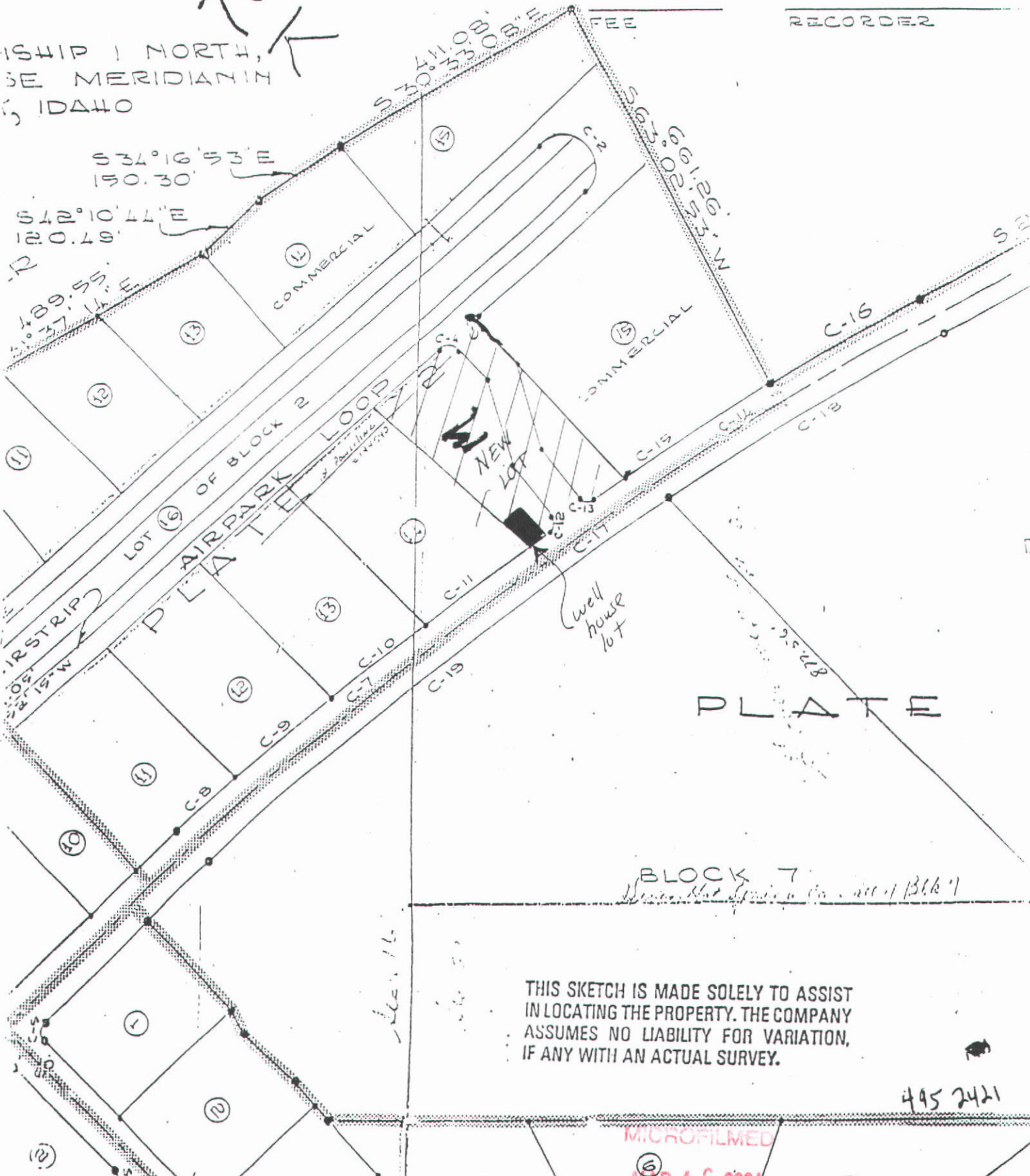


EET

PARK

INSTRUMENT NO. 177
STATE OF IDAHO
COUNTY OF OWYHEE
I HEREBY CERTIFY THAT THIS
REQUEST OF
16 DAY OF December

SHIP 1 NORTH,
SE MERIDIAN IN
IDAHO



RECORDER

PLATE

BLOCK 7

THIS SKETCH IS MADE SOLELY TO ASSIST
IN LOCATING THE PROPERTY. THE COMPANY
ASSUMES NO LIABILITY FOR VARIATION,
IF ANY WITH AN ACTUAL SURVEY.

445 2421

MICROFILMED

SEP 16 2004

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

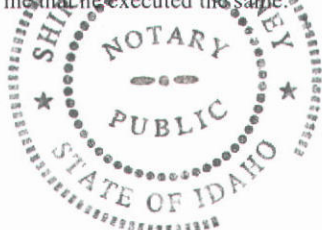
July 17 and 24, 2002

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 31st day of July in the year of 2002 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Shirley Newberry
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

APPLICATION FOR PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 57-11617

SUNRISE PUMPHOUSE TWO ASSN

HC 79 POX 100 B

MELBA ID 83641

Point(s) of Diversion

L2 NENW S21 T01N R03W

OWYHEE County

Source GROUND WATER

Use: HEATING

01/01 To 12/31 0.02 CFS

Use: DOMESTIC

01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 06/28/2002

Place Of Use: HEATING

T01N R03W S21

NENW Lot 2

Place Of Use: DOMESTIC

T01N R03W S21

NENW Lot 2

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

Domestic use is for 1 home in Sunrise Sky Park Subdivision.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

7/17, 24/02

MICROFILMED

MAR 16 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 09 2003

PROOF OF BENEFICIAL USE 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 57-11617 Telephone No 495-2299

2 Name of Permit Holder(s) Sunrise Pumphouse Two Association

3 Mailing Address: 10328 Airpark Loop

City Givens Hot Springs State Id. Zip 83641

4. Source of Water: Ground Water If GROUNDWATER (well), Date Drilled: mo. 3 / yr. 83

Well Driller Sunrise Development Drilling Permit Number: UNKNOWN

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

Domestic (No. of households): 1 IN HOUSE USE ONLY Stockwater (No. and type of stock): _____

Irrigation (No. of acres) _____ Other: _____

6 Total rate of diversion and/or volume for which proof is submitted: .02 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 ✓
Has the measuring device been installed? Yes _____ or No ✓

8. Fee Enclosed \$ _____ (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: Richard B. Callis Telephone Number: _____

Address 10328 Airpark Loop, Givens Hot Springs, Id. 83641

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: Richard B. Callis Date: 7-09-03
(include your title, if on behalf of company or organization)

MICHO. ILMED
MAR 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11617

Priority 06/28/2002

Maximum Diversion Rate 0.02 CFS

This is to certify, that SUNRISE PUMPHOUSE TWO ASSN
HC 79 BOX 100 B
MELBA ID 83641

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>
HEATING	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 NE¼NW¼ Sec 21, Twp 01N, Rge 03W, B M , OWYHEE County

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 03W 21					X												
					L 2												

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	
01N 03W 21					X												
					L 2												

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **September 01, 2003**.
- 2 Subject to all prior water rights
- 3 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation
- 4 Place of use is located within new lot, Sunrise Sky Park Subdivision.
- 5 Low temperature geothermal water diverted under this right shall not be used for domestic purposes unless it is first used for heating purposes

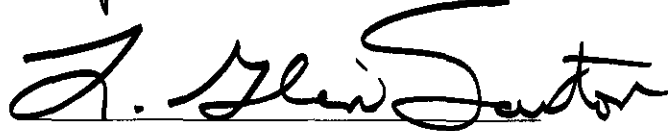
M. C. M. M. M.

MAY 16 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11617

- 6 Return flow discharged to a subsurface system must be authorized by a separate injection well permit
- 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

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of August, 2002


for KARL J DREHER, Director

MAILED 1000
MAR 16 2004

RECEIVED

JUN 28 2002

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident No 57-11617

RECEIVED

MAY 09 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 2002

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1 Name of Applicant Sunrise Pumphouse Two Association Phone 208-495-2235

Mailing address HC 79 Box 100 B Melba, ID 83641

2 Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township 1N Range 3W Sec. 21 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt Lot 2, B.M. Dwyhee County,

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 cfs for Heating purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 cfs for Domestic 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)

5 Total quantity to be appropriated is (a) .02 cfs and/or (b) 5AF
cubic feet per second acre feet per annum

6 Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Well

b Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 8 inches; proposed depth of well is 470 feet

d Is ground water with a temperature of greater than 85°F being sought? yes 104°

e. If well is already drilled, when? 3/83 Drilling firm Sunrise Development
Well was drilled for (well owner) Sunrise Development Drilling Permit No. unknown

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 _____

b Stockwatering, list number and kind of livestock. _____

c Municipal, show name of municipality _____

d. Domestic; show number of households. 1-in-house use only

e Other, describe fully. Heating for one household

MICROFILMED

MAY 15 2004

3 Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	3W	21					D							~~D~~					

Total number of acres to be irrigated NA

10 Describe any other water rights used for the same purposes as described above. Water Right No. 57-07236Q

11 a Who owns the property at the point of diversion? Sunrise Pumphouse Two Association, Inc

b Who owns the land to be irrigated or place of use? Charles Dowrick

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

12. Remarks: See attached letter

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

Sunrise Pumphouse Two Association, Inc

Charles Dowrick - President
Signature of Applicant (and title, if applicable)

Received by KL Date 5/9/02 Time 11:42 Preliminary check by DAN
Fee \$ 1000 Receipted by KL # W029140 Date 5/9/02
Publication prepared by AT Date 7-17-02 Published in OWYHEE AVALANCHE
Publication approved AT Date 8-8-02

MR. GORTNER

MAR 15 2004

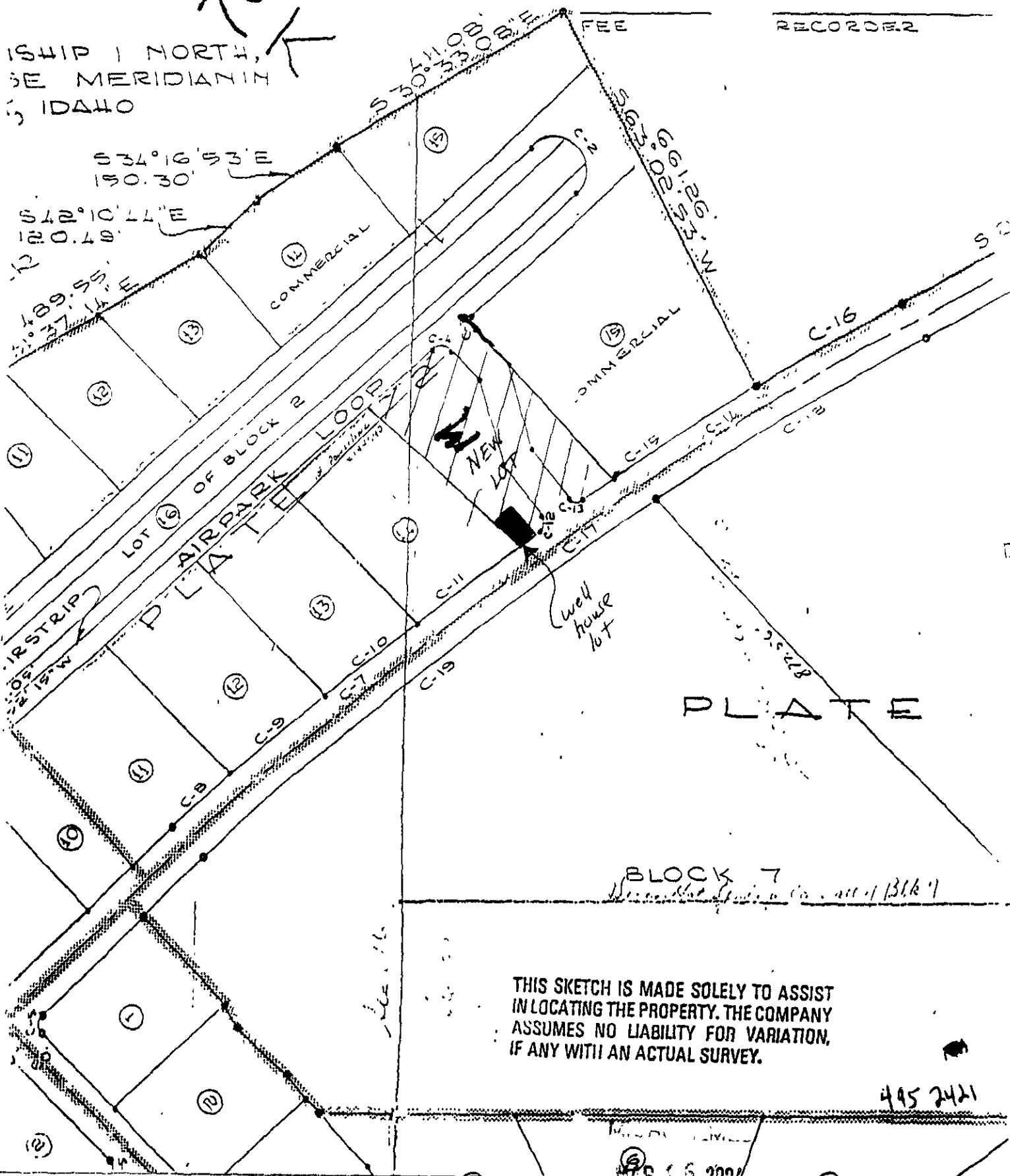
NET

PARK

SHIP 1 NORTH,
SE MERIDIAN IN
IDAHO

INSTRUMENT NO. 171
STATE OF IDAHO
COUNTY OF OWYHEE
HEREBY CERTIFY THAT THIS
REQUEST OF _____
16 DAY OF December

RECORDED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 57-07236Q

Priority: January 9, 1979

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:

22.6 AF

This is to certify, that SUNRISE PUMPHOUSE TWO ASSN INC

HC 79 BOX 100B

MELBA ID 83641

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 9, 1979; and has submitted Proof of Beneficial Use on April 29, 1994. An examination indicates that the works have a diversion capacity of 0.080 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
HEATING	01/01 to 12/31	0.08 CFS	20.2 AF
DOMESTIC	01/01 to 12/31	0.08 CFS	2.4 AF
	Totals	0.08 CFS	22.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NENW), Sec. 21, Township 01N, Range 03W
OWYHEE County

PLACE OF USE: HEATING

TWN RGE SEC

01N 03W 16 Lot 1(SESW)

PLACE OF USE:

DOMESTIC, same as HEATING use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
6. Place of use also known as Lots 12 and 13, Blk. 1, and Lots 13 and 14, Blk. 2, Sunrise Sky Park Subdivision.

MAR 7 2006

**CORPORATE OFFICERS
FOR
SUNRISE PUMPHOUSE TWO ASSOCIATION**

Chuck Dowrick	President
Ed Dickman	Secretary Treasurer
Douglas Owens	Member
Don Weste	Member

MAILED
MAY 15 2004

RECEIVED

JUN 28 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

Sunrise Pump House Two Association

Mailing Address

HC 79 Box B
Melba, ID 83641Application 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

Charles Dourish

Date

June 25 - 02

Please return this form to.

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



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

August 15, 2003

SUNRISE PUMPHOUSE TWO ASSOCIATION
10328 AIRPARK LOOP
GIVENS HOT SPRINGS ID 83641

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-11617

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.

Thank you for the notice of your change of address. I have updated the department's database to reflect that change. 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 (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICHAEL J. GIBSON

MAP 16 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No . 57-11617

Reviewed By: dgibson

Date. August 14, 2003

	<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.:		W029140,	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	07/09/2003
Date proof due	- 09/01/2003
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 06/28/2002
New priority date	= 06/28/2002

Deficiencies of Actions Items

Acknowledge proof

Change of address made in database.

June 30, 2003

SUNRISE PUMPHOUSE TWO ASSN
HC 79 BOX 100 B
MELBA, ID 83641

PROOF DUE NOTICE

RE: PERMIT NO. 57-11617

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, 2003. (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.

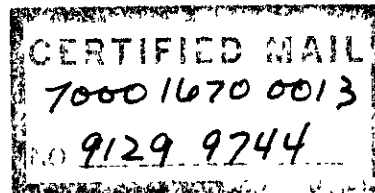
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



MELBA, IDAHO
MAR 16 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

August 27, 2002

SUNRISE PUMPHOUSE TWO ASSN
HC 79 BOX 100 B
MELBA ID 83641

RE: Permit No. 57-11617

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

MAILED
MAR 15 2004

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

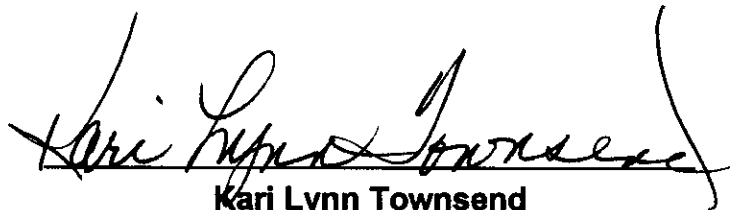
FILED
MAR 15 2011

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 57-11617

**SUNRISE PUMPHOUSE TWO ASSN
HC 79 BOX 100 B
MELBA ID 83641**



**Kari Lynn Townsend
Secretary**

MAR 15 2004

**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).

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.

RECEIVED
JUN 22 2002

COMMENT
LETTERS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 5-31-02 Application # 57-11617

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the 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
- ☒ 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 ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
YES P/D
YES P/U

ADDITIONAL INFORMATION

Yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) Water Right 57-072360 and a large number
- ☒ Overlapping point of diversion OF OTHER WATER RIGHTS OVERLAP.
- ☒ Critical groundwater area The Place OF USE.
- ☒ Ground water 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

RETURN application FOR Completion
See 6-11-02 LETTER.
6-11-02

Date Requested 5-31-02 Date Response Received 6-28-02

PROCESSINGAPPLICATION # 57-

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. Environmental Quality
☒ I.D. District Health
☒ I.D. Fish & Game
☒ I.D. Lands

YES NO

☒ US BLM
☒ US Forest Service
☒ Water Dist #
☒ Water Planning Bureau
☒ Other See below

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ Affidavit of publication received
☒ Application published correctly? If not, record action taken

ROD SCHERMEHR
HC 79 BOX 130F
MELBA, ID 83641

GIVENS HOT SPRINGS
STEVE GIVENS
22445 CANADA
STAR, ID 83669

☒ Publication dates and paper recorded on application
☒ Final date for protest 8-5-02
☒ Protests received
☒ Recommendations attached
☒ Measuring device required
☒ Water delivered by water master? District #
☒ Special conditions of approval or cover letter

Same conditions as license no. 57-07236Q

121 Permit holder shall comply with all environmental and health laws and regulations.

Recommended Date of Priority 5/9/02 6/28/02

Recommendation ☒ Approve ☐ Deny by Gary Date 8/21/02

ADDITIONAL INFORMATION

☐ See Attachment(s) ... always include application proof report

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

I, Joe E Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

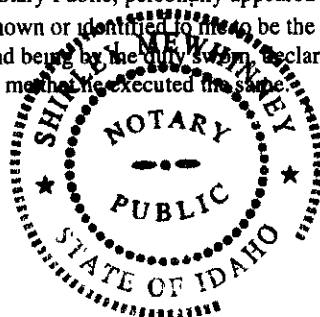
July 17 and 24, 2002

SIGNED.

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 31st day of July in the year of 2002 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.

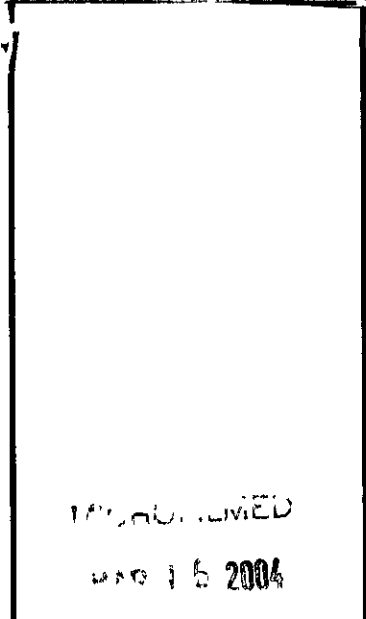


Shirley McWherrey
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

THE FOLLOWING INFORMATION
has been filed for recording in the
public records of the State of Idaho:
37-11617
SUNSHINE FURNITURE TWO
ASSN
HC 75 BOX 106 B
MILWAUKEE
FORWARD TO: JAMES
12. HUNTER 12100 BROWN
OWYHEE COUNTY
Source: GROUND WATER
Use: MEADOWS
01/01 31 1251 100 CFS
Use: DOMESTIC
09/01 31 1251 100 CFS
TAKEN FROM GROUND
Place Of Use: MEADOWS
TOWN: HUNTER
COUNTY: Owyhee
Place Of Use: DOMESTIC
TOWN: HUNTER
COUNTY: Owyhee
Remarks: Applicant James (36)
provides information that in the
future he plans to
Domestic use is for 1 acre in
Sandy Bay, Idaho.
Domestic use is for 1 acre in
water right. Project will be
submitted to the Department of
Sec. 4-102a, Idaho Code.
Applicant's statement of
of the applicant's use. See
with the Department of Water
Remarks: Water right is
Applicant's use is for
to the applicant's use.
3/17/2002





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

July 17, 2002

CENTRAL DISTRICT HEALTH DEPT
707 N ARMSTRONG PL
BOISE ID 83704

Re: Application for Water Right No. 57-11617 in the Name of Sunrise Pumphouse Two Association.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application for permit 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, your written protest along with the \$25.00 protest fee must be received in this office by August 5, 2002.

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

Sincerely,


Daniel A. Nelson

DN:lm

Encl: Copy of Application

MICHAEL NELSON

MAR 15 2004



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

July 17, 2002

GIVENS HOT SPRINGS
STEVE GIVENS
22445 CAN ADA
STAR ID 83669

Re: Application for Water Right No. 57-11617 in the Name of Sunrise Pumphouse Two Association.

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

Sincerely,


Daniel A. Nelson

DN:lm

Encl: Copy of Application

Michael

MAR 15 2003



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

July 17, 2002

RON D SCHERMERLORN
HC 79 BOX 130F
MELBA ID 83641

Re: Application for Water Right No. 57-11617 in the Name of Sunrise Pumphouse Two Association.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. 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 you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by August 5, 2002.

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

Sincerely,

Daniel A. Nelson

DN:lm

Encl: Copy of Application

MAILED

MAR 15 2004



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

July 10, 2002

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11617

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/05/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MAILED
JUL 16 2002

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

57-11617

SUNRISE PUMPHOUSE TWO ASSN
HC 79 POX 100 B
MELBA ID 83641

Point(s) of Diversion L2 NENW S21 T01N R03W OWYHEE County Source GROUND WATER

Use: HEATING 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion. 0.02 CFS

Date Filed: 06/28/2002

Place Of Use: HEATING

T01N R03W S21 NENW Lot 2

Place Of Use: DOMESTIC

T01N R03W S21 NENW Lot 2

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

Domestic use is for 1 home in Sunrise Sky Park Subdivision.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on July 17 and 24, 2002.

FILED
JUL 16 2002

LAW OFFICES
MEULEMAN & MILLER LLP
BUSINESS LAW • REAL ESTATE LAW • CONSTRUCTION LAW

PAUL A. BOICE
M. GREGORY EMBREY
KIMBAL L. GOWLAND
GEOFFREY J. MCCONNELL*†
WAYNE V. MEULEMAN
ROBERT L. MILLER
RICHARD W. MOLLERUP
JEFF R. SYKES*
GARY W. TANNER, LL.M.
TRACY V. VANCE†
ARNOLD L. WAGNER

MACK A. REDFORD††
OF COUNSEL

960 BROADWAY AVE., SUITE 400
POST OFFICE BOX 955
BOISE, IDAHO 83701

PHONE
(208) 342-6066
FAX
(208) 336-9712
WEB
www.lawidaho.com

*LICENSED IN IDAHO & CALIFORNIA
†LICENSED IN IDAHO & UTAH
††LICENSED IN IDAHO AND NO MARIANA ISLANDS

June 27, 2002

RECEIVED

JUN 28 2002

WATER RESOURCES
WESTERN REGION

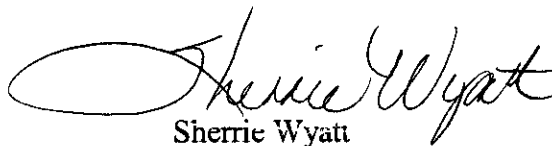
State of Idaho
Department of Water Resources
Attn: Daniel Nelson
2735 Airport Way
Boise, ID 83705

Re: Sunrise Pumphouse Two Association
Our File: 2374.002

Dear Mr. Nelson:

Pursuant to your letter of June 11, 2002, please find enclosed an amended Application for Permit with the additional information you requested. Also enclosed is a Request to Process. If you need anything further, please advise.

Very truly yours,



Sherrie Wyatt
Legal Assistant

SW

Enclosures

cc: Charles Dowrick

I:\2374 002\corr\IDWR2.wpd

11-1

JUN 28 2002



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

FAX TRANSMITTAL COVER SHEET

FAX NUMBER (208) 334-2348

DATE: 6-25-02

TO: Richard W. Mollerup FROM: DAN NELSON
Muller's Miller LLP
336-9712.

DOCUMENT DESCRIPTION/NOTES: Well INFORMATION
FOR Sunrise PUMP house
2. well

TOTAL PAGES SENT: 3 + COVER SHEET

CONTACT: _____

MAR 15 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD W. MOLLERUP
C/O MEULEMAN & MILLER LLP
PO BOX 955
BOISE ID 83701

***RE: APPLICATION FOR PERMIT FOR SUNRISE PUMPHOUSE
TWO ASSOCIATION***

Dear Mr. Mollerup:

We received the application for permit for Sunrise Pumphouse Two Association on 5/9/2002. My initial review of the application revealed that it was incomplete. Therefore, I am returning the application back to allow your office seek the following changes to the application:

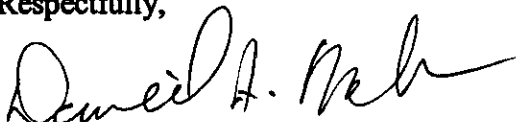
- 1.) **In section 1** - There is no telephone, city, state, or zipcode entered on the application. We will need this information for contacting the applicant during processing.
- 2.) **In section 2** - The county was not entered at the end of legal description.
- 3.) **In section 4** - Acre feet (af) was listed instead of a diversion rate in cubic feet per second (cfs). The annual volume will be calculated during the licensing process. We need to have a diversion rate amount instead of the annual volume. The diversion rate for this would 0.02 cfs for both heating and domestic and limited to a total rate of 0.02 cfs.
- 4.) **In section 6d** - The groundwater temperature of the well was not listed.
- 5.) **In section 6e** - The well information was not included on the application.
- 6.) **In section 7** - The time to complete the project was not entered. A number from 1-5 years needs to be entered into this space.
- 7.) **In section 8d** - You list domestic use, but neglect to state whether this use is for in-house use only similar to the water right 57-7236Q, or will this lot be allowed to use the well for yard irrigation. Please let us know whether the yard will be irrigated from the well or not.
- 8.) We will need a list of corporate officers of the waterusers association. This should also include the person that signed the application.
- 9.) I have also enclosed a "Request to Process" form. This form will need to be completed before processing can continue.

11-11-02
428 15 2002

I enclosed the original application with this letter for correction and completion. Please make the need corrections, send a list of corporate officers, and complete the Request to Process form and return it to my office within 30-days of this letter. If we do not receive the application within 30-days we will remove it from our records and you can re-file with a latter date of priority.

Please send all correspondence to the above address in C/O Dan Nelson. If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in cursive script, appearing to read "Daniel A. Nelson".

Daniel A. Nelson
Sr. Water Right Agent

FILED
MAY 16 2007

RECEIVED

MAY 09 2002

WATER RESOURCES
WESTERN REGION

LAW OFFICES
MEULEMAN & MILLER LLP
BUSINESS LAW • REAL ESTATE LAW • CONSTRUCTION LAW

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M. GREGORY EMBREY
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MACK A. REDFORD**
OF COUNSEL

*LICENSED IN IDAHO & CALIFORNIA
†LICENSED IN IDAHO & UTAH
**LICENSED IN IDAHO AND NO. MARIANA ISLANDS

May 8, 2002

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Sunrise Pumphouse Two Association
Our File: 2374.002

Gentlemen:

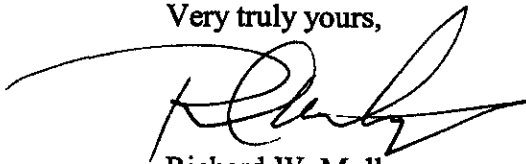
This firm represents Charles Dowrick and Sunrise Pumphouse II Association, of which Charles Dowrick is President. Enclosed herewith are the following documents:

1. Application for Permit;
2. Copy of the Plat of Lots 11, 12, 13 and 14 of Sunrise Sky Park Subdivision ("Plat");
3. Copy of existing Water Right License under Water Right No. 57-07236Q.

The existing water right owned by Sunrise Pumphouse Two Association is for a geothermal well which is intended to serve Lots 11, 12, 13 and 14 of Sunrise Sky Park Subdivision. Recently a private road on the westerly side of Lot 14 was abandoned creating sufficient property for a new building lot in the subdivision which is identified on the attached Plat as "New Lot". The existing water right is for geothermal ground water for heating and domestic use for homes. With the availability of the new lot, the purpose of the enclosed application is to provide domestic and heating water for a fifth home located on the new lot. The point of diversion will be the same point as the existing water right, the well house lot as shown on the enclosed Plat.

If you have any questions or comments or I can supply any further information, please do not hesitate to contact me.

Very truly yours,


Richard W. Mollerup

RWM/sw
Enclosures

I:\2374\002\corr\IDWR.wpd