

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-33752
RECEIVED
APR 03 2013

1. Name of applicant(s) MARK NIEMEYER &/OR CHERYL NIEMEYER Phone 208-573-1140
Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address: 25173 ELK WAY City CALDWELL
State ID Zip 83607 Email: niemeyers@gemstatealpacas.com

2. Source of water supply GROUNDWATER which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5N	3W	03	03		NE	NW	CANYON	GROUNDWATER	

4. Water will be used for the following purposes:

Amount 0.02 for DOMESTIC purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.02 for STOCKWATER purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.3 for IRRIGATION purposes from 03-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.34 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. WELL, 8-10 INCH CASING, PIPED TO HOME, BARN, STOCK TANKS AND SPRINKLER SYSTEM.

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is 8-10 inches; proposed depth of well is 250-300 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? NA; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. 50 ALPACAS

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households DOMESTIC, 1 HOME

e. Other; describe fully. IRRIGATION OF 15 ACRES; STOCKWATER, 50 ALPACAS.
See attached Map.

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	3W	03					D												
							S												
							15												15

Total number of acres to be irrigated: 15

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NO OTHER RIGHTS USED.

DOMESTIC USE IS INTERNAL.

IRRIGATION IS FOR 15 ACRES THAT INCLUDES LAWN AND GARDEN.

10. a. Who owns the property at the point of diversion? Seller
- b. Who owns the land to be irrigated or place of use? Seller
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Vacant Land Real Estate Purchase and Sale Agreement Dated March 25, 2013. See attachment.
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water will be used to sprinkle Irrigate 15 acres within Parcel R3764201A0. Stockwater will be used for 50 Head of Alpacas, watering tank will be used in various parts of the parcel with the main area in the planned barn area. The well will also serve 1 Domestic Home, any lawn and garden irrigation will be part of the 15 acre irrigation total. It is estimated that each Alpaca will drink 5 litres per day = 1.32 GAL X 50 HD = 66 GPD.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant

MARK NIEMEYER &/OR CHERYL NIEMEYER

Print Name (and title, if applicable)

Signature of Applicant

MARK NIEMEYER &/OR CHERYL NIEMEYER

Print Name (and title, if applicable)

For Department Use:

Received by RS Date 4-3-13 Time 3:20 pm Preliminary check by _____

Fee \$ 250- Receipted by RS Receipt No. W040992 Date 4-3-13

PROPOSED PROPERTY SALE FOR NIEMEYER



Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, April 12, 2013 9:02 AM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx; Canyon Injection Well.docx

Good Morning Leann Nobella,

Please see the attached ad for publication on 4/18/2013 & 4/25/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

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

63-33662

RICHARD BALSIZER

ELAINE BALSIZER

26079 MARKET RD

PARMA, ID 83660

Point of Diversion NENE S15 T05N R05W CANYON County Source UNNAMED STREAM Tributary BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

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

Total Diversion: 0.17 CFS

Date Filed: 6/19/2012

Place Of Use: IRRIGATION, STOCKWATER

T05N R05W S15 NENE

Total Acres: 5

63-33722

RUETH DAIRY GENERAL PARTNERSHIP

26722 OLD FORT BOISE RD

PARMA, ID 83660

Point of Diversion SESW NWSE S27 T06N R05W CANYON County Source GROUND WATER Tributary

Use: COMMERCIAL, STOCKWATER 01/01 to 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 12/24/2012

Place Of Use: STOCKWATER

T06N R05W S27 SESW NWSE

Place Of Use: COMMERCIAL

T06N R05W S27 SESW

Water bearing zone to be appropriated is from 150 to 300 feet.

63-33752

MARK NIEMEYER

CHERYL NIEMEYER

25173 ELK WAY

CALDWELL, ID 83607

Point of Diversion L3(NENW) S3 T05N R03W CANYON County Source GROUND WATER

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

Use: IRRIGATION 03/15 to 11/15 0.3 CFS

Total Diversion: 0.34 CFS

Date Filed: 4/3/2013

Place Of Use: DOMESTIC, STOCKWATER, IRRIGATION

T05N R03W S3 L3(NENW)

Total Acres: 15

Water bearing zone to be appropriated is from 200 to 300 feet.

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 5/6/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2013 and 4/25/2013

April 11, 2013

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No's: 63-33662, 63-33722 & 63-33752

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/6/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

Lester, Steve

From: Lester, Steve
Sent: Friday, April 05, 2013 8:35 AM
To: 'niemeyers@gemstatealpacas.com'
Subject: Water Right Application

To Applicants:

This office received your application April 3 with your request to expedite based on your purchase agreement contract.

We will expedite the application but cannot guarantee successful completion (meaning approval) in your "60 days + 1 week" timeline.

Of course, if the application is protested, the timeline becomes totally unpredictable. However, most applications are not protested.

Sincerely,

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

MARK AND CHERYL NIEMEYER

TO: IDAHO DEPARTMENT OF WATER RESOURCES
FROM: MARK AND CHERYL NIEMEYER
SUBJECT: APLPLICATION FOR WATER RIGHTS FOR PARCEL 37642010A0
DATE: APRIL 3, 2013

RECEIVED

APR 03 2013

WATER RESOURCES
WESTERN REGION

To whom it may concern,

My husband and I have submitted an application for water rights for parcel 37642010A0. We do not currently own this property but have submitted an offer to purchase that was accepted by the current owners (see included documents). In its present state, the 17.97 acres has no irrigation water. It is our intent to build a home and use the acreage for hay production and pasture for our alpacas. The purchase agreement stipulates that we will only purchase the property if water rights are obtained. The sellers have agreed to this contingency and per the contract have allowed 60 days plus one week for us to pursue the water permit and close on the land purchase. In light of this stipulation, we are respectfully requesting to have our application expedited. We did utilize the services of Idaho Water Engineering to complete the application in the hopes of avoiding any unforeseen errors on our part. Thank you for your time and consideration.

Sincerely,

Mark and Cheryl Niemeyer



RE-13 COUNTER OFFER # 2 {two} (1,2,3 etc) THIS COUNTER OFFER SUPERSEDES ALL PRIOR COUNTER OFFERS

JULY 2012 EDITION
Page 1 of 1

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



1 This is a COUNTER OFFER to the Purchase and Sale Agreement. Dated: March 25, 2013
2
3 ADDRESS: TBD Oasis Road, Caldwell, ID 83607 ID# 37641010A0
4
5 BUYER: Mark A. & Cheryl J. Niemeyer
6
7 SELLER: David & Helen Humphreys
8

9 The parties accept all of the terms and conditions in the above-designated Purchase and Sale Agreement with the following changes:
10 ☐ This is a SELLER counter offer. The SELLER reserves the right to withdraw this offer or accept any other offers prior to the receipt of a
11 true copy of signed acceptance of this Counter Offer within the time frame specified herein.
12 ☒ This is a BUYER counter offer. The undersigned BUYER reserves the right to withdraw this offer at any time prior to the receipt of a
13 true copy of signed acceptance of this Counter Offer within the time frame specified herein.

1. Purchase price to be \$ 72,000.00 **(MNC)**
2. Buyer's will be getting their own financing in the form of a conventional loan with Northwest Farm Credit Services.
3. Buyer's to have 45 days due diligence time to work with Water Resources Management to try and get irrigation water for 15 acres of the said property.
4. Seller's may continue to market the property during the due diligence time, if another competing offer shall come in the seller's must give the buyer's an additional 21 days to remove their contingencies on the property and move forward with the purchase or remove themselves and allow the new buyers's to step in their place. In the event a new buyer steps in all monies that were paid out by Mark and Cheryl Niemeyer to the Water Resources Board and all its entities shall be repaid to them before the closing of the transaction with the new buyer's.
5. Contingent on buyer's financing.
6. This offer is contingent on the findings of the 45 day due diligence time.
7. Response time to counter #1 shall be extended to April 1, 2013.
8. Seller to provide buyer with recent survey.
9. Closing to be on or before June 3, 2013

14 To the extent the terms of this Counter Offer modify or conflict with any provisions of the Purchase and Sale Agreement including all prior
15 Addendums, the terms in this Counter Offer shall control. All other terms of the Purchase and Sale Agreement including all prior
16 Addendums not modified by this Counter Offer shall remain the same. Buyer and Seller acknowledge the down payment and/or loan
17 amount on Page 1 of Purchase & Sale Agreement may change if purchase price is changed as part of this Counter Offer. Upon its
18 execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

19 If a signed acceptance is not delivered on or before (date) April 2, 2013 at 12:00 ☐ A.M. ☒ P.M.
20 this Counter Offer shall be deemed to have expired.

21 DELIVERY: Delivery shall be to the agent/broker working with the maker of the Counter Offer in person, by mail, facsimile or electronic
22 transmission of any signed original document, and retransmission of any signed original document. Retransmission of any signed facsimile
23 or electronic transmission shall be deemed to be the same as delivery of an original.

24 SELLER David & Helen Humphreys Date 4-1-13 Time 7:30 ☐ A.M. ☒ P.M.
25 SELLER David & Helen Humphreys Date 4-1-13 Time 7:30 ☐ A.M. ☒ P.M.
26 BUYER Mark & Cheryl Niemeyer Date 3-31-13 Time _____ ☐ A.M. ☐ P.M.
27 BUYER Mark & Cheryl Niemeyer Date 3-31-13 Time _____ ☐ A.M. ☐ P.M.

