

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34496

Priority: January 25, 2018

Maximum Diversion Rate: 0.07 CFS

This is to certify that

JOE M BROWN 5899 W HOLLILYNN DR BOISE ID 83709
PAULA JO BROWN 5899 W HOLLILYNN DR BOISE ID 83709

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	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 7, Twp 02N, Rge 02E, 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	
02N	02E	7													1.0				1.0

Total Acres: 1.0

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	
02N	02E	7													X				

Conditions of Approval

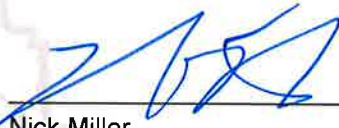
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2024**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
4. This right when combined with all other rights shall 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.
5. 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.

State of Idaho
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6. 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.
7. Point of diversion and place of use are located within Lots 9 and 10, Blk. 2, Calderon Estates Subdivision.

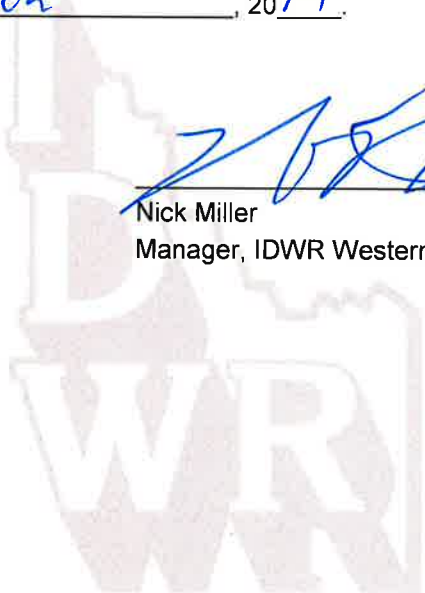
This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 19th day of March, 2019.



Nick Miller

Manager, IDWR Western Region



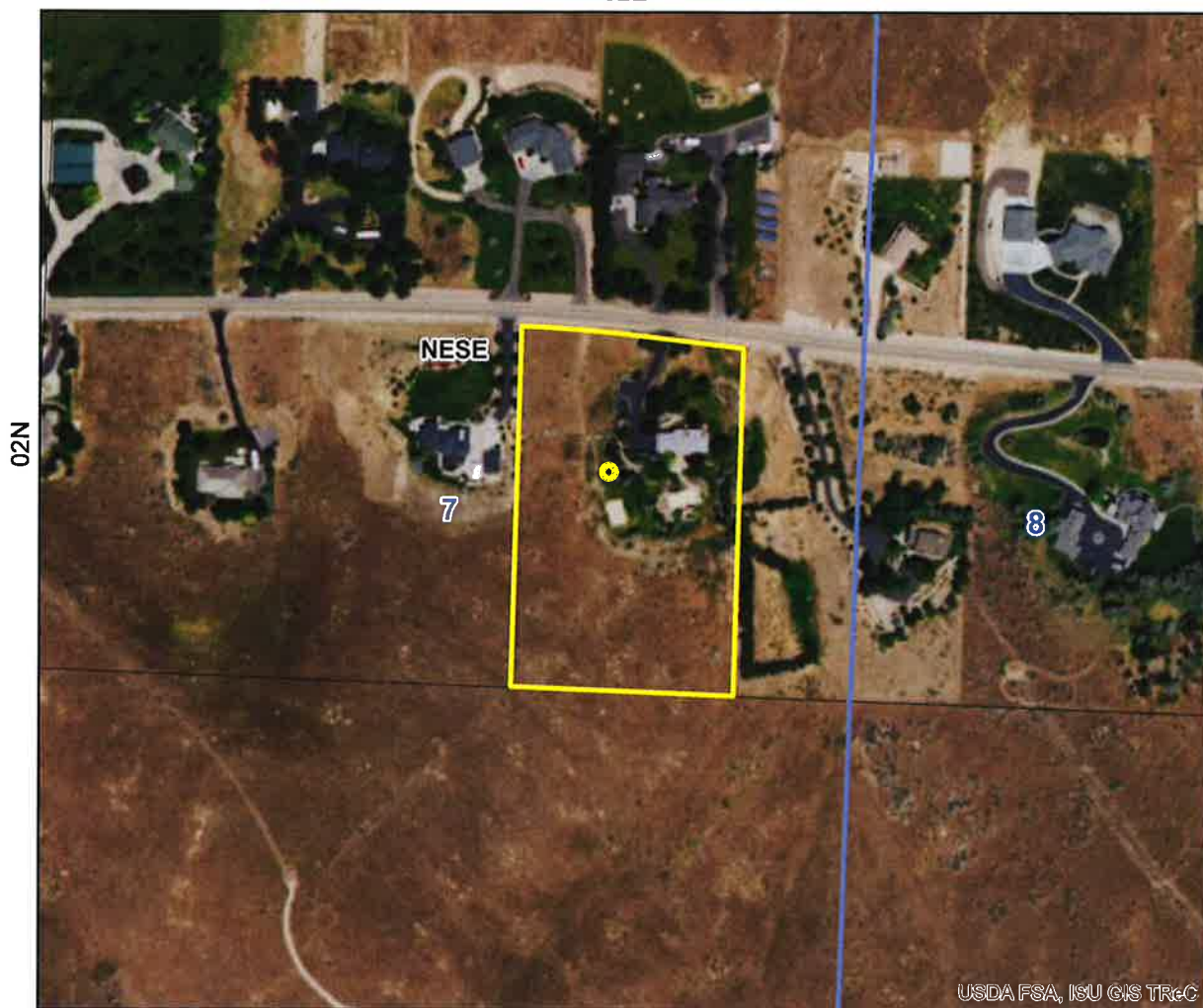
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34496

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.

02E



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

0 0.035 0.07 0.14 Miles



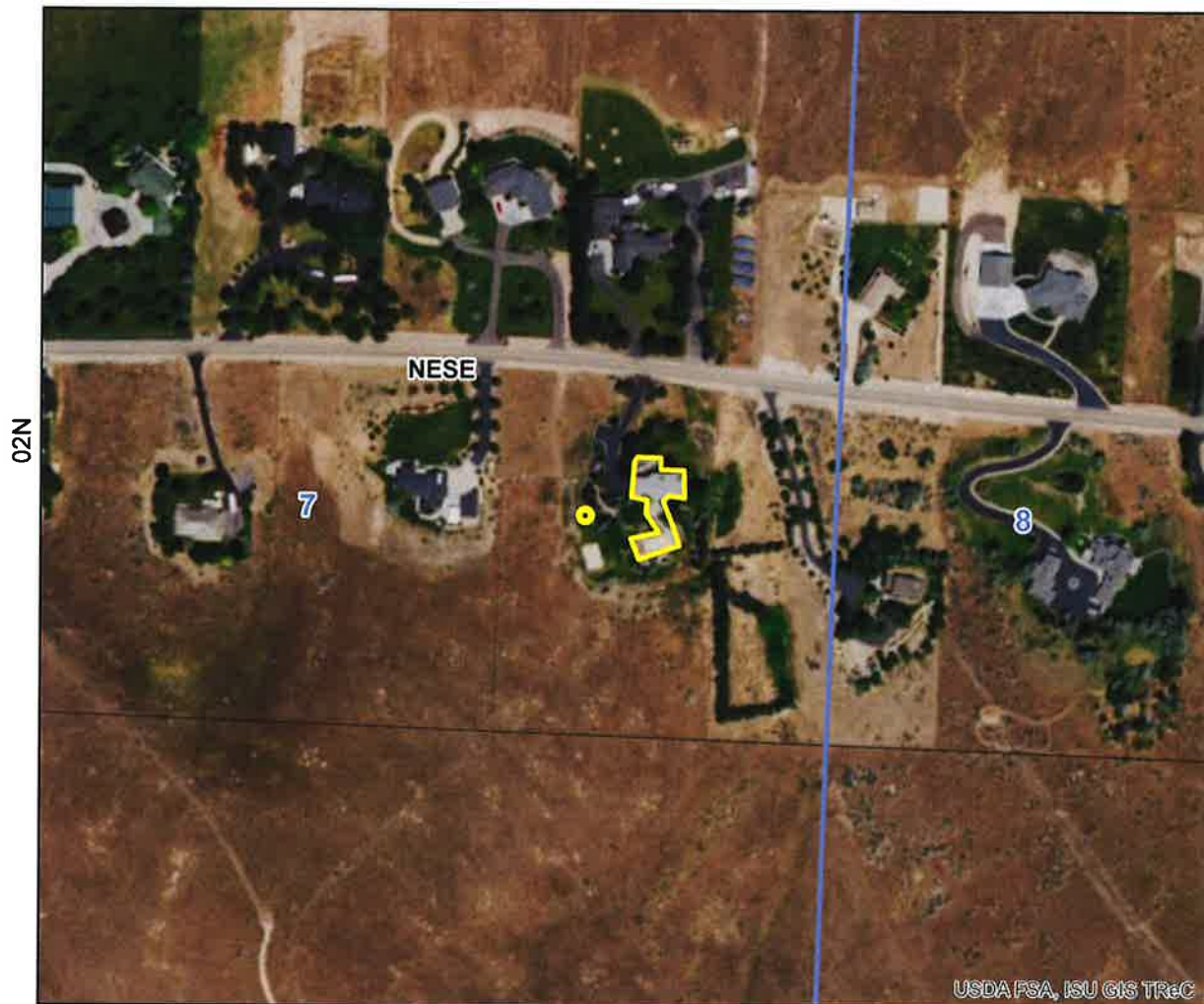
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34496

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.

02E



-  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

March 19, 2019

PAULA JO BROWN
JOE M BROWN
5899 W HOLLILYNN DR
BOISE ID 83709

RE: Permit No. 63-34496

Permit Approval Notice

Dear Permit Holders:

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 Kaiser

For

Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34496 by U.S. Mail, postage prepaid, to the following:

PAULA JO BROWN (Current Owner)
JOE M BROWN (Current Owner)
5899 W HOLLILYNN DR
BOISE ID 83709



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.

Miller, Nick

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/FW/A7I <paula.brown.2@us.af.mil>
Sent: Friday, March 15, 2019 8:59 AM
To: Miller, Nick
Cc: Parker, Cody; brownjoem17@gmail.com
Subject: RE: Water Right Application
Signed By: paula.brown.2@us.af.mil

Good morning, Mr. Miller –

Thank you for your reply. To confirm, our intent was/is not to irrigate our full parcel. Our intent is to only irrigate the area around our home and have the native vegetation equipped with a sprinkler system that we can use to fight or repel an existing fire (fire suppression). We only plan to use the water for uses associated with our home (including irrigating up to about an acre).

I appreciate your time in this matter and look forward to the next step in the process. Please let us know what we do from here.

v/r

Paula Jo (PJ) Brown

Division Chief, Installation Management
Deputy Director, A6/7
366 FW/A7I
MHAFB, ID
DSN 728-8541
Comm (208) 828-8541

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Thursday, March 14, 2019 6:44 PM
To: BROWN, PAULA J CIV USAF ACC 366 A6 7/FW/A7I <paula.brown.2@us.af.mil>
Cc: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: [Non-DoD Source] RE: Water Right Application

Hi Ms. Brown,

I have looked through your application and I think we can move it forward, but I'd like some clarification on what you intend to do with the "native vegetation". I ask because the application proposes irrigating the full 4.7 acres (the size of the lot). If you will be irrigating several acres, then it might take a bit longer to process your application and any approval would likely be conditioned to require some level of water use measurement and annual reporting. However, if your actual proposed use of water is significantly smaller – if you plan only to use the water for uses associated with your home (including irrigating up to about an acre) – then we can likely approve your application for permit immediately and without any requirement to measure or report usage. So, my question is, do you intend to actually irrigate the "native vegetation" or is your intent only to have the native vegetation equipped with a sprinkler system that you only intend to run "to fight or repel an existing fire"? If your intent is only to have the sprinkler system in place so you are capable of wetting the area down only at the time of an actual fire, then your application could be for a considerably smaller amount of irrigation and you could avoid a need to measure and report.

Based on the aerial imagery I have, it looks like you are currently irrigating around an acre of "greenery". So, I think if you do not plan to actually irrigate more than you have in the past, we could approve your application for one acre without the need for special conditions.

Please let me know whether you intend to irrigate the full parcel, or if you think your actual irrigation will be somewhat less and we'll proceed accordingly. If you have further questions, feel free to call or write me back.

I look forward to hearing from you.

Nick Miller
Manager IDWR Western Region
208-334-2190

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/FW/A7I [<mailto:paula.brown.2@us.af.mil>]
Sent: Thursday, March 14, 2019 4:19 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: Water Right Application

Thank you.

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Wednesday, March 13, 2019 9:29 AM
To: BROWN, PAULA J CIV USAF ACC 366 A6 7/FW/A7I <paula.brown.2@us.af.mil>
Subject: [Non-DoD Source] RE: Water Right Application

Hi Ms. Brown,

I apologize for not responding sooner. I will review your file and let you know either later today or tomorrow where we stand on moving your application along.

Nick.

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/FW/A7I [<mailto:paula.brown.2@us.af.mil>]
Sent: Friday, March 08, 2019 2:05 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: RE: Water Right Application

Sir –

I'm checking in again, hoping to find out if you have any information you can provide or can point me in another directions.

v/r
PJ Brown

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I
Sent: Tuesday, March 5, 2019 3:43 PM
To: 'nick.miller@idwr.idaho.gov' <nick.miller@idwr.idaho.gov>
Subject: FW: Water Right Application

Mr. Miller –

I previously worked with Mr. Cody Parker concerning our water application. We submitted in Jan/Feb 2018, it was placed in a "hold" status until we requested the public notice be advertised in December. There were no comments/objections received, so we are hoping that the application was/is moving forward. However, every time I inquire with Cody, he doesn't have any information to give me regarding the new policy (forthcoming). He recommended that I contact you.

Do you have the status on the new policy and/or information that will help me understand the status of our application?

Thank you for your time.

Paula Jo (PJ) Brown

Deputy Director, A6/7
366 FW/A7I
MHAFB, ID
DSN 728-8541
Comm (208) 828-8541

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I
Sent: Thursday, February 28, 2019 12:17 PM
To: 'Parker, Cody' <Cody.Parker@idwr.idaho.gov>
Subject: RE: Water Right Application

Will do. Thanks. PJ

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Thursday, February 28, 2019 11:38 AM
To: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I <paula.brown.2@us.af.mil>
Subject: [Non-DoD Source] RE: Water Right Application

I had not sent a response yet, but I haven't forgotten about you. I haven't been able to get an answer so far. I think if you emailed our Western Region manager directly you may get an answer faster. His email address is nick.miller@idwr.idaho.gov

Cody

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I [<mailto:paula.brown.2@us.af.mil>]
Sent: Thursday, February 28, 2019 11:30 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: RE: Water Right Application

Cody –

Have you heard anything yet? If you sent something back, I have not received. We have been having server problems recently.

PJ

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I
Sent: Friday, February 22, 2019 7:07 AM

To: 'Parker, Cody' <Cody.Parker@idwr.idaho.gov>

Subject: RE: Water Right Application

Good morning, Cody –

I'm just checking back in as your email indicated... any news yet?

Thanks

PJ

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Sent: Friday, February 15, 2019 4:20 PM

To: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I <paula.brown.2@us.af.mil>

Subject: [Non-DoD Source] RE: Water Right Application

I just spoke with my supervisor today. He is trying to get a hold of what the work load is for the region then he plans to share where we are on the new policy afterward (beginning of next week)? I don't know what the hold up is at the moment, last I heard we were really close? We have had a lot of personnel change at this region lately so that may have something to do with it. Please check back in with me by Wednesday of next week I am certain to have some answer for you by then. I apologize for the inconvenience.

Thanks

Cody Parker

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I [<mailto:paula.brown.2@us.af.mil>]

Sent: Friday, February 15, 2019 1:59 PM

To: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Subject: RE: Water Right Application

Hi Cody... were you able to speak with your leadership this week? If not, can you share what the draft guidance of late has been?

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Sent: Wednesday, February 13, 2019 7:52 AM

To: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I <paula.brown.2@us.af.mil>

Subject: [Non-DoD Source] RE: Water Right Application

Mrs. Brown,

So sorry to keep you waiting, I haven't had the chance to check in with my superiors. I will make sure to get you an answer by the end of the day.

Best,

Cody Parker

Water Resource Agent

IDWR Western Region

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I [<mailto:paula.brown.2@us.af.mil>]
Sent: Wednesday, February 13, 2019 7:24 AM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Cc: brownjoem17@gmail.com
Subject: RE: Water Right Application

Cody –

Checking in again on the status; anything new?

Thanks.

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I
Sent: Tuesday, February 5, 2019 10:03 AM
To: 'Parker, Cody' <Cody.Parker@idwr.idaho.gov>
Cc: 'brownjoem17@gmail.com' <brownjoem17@gmail.com>
Subject: RE: Water Right Application

Hi Cody –

We are just checking in with you on the status of our water rights application since the public notice/advertisement ended in December. Any headway with the new policy?

Thanks.

Paula Jo (PJ) Brown

Division Chief, Installation Management
Deputy Director, A6/7
366 FW/A7I
MHAFB, ID
DSN 728-8541
Comm (208) 828-8541

From: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I
Sent: Tuesday, December 11, 2018 7:24 AM
To: 'Parker, Cody' <Cody.Parker@idwr.idaho.gov>
Cc: brownjoem17@gmail.com
Subject: RE: Water Right Application

Cody –

Thank you for your assistance. Let us know if anything else needs our attention.

v/r

Paula Jo (PJ) Brown

Division Chief, Installation Management
Deputy Director, A6/7
366 FW/A7I
MHAFB, ID
DSN 728-8541

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Sent: Monday, December 10, 2018 8:09 AM

To: BROWN, PAULA J CIV USAF ACC 366 A6 7/A7I <paula.brown.2@us.af.mil>; brownjoem17@gmail.com

Subject: [Non-DoD Source] Water Right Application

Hey guys,

Attached is the amended form to sign for your water right application. The only thing that changed is the legal description of the irrigated acres. I need both of you to sign then scan and send back to me. Once I get the scanned form I can send this over to advertising. Please let me know if you have any questions. Thanks in advance for your help.

Best

Cody Parker
Water Resource Agent
IDWR Western Region

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0004000058	The following applications have been filed to appr	LEGAL NOTICE	\$168.20	1	104

Attention: Anna.Kaiser@idwr.idaho.gov

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:

63-34496
JOE M BROWN
PAULA JO BROWN
5899 W HOLLILYNN DR
BOISE, ID 83709
Point of Diversion NESE S7
T02N R02E ADA County Source
GROUND WATER
Use: DOMESTIC01/01 to
12/310.04 CFS
Use: IRRIGATION03/01 to
11/150.14 CFS
Total Diversion:0.18 CFS
Date Filed: 1/25/2018
Place Of Use: IRRIGATION, DOMESTIC
T02N R02E S7NESE
Total Acres: 4.7
Water bearing zone to be appropriated is from 427 to 441 feet.

63-34571
WEST ADA SCHOOL DISTRICT
C/O SPENCER MCLEAN
1303 E CENTRAL DR
MERIDIAN, ID 83642-7991
Point of Diversion NWSE S32
T04N R01W ADA County Source
GROUND WATER
Use: IRRIGATION03/01 to
11/150.84 CFS
Total Diversion:0.84 CFS
Date Filed: 7/18/2018
Place Of Use: IRRIGATION
T04N R01W S32SWNE NWSE
SWSE
Total Acres: 78
Water bearing zone to be appropriated is from 75 to 205 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82478

WEST ADA SCHOOL DISTRICT, C/O SPENCER MCLEAN 1303 E CENTRAL DR, MERIDIAN, ID 83642-7991; has filed Application No. 82478 for changes to the following water rights within ADA County(s): Right Not(s). 63-11629; 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 the transfer is to consolidate irrigated acreage and create a permissible place of use. The right will be limited to 42 acres of irrigation within a 78 acre area. Water will be used north of Ustick Road between McDermott Road and Star Road in Ada County.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Re-

*Joe M BROWN
1/15/2019*

*West ADA School District
1/15/2019*

*NOTICE OF PROPOSED CHANGE OF WATER RIGHT
1/15/2019*

, 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: 12/20/2018

Ending issue of: 12/27/2018

[Signature]
(Legals Clerk)

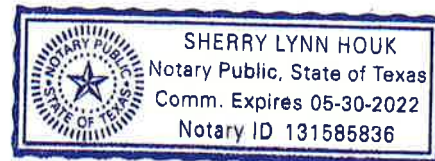
STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 28th day of December in the year of 2018 before me, a Notary Public, personally appeared before me 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]



RECEIVED

JAN 14 2019

WATER RESOURCES
WESTERN REGION

gion, 2735 W AIRPORT WAY,
BOISE ID 83705-5082 together
with a protest fee of \$25.00 for
each application on or before
1/7/2019. The protestant must
also send a copy of the protest
to the applicant.
GARY SPACKMAN, Director
Published on 12/20/2018 and
12/27/2018

0004000058-01