

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33136

Priority: December 09, 2008

Maximum Diversion Volume: 28.0 AF

This is to certify, that WOODS NO. 3 OWNERS ASSN INC
C/O LAWRENCE KNIGHT
5181 N LAKEMONT LN
GARDEN CITY ID 83714

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>
AESTHETIC STORAGE	01/01 to 12/31		28.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4NE1/4	Sec. 23, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4SE1/4)	Sec. 23, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4SE1/4)	Sec. 23, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4SE1/4)	Sec. 23, Twp 04N, Rge 01E, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 23				X									X				
				L 1									L 1				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. The four (4) ponds established by the storage of water under this right shall not exceed a total capacity of 28 acre-feet or a total surface area of 5 acres.

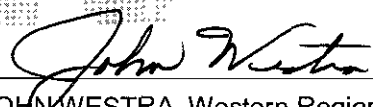
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-33136

5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63, Boise River.
7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. The water-bearing zone is from 1 to 25 feet.
9. As mitigation for this permit, the right holder shall retain ownership of shares of water in the Boise Valley Irrigation Ditch Company for the land being removed from irrigation under Transfer No. 75285. As mitigation for this permit, the right holder shall retain ownership of shares of water in the Boise Valley Irrigation Ditch Company for the land being removed from irrigation under Transfer No. 75285. Use of water represented by those shares on lands other than lands owned by the water right holder in the SENE and NESE of Section 23, T04N, R01E, is prohibited, or sale of any portion of the shares is cause for the Director of the Department of Water Resources to cancel this right.
10. This permit does not authorize the construction of any new well(s) or the withdrawal of water from any existing well or the excavation of new pond(s). This permit authorizes the use of four existing ponds that fill shallow ground water.
11. Place of use is located within Woods #3 Subdivision.
12. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of November, 20 10.


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

November 15, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WOODS NO. 3 OWNERS ASSN INC
C/O LAWRENCE KNIGHT
5181 N LAKEMONT LN
GARDEN CITY ID 83714

RE: Permit No.63-33136

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)

cc: RINGERT CLARK CHARTERED

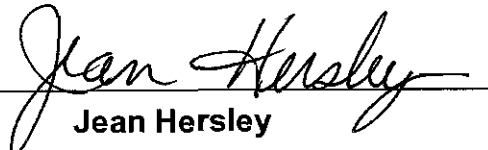
CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2010 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. 63-33136

**RINGERT CLARK CHARTERED
CHARLES L HONSINGER
PO BOX 2773
BOISE ID 83701-2773**

**WOODS NO. 3 OWNERS ASSN INC
C/O LAWRENCE KNIGHT
5181 N LAKEMONT LN
GARDEN CITY ID 83714**



**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

OCT 15 2010

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000522580	LEGAL NOTICE		\$375.00	2	96

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:

- ✓ **63-33136**
WOODS NO. 3 OWNERS ASSN INC
C/O LAWRENCE KNIGHT
5181 N LAKEMONT LN
GARDEN CITY, ID 83714
Point of Diversion: LI(SENSE) S23 T04N R01E ADA County Source: GROUND
WATER Tributary: BOISE RIVER
Point of Diversion: LI(NESE) S23 T04N R01E ADA County Source: GROUND
WATER Tributary: BOISE RIVER
Point of Diversion: LI(NESE) S23 T04N R01E ADA County Source: GROUND
WATER Tributary: BOISE RIVER
Point of Diversion: LI(NESE) S23 T04N R01E ADA County Source: GROUND
WATER Tributary: BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 28 AF
Total Diversion: 28 AF
Date Filed: 12/9/2009
Place of Use: AESTHETIC STORAGE
T04N R01E S23 LI(SENSE) LI(NESE)
Mitigation is proposed for consumptive use.
Water bearing zone to be appropriated is from 0 to 25 feet.
- ✓ **63-33207**
JIM HUTCHINGS
13650 S CLOVERDALE RD
KUNA, ID 83634
Point of Diversion: NWNW S22 T01N R02E ADA County Source: GROUND
WATER Tributary:
Point of Diversion: NENE S22 T01N R02E ADA County Source: GROUND WA-
TER Tributary:
Use: IRRIGATION 03/01 to 11/15 3 CFS
Total Diversion: 3 CFS
Date Filed: 5/19/2009
Place of Use: IRRIGATION
T01N R02E S15 SWSW SE5W
T01N R02E S22 NENE NWNE NENW NWNW
Total Acres: 200
Water bearing zone to be appropriated is from 300 to 480 feet.
- ✓ **63-33235**
DAVE BROWN
JUDY BROWN
18433 S CLOVERDALE RD
KUNA, ID 83634
Point of Diversion: NESE S9 T01N R01E ADA County Source: GROUND WA-
TER Tributary:
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/7/2009
Place of Use: IRRIGATION & STOCKWATER
T01N R01E S8 NESE
Total Acres: 10
Water bearing zone to be appropriated is from 318 to 340 feet.
- ✓ **63-33395**
CONCORD HOMEOWNERS ASSN INC
1715 W BARNHOCK ST
BOISE, ID 83702
Point of Diversion: SE5WSE S7 T03N R02E ADA County Source: GROUND
WATER Tributary:
Use: DOMESTIC 03/01 to 11/15 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/28/2010
Place of Use: DOMESTIC
T03N R02E S7 SWSE
Water bearing zone to be appropriated is from 1 to 80 feet. Use is for minor
landscaping at apartment buildings, limited to 2500 gallons/day.

PROPOSED CHANGE OF WATER RIGHT

✓ **Boise Valley Irrigation Ditch Co.** of 8750 N Bogart Lane, Boise, ID, 83714 filed Application No. 75285 to transfer one water right with a 1865 priority date from the Boise River totaling 49.51 cfs. The transfer proposes to change the nature of use of water right 63-31832 for 5 acres of irrigation (16.1 af and 0.10 cfs) to mitigate for the evaporative losses from 4 ponds in the Woods No. 3 Subdivision. Application for permit 63-33136 is being processed for the ponds. There is no change in the Boise River point of diversion and the new place of use is within the applicant's serving area. Water will be used at the subdivision in northwest Boise, about 0.2 miles south of State St and adjacent to Bogart Lane on the west. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211 / § 42-222. For specific details regarding the application, please contact the Idaho Department of Water Resources, (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with details provided under "new water right applications." 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 October 25, 2010. The protestant must also send a copy of the protest to the applicant.
CARY SPACKMAN, Interim Director
Pub. Oct. 7, 14, 2010

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: 10/07/2010

Ending issue of: 10/14/2010

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

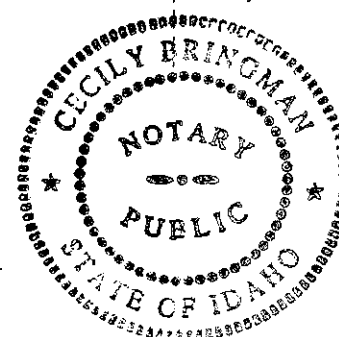
On this 14 day of October in the year of 2010 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged 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 10/29/2010