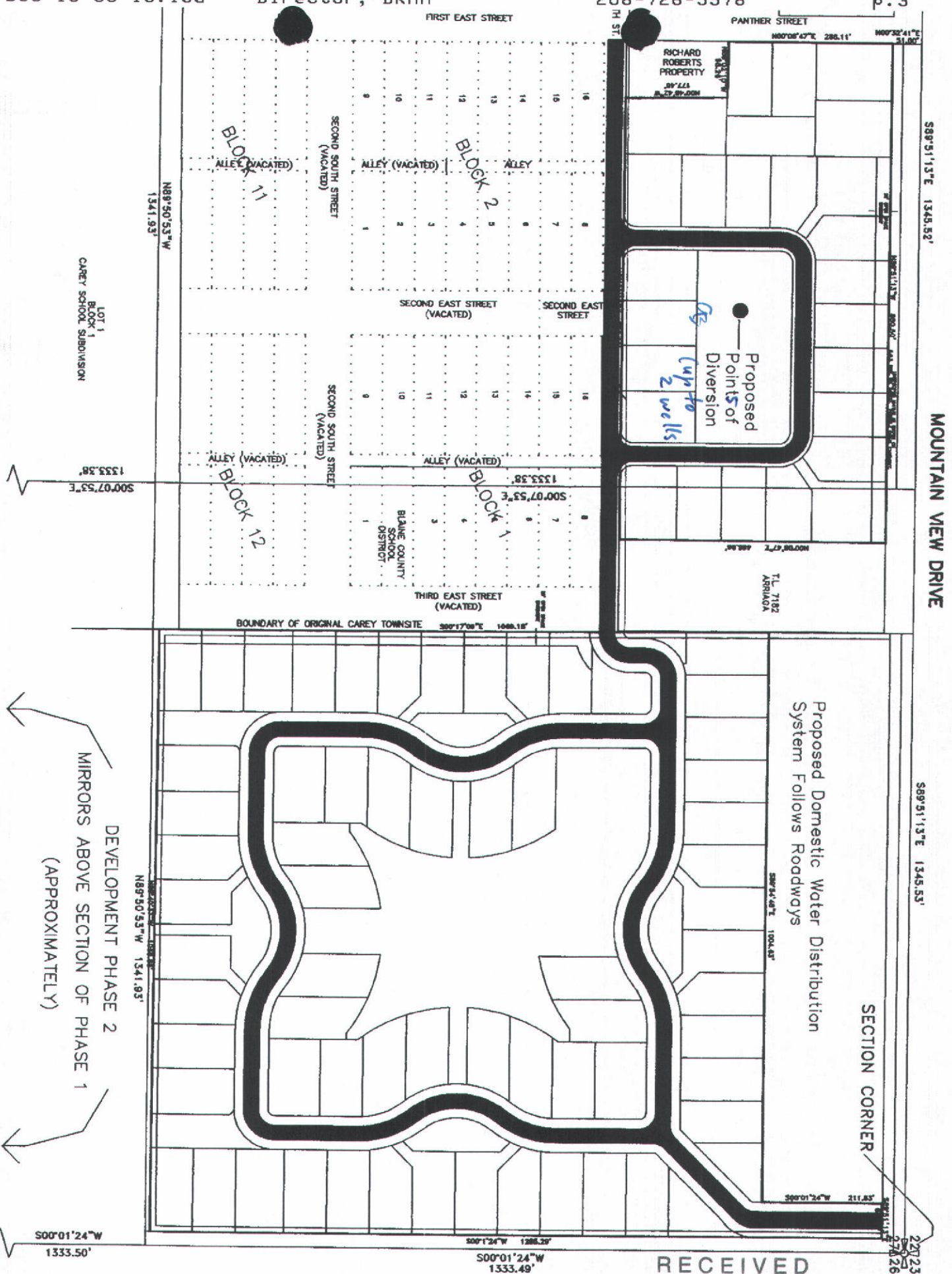




DEVELOPMENT PHASE 2
MIRRORS ABOVE SECTION OF PHASE 1
(APPROXIMATELY)

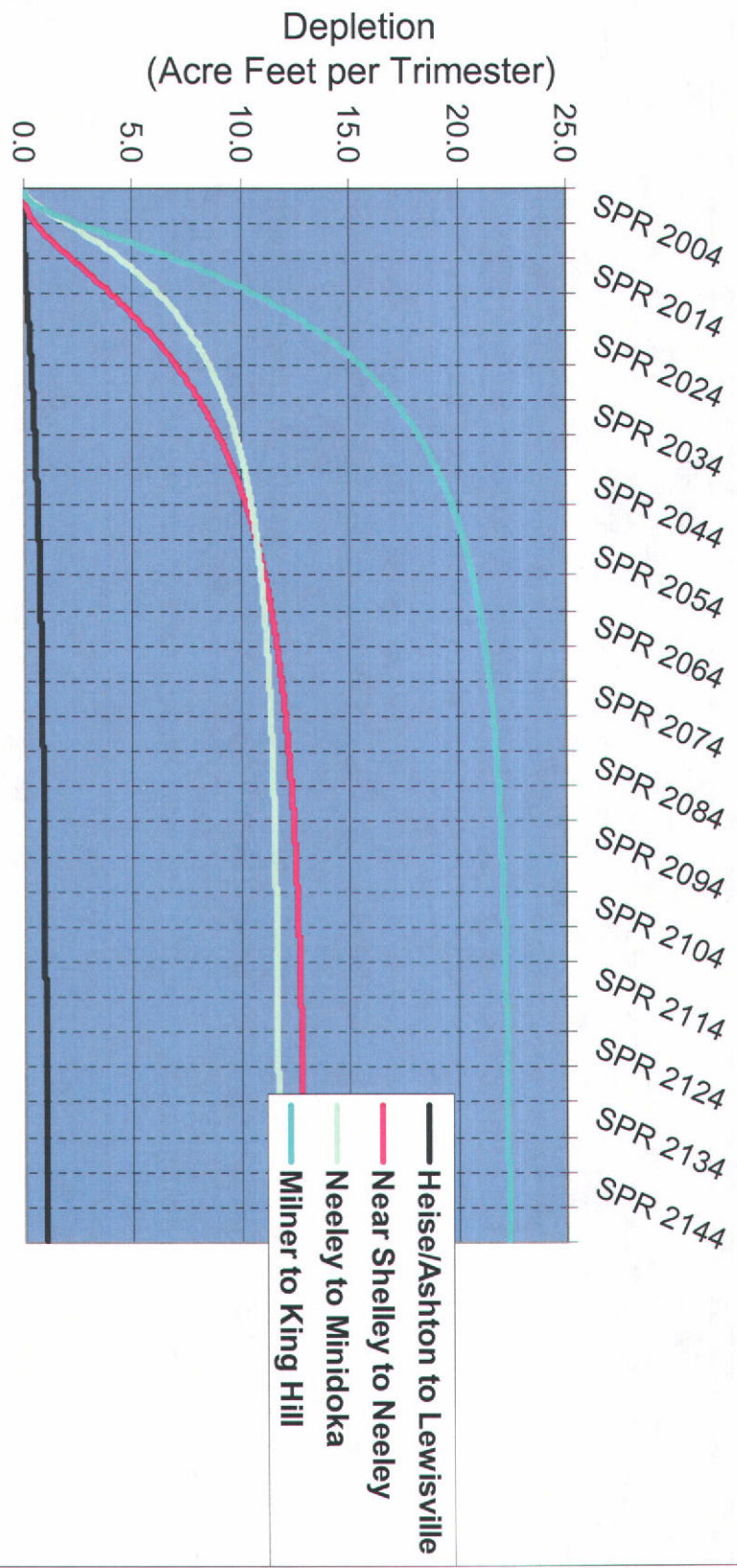
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Department of Water Resources
Southern Region

Model Cell 22, 22

Net Application Effect
Application for Permit 37-21243
Based on a diversion of 48 af per trimester



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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-21243

Priority: December 8, 2003

Maximum Diversion Rate: 0.60 CFS

This is to certify, that WATERFORD PARTNERS III LLC
PO BOX 2477
HAILEY ID 83333

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>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 27, Twp 01S, Rge 21E, B.M. BLAINE County
GROUND WATER NW¼NE¼ Sec. 27, Twp 01S, Rge 21E, B.M. BLAINE County

PLACE OF USE: MUNICIPAL – See conditions of approval.**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2009**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Place of use is within the area served by the public water supply system of Waterford Partners III, LLC. The place of use is generally located within NE1/4 Section 27, Township 1S, Range 21E, B.M.
6. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
7. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.

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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-21243

CONDITIONS OF APPROVAL CONTINUED

10. 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. 130.
11. Water diverted under this right for municipal purposes shall not be used for any kind of irrigation, including lawns, gardens, parks, common areas, landscaping, sports fields, or crops.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of May, 2004.


FOR KARL J DREHER, Director

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JUN 8 2 2004

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MAR 17 2004

Department of Water Resources

Permit No. _____

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

37-21243

LLC
(208)

KM

1. Name of Applicant Waterford Partners III, LLC 726-5509Mailing address P.O. Box 3363 Hailey, ID 833332. Source of water supply wells which is a tributary of _____3. Location of point of diversion is Township 1S Range 21E Sec. 27 in the NE NW 1/4 CBSE NE 1/4 Govt. Lot _____ B.M., Blaine County;additional points of diversion if any: NW 1/4 NE 1/4, T.1S, R.21E, Sec. 27 CB

4. Water will be used for the following purposes:

Amount 0.60 for Municipal 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)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.60 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 357gpm Submersible Pump, 0.4gpm to 357gpm VFD Pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is 10 inches; proposed depth of well is NA feetd. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____ Drilling firm _____

Well was drilled for (well owner) _____ Drilling Permit No. RM7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. City of Coeur d'Alene Waterford Partners III, LLCd. Domestic; show number of households. 214

e. Other: describe fully. _____

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Southern RegionMICHAEL J. HARRIS
JUN 02 2004

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	21E	27	M	M		M												X	0.60

Total number of acres to be irrigated

SEE ATTACHED DATA FROM BENCHMARK ENGINEERING.

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

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

Rich Duncan

JIM PETERSON
Joe DiLworth, Yolande Bennett

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

Rich Duncan

SAME

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

PURCHASE & SALE AGREEMENT FOR LAND

12. Remarks: Please see attached calculations, letter and drawings

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.

Richard Duncan
managing partner
Signature of Applicant (and title, if applicable)

Received by

J.F.

Date

12-5-03

Time

3:30

Preliminary check by

J.F.

Fee \$

250

Receipted by

J.F.

#

5026314

Date

11/5/03

Publication prepared by

MB

Date

2/26/04

Published in

Wood River Journal

Publication approved

MB

Date

3/16/04

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Southern Region

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Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING

P.O. Box 733 • 100 Bell Drive

Ketchum, Idaho 83340

208/726-9512 • Fax 208/726-9514 • www.bma5b.com

December 2, 2003

John Frytag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho
83301-3380

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Department of Water Resources
Southern Region

Subject: Lakes at Waterford Subdivision, Carey Idaho

Dear Mr. Frytag,

Municipal Water Demand

Municipal water demand for phase I of the proposed project was calculated based on the following criteria:

1. 4 people per home
2. 150 gpd per capita
3. 600 gpd per home
4. Peaking factor of 4

Phase I of the proposed project will consist of 62 single-family residences, 20 duplex residences and 5 existing residences, considered as duplex residences for these calculations, for a total of 112 residences. The average municipal demand is 46.7 gpm (0.10 cfs) and the peak demand is 187 gpm (0.42 cfs) respectively.

Municipal water demand for phase I and II of the proposed project was calculated based on the following criteria:

1. 4 people per home
2. 150 gpd per capita
3. 600 gpd per home
4. Peaking factor of 3

Phase II of the proposed project will consist of 76 single-family residences and 13 duplex residences for a total of 102 residences. The average municipal demand for phases I and II is 89 gpm (0.20 cfs) and the peak demand is 267 gpm (0.60 cfs).

The municipal water demand will be supplied by a submersible pump with a minimum capacity of 267 gpm and a variable frequency drive (VFD) pump with a capacity ranging

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from 0.4 gpm to 267 gpm. A 10-inch diameter well will be required to supply the municipal demand.

Irrigation and Fire Flow Water Demand – Surface Water Right

Irrigation and fire flow water will be supplied from the existing surface water rights. The existing canal will be diverted to a centralized pond located in the Lakes at Waterford Subdivision. Irrigation water demand was calculated based on the following criteria:

1. 0.02 cfs/acre
2. 20% reduction in area due to roadways, hardscape, etc.

Phase I of the proposed subdivision is approximately 44.66 Acres. Subtracting out the percentage of roadway, hardscape, etc results in approximately 35.73 acres that needs to be irrigated. The total irrigation demand for phase I is 320 gpm (0.71 cfs).

Phase II of the proposed subdivision is approximately 32.70 Acres. Subtracting out the percentage of roadway, hardscape, etc results in approximately 26.16 acres that needs to be irrigated. The total irrigation demand for phase II is 235 gpm (0.52) cfs.

Fire flow demand for all phases is 1,000 gpm (2.23 cfs).

Irrigation and fire flow will be provided by a 0 gpm to 1,555 gpm VFD duplex lift station.

Summary

The following water demands are summarized in Table I: Municipal Water Demand Summary.

Table I: Municipal Water Demand Summary

Phase	Municipal Demand	
I	0.42 cfs	187 gpm
I&II	0.60 cfs	267 gpm

The total amount of municipal water rights required for the proposed subdivision is 0.60 cfs.

If you have any questions, please feel free to contact Dave Cole, P.E., or myself at (208) 726-9512.

Sincerely,



Josh Gilder

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Department of Water Resources
Southern Region

MICHAEL COLE

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PROJECT _____ PROJECT NO. _____

SUBJECT _____ BY _____ DATE _____

REVIEWED BY *JH* DATE *12/3/03*

Phase II: cont'd

Pipe Flow Demand

1,000 gpm or 2.23 cfs

Irrigation & Leflow supplied by surface
water rights utilizing the irrigation system
& ponds

Total Irrigation & Leflow Demands

	<u>Irrigation</u>	<u>Leflow</u>
Phase I	0.7146	2.23
Phase II	0.5232	2.23
	<u>1.2378</u>	<u>2.23</u>

3.47 cfs

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Southern Region

Mik...

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PROJECT _____

PROJECT NO. _____

SUBJECT _____

BY _____

DATE _____

REVIEWED BY JLKDATE 12/3/03

Phase II:	76 single family residences	76
	13 duplex residences	26
		<u>102 units</u>

Municipal Water Demand Phase I + II

Assume: 4 people per home

150 gpd/c

4 x 150 = 600 gpd/home

PF = 3

Avg Demand $\Rightarrow 600 \text{ gpd} \times 214 = 128,400 \text{ gpd}$ Peak Demand $\Rightarrow 3 \times 128,400 \text{ gpd} = 385,200 \text{ gpd}$

or 267.5 gpm, 0.5960 cfs

Compares to IOWR calculated from Chart (0.60 cfs)

Irrigation Water Demand Phase III

Area = 32.7 acres

Assume: 20% of total area is roads, hardscape, etc

IOWR website 0.02 cfs/acre

* Demand = $(32.7 \times 0.80) \times 0.02 \text{ cfs/acre} = 0.5232 \text{ cfs}$

* Irrigation Demand to be supplied by surface water rights

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Southern Region

MILWAUKEE

DEC 8 2003

PROJECT _____ PROJECT NO. _____

SUBJECT _____ BY _____ DATE _____

REVIEWED BY AK DATE 12/3/03

Phase I: cont'

* Fire & Flow Demand

$$1,000 \text{ gpm} \times \frac{1,000}{449.8} = 2.23 \text{ cfs}$$

Irrigation & Surface Demand shall be supplied from surface water rights utilizing the irrigation system and ponds.

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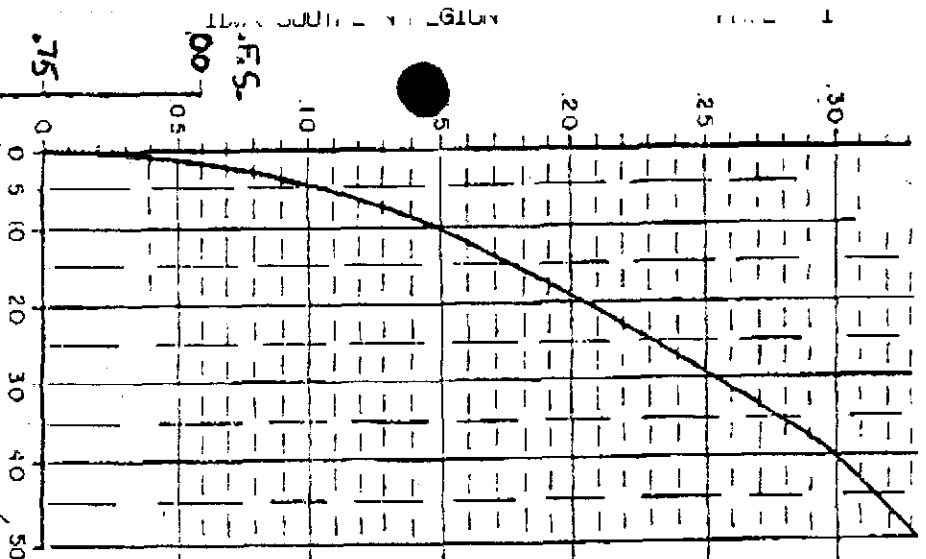
PROJECT Lakes @ WaterfordPROJECT NO. 03307SUBJECT Water DemandsBY JPJDATE 12/2/03REVIEWED BY MLDATE 12/3/03

Phase I :	62	Single Family Residences	62
	20	Duplex Residences	$20 \times 2 = 40$
	5	Existing Residences	$5 \times 2 = 10$
		(assumed as duplex residences to be conservative)	112 units
<u>Municipal Water Demand</u>			
Assume : 1/ people per home			
150 gpcd			
$1 \times 150 = 600 \text{ gpd/home}$			
PF = 1/			
Avg Demand $\Rightarrow 600 \text{ gpcd} \times 112 = 67,200 \text{ gpd}$			
Peak Demand $\Rightarrow 1 \times 67,200 \text{ gpd} = 67,200 \text{ gpd}$			
or 186.67 gpm, 0.159 cfs			
Compare to Demand calculated from IOWR chart (0.17 cfs)			
<u>Irrigation Water Demand</u>			
Area = 44.66 Ac			
Assume : 20% of total area is roads hardscape, etc			
IOWR Website 0.02 cfs/acre			
* Demand = $(44.66 \times 20) \times 0.02 \text{ cfs/acre} = 0.715 \text{ cfs}$			
* Irrigation Demand to be supplied from Surface water rights			

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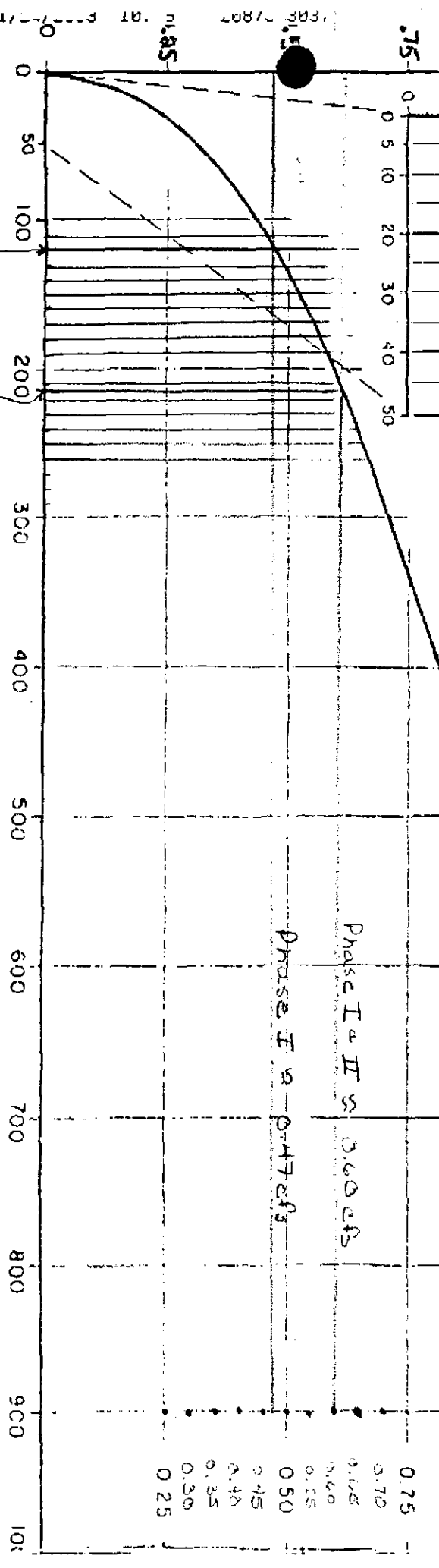


Houses Served - Rate of Flow (cfs)

1	.04
2	.06
3	.08
4	.10
5	.11
6	.12
7	.13
8	.14
9	.15
10	.16
15	.20
20	.25
30	.30
40	.33
50	.33

MAXIMUM
INSTANTANEOUS
WATER REQUIREMENTS
FOR
* DOMESTIC USE

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Phase I
112 units

Phase I & II
214 units

HOUSE'S SERVED

2191 11h

Table 13.1. Recommended Well Diameters for Various Pumping Rates*

Anticipated Well Yield gpm	Anticipated Well Yield m ³ /day	Nominal Size of Pump Bowls in mm	Optimum Size of Well Casing† in mm	Smallest Size of Well Casing† in mm
Less than 100	Less than 545	4	6 ID	5 ID
75 to 175	409 to 954	5	8 ID	6 ID
150 to 350	818 to 1,910	6	10 ID	8 ID
300 to 700	1,640 to 3,820	8	12 ID	10 ID
500 to 1,000	2,730 to 5,450	10	14 OD	12 ID
800 to 1,800	4,360 to 9,810	12	16 OD	14 OD
1,200 to 3,000	6,540 to 16,400	14	20 OD	16 OD
2,000 to 3,800	10,900 to 20,700	16	24 OD	20 OD
3,000 to 6,000	16,400 to 32,700	20	30 OD	24 OD

*For specific pump information, the well-design engineer should contact a pump supplier, providing the anticipated yield, the head conditions, and the required pump efficiency.

†The size of the well casing is based on the outer diameter of the bowls for vertical turbine pumps, and on the diameter of either the pump bowls or the motor for submersible pumps.

103

LITTLE WOOD RIVER IRRIGATION DISTRICT

Certificate of Water Rights

Carey, Idaho

Name: Yolande C. Bennett Address: Po Box 3813 Hailey, Id. 83333

142.3 Acre feet of Old Storage for the use in the following described land in Blaine County, Idaho:

Lot 2 Bennett Subdivision, Carey, Id. 83320

66 Acre feet of New Storage for the use one the following described land in Blaine County,

Idaho:

same as above

30.72 Miners inches of Natural Flow Rights from Little Wood River Right No. 37-0421, priority date April 15, 1893 for use of the following described land in Blaine County, Idaho:

(11.8 shares)

161.3 Miners inches of Natural Flow Rights from the Little Wood River Right No. 37-0422, priority date September 2, 1899 for the use on the following described land in Blaine County,

Idaho:

134.42 Miners inches of Natural Flow Rights from Little Wood River Right No. 37-1132, priority date May 1, 1947 for use on the following described land in Blaine County, Idaho:

Dated this 21st day of November, 2000

LITTLE WOOD RIVER IRRIGATION DISTRICT

By Kathi Beck

Secretary

1 minner inch
= 96 PM

WATERFORD PARTNERS III

December 15, 2003

John Frietag
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

Via Fax (208-736-3037)

Dear John,

I, Richard D. Duncan, managing member of Waterford Partners III, LLC, hereby authorize Charles Brockway (Jr.) of Brockway Engineering to represent and act on behalf of the partnership in matters before the Idaho Department of Water Resources which pertain to the application submitted last week by Waterford Partners III for a water rights permit within the City of Carey, Idaho.

Sincerely,



Richard D. Duncan
Managing Member
Waterford Partners III, LLC

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Department of Water Resources
Southern Region

WATERFORD PARTNERS III

DEC 15 2003

TO/ JON FREITAG,
IDWR
736-3037
FROM/
DKK DUNCAN

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Department of Water Resources
Southern Region

RE/ permit Application - CAREY SITE
JON,
SEC 27 TSP-15
R-21E

ATTACHED IS "CERTIFICATE OF EXISTENCE"
FROM SECRETARY OF STATE FOR
WATERFORD PARTNERS III. (ALSO REVISED MAP)

Also, this will confirm that JR
we have engaged Chuck Brockway of
Brockway Engineering to handle
this matter for us. PLEASE FEEL
FREE TO CONTACT HIM (OR ME) WITH
ANY QUESTIONS OR COMMENTS.

Thanks,
DICK DUNCAN

MAIL ROOM

DEC 15 2003

State of Idaho

Office of the Secretary of State

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CERTIFICATE OF EXISTENCE

DEC 15 2003

OF

Department of Water Resources
Southern Region

WATERFORD PARTNERS III, LLC

File Number W-27283

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the limited liability company records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named limited liability company filed articles of organization in Idaho on 09 Dec 2003.

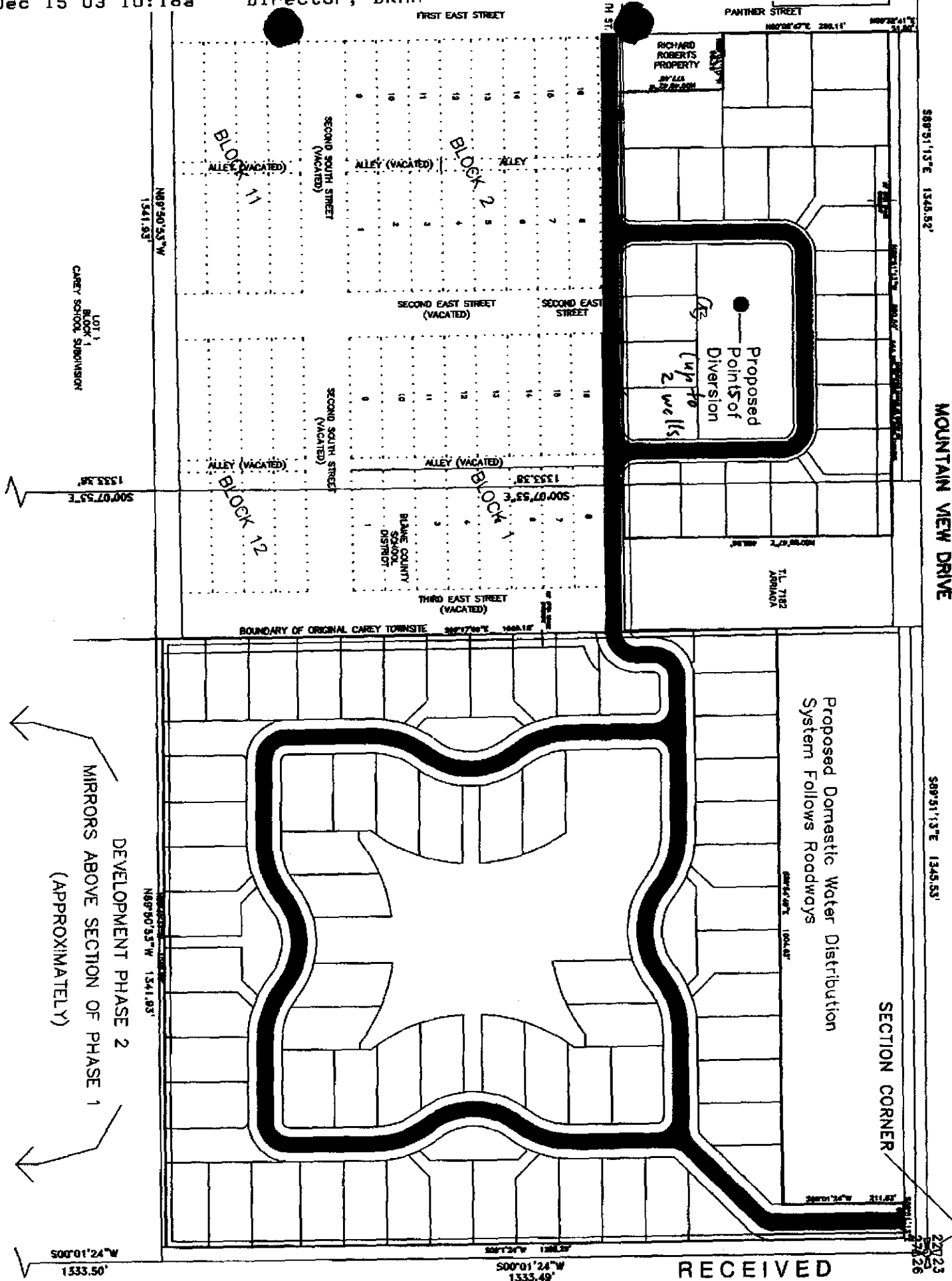
I FURTHER CERTIFY That the limited liability company's articles of organization have not been dissolved.

Dated: 12 Dec 2003



Ben Yursa
SECRETARY OF STATE

Authentic Access Idaho Document (<http://www.accessidaho.org/public/portal/authenticate.html>)
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Department of Water Resources
Southern Region

MAILED
DEC 2 2003



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

May 21, 2004

WATERFORD PARTNERS III LLC
PO BOX 2477
HAILEY ID 83333

RE: Permit No. 37-21243

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.

MILAC. JMED

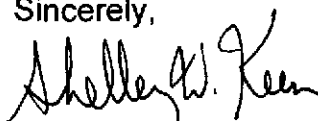
JUN 02 2004

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)

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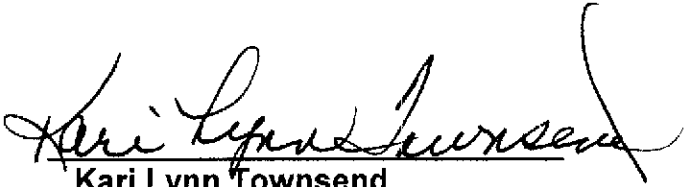
JUN 02 2004

CERTIFICATE OF SERVICE

I hereby certify that on **May 25, 2004** I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-21243

**WATERFORD PARTNERS III LLC
PO BOX 2477
HAILEY ID 83333**


**Kari Lynn Townsend
Secretary**

Mailbox

JUN 02 2004

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
May-25-04 8:27AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
208	5/25 8:26AM	1'02"	912087368506,,,8093 57	Send	3/ 3/	144	Completed

Total 1'02" Pages Sent: 3 Pages Printed: 0

State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720 Boise, Idaho 83726-0090
Phone: (208) 327-7900 FAX: (208) 327-7900

FAX TRANSMITTAL COVER SHEET

DEAL REPRESENTATIVE OF
GOVERNOR
KARL J. DREHER
DIRECTOR

DATE: 5/25/04

TO:

208-736-8506

FROM:

Watershed Partnership

DOCUMENT

DESCRIPTION: Watershed Partnership Permit 37-21243

COMMENTS:

COVER SHEET - 2 PAGES

PLEASE CONTACT 327-7941 IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT

McCrackin

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.

MEMORANDUM

Date: May 19, 2004
To: Water Right File 37-21243
From: Shelley Keen *SWK*
Re: Permit Review

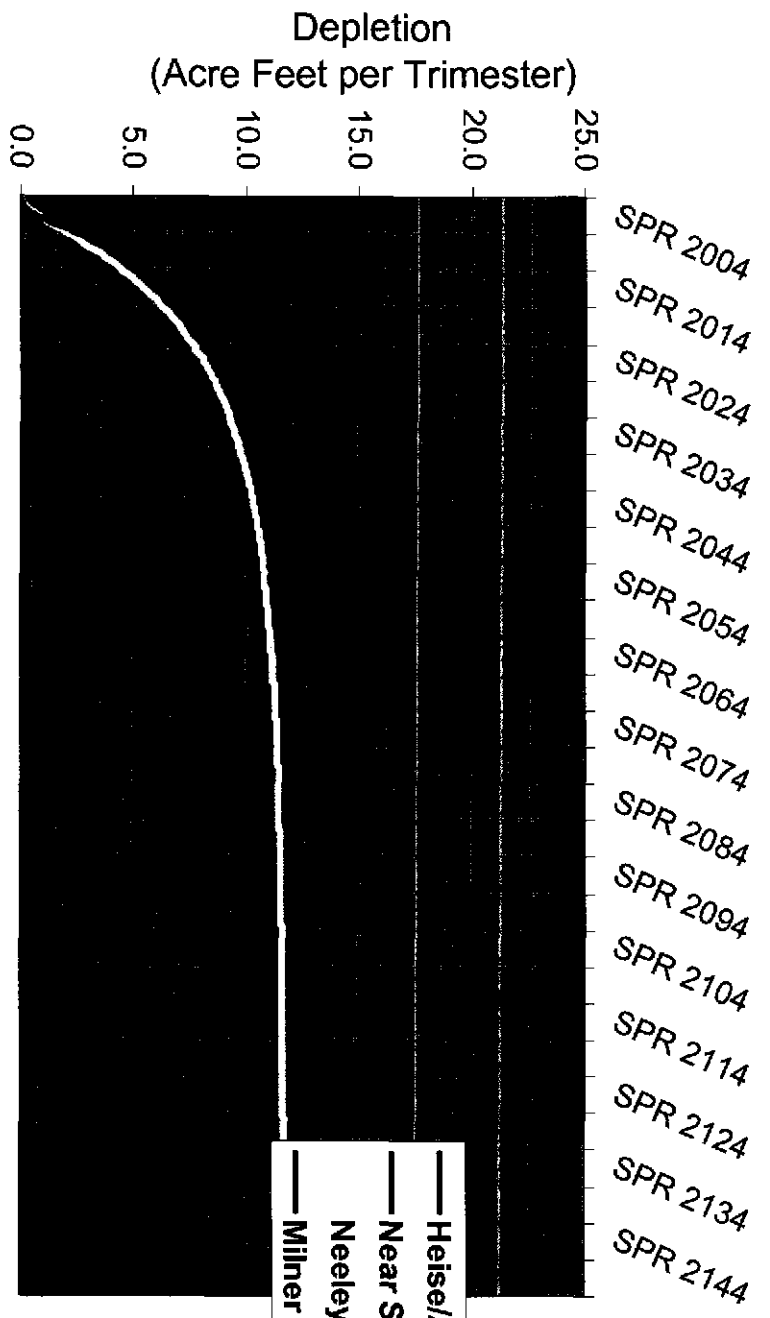
Application 37-21243 proposes the use of ground water in Water District 130 for "municipal" purposes in a large subdivision. Because the applicant states that water for irrigation will be provided from existing surface water rights, I have not included a condition requiring the permit holder to mitigate for depletions to the eastern Snake River Plain aquifer. To avoid confusion on the matter, however, I have added a condition stating that water diverted under this right is not to be used for irrigation of any kind.

MICHAEL MUMFORD

JUN 02 2004

Model Cell 22, 22

Net Application Effect
Application for Permit 37-21243
Based on a diversion of 48 af per trimester



— Heise/Ashton to Lewisville
— Near Shelley to Neeley
— Milner to King Hill

MICROSOFT

JUN 22 2004

RECEIVED

MAR 22 2004

DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION OF WATERMASTER

Application for Permit No 37-21243
Applicant's Name: WATERFORD PARTNERS III LLC
P.O. BOX 2477
HAILEY ID 83333

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
as drafted except:
3. use condition 115: acceptable to dept *and including data logger*
any supplemental irrigation under this right limited to 1/2 acre per homesite
right to divert ground water for supplemental irrigation denied if existing surface
rights are sold or otherwise removed from land, or if surface distribution system is
not developed.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Should confirm with Little Wood ID that the certificate of shares provided by
applicant (dated Nov 2000) is still valid? Are the LWID shares deliverable to this
land?

Does right holder need a storage component to store water for irrigation, or year-
round for fire protection (either under this right or the surface water rights).

Dated this 22 day of March, 2004

Water District No: 130

Watermaster's Signature
(signed) *Cindy Yenter*

RECORDED

JUN 02 2004

Keen, Shelley

From: Keen, Shelley
Sent: Monday, March 22, 2004 12:19 PM
To: Yenter, Cindy (Hodges)
Subject: RE: Application for Permit No. 37-21243

Cindy:

Can you send me a recommendation regarding Application for Permit No. 37-21243. It is for a subdivision in the ESPA and in WD 130. I'm not sure what our approach will be, but I'd like to have your thoughts documented before we meet to discuss it.

Thanks.

Shelley Keen



Recommendation of
WaterMaster

MICROFILMED
JUN 8 2 2004

APPLICATION NO. 37-21243

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY John Freitag

DATE 1-29-04

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☐ Yes ☐ No* In form to receipt

+++PROPOSED PRIORITY DATE 12-8 19 2003

ADDITIONAL INFORMATION

☒ Overlapping place of use(Describe source & relationship to present application on the back.

☒ Overlapping point of diversion.

- ☐ Yes ☒ No Field check required Field check by _____ Date _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

Comment Letters:

Watermaster: District _____
Fish & Game _____
Canal Company _____
Stream Channel _____
City Carey _____
DEQ _____
County _____
Department of Ag _____
Other _____

Date Requested _____

Date Received _____

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20____

FINAL REGIONAL PROCESSING REVIEW

Date of priority recommended 12/8 1972 2008

By APR Title _____ Date 3/16 2008

ADDITIONAL INFORMATION:

STATE OFFICE REVIEW

Date _____, 20____

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 01 2004

State of Idaho,

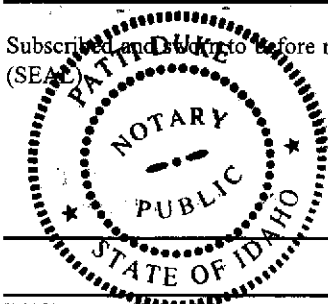
County of Blaine

SS.

Department of Water Resources
Southern Region

On this 29 day of February in the year 2004, before me a Notary Public of said State, personally appeared PATTI DUKE, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of February, 2004 and the date of the last publication was on the 25 day of February, 2004.

Subscribed and sworn to before me this 27 day of Feb, 2004.
(SEAL)



Patti Duke
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 41
Number of Insertions 2
Lines tabular at - 7¢/Pica
41 Lines straight at 1.43 6¢/Pica
Subsequent lines at - 5¢/Pica
TOTAL COST \$63.63

JUN 02 2004

COPY OF NOTICE

(Paste Here)

IDWR ANNOUNCES
TITLE OF NOTICE

Permit

PLAINTIFF ATTORNEY

DEFENDANT

AccT 7635

Dept Water Resources
1341 Fillmore St
Boise ID 83706
BILL TO
ST 200
TF 18
83301

IDWR announces permit

APPLICATION FOR PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho, Blaine County: WATERFORD PARTNERS III, LLC PO BOX 2477 HAILEY ID 83333 37-21243 TWO Point of Diversion: NWNE, S2, T01S, R21E Source: GROUND WATER Use: 01/01 To 12/31 MUNICIPAL (0.6 CFS) Date Filed: 01/29/2004 Place of Use: NENE, NWNE, SENE, S27, T01S, R21E Remark: Applicant is proposing to divert 0.6 cubic feet per second of groundwater for municipal use to service 214 homes. Location is within the city of Carey, north and east of the school. Permit 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID, 83301 together with a protest fee of \$25.00 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 Wood River Journal on 2/18 & 2/25/04.

Rev. Statutes 1984)
7-8 pt./line straight: .06/pica
7-8 pt./line tabular: .07/pica
7-8 pt./line successive
insertion: .05/pica

RECEIVED
MAR 12 2004

Department of Water Resources
Southern Region

Baldwin, Mary

From: Baldwin, Mary
Sent: Friday, February 20, 2004 9:55 AM
To: Wood River Journal (E-mail)
Cc: Baldwin, Mary
Subject: Correction to legal currently running

Attn: Kristan Kennedy

Good Morning:

I need to make one small change to the legal, Application for Permit No. 37-21243 in the name of Waterford Partners III, LLC that ran on 2/18 & scheduled for 2/25/04.

We just need to add the words "**TWO** points" to the Point of Diversion line.

I am attaching the corrected verbage in the attachment. Please let me know at 736-3033 if there is any complications to doing this change. Thanks!

Mary



WJ-legal--37-21243
-Waterford P...

APPLICATION FOR PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho, Blaine County:

WATERFORD PARTNERS III, LLC
PO BOX 2477
HAILEY ID 83333
37-21243

TWO Points of Diversion: NWNE, S2, T01S, R21E

Source: GROUND WATER

Use: 01/01 To 12/31

MUNICIPAL (0.6 CFS)

Date Filed: 01/29/2004

Place of Use: NENE, NWNE, SENE, S27, T01S, R21E

Remark: Applicant is proposing to divert 0.6 cubic feet per second of groundwater for municipal use to service 214 homes. Location is within the city of Carey, north and east of the school. Permit 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 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 Wood River Journal on 2/18 & 2/25/04.

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JUN 02 2004

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

February 9, 2004

ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

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 at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

APPLICATION FOR PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho, Blaine County:

WATERFORD PARTNERS III, LLC
PO BOX 2477
HAILEY ID 83333
37-21243

Point of Diversion: NWNE, S2, T01S, R21E

Source: GROUND WATER

Use: 01/01 To 12/31

MUNICIPAL (0.6 CFS)

Date Filed: 01/29/2004

Place of Use: NENE, NWNE, SENE, S27, T01S, R21E

Remark: Applicant is proposing to divert 0.6 cubic feet per second of groundwater for municipal use to service 214 homes. Location is within the city of Carey, north and east of the school. Permit 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 on or before 03/08/2004. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

↑
Two Points
Please change
for next weeks
AD. Thanks

Published in the Wood River Journal on 2/18 & 2/25/04.

MICHAEL WILSON

JUN 02 2004

Legal Notice
Jfreitag 1-29-04
37-21243

Applicant is proposing to divert 0.6 cubic feet per second of groundwater from a new well to be drilled, for municipal use to service 214 homes.

Location is within the city of Carey, north and east of the school.

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JUN 02 2004