

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 21-13048

Priority: September 01, 2006

Maximum Diversion Rate: 0.70 CFS
Maximum Diversion Volume: 215.0 AF

It is hereby certified that WDG SHADOW RIDGE LLC
PO BOX 51298
IDAHO FALLS ID 83405 has complied with the terms and conditions of
the permit, issued pursuant to Application for Permit dated September 01, 2006; and has submitted Proof
of Beneficial Use on March 25, 2013. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.70 CFS	215.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 8, Twp 09N, Rge 44E, B.M. FREMONT County
GROUND WATER SE1/4NW1/4 Sec. 8, Twp 09N, Rge 44E, B.M. FREMONT County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Shadow Ridge at Stephens Ranch Subdivision. The place of use is generally located within Sections 8 and 9, Township 9N, Range 44E.
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 illustration purposes.
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 use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right, including the place of use irrigated by water right 21-13120.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 21-13048

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 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.

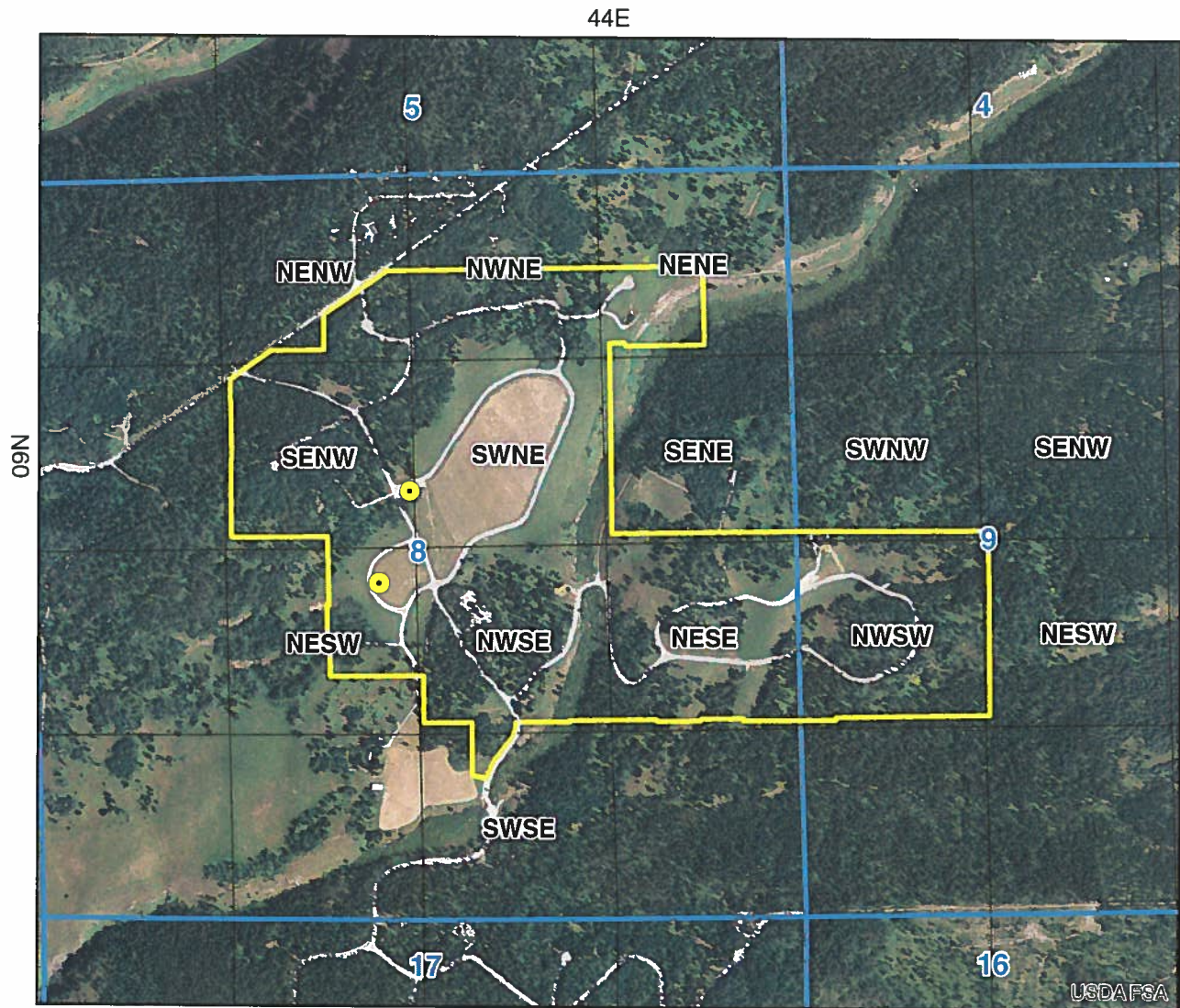
Signed this 3rd day of December, 2013.



for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
21-13048

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.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.25 0.5 Miles

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-13048

RECEIVED
NOV 13 2013
Department of Water Resources
Eastern Region

Date of Priority: September 01, 2006 **Maximum Diversion Rate:** 0.70 CFS
Maximum Diversion Volume: 215.0 AF

Comes now WDG SHADOW RIDGE LLC
PO BOX 51298
IDAHO FALLS ID 83405

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. 21-13048, and requests that the permit be changed as follows:

Source: GROUND WATER

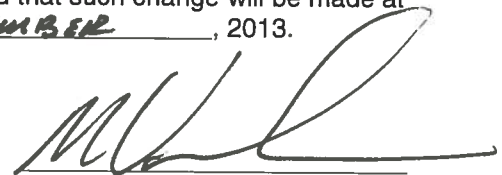
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.70 CFS	215.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 8, Twp 09N, Rge 44E, B.M. FREMONT County

GROUND WATER SE1/4NW1/4 Sec. 8, Twp 09N, Rge 44E, B.M. FREMONT County

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 13 day of NOVEMBER, 2013.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 21-13048

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100- Received by SE # E039293 Date 11/13/13

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. 21-13048 with the following:

CONDITIONS OF APPROVAL

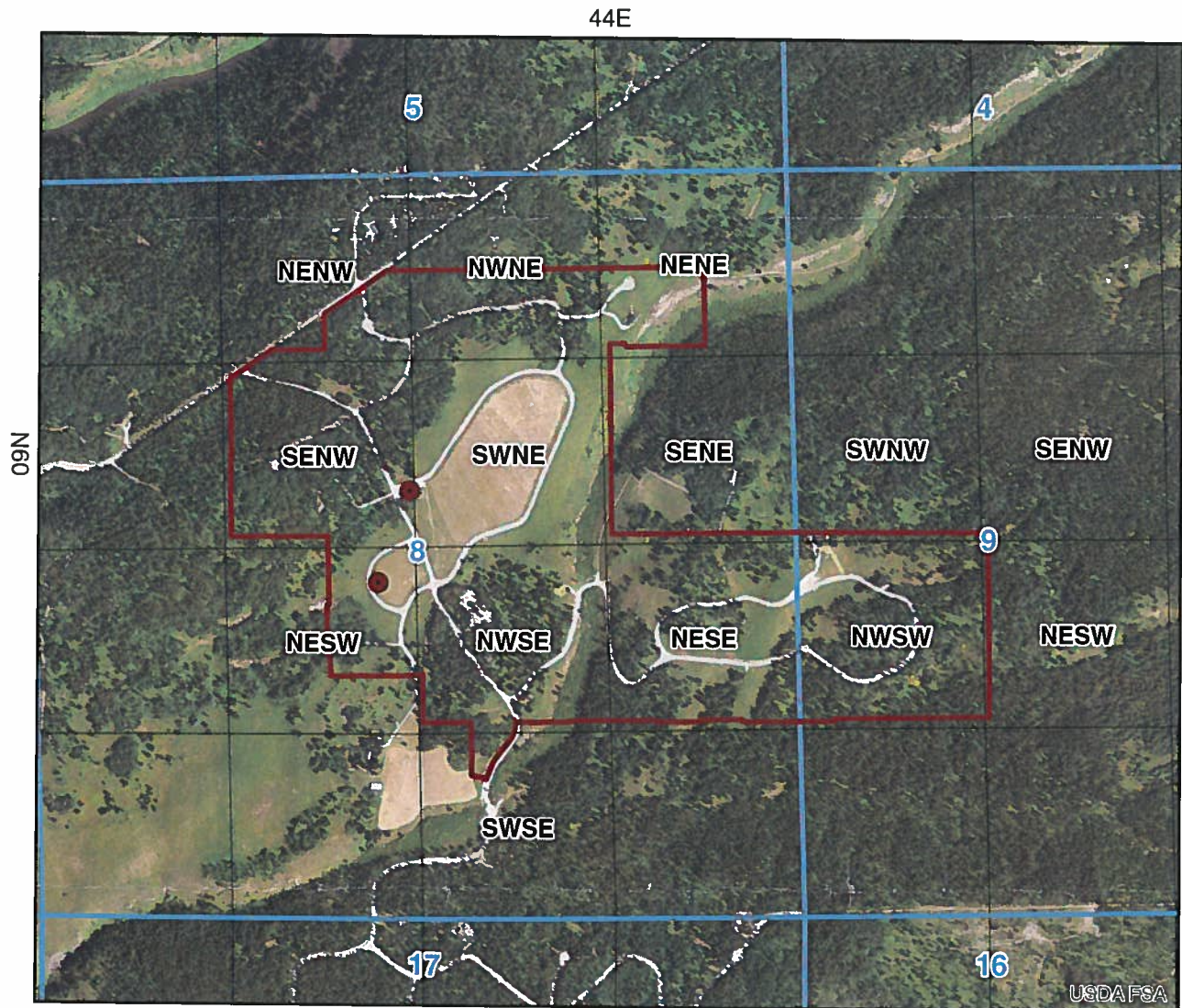
1. Place of use is within the area served by the public water supply system of Shadow Ridge at Stephens Ranch Subdivision. The place of use is generally located within Sections 8 and 9, Township 9N, Range 44E.
2. This right does not grant any right-of-way or easement across the land of another.
3. The 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.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right, including the place of use irrigated by water right 21-13120.
6. 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.
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.

Witness my hand this 3rd day of December, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
21-13048

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this amendment and is attached to the for illustrative purposes.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters



0 0.25 0.5 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

December 4, 2013

WDG SHADOW RIDGE LLC
PO BOX 51298
IDAHO FALLS ID 83405

RE: License No. 21-13048

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. Also enclosed is a copy of the approved application for amendment.

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,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on **December 6, 2013**, 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.

21-13048

WDG SHADOW RIDGE LLC

PO BOX 51298

IDAHO FALLS ID 83405



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.



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 24, 2013

WDG SHADOW RIDGE LLC
PO BOX 51298
IDAHO FALLS 83405

RE: Water Right Permit No. 21-13048

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The permit describes the place of use and the point of diversion by township, range, and section and quarter quarter. Any additional place of use or point of diversion that falls within a quarter quarter not described in the permit requires an amendment. The permit does not include the point of diversion in T9N R44E Section 8 SENW. The place of use also includes additional quarter quarters not listed on the permit.

Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 21 days.

If you have any questions, please call me at (208)287-4879.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sandra Thiel'.

Sandra Thiel
Water Resource Planner

Enclosure(s)

CC: Charles G. Brockway