

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-32366

Priority: March 27, 2006

Maximum Diversion Volume: 229 AF

It is hereby certified that:

B W EAGLE INC 250 S BEECHWOOD STE 120 BOISE ID 83709

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 27, 2006, and has submitted Proof of Beneficial Use on September 08, 2020. An examination confirms water is diverted from:

Source : GROUND WATER

Tributary: BOISE RIVER

Beneficial Use

AESTHETIC STORAGE

Period of Use

01/01 to 12/31

Annual Volume

229 AF

Location of Point(s) of Diversion

GROUND WATER L5 (SW¼ NW¼), Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER L5 (SW¼ NW¼), Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NE¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NE¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NE¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NW¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NW¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER L6 (SE¼ NW¼), Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NE¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NW¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER NE¼ SW¼, Sec. 21, Twp 04N, Rge 01E, B.M. ADA County
GROUND WATER L5 (SW¼ NW¼), Sec. 21, Twp 04N, Rge 01E, B.M. ADA County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	01E	21			X L7				X L5	X L6	X	X		X		X		

Conditions of Approval

1. The 12 ponds established by storage of water under this right shall not exceed a total capacity of 229 acre-feet or a total surface area of 20 acres.
2. Per Transfer 73900, Right 63-250 authorizes the diversion of 0.16 cfs and 23.9 af and per Transfer 73930, Rights 63-192, 63-216C, and 63-19425 authorize the diversion of 0.23 cfs and 40.7 af for a total of 0.39 cfs and 64.6 af of water to storage to offset evaporation losses from the ponds authorized by this right.

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3. Upon notification by the Department, the right holder shall maintain lockable controlling outlet works of a type approved by the Department in a manner that will provide the watermaster suitable control of outflows, if any, from the ponds.
4. Water bearing zone to be appropriated is 3 to 25 feet.
5. 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.
6. Aesthetic storage is for Lakemoor Subdivision.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 14th day of APRIL, 2021.



ANGELA GRIMM

Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-32366

This map depicts the AESTHETIC 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.

01E



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

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-32366

RECEIVED

APR 09 2021

DEPARTMENT OF
WATER RESOURCES

Priority: March 27, 2006

Maximum Diversion Volume: 229.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-32366

B W EAGLE INC 250 S BEECHWOOD STE 120 BOISE ID 83709

requests the permit be changed as follows:

Source: GROUND WATER

Tributary: BOISE RIVER

Beneficial Use

AESTHETIC STORAGE

Period of Use

01/01 to 12/31

Rate of Diversion**Annual Volume**

229.0 AF

Location of Point(s) of Diversion

GROUND WATER	L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$),	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$),	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L6 (SE $\frac{1}{4}$ NW $\frac{1}{4}$),	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$),	Sec. 21, Twp 04N, Rge 01E, B.M.	ADA County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	01E	21			X L7				X L5	X L6	X	X		X		X				

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 7th day of April, 2021.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-32366

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by KM # C110210 Date 4-9-21

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-32366 with the following:

Conditions of Approval

1. The 12 ponds established by storage of water under this right shall not exceed a total capacity of 229 acre-feet or a total surface area of 20 acres.
2. Per Transfer 73900, Right 63-250 authorizes the diversion of 0.16 cfs and 23.9 af and per Transfer 73930, Rights 63-192, 63-216C, and 63-19425 authorize the diversion of 0.23 cfs and 40.7 af for a total of 0.39 cfs and 64.6 af of water to storage to offset evaporation losses from the ponds authorized by this right.
3. Upon notification by the Department, the right holder shall maintain lockable controlling outlet works of a type approved by the Department in a manner that will provide the watermaster suitable control of outflows, if any, from the ponds.
4. Water bearing zone to be appropriated is 3 to 25 feet.
5. 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.
6. Aesthetic storage is for Lakemoor Subdivision.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 14th day of April, 20 21.


ANGELA GRIMM
Water Rights Section Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 15, 2021

B W EAGLE INC
250 S BEECHWOOD STE 120
BOISE ID 83709

RE: License No. 63-32366

Issuance of License

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Angela Grimm
Water Rights Section Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2021, I served a true and correct copy of Water Right License No. 63-32366 by U.S. Mail, postage prepaid, to the following:

B W EAGLE INC (Current Owner)
250 S BEECHWOOD STE 120
BOISE ID 83709

ERO RESOURCES CORP (Representative)
C/O DAVE SHAW – *via email*
4001 E MAIN ST
EMMETT ID 83617-9441
dshaw@eroresources.com



Debbi Judd
Technical Records Specialist

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.