

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34952

Priority: August 25, 2020

Maximum Diversion Rate: 0.40 CFS

This is to certify that

EDWARD LODGE 18500 SYMMS RD CALDWELL ID 83607-9512

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>
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	03/01 to 11/15	0.38 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NW¼, Sec. 13, Twp 03N, Rge 04W, B.M. CANYON County

Place of Use: STOCKWATER

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	04W	13							X										

Place of Use: IRRIGATION

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	04W	13							19.0										19.0

Total Acres: 19.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2025**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Stockwater use is for 15 range cattle.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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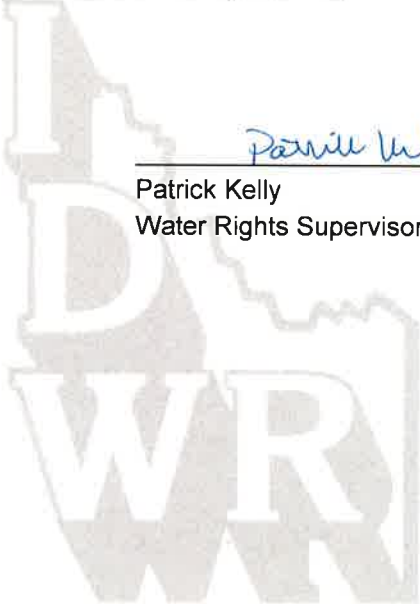
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.

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

Signed this 06 day of November, 20 20.



Patrick Kelly
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34952

This map depicts the IRRIGATION and STOCKWATER 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.

04W



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

0 0.0375 0.075 0.15 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

November 06, 2020

EDWARD LODGE
18500 SYMMS RD
CALDWELL ID 83607-9512

RE: Permit No. 63-34952

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,



Lynne Evans

for Patrick Kelly
Water Rights Supervisor

Enclosure(s)

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.

CERTIFICATE OF SERVICE

I hereby certify that on November 06, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34952 by U.S. Mail, postage prepaid, to the following:

EDWARD LODGE
18500 SYMMS RD
CALDWELL ID 83607-9512



Lynne Evans
Office Specialist II

RECEIVED

OCT 28 2020

WATER RESOURCES
WESTERN REGION

AFF. AVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon and Ada

23100 36308

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE, ID 83705

SHARON JESSEN

of the State of Idaho, being of first duly sworn, deposes
and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 10/01/2020,
10/08/2020



SHARON JESSEN

STATE OF IDAHO

County of Canyon and Ada

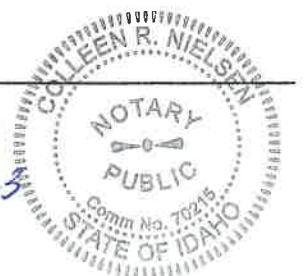
On this 22nd day of October, in the year of 2020 before me a Notary Public, personally appeared. SHARON JESSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public of Idaho

My commission expires

6/28/23



LEGAL NOTICE

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

63-34905

OBENDORF HOP, INC.
24034 BATT CORNER RD PARMA, ID 83660-7308
Point of Diversion SWNW S36 T05N R05W CANYON County
Source DIXIE SLOUGH Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.8 CFS
Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF
Use: IRRIGATION 03/01 to 11/15 0.8 CFS
Use: WILDLIFE 01/01 to 12/31 0.52 CFS
Use: AESTHETIC 01/01 to 12/31 0.52 CFS
Total Diversion: 0.8 CFS, 24 AF
Date Filed: 05-11-2020
Place Of Use: AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE, IRRIGATION, WILDLIFE,
WILDLIFE STORAGE
T05N R05W S36 SWNW
Place Of Use: IRRIGATION
T05N R05W S36 NWSW
Total Acres: 40

✓OK
AK
10-30-2020

63-34952

EDWARD LODGE
18500 SYMMS RD CALDWELL, ID 83607-9512
Point of Diversion SWNW S13 T03N R04W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.38 CFS
Use: STOCKWATER 01/01 to 12/31 0.04 CFS
Total Diversion: 0.42 CFS
Date Filed: 08-25-2020
Place Of Use: IRRIGATION, STOCKWATER
T03N R04W S13 SWNW
Total Acres: 19
Water bearing zone to be appropriated is from 100 to 200 feet.

✓OK
AK
10-30-2020

63-34956

WILLOW CREEK WHOLESALE NURSERY, LLC
25455 LANSING LN MIDDLETON, ID 83644-5326
Point of Diversion NESE S28 T05N R02W CANYON County
Source GROUND WATER
Point of Diversion SENE S28 T05N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.66 CFS
Total Diversion: 1.66 CFS Date Filed: 09-08-2020
Place Of Use: IRRIGATION
T05N R02W S28 NESW, NESE, NWSE, SENE
Total Acres: 83
Water bearing zone to be appropriated is from 100 to 400 feet.

✓OK
AK
10-30-2020

63-34957

GO INVESTMENT IDAHO, LLC
26538 SAND RD PARMA, ID 83660
Point of Diversion SWNW S36 T05N R05W CANYON County
Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF
Total Diversion: 24 AF Date Filed: 03-30-2020
Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE
T05N R05W S36 SWNW
Water bearing zone to be appropriated is from 0 feet to 15 feet for the ponds.

✓OK
AK
10-30-2020

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://ldwr.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 10/19/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

October 1, 8, 2020

36308