

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31969

Priority: June 09, 2004

Maximum Diversion Rate: 5.00 CFS

This is to certify, that STAR SEWER & WATER DISTRICT
PO BOX 400
STAR ID 83669

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>
MUNICIPAL	01/01 to 12/31	5.00 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE¼SW¼	Sec. 5, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	SE¼SW¼	Sec. 8, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	NE¼SE¼	Sec. 8, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	SW¼NW¼	Sec. 8, Twp 04N, Rge 01W, B.M., ADA County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2009**.
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. Place of use is within the service area of Star Sewer and Water District as provided for under Idaho law. The place of use is generally located within Sections 31-34, Township 5N, Range 1W and Sections 3-6, 7-10, 15-18, 19-21, Township 4N, Range 1W.
6. 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.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

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8. 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

OCT 19 2004

FORM 202
12/99Ident. No. 63-31969

RECEIVED

JUL 27 2004

WATER RESOURCES
WESTERN REGIONDepartment of Water Resources
State of Idaho

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho

1. Name of Applicant Star Sewer and Water District (SSWD) Phone (208) 286-7388Mailing address P.O. Box 400, Star, Idaho 836692. Source of water supply Groundwater which is a tributary of _____3. Location of point of diversion is Township Proposed: 4N Range 1W Sec. 5, in the _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot _____, B.M., Ada County;additional points of diversion if any: Proposed: Township 4N, Range 1W, in the NE 1/4, of the SE 1/4 of Section 8
Existing: Township 4N, Range 1W, in the SW 1/4, of the NW 1/4 of Section 8
Township 4N, Range 1W, in the SE 1/4, of the SW 1/4 of Section 8

4. Water will be used for the following purposes:

Amount 5.0 for Municipal purposes from 1/01 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) 5.0 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 Existing Well No. 1 (Casing size =10-16 in.,
Hp = 75, Depth = 565 ft.); existing Well No. 2 (Casing size 10 in., Hp = 30, Depth = 191 ft.); proposed wells (Casing size =16 in.,
Hp = 100, Depth = 600 ft.)b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feetc. Proposed well diameter is See Item #6a inches; proposed depth of well is See Item #6a feetd. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? Well No. 1 - 1995 Well No. 1 - Riverside, Inc.
Well No. 2 - 1997 Well No. 2 - Adamson Pump & DrillingWell was drilled for (well owner) Star Sewer & Water District; Drilling Permit No. Well No. 1 - 63-94-W-0972-000
Well No. 2 - 63-97-C-0030-0007. Time required for completion of works and application of water to proposed beneficial use is 5 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. Star Sewer and Water District

d. Domestic; show number of households. _____

e. Other; describe fully. _____

3. Description of place of use: **Within the service area of the Star Sewer and Water District.**
- 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.

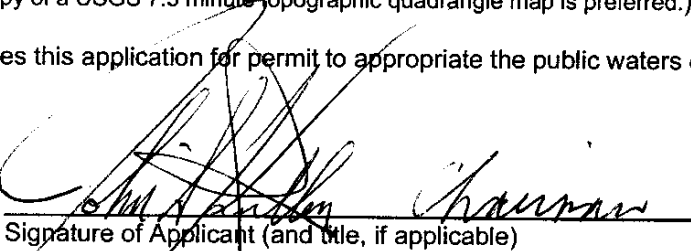
TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Further development of existing water rights for residents of the City of Star.
11. a. Who owns the property at the point of diversion? Proposed Wells (Heartland Development & DH Development LLC) Well No. 1 SSWD
Well No. 2 SSWD
- b. Who owns the land to be irrigated or place of use? Municipal Users
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See attached agreements. Initially, the Star Sewer and Water District will negotiate an easement with property owner. Ultimately, it is anticipated that the land will be deeded over to the Star Sewer and Water District
12. Remarks: _____
- Water bearing zone to be appropriated is expected to be between 450 feet and 550 feet below ground surface.
- _____
- _____
- _____

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)

Received by KG Date 7/27/04 Time 10:28 Preliminary check by g
 Fee \$ 410 Receipted by DB # W031807 Date 6-9-04
 Publication prepared by sk Date 9-2-04 Published in THE IDAHO STATESMAN
 Publication approved sk Date 7-20-04

REQUEST TO PROCESS**RECEIVED**
JUL 27 2004
WATER RESOURCES
WESTERN REGION**COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW**

Name of Applicant Star Sewer and Water District (SSWD)
Mailing Address P.O. Box 400
Star, ID 83669
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

Please return this form to:

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

Star Sewer and Water District

Mailing Address

P.O. Box 400

Star, ID 83669

Phone: (208) 286-7388

Fax: (208) 286-7361

Board Chairman

Jack Kirtley

Board Members

Bruce Borup

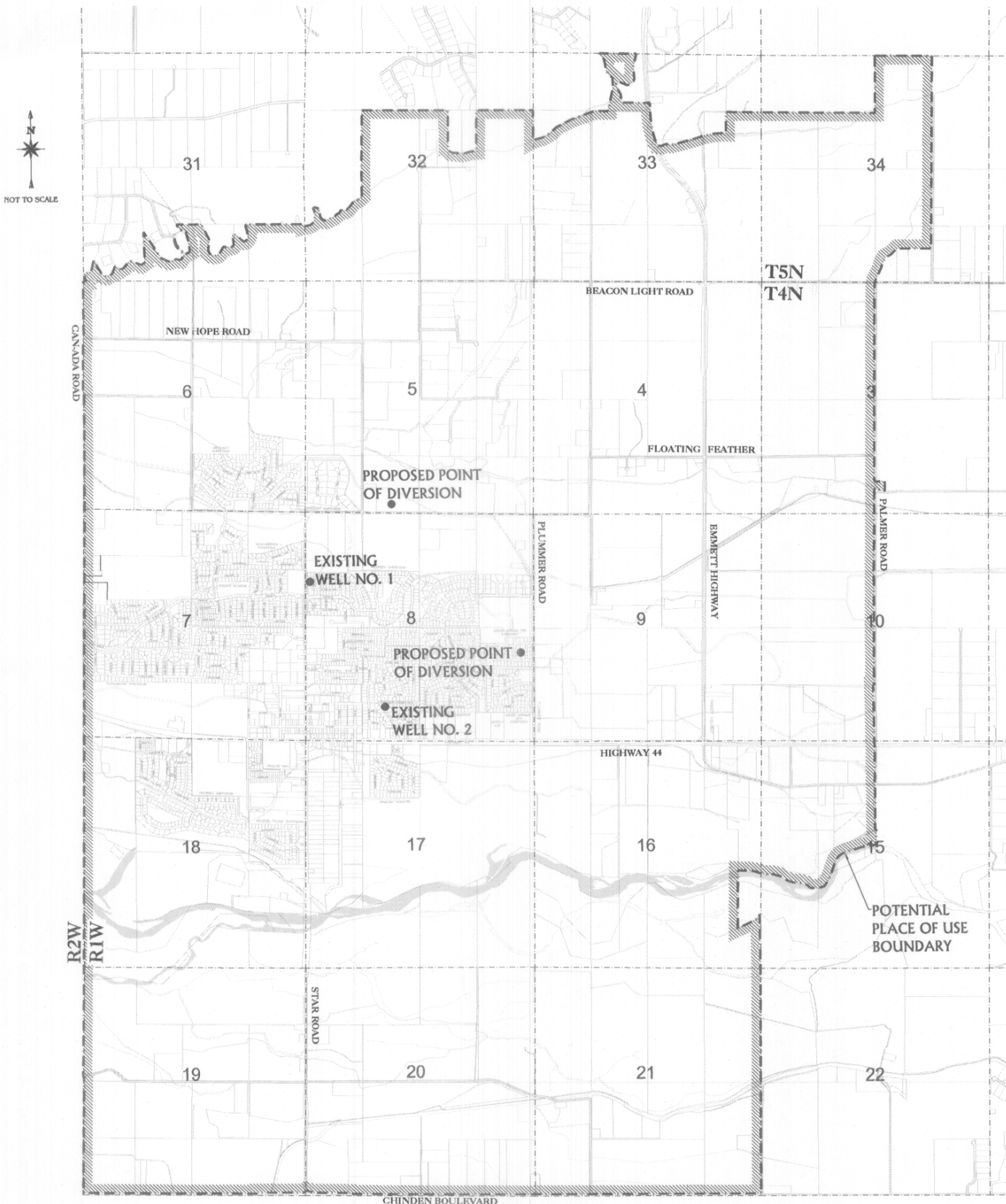
Jeff Root

Mike Winkle

Kyle Woodland

Star Sewer & Water District

WATER RIGHT POINTS OF DIVERSION



May 28, 2004

Star Sewer and Water District
P.O. Box 400
Star, ID 83669

Re: Potential Star Sewer and Water District Well Site Location

In response to the letter dated May 10, 2004 sent by Keller Associates regarding a potential well site for the Star Sewer and Water District in the proposed Lobo Creek Development, Heartland Development would be agreeable to an arrangement with the Star Sewer and Water District to locate a well site in the Lobo Creek Development. The exact location of the well site will be negotiated with the Star Sewer and Water District.

Very truly yours,



Kevin Amar
Heartland Development

cc: File

Post-it® Fax Note	7671	Date	6/1/04	# of pages	2
To	Justin Walker	From	Kevin Amar		
Co./Dept	Keller & Assoc	Co.	Heartland Devel.		
Phone #	208-1999	Phone #	895-8858		
Fax #		Fax #	895-0714		

DH DEVELOPMENT LLC
16299 Franklin Road
Nampa, Idaho 83787
Phone 208-463-1925

Justin Walker
Keller and Associates
131 S.W. 5th Ave. Suite A.
Meridian, Idaho 83642
Fax: 288-1999

Re: Locating a well in Streamview Subdivision

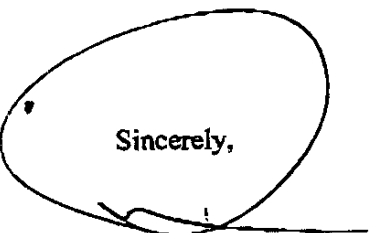
Dear Justin,

As per our discussion, we would entertain an offer from the Star Sewer and Water District for locating a well in the "Open Area" of Streamview Subdivision. Please consider this letter authorization to research the feasibility of such an arrangement.

You may contact John Carpenter P.E. owner of Landmark Engineering for any information you may require on the current design of Streamview.

Feel free to call me with questions.

Sincerely,



Ron Walsh
867-8682

Elbert E. Gass
GASS LAW OFFICES
Attorney at Law
Main Street Plaza
1655 Fairview Avenue, Suite 204
Boise, Idaho 83702
Telephone: (208) 345-3817

COPY

NO. _____
AM. _____

SEP 23 1991

J. DAVID NAVARRO, Clerk
By KATHY URLEZAGA
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE)
CHANGE OF STATUS OF THE)

Case No. 38056

STAR SEWER AND WATER DISTRICT)
OF ADA COUNTY, IDAHO, a)
quasi-municipal corporation.)

ORDER ADDING WATER SUPPLY
AS A FUNCTION AND PURPOSE
OF THE STAR SEWER AND
WATER DISTRICT OF ADA
COUNTY, IDAHO

THIS COURT by Order duly entered on the 7th day of
August, 1991, directed that the question of adding water supply
as a function and purpose of the Star Sewer and Water District of
Ada County, Idaho, be submitted to the qualified electors thereof
at a Special Election to be held on Tuesday, the 17th day of
September, 1991, at the Star Fire Station of Star, Idaho.

The Court, having examined the Certificate of the Judges
of the election held on September 17, 1991 on the question of the
addition of water supply as a function and purpose of the Star
Sewer and Water District of Ada County, Idaho, held pursuant to
and in accordance with the Order of this Court made and entered

ORDER ADDING WATER SUPPLY AS A FUNCTION AND PURPOSE
OF THE STAR SEWER AND WATER DISTRICT OF ADA COUNTY, IDAHO - page 1

on the 7th day of August, 1991, the Notice of Special Election published pursuant to the Affidavit of the Publisher of the Valley News, Meridian, Idaho, being a newspaper of general circulation within said District and Ada County, Idaho, and the file of the captioned case, makes the following findings:

1. That an election upon the question of the addition of water supply as a function and purpose of the Star Sewer and Water District of Ada County, Idaho, was held on September 17, 1991, at the polling place within said District as established and prescribed by Order of this Court for the purpose of holding the election; that the polls at said election opened at 12:00 o'clock NOON, and closed at 8:00 o'clock P.M. of said day; that three (3) qualified Judges for the established polling place were sworn to their duties according to law, and conducted said election; that each voter was required to execute an oath before said judges that he/she possessed the legal qualification of a voter of the District; that only qualified electors of the District as defined by Section 42-3202, I.C. voted at said election; that at the close of polls the judges canvassed the votes cast at said polling place and executed the Certificate under oath now filed with the Court in this matter; and that said election was conducted in every respect in accordance with the Order of this Court providing for said election and in accordance with the provisions of the statutes of the State of Idaho and the said Order of this Court relating to such election.

2. That due and lawful notice of said election was given

by publication of a notice of a special election as prescribed by Section 42-3207, Idaho Code, in the Valley News of Meridian, Idaho, being a legal newspaper printed and published in Ada County, Idaho, and of general circulation within the said Star Sewer and Water District.

3. That the judges of election have, in the certificate filed as aforesaid, certified the results of said election, and that the ballots on the question of the addition of water supply as a function and purpose of the Star Sewer and Water District of Ada County, Idaho, were cast as follows:

FOR THE ADDITION OF WATER SUPPLY AS A
FUNCTION AND PURPOSE OF THE ORGANIZATION
AND CREATION OF THE STAR SEWER AND
WATER DISTRICT

40

AGAINST THE ADDITION OF WATER SUPPLY AS
A FUNCTION AND PURPOSE OF THE ORGANIZATION
AND CREATION OF THE STAR SEWER AND
WATER DISTRICT

9

4. That a majority of said votes were cast in favor of the addition of water supply as a function and purpose of the organization and creation of the said Star Sewer and Water District.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the supply of water for domestic, commercial, municipal and industrial purposes shall be, and the same hereby is, added as a function and purpose to the organization and creation of the said Star Sewer and Water District of Ada County, Idaho.

2. That the corporate name of said District is now, and shall hereafter continue to be, the Star Sewer and Water District

of Ada County, Idaho.

3. That said District be, and the same is hereby, declared, created and established to be a governmental subdivision of the State of Idaho, and as a body corporate, with all powers of a public or quasi-municipal corporation; and that the Board of Directors of said District shall have, and they are hereby vested with, all the powers, duties and obligations conferred and provided by Chapter 32, Title 42, Idaho Code, as amended and as may by law hereafter be provided.

4. That the boundaries of said Star Sewer and Water District of Ada County, Idaho, and the territory to be included therein, are as follows:

See attached exhibit "A"

5. That the said Star Sewer and Water District of Ada County, Idaho, is not a recreational sewer and water district as defined by Section 42-3202A, Idaho Code.

6. That the Certificate of said Judges of Election, and the Affidavit of Publication of Notice of Election heretofore filed herein be, and the same are hereby, in all respects, approved and confirmed.

7. Within ten (10) days from the date of this Order, the Clerk of this Court shall cause to be filed with the County Recorder of Ada County, the County Assessor of Ada County, and the Idaho State Tax Commission a Certified Copy of this Order, containing the complete legal description of the boundaries of the District, together with a map, prepared in a draftsman like

manner, which shall plainly and clearly designate the boundaries of said District.

DATED this 19 day of September, 1991.

ROBERT M. ROWETT

Robert M. Rowett
District Judge

STATE OF IDAHO }
COUNTY OF ADA } ss.
I, J. David Navarro, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed by official seal this 23 day of sep, 1991.
J. DAVID NAVARRO, Clerk
By Fathy Ullrich Deputy

EXHIBIT A

All or portions of lands that lie within the following subdivisions and sections: (1) Pierce Addition; (2) Frost Addition; (3) McDowell's Addition; (4) A. A. Linder's Addition; (5) Interurban Addition; (6) Dickson's Subdivision; (7) Second Amended Plat of Star Townsite; (8) T. W. Lichty's Amended Plat; (9) lands in Sections 8 and 17, Township 4 North, Range 1 West, Boise Meridian, that are adjacent to State Highway No. 44, East of Star; (10) lands included in the NE 1/4 of Section 18, Township 4 North, Range 1 West, Boise Meridian; (11) lands in the NW 1/4 of the NW 1/4 of Section 17, Township 4 North, Range 1 West, Boise Meridian; (12) lands in the NW 1/4 of the SW 1/4 and in the SW 1/4 of the NW 1/4 of Section 8, Township 4 North, Range 1 West, Boise Meridian; and (13) lands in the NE 1/4 of the SE 1/4 and in the SE 1/4 of the NE 1/4 of Section 7, Township 4 North, Range 1 West, Boise Meridian.

Said lands being more particularly described by metes and bounds as follows:

Commencing at the section corner common to Sections 7, 8, 17 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence Southerly 1620 feet, more or less, along the Easterly boundary of Section 18 to the REAL POINT OF BEGINNING;

1800
1000
1030
thence Westerly 1370 feet, more or less, on a line parallel to and 300 feet Southerly of the Southerly boundary of the NE 1/4 of the NE 1/4 of said Section 18 to a point which is 50 feet Westerly of the Westerly boundary of the SE 1/4 of the NE 1/4 of said Section 18;

thence Northerly 1079.46 feet, more or less, on a line parallel to and 50 feet Westerly of the Westerly boundary of the said NE 1/4 of the NE 1/4 of Section 18 to a point which is 540.5 feet Southerly of the Northerly boundary of said Section 18;

thence Westerly 412 feet, more or less, on a line parallel to and 540.5 feet Southerly of the said Northerly boundary of Section 18 to a point;

thence Northerly 540.5 feet to a point on the said Northerly boundary of Section 18, said point being 462.5 feet Westerly of the Northwestern corner of the said NE 1/4 of the NE 1/4 of Section 18;

thence Easterly 757 feet along the boundary of Section 18 to a point 25 feet Westerly of the said Northwesterly corner of the NE 1/4 of the SE 1/4 of Section 18;

thence Northerly 975 feet, more or less, along the Westerly boundary line of the public right of way known as Center Street to a point which is 348 feet Southerly of the Northerly boundary of the SW 1/4 of the SE 1/4 of Section 7, T. 4 N., R. 1 W., B. M.;

thence Westerly 305 feet on a line parallel to and 348 feet Southerly of the said Northerly boundary of the SW 1/4 of the SE 1/4 of Section 7 to a point;

thence Northerly 646.4 feet to a point 298.4 feet Northerly of the Southerly boundary of the NW 1/4 of the SE 1/4 of said Section 7 to a point;

thence Easterly 990 feet, more or less, on a line parallel to and 273.4 feet Northerly of the Northerly boundary line of the public right of way known as Third Street to a point;

thence Southerly 273.4 feet on a line parallel to and 660.3 feet Westerly of the Easterly boundary line of said Section 7 to a point on the said Northerly boundary line of Third Street;

thence Easterly 317.5 feet along the said Northerly boundary line of Third Street to a point 342.8 feet Westerly of the said Easterly boundary line of Section 7;

thence Northerly 1303 feet, more or less, on a line parallel to and 342.8 feet Westerly of the said Easterly boundary line of Section 7 to a point on the Northerly boundary of the SE 1/4 of said Section 7;

thence Easterly 317.8 feet along the said Northerly boundary of the SE 1/4 of Section 7 to a point on the Westerly boundary line of the public right of way known as River Street;

thence Northerly 293 feet along the said Westerly boundary line of River Street to a point;

thence Easterly 25 feet along a line parallel to and 293 feet Northerly of the Southerly boundary of the NE 1/4 of said Section 7 to a point on the said Easterly boundary of Section 7;

thence Easterly 442.86 feet on a line parallel to and 293 feet Northerly of the Southerly boundary of the NW 1/4 of Section 8 T. 4 N., R. 1 W., B. M.;

thence Southerly 782.72 feet on a line parallel to and 442.86 feet Easterly of the Westerly boundary of said Section 8 to a point;

thence Westerly 178.86 feet on a line parallel to and 489.72 feet Southerly of the Northerly boundary of the SW 1/4 of said Section 8 to a point;

thence Southerly 1099 feet, more or less, on a line parallel to and 264 feet Easterly of the said Westerly boundary of Section 8 to a point that is 264 feet Southerly of the Northerly boundary of the SW 1/4 of the SW 1/4 of said Section 8;

thence Easterly 562.8 feet on a line parallel to and 264 feet Southerly of the said Northerly boundary of the SW 1/4 of the SW 1/4 of Section 8, said line also being the extended Southerly boundary line of Lots 1, 2, 3 and 4 of Frost Addition;

thence Southerly 159.5 feet along the lot line common to Lots 3 and 4 of Block 7 of the Pierce Addition to a point on the Southerly boundary line of said Block 7;

thence Easterly 494 feet along the said Southerly boundary line of Block 7 of Pierce Addition and the Northerly boundary line of the public right of way known as Frost Street to a point on the Easterly boundary of the SW 1/4 of the SW 1/4 of said Section 8;

thence Southerly 606.3 feet, more or less, along the said Easterly boundary of the SW 1/4 of the SW 1/4 of Section 8 to a point 280.5 feet Northerly of the said Southerly boundary of Section 8;

thence Easterly 1650.7 feet, more or less, on a line parallel to and 280.5 feet Northerly of the said Southerly boundary of Section 8 to a point;

thence Southerly 280.5 feet, more or less, on a line parallel to and 321.9 feet Easterly of the Westerly boundary of the SE 1/4 of said Section 8 to a point on the said Southerly boundary of Section 8;

thence Westerly 321.9 feet along the said Southerly boundary of Section 8 to the Southwest corner of the said SE 1/4 of Section 8;

thence Southerly 65 feet along the Easterly boundary of the NW 1/4 of Section 17, T. 4 N., R. 1 W., B. M., to a point on the Southerly right of way line of State Highway No. 44, said highway being known as Valley Road;

thence continuing Southerly 250 feet along the said Easterly boundary of the NW 1/4 of Section 17 to a point;

thence Westerly 1327.8 feet, more or less, on a line parallel to and 250 feet Southerly of the said Southerly right of way line of Valley Road to a point on the Easterly boundary of the NW 1/4 of the NW 1/4 of said Section 17;

thence Southerly 985 feet, more or less, along the said Easterly boundary of the NW 1/4 of the NW 1/4 of Section 17, which is also the Easterly boundary of Dickson's Subdivision, to the Southeast corner of the said NW 1/4 of the NW 1/4 of Section 17;

thence Westerly 546.0 feet along the Southerly boundary of the NW 1/4 of the NW 1/4 of Section 17 to a point on the Westerly boundary of the public right of way known as Main Street in said Dickson's Subdivision;

thence Northerly 34 feet, more or less, along the said Westerly boundary of Main Street to a point which is the Easterly corner of Lots 45 and 46 of said Dickson's Subdivision;

thence Westerly 723 feet, more or less, along the lot line that is common to Lots 45, 46, 55 and 56 of said Dickson's Subdivision to a point on the Westerly boundary of said Dickson's Subdivision;

thence Southerly 334 feet, more or less, along the said Westerly boundary of Dickson's Subdivision to a point 300 feet Southerly of the Southerly boundary of the NW 1/4 of the NW 1/4 of Section 17;

thence Westerly 50.0 feet, more or less, on a line 300 feet Southerly of and parallel to the Southerly boundary of the NW 1/4 of the NW 1/4 of Section 17 to the point of beginning.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE ORGANIZATION) NO. 38056
OF) ORDER DECLARING THE
STAR SEWER AND WATER DISTRICT) CREATION OF THE STAR
ADA COUNTY, IDAHO.) SEWER AND WATER DISTRICT,
ADA COUNTY, IDAHO)
)
)

The Certificate of Judges of Election which election was held on the 4th day of October, 1966, upon the question of the creation of the Star Sewer and Water District, Ada County, Idaho, and for election of directors for said district, held pursuant to and in accordance with the order of this Court made and entered on the 26th day of August, 1966, and the affidavit of the publisher of the Meridian News-Times, being a newspaper of general circulation within the said district and Ada County, Idaho, having been filed with the Court, and the Court having examined said documents, makes the following findings:

1. That an election upon the question of creating the Star Sewer and Water District, Ada County, Idaho, was held on October 4, 1966 at the polling place within said district as prescribed by order of this Court; that the polls at said election opened at 8:00 o'clock A. M. and closed at 8:00 o'clock P. M. of said day; that three qualified judges were sworn to their duties according to law and conducted said election; that each voter was required to execute an oath before said judges that he possessed the legal qualifications of a voter; that only qualified voters voted at said election and that at the close of the polls the judges canvassed the vote in their

1 respective polling places and executed the said certificates under
2 oath, now filed with the Court in this matter. That said
3 election was conducted, in every respect, in accordance with
4 the order of this Court providing for said election and in
5 accordance with the provisions of the statutes of the State of
6 Idaho relating to such election.
7

8 2. That due and lawful notice of said election was
9 given by publication of notice of election as prescribed by
10 Section 42-3207, Idaho Code, in the Meridian News-Times,
11 being a legal newspaper printed and published in Ada County, Idaho.
12

13 3. That the judges of election have in the certificate
14 filed herein as aforesaid, certified the results of said
15 election; that the ballots on the question of the creation of the
16 Star Sewer and Water District, Ada County, Idaho, were cast as
17 follows:

18 FOR THE ORGANIZATION OF SAID DISTRICT 65

19 AGAINST THE ORGANIZATION OF SAID DISTRICT 11

20 That ballots were cast for election of directors as
21 follows:
22

23 Hugh Bell 14

24 Clifford Code 59

25 ONE OF THE ABOVE TO ACT UNTIL THE FIRST BIENNIAL ELECTION

26 Tim Evans 51

27 Andrew Knudsen 24

28 Raymond Haworth 68

29 TWO OF THE ABOVE TO ACT UNTIL THE SECOND BIENNIAL ELECTION

30 Elmer McClure 54

31 Guy Marquis 38

32 Sam Couzens 51

TWO OF THE ABOVE TO ACT UNTIL THE THIRD BIENNIAL ELECTION

WRITE-IN VOTES

None

4. That a majority of said votes were cast in favor of organization of the proposed district.

5. That Clifford Code received the highest number and a majority of the votes cast for director to serve until the first biennial election.

That Tim Evans and Raymond Haworth were the two that received the highest number and a majority of the votes cast for directors to serve until the second biennial election.

That Elmer McClure and Sam Couzens were the two that received the highest number and a majority of the votes cast for directors to serve until the third biennial election.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the said Star Sewer and Water District, Ada County, Idaho, be and the same hereby is ordered and declared duly organized under the laws of the State of Idaho.

2. That the corporate name of said district is and it shall hereafter be known as the STAR SEWER AND WATER DISTRICT, ADA COUNTY, IDAHO.

3. That said Star Sewer and Water District, Ada County, Idaho, shall have and exercise, through its proper officers, all of the powers and authority conferred upon sewer districts under and by virtue of Chapter 32, Title 42, Idaho Code as Amended, and all laws thereunto enabling, and all such power and authority as may hereafter be conferred by law.

4. That the following are pursuant to vote at said election and by order of this Court duly designated as the

first Board of Directors of the Star Sewer and Water District,
Ada County, Idaho:

Clifford Code - To Act until the First Biennial Election

Tim Evans and Raymond Haworth - Each to Act until the
Second Biennial Election

Elmer McClure and Sam Couzens - Each to Act until the
Third Biennial Election.

5. That said district be, and the same hereby is declared
created and established as a governmental subdivision of the
State of Idaho and as a body corporate with all powers of a public
or quasi-municipal corporation; that said Board of Directors herein
named shall have and they are hereby vested with all the powers,
duties and obligations of directors of said Star Sewer and Water
District, Ada County, Idaho, as conferred and provided by Chapter
32, Title 42, Idaho Code and all amendatory laws thereof and
supplemental thereto, and as made by law hereafter be provided.

6. That the boundaries of said Star Sewer and Water
District, Ada County, Idaho, and the territory to be included
therein is as follows, to wit:

All or portions of lands that lie within the following sub-
divisions and sections: (1) Pierce Addition; (2) Frost
Addition; (3) McDowell's Addition; (4) A. A. Linder's
Addition; (5) Interurban Addition; (6) Dickson's Subdivision;
(7) Second Amended Plat of Star Townsite; (8) T. W. Lichty's
Amended Plat; (9) lands in Sections 8 and 17, Township 4
North, Range 1 West, Boise Meridian, that are adjacent to
State Highway No. 44, East of Star; (10) lands included in
the NE 1/4 of Section 18, Township 4 North, Range 1 West,
Boise Meridian; (11) lands in the NW 1/4 of the NW 1/4 of
Section 17, Township 4 North, Range 1 West, Boise Meridian
(12) lands in the NW 1/4 of the SW 1/4 and in the SW 1/4 of
the NW 1/4 of Section 8, Township 4 North, Range 1 West,
Boise Meridian; and (13) lands in the NE 1/4 of the SE 1/4
and in the SE 1/4 of the NE 1/4 of Section 7, Township 4
North, Range 1 West, Boise Meridian.

Said lands being more particularly described by metes and
bounds as follows:

Commencing at the section corner common to Sections 7, 8, 17, and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence Southerly 1620 feet, more or less, along the Easterly boundary of Section 18 to the REAL POINT OF BEGINNING;

thence Westerly 1370 feet, more or less, on a line parallel to and 300 feet Southerly of the Southerly boundary of the NE 1/4 of the NE 1/4 of said Section 18 to a point which is 50 feet Westerly of the Westerly boundary of the SE 1/4 of the NE 1/4 of said Section 18;

thence Northerly 1079.46 feet, more or less, on a line parallel to and 50 feet Westerly of the Westerly boundary of the said NE 1/4 of the NE 1/4 of Section 18 to a point which is 540.5 feet Southerly of the Northerly boundary of said Section 18;

thence Westerly 412 feet, more or less, on a line parallel to and 540.5 feet Southerly of the said Northerly boundary of Section 18 to a point;

thence Northerly 540.5 feet to a point on the said Northerly boundary of Section 18, said point being 462.5 feet Westerly of the Northwestern corner of the said NE 1/4 of the NE 1/4 of Section 18;

thence Easterly 437 feet along the said Northerly boundary of Section 18 to a point 25 feet Westerly of the said Northwestern corner of the NE 1/4 of the NE 1/4 of Section 18;

thence Northerly 975 feet, more or less, along the Westerly boundary line of the public right of way known as Center Street to a point which is 348 feet Southerly of the Northerly boundary of the SW 1/4 of the SE 1/4 of Section 7, T. 4 N., R. 1 W., B. M.;

thence Westerly 305 feet on a line parallel to and 348 feet Southerly of the said Northerly boundary of the SW 1/4 of the SE 1/4 of Section 7 to a point;

thence Northerly 646.4 feet to a point 298.4 feet Northerly of the Southerly boundary of the NW 1/4 of the SE 1/4 of said Section 7 to a point;

thence Easterly 990 feet, more or less, on a line parallel to and 273.4 feet Northerly of the Northerly boundary line of the public right of way known as Third Street to a point;

thence Southerly 273.4 feet on a line parallel to and 660.3 feet westerly of the Easterly boundary line of said Section 7 to a point on the said Northerly boundary line of Third Street;

thence Easterly 317.5 feet along the said Northerly boundary line of Third Street to a point 342.8 feet Westerly of the said Easterly boundary line of Section 7;

thence Northerly 1303 feet, more or less, on a line parallel to and 342.8 feet Westerly of the said Easterly boundary line of Section 7 to a point on the Northerly boundary of the SE 1/4 of said Section 7;

thence Easterly 317.8 feet along the said Northerly boundary of the SE 1/4 of Section 7 to a point on the Westerly boundary line of the public right of way known as River Street;

thence Northerly 293 feet along the said Westerly boundary line of River Street to a point;

thence Easterly 25 feet along a line parallel to and 293 feet Northerly of the Southerly boundary of the NE 1/4 of said Section 7 to a point on the said Easterly boundary of Section 7;

thence Easterly 442.86 feet on a line parallel to and 293 feet Northerly of the Southerly boundary of the NW 1/4 of Section 8 T. 4 N., R. 1 W., B. M.;

thence Southerly 782.72 feet on a line parallel to and 442.86 feet Easterly of the Westerly boundary of said Section 8 to a point;

thence Westerly 178.86 feet on a line parallel to and 489.72 feet Southerly of the Northerly boundary of the SW 1/4 of said Section 8 to a point;

thence Southerly 1099 feet, more or less, on a line parallel to and 264 feet Easterly of the said Westerly boundary of Section 8 to a point that is 264 feet Southerly of the Northerly boundary of the SW 1/4 of the SW 1/4 of said Section 8;

thence Easterly 562.8 feet on a line parallel to and 264 feet Southerly of the said Northerly boundary of the SW 1/4 of the SW 1/4 of Section 8, said line also being the extended Southerly boundary line of Lots 1, 2, 3 and 4 of Frost Addition;

thence Southerly 159.5 feet along the lot line common to Lots 3 and 4 of Block 7 of the Pierce Addition to a point on the Southerly boundary line of said Block 7;

thence Easterly 494 feet along the said Southerly boundary line of Block 7 of Pierce Addition and the Northerly boundary line of the public right of way known as Frost Street to a point on the Easterly boundary of the SW 1/4 of the SW 1/4 of said Section 8;

1 thence Southerly 606.3 feet, more or less, along
2 the said Easterly boundary of the SW 1/4 of the SW 1/4 of
3 Section 8 to a point 280.5 feet Northerly of the said
4 Southerly boundary of Section 8;

5 thence ~~Westerly~~ *Easterly* 1650.7 feet, more or less, on a ~~line~~ *line attached*
6 line parallel to and 280.5 feet Northerly of the said Southerly
7 boundary of Section 8 to a point;

8 thence Southerly 280.5 feet, more or less, on a line
9 parallel to and 321.9 feet Easterly of the Westerly boundary
10 of the SE 1/4 of said Section 8 to a point on the said
11 Southerly boundary of Section 8;

12 thence Westerly 321.9 feet along the said Southerly
13 boundary of Section 8 to the Southwest corner of the said
14 SE 1/4 of Section 8;

15 thence Southerly 85 feet along the Easterly boundary
16 of the NW 1/4 of Section 17, T. 4 N., R. 1 W., B. M., to a
17 point on the Southerly right of way line of State Highway No.
18 44, said highway being known as Valley Road;

19 thence continuing Southerly 250 feet along the
20 said Easterly boundary of the NW 1/4 of Section 17 to a point;

21 thence Westerly 1327.8 feet, more or less, on a line
22 parallel to and 250 feet Southerly of the said Southerly right
23 of way line of Valley Road to a point on the Easterly boundary
24 of the NW 1/4 of the NW 1/4 of said Section 17;

25 thence Southerly 985 feet, more or less, along the
26 said Easterly boundary of the NW 1/4 of the NW 1/4 of Section
27 17, which is also the Easterly boundary of Dickson's Subdivision,
28 to the Southeast corner of the said NW 1/4 of the NW 1/4 of
29 Section 17;

30 thence Westerly 546.0 feet along the Southerly
31 boundary of the NW 1/4 of the NW 1/4 of Section 17 to a
32 point on the Westerly boundary of the public right of way
known as Main Street in said Dickson's Subdivision;

 thence Northerly 34 feet, more or less, along the
said Westerly boundary of Main Street to a point which is the
Easterly corner of Lots 45 and 46 of said Dickson's Subdivision;

 thence Westerly 723 feet, more or less, along the lot
line that is common to Lots 45, 46, 55 and 56 of said Dickson's
Subdivision to a point on the Westerly boundary of said
Dickson's Subdivision;

 thence Southerly 334 feet, more or less, along the
said Westerly boundary of Dickson's Subdivision to a point
300 feet Southerly of the Southerly boundary of the NW 1/4
of the NW 1/4 of Section 17;

1 thence Westerly 50.0 feet, more or less, on a line
2 300 feet Southerly of and parallel to the Southerly boundary
3 of the NW 1/4 of the NW 1/4 of Section 17 to the point of
4 beginning.

5 7. That the certificate of said judges of election here-
6 tofore filed herein be and the same hereby is in all respects
7 approved and confirmed.

8 8. That the form of bond hereto attached as Exhibit "A"
9 be and the same hereby is fixed and approved as the form of bond
10 to be executed by the directors of said district in qualifying for
11 their offices.

12 9. That the members of the Board of Directors of said
13 district as hereinabove specified shall qualify for office as
14 provided in Section 42-3208, Idaho Code.

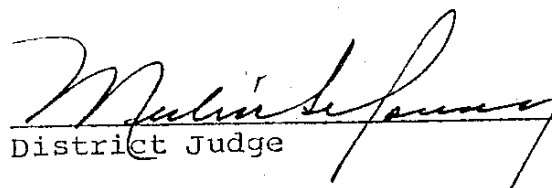
15 10. That after taking the oath and filing bonds as by the
16 statute provided, the Board shall meet and choose one of its
17 members as chairman of the Board and president of the district,
18 and shall elect a secretary and treasurer of the Board and of the
19 District who may or may not be members of the Board. The
20 secretary and the treasurer may be one person. Such Board shall
21 adopt a seal and the secretary shall keep, in a well-bound book,
22 a record of all its proceedings, minutes of all meetings,
23 certificates, contracts, bonds given by employees, and all
24 corporate acts, which shall be open to inspection of all owners
25 of real property in the district, as well as to all other
26 interested parties. The officers of the district shall perform
27 the duties and receive compensation therefor as may be
28 specified by Chapter 32, Title 42, Idaho Code, and all acts
29 amendatory thereof or supplemental thereto or which may hereafter
30
31
32

1 be enacted.

BOOK 80 PAGE 415

2 11. That the Clerk of this Court is hereby ordered to
3 return and exonerate the bond filed by petitioners in this
4 matter, said bond to be returned to the attorney for petitioners
5 upon the giving of proper receipt therefor.
6

7 Dated this 6th day of October, 1966.
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District Judge
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1 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

3 IN THE MATTER OF THE ORGANIZATION) NO. 38056
4 OF)
5 STAR SEWER AND WATER DISTRICT) PETITION TO CORRECT TYPO-
6 ADA COUNTY, IDAHO.) GRAPHICAL ERROR IN ORDER
7) DECLARING CREATION OF SEWER
8) AND WATER DISTRICT

FILED
APR 24 1967
CLARENCE A. FLANNERY
BY *Caruth* DEPUTY

8 COMES NOW the Star Sewer and Water District, Ada
9 County, Idaho, by and through its attorneys of record, Elam,
10 Burke, Jeppesen & Evans, and petitions the court as follows:

11 I

12 That the Star Sewer and Water District is a public
13 corporation created pursuant to Title 42, Chapter 32, Idaho
14 Code, and by order of this court on the 6th day of October, 1966.

15 II

16 That it has been discovered that an obvious typographical
17 error has occurred in the description of the property included
18 within the said Star Sewer and Water District, which said error
19 appears on page 7 of the above mentioned order declaring the
20 creation of the district in the second paragraph, which now
21 reads as follows:

22 "thence Westerly 1650.7 feet, more or less, on a
23 line parallel to and 280.5 feet Northerly of the
said Southerly boundary of Section 8 to a point;"

24 III

25 That said second paragraph of page 7 of the order
26 should read as follows:

27 "thence Easterly 1650.7 feet, more or less, on a
28 line parallel to and 280.5 feet Northerly of the said
southerly boundary of Section 8 to a point;"

29 IV

30 That said typographical error did not and could not
31 mislead or misinform any person interested in the said sewer
32

1 and water district, whether said person would be a taxpayer
2 paying taxes within the district, or a resident voter within the
3 district, or any other person for the reason that upon reading
4 other portions of the complete description of the area contained
5 within said sewer and water district, it would be obviously
6 discovered that the correct description is as set out above.

7
8 V

9 That attached hereto and made a part hereof by reference
10 is an affidavit, marked "Exhibit A", executed by the engineer
11 for said district, Sumner M. Johnson, a member of the firm of
12 Johnson, Underkofler & Briggs, consulting engineers, Nampa,
13 Idaho, and the duly retained and acting engineers for the said
14 district, said engineers having prepared the description of the
15 said district, and also having surveyed the land which is
16 described.

17 WHEREFORE, petitioner prays that this court issue
18 an amended order declaring the creation of the Star Sewer and
19 Water District, Ada County, Idaho to make the correction of the
20 typographical error hereinbefore mentioned.

21 Dated this 24th day of April, 1967.

22 ELAM, BURKE, JEPPESEN & EVANS

23 BY

24 
25 A Member of the firm
26 1010 Bank of Idaho Building
27 Boise, Idaho
28 Attorneys for the Star Sewer
29 and Water District, Ada County,
30 Idaho
31
32

ORIGINAL

RECEIVED

JUN 09 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Star Sewer and Water District (SSWD) Phone (208) 286-7388

Mailing address P.O. Box 400, Star, Idaho 83669

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Township Proposed: 4N Range 1W Sec. 5, in the _____ - _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot _____, B.M., Ada County;

additional points of diversion if any: Proposed: Township 4N, Range 1W, in the NE 1/4, of the SE 1/4 of Section 8
Existing: Township 4N, Range 1W, in the SW 1/4, of the NW 1/4 of Section 8
Township 4N, Range 1W, in the SE 1/4, of the SW 1/4 of Section 8

4. Water will be used for the following purposes:

Amount 5.0 for Municipal purposes from 1/01 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) 5.0 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 Existing Well No. 1 (Casing size =10-16 in., Hp = 75, Depth = 565 ft.); existing Well No. 2 (Casing size 10 in., Hp = 30, Depth = 191 ft.); proposed wells (Casing size =16 in., Hp = 100, Depth = 600 ft.)

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

c. Proposed well diameter is See Item #6a inches; proposed depth of well is See Item #6a feet

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

e. If well is already drilled, when? Well No. 1 - 1995 Drilling firm Well No. 1 - Riverside, Inc.
Well No. 2 - 1997 Well No. 2 - Adamson Pump & Drilling

Well was drilled for (well owner) Star Sewer & Water District; Drilling Permit No. Well No. 1 - 63-94-W-0972-000
Well No. 2 - 63-97-C-0030-000

7. Time required for completion of works and application of water to proposed beneficial use is 5 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. Star Sewer & Water District
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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	
4N	1W	4	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	5	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	6	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	7	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	8	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	9	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	18	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	17	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
4N	1W	16	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	

Total number of acres to be irrigated N/A

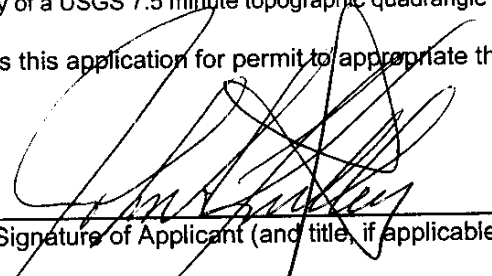
10. Describe any other water rights used for the same purposes as described above. Further development of existing water rights for residents of city of Star.

11. a. Who owns the property at the point of diversion? Proposed Wells (Heartland Development & DH Development LLC) Well No. 1 SSWD
Well No. 2 SSWD
 b. Who owns the land to be irrigated or place of use? Municipal Users
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See attached agreeemnts. Initially, the Star Sewer and Water District will negotiate an easement with property owner. Ultimately, it is anticipated that the land will be deeded over to the Star Sewer and Water District

12. Remarks: _____

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)

Received by DB Date 6-9-04 Time 12:40 Preliminary check by LG
 Fee \$ 410- Receipted by DB # W031807 Date 6-9-04
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

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

STAR SEWER & WATER DISTRICT
PO BOX 400
STAR ID 83669

RE: Permit No. 63-31969

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.

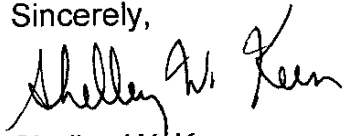
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

cc: KELLER ASSOC INC

CERTIFICATE OF SERVICE

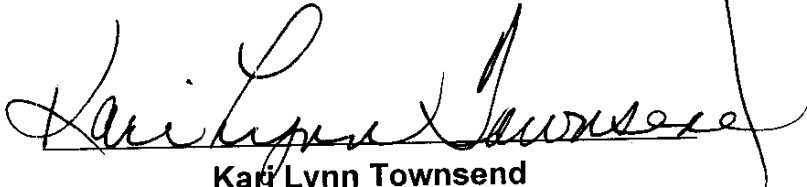
I hereby certify that on November 16, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31969

KELLER ASSOC INC
ATTN JUSTIN WALKER
131 SW 5TH AVE STE A
MERIDIAN ID 83642

STAR SEWER & WATER DISTRICT
PO BOX 400
STAR ID 83669



Karl 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

63-31969

1. Igraves 8/16/2004 Legal Notice Remarks

Comment: Municipal use is for applicants service area

Water bearing zone to be appropriated is from 450 to 550 feet.

2. Igraves 8/16/2004 Comment/Analysis

Comment: Applicants also have licenses 63-12100 and 63-12370, totaling 2.1 cfs, listed in their name for municipal use for the city of Star. This application is for additional water to accommodate the citys rapid growth (per applicants consultant, Justin Walker with Keller and Associates 8/16/04).

The two proposed wells in the SESW S5 and the NESE S8 are to be located on property not owned by the applicants. Applicants attached agreements or the proposed well sites from the land owners. The other two existing wells serve applicants licenses mentioned above.

Applicants are not registered as an Idaho business entity. When confronted, the secretary for Star Sewer and Water District stated that they did not have to be registered. Applicants attached a court order declaring their creation and another court order adding water supply as their function and purpose.

3. kwalker 10/27/2004 Permit Review

Comment: Application can be processed under municipal use. Recommend approval.

The Idaho Statesman

RECEIVED

SEP 10 2004

WATER RESOURCES
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
047628	1150134	APPLICATION	\$110.00
Attention:	P.O. #	Run Dates	
SUE KREGER		SEPTEMBER 2, 9, 2004	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 30
			Affidavit 1
			Legal # 20311

LEGAL NOTICE

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

ES 31969

STAR SEWER & WATER DISTRICT

PO BOX 400

STAR ID 83669

Point(s) of Diversion	SESW	S8 T04N R01W ADA County	Source GROUND WATER
Point(s) of Diversion	SESW	S5 T04N R01W ADA County	Source GROUND WATER
Point(s) of Diversion	NESE	S8 T04N R01W ADA County	Source GROUND WATER
Point(s) of Diversion	SWNW	S8 T04N R01W ADA County	Source GROUND WATER
Use:	MUNICIPAL	01/01 To 12/31 5 CFS	
Total Diversion:		5 CFS	

Date Filed: 06/09/2004

Remark: Municipal use is for applicants service area Water bearing zone to be appropriated is from 450 to 550 feet.

Permits will be subject to all prior water rights. Protests must 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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Sept. 2,9, 2004

20311

TINA BARTLETT, 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: SEPTEMBER 2, 2004

ending issue of: SEPTEMBER 9, 2004

Tina Bartlett

STATE OF IDAHO)
) ss

COUNTY OF ADA)

On this 9 day of SEPTEMBER in the year of 2004 before me, a Notary Public, personally appeared before me TINA BARTLETT 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: 6/20/06

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, August 26, 2004 8:49 AM
To: 'srae@deq.state.id.us'
Subject: comment letter

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

August 26, 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 September 20, 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



63-31969.pdf

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

August 25, 2004

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit Nos. 63-31969 and 63-31980

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 09/20/2004. 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:

63-31969

STAR SEWER & WATER DISTRICT
PO BOX 400
STAR ID 83669

Point(s) of Diversion	SESW	S8	T04N R01W	ADA County	Source GROUND WATER
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Point(s) of Diversion	SESW	S5	T04N R01W	ADA County	Source GROUND WATER
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Point(s) of Diversion	NESE	S8	T04N R01W	ADA County	Source GROUND WATER
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Point(s) of Diversion	SWNW	S8	T04N R01W	ADA County	Source GROUND WATER
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Use:	MUNICIPAL	01/01 To 12/31	5 CFS
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Total Diversion:	5 CFS
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Date Filed: 06/09/2004

Remark: Municipal use is for applicants service area
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KARL J DREHER, Director

Published in the Idaho Statesman on September 2 and 9, 2004.