

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31589

Priority: October 28, 2002

Maximum Diversion Rate: 0.28 CFS

This is to certify, that SHARON HALE And/Or
GERALD HALE
805 W BLAINE
NAMPA ID 83651

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	0.28 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW¼SW¼) Sec. 19, Twp 03N, Rge 02W, B.M., CANYON County

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	
03N	02W	19											X						
													L 3						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 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. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Point of diversion is located within Lot 1, Hunters Acres Subdivision.
8. Place of use is located within Lots 1-9, Hunters Acres Subdivision.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

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State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31589

- 10. Domestic use is for 9 homes.
- 11. Water bearing zone to be appropriated is 50 to 200 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 2nd day of January, 2003.


for KARL J DREHER, Director



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RECEIVED

RECEIVED

DEC 18 2002

FORM 202
12/99

OCT 15 2002

WATER RESOURCES
WESTERN REGIONDepartment of Water Resources
STATE OF IDAHOIdent. No. 63-31589DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gerald M & Sharon K Hale Phone 467-9601
Mailing address 805 W Blaine Nampa 83651
2. Source of water supply Ground Water Well which is a tributary of _____
3. Location of point of diversion is Township 3 N Range 2 West Sec. 19 in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot 3, B.M., Canyon County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

- fill 10/25/02 Amount 0.28 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .28 10-28-02 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 7 1/2 Hp Submersible

Pump

- b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity N/A acre-feet

- c. Proposed well diameter is 8" inches; proposed depth of well is 100' feet

- d. Is ground water with a temperature of greater than 85°F being sought? NO

- e. If well is already drilled, when? not; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. Nine (9) Homes & yards fill 10/29/02
- e. Other; describe fully. N/A

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3. 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	
3N2W	19																		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Gerald M. & Sharon K. Hale

b. Who owns the land to be irrigated or place of use? Same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Water bearing zone 50-200 Ft

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" 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.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Gerald M. Hale
Signature of Applicant (and title, if applicable)

Received by Kb Date 10/15/02 Time 11:05 Preliminary check by DAN
Fee \$ 10000 Receipted by Kb # W029777 Date 10/15/02
Publication prepared by AT Date 11-21-02 Published in PRESS TRIBUNE
Publication approved AT Date 12-10-02

Fee # 15000 Receipted BY DAN # W029826 *emailed*

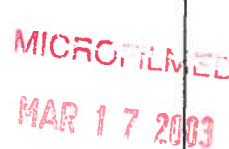
Date 10-28-2002

FOR: Rate Increase FROM .14 CFS TO .28 CFS.

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D.A.N.

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UNDERGROUND CABLE

STATION	CABLE SIZE	CABLE LENGTH
F- TO JH-1	1/0-B	222
JH-1 TO JH-2	1/0-B	125
JH-2 TO JH-3	1/0-B	262
JH-3 TO JH-3A	350TX	107
JH-3 TO JH-4	1/0-B	212
JH-4 TO JH-4A	350TX	172

ALL SERVICE STUBS WILL BE 3"
ALL SECONDARY WILL BE 350 IN 3" DU
ALL PRI WILL BE 1/0 IN 2" DUCT

GOV'T LOT
3
D.A.N.
10-23-02

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Gerald M + Sharon K Hale

Mailing Address

805 W Blaine

Nampa ID 83651

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Gerald M Hale

Date

10/10/02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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Idaho Department of Water Resources Receipt

Receipt ID W029826

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount Description Fund FD PCA SO
\$150.00 PERMITS 0229 21 62103 1155



Signature Line (Dept. Representative)

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MAR 17 2003

Y Bode City Black Town

1851

1852

<i>20.50</i>	<i>20</i>	<i>410</i>	<i>100.00</i>
<i>41.00</i>			
<i>40.50</i>	<i>20</i>		<i>20</i>
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Gerald M. and Sharon K. Hale
805 W Blaine
Nampa, ID 83651

October 30, 2002

Idaho Department of Water Resources
Attn: Dan Nelson
2735 Airport Way
Boise, ID 83705

***RE: APPLICATION FOR PERMIT FOR HUNTERS ACRES
SUBDIVISION***

Dear Mr. Nelson:

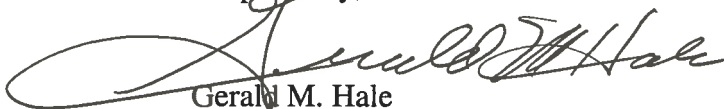
This letter is in response to your question regarding the overlapping water rights. We have attempted to use our canal rights with Nampa Meridian Irrigation District over the last 5 years and have not been able to get the water to our property on a consistent basis. We are at the end of the ditch with a little over a mile between our property and the headgate. Multiple farming operations take the water from the ditch before it reaches our property and then we need to siphon the water under the Phyllis Canal to get it to our ditch.

With only 8 inches of canal water, the water just cannot make it to our property. This is the reason we decided to subdivide the property, since it was not feasible to try farming ground that you cannot irrigate. Please refer to the attached letter that we sent to Nampa Meridian Irrigation District requesting to be removed from their records. This letter was sent prior to filing our application. We could not see paying for water we could not receive.

The well that was used to supplement our canal water under water right 63-11494A is not located on our property and we have never had access to this well. Therefore, we are willing to abandon all our right, title, and interest to our portion of water right 63-11494A. Please see the attached warranty deed for the lands we own under the above-mentioned water right.

If you have any questions or concerns please contact us at the above address.

Respectfully,



Gerald M. Hale

Attachments

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Jerry and Sharon Hale
6 So. Middleton Rd.
Nampa, Idaho 83651

May 14, 2002

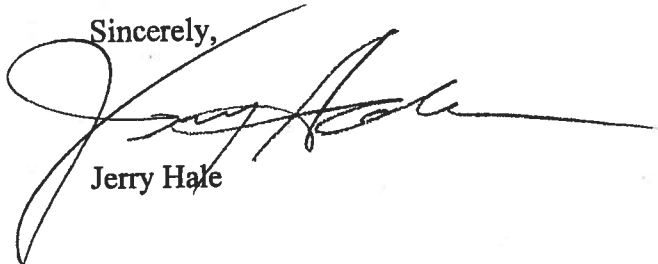
Nampa Meridian Irrigation District
Att: John P. Anderson

Re: Hunter's Acres Sub,

Dear Mr. Anderson,

Hunter's acre Subdivision will have no need for the Nampa-Meridian irrigation to supply water to our subdivision. We are putting in a 4" pressure rise system as per Nampa City code. It will be the responsibly of the subdivision committee to maintain the system. All of the water run off will be contained on each property owner's land by means of their barrow pit along Big Horn Drive. See attached plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Hale", with a long, sweeping horizontal line extending to the right.

Jerry Hale

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Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH

NAMPA, IDAHO 83651-4395

FAX # 208-463-0092

Phones: Area Code 208

OFFICE: Nampa 466-7861

SHOP: Nampa 466-0663

June 11, 2002

Jerry and Sharon Hale
6 So. Middleton Road
Nampa, ID 83651

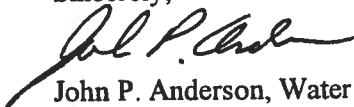
Re: Hunter's Acres Subdivision

Dear Mr. & Mrs. Hale:

The Nampa & Meridian Irrigation District will not require any further review regarding the above-mentioned proposed subdivision. As your letter stated, all run-off will be retained on site and the City of Nampa through a 4" pressurized system will supply all irrigation water. The Jonah Drain is indicated with a 100-foot easement; this will meet the District's requirements and requires no further review.

Please feel free to contact me if you feel further discussion is required.

Sincerely,



John P. Anderson, Water Superintendent
NAMPA & MERIDIAN IRRIGATION DISTRICT

JPA: dln

Cc: File
Board of Directors
Secretary-Treasurer
Asst. Secretary-Treasurer
Asst. Water Superintendent
Ride 7 - Mike James
City of Nampa
Canyon County Development Services

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APPROXIMATE IRRIGABLE ACRES

RIVER FLOW RIGHTS - 23,000

BOISE PROJECT RIGHTS - 40,000

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**

READ & APPROVED BY GRANTEE(S) *[Signature]* *[Signature]*

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 98017400

WARRANTY DEED

FOR VALUE RECEIVED MERIL J. EBBERS and CAROL J. EBBERS, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto GERALD M. HALE and SHARON K. HALE, husband and wife

GRANTEE(S), whose current address is:
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 04, 1998

MERIL J. EBBERS

CAROL J. EBBERS

STATE OF IDAHO)
COUNTY OF CANYON)

On this 4th day of March, in the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Meril J. Ebbers & Carol J. Ebbers

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: _____

Name: DOROTHY J. STARACE

(type or print)

Residing at: BOISE, IDAHO

My Commission Expires: 01/27/03

EXHIBIT "A"

That part of Government Lot 3, (Northwest Quarter of the Southwest Quarter), and lying Westerly of Phyllis Canal in Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPT

That part of Government Lot 3, (Northwest Quarter of the Southwest Quarter), Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at a point on the Westerly boundary of said Lot 3, said Section 19 which is North 308.3 (formerly 325.4) feet from the Southwest corner of said Lot 3; thence North 90 degrees 00' East 237.1 feet, (formerly East at right angles 239.0 feet), to a point; thence North 27 degrees 37' East 14.0 feet to a point; thence North 36 degrees 47' West 406.8 feet to a point on said Westerly boundary of said Lot 3, Section 19; thence South 338.2 (formerly 335.4) feet along said Westerly boundary of said Lot 3, Section 19 to the POINT OF BEGINNING.

AND FURTHER EXCEPT

That part of Government Lot 3 (Northwest Quarter of the Southwest Quarter) Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows, to-wit:

BEGINNING at a point on the Westerly boundary of said Lot 3 which is North 94.4 feet from the Southwest corner of said Lot 3; thence North 67 degrees 43' East 107.6 (formerly North 67 degrees 42' East 107.9) feet to a point; thence North 52 degrees 07' East 100.75 feet to a point; thence North 27 degrees 37' East 125.55 (formerly 39.55) feet to a point; thence North 90 degrees West 237.1 (formerly West 239) feet to a point on said Westerly boundary of said Lot 3; thence South 213.9 (formerly 231) feet to the POINT OF BEGINNING.

COPY

[Handwritten signature]

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CONTINUATION OF COMMITMENT SCHEDULE A

Order No.: AT-98017400 TC/SRC

EXCEPT

That part of Government Lot 3, (Northwest Quarter of the Southwest Quarter), Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at a point on the Westerly boundary of said Lot 3, said Section 19 which is North 308.3 (formerly 325.4) feet from the Southwest corner of said Lot 3; thence North 90 degrees 00' East 237.1 feet, (formerly East at right angles 239.0 feet), to a point; thence North 27 degrees 37' East 14.0 feet to a point; thence North 36 degrees 47' West 406.8 feet to a point on said Westerly boundary of said Lot 3, Section 19; thence South 338.2 (formerly 335.4) feet along said Westerly boundary of said Lot 3, Section 19 to the POINT OF BEGINNING.

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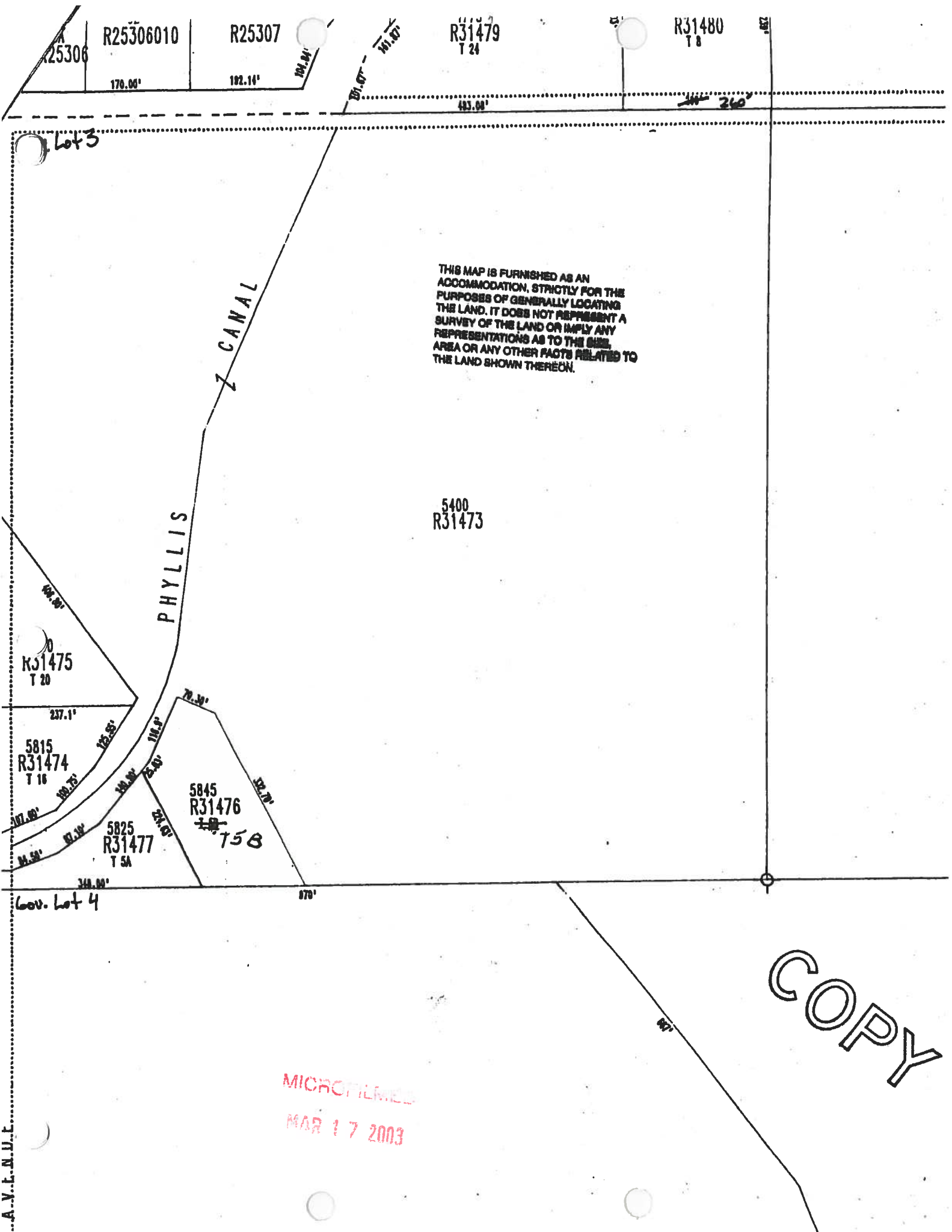
Purported Address:

SMITH AVE
NAMPA, IDAHO

CP

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COPY



R25306010

R25307

R31479
T 24

R31480
T 8

25306

170.00'

192.14'

104.24'

101.87'

483.00'

240'

Lot 3

THIS MAP IS FURNISHED AS AN
ACCOMMODATION, STRICTLY FOR THE
PURPOSES OF GENERALLY LOCATING
THE LAND. IT DOES NOT REPRESENT A
SURVEY OF THE LAND OR IMPLY ANY
REPRESENTATIONS AS TO THE SIZE,
AREA OR ANY OTHER FACTS RELATED TO
THE LAND SHOWN THEREON.

5400
R31473

PHYLLIS

Z CANAL

R31475
T 20

237.1'

5815
R31474
T 16

125.51'

70.30'

118.8'

70.30'

100.75'

100.75'

107.60'

107.10'

104.50'

5825
R31477
T 5A

5845
R31476
T 5B

5825
R31477
T 5A

Gov. Lot 4

870'

COPY

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MAR 17 2003

A.V.L.N.U.F.

Gene T KuehnCanyon County Assessor
1115 Albany St. - Room 343
Caldwell, ID 83605

2002

**ASSESSMENT NOTICE
& ESTIMATE OF TAX****THIS IS NOT A BILL.
DO NOT PAY.**

REGULAR ROLL 05/28/2002

PARCEL DESCRIPTION:ACCOUNT NO. 2R31473000 0
19-3N-2W SW
LT 3 W OF CANAL LS TX 16 & 20

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 454-7431

Parcel Address: SMITH AVE, NA

*****5-DIGIT 83651

HALE, GERALD M
& HALE, SHARON K-H/W
616 C MIDDLETON RD
NAMPA ID 83651Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 144-00

Parcel Number: 03N02W195401

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
01 IRRIGATED AGRICUL	8.68	7,800	7,800
SUBTOTAL:	8.68	7,800	7,800
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		7,800	7,800

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
PEST	0.36	0.36	(208)454-7507	9/03/2002
AMBULANCE DISTRICT	3.08	3.08	(208)466-8800	9/03/2002
NAMPA HWY #1	8.82	8.82	(208)467-6576	8/29/2002
NAMPA SCH #131	54.70	54.70	(208)465-2700	6/04/2002
CANYON COUNTY	36.94	36.94	(208)454-7507	9/03/2002
SUBTOTAL:	103.90	103.90		
FEES:				
AL PROPERTY TAXES & FEES:	103.90	103.90		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

0032998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2003

SHARON HALE
GERALD HALE
805 W BLAINE
NAMPA ID 83651

RE: Permit No. 63-31589

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.

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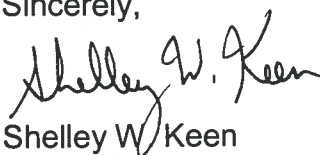
MAR 17 2003

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 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized "S" and "K".

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2003 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.

63-31589

**GERALD HALE
SHARON HALE
805 W BLAINE
NAMPA ID 83651**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

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**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. 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 issuance 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.

MEMORANDUM

Date: December 30, 2002
To: Water Right File 63-31589
From: dgibson
Re: Permit Review

Permit is issued for .28 cfs for domestic use including irrigation of yard and landscaping for 9 lots with homes in Hunters Acres Subdivision, in Canyon county. It appears that all rights to surface water or another well they have had an interest in have been relinquished and this well/right is the only source of water to this subdivision.

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An aerial photograph of a landscape, possibly a wetland or agricultural area, with various shades of brown, tan, and green. A yellow hatched polygon is overlaid on the map, indicating a specific area of interest. A red stamp is visible in the lower right corner of the map.

Shape File Completed
by DAN 10/31/2002

MICROSOFT
2003

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Rae L. Barbosa
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 Principal 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 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
11/21/2002, 11/28/2002

STATE OF IDAHO)
County of Canyon)

On the 28th day of November in the year of 2002
before me, a Notary Public, personally appeared.
Rae L. Barbosa,
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.

Rebecca L. Thompson
Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008

e0100285 04509906
1 Idaho Dept. of Water Resourc
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:

63-31589
GERALD HALE
805 W BLAINE
ID 83651
SHARON HALE
805 W BLAINE
NAMPA ID 83651

Point(s) of Diversion
L3 (NWSW)
S19 T03N R02W
CANYON County

Source GROUND WATER

Use: DOMESTIC
01/01 To 12/31
0.28 CFS

Total Diversion: 0.28 CFS
Date Filed: 10/28/2002
Place Of Use: DOMESTIC
T03N R02W S19
NWSW Lot 3

Remark: Domestic use is for 9
homes and yards in Hunters Acres
Subdivision.

Water bearing zone to be appropri-
ated is from 50 to 200 feet.

Applicant agrees to mitigate con-
sumptive use in the future as need-
ed.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec
42-203A, Idaho Code.

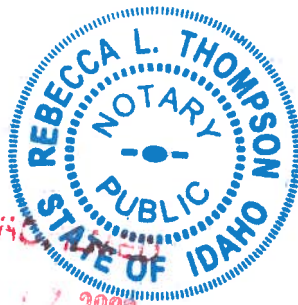
Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resource,
Western Region, 2735 Airport Wy,
Boise ID 83705 together with a pro-
test fee of \$25.00 for each applica-
tion on or before 12/09/2002. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director
November 21, 28, 2002 04509906

RECEIVED

DEC 02 2002

WATER RESOURCES
WESTERN REGION





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

November 19, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CENTRAL DISTRICT HEALTH DEPT
707 N ARMSTRONG PL
BOISE ID 83704

Re: Application for Permit No. 63-31589 in the Name of Gerald &/or Sharon Hale.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application, which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by December 9, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Daniel A. Nelson". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.
Daniel A. Nelson

DN:lm

Encl: Copy of Application

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MAR 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Application for Permit No. 63-31589

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 12/09/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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MAR 17 2003

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

63-31589

GERALD HALE
805 W BLAINE
NAMPA ID 83651
SHARON HALE
805 W BLAINE
NAMPA ID 83651

Point(s) of Diversion L3 (NWSW) S19 T03N R02W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.28 CFS

Total Diversion: 0.28 CFS

Date Filed: 10/28/2002

Place Of Use: DOMESTIC

T03N R02W S19 NWSW Lot 3

Remark: Domestic use is for 9 homes and yards in Hunters Acres Subdivision.
Water bearing zone to be appropriated is from 50 to 200 feet.
Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on November 21 and 28, 2002.

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