

**NO. 63-33808**

Maximum Diversion Rate: 0.20 CFS

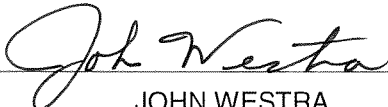
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State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-33808

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2018**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. 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.
6. Domestic use is for 1 home.
7. Stockwater use is for 10 head mixed stock.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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.
10. 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.
11. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
12. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right located within the NWNE, Section 32, Township 05N, Range 01E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
13. After specific notification by the Department, the right holder shall participate in a Department approved ground water monitoring plan.
14. Water bearing zone to be appropriated is from 200 to 600 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 30<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
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](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 30, 2013

CCI CONSTRUCTION INC  
C/O DOUG B CLEGG  
1342 E COVEY RUN CT  
EAGLE ID 83616

RE: Permit No.63-33808

### 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,

  
for:

John Westra  
Western Regional Manager

Enclosures

cc: SPF WATER ENGINEERING LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2013 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.                      63-33808**

**CCI CONSTRUCTION INC  
C/O DOUG B CLEGG  
1342 E COVEY RUN CT  
EAGLE ID 83616**

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

A handwritten signature in cursive script, reading "Rachel Sommer", is positioned above 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.

**LEGAL NOTICE**

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

**63-33654****E G JOHNSON FARMS INC**

24007 HWY 20-26,  
PARMA, ID 83660

Points of Diversion SESE SWSE S4 T05N R04W PAYETTE County Source GROUND WATER  
Points of Diversion NWSW SWSW SESW SWSE SESE SESE S5 T05N R04W PAYETTE  
County Source GROUND WATER  
Points of Diversion NENW NWNW S8 T05N R04W CANYON County Source GROUND WA-  
TER

Points of Diversion (ALL)NE SENW NESE S9 T05N R04W CANYON County Source  
GROUND WATER

Use: IRRIGATION 03/01 to 11/15 17 CFS

Total Diversion: 17 CFS

Date Filed: 6/5/2012

Place of Use: IRRIGATION

T05N R04W S4 SWNE SENE SENW NESW (ALL)SW (ALL)SE

T05N R04W S5 (ALL)SW (ALL)SE

T05N R04W S8 NWNE

T05N R04W S9 (ALL)NE (ALL)NW NESE

Total Acres: 1129

Proposes 850 acres of irrigation in larger place of use with ground water from up to 5 pro-  
posed wells with a 300 to 1000 ft water bearing zone. Location is north of Market Rd be-  
tween Fountain Rd and Iverson Rd approximately 4 miles north northwest of Notus.

**63-33785****CITY OF BOISE****PARKS & RECREATION DEPT**

1104 ROYAL BLVD

BOISE, ID 83706-2898

Point of Diversion L5(SWNW) S4 T03N R02E ADA County Source GROUND WATER

Use: MUNICIPAL 03/15 to 11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 5/21/2013

Place of Use: MUNICIPAL

T03N R02E S4 L4(NWNW) L5(SWNW) L6(NWSW) L7(SESW)

T04N R02E S33 SWSW SESW

Water bearing zone to be appropriated is from 210 to 250 feet.

**63-33803****CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Points of Diversion NWNE NENE S32 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC

T05N R01E S32 NENE

Place of Use: IRRIGATION, STOCKWATER

T05N R01E S32 NENE NWNE

Total Acres: 4.5

Water bearing zone to be appropriated is from 200 to 600 feet.

Domestic use is for internal use in 1 home and stockwater use is for up to 10 head mixed  
stock.

**63-33804****CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Point of Diversion NWNE S32 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R01E S32 NWNE

Total Acres: 4.5

Domestic use is for internal use in 1 home and stockwater use is for 10 head mixed  
stock.

Water bearing zone to be appropriated is from 200 to 600 feet.

**CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Point of Diversion NWNE T05N R01E ADA County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R01E S32 NWNE

Total Acres: 4.5

Water bearing zone to be appropriated is from 200 to 600 feet.

Domestic use is for internal use in 1 home and stockwater use is for 10 head mixed  
stock.

**63-33806****CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Point of Diversion NWNE S32 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R01E S32 NWNE

Total Acres: 4.5

Domestic use is for internal use in 1 home and stockwater use is for 10 head mixed  
stock.

Water bearing zone to be appropriated is from 200 to 600 feet.

**63-33807****CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Points of Diversion NWNE NENE S32 T05N R01E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC

T05N R01E S32 NWNE

Place of Use: IRRIGATION, STOCKWATER

T05N R01E S32 NENE NWNE

Total Acres: 4.5

Domestic use is for internal use in 1 home and stockwater use is for 10 head mixed  
stock.

Water bearing zone to be appropriated is from 200 to 600 feet.

**63-33808****CCI CONSTRUCTION INC****C/O DOUG B CLEGG**

1342 E COVEY RUN CT,  
EAGLE, ID 83616

Point of Diversion NENE S32 T05N R01E ADA County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.14 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/2/2013

Place of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R01E S32 NENE

Total Acres: 4.5

Domestic use is for internal use in 1 home and stockwater use is for 10 head mixed  
stock.

Water bearing zone to be appropriated is from 200 to 600 feet.

**PROPOSED CHANGE OF WATER RIGHTS**

**Black Mesa Farms LLC** of PO Box 82, Glens Ferry, ID, 83623, filed Application N  
78428 to transfer two water rights with 1963 and 1965 priority dates from the Snake Ri  
er totaling 16.76 cfs. The purpose of the transfer is to authorize irrigation for purposes  
preparing lands for planting and irrigation the following year (Field Prep Irrigation). Th  
Field Prep Irrigation acres would be within the rights currently authorized permissib  
place of use (PPU), but would be in addition to acres irrigated to produce crops during i  
irrigation season. This would be after crops are harvested but before irrigation seaso  
ends (10/31 - 11/15). Water will be used at the current place of use approximately  
miles south east of Glens Ferry, south of I-84 and west of the Snake River.

Permits will be subject to all prior water rights. For additional information concerning th  
property location, contact Western Region office at (208) 334-2190; or for a full descri  
tion of the rights &/or proposed transfer, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may be submitted based on the criteria of Sec 42-222 and 4  
203A, Idaho Code. Any protest against the approval of this application(s) must be fil  
with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise,  
83705 together with a protest fee of  
\$25.00 for each application on or before 9/23/13. The protestant must also send a co  
of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Sept. 5, 12, 2013

**63-33805**

0000649728

**LEGAL PROOF OF PUBLICATION**

| Account # | Ad Number  | Identification                          | PO                | Amount   | Cols | Lines |
|-----------|------------|-----------------------------------------|-------------------|----------|------|-------|
| 263978    | 0000649728 | LEGAL NOTICE The following applications | EGJOHNSONFARMSINC | \$831.00 | 5    | 102   |

Attention:

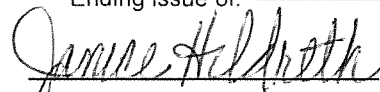
IDAHO DEPT WATER RESOURCE/ WEST  
2735 AIRPORT WAY  
BOISE, ID 837055082

RECEIVED

SEP 13 2013

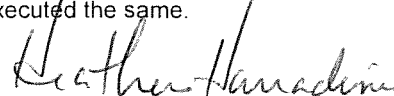
WATER RESOURCES  
WESTERN REGION

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 09/05/2013Ending issue of: 09/12/2013  
(Legals Clerk)STATE OF IDAHO )  
                                  .SS

COUNTY OF ADA )

On this 12th day of September in the year of 2013 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public FOR Idaho  
Residing at: Boise, IdahoMy Commission expires: 2/08/2014