

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34811

Priority: October 25, 2019

Maximum Diversion Rate: 0.90 CFS

This is to certify that

MANTIS HOLDINGS LLC 4414 LINCOLN RD CALDWELL ID 83605-8028

has applied for a permit to appropriate water from:

Source : BOISE RIVER

Tributary: SNAKE RIVER

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>
RECREATION	11/16 to 02/29	0.90 CFS	
DIVERSION TO STORAGE	11/16 to 02/29	0.90 CFS	
RECREATION STORAGE	11/16 to 02/29		129.0 AF

Location of Point(s) of Diversion

BOISE RIVER NW¼ SE¼, Sec. 16, Twp 05N, Rge 05W, B.M. CANYON County

Place of Use: RECREATION and RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	16														X			

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2025**.
2. Subject to all prior water rights.
3. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
4. This right authorizes a total annual storage volume of 129 acre-feet, 3.0 acre-feet to be used for the initial filling or carryover storage of field flooding and 126 acre-feet for the replacement of losses caused by seepage.
5. The field flooding established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 6.0 acre(s).
6. Any obstruction in the Boise River channel for diversion of water under this right must provide for watercraft and fish passage. The right holder must bypass sufficient flows in the Boise River at the point of diversion to accommodate watercraft navigation and fisheries values in the Boise River downstream of the diversion. The quantity of the bypass flow may be established in the future by the filing of a petition with the Department to establish the bypass flows and subsequent proceedings as described in the Department's Rules of Procedure.

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7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8. 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.
9. Recreation and recreation storage use is for waterfowl hunting purposes. Recreation use under this right is for flow-through water and return-flow water associated with recreation storage
10. Water diverted under the recreation flow component of this water right, minus evaporation and seepage losses, shall be returned to the Boise River.
11. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
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. 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.

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

Signed this 28th day of February, 20 20.



NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

63-34811

This map depicts the RECREATION and RECREATION STORAGE places of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

05W



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

0 0.0375 0.075 0.15 Miles





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

Brad Little
Governor

Gary Spackman
Director

February 28, 2020

MANTIS HOLDINGS LLC
4414 LINCOLN RD
CALDWELL ID 83605-8028

RE: Permit No. 63-34811

Permit Approval Notice

Dear Permit Holders:

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 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 Thomeygroff".

Kensi Thomeygroff

For: Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34811 by U.S. Mail, postage prepaid, to the following:

MANTIS HOLDINGS LLC
4414 LINCOLN RD
CALDWELL ID 83605-8028

MICHELE GIBSON
4414 LINCOLN RD
CALDWELL ID 83605-8028

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.

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	63-34811
REVIEWER	Anna Kaiser
DATE	1/27/2020

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	6	AC.
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Pond Surface Area (SQ. FT.)	261360	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	SM	
Suggested Seepage Rate (FT./DAY)	0.2000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	390995	GPD
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Total Seepage Loss (AFA)	126.0	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**

SC (clayey sands, sand clay mixtures) = **0.007 ft per day**

CL (Low to medium plasticity clays) = **0.003 ft per day**

MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**

LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 3, 2020

MANTIS HOLDINGS LLC
C/O MICHELE GIBSON
4414 LINCOLN RD
CALDWELL ID 83605

COPY

Re: Water Right Application Additional Information Request

Dear Applicant,

On October 25, 2019, the Idaho Department of Water Resources (Department) received your Application for Permit to divert 3 cfs of water for recreational uses. The Department cannot continue processing your application until the following items are addressed:

- 1) Section 5 – “Water will be used for the following purposes”
 - Section 5 of your application lists 3 cubic feet per second (cfs) will be used for Recreation Purposes from 11/16 – 11/25. Section 8e, states water will be used for field flooding. The Department recognizes field flooding as a “storage use.” Therefore, you must add a “Diversion to Storage” rate and “Recreational Storage” volume under section 5.
 - Please add a diversion to storage usage with the appropriate diversion rate in cfs and a recreational storage usage with the appropriate volume in acre feet (AF) under section 5 of your application (marked with pink arrows). Please initial and date next to your added uses.
- 2) Section 12- “Narrative”
 - Because water will be used for field flooding purposes, the Department must also account for seepage losses. To calculate seepage loss, we must know the total capacity of your proposed flooded field (how many total acres will you flood and how deep will you flood).
 - Please write the total acres and depth you propose to flood under section 12 of your application (marked with a purple arrow). You may attach additional pages if needed. Please initial and date next to your flooded field capacity description.

With this letter, I have included your original application for permit marked with arrows as described above. Please make the necessary changes and submit your updated application by mail or in person to the address listed below, or email a scanned to me at anna.kaiser@idwr.idaho.gov. If you have any questions please do not hesitate to call me at (208)-334-2190.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

Sincerely,

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

29512 1963167

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon and Ada

SS.

Sharon Jessen
of the State of Idaho, being of first
duly sworn, deposes and says:

RECEIVED

NOV 21 2019

**WATER RESOURCES
WESTERN REGION**

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34803

ROBERT G MATHEWS
LEA M MATHEWS
18945 REISLING AVE
CALDWELL, ID 83607-6005
Point of Diversion NWSW S13 T03N R04W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.07 CFS
Date Filed: 10/8/2019
Place Of Use: DOMESTIC, IRRIGATION
T03N R04W S13 NWSW
Total Acres: 1
Water bearing zone to be appropriated is from 123 to 211 feet.

63-34804

DENNIS WIENS
DIANE WIENS
18954 REISLING AVE
CALDWELL, ID 83607-6005
Point of Diversion NWSW S13 T03N R04W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.07 CFS
Date Filed: 10/8/2019
Place Of Use: DOMESTIC, IRRIGATION
T03N R04W S13 NWSW
Total Acres: 1
Water bearing zone to be appropriated is from 114 to 180 feet.

63-34811

MANTIS HOLDINGS LLC
4414 LINCOLN RD
CALDWELL, ID 83605-8028
Point of Diversion NWSE S16 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: RECREATION 11/16 to 02/29 3 CFS
Total Diversion: 3 CFS
Date Filed: 10/25/2019
Place Of Use: RECREATION
T05N R05W S16 NWSE
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/25/2019. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director

November 7, 14, 2019

1963167

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said Counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
11/07/2019 11/14/2019

Sharon Jessen
STATE OF IDAHO
County of Canyon and Ada

On this 14th day of November in the year of 2019 before me a Notary Public, personally appeared, Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
My Commission expires 06/28/2023



State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 63

Application # 63-34811

Applicant Name **Mantiss Holdings LLC**

Watermaster Recommendation:

- a) _____ I do not oppose approval of this application.
- b) XX I do not oppose approval of this application if it is conditioned as follows: Water District #63 was not aware of the existing water right #63-34534 and as such we will require standard Watermaster requirements, lockable controlling works and measuring device, and including irrigation assessments each year.
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 1 st day of November , 2019

Rex R. Barrie

Watermaster Signature
