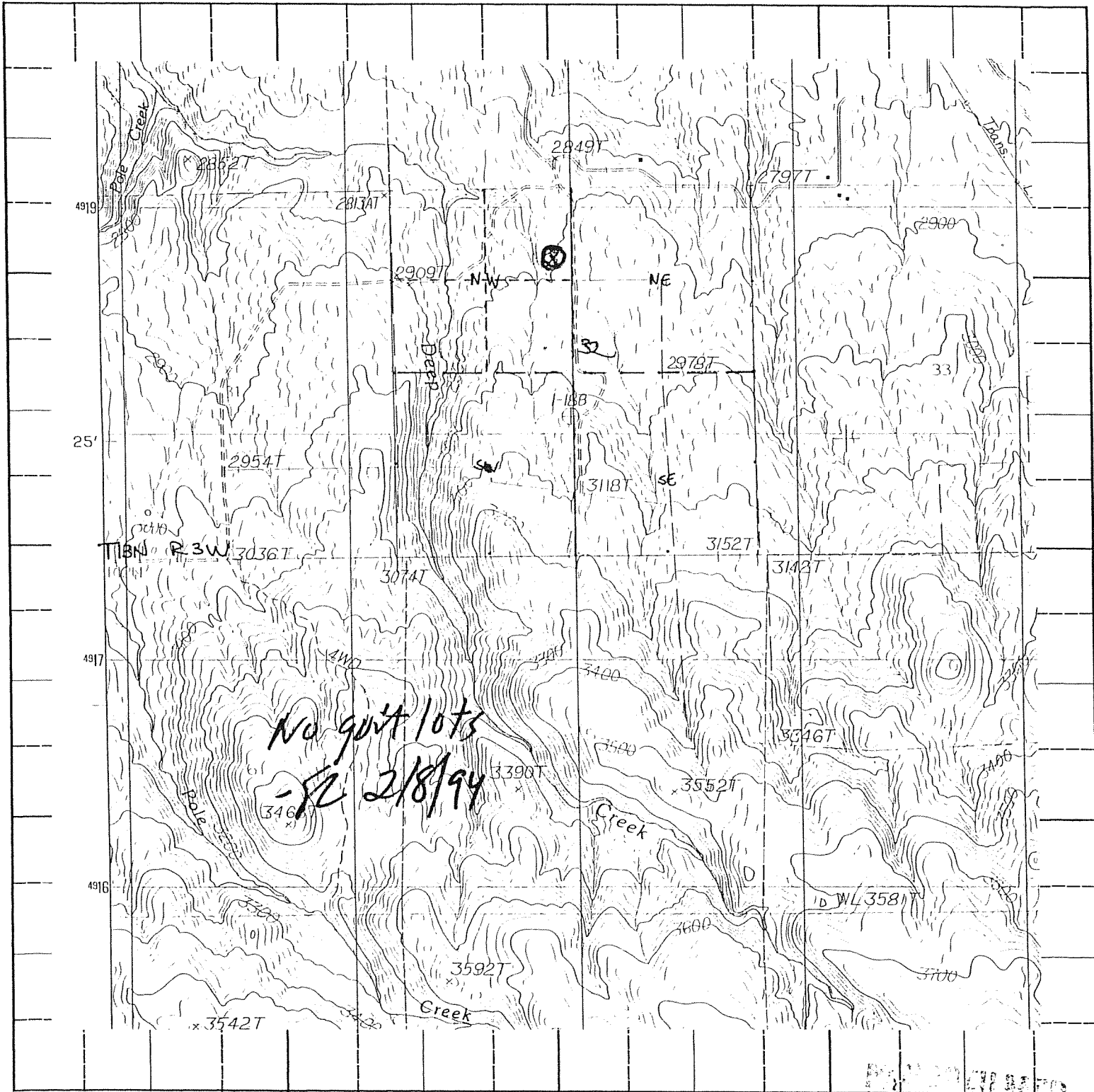
67-7952

STAR 16



67-07946 *Page 1*

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

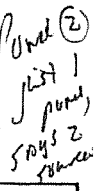
Field Notes

APR 20 1994

F. Paul Sutton
(Applicant)

Unit (2)
just 1
page,
says 2
sources

Unit (2)
just 1
page,
says 2
sources



APR 20 1994

F. Paul Sutton
(Applicant)

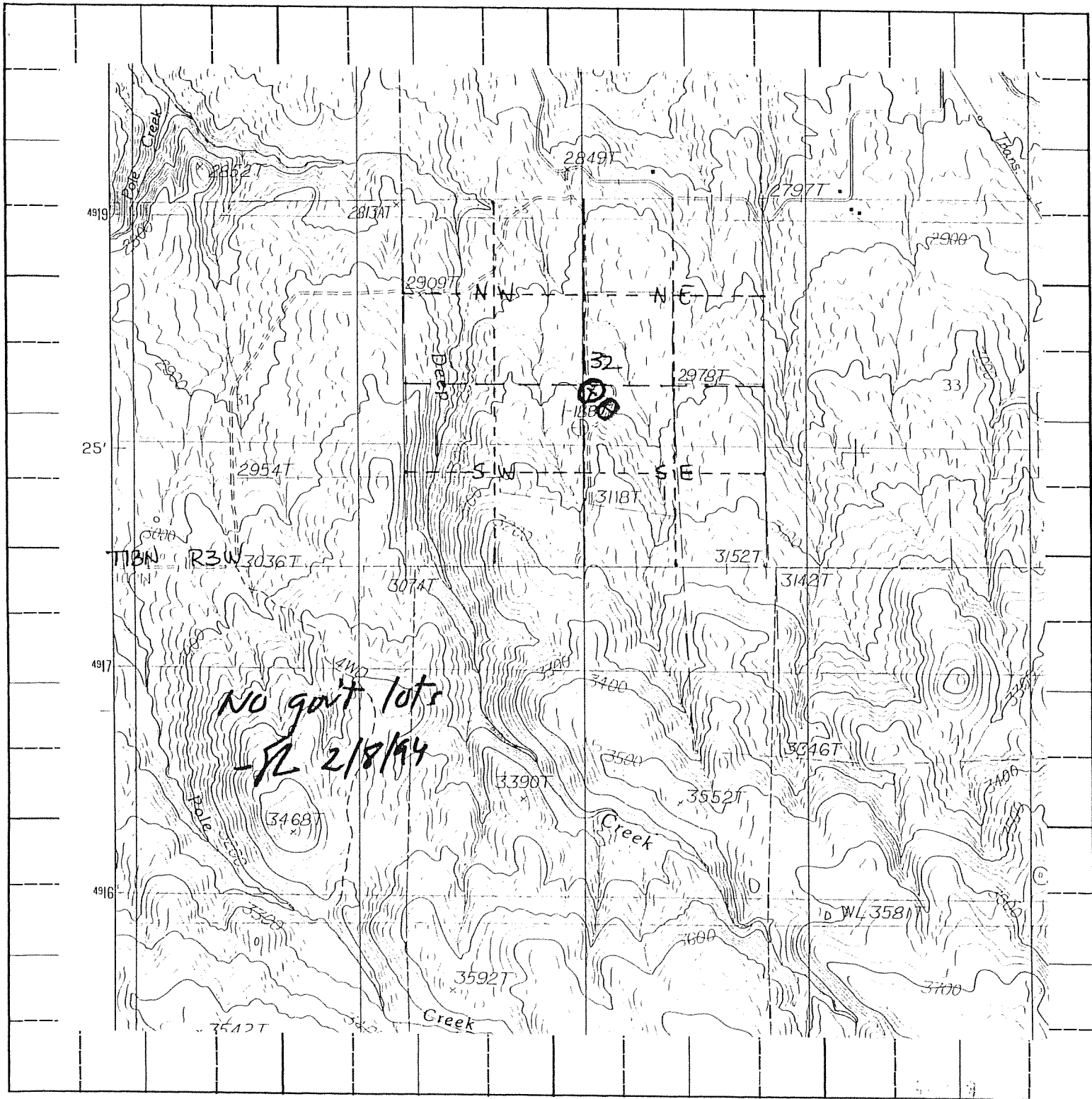
(Applicant)

Split into A & B
2 ponds

67-07948

Ponds
3+4 e
barn

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

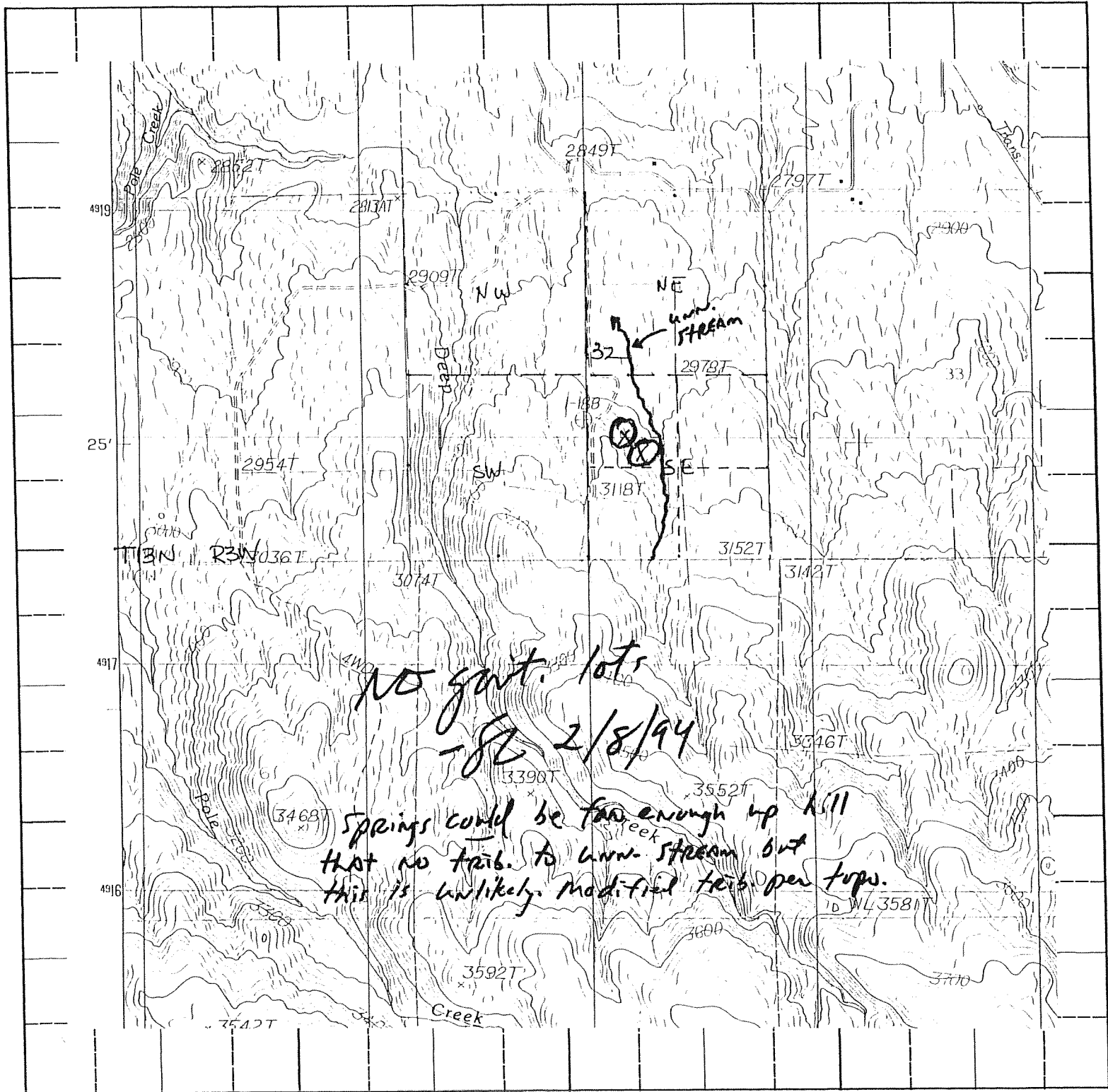
APR 20 1994

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

F. Paul Sutton
Applicant

67-07959

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



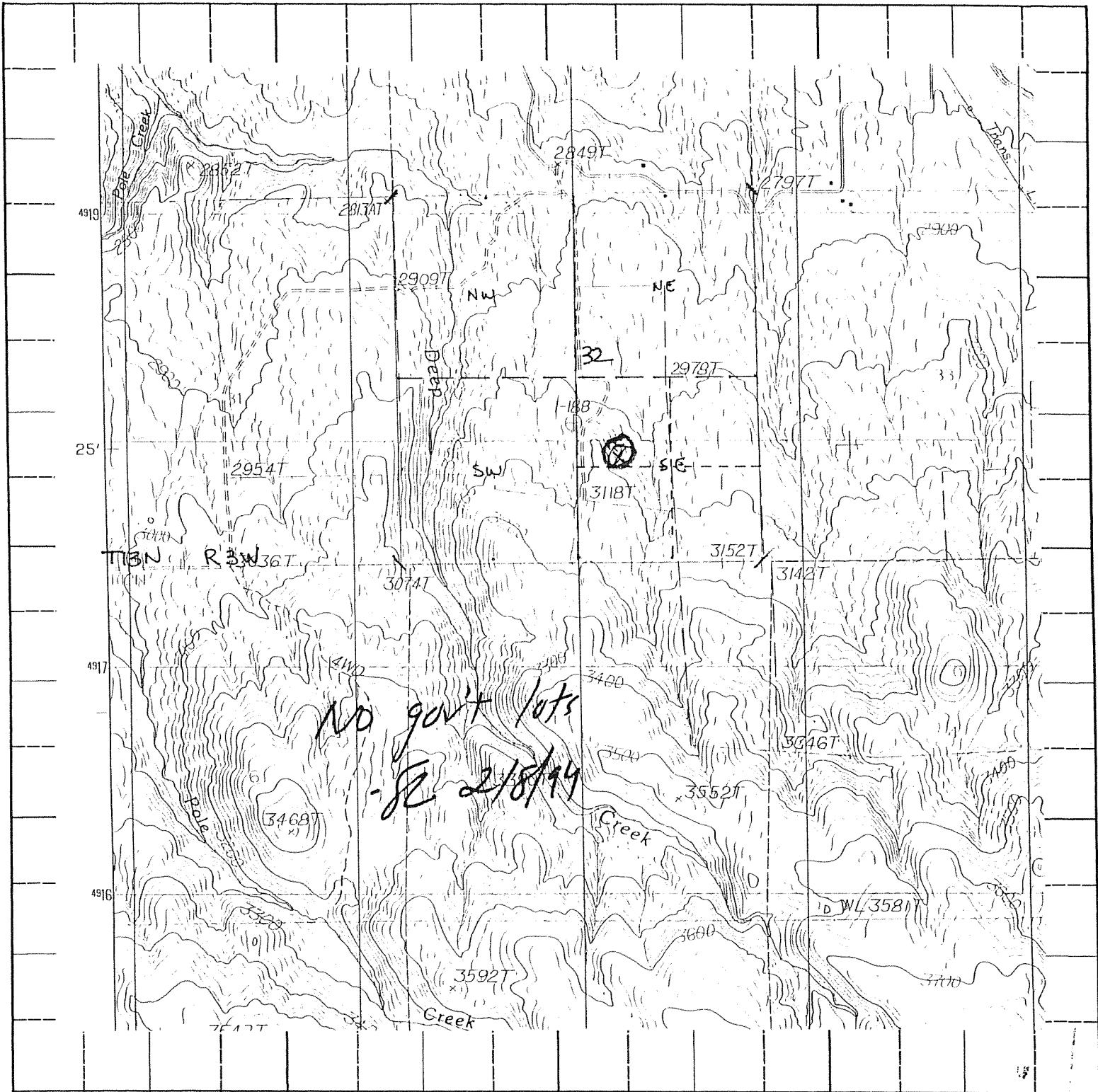
Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paul Anderson
(Applicant)

67-07950 ✓
April 6
Faul
Sutton

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

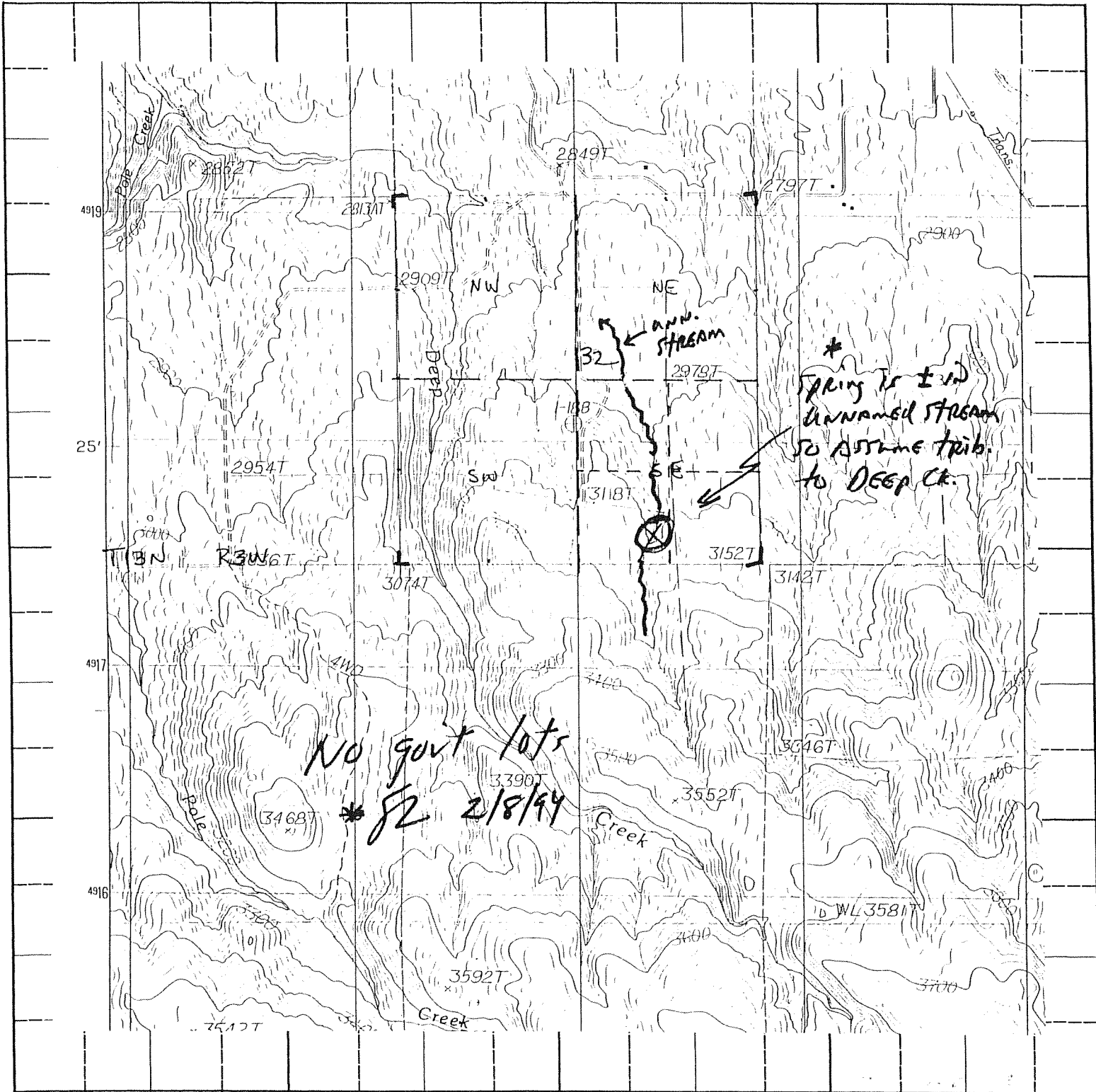
APR 26 1994

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

F. Paul Sutton
(Applicant)

67-07951 ✓

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

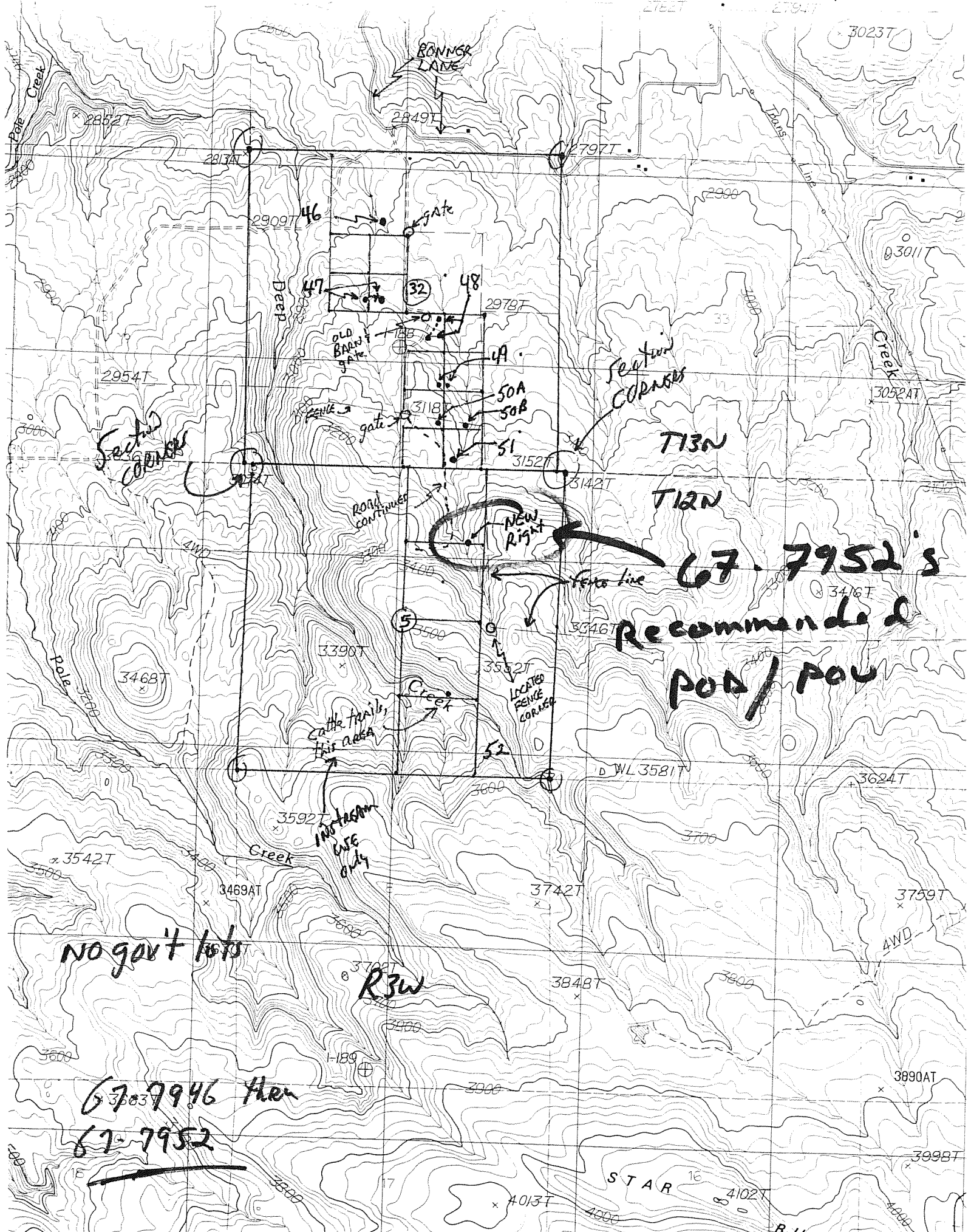


Scale: 2 inches equal 1 mile.

APR 20 1994

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

F. Paul Sutton
(Applicant)



no gov't lots

67-7946 Area

67-7952

STAR 16

R.I.

All Exam info Attached ✓

SL
11/13/13

Exams 67-7946 thru 67-7952

- site visit 5/5/1994 ✓
 - Exam date d'entered ✓
 - incomplete Reports
 - Exam Checklist not done
 - " Report " "
 - " map done ✓
 - " photos done ✓
- intended to do 1 Checklist
if 1 Report to cover All,
could use Attachments as
needed (license recommendations etc.)
- Springs
 - small ponds
 - no thoughts
- 2/26/14 update -
instead amend
67-7952 to
cover this
- Although minor "div. to storage" in some cases, All ponds
too small for storage rights
volumes < .1 AF each case
CFs covers F.11 c 24 hrs
- OK treat as CFs rights w/ explanation why *
 - 1 New Right should be filed (see map + notes)
 - note Assignments - still current tax lot owner?

* see 2/8/94 Exam notes

Field notes

5/5/94

of Paul Sutton

New owner - see letter in #46

Photo #

7

Right

46 SENNW S.32

1 sp., 1 pond

6

47 S^{1/2}SEWN S.32

2 sp. feed 1 pond

4 & 5

upper pond of
Barn
classing
right to

lower pond *

48 NWNWSE S.32

2 sp., 2 ponds; 1 sp. per pond, connected
by natural drainage, can see flow go
from upper to lower

3

49 S^{1/2}NWSE S.32

2 springs feed 1 pond

near A's
split
right
A's B

no photos,
aggressive
livestock !!

50

A = NW SW S.32 Above
SE NWSE just below fence line (South of)
B = NE SW S.32 due east of A.

1 spring per pond, no apparent connection.

2

51 SESWSE S.32

1 spring, 1 pond

✓ 1

SENWNE/RESWNE S.5 - goat lot 2?
on mainline - spring is small
pond like others. Head near hot spring
than can "examine" 5 licenses.

* lower pond is 200' E. of barn & 200' S.W. of upper pond

Two SIAEA

No photo

may mark is
SENSE S.S

#52

No O.V.G. here, cattle drive from
Creek, some cattle trails lead to this
spot.

Δ to 15 stream show from this pt.
to end of property line down to
creek.

optional -
instream study →

★ Send map to new owner to mark
down. End of property

★ Use - Common report, map, photos etc.

★ As moss production on stt remain sheets as
much as now.

No storage req'd per 2/8/64

576 only. is appl. means

400
5malle
24 hr fills

Sutton Appls. for Stokewater (7)

Storage needed?

Circular pits

$$A = \pi r^2$$

h = depth

$$V = \frac{(A)(h)}{43560} = \frac{(\pi)(r^2)(h)}{43560}$$

IF: 2' deep 20' wide

$$V = \frac{(\pi)(10^2)(2)}{43560} = .01 \text{ AF}$$

3' deep 25' wide

$$V = \frac{(\pi)(12.5^2)(3)}{43560} = .03 \text{ AF}$$

2' deep 25' wide

$$V = \frac{(\pi)(12.5^2)(2)}{43560} = .02 \text{ AF}$$

THEN:

Storage < .1 AF N/A,

SL

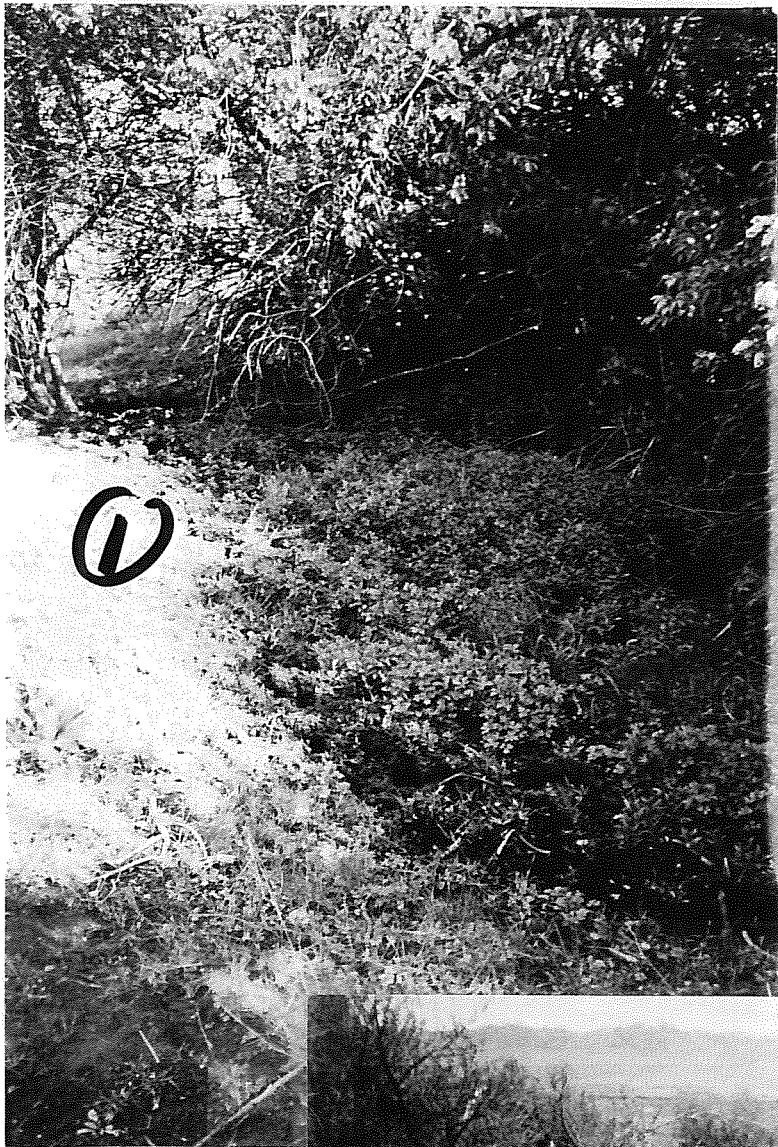
treat as natural flow rights

NONE of ponds exceed these estimates so

NO STORAGE, per field exam results 5/5/94

EXAM PHOTOS 67-7946 then 67-7952

5/5/94



①
- NEED now right
spring & pond e
JENNINE/NEJUNE 5.5
(on/NEAR line)
(use same coverage as others)
type of

② 67-7951
spring & pond
/



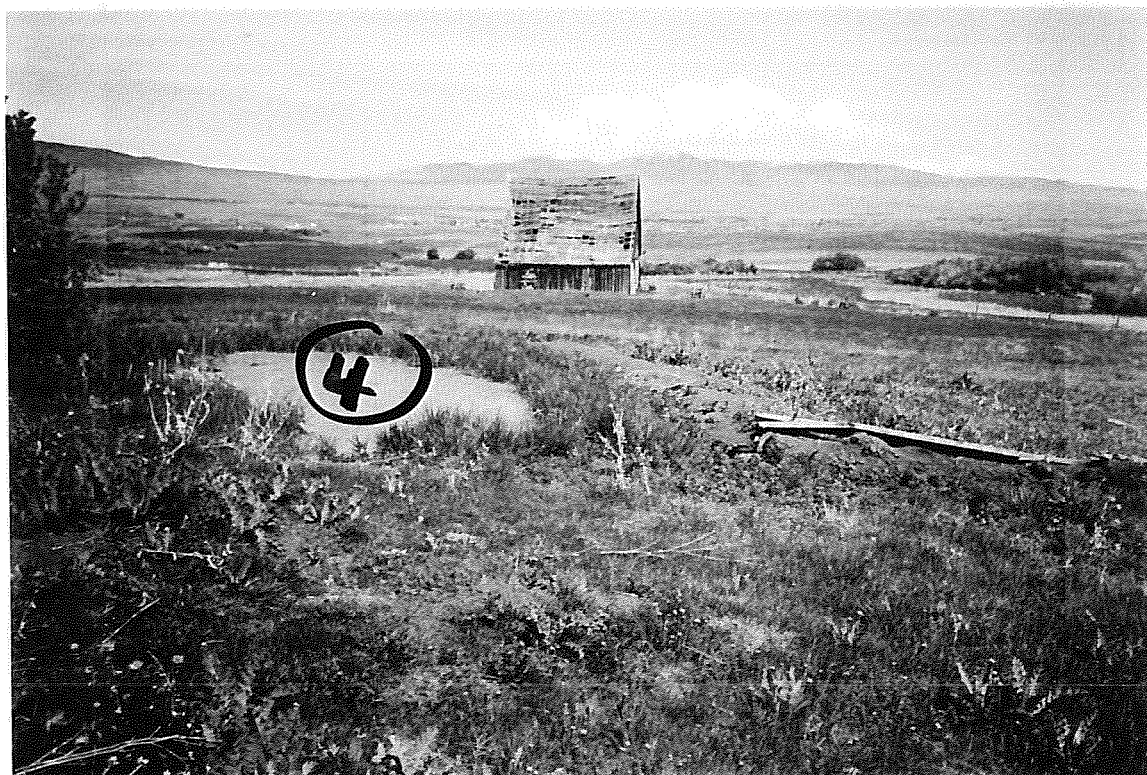
ps 194



③

- 67-7949

2 springs,
1 pond



④

67-7948

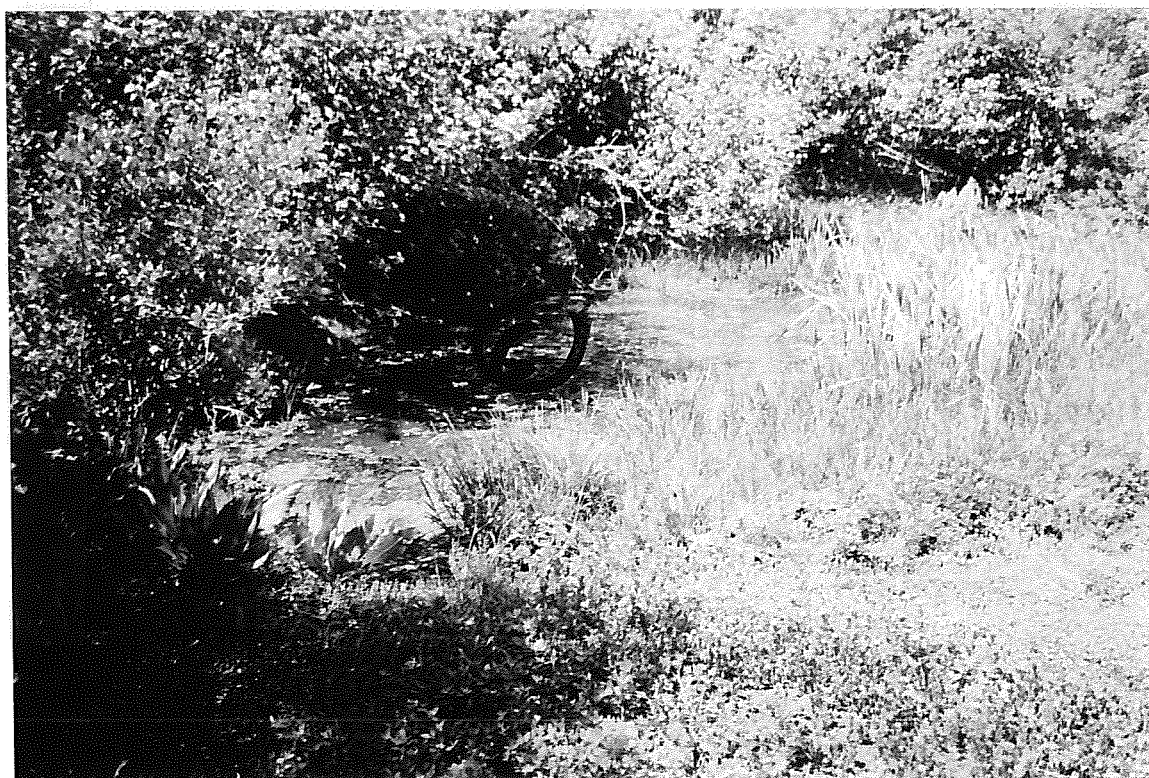
2 springs, 2
ponds

1 spring per
pond but
connected &
some drainage

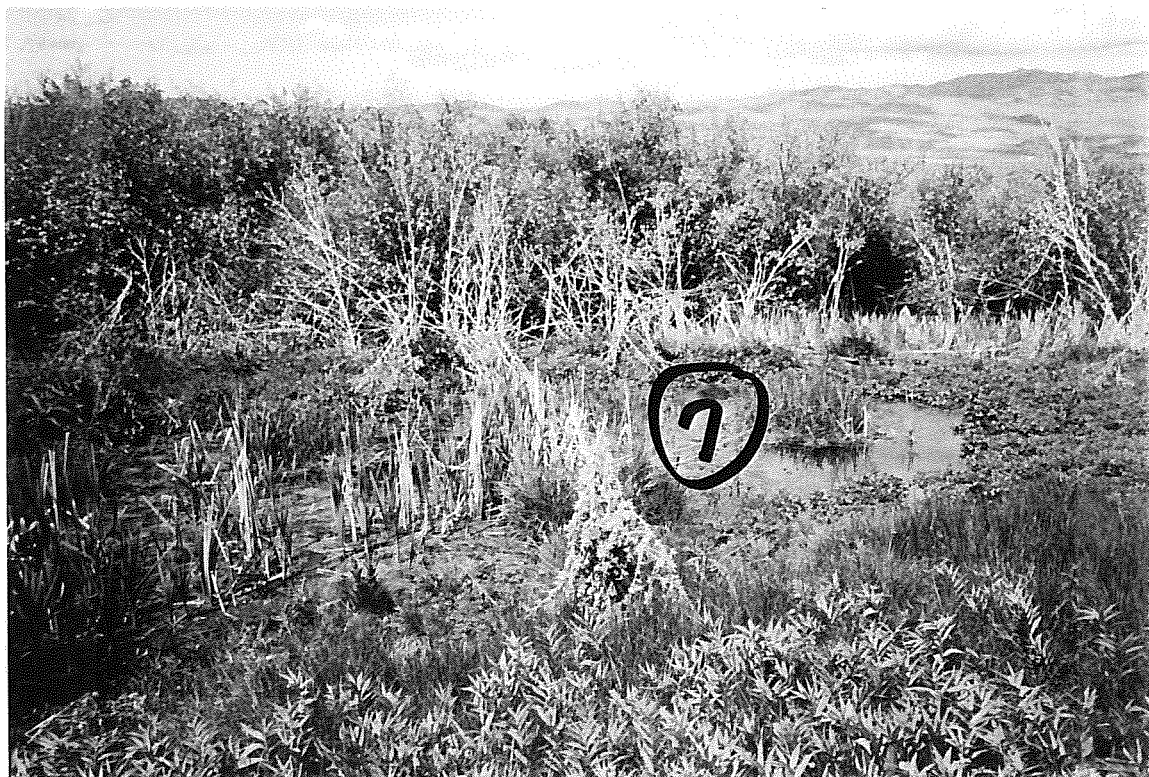
Also see
photo ⑤



(5)
 67-7948
 continued
 from
 photo (4)



(6)
~~67-7949~~
 67-7947
 2 springs,
 1 pool



⑦' 67.7946
1 spring, 1 pond

NOTE 67. 7950 unable to photograph
split to A+B 1 spring, 1 pond each,
not connected or
separate developments.

RECEIVED

SEP 02 2014

WATER RESOURCES
WESTERN REGION

State of Idaho
Dept of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

August 29, 2014

RE: Water Right Permit Nos. 67-7950 and 67-5752

Att: Kay Walker
Sr. Water Resource Agent

Dear Kay,

Enclosed please find the signed copies of the Water Rights Permits that need to be amended. I have also enclosed the \$200.00 filing fee you had requested in your letter dated Aug 21, 2014. I appreciate your help in getting this resolved for me. I want to make sure that I do not find myself in the same situation in the future and would like to know if there is anything else I need to do with the Dept. of Water Resources to make sure my mailing address gets updated. I noticed on these amended forms that the address is still listing my address at Stephen Ave. I crossed out the portions of the address that are in error and wrote in the corrected information. Again thank you for your support.

Sincerely,



Jerrold D. Piper
P.O. Box 203
2575 Battershell Lane
Midvale, ID 83645
208-257-3314 wk
208-566-2355 mobile
jpiper@ctctele.com



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

August 21, 2014

JERROLD D PIPER
PO BOX 203
MIDVALE ID 83645

RE: Water Right Permit Nos. 67-7950 and 67-7952

Dear Mr. Piper:

Pursuant to our phone conversation on Wednesday morning, enclosed are copies of the documents that were sent to you at the "Stephen Ave." address that was in our records. Since you did not receive any of these correspondences and had not opportunity to respond we will reconsider our Preliminary Orders Voiding the above permits if you submit the licensing amendments, and filing fees, within the next 30 (thirty) days. If we don't receive the amendment applications and filing fees within this time period we will not reinstate the permits.

The enclosed Applications for Amendment forms depicts the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return with a \$200.00 filing fee (\$100.00 for each amendment application).

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures: Licensing Amendment Applications for 67-7950 & 67-7952
Copies of Correspondence sent May 6 & 30, and July 3, 2014

Walker, Kay

From: Jerry Piper [jpiper@ctctele.com]
Sent: Wednesday, August 20, 2014 3:59 PM
To: Walker, Kay
Cc: jpiper@ctctele.com
Subject: RE: Water Rights

Kay,

I realize it is not your responsibility to make sure I have the right contact address on file and I am sorry the problems I have caused you and the staff there. One little thing, and everything else was fine. It wasn't about the water right or anything. I hope you will still be able to work with me to get this resolved in a timely manner. I apologize for my part and am anxious to get this cleared up. Thank you again for your consideration in getting this resolved. I am just really upset with myself for letting this happen. Especially since it would have been a really simply thing if I would have had the right mailing address on file. Dang it!

Thanks so much for your help,

Jerry Piper
P.O. Box 203
Midvale, ID 83645
208-566-2355

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Wednesday, August 20, 2014 12:28 PM
To: jpiper@ctctele.com
Cc: Walker, Kay
Subject: Water Rights

Mr. Piper:

We have been working on licensing Water Right Nos. 67-7946, 67-7947, 67-7948, 67-7949, 67-7950, 67-7951 and 67-7952 since early May of this year. We were able to issue licenses on all of the permits except for Rts. 67-7950 and 67-7952. Those permits needed to be amended before licenses could be issued and since we did not get our correspondences back in the mail we assumed you were no longer interested in those permits. We actually did get some of our mail back which caused me to look up your current address on the tax lot records and that is how you received the Orders Voiding Permit Nos. 67-7950 and 67-7952.

As I mentioned during our telephone conversation this morning, we will send new licensing amendments for the two permits that were Voided so that you can have an opportunity to submit the amendments. You should receive the amendments forms in the mail in a couple of days. I will get them mailed as soon as I can. If you have any questions concerning the amendments, please do not hesitate to contact me at 334-2190.

Sincerely,
KAY WALKER
Sr. Water Resource Agent

Strange, Jennifer

From: Jerry Piper [jpiper@ctctele.com]
Sent: Monday, August 18, 2014 11:47 AM
To: Western Info
Cc: jpiper@ctctele.com
Subject: Preliminary Order and Issuance of License (Jerrold D Piper)

Att: Sonny

Just a follow up from our recent phone conversation. I need help from you to make sure I do not lose the water rights I have had on my property. It is important to me and necessary for the livestock that graze there. I received paperwork last week to my correct address when I was out of town.

Water Right of concern:
67-7946 – License Active
67-7947 – License Active
67-7948 - License Active
67-7949 - License Active
67-7950 - ? Active
67-7951 - ? Active
67-7952 - ? Active

I believe the problem originally is that I need to have my contact address changed on all the documentation. Because the address is one that I no longer receive mail at I did not receive the notices sent to me in a timely manner.

Old address:	Present address:
2288 Stephen Ave	2575 Battershell Lane / P.O. Box 203
Boise, Idaho 83670	Midvale, Idaho 83645

Please contact me via email too at jpiper@ctctele.com or by phone 208-566-2355.

I look forward to resolving any issues that need to be taken care of to retain my water rights. Please let me know what steps I need to take to see that my Licenses are accurate and current.

Respectfully,

Jerrold D. Piper
jpiper@ctctele.com
208-566-2355



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

August 8, 2014

JEROLD D PIPER
PO BOX 203
MIDVALE ID 83645

Re: Preliminary Order in the matter of Permit No. 67-7950

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the Department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". Below the signature, the word "For:" is written in a similar cursive style.

For:

John Westra, Manager
Western Regional Office

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 67-7950	)	PRELIMINARY ORDER
IN THE NAME OF JERROLD D. PIPER	)	VOIDING PERMIT
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On January 27, 1994, F. Paul Sutton applied to the Department for a permit to appropriate 0.03 cubic feet per second of water from a spring tributary to Deep Creek, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 13 North, Range 3 West, B. M., Washington County, for stock water purposes in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 13 North, Range 3 West, B. M.

2. On March 21, 1994, the Department approved the permit.

3. On April 21, 1994, the permit holder submitted proof of beneficial use of the permit.

4. On May 5, 1994, a Department field examiner conducted an examination of the development under the permit and recommended the permit be amended to cover the location developed. The Department was accompanied on the exam by Paul Sutton who had developed the system.

5. On November 9, 1994, F. Paul Sutton assigned all his interest in the permit to Jerrold D. Piper.

6. On May 6, 2014, the Department sent a licensing amendment to the current permit holder requesting the permit be amended.

7. On May 30, 2014, the Department sent a second request for submittal of the licensing amended of the permit. On July 3, 2014, the Department sent another reminder that the permit needed to be amended.

8. The property owner has not filed an application to amend the permit to conform to the findings of the field examiner.

Preliminary Order Voiding Permit

9. Idaho Code § 42-219(8) provides in pertinent part as follows:
In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

CONCLUSIONS OF LAW

1. When a permit holder has not fully complied with the law and the conditions of the permit, the provisions of Idaho Code § 42-219(8) grant the Department of Water Resources discretion to issue a license for the portion of the development which complies with the permit or to void the permit altogether.

2. The development of the water described by the field examiner did not comply with the permit conditions because the location where development had occurred was not covered under the permit.

3. The Department made reasonable efforts to notify the permit holder of his obligations to apply to amend the permit.

4. A license should not be issued on this permit and the permit should be voided pursuant to Idaho Code § 42-219(8).

ORDER

IT IS HEREBY ORDERED that issuance of a license is REFUSED and Permit No. 67-7950 is VOIDED.

Dated this 1st day of August, 2014.



John Westra
Western Regional Manager

CERTIFICATE OF SERVICE

I hereby certify that on August 8th, 2014, I mailed a true and correct copy, postage prepaid of the foregoing **PRELIMINARY ORDER** to the person listed below:



Rachel Sommer
Administrative Assistant I

Documents #67-7950 - Preliminary Order, Order Explanatory

JEROLD D PIPER
PO BOX 203
MIDVALE ID 83645

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 3, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JERROLD D PIPER 2288
STEPHEN AVE
BOISE ID 83706

RE: License Nos. 67-7946
Permit Nos. 67-7950 & 67-7952

Dear Mr. Piper:

The Department of Water Resources has issued the enclosed Water Right License No. 67-7946, confirming that a water right has been established in accordance with the permit. Please be sure to thoroughly review the conditions of approval and remarks listed on the license.

This license is a PERLIMINARY ORDERS 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 we still have not received the licensing amendments for Permit No's. 67-7950 and 67-7952. We sent correspondence to you on May 6th and May 30, 2014, requesting the permits be amended to correspond with the findings of the Department's field examiner. As of this date, we still have not received the amendment forms and filing fees from you. If we don't receive the amendment forms and filing fees within the next 10 days we will take action to Void the permits from our records.

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 www.idwr.idaho.gov to obtain the proper forms and instructions.

If you have any questions concerning this matter, please do not hesitate to contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

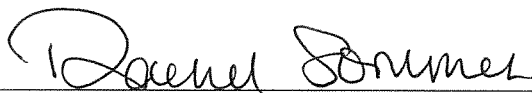
CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2014 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.

67-7946

**JERROLD D PIPER
2288 STEPHEN AVE
BOISE ID 83706**

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

**Rachel Sommer
Administrative Assistant I**



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

May 30, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JERROLD D PIPER
2288 STEPHEN AVE
BOISE ID 83706

RE: Permit No. 67-7950

Dear Permit Holder:

The Department of Water Resources sent you an Application for Amendment form on May 6, 2014, for the above referenced Permit. The amendment is required because the field examiner who verified the water use established in connection with your permit reported that one or more elements of your water use differs from the permit. As of this date the Department has not received a response.

If we do not receive the amendment within thirty (30) days, I will assume you are no longer interested in obtaining a water right license and **the permit will be voided**. In case the amendment form we sent you has been misplaced a new one is enclosed.

If you have any questions, please contact me as soon as possible at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent

Enclosure



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 6, 2014

JERROLD D PIPER
2288 STEPHEN AVE
BOISE ID 83706

RE: Water Right Permit No. 67-7950

Dear Permit Holder:

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, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the springs found developed under this permit are located in a different 40-acre tract location than described on your permit. The permit was issued for development of one spring in the SWNWSE, Sec. 32, Twp. 13N, Rge. 3W. Our examiner found 2 springs, one in the NWSWSE, and one in the NESWSE, Sec. 32, Twp. 13N, Rge. 3W. Once we receive the signed licensing amendment we will split this permit into 2 parts (one for each spring development) and issue a separate license for each spring.

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 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

Enclosure