

File Folder #3

Starting
From Oct. 15, 2008 (M3 Eagle's
Expert Witness
Disclosure)

and

Going Back to (Letter Received
on Sept. 03, 2008
from North Ada County
Foothills Association)

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
Kelsey J. Nunez [ISB No. 7899]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle LLC

RECEIVED

OCT 15 2008

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

**M3 EAGLE'S EXPERT WITNESS
DISCLOSURE**

Pursuant to the Hearing Officer's *Order Authorizing Discovery and Scheduling Order* of September 12, 2008, Applicant M3 Eagle LLC ("M3 Eagle") hereby discloses the witnesses it may call as experts at the hearing in the above-captioned matter,

**Hydrology, hydrogeology, geophysics,
ground water modeling, and ground water monitoring**

The following individuals, if called as expert witnesses, will address information and studies relevant to the North Ada County ground water system, including matters related to hydrology, hydrogeology, geophysics, ground water modeling, and ground water monitoring:

- 1. Edward Squires**
Managing Hydrogeologist
President, Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431

Office: 208-342-8369
E-mail: ed@hydrologicinc.net

2. **Mark Utting**
Project Hydrogeologist
Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431
Office: 208-342-8369
E-mail: mark@hydrologicinc.net
3. **Loren Pearson**
Geophysicist
Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431
Office: 208-342-8369
E-mail: loren@hydrologicinc.net
4. **Dr. James L. Osiensky**
Professor of Ground Water Hydrology
Hydrology Program, Department of Geological Sciences
University of Idaho
Moscow, ID 83844-3022
Office: (208) 885-4681
Email: osiensky@uidaho.edu
5. **Dr. Spencer Wood**
Emeritus Professor
Department of Geosciences
Boise State University
Boise State University, Boise, ID, 83725
Office: 208-344-9854
E-mail: swood@boisestate.edu
6. **Jim Rumbaugh**
Environmental Simulations, Inc.
300 Mountain Top Road
Reinholds, PA 17569
Office: 610-670-3400
E-Mail: support@groundwatermodels.com
7. **Roger Dittus**
Geosciences Department
United Water Idaho Inc.
8248 W. Victory Road

P.O. Box 190420
Boise, ID 83719-0420
Office: 208-362-7358
E-mail: roger.dittus@unitedwater.com

8. **Peter Schwartzman**
Associate Hydrogeologist
Pacific Groundwater Group
2377 Eastlake Avenue East
Seattle, WA 98102
Office: 206-329-0141
E-mail: peter@pgwg.com

Geochemistry

The following individuals, if called as expert witnesses, will address information and studies relevant to the geochemistry of the North Ada County ground water system:

9. **Richard Glanzman**
Geochemist, Glanzman Geochemical, LLC
2752 S. Braun Way
Lakewood, CO 80228
Office: 303-986-9019
E-mail: dkglanzman@comcast.net

Well construction

The following individuals, if called as expert witnesses, will address information and studies relevant to well drilling and construction:

10. **Del Leavitt**
Lead Drill Rig Operator
920 Tuft Place
Caldwell, ID 83605

Project engineering

The following individuals, if called as expert witnesses, will address information relevant to infrastructure, water demand, and water reuse at M3 Eagle's proposed planned community project for which application for permit number 63-32573 was filed:

11. **Scott Wonders**
Engineer

Vice President, Boise Office Manager
Stanley Consultants, Inc.
2264 S. Bonito Way, Suite 150
Meridian, ID 83642
Office: 208-855-5600
E-mail: wonderscott@stanleygroup.com

12. **Steven E. Holt**
Toothman-Orton Engineering Company
9777 Chinden Boulevard
Boise, ID 83714-2008
Office: 208-323-2288
E-mail: sholt@toengrco.com

Economics, future needs, planning horizon, and water supply planning

The following individuals, if called as expert witnesses, will address information relevant to the economics of the local area, growth trends, the reasonableness of a 30-year planning horizon, and water supply planning:

13. **Dr. John Church**
Special Lecturer - Economics
Department of Economics
Boise State University
1910 University Drive
Boise, Idaho 83725
Office: 208-426-3465
E-mail: ideconomics@earthlink.net

The headings and witness summaries above are provided as a courtesy to the parties and to the Hearing Officer. These witnesses may also be made available as lay witnesses to provide background and other information relevant to the Application. M3 reserves the right to expand the scope of the witnesses' testimony to address other issues relevant to the pending Application, including those raised by the protestants or by the Hearing Officer, and to add additional experts or lay witnesses as necessary.

DATED this 15th day of October, 2008.

Respectfully submitted,

GIVENS PURSLEY LLP

By Jeffrey C. Fereday
Jeffrey C. Fereday
Michael P. Lawrence
Kelsey J. Nunez

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th of October, 2008, the foregoing was filed, served, or copied as follows:

FILED

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

SERVICE

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

North Ada County Groundwater Users Association
Josephine P. Beeman
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Bill Lawton, Spokesman for
Robert L. Wood
M. Howard Goldman
Timothy R. Milburn
3145 Osprey Road
Eagle, ID 83616

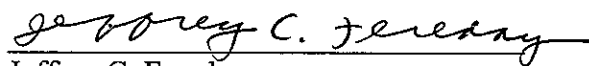
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Jeffrey C. Fereday

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION) TO APPROPRIATE WATER NO. 63-32573) IN THE NAME OF M-3 EAGLE) _____)	ORDER TO CONSOLIDATE PARTIES AND DEFAULT ORDER
--	---

1. The following protestants identified David Head, John Thornton, Ann Ritter, or Ginger Head, officers for the North Ada County Groundwater Users Association, as spokespersons to speak for them in the above contested case and during the hearing for the contested case: John L. Thornton, Linda D. Burke, John Franden, Craig Tarbet, Sherri Randall, Charles Watkins, Robert H. West, Stephen Dick, Bruce Van Camp, Loring Evans, Thomas Ritter, Lorn H. Adkins, Daniel J. Glivar, Richard Lagerstrom, Vince Iazzetta, Dale Gaston, Marion D. Groothuis, Vincent J. Minkiewicz, Carol Jean Thompson and/or John Petrovsky, Barb Jekel, Robert Lyons, G. E. McDonald, George W. Keyes, Eric C. Leigh, Shelby Conrad, Morgan Masner, Jim Banducci, Jr., Steven C. Purvis, Robert S. Niccolls, Jr., David Collett, Walter H. Meyer, Jr., Michael McMurray, Lyle Jordan, Ronald R. Rapp, Bruce Richardson, and Barrett D. Jones.

2. The documents filed by the above protestants stated that each of their individual protests were subsumed into the protest of the North Ada County Groundwater Users Association.

3. The following protestants identified Bill Lawton as the spokesperson in the above contested case and during the hearing for the contested case: Robert L. Wood, M. Howard Goldman, and Timothy R. Milburn. The remaining individuals and attorneys for the applicant are unchanged.

4. The following protestants did not appear at the prehearing conference conducted on September 9, 2008, and/or did not designate a spokesperson: Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn.

5. On September 25, 2008, the Idaho Department of Water Resources ("IDWR") served the nonappearing protestants listed in paragraph 3 with a *Notice of Proposed Default Order*. The notice provided opportunity for the nonappearing protestants to show good cause why they should not be dismissed as parties.

6. On October 1, 2008, Josephine P. Beeman, of Beeman and Associates, filed a Notice of Appearance on behalf of the North Ada County Foothills Assn. and North Ada County Groundwater Users Assn.

7. The North Ada County Foothills Association assigned its protest against application no. 63-32573 to the North Ada County Groundwater Users Association on August 26, 2008. The North Ada County Foothills Association is no longer a party to this contested case.

8. The filing of a notice of appearance by Josephine P. Beeman on behalf of the North Ada County Groundwater Users Association potentially conflicts with the express designation of spokespersons filed by protestants who are members of the North Ada County Groundwater Users Association. The designation documents filed by each of the protestants designated officers in the North Ada County Groundwater Users Association as spokespersons, but stated the protests were subsumed into the association's protest. The hearing officer will interpret this possible conflict by recognizing Josephine Beeman as the attorney and representative of the North Ada County Groundwater Users Association. Because the association member protestants stated that their protests were subsumed into the association protest, the hearing officer determines that Josephine Beeman will also represent, through the association, the other protestants. As a result David Head, Ann Ritter, John Thornton, and Ginger Head, officers in the North Ada County Groundwater Users Association, will not be spokespersons for the association member protestants.

9. The nonappearing protestants did not respond to the *Notice of Proposed Default Order*.

ORDER

IT IS HEREBY ORDERED that Josephine P. Beeman shall be the attorney of record and North Ada County Groundwater Users Association.

IT IS FURTHER ORDERED that Bill Lawton shall be the spokesperson for the protestants listed in paragraph 2 above who designated a spokesperson.

IT IS FURTHER ORDERED that the individual protests of the protestants listed in paragraph 1 are subsumed into the protest of the North Ada County Groundwater Users Association, and Josephine Beeman shall represent the interests of these protestants as attorney for the association. The individual protestants waive their right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR. The individual protestants shall have the right to appear at the hearing and testify as public witnesses.

IT IS FURTHER ORDERED that the protestants listed in paragraph 2 above are subsumed into the spokesperson's protest, and the individual protestants waive their right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR. The individual protestants shall have the right to appear at the hearing and testify as public witnesses.

DEFAULT ORDER

IT IS FURTHER ORDERED that Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. are dismissed as parties to the contested case.

Dated this 7th day of October, 2008.

A handwritten signature in black ink, reading "Gary Spackman", is written over a horizontal line.

GARY SPACKMAN
Hearing Officer

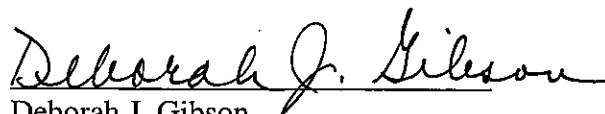
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2008, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: **ORDER TO CONSOLIDATE PARTIES AND DEFAULT ORDER**

Name	Address	City	State	Postal Code
NORMAN L EDWARDS	884 W BEACON LIGHT RD	EAGLE	ID	83616
ALAN SMITH	3135 OSPREY RD	EAGLE	ID	83616
GIVENS PURSLEY LLP	C/O JEFFREY C FEREDAY 601 W BANNOCK ST PO BOX 2720	BOISE	ID	83701
M3 EAGLE LLC	533 E RIVERSIDE DR STE 110	EAGLE	ID	83616
BILL LAWTON	3145 N OSPREY RD	EAGLE	ID	83616
ROBERT L WOOD	1380 W MEANDER DR	EAGLE	ID	83616
M HOWARD GOLDMAN	3837 N GREEN VALLEY WY	EAGLE	ID	83616
TIMOTHY R MILBURN	1381 W MEANDER DR	EAGLE	ID	83616
NORTH ADA COUNTY GROUNDWATER USERS ASSN.	C/O JOSEPHINE P BEEMAN BEEMAN & ASSOCIATES PC 409 W JEFFERSON ST	BOISE	ID	83702
JOHN L THORNTON	5264 N SKY HIGH LN	EAGLE	ID	83616
LINDA D BURKE	C/O 855 STILLWELL DR	EAGLE	ID	83616
JOHN FRANDEN	C/O 855 STILLWELL DR	EAGLE	ID	83616
CRAIG TARBET	C/O 855 STILLWELL DR	EAGLE	ID	83616
SHERRI RANDALL	C/O 855 STILLWELL DR	EAGLE	ID	83616
CHARLES WATKINS	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT H WEST	C/O 855 STILLWELL DR	EAGLE	ID	83616
STEPHEN DICK	C/O 855 STILLWELL DR	EAGLE	ID	83616
BRUCE VAN CAMP	C/O 855 STILLWELL DR	EAGLE	ID	83616
LORING EVANS	C/O 855 STILLWELL DR	EAGLE	ID	83616
THOMAS RITTER	C/O 855 STILLWELL DR	EAGLE	ID	83616
LORN H ADKINS	C/O 855 STILLWELL DR	EAGLE	ID	83616
DANIEL J GLIVAR	C/O 855 STILLWELL DR	EAGLE	ID	83616
RICHARD LAGERSTROM	C/O 855 STILLWELL DR	EAGLE	ID	83616
VINCE IAZZETTA	C/O 855 STILLWELL DR	EAGLE	ID	83616
DALE GASTON	C/O 855 STILLWELL DR	EAGLE	ID	83616
MARION D GROOTHUIS	C/O 855 STILLWELL DR	EAGLE	ID	83616
VINCENT J MINKIEWICZ	C/O 855 STILLWELL DR	EAGLE	ID	83616
CAROL JEAN THOMPSON JOHN PETROVSKY	C/O 855 STILLWELL DR	EAGLE	ID	83616
BARB JEKEL	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT LYONS	C/O 855 STILLWELL DR	EAGLE	ID	83616

Name	Address	City	State	Postal Code
G E MC DONALD	C/O 855 STILLWELL DR	EAGLE	ID	83616
GEORGE W KEYES	C/O 855 STILLWELL DR	EAGLE	ID	83616
ERIC C LEIGH	C/O 855 STILLWELL DR	EAGLE	ID	83616
SHELBY CONRAD	C/O 855 STILLWELL DR	EAGLE	ID	83616
MORGAN MASNER	C/O 855 STILLWELL DR	EAGLE	ID	83616
JIM BANDUCCI JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
STEVEN C PURVIS	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT S NICCOLLS JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
DAVID COLLETT	C/O 855 STILLWELL DR	EAGLE	ID	83616
WALTER H MEYER JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
MICHAEL MC MURRAY	C/O 855 STILLWELL DR	EAGLE	ID	83616
LYLE JORDAN	C/O 855 STILLWELL DR	EAGLE	ID	83616
RONALD R RAPP	C/O 855 STILLWELL DR	EAGLE	ID	83616
BRUCE RICHARDSON	C/O 855 STILLWELL DR	EAGLE	ID	83616
BARRETT D JONES	C/O 855 STILLWELL DR	EAGLE	ID	83616
WESTERN REGION	ATTN JOHN WESTRA 2735 AIRPORT WAY	BOISE	ID	83705-5082
JONATHAN SEEL	C/O NORTH ADA COUNTY FOOTHILLS ASSO., 855 STILLWELL DR	EAGLE	ID	83616
JON BUSACK	C/O NORTH ADA COUNTY FOOTHILLS ASSO., 855 STILLWELL DR	EAGLE	ID	83616
YVONNE MORTON	C/O NORTH ADA COUNTY FOOTHILLS ASSO., 855 STILLWELL DR	EAGLE	ID	83616
CAL GOTHBERG	C/O NORTH ADA COUNTY FOOTHILLS ASSO., 855 STILLWELL DR	EAGLE	ID	83616
EAGLE PINES WATER USER ASSN	ATTN BRENT WATSON 3357 N OSPREY RD	EAGLE	ID	83616



Deborah J. Gibson
Administrative Assistant
Water Management Division

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

COPY

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO. 63-32573)
IN THE NAME OF M-3 EAGLE)

NOTICE OF PROPOSED
DEFAULT ORDER

On August 6, 2008, the Idaho Department of Water Resources ("Department") served all parties in this matter, including, with a *Prehearing Order and Notice of Prehearing Conference*. The order contained a certificate of mailing showing the parties were duly served. The notice scheduled a prehearing conference for September 9, 2008.

On September 9, 2008, beginning at 9:00 a.m., Gary Spackman, Hearing Officer, conducted a prehearing conference to discuss the issues of the protested M-3 Eagle application no. 63-32573. Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. did not appear at the prehearing.

On September 12, 2008, the Department served all the parties in this matter, including Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn., with an *Order Authorizing Discovery and Scheduling Order*. That order set a September 16, 2008 deadline that "a party desiring to appoint a spokesperson as a representative in this contested case must file with the Department a document notifying the Department and the parties of the spokesperson designation."

On September 16, 2008, the Department did not receive the document notifying the Department and the parties of a spokesperson designation from Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn.

Based upon these facts, the Department notifies protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. that the following default order is proposed to be issued because of the failure of the protestants to appear at the time and place set for prehearing pursuant to IDAPA 37.01.01.700 or a response to the September 16, 2008 deadline set by the hearing officer.

PROPOSED DEFAULT ORDER

Based upon Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. failure to appear at the time and place set for hearing, it is ORDERED that Jonathan Seel, Jon Busack, Yvonne Morton and Cal Gothberg are dismissed as parties to the contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. have seven (7) days after the service of this *Notice of Proposed Default Order* to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 25th day of September, 2008.

A handwritten signature in cursive script, reading "Gary Spackman", written over a horizontal line.

GARY SPACKMAN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2008, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, certified with return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order

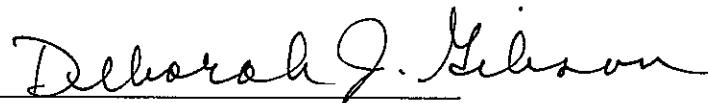
JONATHAN SEEL
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

CAL GOTHBERG
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

JON BUSACK
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

EAGLE PINES WATER
USERS ASSN
ATTN: BRENT WATSON
3357 N OSPREY RD
EAGLE ID 83616

YVONNE MORTON
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616



Deborah J. Gibson
Administrative Assistant
Water Management Division

RECEIVED

OCT 02 2008

DEPARTMENT OF
WATER RESOURCES

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
office@beemanlaw.com

Attorney for North Ada County Foothills Association and
North Ada County Groundwater Users Association

**BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32573,)
IN THE NAME OF M-3 EAGLE LLC)**

NOTICE OF APPEARANCE
(Beeman & Associates for North Ada
County Foothills Assn and North Ada
County Groundwater Users Assn)

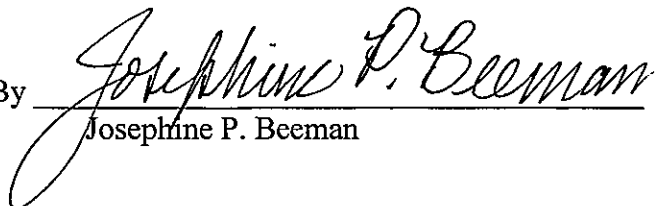
Josephine P. Beeman of Beeman & Associates, P.C. hereby enters her appearance as attorney for protestants North Ada County Foothills Association and North Ada County Groundwater Users Association. You are requested to serve all future papers and pleadings on her at the following address:

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com
(and) office@beemanlaw.com

DATED this 1st day of October 2008.

BEEMAN & ASSOCIATES, P.C.
Attorneys for NACFA and NACGUA

By


Josephine P. Beeman

CERTIFICATE OF SERVICE

I certify that on this 1st day of October 2008, I caused to be served a true and correct copy of the foregoing document on the following by the method indicated.

Jeffery Fereday
Givens Pursley LLP
P. O. Box 2720
Boise ID 83701
(U.S. Mail)

John Westra
IDWR Western
2735 Airport Way
Boise ID 83705
(U.S. Mail)

Eagle Pines Water Users Assn
c/o Brent Watson
3357 N. Osprey Road
Eagle ID 83616
(U.S. Mail)

Norman L. Edwards
884 W. Beacon Light Road
Eagle ID 83616
(U.S. Mail)

M. Howard Goldman
3837 N. Green Valley Way
Eagle ID 83616
(U.S. Mail)

Timothy R. Milburn
1381 W. Meander Drive
Eagle ID 83616
(U.S. Mail)

Alan Smith
3135 Osprey Road
Eagle ID 83616
(U.S. Mail)

Bill Lawton
3145 N. Osprey Road
Eagle ID 83616
(U.S. Mail)

Robert L. Wood
1380 W. Meander Drive
Eagle ID 83616
(U.S. Mail)

John Thornton
5264 N. Sky High Lane
Eagle, ID 83616
(U.S. Mail)

M3 Eagle LLC
533 E. Riverside Dr., #110
Eagle, ID 83616
(U.S. Mail)


Josephine P. Beeman

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
Kelsey J. Nunez [ISB No. 7899]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle LLC

RECEIVED
OCT 02 2008
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

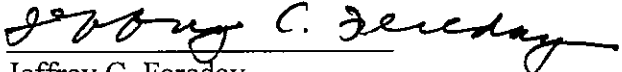
IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

NOTICE OF SERVICE

M3 Eagle LLC ("M3 Eagle"), through its counsel Givens Pursley LLP, and pursuant to Rules 33(a)(5) and 34(d) and 36(c) of the Idaho Rules of Civil Procedure, hereby gives notice to all parties and counsel of record that M3 Eagle's First Set of Interrogatories, Requests for Admission, and Requests for Production to North Ada County Groundwater Users Association ("NACGUA") was served upon NACGUA and David Head.

Dated this 1st day of October, 2008.

GIVENS PURSLEY LLP


Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2008, the foregoing was filed, served, or copied as follows:

NOTICE OF SERVICE

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

NOTICE OF SERVICE AND DISCOVERY

North Ada County Groundwater Users Association
Josephine P. Beeman
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David Head
855 Stillwell Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Bill Lawton, Spokesman for
Robert L and Kip C. Wood
M. Howard Goldman
Timothy R. and Judy L. Milburn
3145 Osprey Road
Eagle, ID 83616

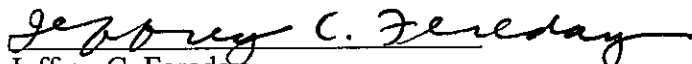
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Jeffrey C. Fereday

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
Kelsey J. Nunez [ISB No. 7899]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle LLC

RECEIVED

OCT 02 2008

**DEPARTMENT OF
WATER RESOURCES**

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

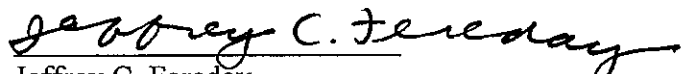
IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

NOTICE OF SERVICE

M3 Eagle LLC ("M3 Eagle"), through its counsel Givens Pursley LLP, and pursuant to Rules 33(a)(5) and 34(d) and 36(c) of the Idaho Rules of Civil Procedure, hereby gives notice to all parties and counsel of record that M3 Eagle's First Set of Interrogatories, Requests for Admission, and Requests for Production to Bill Lawton was served upon Bill Lawton.

Dated this 1st day of October, 2008.

GIVENS PURSLEY LLP


Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2008, the foregoing was filed, served, or copied as follows:

NOTICE OF SERVICE

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

NOTICE OF SERVICE AND DISCOVERY

North Ada County Groundwater Users Association
Josephine P. Beeman
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049
David Head
855 Stillwell Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Bill Lawton, Spokesman for
Robert L and Kip C. Wood
M. Howard Goldman
Timothy R. and Judy L. Milburn
3145 Osprey Road
Eagle, ID 83616

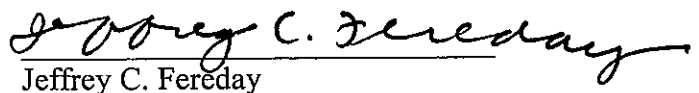
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Jeffrey C. Fereday

RECEIVED

OCT 02 2008

DEPARTMENT OF
WATER RESOURCES

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
Kelsey J. Nunez [ISB No. 7899]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

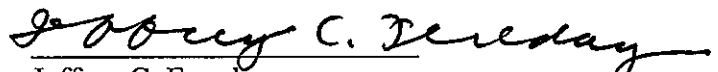
IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

NOTICE OF SERVICE

M3 Eagle LLC ("M3 Eagle"), through its counsel Givens Pursley LLP, and pursuant to Rules 33(a)(5) and 34(d) and 36(c) of the Idaho Rules of Civil Procedure, hereby gives notice to all parties and counsel of record that M3 Eagle's First Set of Interrogatories, Requests for Admission, and Requests for Production to Alan Smith was served upon Alan Smith.

Dated this 1st day of October, 2008.

GIVENS PURSLEY LLP


Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2008, the foregoing was filed, served, or copied as follows:

NOTICE OF SERVICE

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

NOTICE OF SERVICE AND DISCOVERY

North Ada County Groundwater Users Association
Josephine P. Beeman
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049
David Head
855 Stillwell Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Bill Lawton, Spokesman for
Robert L and Kip C. Wood
M. Howard Goldman
Timothy R. and Judy L. Milburn
3145 Osprey Road
Eagle, ID 83616

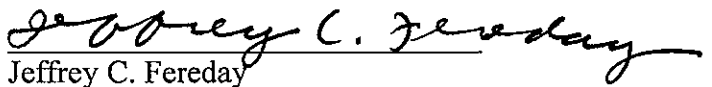
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail
☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail


Jeffrey C. Fereday

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
Kelsey J. Nunez [ISB No. 7899]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
Attorneys for M3 Eagle LLC

RECEIVED
OCT 02 2008
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

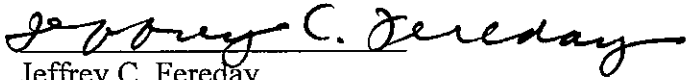
IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

NOTICE OF SERVICE

M3 Eagle LLC ("M3 Eagle"), through its counsel Givens Pursley LLP, and pursuant to Rules 33(a)(5) and 34(d) and 36(c) of the Idaho Rules of Civil Procedure, hereby gives notice to all parties and counsel of record that M3 Eagle's First Set of Interrogatories, Requests for Admission, and Requests for Production to Norman Edwards was served upon Norman Edwards.

Dated this 1st day of October, 2008.

GIVENS PURSLEY LLP


Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2008, the foregoing was filed, served, or copied as follows:

NOTICE OF SERVICE

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

NOTICE OF SERVICE AND DISCOVERY

North Ada County Groundwater Users Association
Josephine P. Beeman
Beeman & Associates PC
409 West Jefferson
Boise, ID 83702-6049

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

David Head
855 Stillwell Drive
Eagle, ID 83616

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Bill Lawton, Spokesman for
Robert L and Kip C. Wood
M. Howard Goldman
Timothy R. and Judy L. Milburn
3145 Osprey Road
Eagle, ID 83616

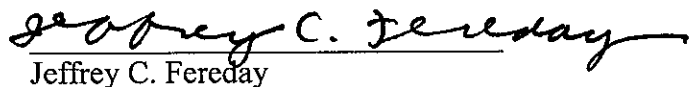
 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Norman Edwards
884 W. Beacon Light Road
Eagle, ID 83616

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail

Alan Smith
3135 N. Osprey Road
Eagle, ID 83616

 X U. S. Mail
 Hand Delivered
 Overnight Mail
 Facsimile
 E-mail


Jeffrey C. Fereday

Gibson, Deborah

From: Office Beeman [office@beemanlaw.com]
Sent: Wednesday, October 01, 2008 11:43 AM
To: Gibson, Deborah
Cc: Jo Beeman; Jason Hudson (B&A); Joyce Angell (B&A)
Subject: M3 63-32573
Attachments: 20081001 NACFA Notice Appearance.pdf

Hi Debbie

Here's our Notice of Appearance for North Ada County Foothills Assn and North Ada County Groundwater Users Assn. I sent the original to IDWR and copies to the service list by U.S. mail today.

Joyce Angell
Office Manager
Beeman & Associates
208.331.0950

10/1/2008

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
office@beemanlaw.com

Attorney for North Ada County Foothills Association and
North Ada County Groundwater Users Association

**BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32573,)
IN THE NAME OF M-3 EAGLE LLC)**
_____)

NOTICE OF APPEARANCE
(Beeman & Associates for North Ada
County Foothills Assn and North Ada
County Groundwater Users Assn)

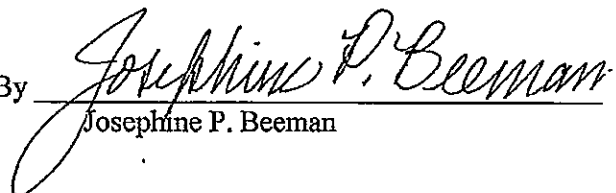
Josephine P. Beeman of Beeman & Associates, P.C. hereby enters her appearance as attorney for protestants North Ada County Foothills Association and North Ada County Groundwater Users Association. You are requested to serve all future papers and pleadings on her at the following address:

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (Facsimile)
jo.beeman@beemanlaw.com
(and) office@beemanlaw.com

DATED this 1st day of October 2008.

BEEMAN & ASSOCIATES, P.C.
Attorneys for NACFA and NACGUA

By


Josephine P. Beeman

CERTIFICATE OF SERVICE

I certify that on this 1st day of October 2008, I caused to be served a true and correct copy of the foregoing document on the following by the method indicated.

Jeffery Fereday
Givens Pursley LLP
P. O. Box 2720
Boise ID 83701
(U.S. Mail)

John Westra
IDWR Western
2735 Airport Way
Boise ID 83705
(U.S. Mail)

Eagle Pines Water Users Assn
c/o Brent Watson
3357 N. Osprey Road
Eagle ID 83616
(U.S. Mail)

Norman L. Edwards
884 W. Beacon Light Road
Eagle ID 83616
(U.S. Mail)

M. Howard Goldman
3837 N. Green Valley Way
Eagle ID 83616
(U.S. Mail)

Timothy R. Milburn
1381 W. Meander Drive
Eagle ID 83616
(U.S. Mail)

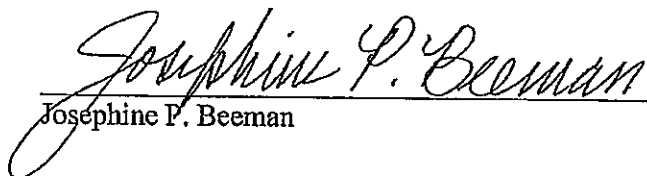
Alan Smith
3135 Osprey Road
Eagle ID 83616
(U.S. Mail)

Bill Lawton
3145 N. Osprey Road
Eagle ID 83616
(U.S. Mail)

Robert L. Wood
1380 W. Meander Drive
Eagle ID 83616
(U.S. Mail)

John Thornton
5264 N. Sky High Lane
Eagle, ID 83616
(U.S. Mail)

M3 Eagle LLC
533 E. Riverside Dr., #110
Eagle, ID 83616
(U.S. Mail)


Josephine P. Beeman

RECEIVED

SEP 30 2008

DEPARTMENT OF
WATER RESOURCES

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: RON RAPP
3951 W. DEERFIELD DR. EAGLE
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: ROB LARSEN
- 4) The drilling company who drilled your well: DON'T KNOW
- 5) Year (or approximate year) your well was drilled: 2000. Water right #: _____
- 6) Overall well depth: 105'. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? YES
- 10) Describe any change in water level or productivity in the last few years: D/K
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: REPLACED
PUMP 1-2008
 - a. Does your well produce sand? YES. If so, how much? SM AMOUNTS
 - b. Who is your pump professional? S.O.S
 - c. To what do you attribute the problems you have experienced? D/K
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208-938-1967

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Janet + John Franden
2300 E Buckskin Ct Eagle 83616
- 2) Do you have or use a ground water right in the Eagle area? yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: (for our subdivision) Dry Creek
water right! Buckskin Subdivision
63-32586, 63-32588, 63-18591 (split); 63-2963 (split) 63-32586, 63-32587
63-2284 → 63-18591
- 4) The drilling company who drilled your well: ~~George~~ Coorse Well Drilling
our domestic well
- 5) Year (or approximate year) your well was drilled: 1997. Water right #: -
- 6) Overall well depth: 142'. Depth to water: 31'
- 7) The use(s) of your well (domestic, irrigation, etc): domestic + irrigation
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? n/a
- 10) Describe any change in water level or productivity in the last few years: none
- 11) Do you have records of water levels? no
- 12) Describe any problems you have experienced with your well or pump: none
 - a. Does your well produce sand? no. If so, how much? _____
 - b. Who is your pump professional? n/a
 - c. To what do you attribute the problems you have experienced? n/a
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: n/a
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: yes 938-1413

Buckskin water Rights
Dry Creek water Rights

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: John & Cathy Thornton
5264 N. Sky High Lane Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: No
- 4) The drilling company who drilled your well: Loonce Well Drilling
- 5) Year (or approximate year) your well was drilled: 8-15-2005. Water right #: ?
- 6) Overall well depth: 500. Depth to water: 292.52
- 7) The use(s) of your well (domestic, irrigation, etc): Domestic
- 8) Do you have records of the well's construction or maintenance? Yes
- 9) Do you have records of pump maintenance and/or replacement? Yes but currently there has been no mto. or replacement
- 10) Describe any change in water level or productivity in the last few years: I don't know
- 11) Do you have records of water levels? By IDWR 2 times
Summer 2008
- 12) Describe any problems you have experienced with your well or pump: None
- a. Does your well produce sand? No. If so, how much? _____
- b. Who is your pump professional? Loonce
- c. To what do you attribute the problems you have experienced? Well screen installed
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: None
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the _____

GPS

Well Location N 43° 44.596' Elevation 2867 W 116° 22.438' NAD 83

208-867-09

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: David & Linda Collett
927 E Valli Hi Ln Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____

- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: 2005. Water right #: _____
- 6) Overall well depth: 150 ft. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? _____
- 9) Do you have records of pump maintenance and/or replacement? _____
- 10) Describe any change in water level or productivity in the last few years: _____

- 11) Do you have records of water levels? _____

- 12) Describe any problems you have experienced with your well or pump: None

 - a. Does your well produce sand? _____. If so, how much? _____
 - b. Who is your pump professional? _____
 - c. To what do you attribute the problems you have experienced? _____

- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-1143

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Julie + Morgan Masner
4325 W. Gray Trail CH Eagle, IN 83612
- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Jim Mai + Valerie Sontag
- 4) The drilling company who drilled your well: Coonse Well Drilling
- 5) Year (or approximate year) your well was drilled: MARCH 1998. Water right #: _____
- 6) Overall well depth: 103. Depth to water: 25 Feet
- 7) The use(s) of your well (domestic, irrigation, etc): domestic + irrigation
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: _____

 - a. Does your well produce sand? _____. If so, how much? _____
 - b. Who is your pump professional? Coonse Well Drilling
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-6171

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: STEVEN C. PERLIS
3939 KREXSLER HW BOISE, IDAHO 83714
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: N/A
- 4) The drilling company who drilled your well: COONSE WELL DRILLING CO
- 5) Year (or approximate year) your well was drilled: 1980. Water right #: 63-10893
- 6) Overall well depth: 100 feet Depth to water: 20.76 ft to standing water
- 7) The use(s) of your well (domestic, irrigation, etc): domestic + 4 acres of pasture
- 8) Do you have records of the well's construction or maintenance? no
- 9) Do you have records of pump maintenance and/or replacement? no
- 10) Describe any change in water level or productivity in the last few years: none
- 11) Do you have records of water levels? yes
- 12) Describe any problems you have experienced with your well or pump: none
- a. Does your well produce sand? yes. If so, how much? minor
- b. Who is your pump professional? COONSE
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: N/A
FDWR is monitoring our well

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Bruce and Jean Richardson
3171 W. Deerfield Ct. Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Keith Tucker
- 4) The drilling company who drilled your well: Not Known
- 5) Year (or approximate year) your well was drilled: 2008 Water right #: _____
- 6) Overall well depth: Not Known Depth to water: Not Known
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? No
- 9) Do you have records of pump maintenance and/or replacement? No
- 10) Describe any change in water level or productivity in the last few years: unknown
- 11) Do you have records of water levels? No
- 12) Describe any problems you have experienced with your well or pump: None to date
 - a. Does your well produce sand? No. If so, how much? _____
 - b. Who is your pump professional? None
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-1515

EXHIBIT

tabbies

A

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Robert Lyons
351 Knob Hill Eagle ID 83616
- 2) Do you have or use a ground water right in the Eagle area? yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____
- 4) The drilling company who drilled your well: Howard Mitchell + Bob Lyons
- 5) Year (or approximate year) your well was drilled: 1975. Water right #: 63-8348
- 6) Overall well depth: 500 -. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): _____
- 8) Do you have records of the well's construction or maintenance? no
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? no
- 12) Describe any problems you have experienced with your well or pump: _____
a. Does your well produce sand? _____. If so, how much? _____
b. Who is your pump professional? Coarse pump
c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: no
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939 6820

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

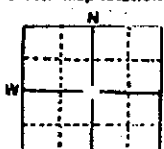
- 1) Your name and address: John Petrovsky. & CJ Thompson
4831 Willow Creek Rd., Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Original water right was in the name of Walt Stillwell
- 4) The drilling company who drilled your well: See attached (SA)
- 5) Year (or approximate year) your well was drilled: SA. Water right #: SA
- 6) Overall well depth: SA. Depth to water: SA
- 7) The use(s) of your well (domestic, irrigation, etc): domestic & irrigation
- 8) Do you have records of the well's construction or maintenance? SA +
Coonse in Eagle replaced pump in 2002 or 2003; otherwise no.
- 9) Do you have records of pump maintenance and/or replacement? See 8
Contact Coonse
- 10) Describe any change in water level or productivity in the last few years: Per 2008
IDWR measurements, level & productivity stable from 1975 to present
- 11) Do you have records of water levels? See 10--only 1975 and 2008
- 12) Describe any problems you have experienced with your well or pump: 2002/2003 pump replacement turned out to be a preventative "early life cycle" action. Upon inspection, while Coonse found the pump to functional, he estimated that it was over 50% through its life cycle (see below).
- a. Does your well produce sand? Yes. If so, how much? very little
- b. Who is your pump professional? See 8
- c. To what do you attribute the problems you have experienced? Coonse initially thought the cause of the well ceasing to work was the pump. it turned out to be in the electrical system in the house.
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: Not applicable
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: as long as the work is supervised or verified by IDWR...
call 938-0418

Date 7/31/75
Permit Number: 828530

State of Idaho
Department of Water Administration
WELL DRILLER'S REPORT

RECEIVED

State law requires that this report be filed with the Director, Department of Water Administration, within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Stillwell</u> Address _____ Owner's Permit No. _____		7. WATER LEVEL <u>Department of Water Resources</u> Static water level <u>2.21</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																			
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (Describe method of abandonment)		8. WELL TEST DATA ☐ Pump ☒ Bailer ☐ Other Discharge G.P.M. <u>20</u> Draw Down <u>5</u> Hours Pumped <u>2</u>																																			
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Infection		9. LITHOLOGIC LOG <u>042959</u> <table border="1"><thead><tr><th rowspan="2">Hoe Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>6</td><td>0</td><td>3</td><td>Brown dirt</td><td></td><td></td></tr><tr><td></td><td>3</td><td>260</td><td>Sandy clay</td><td></td><td></td></tr><tr><td></td><td>260</td><td>298</td><td>Brown sand (Fines)</td><td></td><td></td></tr><tr><td></td><td>298</td><td>307</td><td>Coarse white sand</td><td></td><td></td></tr></tbody></table>		Hoe Diam.	Depth		Material	Water		From	To	Yes	No	6	0	3	Brown dirt				3	260	Sandy clay				260	298	Brown sand (Fines)				298	307	Coarse white sand		
Hoe Diam.	Depth		Material		Water																																
	From	To		Yes	No																																
6	0	3	Brown dirt																																		
	3	260	Sandy clay																																		
	260	298	Brown sand (Fines)																																		
	298	307	Coarse white sand																																		
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other																																					
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>307</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness _____ Diameter _____ From _____ To _____ <u>2.50</u> inches <u>6</u> inches <u>0</u> feet <u>298</u> feet <u>2.50</u> inches <u>5</u> inches <u>260</u> feet <u>300</u> feet <u>2.50</u> inches <u>5</u> inches <u>306</u> feet <u>307</u> feet Was a pecker or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Johannes</u> Type <u>Slot</u> Model No. _____ Diameter <u>5</u> Slot size <u>30</u> Set from <u>300</u> feet to <u>306</u> feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Perforation from _____ feet to _____ feet Sealing seal depth <u>20</u> Material used in seal ☐ Cement grout ☐ Fudding clay ☒ Well cuttings Sealing procedure used ☒ Slurry pit ☐ Temporary surface casing ☐ Overbore to seal depth																																					
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision <u>None</u> Lot No. _____ Block No. _____ County <u>Ada</u> <u>SE, SE, Sec 29, T. 5, R. 1, E. 1</u>		10. Work started <u>July</u> finished <u>July 75</u>																																			
		11. DRILLER'S CERTIFICATION Firm Name <u>Kenner & Co.</u> Firm No. <u>65</u> Address <u>1514 Longmont</u> Date _____ Signed by (Firm Official) <u>Harold Coe</u> and (Operator) <u>Bill McFarlane</u>																																			

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Jim Banducci
2990 Holt Dr Eagle ID 83616
- 2) Do you have or use a ground water right in the Eagle area? ☒. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Randy & Tracy Hall
- 4) The drilling company who drilled your well: Phipps Drilling
- 5) Year (or approximate year) your well was drilled: 96. Water right #: _____
- 6) Overall well depth: 215. Depth to water: 61.39
- 7) The use(s) of your well (domestic, irrigation, etc): domestic, irrigation
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? no
- 10) Describe any change in water level or productivity in the last few years: unknown
- 11) Do you have records of water levels? IDWR - last 2 yrs
- 12) Describe any problems you have experienced with your well or pump: none
- a. Does your well produce sand? yes. If so, how much? not sure
- b. Who is your pump professional? Gem Pump
- c. To what do you attribute the problems you have experienced? normal use
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: original well went dry this is 2nd well drilled in 1996
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-2223
we have been working with Dennis Owsley
287-4855.

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Trish & Barry Jones
4032 N. Craft Pl Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____
- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: _____. Water right #: _____
- 6) Overall well depth: _____. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? _____
- 9) Do you have records of pump maintenance and/or replacement? _____
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? _____
- 12) Describe any problems you have experienced with your well or pump: _____

 - a. Does your well produce sand? _____. If so, how much? _____
 - b. Who is your pump professional? _____
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- ★ 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208-938-8938

David, we would like to take advantage of locating the well and depth information. We have hit dead ends when trying to collect information.

[Handwritten signature]

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Sherri Randall 278 E Beccan Light
Eagle ID 83464
- 2) Do you have or use a ground water right in the Eagle area? well. If ~~yes~~ ^{required for other}, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: N/A
- 4) The drilling company who drilled your well: ?
- 5) Year (or approximate year) your well was drilled: 1991. Water right #: 63-12015
permit #
- 6) Overall well depth: 154. Depth to water: 74
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? somewhere in attic
- 9) Do you have records of pump maintenance and/or replacement? N/A
- 10) Describe any change in water level or productivity in the last few years: unknown
- 11) Do you have records of water levels? only one recent check on 7/23/08
- 12) Describe any problems you have experienced with your well or pump:

 - a. Does your well produce sand? No. If so, how much? _____
 - b. Who is your pump professional? _____
 - c. To what do you attribute the problems you have experienced? _____

- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Bryce Van Camp
3800 N. Craft Way Eagle ID 83616
- 2) Do you have or use a ground water right in the Eagle area? No. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Tom Reinbolt
- 4) The drilling company who drilled your well: Coonse
- 5) Year (or approximate year) your well was drilled: 2000. Water right #: _____
- 6) Overall well depth: _____. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): Both
- 8) Do you have records of the well's construction or maintenance? No
- 9) Do you have records of pump maintenance and/or replacement? Yes
- 10) Describe any change in water level or productivity in the last few years: None
- 11) Do you have records of water levels? No
- 12) Describe any problems you have experienced with your well or pump: Pump went out once.
- a. Does your well produce sand? No. If so, how much? _____
- b. Who is your pump professional? Coonse
- c. To what do you attribute the problems you have experienced? Use
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 343-1816 or 938-1917

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: SALLY & CRAIG TARBET, 3852 W. PINE
CRK, MERIDIAN, ID 83642
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so. ON BACK
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: ROWLAND, HUGH
- SALLY MILLER / SALLY BROGAN -
- 4) The drilling company who drilled your well: SPRING
- 5) Year (or approximate year) your well was drilled: 1986. Water right #: 63-10376
- 6) Overall well depth: _____. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? YES
- 12) Describe any problems you have experienced with your well or pump: NONE
AT THIS TIME
- a. Does your well produce sand? NO. If so, how much? _____
- b. Who is your pump professional? _____
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208/890-8899

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Lorn H. Adams
4440 N Crest Rd Eagle CO 83616
- 2) Do you have or use a ground water right in the Eagle area? yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Landon
- 4) The drilling company who drilled your well: Measure Valley Drilling
- 5) Year (or approximate year) your well was drilled: 1995. Water right #: _____
- 6) Overall well depth: ?. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? no
- 9) Do you have records of pump maintenance and/or replacement? no
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? no
- 12) Describe any problems you have experienced with your well or pump: _____

 - a. Does your well produce sand? occ.. If so, how much? _____
 - b. Who is your pump professional? _____
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-7845

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: KAREN & LYLE JORDAN
3417 N- CROFT WAY EAGLE
- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Chris Beaux 1998
- 4) The drilling company who drilled your well: CAW-ADA WELL & PUMP CO.
- 5) Year (or approximate year) your well was drilled: Oct 2, 1995 Permit # 544 9941 Water right #: 544 9941
- 6) Overall well depth: _____. Depth to water: Don't know
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? Original pump
- 10) Describe any change in water level or productivity in the last few years: none
- 11) Do you have records of water levels? no
- 12) Describe any problems you have experienced with your well or pump: never had any problems
- a. Does your well produce sand? no. If so, how much? _____
- b. Who is your pump professional? CAW-ADA well & pump co.
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: WIA
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 938-9259

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: M.D. (Butch) Groothuis
3490 N. Saddleman Place Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Bud & Marcie Roundtree
built the house & had the well drilled
- 4) The drilling company who drilled your well: Don't know
- 5) Year (or approximate year) your well was drilled: 1996. Water right #: 63-11847
- 6) Overall well depth: Don't know Depth to water: Don't know
- 7) The use(s) of your well (domestic, irrigation, etc): domestic + lawn
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: NONE
 - a. Does your well produce sand? NO. If so, how much? _____
 - b. Who is your pump professional? Never Used One
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208-850-0617



3490 N. Saddleman Pl.
Eagle, ID 83616

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Daniel Glivar of 3426 N. Croft Way Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: HASLAM (last name of prior owner)
- 4) The drilling company who drilled your well: COONSE WELL DRILLING
- 5) Year (or approximate year) your well was drilled: 1995. Water right #: ? ^{report} attached
- 6) Overall well depth: 125 ft. Depth to water: ? 115 ft - report attached
- 7) The use(s) of your well (domestic, irrigation, etc): domestic mainly, but also some lawn irrigation
- 8) Do you have records of the well's construction or maintenance? report attached
- 9) Do you have records of pump maintenance and/or replacement? NONE KNOWN OF
- 10) Describe any change in water level or productivity in the last few years: NONE READILY APPARENT - VERY STRONG WATER FLOWS
- 11) Do you have records of water levels? NONE KNOWN OF
- 12) Describe any problems you have experienced with your well or pump: NONE KNOWN OF
 - a. Does your well produce sand? NO. If so, how much? _____
 - b. Who is your pump professional? DONT HAVE ONE
 - c. To what do you attribute the problems you have experienced? N/A
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 383-3958 (work)

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: VINCENT IAZZETTA
4243 N CROFT PL RALPH ID 83616-2258
- 2) Do you have or use a ground water right in the Eagle area? NO. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____
- 4) The drilling company who drilled your well: PH. PPS DRILLING
- 5) Year (or approximate year) your well was drilled: 1999. Water right #: _____
- 6) Overall well depth: 168'. Depth to water: 71'
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC
- 8) Do you have records of the well's construction or maintenance? YES (DRILLERS REPORT)
#59721
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: NONE
- 11) Do you have records of water levels? ONLY THE DRILLERS REPORT
- 12) Describe any problems you have experienced with your well or pump: N/A
 - a. Does your well produce sand? NO. If so, how much? _____
 - b. Who is your pump professional? _____
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week:
208 250 9801 (M)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT 59721

Office Use Only			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat	:	:	Long
:	:	:	:

1. WELL TAG NO. 000 9844
 DRILLING PERMIT NO. 63-996-0514-000
 Other IDWR No. _____

2. OWNER: DELO-KAI INC.
 Name _____
 Address 3775 N 8A Square Way
 City Bosch State IN Zip 83702

3. LOCATION OF WELL by legal description:
 Sketch map location must agree with written location.

N		X	
W		E	
S		NE	

Twp. 5 North ☒ or South ☐
 Rge. 1 East ☒ or West ☐
 Sec. 36 1/4 NE 1/4
 Gov't Lot _____ County ADA
 Lat. _____ Long. _____
 Address of Well Site 4243 N Condit
 City _____

(Give at least name of road & distance to road or landmark)
 Lt. 15 Bk. 2 Sub. Name Buckhorn

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Bentonite	5	18	5m 7	TRMP (450)	10' 15'

Was drive shoe used? ☒ Yes ☐ No Shoe Depth(s) 155'
 Was drive shoe seal tested? ☒ Yes ☐ No How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Linear	Welded	Threaded
6"	11	155	256	Steel	☒	☐	☒	☐
					☐	☐	☐	☐

Length of Headpipe 5' Length of Tailpipe 10'

9. PERFORATIONS/SCREENS

Perforations Method WASH
☒ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Linear
155	168	20m		5"	SS	☐	☒
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

38 ft below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: N/A

11. WELL TESTS:

☐ Pump	☐ Bailor	☒ Air	☐ Flowing Artesian
Yield gal/min.	Drawdown	Pumping Level	Time
76'		140	6 hr

Water Temp. 78.5 Bottom hole temp. _____
 Water Quality test or comments: _____ Depth first Water Encounter 71'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Base Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
16"	0	7	16 DSO:1		
10"	7	18	SANDY SOIL		
6"	18	43	Gravel	X	
1	43	71	Gravel Clay		
1	71	99	SAND & Gravel		
1	99	107	SAND	X	
1	107	113	CLAY		
1	113	155	CLAY & SAND	X	
1	155	156	CLAY		
6"	156	168	SAND	X	

RECEIVED

AUG 17 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 5 - 1999

MICROFILMED

Department of Water Resources

FEB 1 1999

Completed Depth 168' (Measurable)
 Date: Started 7-7-99 Completed 7-12-99

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name PH. PROS. DRILLING Firm No. 311

Firm Official Wally O'Neil Date 7/30/99

and Wally O'Neil Date 7/30/99
 Driller or Operator (Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: MICHAEL & MARTHA MC MURRAY
902 STILLWELL DR, EAGLE, IDAHO 83616
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: CHRIS PHALIN
- 4) The drilling company who drilled your well: LAN-ADAM WELL DRILLING
- 5) Year (or approximate year) your well was drilled: 1992 Water right #: 158
- 6) Overall well depth: 213. Depth to water: 147 63-034831
1-7-1966
- 7) The use(s) of your well (domestic, irrigation, etc) BOTH 63-0301611
1-3-1955
- 8) Do you have records of the well's construction or maintenance? YES
WATER LICENSE
- 9) Do you have records of pump maintenance and/or replacement? N/A # 6311588
11-4-1991
- 10) Describe any change in water level or productivity in the last few years: UNKNOWN?
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: NONE
- a. Does your well produce sand? NO. If so, how much?
- b. Who is your pump professional? CONSEC DRILLING & PUMP
- c. To what do you attribute the problems you have experienced? N/A
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: PRIOR TO OWNERSHIP,
SCREEN INSERTED, NO RECORDS
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208 939 7806 H
208 859 4324 C
208 859 4360 U

EXHIBIT

A

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: David J. Head
855 Stillwell Drive Eagle, Id. 83616
- 2) Do you have or use a ground water right in the Eagle area? X. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Anne Marie Morgan
- 4) The drilling company who drilled your well: N/A
- 5) Year (or approximate year) your well was drilled: 1981. Water right #: 63-034834
- 6) Overall well depth: 218'. Depth to water: 158' priority date = 1-7-1966
- 7) The use(s) of your well (domestic, irrigation, etc): Both
- 8) Do you have records of the well's construction or maintenance? ?
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: In 2002
we had to lower the pump from 185 to 215'
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: None
- a. Does your well produce sand? NO. If so, how much? —
- b. Who is your pump professional? Caron Pump
- c. To what do you attribute the problems you have experienced? —
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: —
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 938-8508

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Charles Watkins
1313 W Meander Dr, Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Ron Post
- 4) The drilling company who drilled your well: Unknown
- 5) Year (or approximate year) your well was drilled: 1978. Water right #: _____
- 6) Overall well depth: No info. Depth to water: No info
- 7) The use(s) of your well (domestic, irrigation, etc): Domestic + lawn
- 8) Do you have records of the well's construction or maintenance? No
- 9) Do you have records of pump maintenance and/or replacement? No
- 10) Describe any change in water level or productivity in the last few years: No information
- 11) Do you have records of water levels? No
- 12) Describe any problems you have experienced with your well or pump: None noticed
 - a. Does your well produce sand? No. If so, how much? _____
 - b. Who is your pump professional? Gary Coonse
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: No information
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 363-1346

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: LORING & Julie Evans
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: BUCKHORN ESTATES LLC
- 4) The drilling company who drilled your well: Phipps Pumps & Drilling
- 5) Year (or approximate year) your well was drilled: 1996. Water right #: don't have one only for irrigation
- 6) Overall well depth: 120. Depth to water: 120
- 7) The use(s) of your well (domestic, irrigation, etc): domestic & irrigation
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: None
- 11) Do you have records of water levels? yes
- 12) Describe any problems you have experienced with your well or pump: A portion of the pump was replaced
- a. Does your well produce sand? NO. If so, how much? _____
- b. Who is your pump professional? CARON Pump
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: SAND SCREEN - Installed BY CARON Pump - This is designed to keep sand out of pump
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 1-208-939-9036

EXHIBIT

A

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: DALE + MARY GASTON
2862 W Deerfield CT, Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: KEITH P. NICHOLSON
- 4) The drilling company who drilled your well: Phapps Pump + Drilling
- 5) Year (or approximate year) your well was drilled: 1997. Water right #: _____
- 6) Overall well depth: 120 ft. Depth to water: 53 ft.
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: _____
NOT AWARE of any.
- 11) Do you have records of water levels? yes
- 12) Describe any problems you have experienced with your well or pump: None
- a. Does your well produce sand? No. If so, how much? _____
- b. Who is your pump professional? _____
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: ROBERT H AND ALBYA WEST
5035 Willow Creek Road, Eagle, ID 83616-2011
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: WALTER STILLWELL
- 4) The drilling company who drilled your well: PHIPPS WELL DRILLING
- 5) Year (or approximate year) your well was drilled: 1984. Water right #: G3-3483 M
- 6) Overall well depth: 330'. Depth to water: 160'
- 7) The use(s) of your well (domestic, irrigation, etc): domestic & irrigation
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: NONE KNOWN
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: LOW POWER
FROM IDAHO POWER HAS CAUSED MY PUMP CONTROLLER
TO TURN OFF THE PUMP AT TIMES. THIS HAS BEEN RECTIFIED
BY ID POWER PLACING A CONTROLLER ON THE POWER LINE LAST MONTH.
- a. Does your well produce sand? NO. If so, how much? N/A
- b. Who is your pump professional? COONS & DAHLING & PUMP CO. 208/939 0085
- c. To what do you attribute the problems you have experienced?
LOW POWER FROM ID POWER. THE PROBLEM HAS BEEN
RECTIFIED
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: BARB JEKEL, 2862 W. HAVEN DR.
EAGLE, ID, 83616
- 2) Do you have or use a ground water right in the Eagle area? YES ☒ If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Margaret and Alfred Wolfgram
- 4) The drilling company who drilled your well: Not Known
- 5) Year (or approximate year) your well was drilled: 1980 . Water ^{permit} right #: 63-9983
- 6) Overall well depth: 80'? . Depth to water: ?
- 7) The use(s) of your well (domestic, irrigation, etc): Domestic, irrigation
- 8) Do you have records of the well's construction or maintenance? No
- 9) Do you have records of pump maintenance and/or replacement? No
- 10) Describe any change in water level or productivity in the last few years: None
- 11) Do you have records of water levels? No
- 12) Describe any problems you have experienced with your well or pump: Switching relays changed about 2 years ago
- a. Does your well produce sand? No . If so, how much? N/A
- b. Who is your pump professional? None
- c. To what do you attribute the problems you have experienced? N/A
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: ROBERT S. NICCOLLS, JR
PO Box 968 EAGLE ID 83616-0968
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: WAS A RELOCATION COMPANY; PRIOR OCCUPANT, ORIGINAL, WAS WILLIAM GRAY
(BILL)
- 4) The drilling company who drilled your well: DENNIS PHIPPS WELL DRILLING
DRILLING PERMIT NO 63-94-W-1063-000
- 5) Year (or approximate year) your well was drilled: 1995. Water right #: 6/25+/02 103' STATIC
- 6) Overall well depth: 360'. Depth to water: ORIG: 120' 9/12/08 112' PER IDWR
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC ONLY
- 8) Do you have records of the well's construction or maintenance? COPY, IDWR WELL DRILLER REPORT
NO KNOWN SUBSEQUENT
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: 6/25/02
TREASURE VALLEY PUMP MEASURED STATIC LEVEL AT 103'
- 11) Do you have records of water levels? ONLY AS SHOWN ABOVE
- 12) Describe any problems you have experienced with your well or pump: NONE
- a. Does your well produce sand? YES. If so, how much? MINIMAL, USE FILTER, CLEAN EVERY FEW MONTHS
- b. Who is your pump professional? NONE
- c. To what do you attribute the problems you have experienced? —
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: I HAVE NOT PURCHASED
HOME JUNE 2002
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: POSSIBLY 939-2787

WELL LOCATION

4238 N. TRIPLE RIDGE PL., EAGLE, ID

Proceed to the top of the driveway.

Stand in front of the middle of the middle garage bay door

The well is visible from the door approximately 160 feet to the northeast

GPS location

N 43° 43.771'

W 16° 19.924'

Robert S. Niccolls Jr

939-2787

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: SHELBY CONRAD
2022 N. EAGLE RD EAGLE CO 83616
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: ROGER & BETTY MEIN
- 4) The drilling company who drilled your well: COORS
- 5) Year (or approximate year) your well was drilled: 2002 [Ⓟ] Water right #: 63-9222 3/30/1979
63-16939 7/15/1903
- 6) Overall well depth: 115' Depth to water: 105' & 115'
- 7) The use(s) of your well (domestic, irrigation, etc): BOTH
- 8) Do you have records of the well's construction or maintenance? YES
- 9) Do you have records of pump maintenance and/or replacement? YES
- 10) Describe any change in water level or productivity in the last few years: STATIC
WATER LEVEL HAS DECREASED
- 11) Do you have records of water levels? ONLY FROM DRILLING & CITY
OF EAGLE SURVEY
- 12) Describe any problems you have experienced with your well or pump: STATIC
WATER LEVEL HAS DECREASED
- a. Does your well produce sand? NO If so, how much? _____
- b. Who is your pump professional? COORS
- c. To what do you attribute the problems you have experienced? INCREASED
USE OF AQUIFER & LESS RECHARGE FROM
CORRUGATED IRRIGATION (FLOOD)
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: WELL REPAIRED IN 2002
* NEW CASING & SCREEN
- MORE CONSISTENT FLOW THRU THE YEAR.
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 938-5104

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Walter H. Meyer, Jr
4640 No. Skyline Dr., Eagle, ID 83666
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____
- 4) The drilling company who drilled your well: Chester D. Kinsey
- 5) Year (or approximate year) your well was drilled: 1973. Water right #: 63-10159
- 6) Overall well depth: 258. Depth to water: 158 in 1975
- 7) The use(s) of your well (domestic, irrigation, etc): domestic & lawn & tree irrigation
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: no
noticed, but water level not measured since 1975
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: had pump
replaced 2 times - well was deepened 6 feet
in 1975 because of sand
 - a. Does your well produce sand? NO. If so, how much? _____
 - b. Who is your pump professional? Caron
 - c. To what do you attribute the problems you have experienced?
just normal use problems (parts wearing out)
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: had the well deepened
in April August 1975 by Jerry O'Leary because of
sand - deepened 6 feet - no sand problems since
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 208-939-0504

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: ERIC C. & JOYCE E. LEIGH, 2257 PARK LANE, EAGLE, IDAHO 83616-3339
- 2) Do you have or use a ground water right in the Eagle area? YES. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: N/A
- 4) The drilling company who drilled your well: COONSE WELL DRILLING, EAGLE, ID.
- 5) Year (or approximate year) your well was drilled: 4-24-90 Water right #: 15 PENDING -
EXISTING WATER RIGHT IS BY STATUTE -
- 6) Overall well depth: 108' Depth to water: 12' DRILLING PERMIT # 63-90-2-081
- 7) The use(s) of your well (domestic, irrigation, etc): Domestic & Domestic Irrigation
- 8) Do you have records of the well's construction or maintenance? YES
- 9) Do you have records of pump maintenance and/or replacement? YES
- 10) Describe any change in water level or productivity in the last few years: APPEARS TO BE A CONSISTANT WATER LEVEL
- 11) Do you have records of water levels? NONE MEASURED
- 12) Describe any problems you have experienced with your well or pump: -ONLY A CRACK IN PITLESS ADAPTER THAT REQUIRED REPLACEMENT
- a. Does your well produce sand? NO. If so, how much? N/A
- b. Who is your pump professional? COONSE WELL DRILLING
- c. To what do you attribute the problems you have experienced? FAULTY BRONZE CASTING FOR PITLESS ADAPTOR
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: N/A
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 1-800-939-1065 - NOTE: I AM NOT REQUESTING THAT THIS INSPECTION BE MADE, BUT IF HYDRO LOGIC, INC NEEDS TO INSPECT OUR WELL WE ARE AGREEABLE TO SUCH,

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: George W Keyes
3898 N. Saddeman PL. Eagle ID 83611
- 2) Do you have or use a ground water right in the Eagle area? Yes If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: DONNA MACK
- 4) The drilling company who drilled your well: ?
- 5) Year (or approximate year) your well was drilled: 1992 Water right #: ?
- 6) Overall well depth: ? Depth to water: ?
- 7) The use(s) of your well (domestic, irrigation, etc): Domestic
- 8) Do you have records of the well's construction or maintenance? NO
- 9) Do you have records of pump maintenance and/or replacement? NO
- 10) Describe any change in water level or productivity in the last few years: no essential change
- 11) Do you have records of water levels? NO
- 12) Describe any problems you have experienced with your well or pump: NO
- a. Does your well produce sand? Yes If so, how much? Filter change yearly
- b. Who is your pump professional? ?
- c. To what do you attribute the problems you have experienced? ?
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 938 0574

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: STEPHEN DICK 3675 N. SADDLEMAN PLACE, EAGLE, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Y. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: HANSEN RANCH - IRRIGATION, DOMESTIC
- 4) The drilling company who drilled your well: COONKE
- 5) Year (or approximate year) your well was drilled: 96. Water right #: _____
- 6) Overall well depth: 160. Depth to water: 35
- 7) The use(s) of your well (domestic irrigation, etc): _____
- 8) Do you have records of the well's construction or maintenance? Y
- 9) Do you have records of pump maintenance and/or replacement? Y
- 10) Describe any change in water level or productivity in the last few years: SAME
- 11) Do you have records of water levels? N - VISUAL PERIODIC INSPECTION.
- 12) Describe any problems you have experienced with your well or pump: LOST ONE PUMP 6 YRS AGO
 - a. Does your well produce sand? N. If so, how much? _____
 - b. Who is your pump professional? COONKE
 - c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 870-3990

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: C.E. McDONALD 3800 N SADDLEMAN PL
EAGLE, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? Yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: PAI/ BRUBAKER
- 4) The drilling company who drilled your well: DENNIS PHIPPS
- 5) Year (or approximate year) your well was drilled: 1991. Water right #: UNK
- 6) Overall well depth: 191'. Depth to water: 40
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? yes
- 10) Describe any change in water level or productivity in the last few years: UNK
- 11) Do you have records of water levels? yes
- 12) Describe any problems you have experienced with your well or pump:
Pump Replaced 1997 and 2005
 - a. Does your well produce sand? yes. If so, how much? _____
 - b. Who is your pump professional? CAEDON PUMP
 - c. To what do you attribute the problems you have experienced? SAND
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939 4094 / 861 0765

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Minkiewicz, Vince & Patricia
3047 W. Deerfield Ct Eagle Id 83616
- 2) Do you have or use a ground water right in the Eagle area? no. If yes, please ~~continue~~. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: NA
- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: 1998. Water right #: NA
- 6) Overall well depth: 123 ft. Depth to water: 51 ft.
- 7) The use(s) of your well (domestic, irrigation, etc): domestic
- 8) Do you have records of the well's construction or maintenance? yes
- 9) Do you have records of pump maintenance and/or replacement? no NA
- 10) Describe any change in water level or productivity in the last few years: NA
- 11) Do you have records of water levels? yes - some recent ones
- 12) Describe any problems you have experienced with your well or pump: silt & sand which may be normal in this area
- a. Does your well produce sand? yes. If so, how much? more than I would like
- b. Who is your pump professional? SO'S Well Drilling & Pump Co.
- c. To what do you attribute the problems you have experienced? I Meridian
I've been told some sand is normal in this area
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: NA
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-5642

due 9-26-08

EXHIBIT

A

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: Richard A & Dr. Dessel L. Lagerstrom
1262 W. Beaconlight Rd. Eagle, ID 83616
- 2) Do you have or use a ground water right in the Eagle area? yes. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: Rudy Wolf
- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: 1978. Water right #: A 63 18350
- 6) Overall well depth: 150'. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): domestic, ~~and~~ 8 head livestock
- 8) Do you have records of the well's construction or maintenance? no
- 9) Do you have records of pump maintenance and/or replacement? '91, '92, '93 - Burgess Pump
- 10) Describe any change in water level or productivity in the last few years: _____
- 11) Do you have records of water levels? no
- 12) Describe any problems you have experienced with your well or pump: foot valve replacement (1991-1993)
- a. Does your well produce sand? some. If so, how much? very little - tablespoon/sa
- b. Who is your pump professional? Burgess Pump
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

EXHIBIT

tabbles

A

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: THOMAS + ANNE RITTER
- 2) Do you have or use a ground water right in the Eagle area? X. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: LANE - HE PURCHASED FROM HAIBEL. WELL WAS DRILLED UNDER NAME TED NEEL (SEE ATTACHED)
- 4) The drilling company who drilled your well: SEE ATTACHED
- 5) Year (or approximate year) your well was drilled: UNK. Water right #: 63-19196 SEE PROTEST
- 6) Overall well depth: 150. Depth to water: 84.2 FT (9-11-08)
- 7) The use(s) of your well (domestic, irrigation, etc): DOMESTIC & LIVESTOCK
- 8) Do you have records of the well's construction or maintenance? SEE ATTACHED
- 9) Do you have records of pump maintenance and/or replacement? I MAY HAVE
- 10) Describe any change in water level or productivity in the last few years: SAND & PUMP ISSUES
- 11) Do you have records of water levels? IDWR HAS BEGUN MONITORING (6-4-08 86.5 DTW, 9-11-08 84.2 DTW)
- 12) Describe any problems you have experienced with your well or pump: SAND, PRESSURE TANK REPLACED TWICE, PUMP REPLACED @ 1993
- a. Does your well produce sand? YES. If so, how much? INTERMITTENT
- b. Who is your pump professional? BURGESS
- c. To what do you attribute the problems you have experienced? _____
- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: NO
- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: 939-1760

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Ted NealAddress R1 Eagle Lake

Owner's Permit No. _____

7. WATER LEVEL

Static water level 80 feet below land surfaceFlowing? ☐ Yes ☒ No G.P.M. flow 24.7Temperature _____ ° F. Quality Cool logans water

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.

6.0

Draw Down

Not Known

Hours Pumped

6

5. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6" inches Total depth 150 feetCasing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>250</u> inches	<u>6 5/8</u> inches	<u>+1</u> feet	<u>144</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal ☐ Cement grout

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Wat. Yes
	From	To		
6"	0	18'	Sandy silt soil	
6"	18	85	Sandy clay layer	
6"	85	86	Coarse sand	X
6"	86	120	Clay	
6"	120	124	Silt	X
6"	124	146	Clay	
6"	146	150	Bottom sand	X
Well completed against bottom				

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EAGLE PINES WATER USERS ASSN
ATTN BRENT WATSON
3357 N OSPREY RD
EAGLE ID 83616

63-32573

2. Article Number

(Transfer from service to)

7005 1160 0000 1505 1747

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Laurie A. Watson

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Laurie A. Watson

C. Date of Delivery

10-3-09

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JONATHAN SEEL
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

63-32573

2. Article Number

(Transfer from service to)

7005 1160 0000 1505 1778

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x David J. Head

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

David J. Head

C. Date of Delivery

10-3-09

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JON BUSACK
C/O NORTH ADA COUNTY

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x David J. Head

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

David J. Head

C. Date of Delivery

10-3-09

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

UNITED STATES POSTAL SERVICE

BOISE ID 837

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

23 OCT 2008 PM 3 L

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

OCT 06 2008

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098

1342



UNITED STATES POSTAL SERVICE

BOISE ID 837

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

29 SEP 2008 PM 2 L

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 30 2008

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098



UNITED STATES POSTAL SERVICE

BOISE ID 837

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

29 SEP 2008 PM 1 L

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

0 2008

MENT OF
RESOURCES

IDAHO DEPT OF WATER

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CAL GOTHBERG
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

63-32573

2. Article Number

7005 1160 0000 1505 1754

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

David J. Hend

C. Date of Delivery

EAGLE, ID 83616-9198

D. Is delivery address different from item 1?
If YES, enter delivery address below:

- ☐ Yes
☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

YVONNE MORTON
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

63-32573

2. Article Number

7005 1160 0000 1505 1785

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

David J. Hend

C. Date of Delivery

EAGLE, ID 83616-9198

D. Is delivery address different from item 1?
If YES, enter delivery address below:

- ☐ Yes
☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

UNITED STATES POSTAL SERVICE

BOISE ID 83720

29 SEP 2008 PM 11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED
SEP 30 2008
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098



UNITED STATES POSTAL SERVICE

BOISE ID 83720

29 SEP 2008 PM 11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED
SEP 30 2008
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098

WA



U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

9/25/08

Postmark
Here

dg

Sent To

EAGLE PINES WATER USERS ASSN., Brent

Street, Apt. No.,
or PO Box No. Watson, 3357 N OSPREY RDCity, State, ZIP+4
EAGLE ID 83616

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

9/25/08

Postmark
Here

dg

JON BUSACK

C/O NORTH ADA COUNTY

FOOTHILLS ASSN

855 STILLWELL DR

EAGLE ID 83616

Sent To

Street,
or PO
City, St

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

9/25/08

Postmark
Here

dg

Sent To

YVONNE MORTON

C/O NORTH ADA COUNTY

FOOTHILLS ASSN

855 STILLWELL DR

EAGLE ID 83616

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

9/25/08

Postmark
Here

dg

CAL GOTHBERG

C/O NORTH ADA COUNTY

FOOTHILLS ASSN

855 STILLWELL DR

EAGLE ID 83616

Sent To

Street
or PO
City, St

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

9/25/08

Postmark
Here

dg

Total

Sent To

Street

JONATHAN SEEL

C/O NORTH ADA COUNTY

FOOTHILLS ASSN

BEFORE THE DEPARTMENT OF WATER RESOURCES

FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO. 63-32573)
IN THE NAME OF M-3 EAGLE)

**NOTICE OF PROPOSED
DEFAULT ORDER**

On August 6, 2008, the Idaho Department of Water Resources ("Department") served all parties in this matter, including, with a *Prehearing Order and Notice of Prehearing Conference*. The order contained a certificate of mailing showing the parties were duly served. The notice scheduled a prehearing conference for September 9, 2008.

On September 9, 2008, beginning at 9:00 a.m., Gary Spackman, Hearing Officer, conducted a prehearing conference to discuss the issues of the protested M-3 Eagle application no. 63-32573. Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. did not appear at the prehearing.

On September 12, 2008, the Department served all the parties in this matter, including Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn., with an *Order Authorizing Discovery and Scheduling Order*. That order set a September 16, 2008 deadline that "a party desiring to appoint a spokesperson as a representative in this contested case must file with the Department a document notifying the Department and the parties of the spokesperson designation."

On September 16, 2008, the Department did not receive the document notifying the Department and the parties of a spokesperson designation from Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn.

Based upon these facts, the Department notifies protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. that the following default order is proposed to be issued because of the failure of the protestants to appear at the time and place set for prehearing pursuant to IDAPA 37.01.01.700 or a response to the September 16, 2008 deadline set by the hearing officer.

PROPOSED DEFAULT ORDER

Based upon Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. failure to appear at the time and place set for hearing, it is ORDERED that Jonathan Seel, Jon Busack, Yvonne Morton and Cal Gothberg are dismissed as parties to the contested case.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Jonathan Seel, Jon Busack, Yvonne Morton, Cal Gothberg, and Brent Watson for Eagle Pines Water Users Assn. have seven (7) days after the service of this *Notice of Proposed Default Order* to file a written petition requesting that a default order not be entered. The petition must state the grounds why the petitioning party believes that default should not be entered.

Dated this 25th day of September, 2008.

A handwritten signature in black ink, appearing to read "Gary Spackman", is written over a horizontal line.

GARY SPACKMAN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2008, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, certified with return receipt requested, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Proposed Default Order

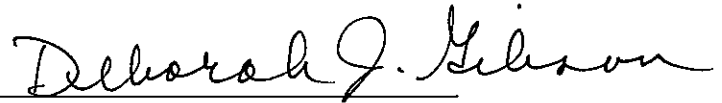
JONATHAN SEEL
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

CAL GOTHBERG
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

JON BUSACK
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616

EAGLE PINES WATER
USERS ASSN
ATTN: BRENT WATSON
3357 N OSPREY RD
EAGLE ID 83616

YVONNE MORTON
C/O NORTH ADA COUNTY
FOOTHILLS ASSN
855 STILLWELL DR
EAGLE ID 83616



Deborah J. Gibson
Administrative Assistant
Water Management Division

RECEIVED

SEP 16 2008

DEPARTMENT OF
WATER RESOURCES

September 15, 2008

Gary Speckman, Hearing Officer
State of Idaho
Department of Water Resources
322 E Front Street
PO Box 83720
Boise, Idaho 83720-0098

Dear Sir:

In accordance with your PreHearing Order, Eagle Pines Water Association hereby submits to IDWR a duplicate copy of the Articles of Incorporation for Eagle Pines Water Association.

Upon seeking to comply with your order we discovered that the corporation charter or license had been forfeited several years ago for failing to file an annual report.

We have therefore filed new articles to incorporate along with the required fee and should be registered with the office of the Secretary of State within a few days as was required by your order.

Those documents were mailed to the Secretary of State on September 12, 2008.

Sincerely,



Alan Smith



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

Article 1: The name of the corporation shall be:

Eagle Pines Subdivision Water Association, Inc.

Article 2: The purpose for which the corporation is organized is:

Pumping and delivering irrigation ground water to Eagle Pines Sub.

Article 3: The street address of the registered office is: 3135 N. Osprey Rd. Eagle, Idaho 83616

and the registered agent at such address is: L. Alan Smith

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Norman L. Edwards, 884 W. Beacon Light Rd, Eagle 83616

Brent Watson - 3357 N. Osprey, Eagle Hal Godshall, 1252 Meander Dr. Eagle

David Sparks - 3120 N. Osprey, Eagle L. Alan Smith, 3135 N. Osprey, Eagle 83616

Article 5: The name(s) and address(es) of the incorporator(s):

Norman Edwards, (see above)

L. Alan Smith (see above)

William Lawton 3145 N. Osprey Rd. Eagle, Idaho 83616

Article 6: The mailing address of the corporation shall be:

3135 Osprey Rd. Eagle, Idaho 83616-2725

Article 7: The corporation (☒ does ☐ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:

to elected board members

Signatures of all incorporators:

Norman L. Edwards

Typed Name: Norman L. Edwards

L. Alan Smith

Typed Name: L. ALAN SMITH

William L. Lawton

Typed Name: William L. Lawton

Typed Name: _____

Typed Name: _____

Customer Acct #:

(if using pre-paid account)

Secretary of State use only

Mr. Spackman

RECEIVED
SEP 16 2008
Department of Water Resources

M3 Eagle: Application for Water Right--Groundwater Permit No. 63-32573

Contact List

● = Protestants that are members in good standing of North Ada County Groundwaters Users Association with signature, date and address on file.

○ = Protestants representing themselves.

*Protestants have signed a waiver designating David Head, John Thornton and Anne Ritter as their "Representative for Service" and authorizing them as "agents for all aspects of this protest".

DUE 9/16 by 5 pm Due 9/29 by 5 pm

Protestant's Name	Street Address	City	Zip	Phone	*Signed Waiver	Questionnaire	Note
David Head NORTH ADA COUNTY FOOTHILLS ASSN and NORTH ADA COUNTY GROUNDWATER USERS ASSOC.	855 STILLWELL DR	EAGLE	83616	938-8508	YES	YES	
LINDA D BURKE	256 E. Beacon Light Rd	EAGLE	83616	939-4700	YES		
JONATHAN SEEL							Withdraw by request
JOHN FRANZEN	2300 E. Buckskin Ct	EAGLE	83616	938-1413	YES		
CRAIG TARBET	3852 W. Pine Creek St	Meridian	83642	888-1589	YES	YES	
SHERRI RANDALL	275 E. Beacon Light	EAGLE	83616	939-1626	YES	YES	
CHARLES WATKINS	1313 W. Meander Drive	EAGLE	83616	939-3138	YES	YES	
JON BUSACK							Withdraw by request
YVONNE MORTON							Withdraw by no response
ROBERT H WEST	5035 Willow Creek Rd	EAGLE	83616	939-0719	YES	YES	
STEPHEN DICK	3675 N. Saddleman Pl	EAGLE	83616	939-7774	YES	YES	
CAL GOTHBERG	4411 N. Croft Pl	EAGLE	83616	939-7736			Unable to contact
BRUCE VAN CAMP	3800 N. Croft Way	EAGLE	83616	938-1417	YES	YES	
LORING EVANS	3900 N. Croft Way	EAGLE	83616	939-9636	YES	YES	
THOMAS RITTER	1270 W. Beacon Light Rd	EAGLE	83616	939-1760	YES	YES	
LORN H ADKINS	4440 N. Croft Pl	EAGLE	83616	939-7875	YES	YES	
DANIEL J GLIVAR	3426 N. Croft Way	EAGLE	83616	939-1020	YES	YES	
RICHARD LAGERSTROM	1262 W. Beacon Light Road	EAGLE	83616	939-0081	YES	YES	
VINCE IAZZETTA	4243 N. Croft Pl	EAGLE	83616	250-9801	YES	YES	
DALE GASTON	2862 W. Deerfield Ct	EAGLE	83616	938-0917	YES	YES	
MARION D GROOTHUIS	3490N. Saddleman Pl	EAGLE	83616	938-1613	YES	YES	
VINCENT J MINKIEWICZ	3047 W. Deerfield Cr	EAGLE	83616	939-5642	YES	YES	
CAROL JEAN THOMPSON	4831 Willow Creek Road	EAGLE	83616	938-0418	YES		
BARB JEKEL	2862 N. Haven Dr	EAGLE	83616	938-0520	YES	YES	
ROBERT LYONS	351 Knob Hill	EAGLE	83616	939-6820	YES		
GE MCDONALD	3800 N. Saddleman PL	EAGLE	83616	934-4094	YES	YES	
GEORGE W KEYES	3898 N. Saddleman Pl	EAGLE	83616	938-0574	YES	YES	
ERIC C LEIGH	2257 Park Lane	EAGLE	83616	939-1065	YES	YES	
SHELBY CONRAD	2022 N. Eagle Rd	EAGLE	83616	938-5104	YES	YES	
MORGAN MASNER	4325 W Gray Teel Ct	EAGLE	83616	861-2068	YES		
JIM BANDUCCI JR	2990 N. Holl Drive	EAGLE	83616	939-2223	YES		
STEVEN C PURVIS	3439 Brookside Lane	EAGLE	83616	939-0756	YES		
ROBERT S NICCOLLS JR	P.O. Box 968	EAGLE	83616	939-2787	YES	YES	
DAVID COLLETT	927 E. Valli Hi Ln	EAGLE	83616	939-1143	YES		
WALTER H MEYER JR	4640 N. Skyline Dr.	EAGLE	83616	939-0504	YES	YES	
MICHAEL MC MURRAY	902 Stillwell Dr	EAGLE	83616	939-7806	YES	YES	
LYLE JORDAN	3417 N. Croft Way	EAGLE	83616	938-9259	YES	YES	
RONALD R RAPP	3951 W. Deerfield Dr	EAGLE	83616	850-4504			Unable to contact
BRUCE RICHARDSON	3171 W. Deerfield Ct	EAGLE	83616	939-1515	YES		
BARRETT D JONES	4032 N. Croft Pl	EAGLE	83616	938-8938	YES		
JOHN L THORNTON	5264 N SKY HIGH LN	EAGLE	83615	939-8574	YES		
EAGLE PINES WATER USER ASSN (ATTN: BRENT WATSON)	3357 N OSPREY RD	EAGLE	83616				
NORMAN L EDWARDS	884 W BEACON LIGHT RD	EAGLE	83616				
M HOWARD GOLDMAN	3837 N GREEN VALLEY WY	EAGLE	83616				
TIMOTHY R MILBURN	1381 W MEANDERDR	EAGLE	83616				
ALAN SMITH	3135 OSPREY RD	EAGLE	83616				
BILL LAWTON	3145 N OSPREY RD	EAGLE	83616				
ROBERT L WOOD	1380 W MEANDER DR	EAGLE	83616				

Mr. Spackman,

① Do you want me to copy M³ on This contact list?

② Gothberg & Rapp are out of town - please see their membership forms in Nacowut (attached). Based on these forms can I have a couple of days to get these to you?

Thank you,
David Head
866-2410

FirstSource

David Head

935 East Winding Creek • Suite 140
Eagle, Idaho 83616
208.939.9900 phone • 208.866.2418 cell
head@firstsourceidaho.com • 208.939.9727 fax

RECEIVED
SEP 16 2008
Department of Water Resources

North Ada County Groundwater Users Association (NACGUA)

...an unincorporated nonprofit association formed to promote and protect the responsible appropriation of water rights.

Yes, I would like to join NACGUA.

Date: 8/29/08
Name (print): Cal + Alei Gothberg
Address: 4411 N Croft Pl
Phone: 939.7736
Email: trvlgrleanderson-travel.com
Signature: Cal R. Gothberg

Mail completed form to: David Head, President
NACGUA
855 Stillwell Dr.
Eagle, ID 83616

Or email signed copy to: head@firstsourceidaho.com

Gothberg - ?

RECEIVED

SEP 16 2008

Department of Water Resources

North Ada County Groundwater Users Association (NACGUA)

...an unincorporated nonprofit association formed to promote and protect the responsible appropriation of water rights.

Yes, I would like to join NACGUA.

Date: 7-18-08

Name (print): RONALD R RAPP

Address: 3951 W. DEERFIELD DR.

Phone: C-208-850-4504 H-208-938-1967

Email: rrrapp@johnlscott.com

Signature: Ronald R Rapp

Mail completed form to: David Head, President
NACGUA
855 Stillwell Dr.
Eagle, ID 83616

Or email signed copy to: head@firstsourceidaho.com

**NORTH ADA COUNTY
GROUNDWATER USERS ASSOCIATION**

RECEIVED
SEP 16 2008
Department of Water Resources

I Ronald R Rapp affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Ron Rapp

ADDRESS 3951 W. Deerfield Dr
Eagle, ID 83616

PHONE
NUMBER 208-938-1967

e-mail address RON@SERENITYIDAHO.COM

Ron Rapp
3951 W. Deerfield Dr.
Eagle, Idaho 83616
208-850-4504

Fax

To: Gary Spackman

From: Ron Rapp

Fax:

Pages: 1

Phone:

Date: September 16, 2008

Re: NACGWUA

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

Thanks,

Ron Rapp

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I ROBERT S. NICCOLLS JR affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME ROBERT S NICCOLLS JR
4238 N TRIPLE RIDGE PL. EAGLE (HOME)
ADDRESS PO BOX 968
EAGLE ID B3616-0968 } MAIL

PHONE
NUMBER 939-2787

e-mail address RNICCOLLS@EARTHLINK.NET

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

WE SHELBY CONRAD &
X ANGELA CALLAHAN affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

SHELBY CONRAD

NAME ANGELA CALLAHAN

ADDRESS 2022 N. EAGLE RD
EAGLE ID 83616

PHONE
NUMBER 938-5104

e-mail address shelby.conrad @

WGINT.COM

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Walter H. Meyer, Jr. affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Walter H. Meyer, Jr.
NAME Walter H. Meyer, Jr.
ADDRESS 4640 No. Skyline Dr
Eagle, ID 83616

PHONE
NUMBER 208-939-0504

e-mail address wallywanch@q.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I ERIC C. & JOYCE E. LEIGH affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

Eric C. Leigh
Joyce E. Leigh

ADDRESS

2257 PARK LANE
EAGLE, IDAHO 83616

PHONE

NUMBER

208-939-1065

e-mail address ghbiscuit@clearwire.net

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I George W. Keyes affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME GEORGE W Keyes

ADDRESS 3898 N. Saddleman Pl
Eagle ID 8361

PHONE
NUMBER (208) 938 0574

e-mail address gwkeyes
gw88keyes@yahoo.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Stephen Dick affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME STEVE Dick

ADDRESS 3675 N. SADDLE-
MAN PL EAGLE, ID

PHONE
NUMBER 208-939-7774

e-mail address _____

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I G. E. McDONALD affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME G. E. McDONALD

ADDRESS 3800 N. SADDLEMAN PL.
EAGLE, ID 83616

PHONE
NUMBER 939-4094

e-mail address doymac@msn.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Patricia/Vincent Minkiewicz affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

P. Minkiewicz

ADDRESS

3047 W. Deerfield Ct
Eagle Id 83616

PHONE

NUMBER

208-939-5642

e-mail address

bootleg1@msn.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Richard A. Lagerstrom affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Richard A. Lagerstrom

ADDRESS 1262 W. Beaconlight Rd
Eagle, ID 83616

PHONE

NUMBER 208 939 0081

e-mail address _____

RECEIVED
SEP 16 2008
Department of Water Resources

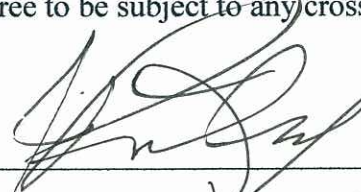
NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

CAROL JEAN THOMPSON
I JOHN PETROVSKY affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.



NAME



4831 Willow Creek Rd
Eagle, ID 83616

ADDRESS

4831 Willow Creek Rd
EAGLE, ID 83616

(208) 938-0418

PHONE

NUMBER

208-938-0418

seajayt@clearwire.net

e-mail address

JAEPEA@MINDSPRING.COM

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I THOMAS + ANNE RITTER affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

ADDRESS

PHONE

NUMBER

e-mail address

Mr Anne Ritter
1270 W Beacon Light
Eagle ID 83616

9391760

AnneK.Ritter@msn.com

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Sherri Randall affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Sherri Randall

ADDRESS 278 E Beacon Light
Eagle ID 83614

PHONE
NUMBER 208-939-1626

e-mail address srandall@rci.net

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I STEVEN C. PURVIS affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

ADDRESS

PHONE

NUMBER

e-mail address

Steven C. Purvis
3435 BROOKSIDE HWY
BOISE, IDAHO 83714
934-0756
SPURVIS6@MSN.COM

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Bruce Van Camp affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Bruce Van Camp
ADDRESS 3800 N. Craft Way
Eagle, ID 83616
PHONE
NUMBER 938-1417
e-mail address bruce.culligan@of
idaho.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Karen L. Jordan affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME KAREN JORDAN

ADDRESS 3417 N CROFT WAY
EAGLE ID 83616

PHONE
NUMBER 208-938-9259

e-mail address Kjordankaren@yahoo.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I John & Janet Franden affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Janet Franden

ADDRESS 2300 E Buckskin Ct
Boise 83616

PHONE
NUMBER 938-1413

e-mail address janet.franden@cablenet.net
john.franden@cablenet.net

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION


I Cathy Thornton affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME John L. Thornton
Cathy L. Thornton
ADDRESS 5264 N. Sky High Ln.
Eagle, ID 83616

PHONE
NUMBER 208-939-8574

e-mail address cjthornton6@msn.co

RECEIVED

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Robert Lyons affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Robert Lyons NAME Robert Lyons

ADDRESS 351 Knobs Hill Ct
83616

PHONE
NUMBER 939 6820

e-mail address _____

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Bruce Richardson affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Bruce Richardson
NAME Bruce Richardson

ADDRESS 3171 W. Deerfield Ct
Eagle, ID 83616

PHONE
NUMBER 208-939-1515

e-mail address hotspuds@msn.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I SALLY TARBET & CRAIG TARBET affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

Sally Tarbet
SALLY TARBET

ADDRESS

3852 W. PINE CRK
MERIDIAN, ID 83642

PHONE

NUMBER

208/ 888-1589

e-mail address

BROKENDIAMONDRANCH
@MSN.COM

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Jim Banducci Jr.
Jim Banducci Jr affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Jim Banducci Jr

ADDRESS 2990 N Holl Dr

PHONE
NUMBER 939-2223

e-mail address jbanducci@clearwire.net

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Barry Jones affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Barry Jones

ADDRESS 4032 N. Croft Pl
Eagle, ID 83616

PHONE
NUMBER (208) 938-9489

e-mail address tandbjones@msn.com

RECEIVED

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Lorn H. Adkins affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME

ADDRESS

PHONE

NUMBER

e-mail address

Lorn H. Adkins
4440 N Croft Pl
Eagle ID
208 939 7875
ladkins@suna.com

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Kevin & Linda Culligan ^(Burke) affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME K. Culligan

ADDRESS 256 E Beacon Lt Rd

PHONE 208-
NUMBER 939-4700

e-mail address Kevin.Culligan@CableOne.net

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

M. & Julie Masner and Morgan Masner affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Morgan Masner
Julie Masner

NAME MORGAN MASNER
JULIE MASNER

ADDRESS 4325 W. GRAY TEAL CT
EAGLE, ID 83616

PHONE
NUMBER 208 939 6171

e-mail address juliem3@mindspring.com

**NORTH ADA COUNTY
GROUNDWATER USERS ASSOCIATION**

I David Collett affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, call and examine witnesses, and to administratively or judicially appeal an decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME David Collett
ADDRESS 927 E Valli Hill
Eagle, ID 83616
PHONE 939-1143

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I M.D. (Butch) Growthis affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME [Signature]

ADDRESS 3490 N. Saddleman
Place Eagle, ID 83616

PHONE
NUMBER 938-1613

e-mail address growthis@aol.com

RECEIVED

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Daniel J. Glivar affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Daniel Glivar

ADDRESS 3426 N. Croft Way
Eagle, ID 83616

PHONE
NUMBER 939-1020

e-mail address dglivar@hollandhart.com

Daniel J. Glivar

RECEIVED

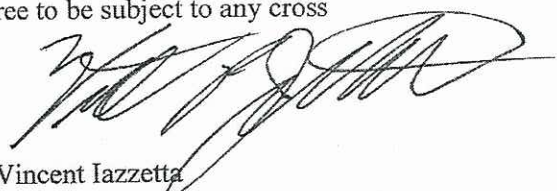
SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Vincent Iazzetta affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Signature: 

NAME: Vincent Iazzetta

ADDRESS:

4243 North Croft Place
Eagle ID 83616

PHONE NUMBER: 208-938-4931

e-mail address: viniaz@gmail.com

RECEIVED

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

Michael J. & Martha Mc Murray
I _____ affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

Michael J. & Martha
NAME *Mc Murray*

ADDRESS *902 Stillwell Dr*
Engle, Idaho 83416

PHONE *208 939 7806*
NUMBER

e-mail address *MIKEMCMURRAY*
@G-MAIL.COM

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I David J Head affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME David J. Head

ADDRESS 855 Stillwell Drive
Eagle Idaho 83616

PHONE
NUMBER 938-8008 939-9900

e-mail address head@firstsourceidaho.com

RECEIVED

SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Charles Watkins affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME Charles Watkins

ADDRESS 1313 W Meander Dr
Eagle, ID 83616

PHONE
NUMBER 939 3138

e-mail address cwatkins1313@msn.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Julie & Loring Evans affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME LORING & Julie EVANS

ADDRESS 3900 N. CROFT WAY
EAGLE, ID. 83616

PHONE
NUMBER 939-9636

e-mail address julie.evans@peoplepc.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Dale H. Gaston affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.



NAME: Dale H. Gaston

ADDRESS: 2862 West Deerfield Court
Eagle, ID 83616

PHONE NUMBER : 208-938-0917

e-mail address: mary100@aol.com

RECEIVED

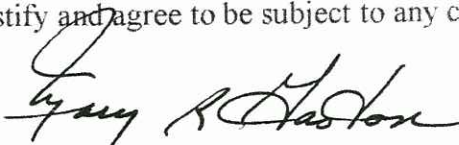
SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Mary R. Gaston affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.



NAME: Mary R. Gaston

ADDRESS: 2862 West Deerfield Court
Eagle, ID 83616

PHONE NUMBER : 208-938-0917

e-mail address: mary100@aol.com

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I ALASYA WEST affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME ALASYA WEST

ADDRESS 5035 Willow Creek Rd
BAKER, ID 83416-2011

PHONE
NUMBER 208/939-0719

e-mail address ALASYAW@AOL.COM

Alasya West 9/12/08

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I ROBERT H WEST affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME ROBERT H WEST

ADDRESS 5035 Willow Creek Rd
Eagle, ID 83616-2011

PHONE
NUMBER 208/870-9433

e-mail address RHWEST@AOL.com

Robert H West 9/12/08

RECEIVED
SEP 16 2008
Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION

I Barb JekeL affirm that:

1. I am a member of the Ada County Groundwater Users Association.
2. I filed a protest to water permit No. 63-32573 filed by M3 Eagle LLC in a timely manner.
3. The officers of the North Ada County Groundwater Users Association may represent me during all the proceedings regarding this application.
4. My individual protest will be subsumed into the protest of the North Ada County Groundwater Users Association.
5. I am knowingly waiving my right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR.
6. I retain the right to personally testify and agree to be subject to any cross examination.

NAME BARB JEKEL

ADDRESS 2862 N. HAVEN DR.
EAGLE, ID. 83616

PHONE
NUMBER 938-0520

e-mail address jekeL_7@msn.com

RECEIVED
SEP 16 2008
Department of Water Resources

**ARTICLES OF ASSOCIATION
FOR
NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION**

The undersigned, acting as the organizer of an unincorporated nonprofit association under and pursuant to the Idaho Uniform Unincorporated Nonprofit Association Act, Title 53, Chapter 7, Idaho Code, adopt the following articles of association for the Association.

**ARTICLE ONE
NAME**

The name of this Association shall be the NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION, and may also be referred to as "NACGUA."

**ARTICLE TWO
NON PROFIT STATUS**

The Association is a nonprofit association. No part of the income or assets of the Association is distributable to or for the benefit of its members, directors, or officers, except to the extent permissible by law.

**ARTICLE THREE
DURATION**

The period of the Association is perpetual.

**ARTICLE FOUR
PURPOSES**

The purpose of this Association is to promote and protect the responsible appropriation of water rights.

**ARTICLE FIVE
INITIAL REGISTERED OFFICE AND AGENT**

The initial registered agent of the Association is:

David Head

The initial registered office of the Association is:

855 Still well Drive
Eagle Idaho 83616

The Association may have such other offices as may from time to time be designated by the Board of Directors.

ARTICLE SIX ORGANIZER

Organizational responsibilities will reside with the current board (President, Vice President, Secretary, Treasurer, and member at large.)

ARTICLE SEVEN MEMBERSHIP

Any individual who is a groundwater user in North Ada County is eligible to become an active member of this association with full voting and other privileges.

Each active member shall be entitled to one vote in the affairs of the Association. Proxy voting is permitted.

ARTICLE EIGHT AMENDMENTS TO ARTICLES

These articles maybe amended or repealed, in whole or in part, by a two thirds (2/3) majority of the active members at a duly organized annual or special meeting of the Association.

ARTICLE NINE BYLAWS

The Bylaws of the Association are to be made and adopted by the Board of Directors, and may be altered, amended or rescinded by the Board of Directors, subject to the approval of a majority of the active members. Such changes to the Bylaws shall be binding on all members, including those who may have voted against them.

ARTICLE TEN INDEMNIFICATION

The Association shall indemnify each officer and board member, including former officers and board members, to the fullest extent permitted by the laws of the State of Idaho.

ARTICLE ELEVEN DISTRIBUTION OF PROPERTY ON DISSOLUTION

Upon dissolution of the Association, the Board of Directors shall distribute the property as follows:

Any real property held by and in the name of the Association shall be sold and its proceeds deposited in the bank account of the Association. Any monies remaining, after payments to creditors and other obligations, shall be distributed for one or more exempt purposes within the meaning of section 501(C)(3) of the Internal Revenue Code, or from the corresponding section of any future federal tax code, or shall be distributed by the district court of the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization or organizations, as the court shall determine, which are organized and operated exclusively for such purposes. If any property held by the Association was donated by a private individual or business entity for free use by the Association, such property shall not be sold, but shall be returned to the previous owner.

ARTICLE TWELVE

VALIDITY

The invalidity of any part of these Articles shall not impair or otherwise affect in any manner the validity, enforceability or intent of the balance of these Articles.

FILED EFFECTIVE

08 JUL 10 AM 8:44

SECRETARY OF STATE
STATE OF IDAHO

RECEIVED

SEP 16 2008

Department of Water Resources

UNINCORPORATED NONPROFIT ASSOCIATION
APPOINTMENT OF AGENT FOR SERVICE OF PROCESS

To the Secretary of State of the State of Idaho:

Assoc. # 41230

1. The name of the nonprofit association is:
North Ada County Groundwater Users Association
2. The principal address of the nonprofit association is:
855 Stillwell Drive Eagle, Idaho 83616
3. The name and street address of the agent authorized to receive service of process for the association are:
David Head
855 Stillwell Drive Eagle, Idaho 83616

Signature of agent: David Head

Dated 7/08/2008

Secretary of State use only

Signature of a manager of the nonprofit association:

David Head

Mail to:

Idaho Secretary of State
450 N 4th Street
PO Box 83720
Boise ID 83720-0080

FILE ONE COPY

NO FEE REQUIRED

RECEIVED
SEP 16 2008
Department of Water Resources

North Ada County Groundwater Users Association (NACGUA)

...an unincorporated nonprofit association formed to promote and protect the responsible appropriation of water rights.

Yes, I would like to join NACGUA.

Date: _____

Name (print): _____

Address: _____

Phone: _____

Email: _____

Signature: _____

Mail completed form to: David Head, President
NACGUA
855 Stillwell Dr.
Eagle, ID 83616

Or email signed copy to: head@firstsourceidaho.com

**BYLAWS
OF THE
NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION**

RECEIVED
SEP 16 2008
Department of Water Resources

**BYLAW ONE
DUES**

The dues required for membership in the Association shall be determined by the Board of Directors.

**BYLAW TWO
DIRECTORS**

The affairs of the Association shall be managed by the Board of Directors. The initial Board of Directors shall consist of five (5) individuals, each of whom, at all times, shall be active members of the Association. Other than the initial Board of Directors, who is designated in these Articles, the Directors shall be elected at the annual meeting of the Association.

**BYLAW THREE
OFFICERS**

The Officers of the Association shall consist of at least a President and a Secretary, and such other officers as may be determined by the Board of Directors. The term for each officer shall be one year.

**BYLAW FOUR
COMMITTEES**

The Board of Directors may, by a majority vote, establish committees to fulfill the purposes of the Association.

**BYLAW FIVE
REQUIREMENTS TO HOLD OFFICE OR COMMITTEE MEMBERSHIP**

All officers and committee members must be in good standing with the Association.

BYLAW SIX MEETINGS

ANNUAL MEETING. There shall be an annual meeting of the Association for the purpose of electing officers, receiving reports and transacting other business. The meeting shall be held in the fall. Notice of these meetings, issued by the Secretary, shall be electronically mailed or mailed via the U.S. Postal Service to the last recorded address of each active member at least ten (10) days before the time of the appointed meeting. Annual meetings shall be open to all active members.

REGULAR MEETINGS. Regular meetings shall be held for the purpose of conducting regular business. They shall be held at the request of the Board of Directors. All regular meetings are open to the active members.

SPECIAL MEETINGS. Special meetings shall be held at any time by a majority vote of the Board of Directors, or on written request of not less than two thirds (2/3) of the active members of the Association. Five (5) days notice of any special meeting must be given to the active members of the Association, and notice must state the date, time, location, and object of the meeting. All special meetings are open to active members.

QUORUM. At least five (5) active members must be present in person, or by proxy, at any meeting to constitute a quorum, and in such case where there is less than this number; the presiding officer may adjourn from time to time until a quorum is present.

RECEIVED
SEP 16 2008

Department of Water Resources

NORTH ADA COUNTY GROUNDWATER USERS ASSOCIATION
855 STILLWELL DRIVE - EAGLE, IDAHO 83616

July 8, 2008

David R. Tuthill, Jr., P.E.
Idaho Department of Water Resources
32 East Front Street
Boise, Idaho 83720-0098

Re: Representation/M3 Eagle Water Right Application.

Dear Director Tuthill,

Pursuant to rule 202 of IDAPA 37.01.01 - Rules of Procedure of the Idaho Department of Water Resources - Representation Of Parties At Hearing. I have been authorized as the agent for service and representation for the North Ada County Foothills Association and the North Ada County Groundwater Users Association (an unincorporated association as listed in rule 202.01.d) in the matter of application for permit number 63-32573 in the name of M3 Eagle LLC.

Sincerely,

David J. Head
President
NACGUA

CC: M3 Eagle
John Westra, IDWR
Jeff C. Fereday, Givens Pursley LLP

IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE, ID 83720-0098

RECEIVED
SEP 15 2008
Department of Water Resources

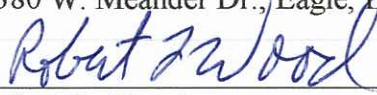
Attn: Gary Spackman, Deborah Gibson
RE: Application Permit # 63-32573, M3 Eagle LLC

The undersigned Protestants designate Bill Lawton as their spokesperson in the above stated Application for Permit. By designating Bill Lawton as spokesperson, the individual Protestants waive their right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR. Individual Protestants who designate Bill Lawton as spokesperson will retain the right to personally testify and will be subject to cross examination.

Bill Lawton can receive mail and be contacted as spokesperson for those parties signed below.

Bill Lawton
3145 Osprey Rd., Eagle, ID 83616 939-8475

Robert L. and Kip C. Wood
1380 W. Meander Dr., Eagle, ID 83616

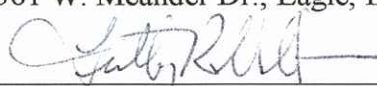

Robert L. Wood

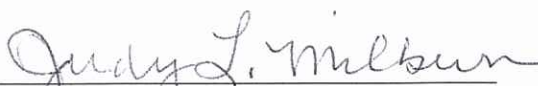

Kip C. Wood

M. Howard Goldman
3837 N. Green Valley Way, Eagle, ID 83616


M. Howard Goldman

Timothy R. and Judy L. Milburn
1381 W. Meander Dr., Eagle, ID 83616


Timothy R. Milburn


Judy L. Milburn

Memorandum

To: Sascha Marston, Financial Section
From: Deborah J. Gibson, Water Management Division
Date: Sept. 16, 2008
Re: Refund of receipt no. C087499

On September 8, 2008 the Department receipted \$25.00 for a protest fee according to receipt no. C087499. The hearing officer has determined that this fee is not appropriate because the petitioner previously paid the fee. Therefore, please refund the fee paid by David Head, and mail to him at: 855 Stillwell Dr., Eagle, Idaho 83616. I am providing with this memo a copy of the receipt and the cover letter with Mr. Head's information for your records.

Thank you for your help in this matter. Please let me know if you need additional information or have any questions.

cc: Water Right application file no. 63-32573

Gibson, Deborah

From: Gibson, Deborah
Sent: Friday, September 12, 2008 1:26 PM
To: Bill Lawton (prcarw20@cableone.net); David Head (head@firstsourceidaho.com); jcf@givenspursley.com; John Thornton (cjthornton6@msn.com)
Subject: M3 Eagle protested application no. 63-32573 - Order Authorizing Discovery and Scheduling Order
Attachments: img-912111048.pdf

This order is going out today via U.S. mail and to a few spokespersons that have provided the Department with their email addresses.

Deborah Gibson
Administrative Assistant
Water Management Division
322 E. Front St., Boise, ID
Phone: (208) 287-4942
Fax: (208) 287-6700
Email: deborah.gibson@idwr.idaho.gov
Website: idwr.idaho.gov

9/12/2008

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)	ORDER AUTHORIZING
FOR PERMIT NO. 63-32573, IN THE)	DISCOVERY AND
NAME OF M-3 EAGLE)	SCHEDULING ORDER
_____)	

On September 9, 2008, the Idaho Department of Water Resources ("IDWR" or "Department") conducted a prehearing conference in the above titled matter. At the prehearing conference, the parties and the hearing officer established deadlines for completion of hearing preparation activities. The following are deadlines established at the prehearing conference.

ORDER

IT IS HEREBY ORDERED that, on or before September 16, 2008, a party desiring to appoint a spokesperson as a representative in this contested case must file with the Department a document notifying the Department and the parties of the spokesperson designation. Consistent with an earlier prehearing order, dated August 5, 2008, the document must identify the spokesperson, and expressly state that "the individual protest is subsumed into the" spokesperson's protest, and that, "by designating . . . a spokesperson, the individual protestant waives the right to independently participate in discovery, to call and examine witnesses, and to administratively or judicially appeal any decision by IDWR."

IT IS FURTHER ORDERED that any protestant who did not attend the prehearing conference on September 9, 2008, and does not designate a spokesperson on or before September 16, 2008 will be served with a Notice of Pending Default Order.

IT IS FURTHER ORDERED that, on or before September 30, 2008, the protestants shall serve the applicant's attorney with a completed copy of the one page well information questionnaire, attached to this document as "Attachment 1."

IT IS FURTHER ORDERED that discovery may begin on October 1, 2008.

IT IS FURTHER ORDERED that, on or before October 15, 2008, the parties shall disclose to the parties and the hearing officer, in writing, the identity and contact information for any expert witnesses who will appear on behalf of the party disclosing the information.

IT IS FURTHER ORDERED that written discovery must be complete on or before November 26, 2008.

IT IS FURTHER ORDERED that all technical documents intended to be submitted as exhibits at the hearing or technical reports prepared for reference at the hearing must be submitted to the hearing officer and the parties on or before November 26, 2008.

IT IS FURTHER ORDERED that all depositions must be complete on or before December 12, 2008.

The hearing for this matter will be conducted beginning January 13-16, 2009 and, if necessary continued on, January 19-20, 2009, at the state offices of the Department located at 322 E. Front Street in Boise, Idaho. Please calendar these days for the hearing. A formal notice of hearing will be prepared and served on the parties at a later date.

Dated this 12th day of September, 2008.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 2008, a true and correct copy of the foregoing document(s) described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: ORDER AUTHORIZING DISCOVERY AND SCHEDULING ORDER

Name	Address	City	State	Postal Code
JOHN L THORNTON	5264 N SKY HIGH LN	EAGLE	ID	83616
NORTH ADA COUNTY FOOTHILLS ASSN	ATTN: DAVID HEAD 855 STILLWELL DR	EAGLE	ID	83616
EAGLE PINES WATER USER ASSN	ATTN: BRENT WATSON 3357 N OSPREY RD	EAGLE	ID	83616
NORMAN L EDWARDS	884 W BEACON LIGHT RD	EAGLE	ID	83616
M HOWARD GOLDMAN	3837 N GREEN VALLEY WY	EAGLE	ID	83616
TIMOTHY R MILBURN	1381 W MEANDER DR	EAGLE	ID	83616
ALAN SMITH	3135 OSPREY RD	EAGLE	ID	83616
LINDA D BURKE	C/O 855 STILLWELL DR	EAGLE	ID	83616
JONATHAN SEEL	C/O 855 STILLWELL DR	EAGLE	ID	83616
JOHN FRANDEN	C/O 855 STILLWELL DR	EAGLE	ID	83616
CRAIG TARBET	C/O 855 STILLWELL DR	EAGLE	ID	83616
SHERRI RANDALL	C/O 855 STILLWELL DR	EAGLE	ID	83616
CHARLES WATKINS	C/O 855 STILLWELL DR	EAGLE	ID	83616
JON BUSACK	C/O 855 STILLWELL DR	EAGLE	ID	83616
YVONNE MORTON	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT H WEST	C/O 855 STILLWELL DR	EAGLE	ID	83616
STEPHEN DICK	C/O 855 STILLWELL DR	EAGLE	ID	83616
CAL GOTHBERG	C/O 855 STILLWELL DR	EAGLE	ID	83616
BRUCE VAN CAMP	C/O 855 STILLWELL DR	EAGLE	ID	83616
LORING EVANS	C/O 855 STILLWELL DR	EAGLE	ID	83616
THOMAS RITTER	C/O 855 STILLWELL DR	EAGLE	ID	83616
LORN H ADKINS	C/O 855 STILLWELL DR	EAGLE	ID	83616
DANIEL J GLIVAR	C/O 855 STILLWELL DR	EAGLE	ID	83616
RICHARD LAGERSTROM	C/O 855 STILLWELL DR	EAGLE	ID	83616
VINCE IAZZETTA	C/O 855 STILLWELL DR	EAGLE	ID	83616
DALE GASTON	C/O 855 STILLWELL DR	EAGLE	ID	83616
MARION D GROOTHUIS	C/O 855 STILLWELL DR	EAGLE	ID	83616
VINCENT J MINKIEWICZ	C/O 855 STILLWELL DR	EAGLE	ID	83616
CAROL JEAN THOMPSON	C/O 855 STILLWELL DR	EAGLE	ID	83616
BARB JEKEL	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT LYONS	C/O 855 STILLWELL DR	EAGLE	ID	83616
G E MC DONALD	C/O 855 STILLWELL DR	EAGLE	ID	83616
GEORGE W KEYES	C/O 855 STILLWELL DR	EAGLE	ID	83616
ERIC C LEIGH	C/O 855 STILLWELL DR	EAGLE	ID	83616

Name	Address	City	State	Postal Code
SHELBY CONRAD	C/O 855 STILLWELL DR	EAGLE	ID	83616
MORGAN MASNER	C/O 855 STILLWELL DR	EAGLE	ID	83616
JIM BANDUCCI JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
STEVEN C PURVIS	C/O 855 STILLWELL DR	EAGLE	ID	83616
ROBERT S NICCOLLS JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
DAVID COLLETT	C/O 855 STILLWELL DR	EAGLE	ID	83616
WALTER H MEYER JR	C/O 855 STILLWELL DR	EAGLE	ID	83616
MICHAEL MC MURRAY	C/O 855 STILLWELL DR	EAGLE	ID	83616
BILL LAWTON	3145 N OSPREY RD	EAGLE	ID	83616
ROBERT L WOOD	1380 W MEANDER DR	EAGLE	ID	83616
LYLE JORDAN	C/O 855 STILLWELL DR	EAGLE	ID	83616
RONALD R RAPP	C/O 855 STILLWELL DR	EAGLE	ID	83616
BRUCE RICHARDSON	C/O 855 STILLWELL DR	EAGLE	ID	83616
BARRETT D JONES	C/O 855 STILLWELL DR	EAGLE	ID	83616
GIVENS PURSLEY LLP	C/O JEFFREY C FEREDAY 601 W BANNOCK ST PO BOX 2720	BOISE	ID	83701
M3 EAGLE LLC	533 E RIVERSIDE DR STE 110	EAGLE	ID	83616
WESTERN REGION	ATTN JOHN WESTRA 2735 AIRPORT WAY	BOISE	ID	83705-5082


 Deborah J. Gibson
 Administrative Assistant

ATTACHMENT 1

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: _____

- 2) Do you have a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and water right were included when you bought your property, please name the person from whom you purchased: _____

- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: _____
- 6) Well depth: _____
- 7) The primary use of your well (domestic, irrigation, etc): _____
- 8) Do you have records of the well's construction or maintenance? _____
- 9) Do you have records of pump maintenance and/or replacement? _____
- 10) Describe any noticeable change in water level or productivity in the last few years: _____

- 11) Do you have records of past water levels? _____

- 12) Describe any problems you have experienced with your well or pump: _____

a. Does your well produce sand? _____. If so, how much? _____
b. Who is your pump professional? _____
c. To what do you attribute the problems you have experienced? _____

- 13) If you have had your well deepened or a screen inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION TO APPROPRIATE WATER NO. 63-32573 IN THE NAME OF M3 EAGLE, LLC.

September 9, 2008

PRE-HEARING CONFERENCE Conducted by Gary Spackman

NAME	REPRESENTING
Jeff Fereday	M3 - Eagle
Bill Brownlee	M3 - Eagle
STEVE PURVIS	CITIZEN
Mark Tate	M3 - Eagle
Mary May	M3 - Eagle
MARKIAN BARR	CITIZEN
DENNIS OUSCEY	IDWR
Mike McVey	IDWR
Mickie McMurtry	CITIZEN
Bill Lawton	Citizen
Alan Smith	"
Jason Smith	"
Marilyn Edwards	"
Norman Edwards	"
Ann Kutter	"

Jeffrey C. Fereday [ISB No. 2719]
Michael P. Lawrence [ISB No. 7288]
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

RECEIVED
SEP 08 2008
DEPARTMENT OF
WATER RESOURCES

Attorneys for M3 Eagle LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

**M3 EAGLE LLC'S MOTION,
RESPONSE, AND STATEMENT
FOR PREHEARING
CONFERENCE**

Applicant M3 Eagle LLC ("M3 Eagle"), through Jeffrey C. Fereday and Michael P. Lawrence of the firm Givens Pursley LLP, hereby submits this Motion, Response and Statement for Prehearing Conference.

Motion

M3 Eagle hereby renews its Motion for an order authorizing the parties to begin immediately to conduct discovery in this matter through depositions and written requests and interrogatories (Rules 520 and 521).

A proposed order is attached, and also has been forwarded via email to the Hearing Officer in Microsoft Word format.

Memorandum, Response, and Statement for Prehearing Conference

1. Discovery. M3 Eagle hereby adopts by reference the statement of reasons contained in its June 25, 2008 Motion for Order Authorizing Discovery in this case.

2. Informal production of documents and other information. M3 Eagle has conducted several studies of the Pierce Gulch Sand Aquifer, the ground water resource from which it proposes to obtain water under this permit application, and has made these available to various entities, including Protestants, the Department of Water Resources, the North Ada Ground Water Technical Committee and others. Applicant is near completion of two additional investigations (the results of the SVR Well No. 7 aquifer test and a geochemical analysis of the ground waters in the area), and likewise will make these available to Protestants without the need for discovery in the near future.

While formal discovery is appropriate, M3 Eagle respectfully requests that the Hearing Officer require the parties to provide information informally to the greatest extent possible. For example, because most of the Protestants have alleged potential injury to their ground water rights, M3 Eagle has requested that each Protestant complete the well questionnaire attached hereto as Exhibit A (the "Questionnaire"). The Questionnaire focuses on the basic facts pertaining the Protestants' wells and ground water rights. M3 Eagle believes the answers to the Questionnaire will help both sides better determine relevant facts, including facts such as whether M3 Eagle's wells will be in the same aquifer from which a Protestant's well produces. The Questionnaire contemplates that M3 Eagle's hydrogeologist will, in some cases, visit a Protestant's property to locate and analyze the Protestant's well.

M3 Eagle respectfully requests that the Hearing Officer encourage the Protestants to respond to the Questionnaire and other informal measures to obtain information so that necessary discovery is minimized and M3 Eagle is able to respond meaningfully to the Protestant's concerns.

3. Potential settlement. M3 Eagle believes settlement may be possible in this matter and is willing to spend time working toward that if it receives sufficient good faith responses from Protestants. In this connection, M3 Eagle convened an informal meeting with Protestants on September 4, 2008 at which the parties were able to discuss their interests and concerns. At the meeting, M3 Eagle's hydrogeologist, Ed Squires of Hydro Logic, Inc., provided Protestants with additional new information and answered questions about M3 Eagle's aquifer studies. While the meeting was encouraging and certainly could be seen as potential first step toward settlement, at this point settlement still appears remote. M3 Eagle remains committed to working toward a hearing in this matter at the earliest reasonable time.

4. Appearances and representation. M3 Eagle has reviewed the roughly 50 protest forms submitted by Protestants. Approximately 42 Protestants (the "Association Protestants") indicated on their protest forms that David Head, the North Ada County Foothills Association ("NACFA") chairman, is their designated representative. M3 Eagle understands the Association Protestants' position to be as follows:

a. They are members of the unincorporated association known as NACFA. In filing their protests, the Association Protestants intended that their protests be seen jointly as the protest of NACFA, and further intended that they would not participate individually in this matter because Mr. Head, as NACFA chairman, would be their spokesman and representative.

b. Since the Hearing Officer's August 5, 2008 Pre-Hearing Order ("August 5 Order"), the Association Protestants have created a new

unincorporated association known as the North Ada County Groundwater Users Association (“NACGWUA”).

c. By means of the August 26, 2008 letter to the Hearing Officer from NACFA’s Co-chair Katherine Pennisi, NACFA has purported to assign to NACGWUA its interest in and responsibility for the Association Protestants’ protests. Thus, M3 Eagle understands that the Association Protestants intend their individual protests be seen jointly as the protest of NACGWUA, no longer as that of NACFA. The Association Protestants intend that Mr. Head or any of three other NACGWUA officers identified in Ms. Pennisi’s letter be allowed to appear as spokesperson and representative of the Association Protestants.

d. Those Protestants who have not named Mr. Head as their representative at or before the Pre-Hearing Conference as required by the Hearing Officer in the August 5 Order (“Individual Protestants”) will remain separate from the NACGWUA and will represent themselves pro se.

M3 Eagle does not object to the Association Protestants banding together as contemplated in the August 5 Order, and does not object to their substitution of NACGWUA for NACFA, provided they comply with the August 5 Order and provided further that the only Protestants recognized in this matter are those who actually filed timely individual protests. M3 Eagle also seeks an order prohibiting any individual Protestant from pressing both an individual protest and proceeding under NACGUWA’s representation. M3 Eagle does not object to any of the three other NACGWUA officers mentioned above substituting as a spokesperson for Mr. Head when Mr. Head is not available. M3 Eagle understands that it is entitled to serve documents on the Association

Protestants by making service at Mr. Head's address and at the addresses of the other three listed in Ms. Pennisi's letter.

5. Suggested discovery period. As mentioned above, discovery is necessary in this matter. M3 Eagle requests the Hearing Officer establish a December 12, 2008 deadline for completing all formal and informal discovery, including responding to requests for admission, requests for production, and interrogatories, and also including the taking of depositions. M3 Eagle further requests an October 15, 2008, deadline for disclosure of all witnesses, including expert witnesses.

M3 Eagle also respectfully requests that the Hearing Officer to encourage all Protestants to complete the Questionnaire and provide it to M3 Eagle by September 26, 2008.

6. Suggested hearing date. M3 Eagle requests that the Hearing Officer set a four day hearing to begin January 6, 2009.

DATED this 8th day of September, 2008.

Respectfully submitted,

GIVENS PURSLEY LLP

By Jeffrey C. Fereday
Jeffrey C. Fereday
Michael P. Lawrence

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Idaho Department of Water Resources
Attn: Gary L. Spackman
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☐ U. S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

SERVICE

John Westra
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

M3 Eagle LLC
533 E. Riverside Drive, Suite 110
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Ed Squires
Hydro Logic, Inc.
1002 West Franklin Street
Boise, ID 82702-5431

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David Head
North Ada County Foothills Association
855 Stillwell Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ E-mail

John and Cathy Thornton
5264 N. Sky High Lane
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Eagle Pines Water User Assn.
Attn: Brent Watson
3357 N. Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Norman L. Edwards
884 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Robert L and Kip C. Wood
1380 W. Meander Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

M. Howard Goldman
3837 N. Green Valley Way
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

William Lawton
3145 Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Timothy R. and Judy L. Milburn
1381 W. Meander Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Alan Smith
3135 Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Michael and Martha McMurray
902 Stillwater
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Walter H. Meyer, Jr.
4640 N. Skyline Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Vincent J. & Patricia Minkiewscz
3047 W. Deerfield Court
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Daniel J. and Cheryl A. Glivar
3246 N. Croft Way
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Loring and Julie Evans
3900 N. Croft Way
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Dale and Mary Gaston
2862 W. Deerfield Court
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Cal and Alei Gothberg
4411 N. Croft Place
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Richard and Dr. Dessa Lagerstrom
1262 W. Beacon Light Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Vincent Iazzetta
4243 N. Croft Place
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Bruce and Rebecca VanCamp
3800 N. Croft Way
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Ronald Rapp
3951 W. Deerfield Drive
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Bruce and Jean Richardson
3171 W. Deerfield Court
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Stephen Dick and Kathy Pennisi-Dick
3675 N. Saddleman Place
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Lyle and Karen Jordan
3417 N. Croft
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

Yvonne Morton
3600 Osprey Road
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

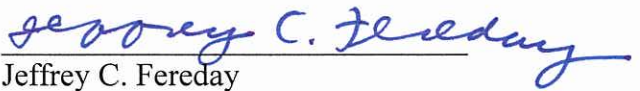
Jonathan & Dianne Seel
2906 Haven
Eagle, ID 83616

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

We lack addresses for the following.
Therefore, the parties are being service c/o
855 Stillwell Drive

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ E-mail

David Collett
Jim Banducci, Jr.
Robert S. and LaVonne D. Niccolls
Steven C. Purvis
Morgan and Julie Masner
Eric C. and Joyce E. Leigh
Shelby & Angela Conrad
George W. Keyes
G.E. McDonald
Carol Jean Thompson & John A. Petrovsky
Barb Jekel and Bill Tiffany
Robert and Joan Lyons
Marion and Judy Groothuis
Lorn Adkins
Thoams and Anne Ritter
Barrett D. and Trisha R. Jones
Robert and Alasya West
Jon Busack
Charles Watkins
Sherri Randall
John and Janet Fransen
Sally and Craig Tarbet
Linda D. Burke


Jeffrey C. Fereday

QUESTIONNAIRE FOR PROTESTANTS TO M3 EAGLE WATER RIGHT APPLICATION

- 1) Your name and address: _____

- 2) Do you have or use a ground water right in the Eagle area? _____. If yes, please continue. If you have no information on a particular item, just say so.
- 3) If the well and/or water right was included when you bought your property, please name the person from whom you purchased: _____

- 4) The drilling company who drilled your well: _____
- 5) Year (or approximate year) your well was drilled: _____. Water right #: _____
- 6) Overall well depth: _____. Depth to water: _____
- 7) The use(s) of your well (domestic, irrigation, etc): _____
- 8) Do you have records of the well's construction or maintenance? _____
- 9) Do you have records of pump maintenance and/or replacement? _____
- 10) Describe any change in water level or productivity in the last few years: _____

- 11) Do you have records of water levels? _____

- 12) Describe any problems you have experienced with your well or pump: _____

a. Does your well produce sand? _____. If so, how much? _____
b. Who is your pump professional? _____
c. To what do you attribute the problems you have experienced? _____

- 13) If you have had your well deepened or a screen or casing inserted after the well was drilled, please provide the details as to when, who did the work, what the work entailed, and how this changed the well's performance: _____

- 14) If you are willing to have your well located (via GPS), measured, and inspected by Hydro Logic, Inc., please provide a phone number where you can be reached during the week: _____

EXHIBIT

tabbles®

A

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

**ORDER AUTHORIZING AND
SETTING DEADLINES FOR
DISCOVERY, CONFIRMING
RULES AS TO APPEARANCES
AND REPRESENTATION, AND
SCHEDULING HEARING**

This matter has come before the Idaho Department of Water Resources upon Applicant M3 Eagle's September 8, 2008 *Motion, Response, and Statement for Prehearing Conference*. The Hearing Officer, having reviewed the pleading and arguments of the parties, hereby Orders as follows:

1) Discovery is appropriate in this case, and the parties may begin immediately to conduct discovery in this matter pursuant to Rules 520 through 532, IDAPA 37.01.01.520-532. The deadline for completing all formal and informal discovery, including responding to requests for admission, requests for production, and interrogatories, and also including the taking of depositions is December 12, 2008. The deadline for disclosure of all witnesses, including expert witnesses is October 15, 2008. The Protestants shall complete and return the questionnaire provided by M3 Eagle by September 26, 2008.

2) Pursuant to Rule 202 of the Department's Rules, IDAPA 37.01.01.202, and the Hearing Officer's August 5, 2008 Pre-Hearing Order ("August 5 Order"), and in light of the August 26, 2008 letter to the Hearing Officer from NACFA's Co-chair Katherine Pennisi, each of the Protestants who designated David Head as their representative shall be represented by the officers of North Ada County Groundwater Users Association

("NACGWUA") and may not participate as individuals. All other Protestants shall participate as individuals *pro se* or by their designated counsel. All Protestants must comply with the August 5, 2008 Order. Only those individuals who filed protests shall be allowed to participate individually or as represented by NACGWUA. Protestants may not participate individually if represented by NACGWUA. Service to Protestants represented by NACGWUA shall be made by serving NACGWUA's officers. A list of Protestants represented by NACGWUA is attached hereto as Exhibit A. A list of Protestants participating individually is attached hereto as Exhibit B. A list of NACGWUA officers is attached hereto as Exhibit C.

3) A four-day hearing in this matter will begin on January 6, 2009 at _____ [time] o'clock __.m. at _____ [location].

DATED this ____ day of _____, 2008.

Gary Spackman, Hearing Officer

**North Ada County Groundwater Users Association
855 Stillwell Drive
Eagle, Idaho 83616**

RECEIVED
SEP 05 2005
DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

RE: IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

Dear Mr. Spackman:

I am writing in regards to the above captioned matter. I am the current president of the North Ada County Groundwater Users Association.

Pursuant to Rule 156 of the Rules of Procedure of the Idaho Department of Water Resources I respectfully request that the North Ada County Groundwater Water Users Association be permitted to intervene in the matter referenced above. A check for \$25.00 is accompanying this request.

It is the intention that with the participation of the North Ada County Groundwater Users Association the issues will be simplified, the number of represented parties will be minimized and it will allow the petition to proceed in a timely manner.

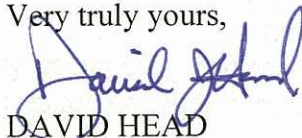
Additionally, the North Adam County Groundwater Users Association, pursuant to Rule 202.d, requests that the following officers be allowed to represent the association through the pendency of the claim. Those officers are:

David Head, President
John Thornton, Vice President,
Anne Ritter, Secretary, and
Ginger head, Treasurer.

The officers are aware that their joint representation shall in no way delay the proceedings, and that one officer will speak for the Association at any one hearing.

Thank you in advance for your courtesy and cooperation in this matter.

Very truly yours,



DAVID HEAD
PRESIDENT

ADA COUNTY GROUNDWATER USERS ASSOCIATION

Sent 7/4/08

**North Ada County Groundwater Users Association
855 Stillwell Drive
Eagle, Idaho 83616**

Idaho Department of Water Resources
322 East Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

RE: IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-32573 IN THE
NAME OF M3 EAGLE LLC

Dear Mr. Spackman:

I am writing in regards to the above captioned matter. I am the current president of the North Ada County Groundwater Users Association.

Pursuant to Rule 156 of the Rules of Procedure of the Idaho Department of Water Resources I respectfully request that the North Ada County Groundwater Water Users Association be permitted to intervene in the matter referenced above. A check for \$25.00 is accompanying this request.

It is the intention that with the participation of the North Ada County Groundwater Users Association the issues will be simplified, the number of represented parties will be minimized and it will allow the petition to proceed in a timely manner.

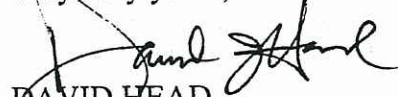
Additionally, the North Adam County Groundwater Users Association, pursuant to Rule 202.d, requests that the following officers be allowed to represent the association through the pendency of the claim. Those officers are:

David Head, President
John Thornton, Vice President,
Anne Ritter, Secretary, and
Ginger head, Treasurer.

The officers are aware that their joint representation shall in no way delay the proceedings, and that one officer will speak for the Association at any one hearing.

Thank you in advance for your courtesy and cooperation in this matter.

Very truly yours,



DAVID HEAD
PRESIDENT

ADA COUNTY GROUNDWATER USERS ASSOCIATION

Idaho Department of Water Resources Receipt

Receipt ID: C087499

Payment Amount	\$25.00	Date Received	9/8/08 11:33	Region	STATE
Payment Type	Check	Check Number	1268		
Payer	HEAD DAVID				

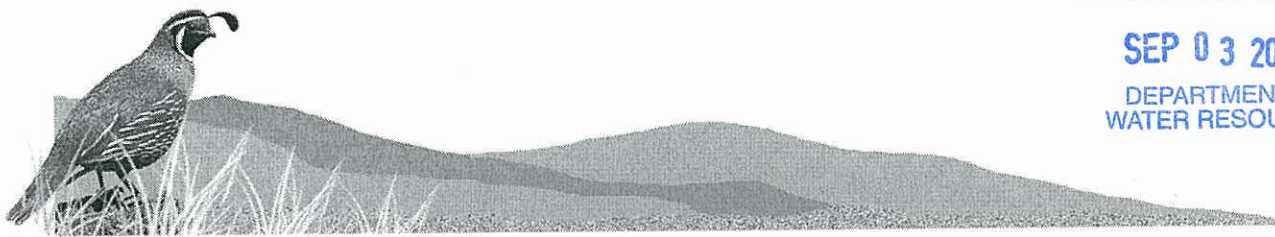
Comments Protest fee

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$25.00	PROTESTS	0229	21	56103	1155



Signature Line (Department Representative)



RECEIVED

SEP 03 2008

DEPARTMENT OF
WATER RESOURCES

North Ada County Foothills Association

One voice. One goal. One plan.

August 26, 2008

Gary Spackman
Idaho Department of Water Resources
32 East Front Street
Boise, Idaho 83720-0098

Dear Mr. Spackman,

In regards to application for permit number 63-32573 in the name of M3 Eagle LLC, I am assigning responsibility and interest for the protest filed in the name of North Ada County Foothills Association to the North Ada County Groundwater Users Association and it's representatives listed below:

David Head, President, NACGWUA
John Thornton, Vice President, NACGWUA
Anne Ritter, Secretary, NACGWUA
Ginger Head, Treasurer, NACGWUA

Sincerely,

Katherine Pennisi
Co-chair
North Ada County Foothills Association