

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-11866

Priority: June 16, 1992

Maximum Diversion Rate: 2.00 CFS

This is to certify, that REED BATT
BOX 287
WILDER ID 83676
And/Or
FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

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	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SE1/4SE1/4	Sec. 9, Twp 04N, Rge 05W, B.M., CANYON County
GROUND WATER	SE1/4NE1/4	Sec. 16, Twp 04N, Rge 05W, 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
04N 05W 16	39.0	7.0	16.0	38.0													100.0

Total Acres: 100

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
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. 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.

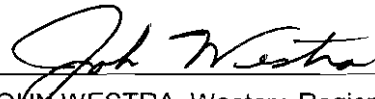
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-11866

5. 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.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 450 af at the field headgate for the lands above.
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 12 day of April, 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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 14, 2009

REED BATT
BOX 287
WILDER ID 83676
And/Or
FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

RE: Permit No. 63-11866

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.

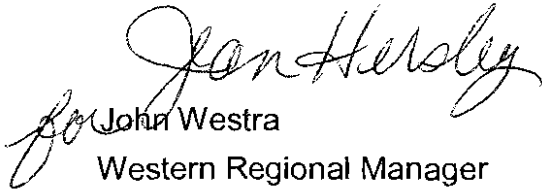
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,


John Westra
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 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.

63-11866

**FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605**

**REED BATT
BOX 287
WILDER ID 83676**



**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.

RECEIVED

MAR 20 2009

WATER RESOURCES
WESTERN REGION

John,

I have returned the black and white map of the property in question and highlighted this property in black marker. This property is all owned by me, my brother and my sister-in-law.

All of the above mentioned property is east of the Golden Gate Canal, and is all in Section 16.

The pump or point of diversion is marked with a small black circle and would be north (top of the page) of the largest of the 4 parcels of ground.

The parcels are as follows:

* NENE Sec. 16	36.13 Acres
NWNE Sec. 16	4.3 Acres
SWNE Sec. 16	7.05 Acres
SENE Sec. 16	37.05 Acres

The total acreage is different from the total on the other map which indicated the permissible place of use. The new acreage figure would be ~~87.98~~ acres and differs to the plus side from the previous acreage figures. These numbers are gathered from my irrigation district assessment notices. If this is a big deal let me know. I am comfortable with the old acreage numbers but these are the most accurate and probably should be on the permit.

I hope I have been of help.

Regards,

Reed Batt

Thank 573-2330

* Telephone: Agreed to leave acreages the same as on original application
4/7/09
JCB
District acreage are tight. Adjust if needed during licensing
Adjust flow rate on application.

Received 3/20/09

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	5W	16	X																36.13
4N	5W	16		X															4.2
4N	5W	16				X													37.6
4N	5W	16			X														7.1
																			84.03

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? WILSON TRISTAR DISTRICT

11. a. Who owns the property at the point of diversion? STEVE WOOD
 b. Who owns the land to be irrigated or place of use? ER. ART ROSE
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NAID

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

WE USE THE WATER FOR IRRIGATION AND DRINKING
SHORTAGES AND OTHER CONDITIONS MAY BE ENCOUNTERED
DUE TO DROUGHT OR IRRIGATION WATER

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____

Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____ Dates Published _____



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

March 16, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Reed Batt
Box 287
Wilder ID 83676

RE: Application for Permit 63-11866—Boise Ground Water Moratorium

Dear Mr. Batt:

Last year our office began again processing ground water application in the Boise Basin. You were sent a letter and response sheet requesting your intentions regarding the application. Your response stated you desired our agency to continue processing the application. Further processing found that you no longer had a possessory interest in several of the places of use listed on the application. A copy of the application was edited with a note sheet listing changes was later returned. It is still unclear what parcels you have possessory interest and the overlaps of other existing supplementary ground water rights under several other names.

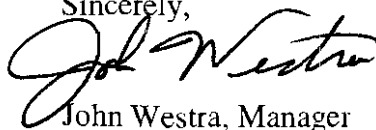
For further processing of the application, please provide our office the following on the clean/new application form enclosed:

- An accurate place of use listing--legal description and acreage listing of parcels to be irrigated on the application. This should only include lands that you have a possessory interest and not already overlapped by other existing supplemental ground water rights. **Also, mark parcels and acreage in each tract on the enclosed map.**
- An accurate listing of the well locations—legal description.
Mark locations on the map.
- An adjusted flow rate based on the irrigated acreage on the application
--.02 cfs per acre.

Please provide the information within 60 days. If more time is required, please submit a written request by the deadline. Untimely responses or no response will result in the application being order void. A consultant list is enclosed should you desire assistance.

Should you have questions, please contact me at the Western Regional Office, 334-2190.

Sincerely,



John Westra, Manager

Enclosures

[illegible]

Sec. 15

[illegible]

RECEIVED

MAR 03 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant REED BATT
Address BOX 287
WILDER ID 83676

Application No. 63-11866

(Please Mark)

☒ **Yes, I intend to proceed with the water use development outlined in the application. I request the Department continue processing the application.**

(Please describe below any updates or changes needed on your application)

☐ **No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho**

Signed this 28 day of FEBRUARY 2008

Applicant Signature _____

Printed Applicant Name _____

Return Form to: J. Westra

**Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705**

MEMORANDUM

Type: In Office Conversation

Telephone

Meeting Notes

Follow-up

Log of Events

Other _____

To: 63-11866

From: J. Westra, Western Reg.

Date: 2/28/08

RE: Reed Batt. I

- 2/29 - Fred Batt sold off his portion of the property to Steve Woodard of Nampa. Complaint WR. 63-8649
- Sent Black & White map describing to Reed.

3/26/08 Steve Woodard

Stopped at regional office to discuss the well on his property
could amend application to reflect new ownership and PD -
P/u. took papers: Assignment, copy of application.

Response Form

RECEIVED

MAR 13 2008

WATER RESOURCES
WESTERN REGION

Name of Applicant **FREDERICK C BATT**
Address **1621 IDAHO**
CALDWELL ID 83605

Application No. **63-11866**

(Please Mark)

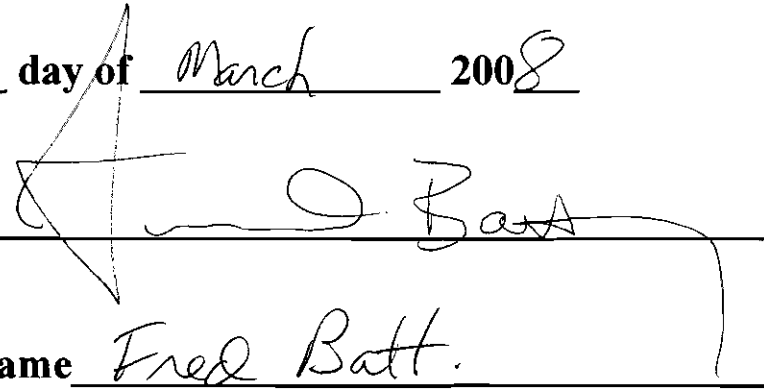
 Yes, I intend to proceed with the water use development outlined in the application. I request the Department continue processing the application.

(Please describe below any updates or changes needed on your application)

*I no longer own an interest in this well or water right.
Please refer future correspondence to Red Batt.*

 No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this 10 **day of** March **2008**

Applicant Signature 

Printed Applicant Name Fred Batt.

Return Form to: J. Westra
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705



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

February 21, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

REED BATT
BOX 287
WILDER ID 83676

2 letters

Sent

RE: Held Application for Permit # 63-11866

Dear Applicant:

As you are aware, the above reference application for permit, located in the Boise River Basin, has been held by our agency since the early 1990's. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the Valley. Our agency will commence processing the held applications as staff resources are available.

Attached is a profile report of your application, as submitted to our agency. Public notice of the application has been completed prior, so only final processing is needed. **We are asking for you to convey your intentions regarding this application by completing the attached response form. Please respond to the following:**

- **If you desire to develop the water use, and would like our agency to complete the processing of your application, please mark *YES* on the response form. Also, provide any changes or updates that are needed for the application.**
- OR**
- **Mark *NO* on the response form to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.**
- **Sign, date, and return the response form. Response forms need to be returned to this office no later than 30 days after the date of this letter.**

Should you have questions about the history or further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, at (208) 334-2190.

Sincerely,

John Westra, Manager, Western Region

Enclosure: Profile Report, Response Form



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

February 21, 2008

C. L. "BUTCH" OTTER
Governor

FREDERICK C BATT
1621 IDAHO
CALDWELL ID 83605

DAVID R. TUTHILL, JR.
Director

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Sincerely,

John Westra, Manager, Western Region

Enclosure: Profile Report, Response Form