

Form No. 204  
7/04

(Internet)

For Office Use Only  
\$50 Fee Received by UM  
Date 4-5-5  
Receipt No. 6079382

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 05 2005

DEPARTMENT OF  
WATER RESOURCES

**REQUEST FOR EXTENSION OF TIME**  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-31656

Name(s) of Permit Holder: Shirley Adams Sharp

Mailing Address: 10686 W. Pattie, Boise, ID 83714

Date Proof is Due: 6/1/2005 Telephone No. 378-4623

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

A 10-inch diameter well was constructed to a total depth of 581 feet in September 2004. The well was constructed to public water system standards. The water lines have been installed throughout the subdivision and pump will be installed pending DEQ approval. Costing \$ 250,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permit holder is waiting for DEQ approval for the well house and pump system. At that time, the project will be completed allowing the permit holder to sell lots and begin building homes.

Permit holder(s) request an extension to June 1 ~~XID~~ 2007

FEE: \$50.00

Shirley Adams-Sharp  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 2007.

Signed this 7th day of June ~~XID~~ 2005

Gary Spackman  
GARY SPACKMAN

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-31656

Priority: March 14, 2003

Maximum Diversion Rate: 3.55 CFS

This is to certify, that SHIRLEY ADAMS SHARP  
 10686 W PATTIE  
 BOISE ID 83714

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>
FIRE PROTECTION	01/01 to 12/31	3.30 CFS
DOMESTIC	01/01 to 12/31	0.25 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼NE¼ Sec. 21, Twp 05N, Rge 01W, B.M. ADA County

**PLACE OF USE:** DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE													
05N 01W 21		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 **June 1, 2005**.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. 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.
5. Domestic use is for 10 homes.
6. Place of use is located within Lots 2-4, 6-9 & 11-13, Blk. 1, Highplains Estates Subdivision.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. 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.

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State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-31656

CONDITIONS OF APPROVAL CONTINUED

9. 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.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. 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.
12. Water bearing zone to be appropriated is from 100 to 600 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29<sup>th</sup> day of May, 20 03.

  
for KARL J DREHER, Director

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SEP 0 9 2003

MAY 22 2003

ORM 202  
2/99

Department of Water Resources

Ident. No. 63-31696

RECEIVED  
MAR 14 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION

1. Name of Applicant Shirley Adams Sharp Phone 208-890-7451  
Mailing address 10686 W. Pattie, Boise, ID 83714

2. Source of water supply ground water which is a tributary of -----

3. Location of point of diversion is Township 5N Range 1W Sec. 21, in the XXXXXXXXXX  
NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., Ada County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:  
Amount 0.25 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 3.3 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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.55 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source Domestic and fire protection waters will be diverted from ground source by way of a well.

b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is 100-400 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 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):  
a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_  
b. Stockwatering; list number and kind of livestock. \_\_\_\_\_  
c. Municipal; show name of municipality. \_\_\_\_\_  
d. Domestic; show number of households. 10 houses w/ 1/2 acre lawn irrigation for ea. house  
e. Other; describe fully. Fire protection - The well will be utilized for Residential/Land protection.

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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	21		D	D														
5N	1W	21		F	F														

total number of acres to be irrigated 5 acres

0. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

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

2. Remarks: Water bearing zone to be appropriated in from 100 to 600 feet.

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

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

Shirley Adams Sharp  
Signature of Applicant (and title, if applicable)

Received by Jm Date 2/11/03 Time 3:43 Preliminary check by ly  
 Fee \$ 175 Received by AM # CO67357 Date 2/11/03  
 Publication prepared by AT Date 4-17-24-03 Published in THE IDAHO STATESMAN  
 Publication approved AT Date 5-5-03

also W030100 \$195 2/25/03  
ly

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SEP 09 2003

## REQUEST TO PROCESS

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

Name of Applicant Shirley Sharp  
 Mailing Address 10686 W. Pattie  
Boise, ID 83714  
 Application No. \_\_\_\_\_  
 (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

Shirley Adams Sharp

Date

2-10-03

Please return this form to:

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

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SEP 6 9 2003

RECEIVED  
FEB 12 2003  
WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT** ORIGINAL

To appropriate the public waters of the State of Idaho

1. Name of Applicant Shirley Sharp Phone 208-890-7451  
Mailing address 10686 W. Pattie, Boise, ID 83714

2. Source of water supply ground water which is a tributary of \_\_\_\_\_

3. Location of point of diversion is Township 6N Range 1W Sec. 21, in the W 1/4, 1/2  
NE 1/4, \_\_\_\_\_ Govt. Lot \_\_\_\_\_, B.M., Ada County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

- Amount 0.25 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)
- Amount 3.3 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)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.55 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Domestic and fire protection waters will be diverted from ground source by way of a well.

b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is \_\_\_\_\_ 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 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. 10 houses w/ 1/2 acre lawn irrigation for ea. house
- e. Other; describe fully. Fire protection - The well will be utilized for Residential/Land protection

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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	1W	21		D	D														
6N	1W	21		F	F														

total number of acres to be irrigated 5 acres

0. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

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

2. Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. **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.

Shirley Adams Sharp  
 Signature of Applicant (and title, if applicable)

Received by J. Mass Date 2/11/03 Time 3:43 Preliminary check by \_\_\_\_\_  
 Fee \$ \$175.00 Received by J. Mass # 0067357 Date 2/11/03  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

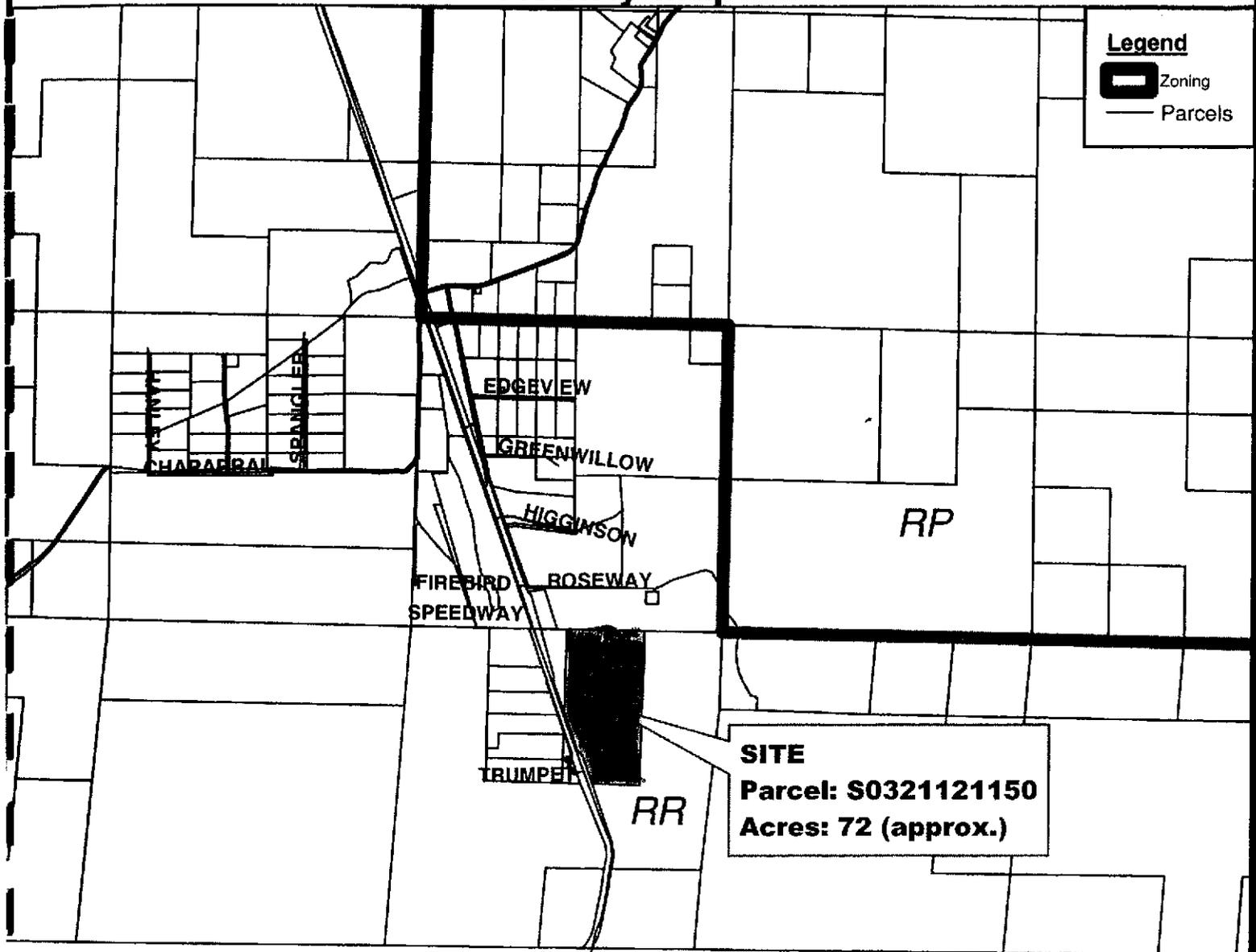
also W030100 #195  
 2/25/03

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 SEP 23 2003

# High Plains Estates Subdivision Vicinity Map

## Legend

-  Zoning
-  Parcels

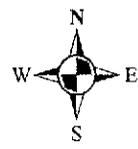
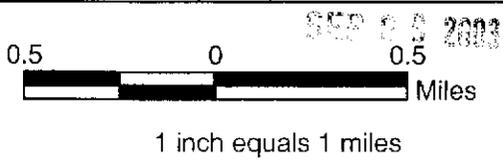


**SITE**  
**Parcel: S0321121150**  
**Acres: 72 (approx.)**



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**PINNACLE**  
 Engineers, Inc.  
 12552 W. Executive Dr. Suite B, Boise, Idaho 83713



This map is for general planning purposes only. Pinnacle Engineers claims no responsibility for the accuracy of the information shown.  
 Drawn: CB  
 09/27/2002  
 #C026129

SEP 29 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 8, 2005

SHIRLEY ADAMS-SHARP  
10686 W PATTIE  
BOISE ID 83714

RE: PERMIT NO. 63-31656

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **June 1, 2007**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: <http://www.idwr.idaho.gov>

If you have any questions regarding this matter, contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 63-31656

Reviewed By: dgibson

Date: June 7, 2005

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?	X	
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:		C067357,W030 100, C077382	Has the permit been involved in litigation?		
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

### Priority Calculation

Extension request received	04/05/2005	New proof due date	06/01/2007
Date proof due	- 06/01/2005		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 03/14/2003		
New priority date	= 03/14/2003		

### Action Taken

Acknowledge request and extend proof deadline to 6/1/2007 based on due diligence. DEQ is involved, but no evidence of their delay provided by permit holder.

March 31, 2005

SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE , ID 83714

PROOF DUE NOTICE

RE: PERMIT NO. 63-31656

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures  
cc: PINNACLE ENGINEERS INC



7003 0500 0003 1969 3543



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 30, 2003

SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83714

RE: Permit No. 63-31656

**Permit Approval Notice**

Dear Permit Holder:

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

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

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

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

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

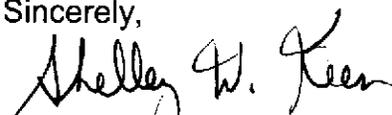
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SEP 25 2003

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: PINNACLE ENGINEERS INC

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SEP 03 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on May 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.                      63-31656**

**SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83714**

**PINNACLE ENGINEERS INC  
ATTN: JOHN CARPENTER  
12552 W EXECUTIVE DR STE B  
BOISE ID 83713**

---

*Deborah J. Gibson*

**Deborah J. Gibson  
Administrative Assistant**

**MICROFILMED**

**SEP 19 2003**

**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.

MICROFILMED  
SEP 09 2005

## 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.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by Ly Date 3/20/03 Application # 63-31656

**REQUIRED INFORMATION**

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

Government Lots  
 P/D  
 P/U

**ADDITIONAL INFORMATION**

ADVERTISE REMARKS (Yes or No)

YES NO

- Overlapping place of use (Describe source and relationship to present application on next page)
- Overlapping point of diversion
- Critical groundwater area
- Ground water management area
- 1992 moratorium
- Surface water source, IDFG letter needed
- Protected river or minimum flow reach, notify water planning bureau
- E-mail to Dam Safety staff (for any storage)
- Mitigation plan Check any that apply
  - Immediate = acceptable plan required and submitted
  - Future = open areas, acceptance of condition of approval is in file
- Send power requirement letter &/or fish farm requirement letter
- Power residency affidavit
- Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)

REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

correct legal

Date Requested 2/14/03 Date Response Received 3/14/03

**PROCESSING**

APPLICATION # 63-31656

YES NO

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

**SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED**

YES NO

- I.D. Environmental Quality
- I.D. District Health
- I.D. Fish & Game
- I.D. Lands

YES NO

- US BLM
- US Forest Service
- Water Dist # \_\_\_\_\_
- Water Planning Bureau
- Other \_\_\_\_\_

**FINAL REGIONAL PROCESSING REVIEW**

YES NO

- Affidavit of publication received
- Application published correctly? If not, record action taken \_\_\_\_\_

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- Publication dates and paper recorded on application
- Final date for protest 5-5-03
- Protests received
- Recommendations attached
- Measuring device required
- Water delivered by water master? District # \_\_\_\_\_
- Special conditions of approval or cover letter

Recommended Date of Priority 3/14/03

Recommendation  Approve  Deny by Bays Date 5/20/03

**ADDITIONAL INFORMATION**

- See attached proof report, note any Legal Notice Remarks &/or Comments
- See attached shapefile



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Application Report 63-31656

Conditions of Approval:

Remarks:

Comments:

1. Igraves 3/20/2003 Legal Notice Remarks  
Comment: Applicant agrees to mitigate consumptive use in the future as needed.  
Domestic use is for 10 homes and yards in Highplains Estates Subdivision.  
Water bearing zone to be appropriated is from 100 to 600 feet.

2. Igraves 3/20/2003 Comment/Analysis  
Comment: The p/d is proposed in Blk 1, next to the SW corner of Lot 2, Highplains Estates Subdivision. Applicant also has application 63-31563 filed for irrigation of 50 acres in the W1/2 NE S21, which is currently in processing hold. The lot sizes average .75 acre. No other rights are used.

Dates and Other Information:

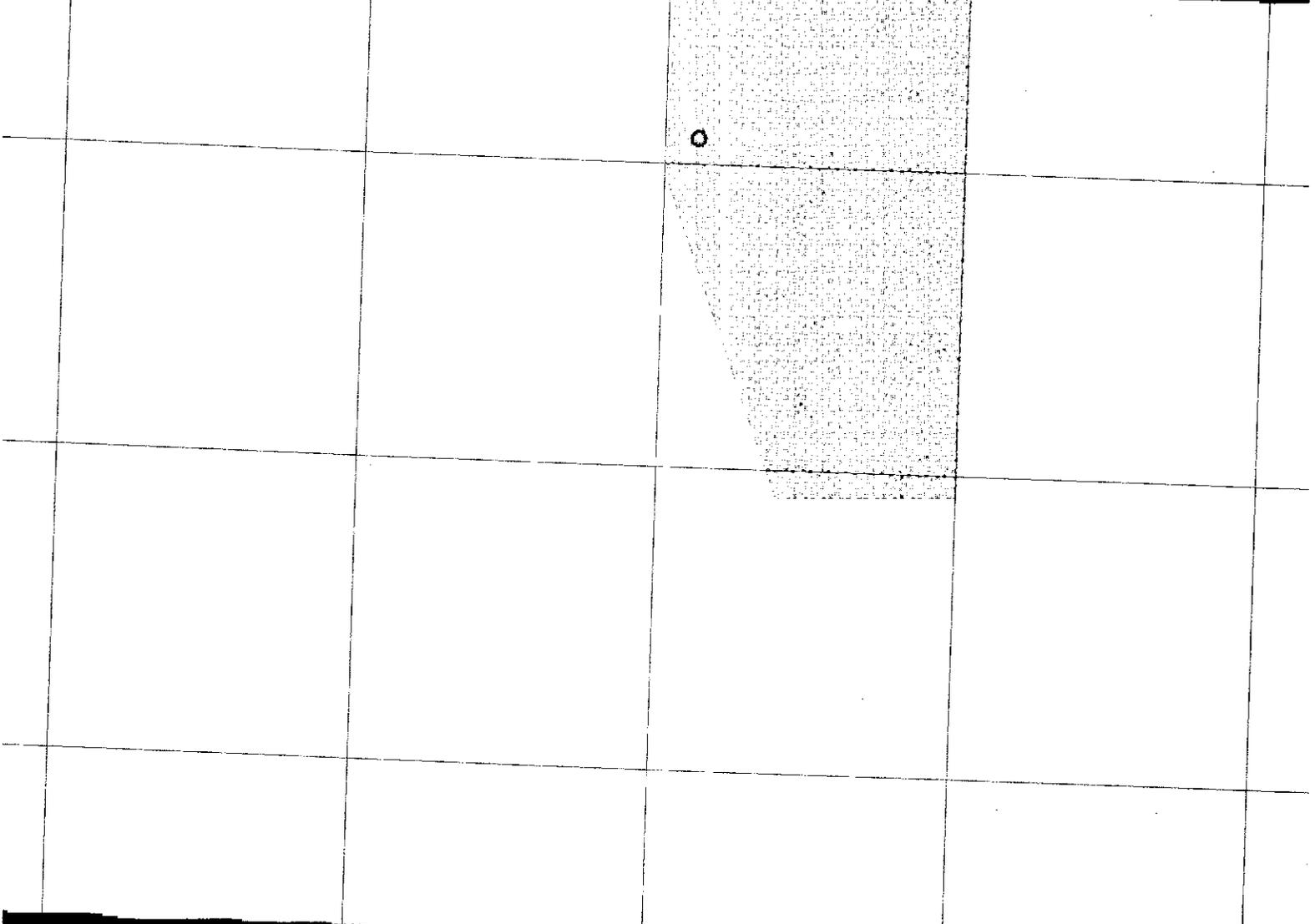
Application Received Date: 3/14/2003  
Application Denied Date:  
Last Date of Beneficial Use:  
Extension End Date:  
Protest Deadline Date:  
Number of Protests: 0  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Application Type: New Appropriation  
Applicant Remarks: Water bearing zone to be appropriated is from 100 to 600 feet.  
Other Water Rights: Application 63-31563 on hold.  
Time to Complete Works: 2  
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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**Taylor, Sue**

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**From:** Taylor, Sue  
**Sent:** Thursday, April 17, 2003 3:49 PM  
**To:** 'Bob\_Mallis@blm.gov'; 'srae@deq.state.id.us'; 'eleitzin@idfg.state.id.us'; 'sspencer@fs.fed.us'; 'dgruenhagen@idl.state.id.us'  
**Cc:** Taylor, Sue  
**Subject:** Applications for comment letters

April 17, 2003

Eric Leitzinger, IDFG  
Bob Mallis, BLM  
Steve Rae, DEQ  
Steve Spencer, USFS  
Dave Gruenhagen, IDL

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 May 7, 2003.

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

Sincerely,

Sue Taylor  
ID Dept Water Resources

MICROFILMED

SEP 09 2003

4/17/2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

April 09, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**Legal Notice Department**  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

RE: Application for Permit Nos. 63-31568, 63-31656, 63 31658 and  
Application for Transfer No. 70330

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find four 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 05/05/2003. 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:

63-31656

SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83714

Point(s) of Diversion NWNE                      S21 T05N R01W ADA County                      Source GROUND WATER

Use: DOMESTIC                                      01/01 To 12/31 0.25 CFS

Use: FIRE PROTECTION                            01/01 To 12/31 3.3 CFS

    Total Diversion:                                      3.55 CFS

Date Filed: 03/14/2003

Place Of Use: FIRE PROTECTION

T05N R01W S21                      NWNE SWNE

Place Of Use: DOMESTIC

T05N R01W S21                      NWNE SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.  
Domestic use is for 10 homes and yards in Highplains Estates Subdivision.  
Water bearing zone to be appropriated is from 100 to 600 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.  
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region,  
2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/05/2003. The  
protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on April 17 and 24, 2003.

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SEP 03 2003