

**STARTING
LEFT
SIDE OF
FILE**

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	ORDER DISQUALIFYING
FOR PERMIT NO. 63-32061 IN THE)	HEARING OFFICER,
NAME OF SUNCOR IDAHO, LLC.)	APPOINTING HEARING
_____)	OFFICER, AND ACCEPTANCE
)	OF WITHDRAWAL OF
)	PROTEST

On November 17, 2005, the Director of the Idaho Department of Water Resources (IDWR) issued an order appointing Gary Spackman as a hearing officer in the above protested matter.

On November 23, 2005, IDWR received a Notice of Disqualification without cause of the hearing officer by protestant Rod Davidson.

On December 8, 2005, IDWR received a Stipulation to Withdraw Protest filed jointly by the applicant's attorney, Albert P. Barker and Protestant, North Ada County Foothills Association.

ORDER

IT IS THEREFORE, HEREBY ORDERED that hearing officer Gary Spackman, is disqualified without cause.

IT IS FURTHER ORDERED that John Westra is appointed to serve as hearing officer, and is authorized to hear this matter on behalf of the Idaho Department of Water Resources pursuant to IDAPA Rules 37.01.01.410-413 and the provisions of chapter 52, title 67, Idaho Code.

IT IS FURTHER ORDERED that the Department accepts the Stipulation to Withdraw Protest filed by SunCor Idaho, LLC and North Ada County Foothills Association with prejudice.

Dated this 30th day of January, 2006.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2006, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Disqualifying Hearing Officer, Appointing Hearing Officer, and Acceptance of Withdrawal of Protest

SUNCOR IDAHO LLC
C/O ALBERT P BARKER
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139
Fax: (208)344-6034

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

GARTH BALDWIN
6050 HYW 55
HORSESHOE BEND ID 83629

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

PHILLIP FRY
4122 HOMER RD
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

WILLOWBROOK DEVELOPMENT
210 MURRAY ST
BOISE ID 83714

U.S. Mail, Postage Prepaid
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HILLSDALE ESTATES
ROY B JOHNSON
210 MURRAY ST
BOISE ID 83714

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LYLE MULLINS
1574 N ELLINGTON WAY
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

DAVID HEAD
N ADA COUNTY FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail


Deborah Gibson
Administrative Assistant
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR IDAHO, LLC.)
_____)

**ORDER APPOINTING
HEARING OFFICER**

On September 26, 2005, the Director of the Idaho Department of Water Resources (IDWR) issued an ordered appointing Peter R. Anderson as a hearing officer in the above protested matter.

On October 7, 2005, IDWR received a Notice of Disqualification with cause of the hearing officer by Albert P. Barker, of Barker Rosholt & Simpson, LLP, the attorneys for SunCor Idaho, LLC. In response to the Notice of Disqualification and based on Idaho Code Section 67-525 and IDAPA 37.01.01.412, the Director issued an order Disqualifying Hearing Officer and Vacating Prehearing Conference on October 13, 2005.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Gary Spackman is appointed to serve as hearing officer, and is authorized to hear this matter on behalf of the Idaho Department of Water Resources pursuant to IDAPA Rules 37.01.01.410-413 and the provisions of chapter 52, title 67, Idaho Code.

Dated this 17th day of November, 2005.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of November, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Appointing Hearing Officer

SUNCOR IDAHO LLC
C/O ALBERT P BARKER
BARKER ROSHOLT & SIMPSON
PO BOX 2139
BOISE ID 83701-2139
Fax: (208)344-6034

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 E-mail

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HILLSDALE ESTATES
ROY B JOHNSON
210 MURRAY ST
BOISE ID 83714

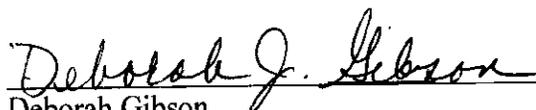
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LYLE MULLINS
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 E-mail

DAVID HEAD
N ADA COUNTY FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

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 Facsimile
 E-mail



Deborah Gibson
Administrative Assistant
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION) **ORDER DISQUALIFYING**
FOR PERMIT NO. 63-32061 IN THE) **HEARING OFFICER AND**
NAME OF SUNCOR IDAHO, LLC.) **VACATING PREHEARING**
_____) **CONFERENCE**

The Applicant, Suncor Idaho, LLC, having filed a *Notice of Disqualification Without Cause of Hearing Officer* on October 7, 2005, to disqualify Hearing Officer Peter R. Anderson without cause, which complied with the requirements of I.C. § 67-5252 and IDAPA 37.01.01.412, and there appearing no other motions to disqualify a hearing officer without cause in the record, it is **ORDERED** that Hearing Officer Peter R. Anderson is disqualified without cause and the prehearing conference set for October 20, 2005, is **VACATED**. This matter shall be returned to the Idaho Department of Water Resources for further action.

Dated this 13th day of October, 2005.



Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2005, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616

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 E-mail

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 E-mail


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resource

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR IDAHO, LLC.)
_____)

**NOTICE OF
PREHEARING CONFERENCE**

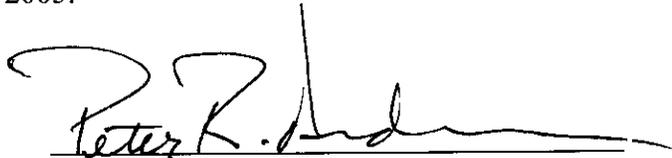
The Department of Water Resources has scheduled this matter for an informal prehearing conference as follows:

Date: Thursday, October 20, 2005
Location: Idaho Department of Water Resources
 Conference Rooms C & D
 322 E. Front Street (corner of Broadway and Front)
 Boise, Idaho 83702
 (208) 287-4800
Time: 9:00 a.m.

The prehearing conference will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01.

The prehearing conference will be conducted in a facility meeting the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the prehearing conference.

Dated this 6th day of October, 2005.



Peter R. Anderson
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October, 2005, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616

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Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resource

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR IDAHO, LLC.)
_____)

**ORDER APPOINTING
HEARING OFFICER**

This matter having come before the Idaho Department of Water Resources (department), as a result of protests filed against the referenced application, the department makes the following Order:

ORDER

IT IS THEREFORE, HEREBY ORDERED that Peter R. Anderson is appointed effectively September 26, 2005 to serve as hearing officer, and is authorized to hear this matter on behalf of the Idaho Department of Water Resources pursuant to IDAPA Rules 37.01.01.410-413 and the provisions of chapter 52, title 67, Idaho Code.

Dated this 26th day of September, 2005.



Karl J. Dreher
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2005, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616
 U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616
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 Facsimile
 E-mail

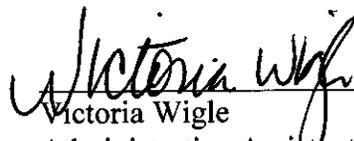
PHILLIP FRY
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 E-mail



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE													
6N	1E	36													M		M	M	
6N	2E	31	M	M	M	M	M		M	M	M	M	M	M	M	M	M	M	
		32											M						
5N	1E	1	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		12	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		13	M	M	M	M	M	M	M	M	M	M			M	M	M	M	
		24	M	M															
5N	2E	5						M	M			M	M						
		6	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		7	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		17						M	M			M	M	M		M	M	M	
		18	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		20	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. application for permit 63-31966

11. a. Who owns the property at the point of diversion? Applicant (see attached letter dated 5/18/04)

b. Who owns the land to be irrigated or place of use? Applicant (see attached letter dated 5/18/04)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: (see attached letter dated 5/18/04)

12. Remarks: See attached remarks

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.

Robert E. Taunton, General Manager
Signature of Applicant (and title, if applicable)

Received by AS Date 1-25-05 Time 10:00 am Preliminary check by 82
 Fee \$ 410- Received by AS # W032549 Date 1-25-05
 Publication prepared by AK Date 5-4+18+5+12-05 Published in ST ✓
 Publication approved AK Date 5-23-05 MI ✓
IW ✓

Remarks. SunCor Idaho, LLC proposes appropriation of 5.0 cfs for municipal purposes to serve the Spring Valley Ranch planned unit development. Municipal uses will include domestic and irrigation for approximately 700 homes, commercial uses at retail and office facilities, fire protection, and other uses. Municipal use may also include seasonal aquifer recharge in the E ½ of Section 1, T5N, R1E. Recharged water would be rediverted from the aquifer for municipal purposes under pending water right permit 63-31966.

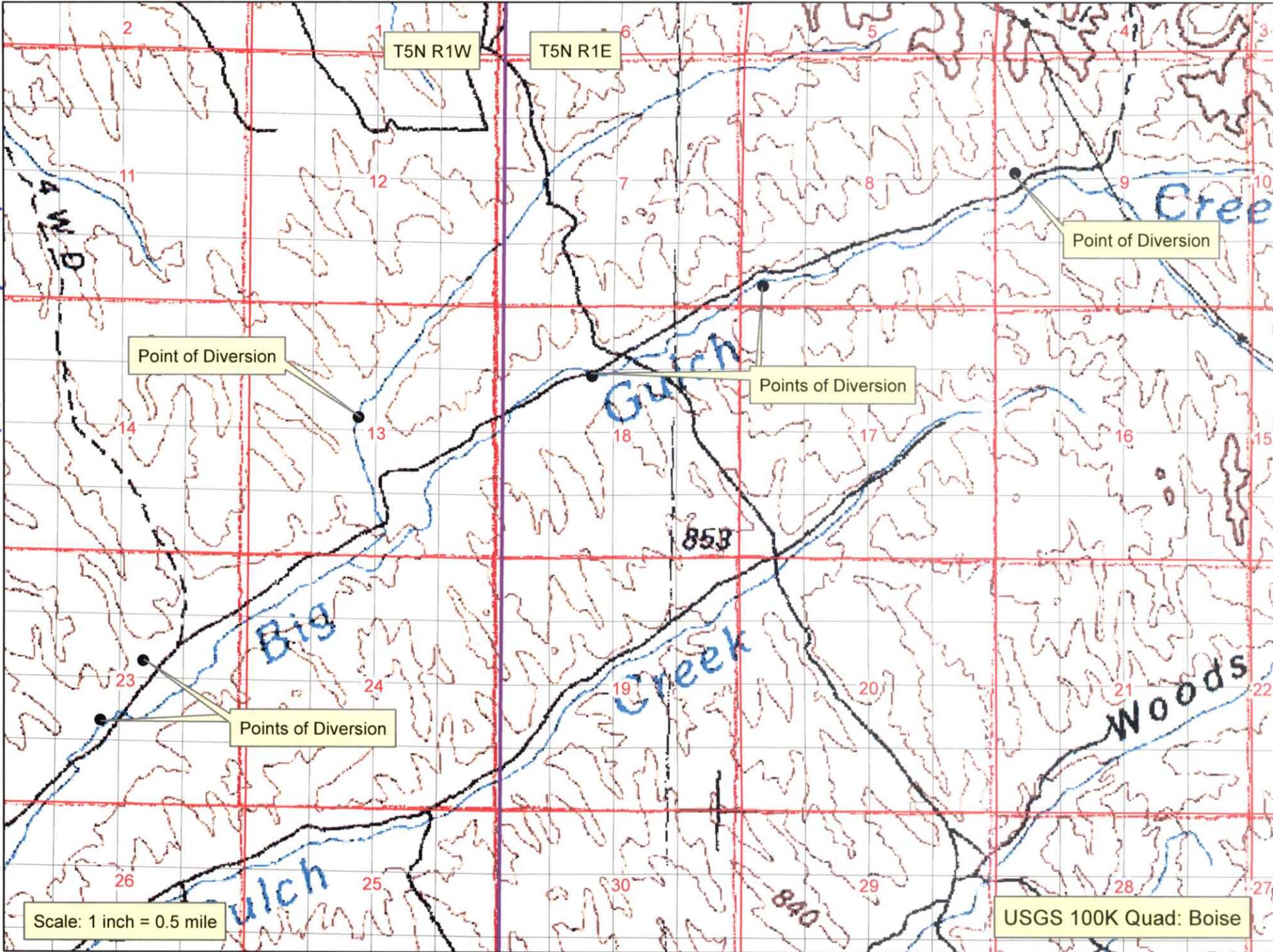
A maximum of six points of diversion are anticipated, although ultimately as few as three wells may be constructed. Well size will be 12-inch to 18-inch diameter. Water-bearing zone to be appropriated is 200 feet to 1000 feet.

SunCor Idaho is forming a water utility (Highland Water Company) that will be regulated by the Idaho Public Utilities Commission. The initial service area proposed for the utility will be the place of use described by this permit. SunCor Idaho anticipates filing with the Idaho Public Utilities Commission an application for Certificate of Convenience and Necessity to serve this area.

The lands within the place of use and at the points of diversion are currently owned or controlled by SunCor Development Company. The place of use is being developed for residential use by SunCor Idaho, LLC. SunCor Development Company is the parent company for SunCor Idaho LLC.

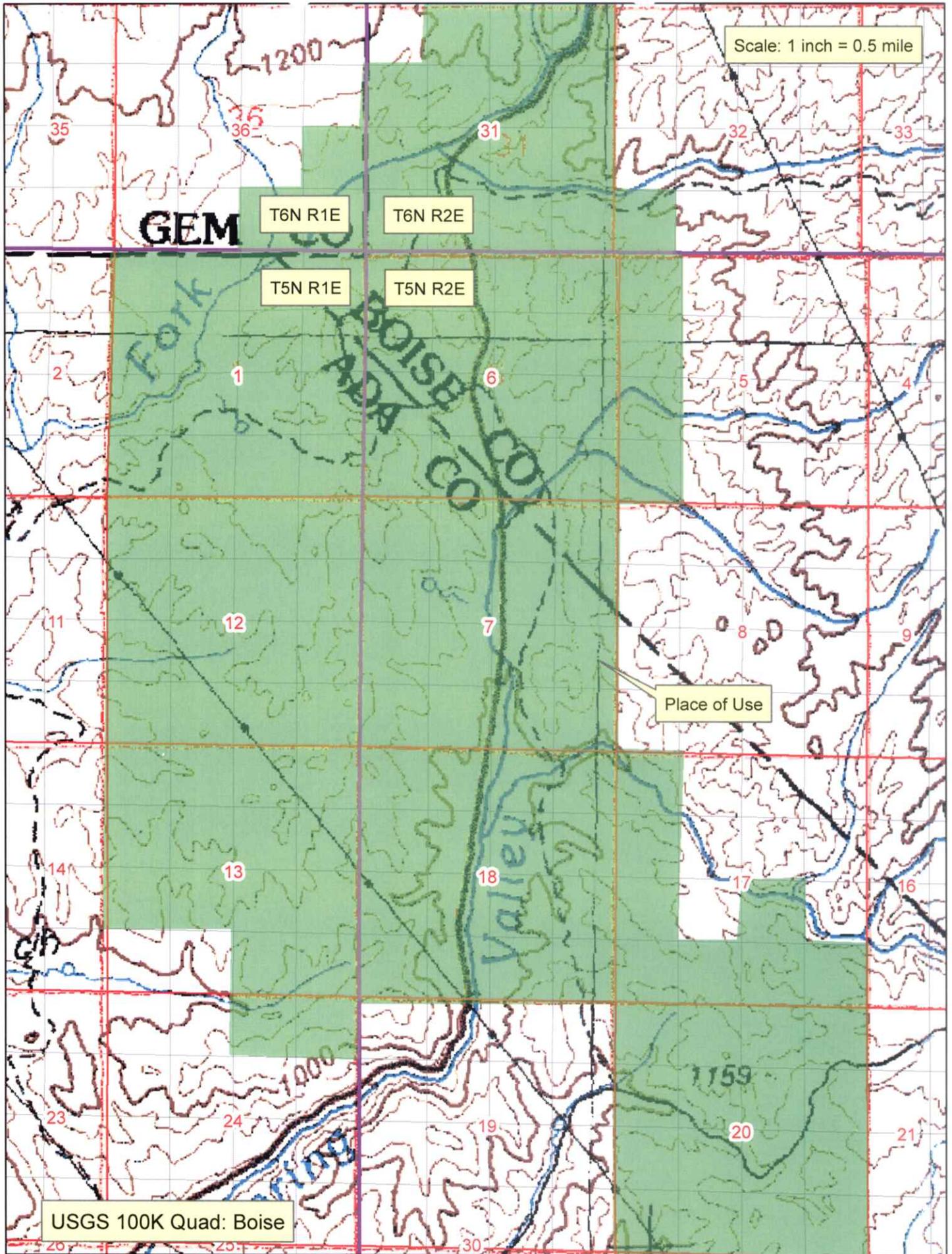
63-32061

No part left - 2/2/15/15
63-32061
PLD



Scale: 1 inch = 0.5 mile

USGS 100K Quad: Boise



Scale: 1 inch = 0.5 mile

GEM

T6N R1E

T6N R2E

T5N R1E

T5N R2E

Fork

BOISE CO

Valley

Place of Use

USGS 100K Quad: Boise

63-32061 P/u



May 18, 2004

State of Idaho
Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Spring Valley Ranch

To Whom It May Concern:

On July 24, 2003 title to the Spring Valley Ranch property was transferred to First American Title Insurance Company, as Trustee, under a dual beneficiary Subdivision Trust Agreement. Under this Trust Agreement the owners of the ranch property, Spring Valley Livestock Company, and the purchaser, SunCor Idaho, LLC, are referred to as the First Beneficiary and Second Beneficiary respectively. The Trust Agreement permits SunCor Idaho, LLC to develop water resources and prepare and submit the water permit application.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Taunton".

Robert G. Taunton
General Manager

63-32061

RECEIVED

MAR 07 2005

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant SunCor Idaho LLC
Mailing Address 485 East Riverside Drive, Suite 300
Eagle, ID 83616
Application No. 63-32061
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Robert G. Taunton

Date

2/24/05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



RECEIVED

MAR 07 2005

WATER RESOURCES
WESTERN REGION

March 3, 2005

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit No. 63-32061- SunCor Idaho, LLC

Dear Steve:

This letter is a response to the five bullet points listed in your letter of February 18, 2005.

1. Thanks for catching our error on the point of diversion description. You are correct. The point of diversion should be described as the SWNE of Section 23 rather than the SENE of Section 23. I'll come in to the office and make the change.
2. I have enclosed a signed "Request to Process" form.
3. With regard to groundwater flow direction, I have enclosed a contour map of groundwater levels that we prepared based on water levels in wells in the area between Eagle and Pearl (Figure 1). Of our six proposed diversion points shown on the contour map, the four northernmost points are clearly tributary to the Payette River. The two southernmost points of diversion (in Section 23) are more likely tributary to the Payette River than the Boise River, but the data are not adequate to say with absolute certainty.
4. We anticipate that the water proposed for appropriation will be available from the aquifer on a sustainable basis. Under a highest use scenario (continuous pumping of 5 cfs, 24 hours per day, 365 days per year), the total volume pumped under the permit could be 3,620 acre feet per year. The basin area tributary to the aquifers proposed for appropriation appears to be the Willow Creek drainage above Highway 16, and the Big Gulch and Little Gulch drainages north of the boundary between townships 4 North and 5 North. Total annual precipitation in this area is approximately 70,000 acre feet (Figure 2). If we assume that 5 percent of the annual precipitation within this area is available for groundwater recharge, the precipitation will supply 3,500 acre feet to the aquifer annually. Recharge will occur as direct infiltration of precipitation on lands above the aquifer, leakage from the stream beds of Willow Creek, Big Gulch, leakage from the reservoir on Willow Creek, and grc the tributary basin to the north.

*add'l info
for 2/28/05
inquiry*



RECEIVED

JAN 25 2005

WATER RESOURCES
WESTERN REGION

January 23, 2005

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Water Right Permit – SunCor Idaho, LLC

Dear Steve:

Enclosed on behalf of SunCor Idaho LLC is an application for water right permit associated with SunCor's Spring Valley Ranch planned community in northern Ada County. The application proposes appropriation of 5.0 cfs of groundwater for municipal purposes.

Up to six points of diversion are proposed. SunCor has drilled test wells at three of these sites, but we anticipate that new wells would be drilled for production purposes. All of the diversion points are located in Big Gulch, approximately 4 to 8 miles west of the proposed place of use in Spring Valley. A pipeline is proposed to convey the water to Spring Valley

The water proposed for appropriation under this application will supplement water proposed for appropriation under pending application for permit 63-31966. Application 63-31966 proposes development of aquifers in the Spring Valley area that have adequate productivity to meet demand peaks, but might not be able to sustain long-term production at the proposed 5.0 cfs diversion rate. The water proposed for appropriation under the enclosed application will be used directly in the public water system proposed to serve the Spring Valley planned community, and will also be used in an aquifer storage and recovery system located in the E ½ of Section 1, T5N, R1E. Water recharged would be recovered from the aquifer under pending application 63-31966.

A check for \$410 is enclosed to the cover filing fee for the 5 cfs water right permit. Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Bob Taunton – SunCor Idaho, LLC
Al Barker – Barker Rosholt Simpson

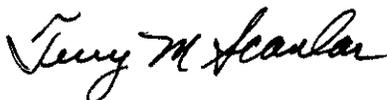
Other potential sources of recharge to the aquifer are leakage from the Farmers Union Canal to the south and the Black Canyon Canal to the northeast. Both canals are perched above the water table, so we assume that they leak and provide significant recharge to this area. The bottoms of both canals are 50 to 100 feet above the water table, so additional groundwater pumping will not induce additional losses.

The groundwater contours demonstrate that recharge that reaches the aquifer cannot flow south toward the Boise Valley. As a result, recharge from the upland areas in the Willow Creek drainage is captured by the aquifer beneath Willow Creek and Big Gulch, with discharge northwesterly toward the Payette River Valley.

Additional information that indicates that groundwater is available for appropriation in this area is water-level monitoring at the Lynn Ranch along Willow Creek between Highway 16 and the confluence of the North Fork and South Fork Willow Creek. Water levels have been monitored at the Lynn Ranch (T5N, R1W, Section 3) since 1993 with no evidence of water level decline (Table 1).

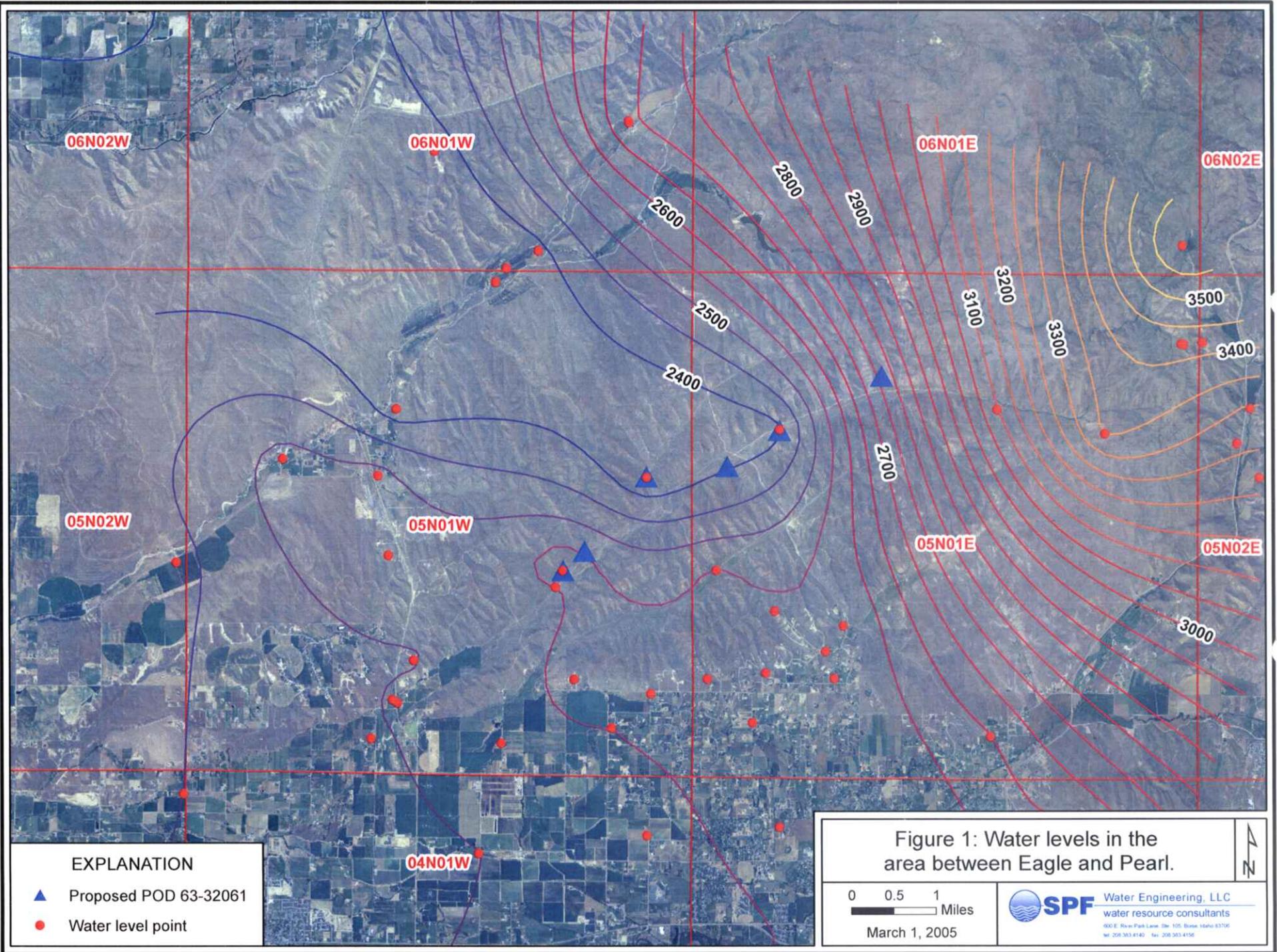
5. With regard to methods to avoid injury to other water rights, we believe that water-level monitoring is the most appropriate action. SunCor has existing test wells in the area that can be utilized for monitoring purposes. Note that there are essentially no existing wells or groundwater rights in the near vicinity of the proposed points of diversion, except for stockwater wells associated with Spring Valley Ranch. As a result, direct well interference should not be an issue. However, water-level monitoring is appropriate to ensure that long-term water-level decline is not occurring under the proposed permit or future permits.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Bob Taunton – SunCor Idaho, LLC
Al Barker – Barker Rosholt Simpson



EXPLANATION

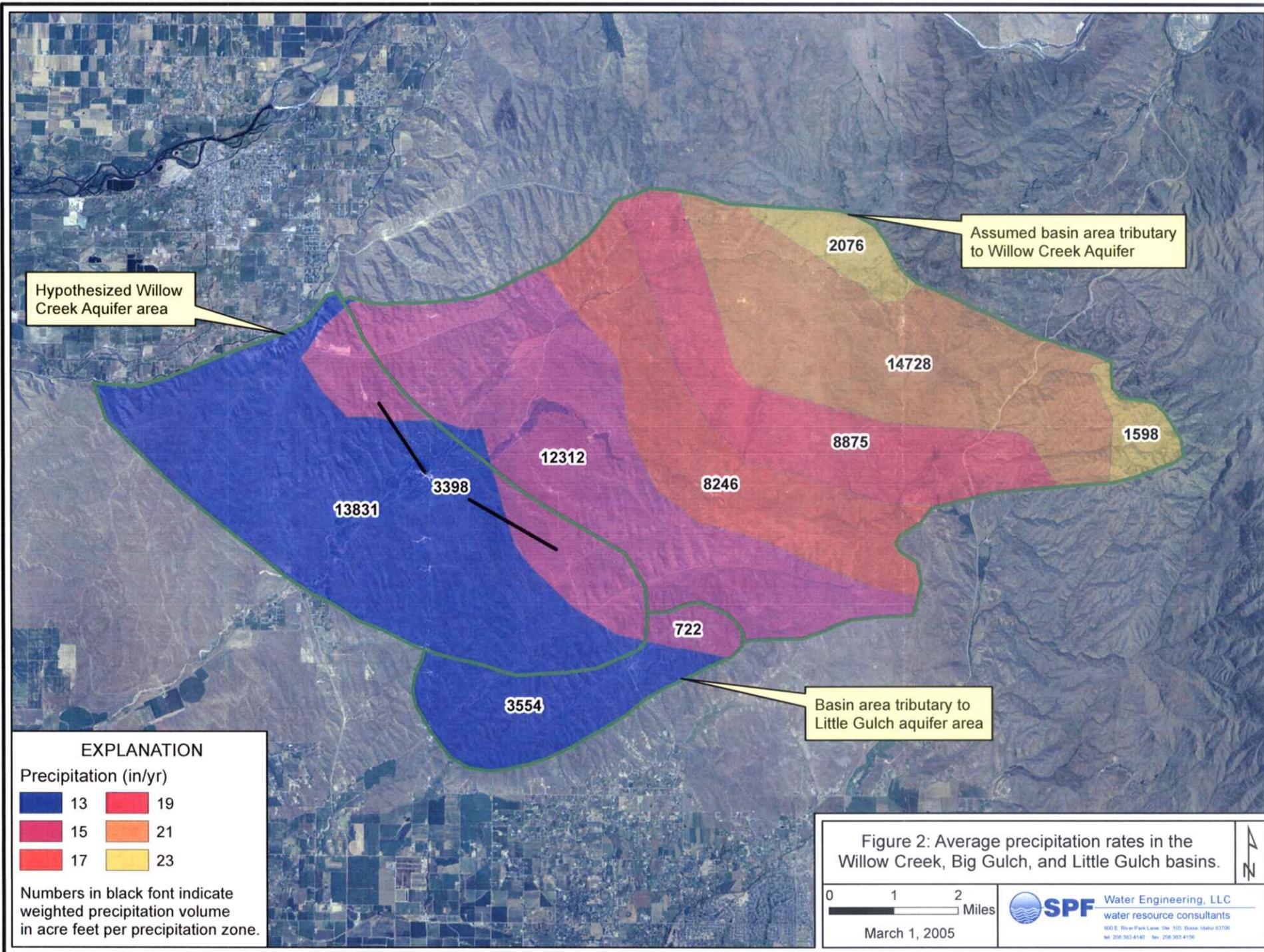
- ▲ Proposed POD 63-32061
- Water level point

Figure 1: Water levels in the area between Eagle and Pearl.

0 0.5 1
Miles
March 1, 2005

 **Water Engineering, LLC**
water resource consultants
800 E. River Park Lane, Ste. 105, Boise, Idaho 83706
Tel. 208.363.4140 Fax. 208.363.4156





Hypothesized Willow Creek Aquifer area

Assumed basin area tributary to Willow Creek Aquifer

2076

14728

1598

8875

12312

8246

3398

13831

722

3554

Basin area tributary to Little Gulch aquifer area

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
9/9/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
1/22/1995	395.32	394.25	382.23
3/24/1995	395.48	394.29	382.78
5/21/1995	397.28*	394.66*	382.53
8/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
3/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
3/26/1997			381.51
10/18/1997	395.15	394.55	383.15
4/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
3/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
3/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24
3/24/2001	395.33	394.92*	382.10
10/30/2001	394.78	**	381.65
3/21/2002	395.73		382.11
10/31/2002	397.44*		383.66
3/10/2003	396.44		382.67
3/24/2004	396.48		382.99

* recovering slowly from recent pumping

**sounding tube removed during well repair



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
Director

February 18, 2005

TERRY SCANLAN P E
SPF WATER ENGINEERING LLC
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Permit No. 63-32061 for SunCor Idaho LLC

Dear Terry:

SunCor's second application is noted above. Processing of the application can continue as outlined in this letter. Two categories of information are discussed for your consideration.

Information needed prior to legal notice

- The application lists one of the points of diversion in SENE Section 23. The map locates this point in SWNE Section 23. The application should be amended to correct this discrepancy. Perhaps the easiest way to do that is by making the correction on the original application form.
- ✓ • A "Request to Process" form is needed. The last option on that form is probably the most appropriate for this situation. A blank form is enclosed.

Information needed after legal notice but prior to department decision

Most of the information normally sought for this type of application was already provided in SunCor' previous application (63-31966). The following information is needed before the department can issue a decision on Application 63-32061.

- ✓ • Tributary - Is the source tributary to the Payette River or to the Boise River? Your previous information in Application 63-31966 hinted that the well field proposed for Application 63-32061 might include ground water tributary to the Payette River.
- ✓ • Water Supply – Please provide information that the amount of water proposed in the application is available from the aquifer on a sustainable basis.

Application for Permit No. 63-32061
February 18, 2005
Page 2

- Injury - What design and/or operation features will be used to minimize impacts on other water rights with respect to the area selected for drilling new wells?

The application can be advertised once the necessary information under the first topic is provided. Please submit the remaining information under the second topic within ninety (90) days from the date of this letter. Alternately, the applicant can request an interruption of processing for up to six (6) months if more time is needed. The application will be removed from IDWR records without a timely written reply.

Please let me know if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure



RECEIVED

MAR 07 2005

WATER RESOURCES
WESTERN REGION

March 3, 2005

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit No. 63-32061-- SunCor Idaho, LLC

Dear Steve:

This letter is a response to the five bullet points listed in your letter of February 18, 2005.

1. Thanks for catching our error on the point of diversion description. You are correct. The point of diversion should be described as the SWNE of Section 23 rather than the SENE of Section 23. I'll come in to the office and make the change.
2. I have enclosed a signed "Request to Process" form.
3. With regard to groundwater flow direction, I have enclosed a contour map of groundwater levels that we prepared based on water levels in wells in the area between Eagle and Pearl (Figure 1). Of our six proposed diversion points shown on the contour map, the four northernmost points are clearly tributary to the Payette River. The two southernmost points of diversion (in Section 23) are more likely tributary to the Payette River than the Boise River, but the data are not adequate to say with absolute certainty.
4. We anticipate that the water proposed for appropriation will be available from the aquifer on a sustainable basis. Under a highest use scenario (continuous pumping of 5 cfs, 24 hours per day, 365 days per year), the total volume pumped under the permit could be 3,620 acre feet per year. The basin area tributary to the aquifers proposed for appropriation appears to be the Willow Creek drainage above Highway 16, and the Big Gulch and Little Gulch drainages north of the boundary between townships 4 North and 5 North. Total annual precipitation in this area is approximately 70,000 acre feet (Figure 2). If we assume that 5 percent of the annual precipitation within this area is available for groundwater recharge, the precipitation will supply 3,500 acre feet to the aquifer annually. Recharge will occur as direct infiltration of precipitation on lands above the aquifer, leakage from the stream beds of Willow Creek, Big Gulch, and Little Gulch, leakage from the reservoir on Willow Creek, and ground water inflow from the tributary basin to the north.

SCANNED

Idaho Department of Water Resources Receipt

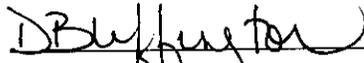
Receipt ID W032549

Payment Amount Date Received Region Status
 Payment Type Check Number

Payer
 Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$410.00	PERMITS	0229	21	62103	1155


 Signature Line (Dept. Representative)

**NOW
STARTING
RIGHT
SIDE OF
FILE**

RECEIVED

JAN 26 2006

DEPARTMENT OF
WATER RESOURCES

North Ada County Foothills Association – 855 Stillwell – Eagle, Idaho 83616 – www.nacfa.net

Mr. Karl J. Dreher P.E.
Director, Idaho Department of Water Resources

January 25, 2006

Mr. John Westra
Western Regional Manager, Idaho Department of Water Resources
322 E. Front Street
Boise, Idaho 83720-0098

Subject: Request for Comprehensive Groundwater Resource Evaluation
and Consideration of New Water Rights Moratorium

Dear Gentlemen:

I am writing on behalf of the North Ada County Foothills Association (NACFA), a group of concerned citizens who reside primarily in northern rural Ada County. NACFA's specific area of interest comprises roughly 31,000 acres bounded by Beacon Light Road (south), the Ada/Gem county line (north) and State Highways 16 (west) and 55 (east). The land is largely undeveloped arid rangeland, used historically for grazing. Over the past two years, much of the property has been purchased by private developers who have begun surveying for large-scale residential developments. Simply put, we are troubled by the increased groundwater demand and new water right appropriations by IDWR.

NACFA members wish to avoid the almost certain conflict that will arise when existing users, who hold senior water rights and are reliant upon groundwater for domestic, livestock, and irrigation purposes, experience well failures. Groundwater is a **critical** and **finite** resource and very little information currently exists in the North Foothills area about the size and condition of the aquifer(s) and its carrying capacity.

For this reason, NACFA recently protested SunCor's water rights Permit Application No. 63-32061 which, if granted by IDWR, will entitle SunCor to withdraw 5 cfs (over 3 million gallons / day) for Phase I of their Avimor project, some of which will come from wells located within NACFA's area of concern. As part of their application, SunCor submitted a limited groundwater resource study to IDWR which concluded that their water withdrawals will not negatively impact existing users.

While NACFA has remaining questions about certain assumptions and conclusions drawn in the report, the group withdrew the water rights protest because SunCor agreed to implement a 10 year static groundwater level monitoring effort of 8 NACFA member wells. Hopefully this monitoring will provide useful information. However, we recognize that the direct impact of SunCor's water withdrawals may be ill-defined due to co-mingled effects of unrelated but significant water development by others.

Our resolution with SunCor is not viewed as a victory, but rather as a practical first step forward. Importantly, it does not address “next steps” in the event SunCor’s water withdrawals are shown to negatively impact existing water users.

For NACFA and other lay persons, Idaho’s water right protest process is time consuming and complicated – technically, administratively, and legally – and it is cumbersome to deal with each new application, protest, and resolution in a piecemeal way. Instead, we believe IDWR, as the knowledgeable entity responsible for holding our public trust, should take all necessary and appropriate action to prudently manage this critical resource by thoroughly understanding the cumulative effects of groundwater withdrawal based on sound scientific principles and best management practices.

Impending development in the North Foothills area presents just such an opportunity for a more proactive approach to the water question - one which looks into the future and uses solid science to develop sensible, verifiable principles of water management. We believe the need for a comprehensive, third party hydrogeologic modeling effort is a vital step in the process. We are supported in our belief by nearly 250 Treasure Valley residents, evidenced by the attached NACFA-sponsored petition which urges you to:

- conduct a comprehensive hydrogeologic modeling study in our area;
- define the carrying capacity of our aquifers; and
- develop a water budget for the North Foothills based on the modeling results.

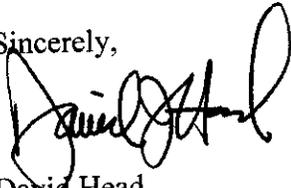
We believe it only makes sense to determine how many new houses the aquifer(s) can support *before* any substantial water rights are granted to new applicants, thus avoiding the sorts of over-allocation problems now being experienced in Mountain Home, the Snake River Plain, and many other areas. Acting in its capacity as the lead agency, IDWR should anticipate the need for continued well monitoring and reporting, inspection, enforcement and mitigation to senior water right holders who may be negatively impacted by future water withdrawals.

We also think a moratorium on new water rights in our area of interest is a reasonable action until such time as adequate study is undertaken and a water budget established. To the extent financial resources are a limiting factor, we ask that you aggressively seek such funding from the legislature and/or through increased developer fees. However it is funded, the study should start as quickly as possible.

You know better than we the incredible pressure of growth on Treasure Valley resources. The single limiting factor on this growth, one that can’t be fixed easily even with unlimited revenue, is the availability of water. Please act now in the public trust to ensure that North Foothills development occurs only if sufficient water resources exist. The preservation of existing residents’ quality of life and assurance of the same standard for newcomers to our region demands it.

Thank you for your serious consideration of our request.

Sincerely,



David Head
Chair, NACFA Water Resources
855 W. Stillwell Drive
Eagle, ID 83616
(208)939-9900
head@firstsourceidaho.com

cc: Governor Dirk Kempthorne
Senators Brad Little, Hal Bunderson
Representative Stan Bastion
Mayors: Dave Bieter, Tammy de Weerd, and Nancy Merrill
Commissioners: Judy Peavey-Derr, Fred Tilman, and Rick Yzaguirre

See: John Westra 1/27/06. *dy*

**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s)

- | Name: | Address: | Phone: | Email address: |
|----------------------------|--------------------------------------|-----------|---|
| 1. Merina Sprade | 457 E Beacon Light Rd | Eagle Id | |
| 2. M J Ags | Man Frances Agrusa 2631 W Conifer Dr | Eagle | 2089383306
franciagrusa@
cableone.net |
| 3. R. A. KENNY | 252 EAGLE GLEN LN | EAGLE | 19891218 |
| 4. MARCUS CARDOZA | 7421 BAY MEADOWS DR | NAMPA ID | 83657 466-2497 |
| 5. Dwight Williams | 655 E. Kingsford Dr | Meridian | ID 83642 887.6473 |
| 6. Joan Hall | 260 Eagle Glen, | Eagle, ID | 83616 |
| 7. Nora Pippin | 164 Lucy Ct, | Eagle, ID | 83616 |
| 8. Mary Ciancia | 3543 W. Stanwick Dr. | Meridian | 83642 |
| 9. Phil Prance | 3543 W. STANWICK Dr | Meridian | 83642 |
| 10. Heidi A Gorman | 3575 N. Brookside Ln. | | (83714) |
| 11. Kay Madary | 16 Idaho St. | Eagle, ID | 83616 |
| 12. Paul Wright | 2418 N Severnook St | Eagle | ID 83616 |
| 13. Melaney Johnson | 1456 W. Yellowstone | Eagle | ID 83616 |
| 14. Shari Adams | 176 N Moraine Ave | Eagle | ID 83616 |
| 15. Linda Erom | 368 N Taylor St | Eagle | ID 83616 |
| 16. Clint Greene | 3261 N. Spiceland | Boise | Id 83704 |

**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

Line No.	Name (One name per line)	Address	Phone No.	E-mail Address
1.	Tina Vucinich	1483 Blue Jay Pl.	931-3280	
2.	DARYL WATSON	5152 N. JAMIECAN, ^{EAGLE ID}	939-8174	
3.	Roni Atkins	^{EAGLE, ID} 1107 Pebble Beach	939-9625	
4.	Janece Costello	300 Dickey Dr	939-9904	
5.	Wendy Costello	307 Dickey Dr ^{Eagle}	939-0904	
6.	Robert E Atkins	1107 Pebble Beach	939-9625	
7.	Lindsay Clark	^{Eagle} 712 W. Koranale	939-1198	
8.	Lenny E. Clark	^{Eagle} 712 W. Koranale	939-1198	
9.	PAUL LONG	14140 W. BATTENBERRY BOULE, #37B	939-3476	
10.	Steve Yundt	950 N. Edgewood EAGLE ID	938-0779	
11.	Maureen E. Ford	2292 E. Crestland EAGLE, ID 83616	939-3075	
12.	Paula	2511 CHAMBERLAIN DR ^{EAGLE ID}	939-4374	
13.	Jeff Whitehead	2467 W. DITCH CREEK MERIDIAN 83642	857-5408	
14.	Rik Halstreen	5544 MENDELSON MERIDIAN 83642	855-0577	
15.	Steve Crane	845 N. Nicklaus Ln. Eagle ID 83616	939-1197	
16.	MARK D ADAMSON	1809B PURPLE SAGE RD MIDDLETON ID	585-2931	

**A Petition to the Idaho Department of Water Resources
For Aquifer Study - North Ada County Foothills Assoc.**

Signature Page(s) - ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|-----------------------------|-----------------------------------|--------------|-------------------------|
| 1. Kati Carberry | 1637 N. Trellis | 939-0391 | Carb4553@uidaho.edu |
| 2. Anna MYATT | 1046 No SWEad | 939-1647 | |
| 3. Pat Richards | PO. Box 118, Eagle, Id. | 340-1959 | |
| 4. Mike Hodge | 362 Pebble Beach Way Eagle, Idaho | 83616 | |
| 5. Amber Shaw | 1152 MARSH HAWK RD | 939-041-0038 | amby-420@Hotmail.com |
| 6. Lela C. Olsson | 655 E STEE ST | 938-0603 | |
| 7. Walk H Meyer | 4640 N Skyline Dr, Eagle | 939-0504 | |
| 8. Sue Carberry | 1637 N. Trellis | 939-0391 | |
| 9. Barb Gustin | 3675 Deerfield Pkwy | 939-3220 | |
| 10. Nancy Braun | 2140 E. Palia Ct Eagle | | braunmar2@uidaho.edu |
| 11. Lee Roy / Billie Mellie | 6860 Writ St | | EAGLE ID 83616 |
| 12. LARRY HELLEKSON | 305 Yellow Pine Eagle | 939-0355 | |
| 13. LARRY JONES | 906 Eagle hills way | 9388587 | |
| 14. MARGUERITE MASON | PO BOX 985 EAGLE | 939-1124 | MARGUERITE@VELOCITY.NET |
| 15. Heather Pinder | 3833 W Holly Mountain Dr. Eagle | 939-7034 | |
| 16. MICHAEL J. SIEGER | 1155 STEEPLE VIEW DR EAGLE | 9397306 | |
| 17. Cory Brestler | " | " | " |
| 18. [Signature] | " | " | " |
| 19. Thomas Bright | 1640 N. KENWOOD PL EAGLE | 938-5517 | |

**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|-------------------------|----------------------------|-----------------|----------------------------|
| 1. Menefee | 3332 W. Flano Dr | 83616 | 939 9838 |
| 2. Jason Hall | 192 Taylor St. | Eagle, ID 83616 | 283-8116 |
| 3. Sandra Frymire | 2245 W. floating feather | 83616 | 939-3985 |
| 4. BRIAN & MARK MC CALL | 2396 W. Volli N. | | 939-8293 |
| 5. Steve Seinger | 4425 W. AZURE TERN LN | | 939 4551 |
| 6. ALAN STEVENS | 2904 N. SNOWBIRD MER | | 848-4011 |
| 7. KEVIN PARKER | PO BOX 190554 | BOISE | 867-6422 |
| 8. E H PUTTS | 755 N. PALMETTO DR. | CHLLO | 935 4804 |
| 9. Montague R.K. | 583A Manita St. | Eagle ID | 861-0602 |
| 10. Bruce A. Priddy | 460 Mission Ct. | Eagle, ID 83616 | 939-5051 |
| 11. Amy Jordan | 5648 Drawbridge Boise | | BOISE rades.net
2010.11 |
| 12. ANNE CRISWELL | 9155 S. BIRCHMOUNT DR | 83616 | 286-0710 |
| 13. Joan A Clark | 4744 N. Bannock, Eagle, ID | 83616 | 939-7353 |
| 14. Karen MacCarty | 399 W. Oakharper Dr. | Eagle ID 83616 | 938-5757 |
| 15. Tom Reppmiser | 3051 Terra Du Boco, ID | 83709 | 3622299 |
| 16. Debra Dell | 1620 N. Ellington Way | Eagle 83616 | |

**A Petition to the Idaho Department of Water Resources
For Aquifer Study - North Ada County Foothills Assoc.**

Signature Page(s)

Name:	Address:	Phone:	Email address:
1. <i>Lynda Bennett</i>	3505 NEAGLE RD	939-8973	
2. <i>Vivian Bennett</i>	3505 N. EAGLE RD	939-8973	
3. <i>[Signature]</i>	1440 N. VINEYARDS AVE	887-7877	
4. <i>Cass Somers</i>	1440 N. Vineyards Ave	887-7877	
5. <i>Joan E Lyon</i>	351 Knob Hill CT	939-6820	
6. <i>Robert Lyon</i>	351 Knob Hill CT	939-6820	
7. <i>Howard Raelling</i>	10575 Skunk Cr Rd		
8. <i>Shirley Raelling</i>	Skunk Cr Rd	382-4741	
9. <i>Robert Hiest</i>	5035 Willow Creek Rd	939-0719	
10. <i>Alaysia West</i>	5035 Willow Creek Rd	939-0719	
11. <i>Charles Russell</i>	350 Stillwell	938-1160	
12. <i>Barbara Russell</i>	350 Stillwell Dr.	938-1160	
13. <i>Bonnie Peer</i>	4674 Willow CK Rd	939-8668	
14. <i>DG Peer</i>	4674 Willow CK Rd	939-8668	
15. <i>[Signature]</i>	4560 N Willow CK Rd	938-1457	
16. <i>Judie Hacker</i>	4560 N Willow CK Rd	938-1457	

**A Petition to the Idaho Department of Water Resources
For Aquifer Study - North Ada County Foothills Assoc.**

Signature Page(s)

- | Name: | Address: | Phone: | Email address: |
|----------------------|-------------------|-------------|------------------------|
| 1. Walter P. DeWitt | 455 Stillwell Pl | 939-4561 | 455 Willow CR Rd Eagle |
| 2. Lucille Stillwell | | 939-4601 | 455 Willow CR Eagle |
| 3. Carl Cuyper | 212 W 46th Blvd | 3383233 | |
| 4. Roy Viken | 1400 LIZARD | Boise 83709 | 376-9378 |
| 5. Gary Davis | 3553 Hansen | Boise 83703 | 343-3525 |
| 6. Edre Stewart | 479 Cobblestone | Eagle 83616 | 939-8477 |
| 7. David Stewart | 7235 Knoll Hill | Boise 83707 | 323-5262 |
| 8. Fred Jones | 459th Street | Boise 83706 | 311-1875 |
| 9. Dennis Kuntz | 1647 N. Chaucer | Eagle 83616 | 939-6595 |
| 10. Coline Stewart | 1647 N Chaucer | Eagle ID | 939-6595 |
| 11. Carrie Durham | 7170 Hwy 44 | Star, ID | 836609 |
| 12. Male Schenk | 410 N. Linden Rd | Eagle Id | |
| 13. Donna Strider | 725 Park Lane | Eagle ID | 836606 |
| 14. Donna Strider | 725 Park Lane | Eagle ID | 836606 |
| 15. Marie Jones | 365 Knoll Hill Ct | Eagle Id | 836616 |
| 16. Wilbur Jones | 365 Knoll Hill | Eagle Id | 836616 |
| | | 939-0776 | |

**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|---------------------|------------------------|-------------------|-------------------|
| 1. MICHELLE WADDELL | 12590 SCHICK'S RIDGE | 83714
229-1211 | emdcub7@yahoo.com |
| 2. Edward R Siemer | 12590 Schick's Ridge | 2291211 | |
| 3. C. Brooks | 1821 North Eagle Road | 9395765 | |
| 4. Vicki McFadden | 873 N Woodvalley Pl | 938-5147 | |
| 5. Caroline White | 2797 N. Snow Goose Way | 412-8914 | |
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|-----------------------|--------------------------|-------------------------|--------------------------|
| 1. Court Benkelman | 3812 No. Bayou Lane | Boise, 853-7925 | |
| 2. Darryl Cernusak | 3580 Triple Ridge PL, | Eagle 939-9330 | _____ |
| 3. Jeremy Percek | 11033 Madinwood Dr. | Boise, ID 323-6090 | |
| 4. Larain Pirtle | 333 S Kentral PL | 362-4390 | |
| 5. TERE Albanese | 98 West Grove Path Lane, | Eagle ID 836/6-938-5033 | |
| 6. Carina Dewitt | 12772 N. SCHICKS | 208 631 5110 | carinadewitt@hotmail.com |
| 7. Christopher Wilson | 877 N. S. road | 938-5541 | cwilson35@hotmail.com |
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A Petition to the Idaho Department of Water Resources For Aquifer Study - North Ada County Foothills Assoc.

Signature Page(s)

- | Name: | Address: | Phone: | Email address: |
|-------------------|--------------------|----------|----------------------------|
| 1. Cordee Nord | 2210 Crabbens St | 375-1688 | |
| 2. Jim Nord | 2210 Crabbens St | 375-1688 | |
| 3. Lexi Esposto | 354 N. Cove Colony | WY | lexiesposito@
yahoo.com |
| 4. Jesse C. Conry | | 4 11 4 | |
| 5. Marva Wertz | 4330 N. Edelweiss | 375-5241 | Marva_wertz@msr.co |
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

Name:	Address:	Phone:	Email address:
1. Anne M. Carron	11026 Culldesac Way	939-2381	Carronpumpwater@A
2. Steve R. Carron	11026 Culldesac Way	939-2381	" " "
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

Name:	Address:	Phone:	Email address:
1.	Sonny Hornbecker	922-41341	lonepine@vnet.net
2.	Martha McMurray	939-7806	marthaemcmurray9
3.	M.K. McMurray	939-7806	MIKEKMcMurray@aol.com
4.	M.D. (Mitch) Groothuis	938-1613	growth@aol.com
5.	Stoni Anderson	939-8992	gapippin@directway.com
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|------------------------------------|-----------------------------------|----------------------|--------------------------|
| 1. Patti Dubie | 4310 N. Linder | 9390225 | dubie @ bitsmart.net |
| 2. Joyce Jackson | 3953 ^{Boise} Brookside | 939-8656 | v-digit@worldnet.att.net |
| 3. Karen Luke | 2491 W. BRISBANE CT. | 939-8126 | doublekr3@CS.COM |
| 4. Harold ^{Eagle} Edwards | 825 Franklin DR | 938- 2440 | H/edwards2@juno.COM |
| 5. Angela R. Howell | 3875 N Triple Ridge Ln., Eagle ID | 939-8332 | d7Lan@
yahoo.com |
| 6. Terry Robbins | 4350 Camelback #200, Phoenix, AZ | | grobbs@m3comp.com |
| 7. Earl Silverstein | 3096 Hill | 939-7292 | |
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s)

- | Name: | Address: | Phone: | Email address: |
|--------------------|--------------------------|----------|--------------------------|
| 1. Karen Niederhut | 5541 Willow Cr. Rd | 939-5889 | timgeary 83616@yahoo.com |
| 2. Maureen Boyle | 3109 healie Dr. | 887-6730 | MAUREEN@CAPLEONE.NE |
| 3. Kay Congdon | 12258 Lonnie Ln
Kuna | 83634 | 362-4594 |
| 4. Jeff Lund | 3670 Brookside | 938-4687 | |
| 5. Jeff Eider | 1148 W. Osprey Ridge Dr. | 938-2017 | |
| 6. Sheryl A. Long | 5377 N. HONDE LN. | 939-4439 | |
| 7. Paul Miller | 705 W. Quarter Dr. | 939-6610 | Ward Id @ MSN. Com |
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

- | Name: | Address: | Phone: | Email address: |
|------------------------|----------------------------------|----------|---------------------------|
| 1. Sharon Prindle | 2731 N. HOLLYBROOK
EAGLE, ID. | 938-7188 | QHORSES@MINDSPRING.ec |
| 2. Jim S Prindle | " | " | " |
| 3. Judy Banducci | 2550 Hill Dr | 930-2223 | jbanducci@speechnet |
| 4. SOE SPARO | 4720 WILLEN LN.
EAGLE ID | | quidnet |
| 5. MICHAEL J. BROWN | 484 S. WATERTON
EAGLE ID | | TREALESTATEND1@MSN.COM |
| 6. DANIEL NELSON | 5584 N. HIGH COUNTRY WY.
STAR | | PT17AV8R@COX.NET |
| 7. Jane Wright | 12744 W. Lanktree | Sar ID | S |
| 8. Don Stockton | 2370 W. Valli-Ar,
Eagle | | |
| 9. Sue Stadler | 8425 Spring Creek Way | 939-7160 | suestadler@mindspring.com |
| 10. Janet Franden | 2300 E Buckskin Ct
Eagle | 938-1413 | JKF@cableone.net |
| 11. Claudia Fernsworth | 8088 Beacon Ln
Bolsa | 83214 | |
| 12. | | | |
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| 16. | | | |

**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s) – ONE NAME PER LINE

Line No.	Name (One name per line)	Address	Phone No.	E-mail Address
1.	WALTER COSA/16	300 Pichey Dr	939 0904	
2.	Ed Scott	439 S. Wooddale Ave	938-5663	
3.	Jim Prendergast	1342 Snead	333-6203	
4.	Tom McGlocklin	10745 Ridgeway Rd, Middleton	585-3527	
5.	Jim Rowe	1044 Les Luccas ^{Engl}	934-1159	
6.	Wally Jaffe	617 N. Carswell ^{Star}	286-0783	
7.	BANDRA ORLOVICH	4469 N. Waterfront Way, Boise, ID 83703	336-0402	
8.	Nendi O'Neill	23086 Alderwell ^{Bud}	938-2494	
9.	Quinn J. Jylough	3617 Sugar Creek ⁸³⁶⁴²	887-2021	
10.	Shawn D. Buford	2199 W. Zorony Dr Meridian, ID 83642	846-9806	
11.	Kim Sherrer	PO Box 464 Emmett, Id 83617	365-1426	
12.	Shirley Watson	5152 N Jamiekey	939-8174	
13.	Richard Metzger	Eagle ID WA 725 W. Stillwell Dr.	938-2727	
14.	Donna Metzger	Eagle, Id, 83616 725 W Stillwell Eagle, Id	938-2727	
15.				
16.				



**A Petition to the Idaho Department of Water Resources
For Aquifer Study – North Ada County Foothills Assoc.**

Signature Page(s)

- | Name: | Address: | Phone: | Email address: |
|---------------------|--|--------------|--|
| 1. Steve Moore | 4821 N. Smoky Ridge Ln.
Eagle, ID 83616 | 208-939-7134 | swmoore25@earthlink.net |
| 2. Joe Bucki PRIN | 3175 W. HONOR
Eagle, ID 83616 | 939-7949 | jbucki@primeadl.com
jprin59@adl.com |
| 3. Cathy Danner | 4822 N. Smoky Ridge
Eagle, ID 83616 | 208-939-8779 | |
| 4. Patricia Manfull | 4680 N. Smoky Ridge Ln
Eagle, ID 83616 | 208-939-2757 | manfull@netnet.net |
| 5. Tom Jacobs | 3120 N. OSPREY
Eagle, ID 83616 | 208-938-6254 | |
| 6. Reggi Zanner | 2226 W. Caribee Inlet Dr.
Star, ID | 208-286-0634 | |
| 7. Mike Ferrere | 4115 N. Sage Hill Ln.
Eagle, ID | 208-938-5626 | mferrere@earthlink.net |
| 8. MARY M. GREGORY | P.O. BOX 864
MERIDIAN, ID | 208-939-2600 | |
| 9. Tyler J. Head | 855 W. Stillwell
Eagle ID 83616 | | |
| 10. BARRY PETERS | 14270 Mace Rd.
Eagle, ID 83616 | | 939-2600 |
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**A Petition to the Idaho Department of Water Resources
For Aquifer Study - North Ada County Foothills Assoc.**

Signature Page(s)

Name:	Address:	Phone:	Email address:
1. LaVonne Niccoll's	4238 N. Triple Ridge Pl Eagle	939-2787	lniccolls@earthlink.net
2. ROBERT S. NICCOLLS JR	4238 N. TRIPLE RIDGE PL EAGLE	939-2787	
3. L'Oran Garrahan	1824 Cotton Tail Eagle, Id	939-8338	
4. Charlotte Garrahan	" " " "	" "	" "
5. Angela R. Howell	3875 N. TRIPLE Ridge Ln, Eagle	83616	939-8332
6. Willard W. Howell	" " " " " "	" "	" "
7. BOB NANAS	4951 HAWKCREST EAGLE	83616	939-0601
8. Kelly Nanas	"	"	"
9. Leigh Brecht	4830 N. Hawk wing Eagle	83616	939-3233
10. Bev Wickham	14950 Spring Creek Ln	939-9452	BvWickham@aol.com
11. Joanne Pence	8686 W Brookside Boise		joanne@aol.com
12. David Pence	"		dpence5@aol.com
13. Jim Banducci Jr	2990 W Hill Dr		jbanducci@speedyquick.net
14. Judy Banducci	"		"
15. Leslie Tombs	11130 Caldwell Boise		ltombs@kentgen.fi.com
16. Dylan J Schleis	2150, S Curtis Boise, ID.		dschleis@wildmonte.com
17. STAN RIDDLE	1333 E. FAIRWAY DR EAGLE		SRIDDLE@CABLEONEW
18. Mike Ferrera	4115 N. Sage Hill Ln	938-5630	mferrera@safelink.net
19. Carolyn Lindsey	9091 W. Deer Ln Eagle	83616	2509819
20. Joan Whitmore	9105 Deer Ln Eagle		
21. Susan Osterburg	1320 Linder Rd So Eagle	83616	939-8554
22. Linda Ruhman	8875 Vic Lane Middleton	585-9159	

Name	ADDRESS	Phone	Email
Julie MASNER	4325 W. GRAY Trail Ct	939-6171	juliem3@mindspring.com
Julie MASNER	EAGLE, ID 83616		
Marilyn Lillyquist	3544 Hampton Rd	83616 286 4635	
STAN SWANSON	1010 PARK LANE EAGLE	939-8391	swanpark2@msn.com
JUNE SWANSON	1010 PARK LANE EAGLE	939-8391	swanpark2@msn.com
Arleta Fern	845 W Quarter Dr Eagle	939-7106	lindafern@yale.com
Karen Canegaly	1085 W. Quail Dr Eagle	939-1287	kcanegaly@heritagewifi.com
Randy Canegaly	1085 W. Quarter Dr. Eagle	939-1287	canegaly@gmail.com
ZANE Howe	2514 E Hubbard Kuna	888 4652	
Chris Seitz	2514 E Hubbard Rd Kuna	888-4652	cseitz@lignunv.daho.gov

Additional information and contact details for the listed individuals.

Name: Carrie E. Sandirk
Address: 2222 N. Man O' War Way, Meridian, ID 83642
Telephone: 871-1057
Email: ymihere2000@cs.com
Date: December 12, 2005

Name: Curtis E. Stoddard
Address: 2462 North Majestic Place, Eagle, Idaho 83616
Telephone: 939-9249
Email: cw2greentree@att.net
Date: December 13, 2005

Name: Lisa Kleiman
Address: 2416 East Deerpoint Ct
Telephone: 2089396496
Email: lkleiman@spro.net
Date: December 14, 2005

Name: Norm Waugh
Address: 2391 Rocket Bar Rd, Eagle
Telephone: 208-939-6758
Email:
Date: December 14, 2005

Name: Patricia Waugh
Address: 2391 Rocket Bar Rd, Eagle
Telephone: 208-939-6758
Email:
Date: December 14, 2005

Name: David Musgrove
Address: 760 West Bogus View Drive Eagle, Idaho 83616
Telephone: 939-5926
Email: davidm@musgrovepa.com
Date: December 15, 2005

Name: John S. Franden
Address: 2300 E. Buckskin Court
Telephone: 208-938-1413
Email: johnfranden@cableone.net
Date: December 19, 2005

Name: Patty Katucki
Address: 2070 W. Homer Road Eagle
Telephone: 9394723
Email:
Date: December 27, 2005

Name: M.D. (Butch) and Judy Groothuis
Address: 3490 N. Saddleman Place
Telephone: 208-938-1613
Email: growthis@aol.com
Date: January 06, 2006

Name: Anthony Jones
Address: 9884 E. Highway 21, Boise, ID. 83701
Telephone: 208-631-4334
Email: tjones@design4000.net
Date: January 12, 2006

Name: Kurt Bengtson
Address: 5352 Willow Creek Rd, Eagle, ID 83616
Telephone: 208-938-9624
Email: askbmail-two@yahoo.com
Date: December 07, 2005

Name: Arti Shukla
Address: 5352 Willow Creek Rd, Eagle, ID 83616
Telephone: 208-938-9624
Email: askbmail-two@yahoo.com
Date: December 07, 2005

Name: Rod Davidson
Address: 1541 E. Feather Nest Dr.
Telephone: 938-0553
Email: roddavidson@Qwest.net
Date: December 08, 2005

Name: Sarah Jerman
Address: 633 W Rush Ct, Eagle, ID, 83616
Telephone: 939-1596
Email: sarah_jerman@hotmail.com
Date: December 08, 2005

Name: martha mcmurray
Address: 902 stillwell Eagle 83616
Telephone: 9397806
Email: marthaemcmurray@aol.com
Date: December 08, 2005

Name: Philip Fry
Address: 4122 Homer Rd. Eagle ID 83616
Telephone: 939-9267
Email: idphil@earthlink.net
Date: December 08, 2005

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Telephone: 939 7806
Email: mikekmcmurray@aol.com
Date: December 08, 2005

~~**Name:** Patricia Minkiewicz
Address: 3047 W. Deerfield Court, Eagle ID
Telephone: 939-5642
Email: bootleg1@msn.com
Date: December 09, 2005~~

~~**Name:** Vincent Minkiewicz
Address: 3047 W. Deerfield Court, Eagle ID
Telephone: 939-5642
Email: bootleg1@msn.com
Date: December 09, 2005~~

Name: Jim & Judy Banducci (2)
Address: 2990 N Holl Dr
Telephone: 939-2223
Email: jbanducci@speedyquick.net
Date: December 09, 2005

Date: November 29, 2005

Name: Tracy Ayers
Address: 9706 Big Springs Blvd.
Telephone: 939-2854
Email: taboisemom@aol.com
Date: November 29, 2005

Name: Fred D. Wagner
Address: 9778 Prairie Road
Telephone: 208 939-6495
Email: fwagner77@cableone.net
Date: November 30, 2005

Name: Chris & Susan Pages ^②
Address: 10698 N. Sage Hollow Way
Telephone: 208-869-2949
Email: sl_pages@yahoo.com
Date: December 04, 2005

Name: Jill Glenn
Address: 1156 W. Stillwell, Eagle, Id
Telephone: 866-0847
Email: jillglenn@heritagewifi.com
Date: December 07, 2005

Name: Darren Simonson
Address: 8503 Westridge Lane Emmett ID 83617
Telephone: 584-3321
Email: dsimonson@micron.com
Date: December 07, 2005

Name: Lisa Marie
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Telephone: 208-938-4453
Email: lisa@sunrooibos.com
Date: December 07, 2005

Name: Marcia Schmelzer
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Telephone: 208/939-1494
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Date: December 07, 2005

Name: M.D. (Butch) Groothuis
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Telephone: 208-938-1613
Email: growthis@aol.com
Date: December 07, 2005

Name: Judy L. Groothuis
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Telephone: 208-938-1613
Email: jgrowthis@aol.com
Date: December 07, 2005

Name: Bill R. Arnold
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Email: bilrnold@qwest.net
Date: December 07, 2005

Name: David Head
Address: 855
Telephone: 939-9900
Email: head@firstsourceidaho.com
Date: November 16, 2005

Name: Ginger Head
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Email: ginger@speedyquick.net
Date: November 21, 2005

Name: Robert H ~~Alasyaw~~ West
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Date: November 21, 2005

Name: Alasya N West
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Telephone: 208-939-0719
Email: alasyaw@aol.com
Date: November 21, 2005

Name: CJ Thompson
Address: 4831 Willow Creek Road
Telephone: (208)938-0418

Email: seajayt@starband.net

Date: November 22, 2005

Name: Vince and Patricia Minkiewicz ①

Address: 3047 Deerfield Ct., Eagle ID

Telephone: 939-5642

Email:

Date: November 25, 2005

Name: ~~Vince and~~ Patricia Minkiewicz ①

Address: 3047 Deerfield Ct., Eagle ID

Telephone: 939-5642

Email: bootleg1@msn.com

Date: November 25, 2005

Name: Eric & Allison Gilbreath ②

Address: 4838 Willow Creek Rd.

Telephone: 208-938-0181

Email: ericallison@boisecenter.net

Date: November 28, 2005

Name: Bart Atkins

Address: 4130 N. Sage Hill Lane

Telephone: (208) 938-0981

Email: kitzen1@safelink.net

Date: November 29, 2005

Name: Keith Atkins

Address: 4130 N Sage Hill Lane

Telephone: 938-0981

Email: wkatkins@safelink.net

RECEIVED

DEC 08 2005

DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB #2867
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205 N. 10th St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
E-Mail: apb@idahowaters.com

Attorneys for SunCor Idaho LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR, IDAHO, LLC.)
_____)

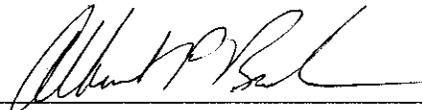
**STIPULATION TO
WITHDRAW PROTEST**

COME NOW, the Applicant, SunCor Idaho LLC, by and through its attorneys of record, and Protestant, North Ada County Foothills Association, acting *pro se*, and hereby jointly files this Stipulation to Withdraw Protest in this action. The Stipulation to Withdraw Protest is based upon the Water Level Monitoring agreement between SunCor Idaho LLC and North Ada County Foothills Association dated December 7, 2005, attached hereto and incorporated by reference, whereby SunCor Idaho LLC, or their successor in interest will monitor water levels in seven wells in the vicinity of the SunCor application and eight agreed-upon wells owned by North Ada County Foothills Association members. SunCor Idaho LLC will provide copies of an annual report of the results of such monitoring to North Ada County Foothills Association at no cost to the Association.

Accordingly, it is hereby stipulated and agreed that North Ada County Foothills Association shall and does hereby withdraw their protest with prejudice in this proceeding.

DATED this 7 day of December, 2005.

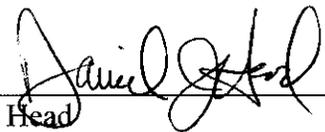
BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for SunCor Idaho LLC

DATED this 07 day of December, 2005.

**NORTH ADA COUNTY FOOTHILLS
ASSOCIATION**



David Head
Its co-chair, NACFA



December 7, 2005

North Ada County Foothills Association
c/o David Head
855 Stillwell Drive
Eagle, ID 83616

Subject: Water-Level Monitoring Plan and Agreement - Avimor (Spring Valley Ranch) Project

Dear David:

On behalf of SunCor Idaho, LLC (SunCor), this letter outlines the water-level monitoring program that will be conducted to resolve the North Ada County Foothills Association (NACFA) protest of SunCor's application for permit 63-32061.

The water-level monitoring program will consist of periodic water-level measurements at approximately 8 NACFA private wells and approximately 7 SunCor wells. These measurements will supplement water levels in approximately 6 other wells in the area that are currently measured on a quarterly or bi-monthly basis by the Idaho Department of Water Resources (IDWR) and by the U.S. Geological Survey (USGS). The NACFA private wells for measurement by SunCor will be selected by the NACFA, and approved by SunCor. SunCor will require that the wells proposed for measurement have well construction that is documented by a well driller's report. Selected wells will be readily accessible for measurement purposes. If a specific well drops out of the program, NACFA and SunCor shall jointly identify a new alternative well as a replacement.

Measurements during the first year of monitoring will occur on a bi-monthly basis to determine the magnitude of seasonal water-level fluctuations. After the first year of monitoring, water levels would be obtained in the spring (April) and fall (October) so that the annual high and low water levels can be documented. Water level monitoring would occur for a 10-year period. The water-level monitoring program would be terminated if the water right permit is denied or withdrawn by SunCor. The responsibility for the program shall be with the permit holder in the event that the permit is assigned to another entity.

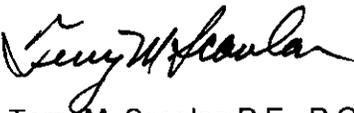
Water levels would be measured with electric-line well probes or steel tapes. The tips of these instruments that would contact the well water will be sanitized before each measurement. Measurement tubes (1-inch diameter PVC pipes) may need to be installed in wells where measuring equipment could potentially become tangled in submersible pump cable.

A summary of the monitoring data would be prepared annually by SunCor. This summary will include water levels from the SunCor, NACFA, and USGS/IDWR wells, and will be provided to NACFA. The costs of installing the monitoring equipment, collecting, summarizing, and distributing the information collected by the monitoring program will be paid for by SunCor.

A release form for well owners interested in participating in the program is attached. The form authorizes SunCor to measure water levels in a land owner's well until such time as the monitoring program ends, or the well owner decides to withdraw from the program.

Please feel free to call me at 383-4140 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan". The signature is fluid and cursive, with a large initial "T".

Terry M. Scanlan P.E., P.G.
Engineer/Hydrogeologist

cc: Bob Taunton

Water Level Monitoring Agreement

Well Name _____

Well Location _____

The undersigned well owner hereby agrees to allow SunCor Idaho LLC through its designated contractor to enter on to the well owner's property on a regularly scheduled basis to measure well water levels as part of a water-level monitoring program. Monitoring frequency is anticipated to be bi-monthly for the first year and semi-annual (April and October) in subsequent years. The well owner agrees to cooperate with SunCor in these efforts, and will designate a reasonable and safe means of well access for this purpose. The measurements would be conducted using electric-line well probes or steel tapes. The work will involve removing the well cap to access the well. Wells with submersible pumps may require water level measurement tubes to prevent entanglement of well probes in submersible pump wire. The tubes will be installed by SunCor's contractor at SunCor's expense.

The undersigned well owner hereby releases SunCor and SunCor's contractors from any and all liability, other than negligence, associated with the water level monitoring program, including, but not limited to, real or perceived damage to the well, well pump, or well water quality. Water-level monitoring will continue until (1) the monitoring program is terminated or until (2) the well owner notifies SunCor in writing that they desire to withdraw from the monitoring program. If SunCor assigns the permit in the future, the obligations under this agreement shall pass to the new permit holder.

Well Owner Name _____

Mailing Address _____

Daytime Telephone _____

Well Owner Signature _____

Date _____

Witness Signature _____

SunCor Signature _____

Date _____

RECEIVED
NOV 23 2005
Department of Water Resources

Rod Davidson
P.O. Box 2026
Eagle, ID 83616
Telephone: 208-284-0639

Protestant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR, IDAHO, LLC.)
_____)

**NOTICE OF DISQUALIFICATION
WITHOUT CAUSE OF HEARING
OFFICER**

COMES NOW, Rod Davidson, Protestant, hereby provides notice that I have elected to exercise my right to disqualify without cause the Hearing Officer designated to serve as presiding officer in this matter. This notice is brought pursuant to Idaho Code § 67-5252. This motion is also brought pursuant to the authority under that statute recognized in the Order of the Director dated January 25, 2005 in the following action: *In the Matter of Request for Water Right Administration of Water District No. 120 and Petition for Water Right Administration and Designation of the Eastern Snake Plain Aquifer as a Groundwater Management Area, p. 4.*

This notice is brought within fourteen (14) days of the date of the Order Appointing the Hearing Officer, which Order is dated November 17, 2005. This notice is filed and served on November 21, 2005, the fourth day following the date of the Order. Accordingly, this notice is both legally valid and timely. Protestant, Rod Davidson requests that the Director appoint a new Hearing Officer as expeditiously as possible.

DATED this 21st day of November 2005.



Rod Davidson
Protestant

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 21st day of November, 2005, the above and foregoing **NOTICE OF DISQUALIFICATION WITHOUT CAUSE OF HEARING OFFICER** was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

SUNCOR IDAHO LLC
485 E Riverside Dr Ste 300
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Garth Baldwin
6050 Hiway 55
Horseshoe Bend, ID 83629

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Phillip Fry
4122 Homer Road
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Willowbrook Development
210 Murray Street
Boise, ID 83714

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Hillsdale Estates
Roy B. Johnson
210 Murray Street
Boise, ID 83714

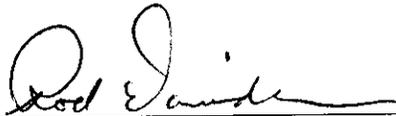
U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Lyle Mullins
1574 N. Ellington Way
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

David Head
N. Ada County Foothills Association
855 Stillwell Drive
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail



Rod Davidson
Protestant

RECEIVED

OCT 07 2005

DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for SunCor Idaho LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE)
NAME OF SUNCOR, IDAHO, LLC.)
_____) **NOTICE OF DISQUALIFICATION**
WITHOUT CAUSE OF HEARING
OFFICER

COMES NOW, SunCor Idaho LLC, by and through its attorneys of record, Barker Rosholt & Simpson LLC, and hereby provides notice that it has elected to exercise its right to disqualify without cause the Hearing Officer designated to serve as presiding officer in this matter. This notice is brought pursuant to Idaho Code § 67-5252. This motion is also brought pursuant to the authority under that statute recognized in the Order of the Director dated January 25, 2005 in the following action: *In the Matter of Request for Water Right Administration of Water District No. 120 and Petition for Water Right Administration and Designation of the Eastern Snake Plain Aquifer as a Groundwater Management Area*, p. 4.

This notice is brought within fourteen (14) days of the date of the Order Appointing the Hearing Officer, which Order is dated September 26, 2005. This notice is

filed and served on October 7, 2005, the eleventh day following the date of the Order. Accordingly, this notice is both legally valid and timely. Applicant SunCor Idaho LLC requests that the Director appoint a new Hearing Officer as expeditiously as possible.

DATED this 7th day of October, 2005.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for SunCor Idaho LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2005, I served a true and correct copy of the foregoing **NOTICE OF DISQUALIFICATION WITHOUT CAUSE OF HEARING OFFICER** upon:

Rod Davidson
P. O. Box 2026
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Garth Baldwin
6050 Hiway 55
Horseshoe Bend, ID 83629

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Phillip Fry
4122 Homer Road
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

Willowbrook Development
210 Murray Street
Boise, ID 83714

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Hillsdale Estates
Roy B. Johnson
210 Murray Street
Boise, ID 83714

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

Lyle Mullins
1574 N. Ellington Way
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

David Head
N. Ada County Foothills Association
855 Stillwell Drive
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail



Albert P. Barker

RECEIVED
OCT 07 2005
DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB #2867
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205 N. 10th St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for SunCor Idaho LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE) **NOTICE OF APPEARANCE**
NAME OF SUNCOR, IDAHO, LLC.)
_____)

PLEASE TAKE NOTICE that Albert P. Barker of the firm Barker Rosholt & Simpson LLP hereby enters an appearance as attorneys of record for SunCor Idaho, LLC in the above-referenced matter.

DATED this 7th day of October, 2005.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for SunCor Idaho LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2005, I served a true and correct copy of the foregoing **NOTICE OF APPEARANCE** upon:

Rod Davidson
P. O. Box 2026
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Garth Baldwin
6050 Hiway 55
Horseshoe Bend, ID 83629

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Phillip Fry
4122 Homer Road
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

Willowbrook Development
210 Murray Street
Boise, ID 83714

U.S. Mail, Postage Prepaid
 Facsimile
 E-mail

Hillsdale Estates
Roy B. Johnson
210 Murray Street
Boise, ID 83714

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

Lyle Mullins
1574 N. Ellington Way
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail

David Head
N. Ada County Foothills Association
855 Stillwell Drive
Eagle, ID 83616

U.S. Mail, Postage Prepaid
 Facsimile
 E-Mail



Albert P. Barker

September 15, 2005

To: Those on the Attached List

Re: Application for Permit No. 63-32061 in the Name of SunCor Idaho, LLC

Dear Interested Parties:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for permit by Little Enterprises L.P.

There are still protests pending against the application, therefore we are forwarding this application to our state office for further processing and scheduling of a hearing.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "Sue Kreger".

Sue Kreger
Administrative Assistant

GARTH BALDWIN
6050 HIWAY 55
HORSESHOE BEND ID 83629

BRAD LITTLE
BOX 488
EMMETT ID 83617

LYLE MULLINS
1574 N ELLINGTON WAY
EAGLE ID 83616

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616

WILLOWBROOK
DEVELOPMENT INC
210 MURRAY ST
BOISE ID 83714

DAVID HEAD
N ADA CTY FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

HILLSDALE ESTATES
ROY B JOHNSON
210 MURRAY ST
BOISE ID 83714

PHILLIP FRY
4122 HOMER RD
EAGLE ID 83616

Little Enterprises L. P.
Brad Little
Box 488
Emmett, Idaho 83617 0488
Telephone: 208-365-4611
Fax: 208-365-4615
Email: little_brad@msn.com

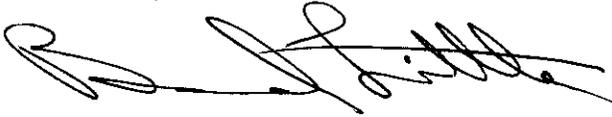
September 12, 2005

Idaho Dept. Water Resources, Western Region
2735 Airport Way
Boise, ID 83705

Dear Sir or Madam:

Pursuant to Idaho Code 42-203A; Little Enterprises Limited Partnership withdraws its protest of application #63-32061 filed by Suncor Idaho LLC.

Sincerely,



Brad Little

Cc Suncor Idaho 485 E. Riverside Dr. Ste 300
Eagle ID 83616

SuncorpWaterRtProtestWithdrawal.DOC

RECEIVED

SEP 14 2005

WATER RESOURCES
WESTERN REGION



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
Director

September 9, 2005

Shelley M Davis
Barker Rosholt Simpson
205 N 10th Street Suite 520
PO Box 2139
Boise ID 83701

**RE: Application for Permit #63-32061- Suncor Idaho LLC
Request of Hearing**

Dear Ms. Davis:

This letter is to acknowledge the applicant's request for a hearing made at the prehearing conference on 9/8/05. I have forwarded your request to the Department Administration for appointment of a hearing officer and facilitation of a December 2005 hearing.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190

Sincerely,

A handwritten signature in cursive script that reads "John Westra".

John Westra, Manager
Western Region

cc: Protestants



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
Director

September 8, 2005

Brad Little
Little Enterprises LP
Box 488
Emmett ID 83617

Hillsdale Estates Homeowners
Roy B Johnson
210 Murray St
Boise ID 83714

Willowbrook Development
Richard Phillips
210 Murray St
Boise ID 83714

RE: Application for Permit #63-32061- Suncor Idaho
Prehearing Conference Failure to Appear

Dear Protestants:

Attached is a Failure to Appear Notice regarding the prehearing protest conference for the above referenced contested application. Please submit to the Department in writing just cause why you failed to appear. If no response is received by **October 11, 2005**, the Department will consider dismissing your protest.

Sincerely,

John Westra
Western Regional Manager

cc: S. Davis, Barker Rosholt, Simpson
G. BALDWIN, R. DAVIDSON, L. MULLENS, P. FRY,
NORTH ADA CTY FOOTHILLS ASSN.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

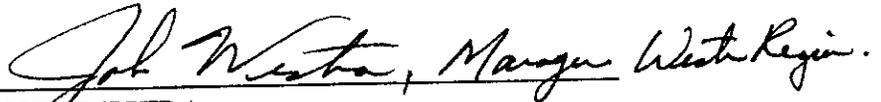
IN THE MATTER OF APPLICATION)
FOR PERMIT 63-32061 IN THE NAME)
OF SUNCOR IDAHO LLC)
_____)

NOTICE OF FAILURE TO APPEAR
AT THE PREHEARING PROTEST
CONFERENCE

On January 25, 2005 Suncor Idaho LLC filed with the Idaho Department of Water Resource (IDWR) an Application for Permit #63-32061 for ground water. The application was protested by Garth Baldwin, Brad Little, Rod Davidson, Lyle Mullens, Willowbrook Development, Hillsdale Estates Homeowners, North Ada Cty. Foothills Association, and Phillip Fry.

A Prehearing Conference was held on September 8, 2005 at the Eagle City Library. Conference notices were sent by the Department to the applicant and protestants on June 22, 2005. The applicant and protestants appeared on the scheduled conference date and place. Protestants Brad Little, Willowbrook Development, Hillsdale Estates Homeowners failed to appear at the conference.

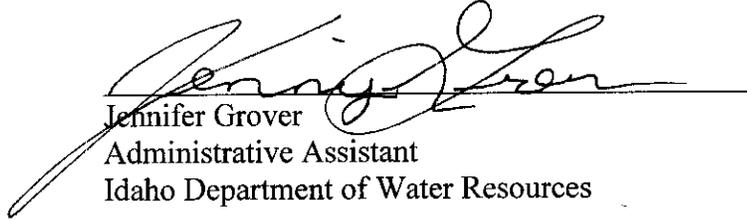
Dated this 9th day of September, 2005.



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of September, 2005 I mailed a true and correct copy, postage prepaid, of this Notice of Failure to Appear at the Prehearing Conference to those on the attached list.


Jennifer Grover
Administrative Assistant
Idaho Department of Water Resources

Brad Little
Little Enterprises LP
Box 488
Emmett ID 83617

Hillsdale Estates Homeowners
Roy B Johnson
210 Murray St
Boise ID 83714

Willowbrook Development
Richard Phillips
210 Murray St
Boise ID 83714

cc: G. Baldwin, R. Davidson, L. Mullins, P. Fry, North Ada Cty Foothills Assn.,
S. Davis, Barker Rosholt Simpson

63-32061 Comment Letters - 5 entities total
(per file history 63-31966 SunCo 1st Appl)

North Ada County Foothills Association

John Petrovsky, Chairman Linda Ferri, Secretary
Phone: 208-571-1069 Phone: 208-939-7106
Email: jaepea@mindspring.com Email: lindachriste@yahoo.com

...citizens helping to create a sustainable vision for the future of Ada County's Northern Foothills...

↑
✓ (1) Comment letter e SunCo Appl
(email)

✓ (2) City of Eagle
c/o Tammy Zokan
Moore Smith Buxton & Trucke
225 N. 9th St. Ste. 420
Boise 83702

✓ (5) plus DECQ

✓ (3) Brad Little
Little Enterprises LP
Box 488
Emmett 83617-0488

✓ (4) GARTH Baldwin
6050 STATE Hwy 55
Horsehoe Bend 83629

-fr 4/28/05

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32061

Remarks:Comments:

1. slester 2/15/2005 Comment/Analysis

Comment: Application proposes additional 5.0 cfs for same municipal service area proposed in 63-31966. P/U aka Spring Valley Ranch, an unincorporated planned community. Proposed wells to be 12-18 inch diameter. Municipal use might include seasonal aquifer recharge in E 1/2 of S1, T5N, R1E in P/U. Proposes that recharge water would be diverted from aquifer under 63-31966. Proposes to seek IPUC approval as a municipal provider. A key reason this second application was filed is that aquifers proposed for development under 63-31966 probably will not provide enough water for Phase 1 of the development (consultant information received 10/5/04 in 63-31966).

2. slester 2/15/2005 Legal Notice Remarks

Comment: Proposed use is for additional water for an unincorporated planned community in portions of Ada, Boise and Gem Counties aka Spring Valley Ranch located between Shadow Valley Golf Course and Horseshoe Bend Hill along both sides of Hwy 55. Municipal use is for this service area of about 9 square miles. Use might include aquifer recharge (aquifer storage and recovery). Six proposed wells will be located in Big Gulch Creek drainage about 3 to 9 miles west of the service area. Water bearing zone to be appropriated is from 200 to 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed.

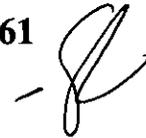
Dates and Other Information:

Application Received Date: 1/25/2005
 Application Denied Date:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date:
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Application Type: New Appropriation
 Applicant Remarks: See extensive remarks in original application.
 Other Water Rights: 63-31966 different wells for same municipal service area
 Time to Complete Works: 5
 Transfer Affected Description:
 Transfer Affected Contracts:
 Old Transfer Number:
 Transfer Reason:
 Transfer Return Flows:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

↑
 ✓ Spelling corrected e.d base 4/25/05

SUNCOR APPLICATIONS 63-31966 & 63-32061



Regular not RAFN applications.

5 cfs each.

Assumes ½ afa/home, water conservation.

Treated waste water to Spring Valley Creek or to subsurface drainfield disposal.

Use existing surface water.

Seeking IPUC cert, ok per SO proposed condition: document IPUC certification by time proof filed.

63-31966

- 5/2004
- up to 7 wells in P/U, 50-500 ft. water bearing zone
- requested additional info 8/2004 (as if large diversion)
- Scanlan reply 10/2004
 1. OK - project plans, cost, finances, contacts with counties & IDEQ, assume IPUC in process
 2. water supply - pump 100 afa Sandy Hill aquifer, supplement with 150 afa Spring Valley aquifer, covers D/500, Phase 1 = D/600-700, seek more water

63-32061

- 1/2005
- up to 6 wells west of P/U, Big Gulch Creek area, water bearing zone 200-1000 ft., prior info hints tributary to Payette River
- maybe aquifer recharge in P/U, divert out with 63-31966 - will need injection well permit
- assume plans, cost, finances, contacts with counties, IDEQ & IPUC ok from 63-31966

2/15/05

- Processing

1. advertise Ada, Boise & Gem Counties as in 63-31966

2. comment letters to protestants, Baldwin, IDEQ, IPUC ... others?

committee (email)

3. request from Scanlan:

- ✓ • water supply data P/D area

- ✓ • design/operation info to minimize injury

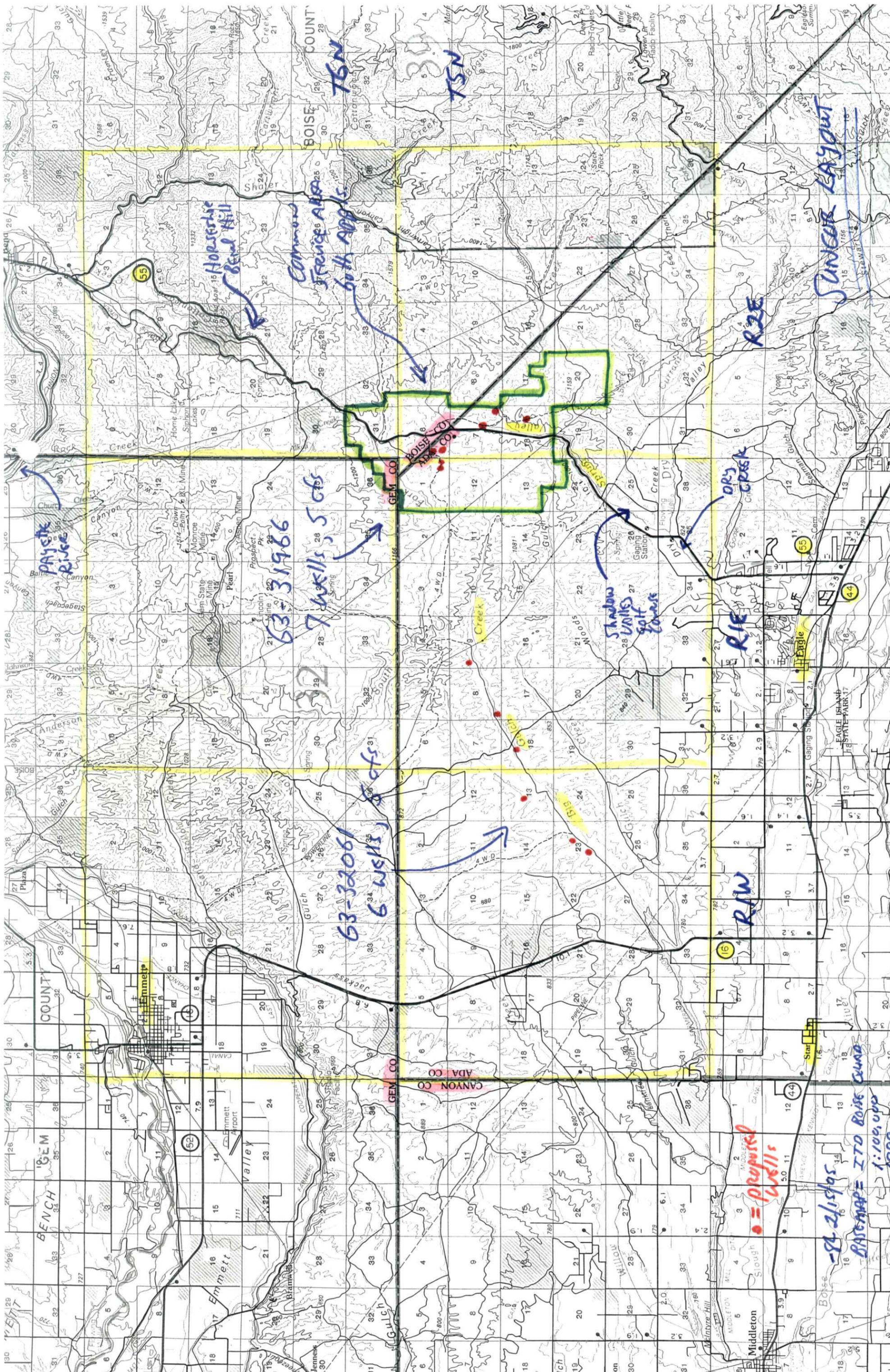
- ✓ • tributary to Payette or Boise

- really not issue since muni ok BS BS processing

- ✓ • clarify P/D SENE Sec. 23 (map = SWNE)

- ✓ • request to process form

*wr processing/suncor appls
SL 2/15/05*



PAYSAK RIVER

Horseshoe Bend Hill

Common FRENCH AREA both APPLES

63-31986
7 wells, 5 cfs

63-32061
6 wells, 8 cfs

Shadow UNITS golf courses

ORV CRSSK

RAW

SUNCEB LAYOUT

• = proposed wells

-82 2/15/95
BASEMAP I TO BOISE GROUND 1:100,000 1999

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: February 15, 2005

RE: SunCor Idaho LLC Application 63-31966 Conditions of Approval

The proposal is summarized by the applicant's remarks, the legal notice, database comments and the attached summary for this planned community north of Eagle along Hwy 55. Both protests were withdrawn. A request to intervene was denied on 1/6/2005. The application can be approved.

As noted in the attached notes, the applicant provided sufficient information in response to IDWR's 8/6/2004 letter. See the consultant's reply received on 10/5/2004. The file information indicates the application proposes a regular municipal right, not one based on RAFN. Based on the latest IDWR thinking, SunCor does not have to show that it already is a municipal provider before this application can be approved - an appropriate condition of approval can cover this.

A companion application proposes additional water referenced in the consultant's 10/5/2004 information. Application 63-32061 will be processed soon.

It seems odd that an entity might be approved to divert up to 10 cfs (sum of both SunCor filings) for an "instant town" in Basin 63 but that an individual could not obtain a new water permit to irrigate one acre in the same area without mitigating that minor use. However, Application 63-31966 is probably not the appropriate forum to rehash Basin 63 scenarios.

Proposed Condition of Approval for 63-31966

1. Apply standard conditions (well construction etc.) for municipal use.
2. Allow 5 years to file proof.
3. Use existing surface water rights first to the extent possible.
4. Water bearing zone of 50-500 feet.
5. P/U is the applicant's service area aka Spring Valley Ranch, an unincorporated planned community.

6. Proposed condition about IPUC – see Jeff Peppersack’s 2/14/2005 email.
7. Possible future mitigation.
8. Measuring devices for all P/D.
9. Remains subject to annual measurement/reporting in the future.

RECEIVED

MAY 20 2005

WATER RESOURCES
WESTERN REGION

W032958
sk

May 19, 2005

Idaho Department of Water Resources
2735 Airport Road
Boise, ID 83705-5082

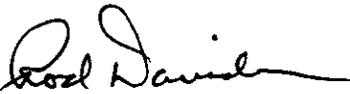
RE: In the Matter of SunCor Idaho LLC's Application (#63-32061) to Appropriate Water For Municipal Purposes

Dear Sir or Madam:

Enclosed are the original and two copies of the Notice of Protest to SunCor Idaho LLC's Application (#63-32061) to Appropriate Water For Municipal Purposes. Since there are two Protestants, we have enclosed two twenty-five dollar (\$25.00) checks.

Please confirm receipt by returning one copy in the self-addressed, stamped envelope. Please contact us if you have any questions or if there is a problem with the enclosed protest. Thank you for your assistance in this matter.

Regards,



Mr. Rod Davidson
P. O. Box 2026
Eagle, ID 83616



Mr. Lyle K. Mullins
1574 N. Ellington Way
Eagle, ID 83616

Enclosures

Mr. Rod Davidson
P.O. Box 2026
Eagle, ID 83616
Telephone: 208-284-0639

Mr. Lyle K. Mullins
1574 N. Ellington Way
Eagle, ID 83616
Telephone: 208-939-3190

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

In the Matter of SunCor Idaho LLC's Application (#63-32061) to Appropriate
Water For Municipal Purposes, Petitioners:

NOTICE OF PROTEST

Mr. Rod Davidson and Mr. Lyle K. Mullins ("Protestants"), files this protest to SunCor Idaho LLC's ("SunCor") Application to appropriate groundwater for municipal purposes. It appears certain rights and interests of Protestants may be impacted. The grounds for this Protest include, but are not limited to, the following:

- (1) SunCor is not an authorized municipal provider under Idaho law; and
- (2) SunCor's application to appropriate groundwater may injure Protestant's existing water rights and the rights of others; and
- (3) SunCor's application to appropriate groundwater may injure Protestant's ability to plan for anticipated future needs; and
- (4) The application may conflict with the local public interest; and
- (5) The application may be inconsistent with the conservation of water resources in the State of Idaho.

Idaho Department of Water Resources Receipt

Receipt ID W032958

Payment Amount Date Received Region Status
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155

Signature Line (Dept. Representative)

Prehearing Conference Notes
Suncor Application for Permit #63-32061
From: J. Westra, Vicky Music
Date: 9/8/05

Attendance: see attached roster

Protestants not present: Brad Little, Willowbrook Development

The conference began with protestants presenting their concerns/issues regarding the application. Protestants presented the following:

Mr. Fry

Concerned about Gov. failures such as the issues in the Eastern Snake Plain. A monitoring plan needs to be established for the project. Surface water used for irrigation. What is the aquifer recharge in this area? Mining of resources to become scarce potable water. Arsenic issues need to be addressed. 90% of resident use is irrigation.

Would like to develop his land later and wants to be assured there will be water.

Mr. Davidson

Not an adequate water supply, insufficient for the project size. Argued that Suncor is not a Municipal provider. Discussed confusion with Ada County applications 9 sq. miles or 4 sq. miles? Sandy McCloud ownership of land?

Mr. Mullens

Lives in Lexington Hills. Does not want the subdivision injured
Distributed Handout—discussed specifics.

Mr. Head & John Peterosky- Ada County Foothills Assoc.

The hills above Eagle are very delicate. Monitoring of well levels must be a part of the plan. Ground water data is limited for the foothill area. Planners must look at the big picture and have a contingency plan. Distributed handout.

Mr. Baldwin

Big picture approach—troubled water article in the Statesman

If ground water flows toward the Payette, effects on wells in the Horseshoe Bend Area considered. Considers the 227 ft well that Suncor dug not to be in the deep aquifer. Rate of recharge is questionable. Suncor should pay for mitigation. More aquifer studies are needed.

Department

- Discussed the reasonable pumping level statute—no level is guaranteed by state
- Reviewed 6 evaluation criteria for applications for permit
- Outlined the application to licensing process of water rights
- Discussed municipal flow rates and planning horizon.

Page 2. Conference Notes

Applicant

Terry Scanlan presented the study that he completed for Suncor, the study had been submitted the Department. The study supports water use and recharge are in balance. Mr. Scanlan fielded questions from several of the protestants. Bob Taunton discussed the plan filed with Ada County is for 700 homes—East of Hwy 55. No golf courses are planned at this point. The McClouds have withdrawn some of their lands from the project.

-The issues narrowed are: **monitoring, need for further study, mitigation.**

-The group discussed the need for an independent study to compliment the Scanlan work that had been done, and also the need for continued monitoring.

-Mr. Davidson was critical of the Department's regulation /evaluation/conditions on ground water use. I stated, this was not the setting to discuss political/legislative issues on water. The legislature facilitates the statutes and that is what we have to live by.

Ms. Davis stated, the applicant's position regarding negotiations-very willing to talk. The issues need to be about this application only, not general policy. The applicant requested a hearing date be set for Nov-Dec. 2005. I stated I would forward the request for the appointment of a hearing officer to the Department Administration.

The conference was adjourned at 11: 55 AM—No progress made in protest settlements

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Amended application for of Permit No. 63-32061 in the Name of SunCor ID, LLC

Place: Eagle City Library - confirmed

Date: September 8, 2005

Conducted by: John Westra
Vicky Music

NAME

ADDRESS

Phil Fry	4122 Homer Rd	Eagle	83616
ROD DAVIDSON	1541 E. FEATHER Nest Dr	Eagle	83616
Lyle K. Mullins	1574 N. Ellington Way	Eagle	83616
David J. Head	855 Stillwell	Eagle,	83616
Shelley Davis	Baker Postalt : Simpson	Boise	
JOHN PETREKOVY	4831 WILLOW CREEK RD	EAGLE	83616
Terry Scanlan	600 E. River Park Lane #105	Boise	83706
BOB TAUNTON	485 E. RIVERSIDE DR #300	EAGLE	83616
GARTH BRUNOW	6050 N. way 55	NSB.	83629

Not Present Protestants: Brad Little, Willowbrook Development.

SUNCOR/IDWR PREHEARING CONFERENCE

09/08/05

Protestant: Lyle K. Mullins

Issues and questions relating to SunCor ID, LLC's application No. 63-32061 for permit to appropriate the public waters of the State of Idaho:

Issues and questions relating to reduction of the **quantity** of water under the existing senior water rights of the Lexington Hills subdivision.

- 1) My primary concern as it relates to this "junior water rights" application is the absolute protection of the Lexington Hills subdivision's "senior water rights". I believe that it is the legal responsibility of IDWR under Idaho Administrative Code IDAPA 37.03.11 Conjunctive Management of Surface and Ground Water Resources to protect the long-term senior water rights of the Lexington Hills subdivision. SunCor's application will require 5cfs (10 total cfs) 365 days a year into the future. Add another 5cfs for the SunCor application No. 63-31966 that has already been approved for a grand total of 10 cfs.
 - a) Does this requirement for water have the potential for impacting the Lexington Hills subdivision's water supply in the future?
 - b) Does SunCor or IDWR have water studies that shows there is enough water in water area 63 where the SunCor wells will be extracting water to provide for the total 10 cfs without any impact now or in the future to the Lexington Hills subdivision's senior water rights?
 - c) As the demand for water increases in the future will there be enough water to meet the needs of the current users? *Senior Holders.*
 - d) Will IDWR assure the citizens of the Lexington Hills subdivision that there is enough water in area 63 to supply the current users and SunCor's proposed development of 700 new homes plus an undetermined number (up to 14,000 in the foothills) of additional homes?
 - e) If the application is approved, how will IDWR and/or SunCor monitor the usage and depletion of the aquifers (Sandy Hill and Big Gulch) to ensure that the rights of senior water users are protected?
 - f) Who will pay for the monitoring? -
 - g) How will SunCor mitigate any consumptive use issues in the future?

- 2) SunCor's application states: "The applicant proposes that this ground water is tributary to the Payette River instead of the Boise River." My understanding is that water area 63 is tributary to the Boise River.
 - a) What is IDWR's position on this statement?
 - b) If area 63 is considered tributary to the Boise River then this application could have significant impact on an already heavily utilized aquifer.
 - c) Who decides which tributary the ground water flows toward?
 - d) What basis was/will be used to make this determination?

SUNCOR/IDWR PREHEARING CONFERENCE

09/08/05

- 3) I also have questions that relate to the Idaho Administrative Code for the Department of Water Resources IDAPA 37.03.11 (Conjunctive Management of Surface and Ground Water Resources).
- a) Under rule 010.10.01 Area Having A Common Ground Water Supply, can IDWR explain how this rule pertains to SunCor's application and its impact on current senior water rights holders?
 - b) Under rule 010.10.09 Ground Water Management Area, is IDWR contemplating defining area 63 as a ground water management area? I believe that area 63 should be considered as a unique ground water management area now.
 - c) Under rule 010.10.15 Mitigation Plans, what is SunCor's plan for mitigation and what would IDWR demand from SunCor to protect the senior water rights holders?
 - d) Under rule 010.10.18 Reasonable Ground Water Pumping Level, what is IDWR's plan to establish and enforce a reasonable level for SunCor's proposed extraction of water resource so the senior water rights holders are protected in the future? *Not defined*
 - e) Under rule 010.10.19 Reasonably Anticipated Average Rate Of Future Natural Recharge, what has IDWR done to establish the monitoring of the rate of annual recharge?

Issues and questions relating to the quality of water delivered to the Lexington Hills subdivision.

- 1) I have significant concerns about the arsenic levels in the Big Gulch area where the wells will be located.
- a) Has there been any testing of the new wells that SunCor has drilled?
 - b) If so what do these tests show?
 - c) If these tests have not been completed, will IDWR require tests be completed before making a decision on the application?
 - d) What is IDWR's plan for requiring ongoing testing of water quality in the future?
 - e) How will IDWR guarantee through testing and monitoring that there will be NO future cross contamination of arsenic, mercury, or other heavy metals that may have migrated down slope into the Sandy Hill and Big Gulch/Willow Creek aquifers from the intensively mined area at Pearl?

*DEQ
Met - should*

Comments Pertaining to the SPF Water Engineering, LLC Report Titled:

Aquifer Evaluation in the Big Gulch and Little Gulch Areas of Spring Valley Ranch
October 2004

SPF Engineering (SPF) theorizes that two general (separate) aquifers, referred to as the Willow Creek and Northern Margin Aquifers, are present in the western portion of Spring Valley Ranch. This finding is based on certain trends observed in water depth, selected water quality parameters (chemistry and temperature), and soil profiles. High capacity wells were observed in the Willow Creek Aquifer (to the north). SPF states that groundwater observed in the Northern Margin Aquifer flows toward the Boise River. Conversely, groundwater in the Willow Creek Aquifer (which would presumably support Suncor's development) is thought to originate from the upper Willow Creek drainage which is tributary to the Payette River. While North Ada County Foothills Association (NACFA) found the groundwater investigation thoughtful and informative, the group is not convinced that adequate data currently exist to fully support all of the opinions and we continue to question whether existing groundwater supplies are sufficient to meet increasing resource demands. We remain concerned about possible adverse consequences of large Suncor water withdrawals on the existing domestic groundwater supply in NACFA's area of concern. The following technical report comments are offered:

- Soil data quality included in the report came from several wells using a mud rotary drilling technique, a less than optimal procedure to assess lithologic profiles.
- The soils data evaluated for certain wells used in the geologic cross section analysis are based on water well drilling logs rather than from more scientifically defensible means (corings described by a registered geologist).
- The fault and/or "physical separation" which purportedly act as a barrier between the two aquifers are not well described.
- Information about the storage coefficient and capacity of the two aquifers is lacking. Additionally, long term Suncor water needs are not yet well defined.
- Data supporting the potentiometric surface map (Figure 9, page 18) are not included in the report, thus it is not possible to determine whether the values portrayed here are truly representative (i.e., not compromised by seasonal or temporal variation, or other factors).

In our view, groundwater conditions throughout the vast Spring Valley Ranch and NACFA area of concern are not well understood due to the limited nature of available historical data. NACFA remains interested in receiving IDWR's opinions and technical comments about the report. We believe that while the SPF Engineering report offers a comprehensive overview, additional data is needed to truly assess long term trends. As identified in our water rights protest, NACFA continues to believe that further study in advance of granting water rights would be in the best interest of all parties potentially affected by Suncor's development.

September 8, 2005 – Eagle, Idaho
David Head, Barbara Russell, Jerry Peterson
North Ada County Foothills Association (NACFA)

Agenda

Prehearing Conference - Suncor

10:00 Am September 8th, 2005 at Eagle Library

Opening Remarks –

- Rules for conduct
- Meeting outline

Protestants

- Address their concerns
- Suggestions to resolve the issues

Department's Role:

- Things we can do
- Things we cannot do
- Review 6 criteria handout
- Questions

Applicant

- **Present proposal**
- **Address Protestants concerns**

Discussion

Settlement options

- **Negotiation**
- **Hearing**

Specific Dates and Deadlines

- **Discovery**
- **Hearing**

PRE-HEARING CONFERENCE

Suncor Application for Permit

Pre-hearing Conference Purpose:

- Formulate/simplify the issues
- Discuss settlements, make settlement offers
- Address matters that may expedite conduct of the preceding or settlement
- Schedule hearings, discovery

Criteria for Department approval/denial of an Application for Permit

- Will the proposed use cause injury to existing Water Rights
- Is the proposed water source sufficient for the intended purposes
- Is the application made in good faith, or for speculation or delay
- Will the application conflict with local public interest.
- Is the proposed use be contrary to conservation of water resources in the state.

Ground Water Appropriations-Department

Things we can do:

- Condition well construction
- Condition permits to appropriate water—Acknowledge agreements.
- Enforcement for illegal diversions, violations of water right conditions.
- Regulate ground water if an area has been designated a water district by the Department Director—Eastern Idaho.

Things we can not do:

- Guarantee a ground water pumping level, a reasonable pumping level can be established by the Director
- Dictate whether a residential subdivision has a community well or individual domestic wells. This is a decision by local zoning, agencies and the developer.

Normally Civil Issues

- Trespass/right-of-way issues relating to water
- New domestic wells (number) effecting older wells—“My well has dried up”
- Wells with recorded water rights impacting existing domestic wells.

Hearing

- If a settlement of the protests can not be accomplished, the next step in the process is a hearing. A hearing officer is appointed by the Department.
- The applicant and protestant will prepare a case to the hearing officer.
- A decision is prepared by the hearing officer.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32061

WATER RIGHT NUMBER: 63-32061

<u>Owner Type</u>	<u>Name and Address</u>
Representative	SPF WATER ENGINEERING LLC C/O TERRY SCANLAN 600 E RIVER PARK LN STE 105 BOISE, ID 83706 (208)383-4140

Current Owner	SUNCOR IDAHO LLC 485 E RIVERSIDE DR STE 300 EAGLE, ID 83616 (208)939-0343
---------------	--

Priority Date: 01/25/2005

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of Diversion

GROUND WATER ADA County	SW1/4SW1/4	Sec. 8,	Twp 05N,	Rge 01E, B.M.
GROUND WATER ADA County	SW1/4NW1/4	Sec. 9,	Twp 05N,	Rge 01E, B.M.
GROUND WATER ADA County	SE1/4NW1/4	Sec. 18,	Twp 05N,	Rge 01E, B.M.
GROUND WATER ADA County	SE1/4NW1/4	Sec. 13,	Twp 05N,	Rge 01W, B.M.
GROUND WATER ADA County	SW1/4NE1/4	Sec. 23,	Twp 05N,	Rge 01W, B.M.
GROUND WATER ADA County	NE1/4SW1/4	Sec. 23,	Twp 05N,	Rge 01W, B.M.

Place of Use

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32061

Remarks:

Comments:

1. slester 2/15/2005 Comment/Analysis

Comment: Application proposes additional 5.0 cfs for same municipal service area proposed in 63-31966. P/U aka Spring Valley Ranch, an unincorporated planned community. Proposed wells to be 12-18 inch diameter. Municipal use might include seasonal aquifer recharge in E 1/2 of S1, T5N, R1E in P/U. Proposes that recharge water would be diverted from aquifer under 63-31966. Proposes to seek IPUC approval as a municipal provider. A key reason this second application was filed is that aquifers proposed for development under 63-31966 probably will not provide enough water for Phase 1 of the development (consultant information received 10/5/04 in 63-31966).

2. slester 2/15/2005 Legal Notice Remarks

Comment: Proposed use is for additional water for an unincorporated planned community in portions of Ada, Boise and Gem Counties aka Spring Valley Ranch located between Shadow Valley Golf Course and Horseshoe Bend Hill along both sides of Hwy 55. Municipal use is for this service area of about 9 square miles. Use might include aquifer recharge (aquifer storage and recovery). Six proposed wells will be located in Big Gulch Creek drainage about 3 to 9 miles west of the service area. Water bearing zone to be appropriated is from 200 to 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-31966

WATER RIGHT NUMBER: 63-31966

<u>Owner Type</u>	<u>Name and Address</u>
Representative	SPF WATER ENGINEERING LLC C/O TERRY SCANLAN 600 E RIVER PARK LN STE 105 BOISE, ID 83706 (208)383-4140
Current Owner	SUNCOR IDAHO LLC 485 E RIVERSIDE DR STE 300 EAGLE, ID 83616 (208)939-0343

Priority Date: 05/21/2004

Basis:

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of Diversion

GROUND WATER ADA County	L6 (NW1/4SW1/4)	Sec. 6,	Twp 05N,	Rge 02E, B.M.
GROUND WATER ADA County	L7 (SW1/4SW1/4)	Sec. 6,	Twp 05N,	Rge 02E, B.M.
GROUND WATER ADA County	NW1/4SE1/4	Sec. 7,	Twp 05N,	Rge 02E, B.M.
GROUND WATER ADA County	SE1/4SE1/4	Sec. 7,	Twp 05N,	Rge 02E, B.M.
GROUND WATER ADA County	SW1/4NE1/4	Sec. 18,	Twp 05N,	Rge 02E, B.M.
GROUND WATER ADA County	SE1/4SE1/4	Sec. 1,	Twp 05N,	Rge 01E, B.M.
GROUND WATER ADA County	SE1/4SE1/4	Sec. 1,	Twp 05N,	Rge 01E, B.M.

Place of Use

MUNICIPAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-31966

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 01E 1	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	X	X	X	X	X	
05N 01E 12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05N 01E 13	X	X	X	X	X	X	X	X	X	X			X	X	X	X	
05N 01E 24	X	X															
05N 02E 5						X L 4	X			X	X						
05N 02E 6	X L 1	X L 2	X	X	X L 3	X L 4	X L 5	X	X	X L 6	X L 7	X	X	X	X	X	
05N 02E 7	X	X	X	X	X	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	
05N 02E 17						X	X			X	X	X		X	X	X	
05N 02E 18	X	X	X	X	X	X L 1	X L 2	X	X	X L 3	X L 4	X	X	X	X	X	
05N 02E 20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
06N 01E 36													X		X	X	
06N 02E 31	X	X	X	X	X		X L 2	X	X	X L 3	X L 4	X	X	X	X	X	
06N 02E 32											X						

Conditions of Approval:

1. 102 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
2. 128 Place of use is within the area served by the public water supply system of Suncor Idaho, LLC for use within Spring Valley Ranch. The place of use is generally located within Sections 1, 12, 13 and 24, Township 05N, Range 01E; Sections 5, 6, 7, 17, 18 and 20, Township 05N, Range 02E; Section 36, Township 06N, Range 01E; Sections 31 and 32, Township 06N, Range 02E.
3. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-31966

4. 26A 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 the permit holder had no control.
5. Water bearing zone to be appropriated is from 50 to 500 feet.
6. 134 Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. T17 Prior to diversion of water under this right, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

Comments:

Water Supply Bank:

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32061 IN THE) **NOTICE OF PREHEARING**
NAME OF SUNCOR ID, LLC) **CONFERENCE**
_____)

On January 25, 2005 SunCor ID, LLC filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by those listed below:

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, September 8, 2005 at 10:00 am at the Eagle Library, 100 N. Stierman Way, Eagle, Idaho 83616**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

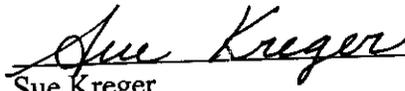
Dated this 21^{st.} day of June 2005.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of June 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those on the attached list.



Sue Kreger
Administrative Assistant

GARTH BALDWIN
6050 HIWAY 55
HORSESHOE BEND ID 83629

BRAD LITTLE
LITTLE ENTERPRISES LP
BOX 488
EMMETT ID 83617
365-4611

ROD DAVIDSON
PO BOX 2026
EAGLE ID 83616
284-0639

LYLE MULLINS
1574 N ELLINGTON WAY
EAGLE ID 83616
939-3190

WILLOWBROOK DEVELOPMENT
RICHARD PHILLIPS
210 MURRAY ST
BOISE ID 83714
376-4665

HILLSDALE ESTATES HOMEOWNERS
ROY B JOHNSON
210 MURRAY ST
BOISE ID 83714
376-4665

NORTH ADA CTY FOOTHILLS ASSN
DAVID J HEAD
855 STILLWELL DR
EAGLE ID 83616
939-9900

PHILLIP FRY
4122 HOMER RD
EAGLE ID 83616
939-9267

SUNCOR ID LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

SCANNED

JAN 30 2007



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
Director

June 18, 2005

EAGLE LIBRARY
100 N STIERMAN WAY
EAGLE ID 83616

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Idaho Department of Water Resources for Thursday, September 8, 2005 at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Kreger
Administrative Assistant

SEARCHED

JAN 10 2006

GARTH BALDWIN
6050 HIWAY 55
HORSESHOE BEND ID 83629

BRAD LITTLE
BOX 488
EMMETT ID 83617

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1574 N ELLINGTON WAY
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WILLOWBROOK
DEVELOPMENT INC
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N ADA CTY FOOTHILLS ASSN
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SUNCOR IDAHO LLC
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HILLSDALE ESTATES
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PHILLIP FRY
4122 HOMER RD
EAGLE ID 83616

For labels



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 3, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUNCOR ID LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Re: Re: Application for Permit No. 63-32061 in the Name of SunCor ID LLC

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest. A prehearing conference will be scheduled in the near future if the protest has not been resolved.

Please contact this office if you have questions regarding this procedure.

Sincerely,


JOHN WESTRA
Western Regional Manager

JW:st

Enclosure: Copy of protest(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 3, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To: Those on the Attached List

Re: Application for Permit No. 63-32061 in the Name of SunCor ID LLC

Dear Protestants:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest. IDWR will schedule a conference in the near future if the protest has not been resolved.

If this office can be of further assistance, please contact us.

Sincerely,

for 
JOHN WESTRA
Western Regional Manager

JW:sk

GARTH BALDWIN
6050 HIWAY 55
HORSESHOE BEND ID 83629

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ROY B JOHNSON
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BOISE ID 83714

MAY 23 2005

Protest to Water Application 63-32061 23 May 2005 pg. 1WATER RESOURCES
WESTERN REGION

On 25 January, 2005, Suncor Idaho LLC applied to the Idaho Dept. of Water Resources to appropriate 5 cfs of aquifer water from 6 wells spread along 5 miles of Big Gulch in Ada County North of Eagle. Suncor plans use of this water in a proposed 9 square mile planned community near State Highway 55. The application also proposes possible aquifer recharge, and mitigation of consumptive use as needed. This application was identified as application 63-32061 in an Idaho Statesman legal notice on 5 May 2005.

I protest this application as the property owner at SW S25 T5N R1W in Ada Co. less than two miles from several of the proposed wells. Exercise of the approved application will have the following impacts:

- (1) reduce quantity of water under my existing water rights,
- (2) supply insufficient water for the proposed purpose,
- (3) conflict with the local public interest,
- (4) adversely affect the local economy of the watershed and local area

However, the proposed planned community could be a benefit to the public, a more beneficial use of the foothills than uncoordinated growth, a better alternative to development of the valley's productive agricultural land, and a model for the foreseen future development in this area and other rural foothill areas of Idaho. Therefore I believe the application should be approved with changes and constraints on the exercise of the water right and should be coordinated with establishment of a general policy by Ada County and the City of Eagle and the North Ada County Foothills Association (Chairman John Petrovsky at 571-1069).

Impact 1

The proposed wells will reduce the quantity of water under my existing water rights by contributing to lower water levels in my well and eventual expensive deepening of my well. The aquifer extent and dynamic characteristics like recharge rate and percolation flow are generally unknown as users and government agencies have not monitored effects of water use. Known is that:

- the aquifer lies in permeable deposited layers of sand and clay and should connect my and Suncor's proposed wells.
- there is a lack of water and poor well recovery in the Eagle Road area near Little Gulch less than two miles from 3 of the planned wells,
- early agricultural irrigation greatly raised the well aquifer levels in the valley (BSU Geological reports),
- the aquifer can only be recharged by the Boise River drainage, especially by the agricultural irrigation canals. And in my families memory there has not been significant water in Big Gulch and insufficient water Willow Creek to support this flow,
- all nearby residents pump water from the aquifer (personal or municipal),
- many residents pay for ditch water which pays for aquifer recharge, and
- all nearby residents North of the Farmers Union Ditch must pump water from the aquifer for irrigation.

Therefore Suncor's and future additional wells can only lower the existing well levels and contribute to eventual loss of my well. If existing wells are impacted by the new Suncor and later water users, then they must mitigate that impact with more effect than implied by the applications casual statement on aquifer recharge and mitigation of consumptive use. I see the impact mitigation in three areas:

- existing well owners are reimbursed for additional well drilling caused by lowering of the water levels or otherwise be provided water without expensive litigation. This requires a defined procedure to share costs among junior water users and monitoring of well levels.
- holders of new and even older water rights must explicitly recharge of the aquifer by purchase

Protest to Water Application 63-32061 23 May 2005 pg. 2

or sharing of river and ditch water rights.

- existing water rights must be reduced for the public good to share water with new users to make local irrigation and water recharge possible.

For justice, reducing future litigation, and aiding future planning I urge the Dept. to approve this and future applications with explicit requirements to

- mitigate and share well impact costs,
- periodically monitor and report well levels, and
- implement a recharge method at a future time or condition.

Further I urge the Dept., in coordination with county and city planning agencies, to identify other monitoring wells and implement monitoring to establish possible well water levels, water quality impacts and aid in establishing aquifer characteristics.

I also urge the Dept., after valley water adjudication is complete and in coordination with government planning agencies, to initiate planning and negotiation of a common reduction of present water usage rights to allow adding new users and sources for aquifer recharge.

Impact 2

Suncor's planned water supply appears insufficient for the proposed purpose. Suncor has not released information allowing a more detailed estimate or the existence of additional water sources, but a simple estimate of water usage shows the proposed average flow will only support about 1000 homes. This estimate is based on a typical average home use of 250 cu. ft. per week and the valley's minimum summer irrigation need for 2 inches/week on the allowed half acre of lawns and landscaping. Note that this estimate shows an average need for an 0.6 cu. ft. per sec. for domestic use (only 6 %) and an average 8.9 cu. ft. per sec. for irrigation. This example shows the need to separate potable water and irrigation water, the need for xeriscaping, and that some other water source must be available --none of which are defined by Suncor's application.

A calculation of maximum flow yields 47 cu. ft. per sec.(8 times the proposed flow) based on my estimate of 1500 homes in the 9 sq. mile area, and shows the need for significant water storage. The home density described in Suncor's April 2004 description would imply some 2600 homes, and a density matching Hidden Springs would result in 3000 homes, requiring a maximum flow of some 90 cu. ft. per sec (15 times 6 cfs). These estimates are based on a typical home well needing 15 gal. per min. to support both domestic water and irrigation.

Impacts 3 and 4

These proposed wells conflict with the local public interest and adversely affect the local economy of the Boise River watershed and local area by removing the water resource needed for future developments, by reducing available well water levels, and by wasting valuable potable well water in unrestricted irrigation.

The most significant issue in this protest is that the wells are pulling water from areas of future development (an area of more than 9 sq./ miles) and transporting the water away as much as 10 miles. This impacts the potential for development for land owners in the Big Gulch and Little Gulch area including my family. Without a desire to develop our land now, and without knowledge of the effects of Suncor's wells on the aquifer and our wells, we can only request the Dept. disapprove the Suncor wells or require the well water be available to future development near the wells. The Suncor water can be

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Protest to Water Application 63-32061 23 May 2005 pg. 3

provided by a municipal water company with wells initially in the valley areas which already have aquifer recharge from irrigation. There is Eagle water within 7 miles, less distance that this water must be piped from the proposed wells. I would expect the Suncor wells would eventually be sold to a municipal water company anyway.

A second issue is the the irrigation for the planned community must not be allowed to use potable water from the proposed wells for irrigation. With the areas limited water supplies such potable well water must be preserved by the Dept. to support the extensive future population growth foreseen in this valley. An alternate source of river water and gray water must be planned by Suncor to support irrigation. Bob Taunton of Suncor recently urged specific water conservation practices in a column in the Statesman but did not identify such plans with this application. I urge the Dept. to explicitly prohibit or phase out irrigation from the Suncor wells in any permit approval. Access by Suncor or future developers to irrigation water would require the Dept. and other government agencies to initiate planning and negotiation of a common reduction of present water usage rights to allow adding new users to the fixed supply of irrigation water.

Proposal

For this application I urge the Department of Water Resources to:

- disapprove the wells if a municipal water company can provide the water.
- approve only with explicit requirements to mitigate and share well impact costs,
- approve only with explicit requirements to periodically monitor well levels, and
- approve only with explicit requirements to implement a recharge method at a future time or condition.
- approve only with explicit requirements prohibiting or phasing out irrigation from the Suncor wells

For future applications in these foothills I urge the Department of Water Resources to add the same restrictions to any approvals.

I urge the Dept. to add budget and/or support other agencies to identify other monitoring wells and implement monitoring to establish possible well water levels, water quality impacts and aid in establishing aquifer characteristics.

I also urge the Dept., after valley water adjudication is complete and in coordination with government planning agencies, to initiate planning and negotiation of a common reduction of present water usage rights to allow adding new users and sources for aquifer recharge. Such agreements are nearly impossible to negotiate but are the only choice for future growth.

Finally I urge the Dept. to contribute to a general policy for foothill planning with Ada County and the City of Eagle and the North Ada County Foothills Association (Chairman John Petrovsky at 571-1069).

Philip Fry
4122 Homer Rd.
Eagle ID, 83616
ph. 208-939-9267, e-mail - idphil@earthlink.net

\$25 - 5/23/05 DB W032966

Idaho Department of Water Resources Receipt

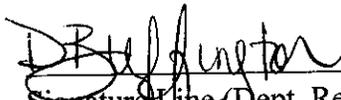
Receipt ID W032966

Payment Amount \$25.00 Date Received 5/23/2005 12:01:38 PM Region Western Status
Payment Type Check Check Number 3618

Payer FRY, PHIL (OR) LIDA
Comment NOTICE OF PROTEST: 63-32061

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155


Signature Line (Dept. Representative)

State of Idaho Department of Water Resources
% Sue Kreger
2735 Airport Way
Boise, Idaho 83705

May 3, 2005

RECEIVED

MAY 05 2005

WATER RESOURCES
WESTERN REGION

REF: Sun Cor Idaho, LLC application
63-32061

FORMAL PROTEST TO THIS APPLICATION:

After reviewing the Sun Cor application for the 5.0 CFS and studying their maps of the well locations, I feel the State needs to take a look at the (BIG PICTURE) on this application, according to the well logs that I received from your department they have drilled approx. 11 wells from East of HI Way 55 to almost HI Way 16 going to Emmett. These logs indicate from -0- water in some wells and 1 well west of HI Way 55 in the Little Willow Creek Drainage North Eagle in the foothills that they tested for a very short period of time of approx. 2,000 gallons per minute.

The big picture according to their news releases stated they would be 13,000 homes plus commercial and other applications.

These tests should be ran for at least a 1 to 2 year period to see what affect they have to this aquifer. (SO THE WATER RESOURCE DOES NOT HAVE ANOTHER SNAKE RIVER AQUIFER DRAW DOWN LIKE YOU HAVE IN THOUSAND SPRINGS?)

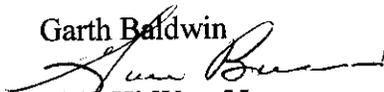
According to the water people I visited with no one knows the long term affect or capabilities of these sources because their has been no long term test ran.

I am sure that the people in the foothills North of Beacon Light and East and West of HI Way 55 to Hi Way 16 will be affected with a draw down of 3 MILLION GALLONS PER DAY. How much water will the Big Picture take from this aquifer?

Sun Cors own engineer studied the same formation North of this project and stated long term capabilities is only about 50% of the well pumping capacity. (I guess whoever is paying the Piper is what his answer will be.)

I am very concerned that this will affect the wells that have already been drilled North of this project on the Horseshoe Bend side of this source?

Garth Baldwin



6050 Hi Way 55

Horseshoe Bend, Idaho 83629

W032891 \$25- DB 5/5/05

Idaho Department of Water Resources Receipt

Receipt ID W032891

Payment Amount Date Received Region Status

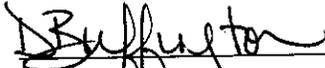
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155


 Signature (Dept. Representative)

Little Enterprises L. P.
Brad Little
Box 488
Emmett, Idaho 83617 0488
Telephone: 208-365-4611
Fax: 208-365-4615
Email: little_brad@msn.com

RECEIVED
MAY 17 2005
WATER RESOURCES
WESTERN REGION

May 15, 2005

Idaho Dept. Water Resources, Western Region
2735 Airport Way
Boise, ID 83705

Dear Sir or Madam:

Pursuant to Idaho Code 42-203A; Little Enterprises Limited Partnership protests application #63-32061 filed by Suncor Idaho LLC based on our water rights on the Willow Creek drainage, our stockwater rights in Little Gulch and other water rights we hold. We are concerned that the diversion of such a large amount of water by Suncor will injure both our decreed rights and our stock water rights.

There may be insufficient unappropriated water in this area, and Suncor's proposed ground water development may cause harm to our water rights. I reserve the right to assert other grounds for protest as additional facts about the application are made available.

Sincerely,



Brad Little
Cc Suncor Idaho 485 E. Riverside Dr. Ste 300
Eagle ID 83616

Attached is check of \$25.00

SuncorpWaterRtProtest3rd.DOC

Idaho Department of Water Resources Receipt

Receipt ID W032939

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155

_____
Signature Line (Dept. Representative)

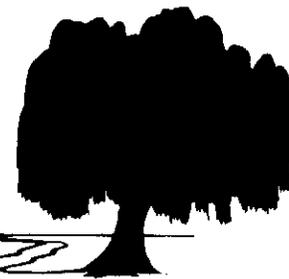
*Called 5-16-05
re: prot. fees
AK*

RECEIVED

MAY 16 2005

WATER RESOURCES
WESTERN REGION

*Willowbrook
Development*



210 Murray Street, Boise, ID 83714 (208) 376-4665

May 12, 2005

Sue Kreger
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: SunCor Idaho, LLC Appl. 63-32061

Dear Ms. Kreger,

Please consider this our formal protest for the above water permit application. We own and farm approximately 1,350 acres immediately west of the subject well area and feel this will greatly impact our aquifer. We respectfully request you deny this application and permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Phillips". The signature is stylized and cursive.

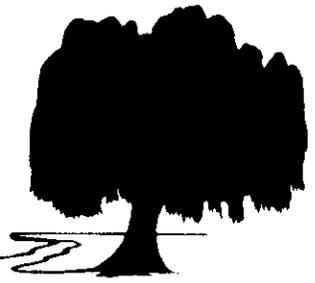
Richard M. Phillips, President
Willowbrook Development, Inc.

RECEIVED

MAY 19 2005

WATER RESOURCES
WESTERN REGION

*Willowbrook
Development*



210 Murray Street, Boise, ID 83714 (208) 376-4665

May 12, 2005

Sue Kreger
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: SunCor Idaho, LLC Appl. 63-32061

Dear Ms. Kreger,

Please consider this our formal protest for the above water permit application. We own and farm approximately 1,350 acres immediately west of the subject well area and feel this will greatly impact our aquifer. We respectfully request you deny this application and permit.

Sincerely,

Richard M. Phillips, President
Willowbrook Development, Inc.

Idaho Department of Water Resources Receipt

Receipt ID W032956

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 62103 1155



Signature Line (Dept. Representative)

RECEIVED

MAY 18 2005

WATER RESOURCES
WESTERN REGION

HILLSDALE ESTATES HOMEOWNERS ASSOC.

210 Murray Street

Boise, Idaho 83714

(208) 376-4665

May 12, 2005

Sue Kreger
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: SunCor Idaho, LLC Appl. 63-32061

Dear Ms. Kreger,

Please consider this our formal protest for the above water permit application. We have three domestic wells that provide water for approximately 350 homes and the adjoining yards and landscaping. We oppose this permit as we feel it will affect our water supply to these homes. We respectfully request you deny this application and permit.

Sincerely,



Roy B. Johnson, Vice President
Hillsdale Homeowner's Association, Inc.

HILLSDALE ESTATES HOMEOWNERS ASSOC.

210 Murray Street

Boise, Idaho 83714

(208) 376-4665

RECEIVED

MAY 19 2005

WATER RESOURCES
WESTERN REGION

May 12, 2005

Sue Kreger
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: SunCor Idaho, LLC Appl. 63-32061

Dear Ms. Kreger,

Please consider this our formal protest for the above water permit application. We have three domestic wells that provide water for approximately 350 homes and the adjoining yards and landscaping. We appose this permit as we feel it will affect our water supply to these homes. We respectfully request you deny this application and permit.

Sincerely,

Roy B. Johnson, Vice President
Hillsdale Homeowner's Association, Inc.

Idaho Department of Water Resources Receipt

Receipt ID W032957

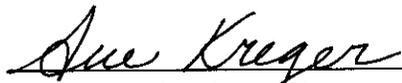
Payment Amount Date Received Region Status
Payment Type Check Number

Payer

Comment

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 62103 1155


Signature Line (Dept. Representative)

RECEIVED

MAY 20 2005

WATER RESOURCES
WESTERN REGION

W032959

May 19, 2005

Idaho Department of Water Resources
2735 Airport Road
Boise, ID 83705-5082

RE: In the Matter of SunCor Idaho LLC's Application (#63-32061) to Appropriate Water For Municipal Purposes

Dear Sir or Madam:

Enclosed are the original and two copies of the Notice of Protest to SunCor Idaho LLC's Application (#63-32061) to Appropriate Water For Municipal Purposes. Since there are two Protestants, we have enclosed two twenty-five dollar (\$25.00) checks.

Please confirm receipt by returning one copy in the self-addressed, stamped envelope. Please contact us if you have any questions or if there is a problem with the enclosed protest. Thank you for your assistance in this matter.

Regards,



Mr. Rod Davidson
P. O. Box 2026
Eagle, ID 83616



Mr. Lyle K. Mullins
1574 N. Ellington Way
Eagle, ID 83616

Enclosures

Mr. Rod Davidson
P.O. Box 2026
Eagle, ID 83616
Telephone: 208-284-0639

Mr. Lyle K. Mullins
1574 N. Ellington Way
Eagle, ID 83616
Telephone: 208-939-3190

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

In the Matter of SunCor Idaho LLC's Application (#63-32061) to Appropriate
Water For Municipal Purposes, Petitioners:

NOTICE OF PROTEST

Mr. Rod Davidson and Mr. Lyle K. Mullins ("Protestants"), files this protest to SunCor Idaho LLC's ("SunCor") Application to appropriate groundwater for municipal purposes. It appears certain rights and interests of Protestants may be impacted. The grounds for this Protest include, but are not limited to, the following:

- (1) SunCor is not an authorized municipal provider under Idaho law; and
- (2) SunCor's application to appropriate groundwater may injure Protestant's existing water rights and the rights of others; and
- (3) SunCor's application to appropriate groundwater may injure Protestant's ability to plan for anticipated future needs; and
- (4) The application may conflict with the local public interest; and
- (5) The application may be inconsistent with the conservation of water resources in the State of Idaho.

Idaho Department of Water Resources Receipt

Receipt ID W032959

Payment Amount
Date Received
Region
Status

Payment Type
Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155

Signature Line (Dept. Representative)

November 26, 1999

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 20 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- 1. Matter being protested PERMIT NO. 63-32061 SunCor Idaho, LLC
- 2. Name of protestant North Ada County Foothills Association (NACFA)
- 3. Protestant's Representative for service (If different than protestant) ATTENTION: David J. Head
- 4. Service mailing address 855 Stillwell Drive, Eagle, Idaho 83616
- 5. Service telephone no. 208/939-9900 208/938-8508
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

(ATTACHED)

(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? (ATTACHED)

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20th day of May, 2005.

Protestant David J. Head

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 63-32061 in the name of Suncor Idaho" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DB Date 5/20/05 Time 3:05 pm
\$25.00 fee Received by DB # W032964 Date 5/20/05

NOTICE OF PROTEST – Suncor Idaho, LLC – North Ada County Foothills Association

6. Basis of protest:

- a) Applicant groundwater withdrawals may negatively impact existing nearby senior water right holders of domestic wells located in NACFA's area of interest, generally described as that area North of Beacon Light Road between Highways 16 and 55. In its 1991 report¹, IDWR recommends that the "current observation well network in the Dry Creek area [Eagle, Idaho] is inadequate to monitor the effects of continued development of the ground-water resources in the area." Based on relatively recent conversations with IDWR representatives, and others, it does not appear to the Protestant that the 1991 recommendation was fully implemented - thus insufficient data seems to remain for NACFA's area of interest.
- b) The appropriation of 5 cfs (over 3 million gallons / day) to support 700 homes with presumably limited associated commercial, retail and office development appears high and inconsistent with the conservation of water resources in the state of Idaho. Protestant does not currently understand why IDWR would (or should) permit appropriation of more water than applicant needs to support their initial phase of development. Idaho Statutes Section 42-203A and 42-202B.
- c) Protestant has not had adequate time to obtain, review or evaluate information related to this application. While the applicant has apparently prepared and filed timely information (an October 2004 groundwater resource report and submittal of Application for Permit No. 63-32061 to IDWR on or before January 25, 2005), public notice of this water appropriation in the Idaho Statesman did not occur until May 5, 2005. The deadline to file protest is May 23, 2005.
- d) Protestant may or may not agree with recommendations and conclusions drawn by the applicant to support their permit application.
- e) Applicant has not adequately proven or documented its contention that the underground water flow from each of the six proposed wells moves to the north and west, thereby not affecting well owners to the south and east of such proposed wells. In the absence of such proof, such wells may reduce the quantity of water under existing water rights. Idaho Statutes Section 42-203A.

¹ Baker, Steven J. Idaho Department of Water Resources. June 1991. Ground-Water Conditions in the Dry Creek Area, Eagle, Idaho.

NOTICE OF PROTEST – Suncor Idaho, LLC – North Ada County Foothills Association

7. What would resolve your protest?

a) At their expense, and prior to permitting groundwater withdrawals by the applicant, IDWR and/or the applicant should first establish a well network within NACFA's area of interest, then monitor and report static water levels on a regular and continuing basis (quarterly or possibly semi-annually). If future water appropriation from Little Gulch and/or Big Gulch occurs and it is demonstrated that the applicant's withdrawals are negatively impacting existing senior water right holders in NACFA's area of interest, then - as a condition of the permit - the applicant must adequately mitigate the consequences in a timely fashion. Idaho Code 42-226.

b) A better understanding is needed by the Protestant of the applicant's short and long term development and the associated water resource and conservation plans.

c) Improved communications are needed with IDWR and the applicant. It is noteworthy and encouraging that on May 17, 2005, three NACFA representatives (David Head, Jerry Peterson, and Barbara Russell) met with one of the applicant's consultant (Terry Scanlan, SPF Water Engineering LLC) to discuss SunCor's project and technical information about regional and local groundwater resources. The NACFA representatives found the meeting very beneficial and it went a long way in addressing many of the group's initial concerns. NACFA representatives look forward to continuing dialog to address and resolve mutual concerns, goals and objectives in a timely way.

d) A copy of the applicant's October 2004 technical groundwater resource report should be provided [Note – this request was made during the previously mentioned 5/17/05 meeting]. Protestant is also interested in receiving IDWR's comments / opinions about the document. In the event we disagree with conclusions and recommendations drawn in the report, we need to know what actions can be taken and with whom in IDWR the Protestant should direct its concerns. Protestant shall look to IDWR to protect and ultimately be accountable for the short and long term interests of existing senior water right holders.

Idaho Department of Water Resources Receipt

Receipt ID W032964

Payment Amount Date Received Region Status

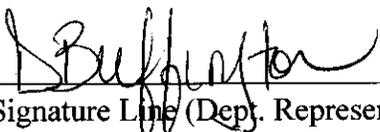
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155


 Signature Line (Dept. Representative)

The following application(s) have been filed to appropriate the public waters of the State of Idaho
1-32061

✓ sk

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Point(s) of Diversion SWSW	S8	T05N R01E ADA County	Source GROUND WATER
Point(s) of Diversion SWNW	S9	T05N R01E ADA County	Source GROUND WATER
Point(s) of Diversion SENW	S18	T05N R01E ADA County	Source GROUND WATER
Point(s) of Diversion SENW	S13	T05N R01W ADA County	Source GROUND WATER
Point(s) of Diversion SWNE	S23	T05N R01W ADA County	Source GROUND WATER
Point(s) of Diversion NESW	S23	T05N R01W ADA County	Source GROUND WATER
Use: MUNICIPAL		01/01 To 12/31	5 CFS
Total Diversion:			5 CFS

ON

Emmett, Gem County,

Date Filed: 01/25/2005

Remark: Proposed use is for additional water for an unincorporated planned community in portions of Ada, Boise and Gem Counties aka Spring Valley Ranch located between Shadow Valley Golf Course and Horseshoe Bend Hill along both sides of Hwy 55. Municipal use is for this service area of about 9 square miles. Use might include aquifer recharge (aquifer storage and recovery). Six proposed wells will be located in Big Gulch Creek drainage about 3 to 9 miles west of the service area. Water bearing zone to be appropriated is from 200 to 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed. 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 05/23/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER
Director

Pub: 5-4, 11, 2005

Legal Notice No. 5860
Published in the Messenger Index

ed States, and at all times
he age of eighteen years,
led action.

of the Messenger Index,
the City of Emmett in the
hat the said newspaper is
County of Gem, and in the
uninterruptedly published
fifty-two consecutive
n of the notice, a copy

nnexed is a printed copy,
vo times in the regular and
s printed in the newspaper

proper, and not in a supplement.

4. That said notice was published the following:
May 4, 11, 2005

Sherry J Cunningham
STATE OF IDAHO)
County of Gem)

On this 11th day of May in the year of 2005 before me a Notary Public, personally appeared. Sherry J Cunningham 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 acknowledge to me that he executed the same.

Marianne Chahey
Marianne Chahey
Notary Public for Idaho
My Commission Expires 2/4/2011
NOTARY PUBLIC
STATE OF IDAHO

RECEIVED

MAY 12 2005

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

SHERRY J CUNNINGHAM of Emmett, Gem County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times 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:
May 4, 11, 2005

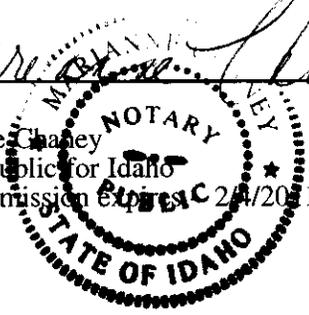
Sherry J Cunningham

STATE OF IDAHO)
County of Gem)

On this 11th day of May in the year of 2005 before me a Notary Public, personally appeared. Sherry J Cunningham 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 acknowledge to me that he executed the same.

Marianne Chaney

Marianne Chaney
Notary Public for Idaho
My Commission Expires 2/1/2011



RECEIVED

MAY 12 2005

WATER RESOURCES
WESTERN REGION

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

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

63-32061 ✓ok

SUNCORIDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Point(s) of Diversion	SWSW S8	T05N	R01E
ADA County Source	GROUND WATER		
Point(s) of Diversion	SWNW S9	T05N	R01E
ADA County Source	GROUND WATER		
Point(s) of Diversion	SENW S18	T05N	R01E
ADA County Source	GROUND WATER		
Point(s) of Diversion	SENW S13	T05N	R01W
ADA County Source	GROUND WATER		
Point(s) of Diversion	SWNE S23	T05N	R01W
ADA County Source	GROUND WATER		
Point(s) of Diversion	NESW S23	T05N	R01W
ADA County Source	GROUND WATER		

Use: MUNICIPAL 01/01 To 12/31 5 CFS
Total Diversion: 5 CFS
Date Filed: 01/25/2005

Remark: Proposed use is for additional water for an unincorporated planned community in portions of Ada, Boise and Gem Counties aka Spring Valley Ranch located between Shadow Valley Golf Course and Horseshoe Bend Hill along both sides of Hwy 55. Municipal use is for this service area of about 9 square miles. Use might include aquifer recharge (aquifer storage and recovery). Six proposed wells will be located in Big Gulch Creek drainage about 3 to 9 miles west of the service area. Water bearing zone to be appropriated is from 200 to 1000 feet.

Applicant agrees to mitigate consumptive use in the future as needed.

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 05/23/2005. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Idaho World on May 4 and 11, 2005.

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 May 4, 2005 and ending with the issue of May 11, 2005.

Deanna Steven

State of Idaho)
County of Boise)

On this 13 day of May in the year 2005, 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

Kreger (Taylor), Sue

To: jaepea@mindspring.com
Subject: comment letter

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 28, 2005

JOHN PETROVSKY
NORTH ADA COUNTY FOOTHILLS ASSN

Re: Water Right Application for Permit No. 63-32061 in the Name of SunCor ID

Dear Interested Parties:

Attached is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 23, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant



63-32061.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GARTH BALDWIN
6050 STATE HWY 55
HORSESHOE BEND ID 83629

Re: Water Right Application for Permit No. 63-32061 in the Name of SunCor ID

Dear Interested Parties:

Attached is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 23, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRAD LITTLE
LITTLE ENTERPRISES LP
BOX 488
EMMETT ID 83617-0488

Re: Water Right Application for Permit No. 63-32061 in the Name of SunCor ID

Dear Interested Parties:

Attached is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 23, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

THE CITY OF EAGLE (Tammy Zokan)
MOORE SMITH BUXTON & TURCKE
225 NORTH 9TH ST STE 420
BOISE ID 83702

Re: Water Right Application for Permit No. 63-32061 in the Name of SunCor ID

Dear Interested Parties:

Attached is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 23, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application

Kreger (Taylor), Sue

To: srae@deq.state.id.us
Subject: comment letter

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 28, 2005

ID DEPT ENV QUALITY
STEVE RAE
1445 N ORCHARD
BOISE ID 83706-2239

Re: Applications for Permit

Dear Mr. Rae:

Attached is a copy(s) 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 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 any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by May 23, 2005. A copy of the protest must also be sent to the applicant.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



63-32061.pdf

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 27, 2005

Legal Notice Department
MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

RE: Application for Permit No. 63-32061

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 05/23/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 27, 2005

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

RE: Application for Permit No. 63-32061

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 05/23/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 27, 2005

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-32061 and Application for Transfer No. 71774

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 05/23/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-32061

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Point(s) of Diversion	SWSW	S8	T05N R01E	ADA County	Source GROUND WATER
Point(s) of Diversion	SWNW	S9	T05N R01E	ADA County	Source GROUND WATER
Point(s) of Diversion	SENW	S18	T05N R01E	ADA County	Source GROUND WATER
Point(s) of Diversion	SENW	S13	T05N R01W	ADA County	Source GROUND WATER
Point(s) of Diversion	SWNE	S23	T05N R01W	ADA County	Source GROUND WATER
Point(s) of Diversion	NESW	S23	T05N R01W	ADA County	Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 01/25/2005

Remark: Proposed use is for additional water for an unincorporated planned community in portions of Ada, Boise and Gem Counties aka Spring Valley Ranch located between Shadow Valley Golf Course and Horseshoe Bend Hill along both sides of Hwy 55. Municipal use is for this service area of about 9 square miles. Use might include aquifer recharge (aquifer storage and recovery). Six proposed wells will be located in Big Gulch Creek drainage about 3 to 9 miles west of the service area. Water bearing zone to be appropriated is from 200 to 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed.

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 05/23/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on May 5 and 12, 2005.

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

63-32061

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Point(s) of Diversion	SWSW	S8	T05N R01E	ADA County	Source GROUND WATER
Point(s) of Diversion	SWNW	S9	T05N R01E	ADA County	Source GROUND WATER
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Point(s) of Diversion	SWNE	S23	T05N R01W	ADA County	Source GROUND WATER
Point(s) of Diversion	NESW	S23	T05N R01W	ADA County	Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 01/25/2005

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KARL J DREHER, Director

Published in the Messenger Index on May 4 and 11, 2005.

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

63-32061

SUNCOR IDAHO LLC
485 E RIVERSIDE DR STE 300
EAGLE ID 83616

Point(s) of Diversion	SWSW	S8	T05N R01E	ADA County	Source GROUND WATER
Point(s) of Diversion	SWNW	S9	T05N R01E	ADA County	Source GROUND WATER
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KARL J DREHER, Director

Published in the Idaho World on May 4 and 11, 2005.