

RECEIVED

OCT 09 2008

WATER RESOURCES
WESTERN REGION

Ident. No. 63-33084

63-33084

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: KIMBERLY BAILEY
8982 REFLECTIONS LN
MIDDLETON ID 83644
(208)585-3598

2. Source: GROUND WATER Tributary to: BOISE RIVER

3. Location of Point of Diversion:

#1 GROUND WATER
CANYON County

SW1/4NW1/4

Sec. 10, Twp 04N, Rge 02W, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01	to 11/15	0.03 CFS	
AESTHETIC STORAGE	01/01	to 12/31		6.0 AF

5. Total quantity to be appropriated is: 0.03 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: EXCAVATED POND FOR
SHALLOW GROUND WATER, PUMP & SPRINKLERS

b. Height of storage dam 0 feet;
Active reservoir capacity 4 acre-feet;
Total reservoir capacity 4 acre-feet;

c. Proposed well diameter is N/A inches;
Proposed depth of well is feet.

d. Is ground water with a temperature of greater than 85F being sought? NO

e. If well is already drilled, when? N/A;
Drilling Firm ;
Drilling Permit No. .

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 (SUPPLEMENTAL)

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 02W 10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0

PLACE OF USE: AESTHETIC STORAGE: SAME AS IRRIGATION

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

APPLICANT

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 system. Water bearing zone to be appropriated is from 1 to 8 feet from an excavated pond (no dam). Total storage includes 4 af pond capacity plus 2 af refill for evaporation losses during the irrigation season. Parcel number R2393401600. This application replaces withdrawn Transfer Application 73754. Fee from that withdrawal will cover this new application.

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.

Kimberly J. Bailey
Applicant

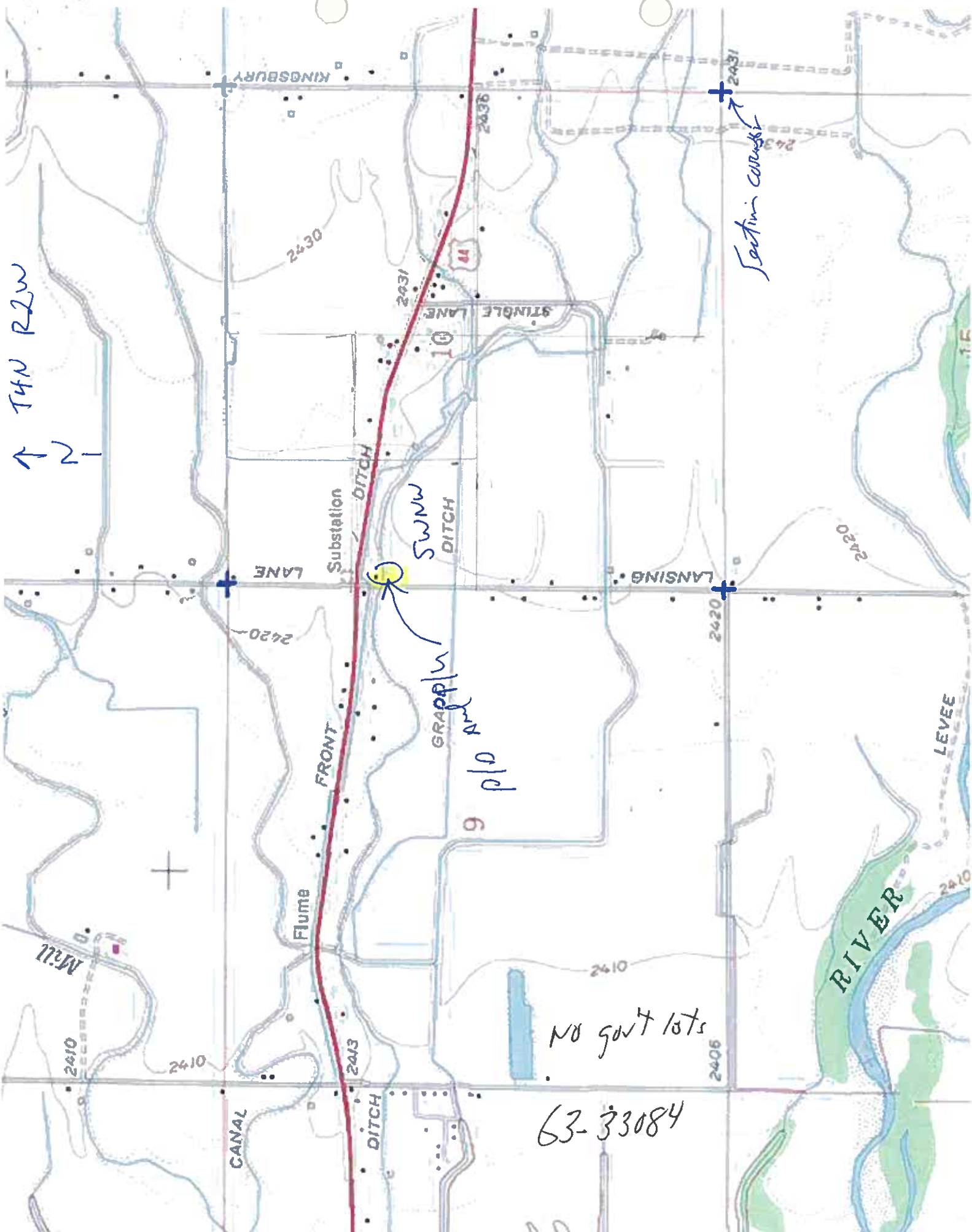
Received by DB Date 10/9/08 Time 4:50 pm Preliminary check by SL
 Publication prepared by DB Date 11/13/08 Published in PRESS TRIBUNE
 Publication approved _____ DATE: _____ Date 1 NOVEMBER 20 & 27, 2008

Receipt No. W034036

Date: 4/11/06Received by: SL

*\$100 fee previously paid
 & withdrawn T. 73754, Receipt change processed*

T4N R2W
↑ 2-



NO GOVT LOTS
63-33084

BAILEY APPLICATION FOR PERMIT

POND REMARKS

IDWR 2005 site visit in Reflection Lane Homeowners dispute –

- pond approximately $\frac{1}{2}$ acre area & maximum 8 ft. deep
- storage capacity approximately $\frac{1}{2}$ acre x 8 ft. = 4 acre-feet (AF).

Pond Evaporation Map (attached), northeast corner Canyon County approximately 45 inches/year –

- evap losses approximately $\frac{1}{2} \times (45/12) = 1.875$ AF, round to 2 AF for estimate.

Aesthetic Storage capacity + losses approximately 6 AF.

Irrigation Storage for pond n/a, not adding another increment of storage for irrigation system, diversion from pond for irrigation considered direct diversion from shallow ground water source.

Shallow ground water considered tributary to Boise River.

63-33084

POND EVAPORATION MAP

Estimate AF lost to evaporation

Data

Pond surface area - acres

Inches/year evap - best fit from map

Convert inches of loss/year to feet

AF loss = feet x acres

Example

Pond covers 5 acres in nw Ada County

Average depth = 10 ft

Pond capacity = 5 ac x 10 ft = 50 AF

Inches of loss/year = 42 (between 40 & 45)

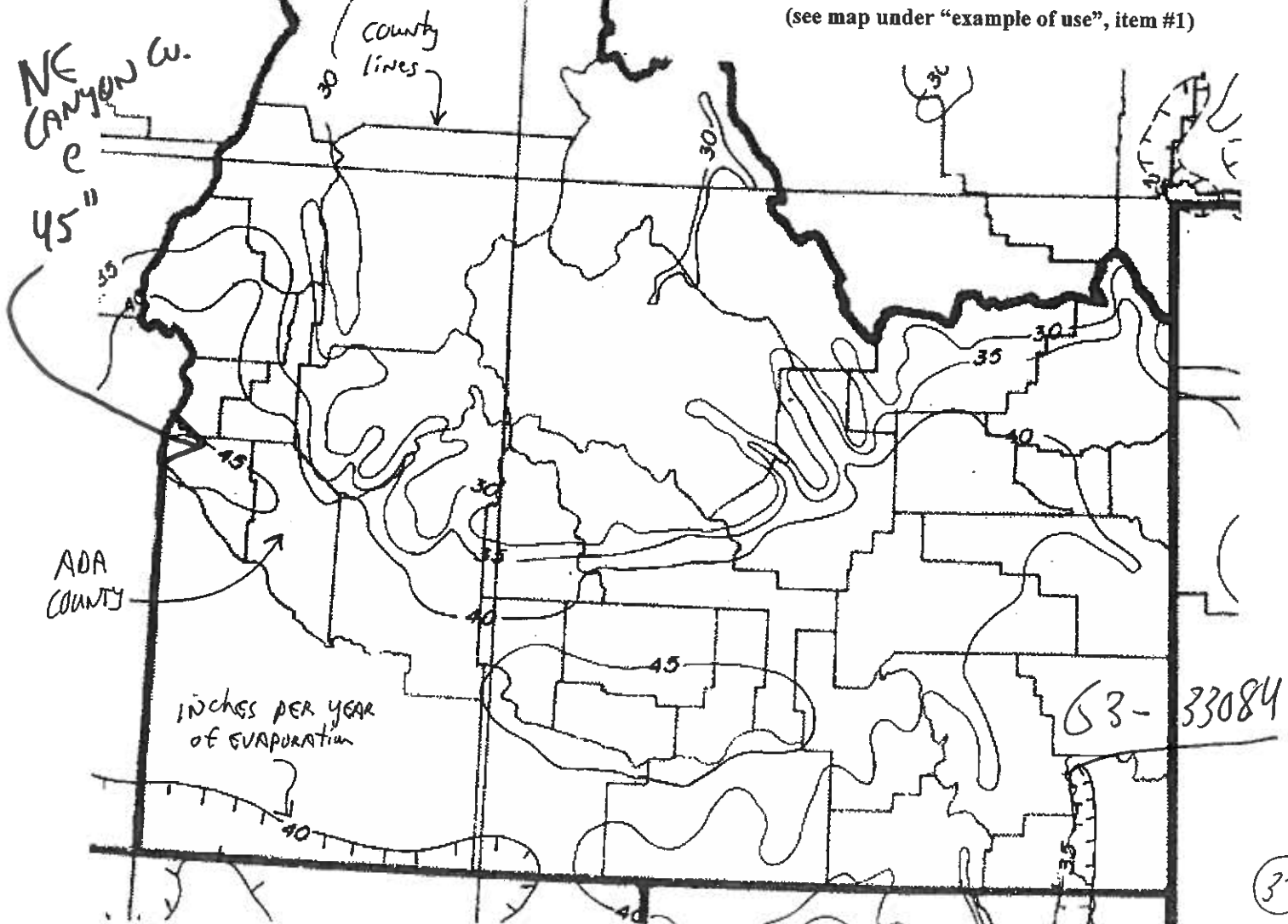
AF loss = $(42/12) \times 5 = 17.5$ AF

WR COVERAGE NEEDED = CAPACITY + LOSS

Need $50 + 17.5 = 67.5$ AF

http://snow.ag.uidaho.edu/publications/pond_evap/pond.html

(see map under "example of use", item #1)



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:

63-33084

KIMBERLY BAILEY
8982 REFLECTIONS LN
MIDDLETON ID 83644

Point(s) of Diversion SWNW S10 T04N R02W CANYON County Source GROUND WATER

Tributary To BOISE RIVER

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

Use: AESTHETIC STORAGE 01/01 To 12/31 6 AFA

Total Diversion: 0.03 CFS

Date Filed: 10/09/2008

Place Of Use: IRRIGATION

T04N R02W S10 SWNW

Number of Acres 1

Place Of Use: AESTHETIC STORAGE SAME AS IRRIGATION

Remark: Water bearing zone to be appropriated is from 1 to 8 feet from an existing shallow ground water pond tributary to the Boise River.

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

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, November 13, 2008 11:26 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Comment Letter
Attachments: 63-33084 Letter to WD63.doc; 63-33084 App.pdf

Please review the attached information and comment as necessary. Please contact me if you have any questions regarding the attached information.

Thank you,

Denise Buffington
Administrative Assistant
Western Region
Idaho Dept of Water Resources

11/13/2008

November 13, 2008

REX BARRIE, WATERMASTER 63
10769 WEST STATE STREET
P.O. BOX 767
STAR, IDAHO 83669

Re: Application No(s). 63-33084

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please complete the necessary recommendation form(s) and return to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

If after 21 days from the date of this letter the Department has not received your written recommendation, the Department will presume you do not oppose approval of the application and you have no comments for the Department to consider.

However, possible approval of the application(s) will include conditions of approval about standard controls for uses in your water district (lockable, measureable diversion works, etc).

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure Copy of Applications(s)

File copy

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RECEIVED

NOV 05 2008

DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

RECEIVED

NOV 07 2008

OFFICE OF ENERGY RESOURCES

TO: Debbie Allen
FROM: Steve Lester / Denise Buffington *DB*
DATE: November 4, 2008
RE : Change receipt code / fee detail

Kimberly Bailey paid \$100 for an Application for Transfer on April 11, 2006. The application was withdrawn on October 21, 2008. In addition, she filed an Application for Permit on October 9, 2008, to replace the transfer application.

Please change the fee details of receipt # W034036 to reflect accordingly. The \$100 should be applied to Permits, rather than Transfers.

Thank you

RECEIPT #

W034036, copy attached

Copy: 63-33084

Receipt Details for ID W034036

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
4/11/2006 10:14:20 AM	4/11/2006 2:36:41 PM	WESTERN	\$100.00	Check
Payee	BAILY, KIMBERLY			

Account Information	
Check Number	2160

Permit 63-33084

Comment APPLICATION FOR TRANSFER NO. 63-3270

Fee Detail:

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

Permits : 63-33084

Refund(s) Amount	Payee	Date	Document Number
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RECEIVED

OCT 21 2008

WATER RESOURCES
WESTERN REGION

WITHDRAWAL OF APPLICATION 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. 73754.

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

Signed this 20th day of October, 2008.

Kimberly J. Bailey
Signature of Applicant

Kimberly J. Bailey
Printed Name of Applicant

NOTE \$100 filing fee paid in transfer,
Receipt #W034036, should be applied
to replacement Application # 63-33084



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.

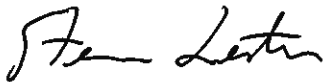
Justin Walker
August 28, 2008
Page 2

- 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.

Justin Walker
July 17, 2008
Page 2

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

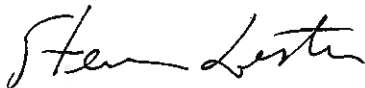
Summary

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

BAILEY TRANSFER APPLICATION 73754 *

-82 3/29/08

Change portions of 3 ground water (wells) irrigation rights to irrigate 1 acre from pond

Pond – shallow gw about ½ acre, max. 8' deep = 4 af

Pond – focus of Reflection Ln HOA Violation

Pond no longer provides irr to other lots, just some of applicant's lot

Pond also filled with Canyon County Ditch Co. water in past, maybe still can (re 24 hr fill)

Prior water bank lease(s) covered use of pond while wr solution pending:

- HOA lease approved 2005, minor rate/volume from 63-31861 (Lochsa Falls Subd. via wells) to cover pond for cease & desist order – Cynthia C. 9/2005 memo
- Bailey 4/2006 lease appl (63-3270, same as 1 right in T73754) included pond as source for using leased water, 1 acre irr, was it approved? Probably does not matter since HOA lease approval covered pond
- Conclusion – prior approval recognized could use well water to cover pond evap issues

WR Solution?

5N 2W Before & 4N 2W After = all downstream from Star, ok shallow ground water & river

1) Application for Permit

- shallow ground water
- 4 afa capacity
- aesthetic storage all year

2) Application for Transfer 73754

- retire 1 acre from 3 well rights, 1963-1975 priorities
- replace with shallow ground water source (pond)
- irrigation, 0.02 cfs, 4.5 afa diversion volume, 3.5 afa consumptive volume
- assume 1:1 pond swap, irrigation + pond surface area limited to 1 acre, total 3.5/4.5 afa
- supplemental to surface water irrigation via ditch company
- priority date advanced in transfer approval – source issues, change from wells to shallow ground water, injury to senior priorities for surface water & shallow ground water?

Cannot cover year around shallow ground water pond just with transfer, expanded season could injure senior surface water & shallow ground water rights/permits/applications

* transfer withdrawn, replaced w/ 63-33084



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 28, 2007

JUSTIN WALKER
9059 KEMP RD
MIDDLETON ID 83644

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

Dear Justin:

This letter confirms our meeting yesterday regarding four applications for transfer filed by you, Kimberly Bailey, Willow Creek Ranch Estate #1 and Willow Creek Ranch Estates #2 and #3. I will consult with department staff to determine if we already have sufficient ownership information verifying that Wagner retained ownership of the narrow strip of land along one or more roads as we discussed. I will let you know about that as soon as possible.

We also discussed the issue of more time to supply the information needed for these applications. The January 16 deadline is extended to June 30, 2008 for all the applications. Please contact me prior to the new deadline if you think more time beyond that will be needed.

Meanwhile, please let me know if you need any assistance.

Sincerely,

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

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 30, 2007

KIMBERLY BAILEY
C/O JUSTIN WALKER
9059 KEMP RD
MIDDLETON 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 information in that regard is approved.

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

Meanwhile, I will work on the ownership questions that Justin asked during today's meeting at this office. I will be in contact with Justin as soon as I have answers to his questions.

Please contact me at 334-2190 if you have any questions.

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

November 27, 2007

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

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NOV 30 2007

WATER RESOURCES
WESTERN REGION

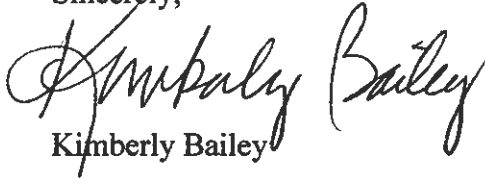
Re: Application for Transfer of Portion of Water Right No. 63-3270

Dear Steve:

I hereby appoint Justin Walker who resides at 9059 Kemp Road, Middleton, Idaho to act as my appointed representative in matters regarding the application for transfer of a portion of Water Right No. 63-3270 and ask for an extension of time until January 16, 2008 to provide the additional information requested by IDWR.

Please contact me if you have any questions or require any additional information.

Sincerely,


Kimberly Bailey



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:

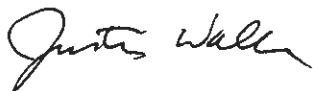
- Justin Walker
- Willow Creek Ranch Estates #2 & 3
- Kimberly Bailey
- Willow Creek Ranch Estates #1

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.

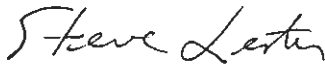
As previously noted, two of the applications are ready to process while the other two are not. However, all four applicants should provide documentation of their respective ability to make a change to the water right. IDWR must reject or deny the applications without that documentation.

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2006

KIMBERLY BAILEY
8982 REFLECTIONS LN
MIDDLETON ID 83644

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

Dear Ms. Bailey:

The above referenced application for transfer to change a water right was recently received. 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 role of the Idaho Department of Water Resources (IDWR) 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 sometime during the latter half of this year 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 for it to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

01/03

Before the Idaho Water Resource Board

RECEIVED
APR 13 2006
WATER RESOURCES
WESTERN REGIONAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Applicant Kimberly J. Bailey Phone (H) 585-3598
Address 8982 Reflection Lane (W) 947-7618
City Middleton State ID Zip Code 83644

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Ground water
tributary to _____
2. Maximum volume of water 3.5 AF.
3. Maximum rate of diversion .02 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion SW 1/4 NW 1/4, Section 10,
Township 4N, Range 2W, B.M. Canyon County.
3. Season of use: From 3/15/06 to 11/15/06
4. Description of diverting works: Drilled well - domestic (pond)
Pump HP n/a Lift n/a Pump type n/a
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.
1 acre of irrigation
4N-2W; Section 10; SW 1/4 of NW 1/4

COPY

01/03

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

None

7. Who owns the property at the point of diversion?

Kimberly J. Bailey

8. Who owns the property at the place of use?

Kimberly J. Bailey

9. Are you seeking a rental for more than one (1) year? No (yes or no)

If yes, for how many years? _____

10. Remarks:

Transfer pending for portion of
63-3270 (purchased .02 cfs, 1 acre portion)

Date

4/13/06

Signature of Applicant

Kimberly J. Bailey

FOR DEPARTMENT USE ONLY

Received by sk Date 4-13-06 Time 5: pm

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

Form 42-1761
01/03

Water Supply Bank No. _____

Water Right No. 63-3270STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Kimberly J. Bailey Phone (H) 585-3598
Post office address _____ (W) 947-7618

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-3270 issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: .02 cubic feet per second &/or
3.5 acre-feet per annum
- * b. Point of diversion: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10 Township 4N Range
2W, B.M. in Canyon County.
Additional points _____

* See pending transfer application attached

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2W	10							1										1

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 1

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

See attached transfer application

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

See adjudication recommendations 63-3270

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Groundwater

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

None

- e. If the water right is a permit, describe the work accomplished toward developing the right.

None

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board.

_____ For sale;

X For lease for a period from 1/1/06 to 11/15/06
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Standard payment

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Date 4/13/06

Signature Kimberly J. Bailey

FOR DEPARTMENT USE ONLY

Received by AK Date 4-13-06 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____