

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**  
 No. 63-35099

**Priority:** August 11, 2021

**Maximum Diversion Rate:** 1.72 CFS

This is to certify that

MAXWELL FARMS LLC 24630 PECKHAM RD WILDER ID 83676-5221

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>
IRRIGATION	03/01 to 11/15	1.72 CFS

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

GROUND WATER SE¼ NE¼, Sec. 24, Twp 04N, Rge 05W, B.M. CANYON County

**Place of Use:** IRRIGATION

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	05W	24	20.0			34.0		32.0											86.0

Total Acres: 86.0

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2026**.
2. Subject to all prior water rights.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 387 af at the field headgate for the place of use.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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.

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 63-35099**

7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. 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.

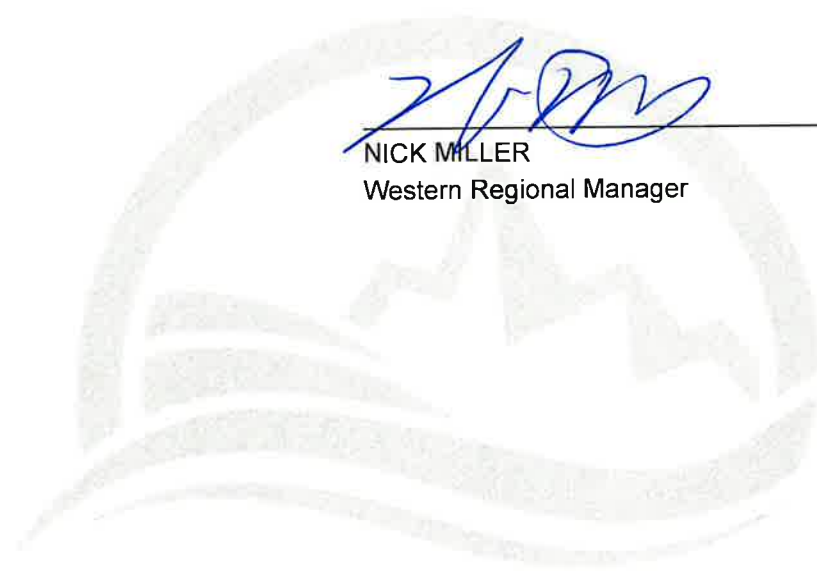
Signed this 29<sup>th</sup> day of October, 2021.



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NICK MILLER

Western Regional Manager



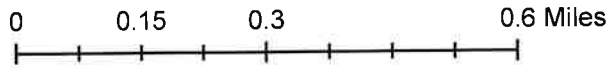
State of Idaho  
 Department of Water Resources  
**Attachment to Permit to Appropriate Water**  
 63-35099

This map depicts the IRRIGATION 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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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





October 29, 2021

MAXWELL FARMS LLC  
24630 PECKHAM RD  
WILDER ID 83676-5221

RE: Permit No. 63-35099

### 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](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) 334-2190.

Sincerely,

  
DENISE LAUERMAN

for Nick Miller  
Western Regional Manager

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2021, I served a true and correct copy of Permit to Appropriate Water No. 63-35099 by U.S. Mail, postage prepaid, to the following:

MAXWELL FARMS LLC (Current Owner)  
24630 PECKHAM RD  
WILDER ID 83676-5221

SPF WATER ENGINEERING (Representative)  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660



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.

LEGAL NOTICE

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

63-35048  
WILLIAM SNETHEN  
27984 OLD HIGHWAY 30 CALDWELL, ID 83607-8620  
Point of Diversion NWNE S17 T05N R03W CANYON County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.3 CFS  
Total Diversion: 0.3 CFS  
Date Filed: 04-14-2021  
Place Of Use: IRRIGATION T05N R03W S17 NWNE  
Total Acres: 15  
Water bearing zone to be appropriated is from 100 to 150 feet.

✓ OK  
DL  
09.15.2021

63-35091  
MATHEW LINDERMAN  
833 N GOLDEN CROWN WAY EAGLE, ID 83616  
Point of Diversion SWSE S35 T05N R02W CANYON County  
Source GROUND WATER  
Use: DOMESTIC 1/1 to 12/31 0.04 CFS  
Use: IRRIGATION 3/1 to 11/15 0.14 CFS  
Total Diversion: 0.18 CFS  
Date Filed: 08-11-2021  
Place Of Use: DOMESTIC, IRRIGATION  
T05N R02W S35 SWSE Total Acres: 7  
Water bearing zone to be appropriated is from 150'-305':

✓ OK  
DL  
09.15.2021

63-35096  
THE TROOST FAMILY LIVING TRUST  
30540 SABIN RD PARMA, ID 83660-6787  
Point of Diversion NENE S19 T04N R04W CANYON County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.5 CFS  
Total Diversion: 1.5 CFS  
Date Filed: 08-05-2021  
Place Of Use: IRRIGATION  
T04N R04W S19 NENE, SENE Total Acres: 75  
Water bearing zone to be appropriated is from 20' to 300':

✓ OK  
DL  
09.15.2021

63-35098  
BLUE TERRA DEVELOPMENT LLC  
2541 E GALA ST STE 310 MERIDIAN, ID 83642-5330  
Point of Diversion NESE S4 T04N R03W CANYON County  
Source GROUND WATER  
Point of Diversion NESE S4 T04N R03W CANYON County  
Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.23 CFS  
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.23 CFS  
Use: AESTHETIC STORAGE 01/01 to 12/31 4.3 AF  
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3 AF  
Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 3 AF  
Total Diversion: 2.3 CFS  
Date Filed: 08-09-2021  
Place Of Use: AESTHETIC STORAGE, DOMESTIC, FIRE PROTECTION FROM STORAGE, FIRE PROTECTION STORAGE  
T04N R03W S4 NESE  
Place Of Use: DOMESTIC, FIRE PROTECTION FROM STORAGE  
T04N R03W S4 NWSE, SESE  
Water bearing zone to be appropriated is from 60 to 350 feet.

✓ OK  
DL  
09.15.2021

63-35099  
MAXWELL FARMS LLC  
24630 PECKHAM RD WILDER, ID 83676-5221  
Point of Diversion SENE S24 T04N R05W CANYON County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.72 CFS  
Total Diversion: 1.72 CFS  
Date Filed: 08-11-2021  
Place Of Use: IRRIGATION T04N R05W S24 NENE, SENE, NWNW  
Total Acres: 86  
Water bearing zone to be appropriated is from 20 to 600 feet.

✓ OK  
DL  
09.15.2021

63-35101  
THE TROOST FAMILY LIVING TRUST  
30540 SABIN RD PARMA, ID 83660-6787  
Point of Diversion NWNE S18 T04N R04W CANYON County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 2.89 CFS  
Total Diversion: 2.89 CFS  
Date Filed: 08-19-2021  
Place Of Use: IRRIGATION T04N R04W S18 NENE, NWNE, SWNE, SENE  
Place Of Use: IRRIGATION T04N R04W S7 NWSE, SWSE  
Total Acres: 234  
Water bearing zone to be appropriated is from 20 to 300 feet.

✓ OK  
DL  
09.15.2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85245

TROOST FAMILY LIVING TRUST, C/O GREG TROOST 30540 SABIN RD, PARMA, ID 83660 has filed Application No. 85245 for changes to the following water rights within CANYON County(s): Right No(s), 63-33987; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/query/newtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

✓ OK  
DL  
09.15.2021

Transfer proposes changing the POD to a well on the applicant's property, and changing the POU to establish a permissible place of use for irrigation right no. 63-33987. The transfer is located around the original POU of water right no. 63-33987 on the Troost Family Living Trust property. Water will be used approximately a half of a mile east of the corner of Allendale and Red Top Rd.

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/ExtSearch/WRAApplicationResults>. Protests may be submitted based on the criteria of Idaho Code § 42-205A and Idaho Code Sec. § 42-222. 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 9/20/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

September 2, 9, 2021

140644

RECEIVED  
SEP 15 2021  
WATER RESOURCES  
WESTERN REGION

RECEIVED

SEP 15 2021

WATER RESOURCES  
WESTERN REGION

**AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO**

**County of Canyon and Ada**

23100 140644  
1 IDWR - WESTERN REGION

2735 AIRPORT WAY  
BOISE, ID 83705

**SHARON JESSEN**  
**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: 09/02/2021,  
09/09/2021

*Sharon Jessen*

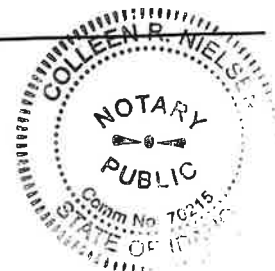
SHARON JESSEN  
STATE OF IDAHO  
County of Canyon and Ada

On this 9th day of September, in the year of 2021 before me a Notary Public, personally appeared. SHARON JESSEN, 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.

*Colleen R. Nielsen*

Notary Public of Idaho  
My commission expires

*6/28/23*



State of Idaho  
Department of Water Resources  
RECOMMENDATION FORM

RECEIVED

SEP 08 2021

WATER RESOURCES  
WESTERN REGION

RE: Application for Permit No. 63-35099

New Appropriation Applicant's  
Name:

MAXWELL FARMS LLC  
24630 PECKHAM RD  
WILDER, ID 83676-5221

Recommendation:

- a)  I do not oppose approval of this application.
- b)  I do not oppose approval of this application if it is conditioned as follows:
- c)  I oppose approval of this application for the following reasons:
- d)  Additional comments:

Dated this 8 day of September, 2021

Diane Paulson  
Signature  
Wilder Irrigation