

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32066

PRIORITY: December 08, 2004

Maximum Diversion Rate: 20.5 CFS
Maximum Diversion Volume: 3,820 AF

It is hereby certified that:

BID LLC C/O DOUGLAS K BATES
777 W MAIN ST STE 900 BOISE ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 08, 2004, and has submitted Proof of Beneficial Use on July 02, 2010. An examination confirms water is diverted from:

SOURCE:
BOISE RIVER

TRIBUTARY:
SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE	11/15 to 03/01	20.5 CFS	3,820 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L2 (SW¼SE¼) Sec. 25, Twp 05N, Rge 05W, B.M. CANYON County

PLACE OF USE: WILDLIFE

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	05W	23									X	X	X	X		X	X		
05N	05W	26	X	X L2	X	X	X			X					X	X			
05N	05W	26	X L1		X L2	X L1				X L3									
05N	05W	26			X L8	X L9													

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and the Director may require mitigation for all system losses.
2. The point of diversion and place of use for this water right include unsurveyed accretion land. The quarter-quarter descriptions has been protracted from the adjacent public land survey.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32066

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
6. Wildlife use is for habitat improvement during the non-irrigation season.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of March, 2018.



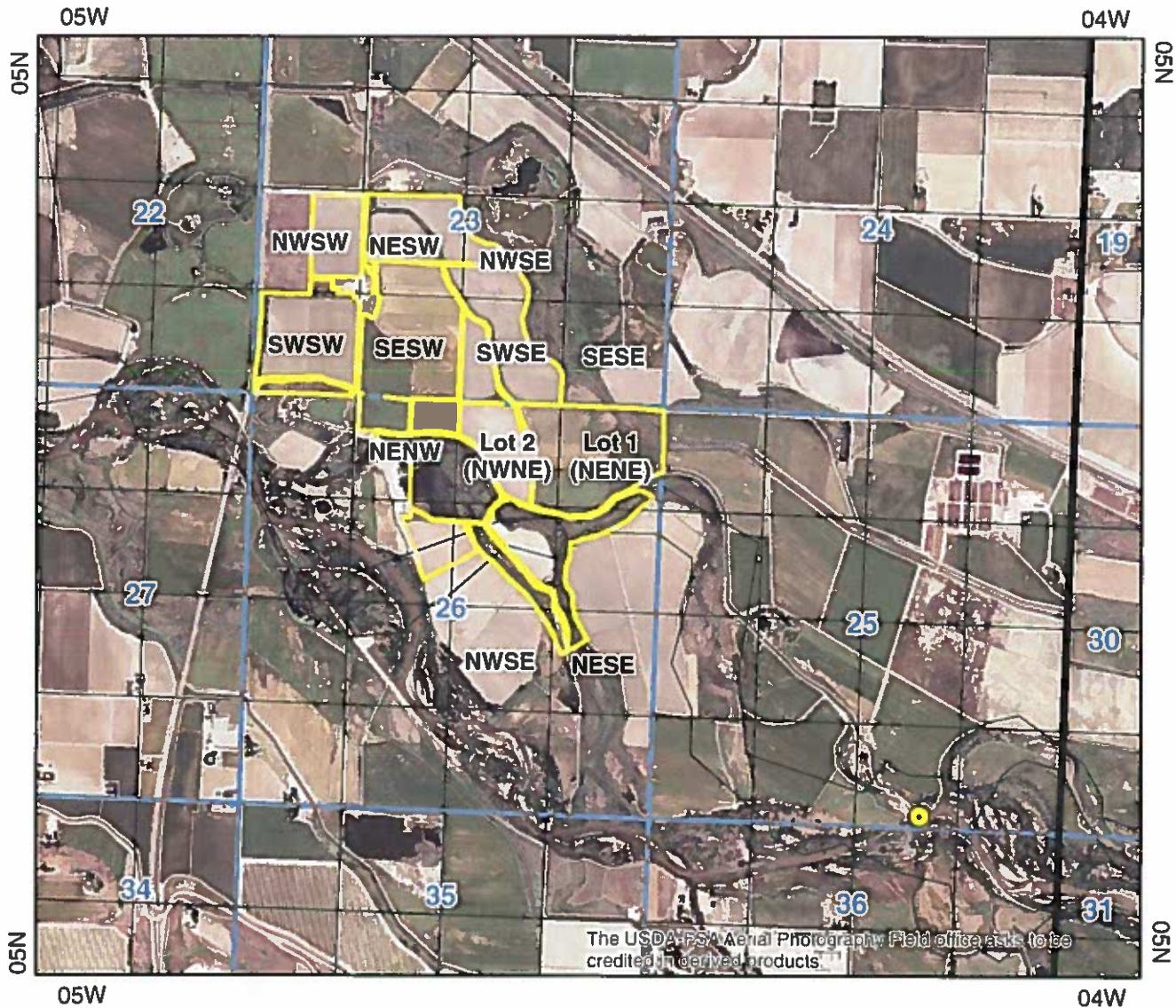
Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Water Right License

63-32066

This map depicts the WILDLIFE 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 0.275 0.55 1.1 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-32066

RECEIVED

FEB 12 2018

WATER RESOURCES
WESTERN REGION

PRIORITY: December 08, 2004

Maximum Diversion Rate: 20.50 CFS
Maximum Diversion Volume: 3,822.2 AF

Comes now

BID LLC C/O DOUGLAS K BATES
777 W MAIN ST STE 900 BOISE ID 83702

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-32066, and requests that the permit be changed as follows:

SOURCE:
BOISE RIVER

TRIBUTARY:
SNAKE RIVER

BENEFICIAL USE
WILDLIFE

PERIOD OF USE
11/15 to 03/15

DIVERSION RATE
20.50 CFS

**ANNUAL
DIVERSION VOLUME**
3,822.2 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER SW¼SE¼ Sec. 25, Twp 05N, Rge 05W, B.M. CANYON County

PLACE OF USE: WILDLIFE

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	05W	23									X	X	X	X		X	X		
05N	05W	25						X L 6											
05N	05W	26	X	X L 2	X	X	X			X					X	X			
05N	05W	26	X L 1		X L 2	X L 1				X L 3									
05N	05W	26			X L 8	X L 9													

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 08 day of Feb, 2018.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-32066

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by (Signature) # W046039 Date 2/12/18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-32066 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and the Director may require mitigation for all system losses.
2. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
5. Wildlife use is for habitat improvement during the non-irrigation season.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 21st day of March, 2018.

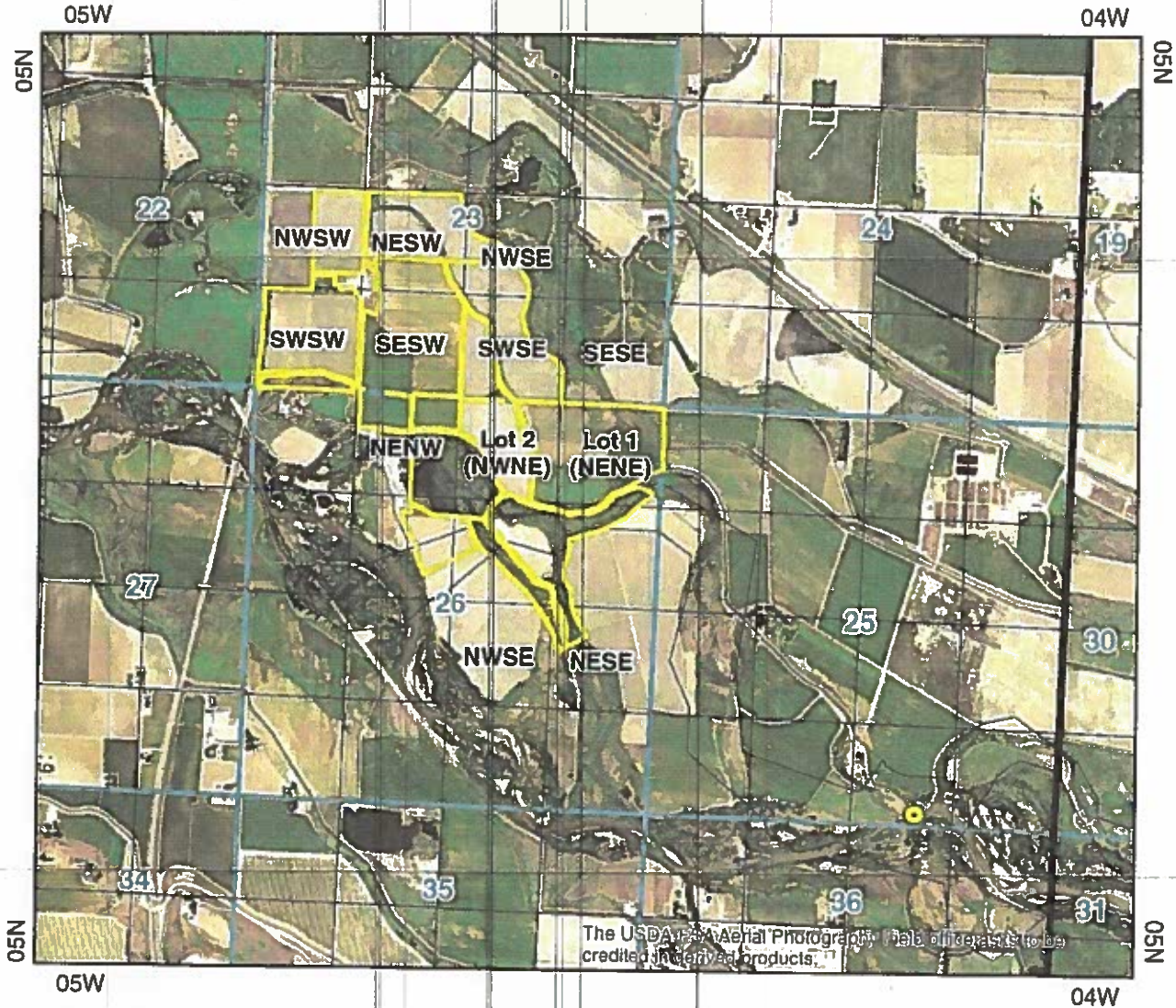

Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Amend Water Right License

63-32066

This map depicts the WILDLIFE 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 0.275 0.55 1.1 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

March 21, 2018

BID LLC
C/O DOUGLAS K BATES
777 W MAIN ST STE 900
BOISE ID 83702

RE: License No. 63-32066

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2018, I served a true and correct copy of Water Right License No. 63-32066 by U.S. Mail, postage prepaid, to the following:

BID LLC
C/O DOUGLAS K BATES
777 W MAIN ST STE 900
BOISE ID 83702

WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767

CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701



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.

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

February 9, 2018

RECEIVED
FEB 14 2018
WATER RESOURCES
WESTERN REGION

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5084

Re: Tina Iest Family LLLP Permit No. 63-32066

Dear Mr. Miller:

On behalf of my client Greg Obendorf, I request that IDWR provide copies of any order or correspondence regarding the potential licensing (or lack thereof) of Permit No. 63-32066 to this office as soon as possible after such order or correspondence is issued.

Please contact me immediately if this request can not be met. Thank you.

Sincerely,



Charles L. Honsinger

cc: client



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 08, 2018

RECEIVED

FEB 12 2018

WATER RESOURCES
WESTERN REGION

BID LLC
C/O DOUGLAS K BATES
777 W MAIN ST STE 900
BOISE ID 83702

RE: Water Right Permit No. 63-32066

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☐ Point(s) of Diversion

☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208) 334-2190.

Sincerely,

Aaron Skinner
Water Resource Agent

Enclosure(s): Application for Amendment
cc: Terry Scanlan - SPF