

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34106

Priority: December 10, 2015

Maximum Diversion Volume: 40.0 AF

This is to certify, that TIM HUNIHAN
10055 GABICA ST
MIDDLETON ID 83644

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>ANNUAL VOLUME</u>
IRRIGATION STORAGE	03/01 to 11/15	20.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15	18.0 AF
RECREATION STORAGE	01/01 to 12/31	20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (SE¼SE¼) Sec. 8, Twp 04N, Rge 02W, B.M. CANYON County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 02W 8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X L 1

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 02W 8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	4.0 L 1

Total Acres: 4

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 02W 8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X L 1

CONDITIONS OF APPROVAL

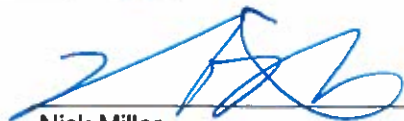
1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2021**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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4. Right 63-34106 authorizes the storage of an annual total of 40 acre-feet; 16.9 acre-feet to be used for the initial filling or carryover storage of the pond, 3.1 acre-feet for the replacement of losses due to evaporation, and up to 20 acre-feet for additional refills for irrigation from storage use.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 16.9 acre-feet or a total surface area of 1.2 acres.
6. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 18 af at the field headgate for the place of use.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
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.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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

Signed this 29th day of February, 20 16.

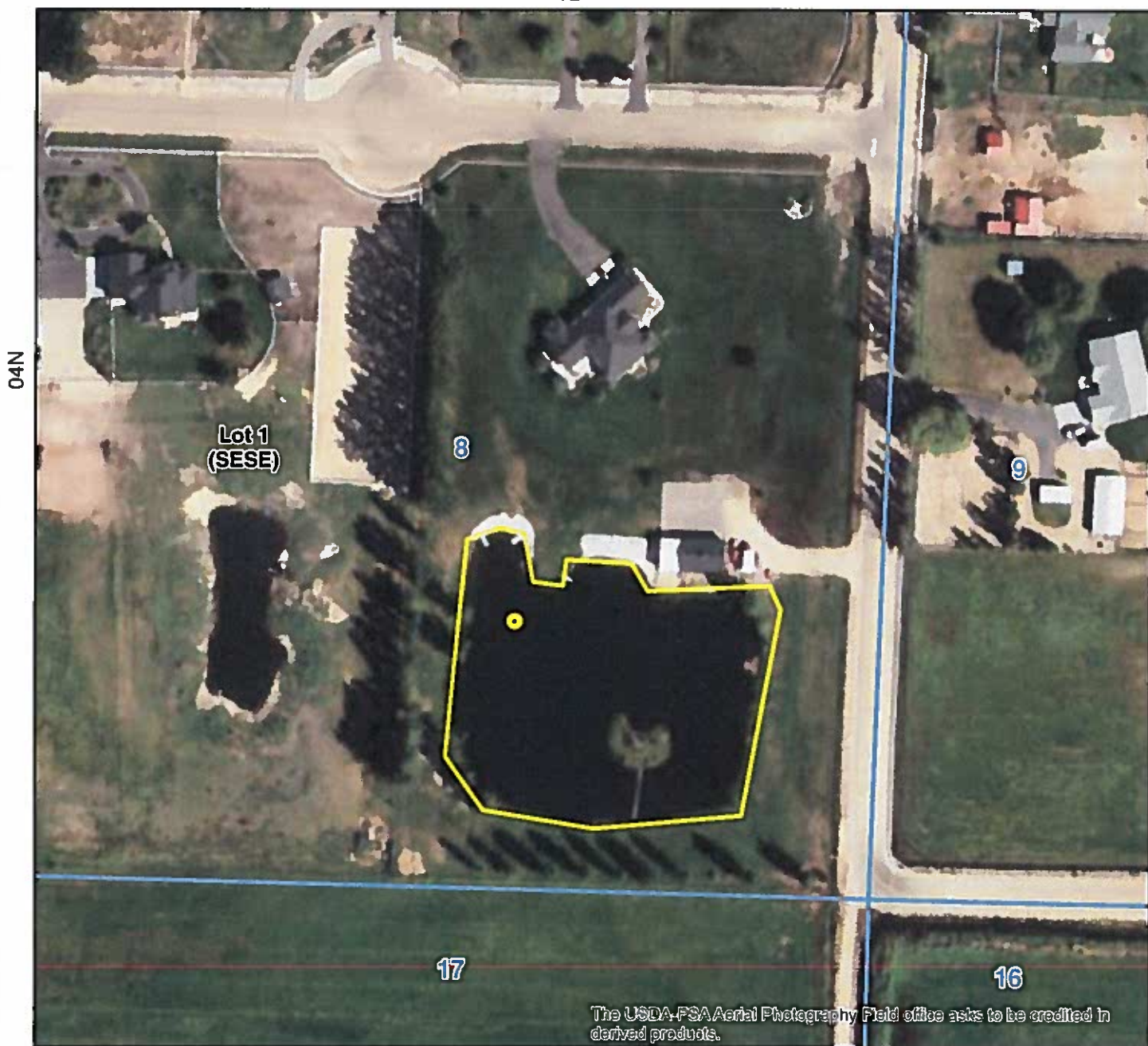


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34106

This map depicts the RECREATION STORAGE and IRRIGATION 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.

02W



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

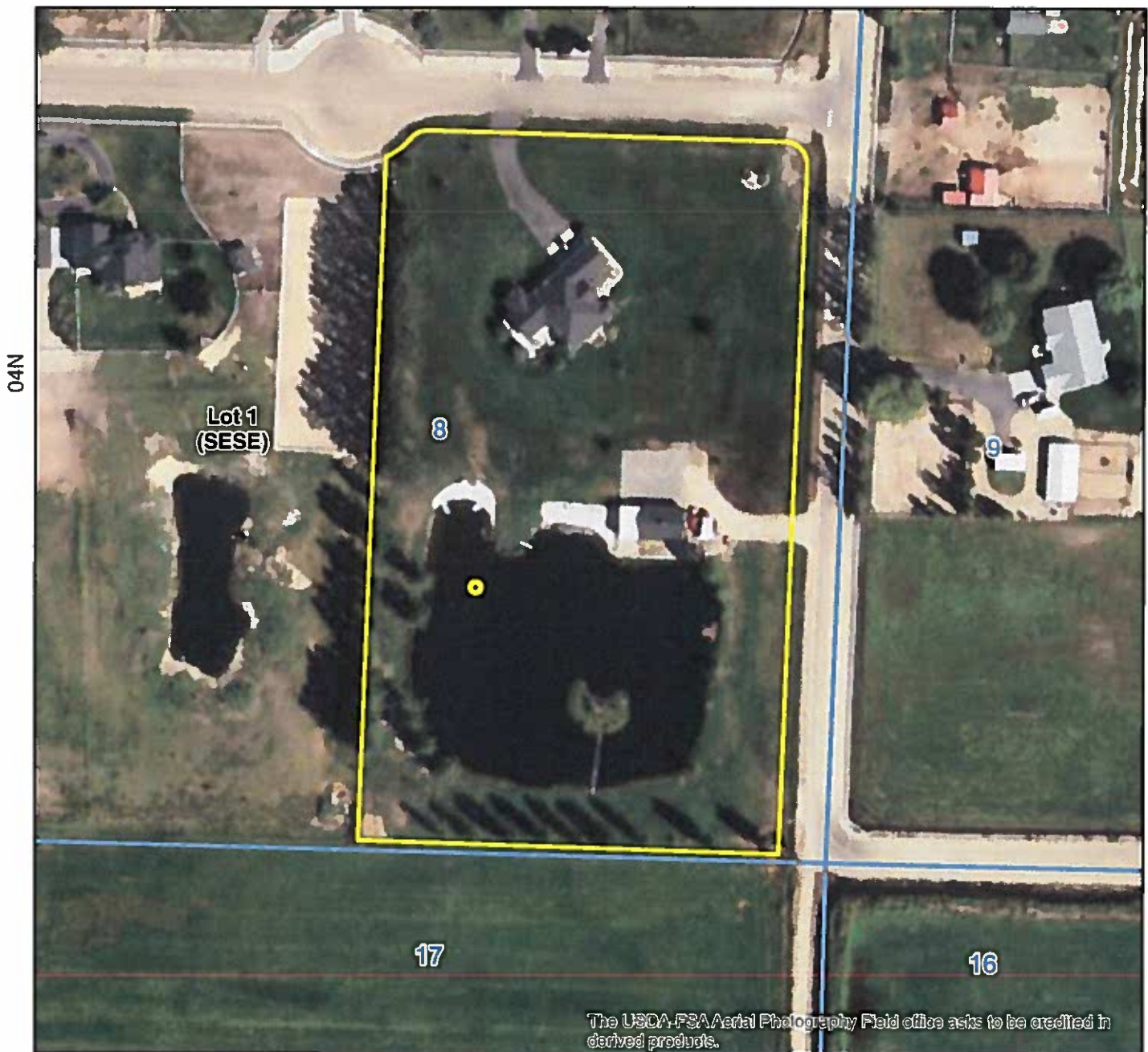
0 0.015 0.03 0.06 Miles



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
63-34106

This map depicts the IRRIGATION 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.

02W



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

0 0.015 0.03 0.06 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

February 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

TIM HUNIHAN
10055 GABICA ST
MIDDLETON ID 83644

RE: Permit No.63-34106

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)

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 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.

63-34106

**TIM HUNIHAN
10055 GABICA ST
MIDDLETON ID 83644**



**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.

29512 1401193

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

Rae Barbosa
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

RECEIVED

JAN 19 2016

WATER RESOURCES
WESTERN REGION

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:

01/07/2016 01/14/2016

STATE OF IDAHO)

County of Canyon)

On this 14th day of January in the year of 2016 before me a Notary Public, personally appeared. Rae Barbosa, 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

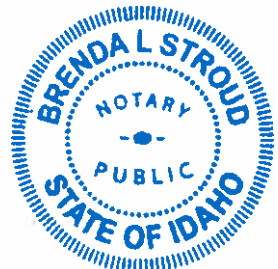
Residing at Canyon County

My Commission expires 05/04/2021

RECEIVED

JAN 19 2016

WATER RESOURCES
WESTERN REGION



LEGAL NOTICE

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

63-34106

TIM HUNIHAN
10055 GABICA ST
MIDDLETON, ID 83644
Point of Diversion L1(SESE) S8 T04N R02W CANYON
County Source GROUND WATER
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 18 AF
Use: IRRIGATION STORAGE 03/01 to 11/15 20 AF
Use: RECREATION STORAGE 01/01 to 12/31 20 AF
Total Diversion: 40 AF
Date Filed: 7/20/2015
Places of Use: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, RECREATION STORAGE
T04N R02W S8 L1(SESE)
Total Acres: 4
Water bearing zone to be appropriated is from 0 to 20 feet.

3-10280

RICHARD GRAGG
SARAH GRAGG
27499 PIONEER LN
PARMA, ID 83660
Point of Diversion L3(NESW) S14 T05N R06W CANYON
County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 7/15/2015
Place of Use: IRRIGATION
T05N R06W S14 L3(NESW)
Total Acres: 0.5

63-34045

RORY NEEDS
8344 PARTRIDGE DR
NAMPA, ID 83686
Point of Diversion NWSW S22 T02N R02W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 2/25/2015
Place of Use: IRRIGATION
T02N R02W S22 NWSW
Total Acres: 2.2
Water bearing zone to be appropriated is from 130 to 190 feet.

63-34071

GREG OBENDORF
28498 DEB LN
PARMA, ID 83660
Point of Diversion NWNW S32 T05N R05W CANYON County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 2.74 CFS
Total Diversion: 2.74 CFS
Date Filed: 3/31/2015
Place of Use: IRRIGATION
T05N R05W S29 SWNW SENW SWSE SESE
Total Acres: 137
Water bearing zone to be appropriated is from 85 to 345 feet.

63-34168

IDAHO MATERIALS AND CONSTRUCTION
925 N SUGAR ST
NAMPA, ID 83687
Point of Diversion SWSW S17 T04N R02W CANYON County
Source GROUND WATER Tributary BOISE RIVER
Use: COMMERCIAL FROM STORAGE 01/01 to 12/31 150 AF
Use: COMMERCIAL STORAGE 01/01 to 12/31 152 AF
Total Diversion: 152 AF
Date Filed: 11/5/2015
Place of Use: COMMERCIAL STORAGE
T04N R02W S17 SWSW
Place of Use: COMMERCIAL FROM STORAGE
T04N R02W S17 SWNE L3(SENE) SW(ALL) NESE NWSE
Water bearing zone to be appropriated is from 0 to 25 feet.

63-34169

IDAHO MATERIALS AND CONSTRUCTION
925 N SUGAR ST
NAMPA, ID 83687
Point of Diversion NWSW S17 T04N R02W CANYON County
Source GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 11/5/2015
Place of Use: COMMERCIAL
T04N R02W S17 NWSW
Water bearing zone to be appropriated is from 50 to 150 feet.

63-34107

IDAHO YOUTH RANCH
5465 W IRVING ST
BOISE, ID 83706
(2) Points of Diversion SENE S9 T05N R03W CANYON
County Source GROUND WATER
Use: FIRE PROTECTION 01/01 to 12/31 3.35 CFS
Use: IRRIGATION 03/01 to 11/15 3.8 CFS
Use: STOCKWATER 01/01 to 12/31 0.05 CFS
Total Diversion: 3.8 CFS
Date Filed: 7/10/2015
Place of Use: IRRIGATION
T05N R03W S9 NENE SWNE SENE NENW NWNW SENW
NESE NWSE
Place of Use: FIRE PROTECTION
T05N R03W S9 SWNE SENE NESE NWSE
Place of Use: STOCKWATER
T05N R03W S9 NENE SWNE SENE NENW NWNW SENW
NESE NWSE
Total Acres: 257
Water bearing zone to be appropriated is from 150 to 500 feet.
Proposed irrigation is 190 acres within a 257 acre PPU

63-34109

IDAHO YOUTH RANCH
5465 W IRVING ST
BOISE, ID 83706
Point of Diversion SENE S9 T05N R03W CANYON County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/10/2015
Place of Use: DOMESTIC
T05N R03W S9 SWNE SENE NESE NWSE
Water bearing zone to be appropriated is from 150 to 500 feet.

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 1/25/2016. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

January 07, 14, 2016

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RECEIVED

JAN 19 2016

WATER RESOURCES
WESTERN REGION

