

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34601

Priority: January 04, 2019

Maximum Diversion Rate: 0.21 CFS

This is to certify that

RICHARD & ODETTE MASKELL FAMILY TRUST 4336 N STAR VISTA LN EAGLE ID 83616

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>
IRRIGATION	03/01 to 11/15	0.15 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ NE¼, Sec. 33, Twp 05N, Rge 01E, 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	
05N	01E	33	5.0																5.0

Total Acres: 5.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	33	X																

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	
05N	01E	33	X																

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024**.
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. Water bearing zone to be appropriated is 200 to 400 feet.

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5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. 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.
7. 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.
8. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
9. Stockwater use is for 10 head horses, cattle, sheep.
10. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
11. 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 5th day of April, 2019.

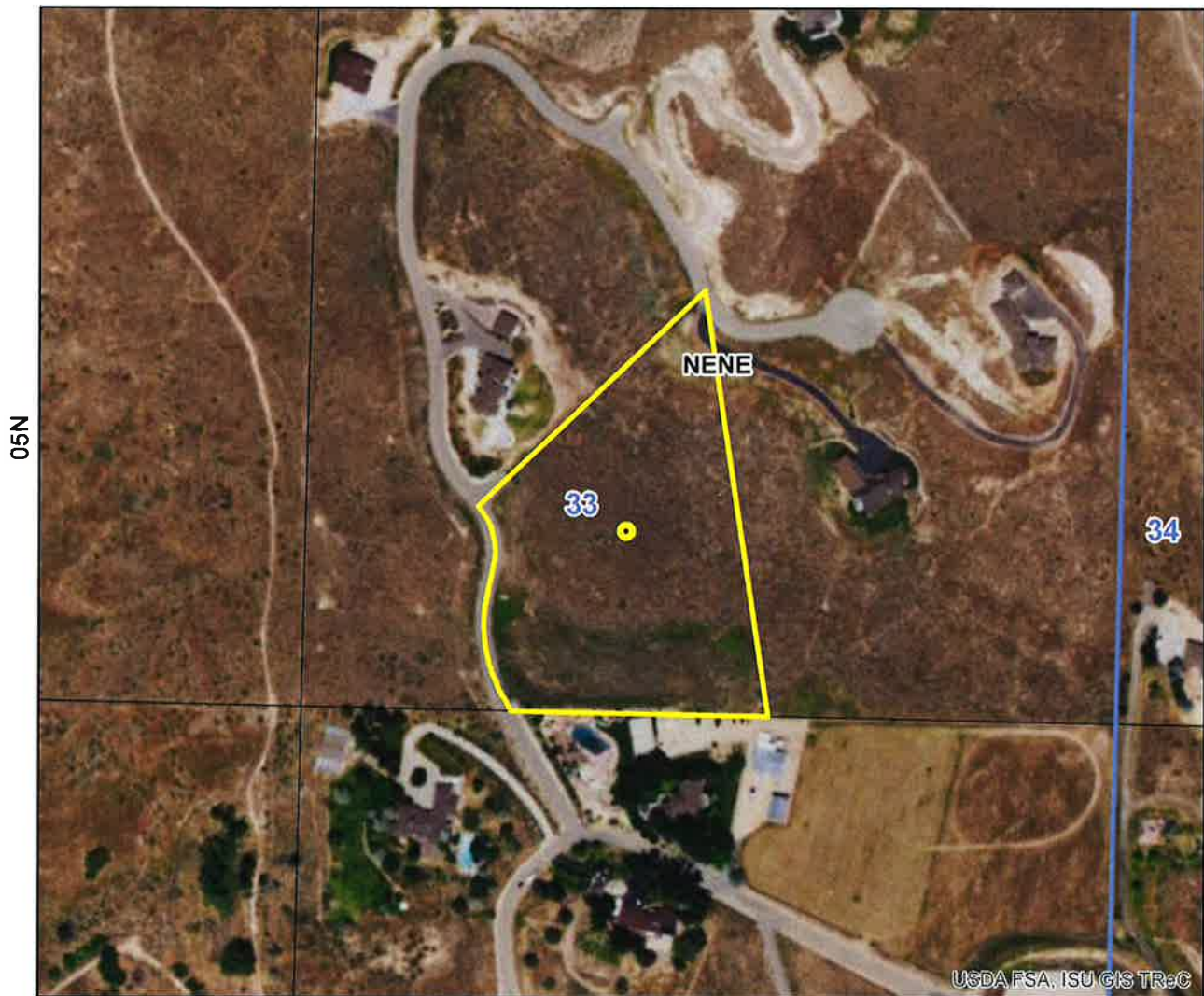


NICK MILLER
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34601

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.

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

Attachment to Permit to Appropriate Water

63-34601

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.

01E



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

0 0.035 0.07 0.14 Miles



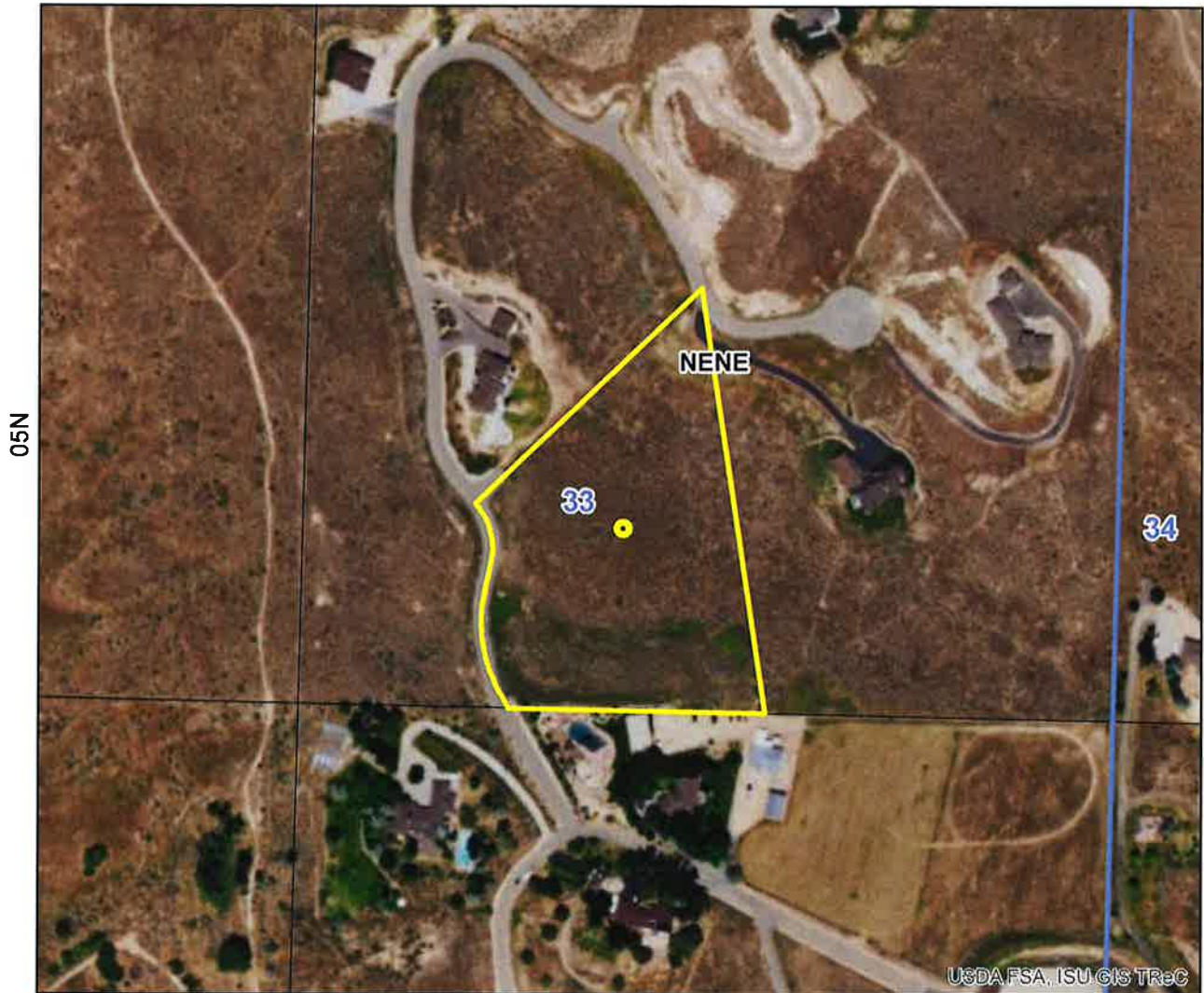
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34601

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



CONDITIONS OF APPROVAL
BLANK LINE = ADD INFO WHERE NEEDED
MODIFIED BY AB

APPLICATION #

8263663-34601

PROOF DUE DATE

4/1/2024

STANDARD

SPECIFIC

- | | | | |
|------|--|------------|--|
| ✓26A | commence within 1 year | ✓01M | possible measure/report |
| ✓046 | drilling permit req. wells (proposed & existing) | ✓R65 | 0.02 cfs/4.5 af storage <u>R69 0.03 cfs/4.5 af</u> |
| ✗004 | does not grant trespass <u>owns PO4 & POD</u> | ✗R05 | water district # = _____ |
| ✓X01 | domestic use, # homes <u>1</u> | ✗01J | watermaster, lock & measure |
| ✓X02 | stockwater use, type livestock/# <u>10 horses, cows, sheep</u> | ✗85 | 6/15 cutoff Bs 65 |
| ✓121 | future Lower Snake River flows | ✗086 & 087 | 6/15 cutoff Bs 67 |
| | | 065 | supplemental irrigation |
| | | 105 | supplemental irrigation |
| | | ✗WB7 | supplemental irrigation, total = _____ af |
| | | ✗943 | full use surface water GW supplemental irrigation |

OTHER CONDITIONS:

R69 0.03 cfs/ac01M132 domestic use930 WBZ165 seal well 200'

PERMIT COPY TO:



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

April 05, 2019

RICHARD & ODETTE MASKELL FAMILY TRUST
4336 N STAR VISTA LN
EAGLE ID 83616

RE: Permit Nos. 63-34601 & 63-34602

Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources ("Department") has issued the enclosed permits authorizing you to establish new water rights. Please be sure to thoroughly review all the conditions of approval listed on your permits. 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.

Each 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 each 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 each 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 Kaiser

For Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 05, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34601 & 63-34602 by U.S. Mail, postage prepaid, to the following:

RICHARD & ODETTE MASKELL FAMILY TRUST (Current Owner)
4336 N STAR VISTA LN
EAGLE ID 83616

PATRICK THACKER (Representative)
1033 W NEWFIELD DR
EAGLE ID 83616-6452

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', is written over a horizontal line.

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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0004068373	The following applications have been filed to appropriate the public waters of the State of Idaho:	legal notices	\$555.28	2	183

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:

63-34601
RICHARD & ODETTE MASKELL FAMILY TRUST
4336 N STAR VISTA LN
EAGLE, ID 83616
Point of Diversion NENE S33 T05N R01E ADA County Source
GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.21 CFS

Date Filed: 8/16/2018

Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER

T05N R01E S33 NENE

Total Acres: 5

Domestic use is for one home in Lot 7 Block 1 of Starview Estates

Subdivision.

Water bearing zone to be appropriated is from 200 to 400 feet.

63-34602

RICHARD & ODETTE MASKELL FAMILY TRUST

4336 N STAR VISTA LN

EAGLE, ID 83616

Point of Diversion NENE S33 T05N R01E ADA County Source

GROUND WATER

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

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

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

Total Diversion: 0.21 CFS

Date Filed: 8/16/2018

Place Of Use: STOCKWATER, DOMESTIC, IRRIGATION

T05N R01E S33 NENE

Total Acres: 5

Domestic use is for 1 home in Lot 6 Block 1 of Starview Estates Sub-

division.

Water bearing zone to be appropriated is from 200 to 400 feet.

63-34628

KNIFE RIVER

5450 W GOWEN RD

BOISE, ID 83709

Point of Diversion L7(SESE) S27 T02N R03E ADA County Source

GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 10/23/2018

Place Of Use: COMMERCIAL

T02N R03E S27 L3(NESE) NWSE L6(SWSE) L7(SESE)

Water bearing zone to be appropriated is from 500 to 1000 feet.

63-34648

ROSELANDS 345 LLC

1950 S CHANNEL WAY

EAGLE, ID 83616

Point of Diversion SESE S31 T05N R01W ADA County Source

GROUND WATER

Point of Diversion SWSW S32 T05N R01W ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.11 CFS

Total Diversion: 1.11 CFS

Date Filed: 12/12/2018

Place Of Use: IRRIGATION

T05N R01W S31 SESE

T05N R01W S32 NWSW SWSW

Total Acres: 84

Water bearing zone to be appropriated is from 200 to 1,000 feet.

63-34614

MICRON TECHNOLOGY INC

PO BOX 6

BOISE, ID 83706

Point of Diversion L8(NWNE) S4 T02N R03E ADA County Source

BOISE RIVER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 12 CFS

Use: INDUSTRIAL 01/01 to 12/31 5 CFS

Total Diversion: 12 CFS

Date Filed: 9/13/2018

Place Of Use: INDUSTRIAL, GROUND WATER RECHARGE

T02N R03E S6 NESW L6(NWSW) L7(SWSW) SESW NESE

NWSE SWSE SESE

T02N R03E S7 NENE NWNE SWNE SENE NENW L1(NWNW)

L2(SWNW) SENW NESW SESW NESE NWSE SWSE SESE

T02N R03E S8 SWNW NWSW SWSW

T02N R03E S18 NWNE

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: 02/07/2019

Ending issue of: 02/14/2019

V. Rodela

(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 14th day of February 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.

Victoria Rodela



Ground water recharge is to mitigate the effects of ground water diversions under associated water right application no. 63-34615.

63-34615

MICRON TECHNOLOGY INC

PO BOX 6

BOISE, ID 83706

Point of Diversion NWSW S8 T02N R03E ADA County Source
GROUND WATER

Point of Diversion SWNE S7 T02N R03E ADA County Source
GROUND WATER

Point of Diversion L2(SWNW) S7 T02N R03E ADA County Source
GROUND WATER

Point of Diversion L3(NESW) S7 T02N R03E ADA County Source
GROUND WATER

Point of Diversion SWSE S7 T02N R03E ADA County Source
GROUND WATER

Point of Diversion SESE S7 T02N R03E ADA County Source
GROUND WATER

Point of Diversion SESW S6 T02N R03E ADA County Source
GROUND WATER

Point of Diversion SWNW S8 T02N R03E ADA County Source
GROUND WATER

Use: INDUSTRIAL 01/01 to 12/31 10 CFS

Total Diversion: 10 CFS

Date Filed: 9/13/2018

Place Of Use: INDUSTRIAL

T02N R03E S6 NESW L6(NWSW) L7(SWSW) SESW NESE
NWSE SWSE SESE

T02N R03E S7 NENE NWNE SWNE SENE NENW L1(NWNW)
L2(SWNW) SENW NESW SESW NESE NWSE SWSE SESE

T02N R03E S8 SWNW NWSW SWSW

T02N R03E S18 NWNE

Water bearing zone to be appropriated is from 600 to 1200 feet.

Mitigation is proposed for consumptive use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82710

MICRON TECHNOLOGY INC, PO BOX 6, BOISE, ID 83706; has filed Application No. 82710 for changes to the following water rights within ADA County(s): Right No(s). 63-10208, 63-11293, 63-12420, 63-31183, 63-8992, 63-9029, 63-9357; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of this transfer is to define a common place of use for all of the water rights included to reflect an integrated system. The applicant also proposes to update the points of diversion for all ground water rights in the transfer to reflect 4 current wells and two proposed wells. Water will be used at the Micron facility just east of Interstate 84 and south of Highway 21, approximately 7.3 miles southeast of downtown Boise.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81844

CITY OF KUNA, PO BOX 13, KUNA, ID 83634-0013; has filed Application No. 81844 for changes to the following water rights within ADA County(s): Right No(s). 63-3266, 63-8215, 63-11970, 63-12394, 63-12552, 63-31481; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to add the existing wells as points of diversion to all of the City of Kuna's municipal water rights. This will allow the City to divert water as authorized by these six rights from all the wells tied in to the municipal water system. Two additional wells are proposed to be drilled on either one or two of the following 3 quarter-quarter sections: SWNW and SENW of section 22 T02N R01E, and SESW of section 15 T02N R01E. To clarify, it is possible that both wells may be drilled in the same quarter-quarter section, or that one well will be drilled on each of two of the listed quarter-quarter sections.

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 transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. 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 02/25/2019. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director Published on 2/7/2019 and 2/14/2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81844

CITY OF KUNA, PO BOX 13, KUNA, ID 83634-0013; has filed Application No. 81844 for changes to the following water rights within ADA County(s): Right No(s). 63-3266, 63-8215, 63-11970, 63-12394, 63-12552, 63-31481; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to add the existing wells as points of diversion to all of the City of Kuna's municipal water rights. This will allow the City to divert water as authorized by these six rights from all the wells tied in to the municipal water system. Two additional wells are proposed to be drilled on either one or two of the following 3 quarter-quarter sections: SWNW and SENW of section 22 T02N R01E, and SESW of section 15 T02N R01E. To clarify, it is possible that both wells may be drilled in the same quarter-quarter section, or that one well will be drilled on each of two of the listed quarter-quarter sections.

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