

Maximum Diversion Rate: 0.08 CFS

has applied for a permit to appropriate water from:

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.08 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.08 CFS	
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
AESTHETIC STORAGE	01/01 to 12/31		3.0 AF
RECREATION STORAGE	01/01 to 12/31		3.0 AF
IRRIGATION STORAGE	01/01 to 12/31		19.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		19.0 AF

GROUND WATER NE¼NE¼ Sec. 36, Twp 05N, Rge 01W, B.M. ADA County

[illegible]

PLACE OF USE: WILDLIFE STORAGE

[illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34500

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 01W 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X			X													

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 01W 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X			X													

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 01W 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X			X													

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 01W 36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	3.1			0.7													3.8

Total Acres: 3.8

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2023**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 2.0 acre-feet or a total surface area of 0.3 acre(s).
4. This right authorizes the storage of an annual total of 20.0 acre-feet, comprised of 2.0 acre-feet to be used for the initial filling or carryover storage of the pond, 1.0 acre-feet for the replacement of losses due to seepage and evaporation, and up to 17.0 acre-feet for additional refills for irrigation from storage use.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 17.1 af at the field headgate for the place of use.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34500

6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
7. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
9. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, any replacement well or additional 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. Water bearing zone to be appropriated is 203 to 224 feet.
12. Place of use and point of diversion are located within Lot 15, Blk. 2, Buckhorn Estates Subdivision No. 03.
13. 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.
14. 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 Section 42-204, Idaho Code.

Signed this 7th day of June, 2018.



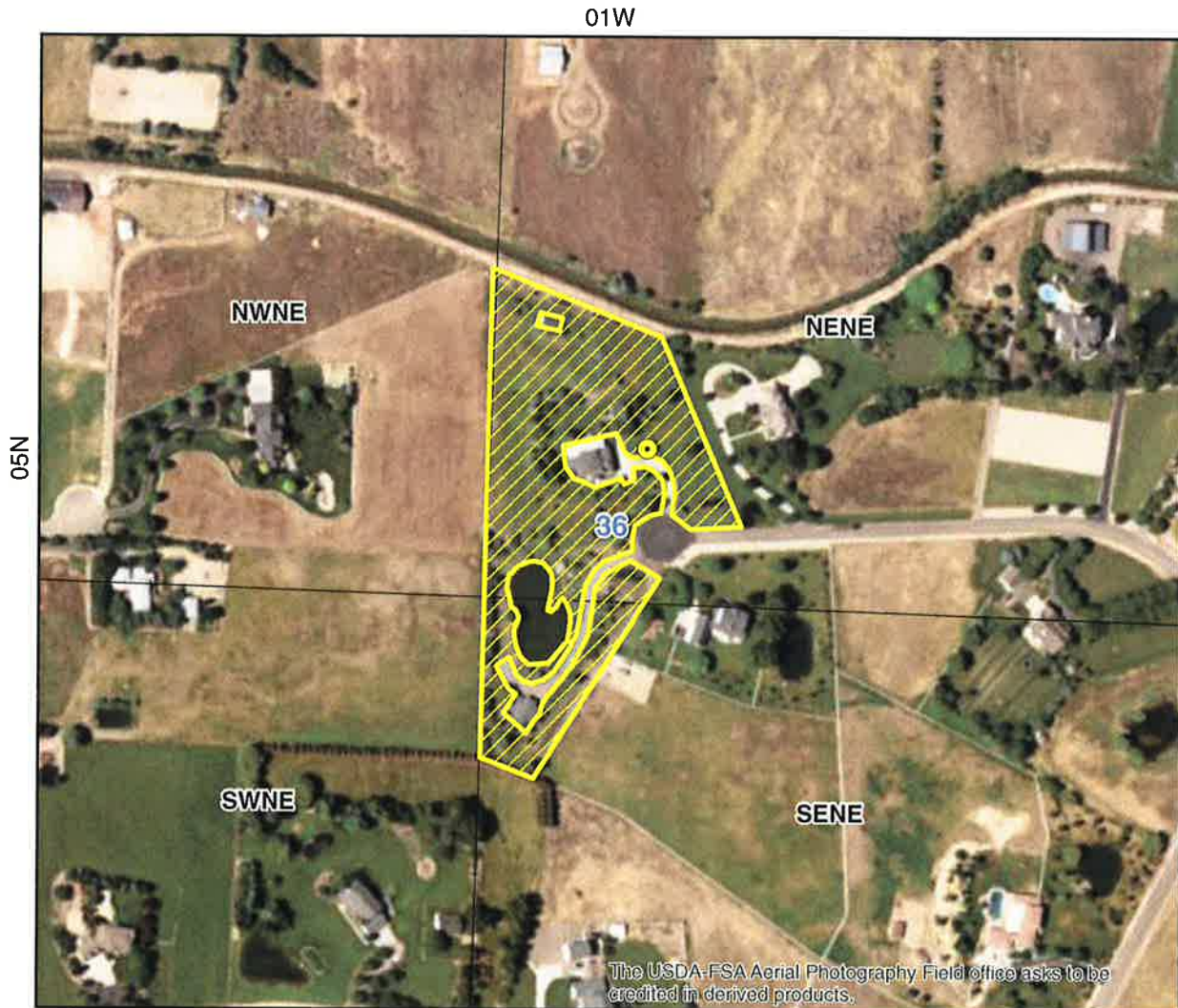
Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34500

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE 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

0 0.035 0.07 0.14 Miles

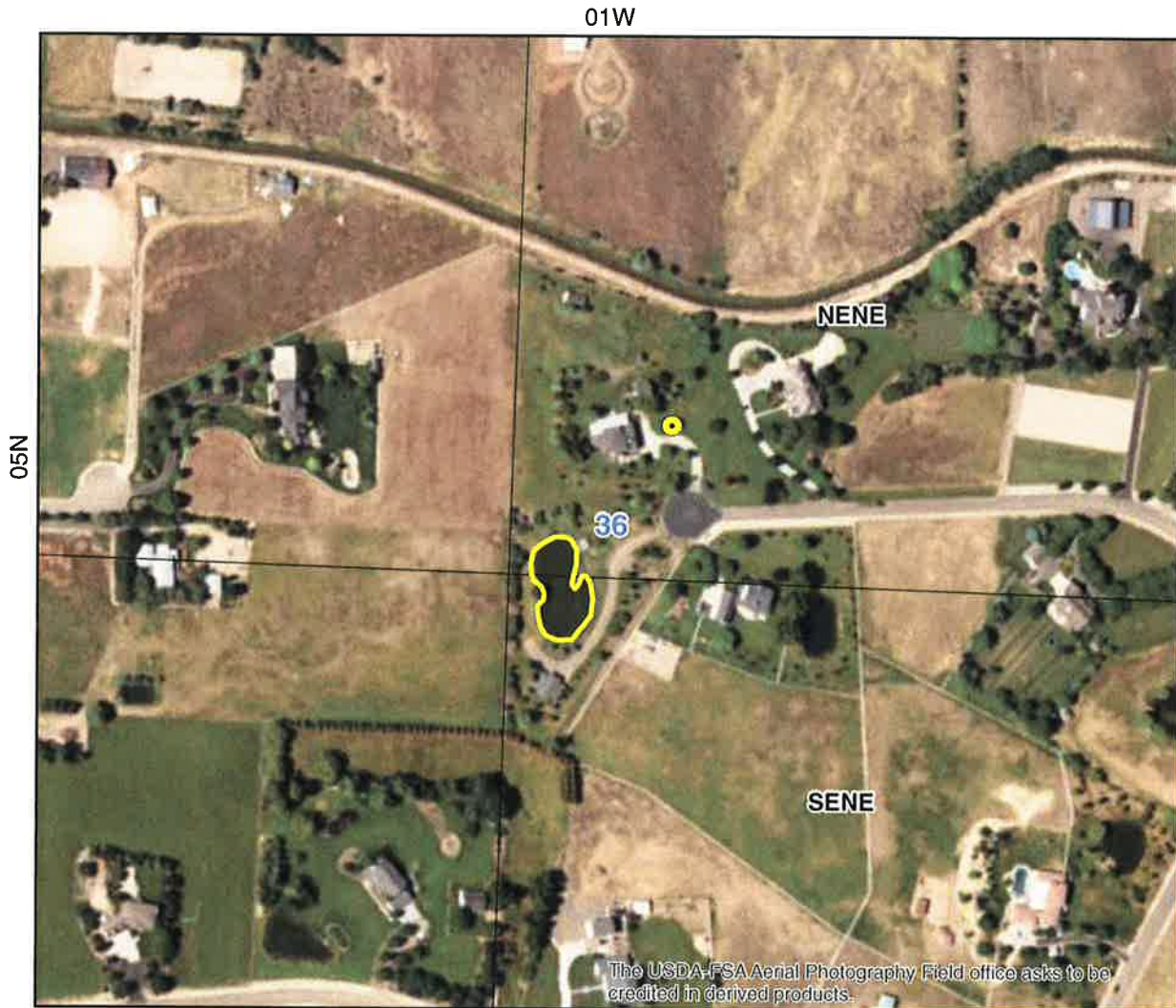


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34500

This map depicts the WILDLIFE STORAGE, IRRIGATION STORAGE, RECREATION STORAGE, and AESTHETIC STORAGE 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

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

June 07, 2018

VICTOR U HOFSTETTER
DANA L HOFSTETTER
4494 N CROFT PL
EAGLE ID 83616

RE: Permit No. 63-34500

Permit Approval Notice

Dear Permit Holder(s):

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,

 Rachel Neely for.

Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 07, 2018, I served a true and correct copy of Permit to Appropriate Water No. 63-34500 by U.S. Mail, postage prepaid, to the following:

VICTOR U HOFSTETTER (Current Owners)
DANA L HOFSTETTER
4494 N CROFT PL
EAGLE ID 83616

ERO RESOURCES CORP (Representative)
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617



Rachel Neely
Administrative Assistant 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.

MEMORANDUM

Date: May 22, 2018
To: Water Right File 63-34500
From: agrimm
Re: Well Upgrade Fee Paid

Well upgrade fee received (receipt no. W046336) for domestic well to be used as point of diversion for this irrigation, wildlife storage, and aesthetic storage water right permit. Proposed point of diversion is Well ID 296805 drilled on 7/24/97 for Alan Armstrong. Well GIS record not correlated to water permit point of diversion GIS record at time of permitting, because well record must be corrected from SENW to NENE in workflow. Request made with well construction staff. Licensing staff should correlate GIS records at time of licensing.

Parker, Cody

From: Dave Shaw <dshaw@eroresources.com>
Sent: Wednesday, May 09, 2018 12:35 PM
To: Parker, Cody
Cc: Dana Hofstetter (DHofstetter@hawleytroxell.com)
Subject: RE: Application 63-34500 for Hofstetter

Cody,

The wildlife use of the pond will continue to support fish that currently live in the pond as well as migratory water fowl that use the pond for resting and nesting adjacent to the pond. The recreation use will include a floating dock that can support swimming and floating with a small boat. Finally, aesthetics uses include appearance of the property and a small waterfall is planned that will discharge into the pond.

Please let me know if you need additional information or if you need this information in the form of a letter for the file. Thank you for your work to process this application,
Dave

David Shaw

ERO Resources Corporation

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Wednesday, May 9, 2018 8:15 AM
To: Dave Shaw <dshaw@eroresources.com>
Subject: Application 63-34500 for Hofstetter

Mr. Shaw,

The Hofstetter application has been advertised and is almost ready to be approved. There is just one final matter that needs to be clarified for the file before an approval can be sent out. Can you write back explaining what the Aesthetic, Wildlife, and Recreation Storage uses are meant to cover (e.g. Wildlife storage for migratory bird habitat)? Once I get that documented in the file, the approval can be sent out.

Thanks,

Cody Parker
Water Resource Agent
IDWR Western Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2018

VICTOR & DANA HOFSTETTER
4494 N. CROFT PLACE
EAGLE ID 83616

RE: Water right application no. 63-34500 and well drilling fee upgrade

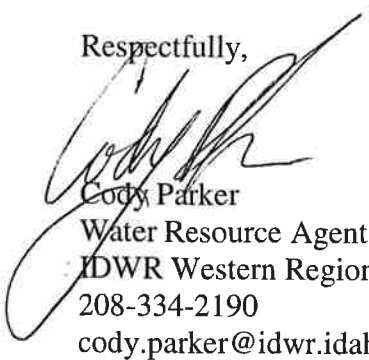
Dear applicants,

Your recent water right application proposes the use of groundwater from an existing well. All wells drilled in Idaho after June 30, 1987 require well drilling permits. According to the records of Idaho Dept. of Water Resources (IDWR), your well was drilled in 1997 under a \$75 domestic well drilling permit. A \$75 drilling permit covers a single-family type domestic well that typically does not require water right approval from IDWR. However, the proposed use from your well *does* require water right approval.

The drilling permit fee for a well requiring a water right is \$200 rather than \$75. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances. **Please remit \$125 to upgrade your well drilling permit within the next thirty (30) days to facilitate processing of your water right application.**

IDWR forms and other information can be found online at www.idwr.idaho.gov. Please contact me at 208-334-2190 with any questions. Thank you for your time.

Respectfully,



Cody Parker
Water Resource Agent
IDWR Western Region
208-334-2190
cody.parker@idwr.idaho.gov

MEMORANDUM

Date: April 25, 2018
To: Water Right File 63-34500
From: cparker
Re: Pond Volume

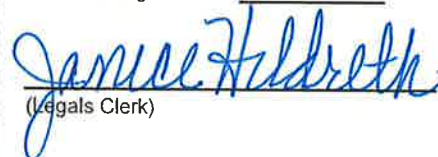
The total pond volume listed on the permit is 20 afa. The pond capacity is 2.0 af according to the application. The 3.0 af listed for the the Aesthetic, Recreation, and Wildlife Storage components includes the pond capacity and an addition 1 af to cover seepage and evaporative losses during the non-irrigation season; the pond losses are borne by surface water during the irrigation season. According to the representative, seepage losses during the non-irrigation were assumed to be minimal because the pond has supported fish during the non-irrigation season. Evaporation losses during the non-irrigation months are negligible. The permit holder can use and refill the pond up to 19 afa total for irrigation. The 1 afa difference is the water not available for irrigation because it is lost to seepage.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003595014	LEGAL NOTICE The following applications have	Leak	\$524.00	5	63

Attention: RACHEL NEELYIDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082**RECEIVED**
APR 16 2018
WATER RESOURCES
WESTERN REGION

JANICE HILDRETH, 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 InsertionsBeginning issue of: 04/05/2018Ending issue of: 04/12/2018
(Legals Clerk)

STATE OF IDAHO)

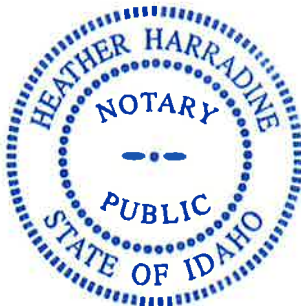
.SS

COUNTY OF ADA)

On this 13th day of April in the year of 2018 before me, a Notary Public, personally appeared before me Janice Hildreth 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.

Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires:

2/11/2020

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34124
ROBERT B LEAKE
SVELLANA V LEAKE

✓ OK RN 4/12/18

8919 W DEER LN
EAGLE, ID 83616
Point of Diversion: MENW S16 T05N R01W ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/15 to 11/15 0.15 CFS
Total Diversion: 0.19 CFS
Date Filed: 7/29/2015
Places of Use: DOMESTIC, IRRIGATION
T05N R01W S16 MENW
Total Acres: 5
Water bearing zone to be appropriated is from 250 to 500 ft.

63-34494
TEMPE PARK HOMEOWNERS ASSOCIATION

✓ OK RN 4/12/18

PO BOX 294
STAR, ID 83669
Point of Diversion: NENE S18 T04N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 1/17/2018
Place of Use: IRRIGATION
T04N R01W S18 NENE
Total Acres: 1.6
Water bearing zone to be appropriated is from 0 to 18 feet.

63-34500
VICTOR U HOFSTETTER
DANAL HOFSTETTER

✓ OK RN 4/12/18

4494 N CROFT PL
EAGLE, ID 83616
Point of Diversion: SWNENE S36 T05N R01W ADA County Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 19 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS
Use: IRRIGATION 03/01 to 11/15 0.08 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 19 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 19 AF
Use: RECREATION STORAGE 01/01 to 12/31 19 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 19 AF
Total Diversion: 0.08 CFS, 20 AF
Date Filed: 1/25/2018
Places of Use: IRRIGATION, AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, IRRIGATION STORAGE, IRRIGATION FROM STORAGE
T05N R01W S36 NENE SENE
Total Acres: 3.8
Water bearing zone to be appropriated is from 203 to 224 feet.

Legals

63-34502
CORRENTE BELLO SUBDIVISION HOA INC
6149 N MECKER PL STE 150
BOISE, ID 83713

✓ OK RN 4/12/18

Point of Diversion: NESW S5 T04N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 1/26/2018
Place of Use: IRRIGATION
T04N R01E S5 SW(ALL)
Total Acres: 94
Water bearing zone to be appropriated is from 200 to 400 feet.
Applicant proposes irrigation of 15.0 acres within a 94.0 acre permissible place of use.
This proposal is located in Corrente Bello Subdivision No. 1 and No. 2.

63-34505
ARMIN HERTEUX
BRENNNA HERTEUX

✓ OK RN 4/12/18

4940 N SOARING LN
EAGLE, ID 83616
(2) Points of Diversion: NESE S30 T05N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 2/20/2018
Place of Use: IRRIGATION
T05N R01E S30 NESE
Total Acres: 10
Water bearing zone to be appropriated is from 250 to 500 feet.

63-34511
SHOOTING COMET HOMEOWNERS ASSOCIATION INC

✓ OK RN 4/12/18

PO BOX 810
STAR, ID 83669
Point of Diversion: SESW S8 T04N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.56 CFS
Total Diversion: 0.56 CFS
Date Filed: 2/2/2018
Place of Use: IRRIGATION
T04N R01W S8 NESW SWSW SESW
Total Acres: 69
Water bearing zone to be appropriated is from 138 to 191 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 4/23/2018. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Apr. 5, 12, 2018