

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32259

Priority: May 13, 2005

Maximum Diversion Rate: 0.33 CFS

This is to certify, that HENDERSHOT CONSTRUCTION INC
PO BOX 923
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>
DOMESTIC	01/01 to 12/31	0.33 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 2, Twp 02N, Rge 03W, B.M. CANYON County
GROUND WATER L6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 2, Twp 02N, Rge 03W, B.M. CANYON County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	2																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2011**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right includes water for 15 homes. This component of the domestic use shall not exceed 13,000 gallons per day within each platted subdivision lot upon which a home has been constructed.
4. The domestic use also includes water for the well lot. The well lot component of the domestic use is limited to 0.04 cfs and 2,500 gallons per day. During the construction phase of the subdivision, this well lot component of the domestic use may be extended beyond the well lot for dust abatement and cleanup purposes throughout the subdivision area.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater for irrigation shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

State of Idaho
Department of Water Resources

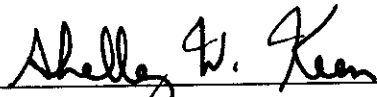
Permit to Appropriate Water

NO. 63-32259

CONDITIONS OF APPROVAL CONTINUED

8. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 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.
11. Place of use is located within Lots 1-15 and the well lot of Southshore II Subdivision.
12. Points of diversion are located within the well lot of Southshore II Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of June, 2006.


FOR KARL DREHER, Director

AMENDED

Form 202
2/96

Ident. No. 63-32259

RECEIVED

FEB 22 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAY 03 2006

DEPARTMENT OF
WATER RESOURCES

To appropriate the public waters of the State of Idaho

* Please direct all inquiries to Ed Squires at 342-8369

1. Name of applicant Hendershot Construction, Inc. Phone 794-3140
Mailing address P.O. Box 923, Eagle, Idaho 83616
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point of diversion is Township 2N Range 3W Section 2 in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot. 6 B.M., Canyon County;
additional points of diversion if any: SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T2N, R3W (a second well on the same well lot)
4. Water will be used for the following purposes:
Amount 0.33 cfs for 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) 0.33 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 Groundwater well tapping confined aquifer.
Deep well turbine pump discharging to a pressurized integrated distribution system throughout subdivision.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 12 inches; proposed depth of well is 450 feet; proposed water-bearing zone is 150-to-450 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm To be bid, drilling firm not yet under contract;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 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. 15 homes at build-out of subdivision
 - e. Other; describe fully. Subdivision common areas, residential yard space, and landscaping will be irrigated with surface water. Domestic irrigation use is supplemental only for use when surface water is curtailed or unavailable

continued on reverse

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.

[illegible]

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purpose as described above. Applicant owns 23.54 acres within the Wilder Irrigation District whose contracted water will be used for irrigation of subdivision lots & common areas.
11. a. Who owns the property at the point of diversion? Hendershot Construction, Inc.
b. Who owns the land to be irrigated or place of use? Hendershot Construction, Inc.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant owns the land at this time but subdivision lots will be sold as land is developed.
12. Remarks: Domestic water rights are sought for in-house use and individual home supplemental irrigation use for a maximum of ½ acre per lot on 15 lots in the subdivision. Lot irrigation from groundwater would only occur if and when surface water was not available during irrigation season. Please see attached subdivision covenant language concerning maximum irrigable acreage from ground water for each individual lot.
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 ½ "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.

Ed Anderson

Signature of the Applicant (and title, if applicable)

Amended April

Received by SK Date 2/22/06 Time 3:30 PM Preliminary check by SK
 Fee \$ 250 Received by SK # W032932 Date 5/13/05
 Publication prepared by SK Date 4-6-13-06 Published in PRESS TRIBUNE
 Publication approved SK Date 4-24-06

Original Appl rec'd 5/13/05

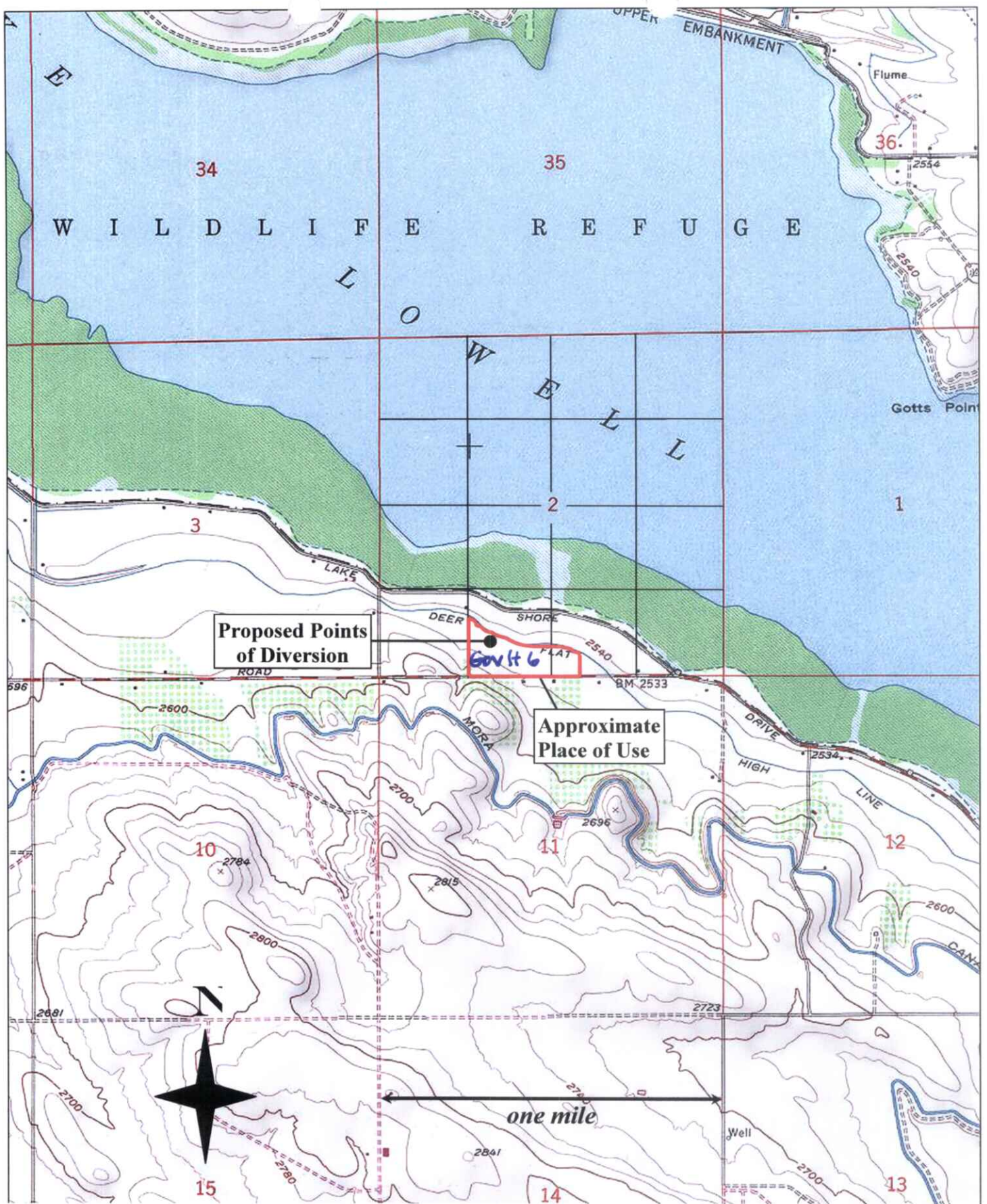


Figure 1. Proposed Points of Diversion (2) and Place of Use for the Southshore II Subdivision, SE¼, SW¼, Section 2, T2N, R3W, Boise Meridian, Canyon County, Idaho

Hydro Logic Inc, Boise, Idaho

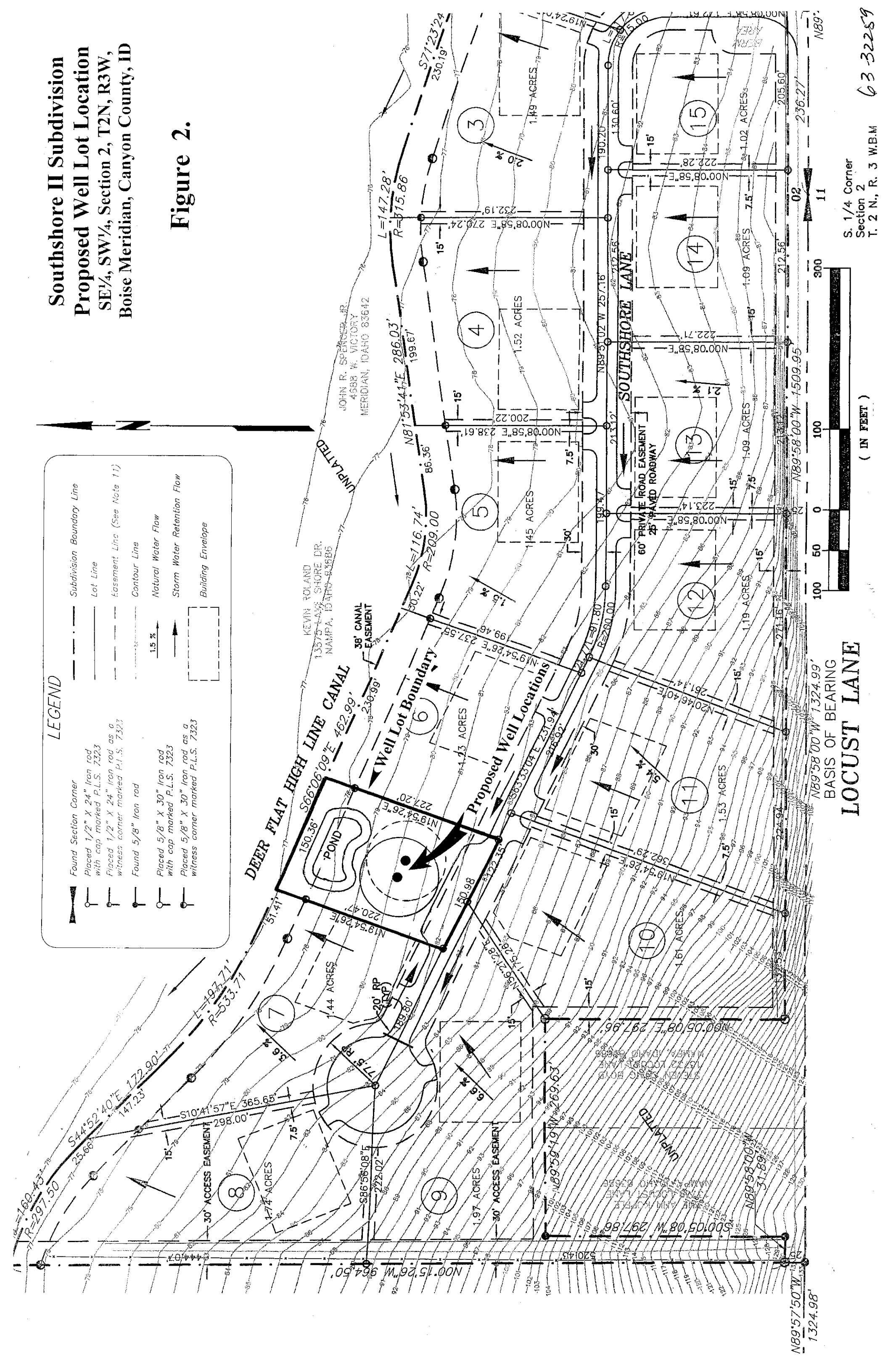
Gov Lot 6

P/u also includes SWSE - not A Gov lot

63-32259

Boise Meridian, Canyon County, ID

Figure 2.



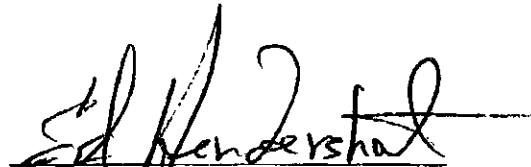


Hendershot Construction, Inc
PO Box 923
Eagle, Idaho 83616 (208) 939-4797

Corporate Officers

President- Edwin W. Hendershot

Secretary- Carol A Hendershot


Edwin W Hendershot- Pres

REQUEST TO PROCESS

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

Name of Applicant Hendershot Construction, Inc.
Mailing Address P.O. Box 923
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.

 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.

XX 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

Ed Hendershot

Date

5-13-05

Please return this form to:

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

neighboring Lots and streets or constitute an undesirable nuisance or noxious use. Any fence other than vinyl shall be maintained annually, including painting or staining as appropriate. The determination of the Architectural Committee is binding on all parties.

L. **Floor Area Minimums:** Floor area shall be exclusive of eaves, steps, porches, entrances, patios and garages. The floor area of a one-story house shall have not less than one thousand eight hundred (1,800) square feet on the ground floor. Two-story houses shall have not less than one thousand six hundred (1,600) square feet on the ground floor and not less than eight hundred (800) square feet on the second floor. In no event shall a second story be out of proportion with the ground floor. The Architectural Committee shall have the discretion to determine proportionality.

M. **Garages:** Each dwelling shall include a minimum two (2) car, enclosed garage that is an integral part of the unit structure. Provided, however, given site constraints and design considerations, the Architectural Committee may approve a detached garage if appropriate in the sole discretion of the Architectural Committee. All garages shall contain at least the minimum floor area relevant to the height of the dwelling. Side, rear or set-back entrances are encouraged.

N. **Height Restrictions:** No dwelling or barn shall be in excess of either two (2) stories or thirty (30) feet above ground. No other outbuildings, including shops, storage sheds, play houses and play equipment consisting of walls and roof, shall exceed a height of twenty five (25) feet.

O. **Irrigation:** Non-potable irrigation water is provided to certain Lots pursuant to the Southshore Subdivision Water Users Agreement that is contained in a recorded document separate from this Declaration. All those Lots mentioned in the Water Users Agreement are subject to and a member of that Association.

There are no surface water rights to the Lots that are not designated in the Water Users Agreement. Excludes Lots designated as "Dry Lots" on the Pressure Irrigation Plan. Any Lot Owner may install an underground sprinkler system with water supplied from the community public drinking water system well in the subdivision. Use of the community water system for irrigation purposes, however, is restricted by the subdivision's ground water rights to an area not in excess of the statutory maximum acreage, which is one-half acre per lot. Additionally, no cross-connection between the community water system and any surface water pressurized irrigation system may be made at any time. If any portion of any lot is to be irrigated using the potable community water system as a source, an approved backflow prevention device shall be installed and tested annually, to prevent contamination of the community water supply. The backflow device, if above ground in the yard, shall be installed next to the dwelling or other outbuildings in an inconspicuous place, not visible from the front yard of each property.

Each Owner shall be responsible to maintain all irrigation service ditches or lines and similar equipment located on said Owner's Lot. Should any damage occur to any portion of the said Owner's irrigation system, or to the main distribution ditches or lines on the Lot

ORIGINAL

RECEIVED

MAY 13 2005

WATER RESOURCES
WESTERN REGION

Ident. No. _____

STATE 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*

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 - e. Other; describe fully. Subdivision common areas, residential yard space, and landscaping will be irrigated with
surface water. Domestic irrigation use is supplemental only for use when surface water is curtailed or unavailable

Received by AK Date 5-13-05 Time 12:45 Preliminary check by _____
 Fee \$ 250 Received by AK # W032932 Date 5-13-05
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Hydro Logic, Inc

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

RECEIVED

May 12, 2005

MAY 13 2005

Mr. Steve Lester
Water Rights Supervisor
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

WATER RESOURCES
WESTERN REGION

Dear Steve:

This letter accompanies an Application for Permit (to appropriate the public waters of the State of Idaho) on behalf of my client, Hendershot Construction, Inc. (HCI). This application seeks to appropriate ground water for a 15-lot subdivision on the south shore of Lake Lowell (see attached maps). Under cover of this letter, you should find the following documents which are considered part of the application:

- 1) A completed Application for Permit form signed by Ed Hendershot, the Applicant.
- 2) A listing of the current corporate officers of Hendershot Construction, Inc.
- 3) A location map showing the proposed points of diversion using a USGS 7 ½ -minute topographic series base map.
- 4) A map depicting the Southshore II Subdivision Plat showing lot numbers.
- 5) A Request to Process form signed by the Applicant.
- 6) A check in the amount of \$250 to cover the application processing fees.
- 7) This cover letter.

In addition to the above, there are three points that bear additional explanation as follows:

1) Domestic In-House Instantaneous Flow Rate.

- a. The requested 0.18 instantaneous flow rate for in-house use has been arrived at using the attached graph related to Administrative Memorandum #22, Exhibit 12.
- b. Using the tabulated values, 15 homes are allowed 0.18 cfs.
- c. Although this flow rate seems inadequate to us, we understand that the IDWR has settled on this rule-of-thumb for allocating in-house use for multiple home subdivisions.

2) Supplemental Irrigation Instantaneous Flow Rate.

- a. Southshore II Subdivision will be irrigated with surface water from Wilder Irrigation District's Mora Canal under Account / Serial Nos. 4 and 5.
- b. For instances, such as in drought years, when surface water is not available to fill this water right or only partially able to fill the water right, the Applicant seeks a "supplemental" domestic irrigation water right from ground water.
- c. The amount of water applied for is the maximum allowable for each lot under the domestic allowance of $\frac{1}{2}$ acre per lot according to the following calculations.
 - i. The average lot size is 1.37 acres.
 - ii. Assuming an average 2,500 ft² house, 1,200 ft² garage, and 2,500 ft² driveway, the build/pave-over area per lot is 0.14 acre leaving a surface water irrigation component, per lot, of 1.23 acres.
 - iii. Therefore, even the maximum allowable domestic irrigation component for $\frac{1}{2}$ -acre would not be adequate in some situations of surface water curtailments.
 - iv. Given that the fifteen lots encompass 21.59 acres, and the fifteen homes, garages, and driveways take up 2.13 acres, there remain 19.46 acres to be irrigated.
 - v. Under the domestic water right allowance, of $\frac{1}{2}$ acre per home, only 7 $\frac{1}{2}$ acres may be irrigated under the stacked supplemental domestic irrigation limitation.
 - vi. 7 $\frac{1}{2}$ acres at 0.02 cfs per acre gives an instantaneous flow rate of 0.15 cfs or 67.32 gpm.
 - vii. Citing Administrative Memorandum Application Processing Memo No. 60, the Applicant seeks an increased diversion rate to allow for the turf grass irrigation to occur over a lesser time frame; 8 hours instead of 24 hours. Although this memorandum was generally intended for turf grass irrigation of public areas such as parks, schools, and cemeteries, its application is sought here because the increased rate would be able to match the design flow rate of the pressurized surface water irrigation system that would be used to divert the supplemental ground water right during times when surface water was not available or insufficient for the use. Otherwise, a second irrigation system, or irrigation practice, would have to be implemented that was designed to pump at the lower diversion rate.
 - viii. Hence, the applied for instantaneous diversion rate is 0.45 cfs or ~202 gpm for supplemental domestic irrigation.
- d. It is understood that all available surface water would be used for irrigation prior to use of ground water under a supplemental water right.
- e. It is understood that the ground water supplement could not be used under any circumstances outside of the standard irrigation season.
- f. It is understood that no more than 7 $\frac{1}{2}$ acres could be irrigated under any circumstances.

3) Other Uses Under 42-111 (1) (b).

- a. Lot No. 16 (see attached plat) is a designated well lot. As such it is considered common area and ineligible for the appropriation of irrigation water rights under the domestic limitations of 42-111. (1) (a.).
- b. The Applicant foresees the need for additional small amounts of water for commercial uses (not irrigation) within this lot and the subdivision. Examples include, wash down, clean up, dust abatement, replenishment of a subdivision water fountain, etc. It is our understanding that the Department would approve an application to drill an additional well associated with such a use under 42-111 (1) (b.). We are aware that IDWR has previously approved one or two permit applications for business parks whereby each tenant of the business park was allocated water under Part b. of the domestic definition.
- c. It is our conviction that allowing 0.04 cfs of ground water diversion under this applied for water right, to be withdrawn from the proposed points of diversion, constitutes better resource management and avoids unnecessary drilling of additional wells to supply these purposes.

In summary the requested instantaneous diversion rate of 0.49 cfs is the summation of:

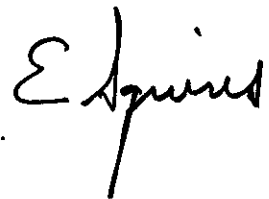
- 1) 0.18 cfs for in-house domestic use by 15 homes.
- 2) 7½ acres of supplemental domestic irrigation at 0.02 cfs/acre times three to allow for the irrigation to occur in a shortened (urban) time frame and to match the groundwater source to the output of the pressurized surface water irrigation system.
- 3) 0.04 of commercial/other uses under Part b. of the domestic water right definition.

above:
≤ 2500 gpd
- for 8/4/05

I hope this explanation is adequate to describe why this application looks somewhat different from a more standard water right application for domestic use. The underlying logic appears, to us, logical and it seems conceivable to us that conditions of approval can be formulated to accommodate the requested uses under existing Department policies. Please call me at 342-8369 with any questions you may have concerning this application or if you require additional information for processing.

Respectfully,

Ed Squires
Hydro Logic, Inc.



c: Ed Hendershot

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 27, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

HENDERSHOT CONSTRUCTION INC
PO BOX 923
EAGLE ID 83616

RE: Permit No. 63-32259

Permit Approval Notice

Dear Permit Holder:

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

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

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

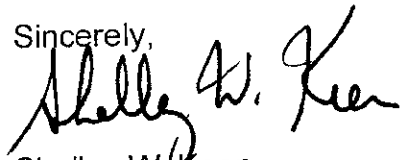
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK: ka

Enclosure(s)

cc: HYDRO LOGIC INC

CERTIFICATE OF SERVICE

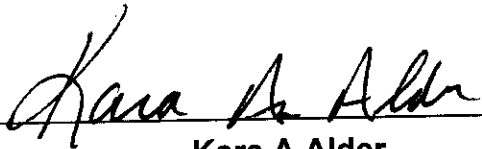
I hereby certify that on June 27, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-32259

**HENDERSHOT CONSTRUCTION INC
PO BOX 923
EAGLE ID 83616**

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



**Kara A Alder
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

M E M O R A N D U M

Date: June 24, 2006
To: Water Right File 63-32259
From: eretelle
Re: permit review

In the area South of Lake Lowell where groundwater level declines in the 80s and 90s caused concern, but this application does not lie within the area of concern (see report).

MEMORANDUM

June 1, 2006

To: Shelley Keen

From: Shane Bendixsen

Reviewed by: Sean Vincent

Subject: **Review of Water Level Data for Application 63-32245:
Peachtree**

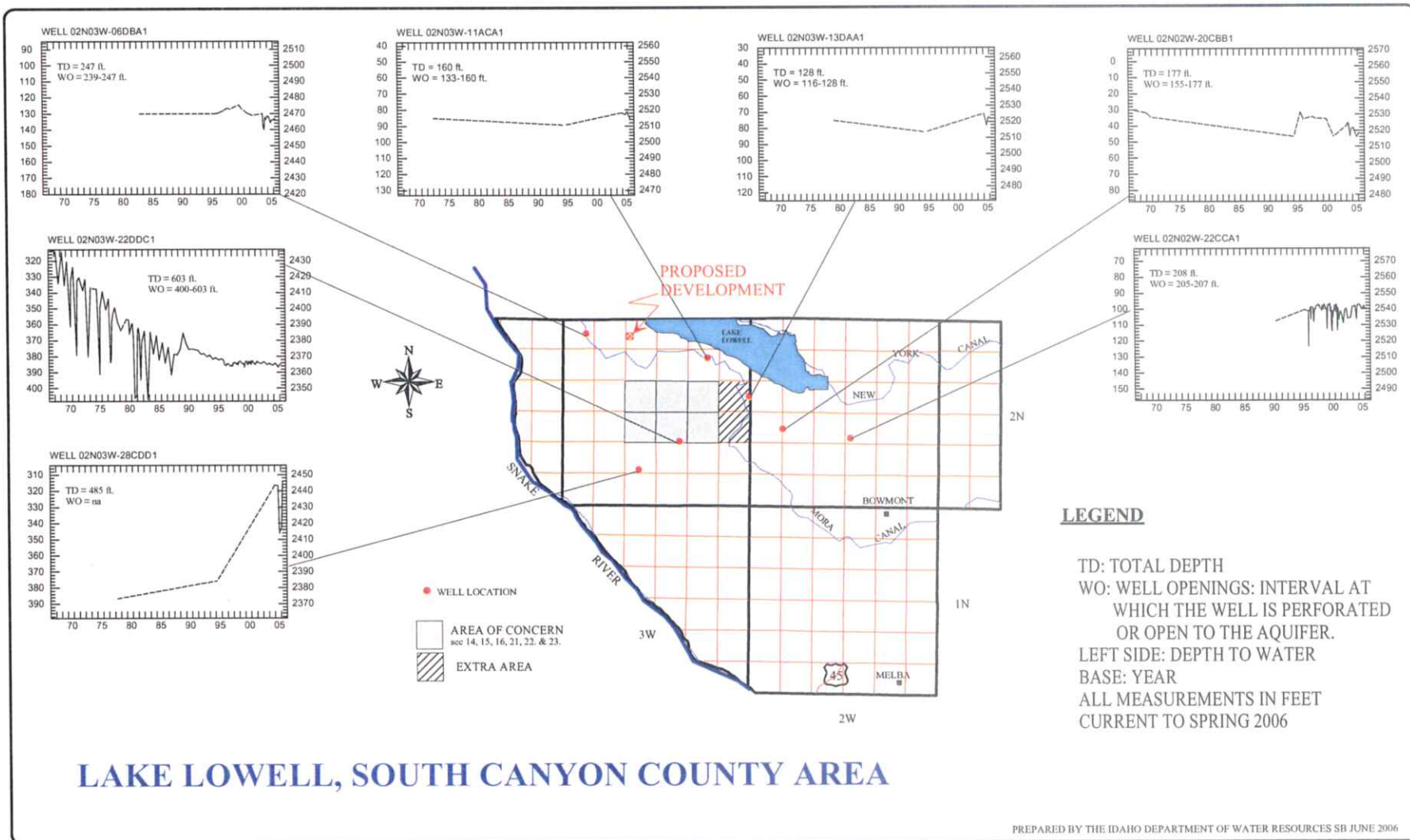
It is our understanding that Peachtree Hill, LLC has submitted an application for a permit to appropriate ground water in the South Canyon County area in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 04 Township 02N, Range 03W. The total amount is 3.79 cfs. Per your request, the following is a summary of available water level data and a brief hydrologic review.

Attachment #1 is a map that identifies the proposed point of diversion, well locations, ground water hydrographs, and an area of concern. The hydrograph for well (02N03W-22DDC1), which is located approximately 3.5 miles south of the proposed development within the area of concern shows a declining water level until 1987. This date corresponds to the beginning of the Conservation and Recovery Program (CRP), which paid farmers to put their ground in a set aside program. When CRP payments ceased in 1997, a large part of the area (approximately 2,000 acres) did not go back to agricultural use but became low-density urban development. Based on the stabilization of the water level in well 02N03W-22DDC1, this apparently decreased consumptive use to the point where discharge equals recharge. None of the other hydrographs show significant declines for the period of record.

Attachment #2 presents a ground water level change map based on data collected in 1995. This was the basis for the area of concern. The proposed development is not within the area of concern.

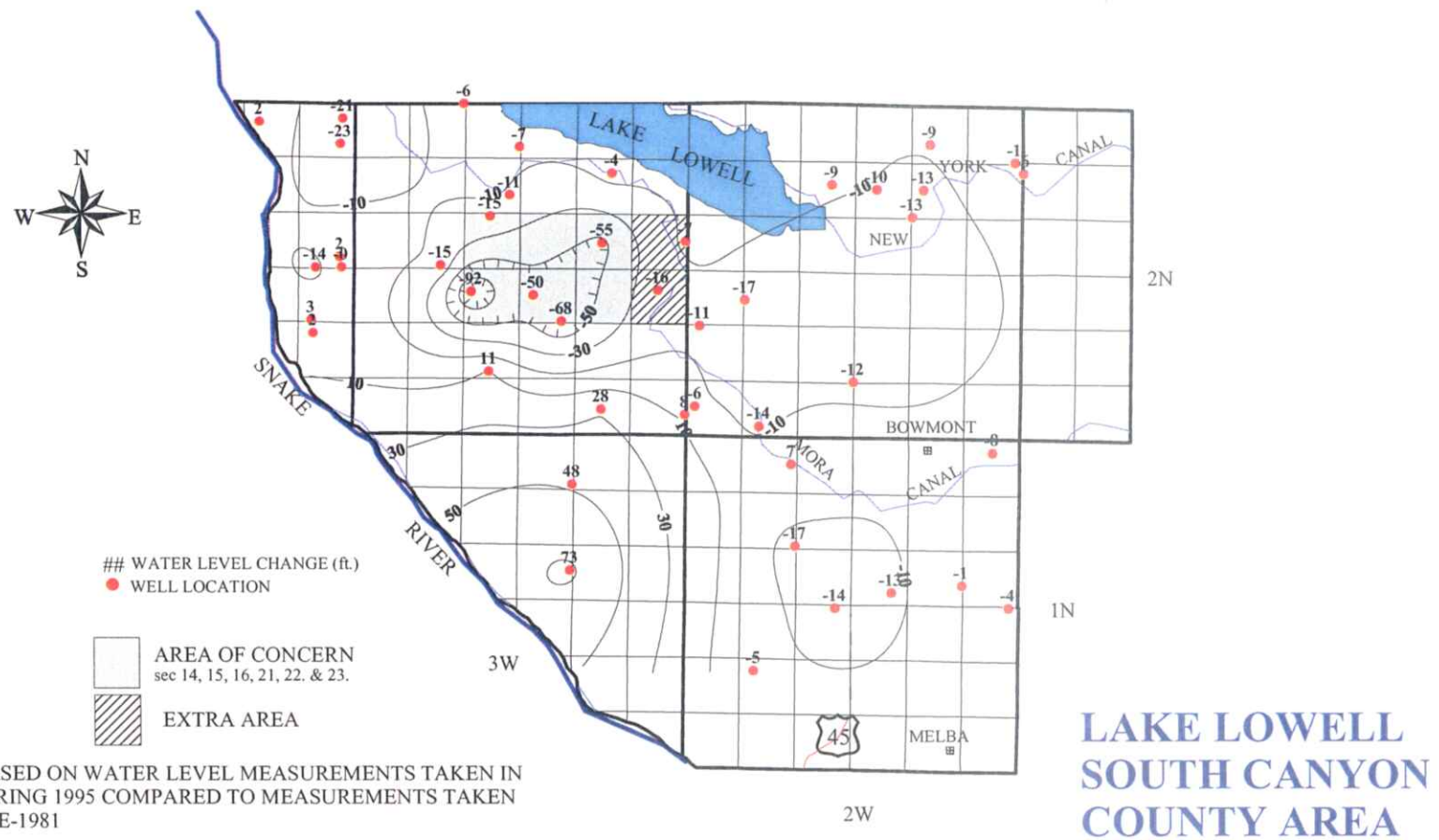
Attachment #3 shows the elevation of the water table during spring 1995. Ground water flow from the proposed development is not toward the area of concern.

In closing, a trend of localized water level decline in an area of concern south of Lake Lowell appears to have stabilized since the CRP program went into effect in 1987. The proposed development is outside the area of concern. The area of proposed development does not have any recorded ground water level declines.



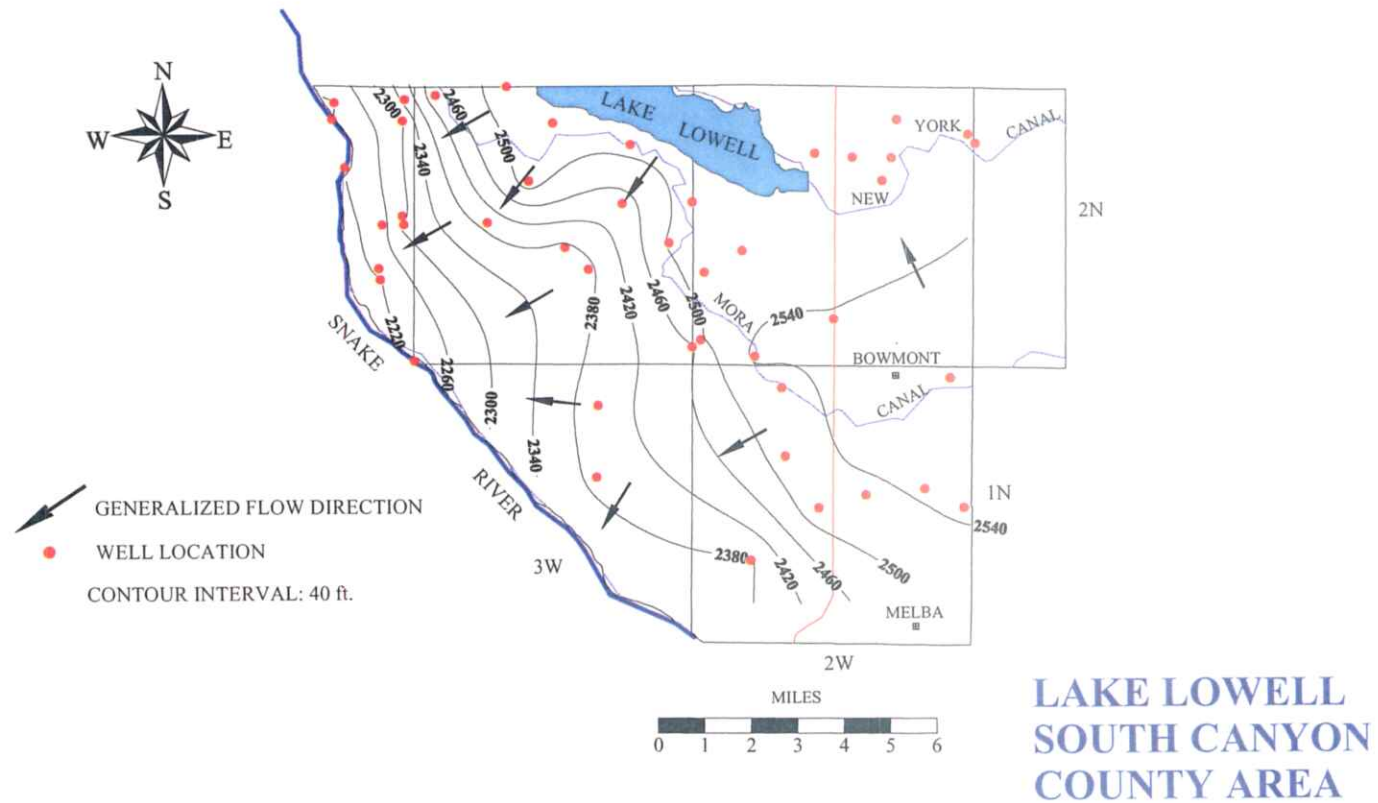
ATTACHMENT #1

GROUND WATER LEVEL CHANGE MAP



PREPARED BY THE IDAHO DEPARTMENT OF WATER RESOURCES SB JAN 2005

SPRING 1995 WATER TABLE ELEVATIONS



PREPARED BY THE IDAHO DEPARTMENT OF WATER RESOURCES SB JAN 2005

ATTACHMENT #3

RECEIVED
APR 24 2006
WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-32259

HENDERSHOT CONSTRUCTION INC

PO BOX 923

EAGLE ID 83616

Point(s) of Diversion L6 (SESW) S2

T02N R03W CANYON County

Source GROUND WATER

Point(s) of Diversion L6 (SESW) S2

T02N R03W CANYON County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.33 CFS
Total Diversion: 0.33 CFS

Date Filed: 05/13/2005

Place Of Use: DOMESTIC

T02N R03W S2 SESW Lot 6 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 15 homes and yards in Southshore II Subdivision. Domestic use will also include wash down, clean up, dust abatement, replenishment of subdivision water fountain, etc. in small quantities.
Water bearing zone to be appropriated is from 150 to 450 feet.

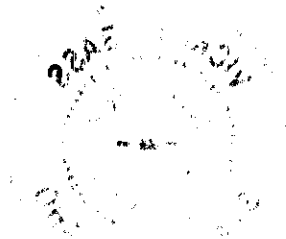
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

April 6, 13, 2006

04529289



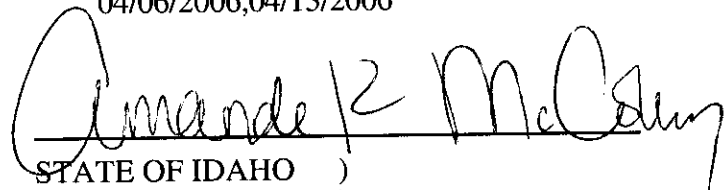
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

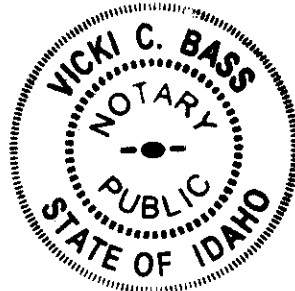
Amanda K. McCollum
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

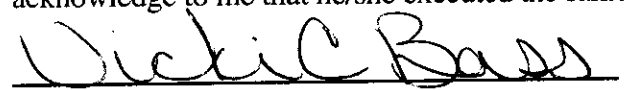
e0100285 04529289
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

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:
04/06/2006,04/13/2006


STATE OF IDAHO)
County of Canyon)

On the 13 day of April in the year of 2006
before me, a Notary Public, personally appeared.
Amanda K. McCollum,
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.




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

Kreger (Taylor), Sue

To: Charles.Ariss@deq.idaho.gov
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

March 31, 2006

ID DEPT ENV QUALITY
CHARLES ARISS
1445 N ORCHARD
BOISE ID 83706-2239

Re: Applications for Permit Nos. 61-12070, 63-32262, 63-32268, 63-32259, 63-32258
and 65-23033

Dear Mr. Ariss:

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

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by April 24, 2006. A copy of the protest must also be sent to the applicant.

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

Sincerely,



61-12070.pdf



63-32258.pdf



63-32259.pdf



63-32262.pdf



63-32268.pdf



65-23033.pdf

CONVERSATION MEMORANDUM

DATE 3/2/06
FILE 63-32259

NAME OF PARTY Ed Squires
EMPLOYEE JZ

RE: Advertising delayed

Left detailed phone message for consultant:

- Advertising delayed for a while
- office changes to work on JABA
- hope to advertise in April (1st 1/2?)
- please don't call Lori for follow up since she's shifted to AT work
- instead, contact me for follow up

Fax

Hydro Logic Inc

Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431

Office (208) 342-8369
Fax (208) 342-3100

To: Lori Graves From: Ed Squires
Company: IDWR - WRO Date: 2-21-06
Fax: 334 -2348 Number of Pages Including Cover:
Phone: 334-2190 CC:
Subject: Hendershot Construction Covenants

☐ Urgent ☒ For Review ☒ Please Comment ☒ Please Reply ☐ For Your Files

● Comments:

Lori,
Here is some suggested language
for Southshore II Subdivision's covenants
with respect to the water supply.

Please review and comment. It is
possible we could get this moving
today; thank you for your patience
and persistence.

Ed

- O. Irrigation: Non-potable surface water irrigation water is provided to certain Lots pursuant to the Southshore Subdivision Water Users Agreement that is contained in a recorded document separate from this Declaration. All those Lots mentioned in the Water Users Agreement are subject to and a member of that Association.

There are no surface water rights to the Lots that are not designated in the Water Users Agreement. Excludes Lots are designated as "Dry Lots" on the Pressure Irrigation Plan. Any Lot Owner may install an underground sprinkler system with water supplied from the community public drinking water system well in the subdivision. Use of the community water system for irrigation purposes, however, is restricted by the subdivision's ground water rights to an area not in excess of the statutory maximum acreage, which is no more than one-half acre per lot. Additionally, no cross-connection between the community water system and any surface water pressurized irrigation system may be made at any time. If any portion of any lot is to be irrigated using the potable community water system as a source, an approved backflow prevention device shall be installed, and tested annually, to prevent contamination of the community water supply. The backflow device, if above ground in the yard, shall be installed next to the dwelling or other outbuildings in an inconspicuous place, not visible from the front yard of each property.

Fax

Hydro Logic Inc

Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431

Office (208) 342-8369
Cell (208) 631-6781
Fax (208) 342-3100

To: Lori Graves From: Ed Squires
Company: IDWR-WRO Date: 12-30-05
Fax: 334-2348 Number of Pages Including Cover: 4
Phone: 334-2190 CC:
Subject: Hendershot Construction Covenants
☐ Urgent ☒ For Review ☒ Please Comment ☒ Please Call ☐ For Your Files

• Comments: Lori,

I have read the entire Declaration of Restrictive Covenants of the Southshore II subdivision. The attached excerpts are the only references to water. Please let me know the following:

- 1) Is the language acceptable as is?
- 2) Is there objectionable wording?
- 3) Are there any other perceived problems beyond the 1/2 acre restriction?

In my mind, the language lets the homeowner know they cannot exceed 1/2 acre from the private domestic well. What do you think?

Ed

neighboring Lots and streets or constitute an undesirable nuisance or noxious use. Any fence other than vinyl shall be maintained annually, including painting or staining as appropriate. The determination of the Architectural Committee is binding on all parties.

L. Floor Area Minimums: Floor area shall be exclusive of eaves, steps, porches, entrances, patios and garages. The floor area of a one-story house shall have not less than one thousand eight hundred (1,800) square feet on the ground floor. Two-story houses shall have not less than one thousand six hundred (1,600) square feet on the ground floor and not less than eight hundred (800) square feet on the second floor. In no event shall a second story be out of proportion with the ground floor. The Architectural Committee shall have the discretion to determine proportionality.

M. Garages: Each dwelling shall include a minimum two (2) car, enclosed garage that is an integral part of the unit structure. Provided, however, given site constraints and design considerations, the Architectural Committee may approve a detached garage if appropriate in the sole discretion of the Architectural Committee. All garages shall contain at least the minimum floor area relevant to the height of the dwelling. Side, rear or set-back entrances are encouraged.

N. Height Restrictions: No dwelling or barn shall be in excess of either two (2) stories or thirty (30) feet above ground. No other outbuildings, including shops, storage sheds, play houses and play equipment consisting of walls and roof, shall exceed a height of twenty five (25) feet.

O. Irrigation: Non-potable irrigation water is provided to certain Lots pursuant to the Southshore Subdivision Water Users Agreement that is contained in a recorded document separate from this Declaration. All those Lots mentioned in the Water Users Agreement are subject to and a member of that Association.

There are no surface water rights to the Lots that are not designated in the Water Users Agreement. These Lots are designated as "Dry Lots" on the Pressure Irrigation Plan. All Lot Owners may install an underground sprinkler system with water supplied from their private domestic well to irrigate an area not in excess of the statutory maximum, which is, as of the date of this Declaration, one-half (1/2) acre. However, no cross-connection between any irrigation system and domestic water supply system may be made at any time. Nor may any cross-connection be made between any private well and the pressurized irrigation system. If the Lot is irrigated from the domestic well, an approved backflow preventer shall be installed to prevent contamination of the domestic water supply. The backflow device, if above ground in the yard, as well as any frost-free faucets higher than three (3) inches above ground level in the yard, shall be installed next to the dwelling or other outbuildings in an inconspicuous place, not visible from the front yard of each property.

Each Owner shall be responsible to maintain all irrigation service ditches or lines and similar equipment located on said Owner's Lot. Should any damage occur to any portion of the said Owner's irrigation system, or to the main distribution ditches or lines on the Lot where such damage is the result of actions by the Lot Owners or their invitees, shall be the

DECLARATION OF RESTRICTIVE COVENANTS
OF SOUTHSORE SUBDIVISION, Page 6

a recreational vehicle, it may be retained on site, but must immediately cease being used as a dwelling.

AA. Water Supply: Declarant provides public domestic water supply. Lot Owners shall be responsible for hook up to the public water supply. Lot owners shall be subject to the terms and provisions of the SouthShore Water Co. LLC, provided in a separate document.

ARTICLE IV

Property Use Restrictions

A. Animals: Not more than two (2) each, dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, incidental sales of such animals excepted. Livestock shall be limited to any combination of one (1) large animal per acre or fraction exceeding three quarters (0.75) thereof, and may include any combination of horses or cows. Not more than two (2) llamas or sheep per acre may be kept, and not more than one per acre (1) in combination horses or cows. For example, on a one and three-quarter (1.75) acre lot, two (2) horses may be kept or one (1) llama or sheep and one (1) horse may be kept. No other animals, including but not limited to swine, goats, or birds of any species, may be kept without the prior written permission of all Lot Owners in the Subdivision.

Any animals outside a dwelling unit or fenced area must be on leashes or otherwise under physical control of either the Lot Owner or someone authorized by the Lot Owner. All animals shall be fed and cared for. Fenced areas shall be constructed of materials adequate to keep the animal(s) from annoying or trespassing on the use of the property of others. All areas in which animals are kept, including barns, corrals and kennels, shall be maintained in a nuisance free manner. Dog runs must be not more than six (6) feet high, not located in the front yard, not closer than twenty (20) feet to the side or back property lines and shall be screened from view.

B. Businesses: No business shall be conducted on any Lot unless completely within the dwelling unit or as approved by the Architectural Committee and only as permitted by applicable state or local law, rule or ordinance. No signs shall be installed to advertise the business. No oil exploration or development of any nature or kind, including mining exploration, development or structure shall be permitted on any Lot or Common Area. Except that during construction the Declarant or its agents may conduct sales and construction business outside of a dwelling unit as provided above and hereinafter.

C. Farming Operations on Neighboring Properties: Any purchaser of any Lot shall be aware that the Subdivision is located in an agricultural area. There are many lawfully conducted operations in the vicinity or within the Subdivision that result in inconveniences including, but not limited to dust, odor, insects, noise during nighttime hours, airplane and helicopter overflights. No Lot Owner may challenge these lawfully conducted operations, but shall accept them as part of living in an agricultural area.

J. Storage and Use of Recreational Items, Vehicles and Equipment: No working or commercial vehicles larger than one (1) ton and no junk, non-licensed or non-working vehicles shall be parked on any Lot unless wholly contained within the garage or approved outbuilding. Recreational vehicles and equipment owned or leased and enjoyed by the Lot Owner for personal use or enjoyment may be kept or stored on any Lot within a garage or approved outbuilding or outside of a garage or outbuilding, but behind the front plane of the residence in an enclosure such as a fence. Provided however, that vehicles or equipment shall not be parked on the street or between the front plane of the Dwelling Unit and the street except for approved guest stays, for a period exceeding twenty-four (24) hours. Woodpiles, compost piles and Area for handling, drying or airing clothing shall be screened from view. No basketball backboards or similar devices may be attached to any dwelling so as to be visible from the street. No such devices shall be left in the front yard for a period to exceed forty-eight (48) hours. No vehicle may be parked in the street for a period exceeding twenty-four (24) hours).

ARTICLE V

Private Road System and Common Areas

A. Private Road System Description: The Private Road System (System) as shown on the approved plat consists of one privately owned, paved road named Southshore Lane.

B. Improvement, Maintenance and Operation of the Private Road System: The Association shall be responsible for the improvement, maintenance and operation of the Private Road System, including the subsurface area of the barrow swales along either side of the paved section of the roads. The Owners of Lots adjacent to the individual roads shall be responsible for the maintenance of the surface of the barrow swales from the edge of their respective Lots to the pavement and shall maintain the swales in a clean and weed free manner. They may plant grass, but no other plants, in the barrow swale except for the area in which Declarant has placed surface rock over the rock drainage trenches. Grass, but no other plants may be planted on the drain swale dams. The Lot Owners shall spray weed killer as frequently as necessary to prevent weeds or other plants from growing in the rock trench areas. Neither the rock trenches or dams may be altered from the configuration constructed by Declarant without the prior written approval of the Architectural Committee and only in strict conformance with the design approved by the Architectural committee.

C. Common Areas: The Common Areas shall consist of the Pond Lot. The Pond Lot shall be subject to an easement for the irrigation pond that is illustrated on the preliminary and final plats for the Project as well as the irrigation lines and other facilities associated with the Irrigation System. No Lot Owner or their families, agents, representatives, invitees, representatives, assignees or transferees shall do any thing that will interfere with the Irrigation System. Any damage or interference shall be immediately remedied at the sole cost of the Lot Owner. Other than the area that is utilized by the Irrigation System on the Pond Lot, the remainder of the Lot shall be improved, maintained and operated as a common area for the use and benefit of the Subdivision Lot Owners. The assessments paid to the Association, other than the Irrigation System Assessments, may be used as deemed

Fax

Hydro Logic Inc

Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431

Office (208) 342-8369
Cell (208) 631-6781
Fax (208) 342-3100

To: Lori Graves From: Ed Squires
Company: IDWR-WRC Date: 12-27-05
Fax: 334-2348 Number of Pages Including Cover: 3
Phone: 334-2190 CC:
Subject: Hendershot Permit Application
☒ Urgent ☐ For Review ☒ Please Comment ☒ Please Call ☐ For Your Files

● Comments:

Lori,
Here is the amended permit
application. Please review and let me
know that I have made the appropriate
changes before I have Ed Hendershot
sign it. Ed is working on the
covenants language as we speak and
should have that completed tomorrow.
Thank you.

Ed

Form 202
2/96

Ident. No. _____

STATE 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 Hendershot Construction, Inc. Phone 794-3140
Mailing address P.O. Box 923, Eagle, Idaho 83616
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point of diversion is Township 2N Range 3W Section 2 in the _____
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 6 B.M., Canyon County;
additional points of diversion if any: SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T2N, R3W (a second well on the same well lot)
4. Water will be used for the following purposes:
 Amount 0.33 cfs for 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) 0.33 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 Groundwater well tapping confined aquifer.
Deep well turbine pump discharging to a pressurized integrated distribution system throughout subdivision.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 10-to-12 inches inches; proposed depth of well is 150-to-450 feet feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm To be bid, drilling firm not yet under contract;
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 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. 15 homes at build-out of subdivision
 - e. Other; describe fully. Subdivision common areas, residential yard space, and landscaping will be irrigated with
 surface water. Domestic irrigation use is supplemental only for use when surface water is curtailed or unavailable

continued on reverse

Continued from reverse

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.

[illegible]

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purpose as described above. Applicant owns 23.54 acres within the Wilder Irrigation District whose contracted water will be used for irrigation of subdivision lots & common areas.
11. a. Who owns the property at the point of diversion? Hendershot Construction, Inc.
b. Who owns the land to be irrigated or place of use? Hendershot Construction, Inc.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant owns the land at this time but subdivision lots will be sold as land is developed.
12. Remarks: Domestic water rights are sought for in-house use and individual home supplemental irrigation use for a maximum of 7½ acres on 15 lots. In the Southshore II Subdivision, Lot Irrigation from groundwater would only occur if and when surface water was not available during irrigation season. Please see attached subdivision covenant language concerning maximum irrigable acreage from ground water for each individual lot.
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 ½ "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 the Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Hydro Logic, Inc

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

November 10, 2005

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

*11/17/05 - Ed will
be submitting
amended appl
w/ covenant
language attached*

Dear Lori:

I write in response to your October 11th, 2005 letter concerning an Application for Permit in the name of Hendershot Construction, Inc. Of issue with the application is the requested increased diversion rate to facilitate the use of a proposed surface water irrigation system to be compatible with the ground water well's pumping plant so that the residential lots could be irrigated with the same system during times when the surface water is not available.

We appreciate your analysis and we understand the difficulty with the future practical administration of a water system designed for irrigation of 1.23 acres (or more) per lot while the ground water right is restricted to irrigation of no more than ½ acre per lot.

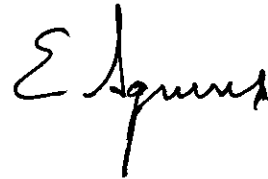
We propose that the increased diversion rate be dropped from the application and the surface water irrigation system not be interconnected to the ground water distribution system. In this way, any necessary irrigation during the irrigation season when surface water is not available, can be accomplished by individual residents using hoses and sprinklers. By lowering the diversion rate, there is no longer a need for an administration plan to be developed.

Please let me know if this is an acceptable solution. If so, I will have my client come by the Department at your earliest convenience to initial the change on the application.

Thank you.

Ed Squires
Hydro Logic, Inc.
342-8369

c: Ed Hendershot





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2005

Hydro Logic, Inc.
Attn: Ed Squires
1002 W. Franklin St.
Boise, ID 83707

Re: Hendershot Construction, Inc. (HCI) Application For Permit

Our office received the application for permit you filed on behalf of your client, HCI, on May 13, 2005. The application proposes domestic use from two wells for Southshore II Subdivision. Processing of the application must be delayed until the following issues are clarified.

As you know, subdivision applications for domestic use from ground water are exempt from the processing delay as long as domestic use is limited to 1 home and ½ acre irrigation (lawn area) per subdivision lot. This exemption does not include irrigation of common areas.

Your explanation letter attached to the application indicates that the subdivision consists of 15 lots. After built out, you estimated 1.23 acres per lot would remain irrigated with surface water from Wilder Irrigation District through a pressurized irrigation system. This same system is proposed for supplemental irrigation of ½ acre per lot from ground water during times when surface water is not available. Because the pressurized irrigation system was designed for surface water irrigation which exceeds ½ acre per lot, additional ground water flow rate for irrigation was requested on the application to match the design flow rate of the surface water system. The application requests 3" per acre for supplemental irrigation rather than the standard duty of water of 1" per acre.

Before considering triple duty of ground water for supplemental irrigation of 7.5 acres (1/2 acre/15 lots) as proposed, the department must be assured that expansion will not occur and that the use of ground water can be practically administered. Please explain the following:

1. How can ground water be physically limited to irrigation of ½ acre per lot using a system designed for irrigation of 1.23 acres or more per lot?
2. How can such a system be practically administered?

10/11/2005

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Please submit the requested information to allow final evaluation of your application to be completed. Your written response including the requested information must be received within thirty (30) days of the date of this letter. The application will be voided without a timely reply. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves". The signature is fluid and cursive, with the first name "Lori" and last name "Graves" clearly distinguishable.

Lori Graves
Sr. Water Resource Agent

Fax

Hydro Logic Inc.

Hydro Logic, Inc.
1002 West Franklin St.
Boise, ID 83702-5431

Office (208) 342-8369
Cell (208) 631-6781
Fax (208) 342-3100

To: Lori Graves From: Ed Squires
Company: DWR-WRO Date: _____
Fax: 334-2348 Number of Pages Including Cover: 3
Phone: 334-2190 CC: _____
Subject: Hendershot Construction Application for Permit

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Call ☒ For Your Files

● Comments:

Lori,

Here are the changes you
requested. I will expect and promptly
reply to your planned letter response.

Thank you for taking the time to discuss
this application this morning and for
finding my math error.

Ed

3) Other Uses Under 42-111 (1) (b).

- a. Lot No. 16 (see attached plat) is a designated well lot. As such it is considered common area and ineligible for the appropriation of irrigation water rights under the domestic limitations of 42-111. (1) (a).
- b. The Applicant foresees the need for additional small amounts of water for commercial uses (not irrigation) within this lot and the subdivision. Examples include, wash down, clean up, dust abatement, replenishment of a subdivision water fountain, etc. It is our understanding that the Department would approve an application to drill an additional well associated with such a use under 42-111 (1) (b.). We are aware that IDWR has previously approved one or two permit applications for business parks whereby each tenant of the business park was allocated water under Part b. of the domestic definition.
- c. It is our conviction that allowing 0.04 cfs of ground water diversion under this applied for water right, to be withdrawn from the proposed points of diversion, constitutes better resource management and avoids unnecessary drilling of additional wells to supply these purposes.

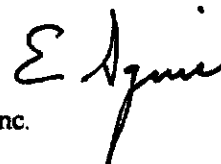
In summary the requested instantaneous diversion rate of 0.67 cfs is the summation of:

- 1) 0.18 cfs for in-house domestic use by 15 homes.
- 2) $7\frac{1}{2}$ acres of supplemental domestic irrigation at 0.02 cfs/acre times three (0.45 cfs) to allow for the irrigation to occur in a shortened (urban) time frame and to match the groundwater source to the output of the pressurized surface water irrigation system.
- 3) 0.04 of commercial/other uses under Part b. of the domestic water right definition.

I hope this explanation is adequate to describe why this application looks somewhat different from a more standard water right application for domestic use. The underlying logic appears, to us, logical and it seems conceivable to us that conditions of approval can be formulated to accommodate the requested uses under existing Department policies. Please call me at 342-8369 with any questions you may have concerning this application or if you require additional information for processing.

Respectfully,

Ed Squires
Hydro Logic, Inc.



c: Ed Hendershot

Form 202
2/86

Ident. No. _____

STATE 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 Hendershot Construction, Inc. Phone 794-3140
Mailing address P.O. Box 923, Eagle, Idaho 83616
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point of diversion is Township 2N Range 3W Section 2 in the SE 1/4, SW 1/4, Govt. Lot. 6 B.M., Canyon County;
additional points of diversion if any: SE 1/4, SW 1/4, Section 2, T2N, R3W (a second well on the same well lot)
4. Water will be used for the following purposes:
Amount 0.49 cfs for 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) 0.67 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 Groundwater well tapping confined aquifer.
Deep well turbine pump discharging to a pressurized integrated distribution system throughout subdivision.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 10-to-12 inches inches; proposed depth of well is 150-to-450 feet feet.
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? N/A; Drilling firm To be bld, drilling firm not yet under contract;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 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. 15 homes at build-out of subdivision
e. Other; describe fully. Subdivision common areas, residential yard space, and landscaping will be irrigated with
surface water. Domestic irrigation use is supplemental only for use when surface water is curtailed or unavailable

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

March 29, 2006

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPID 83652

RE: Application for Permit No. 63-32259, 63-32262, 63-32265 and 63-32268

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 04/24/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-32259

HENDERSHOT CONSTRUCTION INC
PO BOX 923
EAGLE ID 83616

Point(s) of Diversion L6 (SESW) S2 T02N R03W CANYON County Source GROUND WATER

Point(s) of Diversion L6 (SESW) S2 T02N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 05/13/2005

Place Of Use: DOMESTIC

T02N R03W S2 SESW Lot 6 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 15 homes and yards in Southshore II Subdivision. Domestic use will also include wash down, clean up, dust abatement, replenishment of subdivision water fountain, etc. in small quantities.
Water bearing zone to be appropriated is from 150 to 450 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 04/24/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press-Tribune on April 6 and 13, 2006.