

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 43-13898

Priority: May 03, 2021

Maximum Diversion Rate: 0.06 CFS

This is to certify that

HOPKINS DECLO FARMS LLC  
910 E CAROL ST  
MERIDIAN ID 83646-1825

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       | 0.06 CFS                 |

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

GROUND WATER SW¼ SW¼, Sec. 24, Twp 12S, Rge 26E, B.M. CASSIA 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 |        |
| 12S | 26E | 24  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2026**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
4. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. Place of use is located within parcel 7A and parcel 8A of North Malta Estates.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 43-13898

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

Signed this 26<sup>th</sup> day of August, 2021.



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COREY SKINNER  
Southern Regional Manager



State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

43-13898

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.

26E



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

0 0.04 0.08 0.16 Miles





September 1, 2021

HOPKINS DECLO FARMS LLC  
910 E CAROL ST  
MERIDIAN ID 83646-1825

RE: Permit No. 43-13898

### 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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small mark above the "i" in "Skinner".

Corey Skinner  
Southern Regional Manager

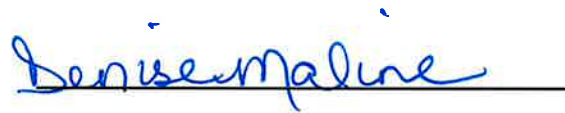
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2021, I served a true and correct copy of Permit to Appropriate Water No. 43-13898 by U.S. Mail, postage prepaid, to the following:

HOPKINS DECLO FARMS LLC (Current Owner)  
910 E CAROL ST  
MERIDIAN ID 83646-1825

SPF WATER ENGINEERING LLC (Representative)  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660



Denise Maline  
Administrative Assistant 1

## **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.

\*\*\* Proof of Publication \*\*\*

Twin Falls Times-News  
132 Fairfield St W, Twin Falls, Idaho 83301

JENNY GREEN, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls 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 Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES  
Denise Lauerman  
2735 AIRPORT WAY  
BOISE ID 83705

ORDER NUMBER 116553

Jenny Green  
(Legals Clerk)  
STATE OF IDAHO )  
.SS

COUNTY OF TWIN FALLS )

On this 22 day of July in the year of 2021 before me, a Notary Public, personally appeared before me Jenny Green 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.

Amy Wiesmore  
Notary Public FOR Idaho  
Residing at: Twin Falls, Idaho  
My Commission expires: 9-4-26

AMY WIESMORE  
COMMISSION NO. 20203230  
NOTARY PUBLIC  
STATE OF IDAHO

Section: Legals

Category: 50 Legal

PUBLISHED ON: 07/15/2021, 07/22/2021

TOTAL AD COST: 107.94

FILED ON: 7/22/2021

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

43-13898  
HOPKINS DECLO FARMS LLC  
910 E CAROL ST  
MERIDIAN, ID 83646-1825  
Point of Diversion SWSW S24 T12S R26E CASSIA County  
Source GROUND WATER Tributary  
Use: DOMESTIC 01/01 to 12/31 0.06 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 05-03-2021  
Place Of Use: DOMESTIC  
T12S R26E S24 SWSW  
Application proposes to divert 0.06 cfs from an existing well for domestic potable water uses on parcel 7A and parcel 8A of North Malta Estates. The well and parcels are located on the west side of Highway 81 approximately 3.5 miles north of Malta. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08. Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; 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 § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 2, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 15th & 22nd, 2021

RECEIVED

AUG 02 2021

WATER RESOURCES  
WESTERN REGION

RECEIVED

AUG 09 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

✓ Am 8/9/2021

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Application No: 84949  
Water Right No: 43-13898  
Applicant Name: HOPKINS-DECLO FARMS, LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: July 15, 2021

Water District 143

  
Nathan Erickson, Watermaster

# Customer Ad Proof

60003161 IDAHO DEPT OF WATER RESOURCES

Order Nbr 116553

|             |                                |                 |                         |
|-------------|--------------------------------|-----------------|-------------------------|
| Publication | Times News                     |                 |                         |
| Contact     | IDAHO DEPT OF WATER RESOURCES  | PO Number       |                         |
| Address 1   | 2735 AIRPORT WAY               | Rate            | Legal Notice            |
| Address 2   |                                | Order Price     | 107.94                  |
| City St Zip | BOISE ID 83705                 | Amount Paid     | 0.00                    |
| Phone       | 2083342190                     | Amount Due      | 107.94                  |
| Fax         |                                |                 |                         |
| Section     | Legals                         | Start/End Dates | 07/15/2021 - 07/22/2021 |
| SubSection  |                                | Insertions      | 2                       |
| Category    | 50 Legal                       | Size            | 68                      |
| Ad Key      | 116553-1                       | Salesperson(s)  | Jenny Green - Legals    |
| Keywords    | The following application(s) h | Taken By        | Jenny Green             |
| Notes       |                                |                 |                         |

## Ad Proof

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GARY SPACKMAN, Director

Published on July 15th & 22nd, 2021

**Proof of legal notice received  
 from Times News 7/9/2021**