

MOUNTAIN VIEW HOMEOWNER'S ASSOCIATION
P. O. BOX 743
MIDDLETON, ID 83644

February 6, 2003

RECEIVED

FEB 10 2003

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

Department of Water Resources

Attention: Shelley W. Keen
Water Rights Supervisor

Reference: Water Appropriation Permit 63-12275

Gentlemen:

In response to your letter dated January 27, 2003, and our telephone conversations, regarding your field examiners inspection on July 8, 1998, this letter is to advise you that your inspection was done prior to the completion of the subdivision. At this inspection time we estimate that only 25% of the homes were completed.

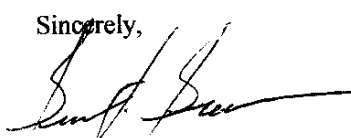
With the demand of water for the 78 completed homes we have at this time, the excess water from our **pressurized irrigation system** has been drastically reduced. We have also taken the following measures to eliminate any further water loss by placing a timer on the pump which enables us to run the pump only 84 hours in a 7 day period, hence, it does not run 24 hours a day seven days a week anymore, which has dropped our power bill from the \$500-\$650 range to a maximum of \$175 per month. The other improvements were a new motor on the pump and we updated all the electrical circuitry.

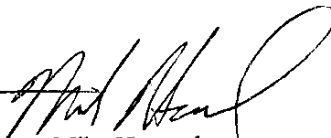
Since all this work has been done the diversion of water has been cut to a minimal amount.

We have never been made aware that we were in violation of any water codes. The water is used for irrigation, and we have on our own good faith and with minimal funds corrected many problems that the developer (Harmon Johnson) left us with on this system.

If you have any questions you can reach us at the following numbers.

Sincerely,


Gene Greer
Board of Director
(208) 585-9042


Mike Howard
Board of Director
(208) 585-6591


Felipe Sotello
Board of Director

Enclosures: Repair Bills on Pump

CC: IDWR - Tim Luke
IDWR - Gary Spackman



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

January 27, 2003

MOUNTAIN VIEW HOMEOWNERS ASSOCIATION

PO Box 743
MIDDLETON ID 83644

RE: Water Appropriation Permit 63-12275

Dear Water Right Holder:

In February of 1996 IDWR issued Permit 63-12275 authorizing Harmon Johnson to divert 0.40 cfs from ground water for irrigation of the dwelling lots in Mountain View Subdivision. In February of 1998 Harmon Johnson assigned the permit to you. On July 8, 1998, an IDWR field examiner conducted an inspection to verify the beneficial use of water established in connection with your permit. An examiner's report provides the factual basis for issuance of a water right license, which serves as confirmation that a permit holder has established a water right in compliance with Idaho law. Before a license can be issued to you, however, one of the items reported by the field examiner must be addressed.

The field examiner reported that your diversion system is designed so that excess water is routed to the Mill Slough via a 4-inch pipeline when irrigation demand is low. Permit 63-12275 authorizes the diversion of water for irrigation purposes only. Water is not to be diverted from its natural source or watercourse unless it is to be used for the purpose authorized by the water right. Because the water being routed to the Mill Slough is not being used for irrigation purposes, diversion of that water is not in compliance with your permit.

Before a water right license will be issued to you, you must demonstrate that you have complied with the conditions of the permit. Under the provisions of §42-311, *Idaho Code*, if IDWR finds that you have not complied with the conditions of the permit, the agency can issue an order requiring you to show cause why the permit should not be voided, or the agency can issue a cease and desist order directing you to comply with the conditions. Pursuant to §42-1701B(6), *Idaho Code*, penalties for illegal diversions of water for non-irrigation use can be up to \$50.00 per day per 0.1 cfs.

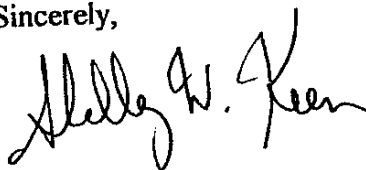
Please explain to IDWR in writing within thirty days if you think the examiner's report is inaccurate or if you have modified, or are taking measures to modify, your diversion system so that ground water is no longer diverted without being put to beneficial use. If the modifications

Mountain View Homeowners Association
Permit 63-12275
January 27, 2003

to the system are complete, please submit plans showing how it was installed, along with a re-examination fee of \$100.00. If modifications are not complete, please provide IDWR with a plan and timetable for completing the modifications. If IDWR does not receive your response within thirty days, it will proceed under the provisions of §42-311, *Idaho Code*, as noted above.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

must Respond
By ~~3-4-03~~ 3-4-03

Need Repts

C: IDWR -- Tim Luke
IDWR -- Gary Spackman

* * * I N V O I C E * * *

Hiddleston & Son, Inc.
1530 W 39th N

INVOICE NO.:000014290000
CUSTOMER NO.:00552
DATE: 08/27/02

Mountain Home, Id 83647-0000

SOLD TO:
Mtn.View Homeowners Assoc
P.O. Box 743
Middleton, ID 83644

SHIP DATE	SHIPPED VIA	F.O.B.	TERMS	SALES- PERSON	ORDER DATE	P.O. NUMBER
/ /			NET 30	KM	08/05/02	

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Time Clock-DIGI-42A/240v Grasslin	229.57	229.57
5	Wire-#12 THHN	0.10	0.50
2	Labor-Electrical	45.00	90.00

Timer is Set to Run Pump 84 HRS in a week

*P.D. ck. 1042
9/13/02*

Invoice Due Upon Receipt

SUB-TOTAL		320.07	SHIPPING CHARGES	0.00
SALES TAX		0.00	TOTAL	320.07

* T H A N K Y O U *

CHERRY LANE HOME LLC
Cherry Lane Land Development

February 19, 1998

Doug Rawlins
Mountain View Homeowner's Association
400 Mountain Loop Street
Middleton, ID 83644

Dear Doug:

Please find enclosed a copy of the water permit for the irrigation of the subdivision. Also enclosed is the documentation turning the ownership of this permit over to the Homeowner's Association.

Please retain these documents for your file. If you have any questions, please give me a call or contact the Department of Water Resources.

Sincerely,



Kristin Crowe

cc: John Lenhart

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Harmon Johnson, hereby assign to Mountain View Homeowner's Associat
(Permit Holder)
 of Middleton, Idaho (Contact: Doug Rawlins, President 400 Mtn Loop St. 585-3879)
(Full Address) & phone no.

All my right, title, and interest in and to Permit No. 63-12275
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
Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.
N/A

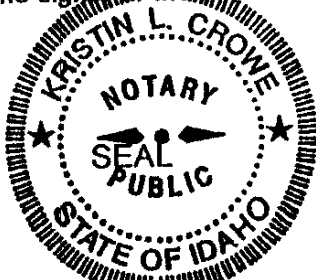
Made this 19th day of February, 1998.

Harmon Johnson, Permit Holder(s)

State of Idaho)

County of Canyon)
 ss

On this 19th day of February, 1998, personally appeared before me
 the signatory above instrument, duly acknowledged to me that he/she/they executed the same.



Kristin L. Crowe

Notary Public (please print)

Kristin L. Crowe

Signature

My commission expires: 5/11/2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12275

Proposed Priority: August 28, 1995 Maximum Diversion Rate: 0.40 CFS

This is to certify, that **HARMON JOHNSON**
912 12TH AVE S
Nampa ID 83651
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>
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IRRIGATION	03/15 to 11/15	0.40 CFS
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LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 6, Township 04N, Range 02W
CANYON 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>
04N	02W	6	NESE 7.5	SESE 12.6		20.1

Total number of acres irrigated: 20.1

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 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. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. 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.

FEB 26 1996

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

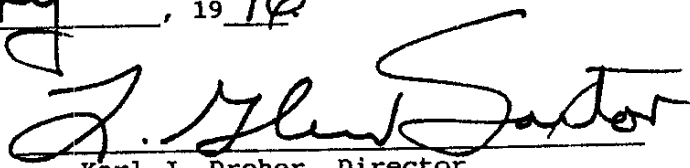
NO. 63-12275

CONDITIONS OF APPROVAL AND REMARKS

8. Place of use is located within Lots 1-6, Blk.1; Lots 1-21, Blk. 2; Lots 1-33, Blk. 3; and Lots 1-13, Blk. 4; Mountain View Subdivision.
9. The irrigation use occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
10. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
11. The Director retains jurisdiction to require use of the surface water rights appurtenant to the Mountain View Subdivision in a groundwater recharge project designed to mitigate impacts to the groundwater table attributed to diversion and use of water under this right.

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

8th day of February, 1996


for
Karl J. Dreher, Director

FEB 6 1996

Can-Ada Well Drilling and Pump Co. Inc.
4250 Murphy Rd.
Kuna, Idaho 83634
208-922-1165

Invoice

DATE **INVOICE #**
7/18/2001 **290**

BILL TO

Mountain View Subdivision
Atten: Chris Branner
447 Mountain Loop
Middleton, Idaho 83644
585-3967

SHIP TO

TERMS	DUE DATE	REP	SHIP DATE
Due on receipt	7/29/2001	RWS	7/12/2001

DESCRIPTION	QTY	RATE	AMOUNT
10 HP Franklin Motor	1	1,872.50	1,872.50
10 HP 208 Volt 3 Phase Sub Panel Box	1	1,003.21	1,003.21
Splice Kit & Heat Shrink	1	10.00	10.00
Labor	10	81.25	812.50

20% Discount if paid on completion or by July 29, 2001

*pd
7-24-01
ck # 1010*

Discount: \$739.64

Discounted Total: \$2958.56

Thank you for your business.

Total **\$3,698.21**

Discounted Total: \$2958.56

Budget Electric, Inc.
423 Blaine
Caldwell, ID 83605

Invoice

DATE	INVOICE #
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7/2/2002

1531

BILL TO:

MOUNTAIN VIEW SUBDIVISION
PO BOX 743
MIDDLETON ID 83644

P.O. NUMBER

TERMS

PROJECT

2002473

Due on receipt

2002473-irrigatio...

QUANTITY	DESCRIPTION		RATE	AMOUNT
3	Materials	Irrigation pump	26.82	26.82
	Labor		55.00	165.00

WE APPRECIATE YOUR BUSINESS, YOUR SATISFACTION IS OUR GOAL

TOTAL

\$191.82

*PD. OK. 1028
8/19/02*

Job # 02473

JOB DESCRIPTION

TIME

TELEPHONE 585-2340

3

83644

585-2342

JOB DESCRIPTION

QUANTITY	ITEM	PRICE	EXTENSION
1	8x8x4 RT JBox		14.20
30'	#8 THHN	.22	6.60
1	1" PVC LB		5.00
1	1" TA		1.02
			<u>26.82</u>
		3055	165.00
			<u>191.82</u>