

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-12303

Priority: December 04, 2015

Maximum Diversion Rate: 1.99 CFS

This is to certify, that INTERMOUNTAIN DEVELOPMENT CORP
PO BOX 624
MOUNTAIN HOME ID 83647

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.88 CFS
FIRE PROTECTION	01/01 to 12/31	1.11 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec. 15, Twp 03S, Rge 06E, B.M., ELMORE County
GROUND WATER	SW¼NE¼	Sec. 15, Twp 03S, Rge 06E, B.M., ELMORE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 06E 15		X	X														

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 06E 15		X	X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2021**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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5. Domestic use is for 53 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. 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.
10. 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.
11. Place of use is located within Blue Sage Subdivision.
12. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) 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 permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 29th day of February, 2016.



Nick Miller

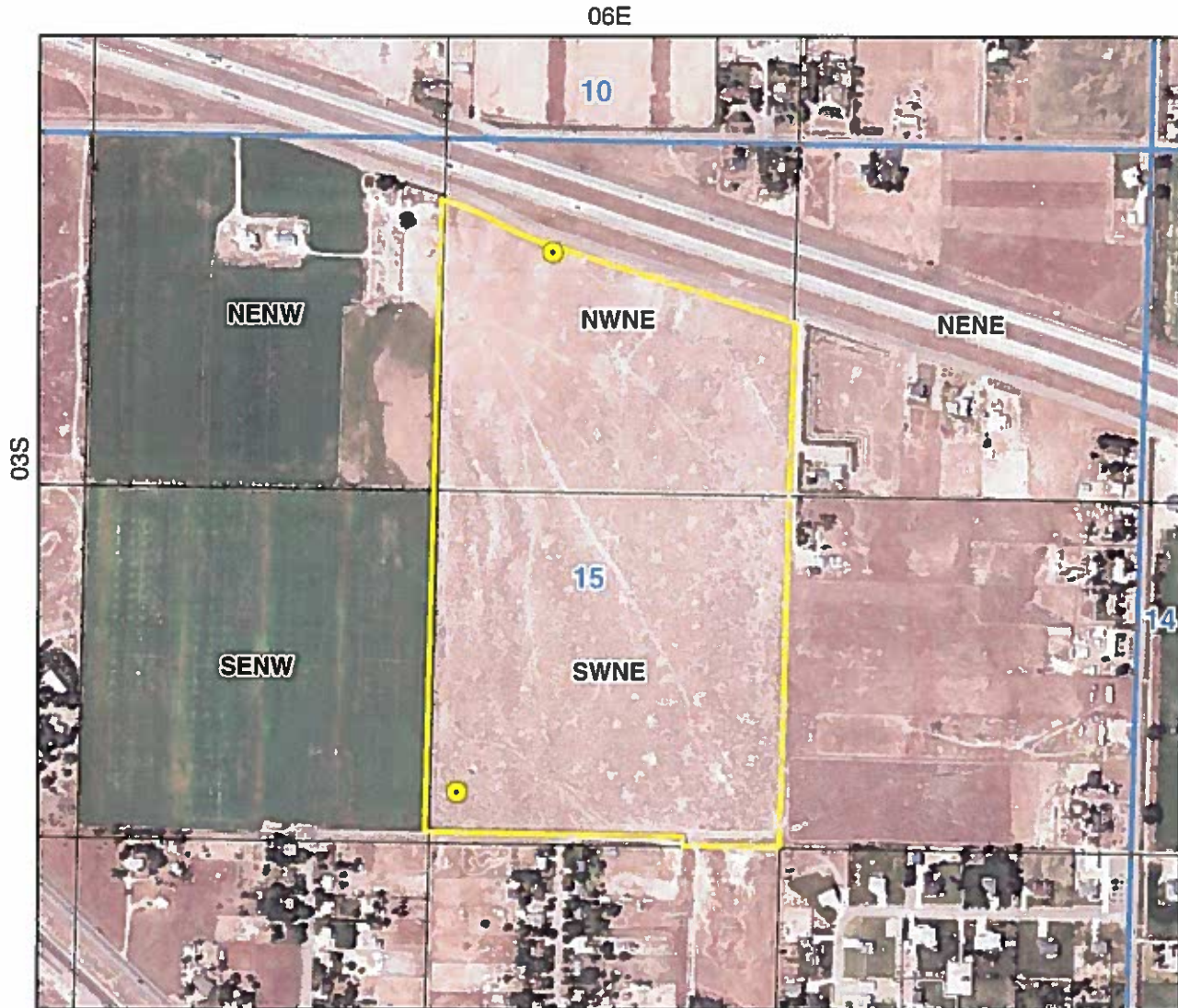
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

61-12303

This map depicts the DOMESTIC and FIRE PROTECTION 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 0.075 0.15 0.3 Miles



A horizontal scale bar with tick marks at 0, 0.075, 0.15, and 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 • Web Site: www.idwr.idaho.gov

February 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

INTERMOUNTAIN DEVELOPMENT CORP
PO BOX 624
MOUNTAIN HOME ID 83647

RE: Permit No.61-12303

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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,

 Rachel Neely for.

Nick Miller

Western Regional Manager

Enclosure(s)

cc: ROBERT P WALKER LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 61-12303

**INTERMOUNTAIN DEVELOPMENT CORP
PO BOX 624
MOUNTAIN HOME ID 83647**

**ROBERT P WALKER LLC
5710 W RANDOLPH DR
BOISE ID 83705**



**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.

Public Notice

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

63-34140
PARADISE HOMEOWNERS ASSN INC
2752 SUNDANCE DR
TWIN FALLS, ID 83301

Points of Diversion NWSWNE SWSWNE
SESWNE S33 T03N R10E ELMORE County
Source PARADISE HOT SPRINGS Tributary
GROUSE CREEK

Use: HEATING 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 9/21/2015
Place of Use: HEATING
T03N R10E S33 NWNE SWNE
L1(NENW) L4(SENW)
61-12303
INTERMOUNTAIN DEVELOPMENT
CORP

PO BOX 624
MOUNTAIN HOME, ID 83647
Points of Diversion NWNE SWNE S15

T03S R06E ELMORE County Source
GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.88
CFS

Use: FIRE PROTECTION 01/01 to 12/31
1.11 CFS

Total Diversion: 1.99 CFS

Date Filed: 7/22/2015

Places of Use: DOMESTIC, FIRE PRO-
TECTION

T03S R06E S15 NWNE SWNE

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80026

SUNVIEW DAIRY LLC, 6600 SW
BLANKSMA RD, MOUNTAIN HOME, ID
83647; has filed Application No. 80026 for
changes to the following water rights within
ELMORE County(s): Right No(s). 61-12270,
61-2186, 61-7222; to see a full description
of these rights and the proposed transfer,
please see [www.idwr.idaho.gov/apps/wr/Que-
ryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx).

The transfer proposes to change the nature
of use of 182.0 af for irrigation use authorized
under 61-2186 to stockwater and commercial
purposes for expansion of existing dairy. A
change to the place of use will expand com-
mercial/stockwater use under rights 61-2186,
61-7222 & 61-12270.

The site is located within Elmore County,
west of Hwy 51, 3.25 miles north of the Snake
River.

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 transfer (s) please
see [www.idwr.idaho.gov/WaterManagement/
WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based
on the criteria of Idaho Code §§ 42-203A and
42-222. 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 appli-
cation on or before 1/25/2016. The protestant
must also send a copy of the protest to the ap-
plicant.

GARY SPACKMAN, Director
First Publication: January 6, 2016
Last Publication: January 13, 2016

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Brenda M. Fincher**, do solemnly swear that I am the
Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once
a week, in Mountain Home, Idaho, that the notice attached
hereto which is a part of publication thereof; was
published in said newspaper for 2 consecutive
weeks, the first publication having been made on the
6th day of Jan, 2016, and the last publication
having been made on the 13th day of Jan, 2016;
every Wednesday issue of the paper during the period and
time of publication and that the notice was published in
the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News
has been continuously and uninterruptedly published in
said Elmore County during the period of 78 consecutive
weeks prior to the first publication of the attached notice.

Brenda M. Fincher
Publisher

Subscribed and sworn to me this 14th day of Jan
2016.

[Signature]
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-17-2017.

RECEIVED

JAN 21 2016

WATER RESOURCES
WESTERN REGION

