

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-34505

Priority: February 20, 2018

Maximum Diversion Rate: 0.20 CFS

This is to certify, that ARMIN HERTEUX And/Or
BRENNER HERTEUX
4940 N SOARING 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	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 30,	Twp 05N,	Rge 01E,	B.M.	ADA County
GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 30,	Twp 05N,	Rge 01E,	B.M.	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	30													10				10

Total Acres: 10

CONDITIONS OF APPROVAL

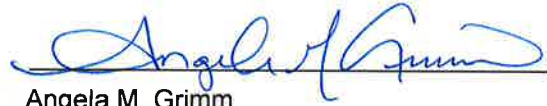
1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Place of use and point of diversion are located within Lot 6, Blk. 1, Talon Ridge Sub.

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7. 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.
8. 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 22nd day of MAY, 20 18.



Angela M. Grimm

Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34505

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

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

May 22, 2018

BRENNA HERTEUX
ARMIN HERTEUX
4940 N SOARING LN
EAGLE ID 83616

RE: Permit No. 63-34505

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 May 22, 2018, I served a true and correct copy of Permit to Appropriate Water No. 63-34505 by U.S. Mail, postage prepaid, to the following:

BRENNA HERTEUX (Current Owners)
ARMIN HERTEUX
4940 N SOARING LN
EAGLE ID 83616



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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2018

ARMIN & BRENNER HERTEUX
4940 N SOARING LANE
EAGLE ID 83616

RE: Water right application no. 63-34505 and well drilling fee upgrade

Dear applicants,

Your recent water right application proposes the use of groundwater from a well (Tag No. D0029110) for irrigation of up to 10 acres. 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 2003 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

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

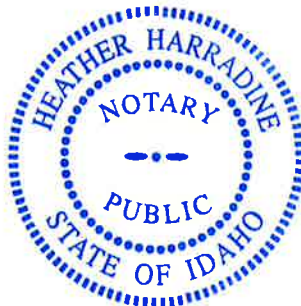
COUNTY OF ADA)

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
SVELTANA V LEAKE

✓ OK RN 4/12/18

8919 W DEER LN
EAGLE, ID 83616
Point of Diversion NENW S16 T05N R01W ADA County Source GROUND WATER
Point of Diversion SWSW S9 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 NENW
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
DANA L HOFSTETTER

✓ OK RN 4/12/18

4494 N CROFT PL
EAGLE, ID 83616
Point of Diversion SWNE 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

✓ OK RN 4/12/18

6149 N MEEKER PL STE 150
BOISE, ID 83713
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 SMALL
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
BRENNIA 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 rights, 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, 2733 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