

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34605

Priority: September 26, 2018

Maximum Diversion Rate: 0.11 CFS

This is to certify that

PARADISE HOMEOWNERS ASSN INC 2482 N PINE FEATHERVILLE RD PINE ID 83647

has applied for a permit to appropriate water from:

Source : GROUND WATER

Tributary: SOUTH FORK BOISE 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>
STOCKWATER	01/01 to 12/31	0.02 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.11 CFS

Location of Point(s) of Diversion

GROUND WATER L4 (SE¼ NW¼), Sec. 33, Twp 03N, Rge 10E, B.M. ELMORE County
GROUND WATER L4 (SE¼ NW¼), Sec. 33, Twp 03N, Rge 10E, B.M. ELMORE County

Place of Use: STOCKWATER, COMMERCIAL, and 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	
03N	10E	33		X	X		X L1			X L4									

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2020**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. 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.
5. 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.
6. Domestic use is for 70 homes.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
8. The domestic and stockwater uses authorized under this right shall not exceed 13,000 gallons per day per home.

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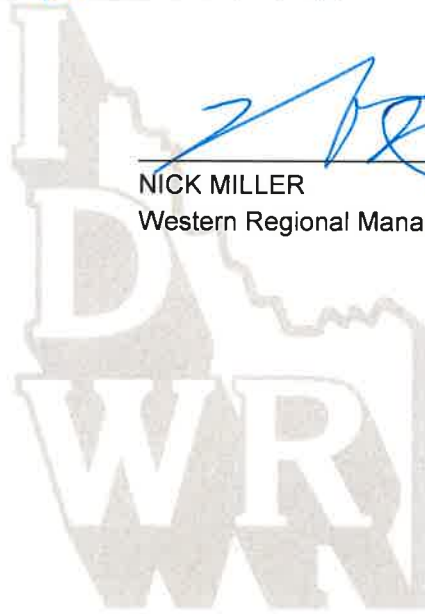
9. The commercial use authorized under this right shall not exceed 2,500 gallons per day.
10. Stockwater use is for 6 horses.
11. Commercial use is for the community lodge and pool.
12. Water bearing zone to be appropriated is 60 to 120 feet.
13. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 17th day of September, 2019.



NICK MILLER
Western Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34605

This map depicts the COMMERCIAL 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.

10E



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

0 0.05 0.1 0.2 Miles



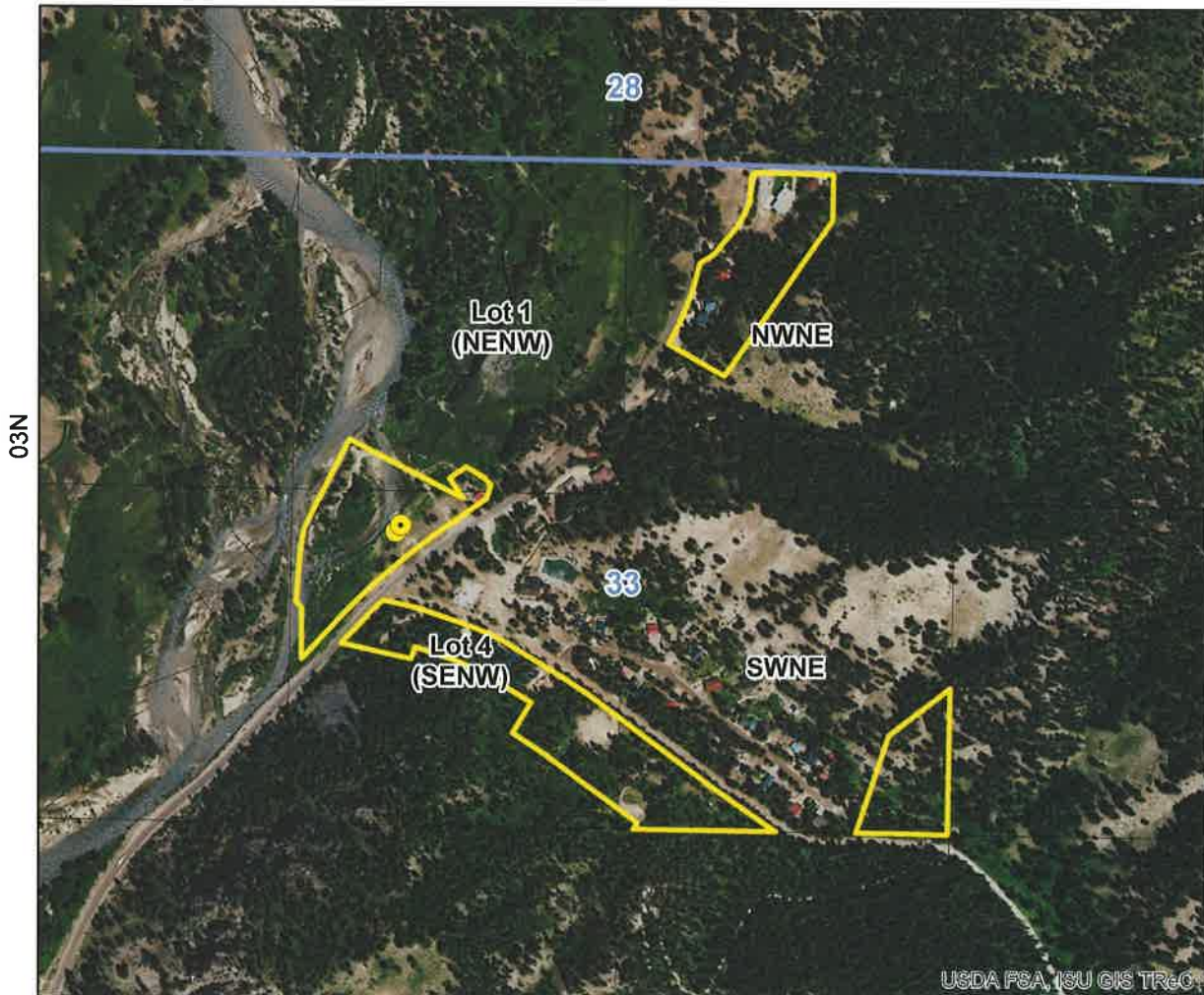
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34605

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.

10E



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

0 0.075 0.15 0.3 Miles

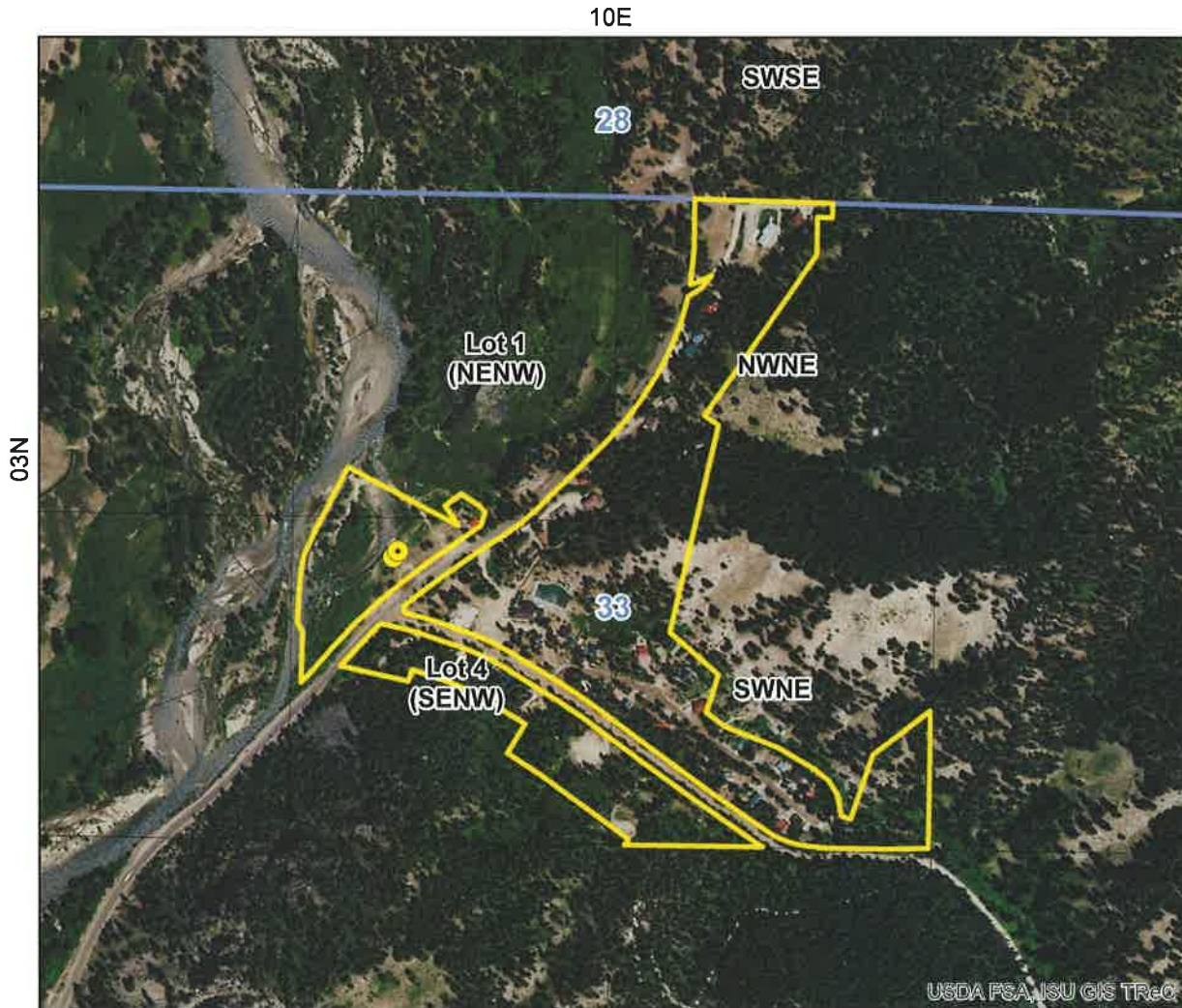


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34605

This map depicts the STOCKWATER 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.



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

0 0.075 0.15 0.3 Miles





Brad Little
Governor

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

Gary Spackman
Director

September 17, 2019

PARADISE HOMEOWNERS ASSN INC
2482 N PINE FEATHERVILLE RD
PINE ID 83647

RE: Permit No. 63-34605

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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 Kaiser

Nick Miller

Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34605 by U.S. Mail, postage prepaid, to the following:

PARADISE HOMEOWNERS ASSN INC (Current Owner)
2482 N PINE FEATHERVILLE RD
PINE ID 83647

HAROLD L JOHNSON (Representative)
PO BOX 701
FILER ID 83328



Anna Kaiser
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.

MEMORANDUM

TO: Water Right File No. 63-34605
FROM: Aaron Skinner – Water Resource Agent, Sr.
DATE: February 21, 2019
SUBJECT: Rate Calculations and Justifications

This memorandum documents permitting recommendations associated to the beneficial uses applied for by application no. 63-34605 – Paradise Home Owners Association, Inc. Ground water above Lucky Peak at any depth is tributary to the Boise River. Since the Boise River is fully appropriated, multiple domestic uses must be limited such that they do not exceed the exempt domestic use as defined in 42-111.

Domestic use is outlined for 70 homes/cabins. According to Administrator's Memorandum # 22, the standard use for 70 homes is 0.38 cfs. Also, $0.5 \text{ acres} \times 70 \text{ homes} = 35 \text{ acres} \times 0.02 \text{ cfs} = 0.7 \text{ cfs}$ for lawns + 0.38 cfs = 1.08 cfs could be justified as proposed. Unfortunately, there are two wells that supply the domestic use that have a capacity of 49.5 gpm. Therefore, an instantaneous rate for the domestic use will be limited to 0.11 cfs as there is no proposal to upgrade the system.

Commercial use is outlined for a lodge and pool area. The application suggested a rate of 0.06 cfs and 3,600 gallons per day, but will be limited to 0.04 cfs and 2,500 gallons per day as described in Title 42-111(b).

The domestic system (two wells) runs to a 48,000 gallon holding tank and is a component of the diversion system. Therefore, uses do not need to be described as storage.

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34605

PARADISE HOMEOWNERS ASSN INC

2482 N PINE FEATHERVILLE RD

PINE, ID 83647

(2) Points of Diversion
L4(SENW) S33 T03N R10E
ELMORE County Source
GROUND WATER Tributary
SOUTH FORK BOISE RIVER

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

Use: DOMESTIC 01/01 to 12/31 0.11 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.19 CFS

Date Filed: 8/22/2018

Place Of Use: STOCKWATER, COMMERCIAL, DOMESTIC
T03N R10E S33 NWNE SWNE
L1(NENW) L4(SENW)

Water bearing zone to be appropriated is from 60 to 120 feet.

Domestic use is for 70 homes/ cabins and or yards in Wallis Carries Paradise subdivision and Paradise Pines subdivision.

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, please see www.idwr.idaho.gov/WaterManagement/WaterRights. 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 12/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,

Director

First Publication:

December 5, 2018

Second Publication:

December 12, 2018

AFFIDAVIT OF PUBLICATION

County of Elmore

State of Idaho

SS

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 5 day of Dec, 2018, and the last publication having been made on the 12 day of Dec, 2018; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Legal Clerk

Subscribed and sworn to me this 12th day of Dec 2018.

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.

RECEIVED

DEC 14 2018

WATER RESOURCES
WESTERN REGION

