

RECEIVED

APR 03 2007  
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 Elk Creek Canyon LLC Phone (702) 433-9696  
Mailing address 1349 Galleria Dr., Suite 200, Henderson, NV 89014

OR

Name of Applicant Cleveland Corder LLC Phone (208) 860-2559  
Mailing Address 2248 VanOker St., Meridian, ID 83642

2. Source of water supply groundwater which is a tributary of \_\_\_\_\_  
3. Location of point of diversion is Township 01S Range 04E Sec. 1, in the \_\_\_\_\_ ¼,  
SW ¼, NE ¼, Govt. Lot \_\_\_\_\_, B.M., Elmore County;  
additional points of diversion if any: NWSW, NESE (Lot 6), both in T01S R04E S01; NENW, T01S R04E S12; all in  
Elmore County

4. Water will be used for the following purposes:  
Amount 5.0 for Municipal purposes from 01/01 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) 5.0 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 up to four (4) wells with electric pumps  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet;  
total reservoir capacity \_\_\_\_\_ acre-feet  
c. Proposed well diameter is 16-20 inches; proposed depth of well is 600-1200 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 5 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. Elk Creek Canyon Planned Community  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other; describe fully. \_\_\_\_\_

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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	4E	1	M L 1		M	M L 5				M	M	M	M	M	M				
		12					M	M											

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. None

11.a. Who owns the property at the point of diversion? Rich Cornell

b. Who owns the land to be irrigated or place of use? Rich Cornell

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: business relationship

12. Remarks: The proposed 5.0 cfs municipal diversion rate assumes diversion of 1.2 cfs for in-house domestic use, 3.0 cfs for residential irrigation and 0.8 cfs for irrigation of small common areas. The domestic use estimate is based on 750 residential units @ 200 gpd/unit. The irrigation estimate is based on 0.2 acres of irrigation for each unit, a total of 150 acres of residential irrigation. Water-bearing zone to be appropriated is 400 to 1200 feet.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

  
for Elk Creek Canyon, LLC

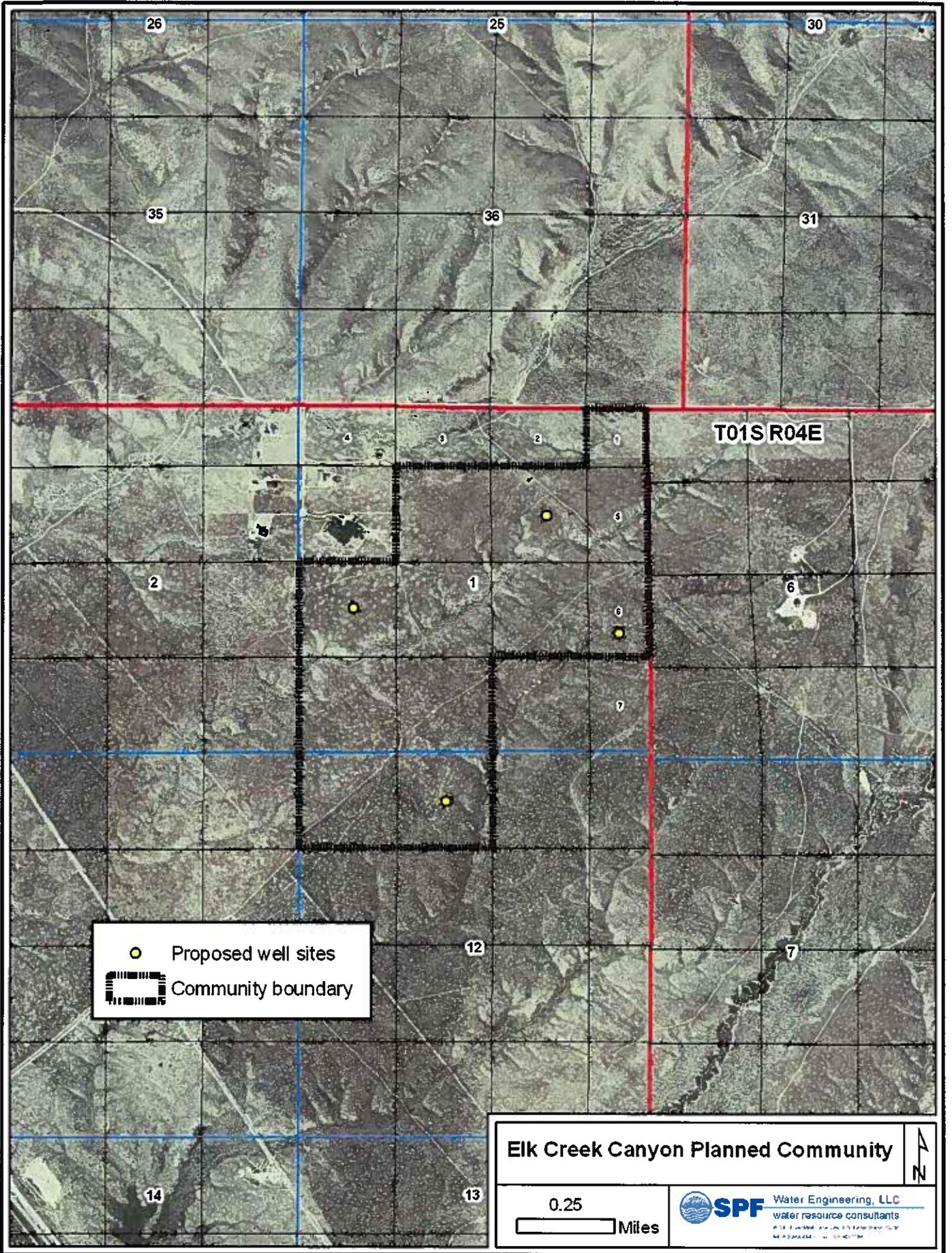
\_\_\_\_\_  
for Cleveland Corder, LLC

Received by DB Date 4-3-07 Time 12:40 pm Preliminary check by SL  
 Fee \$ 410 - Received by DB # W035216 Date 4-3-07  
 Publication prepared by DB Date 5/14/2009 Published in MTN HOME NEWS \*\*  
 Publication approved \_\_\_\_\_ DATE: \_\_\_\_\_ Date → MAY 20 & 27, 2009

\*\* ALSO PUBLISHED IN IDAHO STATESMAN MAY 21ST & 28TH, 2009

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.

*Pres Cleveland Corder*  
\_\_\_\_\_  
for Cleveland Corder, LLC



61-12095

**Buffington, Denise**

---

**From:** Buffington, Denise

**Sent:** Thursday, May 14, 2009 12:02 PM

**To:** legals@idahostatesman.com

**Subject:** LEGAL NOTICES

**Attachments:** Ada County Ads - Cover Letter.RTF; 63-33031 Ad.RTF; 63-33034 Ad.RTF; 63-33074 Ad.RTF; 63-33075 Ad.RTF; X-fer 75573 Ad.doc; 61-12095 Ad.RTF

Attached please find (6) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank You,

Denise Buffington  
Administrative Assistant  
Dept of Water Resources  
Western Region

5/14/2009

May 14, 2009

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

RE: Application for Permit No. 63-33031, 63-33034, 63-33074, 63-33075 & 61-12095

RE: Transfer No. 75573  
Water Right No(s). 63-7110

**Dear LEGAL NOTICE DEPARTMENT:**

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 06/08/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington  
Administrative Assistant

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

61-12095

ELK CREEK CANYON LLC  
C/O JOHN ERICKSON  
1349 GALLERIA DR STE 200  
LAS VEGAS NV 89014

CLEVELAND CORDER LLC  
2248 VANOKER ST  
MERIDIAN ID 83642

Point(s) of Diversion	SWNE	S1	T01S R04E	ELMORE County	Source GROUND WATER
Point(s) of Diversion	NWSW	S1	T01S R04E	ELMORE County	Source GROUND WATER
Point(s) of Diversion	L6 (NESE)	S1	T01S R04E	ELMORE County	Source GROUND WATER
Point(s) of Diversion	NENW	S12	T01S R04E	ELMORE County	Source GROUND WATER

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

Total Diversion: 5 CFS

Date Filed: 04/03/2007

Place Of Use: MUNICIPAL

Remark: Proposed development is for portion of Elk Creek Canyon Planned Community. Municipal use is for applicant service area in same sections as proposed wells. Site is 1 to 2 miles northeast of I84 Simco Road exit. 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 06/08/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published in the Mountain Home News on  
May 20<sup>th</sup> & 27<sup>th</sup>, 2009 AND in the Idaho Statesman on  
May 21<sup>st</sup> & 28<sup>th</sup>, 2009

# WorkCentre 7345 Transmission Report

03 ID

Date/Time: 05/14/2009: 12:12PM  
Page: 1 (Last Page)

Local Name  
Logo

Document has been sent.  
Document Size 8.5X11"SEF

## FAX Transmittal Cover Sheet

State of Idaho  
Department of Water Resources  
Western Region  
Boise, ID  
PH. (208) 334-2190  
FAX NO. (208) 334-2348

Number of total pages: 3

Date: May 14, 2009

To: Mountain Home News, Stacy Swenson

From: Denise Buffington *DB*

Fax: 208-587-9205

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ad on the dates listed.

Thank you in advance,

Denise Buffington  
Administrative Assistant

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	6323	2085879205	5-14:12:10PM	1m32s	3/ 3	ECM		CP

Note:  
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service  
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed  
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

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Thank you in advance,

Denise Buffington  
Administrative Assistant

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May 14, 2009

**Legal Notice Department**  
MOUNTAIN HOME NEWS  
PO BOX 1330  
MOUNTAIN HOME ID 83647-1330

RE: Application for Permit No. 61-12095

**Dear LEGAL NOTICE DEPARTMENT:**

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State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 14, 2009

***SEE ATTACHED DISTRIBUTION LIST***

Re: Application for Permit No. 61-12095

Dear Interested Parties:

Attached are copies of one or more Public Notices, for new water right applications that may be of interest to you. Please contact the applicant if you have concerns about any of the information regarding these applications.

If you have any further questions or need additional information regarding these applications, please see the website listed in the Notices, or contact this office at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington  
Administrative Assistant  
Western Region

Enclosure

MOUNTAIN HOME GWMA  
ADVISORY COMMITTEE  
ATTN JIM BLANKSMA  
2014 ONATI  
MOUNTAIN HOME ID 83647

ROBERT A MAYNARD  
ERIKA E MALMAN  
PERKINS COIE LLP  
PO BOX 737  
BOISE ID 83701-0737

NORMAN M SEMANKO  
ROSE LAW GROUP BORTON  
6223 N DISCOVERY WAY  
STE 200  
BOISE ID 83713

INTERMTN SEWER & WATER  
PO BOX 344  
MERIDIAN ID 83660

CLOVERLEAF PROPERTIES  
PO BOX 2890  
LAS VEGAS NV 89126

JEFFERY C FEREDAY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

DEL KOHTZ  
IDAHO WATER COMPANY  
1135 VALLEY RD S  
EDEN ID 83325

ERO RESOURCES  
3314 GRACE  
BOISE ID 83703

BROCKWAY ENGINEERING  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

ED SQUIRES  
HYDRO LOGIC INC  
1002 W FRANKLIN  
BOISE ID 83702

DANA HOFFSTETTER  
HOFFSTETTER LAW OFFICE  
608 W FRANKLIN ST  
BOISE ID 83702

JOSEPHINE BEEMAN  
BEEMAN & ASSOCIATES  
409 W JEFFERSON ST  
BOISE ID 83702

SCOTT CAMPBELL  
MOFFATT THOMAS  
PO BOX 829  
BOISE ID 83701-0829

CHARLES HONSINGER  
RINGERT & CLARK  
PO BOX 2773  
BOISE ID 83701-2773

BRUCE SMITH  
MOORE SMITH ET AL  
950 W BANNOCK STE 520  
BOISE ID 83702

ELMORE COUNTY  
150 SOUTH 4<sup>TH</sup> EAST  
MOUNTAIN HOME ID 83647

ADA COUNTY  
PLANNING AND ZONING  
200 W FRONT ST  
BOISE ID 83702

CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME ID 83647

CRAIG HAYNES  
G3 LLC  
2136 E LEWANDOWSKI LN  
BOISE ID 83716

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## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

April 29, 2009

ELK CREEK CANYON LLC & CORDER LLC  
C/O ROXANNE BROWN  
SPF WATER ENGINEERING LLC  
300 E MALLARD DR STE 350  
BOISE ID 83706

Re: Applications for Permit Nos. 61-12095 and 61-12096

Dear Roxanne:

This letter confirms the processing status of the above referenced applications for additional phases of the development associated with the first phase described in Application 61-12090 (Nevid). Also, this letter outlines additional information needed for Applications 61-12095 and 61-12096.

Application 61-12095 proposes a "regular municipal right" to be developed in a five year period. Legal notices should be published by this June or perhaps sooner. Application 61-12096 proposes a "reasonably anticipated future needs municipal right" (RAFN) to be developed during a longer planning horizon. However, supporting documentation anticipated from I. C. §§ 42-202(2) and 42-202B(7-8) was not submitted with the latter application.

Contrary to my recent email to you, legal notices for Application 61-12096 must be delayed pending submittal of information for at least the two bulleted items and the RAFN items (#1 and 2) noted below for that application. I was not aware of this deficiency when I sent that email so must apologize for delays in that regard.

### **Application 61-12095 – Ready to Advertise, Additional Information Pending**

Please clarify the following items for this 5 cfs application as processing continues:

- Explain the co-applicants' possessory interest in the proposed place of use. The response on the application is "business relationship," which is vague. How are the co-applicants authorized to seek a new right on the property?
- The Elk Creek Canyon portion of the signature was signed by someone identified as "counsel," apparently an attorney for that entity. Please provide a power of attorney in that regard or otherwise explain counsel's authority to sign for the co-applicant.

Water Appropriation Rule 40 information is requested for this application. Please see the enclosed copy of Rule 40 as it applies to this application. Your responses to the enumerated items should also address the following concerns.

- 1) Demonstrate an adequate, sustainable ground water supply is available. If you prefer, you may simply refer to information already within the Nevid application file. For example, the December 17, 2007 SPF report "Ground Water Supply Evaluation for Elk Creek Village" discusses ground water supply for the general area. Although the executive summary states "this assessment is limited to water use under application 61-12090," please indicate if you think the report also provides an adequate response for Application 61-12095.
- 2) The proposed wells are within the Mtn. Home Ground Water Management Area (GWMA) and not far from the Cinder Cone Butte Critical Ground Water Area (CGWA). Demonstrate the proposed use of ground water will not result in further ground water level declines in the GWMA or the CGWA. Again, you may respond by referring to the Nevid application if you think that is sufficient.
- 3) Document the likelihood of injury to existing wells or springs within a one-mile radius of the proposed points of diversion. Discuss strategies to prevent injury and/or possible mitigation for injury that might occur to those wells or springs.
- 4) Discuss plans to monitor and report data about ground water supply and ground water levels in and around the project area if the application is approved and development proceeds.
- 5) Discuss items 1 through 4 with respect to the cumulative effects from development proposed in Applications 61-12090 and 61-12095.
- 6) For Rule 40 information regarding local public interest, describe how the applicant intends to become a municipal provider under I. C. § 42-202B. Also, describe the applicant's progress with required local government approvals. It is not necessary to send comment letters noted under this section of the rule.

**Application 61-12096 – Additional Information Needed before Advertising**

This application proposes 35 cfs for a RAFN municipal use. Please clarify the following items:

- The same possessory interest and application signature details noted for Application 61-12095.
- An amended application map is needed. See the enclosed sheet about that.

Water Appropriation Rule 40 information is required for this application. Please see the enclosed copy of Rule 40 as it applies to this application. Your responses to the enumerated items should also address the following concerns.

- 1) Population and other planning data are needed to justify a RAFN application. The information must be consistent with comprehensive land use plans, if any, approved by a local government for the proposed service area. This should not include areas with overlapping but conflicting comprehensive land use plans. Examples are found in IDWR records 63-32573 for M3 and 65-22357 for Tamarack Resort.
- 2) The planning horizon (number of years) must be specified in determining estimates for RAFN.
- 3) Demonstrate an adequate, sustainable ground water supply is available. If you prefer, you may simply refer to information already within the Nevid application file. For example, the December 17, 2007 SPF report "Ground Water Supply Evaluation for Elk Creek Village" discusses ground water supply for the general area.

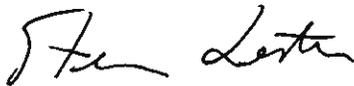
Although the executive summary states "this assessment is limited to water use under application 61-12090," please indicate if you think the report also provides an adequate response for Application 61-12096.

- 4) The proposed wells are within the Mtn. Home Ground Water Management Area (GWMA) and not far from the Cinder Cone Butte Critical Ground Water Area (CGWA). Demonstrate the proposed use of ground water will not result in further ground water level declines in the GWMA or the CGWA. Again, you may respond by referring to the Nevid application if you think that is sufficient.
- 5) Document the likelihood of injury to existing wells or springs within a two-mile radius of the proposed points of diversion. Discuss strategies to prevent injury and/or possible mitigation for injury that might occur to those wells or springs.
- 6) Discuss plans to monitor and report data about ground water supply and ground water levels in and around the project area if the application is approved and development proceeds.
- 7) Discuss items 3 through 6 with respect to the cumulative effects from development proposed in Applications 61-12090, 61-12095 and 61-12096.
- 8) For Rule 40 information regarding local public interest, describe how the applicant intends to become a municipal provider under I. C. § 42-202B. Also, describe the applicant's progress with required local government approvals. It is not necessary to send comment letters noted under this section of the rule.

**Please submit the requested information for processing of both applications to continue. The co-applicants may seek additional time to provide the information by making a written request to interrupt processing for one or both applications for up to six months. A response including the requested information, or a request for more time to seek the information, must be received within ninety (90) days. The applications will be voided without a timely written reply.**

Please let me know if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester  
Water Rights Supervisor

Enclosure

RECEIVED  
JAN 01 2009  
WATER RESOURCES  
WESTERN REGION



251 East Front Street, Suite 400  
Boise, ID 83702-7310  
PHONE: 208.343.3434  
FAX: 208.343.3232  
www.perkinscoie.com

Erika E. Malmen  
PHONE: (208) 387-7504  
FAX: (208) 343-3232  
EMAIL: EMalmen@perkinscoie.com

December 30, 2008

*VIA U.S. MAIL*

Idaho Department of Water Resources  
Attention: Angie Grim  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Request for Notification / Applications for Appropriation or Transfer Nos. 63-32535, 61-2188, 63-32605, 61-12095, 61-12096, 63-32703, 61-12162, 61-12168, 63-32973, 61-12173, 61-12174, 63-32680**  
**Our Reference: 69165-0001**

Dear Ms. Grim:

Please notify this office when the above-referenced water right applications / transfers are published for public comment.

Very truly yours,

Erika E. Malmen

EEM/kjg

*This firm is on mailing list for comment letters  
-JZ 4/29/09*

69165-0001/LEGAL15083975.1

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES · MENLO PARK  
OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

MEMORANDUM

Office Visit       Telephone       Meeting

TO F.165

FROM SE

DATE 11/15/07

RE Project overview & Appl. Processing - Elk Creek Canyon project

Met with:

consultant Roxanne Brown, SPF

developer Dennis Riden } 702-433-9696

attorney John Erickson } Nevada

designer Spencer Hatten

Overview:

- e 8000 acres, phase 1 already purchased (\$10M + already spent).

- e 20,000 + homes.

- e 10-20 yr. time frame.

- working with local PT3 & approvals.

- discussed with Governor's office.

Expect follow up from them soon

61-12090 "Sterling Edge" now Nevada LLC, affiliated

with Elk Creek Canyon, Appl. to be amended, SPF

preparing Add 41 into etc. ... for phase 1 of project.

61-12095 } filed later in time, for other  
61-12096 } phases of project.  
T. 73789 }

**Lester, Steve**

---

**From:** Roxanne Brown [RBrown@spfwater.com]  
**Sent:** Wednesday, November 14, 2007 5:05 PM  
**To:** Lester, Steve  
**Subject:** Meeting with Dennis Rider and John Erickson

Steve,

Thank you for your time tomorrow. I just met with Dennis and John and they have the following points to cover tomorrow:

- Project Overview – Scope of the development and how they intend to proceed
- Status of application 63-12090 and potential amendment
- Status of application 61-12095 and application 61-12096
- Status of the transfer application

Please have John Westra sit in if you think it's appropriate. See you tomorrow.

Roxanne Brown  
SPF Water Engineering, LLC  
600 E. River Park Ln., Ste. 105  
(208) 383-4140 x216  
(208) 383-4156 fax  
[rbrown@spfwater.com](mailto:rbrown@spfwater.com)  
[www.spfwater.com](http://www.spfwater.com)



RECEIVED

APR 03 2007

WATER RESOURCES  
WESTERN REGION

April 3, 2007

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705

Subject: Applications for Permit (2); Application for Transfer  
Elk Creek Canyon Planned Community

Dear Western,

Enclosed on behalf of Elk Creek Canyon LLC, are two *Applications for Permit* to develop water rights for municipal use. In addition, there is enclosed an *Application for Transfer* to change the point of diversion and place of use for several water rights, and change the nature of use from irrigation to municipal use. These documents represent the first actions in a series of water right actions to develop a public water supply for the Elk Creek Canyon Planned Community between Boise and Mountain Home. The fee for these applications is \$2,650.00; please find a check for that amount enclosed.

Elk Creek Canyon will contain 29,400 residential units, both single and multi-family dwellings, at full build-out. In addition, there will be schools, churches, large and small commercial sites, public facilities such as libraries, and significant acres of parks and open space. A project of this size will take a number of years to complete; Elk Creek Canyon LLC and SPF will cooperate with the Dept. of Water Resources to provide the required information to develop these municipal rights.

Please let me know if there are any questions concerning these applications.

Sincerely,

Roxanne Brown  
Water Rights Specialist

Cc: Elk Creek Canyon LLC

Enclosures  
Applications for Permit (2)  
Application for Transfer

SPF file number: 591.0010