

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-33332

Priority: January 20, 2010

Maximum Diversion Rate: 0.30 CFS

It is hereby certified that CITY OF WILDER
PO BOX 687

WILDER ID 83676-0687 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 20, 2010; and has submitted Proof of Beneficial Use on March 30, 2011. An examination confirms water is 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

0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4 Sec. 14, Twp 04N, Rge 05W, B.M. CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Wilder municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-33332

CONDITIONS OF APPROVAL CONTINUED:

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.

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 27th day of January, 2014.

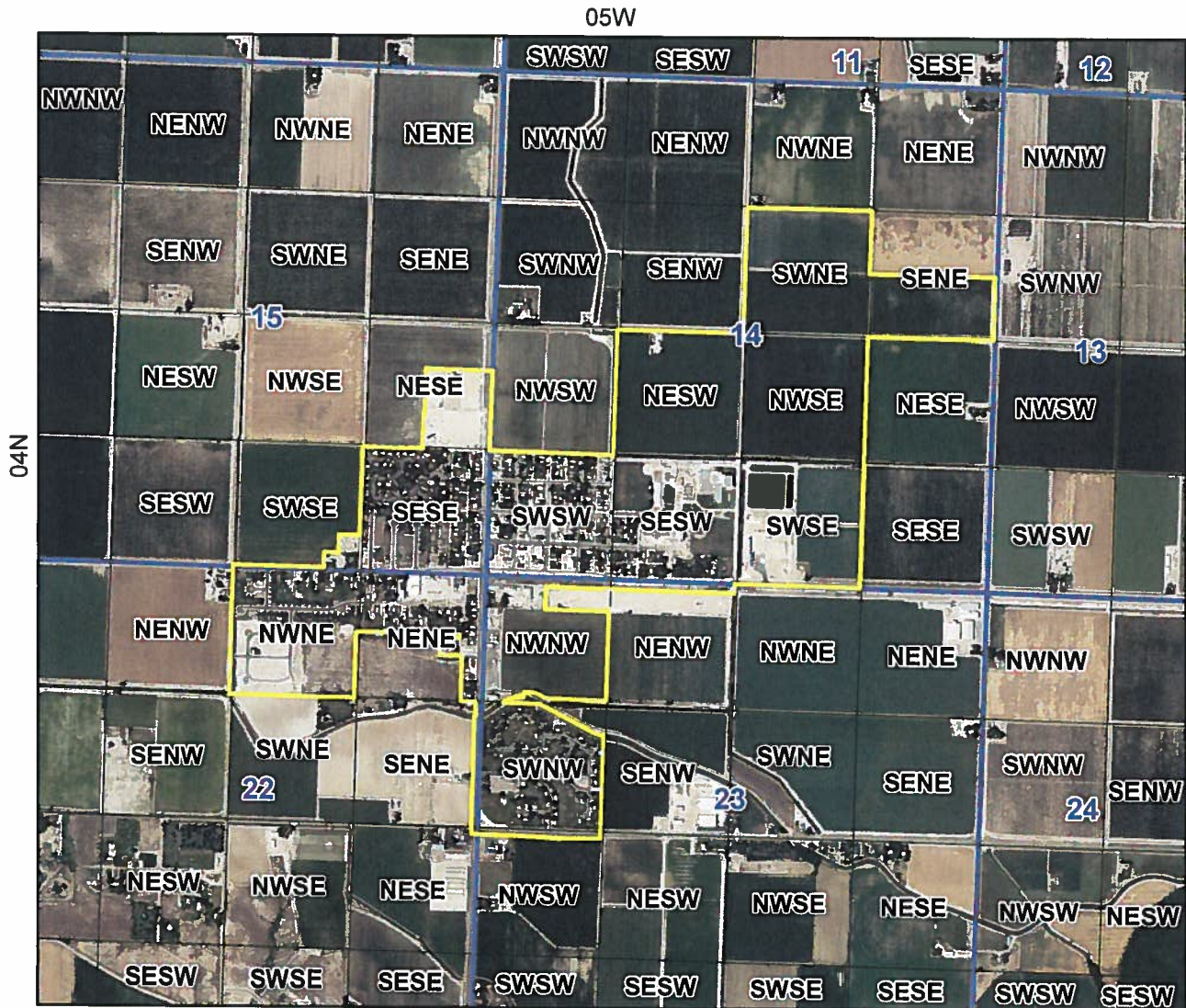


for GARY SPACKMAN
Director

Attachment To Water Right License

63-33332

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.



-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.225 0.45 0.9 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 27, 2014

CITY OF WILDER
PO BOX 687
WILDER ID 83676-0687

RE: License No. 63-33332

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 208-287-4916.

Sincerely,


For Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

cc: JUB ENGINEERS INC

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2014, 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.

63-33332

**CITY OF WILDER
PO BOX 687
WILDER ID 83676-0687**

**JUB ENGINEERS INC
217 W GEORGIA AVE, STE 120
NAMPA ID 83686**



Darla Block
Technical Records Specialist

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

Date: January 27, 2014
To: Water Right File 63-33332
From: shemenway
Re: Municipal (external use only for homes on east side Hwy 95, for the City of Wilder)

The "1954 Well" and the Cheta Well (63-8164, 63-11253, 63-12067), both discharge into the 5 ft X 5 ft concrete headgate, and then gravity flow into buried 8 inch concrete pipe that encircles a section of the City of Wilder located on the east side of Hwy 95. This distribution is not connected to the potable water supply for the rest of the Municipal water system for the City of Wilder. This independent system is for Municipal external use only which allows residents to flood irrigate their yards (3/15 – 11/15). Since this is a Municipal system much like what United Water would be, which would allow for internal and external use from their residents with a season of use of 1/1 – 12/31, the same will be for the City of Wilder. The season of use for the City of Wilder (63-33332) will remain 1/1 – 12/31.

Calculating the rate of diversion and volume for water right 63-33332 ("1954 Well") was conducted like that of water right 63-11253 (Cheta Well), which shares the exact same distribution system. Both the "1954 Well" and the Cheta Well are the only two wells that are strictly for Municipal external use only and not for potable use, but at any time could be tied into the potable distribution system.

Due to the configuration of the system for the "1954 Well," no physical measurement was collected. According to the 1/23/2014 email from Carmen Elordi from the City of Wilder, irrigation is billed on the amount of square footage of the property. They get the water at an allotted time once a week. No irrigation water is metered. A theoretical calculation indicated a larger capacity (0.49 cfs).

ADDITIONAL INFORMATION (M= Municipal Use):

<u>Capacity</u>	<u>Well</u>	<u>Water Right Diversion Rate</u>	<u>Water Right</u>	<u>Use</u>
0.94 cfs	#2 Chula	0.94 cfs	63-8164	M
1.32	Cheta	0.30	63-11253	M
2.01	Golden Gate	1.12	63-12067	M
0.49	1954 well	0.30	63-33332	M

4.76 total capacity

2.66 total diversion rate*

*No combined limits are required for water right 63-33332, since they are using so much less than the total capacity of the system.

RECOMMEND:

Municipal 1/1 – 12/31

15 acres (same as 63-11253) X 0.02 cfs = **0.30 cfs***

Volume: None will be listed on the license, since none was listed on the permit for this Municipal use system.