

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13977

Priority: 10/20/2000

Maximum Diversion Rate: 1.60 CFS

This is to certify, that ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/31	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp 16N, Rge 03E, B.M. VALLEY County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 03E 3																	30.0 30.0 30.0 30.0 120.0

Total Acres: 120

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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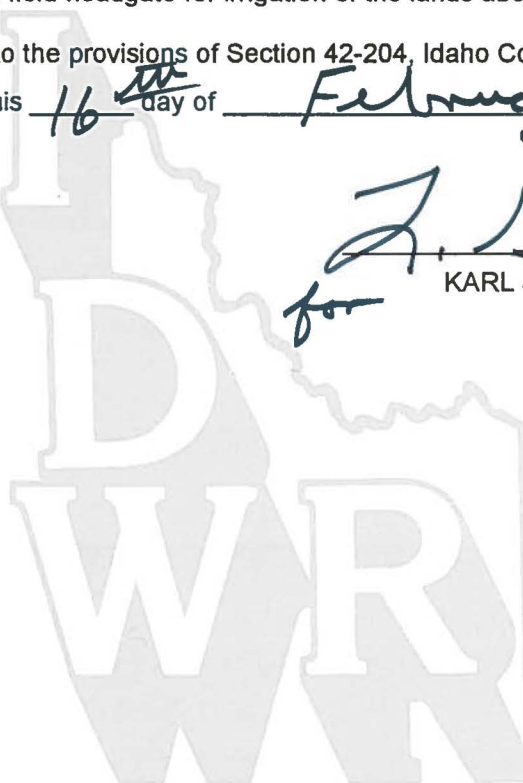
State of Idaho
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NO. 65-13977

7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of February, 2001.


for KARL J DREHER, Director



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RECEIVED

JAN 31 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Island Capitol LLC Phone (208)288-0100
Mailing address 1409 E. 1st St., Meridian, ID 83642

2. Source of water supply ground water which is a tributary of n/a

3. Location of point of diversion is Township 16N Range 3E Sec. 3, in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Valley County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.6 cfs for Irrigation purposes from 5/1 to 10/1 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.6 cfs and/or (b) 3.1736 acre feet/yr.
(cubic feet per second) (acre feet per annum)

6. Proposed diverting works: (need 700 gal/min.)

a. Describe type and size of devices used to divert water from the source pump, motor, pipeline to center pivot irrigation system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is 8" inches; proposed depth of well is 250 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. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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3. 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	
16N	3E	3													30	30	30	30	120

Total number of acres to be irrigated 120

10. Describe any other water rights used for the same purposes as described above. Sub Irrigation Water Rights 65-07417 65-03181 65-02371 Idaho Dept of Water Resources

11. a. Who owns the property at the point of diversion? Island Capitol LLC
 b. Who owns the land to be irrigated or place of use? Island Capitol LLC
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Application is being made for funding of the center pivot through the Water Quality Program for Agriculture.

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.

Island Capitol LLC

By: _____

Signature of Applicant (and title, if applicable)

Graye H. Wolfe
 Its Manager

Received by LM Date 10-20-00 Time 1:35 pm Preliminary check by LS

Fee \$ 290.00 Receipted by HM # W027085 Date 10-20-00

Publication prepared by LS Date 11/30/00 Published in _____

Publication approved LS Date 1-35-01 LONG VALLEY ADVOCATE

12/6+13/00

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 MAY 09 2001

Wolfe Ranches

Center Plot

Area 120 Acres

T16N R3E Sec 3
SW SE

The well will be
in the SW SW SE -
exact spot *unclear*
at present.

← This orange square
is approximately the
SE quarter of Section
3E, T16N.

Orange square

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X

A335
T241H

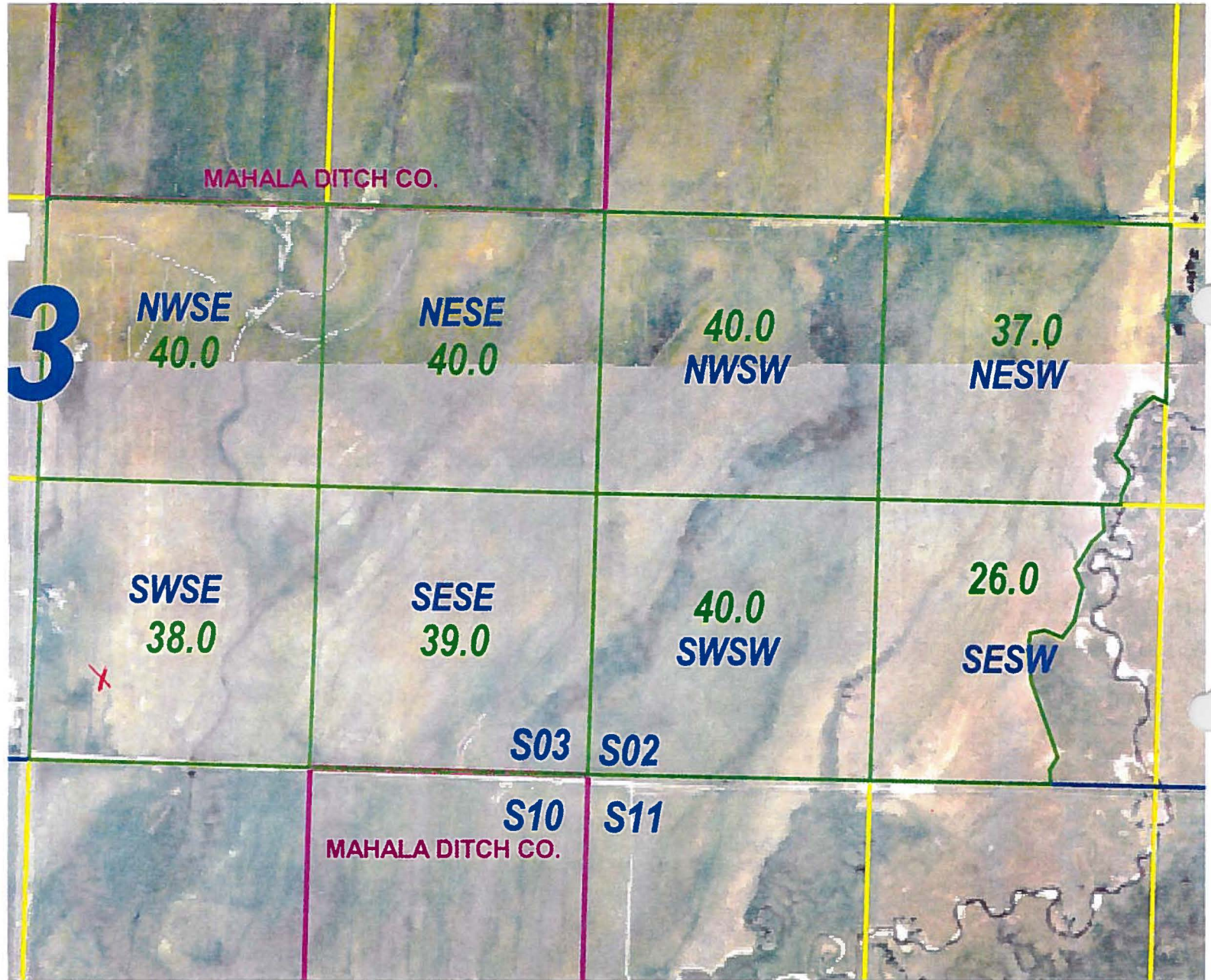
A335
T241H

A335
T241H

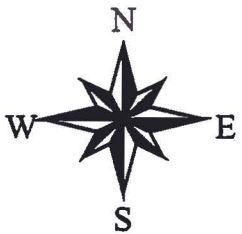
9.8

Idaho Department of Water Resources

T16N, R03E
S03



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1987 NAPP

0 0.25 0.5 0.75 1 Miles



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

RE: Permit No. 65-13977

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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09 2001

Also, 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 208-327-7946.

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosure(s)

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MAY 09 2001

CERTIFICATE OF MAILING

I hereby certify that on February 20, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-13977

**ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAY 09 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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

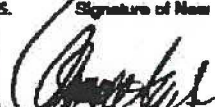
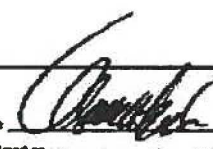
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district 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.

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MAY 09 2001

REINSTATEMENT

No. W 3744	Annual Report Form	2. Registered Agent and Office NOT A P.O. BOX												
Return to: SECRETARY OF STATE 700 WEST JEFFERSON P.O. BOX 83720 BOISE, ID 83720-0000	3. Mailing Address (If Not Same as 1. Not Same) ISLAND CAPITOL, L.L.C. 1409 E. 1st St. ~~1575 S MERIDIAN RD~~ MERIDIAN ID 83642	RUSSELL D. HUNTER ~~1575 S MERIDIAN RD~~ ~~MERIDIAN ID 83642~~ Graye H. Wolfe, Sr. 1409 E. 1st St. Meridian												
FEE DUE \$30.00 admin cancell 12/31/97		3. Organized Under the Laws of: ID 83642 Idaho #W3744												
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☒ Members (check one) <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>Member</td> <td>Graye H. Wolfe, Sr.</td> <td>1409 E. 1st St.</td> <td>Meridian</td> <td>Idaho</td> <td>83642</td> </tr> </tbody> </table>			Office Held	Name	Street or P.O. Address	City	State	Zip	Member	Graye H. Wolfe, Sr.	1409 E. 1st St.	Meridian	Idaho	83642
Office Held	Name	Street or P.O. Address	City	State	Zip									
Member	Graye H. Wolfe, Sr.	1409 E. 1st St.	Meridian	Idaho	83642									
5. Signature of New Registered Agent 	6. Signature  Date 9/10/99 (Typed or Name Printed) Graye H. Wolfe, Sr. Title Member													

MICROFILMED

MAY 09 2001

Affidavit of Publication

STATE OF IDAHO

COUNTY OF VALLEY

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of The Long Valley Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The Dep for Water Rights, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began 12-13, 2000, and ended 12-13, 2000.

Robin M. Simpson

Robin M. Simpson

Signed this the 10 day of Jan, 2001.

STATE OF IDAHO)
COUNTY OF VALLEY)
:SS.

On this the 10th day of Jan, 2001, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is subscribed to the within Instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Michael Stewart
Notary Public State of Idaho
Residing at: Cascade
Commission Expires: 10/30/2004



RECEIVED

JAN 12 2001

WATER RESOURCES
WESTERN REGION

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

65-13976
KLAS, BILLY D
KLAS, JOAN
9581 PACKER JOHN RD
CASCADE, ID 83611

Source: PAYETTE RIVER, NORTH FORK
Tributary: PAYETTE RIVER
Diversion Pt: SESESE Sec 15 T 11N R 03E
in VALLEY County.
Use: IRRIGATION (0.100 CFS)
Total Diversion: (0.100 CFS)

Date Filed: 9/27/2000

In: VALLEY COUNTY
T11N R03E S14 Lot 3 (SWSW) S15
SESE
5.0 ACRES TOTAL

Applicant agrees to mitigate consumptive
use in the future as needed.

65-13977
ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: SWSWSE Sec 3 T 16N R 03E
in VALLEY County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: 1.600 CFS

Date Filed: 10/20/2000
In: VALLEY County
T16N R03E S03 NESE SWSE SESE
120.0 ACRES TOTAL
Applicant agrees to mitigate consumptive
use in the future as needed.

65-13978
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: SPRING
Tributary: MOORES CREEK
Diversion Pt: NWSWNW Sec 14 T 13N R
03E in VALLEY County.
Use: DOMESTIC (0.040CFS)
Total Diversion: (0.040 CFS)
Date Filed: 9/19/2000
In: VALLEY County
T13N R03E S14 NENW

65-13980
US DEPT OF AGRICULTURE
FOREST SERVICE
380 E PARKCENTER SUITE 330
BOISE, ID 83706
Source: GROUND WATER
Diversion Pt: NWNW Sec 21 T 11N R 05E
in VALLEY County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 11/14/2000
In: VALLEY County
T11N R05E S21 NWNW

65-13986
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: GROUNDWATER
Diversion Pt: SENE Sec 13 T 13N R 03E
in VALLEY County.
NESE 13 T 13N R 03E in VALLEY County.
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 11/27/2000
In: VALLEY County
T13N R03E S13 SENE NESW
R04E S18 Lot 2 (SNNW) SENW NESW
Lot 3 (NNSW)
132.0 ACRES TOTAL

Applicant agrees to mitigate con-
sumptive use in the future as needed.

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 Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705
together with a protest fee of \$25 for each
application on or before DECEMBER 26,
2000. The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director
Published: 12/6/2000 & 12/13/2000

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MAY 09 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR
NOVEMBER 30, 2000

Legal Notices Department
Long Valley Advocate
PO Box 1079
Cascade, ID 83611

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 26, 2000.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Sue Taylor', is written over the typed name.

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED
MAY 09 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

MAY 09 2001

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before DECEMBER 26, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 12/ 6/2000 & 12/13/2000

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MAY 09 2001

65-13977

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: SWSWSE Sec 3 T 16N R 03E in VALLEY County.

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 10/20/2000

In: VALLEY County
T16N R03E S03 NESE NWSE SWSE SESE

120.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

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MAY 09 2001

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

ISLAND CAPITOL LLC

Mailing Address

1409 E 1st St

MERIDIAN ID 83642

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

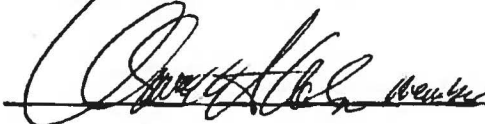
PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

 *Island Capitol LLC,
c/o 2nd Floor*

Date

11/17/00

Please return this form to:

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

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