

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 63-35166

Priority: December 01, 2021

Maximum Diversion Rate: 0.06 CFS

This is to certify that

JAMES MICHAEL APOSTOLOU 5783 E BARREL HORSE LN KUNA ID 83634-5025 OR  
TINA APOSTOLOU 5783 E BARREL HORSE LN KUNA ID 83634-5025

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> |
|-----------------------|----------------------|--------------------------|
| STOCKWATER            | 1 /1 to 12/31        | 0.02 CFS                 |
| DOMESTIC              | 1 /1 to 12/31        | 0.04 CFS                 |

**Location of Point(s) of Diversion**

GROUND WATER NW¼ SE¼, Sec. 21, Twp 02N, Rge 01E, B.M. ADA County

**Place of Use: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 01E | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**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 |        |
| 02N | 01E | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2023**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Domestic use is for 1 home.
6. Stockwater use is for 7 horses.
7. Point of diversion and place of use are located within Lot A, Blk. 3, Cloverdale Ridge Estates.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. 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

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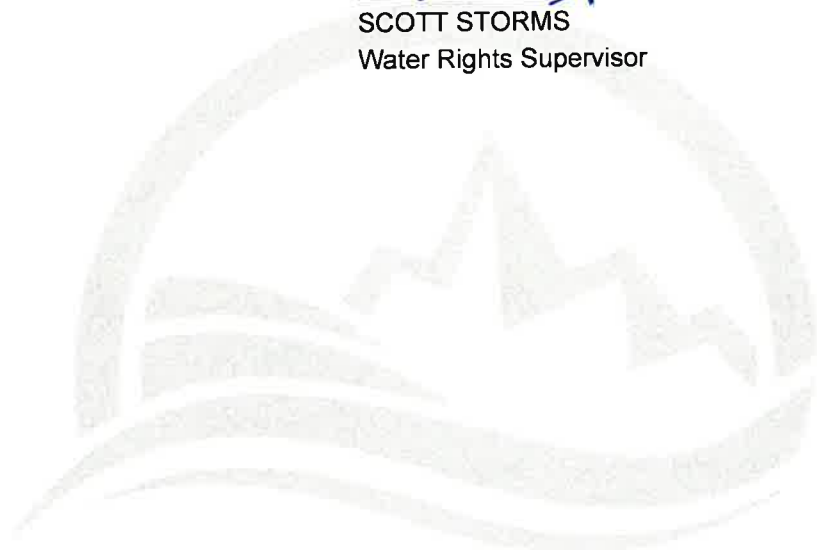
purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 31<sup>st</sup> day of March, 2022.



SCOTT STORMS  
Water Rights Supervisor



State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-35166

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.

01E



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

0 0.035 0.07 0.14 Miles



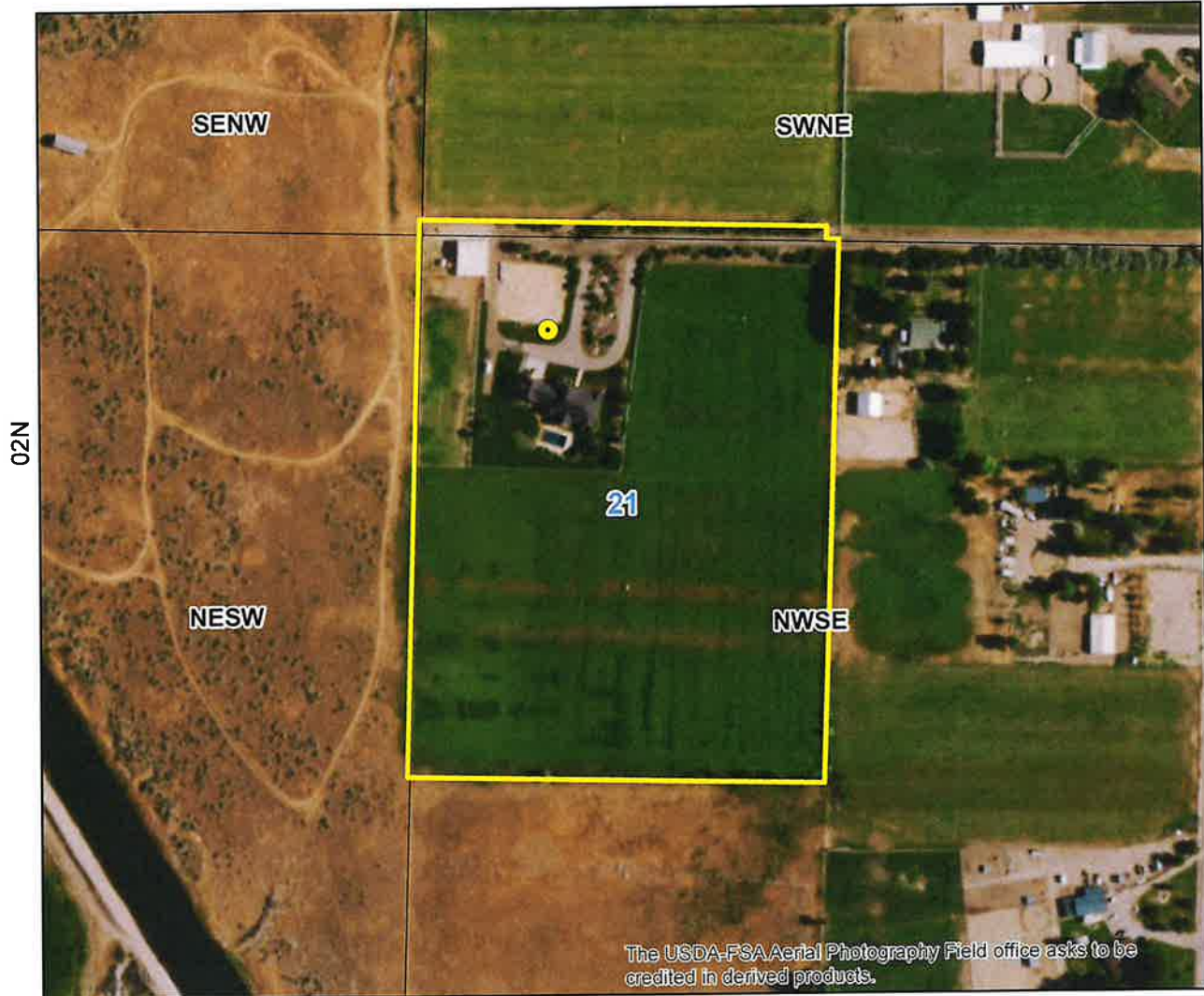
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-35166

This map depicts the STOCKWATER 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.

01E



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

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

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Governor Brad Little

Director Gary Spackman

March 31, 2022

TINA APOSTOLOU  
JAMES MICHAEL APOSTOLOU  
5783 E BARREL HORSE LN  
KUNA ID 83634-5025

RE: Permit No. 63-35166

**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](http://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](http://www.idwr.idaho.gov).**

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

Sincerely,



for

Scott Storms  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, I served a true and correct copy of Permit to Appropriate Water No. 63-35166 by U.S. Mail, postage prepaid, to the following:

TINA APOSTOLOU (Current Owner)  
5783 E BARREL HORSE LN  
KUNA ID 83634-5025

JAMES MICHAEL APOSTOLOU (Current Owner)  
5783 E BARREL HORSE LN  
KUNA ID 83634-5025

  
\_\_\_\_\_  
Jean Hersley  
Technical Records Specialist 2

## **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.

RECEIVED

FEB 28 2022

WATER RESOURCES  
WESTERN REGION

23100 203606

1 IDWR - WESTERN REGION

2735 AIRPORT WAY

BOISE, ID 83705

**AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO**

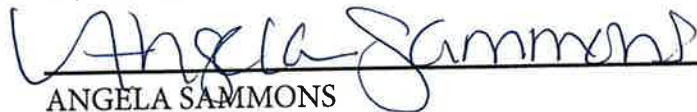
**County of Canyon and Ada**

**ANGELA SAMMONS**

**of the State of Idaho, being of first duly sworn, deposes  
and says:**

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 02/17/2022,  
02/24/2022

  
ANGELA SAMMONS

STATE OF IDAHO

County of Canyon and Ada

On this 24th day of February, in the year of 2022 before me a Notary Public, personally appeared. ANGELA SAMMONS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public of Idaho

My commission expires



## LEGAL NOTICE

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

**63-35124**

JEREMY JEANS  
CASSANDRA JEANS  
533 E ANDREA ST KUNA, ID 83634-2283  
Point of Diversion SWSW S3 T01N R02E ADA County  
Source GROUND WATER  
Point of Diversion SESW S3 T01N R02E ADA County Source  
GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 2.4 CFS  
Total Diversion: 2.4 CFS  
Date Filed: 09-30-2021  
Place Of Use: IRRIGATION  
T01N R02E S3 NESW, NWSW, SESW  
Water bearing zone to be appropriated is from 350 to number  
550 feet.

**63-35166**

JAMES MICHAEL APOSTOLOU  
TINA APOSTOLOU  
5783 E BARREL HORSE LN KUNA, ID 83634-5025  
Point of Diversion NWSE S21 T02N R01E ADA County  
Source GROUND WATER  
Use: DOMESTIC 1/1 to 12/31 0.04 CFS  
Use: STOCKWATER 1/1 to 12/31 0.02 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 12-01-2021  
Place Of Use: DOMESTIC, STOCKWATER  
T02N R01E S21 NWSE  
Water bearing zone to be appropriated is from 130 to 297  
feet.

**63-35177**

JULIE LANGLOIS  
3556 S RUSTLER PL MERIDIAN, ID 83642-6873  
Point of Diversion NENW S26 T03N R01W ADA County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.15 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 12-28-2021  
Place Of Use: IRRIGATION  
T03N R01W S26 NENW  
Water bearing zone to be appropriated is from 120 to 217  
feet.

**63-35178**

ELEMENT DESIGN BUILD LLC  
3501 W BAVARIA ST EAGLE, ID 83616-6318  
Point of Diversion L5(SWNW) S24 T04N R01W ADA County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.28 CFS  
Total Diversion: 0.28 CFS  
Date Filed: 01-03-2022  
Place Of Use: IRRIGATION  
T04N R01W S24 SWNW  
Water bearing zone to be appropriated is from 200 to 300  
feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 85596**

MADERA DEVELOPMENT INC, 5655 W FLOATING FEATHER RD, EAGLE, ID 83616-3103 has filed Application No. 85596 for changes to the following water rights within ADA County(s): Right No(s), 63-35188; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: to change the place of use of 15 acres of irrigation use to fields located in the NWSE and NESE of Section 12, T04N, R01W, north of Flint Drive.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 85636**

NAMPA & MERIDIAN IRRIGATION DISTRICT, C/O SAWTOOTH LAW OFFICES PLLC ATTN BRYCE FARRIS PO BOX 7985, BOISE, ID 83707 has filed Application No. 85636 for changes to the following water rights within ADA, BOISE, ELMORE County(s): Right No(s), 63-198AJ, 63-199B, 63-200B, 63-30181; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: This transfer proposes an expansion to the Nampa and Meridian Irrigation District service area boundary and adding a point of diversion approximately 5.5 miles southwest of Prairie, Idaho. The proposed place of use is 154.75 acres located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code Sec. § 42-203A and/or § 42-222. Any protest against the approval of the application or proposed change must be filed with the Director, Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 3/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 17, 24, 2022

203606

*2-24-22*