

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34330

Priority: January 03, 2017

Maximum Diversion Rate: 1.60 CFS

This is to certify, that GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1700
BOISE ID 83702

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: BOISE RIVER

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>
AESTHETIC	10/01 to 04/15	1.60 CFS
RECREATION	10/01 to 04/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NW¼ Sec. 17, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01E 17	X	X	X	X	X	X	X	X	X	X	X	X					
	L1	L2	L2	L1			L4	L3									
04N 01E 18				X													
				L1													

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01E 17	X	X	X	X	X	X	X	X									
	L1	L2	L2	L1			L4	L3									
04N 01E 18				X													
				L1													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2022**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Aesthetic and recreation use is for flow through water for ponds established under right no. 63-33864. Right no. 63-34330 does not authorize additional storage use.
5. 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.

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6. Point of diversion is located within Lot 2, Blk. 1, Mace River Ranch Sub No. 01.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.
9. 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 29th day of June, 2017.



Nick Miller
Manager, IDWR Western Region

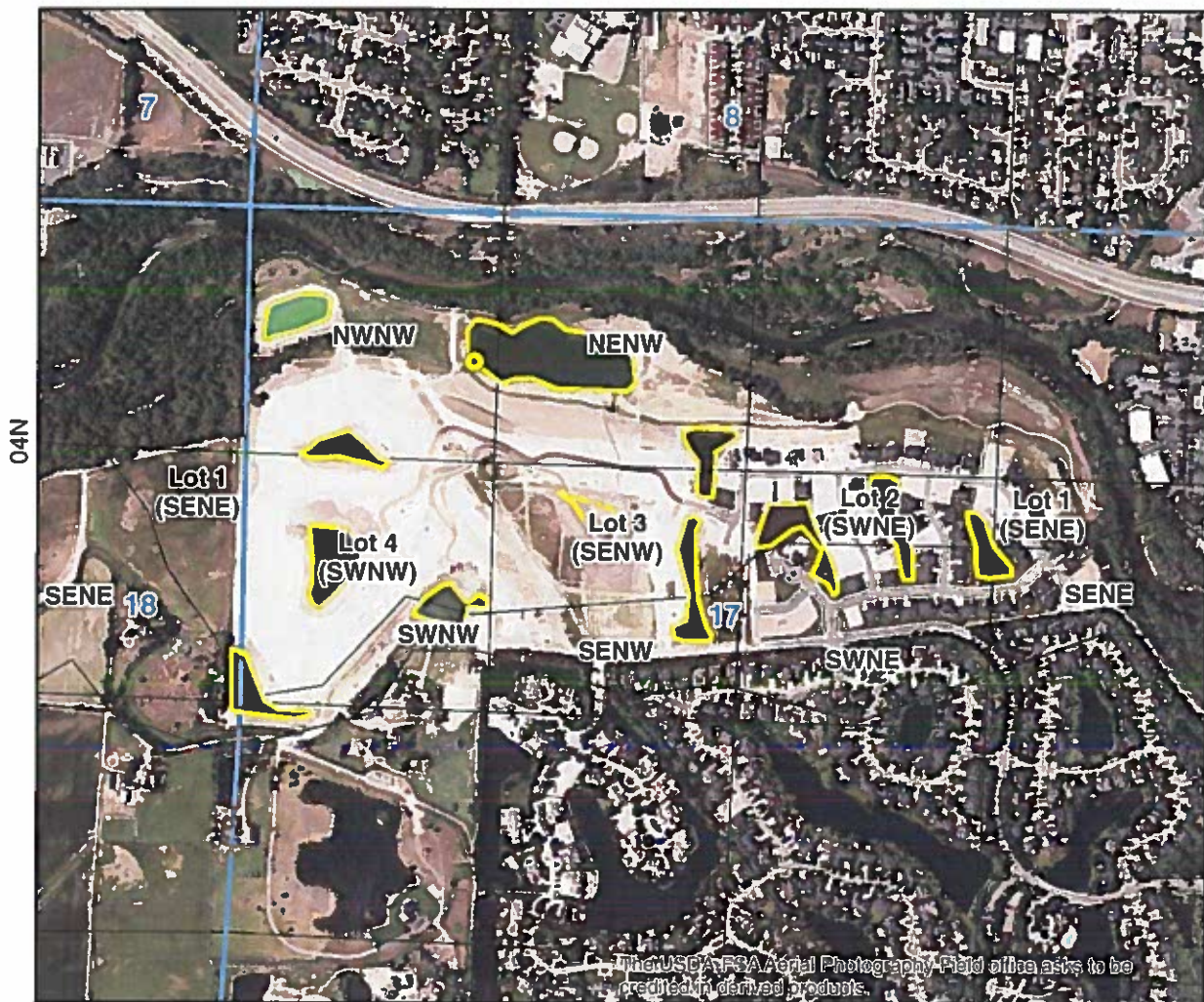
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34330

This map depicts the AESTHETIC and RECREATION 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 0.1 0.2 0.4 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

June 29, 2017

GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1700
BOISE ID 83702

RE: Permit No.63-34330

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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,

 Rachel Neely For.

Nick Miller

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-34330

**GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1700
BOISE ID 83702**

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



**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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003076801	LEGAL NOTICE The following applications have	63-34330,63-34357,63-34358,63	\$622.55	2	203

Attention: Neely, Rachel

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

RECEIVED
MAY 30 2017

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34268

CHARLES P ROBERTS

JOY C ROBERTS

2000 W HOMER RD

EAGLE, ID 83616

Point of Diversion SWSE SESE S30 T05N R01E ADA County

Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 9/14/2016

Place of Use: IRRIGATION

T05N R01E S30 SWSE SESE

Total Acres: 4.5

Water bearing zone to be appropriated is from 260 to 280 feet.

✓ OK RN 6/7/17

63-34329

GARDNER MACE RANCH LC

101 S CAPITOL BLVD STE 1700

BOISE, ID 83702

Point of Diversion L2(SWNE) S17 T04N R01E ADA County Source

GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 10/01 to 04/15 1.6 CFS

Use: RECREATION 10/01 to 04/15 1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 1/3/2017

Places of Use: AESTHETIC, RECREATION

T04N R01E S17 L1(NENE) L2(NWNE) L2(SWNE) L1(SENE)

NENW N4(SWNE) L3(SENW)

T04N R01E S18 L1(SENE)

No additional consumptive use of groundwater tributary to the Boise River system (<200 ft below ground surface, upstream of the Star Bridge) proposed.

Water bearing zone to be appropriated is from 20 to 200 feet.

✓ OK RN 6/7/17

63-34330

GARDNER MACE RANCH LC

101 S CAPITOL BLVD STE 1700

BOISE, ID 83702

Point of Diversion NWNW S17 T04N R01E ADA County Source

GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 10/01 to 04/15 1.6 CFS

Use: RECREATION 10/01 to 04/15 1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 1/3/2017

Places of Use: AESTHETIC, RECREATION

T04N R01E S17 L1(NENE) L2(NWNE) L2(SWNE) L1(SENE) NENW

NWNW L4(SWNE) L3(SENW)

T04N R01E S18 L1(SENE)

No additional consumptive use of groundwater tributary to the Boise River system (<200 ft below ground surface, upstream of the Star Bridge) proposed.

Water bearing zone to be appropriated is from 0 to 37 feet.

✓ OK RN 6/7/17

63-34357

HALL INVESTMENTS LP

C/O BUTCH HALL

10050 SCENIC VIEW LN

STAR, ID 83669

Point of Diversion L3(NWSW) S31 T04N R01W ADA County Source

GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.2 CFS

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 3/20/2017

Places of Use: IRRIGATION, COMMERCIAL

T04N R01W S31 NESW L3(NWSW)

Total Acres: 11

Water bearing zone to be appropriated is from 4 to 105 feet.

✓ OK RN 6/7/17

63-34358

ROY SPAUDLING

ANGELA SPAUDLING

2801 S BLUEGRASS DR

NAMPA, ID 83686

Point of Diversion SWNE S34 T03N R01W ADA County Source

GROUND WATER

✓ OK RN 6/7/17

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 Insertions

Beginning issue of: 05/18/2017

Ending issue of: 05/25/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

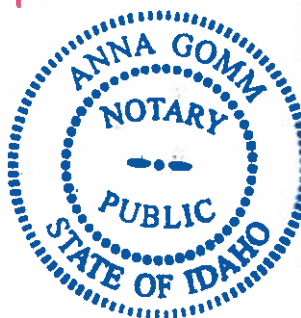
.SS

COUNTY OF ADA)

On this 26th day of May in the year of 2017 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.

Anna Gomm
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 08/17/2022



Use: DOMESTIC 01/01 to 12/31 0.04
Use: IRRIGATION 03/01 to 11/15 0.04
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.09 CFS
Date Filed: 4/3/2017
Places of Use: STOCKWATER, DOMESTIC, IRRIGATION
T03N R01W S34 SWNE
Total Acres: 1
Water bearing zone to be appropriated is from 75 to 222 feet.

63-34334

THORPE FAMILY TRUST
C/O RYAN THORPE
28854 BOULDER RD
PARMA, ID 83660

Point of Diversion SWSE S16 T05N R05W CANYON County Source
BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 09/01 to 02/28 13.05 CFS
Use: RECREATION 09/01 to 02/28 13.05 CFS
Use: RECREATION STORAGE 09/01 to 02/28 1624.7 AF
Use: WILDLIFE 09/01 to 02/28 13.05 CFS
Use: WILDLIFE STORAGE 09/01 to 02/28 1624.7 AF
Total Diversion: 13.05 CFS, 1624.7 AF
Date Filed: 1/26/2017
Place of Use: WILDLIFE, RECREATION, WILDLIFE STORAGE, RECREATION STORAGE
T05N R05W S17 NENW NWNW L4(SWNW) L3(SENW)

✓ OK RN 6/6/17

63-34335

THORPE FAMILY TRUST
C/O RYAN THORPE
28854 BOULDER RD
PARMA, ID 83660

Point of Diversion NESE S1 T04N R05W CANYON County Source
DIXIE SLOUGH Tributary BOISE RIVER
Use: DIVERSION TO STORAGE 09/01 to 02/28 9.75 CFS
Use: IRRIGATION 03/01 to 11/15 1.3 CFS
Use: RECREATION 09/01 to 02/28 9.75 CFS
Use: RECREATION STORAGE 09/01 to 02/28 1816.8 AF
Use: WILDLIFE 09/01 to 02/28 9.75 CFS
Use: WILDLIFE STORAGE 09/01 to 02/28 1816.8 AF
Total Diversion: 9.75 CFS, 1816.8 AF
Date Filed: 1/26/2017
Places of Use: IRRIGATION, WILDLIFE, RECREATION, WILDLIFE STORAGE, RECREATION STORAGE
T04N R05W S1 SWNE SENE NESE
Total Acres: 65

✓ OK RN 6/7/17

65-23617

BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE, ID 83661
NORTHWEST FARM CREDIT SERVICES FLCA
308 SE 10TH ST
ONTARIO, OR 97914

Point of Diversion SENW S1 T08N R02W PAYETTE County Source
BIG WILLOW CREEK Tributary PAYETTE RIVER
Use: DIVERSION TO STORAGE 11/01 to 04/01 6 CFS
Use: IRRIGATION 03/01 to 06/15 6 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 1900 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 1900 AF
Total Diversion: 6 CFS, 1900 AF
Date Filed: 6/17/2015
Place of Use: IRRIGATION STORAGE
T09N R02W S27 NESW NWSW SE SW NWSE SWSE
Places of Use: IRRIGATION FROM STORAGE, IRRIGATION
T08N R02W S3 SENE L4(NWNW) NESW SWSW SE SW SE(ALL)
T08N R02W S4 SWNE SENE SW(ALL) SE(ALL)
T08N R02W S5 SWSW SESW SWSE SESE
T08N R02W S7 NENE SWNE SENE NESW L3(NWSW) L4(SWSW)
SESW NESE NWSE
T08N R02W S8 NE(ALL) NW(ALL) NESW NWSW NWSE
T08N R02W S9 NE(ALL) NW(ALL)
T08N R02W S10 NWNE SWNE NW(ALL)
T08N R03W S11 NESW SWSW SE SW SE(ALL)
T08N R03W S12 SW(ALL) SE(ALL)
T08N R03W S13 NENW NWNW
T08N R03W S14 NENE NWNE NENW
T09N R02W S34 SWNW NWSW SWSW
Total Acres: 1520

✓ OK RN 6/7/17

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), 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 6/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. May 18, 2017

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