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Feb 10, 2025

DEPARTMENT OF
WATER RESOURCES

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Attorneys for Juniper Station Farm, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NOS. 61-12090 (NEVID LLC); PERMIT NO. 61-12096 (NEVID LLC); PERMIT NO. NO. 63-32499 (MAYFIELD TOWNSITE LLC); and PERMIT NO. 63-35473 (MAYFIELD RANCH LLC)

DECLARATION OF MIKE EISENMAN

MIKE EISENMAN under penalty of perjury states as follows:

1. I am over the age of eighteen and state the following based upon my own personal knowledge.
2. I am the Manager of Juniper Station Farm, LLC ("Juniper"), an entity registered with the Idaho Secretary of State, in good standing.
3. Juniper is the holder of water right nos. 61-7283A, 61-11966, and 61-12133, each of which is for an irrigation purpose of use, from ground water, which are the subject of Transfer No. 81327 ("Transfer") that is of record with the Idaho Department of Water Resources ("IDWR").

SUPPORT DATA

IN FILE # 61-12090

4. Generally, the *Transfer* proposes to move the three water rights from a point of diversion and place of use within the Cinder Cone Butte Critical Ground Water Management Area to points of diversion and places of use within the I-84 Corridor.

5. Collectively, the three water rights authorize the irrigation of 151 acres.

6. The *Transfer* was filed with IDWR on December 6, 2016.

7. Juniper is also the holder of application for permit 61-12319 (“Application”) for the irrigation of 640 acres within a 1,437-acre permissible place of use, with a diversion rate of 12.80 cfs / 2,880 acre-feet per annum from ground water, of record with IDWR.

8. The *Application* has a priority date of August 3, 2017.

9. On May 6, 2019, Juniper received two letters from IDWR explaining that neither the *Transfer* nor the *Application* can move forward unless and until water becomes available for development. Attached hereto as **Exhibit 1** are true and correct copies of the aforementioned letters.

10. Attached hereto as **Exhibit 2** is a true and correct copy of a *Memorandum* from Nick Miller to Shelley Keen, dated December 29, 2020. The *Memorandum* explains that Juniper’s *Application* and *Transfer* are being held in the IDWR processing “queue” while permits (“Permits”) ahead of Juniper are put to beneficial use.

11. It is my understanding that the Permits that are ahead of Juniper are: 61-12090 (Nevid, LLC); 61-12096 (Nevid, LLC); 63-32499 (Mayfield Townsite, LLC); and 63-35473 (Mayfield Ranch, LLC). Each of the Permits are for municipal purposes of use, summarized by my review of the records of IDWR as follows:

Owner	Permit No.	Purpose	Div. Rate (cfs)	Priority	Permit Approval	Proof Due
Townsite	63-32499	Municipal	6.52	7/28/2006	1/13/2016	1/1/2026
Ranch	63-35473	Municipal	3.48	7/28/2006	1/13/2016	1/1/2026
Nevid	61-12090	Municipal and Fire Protection	1.82 (Muni.); 2.20 (Fire Pro.)	9/28/2006	11/24/2009	10/1/2024
Nevid	61-12096	Municipal and Fire Protection	14.91 (Muni.); 5.57 (Fire Pro.)	4/3/2007	11/30/2015	12/1/2025

12. Each of the Permits have been granted extensions of time to put water to beneficial use by IDWR, with the “Proof Due” column representing what I understand to be the most recent date upon which water must be put to beneficial use.

13. Juniper’s *Transfer* and *Application* post-date the Permits.

14. Idaho Code § 42-301 allows me to petition IDWR to cancel the Permits if it can be demonstrated as follows:

If the holder of a permit to appropriate the public waters shall fail to comply with the requirements of his permit as to the commencing of work or the filing of bond there under, or the completion of one-fifth (1/5) of the construction work within one-half (1/2) the time allowed for the entire completion of such construction work, or shall fail to complete the entire construction work within the time specified in his permit, said permit may be cancelled and voided by the department of water resources as hereinafter provided at the instance of any person or persons holding any permit for the diversion of water from the same stream, such permit postdating the permit which is sought to be cancelled.

15. During the week of January 27, 2025, I viewed the listed places of use and points of diversion for the Permits from the public right-of-way.

16. Attached hereto as **Exhibit 3** are photographs that I took relating to Permit No. 61-12090.

17. Attached hereto as **Exhibit 4** are photographs that I took relating to Permit No. 61-12096.

18. Attached hereto as Exhibit 5 are photographs that I took relating to Permit No. 63-32499.

19. Attached hereto as Exhibit 6 are photographs that I took relating to Permit No. 63-35473.

20. Attached hereto as Exhibit 7 are true and correct copies maps from the IDWR mapping tool showing that the places of use for the Permit No. 61-12096, 63-32499, and 63-35473, printed from the IDWR website on January 7, 2025.

21. I am unable to print a map from the IDWR mapping tool for Permit No. 61-12090, possibly because the IDWR website shows said permit as "lapsed."

22. Attached hereto as Exhibit 8 is an aerial photograph from Google Earth Pro, dated June 15, 2024, and printed from Google Earth Pro on January 29, 2025.

23. It is my opinion that the Permits have not been developed.

24. Juniper is ready, willing, and able to put water to beneficial use, yet is prevented from doing so because of the inactions of the holders of the Permit.

25. I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 5th day of February, 2025.



/s/ Mike Eisenman
MIKE EISENMAN

CERTIFICATE OF SERVICE

I certify that on this 10th day of February, 2025, I caused to be served a true and correct copy of the foregoing upon the following persons by the method(s) indicated:

Idaho Dept. of Water Res.
PO Box 83720
Boise, ID 83720-0098
file@idwr.idaho.gov
garrick.baxter@idwr.idaho.gov

Michael Lawrence
GIVENS PURSLEY
PO Box 2720
Boise, ID 83701-2720
mpl@givenspursley.com

Bryce S. Farris
SAWTOOTH LAW OFFICES PLLC
1101 W. River St., Ste. 110
Boise, ID 83707
bryce@sawtoothlaw.com

Nevad LLC
1349 Galleria Dr., Ste. 200
Henderson, NV 89014

Nick Miller
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
nick.miller@idwr.idaho.gov

Norman Semanko
PARSONS BEHLE & LATIMER
800 W. Main St., Ste. 1300
Boise, ID 83702
nsemanko@parsonsbehle.com

Mayfield Townsite LLC
11204 N. Bar 21 Dr.
Glens Ferry, ID 83623-5028

Mayfield Ranch LLC
c/o Michael P. Lawrence
601 W. Bannock St.
Boise, ID 83702-5619



CHRIS M. BROMLEY

EXHIBIT 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 6, 2019

JUNIPER STATION FARM, LLC
C/O CHARLES HONSINGER
HONSINGER LAW, PLLC
PO BOX 517
BOISE ID 83701

Re: Processing Hold – Application for Permit No. 61-12319

Dear Applicant,

The Idaho Department of Water Resources (IDWR) received your application for permit on August 3, 2017. The application for permit proposes diversion of ground water in the area near the Ada County/Elmore County line known as the I-84 Corridor and within the Mountain Home Ground Water Management Area. This is an area of known limited ground water supply as described in the *final order regarding water sufficiency* in the matter of application for transfer no. 78356 (Shekinah Industries et al.) issued November 4, 2013 (Final Order), and the November 9, 1982 *Order Establishing Mountain Home as a Groundwater Management Area*. The Final Order determined a limited amount of ground water was available for appropriation and authorized development of three applications to develop that available water. The Final Order required all other pending applications be held. Applications to appropriate ground water in the I-84 Corridor (including applications also within the Mountain Home Ground Water Management Area) are being processed in chronological order based on the date of receipt. These applications will be processed when the amount of additional ground water available to appropriate, if any, becomes known through licensing of the existing approved development within the area.

Based on the information above, the following are your options regarding your application:

- a) You may withdraw your application (form enclosed) and request a full refund.
- b) IDWR will hold your application until it can be processed in chronological order with other pending applications in the area.

If IDWR does not receive a written response withdrawing the application, IDWR will assume you prefer your application to be held until such time that processing may be allowed to resume.

IDWR forms and other information are available at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosure: Withdrawal form

AUG 03 2017

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 61-12319

- Name of applicant(s) Juniper Station Farm, LLC Phone 206-349-5599
Mailing address 3350 W. Americana Terrace, Ste. 340 City Boise
State ID ZIP 83706 Email meisenman@alliantms.com
Name connector (check one): ☐ and ☐ or ☐ and/or
- Name of representative, if any Charles Honsinger, Honsinger Law, PLLC Phone 208-863-6106
Mailing address P.O. Box 517 City Boise
State ID ZIP 83701 Email honsingerlaw@gmail.com
a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
- Source of water supply Groundwater which is a tributary of N/A
- Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
1S	4E	15			NW	NW	Elmore	Groundwater	New Well
1S	4E	15			NE	NW	Elmore	Groundwater	New Well
1S	4E	15			SW	NW	Elmore	Groundwater	New Well
1S	4E	15			SE	NW	Elmore	Groundwater	New Well

- Water will be used for the following purposes:
Amount 12.8 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Total quantity to be appropriated is (a) 12.8 cubic feet per second (cfs) and/or (b) 2,880 acre-feet per year (af).
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Up to six wells will divert water from the groundwater source
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
c. Proposed well diameter is 15-24 inches; proposed depth of well is 100-800 feet.
d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

Received by RN Date 8/31/17 Time 3:15 Preliminary check by _____
Fee \$ 330.00 Received by RN Receipt No. W049519 Date 8/31/17

For Department Use

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	4E	15	40	40	40	37	40	40	40	40	40	40	40	40	40	40	40	40	637
1S	4E	22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
1S	4E	27	40	40	40	40													160

Total number of acres to be irrigated: 640

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Juniper Station Farms has also filed transfer application no. 81327 proposing irrigation of 151 acres within the NW 1/4 of Section 15 (within the proposed place of use for which this water right application is submitted).
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Application proposes the irrigation of 640 acres within a 1437 acre place of use. Up to six wells will be constructed within the 23 requested point of diversion locations. The water rights under transfer application no. 81327 together with the water right sought under this application will irrigate up to 791 acres within the proposed 1437 acre place of use.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Michael Eisenman

Signature of Applicant

Michael Eisenman Managing member

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Ident. No. _____

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

New POD?	Twtp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
<input checked="" type="checkbox"/> Yes	1S	4E	15			NW	NE	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			SW	NE	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			SE	NE	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			NW	SW	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			NE	SW	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			SW	SW	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			SE	SW	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			NW	SE	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			NE	SE	Elmore	Groundwater	New Well
<input checked="" type="checkbox"/> Yes	1S	4E	15			SW	SE	Elmore	Groundwater	New Well

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

Page _____

Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

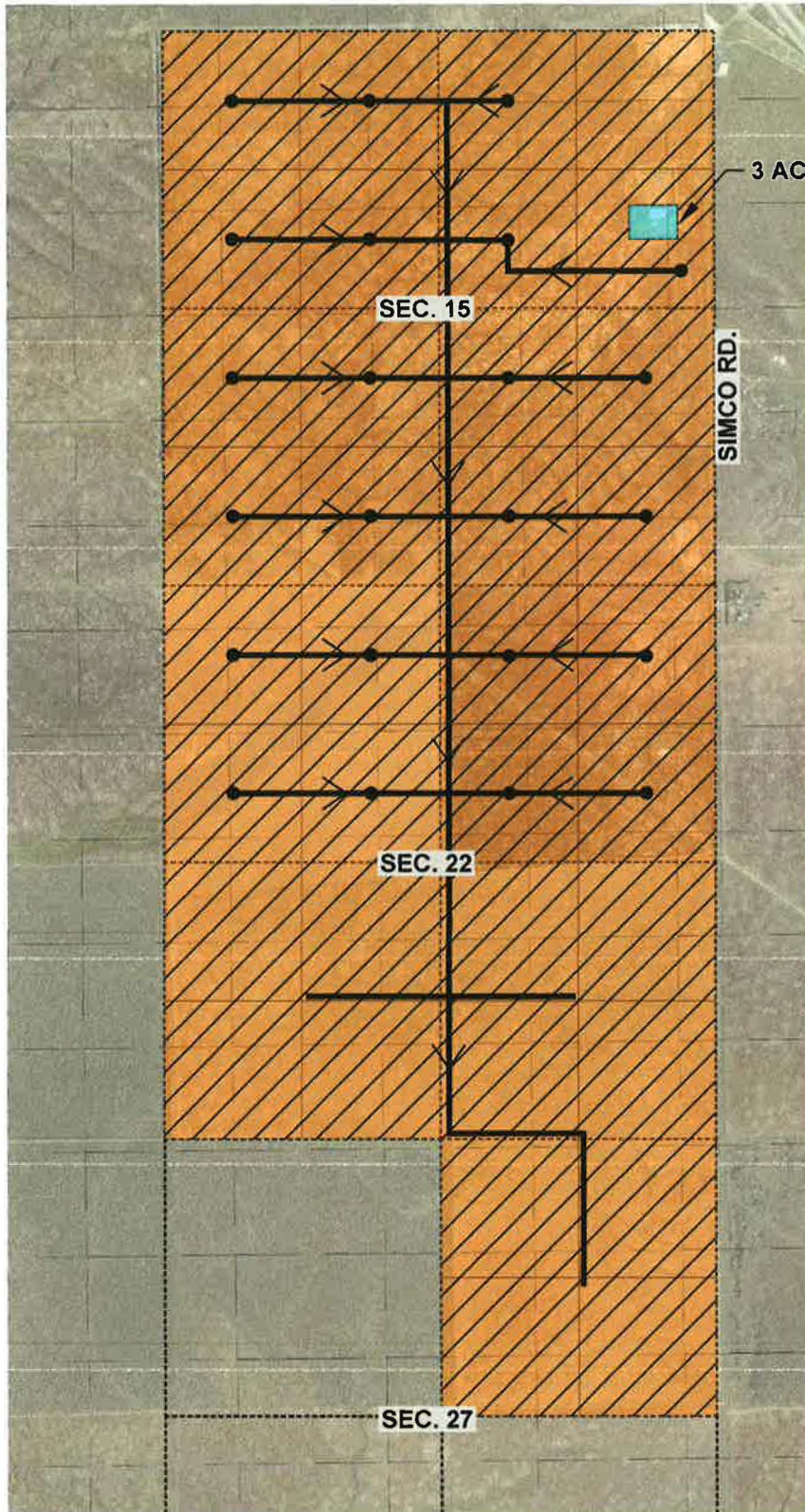
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

Page _____

**IRRIGATION PLACE OF USE AND
POTENTIAL POINTS OF DIVERSION & DISTRIBUTION FACILITIES**



3 ACRE PRIVATE

LEGEND:

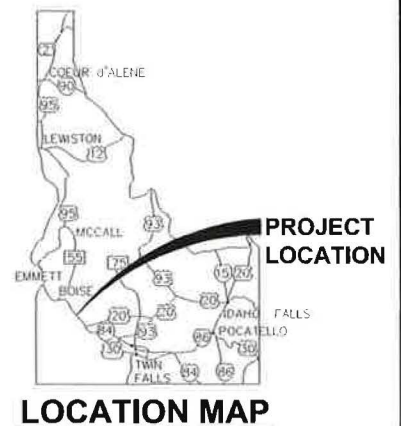
TOTAL ACRES:
IRRIGATION OF 640 ACRES
WITHIN A 1,437 ACRE PLACE OF USE
LOCATED IN SECTIONS 15, 22, & 27

- POINTS OF DIVERSION
6/23 POSSIBLE WELL SITES

— IRRIGATION DISTRIBUTION SYSTEM

PLACE OF USE
OWNER: JUNIPER STATION
USE: 1,437 ACRES
WITHIN TOWNSHIP 1S RANGE 4E
SECTION 15, 22, & 27
APPLICATION REQUEST: 12.8 CFS

PRIVATE: 3 ACRES (NOT INCLUDED)



LOCATION MAP



ENGINEERING AND ENVIRONMENTAL SOLUTIONS
1161 W RIVER ST., SUITE 130
BOISE, IDAHO 83702
208.780.3990

IDAHO OFFICES

JUNIPER STATION

PLACE OF USE / POINTS OF DIVERSION

PROJECT NO.:
159.0020.01

SHEET NO.
FIGURE 1

61-12319



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 6, 2019

JUNIPER STATION FARMS LLC
3350 W AMERICANA TERRACE STE 340
BOISE ID 83706

Re: Settlement and Stay of Processing – Application for Transfer No. 81327

Dear Applicant(s),

On August 24, 2017 the Department held a pre-hearing conference to discuss the protested application for transfer of water right no. 81327. At the conference, the parties signed and submitted a *stipulation in the matter of application for transfer no. 81327 in the name of Juniper Station Farm, LLC* to resolve the protests. The stipulation specified that all protests should be considered withdrawn provided the Department processes application for transfer no. 81327 in chronological order, based on receipt date, with other pending applications proposing the use of water within the I-84 Corridor area.

The proposal set forth in the stipulation is consistent with the Department's current approach to processing applications within the I-84 Corridor. Pursuant to the stipulation, the Department will consider the protests filed by Ark Properties LLC, Mayfield Townsite LLC, Nevid LLC, Orchard Ranch LLC, and Shekinah Industries Inc. to be conditionally withdrawn. The Department shall process application for transfer no. 81327 in chronological order with other pending applications. The parties will receive notice when application processing has resumed and will receive a copy of any decision regarding application for transfer no. 81327. The protestants' further participation in this matter is limited to ensuring the terms of the stipulation are met.

Please contact me at 208-334-2190 if you have questions regarding this matter.


Sincerely,

Nick Miller
Manager, IDWR Western Region

CC: Charles L. Honsinger, Honsinger Law PLLC
Norman Semanko, Parsons Behle & Latimer
Shekinah Industries Inc., C/O Michael Preston

EXHIBIT 2

MEMORANDUM

TO: Shelley Keen
FROM: Nick Miller 
DATE: 12/29/2020
RE: Status of I84 Applications

You had asked me for a listing of the pending applications for permit and transfer in the I84 corridor. As you know, the Director's November 4th, 2013 *Final Order Regarding Water Sufficiency* established that the area was nearly fully appropriated, but that some of the applications in the consolidated matter could be approved and others would remain in queue while those and other pre-existing permits are developed. To the extent the permits are developed for less than the permitted amount, that water would become available to the next applications in the queue. Since that order was issued, Western Region has received an additional application for transfer and three applications for permit. These are being held and will be processed if/when existing permits become licensed and water becomes available or not.

Currently, here is the listing of the active applications for permit and transfer within the I84 area in chronological order of the dates they were received:

NAME	NUMBER	RECEIVED	PRIORITY	WATER USE	CFS
Nevid, LLC	61-12095	4/3/2007	4/3/2007	Municipal	5.00
Orchard Ranch, LLC	63-32703	6/21/2007	6/21/2007	Irrigation (was municipal)	9.60
Ark Properties, LLC/ Mayfield Townsite, LLC	63-33344	3/1/2010	3/1/2010	Irrigation in planned community (63-32499)	9.00
PARS HOLDING LC	61-12307	6/15/2016	6/15/2016	Municipal (part replace 61-12256)	5.0
PARS HOLDING LC	63-34245	6/16/2016	6/16/2016	Municipal (Backup in event 63-32225 not full licensed)	5.0
PARS HOLDING LC	61-12308	6/21/2016	6/21/2016	Municipal (part replace 61-12256)	8.76
JUNIPER STATIONS FARM LLC	X 81327	12/5/2016	1975/1976	Irrigation 151 moved from CCBCGWA into I84 area – new irrigation	3.02
JUNIPER STATIONS FARM LLC	61-12319	8/3/2017	8/3/2017	Irrigation new 640 acres (with X81327 give 791-acre project)	12.80

Note: The Orchard Ranch transfer 78355 was withdrawn shortly following issuance of the *Final Order Regarding Water Sufficiency*.

Additionally, IDWR is processing a transfer (83875) and a permit amendment for Intermountain Water & Sewer Corp related to the Mayfield Springs development (63-32225). Cynthia Bridge Clark held a hearing in late August 2020, but I do not think a decision has been issued. Note that the three Pars Holdings applications all relate to this same development. Let me know if you need anything else.

EXHIBIT 3









EXHIBIT 4









EXHIBIT 5











EXHIBIT 6











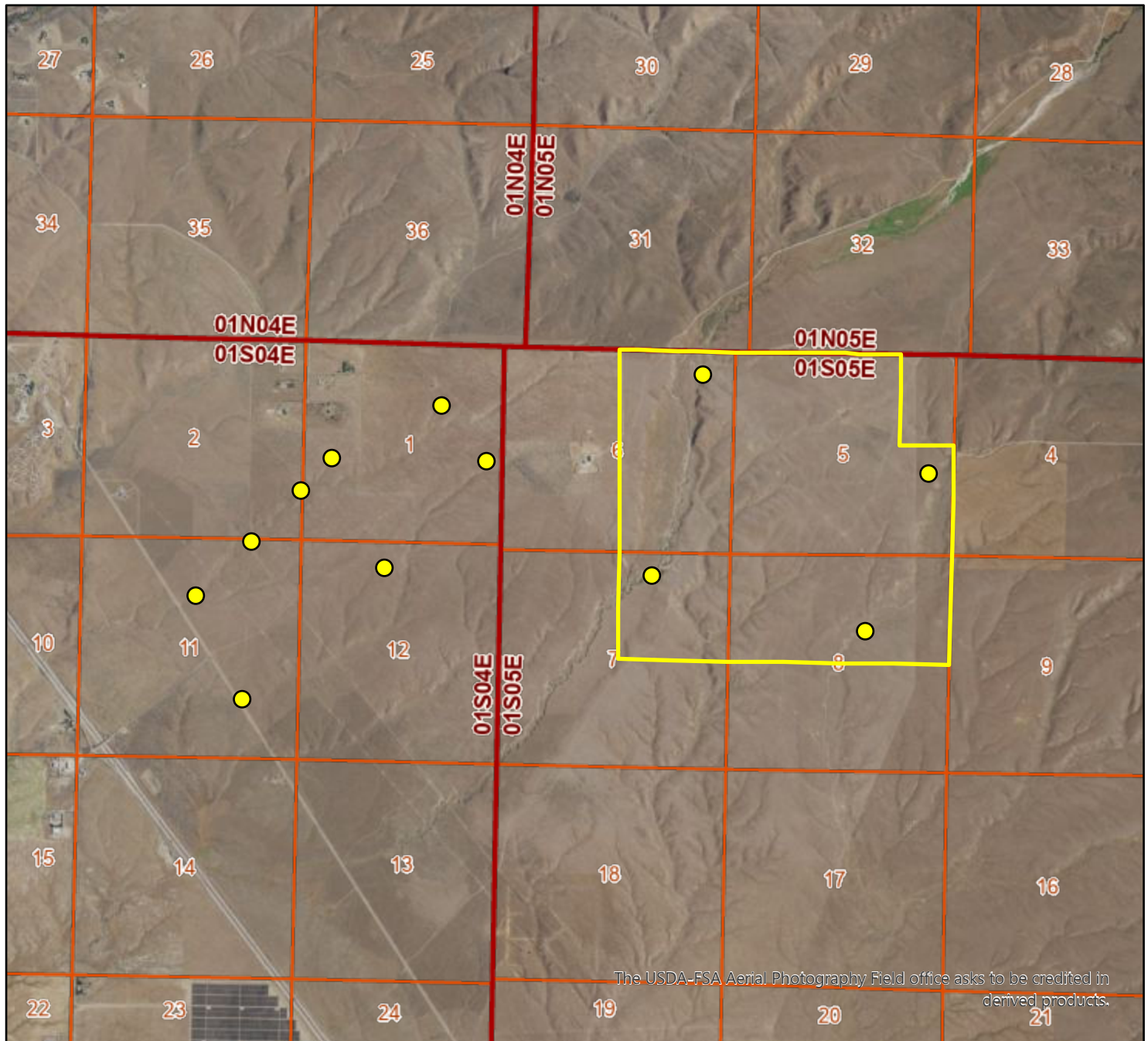
EXHIBIT 7

State of Idaho
Department of Water Resources
Permit to Appropriate Water

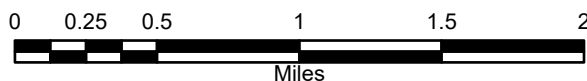
61-12096

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 1/7/2025



Legend

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



State of Idaho
Department of Water Resources
Permit to Appropriate Water

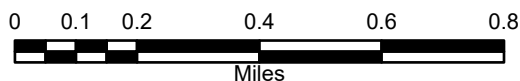
61-12096

MUNICIPAL

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The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary

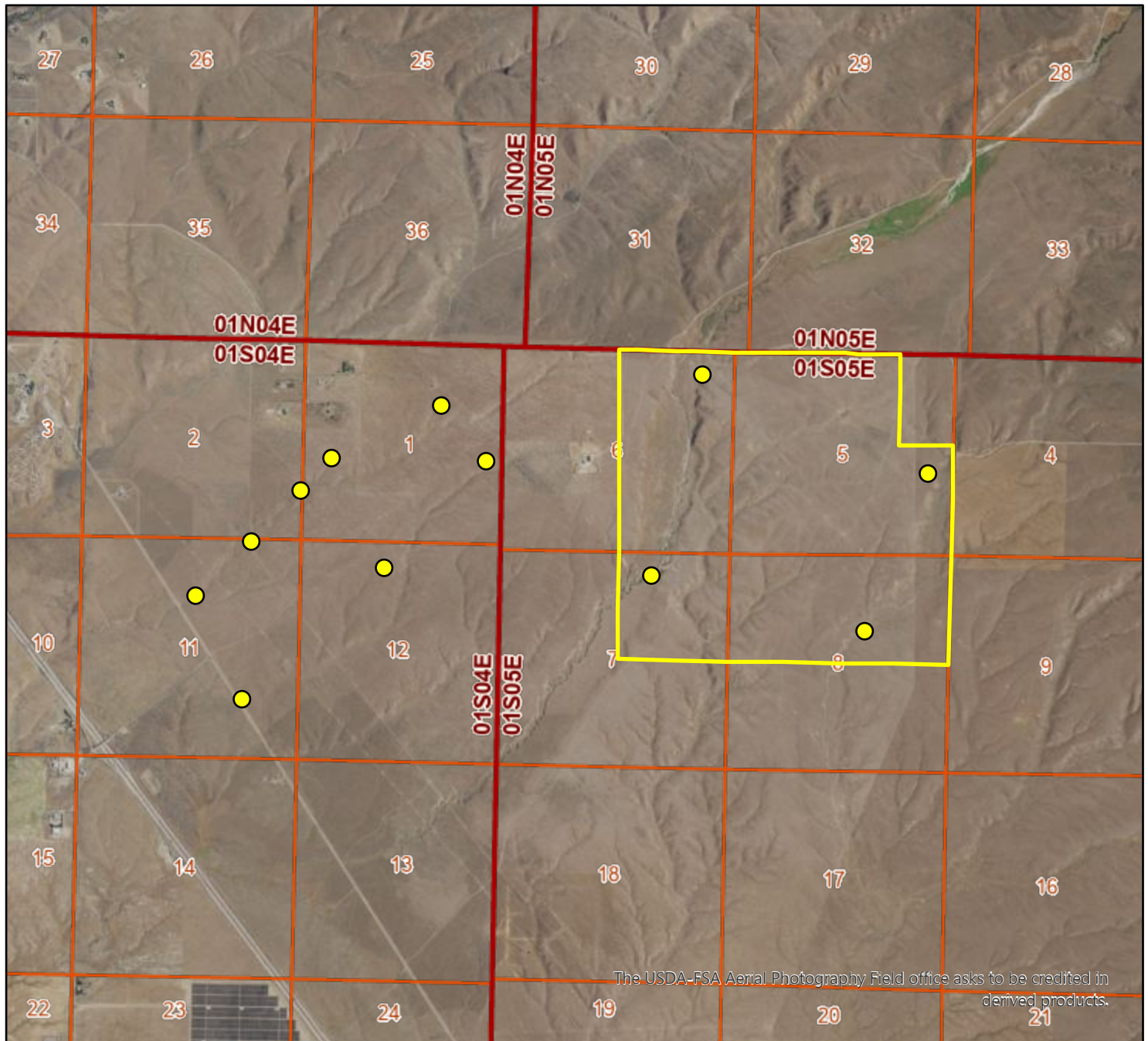


State of Idaho
Department of Water Resources
Permit to Appropriate Water

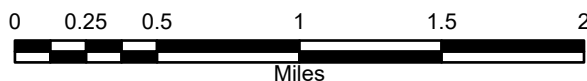
61-12096

FIRE PROTECTION

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Legend

- PLS Sections
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State of Idaho
Department of Water Resources
Permit to Appropriate Water

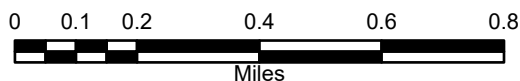
61-12096

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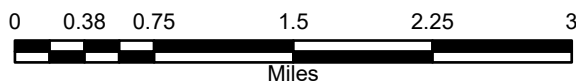
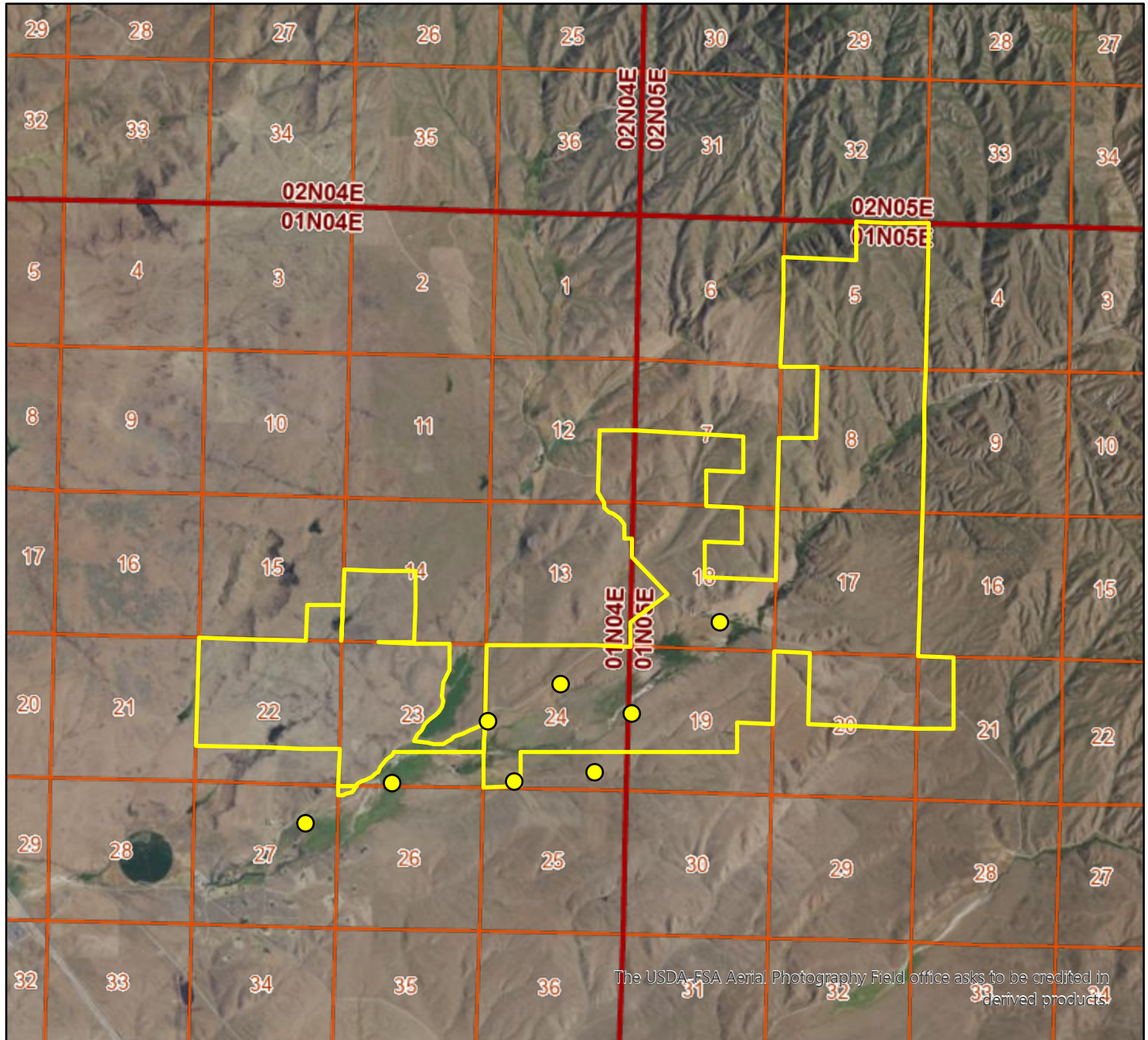


State of Idaho
Department of Water Resources
Permit to Appropriate Water

63-32499

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Legend

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

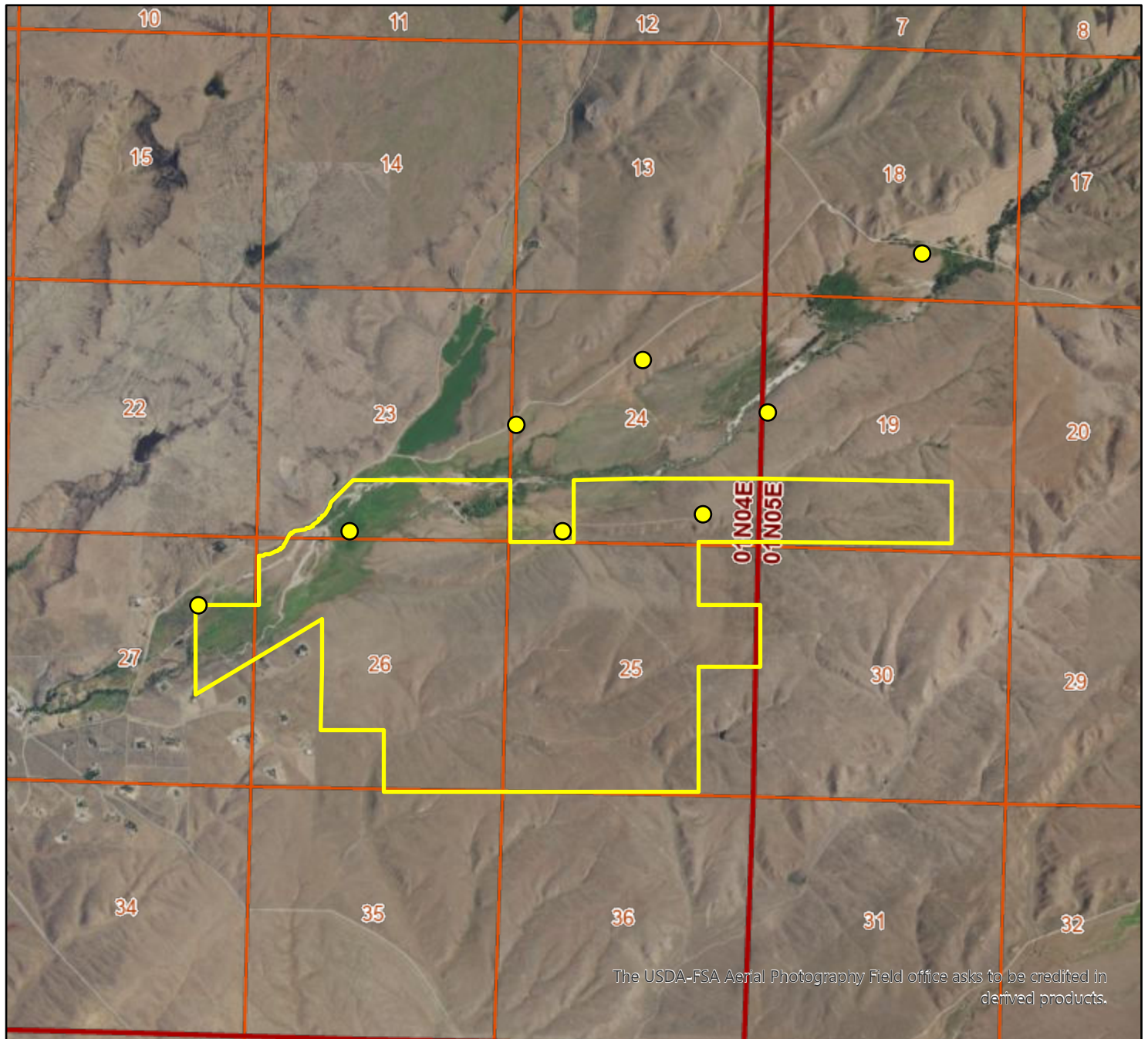


State of Idaho
Department of Water Resources
Permit to Appropriate Water

63-35473

MUNICIPAL

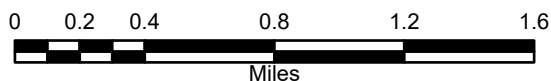
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Date created: 1/7/2025



Legend

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



EXHIBIT 8



Google Earth

Imagery Date: 6/15/2024 43°24'22.56" N 115°56'43.56" W elev 3540 ft eye alt 31056 ft