

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22710

Priority: March 02, 2012

Maximum Diversion Rate: 0.04 CFS

This is to certify, that UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 5, Twp 05N, Rge 16E, B.M.
BLAINE 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	
05N 16E 5									X								

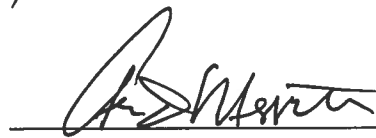
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2013**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. This right when combined with all other domestic rights for the same home shall not exceed 13,000 gallons per day in total and shall not provide for irrigation of more than 1/2 acre in total.
7. Place of use and point of diversion is located within Lot 4, of Boulderview Recreation Residence Tract.
8. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 4th day of May, 2012.

For


 GARY SPACKMAN, Interim Director

State of Idaho
Department of Water Resources

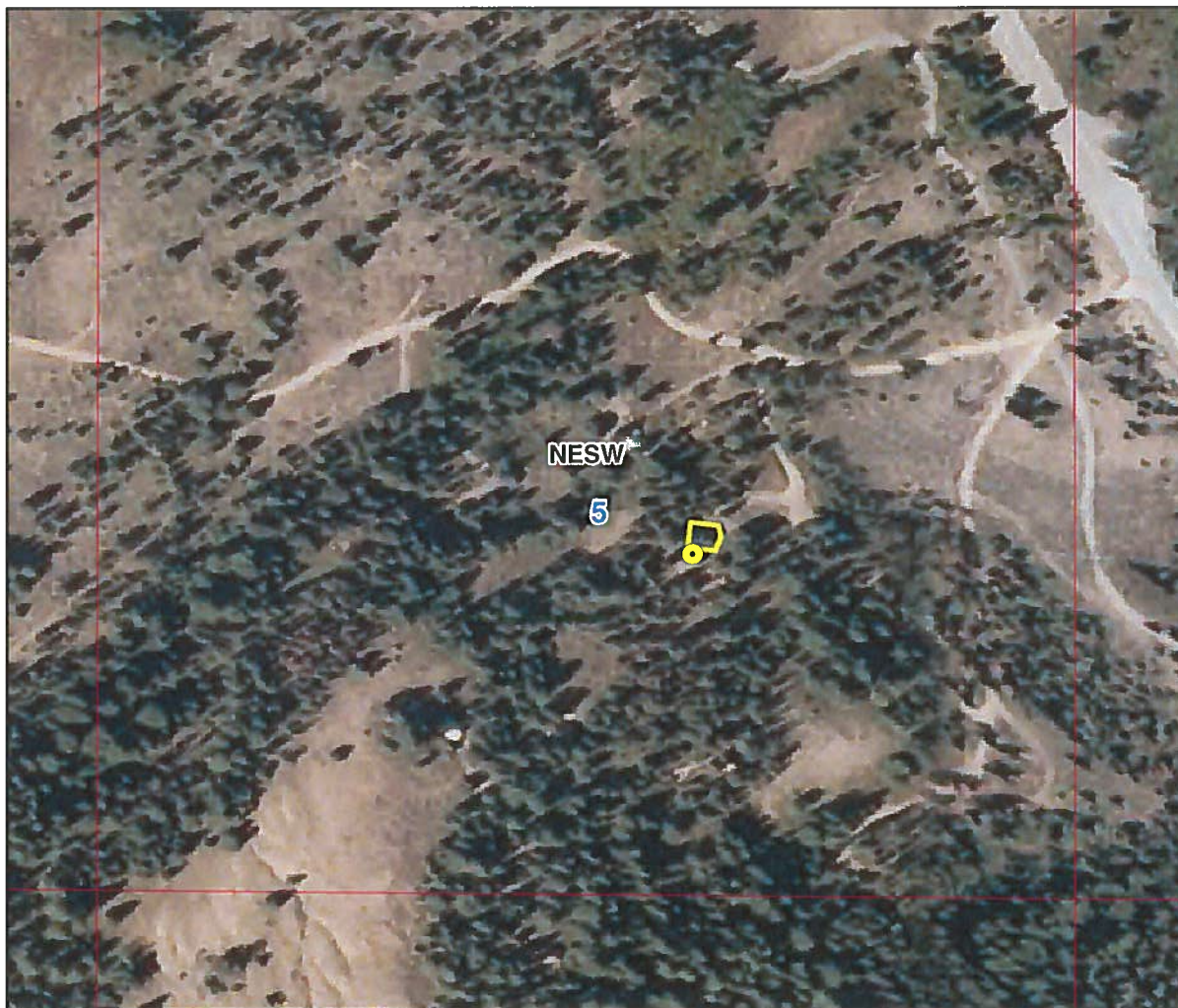
Attachment To Permit to Appropriate Water

37-22710

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.

R16E

T05N



0 0.03 0.06 0.12 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





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
Interim Director

May 7, 2012

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976

RE: Permit No. 37-22710

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Region Manager

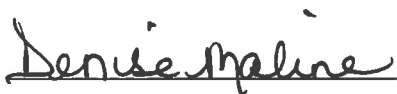
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 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. 37-22710

**UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976**

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.



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
Interim Director

May 7, 2012

KEVIN LAKEY WATERMASTER
WATER DISTRICT # 37
107 W 1ST ST
SHOSHONE, ID 83352

Re: **APPROVED Permit No. 37-22710 (USDA Forest Service)**

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

APR 12 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

State of Idaho
County of Blaine

Pam Morris

, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 4 day of

April, 20 12, and the date of the last publication was on the 11 day of April, 20 12

Subscribed and sworn to before me this 11 day of

April, 20 12.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2012

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 87
Number of Insertions 2

87 Lines tabular at 9.0 cents/pica
87 Lines straight at 80.04 8.0 cents/pica
87 Subsequent lines at 70.04 7.0 cents/pica
TOTAL COST \$ 150.08

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

LEGAL NOTICE

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

37-22710
UNITED STATES OF AMERICA
ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS, ID 83301-7976
Point of Diversion SENESW S5
T05N R16E BLAINE County Source
GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 3/2/2012
Place Of Use: DOMESTIC
T05N R16E S5 NESW
Application for permit proposes drilling a new well to divert 0.04 cfs of ground-water for domestic use that will serve an existing home. The property is in the Boulderview Recreation Residence Tract Lot 4 located approximately 7.5 mi. north and 10.5mi. west of the center of Ketchum.

Remainder of ad
on reverse side →

✓ OK DB
4-30-2012

✓

37-22682

WOOD RIVER MITIGATION
SOLUTIONS LLC

2918 N EL RANCHO PL

BOISE, ID 83704

Point of Diversion (BASELINE CANAL
REDIVERTED FROM BYPASS
CANAL) NWSNW S25 T01N R18E
BLAINE County Source BIG WOOD
RIVER Tributary SNAKE RIVER

Point of Diversion (HIAWATHA CANAL)
SWNW S20 T03N R18E BLAINE
County Source BIG WOOD RIVER
Tributary SNAKE RIVER

Point of Diversion (BYPASS CANAL)
NWSESW S12 T01N R18E BLAINE
County Source BIG WOOD RIVER
Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE

01/01 to 12/31 154 CFS

Total Diversion: 154 CFS

Date Filed: 2/10/2012

Place Of Use: GROUND WATER
RECHARGE:

T01N R18E S12, S13, S24, S25, S36

T01N R19E S31, S32

T01S R19E S5, S8, S9

T02N R18E S3, S4, S5, S9, S10, S15,
S22, S23

T03N R18E S20, S28, S29, S32, S33

Published in Idaho Mountain Express
on April 4th & 11th, 2012 and Idaho
Statesman, Post Register, Lewiston
Tribune and Times News on April 5th
& 12th, 2012.

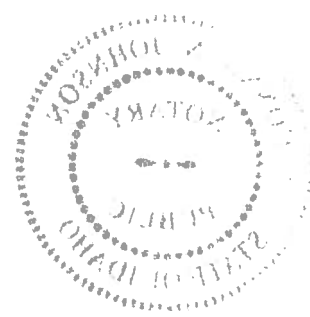
Permits will be subject to all prior
water rights. For additional informa-
tion concerning the property location,
contact Southern Region office at (208)
736-3033; or for a full description of the
right(s), please see [www.idwr.idaho.
gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp).
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,
Southern Region, 1341 Fillmore St,
Suite 200, Twin Falls, ID 83301 togeth-
er with a protest fee of \$25.00 for each
application on or before April 23, 2012.
The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Interim Director

PUBLISH:

IDAHO MOUNTAIN EXPRESS

April 4, & 11, 2012



✓ OK DB

4/30/2012

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

RECEIVED

APR 10 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Via E-mail

Application No.: 37-22710
Applicant's Name: USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS, ID 83301-7976

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 10th day of April, 2012

Water District No. 37

Kevin Lakey
Watermaster's Signature

Kevin Lakey
Printed Name