

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34022

Priority: December 02, 2014

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PHILIP M KRUEGER
1311 E WARM SPRINGS AVE
BOISE ID 83712

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 2, Twp 02N, Rge 03E, B.M. ADA 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	
02N	03E	11					X												
							L2												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2020**.
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. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Water bearing zone to be appropriated is 28 to 488 feet.
6. Domestic use is for 1 home.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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 permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of June, 2015.



for GARY SPACKMAN, Director



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 18, 2015

PHILIP M KRUEGER
1311 E WARM SPRINGS AVE
BOISE ID 83712

RE: Permit No. 63-34022

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 Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2015 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.

63-34022

**PHILIP M KRUEGER
1311 E WARM SPRINGS AVE
BOISE ID 83712**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
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.

RECEIVED

JUN 17 2015

WATER RESOURCES
WESTERN REGION

UNITED REALTY, INC.*

Louis Keefer, MBA

P.O. Box 2183

Boise, ID 83701

(208) 440-9846 – Office

louiskeefer@aol.com

June 15, 2015

TO: Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

ATTN: Water Rights Supervisor - RE: Application 63-34022

I am the Realtor representing Dr. & Mrs. Philip Krueger with their pending sale of a 3.3 acre parcel of land located on Sandy Point Lane overlooking Lucky Peak Dam.

This sale is scheduled to close on June 30, 2015 and is contingent on your approval of the above application.

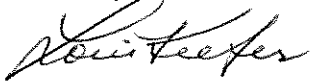
It is my understanding that all of the public comment requirements have been met and now we are awaiting your agency's final review and approval.

The Kruegers and I are therefore requesting that this process be expedited so that the sale can be completed without further delay.

If you have any questions I can be contacted at any of the addresses below.

Thank you for your attention.

Sincerely,



Louis Keefer, MBA

P.O. Box 2183

Boise, ID. 83701

440-9846 – Mobile

853-4194 – Office

louiskeefer@aol.com

* Locally owned and operated since 1960.*

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0001673464	LEGAL NOTICE The following applications	KRUEGER	\$146.83	1	89

Attention: RACHEL SOMMER

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

RECEIVED

APR 29 2015

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34022

PHILIP M KRUEGER

1311 E WARM SPRINGS AVE
BOISE, ID 83712
Point of Diversion: NESW S2 T02N
R03E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/2/2014
Place of Use: DOMESTIC
T02N R03E S11 L2(NENW)
Water bearing zone to be appropriated is from 28 to 488 feet.

63-34031

WOOD RIVER BUILDERS LLC

516 S CAPITAL BLVD
BOISE, ID 83702
Point of Diversion: SWSW S13
T04N R01E ADA County Source
GROUND WATER Tributary BOISE
RIVER
Use: IRRIGATION 03/01 to 11/15
0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 1/7/2015
Place of Use: IRRIGATION
T04N R01E S13 SWSW
Total Acres: 2.5
Water bearing zone to be appropriated is from 0 to 17.5 feet. Mitigation is proposed for consumptive use.

63-34032

SCS BRIGHTON, LLC

12601 W EXPLORER DR, STE 200
BOISE, ID 83713
Point of Diversion: NWNW S14
T03N R01W ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15
0.4 CFS
Total Diversion: 0.4 CFS
Date Filed: 1/27/2015
Place of Use: IRRIGATION
T03N R01W S14 NENW NWNW
Total Acres: 53
Water bearing zone to be appropriated is from 50 to 300 feet. Applicant proposes irrigating 20 acres.

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), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application 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 5/4/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Apr. 16, 23, 2015

0001673464-01

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: 04/16/2015

Ending issue of: 04/23/2015

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 23rd day of April in the year of 2015 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.

Heather Harradine

Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/11/2020

