

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-07504

Priority: July 14, 1983

Maximum Diversion Rate: 0.54 CFS

This is to certify, that MOUNTAIN HOME HIGHWAY DISTRICT
PO BOX 756
1208 NW MASHBURN
MOUNTAIN HOME ID 83647

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>
FIRE PROTECTION	01/01 to 12/31	0.50 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 10, Twp 03S, Rge 06E, B.M., ELMORE County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 06E 10			X														

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	
03S 06E 10			X														

CONDITIONS OF APPROVAL

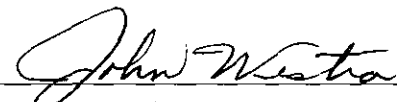
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. The daily diversion volume for the domestic use authorized under this right shall not exceed 2,500 gallons per day.

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5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of March, 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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 19, 2010

MOUNTAIN HOME HIGHWAY DISTRICT
PO BOX 756
1208 NW MASHBURN
MOUNTAIN HOME ID 83647

RE: Permit No.61-7504

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 March 22, 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. 61-7504

**MOUNTAIN HOME HIGHWAY DISTRICT
PO BOX 756
1208 NW MASHBURN
MOUNTAIN HOME ID 83647**

A handwritten signature in black ink, 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.

NOTICE

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

✓ 61-7504

MOUNTAIN HOME HIGHWAY DISTRICT
PO BOX 756
1208 NW MASHBURN
MOUNTAIN HOME, ID 83647

Point of Diversion SWNE S10 T03S R06E
ELMORE County Source GROUND WATER
Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION 01/01 to 12/31
0.5 CFS

Total Diversion: 0.54 CFS
Date Filed: 5/11/1983
Place Of Use: FIRE PROTECTION AND
DOMESTIC
T03S R06E S10 SWNE
Domestic Use is restricted to 2,500 gal/day
- Exempt Fire Protection is to fight or repel an
existing fire

✓ 63-33226

US DEPT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WAY STE 200
BOISE, ID 83709

Point of Diversion SWNENW S15 T01S
R08E ELMORE County Source SPRING Trib-
utary SINKS

Use: STOCKWATER 01/01 to 12/31 0.02
CFS

Total Diversion: 0.02 CFS
Date Filed: 6/23/2009
Place Of Use: STOCKWATER
T01S R08E S15 NENW

✓ 63-33227

US DEPT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WAY STE 200
BOISE, ID 83709

Point of Diversion NESENE S16 T01S
R08E ELMORE County Source SPRING Trib-
utary SINKS

Use: STOCKWATER 01/01 to 12/31 0.02
CFS

Total Diversion: 0.02 CFS
Date Filed: 6/23/2009
Place Of Use: STOCKWATER
T01S R08E S16 SENE

← (over)

✓ OK DB 3/10/2010

AFFIDAVIT OF PUBLICATION

County of Elmore
State of Idaho

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
17th day of Feb, 2010, and the last
publication having been made on the
24th day of Feb, 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.

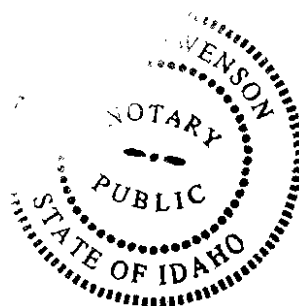
Coleen W. Swenson
Publisher

Subscribed and sworn to me this 24th day
of Feb, 2010.

[Signature]
Notary Public

Residing in Mountain Home, Elmore County,
Idaho.

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



RECEIVED

FEB 26 2010

WATER RESOURCES
WESTERN REGION

**PROPOSED CHANGE OF
WATER RIGHT**

✓ James R. and Carmela M. Martell of 643 N. Elk Ranch Dr., Glens Ferry, ID, 83623, filed Application No. 76106 to transfer one water right with a 1930 priority date from the Snake River totaling 0.64 cfs. The purpose of the transfer is to move the point of diversion to a location on their property. Water will be used at the current place of use south of Glens Ferry and east of Three Island Crossing State Park on the north side of the river.

**PROPOSED CHANGE OF
WATER RIGHT(S)**

✓ LCSC Enterprises LLC of 433 E. Las Colinas Blvd Suite 1209 Irving TX 75039 filed Application No. 76248 to transfer 5 water right(s) with 1967 thru 1976 priority dates from ground water totaling 16.96 cfs. The purpose of the transfer is to add two new wells and correct a minor error in the place of use description. Water will be used at the current place of use generally located west of S 18th St E between E 42nd St S and Clover Hollow Rd approximately 4 miles south of Mountain Home.

Permits will be subject to all prior water rights. Protests against permit applications may be submitted based on the criteria of Idaho Code § 42-203A. 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 detail provided under "new water right applications." Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before March 8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

First Publication: February 17, 2010.

Last Publication: February 24, 2010.

✓ JK DB 3/10/2010