

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34779

Priority: August 22, 2019

Maximum Diversion Rate: 0.04 CFS

This is to certify that

DEBRA J DEAN 2195 ELLIOT ST EAGLE ID 83616-6123

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NW¼, Sec. 15, Twp 04N, Rge 01E, B.M. ADA County

Place of Use: DOMESTIC

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	01E	15					X												

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2021**.
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is 20 to 100 feet.
4. Domestic use is for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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.

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

Signed this 30th day of October, 2019.

NICK MILLER

Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34779

This map depicts the DOMESTIC 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.

01E



- 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

October 30, 2019

DEBRA J DEAN
2195 ELLIOT ST
EAGLE ID 83616-6123

RE: Permit No. 63-34779

Permit Approval Notice

Dear Permit Holder:

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,



Anna Kober



Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34779 by U.S. Mail, postage prepaid, to the following:

DEBRA J DEAN (Current Owner)
2195 ELLIOT ST
EAGLE ID 83616-6123



Anna Kaiser
Water Resource Agent

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

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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

RECEIVED

OCT 08 2019

WATER RESOURCES
WESTERN REGION

October 7, 2019

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. 63-34779*

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. 63-34779 (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: Debra J. Dean, 2195 Elliot St., Eagle, ID 83616

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004380477	The following applications have been filed to appr	Legal Notice	\$198.13	1	12.11 In

Attention: Anna Kaiser

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

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

63-34644
PIONEER IRRIGATION DISTRICT
PO BOX 426
CALDWELL, ID 83606-0426
Point of Diversion NENE S22
T03N R02W CANYON County
Source MASON CREEK Tributary
BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 30 CFS

Use: WATER QUALITY IMPROVEMENT 03/01 to 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 11/29/2018

Place Of Use: Irrigation and Water Quality Improvement Uses Within the Boundary of Pioneer Irrigation District

Total Acres: 34204.6

63-34771
WANDER PROPERTY LLC
1240 BERGEN PKWY STE A230
EVERGREEN, CO 80439-9787
Point of Diversion NESW S14
T04N R03W CANYON County
Source MASON CREEK Tributary
BOISE RIVER

Point of Diversion SENW S14
T04N R03W CANYON County
Source NOBLE DRAIN Tributary
BOISE RIVER

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 160 CFS

Use: WATER QUALITY IMPROVEMENT STORAGE 01/01 to 12/31 348 AF

Total Diversion: 160 CFS 348 AF

Date Filed: 8/1/2019

Place Of Use: WATER QUALITY IMPROVEMENT, WATER QUALITY IMPROVEMENT STORAGE

T04N R03W S14 L1(NENW)
SENEW NESW

Water bearing zone to be appropriated is from 0 to 30 ft.

63-34779
DEBRA J DEAN
2195 ELLIOT ST
EAGLE, ID 83616-6123

Point of Diversion NENW S15
T04N R01E ADA County Source
GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 8/22/2019

Place Of Use: DOMESTIC

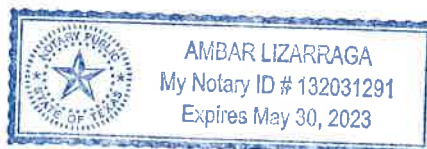
T04N R01E S15 NENW
Water bearing zone to be appropriated is from 20 to 100 feet.

63-34781

Jok
AK
10/8/19

Jok
AK
10/8/19

Jok
AK
10/8/19



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: 09/19/2019

Ending issue of: 09/26/2019

[Signature]

(Legals Clerk)

On this 26th day of September 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.

[Signature]

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!

NICHOLAS BULEN
1975 BERNICE WAY
SAN JOSE, CA 95124-2150
Point of Diversion SWNW S33
T03N R01W ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Use: IRRIGATION 03/01 to
11/15 0.12 CFS
Total Diversion: 0.16 CFS
Date Filed: 8/22/2019
Place Of Use: DOMESTIC, IRRIGATION
T03N R01W S33 SWNW Total
Acres: 4

Domestic use is for one (1)
home in Wrightside Place Subdi-
vision

Water bearing zone to be appro-
priated is from 38 to 110 feet.

Permits will be subject to all prior
water rights. For additional infor-
mation 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 Re-
sources, Western Region, 2735
Airport Way, Boise ID 83705 to-
gether with a protest fee of
\$25.00 for each application on
or before 10/7/2019. The prot-
estant must also send a copy of
the protest to the applicant.

GARY SPACKMAN, Director
Published on 9/19/2019 and
9/26/2019

0004380477-01

✓ok
At
10/6/19