

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23351

Priority: August 27, 2009

Maximum Diversion Rate: 0.08 CFS

This is to certify, that JEFFRY & KRIS STODDARD LIVING TRUST
28281 CROWN VALLEY PARKWAY
LAGUNA NIGUEL CA 92677

has applied for a permit to appropriate water from:

Source: PAYETTE LAKE

Tributary: NORTH FORK PAYETTE 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	04/15 to 10/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE LAKE L4 (SW1/4SW1/4) Sec. 5, Twp 18N, Rge 03E, B.M., VALLEY 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	
18N	03E	5																	2.7
																			2.7

Total Acres: 2.7

CONDITIONS OF APPROVAL

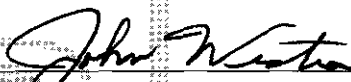
1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2011**.
2. Subject to all prior water rights.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the water master suitable control of the diversion.
5. Use of water under this right will be regulated by a water master 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. 65, Payette River.

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6. The right holder shall contact the water master by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the water master authorizes continued diversion and use of water under this water right. When the water master informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre or more than 3.0 afa per acre at the field head gate for irrigation of the lands above.
8. This right does not grant any right-of-way or easement across the land of another.
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 15th day of July, 20 10.


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

July 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JEFFRY & KRIS STODDARD LIVING TRUST
28281 CROWN VALLEY PARKWAY
LAGUNA NIGUEL CA 92677

RE: Permit No.65-23351

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,


John Westra
Western Regional Manager

Enclosure(s)

cc: MC CALL DESIGN & PLANNING INC

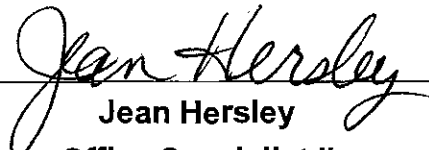
CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2010 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. 65-23351

**JEFFRY & KRIS STODDARD LIVING TRUST
28281 CROWN VALLEY PARKWAY
LAGUNA NIGUEL CA 92677**

**MC CALL DESIGN & PLANNING INC
ATTN ANDREW LAIDLAW
PO BOX 729
MC CALL ID 83638**



**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.

Publisher's Affidavit of Publication

STATE OF IDAHO }
 }.SS

County of Valley

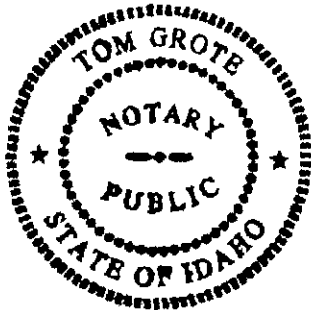
I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began June 3, 2010 and ended June 10, 2010.

Carol J. Wright

Subscribed and sworn before me this the 10th day of June, 2010.
STATE OF IDAHO

COUNTY OF VALLEY }
 }

On this 10th day of June, in the year of 2010, before me, a Notary Public, personally appeared Carol J. Wright, 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 she executed the same.



Tom Grote

✓ THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:
65-23351
JEFFRY & KRIS STODDARD LIVING TRUST
28281 CROWN VALLEY PARKWAY

LAGUNA NIGUEL, CA 92677
Point of Diversion L4(SWSW) S5
T18N R03E VALLEY County Source
PAYETTE LAKE Tributary PAYETTE RIVER
Use: IRRIGATION 04/15 to 10/31
0.08 CFS

Total Diversion: 0.08 CFS
Date Filed: 8/27/2009
Place Of Use: IRRIGATION
T18N R03E S5 L4(SWSW)
Total Acres: 2.7
65-23416

✓ MC CALL-DONNELLY JOINT SCHOOL DISTRICT # 421
120 IDAHO ST
MC CALL, ID 83638
Point of Diversion NWNE S15
T16N R03E VALLEY County Source
GROUND WATER Tributary
Use: IRRIGATION 04/15 to 10/31
0.27 CFS

Total Diversion: 0.27 CFS
Date Filed: 4/19/2010
Place Of Use: IRRIGATION
T16N R03E S15 NWNE
Total Acres: 3
New well for playing field at Donnelly Elementary School.

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 6/21/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director. 2tc6/10

RECEIVED

JUN 10 2010

WATER RESOURCES
WESTERN REGION

Via e-mail

OK ✓ DB 6/23/2010

JUN 01 2010

WATER RESOURCES
WESTERN REGIONIDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTERApplication No: 65-23351Applicant's Name: Jeffry & Kris Stoddard Living Trust

Watermaster's Recommendation:

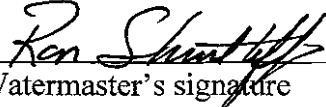
- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if conditioned as follows:

☒ No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions: To be under control of watermaster of Water DistrictNo. 65. Subject to Annual Water District Assessments and Rental Pool Fees.

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 28th day of May, 2010Water District No: 65

Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

Payette River Basin, State of Idaho
Water District No. 65

Watermaster
Ron Shurtleff

102 North Main Street
Payette, Idaho 83661

Phone 208-642-4465
Fax 208-642-1042
E-mail, waterdist65@srvinet.com

May 28, 2010

Jeffrey & Kris Stoddard Living Trust
28281 Crown Valley Parkway
Laguna Niguel, CA 92677



RECEIVED

JUN 01 2010

WATER RESOURCES
WESTERN REGION

Re; Application for Permit No. 65-23351

Dear Mr. and Mrs. Stoddard

Enclosed is a copy of the Watermaster's Recommendation in regard to your Application for Permit to appropriate public water of the State of Idaho, Application Number 65-23168.

Please note the condition preventing the diversion of water after June 15 of each year without prior approval of the watermaster. This condition places the responsibility upon the diverting party to secure storage water from the watermaster, by annual rental. The storage water when secured will allow continued usage of water beyond the cutoff date of June 15 each year.

The required arrangements and Rental Agreement can be obtained by contacting my office.

Subsequent to this formal agreement the Payette River Watermaster will reserve the specified volume of storage water for your purpose, and release sufficient volume when appropriate to mitigate in proportion to the rate of your diversion.

You should document your diversion rate(s) and diversion time(s). The best achievable data for your usage will be entered into the State's water accounting system, and storage consumption at your diversion will be calculated and applied to your rental pool account. Since you do not own sufficient storage space in one of the reservoirs within the Payette storage system you will be expected compensate other space holders for storage waters maintenance costs, in relationship to the volume of water that you consumed. This charge will be invoiced annually after the irrigation season as a Rental Pool Fee.

The irrigation portion of this water right is subject an annual assessment fee of \$0.50 per acre or the minimum charge of \$10.00 for accounts less than 20 acres.

Please contact my office if you have any questions regarding this notice.

Sincerely,

Ron Shurtleff
Watermaster