

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-12097

Priority: January 26, 1994

Maximum Diversion Rate: 2.30 CFS

This is to certify, that WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	2.30 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW¼NE¼	Sec. 4, Twp 02N, Rge 01E, B.M., ADA County
GROUND WATER	L2 (NW¼NE¼)	Sec. 4, Twp 02N, Rge 01E, B.M., ADA County
GROUND WATER	SW¼SE¼	Sec. 33, Twp 03N, Rge 01E, B.M., ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	4	20.0	35.0	35.0	25.0													115.0
			L1	L2															

Total Acres: 115

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2018**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 517.5 af at the field headgate for the lands above.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.

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6. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right does not grant right-of-way or easement across the land of another.
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 amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 7 day of DECEMBER, 20 17.



Angela M. Grimm

Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Amendment of Permit
63-12097

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.



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

0 0.075 0.15 0.3 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 7, 2017

WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702

RE: Permit No.63-12097

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of permit 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.

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. 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)334-2190.

Sincerely,

Nick Miller
Western Regional Manager

Enclosure(s)

cc: MICHAEL C CREAMER

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 63-12097

**MICHAEL C CREAMER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720**

**WILSON PROPERTIES LP
1101 W RIVER ST STE 150
BOISE ID 83702**



**Rachel Neely
Administrative Assistant**

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

TO: 63-12097
FROM: Rachel Sommer
DATE: December 6, 2017
RE: Legal Notice Publication

The legal notice for Amendment of Permit No. 81880, Water Right No. 63-12097, was published on October 19th and 26th of 2017 in the Idaho Statesman. The legal notice identified the water right as having a priority date of January 26, **1194**, though the correct priority date of the right is January 26, **1994**. Because the priority date was advertised senior to the correct date and no protests or concerns were received by the Department, the file will not be re-advertised.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
283978	0003340648	LEGAL NOTICE The following applications have	Elmore Commissioners	\$758.98	3	167

Attention: RACHAEL NEELY

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

RECEIVED

OCT 30 2017

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

2-10535

ELMORE COUNTY BOARD OF COMMISSIONERS

ELMORE COUNTY COURTHOUSE

150 S 4TH E STE 3

MOUNTAIN HOME, ID 83647

Point of Diversion L4(SWSW) S22 T05S R04E ELMORE County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 20 CFS

Use: IRRIGATION 03/15 to 11/15 20 CFS

Use: MUNICIPAL 01/01 to 12/31 20 CFS

Total Diversion: 20 CFS

Date Filed: 3/3/2017

The proposed place of use for municipal purposes is within the City of Mountain Home Municipal Service Area boundary and the proposed boundary for the irrigation place of use is the Mountain Home Irrigation District service area. The proposed groundwater recharge place of use is within Mountain Home Reservoir, Fraser Reservoir, gravel pits located in sections 2, 10 and 11 of township 03S, range 06E and within the creek bed of Canyon Creek starting in the NWNW of section 36, township 02S, range 06E and continuing down until the confluence with Fraser Reservoir.

61-12314

ELMORE COUNTY BOARD OF COMMISSIONERS

ELMORE COUNTY COURTHOUSE

150 S 4TH E STE 3

MOUNTAIN HOME, ID 83647

Point of Diversion SWNE S14 T03S R05E ELMORE County Source CANYON CREEK Tributary SNAKE RIVER

Point of Diversion NWNW S29 T03S R05E ELMORE County Source CANYON CREEK Tributary SNAKE RIVER

Point of Diversion NESW S7 T03S R06E ELMORE County Source CANYON CREEK Tributary SNAKE RIVER

Point of Diversion NENE S9 T03S R06E ELMORE County Source CANYON CREEK Tributary SNAKE RIVER

Point of Diversion NENE S10 T03S R06E ELMORE County Source CANYON CREEK Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 200 CFS

Total Diversion: 200 CFS

Date Filed: 3/3/2017

The proposed place of use is within gravel pits located in sections 2, 10, and 11 of township 03S, and range 06E, seepage from Fraser Reservoir and from 5 diversion points along Canyon Creek as follows: SWNE of section 14 and NWNW of section 29 of township 03S and range 05E, the NESW of section 7, NENE of section 9, and the NENE of section 10 of township 03S and range 06E.

63-34348

ELMORE COUNTY BOARD OF COMMISSIONERS

ELMORE COUNTY COURTHOUSE

150 S 4TH E STE 3

MOUNTAIN HOME, ID 83647

Point of Diversion L1(NWNW) S7 T01S R09E ELMORE County Source SOUTH FORK BOISE RIVER Tributary BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 200 CFS

Use: GROUND WATER RECHARGE 01/01 to 12/31 200 CFS

Use: GROUND WATER RECHARGE FROM STORAGE 01/01 to 12/31 10000 AF

Use: GROUND WATER RECHARGE STORAGE 01/01 to 12/31 10000 AF

Use: IRRIGATION 03/15 to 11/15 200 CFS

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 10000 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 10000 AF

Total Diversion: 200 CFS

Date Filed: 3/3/2017

The irrigation storage and groundwater recharge storage place of use proposed is the Little Camas Reservoir. The proposed place of use for irrigation and irrigation from storage uses is the Mountain Home Irrigation District service area. The groundwater recharge from storage and groundwater recharge places of use are to take place in the Mountain Home Reservoir, gravel pits within sections 2, 10, and 11 of township 03S, range 06E, and also within creek beds starting in the East Fork Long Tom Creek within the SWSW of section 22, township 01S, range 08E and continuing down through Canyon Creek until the confluence with the Snake River.

63-34263

PARAMOUNT OWNERS ASSOC INC

12601 W EXPLORER DR STE 200

BOISE, ID 83713

Point of Diversion SWNW S25 T04N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 38 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.34 CFS

Use: IRRIGATION 03/01 to 11/15 0.34 CFS

Total Diversion: 0.34 CFS

Date Filed: 8/12/2016

Place of Use: IRRIGATION

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 10/19/2017

Ending issue of: 10/26/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

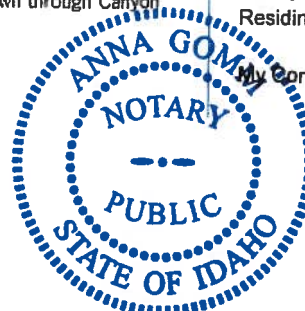
On this 27th day of October in the year of 2017 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Anna Gomm

Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022



T04N R01W S25 NE(ALL) SWNW SENW SW SWSW SESW SE(ALL)

Place of Use: AESTHETIC STORAGE

T04N R01W S25 SWNW SENW

Total Acres: 451

Water bearing zone to be appropriated is from 200 to 400 feet.

Applicant proposes supplemental irrigation of 17 acres within the described place of use in Paramount Subdivisions.

63-34364

C15 LLC

4824 W FAIRVIEW AVE

BOISE, ID 83706

Point of Diversion SWSE S32 T03N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/30 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 4/27/2017

Place of Use: IRRIGATION

T03N R01E S32 SWSE

Water bearing zone to be appropriated is from 100 to 340 feet.

✓ OK RD 11/7/17

63-34444

DUANE AMYX

CHERYL AMYX

6184 HOLLILYN DR

BOISE, ID 83709

Point of Diversion NWSE S7 T02N R02E ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Total Diversion: 0.19 CFS

Date Filed: 8/17/2017

Places of Use: IRRIGATION, DOMESTIC

T02N R02E S7 NWSE

Total Acres: 5

Water bearing zone to be appropriated is from 95 to 275 feet.

✓ OK RD 11/7/17

63-34446

SAM RICHARDS

4001 S EAGLE RD

KUNA, ID 83634

Point of Diversion SENE S5 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.34 CFS

Total Diversion: 1.34 CFS

Date Filed: 9/8/2017

Place of Use: IRRIGATION

T01N R01E S5 L1(NENE) L2(NWNE) SENE

Total Acres: 67

Water bearing zone to be appropriated is from 50 to 400 feet.

✓ OK RD 11/7/17

✓ OK RD 11/7/17

PROPOSED AMENDMENT OF WATER PERMIT

Wilson Properties LP of 1101 W River St STE 150, Boise, ID 83702 filed Application No. 81880 on August 24, 2017 to amend Water Permit No. 63-12097 with a 1/26/1194 priority from ground water totaling 2.3 cfs for irrigation. The permit provides irrigation water for property located within the Boise Ranch Golf Course south of E Lake Hazel Rd and west of S Cloverdale R in Boise ID. The applicant proposes to amend the permit by adding a third point of diversion.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Oct. 19, 26, 2017

0003340648-01