

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33742

Priority: February 06, 2013

Maximum Diversion Rate: 0.50 CFS

This is to certify, that BLACKROCK SUBDIVISION HOMEOWNERS ASSN INC
2204 E HYPER DR
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

Source: 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	03/01 to 11/15	0.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 32, Twp 03N, Rge 01E, B.M., ADA 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	
03N 01E 32								.4	29.9							5.7	36.0

Total Acres: 36

CONDITIONS OF APPROVAL

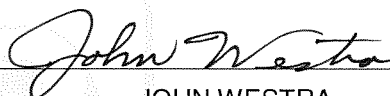
1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2018**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The 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.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.

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NO. 63-33742

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. 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 the permit holder had no control.
10. The diversion and use of water described in 63-33742 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
12. Water bearing zone to be appropriated is from 100 to 300 feet.
13. Irrigation is for residential lots and common areas.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of May, 2013.



JOHN WESTRA

Western Regional Manager



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

June 3, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BLACKROCK SUBDIVISION HOMEOWNERS ASSN INC
2204 E HYPER DR
MERIDIAN ID 83642

RE: Permit No.63-33742

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.

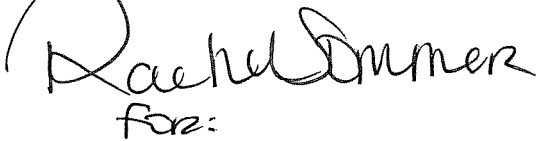
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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.

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)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer". The signature is written in a cursive style with a large, looping "R" and "S".

for:

John Westra
Western Regional Manager

Enclosures

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2013, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid mail with return receipt requested, and properly addressed to persons listed below:

Documents Served:

PRELIMINARY ORDER (Approved Permit) RE: 63-33742
STIPULATION TO WITHDRAW PROTEST RE: 63-33742

BLACKROCK SUBDIVISION HOMEOWNERS ASSN INC
2204 E HYPER DR
MERIDIAN ID 83642

SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706

HONSINGER LAW PLLC
ATTN: CHARLES HONSINGER
PO BOX 517
BOISE ID 83701

DEPT OF WATER RESOURCES
ATTN: SONNY HORNBAKER
2735 AIRPORT WAY
BOISE ID 83705

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

Rachel Sommer
Administrative Assistant I

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.



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 22, 2013

Blackrock Subdivision Homeowners Assn Inc
2204 E Hyper Dr
Meridian ID 83642

SPF Water Engineering LLC
C/O Roxanne Brown
300 E Mallard Dr STE 350
Boise ID 83706

City of Meridian
C/O Honsinger Law PLLC
ATTN Charles Honsinger
PO Box 517
Boise ID 83701

**RE: Contested Application for Permit No. 63-33742
Withdrawal of Protest**

Dear Protestant:

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

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,

John Westra
Regional Manager

RECEIVED

MAY 16 2013

WATER RESOURCES
WESTERN REGION

CHARLES L. HONSINGER (ISB # 5240)
HONSINGER LAW, PLLC
P. O. Box 517
Boise, Idaho 83701
Telephone: (208) 863-6106
Facsimile: (208) 908-6085
honsingerlaw@gmail.com

Attorneys for Protestant City of Meridian

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

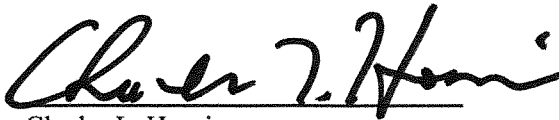
_____	)	
IN THE MATTER OF APPLICATIONS FOR	)	
WATER RIGHT NO. 63-33742 IN THE	)	STIPULATION TO WITHDRAW
NAME OF BLACKROCK SUBDIVISION	)	PROTEST
HOMEOWNERS ASSOCIATION, INC.	)	
_____	)	

COMES NOW, the Protestant, the City of Meridian, by and through its counsel
Honsinger Law, PLLC, and Applicant Blackrock Subdivision Homeowners Association, Inc.,
and hereby stipulate to the withdrawal of the protest filed by the Protestant in the
above-captioned matter under the following conditions:

- 1) Any well constructed pursuant to Application for Water Right No. 63-33742 must be constructed using either mud rotary drilling or reverse rotary drilling.
- 2) Any well constructed pursuant to Application for Water Right No. 63-33742 must be constructed with full depth seals from the ground surface to within 30 feet of the well production zone.
- 3) Any well constructed pursuant to Application for Water Right No. 63-33742 must be constructed using plastic well casing.

Dated this 14th day of May, 2013.

HONSINGER LAW, PLLC



Charles L. Honsinger
Attorneys for Protestant

Dated this _____ day of _____, 2013.

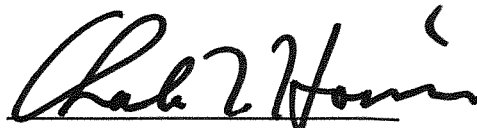
BLACKROCK SUBDIVISION HOMEOWNERS ASSN.

		
Timothy Foster 5-4-13	Annette Alonso	5/4/13
	Printed Name	Title
Damon Stephenson		5/9/13

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 15th day of May, 2013, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following

Blackrock Subdivision Homeowners Association, Inc.
2204 E. Hyper Dr.
Meridian, ID 83642


Charles L. Honsinger



Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106



RECEIVED

MAY 16 2013

WATER RESOURCES
WESTERN REGION

May 14, 2013

Mr. John Westra
Western Regional Manager
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-33742

Dear Mr. Westra:

Please find enclosed a Stipulation to Withdraw Protest to be filed in the above-referenced matter. This Stipulation should completely and finally resolve the City of Meridian's protest in this matter. Please contact me immediately should you believe that I am in error.

Please send back a conformed copy of the Stipulation to Withdraw Protests in the enclosed, self-addressed envelope. Thank you.

Sincerely,

Charles L. Honsinger

enclosure

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

MAY 10 2013

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000641119	LEGAL NOTICE	BlackrockSub	\$87.68	1	48

Attention: Rachel Sommers

IDAHO DEPT WATER RESOURCE/ WEST

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

63-33742

BLACKROCK SUBDIVISION
HOMEOWNERS ASSN INC

2204 E HYPER DR
MERIDIAN, ID 83642

Point of Diversion NESW S32
T03N R01E ADA County Source
GROUND WATER

Use: IRRIGATION 03/01 to
11/15 0.5 CFS

Total Diversion: 0.5 CFS

Date Filed: 2/6/2013

Place Of Use: IRRIGATION

T03N R01E S32 SENW NESW
NWSE

Total Acres: 36

Water bearing zone to be appropri-
ated is from 100 to 300 feet.

Permits will be subject to all prior
water rights. For additional infor-
mation concerning the property lo-
cation, contact Western Region of-
fice at (208) 334-2190; or for a
full description of the right(s),
please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Pro-
tests may be submitted based on
the criteria of Idaho Code § 42-
203A. Any protest against the ap-
proval of this application must be
filed with the Director, Dept. of Wa-
ter Resources, Western Region,
2735 Airport Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application on or
before 5/20/2013. The protes-
tant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director

Pub. May 2,9, 2013

0000641119-01

JANICE HILDRETH, being duly
sworn, deposes and says: That
she is the Principal Clerk of The
Idaho Statesman, a daily
newspaper printed and
published at Boise, Ada County,
State of Idaho, and having a
general circulation therein, and
which said newspaper has been
continuously and uninterruptedly
published in said County during
a period of twelve consecutive
months prior to the first
publication of the notice, a copy
of which is attached hereto: that
said notice was published in The
Idaho Statesman, in conformity
with Section 60-108, Idaho
Code, as amended, for:

2 Insertions

Beginning issue of: 05/02/2013

Ending issue of: 05/09/2013

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 9 day of May in the year
of 2013 before me, a Notary
Public, personally appeared
before me Janice Hildreth known
or identified to me to be the
person whose name subscribed
to the within instrument, and
being by first duly sworn,
declared that the statements
therein are true, and
acknowledged to me that she
executed the same.

Heather Harradine

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

