

RECEIVED

APR 11 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 37-22712

1. Name of applicant(s) LEGACY RESIDENTIAL, L.L.C. - c/o Mr. Tom Ellison Phone (425) 460-4373
 Name connector (check one): ☐ and ☐ or ☐ and/or
- Mailing address: 400 112th AVENUE N.E., SUITE 230 City Bellevue
 State WA Zip 98004 Email: jhillman@legacy-capital.com
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
T4N	R17E	13		SW	NE		BLAINE	GROUNDWATER	Production #1

4. Water will be used for the following purposes:

Amount 0.75 cfs for HEATING & COOLING purposes from JAN. 1 to DEC. 31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.04 cfs for DOMESTIC purposes from APR. 15 to OCT. 31 (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) 0.75 cfs cubic feet per second (cfs) and/or (b) N/A acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. PUMPED FROM GROUNDWATER AQUIFER VIA COLDWATER WELL CONSTRUCTION

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A 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 8 inches; proposed depth of well is < 200 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? N/A; drilling firm N/A;
 Well was drilled for (well owner) N/A; Drilling Permit No. N/A

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

a. Hydropower; show total feet of head and proposed capacity in kW. N/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. N/A

d. Domestic; show number of households ONE HOUSEHOLD

e. Other; describe fully. GROUND SOURCE HEAT PUMP HEATING AND COOLING, AND IRRIGATION COMPONENT OF DOMESTIC USE EXEMPTION (IRRIGATION OF <13,000 GALLONS PER DAY FOR NO MORE THAN 1/2-ACRE)

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
T4N	R17E	13																	
	LOT	1B			g//d														
	LOT	2C			g//d														

Total number of acres to be irrigated: 1/2 acre

- 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? NO OTHER WATER RIGHTS WILL BE USED FOR HEATING AND COOLING AND DOMESTIC USES
- Who owns the property at the point of diversion? LEGACY RESIDENTIAL, L.L.C. - c/o Mr. Tom Ellison
 - Who owns the land to be irrigated or place of use? LEGACY RESIDENTIAL, L.L.C. - c/o Mr. Tom Ellison
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A
- Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The groundwater will be used for heating and cooling approximately 10,000 s.f. of residential space, approximately 10,000 s.f. of snowmelt applications, and the irrigation component of a domestic use exemption. For heating and cooling, the water will be withdrawn from the aquifer near the residence, routed through a heat exchanger, and then injected back into the same aquifer with a delta-T of approximately 10 degrees F and no chemical change. Groundwater use for irrigation purposes during the irrigation season will not exceed 13,000 gallons per day and not irrigate more than 1/2-acre, per the domestic use exemption. The place of use is both Lots 1B and 2C, which will be combined into one lot.
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
- 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

THOMAS ELLISON

Print Name (and title, if applicable)

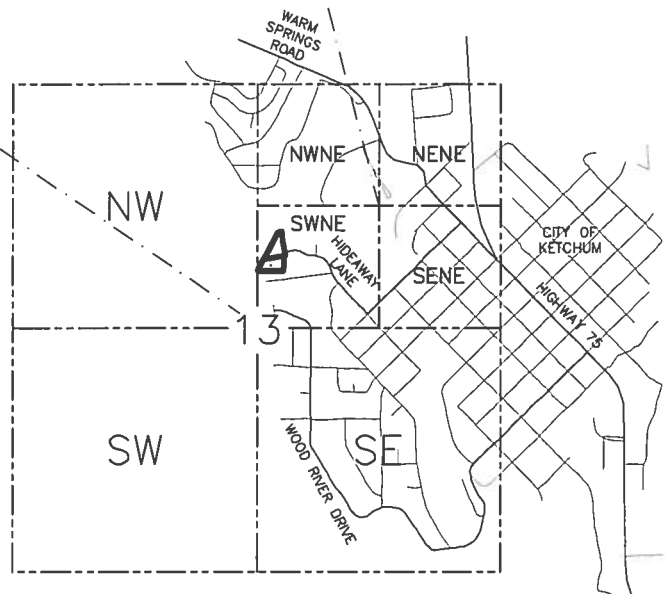
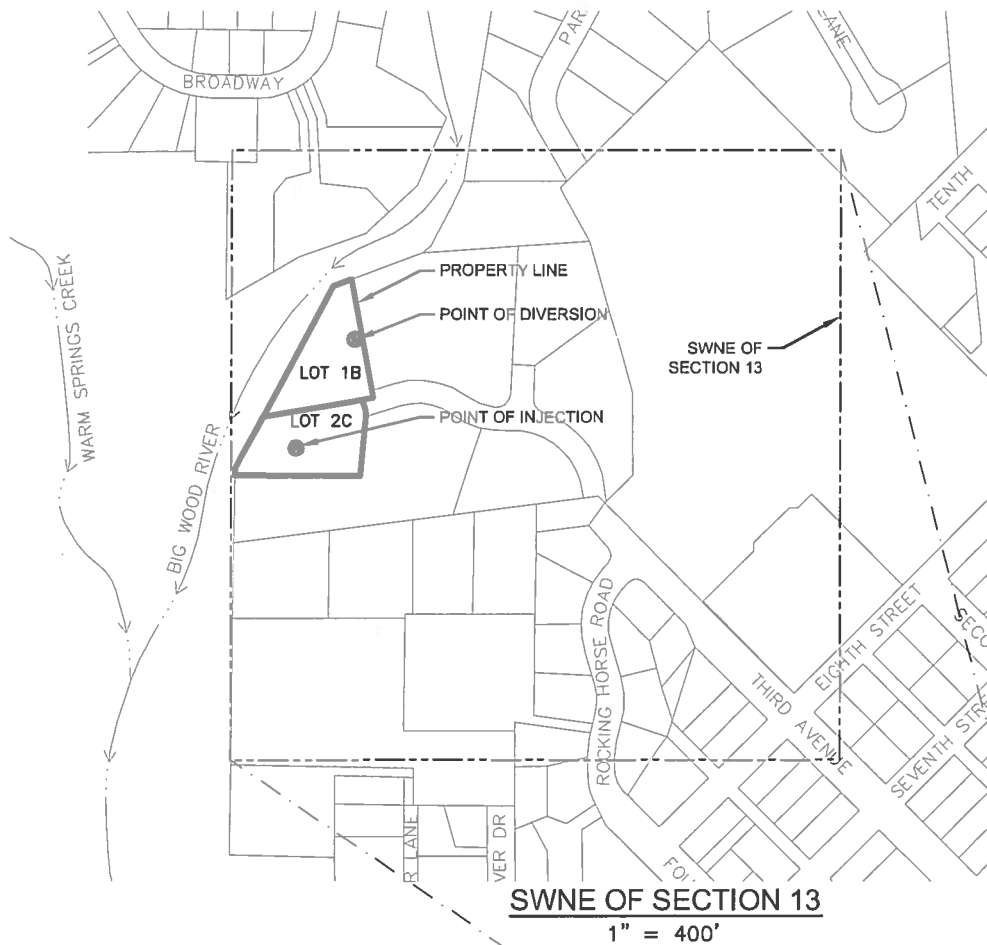
Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by B. Walker
 Fee \$ 250.00 Received by B. Walker Receipt No. 5032407 Date 3/8/12

NOTE:
LOT 1B AND LOT 2C WILL BE
COMBINED INTO ONE LOT PER
A LOT LINE SHIFT APPLICATION.



REUSE OF DRAWINGS

These drawings, or any portion thereof, shall not be used on any Project or extension of this Project except by agreement in writing with Galena Engineering, Inc.

Galena Engineering Inc.

Civil Engineers & Land Surveyors
680 Second Avenue North
P.O. Box 425
Ketchum, Idaho 83340
(208) 726-4729
(208) 726-4783 fax
email galena@galena-engineering.com

AN EXHIBIT MAP SHOWING PROPOSED WELL LOCATIONS
LOT 1B & 2C OF REPLATTED GOOSE ISLAND SUBDIVISION
WITHIN SECTION 13, T.4 N., R. 17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
PREPARED FOR THE IDAHO DEPARTMENT OF WATER RESOURCES

PROJECT INFORMATION
Z:\5842-08\dwg\Boundary-Plot\584208-well location exhibit.dwg 2/29/2012 5:42:58 PM MST

SHT 1 OF 1

RECEIVED**MAR 08 2012**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No. 37-227121. Name of applicant(s) LEGACY RESIDENTIAL, L.L.C. - c/o Mr. Tom Ellison Phone (425) 460-4373
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 400 112th AVENUE N.E., SUITE 230 City Bellevue
State WA Zip 98004 Email: jhillman@legacy-capital.com2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
T4N	R17E	13		SW	NE		BLAINE	GROUNDWATER	Production #1

4. Water will be used for the following purposes:

Amount 0.75 cfs for HEATING & COOLING purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.04 cfs for DOMESTIC purposes from APR. 15 to NOV. 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)5. Total quantity to be appropriated is (a) 0.75 cfs cubic feet per second (cfs) and/or (b) N/A acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. PUMPED FROM GROUNDWATER AQUIFER VIA COLDWATER WELL CONSTRUCTIONb. Height of storage dam N/A net active reservoir capacity N/A acre-feet; total reservoir capacity N/A 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 ☒ Noc. Proposed well diameter is 8 inches; proposed depth of well is < 200 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? N/A; drilling firm N/AWell was drilled for (well owner) N/A; Drilling Permit No. N/A

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

a. Hydropower; show total feet of head and proposed capacity in kW. N/Ab. Stockwatering; list number and kind of livestock. N/Ac. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. N/Ad. Domestic; show number of households ONE HOUSEHOLDe. Other; describe fully. GROUND SOURCE HEAT PUMP HEATING AND COOLING, AND IRRIGATION COMPONENT OF DOMESTIC USE EXEMPTION (IRRIGATION OF <13,000 GALLONS PER DAY FOR NO MORE THAN 1/2-ACRE)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 13, 2012

LEGACY RESIDENTIAL LLC
C/O TOM ELLISON
400 112TH AVE N.E., STE 230
BELLEVUE, WA 98004

Re: Application For Permit No. 37-22712

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **4/18/2012** and **4/25/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**May 7, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is fluid and cursive, with the first name "Denise" being more prominent than the last name "Buffington".

Denise Buffington
Administrative Assistant

cc:

GALENA ENGINEERING INC.
C/O JEFF LOOMIS, P.E.
317 N RIVER ST
HAILEY, ID 83333

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, April 12, 2012 5:02 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.Doc; Idaho Mtn Express Ad - COMBINED.Doc

Attached please find (1) legal notice being submitted for publication on April 5th & 12th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.buffington@idwr.idaho.gov

April 12, 2012

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 77861
Water Right No(s): 37-13039

RE: Transfer No. 73743
Water Right No(s): 37-297D, 37-20359

RE: Application For Permit No.(s): 37-22354, 37-22711, 37-22712

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 May 7, 2012. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

37-22354

JUDE P AND JULIA MANDEVILLE DAMASCO TRUST

700 MONTE VISTA WAY

HALF MOON BAY, CA 94019

Point of Diversion NESW S33 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Use: AESTHETIC 01/01 to 12/31 0.74 CFS

Use: RECREATION 01/01 to 12/31 0.74 CFS

Use: WILDLIFE 01/01 to 12/31 0.74 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 73 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.74 CFS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 73 AF

Use: RECREATION STORAGE 01/01 to 12/31 73 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 73 AF

Total Diversion: 0.74 CFS 73 AF

Date Filed: 4/27/2007

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, FIRE PROTECTION STORAGE

T02N R18E S4 L3(NENW)

T03N R18E S33 SESW

Amended application for permit seeks to appropriate 0.74 cfs and 73 afa from Indian Creek for uses associated with an existing pond located along the east side of Buttercup Road approximately 1.6 miles north and 0.2 miles west of the center of Hailey. Water from Indian Creek will be diverted at its confluence with the Hiawatha Canal and delivered to the pond via the Hiawatha Canal.

37-22711

THREE CREEKS RANCH LLC

1901 BAYADERE TERR

CORONA DEL MAR, CA 92625

Point of Diversion SESW S11 T01S R19E BLAINE County Source UNNAMED STREAM Tributary LOVING CREEK

Use: IRRIGATION 04/15 to 10/31 0.14 CFS

Use: RECREATION STORAGE 01/01 to 12/31 14.1 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 14.1 AF

Total Diversion: 0.14 CFS 14.1 AF

Date Filed: 3/27/2012

Place Of Use: IRRIGATION

T01S R19E S11 SWSW SESW

Place Of Use: RECREATION STORAGE, WILDLIFE STORAGE

T01S R19E S11 SESW

Total Acres: 7

Application proposes appropriating 14.1 acre-feet of water for wildlife and aesthetic storage associated with a new pond on an unnamed stream tributary to Loving Creek. The application also proposes appropriating 0.14 cfs of water to be pumped from the pond for irrigation of 7 acres. The pond and irrigation site is located approximately 2.7 miles north and 5.1 miles west of Picabo. A mitigation plan has been submitted with the application to allow for processing of the application in the moratorium area.

37-22712

LEGACY RESIDENTIAL LLC

C/O TOM ELLISON

400 112TH AVE N.E., STE 230

BELLEVUE, WA 98004

Point of Diversion SWNE S13 T04N R17E BLAINE County Source GROUNDWATER Tributary

Use: COOLING 01/01 to 12/31 0.75 CFS

Use: DOMESTIC 04/01 to 10/31 0.04 CFS

Use: HEATING 01/01 to 12/31 0.75 CFS

Total Diversion: 0.75 CFS

Date Filed: 3/8/2012

Place Of Use: HEATING, COOLING, DOMESTIC

T04N R17E S13 SWNE

Application for permit proposes to divert up to 0.75 cfs for domestic, heating, and cooling use from a ground water well to be drilled. The heating and cooling water use will be non-consumptive and re-injected into the same aquifer. The well and place of use will be located on Lots 1B and 2C in Goose Island Subdivision west of the city of Ketchum and east of the Big Wood River.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 77861

NATHAN D BACHMAN and LYNDIA A BACHMAN, PO BOX 2388, SUN VALLEY, ID 83353 has filed Application No. 77861 for changes to the following water rights within BLAINE County(s): Right No(s). 37-13039. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the location of the recorded point of diversion, adding a second point of diversion location, and changing the recorded place of use associated with a domestic ground water right (37-13039) for Lot 9 of Stonegate Subdivision (located approximately 4.45 miles north and 0.9 miles west of the center of Ketchum) to reflect the actual locations of diversion and use. Application proposes diverting up to 0.04 cfs from the existing Stonegate Subdivision community well and an existing well on Lot 9 for domestic use on Lot 9.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 73743

JUDE P AND JULIA MANDEVILLE DAMASCO TRUST, 700 MONTE VISTA WAY, HALF MOON BAY, CA 94019 has filed Application No. 73743 for changes to the following water rights within BLAINE County(s): Right No(s). 37-297D, 37-20359. The purpose of the transfer is to change a portion of the above rights as follows: Amended transfer application proposes converting a 0.95 acre (0.06 cfs) portion of two Big Wood River rights to wildlife, recreation, and aesthetic uses associated with an existing pond located along the east side of Buttercup Road approximately 1.6 miles north and 0.2 miles west of the center of Hailey. The converted rights, along with the remaining irrigation portions, will continue to be diverted from the Big Wood River and delivered to the place of use via the Hiawatha Canal. The amended transfer application serves as mitigation for companion amended application for permit 37-22354.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before May 7, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on April 18th & 25th, 2012

RECEIVED**MAR 05 2012****DEPT. OF WATER RESOURCES
SOUTHERN REGION**

March 2, 2012

Mr. Benny Walker
Water Resource Agent
Idaho Department of Water Resources – Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

**RE: LEGACY RESIDENTIAL, L.L.C APPLICATION TO APPROPRIATE 0.75 CFS OF
GROUNDWATER FOR HEATING AND COOLING PURPOSES**
Lots 1B and 2C, Goose Island Subdivision, Ketchum, Idaho

Dear Mr. Walker,

Please find enclosed a revised Application for Permit, including a check in amount of \$250 for application fees, to appropriate 0.75 cfs of water from ground water for heating and cooling purposes associated with Lots 1B and 2C, Goose Island Subdivision, in Ketchum, Idaho. I have received a copy of your letter returning the initial application to Mr. Tom Ellison indicating some items that needed to be addressed before the application can be accepted for processing. In response to that letter, I offer the following corrections and explanations of the revised application:

The township description of the location of the point of diversion (Item #3 on the application) and the location of the place of use (Item #8 on the application) was indicated incorrectly on the previous application. This township location has been corrected on this revised application. The correct location description is Lot 1B and Lot 2C, Section 13, Township 4N, Range 17E.

The map included with the application correctly indicates the proposed point of diversion on Lot 1B and the proposed point of injection on Lot 2C. For clarification, the proposed place of use is both Lot 1B and Lot 2C; However, these two lots are proposed to be combined into a single Lot 1C through a lot line shift replat application. I assume this replat will not take effect until after this application has been processed, so I have indicated the place of use at both Lot 1B and Lot 2C, although the ultimate place of use will be this proposed combined Lot 1C.

Since the initial application for permit was submitted, the owner has indicated the desire to use the same point of diversion for irrigation purposes, as well. I consulted with Jeanie Robertson of your office, and understand the point of diversion can be used for irrigation as long as the irrigation meets the criteria of the homeowner's domestic use exemption; that is, a maximum of 13,000 gallons per day and irrigation of no more than 0.5 acre. I have revised the application to include this

Mr. Benny Walker

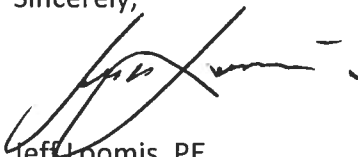
Legacy Residential LLC Application to Appropriate 0.75 cfs of Ground Water

March 2, 2012

domestic use exemption, indicated as a 0.04 cfs domestic use, but please note that overall water right applied for (0.75 cfs) has not changed. This 0.75 cfs has not changed since that number is based on winter peak heating demand. The irrigation demand will be utilized during the typical yearly irrigation season (April 15th – November 15th) when heating and cooling demands are much less than the winter peak demand.

I believe these application revisions address the items indicated in your letter, and the desire of the owner. Please contact me if you have additional questions or comments with regards to this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Loomis', with a stylized flourish extending to the right.

Jeff Loomis, PE
Civil Engineer

cc: Legacy Residential, LLC, c/o Jaime Hillman

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 22, 2012

Legacy Residential, L.L.C
c/o Mr. Tom Ellison
400 112th Avenue N.E.
Suite 230
Bellevue, WA 98004

RECEIVED
MAR 05 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Dear Mr. Ellison:

Our office recently received an Application for Permit that you submitted to appropriate 0.75cfs of water from Ground Water for heating and cooling purposes. I have returned the application and the accompany Check #5613 for \$250.00 that was submitted to our office. Examination of the application indicates that there are some items that need to be addressed before the application can be accepted for processing....

- The location of the point of diversion (Item # 3 on the application) needs to be correctly described with the described location matching the location indicated on the map that accompanies the application. The application list the point of diversion location as T14N R17E Sec 13 and the map identifies the location as T4N R17E Sec 13
- The location of the proposed place of use (Item # 8 on the application) needs to be correctly described with the described location matching the location on the map that accompanies the application. The application lists the place of use location as T14N R17E Sec 13 and the map identifies the location as T4N R17E Sec 13
- The map that is included with the application needs to clearly indicate the location of the proposed place of use, matching the locations described on the application. It is unclear if both lots 1B and 1C are to be the proposed place of use.

If you have any questions, or if I can be of any assistance addressing the items required, feel free to contact me at your convenience.

Sincerely,

Benny Walker
Water Resource Agent

Enclosures