

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-33454

Priority: November 22, 2010

Maximum Diversion Rate: 0.15 CFS

This is to certify, that CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: BOISE RIVER

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>
MUNICIPAL	01/01 to 12/31	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW1/4NW1/4) Sec. 15, Twp 03N, Rge 02E, B.M., ADA County

PLACE OF USE: MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	15						X											
								L 3											
03N	02E	16	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 15, 2012**.
2. Subject to all prior water rights.
3. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-283A	Irrigation	0.10	22.5	5.0

The land that will no longer be irrigated under this right is located within the authorized boundary of the South Boise Mutual Irrigation Company Ltd.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-33454

4. Water bearing zone to be appropriated is from 130 to 140 feet.
5. Upon specific notification by the Department, 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.
6. Place of use is the Platt Gardens and Boise Depot. Municipal use under this right includes landscape irrigation and maintenance and the filling and maintaining of several small ponds. Pond capacity and pond maintenance volume shall not exceed the volume that can be diverted within a 24-hour period 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 1st day of August, 2011.



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

August 2, 2011

CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

RE: Permit No.63-33454

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 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra".

John Westra

Western Regional Manager

Enclosure(s)

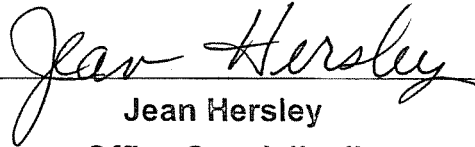
CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2011 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. 63-33052 63-33341 63-33454

**CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR, STE 350
BOISE ID 83706**

A handwritten signature in cursive script, 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.

MEMORANDUM

TO: Files

FROM: Steve Lester 

DATE: July 25, 2011

RE: Applications 63-33052, 63-33341 & 63-33454

Boise Parks & Recreation filed 3 applications for 2 projects:

1. Marianne Williams Park in southeast Boise: 63-33052 municipal storage for excavated shallow ground water ponds covering 6 acres, 63-33341 irrigate 40 acres from the Boise River.
2. Platt Garden at Boise Depot: 63-33454 municipal, shallow well for maintaining the grounds, including several very small ponds (not excavated ground water) covered by the 24-hour fill. Use is equivalent to 5 acres of irrigation. This application replaces application 63-11811 filed in 1992 and voided last year.

Consumptive use for Marianne Williams Park is covered by a mitigation plan from South Boise Mutual Irrigation Co Ltd (Company). The Company proposes to leave 0.92 cfs (46 acres) in the river under right 63-243G. Consumptive use for the Depot is provided by leaving 0.10 cfs (5 acres) from Company right 63-283A in the river. The plans identify separate rights offered for mitigation due to timing etc. issues associated with the projects.

The Company diverts river water via the Bubb Canal located across the river from the park (see attached). With mitigation, senior river rights will not be injured by the park development adjacent to the Company boundary. The Depot site is downstream from the Company boundary. With mitigation, the shallow well for this site will not injure senior river rights.

See the attached list of Company river rights and 1 waste water right (latter per drainage district issues resolved in SRBA). Company rights are fully valid based on 2009 decrees. The combined reduction in Company irrigation is 51 acres. Per the attached email exchange with SO, specific acres in specific tracts do not need to be identified in mitigation condition 170 in approving the permits.

The 2 irrigation rights offered for mitigation will be changed based on 0.02 cfs and 4.5 af for each acre changed for mitigation use. Total Company irrigation will be reduced by 51 acres (6 + 40 + 5) from 246.6 to 195.6 acres. This includes the mitigation rights and all associated rights.

Therefore, the following changes will be made to the Company rights:

- 63-243G: irrigation 0.42 cfs, mitigation 0.92 cfs & 207 af, total acres 195.6, modify condition K06 for acres.
- 63-283A: irrigation 0.60 cfs & 135 af (was decreed with irrigation volume), mitigation 0.10 cfs & 22.5 af, total acres 195.6, modify condition K06 for acres.

- Associated rights: total acres 195.6, modify condition K06 for acres.

All the company rights except waste water right 63-2392E derive from the Stewart Decree and provide rationed cuts (100, 75, 60%) before any total curtailment of an individual Company right can occur (condition 155). The Company river rights have priorities from 1865 to 1889 and provide at least 1 inch/acre. Diverting at 60% under those rights still provides full irrigation volume. The rights are available for mitigation unless totally curtailed by the Watermaster. While it would be very difficult to quantify when or if any Company rights might be totally curtailed in a given year, the array of Company rights and the advantages derived from the Stewart Decree indicate the Company rights offer viable mitigation for the applications.

For future situations, it is reasonable to conclude that most Stewart Decree rights, usually identified by condition 155, can be used to mitigate new consumptive uses.

Miscellaneous Information

Based on October 2010 discussion with SO, an application for permit for ponds accompanied by a mitigation plan should include pond capacity plus refill/evaporation volume in the new right. Older applications for these situations can simply include pond capacity if originally filed that way, and the additional volume is presumed to be “in the mitigation right.” This arrangement avoids some convoluted discussions, amended applications, possible re-advertising etc. Storage factors include:

- Application 63-33341 for direct diversion from the river via the Walling Ditch does describe irrigation water routed to 1 aesthetic pond listed under 63-33502. This will not constitute storage of river water as described in my April 20, 2011 letter to the applicant.
- Application 63-33052 was filed before October 2010. The application does not include evaporation volume.
- Application 63-33454 was filed after October 2010, implying it should include refill and evaporation volume for the minor ponds noted in the 24 hour fill approach. Since the application resulted from a lengthy void process for 63-11811 and many conversations about this occurred before last fall, treat this application as an older one: pond evaporation volume is not included in the application. Plus, storage is not a formal use in this setting.

Platt Garden application 63-33454 was amended as outlined by the application worksheet endorsed by the applicant. This non-standard method is acceptable in this case. The amended application clarifies but does not expand the proposal, leaving the priority date unchanged. The well was drilled in 1992 under emergency irrigation approval associated with application 63-11811 at that time.

The applications proposing municipal or municipal storage uses have a discrete POU instead of a larger service area. This is common with Boise Parks & Recreation approvals.

Watermaster comments were not received for any of these applications, indicating his approval under our processing protocol. Irrigation from the river will require Watermaster controls. Municipal use from the Depot well should remain subject to Watermaster control for future requirements, if needed. Controls are not possible or needed for the ponds in 63-33502, although a modified condition is used just in case.

Roxanne Brown at SPF is the representative for the 2 Marianne Williams Park applications. Attorney John Marshall is tangentially involved without any formal notice of appearance. The 3rd application

does not include a representative or attorney. However, send copies of all the approvals to both of them and the Company since this is a package deal.

Government lots are used for 63-33052 and 63-33341 where known, see attached.

Conditions of Approval

63-33052

- Proof 1 year, 26A n/a
- 220 – 2 ponds, 70 af, 6 acres
- 123 – gw levels
- 170 – mitigation, modified
- Water bearing zone 1-35 ft.
- R05 – District 63
- 01J – lock &/or measure upon notification, modified
- X60 – Marianne Williams Park

63-33341

- Proof 5 years
- 26A
- 170 – mitigation, modified
- R05 – District 63
- 01J – lock & measure
- X27 – 40 acres
- R65 – 0.02 cfs/4.5 af per acre
- 206 – specific acres/map, modified, not practical for park to identify specific acres unless warranted in future situation
- 004 – for part of POU
- X59 – diverted thru Walling Ditch
- X60 – Marianne Williams Park
- Note: acres rounded to integers per database standards, not an enlargement to round total boundary to 117 acres

63-33454

- Proof 1 year, 26A n/a
- 170 – mitigation, modified
- Water bearing zone 130-140 ft.
- 01J – modified, lock & measure upon notification
- X60 – Platt Gardens and Boise Depot, includes irrigation, landscape maintenance, filling and maintaining several ponds. Pond capacity and maintenance volume cannot exceed the volume that can be diverted within a 24 hour period under this right
- Note: 046 n/a for existing well

Conditions N/A: 180, 124, 102 for municipal; 121 for possible future mitigation since already mitigated.

Boise Park & SBMIC Diversion



South Boise Water Co.
 & MEASURES ASSN POND
 River (containing),
 disallowed

3N 3E S. 19 & 30
 2009 photo

* PARK POND ALSO
 63-19098, APPEARS
 NOT USED

Stat.
 CLAIMING
 N/A

Basin	Sequence	Suffix	Process	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Current Owner
63	242	B	Water Right	Decreed	5/1/1889	0.86	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	243	F	Water Right	Decreed	5/1/1889	0.02	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	243	G	Water Right	Decreed	5/1/1889	1.34	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	280		Water Right	Decreed	4/1/1865	1.80	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	281		Water Right	Decreed	4/1/1865	0.50	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	282		Water Right	Decreed	4/1/1870	0.30	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	283	A	Water Right	Decreed	4/1/1870	0.70	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	284	A	Water Right	Decreed	3/1/1889	0.84	BOISE RIVER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD
63	2392	E	Water Right	Decreed	9/13/1927	2.25	WASTE WATER	IRRIGATION	SOUTH BOISE MUTUAL IRRIGATION CO LTD

8.61 cfs total
(5.85 cfs = River)

Current Aves 246.6

River Rights $\frac{5.85 \text{ cfs}}{246.6 \text{ Aves}} \approx .024 \text{ cfs/Ave}$

OK 1"/Ave e mitigation plans

* 63.243G e 46 Acres } mitigation Rights
63.283A e 5 Acres }
51 Acres total reduction All SBMIC Rights

Lester, Steve

From: Peppersack, Jeff
Sent: Tuesday, July 19, 2011 11:18 AM
To: Lester, Steve
Cc: Keen, Shelley
Subject: RE: Mitigation Policy Question

Steve,

Sorry about the delay. I discussed this with Shelley and we both agreed that your approach is consistent with what we've done in the past for PPU's and service areas. Rather than modifying our standard condition, I think it can be modified as needed case-by-case. We can add some text to the condition description to indicate that the user can modify the language for PPU's and service areas.

Jeff

From: Lester, Steve
Sent: Friday, July 15, 2011 2:17 PM
To: Peppersack, Jeff
Subject: Mitigation Policy Question

Jeff:

I sent you an email 4/21/2011 with a mitigation question. Raises a policy issue to resolve before we can approve 3 new Boise Parks applications mitigated by leaving about 1.00 cfs in the river. 2 appls for Marianne Williams Park & 1 for Boise Depot.

Ads are done & no protests, ready to approve. Please see attached, same info that was in April email.

Thanks for the help.

Steve

Policy question/Answer

MITIGATION POLICY QUESTION

Typical mitigation plans in Western Region propose non-use under irrigation rights to offset depletions from pond evaporation in an application for permit.

The plans usually:

- are submitted by an irrigation delivery organization
- propose nonuse of irrigation water on previously irrigated land within the organization boundary - the 1:1 swap of irrigation for ponds.

In these typical examples, completing condition 170 in the application for permit to identify land that will no longer be irrigated is easy: same land where ponds will be developed.

What if the ponds will be on non-irrigated land in the boundary? What if the ponds will be on land outside of the boundary? In those cases, would the organization have to identify specific acres that cannot be irrigated? Would irrigation districts be treated the same as irrigation companies?

The key points are the amount of water to be left in the source and the reduced acre limit for the boundary. It is probably not necessary to prohibit irrigation of specific acres within the boundary provided the diversion and acre limit are appropriately reduced.

Another thought about verifying reduced irrigation involves timing of partial decrees issued for delivery organizations. If irrigation rights were decreed within the prior 5 years of a proposed mitigation plan, the rights are valid by definition. Does this still require identification of specific acres to be retired?

Does it matter if it has been more than 5 years since the irrigation rights were determined to be valid? It is useful to identify specific land in that case, at least to verify beneficial use that can be retired.

I am not sure we gain much by always requiring specific acres to be identified in condition 170. Current use of that condition seems to contradict the idea of an irrigation boundary. How about a two-tiered approach along these lines when mitigation is required:

1) New development on land currently irrigated: identify specific acres to be retired in condition 170.

The land that will no longer be irrigated under this right is located within the <SENW, Section 09, Township 21N, Range 22E, B.M.>

2) Otherwise, modify condition 170:

The land that will no longer be irrigated under this right is located within the authorized boundary of the <South Boise Mutual Irrigation Company Ltd.>.

We could update condition 170 for this two-tiered approach if adopted. That would alleviate concerns about having to remember two ways to handle things – the database would remind us.

Pending Examples

1) Boise Parks & Recreation applications 63-33052 and 63-33341¹ propose shallow ground water for aesthetic ponds and Boise River water for irrigation at the Marianne Williams Park north of the river along Warm Springs Avenue east of the new Parkcenter Bridge. This is a 46 acre equivalent of new consumptive use.

The mitigation plan proposes to leave 46 inches of South Boise Mutual Irrigation Co. water in the river. The SBMIC diversion (Bubb Canal) is across the river from the park (63-242B etc.). The irrigation rights were decreed in 2009 for about 250 acres within the company boundary on the south side of the river. The park is not in the SBMIC boundary but is adjacent to it. The plan looks viable. The only detail not identified is the ¼ ¼ location of land that will not be irrigated.

2) SBMIC water is also proposed to mitigate about a 5 acre equivalent for a shallow well in 63-33454.² This is for Boise Parks and Recreation, Platt Gardens at the train depot just downstream from the irrigation boundary. Same issue.

The combined SBMIC rights provide more than enough water to cover all the allowable acres in the boundary. The rights are valid. Like most delivery organizations in the local area, the rights were fully decreed for probably more acres than have actually been irrigated in the past few years due to urban development. Decreasing SBMIC irrigation rate and reducing its acre limit should adequately address injury issues.

When combined, the mitigation plans propose to leave about 1.00 cfs in the river, decreasing the SBMIC acre limit by about 20% within its 680 acre boundary. This situation provides a chance to revisit our mitigation details.

¹ Documents not scanned yet.

² Documents not scanned yet.



3w 3E 5 19 + 530

original survey 1868

no updates e these sections

5/19 NWSW L.3 ✓

NE 5w L-4 ✓

√G SW 2.5"

(possibly new includes seen but unknown)

وہم

NE NE 7 L. 9[✓]

NWNE }

55N6 4.8✓

✓
under normal: SW NE
N^{1/2} NW^{1/4}

Park is All North side
of ~~River~~
RIVER

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

JUL 15 2011

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Col's	Lines
47628	0000558739	LEGAL NOTICE	BoiseParks&Rec	\$178.80	2	53

Attention: Denise Buffington

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:

✓ 63-33454

CITY OF BOISE

PARKS & RECREATION DEPT

1104 ROYAL BLVD

BOISE, ID 83706-2898

Point of Diversion L3(NWNW) S15 T03N R02E ADA County Source

GROUNDWATER Tributary BOISE RIVER

Use: MUNICIPAL 01/01 to 12/31 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 11/22/2010

Place Of use: MUNICIPAL

T03N R02E S15 L3(NWNW)

T03N R02E S16 NENE

Water bearing zone to be appropriated from an existing well is from 130 to 140 feet. Use is for Boise Depot and associated Platt Gardens. Consumptive use for shallow well considered tributary to the Boise River is provided by retiring 5 acres of irrigation under South Boise Mutual Irrigation Company. This will be done by leaving 0.10 cfs from senior water right 63-283A undiverted in the river. The irrigation company rights are diverted via the Bubb Canal in southeast Boise.

✓ 63-33473

LANCE HALE

MONIQUE HALE

10061 W CAYUSE LN

BOISE, ID 83714

Point of Diversion NENW S11 T04N R01E ADA County Source

GROUNDWATER

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: IRRIGATION 03/01 to 11/15 0.03 CFS

Total Diversion: 0.05 CFS

Date Filed: 1/25/2011

Place Of Use: IRRIGATION & DOMESTIC

T04N R01E S11 NENW

Total Acres: 1

Water bearing zone to be appropriated is from 240 to 260 feet.

For a full description of the right(s), please see www.idwr.idaho.gov/app/s/ExtSearch/WRfiling.asp. Permits will be subject to all prior water 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 for each application on or before July 25, 2011. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director

Pub. July 7, 14, 2011

0000558739-01

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: 07/07/2011

Ending issue of: 07/14/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

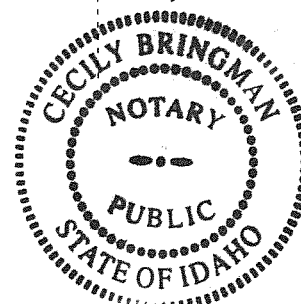
On this 14 day of July in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ OK DB 8-1-2011