

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 47-17616

Priority: November 08, 2013

Maximum Diversion Rate: 0.36 CFS
Maximum Diversion Volume: 34.8 AF

This is to certify, that ROCKLEDGE ESTATES HOA INC
1200 OVERLAND AVE
BURLEY ID 83318

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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.36 CFS	34.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 15, Twp 10S, Rge 18E, B.M.
TWIN FALLS County		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 15, Twp 10S, Rge 18E, B.M.
TWIN FALLS 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	
10S	18E	15													X				X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2019**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
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. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Domestic use is for 58 homes and does not include lawn, garden, landscape, or other types of irrigation.

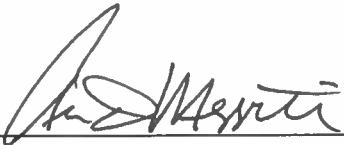
State of Idaho
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7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of December, 2013.



GARY SPACKMAN, Director

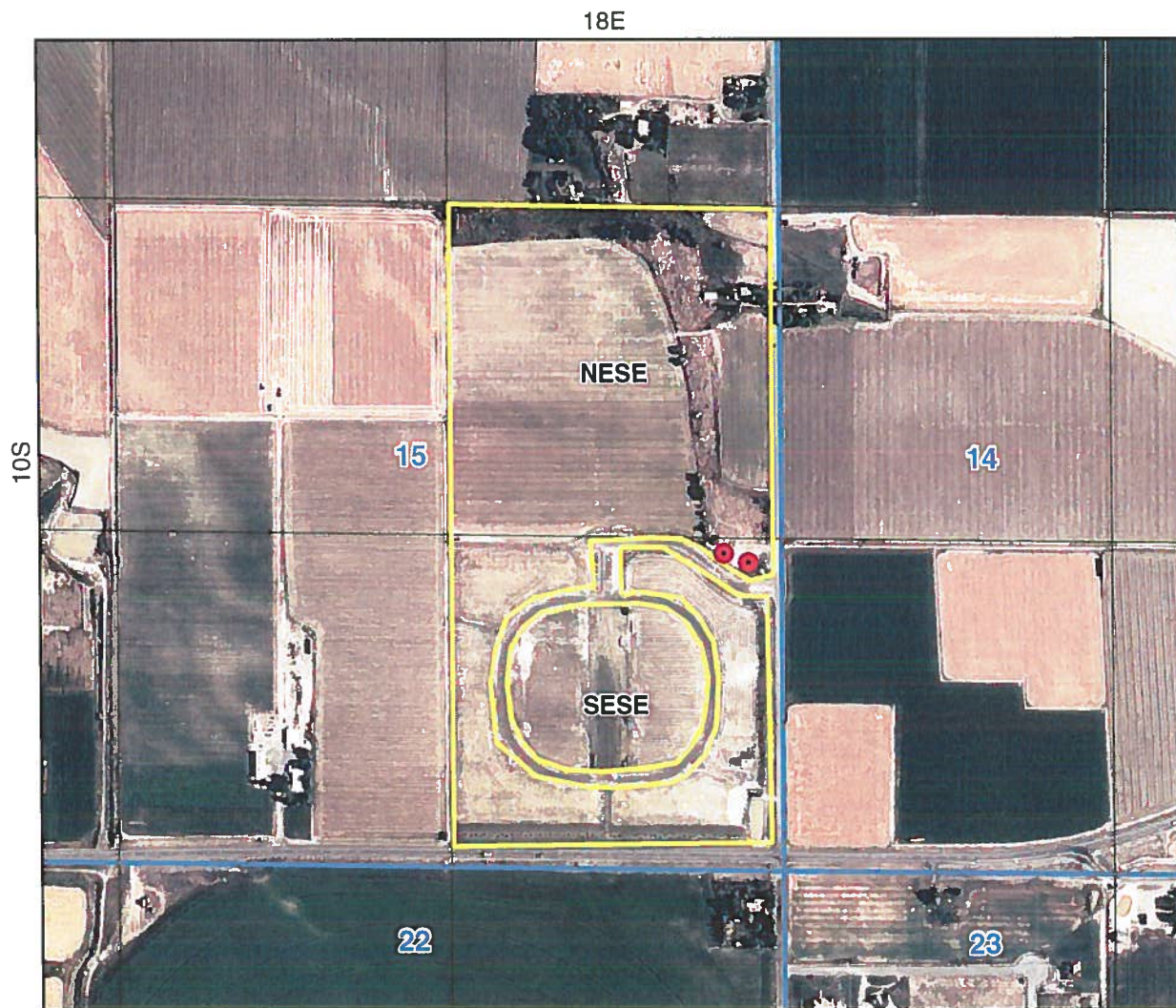


State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

47-17616

This map depicts the DOMESTIC 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
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 18, 2013

ROCKLEDGE ESTATES HOA INC
1200 OVERLAND AVE
BURLEY ID 83318

RE: Permit No. 47-17616

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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a prominent "M".

Allen Merritt
Southern Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2013 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. 47-17616

**ROCKLEDGE ESTATES HOA INC
1200 OVERLAND AVE
BURLEY ID 83318**

A handwritten signature in cursive script, 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.

RECEIVED

DEC 02 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 21st day of November, 2013 and ending with the issue dated 28th day of November, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 29th day of November, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heidi Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho
My commission expires: 6/30/19



over →

✓ OK DM
12/10/2013

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

47-17616

ROCKLEDGE ESTATES HOA INC

1200 OVERLAND AVE

BURLEY, ID 83318

Point of Diversion NESESE S15 T10S R18E TWIN FALLS

County Source GROUND WATER Tributary

Point of Diversion NESESE S15 T10S R18E TWIN FALLS

County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.36 CFS 52 AF

Total Diversion: 0.36 CFS 52 AF

Date Filed: 11/8/2013

Place Of Use: DOMESTIC

T10S R18E S15 NESE SESE

Application for permit proposes to divert 0.36 CFS (52 AFA) for domestic in-house use on 58 lots within a subdivision, located approximately 1 - 1.5 mi. N & 1 - 1.25 mi. W of Hansen, locally known as Rockledge Estates. Application proposes to utilize an existing well and a proposed well, within the development, to supply water to homes on the lots. Irrigation within the development is currently and will continue to be supplied by shares of Twin Falls Canal Company.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78873

SHIRLEY S JENTZSCH and RODNEY A JENTZSCH, 20106 5TH ST, RUPERT, ID 83350; has filed Application No. 78873 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16550, 36-16551, 36-16556, 36-16827. The purpose of the transfer is to change a portion of the above rights as follows: Transfer application proposes to convert a 6.2 acre portion (0.11 cfs and 11.8 af) of two ground water irrigation rights to year round commercial use at a nursery located approximately 4.0-4.3 miles east and 3.3-4.0 miles north of the city of Rupert. The application also proposes to create a permissible place of use for the commercial use and the irrigation of 51.7 acres. Four existing wells will be used for the commercial use and irrigation of the 51.7 acres and to divert up to a total of 0.9 cfs and 218.6 af.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78891**

ALBION 12 INVESTMENTS LLC, 7595 EAST MCDONALD DR #130, SCOTTSDALE, AZ 85250; has filed Application No. 78891 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C, 45-285, 45-286, 45-327D, 45-517D, 45-523A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and add points of diversion (PODs) for a portion of the following irrigation water rights: 45-284C (Howell Creek, 0.51 CFS), 45-286 (Howell Creek, 1.2 CFS), 45-2663 (Groundwater, 1.0 CFS), and 45-256A (Antone Creek, Pine Creek, Howell Creek, 3.35 CFS). These rights are currently authorized to irrigate 167.7 acres on ground located approximately 2.2 - 2.4 mi. E and 2.8 - 4.3 mi. S of Albion, Idaho. Applicant has recently purchased 21.2 acres within the authorized POU for these rights and seeks to change the POU and add PODs to allow more flexible usage with rights on adjacent ground owned by the applicant, located approximately 1.4 - 2.4 mi. E and 2.0 - 4.7 mi. S of Albion. Rights on this adjacent ground are currently authorized to irrigate 378 acres under the following rights: 45-275 (Springs, 0.24 CFS), 45-284B (Howell Creek, 1.5 CFS), 45-285 (Howell Creek, 0.15 CFS), 45-327D (Howell Creek, 0.70 CFS), 45-517D (Spring Creek, 0.20 CFS), 45-523A (Waste Water, 0.12 CFS), and 45-13589 (Springs, 0.56 CFS). Application proposes to create a permissible place of use (PPU) with all these rights to include adjacent grounds, owned by the applicant, equivalent to 480 acres. If approved, when combined with the split portion of rights 45-284C (45-14449), 45-286 (45-14450), 45-2663 (45-14451), and 45-256A (45-14452) the total allowed irrigation would be 399.2 acres. Additionally, application proposes to add three additional PODs on Howell Creek approximately located the following distances from Albion: 1.8 mi. E and 2.7 mi. S, 1.7 mi. E and 3.2 mi. S, and 1.6 mi. E and 3.4 mi. S, currently authorized under rights 45-284B, 45-285, and 45-327D, to the split portion of rights authorized to be diverted from Howell Creek (45-14449, 45-14450, and 45-14452). In addition, the application proposes to change the point of diversion for the split portion of right 45-2663 (45-14451) to an existing well located approximately 2.2 mi. E and 2.8 mi. S of Albion.

Permits will be subject to all prior water rights. For additional information concerning the property location, 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/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 9, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: November 21 and 28, 2013

✓ OK DM 12/10/2013