

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32600

Priority: February 12, 2007

Maximum Diversion Volume: 35.0 AF

This is to certify, that EAGLEFIELD LLC
6951 N DUNCAN LN
BOISE ID 83714

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		35.0 AF
AESTHETIC FROM STORAGE	01/01 to 12/31		35.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4NE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SW1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	SW1/4NE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SW1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	SW1/4NE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SW1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SW1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	11			X					X					X	X			

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32600

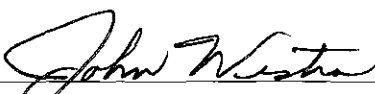
PLACE OF USE: AESTHETIC FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01W 11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X				X						X	X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2015**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The sixteen (16) ponds established by the storage of water under this right shall not exceed a total capacity of 35 acre-feet or a total surface area of 3.5 acres. Evaporative losses associated with these ponds are covered by Right 63-198AC per Transfer 76211.
6. This right does not grant any right-of-way or easement across the land of another.
7. Use of water under this right remains subject to regulation by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63, Boise River.
8. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
9. This right does not authorize construction of a well.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of April, 2010.


 JOHN WESTRA, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

April 19, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

EAGLEFIELD LLC
6951 N DUNCAN LN
BOISE ID 83714

RE: Permit No.63-32600

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,

for 
John Westra
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32600

**EAGLEFIELD LLC
6951 N DUNCAN LN
BOISE ID 83714**

**SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR, STE 350
BOISE ID 83706**



**Jean Hersley
Office Specialist II**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

FEB 01 2000

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	484054	LEGAL NOTICE APPLICATION TO PROPRIATE PUBLIC WATERS	\$449.60
Attention:	P.O. #	Run Dates	
DENISE BUFFINGTON		JANUARY 21,28 2010	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 3X78 Affidavit 1 Legal #

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

TWO

consecutive weekly single
 consecutive daily odd skip
 insertion(s)

beginning issue of:	JANUARY	21, 2010
ending issue of:	JANUARY	28, 2010

Jamice Hildreth

STATE OF IDAHO)
ss

COUNTY OF ADA)

On this 28 day of JANUARY n the year of 2010

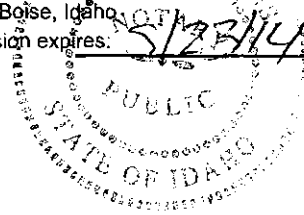
before me, a Notary Public, personally appeared before me Janice Hildreth Known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires:

✓ OK



LEGAL NOTICE

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

✓ **63-32171**

CHAPPARAL DEVELOPMENT INC

C/O JOHN MARSHALL

GIVENS PURSLEY LLP

PO BOX 2720

BOISE, ID 83701-2720

Point of Diversion SESE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NESE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NWSE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NWSE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NWSE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion SWSE S3 T04N R02W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 380 AF

Total Diversion: 380 AF

Date Filed: 9/9/2005

Place Of Use: AESTHETIC STORAGE

T04N R02W S3 NESE NWSE SESE

Mitigation is proposed for consumptive use by Transfer #73827.

✓ **63-32600**

EAGLEFIELD LLC

6951 N DUNCAN LN

BOISE, ID 83714

Point of Diversion SWNE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SWNE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SWNE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESW S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESW S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESW S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESW S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NESE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWSE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWSE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWSE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWSE S11 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion NWSE S11 T04N R01W ADA County Source GROUND WATER Tributary

Use: AESTHETIC STORAGE 01/01 to 12/31 35 AF

Use: AESTHETIC FROM STORAGE 01/01 to 12/31 35 AF

Total Diversion: 35 AF

Date Filed: 2/12/2007

Place Of Use: AESTHETIC STORAGE and AESTHETIC FROM STORAGE

T04N R01W S11 SWNE SENW NESE NWSE

Mitigation is proposed for consumptive use by Transfer #73829. Water bearing zone to be appropriated is 1 to 35 ft.

PROPOSED CHANGES OF WATER RIGHTS

✓ **Middleton Mill Ditch Co., c/o Jerry Kiser**, of 620 W. Hays, Boise ID 83702 and Middleton Irrigation Assn. Inc. of PO Box 848, Middleton ID 83644 filed Application Nos. 73827 and 73829 to transfer portions of two water rights with 1871 and 1877 priority dates from the Boise River. The transfers propose to retire 22.5 acres of irrigation to provide 0.45 cfs and 66.9 af for aesthetic and aesthetic storage uses to be used in The Lakes at Telaga Subdivision and Eaglefield Estates Subdivision.

The proposed sites for these transfers are located approximately 0.5 miles north of Hwy. 44 on the west side of Kingsbury Ln. near Middleton and west of Linder Rd. between Floating Feather and Hwy. 44 (State St.) near Eagle. The unchanged portions of the rights will remain on lands within the boundaries of Middleton Mill Ditch Co. and Middleton Irrigation Assn. Inc.

PROPOSED AMENDMENT OF WATER PERMIT

✓ **Larry J. & Diane K. Hellhake** of 3837 N. Holl Dr., Eagle, ID 83616, filed Application No. **63-33323** to amend a water permit with a 1993 priority from a ground water source totaling 0.10 cfs for irrigation use. The applicant proposes to amend the permit to move the point of diversion and place of use currently located at the southeast corner of W. Desert View Dr. and S. Cloverdale Rd. to property they own east of Eagle Rd and north of Beacon Rd.

Permits will be subject to all prior water rights. For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with details provided under "new water right applications." Protests may be submitted based on the criteria of Sec 42-211, Idaho Code. The permit will be subject to all prior water rights. Any protest against approval of the application must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before February-8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Pub. Jan. 21, 28, 2010

0000484054-01

✓ OK DB 2/16/2010