

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33494

Priority: September 28, 2011

Maximum Diversion Rate: 1.56 CFS

This is to certify, that GREG AMARAL LTD PENSION PLAN & TRUST
GREG AMARAL, TRUSTEE
1606 AMARAL CT
FAIRFIELD CA 94534

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	1.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4SE1/4	Sec. 4, Twp 02N, Rge 03W, B.M., CANYON County
GROUND WATER	NE1/4SW1/4	Sec. 4, Twp 02N, Rge 03W, B.M., CANYON County
GROUND WATER	NE1/4SW1/4	Sec. 4, Twp 02N, 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	
02N 03W 4			6.0		15.0			35.0	40.0			40.0			39.0	37.0	212.0
			L 5		L 3												

Total Acres: 212

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2016**.
2. Subject to all prior water rights.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.
5. This right is limited to the irrigation of 78 acres within the authorized place of use in a single irrigation season.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-33494

7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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 6th day of October, 20 11.


for 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

October 6, 2011

GREG AMARAL LTD PENSION PLAN & TRUST
GREG AMARAL, TRUSTEE
1606 AMARAL CT
FAIRFIELD CA 94534

RE: Permit No.63-33494

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.

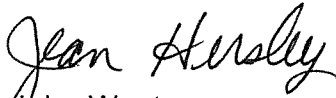
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,


for John Westra
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

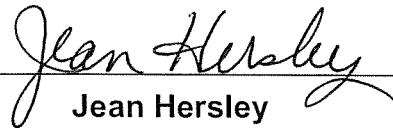
CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2011 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. 63-33494

**GREG AMARAL LTD PENSION PLAN & TRUST
GREG AMARAL, TRUSTEE
1606 AMARAL CT
FAIRFIELD CA 94534**

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

A handwritten signature in black ink, reading "Jean Hersley", is written over a horizontal line.

**Jean Hersley
Office Specialist II**

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.



SPF WATER
ENGINEERING

September 27, 2011

RECEIVED

SEP 28 2011

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

WATER RESOURCES
WESTERN REGION

Subject: Application 63-33494

Dear Steve,

On behalf of Greg Amaral LTD Pension Plan and Trust, we submitted Application for Permit 63-33494 March 25, 2011 proposing additional ground water and acres for irrigation use at the Peachtree Farm in Canyon County.

Currently, 134.67 acres within the proposed permissible place of use (ppu) are assessed surface water under Nampa and Meridian Irrigation District (NMID) and Wilder Irrigation District (WID). At the time of submittal, we assumed that surface water from WID was delivered below or south of Aven Lateral and primary ground water was used above. We have since obtained delivery maps from WID that indicate some "low ground" areas above Aven Lateral assessed surface water as shown on the attached GIS photo.

As a result, this letter seeks to clarify the intent of the application. Based on WID assessment maps, ground water currently authorized under overlapping right 63-8687 actually supplements 67 acres of low ground and is the primary source on 67 acres of high ground. Ground water is still proposed for irrigation of 78 "new" ground water acres within the proposed ppu not included on water right 63-8687, however the primary/supplemental status for the new acres has changed. Rather than supplemental ground water use on 72 acres and primary ground water use on 6 acres as originally proposed, ground water will actually supplement 67.69 (rounded up to 68) acres and be the primary source on 10 acres. When application 63-33494 is combined with water right 63-8687, ground water will supplement 135 assessed acres and be the primary irrigation source on 77 acres within the proposed 212-acre ppu.

September 27, 2011

Thank you Steve. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Greg Amaral

Enclosures

SPF file number: 901.0010

2009 Photo

Peachtree Assessed Surface Water

	Account	Acres
Wilder irrigation District	29992011	2.56
	29992012	2.30
	29999000	21.71
	30000000	37.28
	30001000	21.80
Total		85.65
Nampa & Meridian Irrigation District	2378A--	15.00
	2380--	34.04
Total		49.04
Combined Total		134.69

T3N R3W

T2N R3W

2378A--
&
2380--

R2999701100

R2999701200

R3000000000

High
Ground

Aven Lateral

R3000100000

R2999900000

Legend

-  WID Assessed Acres: 85.65
-  NMID Assessed Acres: 49.04
-  63-8687 Current POU

Current Water Right Coverage



29512 528924

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

RECEIVED

SEP 23 2011 SB

WATER RESOURCES
WESTERN REGION

- OK
82 9/27/11

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

)SS.

County of Canyon)

Corina Buck
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:
09/15/2011 09/22/2011

Corina Buck

STATE OF IDAHO)

County of Canyon)

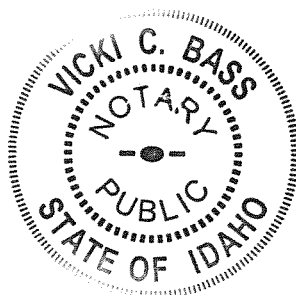
On this 22nd day of September in the year of 2011 before me a Notary Public, personally appeared. Corina Buck, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vicki C Bass

Notary Public for Idaho

Residing at Nampa

My Commission expires 04/19/2014



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

63-33494

GREG AMARAL LTD PENSION PLAN & TRUST

GREG AMARAL, TRUSTEE

1606 AMARAL CT

FAIRFIELD, CA 94534

Point of Diversion NWSE S4 T02N R03W CANYON County Source GROUND WATER Tributary

Point of Diversion NESW S4 T02N R03W CANYON County Source GROUND WATER Tributary

Point of Diversion NESW S4 T02N R03W CANYON County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 1.56 CFS

Total Diversion: 1.56 CFS

Date Filed: 3/25/2011

Place Of Use: IRRIGATION

T02N R03W S4 L5(SWNE) L3(NENW) SENW NESW SESW NWSE SWSE

Total Acres: 212

Water bearing zone to be appropriated is from 200 to 700 feet.

Irrigation is for 78 acres within a 212 acre PPU.

LEGAL NOTICE

PROPOSED CHANGE OF WATER RIGHT

Greg Amaral, Trustee of the Greg Amaral Ltd. Pension Plan and Trust of 1606 Amaral Ct., Fairfield, CA, 94534, filed Application No. 77146 to transfer one water right with a 1977 priority date from a ground water source totaling 2.68 cfs. The purpose of the transfer is to add two existing wells and a permissible place of use to this right. Water will be used at the current place of use south of Lake Lowell and northeast of Marsing Road.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) 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 October 3, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

September 15, 22, 2011

528924

✓
OK
-SL 9/27/11

Copy in
the file