

State of Idaho
Department of Water Resources
Amendment of Permit
No. 63-33207

Priority: March 24, 2010

Maximum Diversion Rate: 3.00 CFS

This is to certify that

CS PROPERTY DEVELOPMENT LLC PO BOX 27 BOISE ID 83707-0027

has applied to amend a permit, and the amendment is APPROVED for development of water as follows:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
INDUSTRIAL	01/01 to 12/31	3.00 CFS

Location of Point(s) of Diversion

GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	L6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 6, Twp 01N, Rge 02E, B.M.	ADA County
GROUND WATER	L6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 6, Twp 01N, Rge 02E, B.M.	ADA County
GROUND WATER	L7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 6, Twp 01N, Rge 02E, B.M.	ADA County
GROUND WATER	L7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 6, Twp 01N, Rge 02E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp 01N, Rge 01E, B.M.	ADA County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp 01N, Rge 01E, B.M.	ADA County

Place of Use: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	3									X	X	X	X			X		
01N	01E	10		X	X	X													
01N	01E	11							X								X	X	
01N	01E	12					X	X	X	X	X	X	X	X		X	X	X	
01N	01E	13	X	X	X	X	X	X							X				
01N	01E	14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01N	01E	15	X		X	X									X			X	
01N	01E	23	X	X			X	X											
01N	02E	6									X	X L6	X L7	X		X	X		

State of Idaho
Department of Water Resources
Amendment of Permit
No. 63-33207

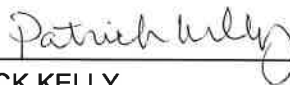
Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2023**.
2. Subject to all prior water rights.
3. Use of water under this permit shall not exceed an annual diversion volume of 700 acre-feet.
4. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
5. One point of diversion (well) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the well. Water level measurements shall be made monthly throughout the year from the beginning of the diversion and use of water in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
6. If the Department determines, based on credible evidence, measurement reports, area data, or otherwise, there is a substantial likelihood that diversion and use of groundwater under this right is causing material injury to any senior water right(s), the Department may issue an order to the right holder to show cause why existing diversions should not be reduced under the permit, forego additional diversions, or provide adequate mitigation to remedy any such material injury. Any senior water user alleging material injury may petition the Department to commence a show cause hearing, and the Department shall conduct a hearing.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. The right holder shall install a measuring device acceptable to the Department at the points of diversion authorized under this right. The measuring device shall be capable of displaying diversion flow rate and totalized volume measurement. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
9. This right does not grant any right-of-way or easement across the land of another.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. Industrial use is for a meat processing and packing facility.
12. Proof of application of water to beneficial use shall be submitted no sooner than October 1, 2017, and no later than October 1, 2018. A report with no less than 4 years of diversion measurement and aquifer level water monitoring data shall be submitted in connection with filing proof of beneficial use. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in cancellation of the permit.
13. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.
14. 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
Amendment of Permit
No. 63-33207

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

Signed this 30 day of October, 2020.



PATRICK KELLY
Water Rights Supervisor



State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

63-33207

This map depicts the INDUSTRIAL 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.



- Amended Place of Use
- Amended Points of Diversion
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 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

October 30, 2020

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707-0027

RE: Permit No. 63-33207, 63-34038, 63-34385

Amendment of Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed amendment of 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

cc 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 October 30, 2020, I served a true and correct copy of Amendment of Permit to Appropriate Water Nos. 63-33207, 63-34038, 63-34385 by U.S. Mail, postage prepaid, to the following:

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707-0027

WELLS FARGO BANK
FOOD & AGRIBUSINESS COMMERCIAL BANKING OFFICE
905 S FILLMORE STE 701
MAC T3005-072
AMARILLO TX 79101



Lynne Evans
Office Specialist II

Idaho Statesman

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004753796	The following application(s) have been filed to appropriate the public waters of the State of Idaho:	WATER PERMIT	\$335.90	2	10.44 In

Attention: Kensie Thorneycroft

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

RECEIVED

OCT 01 2020

WATER RESOURCES
WESTERN REGION

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

63-34951 ✓ OK KT 10/17/2020

TODD W CORMAN

2565 S MILL POINT LN

BOISE, ID 83712-8512

Point of Diversion L4(NESW) S19 T03N R03E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08-17-2020

Place Of Use: IRRIGATION

T03N R03E S19 L4(NESW), L3(NWSW)

Total Acres: 3.5

Water bearing zone to be appropriated is from 200 to 300 feet.

PROPOSED AMENDMENT OF WATER PERMIT

63-33207

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-33207 on 05-22-2020. Application proposes to add to area within sections 3, 10, 11, 14, and 15 of T01N R01E to industrial place of use and add 4 points of diversion - one in T01N R01E Sec 3 SWSW, one in T01N R01E Sec 10 NWNE, one in T01N R01E Sec 10 SWNE, and one in T01N R01 Sec 10 SESE to the current system. Application will not change water use purpose or quantity.

63-34038

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-34038 on 05-22-2020. Application proposes to add to area within sections 3, 10, 11, 14, and 15 of T01N R01E to industrial place of use and add 4 points of diversion - one in T01N R01E Sec 3 SWSW, one in T01N R01E Sec 10 NWNE, one in T01N R01E Sec 10 SWNE, and one in T01N R01 Sec 10 SESE to the current system. Application will not change water use purpose or quantity. Application proposes no changes to the permitted irrigation uses.

63-34385

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-34385 on 08-19-2020. Application proposes to change the place of use to 264 acres within T01N R01E Sec 14 & 15 and proposes to add a point of diversion in the SESE quarter-quarter of T01N R01E Sec 10.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84109

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 84109 for changes to the following water rights within ADA County(s): Right No(s). 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312, 63-34339; 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: Transfer proposes changing the place of use and establishing a permissible place of use for 11 irrigation water rights (63-34303 thru 63-34312, and 63-34339). Water will be used within a 265-acre boundary in Ada County, on the east side of S Cloverdale Rd., off the intersection of S Cloverdale and Barker Rd., and within a separate 287-acre boundary 0.5 miles south of the 265-acre boundary. Transfer also proposes adding point(s) of diversion to 9 of those water rights, (63-34-34304 thru 63-34311, and 63-34312). Water will be taken from 4 ground water points of diversion near and within the proposed place of use boundaries. (Transfer will not change the points of diversion of surface water rights 63-34303 and 63-34312).

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84291

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: 09/17/2020

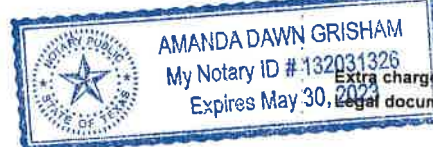
Ending issue of: 09/24/2020

V Rodela

(Legals Clerk)

On this 24th day of September 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.

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



AMANDA DAWN GRISHAM

My Notary ID # 132031326

Expires May 30, 2023

Extra charge for lost or duplicate affidavits. Legal document please do not destroy!

RIVERSIDE IRRIGATION DISTRICT LTD, 120 N THIRD ST PO BOX 1080, PARMA, ID 83660 has filed Application No. 84291 for changes to the following water rights within CANYON County(s): Right No(s). 63-226, 63-227, 63-2279, 63-228, 63-229, 63-2374, 63-2389, 63-266, 63-267, 63-268, 63-299, 63-300, 63-33252, 63-33682, 63-33683, 63-33735, 63-33736A, 63-33736B, 63-4007, 63-4008, 63-4010; 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: Riverside Irrigation District LTD is an irrigation district that operates multiple water rights within Canyon County. The company filed transfer no. 84291 to change the place of use on its irrigation rights to include an additional 90 acres within its service boundary. The new acres will be irrigated from treasury shares that have been returned to Riverside. 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/WRAApplicationResults/>. 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 10/5/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 9/17/2020 and 9/24/2020

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