

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23539

Priority: April 11, 2013

Maximum Diversion Rate: 0.04 CFS

This is to certify, that GLENN E HIGBY or DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622

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>
HEATING	01/01 to 12/31	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 23, Twp 10N, Rge 04E, B.M., BOISE County

PLACE OF USE: HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	23			X														

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	
10N	04E	23			X														

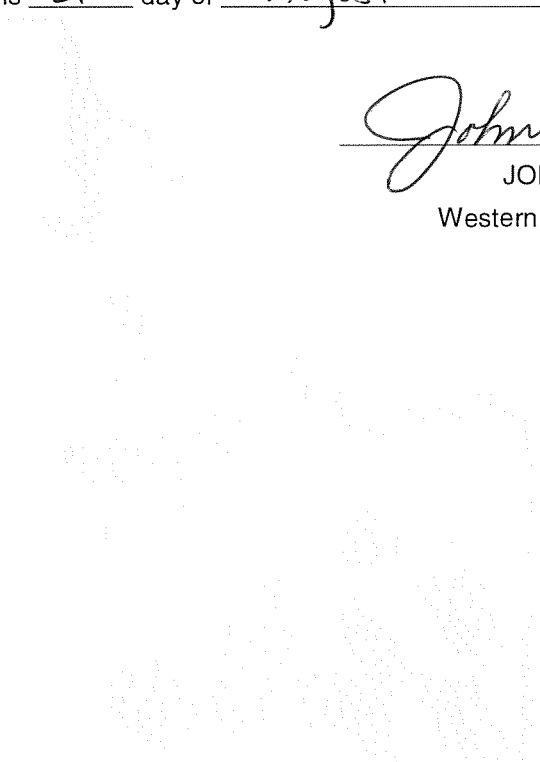
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2018**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23539

5. Domestic use is for 1 home.
6. Place of use is located within Lot 4, Blk. 1; River Park Meadows Subdivision #2.
7. Return flow discharged to a subsurface system must be authorized by a separate injection well 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 20th day of August, 20 13.




JOHN WESTRA
Western Regional Manager



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

August 20, 2013

GLENN E HIGBY
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622

RE: Permit No.65-23539

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.

Please note condition of approval no. 7. Contact the Department injection well section to discuss the injection requirements; phone 287-4800.

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,


Rn:

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

65-23539

**DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622**

**GLENN E HIGBY
24 APPLE WOOD DR
GARDEN VALLEY ID 83622**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
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.

The Idaho World

P.O. Box 50248
Boise, ID 83705
(208) 429-1606

State of Idaho)
County of Boise)

Wayne Hart, being duly sworn, deposes and says: that he is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with July 3, 2013 and ending with the issue of July 10, 2013.

State of Idaho)
County of Ada)

On this 1 day of August in the year 2013, before me, a notary public, personally appeared Wayne Hart 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.

Shaun Miller
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 03-06-2019

The following application has been filed to appropriate the public waters of the State of Idaho:

65-23539
GLENN E HIGBY
DEANNA F HIGBY
24 APPLE WOOD DR
GARDEN VALLEY, ID 83622
Point of Diversion SWNE S23 T10N
R04E BOISE County Source GROUND
WATER
Use: DOMESTIC, HEATING 01/01 to
12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 4/11/2013

Place of Use: DOMESTIC, HEATING
T10N R04E S23 SWNE
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/
apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). 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 7/22/2013. The
protestant must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director

Published in the Idaho World 7/3 and
7/10/2013

RECEIVED

AUG 05 2013

WATER RESOURCES
WESTERN REGION

OK
B513
RS

SHAUN MILLER
NOTARY PUBLIC
STATE OF IDAHO

Sommer, Rachel

From: Wayne Hart [publisher@idahoworld.com]
Sent: Tuesday, July 23, 2013 7:26 PM
To: Sommer, Rachel
Subject: BOISE Legal Ad
Attachments: Boise Cover Letter.docx; Boise Legal Notice.docx

I'm sorry, the affidavit for this got lost on my desk. I need to get it notarized, then I'll get it off to you.

Wayne Hart

From: "Sommer, Rachel" <Rachel.Sommer@idwr.idaho.gov>
To: EDITOR@IDAHOWORLD.COM
Sent: Tuesday, July 23, 2013 2:06 PM
Subject: FW: BOISE Legal Ad

Hello Theresa,

I have yet to receive an invoice or an affidavit for this legal notice. Will you please let me know when I should be receiving one.

Thank you,

Rachel Sommer

From: Sommer, Rachel
Sent: Wednesday, June 26, 2013 11:27 AM
To: 'EDITOR@IDAHOWORLD.COM'
Subject: BOISE Legal Ad

Good Morning Theresa,

Please see the attached ad for publication on 7/3/2013 & 7/10/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer
Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov