



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 28, 2022

HILLSDALE ESTATES HOMEOWNER'S ASSN, INC.
C/O DYLAN LAWRENCE
VARIN THOMAS LLC
242 N 8TH ST STE 220
BOISE ID 8370
VIA EMAIL: dylan@varinthomas.com

RE: Withdrawal of Protest against Application for Permit No. 63-35142

Dear Applicant:

The Department of Water Resources has received the attached withdrawal of protest against the above-referenced application.

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Nick Miller
Manager, IDWR Western Region

enclosure

CC:

CANDICE MCHUGH Via Email cmchugh@mchughbromley.com
JAMES SHIRLEY Via Email ps Shirleyf16@icloud.com
KAREN RASMUSSEN Via Email kraz3490@aol.com

RECEIVED

JUN 02 2022

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WITHDRAWAL OF PROTEST

Application for ☐ Transfer ☒ Permit ☐ Amendment of Permit No. 63-35142

In the Name of Hillsdale Estates Homeowners' Association, Inc. (after assignment)
Applicant

Name of Protestant: Hillsdale Estates Homeowners' Association, Inc.

Represented by: Dylan Lawrence

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☒ My withdrawal is not conditional.

Or

☐ My withdrawal is conditioned on the following:

Dylan Lawrence
Signature of Protestant or Representative

Attorney
Title

5/31/22
Date

RECEIVED

JUN 02 2022

WATER RESOURCES
WESTERN REGION



242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 1.208.345.6021
F: 1.866.717.1758
VARINTHOMAS.COM

KYLIE FOURTNER
RECEPTION@VARINTHOMAS.COM

May 31, 2022

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

Re: *Withdrawal of Protest – Permit No. 63-35142*

To whom it may concern:

Please find the enclosed State of Idaho Department of Water Resources Withdrawal of Protest form for the Application for Permit No. 63-35142, executed by Dylan Lawrence, counsel for Hillsdale Estates HOA. If you have any questions or need further information, please feel free to contact me per the details listed above.

Sincerely,

VARIN THOMAS LLC


Kylie Fournier
Legal Assistant

KMF
Enclosure

Miller, Nick

From: Miller, Nick
Sent: Tuesday, May 24, 2022 11:44 AM
To: Dylan Lawrence (dylanlawrence@varinwardwell.com); Candice McHugh
Cc: Kraz3490@aol.com; pshirleyf16@icloud.com
Subject: Application for Permit No. 63-35142 (Rasmussen/Shirley) - Hillsdale Estates HOA
Attachments: 2022-04-20 Stipulation.pdf; 63-35142_052422.pdf

Hi Dylan and Candice,

I received the attached stipulation and on May 16, 2022, I received a completed Attachment A assigning the application to Hillsdale Estates HOA. The Stipulation contemplates the HOA sending in a formal withdrawal document (Attachment B to the stipulation) after the assignment has been processed. I have attached an updated proof report of the application to demonstrate that I have updated the application ownership and listed the Rasmussens and Candice as "Interested Parties" to ensure they receive a copy of any decision. I also added Dylan as the Attorney for the HOA.

I will place a copy of this email and the proof report in the application file and await submittal of the "Attachment B", just to formally resolve the contested case as contemplated in the Stipulation.

Please let me know if you have any questions or concerns about this process.
Thank you,

Nick Miller
Manager, IDWR Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2022

Water Application 63-35142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HILLSDALE ESTATES HOMEOWNERS ASSN INC C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST BOISE, ID 83709-2686
Interested Party	MCHUGH BROMLEY PLLC ATTN CANDICE MCHUGH 380 S 4TH ST STE 103 BOISE, ID 83702-7687
Interested Party	JAMES SHIRLEY 6020 N HILL POINT WAY STAR, ID 83669-5326 (208) 898-4178
Interested Party	KAREN RASMUSSEN 6020 N HILL POINT WAY STAR, ID 83669-5326 (208) 898-4178
Attorney	HILLSDALE ESTATES HOA C/O VARIN WARDWELL LLC DYLAN LAWRENCE 242 N 8TH ST STE 220 BOISE, ID 83702-5892 (208) 345-6021

Priority Date: 12/14/2021

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4 /1	10/1	0.040 CFS	
DOMESTIC	1 /1	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.080 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 28, Twp 05N, Rge 01W, ADA County
GROUND WATER	SENE	Sec. 29, Twp 05N, Rge 01W, ADA County

IDAHO DEPARTMENT OF WATER RESOURCES

5/24/2022

Proof Report

GROUND WATER	SENE	Sec. 29, Twp 05N, Rge 01W, ADA County
GROUND WATER	SWNE	Sec. 29, Twp 05N, Rge 01W, ADA County
GROUND WATER	SESW	Sec. 25, Twp 05N, Rge 02W, CANYON County

Place Of Use:

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28									1.3								1.3

POU Total Acres: 1.3

DOMESTIC within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	28									X								

Conditions of Approval:**Comments:**

1	Applicant	11/18/2021	Water Use Description
IRRIGATION: Lawn and landscaping			
2	Applicant	11/18/2021	POD Ownership
POD Ownership : Owned by Applicant			
3	Applicant	11/18/2021	Submitter Information
Submitter is one of the applicants			
4	AOlson	12/14/2021	POU
Updated Shape			
5	Applicant	12/14/2021	Water Use Description
DOMESTIC: 1 Domestic home			
6	AOlson	1/24/2022	Legal Notice Remarks
Water bearing zone to be appropriated is from 200 to 662 feet.			

Dates and Other Information:

Application Received Date: 12/14/2021

Protest Deadline Date: 2/22/2022

Number of Protests: 1

Application Type: New Appropriation

Applicant Remarks: The water system is owned and maintained by the Hillsdale Estates Homeowners Association that my property was annexed into on April 10, 2000. My home has been supplied by the system since 2007. I am authorized 1.25 acres of improved lawn and a total annual use of 1,110,000 gallons for irrigation and domestic use by the CC&Rs. Lot 2 Blk 1, Goldfork Ridge Sub No 1.

Time to Complete works: 1

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2022

Combined Use Limits:
N/A

SubCase:
N/A

Water Supply Bank:
N/A

MAY 16 2022

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF APPLICATION FOR PERMIT
 To change the ownership of an application for permit

I, Karen Rasmussen and James Shirley, hereby assign to Hillsdale Estates Homeowners' Association, Inc.
Current applicant New applicant(s)
 of, c/o Riverside Management, 8919 W. Ardene St., Boise, ID 83709
New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Application for Permit No(s): 63-35142
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No(s):
 _____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new applicant own the property at the:

Point of diversion? ☒ Yes ☐ No
 Place of use? ☐ Yes ☒ No

If no, describe the arrangement enabling the new applicant to access the point of diversion and/or the place of use:
Assignee does not need to access the place of use. Assignee is the designated HOA for Assignors' subdivision.

The purpose of the application is to include Assignors' property within an authorized place of use.

Dated this 6 day of April, 2022.

[Signature]
 Signature of current applicant

Title (if applicable)

Karen Rasmussen
 Signature of current applicant

Title (if applicable)

State of Idaho)
 County of Ada) ss

On this 6 day of April, 2022, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Annette Chambers
 Notary Public

My commission expires: 3/16/2026

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

cmchugh@mchughbromley.com
208-287-0991

RECEIVED

MAY 16 2022

WATER RESOURCES
WESTERN REGION

380 S. 4th St., Ste. 103
Boise, ID 83702

May 5, 2022

IDAHO DEPARTMENT OF WATER RESOURCES
2735 W AIRPORT WAY
BOISE ID 83705-5082

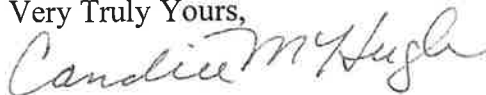
RE: Application for Permit No. 63-35142

To Jean Hersley

Enclosed please find the original fully executed Assignment of Application for Permit No. 65-35142 assigning the permit to Hillsdale Estates Homeowners' Association Inc. This follows a Stipulation that was sent to you via email from Dylan Lawrence on April, 2022.

I appreciate your attention to this matter; please call or email me with any questions.

Very Truly Yours,



Candice M. McHugh

Enclosures

cc. Dylan Lawrence dylan@varinthomas.com

Dylan B. Lawrence, ISB #7136
VARIN THOMAS LLC
242 N. 8th St. Suite 220
Boise, ID 83702
Telephone: (208) 345-6021
Facsimile: (866) 717-1758
dylan@varinthomas.com

RECEIVED
APR 21 2022
WATER RESOURCES
WESTERN REGION

Attorneys for Hillsdale Estates Homeowners' Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF:)
)
) **STIPULATION**
)
) **APPLICATION FOR PERMIT NO.**
) **63-35142, IN THE NAME OF KAREN**
) **RASMUSSEN AND JAMES SHIRLEY**
)
)
)
)

WHEREAS, Karen Rasmussen and James Shirley (collectively, "Applicants") filed an Application for Permit No. 63-35142 dated December 14, 2021 to appropriate the public waters of the State of Idaho (the "Application").

WHEREAS, on February 17, 2022, Hillsdale Estates Homeowners' Association, Inc. ("Protestant") filed a Notice of Protest for the approval of permit 63-35142.

WHEREAS, the Applicants and the Protestant have now agreed to this Stipulation in order to resolve the Notice of Protest.

NOW, THEREFORE, the Applicants and Protestant stipulate and agree to resolve this matter on the following conditions:

1. Applicants shall assign the Application to Protestant by executing the assignment form attached hereto as Exhibit A.

2. Protestant agrees to use reasonable diligence to pursue a water permit and water license as proposed by the Application.

3. Protestant acknowledges and agrees that, consistent with Section 2 of the "Fifth Supplemental Declaration of Covenants Conditions and Restrictions and Notice of Annexation into Hillsdale Estates" of April 10, 2000, Protestant shall seek to obtain a permit and license authorizing irrigation of up to 1.25 acres of lawn within the Applicants' property.

4. Applicants acknowledge and agree that Section 3 is satisfied, even if some of the 1.25 acres of total irrigation occurs under the domestic portion of the Application.

5. Protestant agrees to reimburse the Applicants for the \$100 application fee they paid at the time they filed the Application.

6. Once the Application has been assigned to Protestant, Protestant shall withdraw its Notice of Protest by executing and submitting the withdrawal form attached hereto as Exhibit B.

7. The Applicants acknowledge and agree that this Stipulation does not negate or otherwise affect limitations on water diversion and use applicable through covenants, conditions, and restrictions and other governing documents applicable to the subdivision served by Protestant. These include, but are not limited to, limitations of 20 gallons per minute and 3 acre-feet per year for irrigation, both of which were adopted in "Amendment No. 1 to Declaration of Covenants, Conditions and Restrictions of Hillsdale Estates," dated April 7, 2004.

8. To the extent provisions in this Stipulation are not adopted as conditions of approval on the subsequent permit and license, they are still valid, enforceable contractual obligations between the parties.

DATED: April 20, 2022

PROTESTANT



Dylan Lawrence
Attorney for Hillsdale Estates Homeowners'
Association, Inc.

DATED: April 19, 2022

APPLICANTS



Candice McHugh
Attorney for Karen Rasmussen and James Shirley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April, 2022, I caused to be served a true and correct copy of the foregoing **STIPLUATION** by the method indicated below, and addressed to each of the following:

Original to:

Idaho Department of Water Resources
Western Region
2735 W. Airport Way
Boise, Idaho 83705
U.S. Mail

Email copy to:

Candice McHugh
McHugh Bromley, PLLC
380 S. 4th Street, Ste. 103
Boise, Idaho 83702
cmchugh@mchughbromley.com

A handwritten signature in blue ink, reading "Dylan Lawrence", with a horizontal line underneath.

DYLAN B. LAWRENCE
Attorney at Varin Thomas LLC

Exhibit A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Karen Rasmussen and James Shirley, hereby assign to Hillsdale Estates Homeowners' Association, Inc.
of, c/o Riverside Management, 8919 W. Arden St., Boise, ID 83709
New owner's address including city, state and ZIP

Current applicant

New applicant(s)

Phone

All my right, title, and interest in and to Application for Permit No(s): 63-35142
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new applicant own the property at the:

Point of diversion? ☒ Yes ☐ No
Place of use? ☐ Yes ☒ No

If no, describe the arrangement enabling the new applicant to access the point of diversion and/or the place of use:
Assignee does not need to access the place of use. Assignee is the designated HOA for Assignors' subdivision.

The purpose of the application is to include Assignors' property within an authorized place of use.

Dated this _____ day of April, 2022.

Signature of current applicant _____ Title (if applicable) _____ Signature of current applicant _____ Title (if applicable) _____

State of Idaho _____)
County of _____)ss

On this _____ day of _____, 20____, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

Notary Public

My commission expires: _____

Exhibit B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WITHDRAWAL OF PROTEST

Application for ☐ Transfer ☒ Permit ☐ Amendment of Permit No. 63-35142

In the Name of Hillsdale Estates Homeowners' Association, Inc. (after assignment)
Applicant

Name of Protestant: Hillsdale Estates Homeowners' Association, Inc.

Represented by: Dylan Lawrence

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☒ My withdrawal is not conditional.

Or

☐ My withdrawal is conditioned on the following:

Signature of Protestant or Representative	Attorney Title	Date

Miller, Nick

From: Hersley, Jean
Sent: Thursday, April 21, 2022 7:10 AM
To: Western Info; Miller, Nick
Subject: FW: Water Permit App. No. 63-35142 (Rasumussen/Shirley)
Attachments: 2022-03-28 from IDWR re PHC.pdf; 2022-04-20 Stipulation.pdf

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Wednesday, April 20, 2022 10:42 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: C McHugh <cmchugh@mchughbromley.com>
Subject: Water Permit App. No. 63-35142 (Rasumussen/Shirley)

Jean,

I hope you have been well.

I'm in receipt of your attached letter from a few weeks ago regarding the above-referenced application and protest. By way of a quick update, the parties are in the process of resolving the protest. Candice McHugh (copied here) and I have signed the attached stipulation, and we'll get the wet-ink original application assignment form and protest withdrawal form submitted in the near future. If you have any questions or need anything else from us in the meantime, just let me know.

Thanks,
Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 345-6021
VarinThomas.com



CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender and please do not deliver, distribute, or copy this e-mail, disclose its contents, or take any action in reliance on the information it contains.