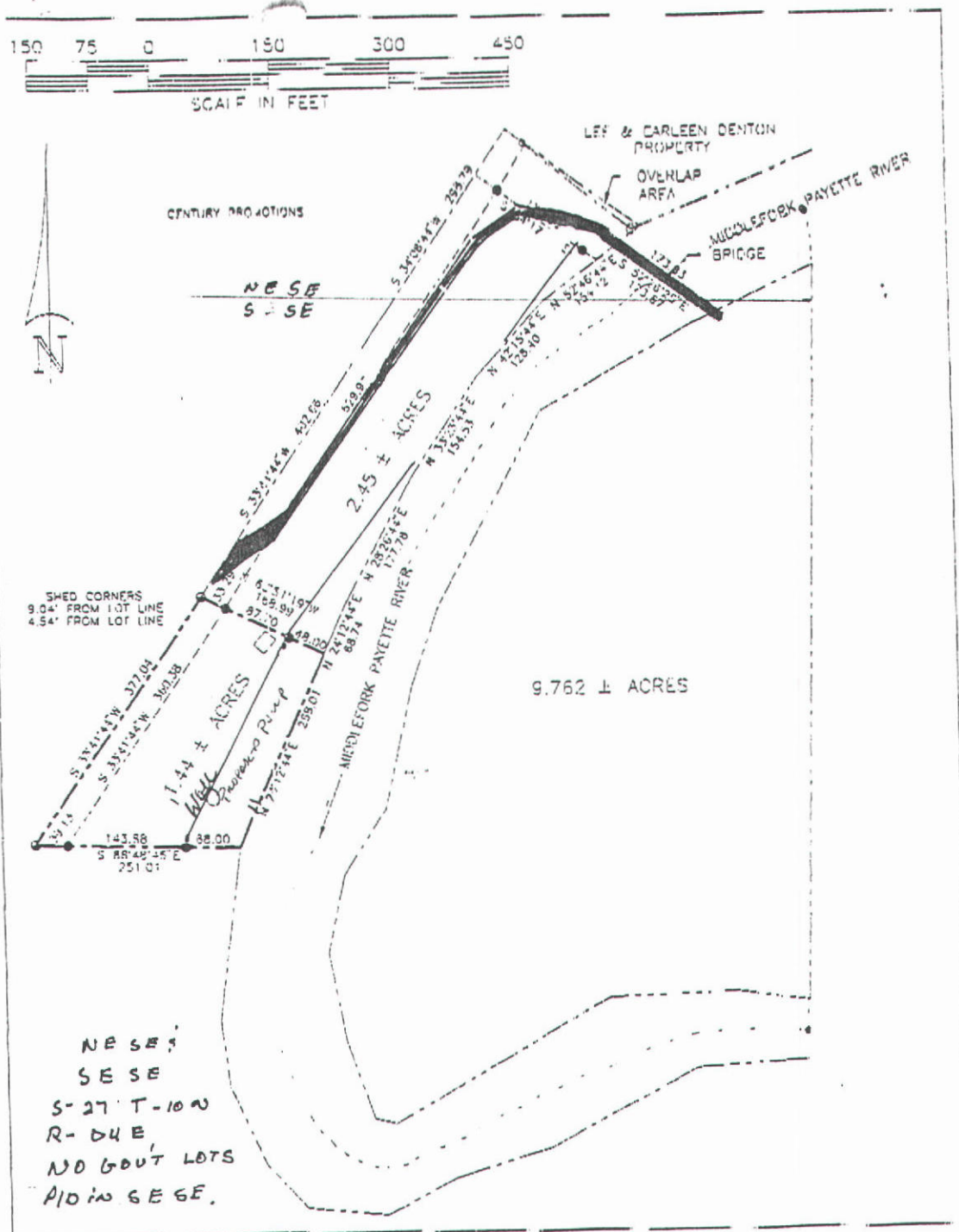


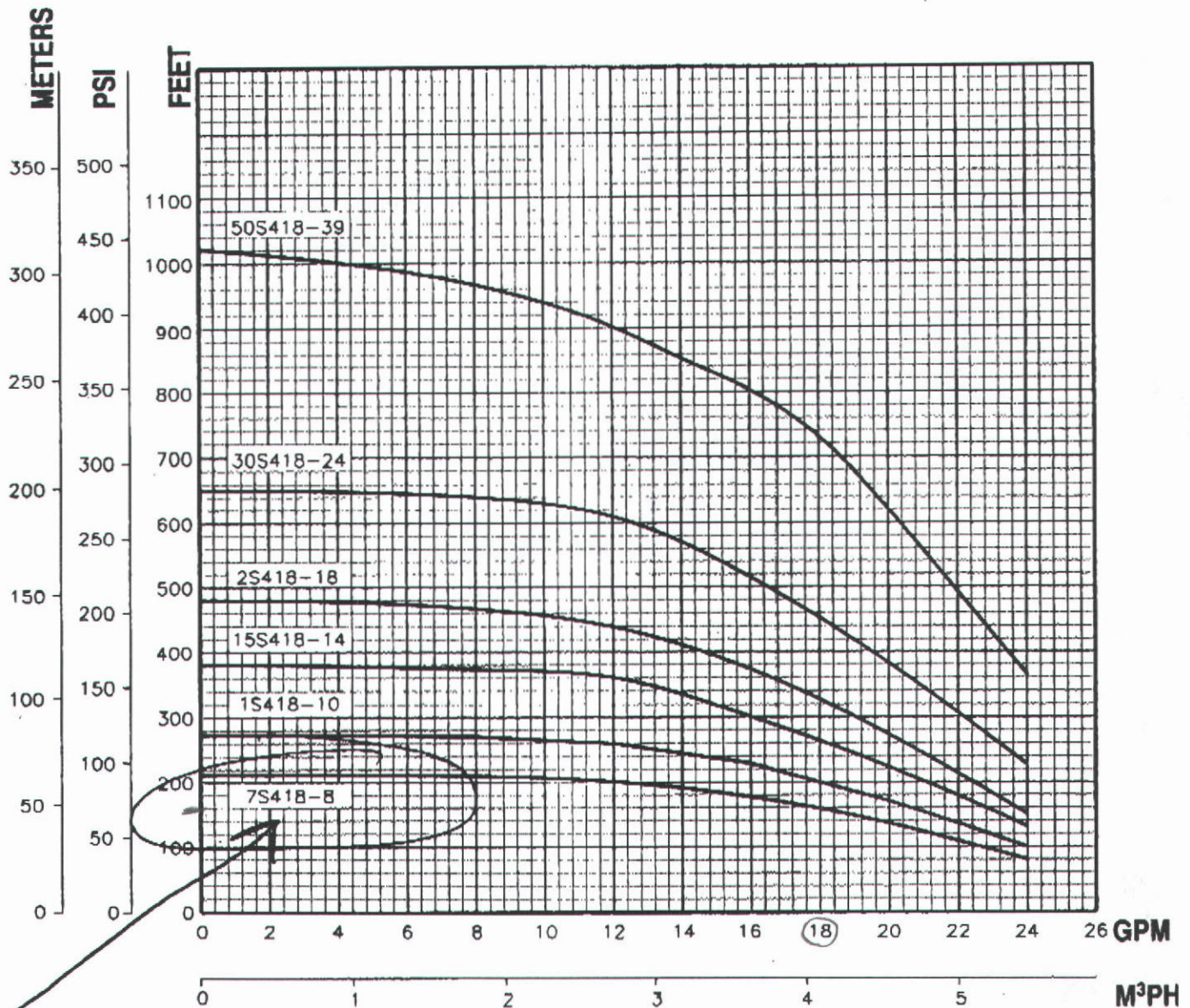


DAN 6-30-99

SandHandler™ 18 GPM

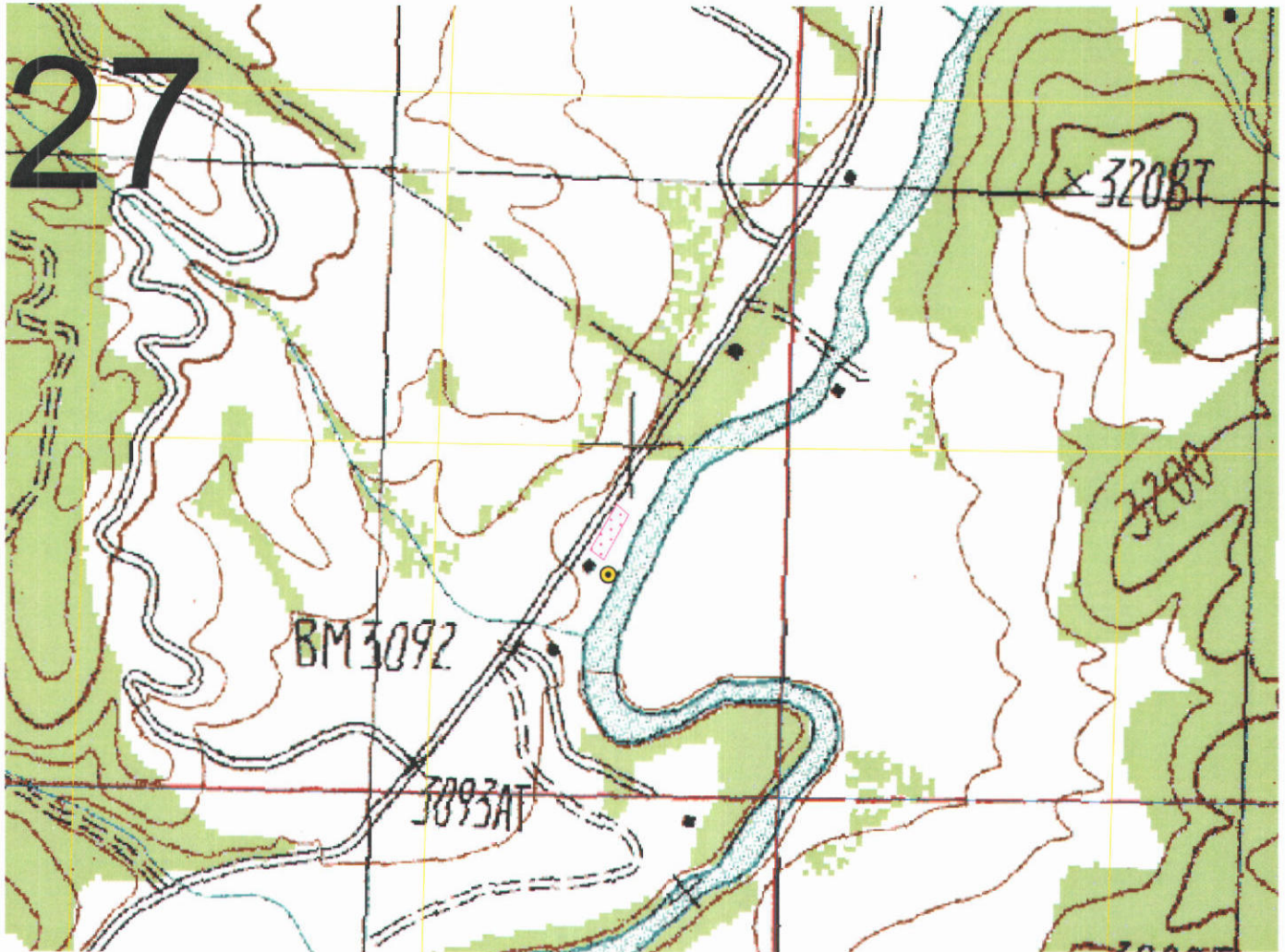
Performance Curves

"The Most Trusted Name In Water"™



MICROFILMED
JUN 05 2003

63-13889



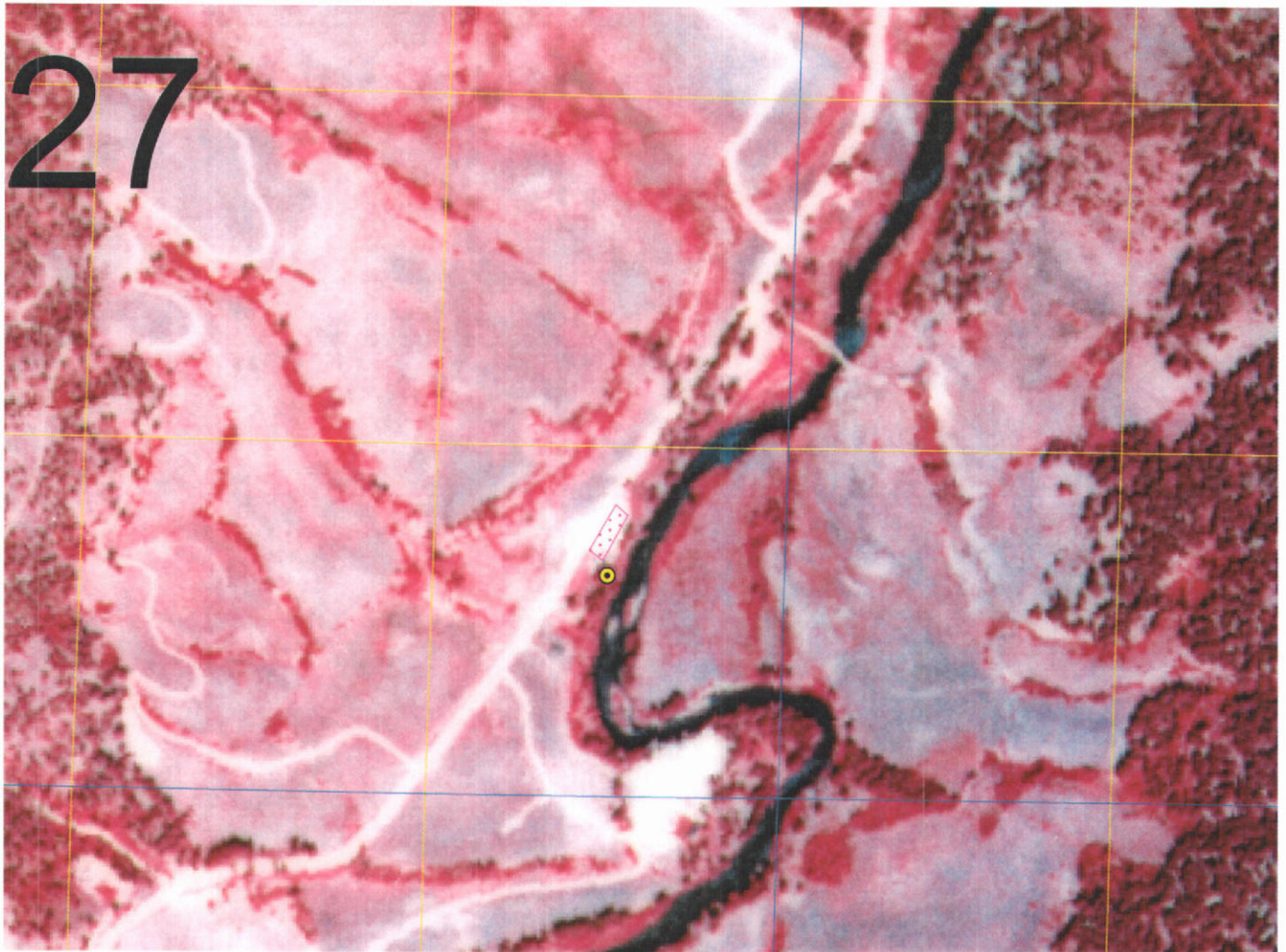
0.2 0 0.2 0.4 Miles

-  Home & RV Space
-  Well
-  Section Lines
-  1/41/4 Lines

MICROFILMED
JUN 05 2003



63-13889



0.2 0 0.2 0.4 Miles

A scale bar with markings for 0.2, 0, 0.2, and 0.4 miles.

-  Home & RV Space
-  Well
-  Section Lines
-  1/4 1/4 Lines



MICROFILMED
JUN 05 2003



well

Home



RV space

MICROFILMED
JUN 05 2003

August 2, 1999
Page 2

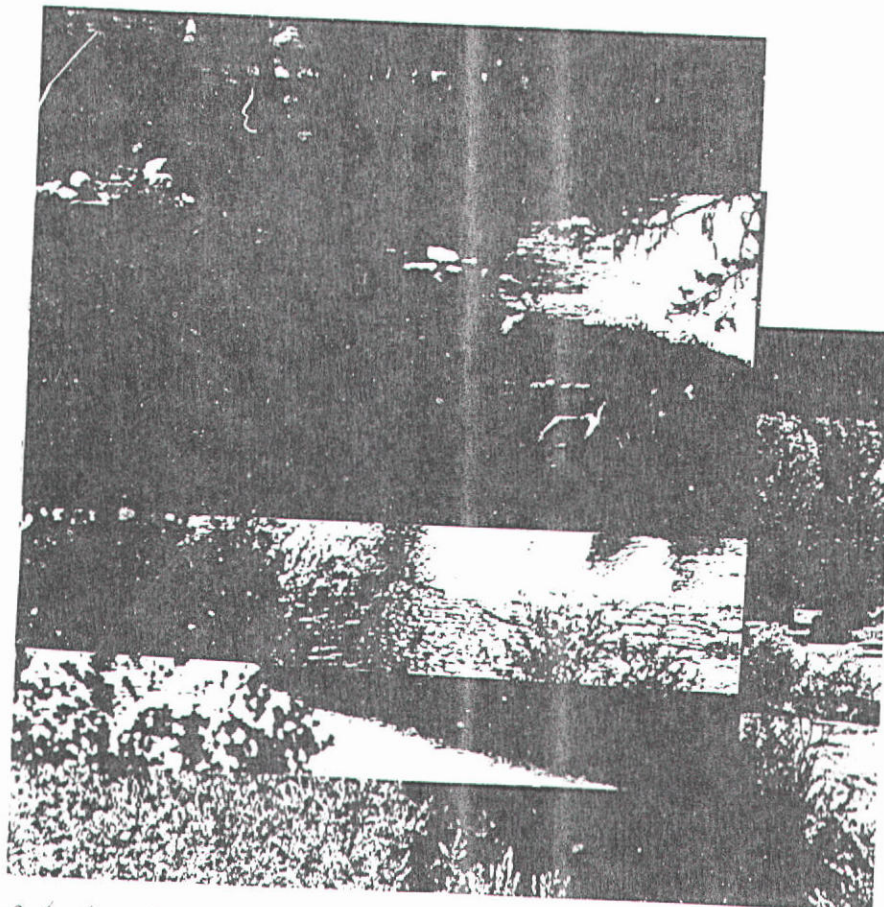
Thank you for your cooperation.

Very truly yours,

Merrily Muntner
Merrily Muntner

MM:klw

cc: IDWR/Statehouse Mail



Photos in 68-13557

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13889

Priority: April 01, 2002

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that NEW CENTURY PROMOTIONS INC
C/O JACK SHIRLEY
1315 HANNINGTON DR
KATY TX 77540 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 15, 1999, and have
submitted Proof of Beneficial Use on April 01, 2002. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from

SOURCE

GROUND WATER

and a water right has been established as follows

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.04 CFS

**ANNUAL
DIVERSION VOLUME**
1.2 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27, Twp 10N, Rge 04E, B.M., BOISE County

PLACE OF USE: DOMESTIC

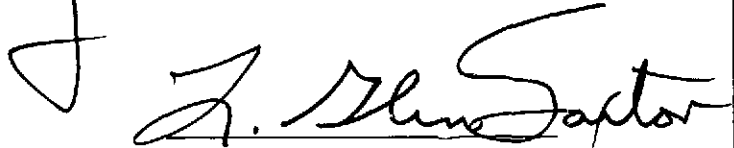
Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	04E	27																X	

CONDITIONS OF APPROVAL

- 1 Domestic use is for 1 home and 1 RV hook-up and does not include lawn, garden, landscape, or other types of irrigation

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9th day of May, 2003.


for KARL J. DREHER
Director

MICROFILMED
1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED PERMIT)
NO. 65-13889 IN THE NAME OF)
NEW CENTURY PROMOTIONS, INC.)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 27, 1999, the Department issued Permit No. 65-13889 to New Century Promotions, Inc. ("permit holders") authorizing the diversion of 0.21 cubic feet per second (cfs) of groundwater to be diverted for irrigation, stockwater and domestic, within the SESE, Section 27, Township 10N, Range 04E, Boise County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before January 1, 2001.
2. On October 31, 2000, by certified mail, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or an extension of time request.
3. On January 5, 2001, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension of time request.
4. On April 1, 2002, the permit holder submitted a completed proof form and the required license examination fee to the Department. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

MICROFILMED
JUN 15 2002

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received,

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting invoices and receipts for sprinkler and irrigation equipment, invoice for labor installing sprinkler system, electrical bills showing agricultural, commercial, irrigation and residential uses during the development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 65-13889 in the name of New Century Promotions, Inc. is **REINSTATED** with the priority advanced to **April 1, 2002**.

Dated this 20th day of June, 2002.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 65-13889 Telephone No (281) 492-8581
2. Name of Permit Holder(s): New Century Promotions INC
3. Mailing Address P.O. Box 7460
City PAIDAMA City State PAIDAMA, S, PM Zip
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo / yr
Well Driller: Drilling Permit Number:
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): 3 Other
6. Total rate of diversion and/or volume for which proof is submitted. 30 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. \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: JACK SHIRLEY Telephone Number: 281 492-8581
Address 1315 HANNINGTON DR KATY TX 77450
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: [Signature]

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

US REP
NEW CENTURY PROMOTIONS

Date: 2/29/02

MICROFILMED
2002

NOTICE

This file has been REPRODUCED
from MICROFICHE because :

The file might be reinstated.

Dan M. Locke
Person Recreating File

Apr. 12, 2002
Date

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13889

Priority: June 5, 1999

Maximum Diversion Rate:

0.21 CFS

This is to certify, that NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON TX 77036

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.09 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS
Totals		0.21 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 27, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	27	NESE 1.0	SESE 2.0		3.0

Total number of acres irrigated: 3.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2001.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources

PAGE 2

Permit To Appropriate Water

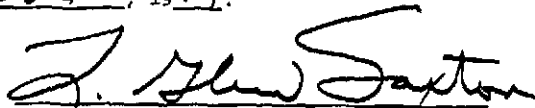
NO. 65-13889

CONDITIONS OF APPROVAL AND REMARKS

6. Water diverted under this right cannot be used for domestic purposes in a recreational vehicle park.
7. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. Stockwater use is for 3 range cattle.

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

27th day of December, 1999.


for Karl J. Dreher, Director

FORM 202
1/96

RECEIVED

DEC 10 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 65-13889

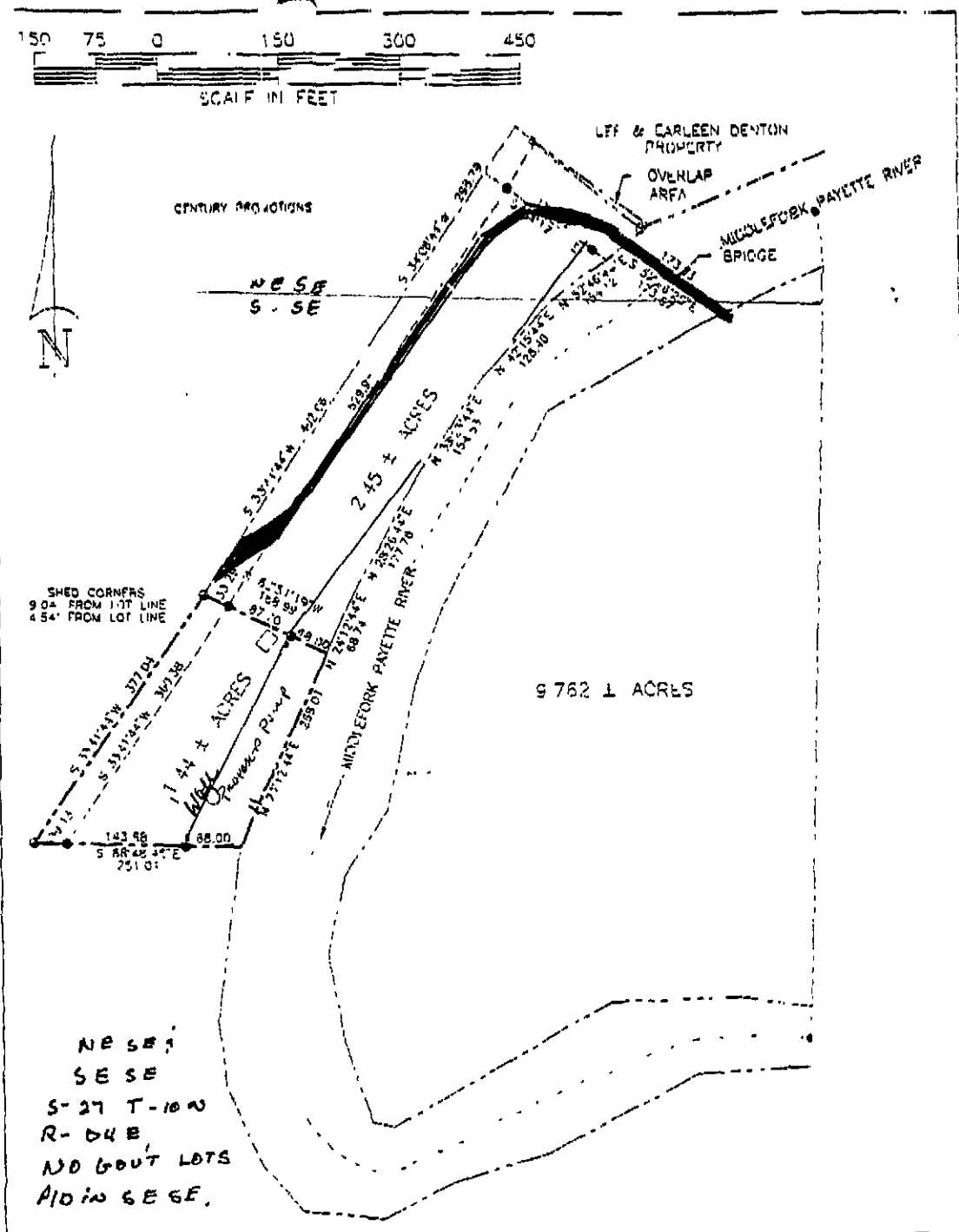
RECEIVED

JUN 15 1999

WATER RESOURCES
WESTERN REGION

1. Name of Applicant New Century Promotions LLC Phone 713 774-0321
Post Office address 5757 Ranchester #400 Houston Texas 77036
2. Source of water supply GROUND WATER which is a tributary of *
3. Location of point of diversion is WELL 1/4 of SE 1/4 of SE 1/4, Quinn
Sec. 27 Township 10N Range 4E B.M. POISE County; additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 2.2 ^{0.09 cfs} for irrigation purposes from 4/15 to 10/15 (both dates inclusive) *
(cfs or acre-feet per annum)
Amount 0.02 for stock water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
0.10 Amount 0.04 ^{0.01 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)
5. Total quantity to be appropriated is (a) 0.26 ^{0.21 cfs} and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump & Sprinkler System
DOMESTIC WATER
- b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet; period of year when water will be diverted to storage: to inclusive.
- c. Proposed well diameter is 6 inches; proposed depth of well is 25 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? 1989; Drilling firm Property Owner Beck Family **
Well was drilled for (well owner) Beck Family **
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 if KW.
b. Stockwatering; list number and kind of livestock. 3 Cattle *
c. Municipal; show name of municipality.
d. Domestic; show number of households 4
e. Other; describe fully.

* See Attached communication concerning Changes
Dated 6-20-99 OAN 7-1-99
** See well INFORMATION in communication
Document Dated 7-2-99. OAN 7-2-99



DAV 6-30-99

Ident. No. 65-13889

Comments: Date: 7/ 2/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

Stockwater is for 3 cattle. 65-13027 overlaps the place of use but the owner's state that the owners of 65-13027 will not allow them to use the associations water. Domestic use is for 4 homes.



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

May 9, 2003

NEW CENTURY PROMOTIONS INC
C/O JACK SHIRLEY
1315 HANNINGTON DR
KATY TX 77540

RE: License No. 65-13889 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

for Shelley W. Keen
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MAILED

MAY 14 2003

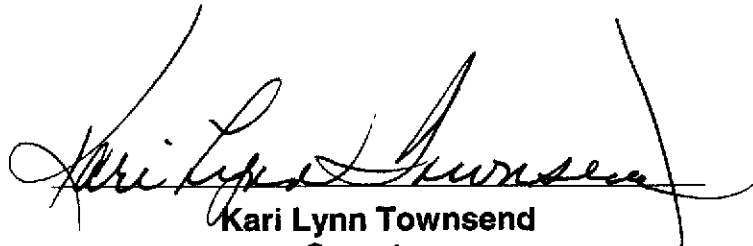
CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-13889

**NEW CENTURY PROMOTIONS INC
C/O JACK SHIRLEY
1315 HANNINGTON DR
KATY TX 77540**



**Kari Lynn Townsend
Secretary**

MICAC

MAY 10 2 2003

**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.

Minister
1998-11-19

Comment Report

65-13889

1. Igraves 12/12/2002 Field Report Narrative

Comment: A 6 inch well equipped with a ¾ hp submersible pump supplies internal domestic water to one home and one RV hook-up. The permit also listed three acres irrigation, all located on the West side of the River. The applicant had developed a system using water pumped from the Middle Fk, PayetterRiver to irrigate the acreage rather than using ground water. The applicant was told that he must have an approved permit before he can use the River water to irrigate the three acres or face an N.O.V. An application was sent 12/11/02. Permit 65-13888 is for 10 acres on the East side of the River, also owned by the applicant. No other rights are used.

The RV space had a stub indicating connection to the well.

2. kwalker 5/9/2003 Proposed license

Comment: Examiner shows irrigation under item c2 on the exam. The narative describes the use as internal domestic for 1 home and 1 rv hook-up.

3. DNELSON 7/2/1999 ADDITIONAL INFORMATION

Comment: Stockwater use is for 10 cattle. Applicant has also filed an application for water from the Middle Fork of the Payette for the same place of use. This surface water application is water right number 65-13888.

4. SCURTIS 12/16/1999 CORPORATE OFFICERS

Comment: The officers of New Century Promotions Inc. are as follows: Licimaco Herrera Soto - President Anabelle De La Lastra Moran - Secretary Libertad Julieta Diaz - Director

5. dgibson 4/23/2002 Business Address

Comment: The address for this business is: New Century Promotions, Inc., P.O. Box 7460, Panama City, Panama, 5, PM. The contact person is Jack Shirley at 1315 Hanningtone Dr., Katy, TX 77450.

MICAC 12/12/02

JUN 4 3 2003

RECEIVED

MAY 07 2003

Permit No: 65-13889

Page DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-13889

Exam Date: 12/10/02

1 Current Owner. NEW CENTURY PROMOTIONS INC
C/O JACK SHIRLEY
1315 HANNINGTON DR
KATY TX 77540
(281)492-8581

2 Accompanied by: Jack

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4SE1/4

Sec 27, Twp 10N, Rge 04E, B.M.

BOISE County

Method of Determination: Field Exam, Arc View Photo, Topo Map

2.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10N	04E	27																X	

Total Acres:

MICRO. LENSE

Method of Determination:

- 3 ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
		3/4	Submersible	Jacuzzi Sandhandler	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements. Pump Curve

E. FLOW CALCULATIONS

Measured Method:

$$\frac{3}{4} \times .7 \times 8.8 = .04 \text{ cfs}$$

$$50 + 30 \times 2.31$$

☐ Y Additional Computation Sheets Attached
(Pump Curve)

MISSOURI
JUL 15 2003

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses.

6 for 1 home

.6 for 1 RV

Internal Domestic Use Only

G. NARRATIVE/REMARKS/COMMENTS

A 6 inch well equipped with a 3/4 hp submersible pump supplies internal domestic water to one home and one RV hook-up. The permit also listed three acres irrigation, all located on the West side of the River. The applicant had developed a system using water pumped from the Middle Fk, Payette River to irrigate the acreage rather than using ground water. The applicant was told that he must have an approved permit before he can use the River water to irrigate the three acres or face an N.O.V. An application was sent 12/11/02. Permit 65-13888 is for 10 acres on the East side of the River, also owned by the applicant. No other rights are used.

The RV space had a stub indicating connection to the well.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AFA
	<u>Totals:</u>	0.04 CFS	1.2 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Lee Granger Date 12/12/02

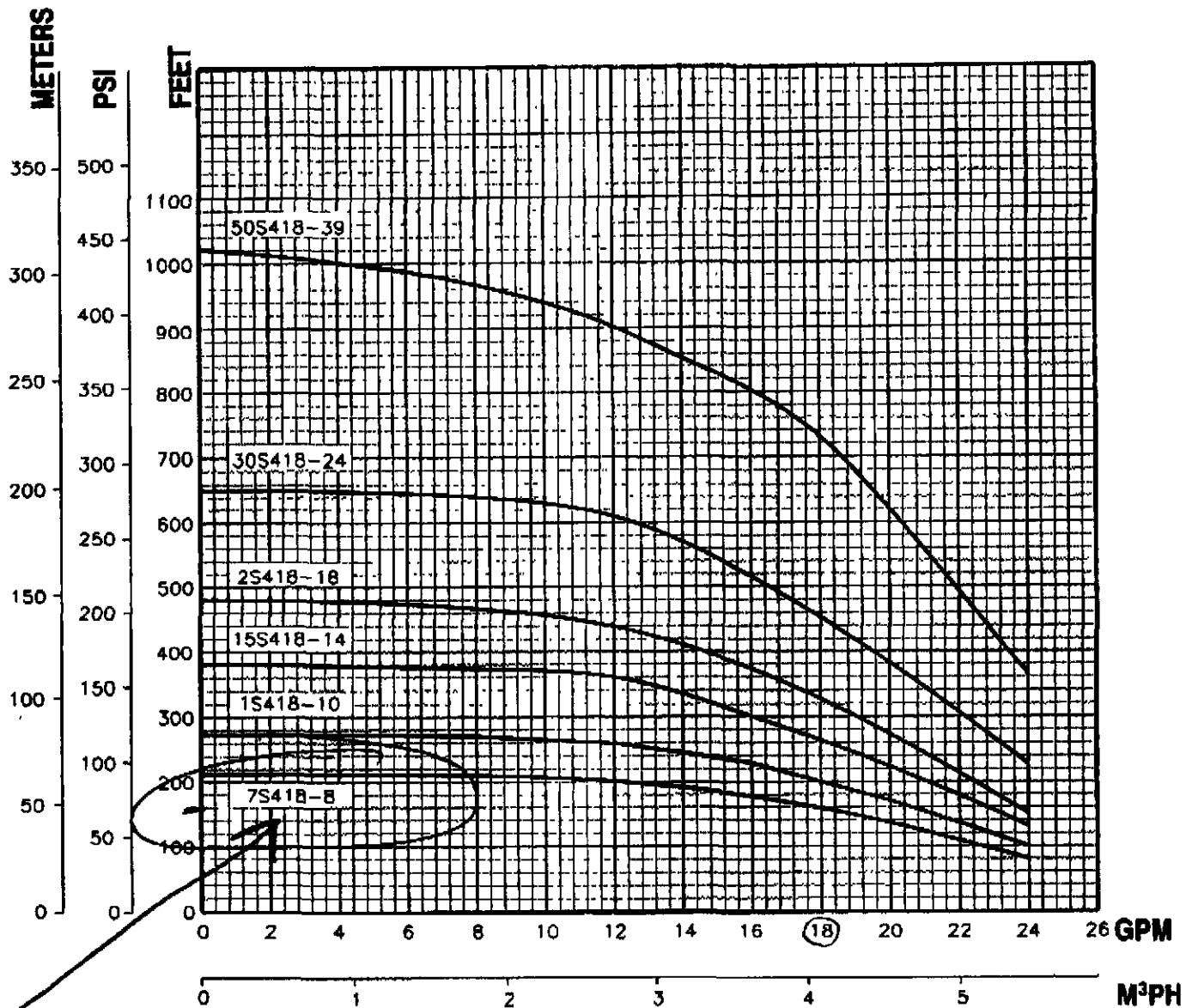
Reviewer _____ Date _____

APPROVED
DEC 12 2002

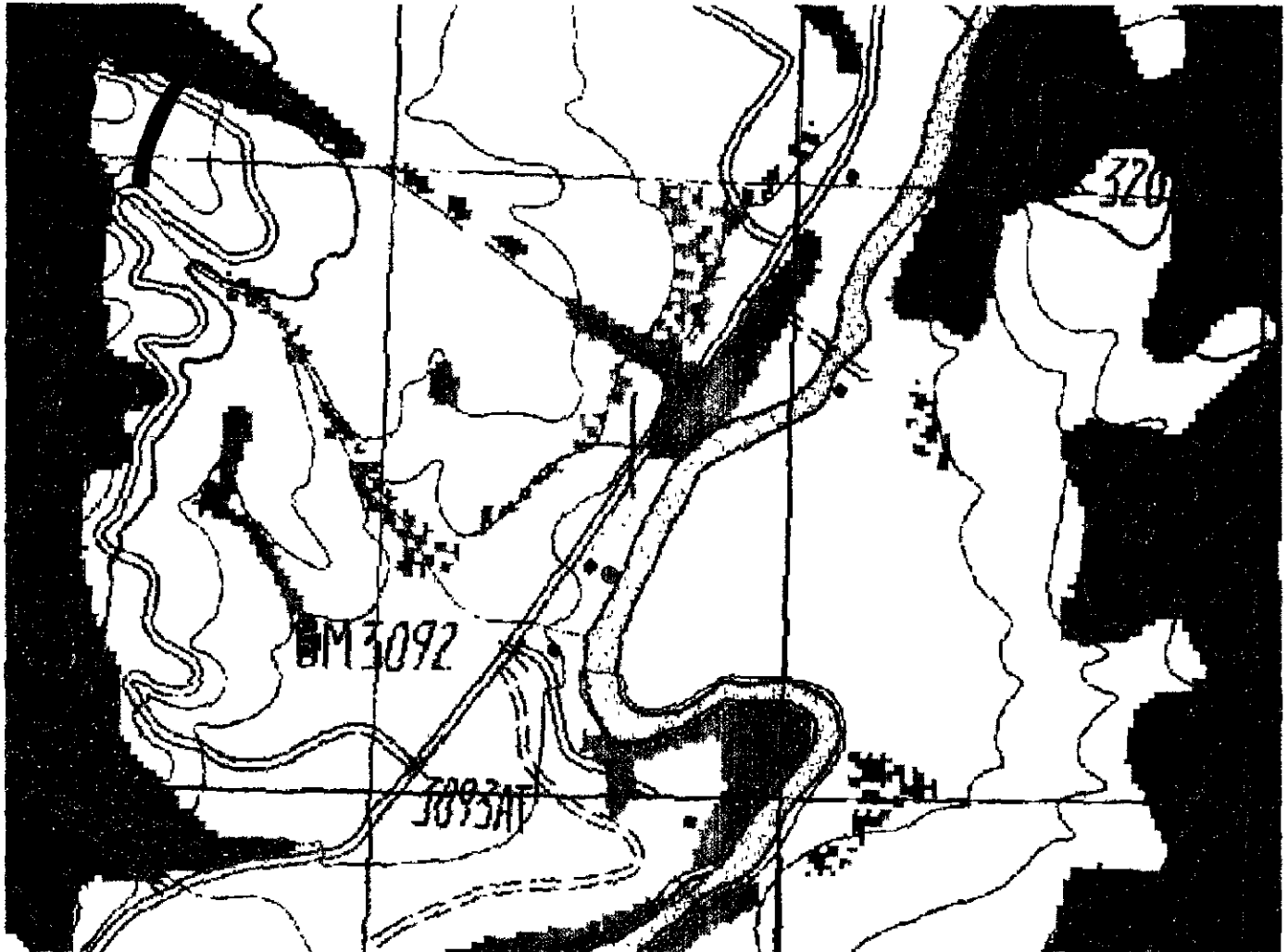
SandHandler™ 18 GPM

Performance Curves

"The Most Trusted Name In Water"

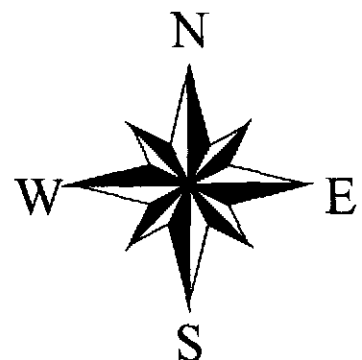


63-13889

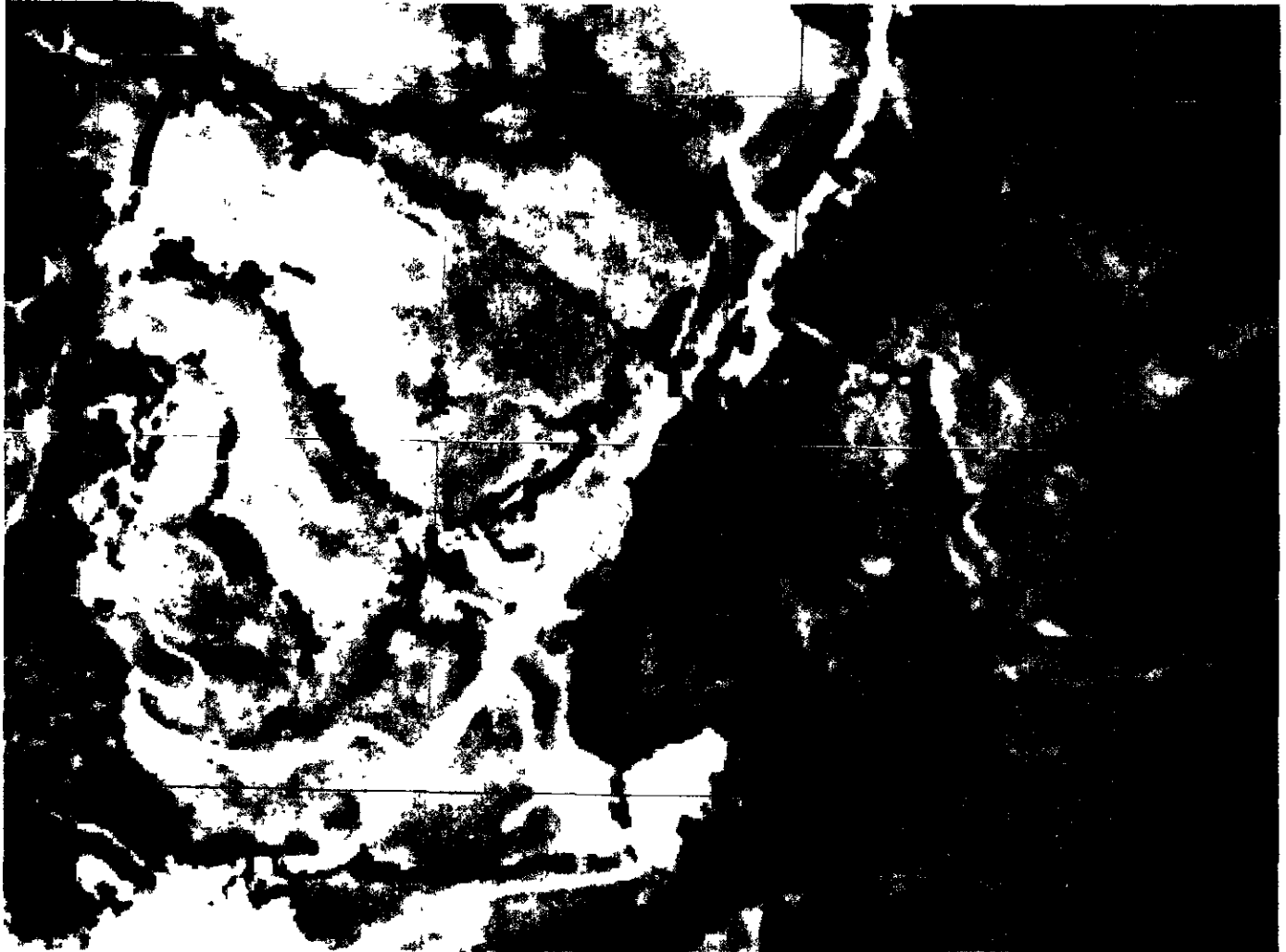


0.2 0 0.2 0.4 Miles

-  Home & RV Space
-  Well
-  Section Lines
-  1/41/4 Lines



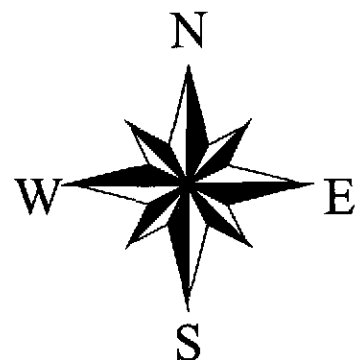
63-13889



0.2 0 0.2 0.4 Miles



-  Home & RV Space
-  Well
-  Section Lines
1/4 1/4 Lines



63-13889
11-12-1992

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: 65-13889
2. OWNER: New Century Promotions Phone: 281 492 8581
Address: Houston TX
3. WELL LOCATION: Twp 10N, Rge. 4E, Sec. 27, Se 1/4 Se 1/4
County Boise (Provide sketch map and photo on reverse.)
4. DRILLER: _____ Lic. No. _____
When Drilled? _____
5. WELL CONSTRUCTION:
Casing Diameter 6 inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☒ No Pressure Gauge: ☐ Yes ☐ No
Condition of Piping and Valving good
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature cold °F
Flowing Artesian ☐ Yes ☒ No Pressure: ~30 (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☐ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☒ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS:

Old well, Valley Pump installed
submersible recently



Signature of Dept. Representative & Title

12/10/02

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:



well

Home



RV space

MICRO

MAY 21 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

NEW CENTURY PROMOTIONS, INC.
PO BOX 7460
PANAMA CITY PANAMA 5 PM

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13888 & 65-13889

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above-referenced permits.

Enclosed are two orders reinstating permits 65-13888 and 65-13889, since proof was submitted more than 60 days after the lapse notices were issued. Please note that the priority dates for both permits have been advanced to **April 1, 2002**, the date the proofs and license examination fees were submitted to the department, as provided in Section 42-218a(2), Idaho Code.

I wanted to bring to your attention two items that I found during the review of your proofs. First, on proof no. 65-13889 see paragraph no. 6, you stated a different amount for the diversion rate than was permitted. You stated that your diversion rate is 3.0 cfs, however, the permitted amount for this water right is .21 cfs. If you have developed permit no. 65-13889 to the 3.0 cfs, you must contact the Western Regional office as soon as possible to apply for a permit for the additional diversion rate. Secondly, proof for 65-13888 showed the correct diversion rate of .22 cfs. However, these two permits amount to a license exam fee of \$200 (\$100.00 each). You paid \$300, therefore, the department owes you \$100. With a copy of this letter, I am requesting our Fiscal department to issue you a check in the amount of \$100.00. It will come to you under separate cover to the above mailing address.

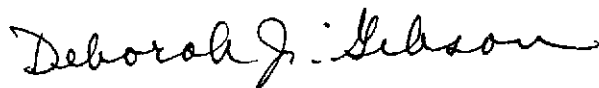
The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If

MICROFILMED
JUN 23 2002

New Century Promotions, Inc.
June 21, 2002
Page 2

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

Sincerely,



Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Region
Fiscal (w/copy of receipt)
Jack Shirley – 1315 Hannington Dr., Katy, TX 77450 (w/enclosures)

P.S. Jack I am returning documents and floppy disks that you provided to me, which I do not need as proof of development.

MICROFILMED
JUL 10 2002



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

June 3, 2002

JACK SHIRLEY
NEW CENTURY PROMOTIONS INC
1315 HANNINGTON DR
KATY TX 77450

Re: Lapsed Permits Nos. 65-13888 & 65-13889

Dear Jack:

Thank you for coming in on May 14th, I really enjoyed meeting and talking to you. This is a follow-up letter to our conversation and to request more information. During our conversation, I asked if you could provide documentation that would tell me which electric bills were for what location or use, and for page 2 of the invoice from Valley Pump and Equipment Co., Inc.

Additionally, upon further review, I found that the Idaho Power statements you gave me reflected activity for seven (7) different accounts. If you could have Idaho Power provide a statement explaining which account goes to which well, preferably identified by a legal description, that information would be very helpful.

Your help is greatly appreciated. I'll calendar this for 30-days for your response. If you have any questions, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED
JUN 10 2002



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

April 23, 2002

JACK SHIRLEY
NEW CENTURY PROMOTIONS INC
1315 HANNINGTON DR
KATY TX 77450

RE: LAPSED PERMIT NO. 65-13889

Dear Permit Holder:

The department is in receipt of the proof of beneficial use statement and the license examination fee, which you submitted to the department on April 1, 2002, in connection with the above referenced lapsed permit.

Since the proof was received after the 60-day lapse period, the permit can be reinstated only if you submit the following information for department consideration:

- < **Two (2) pieces of evidence** to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period, i.e. from the time the permit was issued until the proof due date (December 27, 1999 to January 1, 2001).

In order to provide me the necessary evidence, you may submit drilling records, receipts from equipment purchased and/or installed, affidavits by individuals who witnessed the construction and the use of the system during the authorized development period.

Additionally, the proof you submitted stated that you divert 3.0 cfs for this right. The permit allows .21 cfs. Therefore, it is important that you **verify in writing** which amount is the correct amount that was developed and is being used for this right. Also, I believe you may have overpaid your license exam fee, your verification of the diversion rate will clarify which fee is correct.

The department will maintain the proof of beneficial use for **30 days** to provide you the opportunity to submit the required information. Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated.

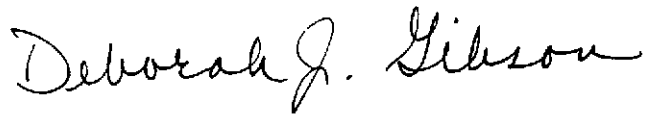
MICROFILMED

APR 24 2002

Page 2

If you have questions regarding this matter, please feel free to contact me at (208) 327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR – Region

MICROFILMED

JUL 10 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-13889

Reviewed By. dgibson

Date April 23, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.		
			Drilling permit upgrade needed?		
Receipt No.:		C061042	Well driller's report filed?		X
Additional Amount Due			Measuring device required?		X
		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/01/2002
Date proof due	- 01/01/2001
Lapse notice sent	-
No of days late	= 455
Holiday allowance	+
Priority date	+ 06/05/1999
New priority date	= 04/01/2002

Deficiencies of Actions Items

~~Acknowledge proof~~, verify diversion amount and clarify correct fee for this proof. Update address. Reinstate permit and advance priority to April 1, 2002

2. Acknowledge proof &
1. Request proof of development & beneficial use,
3. Change status back to lapsed. ^{done} When papers supporting development are supplied Change the status to Active.

NOTICE

This file has been REPRODUCED
from MICROFICHE because :

The file might be reinstated

Paula M. Bloch
Person Recreating File

Apr. 12, 2002
Date

I certify that file No. 65-13889

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

~~The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.~~

Kari Lynne J.
Reviewer

6.28.01
Date

January 5, 2001

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON, TX 77036

LAPSE NOTICE

RE: PERMIT NO. 65-13889

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated October 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 1/5/01
the following document was
deposited in the United States mail,
postage prepaid, addressed to the
individual(s) named below.

22

October 31, 2000

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON TX 77036

PROOF DUE NOTICE

RE: PERMIT NO. 65-13889

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 2001. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

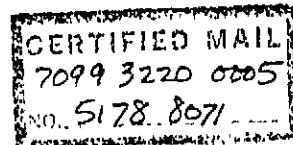
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 1999

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON TX 77036

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13889

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

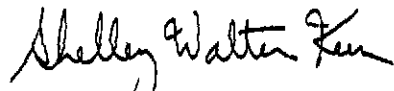
Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

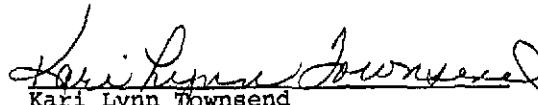
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13889

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON TX 77036


Kari Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.



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

November 3, 1999

KARL J. DREIER
DIRECTOR

H LLOYD KALBLINGER
POKE FLAT RANCH
545 MIDDLE FORK RD
CROUCH ID 83622

MERRILY MUNTHNER
PINETREE RANCH SUBDIVISIONS
PENLAND MUNTHNER BOARDMAN
PO BOX 199
BOISE ID 83701

Re: Application for Permit Nos. 65-13887, 65-13888 and 65-13889 in the Name of New Century Promotions, Inc

Dear Protestants:

This letter is to acknowledge the withdrawal of protests of the above referenced applications for permit.

The department will now continue to process these applications, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

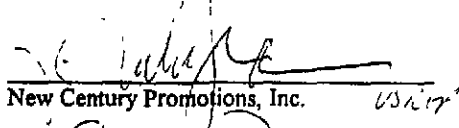
**IN THE MATTER OF APPLICATION)
FOR WATER RIGHT NOS. 65-13887,)
65-13888, AND 65-13889 IN THE)
THE NAME OF NEW CENTURY)
PROMOTIONS.)**

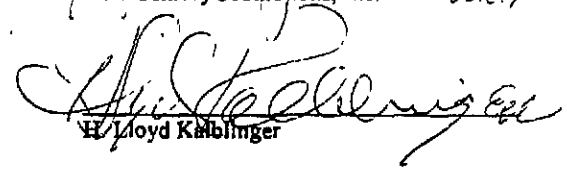
**AGREEMENT AND WITHDRAWAL
OF PROTEST**

The applicant, New Century Promotions, Inc. and protestant, H. Lloyd Kalblinger, agree to resolve the protest against the above applications as follows:

1. The water right approvals will expressly state that water cannot be used for domestic use in a recreational vehicle park.
2. By this agreement, Kalblinger withdraws his protest to the above applications.

Dated this 27th day of October, 1999


New Century Promotions, Inc.

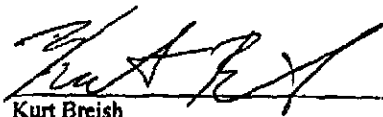

H. Lloyd Kalblinger

TO: Gary Spackman
Western Region Manager
Adjudication Section
IDWR
2735 Airport Way
83705-3082
208-334-2190
208-334-2348(Fax)

FROM: Kurt Breish for Concerned Residents of Pine Tree Ranch
Represented by Penland Munther Boardman Attorneys

We officially withdraw our protest of Water Permit Applications 65-13887, 65-13888 and 65-13889 by New Century Promotions. We feel that the issues that gave rise to our concerns have been eliminated, and do not wish to pursue this issue further.

We will hand deliver a copy of this letter to Jack Shirley, representative for New Century Promotions.



Kurt Breish
(208) -462-2800
(FAX) -462-2900

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit Nos. 65-13887, 65-13888 and 65-13889 in the Name of New Century Promotions

Place: Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: October 27, 1999

Conducted by: Gary Spackman

NAME

ADDRESS

H. Lloyd Kalslinger	545 MIDDLE FORK RD - CROUCH, ID.
Cory K Wood	311 2nd St. So. Suite D Nampa, ID 83651
SANDY W. JONKE	10 HANKS CR. GARDEN VALLEY IDAHO 83622
M. Johnson Shuter	59 MIDDLE FORK RD GARDEN VALLEY ID 83622

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR WATER RIGHT NOS. 65-13887,)
65-13888, AND 65-13889 IN THE)
THE NAME OF NEW CENTURY)
PROMOTIONS.)**

**NOTICE OF PREHEARING
CONFERENCE**

On June 15, 1999, New Century Promotions, Inc. filed with the Department of Water Resources (IDWR) three applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by H. Lloyd Kalblinger of Poke Flat Ranch, and Merrily Munther representing Pine Tree Ranch Subdivision.

IDWR has scheduled a prehearing conference for the protest to be held on **Wednesday, October 27, 1999, at 10:00 a.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** If there is a conflict with this date, IDWR requests that the applicant and the protestants submit to IDWR and to all parties, available dates during the month of October, 1999, for a prehearing conference within ten (10) days of this notice. If no response is received within ten (10) days, IDWR will assume that October 27, 1999, is acceptable.

The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend,

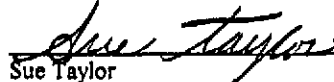
participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 26th day of August, 1999.


Gery Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of August, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER STE 400
HOUSTON TX 77036

H LLOYD KALBLINGER
POKE FLAT RANCH
545 MIDDLE FORK RD
CROUCH ID 83622

MERRILY MUNTHNER
PINE TREE RANCH SUBD
PENLAND MUNTHNER BOARDMAN
PO BOX 199
BOISE ID 83701

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on Issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

PENLAND MUNTHER BOARDMAN
CHARTERED • ATTORNEYS AT LAW

350 North Ninth, Suite 500
P.O. Box 199
Boise, ID 83701
Telephone (208) 344-4566
Facsimile (208) 344-9836
Internet E-Mail penland@primenet.com

RECEIVED
AUG 04 1999
Department of Water Resources

Jon M. Bauman
Richard C. Boardman
James C. Dale
Forrest R. Goodrum
Merrily Munther
Paul S. Penland

With Attorneys Licensed to Practice in
Idaho, Oregon, Utah and Washington

RECEIVED
AUG 05 1999
WATER RESOURCES
WESTERN REGION

August 2, 1999

Mr. Gary Spackman
Western Region Director
1301 N. Orchard
Boise, ID 83706

Re: Public Records Request Pursuant to Idaho Code §§9-338 et seq.

Dear Mr. Spackman:

I am requesting the opportunity to examine and copy the following records believed to be within your custody and control, all of which relate to property situated in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 27, Township 10 North, Range 4 East of the Boise Meridian, north of Crouch, Idaho:

1. Permits or licenses to appropriate water, Nos. 65-13887, 65-13888 and 65-13889, and any other permits to appropriate water issued to New Century Promotions (NCP) or Jack Shirley, or its/his predecessors in interest, and applications for said permits, together with all supporting documentation submitted therewith, and all correspondence and records including reports of investigations relating to said applications.

2. All permits allowing stream channel alteration by NCP or Jack Shirley or its/his predecessors in interest, in the Middle Fork of the Payette River, and applications and supporting documents submitted to obtain the same, in connection with construction of a bridge across the Middle Fork and with the placement of boulders in the river as evidenced by the photographs submitted herewith.

3. Any permit allowing appropriation of water from an underground spring, evidenced by the enclosed photograph, issued to NCP or Jack Shirley or its/his predecessors in interest, together with applications and supporting documents submitted to obtain the same.

In the event permits or licenses have not yet been issued, we would look to receive records relating to applications, supporting documents, correspondence and other records relating to said applications.

In lieu of examination, we would be glad to receive copies of the records requested.

These documents are needed in order to file objections to the issuance of the above referenced permits or licenses by August 9, 1999; accordingly, we will anticipate your response not later than the three working days allowed by law.

August 2, 1999
Page 1

Thank you for your cooperation.

Very truly yours,

Merrily Munther
Merrily Munther

MM:klw

cc: IDWR/Statehouse Mail



photos in 05-13057

PEN/MUN/BOARDMAN

TEL:208-344-9836

Aug 09'99 14:14 No.002 P.01

PENLAND MUNTHER BOARDMAN
Chartered - Attorneys at Law

350 North 9th, Suite #500
P. O. Box 199
Boise, ID 83701
Telephone (208) 344-4566
Facsimile (208) 344-9836

FAX TRANSMISSION COVER SHEET

DATE: 8/9/99 TIME: 2:20

TO: Gary Smotherman

FAX NO.: 334-2848

FROM: Merrily Munther
Penland Munther Boardman, Chartered

NUMBER OF PAGES INCLUDING THIS COVER PAGE: 2

CONTACT PERSON: Kuska

RE: _____

PMB FILE NO.: _____

COMMENTS:

The information contained in this facsimile is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, collect, if necessary, and return the original message to us at the above address via U.S. Mail. We will reimburse you for postage. Thank you.

TO: Gary Spackman
Western Region Manager
Adjudication Section
IDWR
2735 Airport Way
83705-5082
208-334-2190
208-334-2348 (Fax)

FROM: Concerned Residents of Pine Tree Ranch
208-462-2800

Subject: Improper and/or Illegal use of Water.

Dear Gary,
On Lot #2 of Subdivision "Pine Tree #11" a natural spring has been
taped. It is our concern that this may be an illegal act, and that no
permit for this activity has been acquired.

Enclosed is a picture of the suspect site. The picture shows a 6"
water pipe buried in the ground at the location of the spring and has
some type of hose running down the pipe.

The legal description of this Subdivision is as follows:
SE 1/4 of Section 27 and NE 1/4 of Section 34
T.10N R.4E B.M. Boise County, Idaho

Included is a Plat Map of the subdivision, showing the location of the
spring.

<u>Kurt Breish</u>	<u>[Signature]</u>	<u>7-12-99</u>
Name	Signature	Date
<u>Dan Koback</u>	<u>[Signature]</u>	<u>7-12-99</u>
Name	Signature	Date
<u>[Signature]</u>	<u>[Signature]</u>	<u>7-13-99</u>
Name	Signature	Date
<u>Reel Schuman</u>	<u>[Signature]</u>	<u>7-13-99</u>
Name	Signature	Date
<u>Bonnie M. Zeddersohn</u>	<u>[Signature]</u>	<u>7-13-99</u>
Name	Signature	Date
<u>Teresa A. Richcreek</u>	<u>[Signature]</u>	<u>7-13-99</u>
Name	Signature	Date



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 11, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK SHIRLEY
NEW CENTURY PROMOTIONS INC
5757 RANCHESTER DR STE 400
HOUSTON TX 77036

Re: Temporary Use of Water

Dear Mr. Shirley:

The Idaho Department of Water Resources (IDWR) recently granted you a temporary permit for diversion of water from the Middle Fork of the Payette River for irrigation to establish willows and other riparian plants during the summer of 1999. Because I communicated with you indirectly by voice mail, you probably rented 40-50 acre-feet of storage water from the Payette River water supply bank to irrigate nine acres. I left you a message informing you that the total diversion authorized by the temporary approval is limited to five acre feet, and that use of the water is limited to the irrigation of the riparian area. I informed Mark Limbaugh that there was also a limitation on your use of water until you obtained a water right. You should communicate with Mark Limbaugh about any refund of your rental fee.

Sincerely,


Gary Spackman

GS st

CC: Kurt Breish
Merrily Munther
Norm Blemler



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 • (208) 334-2190
FAX (208) 334-2348

August 11, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK SHIRLEY
NEW CENTURY PROMOTIONS
575 RANCHESTER STE 400
HOUSTON TX 77036

Re: Use of Water From a Spring Located on Your Property in Garden Valley

Dear Mr. Shirley:

The Idaho Department of Water Resources (IDWR) received a complaint regarding development of a spring on property you own adjacent to the Middle Fork of the Payette River in Garden Valley, Idaho. The complaint was accompanied by a photograph showing a stand pipe and a hose extending out of the pipe. I asked Gene Gibson of this office to visit with you about the complaint when he met with you in Garden Valley a couple weeks ago.

Gene Gibson reported that the pictured structure is the exposed part of a buried spring collector located on your property. He stated that the spring was a source of water for an older domestic unit on your property, and that you intend to use the spring for domestic water in the future.

I have searched our water right records and cannot find any water right for the location of the spring. This includes the three pending water right applications.

This letter is a request for any information you may have regarding a recorded water right for the spring. If you cannot identify a recorded water right, you must file a new application for water right to divert water from the spring. Until you own a water right authorizing diversion from the spring, you should not divert water from the spring.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

CC: Kurt Breish
Merrily Munther
Norm Blemier



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

H LLOYD KALBLINGER
POKE FLAT RANCH
545 MIDDLE FORK RD
CROUCH ID 83622

MERRILY MUNTHNER
PENLAND MUNTHNER BOARDMAN
PO BOX 199
BOISE ID 83701

Re: Application for Permit Nos. 65-13887, 65-13888 and 65-13889 in the Name of New Century Promotions

Dear Protestants:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced applications

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

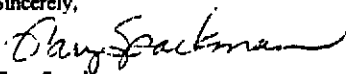
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the applications and to attempt to resolve the protests. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protests. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl. Copy of Applications



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARI J. DREHER
DIRECTOR

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER DR STE 400
HOUSTON TX 77036

Re: Application for Permit Nos. 65-13887, 65-13888, and 65-13889

Dear Applicant:

Enclosed are protests filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

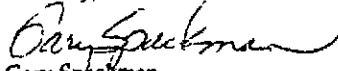
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protests. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve the protests.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protests. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

W025561

August 6, 1999

RECEIVED

AUG 06 1999

WATER RESOURCES
WESTERN REGION

Department of Water Resources
Karl J. Dreher
Western Region
2735 Airport Way
Boise, Idaho 83705

To Whom It May Concern:

I wish to submit a protest to the new applications for water rights # 65-13887, # 65-13888 and # 65-13889 as they may impact my existing water rights.

Respectfully yours,



H. Lloyd Kalblinger

Poke Flat Ranch
545 Middle Fork Rd.
Crouch, Idaho 83622

cc: New Century Promotions

ORIGINAL
PENLAND M. MUNTHER BOARDMAN
CHARTERED • ATTORNEYS AT LAW

350 North Ninth, Suite 500
P.O. Box 199
Boise, ID 83701
Telephone (208) 344-4566
Facsimile (208) 344-9836
Internet E-Mail penland@primanet.com

Jon M. Bauman
Richard C. Boardman
James C. Dale
Forrest R. Goodrum
Merrily Munther
Paul S. Penland

With Attorneys Licensed to Practice in
Idaho, Oregon, Utah and Washington

RECEIVED

AUG 09 1999

**WATER RESOURCES
WESTERN REGION**

NOTICE OF PROTEST

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1. **Matter being protested:** Application for Permit ID No. 65-13889
2. **Name of protestant:** Kurt Breish, Lisa Breish, Norman C. Blemmer, Fred Schuman, Howard K. Boone, Allan R. Scharf, R. C. Feddersohn, Steven R. Herron, Sharon G. Alden-Svenson, Kurt W. Svenson, Doug B. Bolen, Roderick G. Murchison, Derryn M. Murchison, Clayton Muntay, Harry R. Kline, June Lee, Timothy D. Gaskell, Cindy Gaskell, Marty Fayette, Randall W. Root, Donna M. Root, Richard Stopol, Mary Ellen O'Leary
3. **Protestant's representative for service:**
Merrily Munther
Penland Munther Boardman, Chartered
4. **Service mailing address:** P. O. Box 199
Boise, ID 83701
5. **Service telephone number:** (208) 344-4566
FAX No. (208) 344-9836
6. **Basis of protest (including statement of facts and law upon which the protest is based):**
 - Applicant does not own all of property for which the permit has been applied;
 - Applicant does not intend to use the property for the purposes for which the application for permit states, and the intended use will threaten the quality of water and the public health, safety and welfare that minimum stream flow requirements are intended to protect
 - Applicant is prohibited from building 4 residences on the property by Boise County zoning ordinances, building ordinances, the subdivision ordinance, and by requirements of the Central District Health Department for sewage disposal
 - Applicant is presently in violation of the existing laws regarding appropriation of waters of the state of Idaho in that it has illegally diverted water from a spring on property which it owns immediately across the Middle Fork of the Payette River from the subject property

August 9, 1999
Page 2

- Applicant is presently in violation of the Stream Channel Alterations Act and the rules administered thereunder by the Idaho Department of Water Resources
- The diversion rate exceeds guidelines of the Idaho Department of Water Resources
- Federal law prohibits ownership of farmland by nonresident aliens, and Protestant believes Applicant is a Panamanian corporation owned or controlled by nonresident aliens
- Protestant reserves the right to supplement this protest with additional statements of law and fact, provided advance notice is given to IDWR and applicant.

7. What would resolve your protest?

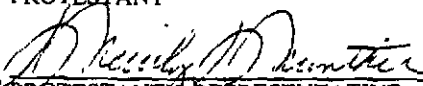
Deny the permit.

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant

Signed this 9th day of August, 1999.

Kurt Breish, Lisa Breish, Norman C. Blemler, Fred Schuman, Howard K. Boone, Allan R. Scharf, R. C. Feddersohn, Steven R. Herron, Sharon G. Alden-Svenson, Kurt W. Svenson, Doug B. Bolen, Roderick G. Murchison, Derryn M. Murchison, Clayton Muntley, Harry R. Kline, June Lee, Timothy D. Gaskell, Cindy Gaskell, Marty Fayette, Randall W. Root, Donna M. Root, Richard Stopol, Mary Ellen O'Leary (signatures attached)

PROTESTANT


PROTESTANT'S REPRESENTATIVE

cc: New Century Promotions, Inc.
Houston, TX 77036

The undersigned property owners of various Pine Tree Ranch Subdivisions, are contesting the Application for Water Permits by New Century Promotions, and hereby appoint Penland Munther Boardman Attorneys as our representatives in this matter.

<u>LISA K. BREISH</u> Name (printed)	<u>Lisa K. Breish</u> Signature	<u>8-1-99</u> Date
<u>ROBERT G. MURCHISON</u> Name (printed)	<u>Bob Murchison</u> Signature	<u>8/02/99</u> Date
<u>DEREK M. MURCHISON</u> Name (printed)	<u>D Murchison</u> Signature	<u>8/02/99</u> Date
<u>CLAYTON MANTON</u> Name (printed)	<u>Clayton Manton</u> Signature	<u>8-2-99</u> Date
<u>HARRY R. KLINE</u> Name (printed)	<u>Harry R. Kline</u> Signature	<u>8-01-99</u> Date
<u>TUNE LEE</u> Name (printed)	<u>Tune Lee</u> Signature	<u>8-01-99</u> Date
<u>TIMOTHY D. GARBELL</u> Name (printed)	<u>Timothy D. Garbell</u> Signature	<u>8-1-99</u> Date
<u>CINDY GARBELL</u> Name (printed)	<u>Cindy Garbell</u> Signature	<u>8-1-99</u> Date
<u>MARTY F. YATTE</u> Name (printed)	<u>Marty F. Yatte</u> Signature	<u>8-1-99</u> Date
<u>RANDALL W. ROOT</u> Name (printed)	<u>Randall W. Root</u> Signature	<u>8-1-99</u> Date
<u>DONNA M. ROOT</u> Name (printed)	<u>Donna M. Root</u> Signature	<u>8-1-99</u> Date
<u>RICHARD STOPOL</u> Name (printed)	<u>Richard Stopol</u> Signature	<u>8/1/99</u> Date
<u>MARY ELLEN O'LEARY</u> Name (printed)	<u>Mary Ellen O'Leary</u> Signature	<u>8/1/99</u> Date
_____ Name (printed)	_____ Signature	_____ Date

The undersigned property owners of various Pine Tree Ranch Subdivisions, are contesting the Application for Water Permits by New Century Promotions, and hereby appoint Penland Munther Boardman Attorneys as our representatives in this matter.

Kurt Breish [Signature] 8-1-99
Name (printed) Signature Date

NORMAN C. BLEMLER [Signature] 8-1-99
Name (printed) Signature Date

FRED SCHUMER [Signature] 8-1-99
Name (printed) Signature Date

HOWARD K. BOONE [Signature] 8-1-99
Name (printed) Signature Date

ALLAN R. SCHARF [Signature] Aug 1, 99
Name (printed) Signature Date

R.S. Feddersohn [Signature] 8/1/99
Name (printed) Signature Date

STEVEN R. HERRON [Signature] 8/1/99
Name (printed) Signature Date

Sharon C. Alden-Svensen [Signature] 8-1-99
Name (printed) Signature Date

Kurt W. Svensen [Signature] 8/1/99
Name (printed) Signature Date

Dorey B. Bolen [Signature] 8/1/99
Name (printed) Signature Date

Name (printed) Signature Date

Name (printed) Signature Date

Name (printed) Signature Date

Name (printed) Signature Date

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

JUL 30 1999

State of Idaho)
County of Boise)

WATER RESOURCES
WESTERN REGION

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with July 21, 1999 and ending with the issue of July 28, 1999.

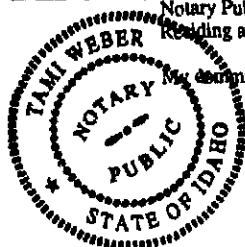
Deanna Stevenson

State of Idaho)
County of Boise)

On this 29 day of July in the year 1999, before me, a notary public, personally appeared Deanna Stevenson 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.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho



NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13887

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER SUITE 400
HOUSTON, TX 77036

Source: GROUNDWATER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION	(	0.200 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.220 CFS)

Date Filed: 5/15/1999

In: BOISE County
T10N R04E S27 NESE SESE

10.0 ACRES TOTAL

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

65-13889

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER SUITE 400
HOUSTON, TX 77036

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION	(	0.200 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.220 CFS)

Date Filed: 6/15/1999

In: BOISE County
T10N R04E S27 NESE SESE

10.0 ACRES TOTAL

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

65-13888

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER SUITE 400
HOUSTON, TX 77036

Source: GROUNDWATER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION	(	0.080 CFS)
STOCKWATER STORAGE	(	0.020 CFS)
DOMESTIC	(	0.100 CFS)
Total Diversion:	(	0.210 CFS)

Date Filed: 6/15/1999

In: BOISE County
T10N R04E S27 NESE SESE

4.0 ACRES TOTAL

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before AUGUST 9, 1999. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

Published in The Idaho World July 21 and 28, 1999

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT APPLICATIONS FOR PERMIT FOR NEW CENTURY PROMOTIONS INC.

IDNR EMPLOYEE/AGENT: DAN NELSON DAW

DATE: 07/02/1999

PERSON CONTACTED: H JACKSON SHIRLEY, III - US REPRESENTATIVE

PHONE: (713) 774-0331

MAILING ADDRESS: 5757 RANCHESTER STE 400, HOUSTON, TEXAS 77036

RE: WELLS ON PROPERTY FOR NEW CENTURY PROMOTIONS WATER RIGHTS.

On this date I called Jackson Shirley to inquire about the well drilling permits and well logs for the wells for his 2 water rights. Mr. Shirley told me that they did not drill on the dates listed on the applications for permit. He said that on those dates they installed new casing for the wells and inserted new pumps. He told me that they did this work themselves because it did not require any heavy equipment and they used plastic (PVC) pipe for the casing. Mr. Shirley said that the two wells were the original wells for the Beck Family homestead. They had homes on both sides of the river. He estimated that the wells were hand dug in approximately the 1920's when the Beck's homesteaded the property.

Mr. Shirley stated that he put the dates that the wells were reworked on the application, because he thought that we wanted the last date that wells were worked on.

My review of well logs show no wells with previous owner's names on them, which suggest that Mr. Shirley's statements are accurate.

REQUEST TO PROCESS

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

Name of Applicant

UPW COUNTRY Promotions INC

Mailing Address

5757 RANCHVIEW # 400
HUNSTON TEXAS 77030Application No(s).
(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.

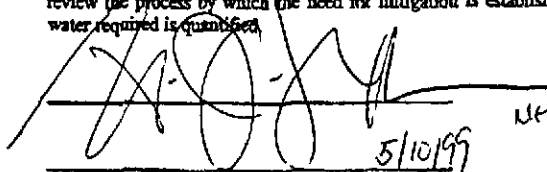
☐ **PROPOSE MITIGATION NOW**

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions to flows in the Snake River during the 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 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

UPW COUNTRY Promotions
US Corp

Date

5/10/99

Please return this form to:

Idaho Dept. of Water Resources
State Office
1301 N Orchard Rd.
Boise ID 83706

Jun-30-99 05:28P

P.01

**New Century
Promotions Inc.**

5757 Ranchester Ste 400 Houston, TX 77036

Tel. (713)774-0331 Facsimile (713)774-0488

TELECOPY

DATE:

June 30, 1999

TO:

Sam Nelson
Idaho Dept. of Water Resources

FROM:

Jack Shuler

RE:

Requested Information

TOTAL NO. OF PAGES

(Including this form)

2

TELECOPIED TO

(Phone number)

(208) 334-2348

****If you fail to receive all pages, please call (713)774-0331****

Notes:

Jun-30-99 05:28P

P.02

**New Century
Promotions Inc.**

5757 Ranchester Suite 400 Houston, TX 77036

Tel. (713)774-0331 Facsimile (713)774-0488

June 30, 1999

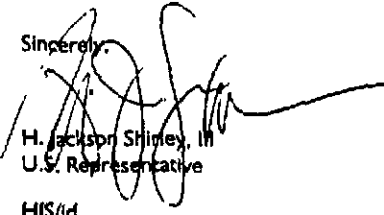
Idaho Department of Water Resources
Attn: Dan Nelson
2735 Airport Way
Boise, ID 83705
Via Fax (208)334-2348

Dear Dan,

Please find listed below the officers of New Century Promotions Inc..

President: Licimaco Herrera Soto
Secretary: Anabelle De La Lastra Moran
Director: Libertad Julietta Diaz

Sincerely,


H. Jackson Shimley, III
U.S. Representative

HJS/id

586wpwin7.0/nucentury/dn996-30

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT APPLICATION FOR PERMIT FOR NEW CENTURY PROMOTIONS INC.

IDNR EMPLOYER/AGENT: DAN NELSON *DAN* DATE: 06/30/1999

PERSON CONTACTED: H. JACKSON SHIRLEY, III - U.S. REPRESENTATIVE

PHONE: (713) 774-0331

MAILING ADDRESS: 5757 RANCHESTER STE 400, HOUSTON, TEXAS 77036

**RE: ADDITIONAL INFORMATION REQUESTED FOR APPLICATION FOR PERMIT TO
DIVERT GROUNDWATER.**

On this date Mr. Shirley returned my telephone call requesting additional information. I went over the attached sheet with him and all three applications for permit. Mr. Shirley also stated that he would fax me a list of New Century Promotions' Inc. corporate officers. All of these changes were made on the three applications for permit.

1. JACK SHERLY, U.S. Rep FOR NEW MEXICO PROMOTIONS
RETURNED MY CALL ON 6-30-99 @ 11:30 AM. DAN.
THINGS NEEDED TO COMPLETE PERMIT PROCESSING

6-30-99

PERMIT FOR SMALL LOTS ON WEST SIDE OF RIVER NEXT TO MAIN ROAD.

1.) Need list of corporate officers.
Applicant will Fax List

2.) Number of cattle.
APPROX. 3

3.) .09 cfs maximum allowable diversion rate for 3 acres of ground. We can only allow a maximum of .03 cfs per acre for irrigation under 5 acres. We can allow .10 cfs maximum diversion rate for in-house use for 4 homes. Total diversion rate is .09 cfs irrigation + .02 cfs stockwater + .10 cfs domestic = .21 cfs.

~~If diversion rate is .20 cfs or under we can refund \$~~
~~50.00.~~ Applicant agreed to .12 cfs amount
FOR APPLICATION

4.) The map shows 1 acre of ground in NESE $\frac{1}{4}$ and 2 acres in SESE $\frac{1}{4}$. Applicant Agrees.

PERMIT FOR LARGE LOT ON EAST SIDE OF RIVER ON OTHER SIDE OF RIVER FROM MAIN ROAD. FOR BOTH PAYETTE RIVER WATER AND GROUNDWATER.

1.) Application lists 13 acres and map shows 9.762 acre or 10 acres. 13 acres includes River, Applicant will ONLY irrigate 10 acres.

2.) Map shows approximately 1 acre in NESE $\frac{1}{4}$ and 9 acres in SESE $\frac{1}{4}$. Applicant Agrees.

3.) Need number of cattle.
Approximately 10 cattle.

4.) Is the description of diverting works the same for all permits? Same Description as other Applications.

5.) This land is covered under Pine Tree Ranch Inc. Permits. Why are these permits not being used?
Applicant said they were not stubbed into Pine Tree Ranch Subdivision and that the subdivision made a point of letting them know that they will NOT be allowed to use the subdivision's water.

65-13889

NEW CENTURY PROMOTIONS INC
5757 RANCHESTER SUITE 400
HOUSTON, TX 77036

Source: GROUNDWATER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION	(	0.090 CFS)
STOCKWATER STORAGE	(	0.020 CFS)
DOMESTIC	(	0.100 CFS)
Total Diversion:	(	0.210 CFS)

Date Filed: 6/ 5/1999

In: BOISE County
T10N R04E S27 NESE SESE

4.0 ACRES TOTAL

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