

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31987

Priority: July 14, 2004

Maximum Diversion Rate: 1.12 CFS

This is to certify, that CORTLON DEVELOPEMENT
1500 W BARRETT
MERIDIAN ID 83642

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>
FIRE PROTECTION	01/01 to 12/31	1.12 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, Twp 03N, Rge 01W, B.M., CANYON County

PLACE OF USE: 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 8	X			X													

CONDITIONS OF APPROVAL

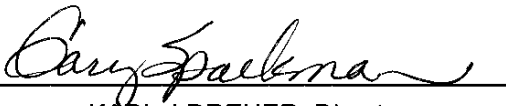
1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2005**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Right holder shall comply with requirements of Sections 42-1601, 42-1602 and 42-1603, Idaho Code, regarding the maintenance and control of artesian wells
5. Water bearing zone to be appropriated is from 10 to 350 feet.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Point of diversion is located within Lot 2, St. James Place Estates.
8. Place of use is located within Lots 1-14, St. James Place Estates.
9. 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.

State of Idaho
Department of Water Resources
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NO. 63-31987

10. 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 12th day of November, 2004.


For KARL J DREHER, Director

RECEIVED

NOV - 2 2004

FORM 202
12/99

DEPARTMENT OF
WATER RESOURCES

Ident. No. 63-31987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Cortlon Development Phone 888-1851
Mailing address 1500 W. Barrett Meridian, Idaho 83642
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 3N Range R1W Sec. 8, in the NE $\frac{1}{4}$,
NE $\frac{1}{4}$, _____ Govt. Lot _____, B.M., Canyon County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.12 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.12 cfs 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 10" well - 350' deep
in main line to fire hydrant
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 10 inches; proposed depth of well is 350 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
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 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Fire protection

3. 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	14	8	X			X													

Total number of acres to be irrigated NA

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

11. a. Who owns the property at the point of diversion? Cortland Walker

b. Who owns the land to be irrigated or place of use? Homeowners Assoc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Nampa Five District Reg. 12 permit

12. Remarks: well on lot 2 of St. James Estates

water bearing zone 10 to 350 feet

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.

Cortland Walker
Signature of Applicant (and title, if applicable)

Received by CS Date 7-14-04 Time 10:30am Preliminary check by 0AN
 Fee \$ 290 Received by CS # W031904 Date 7-14-04
 Publication prepared by sk Date 7-16+23-04 Published in _____
 Publication approved sk Date 10-4-04 **PRESS TRIBUNE**

REQUEST TO PROCESS

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

Name of Applicant

Cortlan Development

Mailing Address

1500 W. Barrett
Meridian, ID 83642

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.

☒ 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

Cortlan Development

Date

7/14/04

Please return this form to:

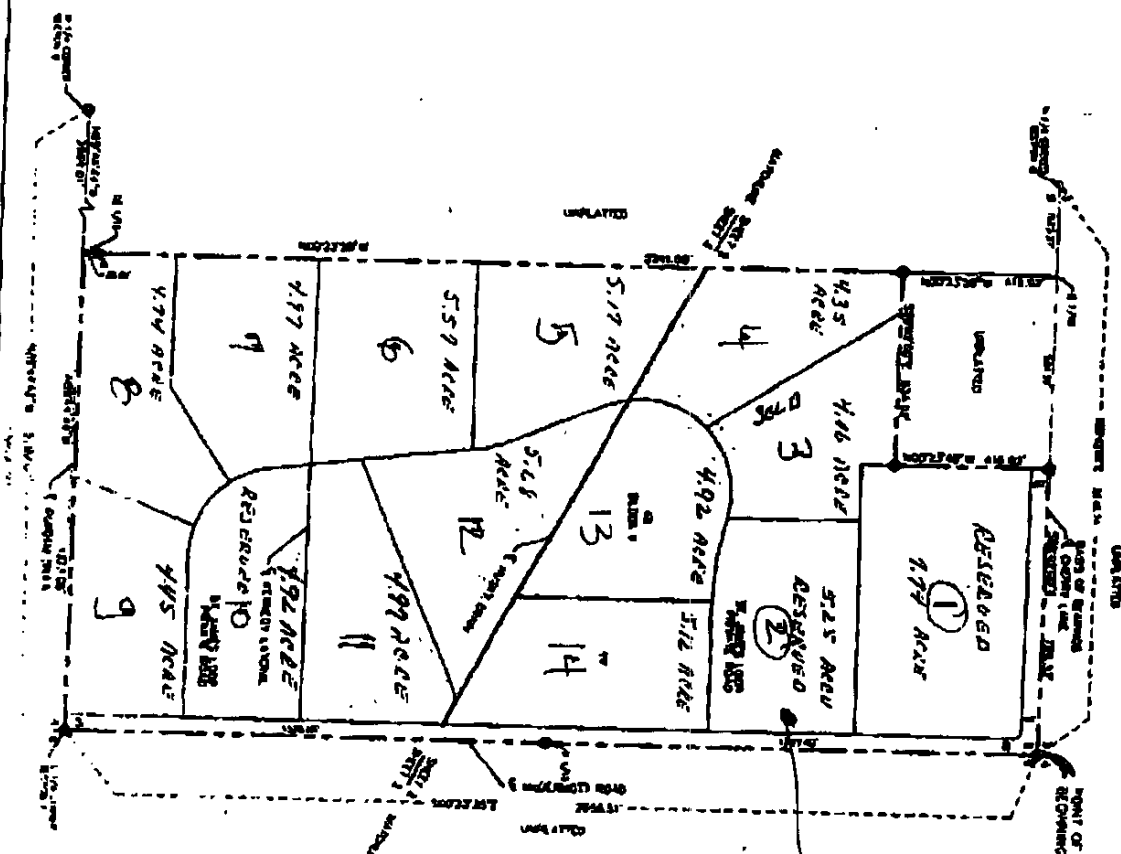
Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082

Att. Dan Nelson

Preliminary Plat

ST. JAMES PLACE ESTATES

A PART OF THE NE 1/4, SECTION 8, T. 3 N., R. 1 W., BLM
CANYON COUNTY, IDAHO



Arf. 211

10/2/2017

- [illegible]

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NOTES

1. What is the purpose of the document?
2. What is the main idea or thesis?
3. What are the key points or arguments?
4. What evidence or examples are provided?
5. What is the conclusion or final statement?
6. What is the overall tone or style?
7. What is the author's background or expertise?
8. What is the document's significance or impact?
9. What are the key takeaways or lessons learned?
10. What is the overall impression or evaluation?



Small & Associates, Inc.
 Lawyers, Accountants & Planners
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 Tel: (310) 444-0000
 Fax: (310) 444-0000
 E-mail: info@small.com

No. W 12372 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than July 3, 2004 Annual Report Form CORTLON DEVELOPMENT, L.L.C. CORTLAND WALKER 1500 W BARRETT ST MERIDIAN, ID 83642	2. Registered Agent and Office NO CORTLAND WALKER 1300 SOUTH HEIDI PLACE MERIDIAN, ID 83642 3. New Registered Agent Signature
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4. Limited Liability Companies: Enter Names and Addresses of Managers.

Office held	Name	Street or P.O. Address	City	State	Zip
Pers.	Cortland Walker	1300 S. Heidi Pl.	Meridian	Id	83642
V.P.	Lon Saxton	4036 St. James loop	Nampa,	Id	83655
Sec.	Susan Walker	1300 S Heidi Pl.	Meridian,	Id	83642
Treas.	Larae Saxton	4036 St. James loop	Nampa,	Id	83655

5. Organized Under the Laws of: IDAHO W 12372	6. Signature <u>Susan Walker</u> Date <u>7/27/04</u> Name (Typed or Printed) <u>Susan Walker</u> Title <u>Secretary</u>
--	--

Do Not Tape or Staple
2004070803

Issued 05/03/2004



2000



1320

0

1320

2640



Point of Diversion



Claimed Place of Use



Ada County Tax Lot Data



Quarter Quarter Lines



Section Lines

Total Claimed Acres: N/A



Prepared by: C. Saxton
Date: June 2004

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

November 16, 2004

CORTLON DEVELOPEMENT
1500 W BARRETT
MERIDIAN ID 83642

RE: Permit No. 63-31987

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.

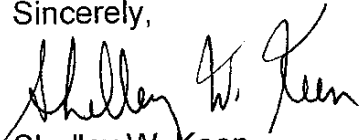
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this 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 "Shelley" being the most prominent part.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

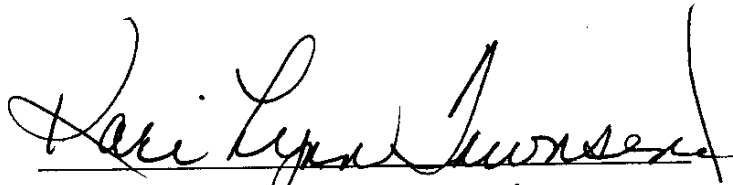
CERTIFICATE OF SERVICE

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

RE: WATER RIGHT NO.

63-31987

**CORTLON DEVELOPEMENT
1500 W BARRETT
MERIDIAN ID 83642**

A handwritten signature in black ink, reading "Kari Lynn Townsend", is written over a horizontal line.

**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.

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-31987 ✓ sk

CORTLON DEVELOPEMENT
1500 W BARRETT
MERIDIAN ID 83642

Point(s) of Diversion	NENE	S8 T03N R01W	CANYON County	Source GROUND WATER
Use: FIRE PROTECTION		01/01 To 12/31	1.12 CFS	
Total Diversion:			1.12 CFS	

Date Filed: 07/14/2004

Place Of Use: FIRE PROTECTION

T03N R01W S8 NENE SENE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Water bearing zone to be appropriated is from 10 to 350 feet.

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 10/04/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

September 16, 23, 2004

04518835

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Corina L. Engelhart
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 04518835
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
09/16/2004,09/23/2004

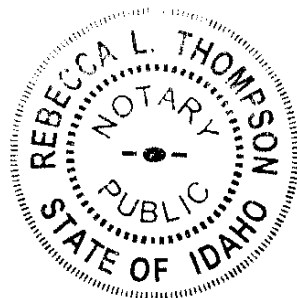
Corina L. Engelhart

STATE OF IDAHO)
County of Canyon)

On the 23rd day of September in the year of 2004
before me, a Notary Public, personally appeared.
Corina L. Engelhart,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Rebecca L. Thompson

Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008



RECEIVED

SEP 24 2004

WATER RESOURCES
WESTERN REGION

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

September 08, 2004

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit No. 63-31987

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 10/04/2004. 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:

63-31987

CORTLON DEVELOPEMENT
1500 W BARRETT
MERIDIAN ID 83642

Point(s) of Diversion NENE S8 T03N R01W CANYON County Source GROUND WATER

Use: FIRE PROTECTION 01/01 To 12/31 1.12 CFS

Total Diversion: 1.12 CFS

Date Filed: 07/14/2004

Place Of Use: FIRE PROTECTION

T03N R01W S8 NENE SENE

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KARL J DREHER, Director

Published in the Press Tribune on September 16 and 23, 2004.