State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-33488

Priority: March 08, 2011 Maximum Diversion Rate: 0.04 CFS

This is to certify, that SUSAN MYERS
6172 S LATIGO DR
BOISE ID 83709

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4 Sec. 36, Twp 03N, Rge 01E, B.M., ADA 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	
03N 01E 36																X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2012.**
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
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. Place of use is located within Lot 12, Blk 17, sunset West Subdivision #2.

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, 2011.

John Westra

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

May 5, 2011

SUSAN MYERS
6172 S LATIGO DR
BOISE ID 83709

RE: Permit No.63-33488

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,

for 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. 63-33488

SUSAN MYERS
6172 S LATIGO DR
BOISE ID 83709

Jean Hersley

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.

Idaho Statesman
The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM
PO Box 40, Boise, ID 83707-0040

RECEIVED
APR 15 2011
WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000545952	LEGAL NOTICE	SpurwingGreens	$296.25	2	75

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:

✓ **63-32996**
SPURWING GREENS LLC
3405 E OVERLAND RD
STE 150
MERDIAN, ID 83642
Point of Diversion SWSE S22 T04N R01W ADA County Source GROUND WATER Tributary
Use: AESTHETIC STORAGE 01/01 to 12/31 16.7 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 3.35 CFS
Total Diversion: 3.35 CFS
Date Filed: 3/7/2008
Place Of Use: AESTHETIC STORAGE
T04N R01W S22 SESW NWSE SWSE
Water bearing zone to be appropriated is from 196 to 236 feet and 247 to 287 feet.

✓ **63-33488**
SUSAN MYERS
6172 S LATIGO DR
BOISE, ID 83709
Point of Diversion SESE S36 T03N R01E ADA County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 3/8/2011
Place Of Use: DOMESTIC
T03N R01E S36 SESE

✓ **65-23119**
NOBLE DITCH CO
FARMERS COOPERATIVE IRRIGATION CO LTD
102 N MAIN ST
PAYETTE, ID 83661
Point of Diversion SENW S15 T07N R04W PAYETTE County Source WASTE WATER Tributary PAYETTE RIVER
Point of Diversion L4(SWSW) S31 T08N R04W PAYETTE County Source WASTE WATER Tributary PAYETTE RIVER
Use: IRRIGATION 03/01 to 11/15 15 CFS
Total Diversion: 15 CFS
Date Filed: 4/18/2007
Place Of Use: IRRIGATION
Proposed diversion from the Cobb Wasteway and Schmelzel Drain to be used for irrigation within the service areas of Noble Ditch Co and Farmers Cooperative Irrigation Co LTD.
GARY SPACKMAN, Interim Director
Published in the Independent Enterprise on 4/6 & 4/13/2011 and in the Idaho Statesman, Post Register, Lewiston Tribune, and Times News on 4/7 & 4/14/2011

PROPOSED CHANGE OF WATER RIGHTS

✓ **Spurwing Greens LLC and Lion Land LLC** of 3405 E Overland Rd, Ste 150, Meridian, Idaho, 83642, filed Application No. 74686 to transfer four water rights with 1866 to 1990 priority dates from the Boise River and from groundwater totaling 3.55 cfs. The purpose of the transfer is to replace a point of diversion from groundwater and consolidate the irrigation rights into a permissible place of use (PPU) for the proposed Jayker Subdivision. Two of the rights will be split and the total quantity for the subdivision will be 2.71 cfs for 198 irrigated acres within a 198- acre PPU. Water will be used at the current place of use northwest of the intersection of Chinden Rd and Victory School Rd in Meridian, Idaho.

For a full description of the rights and /or the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Permits will be subject to all prior water rights. Any protest against the approval of this application(s) 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
Pub. Apr. 7,14, 2011

0000545952-01

✓ OK DB 4/29/2011

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: 04/07/2011

Ending issue of: 04/14/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF ADA)

On this 14 day of April 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

CECILY BRINGMAN NOTARY PUBLIC STATE OF IDAHO