

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33236

Priority: July 08, 2009

Maximum Diversion Rate: 0.26 CFS

This is to certify, that CURTIS DERR and/or SHERRIE DERR
18710 S CLOVERDALE RD
KUNA ID 83634

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>
IRRIGATION	03/01 to 11/15	0.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 10, Twp 01N, Rge 01E, B.M., ADA County
GROUND WATER	SW1/4SW1/4	Sec. 10, Twp 01N, Rge 01E, B.M., ADA 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	
01N 01E 10																	10.0

Total Acres: 10

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 01E 10												X					

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 01E 10												X					

CONDITIONS OF APPROVAL

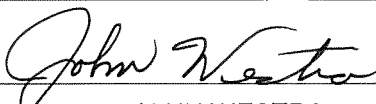
1. Subject to all prior water rights.
2. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

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3. The right holder shall install a measuring device acceptable to the Department at the point of diversion authorized under this right. The measuring device shall be capable of displaying diversion flow rate and totalized volume measurement. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until proof of beneficial use is filed. The records shall be made available to the Department upon request.
4. The point of diversion (well) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the well. Water level measurements shall be made monthly throughout the year from the beginning of the diversion and use of water in connection with this right until proof of beneficial use is filed. The records shall be made available to the Department upon request.
5. Proof of application of water to beneficial use shall be submitted no sooner than July 1, 2017, and no later than July 1, 2018. A report with no less than 4 years of diversion measurement and aquifer level water monitoring data shall be submitted in connection with filing proof of beneficial use. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in cancellation of the permit.
6. Prior to submitting proof of beneficial use, the right holder shall not assign ownership of the permit to another individual, corporation, partnership, or association without prior approval of the Department.
7. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
8. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel the permit.
9. If the Department determines based on credible evidence, measurement reports, area data or otherwise that diversion and use of groundwater under this right is causing material injury to any senior water right(s), the Department may order the diversion reduced, the diversion curtailed, or the right holder provide adequate mitigation to remedy the injury.
10. 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.
11. 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.
12. This right does not grant any right-of-way or easement across the land of another.
13. 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.
14. Stockwater use is for 15 head of stock.
15. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
16. Place of use is located within Lot 4, Blk. 1; Wednesday Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of July, 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

July 18, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CURTIS DERR
SHERRIE DERR
18710 S CLOVERDALE RD
KUNA ID 83634

RE: Permit No.63-33236

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 black ink that reads "Rachel Sommer" with "for:" written below it.

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

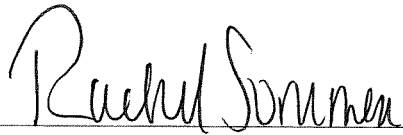
I hereby certify that on July 18, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

63-33236

**CURTIS DERR
18710 S CLOVERDALE RD
KUNA ID 83634**

**SHERRIE DERR
18710 S CLOVERDALE RD
KUNA ID 83634**

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.

RESPONSE FORM

RECEIVED

MAR 19 2013

WATER RESOURCES
WESTERN REGION

Applicant Name: Curtis &/or Sherri Derr
18710 S Cloverdale Rd
Kuna ID 83634

Application No: 63-33236

(Please read carefully and mark one)

☒ **YES**—I am willing to comply with the additional measurement/
monitoring conditions as part of an approval of my
application for permit.

OR

☐ **NO**—I am not willing to accept the additional measurement/
monitoring conditions as part of an approval of my
application for permit. I request my application continued
to be held by the Department--up to 1 year.

OR

☐ **WITHDRAW**--I request my application for permit be withdrawn.

Signed this 17TH day of MARCH 2013

Applicant Signature Curtis Derr

Printed Applicant Name CURTIS DERR

Return Form on or before **April 1, 2013**

Untimely responses will result in the application ordered void.

Submit the Form to: **Attn: J. Westra**

**Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705**

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

OCT 29 2010

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000524597	LEGAL NOTICE		\$425.40	3	72

Attention: Denise Buffington

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

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

✓ 63-32703

ORCHARD RANCH LLC

PO BOX 1260

MARICOPA, AZ 85239

Point of Diversion SESE S10 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion SWSW S10 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion NESE S9 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion NWNE S15 T01S R03E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 9.6 CFS

Total Diversion: 9.6 CFS

Date Filed: 6/21/2007

Place Of Use: IRRIGATION

Portions of:

T01S R03E S9 through 15, 23, 24

T01S R04E S19, 20, 29

Total Acres: 2752

Water bearing zone to be appropriated is from 400 to 1200 feet. Use is limited to 480 acres per year in a larger place of use.

✓ 63-32811

PACIFIC LINKS LLC

200 N 4TH ST STE 206

BOISE, ID 83701

Point of Diversion SWNE S22 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 12 AF

Total Diversion: 12 AF

Date Filed: 12/12/2006

Place Of Use: AESTHETIC STORAGE

T04N R01W S22 SWNE

Water bearing zone to be appropriated is from 1 to 10 feet for a shallow ground water pond covering about 1 acre at Spurwing Golf Course. Mitigation is proposed for consumptive use by allowing 0.02 cfs of Eureka Water Co. Irrigation water to remain unused in the Eureka Main Canal and returned to the Boise River.

✓ 63-33236

CURTIS DERR

SHERIE DERR

18710 S CLOVERDALE RD

KUNA, ID 83634

Point of Diversion SWSW S10 T01N R01E ADA County Source GROUND WATER Tributary

Point of Diversion SWSW S10 T01N R01E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

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

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

Total Diversion: 0.26 CFS

Date Filed: 7/8/2009

Place Of Use: IRRIGATION, STOCKWATER, DOMESTIC

T01N R01E S10 SWSW

Total Acres: 10

Water bearing zone to be appropriated is from 270 to 311 feet.

✓ 63-32459

G O INVESTMENTS LLC

24034 BATT CORNER RD

PARMA, ID 83660

Point of Diversion L3(NENW) S27 T05N R05W CANYON County Source BOISE RIVER Tributary SNAKE RIVER

Use: WILDLIFE 11/16 to 02/28 24 CFS

Total Diversion: 24 CFS

Date Filed: 4/5/2005

Place Of Use: WILDLIFE

T05N R05W S21 L10(SESE)

T05N R05W S22 L5(SWSW)

Water will be diverted via Haas Ditch. Return flow to Boise River will be about 6 miles downstream via East End Drain. Permits will be subject to all prior water rights. 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Pub. Oct. 21, 28, 2010

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 Insertions

Beginning issue of: 10/21/2010

Ending issue of: 10/28/2010

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

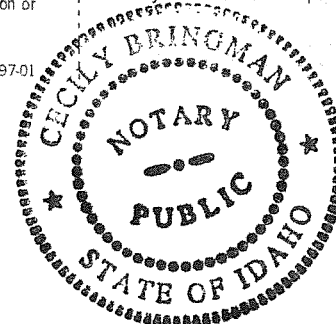
On this 28 day of October in the year of 2010 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



0000524597-01

✓ OK DB 11/12/2010