

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34925

Priority: June 08, 2020

Maximum Diversion Rate: 1.23 CFS

This is to certify that

V & L RANCHES LLC 7373 S MAPLE GROVE RD BOISE ID 83709-7252

has applied for a permit to appropriate water from:

Source : INDIAN CREEK

Tributary: BOISE RIVER

Source : GROUND WATER

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

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

1.23 CFS

Location of Point(s) of Diversion

GROUND WATER L3 (SW¼ SW¼), Sec. 32, Twp 03N, Rge 01W, B.M. CANYON County

INDIAN CREEK L3 (NE¼ NW¼), Sec. 5, Twp 02N, Rge 01W, B.M. CANYON 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	
03N	01W	32									2.0	9.0	33.0	18.0					62.0

Total Acres: 62.0

Conditions of Approval

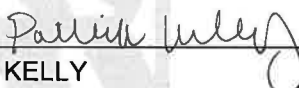
1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2025**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 283.5 af at the field headgate for the place of use.
4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34925

5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. Use of surface 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. 63.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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 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 04 day of September, 20 20.








PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34925

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 0.075 0.15 0.3 Miles





Brad Little
Governor

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

Gary Spackman
Director

September 04, 2020

V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE ID 83709-7252

RE: Permit No. 63-34925

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.

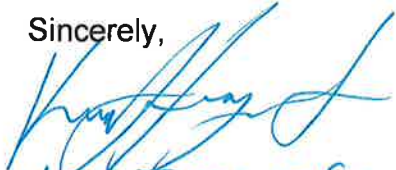
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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,

A handwritten signature in blue ink, appearing to read "Patrick Kelly", written over a printed name.

For: 
Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 04, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34925 by U.S. Mail, postage prepaid, to the following:

V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE ID 83709-7252

WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767



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.

AUG 31 2020

WATER RESOURCES
WESTERN REGION

29512 2025698

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

LEGAL NOTICE

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

63-34925

V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE, ID 83709-7252
Point of Diversion L3
(SWSW) S32 T03N R01W
CANYON County Source
GROUND WATER
Point of Diversion L3
(NENW) S5 T02N R01W
CANYON County Source
INDIAN CREEK Tributary
BOISE RIVER
Use: IRRIGATION 03/15 to
11/15 1.23 CFS
Total Diversion: 1.23 CFS
Date Filed: 06-08-2020
Place Of Use: IRRIGATION
T03N R01W S32 NESW,
NWSW, SWSW, SESW
Total Acres: 63
Water bearing zone to be
appropriated is from 0 to 80
feet.

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 84184

RSJ INVESTMENTS,
RICHARD HUFF 14565
LAKE AVE, NAMPA, ID
83686 has filed Application
No. 84184 for changes to
the following water rights
within CANYON County(s):
Right No(s). 63-22189; to
see a full description of these
rights and the proposed
transfer, please see [https://
research.idwr.idaho.gov/apps/
waterrights/querynewtrans
fers](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers). The purpose of the
transfer is to change a portion
of the above rights as follows:
The purpose of the transfer is
to establish a 116-acre per-
missible place of use (ppu) to
include the entire are of the
planned residential subdivi-
sion. Irrigation within the pro-
posed ppu will not exceed 78
acres, 1.56 cfs, and 351 acre-
feet. The right involved in the
transfer (WR 63-22189) will
be used in combination with
surface water from Wilder Irri-
gation District and Nampa &
Meridian Irrigation District.
Water will be used around the
current place of use in

Canyon County, about 1 mile
south-west of the intersection
of Orchard and Lake Ave, just
east of Forest Canal. Permits
will be subject to all prior wa-
ter rights. For additional infor-
mation concerning the prop-
erty 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/E
xtSearch/WRAApplicationRe
sults/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/). Protests may be sub-
mitted 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 8/3/2020. The
protestant must also send a
copy of the protest to the ap-
plicant.

GARY SPACKMAN,
Director

July 16, 23, 2020 2025698

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

)
)SS.
County of Canyon and Ada)

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 time(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:
07/16/2020 07/23/2020

Sharon Jessen
Sharon Jessen
STATE OF IDAHO)
County of Canyon and Ada)

On this 25th day of August 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.

Colleen R. Nielsen
Notary Public for Idaho
My Commission expires 06/28/2023



Boise Office

1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



**SAWTOOTH LAW
OFFICES, PLLC**

RECEIVED

AUG 05 2020

WATER RESOURCES
WESTERN REGION

David P. Claiborne *

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Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg

Andrew J. Waldera **

James R. Bennetts (retired)

*Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon*

Tuesday, August 04, 2020

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-34926 – V & L Ranches LLC

Dear Western Region Office:

Thank you for soliciting comments from Nampa & Meridian Irrigation District ("NMID") concerning the above-referenced application for permit. The application indicates the water right will be "supplemental" with surface water from NMID's existing rights. Based on this representation NMID is not seeking to protest the application, however, it requests the standard surface water remark language requiring the continued use of the primary surface water be included should the application be approved by the Department. If this representation is not the case or the applicant disagrees with such a remark, then NMID will seek to intervene in the matter.

If you have any questions concerning this matter, please contact me.

Very truly yours,

S. Bryce Farris

SBF/dll

cc: NMID

V & L Ranches LLC