

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34954

Priority: August 31, 2020

Maximum Diversion Volume: 162.0 AF

This is to certify that

RENOVARE HOMEOWNERS ASSOCIATION, INC. 6149 N MEEKER PL STE 150 BOISE ID 83713-1587

has applied for a permit to appropriate water from:

Source : GROUND WATER

Tributary: BOISE RIVER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31	162.0 AF

Location of Point(s) of Diversion

GROUND WATER	SW¼ NW¼, Sec. 15, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 (NW¼ SW¼), Sec. 15, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 (NW¼ SW¼), Sec. 15, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 (NW¼ SW¼), Sec. 15, Twp 04N, Rge 01E, B.M.	ADA County

Place of Use: AESTHETIC 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		
04N	01E	15							X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2026**.
2. Subject to all prior water rights.
3. Rights 63-146 and 63-34954 authorize total annual storage volume of 195.4 acre-feet, 162 acre-feet to be used for the initial filling or carryover storage of the ponds and 33.4 acre-feet for the replacement of losses caused by evaporation and/or refill.
4. The four (4) ponds established by the storage of water under this right shall not exceed a total capacity of 162 acre-feet or a total surface area of 10.8 acres.
5. Per Transfer 84376, Right 63-146 authorizes the diversion of 0.22 cfs and 33.4 af of water to storage to offset evaporation losses from the ponds authorized by this right.
6. Water bearing zone to be appropriated is 0 to 20 feet.
7. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
8. 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.
9. 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

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No. 63-34954

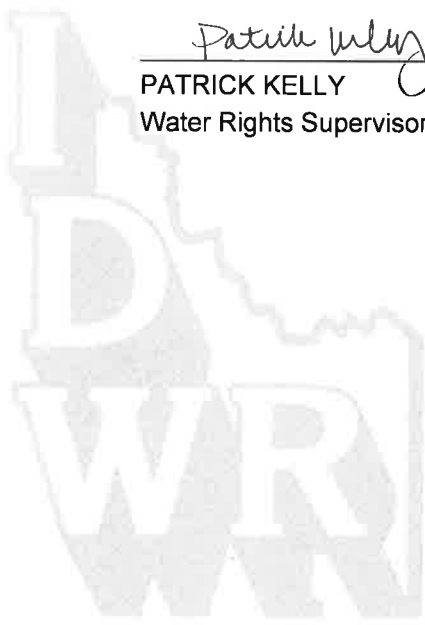
for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 27th day of January, 2021.

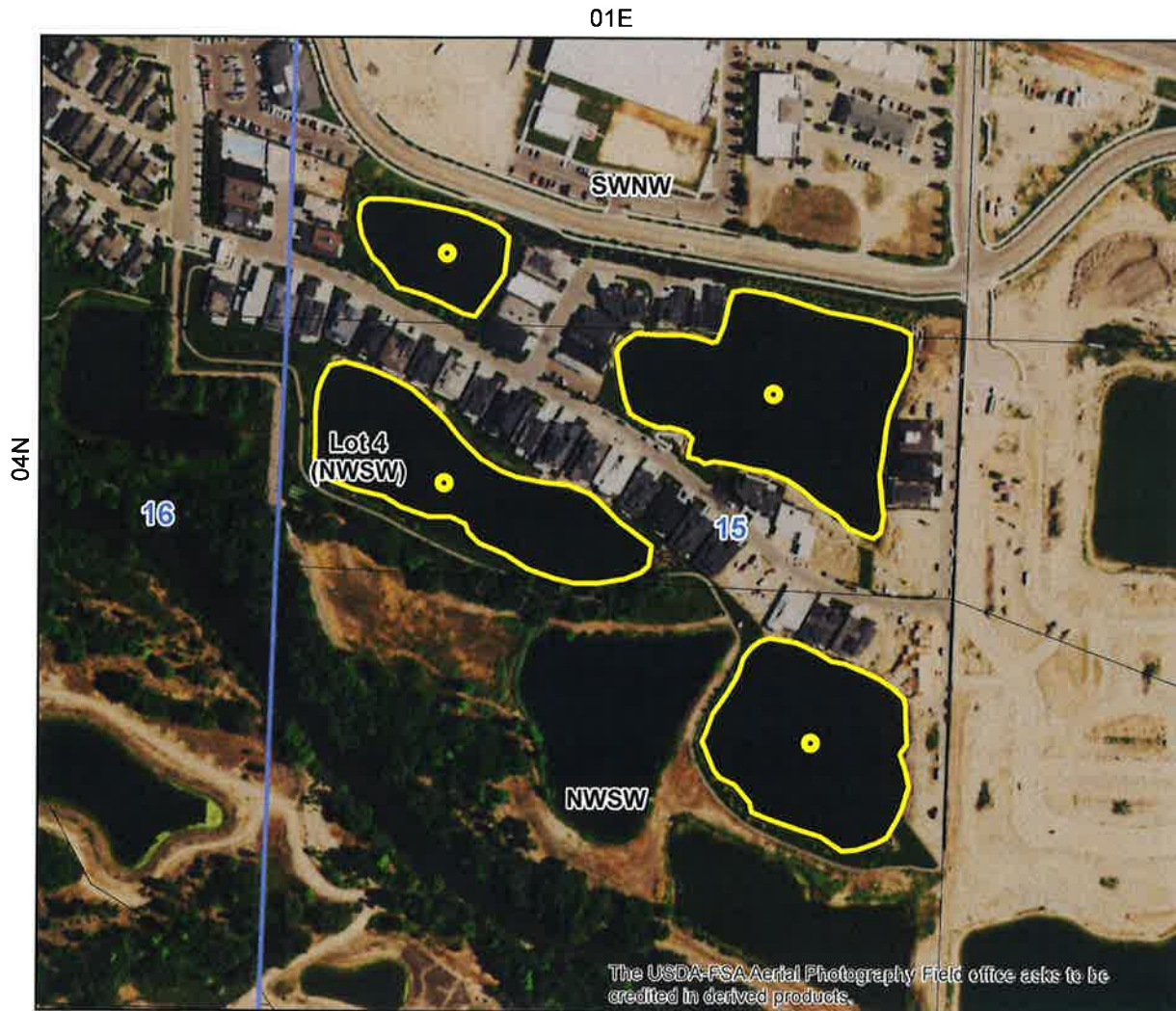


PATRICK KELLY
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34954

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.



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

0 0.0425 0.085 0.17 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

January 27, 2021

REN OVARE HOMEOWNERS ASSOCIATION, INC.
6149 N MEEKER PL STE 150
BOISE ID 83713-1587

RE: Permit No. 63-34954

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 January 27, 2021, I served a true and correct copy of Permit to Appropriate Water No. 63-34954 by U.S. Mail, postage prepaid, to the following:

REN OVARE HOMEOWNERS ASSOCIATION, INC. (Current Owner)
6149 N MEEKER PL STE 150
BOISE ID 83713-1587

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



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.

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004796429	The following applications have been filed to appropriate the public waters of the State of Idaho:	Legal Notice	\$245.23	2	7.44 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34954
 RENOVARE HOMEOWNERS ASSOCIATION, INC.
 6149 N MEEKER PL STE 150
 BOISE, ID 83713-1587
 Point of Diversion SWNW S15 T04N R01E ADA County Source
 GROUND WATER Tributary BOISE RIVER
 (2) Point of Diversion L4(NWSW) S15 T04N R01E ADA County
 Source GROUND WATER Tributary BOISE RIVER
 Point of Diversion NWSW S15 T04N R01E ADA County Source
 GROUND WATER Tributary BOISE RIVER
 Use: AESTHETIC STORAGE 01/01 to 12/31 186.5 AF
 Total Diversion: 186.5 AF
 Date Filed: 08-31-2020
 Place Of Use: AESTHETIC STORAGE
 T04N R01E S15 L4(NWSW),SWNW
 Water bearing zone to be appropriated is from 0 to 20 feet.
 Mitigation is proposed for consumptive use.

*Vol
AK
11-24-2020*

63-34961
 HA WINTERFELL LLC
 C/O HANNON ARMSTRONG CAPITAL LLC
 1906 TOWNE CENTRE BLVD UNIT 370
 ANNAPOLIS, MD 21401-3685
 Point of Diversion SWNE S10 T01N R01E ADA County Source
 GROUND WATER
 Point of Diversion SESE S10 T01N R01E ADA County Source
 GROUND WATER
 Use: COMMERCIAL 01/01 to 12/31 0.4 CFS
 Use: INDUSTRIAL 01/01 to 12/31 0.4 CFS
 Use: FIRE PROTECTION 01/01 to 12/31 0.4 CFS
 Total Diversion: 0.4 CFS 0.31 AF
 Date Filed: 09-22-2020
 Place Of Use: COMMERCIAL, FIRE PROTECTION, INDUSTRIAL
 T01N R01E S10
 NENW, NESW, NESE, NWNW, SWNE, SWNW, SWSE, SENW, SESW, SESE
 T01N R01E S11 NESW, NWSW, SWSW, SESW
 Water bearing zone to be appropriated is from 150 to 290 feet.

*Vol
AK
11-24-2020*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84376

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616
 has filed Application No. 84376 for changes to the following water rights within ADA County(s): Right No(s). 63-146; 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: New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146's irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River. 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 rights, 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 any 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 11/23/2020. The protestant must also send a copy of the protest to the applicant.

*Vol
AK
11-24-2020*

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada 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 Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

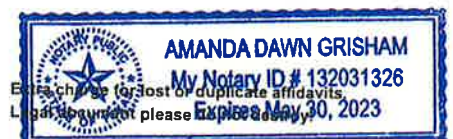
2 Insertions
Beginning issue of: 11/05/2020
Ending issue of: 11/12/2020

V Rodela
(Legals Clerk)

On this 12th day of November in the year of 2020 before me, a Notary Public, personally appeared before me Victoria Rodela 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.

[Signature]

Notary Public in and for the state of Texas, residing in Dallas County



GARY SPACKMAN, Director
Published on 11/5/2020 and 11/12/2020

0004796429-01

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

RECEIVED

NOV 18 2020

WATER RESOURCES
WESTERN REGION

November 13, 2020

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-34954*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comment in lieu of a formal Protest regarding Application for Permit No. 63-34954 (the "Application"). The Application proposes diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Application is approved, it should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Dana L. Hofstetter

DH:tas
cc: Renovare HOA
SPF Water Engineering

HAWLEY Troxell

ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

November 13, 2020

RECEIVED

NOV 16 2020

WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-34954*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comment in lieu of a formal Protest regarding Application for Permit No. 63-34954 (the "Application"). The Application proposes diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Application is approved, it should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Dana L. Hofstetter

DH:tas
cc: Renovare HOA
SPF Water Engineering



Boise Office
877 Main St., Ste. 1000, P.O. Box 1617, Boise, ID 83701-1617
Tel: (208) 344-6000

Facsimile Coversheet

Fax Number: 12083342348

From: Tina Shull

Date: 11/16/2020

Time: 08:30:21

Pages: 2

Subject: Application for Permit No. 63-34954
[IWOV-IMANAGE.FID796903]

Message:

TINA SHULL

Legal Assistant to Kenneth C. Howell, Richard G. Smith,
Andrea J. Rosholt, Dana Hofstetter, Brian Ballard and Fernando Azevedo
direct 208-368-4839
fax 208-354-5264
email tshull@hawleytroxell.com

HAWLEY TROXELL
Attorneys and Counselors



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