

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 78-12531

Priority: October 08, 2020

Maximum Diversion Rate: 0.02 CFS

This is to certify that

GOOSE CREEK HAVEN, LLC 1627 N RIDGECLIFF LN BOISE ID 83702-3049

has applied for a permit to appropriate water from:

Source : GOOSE CREEK

Tributary: LITTLE SALMON RIVER

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

Beneficial Use

FIRE PROTECTION

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Location of Point(s) of Diversion

GOOSE CREEK NW¼ NE¼, Sec. 22, Twp 19N, Rge 02E, B.M. ADAMS County

Place of Use: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	15																X	
19N	02E	22	X	X	X														

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2026**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 78C.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. 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. 78-12531

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

Signed this 5th day of March, 2021.



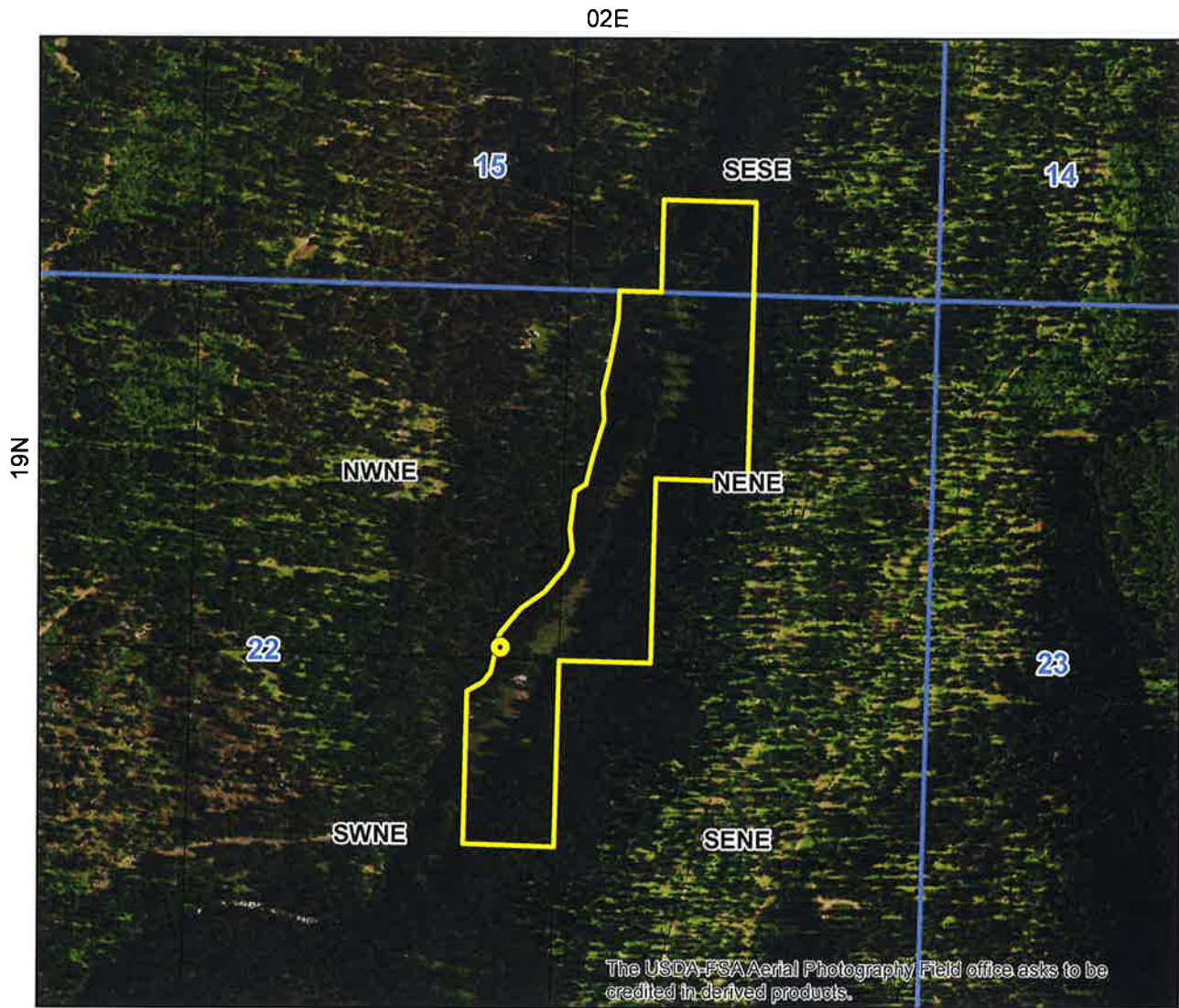

PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12531

This map depicts the FIRE PROTECTION 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 0.075 0.15 0.3 Miles





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

Brad Little
Governor

Gary Spackman
Director

March 05, 2021

GOOSE CREEK HAVEN, LLC
1627 N RIDGECLIFF LN
BOISE ID 83702-3049

RE: Permit No. 78-12531

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 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 March 05, 2021, I served a true and correct copy of Permit to Appropriate Water No. 78-12531 by U.S. Mail, postage prepaid, to the following:

GOOSE CREEK HAVEN, LLC (Current Owner)
1627 N RIDGECLIFF LN
BOISE ID 83702-3049

ALBERT P BARKER (Representative)
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139


Denise Lauerman
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.

RECEIVED

FEB 16 2021

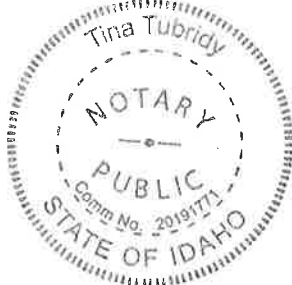
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)
COUNTY OF WASHINGTON)

David Tubridy being duly sworn, deposes and says that he is the Principle Clerk of The Record Reporter, a weekly newspaper published at Council, Adams County, State of Idaho and at Cambridge, Washington County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said Counties under the imprint of "The Adams County Record" in Adams County and "The Upper Country News-Reporter" in Washington County for a period exceeding seventy-eight (78) consecutive weeks prior to the first publication of this advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Record Reporter for two (2) insertions beginning with the Issue of February 03, 2021 and ending with the Issue of February 10, 2021.

David M. Tubridy

On this 10th day of February, 2021, before me, a Notary Public, personally appeared David Tubridy, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



Tina Tubridy
Notary Public of Idaho

Residing at

Council, Idaho

My Commission Expires

8/30/2025

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATION FOR PERMIT NO. 78-12530 78-12531

LEGAL NOTICE

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

78-12530

GOOSE CREEK HAVEN, LLC

1627 N RIDGECLIFF LN

BOISE, ID 83702-3049

Point of Diversion SWSESE S15 T19N R02E ADAMS County Source SPRINGS

Tributary SINKS

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

Total Diversion: 0.04 CFS

Date Filed: 10-08-2020

Place Of Use: DOMESTIC

T19N R02E S22 SWNE

78-12531

GOOSE CREEK HAVEN, LLC

1627 N RIDGECLIFF LN

BOISE, ID 83702-3049

Point of Diversion NWNE S22 T19N R02E ADAMS County Source GOOSE CREEK

Tributary LITTLE SALMON RIVER

Use: FIRE PROTECTION 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10-13-2020

Place Of Use: FIRE PROTECTION

T19N R02E S15 SESE

Place Of Use: FIRE PROTECTION

T19N R02E S22 NENE, NWNE, SWNE

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/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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 2/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/3/2021 and 2/10/2021

Published in the The Record-Reporter on February 03, 2021 • February 10, 2021

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78-12531

GOOSE CREEK HAVEN, LLC

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BOISE, ID 83702-3049

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Date Filed: 10-13-2020

Place Of Use: FIRE PROTECTION

T19N R02E S15 SESE

Place Of Use: FIRE PROTECTION

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GARY SPACKMAN, Director

Published on 2/3/2021 and 2/10/2021

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FEB 01 2021

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application No.: 78-12531

Applicant's Name: Goose Creek Haven, LLC

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:

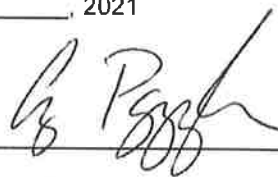
- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional comments:

IDFG requests fitting the pump intake with a 3/32-inch mesh intake screen (NOAA Fisheries standard) to prevent removing fish from the river. The Department's Salmon Screen Shop constructs screens for water diversions in anadromous waters and may provide a fish screen to the applicant free of charge. The contact phone number in Salmon, ID is (208)756- 6022. The applicant would be responsible for installing the screen and maintaining functioning condition.

Dated this 1st day of February, 2021

Idaho Dept of Fish and Game



Signature

Casey Pozzanghera

Printed Name