

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34896

Priority: April 24, 2020

Maximum Diversion Rate: 0.37 CFS

This is to certify that

JAMES DONOVAN 5514 W LAKE RIVER LN BOISE ID 83703-6241

has applied for a permit to appropriate water from:

Source : UNNAMED LAKE

Tributary: BOISE RIVER

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

Beneficial Use

AESTHETIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.37 CFS

Location of Point(s) of Diversion

UNNAMED LAKE SE¼ SE¼, Sec. 30, Twp 04N, Rge 02E, B.M. ADA County

Place of Use: AESTHETIC

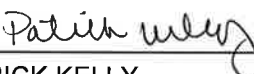
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	30																X	
04N	02E	31	X																

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2021**.
2. Subject to all prior water rights.
3. Point of diversion and place of use is located within Lot 21, Blk. 1 Lake River Estates Subdivision.
4. Source is locally known as Silver Lake.
5. Aesthetic use is for a water feature that diverts water from lake approximately 50 feet across property and back into lake.

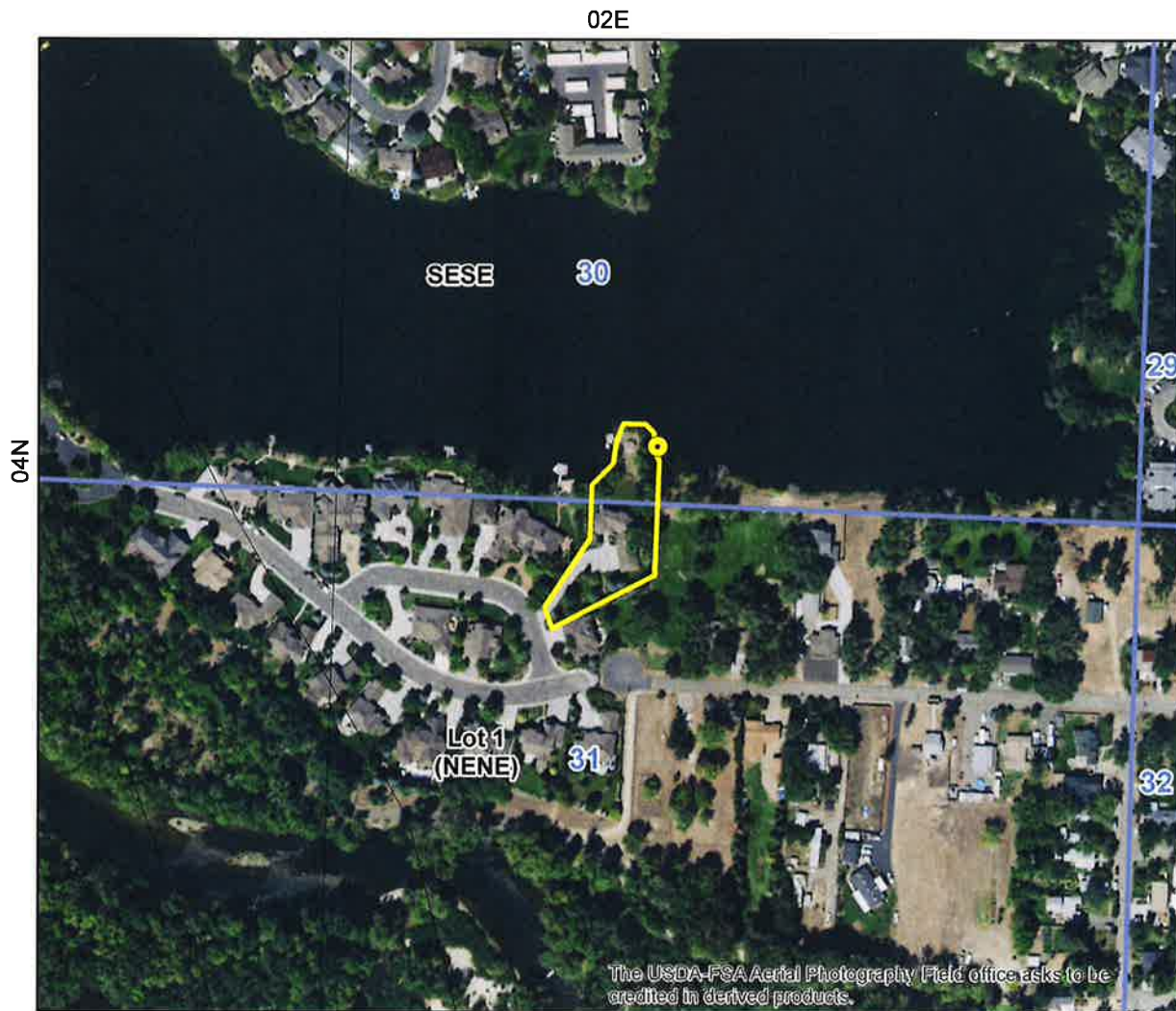
This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 30 day of June, 2020.



PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources
Permit to Appropriate Water
63-34896



-  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

Gary Spackman
Director

June 30, 2020

JAMES DONOVAN
5514 W LAKE RIVER LN
BOISE ID 83703-6241

RE: Permit No. 63-34896

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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,



For: *Kensie Thorneycroft*
Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34896 by U.S. Mail, postage prepaid, to the following:

JAMES DONOVAN
5514 W LAKE RIVER LN
BOISE ID 83703-6241

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.

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004648444	The following application(s) have been filed to appropriate the public waters of the State of Idaho:	ermit No. 63-34891, 63-34894, 63	\$409.03	2	12.89 In

Attention: Kensie Thorneycroft

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:

63-34894

RYAN KUHN

725 W FLOATING FEATHER RD

EAGLE, ID 83616-3817

Point of Diversion NWNE S8 T04N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04-28-2020

Place Of Use: DOMESTIC

T04N R01E S8 NENE

Total Acres: 0.5

63-34896

JAMES DONOVAN

5514 W LAKE RIVER LN

BOISE, ID 83703-6241

Point of Diversion SESE S30 T04N R02E ADA County Source SIL-

VER LAKE Tributary BOISE RIVER

Use: AESTHETIC 01/01 to 12/31 0.37 CFS

Total Diversion: 0.37 CFS

Date Filed: 04-24-2020

Place Of Use: AESTHETIC

T04N R02E S30 SESE

T04N R02E S31 NENE

63-34891

BOISE PROJECT BOARD OF CONTROL

2465 W OVERLAND RD

BOISE, ID 83705-3155

(2) Point of Diversion NWSE S13 T03N R04E ELMORE County

Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 220 CFS

Total Diversion: 220 CFS

Date Filed: 05-01-2020

Place Of Use: POWER

T03N R04E S13 NWSE

63-34897

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N

R09E ELMORE County Source: SOUTH FORK BOISE RIVER Tributary:

BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, and MITIGATION

BY DELIVERY STORAGE 01/01 to 12/31 31,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 31,000 AF

Use: MUNICIPAL FROM STORAGE and MITIGATION BY DELIVERY

FROM STORAGE 01/01 to 12/31 310,000 AF

Use: IRRIGATION 04/01 to 10/31 120.2 CFS

Total Diversion: 2,000 CFS 31,000 AF

Date Filed: 4/21/2020

Place Of Use: Application proposes 31,000 acre feet of supplemental storage in the proposed Cat Creek Reservoir in Elmore County to be used for irrigation of land within Black Canyon Irrigation District, for Municipal uses within the service area of City of Nampa, and for Mitigation by Delivery to lands within Ada, Canyon, and Owyhee Counties that are presently served by water from the Boise River Drainage.

Applicant also proposes irrigation of approximately 6,010 acres of land associated with Wood Creek Ranch, located in Elmore County in the immediate vicinity of the proposed Cat Creek Reservoir. This proposal will provide supplemental water to approximately 2,800 acres and the balance of the proposed place of use will be new

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

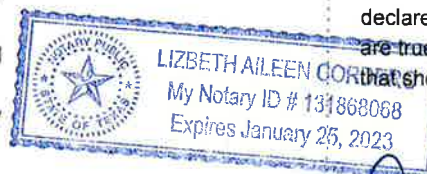
Beginning issue of: 05/21/2020

Ending issue of: 05/28/2020

V Rodela

(Legals Clerk)

On this 28th day of May 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.



[Signature]

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

acres not previously irrigated.

63-34900

CAT CREEK ENERGY LLC

398 S 9TH ST STE 240

BOISE, ID 83702

Points of Diversion: SENW, SWNE, and SWNW, all in S26 T01N R09E ELMORE County Source: SOUTH FORK BOISE RIVER Tributary: BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2,000 CFS

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, GROUND WATER RECHARGE STORAGE, WATER QUALITY IMPROVEMENT STORAGE, INDUSTRIAL STORAGE, RECREATION STORAGE, FISH HABITAT STORAGE, COMMERCIAL STORAGE, DOMESTIC STORAGE, STREAMFLOW MAINTENANCE STORAGE, WILDLIFE STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 19,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 19,000 AF

Use: MUNICIPAL FROM STORAGE, GROUND WATER RECHARGE FROM STORAGE, WATER QUALITY IMPROVEMENT FROM STORAGE, INDUSTRIAL FROM STORAGE, COMMERCIAL FROM STORAGE, DOMESTIC FROM STORAGE, STREAMFLOW MAINTENANCE FROM STORAGE, and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 19,000 AF

Total Diversion: 2,000 CFS 19,000 AF

Date Filed: 4/22/2020

Place of Use: Application proposes to divert and store 19,000 acre feet of water in the proposed Cat Creek Reservoir in Elmore County. The applicant proposes to make the stored water available for sale, rent, or distribution for the uses listed above. The proposed place of use is generally within the Boise River drainage and a portion of the Mountain Home Plateau. The proposed place of use includes that portion of IDWR Administrative Basin 61 in Ada County and a large portion of IDWR Administrative Basin 63 and includes lands in Ada, Boise, Canyon, Gem, and Payette Counties in Idaho as well as a portion of Malheur County east of the Snake River in Oregon. The place of use for storage water does not include lands in Elmore or Camas Counties. The full description of the place of use is available from the Department of Water Resources at www.idwr.idaho.gov, or contact Western Region office at (208) 334-2190.

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 6/8/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/21/2020 and 5/28/2020

0004648444-01