

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32393

Priority: March 02, 2006

Maximum Diversion Rate: 0.04 CFS

This is to certify, that PATRICIA WARNER
3365 CHICKORY WAY
BOISE ID 83706

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	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Twp 04N, Rge 03E, B.M. BOISE 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	
04N 03E 24												X					
04N 03E 25					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Point of diversion is located within Lot 39, High Country Estates Subdivision.
5. Place of use is located within Lot 39, High Country Estates Subdivision.
6. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of June, 2007.


for DAVID R. TUTHILL, JR., Director

AMENDED

RECEIVED

OCT 03 2006

Permit #
Ident. No. D0018442

STATE OF IDAHO

63-32393

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Patricia Warner Phone 208-385-7317
Post Office address 3365 Chickory Way Boise, Id. 83706
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NW 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____
Sec. 24 Township 4N Range 3E B.M. Boise County; additional points of diversion if any: N/A
4. Water will be used for the following purposes:
Amount .04 CFS for domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 CFS and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
c. Proposed well diameter is 6" inches; proposed depth of well is 293' feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 05/01; Drilling firm Dennis Phipps #332
Well was drilled for (well owner) Patricia Warner
7. Time required for completion of works and application of water to proposed beneficial use is completed years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 home; 1 yard
e. Other; describe fully. _____

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OCT 03 2006

Department of Water Resources

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AUG 11 2006

WATER RESOURCES
WESTERN REGION

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MAR 02 2006

WATER RESOURCES
WESTERN REGION

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Let in portions of 2 sections

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? Patricia Warner

b. Who owns the land to be irrigated or place of use? PATRICIA WARNER

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing:

12. Remarks:

Property, AKA Lot 39 High Country Estates.

13. **MAP OF PROPOSED PROJECT ATTACHED** ✓ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Patricia Warner
(Applicant)

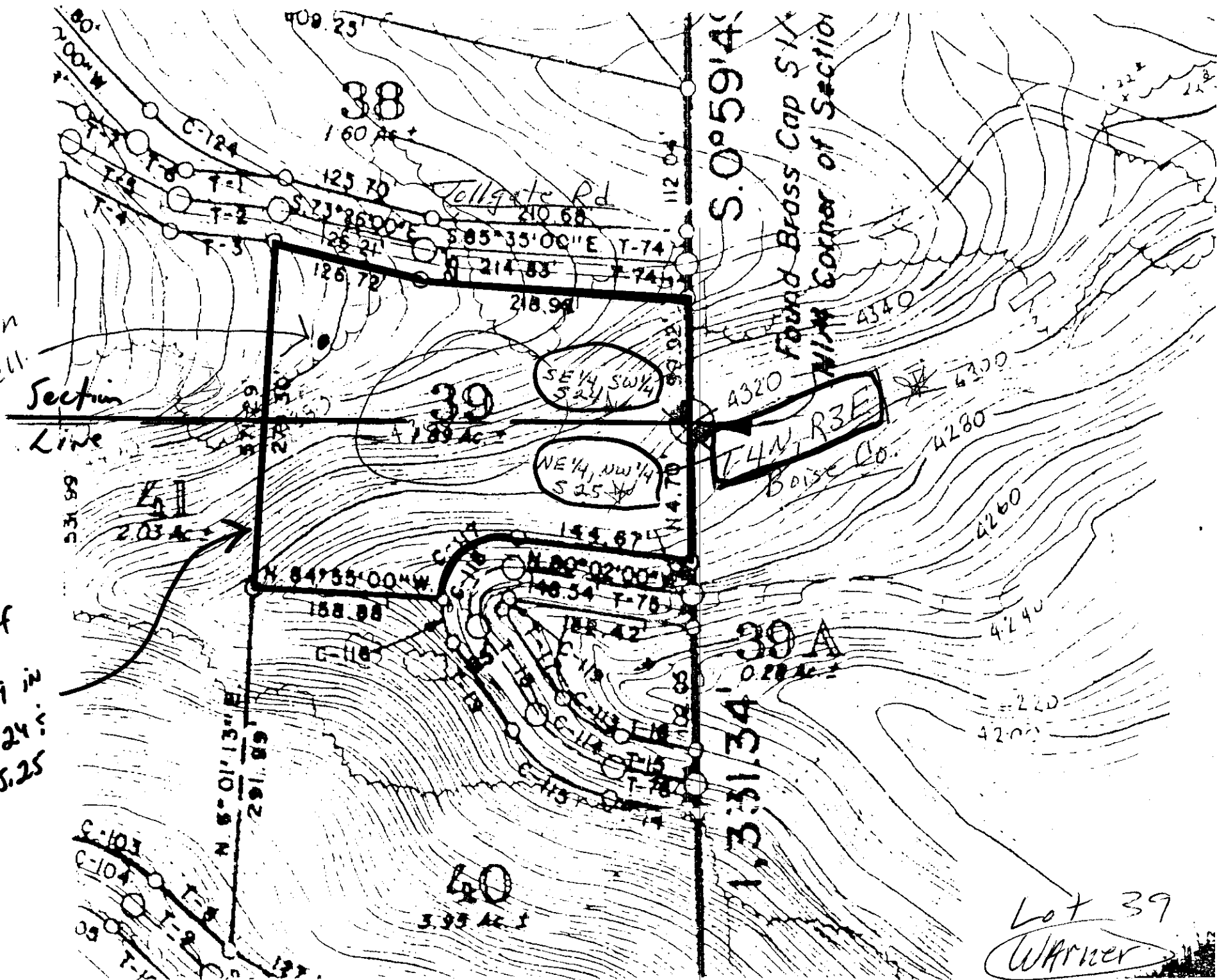
Received by sk Date 3-2-06 Time _____ Preliminary check by SC
 Fee \$ 100.00 Received by sk # W033905 Date 3-2-06
 Publication prepared by R Date 8/28/06 Published in IDAHO WORLD
 Publication approved: R Date 9/28/06 9/6/13/06

APPROX
LOCATION
OF well.

Section
Line

PLACE of
USE
Lot 39 in
SESW 5.24
NENW 5.25

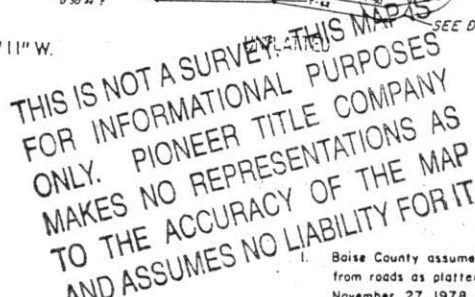
63-32393



Lot 39
Warner

Pioneer Title Co. of Boise County

ROYLANCE ENGINEERING 1980



Calculated Point (Nothing Found or Set)
Found Stone Monument
Found Brass Cap
Set 1/2" x 24" Steel Pin
Set 5/8" x 30" Steel Pin
Lot Number
Match Line
Subdivision Boundary

1. Boise County assumes no responsibility for maintenance or snow removal from roads as platted hereon. Subject to Boise County Ordinance, dated November 27, 1978.
2. A 10' Utility and Drainage Easement exists inside all lot lines along roads and the subdivision boundary, and a 10' easement will be centered on all interior lot lines.
3. Lots shall not be reduced in size without prior approval of the appropriate Health Authority.
4. All areas shown are approximate and for tax purposes only.
5. Lot A is hereby designated as Common Area with title vested in "HIGH COUNTRY ESTATES, INC."

63-32393

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

PATRICIA WARNER
3365 CHICKORY WAY
BOISE ID 83706

RE: Permit No. 63-32393

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.

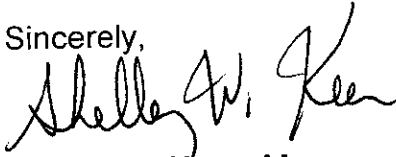
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

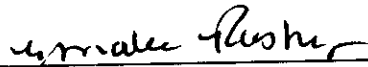
CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO.

63-32393

**PATRICIA WARNER
3365 CHICKORY WAY
BOISE ID 83706**

A handwritten signature in cursive script, reading "Emalee Rushing", is written above a horizontal line.

**Emalee Rushing
Technical Records Specialist**

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.

MEMORANDUM

Date: June 04, 2007
To: Water Right File 63-32393
From: eretelle
Re: permit review

No WD - groundwater
No moratorium

No protests

No PoD overlaps

No PoU overlaps

63-12366 is for Lots 23-24 & 27-32, High Country Estates. This is Lot 39.

Recommend approval as suggested by IDWR Western

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3507

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SEP 21 2006

WATER RESOURCES
WESTERN REGION

OK - JZ

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Sept 6, 2006 and ending with the issue of Sept 13, 2006.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of Sept in the year 2006, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho

~~Residing at Garden Valley, Idaho~~

TAMI WEBER
Notary Public
State of Idaho

MY COMMISSION EXPIRES
February 10, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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

63-32393

PATRICIA WARNER
3365 CHICKORY WAY
BOISE ID 83706

Point(s) of Diversion SESW S24 T04N R03E
BOISE County Source GROUNDWATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 03/02/2006
Place Of Use: DOMESTIC
T04N R03E S24 SESW
T04N R03E S25 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/25/2006. The protestant must also send a copy of the protest to the applicant. KARL J DREHER, Director

Published in The Idaho World September 6 and 13, 2006

Lester, Steve

From: Lester, Steve
Sent: Tuesday, August 29, 2006 12:05 PM
To: 'editor@idahoworld.com'
Subject: Legal Ads

Deanna: please send confirmation that notices will run Sept. 6 & 13. Thanks, SL

August 28, 2006

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit Nos. 63-32393 and 65-23073

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/25/2006. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor



63-32393 and
65-23073 ad.RTF

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

63-32393

PATRICIA WARNER
3365 CHICKORY WAY
BOISE ID 83706

Point(s) of Diversion SESW S24 T04N R03E BOISE County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 03/02/2006

Place Of Use: DOMESTIC

T04N R03E S24 SESW

T04N R03E S25 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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KARL J DREHER, Director

Published 9/6 & 9/13/2006

CONVERSATION MEMORANDUM

Date 7/26/06

File _____

NAME OF PARTY PAT WARNER 385-7317

EMPLOYEE 82

RE: Application

Called to discuss Application.

Amended Appl. needed to show correct
legals.

Sent original to her for endorsement of
changes.

Idaho Department of Water Resources Receipt

Receipt ID W033905

Payment Amount \$100.00

Payment Type Check

Date Received

3/2/2006 12:25:30 PM Region Western

Check Number 6172

Status

Payer WARNER, PATRICIA

Comment APPLICATION FOR PERMIT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

3/2/2006