

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-23813

PRIORITY: March 16, 2001

Maximum Diversion Rate: 2.57 CFS
Maximum Diversion Volume: 367.0 AF

It is hereby certified that:

TAMARACK HOMEOWNERS ACQUISITION CO LLC 311 VILLAGE DR TAMARACK ID 83615-5014 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 16, 2001, and has submitted Proof of Beneficial Use on December 29, 2017. An examination confirms water is diverted from:

SOURCE:

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MUNICIPAL	01/01 to 12/31	2.57 CFS	367.0 AF

LOCATION OF POINT(S) OF DIVERSION:

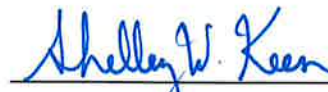
GROUND WATER L2(NW¼NE¼) Sec. 5, Twp 15N, Rge 03E, B.M. VALLEY County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the right holder's public water supply system. The place of use is generally located within Section 36, Township 16 North, Range 02 East, Sections 31 and 32, Township 16 North, Range 03 East, and Sections 5 and 8, Township 16 North, Range 03 East.
2. After specific notification by the Department, the right holder shall install a suitable measuring device to determine the amount of water diverted and shall annually report the information to the Department.
3. The right holder shall comply with the terms and conditions of the State Board of Land Commissioners' Commercial Lease M-5042, originally executed June 11, 2002, as amended, and as conditioned upon assignment, including specifically, but not limited to, Article VII of the Lease addressing water rights, and Article 3.f of the Assignment and Assumption Agreement of Commercial Lease No. M-5042 executed by the State Board of Land Commissioners on December 3, 2018, and as such instruments may hereafter be amended or superseded.
4. The right holder shall comply with the terms of the April 2002 Conservation Easement made and entered into between WestRock Associates, LLC and the Idaho Foundation for Parks and Lands.
5. The right holder shall comply with the requirements of the Wildlife Habitat Conservation Plan with any changes approved by the Idaho Department of Fish and Game, in particular as the Plan relates to the right holder's agreement to retain its appurtenant surface water rights.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 29th day of March, 2019.



SHELLEY W. KEEN
Water Allocation Bureau Chief

Attachment to Water Right License

65-23813

This map depicts the MUNICIPAL 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
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.425 0.85 1.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

March 29, 2019

TAMARACK HOMEOWNERS ACQUISITION CO LLC
311 VILLAGE DR
TAMARACK ID 83615-5014

RE: License No. 65-23813

Issuance of Revised License

Dear Water Right Holder(s):

The Department of Water Resources (IDWR) has enclosed a revised water right license for the water right no. referenced above. The revised license is a preliminary order issued by IDWR pursuant to Rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01). The revised water right license supersedes the license issued on March 20, 2019. If you disagree with this preliminary order, you can petition for reconsideration, request a hearing, or appeal to district court as further described in the enclosed information sheet.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4910.

Sincerely,

Shelley W. Keen
Water Allocation Bureau Chief

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2019, I served a true and correct copy of Water Right License No. 65-23813 by U.S. Mail, postage prepaid, to the following:

TAMARACK HOMEOWNERS ACQUISITION CO LLC
311 VILLAGE DR
TAMARACK ID 83615-5014

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720



Darla Block
Technical Records Specialist I

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.

Rauhut, Manuel

From: Rauhut, Manuel
Sent: Friday, March 29, 2019 2:22 PM
To: 'Michael P. Lawrence'
Subject: Tamarack 65-23813
Attachments: 2019-03-29 14-13.pdf

Mike –

Thanks for your diligent review of the licenses for Tamarack.

I apologize again for the mistake I made on the legal description for the Point of Diversion for license 65-23813.

I corrected the legal description to reflect the proper location (L2(NW¼NE¼) Sec. 5, Twp 15N, Rge 03E, B.M. VALLEY County).

Fortunately this mistake was noted within 14 days of issuance of the license, so we are able to revise the license without any other actions on your part.

The mail already went out for the day, but everything is ready to go to be mailed out on Monday April 1, 2019.

Please let me know if you have any questions.

Thanks,
Manuel

*Manuel Rauhut, PE
Staff Engineer
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4846 (office)*