

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35053

Priority: April 30, 2021

Maximum Diversion Rate: 0.12 CFS

This is to certify that

JASON CARNAHAN 5496 N BOGUS BASIN RD BOISE ID 83702-1548

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	0.12 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ SE¼, Sec. 23, Twp 04N, 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	
04N	02E	23									X			X		X	X		

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2023**.
2. Subject to all prior water rights.
3. Domestic use is for 3 homes.
4. 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.
5. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
8. Water bearing zone to be appropriated is 400 to 700 feet.

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9. 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.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. 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 Idaho Code § 42-204.

Signed this 28th day of December, 2021.



NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-35053

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.



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

0 0.035 0.07 0.14 Miles





December 28, 2021

JASON CARNAHAN
5496 N BOGUS BASIN RD
BOISE ID 83702-1548

RE: Permit No. 63-35053

Permit Approval Notice

Dear Permit Holder:

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) 334-2190.

Sincerely,



DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2021, I served a true and correct copy of Permit to Appropriate Water No. 63-35053 by U.S. Mail, postage prepaid, to the following:

JASON CARNAHAN (Current Owner)
5496 N BOGUS BASIN RD
BOISE ID 83702-1548

THE TERTELING COMPANY INC (Protestant)
C/O HONSINGER LAW PLLC
ATTN CHARLES L HONSINGER
PO BOX 517
BOISE ID 83701



Denise Lauerman
Administrative Assistant

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.



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
15344	163913	Print Legal Ad - IPL0047345		\$189.19	2	100 L

Attention: Tammy Alleman
7600 N MINERAL DR STE 210
COEUR D ALENE, ID 83815

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NOV 12 2021

WATER RESOURCES
WESTERN REGION

Copy of ad content
is on the next page

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

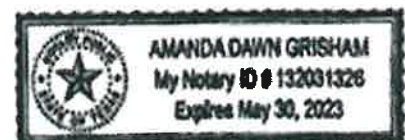
Beginning Issue of: 11/04/2021

Ending Issue of: 11/11/2021

(Legals Clerk)

On this 11th day of November in the year of 2021 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.

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!

PUBLIC NOTICE

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

63-34946

AVIMOR DEVELOPMENT LLC
18454 N MCLEOD WAY
BOISE, ID 83714-8862

Point of Diversion SESE S1 T05N R01E ADA County Source GROUND WATER
Point of Diversion SESW S1 T05N R01E ADA County Source GROUND WATER
Point of Diversion L7 (SWSW) S6 T05N R02E ADA County Source GROUND WATER

Point of Diversion L6 (NWSW) S6 T05N R02E ADA County Source GROUND WATER

Use: FIRE PROTECTION 01/01 to 12/31 0.96 CFS

Use: IRRIGATION 03/15 to 11/15 4.06 CFS

Total Diversion: 5 CFS

Date Filed: 08-03-2020

Place Of Use: FIRE PROTECTION, IRRIGATION

T05N R02E S18 NWNE, SWNE, NENW, SENW

Place Of Use: FIRE PROTECTION, IRRIGATION

T05N R02E S31 NESW, SWSW, NESE, NWSE, SWSE, SESE

Place Of Use: FIRE PROTECTION, IRRIGATION

T05N R02E S5 L4 (NWNW), SWNW, NWSW, SWSW

Place Of Use: FIRE PROTECTION

T05N R02E S6 SESE, L1 (NENE), L3 (NENW), NESW, NESE, L2 (NWNE), L4 (NWNW), L6 (NWSW), SWNE, NWSE, L5 (SWNW), L7 (SWSW), SENE, SENW, SESW, SWSE

Place Of Use: IRRIGATION

T05N R02E S6 L1 (NENE), L3 (NENW), NESW, NESE, L2 (NWNE), L4 (NWNW), L6 (NWSW), SWNE, NWSE, L5 (SWNW), L7 (SWSW), SENE, SENW, SESW, SWSE, SESE

Place Of Use: FIRE PROTECTION, IRRIGATION

T05N R02E S7 NENE, NWNE, NENW, NESW, L1 (NWNW), L3 (NWSW), NWSE, L2 (SWNW), L4 (SWSW), SENW, SESW, SWSE Total Acres: 203

Water bearing zone to be appropriated is from 200 to 500 feet.

63-35053

JASON CARNAHAN
5496 N BOGUS BASIN RD
BOISE, ID 83702-1548

Point of Diversion NWSE S23 T04N R02E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 04-30-2021

Place Of Use: DOMESTIC

T04N R02E S23 NESW, SESW, NWSE, SWSE

Water bearing zone to be appropriated is from 400 to 700 feet.

63-35122

GARDNER HOMES IDAHO LLC
2078 W EVEREST LN
MERIDIAN, ID 83646-5862

Point of Diversion SESW S27 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 01/15 0.08 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 0.7 AF

Total Diversion: 0.08 CFS

Date Filed: 09-29-2021

Place Of Use: AESTHETIC STORAGE, DIVERSION TO STORAGE, IRRIGATION

T04N R01W S27 SESW

Total Acres: 2.5

Water bearing zone to be appropriated is from 200 to 400 feet.

63-35126

MICHAEL PROSPERI
DARLA PROSPERI
20981 RUSCELLO LN
FRIANT, CA 93626-1203

Point of Diversion SENW S16 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.16 CFS

Date Filed: 09-24-2021

Place Of Use: DOMESTIC, IRRIGATION

T05N R01W S16 SENW

Place Of Use: IRRIGATION

T05N R01W S16 NESW

Total Acres: 6

Water bearing zone to be appropriated is from 336 to 660 feet.

63-35129

DAVID C MARMILLION IV
4406 N TIVERTON PL
BOISE, ID 83702-1664

Point of Diversion SENW S5 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 10-05-2021

Place Of Use: IRRIGATION

T04N R01W S5 SENW

Total Acres: 5

Water bearing zone to be appropriated is from 48 to 148 feet.

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/WRAApplicationResults/>. 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 83705-5082 together with a protest fee of \$25.00 for each application on or before 11/22/2021. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director Published on 11/4/2021 and 11/11/2021

IPL0047345

Nov 4, 11 2021

RECEIVED

NOV 12 2021

WATER RESOURCES
WESTERN REGION

✓ OK
11.15.2021
DL

✓ OK
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✓ OK
11.15.2021
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✓ OK
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✓ OK
11.15.2021
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