



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

May 14, 2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

**Re: Application for Permit No. 63-32573, in the name of M3 Eagle, LLC.**

Dear Interested Parties:

Enclosed for your information are ten letters received by IDWR beginning on April 28 through May 12, 2009. These letters are referencing the M3 Eagle application and will be incorporated into the IDWR file.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson". The signature is written in black ink and is positioned above the typed name and title.

Deborah J. Gibson  
Administrative Assistant  
Water Management Division

cc: Service List

RECEIVED

APR 28 2009

DEPARTMENT OF  
WATER RESOURCES

April 23, 2009

Via U.S. Mail

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83702-0098

Mr. Dennis Owsley, P.G.  
Technical Hydrogeologist  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83702-0098

Dear Sirs:

I live in Buckhorn Estates in Eagle, Idaho, and am the current residing President of the Buckhorn Estates West Homeowners Association. My home is located on five acres, as are all the other 45+ homes in our subdivision. Each of us have private, individual wells on which we solely rely for all of our domestic water needs and some limited landscaping and irrigation.

As a concerned citizen and homeowner, I have been reading about and have attended several meetings regarding the water right being requested by M3 Eagle Company. While I fully support individual property owner rights to develop and use their land as permitted by applicable law, it has become relatively obvious to me that the water right requested by M3 is exorbitant, unsupportable, and unreasonable *at this time*.

As a large developer, M3 has been able to overwhelm us individual property owners, as well as the IDWR, and small citizen associations, with multi-million dollar studies and data that can not be matched by existing residents of the area – it simply is not financially possible to do so. However, that does not mean that M3's studies are complete, accurate, or draw the correct conclusions. Rather, they are merely studies, data, and theory. Conversely, and on a common sense level, it doesn't take a scientist to understand that pumping a large amount of ground water at any depth in a high desert topography will adversely affect ground water at all levels for miles around that draw.

In fact, several of the homeowners in our subdivision have had their wells monitored for several years now, and the data clearly shows that the levels are constantly dropping with each monitoring, just due to current use of existing, developed parcels and homes. It appears unimaginable and irresponsible to me to conclude that M3's extraordinary pumping activity would have no effect on wells for miles around. To the contrary, the studies I have seen would suggest a draw-down in my area of 20 to 35 feet!

There is a simple and reasonable approach to M3's application:

**Grant a small, limited water right to begin with, install a reasonable number of monitoring wells in appropriate locations and have them independently monitored, and then determine the TRUE effect of the pumping over time.**

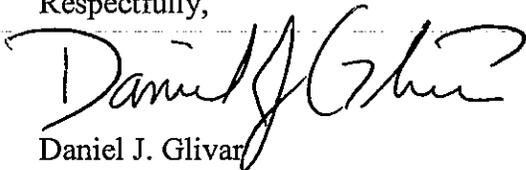
Otherwise, it's pretty fair to say we're all just guessing about the potential effects. Why take such a risk on the most valuable natural resource the Treasure Valley has? Once granted, it can't be taken back and the potential adverse effects would be irreversible.

Moreover, if a large water right is granted without such phasing in, and it does indeed cause other local well water levels to drop, who will be responsible to re-drill wells for the thousands of existing homeowners that could be affected? Is M3 willing to insure for such a likely contingency? Will M3 be around to pay for such costs? If not, the reality is that individual homeowners already living in the area would be paying for M3's water right and usage. That does not seem fair or reasonable at any level.

I respectfully request that the IDWR deny M3's application as currently filed. Let's give the independent studies and some independent well monitoring the time needed to ensure we all understand how much available ground water there is to support current and future development.

We all are relying on your good judgment to protect our water rights, homes and property, and to fairly grant and implement all future water rights/usage.

Respectfully,



Daniel J. Glivar  
Individually and as President, Buckhorn Estates HOA

copies to:

Mr. Gary Spackman, P.E. (U.S. mail)  
Senator Chuck Winder (via email)  
Rep. Mike Moyle (via email)  
Rep. Raul R. Labrador (via email)  
Mr. Terry T. Uhling, Chairman, IWR Board (U.S. mail)  
Mr. Gary M. Chamberlain, Vice Chairman, IWR Board (U.S. mail)  
Mr. Bob Graham, Member, IWR Board (U.S. mail)  
Mr. Jerry R. Rigby, Member, IWR Board (U.S. mail)  
Mr. Charles D. Cuddy L.S., Member, IWR Board (U.S. mail)  
Mr. Leonard Beck, Member, IWR Board (U.S. mail)  
Mr. Phil Bandy (via email)  
Mr. Micahel Huffaker (via email)

Wendy Hecht  
4943 N. High Country Way  
Star, ID 83669

WA

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APR 28 2009

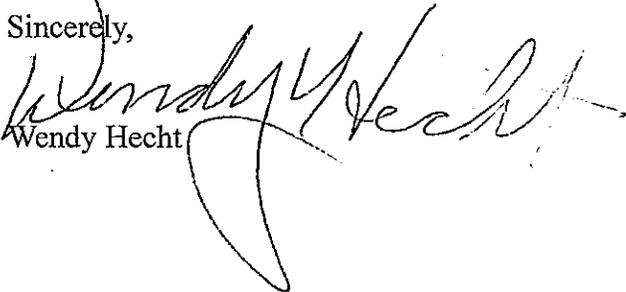
DEPARTMENT OF  
WATER RESOURCES

April 27, 2009

Dear Dr. David Tuthill,

I am writing this letter to let you know that I am unhappy with M3 Eagle Company's request to draw water from the aquifer that underlies their property. I think that their draw will be excessive and create an undue burden for current well users who will have to deepen their wells to accommodate their draw down. I do not feel that this is reasonable. It is very expensive to deepen wells and to operate water pumps that now have to pump water to a higher elevation. This is a burden that I should not have to shoulder for their benefit. There are also other issues with their request. I doubt the veracity of their claim that their data demonstrates that the draw down is tolerable due to a discovery of a new, deeper aquifer. This data should be subject to peer review which it has not. IDWR is also in the process of assessing the aquifer situation in an independent report that should be ready at the end of the year. You should at the very least wait for this report to be submitted so that it can be included in the decision making process. After all, it is an internal report your department is generating. Please note that M3 has other options in getting the water that they need. They can pump water from the Payette River. This should be a viable option for them. In closing, I want to thank you for taking the time to fully consider all the data and options available to resolve M3's request.

Sincerely,

  
Wendy Hecht

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APR 30 2009  
DEPARTMENT OF  
WATER RESOURCES

April 27, 2009

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front St.  
Boise, ID 83702-0098

Mr. Dennis Owsley, P.G.  
Technical Hydrogeologist  
Idaho Department of Water Resources  
Boise, ID 83702-0098

Dear Sirs:

We are concerned citizens and homeowners living in Buckhorn Estates in Eagle, Idaho, just north of Beacon Light Road. We live on five acres and rely solely on a private well for our domestic, landscaping and some irrigation needs. We have attended several meetings regarding the water right being requested by M3 Eagle Company and must voice our negative opinion.

As a group of citizens and private well owners, living in the affected area we have tried to keep up with M3's multi-million dollar studies and all of their data, but it is not financially feasible for us to refute it, matching dollar for dollar. It doesn't, however, take millions of dollars to understand that pumping an exorbitant amount of ground water at any depth in a high desert topography will adversely affect ground water at all levels for miles around that draw.

We do have data that shows that water levels are now constantly dropping at each new monitoring with just the current use of existing homes. If M3s water right as requested is granted we feel certain that current well owners would have to re drill their wells costing thousands of dollars each. This would mean we would be paying for M3s water right and usage. Instead, we request the following:

Grant a small, limited water right to begin with, install a reasonable number of monitoring wells in appropriate locations and have them independently monitored and then determine the true effect of the pumping over time.

We can't afford to take a risk that can't be undone by granting M3 Eagle's application as currently filed. We respectfully request that IDWR deny this application.

Respectfully,



Tom and Karen Nelson  
4476 N. Croft Place  
Eagle, ID 83616

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MAY 01 2009

DEPARTMENT OF  
WATER RESOURCES

L. ALAN SMITH  
3135 OSPREY ROAD  
EAGLE, IDAHO 83616

April 22, 2009

Dave Tuthill  
State of Idaho  
Department of Water Resources  
322 E. Front Street  
Post Office Box 83720  
Boise, Idaho 83720-0098

Mr. Tuthill:

I am one of the Protestants to the M3 Eagle Application to appropriate 15 million gallons per day. As you know, that application is now pending before IDWR.

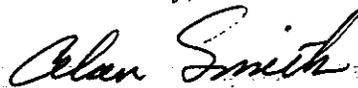
Two of my neighbors on each side of me and another on Ballantine Road had wells go dry this spring, 2008. Each spent approximately \$12,000 to drill deeper wells and install larger pumps.

I believe the large well installed by United Water or Eagle City at Floating Feather and Eagle Road has had a substantial detrimental effect on underground water levels in our area. Both of my neighbors' wells went dry within a few months after that large well began operating in 2008.

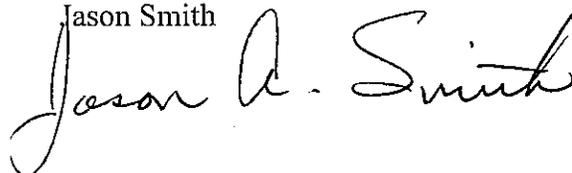
More new developments and new wells in the Eagle area will continue to draw down our water levels. As a senior water right user with a domestic and irrigation well drilled prior to 1978, I am entitled, as I understand the law, to a historic pumping level from our aquifer. I am concerned that the over allocation of water will destroy that right. Would it not be wise to defer this large water application until later this year until further analysis is completed?

Ancestral water that took eons to develop should not be exploited by out of state developers and decimated in a few years. We are dependant on IDWR to protect this precious resource which some developers seem to think is "infinite". Thank you for protecting our "Senior Water Rights".

Sincerely,



Alan Smith  
Jason Smith



April 29, 2009

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MAY 01 2009

DEPARTMENT OF  
WATER RESOURCES

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098

Re: M3's Ground Water Application

Dear Mr. Tuthill,

I believe that M3 has done an extraordinary job in researching their proposed planned development. They are extremely community and environmentally conscious and have put enormous resources into planning, research, and development of their planned community.

I believe that their project is smart, sound, and community and environmentally friendly. I believe they have researched the water resources in the area very carefully and have planned their development to cause the least amount of impact on the area and the surrounding properties.

I ride my horses out in the Eagle Foothills regularly and am looking forward to M3's master planned community. Please approve M3's ground water application.

Sincerely,



Kalyn Armstrong  
1871 W. Parkstone St.  
Meridian, ID 83646

Sherri Randall  
278 E Beacon Light Rd  
Eagle, ID 83616

Dr David Tuthill, Director  
Idaho Dept of Water Resources  
322 East Front Street  
Boise Idaho 83720-0098

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DEPARTMENT OF  
WATER RESOURCES

Thank you for the opportunity to comment on the M3 Eagle water right application. Please don't interpret the late date of my correspondence to mean that I believe this matter to be of little importance. I am a CPA and have been overwhelmed at work. I had hoped to find the time to write an eloquent letter full of important facts and compelling arguments. Instead, I must leave that to the qualified hands of those better suited for the task. Here you will find my simple appeal to proceed with caution. Please know that for the one letter you receive from me, there are hundreds of others that are too shy to speak up but that nonetheless are fearful of the implications of granting M3's application.

It is an extremely large application. Idaho is a desert and has a long history of water issues, most recently the woes of the East Snake Plain attest to this. I myself applied for water rights on my property in 1993. A moratorium was placed just shortly before I filed and was not lifted until just last year and they are still working through the backlog (as you are, of course, quite aware). I think it would be dangerous to grant M3 such a huge allocation of water when we have been suffering under a shortage for so long.

I am on a well-monitoring program and so far have watched the water level in my well slowly drop. As I understand it, the state has already expressed concern with the water levels in my area and as a senior water right holder, I am naturally concerned. I am asking you sir to protect those rights. To protect the water rights of those of us in the senior position, those of us that are already here, those of us that have built our lives here.

Water is a valuable resource and the supplies are limited. My pasture is dry because I don't have the right to water. Because I cannot grow grass to feed my horses, I fight weeds and dust and must go further and further each year to find hay as the fields are being gobbled up for development. Although my neighbors all water their pastures without the benefit of rights, I use my water responsibly and I hope that I haven't done so all these years in vain.

The area M3 would like to develop is very, very dry. It will take tremendous amounts of water for thousands of lawns, showers, car washings and loads of laundry. Once it gets rolling, there will be no stopping that train. I believe that we need to use caution and proceed very slowly.

My request is that you proceed cautiously and allow a small, reasonable allocation of water and then take time to monitor the effects on the water levels. M3 is not the only application in our area. We don't yet know how much of an impact all the new wells, including those that have been granted but not yet placed in service, will have on the area. I don't believe we can yet know what strain our water supplies are under as the effects of recent development may not yet be visible.

I appreciate your consideration of our comments and thank you for your efforts.

*Sherri Randall*

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MAY 05 2009

DEPARTMENT OF  
WATER RESOURCES

April 30, 2009

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098

Re: M3's Ground Water Application

We are 35 year residents of Eagle, our property approximately 20 acres is contiguous to the M3 property and the BLM to the east.

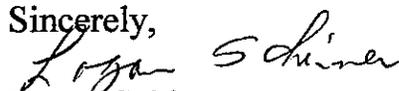
Our domestic well is 30 years old and is 228 feet deep. M3 tested this well on 6/3/06 and the depth to water from top of well casing was 211.44 feet. M3 has it on their list of monitored wells. Our water quality is excellent and we enjoy adequate production, about 28 GPM. Our well has not suffered any drawdown.

I believe the M3 Companies have done an outstanding job in trying to provide a top quality plan for their entire project. I have never seen a developer spend the time and money they have to find the water needed for the project.

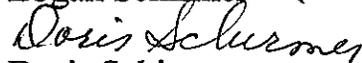
I know in time the private property North of Eagle will be developed. I would rather see a master planned community in place, done by a top professional team, rather than a hodge podge array of 5 to 10 acre parcels with septic and wells and no open space for public use.

The projects they have developed in Colorado and Arizona are testaments to their expertise. I believe the protests to their project are merely an attempt to use the water issue as another stall tactic to thwart development.

Sincerely,



Logan Schirmer



Doris Schirmer

4430 No. Double S Lane  
Eagle, Idaho, 83616

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MAY 08 2009

DEPARTMENT OF  
WATER RESOURCES

9568 N Golden View  
Star, ID 83669  
May 5, 2009

Dr. David Tuthill, Director  
Idaho Dept. of Water Resources  
322 East Front Street  
Boise, ID 83720-0098

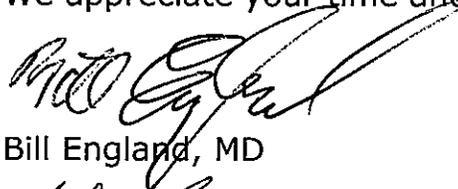
Dear Dr. Duthill,

We've read with interest and concern about the M3 Eagle Company applying for a remarkably large water right for their planned development north of Eagle.

We live just north of Star in Hillsdale Estates and are served by a community well. We're quite concerned that this large a demand on the aquifer could easily compromise the wells used by those of us around Eagle and Star. I'm skeptical that M3 has adequately proved that they would be using an independent aquifer from their neighbors, and the resulting consequences could be both widespread and awesomely expensive.

We would encourage IDWR to reject the M3 application. It would be reassuring to have an independent study at least as thorough as the Treasure Valley Hydrologic Study that confirmed their aquifer was indeed distinct from those nearby and that it could support such a large right. Even then, it would seem prudent to grant this right slowly and in stages, ensuring that neighboring wells were not adversely affected.

We appreciate your time and consideration.



Bill England, MD



Kathy England

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4690 Hartley Rd.  
Eagle, ID 83616  
May 5, 2009

MAY 08 2009  
DEPARTMENT OF  
WATER RESOURCES

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83720-0098

Dear Dr. Tuthill,

I favor the M3 Development. I have the highest regard for their research and planning integrity. Other developers to the south of my property will be detracting from my life style. I can only wish they would follow M3's good example.

At the first neighborhood meeting M3 explained how their development would work with the natural topography. They presented their sensitivity to water issues. I approve of their plans to monitor as they go. I am excited about their plans to reuse water, their decision to use plant species that require less water and other conservation measures. There is genuine concern for the future of the residents.

I personally believe some local residents are only using "thumbs down" as a ploy to stall development rather than a genuine fear of running out of water. This development will probably have more protective covenants than their own neighborhoods. I do not believe that the M3 development will impact my well, but I fear the intense development south of my well might. Therefore, I support the efforts of the M3 Development and look forward to watching the progress of this close neighbor.

Respectfully,



Joan Langdon  
286-9020



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MAY 12 2009

DEPARTMENT OF  
WATER RESOURCES

May 6, 2009

Dr. David Tuthill, Director  
Idaho Department of Water Resources  
322 East Front Street  
Boise, ID 83720-0098

We at 3 Horse Ranch Vineyards support M3 Eagle's plan to employ water-conserving techniques (xeriscape, metering, etc...) and to re-use wastewater. M3 Eagle has provided the most extensive study of an aquifer ever done in the state of Idaho.

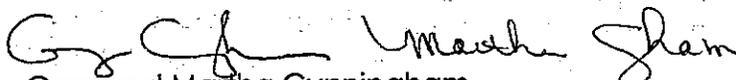
M3 Eagle would not be developing a Master Planned Community in an area that did not have an ample water supply to support their project and we believe it is in the local public interest for new growth in the area to rely on central water systems such as the one M3 proposes rather than on a continued proliferation of domestic wells, because domestic wells promote over-use of water and may not be properly sealed and thus allow aquifer contamination, loss of aquifer pressure head or intermixing of aquifers.

M3 Eagle plans to build a wastewater treatment plant in the project that will treat wastewater to Class A drinking water standards to be re-used on the property. Along with other water conservation measures that M3 plans to implement, this is expected to conserve 3,000 acre feet of water.

In addition, exhaustive studies have been done that show a large, robust regional aquifer that will more than support the development. M3 Eagle has spent \$2 million on extensive ground water studies and testing to confirm to the maximum extent possible that an adequate water supply exists to serve the master-planned community for the long term without harming existing wells in the area. M3 plans ongoing monitoring to ensure that water levels remain stable as predicted.

Finally, we feel that protests are merely an attempt to use the water issue as another stall tactic to thwart M-3 Eagle and the Master Planned Community in our beloved Eagle Foothills.

Regards,

  
Gary and Martha Cunningham

SERVICE LIST  
As of March 16, 2009

JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
PO BOX 2720  
BOISE ID 83701

M3 EAGLE LLC  
533 E RIVERSIDE DR STE 110  
EAGLE ID 83616

NORMAN L EDWARDS  
884 W BEACON LIGHT RD  
EAGLE ID 83616

ALAN SMITH  
3135 OSPREY RD  
EAGLE ID 83616

BILL LAWTON  
3145 N OSPREY RD  
EAGLE ID 83616

JOHN THORNTON  
NORTH ADA COUNTY GROUNDWATER  
USERS ASSO.  
5264 NORTH SKY HIGH LN  
EAGLE ID 83616

WESTERN REGION  
ATTN JOHN WESTRA  
2735 AIRPORT WAY  
BOISE ID 83705-5082