



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
Interim Director

February 1, 2012

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS
50 E NORTH TEMPLE ST
RM 120
SALT LAKE CITY UT 84150-6320

RE: Permit No. 63-33587

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,

A handwritten signature in black ink that reads "John Westra". The signature is written in a cursive, flowing style.

John Westra

Western Regional Manager

Enclosure(s)

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.

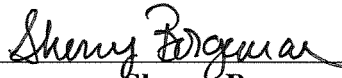
CERTIFICATE OF SERVICE

I hereby certify that on February 1, 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. 63-33587

**CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY SAINTS
50 E NORTH TEMPLE ST
RM 120
SALT LAKE CITY UT 84150-6320**

**SPF WATER ENGINEERING
ATTN LORI GRAVES
300 E MALLARD DR
STE 350
BOISE ID 83706**

A handwritten signature in cursive script, reading "Sherry Borgeman", is positioned above a horizontal line.

**Sherry Borgeman
Administrative Assistant**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33587

Priority: October 11, 2011

Maximum Diversion Rate: 0.12 CFS

This is to certify, that CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY SAINTS
50 E NORTH TEMPLE ST
RM 120
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>
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4 Sec. 13, Twp 03N, Rge 01E, B.M., ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 01E 13													1.5			3.2	4.7

Total Acres: 4.7

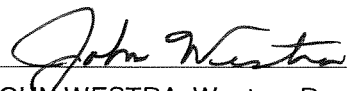
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-33587

6. 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.
7. Water bearing zone to be appropriated is from 200 to 500 feet.
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 3N 1E Sec. 13 SE SE 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. 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.
10. 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 without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. 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.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of January, 2012.


JOHN WESTRA, Western Regional Manager

JAN 13 2012

LEGAL PROOF OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000582678	LEGAL NOTICE	CityofBoise	\$690.45	4	107

Attention: Sherry Borgeman

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

63-33467
CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500
Point of Diversion SWSEW S36 T05N R05W CANYON County Source DWIE SLOUGH Tributary BOISE RIVER
Point of Diversion NWSEW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Point of Diversion NWSEW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Point of Diversion SESEW S36 T05N R05W CANYON County Source GROUND WATER Tributary BOISE RIVER
Use: WATER QUALITY IMPROVEMENT 04/01 to 10/30 200 CFS
Total Diversion: 200 CFS
Date Filed: 1/5/2011
Place of Use: WATER QUALITY IMPROVEMENT
T05N R05W S36 SENW NEW

63-33489
ROBERT KWID
GINA KWID
2465 N HAVEN DR
EAGLE, ID 83616
Point of Diversion NENW S31 T05N R01E ADA County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.19 CFS
Date Filed: 3/4/2011
Place of Use: IRRIGATION
T05N R01E S31 NENW NENW
Place of Use: DOMESTIC
T05N R01E S31 NENW
Total Acres: 5
Water bearing zone for this existing well drilled in 1978 is unknown.

63-33512
ROD & MAUREEN FRISBEE FAMILY LTD PARTNERSHIP
6205 SE 8TH AVE
CALDWELL, ID 83605
Point of Diversion NWNE S25 T06N R04W PAYETTE County Source GROUND WATER Tributary
Point of Diversion SWNE S24 T06N R04W PAYETTE County Source GROUND WATER Tributary
Point of Diversion SWNW S20 T06N R03W PAYETTE County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 15.93 CFS
Total Diversion: 15.93 CFS
Date Filed: 5/11/2011
Place of Use: IRRIGATION
T06N R03W S18 SW IALL NWSE SWSE SESE
T06N R03W S19 NENE NWNE SWNE NWALL NWSE
T06N R03W S20 NWNE SWNE NWALL NWSE
T06N R03W S30 L3NWSW L4ISWSW
T06N R04W S13 SWNW SENW NWSW
T06N R04W S24 NENE SWNE SENE SENW NESW SESW SE IALL
T06N R04W S25 NENE NWNE
Total Acres: 1042
Water bearing zone to be appropriated is from 200 to 700 feet.

63-33542
ROBERT F RUNYAN
GWEN RUNYAN
3538 HOLL DR
EAGLE, ID 83616
Point of Diversion SENE S33 T05N R01E ADA County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 7/22/2011
Place of Use: IRRIGATION
T05N R01E S33 SENE NESE
Total Acres: 5
Water bearing zone to be appropriated is from 200 to 400 feet.

63-33587
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
50 E NORTH TEMPLE ST
RM 120
SALT LAKE CITY, UT 84150-6320
Point of Diversion SESE S13 T03N R01E ADA County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 10/11/2011
Place of Use: IRRIGATION
T03N R01E S13 NESE SESE
Total Acres: 4.7
Water bearing zone to be appropriated is from 200 to 500 feet.

63-33597
LESLIE NEWMAN
LESLIE PALMER
7451 N TRUMPET LN
EAGLE, ID 83616
Point of Diversion SENW S21 T05N R01W ADA County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.16 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.18 CFS
Date Filed: 11/7/2011
Place of Use: IRRIGATION AND STOCKWATER
T05N R01W S21 SENW
Total Acres: 8
Water bearing zone to be appropriated is from 328 to 407 feet.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights. 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 January 23, 2012. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director

Pub. Jan. 5, 2012

0000582578-01

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: 01/05/2012

Ending issue of: 01/12/2012

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

..SS

COUNTY OF ADA)

On this 12 day of January 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.

Cecily Bringham

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires: 8-27-15

