

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11843

Priority: September 30, 2013

Maximum Diversion Rate: 1.00 CFS

This is to certify, that JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		37.0 AF
RECREATION STORAGE	01/01 to 12/31		37.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4SW1/4	Sec. 15, Twp 04S, Rge 02E, B.M. OWYHEE County
GROUND WATER	SW1/4SW1/4	Sec. 15, Twp 04S, Rge 02E, B.M. OWYHEE County
GROUND WATER	NE1/4SE1/4	Sec. 16, Twp 04S, Rge 02E, B.M. OWYHEE County

PLACE OF USE: WILDLIFE 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	
04S	02E	15																	X

PLACE OF USE: RECREATION 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	
04S	02E	15																	X

CONDITIONS OF APPROVAL

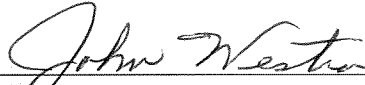
1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2018**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the construction of one (1) well.

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6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. The reservoir established by the storage of water under this right shall not exceed a total capacity of 30 acre-feet or a total surface area of 5 acres.
10. The source of the water diverted under this right is "Trust Water" which is identified in the 1984 Swan Falls Agreement and defined as surface and ground water tributary to the Snake River between Milner Dam and Swan Falls. Diversions under this right shall be subject to curtailment if such diversions would impact the established minimum stream flows of 3,900 cfs from April through October and 5,600 cfs from November through March at the Murphy gage.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of February, 20 19.



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

February 27, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
BOISE ID 83702

RE: Permit No.57-11843

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.

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,

A handwritten signature in cursive script that reads "Rachel Sonnen". The signature is written in black ink and is positioned below the word "Sincerely,".

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 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. 57-11843

**JOSEPH L PARKINSON
123 W HIGHLAND VIEW DR
BOISE ID 83702**

**IDAHO POWER COMPANY
ATTN: JONATHON BOWLING
JBOWLING@IDAHOPOWER.COM**

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.

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, February 27, 2014 3:04 PM
To: 'JBOWLING@IDAHOPOWER.COM'
Subject: RE: Application for Permit No. 57-11843
Attachments: Approved Permit 57-11843.pdf

Dear Jonathon Bowling,

I have attached the approved permit no. 57-11843 in the name of Joseph L Parkinson. If you have questions please contact me at 208-334-2190.

Sincerely,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Westra, John

From: Westra, John
Sent: Tuesday, January 21, 2014 11:02 AM
To: 'Bowling, Jon'
Subject: RE: Joe Parkinson Application 57-11843 Trust Water Language.

Jon:

This is to confirm our phone conversation earlier.

If the Parkinson application is granted approval, the e-mail condition attached below will be placed on the permit.

Thank you,

John Westra, Manager Western Region.

From: Bowling, Jon [<mailto:JBowling@idahopower.com>]
Sent: Tuesday, January 21, 2014 10:52 AM
To: Westra, John
Subject: Joe Parkinson Application 57-11843 Trust Water Language.

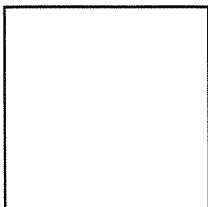
John,

Attached is the "Trust Water" language that we have been asking applicants and IDWR to put in new water right permits and licenses. I talked to Joe Parkinson and he is OK with putting this condition in the permit, absent IPC formally protesting. Mr. Parkinson also has other trust water rights that he currently uses to fill the pond. Also attached is a letter from IDWR to Mr. Parkinson, from 2004, warning of possible curtailment should the flow breach the Swan Falls minimum.

Please let me know if you have any questions.

Jon

Jonathon C. Bowling, P.E.
Engineering Leader
Water and Resource Planning
Idaho Power Company
PO Box 70, Boise Idaho 83707
(208) 388-2905
jbowling@idahopower.com



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*Id. Power Trust
Water Condition*

The source of the water diverted under this right is "Trust Water" which is identified in the 1984 Swan Falls Agreement and defined as surface and ground water tributary to the Snake River between Milner Dam and Swan Falls. Diversions under this right shall be subject to curtailment if such diversions would impact the established **minimum** stream flows of 3,900 cfs from April through October and 5,600 cfs from November through March at the Murphy gage."

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

OK
2.6.14
RS

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I now am the president of The Owyhee Avalanche, a newspaper published weekly, on Wednesday of each week, in Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been published continuously and uninterruptedly in said County during a period of _____ weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from the _____ issue of said newspaper, in _____ (consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

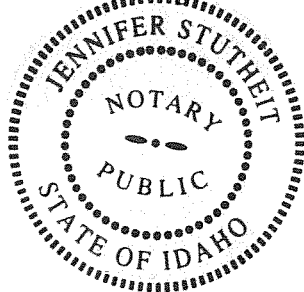
JANUARY 1, 8, 2014

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 31 day of Jan in the year of 2014 before me, a

Notary Public, personally appeared ROBERT E. AMAN known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2015

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

Use: RECREATION
STORAGE, WILDLIFE
STORAGE 01/01 to 12/31 37
AF

Total Diversion: 1 CFS

Date Filed: 9/30/2013

Place of Use: RECREATION
STORAGE, WILDLIFE
STORAGE

T04S R02E S15 NESW

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 01/20/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
1/1,8/14

RECEIVED

FEB 04 2014

WATER RESOURCES
WESTERN REGION