

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 37-22436

Priority: February 05, 2009

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ANIMAL SHELTER OF WOOD RIVER VALLEY
PO BOX 1496
HAILEY ID 83333

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>
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NE1/4	Sec. 17, Twp 02N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4NE1/4	Sec. 17, Twp 02N, Rge 18E, B.M.
BLAINE County		

PLACE OF USE: COMMERCIAL

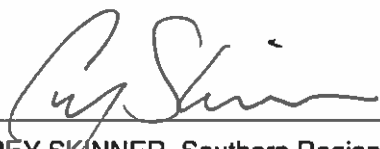
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 18E 17		X	X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2019**.
2. Subject to all prior water rights.
- 3.. The daily diversion volume under this right shall not exceed 2,500 gallons in accordance with Section 42-111, Idaho Code.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval of 7/21/2009) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water .

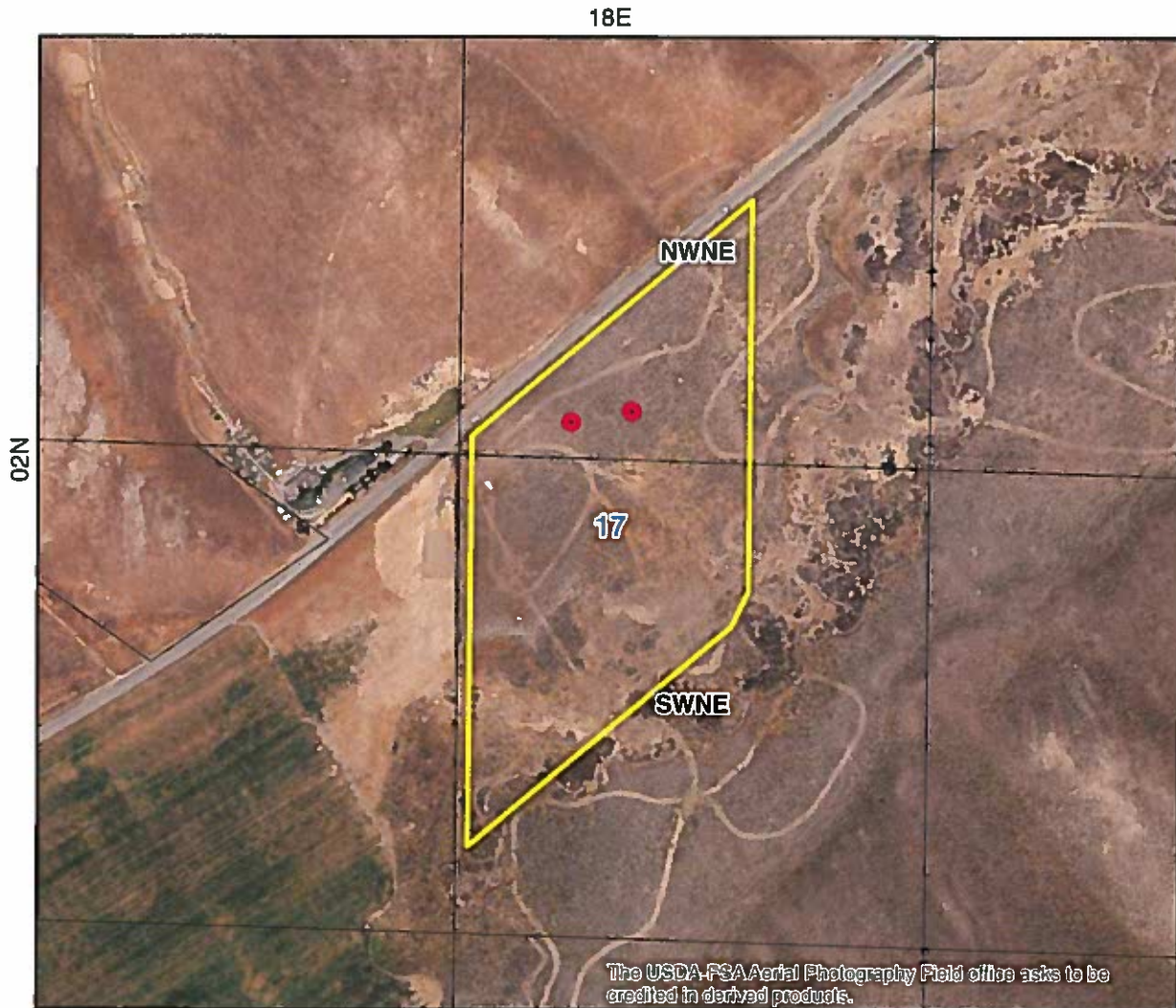
This amendment of permit is issued pursuant to the provisions of Section 42-111, Idaho Code.

Signed, this 20th day of June, 2017.


COREY SKINNER, Southern Region Manager

State of Idaho
Department of Water Resources
Attachment to Amendment of Permit
37-22436

This map depicts the COMMERCIAL 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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 20, 2017

ANIMAL SHELTER OF WOOD RIVER VALLEY
PO BOX 1496
HAILEY ID 83333

RE: Permit No. 37-22436

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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Skinner'.

Corey Skinner
Southern Regional Manager

Enclosure(s)

cc: Brockway Engineering

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 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. 37-22436

**ANIMAL SHELTER OF WOOD RIVER VALLEY
PO BOX 1496
HAILEY ID 83333**

**BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352**

via e-mail



**Denise Maline
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.

RECEIVED

AFFIDAVIT of PUBLICATION

APR 17 2017

State of Idaho
County of Blaine

Pam Morris

DEPT OF WATER RESOURCES
SOUTHERN REGION

being the publisher

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 5th day of

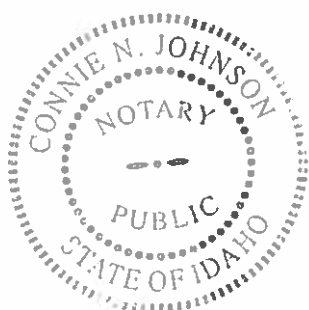
April, 20 17, and the date of the last publication was on the 12th day of April, 20 17

Subscribed and sworn to before me this 12 day of

April, 20 17.

Pam Morris

Connie N Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 136

Number of Insertions 2

Lines tabular at 9.0 cents/pica

136 Lines straight at \$125.12 8.0 cents/pica

136 Subsequent lines at \$109.48 7.0 cents/pica

TOTAL COST \$234.60

COPY OF NOTICE

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have been filed to amend Permit to Appropriate Water:

37-22436

ANIMAL SHELTER OF WOOD RIVER VALLEY

PO BOX 1496

HAILEY, ID 83333

Point of Diversion NWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion NWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Use: COMMERCIAL 01/01 to 12/31

0.64 CFS 68.4 AF

Total Diversion: 0.64 CFS

Date Filed: 2/27/2017

Place Of Use: COMMERCIAL

T02N R18E S17 NWNE SWNE

Application for Amendment of permit seeks to change the location of one of two authorized points of diversion for an existing permit and to change the nature of use from municipal to commercial use for use at a proposed animal shelter facility. Proposed points of diversion and place of use are located approximately 0.8 to 0.9 miles west and 0.5 to 0.8 miles south of the intersection of Hwy 75 and Bullion St in Hailey.

over →

✓ OK DM 4-24-2017

✓ The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23030

ANIMAL SHELTER OF WOOD RIVER VALLEY

PO BOX 1496

HAILEY, ID 83333

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Point of Diversion SWNE S17 T02N

R18E BLAINE County Source

GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.72 CFS

Use: HEATING 01/01 to 12/31 0.72 CFS

Total Diversion: 0.72 CFS

Date Filed: 2/27/2017

Place Of Use: HEATING, COOLING

T02N R18E S17 NWNE SWNE

Application proposes to appropriate up to 0.72 cfs of ground water for heating and cooling purposes associated with a new animal shelter facility. An existing well and three new wells are proposed to be drilled with the diverted water used and reinjected at the site. Proposed points of diversion and place of use are located approximately 0.8 to 0.9 miles west and 0.5 to 0.8 miles south of the intersection of Hwy 75 and Bullion St in Hailey.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 81494

✓ CITY OF HAILEY, 115 S MAIN ST #H, HAILEY, ID 83333; HAILEY CEMETERY MAINTENANCE DISTRICT, PO BOX 4515, HAILEY, ID 83333; has filed Application No. 81494 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22019. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to split ground water irrigation right 37-22019 (9.37 cfs) and modify its place of use. The right is currently appurtenant to 486.0 acres located approximately 0.7 to 2.3 miles east and 0.2 to 2.4 miles south of the intersection of Main and Bullion Streets in Hailey. The transfer proposes to split off 18.8 acres (0.36 cfs) which will irrigate land located approximately 0.5 to 0.7 miles east and 0.1 to 0.5 miles south of the center of Hailey (Hailey Cemetery). The current point of diversion for right 37-22019 will serve each right and ownership of both rights will remain with the City of Hailey and Hailey Cemetery Maintenance District.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/Water-Management/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 24, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
APR. 5 & 12, 2017

✓ OK AM 4-24-2017