

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23440

Priority: November 01, 2010

Maximum Diversion Rate: 0.30 CFS

This is to certify, that HANGING VALLEY HOMEOWNERS ASSN INC
3978 E ASPEN HILL CT
BOISE ID 83706

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>
MUNICIPAL	01/01 to 12/31	0.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NW1/4 Sec. 32, Twp 10N, Rge 10E, B.M., BOISE 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	
10N 10E 29											X	X					
10N 10E 32						X											

CONDITIONS OF APPROVAL

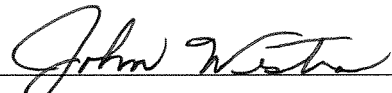
1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2016**.
2. Subject to all prior water rights.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. Place of use is within the area served by the public water supply system of Hanging Valley Ranch Subdivision. The place of use is generally located within Sections 29 and 32, Township 10N, Range 10E.
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. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. This right does not grant any right-of-way or easement across the land of another.

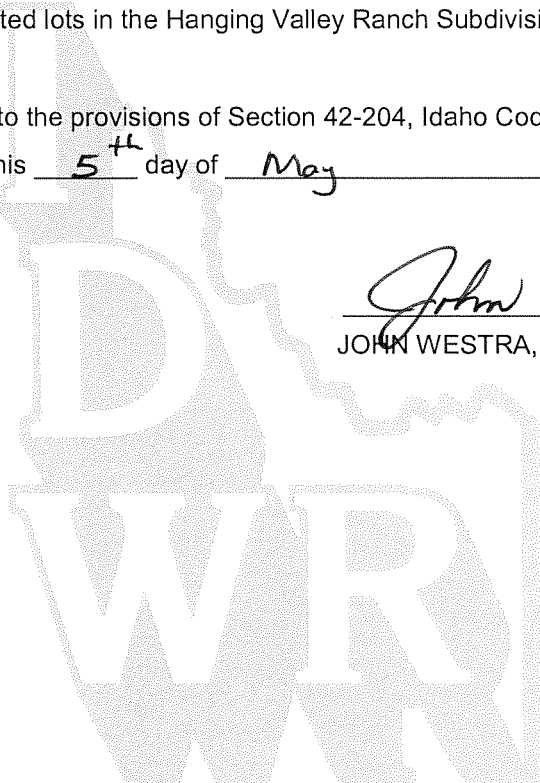
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8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
9. 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.
10. Municipal use is for 44 platted lots in the Hanging Valley Ranch Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of May, 20 11.

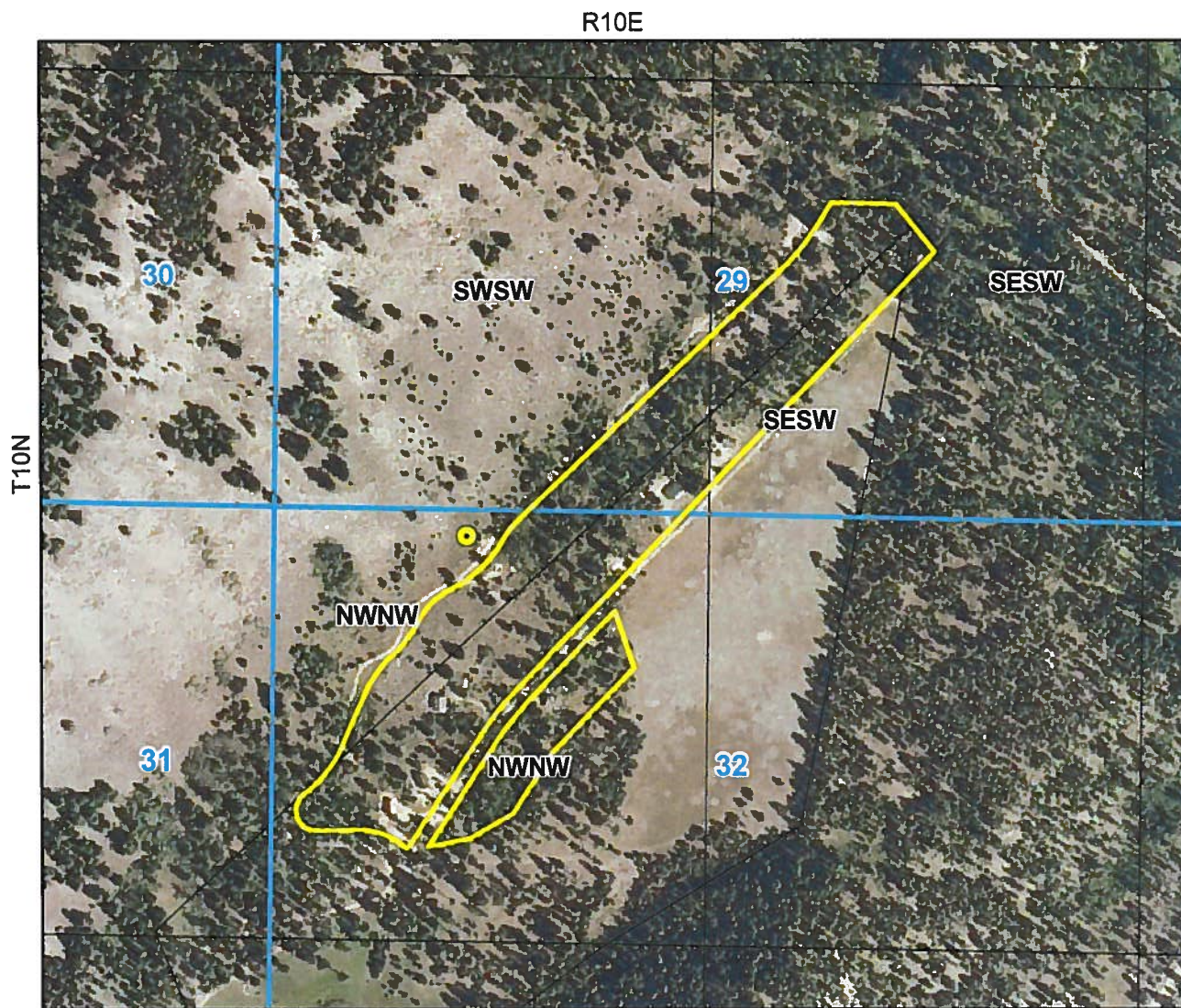

JOHN WESTRA, Western Regional Manager



Permit to Appropriate Water

65-23440

Water Service Area Boundary for Hanging Valley Homeowners Assn Inc



Legend

- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles





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

May 5, 2011

HANGING VALLEY HOMEOWNERS ASSN INC
3978 E ASPEN HILL CT
BOISE ID 83706

RE: Permit No.65-23440

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.

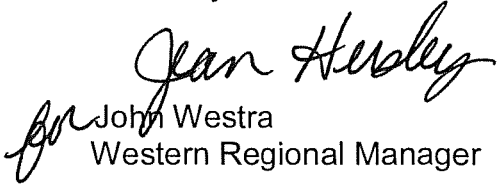
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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,


John Westra
Western Regional Manager

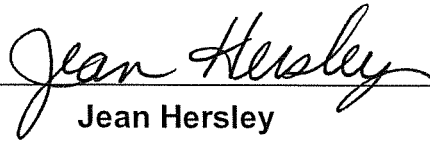
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 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. 65-23440

**HANGING VALLEY HOMEOWNERS ASSN INC
3978 E ASPEN HILL CT
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.

The Idaho World

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

RECEIVED

APR 19 2011

WATER RESOURCES
WESTERN REGION

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

65-23435

STEVEN SALEEN
MARIA SALEEN
3753 MANCHESTER ST
BOISE, ID 83704

Point of Diversion NESE S8 T06N R02E
BOISE County Source UNNAMED
STREAM Tributary ROBBS CREEK
Use: IRRIGATION STORAGE

01/01 to 12/31 3 AF

Use: IRRIGATION FROM STORAGE

03/15 to 10/31 3 AF

Use: WILDLIFE STORAGE 01/01 to
12/31 3 AF

Use: DOMESTIC STORAGE 01/01 to
12/31 3 AF

Use: DOMESTIC FROM STORAGE

01/01 to 12/31 3 AF

Use: AESTHETIC STORAGE 01/01 to
12/31 3 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/13/2010

Place Of Use: IRRIGATION STORAGE,
WILDLIFE STORAGE, AESTHETIC
STORAGE, DOMESTIC STORAGE
AND DOMESTIC FROM STORAGE
T06N R02E S8 NESE

Place Of Use: IRRIGATION FROM
STORAGE

T06N R02E S8 SENE NESE

T06N R02E S9 NWSW

Total Acres: 6

65-23440

HANGING VALLEY HOMEOWNERS
ASSN INC

3978 E ASPEN HILL CT

BOISE, ID 83706

Point of Diversion NWNW S32 T10N
R10E BOISE County Source GROUND
WATER Tributary

Use: MUNICIPAL 01/01 to 12/31 0.3
CFS

Total Diversion: 0.3 CFS

Date Filed: 11/1/2010

Place Of Use: MUNICIPAL

T10N R10E S29 SWSW SESW

T10N R10E S32 NWNW

Municipal use is for applicants service
area.

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). 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 Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each
application on or before April 25, 2011.
The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published in the Idaho World April 6 and
13, 2011. DOW 71

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 April 6, 2011 and
ending with the issue of April 13,
2011.

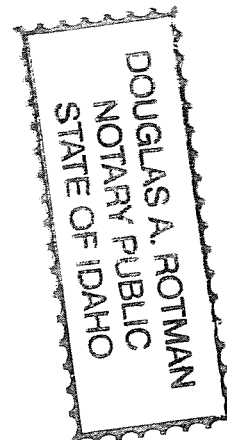
Teri Hart
State of Idaho)
County of Ada)

On this 18th day of April 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-Aug-13



✓ OK
DB 4-29-2011