

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31807

Priority: November 04, 2003

Maximum Diversion Rate: 2.00 CFS

This is to certify, that TOWN RANCH LP
2344 DUNYON
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>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	2.00 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
FIRE PROTECTION	01/01 to 12/31	2.00 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼SE¼	Sec. 20, Twp 04N, Rge 02W, B.M., CANYON County
GROUND WATER	SW¼SE¼	Sec. 20, Twp 04N, Rge 02W, B.M., CANYON County

PLACE OF USE: COMMERCIAL, DOMESTIC & FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 02W 20														X		X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2009**.
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 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.
5. Water bearing zone to be appropriated is from 100 to 800 feet.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. Commercial use is for manufacture of concrete.
8. Domestic use is for 1 home.
9. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

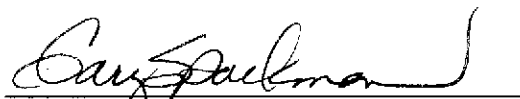
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JUN 02 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-31807

10. Rights 63-31793 and 63-31807 when combined shall not exceed a total annual maximum diversion volume of 44.3 af.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. 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 3rd day of March, 2004.


KARL J DREHER, Director

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FEB 02 2004

Form 202
2/96WATER RESOURCES
WESTERN REGIONIdent. No. 63-31807

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FEB 27 2004

Department of Water Resources

RECEIVED

NOV 04 2003

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Please direct all inquiries to Ed Squires at 342-8369

1. Name of applicant Town Ranch, LP Phone (208) 342-8369 E. Squires
Mailing address 2344 Dunyan, Eagle, Idaho 83616
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 4N, Range 2W, Sec. 20, in the 1/4,
NW 1/4, SE 1/4, Govt. Lot. , B.M., Canyon County;
additional points of diversion if any: A second well in the SW 1/4, SE 1/4, Section 20, T4N, R2W.
4. Water will be used for the following purposes:
Amount 2.0 cfs for Commercial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 cfs for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.0 cfs for Fire protection purposes from Jan. 1 to Dec. 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)
5. Total quantity to be appropriated is (a) 2.0 cfs 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 Two 12-inch diameter X 800 foot deep wells
with deep-well turbine pumps, discharging into the proposed facility's water distribution system.
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
 - c. Proposed well diameters are 12 inches; proposed depths of wells are 800 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? No; Drilling firm Project to be bid;
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 Five (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. 1 caretaker
 - e. Other; describe fully. Commercial uses in the manufacturing of concrete aggregates including admixture batching,
dust abatement, wash-down water, and fire protection purposes.

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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	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	2W	20														CD	CD		
																F	F		

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purpose as described above. _____

11. a. Who owns the property at the point of diversion? Town Ranch, LPb. Who owns the land to be irrigated or place of use? Town Ranch, LPc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A12. Remarks: Attachments include: 1,) a location map showing the proposed point of diversion using a USGS 7 1/2-minute topographic base map, 2) a SCHEDULE A legal description of the land owned by Town Ranch, LP,

3) a sketch map from the deed showing the present boundary of the Town Ranch property. This Application is for an increased diversion rate, only, for an existing water right. No additional volume of water is requested. The increased diversion rate is needed for fire protection purposes and for rapid batching in the manufacture of concrete.

Water bearing zone is from 100 to 800 ft. per Ed Squire 11/25/03.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2 "x 11" 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.

Cal Law 11/4/03
Signature of the Applicant (and title, if applicable)

Received by DH Date 11/4/03 Time 4 PM Preliminary check by g
Fee \$ 290 Received by DB # * Date 11/4/03
Publication prepared by g Date 2-27-04 Published in Press-Trail
Publication approved g Date 2-27-04

W031074 : \$ 250

W030275 : \$ 40

excess paid for accompanying X-fer
(fee shuffle requested 11/5/03.) g

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200218102

RECORDED

22 APR 18 PM 1 59

G. NOEL HALE
CANTON CITY RECORDER

Handwritten signature

45

SCALE: 1"=200'

LEGEND

- Boundary Line
- Section Line
- Existing Fence
- Existing Right-of-Way
- Centerline
- Found Brass Cap
- Found 5/8" Iron Pin
- Found 1/2" Iron Pin
- Found PK Nail
- Found Railroad Spike
- Set 5/8" x 30" Iron Pin
- "KOERNER PLS 8251"
- Calculated Point
- Date of Record
- Witness Corner

(4 RODS)
WC

CERTIFICATE OF SURVEYOR

I, Lawrence H. Koerner, do hereby certify that I am a Regular Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, and that this map is an accurate representation of said survey and that it is in conformance with the Corner Perpetuation and Filing Act, Idaho Code 85-11 through 85-1612.



Lawrence H. Koerner, Surveyor License No. 8251

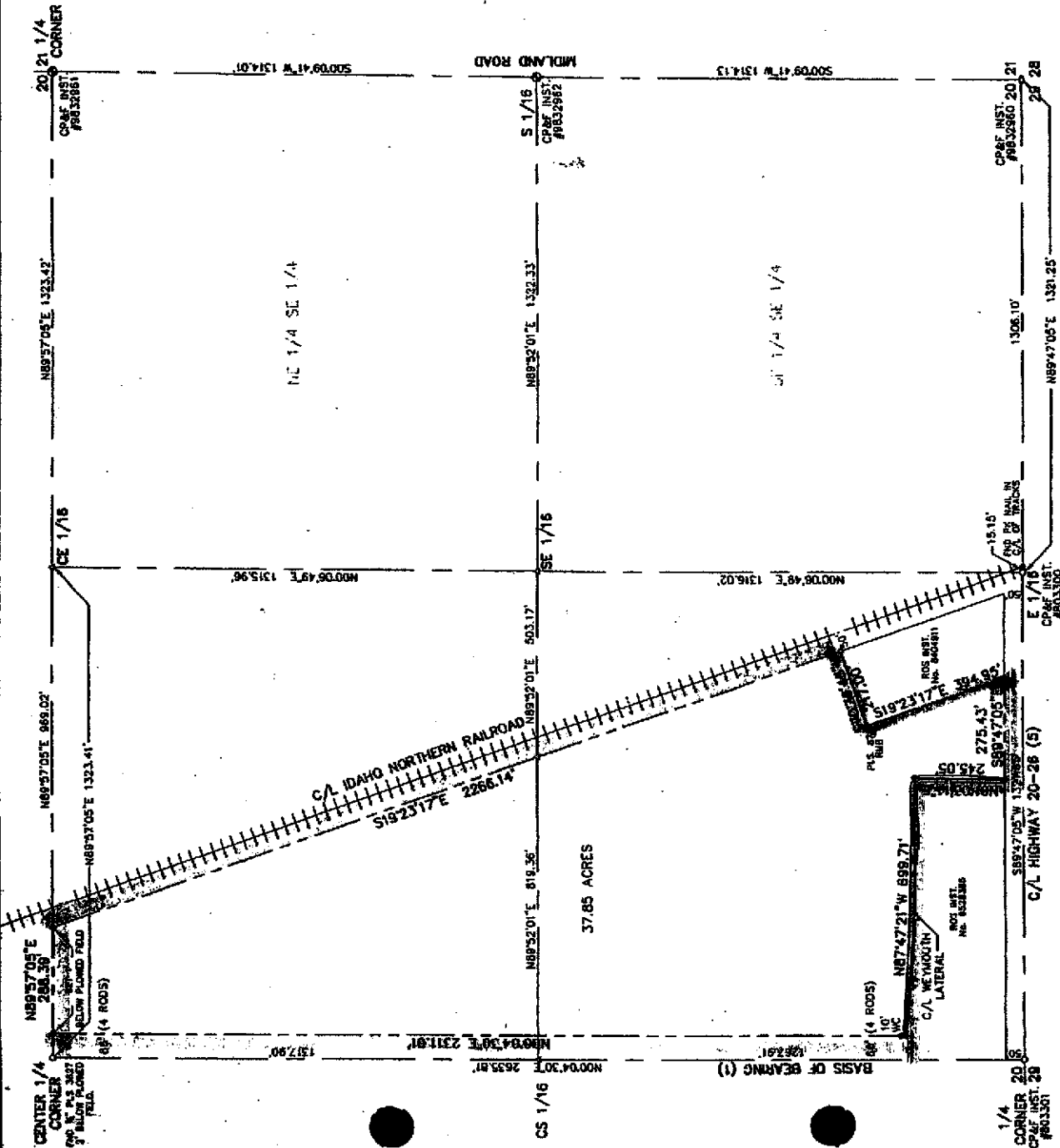
INDEX NUMBER 424-20-02-0-0-00-00

RECORD OF SURVEY FOR
MATSUMOTO BROTHERS, IN

A PORTION OF THE W 1/2 OF THE SE 1/4
OF SECTION 20, T. 4 N., R. 2 W., B.M.
CANYON COUNTY, IDAHO

SCALE: 1" = 200' DR. LHK CK. DGB SHEET 1 OF
ACCO DNO. FILE 88111

DATE: APRIL 18, 2002
BERKEY LAND SURVEY
Surveyors - Planners
4233 Adams Street
Boise, Idaho
208-872-8407



- REFERENCES:
- 1) RECORD OF SURVEY INST. NO. 8812058
 - 2) RECORD OF SURVEY INST. NO. 8528386
 - 3) RECORD OF SURVEY INST. NO. 8404891
 - 4) RECORD OF SURVEY INST. NO. 20018114
 - 5) ITO HIGHWAY PLANS PROJECT NO. F.1241(3)
 - 6) QUIT CLAIM DEED INST. #200127882
 - 7) WARRANTY INST. #8407075
 - 8) WARRANTY INST. #804805

THU 12W
520 W/2SE
NO GOV L/S

JUN 02 2004

REQUEST TO PROCESS

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

Name of Applicant Town Ranch, LP
Mailing Address 2344 Dunyan
Eagle, Idaho 83616
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.

XX 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.

No expansion in consumptive use is sought or intended. Application seeks an increased diversion rate only with no increase in annual consumptive use. Please refer to the associated transfer application and Application for Permit.

 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 have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature *Carl S. Law*
Date 11/4/03

Please return this form to:

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

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NOV 04 2003

WATER RESOURCES
WESTERN REGION

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JUN 02 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 3, 2004

TOWN RANCH LP
2344 DUNYON
EAGLE ID 83616

RE: Permit No. 63-31807

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.

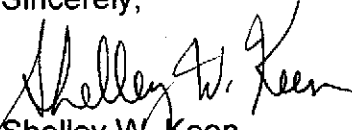
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

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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 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: HYDRO LOGIC INC

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JUN 02 2004

CERTIFICATE OF SERVICE

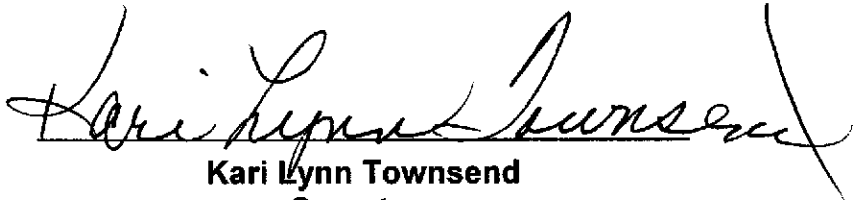
I hereby certify that on March 3, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31807

HYDRO LOGIC INC
C/O ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702

TOWN RANCH LP
2344 DUNYON
EAGLE ID 83616



Kari Lynn Townsend
Secretary

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JUN 02 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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.

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IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by Ly Date 11/24/03 Application # 63-31807

REQUIRED INFORMATION

RECEIVED

FEB 27 2004

Department of Water Resources

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area $\geq$ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☐ P/D overlap (explain) Proposed
- ☒ ☐ P/U overlap (explain) X-fer # 70905
- ☐ ☒ Critical groundwater area (send letter)
- ☐ ☒ Ground water management area (send letter)
- ☐ ☒ Drilling concern area (send letter)
- ☐ ☒ 1992 moratorium (send letter)
- ☐ ☒ Surface water source, IDFG comment letter
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau
- ☐ ☒ E-mail to Dam Safety staff (if any storage)
- ☒ ☐ Mitigation plan: "request to process form" in file:
- ☒ Immediate = closed areas, acceptable plan required & submitted
- ☐ Future = open areas, plan not required
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter
- ☐ ☒ Power residency affidavit
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☐ ☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 63-31807

YES NO

☒ ☒ In form for advertising
☒ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☒ ☒ IDEQ
☒ ☒ District Health
☒ ☒ IDFG
☒ ☒ IDL

YES NO

☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist #
☒ ☒ Water Planning Bureau
☒ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒ Affidavit of publication received
☒ ☒ Application published correctly? If not, record action taken

☒ ☒ Publication dates & paper recorded on application
☒ ☒ Final date for protest 2-23-04
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District #
☒ ☒ Special conditions of approval or cover letter

Application does not authorize additional volume, only flow rate.

Recommended Date of Priority 11/4/03

Recommendation ☒ Approve ☐ Deny by Jpl Wente Date 1/22/04

ADDITIONAL INFORMATION

☐ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31807

WATER RIGHT NUMBER: 63-31807

<u>Owner Type</u>	<u>Name and Address</u>
Representative	HYDRO LOGIC INC C/O ED SQUIRES 1002 W FRANKLIN ST BOISE, ID 83702 (208)342-8369

Current Owner	TOWN RANCH LP 2344 DUNYON EAGLE, ID 83616
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Priority Date: 11/04/2003

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	2.000 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
FIRE PROTECTION	01/01 to 12/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 20, Twp 04N, Rge 02W, B.M.
CANYON County		
GROUND WATER	SW1/4SE1/4	Sec. 20, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of Use

COMMERCIAL

Twp Rge Sec	NE	NW	SW	SE	Totals
04N 02W 20	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X X

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	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31807

04N 02W 20					X	X	
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FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 02W 20														X	X		

Conditions of Approval:Remarks:Comments:

1. scurtis 11/24/2003 Legal Notice Remarks

Comment: Mitigation is proposed for consumptive use.

Water bearing zone to be appropriated is from 100 to 800 feet.

2. Igraves 11/25/2003 Comment/Analysis

Comment: Application is for increased diversion rate for water right 63-31793. No additional volume of water has been requested. The increased diversion rate is needed for fire protection purposes and for rapid batching in the manufacture of concrete. See accompanying transfer no. 70905.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-31807

Dates and Other Information:

Application Received Date: 11/4/2003
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works: 5
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: True

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 70905

This is to certify that: TOWN RANCH LP
2344 DUNYON
EAGLE ID 83616

Copy

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31793	AJC/License	05/09/1977	0.23 cfs	67.5 af	N/A	15.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

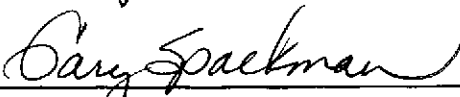
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31793	NO	YES	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31793	63-31793	0.23 cfs	44.3 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.23 cfs	44.3 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of February, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31793
As Modified by Transfer No. 70905

In accordance with the approval of Transfer No. 70905, Water Right No. 63-31793 is now described as follows.

Right Holder: TOWN RANCH LP
 2344 DUNYON
 EAGLE ID 83616

Priority Date: May 09, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to 12/31	0.23 CFS	44.3 AF
		0.23 CFS	44.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 20 Twp 04N Rge 02W ADA County

GROUND WATER SWSE Sec. 20 Twp 04N Rge 02W ADA County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02W 20														X	X		

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

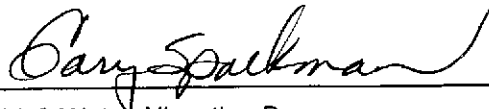
WATER RIGHT NO. 63-31793
As Modified by Transfer No. 70905

CONDITIONS OF APPROVAL

6. The total instantaneous diversion of water from all points of diversion under this right shall not exceed .23 cfs, nor total combined annual volume of 44.3 af.
7. Commercial use is for a concrete manufacturing plant.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 27th day of February, 2004



Chief, Water Allocation Bureau

LEGAL NOTICE

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

63-31807

TOWN RANCH LP
2344 DUNYON
EAGLE ID 83616

Point(s) of Diversion
NWSE
S20 T04N R02W
CANYON County
Source GROUND WATER

Point(s) of Diversion
SWSE
S20 T04N R02W
CANYON County
Source GROUND WATER

Use: COMMERCIAL
01/01 To 12/31
2 CFS

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

Use: FIRE PROTECTION
01/01 To 12/31
2 CFS

Total Diversion: 2 CFS

Date Filed: 11/04/2003

Place Of Use: COMMERCIAL
T04N R02W S20
NWSE SWSE

Place Of Use: DOMESTIC
T04N R02W S20
NWSE SWSE

Place Of Use: FIRE PROTECTION
T04N R02W S20
NWSE SWSE

Remark: Mitigation is proposed for consumptive use under accompanying transfer no. 70905.

Water bearing zone to be appropriated is from 100 to 800 feet.

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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

February 5, 12, 2004 04515613

RECEIVED
FEB 13 2004
WATER RESOURCES
WESTERN REGION

MICROFILMED
JUN 9 2 2004

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Rae Barbosa
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 04515613
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
02/05/2004, 02/12/2004

RECEIVED

FEB 13 2004

WATER RESOURCES
WESTERN REGION

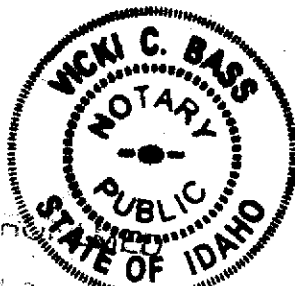
Rae Barbosa

STATE OF IDAHO)
County of Canyon)

On the 12th day of Feb in the year of 2004
before me, a Notary Public, personally appeared.
Rae Barbosa,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Dicki C Bass

Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008



CERTIFICATE OF LIMITED PARTNERSHIP**FILED**

To the: STATE OF IDAHO SECRETARY OF STATE
CORPORATIONS DIVISION

PHONE: (208) 334-2301 FAX: (208) 334-2847

700 W JEFFERSON PO BOX 83720 BOISE ID 83720-0080

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership is: Town Ranch, LP
2. The name and business address of the registered agent are:
Calvin D. Low, 2344 Dunyon, Eagle, Idaho 83616
(not a P.O. Box)
3. The name and business address of each general partner are:

<u>Name</u>	<u>Address</u>
<u>Calvin D. Low</u>	<u>2344 Dunyon, Eagle, Idaho 83616</u>

(if more space is needed, continue in item 5.)
4. The latest date on which the partnership will dissolve is: 12-31-2049
5. Other matters (optional):

6. Signatures of all general partners:

Calvin D. Low, General Partner

Secretary of State use only

IDAHO SECRETARY OF STATE

06/11/1999 09:00
CRJ 2125 CTJ 06793 MJ: 000004

1 0 100.00 = 100.00 LTD PTR IN 0 2

L 4086

general partnership and
File in Duplicate Original

Fee: \$100 if typed with no attachments
\$120 if not typed or if attachments are included

MICROFILMED

JUN 02 2004

November 4, 2003

Ms. Lori Graves
Water Rights Agent
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

NOV 04 2003

WATER RESOURCES
WESTERN REGION

Dear Lori:

This letter, which should be considered a part of the attached Application for Permit (To Appropriate the Water of the State of Idaho) on behalf of my client Town Ranch LP., is intended to couple with a Transfer of Water Right No. 63-8796 previously filed with the Department. As we have recently discussed, IDWR has determined that an Application for Permit is necessary to allow for an increased diversion rate of 2.0 cfs desired by the applicant for the water sought under transfer. Therefore, to meet the water demand requirements of my client, I am submitting an amended transfer application reflecting the consumptive use arrived at by the Department and the necessary changes to accommodate the related Application for Permit. This submittal (Application), in addition to the previous transfer application, consists of the following parts:

1. A completed and signed (by the Applicant) IDWR Application for Permit form.
2. A completed and signed (by the Applicant) IDWR Request to Process form.
3. An amended and signed (by the Applicant) IDWR Application for Transfer form.
4. A portion of a U.S.G.S Topographic Series map showing the proposed new Place of Use, Points of Diversion, and nearby existing water wells.
5. A "Schedule A" legal description of the property that is the new Place of Use.
6. A copy of the original Warrantee Deed for the property.
7. A check for \$290 to cover the IDWR processing fee.
8. This cover letter.

Overview of the new nature of use:

The transfer proposes to move 15 acres of water right No. 63-8796 to a new Place of Use and, in the process, to change the Nature of Use, Point of Diversion, and Period of Use. No expansion in the volumetric limitations of the water right are expected or intended. Right No. 63-8796 has previously been used for irrigation of turf grass at Stone Creek Turf Farm. The Applicant proposes to move the water right to property in Canyon County for the purpose of operating a concrete manufacturing plant. The nature of this use requires a relatively small volumetric quantity of water but a relatively high, but short lived, instantaneous rates of diversion. In other words, the concrete batching process requires that water additions to delivery trucks be as instantaneous as possible. Although the average daily water demand is estimated at less than about 70 gpm, (or 140 gpm given about 100,000 gallons per day are required over an average day of 12-hour duration), discharge rates up to 900 gpm are necessary for short periods when the admixture is being batched into concurrently-filled mixer trucks. Because fire protection necessitates a high flow rate, and owing to problems related to cold weather conditions and freezing temperatures, the Applicant desires to utilize the aquifer for storage rather than an above-ground reservoir. Therefore, the Applicant couples this transfer application with an Application for Permit to increase the instantaneous diversion rate to 2.0 cfs.

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JUN 02 2004

Duty of water/consumptive use:

Because the proposed new nature of use is essentially 100 percent consumptive, the Applicant understands that the duty of water, under its present irrigation use, will not apportioned at the 4.5 acre feet per acre duty of the original water right. We have used the Department's determination (Allen-Brockway Report) of a consumptive use of 2.90 acre feet per acre for turf grass irrigation. We have considered the proposed extension of the period of use as well as the non-consumptive portion of the original water right in our original transfer application. Because IDWR's allowable consumptive use amount is less than our original assumption, we have eliminated the irrigation component of the transfer application and requested Commercial use only for the transferred water right.

Total estimated consumptive water use = 44.3 acre feet.

Nearby existing water wells:

Records of all wells within the 6 square mile area surrounding the proposed place of use were obtained from the IDWR Well Driller's Report file. These wells were plotted with respect to location and depth on the attached topographic map. Well density in the area is low with less than ten wells within a quarter mile of the new proposed points of diversion. The four ¼ ¼ sections making up the center of Section 20, have no wells at all. Although the requested instantaneous diversion rate (in the Application for Permit) is relatively high, the average daily withdrawal rate, 70 gpm average for 24 hours or 140 gpm average for 12 hours of operation is relatively small so that interference effects to other wells and water right owners are expected to be minimal-to-non existent. The underlying aquifers appear to be both productive and full with high (close to ground level) non-pumping water-levels.

Nearby existing water rights:

Water rights associated with the wells described above were evaluated for the surrounding area. Most of the nearby water rights on file with the IDWR are domestic and/or stockwater rights with small diversion quantities. As described above, the wells associated with these rights are typically 100-to-150-feet deep with non-pumping water-levels within 20 feet of land surface. In other words, the potential for interference effects to these small diameter wells is considered very low. Within Sections 20 and 29 only three non-domestic uses exist. Of these only two are larger than 6-inch diameter. The irrigation well owned by Nau is for a supplemental use only in the case surface water is not available. The industrial well under the name of Feed Service is mis-located on the Driller's Report and, according to the water right, is actually located more than three miles away to the East.

Water-bearing zone to be appropriated.

The geologic section beneath this area is relatively unexplored because most water wells have been completed above 150 feet. The few deepest wells in the general area have been drilled as deep as 311 feet. From the available Driller's Reports, the sub-surface is characterized by complexly and thinly interbedded sands and silty clays. Individual units are rarely thicker than 10-to-20 feet but the thin sand aquifers appear to be quite productive. Because little is known about the deeper section, the total depth of the proposed wells cannot be precisely known at this time. Therefore, this transfer requests that the Applicant be able to complete the proposed new points of diversion (wells) at any depth of the aquifer where sufficient quantities of water are located. In other words, the Applicant wishes the flexibility to complete the new wells anywhere within the water-bearing section from the shallow unconfined gravel aquifer to a conceivable depth of 800 feet below land surface.

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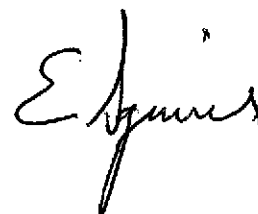
JUN 02 2004 2

This Application for Permit, in concert with the associated transfer application will not exceed the 44.3 acre-feet of consumptive use allowable under the transferred portion of the original water right. In essence, the transfer application seeks the volume of water needed and the application for permit seeks the instantaneous diversion rate necessary for commercial batching of concrete.

It is my intention and hope that you find this application complete and thorough so that processing is straightforward and expeditious. Please call me directly at 342-8369 with any questions or if additional information is needed. We will make every effort to respond right away to any such requests. Time is of the essence in this application and we would greatly appreciate prompt consideration of the matter.

Respectfully,

Ed Squires



c: Town Ranch, LP

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JUN 02 2004

MEMORANDUM

DATE: 11/05/03 6

FROM: Lori Graves

TO: Debbie Allen

RE: Fee Shuffle

Hi Debbie, please shuffle \$40 of the \$290 fee paid per receipt no. W030275 from the transfer PCA (62105) to the permit PCA (62103) and change receipt W031074 from the transfer PCA to the permit PCA.

As a result of department review, the original transfer application was amended to a lesser amount and an associated application for permit was filed. As a result, the receipts need adjusting. Total fee for the application for permit is \$290. Total fee for the amended transfer is \$250.

Thank you.

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JUN 11 2 2004

Idaho Department of Water Resources Receipt

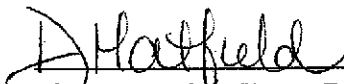
Receipt ID W031074

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

* Amount Description Fund FD PCA SO
\$250.00 TRANSFERS 0229 21 62105 1155


Signature Line (Dept. Representative)

* Change to:
\$250 Permits 0229 21 62103 1155

MICROFILMED

JUN 02 2004

Idaho Department of Water Resources Receipt

Receipt ID W030275

Payment Amount Date Received Region Status
 Payment Type Check Number

Payer Comment

Fee Detail

Amount Description Fund FD PCA SO
 * \$290.00 TRANSFERS 0229 21 62105 1155



Signature Line (Dept. Representative)

* Change to :

#250 Transfers 0229 21 62105 1155
 40 Permits 0229 21 62103 1155

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JUN 02 2004

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

January 28, 2004

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit No. 63-31807 and
Application for Transfer No. 70905

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two legal notices 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 notices 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 02/23/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICROFILMED
JUN 02 2004

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

63-31807

TOWN RANCH LP
2344 DUNYON
EAGLE ID 83616

Point(s) of Diversion NWSE S20 T04N R02W CANYON County Source GROUND WATER

Point(s) of Diversion SWSE S20 T04N R02W CANYON County Source GROUND WATER

Use: COMMERCIAL 01/01 To 12/31 2 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION 01/01 To 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 11/04/2003

Place Of Use: COMMERCIAL

T04N R02W S20 NWSE SWSE

Place Of Use: DOMESTIC

T04N R02W S20 NWSE SWSE

Place Of Use: FIRE PROTECTION

T04N R02W S20 NWSE SWSE

Remark: Mitigation is proposed for consumptive use under accompanying transfer no. 70905.
Water bearing zone to be appropriated is from 100 to 800 feet.

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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on February 5 and 12, 2004.

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JUN 02 2004