

RECEIVED

MAR 30 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 63-33495

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION1. Name of applicant(s) Lexington Hills Homeowners' Association, Inc Phone (208) 939-6000
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 9601 W. State St., Ste 203 City BoiseState ID _____ Zip 83714 Email: Dot @ Dev-Services.com2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twsp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1E	3			SE	SW	Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 75.0 afa for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 75.0 afa for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 75.0 afa for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.20 cfs for Aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.20 cfs cubic feet per second (cfs) and/or (b) 75.0 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 re-circulating flow-through 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 ☐ Noc. Proposed well diameter is 6 - 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? _____; 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; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. Existing ponds serving Lexington Hills Subdivision

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	
4N	1E	3									X	X	X	X					

Total number of acres to be irrigated: _____

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? 63-12017

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. See attached

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 8½" 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

SAMUEL D. BLAINE / PRESIDENT L.H.H.A.

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by SB Date 3.30.2011 Time 10:56a Preliminary check by VHM

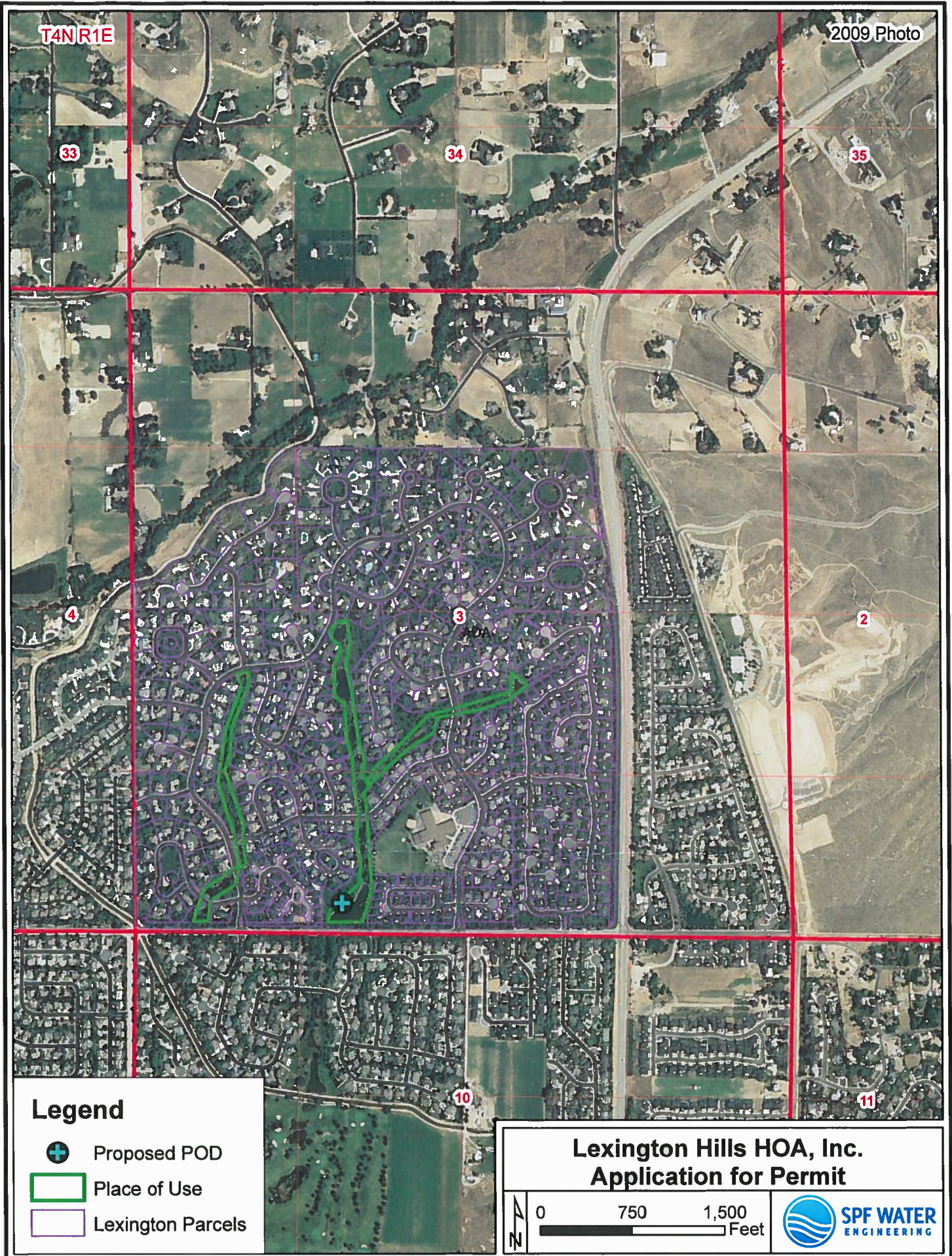
Fee \$ 250- Receipted by DB Receipt No. W039098 Date 3.30.2011

Application Item 11 Continued:

A series of existing ponds within Lexington Hills Subdivision provides homeowners with aesthetic, recreation and wildlife values. During the summer months, these ponds are filled with surface irrigation water delivered through the Farmers Union Canal. When surface water is not available, the ponds are maintained with water delivered by the City of Eagle under permit 63-12017 at substantial cost to the Lexington Hills Homeowners' Association (the Association). To reduce operating costs and improve delivery efficiency, the Association proposes to supply their pond maintenance water through a private ground water system owned and operated by the Association rather than using municipal ground water provided by the City of Eagle.

The Association chose to pursue a new water right because it understands the City of Eagle is disinclined to assign permit 63-12017 to the Association.

The proposed well and place of use locations are owned by the Association. The proposed annual storage volume includes pond and channel storage capacities estimated at 33 ac-ft, plus seepage and evaporation losses calculated at 42 ac-ft for those 6 or 7 months when surface water is not available and the ponds are supplied by ground water. The seepage and evaporation amounts were calculated using the Association's monthly water bill from the City for pond maintenance diversions from City wells during the non-irrigation season. Aesthetic use was included to account for the flow in the connecting channel used to re-circulate water throughout the pond system.



T4NR1E

2009 Photo

33

34

35

4

3

2

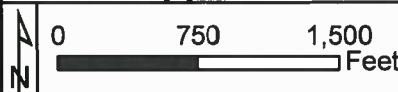
10

11

Legend

-  Proposed POD
-  Place of Use
-  Lexington Parcels

Lexington Hills HOA, Inc. Application for Permit



63-33495

No. C 97758	Due no later than Feb 28, 2011 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) GEORGIA MACKLEY 9601 W STATE ST STE 203 BOISE ID 83714			
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. LEXINGTON HILLS HOMEOWNERS' ASSOCIATION, INC. 9601 W STATE ST STE 203 BOISE ID 83714		3. <u>New</u> Registered Agent Signature.			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and (optional) Treasurer.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
President	SAMUEL BLAINE	267 E. Brierfield	Eagle	ID	ADA	83614
Vice Pres.	LAURENCE JONES	1733 N Princeton				
Treasurer	LARRY HARMON	2419 N. Sevenoaks Pl.				
Director	WILLARD KING	1539 N. Dunsmair				
Director	HONOR HARRIS	1815 N. Princeton				
5. Organized Under the Laws of: IDAHO C 97758					6. Signature:  Date: 12-16-10 Name (type or print): SAMUEL BLAINE Title: President	
Issued 12/09/2010 by SLD					116138	

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

Block 1: Entity name may not be altered through the use of this form. Pay special attention to the mailing address. If the correct mailing address is not given in Block 1, strike it out and write in the correct address. **Note:** To ensure future mailings, the corrected address **must** be inside Block 1.

Block 2: To change the registered agent or office, strike the incorrect information and write in the correct information. **Note:** The office of the registered



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

November 8, 2011

CITY OF EAGLE
C/O CHRISTOPHER H MEYER
PO BOX 2720
BOISE ID 83701-2720

Re: Application No. 63-33495

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by December 5, 2011.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s), or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Tuesday, November 08, 2011 12:46 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Notice
Attachments: Ada County - Cover Letter.docx; Ada County - Legal Notice.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

November 8, 2011

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

RE: Application For Permit No.(s): 63-33495, 63-33504

RE: Transfer No. 77575,
Water Right No(s): 63-7140, 63-3173, 63-18509

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 12/5/2011. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

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

63-33495

LEXINGTON HILLS HOMEOWNERS ASSN INC

9601 W STATE ST STE 203

BOISE, ID 83714

Point of Diversion SESW S3 T04N R01E ADA County Source GROUND WATER Tributary

Use: AESTHETIC AND DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Use: AESTHETIC STORAGE, RECREATION STORAGE, AND WILDLIFE STORAGE 01/01 to 12/31 75 AF

Total Diversion: 0.2 CFS 75 AF

Date Filed: 3/30/2011

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE, AESTHETIC, AND RECREATION STORAGE T04N R01E S3 SW (ALL)

Water bearing zone to be appropriated is from 200 to 600 feet.

63-33504

RICK & PAULA LAND TRUST

7886 W SWIFT LN

BOISE, ID 83704

Point of Diversion SWNE S1 T03N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/28/2011

Place Of Use: DOMESTIC T03N R01E S1 SWNE

Water bearing zone to be appropriated is from 40 to 117 feet.

PROPOSED CHANGE OF WATER RIGHTS

Little Cattle Co. of PO Box 488, Emmett, ID, 83617, filed Application No. 77575 to transfer three water rights with 1959 to 1976 priority dates from a ground water source totaling 3.28 cfs. The purpose of the transfer is to add a point of diversion and change the place of use. Water will be used at the current place of use 8.3 miles south of Emmett and 4 miles north of Star.

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 see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. Any protest against the approval of this application(s) 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 December 5, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 11/17/2011 and 11/24/2011

Music, Vicky

From: Lori Graves [L.Graves@spfwater.com]
Sent: Friday, October 28, 2011 11:19 AM
To: Music, Vicky
Subject: RE: Lexington Hills 63-33495

Vicky,

Water bearing zone to be appropriated is 200 to 600 feet. Have a great weekend.

From: Music, Vicky [<mailto:Vicky.Music@idwr.idaho.gov>]
Sent: Thursday, October 27, 2011 8:48 AM
To: Lori Graves
Subject: Lexington Hills 63-33495

Lori –

I cannot find a water-bearing zone anywhere in the application or supplemental information. As you know, this is standard information required for all applications in Basin 63, so will you please send me the intended water-bearing zone so I can send this application to advertising?

Thank you.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190



SPF WATER
ENGINEERING

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OCT 25 2011

WATER RESOURCES
WESTERN REGION

October 24, 2011

Vicky Music
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit 63-33495

Dear Vicky,

The following is in response to your 2nd information request letter dated October 14, 2011 regarding pond use at Lexington Hills Subdivision.

Yes, surface water is diverted to the ponds and, within 24 hours, from the ponds for irrigation. Surface water is not being stored in the ponds.

Please let me know if you have any further questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Willard King, Director of Lexington Hills, HOA

SPF file number: 909.0010



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 14, 2011

Lexington HOA
c/o Lori Graves
SPF Water Engineering, LLC
300 Mallard Dr., Ste. 350
Boise, ID 83706

Re Application for Permit 65-33495

Dear Ms. Graves,

I received your letter dated October 3, 2011, in response to my request for additional information regarding this application. Please answer specifically the questions posed in my letter request, dated September 27, 2011, regarding whether the development is irrigated from the ponds:

Is surface water diverted to the ponds and then from the ponds for irrigation?

If the answer to the above question is "yes", then:

Is the surface water diverted to the ponds used for irrigation within 24 hours of the fill?

The deadline of October 27, 2011, for the written submission of additional information is still in effect.

Sincerely,

A handwritten signature in black ink that reads "Vicky Music".

Vicky Music
Sr. Water Resource Agent



SPF WATER
ENGINEERING

RECEIVED

OCT 04 2011

WATER RESOURCES
WESTERN REGION

October 3, 2011

Vicky Music
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit 63-33495

Dear Vicky,

The following letter is in response to your information request letter dated September 27, 2011.

Thank you for pointing out a clarification that needs to be made to the application remarks, Item 11. The ponds were initially filled with ground water delivered by the City of Eagle under permit 63-12017. They are **maintained** in the summer with surface water delivered by Farmers Union Canal Company and in the winter with ground water delivered under permit 63-12017. As a result, during the summer months surface water is delivered through the ponds on a continuous flow basis, for which there is no need to store water over a 24-hour period.

Please let me know if you have any further questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Willard King, Director of Lexington Hills, HOA

SPF file number: 909.0010



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 27, 2011

Lexington Hills HOA
c/o Lori Graves
SPF Water Engineering
300 E. Mallard Dr.
Boise, ID 83706

Re Application for Permit No. 63-33495

Dear Ms. Graves,

Application for Permit No. 63-33495, submitted by SPF Water Engineering on behalf of the Lexington Hills HOA, has been assigned to me for review and processing. After my initial review, I have some questions before processing can continue.

The application states that the existing ponds are filled with surface irrigation water delivered by Farmers Union Canal. I cannot find water rights authorizing surface water storage for the ponds in Lexington Hills in IDWR records. Will you please explain in more detail what happens by answering the following questions?

Is surface water diverted to the ponds and then from the ponds for irrigation?

Do the ponds fill within 24 hours?

Is the surface water diverted to the ponds used for irrigation within 24 hours of the fill?

What is the diversion rate/ share value of the surface water used to fill the ponds?

Is surface water used to fill the ponds outside of the irrigation season of use?

Please submit the requested information in writing by October 27, 2011. The application will be voided or rejected without a timely written response. Fees are not refunded for voided applications. Please call me at 208.334.2190 if you have questions. Thank you.

Sincerely,


Vicky Music
Sr. Water Resource Agent



SPF WATER
ENGINEERING

March 29, 2011

RECEIVED

MAR 30 2011

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Permit

Dear Steve,

Enclosed on behalf of Lexington Hills Homeowners' Association, Inc. is an *Application for Permit* proposing diversion of ground water from a new, private well for maintenance of an existing pond system during times when surface water is not available. Currently, the pond system is maintained with municipal ground water supplied by the City of Eagle during the non-irrigation season. In an effort to reduce operating costs and improve delivery efficiency, the HOA wish to provide pond maintenance water from private ground water system owned and operated by the HOA.

Check No. 3551 for \$250 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,

Lori Graves
Water Rights Specialist

Cc: Willard King, Director, Lexington Hills HOA, Inc.

Enclosures

SPF file number: 909.0010