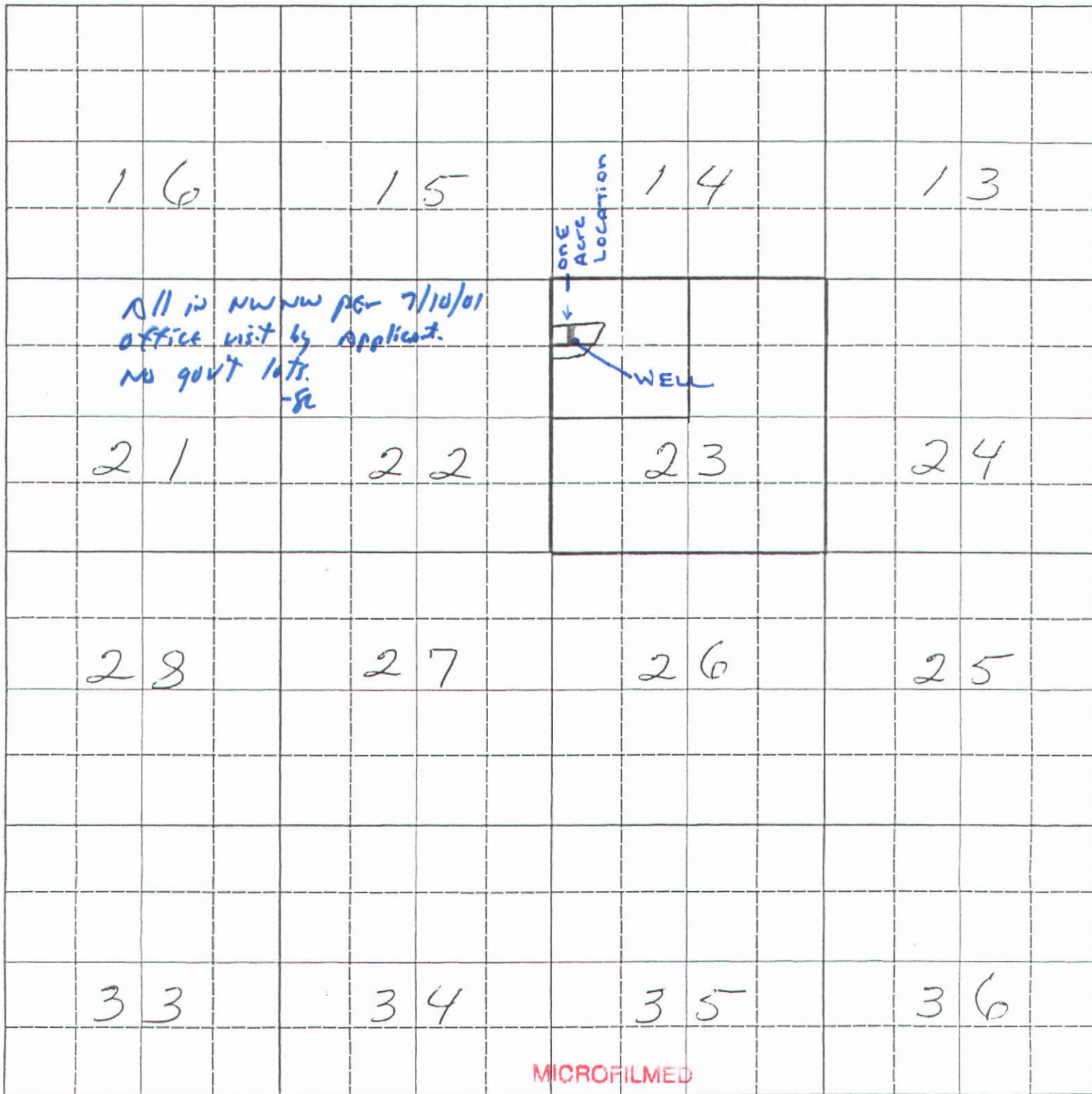


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

FEB 04 2002

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

Darlene & Robert Maxwell
208-642-9794

X

(Applicant)

65-22613

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22613

Priority. 07/10/2001

Maximum Diversion Rate. 0.14 CFS

This is to certify, that ROBERT MAXWELL
10888 N IOWA AVE
PAYETTE ID 83661

And/Or

DARLENE MAXWELL
10888 N IOWA AVE
PAYETTE ID 83661

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>
COMMERCIAL	01/01 to 12/31	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, Twp 09N, Rge 05W, B.M. PAYETTE County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	23																	

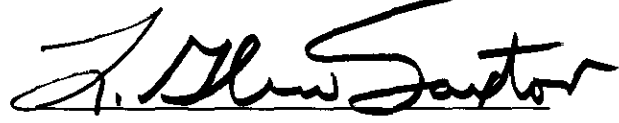
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2006.
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 permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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
6. Commercial use is for greenhouses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of December, 2001

MICROFILMED

FEB 04 2002


for
KARL J DREHER, Director

NOV 21 2001

FORM 202
12/99

Ident. No.

~~65-11215~~
65-22613STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Darlene A. ROBERT MAXWELL Phone 208-642-9794
Mailing address 10888 NORTH TOWA AVE PAYETTE ID 83661
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 9 NORTH Range 5 W Sec. 23 in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt Lot _____, B.M., PAYETTE County;
additional points of diversion if any. _____

4. Water will be used for the following purposes: irrigation
- * Amount 0.14 cfs for greenhouse purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for commercial purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

- * 5 Total quantity to be appropriated is (a) 0.14 cfs and/or (b) N/A
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source One 3-5 HP pump for a 6" well, with buried PVC to risers for each greenhouse/plant drip/low volume system
- b. Height of storage dam N/A feet, active reservoir capacity N/A acre-feet, total reservoir capacity N/A acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 100 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? No; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

- 7 Time required for completion of works and application of water to proposed beneficial use is 2.5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other, describe fully Greenhouses - See Remarks

* See attachment on water use

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3. 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	
9	N	5W 23																	
9N	5W	23					X												

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. 1 share of water rights from Lower Payette Ditch Co but w/o access

11 a. Who owns the property at the point of diversion? Darlene & Robert Maxwell

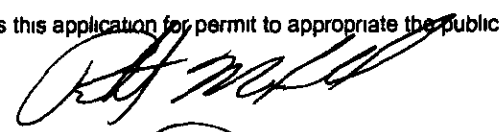
b. Who owns the land to be irrigated or place of use? Darlene & Robert Maxwell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12 Remarks: Use of this water is for year around drip / low volume greenhouse & other plant structures. Plant material will be in container pot, flats, baskets ect. Watering is throughout the year and clean water is essential for low volume drip irrigation & disease control, which precludes the use of ditch 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.

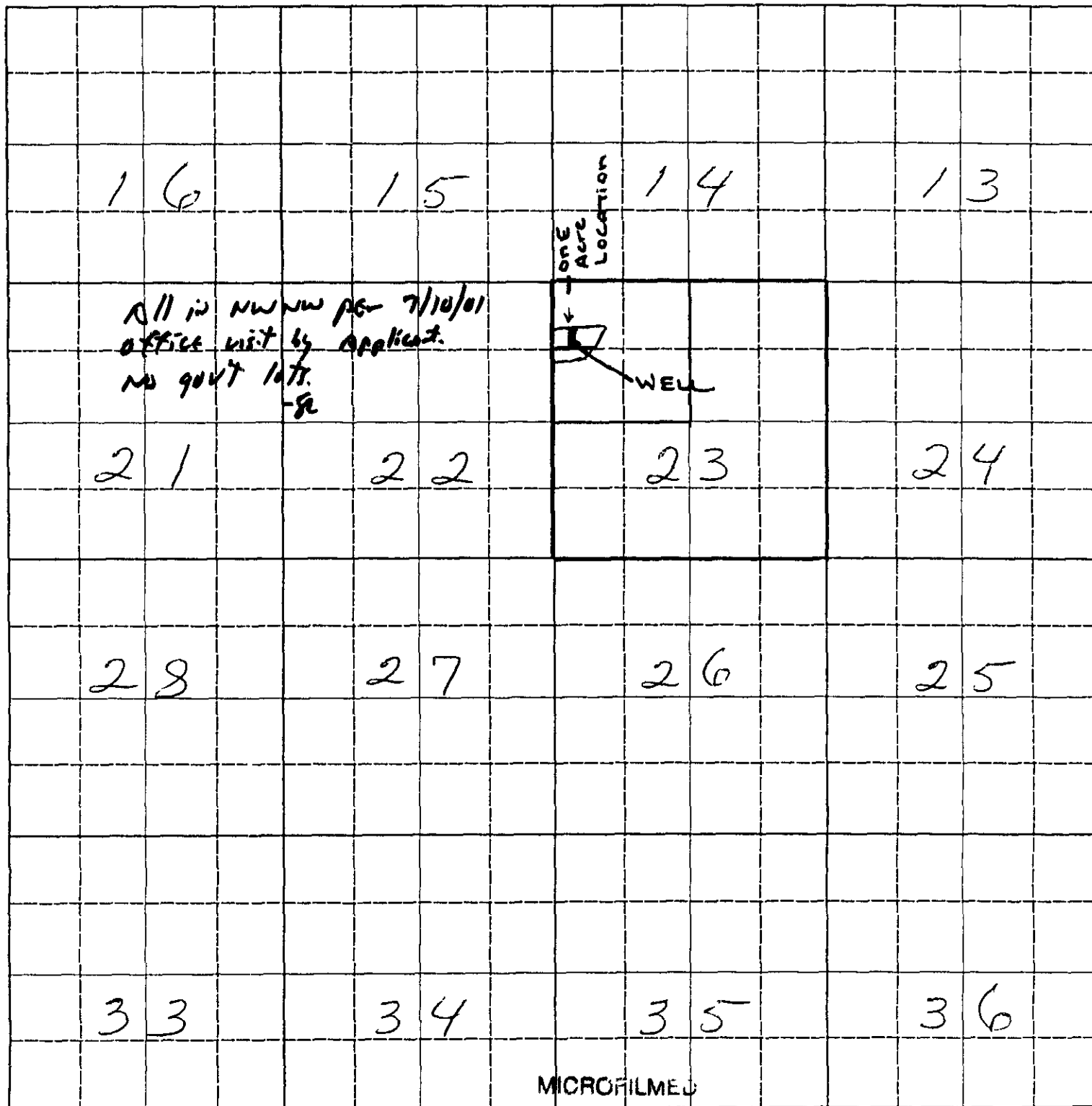

Signature of Applicant (and title, if applicable)

Received by FL Date 7/10/01 Time 11:40 Preliminary check by FL
Fee \$ 100 Receipted by FL # W028011 Date 7/10/01
Publication prepared by AT Date 7-13-01 Published in INDEPENDENT ENTERPRISE
Publication approved AT Date 7-13-01

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FEB 04 2002

13 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number



Scale 2 inches equal 1 mile

FEB 04 2002

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

Darlene & Robert Maxwell
208-642-9794

X

(Applicant)

65-22613

Darlene and Robert Maxwell
10888 North Iowa Ave.
Payette, Idaho 83661
208-642-9794

GREENHOUSE WATER USEAGE

Total Capacity:

20,000 pots @ capacity

Use:

1 gal water /pot/day

Need:

20,000 gal/day

Per irrigation = 1/3 gal/pot

Require watering 4,000 pots @any given time = 5 cycles

4000 pots = $\frac{4000 \text{ gal/hr}}{60 \text{ min/hr}} = 67 \text{ gal/min}$

$\frac{67 \text{ gal/min}}{448.8 \text{ gal/min}} = 0.14 \text{ cfs}$

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FEB 04 2002

65-22613

Darlene and Robert Maxwell
10888 North Iowa Ave.
Payette, Idaho 83661
208-642-9794

REQUEST TO PROCESS

To The Idaho Dept. Of Water Resources

Our greenhouse program will be utilizing water in the best interest to any anadromous fish migration and concerns for local public interest.

It will be using a conservative, drip/low volume, irrigation system with very minimal runoff.

This system will apply irrigation in cycles, minimizing large water usage in the operation at any one time.

It focuses on minimal water usage year around, not only during fish migration.

Thank you,

Darlene and Robert Maxwell

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65-22613

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Darlene & Robert Maxwell

Mailing Address

10888 North Iowa Ave
Payette Idaho 83661

Application No.
(if known)

65-22613

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

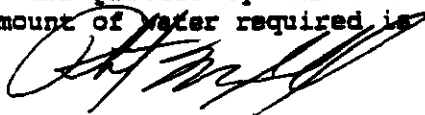
 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature


Darlene D. Maxwell

Date

7-09-01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 10, 2001

ROBERT MAXWELL
DARLENE MAXWELL
10888 N IOWA AVE
PAYETTE ID 83661

RE: Permit No. 65-22613

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.

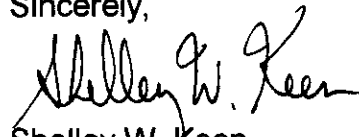
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

MICROFILMED
SEP 04 2002

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 208-327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:kit

Enclosure(s)

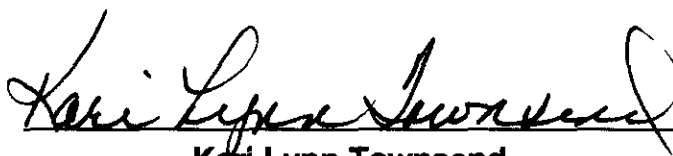
MICROFILMED
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on December 10, 2001 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. 65-22613

**ROBERT MAXWELL
DARLENE MAXWELL
10888 N IOWA AVE
PAYETTE ID 83661**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 04 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED
FEB 04 2002

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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 12/6/01

No. FS 226-13 Name: Maxville Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD, - North/East/West
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M

LOCATION:

- Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons > 1 0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0 03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0 02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 12/01/2006

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD#)
≤ 0 20 cfs/others - 01H, 01P or No MD
> 0 20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB

≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 m restricted area - 070-071-075(no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
ie D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS 1/ greenhouses.

COMMENTS

ID. 0 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 8/6/01 APPLICATION: 65-22613 *

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

RECEIVED

Gov't. Lots:

NOV 20 2001

P/D

P/U

Department of Water Resources

ADDITIONAL INFORMATION

7 ADVERTISE REMARK(S)
(Reviewer identify which remarks)

YES NO

Overlapping place of use: (Describe source & relationship to present application on next page.)
Overlapping point of diversion. } NONE for this source and use
Critical groundwater area:
Groundwater management area:
1992 moratorium:
Surface water source, IDFG letter needed.
Protected river or minimum flow reach, notify water planning bureau.
E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
E-mail to Dam Safety staff: (for any storage)
Mitigation plan: Check any that apply.
N/A immediate = acceptable plan required and submitted.
future = open areas, acceptance of condition of approval is in file.
Send power requirement letter &/or fish farm requirement letter.
Power residency affidavit:
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

* Notabene: identifies this p/m legal as Bz 67 but closer to inspection
and nearby rights indicate a Bz 65 Appl.

PROCESSING

APP. NO. _____

65-22613

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Final date for protest 9-17-01

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: _____

well drilling conditions, cannot sell/lease surface water from Plu but not assigned to use S.W. 1st unless feasible (deliverable + clean enough for the business), allow 5 yrs., include future mitigation condition, discharge (if any) from greenhouses must meet Idaho water quality standards, & any standard conditions.

See below for additional information

Recommended Date or Priority

Recommended by: Approve: YL

Date: 11/14/01

* ADDITIONAL INFORMATION:

YEAR around greenhouse business. Applicant has share of Lower Payette Rite Co. but cannot access the water. Even if could, needs cleaner water for proposed use. Don't require use of surface water first but can require no removal of S.W. from property through sale, lease etc.

* SEE Pg. 2 of Attached proof Report for typed version

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NUMBER. 65-22613

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT MAXWELL 10888 N IOWA AVE PAYETTE, ID 83661

Current Owner	DARLENE MAXWELL 10888 N IOWA AVE PAYETTE, ID 83661
---------------	--

Priority Date: 07/10/2001

Basis.

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.140 CFS	
	<u>Total Diversion.</u>	0.140 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NW1/4	Sec. 23, Twp 09N, Rge 05W, B.M.
PAYETTE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	23						X											

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22613

Comments

1 slester 3/6/2001 Use and conditions

Comment Use is for a greenhouse business See application remarks about ditch water, cannot use existing share

2 slester 8/6/2001 10:46:26 AM Legal Notice Remarks

Comment Applicant agrees to mitigate consumptive use in the future as needed

Dates and Other Information

Application Received Date 7/10/2001

Application Denied Date

Last Date of Beneficial Use

Extension End Date

Protest Deadline Date 9/24/2001

Number of Protests 0

Enlargement Use Priority Date

Enlargement Statute Priority Date

State or Federal

Owner Name Connector AND/OR

Water District Number

Generic Max Rate Per Acre

Generic Max Volume Per Acre

Application Type New Appropriation

Applicant Remarks Use of this water is for year around drip/low volume greenhouse and other plant structures

Plant material will be in container pots, flats, baskets etc Watering is throughout the year and clean water is essential for low volume/drip use and disease control, which preclude the use of ditch water (have 1 share of Lower Payette

Ditch Co. but without access)

Other Water Rights None

Time to Complete Works 5

Transfer Affected Description

Transfer Affected Contracts

Old Transfer Number

Transfer Reason

Transfer Return Flows

Swan Falls Trust or Nontrust

Swan Falls Dismissed

DLE Act Number

Carey Act Number

Mitigation Plan False

RECOMMENDATIONS by SL 11/14/01:**Approve with 5 years to develop.****Standard conditions including well construction requirements.****Surface water should be used first if suitable in quantity and quality for the business.****Regardless, surface water should not be sold or leased from the proposed P/U.****Possible future mitigation is needed.****Discharge of waste water from the business to the land surface or to any surface water conveyance must meet Idaho water quality standards.**

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-22613
ROBERT MAXWELL
DARLENE MAXWELL
10888 N. IOWA AVE.
PAYETTE, ID 83661

ok
-sc

Point(s) of Diversion SWNWNW S23 T09N R05W PAYETTE County Source
GROUNDWATER

Use: COMMERCIAL 01/01 To 12/31 0.14 CFS
Total Diversion 0.14 CFS

Date Filed: 07/10/2001
Place of Use: COMMERCIAL
T09N R05W S23 NWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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 for each application on or before 09/17/2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
No. 822

Sept. 5, 12

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Copy of Notice
(First Copy)

Notice of Application for Water Rights
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Chala M. Hawkins, being
duly sworn, deposes and says:

That 5 he is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
at Payette, in the County of Payette and State of Idaho; that said
paper has been and is in general circulation in the county
aforesaid, and in the vicinity of Payette; 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 a supplement; that said paper has been established 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
Sept. 5, 2001, and ending with the issue
of Sept. 12, 2001.

STATE OF IDAHO

COUNTY OF

On this 13th day of Sept. in the year of 2001, before me,
a Notary Public, personally appeared Vince Hawkins,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Margaret R. Kinschard
Notary Public for Idaho

Residing at

My commission expires

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines

26 lines x 4 columns

Number of Insertions

(2) two

26 Lines @

2.38 . . . \$

61.88

26 Lines @

2.04 . . . \$

53.04

TOTAL COST

WILL BE

\$114.92

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SEP 13 2001

WATER RESOURCES
WESTERN REGION

MICROFILMED

SEP 14 2001

Nº 822

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KARL J DREHER, Director

Published on ~~August 15~~ and 23, 2001.

Sept. 5 + 12, 2001

*sent out 8-8-01. Paper didn't receive until
8-¹⁶~~23~~-01. Had to delay publishing.
AT 8-16-01.*

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FEB 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 08, 2001

Legal Notice Department

Independent Enterprise

PO Box 520

Payette ID 83661

RE: Application for Permit No. 65-22613

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 09/04/2001. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED
FEB 04 2002