

LOT 5

LOT 3

100' RADIUS - NO
SUBSURFACE SEWAGE
DISPOSAL

FLUSHING POND
10'x17'x2'

12' ASPHALT DRIVE
50'

WELL

WELL HOUSE

WELL

GROUND WATER
FLOW DIRECTION

50' RADIUS

120'

LOT 4

100'

LOT 8

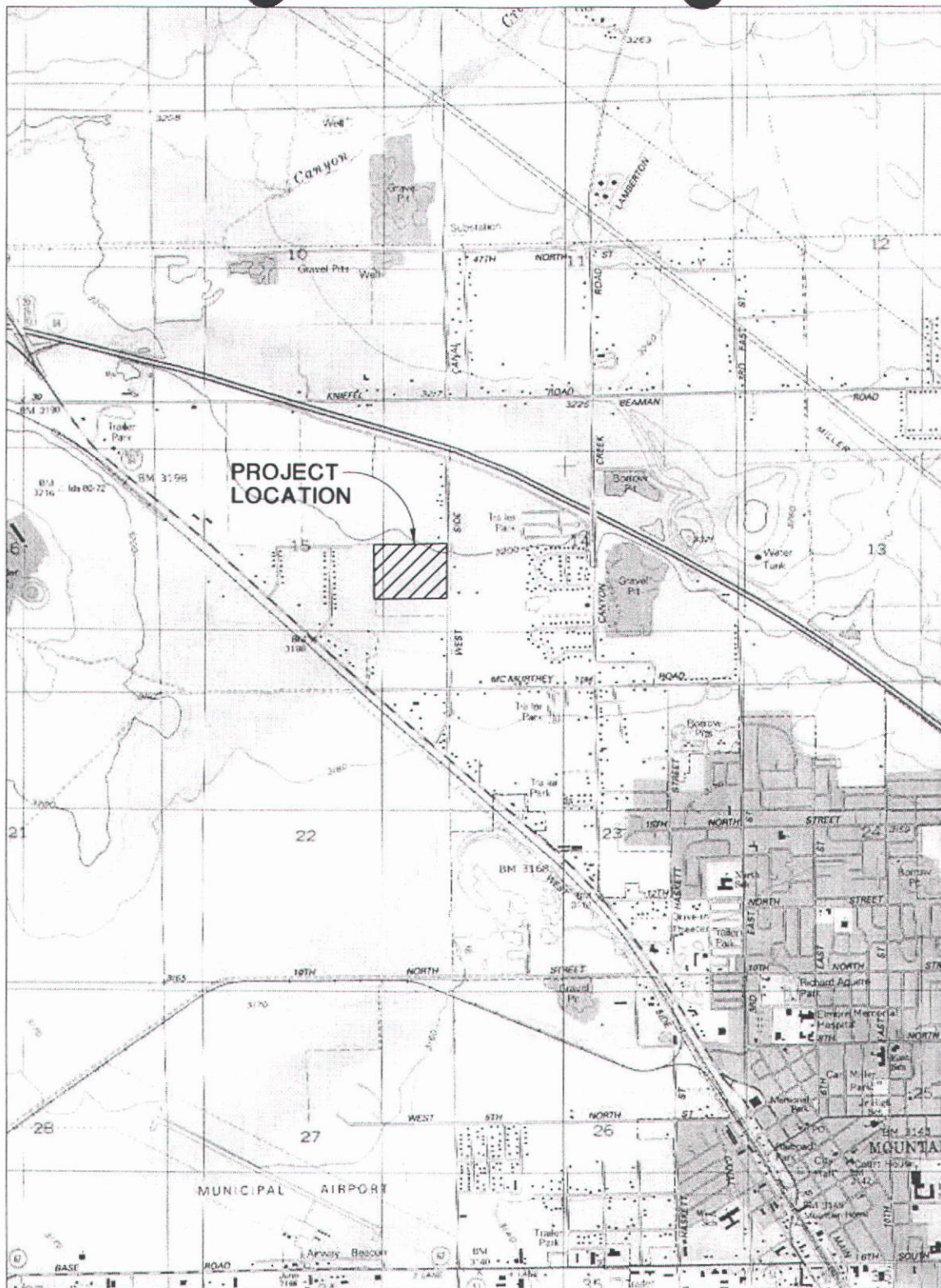
LOT 9

BLOCK 2

MICROFILMED

NOV 21 2000

OAKLEAF WATER SYSTEM WELL SITE PLAN



MICROFILMED

NOV 21 2000

OAKLEAF WATER SYSTEM VICINITY MAP

N 1/2, NE 1/4, SE 1/4, AND N 1/2, S 1/2, NE 1/4, SE 1/4
SECTION 15 T. 3 S., R. 6 E.,

Affidavit of Publication

NOTICE OF APPLICATION FOR WATER RIGHT

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

61-07759

A & A DEVELOPMENT

4635 N BUCKBOARD

BOISE, ID 83713

Source: GROUNDWATER

Diversion Pt: NENESE Sec 15 T 3S R 06E in ELMORE County.

Use: DOMESTIC (0.230 CFS)

IRRIGATION (0.240 CFS)

FIRE PROTECTION (0.560 CFS)

Total Diversion: (1.030 CFS)

Date Filed: 5/15/2000

In: ELMORE County

T03S R06E S15 NESE

12.0 ACRES TOTAL

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, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JUNE 26, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

First Publication: June 7, 2000.

Deemed Published: June 14, 2000.

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 7th day of

June, 2000, and the last publication having been made on the 14th day of

June, 2000, every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 14th day of

June, 2000

Cynthia Roberson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.



at UNITED
WATER

Please contact Tim Ferrell
@ 345-2823 with any
questions regarding
this application for permit.

11/99

For Office Use Only

Receipt #

Date

11/23/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, A+A Development, Inc
By: Jimmy W Anderson, Pres. hereby assign to Oakleaf Home Owners Assoc.
of, 835 Bluegrass Mtn Home, Idaho
(Full Address) 83647 (Phone)

All my right, title, and interest in and to Permit No 61-7759 to appropriate the public waters of the State of Idaho

OR (for partial assignments)

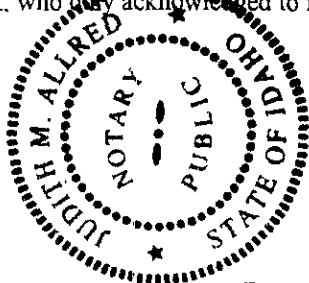
The following described portion of my right, title, and interest in and to for Permit No _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount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

Made this 28th day of November, 2003

A+A Development, Inc By: Jimmy W Anderson, Pres.
Permit Holder(s)

State of Idaho)
County of Lincoln)ss

On this 28 day of November, 2003, personally appeared before me the signer(s) of the above instrument, who did acknowledged to me that he (she) (they) executed the same



SEAL

Judith M. Allred
Notary Public residing at Residing at Mountain Home, Idaho
My Commission Expires 05-22-06

My commission expires 5 22 06

INFORMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JUL - 8 2002

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 61-7759 Telephone No. (208) 378-0760

2. Name of Permit Holder(s). A+A Development, Inc

3. Mailing Address 4635 N. Buckboard Ave

City Boise State Id Zip 83713

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 01 / yr. 01

Well Driller Adamson Pump & Drill Drilling Permit Number 0457

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 24 Stockwater (No. and type of stock): - 0 -

Irrigation (No. of acres): Not To exceed 1/2 Ac permit Other: Fire protection

6. Total rate of diversion and/or volume for which proof is submitted. 1.030 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 X or No

8. Fee Enclosed: \$ 125.00 (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 Jerry Anderson Telephone Number: 378-0760 or 861-5974 # Cell

Address: 4635 N. Buckboard Boise, Idaho 83713

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: Jerry W Anderson, president Date: 7-5-02

(include your title, if on behalf of company or organization)

MICROFILMED

JUL 9 2002

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 61-07759

Priority: April 25, 2000

Maximum Diversion Rate:

1.03 CFS

This is to certify, that **A & A DEVELOPMENT**
4635 N BUCKBOARD
BOISE ID 83713

has applied for a permit to appropriate water from: **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	03/15 to 11/15	0.24 CFS
DOMESTIC	01/01 to 12/31	0.23 CFS
FIRE PROTECTION	01/01 to 12/31	0.56 CFS
	Totals	1.03 CFS

LOCATION OF POINT(S) OF DIVERSION: NENESE , Sec. 15, Township 03S, Range 06E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	06E	15	NESE	12.0		12.0

Total number of acres irrigated: 12.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

PLACE OF USE: FIRE PROTECTION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2002**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and shall only divert groundwater under this right for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.

MICROFILMED

APR 21 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07759

CONDITIONS OF APPROVAL AND REMARKS

6. 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 for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
11. The irrigation 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.
12. Domestic use is for 24 homes and does not include lawn, garden, landscape, or other types of irrigation.
13. Two points of diversion are located within the NENESE, S15, T3S, R6E.
14. Point of diversion is located within Lot 4, Blk. 2, Oakleaf Subdivision.
15. Place of use is located within Lots 1-14, Blk. 1; Lots 1-3 and Lots 5-11, Blk. 2, Oakleaf 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

15th day of September, 2000.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

NOV 21 2000

RECEIVED

APR 1 2000

RECEIVED

FORM 202
2/96

Department of Water Resources

Ident. No.

APR 26 2000

WATER RESOURCES
WESTERN REGION

(Internet)

RECEIVED

AUG 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant A AND A Development Phone 208-378-0760
Mailing address 4635 N. Buckboard - Boise - Idaho - 83713
- Source of water supply Groundwater which is a tributary of Snake River
- Location of point of diversion is Township 3.S Range 6.E Sec. 15 in the NE 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., Elmore County;
additional points of diversion if any: Same as above - Redundant well 20' from primary
- Water will be used for the following purposes:
Amount 0.23 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.56 for Fire Protection purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.24 for Irrigation purposes from March 1 to Oct 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)
- Total quantity to be appropriated is (a) 1.03 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Submersible pump
from 500' deep groundwater well
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
c. Proposed well diameter is 8" inches; proposed depth of well is 500 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. _____
- Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
- 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. 24 Domestic Households (Oakleaf Sub.)
e. Other; describe fully. The irrigation component will be domestic
in nature < 0.5 acres for each home. Separate irrigation
system will be available for lawn watering. Early and late
season watering may be provided from well. Acres Irrigated
= 0.02 * 24 lots @ 1 acre/lot * 0.5 Irrigated acres/lot = 0.24 cfs.
Also 250 gpm Fire Capacity will be required 0.56 cfs.

MICROFILMED

APR 27 2000

5. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	6E	15													12				12
		15													D				
		15													F				

Total number of acres to be irrigated 12

10. Describe any other water rights used for the same purposes as described above. Surface water will be used as primary Irrigation source of supply.

11. a. Who owns the property at the point of diversion? A AND A Development.

b. Who owns the land to be irrigated or place of use? A AND A Development.

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

12. Remarks: homeowners association.

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

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

[Signature]
Signature of Applicant (and title, if applicable)

Received by J. Main Date 4-25-00 Time 4:58 P.M. Preliminary check by ly
Fee \$ 120.00 Receipted by S. Main # 7048935 Date 4-25-00
Publication prepared by AT Date 5-31-00 Published in MOUNTAIN HOME NEWS
Publication approved AT Date 7-25-00

MICROFILMED

NOV 21 2000

LOT 5

LOT 3

100' RADIUS - NO
SUBSURFACE SEWAGE
DISPOSAL

FLUSHING POND
10'x17'x2'

12' ASPHALT DRIVE
50'

WELL

WELL
HOUSE

WELL

GROUND WATER
FLOW DIRECTION

50' RADIUS

LOT 4

100'

LOT 8

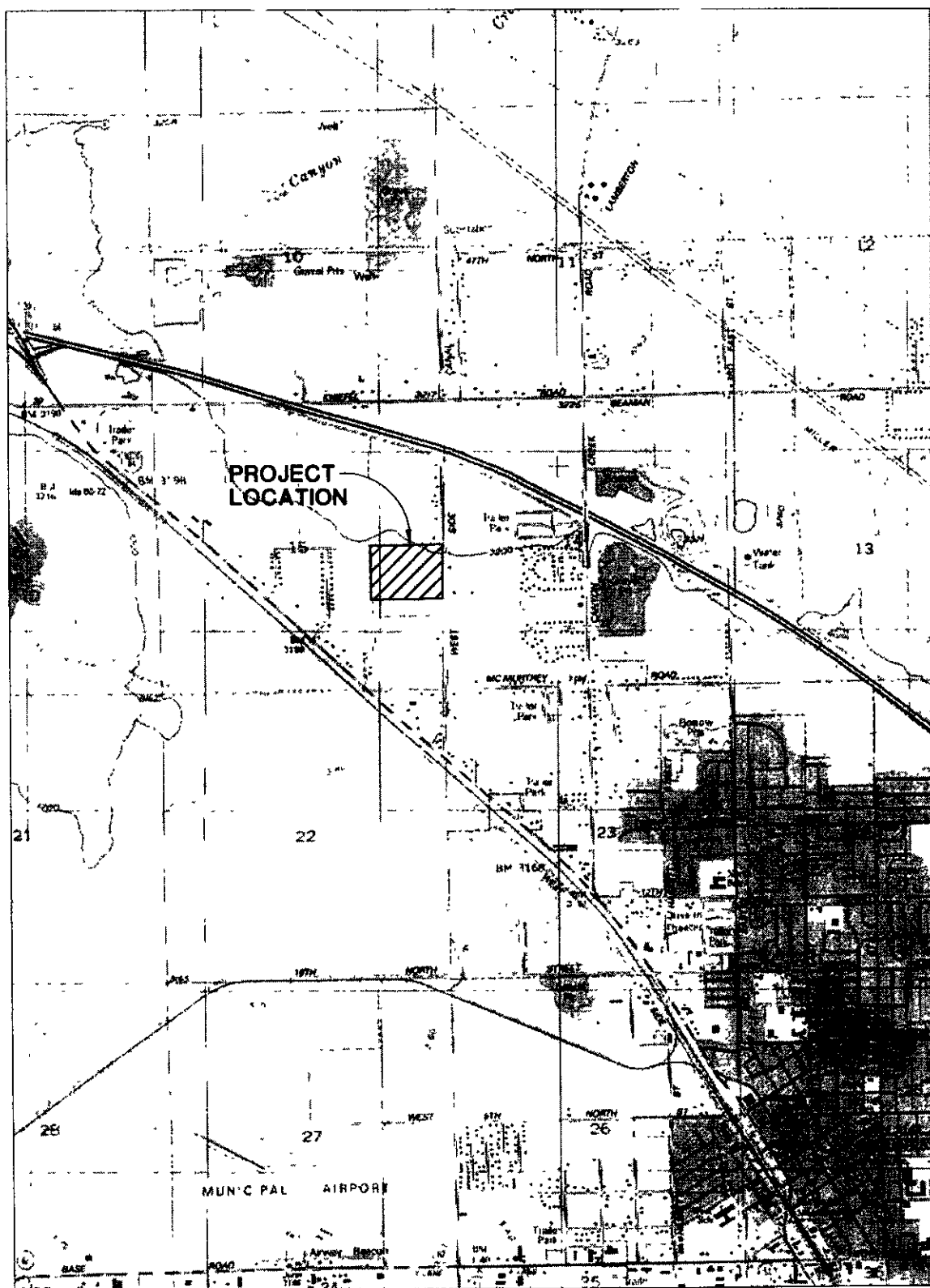
LOT 9

BLOCK 2

MICROFILMED

NOV 21 2000

OAKLEAF WATER SYSTEM WELL SITE PLAN



OAKLEAF WATER SYSTEM VICINITY MAP

**N 1/2, NE 1/4, SE 1/4, AND N 1/2, S 1/2, NE 1/4, SE 1/4
SECTION 15 T. 3 S., R. 6 E.,**

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 05/15/00
Time: 11:28:41

Water Right Number: 61-07759

Comment Date: 5/11/2000 User ID: LGRAVES

Subject: MORE INFO

Per Applicant: P/D is for two wells, 20' apart. Domestic and____
irrigation is for 24 homes, 1/2 acre lawn per home. Surface____
water will be primary source for irrigation. Ground water will____
only be used for early and late season watering. P/U aka Oakleaf____
Subdivision. Officers of A and A are Jerry Anderson, Pres, Jim____
Carrie, V. Pres, Brian Anderson, Sec/Treas.____
Per IDWR: Irrigation season clarified to Dept standards.____
Local contact person for the application is Tim Ferrell of United____
Water @ 345-2823. Priority date advanced to date requested info____
received.____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED

MAY 21 2000



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

December 16, 2003

OAKLEAF HOME OWNERS ASSN
835 BLUEGRASS
MOUNTAIN HOME ID 83647

RE: Change of Ownership for Water Right 61-7759

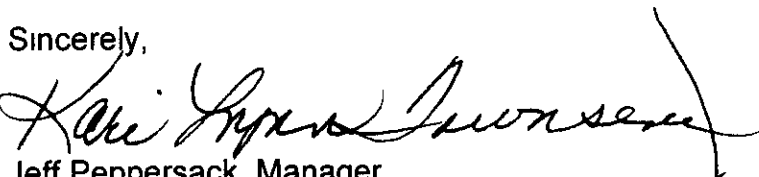
Dear Water Right Holder(s):

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

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,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

FEB 10 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2002

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE ID 83713

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-007759

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made 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 these water rights 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.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
JUL 13 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 61-7759

Reviewed By. dgibson

Date. July 10, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No..		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		C048935, C063187	Well driller's report filed?		
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/08/2002
Date proof due	-	09/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/25/2000
New priority date	=	04/25/2000

Deficiencies of Actions Items

Acknowledge proof

June 30, 2002

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE, ID 83713

PROOF DUE NOTICE

RE: PERMIT NO 61-7759

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 September 01, 2002. (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.

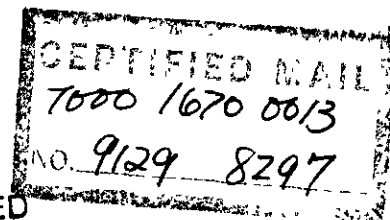
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Admin. Asst.
Water Allocation Bureau

Enclosures



MICROFILMED

JUN 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 2000

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE ID 83713

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07759

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

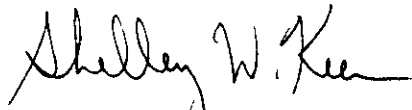
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

NOV 21 2000

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 reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

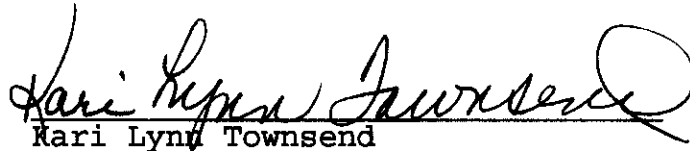
NOV 21 2000

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of **September, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 61-07759

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE ID 83713


Kari Lynn Townsend
Secretary

MICROFILMED

NOV 21 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 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.

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).

MICROFILMED
MAY 21 2000

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 9/4/00

No. 61-07759 Name: A & A Dev. Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium MH GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046 (P23)
Basin 34 - 084 (if necessary)
Irr w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag
Trust - 051 (P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70's only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

In-stream development - P52
WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
PAYETTE R (65) - 047(P04) (Payette Lake)
SALMON R (70's) - 029 (fish screens)
WEISER R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5 (24)
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 9/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A (P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

~~Multiple pd's per 1/4~~

Subd lot desc (pd) - W32 (2)
Subd lot desc (pu) - W59 Lot 4
Use definitions - W60 Lots 1-14, Bk 1, 1-3, 5-11, Bk 2
Pre-1987 development - W02 example - S/SO range
Single pd intended - 068-074 (allow 120 days for proof due)
076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.0

OTHER CONDITIONS/REMARKS

COMMENTS

There is nothing in the file that warrants advancing the date of priority to 5/15.

ID...O DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: g DATE: 5/11/00 APPLICATION: 61-07759

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use: 3/15 - 11/15
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

AUG 24 2000

Department of Water Resources

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

done FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☒ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Plat Map, List of officers, mitigation agreement

Date Requested 5/11/00 Date Response Received 5/15/00

PROCESSING

APP. NO.

-07759

YES NO

☒ ☐ In form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☒ ☐ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Final date for protest 6-26-00

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 121, 04b. Ground water for irrigation can only be diverted before Mountain Home Irrigation Dist begins delivering water in the spring after the district ceases delivery of water to its users.

See below for additional information

Recommended Date or Priority 5/15/2000

Recommended by: by S Date: 8/22/00

ADDITIONAL INFORMATION:

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof, was published in said news-
paper for

2 consecutive weeks, the first publi-

cation having been made on 7th day of

June, 2000, and the last publi-

cation having been made on the 14th day of

June, 2000, every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice

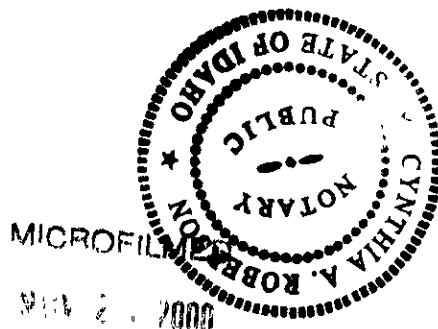
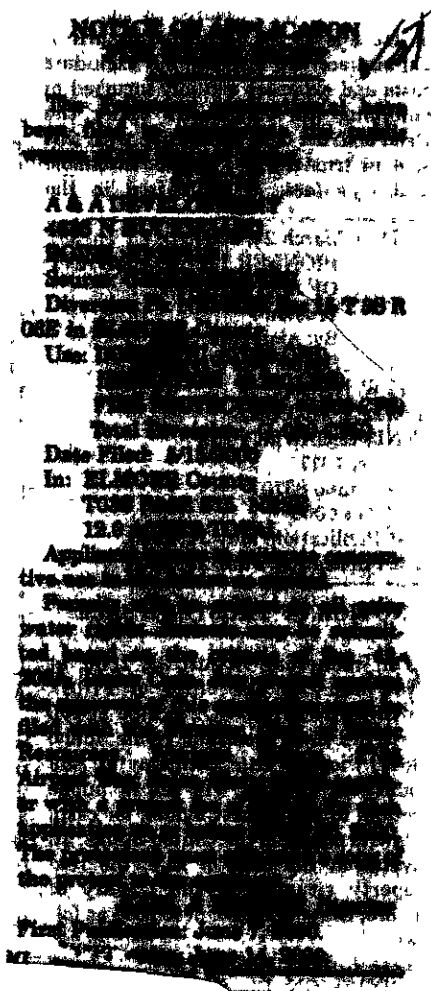
Coleen W. Swenson

Subscribed and sworn to me this 14th day of

June, 2000

Cynthia A. Robertson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My
commission expires 09-09-2002.



Mountain Home Area Groundwater Advisory Committee

"Planning Today for Water Tomorrow"

June 7, 2000

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE ID 83713

Re: Application for Permit No. 61-07759

Dear Sir:

On June 14, 2000, at 8:00 a.m. the Mountain Home Groundwater Advisory Committee will hold its monthly meeting at the Mountain Home City Hall. At this meeting we will be reviewing new applications for water rights in the Mountain Home Area. The above-referenced application in the name of A & A Development Co. will be presented to the committee on June 14, 2000. You are welcome to attend this meeting.

If you have any questions please call Gary Spackman at the Department of Water Resources at 334-2190.

Sincerely,



Gary Spackman

GS:st

MICROFILMED

NOV 21 2000



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

June 5, 2000

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 65-13949 in the Name of A & A Development

Dear Sir:

Enclosed is a copy of the above-referenced application which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 26, 2000.

If you have any questions regarding the applications, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

NOV 21 2000

A ; A Development
4635 N. Backboard Ave.
Boise, Idaho 83713

JERRY ANDERSON, PRESIDENT
JIM CARRIE, VICE - PRESIDENT
BRIAN ANDERSON, SEC / TREA.

MICROFILMED

NOV 21 2000

REQUEST TO PROCESS

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

Name of Applicant

A + A Development

Mailing Address

4635 N Buckboard

Boise ID 83713

Application No.
(if known)

61-07759

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

Tom J. P.E. Project Engineer

Date

05-14-2000

Please return this form to:

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

MICRO

NOV 21 2000



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

JUNE 1, 2000

Legal Notices Department
Mountain Home News
PO Box 1330
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 26, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MIOPC 1211

JUN 21 2000



State of Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

DEPARTMENT OF WATER RESOURCES

The following application(s) have been filed to appropriate the public
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

of the State of Idaho:

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

*No Need to Microfilm!
See Affidavit of Publication.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

61-07759

A & A DEVELOPMENT
4635 N BUCKBOARD
BOISE, ID 83713

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Source: GROUNDWATER

Diversion Pt: NENESE Sec 15 T 03S R 06E in ELMORE County.

Use: DOMESTIC	(	0.230 CFS)
IRRIGATION	(	0.240 CFS)
FIRE PROTECTION	(	0.560 CFS)
Total Diversion:	(	1.030 CFS)

Date Filed: 5/15/2000

In: ELMORE County
T03S R06E S15 NESE

12.0 ACRES TOTAL

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

*No Need to Microfilm!
See Affidavit of Publication.*



State of Idaho

Permit ~~Public~~ ~~Water~~ ~~Resources~~ ~~Department~~ ~~Protests may be~~
DEPARTMENT OF WATER RESOURCES
submitted based on the criteria for, see, Idaho Code, Idaho (208) 334-2190
FAX (208) 334-2348

against the approval of this application must be filed with the
Director, Dept. of Water Resources, Western Region, 2735 Airport Way,
Boise, Idaho 83705 together with a protest fee of \$25.00 for each applicatio
on or before JUNE 26, 2000. The protestant must also send a copy of the
protest to the applicant.

Published: 6/ 7/2000 & 6/14/2000

KARL J. DREHER, Director

*No Need to Microfilm!
See Affidavit of Publication*