

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34097

Priority: June 22, 2015

Maximum Diversion Rate: 0.60 CFS

This is to certify, that MOONSTRUCK HOMEOWNERS ASSOCIATION INC
15617 MOONBEAM WAY
CALDWELL ID 83607-5362

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE¼NW¼	Sec. 16,	Twp 03N,	Rge 03W, B.M.	CANYON County
GROUND WATER	SE¼NW¼	Sec. 16,	Twp 03N,	Rge 03W, B.M.	CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	16									27.0	18.0							45.0
Total Acres: 45																			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 01, 2021.
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. Rights 63-2761A and 63-34097 when combined shall not exceed a total diversion rate of 1.21 cfs, a total annual maximum diversion volume of 360.0 af at the field headgate, and the irrigation of 80 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
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Permit to Appropriate Water
NO. 63-34097

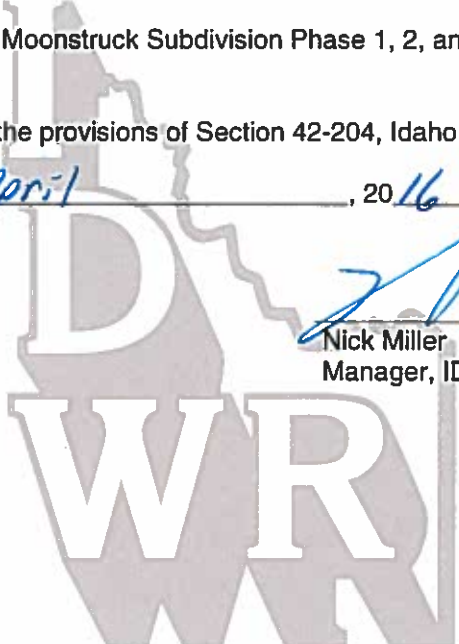
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.
10. Points of diversion are located within Lot 7, Blk. 7, Moonstruck Subdivision Phase 1 and Lot 12, Blk. 5, Moonstruck Subdivision Phase 2.
11. Place of use is located within Moonstruck Subdivision Phase 1, 2, and 3.

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

Signed this 26th day of April, 2016.



Nick Miller
Manager, IDWR Western Region



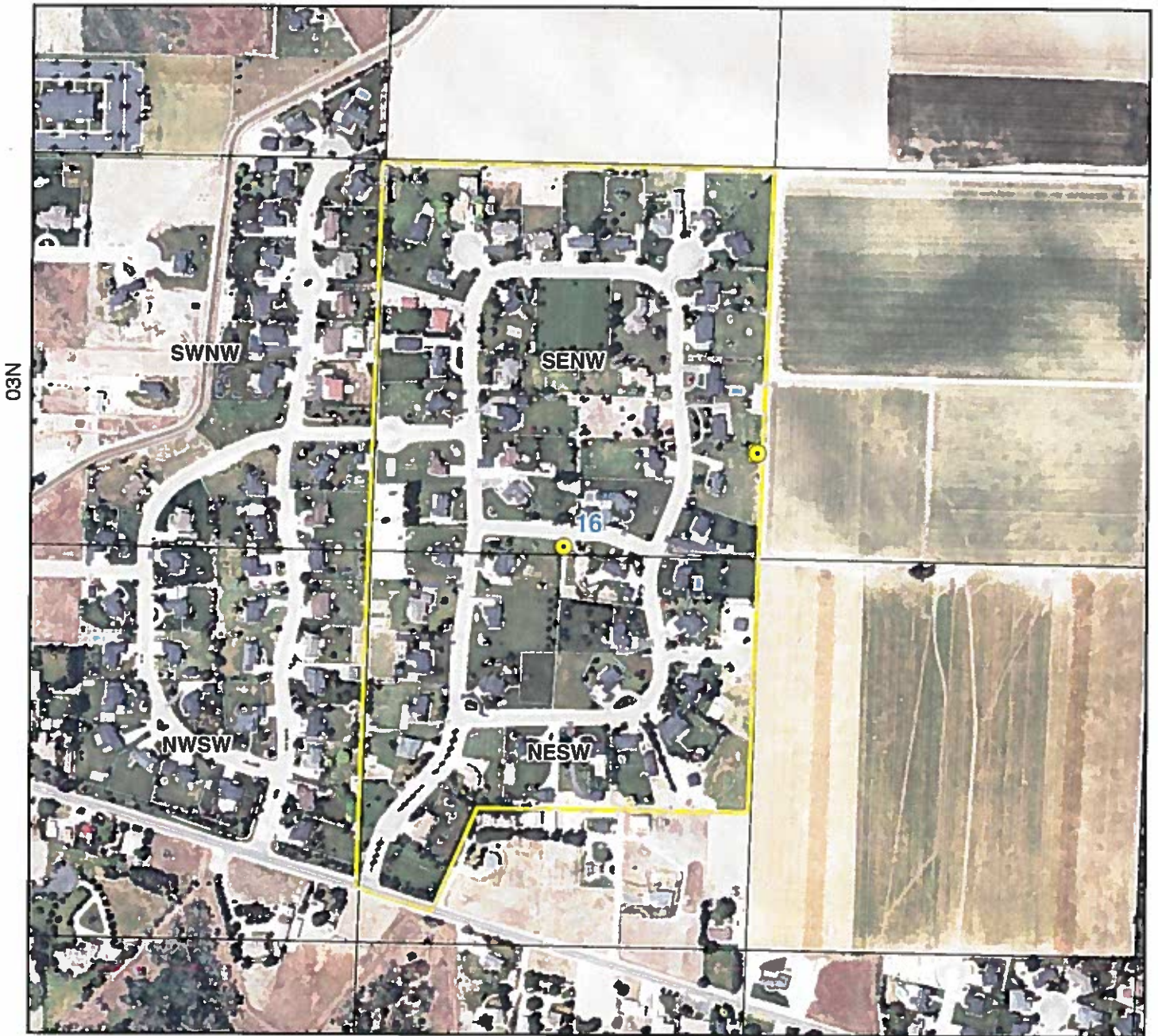
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34097

This map depicts the IRRIGATION 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.

03W



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

0 0.05 0.1 0.2 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

April 26, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MOONSTRUCK HOMEOWNERS ASSOCIATION INC
15617 MOONBEAM WAY
CALDWELL ID 83607-5362

RE: Permit No.63-34097

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 that reads "Rachel Neely for:". The signature is written in a cursive, flowing style.

Nick Miller
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 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. 63-34097

**MOONSTRUCK HOMEOWNERS ASSOCIATION INC
15617 MOONBEAM WAY
CALDWELL ID 83607-5362**

**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.

RECEIVED

MAR 16 2016

WATER RESOURCES
WESTERN REGION

29512 1424584

1 IDAHO DEPT OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

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 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

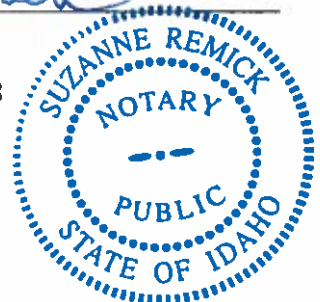
That said notice was published the following:
03/03/2016 03/10/2016

STATE OF IDAHO

County of Canyon)

On this 10th day of March in the year of 2016 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.

Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018



LEGAL NOTICE

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

63-34085 ✓ OK RN 3/22/16

REYNOLDS IRRIGATION DISTRICT
PO BOX 12
MELBA, ID 83641
Points of Diversion SWNE NENE S9 T01S R02W CANYON
County Source WARM SPRINGS CREEK Tributary SNAKE
RIVER
Points of Diversion SWSE SESE S3 T01S R02W CANYON
County Source WARM SPRINGS CREEK Tributary SNAKE
RIVER
Points of Diversion NWNE NWNW S10 T01S R02W
CANYON County Source WARM SPRINGS CREEK Tributary
SNAKE RIVER
Use: POWER 01/01 to 12/31 13.56 CFS
Total Diversion: 13.56 CFS
Date Filed: 5/18/2015
Place of Use: POWER
T01S R02W S17 NWNE

63-34170

CHRISTINA A LINCOLN *Error in source
COTTONWOOD RETRIEVERS re-adv 4/4/16
JAKE COON
22195 LOOK LN
CALDWELL, ID 83607
Points of Diversion SESW NESW S8 T04N R03W CANYON
County Source UNNAMED DRAIN Tributary BOISE RIVER
Use: COMMERCIAL 01/01 to 12/31 3 CFS
Use: COMMERCIAL 10/01 to 04/01 2.5 CFS
Use: COMMERCIAL STORAGE 01/01 to 12/31 1447 AF
Use: COMMERCIAL STORAGE 10/01 to 04/01 717 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 3 CFS
Use: DIVERSION TO STORAGE 10/01 to 04/01 2.5 CFS
Use: IRRIGATION 03/01 to 11/15 0.76 CFS
Use: WILDLIFE 01/01 to 12/31 3 CFS
Use: WILDLIFE 10/01 to 04/01 2.5 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 1447 AF
Use: WILDLIFE STORAGE 10/01 to 04/01 717 AF
Total Diversion: 5.5 CFS
Date Filed: 11/19/2015
Places of Use: IRRIGATION, COMMERCIAL, WILDLIFE,
COMMERCIAL STORAGE, WILDLIFE STORAGE
T04N R03W S8 NESW SWSW SESW
Total Acres: 38

63-34097 ✓ OK RN 3/22/16

MOONSTRUCK HOMEOWNERS ASSOCIATION INC
15617 MOONBEAM WAY
CALDWELL, ID 83607-5382
(2) Points of Diversion SENW S16 T03N R03W CANYON
County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.6 CFS
Total Diversion: 0.6 CFS
Date Filed: 6/22/2015
Place of Use: IRRIGATION
T03N R03W S16 SENW NESW
Total Acres: 45
Water bearing zone to be appropriated is from 75 to 205 feet.

63-34118

DAVID HEBERT

AMY HEBERT

10100 GABICA ST

MIDDLETON, ID 83644

(2) Points of Diversion L1(SESE) S8 T04N R02W CANYON
County Source GROUND WATER

Point of Diversion L1(SESE) S8 T04N R02W CANYON

County Source WASTE WATER Tributary BOISE RIVER

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

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.26 CFS

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

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 25 AF

Use: IRRIGATION STORAGE 03/01 to 11/15 25 AF

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

Total Diversion: 0.26 CFS

Date Filed: 7/24/2015

Places of Use: AESTHETIC STORAGE, RECREATION

STORAGE, IRRIGATION, IRRIGATION STORAGE,

IRRIGATION FROM STORAGE

T04N R02W S8 L1(SESE)

Total Acres: 5

Water bearing zone to be appropriated is from 0 to 20 feet.

63-34179

DANDREW WINE LLC

1910 FAIRVIEW AVE EAST

SUITE 400

SEATTLE, WA 98102

(4) Points of Diversion SWSE S23 T03N R04W CANYON

County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 12/17/2015

Place of Use: COMMERCIAL

T03N R04W S23 SWSE

Water bearing zone to be appropriated is from 50 to 400 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80585

DANDREW WINE LLC, 1910 FAIRVIEW AVE EAST SUITE

400, SEATTLE, WA 98102; has filed Application No. 80585 for

changes to the following water rights within CANYON County

(s): Right No(s). 63-11205, 63-28919; to see a full description

of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer-s.aspx.

This transfer proposes combining three existing wells,

and adding a new well to reflect all four wells as an integrated

system with a total diversion rate of 0.17 cfs. All four wells

are/will be at the Ste Chapelle Winery. The transfer also pro-

poses a change in nature of use for one of the rights to be list-

ed as fully commercial use upon transfer approval.

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 transfer (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 applica-

tion on or before 3/21/2016. The protestant must also send a

copy of the protest to the applicant.

GARY SPACKMAN, Director

March 3, 10, 2016

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