

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 61-12336

Priority: January 30, 2019

Maximum Diversion Rate: 0.10 CFS

This is to certify that

STATE OF IDAHO MILITARY DIVISION
C/O JAMES COLE PACKWOOD
4040 W GUARD ST BLDG 600
BOISE ID 83705-5004

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

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.10 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼NW¼, Sec. 36, Twp 03S, Rge 03E, 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	
03S	03E	36					X												

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2019**.
2. Subject to all prior water rights.
3. Domestic use is for remote training campsite.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. 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.

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9. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 28th day of May, 2019.



Nick Miller
Manager, IDWR Western Region



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

61-12336

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.



- 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

May 28, 2019

STATE OF IDAHO
MILITARY DIVISION
C/O JAMES COLE PACKWOOD
4040 W GUARD ST BLDG 600
BOISE ID 83705-5004

RE: Permit No. 61-12336

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
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2019, I served a true and correct copy of Permit to Appropriate Water No. 61-12336 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO (Current Owner)
MILITARY DIVISION
C/O JAMES COLE PACKWOOD
4040 W GUARD ST BLDG 600
BOISE ID 83705-5004

SPF WATER ENGINEERING LLC (Representative)
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

WATER DISTRICT #161
NICK MILLER (Watermaster)
2735 AIRPORT WAY
BOISE ID 83705-5082



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.

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263982	0004087663	61-12336 STATE OF IDAHO MILITARY DIVISION	2336, 63-34647, 63-34659, 63-34	\$189.58	1	11.56 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / SOUTH
2735 WAIRPORT WAY
BOISE, ID 83705

61-12336

STATE OF IDAHO
MILITARY DIVISION
C/O JAMES COLE PACKWOOD
4040 W GUARD ST BLDG 600
BOISE, ID 83705-5004
Point of Diversion NENW S36
T03S R03E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to
12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 1/30/2019
Place Of Use: DOMESTIC
T03S R03E S36 NENW
63-34647

RYAN HEUSER
3072 N SUNNY MEADOW LN
EAGLE, ID 83616
Point of Diversion SESE S32
T05N R01E ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to
11/15 0.11 CFS
Total Diversion: 0.11 CFS
Date Filed: 12/6/2018
Place Of Use: IRRIGATION
T05N R01E S32 SESE
Total Acres: 5

Water bearing zone to be appro-
priated is from 200 to 500 feet.

63-34659

CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE, ID 83706-2898

Point of Diversion L3(NESW) S29
T03N R03E ADA County Source
GROUND WATER Tributary
BOISE RIVER
Point of Diversion L4(NWSW)
S29 T03N R03E ADA County
Source GROUND WATER Tribu-
tary BOISE RIVER

Use: IRRIGATION 03/01 to
11/15 0.96 CFS
Total Diversion: 0.96 CFS
Date Filed: 1/14/2019
Place Of Use: IRRIGATION
T03N R03E S29 L3(NESW)
L4(NWSW) SESW
Total Acres: 20

Mitigation is proposed for con-
sumptive use.

Water bearing zone to be appro-
priated is from 0 to number 120.
Application proposes 16 acres
of irrigation within the place of
use described. The proposed irri-
gation is for landscaping and
green space in the proposed Alta
Harris Park.

63-34665

Colson Family Revocable Trust
1124 S FIVE MILE RD
BOISE, ID 83706

RECEIVED

MAR 05 2019

WATER RESOURCES
WESTERN REGION

STEFANI BEARD, 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: 02/21/2019

Ending issue of: 02/28/2019

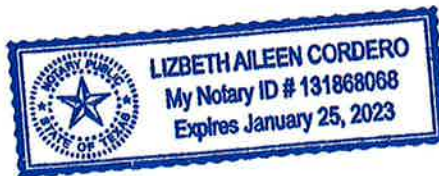
Stefani Beard
(Legals Clerk)

On this 1st day of March in the year of
2019 before me, a Notary Public,
personally appeared before me
Stefani Beard 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.

Lizbeth Aileen Cordero

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!



BOISE, ID 83709
Point of Diversion SWNE S15
T02N R01E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to
12/31 0.06 CFS
Use: IRRIGATION 03/01 to
11/15 0.3 CFS
Total Diversion: 0.36 CFS
Date Filed: 1/22/2019
Place Of Use: DOMESTIC, IRRIGATION
T02N R01E S15 SWNE
Total Acres: 15
Water bearing zone to be appropriated is from 100 to 300 feet.
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 3/11/2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 2/21/2019 and 2/28/2019

RECEIVED

MAR 05 2019

WATER RESOURCES
WESTERN REGION

0004087663-01