

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33332

Priority: January 20, 2010

Maximum Diversion Rate: 0.30 CFS

This is to certify, that CITY OF WILDER
PO BOX 687
WILDER ID 83676-0687

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

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW 1/4SW 1/4 Sec. 14, Twp 04N, Rge 05W, B.M., CANYON County

PLACE OF USE:

MUNICIPAL
CITY OF WILDER SERVICE AREA

CONDITIONS OF APPROVAL

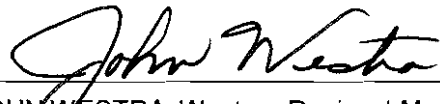
1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2011**.
2. Subject to all prior water rights.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. This right does not grant any right-of-way or easement across the land of another.
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. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
7. Place of use is within the service area of the City of Wilder municipal water supply system as provided for under Idaho Law.

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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 12th day of May, 20 10.

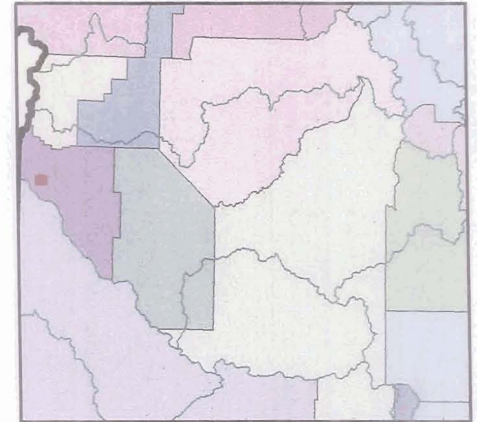

JOHN WESTRA, Western Regional Manager





Permit: 63-33332

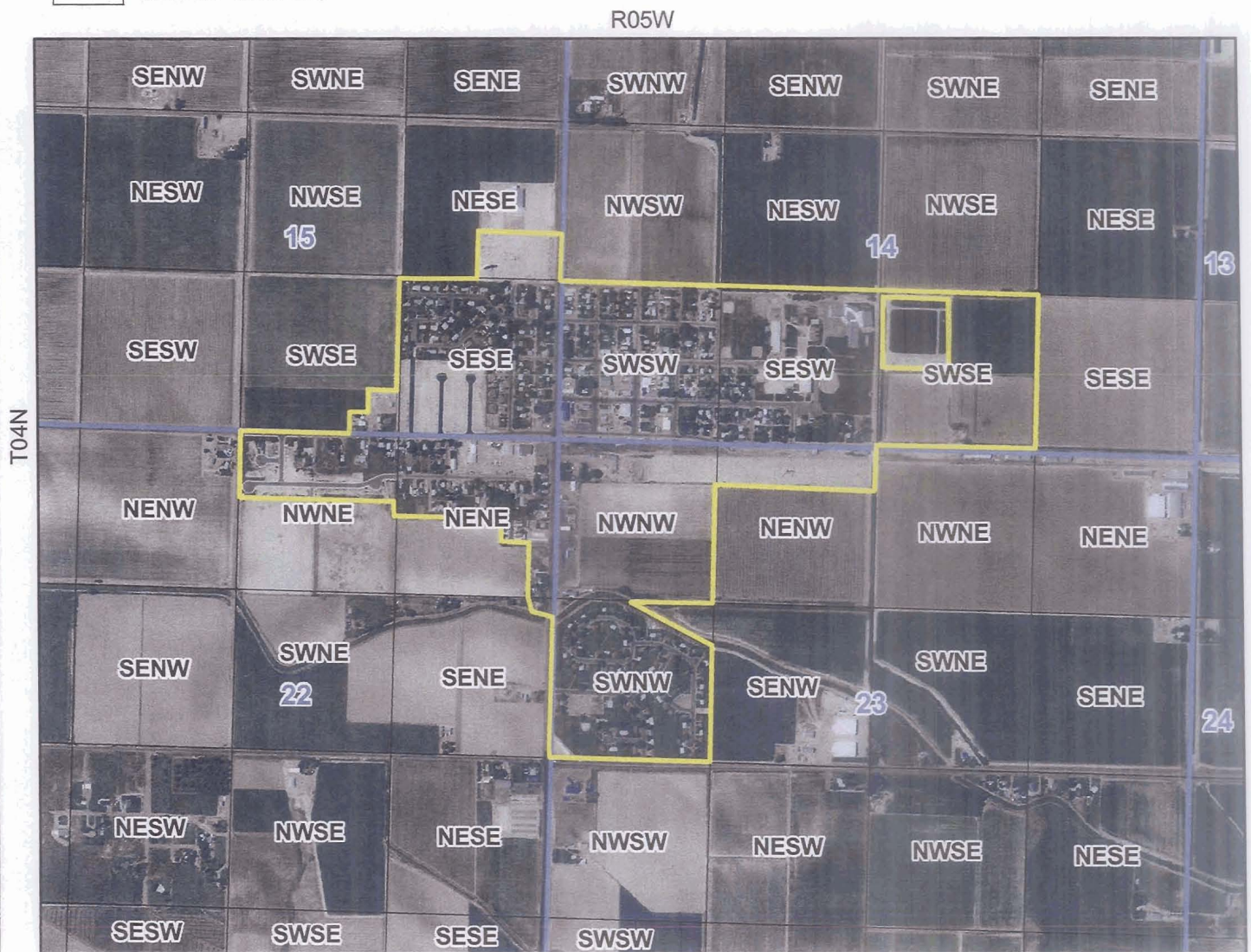
City of Wilder
Municipal Service Area Boundary
GIS Place of Use Illustration



Canyon County
IDWR Basin 63

Legend

-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Prepared by Sharla Curtis
On May 10, 2010
2004 Aerial Photography

0 0.3 0.6 1.2 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

May 12, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CITY OF WILDER
PO BOX 687
WILDER ID 83676-0687

RE: Permit No.63-33332

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: JUB ENGINEERS INC

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 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.

63-33332

CITY OF WILDER

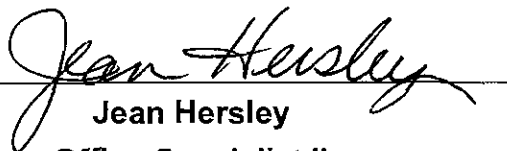
PO BOX 687

WILDER ID 83676-0687

JUB ENGINEERS INC

217 W GEORGIA AVE, STE 120

NAMPA ID 83686

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley
Office Specialist II

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.

1 of 3

RECEIVED

APR 26 2010

29512 186630

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

WATER RESOURCES
WESTERN REGION

)
)SS.
)

County of Canyon

Barbara Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
04/15/2010 04/22/2010

Barbara Spencer
STATE OF IDAHO)

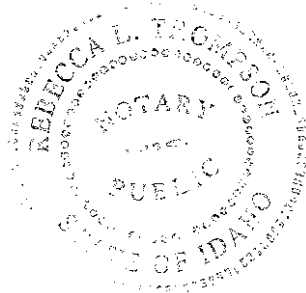
County of Canyon)

On this 22nd day of April in the year of 2010 before me a Notary Public, personally appeared. Barbara Spencer, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Rebecca L. Thompson
Notary Public for Idaho

Residing at Nampa

My Commission expires April 19, 2014



LEGAL NOTICE

2 of 3

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

✓ **63-33213**

DANIEL P RULE
PO BOX 1237
CALDWELL, ID 83606
Point of Diversion L3(NWNE) S19 T04N R05W CANYON County Source GROUND WATER
Tributary SNAKE RIVER
Point of Diversion L3(NWNE) S19 T04N R05W CANYON County Source GROUND WATER
Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Use: AESTHETIC STORAGE 01/01 to 12/31 1.3 AF
Total Diversion: 0.15 CFS
Date Filed: 6/11/2009
Place Of Use: IRRIGATION
T04N R05W S19 L4(NENE) L3(NWNE)

Place Of Use: AESTHETIC STORAGE
T04N R05W S19 L3(NWNE)

Total Acres: 5

✓ **63-33264**

CASEY RILEY
MICHELLE RILEY
8385 W KINGSBURY DR
MIDDLETON, ID 83644
Point of Diversion L2(NWNE) S3 T04N R02W CANYON County Source GROUND WATER
Tributary
Use: IRRIGATION 03/01 to 11/15 0.08 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.12 CFS
Date Filed: 8/24/2009
Place Of Use: IRRIGATION AND DOMESTIC
T04N R02W S3 L2(NWNE)

Total Acres: 2.7

Water bearing zone to be appropriated is from 65 to 200 feet.

✓ **63-33278**

COLBY BROWN
AMY BROWN
24403 FALCON LN
CALDWELL, ID 83607
Point of Diversion NESE S34 T05N R03W CANYON County Source GROUND WATER
Tributary
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.16 CFS
Date Filed: 9/8/2009
Place Of Use: IRRIGATION AND DOMESTIC
T05N R03W S34 NESE

Total Acres: 4

Water bearing zone to be appropriated is from 48 to 174 feet.

✓ **63-33280**

TED CUPP
27515 CONWAY RD
CALDWELL, ID 83607
Point of Diversion SENE S15 T05N R04W CANYON County Source SAND HOLLOW CREEK
Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.06 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 9/28/2009
Place Of Use: IRRIGATION, STOCKWATER AND DOMESTIC
T05N R04W S15 SENE

Total Acres: 2

See next page for remainder of ad.

✓ OK DB 5/7/2010

✓
63-33331

KELLY KRAMER
 VICKY KRAMER
 1288 C SOUTHSIDE BLVD
 MELBA, ID 83641
 Point of Diversion SWSE S27 T01N R02W CANYON County Source GROUND WATER
 Tributary
 Use: IRRIGATION 03/01 to 11/15 1.6 CFS
 Total Diversion: 1.6 CFS
 Date Filed: 1/19/2010
 Place Of Use: IRRIGATION
 T01N R02W S27 SWSE SESE

Total Acres: 80

Water bearing zone to be appropriated is from 200 to 300 feet. Ground water will be supplemental to surface water irrigation source

✓
63-33332

CITY OF WILDER
 PO BOX 687
 WILDER, ID 83676-0687
 Point of Diversion SWSW S14 T04N R05W CANYON County Source GROUND WATER
 Tributary
 Use: MUNICIPAL 01/01 to 12/31 0.3 CFS
 Total Diversion: 0.3 CFS
 Date Filed: 1/20/2010
 Municipal use is within the City of Wilder Service Area
 Water bearing zone to be appropriated is from 50 to 100 feet.

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 5/3/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

APRIL 15, 22, 2010

186630

✓ OK DB 5/7/2010