

CORRECTED

State of Idaho
Department of Water Resources

CORRECTED

Permit to Appropriate Water

NO. 67-15030

Priority: August 14, 2009

Maximum Diversion Rate: 1.79 CFS

This is to certify, that TOM L GROSSEN
And/Or
NORMA R GROSSEN
PO BOX 72
INDIAN VALLEY ID 83632-0072

has applied for a permit to appropriate water from:

Source: LITTLE WEISER RIVER **Tributary:** WEISER 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	03/15 to 10/31	1.79 CFS

LOCATION OF POINT OF DIVERSION:

LITTLE WEISER RIVER NE1/4SW1/4NW1/4 Sec. 23, Twp 14N, Rge 01W, B.M., ADAMS 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	
14N 01W 2						35.0											35.0
14N 01W 3	3.0					L 4											3.0
	L 1																
15N 01W 34															32.0		32.0
15N 01W 35									40.0	40.0							80.0

Total Acres: 150

CONDITIONS OF APPROVAL

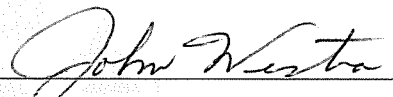
1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2017**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Project construction shall commence within one year from the date of 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-15030

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. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
7. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
8. 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. 67.
9. Prior to diversion of water under this right, 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.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
11. This right combined with water right 67-7866 shall not exceed 3.0 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of February, 2012.


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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 16, 2012

Tom L and Norma R Grossen
PO Box 72
Indian Valley, ID 83632-0072

RE: Permit No. 67-15030 Correction

Dear Mr. and Mrs. Grossen:

It was brought to our attention that Conditions of Approval nos. 11 & 12 were not applicable to the above permit approved on February 12, 2012. The conditions listed were in error.

Enclosed is a corrected permit approval. I apologize for the inconvenience.

Should you have any questions please contact me at 208-334-2190.

Sincerely,

for

John Westra, Manager

Enclosure: Corrected Permit No. 67-15030.

CC: SPF Water Engineering LLC
Little Weiser Irrigation Dist

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.

CERTIFICATE OF SERVICE

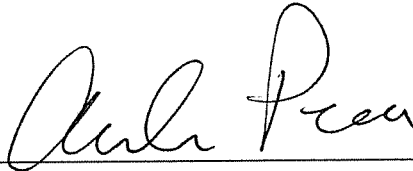
I hereby certify that on February 17, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing Corrected Permit Approval to the person(s) listed below:

RE: CORRECTED PERMIT NO. 67-15030

TOM L & NORMA R GROSSEN
PO BOX 72
INDIAN VALLEY ID 83632-0072

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

LITTLE WEISER IRRIGATION DIST.
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY ID 83632



Mandi Pearson
Office Specialist 2

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RECEIVED

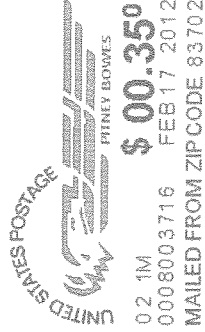
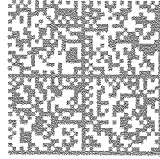
FEB 21 2012

WATER RESOURCES
WESTERN REGION

~~LITTLE-WEISER-IRRIGATION-DIST~~

C/O J WAYNE BURKARDT
2410 LITTLE
INDIAN VALI

PRESORTED
FIRST CLASS



T 937 NFE 1 B11C 00 02/19/12
RETURN TO SENDER
BURKHARDT
TEMPORARILY AWAY

RETURN TO SENDER
BC: 93705508235 *0395-00420-19-26

AAAGSEB 23532
9370505082

