

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-22847

Priority: October 21, 2013

Maximum Diversion Rate: 0.04 CFS

This is to certify, that TOM R NORRIS
2351 CLAY ST, STE 510
SAN FRANCISCO CA 94115

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4SE1/4	Sec. 7, Twp 03N, Rge 18E, B.M.
BLAINE County		

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE					
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
03N 18E 7													X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2016**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
4. The irrigation occurring under this domestic right shall not exceed 0.44 acres (19,166 square-feet). This right when combined with any other domestic right for the same property shall not exceed a total irrigation of 0.44 acres.
5. The difference in the 0.44 acre of irrigation allowed under this right and the ½ acre of irrigation historically used on the property pursuant to an exempt domestic right provides mitigation for consumptive uses associated with right 37-8916.
6. Point of diversion is located within Lot 2B, Little Makawao Subdivision.
7. Place of use is located within Lot 2B, Little Makawao Subdivision.
8. 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. 37.

State of Idaho
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NO. 37-22847

9. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
10. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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 February, 20 14.


For _____
GARY SPACKMAN, Director



State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22847

This map depicts the DOMESTIC 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.



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

0 0.0175 0.035 0.07 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2014

TOM R NORRIS
2351 CLAY ST, STE 510
SAN FRANCISCO CA 94115

RE: Permit No. 37-8916 & 37-22847

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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: MOORE SMITH BUXTON & TURCKE CHTD
BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

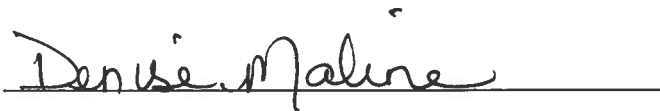
I hereby certify that on February 25, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8916 & 37-22847

**TOM R NORRIS
2351 CLAY ST, STE 510
SAN FRANCISCO CA 94115**

**BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N, STE 4
TWIN FALLS ID 83301**

**MOORE SMITH BUXTON & TURCKE CHTD
C/O BRUCE M SMITH
950 W BANNOCK, STE 520
BOISE ID 83702**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2014

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Re: **APPROVED Permit No. 37-8916 & 37-22847 (Tom R Norris)**

Dear Kevin:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

AFFIDAVIT of PUBLICATION NOV 15 2013

COPY OF NOTICE

State of Idaho
County of Blaine

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6 day of Nov., 20 13, and the date of the last publication was on the 13 day of Nov., 20 13

Subscribed and sworn to before me this 13 day of Nov., 20 13.



Connie N. Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 125
Number of Insertions 2

125 Lines tabular at 9.0 cents/pica
125 Lines straight at 115.00 8.0 cents/pica
125 Subsequent lines at 100.63 7.0 cents/pica

TOTAL COST 215.63

✓ AM
11-27-2013

Public Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ✓

37-22779
ROBERT G STEVENS
CAROL F STEVENS
PO BOX 308
KETCHUM, ID 83340
Point of Diversion NWNE S23 T05N
R17E BLAINE County Source
GROUND WATER Tributary
Use: IRRIGATION 04/15 to 10/31
0.26 CFS
Total Diversion: 0.26 CFS
Date Filed: 8/29/2012
Place Of Use: IRRIGATION
T05N R17E S14 NESW
Total Acres: 12.9

It is proposed that the 0.41 CFS allowed diversion from Eagle Creek under water right 37-863E (Eagle Creek Irrigation Co.), with a priority of 10-6-1902, be dedicated to mitigation for the proposed appropriation. This 0.41 CFS portion of right 37-863E (0.08 CFS) will continue to be diverted into the high ditch of the Eagle Creek Irrigation Co. for conveyance loss to users in that delivery system and the remaining portion (0.33 CFS) will not be diverted at any authorized Eagle Creek Irrigation Co. point of diversion (POD) under right 37-863E, but left in the natural channel to mitigate for the aquifer depletion attributable to this application. Note that right 37-863E historically irrigated the same ground as this application proposes to irrigate. Also, rights 37-21427 (0.21 CFS) & 37-21428 (0.01 CFS), with a priority of 3-14-1980 and diverted from groundwater, also irrigates the same 12.9 acres and from the same well proposed under this application. Please note that the proposed appropriation occurs on property owned by the applicant within the following legal description: HES no. 129.

over →

37-22847

TOM R NORRIS
2351 CLAY ST, STE 510
SAN FRANCISCO, CA 94115
Point of Diversion NESE S7 T03N
R18E BLAINE County Source
GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/21/2013
Place Of Use: DOMESTIC
T03N R18E S7 NESE

Application seeks to appropriate 0.04 cfs of ground water from an existing domestic well for domestic use on Lot 2B of Little Makawao Subdivision located northeast of the Highway 75 & East Fork Road intersection approximately 5.2 miles south and 0.8 miles east of the center of Ketchum. The domestic use (limited to 13,000 gpd) includes water for in-house use for 1 home, evaporative losses associated with the expansion of an existing pond on the property, and irrigation of no more than 0.44 acre.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78865**

CHRISTOPHER MANNINO, 5206 VALLEY VIEW RD, RANCHO PALOS VERDES, CA 90275; has filed Application No. 78865 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21121, 37-21122. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for two Big Wood River irrigation rights, currently authorized to divert 3.6 CFS at the Bannon #49 ditch headgate, located approximately 2.0 mi. S & 0.2 mi. W of Bellevue. Application proposes to divert this water from the Glendale #50 ditch headgate, located approximately 0.2 downstream of the Bannon #49 ditch headgate.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before November 25, 2013. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

**PUBLISH:
IDAHO MOUNTAIN EXPRESS
Nov. 6 & 13, 2013**

✓ OK DM
11/27/2013

RECEIVED *via E-mail*

NOV 01 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application No.: 37-22847

Applicant's Name: TOM R NORRIS
2351 CLAY ST, STE 510
SAN FRANCISCO, CA 94115

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 1 day of November, 2013

Water District No. 37

Kevin Lakey

Watermaster's Signature

Kevin Lakey

Printed Name