

T16N R3E

3 Buckskin Wells

Points of Diversions

Place of Use

Section Corners

two wells

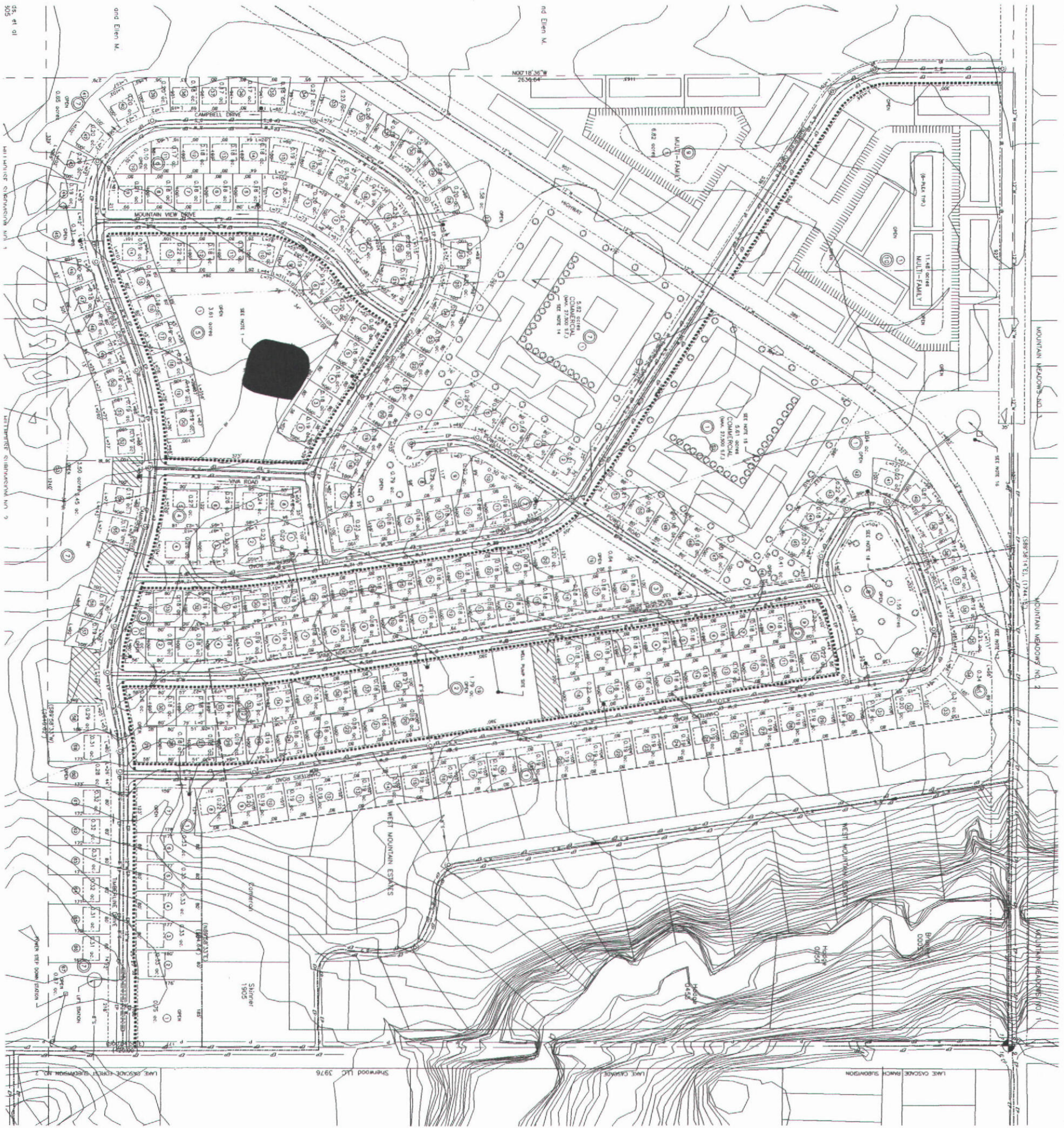
2 "W+S" wells for backup
(per Appl GS-22889)

Scale: 1:12000

USGS 7.5' Quad: Donnelly and Lone Tree

no gov't lots -SL 6/22/04

GS-22888



SHEET 1 OF 1

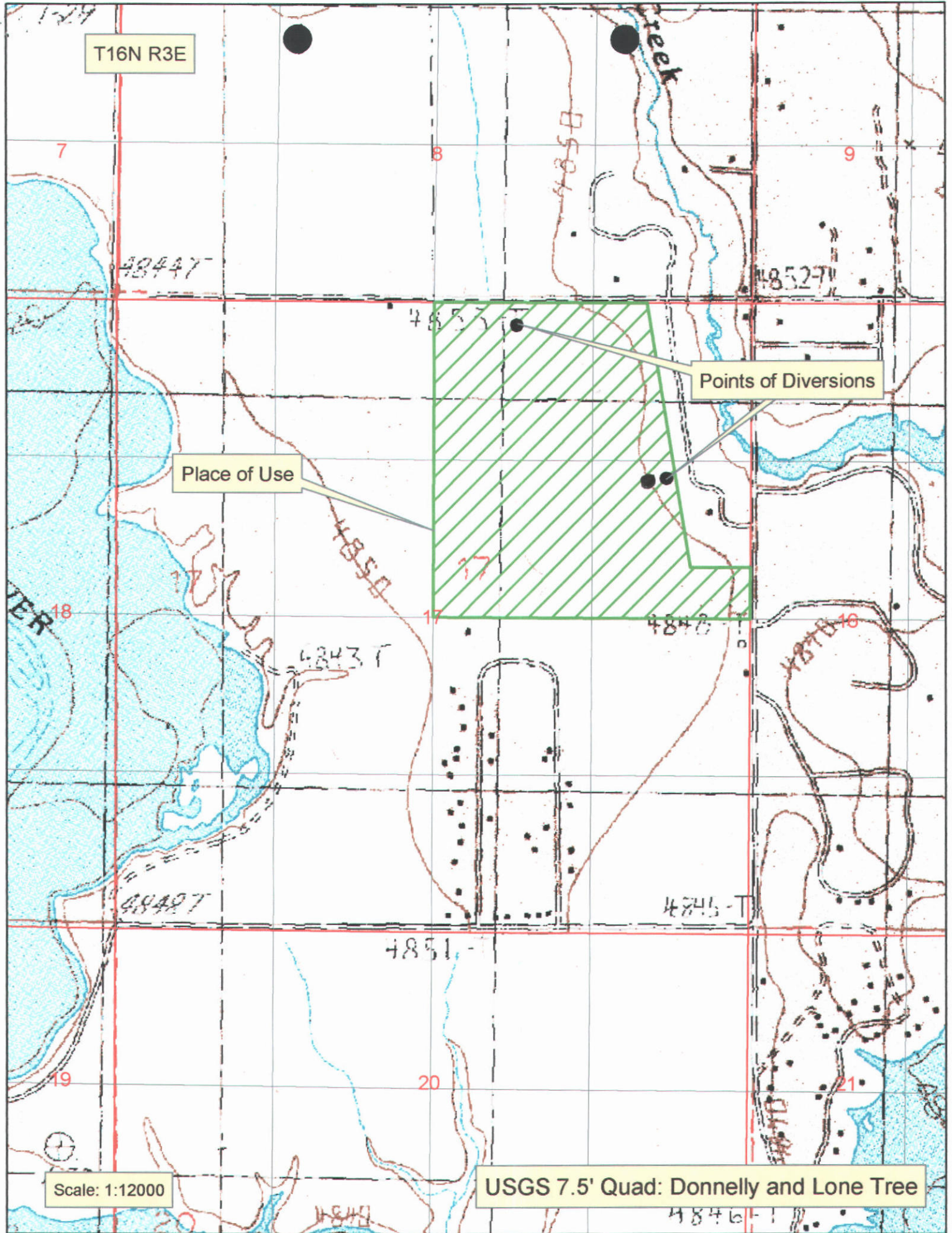
**THE MEADOWS AT WEST MOUNTAIN
PRELIMINARY PLAT**

TOOTHMAN-ORTON ENGINEERING COMPANY
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008
PHONE (208) 323-2288
FAX (208) 323-2399
OFFICE IN:
COEUR D'ALENE, IDAHO

REVISIONS		DATE	E-FILE NAME
NO.	ITEM		
			DESIGNED
			DRAWN
			CHECKED
			APPROVED

65-22888

T16N R3E



Points of Diversions

Place of Use

Scale: 1:12000

USGS 7.5' Quad: Donnelly and Lone Tree

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT TO	)	
APPROPRIATE WATER NO. 65-22888	)	ORDER GRANTING PETITION
IN THE NAME OF BUCKSKIN	)	FOR RECONSIDERATION
PROPERTIES, INC.	)	
_____	)	

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 finds, concludes, and orders:

FINDINGS OF FACT

1. On August 14, 2004, the Department issued Permit to Appropriate Water No. 65-22888 (permit) to Buckskin Properties, Inc., (permit holder) for the diversion and use of 5.00 cfs of ground water from five wells in Section 17, Township 16 North, Range 3 East, B. M., for domestic, commercial, fire protection, and irrigation purposes in Valley County.

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

3. On August 23, 2004, the Department mailed the permit to the permit holder.

4. 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

5. On September 3, 2004, the Department received a petition for reconsideration of the order (petition) from a representative of the permit holder. In the petition the permit holder's representative asked IDWR to remove approval conditions 14 and 15 from the permit.

6. Approval conditions 14 and 15 require the permit holder to retain and use surface water right(s) appurtenant to the permitted place of use as the primary source of water for irrigation purposes.

7. In the petition, the permit holder's representative asserts that the permit holder should not be required to use surface water rights for irrigation purposes because the surface water source is unreliable, the cost of a dual system to provide both surface water and ground water is prohibitive, and there is adequate ground water available for appropriation.

8. There is ground water available for appropriation at the proposed points of diversion in sufficient quantity to satisfy the permitted uses, including the proposed irrigation use.

CONCLUSIONS OF LAW

1. The petition was filed timely.
2. The Department should grant the petition.
3. The Department should amend the permit by removing the requirement that the permit holder use surface water as the primary supply of water for irrigation purposes.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Permit to Appropriate Water No. 65-22888 is **GRANTED** pursuant to Idaho Code §67-5243.

IT IS FURTHER HEREBY ORDERED that the permit is **AMENDED** by removing approval conditions 14 and 15 from the original permit.

IT IS FURTHER HEREBY ORDERED that an amended Permit to Appropriate Water No. 65-22888 shall be **ISSUED** on this date in conjunction with this order.

Dated this 15th day of September, 2004.


GARY SPACKMAN

State of Idaho
Department of Water Resources

AMENDED

Permit to Appropriate Water

AMENDED

NO. 65-22888

Priority April 23, 2004

Maximum Diversion Rate: 5.00 CFS

This is to certify, that BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615

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	0.80 CFS
COMMERCIAL	01/01 to 12/31	0 10 CFS
FIRE PROTECTION	01/01 to 12/31	3 34 CFS
IRRIGATION	04/15 to 10/31	1 20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec. 17, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼NE¼	Sec. 17, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼NE¼	Sec. 17, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼SW¼	Sec. 17, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SE¼SW¼	Sec. 17, Twp 16N, Rge 03E, B.M.	VALLEY County

PLACE OF USE: DOMESTIC, COMMERCIAL, AND FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 03E 17	X	X	X	X													

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 03E 17	8.0	20.0	20.0	12.0													60.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2009**.
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 the permit holder had no control

State of Idaho
Department of Water Resources

AMENDED

Permit to Appropriate Water

AMENDED

NO. 65-22888

CONDITIONS OF APPROVAL CONTINUED

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for 381 homes and does not include lawn, garden, landscape, or other types of irrigation
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Place of use also known as The Meadows at West Mountain.
9. Commercial use is for retail, office and restaurant uses.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 180 0 af at the field headgate for the lands above.
13. This right when combined with all other rights shall provide no more than 3 0 afa per acre at the field headgate for irrigation of the lands above.
14. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department
15. 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 15th day of September, 2004.


FOR KARL J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22888

Priority April 23, 2004

Maximum Diversion Rate: 5 00 CFS

This is to certify, that BUCKSKIN PROPERTIES INC
PO BOX 145
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IRRIGATION	04/15 to 10/31	1 20 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec 17, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	SE¼NE¼	Sec 17, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	SE¼NE¼	Sec. 17, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	SE¼SW¼	Sec. 17, Twp 16N, Rge 03E, B M , VALLEY County
GROUND WATER	SE¼SW¼	Sec 17, Twp 16N, Rge 03E, B M , VALLEY County

PLACE OF USE: DOMESTIC, COMMERCIAL & FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 03E 17	X	X	X	X													

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 03E 17	8 0	20 0	20 0	12 0													60 0
Total Acres	60																

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **August 01, 2009**.
- 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 the permit holder had no control

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22888

- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 5 This right does not grant any right-of-way or easement across the land of another.
- 6 Domestic use is for 381 homes and does not include lawn, garden, landscape, or other types of irrigation.
- 7 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home
- 8 Place of use also known as The Meadows at West Mountain
- 9 Commercial use is for retail, office and restaurant uses
- 10 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
- 11 Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire
- 12 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 180 0 af at the field headgate for the lands above.
- 13 This right when combined with all other rights shall provide no more than 3 0 afa per acre at the field headgate for irrigation of the lands above
- 14 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right
- 15 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
- 16 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department
- 17 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 14th day of August, 2004


FOR KARL J DREHER, Director

RECEIVED

RECEIVED

AUG 12 2004

FORM 202

MAY 19 2004

Ident No.

65-22888

12/99

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 Buckskin Properties, Inc. Phone (208) 860-7562
Mailing address P.O. Box 145, Donnelly, ID 83615
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 16N Range 3E Sec. 17 in the ¼,
NW ¼, NE ¼, Govt. Lot , B.M., Valley County;
additional points of diversion if any: Two wells in SENE of Section 17, T16N R3E
4. Water will be used for the following purposes: Two wells in SESW of Section 17, T16, R3E *ja*
Amount 0.80 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.10 cfs for commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.34 cfs for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1 20 cfs for irrigation purposes from 4/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 5.0 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 Two ~~or three~~ wells with electric
pumps, buried piping to customer connections. *to five ja*
 - b. Height of storage dam feet; active reservoir capacity acre-feet;
total reservoir capacity acre-feet
 - c. Proposed well diameter is 16 or 18 inches; proposed depth of well is 600 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
- 7 Time required for completion of works and application of water to proposed beneficial use is 5 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. 381
 - e. Other; describe fully. Fire protection diversion rate based on 1500 gpm fire flow requirement.
Commercial uses may include retail, office, and restaurant.

AMENDED

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	
16N	3E	17	D	D	D	D													
		17	C	C	C	C													
		17	F	F	F	F													
		17	8	20	20	12													60

Total number of acres to be irrigated 60

10. Describe any other water rights used for the same purposes as described above. irrigation water rights 65-2399, 65-3185, and 65-8053

11. a. Who owns the property at the point of diversion? W&S Investments
Larry Eld and Arlene Eld, and Buckskin Properties Inc
 b. Who owns the land to be irrigated or place of use? Larry Eld and Arlene Eld (currently) and applicant
and/or property owners within The Meadows at West Mountain (during permit development period)
 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 affidavit of legal interest and cover letter

12. Remarks Buckskin Properties, Inc. owns land being developed as The Meadows at West Mountain, and plans to develop a public water system to supply water for domestic, irrigation, fire protection, and commercial purposes. The development will have approximately 221 single family lots, 160 multi-family units, and 10 commercial units within an approximate 120 acre development area. Irrigation diversion rate is based on 50 percent irrigated area within 120 acre development area at 0.02 cfs per acre.

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.

Buckskin Properties Inc
by Jack G. Christensen
 Signature of Applicant (and title, if applicable)

Received by SK Date 5/19/04 Time 1:00 Preliminary check by SK

* Fee \$ 410 Received by LH # W031595 Date 4/23/04

Publication prepared by sk Date 7-1-04 Published in STAR NEWS

Publication approved sk Date 7-19-04

* PER ORIGINAL Appl. Filed 4/23/04

T16N R3E

3 Buckskin Wells

Points of Diversions

Place of Use

Section
Corner

two
wells

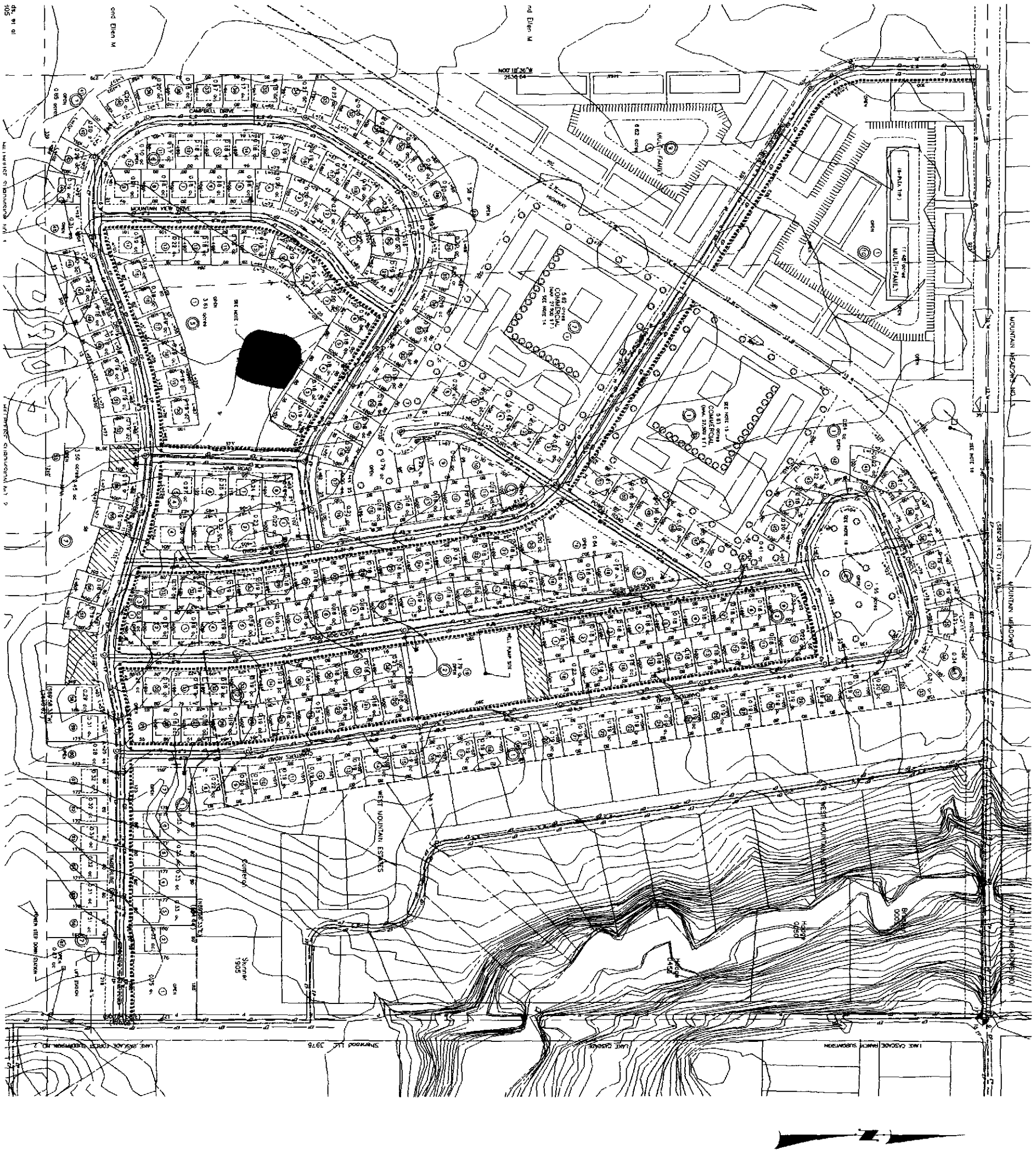
2 "W+S" wells for backup
(per App 65-22889)

Scale: 1:12000

USGS 7.5' Quad: Donnelly and Lone Tree

no gov't lds -SL 6/22/94

65-22888



SHEET 1 OF 1

**THE MEADOWS AT WEST MOUNTAIN
PRELIMINARY PLAT**

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CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
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PHONE (208) 323-2288
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OFFICE IN
COEUR D'ALENE, IDAHO

REVISIONS		DATE	E-FILE NAME
NO.	ITEM		
			DESIGNED
			DRAWN
			CHECKED
			APPROVED

65-22888

REQUEST TO PROCESS

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

Name of Applicant

Buckskin Properties, Inc.

Mailing Address

P.O. Box 145

Donnelly, ID 83615

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X 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

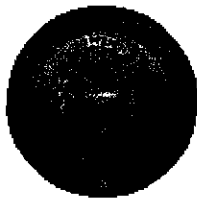
Buckskin Properties Inc
by Jack G. Charters

Date

4/20/04

Please return this form to:

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



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for BUCKSKIN PROPERTIES, INC.](#)]

BUCKSKIN PROPERTIES, INC.

1002 NORTH EIGHTH ST
BOISE, ID 83702

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING 19 Dec 2003

State of Origin: IDAHO

Date of 19 Dec 2003

Origination/Authorization:

Initial Registered Agent: CHARLES D COULTER
1002 NORTH EIGHTH ST
BOISE, ID 83702

Organizational ID / Filing C152198
Number:

Number of Authorized Stock 100000

Shares:

Date of Last Annual Report:

Amendments:

Amendment filed 19 Dec 2003 INCORPORATION

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[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

65-22088

Valley County Planning & Development Services

P.O. Box 1350 • Cascade, Idaho 83611

Phone 208/382-7114 • Fax 208/382-7110

Affidavit of Legal Interest

State of Idaho)

) ss

County of Ada)

I, Larry A. Eld and Arlene B. Eld

Name

P.O. Box 1279

Address

Meridian

City

Idaho 83680

State

Being first duly sworn upon oath, depose and say:

- 1 That I am the record owner of the property described on the attached, and I grant my permission to Jack A. Charter, President, Buckskin Properties, Inc.
- Name
P.O. Box 145, Donnelly, ID 83615
Address

to submit the accompanying application pertaining to that property (Pre Plat, CUP/PUD)

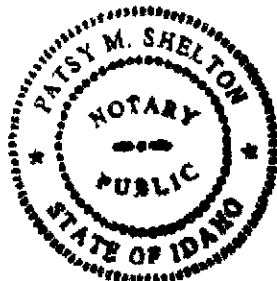
- 2 I agree to indemnify, defend and hold Valley County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application

Dated this 29th day of March, 2004

Larry A. Eld
Signature (Larry A. Eld)

Arlene B. Eld
Signature (Arlene B. Eld)

Subscribed and sworn to before me the day and year first above written.



Patsy M. Shelton
Notary Public for Idaho

Residing at Donnelly, ID

My commission expires 1-26-05

65-22888

ALTA OWNER'S POLICY

SCHEDULE A

Order No.: 279419

Policy No.: O-9993-3090187

Date of Policy January 14, 2004

Amount of Insurance: \$234,432.00

1 Name of Insured

Buckskin Properties, Inc.

2 The estate or interest in the land which is covered by this policy is:

Fee Simple in and to the surface rights, excepting therefrom any and all interest in and to oil, gas, mineral like substances together with all rights incidental thereto, that may have been heretofore conveyed or reserved for which there has been no search of the public records and for which no insurance is provided hereunder.

3 Title to the estate or interest in the land is vested in

Buckskin Properties, Inc. an Idaho Corporation

4 The land referred to in this policy is described as follows.

See attached Exhibit A

C O P Y

Page 2

STEWART TITLE
GUARANTY COMPANY

Attached to and made a part of Stewart Title Guaranty Company Policy No: O-9993-3090187

Continuation of Schedule A

Exhibit A

A parcel of land situated within the NE 1/4 of Section 17, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho, and being a portion of a larger parcel as described in Warranty Deed Instrument NO. 253796, Records of Valley County, Idaho, more particularly described as follows:

PARCEL "A"

- A) COMMENCING at the N 1/4 corner of said Section, from which corner the C 1/4 corner of said Section bears S. 80° 18' 36" E. 2636.64 feet, thence, along the northerly line of said Section,
- B) S 80° 33' 14" E., 1298.76 feet to the POINT OF BEGINNING; thence, continuing along said northerly line,
- 1) S 85° 38' 14" E., 445.59 feet; thence leaving said northerly line and along the westerly boundary of West Mountain Estates Subdivision,
- 2) S. 08° 33' 40" E., 1873.75 feet, thence,
- 3) S. 08° 33' 40" E., 269.71 feet, thence,
- 4) S. 81° 25' 20" W., 440.00 feet, thence,
- 5) N 08° 33' 40" W., 2212.55 feet to the POINT OF BEGINNING

C

ALTA OWNER'S POLICY

SCHEDULE B

Policy No. O-9993-3090127

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Eminent domain, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, dower, curtesy, survivorship, or homestead rights, if any, of any spouse of the insured.
6. Any titles or rights asserted by anyone including but not limited to persons, corporations, governments or other entities, to tide lands, or lands comprising the shores or bottoms of navigable rivers, lakes, bays, ocean or gulf, or lands beyond the line of the harbor or bulkhead line: as established or changed by the United States Government or water rights, if any.
7. Reservations contained in Patent from the United States of America or State where the land described in Schedule A is located.
8. Restrictive Covenants affecting the property described in Schedule A.
9. Taxes for the year 2004 and subsequent years, which are an accruing lien not yet due and payable.
10. Assessments or liens by Valley County for garbage collection as provided for by law.
11. Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.

END

C O P Y

STEWART TITLE
GUARANTY COMPANY

Page 1

TOTAL \$1.24

Instrument # 253786
VALLEY COUNTY, CASCADE IDAHO
2004-04-19 On 04.19 No. of Pages: 1
Recorded for LARRY ELD
LARRY ELD, Notary Public
Ex-Officio Recorder Dep-ty
Number 35702

WARRANTY DEED

For Value Received W. E. CAMERON and LUCILE CAMERON, husband and wife,
Route 1 Brookside Lane, Boise, Idaho 83702,

the grantors do hereby grant, bargain, sell and convey unto LARRY A. ELD and ARLENE
E ELD, husband and wife, ~~3076 Curtis Circle, Boise, Idaho 83704,~~
~~11895 Thomas Drive, Boise, Idaho 83704,~~
the grantees, the following described premises, situated in Valley County
State of Idaho to-wit:

That part of the Northeast Quarter of Section 17, Township
16 North, Range 3 East, Boise Meridian, Valley County
Idaho, more particularly described as follows

Commencing at the East quarter corner of said Section 17,
which is the REAL POINT OF BEGINNING; thence South 89°58'
33" West 7646.62 feet along the mid-section line to the
center quarter corner of said Section 17; thence North 0°
18'36" West 2636.61 feet along the mid-section line to the
North quarter corner of said Section 17; thence South 89°
58'14" East 1744.14 feet along the Northerly boundary of
said Section 17, thence South 8°33'40" East 1873.75 feet
along the Westerly boundary of West Mountain Estates Sub-
division; thence South 8°33'40" East 356.40 feet, thence
North 89°58'33" East 184.64 feet to a point on the Easterly
boundary of said Section 17; thence South 0°04'58" East
420.00 feet along the Easterly boundary of said Section 17,
and the REAL POINT OF BEGINNING;

The above described tract contains 122.14 acres, more or
less,

Together with all water, water rights, ditches, and rights
of way for ditches appurtenant thereto or in anywise apper-
taining,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee s. their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantees, that they are the owners in fee simple of said premises; that
said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: June 16, 1978

W. E. Cameron
W. E. Cameron

Lucile Cameron
Lucile Cameron

STATE OF IDAHO, COUNTY OF CANYON ss.
On this 16 day of June, 1978, before me, a notary public
in and for said State, personally appeared W. E. CAMERON and LUCILE CAMERON, hus-
band and wife,

known to me to be the persons whose names are subscribed to the within instrument, and ac-
knowledged to me that they executed the same

Robert L. Alexander
Notary Public
Residing at Caldwell, Idaho

vesting

tax #16

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 23 2004

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Buckskin Properties, Inc. Phone (208) 860-7562
Mailing address P.O. Box 145, Donnelly, ID 83615
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 16N Range 3E Sec. 17, in the _____ ¼,
NW ¼, NE ¼, Govt. Lot _____, B.M., Valley County;
additional points of diversion if any: Two wells in SENE of Section 17, T16N R3E
4. Water will be used for the following purposes:
Amount 0.80 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.10 cfs for commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.34 cfs for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.20 cfs for irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5.0 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 Two or three wells with electric pumps, buried piping to customer connections.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
c. Proposed well diameter is 16 inches; proposed depth of well is 600 feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 381
e. Other; describe fully. Fire protection diversion rate based on 1500 gpm fire flow requirement.
Commercial uses may include retail, office, and restaurant.

ORIGINAL

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	
16N	3E	17	D	D	D	D													
		17	C	C	C	C													
		17	F	F	F	F													
		17	8	20	20	12													60

Total number of acres to be irrigated 60

10 Describe any other water rights used for the same purposes as described above. irrigation water rights 65-2399, 65-3185, and 65-8053

11. a. Who owns the property at the point of diversion? Larry Eld and Arlene Eld and Buckskin Properties Inc.
 b. Who owns the land to be irrigated or place of use? Larry Eld and Arlene Eld (currently) and applicant and/or property owners within The Meadows at West Mountain (during permit development period)
 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 affidavit of legal interest

12. Remarks: Buckskin Properties, Inc. owns land being developed as The Meadows at West Mountain, and plans to develop a public water system to supply water for domestic, irrigation, fire protection, and commercial purposes. The development will have approximately 221 single family lots, 160 multi-family units, and 10 commercial units within an approximate 120 acre development area. Irrigation diversion rate is based on 50 percent irrigated area within 120 acre development area at 0.02 cfs per acre.

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.

Buckskin Properties Inc.
Lee Jack A. Charles Pres.
 Signature of Applicant (and title, if applicable)

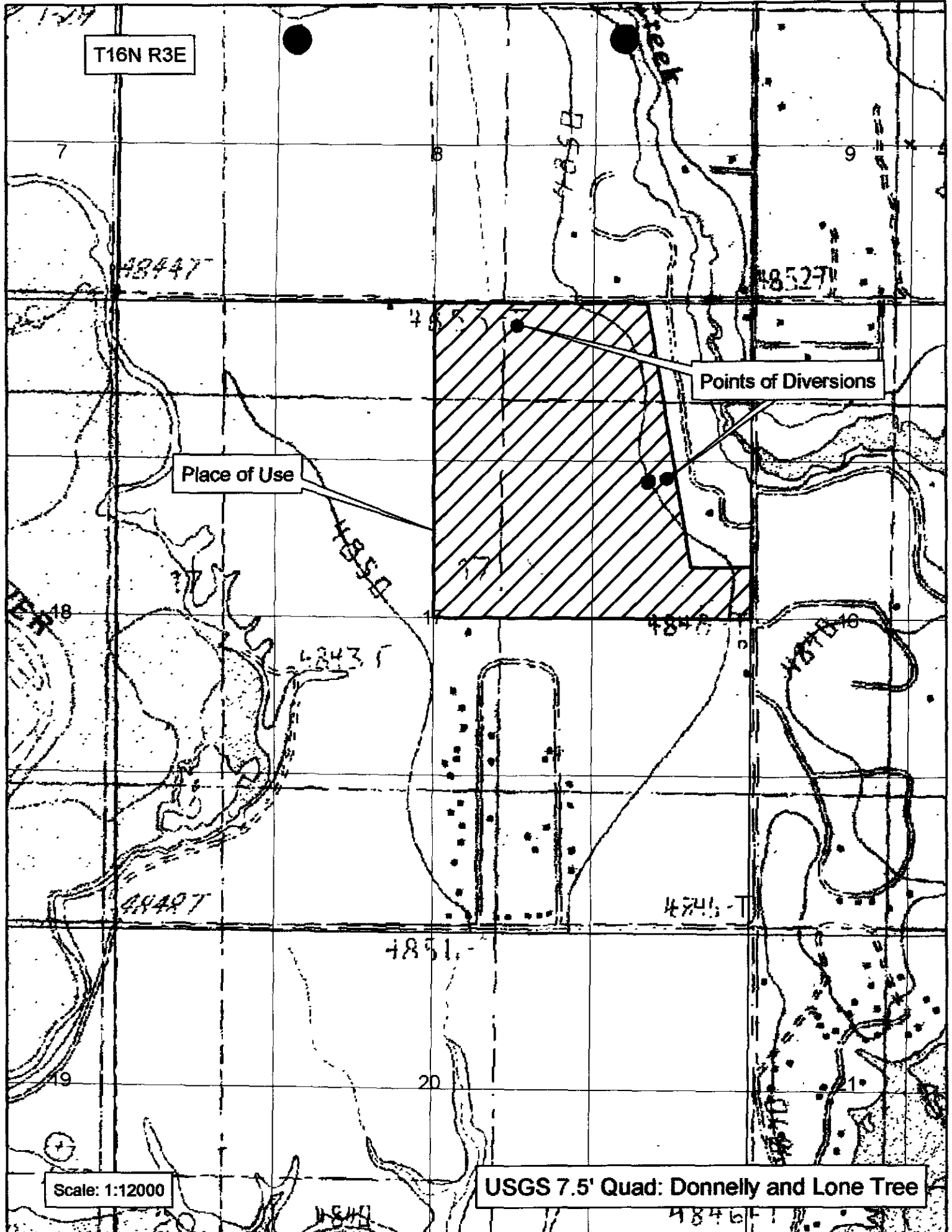
Received by JH Date 4-23-04 Time 4:32 p.m. Preliminary check by _____

Fee \$ 450.00 Received by JH # W031595 Date 4-23-04

Publication prepared by - JEE Date Amended Published in Am

Publication approved publication Date details -

T16N R3E



Points of Diversions

Place of Use

Scale: 1:12000

USGS 7.5' Quad: Donnelly and Lone Tree



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

September 16, 2004

BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615

RE: Permit No. 65-22888

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.

Also enclosed is an Order Granting Petition for Reconsideration.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

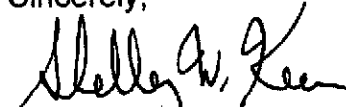
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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 "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22888

**BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**


**Kari Lynn Townsend
Secretary**

**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.

MEMORANDUM

Date: September 10, 2004
To: Water Right File 65-22888
From: Shelley Keen *SK*
Re: Surface Water Overlap

Surface water rights 65-2399 (Mud Creek) and 65-3185 (Lake Fork Creek) overlap the proposed place of use. The holder of this permit does not want to use available surface water before diverting ground water for irrigation purposes, and he will not be required to do so because there is sufficient ground water available. However, if 65-2399 and/or 65-3185 are ever proposed to be transferred, IDWR should review them carefully to ensure that they have not been forfeited through non-use.

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED**SEP 07 2004****DEPARTMENT OF
WATER RESOURCES**

September 2, 2004

Mr. Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Petition for Reconsideration – Preliminary Order on Permit 65-22888

Dear Shelley,

On behalf of Buckskin Properties, Inc., this letter requests changes to the conditions of approval for Permit 65-22888. Specifically, Buckskin asks that conditions Nos. 14 and 15 be removed from the permit. These conditions imply a requirement for Buckskin to either treat surface water to potable standards or install a dual water system in the development in order to supply non-potable water to each lot using the Mud Creek surface water rights appurtenant to the property.

There is no practical way to provide surface water through the domestic water system because of the need for extensive water treatment, and a dual water system to serve each of the residential lots is not currently contemplated. Instead, Buckskin plans to provide irrigation to residential lots using groundwater supplied through the domestic water system. The subdivision will be a relatively high density housing project with only a small irrigated area, and the cost of a dual water system to serve domestic lots is not warranted. We have not calculated the cost of a dual water system to serve this particular project, but we understand that costs for such systems in other parts of the state are often more than \$500 per lot. Thus, with 390 Equivalent Dwelling Units on the property, the cost for a dual water system could easily exceed \$200,000.

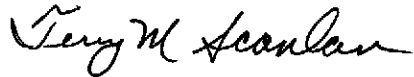
Buckskin plans to serve the larger common lots through a non-potable water system utilizing surface water (to the extent it is available) and groundwater. We understand that the Mud Creek rights are not highly dependable, and as a result Buckskin will need to supplement the surface water with groundwater.

We understand the Department's desire to (1) preferentially utilize surface water in many parts of the State to preserve groundwater resources, and (2) prevent the forfeiture of senior water rights through conversion to groundwater use. However, the need to conserve groundwater in Valley County has not been demonstrated to our knowledge, as aquifers in Long Valley have not been extensively developed. Nor are we aware of any other developments in Valley County that have been required to provide dual water systems. With respect to forfeiture of senior water rights, Buckskin would be willing to

mitigate groundwater irrigation use with their surface irrigation water rights on an acre-for-acre basis if required.

Please contact me to discuss this matter. We look forward to your response.

Sincerely,

A handwritten signature in cursive script, reading "Terry M. Scanlan".

Terry M. Scanlan, P.E.

Cc: Jack Charters
Joe Pachner

RECEIVED

SEP - 3 2004

FAX

DEPARTMENT OF WATER RESOURCES

SPF Water Engineering, LLC

600 East River Park Lane, #105
Boise, Idaho 83706

Date: September 3, 2004

Tel: 208 383-4140

Fax: 208 383-4156

To: Shelley Keen

Fax No: 327-7866

From: Terry Scanlan

Reference:

Subject: 65-22888

No. of Pages: 3
(including cover)

**If you do not receive all pages, or if there are any problems with this
transmission, please call at 208 383-4140**



SPF Water Engineering, LLC
water resource consultants

RECEIVED

SEP - 3 2004

DEPARTMENT OF WATER RESOURCES

September 2, 2004

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Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Petition for Reconsideration – Preliminary Order on Permit 65-22888

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Mr. Shelley Keen

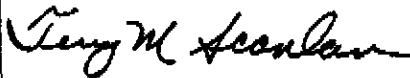
-2-

September 2, 2004

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Terry M. Scanlan, P.E.

RECEIVED

SEP - 3 2004

DEPARTMENT OF WATER RESOURCES

Cc: Jack Charters
Joe Pachner



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 23, 2004

BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615

RE: Permit No. 65-22888

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.

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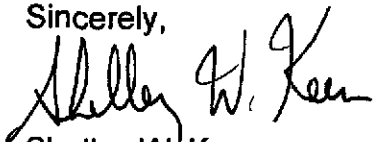
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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact 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,



Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

SWK:klt

cc: SPF WATER ENGINEERING LLC

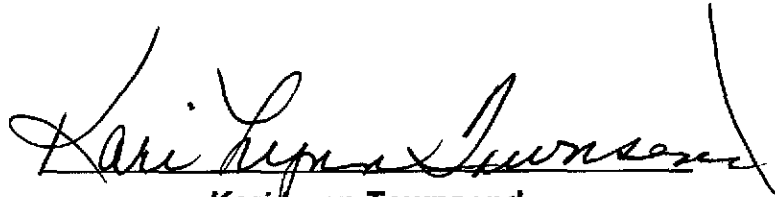
CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22888

**BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

65-22888

1. slester 6/22/2004 1:40:47 PM Additional Information Supporting Application
Comment:

Mitigation Plan or acceptance form: Attached

2. slester 6/22/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed for proposed development aka The Meadows at West Mountain. Two backup wells from W & S Investment Inc. Application 65-22889 are included in this filing.

3. kwalker 8/13/2004 Permit Review

Comment: Recommend approval. Irrigation use is supplemental to Lake Fork Creek water. Applicant authorized to do business in Idaho.

RECEIVED

AUG 12 2004

Form No 202a
April 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JR

Date 6/22/04

Application # 65-22888

REQUIRED INFORMATION

See file, info from IDOS Bwr. Entity Registration

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow & /or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

Government Lots
N P/D
N P/U

overpaid, refund being processed

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

- ☒ P/D overlap (explain) - *shared 2 wells with WTS Investment Appl. 65-22889*
- ☒ P/U overlap (explain) - *surface water irrig 65-2399, 65-3185, 65-8053 covers same land*
- ☒ Critical groundwater area (send letter)
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file:
 - N/A Immediate = closed areas, acceptable plan required & submitted
 - ☒ Future = open areas, plan not required
- ☒ 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 APPLICANT

* *Signature & amended version is a copy. But signer hand-initialed this version. Also, consultant's 5/14/04 cover letter discusses amended appl. This is acceptable when considered as a whole.*

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 65-22888

YES NO

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

COMMENT LETTERS

YES NO

- ☒ ☐ IDEQ *- No repl's*
☒ ☐ IDFG
☒ ☐ IDL
☒ ☐ IDWR Water Planning Bureau

YES NO

- ☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Other - list here or attach information

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest 7-19-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☒ ☐ Measuring device required *- re all plds*
☐ ☒ Water delivered by water master? District #
☒ ☐ Special conditions of approval or cover letter

*Std. condition; future mitigation; no R-U-w/trepars (re back up wells from 65-22889);
subject to water quality standards of state re IDEQ; subject to future measure/report;
meas. device with totalizer for all PLO; AKA The Meadows at West Mountain; use
surface water first to extent possib; allow 5 years.*

Recommended Date of Priority

*4/23/2004*Recommendation ☒ Approve ☐ Deny by*John for Reg. Mgr. Date 8/9/04**Amended prior to legal notice without suspending priority unchanged, \$50 fee N/A.***ADDITIONAL INFORMATION**☒ See attached proof report, note Legal Notice Remarks &/or Comments☒ Shapefile completed (optional: attach with proof report)

*Application includes 2 wells also proposed in WTS Investments 65-22889
Application. Each Application for separate development proposes to use other
Applicant's wells for back up purposes per 5/19/04 agreement filed
in Rockskin's Application 65-22888.*

Water Application Report 65-22888

Total Acres. 60

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22888

DOMESTIC, COMMERCIAL, FIRE PROTECTION: Same as IRRIGATION Place of Use

Comments

1 slester 6/22/2004 1 40 47 P M Additional Information Supporting Application
Comment
Mitigation Plan or acceptance form Attached

2 slester 6/22/2004 Legal Notice Remarks
Comment Applicant agrees to mitigate consumptive use in the future as needed for proposed development aka The Meadows at West Mountain. Two backup wells from W & S Investment Inc Application 65-22889 are included in this filing.

Dates and Other Information

Application Received Date 4/23/2004
Application Denied Date
Last Date of Beneficial Use
Extension End Date
Protest Deadline Date
Number of Protests 0
Enlargement Use Priority Date
Enlargement Statute Priority Date
State or Federal
Owner Name Connector
Water District Number
Generic Max Rate Per Acre
Generic Max Volume Per Acre.
Application Type New Appropriation

Applicant Remarks: Buckskin Properties Inc owns land being developed as The Meadows at West Mountain and plans to develop a public water system to supply water for multiple uses The development will have approximately 221 single-family lots, 160 multi-family units and 10 commercial units within an approximate 120 acre development area
Irrigation diversion rate is based on 50% irrigated area within 120 acres at 0.02 cfs/acre

Other Water Rights 65-2399, 65-3185, 65-8053 for irrigation

Time to Complete Works 5

Transfer Affected Description

Transfer Affected Contracts

Old Transfer Number.

Transfer Reason:

Transfer Return Flows.

Swan Falls Trust or Nontrust

Swan Falls Dismissed

DLE Act Number

Carey Act Number

Mitigation Plan False

Combined Use Limits

FILED EFFECTIVE**ARTICLES OF INCORPORATION****OF****BUCKSKIN PROPERTIES, INC.**

DEC 19 PM 2:29

CLERK OF STATE
STATE OF IDAHO

KNOW ALL Men by these presents, that we, the undersigned, being natural persons of legal age, do now associate ourselves for the purpose of forming a corporation under and pursuant to the laws of the State of Idaho and to that end hereby adopt these Articles of Incorporation.

I.

The name of this corporation shall be BUCKSKIN PROPERTIES, INC.

II.

The period of duration of the corporation shall be perpetual.

III.

The purposes for which this corporation is formed are:

- (a) For the purchase and sale of real and personal property.
- (b) To do all lawful things and engage in acts and enterprise that a natural person might or could do, not repugnant to law.
- (c) To do all acts necessary, lawful, suitable and proper for the attainment of the purposes and objectives.

IV.

All power of the corporation is vested in the Board of Directors elected by the stockholders. Total shares of common stock shall be 100,000 shares at \$10.00 par value.

IDAHO SECRETARY OF STATE
12/19/2003 05:00
CL: 15500 CI: 94184 MI: 717745
F \$ 100.00 = 100.00 CORP # 2

ARTICLES OF INCORPORATION - 1

C152198

From IDSOS Bus Entity Registration

The By-Laws of this corporation shall control the operations of the corporation except as limited herein.

The registered agent for the corporation shall be CHARLES D. COULTER, and the registered office of the corporation shall be 1002 North Eighth Street, Boise, Idaho, 83702.

The following named individuals are the incorporators and these shall constitute the initial Board of Directors:

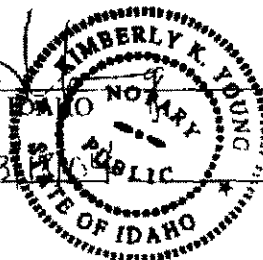
DATED This 16 day of December, 2003.

Jack A. Charters
Sgt. B. Campbell

STATE OF IDAHO)
) ss.
County of Ada)

On this 16 day of December, 2003, before me, a Notary Public, in and for said State, personally appeared JACK A. CHARTERS and ROGER B. CAMPBELL, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires 3/1/10



ARTICLES OF INCORPORATION - 2

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

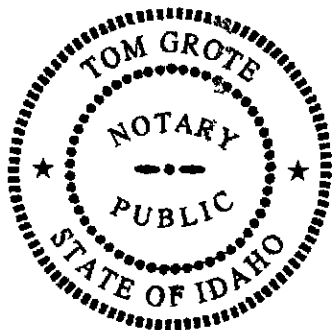
I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 1, 2004 and ended July 8, 2004

Carol J. Wright

Subscribed and sworn before me this the 8th day of July, 2004
STATE OF IDAHO

COUNTY OF VALLEY

On this 8th day of July, in the year of 2004, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same



Tom Grote

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

RECEIVED
JUL 12 2004
WATER RESOURCES
WESTERN REGION

WATER RIGHT APPLICATIONS

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

65-22888

BUCKSKIN PROPERTIES INC., PO BOX 145, DONNELLY ID 83615.

Point(s) of Diversion NWNE S17 T16N R03E, VALLEY County Source GROUND WATER. Point(s) of Diversion SENE S17 T16N R03E VALLEY County, Source GROUND WATER. Point(s) of Diversion SENE S17 T16N R03E VALLEY County Source GROUND WATER. Point(s) of Diversion SESW S17 T16N R03E VALLEY County Source GROUND WATER. Point(s) of Diversion SESW S17 T16N R03E VALLEY County Source GROUND WATER.

Use IRRIGATION 04/15 To 10/31 1.2 CFS. Use: COMMERCIAL 01/01 To 12/31 0.1 CFS Use DOMESTIC 01/01 To 12/31 0.8 CFS Use FIRE PROTECTION 01/01 To 12/31 3.34 CFS

Total Diversion: 5 CFS Date Filed: 04/23/2004

Place Of Use: DOMESTIC T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: COMMERCIAL T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: FIRE PROTECTION T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: IRRIGATION T16N R03E S17 NENE NWNE SWNE SENE Number of Acres 60

Remark: Applicant agrees to mitigate consumptive use in the future as needed for proposed development aka The Meadows at West Mountain. Two backup wells from W & S Investment Inc Application 65-22889 are included in this filing.

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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director 2tc7/8

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, June 24, 2004 1:52 PM
To: 'srae@deq.state.id.us'

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

June 24, 2004

ID DEPT ENV QUALITY
STEVE RAE
1445 N ORCHARD
BOISE ID 83706-2239

Dear Mr. Rae:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by July 19, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



63-31949.pdf



65-22888.pdf



65-22889.pdf



Amended
Application.pdf

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

June 23, 2004

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Application for Permit No 65-22888 and 65-22889

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two legal notices 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 notices 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 07/19/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger

Administrative Assistant

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

65-22888

BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615

Point(s) of Diversion	NWNE	S17 T16N R03E	VALLEY County	Source	GROUND WATER
Point(s) of Diversion	SENE	S17 T16N R03E	VALLEY County	Source	GROUND WATER
Point(s) of Diversion	SENE	S17 T16N R03E	VALLEY County	Source	GROUND WATER
Point(s) of Diversion	SESW	S17 T16N R03E	VALLEY County	Source	GROUND WATER
Point(s) of Diversion	SESW	S17 T16N R03E	VALLEY County	Source	GROUND WATER

Use:	IRRIGATION	04/15 To 10/31	1.2 CFS
Use:	COMMERCIAL	01/01 To 12/31	0.1 CFS
Use:	DOMESTIC	01/01 To 12/31	0.8 CFS
Use:	FIRE PROTECTION	01/01 To 12/31	3.34 CFS

Total Diversion: 5 CFS

Date Filed: 04/23/2004

Place Of Use: DOMESTIC

T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: COMMERCIAL

T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: FIRE PROTECTION

T16N R03E S17 NENE NWNE SWNE SENE

Place Of Use: IRRIGATION

T16N R03E S17 NENE NWNE SWNE SENE

Number of Acres: 60

Remark: Applicant agrees to mitigate consumptive use in the future as needed for proposed development aka The Meadows at West Mountain. Two backup wells from W & S Investment Inc. Application 65-22889 are included in this filing.

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 07/19/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on July 1 and 8, 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

June 22, 2004

BUCKSKIN PROPERTIES INC
PO BOX 145
DONNELLY ID 83615

RE: Application for Permit No. 65-22888

Dear Applicant:

The above referenced application for The Meadows at West Mountain will be advertised in the legal notices of the McCall newspaper during the first two weeks of July 2004. Assuming protests are not filed against the application, the Idaho Department of Water Resources (IDWR) should be able to issue a decision for your application by about the middle of August 2004.

The application fee was \$410 but you paid \$450. A **refund** will be issued shortly for the overpayment.

Please contact me at 208-334-2190 if you have any questions or need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

Copy: Terry Scanlan P. E., SPF Water Engineering LLC
Debbie Allen, IDWR State Office

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED

MAY 21 2004

WATER RESOURCES
WESTERN REGION

May 19, 2004

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

Subject. Amended Application for Water Right Permit – Buckskin Properties, Inc.

As a follow-up to the above referenced application that I hand delivered earlier today, enclosed is a signed agreement between Buckskin Properties and W & S Investments related to sharing of well sites listed on the application.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Charles Coulter

RECEIVED

MAY 21 2004

WATER RESOURCES
WESTERN REGION

AGREEMENT

This is to memorialize the agreement of the undersigned.

That the parties hereto, each, have interest in real property located in Section 17 in Valley County, Idaho, per the records in said county; and

That each of the parties hereto are intending to develop said properties and to include a domestic water system; and

That each of the parties hereto have made application for water rights on their respective real properties.

THAT ONE IN EXCHANGE FOR THE OTHER, the parties hereto have agreed to cooperate and combine to establish a water system.

That each have agreed that the other can list the other as a point of diversion on their respective water right. That each will cooperate to enhance the viability of such a water system to and including the appropriate cost to service and provide water to their respective real properties and to develop the water system to meet all applicable standards, including capacity.

This agreement will bind and incur to the benefit of the assigns and successors in interest of each parties.

IN WITNESS WHEREOF the parties have signed, in proper person, this 19th day of May, 2004.

BUCKSKIN PROPERTIES, INC.

W & S INVESTMENTS, INC.

By Jack A. Charters
JACK A. CHARTERS
Its President

By _____
WALT WANNER
Its _____

AGREEMENT - 1

AGREEMENT

This is to memorialize the agreement of the undersigned

That the parties hereto, each, have interest in real property located in Section 17 in Valley County, Idaho, per the records in said county; and

That each of the parties hereto are intending to develop said properties and to include a domestic water system; and

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BUCKSKIN PROPERTIES, INC

W & S INVESTMENTS, INC.

By _____
JACK A CHARTERS
Its President

By Walt Wanner
WALT WANNER
Its President

AGREEMENT - 1

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED

MAY 19 2004

WATER RESOURCES
WESTERN REGION

May 19, 2004

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

Subject: Amended Application for Water Right Permit – Buckskin Properties, Inc

Enclosed on behalf of Buckskin Properties, Inc. is ~~an amended application~~ for water right permit associated with a proposed public water system in Valley County. **The changes to the application have been initialed by Jack Charters (Buckskin Properties).**

The amendment adds two additional points of diversion on lands owned by W & S Investments (Walt Wanner). Buckskin Properties and W & S are currently planning to interconnect their water systems. As part of this interconnection, Buckskin and W & S will share two or more wells. W & S will be filing a separate water right permit application listing the Buckskin Wells as points of diversion

Please contact me with any questions

Sincerely,

Terry M. Scanlan, P.E

Cc: Jack Charters – Buckskin Properties
Joe Pachner – Toothman-Orton Engineering Company
Walt Wanner – W & S Investments
Stan McHutchison – Briggs Engineering

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED

APR 23 2004

WATER RESOURCES
WESTERN REGION

April 20, 2004

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

Subject: Application for Water Right Permit – Buckskin Properties, Inc.

Enclosed on behalf of Buckskin Properties, Inc. is an application for water right permit associated with a proposed public water system in Valley County. Water would be supplied for domestic, irrigation, fire protection, and commercial purposes.

The proposed water system is located west of Donnelly. Two points of diversion are proposed. Approximately 391 customer connections are anticipated during the 5-year permit development period. A diversion rate of 5 cfs is proposed.

The water system may eventually be taken over by the North Lake Recreational Sewer & Water District. If that happens, the permit will be assigned to the District. In the meantime, Buckskin will proceed with permitting, construction, and operation of the system.

A check for \$450 is enclosed to the cover filing fee for the 5 cfs water right permit. Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Jack Charters – Buckskin Properties
Joe Pachner – Toothman-Orton Engineering Company