

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33907

Priority: January 29, 2014

Maximum Diversion Rate: 5.82 CFS

This is to certify, that PLACES LLC
PO BOX 300
PARMA ID 83660

has applied for a permit to appropriate water from:

Source: UNNAMED DRAIN

Tributary: SAND HOLLOW CREEK

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	5.82 CFS

LOCATION OF POINTS OF DIVERSION:

UNNAMED DRAIN	SW1/4NE1/4	Sec. 5, Twp 05N, Rge 05W, B.M., CANYON County
UNNAMED DRAIN	SW1/4NW1/4	Sec. 5, Twp 05N, Rge 05W, B.M., CANYON County
UNNAMED DRAIN	NE1/4SW1/4	Sec. 5, Twp 05N, Rge 05W, B.M., CANYON County
UNNAMED DRAIN	NE1/4SW1/4	Sec. 5, Twp 05N, Rge 05W, B.M., CANYON County
UNNAMED DRAIN	NW1/4SW1/4	Sec. 5, Twp 05N, Rge 05W, B.M., CANYON County
UNNAMED DRAIN	NE1/4SE1/4	Sec. 5, Twp 05N, Rge 05W, 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	05W	5			40.0	36.0			40.0	40.0	39.0	17.0			39.0	40.0			291.0
Total Acres:			291																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2019**.
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. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall make full beneficial use of all senior 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 water from unnamed drains under this right for land with an appurtenant senior surface water right(s) to those times when the senior surface water supply is not available or the senior surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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7. If the senior surface water right(s) appurtenant to all or part of the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert water from unnamed drains shall not be used on the land with an appurtenant senior surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 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 1310.0 af at the field headgate for the place of use.
9. 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.
10. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
11. Use of this right is combined with water from Farmers Cooperative Ditch Co.
12. Until a water district is established for Sand Hollow Creek and upon notification by the Department that water is not available to fully satisfy senior rights, the right holder shall (a) curtail all diversion of water, (b) curtail enough diversion of water to satisfy senior rights, or (c) mitigate impacts to senior rights. A mitigation plan must be approved by the Department prior to any mitigation activity.
13. 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 16th day of July, 2014.


for JOHN WESTRA, Western Regional 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

July 18, 2014

PLACES LLC
PO BOX 300
PARMA ID 83660

RE: Permit No.63-33907

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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,



Raeu Summen
For:

John Westra
Western Regional Manager

Enclosures

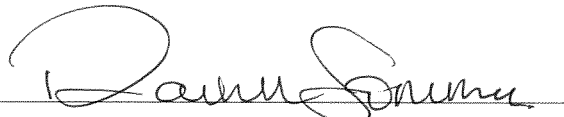
CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2014 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. 63-33907

**PLACES LLC
PO BOX 300
PARMA ID 83660**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

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

**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)

A preliminary order of the Department of Water Resources ("Department") is subject to reconsideration 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 37.01-01305 (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 16 2014

WATER RESOURCES
WESTERN REGION

29512 1106266

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:

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:
06/05/2014 06/12/2014

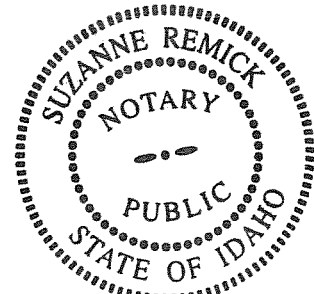
Linda Spencer
STATE OF IDAHO)

County of Canyon)

On this 12th day of June in the year of 2014 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



LEGAL NOTICE

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

✓ 63-33895
GREG TROOST
30540 SABIN RD
PARMA, ID 83660
Point of Diversion SESW S21 T04N R05W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 5.57 CFS
Total Diversion: 5.57 CFS
Date Filed: 1/16/2014
Place of Use: IRRIGATION
T04N R05W S12 NESE
T04N R05W S20 SWSE SESE
T04N R05W S21 SW(ALL) NWSE SWSE
T04N R05W S22 SWNW
T04N R05W S23 SESE
T04N R05W S25 NENW NWNW
T04N R05W S26 NWSW SWSW
T04N R05W S27 SENW
T04N R05W S28 SESE
T04N R05W S29 NENE L1(NWNE) SENE
T04N R05W S33 NWNE NENW
T04N R05W S35 NESW SESW
Total Acres: 819
Water bearing zone to be appropriated is from 20 to 100 feet.

✓ 63-33907
PLACES LLC
PO BOX 300
PARMA, ID 83660
Points of Diversion SWNE SWNW NESW NWSW NESE S5
T05N R05W CANYON County Source UNNAMED DRAIN
Tributary SAND HOLLOW CREEK
Use: IRRIGATION 03/01 to 11/15 5.82 CFS
Total Diversion: 5.82 CFS
Date Filed: 1/29/2014
Place of Use: IRRIGATION
T05N R05W S5 SWNE SENE SWNW SENW NESW
NWSW NESE NWSE
Total Acres: 291

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/WRFiling.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 6/23/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

June 05, 12, 2014

1106266