

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-12258

Priority: June 02, 2010

Maximum Diversion Rate: 0.09 CFS

This is to certify, that COMMUNITY COUNCIL OF IDAHO INC
317 HAPPY DAY BLVD, STE 250
CALDWELL ID 83607

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>
DOMESTIC	11/16 to 03/14	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4NW1/4	Sec. 36, Twp 05S, Rge 08E, B.M., ELMORE County
GROUND WATER	SE1/4NW1/4	Sec. 36, Twp 05S, Rge 08E, B.M., ELMORE 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	
05S 08E 36									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2015**.
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. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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.

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7. Domestic use is for 33 apartments, office and laundry facilities for the Comunidad Casimiro Dimas.
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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of September, 2010.


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

September 17, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

COMMUNITY COUNCIL OF IDAHO INC
317 HAPPY DAY BLVD, STE 250
CALDWELL ID 83607

RE: Permit No.61-12258

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,

A handwritten signature in black ink, appearing to read "John Westra", written in a cursive style.

John Westra

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 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.

61-12258

**COMMUNITY COUNCIL OF IDAHO INC
317 HAPPY DAY BLVD, STE 250
CALDWELL ID 83607**

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

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.

RECEIVED

AUG 30 2010 AFFIDAVIT OF PUBLICATION

NOTICE

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

WATER RESOURCES
WESTERN REGION County of Elmore
State of Idaho

61-12258
COMMUNITY COUNCIL OF IDAHO
INC
317 HAPPY DAY BLVD, STE 250
CALDWELL, ID 83607
Point of Diversion SENW S36 T05S R08E
ELMORE County Source GROUND WATER
Tributary
Point of Diversion SENW S36 T05S R08E
ELMORE County Source GROUND WATER
Tributary
Use: DOMESTIC 11/16 to 03/14 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 6/2/2010
Place Of Use: DOMESTIC
T05S R08E S36 SENW
One existing well and one proposed well for
Casimire Dimas Housing Project in Hammett.
Same wells involved with Community Coun-
cil application 76596 that addresses two older
rights for this site.

PROPOSED CHANGE
OF WATER RIGHTS

Community Council of Idaho Inc., 317
Happy Day Blvd, Ste. 250, Caldwell ID 83607
filed Application No. 76596 to transfer 2 water
rights with 1994 priority dates from ground wa-
ter totaling 0.09 cfs. The purpose of the transfer
is to add a new well to the current single-well
system. Water will be used for domestic and
commercial uses at the Head Start School and
adjacent housing/office facility in Hammett.
The same wells are involved with Community
Council application 61-12258.

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 ap-
plications." Any protest against the approval of
this application must be filed with the Direc-
tor, Dept. of Water Resources, Western Region,
2735 Airport Way, Boise ID 83705 together
with a protest fee of \$25.00 for each applica-
tion on or before September 7, 2010. The prot-
estant must also send a copy of the protest to
the applicant.

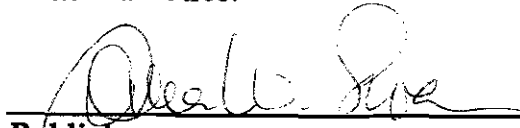
GARY SPACKMAN, Interim Director
First Publication: August 18, 2010.
Last Publication: August 25, 2010.

I, **Coleen W. Swenson**, do solemnly swear
that I am the Publisher of the:

Mountain Home News

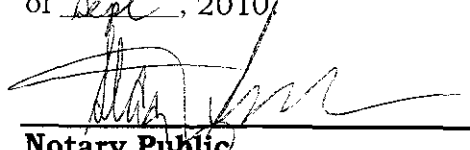
A weekly newspaper of general circulation,
published once a week, in Mountain Home,
Idaho, that the notice attached hereto which is
a part of publication thereof; was published in
said newspaper for 2 consecutive weeks,
the first publication having been made on the
18th day of Aug, 2010, and the last
publication having been made on the
25th day of Sept, 2010; every
Wednesday issue of the paper during the
period and time of publication and that the
notice was published in the paper proper and
not in a supplement thereof.

And I further swear that the said Mountain
Home News has been continuously and
uninterruptedly published in said Elmore
County during the period of 78 consecutive
weeks prior to the first publication of the
attached notice.



Publisher

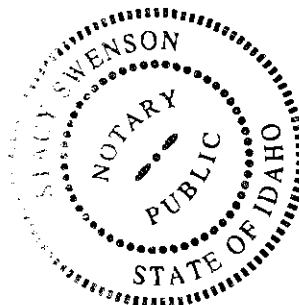
Subscribed and sworn to me this 25th day
of Sept, 2010.



Notary Public

Residing in Mountain Home, Elmore County,
Idaho.

My commission expires **11-17-2011**.



✓ OK DB 9/13/2010