

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23054

Priority: November 06, 2006

Maximum Diversion Rate: 0.16 CFS

This is to certify, that CRUSHER LLC
1110 ELO RD
MC CALL ID 83638

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: NORTH FORK PAYETTE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.10 CFS
IRRIGATION	04/15 to 10/31	0.06 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼ SE¼	Sec. 3, Twp 18N, Rge 03E, B.M., VALLEY County
GROUND WATER	NW¼ SE¼	Sec. 3, Twp 18N, Rge 03E, B.M., VALLEY County
GROUND WATER	NW¼ SE¼	Sec. 3, Twp 18N, Rge 03E, B.M., VALLEY County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 03E 3														X			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 03E 3														2.0			2.0

Total Acres: 2

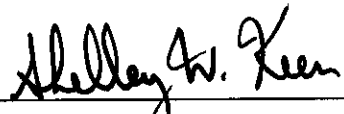
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23054

5. Domestic use is for 9 condominiums and does not include lawn, garden, landscape, or other types of irrigation.
6. Property is also known as Nordic Village.
7. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of April, 2007.


for DAVID R. TUTHILL, JR., Director

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

RECEIVED

NOV 06 2006

APR 17 2007

FORM 202

Ident. No. 65-23054 12/99WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Crusher, LLC Phone (208) 634-8127
Mailing address 1110 Elo Road McCall, ID 83638
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 18N Range 3E Sec. 3, in the _____ ¼,
_____ NW ¼, _____ SE ¼, Govt. Lot _____, B.M., _____ Valley _____ County;
additional points of diversion if any: Three points of diversion at 18N 3E Sec 3 NWSE
4. Water will be used for the following purposes:

Amount <u>0.10</u> for <u>Domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>0.06</u> for <u>Irrigation</u> purposes from <u>4/15</u> to <u>10/31</u> (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) 0.16 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source ~~One new domestic supply well with submersible pump will provide in house requirements for 9 condominiums. A separate existing well and one new well with submersible pumps will supply irrigation requirements.~~ This is an integrated delivery system with up to three wells supplying domestic and irrigation uses.
 - b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet; SP
total reservoir capacity _____ acre-feet 4/12/2007
 - c. Proposed well diameter is 8 inches; proposed depth of well is 250 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? Unknown for existing irrigation well; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. Domestic for 9 condominiums
 - e. Other; describe fully. _____

9. 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	
18N	3E	3														2			2
																D			

Total number of acres to be irrigated 2

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

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

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

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

12. Remarks: This application seeks to provide in-house domestic supply for 9 condominium units from a proposed 8-inch well with anticipated water bearing zone from 60 to 250 feet. The application also seeks to provide 2-acres of landscape irrigation associated with the condominiums using ^{three} ~~two separate~~ wells, including one existing well and ^{two} ~~one~~ proposed wells. All three wells will provide water through a single water system.

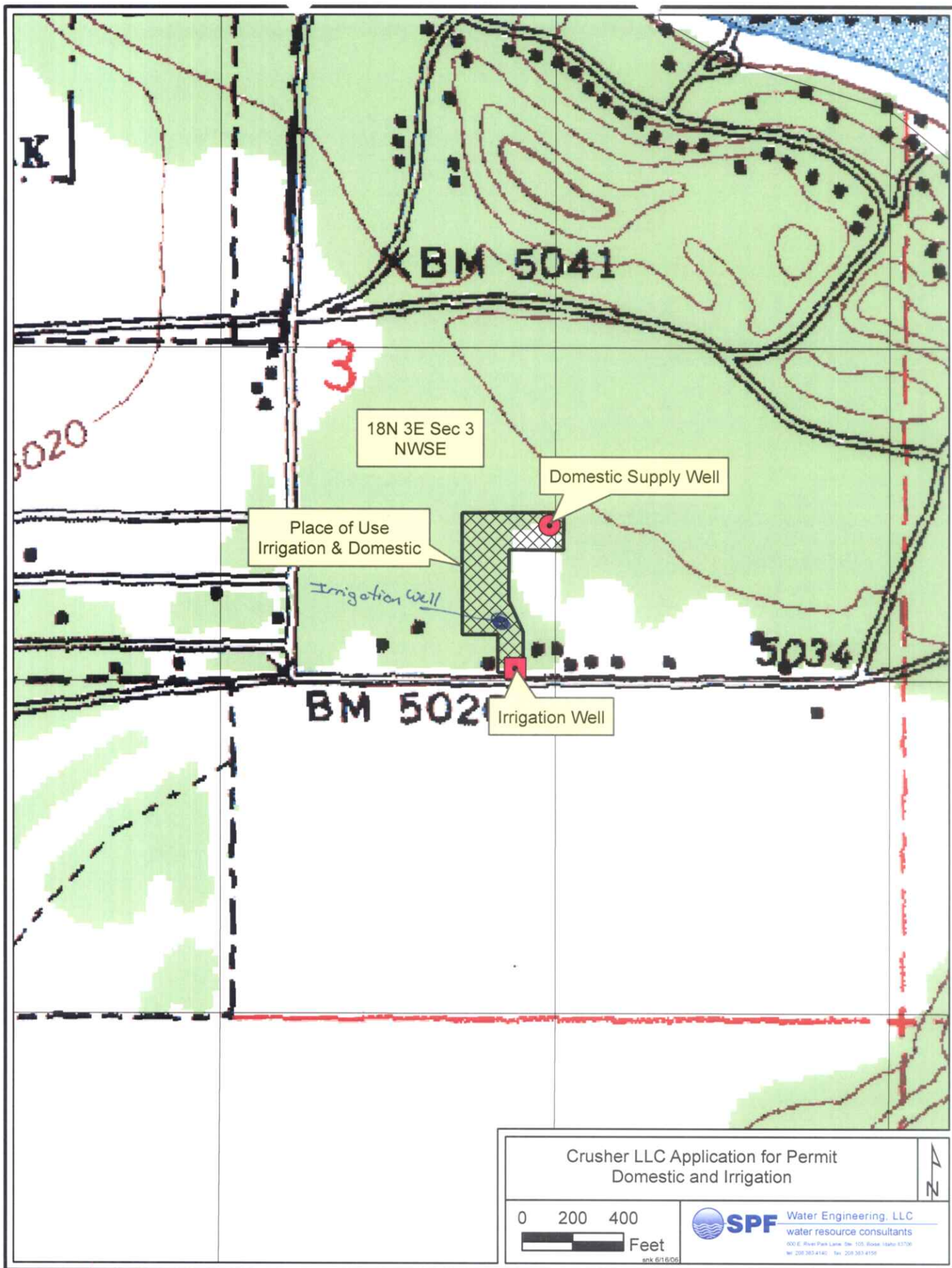
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.


Signature of Applicant (and title, if applicable)

Received by SL Date 11-6-06 Time 11:00 Preliminary check by SC
 Fee \$ * Received by db # W034353 Date 6/20/06
 Publication prepared by DB Date 11-29-06 Published in STAR NEWS 12-7-14, '06
 Publication approved DB Date 12-27-06

* See original, fee payment ok



65-23054

NORDIC VILLAGE

situate in the
 NW 1/4 of the SE 1/4 of Section 3, T. 18 N., R. 3 E., B.M.
 Valley County, Idaho
 DROULARD LAND SURVEYING
 MAY 2005

domestic supply well
 proposed location



LEGEND

- Found 1/2 inch rebar
- ◆ Set aluminum cap
- Set 5/8" x 30" rebar w/plastic cap
- Set 1/2" x 24" rebar w/plastic cap

Bearings based on Record of Survey 61692, Inst No 244455

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 56, CHAPTER 13 HAVE BEEN SATISFIED FOR ALL LOTS WITHIN THIS SUBDIVISION. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLY OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED FOR THE AFORESAID LOTS. SANITARY RESTRICTIONS MAY BE REIMPOSED FOR THE ENTIRE SUBDIVISION IN ACCORDANCE WITH SECTION 56-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATION OF DISAPPROVAL.

ENR. HEALTH DEPT.

SANITARY RESTRICTION INST. NO.

ENR. DATE

NOTES

The 50 foot wide right-of-way shown on this plat as Nordic Village Circle has been reviewed and approved for width by the City of McCall.

Architectural drawings for Unit 1 will be approved at a later date.

Condominium Declaration filed as inst. No. _____

Reference is made to the public health letter on file regarding additional restrictions.

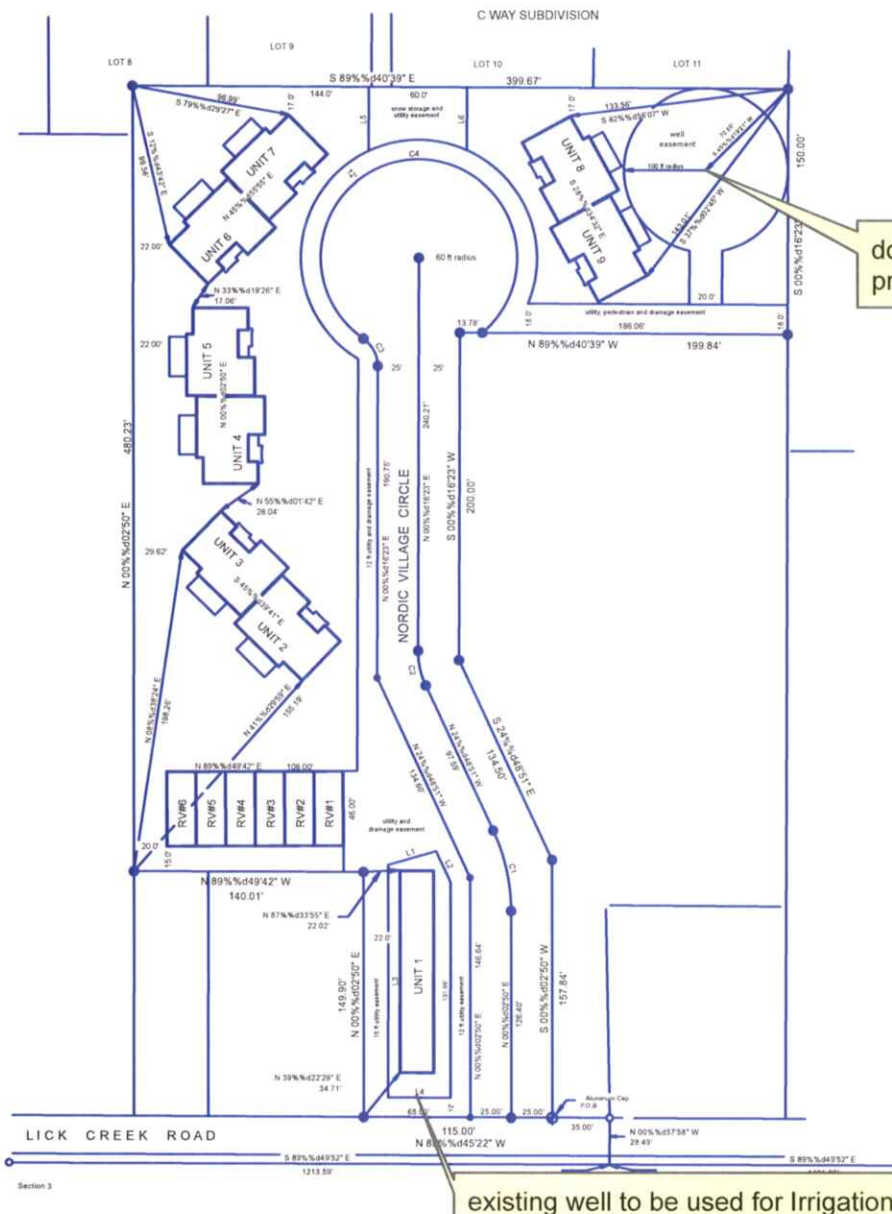
No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restriction release.

Lots shall not be reduced in size without prior approval from the Health Authority.

This plat is subject to compliance with I.C. Section 31-3805. No irrigation water will be supplied to any lot herein.

No building or shelter which will require a water supply or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the State Board of Health, by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities or individual parcel water and/or sewage facilities.

Groundwater may be close to the surface in some areas of the property, requiring special construction methods and/or dewatering equipment. The owner of each unit shall be responsible to determine if such conditions exist thereon and what construction methods and/or dewatering equipment may be required.

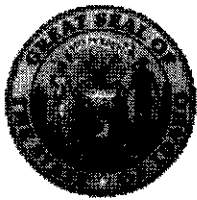


CURVE TABLE

Station	Chord	Angle	Radius

LINE TABLE

Station	Distance	Bearing



IDaho SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for CRUSHER, L.L.C.](#)]

CRUSHER, L.L.C.

1110 ELO RD
MCCALL, ID 83638

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Dec 2005

State of Origin: IDAHO

Date of 20 Feb 1997

Origination/Authorization:

Current Registered Agent: JOHN S BORKOSKI
1110 ELO RD
MCCALL, ID 83638

File Number: W3576

Date of Last Annual Report: 04 Jan 2006

Amendments:

Amendment filed 20 Feb 1997 ARTICLES OF
ORGANIZATION

[View Document
Online
Download \(TIFF
format\)](#)

Annual Reports:

Report for year 2006 ANNUAL REPORT

[View Document Online
Download \(TIFF format\)](#)

Report for year 2005 ANNUAL REPORT

[View Document Online
Download \(TIFF format\)](#)

Report for year 2004 ANNUAL REPORT

[View Document Online
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Report for year 2001 ANNUAL REPORT

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Report for year 2001 ANNUAL REPORT

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Report for year 1999 ANNUAL REPORT

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Report for year 1998 ANNUAL REPORT

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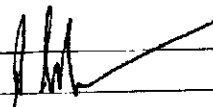
Report for year 1997 ANNUAL REPORT

[View Document Online
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[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

No. W 3576		Due no later than February 28, 2006		2. Register (and Office NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 3. Mailing Address (same as this box if applicable) CRUSHER, L.L.C. JOHN S BORKOSKI 1110 ELO RD MCCALL, ID 83638		JOHN S BORKOSKI 1110 ELO RD MCCALL, ID 83638	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Members.					
Office held	Name	Street or P.O. Address	City	State	Zip
Managing Member	John S. Borkoski	1110 ELO Rd	McCall	ID	83638-5125
Member	Ed Gaudron	1125 ELO Rd	McCall	ID	83638-5125
Member	Rick Griffith	306 Arrowrock Ln.	Boise	ID	83706-4805
5. Organized Under the Laws of: IDAHO W 3576		6. Signature  Name (Type or Print) John S Borkoski		Date 12/23/05 Title Managing Member	
Issued 12/01/2005		Do Not Tape or Staple		200802001151	

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant CRUSHER LLC

Mailing Address 1110 ELO ROAD

MCCALL, ID 83638

Application No. (if known) _____

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

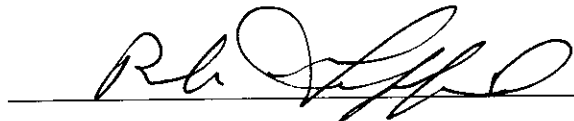
☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

6-16-06

Please return this form to:

Idaho Department of Water Resources Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Crusher, LLC Phone (208) 634-8127
Mailing address 1110 Elo Road McCall, ID 83638
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 18N Range 3E Sec. 3, in the _____ ¼, _____ NW ¼, _____ SE ¼, Govt. Lot _____, B.M., _____ Valley _____ County;
additional points of diversion if any: Two points of diversion at 18N 3E Sec 3 NWSE
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>0.10</u> for <u>Domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.04</u> for <u>Irrigation</u> purposes from <u>4/15</u> to <u>10/31</u> (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) 0.14 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source One new domestic supply well with submersible pump will provide in-house requirements for 9 condominiums. A separate existing well with submersible pump will supply irrigation requirements.
- b. Height of storage dam n/a feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 250 feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? Unknown for existing irrigation well; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. Domestic for 9 condominiums
- e. Other; describe fully. _____

Superseded

RECEIVED
JUN 20 2006
WATER RESOURCES
WESTERN REGION

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	3E	3														2			2

Total number of acres to be irrigated 2

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

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This application seeks to provide in-house domestic supply for 9 condominium units from a proposed 6-inch well with anticipated water bearing zone from 60 to 250 feet. The application also seeks to provide 2-acres of landscape irrigation associated with the condominiums using a separate, existing well.

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.


Signature of Applicant (and title, if applicable)

Received by DB Date 6-20-06 Time 10:30 am Preliminary check by _____
 Fee \$ 100- Receipted by DB # W034353 Date 6-20-06
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 26, 2007

CRUSHER LLC
1110 ELO RD
MC CALL ID 83638

RE: Permit No. 65-23054

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

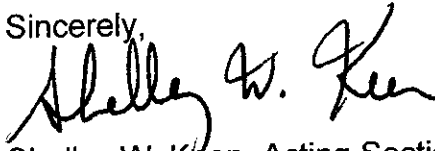
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

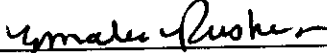
CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 65-23054

**CRUSHER LLC
1110 ELO RD
MC CALL ID 83638**

**SPF WATER ENGINEERING LLC
C/O SCOTT KING
600 E RIVER PARK LN STE 105
BOISE ID 83706**



**Emalee Rushing
Technical Records Specialist**



SPF Water Engineering, LLC
water resource consultants

WA
RECEIVED

FEB 20 2007

DEPARTMENT OF
WATER RESOURCES
RECEIVED

FEB 15 2007

WATER RESOURCES
WESTERN REGION

RECEIVED

FEB 22 2007

WATER RESOURCES
WESTERN REGION

February 9, 2007

Steve Lester
Idaho Dept. of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED

FEB 13 2007

WATER RESOURCES
WESTERN REGION

Re: Application for Permit 65-23054 for Crusher, LLC

Dear Steve,

In response to your December 5, 2006 request for additional information regarding the above-referenced application, this letter addresses the need to obtain water from the Payette River Rental Pool to mitigate for diversion after June 15th of each year.

SPF believes the groundwater source proposed for appropriation under Application for Permit 65-23054 is tributary to the North Fork Payette River. Crusher LLC will comply with the requirements of Water District 65 (Payette River) concerning the tributary nature of the groundwater source and participation in the Payette River Rental Pool.

Water District 65 believes there is adequate water in the Payette River Rental Pool to supplement this proposed water use. A copy of a letter from Ron Shurtleff, Watermaster for Water District 65, is enclosed. Crusher LLC will cooperate with the Watermaster of Water District 65 and apply for rental pool water as soon as required to do so.

Although I am responding to your request for additional information, Scott King will continue to be IDWR's contact for questions concerning the Crusher LLC application and Nordic Village project.

Sincerely,

Roxanne Brown
Water Rights Specialist

Cc: Crusher LLC

Enclosures

Letter from Ron Shurtleff, Water District 65

SPF Job No.: 278.0150

SCANNED

FEB 14 2007

Payette River Basin, State of Idaho
Water District No. 65

Watermaster
Ron Shurtleff

102 North Main Street
Payette, Idaho 83661

Phone 208-642-4465
Fax 208-642-1042
E-mail, waterdist65@srvinet.com

February 8, 2007

Roxanne Brown
SPF Water Engineering LLC
600 E. River Park Ln., Ste. 105
Boise, ID 83706

Subject: Payette River Rental Pool
Application for Permit 65-23054

Dear Roxanne,

I have reviewed Application Permit 65-23054 for appropriation of groundwater determined to be tributary and near the North Fork Payette River in Valley County.

Water accounting for the Payette River conducted by the Idaho Department of Water Resources, indicates that there is sufficient water to supply this application, if stored water is utilized during periods when natural flow is not sufficient. Rental Pool water will be available for the 2007 season to serve this request. It can be rented subsequently on an annual basis to allow full season usage. The water right owner with a junior status is responsible to secure storage water prior to June 15 of each year or curtail usage.

Accurate measuring devices are recommended to monitor diversion rates. Rental pool fees are based on the best available data provided by the water user to the water district and entered in the state river accounting system.

Participation in the Payette River Rental Pool is governed by the "Rental Pool Procedures" adopted by Water District 65 and can be initiated by contacting the Payette office. 208-642-4465

Sincerely,



Ron Shurtleff
Water District 65

SCANNED

FEB 14 2007

Publisher's Affidavit of Publication

STATE OF IDAHO }
County of Valley } .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began December 7, 2006 and ended December 14, 2006.

Carol J. Wright

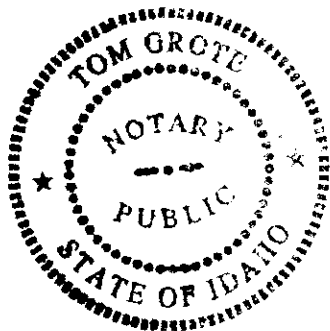
Subscribed and sworn before me this the 14th day of December, 2006.
STATE OF IDAHO

COUNTY OF VALLEY }
}

On this 14th day of December, in the year of 2006, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/12



**THE FOLLOWING
APPLICATION(S) HAVE BEEN
FILED TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO:
65-23054**

CRUSHER LLC, 1110 ELO RD,
MCCALL ID 83638

Point(s) of Diversion NWSE S3
T18N R03E VALLEY County Source
GROUND WATER

Point(s) of Diversion NWSE S3
T18N R03E VALLEY County Source
GROUND WATER

Point(s) of Diversion NWSE S3
T18N R03E VALLEY County Source
GROUND WATER

Use: IRRIGATION 04/15 To 10/31
0.06 CFS

Use: DOMESTIC 01/01 To 12/31 0.1
CFS

Total Diversion: 0.16 CFS

Date Filed: 06/20/2006

Place Of Use: DOMESTIC

T18N R03E S3 NWSE

Place Of Use: IRRIGATION

T18N R03E S3 NWSE

Number of Acres 2

Remark: Domestic use is for 9
homes.

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
12/26/2006. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director P u b -
lished on 12-7 & 12-14-2006 2tc12/14

✓ DB 12/27/06

RECEIVED

DEC 15 2006

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 5, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CRUSHER LLC
C/O SCOTT KING PE
SPF WATER ENGINEERING LLC
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Permit No. 65-23054

Dear Scott:

The above referenced application will be advertised in the first two weeks of this month with a protest deadline of December 26, 2006. Additional information is needed to evaluate the application.

The application proposes the use of ground water for a consumptive use. The proposed water-bearing zone is from 60 to 250 feet. It is assumed that at least shallow ground water above the first confining layer is tributary to the North Fork Payette River. New uses of tributary sources in the Payette River Basin must comply with the Payette River Water District mitigation requirements.

Assuming a tributary connection, information is needed to show that adequate rental pool water is available to cover the proposed use after June 15 of each year. Alternately, information could be provided for any other long-term mitigation plan in lieu of annual rental pool leases.

Please submit the requested information while processing continues. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your response including the requested information, or a request for more time to seek the information, must be received within the next ninety (90) days. The application will be voided without a timely written reply.

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'.

Steve Lester
Water Rights Supervisor

Buffington, Denise

From: Buffington, Denise
Sent: Friday, December 01, 2006 2:40 PM
To: 'tiffany.floyd@deq.idaho.gov'
Subject: Comment Letter



Letter IDEQ.doc



65-23054.pdf

Thank you,

Denise Buffington
Western Region
Department of Water Resources

December 1, 2006

TIFFANY FLOYD
ID DEPT ENVIRONMENTAL QUALITY
1445 N ORCHARD
BOISE ID 83706-2239

Re: Water Right Application(s) 65-23054

Dear Ms. Floyd:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant(s) if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by 12-26-06.

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

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, November 29, 2006 1:50 PM
To: 'starcarol@citlink.net'
Subject: Legal Ad

Please run the attached legal ad, as requested. Feel free to contact me if you have any questions.



Valley Letter.RTF



65-23054 Ad.RTF

Thank You,

Denise Buffington
Western Region
Department of Water Resources

November 29, 2006

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Application for Permit No. 65-23054

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 12/26/2006. 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:

65-23054

CRUSHER LLC
1110 ELO RD
MC CALL ID 83638

Point(s) of Diversion	NWSE	S3	T18N R03E	VALLEY County	Source GROUND WATER
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Point(s) of Diversion	NWSE	S3	T18N R03E	VALLEY County	Source GROUND WATER
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Point(s) of Diversion	NWSE	S3	T18N R03E	VALLEY County	Source GROUND WATER
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Use:	IRRIGATION	04/15 To 10/31	0.06 CFS
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Use:	DOMESTIC	01/01 To 12/31	0.1 CFS
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Total Diversion:	0.16 CFS
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Date Filed: 06/20/2006

Place Of Use: DOMESTIC

T18N R03E S3 NWSE

Place Of Use: IRRIGATION

T18N R03E S3 NWSE

Number of Acres 2

Remark: Domestic use is for 9 homes.

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 12/26/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 12-7 & 12-14-2006



November 2, 2006

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

NOV 06 2006

**WATER RESOURCES
WESTERN REGION**

Attention: Steve Lester

Subject: Amended Application for Permit for Crusher, LLC

Dear Steve,

Enclosed on behalf of Crusher LLC is an amended application for permit seeking to appropriate ground water to serve in-house use and 2 acres of associated irrigation for 9 condominiums near McCall, Idaho. In-house domestic water will be provided from a new well while irrigation use is proposed to be diverted from either an existing 6" well, the new domestic well, and/or a third new well constructed specifically for irrigation supply. The irrigation diversion rate was increased from 0.04 to 0.06 cfs based on 0.03 cfs per acre for 2 acres. The total diversion rate was correspondingly increased from 0.14 to 0.16 cfs. I do not believe that an additional fee is required for this increase, but if a fee is required, please let me know. Please contact me with any questions or requests for additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

cc: Rick Griffith / Crusher, LLC

File: 278.0150



SPF Water Engineering, LLC
water resource consultants

RECEIVED

JUN 20 2006

WATER RESOURCES
WESTERN REGION

June 16, 2006

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Steve Lester

Subject: Application for Permit for Crusher, LLC

Dear Steve,

Enclosed on behalf of Crusher LLC is an application for permit seeking to appropriate ground water to serve in-house use and 2 acres of associated irrigation for 9 condominiums near McCall, Idaho. In-house domestic water will be provided from a new well while irrigation use is proposed to be diverted from an existing 6" well. Also enclosed is a check for \$100 to cover application fees. Please contact me with any questions or requests for additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 278.0150