

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31957

Priority: May 26, 2004

Maximum Diversion Rate: 2.70 CFS

This is to certify, that J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.47 CFS
FIRE PROTECTION	01/01 to 12/31	2.23 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NE¼	Sec. 34, Twp 03N, Rge 01W, B.M., ADA County
GROUND WATER	NW¼NE¼	Sec. 34, Twp 03N, Rge 01W, B.M., ADA County

PLACE OF USE: DOMESTIC & FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 01W 34		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. Domestic use is for 24 homes within Bittercreek Meadows Subdivision.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

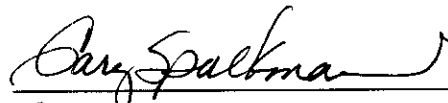
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31957

9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the subdivision lots authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. This right does not grant any right-of-way or easement across the land of another.
12. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
13. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of May, 2005.


FOR KARL J DREHER, Director

Ident. No. 63-31957

RECEIVED

JAN 05 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED

MAY 26 2004

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES
Name of Applicant JLJ Enterprises, Inc. Phone 794-0070

Mailing address 408 S. Eagle Road, Suite 103, Eagle, ID 83616

2. Source of water supply groundwater which is a tributary of N/A

3. Location of point of diversion is Township 3 N Range 1 W Sec. 34 in the $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot , B.M., Ada County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 0.47 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.23 for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.70 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source up to 2 wells with electric pumps; buried pipe to homes and hydrants

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

c. Proposed well diameter is 18 inches; proposed depth of well is 250 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? no; Drilling firm ;

Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households. 24 homes

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1W	34		D															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

NMID surface water right used for primary irrigation

11. a. Who owns the property at the point of diversion? Dan Richards, Gary Holsclaw, Debra Holsclaw

b. Who owns the land to be irrigated or place of use? Dan & Angela Richards, Gary & Debra Holsclaw

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant has an agreement to develop the land for the owners

12. Remarks: water bearing zone to be appropriated is 150 to 500 feet

domestic use (0.47 cfs) is based on 24 homes @ 0.23 cfs in home use and 0.01 cfs per home supplemental irrigation (0.24 total)

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

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

Signature of Applicant (and title, if applicable)

James L. Jewett, JJJ Enterprises, Inc

President

Received by JJ Date 5-26-04 Time 4:50 p.m. Preliminary check by g

Fee \$ 330.00 Receipted by JJ # W031761 Date 5-26-04

Publication prepared by SK Date 5-12-04 Published in THE IDAHO STATESMAN

Publication approved SK Date 5-23-04

C 137097		Due no later than January 31, 2004 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		JLJ ENTERPRISES, INC 408 S EAGLE RD STE 103 EAGLE, ID 83616		JAMES L JEWETT 408 S EAGLE RD EAGLE, ID 83616	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
		Street or P.O. Address		City	State
Office held	Name				Zip
President	Jim Jewett	408 S Eagle Rd Ste 103		Eagle	ID 83616
VP/Sec.	Cari Jewett	408 S Eagle Rd Ste 103		Eagle	ID 83616
5. Organized Under the Laws of:		6. Signature		Date	
IDAHO C 137097		Cari Jewett		12-2-03	
		Name of Officer or Director		TITLE	
		Cari Jewett		VP/Sec	
					1878

REQUEST TO PROCESS

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

Name of Applicant

JLJ Enterprises, Inc

Mailing Address

408 S. Eagle Road, Suite 103

Eagle, ID 83616

Application No.
(if known)

IN LOCAL PUBLIC INTEREST

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

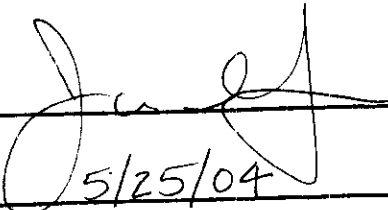
PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

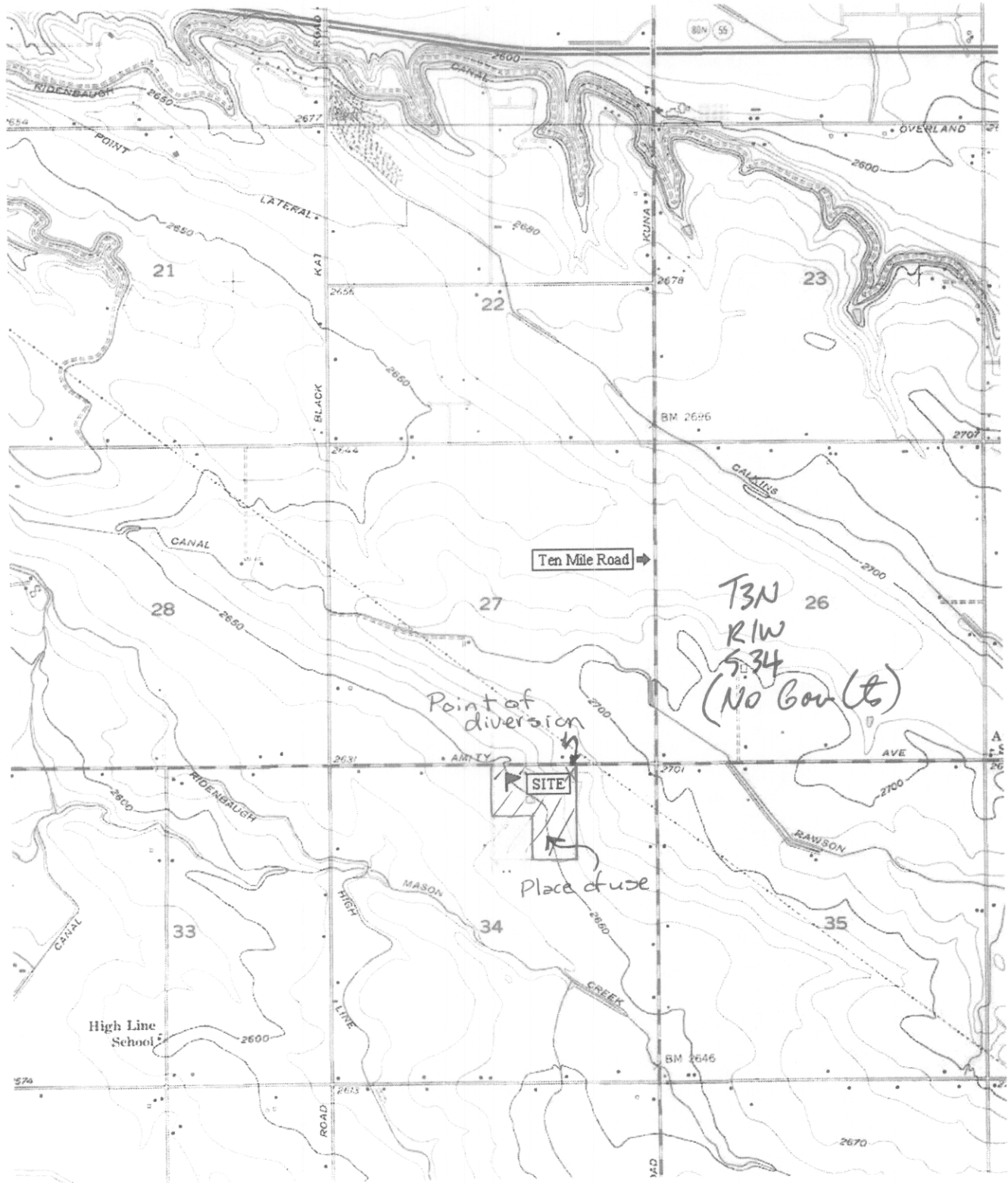


Date

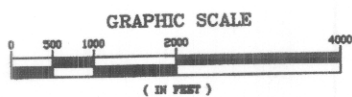
5/25/04

Please return this form to:

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



63-31957



VICINITY MAP
Bitter Creek Subdivision
Ada County, Idaho

Project No.
04B-G698

Date:
January, 2004

FIGURE 1



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 1, 2005

J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616

RE: Permit No. 63-31957

Permit Approval Notice

Dear Permit Holder:

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

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

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

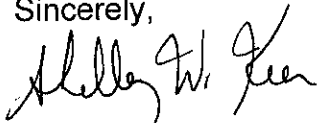
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

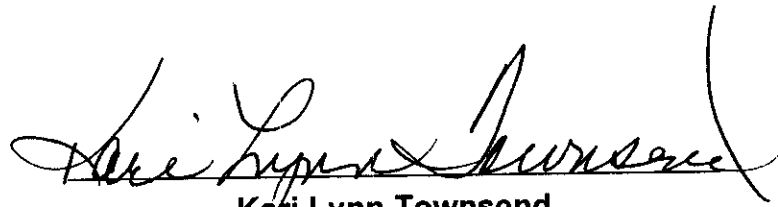
CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31957

**J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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.

Comment Report

63-31957

1. kwalker 5/23/2005 POD

Comment: Updated shape

2. kwalker 5/23/2005 POD

Comment: Updated shape

3. kwalker 5/23/2005 POU

Comment: Updated Shape

4. kwalker 5/23/2005 POU

Comment: Updated Shape

5. scurtis 7/12/2004 Legal Notice Remarks

Comment: Domestic use is for 24 homes and yards in Bittercreek Meadows Subdivision.

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

6. Igraves 7/12/2004 Comment/Analysis

Comment: Per 7/12/04 telecon: Applicants state that Nampa Meridian Irrigation District water will be used as the primary water source for the domestic lawns, supplemented with the proposed ground water. The average lot size is 3/4 acre. Irrigation will not exceed 1/2 acre per lot. A backflow device will be installed on the pressurized irrigation system.

Applicants do not own the p/u or the p/d. Applicants stated that they are the developers for the property for the owners and have an agent/client agreement. The owners will eventually sell the lots and the developer (applicants) will continue to manage the property and water system.

63-31852 and 63-16177 are single home filings for separate wells and systems.

The cfs rate for domestic use was determined by using the IDWR figures for internal domestic flow rate for 24 homes, which is .23 cfs, and adding .01 cfs per home for supplemental yard use for a total of .47 cfs. This seems reasonable.

7. kwalker 5/23/2005 Permit Review

Comment: Application does not fall within any problem areas. Irrigation of lawn & garden under Nampa Meridian Irrig. Dist. so added supplemental conditions. Use will be subject to IDEQ regulations. Have added condition to notify right holders.



Idaho Secretary of State Viewing Business Entity

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

JLJ ENTERPRISES, INC.

1820 E BOWSTRING
MERIDIAN, ID 83642

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 01 Nov 2004

State of Origin: IDAHO

Date of Origination/Authorization: 04 Jan 2001

Current Registered Agent: JAMES L JEWETT
408 S EAGLE RD
EAGLE, ID 83616

**Organizational ID / Filing
Number:** C137097

**Number of Authorized Stock
Shares:** 100000

Date of Last Annual Report: 12 Nov 2004

Amendments:

Amendment filed 04 Jan 2001 INCORPORATION

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[Download \(TIFF format\)](#)

Amendment filed 13 May 2002 REINSTATEMENT

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[Download \(TIFF format\)](#)

Annual Reports:

Report for year 2005 ANNUAL REPORT

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Report for year 2004 ANNUAL REPORT

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Report for year 2002 REINSTATEMENT

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Report for year 2002 ANNUAL REPORT

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

MAY 06 2005

**DEPARTMENT OF
WATER RESOURCES**

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Ailyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

May 5, 2005

Debbie Gibson
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

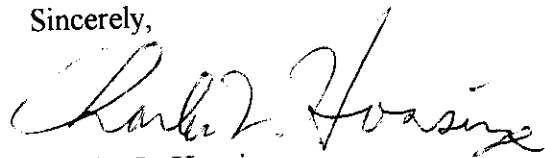
Re: Stipulation to Withdraw Protest

Dear Debbie:

Enclosed please find the original Stipulation to Withdraw Protest in the Matter of Application for Water Right No. 63-31957 in the name of JLJ Enterprises, which was signed by my clients.

Please contact me if you have any questions or comments regarding this matter.

Sincerely,



Charles L. Honsinger

CLH:kw
Enclosure

cc: Stephen Bradbury
client

EXHIBIT 17

Mar 31 05 05:05p

Ron Williams

208-344-6633

P - 3

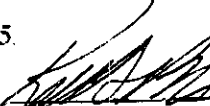
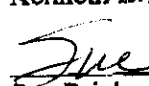
pumping, whereupon Brickers shall have ten (10) days within which to comment in writing to JLJ and JLJ shall have a further 10 days to respond to Brickers' comments. If the parties reach agreement on the engineered solution to the interference described herein, then JLJ shall, at its expense, implement the same within a reasonable time not to exceed 90 days. If the parties can not agree upon a solution to the interference described herein, then the dispute shall be submitted to binding arbitration to be conducted by an arbitrator experienced in water right matters as the parties may agree upon. Such arbitration shall be conducted pursuant to the rules for commercial arbitration of the American Arbitration Association, or such other rules as the parties may agree upon. The prevailing party in arbitration shall be entitled to an award of attorney fees and costs incurred that are related to the arbitration.

3. JLJ will have no obligations hereunder if the Bricker Well loses productivity from a cause other than the authorized operation of the Bittercreek Well.

4. As security for the performance of its obligations hereunder, JLJ shall deliver to the Brickers a non-revocable letter of credit in the principal sum of \$6,000.00 conditioned on JLJ's faithful performance of its obligations under this agreement, which said letter of credit shall be payable to Brickers in the event JLJ shall be in material breach of its obligations hereunder or in the event JLJ elects or is required to forfeit the same as provided in this Stipulation. The Brickers may continue to hold the non-revocable letter of credit until the "engineered solution" and/or the arbitrator's decision have been successfully implemented. If either is not successfully implemented, due to no fault of the Brickers, the non-revocable letter of credit shall be deemed forfeited to the Brickers.

5. If a suit, action, or other proceeding arising out of or relating to this Stipulation is instituted by either party to this Stipulation, the prevailing party shall be entitled to recover its reasonable attorney fees and costs.

DATED This 7 day of April, 2005.


Kenneth Bricker
Sue Bricker

DATED This 31 day of March, 2005.

JLJ Enterprises, Inc


James Jewett
Applicant



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

May 3, 2005

KARL J. DREHER
Director

STEPHEN A BRADBURY
WILLIAMS BRADBURY
1015 W HAYS ST
BOISE ID 83702

CHARLES L HONSINGER
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

Re: Application for Permit No. 63-31957 - Withdrawal of Protest

Gentlemen:

The Department of Water Resources acknowledges receipt of a copy of your Stipulation to Withdraw Protest signed by the parties involved in the above-referenced protested application. Upon receipt of the original signed Stipulation, the department will resume processing the application.

In the stipulation, the Brickers withdraw their protest, and agree to the issuance of permit no. 63-31957 "contingent upon the following conditions." Five numbered paragraphs follow the reference to conditions.

The language of the stipulation does not express the expectations of the parties about whether the five conditions of the agreement should be incorporated into the water right permit. After reading the details of the paragraphs, however, I am left with the impression that the conditions were intended to be implemented and enforced outside of IDWR's permitting process.

IDWR will issue a permit after expiration of fourteen (14) days after the date of this letter as generally referred to in the agreement, but will not incorporate the specific language of the stipulated conditions. If my interpretation of the stipulation is incorrect, please write within fourteen (14) days of the date of this letter stating your understanding of how the conditions should be effectuated.

Sincerely,

Gary Spackman
Hearing Officer

cc: Regional Office

WILLIAMS • BRADBURY

A T T O R N E Y S A T L A W

RECEIVED

APR 12 2005

Department of Water Resources

April 8, 2005

VIA FACSIMILE 287-6700

✶ Debbie Gibson ✶
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

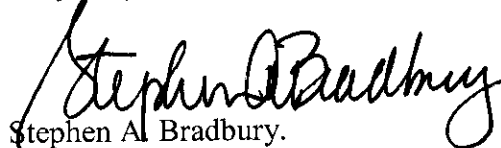
Re: *Application for Water Right No. 63-31957 in the name of JJJ Enterprises*

Dear Debbie:

As we discussed, please find enclosed for filing in the above referenced matter, a Stipulation to Withdraw Protest which has been executed on behalf of both the Applicant and the Protestants. I would appreciate it if you would file the enclosed as required in order that the subject permit may be issued without delay. Although I believe that facsimile signatures are legally sufficient for this purpose, I will include the Stipulation containing the original signature of Mr. Jewett (on behalf of JJJ Enterprises) with a hard copy of this letter. I have also asked Mr. Honsinger (Mr. and Mrs. Bricker's attorney) to forward the Stipulation containing the originals of Mr. and Mrs. Bricker's signature as well.

In the event you need anything further, please feel free to give me a call.

Very truly yours,


Stephen Al Bradbury.

SAB/smr

CC: Jim Jewett

Charlie Honsinger, Ringert Clark

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

)
)
IN THE MATTER OF APPLICATION FOR)
WATER RIGHT NO. 63-31957 IN THE)
NAME OF JLJ ENTERPRISES)
_____)

STIPULATION TO WITHDRAW
PROTEST

COMES NOW, the protestants, Sue and Kenneth Bricker (hereinafter "Brickers"), together with the applicant, JLJ Enterprises, Inc. (hereinafter "JLJ"), and hereby enter into this Stipulation to withdraw Brickers' protest to the above referenced Application for Water Right.

FACTS

JLJ submitted an Application for Water Right Permit No. 63-31957 to IDWR to appropriate groundwater in Meridian, Idaho on or about May 26, 2004. The application proposes installation of a well (Bittercreek Well) to provide domestic water for 24 homes (0.47 cfs) and fire protection (2.23 cfs). Brickers filed a protest against the application on July 29, 2004. Brickers own a domestic well ("Bricker Well") located approximately 1200 feet away from JLJ's proposed Bittercreek Well. Brickers hold water right no. 63-31852 which is diverted from the Bricker Well. The basis of Brickers' protest is the possibility that well interference from the Bittercreek Well may injure the Bricker Well and water right. Brickers will withdraw their protest to JLJ's application for a water right permit if the parties agree to the terms of the stipulation as set out below.

STIPULATION

To effectuate the Withdrawal of Protest, the parties stipulate and agree that Bricker will withdraw their protest, and that a permit for Water Right no. 63-31957 may be granted contingent upon the following conditions:

1. JLJ will conduct a pumping test on the Bittercreek Well, once it is installed. JLJ will monitor the static water level in the Bricker Well during test pumping of the Bittercreek Well. The Bittercreek Well will be pumped continuously at a minimum rate of 1,000 gpm for at least nine (9) hours for the test purposes and continuing at a rate of at least 1,212 gpm for at least four (4) additional hours for test purposes, or at the well's maximum yield if less than the foregoing. The measurements, including measurements of the Bricker Well, and an analysis of the pumping test shall be completed by a registered professional engineer or professional geologist and will be reported to the Idaho Department of Water Resources ("IDWR") as a condition of the water right permit and will be simultaneously supplied to the Brickers.

2. If the analysis of the pumping test of the Bittercreek Well shows that the operation of the Bittercreek Well under the conditions authorized by the permit (i.e., continuous pumping at rates up to 0.47 cfs and pumping at a rate of 2.7 cfs for fire fighting for periods of up to four (4) hours will cause the Bricker Well to be drawn down in excess of ten (10) feet, JLJ will, at its election, either engineer and implement a proposed solution thereto or forfeit to Brickers the letter of credit described in paragraph 4 below. If JLJ elects to engineer a solution, JLJ shall deliver a written description thereof to Brickers within ten (10) days of the completion of the test

pumping, whereupon Brickers shall have ten (10) days within which to comment in writing to JLJ and JLJ shall have a further 10 days to respond to Brickers' comments. If the parties reach agreement on the engineered solution to the interference described herein, then JLJ shall, at its expense, implement the same within a reasonable time not to exceed 90 days. If the parties can not agree upon a solution to the interference described herein, then the dispute shall be submitted to binding arbitration to be conducted by an arbitrator experienced in water right matters as the parties may agree upon. Such arbitration shall be conducted pursuant to the rules for commercial arbitration of the American Arbitration Association, or such other rules as the parties may agree upon. The prevailing party in arbitration shall be entitled to an award of attorney fees and costs incurred that are related to the arbitration.

3. JLJ will have no obligations hereunder if the Bricker Well loses productivity from a cause other than the authorized operation of the Bittercreek Well.

4. As security for the performance of its obligations hereunder, JLJ shall deliver to the Brickers a non-revocable letter of credit in the principal sum of \$6,000.00 conditioned on JLJ's faithful performance of its obligations under this agreement, which said letter of credit shall be payable to Brickers in the event JLJ shall be in material breach of its obligations hereunder or in the event JLJ elects or is required to forfeit the same as provided in this Stipulation. The Brickers may continue to hold the non-revocable letter of credit until the "engineered solution" and/or the arbitrator's decision have been successfully implemented. If either is not successfully implemented, due to no fault of the Brickers, the non-revocable letter of credit shall be deemed forfeited to the Brickers.

5. If a suit, action, or other proceeding arising out of or relating to this Stipulation is instituted by either party to this Stipulation, the prevailing party shall be entitled to recover its reasonable attorney fees and costs.

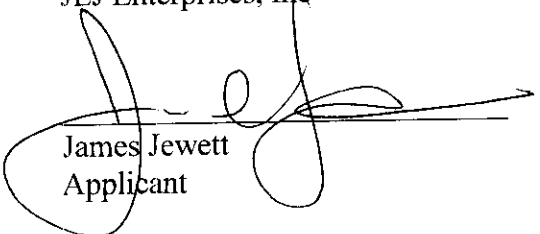
DATED This ____ day of _____, 2005.

Kenneth Bricker

Sue Bricker

DATED This 21 day of March, 2005.

JLJ Enterprises, Inc



James Jewett
Applicant

WILLIAMS • BRADBURY

A T T O R N E Y S A T L A W

FAX COVER PAGE

TO: Debbie Gibson, Idaho Department of Water Resources

FAX #: 287-6700

FROM: Stephen A. Bradbury

DATE: April 8, 2005

RE: Application for Water Right No. 63-31957

Number of pages: 4 including cover page

DOCUMENT(S) SENT: Cover letter and Stipulation

COMMENTS:

CONFIDENTIALITY NOTICE

The information in this facsimile is confidential and intended only for the use of the addressee. The data transmitted is attorney privileged and may be exempt from disclosure. Do not copy or distribute to anyone other than the addressee. Reliance on this data by other than the intended recipient is prohibited. Please notify us immediately if you have received this communication in error. Upon notification we will arrange for return of the fax copies. Thank you for your assistance.

If you had any problems receiving, please call Shelley at (208) 344-6633

WILLIAMS • BRADBURY

A T T O R N E Y S A T L A W

April 8, 2005

VIA FACSIMILE 287-6700

Debbie Gibson
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

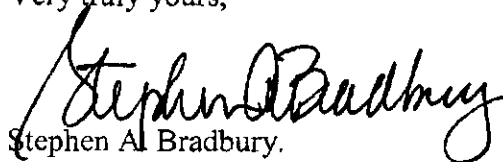
Re: *Application for Water Right No. 63-31957 in the name of JLJ Enterprises*

Dear Debbie:

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In the event you need anything further, please feel free to give me a call.

Very truly yours,



Stephen A. Bradbury.

SAB/smr

CC: Jim Jewett

Charlie Honsinger, Ringert Clark

Enclosure

Apr 08 05 03:01p

Ron Williams

208-344-6633

p.3

04/01/2005 THU 08:44 FAX

3424657

RINGERT CLARK

Apr 07 05 09:04a

Kenneth Bricker

208 288-2008

0002

p.2

0002

Mar 31 05 05:05p

Ron Williams

208-344-6633

p.2

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
WATER RIGHT NO. 63-31957 IN THE) STIPULATION TO WITHDRAW
NAME OF JLI ENTERPRISES) PROTEST

COMES NOW, the protestants, Sue and Kenneth Bricker (hereinafter "Brickers"), together with the applicant, JLI Enterprises, Inc. (hereinafter "JLI"), and hereby enter into this Stipulation to withdraw Brickers' protest to the above referenced Application for Water Right.

FACTS

JLI submitted an Application for Water Right Permit No. 63-31957 to IDWR to appropriate groundwater in Meridian, Idaho on or about May 26, 2004. The application proposes installation of a well (Bittercreek Well) to provide domestic water for 24 homes (0.47 cfs) and fire protection (2.23 cfs). Brickers filed a protest against the application on July 29, 2004. Brickers own a domestic well ("Bricker Well") located approximately 1200 feet away from JLI's proposed Bittercreek Well. Brickers hold water right no. 63-31852 which is diverted from the Bricker Well. The basis of Brickers' protest is the possibility that well interference from the Bittercreek Well may injure the Bricker Well and water right. Brickers will withdraw their protest to JLI's application for a water right permit if the parties agree to the terms of the stipulation as set out below.

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Apr 08 05 03:01p

Ron Williams

208-344-6633

p. 4

04/07/2005 THU 08:45 FAX 2 124657

RINGERT CLARK

0003

Apr 07 05 09:05a

Kenneth Bricker

208 288-2008

P. 3

04/07/2005 MON 10:20 FAX 2000424001

RINGERT CLARK

P. 2

Mar 31 05 05:05p

Ron Williams

208-344-6633

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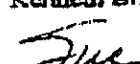
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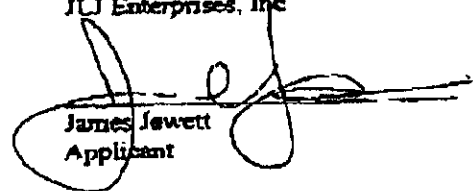
DATED This 7 day of April, 2005.


Kenneth Bricker


Sue Bricker

DATED This 7 day of March, 2005.

JLI Enterprises, Inc


James Jewett
Applicant

Apr 07 05 09:04a Ker eth Bricker

208 298-2008

P. 2
WVWZ
P. 2

Mar 31 05 05:05p Ron Williams

208-4-6633

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
WATER RIGHT NO. 63-31957 IN THE
NAME OF JLI ENTERPRISES

STIPULATION TO WITHDRAW
PROTEST

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Apr 07 05 09:05a Kenneth Bricker
V4/V4/2000 BUN 10:20 FAX 20 10001

208 288-2008

P. 3

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P. 2

208-4-8633

Mar 31 05 05:05p Ron Williams

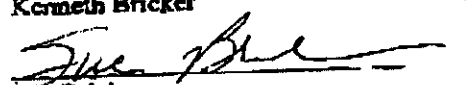
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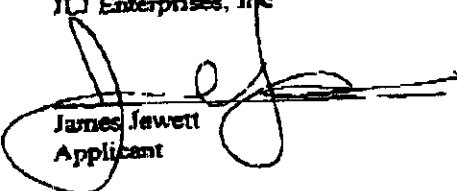
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DATED This 7 day of April, 2005.


Kenneth Bricker
Sue Bricker

DATED This 31 day of March, 2005.

JLJ Enterprises, Inc


James Jewett
Applicant

RECEIVED

JAN 21 2005

Department of Water Resources

JANE B. SUGGS
CONSULTING

January 19, 2005

Ms. Deborah J. Gibson
Water Allocation Bureau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

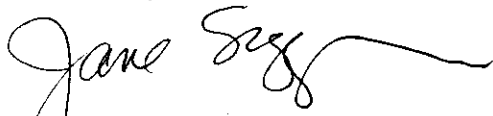
Subject: Application for Permit # 63-31957 for JLJ Enterprises, Inc.

Dear Ms. Gibson:

In response to your January 7, 2005 letter: I am an independent land development consultant previously contracted to represent JLJ Enterprises, Inc., in land entitlement and permitting issues. I attended the pre-hearing conference on the subject application. I no longer represent JLJ Enterprises, Inc., on this project and will not be attending the formal hearing.

If you have questions, please call me at 342-6941.

Sincerely,


Jane B. Suggs

JBS ENTERPRISES, LLC
200 N. LOUISA STREET, BOISE, IDAHO 83712
(208) 342-6941
jbsuggs@cableone.net



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

January 7, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616

JANE SUGGS
200 LOUISE ST
BOISE ID 83712

KENNETH & SUSAN BRICKER
C/O CHARLES HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701

Re: Application for Permit No. 63-31957 in the name of J L J Enterprises, Inc.

Ladies and Gentlemen:

The above-referenced matter having been protested and a prehearing conference held, with no resolution of the protest. In an effort to achieve a timely settlement of this dispute, the department will schedule a formal hearing before a department hearing officer. This letter is to request your written response of your unavailable dates for hearing in February. Please send your response to my attention. I will arrange the hearing, and issue a notice to the parties.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

cc: Regional office

Westra, John

From: Westra, John
Sent: Tuesday, January 04, 2005 4:24 PM
To: Spackman, Gary; Gibson, Deborah
Subject: Application for Permit 63-31957 JLJ Enterprises--Schedule Hearing

Gary & Debbie:

Please schedule a hearing in January or February 2005 for this application.
This is the subdivision community well (Developer) vs domestic well owner.

Please schedule Sue Kreger to provide the assistance for the
hearing. We will send over the file.

Thanks
John

RECEIVED
JAN 15 2005
DEPARTMENT OF
WATER RESOURCES

PREHEARING CONFERENCE NOTES

JLJ Enterprises Application for Permit 63-31957

From: J. Westra
Date: 11/9/04

Protestants: Ken & Sue Bricker
Attendance: see attached roster sheet

The conference began with the applicant (Jane Suggs) discussing the project. The application is for 24 homes in a subdivision near Amity and 10 mile roads. Irrigation will be by irrigation district surface water. Use is domestic and fire protection from a community well 200+ ft depth.

The Brinkers have a domestic well drilled in 1995 approximately 1200 ft from the proposed well site. Their well is 162 depth and static water level was 73 ft when drilled. They have concerns about injury especially at the fire protection flow rate. The Brickers Attorney (Charley Honsinger) has developed a draft agreement between the parties. I was presented a copy for review. It appeared both applicant and protest still had many issues to resolve.

After review of the draft agreement, I discussed the following items:

- Domestic wells are exempt from water rights and groundwater is not regulated in the Treasure Valley at this point. Wells drilled prior to 1978 have pumping level protection under Parker vs Wallentine case. The State does not guarantee a pumping level, only that a reasonable pumping level is discussed in the statutes.

- The draft agreement references the Department determining if there is injury and compliance with the conditions. The agreement is between the parties and the Department is not a party; does not play any part in the facilitation/enforcement of it. Actions to enforce the agreement or injury are civil matters.

After a lengthy discussion regarding specific conditions such as well draw down footage, and mitigation for damages. The parties decided to take the following actions:

- Redraft the stipulation agreement
- A December 1st deadline for reaching an agreement
- If an agreement can not be reached by 12/1 a hearing will be scheduled for January 5, 2005 attentively.

ROSTER OF ATTENDANCE

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

Re: Application for Permit No. 63-31957 in the Name of JLJ Enterprises, Inc.

Place: IDWR Western Region, 2735 Airport Wy, Boise, Idaho 83705

Date: November 9, 2004

Conducted by: John Westra

NAME

ADDRESS

Terry Scanlan 600 E. River Park Lane #105, Boise 83706

Jane Suggs 200 Louise Street 83712

KEN BRICKER 5020 SO. COUNTRY LIFE LANE, MERIDIAN ID. 83642

Sue BRICKER 5020 S. Country Life Ln., Meridian 83642

JAMES LAWETT 408 S. EAGLE RD #103 EAGLE ID 83616

49181

1. DRILLING PERMIT NO. 63-95 W-0434-000
Other IDWB No. _____

2. OWNER:
Name FULL ENGLAND
Address 5020 S. COUNTRY LANE
City MERIDIAN State ID Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 3 North ☒ or South ☐
 Rge. 1 East ☐ or West ☒
 Sec. 34 1/4 NE 1/4 NE 1/4
 Gov't Lot _____ 10 acres _____ 40 acres _____ 160 acres
 County ADA
 Address of Well Site SAME
 City SAME
 (Give at least name of road + Distance to Road or Landmark)
 Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEA/FILTER PACK		AMOUNT	METHOD
Material	From	To	
BENTONITE	0	20	200 #

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+ 2	155	250	STEEL	☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

23 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
20 GPM			

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Wa

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y
8	0	3	TOP SOIL/HARD PAN	
	3	5	LOOSE LAVA	
	5	23	LAVA	
6	23	27	RED CINDERS	
	27	56	SAND/GRAVEL	
	56	78	COARSE SAND	X
	78	82	CLAY	
	82	153	COARSE SAND	X
	153	155	SANDY CLAY	
	155	158	SOFT BROWN CLAY	
	158	162	SAND/SLALE	X

~~RECEIVED~~

~~AUG 29 1995~~

Department of Wage Resources

~~RECEIVED~~

AUG 16 1995

**WATER RESOURCES
WESTERN REGION**

Completed Depth 162' (Measurab
Date: Started 6-15-95 Completed 6-15-95

13. DRILLER'S CERTIFICATION

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

Firm Name DAVIS WELL DRILLING Firm No. 10

Firm Official Chuck Davis Date 8-14-9

and _____
Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

CHARLES L. HONSINGER (ISB #5240)
JON C. GOULD (ISB #6709)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

*Draft
Received at conference
11/9/04.*

Attorneys for Protestants Susan and Kenneth Bricker

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
	)	
IN THE MATTER OF APPLICATION FOR	)	STIPULATION TO WITHDRAW
WATER RIGHT NO. 63-31957 IN THE	)	PROTEST
NAME OF JLJ ENTERPRISES	)	
_____	)	

COMES NOW, the protestants, Sue and Kenneth Bricker (hereinafter "Bricker"), together with the applicant, JLJ Enterprises (hereinafter "JLJ"), and hereby enter into this Stipulation to withdraw Bricker's protest to the above referenced Application for Water Right.

FACTS

_____ JLJ submitted an Application for Water Right Permit No. 63-31957 to IDWR to appropriate groundwater in Meridian, Idaho on or about May 26, 2004. The application proposes installation of a well (Bittercreek Well) to provide domestic water for 24 homes (0.47 cfs) and fire protection (2.23 cfs). Bricker filed a protest against the application on July 29, 2004. Bricker own a domestic well ("Bricker Well") located approximately 1200 feet away from JLJ's proposed Bittercreek Well. Bricker holds water right no. 63-31852 which is diverted from the Bricker Well. The basis of Bricker's protest is the possibility that well interference from the Bittercreek Well may injure the Bricker Well. A prehearing conference has been scheduled for November 9, 2004. Bricker will withdraw their protest to JLJ's application for a water right permit if the parties agree to the terms of the stipulation as set out below.

STIPULATION

STIPULATION TO WITHDRAW PROTEST - 1

To effectuate the Withdrawal of Protest, the parties stipulate and agree that Bricker will withdraw their protest, and that a permit for Water Right no. 63-31957 may be granted contingent upon the following conditions:

1. JLJ will measure the static water level in the Bricker Well on a quarterly basis for one year with the first measurement to be made in late 2004 or as soon as possible. The measurements will be reported to the Idaho Department of Water Resources and supplied to the Brickers.
2. JLJ will conduct a pumping test on its proposed Bittercreek Well, once it is installed, prior to the granting of any water right by IDWR. JLJ will monitor the static water level in the Bricker Well during test pumping of the Bittercreek Well. The Bittercreek Well will be pumped at a minimum rate of 1,000 gpm for at least nine (9) hours for the test purposes and at a rate of 1,212 gpm for at least four (4) hours for test purposes. The measurements and an analysis of the pumping test by a registered professional engineer or professional geologist will be reported to the Idaho Department of Water Resources ("IDWR") as a condition of the water right permit and will be supplied to the Brickers.
3. JLJ will deepen or replace the Bricker Well if the analysis of the pumping test of the Bittercreek Well shows that the operation of the Bittercreek Well under the conditions authorized by the permit (i.e., continuous pumping at rates up to 0.47 cfs and pumping at a rate of 2.7 cfs for fire fighting for periods of up to four (4) hours) will injure the Bricker Well. Any disputes regarding an injury determination will be decided by the Director of IDWR.
4. JLJ will not deepen or replace the Bricker Well if the well's static water level falls in the future as a result of regional aquifer decline or if the Bricker Well loses productivity from a cause other than the authorized operation of the Bittercreek Well.

5. The Idaho Department of Water Resources will place a condition in the permit and in any subsequent license specifying that the diversion and use of water under water right no. 63-31957 is subject to the conditions and limitations in this Stipulation.

DATED This ____ day of November, 2004.

RINGERT CLARK, CHARTERED

Charles L. Honsinger
Attorney for Protestants

DATED This ____ day of November, 2004.

JLJ Enterprises

James Jewett
Applicant

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Stipulation to Withdraw Protest was made this 4th day of November, 2004, by mailing a copy thereof, postage prepaid, to each of the parties listed below:

James Jewett
JLJ Enterprises, Inc.
3654 Resler Lane
Meridian, ID 83642

Ken and Sue Hecker
10111 - 4801200 Hwy
Meridian, ID 83642

Charles L. Honsinger



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/4/04

TO: Jon Gould

FROM J. Westra

DOCUMENT DESCRIPTION: _____
Withdrawal Conditions

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

Don Gould

JLJ Application # 63-31957

Reference condition for outside agreements. / withdrawals.

This guidance does not limit or prohibit the use of settlement agreements that do not impose conditions on the approval. In such cases, the existence of an agreement can be recognized with a standard condition of the Department as follows:

(The diversion and use of water described in Transfer <00000> may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under a separate agreement to which the Department is not a party and which may be enforceable by a court of law.)

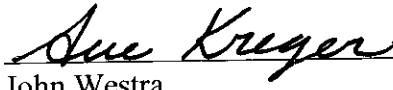
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR WATER RIGHT NO. 63-31957)
IN THE NAME OF JLJ ENTERPRISES)
_____)

NOTICE OF CANCELLATION AND
RESCHEDULING OF
PREHEARING CONFERENCE

IDWR scheduled a prehearing conference for the protest to be held on Tuesday, November 2, 2004. The prehearing conference has been **cancelled and rescheduled for Tuesday, November 9, 2004 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region. 2735 Airport Way, Boise, Idaho 83705**

Dated this 17th day of September 2004.


for _____
John Westra
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of September 2004, I mailed a true and correct copy, postage prepaid, of this Notice of Cancellation and Rescheduling of Prehearing Conference to those listed:

JLJ ENTERPRISES
408 S EAGLE RD STE 103
EAGLE ID 83616

SUSAN &/OR KENNETH BRICKER
5020 S COUNTY LIFE LN
MERIDIAN ID 83642



Sue Kreger
Administrative Assistant

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-31957 IN THE)
NAME OF JLJ ENTERPRISES, INC.)
_____)**

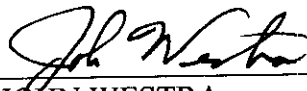
**NOTICE OF PREHEARING
CONFERENCE**

On May 26, 2004 JLJ Enterprises Inc. filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Kenneth &/or Susan Bricker.

IDWR has scheduled a prehearing conference for the protest to be held on **Tuesday, November 2, 2004 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** 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 of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that 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 at least ten (10) days prior to the conference.

Dated this 3rd day of September 2004.



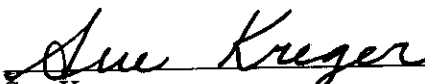
JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of September 2004, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

JLJ ENTERPRISES
408 S EAGLE RD STE 103
EAGLE ID 83616

SUSAN &/OR KENNETH BRICKER
5020 S COUNTY LIFE LN
MERIDIAN ID 83642


Sue Kreger
Administrative Assistant

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 preliminary order for the Director's consideration. Parties can file exceptions to a preliminary 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 preliminary 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 that 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 3, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JLJ ENTERPRISES
408 S EAGLE RD STE 103
EAGLE ID 83616

Re: Application for Permit No. 63-31957

Dear Applicant:

Enclosed is a copy of a protest 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?

Enclosed is a Notice of Prehearing Conference scheduled for Tuesday, November 2, 2004 at 10:00 am at the Western Region of the Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 3, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUSAN &/OR KENNETH BRICKER
5020 S COUNTY LIFE LN
MERIDIAN ID 83642

Re: Application for Permit No. 63-31957 in the Name of JLJ Enterprises, Inc.

Dear Protestant:

This office acknowledges receipt of your protest to 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 (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?

Enclosed is a Notice of Prehearing Conference scheduled for Tuesday, November 2, 2004 at the Western Region of the Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Encl: Copy of Application
Notice of Prehearing Conference

The Idaho Statesman

RECEIVED

AUG 16 2004

P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING PROOF OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	1132926	APPLICATION	\$141.50
Attention:		P.O.#	Run Dates
SUE KREGER			AUGUST 5, 12, 2004
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 39
			Affidavit 1
			Legal # 20038

LEGAL NOTICE

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

63-31957
J L J ENTERPRISES
INC
408 S EAGLE RD STE
103
EAGLE ID 83616

Point(s) of Diversion	NWNE	S34 T03N R01W ADA County	Source GROUND WATER
Point(s) of Diversion	NWNE	S34 T03N R01W ADA County	Source GROUND WATER
Use: DOMESTIC		01/01 To 12/31	0.47 CFS
Use: FIRE PROTECTION		01/01 To 12/31	2.23 CFS
			2.7 CFS
Date Filed:	05/26/2004		
Place Of Use:	DOMESTIC		
	T03N R01W S34		
Place Of Use:	FIRE PROTECTION		
	T03N R01W S34		

Remark: Domestic use is for 24 homes and yards in Bittercreek Meadows Subdivision. 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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/23/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Pub. Aug. 5, 12, 2004

20038

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: AUGUST 5, 2004

ending issue of: AUGUST 12, 2004

Janice Hildreth

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 12 day of AUGUST in the year of 2004 before me, a Notary Public, personally appeared before me Janice Hildreth 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.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires:

Ronda L Brightman
6/20/06



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

AUG 09 2004

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

August 4, 2004

Dirk Kempthorne, Governor
C. Stephen Allred, Director

Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 63-31957 in the name of JLJ Enterprises, Inc.

Dear Ms. Kreger:

Thank you for the opportunity to respond to your letter dated August 3, 2004. We have the following general comments regarding this project:

Potable Water Supply

This project proposes a new public drinking water system. Per *Idaho Code* § 39-118 and the associated *Idaho Rules for Public Drinking Water Systems*, all components of public water system construction, including wells, must be designed by an Idaho registered professional engineer (engineer) and approved by the Idaho Department of Environmental Quality (IDEQ) prior to construction.

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen H. Rae".

Stephen H. Rae, P.E.
Staff Engineer

SHR:vee G:\Engineering\Srae\Reviews\Planning and Zoning Comments\CMT-IDWR-63-31957-JLJ Enterprises_08-04-04.doc

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
File 24, Manager's File, Reading File

Kreger (Taylor), Sue

To: srae@deq.state.id.us

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

August 2, 2004

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

Dear Mr. Rae:

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

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by August 23, 2004.

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

Sincerely,

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



63-31957.pdf

November 26, 1999

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 29 2004

DEPARTMENT OF
WATER RESOURCES

JUL 30 2004

NOTICE OF PROTEST

C674676

WATER RESOURCES

WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Right No. 63-31957 J L J Enterprises, INC. 408 S. EAGLE Rd. Ste. 103 EAGLE, ID. 83616

2. Name of protestant JUSAN BRICKER and/or Kenneth BRICKER

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 5020 S. Country Life LN., MERIDIAN, ID. 83642

5. Service telephone no. (208) 288-2008

6. Basis of protest (including statement of facts and law upon which the protest is based)

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest?

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 29th day of July, 2004

Protestant

Protestant's Representative

6. & 7.

Because of the amount of water this community well will be pumping (1,000 g.p.m. based on water supply requirements of the Meridian Rural Fire District) we feel an in-depth study should be performed to give us some assurance that this well will not dry up my well. I haven't measured the distance but think my well will be approximately in the range of 1,200 ft from where they want to drill this community well. Seeing how the land lays this puts our well I think in jeopardy. Our records show that we have a 155 – 162 ft. well with a 6" casing and with our pump – pumps 20 g.p.m. Our static level is at 73 ft. I feel that if you are going to allow this community well that we need to have some tests done first. I think that a qualified registered geologist or engineer should perform some extensive tests to give me that assurance. I think that the developer should pay to have an aquifer test done, an engineering study, a test well drilled to examine the maximum of pumping during a 24 hr. period followed by complete recovery, and my well should be monitored for draw down through out the building out of this subdivision. If my well is compromised during the building out of this subdivision then I need to know that there is money available to remedy the situation at once.

If any of these tests cannot be performed or they fail then this water right 63-31957 and proposed subdivision should be denied.

I don't know what would resolve my protest, but I do know that if the Developer is allowed to drill this community well and I have problems, I shouldn't be the one to pay the cost and have to fight whomever to fix the problem. I think it is reasonable for me to expect at the very least that a note be placed on the plat, on the deed of each lot, and in the Home Owner's Association CC&R's that they are liable and would have to compensate me if I have well problems due to their community well. It would be impossible to go after the developer – he is just going to change his LLC and move on to the next project – and guarantees he makes are just a waste of paperwork both for Water Resources and me. In thinking about this I think the only way to come close to solving this problem is to **insist** on all the available tests be performed so that the Water Resources can verify to me that I shouldn't have any well problems.

Matter being protested: Water Right No. 63-31957

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by CCalais Date 7/29/04 Time 1:15
\$25.00 fee Receipted by CK # 7142 Date JUL 29 2004

C04676 -
8-2-04

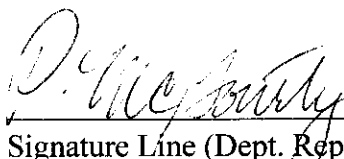
Idaho Department of Water Resources Receipt

Receipt ID C074676

Payment Amount	\$25.00	Date Received	7/29/2004 2:01:01 PM	Region	State	Status
Payment Type	Check	Check Number	7142	RECEIVED		
				AUG 02 2004		
Payer	BRICKER KENNETH L OR SUSAN K					WATER RESOURCES WESTERN REGION
Comment	NOTICE OF PROTEST WATER RT NO 63-31957					

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	56103	1155


Signature Line (Dept. Representative)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD
BOISE, ID 83706-2237
(208) 327-7900

Name Susan BRICKER Date 7/29/04
Address _____

No. of
Copies

Materials

Cost

	Notice of Protest	\$ 2500
	WR # 63-31957	
TOTAL		\$ 2500

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

CCalaid

~~JUL 28 2004~~
JUL 29 2004

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

July 23, 2004

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Transfer No. 71234 (Water Right No. 63-198AC)
Application for Permit Nos. 63-31957 and 63-31924

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/23/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-31957

J L J ENTERPRISES INC
408 S EAGLE RD STE 103
EAGLE ID 83616

Point(s) of Diversion NWNE S34 T03N R01W ADA County Source GROUND WATER

Point(s) of Diversion NWNE S34 T03N R01W ADA County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.47 CFS

Use: FIRE PROTECTION 01/01 To 12/31 2.23 CFS

Total Diversion: 2.7 CFS

Date Filed: 05/26/2004

Place Of Use: DOMESTIC

T03N R01W S34 NWNE

Place Of Use: FIRE PROTECTION

T03N R01W S34 NWNE

Remark: Domestic use is for 24 homes and yards in Bittercreek Meadows Subdivision.
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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 08/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on August 5 and 12, 2004.