

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31811

Priority: December 01, 2003

Maximum Diversion Volume: 34.4 AF

This is to certify, that CASTLE ROCK DEVELOPMENT INC
1639 LAKEMOOR WAY
EAGLE ID 83616

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	34.4 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼ NE¼ Sec. 15, Twp 04N, Rge 01W, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01W 15	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2012**.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. Water bearing zone to be appropriated is from 2 to 20 feet.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31811

7. Aesthetic storage use is for an excavated pond.
8. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
9. Transfer 70947 authorizes the diversion of water for groundwater recharge storage in the amount of 47.2 af to be used for replacement of evaporative losses from 16.93 acres total surface area of six (6) aesthetic ponds authorized under rights 63-31811, 63-31812, 63-31813, 63-31814, 63-31974 and 63-31975.
10. If the specified mitigation right, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the right holder shall provide substitute mitigation acceptable to the Department.
11. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of June, 2007.


for DAVID G. TUTHILL, JR., Director

RECEIVED

JUN 07 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Pond 1

Ident. No. 63-31811

RECEIVED

JUL 29 2004

WATER RESOURCES
WESTERN REGIONFORM 202
12/99

AMENDED

1. Name of Applicant Castlerock Development, Inc. Phone (208) 938-4845
 Mailing address 1639 Lakemoor Way, Eagle, ID 83616

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township 4N Range 1W Sec. 15, in the SWNE $\frac{1}{4}$,
1/4, 1/4, Govt. Lot N/A, B.M., Ada County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 34.36 Ac-Feet for Acsthetic Storage 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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 34.36
 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 Seepage to excavated pond from shallow groundwater

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
 reservoir capacity N/A acre-feet

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

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

e. If well is already drilled, when? N/A; Drilling firm N/A

Well was drilled for (well owner) N/A; Drilling Permit No. N/A

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. N/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; show name of municipality. N/A

d. Domestic; show number of households. N/A

e. Other; describe fully. Acsthetic use for non-farm residential development.

RECEIVED

JUN 09 2006

DEPARTMENT OF
WATER RESOURCES

3. 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	
4N	1W	15			J														

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. No other existing water rights are being used for this purpose. However, five (5) other ponds are being submitted for the same purpose.
11. a. Who owns the property at the point of diversion? Castle Rock Development, Inc.
- b. Who owns the land to be irrigated or place of use? Castle Rock Development, Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A
12. Remarks: WATER Bearing zone is from two (2) feet below grade to 20 below grade.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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 KG Date 7/29/04 Time 11:46 Preliminary check by KG Date 8/12/18/03
 Fee \$ 250 Received by KG # W031196
 Publication prepared by sk Date 10-24-04 Published in THE IDAHO STATESMAN
 Publication approved sk Date 10-26-04

RECEIVED

REQUEST TO PROCESS

SEP 29 2003

WATER RESOURCES
WESTERN REGION

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

Name of Applicant Castlerock Development, INC.Mailing Address 1639 Lakemoor WayEagle, ID 83616Application 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



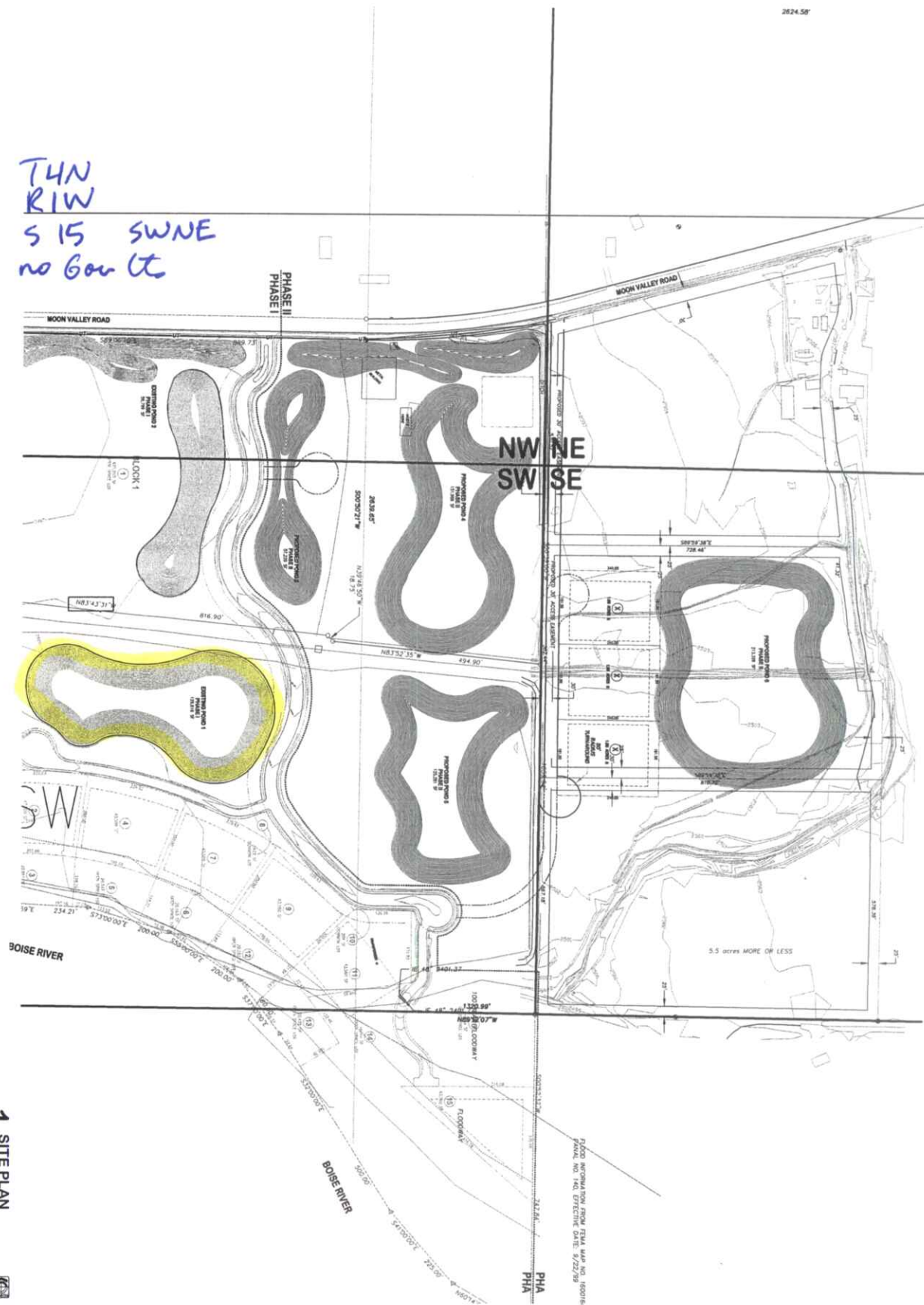
Date

6/24/03

Please return this form to:

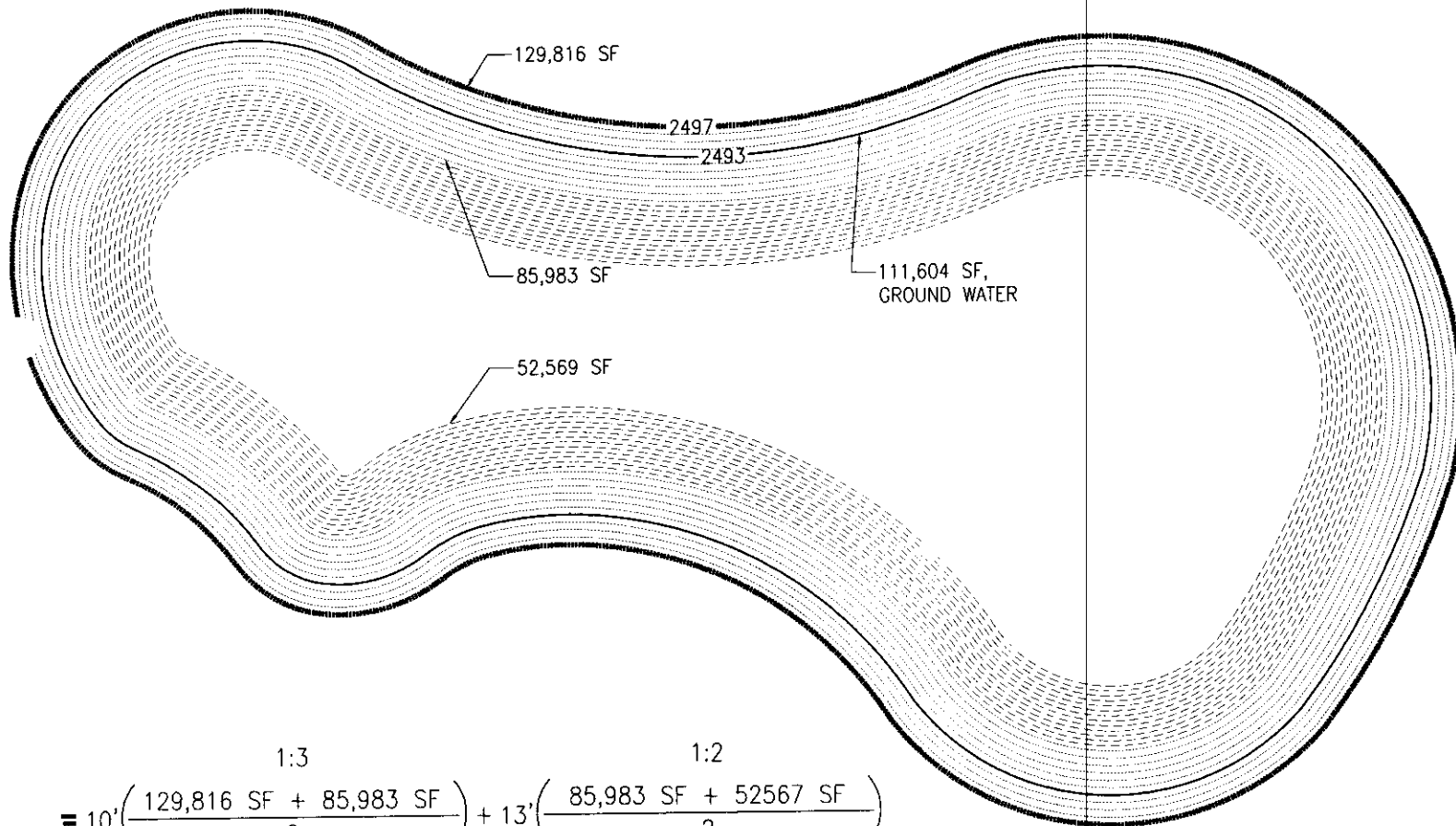
Idaho Dept. of Water Resources
Western Regional Office
2735 Airport way
Boise, ID 83705-5082

THN
RIW
S 15 SWNE
no Gov Lt



1 SITE PLAN
Scale: 1" = 100'-0"
Scale: 1" = 112'

RIVERVINE SUBDIVISION PHASE II MOON VALLEY ROAD ADA COUNTY, IDAHO		NO. 01260 20C
CSHQA		200 S. 5TH ST. - BOISE, ID 83702 (208) 343-4035 - FAX (208) 343-4034 http://www.cshqa.com
DESIGNER PROJECT CHECKED DATE	OWNER / AGENCY REVISIONS	DATE BY CHECKED DATE
PRELIMINARY NOT FOR CONSTRUCTION		



$$= 10' \left(\frac{129,816 \text{ SF} + 85,983 \text{ SF}}{2} \right) + 13' \left(\frac{85,983 \text{ SF} + 52,569 \text{ SF}}{2} \right)$$

$$V_1 = 1,979,570 \text{ CF} = 14.81 \text{ MGAL}$$

$$V_{GW1} = 1,979,570 \text{ CF} - 4' \left(\frac{129,816 \text{ SF} + 111,604 \text{ SF}}{2} \right)$$

$$V_{GW1} = 1,496,730 \text{ CF} = 11.20 \text{ MGAL}$$

POND 1

SURFACE AREA: 129,816 SF
VOLUME: 14.81 MILLION GALLONS
DEPTH: 23'

RECEIVED

APR 09 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Pond 1

Ident. No. 63-31811

ORIGINAL

To appropriate the public waters of the State of Idaho

1. Name of Applicant Castlerock Development, Inc. Phone (208) 938-4845
Mailing address 1639 Lakemoor Way, Eagle, ID 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4N Range 1W Sec. 15, in the _____ 1/4,
SW 1/4, NE 1/4, Govt. Lot N/A, B.M., Ada County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 34.36 Ac-Feet for Aesthetic Storage 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 34.36
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 Seepage to excavated pond from shallow groundwater
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 3 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. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. N/A
e. Other; describe fully. Aesthetic use for non-farm residential development.

. 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	
4N	1W	15			J														

total number of acres to be irrigated N/A

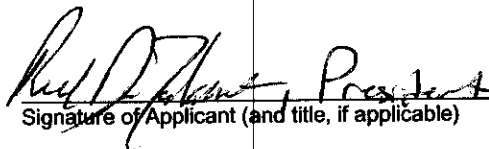
0. Describe any other water rights used for the same purposes as described above. No other existing water rights are being used for this purpose. However, three (3) other ponds are being submitted for the same purpose.

- Who owns the property at the point of diversion? Castlerock Development, Inc.
- Who owns the land to be irrigated or place of use? Castlerock Development, Inc.
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

2. Remarks: Water bearing zone is from two (2) feet below grade to 20 below grade.

3. **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.)

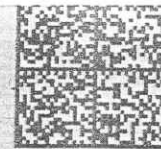
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by KG Date 9/29/03 Time 12:12 Preliminary check by g
 Fee \$ 250 Received by KG # W031196 Date 12/18/03
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**

FIRST CLASS



UNITEL
PITNEY BOWES
02 1A
0004389393 JUL 06 2007
\$ 01.65⁰
MAILED FROM ZIP CODE 83702

IDAHO DEPARTMENT OF WATER RESOURCES

322 EAST FRONT ST.
P.O. BOX 83720
BOISE, ID 83720-0098

TO

CASTLE ROCK DEVELOPMENT INC
1639 LAKEMOOR WAY
EAGLE, ID 83616

UNABLE TO
FORWARD

WA
RECEIVED
JUL 12 2007
DEPARTMENT OF
WATER RESOURCES

63-31974
63-31811
63-31813
63-31812
63-31814
63-31975

FWD to:

1017 Arbor Island
Way
Eagle ID 83616

7/13/07 SW



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

July 6, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

LEE SISCO
6616 OVERLAND RD
BOISE ID 83709

RE: Permit Nos. 63-31975, 31974, 63-31811, 63-31812, 63-31813 & 63-31814

Dear Watermaster:

Enclosed are copies of the recently issued Permits for the above referenced water rights in the name of CASTLE ROCK DEVELOPMENT INC.

If you have any questions, please call me at 208-287-4952.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Technical Records Specialist

Enclosure



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

July 6, 2007

CASTLE ROCK DEVELOPMENT INC
1639 LAKEMOOR WAY
EAGLE ID 83616

RE: Permit No. 63-31811

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,



for Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: BUREAU OF RECLAMATION

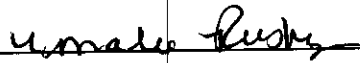
CERTIFICATE OF SERVICE

I hereby certify that on July 6, 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. 63-31811

**CASTLE ROCK DEVELOPMENT INC
1639 LAKEMOOR WAY
EAGLE ID 83616**

**BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706**



**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**
(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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.

MEMO

To: Application Files 63-31811 through 63-31814, 63-31974, 63-31975

From: Lori Graves for John Westra JW

Date: 6/5/2006

Re: Approval Conditions

The above applications were protested 10/25/2004. The protests were withdrawn 4/20/2006 subject to five agreed upon conditions (see file 63-31811 for original correspondence and notice of conditional withdrawal of protest regarding all six applications). The five protest withdrawal conditions have been revised to meet department standards as follows:

1. Transfer 70947 authorizes the diversion of water from Ground Water Recharge Storage in the amount of 47.2 af to be used for replacement of losses caused by evaporation from 16.93 acres total surface area of six (6) aesthetic ponds authorized for aesthetic storage under rights 63-31811, 63-31812, 63-31813, 63-31814, 63-31974 and 63-31975.

(The above condition is also listed on right 63-125G as modified by accompanying draft transfer no. 70947)

2. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or priority call, then the amount of water authorized for diversion under this permit shall be reduced by the same proportion as the reduction to the mitigation right, unless the right holder is able to provide substitute mitigation acceptable to the Department.

(John Westra discussed the above non-standard condition with Jeff Peppersack, who thought it would be ok to add. The department on right 35-13521 has previously permitted this condition)

3. & 4. Can be both be addressed with standard condition 01Q.

5. Can be addressed with standard condition R43.

Please include the above conditions on all six applications for permit along with appurtenant standard conditions. Thank you.

AGREEMENT

RECEIVED

MAY 15 2006

WATER RESOURCES
WESTERN REGION

I agree to the conditions as set forth in the NOTICE OF CONDITIONAL WITHDRAWAL OF PROTEST of applications for permit nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974, and 63-31975 in the name of Castlerock Development, Inc. from the Bureau of Reclamation dated April 19, 2006.

Dated: May 12, 2006



REED DEMORDAUNT
CASTLEROCK DEVELOPMENT INC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 21, 2006

CASTLEROCK DEVELOPMENT INC
C/O REED DEMORDAUNT
1639 LAKEMOOR WAY
EAGLE ID 83616

Re: Applications for permit nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974,
and 63-31975 in the name of Castlerock Development, Inc.

Dear Mr. Demordaunt:

Enclosed is a copy of the Notice of Conditional Withdrawal of Protest from the
US Bureau of Reclamation of the above-referenced applications for permit. If you agree
to the terms of this Notice, please sign the attached agreement and return it to IDWR.

If you have any questions please call me at 334-2190.

Sincerely,

John Westra
Western Regional Manager

JW/sk

Encl.



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

APR 19 2006



RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

IN REPLY REFER TO:

PN-3100

WTR-4.10

John Westra
Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Subject: Notice of Conditional Withdrawal of Protest In the Matter of Applications for Water right Permits 63-31811, 63-31812, 63-31813, 63-31814, 63-31974, and 63-31975 in the Name of Castlerock Development, Inc.

Dear Mr. Westra:

Enclosed for filing with your office is an original Notice of Conditional Withdrawal of Protest in the above-subject matter. Also enclosed is a copy of the document which I ask that you conform and return to me in the enclosed self-addressed envelope. *sek*

If you have any questions regarding this letter, please feel free to contact me at 208-378-5306.

Sincerely,

E. Gail McGarry

E. Gail McGarry
Program Manager
Water Rights and Acquisition

Enclosure

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

E. GAIL MCGARRY
Program Manager, Water Rights and Acquisition
PN-3100
Bureau of Reclamation
1150 N. Curtis Road
Boise, ID 83706-1234

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

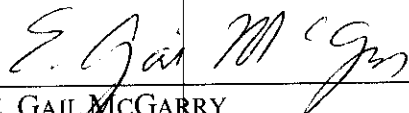
IN THE MATTER OF APPLICATIONS) **NOTICE OF CONDITIONAL**
FOR PERMIT NOS. 63-31811, 63-) **WITHDRAWAL OF PROTEST**
31812, 63-31813, 63-31814, 63-31974,)
AND 63-31975 IN THE NAME OF)
CASTLEROCK DEVELOPMENT, INC.)
_____)

The U.S. Bureau of Reclamation hereby withdraws its protest of applications for permit nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974, and 63-31975 provided that the following conditions shall be included on any subsequent water right permits and licenses issued by the Idaho Department of Water Resources (Department) based upon the above-captioned applications:

1. To mitigate for depletion of water resulting from the use of water under this right, the right holder shall divert 47.2 acre-feet per annum under water right no. [insert mitigation water right # from transfer no. 70947] for delivery into one or more aesthetic pond(s) authorized under water right nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974, and 63-31975.
2. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by

- the same proportion as the reduction to the mitigation right, unless the right holder is able to provide substitute mitigation acceptable to the Department.
3. After notification by the Department, the right holder shall record the quantity of mitigation water delivered into the aesthetic ponds and shall annually report the information to the Department.
 4. If the right holder uses the aesthetic ponds as a regulating system for delivery of irrigation water pursuant to other water rights, the Department may, after notification, require the right holder record the quantity of irrigation water diverted into and re-diverted from the aesthetic ponds and annually report the information to the Department.
 5. The Department may require the right holder install and maintain acceptable measuring devices, in accordance with Department specifications.

DATED this 19th day of April, 2006.



E. GAIL MCGARRY
Program Manager, Water Rights and Acquisition
Pacific Northwest Region, Bureau of Reclamation

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April 2006, I served a true and correct copy of the foregoing *Notice of Conditional Withdrawal of Protest*, by depositing same in the United States mail, postage prepaid, addressed to the following:

Castlerock Development, Inc.
c/o Reed Demordaunt
1639 Lakemoor Way
Eagle, ID 83616

Courtesy copy to:
Ed Squires, P.G.
Hydro Logic, Inc.
1002 W. Franklin St.
Boise, ID 83702



E. Gail McGarry

Westra, John

From: Ed Squires [ed@hydrologicinc.net]
Sent: Sunday, January 15, 2006 4:09 PM
To: John Westra
Cc: Reed DeMordaunt ; Matt Howard
Subject: Rivervine Subdivision Surface Water Rights 1-17-2006
Importance: High

Dear John:

As we discussed last week, here is the suggested language proposed by Reclamation, and accepted by Castle Rock Development, Inc., for your consideration as conditions to be attached to an approved water right for the Rivervine subdivision's pond and surface water irrigation system. You had indicated that you would be discussing the circumstances of this water right approval with DWR's state office personnel this week and I wanted you to be privy to what we have been working through on this end. I am sure Matt Howard would be OK with my sending this as we have worked it back and forth and the attached language is what has been agreed to. Matt may still be out of the office on maternity leave as I believe his wife was close to having a baby last time we spoke.

As you are aware, I have also been speaking with Jerry Kiser who represents Middleton Mill. I believe that there are no real issues of consequence to resolve with Jerry but I have encouraged him to call you to explain our earlier conversation relative to the most recent "Ponds" memorandum and how it does not affect Castle Rock Development's filing. Jerry Kiser indicated that he would like a condition added to the approved water right stating that the recent pond memo does not apply to Castle Rock's filing. I am unsure of how much standing Middleton Mill has in this situation but I know Jerry wants the application to be changed from "aquifer recharge" to "mitigation" as a nature of use. As far as I know, everyone finds this proposed change acceptable.

Please discuss this within the Department and let me know if there is anything I can do to expedite the final consideration of this water right. I will be glad to facilitate anything you would come up with and I would take the time to do it right away.

Thank you so much for your patience on this matter and for attempting to advance the ball next week. I will wait for your instructions.

Respectfully,

Ed Squires
Hydro Logic, Inc.
342-8369 office
631-6781 cell

1/17/2006

Westra, John

From: Ed Squires [ed@hydrologicinc.net]
Sent: Wednesday, September 07, 2005 8:38 AM
To: John Westra
Cc: Matt Howard ; Reed DeMordaunt
Subject: Rivervine Subdivision Middleton Mill Surface Water and Pond Diversions 9-7-2005
Importance: High

Dear John et al:

I write to report that we have finally made good progress on the Middleton Mill water diversions for Reed DEMordaunt's Rivervine Subdivision.

Although it may seem that nothing has been happening, we actually have worked through the rotation and diversion issues to understand how the water was historically diverted and how to physically divert it now with the changes to the lands in question and the multiple users; as usual, it is not as easy as one would assume.

Yesterday, Reed and I finished up with Gene Muller, long time resident and previous ditch master, to develop the science behind Reed's settlement agreement with Reclamation. I am processing this information today and expect to have a letter to Matt Howard by the end of the week.

Thank you all for your patience with this; it appears that we will very soon be able to close the file on this with a settlement we can all live with.

Ed Squires
Hydro Logic, Inc.
342-8369

9/7/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 24, 2005

Reed Demordaunt
Castlerock Development Inc
1639 Lakemoor Way
Boise ID 83616

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Application for Permit #63-31811-protested & Transfer #70947.

Dear Mr. Demordaunt:

This letter is to update you on Application for Transfer processing changes relating to the status of your applications.

The success of your water development project is the approval of the application for permit and accompanying mitigation transfer. The approval of the Application for Transfer is contingent on the completed permit process. In early August, the Department discontinued processing transfers based on Snake River Adjudication Claims in the Boise Basin. Processing of transfers in an area where the Director's Report is being prepared can result in confusion and complications in mixing judicial and administrative actions. The Department will be holding transfer applications until the conclusion of the SRBA objection period—May-June 2006.

Your transfer application is based on a SRBA claim. It has been prior advertised and can be further processed at this time. However, if your permit application continues to remain stagnate without protest resolution or movement, the transfer application could lose it's position and be "placed on hold status" as discussed above. I would encourage you to actively pursue the permit application protest resolution and movement. Please contact me, if a hearing needs to be scheduled by the Department.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager
Western Region

cc: M. Howard, E. Squires.

Westra, John

From: Westra, John
Sent: Tuesday, July 05, 2005 6:53 AM
To: 'Ed Squires'
Subject: RE: Settlement of the Rivervine Subdivision Water Right Protest with Recalvation 7-1-2005

Ed,
Sounds Fine.
Thank you for the followup
John

-----Original Message-----

From: Ed Squires [mailto:ed@hydrologicinc.net]
Sent: Friday, July 01, 2005 6:47 PM
To: John Westra
Cc: Matt Howard ; Reed DeMordaunt
Subject: Settlement of the Rivervine Subdivision Water Right Protest with Recalvation 7-1-2005
Importance: High

Dear John,

I believe you had set a date of July 1st for the parties to settle in the Rivervine administrative proceeding before you set a hearing date.

I am pleased to report that this matter is very nearly settled although it has taken us a long time to do so. I estimate that we should have final resolution by the end of July. Please be patient with our slow movement and allow us a small amount of additional time to resolve the final details. I have spoken with Matt Howard and he supports this request.

Thank you.

Ed Squires
Hydro Logic, Inc.
342-8369

7/5/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 29, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Reed Demordaunt
Castlerock Development Inc.
1639 Lakemoor Way
Boise, ID 83616

E. Gail McGarry & Matt Howard
Bureau of Reclamation
1150 N Curtis RD Ste 100
Boise ID 83706-1234

RE: Application for Permit #63-31811- Castletrock Development

Dear Mr. Demordaunt, Ms. McGarry, & Mr. Howard:

The purpose of this letter is to review the status and negotiation progress for the above application. My notes from the January 2005 pre-hearing conference indicate the protestant and applicant were going to work on a conditional protest withdrawal agreement. A contact in late March indicated the parties were close to an agreement.

The Department would like to continue processing the application. Your cooperation is requested; please submit one of the following by **July 1st**:

- A conditional/protest withdrawal agreement signed by protestant and applicant.
- A withdrawal of the application by the applicant.
- Request a hearing for the contested application.

If no documents/responses are received by July 1st, the Department will schedule a hearing tentively for **October 12, 2005**. Should you have any questions, please contact me at the Western Regional Office, 334-2190.

Sincerely,

John Westra,
Western Regional Manager

CONVERSATION MEMORANDUM

Phone Message.

DATE 3/31/05

FILE Castle rock Dev.

NAME OF PARTY Matt Howard

EMPLOYEE J. Westra

RE: Protest Withdrawal / Agreement. Applications.

Matt indicated, that Reed and he had met 2 wks ago. Reed was to get some more information for the Bureau, so Matt could finish drafting the agreement. With Spring break (school) Reed was not in the area. Matt stated that the process was moving forward. Would keep us informed. - Next several weeks.

Pre-Hearing Conference Notes

Files: Castlerock Development #63-31811—14
Transfer 70947—Mitigation

Date: 1/12/05

From: J. Westra JFW

Attendance: see attached roster

The conference was held on-site of the Rivervine Development south of the State Street and Hwy 16 (Emmett) intersection. We were met by Reed Dermordaunt the development president, and Ed Squires, consultant.

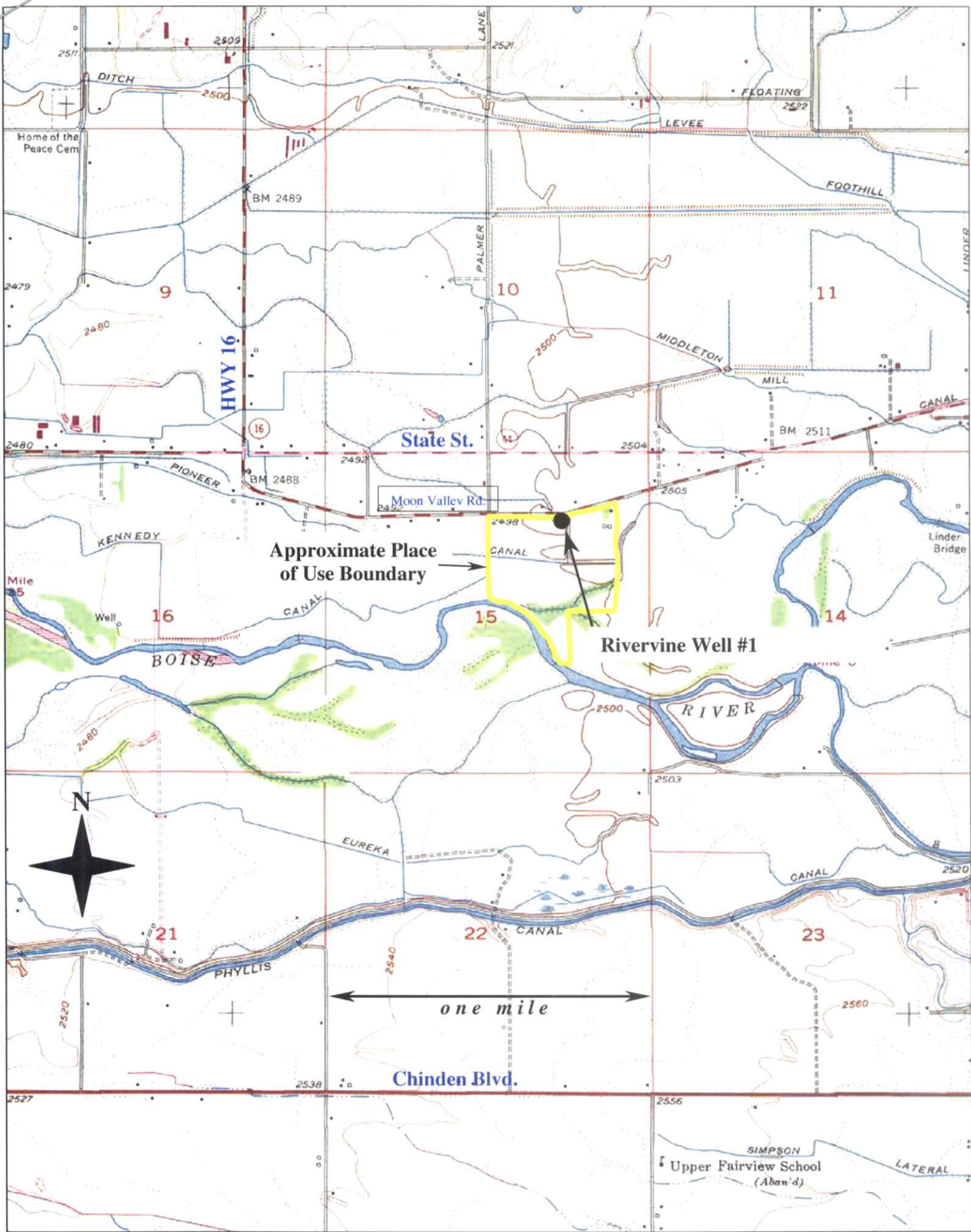
Surface water from the Middleton Mill Ditch #63-125G will be utilized as ground water recharge for 6 ponds in the residential development. Transfer #70947 changes nature of use for .32 cfs and 47.2 ac-ft volume for recharge. The ponds will be beneficially used for aesthetic storage. Ditch water will be used in a central pressurized system for yard irrigation—24 hour rule on pump pond storage.

The group started at the lateral ditch that supplies water on the north side of Moon Valley Rd. At the lateral end, water flows under the road and to the first pond via a culvert pipe. The irrigation system pumps/controller are located in a pump house at the south end of the pond. Moisture levels in residential yards are monitored by sensors and irrigation application will be controlled by a computerized system. Mr. Dermordaunt also will treat waste water from the subdivision and apply it to common irrigated areas, approximately 5+ acres. Both waste water and irrigation systems are cutting edge high tech for water conservation.

After review of the facilities and discussion with the applicant, BOR representatives were satisfied with the proposed project. There was concern about measurement of lateral water entering the pond. Mr. Peterson volunteered that BOR could provide a small measurement flume that could be installed in the lateral to measure inflow. The development is on the lateral end; water is delivered on a rotation with other users upstream—so many days a week. Due to this, deliveries would be at a high flow rate for a short period. Mr. Dermordaunt will talk with Middleton Mill and document the historic flow rate on the lateral under the rotation. That rate will be measured.

This seemed acceptable to the protestant (BOR), Matt Howard will work with Mr. Dermordaunt on conditional withdrawal language. It will be run past IDWR for approval.

Follow-up: Call up in 30 days for status



IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Reed DeFordmont	1639 Lakemoor Way	938-4815
Ed Squires	1002 W. Franklin St.	342-8369
MATT Howard	1050 N. Curtis	378-5003
Gail McGarry	1214 N 9th St	378-5306
Jeff Peterson	1150 N. Curtis	378 5013

Westra, John

From: Ed Squires [ed@hydrologicinc.net]
Sent: Tuesday, January 11, 2005 4:23 PM
To: John Westra
Cc: Lester, Steve; Reed DeMordaunt ; Gail McGarry ; Matt Howard ; R. D. Schmidt
Subject: Rivervine Subdivision Pre-Hearing 1-12-05
Importance: High

Dear John et al:

Thank you all for agreeing to meet in the field on a cold winter day; we hope this leads to less time overall.

We plan to meet at Rivervine Subdivision as shown on the attached map at 10:00 A.M Wednesday morning. This is simply a change of venue for the previously scheduled pre-hearing conference at IDWR-WRO.

Drive West on State Street to Palmer Lane (first turn off to south after Moon Valley Road).

Turn south (left) ¼ mile to Moon Valley Road.

Turn east (left) on to Moon Valley Road.

Drive east ¼ mile to well site (on south side of Moon Valley Road).

We will meet at the Well site look for a silver Camry sedan.

The purpose of this meeting is to view the Rivervine ponds as they currently exist and to observe the existing irrigation pumping station in an attempt to resolve Reclamation's concerns over water use in a simple but meaningful way. We believe that a face-to-face meeting, on site where we can all view the constraints to monitoring is the most expedient way to resolve the issues.

Ed Squires
Hydro Logic, Inc.
342-8369 office
631-6781 cell

1/12/2005

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 63-31811, 31812, 31814, 31974, 31975Applicant's Name: Castle Rock Development, Inc.

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application. per conversation JFW.b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☒ I oppose approval of this application for the following reasons:These ponds are very close to the river
and I did not see any mitigation plan
for loss to the river & evaporation
loss.

d) Additional Comments:

1/24/05 JFW { Lee Sisco: Discussed the transfer 70447 Middleton Mill/
mitigation for losses OK with Lee, for approval.

Dated this 11 day of January, 2005Water District Number: 63 Watermaster's SignatureLee Sisco

Use back side of this page if you need more space

JFW

left message to return call 1/19/05.

CONVERSATION MEMORANDUM

DATE 1/10/05

FILE 63.31811

NAME OF PARTY EO SQUIDES 342-8369

EMPLOYEE R

RE: CASTLEROCK DEV. CONFERENCE

(6 Protested
APPLS.)

Has been working on Applicant's discussions with
Matt Howard at BOR.

Applicant & Antistant interested in meeting onsite in
Eagle for 1/12/05 conference if ok with IOWR.
Hope can settle protests if do this.

Told him would pass on request to JFW.

E

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-31811, 63-31812,)
63-31813, 63-31814, 63-31974, AND)
63-31975 IN THE NAME OF)
CASTLEROCK DEVELOPMENT, INC.)**

**NOTICE OF PREHEARING
CONFERENCE**

On July 29, 2004 Castlerock Development, Inc. filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the Bureau of Reclamation.

IDWR has scheduled a prehearing conference for the protest to be held on **Wednesday, January 12, 2005 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

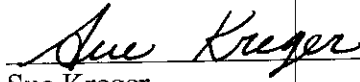
Dated this 20th day of December 2004.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December 2004, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Kreger
Administrative Assistant

CASTLEROCK DEVELOPMENT INC
C/O REED DEMORDAUNT
1639 LAKEMOOR WAY
EAGLE ID 83616

KATHLEEN CARR ATTORNEY
BOR OFFICE OF FIELD SOLICITOR
FEDERAL BLDG RM 365
550 W FORT ST
BOISE ID 83724

E GAIL MCGARRY PN 3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-31811, 63-31812,)
63-31813, 63-31814, 63-31974, AND)
63-31975 IN THE NAME OF)
CASTLEROCK DEVELOPMENT, INC.)**

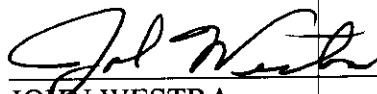
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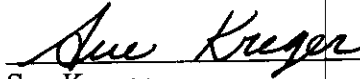
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JOHN WESTRA
Western Regional Manager

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CASTLEROCK DEVELOPMENT INC
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KATHLEEN CARR ATTORNEY
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1150 N CURTIS RD STE 100
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- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 20, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KATHLEEN KATHLEEN CARR ATTORNEY
BOR OFFICE OF FIELD SOLICITOR
FEDERAL BLDG RM 365
550 W FORT ST
BOISE ID 83724

GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Applications for Permit Nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974 and 63-31975
in the Name of Castlerock Development Inc.

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or 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?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, January 12, 2005 at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk
Encl:

Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

December 20, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CASTLEROCK DEVELOPMENT INC
C/O REED DEMORDAUNT
1639 LAKEMOOR WAY
EAGLE ID 83616

Re: Applications for Permit Nos. 63-31811, 63-31812, 63-31813, 63-31814, 63-31974 and 63-31975

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or 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?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Wednesday, January 12, 2005 at the Western Region of the Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Notice of Prehearing Conf.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 2004

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested: Application for Permit No. 63-31811 in the name of Castlerock Development, Inc. 1639 Lakemoor Way, Eagle, ID, 83616

2. Name of Protestant: United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant):
E. Gail McGarry, Program Manager, Water Rights and Acquisitions, Bureau of Reclamation, Pacific Northwest Region

4. Service mailing address:
E. Gail McGarry, PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, ID 83706-1234

5. Service telephone number: (208)378-5306

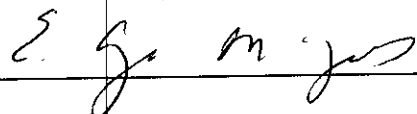
6. Basis of protest (including statement of facts and law upon which the protest is based):
Injury to Reclamation's Boise Project water rights. IDWR water application report referenced an accompanying transfer application no. 70947 to be used for mitigation. No information was found regarding transfer.

7. What would resolve your protest? See above.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 25th day of October, 2004

United States, Protestant



PROTESTANT'S REPRESENTATIVE

Certificate of Service

The undersigned does hereby certify that on this 25th day of October, 2004, he or she caused a true and correct copy of the Protest Application for Permit No. 63-31811 transmitted by the following means:

Original hand delivered to:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

U.S. mail to:

Castlerock Development, Inc.
1639 Lakemoor Way
Eagle, ID 83616

A handwritten signature in cursive script, reading "Katy Loomis", is written over a horizontal line.

CONVERSATION MEMORANDUM

DATE 12/15/04

FILE Castle Rock Develop.
63-31811

NAME OF PARTY Gail McGarry -

EMPLOYEE J. Westra

RE: Pre hearing Conference.

12/15/04 Voice Mail

- Hold off on setting conference. Working with Developer.

12/16/04 Read Demandaunt

Would like to move ahead with conference possibly
1/10 wk not Thursday.

(12)th January - confirmed with Gail McGarry.

The Idaho Statesman

RECEIVED

OCT 15 2004

WATER RESOURCES
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
047628	1168240	APPLICATION - CASTLE ROCK DEVELOPMENT	\$113.50
Attention:	P.O. #	Run Dates	
SUE KREGER		OCTOBER 7, 14, 2004	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 31
			Affidavit 1
			Legal # 20550

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31811
CASTLE ROCK DEVELOPMENT INC

1639 LAKEMOOR WAY

EAGLE ID 83616

Point(s) of Diversion SWNE S15 T04N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 To 12/31 34.4 AFA

Total Diversion: 34.4 AFA

Date Filed: 12/18/2003

Place Of Use: AESTHETIC STORAGE
T04N R01W S15 SWNE

Remark: Water bearing zone to be appropriated is from 2 feet to 20 feet below grade. The source of water is seepage of shallow ground water into an excavated pond. Mitigation is proposed for consumptive use on accompanying transfer application no. 70947.

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 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Oct. 7, 14, 2004

20550

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: OCTOBER 7, 2004

ending issue of: OCTOBER 14, 2004

Janice Hildreth

STATE OF IDAHO)
) ss

COUNTY OF ADA)

On this 14 day of OCTOBER in the year of 2004 before me, a Notary Public, personally appeared before me Janice Hildreth 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.

Jondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/20/06

Kreger (Taylor), Sue

To: Wd63@iglide.net
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

September 30, 2004

LEE SISCO
WATERMASTER DIST. NO. 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application(s) for Water Right(s)

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



63-31811.pdf



63-31812.pdf



63-31813.pdf



63-31814.pdf



63-31974.pdf



63-31975.pdf



70947.pdf



71198.pdf



Copy of
commendation of Wa

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

September 29, 2004

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit Nos. 63-31811, 63-31812, 63, 31813, 63-31814, 63-31859, 63-31890,
63-31974, 63-31975, 63-31999

Application for Transfer Nos. 71237, 71109, 70947, 71198, and 71357

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 10/25/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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63-31811

CASTLE ROCK DEVELOPMENT INC
1639 LAKEMOOR WAY
EAGLE ID 83616

Point(s) of Diversion SWNE S15 T04N R01W ADA County

Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 To 12/31

34.4 AFA

Total Diversion:

34.4 AFA

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Place Of Use: AESTHETIC STORAGE

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KARL J DREHER, Director

Published in the Idaho Statesman on October 7 and 14, 2004.