

RECEIVED

OCT 05 2010

Rev. 01/10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF APPLICATION FOR PERMIT
To change the ownership of an application for permit

WATER RESOURCES
WESTERN REGION

D'Entered 10/6/10
SL

I, Spurwing Country Club, Inc. hereby assign to Pacific Links Limited Liability Company
Current Applicant New Applicant(s)
of, 200 North Fourth Street, Suite 206 Boise, ID 83701 890-1430
Full address including city, state and ZIP Phone
All my right, title, and interest in and to Application for Permit No(s). 63-32811
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No(s).
_____ to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the application for permit assigned, listing the number of acres in each
40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new applicant own the property at the:

Point of Diversion? Yes No
Place of Use? Yes No

If no, describe the arrangement enabling the new applicant to access the point of diversion and/or the
place of use: _____

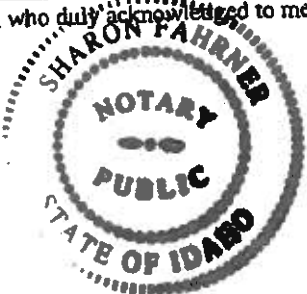
Made this _____ day of _____, 20____.

[Signature] X PRESIDENT
Signature of Current Applicant Title (if applicable) Signature of Current Applicant Title (if applicable)

State of Idaho)
County of Ada)ss

On this 1st day of October, 2010, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Sharon Fahrner
Notary Public
My commission expires: 2/11/2017

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JUL 03 2008

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

Ident. No. 63-32811

1. Name of Applicant PACIFIC LINKS L.L.C. 206* Phone 208-890-1430
Mailing address 200 N. 4TH ST. STE 206A BOISE ID. 83701 Email _____

2. Source of water supply GROUNDWATER which is a tributary of BOISE RIVER

3. Location of point of diversion is Township 4N Range 1W Sec. 22, in the _____
SW ¼, NE ¼, Govt. Lot _____, B.M., ADA County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount 12.0 for AESTHETIC STORAGE purposes from 1/1 to 12/31 (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)
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) _____ and/or (b) 12.0
cubic feet per second acre feet per year

6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source EXCAVATE FOR SHALLOW
GROUND WATER POND TO COVER 1.2 ACRES AT 10 FOOT AVERAGE DEPTH
b. Height of storage dam N/A feet; active reservoir capacity 12.0 acre-feet;
total reservoir capacity 12.0 acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):
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. _____
d. Domestic; show number of households. _____
e. Other; describe fully. SELF-CONTAINED GROUND WATER POND FOR AESTHETIC
PURPOSES ONLY, TO SERVE AS A WATER FEATURE FOR HOLE# 8+12 OF
SPURRING GOLF COURSE.

* Assignment 10/5/2010

9. Description of place of use: AESTHETIC POND IN THE SW 1/4 NE 1/4 OF SECTION 22, T4N, R1W, B.M.

- 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	
4H	1W	22			J														

Total number of acres to be irrigated: N/A

10. 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? _____

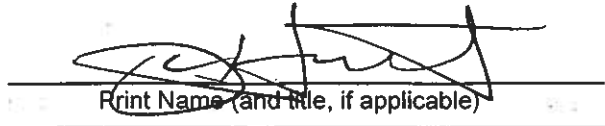
11. a. Who owns the property at the point of diversion? PACIFIC LINKS LLC.
 b. Who owns the land to be irrigated or place of use? PACIFIC LINKS LLC.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: THE POND WILL BE BUILT AND MAINTAINED BY SPURWING C.C. WHICH HAS A LONG TERM LEASE

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. THE POND WILL BE EXCAVATED IN THE SW 1/4 NE 1/4 OF SEC 22, T4N, R1W, B.M. ADA CO. LAND. THIS PARCEL HAS BEEN RE-SUBDIVIDED AND IS KNOWN AS A PORTION OF LOT 1 BLOCK 2 OF SPURWING SUB. THE WATER BEARING ZONE FOR THIS POND IS 1' TO 10' BELOW EXISTING SURFACE. POND WILL ACT AS AN AESTHETIC FEATURE OF HOLES 8 & 12 OF SPURWING GOLF COURSE. MITIGATION PROPOSED IS TO RETIRE EXISTING IRRIGATION ON LANDS WHERE POND WILL BE BUILT WITH PACIFIC LINKS LLC

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" 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.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


 Signature of Applicant


 Print Name (and title, if applicable)

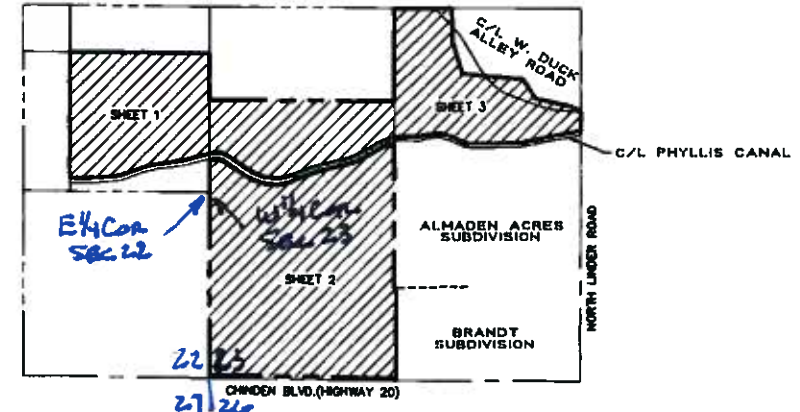
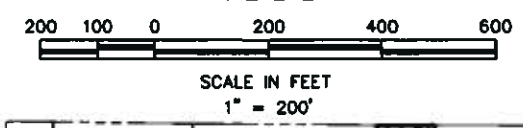
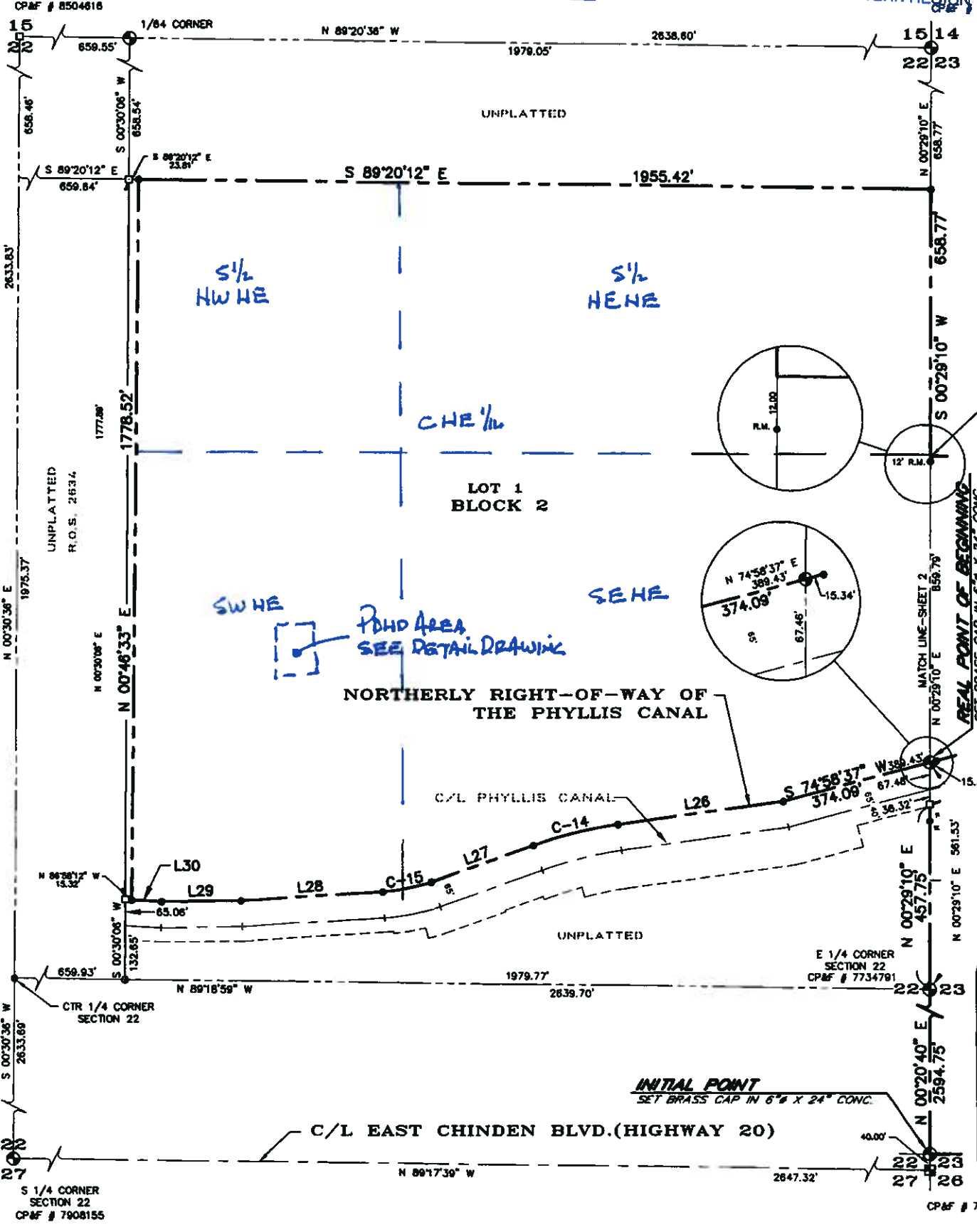
For Department Use:
 Received by [Signature] Date 07/03/08 Time 1:53 pm Preliminary check by [Signature]
 Fee \$ 100 Received by JVO Receipt No. W034951 Date 12/12/08
 Publication prepared by DB Date 10/13/2010 Published in IDAHO STATESMAN
 Publication approved _____ Date _____ Dates Published OCTOBER 21 & 28, 2010

PER ORIGINAL - OK

63-32811

RECEIVED
JUL 03 2008
WATER RESOURCES
WESTERN REGION

PLAT OF
SPURWING SUBDIVISION
A PORTION OF SECTION 22 & 23,
T.4N., R.1W., B.M.,
ADA COUNTY, IDAHO
1995



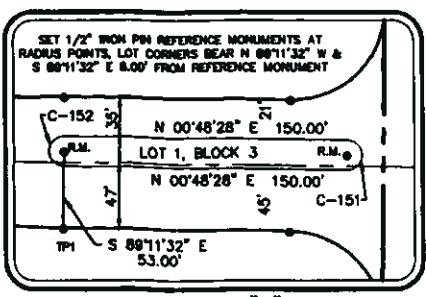
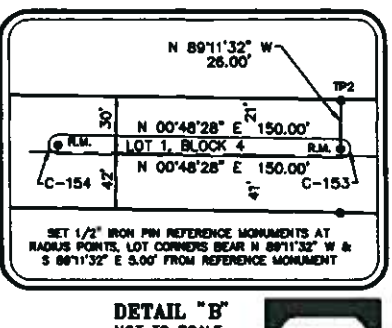
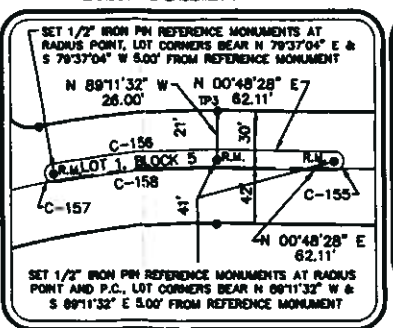
NOTES

- 1. BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN ACCORDANCE WITH THE 2011 IBC CHANGE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT.
- 2. ANY RESUBDIVISION OF THIS PLAT SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- 3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION EASEMENT OVER THE TWELVE (12) FEET ADJACENT TO ANY STREET THAT IS DEDICATED TO THE USE OF THE PUBLIC OR PRIVATE USE. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
- 4. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A TWELVE (12) FOOT PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT ADJACENT TO THE EXTERIOR BOUNDARY LINE, EXCEPT LOTS 2, 13-33, 45-62, BLOCK 1 (SEE SHEET 2 OF 5).
- 5. SUBDIVIDER WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 31-3806 OF THE IDAHO CODE.
- 6. A TWELVE (12) FOOT PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION EASEMENT IS HEREBY RESERVED LYING SIX (6) FEET ON BOTH SIDES OF EACH COMMON INTERIOR LOT LINE, EXCEPT IN THE GOLF COURSE EASEMENT. NO PUBLIC UTILITIES SHALL BE ALLOWED IN THE GOLF COURSE EASEMENT.
- 7. LOTS 2, 3, 4, 53, 78, OF BLOCK 1, LOTS 1 & 2 OF BLOCK 2, LOT 1, BLOCK 6 AND LOT 1, BLOCK 7 ARE DEED RESTRICTED LOTS AND MAY ONLY BE USED FOR OPEN SPACE AS DEFINED IN THE NON-FARM DEVELOPMENT SECTION OF THE ADA COUNTY CODE, SECTION 8-48-7 AND IN TITLE 8 CHAPTER 9. THE DEED RESTRICTED LOTS MUST ALSO ONLY BE USED IN THE MANNER SPECIFIED IN THE CONDITIONS OF APPROVAL ISSUED BY THE ADA COUNTY'S DEPARTMENT OF DEVELOPMENT SERVICES. THIS LOT MUST BE USED IN AFORESTATED MANNER FOR A PERIOD NO LESS THAN FIFTEEN (15) YEARS FROM THE RECORDING DATE OF THIS PLAT. ONE AGRICULTURAL BUILDING, NOT EXCEED 7,000 SQ.FT., WILL BE PERMITTED ON EACH LOT.
- 8. LOTS 1 & 77 BLOCK 1 ARE DESIGNATED AS WELL LOTS, AND NO SEWAGE DISPOSAL IS PERMITTED WITHIN 100 FEET OF THE WELL.
- 9. NO BUILDINGS, FENCES, TREES OR SHRUBS SHALL BE ALLOWED WITHIN THE NOTED A.C.H.D. STORM DRAINAGE EASEMENTS.
- 10. LOT 1, BLOCK 3, LOT 1, BLOCK 4 & LOT 1, BLOCK 5 ARE OPEN SPACE LOTS AND ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- 11. THE REAR YARD SETBACK FOR LOTS 70, 71, 72, 75 & 78, BLOCK 1 IS ESTABLISHED AT 50'. THE EAST 30' OF THIS AREA SHALL BE DEDICATED AS A LANDSCAPE EASEMENT.

INDEX MAP
NOT TO SCALE

LEGEND

- BOUNDARY LINE
- - - EASEMENT BOUNDARY
- CENTER LINE
- SECTION LINE
- ⊕ FOUND BRASS CAP
- ⊞ FOUND ALUMINUM CAP
- ⊙ FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" X 30" IRON PIN W/CAP
- SET 1/2" X 24" IRON PIN W/CAP
- W.C. WITNESS CORNER
- R.M. REFERENCE MONUMENT
- CALCULATED POINT NOT SET
- - - GOLF COURSE EASEMENT
- TP1 TIE POINT (No. 1)



DETAIL "C"
NOT TO SCALE

DETAIL "B"
NOT TO SCALE

DETAIL "A"
NOT TO SCALE

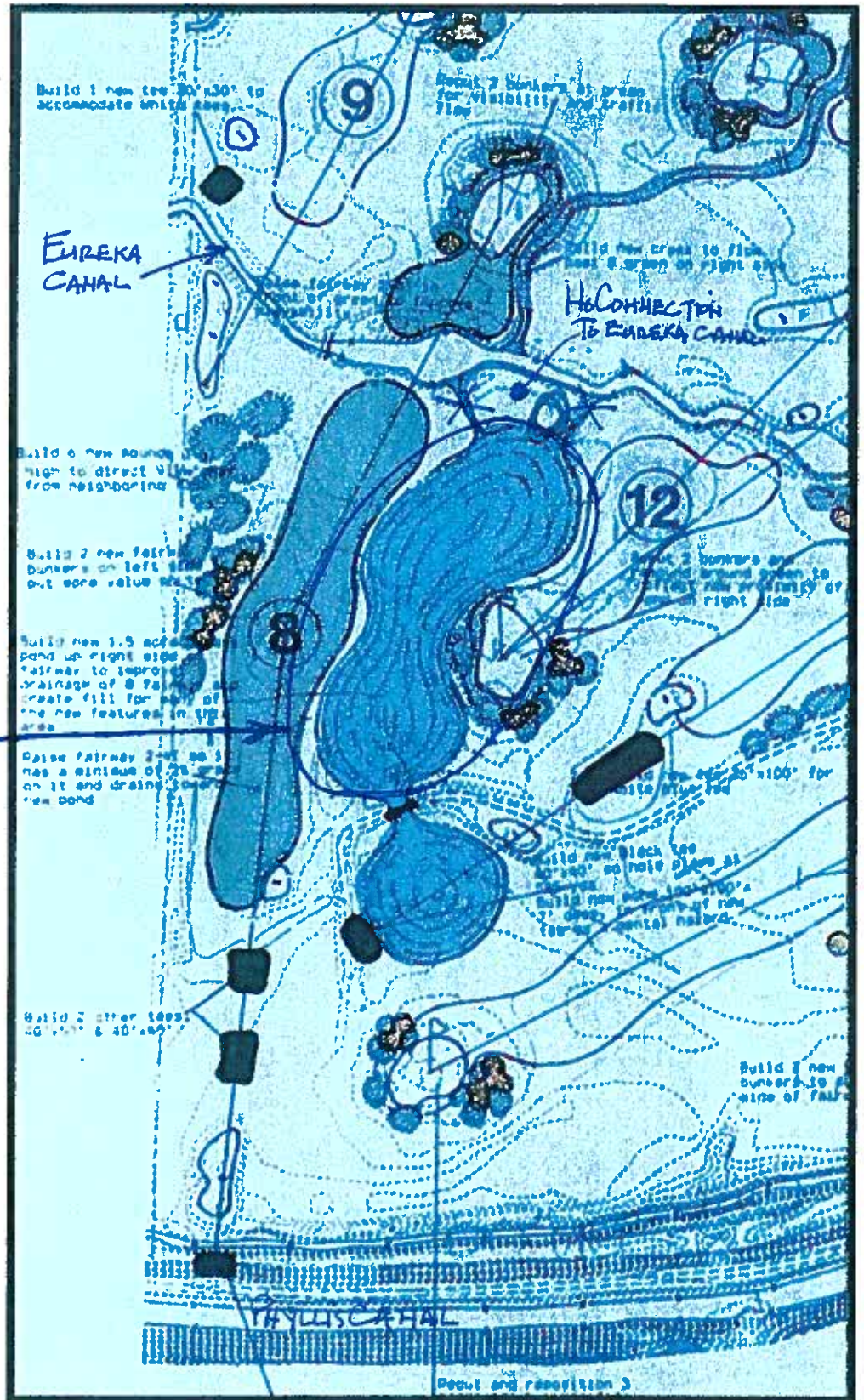


TEALEY'S LAND SURVEYING

108 S. 4th ST. BOISE, IDAHO 208-385-0838

Project No. 1136 Sheet 1 of 5

1.2 ACRE POND TO BE BUILT
 IN THE SW 1/4 NE 1/4 OF SECTION
 22 T 44 R 14 W B.M.



ONLY THE PORTION OF
 THE POND (1.2 ACRE) WILL
 BE EXCAVATED TO A
 DEPTH OF 10'
 TOTAL ACRE FOOT
 CAPACITY IS 12.0

63-32811

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant SPURWING COUNTRY CLUB Phone 887-0040
Mailing address 6800 N. SPURWING WAY

2. Source of water supply GROUNDWATER which is a tributary of N/A

3. Location of point of diversion is Township 4N Range 1W Sec. 22 in the SE 1/4,
NW 1/4, SW 1/4, Govt. Lot 1 BLOCK 2, B.M., ADA County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 12.25 for AESTHETIC purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 12.25
cubic feet per second acre feet per annum

6. Proposed diverting works: N/A

a. Describe type and size of devices used to divert water from the source _____

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

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

7. Time required for completion of works and application of water to proposed beneficial use is 1⁺ years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- 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. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. SELF-CONTAINED POND FOR AESTHETIC
PURPOSES ONLY AS A PRIMARY FEATURE OF A GOLF HOLE

Superseded

RECEIVED
DEC 12 2006
WATER RESOURCES
WESTERN REGION

342-4657. - Dan

3. 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	1W	22																			

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? PACIFIC LINKS, LLC.

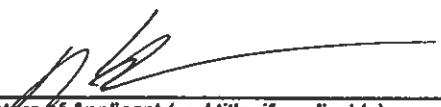
b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SPURWING COUNTRY CLUB IS A MEMBER-OWNED EQUITY CLUB WITH A LONG-

12. Remarks: SEE ATTACHED MAP OF PROPOSED POND TERM LEASE FROM
PACIFIC LINKS, LLC.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" 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.)

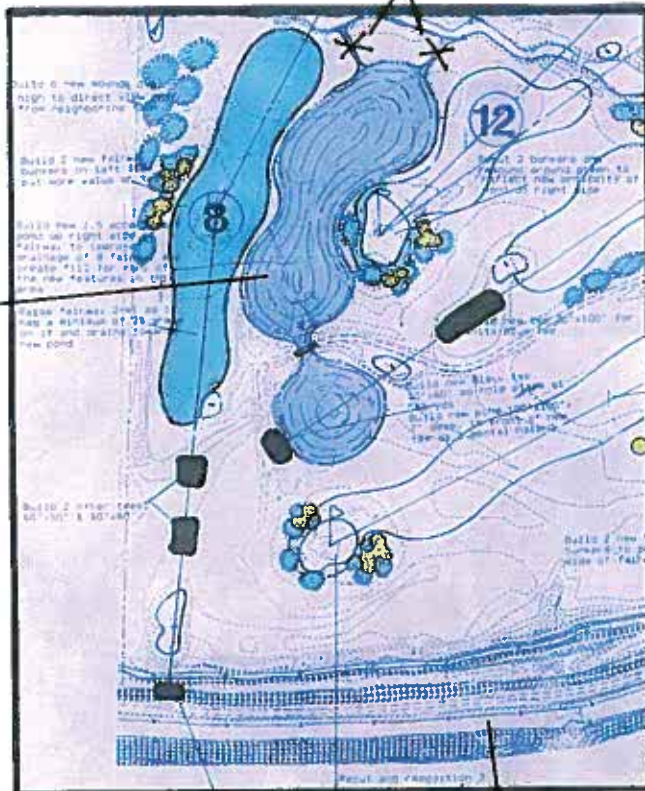
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by J. VanOrder Date 12-12-06 Time _____ Preliminary check by _____
Fee \$ 100- Received by J. VanOrder # W034951 Date 12-12-06
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Jerry Palmerton as applicant for Spurwing Country Club. I am the Golf Course Superintendent, and representing on their behalf.

PONDS WILL NOT
CONNECT TO CANAL



PROPOSED
POND

- 1.75 ACRES
- 7' DEEP

PHYLLIS
CANAL

RECEIVED
DEC 12 2006
WATER RESOURCES
WESTERN REGION

63-32811

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, October 14, 2010 1:10 PM
To: Rex Barrie, WD-63
Subject: Comment Letter for 63-32811
Attachments: Comment Letter to WD 63 for 63-32811.Doc; 63-32811 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

October 14, 2010

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Application for Permit: 63-32811

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

Consumptive use from pond evaporation will be mitigated by a plan submitted by Eureka Water Company to support this application. Mitigation will include a 0.02 cfs reduction in irrigation use by Eureka. That 0.02 cfs will still be diverted by Eureka but will be returned unused to the river at the end of the Eureka system. Please contact Steve Lester if you have any questions or concerns about the mitigation plan.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, October 13, 2010 4:07 PM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Ada County Ads - Cover Letter.Doc; Ada County Ads - COMBINED.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

October 13, 2010

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No(s): 63-32703, 63-32811, 63-33236, & 63-32459

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 11/8/2010. 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:

63-32703

ORCHARD RANCH LLC

PO BOX 1260

MARICOPA, AZ 85239

Point of Diversion SESE S10 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion SWSW S10 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion NESE S9 T01S R03E ADA County Source GROUND WATER Tributary

Point of Diversion NWNE S15 T01S R03E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 11/15 9.6 CFS

Total Diversion: 9.6 CFS

Date Filed: 6/21/2007

Place Of Use: IRRIGATION

Portions of:

T01S R03E S9 through 15, 23, 24

T01S R04E S19, 20, 29

Total Acres: 2752

Water bearing zone to be appropriated is from 400 to 1200 feet. Use is limited to 480 acres per year in a larger place of use.

Published in Mountain Home News on 10/20 & 10/27/2010 and Idaho Statesman on 10/21 & 10/28/2010

63-32811

PACIFIC LINKS LLC

200 N 4TH ST STE 206

BOISE, ID 83701

Point of Diversion SWNE S22 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

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

Total Diversion: 12 AF

Date Filed: 12/12/2006

Place Of Use: AESTHETIC STORAGE

T04N R01W S22 SWNE

Water bearing zone to be appropriated is from 1 to 10 feet for a shallow ground water pond covering about 1 acre at Spurwing Golf Course.

Mitigation is proposed for consumptive use by allowing 0.02 cfs of Eureka Water Co. irrigation water to remain unused in the Eureka Main Canal and returned to the Boise River.

63-33236

CURTIS DERR

SHERRIE DERR

18710 S CLOVERDALE RD

KUNA, ID 83634

Point of Diversion SWSW S10 T01N R01E ADA County Source GROUND WATER Tributary

Point of Diversion SWSW S10 T01N R01E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

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

Total Diversion: 0.26 CFS

Date Filed: 7/8/2009

Place Of Use: IRRIGATION, STOCKWATER, DOMESTIC

T01N R01E S10 SWSW

Total Acres: 10

Water bearing zone to be appropriated is from 270 to 311 feet.

63-32459

G O INVESTMENTS LLC

24034 BATT CORNER RD

PARMA, ID 83660

Point of Diversion L3(NENW) S27 T05N R05W CANYON County Source BOISE RIVER Tributary SNAKE RIVER

Use: WILDLIFE 11/16 to 02/28 24 CFS

Total Diversion: 24 CFS

Date Filed: 4/5/2005

Place Of Use: WILDLIFE

T05N R05W S21 L10(SESE)

T05N R05W S22 L5(SWSW)

Water will be diverted via Haas Ditch. Return flow to Boise River will be about 6 miles downstream via East End Drain.

Published in the Press Tribune, Idaho Statesman, Post Register, Lewiston Tribune and Times News

Permits will be subject to all prior water rights. 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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 10/21 & 10/28/2010



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 7, 2010

PACIFIC LINKS LLC
C/O TEALEY'S LAND SURVEYING
187 E 50TH ST
GARDEN CITY ID 83714

Re: Application for Permit No. 63-32811 and
Application for Amendment of Permit No. 63-12187

Dear Mr. Tealey:

The above referenced applications address the new pond proposed for the Spurwing golf course. Based on the November 5, 2008 mitigation plan you submitted and the recent assignment of application 63-32811, that application will be processed without delay. Legal notices for 63-32811 will be published in the *Idaho Statesman* in the last two weeks of this month. Assuming protests are not filed against this application, the Idaho Department of Water Resources (IDWR) anticipates issuing its decision for this application sometime next month.

The amendment application for Permit 63-12187 will be held as explained below. The permit includes a proof of beneficial use filed in 2004. The amendment application was filed in 2008. The filing of proof of beneficial use documents the end of the development period for a permit. Formal changes to a permit for which proof has been filed cannot be accomplished until beneficial use developed under the permit is documented by a licensing field examination. Field exams can result in licensing amendments for a permit to be licensed other than how it was approved.

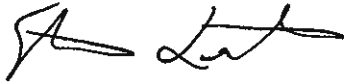
IDWR will hold the amendment application until the department can complete a licensing field exam in the 2011 irrigation season. The amendment can be considered as a licensing amendment at that time (typically does not require legal notice or a protest period). Meanwhile, the amendment application documents the permit owner agreement to decrease irrigation under 63-12187 by about one acre as part of the mitigation efforts for the new pond.

Applications for 63-32811 and 63-12187
October 7, 2010
Page 2

Mitigation for the pond proposed in application 63-32811 will be accomplished by a 1.2 acres reduction in irrigation under Eureka Water Company water rights and a similar reduction under 63-12187 (total of 1.2 acres reduction when combined). Eureka Water Company previously requested a preview of the effect an approved mitigation plan would have on the company water rights. The effect would be part of any approval process for application 63-32811. That preview was provided to the company by my March 30, 2010 email to the company attorney, Mr. Bryce Farris.

Please contact me if you have any questions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Steve Lester
Water Rights Supervisor

Cc: Eureka Water Company C/O Bryce Farris, Ringert Law

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

October 4, 2010

Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Assignment of Application for Permit for Water Right No. 63-32811

Dear Mr. Lester:

As we discussed, enclosed please find the original Assignment of Application for Permit assigning Spurwing County Club, Inc.'s interest in water right no. 63-32811 to Pacific Links, LLC.

Please contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosures

Lester, Steve

From: Lester, Steve
Sent: Wednesday, August 11, 2010 11:15 AM
To: 'dahmed@tealeys.com'
Subject: Spurwing-Pacific Links water right application

Donna:

This follows my 7/28/10 email regarding Spurwing's water right application 63-32811 that needs to be assigned to Pacific Links LLC. Pursuant to Idaho law and Water Appropriations Rules, applications are typically voided without timely responses to department requests for information. Applicants must be allowed at least 30 days in which to provide the information or to seek more time to provide the information.

This email is notification that application 63-32811 will be voided without an assignment of application submitted by September 30, 2010. Please advise Mr. Tealey of this matter. Please do not hesitate to contact me if you have any questions. Thank you for your attention to this matter.

Steve Lester
Water Rights Supervisor
IDWR Western Region

tel: 334-2190

Lester, Steve

From: Lester, Steve
Sent: Wednesday, July 28, 2010 8:37 AM
To: 'dahmed@tealeys.com'
Subject: Spurwing-Pacific Links water right application

Donna:

This email follows our conversation yesterday about Spurwing's water right application for the small pond.

The application is personal property of Spurwing and should be assigned by Spurwing to Pacific Links LLC. This can be done with the "assignment of application for permit" form. The form is available on the IDWR website or from this office. There is no fee to do this.

Application number is 63-32811. Original applicant is Spurwing Country Club. Someone with authority to sign for Spurwing can sign the form. That person's title with Spurwing should also be included.

Please submit it this office to my attention. Then the application can be processed. Thanks for your help, and don't hesitate to get in touch if you have any questions.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport Way
Boise, ID 83705

334-2190

RECEIVED

APR 30 2010

WATER RESOURCES
WESTERN REGION

**EUREKA WATER COMPANY
6820 W. JOPLIN RD.
MERIDIAN, IDAHO 83642**

April 28, 2010

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport Way
Boise, ID 83705

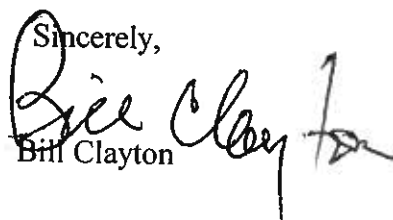
Re: Application for Permit No. 63-32811 in the name of Spurwing Country Club; and
Application for Amendment of Permit No. 63-12187 in the name of Pacific Links
Limited Liability Company.

Dear Steve:

This letter responds to your e-mail dated March 30, 2010 to Bryce Farris concerning the above-referenced matters. This letter is to confirm on behalf of Eureka Water Company ("Eureka") that the 0.02 cfs of Eureka's water rights changed from irrigation to mitigation in connection with Spurwing's proposed pond will not be diverted by Spurwing pursuant to the Agreement previously provided to you. See paragraph 2 of the Agreement. Additionally, this letter confirms that no other shareholder of Eureka shall have the right to divert the 0.02 cfs changed to mitigation, and which flows past Spurwing's point of delivery, for irrigation or any other purposes. Please let me know if this letter does not satisfy your request in the e-mail to Bryce Farris.

Also, even though your e-mail described the changes to Eureka's water right as a result of the above-referenced applications, we would like to preview the changed water right prior to it being finalized by IDWR. Please provide us with the draft of the changed water right before it is finalized.

Please feel free to contact me should you have any questions.

Sincerely,

Bill Clayton

Mitigation plan Addendum
-82

Lester, Steve

From: Lester, Steve
Sent: Tuesday, March 30, 2010 3:12 PM
To: 'bryce@ringertlaw.com'
Subject: Eureka Water Company mitigation

Bryce:

This email responds to your 3/26/10 telephone call. I reviewed the proposed plan for Eureka Water Company to mitigate the pond proposed by Spurwing in application for permit 63-32811 and also addressed in Pacific Links application for amendment of permit 63-12187.

The plan looks good except for one detail. Eureka should provide information showing how the 0.02 cfs will remain unused within its system and be returned to the river. This might not be hard to do: reviewing the topo for the pond area in SWNE Section 22, it appears the Eureka ditch ends near the river in or near SWSW Section 17, just upstream from the Star Bridge. This is only a couple miles from the proposed pond. Perhaps some reasonable explanation showing that another user will not gain an advantage from the unused inch of water would suffice. The explanation does not need to be technical (data etc. not needed), just clearly stated.

Bill Clayton, in his 11/5/08 cover letter included with the plan, requested a preview of any IDWR approval before anything becomes final. The proposed IDWR approval of those applications, assuming no protests against the applications are received (no legal notices yet), would result in a change to Eureka right 63-145 as follows:

Before approval of the plan: 33.32 cfs to irrigate 1826 acres.

After approval of the plan: 33.30 cfs to irrigate 1824.8 (subtract 0.02 cfs for 1.2 acres covered by new pond) + 0.02 cfs mitigation, total 33.32 cfs. The inch of mitigation water would be recorded as a beneficial use under this right, protecting it against forfeiture per IC 42-223(10).

Associated right 63-16383 covering the same 1826 would be changed to reduce total irrigation from 1826 to 1824.8, but would not be changed in any other way.

If approved, the applications for Spurwing and Pacific Links would include a standard mitigation condition to reflect the change for the unused inch under 63-145. A draft of that condition is attached. It is possible that a consumptive use volume might be listed for the mitigation term proposed in 63-145. If so, that would be 4.2 afa (1.2 acres x 3.5 afa/acre consumptive use for evaporation using the "1:1 swap" approach for pond situations). Volume for continued irrigation use would remain undefined for 63-145.

I hope this email information provides the advance notice Bill seeks. Of course, there is always a formal opportunity to appeal any decision once issued.

Please let me know if you need more information. Assuming everything is acceptable, I will be able to process the applications when the mitigation explanation is provided. Thank you for your help with this.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel: 208.334.2190
fax: 208.334.2348

(Attachment)

**Idaho Department of Water Resources
Conditions and Remarks Usage Report**

Date: 03/30/2010

Proposed condition of approval to use for Spurwing & Pacific Links:

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water right for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes.

<u>Right No.</u>	<u>Use Changed to Mitigation</u>	<u>Mitigation Rate (cfs)</u>	<u>Mitigation Acres</u>
63-145	Irrigation	0.02	1.2

The land that will no longer be irrigated under this right is located within the SWNE, Section 22, Township 4N, Range 1W, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation right.



**TEALEY'S LAND
SURVEYING**

187 E. 50th Street • Garden City, Idaho 83714

(208) 385-0636

Fax (208) 385-0696

RECEIVED

FEB 11 2009

**WATER RESOURCES
WESTERN REGION**

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

February 9, 2009

Steve,

Re: Permit No.'s 63-32811 and 63-12187

I have attached to this letter and agreement between Eureka Water Company and Spurwing Country Club that you requested as part of our permit application.

As you can see by the date of the agreement and the forwarding letter from Eureka Water Companies council, it was to be sent to you on November 5th, 2008. Since I have not heard from you about our application I am sending this to you in hopes that this was inadvertently either not sent or simply overlooked.

Please let me know if there is any further information you need. If not I look forward to the issuance of the permit.

Respectfully,

Patrick A. Tealey

Mitigation plan - Also see
Addendum e letter received 4/30/2010
-SZ

RECEIVED

FEB 11 2009

WATER RESOURCES
WESTERN REGION

November 5, 2008

BY FACSIMILE (334-2348)

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Spurwing's Application for Permit No. 63-32811 and Pacific Links Application for
Amendment of Permit No. 63-12187

Dear Mr. Lester:

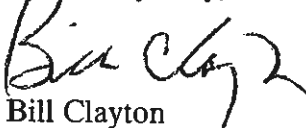
Pursuant to your discussion with our legal counsel, Daniel Steenson, concerning the above-referenced applications, in accordance with the terms of the enclosed Agreement, Eureka Water Company consents to change up to .02 cfs of its water rights from irrigation to mitigation and/or aesthetic use in connection with a pond Spurwing proposes to dig and fill using ground water.

Paragraphs 1-4 of the enclosed agreement define the specific terms and conditions of Eureka's consent to the proposed change.

Please consult with Mr. Steenson regarding the proposed change to Eureka's water rights and provide him a draft of IDWR's documentation of such change so that Eureka may review and approve it before it is finalized by IDWR.

Thank you for your attention to this matter.

Yours very truly,



Bill Clayton
President, Eureka Ditch Company

cc: Eureka Ditch Company
Spurwing Country Club

RECEIVED

FEB 11 2009

WATER RESOURCES
WESTERN REGION

AGREEMENT

This AGREEMENT is made and entered into this 5th day of November, 2008, by and between EUREKA WATER COMPANY, an Idaho corporation (hereinafter "Eureka"), PACIFIC LINKS LIMITED LIABILITY COMPANY, an Idaho limited liability company (hereinafter "Pacific Links"), and SPURWING COUNTRY CLUB, INC., an Idaho corporation (hereinafter "Spurwing").

WITNESSETH:

WHEREAS, Eureka owns and delivers water rights for the use and benefit of its shareholders, and operates and maintains the Eureka Main Canal and certain lateral ditch extensions of the Eureka Main Canal, together easements therefor to convey irrigation water, to operate and maintain the Eureka Main Canal and lateral ditch extensions, and for ingress and egress for those purposes; and,

WHEREAS, Pacific Links owns the real property (hereinafter "Pacific Links Property") located between Tenmile Road and Linder Road off Chinden Boulevard, in Sections 22 & 23 of Township 4 North, Range 1 West, Boise Meridian, and particularly described in the "Legal Description," attached hereto as **Exhibit A** and by this reference made a part hereof; and,

WHEREAS, Spurwing leases the Pacific Links Property from Pacific Links to operate Spurwing Country Club, consisting of a golf course and other recreational facilities on approximately 320 acres of "bench lands" (approximately 180 acres) and "bottom lands" (approximately 140 acres), depicted in **Exhibit B** attached hereto and by this reference made a part hereof; and,

WHEREAS, Spurwing holds 165 shares of Eureka stock, entitling Spurwing to 121.66 miners inches of water from the Eureka Canal to irrigate the bottom lands; and,

WHEREAS, Eureka water is delivered and measured from the Eureka Main Canal to Spurwing through a metergate that is owned by Eureka, then conveyed to a pond located on the bottom lands between the Phyllis Canal and the Eureka Canal, and then pumped from the pond to irrigate the bottom lands; and,

WHEREAS, Spurwing wishes to construct another pond with a surface area of 1.2 acres for aesthetic use as depicted in **Exhibit C**, attached hereto and by this reference made a part hereof, on bottom lands that are irrigated with Eureka Water pursuant to Spurwing's Eureka stock; and,

WHEREAS, to provide ground water to fill the pond, Spurwing has filed with the Idaho Department of Water Resources (IDWR) Application for Permit No. 63-32811 and Application for Amendment of Permit No. 63-12187, each attached hereto in **Exhibit D** and by this reference made a part hereof; and,

WHEREAS, as a condition of approval of Application for Permit No. 63-32811, IDWR requires that Spurwing mitigate for the loss of ground water by evaporation from the new pond, and Spurwing wishes to provide such mitigation by changing the purpose of use of the portion of Eureka's water right appurtenant to 1.2 acres of land where the pond will be located from irrigation to mitigation and/or aesthetic use; and,

WHEREAS, such a change in Eureka's water right requires Eureka's written consent, to be filed with IDWR with respect to Application for Permit No. 63-32811; and,

WHEREAS, the parties hereto are entering this Agreement to facilitate the change and use of the portion of Eureka's water right appurtenant to the land where the new pond will be located from irrigation to mitigation and/or aesthetic use in a manner that will meet Spurwing's needs and ensure that there is no diminution or adverse impact to Eureka's water rights, reduction in delivery of water to other Eureka Shareholders or other injury to Eureka's shareholders, water rights, irrigation ditches and facilities and easements,

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, the parties agree as follows:

1. Eureka hereby authorizes and consents to the proposed change in the purpose of use of the portion of its water rights appurtenant to the proposed 1.2 acre pond, as depicted and described in Exhibits C and D, from irrigation to mitigation and/or aesthetic use, under the terms and conditions of this Agreement. The quantity of Eureka's water rights to be changed shall not exceed .02 cfs (calculated as follows: 1.2 acres (pond surface area) ÷ 140 acres (bottom lands) x 121.66 miners inches = 1.0428 miners inches (.0209 cfs)).

2. So long as Spurwing holds Eureka stock and diverts ground water into the proposed aesthetic pond pursuant to the permit applications attached hereto in Exhibit D, Eureka shall continue to divert the changed portion of its water right from the Boise River and deliver the water to Spurwing's point of delivery on the Eureka Main Canal. Spurwing shall not divert from the Eureka Main Canal more water than 800 gallons per minute, 34,400 gallons per month, 223,600 gallons during an irrigation season for use in the proposed pond. The remainder of the changed Eureka Water rights diverted into the Eureka Main Canal shall flow past Spurwing's point of delivery through the canal and lateral ditch extensions. The parties understand that such delivery of the changed portion of Eureka's water right will satisfy the IDWR mitigation requirement, and compensate for any increased loss of water from the Eureka Main Canal that may occur as a result of proximity of the proposed pond to the canal.

3. Spurwing shall not divert water from the Eureka Main Canal at any location other than the existing Eureka metergate through which Eureka delivers water to Spurwing, or discharge any water into the Eureka Main Canal, without Eureka's written permission. The drawings and descriptions of the proposed pond in Exhibits C and D show that there will be no new diversion from or discharge into the Eureka Main Canal.

4. Eureka agrees to provide a letter to IDWR stating its consent to the proposed change of not more than .02 cfs of its water rights appurtenant to the proposed 1.2 acre pond from irrigation to mitigation and/or aesthetic use. The change in Eureka's water rights shall not become final until Spurwing has approved the change as prepared by IDWR. Eureka shall have

the absolute and unqualified right to withdraw its consent to the proposed change in its water rights if the change as prepared by IDWR is unacceptable to Eureka. If Eureka withdraws its consent, this Agreement shall become null and void, and Eureka shall not deliver and Spurwing not use Eureka water for mitigation and/or aesthetic use.

5. The parties to this Agreement acknowledge that there is a subcase pending in the Snake River Basin Adjudication ("SRBA"), referred to as Basin-Wide Issue No. 14, which may impact the validity of diversionary rights for mitigation and/or aesthetic use. If a decision is issued by the SRBA District Court, and/or the Idaho Supreme Court in the event of an appeal, that will impact Eureka's water rights, this Agreement and any related change to Eureka's water rights shall, in Eureka's absolute and unqualified discretion, be either terminated or modified as necessary to restore or protect Eureka's water rights, or to conform Eureka's water rights to such judicial decision(s), and Eureka's delivery and Spurwing's use of Eureka water for mitigation and/or aesthetic use shall be either terminated or modified as necessary and appropriate.

6. Spurwing agrees to utilize Eureka water and to construct, install, operate, maintain and repair the proposed pond and all related facilities, and to conduct all other activities within, adjacent to or affecting Eureka's water rights, the Eureka Main Canal and Eureka's easement so as not to constitute or cause:

- a. any diminution, adverse change, or injury to Eureka's water rights;
- b. a hazard to any person or property;
- c. an interruption or interference with the flow of irrigation water in the Eureka Main Canal or its lateral ditch extensions or the delivery of irrigation water by Eureka;
- d. an increase in seepage or any other increase in the loss of water from the Eureka Main Canal or its lateral ditch extensions;
- e. the subsidence of soil within or adjacent to Eureka's easement;
- f. any other damage to Eureka's easement and irrigation works.

7. Spurwing agrees to indemnify, hold harmless, and defend Eureka from all claims for damages arising out of any of Spurwing's water use, construction, operation, maintenance, repair or other activity which constitutes or causes any of the circumstances enumerated in the preceding paragraph, 6.a. through 6.f., or any other damage to Eureka's water rights, irrigation works and easement which may be caused by the construction, installation, operation, maintenance, repair, and any use or condition of any Spurwing facility.

8. Nothing in this Agreement shall be construed or asserted to extend the application of any statute, rule, regulation, directive or other requirement, or the jurisdiction of any federal, state, or other agency or official to Eureka's ownership, operation, and maintenance of Eureka's water rights, the Eureka Main Canal, its lateral ditch extensions, Eureka's irrigation works and facilities, or Eureka's easement, which did not apply to Eureka's operations and activities prior to and without execution of this Agreement. In the event Eureka is required to comply with any such requirements or is subject to the jurisdiction of any such agency as a result of execution of this Agreement or Spurwing's activity authorized hereunder, Spurwing shall indemnify, hold harmless and defend Eureka from all costs and liabilities associated with the application of such laws or the assertion of such jurisdiction or, at the option of Eureka, this Agreement shall be null and void and Spurwing shall cease all activity authorized by this Agreement.

9. In addition to all other indemnification provisions herein, Spurwing further agrees to indemnify, hold harmless and defend Eureka from any injury, damages, claim, lien, cost and/or expense (including reasonable attorney's fees) incurred by, or asserted against, Eureka by reason of the negligent acts or omissions of Spurwing or its agents, contractors or subcontractors in carrying out the activities authorized by this Agreement.

10. Spurwing shall not excavate nor place any structures nor plant any trees, shrubs, or landscaping, or perform any other construction within Eureka's easement except as referred to in this Agreement or exhibits hereto without the prior written consent of Eureka.

11. Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this Agreement, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of the provisions of this Agreement, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

12. None of the provisions of this Agreement shall be construed in any respect to impair the uses and purposes of Eureka's water rights, the Eureka Main Canal, its lateral ditch extensions or Eureka's easement, nor to grant any rights in Eureka's water rights, the Eureka Main Canal, its lateral ditch extensions or Eureka's easement incompatible with the uses to which they are devoted and dedicated.

13. Spurwing agrees to pay attorney fees or engineering fees charged by the attorney for Eureka or by the engineers for Eureka in connection with the preparation of this Agreement or in connection with negotiations covering the terms and conditions of this Agreement.

14. Nothing in this Agreement shall create or support a claim of estoppel, waiver, prescription or adverse possession by Spurwing or any third party against Eureka.

15. This Agreement is not intended for the benefit of any third party and is not enforceable by any third party.

16. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, all remaining provisions of this Agreement shall remain in full force and effect.

17. Notices provided pursuant to this Agreement or for any other purpose between the parties shall be addressed to the following until either party notifies the other in writing of a change of address:

To Eureka: 6820 W. Joplin Road
Meridian, ID 83642

To Pacific Links: 200 North Fourth Street, Suite 206
Boise, ID 83701

To Spurwing: 6800 North Spurwing Way
Meridian, ID 83642

18. The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, all of the lands of Pacific Links described in said Exhibit A, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective heirs, successors and assigns.

EUREKA WATER COMPANY,
an Idaho corporation

By William C. Clay
Its President

ATTEST:

n/a
Secretary

PACIFIC LINKS LIMITED LIABILITY
COMPANY,
an Idaho limited liability company

By [Signature]

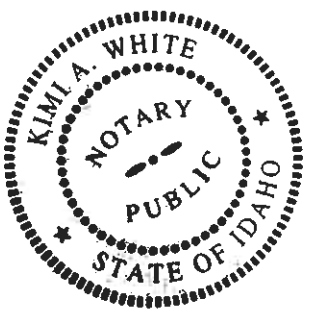
SPURWING COUNTRY CLUB, INC.,
an Idaho corporation

By [Signature]

STATE OF IDAHO)
) ss:
County of ADA)

On this 5th day of November, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Bill Clayton and n/a, known to me to be the President and ~~Secretary~~, respectively, of EUREKA WATER COMPANY, the Idaho corporation that executed the foregoing instrument and acknowledged to me that such water users Eureka 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.

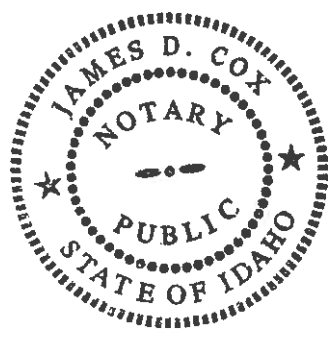


Kim A. White
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 04/01/10

STATE OF IDAHO)
) ss:
County of ADA)

On this 16th day of OCTOBER, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared HEWITT known to me to be the MANAGER of PACIFIC LINKS LIMITED LIABILITY COMPANY, an Idaho limited liability company, and acknowledged to me that such limited liability company 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.

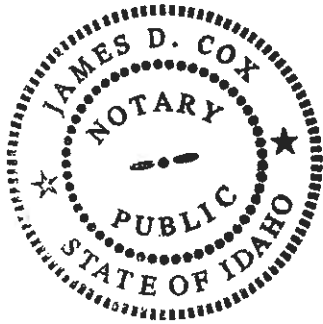


James D. Cox
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 8-29-13

STATE OF IDAHO)
) ss:
County of ADA)

On this 23rd day of OCTOBER, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared David Terrell known to me to be the PRESIDENT of SPURWING COUNTRY CLUB, INC., an Idaho corporation, and acknowledged to me that such 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.



James D Cox
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 8-29-13

EXHIBIT A
Legal Description

Lot 1, Block 2, Spurwing Subdivision, according to the official plat thereof recorded in Book 69 of Plats at Pages 7104 and 7105, official records of Ada County, Idaho, copies of which are attached hereto as Exhibits A-1 and A-2.

DAH STEENSON HAS EXHIBITS
B & C AND IS WAITING FOR
EXHIBIT D FROM I DWR



**TEALEY'S LAND
SURVEYING**

187 E. 50th Street, Garden City, ID 83714

(208) 385-0636

Fax (208) 385-0696

Email: dahmed@tealeys.com

TRANSMITTAL

To: Steve Lester
Idaho Department of Water Resources
Western Region

Date: July 3, 2008

Re: SpurWing Country Club

Job No.: 1136

(X) For your action

(X) For your review

RECEIVED

JUL 03 2008

**WATER RESOURCES
WESTERN REGION**

Transmitted By: Donna Ahmed

Dear: Steve,

Attached is a letter from Jerry Palmerton, GCS, SpurWing Country Club, Application for Amendment of a Permit, Amended Application for Permit, plat of SpurWing Subdivision with notes for your review, copy of Water Permit Report 63-12187, and letter from Jerry Palmerton, GCS, SpurWing Country Club dated October 4th, 2007

Sincerely,
Donna Ahmed
E-mail: dahmed@tealeys.com

RECEIVED

JUL 03 2008

WATER RESOURCES
WESTERN REGION

July 1, 2008

I.D.W.R.
Western Region
2735 Airport Way
Boise, Idaho 83705

Attn: Steve Lester

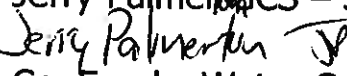
Re: Mitigation plan for IDWR Permit No. 63-12187 – Eureka Water
Company rights 63-145 & 63-16383

The owner of supplemental permit No. 63-12187 Pacific Links L.L.C. wishes to file a mitigation plan for excavation of a 1.2 acre pond, average depth of 10 feet, in the SW ¼ NE ¼ of Section 22, the area in question is in the service area of Eureka Water Company and the owner Pacific Links LLC has Eureka Water Co. rights No. 63-145 & 63-16383. The owner wants to reduce 1.2 acres of irrigation area and change said 1.2 acres to an aesthetic use during the irrigation season.

The land to be removed from irrigation has been used to grow turf grass in the past and when removed from this use the water used for that purpose will easily sustain pond levels and evaporation associated with the pond surface. The calculated amount of water is shown in our letter to you of October 4, 2007 (attached). Also attached as part of this letter are the revised "Application for Amendment of a Permit", revised "Application for permit" and associated maps and letters.

Respectfully,


Jerry Palmer, GCS – SpurWing Country Club


Cc: Eureka Water Company

RECEIVED

JUL 03 2008

WATER RESOURCES
WESTERN REGION

October 4, 2007

Idaho Department of Water Resources
Western Region
Attn: Mr. Steve Lester.

To Mr. Lester:

SpurWing Country Club has filed an application for a water right (application # 63-32811) to construct a pond for aesthetic use. We have submitted a drawing with our application that shows the proposed pond encompassing 1.75 acres. We have since changed our plans and only will construct the pond that is the farthest north on the drawing that is approximately 1 acre.

The bottom lands at SpurWing Country Club are irrigated via two sources. SpurWing Country Club holds 165 shares of Eureka Water Company stock entitling SpurWing to 121.66 miner inches of surface water from the Eureka Canal. SpurWing Country Club also has a ground water right permit 63-12187 for aesthetic, and irrigation use during the period that surface water from Eureka is not available.

Our proposed pond constructions location sits in an area that has very shallow ground water, allowing the finished pond to fill naturally and only filled to sustain levels during the summer months via water from Eureka. **We would like to formally change the designation of formally irrigated to aesthetic use for this 1 acre.** The document attached shows the average amount of water that was formally irrigating this 1 acre. I feel that the consumed amount for the year that irrigated this 1 acre of turf will easily allow us to sustain the proposed ponds desired level during the summer months with infrequent filling.

We have taken out 8 irrigation heads within the proposed pond stamp that averaged 64,705 gallons per 1 head for the year 2006. Totaling 517,648 gallons total for the 8 heads that we have removed. SpurWing Country Club has a computerized irrigation system that logs irrigation use for each irrigated areas of the golf course.

As instructed, we have copied and secured the signature of the Eureka Water Company representative and the clubs representative for the water right 63-12187 showing our intentions.

Sincerely;
Jerry Palmerton. GCS
SpurWing Country Club

Eureka Canal Company



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
DAVID R. TUTHILL, JR., Director**

November 13, 2007

JERRY PALMERTON
SPURWING COUNTRY CLUB
6800 N SPURWING WY
MERIDIAN ID 83642

Re: Application for Permit No. 63-32811

Dear Mr. Palmerton:

You submitted a draft mitigation plan for the above referenced application for a new pond at the golf course. Enclosed please find the following information to help you in this regard:

1. IDWR review notes, including mitigation plan comments
2. IDWR suggested changes to Application 63-32811 and blank application form to complete and submit
3. Printout of Permit 63-12817
4. Assignment of Permit form for 63-12187
5. Draft Application for Amendment of Permit 63-12187 and blank application form to complete and submit.

Application 63-32811 can be processed if an acceptable mitigation plan(s) – discussed in IDWR notes – is submitted with the amended application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you have any questions. Please contact me to make an appointment if you want to discuss this in person. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive.

Steve Lester
Water Rights Supervisor

Enclosure

APPLICATION 63-32811

IDWR REVIEW NOTES

-FZ 11/13/07

Application to be amended per attached draft application, items needing attention in red.

Proposed pond in SWNE Section 22 per application map.

That area within irrigation service area of Eureka Water Company.

That area within irrigation place of use of "Spurwing" supplemental water permit 63-12187.

If pond to cover 1 acre, submit mitigation plan with amended application for processing to start, cannot process application without acceptable mitigation plan.

As previously discussed, mitigation plan can act in lieu of Application for Transfer for ditch company water.

Mitigation Plan for written endorsement by Eureka Water Company should state:

- reduce service area irrigation by 1 acre under Eureka Water Company right nos. 63-145 & 63-16383
- change that 1 acre irrigation under both rights to aesthetic use during the irrigation season
- land to be retired from irrigation has had highly consumptive crop (includes golf course turf).

Mitigation Plan to be filed by either Pacific Links Ltd Liability Company – current owner of supplemental permit 63-12187 – or by Spurwing if permit assigned to Spurwing by permit owner (see enclosed assignment form, \$25 fee):

- file Application for Amendment of Permit No. 63-12187 (\$50 fee) to reduce irrigation by 1 acre in SWNE Section 22 (Spurwing can file amendment if includes assignment of permit to Spurwing)
- land to be retired from irrigation has had highly consumptive crop (includes golf course turf)
- IDWR can activate the amendment application when licensing permit 63-12187 (next step in that permit process).

Amended Application 63-32811 together with acceptable mitigation plans from Eureka Water Company and Pacific Links Ltd Liability Company or Spurwing will allow IDWR to process 63-32811 without additional delays.

Lester, Steve

From: Jerry Palmerton [swccmaint@spurwing.com]
Sent: Thursday, October 04, 2007 2:15 PM
To: Steve .Lester@idwr.idaho.gov
Subject: Spurwing 1st draft of letter.

Steve; attached is the first draft of my letter requesting the designation change from 1 acre irrigated to 1 acre aesthetic. I reference a document that comes off my irrigation computer that logs daily and yearly output of specific areas of the golf course. This log shows the average amount of water for the area of interest. I will send in this document with the final papers to your attention. Let me know what I am missing in my letter and what other things I should reference. Thanks a lot for your help.

Jerry Palmerton
Spurwing Country Club

10/9/2007

October 4, 2007

Idaho Department of Water Resources
Western Region
Attn: Mr. Steve Lester.

To Mr. Lester:

SpurWing Country Club has filed an application for a water right (application # 63-32811) to construct a pond for aesthetic use. We have submitted a drawing with our application that shows the proposed pond encompassing 1.75 acres. We have since changed our plans and only will construct the pond that is the farthest north on the drawing that is approximately 1 acre.

The bottom lands at SpurWing Country Club are irrigated via two sources. SpurWing Country Club holds 165 shares of Eureka Water Company stock entitling SpurWing to 121.66 miner inches of surface water from the Eureka Canal. SpurWing Country Club also has a ground water right permit 63-12187 for aesthetic, and irrigation use during the period that surface water from Eureka is not available.

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As instructed, we have copied and secured the signature of the Eureka Water Company representative and the clubs representative for the water right 63-12187 showing our intentions.

Sincerely;
Jerry Palmerton. GCS
SpurWing Country Club

Eureka Canal Company

MEMORANDUM

____ Office Visit

✓ Telephone

____ Meeting

TO 63-32811

FROM JZ

DATE 10/3/07

RE JERRY PALMSTON c Mitigation Plan

He called to discuss:

- pond e 1 acre size, delete smaller pond in diagram, just develop single bigger one.
- primary irr e Eureka water cos
- suppl. " e golf course well 63-12187.
- 1:1 swap e highly cons. crop history.
- mitigate by reducing all irr by 1 acre.
- " plan will be endorsed by Eureka.
- " " can serve in lieu of transfer.
- he will send DRAFT plan for comments.

Lester, Steve

From: Lester, Steve
Sent: Friday, January 05, 2007 2:25 PM
To: 'swccmaint@spurwing.com'
Subject: Water Right Permitting - Ponds

Mr. Palmerton:

You made an email inquiry about a proposed pond for the golf course, wondering if water right approval was necessary to build the pond.

Water right questions for ponds easily become complex. Basically, most ponds do need water right approvals.

Your application for permit for the pond was filed on 12/12/2006. Processing will be delayed for probably several months while the department wraps up its Snake River Basin Adjudication efforts and then tackles its backlogs. Applications are processed in priority order, meaning that a waiting list unfortunately does exist.

Typically a new right is needed for the pond capacity (application for permit) and a change to an existing irrigation right is needed to mitigate the new right (application for transfer). Several pond scenarios requiring water right approval might be involved in your case:

- 1) storing water from shallow ground water, presumably tributary to the Boise River upstream from Star, which is the fully appropriated reach of the river, mitigation required for consumptive use (evaporation losses)
- 2) storing water from a proposed well, mitigation required
- 3) storing water from an existing well that might or might not have an associated water right for another use such as irrigation, requires change to existing right and/or a new right from the well, latter option requires mitigation
- 4) storing water from a surface water source, typically irrigation ditch water provided by a delivery company, requires change to existing irrigation right; new right from surface water source above Star not approvable unless mitigated since the source is fully appropriated
- 5) some combo of the above.

As noted, this quickly gets complicated by numerous details. Attached are two references to help you in this regard. One outlines the typical scenario/solution in the local area while the other provides a list of consultants to assist you with technical details as needed.

It is not possible at this time to expedite your pending application due to the size of the backlog and the basic idea of processing in priority order. Please contact this office at 334-2190 if you have more questions.

IDWR Western Region
208-334-2190
westerninfo@idwr.idaho.gov



Ponds in Bs
63.doc



CONSULTANT
LIST .DOC

Lester, Steve

From: Jerry Palmerton [swccmaint@spurwing.com]
Sent: Wednesday, January 03, 2007 3:00 PM
To: Lester, Steve
Subject: water right permitting.

Mr Lester: I was given your name by one of your staff members that I was talking with today about the status of a application for permit that we submitted. I just want to clarify what we are trying to accomplish and make sure that we do indeed need a permit to do our project. We are a golf course in Meridian and are planning on doing some renovation work to enhance the playability and aesthetics of the golf course. Our renovation work is under the direction of a master plan written by a golf course architect who has a pond to be constructed on one of the holes that is being renovated. This pond is approximately 1 acre in size and approximately six feet deep in the proposed plan. We will not be using this pond for irrigation purposes just solely as a penalty to players and an aesthetic feature of the golf hole. It will be filled with water from our irrigation system as well as ground water I am sure. Does this indeed require a permit to dig this pond for this purpose. We want to start construction in February and I submitted our application on the 12th of December to your department. I understand that your staff is working on a legal case that is taking the permitting process to the back burner so to speak but was wondering if we needed a permit in the first place to complete our project. Thanks for your time.

Sincerely;

Jerry Palmerton
Golf Course Superintendent
SpurWing Country Club
Meridian, Idaho
208-887-0040



RECEIVED

DEC 12 2006

WATER RESOURCES
WESTERN REGION

6800 North Spurwing Way • Meridian, Idaho 83642 • (208) 887-1800 • Fax (208) 887-9967

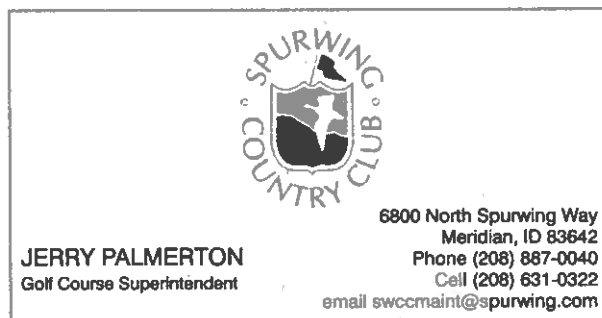
December 8, 2006

To: Idaho Department of Water Resources

We are applying for a permit for a Water Right for the building of a pond that is proposed for the reconstruction of a golf hole on our property during the months of February 2007 to June 2007. We made contact with a member of your staff and asked relevant questions about the possibility of building a pond and what is required to do so. She stated that we needed to apply for a permit for a water right for an aesthetic pond that will have no other specific use other than a feature of a golf hole.

We have included with our application a picture from our master plan which details what we are wishing to do in relationship to this pond, and our check for the fee. It is our hope that we met all the necessary criteria and will be granted our permit.

Sincerely;
Jerry Palmerton
Golf Course Superintendent
SpurWing Country Club
Office 887-0040
Cell 631-0322



Please call with any questions or problems
with application.