

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33741

Priority: January 28, 2013

Maximum Diversion Rate: 3.20 CFS

This is to certify, that JAMES WEBBER And/Or TONI WEBBER
4920 SE KELLY
PORTLAND OR 97206

has applied for a permit to appropriate water from:

Source: SOUTH BOISE DRAIN **Tributary:** SNAKE RIVER

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	03/01 to 11/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH BOISE DRAIN NW1/4NW1/4 Sec. 13, Twp 05N, Rge 06W, B.M., CANYON 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	
05N 06W 12												20.0	40.0				60.0
05N 06W 13					20.0	40.0	40.0										100.0

Total Acres: 160

CONDITIONS OF APPROVAL

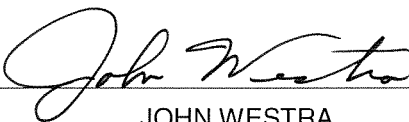
1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2018**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. 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.
5. When notified by the Department, 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

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7. 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.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of July, 20 13.



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

July 12, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES WEBBER
TONI WEBBER
4920 SE KELLY
PORTLAND OR 97206

RE: Permit No.63-33741

Permit Approval Notice

Dear Permit Holders:

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.

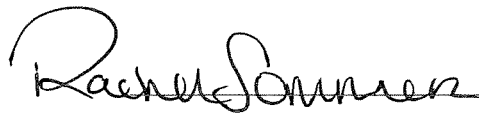
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

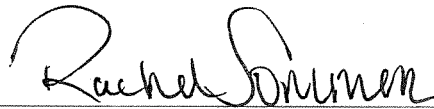
I hereby certify that on July 12, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 63-33741

**JAMES WEBBER
4920 SE KELLY
PORTLAND OR 97206**

**TONI WEBBER
4920 SE KELLY
PORTLAND OR 97206**

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

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 42-1701 A(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:

63-33741

JAMES WEBBER
TONI WEBBER
4920 SE KELLY
PORTLAND, OR 97206
Point of Diversion NWNW S13 T05N R06W CANYON County
Source SOUTH BOISE DRAIN Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/01 3.2 CFS
Total Diversion: 3.2 CFS
Date Filed: 1/28/2013
Place Of Use: IRRIGATION
T05N R06W S12 SWSW SESW
T05N R06W S13 NENW NWNW SWNW
Total Acres: 160

63-33764

JAMES RONALD HAYS
2438 E HERBERT DR
BOISE, ID 83706
Point of Diversion SENW S12 T01S R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 4/22/2013
Place Of Use: IRRIGATION
T01S R02W S12 SENW
Total Acres: 40
Water bearing zone to be appropriated is from 120 to 250 feet.

63-33769

O STANLEY MORTENSEN
MYRTLE L MORTENSEN
2367 RIVER OAKS DR
NAMPA, ID 83686
Point of Diversion SWNE S29 T01N R02W CANYON County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 1.6 CFS
Total Diversion: 1.64 CFS
Date Filed: 4/25/2013
Place Of Use: DOMESTIC
T01N R02W S29 SWNE
Place Of Use: IRRIGATION
T01N R02W S29 SWNE SENE
Total Acres: 80
Water bearing zone to be appropriated is from 150 to 300 feet.

63-33774

RUBEN ASUMENDI
23032 HWY 20 26
PARMA, ID 83660
Point of Diversion NESW S36 T04N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 2.32 CFS
Total Diversion: 2.32 CFS
Date Filed: 5/2/2013
Place Of Use: IRRIGATION
T04N R02W S36 SENW NESW NWSW
Total Acres: 116
Water bearing zone to be appropriated is from 20 to 400 feet.

63-33777

LAKEVIEW LAND CO LLC
10778 PERCH RD
CALDWELL, ID 83686
Point of Diversion SWSW S4 T02N R03W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.6 CFS
Total Diversion: 1.6 CFS
Date Filed: 5/14/2013
Place Of Use: IRRIGATION
T02N R03W S4 NWSW SWSW
Total Acres: 80
Water bearing zone to be appropriated is from 200 to 400 feet.

RECEIVED

JUN 17 2013

WATER RESOURCES
WESTERN REGION

PROPOSED CHANGE OF WATER RIGHT(S)

Ronald G. Smith of 25357 Wamstad Rd Parma ID 83660 filed Application No. **78594** to transfer four water right(s) with 1977 to 1987 priority dates from ground water totaling 11.75 cfs. The purpose of the transfer is to change an existing P/D and add a new P/D for diversion of up to 7.8 cfs. Water will be used at the current place of use near the intersection of Arena Valley and Matthews Roads in the Deer Flat area southeast of Riverside Canal, approximately 4.5 miles southwest of Parma.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

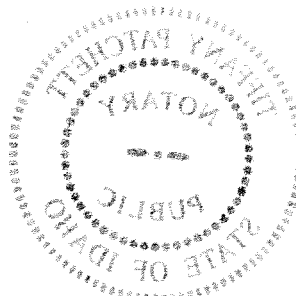
Khanh and Mongtu Nguyen of 12482 N. Upper Ridge Place, Boise, ID 83714, filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. **2-10370** with a 1963 priority from Snake River totaling 0.285 cfs. The applicant does not know when the the irrigation right was last used. The right serves property located 4 miles north of the Snake River and 6 miles northwest of Melba. The applicant requests the extension of time to provide adequate time to work with the Hat Butte Irrigation Company to reestablish water delivery to the site.

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. For specific details of the extension see this link www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp using right no 2-10370. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, 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 6/24/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

June 06, 13, 2013

902888



OK
7.2.13
RS

RECEIVED

JUN 17 2013
29512 902888

IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

RECEIVE

JUN 17 2013

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

)SS.

Leann Nobella
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.

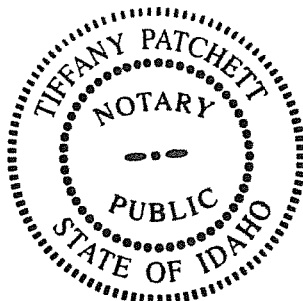
That said notice was published the following:

06/06/2013 06/13/2013

STATE OF IDAHO)

County of Canyon)

On this 13th day of June in the year of 2013 before me a Notary Public, personally appeared. Leann Nobella, 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.



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