



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: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 2, 2020

See Attached Distribution List

RE: Permit No. 65-23750

Dear Permit Holders and Interested Parties:

As previously discussed in this matter, as contemplated in the May 31, 2019 *Stipulation and Joint Motion to Withdraw Protest and issue Permit*, ("Stipulation"), the Idaho Department of Water Resources ("Department") has processed the attached assignment of permit that was included with the Stipulation as Attachment D. A proof report from the Department's database is attached to this letter and shows the Idaho Department of Lands is now listed as a co-owner on permit 65-23750.

Please contact this office if you have further questions regarding this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosures

Cc: See attached Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on June 03, 2020 I served a true and correct copy of the foregoing letter by U.S. Mail, postage prepaid, to the following:

TAMARACK MOUNTAIN OPERATIONS, LLC
8211 WEST BROWARD BLVD. STE 230
PLANTATION, FL 33324

TAMARACK MOUNTAIN OPERATIONS, LLC
C/O ALBERT BARKER
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

TAMARACK HOMEOWNERS ACQUISITION COMPANY LLC
C/O MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

IDAHO DEPARTMENT OF LANDS
C/O MICHELE ANDERSON
3284 W INDUSTRIAL LOOP
COEUR D'ALENE, ID 83815

TAMARACK MUNICIPAL ASSN INC
311 VILLAGE DR
PMB 3003
TAMARACK, ID 83615

ANN VONDE OR ANGELA SHAER KAUFMAN
DEPUTY ATTORNEY GENERAL
NATURAL RESOURCES DIVISION
OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010


Kensie Thorneycroft
Administrative Assistant 1

6/2/2020

Water Permit 65-23750

Current Owner STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE MAIL
300 N 6TH ST STE 103
BOISE, ID 83720-0050
(208) 334-0200

Status: Active

[illegible]

GROUND WATER	NESW	Sec. 32, Twp 16N, Rge 03E, VALLEY County
GROUND WATER	NESE	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	SENE	Sec. 8, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	L1(NENE)	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	SWNE	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	L3(NENW)	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	SENW	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	NESW	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	L3(NENW)	Sec. 5, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	NENW	Sec. 8, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	NENW	Sec. 8, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	NESW	Sec. 8, Twp 15N, Rge 03E, VALLEY County
GROUND WATER	SENE	Sec. 36, Twp 16N, Rge 02E, VALLEY County
GROUND WATER	SENE	Sec. 36, Twp 16N, Rge 02E, VALLEY County

MUNICIPAL FROM STORAGE Same as MUNICIPAL
MUNICIPAL
Large POU not Displayed

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/2/2020

Conditions of Approval:

1. 128 Place of use is within the area served by the right holder's public water supply system. The place of use is generally located within Section 36, Township 16 North, Range 02 East, Sections 19, 29, 30, 31, and 32, Township 16 North, Range 03 East, and Sections 5, 7, 8, 17, and 18, Township 15 North, Range 03 East.
2. 180 A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. X35 Rights 65-23811, 65-23812, 65-23813, 65-23814, and 65-23750 when combined shall not exceed a total diversion rate of 8.6 cfs and a total annual maximum diversion volume of 1248 acre-feet.
4. The volume of the storage ponds shall not exceed 135 acre-feet. Diversions to and from storage in the ponds shall not exceed 500 acre-feet per year.
5. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. 190 In connection with the proof of beneficial use submitted for this permit, the permit holder shall also submit a report showing the total annual volume, the maximum daily volume, and the maximum instantaneous rate of flow diverted from the point of diversion authorized for this permit during the development period. The report shall also show the maximum instantaneous rate of diversion, either measured or reasonably estimated by a qualified professional engineer, geologist, or certified water rights examiner, for the entire municipal water system. The report shall also describe and explain how water diverted under this permit provides an additional increment of beneficial use of water for the municipal water system as opposed to an alternative point of diversion for prior water rights already held and used by the right holder for its municipal water system.
7. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
8. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. 121 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.
11. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
12. 020 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/2/2020

Comments:

1. nmiller 6/2/2020 Assignment of Permit

The protest settlement included assignment of part of this permit to IDL. The assignment form states the following:

"TMO assigns to IDL a co-ownership interest in Permit No. 65-23750 to the extent that it includes water that is beneficially used on, or that is diverted from wells located on, lands owned by the State of Idaho as set forth in Attachment A. This partial assignment is intended to result in TMO and IDL being named as co-owners of Permit No. 63-23750 in IDWR's records, and is not intended to cause a split of the Permit."

The reference to 63-23750 is a typographical error in the assignment document. "Attachment A" referenced in the statement above describes the "Golf Course parcel" and the "Ski Hill Parcel" and can be found in the backfile for this permit.

Dates and Other Information

Permit Proof Due Date: 4/1/2025

Permit Approved Date: 4/14/2020

Water District Number: EXC

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Received by _____

Receipt amt. \$ _____

Receipt no. _____

Date _____

I, Tamarack Mountain Operations, LLC (TMO), hereby assign to State of Idaho, Department of Lands (IDL)

Current owner(s)
of, 300 N. 6th Street, Suite 103, Boise, Idaho, 83702

New owner(s)
208-334-0200

New owner's address including city, state and ZIP

Phone

All my right, title, and interest in and to Permit No(s): _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

65-23750, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

TMO assigns to IDL a co-ownership interest in Permit No. 65-23750 to the extent that it includes water that is beneficially used on, or that is diverted from wells located on, lands owned by the State of Idaho as set forth in Attachment A. This partial assignment is intended to result in TMO and IDL being named as co-owners of Permit No. 63-23750 in IDWR's records, and is not intended to cause a split of the Permit.

Does the new permit holder own the property at the:

Point of diversion? ☒ Yes ☒ No

Place of use? ☒ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

TMO has agreed to provide IDL with access to points of diversion located on lands owned by TMO.

Dated this 22ND day of MAY, 2019.

Permit holder

Title (if applicable)

Permit holder

Title (if applicable)

State of FLORIDA

County of BROWARD

On this 22 day of May, 2019, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Notary Public

My commission expires: 7/26/22

SCANNED
AUG 05 2019
RECEIVED MAY 23 2019

ATTACHMENT A
to Partial Assignment of Permit No. 65-23750
State Lands Legal Description

<u>Golf Course Parcel</u>		Acreages
The following parcels in Section 8, T15N, R3E		60.00 acres
<ul style="list-style-type: none">• W$\frac{1}{2}$ NE$\frac{1}{4}$NE$\frac{1}{4}$, (20 acres)• NW$\frac{1}{4}$NE$\frac{1}{4}$, (40 acres)		
<u>Ski Hill Parcel</u>		
1	All of Section 36, T16N, R2E	640.00 acres
2	The following parcels in Section 19, T16N, R3E	186.49 acres
<ul style="list-style-type: none">• NW$\frac{1}{4}$SW$\frac{1}{4}$SE$\frac{1}{4}$, (10 acres)• S$\frac{1}{2}$SW$\frac{1}{4}$SE$\frac{1}{4}$, (20 acres)• E$\frac{1}{2}$SW$\frac{1}{4}$, (80 acres)• Gov't Lot 9 (NWSW), (38.27 acres)• Gov't Lot 11 (SWSW), (38.22 acres)		
3	The following parcels in Section 30, T16N, R3E	594.40 acres
<ul style="list-style-type: none">• NW$\frac{1}{4}$NE$\frac{1}{4}$, (40 acres)• S$\frac{1}{2}$NE$\frac{1}{4}$, (80 acres)• E$\frac{1}{2}$W$\frac{1}{2}$, (160 acres)• Gov't Lots 1-4 (W$\frac{1}{2}$W$\frac{1}{2}$), (154.40 acres)• SE$\frac{1}{4}$, (160 acres)		
4	All of Section 31, T16N, R3E	643.10 acres
Total		2,123.99 acres

