

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-17435

Priority: September 15, 2006

Maximum Diversion Rate: 1.91 CFS

It is hereby certified that CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 15, 2006; and has submitted Proof of Beneficial Use on September 16, 2011. An examination confirms water has been diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

1.91 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 21, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SW1/4	Sec. 21, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SE1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	SE1/4SE1/4	Sec. 20, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	NE1/4SW1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	NW1/4SW1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 29, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		

CONDITIONS OF APPROVAL

1. Municipal use for this right is limited to only fire protection and does not include irrigation, domestic, culinary or any other uses. Water shall not be diverted for fire protection use except to fight or repel an existing fire.
2. 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.

State of Idaho
Department of Water Resources
Water Right License

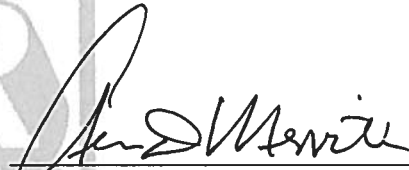
WATER RIGHT NO. 47-17435

3. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
4. Rights 47-4459, 47-4460, 47-7306, 47-7649, 47-8091, 47-8377 and 47-17435 when combined shall not exceed a total diversion rate of 11.27cfs.
5. This right is for the use of trust water and is subject to review 5 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Place of use is within the service area of the City of Kimberly municipal water supply system as provided for under Idaho Law.
7. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
8. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 20th day of April, 2015.

FOR


GARY SPACKMAN
Director

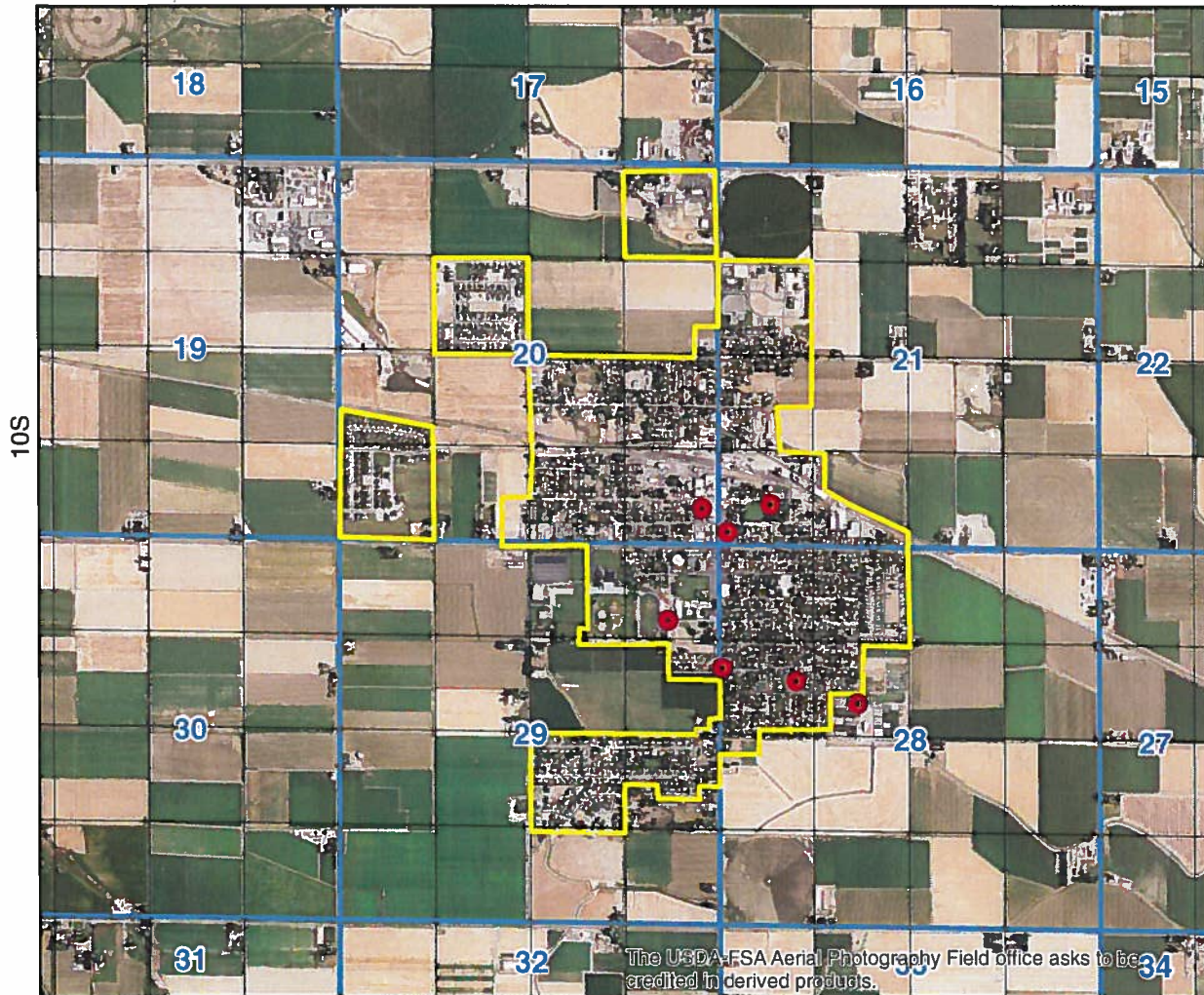
City Of Kimberly

Attachment To Water Right License

47-17435

This map depicts the MUNICIPAL 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.

18E



Point of Diversion



Water Service Area Boundary



Townships



PLS Sections



Quarter Quarters

0 0.3 0.6 1.2 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

April 21, 2015

CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341

RE: License No. 47-8091, 47-8377, 47-17435

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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.

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,

Allen Merritt
Southern Region Manager

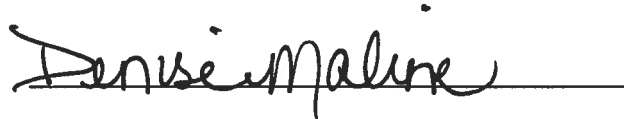
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 47-8091, 47-8377, 47-17435

**CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341**

A handwritten signature in black ink, reading "Denise Maline", is written over a horizontal line.

**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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 47-17435

RECEIVED

FEB 11 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: September 15, 2006

Maximum Diversion Rate: 1.91 CFS
Maximum Diversion Volume:

Comes now CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-17435, and requests that the permit be changed as follows:

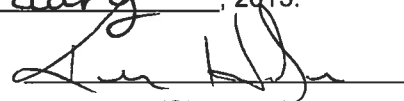
Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	1.91 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER TWIN FALLS County	SW1/4SW1/4	Sec. 21, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	SW1/4SW1/4	Sec. 21, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	SW1/4SE1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	NE1/4SW1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	NW1/4SW1/4NW1/4	Sec. 28, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	SW1/4NE1/4NE1/4	Sec. 29, Twp 10S, Rge 18E, B.M.
GROUND WATER TWIN FALLS County	SE1/4SE1/4	Sec. 20, Twp 10S, Rge 18E, B.M.

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 11 day of February, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 47-17435

FOR DEPARTMENT USE ONLY

Preliminary check by JR Fee = 100.00 Received by BW # 5034548 Date 2/11/15

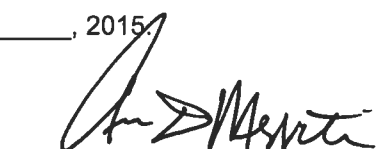
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-17435 with the following:

CONDITIONS OF APPROVAL

1. Municipal use for this right is limited to only fire protection and does not include irrigation, domestic, culinary or any other uses. Water shall not be diverted for fire protection use except to fight or repel an existing fire.
2. 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.
3. This right does not grant any right-of-way or easement across the land of another.
4. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. This right is for the use of trust water and is subject to review 5 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
8. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
9. Place of use is within the service area of the City of Kimberly municipal water supply system as provided for under Idaho Law.
10. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

Witness my hand this 20th day of April, 2015.



Allen Merritt
Regional Manager