

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34806

Priority: October 09, 2019

Maximum Diversion Rate: 0.14 CFS

This is to certify that

JAMES A KISSLER 1591 E SENDERO LN BOISE ID 83712-6692

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

0.14 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NE¼, Sec. 12, Twp 03N, Rge 02E, B.M. ADA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	12			7.3														7.3

Total Acres: 7.3

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
6. Water bearing zone to be appropriated is 200 to 300 feet.
7. 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.

State of Idaho
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8. 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.

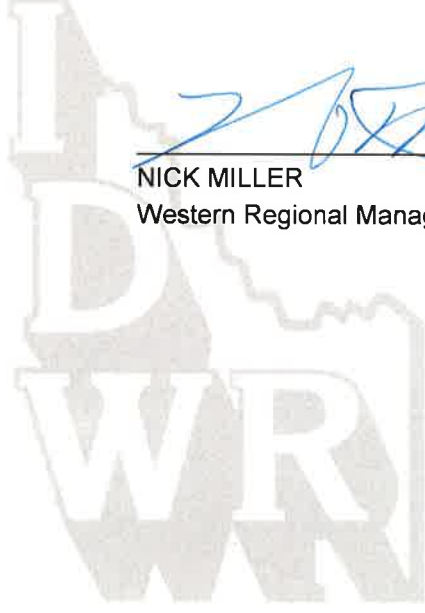
This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 30th day of December, 20 19.



NICK MILLER

Western Regional Manager



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34806

This map depicts the IRRIGATION 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.

02E

03N



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

0 0.035 0.07 0.14 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

December 30, 2019

JAMES A KISSLER
1591 E SENDERO LN
BOISE ID 83712-6692

RE: Permit No. 63-34806

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources Western 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 'Kensie Thorneycroft', is written over the word 'Sincerely,'.

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34806 by U.S. Mail, postage prepaid, to the following:

JAMES A KISSLER (Current Owner)
1591 E SENDERO LN
BOISE ID 83712-6692



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.



ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

November 20, 2019

RECEIVED

NOV 21 2019

WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-34806*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comment in lieu of a formal Protest regarding Application for Permit No. 63-34806 (the "Application"). The Application proposes diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Application is approved, it should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas

cc: James A. Kissler, 1591 E. Sendero Lane, Boise, Idaho 83712

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004445857	The following applications have been filed to appr	ADA Legal Ad	\$313.55	1	37.89 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

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: 11/07/2019

Ending issue of: 11/14/2019

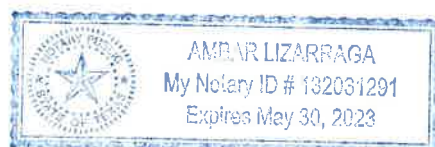
V Rodela

(Legals Clerk)

On this 14th day of November in the year of 2019 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.

Amber

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



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

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

63-34790

JOSH KINNEY

1995 HIGHWAY 16

EAGLE, ID 83616-4100

Point of Diversion SWSE S4

T04N R01W ADA County Source

GROUND WATER

Use: AESTHETIC STORAGE

01/01 to 12/31 88.7 AF

Use: DOMESTIC 01/01 to

12/31 0.04 CFS

Use: IRRIGATION 03/01 to

11/15 0.4 CFS

Use: RECREATION STORAGE

01/01 to 12/31 88.7 AF

Total Diversion: 0.44 CFS 88.7

AF

Date Filed: 8/27/2019

Place Of Use: IRRIGATION, DO-

MESTIC, AESTHETIC STORAGE,

RECREATION STORAGE

T04N R01W S4 SESW SWSE

Total Acres: 18

Water bearing zone to be appropriated is from 38 to 200 ft.

63-34801

KENRICK THOMAS

PO BOX 8104

BOISE, ID 83707-2104

Point of Diversion SWNE S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NESW S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NWSW S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NESE S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NWSE S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion SWNW S10

T05N R01E ADA County Source

GROUND WATER

Point of Diversion SENW S10

T05N R01E ADA County Source

GROUND WATER

Point of Diversion SWNE S10

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NESE S10

T05N R01E ADA County Source

GROUND WATER

(2) Point of Diversion SWSE S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion SESE S11

T05N R01E ADA County Source

GROUND WATER

Point of Diversion NWSE S10

T05N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to

12/31 4.46 CFS

Use: IRRIGATION 03/01 to

✓ OK 11/26/19
KT

✓ OK 11/26/19
KT

11/15 0.5 CFS

Total Diversion: 4.46 CFS

Date Filed: 9/27/2019

Place Of Use: DOMESTIC

T05N R01E S1 NENE NWNE

SWNE SENE NENW NWNW

SWNW SENW NESW NWSW

SWSW SESW NESE NWSE

SWSE SESE

T05N R01E S10 SWNE

SWNW SENW NESE NWSE

SWSE SESE

T05N R01E S11 SWNE SENE

NESW NWSW SWSW SESW

NESE NWSE SWSE SESE

T05N R01E S12 NENE NWNE

SWNE SENE NENW NWNW

SWNW SENW NESW NWSW

SWSW SESW NESE NWSE

SWSE SESE

T05N R01E S13 NENE NWNE

SWNE SENE NENW NWNW

SWNW SENW NESW NWSW

NESE NWSE SWSE SESE

T05N R01E S14 NENE NWNE

NENW NWNW

T05N R01E S24 NENE NWNE

T05N R02E S6 L3(NENW)

L4(NWNW) L5(SWNW) SENW

NESW L6(NWSW) L7(SWSW)

SESW

T05N R02E S7 NENW

L1(NWNW) L2(SWNW) SENW

NESW L3(NWSW) L4(SWSW)

SESW

T05N R02E S18 NENW

L1(NWNW) L2(SWNW) SENW

NESW L3(NWSW) L4(SWSW)

SESW

Place Of Use: IRRIGATION

T05N R01E S12 SWSW SESW

SWSE SESE

T05N R01E S13 NENE NWNE

NENW NWNW

Total Acres: 25

Water bearing zone to be appropriated is from 200 to 850 ft.

63-34805

BAINBRIDGE OWNERS ASSOCIATION INC

12601 W EXPLORER DR STE 200

BOISE, ID 83713-1880

Point of Diversion NWNE S27

T04N R01W ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to

11/15 0.15 CFS

Date Filed: 10/4/2019

Place Of Use: IRRIGATION

T04N R01W S27 SENE NENW

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 450 feet.

63-34806

JAMES A KISSLER

1591 E SENDERO LN

BOISE, ID 83712-6692

Point of Diversion SWNE S12

T03N R02E ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to

ok KT 11/26/19

ok KT 11/26/19

11/15 0.14 CFS

Total Diversion: 0.14 CFS

Date Filed: 10/9/2019

Place Of Use: IRRIGATION

T03N R02E S12 SWNE

Total Acres: 7.3

Water bearing zone to be appropriated is from 200 to 300 feet.

63-34809

LESLIE WALKER

THERA WALKER

7026 W AMITY RD

BOISE, ID 83709-5505

Point of Diversion L4(SWSW)

S30 T03N R02E ADA County

Source GROUND WATER

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

Use: IRRIGATION 03/01 to 11/15 0.09 CFS

Total Diversion: 0.13 CFS

Date Filed: 10/7/2019

Place Of Use: DOMESTIC, IRRIGATION

T03N R02E S30 L4(SWSW)

Total Acres: 3.14

Water bearing zone to be appropriated is from 38 to 200 feet.

63-34810

WEST ADA SCHOOL DISTRICT

1303 E CENTRAL DR

MERIDIAN, ID 83642-7991

Point of Diversion NESW S34

T03N R01E ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.08 CFS

Total Diversion: 1.08 CFS

Date Filed: 10/3/2019

Place Of Use: IRRIGATION

T03N R01E S34 NESW

Total Acres: 18 within a 29-acre PPU

water bearing zone to be appropriated is from 150 to 300 feet.

63-34753

IDAHO WATER RESOURCE BOARD

322 E FRONT ST PO BOX

83720, BOISE, ID 83720

Point of Diversion: ANDERSON

RANCH DAM (GOVT LOT NO 4,

NWSE, in S01 T01S R08E

ELMORE County)

Source: SOUTH FORK BOISE

RIVER Tributary: BOISE RIVER

Use: IRRIGATION STORAGE, MU-

NICIPAL STORAGE, GROUND WA-

TER RECHARGE STORAGE, WA-

TER QUALITY IMPROVEMENT

STORAGE, INDUSTRIAL STOR-

AGE, RECREATION STORAGE,

FISH HABITAT STORAGE, COM-

MERCIAL STORAGE, DOMESTIC

STORAGE, STREAMFLOW MAIN-

TENANCE STORAGE, WILDLIFE

STORAGE, and MITIGATION BY

DELIVERY STORAGE 01/01 to

12/31 30,000 AF

Use: IRRIGATION FROM STOR-

AGE 03/15 to 11/15 30,000 AF

Use: MUNICIPAL FROM STOR-

AGE, GROUND WATER RE-
CHARGE FROM STORAGE, WA-
TER 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 30,000 AF

Total Diversion: 30,000 AF

Date Filed: 6/7/2019

Place of Use: Application propos-
es an additional 30,000 acre-
feet of storage in Anderson
Ranch Reservoir located in
Elmore County for use generally
within the Boise River drainage
and the Mountain Home Plateau.
The proposed place of use in-
cludes all of IDWR Administrative
Basin 61 and a large portion of
IDWR Administrative Basin 63
and includes lands in Ada, Boise,
Camas, Canyon, Elmore, Gem,
and Payette Counties in Idaho as
well as a portion of Malheur
County east of the Snake River in
Oregon. The full description of
the place of use is available from
the Department of Water Resour-
ces at www.idwr.idaho.gov, or
contact Western Region office at
(208) 334-2190.

The following application(s) have
been filed to amend Permit to
Appropriate Water:

63-34281

KENRICK THOMAS ✓

PO BOX 8104

BOISE, ID 83707-2104

Point of Diversion SWNE S10
T05N R01E ADA County Source
GROUND WATER

Point of Diversion SWNW S10
T05N R01E ADA County Source
GROUND WATER

Point of Diversion SENW S10
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NESE S10
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NWSE S10
T05N R01E ADA County Source
GROUND WATER

Point of Diversion SWNE S11
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NESW S11
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NWSW S11
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NESE S11
T05N R01E ADA County Source
GROUND WATER

Point of Diversion NWSE S11
T05N R01E ADA County Source
GROUND WATER

OK KT
6/11/2019

(2) Points of Diversion SWSE
S11 T05N R01E ADA County
Source GROUND WATER
Point of Diversion SESE S11
T05N R01E ADA County Source
GROUND WATER

Use: DOMESTIC 01/01 to
12/31 0.54 CFS

Use: IRRIGATION 03/01 to
11/15 0.54 CFS

Total Diversion: 0.54 CFS

Date Filed: 9/27/2019

Place Of Use: IRRIGATION

T05N R01E S10 NESE NWSE
T05N R01E S11 NESW
NWSW SESW NWSE SWSE
SESE

T05N R01E S14 NENE NWNE

Place Of Use: DOMESTIC

T05N R01E S10 SWNE
SWNW SENW NESE NWSE
SWSE SESE

T05N R01E S11 SWNE SENE
NESW NWSW SWSW SESW

NESE NWSE SWSE SESE

T05N R01E S14 NENE NWNE
NENW NWNW

Total Acres: 27

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) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. 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

Published on 11/7/2019 and
11/14/2019