

Maximum Diversion Rate: 4.60 CFS
Maximum Diversion Volume: 958.0 AF

Tributary: BOISE RIVER

[illegible]

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 63-32458

Conditions of Approval

1. 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.
2. 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 diversion.
3. This right does not grant any right-of-way or easement across the land of another.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. The nine (9) ponds established by the storage of water under this right shall not exceed a total capacity of 78.8 acre-feet or a total surface area of 45 acres.
7. Wildlife use is for flow through and return flow water associated with wildlife storage under this right during the non-irrigation season.
8. Wildlife storage use is for habitat improvement during the non-irrigation season.
9. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
10. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for the Boise River and its tributaries.
11. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available under this right.
12. The water source is from drains locally known as Meadows and Baldrige Drains.
13. Water returns to the Boise River in the NENE, Sec. 21, Twp 05N, Rge 05W and to the Snake River in the NENW Sec. 11, Twp 05N, Rge 06W.
14. This right is subordinate to Water Right No. 63-33508.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 28th day of February, 2025.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
63-32458

This map depicts the WILDLIFE & WILDLIFE 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.



0 0.175 0.35 0.7 Miles

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 4, 2025

W & H LLC
7036 N SPURWING WAY
MERIDIAN ID 83646-5178

RE: License No. 63-32458

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the signed Application for Amendment of Permit received on February 6, 2025.

The license is a PRELIMINARY ORDER issued by the Department 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.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 293-9907.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2025, I served a true and correct copy of Water Right License No. 63-32458 by U.S. Mail, postage prepaid, to the following:

W & H LLC (Current Owner)
7036 N SPURWING WAY
MERIDIAN ID 83646-5178

HDR INC (Representative)
ATTN LORI GRAVES
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659

MICHAEL C CREAMER (Attorney)
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

WATER DISTRICT #63
DANIEL HOKE (Watermaster)
PO BOX 767
STAR ID 83669-4500



Denise Maline
Administrative Assistant 1

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.

MEMORANDUM

Date: February 10, 2025
To: Water Right File 63-32458
From: William Mills
Re: Licensing Review of Water Right 63-32458 CWRE Beneficial Use Report

The field Exam for this right was performed by Certified Water Right Examiner Terry Scanlan (CWRE #129) of HDR Inc. on 10/26/2023.

Overlap

POU:

There are several water rights that overlap with this rights place of use (POU) and their source of water is also from various drains tributary to the Boise River:

63-12601 (Wildlife Storage, 20.0 af, 0.20 cfs Diversion to Storage; overlapping season of use)

63-32910 (Stockwater, 0.50 cfs; **Wildlife, 4.6 cfs; **Wildlife Storage**, 45.0 af; Total Diversion 4.6 cfs and 45 af; overlapping season of use)**

63-2611A (Irrigation, 2.28 cfs; season of use does not overlap)

63-2611B (Irrigation, 2.28 cfs; season of use does not overlap)

63-33354 (Stockwater, 0.050 cfs; overlapping season of use)

63-33361 (Stockwater, 0.050 cfs; overlapping season of use)

POD:

The following water rights overlap with the same point of diversion (POD) and source:

63-2611A & B, 63-12601, 63-32460, 63-32910, 63-33503, 63-33508 & 63-33354

Amendments

The actual POD is located in Sec. 27 L4(NWNW) and the license will be amended from the current location in Sec. 27 L3 (NENW) as recommended by the examiner.

POU will also be amended to include L2 (NENE), L7 (NWNE), L3 (NWNE), L8 (SENE), and SENE of Sec. 21 and L4 (SWNW) in Sec. 22 as recommended by the examiner. In addition, based on the GIS shapefile for the Storage POU provided by the examiner and the current PLS projection in ArcMap, I'm also amending the license to include L3 (SWNE), the NENE and the NWSE in Sec. 21 and L4 (SWNW) in Sec. 22 (see attached map).

Diversion Rate and Storage Volume

In the CFE's field report, he indicated performing several measurements and reported that under ideal conditions there is sufficient flow to satisfy the three water rights with overlapping season of use, 63-32458 (11/16 to 2/28), 63-12601 & 63-32910 (1/1 to 12/31). Examiner recommends licensing the permitted wildlife flow rate of 4.6 cfs.

The report indicates that there are 45 acres of wildlife storage with an average depth of 2 feet, which would indicate a storage volume of 90 af, which is more than the permitted amount of 78.8 af. Examiner also recommends licensing the full permitted storage volume of 78.8 af.

Annual volume will be based on the wildlife flow rate of 4.6 cfs over the 105-day season of use: $4.6 \text{ cfs} \times 105 \text{ days} \times 1.9835 \text{ af/cfs per day} = 958 \text{ af}$. Total volume will be the same as the annual wildlife volume due to that volume being diverted 24/7 throughout the season of use.

After reviewing the beneficial use field report, overlapping water rights and GIS data, I concur with the examiners recommendations for diversion rate, storage volume and total rates and recommend licensing 4.60 cfs and 958

afa for wildlife and diversion to storage, 78.8 af for wildlife storage and a total diversion of 4.6 cfs with an annual volume of 958 af.

Conditions

Condition 26A will be dropped. Condition 01J will be updated to R43. Condition 18 (on permit approval document) indicates where the return flows enter the Boise River. This condition will be updated to indicate an additional location where return flows also enter the Snake River as reported in the field report. Condition 121 will be updated to condition 103. Condition 196 was removed as it is redundant with the addition condition R43. All other conditions will remain as originally permitted. A combined limit condition for the overlapping wildlife and wildlife storage rights, 63-32458, 63-12601 and 63-32910 will not be added to the license. This is due to no limiting conditions having been placed on permit 63-32458. It should also be noted that right 63-32910 is limited to a total annual volume of 45 acre feet (on the decree).

The Application for Amendment was returned with the proper fees (\$100.00) and a change of address. License will reflect the updated address.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-32458

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 3rd day of FEBRUARY, 2025


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-32458

FOR DEPARTMENT USE ONLY

Preliminary check by SG Fee = \$100 Received by SG # 5040514 Date 2-6-2025

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-32458 with the following:

Conditions of Approval

1. 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.
2. 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 diversion.
3. This right does not grant any right-of-way or easement across the land of another.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. The nine (9) ponds established by the storage of water under this right shall not exceed a total capacity of 78.8 acre-feet or a total surface area of 45 acres.
7. Wildlife use is for flow through and return flow water associated with wildlife storage under this right during the non-irrigation season.
8. Wildlife storage use is for habitat improvement during the non-irrigation season.
9. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
10. This right shall be junior and subordinate to future minimum in-stream flow water rights that may be established for the Boise River and its tributaries.
11. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available under this right.
12. The water source is from drains locally known as Meadows and Baldrige Drains.
13. Water returns to the Boise River in the NENE, Sec. 21, Twp 05N, Rge 05W and to the Snake River in the NENW Sec. 11, Twp 05N, Rge 06W.
14. This right is subordinate to Water Right No. 63-33508.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 63-32458

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 28th day of February, 2025.



COREY SKINNER
Southern Regional Manager

63-32458 Wildlife & Wildlife Storage Place of Use





0005985083

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005985083

Date Filed: 11/15/2024 11:55:30 AM

Entity Name and Mailing Address:

Entity Name:

W & H LIMITED LIABILITY COMPANY

The file number of this entity on the records of the Idaho
Secretary of State is:

0000012546

Address

Carolyn Rich
5181 N LIVERPOOL AVE
BOISE, ID 83714-5424

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

W1825

The registered agent on record is:

Registered Agent

GERALD A WALLER
Registered Agent

Physical Address

4249 N NINES RIDGE LANE
BOISE, ID 83702

Mailing Address

5181 N LIVERPOOL AVE
CAROLYN RICH
BOISE, ID 83714-5424

Limited Liability Company Managers and Members

Name	Title	Business Address
Gerald Waller	Manager	CAROLYN RICH 5181 N LIVERPOOL AVE BOISE, ID 83714-5424
Allan Humphries	Manager	7036 N SPURWING WAY MERIDIAN, ID 83646

The annual report must be signed by an authorized signer of the entity.

Job Title: CONTROLLER

Carolyn Rich

Sign Here

11/15/2024

Date

BU904-3404 11/13/2024 11:55 AM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

FEB 06 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGIONWater Right Number(s): 63-32458, etc. - see list attachedName(s): W & H Limited Liability CompanyOld Mailing Address: PO Box 7943Boise ID 83707New Mailing Address: 7036 N. Spurwing Way
Meridian ID 83646Telephone Number: 208-841-7172Email: adh@pmph.netSignature(s) of Owner(s) Charles HumphreysMANAGER
(Include your title if on behalf of company or organization.)Date: 2/3/25

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033

WR Number	Process	Basis	Current Owner(s)
63- 2611A	Water Right	Decreed	W & H LLC
63- 2611B	Water Right	Decreed	W & H LLC
63- 12601	Water Right	License	W & H LLC
63- 15173	Water Right	Decreed	W & H LLC
63- 32910	Water Right	Decreed	W & H LLC
63- 33354	Water Right	Decreed	W & H LLC
63- 33361	Water Right	Decreed	W & H LLC
63- 32458	Water Permit		W & H LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Services Requested

BOISE ID RPD 837

30 DEC 2024 PM 1:11

RECEIVED

JAN 10 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

FIRST CLASS



US POSTAGE IMPITNEY BOWES

ZIP 83301 \$ 000.97⁰
02 7H
0006196983 DEC 27 2024

NIXIE 980 DE 1700 0001/06/25

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 83301585825 *1336-01546-30-47



W & H LTD LIABILITY CO

PO BOX 7943

BOISE ID 83707



83707-194343
83301>5858



Application for Amendment of Permit No. 63-32458

Per Secretary of State website: c/o Carolyn Rich, 5181 N Liverpool Ave, Boise ID 83714-5424

Information sent again with change of address request 1-13-2025

DM

Mills, Bill

From: Scanlan, Terry <Terry.Scanlan@hdrinc.com>
Sent: Saturday, February 1, 2025 1:36 PM
To: Mills, Bill
Cc: Allan Humphries
Subject: 63-32458 Amendment for Licensing

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.

Hi Bill,

I was out of the office for most of January and went in last week and found a copy of the amendment for licensing for W & H LLC permit 63-32458. I checked with Allan Humphries from W & H today and he indicated that he hadn't received it. Apparently the PO Box 7943 address it was sent to is no longer active. Allan will send in a change of address, signed amendment, and \$100 fee in the next week or so.

Terry M. Scanlan, P.E., P.G.

Principal Engineer

HDR

412 E. Parkcenter Boulevard., Suite 100
Boise, ID 83706

D +1.208-872-9530 **M** +1.208-861-4758

Terry.Scanlan@hdrinc.com

hdrinc.com/follow-us



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 15, 2025

W & H LTD LIABILITY CO
PO BOX 7943
BOISE ID 83707

RE: Water Right Permit No. 63-32458

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ Point(s) of Diversion

☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days.

If you have any questions, please call me at (208) 736-3033.

Sincerely,

Bill Mills

Water Resource Agent, Senior

Enclosure(s): Application for Amendment

cc: Terry Scanlan & Lori Graves, HDR Inc.



RECEIVED

Dec 20, 2023

DEPARTMENT OF
WATER RESOURCES

December 20, 2023

IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Beneficial Use Field Exam and Statement of Completion Resubmittal
Permit 63-33401*

Dear Water Right Licensing,

Enclosed on behalf Layne and Lori Thornton is a re-submittal of Beneficial Use Field Exam report and statement of completion for the above-listed permit. The prior 2019 submission was identified as insufficient due to lack of a complete set of flowmeter readings and water level measurements. This report includes records from May 2015 through 2020, which meets the permit requirement of no less than 4 years of diversion measurement and aquifer level water monitoring data.

Please let us know if there are any questions.

Sincerely,

HDR Engineering, Inc.

Scott N. King, P.E.
Project Manager

Cc: Layne & Lori Thornton

Enclosures: BUFE report & Statement of Completion

Project: 10390661

