

STARTING

LEFT

SIDE OF

FILE

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 63-31679

Priority: April 03, 2003

Maximum Diversion Rate: 3.34 CFS

This is to certify, that CHARLES E BAILEY And/Or
 HILLVIEW DEVELOPMENT CORP
 150 E AIKENS STE A
 EAGLE ID 83616

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.59 CFS
FIRE PROTECTION	01/01 to 12/31	3.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp 05N, Rge 01W, B.M., ADA County
 GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp 05N, Rge 01W, B.M., ADA County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 01W 32			X				X	X					

PLACE OF USE: FIRE PROTECTION, same as Domestic

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The water bearing zone sought to be appropriated is in the 300 to 400 feet in depth range.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
7. 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.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31679

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Points of diversion are located within Blk. 1, Monarch Ridge Subdivision.
11. Places of use are located within Lots 2-12 & 15-20; Blk. 1, and Lots 2-5 & 7-17; Blk. 2, Monarch Ridge Subdivision.
12. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
13. Domestic use is for 32 homes.
14. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
15. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of July, 2003.


for **KARL J DREHER, Director**

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Ident. No. 63-31679

RECEIVED

APR 25 2003

WATER RESOURCES
WESTERN REGION

Should questions arise during the processing of this application please contact:
David B. Shaw - ERO Resources Corp. (208) 373-7983

RECEIVED

JUL 14 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Amended

Amended

To appropriate the public waters of the State of Idaho

1. Name of Applicant Charles E. Bailey and/or Hillview Development Corp. Phone (208) 939-2730
Mailing address 150 E. Aikens, Ste. A, Eagle, Idaho, 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5N Range 1W Sec. 32, in the _____ ¼,
SW ¼, NE ¼, Govt. Lot _____ B.M., Ada County;
additional points of diversion if any: 2 wells
4. Water will be used for the following purposes:
Amount 0.59 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.34 for Fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.34 and/or (b) _____
cfs acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 2-12" wells with pumps and distribution system to lots.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 12 inches; proposed depth of well is about 400 feet
 - d. Is ground water with a temperature of greater than 85° F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 32 in Monarch Ridge Subdivision
 - e. Other; describe fully. Fire flow requirement of 1,500 gpm for 2 hours plus shoulder season irrigation.

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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													
5N	1W	32			D					D	D								
					F					F	F								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Farmers Union Ditch Co., LTD for irrigation.

- 11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Joint applicants are the current owner and purchaser/developer.

12. Remarks: Included in this application is early and late "shoulder" season lawn and garden irrigation of up to 1/2 acre per lot to supplement the primary irrigation source from Farmer's Union Ditch Co., LTD. Officers and Directors of Hillview Development Corp. are: Jim Merkle, President; Don Hutt, Vice President.

The water bearing zone sought to be appropriated is in the 300 to 400 feet in depth range.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" x 11" 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 a herein set forth.

Charles E. Bailey
Signature of Applicant (and title, if applicable)

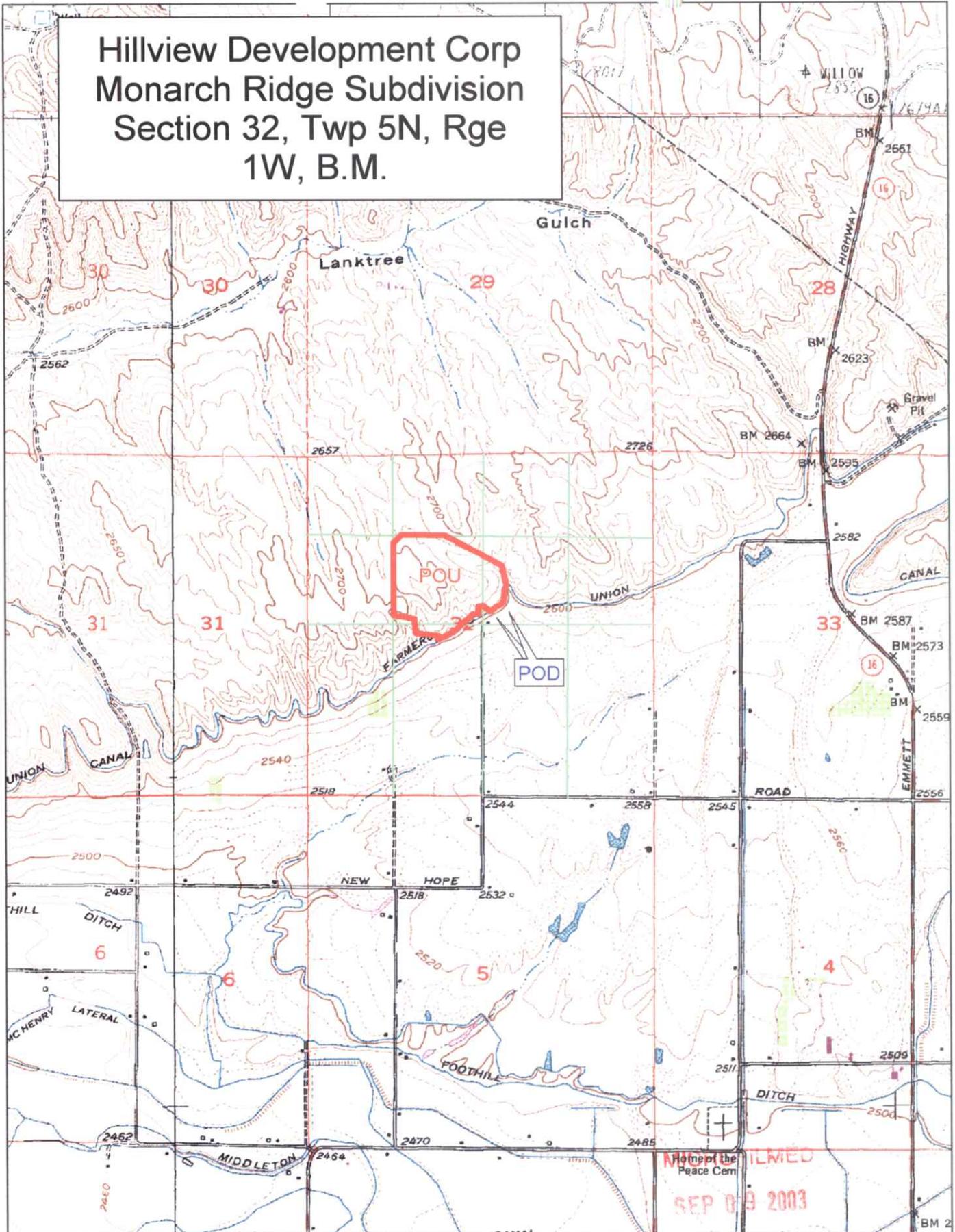
Received by SL Date 4/25/03 Time 1:00 Preliminary check by SL
 * Fee \$ 370.00 Received by KJ # 6030296 Date 4/3/03
 Publication prepared by AT Date 5-25-03 Published in THE IDAHO STATESMAN
 Publication approved AT Date 6-2-03

* per original Appl. -SL

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Hillview Development Corp
 Monarch Ridge Subdivision
 Section 32, Twp 5N, Rge
 1W, B.M.

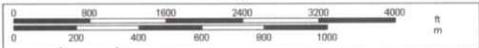


Home of the
 Peace Cem
 SEP 09 2003



© 2001 DeLorme. XMap®. Data copyright of content owner.
 Zoom Level: 13-1 Datum: NAD27

Scale 1 : 24,000
 1" = 2,000 ft



No gov't. lots - 82 4/29/03 63-31879

REQUEST TO PROCESS

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

Should questions arise during the processing of this application please contact:
David Shaw - ERO Resources Corp. (208) 373-7983

Name of Applicant Charles E. Bailey

Mailing Address 150 E. Aikens, Ste. A
Eagle, Idaho 83616

Application No. 63. 31679
(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.

XX

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

Charles E. Bailey

Date

4-22-03

Please return this form to:

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

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Ident. No. 03-51679

Should questions arise during the processing of this application please contact:
David B. Shaw - ERO Resources Corp. (208) 373-7983

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WATER RESOURCES
WESTERN REGION

RECEIVED

APR 25 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gene C. Bailey and/or Hillview Development Corp. Phone (208) 939-2730
Mailing address 150 E. Aikens, Ste. A, Eagle, Idaho, 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5N Range 1W Sec. 32, in the _____ ¼,
SW ¼, NE ¼, Govt. Lot _____ B.M., Ada County;
additional points of diversion if any: 2 wells
4. Water will be used for the following purposes:
Amount 0.30 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.32 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.34 for Fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.34 and/or (b) _____
cfs acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 2-12" wells with pumps and distribution system to lots.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 12 inches; proposed depth of well is about 400 feet
 - d. Is ground water with a temperature of greater than 85° F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 32 in Monarch Ridge Subdivision
 - e. Other; describe fully. Fire flow requirement of 1,500 gpm for 2 hours plus shoulder season irrigation.

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SEP 03 2003

ORIGINAL

Superseded by
4/25/03 Amended App!
-jc

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													
5N	1W	32			2					12	2								16
					D					D	D								
					F					F	F								

Total number of acres to be irrigated 16

10. Describe any other water rights used for the same purposes as described above. Farmers Union Ditch Co., LTD for irrigation.

- 11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Joint applicants are the current owner and purchaser/developer.

12. Remarks: Irrigation on this application is for early and late "shoulder" season to supplement the primary irrigation source from Farmer's Union Ditch Co., LTD.
Officers and Directors of Hillview Development Corp. are: Jim Merkle, President; Don Hutt, Vice President

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" 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 a herein set forth.

Charles E Bailey
 Signature of Applicant (and title, if applicable)

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 SEP 09 2003

Received by KL Date 4/13/03 Time 11:25 Preliminary check by _____
 Fee \$ 37000 Received by KL # W030296 Date 4/13/03
 Publication prepared by AT Date 5-15-22-03 Published in THE IDAHO STATESMAN
 Publication approved _____ Date _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

CHARLES E BAILEY
HILLVIEW DEVELOPMENT CORP
150 E AIKENS STE A
EAGLE ID 83616

RE: Permit No. 63-31679

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

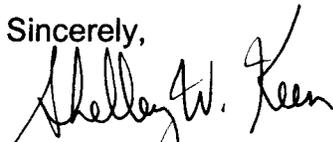
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The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: ERO RESOURCES CORP

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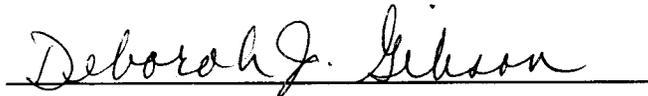
CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-31679

**CHARLES E BAILEY
HILLVIEW DEVELOPMENT CORP
150 E AIKENS STE A
EAGLE ID 83616**

**ERO RESOURCES CORP
C/O DAVID SHAW
1106 N COLE RD STE C
BOISE ID 83704-8661**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

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**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: July 24, 2003
To: Water Right File 63-31679
From: dgibson
Re: Permit Review

DEQ submitted letter asking that the public drinking water requirements be on the permit. DEQ wants to receive a copy of the permit when it is issued. Monty G. Marchus, P.E. at DEQ is assigned to this project.

A preliminary plat map was supplied by ERO Resources on 7/24/03 which identifies the 32 residential lots.

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RECEIVED
MAY 17 2003
Department of Water Resources
Dirk Kempthorne, Governor
C. Stephen Allred, Director

May 30, 2003

RECEIVED
JUN 05 2003
WATER RESOURCES
WESTERN REGION

Sue Taylor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 63-31679 in the name of Charles Bailey and/or Hillview Development Corp

Dear Ms. Taylor:

Thank you for the opportunity to respond to your email dated May 7, 2003. We have the following general comments regarding this project:

New Public Drinking Water System

We recommend that you contact our office directly for each new water system. There are several typical categories described below:

- a. This project will serve more than 24 people for more than 60 days per year and will be a Public Drinking Water System (PDWS) and/or Supply. Per *Idaho Code* § 39-118 and the associated *Idaho Rules for Public Drinking Water Systems*, all components of PDWS construction, including wells, must be designed by an Idaho registered professional engineer (engineer) and approved by the Idaho Department of Environmental Quality (IDEQ) prior to construction.
- b. All public water system facilities must have an engineering report and plans and specifications prepared by a registered professional engineer and submitted to DEQ for review and approval prior to construction. The engineering evaluation must cover physical factors such as source selection and construction, structures, pipelines, reservoirs, and related appurtenances. The evaluation must also cover non-structural factors such as system ownership, the ability of the initial owner to finance construction, and the ability of the final owner to finance, operate, and maintain the completed system.
- c. Both the well site and plans and specifications must be approved prior to drilling. Well houses must also have construction plans and specifications approved prior to

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Sue Taylor
Water Right No. 63-31679
May 30, 2003
Page 2

construction. We will also need to see the Permit to Appropriate Water, or an equivalent document, from the Idaho Department of Water Resources. If there are well known concerns about groundwater in that particular area, the client will be advised at that time.

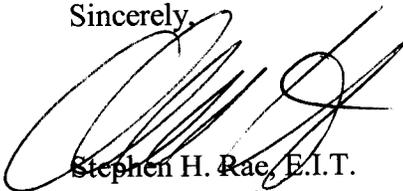
- d. Individual service lines should be reviewed by the State Plumbing Bureau and/or the local building department.

All questions and information on this portion of the project should be directed to

Monty G. Marchus, P.E., (208) 373-0560
Idaho Division of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise ID 83706

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,



Stephen H. Rae, E.I.T.
Associate Engineer

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
Bob Ward, Boise Regional Office
File 24, Reading File, Manager's File

G:\Engineering\BSU Internship Program\Bob\PZ Comment Letters\IDWR-63-31679-Charles E. Bailey_5-30-03.doc

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SEP 09 2003

Taylor, Sue

From: Taylor, Sue
Sent: Wednesday, May 07, 2003 2:03 PM
To: DEQ (E-mail)
Cc: Taylor, Sue
Subject: Comment Letters

May 7, 2003

Steve Rae, DEQ

Dear Sirs:

Attached are copies of one or more applications 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 your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by June 2, 2003.

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

Sincerely,

Sue Taylor
ID Dept Water Resources
Western Region
334-2190

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SEP 09 2003

5/7/2003



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

May 06, 2003

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application to Amend Permit No. 63-9139
Applications for Permit Nos. 63-31677, 63-31678 and 63-31679

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 06/02/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

SEP 09 2003

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

63-31679

CHARLES E BAILEY
150 E AIKENS STE A
EAGLE ID 83616
HILLVIEW DEVELOPMENT CORP
150 E AIKENS STE A
EAGLE ID 83616

Point(s) of Diversion SWNE S32 T05N R01W ADA County Source GROUND WATER

Point(s) of Diversion SWNE S32 T05N R01W ADA County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.59 CFS

Use: FIRE PROTECTION 01/01 To 12/31 3.34 CFS

Total Diversion: 3.34 CFS

Date Filed: 04/03/2003

Place Of Use: DOMESTIC

T05N R01W S32 SWNE SENW NESW

Place Of Use: FIRE PROTECTION

T05N R01W S32 SWNE SENW NESW

Remark: Domestic use is for 32 homes and yards in Monarch Ridge Subdivision.
Water bearing zone to be appropriated is from 300 to 400 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 06/02/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on May 15 and 22, 2003.

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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

April 14, 2003

DAVE B SHAW
ERO RESOURCES CORP
1106 N COLE RD STE C
BOISE ID 83704-8661

Re: Application for Permit for Monarch Ridge Subdivision

Dear Dave:

Enclosed please find the application you recently submitted for this subdivision. A few items need attention before the application can be processed as explained below. Please review these items and amend the application as needed.

✓ 1) Applicant Name – The application includes Gene C. Bailey but is signed by Charles E. Bailey. The applicant name should reflect the signature information or Charles E. Bailey should demonstrate legal authority to sign for the co-applicants.

✓ 2) Water Use – Department standards recognize 0.27 cfs for in-house domestic use for 32 homes instead of 0.30 cfs unless the applicant justifies the higher rate. Also, Basin 63 processing requirements require yard irrigation to be included within the “domestic use” term instead of being listed separately as a beneficial use.¹ Water use in the application should list 0.59 for domestic use to include in-house and yard irrigation uses for up to 32 homes. Each home would be limited to ½ acre of irrigation associated with the home. Dual uses under “domestic” can be explained in application remarks. Common areas and other non-yard irrigation would be excluded from this scenario.

✓ 3) Place of Use – Delete irrigated acres from the place of use chart since that use will be incorporated in domestic use.

✓ 4) Remarks – Explain that irrigation of 16 acres of yards associated with the homes is part of the domestic use.

¹ This “lumping” method is used for areas of limited water appropriation possibilities such as Basin 63 and ground water management areas. The “splitting” approach as shown in the enclosed application is used in areas not subject to such limitations. For example, a similar application for a community well in Basin 65 would be listed as you have shown in the Monarch Ridge filing: domestic for in-house use and yard and/or other irrigation listed separately (and not limited to ½ acre per home).

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✓ 5) Request to Process form – Unfortunately not included in the department's instructions or on the department's website, completion of this form allows processing to continue whenever a new consumptive use is involved. In this case, the most likely response is the last choice about "possible future mitigation."

The above described changes can be made on the original application and endorsed by the applicant's initials and date at the top of the application form, or the applicant could submit a replacement application. In either case, the revised filing should be labeled as "amended" and submitted to this office.

✓ 6) Water Bearing Zone – Another unusual Basin 63 processing guideline for ground water beyond an exempted "42-111" use includes identification of the water bearing zone to be appropriated. Please describe that zone in the application remarks ("from x to y feet"). This information is published in the legal notice to provide a clearer picture of the proposed development.

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. I appreciate your help with this application.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

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