

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 63-33864

Priority: October 11, 2013

Maximum Diversion Volume: 323 AF

It is hereby certified that:

GARDNER MACE RANCH LC 800 W MAIN ST STE 1220 BOISE ID 83702-5973

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 11, 2013, and has submitted Proof of Beneficial Use on May 29, 2020. An examination confirms water is diverted from:

Source : GROUND WATER

Tributary: BOISE RIVER

**Beneficial Use****Period of Use****Annual Volume**

RECREATION STORAGE

01/01 to 12/31

323 AF

AESTHETIC STORAGE

01/01 to 12/31

323 AF

**Location of Point(s) of Diversion**

GROUND WATER	L4 ( SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 ( SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3 ( SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3 ( SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2 ( SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2 ( SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2 ( SW $\frac{1}{4}$ NE $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 ( SW $\frac{1}{4}$ NW $\frac{1}{4}$ ), Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County

**Place of Use: RECREATION STORAGE And AESTHETIC STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	01E	17			X	X	X	X	X	X		X						
04N	01E	17			X L2				X L4	X L3								
04N	01E	18				X									X			
04N	01E	18				X L1												

**Conditions of Approval**

1. The twelve (12) ponds established by the storage of water under this right shall not exceed a total capacity of 323 acre-feet or a total surface area of 24 acres.
2. Use of water under this right shall be non-consumptive.

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 63-33864

3. Per Transfer 78885, Right 63-182 authorizes the diversion of 0.48 cfs and 56.6 af of water to storage to offset evaporation losses from the ponds authorized by this right.
4. If the diversion to storage component of water right 63-182, as authorized by Transfer No. 78885 (0.48 cfs), is not deliverable into the ponds at a rate equal to or greater than 60% of the face value for any reason, the right holder shall rent water from the Boise River Rental Pool, or shall otherwise mitigate the depletion of water caused by use of water under right 63-33864.
5. Water bearing zone to be appropriated is 0 to 37 feet.
6. 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.
7. Places of use and points of diversion are located within Lot 2, Blk. 1; Lot 8, Blk. 2; Lot 7, Blk. 3; and Lot 2 Blk. 4; Mace River Ranch Subdivision Number 1; Lot 42, Blk. 1; Mace River Ranch Subdivision Number 2; Lots 59-61, Lot 78, Lot 95, and Lot 105, Blk. 1; Mace River Ranch Subdivision Number 4; Lot 3, Blk. 6; and Lot 22, Blk. 7; Mace River Ranch Subdivision Number 5.
8. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24<sup>th</sup> day of AUGUST, 2020.



ANGELA GRIMM

Water Rights Section Manager

# Attachment to Water Right License 63-33864

This map depicts the RECREATION STORAGE and 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.

01E



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

State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
Water Right No. 63-33864

RECEIVED

AUG 06 2020

DEPARTMENT OF  
WATER RESOURCES

Priority: October 11, 2013

Maximum Diversion Volume: 323 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-33864

GARDNER MACE RANCH LC 101 S CAPITOL BLVD STE 1700 BOISE ID 83702-7718

requests the permit be changed as follows:

Source: GROUND WATER

Tributary: BOISE RIVER

**Beneficial Use****Period of Use****Annual Volume**

RECREATION STORAGE

01/01 to 12/31

323 AF

AESTHETIC STORAGE

01/01 to 12/31

323 AF

**Location of Point(s) of Diversion**

GROUND WATER	L4	(SW¼ NW¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER		NW¼ NW¼,	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4	(SW¼ NW¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER		NE¼ NW¼,	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3	(SE¼ NW¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3	(SE¼ NW¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2	(SW¼ NE¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2	(SW¼ NE¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L2	(SW¼ NE¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER		NE¼ NW¼,	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4	(SW¼ NW¼),	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER		NW¼ NW¼,	Sec. 17, Twp 04N, Rge 01E, B.M.	ADA County

**Place of Use: RECREATION STORAGE AND 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	17			X	X	X	X	X	X		X							
04N	01E	17			X				X	X									
					L2				L4	L3									
04N	01E	18				X									X				
04N	01E	18				X													
						L1													

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 04 day of August, 2020.

  
(Signature)



State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
**Water Right No. 63-33864**

FOR DEPARTMENT USE ONLY

Preliminary check by dy Fee = \$100 Received by KU # C109114 Date 8-6-2020

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-33864 with the following:

**Conditions of Approval**

1. The twelve (12) ponds established by the storage of water under this right shall not exceed a total capacity of 323 acre-feet or a total surface area of 24 acres.
2. Per Transfer 78885, Right 63-182 authorizes the diversion of 0.48 cfs and 56.6 af of water to storage to offset evaporation losses from the ponds authorized by this right.
3. If the diversion to storage component of water right 63-182, as authorized by Transfer No. 78885 (0.48 cfs), is not deliverable into the ponds at a rate equal to or greater than 60% of the face value for any reason, the right holder shall rent water from the Boise River Rental Pool, or shall otherwise mitigate the depletion of water caused by use of water under right 63-33864.
4. Water bearing zone to be appropriated is 0 to 37 feet.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Places of use and points of diversion are located within Lot 2, Blk. 1; Lot 8, Blk. 2; Lot 7, Blk. 3; and Lot 2 Blk. 4; Mace River Ranch Subdivision Number 1; Lot 42, Blk. 1; Mace River Ranch Subdivision Number 2; Lots 59-61, Lot 78, Lot 95, and Lot 105, Blk. 1; Mace River Ranch Subdivision Number 4; Lot 3, Blk. 6; and Lot 22, Blk. 7; Mace River Ranch Subdivision Number 5.

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

Signed this 24<sup>th</sup> day of AUGUST, 2020.



ANGELA GRIMM

Water Rights Section Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

August 26, 2020

GARDNER MACE RANCH LC  
800 W MAIN ST STE 1220  
BOISE ID 83702-5973

RE: License No. 63-33864

**Issuance of License**

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right 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. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Angela Grimm  
Water Rights Section Manager

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, I served a true and correct copy of Water Right License No. 63-33864 by U.S. Mail, postage prepaid, to the following:

GARDNER MACE RANCH LC (Current Owner)  
800 W MAIN ST STE 1220  
BOISE ID 83702-5973

SPF WATER ENGINEERING LLC (Representative)  
C/O SCOTT N KING – *via email*  
300 E MALLARD DR STE 350  
BOISE ID 83706



---

Debbi Judd  
Technical Records Specialist

## **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.