

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 63-34135

Priority: August 17, 2015

Maximum Diversion Rate: 1.60 CFS

This is to certify, that BRIGHTON DEVELOPMENT INC
 12601 W EXPLORER DR STE 220
 BOISE ID 83713

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>
IRRIGATION	03/01 to 11/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4 NW1/4 Sec. 33, Twp 03N, Rge 01E, B.M. ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	01E	33	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Totals
				40.0 32.0	40.0 40.0	20.0	172.0

Total Acres: 172

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2020**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season.
5. 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.
6. 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.

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7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 360.0 af at the field headgate for the place of use.
8. 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.
9. 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. Witness the signature of the Director, affixed at Boise, this 19th day of November, 2015.


for GARY SPACKMAN, Director

Attachment to Permit to Appropriate Water

63-34135

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.



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

0 0.075 0.15 0.3 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 19, 2015

BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 220
BOISE ID 83713

RE: Permit No.63-34135

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,

 Rachel Needy For:

Nick Miller

Western Region Manager

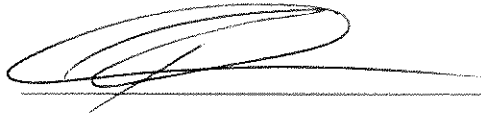
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2015 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. 63-34135

**BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 220
BOISE ID 83713**



**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
263978	0002026361	LEGAL NOTICE The following applications	Eagle MF Partners	\$392.88	3	79

Attention: RACHEL NEELY

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

RECEIVED

OCT 26 2015

WATER RESOURCES
WESTERN REGION

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:

LEGAL NOTICE

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

63-34130
EAGLE MF PARTNERS LLC
6016 S RUBY RIDGE COVE
SALT LAKE CITY, UT 84121
Point of Diversion NWSE S7 T04N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Total Diversion: 0.14 CFS
Date Filed: 8/12/2015
Place of Use: IRRIGATION
T04N R01E S7 NESE NWSE
Total Acres: 4.8
Water bearing zone to be appropriated is from 230 to 350 feet.

63-34055
MICHAEL CAMMANN
GWENDOLYN CAMMANN
1945 S CANONERO WAY
BOISE, ID 83709
Point of Diversion SENW S22 T03N R01E ADA County
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.05 CFS
Date Filed: 3/9/2015
Place of Use: IRRIGATION, DOMESTIC
T03N R01E S22 SENW
Total Acres: 1.1
Water bearing zone to be appropriated is from 20 to 89 feet.

63-34131
MICHAEL CAMMANN
GWENDOLYN CAMMANN
1945 S CANONERO WAY
BOISE, ID 83709
Point of Diversion SENW S22 T03N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 8/12/2015
Place of Use: IRRIGATION
T03N R01E S22 SENW
Total Acres: 4
Water bearing zone to be appropriated is from 75 to 200 feet.

63-34136
RIVERSTONE INTERNATIONAL SCHOOL
5521 E WARM SPRINGS AVE
BOISE, ID 83716
Point of Diversion NESE S29 T03N R03E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 8/21/2015
Place of Use: IRRIGATION
T03N R03E S28 NWSW
T03N R03E S29 NESE L1(SESE)
Total Acres: 6
Mitigation is proposed for consumptive use.
Water bearing zone to be appropriated is from 60 to 100 feet.

63-34036
LILY COLLIAS
JAMES GATZLIOS
STEPHANOS COLLIAS
3811 W CLEMENT RD
BOISE, ID 83704
(2) Points of Diversion SENE S1 T01N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.56 CFS
Total Diversion: 1.56 CFS
Date Filed: 2/5/2015
Place of Use: IRRIGATION
T01N R01E S1 L2(NWNE) SESE
Total Acres: 78
Water bearing zone to be appropriated is from 300 to 600 feet.

63-34126
CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN, ID 83642
Point of Diversion SENW S33 T03N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.44 CFS
Total Diversion: 0.44 CFS
Date Filed: 8/3/2015
Place of Use: IRRIGATION
T03N R01E S33 NENW SENW
Total Acres: 24
Water bearing zone to be appropriated is from 100 to 300 feet.
Applicant proposes irrigation of 22 acres within the place of use described.

63-34135
BRIGHTON DEVELOPMENT INC
12601 W EXPLORER DR STE 220
BOISE, ID 83713
Point of Diversion SWNW S33 T03N R01E ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.6 CFS
Total Diversion: 1.6 CFS
Date Filed: 8/17/2015
Place of Use: IRRIGATION
T03N R01E S33 SWNW SENW NESW NWSW NWSE
Total Acres: 172
Water bearing zone to be appropriated is from 50 to 425 feet.
Applicant proposes irrigation of 80 acres within the place of use described.

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 11/02/2015. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Oct. 15, 22, 2015

OK RN 11/3/15
OK RN 11/3/15

OK RN 11/3/15
OK RN 11/3/15

OK RN 11/3/15
OK RN 11/3/15

2 Insertions

Beginning issue of: 10/15/2015

Ending issue of: 10/22/2015

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 22nd day of October in the year of 2015 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.

Diana B. Campbell
Notary Public for Idaho
Residing at Boise, Idaho
DIANA B. CAMPBELL
NOTARY PUBLIC
Commission expires 7/23/2021
PUBLIC
STATE OF IDAHO