

John
Conference Handouts.

Prehearing Conference Agenda

JMM Dry Creek

Application for Permit

Prehearing Conference Purpose

Formulate/simplify the issues

Discuss settlements and make settlement offers

Address matters that may expedite proceedings.

Schedule hearings/discovery

-Attendance Sign In/ Introductions

-Opening Statements, Rules, Info.

-Applicant, presentation of project/application –uninterrupted

-Protestant, presentation of protest—uninterrupted

-The Department's role—uninterrupted

42-111 & 227 Domestic
—Discuss Domestic or reasonable paying level.
42-226 Reasonable paying level.
- Full development of resources.

-Identify the Issues—Questions Open Discussion

-Possible Settlements

-No Settlement

Discuss options

Discovery— Dates:

Hearing -- Dates

Evaluation Criteria Applications for Permit

Pursuant to Idaho Code §42-203A (5)

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply sufficient for the purposes intended?

3. Is the application made in good faith, for delay, or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use under this permit conflict with the local public interest? *that is, the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.*

6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

Web References www.idwr.idaho.gov, select forms-rules-statutes

-Idaho Code 42-203A *Protests—Hearings Appeals*

-Rules of Procedure; IDAPA 37.01.01

-Water Appropriation Rules; IDAPA 37.03.08

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JAN 19 2007

WATER RESOURCES
WESTERN REGION

Name of Applicant JMM Dry Creek, LLC Phone (702) 851-3999

Post Office address c/o LandBaron Investments, 5275 S Durango Dr, Las Vegas, NV 89113

A. PURPOSE OF TRANSFER

1. Change point of diversion Add diversion point(s) Change place of use
 Change nature of use Change period of use Other _____

2. Describe the reason for the proposed changes Applicant will use existing water rights in pressurized irrigation system serving a portion of the Dry Creek Ranch Planned Community.

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-7123</u>	<u>07/11/1968</u>	<u>0.79 cfs / 1615.5 afa</u>	<u>Irrigation</u>	<u>4/1 to 10/31</u>
<u>63-4086B</u>	<u>07/20/1960</u>	<u>5 cfs / 1615.5 afa</u>	<u>Irrigation</u>	<u>3/1 to 11/15</u>
<u>63-17454</u>	<u>03/20/1938</u>	<u>1.7 cfs</u>	<u>Irrigation</u>	<u>3/1 to 11/15</u>
<u>63-4023B</u>	<u>07/01/1927</u>	<u>3.0 cfs / 810 afa</u>	<u>Irrigation</u>	<u>3/1 to 11/15</u>
<u>63-4023B</u>	<u>07/01/1927</u>	<u>0.04 cfs</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>63-2535</u>	<u>08/24/1937</u>	<u>0.7 cfs / 157.5 afa</u>	<u>Irrigation</u>	<u>3/1 to 11/15</u>
<u>63-2535</u>	<u>08/24/1937</u>	<u>0.02 cfs</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>

2. Total amount of water being transferred 11.19 (not to exceed 7.84 cfs / 1764 afa in combination for 392 acres) cubic feet per second and/or 4198.5 acre-feet per annum.

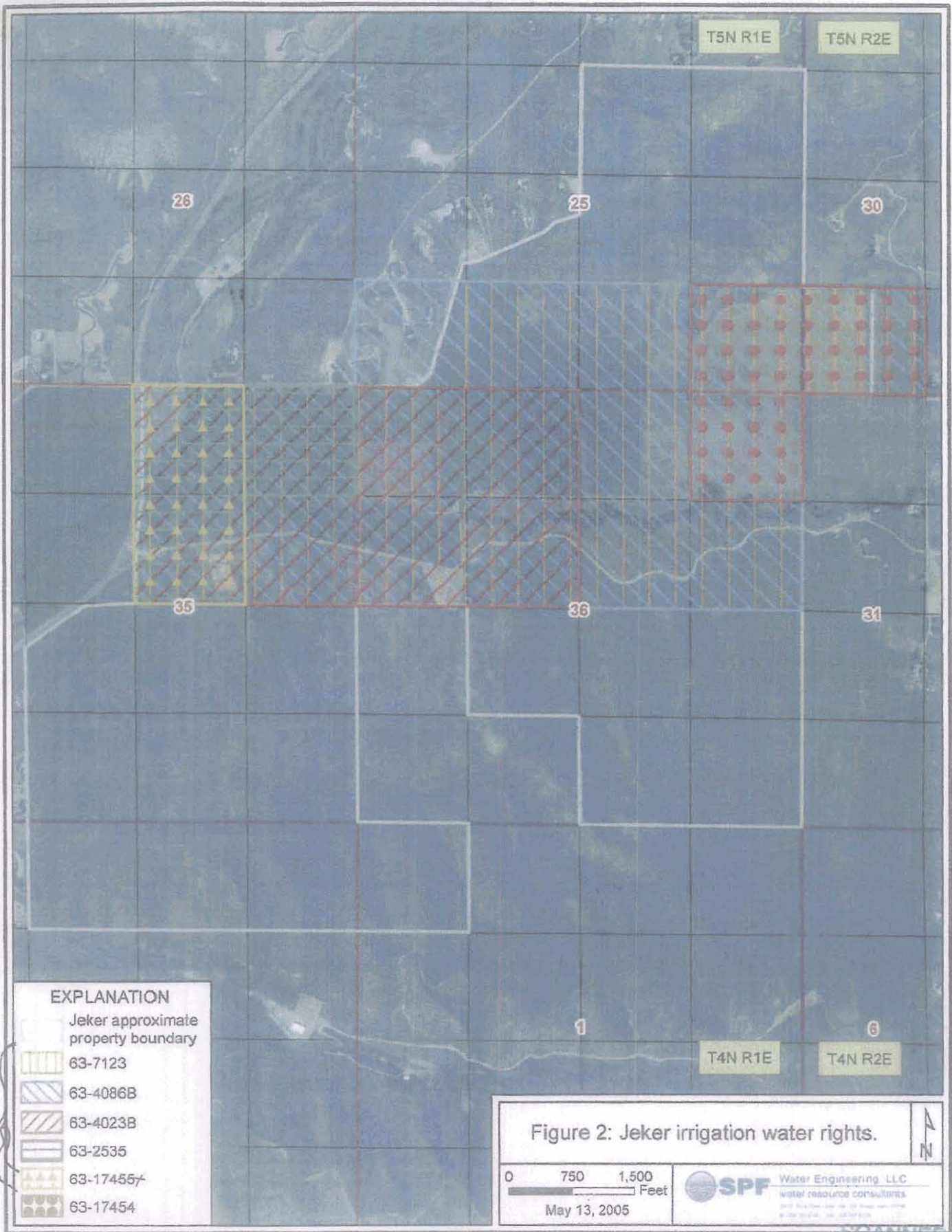
3. Source of water Dry Creek tributary to Boise River
 Source of water Ground water tributary to NA

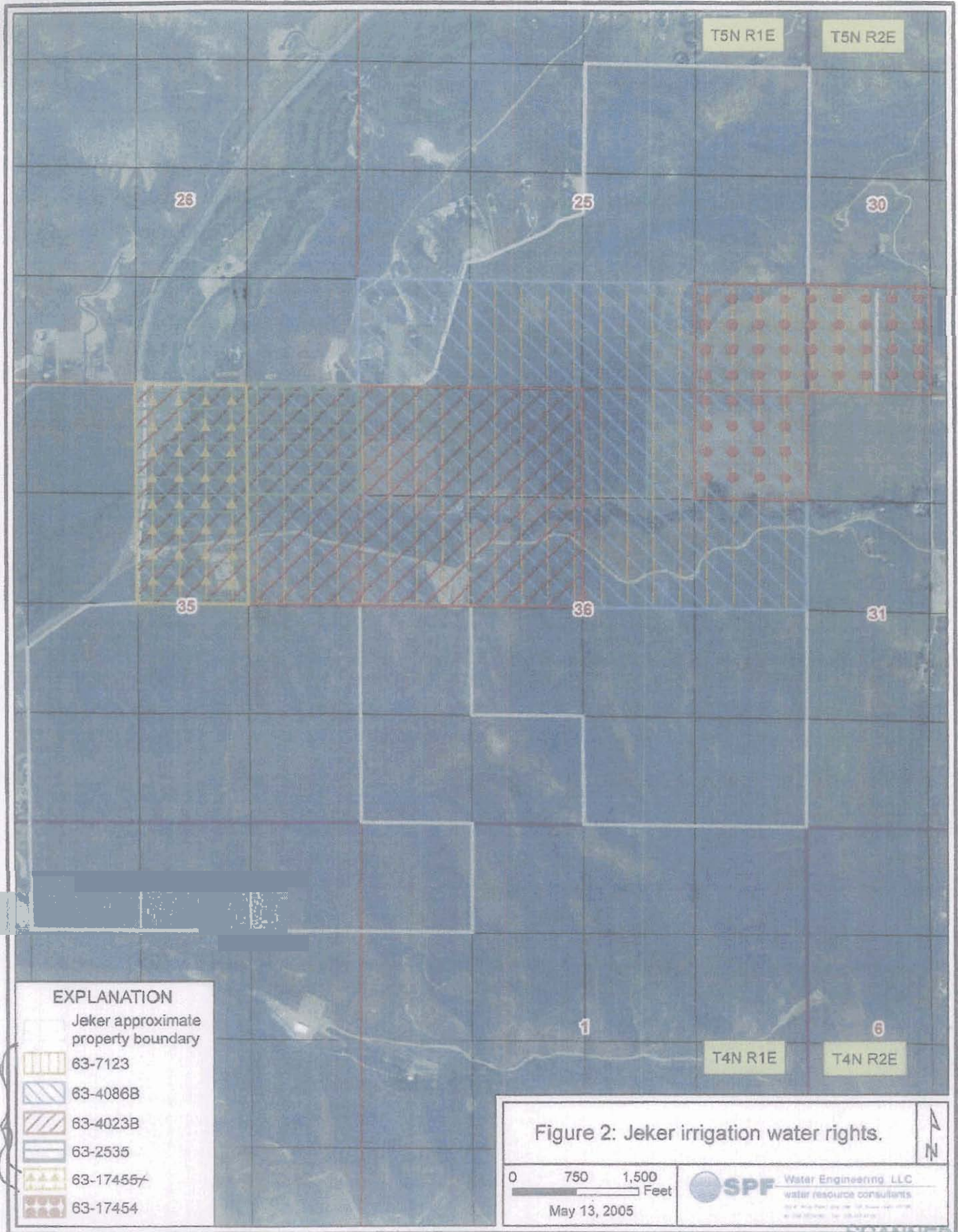
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	36	05N	01E	Ada	Big Pump Well
		NE	NE	35	05N	01E	Ada	Paine Well
		NE	NE	36	05N	01E	Ada	New Irrigation Well
		NE	NE	36	05N	01E	Ada	New Dry Creek Diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
05N	01E	25												14.4	0.4	9.0	35.7		10.9	29.7	32.8	132.9
		35	40.3	37.0	39.2	40.3								27.9			1.9	36.4	25.7	0.4	15.8	264.9
		36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0							1.2	8.9			317
05N	02E	30											24.2									24.2





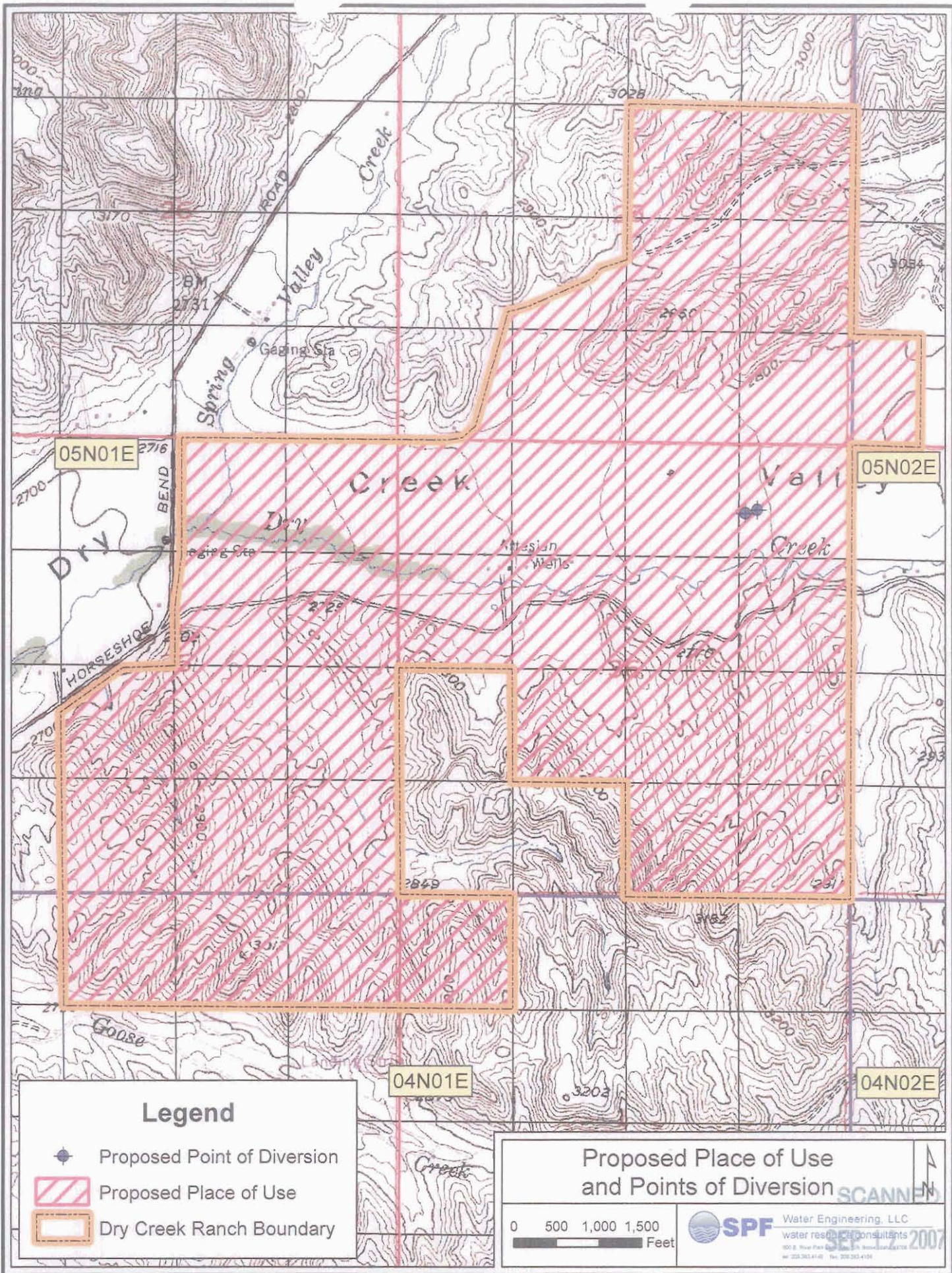
EXPLANATION	
	Jeker approximate property boundary
	63-7123
	63-4086B
	63-4023B
	63-2535
	63-17455
	63-17454

Figure 2: Jeker irrigation water rights.

0 750 1,500 Feet

May 13, 2005

Water Engineering, LLC
water resource consultants



63-32423