

**STARTING
LEFT
SIDE OF
FILE**

Form No. 217
05/03FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. C077340
Receipt By: PTM
Date Received: 4-7-05STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 07 2005

DEPARTMENT OF
WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. Water Right No. 65-22647 Telephone No. 208-463-1925
2. Name of Permit Holder(s): DH Development, LLC
3. Mailing Address: 16299 Franklin Rd.
City Nampa State ID Zip 83687
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 07 yr. 03
Well Driller: Treasure Valley Drilling Drilling Permit Number: 8041504
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 7.7 acres Other: _____

6. Total rate of diversion and/or volume for which proof is submitted:
- 0.15
- cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
-
- (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?Yes X or No _____
Yes X or No _____

8. Fee Enclosed: \$
- 50.00
- (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: John G. Carpenter, P.E. Telephone Number: 208-442-6300Address: 1049th Ave. So., Suite C Nampa, ID 83651

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: David R. J. Allen
(include your title, if on behalf of company or organization)Date: 04-06-05

Form No. 217
05/03FOR OFFICE USE ONLY
Amt. of Fee \$: 50
Receipt No. 207340
Receipt By: DMC
Date Received: 4-1-05STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
APR 11 2005
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed the development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

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Well Driller: Treasure Valley Drilling Drilling Permit Number: 8041504
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 7.7 acres Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.15 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes X or No _____
Yes X or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____ Date: _____
(include your title, if on behalf of company or organization)

11/99

For Office Use Only

Receipt # 65-22647
Date 6-7-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

RECEIVED

JUN 7 6 2003

I, W & S Investment, hereby assign to DN Development LLC
of, 16299 Franklin Rd Nampa, Id 83687 (Full Address) (Phone) (208) 465-1925
Department of Water Resources

All my right, title, and interest in and to Permit No. 65-22647 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

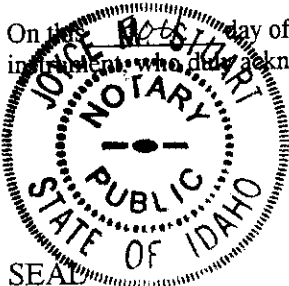
The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this _____ day of _____, 20____.

[Signature]
Permit Holder(s)

State of Idaho)
County of Ada)ss

On this 10th day of May, 20 03, personally appeared before me the signer(s) of the above
instrument, who acknowledged to me that he (she) (they) executed the same.



Joyce M. Stuart
Notary Public residing at
Meridian

My commission expires: 7/13/04

MICROFILMED

SEP 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22647

Priority: 10/22/2001

Maximum Diversion Rate: 0.15 CFS

This is to certify, that W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709

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>
IRRIGATION	03/01 to 11/15	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp 09N, Rge 05W, B.M. PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	26												7.7					7.7

Total Acres: 7.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 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.

MICROFILMED

SEP 23 2002

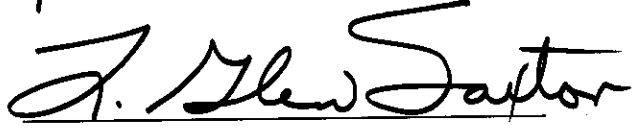
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22647

CONDITIONS OF APPROVAL

8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
9. 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 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.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Place of use is located within Lots 1-11, Blk. 1; Lots 1-4, Blk. 2; Lots 1-4, Blk. 3; and Lots 1-13, Blk. 4; Pilots Landing 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 5th day of April, 2002


for KARL J DREHER, Director

MICROFILMED

SEP 23 2002

State of Idaho
Department of Water Resources

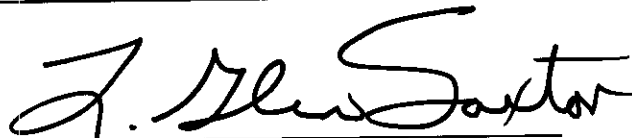
Permit to Appropriate Water

NO. 65-22647

CONDITIONS OF APPROVAL

9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Place of use is located within Lots 1-11, Blk. 1; Lots 1-4, Blk. 2; Lots 1-4, Blk. 3; and Lots 1-13, Blk. 4; Pilots Landing 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 29th day of March, 2002


for KARL J DREHER, Director

MICROFILMED

SEP 23 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22647

Priority: 10/22/2001

Maximum Diversion Rate: 0.15 CFS

This is to certify, that W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709

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>
IRRIGATION	03/01 to 11/15	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp 09N, Rge 05W, B.M. PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	26												7.7					7.7

Total Acres: 7.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
8. 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 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.

MICROFILMED

SEP 23 2002

SUPERSEDED

RECEIVED

JAN 25 2002

Ident. No. 65-22647FORM 202
12/99

RECEIVED

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OCT 22 2001

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

362-9421 - fax

578-9251 - hmn

761-5366 - cell

1. Name of Applicant W & S INVESTMENTS, INC. Phone (208) 869-2211
Mailing address 4225 RIVA RIDGE DRIVE BOISE ID 83709
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township 9N Range 5W Sec. 26, in the SW $\frac{1}{4}$,
8W $\frac{1}{4}$, _____ $\frac{1}{4}$, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>0.154 cfs</u> for <u>IRRIGATION</u> | purposes from <u>JAN 1</u> to <u>DEC 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) 0.154 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 Well with
submersible pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8 inches; proposed depth of well is 7 75 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 _____;
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 3 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. _____
- e. Other; describe fully. _____

MICROFILMED

SEP 23 2002

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	5W	26											7.68						

Total number of acres to be irrigated 7.68
acres

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

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

b. Who owns the land to be irrigated or place of use? Edward P. Stanton - 22 Sugar Ave

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Ontario Oregon 97914

12. Remarks: APPLICANT IS DEVELOPING GROUND FOR A SUBDIVISION ALREADY APPROVED BY PAYETTE CITY AND COUNTY. ANTICIPATED WELL DRILLER WILL BE S.O.S.

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.

Ed Stanton
Signature of Applicant (and title, if applicable)

Received by AK Date 10/22/01 Time 12:30 Preliminary check by LG
Fee \$ 1000 Receipted by AK # W028441 Date 10/22/01
Publication prepared by AK Date 12-19-01 Published in INDEPENDENT ENTERPRISE
Publication approved AK Date 1-22-02

MICROFILMED

SEP 23 2002

PILOTS' LANDING SUBDIVISION

A PORTION OF THE SW1/4 OF THE SW1/4 OF SECTION 26,
TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN,
CITY OF PAYETTE, PAYETTE COUNTY, IDAHO
2000

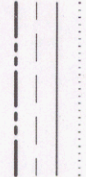
NOTES:

1. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE IN EFFECT AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT FOR EACH LOT.
2. ANY RESUBDIVISION OF THIS PLAT SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
3. ALL LOTS ARE DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES DRAINAGE IRRIGATION AND PAYETTE CITY STREET LIGHT EASEMENT OVER THE TEN (10) FEET ADJACENT TO ALL PUBLIC STREETS. SAID EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT.
4. A TEN (10) FOOT WIDE PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENT IS LOCATED AT THE REAR OF EACH LOT AND ADJACENT TO ANY PUBLIC STREET. A SIX (6) FOOT WIDE PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENT IS LOCATED ALONG ALL SIDE LOT LINES.
5. SUB DIVIDER WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 31-3805 OF THE IDAHO CODE.
6. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF PAYETTE.
7. NO ADDITIONAL WATER SUPPLIES SHALL BE INSTALLED BEYOND THE SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
8. SANITARY RESTRICTIONS ARE REMOVED ACCORDING TO THE LETTERS FROM THE DIVISION OF ENVIRONMENTAL QUALITY AND SOUTHWEST DISTRICT HEALTH DEPARTMENT, WHICH ARE ON FILE WITH THE CITY.
9. LOT 11, BLOCK 1 IS A COMMON LOT FOR THE PURPOSE OF STORM DRAINAGE RETENTION AND IS TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

(No Gov. Lts)



LEGEND



P.O.B.

UNPLATTED

POINT OF BEGINNING
SET 5/8" REBAR W/CAP MARKED LS 6901

SET 5/8"x30" REBAR
W/ CAP MARKED LS 6901

SET 1/2"x24" REBAR
W/CAP MARKED LS 6901

CALCULATED POINT

FOUND BRASS CAP

FOUND 1/2" REBAR MARKED LS 2478

FOUND 5/8" REBAR AS INDICATED

LOT NUMBER

CURVE TABLE	NUMBER	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	31.20	20.00	89'23.42"	19.79	28.13	N45°07'51"W	
C2	31.63	20.00	90°36'18"	20.21	28.43	N44°52'09"E	
C3	31.42	20.00	90°00'00"	20.00	28.28	N45°26'00"W	
C4	31.42	20.00	90°00'00"	20.00	28.28	S44°34'00"W	
C5	15.50	20.00	44'24.55"	8.16	15.12	N67°21'32"E	
C6	15.50	20.00	44'24.55"	8.16	15.12	S68°13'32"E	
C7	234.60	50.00	268'49'50"	51.03	71.43	N00°26'00"W	
C8	29.54	50.00	33°51'03"	15.22	29.11	S62°04'37"W	
C9	45.88	50.00	52°34'47"	24.70	44.29	S74°42'28"E	
C10	41.91	50.00	46°01'31"	22.27	40.68	S24°24'19"E	
C11	40.56	50.00	46°28'47"	21.47	39.46	S22°50'49"W	
C12	47.16	50.00	54°02'39"	25.50	45.43	S73°06'32"W	
C13	29.54	50.00	33°51'03"	15.22	29.11	N62°58'37"E	
C14	27.62	170.00	09°18'33"	13.84	27.59	N05°05'16"W	
C15	32.49	200.00	09°18'33"	16.28	32.46	N05°05'16"W	
C16	37.37	230.00	09°18'33"	18.73	37.33	N05°05'16"W	
C17	16.27	230.00	04°03'13"	8.14	16.27	S02°27'37"W	
C18	21.10	230.00	05°15'19"	10.56	21.09	S07°06'53"E	
C19	34.64	20.00	99°13'47"	23.51	30.47	N39°52'21"E	
C20	28.19	20.00	80°46'13"	17.01	25.92	S30°07'39"E	
C21	31.42	20.00	90°00'00"	20.00	28.28	S44°29'14"W	
C22	31.42	20.00	90°00'00"	20.00	28.28	N45°30'46"W	
C23	32.22	200.00	09°13'47"	16.14	32.18	N05°07'39"E	
C24	19.23	15.00	73°27'51"	11.19	17.94	N33°46'50"W	
C25	139.15	50.00	159°27'01"	275.82	98.40	N83°13'35"E	
C26	53.85	50.00	61°42'36"	29.87	51.29	S47°54'13"E	
C27	85.29	50.00	97°44'25"	57.26	75.32	S32°22'17"W	

PINNACLE
Engineers, Inc.

870 N. Under Suite B, Meridian, Idaho 83642
(208) 887-7760

VISTAIR SUBDIVISION

N89°29'14"E 1324.92'

CP&F NO. 239112

27 26
34 35

November 30, 2001

Corporation Officers

W and S Investments, Inc.

For the year 2001 and 2002

Director: Walter R. Wanner

President: Lisa A. Wanner

Secretary: Brian M. Wanner

MICROFILMED
SEP 23 2002

**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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2006

DH DEVELOPMENT LLC
16299 FRANKLIN RD
NAMPA ID 83687

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No. 65-22647

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Christine Roberts". The signature is written in a cursive, flowing style.

Christine Roberts
Technical Records Specialist

Encl.

January 31, 2005

D H DEVELOPMENT LLC
16299 FRANKLIN RD
NAMPA, ID 83687

PROOF DUE NOTICE

RE: PERMIT NO. 65-22647

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

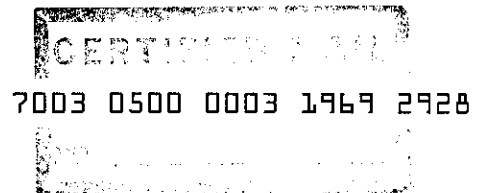
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 9, 2003

D H DEVELOPMENT LLC
16299 FRANKLIN RD
NAMPA ID 83687

RE: Change of Ownership for Water Right Permit 65-22647

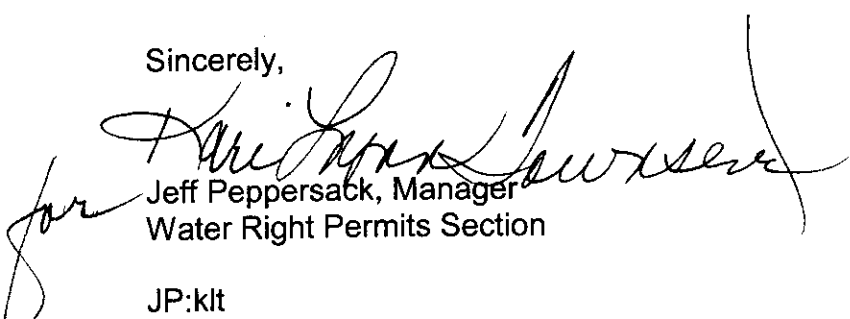
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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SEP 09 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 5, 2002

W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709

Re: Permit No. 65-22647

Dear Permit Holders:

The Department of Water Resources (IDWR) has issued the enclosed corrected Permit to Appropriate Water No. 65-22647. The corrected permit is issued pursuant to Rule 730.02.c of IDWR's Rules of Procedure (IDAPA 37.01.01), which authorizes IDWR to review a preliminary order on its own motion. The permit has been corrected to include the condition of approval regarding future mitigation that may be required for salmon migration purposes; this condition is based upon the Request to Process that you signed agreeing to mitigation in the future if necessary.

The corrected permit is an **amended preliminary order** issued by the Department pursuant to §67-5243, *Idaho Code*. It supersedes the permit issued on March 29, 2002. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have any questions, please contact me at (208)327-7946.

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

Enclosure

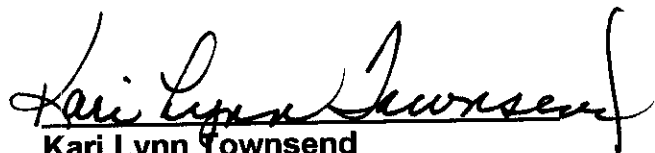
MICROFILMED
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on **April 5, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED PRELIMINARY ORDER** to the person(s) listed below:

RE: Water Right Permit 65-22647

**W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709**


**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 23 2002

**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.

Keen, Shelley

From: Lester, Steve
Sent: Wednesday, April 03, 2002 10:14 AM
To: Keen, Shelley
Subject: FYI about recent approval 65-22647

Shelley:

Just saw approved copy of this permit for yard irrigation. Did not include future mitigation for some reason that is not clear in reviewing the permit document. This note is to let you know about that in case it was overlooked. I don't need a reply, just wanted to alert you.

Steve

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SEP 23 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 1, 2002

W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709

RE: Permit No. 65-22647

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.

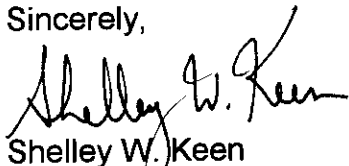
MICROFILMED

SEP 23 2002

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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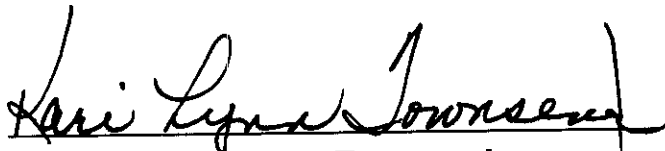
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2002 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. 65-22647

W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 23 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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REQUEST FOR HEARING

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

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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:

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- iii. The party seeking review of the order resides, or
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Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

APPLICATION FOR WATER RIGHTS

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

65--22647

W & S INVESTMENTS, INC.
4225 RIVA RIDGE DR.
BOISE, ID 83709

Application

Dept. of W.

J. Viola

duly sworn, deposes and
That *She* is the *pr*

THE INDEPENDENT-ENTERPRISE

at Payette, in the County of
Payette, has been and is being
published, and in the view of
a copy of which is a copy of
the regular and entire issue
time of publication, and not a
supplement; regularly published
for weeks prior to the date of
first publication of said advertisement.

Point(s) of Diversion SWSW S26 T09N R05W PAYETTE County Source GROUND WATER

Use: IRRIGATION 03/01 TO 11/15 0.15 CFS
Total Diversion: 0.15 CFS

Date Filed: 10/22/2001

Place Of Use: IRRIGATION

T09N R05W S25 SWSW

Number of Acres 7.68

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

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 Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 01/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

No. 949

Dec. 19, 26

Such notice was published in the issue beginning with
Dec. 19, 2001, and ending with the issue
of *Dec. 26, 2001*.

STATE OF IDAHO
COUNTY OF

On this *27th* day of *Dec.* in the year *2001*, before me,
a Notary Public, personally appeared *Viola Hawkins*,
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 he executed the same.

Maureen J. Thierhart
Notary Public for Idaho

Residing at *Boise*

My commission expires: *12-1-04*

RECEIVED

DEC 31 2001

WATER RESOURCES
WESTERN REGION

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *26 lines x 4 Col.*

Number of Insertions *(2) two*

26 Lines @ *2.38*... \$ *61.88*

26 Lines @ *2.04*... \$ *53.04*

TOTAL COST
WILL BE \$ *114.92*

MICROFILMED

SEP 2 2002

No. 949

Affidavit o. Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Application for Water Rights
TITLE OF PUBLICATION

65-22647

SPONSOR OF PLAINTIFF

Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being

duly sworn, deposes and says:

That 3 he is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with Dec. 19, 2001, and ending with the issue of Dec. 26, 2001.

STATE OF IDAHO
COUNTY OF

On this 27th day of Dec. in the year 2001, before me, a Notary Public, personally appeared Viola Hawkins, 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 he executed the same.

Maureen J. Thinhart
Notary Public for Idaho

Residing at Shroutland

My commission expires: 12-1-04

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 26 lines x 4 Col.

Number of Insertions (2) two

26 Lines @ 2.38... \$ 61.88

26 Lines @ 2.04... \$ 53.04

TOTAL COST
WILL BE \$ 114.92

MICROFILMED

SEP 23 2002

NO. IS SOMEHOW ASSOCIATED WITH THE SAID RE-
al property.
Said sale will be made without covenant
or warranty regarding title, possession or en-
cumberances to satisfy the obligation secured
by and pursuant to the power of sale confer-
red in the Deed of Trust executed by Antho-
ny J. Burt and Laura D. Burt, husband and
wife, as the Grantor(s), with Cendant Mort-
gage Corporation f/k/a First Mortgage Serv-
ices Corporation as the beneficiary on a

Lori,

RECEIVED

DEC 05 2001

WATER RESOURCES
WESTERN REGION

Attached is the plat for
River Landing in Payette, ID
for W & S Investments, Inc. Also,
there are shares for the water.

My partner met with the
irrigation people in Payette who
verified the water rights and
current status. If you have
questions, please call me at
761-5366.

Thank you,

Lisa Warner

MICROFILMED

SEP 23 2002

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

65-22647

W & S INVESTMENTS INC
4225 RIVA RIDGE DR
BOISE ID 83709

Point(s) of Diversion SWSW S26 T09N R05W PAYETTE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

 Total Diversion: 0.15 CFS

Date Filed: 10/22/2001

Place Of Use: IRRIGATION

T09N R05W S26 SWSW

Number of Acres 7.68

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

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 01/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Independent Enterprise on December 19 and 26, 2001.

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SEP 23 2002

REQUEST TO PROCESS

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

Name of Applicant

W + S INVESTMENTS INC

Mailing Address

4225 RIVA RIDGE DR

BOISE ID 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

W. S. Wanner

Date

1/30/01

Please return this form to:

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

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SEP 23 2002