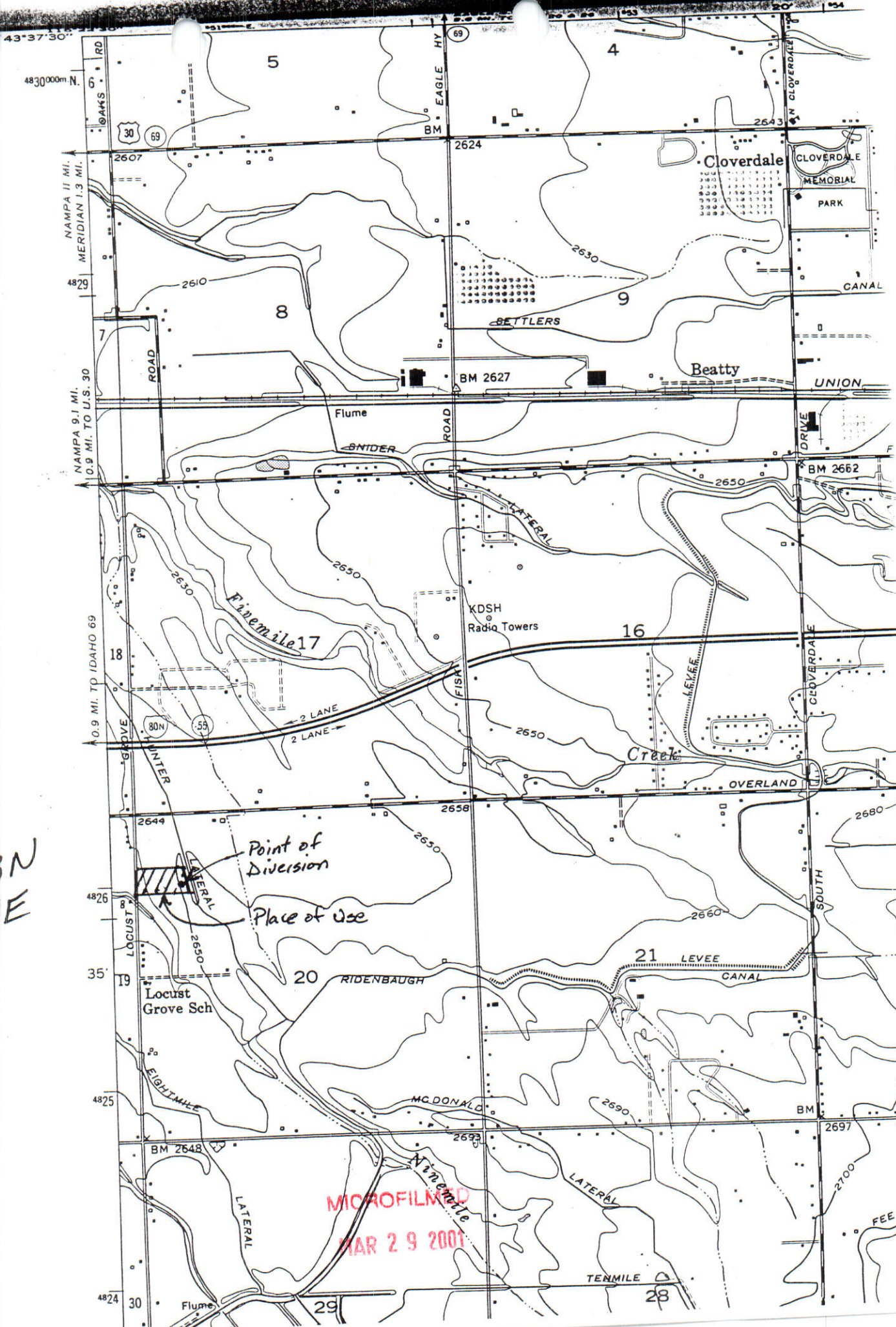




T3N
R1E

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MAR 29 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12604

Priority: 09/20/2000

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 4.5 AF

This is to certify, that CHURCH OF JESUS CHRIST LATTER DAY SAINTS
PHYSICAL FACILITIES OFFICE
2710 SUNRISE RIM RD
BOISE ID 83705

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	0.06 CFS	4.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NW¼ Sec. 20, Twp 03N, Rge 01E, B.M. ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01E	20							3.0										3.0

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before March 01, 2006.
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 permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant Nampa & Meridian Irrigation District (NMID) water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from NMID cannot be delivered to the right holder.
7. If the NMID water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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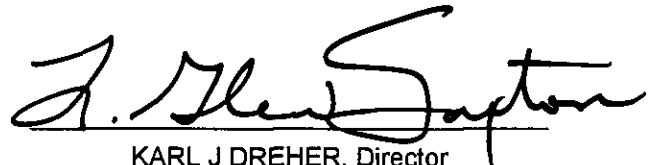
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-12604

CONDITIONS OF APPROVAL

8. Water shall not be diverted under this right until the applicant formally notifies the department that they have acquired and have permanently abandoned the right to irrigation one (1) acre under Water Right 63-10666B.
9. Water bearing zone to be appropriated is 75 to 150 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of March, 2001.


for KARL J DREHER, Director

MICROFILMED
MAR 29 2001

RECEIVED

SEP 20 2000

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 17 2001

Department of Water Resources

The Church of Jesus Christ of Latter Day Saints

1. Name of Applicant Physical Facilities Office Phone 208-342-2735
Mailing address 2710 Sunrise Rim Road, Boise, ID 83705
2. Source of water supply groundwater which is a tributary of NA
3. Location of point of diversion is Township 3N Range 1E Sec. 20 in the NW 1/4, NW 1/4, 1/4, Govt. Lot , B.M., Ada County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | |
|--|--|
| Amount <u>0.06</u> for <u>irrigation</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.06 and/or (b) 4.5
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 6-inch well with submersible pump
- 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 100 feet
- d. Is ground water with a temperature of greater than 85° F being sought?
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 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.
- e. Other; describe fully.
- MICROFILMED

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MAR 29 2021

9. Description of place of use:

- 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.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	20					3												3

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. Nampa & Meridian Irrigation District

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

12. Remarks: This application is for supplemental irrigation purposes only, not to exceed an annual diversion volume of 4.5 acre feet. Mitigation will be provided by retiring one acre of groundwater license 63-10666. License 63-10666 is a primary irrigation water right that authorizes an annual diversion volume of 4.5 acre feet per acre. A purchase agreement is attached. Nampa & Meridian Irrigation District is primary water source.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

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MAR 23 2001

Signature of Applicant (and title, if applicable)

Received by KL Date 9/20/00 Time 11:28 Preliminary check by DAN

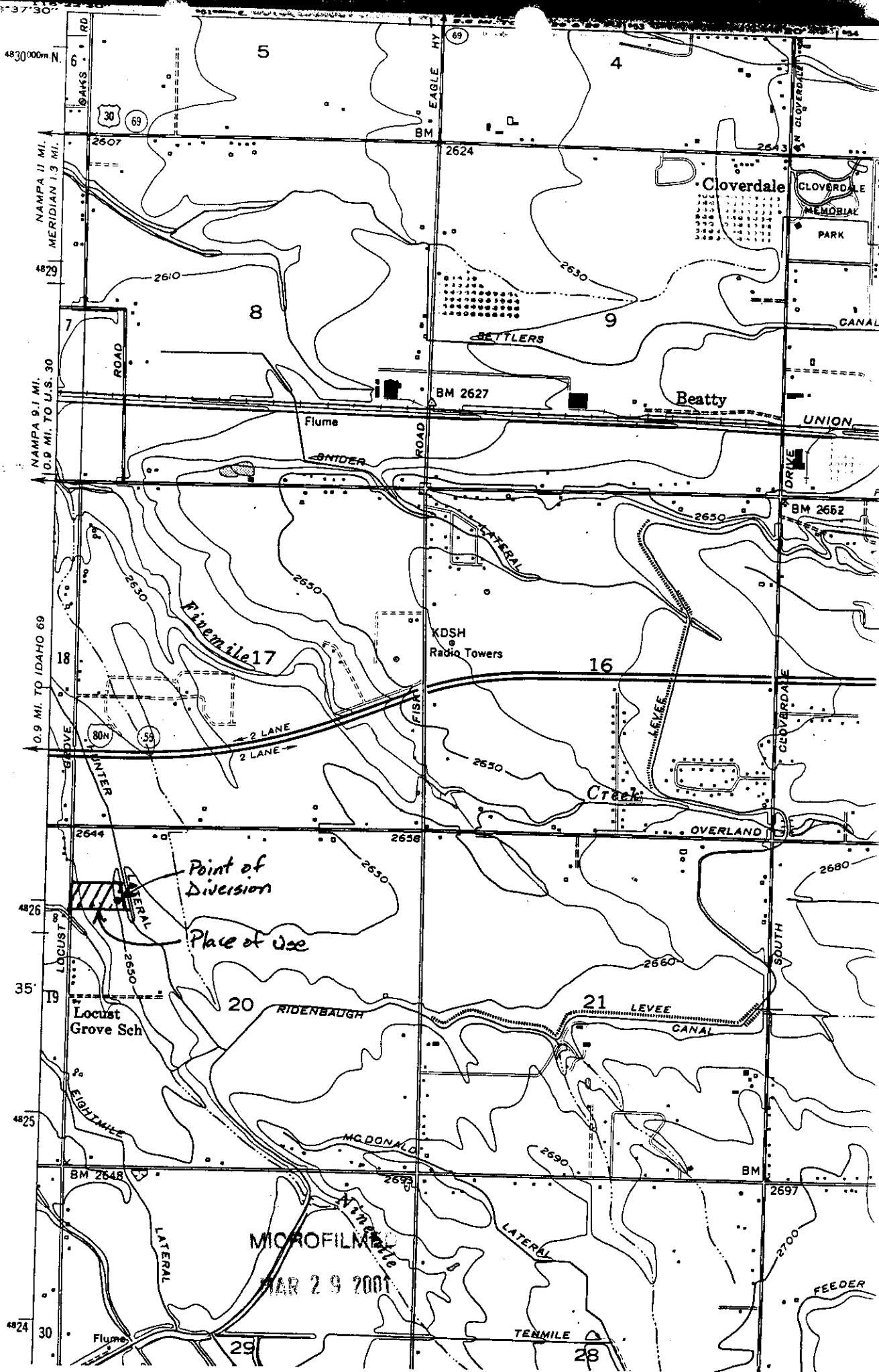
Fee \$ 100.00 Receipted by KL # W020985 Date 9/20/00

Publication prepared by KL Date 11/30/00 Published in _____

Publication approved KL Date 1-9-01

THE IDAHO STATESMAN

12/7+14/00



03/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 63-31196

Owner Type Name and Address
Current Owner CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
2710 NW SUNRISE RIM RD
SUITE 200
BOISE, ID 83705
(208)342-2735

Original Owner L DARWIN MCKAY
6100 S EAGLE RD
MERIDIAN, ID 83642
(208)888-3760

Priority Date: 07/22/1988
Basis: License
Status: Abandoned

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.01 CFS	4.5 AFA	
Total Diversion			0.01 CFS	4.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER NENW Sec. 21 Township 03N Range 01E ADA County

Licensed Diversion Capacity: 0.84

IRRIGATION Use:
Acre Limit: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	01E	21		NENW	1									

Total Acres: 1

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
PSKAGGS	3/30/01	Ownership Split	Right 63-31196 is an ownership split of Right 63-10666C abandoned as mitigation for Permit 63-12604.

Dates:

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:

Permit Condition #8

Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4.5
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Parent Right: 63-10666C ChangeOfOwnership



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
PHYSICAL FACILITIES OFFICE
2710 SUNRISE RIM RD
BOISE ID 83705

RE: Permit No. 63-12604

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.

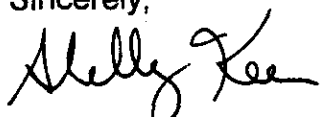
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MAR 23 2001

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 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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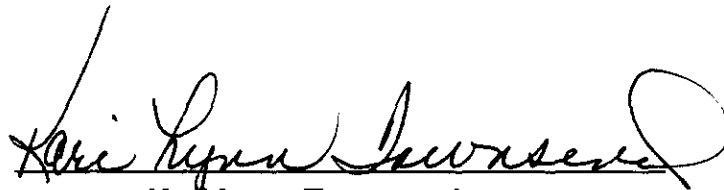
MAR 29 2001

CERTIFICATE OF MAILING

I hereby certify that on March 7, 2001 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. 63-12604

**CHURCH OF JESUS CHRIST LATTER DAY SAINTS
PHYSICAL FACILITIES OFFICE
2710 SUNRISE RIM RD
BOISE ID 83705**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 28 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 37.01.01305 (Rules of Procedure 302 and 303).

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MAR 29 2001

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.

MICROFILMED
MAR 29 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 1/23/01

No. 63-12664 Name: LDS Church Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes TVew Moratorium study - mitigated ok GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121 special cond.
42-248 Area - P84
Swan Falls/Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snow R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 21.01.2006

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

Water bearing zone - 75-150 ft.

COMMENTS

Water shall not be diverted under this pt until the applicant formally notifies the dept that they have acquired and have permanently abandoned the pt with 1 ac under Pt 63-10666B.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAN DATE: 11-16-00 APPLICATION: 63-12604

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- N/A Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

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JAN 17 2001

Department of Water Resources

Gov't. Lots:
NO P/D
NO P/U

ADDITIONAL INFORMATION

Yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

 T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.) Nampa & meridian irrig. Dist.
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium: Mitigation Proposed
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☒ immediate = acceptable plan required and submitted.
- future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested Date Response Received

NOTE

63-12604

RBW found driller
illegally drilling this
proposed well at
start and on
11/29/00.

Well DRILLING
Taken care of of
JC

PROCESSING

APP. NO. 3-12604

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 12/26/00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: STANDARD conditions
well drilling conditions

See Shelley Keen FOR mitigation conditions☒ ☐ See below for additional informationRecommended Date or Priority 9-20-2000Recommended by: Daniela Nelson Date: 1-16-01ADDITIONAL INFORMATION:

Nampa-Meridian Irrigation District
Overlaps PIU. This permit is for supplemental
water to the Nampa/Meridian rights. Mitigation
has been submitted to allow processing
of this application.

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 11/20/00
Time: 16:58:56

Water Right Number: 63-12604

Comment Date: 11/20/2000 User ID: DNELSON

Subject: ADDITIONAL INFORMATION _____

APPLICANT: This application is for supplemental irrigation _____
purposes only, not to exceed an annual diversion volume of 4.5 af
Mitigation will be provided by retiring 1 acre of groundwater _____
from license 63-10666. 63-10666 is a primary irrigation right _____
that authorizes an annual diversion volume of 4.5 afa. A purchase
agreement was attached. Nampa Meridian Irrigation District is _____
the primary water source for the place of use. _____
IDWR: Nampa Meridian Irrigation District rights overlap place of
use. Mitigation has been supplied to dry up 1 acre of primary _____
irrigation to allow for 3 acres of supplemental irrigation. _____
Documents have been supplied showing ownership of a portion of _____
this right and change of ownership forms. _____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

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DEC 19 2000

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	373198	APPLICATION FOR WATER RIGHT	\$117.48
Ordered by:	P.O. #	Rate	Run Dates
SUE TAYLOR		TT	DECEMBER 7, 14, 2000
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082			Number of Lines 36X2
			Affidavit 1
			Legal # 9013

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

☒ consecutive weekly ☐ single
☐ consecutive daily insertion(s) ☐ odd skip

beginning with the issue of: DECEMBER 7 2000
and ending with the issue of: DECEMBER 14 2000

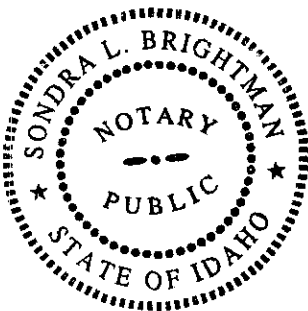
Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 7 day of DECEMBER in the year of 2000
before me, a Notary Public, personally appeared before me Janice Hildreth
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 state-
ments therein are true, and acknowledged to me that she executed the same.

Sondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/20/06



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MAR 29 2001

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DEC 19 2000

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE
NOTICE OF OF APPLICATION FOR WATER RIGHT

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

63-12604

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
PHYSICAL FACILITIES OFFICE
2710 SUNRISE RIM RD
BOISE, ID 83705

Source: GROUNDWATER

Diversion Pt: NWNW Sec 20 T 03N R 01E in ADA County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 9/20/2000

In: ADA County NWNW
T03N R01E S20
3.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use. The applicant proposes to draw water from the 75 to 150 foot water bearing zone.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before DECEMBER 26, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Dec. 7, 14, 2000

9013

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DEC 28 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
NOVEMBER 30, 2000

Legal Notices Department
THE IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 26, 2000.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue Taylor'.

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

MAR 29 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

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MAY 29 2001

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before DECEMBER 26, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 12/ 7/2000 & 12/14/2000

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MAR 29 2001

63-12604

CHURCH OF JESUS CHRIST LATTER DAY SAINTS
PHYSICAL FACILITIES OFFICE
2710 SUNRISE RIM RD
BOISE, ID 83705

Source: GROUND WATER

Diversion Pt: NWNW Sec 20 T 03N R 01E in ADA County.

```

Use: IRRIGATION      (      0.060 CFS)
      Total Diversion: (      0.060 CFS)

```

Date Filed: 9/20/2000

In: ADA County
T03N R01E S20 NWNW

3.0 ACRES TOTAL

Applicant has proposed mitigation for consumptive use. The applicant proposes to draw water from the 75 to 150 foot water bearing zone.

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MAR 29 2021

FAX**Scanlan Engineering**600 East River Park Lane, # 105
Boise, Idaho 83706**Date:** November 20, 2000**Tel:** 208 383-4140**Fax:** 208 383-4156**To:** Dan Nelson**Fax No:** 334-2348**From:** Terry Scanlan**Reference:****Subject:** LDS Church on Locust Grove**No. of Pages:** 1
(including cover)

Dan –

The water-bearing zone to be appropriated at the LDS Church property on Locust Grove Road near Meridian is approximately 75 to 150 feet.

Terry

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NOV 29 2001
If you do not receive all pages, or if there are any problems with this transmission, please call at 208 383-4140

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

September 19, 2000

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Water Right Permit

Dear Steve:

Enclosed please find the following.

1. Agreement for Purchase and Sale of Water Right
2. Water Right Change of Ownership Form
3. Application for Permit
4. Check for \$100 application fee
5. Copy of Water Right License 63-10666.

These documents propose a supplemental groundwater right for irrigation of 3 acres at the Church of Jesus Christ of Latter Day Saints (the LDS Church) chapel located on Locust Grove Road, north of Meridian. The supplemental water supply is necessary for irrigation at those times when surface water from the canal system (Nampa & Meridian Irrigation District) is not available. In a normal year, supplemental water is needed from about April 1 through April 15 and October 15 through October 31. Irrigation demands during these periods are normally very low. As a result, the supplemental water requirement is typically less than 10 percent of the annual irrigation diversion requirement (4.5 acre feet per acre maximum), even though the supplemental irrigation season is 15 percent of the total irrigation season. However, in drought years when canal deliveries cease in September, the supplemental supply could be as much as 20 percent of the annual irrigation requirement. In all cases, the annual supplemental irrigation requirement should be 1 acre foot per acre or less. For the 3-acre proposed place of use, the supplemental irrigation requirement should be less than 3 acre feet annually.

We understand that the Department is currently not approving new applications for permit in the Boise River Basin. However, we also understand that the Department can approve new applications if the application includes an acceptable mitigation plan. In order to mitigate for the proposed appropriation, the LDS Church proposes to retire a 1.0-acre portion of groundwater license 63-10666. A 1.0-acre portion of water right 63-10666 is authorized to supply up to 4.5 acre feet annually. The water right historically was used for irrigation of lands located approximately 1 miles east of the lands proposed for irrigation under the proposed application for

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SEP 20 2000

WATER RESOURCES
REGION

MITIGATION

PLAN

DAN

11-20-2000

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600 East River Park Lane, Suite 105
Boise, Idaho 83706

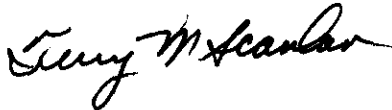
SEP 29 2000 Telephone (208) 383-4140
Facsimile (208) 383-4156

permit. Eliminating the diversion of up to 4.5 acre feet annually under 63-10666 shall fully mitigate diversion of up to 4.5 acre feet annually under the proposed application.

A water right purchase agreement for the 1-acre portion of water right 63-10666 is enclosed, along with a change of ownership form. The acre of water right will be removed from the NENW Section 21, T3N, R1E.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan". The signature is fluid and cursive, with the first name "Terry" being more prominent.

Terry M. Scanlan, P.E., P.G.

Cc: John Koudelka
Darwin McKay

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MAR 29 2001

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

SEP 20 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 63-10666
 Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant L. Darwin McKay
6100 South Eagle Road, Meridian, ID 83642
4. New Owner/Claimant(s) Church of Jesus Christ of Latter-Day Saints
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 2710 Sunrise Rim
 City, State and ZIP Code Boise, ID 83705
 New Telephone Number (208) 342-2735
5. Date you acquired the ~~property~~ ^{water right} 9/19/2000
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right	<u>1.0</u>	Number and type of stock
Diversion rate in CFS	<u>0.013</u>	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) *[Signature]* for Corp of Pres. L.D.S. Church
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

MICROFILMED

MAR 29 2001

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

This Water Right Sale and Purchase Agreement (the "Agreement") is made this 19 day of September 2000, between and among L. Darwin McKay, whose address is 6100 South Eagle Road, Meridian, Idaho 83642 ("Seller") and Church of Jesus Christ of Latter-Day Saints, whose address is The Church of Jesus Christ of Latter-Day Saints, Physical Facilities Office, 2710 Sunrise Rim Road, Boise, ID 83705 ("Buyer").

WITNESSETH:

WHEREAS, Seller owns a groundwater right evidenced by license 63-10666;

WHEREAS, Buyer wishes to purchase a portion of the groundwater right, but not the associated lands or appurtenances thereto; and

WHEREAS, the parties have reached Agreement on the terms and conditions of such sale and purchase;

NOW, THEREFORE, Seller and Buyer agree as follows:

1. **Purchase Price.** Seller agrees to sell to Buyer for \$3,000 a 1.0-acre portion of water right 63-10666, said water right to be removed from lands located in Ada County, Idaho, and more particularly described as:

NE ¼ of the NW ¼ of Section 21, T3N, R1E, B.M.

2. **Seller's Warranties.**

- a. Seller agrees that the 1.0-acre portion of water right 63-10666, if sold to the Buyer, shall include 0.013 cfs and 4.5 acre feet of water per annum.
- b. Seller further warrants that the said water right is a valid water right free from all encumbrances, and that Seller will warrant and defend the same from all lawful claims whatsoever.

3. **Transfer by Buyer.** Buyer at his own expense shall undertake to retire the acquired water right as mitigation for a supplemental irrigation water right permit sought by the Buyer for lands located in Ada County, Idaho, and more particularly as:

NW ¼ of the NW ¼ of Section 20, T3N, R1E, B.M.

4. **Sale Based on Right to Transfer.** Seller recognizes and agrees that Buyer has agreed to purchase the water right only on the condition that the Buyer can successfully utilize the water right for mitigation of the Buyer's Application for Permit. If Buyer is unsuccessful in gaining approval of the water right permit within six months of the date of this Agreement, then this Agreement may be voided upon

MAR 23 2001

written request of either party, and the Seller agrees to refund payment for water rights described herein.

5. **Payment of Purchase Price.** The Buyer shall deliver payment of purchase price to the Seller within 30 days of signing of this Agreement.
6. **Entire Agreement.** This Agreement contains the entire understanding of the parties. Any changes or modification to the Agreement must be in writing signed by both parties.
7. **Attorney Fees.** If either party shall fail to comply with the terms of the Agreement, the non-breaching party shall send written notice and provide a reasonable opportunity to cure, but not less than ten (10) days. If the breach is not cured within the time allowed, the breaching party agrees to pay all attorney's fees and costs incurred by the non-breaching party. If suit is filed to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay the prevailing party all costs and expenses, including attorney's fees, incurred by the prevailing party whether incurred in district court, on appeal, or in bankruptcy court.

Seller
L. Darwin McKay

By L. Darwin McKay
Title Owner
Date 9/19/2000

Buyer
Church of Jesus Christ of
Latter-Day Saints

By John Koudellis
Title Project Manager
Date 9/19/2000

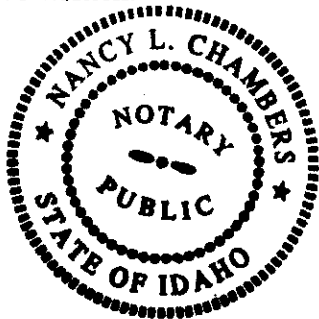
MICROFILMED
MAR 29 2001

Acknowledgment:

STATE OF IDAHO)
) ss.
County of Ada)

On this 19 day of Sept 2000, before me, a notary public for said state, personally appeared L. Darwin McKay, known or identified to me as the person who executed the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

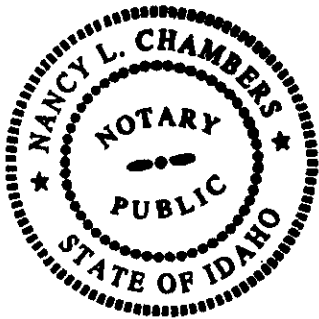


Nancy L. Chambers
Notary Public for Idaho
Residing at: Meridian, Idaho
My commission expires: 3-21-2006

STATE OF IDAHO)
) ss.
County of Ada)

On this 19 day of Sept 2000, before me, a notary public for said state, personally appeared John Koudelka, known or identified to me as the person who executed the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Nancy L. Chambers
Notary Public for Idaho
Residing at: Meridian, Idaho
My commission expires: 3-21-2006

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MAR 29 2001

SCANLAN ENGINEERING

PH. 208-383-4140

600 E. RIVER PARK LN., STE. 105

BOISE, ID 83706

2357

Date Sept. 19, 2000 92-155/1241
441

Pay to the
Order of

L. Darwin McKay

\$ 3,000.00

Three thousand & no/100

Dollars



Security features
are included.
Details on back.



KeyBank National Association
Boise, Idaho 83706

1-800-KEY2YOU

one acre of water right
For license 63-10666

Terry M. Scanlan ^{MP}

⑆ 124101555 ⑆

4100082701 2357

© Clarke American

GUARDIAN® SAFETY YELLOW DRYE

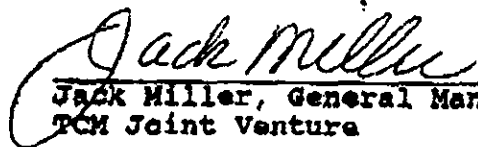
MICROFILMED
MAR 29 2001

Mar-17 2000 1:39PM

TO: IDAHO DEPARTMENT OF WATER RESOURCES

TCM JOINT VENTURE (TCM) is the owner of the E1/4NW1/4, Section 21, T. 3 N., R. 1 E., B.M., Ada County Idaho, and does not object to an application of L. Darwin McKay to transfer his water right No. 63-1066 to other lands. L. Darwin McKay acquired the water right while leasing the above property from TCM.

DATED this 23 day of march, 2000.



Jack Miller, General Manager,
TCM Joint Venture

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MAR 29 2001

P-183119 JB

ADAM COUNTY RECORDER
J. DAVID HARRIS
BOISE, IDAHO

RECORDED - REQ

FEE 6⁰⁰ DEPUTY 20⁰⁰

2000 AP 20 PM 4:54

100029003

100029923

PIONEER TITLE

WARRANTY DEED

FOR VALUE RECEIVED BRUCE R. PICKETT AND MARJORIE A.

PICKETT, husband and wife, JAMES H. BALLANTYNE, JR. AND MARY

BALLANTYNE, husband and wife, the Grantor does hereby grant,

bargain, sell and convey unto CHRISTOPHER J. KEPUS AND KATHLEEN

M. KEPUS, husband and wife, and ALFRED W. STURR AND PATRICIA

A. STURR, husband and wife, and JACK E. MILLER AND CAROL A.

MILLER, husband and wife, d/p/a TCM JOINT VENTURE, an Idaho

Joint Venture, the Grantee whose current address is Route

#1, Ast Street, Kuna, Idaho, 83634, the following described

premises in Ada County, State of Idaho, to-wit:

East half of the Northwest Quarter of Section 21,
Township 3 North, Range 1 East, Boise Meridian,
Ada County, Idaho.

Together with all and singular the tenements, heredita-
ments and appurtenances thereunto belonging or in
anywise appertaining;

Subject to all easements and rights-of-way of record
or appearing on the land.

And Further subject to:

That certain mortgage encumbering the real estate to be
conveyed hereby in favor of the Federal Land Bank in
the proximate balance of \$9,058.08.

That certain real estate contract wherein Marjorie
F. Pickett is Seller and the Sellers hereunder are Buyers
in the proximate balance of \$33,971.89.

That certain real estate contract wherein Richard B.
Miller and Margaret F. Miller, husband and wife
appear as Sellers and Marjorie F. Pickett, a widow,
appears as Buyer in the proximate balance of \$20,438.65.

TO HAVE AND TO HOLD the said premises with their appur-
tenances unto the said Grantee, Grantee's heirs and assigns
forever. And the said Grantor does hereby covenant to and
with the said Grantee, that Grantor is the owner in fee
simple of said premises; that they are free from all encum-
brances; and that Grantor will warrant and defend the same
from all lawful claims whatsoever.

1-WARRANTY DEED

MICROFILMED

MAR 29 2001

YAMADA, DONOVAN & YATES, CTD.
ATTORNEYS AT LAW

P.O. BOX 2853
BOISE, IDAHO 83701

3 WEST GOWNEY
HOMEDALE, IDAHO 83628

YAMADA, DONOVAN & YATES, CTD.

ATTORNEYS AT LAW
P.O. BOX 2652
BOISE, IDAHO 83701
3 WEST OWYHEE
HOMEDALE, IDAHO 83826

1 DATED This 17th day of November, 1978.

2 Bruce R. Pickett
3 BRUCE R. PICKETT

4 Marjorie A. Pickett
5 MARJORIE A. PICKETT

6 James H. Ballantyne, Jr.
7 JAMES H. BALLANTYNE, JR.

8 Mary Ballantyne
9 MARY BALLANTYNE

10
11
12
13 STATE OF IDAHO)
14 County of Ada)

15
16 On the date as first set forth above, before me, the
17 undersigned, a Notary Public in and for the said State,
18 personally appeared BRUCE R. PICKETT AND MARJORIE A. PICKETT,
19 husband and wife, and JAMES H. BALLANTYNE, JR. AND MARY
20 BALLANTYNE, husband and wife, known to me to be the persons
21 whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year of this certificate
first above written.

Learn E. Thompson
Notary Public for Idaho
Residing at Boise, Idaho

28
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31
32
2-WARRANTY DEED

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MAR 29 2001

State of Idaho
Department of Water Resources
Water Right License

AMENDED

AMENDED

WATER RIGHT NO. 63-10666

Priority: July 22, 1988

Maximum Diversion Rate:

0.84 CFS

Maximum Diversion Volume:

297.0 AF

This is to certify, that L DARWIN MC KAY

3220 E LAKE HAZEL RD

MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 22, 1988; and has submitted Proof of Beneficial Use on August 21, 1991. An examination indicates that the works have a diversion capacity of 0.840 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.84 CFS	297.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 21, Township 03N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

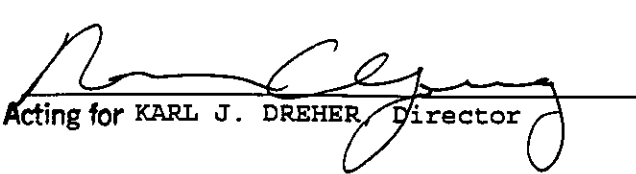
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	01E	21	NENW 28	SENW 38		66

Total number of acres irrigated: 66

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15th day of FEBRUARY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 29 2001