

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35266

Priority: June 01, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

JEFF JOHNSON 152 N AL FRESCO PL BOISE ID 83712-7599

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

Location of Point(s) of Diversion

GROUND WATER SE¼ SE¼, Sec. 12, Twp 03N, Rge 02E, B.M. ADA County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	12																X	

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2024**.
2. Subject to all prior water rights.
3. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Domestic use is for 1 home.
7. Point of diversion and place of use are located within Lot 2, Blk. 1, Hilltop Subdivision.
8. Water bearing zone to be appropriated is 65 to 240 feet.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35266

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 27th day of July, 20 22.



SCOTT STORMS
Water Rights Supervisor



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-35266

This map depicts the DOMESTIC 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

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 27, 2022

JEFF JOHNSON
152 N AL FRESCO PL
BOISE ID 83712-7599

RE: Permit No. 63-35266

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the

Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Storms", with a stylized flourish at the end.

Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I served a true and correct copy of Permit to Appropriate Water No. 63-35266 by U.S. Mail, postage prepaid, to the following:

JEFF JOHNSON (Current Owner)
152 N AL FRESCO PL
BOISE ID 83712-7599



Scott Storms
Water Rights Supervisor

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.



ATTORNEYS AND COUNSELORS

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208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

RECEIVED

JUL 27 2022

**WATER RESOURCES
WESTERN REGION**

July 25, 2022

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-35266*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comments in lieu of formal a Protest regarding Application for Permit No. 63-35266 (the "Application"). The Application proposes a point of diversion from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Application is approved, it should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas

cc: Jeff Johnson, 152 N Al Fresco Place, Boise, Idaho 83712-7599



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
26965	285744	Print Legal Ad - IPL0079939		\$167.00	2	88 L

Attention: Denise Lauerma

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

Legal Notice

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

63-35222
CHRISTOPHER S. MALONEY
16825 S VISTA AVE
KUNA, ID 83634-2761
Point of Diversion SENE S4 T01N R02E ADA County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
03/01 to 11/15
0.03 CFS
Use: STOCKWATER
01/01 to 12/31
0.02 CFS
Use: DIVERSION TO STORAGE
01/01 to 12/31
0.1 CFS
Use: FIRE PROTECTION FROM STORAGE
01/01 to 12/31
0.8 AF
Use: AESTHETIC STORAGE
01/01 to 12/31
0.8 AF
Total Diversion:
0.19 CFS
Date Filed: 03-07-2022
Place Of Use: AESTHETIC STORAGE, DOMESTIC, FIRE PROTECTION FROM STORAGE, IRRIGATION, STOCKWATER
T01N R02E S4 SENE
Total Acres: 1
Water bearing zone to be appropriated is from 450 to 600 feet.

63-35266
JEFF JOHNSON
152 N AL FRESCO PL
BOISE, ID 83712-7599
Point of Diversion SESE S12 T03N R02E ADA County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 05-06-2022
Place Of Use: DOMESTIC
T03N R02E S12 SESE
Water bearing zone to be appropriated is from 65 to 240 feet.

63-35277
ALEKSANDR GLOBAK
IRINA GLOBAK
220 S COTTERELL DR
BOISE, ID 83709-0309
Point of Diversion NWNE S14 T03N R01E ADA County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 06-07-2022
Place Of Use: DOMESTIC
T03N R01E S14 NWNE
Water bearing zone to be appropriated is from 80 to 120 feet.
PROPOSED AMENDMENT OF WATER PERMIT

63-32061
AVIMOR PARTNERS LLC, 18454 N MCLEOD WAY, BOISE, ID 83714 filed an application to amend permit no. 63-32061 on 05-10-2022.
The application proposes to change two of the four points of diversion to new sites approximately 1.5 miles northeast of the originally permitted locations six miles west of the intersection of Highway 55 and Avimor Drive. This application only proposes to change the site for two of the four permitted wells, there is no proposed change in the quantity of water to be used or to the municipal service area.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/Ext-Search/WRA/Search/WRAUSearch.aspx>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE, ID 83705-5062 together with a protest fee of \$25.00 for each application on or before 7/25/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
IPL0079939
Jul 7, 14 2022

RECEIVED

JUL 18 2022

WATER RESOURCES
WESTERN REGION

9/19/22

Bettina Jantzen, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

No. of Insertions: 2

Beginning Issue of: 07/07/2022

Ending Issue of: 07/14/2022

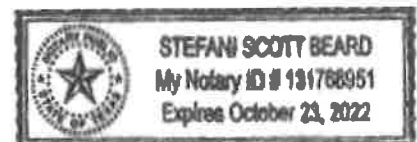
B. Jantzen

(Legals Clerk)

On this 14th day of July in the year of 2022 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!