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April 10, 2020

Via Hand Delivery and Email (nick.miller@idwr.idaho.gov)

Nick Miller
Manager, IDWR Western Region
2735 W Airport Way
Boise, ID 83705

RECEIVED

APR 10 2020

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 65-23750

Dear Nick:

This letter responds to your February 21, 2020 letter regarding "Conditional Protest Withdrawal 65-23750 (Tamarack Homeowners Acquisition Co. LLC)." Thanks for your patience. As you know, my client Tamarack Homeowners Acquisition Company LLC ("THAC") has been working with Tamarack Mountain Operations, LLC ("TMO") to provide you with feedback on the draft permits you have provided us.

I have been instructed by THAC and TMO to request that you issue Permit No. 65-23750 precisely in the form of the draft you emailed to the parties on April 3, 2020. I've enclosed a copy of that draft for your reference.

I've also enclosed a check in the amount of \$25.00 per the instruction in your February 21, 2020 letter. This check is for the Partial Assignment of Permit No. 65-23750 from Tamarack Mountain Operations, LLC, to Idaho Department of Lands.

Please issue Permit No. 65-23750 in the form of the enclosed draft and process the assignments in the manner described in your February 21, 2020 letter.

Thank you. Please contact me should you have any questions or concerns.

Sincerely,



Michael P. Lawrence
Attorney for THAC

Nick Miller
April 10, 2020
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Enclosures: Check (via hand delivery only); April 3, 2020 draft permit

cc: Al Barker (via email only)
Angela Schaer Kaufman (via email only)

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-23750

DRAFT

Priority: December 29, 2017

Maximum Diversion Rate: 4.30 CFS
Maximum Diversion Volume: 1,248.0 AF

This is to certify that

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

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>
MUNICIPAL	01/01 to 12/31	4.30 CFS	1,248.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.30 CFS	
MUNICIPAL FROM STORAGE	01/01 to 12/31		500.0 AF
MUNICIPAL STORAGE	01/01 to 12/31		500.0 AF

Location of Point(s) of Diversion

GROUND WATER	NE¼ SW¼,	Sec. 32, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NE¼ SE¼,	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼,	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	L1 (NE¼ NE¼),	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SW¼ NE¼,	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	L3 (NE¼ NW¼),	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼ NW¼,	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NE¼ SW¼,	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	L3 (NE¼ NW¼),	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NE¼ NW¼,	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NE¼ NW¼,	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NE¼ SW¼,	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼,	Sec. 36, Twp 16N, Rge 02E, B.M.	VALLEY County
GROUND WATER	SE¼ NE¼,	Sec. 36, Twp 16N, Rge 02E, B.M.	VALLEY County

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2025**.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. Rights 65-23811, 65-23812, 65-23813, 65-23814, and 65-23750 when combined shall not exceed a

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-23750

total diversion rate of 8.6 cfs and a total annual maximum diversion volume of 1248 acre-feet.

6. 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.
7. 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.
8. 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.
9. 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.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.
12. 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.
13. 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.
14. 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.

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

Signed this _____ day of _____, 20_____

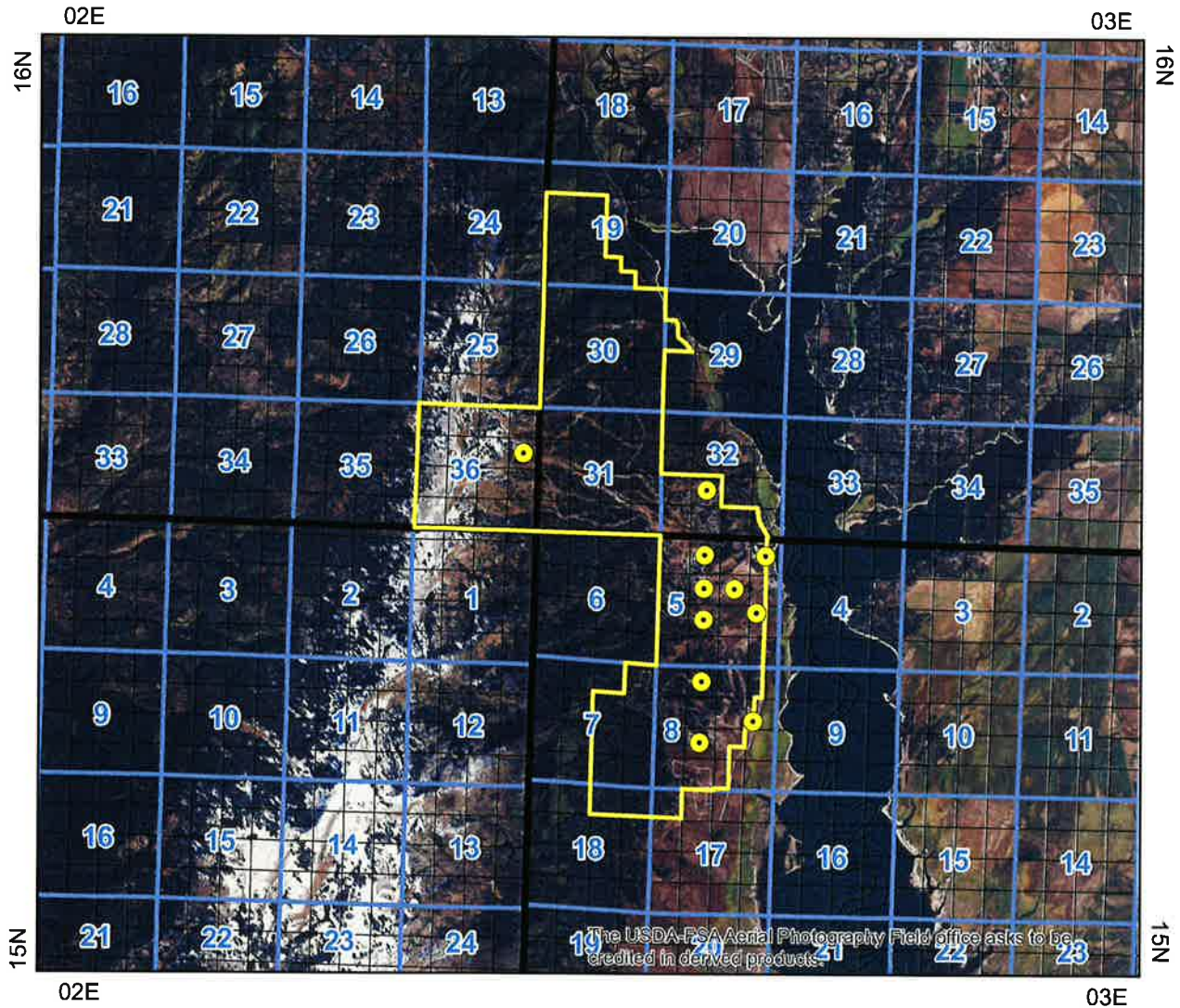
DRAFT






Nick Miller
Manager, IDWR Western Region

Attachment to Permit to Appropriate Water

65-23750

This map depicts the MUNICIPAL, MUNICIPAL STORAGE, and MUNICIPAL FROM STORAGE place of use boundaries for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.75 1.5 3 Miles

