



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 8, 2020

PETERMAN NAMPA LLC
C/O AL BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701

CITY OF EAGLE
C/O NORMAN M SEMANKO
PARSONS BEHLE & LATIMER
800 W MAIN ST STE 1300
BOISE ID 83702

RE: Application for Permit 63-34807 (Peterman Nampa LLC)

Dear Parties:

The Department of Water Resources acknowledges receipt on June 3, 2020 of *Stipulation for Withdrawal of Protest* ("Stipulation") regarding the above-referenced application. The Stipulation was signed by Protestant City of Eagle and Applicant Peterman Nampa LLC. The parties have agreed to the protestant's withdrawal if approval of the permit application is conditioned as provided in the Stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. Further, the Department may substitute a standard condition of the Department with essentially the same language and intent, or it may modify the conditions as written to fit the approval format, reduce ambiguity, or to otherwise prevent conflicting interpretations. The Stipulation includes a proposed condition to be included on the face of an approval as well as components that are the responsibility of the respective parties to accomplish and enforce.

The Department has reviewed the proposed condition and has determined the proposed condition describes a private agreement between the parties regarding ownership of personal property and is not appropriate to include on the face of a permit approval. The Department has prepared and attached a draft permit approval that incorporates the Department's standard conditions, as well as Condition #5 as a reference to any actions and responsibilities under the Stipulation.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your settlement, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final

resolution. Note that you may file a petition for reconsideration within 14 days after the Department issues a preliminary order approving the permit.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Miller', is written over the typed name.

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34807

DRAFT

Priority: October 15, 2019

Maximum Diversion Rate: 0.30 CFS

This is to certify that

PETERMAN NAMPA LLC 10557 W BUCKTAIL DR BOISE ID 83714-9519

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>
DOMESTIC	01/01 to 12/31	0.30 CFS

Location of Point(s) of Diversion

GROUND WATER L3 (NE¼ NW¼), Sec. 3, Twp 04N, Rge 01W, B.M. ADA County

GROUND WATER L3 (NE¼ NW¼), Sec. 3, Twp 04N, Rge 01W, 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	01W	3					X L3												

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. 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.
4. Domestic use is for a 40 home sub-division, club house and amenities. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
5. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow

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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 8 day of _____, 20____.

DRAFT

NICK MILLER
Western Regional Manager






Attachment to Permit to Appropriate Water

63-34807

DRAFT

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.



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

0 0.035 0.07 0.14 Miles

