

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-35142

Priority: December 14, 2021

Maximum Diversion Rate: 0.08 CFS

This is to certify that

HILLSDALE ESTATES HOMEOWNERS ASSN INC C/O RIVERSIDE MANAGEMENT
8919 W ARDENE ST BOISE ID 83709-2686

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	03/1 to 11/15	0.04 CFS
DOMESTIC	1/1 to 12/31	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ NW¼, Sec. 28, Twp 05N, Rge 01W, B.M. ADA County
GROUND WATER SE¼ NE¼, Sec. 29, Twp 05N, Rge 01W, B.M. ADA County
GROUND WATER SE¼ NE¼, Sec. 29, Twp 05N, Rge 01W, B.M. ADA County
GROUND WATER SW¼ NE¼, Sec. 29, Twp 05N, Rge 01W, B.M. ADA County
GROUND WATER SE¼ SW¼, Sec. 25, Twp 05N, Rge 02W, B.M. CANYON County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28									1.3								1.3

Total Acres: 1.3

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28									X								

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2029**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
5. Points of diversion are located within Lot 1, Blk. 1 & Lot 14 Blk 3, Hillsdale Estates Subdivision No. 1,

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Lot 25, Blk 4, Hillsdale Estates Subdivision No. 7, Lot 17, Blk 2 & Lot 10, Blk 3, Star Ridge Estates No. 2.

6. Place of use is located within Lot 2, Blk. 1; Goldfork Ridge Subdivision No 1.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
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.

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

Signed this 16th day of December, 20 22.



SCOTT STORMS
Water Rights Supervisor

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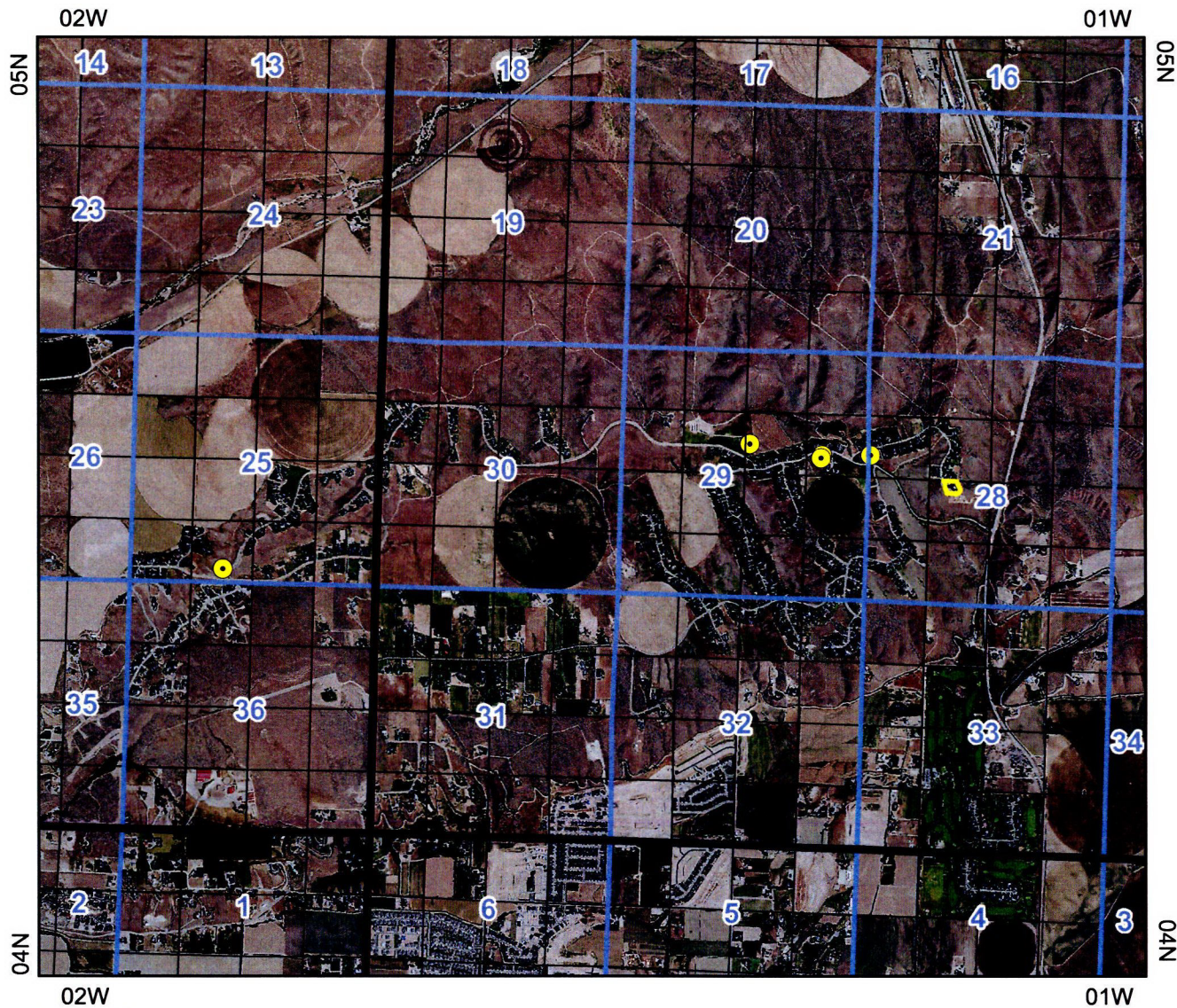
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Attachment to Permit to Appropriate Water

63-35142

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.



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

0 0.45 0.9 1.8 Miles



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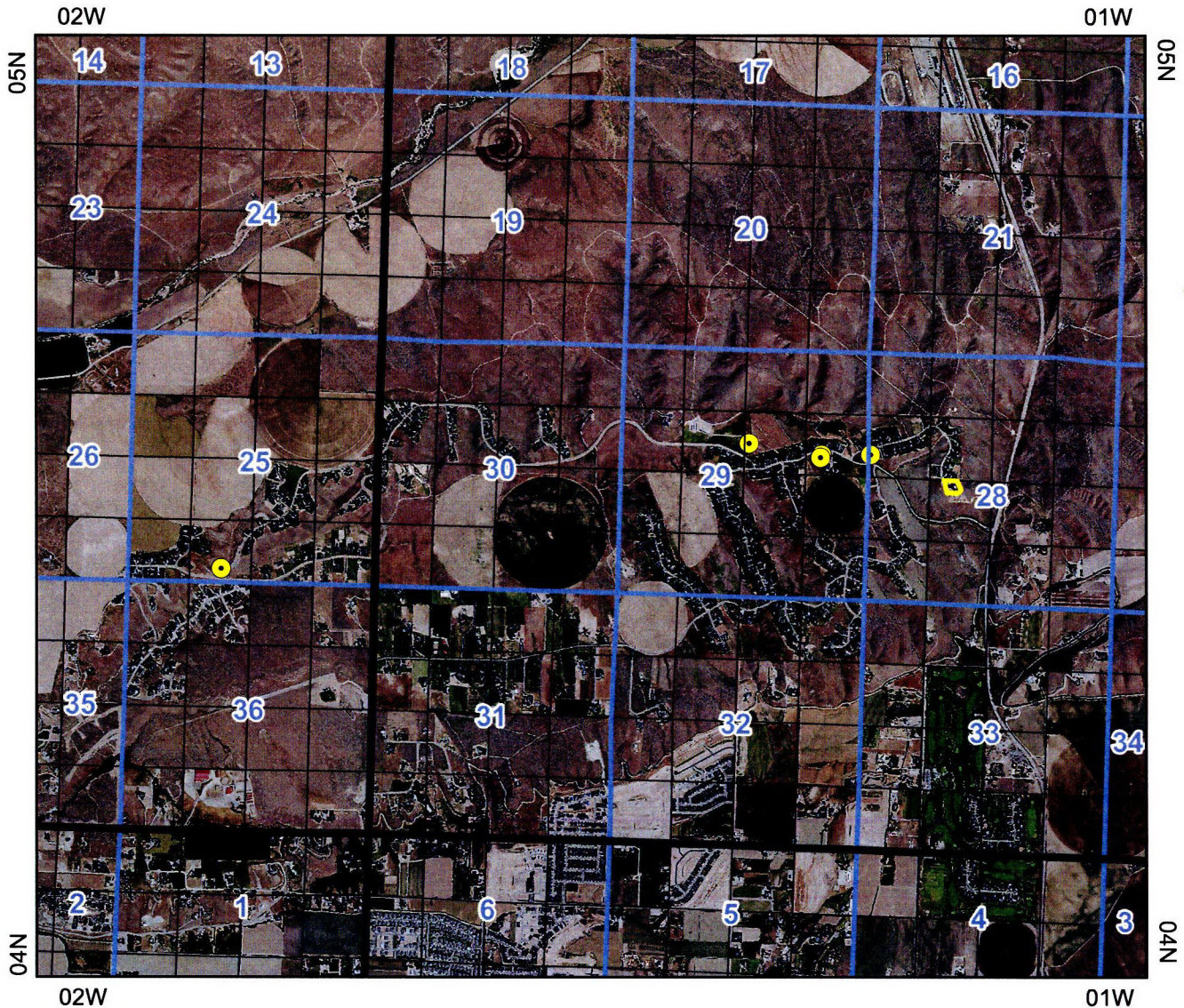
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State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-35142

This map depicts the DOMESTIC 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.



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

0 0.45 0.9 1.8 Miles



December 19, 2022

HILLSDALE ESTATES HOMEOWNERS ASSN INC
C/O RIVERSIDE MANAGEMENT
8919 W ARDENE ST
BOISE ID 83709-2686

RE: Permit No. 63-35142

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

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Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,



Kyle Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, I served a true and correct copy of Permit to Appropriate Water No. 63-35142 by U.S. Mail, postage prepaid, to the following:

HILLSDALE ESTATES HOMEOWNERS ASSN INC (Current Owner)
C/O RIVERSIDE MANAGEMENT
8919 W ARDENE ST
BOISE ID 83709-2686

HILLSDALE ESTATES HOA (Attorney)
C/O DYLAN LAWRENCE
VARIN WARDWELL LLC
242 N 8TH ST STE 220
BOISE ID 83702-5892

JAMES SHIRLEY (Interested Party)
6020 N HILL POINT WAY
STAR ID 83669-5326

KAREN RASMUSSEN (Interested Party)
6020 N HILL POINT WAY
STAR ID 83669-5326

MCHUGH BROMLEY PLLC (Interested Party)
ATTN CANDICE MCHUGH
380 S 4TH ST STE 103
BOISE ID 83702-7687



Lynne Evans
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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.

REVIEW CHECKLIST -- APPLICATION FOR PERMITApplication # 85529 (63-35142) REVIEWER AO DATE 12/14/2021**REQUIRED INFORMATION -- COMPLETE & ACCURATE -- INITIAL DE**

☒ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included – Rule 35.03.b.i) bus. entity #
☒ Address
☒ Source * (see USGS quad for source/trib names, comment for local name)
☒ P/D (10 acres for spring, lot & block info for subdivisions)
☒ County *
☒ Quantity (flow & /or storage volume) Government Lots
☒ Period of use * P/D
☒ Nature of use (list details in app. item 8 if non-irrigation) P/U
☒ N/A Municipal Checklist
☒ Description of diverting works
☒ Time required for beneficial use of water * tributary, county &/or irrigation
☒ P/U season corrected per dept. standards
☒ Map (show T, R, Sect, POD & POU) w/o amended appl. per AP Memo #9
☒ Signature (need title of signatory if applicable)
☒ Correct fee paid
☒ Fee amount, receipt number, receipt date, WR #, and reviewer initials recorded on app
☒ Attach proof report & WR Layout Map
☒ AdHoc, Application tab: Status = ACTIVE Draft = NO
☒ Log APPSLIST for Initial DE ✓ and Log File Location ✓

PRE-ADVERTISING ANALYSIS

YES	NO	
☒	☐	Bs 63 GW? Water bearing zone legal notice remark required
☒	☐	Bs 63 GW Restricted Area (Above Star)? Must appropriate deeper than 200' or mitigate
☒	☐	Bs 63 Surface water above Star & consumptive use? Cannot process unless mitigated
☒	☐	Mitigation plan (consumptive use & POD closed area) – legal notice remark + mitigation checklist
☒	☐	Critical Ground Water Area – send letter if cannot process
☒	☐	Ground Water Mngt. Area – send letter if cannot process
☒	☐	Bs 77, 78, 79 – 42-111 D/S any source or community well, normal process; all others use Salmon/Clearwater Area Processing
☒	☐	W&S Rv – Bs 77 or 78 + legal notice remark, W&S Workflow <u>application</u> record
☒	☐	W&S Rv – Bs 51 or 55, attach Bs 51 - 55 W&S Watersheds checklist
☒	☐	Water Dist. 67 – send Bs 67 June 15 cutoff form letter to confirm BU. possible prior to 6/15
☒	☐	Waste Water – send form letter
☒	☐	Trust Water – send form letter (AdHoc/Reports tab) + legal notice remark + TW checklist
☒	☐	South Ada Co. GW Area of Concern – send form letter
☒	☐	South Canyon Co. GW Area of Concern – send form letter
☒	☐	US BLM is POD/POU Property Owner, Verify location with Applicant and check w/ BLM

ADD INFO Requested On: 1/21 Response Received: Y ☒ N ☐
 Extension Requested On: _____ Response Received: Y ☐ N ☐

ADVERTISING

YES	NO	
☒	☐	STATEWIDE ADVERTISING (> 10 cfs or > 1000 af storage)
☒	☐	Legal Notice Remarks (WB Zone, Wild & Scenic, Subdivision Info, Mitigation, etc.) – See attached proof report

COMMENT LETTERS

YES NO
☒ ☐ Water Dist # NWD
☐ ☐ IDFG [SW "fish live-in" AP Memo #62, Bs 77-79, other] (☐ reply in file)
☐ ☐ IDEQ [Bs 77-79, Land Application, Basin Recharge, Dairy, PWS, other] (☐ reply in file)
☐ ☐ Western Dam Safety [Storage Dam (n/a excavated ponds); Complete checklist ☐]
☐ ☐ IDWR Planning Bureau [Min. Stream Flow Bs 77-79, Protected Stream, other]
☐ ☐ IDL [POD/POU Property Owner, other]
☐ ☐ US BLM [POD/POU Property Owner, other]
☐ ☐ US Forest Service [POD/POU Property Owner, other]
☐ ☐ Irrigation Entity [Overlap GW Irr, Waste water, other]: _____
☒ ☐ Other [Previous Protestants in Area, ect.] – list here or see attached

Dylan Lawrence, Hillsdale Estates HOA

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES**LEGAL NOTICE & PROTEST**

Protest Deadline 02.22.2022

YES NO
☒ ☐ Protested If Yes: Prepare protest checklist and complete
☒ ☐ Affidavit received/published correctly? If No, Re-advertise.

Re-Adv Protest Deadline -

YES NO
☐ ☐ Protested
☐ ☐ Affidavit received/published correctly If No: ☐ Re-advertised & published correctly

Re-Adv Comment Letters To: -

POST-ADVERTISING ANALYSIS

YES NO
☒ ☐ POD overlap – briefly explain Shared POD's with Hillsdale HOA
☐ ☒ POU overlap – briefly explain _____
☐ ☐ Large diversion > 5 cfs, > 500 af storage or > 200 acres – attach large diversion checklist
☐ ☐ Public Land Access – IDL, BLM, USFS owns POD/POU land, Rule 40.05.e info needed
☐ ☐ BLM or USFS Stockwater Appl. – consider Joyce Livestock Decision – send form letter
☐ ☐ Municipal – Review AP Memo #18 and/or AP Memo #74
☐ ☐ Commercial, Heating/Cooling, Industrial, WQI, etc. – Rate request justified in file
☐ ☐ Storage Use – AP Memo #76 complete for explanation/justification of volume request in file
☐ ☐ Power residency affidavit – send power letter for other factors if needed
☐ ☒ DP fee upgrade : ☐ Paid ☐ WR & WC Files Documented ☐ Not Paid = SO follow up

ADD INFO Requested On: ☐ Response Received: Y ☐ N ☐

Extension Requested On: ☐ Response Received: Y ☐ N ☐

DRAFT PERMIT

YES NO
☐ ☒ W&S Rv – Bs 51, 55, 77 or 78 W&S Workflow/spreadsheet update for permit record
☐ ☒ Memo To File Re: _____
☒ Draft approval created w/ Map (WRLayouts - 'Print Attachment Page') & saved to backfile

MEMORANDUM

December 16, 2022

Water Permit: 63-35142

Author: SStorms

Subject: Period of Use

The applicant originally applied for a period of use from 4/1 to 10/1 for irrigation. The standard period of use for irrigation for the area is 3/1 - 11/15. The period of use was updated in accordance with AP memo#52.

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