

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

NOV 07 2008

To appropriate the public water of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name: WILLOW CREEK RANCH ESTATES HOMEOWNERS ASSOC INC
9142 WILLOW VIEW DR
MIDDLETON ID 83644
(208)585-6408

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER SE1/4SE1/4
CANYON County

Sec. 28, Twp 05N, Rge 02W, B.M.

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/01 to 11/15	0.03 CFS	

5. Total quantity to be appropriated is: 0.03 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

- Type and size of devices used to divert water from the source: WELL, PUMP & PIPELINE
- Height of storage dam N/A feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;
- Existing well diameter is 8 inches.
Existing depth of well is 232 feet.
- Is ground water with a temperature of greater than 85F being sought? NO
- If well is already drilled, when? 6/10/1993
Drilling Firm: ADAMSON PUMP & DRILLING

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 02W 28																1.0	1.0

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Willow Creek Ranch Estates #2 As per Easement on common property

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This is an existing well drilled in 1993, requiring a drilling permit fee upgrade of \$165. Water bearing zone to be appropriated is from 127 to 132 feet. Use is for common areas in subdivision. This application replaces withdrawn Transfer Application 73933. Fee from that withdrawal will cover this new application but not the drilling permit fee upgrade.

11. Map of proposed point of diversion and place of use attached? ☒

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

PRESIDENT
Title

[Signature]
Applicant

Received by *JR* Date *11/7/08* Time *1:00* Preliminary check by *JR*

Publication prepared by *DB* Date *11/13/08* Published in *PRESS TRIBUNE*

Publication approved _____ DATE: _____ Date *1* NOVEMBER 20 & 27, 2008

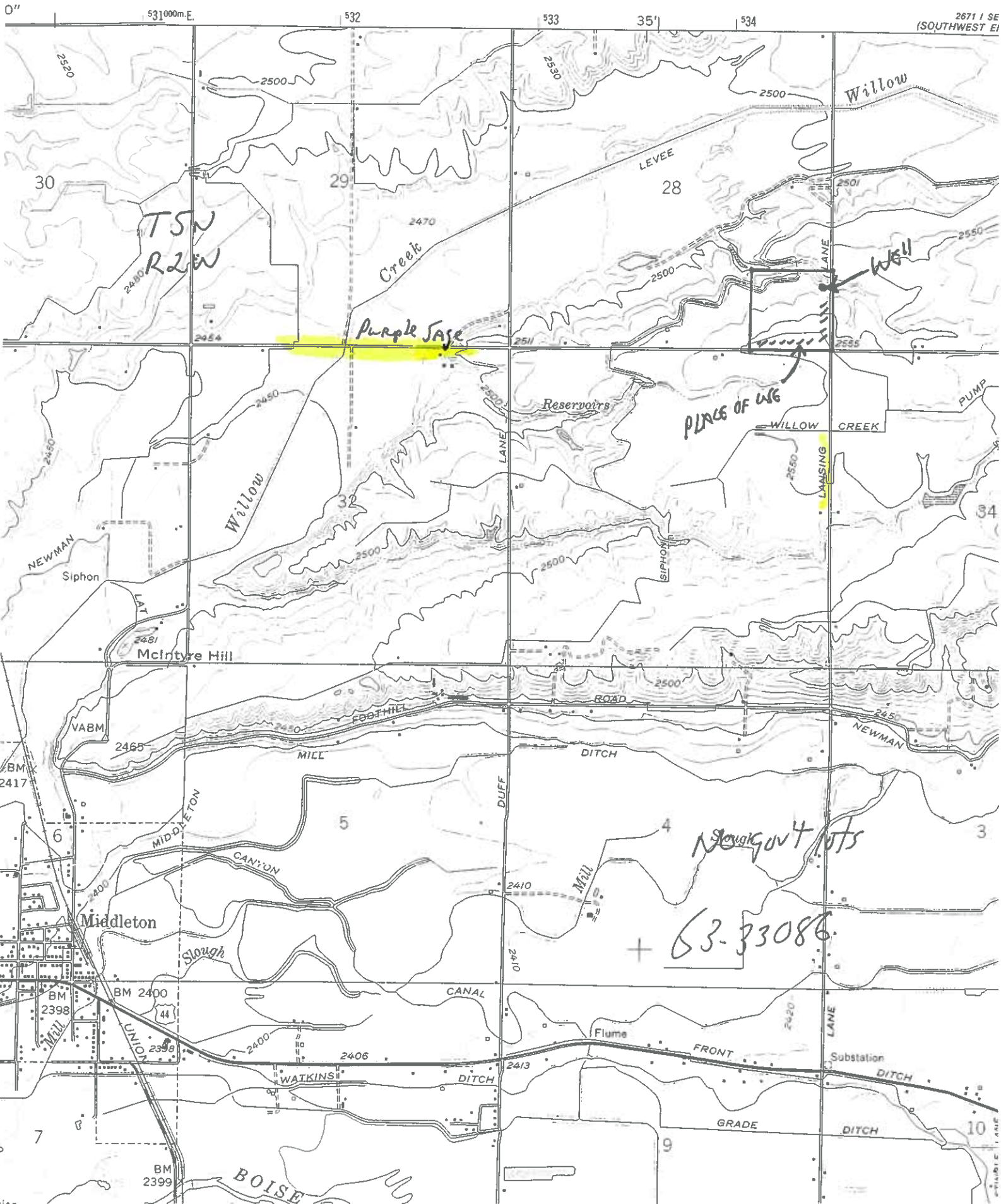
Receipt No. W035298

Date: *4/26/2007*

Received by: *JR*

*\$100 fee previously paid
e withdrawn T. 73933, receipt change processed*

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY.



RECEIVED

JUL 07 1993

RECEIVED

JUN 23 1993

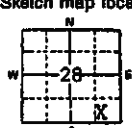
RECEIVED

JUN 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 <u>Bob Kemp</u> Address <u>Box 206 Middleton, ID 83644</u> Drilling Permit No. <u>63-93-W-0518</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>118</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>56</u> °F. Quality <u>Iron 2.5/PH 7.5/Gr 15</u> Describe artesian or temperature zones below.																																																																																																																																																																																																																												
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Modification ☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td>100</td> <td></td> <td>3/4</td> </tr> <tr> <td>80</td> <td>After Screen</td> <td>3/4</td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	100		3/4	80	After Screen	3/4																																																																																																																																																																																																																			
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG 104631 <table border="1"> <thead> <tr> <th rowspan="2">Bore 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>8"</td><td>1</td><td>2</td><td>Top Soil</td><td></td><td></td></tr> <tr><td>"</td><td>2</td><td>5</td><td>Hard Pan</td><td></td><td></td></tr> <tr><td>"</td><td>5</td><td>11</td><td>Hard Pan-coarse sand</td><td></td><td></td></tr> <tr><td>"</td><td>11</td><td>15</td><td>Tan Clay</td><td></td><td></td></tr> <tr><td>"</td><td>15</td><td>26</td><td>Gravel-Sand & Clay</td><td></td><td></td></tr> <tr><td>"</td><td>26</td><td>45</td><td>Tan Clay</td><td></td><td></td></tr> <tr><td>"</td><td>45</td><td>47</td><td>Sandy Clay</td><td></td><td></td></tr> <tr><td>"</td><td>47</td><td>70</td><td>Sand & Gravel</td><td></td><td></td></tr> <tr><td>"</td><td>70</td><td>83</td><td>Gravel w/ Clay</td><td></td><td></td></tr> <tr><td>"</td><td>83</td><td>97</td><td>Sandy Clay</td><td></td><td></td></tr> <tr><td>"</td><td>97</td><td>100</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>100</td><td>105</td><td>Coarse Sand & Clay</td><td></td><td></td></tr> <tr><td>"</td><td>105</td><td>126</td><td>Gravel & Sand</td><td></td><td></td></tr> <tr><td>"</td><td>126</td><td>133</td><td>Gravel (sm.) Coarse Sand</td><td></td><td></td></tr> <tr><td>"</td><td>133</td><td>137</td><td>Clay Some Rocks</td><td></td><td>X</td></tr> <tr><td>"</td><td>137</td><td>147</td><td>Clay Some Rocks</td><td></td><td>X</td></tr> <tr><td>"</td><td>147</td><td>150</td><td>Sandy Clay Soft/Rocks</td><td></td><td></td></tr> <tr><td>"</td><td>150</td><td>170</td><td>Sandy Clay Soft/Rocks</td><td></td><td></td></tr> <tr><td>"</td><td>170</td><td>176</td><td>Clay Tan Solid</td><td></td><td></td></tr> <tr><td>"</td><td>176</td><td>181</td><td>Sand Coarse/Clay</td><td></td><td>X</td></tr> <tr><td>"</td><td>181</td><td>187</td><td>Tan Clay</td><td></td><td></td></tr> <tr><td>"</td><td>187</td><td>190</td><td>Sand</td><td></td><td></td></tr> <tr><td>"</td><td>190</td><td>200</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>200</td><td>203</td><td>Clay & Sand Stratas</td><td></td><td>X</td></tr> <tr><td>"</td><td>203</td><td>205</td><td>Sand</td><td></td><td></td></tr> <tr><td>"</td><td>205</td><td>206</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>206</td><td>211</td><td>Sand</td><td></td><td></td></tr> <tr><td>"</td><td>211</td><td>213</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>213</td><td>215</td><td>Sand</td><td></td><td></td></tr> <tr><td>"</td><td>215</td><td>216</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>216</td><td>220</td><td>Sand</td><td></td><td></td></tr> <tr><td>"</td><td>220</td><td>225</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>225</td><td>227</td><td>Sand Good 100 gpm</td><td></td><td>X</td></tr> <tr><td>"</td><td>227</td><td>230</td><td>Clay</td><td></td><td></td></tr> <tr><td>"</td><td>230</td><td>232</td><td>Clay</td><td></td><td></td></tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	8"	1	2	Top Soil			"	2	5	Hard Pan			"	5	11	Hard Pan-coarse sand			"	11	15	Tan Clay			"	15	26	Gravel-Sand & Clay			"	26	45	Tan Clay			"	45	47	Sandy Clay			"	47	70	Sand & Gravel			"	70	83	Gravel w/ Clay			"	83	97	Sandy Clay			"	97	100	Clay			"	100	105	Coarse Sand & Clay			"	105	126	Gravel & Sand			"	126	133	Gravel (sm.) Coarse Sand			"	133	137	Clay Some Rocks		X	"	137	147	Clay Some Rocks		X	"	147	150	Sandy Clay Soft/Rocks			"	150	170	Sandy Clay Soft/Rocks			"	170	176	Clay Tan Solid			"	176	181	Sand Coarse/Clay		X	"	181	187	Tan Clay			"	187	190	Sand			"	190	200	Clay			"	200	203	Clay & Sand Stratas		X	"	203	205	Sand			"	205	206	Clay			"	206	211	Sand			"	211	213	Clay			"	213	215	Sand			"	215	216	Clay			"	216	220	Sand			"	220	225	Clay			"	225	227	Sand Good 100 gpm		X	"	227	230	Clay			"	230	232	Clay		
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary ☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.) 5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness <u>250</u> inches <u>8</u> inches <u>2</u> feet <u>224</u> feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation? _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☒ Yes ☐ No Manufacturer <u>Cook</u> Type <u>SS Wire Wrap</u> Top Packer or Headpipe <u>117</u> Bottom of Tailpipe <u>132</u> Diameter <u>5</u> " Slot size <u>.025</u> Set from <u>127</u> feet to <u>132</u> feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☒ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>Top of Well</u>	10. Work started <u>6/8/93</u> finished <u>6/10/93</u>																																																																																																																																																																																																																												
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. <u>1993</u> County <u>Canyon</u> Address of Well Site <u>Purple Sage & Lancing</u> Middleton, ID _____ T. <u>5</u> N. ☒ or S ☐ SE <u>1/4</u> SE <u>1/4</u> Sec. <u>28</u> R. <u>2</u> E ☐ or W ☒	11. DRILLER'S CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Adamsen Pump & Drilling</u> Firm No. <u>457</u> Address <u>Nampa, ID</u> Date <u>6/11/93</u> Signed by Drilling Supervisor <u>Paul Adamsen</u> and <u>Paul Adamsen</u> (Operator) (if different than the Drilling Supervisor)																																																																																																																																																																																																																												

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

63-33086

No. C 103708		Due no later than October 31, 2007	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Mailing Address - Correct in this box, if applicable WILLOW CREEK RANCH ESTATES HOMEOWNE DERLIN GODDARD 9141 WILLOW VIEW MIDDLETON, ID 83644	
2. Registered Agent and Office NO PO BOX BILL GOETZ 9142 WILLOW VIEW DR MIDDLETON, ID 83644 GLEN PHILLIPS 9061 WILLOW VIEW DR		3. New Registered Agent Signature Glen Phillips	
NO FILING FEE IF RECEIVED BY DUE DATE			
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
Office held PRESIDENT DEERLIN GODDARD Vice President GENE BARNARD Secretary GLEN PHILLIPS	Street or P.O. Address 9141 WILLOW VIEW DR. 9062 WILLOW VIEW DR. 9061 WILLOW VIEW DR.	City MIDDLETON MIDDLETON MIDDLETON	State ID ID ID
5. Organized Under the Laws of: IDAHO C. 103708		6. Signature 	Date P-30-07

Signed T. 73933 withdrawn
 ÷ Appl 83-33186

-P 11/7/08

83-33086
 11/7/08
 d fliers →

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, November 13, 2008 11:57 AM
To: legals@idahopress.com
Subject: Legal Notices
Attachments: Canyon County Ads - Cover Letter.RTF; 63-12519 Ad.RTF; 63-33084 Ad.RTF; 63-33086 Ad.RTF

Attached please find (3) legal notices being submitted for publication in the Press Tribune. Please contact me if you have any questions or are not able to run the ads on the dates listed.

Thank you,

Denise Buffington
Idaho Dept of Water Resources
Western Region

11/13/2008

November 13, 2008

Legal Notice Department

PRESS-TRIBUNE

PO BOX 9399

NAMPA ID 83652

RE: Application for Permit No. 63-12519, 63-33084 & 63-33086

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/08/2008. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

63-33086

WILLOW CREEK RANCH ESTATES HOA INC
9142 WILLOW VIEW DR
MIDDLETON ID 83644

Point(s) of Diversion SESE S28 T05N R02W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 11/07/2008

Place Of Use: IRRIGATION

T05N R02W S28 SESE

Number of Acres 1

Remark: Water bearing zone to be appropriated from an existing domestic well is from 127 to 132 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/08/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on November 20th & 27th, 2008

MEMORANDUM

TO: Debbie Allen
FROM: Steve Lester / Denise Buffington DB
DATE: November 12, 2008
RE : **Change fee detail / receipt code**

Mills & Co Realty Inc paid \$100 for an Application for Transfer on April 20, 2007. The application was withdrawn on November 5, 2008. Mills & Co Realty paid the filing fee on behalf of Willow Creek Ranch Estates No. 1. The applicant, Willow Creek Ranch Estates No. 1 then filed an Application for Permit on November 7, 2008, to replace the withdrawn transfer application.

Please update the database and apply the \$100 filing fee to the Application for Permit # 63-33086. W035298 should show *Permits* rather than Transfers in the fee details.

RECEIPT

W035298, copy attached

Copy: Application for Permit # 63-33086 & Application for Transfer # 73933

Thank you!

Receipt Details for ID W035298

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
4/20/2007 11:29:19 AM	4/20/2007 3:49:33 PM	WESTERN	\$100.00	Check
Payee	MILLS & CO REALTY INC			

Account Information	
Check Number	4588

Comment APPLICATION FOR TRANSFER FEE: WILLOW CREEK RANCH ESTATES NO. 1

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	TRANSFERS	62105	0229	21		1155

Refund(s)
Amount

Payee

Date

Document Number

Permit: 63-33086

Permits

→ Apply to 63-33086

Transfer Applicant listed

As:

"W. W. W. Creek Ranch

Estates No. 1"

SL. 50

RECEIVED

NOV 05 2008

WATER RESOURCES
WESTERN REGION

WITHDRAWAL OF ATION FOR TRANSFER

COPY

TO WHOM IT MAY CONCERN:

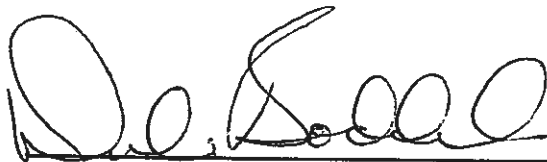
I hereby withdraw Application for Transfer of Water

Right No(s). 63-3270 63-8034 63-8116

Transfer No. 73933.

I understand that the withdrawal does not adversely
affect the above-referenced water right(s).

Signed this 26th day of OCT., 2008



Signature of Applicant

DERLIN GODDARD

Printed Name of Applicant

NOTE

\$100 filing fee paid in transfer,
receipt #W035298, should be applied
to replacement Application # 63-33086



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

August 28, 2008

JUSTIN WALKER
9059 KEMP RD
MIDDLETON ID 83644

Re: Withdrawal of Transfer Application Nos. 73754, 73929, 73932 and 73933
and Replacement Applications for Permit

Dear Justin:

The replacement applications are enclosed as we discussed. Each application also includes its related transfer withdrawal form. Withdrawal of the transfers is necessary to apply the transfer fees to the applications for permit. The latter can be processed once those fees can be associated with these replacement filings.

Please note the replacements applications share several things in common as follows:

1. The maximum flow rate for minor acreage is shown – 0.03 cfs instead of the standard 0.02 cfs associated with most irrigation.
2. Assumed a minimum of 1 year to complete development under each application. For example, the Bailey system already exists and the 1 year minimum is applicable (1 year listed for existing systems per department standards). The development period under the other applications can be changed if necessary. See Item 7 in the applications – acceptable responses are 1, 2, 3, 4 or 5 years.
3. The transfer withdrawal forms should be completed by the applicants and returned with the replacement applications.

Please note the following items for specific applications.

- 1) Bailey Application 63-33084 – I assumed she stills owns the property. If not, the current owner can file the application by changing the applicant information in item 1.

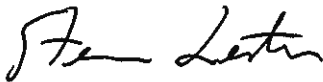
Justin Walker
August 28, 2008
Page 2

- 2) Walker Application 63-33085 – Multiple names joined by “and/or” only require 1 signature on the application. The drilling permit fee upgrade of \$125 is needed for the domestic well to be used for an irrigation water right.
- 3) Homeowners Assoc. Application 63-33086 – Item number 9 needs to be answered and explained if necessary for ownership of the well site. The application should be signed by one of the association officers. That person’s title should be included in the signature block. The drilling permit fee upgrade of \$165 is needed for the domestic well to be used for an irrigation water right (upgrade fee dependent on when well was drilled as a domestic well).
- 4) Estates #2 & #3 Application 63-33087 – The application name can be changed if it is not listed correctly per ongoing work to register this business entity name with the Idaho Secretary of State. Same information is needed for item number 9 as noted in the above application. Appropriate signature and title should be included. A list of officers should be attached since the applicant is not currently registered as a business entity. Note the drilling permit fee upgrade is \$165 between Applications 63-33086 and 63-33087, not \$165 for each application for this shared well.

The applicants can make changes on the forms if anything does not look correct. You will continue to be listed as the consultant for the other three applicants. This will allow you to remain informed about the outcome of those applications.

Let me know if you have any questions or run into any problems. The replacement applications can be processed once they are completed as noted above and returned. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

July 17, 2008

JUSTIN WALKER
9059 KEMP RD
MIDDELTON ID 83644

Re: Applications for Transfer for Walker, Willow Creek Ranch Estates No. 1, Willow Creek Ranch Estates No. 2 & 3, and Bailey

Dear Justin:

The above referenced amended applications received April 1, 2008 have been reviewed in considerable detail. Some of my previous assumptions about the situation have not proven to be viable based on more research and discussion with other Idaho Department of Water Resources (IDWR) staff. Preliminary conclusions have been reached as discussed below.

Walker - Transfer Application No. 73929

Your application proposes to retire and relocate a 1-acre portion of right 63-8034. The application proposes to use the 1-acre portion of 63-8034 for primary irrigation on land lacking an existing surface water irrigation right.

File research clearly shows ground water right 63-8034 was established to supplement existing irrigation under surface water right 63-3278. The ground water right is a supplemental right. Supplemental rights can not be transferred to become primary rights since that would constitute an enlargement of use. Your application is not approvable unless the primary/supplemental issue can be overcome.

A new application for permit (seek a new water right) to be expedited without delay is suggested. This option was not readily available when the transfer application was filed but recently became possible under IDWR management policies. This would include withdrawing your transfer application, filing a new application for permit seeking a new right, and requesting the \$100 transfer fee to be applied to the application for permit. A well drilling permit upgrade fee might be required if you propose to use an existing domestic well drilled after July 1, 1987 at the new site.

Willow Creek Ranch Estates No. 1 - Transfer Application No. 73933

This application proposes to retire and relocate a 1-acre portion of rights 63-3270, 63-8034 and 63-8116. Those are three overlapping primary ground water rights. The application is not complicated by primary surface water rights.

The proposal includes retiring narrow strips of irrigated land associated with road easements or rights-of-way. The difficulty with this idea is to show a credible way in which irrigation would be curtailed under these rights – what specifically would happen to result in reduced irrigation use? IDWR would assume an enlargement of use without credible information to the contrary.

The applicant can provide the necessary information or can use the same alternate solution noted for your application: withdrawing the transfer application, filing a new application for permit seeking a new right, and requesting the \$100 transfer fee to be applied to the application for permit. A well drilling permit fee upgrade might be needed as noted above.

Willow Creek Ranch Estates No. 2 & 3 - Transfer Application No. 73932

Exact same scenario, issues and suggested solutions as in Willow Creek Ranch Estates No. 1 situation.

Bailey - Transfer Application No. 73754

This application proposes to retire and relocate a different 1-acre portion of rights 63-3270, 63-8034 and 63-8116 than in the two Willow Creek Ranch Estates applications. The three ground water rights are supplemental to surface water right 63-3278 for the land in question under the Bailey application.

The primary/supplemental issue is overcome in Bailey's case. The proposed new site for this application has existing primary surface water rights provided by the Canyon County Ditch Company. Bailey's proposed use would be supplemental to the ditch company primary use. A supplemental right can be transferred for supplemental use at a new location.

However, the land to be retired under the Bailey proposal also involves narrow strips along roads noted above in the Willow Creek Ranch Estates applications. Also, the shallow ground water pond at Bailey's proposed site needs additional water right protection not covered in this transfer scenario.

Bailey can pursue the same remedies outlined for both Willow Creek Ranch Estates scenarios – submit additional information or replace the transfer application with a new application for permit etc. All of Bailey's water right needs can be covered under one application for permit (pond plus well use).

Justin Walker
July 17, 2008
Page 2

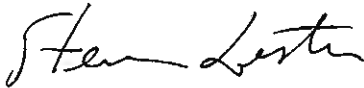
Summary

All four applications present significant problems. At least one transfer application appears not approvable while the others face serious, perhaps insurmountable, obstacles to approval. Also, Bailey needs more water right coverage than addressed by the transfer process.

IDWR recommends using the application for permit option as the fastest, simplest solution. This office will expedite applications for permit if the applicants pursue that option. I will be glad to assist by preparing draft applications for permit for the parties to review and sign. Once filed, the applications for permit can be processed immediately.

Please let me know what the applicants would prefer to do. I would be glad to discuss this in more detail if you prefer. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Lester".

Steve Lester
Water Rights Supervisor

RECEIVED

DEC 27 2007

December 13, 2007

WATER RESOURCES
WESTERN REGION

To Whom It May Concern:

We hereby appoint Justin Walker to be our representative in matters relating to a transfer of water rights to our association, which is Willow Creek Ranch #1 subdivision, an ask for an extension of time until January 16th, 2008 to work on the application for said transfer.

Thank You,

Derlin Goddard


FOR Willow View #1 Sub.

Consultant was for withdrawn transfer,
now is for Appl. 63-33086
-JZ



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

December 24, 2007

WILLOW CREEK RANCH EST #1
C/O JUSTIN WALKER
9059 KEMP RD
MIDDLETOWN ID 83644

Re: Application for Transfer for Portion of Water Right No. 63-3270

Dear Applicant:

This letter acknowledges your appointment of Justin Walker to act on your behalf for the above referenced matter. Additionally, your request for more time to provide the information in that regard is approved.

As noted in my recent letter, the additional information is due by January 16, 2008.

Please contact me at 334-2190 if you need more information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', is written over a horizontal line.

Steve Lester
Water Rights Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

November 16, 2007

JUSTIN WALKER
9059 KEMP RD
MIDDLETON ID 83644

Re: Applications for Transfer for Portions of Water Right No. 63-3270

Dear Justin:

The Idaho Department of Water Resources (IDWR) sent a letter dated September 4, 2007 to four transfer applicants involved with portions of the above referenced water right. That letter requested additional information to allow processing of the applications to continue. The letter noted that applications could be rejected or denied for failure to provide a timely response.

You are one of those applicants. Although you previously submitted some information for two of the other applications, none of the other applicants have formally authorized you to act as their agent.

You recently submitted a request for additional time to provide the requested information for all four applicants. Obviously you can act on behalf of your own application. However, you cannot act on behalf of the other three applicants unless they make a formal designation to IDWR to that end. The other three applications risk being rejected or denied because those applicants have not made a timely reply to IDWR's request for information.

However, it is clear you are acting in good faith and making an effort to help resolve similar water right ownership issues related to all four applications. **Therefore your request for more time for all the applications is conditionally approved as follows:**

- 1. The additional information requested by IDWR is due by January 16, 2008.**
- 2. Applicants Willow Creek Ranch Estates #1, Willow Creek Ranch Estates #2 and 3, and Kimberly Bailey must make their replies or must appoint you to act on their behalf by that due date. Those applications will be rejected or denied for failure to do that.**

Justin Walker
November 16, 2007
Page 2

Please contact me at 334-2190 if you need more information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester
Water Rights Supervisor

Copy: Willow Creek Ranch Estates #1
Willow Creek Ranch Estates #2 and 3
Kimberly Bailey
Michael & Anne Wagner

RECEIVED

OCT 26 2007

WATER RESOURCES
WESTERN REGION

October 24, 2007

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

Re: Water Right Transfer Applications (No. 63-3270) – Time Extension Request

Dear Steve:

I am writing this letter in response to a letter dated September 4, 2007 regarding *Applications for Transfer for Portions of Water Right No. 63-3270* in behalf of the following applicants with transfer applications before the IDWR:

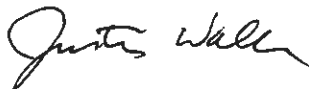
- Justin Walker
- Willow Creek Ranch Estates #2 & 3
- Kimberly Bailey
- Willow Creek Ranch Estates #1

In response to the letter we are actively working with Dick Phillips and his professionals to prepare the additional information requested in your letter dated September 4, 2007. In behalf of the applicants listed below, I respectfully request an additional sixty (60) days to provide IDWR the necessary documentation to finalize the transfer process. It is my hope that the documentation can be provided much sooner.

If you have any questions regarding the above, please do not hesitate to contact me @ 585-6347 or 859-2932.

Sincerely,

Justin Walker



Justin Walker
9059 Kemp Road
Middleton, ID 83644



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 4, 2007

TO: Distribution List

RE: Applications for Transfer for Portions of Water Right No. 63-3270

Dear Applicants:

The Idaho Department of Water Resources (IDWR) received four applications for transfer from separate applicants in 2005 and 2006. Each application involved a separate one-acre portion of the above referenced water right.

Each application included an affidavit from Michael Wagner indicating a one-acre portion of the right was provided to the applicant. Affidavits do not convey ownership of water rights. None of the applications included ownership documents to verify the applicant's ownership of a one-acre portion of right no. 63-3270.

IDWR continues to have a backlog of transfer applications to process. The following table summarizes the four transfer applications in question.

APPLICANT	DATE FILED	STATUS
Walker	May 2005	Ready to process
Willow Creek Ranch Est. # 2 & 3	May 2005	Ready to process
Bailey	April 2006	Not Ready to process
Willow Creek Ranch Est. # 1	July 2006	Not Ready to process

Lacking evidence to the contrary, IDWR must presume the water right is appurtenant to the place of use described by the right.

Phillips filed a Notice of Change in Water Right Ownership for right no. 63-3270 on June 11, 2007. The warranty deeds for the ownership change verified Richard M. Phillips and the Staci Phillips Trust own the place of use and all appurtenances associated with the property. Portions of the water right were not withheld in the ownership conveyance from Wagner to Phillips.

IDWR legal staff reviewed the information in this matter and determined IDWR must assume Phillips owns all of water right no. 63-3270. Legal staff also determined the

Water Right No. 63-3270
September 4, 2007
Page 2

transfer applicants should clarify their standing to legally remove a portion of the water right from the place of use of the water right.

For example, an applicant could provide a valid warranty deed confirming the applicant's ownership of a one-acre portion of the water right. An approved transfer under those circumstances would change the ownership for the portion of the right being transferred.

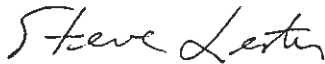
As previously noted, two of the applications are ready to process while the other two are not. However, all four applicants should provide documentation of their respective ability to make a change to the water right. IDWR must reject or deny the applications without that documentation.

Please provide written verification noted above to keep your application in good standing, whether or not it is ready to be processed. You may seek up to six months of additional time to provide the verification. The requested verification or a request for more time must be received within the next sixty (60) days. If you no longer own the proposed place of use in your transfer application, you may assign the application to a new owner by submitting a notarized letter to IDWR in that regard. The new applicant would also be subject to the sixty day response deadline. The applications will be rejected or denied without a timely written response.

Phillips already provided enough information to IDWR in this regard and does not need to respond to this letter. IDWR will complete the processing of the ownership change for Phillips after the sixty day response deadline.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Distribution List

Copy: Richard Phillips
 Michael and Anne Wagner

DISTRIBUTION LIST – WATER RIGHT NO. 63-3270

JUSTIN WALKER
9059 KEMP RD
MIDDLETON ID 83644

WILLOW CREEK RANCH EST #2 & 3
9650 KEMP RD
MIDDLETON ID 83644

KIMBERLY BAILEY
2710 SUNRISE RIM RD
BOISE ID 83705

WILLOW CREEK RANCH EST #1
9142 WILLOW VIEW DR
MIDDLETON ID 83644

COPIES PROVIDED TO

RICHARD PHILLIPS
210 MURRAY ST
BOISE ID 83714

MICHAEL & ANNE WAGNER
25838 N MIDDLETON RD
MIDDLETON ID 83644



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 1, 2006

WILLOW CREEK RANCH ESTATES NO. 1
9142 WILLOW VIEW DR
MIDDLETON ID 83644

Re: Application for Transfer of Water Right No. 63-3270

Dear Applicant:

You recently filed an application for transfer to change the above referenced water right. Processing of the application must be delayed as explained below.

The application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The Idaho Department of Water Resources (IDWR) role in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the coming months. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for the area in question is expected to conclude by next spring if not earlier. Based on that schedule and the above reasoning, the application cannot be processed at this time. IDWR will hold the transfer application and will notify you at the appropriate time when it can be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Meanwhile, there are two things you can do to facilitate eventual transfer processing and to protect your interest in the water right. One, the \$100 application fee was not paid. Two, please file an ownership change for the water right by using the enclosed form. An ownership update can be completed while the transfer application remains on hold. The ownership update will be important to completing the adjudication process. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure