

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32139

Priority: March 17, 2005

Maximum Diversion Volume: 304.0 AF

This is to certify, that T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709

has applied for a permit to appropriate water from:

Source: GROUND WATER**Tributary:** BOISE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	304.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L8 (SE¼NE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L8 (NE¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L8 (NE¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L8 (NE¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L7 (NW¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L7 (NW¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L7 (NW¼SE¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	SW¼SE¼	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	SW¼SE¼	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	SW¼SE¼	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L6 (NE¼SW¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L6 (NE¼SW¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L6 (NE¼SW¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	SE¼SW¼	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	SE¼SE¼	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County
GROUND WATER	L6 (SE¼NW¼)	Sec. 17, Twp 04N,	Rge 01E, B.M.	ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 17			X	X				X	X			X	X	X	X	X	
			L7	L8				L6	L6				L8	L7			

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32139

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2007**.
2. Subject to all prior water rights.
3. Water bearing zone to be appropriated is from 3 to 30 feet.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. Aesthetic storage use is for sixteen excavated ponds.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. The right holder shall mitigate for the evaporation losses from the ponds established under this right by delivering 112.1 af of water to the ponds from the Boise River each irrigation season pursuant to Right 63-00194 and Transfer 72104.
8. If the specified mitigation right, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the right holder shall provide substitute mitigation acceptable to the Department.
9. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of July, 2006.


For KARL J DREHER, Director

Ident. No. 63-32139

RECEIVED

FEB 23 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Applicant T R Company LLC

Phone 375-6666

Mailing address 250 S. Beechwood Ave, Suite 120, Boise, Idaho 83709

2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4 North Range 1 East Sec. 17, in the SE $\frac{1}{4}$,
NE-1 $\frac{1}{4}$, _____ $\frac{1}{4}$, Govt. Lot _____, B.M., Ada County;
additional points of diversion if any: NESE-3, NWSE-3, SWSE-3, SESE-1, SENW-1, NESW-3, SESW-1

4. Water will be used for the following purposes:

Amount <u>304 AF</u> for <u>Aesthetics/storage</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 304
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 Excavated ponds totaling 38.1
acres of previously irrigated land.

b. Height of storage dam none feet; active reservoir capacity 304 acre-feet; total
reservoir capacity 304 acre-feet

c. Proposed well diameter is NA inches; proposed depth of well is NA feet

d. Is ground water with a temperature of greater than 85°F being sought? NA

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

Well was drilled for (well owner) NA; Drilling Permit No. NA

7. Time required for completion of works and application of water to proposed beneficial use is 1 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. none

b. Stockwatering; list number and kind of livestock. none

c. Municipal; show name of municipality. none

d. Domestic; show number of households. none

e. Other; describe fully. Aesthetics/storage

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	
4N	1E	17			JW	JW				JW	JW			JW	JW	JW	JW	JW	38

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? TR Company LLC aka BW Inc.

b. Who owns the land to be irrigated or place of use? TR Company LLC aka BW Inc.

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

12. Remarks: Property owners are TR Company LLC aka BW Inc.

Water bearing zone is estimated between 3 and 30 feet beneath the surface.

Consumptive use mitigated through transfer of Thomas Aikens canal decreed right 63-194.

The storage capacity for the 16 ponds is estimated at 304 AF with an average depth of 8 feet over total surface of 38 acres.

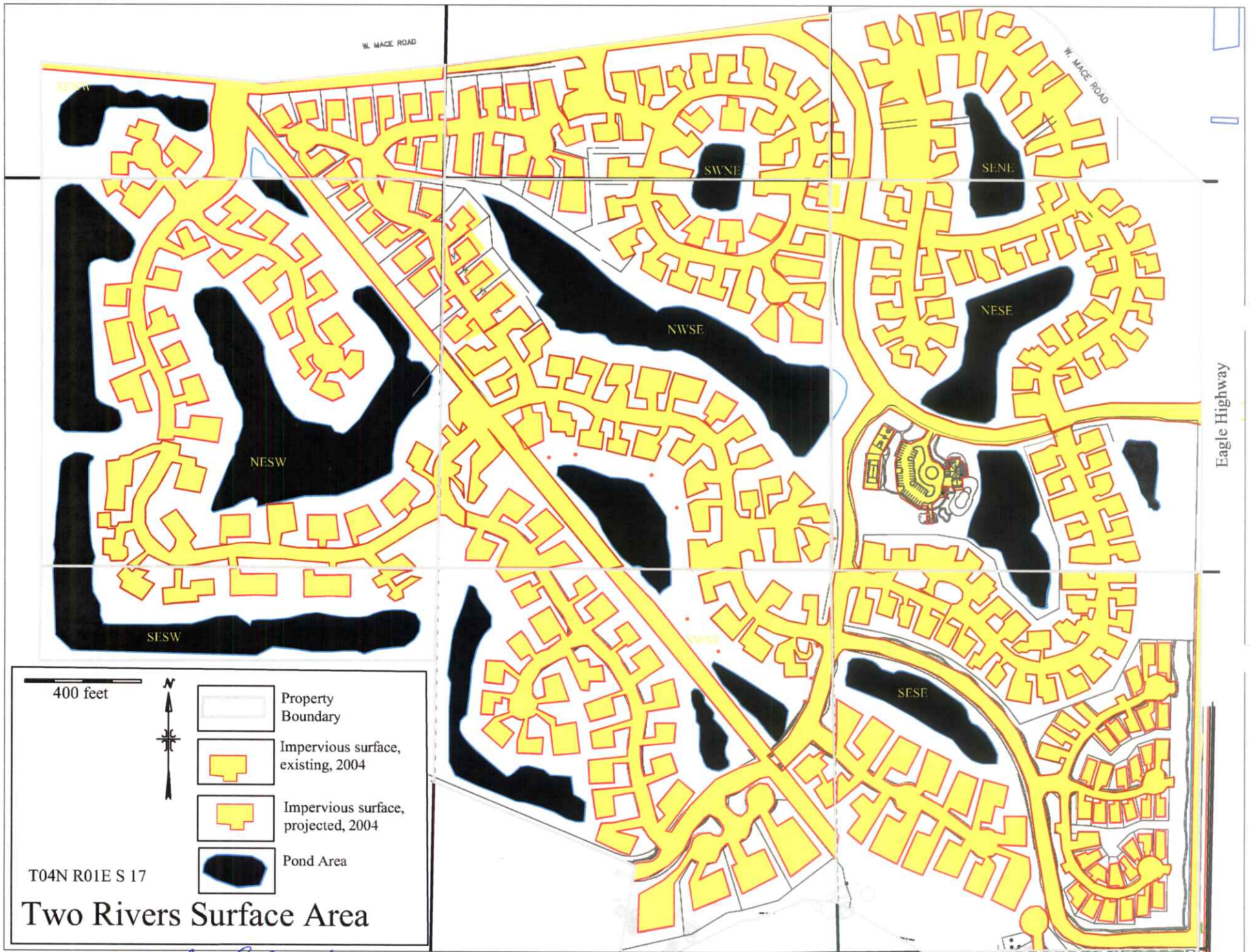
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

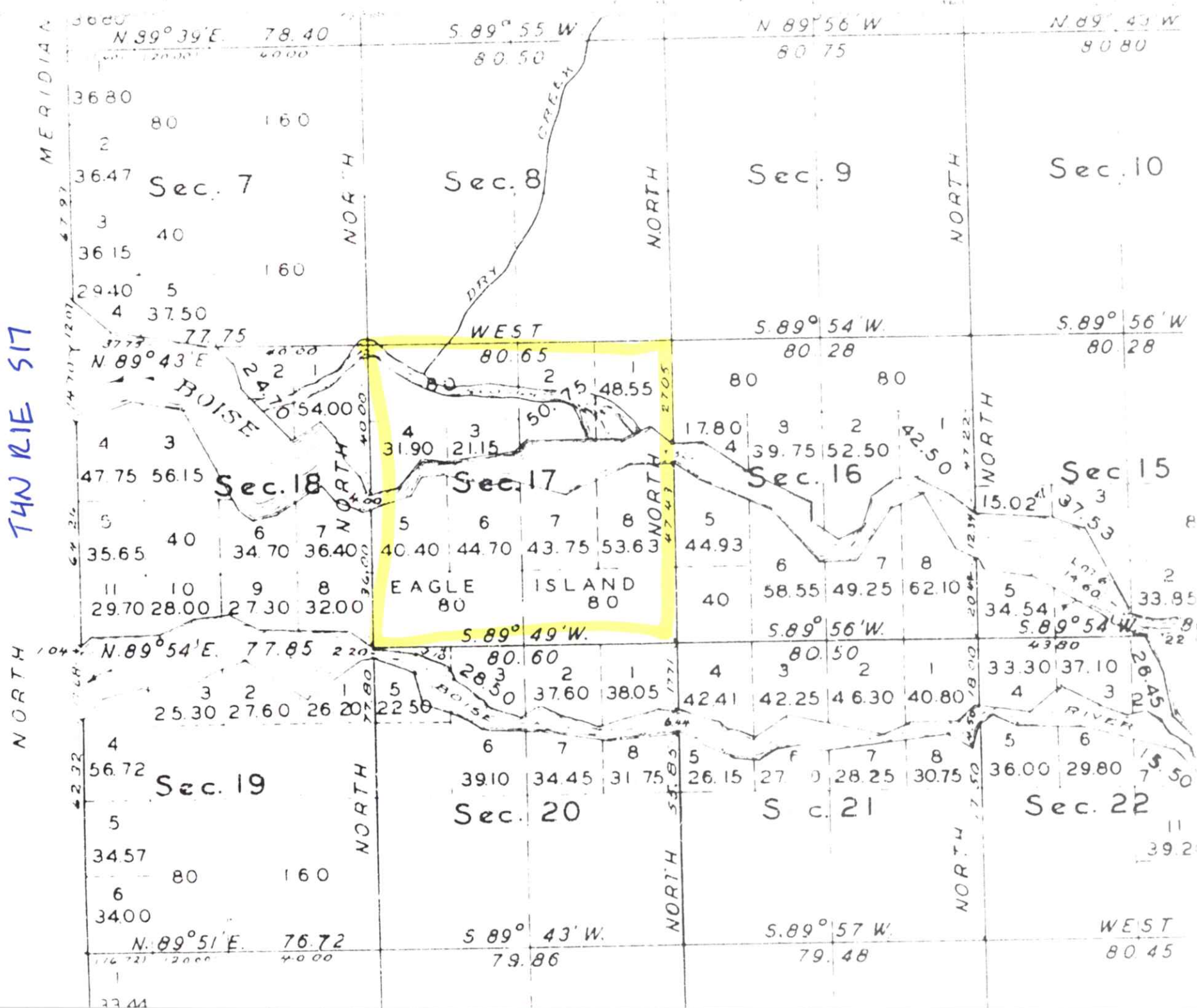
Dennis M. Baker
Signature of Applicant (and title, if applicable)

Dennis M. Baker, President

Received by DB Date 5/11/05 Time _____ Preliminary check by 6
Fee \$ 310 Received by DB # W032439 Date 12/2/04
Publication prepared by sk Date 1-19-26-06 Published in _____
Publication approved sk Date 2-7-06 **THE IDAHO STATESMAN**



see attached Gov lot map



RECEIVED

DEC 02 2004

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant BW Inc.

Mailing Address 250 S. Beechwood, Suite 120
Boise, Idaho 83709

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.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

Please return this form to:

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

RECEIVED

FORM 202
12/99

DEC 02 2004

Ident. No. _____

STATE OF IDAHO
WATER RESOURCES
WESTERN REGION DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

ORIGINAL

To appropriate the public waters of the State of Idaho

1. Name of Applicant T R Company LLC Phone 375-6666
Mailing address 250 S. Beechwood Ave, Suite 120, Boise, Idaho 83709
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4 North Range 1 East Sec. 17 in the SE $\frac{1}{4}$,
NE-1 $\frac{1}{4}$, _____ Govt. Lot _____, B.M., Ada County;
additional points of diversion if any: NESE-3. NWSE-3. SWSE-3. SESE-1. SENW-1. NESW-3. SESW-1
4. Water will be used for the following purposes:
Amount 308 AF for Mitigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 308
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 Excavated ponds totaling 38.5
acres of previously irrigated land.
 - b. Height of storage dam none feet; active reservoir capacity 308 acre-feet; total
reservoir capacity 308 acre-feet
 - c. Proposed well diameter is NA inches; proposed depth of well is NA feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NA
 - e. If well is already drilled, when? NA; Drilling firm NA;
Well was drilled for (well owner) NA; Drilling Permit No. NA
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. none
 - b. Stockwatering; list number and kind of livestock. none
 - c. Municipal; show name of municipality. none
 - d. Domestic; show number of households. none
 - e. Other; describe fully. Mitigation

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	
4N	1E	17			J	J				J	J			J	J	J	J	J	38.5

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? TR Company LLC aka BW Inc.

b. Who owns the land to be irrigated or place of use? TR Company LLC aka BW Inc.

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

12. Remarks: Property owners are TR Company LLC aka BW Inc.

Water bearing zone is estimated between 3 and 30 feet beneath the surface.

Consumptive use mitigated through transfer of Thomas Aikens canal decreed right 63-194.

The storage capacity for the 16 ponds is estimated at 308 AF with an average depth of 8 feet over total surface of 38.5 acres.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Dennis M. Baker, President

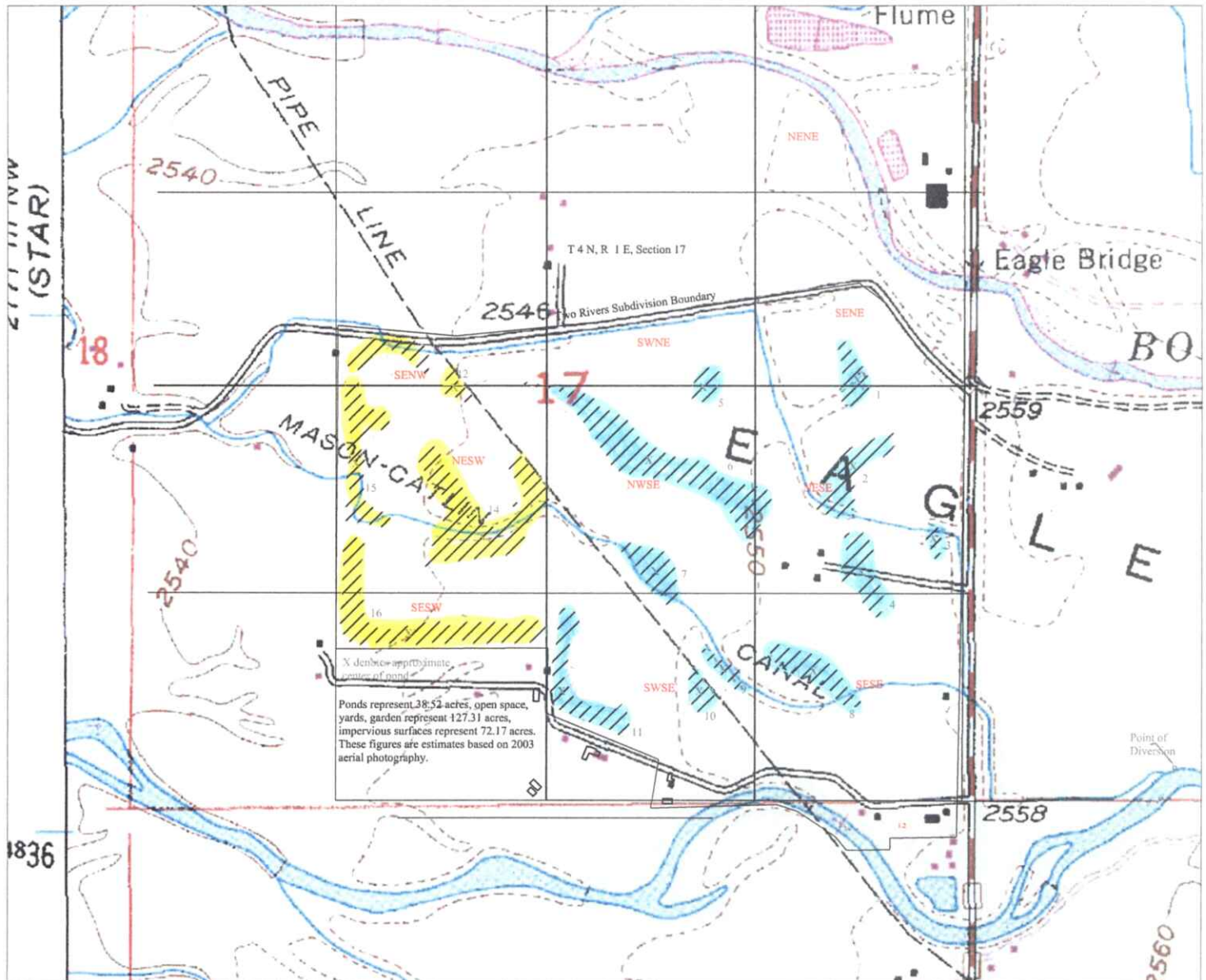
Received by DB Date 12-2-04 Time 12:30pm Preliminary check by _____
Fee \$ 370- Received by DB # W032439 Date 12-2-04
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Pond area = 38.52 acres

Yard, garden, common areas = 127.31 acres

Impervious areas = 72.17 acres

Volume at average depth of 8 feet = 308 acre-feet



B.W. Inc.
TR Company, LLC
250 S. Beechwood
Boise, Idaho 83709
(208) 375-6666

Two Rivers Subdivision
Pond Layout

**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

July 10, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709

RE: Permit No. 63-32139

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:ka

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 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. 63-32139

**T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709**


**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.

MEMORANDUM

Date: June 23, 2006
To: Water Right File 63-32139
From: eretelle
Re: permit review

No moratorium, but in basin 63 where mitigation is required.

PoU overlap with the mitigation right (65-00194)
No protest

Transfer 72104 mitigates for evaporative losses by drying up 38 acres of irrigation. The dried up acres have a 1:1 relationship with the surface area of the ponds. Since excavated ponds are difficult to measure and impossible to partially curtail, the right holder will be required to come up with alternative mitigation if anything happens to the current mitigation right.

Recommend approval as suggested by IDWR Western.

The Idaho Statesman

RECEIVED

JAN 27 2006

WATER RESOURCES
WESTERN REGION

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

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	1415842	APPLICATION	\$138.00
Attention:	P.O. #	Run Dates	
SUE KREGER		JANUARY 19, 26, 2006	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705		Number of Lines	
		2 X 38	
		Affidavit	Legal #
		1	24474

LEGAL NOTICE

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

63-32139
TR CO LLC
250 S BEECHWOOD AVE
STE 120
BOISE ID 83709

Point(s) of Diversion: S17, T04N R01E ADA COUNTY, L8 (SENE), L8 (NESE), L8 (NESE), L8 (NESE), L7 (NWSE), L7 (NWSE), L7 (NWSE), SWSE, SWSE, SWSE, L6 (NESW), L6 (NESW), L6 (NESW), SESE, SESE, L6 (SENE), GROUNDWATER, ALL TRIBUTARY TO THE BOISE RIVER
01/01 To 12/31 304 AFA 304 AFA

Use: AESTHETIC STORAGE

Total Diversion:

Date Filed: 03/17/2005

Place Of Use: AESTHETIC STORAGE
T04N R01E S17 SWNE Lot 7 SENE Lot 8 SENW Lot 6 NESW
Lot 6 SESE NESE Lot 8 NWSE Lot 7 SWSE
SESE

Remark: Mitigation is proposed for consumptive use as noted in accompanying Application No. 72104.

Water bearing zone to be appropriated is from 3 to 30 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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/06/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Jan. 19,26, 2006

24474

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

TWO

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

beginning issue of: JANUARY 19, 2006

ending issue of: JANUARY 26, 2006

Janice Hildreth

STATE OF IDAHO)
) ss

COUNTY OF ADA)

On this 26 day of JANUARY in the year of 2006
before me, a Notary Public, personally appeared before me
Janice Hildreth known or identified to me to be the person
whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 6/20/06



State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 63-32139Applicant's Name: T.R. Company LLC

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:

Standard Watermaster Conditions, if connected
to the Boise River the only water in the river
after I/I belongs to the BOR & I Fish & Game
may need to consult with those Agencies

c) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments: _____

Dated this 1 day of Feb, 2006Water District Number: 63 Watermaster's Signature: Lee Sisco
Lee Sisco

Kreger (Taylor), Sue

To: Wd63@iglide.net
Subject: comment letters

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

January 13, 2006

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

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

Dear Watermaster:

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

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

Sincerely,



63-32139.pdf



72104.pdf



Copy of
ommendation of Wa

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

January 12, 2006

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-32139
Applications for Transfer Nos. 72087 and 72104

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find three legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/06/2006. 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:

63-32139

T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709

Point(s) of Diversion: S17, T04N R01E ADA COUNTY, L8 (SENE), L8 (NESE), L8 (NESE), L8 (NESE), L7 (NWSE), L7 (NWSE), L7 (NWSE), SWSE, SWSE, SWSE, L6 (NESW), L6 (NESW), L6 (NESW), SESW, SESE, L6 (SENW), GROUNDWATER, ALL TRIBUTARY TO THE BOISE RIVER

Use: AESTHETIC STORAGE	01/01 To 12/31	304 AFA
Total Diversion:		304 AFA

Date Filed: 03/17/2005

Place Of Use: AESTHETIC STORAGE

T04N R01E S17 SWNE Lot 7 SENE Lot 8 SENW Lot 6 NESW Lot 6 SESW NESE Lot 8 NWSE Lot 7 SWSE SESE

Remark: Mitigation is proposed for consumptive use as noted in accompanying Application No. 72104 .
Water bearing zone to be appropriated is from 3 to 30 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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/06/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on January 19 and 26, 2005.