

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14752

Priority: May 31, 2006

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JERRY SHAVER
1075 PRICE RD
WEISER ID 83672

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	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE¼ SW¼ Sec. 10, Twp 11N, Rge 06W, B.M. WASHINGTON 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	
11N 06W 10									.5				4.5				5.0

Total Acres: 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2008**.
2. Subject to all prior water rights.
3. 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.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of April, 2007.


for DAVID R. TUTHILL, JR., Director

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	
11N	6W	10			5						.5			4.5					5

Total number of acres to be irrigated 510. Describe any other water rights used for the same purposes as described above. —11. a. Who owns the property at the point of diversion? Terry Shaverb. Who owns the land to be irrigated or place of use? Terry Shaverc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: —12. Remarks: —

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

Terry Shaver owner
Signature of Applicant (and title, if applicable)

Received by dk Date 5-31-06 Time —Fee \$ 100.00 Received by dk # W034235 Date 5-31-06Publication prepared by DB Date 11-29-06 Published in WEEDER SIGNAL 12-6+13, '06Publication approved DB Date 1-25-07

THIN RLW, B.M.

0000

COMPLIMENTS OF
AmeriTitle

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY.

(5269 44'. G L B)

WARM SPRINGS
CREEK

31 50

2400

0010

3750

5650	200.8	5600	462.8
207.5			

4820

5700

1270

7960

— ४४७ —

7050

8770

PARCEL # RPNNOEW107070A

1075 Price Read

(1312 77', H.E.)

SPRINGS 12637.36' G.L. (17)

67-14752

Idaho Department of Water Resources Receipt

Receipt ID W034235

Payment Amount \$100.00 Date Received 5/31/2006 10:06:03 AM Region Western Status ☐
Payment Type Check Check Number 6008

Payer SHAVER, J
Comment APP FOR PERMIT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

**STARTING
LEFT
SIDE OF
FILE**

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 27, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

JERRY SHAVER
1075 PRICE RD
WEISER ID 83672

RE: Permit No. 67-14752

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.

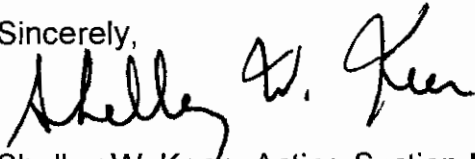
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosures

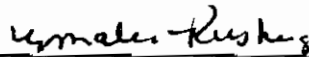
CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

67-14752

**JERRY SHAVER
1075 PRICE RD
WEISER ID 83672**

A handwritten signature in cursive script, reading "Emalee Rushing", is positioned above a horizontal line.

**Emalee Rushing
Technical Records Specialist**

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

Date: April 26, 2007
To: Water Right File 67-14752
From: eretelle
Re: permit review

No WD (GW)
No moratorium

No protests
No overlaps
irrigation season adjusted to standard

Recommend approval as suggested by IDWR Western

RECEIVED

JAN 18 2007

WATER RESOURCES
WESTERN REGION

No 765

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
December 6, 2006, and ending
with the issue of December 13, 2006

Sarah Boles

Fees \$ 140.72

Subscribed and sworn to before me this 13
day of Dec, 2006

[Signature]
Notary Public, residing at Weiser, Idaho

My commission expires 2, 08

No. 765

The following application(s) have been filed to
appropriate the public waters of the State of Idaho:
67-14750

DENNIS L. & CHRISTINE L. HECK

15007 WILLIS RD.

CALDWELL ID 83607

Point(s) of Diversion NENWS7 T12N R02W WASH-
INGTON County Source GROUND WATER

Point(s) of Diversion NWNE S7 T12N R02W WASH-
INGTON County Source GROUND WATER

Point(s) of Diversion SWSE S6 T12N R02W WASH-
INGTON County Source GROUND WATER

Use: IRRIGATION 03/15 To 10/31 4 CFS

Total Diversion: 4 CFS

Date Filed: 05/05/2006

Place Of Use: IRRIGATION

T12N R02W S6 SWSE SESE

T12N R02W S7 NENE NWNE SWNE NENW NWNW

Lot 1 SENW NESW SESW NWSE

Number of Acres 200

67-14752

JERRY SHAVER

1075 PRICE RD

WEISER ID 83672

Point(s) of Diversion SESW S10 T11N R06W WASH-
INGTON County Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 05/31/2006

Place Of Use: IRRIGATION

T11N R06W S10 NESW SESW

Number of Acres 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 applica-
tion 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 12/26/
2006. The protestant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Published on 12-6 & 12-13, 2006

88-2S

✓ OK DB 1-25-07

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, November 29, 2006 1:26 PM
To: 'newsroom@ruralnetwork.net'
Subject: Legal Ad

Please run the attached legal ad, as requested. Feel free to contact me if you have any questions.



Washington
Letter.RTF



67-14750,
67-14752 Ad.RTF

Thank you,

Denise Buffington
Western Region
Department of Water Resources

November 29, 2006

Legal Notice Department

WEISER SIGNAL

PO BOX 709

WEISER ID 83672

RE: Application for Permit No. 67-14750, 67-14752

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/26/2006. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

67-14752

JERRY SHAVER
1075 PRICE RD
WEISER ID 83672

Point(s) of Diversion SESW S10 T11N R06W WASHINGTON County Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 05/31/2006

Place Of Use: IRRIGATION

T11N R06W S10 NESW SESW

Number of Acres 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 12/26/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 12-6 & 12-13, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 9, 2006

JERRY SHAVER
1075 PRICE RD
WEISER ID 83672

Re: Water Right Application 67-14752 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent water right application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well. According to the records of Idaho Department of Water Resources (IDWR), your well was drilled under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

Proposed use from your well does require water right approval, and your water right application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$75. IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your water right application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

add'l fee rec'd 10/16/06
#W034792
\$125⁰⁰