

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23479

Priority: August 15, 2012

Maximum Diversion Rate: 150.00 CFS

This is to certify, that BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE ID 83661

has applied for a permit to appropriate water from:

Source: DRY CREEK

Tributary: BIG WILLOW CREEK

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>
IRRIGATION	03/01 to 06/15	10.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1,800.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		1,800.0 AF
DIVERSION TO STORAGE	10/01 to 06/15	150.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NE1/4SE1/4 Sec. 27, Twp 09N, Rge 02W, B.M. PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 02W 7	21.0		35.0	40.0				40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	456.0
08N 02W 8	36.0	30.0	40.0	40.0	29.0	9.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	584.0
08N 02W 9	37.0	40.0	40.0	40.0	36.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	632.0

Total Acres: 1672

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 02W 27									X	X		X		X	X		

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 02W 7	21.0		35.0	40.0				40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	456.0
08N 02W 8	36.0	30.0	40.0	40.0	29.0	9.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	584.0
08N 02W 9	37.0	40.0	40.0	40.0	36.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	632.0

Total Acres: 1672

State of Idaho
Department of Water Resources
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NO. 65-23479

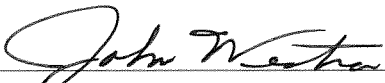
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2017**.
2. Subject to all prior water rights.
3. 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.
4. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
5. This right is limited to the irrigation of 740 acres within the authorized place of use in a single irrigation season.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65, Payette River.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water directly from Dry Creek. The right holder shall not divert water from Dry Creek after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion from the creek, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right. This curtailment/mitigation does not apply to water already stored in the reservoir prior to June 15 of each year.
9. This right is limited to the irrigation of a specific 740 acres within the 1672 acre place of use authorized by this right in a single irrigation season. The specific 740 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 740 acres to be irrigated within the 1672 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
10. The following rights are diverted through point(s) of diversion described above: 65-7136, 65-7603, 65-22979 and 65-23479.
11. Rights 65-22979 and 65-23479 when combined shall not exceed a total diversion rate of 150 cfs.
12. Combined rights 65-7136, 65-7603, 65-22979 and 65-23479 authorize the diversion of an annual total of 1800 acre-feet to be used for the initial filling of the same reservoir.
13. The reservoir to be used for this right will be expanded under right 65-22979.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23479

14. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for natural flow irrigation of the place of use. This right when combined with all other rights shall provide no more than 5.0 afa per acre of storage water for irrigation of the place of use.
15. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this 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 18th day of October, 2012.



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

October 18, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE ID 83661

RE: Permit No.65-23479

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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,



for
John Westra

Western Regional Manager

Enclosure(s)

cc: State Water District No. 65, Payette River Watermaster

CERTIFICATE OF SERVICE

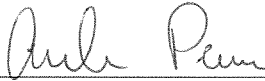
I hereby certify that on October 19, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-23479

**BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE ID 83661**

**RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE ID 83661**

A handwritten signature in cursive script, appearing to read "Mandi Pearson", is written over a horizontal line.

**Mandi Pearson
Office Specialist II**

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

TO: File

FROM: Steve Lester 

DATE: October 10, 2012

RE: **Application 65-23479 Summary**

The application is confusing based on its overlap and amended versions of the application until it could finally be processed. The current version to be approved is summarized below.

- Older storage for existing reservoir covered by rights 65-7136 and 65-7603.
- Increase diversion from same source with increased storage covered in permit 65-22979.
- Total between them covers 1800 storage for many of same acres.
- Those acres have other direct flow rights, which make it more feasible to spread storage to new land with a new right.
- New application proposes alternate/additional use of same diversion to storage & storage found in older rights and that permit.
- New application proposes use on new acres.
- New application was filed because storage water under a permit cannot be spread to more land.

Overlooked in prior discussion was that new acres have no water rights. Application proposed 740 new acres, requiring 740 x 4 or about 3000 af. In new application, total storage of 1800 af is augmented by direct flow irrigation during early part of season (avoids 6/15 curtailment) – think of it as storage refill during early season: 10 x 2 x about 100 days = 2000 af.

The storage and additional live flow provide enough volume plus some cushion for new acres. It is acceptable to have live flow and storage volume exceeding field headgate requirements of 3000 af for the new acres. Using 10 cfs irrigation instead of adding refill storage volume to this application was used to avoid even more confusion when trying to interpret several storage rights for the same system.

Likewise, combined limits conditions include permit 65-22979 as a departure from standard condition thinking. This helps flag key rights involved in this situation.

Bottom line

Expansion of reservoir has not started yet.

65-7136, 65-7603, 65-22979 and 65-23479 cannot exceed 1800 af storage.

65-22979 and 65-23479 cannot exceed 150 cfs diversion to storage.

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

SEP 17 2012

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000613102	LEGAL NOTICE	LatterDaySaints	\$196.35	2	58

Attention: Mandi Pearson

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

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

63-33669

CORP OF THE PRESIDING BISHOP CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS REAL ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150-6320

Point of Diversion L3(SENE) S23 T04N R01W ADA County Source
GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 12 AF, DIVERSION TO
STORAGE 01/01 to 12/31 0.14 CFS, IRRIGATION 03/01 to 11/15 0.14
CFS, IRRIGATION FROM STORAGE 03/01 to 11/15 12 AF, IRRIGATION
STORAGE 01/01 to 12/31 12 AF

Total Diversion: 0.14 CFS

Date Filed: 6/27/2012

Place Of Use: AESTHETIC STORAGE, IRRIGATION FROM STORAGE, IRRIGATION
STORAGE, IRRIGATION

T04N R01W S23 L3(SENE), NESE

Total Acres: 7

Water bearing zone to be appropriated is from 200 to 300 feet.

65-23479

BIG WILLOW RANCH LLC

1 DIXIE LN

PAYETTE, ID 83661

Point of Diversion NESE S27 T09N R02W PAYETTE County Source DRY
CREEK Tributary BIG WILLOW CREEK

Use: DIVERSION TO STORAGE 10/01 to 06/15 150 CFS, IRRIGATION
03/01 to 06/15 10 CFS, IRRIGATION FROM STORAGE 03/01 to 11/15
1800 AF, IRRIGATION STORAGE 01/01 to 12/31 1800 AF

Total Diversion: 150 CFS

Date Filed: 1/20/2012

Place Of Use: IRRIGATION, IRRIGATION FROM STORAGE,
T08N R02W S7, S8, S9

Place Of Use: IRRIGATION STORAGE

T09N R02W S27

Total Acres: 1672

Application proposes irrigating new acres from Bettis Reservoir without
enlarging the existing system or the proposed expansion of the reservoir
already covered by older rights used for other land. New irrigation limited
to 740 acres within 1672 acre area.

Permits will be subject to all prior water rights. For additional information
concerning the property location, contact Western Region office at
(208) 334-2190. 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 9/24/2012. The protestant
must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Sept. 6, 13, 2012

0000613102-01

JANICE HILDRETH, being duly
sworn, deposes and says: That
she is the Principal Clerk of The
Idaho Statesman, a daily
newspaper printed and
published at Boise, Ada County,
State of Idaho, and having a
general circulation therein, and
which said newspaper has been
continuously and uninterruptedly
published in said County during
a period of twelve consecutive
months prior to the first
publication of the notice, a copy
of which is attached hereto: that
said notice was published in The
Idaho Statesman, in conformity
with Section 60-108, Idaho
Code, as amended, for:

2 Insertions

Beginning issue of: 09/06/2012

Ending issue of: 09/13/2012

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 13 day of September in
the year of 2012 before me, a
Notary Public, personally
appeared before me Janice
Hildreth known or identified to
me to be the person whose
name subscribed to the within
instrument, and being by first
duly sworn, declared that the
statements therein are true, and
acknowledged to me that she
executed the same.

Heather Hamachin

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	09/13/2012	INVOICE NO.	67173
Account No.	964760		
Description	67173 The follo		
Times	2	Lines	39
		Tab. lines	
		\$	114.07
		PO#	65-23479

LEGAL ADVERTISING
INVOICE

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

DK MP 9-19-12

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

65-23479
BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE, ID 83661

Point of Diversion NESE S27 T09N R02W PAYETTE County
Source DRY CREEK Tributary BIG WILLOW CREEK
Use: DIVERSION TO STORAGE 10/01 to 06/15 150 CFS,
IRRIGATION 03/01 to 06/15 10 CFS, IRRIGATION FROM
STORAGE 03/01 to 11/15 1800 AF, IRRIGATION STORAGE
01/01 to 12/31 1800 AF

Total Diversion: 150 CFS

Date Filed: 1/20/2012

Place Of Use: IRRIGATION, IRRIGATION FROM STORAGE,
T08N R02W S7, S8, S9

Place Of Use: IRRIGATION STORAGE

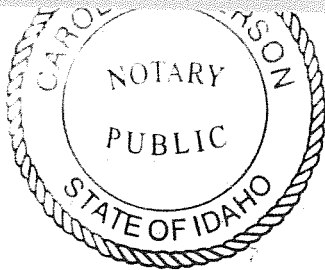
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Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against 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 9/24/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 9/6/2012 and 9/13/2012



Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 67173 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 09/06, or once a Week, for 2 consecutive Week, the first publication thereof being on the 09/06/2012, and the last publication thereof being on the 09/13/2012, and said 67173 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 13th day of September in the year of 2012, before me, a Notary Public, personally appeared Karen J. Lewis, 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.

Carol J. Peterson

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2012

SEP 17 2012

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Public Notice
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Cherise Kaechele, being

duly sworn, deposes and says:

That *she* is the *clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two (2)* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *September 5, 2012*, and ending with the issue of *September 12, 2012*

STATE OF IDAHO

COUNTY OF

On this *13th* day of *Sept* in the year of *2012* before me, a Notary Public, personally appeared *Cherise Kaechele* 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.

Lisa D. Allison
Notary Public for Idaho

Residing at *Payette*

My commission expires: *7-1-14*

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines *54*

Number of Insertions *two (2)*

54 Lines @ *1.14* . . . \$ *61.56*

54 Lines @ *1.00* . . . \$ *54.00*

TOTAL COST
WILL BE \$ *115.56*

PUBLIC NOTICE

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65-23479

BIG WILLOW RANCH LLC
1 DIXIE LN
PAYETTE, ID 83661

Point of Diversion NESE S27 T09N R02W
PAYETTE County Source DRY CREEK
Tributary BIG WILLOW CREEK

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06/15 150 CFS, IRRIGATION 03/01 to
06/15 10 CFS, IRRIGATION FROM STOR-
AGE 03/01 to 11/15 1800 AF, IRRIGA-
TION STORAGE 01/01 to 12/31 1800 AF
Total Diversion: 150 CFS
Date Filed: 1/20/2012

Place Of Use: IRRIGATION, IRRIGATION
FROM STORAGE,
T08N R02W S7, S8, S9

Place Of Use: IRRIGATION STORAGE
T09N R02W S27
Total Acres: 1672

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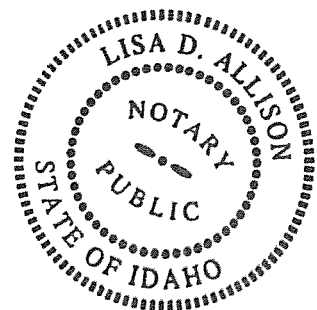
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GARY

SPACKMAN,

Director

No. 3806 September 5, 12, 2012



RECEIVED

SEP 17 2012

WATER RESOURCES
WESTERN REGION

No 3806

OK NIP 9-19-12

Proof of Publication
The Post Register

RECEIVED

SEP 17 2012

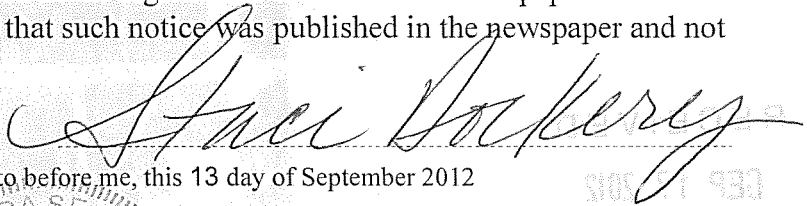
State of Idaho
Bonneville County:

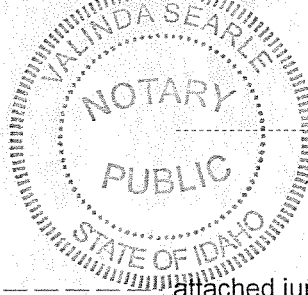
WATER RESOURCES
WESTERN REGION

I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **500178**, for **2** consecutive (days) weeks, between **09/06/2012** and **09/13/2012**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.


Subscribed and sworn to before me, this 13 day of September 2012




Notary Public

My Commission expires: 1/10/2015

11-10-2017

attached jurat

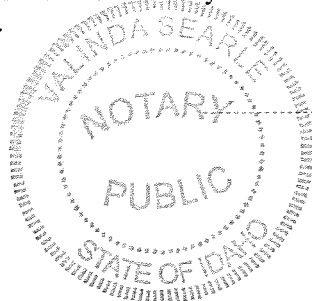
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 13 day of September 2012, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 1/10/2015

11-10-2017

RECEIVED

SEP 13 2012

WATER RESOURCES
WESTERN REGION

OK MP
9-19-12

RECEIVED

SEP 17 2012

WATER RESOURCES
WESTERN REGION

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

65-23479

BIG WILLOW RANCH LLC

1 DIXIE LN

PAYETTE, ID 83661

Point of Diversion NESE S27 T09N R02W
PAYETTE County Source DRY CREEK Tributary
BIG WILLOW CREEK

Use: DIVERSION TO STORAGE 10/01 to 06/15
150 CFS, IRRIGATION 03/01 to 06/15 10 CFS,
IRRIGATION FROM STORAGE 03/01 to 11/15
1800 AF, IRRIGATION STORAGE 01/01 to 12/31
1800 AF

Total Diversion: 150 CFS

Date Filed: 1/20/2012

Place Of Use: IRRIGATION, IRRIGATION FROM
STORAGE

T08N R02W S7, S8, S9

Place Of Use: IRRIGATION STORAGE

T09N R02W S27

Total Acres: 1672

Application proposes irrigating new acres from
Bettis Reservoir without enlarging the existing
system or the proposed expansion of the reservoir
already covered by older rights used for other
land. New irrigation limited to 740 acres within
1672 acre area.

Permits will be subject to all prior water rights.
For additional information concerning the property
location, contact Western Region office at
(208) 334-2190. 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
9/24/2012. The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director

Published: September 6 and 13, 2012 (500178)

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 6th day of September, 2012 and ending with the issue dated 13th day of September, 2012

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 13th day of September, 2012, before me,

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

65-23479

BIG WILLOW RANCH LLC

1 DIXIE LN
PAYETTE, ID 83661

Point of Diversion NESE S27 T09N R02W PAYETTE County
Source DRY CREEK Tributary BIG WILLOW CREEK

Use: DIVERSION TO STORAGE 10/01 to 06/15 150 CFS,
IRRIGATION 03/01 to 06/15 10 CFS, IRRIGATION FROM
STORAGE 03/01 to 11/15 1800 AF, IRRIGATION STORAGE
01/01 to 12/31 1800 AF

Total Diversion: 150 CFS

Date Filed: 1/20/2012

Place Of Use: IRRIGATION, IRRIGATION FROM STORAGE,
T08N R02W S7, S8, S9

Place Of Use: IRRIGATION STORAGE

T09N R02W S27

Total Acres: 1672

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GARY SPACKMAN, Director

PUBLISH: 9/6/2012 and 9/13/2012

Ruby Aufderheide,

person whose name subscribed to the within instrument, and being by me first duly sworn, depose and say that the contents of the foregoing are true, and acknowledged to me that he executed the same.

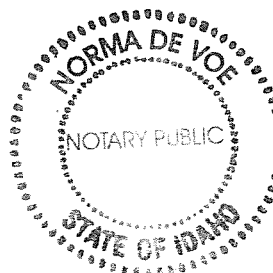
Norma De Use

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

3/6/13



RECEIVED
SEP 17 2012
WATER RESOURCES
WESTERN REGION