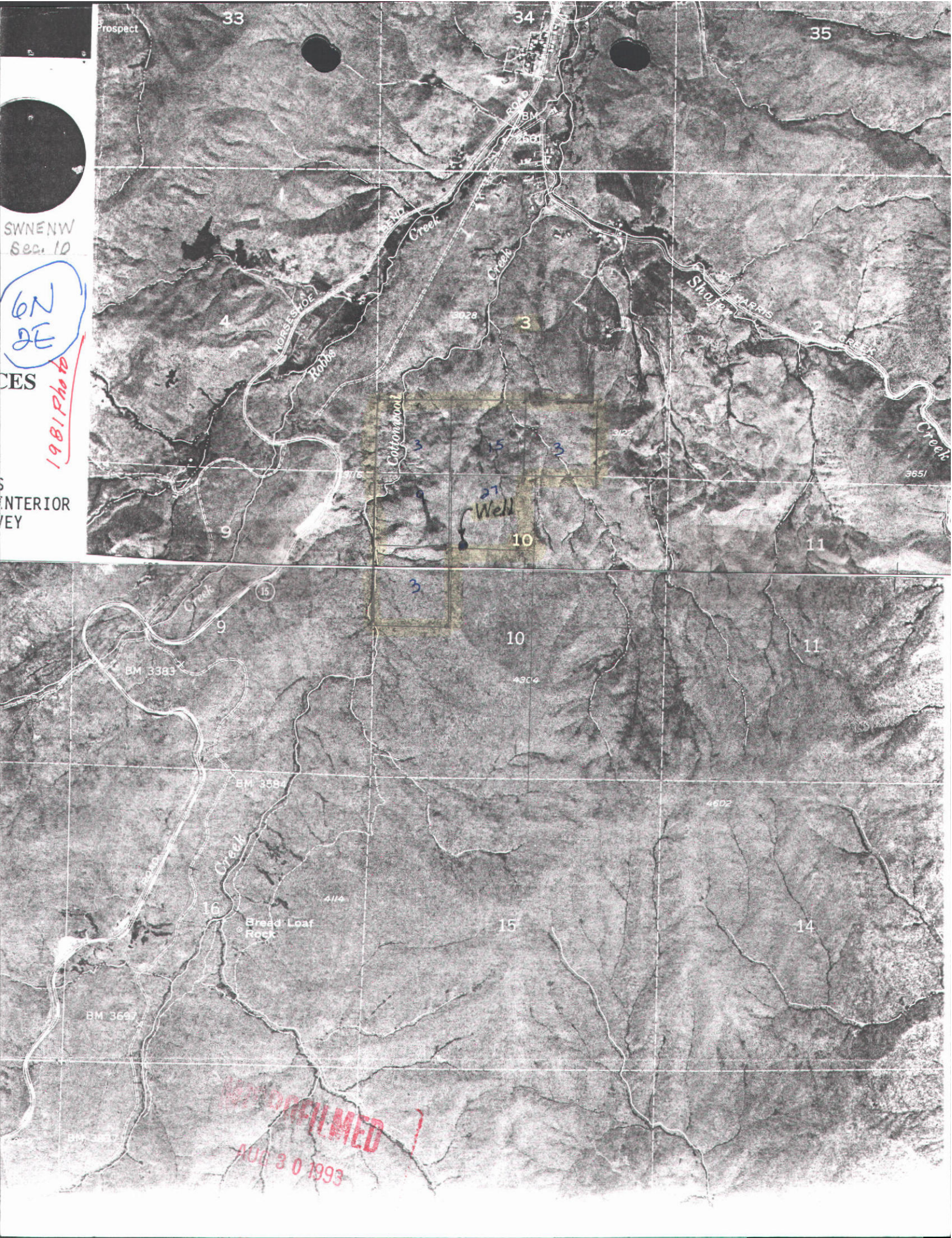




SWNE NW
Sec. 10

6N
2E

CES

INTERIOR
DEPT

1981 photo

RECORDED
AUG 30 1993

Bread Loaf
Rock

27 Well

3

10

10

15

35

11

11

14

33

34

4

9

9

16

Cottonwood Creek

Cottonwood

Shale Creek

Harris

Creek

BM 3383

BM 3584

BM 3697

BM 3837

4114

4304

4602

3651

ROA 65000 - dg
0063851
RECEIVED

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0063613
Receipt By: [Signature]
Date Received: JUL 29 2002

AUG - 7 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 29 2002

Department of Water Resources

PROOF OF BENEFICIAL USE

AMENDED*

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. 65-13447 Telephone No. 208-793-9477
2. Name of Permit Holder(s): HORSESHOE VUE RANCH WATER & ROAD ASSN INC
3. Mailing Address: #5 SPRING CREEK DRIVE
City HORSESHOE BEND State ID Zip 83629
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 6 yr. 94
Well Driller: DENNIS PAIPPS Drilling Permit Number: 332
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 20 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 25 Other: _____

* 6 Total rate of diversion and/or volume for which proof is submitted: 7.2 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: \$ 50.00 (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: CHARLES R CHICK Telephone Number: 793-9477

Address: #9 SPRING CREEK DRIVE HSB, ID 83629

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] WATER DISTRIBUTION Date: 7-25-02
(include your title, if on behalf of company or organization)

SYSTEM OPERATOR VSWS
AUG 15 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 29 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 65-13447 Telephone No. 208-793-9477
 2. Name of Permit Holder(s): HORSESHOE VUE RANCH WATER & ROAD ASSIGN INC
 3. Mailing Address: #5 SPRING CREEK DRIVE
City HORSESHOE BEND State ID Zip 83629
 4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 6 / yr. 94
Well Driller: DENNIS FAIRPS Drilling Permit Number: 332
 5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 20 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 20 Other: _____
 6. Total rate of diversion and/or volume for which proof is submitted: 102 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: \$ \$50.00 (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: CHARLES R CHICK Telephone Number: 793-9477
Address #9 SPRING CREEK DRIVE HSB, ID 83629
 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] WATER DISTRIBUTION Date: 7-25-02
(include your title, if on behalf of company or organization)
SYSTEM OPERATOR VSWS

MICROFILMED

AUG 15 2002

11/99

For Office Use Only
\$25 filing fee ☒
Receipt # W028258
Date 9-4-01

RECEIVED

SEP 04 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

RECEIVED

SEP - 5 2001

Department of Water Resources

I, GARTH BALDWIN, hereby assign to HORSESHU VUE RANCH WATER & ROAD
of, PO Box 522 Horseshoe Bend, Id ASSOCIATION INC. an Idaho Corp.
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 65-13447 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Made this 29th day of August, 2001

Permit Holder(s)

Garth Baldwin

State of Idaho)
County of Ada)ss

On this 29th day of August, 2001, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



[Signature]
Notary Public residing at

MORRIS LAKE

MICROFILMED

SEP 19 2001

11/99

For Office Use Only

\$25 filing fee

Receipt # 6027248Date 12-26-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

RECEIVED

DEC 28 2000

I, JAMES E. YOREN, hereby assign to GARTH BALDWIN
of, 8977 State St, Boise, Idaho 83702 1-208-866-7828
(Full Address) (Phone)

Department of Water Resources

All my right, title, and interest in and to Permit No. 65-13447 to
appropriate the public waters of the State of Idaho

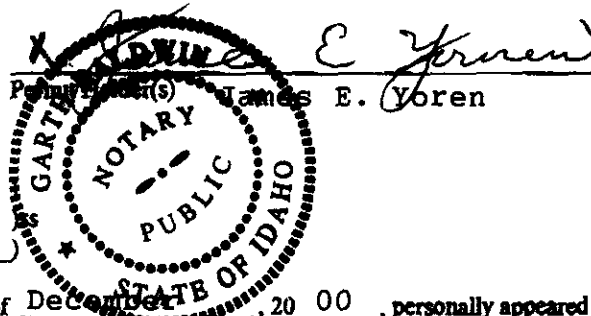
OR (for partial assignments)

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

Made this 24 day of December, 20 00

State of Idaho

County of Boise



On this 24 day of December, 20 00, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Horseshoe Bend, Id. 83629

SEAL

My commission expires

8/02/2002

MICROFILMED
JAN 31 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 17 1998

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

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

Permit No. 65-13447

Name(s) of Permit Holder: Garth Baldwin, James Yoren

Mailing Address: 8977 W. State Street, Boise, Idaho 83703

Date Proof is Due: August 1, 1998 Telephone No. (208) 853-8407

call 866-7828

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Subdivision for 20 lots has been constructed, houses built,
and all 20 lots have service lines to front property line.
Well is operating 125 GPM to 56,000 Gal. gravity storage tank
feeding 6" mains to all lots. Costing \$ _____

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

The 2nd well to augment irrigation of lots has not been completed.
Mains to well lot are in place. Will take time to construct
irrigation systems to serve 20 lots.

Permit holder(s) request an extension to August 1, 2003.

FEE: \$50.00

(Signature)*

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

MICROFILMED

SEP 22 1998

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 2002.

IT IS FURTHER ORDERED that the permit be REINSTATED and the date of priority is advanced to June 19, 1993.

Signed this 21st day of August, 19 98

Z. M. Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13447

Proposed Priority: June 3, 1993 Maximum Diversion Rate: 1.40 CFS
This is to certify, that JAMES E YOREN

GARTH BALDWIN
8977 W STATE ST
BOISE ID 83703

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 11/15	1.20 CFS
DOMESTIC	01/01 to 12/31	0.20 CFS
Totals		1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNENW , Sec. 10, Township 06N, Range 02E
SWNW , Sec. 10, Township 06N, Range 02E
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>
06N	02E	3	SWSW 3	SESW 15	SWSE 3	21
		10	NENW 27	NNNW 9	SWNW 3	39

Total number of acres irrigated: 60

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

APPROVED

AUG 20 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13447

CONDITIONS/REMARKS:

7. Domestic use is for 20 homes.

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

4th day of August, 1993.

for 
R. Keith Higginson, Director

AUG 30 1993

RECEIVED

JUL 23 1993

Ident. No. 65-13447

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JAMES E YOREN 208-853-8407
Address: 8977 W STATE ST
BOISE ID 83703
AND/OR
Name: GARTH BALDWIN 208-853-8407
Address: 8977 W STATE ST
BOISE ID 83703

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SWNENW Sec. 10, Township 06N, Range 02E
SWNW Sec. 10, Township 06N, Range 02E
BOISE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.200		
DOMESTIC	01/01	12/31	0.200		

5. Total quantity to be appropriated is:
1.400 CFS (and/or) AF

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP AND 50,000 GALLON STORAGE.
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 inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
06N	02E	3	SWSW 21	SESW	SWSE	21
		10	NENW 39	NWNW	SWNW	39

Total number of acres irrigated:

AUG 30 1993

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED

AUG 30 1993

RECEIVED

JUN 6 1993

Department of Water Resources

Ident No. 65-13447Form 202
10/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant James E. Yoren c/o Garth Baldwin Phone (208)853-8407
Post office address 8977 W. State Street, Boise, Idaho 83703
2. Source of water supply Ground Water which is a tributary of N.A.
3. Location of point of diversion is S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 6 N. Range 2 E. B.M. Boise County; additional
points of diversion if any: Alt. well site SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 10, T.6N. R.2E., B.M.
4. Water will be used for the following purposes:
Amount 0.20 ^{1.40} ~~0.40~~ for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.20 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.40 ^{1.60} ~~1.60~~ and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, 50,000 gallon storage,
pipeline.
 - b. Height of storage dam N.A. 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 8 inches; proposed depth of well is 250 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? No
In progress
 - e. If well is already drilled, when? see; Drilling firm Phipps;
remarks _____
Well was drilled for (well owner) _____ Applicant _____
7. Time required for the completion of the works and application of the water to proposed beneficial use is
5 years (minimum 1 year).

AUG 30 1993

8. Description of proposed use. 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. 20
- e. Other; describe fully _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N.	2E.	3											3	15			3		21
		10					27	9	3										39

Total number of acres to be irrigated 60

10 Describe any other water rights used for the same purposes as described above. None

- 11 a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Drilling permit 63-92-W-1027 w/ \$35.00 Fee.

Balance of fees to be collected. pd 6-3-93 Receipt # 0027714

Discrepancy in logs from application & drilling permit noted by John Carlson.
Application to be assigned to Homeowners Association as created. (Permit)

Correction will be made on Well log. as

AUG 30 1993

WNENW
Sec. 10

6N
DE

ES

1981 photo

TERIOR
LY

33

35

8028

3

10

11

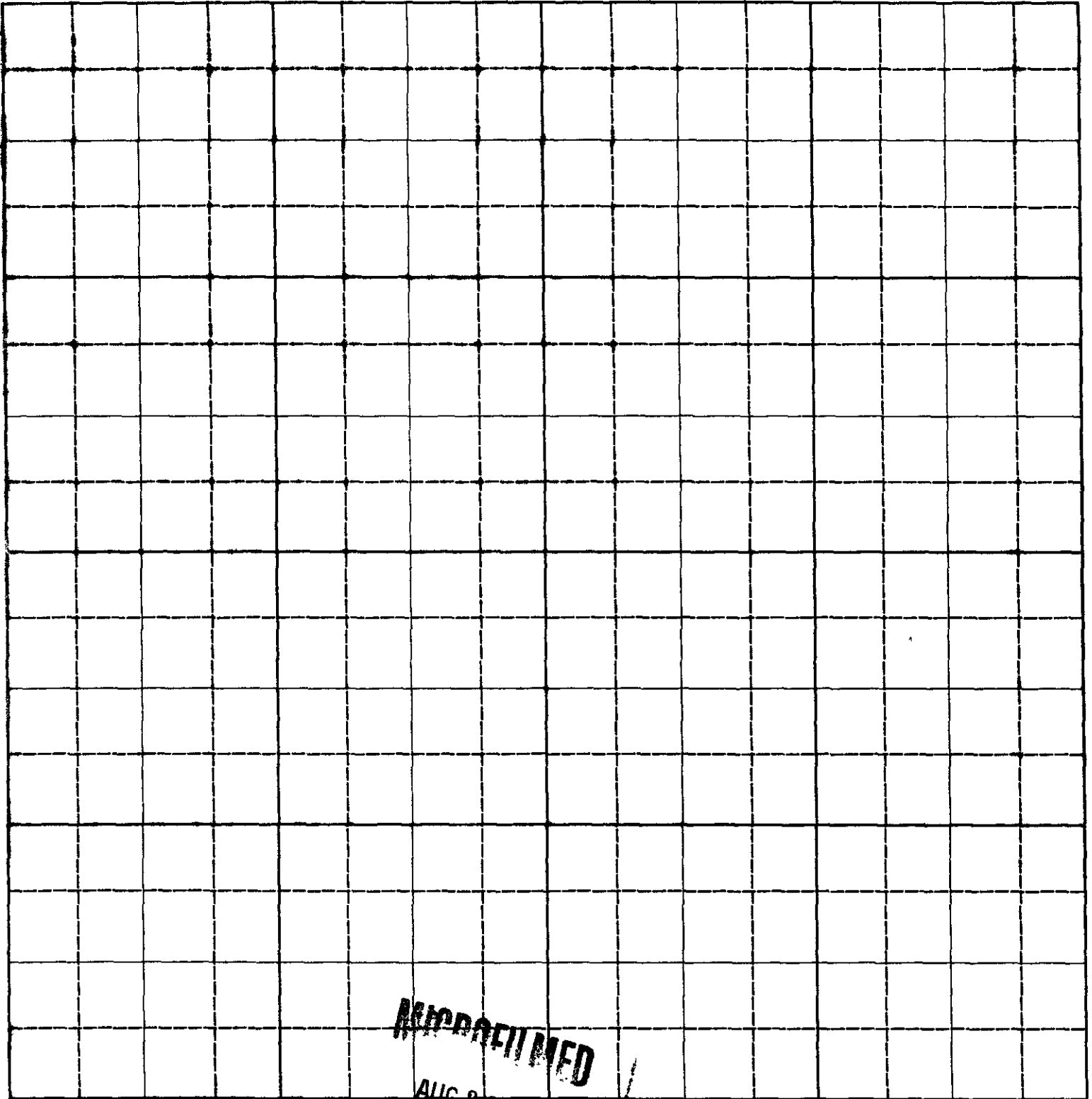
10

11

70

14

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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


(Applicant)
James E. Yoren, Owner - Garth Baldwin, Power of Attorney Attached

Received by CB Date 3-93 Time 10:00 AM Preliminary check by ly
Fee \$ 45.00 45.00 Received by CA # C027714 Date 6-3-93
Publication prepared by St Date 6-9-93 Published in Id World
Publication approved St Date 7-14-93 6-16 + 23, 1993

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

PROCESSED

AUG 30 1993

SPECIAL POWER OF ATTORNEY

Know All Men by These Presents: That I JAMES E. YOUREN & JANET M. YOUREN
(husband and wife)

have made, constituted, and appointed, and by these presents do make, constitute and appoint

GARTH BALDWIN

of BOISE, IDAHO

true and lawful attorney for and in my

name, place and stead, and for his use and benefit as follows:
To sign, execute any and all documents on property that we own lying in Section 3 or
Section 10, Township 6 North, Range 2 East, Boise, Meridian, Boise, County, Idaho, for the
submittal, transfer, application and development of same for the Horseshu Vue Ranch Subdivision
and to execute any contract agreements, application or permits for this subdivision thru any
and all State, Federal or County Agencies.
SEE EXHIBIT "A" for full legal description.

and to sign, seal, execute, deliver and acknowledge such instruments in writing of whatever kind and nature
as may be necessary or proper in the premises.

Giving and granting unto said attorney full power and authority to do and perform all and every act
and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to
all intents and purposes as the signer might or could do if personally present, and hereby ratifying and confirm-
ing all that said attorney shall lawfully do or cause to be done in the above stated premises by virtue of these
presents.

IN WITNESS WHEREOF, we have hereunto set our hand and seal the
day of , 19 93..

Signed, sealed and delivered in presence of

James E. Youren (Seal)
James E. Youren
Janet M. Youren (Seal)
Janet M. Youren

STATE OF IDAHO,

County of Ada

ss.

On this 15 day of March in the year 19 93.., before me

E. Elaine Edgerton

Notary

in and for said State, personally appeared

James E. Youren and Janet M. Youren

known to me to be the person^s whose name^s are subscribed to the within instrument, and
acknowledged to me that he^y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year
in this certificate first above written.

E. Elaine Edgerton

BOISE COUNTY IDAHO
REQUEST OF
Garth Baldwin

Record at the request of

93 MAR 19 PM 3:17

minutes past o'clock M.

ADLENE C. KOL

duly recorded in Book of at page

446740

AUG 30 1993

Ex-Officio Recorder.

Fees, \$

By Dep

EXHIBIT "A"

A PARCEL OF LAND SITUATED IN THE SOUTH 1/2 OF SECTION 3 AND THE NORTH 1/2 OF SECTION 10 ALL LYING IN TOWNSHIP 6 NORTH, RANGE 2 EAST, BOISE-MERIDIAN, BOISE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3; THENCE ALONG THE WEST LINE OF SAID SECTION 3

SOUTH 0 DEGREE 30'38" WEST A DISTANCE OF 1321.60 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST QUARTER OF SAID SECTION 3, WHICH POINT IS THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF THE SAID SOUTH 1/2 OF THE SOUTHWEST QUARTER

SOUTH 89 DEGREES 40'54" EAST A DISTANCE OF 2160.54 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF STATE HIGHWAY 55, PROJECT NO. ER-F 3271 (55); THENCE ALONG SAID RIGHT OF WAY LINE

SOUTH 57 DEGREES 47'42" EAST A DISTANCE OF 1627.62 FEET TO A POINT; THENCE CONTINUING

SOUTH 37 DEGREES 51'00" EAST A DISTANCE OF 323.53 FEET TO A POINT; THENCE CONTINUING

SOUTH 38 DEGREES 46'42" EAST A DISTANCE OF 262.49 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 3

NORTH 89 DEGREES 36'36" WEST A DISTANCE OF 1300.23 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 3 AND 10; THENCE ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SAID SECTION 10;

SOUTH 0 DEGREE 24'17" WEST A DISTANCE OF 1454.05 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF STATE HIGHWAY 55, PROJECT NO. ER-F 3271 (55); THENCE ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT WHOSE RADIUS IS 1154.93 FEET, WHOSE CENTRAL ANGLE IS 24 DEGREES 25'51", WHOSE LENGTH IS 492.46 FEET, AND WHOSE LONG CHORD BEARS

SOUTH 83 DEGREES 49'48" WEST A DISTANCE OF 488.74 FEET TO A POINT; THENCE CONTINUING

NORTH 80 DEGREES 05'11" WEST A DISTANCE OF 843.75 FEET TO A POINT; THENCE CONTINUING

SOUTH 26 DEGREES 18'25" WEST A DISTANCE OF 1278.45 FEET TO A POINT; THENCE CONTINUING

SOUTH 33 DEGREES 54'22" WEST A DISTANCE OF 181.01 FEET TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 10; THENCE ALONG THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 10;

NORTH 89 DEGREES 36'23" WEST A DISTANCE OF 641.06 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 10; THENCE ALONG THE WEST LINE OF SAID SECTION 10

NORTH 0 DEGREE 30'38" EAST A DISTANCE OF 2652.80 FEET TO THE SECTION CORNER COMMON TO SECTIONS 4, 3, 9 AND 10, TOWNSHIP 6 NORTH, RANGE 2 EAST, BOISE-MERIDIAN, BOISE COUNTY, IDAHO; THENCE ALONG THE WEST LINE OF SAID SECTION 3

NORTH 0 DEGREE 30'38" EAST A DISTANCE OF 1331.20 FEET TO THE

AUG 30 1993



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 8, 2002

CHARLES R CHICK
HORSESHU VUE RANCH WATER & ROAD ASSN INC
5 SPRING CREEK DR
HORSESHOE BEND ID 83629

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13447

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

AUG 15 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

August 2, 2002

CHARLES R CHICK
HORSESHU VUE RANCH WATER & ROAD ASSN INC
5 SPRING CREEK DR
HORSESHOE BEND ID 83629

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13447

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Upon review of your proof, I found that you state your total rate of diversion is .02 cubic feet per second ("cfs"), which is the equivalent of nine (9) gallons per minute. The appropriate rate of diversion for 20 homes is 0.20 cfs and 0.50 cfs for irrigation of 25 acres. These two rates would be cumulative for a total rate of diversion of 0.70 cfs, for which the appropriate exam fee would be \$100.00. Therefore, the purpose of this letter is to suggest that you amend your proof of beneficial use to state the full amount of your actual maximum diversion. I am enclosing a copy of your proof and permit for comparison. If you wish to change your diversion rate you have stated on the proof, please send me a letter stating the change and enclose the additional \$50.00 license exam fee.

The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use. The examiner will prepare a field examination report and file it. Then this water right will be reviewed for issuance of a license. If there are any discrepancies in the processing of the water right, the license examiner will contact you at that time to make the necessary adjustment and changes.

If you have any questions, please contact me at (208) 327-7953, or if you have any questions about the field examination, please contact the Western regional office in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED

AUG 15 2002

May 31, 2002

HORSESHU VUE RANCH WATER & ROAD ASSN INC
PO BOX 522
HORSESHOE BEND, ID 83629

PROOF DUE NOTICE

RE: PERMIT NO. 65-13447

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 August 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

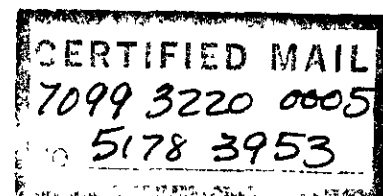
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures



MICROFILMED
AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

SEP 10 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 7, 2001

Department of Water Resources

Mr. Eric Hoff, Attorney at Law

Fax # 343-5200

Re: Assignment of Water Permit No. 65-13447

Dear Mr. Hoff:

Yesterday you requested written confirmation from the Idaho Department of Water Resources (IDWR) regarding the above referenced matter. Attached is a report from IDWR records confirming a recent assignment from the previous permit owner of record to the current permit owner of record.

Horseshu Vue Ranch Water and Road Association, Incorporated, owns Permit No. 65-13447.

This letter is faxed to you as requested. Please let me know if you need more information in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

SEP 19 2001



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

September 6, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HORSESHU VUE RANCH WATER & ROAD ASSN INC
PO BOX 522
HORSESHOE BEND ID 83629

RE: Change of Ownership for Water Right 65-13447

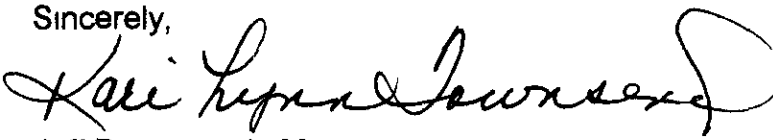
Dear Water Right Holder(s).

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 19 2001

0163 5-10-01 7:11 PM 2

MICHAEL G. PIERCE
Attorney at Law
P.O. Box 1019
Cascade, Idaho 83611
Telephone (208) 382-3929
Facsimile (208) 382-3783

COPY

FACSIMILE COVER SHEET

Date: 5/10/01

Page: 1 of 6

From: Mike - Pierce

DELIVER TO: Gareth Baldwin - 793-3162
Wendell Weaver - 342-0085
Carlyle Briggs - 342-5792

RE: Please review this draft as soon
as possible so I can forward it to
the other attorneys.
I will be out of town tomorrow
so today would be best, if possible.
Thanks

COPY

CONFIDENTIALITY NOTICE: This facsimile transmission, and/or the documents accompanying it may contain confidential information belonging to the sender which is protected by the attorney/client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange the return of the documents.

NOTE: If you do not receive the total number of pages indicated, please contact this office at (208) 382-3929.

Copy submitted to file by **MICROFILMED** Carlyle Briggs 5-15-01.
SEP 19 2001

**MEDIATED AGREEMENT REGARDING WATER FOR
HORSESHU VUE RANCH SUBDIVISIONS**

This document is written to memorialize the agreement that was reached during the mediation session with the Honorable D. Duff McKee held May 7, 2001 in Boise, Idaho among the parties to the two Boise County lawsuits, CV-00-00058 and CV-00-00059, concerning Horseshu Vue Subdivision. The agreement is intended to settle the issues relating to the water system, but is not effective unless all other issues between the parties are also settled.

The parties to this agreement are.

Plaintiffs:

Horseshu Vue Ranch Water and Road Association, Inc., an Idaho non-profit corporation, c/o Mike Wetherell, Esq. and Eric L. Haff, Esq., 1109 Main Street, Suite 500, Boise, Idaho 83701;

Tracy L. and Elizabeth K. Baggerly, 37 Horseshu Vue Cir., Horseshoe Bend, ID 83629, and c/o James R. Gillespie, P.A., Attorney at Law, P. O. Box 2337, Boise, ID 83701,

Jeffrey E. and Karen M. Rudolph-Campbell, 12 Spring Creek Dr., Horseshoe Bend, ID 83629;

Charles R. and Lorraine S. Chick, 9 Spring Creek Dr., Horseshoe Bend, ID 83629;

Steven M. and Lisa M. Frane, 3208 Plant Dr., Boise, Idaho 83703;

Michael N. and Julie Ann Morgan, 30 Horseshu Vue Circle, Horseshoe Bend, ID 83629;

John Francis & Jacquelyn Lee Pantner, 28 Horseshu Vue Circle, Horseshoe Bend, Idaho 83629;

Tom C. and Karen A. Sellin, 7 Spring Creek Drive, Horseshoe Bend, ID 83629;

Defendants:

Horseshu Vue Ranch, Inc., an Idaho corporation, its officers, directors and shareholders, c/o Wendell Weaver, 1745 Woodbridge, Boise, ID 83706,

Garth Baldwin and Kathryn Baldwin, husband and wife, in various individual, corporate and agency capacities, #1 Spur Drive, Horseshoe Bend, Idaho 83629;

Wendell Weaver, in various individual, corporate and agency capacities, 1745 Woodbridge, Boise, Idaho 83706;

Alta Chere Baldwin Alexander, in various individual, corporate and agency capacities, #1 Spur Drive, Horseshoe Bend, Idaho 83629;

James Todd Baldwin, in various individual, corporate and agency capacities, 123 3rd Street Circle, Horseshoe Bend, Idaho 83629;

James Youren, c/o Michael R. Christian, Esq., 737 N. 7th St., Boise, ID 83702;

Baldwin Realty, Garth Baldwin Realty, Baldwin Realty, Inc., c/o Garth Baldwin #1 Spur Drive, Horseshoe Bend, ID 83629;

Jensen Real Estate, Inc., an Idaho corporation, d.b.a. Prudential Jensen Real Estate, Steve Jensen as broker and Ed Vetter as agent and employee, c/o Karl T. Klein, Esq., P. O. Box 2720, Boise, Idaho 83701-2720;

Aspen Realty, Inc., an Idaho corporation, dba Coldwell Banker-Aspen Realty; c/o A. J. Bohner, Esq., P. O. Box 16789, Boise, ID 83715;

Barbara Olsen an individual and as agent, c/o Kenneth L. Mallea, Esq., P. O. Box 449, Boise, Idaho 83701-0449;

Real Estate Marketing, Inc., c/o Phillip J. Collaer, Esq., P. O. Box 7426, Boise, ID 83707-7426;

The following agreement is binding upon the parties named herein, their heirs, successors and assigns

1. Garth Baldwin, the sole owner of State of Idaho Permit to Appropriate Water No. 65-13447 (James E. Youren having assigned his interest to Garth Baldwin on December 24, 2000), will amend said permit to include within its coverage the approximately 28 acres of land owned by Alta Chere Baldwin Alexander to the East of Horseshu Vue Ranch Subdivision No. 1, and to add an additional point of diversion for the existing well on said 28 acres.

Baldwin will then transfer the amended permit to Horseshu Vue Ranch Water & Road Association, Inc. ("The Association"), and will waive his right to appeal the order of Judge Sticklen requiring transfer of said permit.

Upon amendment and transfer of the permit, Alta Chere Baldwin Alexander and other interested Defendants will be free to begin preliminary plat approval process for development of the 28 acre parcel, which will hereinafter be referred to as "Phase II". Plaintiffs will not interfere, directly or indirectly with Defendants efforts to develop Phase II so long as all terms of this agreement are kept in good faith.

The parties understand and agree that the Defendants intend to amend the existing plat of Horseshu Vue Ranch Subdivision No. 1 ("Phase I"), if necessary, to sub-divide existing Lot 16 of Block I of said subdivision and incorporate the same into Phase II, leaving a total of 19 lots in Phase I and 8 lots in Phase II. No residence shall be constructed on any part of the original Lot 16, Block I, although a garage or shed might be built thereon.

2. Alta Chere Baldwin Alexander will transfer the existing well on Phase II to the Association, reserving appropriate easements for purposes of development of Phase II, and will connect said well into the existing water system serving Phase I. This process shall be completed as soon as possible, consistent with meeting the requirements of the Idaho Department of Water Resources (IDWR) and the Idaho Department of Environmental Quality (DEQ).

SEP 19 2001

3. All parties will cooperate in good faith with all administrative requirements necessary to secure expedited approval of the transfers and connections by DEQ and IDWR.

4. Horseshu Vue Ranch, Inc., at no expense to any of the individual owners or to the Association, will install water meters on all properties in Phase I as soon as possible.

5. The parties acknowledge that four properties in Phase I require pressure booster pumps to meet pressure requirements of DEQ for the existing public water system. One of those properties, owned by Steven M. and Lisa M. Frane, is subject to a contractual agreement between the Franes and Horseshu Vue Ranch, Inc., which requires Horseshu Vue Ranch, Inc. to install a booster pump when the Franes are ready to commence construction. Horseshu Vue Ranch, Inc. will honor that agreement.

The owners of the other three lots needing booster pumps, or the Association, will install the booster pumps as soon as possible, at no expense to any of the Defendants.

6. Once the booster pumps and water meters have been installed, and once the additional well has been connected to the water system, the use of the system will be carefully monitored through September 30, 2001. The parties will cooperate in the operation of the system to see that the water is distributed in a reasonable manner for normal domestic use and for irrigation of not more than 25 acres of pasture land in Phase I. Good faith efforts will be used to conserve water and to apply irrigation water in a good husbandman-like manner to pasture land not having excessive slope (10% maximum slope is recommended), and taking into consideration the soil types and types of vegetation appropriate for the purposes intended. An appropriate rotation system of irrigation shall be implemented. Care will be taken not to over water and thereby increase the risk of slides.

The details of monitoring and operating the system to the mutual satisfaction of the parties will be worked out between Terry Scanlan, on behalf of Plaintiffs and Carlyle Briggs, on behalf of the Defendants, but any party may express his or her opinion.

7. Water requirements for Phase I will be as follows:

(a) Satisfaction of DEQ requirements for domestic use for 19 homesites in Phase I and,

(b) Actual irrigation usage for acres irrigated in Phase I, extrapolated to 25 acres.

For purposes of this agreement, "domestic use" shall mean the actual in-house use of water, plus irrigation of .08 acres of lawn.

If the two wells produce sufficient water to meet the above requirements for Phase I domestic use and not more than 25 acres of irrigation in Phase I, the remaining water may be appropriated for Phase II domestic use. Any excess water beyond that needed for domestic use in Phase II may be applied toward irrigation in Phase II.

8. If the water produced by the two wells is not sufficient to meet the requirements for Phase I, as described in paragraph 7, above, as determined by the records of production and use generated prior to September 30, 2001, Horseshu Vue Ranch, Inc. shall drill a third well, at no cost to any of the Plaintiffs, in order to provide sufficient water for Phase I. In the event the water produced from the combination of three wells is still insufficient, Horseshu Vue Ranch, Inc., will continue to drill additional wells, at no expense to any of the Plaintiffs, until sufficient water is obtained to meet the requirements of paragraph 7, above.

9. To secure its obligation to drill a third or additional wells, Horseshu Vue Ranch, Inc. will execute a Deed of Trust against Lot 8, Block 1, Horseshu Vue Ranch Subdivision No. 1, in the amount of \$50,000.00 in favor of the Association as beneficiary.

If testing of the wells cannot be reasonably accomplished during the expected time period of July 1 to September 30, 2001, as a result of delays in the approval process by DEQ and/or IDWR, or for other reasons beyond the control of the parties, the test period will be extended into the following year. The test period includes a test of the recovery of the wells in the following spring.

10. When sufficient water is developed to meet the needs of Phase I and Phase II, Alta Chere Baldwin Alexander shall be free to complete the development of Phase II without the interference or opposition of any Plaintiff, directly or indirectly. The CC&R's of Phase II will be written in such a manner as to provide substantially equivalent standards regarding quality of construction and amenities so as to protect the property values in Phase I from devaluation.

11. Phase II shall have a separate Homeowners Association and its members will not be members of the Phase I Association. Upon completion of the development of Phase II, the Horseshu Vue Ranch Water & Road Association, Inc. will supply water to the homes in Phase II pursuant to a written contract, which will provide that the rate to be charged for water shall be consistent throughout both Phases.

12. It is intended between and among the parties to this agreement that they henceforth will work together in good faith to see that the water needs of Phase I are met and, to the extent sufficient water is available, the water needs of Phase II are met. It is further the intention of the parties to work together in good faith to enhance the reputation of their subdivisions in the eyes of the community so individual and corporate property values are elevated to and maintained at optimum levels, and in order that the residents may enjoy a peaceable neighborhood.

13. This agreement shall not be effective unless and until the remaining issues between the parties are settled in full and until execution of appropriate settlement and release agreements.

IN WITNESS WHEREOF the parties have set their hands the date and year first above written.

(Signatures)

MEDIATED AGREEMENT CONCERNING WATER SYSTEM - 5

MICROFILMED

SEP 19 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098
Return Service Requested

RETURN SERVICE
REQUESTED

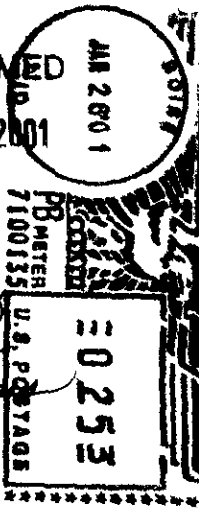
PRESORTED
FIRST CLASS

NOT RECORDED
SEP 19 2001

RECEIVED

FEB - 1 2001

Department of Water Resources



2.501 - Phone Eric X
at attorney office to
give me current address
for Keith Baldwin
#1 Spur Dr
Horseshoe Bend
Idaho 83629
Miss present - Kpt

Handwritten barcode-like markings.



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

January 26, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARTH BALDWIN
8977 STATE ST
BOISE ID 83702

RE: Assignment of Permit 65-13447

Dear Permit Holder(s):

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

2.5.01

Per Attorney Eric Hoff
current address for:
Garth Baldwin
#1 Spur Dr
Merced, Bend, ID
83629



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

January 22, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARTH BALDWIN
9877 STATE ST
BOISE ID 83702

RE: Assignment of Permit 65-13447

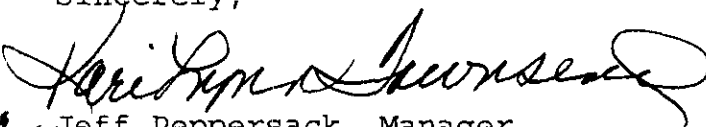
Dear Permit Holder(s):

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JAN 31 1991

Hyde, Wetherell, Bray & Haff, P.L.L.C

Attorneys At Law

David W. Hyde

Mike Wetherell

Christopher D. Bray

Eric L. Haff

Katherine A. Gerrity

Owyhee Plaza, Suite 500
1109 Main Street
Boise, Idaho 83702

October 21, 1999

P. O. Box 139

Boise, Idaho 83701

Telephone 343-1855

Fax 343-4800

Area Code 208

RECEIVED

OCT 22 1999

WATER RESOURCES
WESTERN REGION

Gary Spackman, Regional Manager
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Rob Whitney, Senior Water Resource Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

OCT 4 - 1999

Department of Water Resources

Gentlemen:

As I discussed with Rob on Thursday, this office represents the Horseshu Vue Ranch Water and Road Association, Inc. (herein the "Homeowners Association"). The Homeowners Association is comprised of the owners of lots in Horseshu Vue Ranch Subdivision No. 1 (herein the "Subdivision"). In that capacity I have had an opportunity to review the Permit to Appropriate Water, No. ~~65-13447~~ (herein the "Permit") and the Request for Extension of Time filed by Mr. Baldwin on August 17, 1998. I have also had occasion to review the DEQ file regarding the Horseshu Vue Ranch water system as it existed in late September of this year.

Various homeowners have reported to my client that persons who we believe to be agents of the developer or Garth Baldwin (or both) appear to be drilling test wells and appear to be drilling a production well on Lot 16 of the Subdivision. My client is concerned that the developer may be contemplating utilization of the Permit for the purpose of applying water outside of the Subdivision.

The first purpose of this letter is to inform you that the Homeowner's Association maintains that the Permit does not permit the application of water outside of the Subdivision and that Garth Baldwin and James E. Youren hold the Permit subject to a constructive trust for the benefit of the members of the Homeowners Association as property owners. *Pursuant thereto, the water to be appropriated pursuant to the Permit may only be appropriated for the use and benefit of the lands within the Subdivision and that the water so appropriated may not be applied to lands outside of the Subdivision, (as it is constituted in the plat thereof recorded on June 6, 1994).* Accordingly, the Homeowners Association objects to any application to modify the Permit in any respect including, without limitation, any modification to the established points of diversion or any modification seeking to utilize the Permit to support the application of water outside of the Subdivision. **Please notify us of any effort in this regard as soon as possible.**

WORLDWIDE

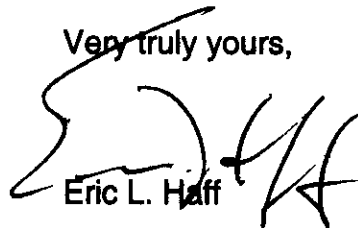
Gary Spackman,
Rob Whitney,
October 21, 1999
Page 2

The second purpose of this letter is to inform you that § 12 of the initial Declaration of Covenants, Conditions and Restrictions for the subdivision as recorded on June 6, 1994, (the "Initial Covenants") prohibits the drilling of "...an individual well on the property." In § 3, the Initial Covenants provide that "All Lots in the Subdivision except [lots other than Lot 16] shall be used for residential purposes." In reliance thereon no private ("individual") well is allowed on Lot 16 pursuant to § 12 and no community well would be permitted thereon (as a non-residential use) pursuant to § 3.¹ Further effort by the developer to drill a well on lot 16 will result in the initiation of an action by the Homeowners Association requesting injunctive relief precluding the establishment of a well thereon.

The third purpose of this letter is to state categorically that Garth Baldwin has made no effort to transfer the Permit to the Homeowners Association and that the Homeowners Association will take the position that James Yoren and Garth Baldwin, as the permit holders, and the developer are responsible for the entire cost to bring the water system providing domestic and agricultural irrigation water to the members of the Homeowners Association into full compliance with the conditions articulated in the DEQ letter dated August 13, 1999.²

I understand from our conversations on Thursday that you concur with my client's position that the Permit will not support an appropriation for water to be applied outside of the subdivision. Please advise immediately if I have misunderstood you in this regard. Further, please keep us informed of actions undertaken by the nominal permit holders.

Very truly yours,



Eric L. Haff

ELH/ml
cc: Client

¹ The amended declaration recorded earlier this year contains similar prohibitions in § 12 thereof, "No lot owner shall drill or cause to be drilled on the Lot an individual well." and in § 3 thereof "All lots in the subdivision (except Block 1, Lots 17-20 -those lots *owned by the association* for trash, common area, well, water storage and satellite TV) are subject to this provision and shall be used for residential purposes only."

² I have personally reviewed statements from many of the homeowners describing (and printed advertising materials preemptively issued by the developer containing) representations that sufficient water was available to allow homeowners to establish pasture on their respective lots. Indeed, the developer went so far as to state the additional cost per year for the pasture water on a per acre basis. In reliance on these representations, many of the homeowners have attempted to establish pasture on portions of their lots. The Homeowners Association has contracted with Scanlan Engineering to assess the condition of the well, aquifer and water delivery system. The *preliminary* indication from the engineer is that the existing well is insufficient to support the water uses described in the permit (domestic and agricultural) which the developer represented would be within the capability of the well and water system, and that development of the second well will be necessary to support the pasture irrigation.

MICROFILMED

JAN 31 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 05-13447 Reviewed by QJ Date 8-21-98

BASIC INFORMATION

8-17-98 Date stamp received
NO Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to Aug. 1, 2002, on basis of due diligence.
Reinstated & advance priority to 6-19-93.

PRIORITY CALCULATION

Date extension received	<u>8-17-98</u>	=	_____
Proof due date	<u>8-1-98</u>	=	_____
Number of days late	<u>16</u>	=	_____
Priority date	<u>6-3-93</u>	=	_____
New Priority Date	<u>6-19-93</u>	=	_____

7 6-19-93

DATA ENTRY

New Address X
Change Proof Due Date 8-1-2002
Change Priority Date 6-19-93



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

August 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Garth Baldwin
James Yoren
8977 W State St
Boise ID 83703

RE: Permit No. 65-13447

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **August 1, 2002**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date of August 1, 1998, it was necessary for the department to reinstate the permit and advance the date of priority to June 19, 1993.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
SEP 22 1998

August 13, 1998

GARTH BALDWIN
JAMES E YOREN
8977 W STATE ST
BOISE ID 83703

LAPSE NOTICE

RE: PERMIT NO. 65-13447

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 our proof due notice dated May 31, 1998. 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.

L. GLEN SAXTON
Chief, Water Allocation Bureau

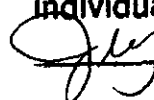
Enclosures

MICROFILMED

SEP 22 1998

CERTIFICATION OF MAILING

I hereby certify that on 8-14-98
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



May 31, 1998

GARTH BALDWIN
JAMES E YOREN
8977 W STATE ST
BOISE ID 83703

PROOF DUE NOTICE

RE: PERMIT NO. 65-13447

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 August 1, 1998.

(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.

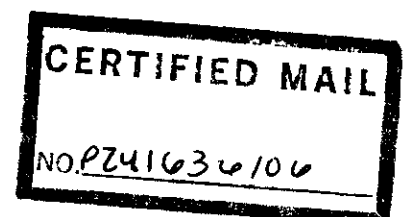
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
SEP 22 1998



NEW # 65-92-W-0366-000 D.W. 9-21-94

1. DRILLING PERMIT NO. 63-92-6-1027-0004
Other IDWR No. 65-13447

2. OWNER:

Name Garth Baldwin / James Yonan
Address 8975 W State
City Boise State IL Zip 83

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N
 W E S
 Twp 36 North ☒ or South ☐
 Rge 2 East ☒ or West ☐
 Sec. 410 SW 1/4 SE 1/4 1/4
 Gov't Lot _____ County Boise 10 acres 40 acres 160 acres
 S

Address of Well Site Hwy 55
City Honesdale Boro.

Lt. _____ Blk. _____ Sub Name Horseshoe View Estates

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other Subdivision

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bento	0	30	3500	Pour.

Was drive shoe used? ☒ Y ☐ N

Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	71	81	250	Steel	☒	☐	☒	☐
6	72	79	250	Steel	☒	☐	☐	☐
6	88	92	250	Steel	☒	☐	☐	☐

Length of Headpipe 16' 2" Length of Tailpipe 4'

9. PERFORATIONS/SCREENS

☐ Perforations Method Houston
☒ Screens Screen Type 304

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
78	88	025		6	Stainless	☐	☒
92	102	030		6	Stainless	☐	☒
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or
 control devices. Well SP-1

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min	Drawdown	Pumping Level	Time
100	57	90	6

Water Temp _____ Bottom hole temp _____

Water Quality test or comments _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
12	0	2	Top Soil		X
	2	10	Hard Pan		X
	10	20	Clay		X
10	20	40	SAND	X	
8	40	60	SAND - Clay streaks	X	
	60	62	Clay	X	
	62	70	c-2 SAND	X	
	70	74	Brown Sand	X	
	74	75	Clay	X	
	75	80	Garnite Sand	X	
	80	91	SAND.	X	
	91	92	Sand.	X	
	92	95	Decomposed Granite	X	
	95	96	SAND	X	
	96	97	D. G.	X	
	99	100	SAND	X	
	100	103	c sand	X	
	103	105	Clay	X	
	105	106	SAND	X	

RECEIVED
 MAR 9 1995
 Department of Water Resources

RECEIVED
 SEP 22 1994
 WATER RESOURCES
 WESTERN REGION

RECEIVED
 JUN 10 1994
 WATER RESOURCES
 WESTERN REGION

RECEIVED
 SEP 15 1994
 Department of Water Resources

RECEIVED
 MAR 01 1995

Completed Depth 106
 Date: Started 2-1-93 Completed 5-17-94

31.00
 207.11
 (Measurable)

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed

Firm Name Dennis Ph. ops Firm No. 732

Firm Official D. A. Harris Date 6-5-54

and

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

SEP 27 1948

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 5, 1993

GARTH BALDWIN
JAMES E YOREN
8977 W STATE ST
BOISE ID 83703

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13447

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

AUG 30 1993

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 65-13447 Date: 8/2/93 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes _____
SYSTEM COMPLETED:
No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A
GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit:
Included w/permit - ~~P23~~ Permit No. 65-92-W-1027-000
Existing well - N/A (if drilled before 7/1/87)
No WD permit? - 046-46A(IRR)-46B-P23 (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. 65
Surface water - 005 or 005-01J-P08(+.2)
or 005-01H-P01(-.2 w/pump); NMR
Groundwater - P05 (if well has not been drilled)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - B (1, Blank or Other)
Trust - 051-052-053-P74(Consumptive Uses)
Non Trust <1> - 048-049
RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - 05A (req), 11E (non-domestic use)
Payette (65) - 047-P04, -P
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
USE:
Fish Propagation - 06A, 09E-P10 (WQ/Choose One) & 010, 042 (req),
002-P06(MD), 07A(Special), 044(Policy 5G)
Power - 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G or 17M; 18B-P09
Mining - 06A, 010, or 09E-P10 & 054 (req)
Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10'Size)
Rec/Wildlf/Aesthetic - 027-if +½ A. pond (Non-Consumptive)
Domestic (surface - 021 - Boise River upstream from L Peak
restricted areas) 27A - Payette River & main tributaries
OWNERSHIP:
Non land owner - 004
PROTESTED:
Hearing agreement - 020
REMARKS: - (PUC(20) (2) w/04(dwelling)
OTHER CONDITIONS: - 03A, 803
BENEFICIAL USE DUE: - 8-1-1998
COMMENTS: - (1) On Desc WDP# 65-92-W-1027-000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

send copy to H&W

INITIAL REVIEW BY: ly DATE: 6/7/93 APPLICATION: 65-13447

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume) Gov't. Lots:
☒ Period of use: ☒ P/D
☒ Nature of proposed use: (Include description of use) ☒ P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

- | YES | NO | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Overlapping place of use: (Describe source & relationship to present application on the back.) |
| ☐ | ☒ | Overlapping point of diversion: |
| ☐ | ☐ | Field check required: Field check by: _____ |
| ☐ | ☒ | Field report attached: |
| ☐ | ☒ | Critical groundwater area: |
| ☐ | ☒ | Groundwater management area: |
| ☐ | ☒ | 1992 moratorium |
| ☐ | ☒ | Copy to SCA staff (perennial stream, non-pump diversion): |
| ☐ | ☒ | Send dam safety information: |
| ☐ | ☒ | Send power requirement letter: |
| ☐ | ☒ | Send fish farm requirement letter: |
| ☐ | ☒ | Power residency affidavit: |
| ☐ | ☒ | Power efficiency form: |
| ☐ | ☒ | Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.) |
| ☐ | ☒ | Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.) |
| ☐ | ☒ | <u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u> |

DATE REQUESTED: _____

☒ Additional information on reverse side:

RECEIVED
JUL 23 1993

Department of Water Resources

PROCESSING

APPLICATION NO. 65-

YES NO

☒☐

In form for advertising:

☐☒

Statewide advertising: (> 10 cfs &/or 1000 af)

☒☐

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒☐

I.D. Health and Welfare

☐☒

I.D. Fish and Game

☐☒

I.D. Lands

☐☒

Adjudication Bureau

YES NO

☐☒

U.S. BLM

☐☒

U.S. Forest Svc.

☐☒

Water Dist. # _____

☐☒

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒☐

Affidavit of publication received:

☒☐

Application published correctly: If not, record action taken.

☐☒

Publication dates and paper recorded on application:

☐☒

Protests received. Final date for protest

☐☒

Protest dates, resolution of protest recorded on application:

☐☒

Recommendations attached:

☐☒

Measuring device required:

☐☒

Measuring port required:

☐☒

Water delivered by water master? District # _____

☒☐

Special conditions of approval or cover letter: _____

26A (Allow 5 yrs), 46

See below for additional information

Recommended Date or Priority 6/3/1993Recommended by: DWDate 7/20/1993

STATE OFFICE REVIEW

☐☐

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

☐☐☐☐☐☐☐☐☐☐☐☐



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED
JUL 0 2 1993

1420 North Hilton, Boise, ID 83708-1260, (208) 334-0550

Department of Water Resources
Western Regional Office

Cecil D. Andrus, Governor

July 1, 1993

YORIN IWR

David R. Tuthill, P.E. *DR*
Manager, Western Regional Office
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

RE: IDWR - Public Waters Appropriation Permit
Permit No. 65-13447

Dear Mr. Tuthill:

The project must be conducted under the design and supervision of an Idaho registered professional engineer. The process to follow is:

1. The engineer must submit a preliminary site evaluation based on proximity of pollution sources. We will evaluate the proposal, conduct a site inspection, and issue a written site approval if warranted. The applicant should give his consultant the enclosed checklist.
2. Detailed plans and specifications must be submitted to this office for review. The well may not be drilled until all approvals are obtained from both the Division of Environmental Quality (DEQ) and the Department of Water Resources (IDWR). The last approval will come from DEQ; we will not issue approval until final approvals of both IDWR permits (appropriation permit and well drilling permit) have been submitted.
3. This will be a Public Water System and must have one (1) source of water for less than twenty-five (25) connections and two (2) sources for twenty-five (25) or more connections.

We will pay particular attention to the following items:

1. Construction must be done under the general supervision of the professional engineer. The contract assuring this must be submitted with the application.
2. Numerous water quality parameters must be tested as soon as the well is completed.

Sincerely,

Jack M. Gantz
Jack M. Gantz, P.E.

Senior Water Quality Engineer

cc: James E. Yorin, Applicant (w/encl)

RECORDED

AUG 30 1993

RECEIVED
JUL 08 1993

Sue

Department of Water Resources
Western Regional Office

Jan
Division of Environmental Quality
% Jack M Gantz
1420 North Hilton
Boise, Idaho 83706

July 7, 1993

Mr. Gantz;

Concerning your letter of July 1, 1993 to Mr. David R. Tuthill with the Idaho Dept. of Water Resources.

Mr. Carlyle Briggs of B&A engineers submitted all the information that you had in your letter, plus the application for a community water system to Monty Marcus on June 7, 1993, for review and approval.

Mr. Briggs is under contract with us on this project.

If you have any further questions, please feel free to call him on it.

Thank You

Garth Baldwin
Garth Baldwin for
James E. Yourin
Horseshu Vue Ranch Sub.

cc. David R. Tuthill
Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

MICROFILMED
AUG 30 1993



DIVISION OF
ENVIRONMENTAL QUALITY

1420 North Hilton, Boise, ID 83706-1260, (208) 334-0550

Cecil D. Andrus, Governor

July 1, 1993

YORIN IWR

David R. Tuthill, P.E.
Manager, Western Regional Office
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83725

RE: IDWR - Public Waters Appropriation Permit
Permit No. 65-13447

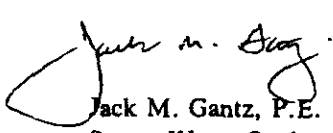
Dear Mr. Tuthill:

The project must be conducted under the design and supervision of an Idaho registered professional engineer. The process to follow is:

1. The engineer must submit a preliminary site evaluation based on proximity of pollution sources. We will evaluate the proposal, conduct a site inspection, and issue a written site approval if warranted. The applicant should give his consultant the enclosed checklist.
2. Detailed plans and specifications must be submitted to the Division of Environmental Quality (DEQ) and the Department of Water Resources (IDWR). The last approval will come from DEQ; we will not issue approval until final approvals of both IDWR permits (appropriation permit and well drilling permit) have been submitted.
3. This will be a Public Water System and must have one (1) source of water for less than twenty-five (25) connections and two (2) sources for twenty-five (25) or more connections.

We will pay particular attention to the following items:

1. Construction must be done under the general supervision of the professional engineer. The contract assuring this must be submitted with the application.
2. Numerous water quality parameters must be tested as soon as the well is completed.


Jack M. Gantz, P.E.
Senior Water Quality Engineer

cc: James E. Yorn, Applicant (w/encl)

RECEIVED

AUG 3 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 15, 1993

IDAHO DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
SWIRO
1420 N HILTON
BOISE, ID 83706

Re: Application for Permit No. 65-13447 in the name of James
&/or Garth Baldwin

Dear Sir:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by JULY 7, 1993.

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

RECEIVED

AUG 30 1993

65-13447

BALDWIN, GARTH
YOREN, JAMES E
8977 W STATE ST
BOISE, ID 83703

Source: GROUNDWATER

Diversion Pt: SWNENW Sec 10 T 06N R 02E in BOISE County.
 SWNW Sec 10 T 06N R 02E in BOISE County.

Use: IRRIGATION (1.200 CFS)
 DOMESTIC (.200 CFS)
 Total Diversion: (1.400 CFS)

Date Filed: 6/ 3/1993

In: BOISE County			
T06N R02E S03	SWSW	SESW	SWSE
S10	NENW	NWNW	SWNW

60.0 ACRES TOTAL

MICROFILMED

AUG 8 0 1993

The Idaho World

P O Box 220
Idaho City, ID 83631
208 392-4989

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

RECEIVED
JUL 14 1993

Department of Water Resources
Western Regional Office

State of Idaho >
>
County of Boise >

Wayne Hart, being duly sworn, deposes and says: that he is the manager and principal clerk 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 June 16, 1993 and ending with the issue of June 23, 1993.

Wayne Hart

State of Idaho >
>
County of Ada >

On this 12th day of July in the year 1993, before me, a notary public, personally appeared WAYNE HART 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 he executed the same.

Janet Hart

Notary Public for Idaho

Boise ID

Residing at

My commission expires 9/10/96

NOTED

AUG 26 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13447

RECEIVED

JUL 14 1993

Department of Water Resources
Western Regional Office

BALDWIN, GARTH
YOREN, JAMES E
8977 W STATE ST
BOISE, ID 83703

Source GROUNDWATER

Diversion Pt SWNENW Sec 10 T 06N R 02E in BOISE County
SWNW Sec 10 T 06N R 02E in BOISE County

Use IRRIGATION (1 200 CFS)
DOMESTIC (200 CFS)
Total Diversion (1 400 CFS)

Date Filed 6/3/1993

In BOISE County
T06N R02E S03 SWSW SESW SWSE
S10 NENW NWNW SWNW

60.0 ACRES TOTAL

65 13455

ALLEN, SONJA
10513 HOLLANDALE
BOISE, ID 83709

Source EDDY CREEK Tributary PAYETTE RIVER

Diversion Pt SWSE Sec 19 T 09N R 04E in BOISE County

Use IRRIGATION (050 CFS)
DOMESTIC (040 CFS)
Total Diversion (090 CFS)

Date Filed 5/27/1993

In BOISE County
T09N R04E S19 SWSE

1.7 ACRES TOTAL

will be subject to all prior water rights. Protests may be submitted
base criteria of Sec. 42-203A, Idaho Code. Protests must be filed with
the Director, Dept. of Water Resources, Western Region, 2735 Airport Way,
Boise, Idaho 83705 on or before JULY 6, 1993.

R. KEITH HIGGINSON, Director

Published in The Idaho World Journal 16 and 23, 1993

RECEIVED

AUG 30 1993

State of Idaho
Department of Water Resources

RECEIVED

JUN 03 1993

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) James Yoren 1/6 Garth Baldwin
2. Mailing Address 8977 W. State
Boise 83703 Telephone 853-8407
(☒ Well Owner) (☐ Well Operator) (☐ Other, specify _____)
3. Proposed well location SE 1/4 SW 1/4, or Gov't Lot No. _____
Sec. 10, Twp. 6N, Rge. 2E, County Boise
Street Address of Well Site off HWY 55 above Horseshoe bend
Lot, block and subdivision _____

4. Proposed use of well:

(☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

(☐ Non-Domestic: Any beneficial use not included within the definition of domestic.

(☐ Injection

(☐ Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: _____

5. Well construction information:

A. (☒ New well) (☐ Deepen) (☐ Replace - See Condition 9

B. Proposed Surface Diameter 8" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:

(☒ 85°F or less (Cold water well)
(☐ 85°F to 212°F (Low temp. geothermal well)
(☐ 212° or more (Geothermal well)

6. Construction Start Date 11-25-92

7. Anticipated Well Driller ~~DAVID A. DRYING~~

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature [Signature] Date 11-23-92

Title Owner

(Owner, Firm Representative, Other)

AUG 30 1993

DEANIS
PHIPPS #332
WELL DRILLING

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED

Date 11/23/92

If approved, this permit authorizes the constuction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

DAVID R. TUTHILL JR.

MINUTEMAN
AUG 30 1993

MANAGER
WESTERN REGIONAL OFFICE

Steve Latta
Signature of Authorized Department Representative

Title

Receipt No. W015682 Recelpted by SL Fee \$35 Date 11/23/92
C027714 6-3-93

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.