

**STARTING
LEFT
SIDE OF
FILE**

FEB - 7 2005

DEPARTMENT OF
WATER RESOURCESState of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22914

Priority: September 07, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that S HUGH ATCHLEY And SYLVIA ATCHLEY
2900 LEISURE DR
BOISE ID 83704

have 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	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 3, Twp 18N, Rge 03E, B.M., VALLEY 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	
18N 03E 3	X	X															
	L1	L1															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.
5. Point of diversion and place of use are located within Lot 29, Blk. 1, Pilgrim Cove 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 27th day of January, 2005.

Gay Spackman
for KARE J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	3	X	X															
			L1	L1															

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for KARL J DREHER, Director

SCANNED

FEB 07 2005

RECEIVED

FORM 202
12/99

SEP 07 2004

WATER RESOURCES
WESTERN REGIONRECEIVED
JAN 26 2005
DEPARTMENT OF
WATER RESOURCES

Ident. No.

65-22914

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant S. Hugh & Sylvia Archley Phone 376-2022
Mailing address 2900 Leisure Dr. Boise, ID 83704
- Source of water supply domestic well ground water which is a tributary of _____
- Location of point of diversion is Township 18N Range 3E Sec. 3 in the Old Bennecks 1/4, NE 1/4, NE 1/4, Govt. Lot 1, B.M., Valley County; additional points of diversion if any: _____
- Water will be used for the following purposes:
 Amount 0.04 CFS for domestic well 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)
- Total quantity to be appropriated is (a) 0.04 CFS and/or (b) _____
 cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source source is single well well to home on our property -
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - Proposed well diameter is 6" inches; proposed depth of well is 222 feet
 - Is ground water with a temperature of greater than 85°F being sought? NO
 - If well is already drilled, when? 9-23-04 Drilling firm Jim's drilling
 Well was drilled for (well owner) S. Hugh Archley; Drilling Permit No. 00038039
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. 1 house, 1 yard
 - Other; describe fully. _____

SHA

agree to the following
application changes.12-13-04 Date.

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	
18N	3E	3	D	D															
			LT1	LT1															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Statz Land Board
Pilgrim Cove Water System

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

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

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

12. Remarks: application is for water right at above
location for a domestic well - one property

Note: do not know how to tie in the 1/4, 1/4, 1/4 in #9
so description of land enclosed

Lot 29 Block 1 Pilgrim ~~Subdivision~~ Cove ~~and~~ Subdivision

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Stacy A. Atchley
Signature of Applicant (and title, if applicable)

Stacy B. Atchley

Received by DB

Date 9-7-04

Time 1:00PM

Preliminary check by DAN

Fee \$ 100-

Received by DB

W032203

Date 9-7-04

Publication prepared by AK

Date 1-6-13-09

Published in

STAR NEWS

Publication approved AK

Date 1-25-05

STAR NEWS

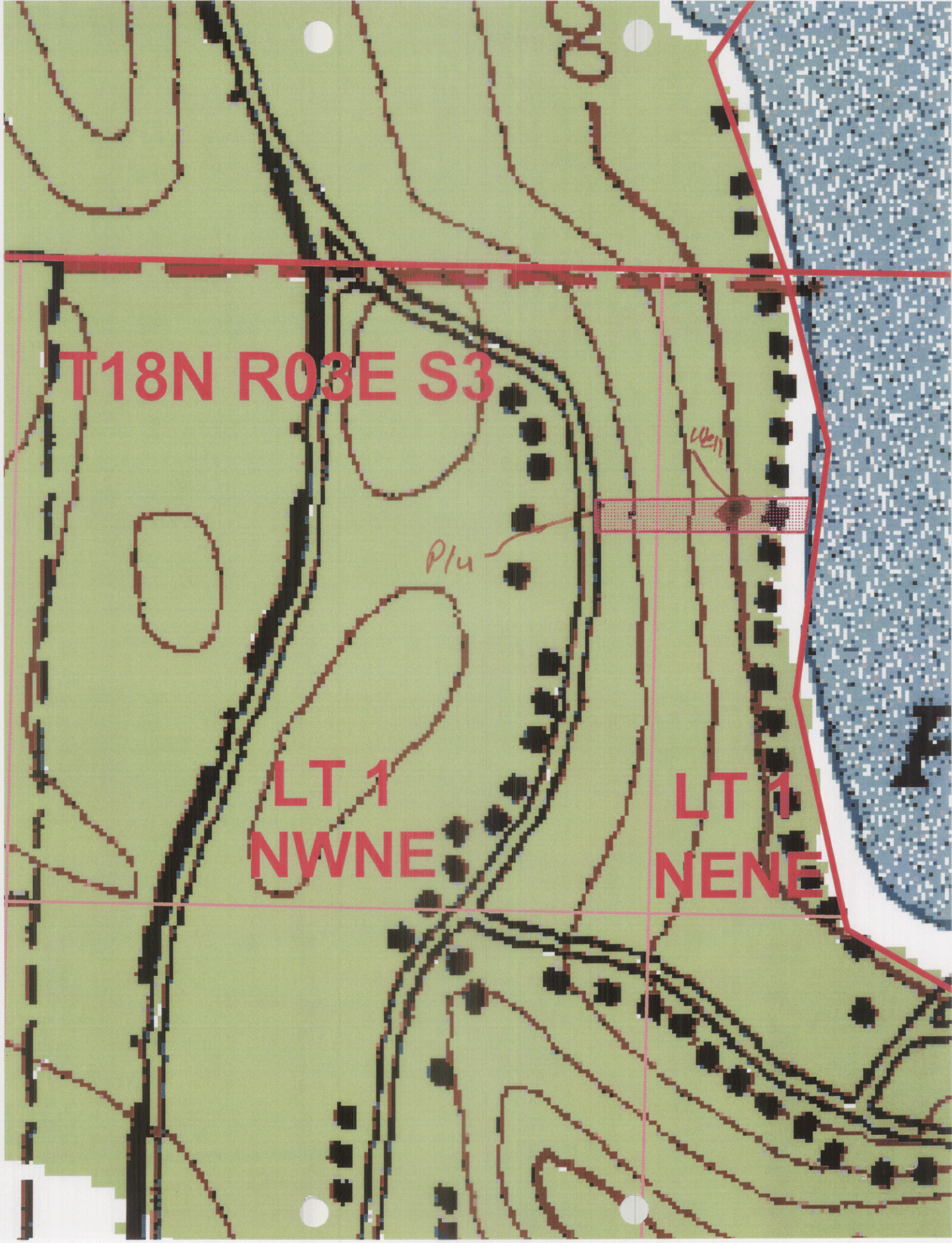
T18N R03E S3

LT 1
NWNE

LT 1
NENE

P14

Well



**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

January 27, 2005

S HUGH ATCHLEY
SYLVIA ATCHLEY
2900 LEISURE DR
BOISE ID 83704

RE: Permit No. 65-22914

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.

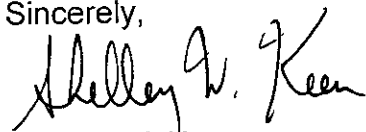
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

SCANNED
FEB 07 2005

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:klt

Enclosure(s)

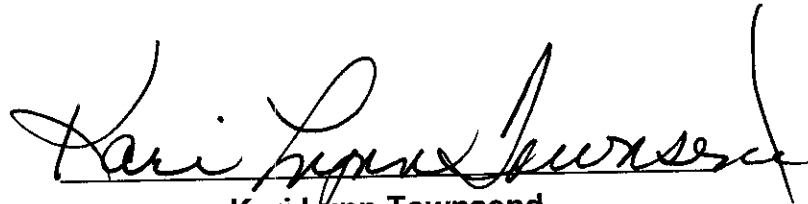
CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2005 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.

65-22914

**S HUGH ATCHLEY
SYLVIA ATCHLEY
2900 LEISURE DR
BOISE ID 83704**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
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.

Comment Report

65-22914

1. dnelson 12/13/2004 Comment/Analysis

Comment: This application is for a single domestic household with a yard. The current water system serving this property under Pilgrim Cove Association, C/O Idaho Department of Lands, is no longer capable of supplying water to all its users. Therefore, the several of the homeowners have been instructed to file their own application. Many homeowners in this general are doing the same as this applicant. There are several other water rights in this area, but none seem significant.

2. kwalker 1/27/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval for domestic use including yard.

Water Application Report 65-22914

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S HUGH ATCHLEY 2900 LEISURE DR BOISE, ID 83704 (208)376-2022

Current Owner SYLVIA ATCHLEY
2900 LEISURE DR
BOISE, ID 83704
(208)376-2022

Basis:

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	Total Diversion:	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER L1 (NE1/4NE1/4) Sec. 3, Twp 18N, Rge 03E, B.M.
VALLEY County

Place of Use

DOMESTIC

[illegible]

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22914

Comments:

1. dnelson 12/13/2004 Comment/Analysis

Comment: This application is for a single domestic household with a yard. The current water system serving this property under Pilgrim Cove Association, C/O Idaho Department of Lands, is no longer capable of supplying water to all its users. Therefore, the several of the homeowners have been instructed to file their own application. Many homeowners in this general are doing the same as this applicant. There are several other water rights in this area, but none seem significant.

Dates and Other Information:

Application Received Date: 9/7/2004

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Property is known as Lot 29, Block 1, Pilgrim Cove Subdivision. Application is for water right at above location for a domestic well for one property.

Other Water Rights: Pilgrim Cove Association C/O State Of Idaho Dept. of Lands water rights overlap place of use.

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Publisher's Affidavit of Publication

RECEIVED
JAN 14 2005
WATER RESOURCE
WESTERN REGION

STATE OF IDAHO }
 }.SS

County of Valley

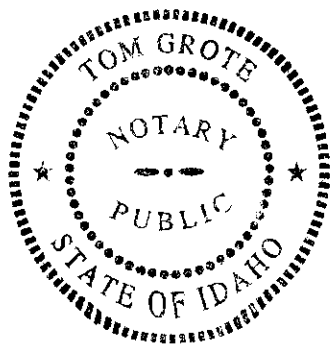
I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 06, 2005 and ended January 13, 2005.

Carol J. Wright

Subscribed and sworn before me this the 13th day of January, 2005.
STATE OF IDAHO

COUNTY OF VALLEY }
 }

On this 13th day of January, in the year of 2005, before me, a Notary Public, personally appeared Carol J. Wright, 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.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06

THE FOLLOWING APPLICATION(S)
HAVE BEEN FILED TO APPROPRIATE
THE PUBLIC WATERS OF THE STATE
OF IDAHO: *WGR*

65-22914
S HUGH ATCHLEY, 2900 LEISURE
DR, BOISE ID 83704
SYLVIA ATCHLEY, 2900 LEISURE DR,
BOISE ID 83704
Point(s) of Diversion L1 (NENE)
S3 T18N R03E VALLEY
County Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.04
CFS

Total Diversion: 0.04 CFS
Date Filed: 09/07/2004
Place Of Use: DOMESTIC T18N
R03E S3 NENE Lot 1 NWNE Lot 1

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 01/24/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director 2tc1/13

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

December 22, 2004

Legal Notice Department

STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Application for Permit No. 65-22914

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 01/24/2005. 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:

65-22914

S HUGH ATCHLEY
2900 LEISURE DR
BOISE ID 83704
SYLVIA ATCHLEY
2900 LEISURE DR
BOISE ID 83704

Point(s) of Diversion L1 (NENE) S3 T18N R03E VALLEY County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/07/2004

Place Of Use: DOMESTIC

T18N R03E S3 NENE Lot 1 NWNE Lot 1

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KARL J DREHER, Director

Published in the Star News on January 6 and 13, 2005.



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

December 7, 2004

S HUGH AND SYLVIA ATCHLEY
2900 LEISURE DR
BOISE ID 83704

**RE: APPLICATION FOR PERMIT TO DIVERT GROUND WATER
FOR DOMESTIC USE**

Dear Mr. and Ms. Atchley:

Our office received your application for permit on 9/11/2004. Processing of this application must be delayed until additional information is received. I called you on 11/24/2004 in an attempt to set an appointment to discuss the application, but I didn't receive a return call by the above date. Please make the following corrections and clarifications and return the application to my office:

- 1.) You mentioned that your well and property are located in Government Lot 1. Government lot 1 includes the NENE and NWNE of Section 3, Township 18N, Range 3E. A review of the legal description your supplied and various plat maps suggest that your lot is located in the both the NENE and NWNE in Government Lot 1, Section 3. I have supplied several maps for your use to determine the actual location of your property. Please mark on the maps provided the location of the well; confirm the location of your lot. If my maps are correct, you will need to place a "D" in both the NENE and the NWNE in the table located in Section 9 of the application.
- 2.) In Section 4 of the application, you marked per annum for the season of use. The correct designation for this place of use would be from 1/1 to 12/30.
- 3.) In Section 6a, the description should describe the system being used. For example - "well pump - piped to home and yard sprinklers."
- 4.) Section 6c thru 6e has not been completed. I have included a copy of your well log that can answer these questions. I can't fill in this space for you, so you will need to attain the information from the well log.
- 5.) In Section 7, you need to insert a time that it will take to complete the project. Judging from the well log, I assume that the well is currently in operation. The minimum time that we can allow is 1 year. If the project is complete, please put in 1 in the space indicated.
- 6.) In Section 8d, you must enter the number of homes this well will serve and if yard irrigation will be included. From the rate of diversion requested, I am assuming you are asking for a domestic use for 1 home and 1 yard.

Idaho Department of Water Resources Receipt

Receipt ID W032203

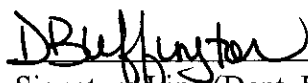
Payment Amount	\$100.00	Date Received	9/7/2004 2:53:54 PM	Region	Western	Status	
Payment Type	Check	Check Number	8006				

Payer ATCHLEY JR. M.D., S. HUGH

Comment APPLICATION FOR PERMIT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

- 7.) In Section 10, you must enter any other water rights for this property. If you used water from a homeowner's association or city water prior to the drilling of the well, please inform us of the organization that delivered water to your property.
- 8.) Sections 11a thru 11c were not completed. Please inform us of who is the current owner of the property. If you are not the current owner of the property, you will need to inform us of the arrangement you have with the owner that allows you to file for this water right in your name.
- 9.) Two people were listed on the application with a "and" name connector. This means that both parties need to sign the application.

Please make all the above corrections and clarification and initial any changes that were made. Then return the application to the above address C/O Dan Nelson.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address. If you need assistance, please call me to set up a time that we can meet to go over your application.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent