

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34967

Priority: September 24, 2020

Maximum Diversion Volume: 1.4 AF

This is to certify that

SPENCER HILL 5086 S BITTERCREEK AVE MERIDIAN ID 83642-7971

has applied for a permit to appropriate water from:

Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

Beneficial Use

RECREATION STORAGE

Period of Use

01/01 to 12/31

Annual Volume

1.4 AF

Location of Point(s) of Diversion

GROUND WATER L8 (NE¼ SE¼), Sec. 10, Twp 03N, Rge 10E, B.M. ELMORE County

Place of Use: RECREATION 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	
03N	10E	10													X L8				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2026**.
2. Subject to all prior water rights.
3. The daily diversion volume for the recreation storage use authorized under this right shall not exceed 2,500 gallons per day.
4. Rights 63-34967 and 63-34986 authorize total annual storage volume of 2.1 acre-feet, 1.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.7 acre-feet for the replacement of losses caused by evaporation from the pond authorized under Right 63-34967.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 1.4 acre-feet or a total surface area of 0.3 acres.
6. 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.
7. Water bearing zone to be appropriated is 0 to 15 feet.
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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34967

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

Signed this 19th day of May, 2021.



NICK MILLER
Western Regional Manager



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34967

This map depicts the RECREATION 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





Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

May 19, 2021

SPENCER HILL
5086 S BITTERCREEK AVE
MERIDIAN ID 83642-7971

RE: Permit No. 63-34967

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

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2021, I served a true and correct copy of Permit to Appropriate Water No. 63-34967 by U.S. Mail, postage prepaid, to the following:

SPENCER HILL (Current Owner)
5086 S BITTERCREEK AVE
MERIDIAN ID 83642-7971



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.

AFFIDAVIT OF PUBLICATION

NOTICE

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

63-34966
AARON FUHRIMAN
7262 S ANGEL WAY
MERIDIAN, ID 83642-9294
Point of Diversion L8 (NESE)
S10 T03N R10E ELMORE
County Source GROUND WATER
Use: RECREATION STORAGE
AGE 01/01 to 12/31 5 AF
Total Diversion: 5 AF
Date Filed: 09-24-2020
Place Of Use: RECREATION STORAGE
T03N R10E S10 L8 (NESE)
Water bearing zone to be appropriated is from 0 to 15 feet.

63-34967
SPENCER HILL
5086 S BITTERCREEK AVE
MERIDIAN, ID 83642-7971
Point of Diversion L8 (NESE)
S10 T03N R10E ELMORE
County Source GROUND WATER
Use: RECREATION STORAGE
AGE 01/01 to 12/31 5 AF
Total Diversion: 5 AF
Date Filed: 09-24-2020
Place Of Use: RECREATION STORAGE
T03N R10E S10 L8 (NESE)

Water bearing zone to be appropriated is from 0 to 15 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84656
SPENCER HILL and SARA HILL, 5086 S BITTERCREEK AVE, MERIDIAN, ID 83642-7971 has filed Application No. 84656 for changes to the following water rights within ELMORE County(s): Right No(s). 63-34986; 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:

Spencer and Sara Hill (applicants) are property owners in Elmore County. The applicants filed transfer no. 84656 to change the nature of use, period of use, and place of use for water right 63-34986. The applicants propose changing the nature of use of a portion of the identified water right to cover the evaporative losses resulting from a pond proposed under application for permit no. 63-34967.

Scott King of SPF Water Engineering is the representative for the transfer. Mr. King can be reached at 208-383-4140 or sking@sfpwater.com

TRANSFER NO. 84657

AARON FUHRIMAN and CAROLL FUHRIMAN, 7262 S ANGEL WAY, MERIDIAN, ID 83642-9294 has filed Application No. 84657 for changes to the following water rights within ELMORE County(s): Right No(s). 63-34985; 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:
Aaron and Caroll Fuhriman (applicants) are property owners in Elmore County. The applicants filed transfer no. 84657 to change the nature of use, period of use, and place of use for water right 63-34985. The applicants propose changing the nature of use of a portion of the identified water right to cover the evaporative losses resulting from a pond proposed under application for permit no. 63-34966.

Scott King of SPF Water Engineering is the representative for the transfer. Mr. King can be reached at 208-383-4140 or sking@sfpwater.com

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the 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 3/8/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

First Publication:
February 17, 2021
Second Publication:
February 24, 2021

County of Elmore
State of Idaho

}ss.

I, Joy Martinez, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 17 day of Feb, 2021, and the last publication having been made on the 24 day of Feb, 2021; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

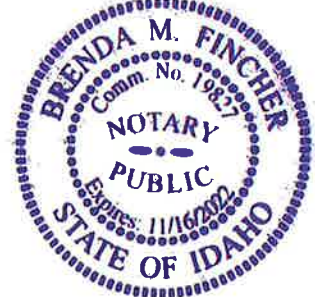
Joy Martinez
Legal Clerk

Subscribed and sworn to me this 24th day of Feb, 2021

Brenda M Fincher
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-16-2022.



RECEIVED

FEB 26 2021

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

LAWRENCE RIGGINS
RT 8 BOX 293
CALDWELL, ID 83605



RECEIVED

FEB 22 2021

WATER RESOURCES
WESTERN REGION

NSA

