



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

April 27, 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 are nine letters and two petitions from the Hillsdale Homeowners Association received by IDWR between April 21 through 27, 2009. These letters and petitions are referencing the M3 Eagle application. The letters are being provided to you for your information and are being incorporated into the file for this matter.

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

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APR 21 2009

DEPARTMENT OF
WATER RESOURCES

April 15, 2009

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

RE: *M3 Eagle Company water right application*

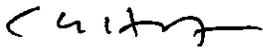
Dear Dr. Tuthill:

I am a resident of Hillsdale Estates in Star, north of the winery and just west of Highway 16. I am concerned about the size of the water right application being made by M3 and its potential impact on Hillsdale and its surrounding communities.

It is my understanding that M3's research regarding available underground water resources conflicts with other past/current studies. Furthermore, it is my understanding that your own department (Idaho Department of Water Resources) is currently conducting a study on this very issue (underground water resources in this area) that will be concluded sometime this year.

I think such a massive water right application should be radically restricted or completely rejected until IDWR's research is done. And even then, I think sensitivity to other communities and our natural resources could be better achieved through a more gradual approval and monitoring process.

Sincerely,



Cornelius Hofman

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

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APR 21 2009

DEPARTMENT OF
WATER RESOURCES

April 18, 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,


Harley Hecht

April 18, 2009

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

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APR 21 2009
DEPARTMENT OF
WATER RESOURCES

Dear Dr. Tuthill,

Better later than never for being informed about the M3 Eagle Company water rights issue. My family does not get the paper or faithfully attend to announcements on TV so it is later for us. We are however very concerned about our water rights on the well on our property. It has been here since the 1960's when I believe the Evans family had their first small parceling of their farm. It has been our well as the second owners of this property since our purchasing it in 1986.

Our well is not deep at 80 feet and we have wonderful tasting water. Apparently the M3 folks claim to have found a new source of water. We strongly support extensive further verification of that claim with objective data. We consider it reckless to give M3 free access to water now in light of the possible well draining effects it may have on those of us already here. And what is the rush in the current housing slump. Not everyone in Eagle supports uncontrolled growth. My wife and I do not. If the Eagle city government feels that giving carte blanche power to big developers is a way to fund a city then they need to start thinking quality over quantity. At the very least a tightly controlled, preplanned and phased in water rights dispersal protocol for M3 should be developed. Or I suggest they find water elsewhere.

Finally I ask your department to lead the inquiry into M3's financial backing. We do not need another "Avimore" abandonment. The M3 has, I am told, possibly shaky and non-diverse financial backing. If I am correct, only a government agency like our Idaho Dept. of Water Resources has the authority to ask questions about such financial dealings. Help us get all the data needed before a decision is made.

Sincerely,

Jess Boeder
Caryl Boeder

Jess and Caryl Boeder
244 Sandra St
Eagle, ID 833616
(208) 939-0835

April 16, 2009

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APR 21 2009

DEPARTMENT OF
WATER RESOURCES

Regina Wildeisen
5749 N. Prism Ridge Lane
PO Box 115
Star, ID 83669

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

Dear Dr. Tuthill,

I live of Highway 16 in Hillsdale subdivision. I am writing to you regarding the M3 project of Hwy 16 to obtain the water rights for the 17000 acres that where purchased. I understand that M3 has done independent studies on the aquifers in the foothills. Before your Dept. considers issuing the water rights to M3, I would like to ask that the current study underway by your Dept. will be completed. This project is of such a magnitude, that all facts should be known before a decision is being made. If M3's studies are wrong, a lot of people would be affected by it. I hope that M3 findings will match up with your studies and that they will be granted their water rights and move forward with their project once the market starts to recover. Thank you for your consideration in this matter.

Sincerely,



Regina Wildeisen

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APR 22 2009

DEPARTMENT OF
WATER RESOURCES

April 17, 2009

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

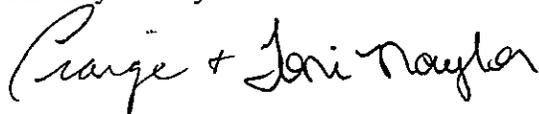
Dear Dr. Tuthill,

We are writing you regarding the request for water allocation by M3 Eagle Company for their proposed development in the foothills northwest of Eagle. We want to first stress that we are not opposed to the development as we are confident M3 Eagle Company has the capacity and skills to create a significant community to the Treasure Valley.

We are concerned about the potential impact of M3 Eagle Company's request for a large allocation of water to serve their development that could have an impact on the water users of Eagle, Star and the unincorporated portions of the county. Because of the uncertainty of the data presented by M3 Eagle Company with respect to a new aquifer they claim to have found combined with the studies that IDWR is currently conducting that is scheduled to be completed by December, 2009, we would highly recommend that the decision to allocate almost 15 million gallons per day to M3 Eagle Company be delayed until such time as all data can be properly analyzed by IDWR.

Our residence is currently being served by a well that could potentially be negatively impacted by M3 Eagle Company's current request. The result would be not only affect our personal lifestyle due to the loss of water but would also result in a significant reduction in the value of our property due to water issues. In addition, it could potentially put us at risk of losing our home to fire without adequate water in our systems and ponds. We would ask IDWR to complete their study and gather all the necessary data to make a very informed decision. Making the wrong decision at this time without having all the data could have a significant long term negative impact on the communities of Eagle and Star as well as all the property owners in this rural portion of Ada county. Those impacts could not be reversed.

Thank you for your consideration of our request.



Craige and Toni Naylor

W*

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APR 27 2009

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

DEPARTMENT OF
WATER RESOURCES

April 24, 2009

Re: M3 Co. application #63-32573 for water rights in Eagle, ID

Dear Dr. Tuthill:

We are one of the Protestants in this matter. We own property in the *Buckhorn Estates* subdivision of 48 properties@5-plus acres, each with a private well, in Eagle City's Area of Impact north of Beacon Light Road. We depend on our wells for water and we are very concerned about the future viability of our wells to be served adequately by the aquifer in our area.

Here is our experience:

Our well was drilled on September 22, 1998 and the "completed depth" was 123-ft. and the "depth to water" was 51-feet. Beginning in summer 2008, the IDWR [Dennis Owsley, P.G., Technical Hydrogeologist] began monitoring our well after we agreed to that procedure. On June 27, 2008, the depth to water was 52.67-feet. On March 24, 2009, the depth to water measured 54.74-feet. Alarmed, we paid to have a 20-ft. extension pipe attached to our well pump.

Here is our concern:

In the years prior to the recent housing market slump, the City of Eagle approved new housing developments when rezoning and annexing many large rural properties in west Eagle to higher density building lots. The noticeable wave of rezoning and annexation approvals began in 2003 with The Legacy subdivision development [up to 1,000 houses to be built]. At the end of the wave in December 2007, M3 Co. won "preliminary approval" from Eagle City to be annexed to develop land in the foothills and construct a total of about 8,000 houses. [We assume that, with precious Water Rights, M3 Co. instead might choose to sell sections of its foothills property to other eager developers.] The City recently approved a rezoning/annexation for a commercial/residential development of about 700 units called *Terra View/Flack Carlock* along Beacon Light Road extending east from Hwy. 16. Just east of *Terra View* in Eagle, another developer is planning for an additional high density subdivision, *Hartley Lane*, currently under Ada County jurisdiction.

Aside from the M3 Co. planned development, the fact remains that thousands of approved new houses are waiting to be built in west Eagle when the housing market improves. They will need water from the same aquifer that about 2,000 private wells currently share with area residents. If M3 Co. is granted Water Rights by the state, it is fair to predict a resultant Water Resource Tug of War involving M3 Co. [annexed or not], Eagle City, and owners of unprotected private wells. Neither jurisdiction in place [Ada County, Eagle City] has written or stated a willingness to help current private well owners in the area with future costs of drilling deeper wells when the aquifer water level likely will go down due to major increased demands on the primary water resource.

Very truly yours,



Vince and Patricia Minkiewicz
3047 W. Deerfield Court, Eagle ID 83616

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APR 27 2009
DEPARTMENT OF
WATER RESOURCES

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

Dear Dr. Tuthill;

This letter is in response to the M3 Eagle Co. municipal water right application. I have lived in Idaho all my life, my husbands family has pulled water from a well here in Eagle for the last 40 years. We are concerned that the size of the water right that M3 is asking for is excessive. We rely on our well for household use, garden and horses. If the M3 water use reduces our well level then we would be forced to re-drill a new well which would cost approximately \$20,000.00.

The newspaper is filled with articles about big companies, such as AIG, that have ruined the lives of many people simply for greed. The amount of water they are asking for seems greedy and simply for profit reasons.

It's not that I'm against development, I just feel it shouldn't negatively impact those of us who are all ready here. Also, are all the studies that are done accurate and complete?

Please make sure that the appropriate amount of water is allowed to be pumped so that those of us that have been here for decades don't have to pay for the mistakes of those that will pack up and leave as soon as they make their money.

Sincerely,

Michelle Brown

Michelle Brown

WA

WAYNE A. HINRICHS
4596 N. Eagle Pointe Pl.
Star, ID 83669
Residence: 208 / 898-4799
Cell: 208 / 870-5490
bogeymn@idahinrichs.com

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APR 27 2009

DEPARTMENT OF
WATER RESOURCES

April 23, 2009

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

Subject: The M3 Eagle Company application for a municipal water right

Dear Dr. Tuthill:

I have owned in Hillsdale Estates above Star since the year 2000 and our property is a substantial portion of our personal financial value. We can recover from the usual real estate economic swings but our property value and our quality of life would change dramatically if a water shortage was ever threatened.

In every survey about the Treasure Valley that I have been a participant, the availability of water has been my highest value and concern, above roads, schools, employment, etc. that can recover over time. I am concerned that awarding water rights for a community that doubles the size of Eagle would jeopardize those values and prior water rights. I acknowledge that planned growth will happen but we can't give out municipal water rights and must restrict the M3 water right request until water resources are proven over time or scientifically proven by public discovery. I also discount the TV spokesperson for M3 that implied that we could conserve our way into providing their needs as we will have to conserve to continue providing our own needs.

Thank you for your consideration



Wayne A. Hinrichs

Cc: North Ada County Groundwater Users Assn.
Hillsdale Estates Homeowners Assn.

Alan & Melody Armstrong
4494 N. Croft Place
Eagle, ID 83616
April 23, 2009

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APR 27 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:

We live just SE of Park Lane and Homer Road on five acres. We are dependent on a private well on our property for both household water and irrigation.

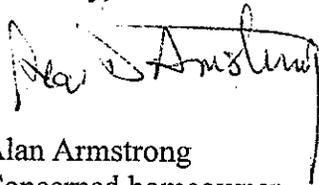
I am alarmed at the magnitude of the water right request currently being considered for M3. A quick look at a Google Earth satellite map shows how very dry the M3 development area currently is. Considering that our wells are already dropping, it seems incredulous that M3 would be allowed to pump around 15 million gallons a day. From what I have learned this would have a very detrimental effect on my existing well.

I understand there are some limited studies underway to look at the available groundwater and existing well levels. I also understand it will be some time before we know the results but even then there is a substantial level of uncertainty.

Given all of the above and the fact that the size of this request is unprecedented in this area, it seems to me a contingent phased plan would be in order. Starting a phased plan at a fraction of the proposed volume would allow us all to see just what effect M3 pumping will have before allowing such a large volume of water to be pumped.

Thank you for considering this input.

Sincerely,



Alan Armstrong
Concerned homeowner

APR 27 2009

DEPARTMENT OF
WATER RESOURCES

WVA

Dr. David Tuthill,

4/23/09

On behalf of the Hillsdale Homeowners Association, I am submitting the following petition signed by a representation of Hillsdale Estates, 285 homeowners. We strongly urge IDWR to wait for the completion of independent studies prior to making a final decision on M3 Eagle's application #63-32573.

Thank you,



Garry L. Shohet DC, NMD, C.Ac
9443 W. Golden View Dr.
Star, ID 83669

A PETITION TO THE IDAHO DEPARTMENT OF WATER RESOURCES

We, the undersigned residents of North Ada County, submit to IDWR the following:

1. Water is the single most critical resource for over 2,000 well owners in North Adam County who rely on their wells for 100% of their water supply.
2. Large developments like M3 Eagle (Application #63-32573) have applied for massive quantities of groundwater rights (23.18 cufs = 14.9 million gals/day) and pose a threat to the aquifer that supplies groundwater to thousands of these senior water right holders.
3. To date there is very little independent information of the underlying aquifer in North Ada County. Critical factors like the long term carrying capacity and source of recharge of the aquifer have not been established. We believe IDWR needs to know the long term viability of the aquifer BEFORE such large water rights are considered.
4. We strongly urge IDWR to wait for the completion of several independent technical studies including a groundwater model analysis by Dr. Donna Cosgrove prior to a final decision on M3 Eagle's Application #63-32573.
5. We strongly urge IDWR to develop a long term water budget for the North Adam County area that will guide the department in the conservative appropriation of water rights through a groundwater monitoring program.

(Name)	(Address)	(Phone)	(Email address)
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Granny Shohet	9443 W. Goldenview 25C00805		gshohet@msn.com
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James/Susi Wong	1980 E. Poppy Hills, Eagle ID 83666	409-9123	jiwong2232@msn.com
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Harley Hecht	4943 N. High Country Way	869-3734	harhecht2@yahoo.com
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Kathryn England	9568 N. Goldenview Dr., Star	880-7842	england.kathryn@gmail.com
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Russ Emerz	4498 N. High Prairie Pl, Star	410-2240	RussEmerz@yahoo.com
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Paul Carver	4773 N. High Prairie Pl, Star	286-0270	paul@carverhome.com
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Judy Harry Moore	5492 N. Star Ridge Way, Star	286-9881	HJMStar@msn.com
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TEDD ROUTE	5289 N. SUNKALISH VIEW LN, STAR	83669	
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DAVID HOVDE	5938 N. Hill Street, Star, ID	286-7876	
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Kelly Winward	9424 W. Hills Gate Dr, Star ID	286-9239	toofunn2@msn.com
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Larry Wintersteen	5325 N. Sunrise View Lake	STAR, ID	286-0849
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Jim + Sue Jasper	5775 N High Country way	Star ID 83669	898-4981 larry@wintersteen.c jsjasper@yahoo.
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A PETITION TO THE IDAHO DEPARTMENT OF WATER RESOURCES

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(Name)	(Address)	(Phone)	(Email address)
Darla Miesner	4682 N. High Prairie Pl. Star ID	899-6831	londar.miesner@msn.com
Lonny Miesner	4682 N. High Prairie Pl. Star ID	899-6831	londar.miesner@msn.com
Regina Wildeisen	5749 N Prism Ridge Ln Star	286-9066	regwildiron@gmail.com
Wayne Henricks	4596 N Eagle Point Pl Star	898-4799	
Terri Murr	4679 N Eagle Pt Pl Star	286-9396	
Bill MARR	4679 N Eagle Pt Pl, Star	286-9396	whtamarr@msn.com
J. CRAIG NAYLOR	5456 N. HIGH COUNTRY WAY, STAR	10 83669	286-9053
John L. Gridler	1682 E Dunwoody Ct Meridian	(208) 938-5919	
Patricia A. Gridler	1682 E. Dunwoody Ct Meridian	938-5919	
Patrick S. McDonald	5660 N. Star Ridge Way Star	208 439-5642	
DAs Nelson	5584 N. High Country Way, Star	208 286 9874	
Kelly Nelson	5584 N. High Country Way, Star	208 286 9891	

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
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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