

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-31308

Priority: July 31, 2001

Maximum Diversion Rate: 0.08 CFS

It is hereby certified that ANCHOR DEVELOPMENT LLC
C/O PHIL SMITH
5017 JOE LN
NAMPA ID 83687 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 31, 2001; and has submitted Proof of
Beneficial Use on October 08, 2003. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (NW1/4SW1/4) Sec. 19, Twp 03N, Rge 01W, B.M.CANYON County

PLACE OF USE: DOMESTIC

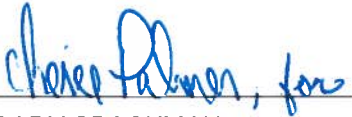
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	19										X							
												L3							

CONDITIONS OF APPROVAL

1. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
3. Place of use is located within Blk 7, Eagle Heights, First Division.
4. Point of diversion is located within Blk 7, Eagle Heights, First Division.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

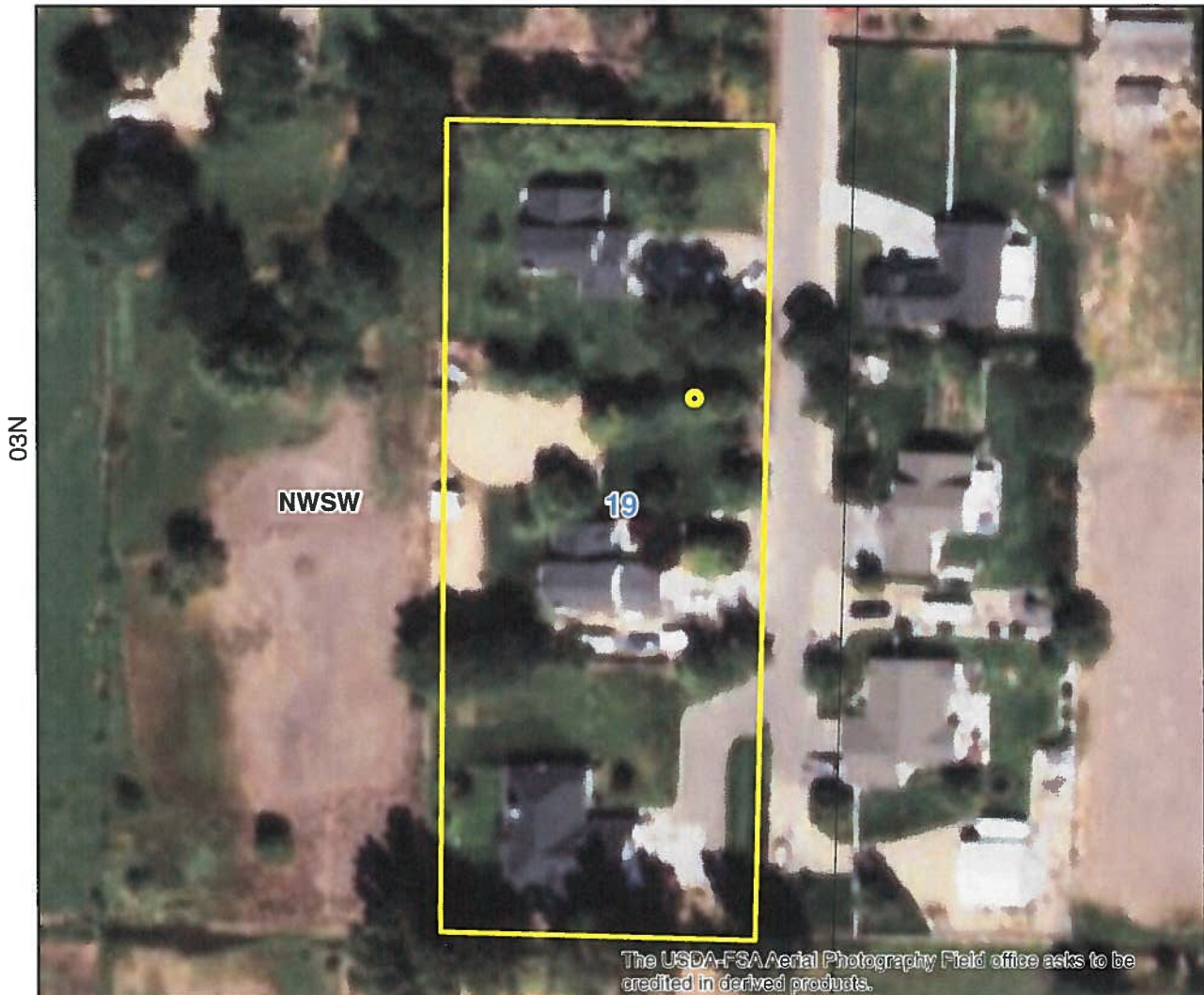
Signed this 15th day of October, 2015.


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-31308

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.01 0.02 0.04 Miles





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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 16, 2015

ANCHOR DEVELOPMENT LLC
C/O PHIL SMITH
5017 JOE LN
NAMPA ID 83687

RE: License No. 63-31308

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-287-4951.

Sincerely,

For Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

cc: PIER POINT WEST HOA

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31308

**ANCHOR DEVELOPMENT LLC
C/O PHIL SMITH
5017 JOE LN
NAMPA ID 83687**

**PIER POINT WEST HOA
87 N PIER POINT LANE
NAMPA ID 83647**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

**Darla Block
Technical Records Specialist**

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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.

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 service date 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.

RECEIVED

SEP 29 2015

**DEPARTMENT OF
WATER RESOURCES**

To whom it may concern.

After receiving the letter from the department of water resources indicating that surface water needs to be the primary means of irrigation, I spoke with the other two households and we all agree that the ability to do this is impossible.

1. There is no infrastructure in place to get the water to the properties.(1000.00 x 3 minimum cost to put in basic meter and pump)
2. We only get water once a week down the pipe that goes underneath our properties. All the lawns and trees would die in a matter of months. (1 hr per acre (each lot is .5 acre)) 30 min per week is not enough to get 1 good watering.
3. One of our residents is on a fixed income and is disabled, she also has no rights to surface water.

You have asked the homeowners association to do the impossible. We have watered our lawns for 13 years from a well that has performed wonderfully. We ask the department to make a way for the residents of Pier Point West HOA to continue to operate in this fashion.

Sincerely yours.

Ron Boschma President Pier Point West Homeowners Association

Webster, Clay

From: Webster, Clay
Sent: Monday, August 31, 2015 4:30 PM
To: 'Darren McKenzie'
Subject: RE: Water Appropriation Permit No. 63-31308

Darren,

Thank you for the request. An extension to provide the requested information is allowed. I'll document the file with this request and we will await the response from the Pier Point West HOA.

Sincerely,

Clay Webster

Water Resource Agent
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
208-287-4800
www.idwr.idaho.gov

From: Darren McKenzie [<mailto:dln@mckenzielawoffices.com>]
Sent: Monday, August 31, 2015 4:18 PM
To: Webster, Clay
Cc: Ron Boschma
Subject: Water Appropriation Permit No. 63-31308

Clay,

Thank you for speaking with me. Per our telephone call, Ron Boschma is requesting additional time to respond to your August 19, 2015 letter to Anchor Development which he received through a cc to Pier Point West HOA. He is scheduled to be out of town for most of the month of September and would like an extension to September 30, 2015 in order to provide in writing why enforcing the permit at this time would cause an undue hardship on the homeowners and/or to further investigate what would need to be done to comply with the permit, if it is enforced. If you have any questions or need any further information, please feel free to contact me or Curtis McKenzie. Our phone number is (208) 402-6955.

Darren M.
Paralegal
McKenzie Law Offices, PLLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES

ZIP 83702 \$ 000.39¹
02 1W
0001393358 AUG 19 2015

RECEIVED

AUG 31 2015

DEPARTMENT OF
WATER RESOURCES

ANCHOR DEVELOPMENT
C/O PHIL SMITH
5005 JOE LN
NAMPA

NIXIE 841 FE 1260 0008/26/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 837200098 *2689-05531-26-23

837200098

