

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33669

Priority: June 27, 2012

Maximum Diversion Rate: 0.14 CFS

This is to certify, that 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

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>
AESTHETIC STORAGE	01/01 to 12/31		12.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		12.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.14 CFS	
IRRIGATION	03/01 to 11/15	0.14 CFS	
IRRIGATION STORAGE	01/01 to 12/31		12.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (SE1/4NE1/4) Sec. 23, Twp 04N, Rge 01W, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													
				L 3													

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				5.0									2.0				7.0
				L 3													

Total Acres: 7

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				5.0									2.0				7.0
				L 3													

Total Acres: 7

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Department of Water Resources
Permit to Appropriate Water
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PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE			NW			SW			SE			Totals
04N 01W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X										
			L 3										

CONDITIONS OF APPROVAL

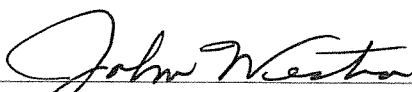
1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2017**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right located within Township 4N Range 1W Section 23 SENE shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
9. Water bearing zone to be appropriated is from 200 to 300 feet.
10. The one (1) pond established by the storage of water under this right shall not exceed a total capacity of 10 acre-feet or a total surface area of 0.8 acre.

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11. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
12. This right is limited to the irrigation of 7 acres within the authorized place of use in a single irrigation season.
13. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th 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 9, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

RE: Permit No.63-33669

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 208-334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Westra", with the word "for" written below it.

John Westra

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 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. 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**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in cursive script, appearing to read "Mandi Pearson", is written above 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.

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(ENE) 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(ENE), 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