

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31859

Priority: April 06, 2004

Maximum Diversion Rate: 2.20 CFS

This is to certify, that LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714

has applied for a permit to appropriate water from:

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	2.20 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 26, Twp 04N, Rge 01W, B.M., ADA County
GROUND WATER	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 26, Twp 04N, Rge 01W, B.M., ADA County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 26	X	X	X	X				X					X	X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 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. Water bearing zone to be appropriated is from 75 to 500 feet.
6. Domestic use is for 686 homes.
7. Place of use is located within Lots 2-5, Blk. 4; Lots 1-2, Blk. 5; Lots 1-7, 9-17, Blk. 6; Lots 1-2, 4-13, 15-25, Blk. 7; Lots 1-7, 9-16, Blk. 8; Lots 1-5, Blk. 9; Lot 1, Blk. 10; Lots 1-11, Blk. 11; and Lot 1, Blk. 12 (Phase 1); Lots 2-15, Blk. 1; Lots 2-12, Blk. 3; Lots 2-7, 9-25, Blk. 13; Lot 1, Blk. 14 (Phase 2); Lots 2-11, Blk. 10; Lots 12-19, Blk. 11; Lots 2-6, 8-12, Blk. 12; Lots 2-5, Blk. 15; Lots 1-16, Blk. 16; Lots 1-5, 7-12, Blk. 17; Lots 1-8, Blk. 18 (Phase 3); Lots 3-12, Blk. 5; Lots 6-16, Blk. 9; Lots 12-18, Blk. 10; Lots 1-13, 15-16, Blk. 20; Lots 1-5, Blk. 21; Lot 1, Blk. 22 (Phase 4); Lot 19, Blk. 10; Lots 9-22, Blk. 18; Lot 17, Blk. 20; Lots 6-10, Blk. 21; Lots 1-6, 8-9, Blk. 23 (Phase 5); Lots 16-22, 24-30, Blk. 1; Lot 2, Blk. 14; Lots 1-9, Blk. 24; Lots 1-3, Blk. 25; Lots 1-16, Blk. 26 (Phase 6); Lots 6-10, 12-16, 18-21, Blk. 4; Lots 13-22, Blk. 5; Lots 26-40, Blk. 13; Lots 3-16, Blk. 14; Lots 2, 5-9, Blk. 22; Lots 4-8, Blk. 25; Lots 19-24, Blk. 26; Lots 2-5, Blk. 27 (Phase 7); Lots 9-11, 13-17, Blk. 25; Lots 6-14, 16-20, Blk. 27; Lots 1-12, 14-23, Blk. 37; Lots 1-9, Blk. 38 (Phase 8); Lots 31-41, 43-45, 47-48, 50-51, Blk. 1; Lots 12-32, Blk. 24; Lots 18-20, Blk. 25; Lots 1-6, Blk. 40; Lots 1-2, Blk. 41; Lots 1-4, Blk. 42 (Phase 9); Lot 2, Blk. 43; Lots 1-9, Blk. 44; Lots 1-9, Blk. 45; Lot 1, Blk. 46; Lots 1-5, Blk. 47; Lot 1, Blk. 48 (Phase 10); plus 164 unplatted lots; all within Lochsa Falls Subdivision.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

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8. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the subdivision lots authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. This right does not grant any right-of-way or easement across the land of another.
12. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
13. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of November, 2004.


KARL J DREHER, Director

RECEIVED

APR 06 2004

WATER RESOURCES
WESTERN REGION

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

AMENDED

1. Name of Applicant Lochsa Falls, LLC Phone (208) 388-0189

Mailing address 4487 North Dresden Place, Suite 102, Boise, ID 83714

Source of water supply ground water which is a tributary of NA

3. Location of point of diversion is Township 4N Range 1W Sec. 26 in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot , B.M., Ada

County; additional points of diversion if any: SWNE Section 26, T4N, R1W

4. Water will be used for the following purposes:

Amount 2.20 cfs for domestic purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
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(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.20 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 Two wells with electric pumps, pipe to place of use.

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

c. Proposed well diameter is 16 & 8 inches; proposed depth of well is 300 feet

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

e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 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.

d. Domestic; show number of households. 686

e. Other; describe fully.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26	D	D	D	D				D					D	D			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Settlers Irrigation District, 63-2656B, 63-11199

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant and homeowners
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: pumping station easement agreement for point of diversion

12. Remarks: Applicant proposes appropriation of ground water for supplemental irrigation of single-family residential lots at Lochsa Falls Subdivision. Estimated irrigated area is 110 acres based on 686 lots with an average irrigated area of 7,000 square feet per lot. Water-bearing zone to be appropriated is 75 to 500 feet. Water to be delivered through a pressurized irrigation system. See companion transfer of 63-2656B and 63-11199. Diversion rate is based on 0.02 cfs per acre and 110 acres irrigated. Total subdivision area is approximately 250 acres.

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.

Marty Goldsmith
Signature of Applicant (and title, if applicable)

Received by KG Date 4/6/04 Time 11:37 Preliminary check by G
Fee \$ 4000 Received by KG # W031489 Date 4/6/04
Publication prepared by sk Date 10-7-14-04 Published in THE IDAHO STATESMAN
Publication approved sk Date 10-26-04

+ \$290 W031173

REQUEST TO PROCESS

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

Name of Applicant Lochsa Falls, LLC
Mailing Address 4487 North Dresden Place, Ste. 102
Boise, ID 83714
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

Marty Eldred

Date

Please return this form to:

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



LOCHSA FALLS SUBDIVISION RESIDENTIAL LOTS

Phase	Block	Lot(s)
1	4	2,3,4,5
	5	1,2
	6	1,2,3,4,5,6,7,9,10,11,12,13,14,15,16,17
	7	1,2,4,5,6,7,8,9,10,11,12,13,15,16,17,18,19,20,21,22,23,24,25
	8	1,2,3,4,5,6,7,9,10,11,12,113,14,15,16
	9	1,2,3,4,5
	10	1
	11	1,2,3,4,5,6,7,8,9,10,11
	12	1

Phase	Block	Lot(s)
2	1	2,3,4,5,6,7,8,9,10,11,12,13,14,15
	3	2,3,4,5,6,7,8,9,10,11,12
	13	2,3,4,5,6,7,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25
	14	1

Phase	Block	Lot(s)
3	10	2,3,4,5,6,7,8,9,10,11
	11	12,13,14,15,16,17,18,19
	12	2,3,4,5,6,8,9,10,11,12
	15	2,3,4,5
	16	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16
	17	1,2,3,4,5,7,8,9,10,11,12
	18	1,2,3,4,5,6,7,8

Phase	Block	Lot(s)
4	5	3,4,5,6,7,8,9,10,11,12
	9	6,7,8,9,10,11,12,13,14,15,16
	10	12,13,14,15,16,17,18
	20	1,2,3,4,5,6,7,8,9,10,11,12,13,15,16
	21	1,2,3,4,5
	22	1

Phase	Block	Lot(s)
5	10	19
	18	9,10,11,12,13,14,15,16,17,18,19,10,21,22
	20	17
	21	6,7,8,9,10
	23	1,2,3,4,5,6,8,9

Phase	Block	Lot(s)
6	1	16,17,18,19,20,21,22,24,25,26,27,28,29,30
	14	2
	24	1,2,3,4,5,6,7,8,9
	25	1,2,3
	26	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16

LOCHSA FALLS SUBDIVISION RESIDENTIAL LOTS

Phase	Block	Lot(s)
7	4	6,7,8,9,10,12,13,14,15,16,18,19,20,21
	5	13,14,15,16,17,18,19,20,21,22
	13	26,27,28,29,30,31,32,33,34,35,36,37,38,39,40
	14	3,4,5,6,7,8,9,10,11,12,13,14,15,16
	22	2,5,6,7,8,9
	25	4,5,6,7,8
	26	19,20,21,22,23,24
	27	2,3,4,5

Phase	Block	Lot(s)
8	25	9,10,11,13,14,15,16,17
	27	6,7,8,9,10,11,12,13,14,16,17,18,19,20
	37	1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23
	38	1,2,3,4,5,6,7,8,9

Phase	Block	Lot(s)
9	1	31,32,33,34,35,36,37,38,39,40,41,43,44,45,47,48,50,51
	24	12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32
	25	18,19,20
	40	1,2,3,4,5,6
	41	1,2
	42	1,2,3,4

Phase	Block	Lot(s)
10	43	2
	44	1,2,3,4,5,6,7,8,9
	45	1,2,3,4,5,6,7,8,9
	46	1
	47	1,2,3,4,5
	48	1

****Please note that all Lot and Block numbers are subject to change until recorded.***



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for LOCHSA FALLS, L.L.C.](#)]

LOCHSA FALLS, L.L.C.

420 W WASHINGTON
BOISE, ID 83702

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 02 Sep 2003

State of Origin: IDAHO

Date of 12 Nov 2002

Origination/Authorization:

Current Registered Agent: BRIAN F MCCOLL
420 W WASHINGTON
BOISE, ID 83702

File Number: W21395

Date of Last Annual Report: 22 Sep 2003

Amendments:

Amendment 0 filed 12 Nov ARTICLES OF
2002 ORGANIZATION

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

Annual Reports:

Report for year 2003 ANNUAL REPORT

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[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

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

No. W 21395 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 November 30, 2003 Annual Report Form LOCHSA FALLS, L.L.C. 420 W WASHINGTON BOISE, ID 83702	2. Registered Agent and Office NO PO BOX BRIAN F MCCOLL 420 W WASHINGTON BOISE, ID 83702 3. New Registered Agent Signature																		
4. Limited Liability Companies: Enter Names and Addresses of Members. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td></td> <td>Marty Goldsmith</td> <td>4487 N. Greenden Pl. Ste 102</td> <td>Boise</td> <td>ID</td> <td>83714</td> </tr> <tr> <td></td> <td>Developer Services, Inc.</td> <td>420 W. Washington</td> <td>Boise</td> <td>ID</td> <td>83702</td> </tr> </tbody> </table>			Office held	Name	Street or P.O. Address	City	State	Zip		Marty Goldsmith	4487 N. Greenden Pl. Ste 102	Boise	ID	83714		Developer Services, Inc.	420 W. Washington	Boise	ID	83702
Office held	Name	Street or P.O. Address	City	State	Zip															
	Marty Goldsmith	4487 N. Greenden Pl. Ste 102	Boise	ID	83714															
	Developer Services, Inc.	420 W. Washington	Boise	ID	83702															
5. Organized Under the Laws of: IDAHO W 21395	6. Signature <i>Brian F. McColl</i> Date _____ Name (Typed or Printed) _____ Title _____																			

Issued 09/02/2003

Do Not Tape or Staple

717

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Ident. No. 63-31859

DEC 10 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

*Original
now replaced
with amended
version.*

1. Name of Applicant Lochsa Falls, LLC Phone _____
Mailing address 4487 North Dresden Place, Suite 102, Boise

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

3. Location of point of diversion is Township 4N Range 1W Sec. 26, in the _____ 1/4,
SW 1/4, SE 1/4, Govt. Lot _____, B.M., Ada County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.92 cfs for domestic purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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5. Total quantity to be appropriated is (a) 1.92 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 well with electric pump,
booster pump for sprinkler pressure, pipe to place of use

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

c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet

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

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 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. _____
d. Domestic; show number of households. 700
e. Other; describe fully. _____

RECEIVED

Ident. No. 63-31859

DEC 10 2003

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Lochsa Falls, LLC Phone 208-388-0189
Mailing address 4487 North Dresden Place, Suite 102, Boise, ID 83714

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b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 700

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	26	D	D	D	D				D					D	D			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Settlers Irrigation District, 63-2656B, 63-11199

11. a. Who owns the property at the point of diversion? Kelly Fulfer and Brenda Fulfer

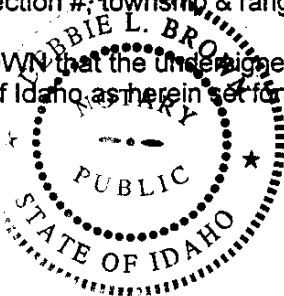
b. Who owns the land to be irrigated or place of use? Applicant and homeowners

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: pumping station easement agreement for point of diversion

12. Remarks: Applicant proposes appropriation of groundwater for supplemental irrigation of single-family residential lots at Lochsa Falls Subdivision.
Estimated irrigated area is 96 acres based on 700 lots with an average irrigated area of 6,000 square feet per lot. Water-bearing zone to be appropriated is 75 to 500 feet. Water to be delivered through a pressurized irrigation system. See companion transfer of 63-2656B and 63-11199.

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.



Marty Heldsmith member
 Signature of Applicant (and title, if applicable)

Received by KG Date 12/10/03 Time 11:55 Preliminary check by 6
 Fee \$ 290.00 Received by KG # W03173 Date 12/10/03
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

REQUEST TO PROCESS

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

Name of Applicant Lochsa Falls, LLC
Mailing Address 4487 North Dresden Place, Ste. 102
Boise, ID 83714
Application No. _____
(if known)

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Signature

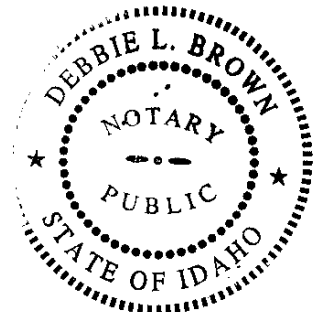
Marty Johnson

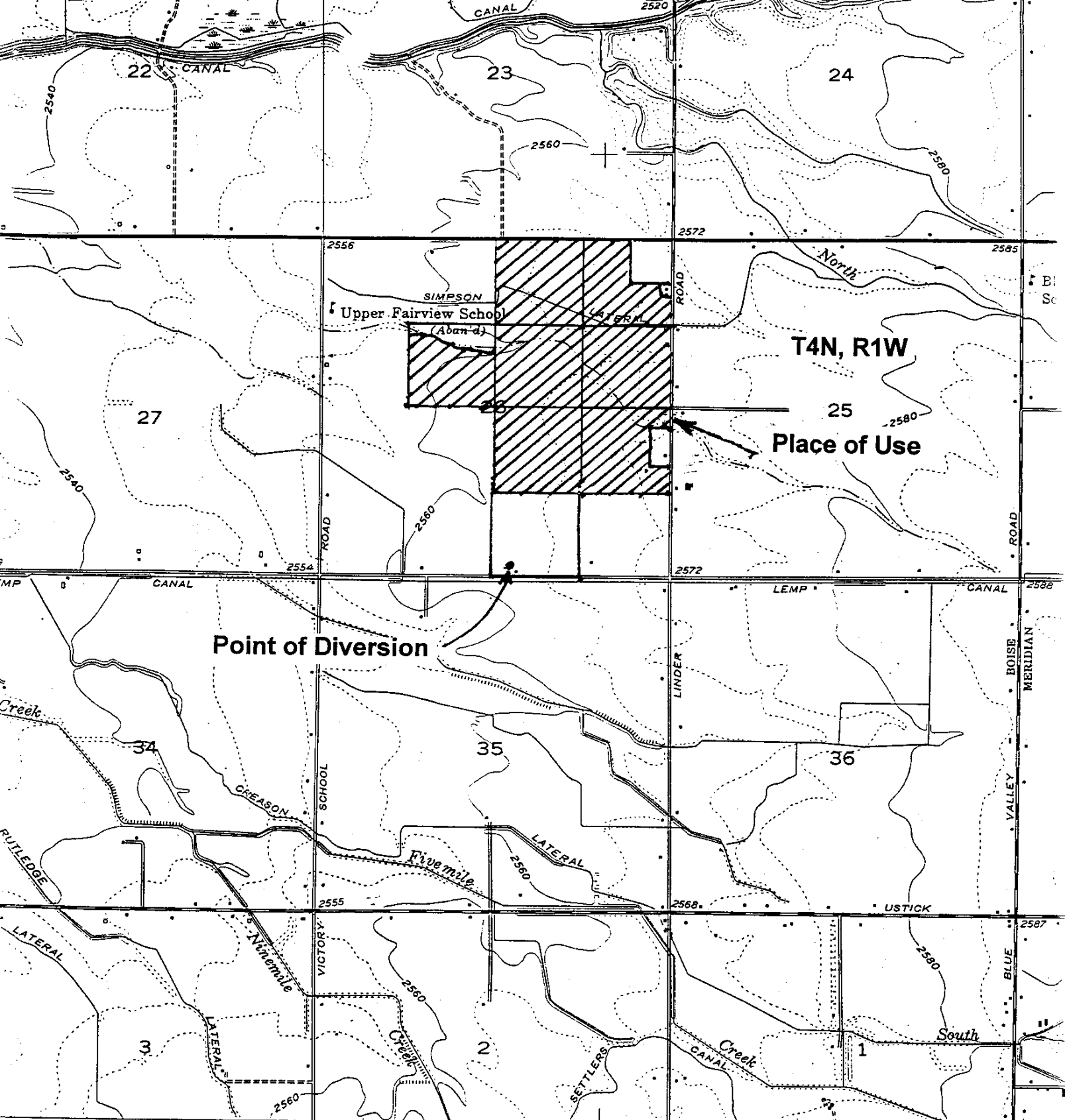
Date

8-21-03

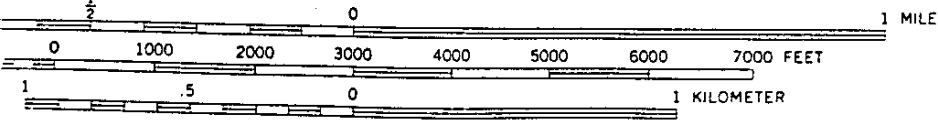
Please return this form to:

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





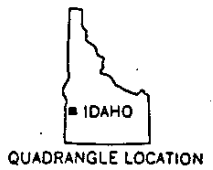
SCALE 1:24 000



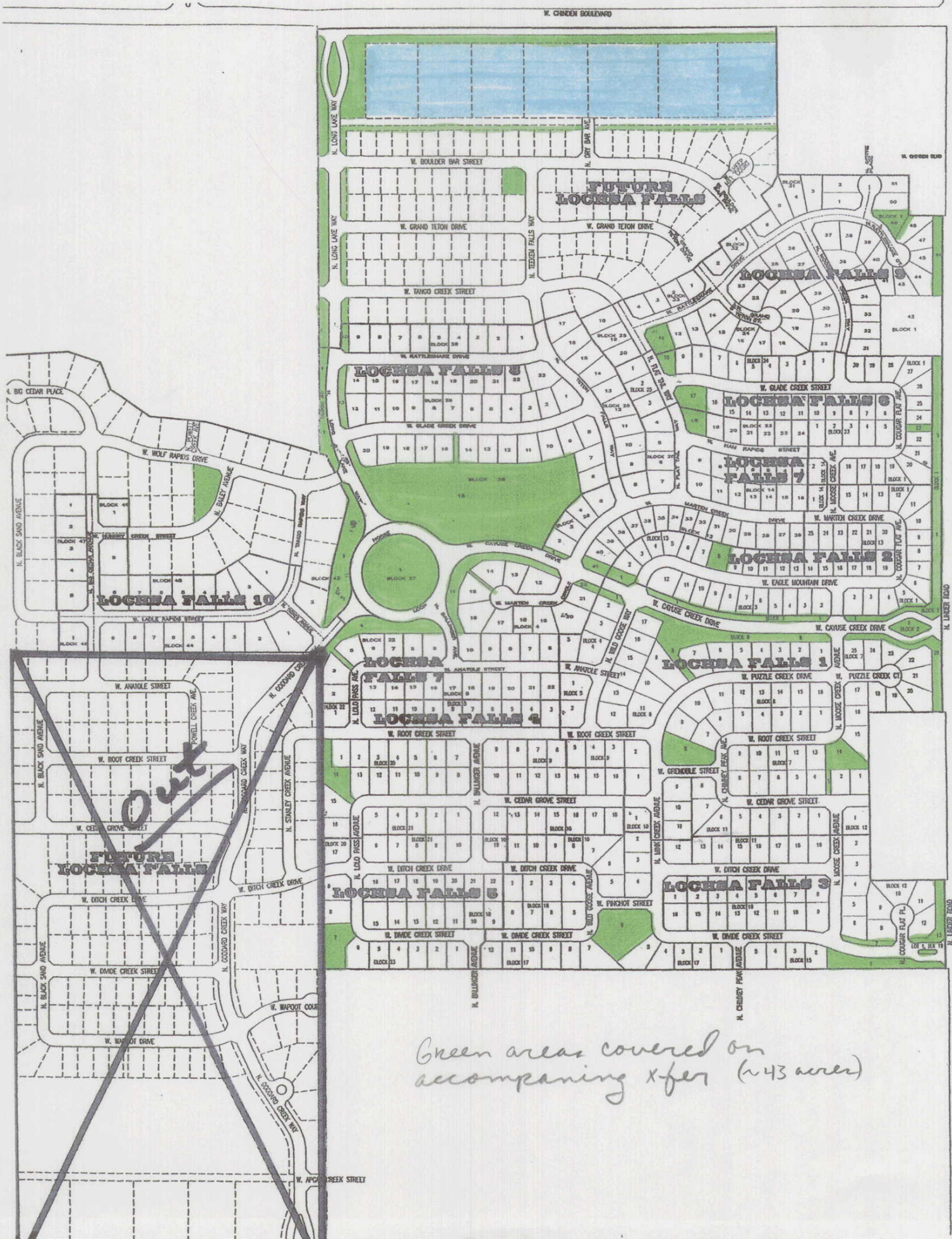
CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

0.4 MI. TO U.S. 30
MERIDIAN 1 MI.

Heavy-duty
Medium-duty
U. S. Route



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS



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 23, 2004

LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714

RE: Permit No. 63-31859

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.

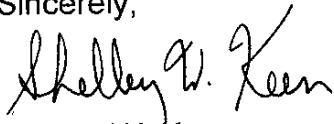
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klit

Enclosure(s)

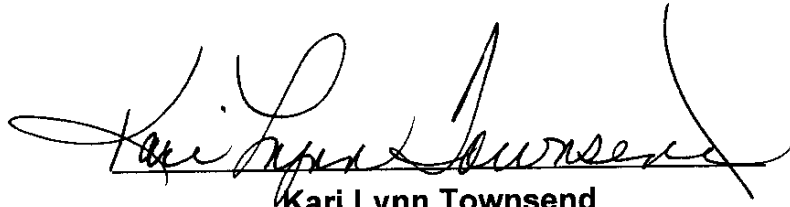
CERTIFICATE OF SERVICE

I hereby certify that on November 23, 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.

63-31859

**LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

63-31859

1. scurtis 3/19/2004 Legal Notice Remarks

Comment: Domestic use is for irrigation of yards associated with 686 homes in Lochsa Falls Subdivision. Application for transfer no. 71109 covers irrigation of non-domestic areas within the subdivision.

Water bearing zone to be appropriated is from 75 to 500 feet.

2. kwalker 11/17/2004 Permit Review

Comment: Application falls within B63 processing delay area. Since it is for domestic use can be processed with 1/2 acre lawn & garden limitation per lot. Surface water will be utilized in pressure irrigation system. Recommend approval with conditions requiring use of surface water for lawns as long as it is available.

The Idaho Statesman

RECEIVED

OCT 15 2004

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

LEGAL ADVERTISING PROOF OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	1168002	APPLICATION - LOCHSA FALLS LLC	\$134.50
Attention:	P.O. #	Run Dates	
SUE KREGER		OCTOBER 7, 14, 2004	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 37
			Affidavit 1
			Legal # 20555

LEGAL NOTICE

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

63-31859
LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714

Point(s) of Diversion SWNE S26 T04N R01W ADA County Source GROUND WATER
Point(s) of Diversion SWNE S26 T04N R01W ADA County Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 2.2 CFS
Total Diversion: 04/06/2004 2.2 CFS
Date Filed: DOMESTIC
Place Of Use: T04N R01W S26 NENE NWNE
SWNE SENE SENW NESE NWSE

Remark: Domestic use is for irrigation of yards associated with 686 homes in Lochsa Falls Subdivision. Application for transfer no. 71109 covers irrigation of non-domestic areas within the subdivision.

Water bearing zone to be appropriated is from 75 to 500 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 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Oct. 7,14, 2004.

20555

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

TWO

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

beginning issue of: OCTOBER 7, 2004

ending issue of: OCTOBER 14, 2004

Janice Hildreth

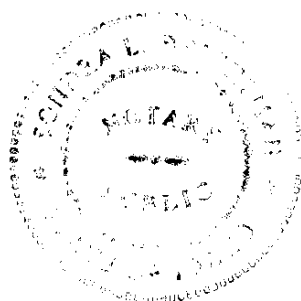
STATE OF IDAHO)
.ss

COUNTY OF ADA)

On this 14 day of OCTOBER in the year of 2004
before me, a Notary Public, personally appeared before me
Janice Hildreth known or identified to me to be the person
whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

Londra L Brighton

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/20/06



Kreger (Taylor), Sue

To: srae@deq.state.id.us
Cc: Kreger (Taylor), Sue
Subject: comment letters

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

September 30, 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 October 25, 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



71407.pdf



65-22918.pdf



63-31859.pdf

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

September 29, 2004

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit Nos. 63-31811, 63-31812, 63, 31813, 63-31814, 63-31859, 63-31890,
63-31974, 63-31975, 63-31999

Application for Transfer Nos. 71237, 71109, 70947, 71198, and 71357

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 10/25/2004. 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:

63-31859

LOCHSA FALLS LLC
4487 N DRESDEN PL STE 102
BOISE ID 83714

Point(s) of Diversion SWNE S26 T04N R01W ADA County Source GROUND WATER

Point(s) of Diversion SWNE S26 T04N R01W ADA County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 2.2 CFS

Total Diversion: 2.2 CFS

Date Filed: 04/06/2004

Place Of Use: DOMESTIC

T04N R01W S26 NENE NWNE SWNE SENE SENW NESE NWSE

Remark: Domestic use is for irrigation of yards associated with 686 homes in Lochsa Falls Subdivision. Application for transfer no. 71109 covers irrigation of non-domestic areas within the subdivision.
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KARL J DREHER, Director

Published in the Idaho Statesman on October 7 and 14, 2004.