

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-33910

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05W	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X	X										
								L 4	L 4										

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05W	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X	X										
								L 4	L 4										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2020**.
2. Subject to all prior water rights.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
9. 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.

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10. The wildlife and recreation use established by the storage of water under this right shall not exceed a total capacity of 15.0 acre-feet or a total surface area of 30 acres.
11. Rights 63-33905 and 63-33910 are limited to a total combined diversion rate of 4.5 cfs during the period from 9/01 to 11/15.
12. Rights 63-33905 and 63-33910 are diverted through the point of diversion located in Lot 4 (SWNW) Sec 26 T05N R05W.
13. Wildlife and wildlife storage use is to create shallow water and moist soil for wildlife and waterfowl habitat.
14. Recreation and recreation storage use is for waterfowl hunting.
15. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
16. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for the Boise River and its tributaries.
17. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.

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

Signed this 6th day of November, 20 17.

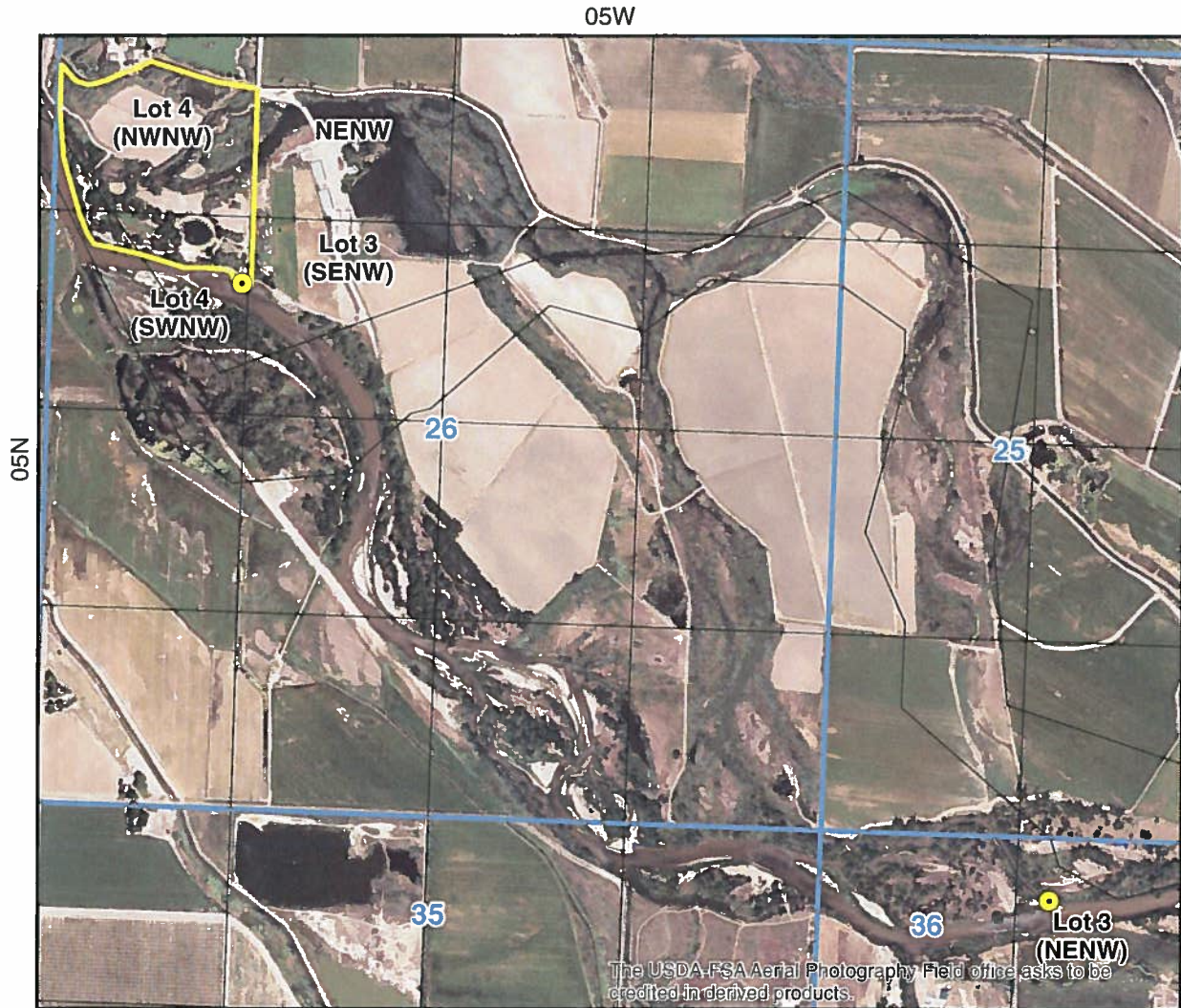


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Amendment of Permit 63-33910

This map depicts the 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 0.15 0.3 0.6 Miles





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

November 6, 2017

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

RE: Permit No.63-33910

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Nick Miller

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC, WATER DISTRICT 63

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-33910

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

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706**

**REX R. BARRIE
WATERMASTER OF DISTRICT 63
10769 W STATE ST
PO BOX 767
STAR ID 83669**



**Rachel Neely
Administrative Assistant**

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.

29512 1666444

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

RECEIVED

SEP 22 2017

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

SS.

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
09/07/2017 09/14/2017

Sharon Jessen

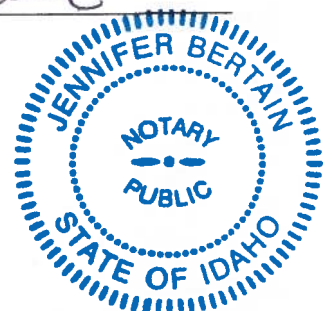
STATE OF IDAHO)

County of Canyon)

On this 14th day of September in the year of 2017 before me a Notary Public, personally appeared Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Jennifer Bertain

Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

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

2-10536
J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707
Point of Diversion L2(NWSW) S14 T04N R06W CANYON
County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 14.66 CFS
Total Diversion: 14.66 CFS
Date Filed: 7/21/2017
Place of Use: IRRIGATION
T04N R05W S5 SWSE
T04N R05W S7 NE(ALL) NESE NWSE SESE
T04N R05W S8 NW(ALL)
T04N R05W S18 NESE NWSE SESE
T04N R06W S12 SWNE SENE SWNW SENW NWSW
NESE NWSE
Total Acres: 733

✓ OK RN 9/26/17

63-34384
ANN OBENDORF
GREG OBENDORF
26496 DEB LN
PARMA, ID 83660
(3)Points of Diversion SESE S23 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
(2)Points of Diversion SWSE S23 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Point of Diversion L6(NWNW) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Point of Diversion L2(SWSE) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 11/01 to 03/01 23.5 CFS
Use: WILDLIFE 11/01 to 03/01 23.5 CFS
Use: WILDLIFE STORAGE 11/01 to 03/01 790.9 AF
Total Diversion: 23.5 CFS, 790.9 AF
Date Filed: 5/16/2017
Places of Use: WILDLIFE, WILDLIFE STORAGE
T05N R05W S23 NESE NWSE SWSE SESE

✓ OK RN 9/26/17

63-34372
JACOB FILLMORE
MARNIE FILLMORE
18954 LOWER PLEASANT RIDGE RD
CALDWELL, ID 83607
Point of Diversion SWSW S24 T04N R04W CANYON
County Source WASTE WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 4/12/2017
Place of Use: IRRIGATION
T04N R04W S24 SWSW
Total Acres: 10

✓ OK RN 9/26/17

63-34420
DAVID L GASTMAN
SHARON T GASTMAN
PO BOX 505
STAR, ID 83669
Point of Diversion L4(NWNW) S1 T04N R02W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/15 to 10/30 0.04 CFS
Total Diversion: 0.08 CFS
Date Filed: 7/21/2017
Places of Use: DOMESTIC, IRRIGATION
T04N R02W S1 L4(NWNW)
Total Acres: 2
Water bearing zone to be appropriated is from 0 to 200 feet.

✓ OK RN 9/26/17

PROPOSED AMENDMENT OF WATER PERMIT

BID LLC of 777 W. Main St. Ste 900 Boise ID 83702 filed Application No. 81783 on July 3, 2017 to amend a water permit no. 63-33910 with a 2014 priority from the Boise River totaling 4.5 cfs for wildlife, recreation, wildlife storage, and recreation storage purposes. The permit provides wildlife, recreation, wildlife storage, and recreation storage water for property located approximately 3.7 miles southeast of Parma, Idaho. The applicant proposes to amend the permit to add a point of diversion from the Boise River located approximately 1.5 miles southeast of the place of use in Gov Lot 3 (NENW) of Section 36, Township 05 North, Range 05 West, Boise Meridian

✓ OK RN 9/26/17

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) or proposed amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. 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 9/25/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

September 7, 14, 2017

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