

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34935

Priority: July 13, 2020

Maximum Diversion Rate: 0.17 CFS

This is to certify that

ST HOLDINGS LLC 11299 BASS LN CALDWELL ID 83605-7958

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:

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.17 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NE¼, Sec. 24, Twp 04N, Rge 01W, B.M. ADA County

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	
04N	01W	24	8.4 L1																8.4

Total Acres: 8.4

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 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. Water bearing zone to be appropriated is 38 to 125 feet.
5. 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.
6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

MitigationRight No.
63-30130Mitigation by Non-Use
IrrigationRate (cfs)
0.28Volume (AF)
8.8Acres
14.0

State of Idaho
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No. 63-34935

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. 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 15 day of September, 20 20.



PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34935

This map depicts the IRRIGATION 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 0.035 0.07 0.14 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

September 15, 2020

ST HOLDINGS LLC
11299 BASS LN
CALDWELL ID 83605-7958

RE: Permit No. 63-34935

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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Kensie Thorneycroft
For: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34935 by U.S. Mail, postage prepaid, to the following:

ST HOLDINGS LLC
11299 BASS LN
CALDWELL ID 83605-7958

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


Kensie Thorneycroft
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

SEP 14 2020

WATER RESOURCES
WESTERN REGION

PROPOSED MITIGATION PLAN FOR
ST HOLDINGS, LLC
WATER RIGHT APPLICATION

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 14 shares representing 0.28 cfs of Boise River water right and idled irrigation of 8.4 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and ST Holdings, LLC ("Applicant") agree to this mitigation plan as follows:

1. The Applicant proposes up to 8.4 acres of irrigation within their 9.45-acre parcel located in Government Lot 1 (NENE) and NENE (old river channel) of Section 24, T4N, R1W. The source of water will be shallow ground water assumed to be in direct hydraulic connection with the Boise River.
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicants' proposed irrigation use will be provided by idling irrigation of 14 acres (0.28 cfs) under the Company's Boise River and associated waste water rights. The mitigation does not include the use of any of the Company's storage rights. To simplify the process, the 0.28 cfs of water for mitigation should be recorded in a single water right, 63-30130, with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.
3. The Applicant and any successors in interest of the proposed water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.
4. To the extent development does not require all of the shares proposed for mitigation, any excess water shares will be converted from mitigation back to irrigation.

By: **THURMAN MILL DITCH COMPANY, LTD**

Signature:

Title:

Date:

By:

ST HOLDINGS, LLC

Signature:

Title:

Date:

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004715330	The following application(s) have been filed to app	LegalNotice 63-34935	\$98.38	1	5.33 In

Attention: Kensie Thorneycroft

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

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

63-34935 ✓ OK
ST HOLDINGS LLC
11299 BASS LN
CALDWELL, ID 83605-7958
Point of Diversion NENE S24
T04N R01W ADA County Source
GROUND WATER Tributary BOISE
RIVER

Use: IRRIGATION 03/01 to
11/15 0.17 CFS

Total Diversion: 0.17 CFS

Date Filed: 07-13-2020

Place Of Use: IRRIGATION
T04N R01W S24 L1(NENE)

Total Acres: 8.4 acres

Water bearing zone to be appropriated is from 10 to 125 feet.

Mitigation is proposed for consumptive use.

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 8/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 8/6/2020 and
8/13/2020

0004715330-01

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: 08/06/2020

Ending issue of: 08/13/2020

V Rodela

(Legals Clerk)

On this 13th day of August 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.

Amanda Dawn Grisham

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



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