

RECEIVED

SEP 12 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change

1. **APPLICANT(S)** Bittercreek Meadows Water & Sewer Users Association Phone 208-794-0070
2. **MAILING ADDRESS** 2040 South Eagle Road City Meridian
State Idaho Zip 83642 Email jimj@jljenterprisesinc.com

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-31957
63-31957

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.70 cubic feet per second and/or 28.8 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.
☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
03N	01W	34		NW	NE		Ada	Groundwater	#1
03N	01W	34		NW	NE		Ada	Groundwater	#2

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

This is a public water system that is currently supplying water through a well pumping facility and 8-inch distribution system.

- b. Who owns the property at the point(s) of diversion? The Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

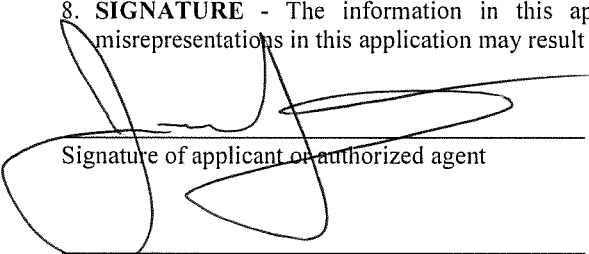
Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

James L. Jewett

Print name and title if applicable

08/30/2011

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 1 pages of attachments.

Received by Jmh

Date 9-12-11

Fee paid 660

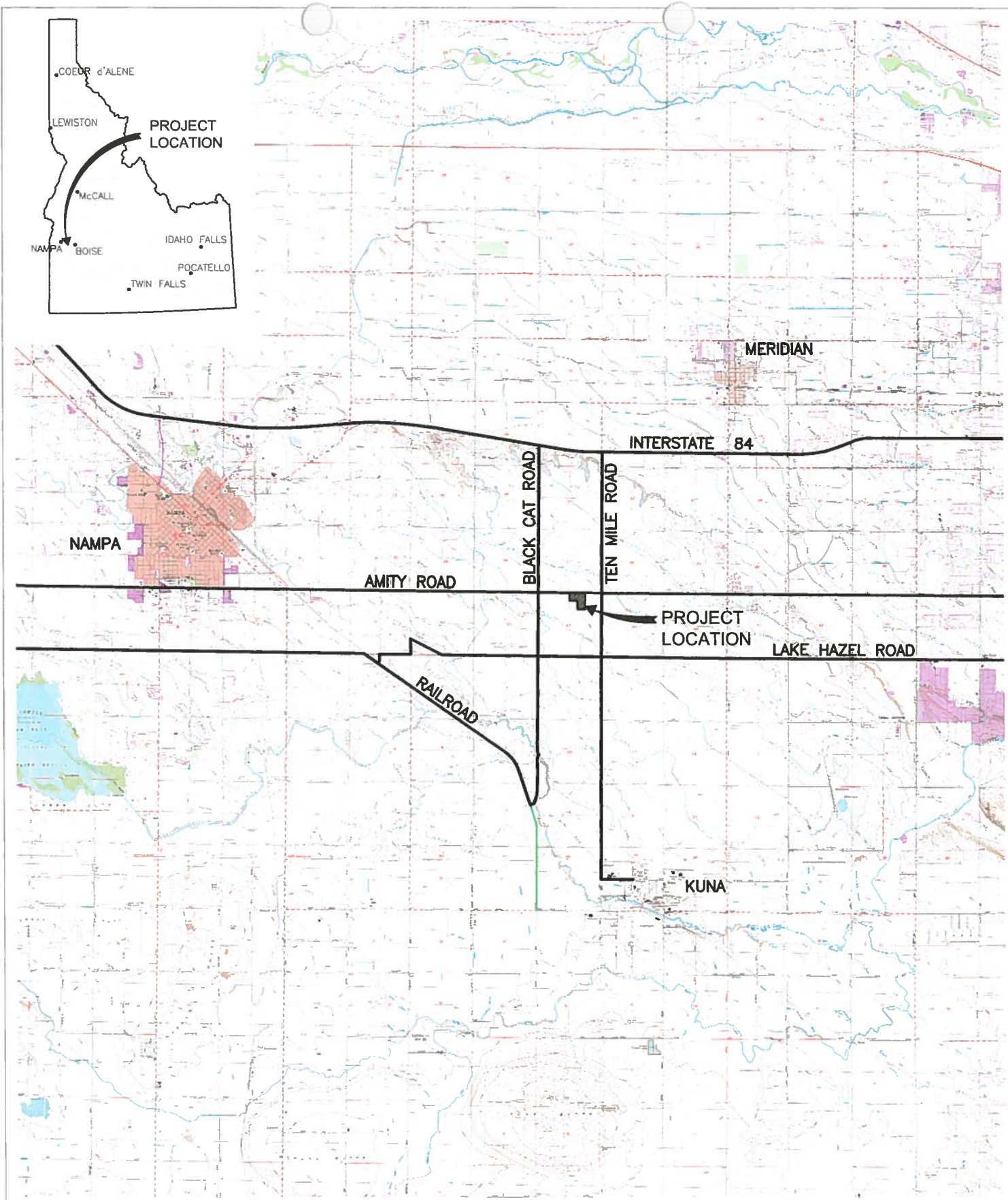
Date 9-12-11

Received by Jmh

Receipt # W039619

Preliminary review completed by ANGIE GRAY

Date 11/1/2011



NORTH
SCALE: 1" = 2 MILES

MOUNTAIN WATERWORKS, INC.
ENGINEERING AND ENVIRONMENTAL SOLUTIONS

3152 S. BOWN WAY
BOISE, IDAHO 83706
208.850.9978

BITTERCREEK MEADOWS
VICINITY MAP

PROJECT		DRAWN	FIGURE NO.
DATE	8/30/2011	NLM	1 OF 2

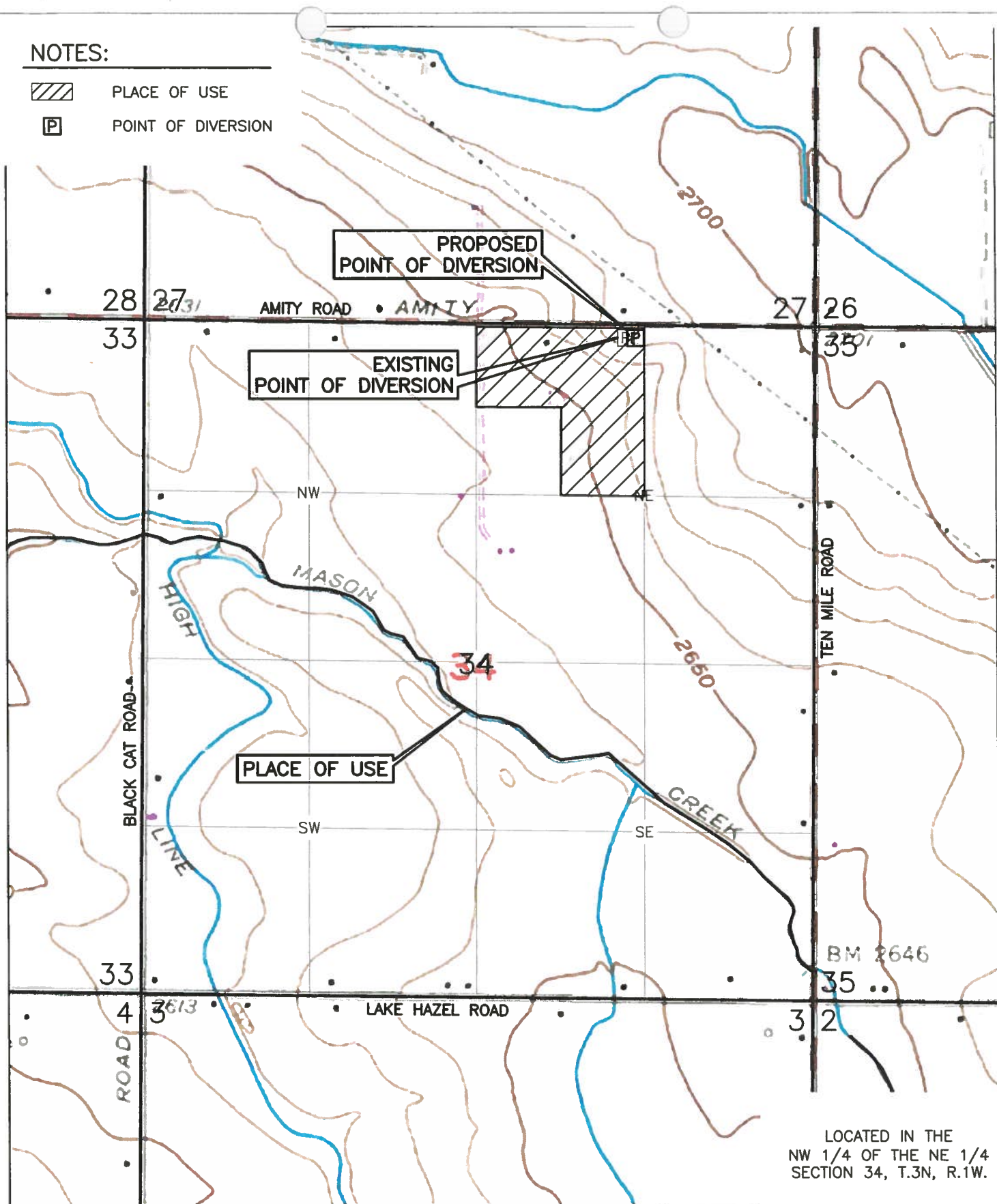
NOTES:



PLACE OF USE



POINT OF DIVERSION



LOCATED IN THE
NW 1/4 OF THE NE 1/4
SECTION 34, T.3N, R.1W.



NORTH

SCALE: 1" = 1000'

MOUNTAIN WATERWORKS, INC.

ENGINEERING AND ENVIRONMENTAL SOLUTIONS

3152 S. BOWN WAY
BOISE, IDAHO 83706
208.850.9978

BITTERCREEK MEADOWS WATER DIVERSION MAP

PROJECT	DRAWN	FIGURE NO.
DATE	8/30/2011	NLM 2 OF 2

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31957

Priority: May 26, 2004

Maximum Diversion Rate: 2.70 CFS

This is to certify, that J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616

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>
DOMESTIC	01/01 to 12/31	0.47 CFS
FIRE PROTECTION	01/01 to 12/31	2.23 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 01W, B.M., ADA County
GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 01W, B.M., ADA County

PLACE OF USE: DOMESTIC & FIRE PROTECTION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	01W	34	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
			X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The diversion and use of water described in this right may be subject to additional conditions and 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.
6. Domestic use is for 24 homes within Bittercreek Meadows Subdivision.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

James L. Jewett
BMWSUA
2040 S. Eagle Road
Meridian, ID 83642

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO 07/13/11 11:21 AM
DEPUTY Vicki Allen
RECORDED-REQUEST OF
Meridian City

AMOUNT .00

2



111055938

(Space Above For Recorder's Use)

QUITCLAIM DEED

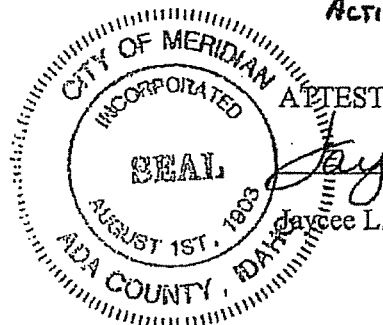
For good and valuable consideration the receipt of which is hereby acknowledged, The City of Meridian, an Idaho Municipal Corporation ("Grantor"), does hereby release and forever quitclaim unto the Bittercreek Meadows Water and Sewer Users Association ("Grantee"), whose address is 2040 S. Eagle Road, Meridian ID 83642, and its heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Ada County, State of Idaho, to-wit:

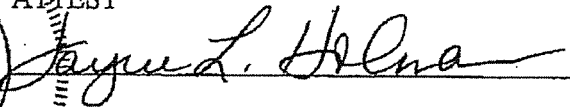
Lot 7, Block 1 of the Amended Plat of Bittercreek Meadows Subdivision recorded with the Ada County recorder's office as Instrument No. 106102994 on or about the 27th day of June, 2006

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantor this 12 day of July, 2011.

 7/12/2011
Tammy de Weerd, Mayor
ACTING MAYOR DAVID ZAROMBA




Jaycee L. Holman, City Clerk

QUITCLAIM DEED-1

BITTERCREEK WELL LOT

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-31957

Priority: June 01, 2010

Maximum Diversion Rate: 2.70 CFS
Maximum Diversion Volume: 28.8 AF

It is hereby certified that CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN ID 83642 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 26, 2004; and has submitted Proof of
Beneficial Use on June 01, 2010. An examination indicates that the works have a diversion capacity of
2.89 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL
FIRE PROTECTION

PERIOD OF USE

01/01/11 to 12/31
01/01 to 12/31

DIVERSION RATE

0.47 CFS
2.23 CFS

ANNUAL
DIVERSION VOLUME
28.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER
ADA County

NW 1/4 NE 1/4

Sec. 34, Twp 03N, Rge 01W, B.M.

PLACE OF USE: MUNICIPAL

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	34		X											

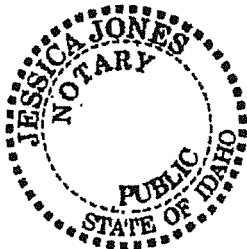
CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the subdivision lots 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.
2. The diversion and use of water described in this right may be subject to additional conditions and 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.

STATE OF IDAHO)
) ss.
County of Ada)

On this 12 day of July, 2011, before me Jessica Jones,
personally appeared ~~Tammy de Weerd~~ and Jaycee L. Holman, known or identified to me to be
the Mayor and City Clerk, respectively, of the City of Meridian, the municipal corporation that
executed and attested the instrument or the person who executed and attested the instrument on
behalf of said municipal corporation, and acknowledged to me that such municipal corporation
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.



Jessica Jones
Notary Public for Idaho
Residing at Meridian Idaho
My Commission expires 1/4/2014