

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34259

Priority: August 05, 2016

Maximum Diversion Rate: 0.12 CFS

This is to certify, that MOON LAKE RANCH OWNERS ASSN 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>
AESTHETIC	01/01 to 12/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (NW¼SW¼) Sec. 14, Twp 04N, Rge 01W, B.M. ADA County

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01W	14			X		
					L5		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2022**.
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is 200 to 245 feet.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Aesthetic use is for an existing water feature (waterfall).
7. 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.
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.

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

Signed this 30th day of January, 2017.


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34259

This map depicts the AESTHETIC 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



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

0 0.035 0.07 0.14 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 • Web Site: www.idwr.idaho.gov

January 30, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669

RE: Permit No.63-34259

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,

A handwritten signature in black ink, appearing to read "Rachel Neely for". The signature is fluid and cursive, with a large initial "R" and "N".

Nick Miller

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 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. 63-34259

**MOON LAKE RANCH OWNERS ASSN INC
PO BOX 810
STAR ID 83669**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
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
283978	0002781364	LEGAL NOTICE The following applications have	Stanley	\$286.18	2	91

Attention: RACHEL NEELY

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

RECEIVED

NOV 30 2016

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34105

M & C STANLEY LLC

2224 N RAM AVE

EAGLE, ID 83616

Points of Diversion NENW NWNW SENW S35 T05N R01E ADA County

Source GROUND WATER Tributary BOISE RIVER

(2) Points of Diversion SWNW S35 T05N R01E ADA County Source

GROUND WATER Tributary BOISE RIVER

Use: IRRIGATION 03/01 to 11/15 0.38 CFS

Total Diversion: 0.38 CFS

Date Filed: 7/6/2015

Place of Use: IRRIGATION

T05N R01E S35 NW(ALL) NESW NWSW

Total Acres: 141

Water bearing zone to be appropriated is from 25 to 200 feet.

Mitigation is proposed for consumptive use.

Applicant proposes irrigation of 19 acres within the place of use described.

✓ OK RN 12/6/16

63-34177

J R SIMPLOT COMPANY

PO BOX 27

BOISE, ID 83707

Point of Diversion SENW S8 T03N R02E ADA County Source GROUND

WATER Tributary BOISE RIVER

Use: COMMERCIAL 01/01 to 12/31 0.08 CFS

Use: IRRIGATION 03/01 to 11/15 0.27 CFS

Total Diversion: 0.35 CFS

Date Filed: 12/14/2015

Places of Use: COMMERCIAL, IRRIGATION

T03N R02E S8 SENW

Total Acres: 3

Water bearing zone to be appropriated is from 0 to 250 feet.

Mitigation is proposed for consumptive use.

✓ OK RN 12/6/16

63-34259

MOON LAKE RANCH OWNERS ASSN INC

PO BOX 810

STAR, ID 83669

Point of Diversion L5(NWSW) S14 T04N R01W ADA County Source

GROUND WATER

Use: AESTHETIC 01/01 to 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 8/5/2016

Place of Use: AESTHETIC

T04N R01W S14 L5(NWSW)

Water bearing zone to be appropriated is from 200 to 245 feet.

✓ OK RN 12/6/16

63-34257

LEIGHTON LLC

7627 HWY 44

STAR, ID 83669

Points of Diversion NENW L3(SENW) L6(NESW) L6(SESW) S14 T04N

R02W CANYON County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion SESW S11 T04N R02W CANYON County Source

GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 2963 AF

Use: RECREATION STORAGE 01/01 to 12/31 2963 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 2963 AF

Total Diversion: 2963 AF

Date Filed: 7/14/2016

Places of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILD-

LIFE STORAGE

T04N R02W S11 NESW SESW

T04N R02W S14NENW L3(SENW) L6(NESW) L6(NWSW) L5(SWSW)

L6(SESW) L2(NWSE) L7(SWSE)

Water bearing zone to be appropriated is from 0 to 45 feet.

✓ OK RN 12/6/16

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/WaterManagement/WaterRights. 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 12/05/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Nov. 17, 24, 2016

0002781364-01

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: 11/17/2016

Ending issue of: 11/24/2016

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 25th day of November in the year of 2016 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

