

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12414

Priority: September 18, 2013

Maximum Diversion Rate: 0.56 CFS

This is to certify, that RICHARD STUBBS And/Or
TYRA STUBBS
1322 E BRAEMERE RD
BOISE ID 83702

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	03/15 to 11/15	0.52 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 23, Twp 22N, Rge 01E, B.M.
IDAHO 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	
22N	01E	23												14.0				11.0	25.0
22N	01E	26					1.0												1.0

Total Acres: 26

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	01E	23												X					

CONDITIONS OF APPROVAL

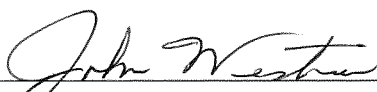
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2015**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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.

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5. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
6. This right does not grant any right-of-way or easement across the land of another.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of March, 20 14.


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

April 2, 2014

TYRA STUBBS
RICHARD STUBBS
1322 E BRAEMERE RD
BOISE ID 83702

RE: Permit No.78-12414

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.

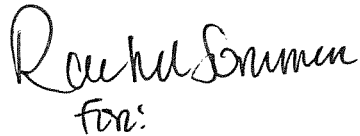
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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,

Handwritten signature of Rachel Sommer in cursive script.

For:
John Westra
Western Regional Manager

Enclosures

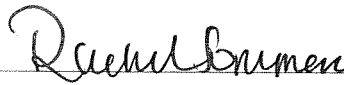
CERTIFICATE OF SERVICE

I hereby certify that on April 2, 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. 78-12414

**RICHARD STUBBS
1322 E BRAEMERE RD
BOISE ID 83702**

**TYRA STUBBS
1322 E BRAEMERE RD
BOISE ID 83702**

A handwritten signature in cursive script, reading "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)

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.



IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

C.L. "Butch" Otter / Governor
Virgil Moore / Director

January 22, 2014

RECEIVED

JAN 23 2014

WATER RESOURCES
WESTERN REGION

via email
-JL

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
Steve.Lester@idwr.idaho.gov

RE: Water Right Application 78-12414

Dear Mr. Lester,

The Idaho Department of Fish and Game (Department) has reviewed application for permit number 78-12414. The application proposes to divert a total of 0.56 cubic feet per second (cfs) of groundwater from an existing well. The application proposes 0.04 cfs for domestic purposes and 0.52 cfs for irrigation purposes. Place of use for the application is in T22N, R1E, Sections 23 and 26 and is generally located approximately one mile up Elk Creek Road, south of Pollock, ID in the Little Salmon River Watershed.

The area proposed for irrigation totals 26 acres, the majority of which appears to be natural coniferous forest. As written, the Department is not able to ascertain the purpose for irrigating natural forest land. The Department questions the purpose and need for such irrigation and requests that the Department of Water Resources fully assess any benefit of such irrigation. This inconsistency should be resolved before a permit is issued.

Thank you. Please contact Rick Ward in the Southwest Regional Office at (208) 465-8465, or via e-mail at rick.ward@idfg.idaho.gov if you have any questions.

Sincerely,

Scott Reinecker
Southwest Regional Supervisor

Ecc: Kiefer, Poole/ HQ
R3 staff

Keeping Idaho's Wildlife Heritage

RECEIVED

JAN 27 2014

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

The following application has been
filed to appropriate the public wa-
ters of the State of Idaho:

78-12414

RICHARD STUBBS
TYRA STUBBS
1322 E BRAEMERE RD
BOISE, ID 83702
Point of Diversion SESW S23
T22N R01E IDAHO County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Use: IRRIGATION 03/15 to
11/15 0.52 CFS
Total Diversion: 0.56 CFS
Date Filed: 7/3/2013
Place of Use: IRRIGATION
T22N R01E S23 SESW SWSE
T22N R01E S26 NENW
Place of Use: DOMESTIC
T22N R01E S23 SESW
Total Acres: 26

Permits will be subject to all prior
water rights. For additional infor-
mation concerning the property lo-
cation, contact Western Region of-
fice at (208) 334-2190; or for a full
description of the right(s), please
see [www.idwr.idaho.gov/apps/](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp)
[ExtSearch/WRFiling.asp](http://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 ap-
proval 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 2/3/2014. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
Published on 1/15/2014 and
1/22/2014

J15-22

OK
2-19-14
RS

Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly
newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said legal notice, of which the one hereto
attached is a true copy, was published in said paper for two
weeks, being published two times, the first publication being on
the 15th of January, 2014; and the last publication on the 22nd
day of January, 2014; and that the said legal notice was pub-
lished in the newspaper proper and not a supplement; that said
newspaper has been continuously and uninterruptedly published
in said county during a period of seventy-eight consecutive
weeks prior to the publication of said legal notice of advertise-
ment.

[Signature]

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 22nd day of January in the year of 2014, before me a
Notary Public personally appeared Andrew J. McNab, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that he
executed the same.

[Signature]
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-19

