



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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Governor Brad Little

Director Gary Spackman

April 19, 2022

GO INVESTMENT IDAHO, LLC
c/o CHARLIE HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

CITY OF BOISE
C/O MARY R GRANT
OFFICE OF THE CITY ATTORNEY
PO BOX 500
BOISE ID 83701-0500

RE: Application for Permit 63-34957 (GO Investment Idaho, LLC)

Dear Parties:

The Department of Water Resources acknowledges receipt of *Stipulation and Conditional Withdrawal of Protest* ("Stipulation") regarding the above referenced application. Applicant GO Investment Idaho, LLC, and the protestant City of Boise have agreed to the protestant's withdrawal of protest if approval of the permit application is conditioned as provided in the Stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. Further, the Department may substitute a standard condition of the Department with essentially the same language and intent, or it may modify the conditions as written to fit the approval format, reduce ambiguity, or to otherwise prevent conflicting interpretations. The Stipulation lists three components that are each to be addressed as a "condition of approval for water right nos. 63-34905 and 63-34957."

The enclosed draft permit approval incorporates the Department's standard conditions and the elements defining the use of water under the permit. The three elements of the Stipulation are substantially addressed by those standard conditions and elements as described below.

Stipulation Item 1 is a requirement for the location of the point of diversion for 63-34905 and is not applicable to permit 63-34957.

Stipulation Item 2 limits the size of the ponds to the existing sizes. Permit conditions 3 and 4 limit the size of the ponds authorized under 63-34905 and 63-34957 to the existing total size.

Stipulation Item 3 limits the use of water from the ponds. Permit 63-34957 authorizes no uses from storage.

Lastly, the Department will retain a copy of the Stipulation in the water right file and has included Condition 6 to document the agreement and any responsibilities of the parties not fully addressed by the conditions and elements of the permit.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your settlement, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. Note that you may file a petition for reconsideration within 14 days after the Department issues a preliminary order approving the permit.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Miller', is written over the printed name.

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34957

DRAFT

Priority: March 30, 2020

Maximum Diversion Volume: 24.0 AF

This is to certify that

GO INVESTMENT IDAHO, LLC 26538 SAND RD PARMA ID 83660

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>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31	24.0 AF
AESTHETIC STORAGE	01/01 to 12/31	24.0 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ NW¼, Sec. 36, Twp 05N, Rge 05W, B.M. CANYON County
GROUND WATER SW¼ NW¼, Sec. 36, Twp 05N, Rge 05W, B.M. CANYON County

Place of Use: WILDLIFE STORAGE & 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	
05N	05W	36							X										

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2023**.
2. Subject to all prior water rights.
3. Rights 63-34905 and 63-34957 authorize the storage of an annual total of 33.2 acre-feet, comprised of 24.0 acre-feet to be used for the initial filling or carryover storage of the ponds, and 8.2 acre-feet for the replacement of losses due to evaporation.
4. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 24.0 acre-feet or a total surface area of 4.0 acres.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
7. 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. 63-34957

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

Signed this _____ day of _____, 20____.

DRAFT

NICK MILLER
Western Regional Manager

DRAFT

Attachment to Permit to Appropriate Water

63-34957

This map depicts the WILDLIFE STORAGE & 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.



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

0 0.035 0.07 0.14 Miles

