

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 63-34912

Priority: May 14, 2020

Maximum Diversion Rate: 0.11 CFS

This is to certify that

UTAHNA LLC PO BOX 1281 EAGLE ID 83616-1281

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.11 CFS

Location of Point(s) of Diversion

GROUND WATER NW¼ SW¼, Sec. 14, Twp 04N, Rge 01E, B.M. ADA County

GROUND WATER SW¼ NW¼, Sec. 14, Twp 04N, Rge 01E, B.M. ADA County

Place of Use: DOMESTIC

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	14							X			X							

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2022**.
2. Subject to all prior water rights.
3. Domestic use is for 6 homes and does not include lawn, garden, landscape, or other types of irrigation.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. This right authorizes a single point of diversion.
6. Water bearing zone to be appropriated is 80 to 100 feet.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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

Signed this 28 day of July, 2020.

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

State of Idaho  
Department of Water Resources






# Attachment to Permit to Appropriate Water

63-34912

This map depicts the DOMESTIC 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





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

Gary Spackman  
Director

July 28, 2020

UTAHNA LLC  
PO BOX 1281  
EAGLE ID 83616-1281

RE: Permit No. 63-34912

### 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,

A handwritten signature in blue ink, appearing to read "Kensi Thornycroft".

For: Patrick Kelly  
Kensi Thornycroft  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34912 by U.S. Mail, postage prepaid, to the following:

UTAHNA LLC  
C/O JAMIN MARTIN  
PO BOX 1281  
EAGLE ID 83616-1281



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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.

## 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

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, RECREATION  
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

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:

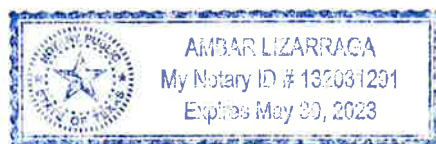
2 Insertions

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.



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



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 ✓  
7/1/2020*

**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/queynewtransfers>. 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 ser-  
vice 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  
NW1/4, 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 infor-  
mation concerning the property  
location, contact the Western of-  
fice 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 sub-  
mitted based on the criteria of  
Idaho Code § 42-203A. Any pro-  
test against the approval of this  
application must be filed with the  
Director, Dept. of Water Resour-  
ces, 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 appli-  
cant.

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

0004684971-01