

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12225

Priority: June 30, 1995

Maximum Diversion Rate: 0.17 CFS

It is hereby certified that DEER FLAT FREE METHODIST CHURCH
17703 BEET RD
CALDWELL ID 83607 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 30, 1995; and has submitted Proof of
Beneficial Use on March 05, 2010. An examination indicates that the works have a diversion capacity of
0.17 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
FIRE PROTECTION

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.17 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NE1/4NE1/4) Sec. 3, Twp 03N, Rge 04W, B.M. CANYON County

PLACE OF USE: FIRE PROTECTION

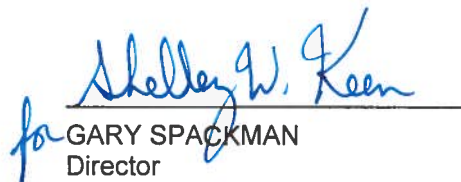
Twp	Rge	Sec	NE			NW			SW			SE			Totals
			NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	04W	3			X										

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. Fire protection is for church facilities.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

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 and sealed this 7th day of August, 2014.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
63-12225

This map depicts the FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 13, 2014

DEER FLAT FREE METHODIST CHURCH
17703 BEET RD
CALDWELL ID 83607

RE: License No. 63-12225

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. Also enclosed is a copy of the approved application for amendment.

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 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.

63-12225

**DEER FLAT FREE METHODIST CHURCH
17703 BEET RD
CALDWELL ID 83607**



**Darla Block
Technical Records Specialist**

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
JUN 12 2014
 DEPARTMENT OF
 WATER RESOURCES

State of Idaho
 Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-12225**Date of Priority:** June 30, 1995**Maximum Diversion Rate:** 0.17 CFS

Comes now DEER FLAT FREE METHODIST CHURCH
 17703 BEET RD

CALDWELL ID 83607 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. 63-12225, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FIRE PROTECTION	01/01 to 12/31	0.17 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NE1/4NE1/4) Sec. 3, Twp 03N, Rge 04W, B.M. CANYON County

PLACE OF USE: FIRE PROTECTION

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 04W 3				X													

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 9TH day of JUNE, 2014.


 (Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-12225

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100 Received by CS # C099185 Date 7-18-14

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-12225 with the following:

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. Fire protection is for church facilities.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

Witness my hand this 7th day of August, 2014.

Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

63-12225

This map depicts the FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



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

0 0.0425 0.085 0.17 Miles



MEMORANDUM

TO: Water Right File – 63-12225

FROM: Patrick Kelly – Water Resource Agent

DATE: August 5, 2014

SUBJECT: Fees received for 63-12225

An amendment was required to correct the POD legal description. The church is also irrigating the land and storing water from the well which are uses not authorized by permit 63-12225. A letter was sent to the permit holder requesting an amendment be signed and returned with a \$50 fee. I also sent the permit holder an application for permit for uses mentioned above.

The amendment for 63-12225 and a new application for permit were returned to the Department with a check for \$50 on June 12, 2014 (receipt ID:C098984). After finding the error in my cover letter and the missing fee for the application for permit, I contacted Rick Day who is a representative for the church, apologized for the confusion and explained the fee schedule. He promised to send another check for the remaining \$150 to cover the amendment for 63-12225 and the new application for permit. The Department received a check for \$150 on July 18, 2014 (receipt ID:C099185).

Receipt Details for ID C099185

Status	<u>Adjustment Type</u>	Version 2 ?
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General Information:				
Date Received 7/18/2014 12:31:18 PM	Date Deposited 7/18/2014 2:56:00 PM	Region STATE	Total Amount \$150.00	Payment Type Check
Payee: DEER FLAT FREE METHODIST CHURCH INC				

Account Information	
Check Number	22305

Comment APPLICATION FOR PERMIT (\$100) AND AMENDMENT TO WR# 61-12262 (\$50)
63-12225

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PERMITS	56103	0229	21		1155
<u>\$100.00</u>	AMENDMENTS	56105	0229	21		1155

Pat -

Perhaps Shelley read the receipt comment like I did + saw \$50 for the amendment?

Looks like they are short \$⁵⁰~~100~~ either way.

App for permit ≤ .20cts = \$100. -

Amendment of Permit = \$100. -
\$200. -

I didn't find another application in their name. (?)

— Also IDSOS shows the correct name includes "Inc" as shown on the receipt. Update the contact & license (D F F M C INC - no comma or period - no punctuation)

Let's discuss if questions.

Pat

You did request \$50 in your letter.

No. C 37465	Due no later than May 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. DEER FLAT FREE METHODIST CHURCH, INC. RICK DAY 17703 BEET ROAD CALDWELL ID 83607		DAVE MCGARRAH 17703 BEET RD CALDWELL ID 83607			
			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
TREASURER	RICK DAY	17703 BEET RD	CALDWELL	ID	USA	83607
PRESIDENT	DAVE MCGARRAH	17703 BEET RD	CALDWELL	ID	USA	83605
5. Organized Under the Laws of: ID C 37465		6. Annual Report must be signed.* Signature: Rick Day Name (type or print): Rick Day Date: 03/21/2014 Title: Treasurer				
Processed 03/21/2014		* Electronically provided signatures are accepted as original signatures.				



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2014

DEER FLAT FREE METHODIST CHURCH
17703 BEET RD
CALDWELL ID 83607

Re: Water Right Amendment 63-12225

Mr Day,

I am sending you this letter as a follow up from our phone conversation this morning. I have sent you a number of things that need to be completed and sent back to the Department. First, The legal description of the Point of Diversion was incorrectly identified in the application. Please sign the amendment and return it with a \$50 check made out to Idaho Department of Water Resources. This will allow us to complete the licensing process for fire protection under 63-12225.

There is an application for permit which must be filled out and returned to cover the other water uses associated with the well on the property. Complete the application with 4 uses: Diversion to Storage, Irrigation, Fire Protection Storage, Fire Protection from Storage. These 4 uses will cover all of the other uses the church is using the well for.

As I mentioned in the phone conversation, I found a theoretical flow rate of 0.17 cfs based on information found on site and in the well drillers report. I would recommend that the church apply for a flow rate of 0.20 cfs in the application for permit. The rate may be changed in the licensing process for the new water right.

Section 8b of the application for permit is the Description of Place of Use. I have indicated the correct legal description. The box below the "X" will indicate the acreage being irrigated by the church. I did a measurement using aerial photography and came up with 4.1 acres. You must fill in the amount of acres you would like to apply for irrigation. I would suggest applying for a larger area than 4.1 to be sure that you include all the space that you are irrigating. The field examiner can change the permit at licensing based on what is being used when the actual usage is LESS than what was applied for. The examiner can never change a permit for an additional amount. So go with a high estimate of what you believe is accurate and it may be changed at licensing.

If you have any questions or concerns please call me at 287-4933.

Sincerely,

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov