



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

02/14/2017

HAWK STONE
3921 W CATALPA DR
BOISE ID 83703

DANA HOFSTETTER
HAWLEY TROXELL ENNIS & HAWLEY
PO BOX 1617
BOISE ID 83701

CHARLIE HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

Re: Withdrawal of Protest against Application for Permit No. 63-34206 (Hawk Stone)

Dear Parties:

The Department of Water Resources acknowledges receipt of your stipulations for withdrawal of protests ("stipulations") against the above referenced application. The parties have agreed to the protestant's withdrawal if approval of the permit application is conditioned substantially as provided in the stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. The agreements included components that are to be addressed by the Department as conditions on the face of an approval as well as components that are the responsibility of the parties to accomplish and enforce. The attached draft approval contains the conditions stipulated by the parties as well as other conditions required by the Department.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the permit is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Nick Miller
Regional Manager

Enclosure

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34206

Priority: March 22, 2016

Maximum Diversion Rate: 0.03 CFS

This is to certify, that **HAWK STONE**
3921 W CATALPA DR
BOISE ID 83703

has applied for a permit to appropriate water from:

Source: WASTE 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>
HEATING	01/01 to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER	SW1/4NE1/4	Sec. 29,	Twp 04N,	Rge 02E, B.M.	ADA County
WASTE WATER	SW1/4NE1/4	Sec. 29,	Twp 04N,	Rge 02E, B.M.	ADA County
WASTE WATER	SW1/4NE1/4	Sec. 29,	Twp 04N,	Rge 02E, B.M.	ADA County

PLACE OF USE: HEATING

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 02E 29													X	X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2020**.
2. Subject to all prior water rights.
3. Measuring devices of a type acceptable to the department shall be installed at the proposed point of diversion and the proposed discharge from the heating network. The measuring devices shall ensure that the identical quantity of water being diverted is discharging back to the ditch from which it was diverted. The right holder shall record such measurements and report them annually to Water District 63S.
4. Use of water under this right shall be non-consumptive.
5. This right shall be regulated by the Watermaster of Water District 63S. Regulation by the Watermaster includes unannounced inspections and measurement of the ground water diverted under right nos. 63-5195 from which waste water would be generated in the SW1/4NE1/4, Section 29, T4N, R2E (3611 Whitehead) and/or unannounced inspections and measurement of waste water diversion and beneficial use under this right.
6. The department shall issue a notice of violation and an order to show cause why this right should not be cancelled or revoked if the department determines any of the following:
 - (a) The right holder is consumptively using water under this right.
 - (b) Low temperature geothermal water is being delivered to the right holder without prior beneficial use of the low temperature geothermal water diverted under water right 63-5195, or that the beneficial use under 63-5195 is not reasonably efficient.
 - (c) The right holder is diverting or using water not in compliance with the conditions of this water right.

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7. Heating use is for 1 home and an associated greenhouse, agricultural outbuilding and snow melting on driveway.
8. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
9. This right does not grant any right-of-way or easement across the land of another.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

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

Signed this _____ day of _____, 2017.

Nick Miller

Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34206

This map depicts the HEATING 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.

02E



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

0 0.035 0.07 0.14 Miles

