

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 65-23085

Priority: July 18, 2006

Maximum Diversion Rate: 0.80 CFS

This is to certify, that TERRACE LAKES WATER CO
C/O ILENE JOHNSON
950 N COLE RD
BOISE ID 83704

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FIRE PROTECTION	01/01 to 12/31	0.80 CFS
DOMESTIC	01/01 to 12/31	0.40 CFS
IRRIGATION	03/15 to 10/31	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4SW1/4	Sec. 28, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	SE1/4SW1/4	Sec. 28, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	SW1/4SE1/4	Sec. 28, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	L4 (SE1/4SE1/4)	Sec. 28, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 33, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	NW1/4NW1/4	Sec. 34, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	L4 (NW1/4NW1/4)	Sec. 3, Twp 09N, Rge 04E, B.M., BOISE County
GROUND WATER	L4 (NW1/4NW1/4)	Sec. 4, Twp 09N, Rge 04E, B.M., BOISE County
GROUND WATER	NW1/4NE1/4	Sec. 33, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	L3 (NE1/4SE1/4)	Sec. 33, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	NW1/4SE1/4	Sec. 33, Twp 10N, Rge 04E, B.M., BOISE County
GROUND WATER	NW1/4NW1/4	Sec. 34, Twp 10N, Rge 04E, B.M., BOISE County

PLACE OF USE: FIRE PROTECTION

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 04E 3						X	X										
						L4											
09N 04E 4	X	X	X	X	X	X											
	L1	L2		L5	L3	L4											
10N 04E 28															X	X	
																L4	
10N 04E 33	X	X	X	X					X			X	X	X	X	X	
	L1			L2								L3				L4	
10N 04E 34					X	X	X			X							

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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	
09N 04E 3						X	X										
						L 4											
09N 04E 4	X	X	X	X	X	X	X										
	L 1	L 2		L 5	L 3	L 4											
10N 04E 28															X	X	
																L 4	
10N 04E 33	X	X	X	X					X			X	X	X	X	X	
	L 1			L 2								L 3				L 4	
10N 04E 34					X	X	X		X								

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	
09N 04E 3						2.0	.5										2.5
						L 4											
09N 04E 4	22.0	10.0	1.0	4.0	14.0	1.0											52.0
	L 1	L 2		L 5	L 3	L 4											
10N 04E 28															8.0	46.5	54.5
																L 4	
10N 04E 33	40.0	28.0	19.0	35.0					1.0		1.0	2.0	13.0	33.5	44.5		217.0
	L 1			L 2								L 3				L 4	
10N 04E 34					.5	29.0	20.5		7.0								57.0

CONDITIONS OF APPROVAL

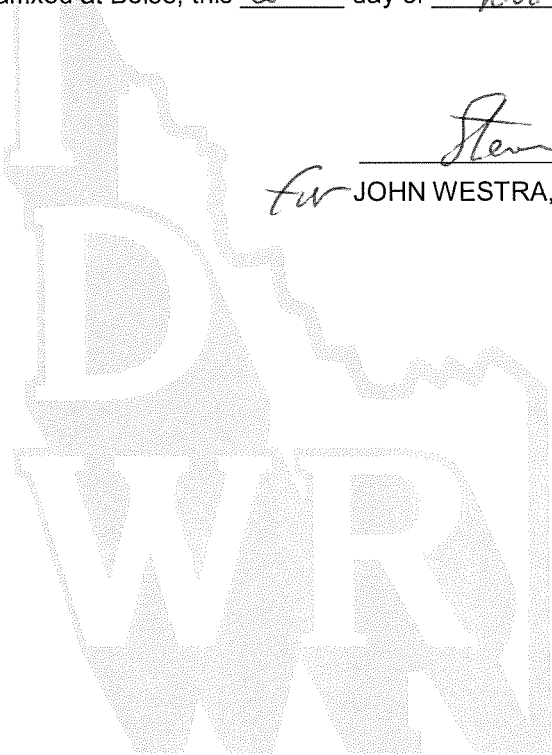
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Domestic use is for 83 homes and a wastewater treatment plant and does not include lawn, garden, landscape, or other types of irrigation.

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8. 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.
9. 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 irrigation of the lands above.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of November, 2011.


John Westra
for 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
Interim Director

November 22, 2011

TERRACE LAKES WATER CO
C/O ILENE JOHNSON
950 N COLE RD
BOISE ID 83704

RE: Permit No. 65-23085 65-23086

Amendment of Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amendment of permit approving your application to amend the permit referenced above. Please be sure to thoroughly review every element including the conditions of approval listed on your permit.

The amendment of 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.

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: SPF WATER ENGINEERING LLC

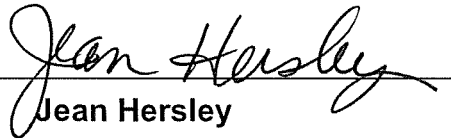
CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Amendment of Permit) to the person(s) listed below:

RE: WATER RIGHT PERMIT NO. 65-23085 65-23086

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

**TERRACE LAKES WATER CO
C/O ILENE JOHNSON
950 N COLE RD
BOISE ID 83704**

A handwritten signature in black ink, reading "Jean Hersley", is written over a horizontal line.

**Jean Hersley
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.

The Idaho World

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

RECEIVED

NOV 07 2011

WATER RESOURCES
WESTERN REGION

PROPOSED CHANGE OF WATER RIGHTS AND AMENDMENT OF WATER PERMITS

Terrace Lakes Water Co. C/O Ilene Johnson of 950 N. Cole Rd, Boise ID 83704 filed 3 applications as follows.

Application No. 76676 to transfer two water rights with 1989 and 1993 priority dates from ground water totaling 0.27 cfs. The purpose of the transfer is to change one point of diversion, add six points of diversion for a total of 12 points of diversion, and include land proposed for development in the place of use of the public drinking water system for Terrace Lakes Subdivision.

Application No. 76677 (amend permit #65-23085) & **Application No. 76678** (amend permit no. 65-23086). The permits have 2006 priority dates from ground water totaling 1.51 cfs for irrigation, domestic, and fire protection uses associated with Terrace Lakes Subdivision. The applicant proposes to amend the permits to describe the same 12 points of diversion and entire public drinking water service area as the place of use.

Water will be used at the current place of use about 0.5 miles west of South Middle Fork Rd, generally between McBride Creek Rd and Easley Creek Rd, about 2.5 miles northwest of Crouch.

Permits will be subject to all prior water rights. For additional information concerning the property location, please 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, permits, proposed transfer, and amendments. Transfer protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Amendment protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the proposed changes must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 11, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published in the Idaho World September 21 and 28, 2011. IDOW 56

State of Idaho)
County of Boise)

Teri Hart, being duly sworn, deposes and says: that she is the Editor 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 September 21, 2011 and ending with the issue of September 28, 2011.

Teri Hart
State of Idaho)
County of Ada)

On this 5th day of November in the year 2011, before me, a notary public, personally appeared Teri 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 she executed the same.

Douglas A. Rotman
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 03-10-13

OK
✓
11/7/2011

DOUGLAS A. ROTMAN
NOTARY PUBLIC
STATE OF IDAHO

SCANNED
NOV 17 2011