

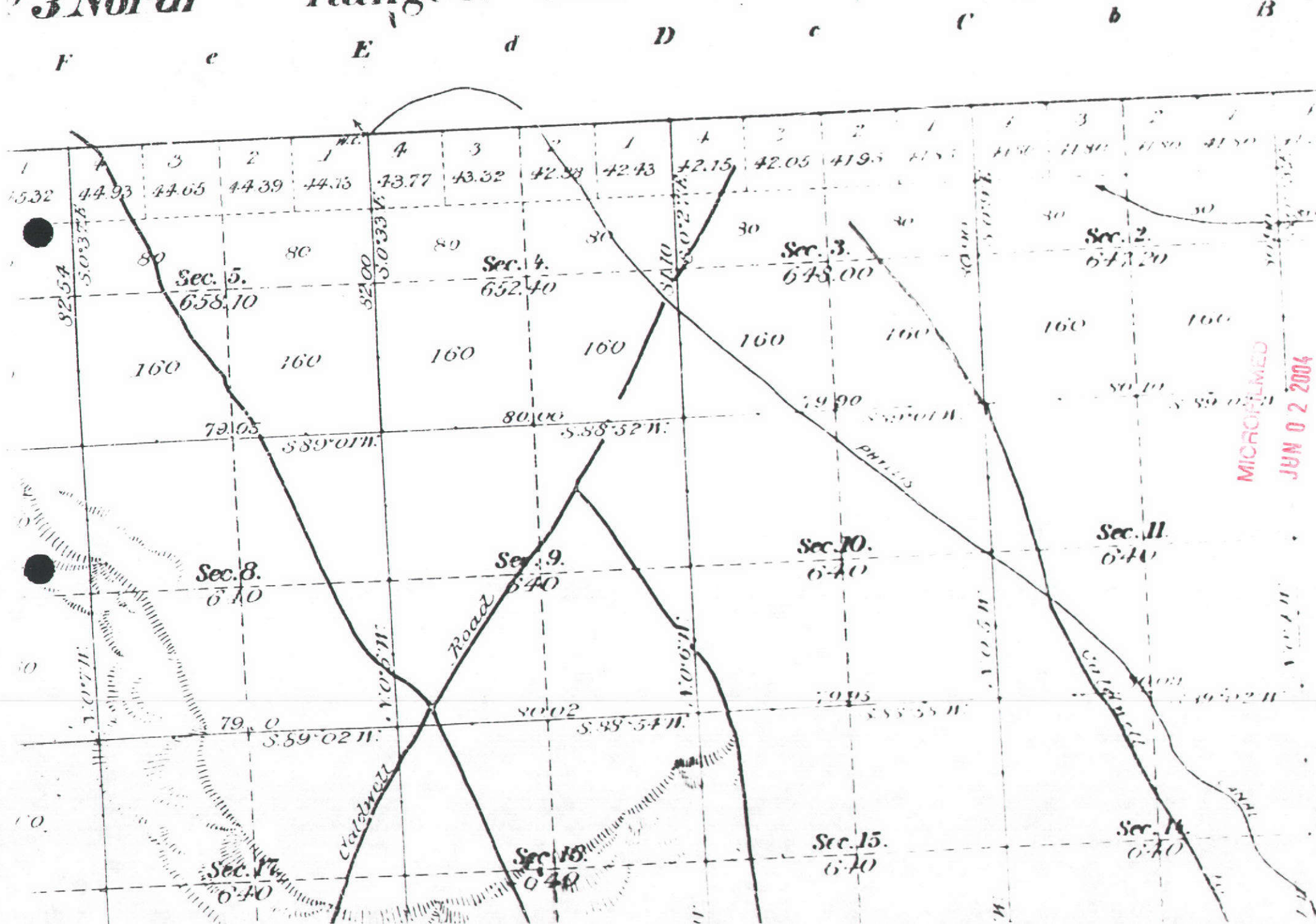
Caldwell quadrangle - TopoZone Pro elevation display
Projection is UTM Zone 11 NAD83 Datum

M=15.67
G=0.219

JUN 02 2004

23 North

Range N^o 3 West of the Boise



RECEIVED

APR 05 2004

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Comment
LETTERS.

Initial review by DAW Date 1-26-03 Application # 63-31831

REQUIRED INFORMATION

- ☒ 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
YES P/D
YES P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) NO Significant overlap. main
- ☒ P/U overlap (explain) P/U ~~over~~ overlap is Pioneer Irrig.
- ☒ Critical groundwater area (send letter) Dist.
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter) Domestic commercial use
- ☒ Surface water source, IDFG comment letter OK'D BY STATE
- ☒ 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 _____

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31831

Priority: January 09, 2004

Maximum Diversion Rate: 0.32 CFS

This is to certify, that MC VENTURES LLC
PO BOX 1604
IDAHO FALLS ID 83403

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>
DOMESTIC	01/01 to 12/31	0.32 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L2 (NW¼NE¼) Sec. 3, Twp 03N, Rge 03W, B.M., CANYON County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 03W 3		X															
		L 2															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Domestic use is for 8 commercial buildings.
6. The domestic use authorized under this right shall not exceed 2,500 gallons per day per commercial building.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted for each commercial building and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
8. Point of diversion is located within Lot 5, Clocktower Subdivision No. 1.
9. Place of use is located within Lots 1-8, Clocktower Subdivision No. 1.
10. Water bearing zone to be appropriated is from 20 to 100 feet.
11. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

MICROC-FILMED

JUN 8 2 2004

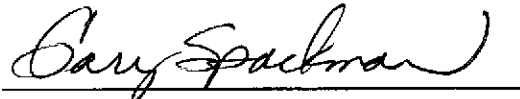
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31831

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 7th day of April, 2004.



Acting for KARL J DREHER, Director

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JUN 02 2004

RECEIVED
APR 05 2004Ident. No. 63-31831

RECEIVED

FEB 02 2004

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

JAN 09 2004

WATER RESOURCES
WESTERN REGION

1. Name of Applicant MC Ventures, LLC Phone (208) 529-3312
Mailing address PO Box 1604, Idaho Falls, ID 83403
2. Source of water supply Ground water which is a tributary of Not Applicable
3. Location of point of diversion is Township 3N Range 3E Sec. 3, in the $\frac{1}{4}$,
NW NE $\frac{1}{4}$, Govt. Lot , B.M., Canyon County;

Additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.32 cfs Domestic 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)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a)
- 0.32
- and/or (b)
- 22.40
-
- 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 Ground water well
- b. Height of storage dam Not applicable feet; active reservoir capacity Not applicable acre-feet; total reservoir capacity Not applicable acre-feet
- c. Proposed well diameter is 8 inches inches; proposed depth of well is 100 feet feet
- d. Is ground water with a temperature of 85°F being sought? No
- e. If well is already drilled, when? No; Drilling firm Not applicable
Well was drilled for (well owner) Not applicable; Drilling Permit No. Not applicable

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. Not applicable
- b. Stockwatering; list number and kind of livestock. Not applicable
- c. Municipal; show name of municipality. Not applicable
- d. Domestic; show number of households. This right is for a domestic use in 8 eight independent commercial buildings in a single campus in the Clocktower Subdivision No. 1.
- e. Other; describe fully.

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JUN 02 2004

ORIGINAL

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3EW	3		D															

Total number of acres irrigated Not applicable

10. Describe any other water rights used for the same purposes described above.

None

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, please describe the arrangement enabling the applicant to make this filing Not applicable

12. Remarks: This application is for a single point of diversion for eight otherwise independent, domestic water rights associated with eight commercial buildings. Each commercial building would qualify for the domestic exemption in Idaho Code § 42-111(b) because each would divert no more than a total of 2500 gpd or at a rate exceeding 0.04 cfs. The applicant expects that this right will be conditioned to ensure the right is exercised within these limits. The proposed water bearing zone for this right is 20 to 100 feet.

13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8½" 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.)

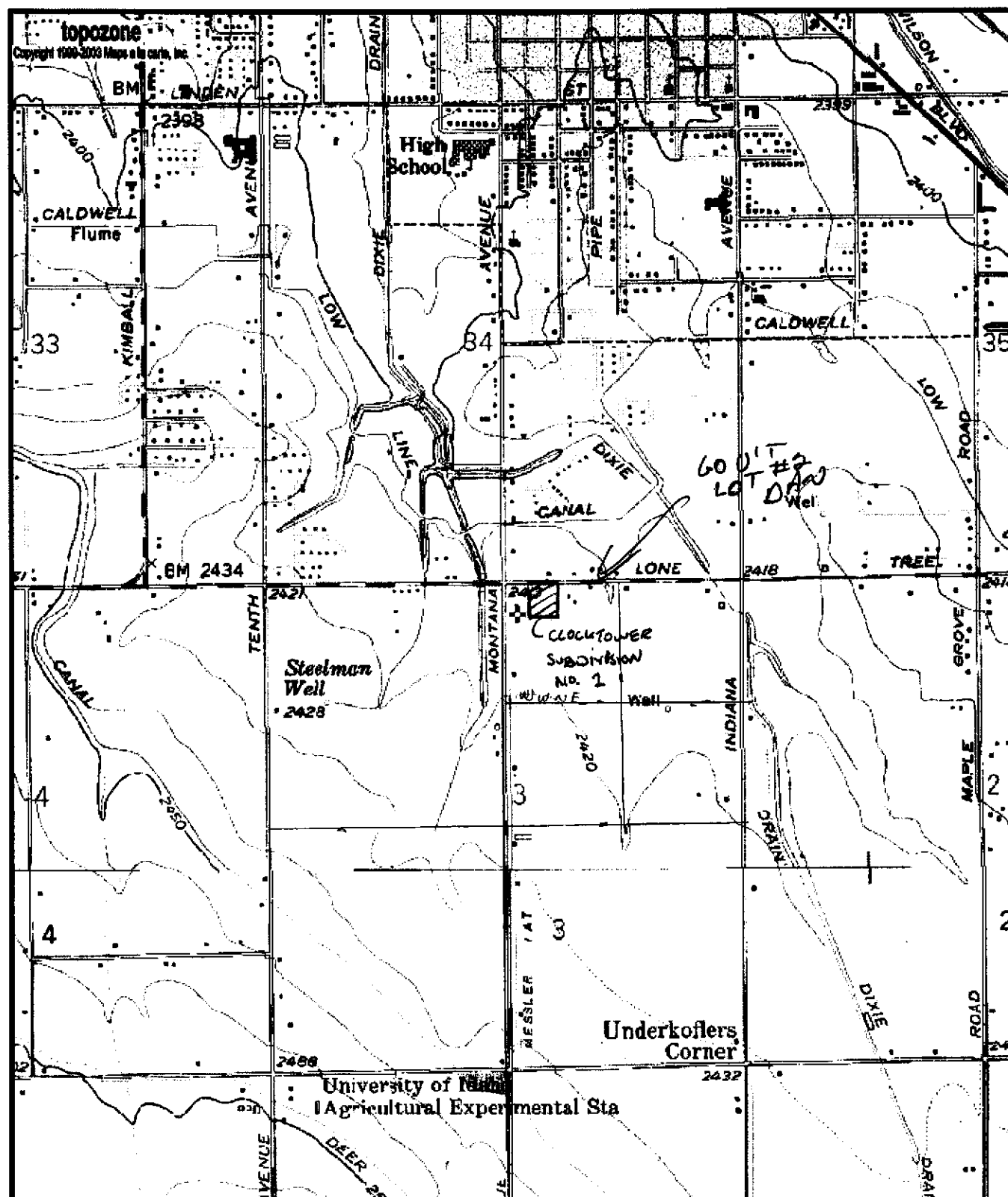
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by 1-9-04 Date 7/21 Time 11:30am Preliminary check by DAN
Fee \$ 250.00 Received by 7/21 # W031230 Date 1-9-04
Publication prepared by sk Date 2-19-26-04 Published in PRESS TRIBUNE
Publication approved sk Date 3-9-04

MICROFILMED

JUN 02 2004



0 0.3 0.6 0.9 1.2 1.5 km
 0 0.2 0.4 0.6 0.8 1 mi

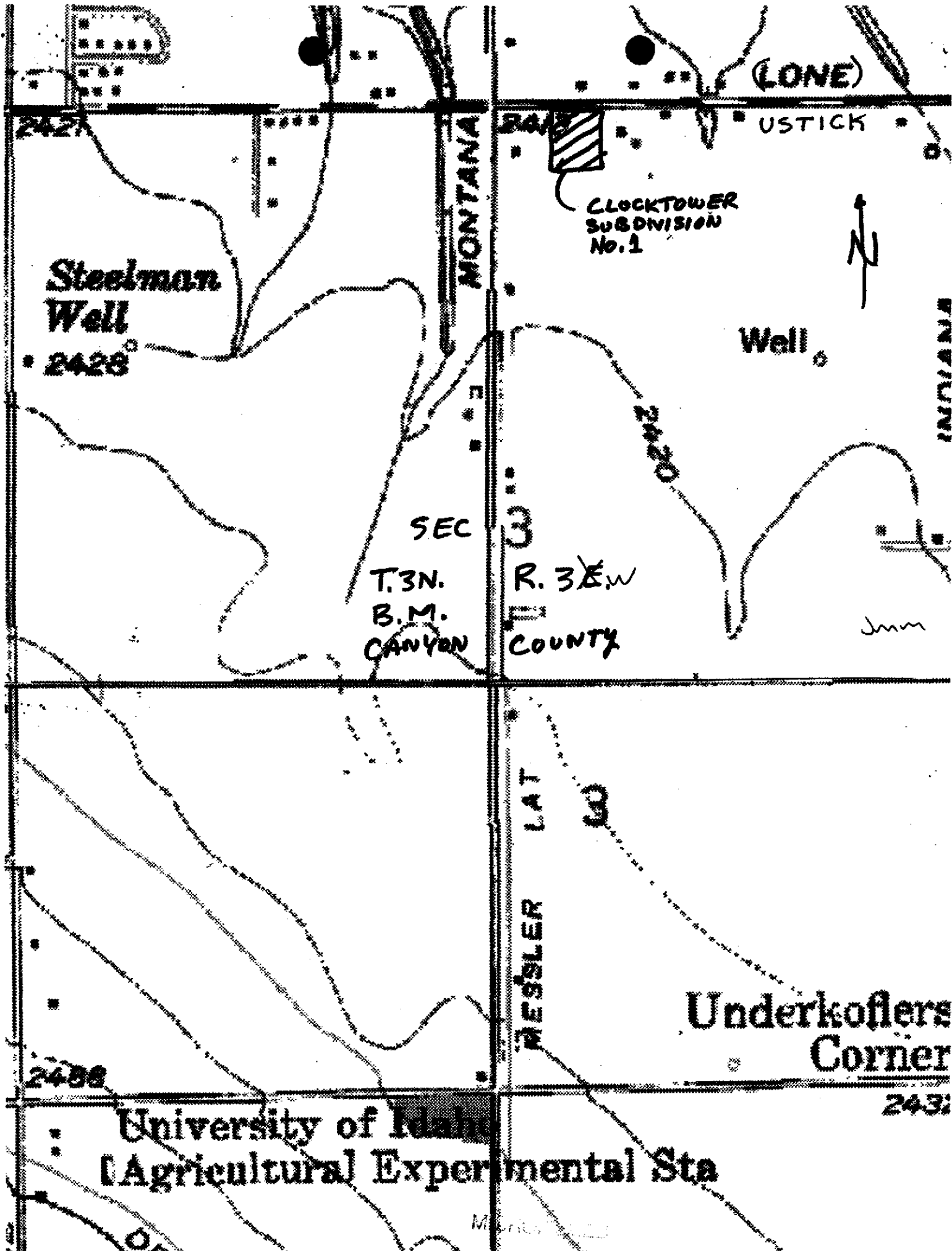
Map center is UTM 11 525611E 4831125N (WGS84/NAD83)

Caldwell quadrangle - TopoZone Pro elevation display

Projection is UTM Zone 11 NAD83 Datum

* M
 G
 M=15.67
 G=0.219

JUN 02 2004



(LONE)

USTICK

CLOCKTOWER
SUBDIVISION
No. 1



Steelman
Well

Well

SEC

3

T. 3N.
B.M.
CANYON

R. 3E.W

COUNTY

LAT

3

MESSLER

Underkoflers
Corner

University of Idaho
Agricultural Experimental Sta

Map No. 1

JUN 02 2004

E. USTICK ROAD

LOT 2

LOT 3

LOT 4

LOT 1

LOT 5

LOT 6

LOT 8

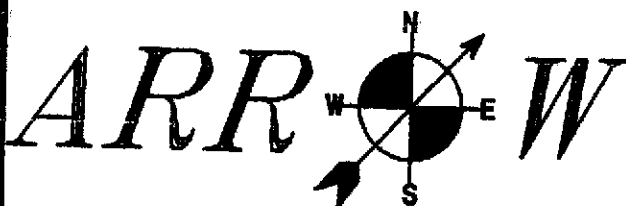
LOT 7

BLOCK 1

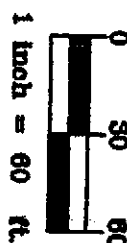
S. CLOCKTOWER AVE.

E. INDIAN SPRINGS ST.

Proposed well location



LAND SURVEYING, INC.
1121 E. STATE STREET SUITE 100, EAGLE, IDAHO 83616
(208) 938-7373; FAX (208) 938-7321



SEC. 3; T. 3 N., R. 3 E., B.M.

CLOCKTOWER SUB. No. 1

DATE	10-9-03	PROJECT	SHEET	OF
DRAWN BY:	JWF	02-927	1	1
CHECKED BY:	DRL			

JUN 02 2004

W Jim

REQUEST TO PROCESS

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

Name of Applicant MC Ventures, LLC
Mailing Address PO Box 1604
Idaho Falls, ID 83403

Application No. _____
(if known)

___ IN LOCAL PUBLIC INTEREST

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

___ PROPOSE MITIGATION NOW

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

X 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: _____

Matt Morgan, Managing Member
MC Ventures Developers LLC

Date: _____

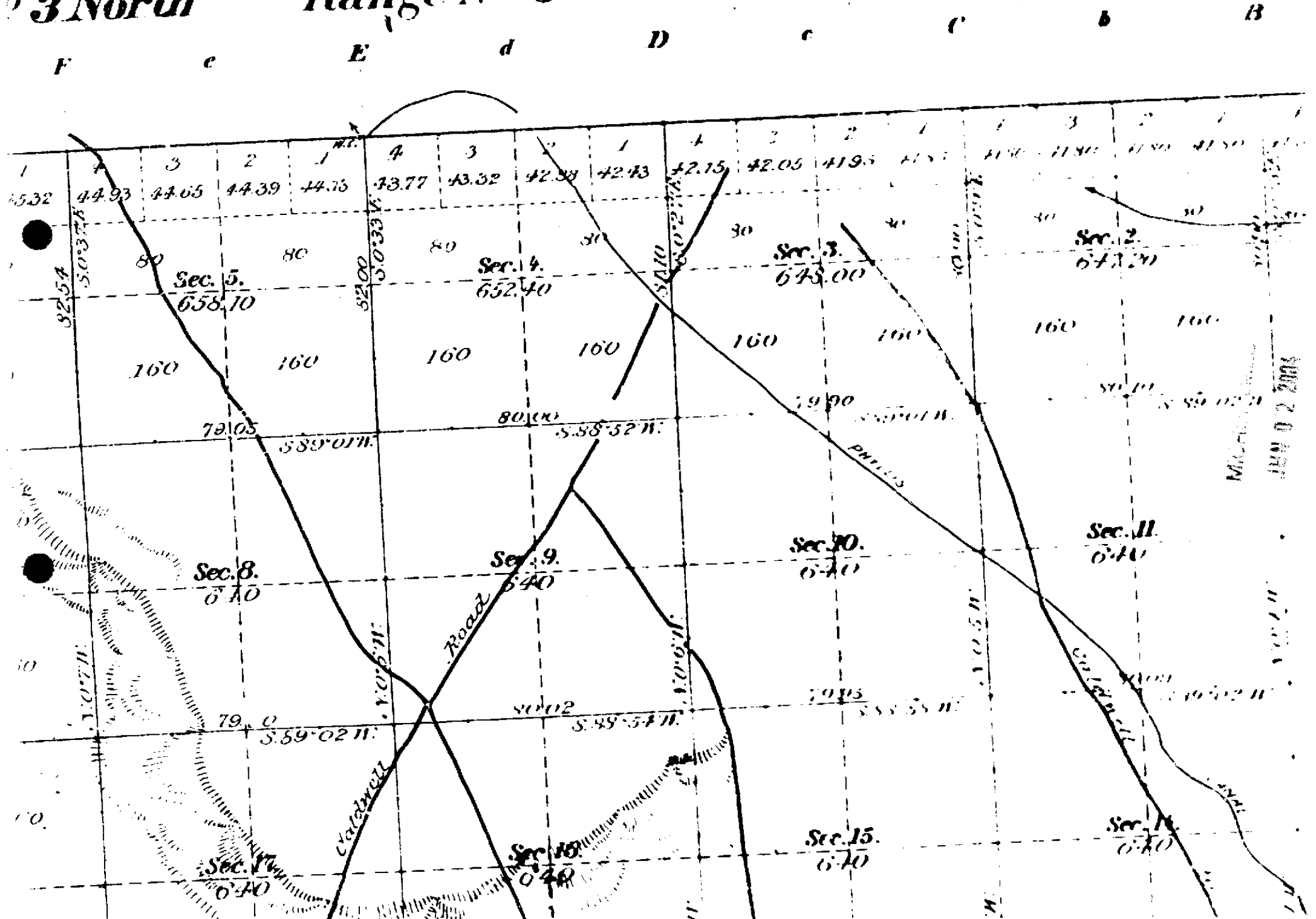
12-22, 2003

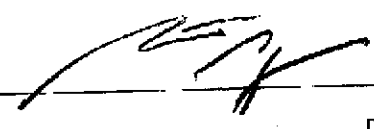
MICHAEL J. HARRIS
JUN 02 2004

3 North

Range No 3 West of the Boise

Merid



No. W 16244 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than August 31, 2003 Annual Report Form MC VENTURES, LLC PO BOX 1604 IDAHO FALLS, ID 83403	2. Registered Agent and Office NO PO BOX MATT MORGAN 520 W 15TH ST IDAHO FALLS, ID 83402 3. New Registered Agent Signature																								
4. Limited Liability Companies: Enter Names and Addresses of Members. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td></td> <td>Matt Morgan</td> <td>PO Box 1604</td> <td>Idaho Falls</td> <td>ID</td> <td>83403</td> </tr> <tr> <td></td> <td>Mont Crnkovich</td> <td>2745 Surrey Lane</td> <td>Idaho Falls</td> <td>ID</td> <td>83402</td> </tr> <tr> <td></td> <td>Jon Johnson</td> <td>1290 N 1100E.</td> <td>Shelley</td> <td>ID</td> <td>83274</td> </tr> </tbody> </table>			Office held	Name	Street or P.O. Address	City	State	Zip		Matt Morgan	PO Box 1604	Idaho Falls	ID	83403		Mont Crnkovich	2745 Surrey Lane	Idaho Falls	ID	83402		Jon Johnson	1290 N 1100E.	Shelley	ID	83274
Office held	Name	Street or P.O. Address	City	State	Zip																					
	Matt Morgan	PO Box 1604	Idaho Falls	ID	83403																					
	Mont Crnkovich	2745 Surrey Lane	Idaho Falls	ID	83402																					
	Jon Johnson	1290 N 1100E.	Shelley	ID	83274																					
5. Organized Under the Laws of: IDAHO W 16244	6.  Signature _____ Date 7-23-03 Name (Printed) Matt Morgan Title Managing Member																									

Issued 06/02/2003

Do Not Tape or Staple

370

MILEAGE

08/02/2004



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

April 8, 2004

MC VENTURES LLC
PO BOX 1604
IDAHO FALLS ID 83403

RE: Permit No. 63-31831

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.

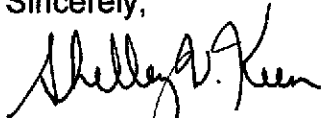
MAIL ROOM
JUN 02 2004

Please note that one of the conditions of approval on your permit requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the Department. The Department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms. If you have questions about the measuring and reporting requirements, please call the Department at (208) 327-7900 and ask for someone in the Water Distribution Section.

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: JOHN M MARSHALL

MICROFILMED

JUN 02 2004

CERTIFICATE OF SERVICE

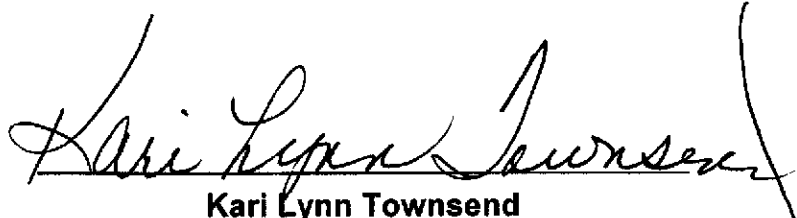
I hereby certify that on April 8, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31831

**JOHN M MARSHALL
GIVENS PURSLEY LLP
601 W BANNOCK
PO BOX 2720
BOISE ID 83701 2720**

**MC VENTURES LLC
PO BOX 1604
IDAHO FALLS ID 83403**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JUN 12 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).

MICROFILMED
JUN 9 2 2006

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.

MAILED
JUN 10 2 2004

Comment Report

63-31831

1. scurtis 2/2/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Water bearing zone to be appropriated is from 20 to 100 feet.

Domestic use is for 8 independent commercial buildings in Clocktower Subdivision #1.

Each building will be limited to 2500 gallons per day under Section 42-111, Idaho Code.

2. dnelson 2/2/2004 Comment/Analysis

Comment: This application was filed for commercial use for eight buildings in a commercial complex served by a single well. Each building would be limited to 2,500 gallons per day under Idaho Code 42-111. I have been informed by Steve Lester that this type of application has been approved in the past, and is acceptable. I am concerned over the ability of the department to regulate this water right and how much water is diverted to each building. If the department incorporates a measurement district or water district in the area of this application, regulation of this water right could prove to be very difficult without a measurement device to each building connected to a data logger that recorded total water use on a daily basis. Therefore, we should condition the right with this information in mind. The only significant overlapping water rights is Pioneer Irrigation District. Any irrigation from the well for landscaping should be supplemental to the canal water.

3. kwalker 4/6/2004 Permit Review

Comment: Recommend approval as per regional recommendations.

MICHELLE
JUN 02 2004

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APR 26 2003
Department of Water Resources

Initial review by DAW Date 1-26-03 Application # 63-31831

REQUIRED INFORMATION

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- ☒ Correct fee paid
- Government Lots
YES P/D
YES P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) NO Significant overlap. main
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- ☒ Critical groundwater area (send letter) Dist.
- ☒ Ground water management area (send letter)
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 Immediate = closed areas, acceptable plan required & submitted
 ☒ Future = open areas, plan not required
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- ☒ 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 #

63-31831

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

3-8-04☐☒

Protests received

☐☐

Recommendations attached

☐☐

Measuring device required

☐☐

Water delivered by water master? District #

☐☐

Special conditions of approval or cover letter

- Std Conditions, 046,

- Require measurement and reporting of each individual business to insure 2,500 gal./day per business is not exceeded, see Dan Nelson Comments.

Recommended Date of Priority 01/09/2004Recommendation ☒ Approve ☐ Deny by J. W. W. W. W. W. Date 4/1/04**ADDITIONAL INFORMATION**☒ See attached proof report, note Legal Notice Remarks &/or Comments☒ Shapefile completed (optional: attach with proof report)

1-9-03
MC VENTURES

December 17, 2003

APPLICATION RESEARCH

Completed by Sharla Date 1/13/04

Add reviewer's initials DAN to APPS.LIS and SAVE, forward file to reviewer after research completed.

Check items #1 through #4 unless otherwise noted.

RESEARCH ITEMS

1. ☒ Corporation, partnership or other business entity: conduct Business Entity search at ID Sec. of State website and list results:
W16244 registration # not registered
2. ☒ Gov't Lots, attach results if any in the entire section(s). Use most recent survey found on microfiche.
3. ☒ P/D overlap, existing/proposed site(s). Attach results or summarize here.
☒ none ☐ see attached
4. ☒ P/U overlap, existing/proposed site(s). Attach results or summarize here.
☒ none ☐ see attached
~~63-29111~~

Additional Notes to Reviewer

 SRBA N/A SRBA Reviewer for AJ Record in "active" basin

See cover letter.
We have issued 1 approval like this ("commercial community well")
e mention in Boise in 1990s re moratorium. Also did 1 or 2
e BS in formula. So ok to proceed with this idea.
OK domestic use in commercial buildings. Can include limited landscaping
provided each unit does not exceed 42-111(1)(2).

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Corina L. Engelhart
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 04515757
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

RECEIVED

FEB 27 2004

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-31831

MC VENTURES LLC
PO BOX 1604
IDAHO FALLS ID 83403

Point(s) of Diversion L2
(NWNE)
S3 T03N R03W
CANYON County

Source GROUND WATER

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

Total Diversion: 0.32 CFS

Date Filed: 01/09/2004

Place Of Use: DOMESTIC
T03N R03W S3
NWNE Lot 2

Remark: Applicant agrees to miti-
gate consumptive use in the future
as needed.

Water bearing zone to be appropri-
ated is from 20 to 100 feet.

Domestic use is for 8 independent
commercial buildings in Clocktower
Subdivision #1. Each building will
be limited to 2500 gallons per day
under Section 42-111, Idaho Code.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted 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 pro-
test fee of \$25.00 for each applica-
tion on or before 03/08/2004. The
protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director

February 19, 26, 2004 04515757

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:
02/19/2004, 02/26/2004

Corina L. Engelhart

STATE OF IDAHO)
County of Canyon)

On the 26th day of February in the year of 2004
before me, a Notary Public, personally appeared.

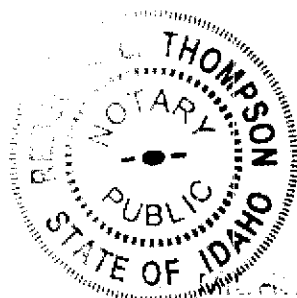
Corina L. Engelhart,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Rebecca L. Thompson

Notary Public for Idaho

Residing at Nampa

My commission expires April 19, 2008



Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, February 12, 2004 10:08 AM
To: 'SRAE@DEQ.STATE.ID.US'
Cc: Kreger (Taylor), Sue
Subject: comment letters

Contacts: DEQ

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

February 12, 2004

ID DEPT ENV QUALITY
STEVE RAE
1445 N ORCHARD
BOISE ID 83706-2239

Dear Mr. Rae:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by March 8, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

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



63-31831.pdf



63-31834.pdf

MICROFILMED

JUN 02 2004

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

February 11, 2004

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

RE: Transfer No. 70872
Water Right No(s). 63-31784 63-31782

Application Nos. 63-31831 and 63-31834

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 03/08/2004. 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:

63-31831

MC VENTURES LLC
PO BOX 1604
IDAHO FALLS ID 83403

Point(s) of Diversion L2 (NWNE) S3 T03N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.32 CFS

Total Diversion: 0.32 CFS

Date Filed: 01/09/2004

Place Of Use: DOMESTIC

T03N R03W S3 NWNE Lot 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Water bearing zone to be appropriated is from 20 to 100 feet.

Domestic use is for 8 independent commercial buildings in Clocktower Subdivision #1. Each building will be limited to 2500 gallons per day under Section 42-111, Idaho Code.

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 03/08/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on February 19 and 26, 2004.

MICROFILMED
JUN 02 2004

GIVENS PURSLEY LLP

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
DIRECT DIAL: (208) 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Mellillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
Conley E. Ward
Robert B. White
Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

January 30, 2004

Daniel A. Nelson
Senior Water Right Agent
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

FEB 02 2004

WATER RESOURCES
WESTERN REGION

Re: Clocktower Subdivision No. 1
GP File No. 5922-2

Dear Mr. Nelson:

As noted in your letter to me dated January 26, 2004, the application we recently filed on behalf of MC Ventures, LLC contains an error in the legal description. Where the legal description states that the point of diversion or place of use is located in Range 3E, it should state location is in Range 3W. This is a typographical error on the survey map attached to the application that is perpetuated throughout the application. As requested in your letter, I have marked and initialed the original application to correct the error and am returning the application to you.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,



John M. Marshall

JMM/hcm

Enclosure

cc: Keith Jacobs (w/enclosures)
Frank Lee (w/o enclosures)

S:\CLIENTS\5922\JMM ltr to Nelson re application amendments.DOC

RECEIVED

FEB 02 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 26, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GIVENS PURSLEY
ATTN JOHN MARSHALL
PO BOX 2720
BOISE ID 83701

***RE: APPLICATION FOR PERMIT FOR CLOCKTOWER
SUBDIVISION #1***

Dear Mr. Marshall:

Enclosed is the application for permit that your office filed for MC Ventures, LLC for the Clocktower Subdivision #1. The original application placed the subdivision in Township 3N, Range 3E, Section 3, Canyon County. In the review of the application it is obvious that the legal description was in error. The legal description did not match the maps, and is actually in Ada County.

It seems that there was a typographical error in the legal description. It is obvious that the subdivision is actually in Range 3W. As we discussed over the telephone, your office can correct the application with a brief explanation of the situation, since it is more of a clarification, than an actual change to the application. Please initial and date all changes to the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson', followed by a horizontal line.

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

JUN 02 2004

GIVENS PURSLEY LLP

RECEIVED

JAN 09 2004

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
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Michael V. Woodhouse

James A. McClure
OF COUNSEL

Raymond D. Givens
RETIRED

January 7, 2004

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

Re: Clocktower Subdivision No. 1
GP File No. 5922-2

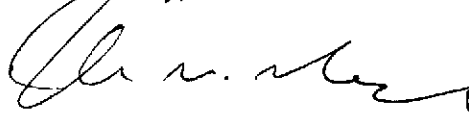
Dear Mr. Lester:

On behalf of MC Ventures, LLC, I am enclosing an original Application for Permit, an executed Request to Process form, a check in the amount of \$250 for the filing fee, and one copy of the application. Please file the original application and return the date-stamped copy to our office. A self-addressed, stamped envelope is enclosed for your convenience. *done*

As we have discussed previously, this application is similar to others approved by the Department where a collection of commercial sites, each of which qualify for the domestic exemption in I.C. § 42-111, files a single application for a common well. We expect the Department will condition this right to limit each commercial site to 0.04 cfs and 2500 gallons per day.

Thank you for your assistance with this matter. Please feel free to contact me if you have any questions.

Sincerely,



John M. Marshall

JMM/hcm
Enclosures

cc: Matt Morgan (w/enclosures)
Keith Jacobs (w/enclosures)
Frank Lee (w/o enclosures)

S:\CLIENTS\5922\JMM to Lester enc app for permit.DOC JUN 02 2004