

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33175

Priority: February 19, 2009

Maximum Diversion Rate: 0.05 CFS

This is to certify, that JERRY L WALKER
And/Or
LORI A WALKER
12349 GALLOWAY
MIDDLETON ID 83644

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	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NE1/4 Sec. 25, Twp 05N, Rge 03W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	03W	25		3.5															3.5

Total Acres: 3.5

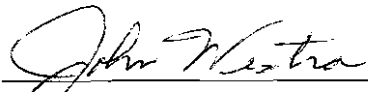
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2010**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 1.6 acres within the place of use described above in a single irrigation season.
4. This right does not grant any right-of-way or easement across the land of another.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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6. 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 21st day of July, 2009.


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 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

July 27, 2009

GARY SPACKMAN
Interim Director

JERRY L WALKER
And/Or
LORI A WALKER
12349 GALLOWAY
MIDDLETON ID 83644

RE: Permit No. 63-33175

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 July 27, 2009 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.

63-33175

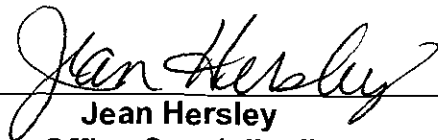
JERRY L WALKER

And/Or

LORI A WALKER

12349 GALLOWAY

MIDDLETON ID 83644

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

Jean Hersley
Office Specialist II

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.

MEMORANDUM

TO: Debbie Allen

FROM: Angie Grimm / Denise Buffington DB

DATE: July 20, 2009

RE : **Refund**

Jerry L &/or Lori A Walker, paid \$225 for an Application for Permit on February 19, 2009, under receipt # W037196. Under that same receipt, they also paid \$25 for a change of ownership. The correct fee for the Application for Permit is \$100; resulting in a necessary refund of \$125.

The change of ownership fee should have been \$50. therefore a portion of the overpayment for the application for permit was to be applied accordingly; reducing the refund amount to \$100.

On June 17, 2009, IDWR received an additional \$25 for the remainder of the change of ownership fee, paid under receipt # W037569. This was requested and received in error. It should be refunded, along with overpayment for the application for permit.

A partial refund of the total fees paid on both occasions should be issued as follows:

\$100 refund for overpayment of application for permit fees
\$25 refund for overpayment of change of ownership fees

Please issue a total refund of \$125 to:

JERRY L WALKER JR
LORI A WALKER
WALKER FARM ACCOUNT
12349 GALLOWAY RD
MIDDLETON ID 83644

TEL. (208) 250-4427

RECEIPT #

W037196 and W037569, copy attached

Copy: 63-33175

Idaho Department of Water Resources Receipt

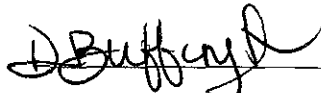
Receipt ID: W037196

Payment Amount \$250.00 Date Received 2/19/09 3:40 Region WESTERN
Payment Type Check Check Number 2069
Payer WALKER FARM ACCOUNT; WALKER, LORI A OR JERRY L JR.

Comments APPLICATION FOR PERMIT: 5N 3W S-25
CHANGE OF OWNERSHIP FOR 63-26751

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$225.00	PERMITS	0229	21	62103	1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155



Signature Line (Department Representative)

- Permit app = \$100- total. need refund of \$125-
- Apply \$25 of that [↑] to change of ownership fees - need \$50. total.
- ✓ refund \$100- .

Idaho Department of Water Resources Receipt

Receipt ID: W037569

Payment Amount \$25.00 Date Received 6/17/09 10:35 Region WESTERN
Payment Type Check Check Number 756
Payer WALKER, LORI A & JERRY L

Comments ADDITIONAL FEES FOR CHANGE OF OWNERSHIP 63-11156 AND 63-26751

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155



Signature Line (Department Representative)

Did not need to be paid. Was supposed to be transferred / applied from over payment on W037196.

To be refunded in connection w/ W037196.

29512 12279

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

Marissa D. McNeal
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

RECEIVED

JUN 29 2009

WATER RESOURCES
WESTERN REGION

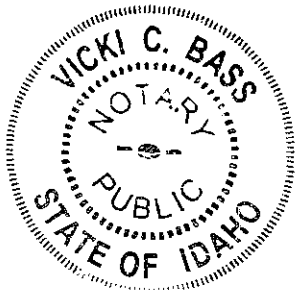
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, 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:
06/18/2009 06/25/2009

STATE OF IDAHO)
County of Canyon)

On this 25th day of June in the year of 2009 before me a Notary Public, personally appeared. Marissa McNeal, 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.

Notary Public for Idaho
Residing at Nampa
My Commission expires April 19, 2014



✓ OK

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-33175

JERRY L WALKER
LORI A WALKER
12349 GALLOWAY
MIDDLETON ID 83644

Point(s) of Diversion NWNE S25 T05N R03W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 02/19/2009

Place Of Use: IRRIGATION
T05N R03W S25 NWNE
Number of Acres 3.5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region,
2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/06/2009. The
protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director
June 18, 25, 2009

12279

✓ OK DB 7-13-09