

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31145

Priority: January 25, 2001

Maximum Diversion Rate: 4.00 CFS

This is to certify, that MICHAEL R GOODELL
14899 SAND HOLLOW RD
CALDWELL ID 83607

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	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 10, Twp 05N, 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	
05N	03W	10																	100.0
05N	03W	15		20.0	20.0		20.0	20.0	20.0										100.0

Total Acres: 200

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.

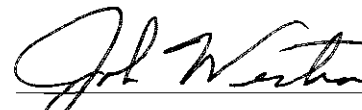
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31145

6. 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.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. 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 900 af at the field headgate for the lands above.
10. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. 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 13th day of November, 2008.



JOHN WESTRA, Western Regional Manager

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
PERMIT #63-31145 IN THE NAME OF) WITHDRAWAL OF APPLICATION
MICHAEL GOODELL) PRELIMINARY VOID ORDER
_____)

FINDINGS OF FACT

1. On August 29, 2008, a preliminary order was issued from the Idaho Department of Water Resources (IDWR) voiding Application for Permit #63-31145 in the name of Michael Goodell for failing to respond to an information request.
2. On September 08, 2008, Michael Goodell submitted the requested response to the IDWR Western Regional Office. The response/petition was received for reconsideration within the preliminary order 14 day deadline.

CONCLUSIONS OF LAW

1. Pursuant to Idaho Code § 67-5243 (3) A party may file a petition for reconsideration of the order to IDWR within 14 days of the service date of the order. IDWR will act on a petition for reconsideration within 21 days of its receipt.
2. Michael Goodell has submitted the requested documentation to IDWR within the parameters of IC 67-5243 (3). The Preliminary Void Order should be withdrawn.

ORDER

IT IS HEREBY ORDERED the Preliminary Order Voiding Application for Permit #63-31145 in the name of Michael Goodell be **WITHDRAWN**. The application will continue to be processed by IDWR.

Dated this 10th day of October, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the person(s) listed below:

Jan Hershey

Application #63-31145

**Michael Goodell
14899 Sand Hollow RD
Caldwell ID 83607**



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

November 13, 2008

MICHAEL R GOODELL
14899 SAND HOLLOW RD
CALDWELL ID 83607

RE: Permit No. 63-31145

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,

A handwritten signature in cursive script that reads "Jan Hershey".

for John Westra
Western Regional Manager

Enclosure(s)

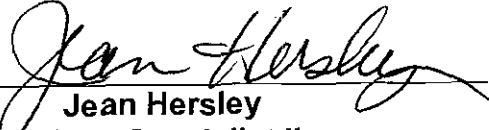
CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2008 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.

63-31145

**MICHAEL R GOODELL
14899 SAND HOLLOW RD
CALDWELL ID 83607**



**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

OCT 27 2008

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

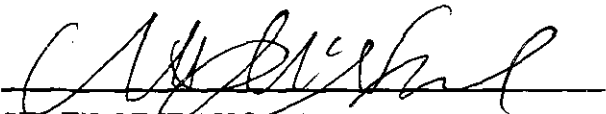
STATE OF IDAHO)
County of Canyon) SS.

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

e0100285 06559316
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

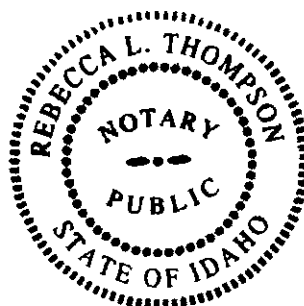
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, 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 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:

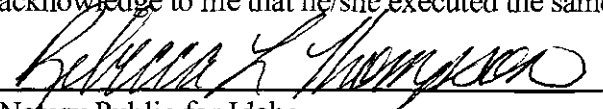
10/16/2008, 10/23/2008



STATE OF IDAHO)
County of Canyon)

On the 20th day of October in the year of 2008
before me, a Notary Public, personally appeared.
Marissa D. 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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-31145

MICHAEL R GOODELL
14899 SAND HOLLOW RD
CALDWELL ID 83607

Point(s) of Diversion NWNWSW S10 T05N R03W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 4 CFS
Total Diversion: 4 CFS

Date Filed: 01/25/2001
Place Of Use: IRRIGATION

T05N R03W S10 NESW NWSW SWSW SESW
T05N R03W S15 NWNE SWNE NENW NWNW SENW

Number of Acres 200

Remark: Water bearing zone to be appropriated is from 100 to 400 feet.

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 11/03/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director
October 16, 23, 2008

06559316

✓ OK DB 11-6-08



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63-31145

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14899 SAND HOLLOW RD
CALDWELL ID 83607

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Total Diversion: 4 CFS

Date Filed: 01/25/2001
Place Of Use: IRRIGATION

T05N R03W S10 NESW NWSW SWSW SESW
T05N R03W S15 NWNE SWNE NENW NWNW SENW

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DAVID R. TUTHILL, JR., Director
October 16, 23, 2008

06559316

(Received from Press Tribune)

✓ ok : proofed DB 10/10/08