

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 07 2008

WATER RESOURCES
WESTERN REGION

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, A. Michael Preston, hereby assign to Meridian Heights Water & Sewer Assn
of, PO Box 472, Meridian, Id. 83680 208-887-9670
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. #63-12251
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

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

Made this 30TH day of June, 2008.

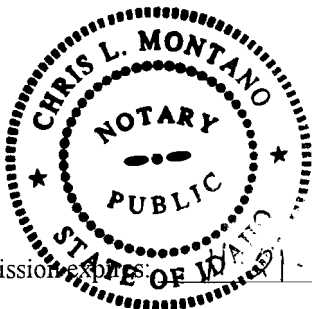
A. Michael Preston
Applicant(s)

State of Idaho)

County of Ada)ss

On this 30 day of June, 2008, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL



My commission expires: 1-13

Chris L. Montano
Notary Public residing at
Boise

✓ database updated by DB 7-9-08

Assigned to
Meridian Heights
Water & Sewer
Assn. 7/2008.

Ident. No. 63-12251

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 03 1995

APPLICATION FOR PERMIT

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name: G & S DEVELOPMENT INC
Address: C/O D MICHAEL PRESTON PRES
420 BITTERROOT DR
BOISE ID 83709

208-375-2647

2. Source: WASTEWATER

Trib. to:

3. Location of Point of Diversion:

NENWNE Sec. 25, Township 03N, Range 01W
ADA County

4. Water will be used for the following purposes:

Purpose	3/15-11/15	From	To	CFS	(or)	AF
IRRIGATION		~~04/01~~	~~10/31~~	0.360		
IRRIGATION STORAGE		01/01	12/31			27.00
IRRIGATION FROM STORAGE		04/01	10/31			55.00
DIVERSION TO STORAGE		01/01	12/31	0.850		

5. Total quantity to be appropriated is:

0.850 CFS (and/or) 55.00 AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

WASTEWATER DIVERTED INTO EXCAVATED TREATMENT PONDS/ PUMPED TO POU

b. Height of storage dam feet; active reservoir capacity 27.00
acre-feet; total reservoir capacity 27.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.

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

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm

Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

IDWR etd dtd 8/9/95

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
03N 01W 25	SWNE 18			18

Total number of acres irrigated: 18

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?

APPLICANT

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

STEVEN AND SANDRA HANSEN

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

PERMANENT EASEMENT

10. Remarks:

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.

See original
Applicant

Received by SW Keen Date 8/1/95 Time _____ Preliminary check by lg

Fee \$ 100.00 Receipted by SW Keen # C033295 Date 8/1/95

Publication prepared by DB Date 9/25/08 Published in IDAHO STATESMAN

Publication approved _____ DATE: _____ Date ↑ OCTOBER 2 & 9, 2008

Corp. Officers : Mike Preston - Pres
Larry Grey - VP
Gally Preston - Sec Treas
per tele com w/ Gally 8/19/95

Comments: Date: 8/ 2/ 1995User-ID: SKEEN

Subject:

Double Fill of Reservoir

Application is for irrigation flow component and the opportunity to fill and use the water in the storage reservoir (excavated lagoon) twice in one year. The lagoon will be emptied during the irrigation season, filled over the winter, emptied in the spring, and refilled.

Comments: Date: 8/ 2/ 1995User-ID: SKEEN

Subject:

EASEMENT

Have attached permanent easement and loan agreement allowing Meridian Heights Water and Sewer Association to dispose of their wastewater on this property.

Comments: Date: 8/ 2/ 1995User-ID: SKEEN

Subject:

Purpose of Application

This application is for the treated wastewater from the Meridian Heights and Kentucky Ridge projects which have 3 wells and a

sewage treatment facility to be applied to the 18-acre parcel.

8/9/95

DELAY

Application delayed pending processing backlog.

6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

AUG 03 1995

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant G&S DEVELOPMENT, INC. - D. MICHAEL PESTON phone 375 2647
PRESIDENT
Post office address 420 BITTERROOT DR. BOISE ID 83709
2. Source of water supply WASTEWATER which is a tributary of ~~GROUNDWATER~~
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 3N Range 1W B.M. ADA County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .36 CFS for IRRIGATION purposes from APRIL 1 to OCT. 31 (both dates inclusive)
(cfs or acre-feet per annum) JAN. 1 DEC. 31
Amount 27 AF for IRRIGATION STORAGE purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum) JAN. 1 DEC. 31
Amount 55 AF for IRRIGATION FROM STORAGE purposes from APRIL 1 to OCT. 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE
Amount .85 CFS for DIVERSION TO STORAGE purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE
5. Total quantity to be appropriated is (a) .85 CFS and/or (b) 55 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 25 H.P. ELECTRIC PUMPING
STATION & 6" TRANSMISSION LINE TO 18 AC FIELD.
 - b. Height of storage dam Excavated feet; active reservoir capacity 27 acre-feet; total
reservoir capacity 34 acre-feet; period of year when water will be diverted to storage:
JAN to DEC inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
2 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	1W	25			18														18 AC

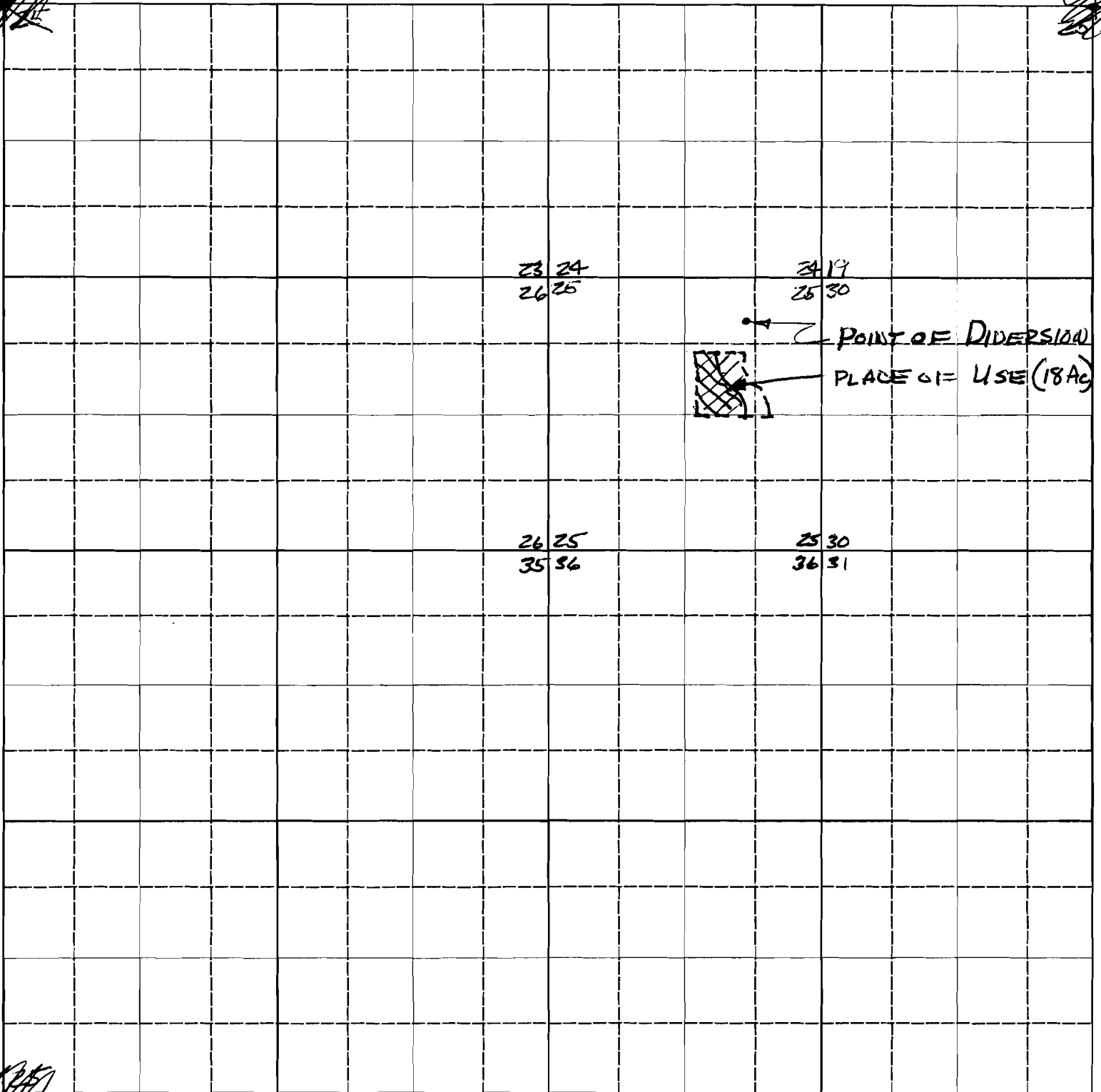
Total number of acres to be irrigated 18 AC

10. Describe any other water rights used for the same purposes as described above. FARMER ALSO HAS WATER RIGHTS FROM BOISE-KUNA IRRIGATION FOR 40 AC,
11. a. Who owns the property at the point of diversion? G&S DEVELOPMENT INC. - D. MICHAEL PRESTON
b. Who owns the land to be irrigated or place of use? DON LAMBERT PRESIDENT
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. SEE PERMANENT EASEMENT AND LOAN AGREEMENT ALLOWING MERIDIAN HEIGHTS WATER & SEWER ASSOCIATION TO DISPOSE THEIR WASTE WATER ON THIS PROPERTY
12. Remarks: THIS APPLICATION IS FOR THE TREATED WASTE WATER FROM THE MERIDIAN HEIGHTS & KENTUCKY RIDGE PROJECTS WHICH HAVE 3 WELLS AND A SEWAGE TREATMENT FACILITY TO BE APPLIED TO THE 18 ACRE PARCEL.

~~REMARKS~~ APPLICATION IS FOR IRRIGATION FLOW CO. ONENT AND THE OPPORTUNITY TO FILL AND USE THE WATER IN THE STORAGE

RESERVOIR TWICE IN ONE YEAR.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

GES DEVELOPMENT INC.
Michael Preston, PRES.
(Applicant)

Received by SW Keen Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by S.W. Keen # C033205 Date 8/1/95
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 05/06/96
Time: 10:08:53

Water Right Number: 63-12251

Comment Date: 5/ 6/1996 User ID: SLESTER

Subject: PROCESSING STATUS _____

Per application information & map location, does not appear that this surface water appl. is tributary to river downstream from Star Bridge, therefore not eligible to be advertised. Will remain on Hold at Region pending further changes in Basin 63 processing guidelines. _____

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

IRRIGATION PUMPING
STATION (.85)
POND OUTLET
& CHLORINE BLDG.
CHILDING CONTACT CHAMBER

VICTORY ROAD

KENTUCKY RIDGE
ESTATES (66 lots)

WELL No 3

6" PVC PRESSURE
LINE TO LAND
APPLICATION FIELD

LAND APPLICATION
FIELD



WINTER WASTE
WATER STORAGE
POND (LINED w/ 30 MIL
PVC LINER)
KUMA MERIDIAN
ROAD

WASTE WATER AERATED
POND

WELL No. 2

MERIDIAN HEIGHTS SUB'S
No. 1, 2 & 3 (219 lots)

WELL
No. 1

GATED PIPE DISTRIBUTION
TO CORRUGATES

RECEIVED
AUG 03 1995
WATER RESOURCES
WESTERN REGION

63-12251

Buffington, Denise

From: Buffington, Denise

Sent: Thursday, September 25, 2008 11:13 AM

To: legals@idahostatesman.com

Subject: Legal Notices

Attachments: Ada County Ads Cover Letter.RTF; 63-12211 Ad.RTF; 63-12240 Ad.RTF; 63-12251 Ad.RTF; 63-12253 Ad.RTF; 63-12341 Ad.RTF; 63-12389 Ad.RTF; 63-31147 Ad.RTF; 63-32674 Ad.RTF; X-fer 73823 Ad.doc; X-fer 74082 Ad.doc; X-fer 74580 Ad.doc; X-fer 74752 Ad.doc; X-fer 75059 Ad.doc

Attached please find (13) legal notices, being submitted for publication. 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 Department of Water Resources
Western Region

9/25/2008

September 25, 2008

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Application for Permit No. 63-12211, 63-12240, 63-12251, 63-12253, 63-12341, 63-12389
63-31147 & 63-32674

RE: Transfer No. 73823
Water Right No(s). 63-33098

RE: Transfer No. 74082
Water Right No(s). 63-3034C

RE: Transfer No. 74580
Water Right No(s). 63-33100

RE: Transfer No. 74752
Water Right No(s) 63-4023A 63-4086A 63-4980 63-4981 63-4982

RE: Transfer No. 75059
Water Right No(s) 63-3266 63-8215 63-11970

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 10/20/2008. 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:

63-12251

MERIDIAN HEIGHTS WATER & SEWER ASSN
PO BOX 472
MERIDIAN ID 83680

Point(s) of Diversion NENWNE S25 T03N R01W ADA County Source WASTE WATER

Use: IRRIGATION	03/01 To 11/15	0.36 CFS	
Use: IRRIGATION STORAGE	01/01 To 12/31		27 AFA
Use: IRRIGATION FROM STORAGE	03/01 To 11/15		55 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.85 CFS	
Total Diversion:		0.85 CFS	55 AFA

Date Filed: 08/02/1995

Place Of Use: IRRIGATION
T03N R01W S25 SWNE

Number of Acres 18

Place Of Use: IRRIGATION FROM STORAGE SAME AS IRRIGATION

Place Of Use: IRRIGATION STORAGE SAME AS IRRIGATION

Place Of Use: DIVERSION TO STORAGE SAME AS IRRIGATION

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 10/20/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on October 2nd & 9th, 2008

MERIDIAN HEIGHTS WATER & SEWER ASSOCIATION

**P.O. Box 472
Meridian, Idaho 83680**

RECEIVED

JUL 07 2008

**WATER RESOURCES
WESTERN REGION**

July 3, 2008

Ms. Denise Buffington, Administrative Assistant
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

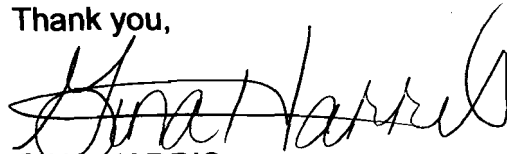
RE: Assignment of Application for Permit #63-12251-Filed 8/3/95

Dear Ms. Buffington:

I would like to thank you for giving the Meridian Heights Water & Sewer Association the extension on submitting the "Assignment of Application for Permit. Enclosed is the referenced permit that was requested by your office.

If you have questions or need more information, you can contact me at 887-1052.

Thank you,



**GINA HARRIS
Secretary/Bookkeeper
Meridian Heights Water & Sewer Association**

EMC: 1



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

June 25, 2008

MERIDIAN HEIGHTS WATER & SEWER ASSOCIATION
ATTN: GINA HARRIS
PO BOX 472
MERIDIAN ID 83680

Re: Application No. 63-12251

Dear Ms. Harris:

Thank you for your recent letter regarding the completion of the Assignment of Application for Permit form, for the above referenced application.

In your letter, you requested additional time to complete and submit the Assignment form to IDWR. This letter confirms that the extension has been granted. Please submit the Assignment form to IDWR by July 31st, 2008; and we will be able to continue processing of this application. If the necessary information is not received by that date, the application will be voided.

Please contact me at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Denise Buffington
Administrative Assistant
Western Region

RECEIVED

JUN 11 2008

WATER RESOURCES
WESTERN REGION

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JUN 24 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: **G & S Development**
Address: **420 Bitterroot**
Boise ID 83709

Application No: **#63-12251**

(Please read carefully and mark)

☒ **Yes, I intent to proceed with the water use development outlined in the application. I retain full possessory interest in the listed point of diversion and place of use locations on the application. I request the Department continue processing the application. (Please describe on the back updates/changes needed on your application)**

(Please fill in) **The estimated (well) water bearing zone will be _____ ft to _____ ft below the ground surface.**

☐ **No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho**

Signed this 23 day of June 2008

Applicant Signature Gina Harris for Meridian Heights

Printed Applicant Name Gina Harris

Return Form to: **J. Westra**

**Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705**

MR. WESTRA
THIS APPLICATION IS
BEING ADMINISTERED
BY THE MERIDIAN HTS
WATER & SEWER ASSOC.
PLEASE CONTACT
THAT ENTITY.
THANKS
MIKE PRESTON

MERIDIAN HEIGHTS WATER & SEWER ASSOCIATION

P.O. Box 472

Meridian, Idaho 83680

RECEIVED

JUN 24 2008

**WATER RESOURCES
WESTERN REGION**

June 23, 2008

Mr. John Westra, Manager Western Region
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

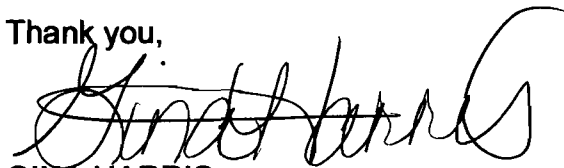
RE: Held Application for Permit #63-12251-Filed 8/3/95

Dear Mr. Westra:

Enclosed is the Response form requested by your office. I did not receive the attached proof profile of the application for the above referenced permit. Your letter was mailed to Mr. Mike Preston of G & S Development and then forwarded on to the Meridian Heights Water & Sewer Association (MHWS). The MHWS can not place the public notice in the local newspaper for that reason.

Please contact me at 887-1052 at your earliest convenience to clarify the process you wish the MHWS to take.

Thank you,



GINA HARRIS
Secretary/Bookkeeper
Meridian Heights Water & Sewer Association

ENC: 1

MERIDIAN HEIGHTS WATER & SEWER ASSOCIATION

**P.O. Box 472
Meridian, Idaho 83680**

RECEIVED

JUN 24 2008

WATER RESOURCES
WESTERN REGION

June 23, 2008

Ms. Denise Buffington, Administrative Assistant
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

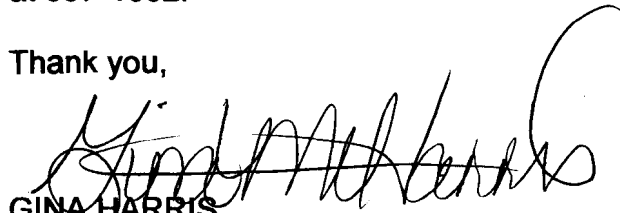
RE: Assignment of Application for Permit #63-12251-Filed 8/3/95

Dear Ms. Buffington:

I am writing to you on behalf of the Meridian Heights Water & Sewer Association (MHWS) regarding the letter sent by you on June 12, 2008. The MHWS did not receive the above referenced form until June 20, 2008. The MHWS is mailing the form to Mr. Mike Preston of G & S Development today and will have to wait until he returns the form completed. I am asking for an extension of the 30 days from June 12, 2008. I am hoping to have the form returned to your office by July 12, 2008 but wish to have until July 31, 2008.

Please respond with a letter stating you have or have not agreed to the extension requested above. If you have questions regarding this letter, you can contact me at 887-1052.

Thank you,



GINA HARRIS
Secretary/Bookkeeper
Meridian Heights Water & Sewer Association

✓ done: see 6/25 letter

MEMORANDUM

____ Office Visit

____ ☒ Telephone

____ Meeting

TO 63-12251
FROM JL
DATE 6/20/08
RE Assignment & Response Form

9:12A from Meridian Heights Water & Sewer Assoc.
called today, 887-1052.

got DB's 6/12 letter -
- response for label - 12246* (typo,
correction already noted in file)
- is working on getting assignment, worksheet
won't be done in 30 days

Suggested
- Send completed response form with
current # etc
- include request for more time
- probably all will be OK.

She said she will do that.

* 63-12246 N/A different applicant, other property



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

June 12, 2008

MERIDIAN HEIGHTS WATER & SEWER ASSN INC
c/o GINA HARRIS
PO BOX 472
MERIDIAN ID 83680

RE: Application for Permit No. 63-12251

Dear Property Owner(s):

We have been advised you may be the new owner / water right holder, for the property with the water right referenced above. Enclosed is a copy of this application for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Assignment of Application for Permit form completed. Please complete the form and return to this office within 30 days of the date of this letter.

In addition, please review the enclosed information regarding further processing of this application for permit.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, reading "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington
Administrative Assistant

DB: db

Enclosures

RECEIVED

JUN 11 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: G & S Development
Address: 420 Bitterroot
Boise ID 83709

Application No: #63-12246

should be 63-12251

(Please read carefully and mark)

☐ Yes, I intent to proceed with the water use development outlined in the application. I retain full possessory interest in the listed point of diversion and place of use locations on the application. I request the Department continue processing the application. (Please describe on the back updates/changes needed on your application)

(Please fill in) The estimated (well) water bearing zone will be _____ ft to _____ ft below the ground surface.

☐ No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this _____ day of _____ 200__

Applicant Signature _____

Printed Applicant Name _____

Return Form to: J. Westra

Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705

MR. WESTRA
THIS APPLICATION IS
BEING ADMINISTERED
BY THE MERIDIAN HTS
WATER & SEWER ASSOC
PLEASE CONTACT
THAT ENTITY.
THANKS
MIKE DRESBACH

Original response
form re-sent to
Meridian Hts.
for review &/or
completion.



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

June 5, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

G & S Development Inc
C/O D Michael Preston
420 Bitterroot DR
Boise ID 83709

RE: Held Application for Permit #63-12251--Filed 08/03/95

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a proof profile of your application as submitted to our agency. Please check carefully the specifics on the application. You must still have full possessory interest-ownership in the listed point of diversion and place of use land locations for processing consideration. Your application will need to have public notice published in your local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

We are asking for you to convey your intentions regarding this application by completing the attached response form. *Please respond to the following:*

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response, provide any updates/changes needed, and list the water bearing zone for the well source.

OR

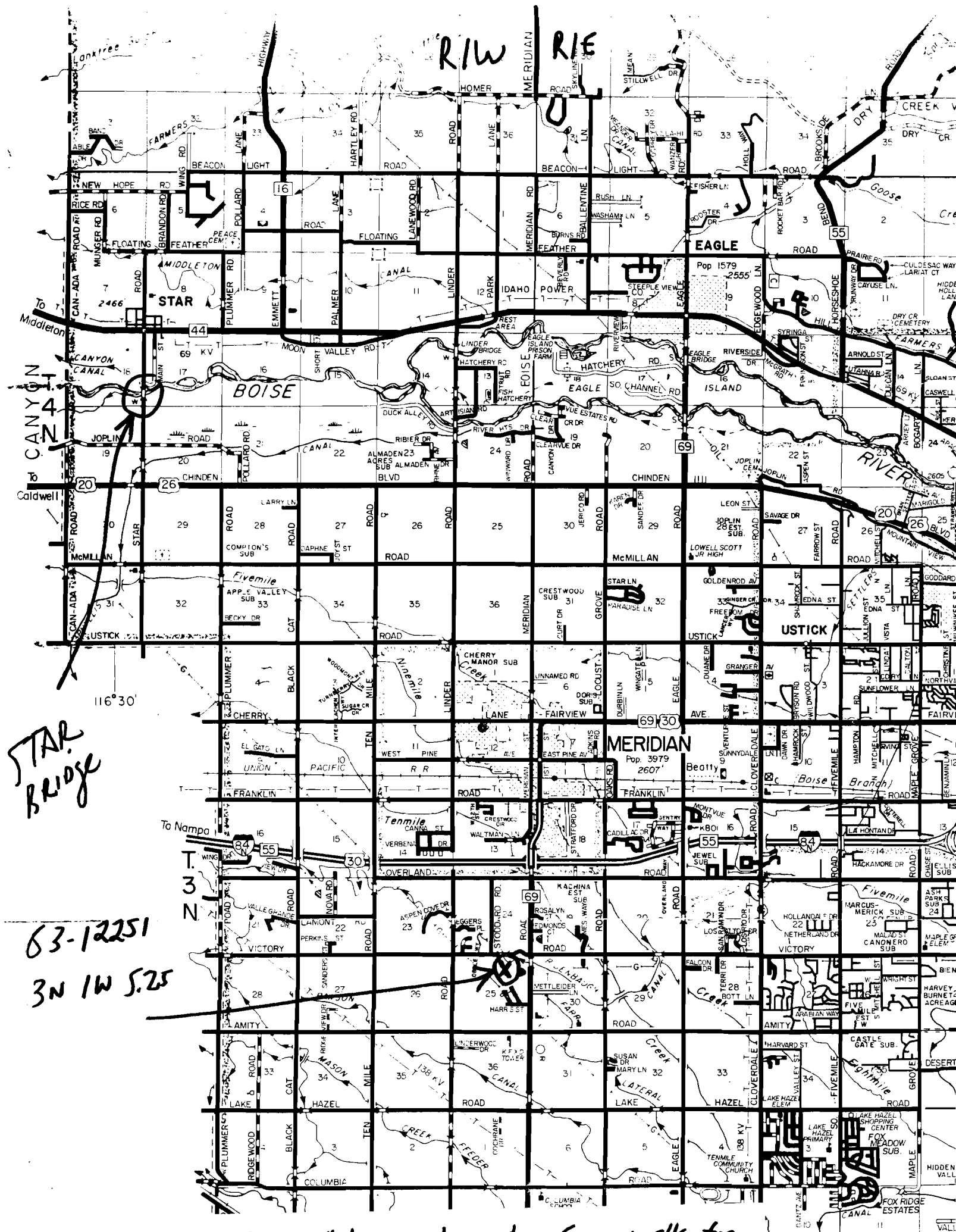
-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager Western Region



Appl. lists waste water from wells for
 subd. - does not list any tributary
 ("sinks"?)
 unlikely that waste water would wind up
 in Ridersburg Canal nearby so assume
 that tributary status with respect to
 Boise River is upstream from Star
 Bridge.

-JL 5/6/96

7613072

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AUG 03 1995

WATER RESOURCES
WESTERN REGIONSTEVEN M. HANSEN and
SANDRA A. HANSEN, husband
and wife as

First Parties

with

SOUTHWEST DEVELOPMENT
COMPANY, INC. as

Second Party.

PERMANENT EASEMENT AND
LOAN AGREEMENT

This Permanent Easement and Loan Agreement made and entered into this 6th day of April, 1976, by and between STEVEN M. HANSEN and SANDRA HANSEN, husband and wife, hereafter referred to as First Parties and SOUTHWEST DEVELOPMENT COMPANY, INC., an Idaho Corporation, hereafter referred to as Second Party, each of whom does hereby agree to the following:

W I T N E S S E T H:

WHEREAS first parties own real property in Ada County, Idaho particularly described as:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 3 North, Range 1 West, B.M.; and,

WHEREAS second party owns or did own Meridian Heights No. 1 Subdivision which lies near to first parties' property; and,

WHEREAS second party desires to subdivide additional lands adjacent to the existing Meridian Heights No. 1 Subdivision; and,

WHEREAS Meridian Heights Water and Sewer Association, Inc. has heretofore provided and will continue to provide water and sewer services for said subdivision including any additional subdivision as may be approved by the authorities having jurisdiction over any such new subdivision; and,

WHEREAS, the Idaho Department of Health and Welfare will require the pumping of waste water and sewage effluent from the lagoon(s) serving such subdivisions and the disposition of same by irrigation upon farm lands on conditions required by the Idaho Department of Health and Welfare; and,

WHEREAS the lands owned by first parties are near the lagoon now existing and lagoon(s) to be built and are lands which can be conveniently irrigated from such lagoon(s); and,

WHEREAS first parties are willing to participate with second party with respect to the disposal of the waste water and sewage

Exhibit A

effluent on the terms and conditions hereinafter provided.

NOW, THEREFORE, for and in consideration of the terms and conditions herein contained and the payment to first parties in the amount of \$1,000.00 per year (commencing on December 31, of the year during which first parties are required to pump and dispose of the waste water and sewage effluent as herein provided) to be paid by second party as hereinafter provided and subject to the condition that second party, shall have installed such pumping facilities at the point of discharge from the lagoon(s) as shall be required by the Idaho Department of Health and Welfare to the point of discharge of the pump, without cost to first parties, the parties agree as follows

It is understood and agreed that second party shall at its cost supply the pump and other works acceptable to the parties and the Idaho Department of Health and Welfare to the point of discharge of the said pump and first parties shall provide the energy and means of taking the waste water and sewage effluent from that point to the first parties' land including all distribution facilities as may be required therefore. First parties shall be responsible for operation and maintenance of the said discharge pump and distribution facilities. Second party shall, at its cost, maintain such facilities to the inlet of the pump.

It is agreed that first parties and their successors in ownership of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 3 North, Range 1 West, B.M., shall be obligated to continue to take the said waste water and sewage effluent, beginning at the said pump inlet and to dispose of same on the lands herein described until such time as an area wide central sewer system is put into operation which is able and willing to serve the lands owned by second party which are now developed together with any additional lands as second party is permitted to develop.

In the event the first parties fail to operate and maintain said pumping and distribution facilities, and particularly fail or refuse to accept and dispose of said waste water and sewage effluent as herein provided, in such a manner as required by the Idaho Department of Health and Welfare then said first parties shall be in default and the second party shall have the right at any and all times to enter upon the property of the first parties, as herein described, and to perform all processes necessary and consistent with the purpose and intent of this grant of easement and to operate and maintain said facilities, including the operation, alteration

repair or reconstruction of the irrigation disposal system located on said real property and properly perform the duties of said first parties and recover any and all costs and damages, including, but not limited to the sum of the said \$1,000.00 for such annual performance and, in the event of any such default in the operation and maintenance of said facilities by said first parties, the entire annual compensation to which the first parties would otherwise be entitled, shall be forfeited as payment or as part payment to the second party for such operation and maintenance in addition to any further award for damages as a Court of proper jurisdiction should determine.

This permanent easement and loan agreement shall be recorded in the office of the Ada County Recorder and the obligation to take and dispose of the waste water and sewage effluent as herein provided shall be appurtenant to and constitute a covenant that runs with the lands herein described. First parties do hereby give, grant, sell and convey unto second party an appurtenant affirmative perpetual and permanent easement and right-of-way, except as herein otherwise provided, as necessary to carry out the intents and purposes of this permanent easement and loan agreement so as to dispose of such waste water and sewage effluent in the manner herein provided.

As further and additional consideration for the permanent easement and loan agreement second party agrees to loan the sum of \$30,000.00 to first parties concurrent with the execution of this permanent easement and loan agreement. Such loan shall be secured by a mortgage covering first parties' lands and shall be repaid as follows:

The sum of \$1,000.00 shall be paid on or before January 1, 1977, and an additional \$1,000.00 shall be paid on or before January 1, 1978.

The sum of \$2,000.00 shall be paid on or before January 1, 1979, and like payments of \$2,000.00 shall be paid on or before January 1 of each and every year thereafter until such time as said loan has been fully paid.

Said \$30,000.00 loan shall not bear interest unless second party determines that it will be unable to meet the requirements of the Idaho Department of Health and Welfare, or others, for further development of its property. Second party shall give written notice to first parties if the development contemplated cannot proceed in which event first parties agree to pay interest to second party at the rate of 10% per annum from the date of receipt of the loan. If second party gives such notice, (which will be given only if additional development cannot proceed) all obligations of first parties including the permanent burden running with their land shall cease and term-

inate except for payment of the principal and interest on the outstanding loan and the full amount of principal and interest owing shall become due and payable one year after receipt of written notice by first parties from the second party that the proposed development as contemplated herein cannot be completed. If further development cannot be made for any reason as determined by the second party, then second party shall execute and deliver to first parties such documents as will be necessary to relieve the lands owned by first parties of the burden of said permanent easement.

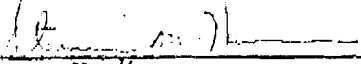
If the development proceeds as contemplated by this permanent easement and loan agreement, (in which event first parties shall not be required to pay interest on said \$30,000.00 loan) first parties shall be required to pay annual payments on the loan in installments of \$1,000.00 per year for two years and \$2,000.00 per year thereafter as hereinabove provided until paid in full.

It is agreed that said annual compensation payments to first parties of \$1,000.00 shall be adjusted in accordance with the consumer price index for each year as compared to the January, 1978 consumer price index when such index should evidence a fluctuation of 5% or more.

In the event it becomes necessary for any party to this agreement to institute legal proceedings to enforce the terms and conditions of this agreement, the party prevailing in any such action shall be entitled to recover reasonable attorney fees, as determined by the Court, in addition to other costs and relief.

The covenants herein contained shall bind, and the benefits and advantages hereof inure to, the respective heirs, personal representatives, successors and assigns of the parties hereto.

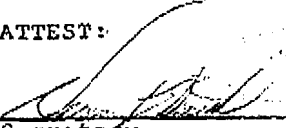
IN WITNESS WHEREOF, first parties have hereunto subscribed their names and second party has hereunto caused its corporate name to be subscribed and its seal to be affixed all as of the day and year in this agreement first above written.


Steven M. Hansen

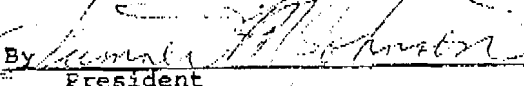

Sandra A. Hansen

FIRST PARTIES

ATTEST:


Secretary

~~SOUTHWEST DEVELOPMENT COMPANY, INC.~~

By 
President

SECOND PARTY

STATE OF IDAHO,)
) ss.
 COUNTY OF ADA,)

On this 8th day of April, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven M. Hansen and Sandra A. Hansen, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Cora Sue Mearth
 Notary Public for Idaho
 Residing at Boise, Idaho

STATE OF IDAHO,)
) ss.
 COUNTY OF ADA,)

On this 8th day of April, 1976, before me, the undersigned, a Notary Public in and for said State, personally appeared Sumner M. Johnson, known to me to be the President of Southwest Development Company, Inc. that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Cora Sue Mearth
 Notary Public for Idaho
 Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA, ss.

Filed for record at the request of

28 Min. past 2 o'clock

M. this 8th day of April 1976

CLARENCE A. FANELLAS, Recorder

By: [Signature]

Fee \$5.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 1, 1995

Ada County Development Services
650 Main
Boise, ID 83702

RE: Use of Kentucky Ridge Subdivision Wastewater for Irrigation

Dear Ada County:

I am writing to inform you that today Mike Preston of Shekinah Industries, Inc., has filed an application for permit to establish a right to use wastewater for irrigation purposes at SWNE, Section 25, Township 3 North, Range 1 West. It is our understanding that the wastewater will originate in the Meridian Heights subdivision and the proposed Kentucky Ridge subdivision. With this filing Mr. Preston intends to cover an existing water use associated with the Meridian Heights subdivision as well as future development associated with the Kentucky Ridge subdivision.

With this application Mr. Preston has completed our filing requirements. While completion of an application does not constitute approval, we have no information leading us to believe that the application cannot be approved eventually.

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

cc Western Region

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WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 31, 1995

Mike Preston
420 Bitterroot Drive
Boise, ID 83709

RE: Use of Subdivision Wastewater for Irrigation

Dear Mr. Preston:

Last week you asked me to review your plans to apply wastewater from a subdivision to land in Ada County. The land you identified is at SWNE, S25, T3N, R1W. I have searched our files but found no water right authorizing the use of wastewater for irrigation or any other purpose on the land you identified. Therefore, you will need to obtain a water right to cover your proposed use.

Under the Amended Moratorium Order issued in May for the Boise River drainage area, applications proposing the use of surface water upstream from Star Bridge will be denied unless they are accompanied by an acceptable plan to mitigate or avoid material injury to existing water rights. Moreover, because a large number of applications for new consumptive uses of surface water and groundwater have been held during the moratorium, new applications may not be processed for several months. As an alternative to applying for a new water right, you may want to consider transferring an existing water right from another location to cover your proposal.

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

cc Western Region

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WATER RESOURCES
WESTERN REGION



ADA COUNTY DEVELOPMENT SERVICES

650 Main, Boise, Idaho 83702

BUILDING DIVISION — Phone: (208) 364-2277

PLANNING & ZONING — Phone (208) 364-2277

May 13, 1994

Mike Preston
420 Bitterroot Drive
Boise, Idaho 83709

RE: 94-08-PDR/94-06-ZC KENTUCKY RIDGE

Dear Applicant:

This is to notify you of action taken by the Ada County Planning and Zoning Commission on the above captioned application.

The Commission voted at their May 12, 1994, public hearing to recommend approval of this application to the Board of Ada County Commissioners. The Board will hold a public hearing on June 16, 1994, at 10:00 a.m., 3rd Floor Hearing Room, 650 Main Street. You or your representative must be present.

If you have any questions, please call 364-2277.

Sincerely,

A handwritten signature in cursive script that reads "Scott Cook".

Scott Cook
PLANNER II
Ada County Development Services

SC/dd

Enclosure

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WATER RESOURCES
WESTERN REGION



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 334-0502

Philip E. Batt, Governor

July 19, 1995

Ms. Ellen Blake, Secretary
Meridian Heights Water & Sewer Association
P.O. Box 472
Meridian, Idaho 83642

Subject: Meridian Heights Sewer Association (MERIDIAN) -- Land
Application Permit LA-000067 (Municipal Wastewater)

Dear Ms. Blake:

A revised irrigation plan has been submitted for review and approval. The plan includes gated pipe with solar surge valves. Buffer distances are 150 feet to the west, 0 feet to the south, 150 feet to the north, and 600 +/- to the east. Along with all existing limits and conditions in your permit and in accordance with the O&M manual, this plan is approved.

If you have any questions, please call me at 334-5898.

Sincerely,

Richard Huddleston, P.E.
Water Quality Engineer
Construction Permits Bureau
Permits & Enforcement

RH/njk/c:\...rick\land.app\la-67\irplan

cc: Richard G. Rogers, P&E
WLAP File, LA-000067-2
Joy Palmer, SWIRO
Richard Huddleston, P&E
Mike Preston, Shekinah Industries
COF

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WATER RESOURCES
WESTERN REGION

CONDITIONS OF APPROVAL
FILE NO. 94-20-CU

ATTACHMENT A

1. This permit shall not become effective until the fifteen (15) day appeal period has lapsed; and if appealed, until action is taken on the appeal.
2. Compliance with the design and dimensional standards and permitted uses of the RR zone is required.
3. The applicant shall secure a zoning certificate and conditional use permit from Development Services.
4. Prior to the issuance of any permits, the applicant shall submit to Development Services the approvals for this project from the following agencies:
 - a. Idaho Division of Environmental Quality ✓
 - b. Central District Health Department ✓
 - c. Idaho Department of Water Resources ✓
 - d. Ada County Highway District ✓
 - e. Boise Project Board of Control ✓
5. This proposal shall be conducted within accepted farming practices. *ok*
6. This project shall maintain compliance with state and federal regulations, as they may be amended from time to time, for the disposal of treated effluent. *ok*
7. Any work within the public rights of way of the Ada County Highway District requires a permit. For information concerning the requirements for obtaining a permit, contact Quality Control at 345-7662. Your zoning file number (94-20-CU) is required. *n/A*
8. Compliance with the approved site plan date received April 4, 1994, is required.
9. No irrigation and/or drainage water shall be impeded by any construction on site. *ok*

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WATER RESOURCES
WESTERN REGION

10. This permit shall become null and void if the zoning certificate and conditional use permit is not issued within one (1) year of the action by the Commission.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 9, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Mike Preston
420 Bitterroot Dr
Boise ID 83709

RE: Application for Permit 63-12251

Dear Applicant:

Your application for permit to appropriate waste water for irrigation purposes was received on 8/01/1995. Processing of your application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/1992 concerning water right applications proposing new consumptive uses of public water. The moratorium has now been lifted, but a backlog of applications filed during the moratorium must first be processed before new applications may be considered. It is not likely that your application for permit can be processed for use during the 1995 irrigation season.

This office will hold your application and will begin processing as soon as our backlog has been eliminated. All applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of your application, once established.

If you have any questions, please feel free to contact me at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resource Agent