

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23639

Priority: July 01, 2016

Maximum Diversion Volume: 5.9 AF

This is to certify, that STEVE LOOMIS And/Or
SUSAN HOLLAND
7154 W STATE ST #187
BOISE ID 83714

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: ROBBS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	5.9 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	1.4 AF
AESTHETIC STORAGE	01/01 to 12/31	4.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW¼NE¼ Sec. 8, Twp 06N, Rge 02E, B.M. BOISE County

PLACE OF USE: STOCKWATER STORAGE and AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 02E 8			X					X									

PLACE OF USE: STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 02E 8			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2022**.
2. Subject to all prior water rights.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 0.5 acre.
4. Right 65-23639 authorizes the storage of an annual total of 5.9 acre-feet; 3.0 acre-feet to be used for the initial filling or carryover storage of the reservoir, 1.5 acre-feet for the replacement of losses due to seepage and evaporation, and up to 1.4 acre-feet for additional refills for stockwater from storage use.
5. Use of water under this right will 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. 65.

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6. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right
7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
8. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
9. Stockwater from storage use is for 100 range cattle.
10. 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.
11. 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 20 day of DECEMBER, 2016.


Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

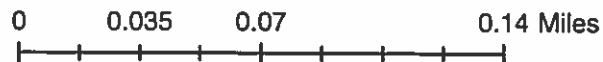
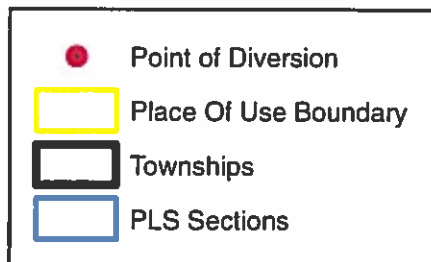
65-23639

This map depicts the AESTHETIC STORAGE and STOCKWATER STORAGE 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.



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
65-23639

This map depicts the STOCKWATER FROM STORAGE 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.





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

December 20, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

STEVE LOOMIS
SUSAN HOLLAND
7154 W STATE ST #187
BOISE ID 83714

RE: Permit No.65-23639

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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 "Nick Miller". The signature is stylized with a large, sweeping initial "N" and "M".

Nick Miller

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC
WATERMASTER OF DISTRICT 65

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2016 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. 65-23639

**STEVE LOOMIS
SUSAN HOLLAND
7154 W STATE ST #187
BOISE ID 83714**

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

**RON SHURTLEFF
WATERMASTER OF DISTRICT 65
102 N MAIN
PAYETTE ID 83661**



**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.

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 342-3399

State of Idaho)
County of Boise)

RECEIVED

NOV 02 2016

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with 10/5, 2016 and ending with the issue of 10/12, 2016.

State of Idaho)
County of Boise)

On this 27 day of oct. in the year 2016, before me, a notary public, personally appeared Eileen Capson (known) or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Shirley A. George
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 10-23-2017

65-23641 ✓OK RN 11/3/16
JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SWSE S16
T06N R02E BOISE County Source
COTTONWOOD CREEK Tributary
SHAHER CREEK
Use: AESTHETIC STORAGE 01/01
to 12/31 7.6 AF
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 5.4 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 13 AF
Total Diversion: 13 AF

Date Filed: 4/8/2016

Places of Use: AESTHETIC
STORAGE, STOCKWATER STORAGE,
STOCKWATER FROM STORAGE
T06N R02E S16 SWSE

65-23642 ✓OK RN 11/3/16
JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SWNE S16
T06N R02E BOISE County Source
COTTONWOOD CREEK Tributary
SHAHER CREEK
Use: AESTHETIC STORAGE 01/01
to 12/31 6.4 AF
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 4.2 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 10.6 AF
Total Diversion: 10.6 AF

Date Filed: 4/8/2016

Places of Use: AESTHETIC
STORAGE, STOCKWATER STORAGE,

R RESOURCES
TERN REGION

65-23650 ✓OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NWNWNE S20
T06N R02E BOISE County Source SPRING
Tributary SINKS
Use: STOCKWATER STORAGE
01/01 to 12/31 2 AF
Total Diversion: 2 AF

Date Filed: 4/29/2016

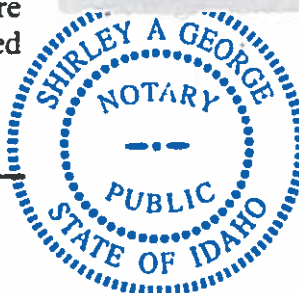
Place of Use: STOCKWATER
STORAGE
T06N R02E S20 NWNE

65-23651 ✓OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NESW S17 T06N
R02E BOISE County Source UNNAMED
STREAM Tributary COTTONWOOD
CREEK
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 1.4 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 3.1 AF
Total Diversion: 3.1 AF

Date Filed: 4/29/2016

Places of Use: STOCKWATER FROM
STORAGE, STOCKWATER STORAGE

T06N R02E S17 NESW



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

65-23656 ✓ OK RN 11/3/16
CHRISTY A WOLSLEBEN
PO BOX 595
HORSESHOE BEND, ID
83629
Point of Diversion NWSWSW S27
T08N R02E BOISE County Source SPRING
Tributary BROWNLEE CREEK
Use: STOCKWATER 01/01 to 12/31
0.03 CFS
Total Diversion: 0.03 CFS

Date Filed: 5/25/2016

Place of Use: STOCKWATER
T08N R02E S27 SWSW

65-23639 ✓ OK RN 11/3/16
STEVE LOOMIS
SUSAN HOLLAND
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SWNE S8 T06N
R02E BOISE County Source UNNAMED
STREAM Tributary ROBBS CREEK
Use: AESTHETIC STORAGE 01/01
to 12/31 4.5 AF
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 3 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 7.5 AF
Total Diversion: 7.5 AF

Date Filed: 4/8/2016

Places of Use: STOCKWATER
STORAGE, AESTHETIC
STORAGE
T06N R02E S8 SWNE SENW
Place of Use: STOCKWATER FROM
STORAGE
T06N R02E S8 SWNE

65-23610 ✓ OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NWSESW S8
T06N R02E BOISE County Source SPRING
Tributary HOME LAKE
Use: DOMESTIC 01/01 to 12/31
0.06 CFS
Use: STOCKWATER 01/01 to 12/31
0.04 CFS
Total Diversion: 0.1 CFS
Date Filed: 4/8/2016
Place of Use: DOMESTIC
T06N R02E S8 SENW NESW
Place of Use: STOCKWATER
T06N R02E S8 SFSW

STOCKWATER FROM STORAGE

T06N R02E S16 SWNE
65-23646 ✓ OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SESESW S17
T06N R02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK
Use: STOCKWATER 01/01 to 12/31
0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER
T06N R02E S17 SESW

65-23647 ✓ OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SESWSW S17
T06N R02E BOISE County Source SPRING
Tributary SINKS
Use: STOCKWATER 01/01 to 12/31
0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER
T06N R02E S17 SWSW

65-23648 ✓ OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NENWNE S20
T06N R02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK
Use: STOCKWATER 01/01 to 12/31
0.06 CFS
Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER
T06N R02E S20 NWNE

65-23649 ✓ OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NWSESW S17
T06N R02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK
Use: STOCKWATER 01/01 to 12/31
0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 4/29/2016
Place of Use: STOCKWATER
T06N R02E S17 SESW

65-23652
SANDS LLC

✓ OK RN 11/3/16

C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NWNE S20 T06N
R02E BOISE County Source UNNAMED
STREAM Tributary COTTONWOOD
CREEK
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 1 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 3.1 AF
Total Diversion: 3.1 AF
Date Filed: 4/29/2016
Places of Use: STOCKWATER FROM
STORAGE, STOCKWATER STORAGE
T06N R02E S20 NWNE

65-23671 ✓ OK RN 11/3/16
STEVE SWEENEY
ROSEMARY SWEENEY
2512 E ASHBROOK CT
EAGLE, ID 83616
Point of Diversion L1(SESE) S27
T09N R04E BOISE County Source SOUTH
FORK PAYETTE RIVER Tributary
PAYETTE RIVER
Use: IRRIGATION 03/15 to 10/31
0.78 CFS
Total Diversion: 0.78 CFS
Date Filed: 9/12/2016
Place of Use: IRRIGATION
T09N R04E S27 L1(SESE)

Total Acres: 40

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

Christopher J Owen and Anthony E
Owen of 204 N Cobblestone Ln, Eagle ID
83616 filed an application on September
6, 2016 proposing an Extension of Time
to Avoid Forfeiture of 5 years for Water
Right No. 65-7206B with a 1971 priority
from Warm Springs totaling 0.13 cfs. The
right holder proposes nonuse of the right
due to time needed to allocate a lessor for
the greenhouse. The Commercial use was
last used in 2013. The right serves property
located East of Banks Lowman Rd on S Fork
Rd and Riverview Way.

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 extension(s) please see www.idwr.idaho.gov/WaterManagement/WaterRights.
Protests may be submitted based on the
criteria of Idaho Code §§ 42-203A and
42-222 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 10/24/2016.
The protestant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
Published in the Idaho World on
10/5/2016 and 10/12/2016