

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12289

Priority: November 01, 1995

Maximum Diversion Rate: 0.20 CFS

This is to certify, that FRANK D RICHARDSON
18330 S CLOVERDALE
KUNA ID 83634

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	0.04 CFS
IRRIGATION	03/01 to 11/15	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 10, Twp 01N, Rge 01E, B.M., ADA 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	
01N 01E 10											10.0						10.0

Total Acres: 10

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2013**.
2. Subject to all prior water rights.
3. Place of use is located within Lot 2, Blk 1, Wednesday Subdivision.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right does not grant any right-of-way or easement across the land of another.
7. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-12289

8. 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 16th day of September, 2008.



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

September 16, 2008

FRANK D RICHARDSON
18330 S CLOVERDALE
KUNA ID 83634

RE: Permit No. 63-12289

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.

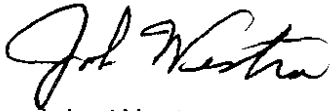
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Westra".

John Westra

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 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.

63-12289

**FRANK D RICHARDSON
18330 S CLOVERDALE
KUNA ID 83634**



**Jean Hersley
Office Specialist 1**

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.

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT #63-12289 IN THE NAME OF) WITHDRAWAL OF APPLICATION
FRANK D RICHARDSON) PRELIMINARY VOID ORDER
_____)**

FINDINGS OF FACT

1. On August 26, 2008, a preliminary order was issued from the Idaho Department of Water Resources (IDWR) voiding Application for Permit #63-12289 in the name of Frank D Richardson for failing to respond to an information request.
2. On September 08, 2008, Frank D Richardson 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. Frank D Richardson 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 #63-12289 in the name of Frank D Richardson be **WITHDRAWN**. The application will continue to be processed by IDWR.

Dated this 11th day of September, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on Sept. 17, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the person(s) listed below:

Jan Hersley

Application #63-12289

**Frank D Richardson
18330 S Cloverdale
Kuna ID 83634**

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

**IN THE MATTER OF APPLICATION FOR)
PERMIT #63-12289 IN THE NAME OF) **PRELIMINARY ORDER**
FRANK D RICHARDSON) **VOIDING APPLICATION**
_____)**

FINDINGS OF FACT

1. On November 1, 1995, Frank D Richardson filed application for permit #63-12289 with the Idaho Department of Water Resources (IDWR) seeking ground water for irrigation and domestic beneficial use.
2. On July 23, 2008, IDWR sent a letter to the applicant requesting his intent for processing the application for permit. A response was required within 30 days from the letter date.
3. On July 28, 2008, the request letter was return to IDWR by the US Postal Service as undeliverable. No response has been received.
4. To date, IDWR is unable to contact the applicant.

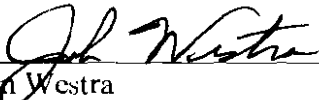
CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request, IDWR may void the application. Water Appropriation Rule #35 also requires applicants to provide written notification to IDWR of changes in the applicant's name or address.
2. Frank D Richardson failed or refused to provide IDWR the requested information and current address. IDWR can not contact the applicant. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit #63-12289 in the name of Frank D Richardson be VOIDED.

Dated this 26th day of August, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink, appearing to read "John VanOrder", is written over a horizontal line.

John VanOrder
Office Specialist

Applications for Permit #63-12289

Frank D Richardson
6205 W Barker
Kuna ID 83634



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

August 26, 2008 *sent again 9-4-08*

Frank D Richardson
6205 W Barker
Kuna Id 83634

RE: Preliminary Order in the Matter of Application for Permit #63-12289

Dear Applicant:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

John Westra, Manager
Western Regional Office

Enclosures

Yes I would like THIS APPLICATION PROCESSED

18330 S. CLOVERDALE

9/8/08

KUNA, IDAHO 83634

Fel Ruler

Home 362-3788

Cell 631-7128

** Dropped off in person at Western Reg. fw.*



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

August 26, 2008

Frank D Richardson
6205 W Barker
Kuna Id 83634

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If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

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John Westra, Manager
Western Regional Office

Enclosures

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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- (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

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- 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.

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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 23, 2008

Frank D Richardson
6205 W Barker
Kuna ID 83634

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Held Application for Permit #63-12289 - Filed 12-08-95

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 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 held applications as staff resources are available.

Attached is a profile report of your application as submitted to our agency. Please check the specifics on the application carefully. You must still have full possessory interest-ownership in the listed point of diversion and place of use land locations for processing consideration. Your application will need to have public notice published in your local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issues with an application may file a protest within the time allowed.

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; provide any updates &/or changes needed, and list the water bearing zone for the well source.

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 returned to this office no later than 30 days of the date of this letter.

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

Sincerely,

John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet

FIRST CLASS



UNITED STATES POSTAGE
\$ 01.00
1014200823 AUG 29 2008
MAILED FROM ZIP CODE 83709

NHP
[Signature]

63-12289

IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

TO
FRANK D RICHARDSON
6205 W BARKER
KUNA ID 83634

- ☐ Not Deliverable As Addressed
- ☐ Unable to Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Attempted - Not Refused
- ☐ No Such Street
- ☐ No Mail Receptacle
- ☐ Box Closed - No Order
- ☐ Returned For Better
- ☐ Postage Due

RECEIVED

AUG 29 2008

WATER RESOURCES
WESTERN REGION

sent again
9-4-08

4664 Rushmore Way
Boise 83709



FIRST CLASS



UNITED STATES POSTAGE
\$ 01.00⁰⁰
0704230833 JUL 23 2008
MAILED FROM ZIP CODE 63702

63-12289

IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

TO D.
FRANK RICHARDSON
6205 W BARKER
KUNA ID 83634

RECEIVED

JUL 28 2008

WATER RESOURCES
WESTERN REGION

- ☐ Not Deliverable As Addressed
☒ Unable To Forward
☐ Incorrect Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Incorrect ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due _____

found

LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12015

RANDALL, SHERRI
278 BEACON LIGHT RD
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: SWSWSW Sec 33 T05N R01E in ADA County.
Use: IRRIGATION (0.020 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.090 CFS)

Date Filed: 4/16/1993

In: ADA County
T05N R01E S33 SWSW

1.5 ACRES TOTAL

Water bearing zone to be appropriated is 55 to 154 feet.

63-12114

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE
BOISE, ID 83720

Source: GROUNDWATER
Diversion Pt: SWNWSW Sec 28 T03N R03E in ADA County.
LOT 2(NWSWSW) Sec 28 T03N R03E in ADA County.
Use: IRRIGATION (0.140 CFS)
IRRIGATION STORAGE (1.50 AF)
IRRIGATION FROM STORAGE (1.50 AF)
DIVERSION TO STORAGE (0.140 CFS)
Total Diversion: (0.140 CFS)

Date Filed: 6/2/1994

In: ADA County
T03N R03E S28 NWSW
S29 NESE

7.0 ACRES TOTAL

Water bearing zone to be appropriated is 8 to 18 feet.

63-12129

CADOTTE, DON
12605 ABLE DR
STAR, ID 83669

Source: GROUNDWATER
Diversion Pt: LOT 4(SWSW) Sec 31 T05N R01W in ADA County.
Use: IRRIGATION (0.100 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.100 CFS)

Date Filed: 6/24/1994

In: ADA County
T05N R01W S31 Lot 4(SWSW)

4.8 ACRES TOTAL

Water bearing zone to be appropriated is 250 to 350 feet.

63-12289

RICHARDSON, FRANK D
6205 W BARKER
KUNA, ID 83634

Source: GROUNDWATER
Diversion Pt: SWNWSW Sec 10 T01N R01E in ADA County.
Use: IRRIGATION (0.200 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 11/1/1995

In: ADA County
T01N R01E S10 NWSW

10.0 ACRES TOTAL

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before DECEMBER 4, 1995. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. November 16 and 23, 1995

3345



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 6, 1995

PHILIP E. BAIT
GOVERNOR

KARL J. DREHER
DIRECTOR

Frank D Richardson
6205 W Barker
Kuna ID 83634

RE: Application for Permit 63-12289

Dear Applicant:

Your application for permit to appropriate waste water for irrigation/domestic purposes was received on 11/01/1995. Processing of your application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/1992 concerning water right applications proposing new consumptive uses of public water. The moratorium has now been lifted, but a backlog of applications filed during the moratorium must first be processed before new applications may be considered.

This office will hold your application and will begin processing as soon as our backlog has been eliminated. All applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of your application, once established.

To facilitate handling of your filing once it can be processed, please provide the proposed depth(s) of the water bearing zone(s) to be developed within the aquifer. For example, a well with total depth of 250 feet might be developed to secure water from a water bearing zone in the 140-190 feet depth interval.

If you have any questions, please feel free to contact me at 334-2190.

Sincerely,

Lori Graves
Sr. Water Resource Agent