

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32379

Priority: April 21, 2006

Maximum Diversion Rate: 0.12 CFS

This is to certify, that RALPH WILBUR And/Or
SHIRLEY WILBUR And/Or
ANDREA BRUNO
910 S MOFFATT
EMMETT ID 83617

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	0.12 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L2 (NW¼ NE¼) Sec. 2, Twp 03N, Rge 03W, B.M. CANYON 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	
03N	03W	2		X															
				L 2															

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. Water bearing zone to be appropriated is from 20 to 125 feet.
5. Domestic use is for 7 mobile homes and does not include lawn, garden, landscape, or other types of irrigation.

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.


DAVID F. TUTTLE, JR., Director

RECEIVED

OCT 3 2006

FORM 202
12/99

Department of Water Resources

Ident. No. 63-32379

RECEIVED

APR 21 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant RALPH and SHIRLEY WILBUR and ANDREA BRUNO Phone (208) 365-5329
Mailing address 910 S. MOFFATT EMMETT, ID. 83617

2. Source of water supply Ground water which is a tributary of _____

3. Location of point of diversion is Township 3N Range 3W Sec. 2 in the _____ 1/4,
NW 1/4, NE 1/4, Govt. Lot 2, B.M., Canyon County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .12 for domestic purposes from 1-1 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)
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) .12 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source well pump to 7 trailers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 125 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? 1953; Drilling firm UNKNOWN
Well was drilled for (well owner) UNKNOWN; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 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 in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 7 trailers in house use only
e. Other; describe fully. _____

3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3W	2		X															
				AZ															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Pioneer Irrigation Dist

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: See April 21 letter to Dan Nelson

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Ralph Wilbur
Signature of Applicant (and title, if applicable)

Received by DAN Date 4-21-06 Time 8:40 Preliminary check by SC
 Fee \$ 100.00 Received by DAN # W034074 Date 4-21-06
 Publication prepared by R Date 8/29/06 Published in PRESS TRIBUNE
 Publication approved R Date 9/28/06

9/7/14/06

T03N R03W S2 NWNE
Gov't Lot 2

63-32379



April 21, 2006

Dear Mr. Nelson,

I Ralph Wilbur am the current owner of the 7-unit mobile home park previously owned by Audrey A. Calhoun, and described in water right 63-24134. In an attempt to supply the Evidence of Priority requested in your April 5, 2006 letter, I discovered that the mobile home park was not actually developed until 1969 or 1970. The well used for the park was in use in 1953, but it was for a single home for Ms. Calhoun's daughter Beverly White. Per our discussions on this matter, I understand that any development after 1963 requires that a permit and license be attained. I was unaware of this fact when I purchased the property. I have since filed an application for permit for the domestic use for the mobile home park, and I agree that water right 63-24134 should be disallowed.


Ralph Wilbur

COPY

Original in
adjudication

Chairman 63-24134

DAN

4-21-06

Idaho Department of Water Resources Receipt

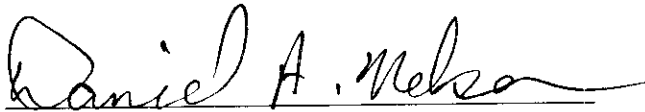
Receipt ID W034074

Payment Amount \$100.00 Date Received 4/21/2006 8:46:10 AM Region Western Status
Payment Type Check Check Number 1022

Payer BRUNO, ANDREA & WILBUR, SHIRLEYComment Application for Permit fee

Fee Detail

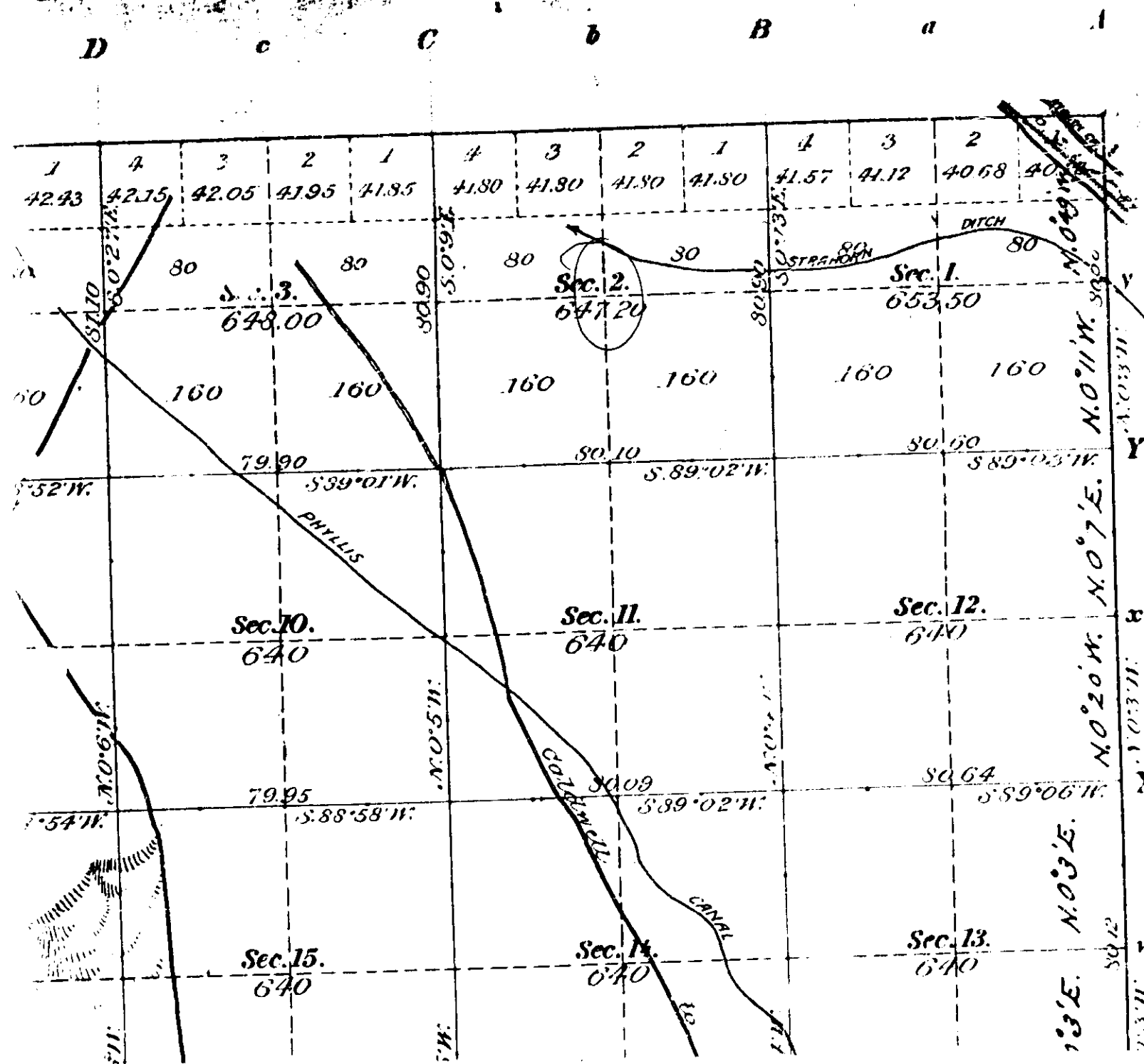
Amount Description Fund FD PCA SO
\$100.00 PERMITS 0229 21 62103 1155



Signature Line (Dept. Representative)

Vest of the Boise

Meridian



Meanders of
Posta Conrars Chalk

13N
R3W

63-32379

**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

RALPH WILBUR
SHIRLEY WILBUR
ANDREA BRUNO
910 S MOFFATT
EMMETT ID 83617

RE: Permit No. 63-32379

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.

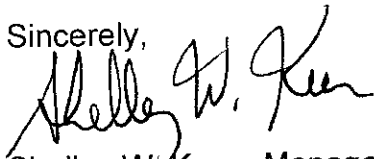
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

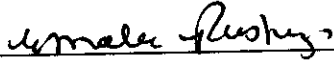
CERTIFICATE OF SERVICE

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 persons listed below:

RE: WATER RIGHT NO.

63-32379

**ANDREA BRUNO
RALPH WILBUR
SHIRLEY WILBUR
910 S MOFFET AVE
EMMETT ID 83617**



**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 63-32379
From: eretelle
Re: permit review

No WD - groundwater
No moratorium

No protests
No overlaps - 63-28284 and -20447 are for other properties/ownership

Recommend approval as suggested by IDWR Western

LEGAL NOTICE

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

63-32379

OK
-82

RALPH & SHIRLEY WILBUR & ANDREA BRUNO
910 S MOFFET AVE
EMMETT ID 83617

Point(s) of Diversion L2 (NWNE) S2 T03N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 04/21/2006
Place Of Use: DOMESTIC
T03N R03W S2 NWNE Lot 2

Remark: Domestic use is in-house only for 7 homes.
Water bearing zone to be appropriated is from 20 to 125 feet.

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

Septmber 7, 14, 2006

04532916

9/28/06

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Amanda K. McCollum
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

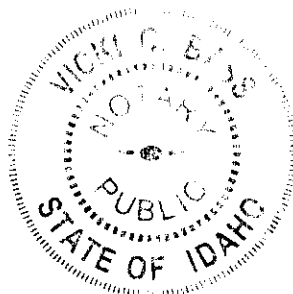
e0100285 04532916
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

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 Principal 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 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
09/07/2006,09/14/2006

Amanda K McCollum

STATE OF IDAHO)
County of Canyon)

On the 14 day of Sept in the year of 2006
before me, a Notary Public, personally appeared.
Amanda K. McCollum,
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.



Vicki C Bass
Notary Public for Idaho
Residing at Nampa
My commission expires August 11, 2009

Lester, Steve

From: Lester, Steve
Sent: Wednesday, August 30, 2006 12:50 PM
To: 'charles.ariss@deq.idaho.gov'
Subject: Comment Letters for Water Right Applications

August 30, 2006

CHARLES ARISS
ID DEPT ENVIRONMENTAL QUALITY
1445 N ORCHARD
BOISE ID 83706-2239

Re: Application Nos. 57-11680, 57-11690, 63-32379, 65-23059, and 72518

Dear Mr. Ariss:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant(s) if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 25, 2006.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel 208.334.2190
fax 208.334.2348
steve.lester@idwr.idaho.gov

Enclosure - See Attachments



57-11680.pdf



57-11690.pdf



63-32379.pdf



65-23059.pdf



T72518.pdf

Lester, Steve

From: Lester, Steve
Sent: Tuesday, August 29, 2006 12:00 PM
To: 'legals@idahopress.com'
Subject: Legal Ads

Please send confirmation that notices will run Sept. 7 & 14, 2006. Thanks

August 28, 2006

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit Nos. 63-32379 and 63-32395

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



63-32379 and
63-32395 ad.RTF

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

63-32379

RALPH & SHIRLEY WILBUR & ANDREA BRUNO
910 S MOFFET AVE
EMMETT ID 83617

Point(s) of Diversion L2 (NWNE) S2 T03N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 04/21/2006

Place Of Use: DOMESTIC

T03N R03W S2 NWNE Lot 2

Remark: Domestic use is in-house only for 7 homes.
Water bearing zone to be appropriated is from 20 to 125 feet.

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 on 9/7 & 9/14/2006

CONVERSATION MEMORANDUM

Date 8/23/06

File 63-32379

NAME OF PARTY ANDREA BRUNO (co-applicant) 365-5329
EMPLOYEE RZ ← wizard's daughter

RE: WATER BEARING ZONE

Called to discuss need for w.b. zone data.

NO well log on file.

NO details about well known except c 125' deep.

Well logs in AREA support w.b. zone of c 20-125 ft.

Applicant agrees with using this description.

Assume ok to define w.b. zone per above without need to formally amend appl. - should be acceptable for this "ad hoc" requirement in Rs. 63