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SEP 26 2007

WATER RESOURCES
WESTERN REGION

FORM 202
12/99

Ident. No. 63-32899

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant STEVEN E. TUPPER Phone 208 921-8087
Mailing address 16973 S. VISTA LUNA IDAHO 83634
2. Source of water supply Well (GROUND WATER) which is a tributary of _____
3. Location of point of diversion is Township 1N Range 2E Sec. 4 in the / SE 1/4, SE 1/4, Govt. Lot _____, B.M., ADA County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .02 for COMMERCIAL purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount .02 for STOCK WATER purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) NOT TO EXCEED 2500 GAL PER DAY acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 6" well PIPE LINE
TO PLACE OF USE 1000 FT FROM SOURCE. (well shaft) Deep pump set 360 ft.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6 inches; proposed depth of well is 484 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 2002; Drilling firm HIDDESTON
 Well was drilled for (well owner) APPLICANT; Drilling Permit No. 025951
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. 136
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. HORSE BOARDING. 36 STALL BARN PUBLIC
BATH ROOM. (STOCK WATER) CONDITIONAL USE PERMIT
capped @ 136 head.

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2E	4															S	C/S	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

Well ALSO USED FOR DOMESTIC USES - 1 Home

11. a. Who owns the property at the point of diversion? 8 APPLICANT

b. Who owns the land to be irrigated or place of use? 11

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: 11

12. Remarks: _____

WATER BEARING ZONE 470-484 ft.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

ASC
Signature of Applicant (and title, if applicable)

Received by [Signature]

Date 9-26-07

Time 12:15 PM

Preliminary check by [Signature]

Fee \$ 100

Received by [Signature]

Date 7/30/2008

Published in IDAHO STATESMAN

Date 9-26-07

Publication prepared by DB

DATE:

Date 2 AUGUST 7 & 14, 2008

Publication approved _____

Twp 1N, Rge. 2E

Watering troughs (4)

well

Barn & Indoor Arena

SESE, Sec. 4

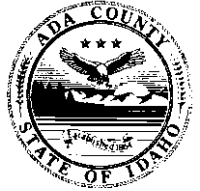
SWSE, Sec. 4

63-32899

ADA COUNTY DEVELOPMENT SERVICES

PHONE (208) 287-7900
FAX (208) 287-7909

200 W. FRONT, BOISE, IDAHO 83702-7300



BUILDING • ENGINEERING • PLANNING • ZONING

September 14, 2007

Steven E Tupper
16973 S Vista Avenue
Kuna ID 83634

RE: 200700105-CU

Dear Applicant:

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

The Commission voted at their September 13, 2007, public hearing to approve this application subject to the Conditions of Approval listed in Exhibit 2. The Commission reached this determination based on the Findings of Fact and Conclusions of Law contained in the staff report.

This permit shall not become effective until the fifteen (15) day appeal period has lapsed. Applications for building permits or zoning certificates will not be accepted during this 15-day period. Upon expiration of this appeal period, contact Development Services to apply for the required permits listed in the attached Conditions of Approval.

Pursuant to Idaho Code § 67-6535, this letter is to further inform you that to the extent a final decision has been made on a site-specific land use request, an applicant has a right to request a regulatory takings analysis under Idaho Code § 67-8003.

Please refer to the Conditions of Approval regarding the expiration date of your project. This is the only notice you will receive regarding the expiration date.

If you have any further questions, please contact the undersigned planner at 287-7915.

Sincerely,

A handwritten signature in cursive script that reads "Richard T. Beck".

Richard T. Beck

PLANNER II

Ada County Development Services

RTB/dd

CC: Joshua J. Sears, Foley Freeman Borton, PLLC
Enclosure

63-32899
ATTACHMENT

Conditions of Approval

File #200700105-CU

Steven E. Tupper

REQUIRED ACTIONS. The following list details the tasks that must be completed before the approval of *File #200700105-CU* will be considered final. The applicant and/or owner have until one year of the written decision to complete the Required Actions and to obtain a zoning certificate. If a building permit is required, the zoning certificate shall be issued with the building permit. This approval shall become void if a valid zoning certificate has not been issued by that date. Site improvements are not allowed until the zoning certificate has been issued.

1. The applicant and/or owner shall obtain written approval of the development site plan and/or use from the agencies noted below. All site improvements are prohibited prior to approval of these agencies.
 - a) Central District Health Department must approve the septic permit.
 - b) The County Engineer must approve a surface drainage run-off plan. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
 - c) Idaho Department of Water Resources must approve the dual concurrent use of both the domestic water uses associated with the single family home and the domestic water uses as excepted per Idaho Code 42-111 for commercial related uses. ~~Idaho Department of Water Resources must approve the shared use of the existing well providing potable water.~~
 - d) The Ada County Highway District must indicate that all applicable roadway improvements and conditions / requirements have been satisfied.
2. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped conditional use site plan and the Ada County Code.
3. The applicant shall obtain written verification from ACHD that they have approved the construction of the driveway cuts, that all their conditions of approval are met and that all impact fees have been paid.

EXHIBIT 2

4. The applicant shall submit a copy of a fugitive dust control plan for the project site. The applicant shall coordinate with the Department of Environmental Quality to develop the plan and the use shall comply with the plan.
5. The applicant shall submit a copy of an odor control plan. The applicant shall coordinate with the Department of Environmental Quality to develop the plan and the use shall comply with the plan.
6. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

TERMS OF APPROVAL. The following terms must be complied with at all times or your approval may be revoked.

7. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
8. The use must comply with the specific use standards for a stable / riding arena in Section 8-5-3 of the Ada County Code.
9. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
10. Lighting depicted on the site plan dated June 21, 2007 is approved. Any additional on site lighting shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
11. Parking areas, stalls and the alternative improved surface are approved as depicted on the site plan dated June 21, 2007 and submitted application materials. Parking areas shall comply with Title 8, Chapter 5, Article G of the Ada County Code.
12. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.

EXHIBIT 2

13. This approval shall run with the land. The Director must approve any change in ownership or lessee interest.
14. The use must comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.400.01).
15. The use is limited in the number of people that can be on-site. More than 24 people may be on-site at any one time for 60 days of a year or less. If more than 24 people are going to be on-site from more than 60 days per year the use must received approval of a public drinking water system through the Department of Environmental Quality.
16. Operation hours shall be 7:00 am to 10:00pm with indoor activities limited to 7:00 am to 9:00pm 7 days per week.
17. The use is limited in the number of horses that may be boarded or retained on site. 36 individual horses may be boarded within the stable area on the north and south side of the indoor riding arena. 100 individual horses may be boarded or retained in one of the four pasture areas identified is item 1 on the approved site plan dated 06/21/2007, Revision 3. The total number of individual horses allowed to be boarded or retained on site at any one time is 136.