

**STARTING  
LEFT  
SIDE OF  
FILE**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**PROOF OF BENEFICIAL USE**

RECEIVED

OCT 25 2004

DEPARTMENT OF  
WATER RESOURCES

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. 63-31562 Telephone No. 371-6635
  2. Name of Permit Holder(s): Tim Hepper
  3. Mailing Address: 43 E. FAIRVIEW Ave  
City Meridian State Id. Zip 83642
  4. Source of Water: Well If **GROUNDWATER** (well), Date Drilled: mo. 2 yr. 93  
Well Driller: Phipps Drilling Drilling Permit Number: 63-93W-0086-000
  5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): 8 Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): 1/2 Acre Other: \_\_\_\_\_
  6. Total rate of diversion and/or volume for which proof is submitted: 0.08 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? Yes \_\_\_\_\_ or No X  
Has the measuring device been installed? Yes \_\_\_\_\_ or No X
  8. Fee Enclosed: \$ 50<sup>00</sup> (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: Tim Hepper Telephone Number: 371-6635  
Address: 43 E. FAIRVIEW, Meridian, Id. 83642
  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: Tim Hepper Date: 10-20-04  
(include your title, if on behalf of company of organization)

RECEIVED

DEC 16 2003

For Office Use Only  
\$50 Fee Received by J. Merri  
Date 12-16-03  
Receipt No. 2041997

STATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES  
**REQUEST FOR EXTENSION OF TIME**  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

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DEC - 8 2003

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 163-31562  
Name(s) of Permit Holder: Tim Hepper  
Address: 43 E. FAIRVIEW AVE. City MERIDIAN State Id. Zip 83642  
Telephone No. 888-6635 Date Proof is Due: JAN-1-04

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

WELL HAS BEEN DRILLED, PUMP SET AND POWER LINE AND  
WATER LINE HAVE BEEN INSTALLED AND EXTENDED TO  
PROPERTY LINE WHERE DISTRIBUTION BOX FOR SPRINKLER  
SYSTEM WILL BE CONNECTED.  
Costing \$ 5500<sup>00</sup>

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

NEW TOWNHOMES ARE CURRENTLY UNDER CONSTRUCTION.  
LANDSCAPING AND SPRINKLER SYSTEM CANNOT BE  
COMPLETED UNTIL BUILDINGS ARE FINISHED. PROJECT IS IN 2  
PHASES. SECOND PHASE TO BE COMPLETED BY LATE SUMMER.

Permit holder(s) request an extension to August 30, 2004

Tim Hepper  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 2005.

Signed this 9th day of January, 2004

Gary Spackman  
GARY SPACKMAN  
MICROFILMED

JUL 15 2004

State of Idaho  
Department of Water Resources

AMENDED

# Permit to Appropriate Water

AMENDED

NO. 63-31562

Priority: November 13, 2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.08 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 2, Twp 03N, Rge 01E, B.M. ADA County

PLACE OF USE: DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 01E | 2   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2004**.
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. 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.
5. The irrigation occurring under this domestic use shall not exceed a total of 1/2 acre.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. Point of diversion is located within Lot 5, Blk. 1, Jasons Landing Subdivision.
8. Place of use is located within Lots 1-9, Blk. 1, Jasons Landing Subdivision.
9. The water-bearing zone appropriated for this right is 20 to 95 feet.
10. Domestic use is for 8 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29<sup>th</sup> day of January, 2003.

MICROFILMED  
MAR 20 2003

  
for KARL J DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                |   |                               |
|--------------------------------|---|-------------------------------|
| IN THE MATTER OF PERMIT TO     | ) | <b>PRELIMINARY ORDER</b>      |
| APPROPRIATE WATER NO. 63-31562 | ) | <b>GRANTING A PETITION</b>    |
| IN THE NAME OF TIM HEPPER      | ) | <b>FOR RECONSIDERATION</b>    |
| _____                          | ) | <b>AND MODIFYING A PERMIT</b> |

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On January 9, 2003, the Department issued Permit to Appropriate Water No. 63-31562 (permit) to Tim Hepper (permit holder) for the diversion and use of 0.08 cfs of ground water in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 2, Township 3 North, Range 1 East, B. M., for domestic purposes.

2. Approval condition no. 5 of the permit says:

The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

3. Approval condition no. 8 of the permit says:

Place of use is located within Lots 1-8, Blk. 1, Jason's Landing Subdivision.

4. The permit was issued as a preliminary order (order) of the Department pursuant to §67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

5. On January 13, 2003, the Department served the approved permit to the right holder by regular mail.

6. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

7. On January 24, 2003, the Department received a petition for reconsideration of the order (petition) from the permit holder. In the petition the permit holder asks IDWR to change approval condition no. 5 to allow for the irrigation of common area, provided that the "total area watered for all the lots would total less than 1/2 acre."
8. Lot 9, Block 1, of Jason's Landing Subdivision is identified as "Common Area" on the preliminary plat submitted to the Department by the permit holder in connection with his application for the permit.

#### CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition and authorize the change requested by the permit holder.

#### ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Permit to Appropriate Water No. 63-31562 is **GRANTED** pursuant to §67-5243, *Idaho Code*.

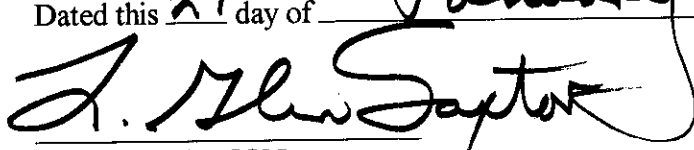
IT IS FURTHER HEREBY ORDERED that approval condition no. 5 on the permit is **MODIFIED** as follows:

**The irrigation occurring under this domestic use shall not exceed a total of 1/2 acre.**

IT IS FURTHER HEREBY ORDERED that approval condition no. 8 on the permit is **MODIFIED** as follows:

**Place of use is located within Lots 1-9, Blk. 1, Jason's Landing Subdivision.**

IT IS FURTHER HEREBY ORDERED that a revised permit approval document shall be **ISSUED** in connection with this order.

Dated this 29<sup>th</sup> day of January, 2003.  
  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-31562

Priority: November 13, 2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.08 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 2, Twp 03N, Rge 01E, B.M., ADA County

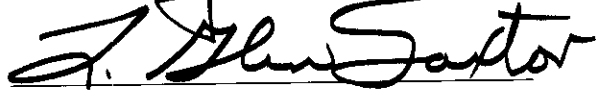
**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 01E | 2   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2004**.
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. 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.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. Point of diversion is located within Lot 5, Blk. 1, Jason's Landing Subdivision.
8. Place of use is located within Lots 1-8, Blk. 1, Jason's Landing Subdivision.
9. The water-bearing zone appropriated for this right is 20 to 95 feet.
10. Domestic use is for 8 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9<sup>th</sup> day of January, 2003.

  
for **KARL J DREHER, Director**  
MICROFILMED

MAR 20 2003

N. MITCHELL STREET

## FINAL PLAT

MAR 20 2003

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T3N R1E S2  
SWNE

No Govt

P/h

RECEIVED

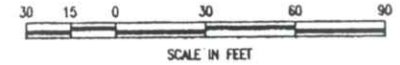
JUN 03 2002

Planning Dept.  
Subdivisions

PLAT OF  
JASON'S LANDING SUBDIVISION

A RESUBDIVISION OF A PORTION OF LOT 15, BLOCK 3  
HOME ACRES SUBDIVISION NO. 18  
LOCATED IN THE NE 1/4 OF SECTION 2, T.3N., R.1E., B.M.  
BOISE, ADA COUNTY, IDAHO

2002



## NOTES

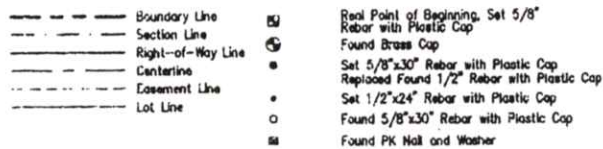
1. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, PROPERTY DRAINAGE, BOSE CITY SEWER AND BOSE CITY STREET LIGHTS OVER THE TEN (10) FEET ADJACENT TO A PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRAINWAYS AND WALKWAYS TO EACH LOT.
2. UNLESS OTHERWISE DESIGNATED, THERE SHALL BE A FIVE (5) FOOT PROPERTY DRAINAGE, IRRIGATION AND PUBLIC UTILITIES EASEMENT ADJACENT TO ALL LOT LINES, EXCEPT THE ZERO SETBACK LINES (SEE NOTE 3) WHICH DO NOT FRONT A PUBLIC STREET.
3. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE IN EFFECT AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT OR AS SPECIFICALLY APPROVED BY CUPO1-00183, ALL LOT, PARCEL AND TRACT SIZES SHALL MEET DIMENSIONAL STANDARDS AS ESTABLISHED BY THE ZONING ORDINANCE OR AS SPECIFICALLY APPROVED BY CUPO1-00183.
4. ZERO SETBACK LINES: LINE COMMON TO LOTS:  
LOT 1 & LOT 2, LOT 3 & LOT 4, LOT 6 & LOT 7 AND LOT 7 & LOT 8.
5. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
6. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3605.
7. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN COMPLIANCE WITH THE ZONING ORDINANCE OR AS SPECIFICALLY APPROVED BY CUPO1-00183.
8. THIS SUBDIVISION IS NOT SUBJECT TO THE SOLAR ORDINANCE AS DEFINED IN THE BOSE CITY CODE.
9. SEE THE PLAT OF HOME ACRES SUBDIVISION NO.18, BOOK 11, PAGE 633, ADA COUNTY RECORDER'S OFFICE, FOR ADDITIONAL DATA OF RECORD.
10. SEE THE RECORD OF SURVEY NO. 6173, ADA COUNTY RECORDER'S OFFICE, FOR ADDITIONAL DATA OF RECORD.
11. LOT 9, BLOCK 1, IS A COMMON AND NON-BUILDABLE LOT TO BE OWNED AND MAINTAINED BY THE JASON'S LANDING HOMEOWNERS ASSOCIATION. THIS OWNERSHIP BY LAND EASEMENT COVENANT MAY NOT BE DISSOLVED WITHOUT THE EXPRESS CONSENT OF THE CITY OF BOSE. THIS LOT IS COVERED BY A BLANKET EASEMENT FOR PUBLIC UTILITIES.
12. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT TO THE JASON'S LANDING HOMEOWNERS ASSOCIATION OVER TWENTY (20) FEET ADJACENT TO W. CORTY LANE FOR LANDSCAPING. MAINTENANCE OF THE LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE LOT OWNER OVER WHICH SAID EASEMENT RUNS.
13. RESTRICTED ACCESS TO W. CORTY LANE: ACCESS TO LOT 5, BLOCK 1 FIVE (5) FEET CORTY LANE IS PROHIBITED UNLESS SPECIFICALLY ALLOWED BY THE ADA COUNTY HIGHWAY DISTRICT AND BOSE CITY. ACCESS TO LOTS 6, 7 AND 8 FROM W. CORTY LANE IS RESTRICTED TO THE AREAS DESIGNATED ON THIS PLAT AND ANY CHANGES TO SUCH ACCESS MUST BE SPECIFICALLY APPROVED BY THE ADA COUNTY HIGHWAY DISTRICT AND BOSE CITY.



HEPPER HOMES, INC.  
Developer  
Boise, Idaho

**BRIGGS ENGINEERING, INC.**  
Consulting Engineers  
Boise, Idaho

SHEET 1 OF 2



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DEC 20 2001

PLANNING DEPT.  
CITY OF  
BOISE

SAGRAMORE  
SUBDIVISION

R-2D

R-1B

R-1C

ZONE BOUNDARY

KINGSGATE  
SUBDIVISION

HOME ACRES NO. 18

R-1B

N. LINDA VISTA LANE

N. KIMBALL ST.

N. DALTON LANE

KILLARNEY  
PLACE

IRIS GLEN  
SUBDIVISION

|   |             |
|---|-------------|
| 1 | 9           |
| 2 | BLOCK 3     |
| 3 |             |
| 4 | <b>SITE</b> |
| 5 | 6 7 8       |

R-2

R-2D

W. CORY LANE

SWANEE WAY  
CONDOMINIUMS

R-1C

R-2D

SUGAR PINE  
SUBDIVISION  
R-2D

R-1B

SUNFLOWER  
MEADOWS

R-2D

LUNA VISTA  
TOWNHOMES

R-2

HAMILTON  
PARK

SUNFLOWER PARK  
CONDOMINIUMS

R-1C

W. SUNFLOWER LANE

DAISY  
SUBDIVISION

PONDEROSA  
SUBDIVISION

BRIGGS ENGINEERING, INC.



(208) 344-9700  
1800 W. OVERLAND ROAD  
BOISE, IDAHO 83705

## JASON'S LANDING SUBDIVISION

PORTION OF THE NE 1/4 OF SECTION 2, T.3N., R.1E., B.M.,  
BOISE, ADA COUNTY, IDAHO

DESIGN

DRAFT  
BKB

SCALE  
1" = 300'

DATE  
12/08/01

REVISION

SHEET 1 OF 1

MICROSCALE

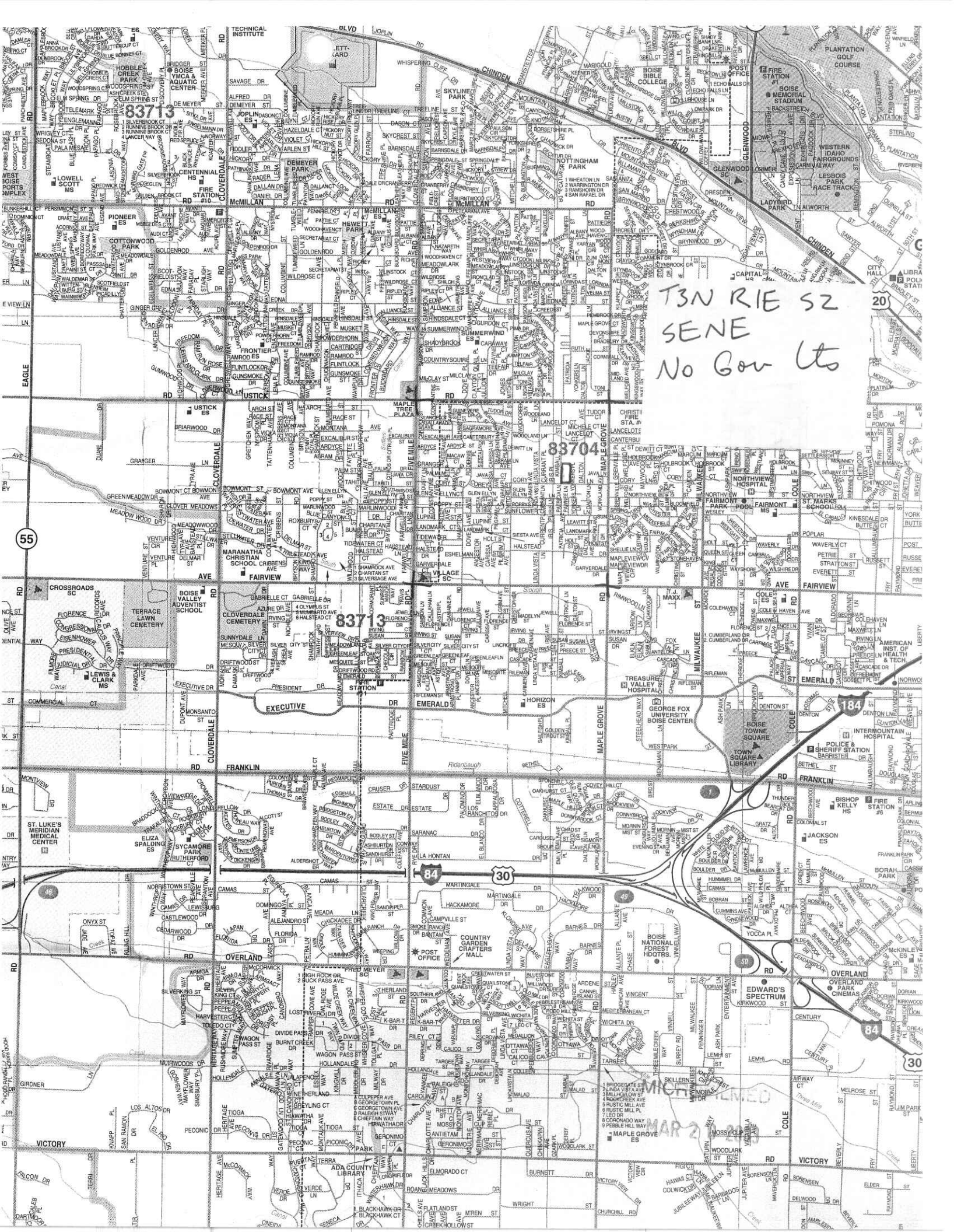
VICINITY MAP

MAR 20 2003

### Planning Dept. Subdivisions



MAR 20 2003



T3N R1E S2  
SENE  
No Gov Lts

83704

83713

MAR 2 1978

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JAN - 3 2003

Ident. No. 63-31562FORM 202  
12/99

RECEIVED

SEP 18 2002

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of Applicant Tim Hepper Phone 371-6635  
Mailing address 43 E. Fairview Ave. Meridian, ID 83642
2. Source of water supply ground water which is a tributary of Snake River
3. Location of point of diversion is Township 3N Range 1E Sec. 2 in the NE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Govt. Lot 15, B.M., Ada County;  
additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .08 cfs for domestic irrigation 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) .08 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 \_\_\_\_\_

b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is \_\_\_\_\_ feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 2/19/93 Drilling firm Phipps Drilling

Well was drilled for (well owner) Harland Clay; Drilling Permit No. 63-93-W-0086-000

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. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. \_\_\_\_\_

GAC agree to the following  
application changes.

11/13/02 Date.

MICROFILMED

MAR 20 2003

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 |        |
| 3N  | 1E  | 2   |    |    |    | .5<br>D |    |    |    |    |    |    |    |    |    |    |    |    | .50    |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |         |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated .50

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? Tim Hepper  
b. Who owns the land to be irrigated or place of use? Tim Hepper  
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: We intend to utilize the existing well to irrigate approximately 1/4 acre of land. There is not sufficient surface water available to sustain a viable irrigation system. See attached letter from Wallace Hitt, Ditch Rider, Eichelberger Lateral, Nampa & Meridian Irrigation District. Water bearing zone to be appropriated is from 20 to 95 ft.

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

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

Richard Cook for (Briggs Eng.)  
Signature of Applicant (and title, if applicable)

Received by KL Date 9/18/02 Time 11:16 Preliminary check by Ly  
Fee \$ 100.00 Received by KL # W029719 Date 9/18/02  
Publication prepared by KL Date 12-26-02 Published in THE IDAHO STATESMAN  
Publication approved KL Date 12-26-02

Domestic use is for 8 yards in Jackson Landing subdivision. Lots 1-8 will be served.

MICROFILMED  
MAR 20 2003

RECEIVED

SEP 18 2002

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

Tim Hepper

Mailing Address

43 E. Fairview Ave.Meridian, ID 83642Application 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

Richard Cook for

Date

9/17/02

Please return this form to:

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

MICROFILMED

MAR 20 2003

BRIGGS ENGINEERING, INC.  
1800 W. Overland Road  
Boise, Idaho 83705  
Attn. Richard Cook

May 30, 2002

Re: Availability of Irrigation Water from Eichelberger Lateral

Dear Mr. Cook:

This letter is in response to your request for information regarding the availability of water from the Eichelberger Lateral for the purpose of irrigating your project site.

The Eichelberger Lateral is an active lateral, however, at the location of headgate No. 1695 which controls the irrigation water to your site, it is only available for a few hours every 7-8 days. It should also be noted that the irrigation system splits before it reaches Maple Grove Road, which means that your site only receives 50% of the water in the system.

It is our opinion that the amount of water that would be available to your site is not sufficient to sustain a viable pressurized irrigation system. Construction of a pressurized irrigation system utilizing water from the Eichelberger Lateral would be counter productive as it would not maintain landscape areas in a healthy manner.

If you need further information, please contact me at 376-0710.

Sincerely,

  
Wallace Hitt,  
Ditch Rider  
Eichelberger Lateral  
Nampa & Meridian Irrigation District

MICROFILMED

MAR 20 2003

**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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 23, 2006

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

**PROOF ACKNOWLEDGMENT LETTER**

**Re: Permit No. 63-31562**

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](http://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 cursive script that reads "Christine Roberts".

Christine Roberts  
Technical Records Specialist

Encl.

October 31, 2004

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN, ID 83642

PROOF DUE NOTICE

RE: PERMIT NO. 63-31562

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 January 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.

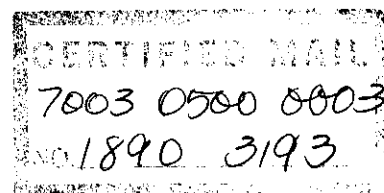
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 12, 2004

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

**RE: PERMIT NO. 63-31562**

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **January 1, 2005**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: [www.idwr.state.id.us](http://www.idwr.state.id.us)

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED  
JUN 15 2004



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

December 10, 2003

KARL J. DREHER  
Director

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

RE: Permit No. 63-31562

Dear Permit Holder:

Returned is the original Request for Extension of Time ("extension"), which you submitted to the department in connection with the above referenced water right. In order for the department to take action on this extension request, it must be accompanied by a \$50.00 filing fee.

Therefore, please return the enclosed original extension along with the filing fee, addressed to my attention. It is important that I receive your filing fee before the proof of beneficial use deadline of **January 1, 2004** to avoid affecting the priority date of this permit.

Please contact me at (208) 327-7953 if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

MICROFILMED  
JUL 15 2004

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**REQUEST FOR EXTENSION OF TIME**  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED  
DEC - 8 2003  
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-31562  
Name(s) of Permit Holder: Tim Hepper  
Address: 43 E FAIRVIEW AVE City MERIDIAN State Id Zip 83642  
Telephone No. 888-6635 Date Proof is Due: JAN-1-04

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

WELL HAS BEEN DRILLED, PUMP SET AND POWER LINE AND  
WATER LINE HAVE BEEN INSTALLED AND EXTENDED TO  
PROPERTY LINE WHERE DISTRIBUTION BOX FOR SPRINKLER  
SYSTEM WILL BE CONNECTED.  
Costing \$ 5500<sup>00</sup>

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

NEW TOWNHOMES ARE CURRENTLY UNDER CONSTRUCTION.  
LANDSCAPING AND SPRINKLER SYSTEM CANNOT BE  
COMPLETED UNTIL BUILDINGS ARE FINISHED. PROJECT IS IN 2  
PHASES. SECOND PHASE TO BE COMPLETED BY LATE SUMMER.

Permit holder(s) request an extension to August 30, 2004

Tim Hepper  
(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

MICROFILMED

JUL 15 2004

October 31, 2003

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN, ID 83642

PROOF DUE NOTICE

RE: PERMIT NO. 63-31562

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 January 01, 2004. (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.

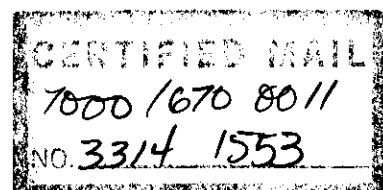
Sincerely,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures

MICROFILMED

JUL 15 2004





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](http://www.idwr.state.id.us)

January 29, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

RE: Preliminary Order in the Matter of Permit to Appropriate Water No. 63-31562

Dear Mr. Hepper:

Enclosed please find Preliminary Order Granting a Petition for Reconsideration and Modifying a Permit in the matter of the above referenced permit dated January 29, 2003.

Also enclosed is Amended Permit to Appropriate Water No. 63-31562 which is subject to the conditions set forth in the Preliminary Order.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,



Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 20 2003

63-31562

1/24/03

Shelley

This is the Hepper Permit, I spoke with you about on Thursday. Lot 9, Common lot was omitted, because it is not associated with home.

Mr. Hepper requests the Department to reconsider. He is in the process of permit applications with the city. If rejected, he will have to include hookup to City water. He request our response by expedited.

Thanks

John Westra.

PS Darla has file in her office

MICROFILMED  
MAR 20 2003

State of Idaho  
Department of Water Resources

RECEIVED  
JAN 28 2003  
Department of Water Resources

RECEIVED  
JAN 24 2003  
WATER RESOURCES  
WESTERN REGION

The purpose of this letter is to ask for a reconsideration of the conditions of approval to appropriate water for permit number 63-31562, Jason's Landing Sub.

This is a small 9-lot sub. consisting of 1 existing house and 7 townhouse lots plus a common area.

Jason's Landing was designed with the intention of building townhouses primarily for retired or elderly persons. The property lines could have been extended to the far property boundary, but would have made long narrow lots with a lot of individual homeowner maintenance and little accessibility to the overall project. Anticipating an elderly clientel, we decided to make the lots smaller and add an association maintained common area. All the lots and common area will be maintained by the Homeowners Association, except for lot 5, which is an existing home and lot. No fencing of individual lots will be allowed, except for lot 5. The common area, lot 9, is not accessible to the public and is for the sole use of property owners for lots 1,2,3,4,6,7,8.

We would like to be able to water this common lawn area, lot 9, with water designated for the homes and their lots. This would not require any additional water flow and the total area watered for all the lots would total less than a ½ acre.

Sincerely,

*Tim Hepper*

MICROFILMED  
MAR 20 2003

RECEIVED

JAN 28 2003

State of Idaho  
Department of Water Resources

# Permit to Appropriate Water

Department of Water Resources

NO. 63-31562

Priority: November 13, 2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.08 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 2, Twp 03N, Rge 01E, B.M., ADA CountyPLACE 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 |        |
| 03N | 01E | 2   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before January 01, 2004.
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. 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.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. Point of diversion is located within Lot 5, Blk. 1, Jason's Landing Subdivision.
8. Place of use is located within Lots 1-8, Blk. 1, Jason's Landing Subdivision.
9. The water-bearing zone appropriated for this right is 20 to 95 feet.
10. Domestic use is for 8 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9<sup>th</sup> day of January, 2003.

*Karl J Dreher*  
for  
KARL J DREHER, Director

MICROFILMED

MAR 28 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 13, 2003

TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642

RE: Permit No. 63-31562

### 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.

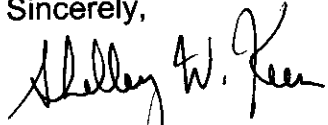
MICROFILMED

MAR 20 2003

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

Enclosure(s)

MICROFILMED

MAR 20 2003

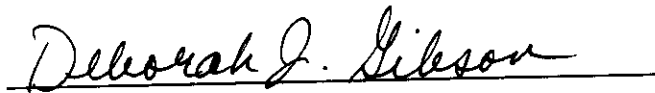
## **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2003 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.**

**63-31562**

**TIM HEPPER  
43 E FAIRVIEW AVE  
MERIDIAN ID 83642**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson  
Administrative Assistant**

**MICROFILMED**

**MAR 28 2003**

**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:** January 08, 2003  
**To:** Water Right File 63-31562  
**From:** dgibson  
**Re:** Permit Review

---

This application was amended by the applicant on Nov. 13, 2002, therefore the priority date is established on that day. Nothing unusual found during permit review, but refer to agents comments during application review for additional information. This right is in the area of concern for PERC, in-house domestic use is not recommended.

MICROFILMED

MAR 20 2003

WATER RESOURCES  
WESTERN REGION

## LEGAL ADVERTISING PROOF OF PUBLICATION

1992

November 11, 2002

Lori Graves,  
Sr. Water Agent  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Jason's Landing Subdivision - Domestic Well Application**

Dear Lori:

Please be advised by this letter that I have given my authorization to Richard Cook of Briggs Engineering, Inc. to sign the "Request to Process" and the "Application For Permit" on my behalf for the above named subdivision.

I've attached a vicinity map and the subdivision plat for your information..

Please let me know if there is anything further that you require in order to process the applications.

Sincerely,



Tim Hepper,  
Hepper Homes, Inc.

cc: Richard Cook, Briggs Engineering, Inc.

Encl.

MICROFILMED

MAR 20 2003