

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-34511

Priority: February 02, 2018

Maximum Diversion Rate: 0.56 CFS

This is to certify, that SHOOTING COMET HOMEOWNERS ASSOCIATION INC  
PO BOX 810  
STAR ID 83669

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       | 0.56 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE1/4SW1/4 Sec. 8, Twp 04N, Rge 01W, 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 |        |
| 04N | 01W | 8   |    |    |    |    |    |    |    |    | 25 |    | 9.0 | 35 |    |    |    |    | 69     |

Total Acres: 69

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2023**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 28.0 acres within the authorized place of use in a single irrigation season.
4. 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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 126.0 af at the field headgate for the place of use.
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.

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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. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 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.

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

Signed this 30 day of April, 2018.



Angela M. Grimm  
Water Rights Supervisor

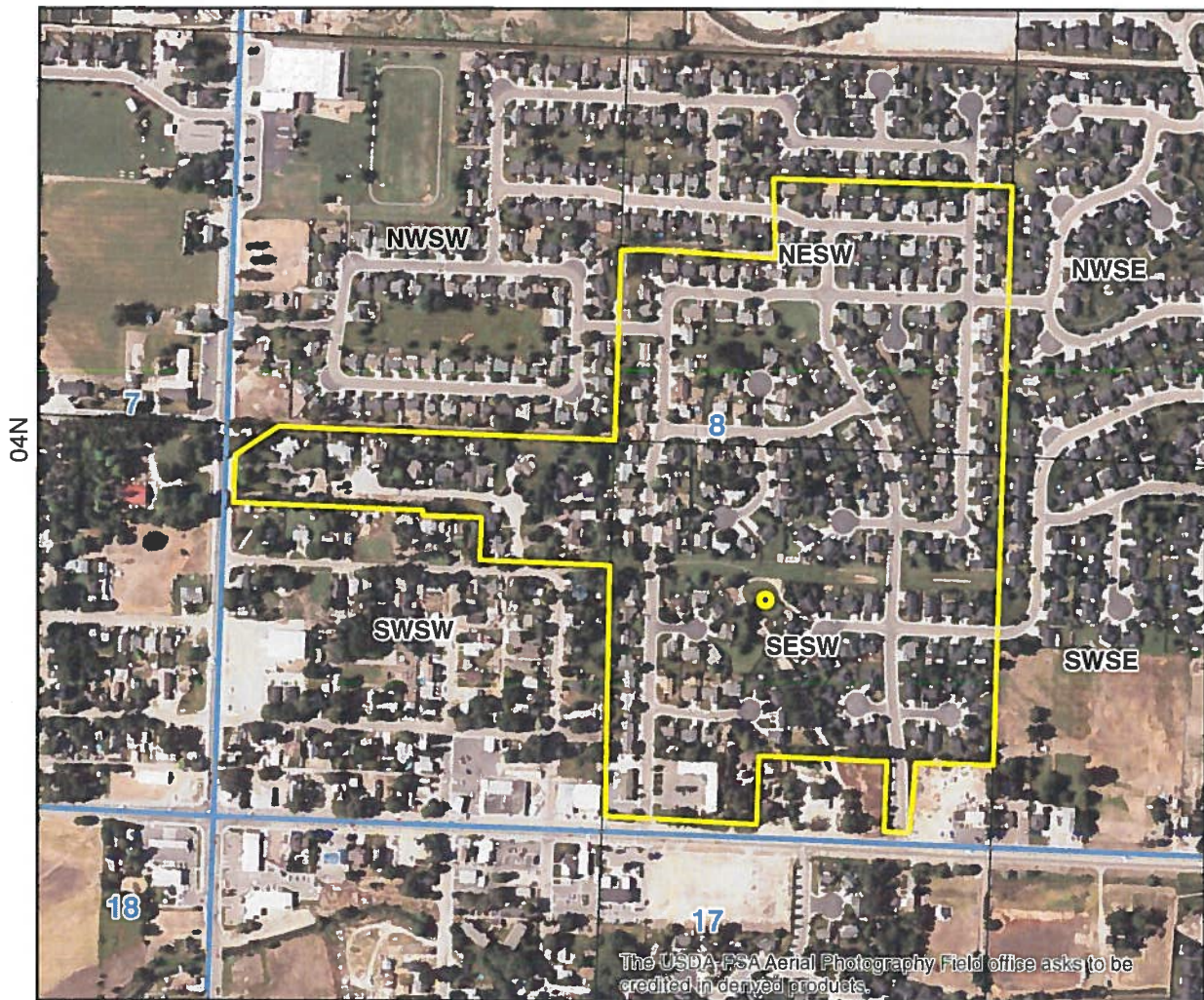
State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

63-34511

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.

01W



0 0.075 0.15 0.3 Miles

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





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](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

April 30, 2018

SHOOTING COMET HOMEOWNERS ASSN INC  
PO BOX 810  
STAR ID 83669

RE: Permit No. 63-34511

### 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](http://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,

A handwritten signature in black ink that reads "Rachel Neely for." The signature is written in a cursive style.

Nick Miller  
Regional Manager

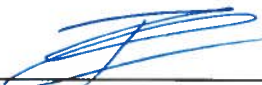
Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2018, I served a true and correct copy of Permit to Appropriate Water No. 63-34511 by U.S. Mail, postage prepaid, to the following:

SHOOTING COMET HOMEOWNERS ASSN INC (Current Owner)  
PO BOX 810  
STAR ID 83669

SPF WATER ENGINEERING LLC (Representative)  
C/O ROXANNE BROWN  
300 E MALLARD DR STE 350  
BOISE ID 83706



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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.

**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 NEELY**IDAHO 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 )

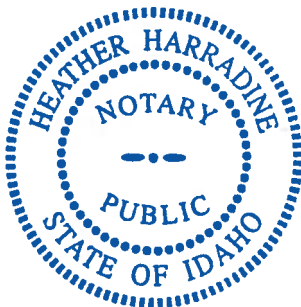
On this 13th day of April in the year of 2018 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires:

2/11/2020

# LEGAL NOTICE

## Legals

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

**63-34124**  
**ROBERT B LEAKE**  
**SVELANA V LEAKE**

*✓ OK RN 4/12/18*

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: IRRIGATION 03/01 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**  
**4494 N CROFT PL**

*✓ OK RN 4/12/18*

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.

**63-34502**  
**CORRENTE BELLO SUBDIVISION HOA INC**  
**6149 N MEERER PL STE 150**

*✓ OK RN 4/12/18*

BOISE, ID 83713  
Point of Diversion NENE 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**  
**4940 N SOARING LN**

*✓ OK RN 4/12/18*

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 SE SW 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 NENE 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](http://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