

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12305

Priority: April 05, 1996

Maximum Diversion Rate: 1.85 CFS
Maximum Diversion Volume: 325.3 AF

It is hereby certified that MOON LAKE RANCH
C/O JAN ROSE AND JEFF WREEDE
PO BOX 810
STAR ID 83669 has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated April 05, 1996; and has submitted Proof of Beneficial Use
on February 09, 2001. An examination confirms water is diverted from:

SOURCE

BOISE RIVER
WASTE WATER
GROUND WATER

Tributary: SNAKE RIVER
SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION STORAGE	03/15 to 11/15		130.8 AF
AESTHETIC STORAGE	01/01 to 12/31		130.8 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		130.8 AF
Total Storage and Use From Storage =			130.8 AF
 AESTHETIC	11/16 to 03/14	0.49 CFS	194.5 AF
AESTHETIC	03/15 to 11/15	0.85 CFS	194.5 AF
Total Aesthetic Use =			194.5 AF
 DIVERSION TO STORAGE	11/16 to 03/14	0.49 CFS	
DIVERSION TO STORAGE	03/15 to 11/15	1.85 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L1 (NE1/4NE1/4)	Sec. 13,	Twp 04N,	Rge 01W,	B.M.	ADA County
BOISE RIVER	L2 (NW1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
WASTE WATER	L3 (NE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	NW1/4NW1/4	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County
GROUND WATER	L5 (NW1/4SW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA Count
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W,	B.M.	ADA County

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12305

PLACE OF USE: IRRIGATION STORAGE AND AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X	X		X							
					L 3			L 4		L 5							

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					3.0	15.0	16.0	12.0		4.0							50.0
					L 3			L 4		L 5							

Total Acres: 50

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X	X		X							
					L 3			L 4		L 5							

CONDITIONS OF APPROVAL

1. The water right holder shall retain 91.75 shares of Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co., and this right shall not be used if the shares of surface water are sold, transferred, leased, or used on any other place of use.
2. Water shall not be diverted from the Boise River under this right except during those times that water from the Boise River is being delivered to Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co.
3. Diversion and use of Boise River water under this right and the right holder's 91.75 shares of Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co. together shall not exceed 1.835 cfs.
4. For purposes of water delivery, the watermaster may consider Boise River water diverted under this right to be one and the same as water diverted pursuant to the Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co. water rights and shall deliver according to the priority of those rights.
5. Groundwater from the wells may be diverted pursuant to this right only from March 15 through November 15 of each year and only when Boise River water is not being delivered to Middleton Mill Ditch Co., Middleton Irrigation Association, or Pioneer Ditch Co.

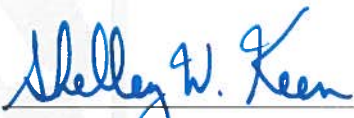
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12305

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
8. Place of use is located within Lots 1-9 and 11-42, Moon Ranch Subdivision.
9. 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.
10. 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.63.
11. Right 63-12305 authorizes the diversion of 130.8 acre-feet to be used for the initial filling of the pond, 71.3 acre-feet for losses due to seepage and evaporation, and up to 123.2 acre-feet for flow through for the aesthetic use for a total annual volume of 325.3 acre-feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 9th day of September, 2014.

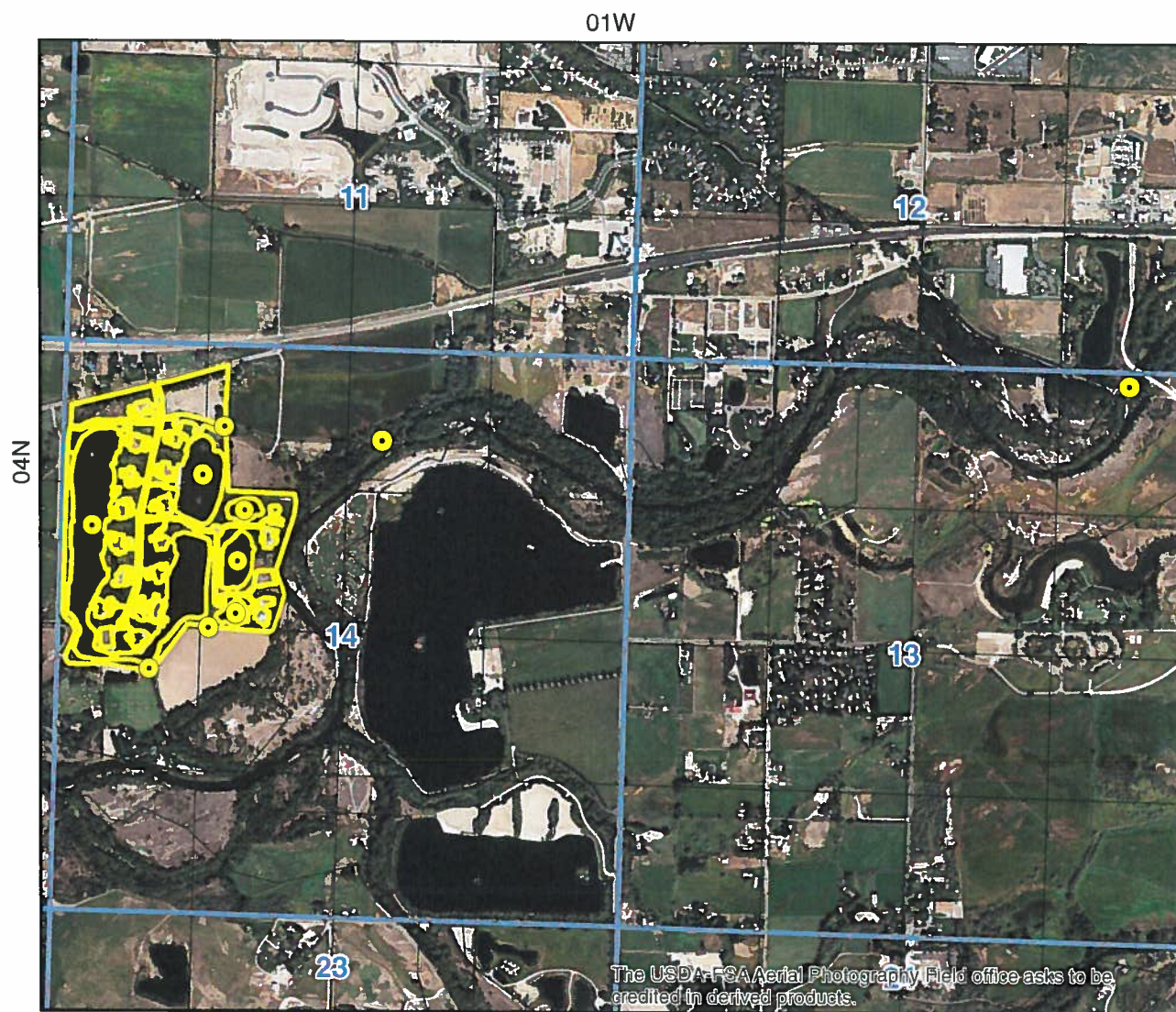

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

63-12305

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.



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

0 0.2 0.4 0.8 Miles

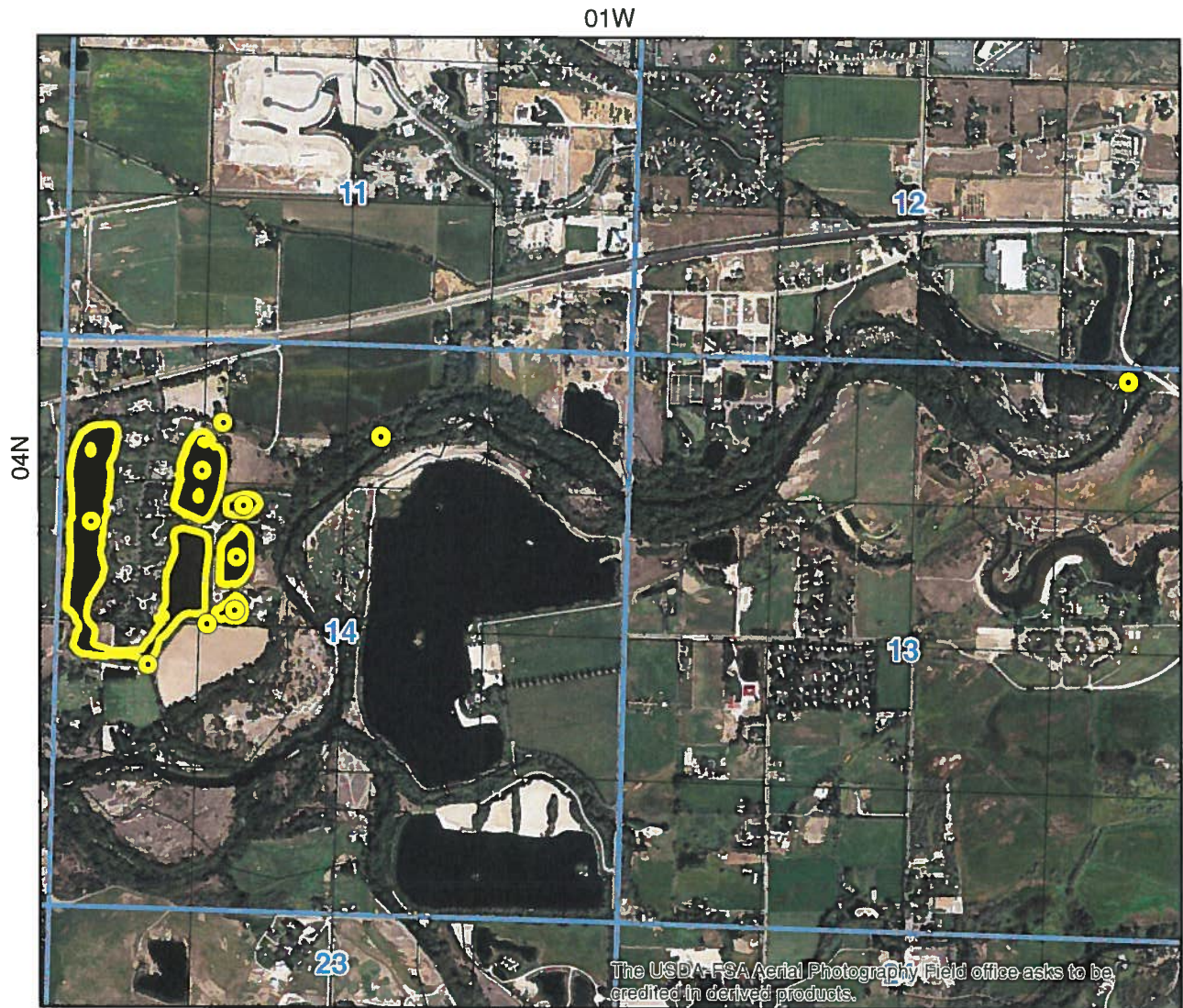


State of Idaho
Department of Water Resources

Attachment To Water Right License

63-12305

This map depicts the AESTHETIC, AESTHETIC 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.



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

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 10, 2014

MOON LAKE RANCH
C/O JAN ROSE AND JEFF WREEDE
PO BOX 810
STAR ID 83669

RE: License No. 63-12305

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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 208-287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

cc: WATER DISTRICT NO. 63

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. **63-12305**

**MOON LAKE RANCH
C/O JAN ROSE AND JEFF WREEDE
PO BOX 810
STAR ID 83669**

**WATER DISTRICT NO. 63
REX BARRIE
PO BOX 767
STAR ID 83669-0767**



**Darla Block
Technical Records Specialist**

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-12305

RECEIVED
AUG 26 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: April 05, 1996

Maximum Diversion Rate: 1.85 CFS
Maximum Diversion Volume: 325.3 AF

Comes now MOON LAKE RANCH
C/O JAN ROSE AND JEFF WREEDE
PO BOX 810

STAR ID 83669 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-12305, and requests that the permit be changed as follows:

Source: BOISE RIVER
WASTE WATER
GROUND WATER

Tributary: SNAKE RIVER
SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	03/15 to 11/15		130.8 AF
AESTHETIC STORAGE	01/01 to 12/31		130.8 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		<u>130.8 AF</u>
Total Storage and Use From Storage = 130.8 AF			
AESTHETIC	11/16 to 03/14	0.49 CFS	194.5 AF
AESTHETIC	03/15 to 11/15	0.85 CFS	<u>194.5 AF</u>
Total Aesthetic Use = 194.5 AF			
DIVERSION TO STORAGE	11/16 to 03/14	0.49 CFS	
DIVERSION TO STORAGE	03/15 to 11/15	1.85 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L2 (NW1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
BOISE RIVER	L1 (NE1/4NE1/4)	Sec. 13,	Twp 04N,	Rge 01W, B.M.	ADA County
WASTE WATER	L3 (NE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	L5 (NW1/4SW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	L4 (SE1/4NW1/4)	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	NW1/4NW1/4	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County
GROUND WATER	SW1/4NW1/4	Sec. 14,	Twp 04N,	Rge 01W, B.M.	ADA County

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-12305

PLACE OF USE: AESTHETIC, AESTHETIC STORAGE, IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X	X	X		X							
					L 3			L 4		L 5							

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					3.0	15.0	16.0	12.0		4.0							
					L 3			L 4		L 5							50.0

Total Acres: 50

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 21st day of SEPTEMBER, 2014

Kelly Hendry
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 63-12305

.....
FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$100⁰⁰ Received by CS # C099334 Date 8/26/14

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-12305 with the following:

CONDITIONS OF APPROVAL

1. The water right holder shall retain 91.75 shares of Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co., and this right shall not be used if the shares of surface water are sold, transferred, leased, or used on any other place of use.
2. Water shall not be diverted from the Boise River under this right except during those times that water from the Boise River is being delivered to Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co.
3. Diversion and use of Boise River water under this right and the right holder's 91.75 shares of Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co. together shall not exceed 1.835 cfs.
4. For purposes of water delivery, the watermaster may consider Boise River water diverted under this right to be one and the same as water diverted pursuant to the Middleton Mill Ditch Co., Middleton Irrigation Association, and Pioneer Ditch Co. water rights and shall deliver according to the priority of those rights
5. Groundwater from the wells may be diverted pursuant to this right only from March 15 through November 15 of each year and only when Boise River water is not being delivered to Middleton Mill Ditch Co., Middleton Irrigation Association, or Pioneer Ditch Co.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted 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.
8. Place of use is located within Lots 1-9 and 11-42, Moon Ranch Subdivision.
9. 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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-12305

10. 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.63.
11. Right 63-12305 authorizes the diversion of 130.8 acre-feet to be used for the initial filling of the pond, 71.3 acre-feet for losses due to seepage and evaporation, and up to 123.2 acre-feet for flow through for the aesthetic use for a total annual volume of 325.3 acre-feet.

Witness my hand this 9th day of September, 2014.


for GARY SPACKMAN
Director