

RECEIVED

JAN 27 2015

**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(s) SCS Brighton, LLC Phone 208-378-4000
 Name connector (check one): and or and/or
 Mailing address 12601 West Explorer Drive, Suite 200 City Boise
 State ID Zip 83713 Email jwardle@brightoncorp.com

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
3N	1W	14			NW	NW	Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 0.40 for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.40 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Well, pump, pressurized irrigation system
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

8. 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	
3N	1W	14					18	35											53

Total number of acres to be irrigated: 20 acres within a 53-acre permissible place of use

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Surface water from Nampa and Meridian Irrigation District

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

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

New well proposed for supplemental irrigation of landscape and common areas within Ten Mile Creek Development.
Water bearing zone to be appropriated is from 50 to 300 feet.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
 13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" 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.

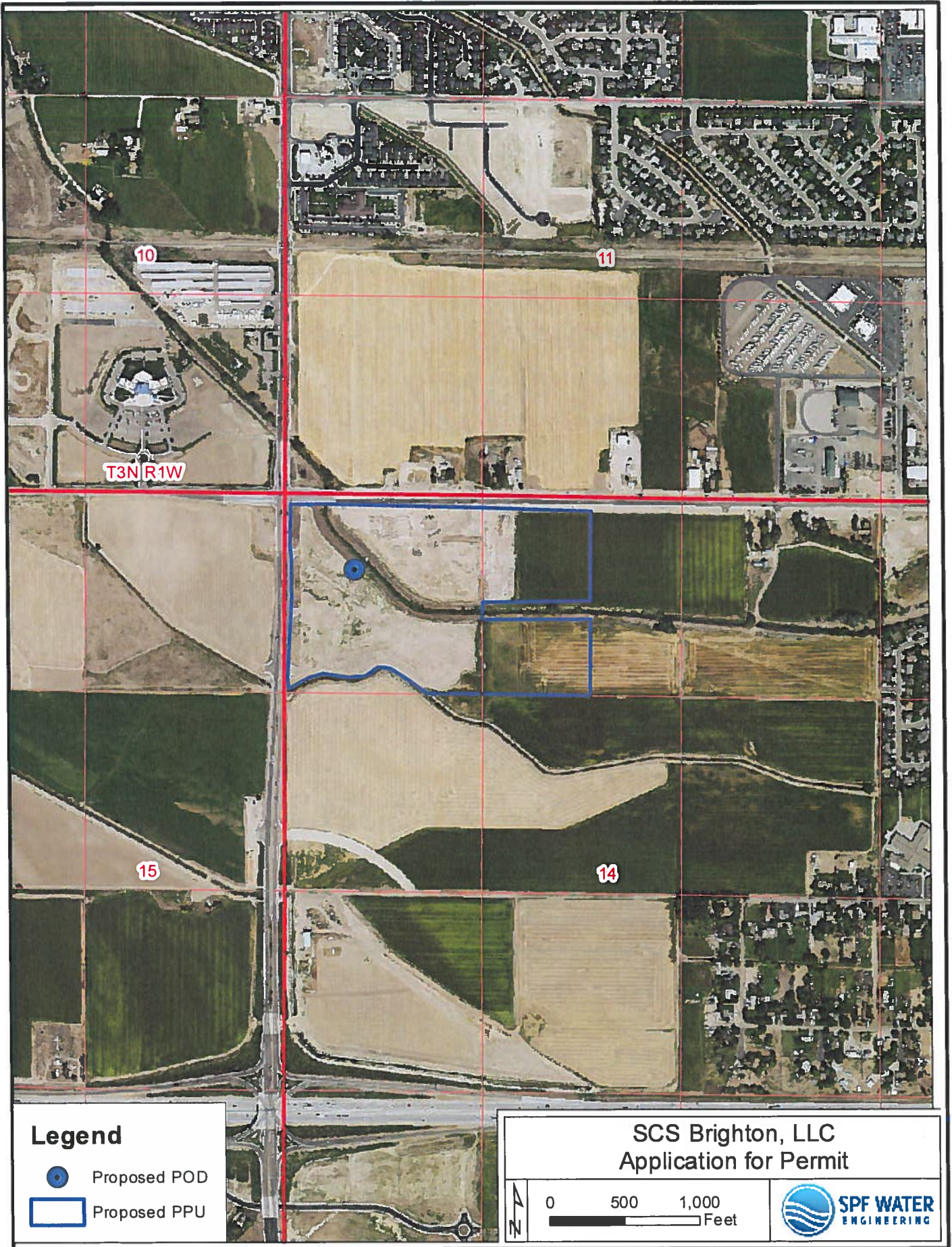
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant
Steven C. Smith, Member
 Print Name (and title, if applicable)
SCS Brighton, LLC

 Signature of Applicant

 Print Name (and title, if applicable)

Received by  Date 1/27/15 Time 1:15pm Preliminary check by DM
 Fee \$ 250⁰⁰ Received by  Receipt No. W042762 Date 1/27/15



2013 Photo

Agreement In Lieu of Protest

The City of Meridian (City) seeks to protect groundwater quality within the City's impact area through implementation of rigorous well construction standards. SCS Brighton, LLC (SCS) proposes an Application for Permit to drill a new well for irrigation of landscape and common areas proposed within Ten Mile Creek Development. The City has agreed not to protest the Application for Permit provided SCS agrees to construct the well to City standards. Specifically, SCS agrees to the following conditions.

1. Any well constructed pursuant to the Application for Permit must be constructed using either mud-rotary or reverse-rotary drilling methods.
2. Any well constructed pursuant to the Application for Permit must be constructed with a full depth seal extending from ground surface to within 30 feet of the well production zone.
3. Any well constructed pursuant to the Application for Permit must be constructed using plastic well casing.
4. In the event that a new well drilled for the Application for Permit does not comply with conditions 1, 2, and 3, above, SCS shall abandon the well within 30 days of notice from the City.
5. A copy of this Agreement in Lieu of Protest shall be filed in the file maintained by the Idaho Department of Water Resources for this application.

Dated this 13 day of January, 2015

Dated this 26 day of JANUARY, 2015

By 
SCS Brighton, LLC

By 
City of Meridian



Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, April 09, 2015 3:27 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Afternoon Janice Hildreth,

Please see the attached ad for publication on 4/16/15 & 4/23/15.

Please confirm these are okay to publish as shown.

Thank you,

April 9, 2015

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No's: 63-34022, 63-34031, 63-34032

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 5/4/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34022

PHILIP M KRUEGER
1311 E WARM SPRINGS AVE
BOISE, ID 83712
Point of Diversion NESW S2 T02N R03E ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/2/2014
Place of Use: DOMESTIC
T02N R03E S11 L2(NENW)
Water bearing zone to be appropriated is from 28 to 488 feet.

63-34031

WOOD RIVER BUILDERS LLC
516 S CAPITAL BLVD
BOISE, ID 83702
Point of Diversion SWSW S13 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER
Use: IRRIGATION 03/01 to 11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 1/7/2015
Place of Use: IRRIGATION
T04N R01E S13 SWSW
Total Acres: 2.5
Water bearing zone to be appropriated is from 0 to 17.5 feet. Mitigation is proposed for consumptive use.

63-34032

SCS BRIGHTON, LLC
12601 W EXPLORER DR, STE 200
BOISE, ID 83713
Point of Diversion NWNW S14 T03N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.4 CFS
Total Diversion: 0.4 CFS
Date Filed: 1/27/2015
Place of Use: IRRIGATION
T03N R01W S14 NENW NWNW
Total Acres: 53
Water bearing zone to be appropriated is from 50 to 300 feet. Applicant proposes irrigating 20 acres.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/4/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/16/2015 and 4/23/2015

Merriman, Danielle

From: Lori Graves [LGraves@spfwater.com]
Sent: Tuesday, April 07, 2015 2:59 PM
To: Merriman, Danielle
Subject: RE: SCS Brighton application
Attachments: Pages from Operating Agreement 12.13.12 (Members).pdf

Danie,

SCS Investments, LLC, and Brighton Investments, LLC, are the managers/members of SCS Brighton.

- Steve Smith is a Manager of SCS Investments, LLC.
- David Turnbull is Managing Member of Brighton Investments, LLC.

Please let me know if you need any additional information. Thanks Danie.

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Tuesday, April 07, 2015 10:10 AM
To: Lori Graves
Subject: SCS Brighton application

Good Morning Lori,

I am writing to you in regards to the application you submitted on behalf of SCS Brighton LLC. Upon reviewing the Secretary of State's business entity website, I was unable to find a reference to Steven C. Smith, the signatory for the application. Please provide a list of the names and addresses of the partners for SCS Brighton LLC to further process this application.

Thank you!

Danie Merriman
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: danie.merriman@idwr.idaho.gov

Merriman, Danielle

From: Merriman, Danielle
Sent: Friday, March 13, 2015 9:36 AM
To: 'Lori Graves'
Subject: RE: SCS Brighton, LLC (63-34032)

Hi Lori,

I checked the Ada County Assessor website with the parcel numbers you gave me and they checked out. It looks like our ArcMap parcel layer is a little outdated. I will make a note of this and proceed with the review of the application.

Thank you for following up so quickly.

Sincerely,
Danie

From: Merriman, Danielle
Sent: Friday, March 13, 2015 9:32 AM
To: 'Lori Graves'
Subject: RE: SCS Brighton, LLC (63-34032)

Hi Lori,

I have the overlap being on the Eastern tip of the proposed POU.

S1214223260- 34.6 acres
S1214212560- 3.5 acres
S121421800- 2.9 acres
S1214212620- 6.4 requested acres (Kostka & Calnon)
S1214121130- 5.6 requested acres (Kostka & Calnon)



My tax lot data is from 09/24/2014. It looks like you may have updated data?

Thanks for following up!

-Danie

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Thursday, March 12, 2015 2:40 PM
To: Merriman, Danielle
Subject: SCS Brighton, LLC (63-34032)

Hey Danie,

In response to your info request letter dated 3/10/2015, I'm not sure where there's a discrepancy? Based on 2015 tax lot data, the applicants own the following parcels comprising the proposed POU:

	S1214223260 - 34.63 acres
	S1214212560 - 3.631 acres
	S1214212580 - 6.557 acres
	S1214212800 - 2.875 acres
	S1214212820 - <u>5.443 acres</u>
Total	~ 53 acres

Can you tell me which property of the proposed POU is owned by Kostka & Calnon? Thanks Danie.

Regards,
Lori

Lori Graves | Water Rights Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | c. 208.869.4569

e. lgraves@spfwater.com | w. www.spfwater.com

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPY

March 10, 2015

SCS Brighton, LLC
C/O Lori Graves
300 E. Mallard Dr., Suite 350
Boise, ID 83706

Re: Application for permit request for additional information

Dear Lori,

This letter is in regards to the application for permit 63-34032, the northern SCS Brighton property on the corner of Ten Mile and Franklin Road, that was received on January 27, 2015. There is a point of clarification that needs to be addressed in order to further process your applications.

On your application, you indicate that the applicants own the land at the place of use. Ada County tax lot records indicate that part of this requested irrigation area extends onto land owned by Kostka & Calnon LLC. Could you please explain this discrepancy and any arrangements you have that allow you to file for this use.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. You may call the Western office and provide the needed information over the phone or you may email me at danie.merriman@idwr.idaho.gov.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Danie Merriman". The signature is written in dark ink and is positioned above the typed name.

Danie Merriman
Water Resource Agent
IDWR, Western Region



January 26, 2015

RECEIVED

JAN 27 2015

WATER RESOURCES
WESTERN REGION

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Applications for Permit (2)

Dear Steve,

Enclosed on behalf of SCS Brighton, LLC, are two *Applications for Permit* seeking authorization to appropriate ground water for supplemental irrigation uses. Because the proposed developments are within the City of Meridian's service area, attached to each application is an *Agreement in Lieu of Protest* between the applicant and the City regarding construction requirements for the proposed wells.

Check No. 9020 for \$500 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Craig Hibig, Jon Wardle, Kyle Radek

Enclosures

SPF file number: 1146.0010