

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 05 2024

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-23666	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Carolyn T. Panker
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Brent + Jacque Simmons
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or

6152 N. Hillsboro Place Boise ID 83703
Mailing address City State Zip
208-250-7502 Simmons3662@gmail.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 1/30/2024

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items: - plat map
☐ A copy of the conveyance document - warranty deed quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☒ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
- Permit to Appropriation Water 6/14/17
3 pages w/ attachment
- Stmt of Completion 6/14/22 1 page

8. Signature: [Signature] Feb. 2, 2024
Signature of new owner/claimant Title, if applicable Date

Brent Simmons
Print name

Signature: [Signature] Feb. 2, 2024
Signature of new owner/claimant Title, if applicable Date

JACQUE L. SIMMONS
Print name

Received by CC Date 2-5-24 For IDWR Office Use Only: Receipt No. W051746 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9: _____ Approved by _____ Processed by [Signature] Date 6-7-24



Read & Approved

MS BDS

WARRANTY DEED

Order No.: 617602AM

FOR VALUE RECEIVED

Robert T Parker and Carolyn T Parker, Trustees of the Robert and Carolyn Parker Revocable Trust dated 8/3/2017

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Brent D Simmons and Jacque L Simmons, husband and wife as community property with right of survivorship

whose current address is:

6152 N. Hillsboro Place
Boise, ID 83703

the grantee(s), the following described premises, in Valley County, Idaho,
TO WIT:

A parcel situate in the NW 1/4 of Section 22, T 18 N., R 3 E., B.M., more particularly described as follows;

Commencing at a brass cap marking the 1/4 Corner common to Sections 21 and 22, T. 18 N., R. 3 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey on file in Book 8, Page 94 of Records of Survey, in the Office of the Recorder of Valley County, Idaho; thence, S. 89°43'52" E., 30.00 feet along the southerly boundary of said NW 1/4 of Section 22; thence, N. 0°38'38" E., 25.35 feet to a 1/2" rebar marking the intersection of the northerly right-of-way of Elo Road and the easterly right-of-way of Samson Trail; thence, continuing N. 0°38'38" E., 829.23 feet along said easterly right-of-way of Samson Trail to a 1/2" rebar, the REAL POINT OF BEGINNING;

Thence, continuing N. 0°38'38" E., 466.58 feet along said easterly right-of-way of Samson Trail to a point, from which a 1/2" rebar bears N. 89°47'59" W., 4.43 feet distant, thence, S. 89°47'59" E., 383.78 feet to a 1/2" rebar marking the Southwest Corner of Lot 1, Block 7, as shown on that particular Recorder's Plat of West Place Subdivision, on file in Book 4, Page 27 of Plats, in the Office of the Recorder of Valley County, Idaho, thence, S. 89°37'59" E., 100.31 feet along the southerly boundary of said Lot 1, Block 7, to a 1/2" rebar marking the westerly right-of-way of Julie's Road as shown on said Plat, thence, S. 0°58'38" W., 200.01 feet to a 1/2" rebar, thence, S. 89°37'59" E., 456.19 feet to a 1/2" rebar, thence, S. 0°58'38" W., 430.23 feet to a 1/2" rebar, thence, West, 144.68 feet to a 1/2" rebar, thence, N. 0°58'38" E., 25.89 feet to a 1/2" rebar, thence, West, 608.12 feet to a 1/2" rebar, thence, N. 0°38'38" E., 140.56 feet to a 1/2" rebar, thence, N. 89°21'22" W., 184.00 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Date 1/25/2024

The Robert and Carolyn Parker Revocable Trust

Robert T. Parker, Trustee
Robert T. Parker, Trustee

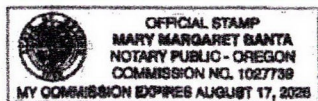
Carolyn T. Parker, Trustee
Carolyn T. Parker, Trustee

State of OR ss.
County of Baker

On this 25 day of January, 2024, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert T Parker and Carolyn T Parker known or identified to me to be the persons whose names are subscribed to the foregoing instrument as trustee of the Robert and Carolyn Parker Revocable Trust, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Mary M. Banta
Notary Public for the State of OR
Residing at: Baker City
Commission Expires: 8/17/2026



Page 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23666

Priority: August 19, 2016

Maximum Diversion Volume: 1.4 AF

This is to certify, that CAROLYN THEM PARKER
1000 STOREY LN
BAKER CITY OR 97814

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: NORTH FORK PAYETTE RIVER

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>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		1.4 AF
RECREATION STORAGE	01/01 to 12/31		1.4 AF
STOCKWATER STORAGE	01/01 to 12/31		1.4 AF
WILDLIFE STORAGE	01/01 to 12/31		1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NW¼SW¼NW¼ Sec. 22, Twp 18N, Rge 03E, B.M. VALLEY County

PLACE OF USE: AESTHETIC STORAGE, RECREATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2022**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-feet or a total surface area of 0.1 acres.
4. Right 65-23666 authorizes total annual storage volume of 1.4 acre-feet, 1.0 acre-feet to be used for the initial filling or carryover storage of the pond and 0.4 acre-feet for the replacement of losses caused by seepage and evaporation.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
6. 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.

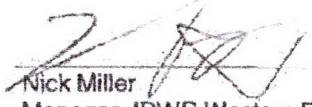
Page 2

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23666

7. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
8. Stockwater storage use is for 10 range cattle and horses.
9. 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.
10. 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.

Signed this 14th day of June, 2017.


Nick Miller
Manager, IDWR Western Region

Department of Water Resources

Attachment to Permit to Appropriate Water

65-23666

This map depicts the AESTHETIC STORAGE, RECREATION STORAGE, STOCKWATER STORAGE, AND WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03E



0 0.035 0.07 0.14 Miles

- Point of Diversion
- Place Of Use Boundary
-  Townships
-  PLS Sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

Amt. of Fee \$
Receipt No.
Received By
Date Received

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE). Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 65-23666 Name of Permit Holder(s) Carolyn Them Parker
Telephone No. 541.403.0440 Email cthemhorses@gmail.com
Mailing Address 1000 Story Lane City Baker City State OR Zip 97814

2. Source of Water Unnamed stream If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) ____ Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other Aesthetic, Recreation, Stockwater, and Wildlife Storage

4. Total diversion rate or volume (storage only) for which proof is submitted ____ cfs OR 1.4 af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Unnamed stream NW 1/4 SW 1/4 NW 1/4 Sec. 22, Twp 18N, Rge 03E, B.M. Valley County

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | Mitigation plan |
| ☐ | ☒ | Lockable controlling works |
| ☐ | ☒ | Measuring device |
| ☐ | ☒ | Fish screen |
| ☐ | ☒ | Other requirements of the water right permit |
| ☐ | ☒ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |
- If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

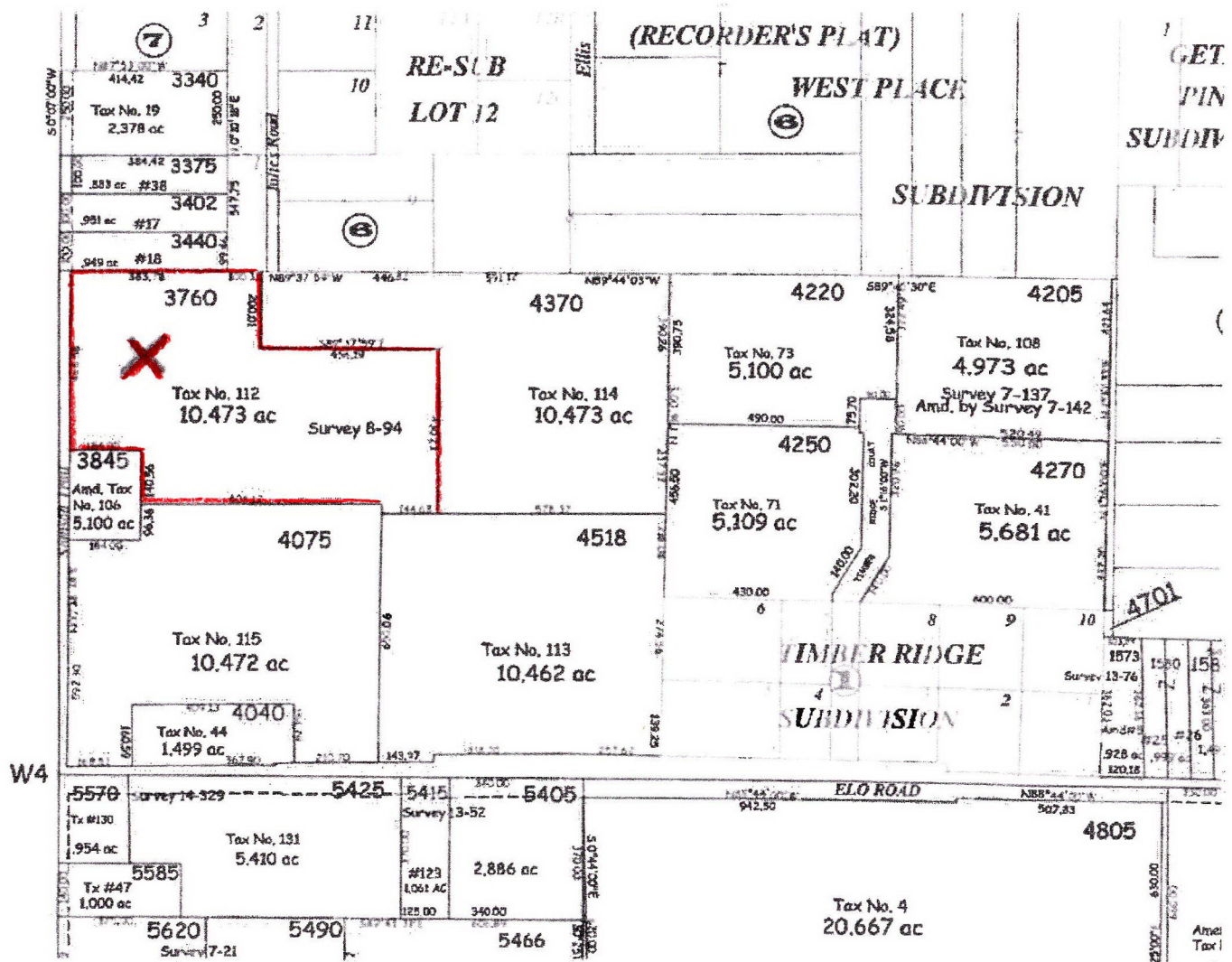
8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Carolyn T. Parker Telephone No. 541.403.0440 Email cthemhorses@gmail.com
Mailing Address 1000 Story Lane City Baker City State OR Zip 97814

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Carolyn Them Parker Carolyn Them Parker 6/14/22
SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.



State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23666

Priority: August 19, 2016

Maximum Diversion Volume: 1.4 AF

It is hereby certified that:

CAROLYN THEM PARKER
1000 STOREY LN
BAKER CITY OR 97814

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 19, 2016, and has submitted Proof of Beneficial Use on June 21, 2022. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	1.4 AF
WILDLIFE STORAGE	01/01 to 12/31	1.4 AF
RECREATION STORAGE	01/01 to 12/31	1.4 AF
AESTHETIC STORAGE	01/01 to 12/31	1.4 AF

Location of Point(s) of Diversion

UNNAMED STREAM NW¼ SW¼ NW¼, Sec. 22, Twp 18N, Rge 03E, B.M. VALLEY County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23666

Conditions of Approval

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
2. 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.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-feet or a total surface area of 0.1 acres.
4. Right 65-23666 authorizes total annual storage volume of 1.4 acre-feet, 1.0 acre-feet to be used for the initial filling or carryover storage of the pond and 0.4 acre-feet for the replacement of losses caused by seepage and evaporation.
5. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22nd day of August, 2023.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23666

This map depicts the STOCKWATER STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, and AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

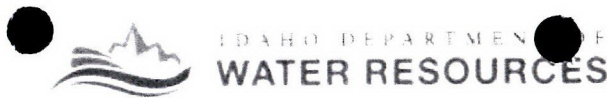


0 0.035 0.07 0.14 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



SCANNED
AUG 30 2023



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 07, 2024

BRENT D SIMMONS
JACQUE SIMMONS
6152 N HILLSBORO PL
BOISE ID 83703-2911

Re: Change in Ownership for Water Right No(s): 65-23666

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: HDR INC
Water District No. 65



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 22, 2023

CAROLYN THEM PARKER
1000 STOREY LN
BAKER CITY OR 97814

RE: License No. 65-23666

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2023, I served a true and correct copy of Water Right License No. 65-23666 by U.S. Mail, postage prepaid, to the following:

CAROLYN THEM PARKER (Current Owner)
1000 STOREY LN
BAKER CITY OR 97814

HDR INC (Representative)
ATTN LORI GRAVES
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659

WATER DISTRICT #65
NEIL SHIPPY (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(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 service date 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23666
Exam Date: 08/10/2023

1. Current Owner:

CAROLYN THEM PARKER
1000 STOREY LN
BAKER CITY OR 97814

2. Accompanied by: NA

Phone No:

Address:

Relationship to permit Holder:

3. **SOURCE:**

UNNAMED STREAM

Tributary

NORTH FORK PAYETTE RIVER

Method of Determination: Site visit and ArcMap aerial imagery.**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:

YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-12902	Unnamed stream	Irrigation Storage; Irrigation from Storage	License

Comments: The Irrigation Storage component of 65-12902 shares the same pond as permit 65-23666.

2. Other water rights with the same point-of-diversion:

Water Right No.	Source	Purpose of Use	Basis
65-12902	Unnamed stream	Irrigation Storage	License

Comments: The license for right 65-12902 placed the POD on the upstream end of the impoundment; I placed the POD for this right on the embankment of the impoundment; both divert from the same pond.

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM NW¼ SW¼ NW¼, Sec. 22, Twp 18N, Rge 03E, B.M. VALLEY County

Method of Determination: Site visit and ArcMap aerial imagery.

PLACE OF USE: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	22							X										

Method of Determination: Site visit and ArcMap aerial imagery.

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
☒ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
☒ 1:24,000 or greater.

☒ Aerial Photo Attached (required for irrigation of 10+ acres).

☒ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NA						

2. Measurements: The pond is an on-stream impoundment and has no diversion rate.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: NA

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: The pond has a surface area of 0.1 acre as measured in ArcMap. The average depth is about 10', for a volume of 1.0 AF. The application included 0.4 AF for evaporation and seepage losses.

G. NARRATIVE/REMARKS/COMMENTS

The Beneficial Use Field Examination for permit 65-23666 was conducted on August 10, 2023. This permit was intended to add uses to an existing on-stream pond which has an established irrigation storage right already appurtenant. The pond is actually a reservoir with an embankment built across the unnamed stream, which was not flowing at the time of the exam, and likely only flows during the spring snowmelt. The license for the existing irrigation storage right placed the POD on the upstream end of the impoundment; I placed the POD for this right on the downstream embankment of the impoundment.

During the exam, I noticed a deer run from the vegetation surrounding the pond and the pond is aesthetically pleasing, so the aesthetic and wildlife uses are valid. In an email exchange with Ms. Parker, she said that she had run cattle on the property during the development period and that the pond had been used by her family for swimming and other recreational activities, so recreation storage and stockwater storage are also appropriate uses for the license.

Conditions of approval appear to have been complied with and I recommend licensing the right with a volume of 1.4 AF, 0.4 AF of which will account for evaporation and seepage losses.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	1.4 AF
WILDLIFE STORAGE	01/01 to 12/31	1.4 AF
RECREATION STORAGE	01/01 to 12/31	1.4 AF
AESTHETIC STORAGE	01/01 to 12/31	1.4 AF

Totals: 1.4 AF

2. Recommended Amendments

Change P.D. as reflected above Add P.D. as reflected above X None

Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION

Field Examiner's Name

Date

8-16-2023

Reviewer

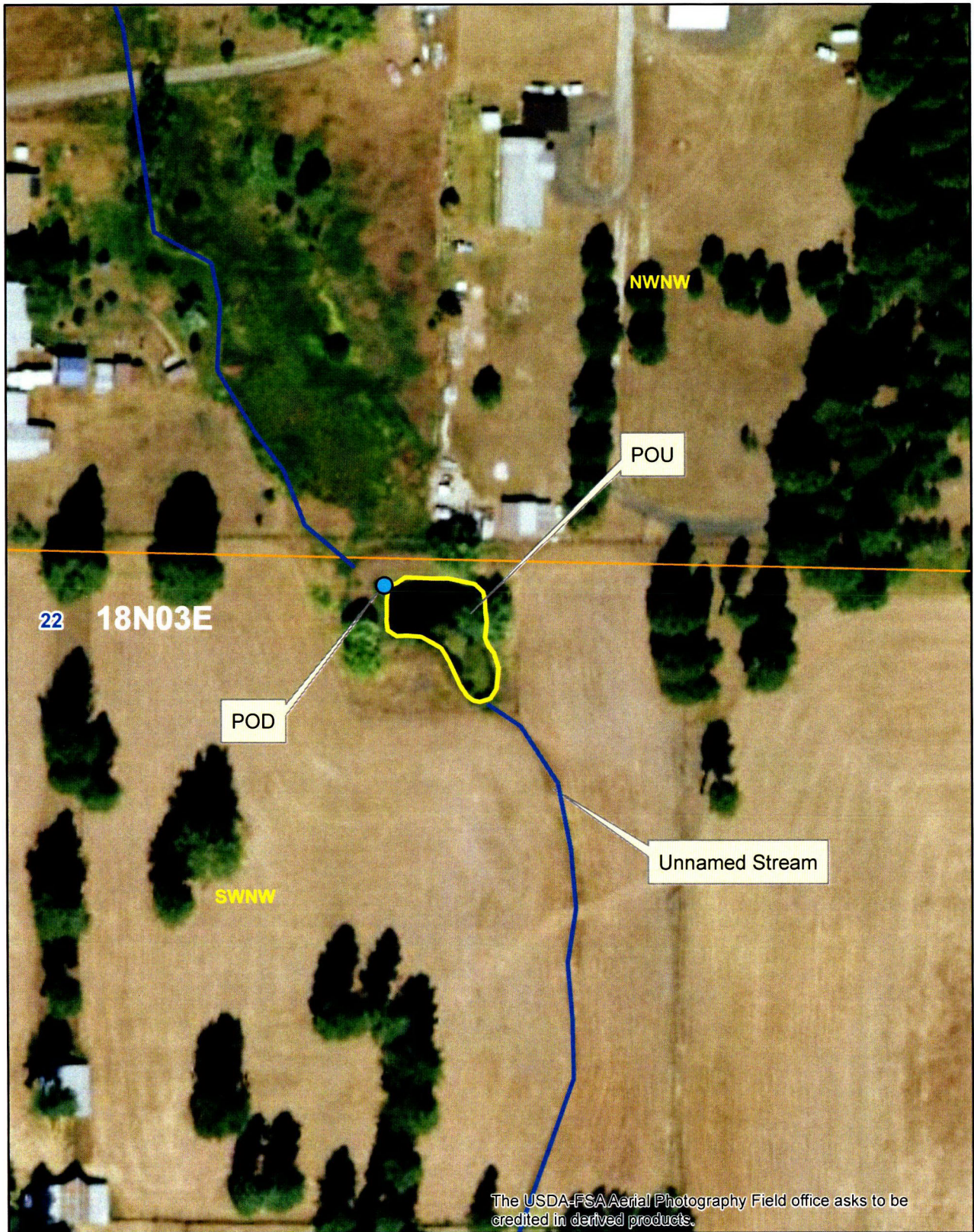
Date

8/22/2023



Point of Diversion (embankment, at arrow) and Place of Use (pond). View is looking downstream, or northwest.

65-23666 System Diagram and POU/POD Map



Legend

- Township/Range
- Sections
- QQ



SCANNED
AUG 30 2023

0 0.01 0.02 0.04 Miles