

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23443

Priority: November 18, 2010

Maximum Diversion Rate: 0.10 CFS

This is to certify, that MARSTERS SUBDIVISION
C/O JEROME &/OR SUE GOETTSCH
2800 HWY 52
PAYETTE ID 83661

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	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SE1/4 Sec. 12, Twp 08N, Rge 05W, B.M., PAYETTE County

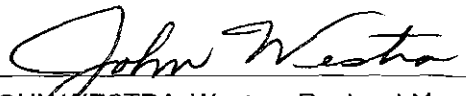
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N 05W 12														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
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. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
5. Point of diversion is located within Lot 3, Marsters Subdivision.
6. Place of use is located within Lots 1-4, Marsters Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of January, 20 11.


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

January 11, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MARSTERS SUBDIVISION
C/O JEROME &/OR SUE GOETTSCH
2800 HWY 52
PAYETTE ID 83661

RE: Permit No.65-23443

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.

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

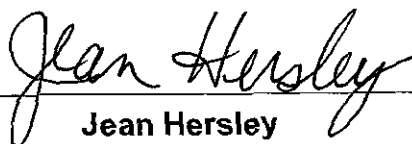
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 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. 65-23443

**MARSTERS SUBDIVISION
C/O JEROME &/OR SUE GOETTSCH
2800 HWY 52
PAYETTE ID 83661**

A handwritten signature in cursive script, 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.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

85.

Water Right

TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Dept. of Water Resource

PLAINTIFF OR LEGAL AGENT

L. Bruni Smalley

being

duly sworn, deposes and says:

That *5* he is the *clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two (2)* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *Dec 15*, 20*10*, and ending with the issue of *Dec 22*, 20*10*.

STATE OF IDAHO
COUNTY OF

Payette

On this *23rd* day of *Dec* in the year *2010* before me,

a Notary Public, personally appeared *David Bruni Smalley* known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Notary Public for the State of IDAHO

Residing at *Payette*

My commission expires: *7-1-11*

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

65-23443
MARSTERS SUBDIVISION
C/O JEROME &/OR SUE GOETTSCHE
2800 HWY 52
PAYETTE, ID 83661
Point of Diversion NWSE S12 T08N R05W
PAYETTE County Source GROUND WATER
Tributary
Use: DOMESTIC 01/01 to 12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 11/18/2010
Place Of Use: DOMESTIC
T08N R05W S12 NWSE
A new well is needed for 4 existing homes.

Permits will be subject to all prior water rights. 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 1/3/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

No. 2883

December 15, 22

RECEIVED

DEC 27 2010

WATER RESOURCES
WESTERN REGION

✓ OK DB
1-7-2011

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *32*

Number of Insertions *two (2)*

32 Lines @ *1.14* ... \$ *36.48*

32 Lines @ *1.00* ... \$ *32.00*

TOTAL COST
WILL BE \$ *68.48*

No 2883

RECEIVED

DEC 16 2010

WATER RESOURCES
WESTERN REGION

APPLICATION 65-23443
MARSTERS SUBDIVISION CONSENT FORM

I am the current owner of the property listed below. Application 65-23443 includes a new well to be drilled on Lot 3 to provide domestic water to Lots 1 through 4.

I consent to the following items regarding the water right application:

1. The applicant is Marsters Subdivision.
2. Jerome Goettsch has authority to sign for the applicant for the purpose of seeking a new water right.
3. The owners of Lots 1 through 4, Marsters Subdivision, have equal shares in the application and in any subsequent approval of the application by the Idaho Department of Water Resources.

One or more current owner signatures are needed below for each subdivision lot.

LOT

CURRENT OWNER(S)

1

Signature(s)

Date

12/12/10

2

Signature(s)

Date

12/12/10

#4

Signature(s)

Date

12/12/10

#3

Signature(s)

Date

12/12/10

4 owners = "MARSTERS SUBD."
w/ Homeowner Assoc. etc.