

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 63-34929**

**Priority:** June 08, 2020

**Maximum Diversion Rate:** 0.14 CFS

This is to certify that

RANDY HOPKINS 1390 E MALLORY LN MERIDIAN ID 83642-7264

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>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.14 CFS	
AESTHETIC STORAGE	01/01 to 12/31		8.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.14 CFS	

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

GROUND WATER NE¼ SE¼, Sec. 7, Twp 02N, Rge 01E, B.M. ADA County  
 GROUND WATER NE¼ SE¼, Sec. 7, Twp 02N, Rge 01E, 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		
02N	01E	7																	7.0	7.0

Total Acres: 7.0

**Place of Use:** 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		
02N	01E	7																	X	

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2025**.
2. Subject to all prior water rights.
3. 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.
4. 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.
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

**State of Idaho**  
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- of water diverted and shall annually report the information to the Department.
6. 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.
  7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a maximum diversion volume of 31.5 AF at the place of use.
  8. 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.
  9. This right authorizes a total annual storage volume of 8.5 acre-feet, 6 acre-feet to be used for the initial filling or carryover storage of the ponds and 2.5 acre-feet for the replacement of losses caused by evaporation.
  10. The five (5) ponds established by the storage of water under this right shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 1.0 acre.

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

Signed this 31 day of July, 2020.

  
\_\_\_\_\_  
PATRICK KELLY  
Water Rights Supervisor

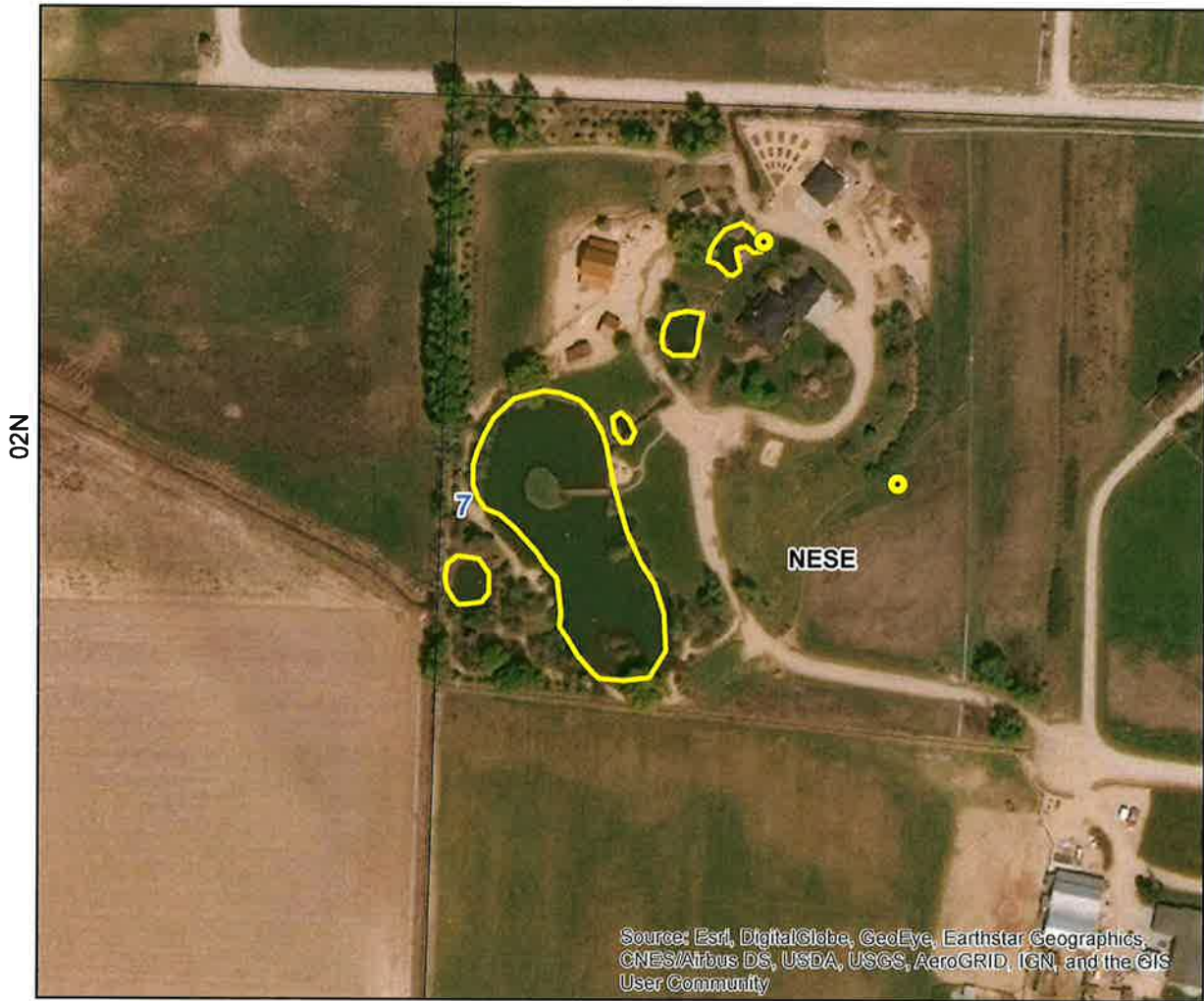
State of Idaho  
Department of Water Resources






# Attachment to Permit to Appropriate Water

63-34929

This map depicts the AESTHETIC STORAGE and DIVERSION TO 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

0 0.0225 0.045 0.09 Miles



State of Idaho  
Department of Water Resources






# Attachment to Permit to Appropriate Water

63-34929

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.

01E



-  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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

July 31, 2020

RANDY HOPKINS  
1390 E MALLORY LN  
MERIDIAN ID 83642-7264

RE: Permit No. 63-34929

**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](http://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,

  
For: Patrick Kelly  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34929 by U.S. Mail, postage prepaid, to the following:

RANDY HOPKINS  
1390 E MALLORY LN  
MERIDIAN ID 83642-7264

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



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Kersie 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.

## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004684971	The following application(s) have been filed to app	legal notice	\$250.85	1	15.67 In

**Attention:** Thorneycroft, Kensie

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

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: 07/02/2020

Ending issue of: 07/09/2020

*V Rodela*

(Legals Clerk)

On this 9th day of July 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.

*Ambar Lizarraga*

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



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

**63-34912**  
UTAHNA LLC  
PO BOX 1281  
EAGLE, ID 83616-1281  
Point of Diversion NWSW S14  
T04N R01E ADA County Source  
GROUND WATER  
Point of Diversion SWNW S14  
T04N R01E ADA County Source  
GROUND WATER  
Use: DOMESTIC 01/01 to 12/31  
0.11 CFS  
Total Diversion: 0.11 CFS  
Date Filed: 05-14-2020  
Place Of Use: DOMESTIC  
T04N R01E S14 NWSW, SWNW  
Water bearing zone to be appropriated is from 80 to 100 feet.

**63-34926**  
CITY OF BOISE DEPT OF PARKS  
& RECREATION  
1104 ROYAL BLVD  
BOISE, ID 83706  
Point of Diversion NWSWSW S4  
T03N R02E ADA County Source  
BOISE RIVER Tributary SNAKE  
RIVER  
Point of Diversion NESESE S5  
T03N R02E ADA County Source  
BOISE RIVER Tributary SNAKE  
RIVER  
Use: AESTHETIC 01/01 to  
12/31 35 CFS  
Use: RECREATION 01/01 to  
12/31 35 CFS  
Total Diversion: 35 CFS  
Date Filed: 05-26-2020  
Place Of Use: AESTHETIC, REC-  
REATION  
T03N R02E S4  
NWNW, L6(NWSW), SWNW  
Place Of Use: AESTHETIC, RECREATION  
T03N R02E S5 NENE, L11(NESE)

**63-34929**  
RANDY HOPKINS  
1390 E MALLORY LN  
MERIDIAN, ID 83642-7264  
(2) Point of Diversion NESE S7  
T02N R01E ADA County Source  
GROUND WATER Tributary  
Use: DIVERSION TO STORAGE  
01/01 to 12/31 0.14 CFS  
Use: IRRIGATION 03/01 to  
11/15 0.14 CFS  
Use: AESTHETIC STORAGE  
01/01 to 12/31 8.5 AF  
Total Diversion: 0.14 CFS, 6.0  
AF

Date Filed: 06-08-2020  
Place Of Use: AESTHETIC  
STORAGE, DIVERSION TO  
STORAGE, IRRIGATION  
TO 2N R01E S7 NESE  
Total Acres: 7  
Water bearing zone to be appro-  
priated is from 95 to 250 feet.

RECEIVED

JUL 16 2020

WATER RESOURCES  
WESTERN REGION

*ok ✓  
7/14/2020*

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 84173  
NAMPA & MERIDIAN IRRIGA-  
TION DISTRICT, C/O  
SAWTOOTH LAW OFFICES  
PLLC, 1101 W RIVER ST STE  
110 PO BOX 7985, BOISE, ID  
83701 has filed Application  
No. 84173 for changes to the  
following water rights within  
ADA, BOISE County(s): Right  
No(s). 63-199B, 63-200B; to see  
a full description of these rights  
and the proposed transfer,  
please see [https://research.idwr  
.idaho.gov/apps/waterrights/que-  
rynewtransfers](https://research.idwr.idaho.gov/apps/waterrights/que-rynewtransfers). The purpose of  
the transfer is to change a por-  
tion of the above rights as fol-  
lows: The purpose of the trans-  
fer is to convert an 11.00 cfs  
portion of the applicant's water  
rights from Irrigation to Industrial  
(3.00 cfs) and Groundwater Re-  
charge (8.00 cfs). Irrigation use  
will be reduced within the Nampa  
& Meridian Irrigation District serv-  
ice boundary and appropriated  
for the proposed changes on a  
pre-determined amount each  
season. Diversion of the pro-  
posed uses will occur at Sur-  
prise Valley located within the  
NWNE, 2 North, 3 East, Sec. 4,  
Ada County, B.M. The rate of  
flow diverted under water rights  
63-198AJ, 63-199B, 63-200B  
and 63-30181 at the Surprise  
Valley location shall not exceed a  
combined total of 26.00 cfs.**

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/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 7/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on 7/2/2020 and  
7/9/2020

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