

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-24264

Priority: November 27, 2023

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 3.0 AF

This is to certify that

TRAVIS LUKOIC 1309 W SHERINGTON CT EAGLE ID 83616-7184

has applied for a permit to appropriate water from:

Source : SPRINGS

Tributary: SINKS

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>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		3.0 AF
AESTHETIC STORAGE	01/01 to 12/31		3.0 AF

Location of Point(s) of Diversion

SPRINGS NE¼ NE¼ SW¼, Sec. 27, Twp 18N, Rge 03E, B.M. VALLEY County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	27									X								

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	27									X								

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2025**.
2. Subject to all prior water rights.
3. Right 65-24264 authorize total annual storage volume of 3 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage of the pond and 0.6 acre-feet for the replacement of losses caused by evaporation.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 0.5 acre(s).
5. Use of water under this right may 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. 65.
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-24264

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

Signed this 27th day of January, 20 27.



SCOTT STORMS
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
65-24264

This map depicts the WILDLIFE STORAGE and AESTHETIC 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.



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

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 26, 2024

TRAVIS LUKOIC
1309 W SHERINGTON CT
EAGLE ID 83616-7184

RE: Permit No. 65-24264

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.

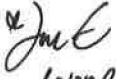
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a Statement of Completion for Submitting Proof of Beneficial Use by the date shown in condition no. 1 of your permit. 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.

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,


L. M. EVANS
for Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2024, I served a true and correct copy of Permit to Appropriate Water No. 65-24264 by U.S. Mail, postage prepaid, to the following:

TRAVIS LUKOIC (Current Owner)
1309 W SHERINGTON CT
EAGLE ID 83616-7184

NEIL SHIPPY (Watermaster)
WATER DISTRICT #65
102 N MAIN ST
PAYETTE ID 83661-2522



Lynne Evans
Administrative Assistant I

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.

Adamson, Jared

From: travislukoic@aol.com
Sent: Tuesday, January 16, 2024 3:13 PM
To: Adamson, Jared
Subject: Re: 48 Pearson Application for Permit 65-24264

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello Jared,

Everything sounds great. Pond size will not exceed .5 acre with a max depth of 12 feet and an average depth of 4.84 feet. Those parameters will work just fine for our needs. If there's anything else you need from us, please let us know.

Thanks again,
Travis Lukoic
208-941-6620

On Tuesday, January 16, 2024 at 12:18:47 PM MST, Adamson, Jared <jared.adamson@idwr.idaho.gov> wrote:

Hi Travis,

I wanted to give you an update concerning your application and request some final information. The application was successfully advertised with no protests. I am working on processing the application for final approval. Before I can proceed, I need some information concerning the pond you plan on expanding/constructing. What is the proposed maximum depth of the pond. I have the surface area being 0.5 acres. You applied for a volume of 3 acre-feet and unfortunately, I failed to mention that a portion of this will need to be allocated to evaporation losses of the pond when conditioning the water permit. I took the liberty of calculating what the evaporation loss of the pond will be annually. Attached is a pond mitigation calculator. According to the calculator you can construct a 0.5-acre pond with a maximum depth of 12.1 feet and an average depth of 4.84 feet to a volume of 2.42 acre-feet and the annual evaporation loss of 0.58 acre-feet for a total of 3.0 acre feet.

There are basically two options:

1. If you wish to construct the pond larger than what I have calculated, then an amendment to the permit will need to be made to where you apply for a greater volume.

or

2. Leave the application as is and respond to this email with a statement that says you will be constructing the pond to a maximum depth of 12.1 feet with an average depth of 4.84 feet and a surface area of one half (0.5) acre, or any dimensions smaller than what is given.

I apologize for any confusion or delay. Feel free to call me directly with any questions.

Respectfully,



Jared Adamson | Water Resource Agent, Sr.

Idaho Department of Water Resources

2735 W Airport Way, Boise ID 83705 | jared.adamson@idwr.idaho.gov | (208) 605-4627

From: travislukoic@aol.com <travislukoic@aol.com>

Sent: Tuesday, November 28, 2023 12:43 PM

To: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>

Subject: Re: 48 Pearson Application for Permit 65-24264

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Sounds great. Thanks Jared!

On Tuesday, November 28, 2023 at 08:48:01 AM MST, Adamson, Jared <jared.adamson@idwr.idaho.gov> wrote:

Adamson, Jared

From: Adamson, Jared
Sent: Tuesday, January 16, 2024 12:19 PM
To: travislukoic@aol.com
Subject: RE: 48 Pearson Application for Permit 65-24264
Attachments: Pond Mitigation Calculator (2).xlsx

Hi Travis,

I wanted to give you an update concerning your application and request some final information. The application was successfully advertised with no protests. I am working on processing the application for final approval. Before I can proceed, I need some information concerning the pond you plan on expanding/constructing. What is the proposed maximum depth of the pond. I have the surface area being 0.5 acres. You applied for a volume of 3 acre-feet and unfortunately, I failed to mention that a portion of this will need to be allocated to evaporation losses of the pond when conditioning the water permit. I took the liberty of calculating what the evaporation loss of the pond will be annually. Attached is a pond mitigation calculator. According to the calculator you can construct a 0.5-acre pond with a maximum depth of 12.1 feet and an average depth of 4.84 feet to a volume of 2.42 acre-feet and the annual evaporation loss of 0.58 acre-feet for a total of 3.0 acre feet.

There are basically two options:

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2. Leave the application as is and respond to this email with a statement that says you will be constructing the pond to a maximum depth of 12.1 feet with an average depth of 4.84 feet and a surface area of one half (0.5) acre, or any dimensions smaller than what is given.

I apologize for any confusion or delay. Feel free to call me directly with any questions.

Respectfully,



Jared Adamson | Water Resource Agent, Sr.

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Sounds great. Thanks Jared!

On Tuesday, November 28, 2023 at 08:48:01 AM MST, Adamson, Jared <jared.adamson@idwr.idaho.gov> wrote:

Thanks Travis,

The application should be advertised beginning this week or the next and then we will process the application for final approval if no protests occur. We should be looking at this being finished within the next three to four weeks.

Cheers,



Jared Adamson | Water Resource Agent, Sr.

Idaho Department of Water Resources

2735 W Airport Way, Boise ID 83705 | jared.adamson@idwr.idaho.gov | (208) 605-4627

From: travislukoic@aol.com <travislukoic@aol.com>
Sent: Monday, November 27, 2023 8:57 PM
To: Adamson, Jared <Jared.Adamson@idwr.idaho.gov>
Subject: 48 Pearson Application for Permit 65-24264

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Pond Calculations

Pond Size

Vol = surf area x max depth x slope factor

Surface Area	0.5 acres	
Max Depth	12.1 feet	
Average Depth	4.84 feet	*average depth is Max Depth multiplied by 0.4
Volume	2.42 acre-feet	

Evaporation

Evaporation (Precipitation Deficit from ET Idaho Tables McCall Station)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
mm/day	-1.92	-1.11	-0.93	0.75	1.46	2.38	4.26	3.69	2.18	0.39	-1.92	2.16
day/month	31	28	31	30	31	30	31	31	30	31	30	31
mm/month	-59.52	-31.08	-28.83	22.50	45.26	71.40	132.06	114.39	65.40	12.09	-57.60	66.96
ft/month	-0.20	-0.10	-0.09	0.07	0.15	0.23	0.43	0.38	0.21	0.04	-0.19	0.22
surface area	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
acre-feet	-0.10	-0.05	-0.05	0.04	0.07	0.12	0.22	0.19	0.11	0.02	-0.09	0.11

Total Evaporation Acre-Feet 0.58

Seepage No seepage. Pond fills will incidental ground water.

Soil Type: N/A USDA Soil Survey Soil Type:

Seepage Rate: 0 ft/day

Annual Seepage: 0.00 acre-feet (surface area x seepage x 365)

Total Acres to Dry Up

Irrigated Crop: Grass Pasture (Low Management)

Growing Season ET (mm): 617

Growing Season ET (af/acre): 2.02

Total Pond Acre-Feet: 3.00

Total Acres to Dry-Up: 1.5