

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10464

Priority: January 13, 2012

Maximum Diversion Rate: 2.25 CFS

This is to certify, that CATHERINE VANDER STELT And
STEVEN CLARENCE VANDER STELT And
DONALD LEE VANDER STELT
12400 LANDAU WAY
NAMPA ID 83686

have applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA 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	2.25 CFS

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L5 (SE1/4NW1/4) Sec. 22, Twp 01N, Rge 03W, 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	
01N	03W	10	39.0	39.0	40.0	40.0													315.0
01N	03W	15	39.0	40.0	40.0	36.0													155.0

Total Acres: 470

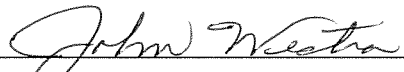
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2013**.
2. Subject to all prior water rights.
3. 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.
4. This right does not authorize the irrigation of land not previously irrigated.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
7. Water shall not be diverted under this right when flows in the Snake River are below 4750 cfs at Weiser.
8. This right does not grant any right-of-way or easement across the land of another.

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9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of March, 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

March 1, 2012

CATHERINE VANDER STELT

And

STEVEN CLARENCE VANDER STELT

And

DONALD LEE VANDER STELT

12400 LANDAU WAY

NAMPA ID 83686

RE: Permit No.2-10464

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

Enclosure(s)

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 March 2, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

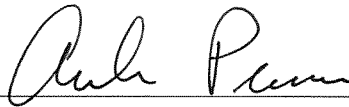
RE: WATER RIGHT NO.

2-10464

**CATHERINE VANDER STELT
12400 LANDAU WAY
NAMPA ID 83686**

**DONALD LEE VANDER STELT
12400 LANDAU WAY
NAMPA ID 83686**

**STEVEN CLARENCE VANDER STELT
12400 LANDAU WAY
NAMPA ID 83686**

A handwritten signature in black ink, appearing to read "Mandi Pearson", is written over a horizontal line.

**Mandi Pearson
Office Specialist 2**

RECEIVED

FEB 10 2012

WATER RESOURCES
WESTERN REGION

29512 608560

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

)SS.

County of Canyon)

Amanda Weaver
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:
02/02/2012 02/09/2012

Amanda Weaver
STATE OF IDAHO)

County of Canyon)

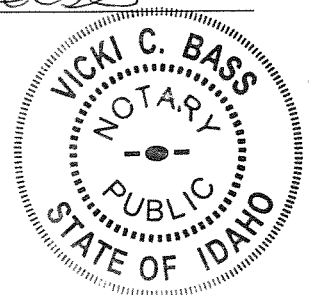
On this 9th day of February in the year of 2012 before me a Notary Public, personally appeared. Amanda Weaver, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vicki C Bass

Notary Public for Idaho

Residing at Caldwell

My Commission expires 04/19/2014



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

2-10464

CATHERINE VANDER STELT
STEVEN CLARENCE VANDER STELT
DONALD LEE VANDER STELT
12400 LANDAU WAY
NAMPA, ID 83686
Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 2.25 CFS
Total Diversion: 2.25 CFS
Date Filed: 5/6/2011
Place Of Use: IRRIGATION
T01N R03W S10 NE (ALL) SE(ALL)
T01N R03W S15 NE (ALL)
Total Acres: 470

*— permits reviewed
non total review*

63-33545

DANIEL MC LERAN
EMILY MC LERAN
2850 1ST LN E
PARMA, ID 83660
Point of Diversion L4(SWSWSW) S35 T05N R03W CANYON County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 7/18/2011
Place Of Use: IRRIGATION
T05N R03W S35 L4(SWSW)
Total Acres: 5
Water bearing zone to be appropriated is from 150 to 250 feet.

63-33599

BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE, ID 83705
Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary
SNAKE RIVER
Use: POWER 03/15 to 10/31 120 CFS
Total Diversion: 120 CFS
Date Filed: 11/14/2011
Place Of Use: POWER
T03N R05W S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the proper 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 February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

February 2, 9, 2012

608560

*OK
JR 2/16/12*