

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-33843

Priority: August 26, 2013

Maximum Diversion Rate: 1.00 CFS

This is to certify, that MICHAEL BOREN And/Or
JOAN A BOREN
1050 N BRIAR LN
BOISE ID 83712

has applied for a permit to appropriate water from:

Source: NORTH ALKALI DRAIN **Tributary:** SOUTH BOISE DRAIN

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>	<u>ANNUAL VOLUME</u>
WATER QUALITY IMPROVEMENT	01/01 to 12/31	1.00 CFS	
IRRIGATION	03/01 to 11/15	0.05 CFS	
WATER QUALITY IMPROVEMENT STORAGE	01/01 to 12/31		17.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NORTH ALKALI DRAIN L4 (SE1/4SW1/4) Sec. 11, Twp 05N, Rge 06W, B.M. CANYON County

PLACE OF USE: WATER QUALITY IMPROVEMENT

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 06W 11												X					
												L 4					

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 06W 11												1.8					1.8
												L 4					

PLACE OF USE: WATER QUALITY IMPROVEMENT STORAGE

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 06W 11												X					
												L 4					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2015**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.

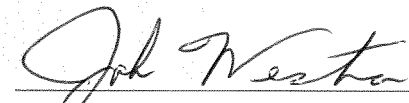
State of Idaho
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NO. 63-33843

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.
5. 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.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. This right authorizes the diversion of 3.2 acre-feet to be used for the initial filling of two ponds and 13.9 acre-feet for losses due to seepage and evaporation for a total annual storage volume of 17.1 acre-feet. One pond is a settling pond, the second acts as a wetland site both of which are used for water quality improvement.
10. Water quality improvement is for the removal of phosphorus from water flowing in the North Alkali Drain.
11. Treated water is returned to the North Alkali Drain at the north end of the project site.
12. The dam shall not exceed a height of 6.0 feet and storage volume of 3.2 acre-feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 1st day of May, 2014.


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

May 2, 2014

MICHAEL BOREN
JOAN A BOREN
1050 N BRIAR LN
BOISE ID 83712

RE: Permit No.63-33843

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.

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,



For:

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

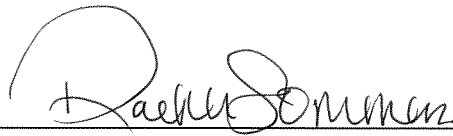
63-33843

**JOAN A BOREN
1050 N BRIAR LN
BOISE ID 83712**

**MICHAEL BOREN
1050 N BRIAR LN
BOISE ID 83712**

**IDAHO WATER ENGINEERING
C/O HAL ANDERSON
2918 N EL RANCHO PL
BOISE ID 83704**

**REX R BARRIE
WATER MASTER
10769 W STATE ST
PO BOX 767
STAR ID 83669**

A handwritten signature in black ink, 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.

Memorandum—Dam Safety

Application for Permit #63-33843—Boren

From: J. Westra

Date: 04/30/14

RE: Dam and Water Quality Improvement Sediment Ponds

Regulation

From the design plans, the embankment is opposite the drain bank. The water permit application lists the dam as 6 feet and 3.2 acre feet of storage. Under our dam safety rules, the facility would be exempt from regulation-- IDAPA 37.03.06.10 a & b. No need for dam construction application.

Low Hazard

Being familiar with the location, the area is very flat with numerous drains flowing directly into the Snake River in close proximity. An embankment failure would likely result in a storage water release directly into the North Alkali drain. If the drain was overtopped, the small amount of storage would fan out over a large area quickly. It would likely not be a threat to the buildings- property/life to the east.

Permit Condition of Approval

The dam height shall not exceed 6 feet and storage volume of 3.2 acre-feet.



Scenario A:

A *Water Right Application* is submitted at the Region Office. Storage of water in a pond or reservoir is listed as one of the proposed diversions on the Water Right Application form.

Determine whether or not a separate application form for *Construction or Enlargement of a New or Existing Dam* and the collection of fees is needed for the proposed or existing structure

63-33843

Applicable IDAPA 37.03.06.10 a + b - exempt.

Is the structure less than 6.0 feet tall and is the storage capacity less than 10.0 ac-ft?

yes to
both

no

STOP

A SEPARATE APPLICATION TO CONSTRUCT
OR TO ENLARGE A DAM IS NOT REQUIRED

=> DO NOT COLLECT APPLICATION FEE

THE STRUCTURE IS NOT A REGULATED DAM

=> DO NOT ADD TO DAM SAFETY DATABASE

go to the
next sheet
(page 2)

29512 1054926

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

RECEIVED

MAR 17 2014

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

SS.

Linda Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

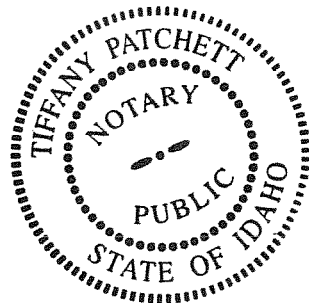
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, 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:
03/06/2014 03/13/2014

Linda Spencer
STATE OF IDAHO)

County of Canyon)

On this 13th day of March 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.



[Signature]
Notary Public for Idaho
Residing at Canyon County
My Commission expires 09/12/2018

LEGAL NOTICE

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

✓ 63-33810

BOWMONT FARMS LLC

4890 DRY LAKE RD

NAMPA, ID 83686

Point of Diversion SWNE SWSE SESE NESW SESW S4 T01N R02W CANYON County Source

GROUND WATER

Use: IRRIGATION 03/01 to 11/15 5.04 CFS

Total Diversion: 5.04 CFS

Date Filed: 7/11/2013

Place of Use: IRRIGATION

T01N R02W S4 SWNW SENW NESW NWSW SESW

T01N R02W S5 L1(NENE) L2(NWNE) SWNE SENE

T01N R02W S9 NWNE

Total Acres: 252

Water bearing zone to be appropriated is from 200 to 850 feet.

✓ 63-33839

MELVIN GOODSON

WANDA GOODSON

26701 FOUNTAIN RD

PARMA, ID 83660

Point of Diversion NENENE S19 T05N R04W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.74 CFS

Total Diversion: 0.74 CFS

Date Filed: 8/13/2013

Place of Use: IRRIGATION

T05N R04W S19 NWNE

Total Acres: 37

Water bearing zone to be appropriated is unknown. Well drilled in 1977 to a total depth of 440 feet.

✓ 63-33840

MICHAEL GOODSON

MELANIE GOODSON

26701 FOUNTAIN RD

PARMA, ID 83660

Point of Diversion NENENE S19 T05N R04W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 8/13/2013

Place of Use: IRRIGATION

T05N R04W S19 SWNE

Total Acres: 40

Water bearing zone to be appropriated is unknown. Well drilled in 1977 to a total depth of 440 feet.

✓ 63-33841

JORDAN JOHNSON

7264 N RIVER RD

IDAHO FALLS, ID 83402

Point of Diversion NWNE S16 T04N R03W CANYON County Source GROUND WATER

Tributary BOISE RIVER

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 20 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 20 AF

Total Diversion: 20 AF

Date Filed: 8/16/2013

Place of Use: IRRIGATION FROM STORAGE, IRRIGATION STORAGE

T04N R03W S16 NWNE

Total Acres: 4.4

Water bearing zone to be appropriated is from 0 to 8 feet.

✓ 63-33843

MICHAEL BOREN

JOAN A BOREN

1050 N BRIAR LN

BOISE, ID 83712

Point of Diversion L4(SESW) S11 T05N R06W CANYON County Source NORTH ALKALI

DRAIN Tributary SOUTH BOISE DRAIN

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: IRRIGATION 03/01 to 11/15 0.05 CFS

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 1 CFS

Use: WATER QUALITY IMPROVEMENT STORAGE 01/01 to 12/31 17.1 AF

Total Diversion: 1 CFS

Date Filed: 8/26/2013

Place of Use: IRRIGATION, WATER QUALITY IMPROVEMENT, WATER QUALITY

IMPROVEMENT STORAGE

T05N R06W S11 L4(SESW)

Total Acres: 1.8

OK
4/2/14
RS.

RECEIVED

MAR 17 2014

WATER RESOURCES
WESTERN REGION

63-33893 ✓

JOHN BRANDT
DON BRANDT

203 11TH AVE S
NAMPA, ID 83651

KELLY KRAMER
VICKY KRAMER

1288C SOUTHSIDE BLVD
MELBA, ID 83641

Point of Diversion SESE S13 T01S R02W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.8 CFS

Total Diversion: 1.8 CFS

Date Filed: 1/7/2014

Place of Use: IRRIGATION

T01S R02W S13 SWSE SESE

T01S R02W S24 NENE

Total Acres: 90

Water bearing zone to be appropriated is from 125 to 350 feet.

PROPOSED CHANGE OF WATER RIGHTS

✓ **Sunridge Dairy LLC** of 4890 Dry Lake Rd., Nampa, ID 83686 filed Application Nos. **78512, 78514 and 78515** to transfer all or portions of 22 water rights with 1950 to 1981 priority dates from ground water and the Snake River totaling 32.23 cfs. The transfers propose in part, to add a new well, describe places of use reflecting integrated irrigation systems and consolidate primary surface water. Water will be used on lands located between Sky Ranch Road and Lynwood Road, bordered on the south by Big Foot Road approximately 1.5 miles south of Missouri Ave.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) 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 3/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

March 06, 13, 2014

1054926

OK
4/2/14
RS