

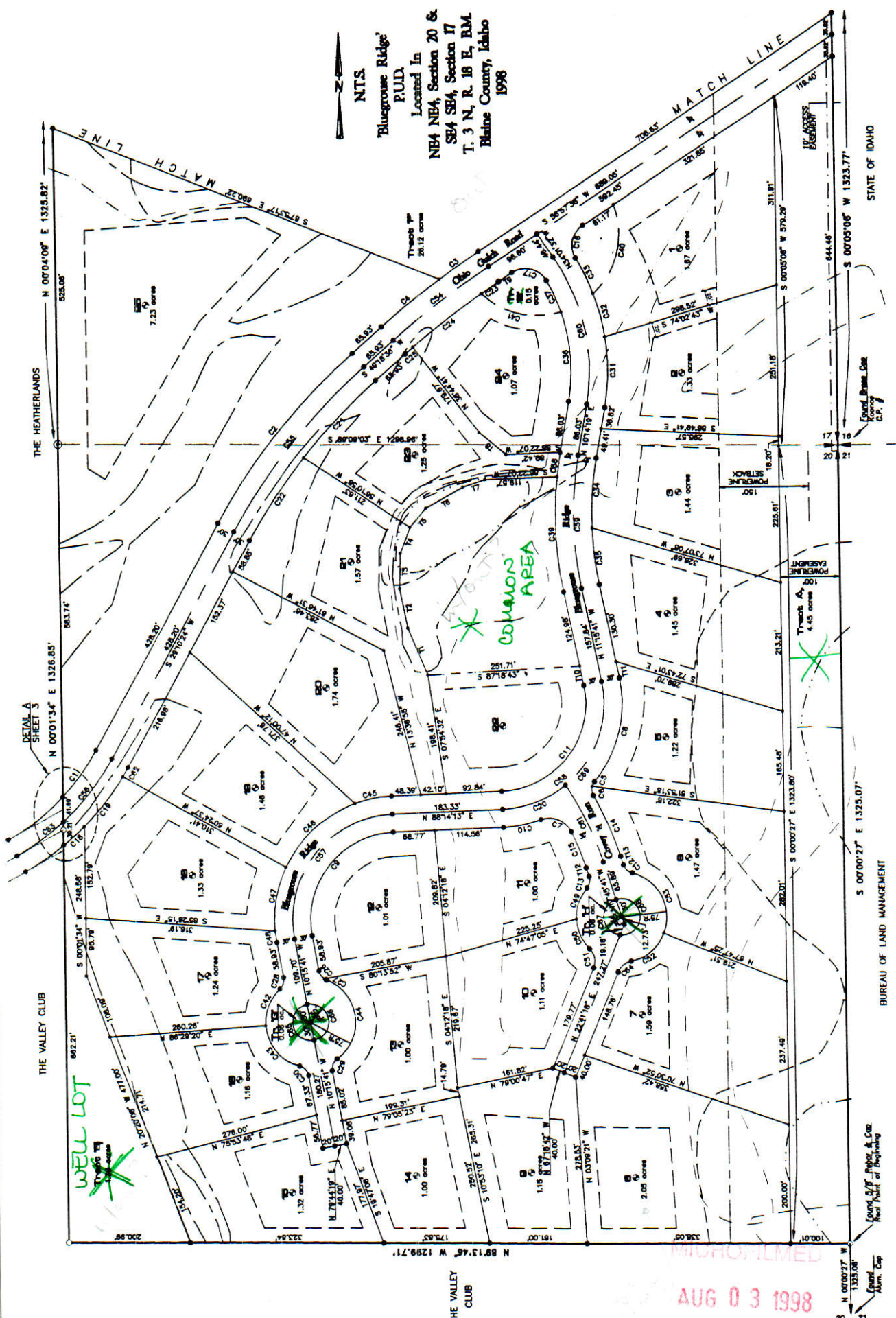
Topographic map showing contour lines, rivers, and roads. A red rectangle highlights a specific area. Handwritten text includes "RANGE 18 EAST" and "37-08877". A red stamp reads "MOUNTAIN FILMED AUG 03 1998". A vertical label on the right side reads "SUBDIVISION BOUNDARY".



AUG 03 1998

37-08877

NTS
Bluegrouse Ridge
PUD
Located In
NE4 NE4, Section 20 &
SE4 SE4, Section 17
T. 3 N., R. 18 E., RM.
Blaine County, Idaho
1998



to per Telecom on 7/29/98 with Brian McLaughlin
Tracts A, B, F, G, H and common
area are not building lots.
7/29/98 cjs

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

AUG 03 1998

37-08877

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED
SEP 26 2002

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08877

Name(s) of Permit Holder: SEABOARD CORP.

Address: PO BOX 3510 City KETCHUM State ID Zip 83340

Telephone No. 208 788-8890 Date Proof is Due: AUG 1, 2002

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

(LAPSE NOTICE SENT AUG 6, 2002)

well drilled, pump installed, pump + electric controls installed,
2150 lf of 4" water line installed, 800 lf of 8" water
line installed, 1 residence hook-up to water system,
including irrigation

Costing \$ 100,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Blaine County Board of Commissioners has not approved
the subdivision

Permit holder(s) request an extension to AUG 1, 2005

(Signature)*

[Signature]
President, Seaboard Corporation
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with the priority advanced to August 3, 1998. IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use is extended to August 1, 2004.

Signed this 22nd day of October, 2002

[Signature]
L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

RECEIVED

JUL 19 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08877

Name(s) of Permit Holder: SEABOARD CORPORATION

Mailing Address: PO BOX 3510, Ketchum, ID. 83340

Date Proof is Due: AUG 1, 1999 Telephone No. 208 726-1133

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

planning and engineering work in preparation
for submittal of subdivision plan to Blaine
County P+Z and Board of Commissioners.

Costing \$ 100,000 +

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

We cannot proceed with construction of subdivision, including development
of water right until we receive approval from the Blaine County P+Z
and Board of Commissioners of our subdivision redesign application.
we expect application to be approved this fall or next year, with construction in
Permit holder(s) request an extension to Dec 31, 2001. 2000 or 2001.

FEE: \$50.00

BW Cory, President
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 2002.

AUG 08 1999

Signed this 21st day of July, 19 99.

J. Mark Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08877

Proposed Priority: June 8, 1998

Maximum Diversion Rate:

0.22 CFS

This is to certify, that **SEABOARD CORP**

PO BOX 3510

KETCHUM ID 83340-3510

has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 18E 17

SESE

20

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. 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.
6. Point of diversion is located within Tract B, Bluegrouse Ridge Planned Urban Development.
7. Place of use is located within Lots 1-25, Bluegrouse Ridge Planned Urban Development.
8. Domestic use is for 25 homes.

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

31st day of July, 1998

RECEIVED

AUG 03 1998

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

JUL 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

*CHANGES MADE 06/08/98
PER GARY BURKETT OF EHM ENGINEERS
P.S. 06/10/98

1. Name of Applicant Seaboard CORPORATION* Phone (208) 726-1133
Mailing address P.O. Box 3510, Ketchum, ID 83340
2. Source of water supply GROUNDWATER* which is a tributary of SNAKE PLAIN Aquifer
3. Location of point of diversion is Township 3 N Range 18 E Sec. 20 in the SW 1/4
NE 1/4, NE 1/4, Govt. Lot _____, B.M., Blaine Co. County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>0.22 cfs</u> for <u>Domestic</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (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) 0.22 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 10 Hp Submersible
Well Pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 8" inches; Proposed depth of well is 120 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- * e. If well is already drilled, when? new well ~~4-18-98~~ Drilling firm Ken Smith (PROPOSED)
Well was drilled for (well owner) Seaboard; Drilling Permit No. Pending
7. Time required for completion of works and application of water to proposed beneficial use is 0.8 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. 25 Households
- e. Other; describe fully. IRRIGATION OF 25 YARDS P.S. 06/09/98

* Changes made for 06/10/98
TELECOM with GARY BURKETT
OF EHM ENGINEERS
P.S. 06/10/98

438 0.3 1998

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.

* DOMESTIC USE ADDED 06/15/98 BY C. SKINNER

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	17																2.0	2.0
3N	18E	20	10.5															10.5	10.5
			D																

* CHANGED PER 06/10/98 TELECOM WITH GARY BURKETT OF EHM ENGINEERS P.S. 06/10/98

Total number of acres to be irrigated 12.5

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks:

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

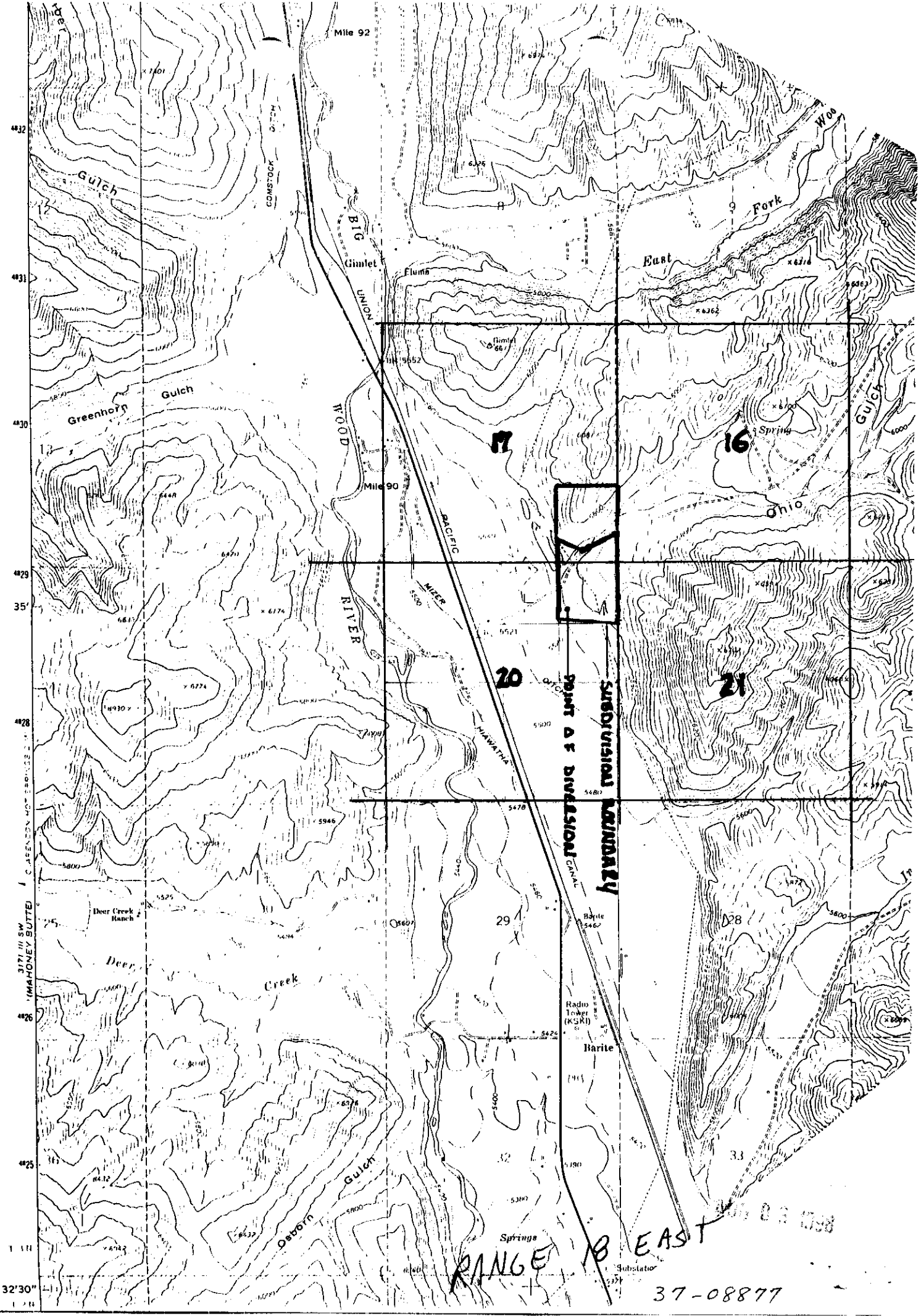
CHANGES MADE 06/08/98
* PER GARY BURKETT OF EHM. ENGINEERS. 06/10/98 P. SKINNER

AUG 03 1998

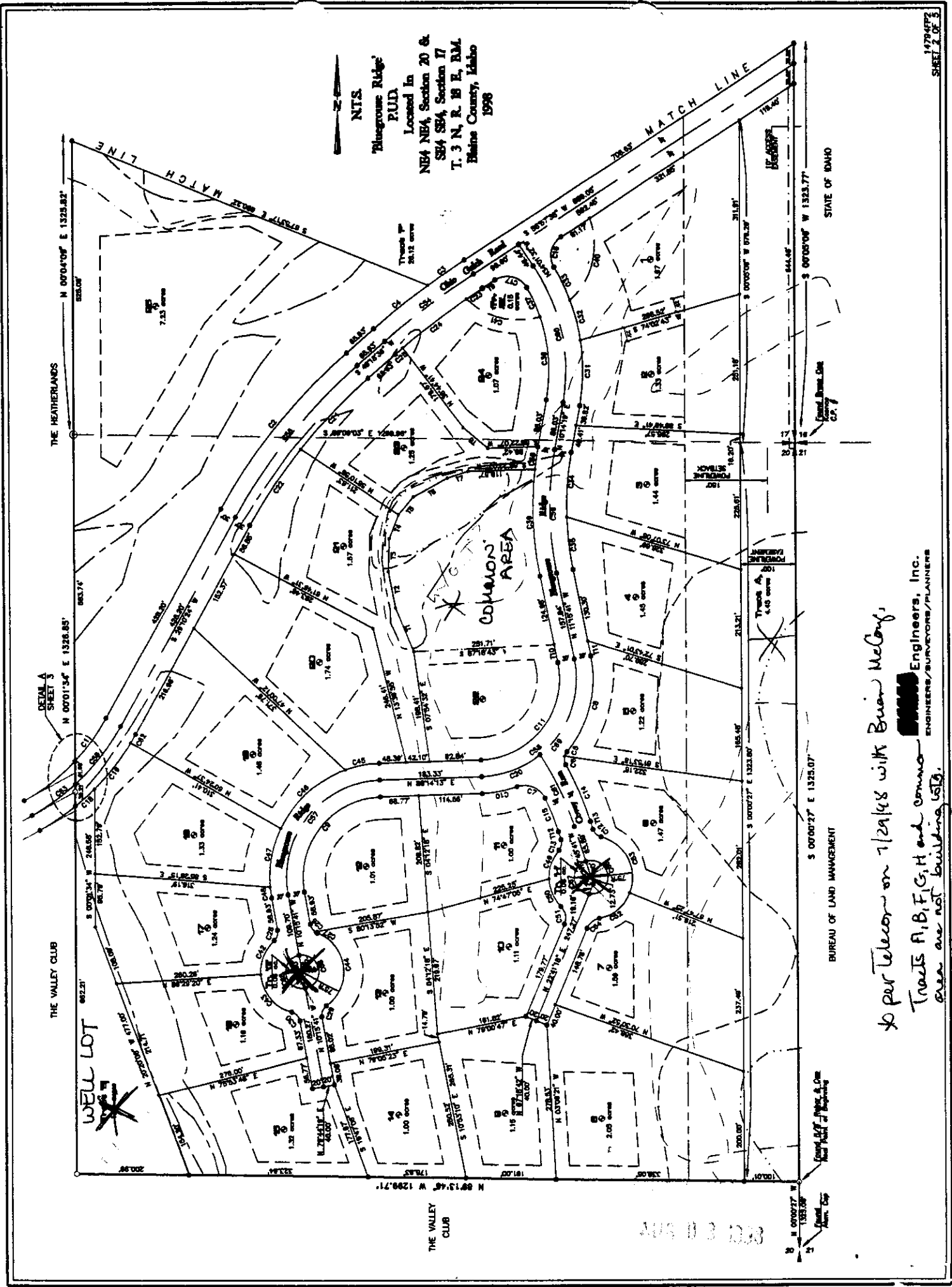
Signature of Applicant (and title, if applicable)
* BRIAN MCCOY (SEABOARD PRESIDENT)

Received by CS Date 5/28/98 Time 10:30 Preliminary check by CS
Fee \$ 100.00 Receipted by CS # 5021215 Date 6/8/98
Publication prepared by MB Date 6/15/98 Published in Wood River Journal
Publication approved Date

ALTON 30 DISTRICT



37-08877



to per Telecom on 7/29/98 with Buco McLoyle,
Tracts A, B, F, G, H and common
area are not building USA.
7/29/98 cjs

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

THE HEATHERLANDS

N 00°04'00" E 1325.82'

500.77

MATCH LINE

S 87°53'17" E 800.32'

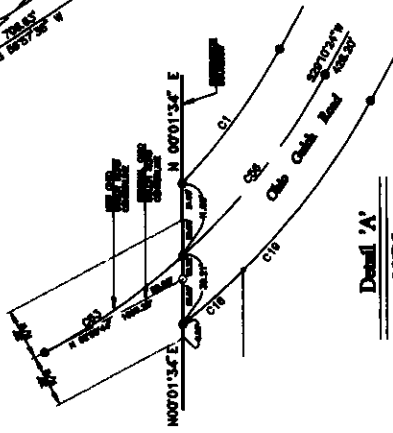
Trench 10
20.12 curve

S 89°03'34" E 1289.35'



Old Oak Road S 89°03'34" E 1289.35'

MATCH LINE



Detail 'A'

NTS

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

NTS

Bluegrass Ridge

P.U.D.

Located In

NB4 NE4 Section 20 &

SE4 SW4 Section 17

T. 3 N. R. 18 E. RM.

Blaine County, Idaho

1998

Tangent Table

NO.	DISTANCE	BEARING
11	84.51'	N 22°18'52" E
12	103.00'	N 07°31'17" E
13	88.85'	N 21°27'16" E
14	43.88'	N 07°31'17" E
15	41.22'	N 07°31'17" E
16	39.03'	N 22°47'44" E
17	57.80'	S 89°14'08" E
18	57.80'	S 89°14'08" E
19	52.86'	S 11°16'41" E
20	27.84'	S 11°16'41" E
21	15.11'	S 17°40'41" E

Curve Data

CHORD BEG	CHORD END	CHORD	LENGTH	TANGENT
C1	C2	167.00'	167.00'	42.85'
C2	C3	367.47'	367.47'	102.89'
C3	C4	103.00'	103.00'	38.87'
C4	C5	153.00'	153.00'	43.39'
C5	C6	23.00'	23.00'	8.09'
C6	C7	40.00'	40.00'	13.89'
C7	C8	144.00'	144.00'	43.89'
C8	C9	208.00'	208.00'	63.49'
C9	C10	148.00'	148.00'	43.89'
C10	C11	148.00'	148.00'	43.89'
C11	C12	251.80'	251.80'	71.19'
C12	C13	251.80'	251.80'	71.19'
C13	C14	251.80'	251.80'	71.19'
C14	C15	251.80'	251.80'	71.19'
C15	C16	251.80'	251.80'	71.19'
C16	C17	251.80'	251.80'	71.19'
C17	C18	251.80'	251.80'	71.19'
C18	C19	251.80'	251.80'	71.19'
C19	C20	251.80'	251.80'	71.19'
C20	C21	251.80'	251.80'	71.19'
C21	C22	251.80'	251.80'	71.19'
C22	C23	251.80'	251.80'	71.19'
C23	C24	251.80'	251.80'	71.19'
C24	C25	251.80'	251.80'	71.19'
C25	C26	251.80'	251.80'	71.19'
C26	C27	251.80'	251.80'	71.19'
C27	C28	251.80'	251.80'	71.19'
C28	C29	251.80'	251.80'	71.19'
C29	C30	251.80'	251.80'	71.19'
C30	C31	251.80'	251.80'	71.19'
C31	C32	251.80'	251.80'	71.19'
C32	C33	251.80'	251.80'	71.19'
C33	C34	251.80'	251.80'	71.19'
C34	C35	251.80'	251.80'	71.19'
C35	C36	251.80'	251.80'	71.19'
C36	C37	251.80'	251.80'	71.19'
C37	C38	251.80'	251.80'	71.19'
C38	C39	251.80'	251.80'	71.19'
C39	C40	251.80'	251.80'	71.19'
C40	C41	251.80'	251.80'	71.19'
C41	C42	251.80'	251.80'	71.19'
C42	C43	251.80'	251.80'	71.19'
C43	C44	251.80'	251.80'	71.19'
C44	C45	251.80'	251.80'	71.19'
C45	C46	251.80'	251.80'	71.19'
C46	C47	251.80'	251.80'	71.19'
C47	C48	251.80'	251.80'	71.19'
C48	C49	251.80'	251.80'	71.19'
C49	C50	251.80'	251.80'	71.19'
C50	C51	251.80'	251.80'	71.19'
C51	C52	251.80'	251.80'	71.19'
C52	C53	251.80'	251.80'	71.19'
C53	C54	251.80'	251.80'	71.19'
C54	C55	251.80'	251.80'	71.19'
C55	C56	251.80'	251.80'	71.19'
C56	C57	251.80'	251.80'	71.19'
C57	C58	251.80'	251.80'	71.19'
C58	C59	251.80'	251.80'	71.19'
C59	C60	251.80'	251.80'	71.19'
C60	C61	251.80'	251.80'	71.19'
C61	C62	251.80'	251.80'	71.19'
C62	C63	251.80'	251.80'	71.19'
C63	C64	251.80'	251.80'	71.19'
C64	C65	251.80'	251.80'	71.19'
C65	C66	251.80'	251.80'	71.19'
C66	C67	251.80'	251.80'	71.19'
C67	C68	251.80'	251.80'	71.19'
C68	C69	251.80'	251.80'	71.19'
C69	C70	251.80'	251.80'	71.19'
C70	C71	251.80'	251.80'	71.19'
C71	C72	251.80'	251.80'	71.19'
C72	C73	251.80'	251.80'	71.19'
C73	C74	251.80'	251.80'	71.19'
C74	C75	251.80'	251.80'	71.19'
C75	C76	251.80'	251.80'	71.19'
C76	C77	251.80'	251.80'	71.19'
C77	C78	251.80'	251.80'	71.19'
C78	C79	251.80'	251.80'	71.19'
C79	C80	251.80'	251.80'	71.19'
C80	C81	251.80'	251.80'	71.19'
C81	C82	251.80'	251.80'	71.19'
C82	C83	251.80'	251.80'	71.19'
C83	C84	251.80'	251.80'	71.19'
C84	C85	251.80'	251.80'	71.19'
C85	C86	251.80'	251.80'	71.19'
C86	C87	251.80'	251.80'	71.19'
C87	C88	251.80'	251.80'	71.19'
C88	C89	251.80'	251.80'	71.19'
C89	C90	251.80'	251.80'	71.19'
C90	C91	251.80'	251.80'	71.19'
C91	C92	251.80'	251.80'	71.19'
C92	C93	251.80'	251.80'	71.19'
C93	C94	251.80'	251.80'	71.19'
C94	C95	251.80'	251.80'	71.19'
C95	C96	251.80'	251.80'	71.19'
C96	C97	251.80'	251.80'	71.19'
C97	C98	251.80'	251.80'	71.19'
C98	C99	251.80'	251.80'	71.19'
C99	C100	251.80'	251.80'	71.19'

37-08877



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

October 23, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRIAN M MC COY
PRESIDENT
SEABOARD
PO BOX 3510
KETCHUM ID 83340

RE: PERMIT NO. 37-8877

Dear Permit Holder:

Thank you for the documentation I needed to process your Request for Extension of Time. Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **August 1, 2004**. The department has granted this extension based on governmental agency delay. Please note that the department has granted the extension based on the actual time a government agency has been involved during the last development period, according to Section 42-204(1), Idaho Code. It is important that you work diligently toward the completion of the development during the construction period allowed since the department may not be able to grant additional extensions in connection with this permit.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me directly at (208) 327-7953 if you have any questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 37-8877

Reviewed By: dgibson

Date: October 22, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?		X	Is delay by a government agency?	X	
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	C064805		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	09/26/2002	New proof due date	08/01/2004
Date proof due	- 08/01/2002		
Lapse notice sent	-		
No. of days late	= 56		
Holiday allowance	+		
Priority date	+ 06/08/1998		
New priority date	= 08/03/1998		

Action Taken

Reinstate permit and advance priority date to 8/3/98. Approve extension and extend proof date to 8/1/2004.

RECEIVED

OCT 16 2002

Department of Water Resources

SEABOARD

P.O. Box 3510 • Ketchum, Idaho 83340 • (208) 788-8890 • Fax (208) 788-8863

October 14, 2002

Ms. Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau
Dept. of Water Resource
PO Box 83720 ~~06~~
Boise, ID 83720-0098

RE: PERMIT NO. 37-8877

Dear Ms. Gibson:

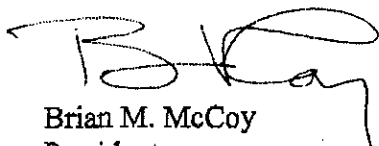
Thank you for your letter of October 10, 2002.

Please find enclosed a copy of the findings of the Blaine County Board of Commissioners, which disapproved the proposed subdivision in January, 2001, forcing us to wait at least one year and reapply.

We are now in the process of reapplying with a revised subdivision plan, which approval process could take at least several years.

If you have any additional questions, please feel free to give me a call. Thank you.

Sincerely,



Brian M. McCoy
President

Encl.

BLAINE COUNTY BOARD of COMMISSIONERS
PRELIMINARY HEARINGS - July 17 & Dec. 4, 2000; Jan. 2, 2001

REGARDING AN APPLICATION TO:

subdivide a 79 acre parcel up
Ohio Gulch into the **nineteen lot**
Bluegrouse Ridge Subdivision

**FINDINGS OF FACT, CONCLUSIONS
OF LAW & DECISION**

REQUESTED ACTION: Applicant, Seaboard Corp., proposes to subdivide and plat 79 acres into sixteen lots that range in size from 2 to 2.7 acres and three other lots that are proposed to be 3.9, 5.6 and 28.8 acres in size. The property is located at the mouth of Ohio Gulch immediately east of the Valley Club and Heatherlands Subdivisions in Section 17 & 20, T3N, R18E, B.M. It is zoned Planned Residential Development (R-2) and Unproductive Agricultural (A-10) and includes Mountain and Avalanche Overlay zones.

APPLICABLE REGULATIONS: Title 8: Ch. 1 (Comp. Plan)
Title 9: Chs. 1-4, 6(A-10), 9(R-2), 21(Mtn) & 22(Avalanche)
Title 10: Chs. 1-5

I. GENERAL BACKGROUND

1. The chronology of Seaboard's development proposals on this property:
 - Original Planned Unit Development (PUD) Subdivision submitted: Spring, 1995;
 - P & Z grants preliminary conditional PUD approval: Fall, 1995;
 - Board grants preliminary conditional PUD approval: April 8, 1996;
 - After granting a series of extensions, the board grants final approval: August, 1998
 - Initial materials for a new subdivision proposal submitted: May, 1999;
 - P & Z hearings held: 10/28 & 12/16, 99; & 1/13 & 2/24, 00;
 - P & Z recommendation signed: March 29, 2000;
 - PUD approval expired: Nov, 2000
2. **This regular subdivision application was initiated on May 28, 1999.** The applicant submitted further material on July 14, and continued to submit materials up to the day of the final board hearing.
3. Pursuant to §10-1-4 of the county code, the county has jurisdiction over this application because it involves the "subdivision of land into two (2) or more tracts, lots or parcels for sale, transfer of ownership or building development."
4. All hearings on this proposal were electronically recorded and summary minutes prepared in compliance with the Local Land Use Planning Act, I. C. §67-6536.

I. GENERAL BACKGROUND Cont.

5. Pursuant to the requirements of Idaho Code §67-6501 et. seq., Blaine Co. Code §10-4-3(E) and basic procedural due process for a "quasi-judicial" application of this nature, notice for the Board's hearings was provided as follows:

PRELIMINARY APPLICATION NOTICE	JUL. 17, 2000 HEARING	DEC. 4, 2000 HEARING	JAN. 2 HEARING
legal published in the <u>Idaho Mountain Express</u>	June 28, 2000	Nov. 15, 2000	Dec. 13, 2000
sent to all property owners within 300' of the external boundaries of this property and four addtl property owners adjacent to Ohio Gulch Rd. in the Heatherlands	June 28, 2000	Nov. 13, 0000*	Dec. 12, 2000
sent to all adjacent, active homeowners' associations plus the Starweather's HOA	June 28, 2000	Nov. 13, 2000	Dec. 12, 2000*
sent to all Blaine Co. political subdivisions and area media	June 26, 2000	Nov. 13, 2000	Dec. 12, 2000
posted on the property	July 10, 2000	Nov. 21, 2000	Dec. 26, 2000
published as a 2" by 2" display ad. in both local newspapers.	July 12, 2000	Nov. 29, 0000**	Dec. 27, 00**
* later determined to be "inadequate" due to an outdated, and thus inaccurate, SLO list. ** Only published in the <u>Idaho Mtn. Express</u> . <u>Wood River Journal</u> did not publish this ad. *** Starweather HOA not included in this notice.			

6. In addition to the comments made and information submitted at the Board's public hearings, the Board received the following written public comments:
- Jim Speck letter on behalf of the Valley Club, dated 1/13/00 but resubmitted by reference at the 1/03/00 hearing; and
 - Five other letters that were submitted to the Planning & Zoning Commission only and are cited in that body's recommendation.
7. The materials reviewed by the Board and included as part of the record of this application include:
- Exh. L.** 10/4/00 revision of the preliminary plat (L-1), grading plan (L-2), landscape plan (L-3), water plan (L-4) & slope analysis (L-5);

I. GENERAL BACKGROUND Cont.

- Exh. A.** Preliminary plat information that includes: - A Base Map last revised on 12/27/99;
- A preliminary grading plan last revised on 12/27/99;
- A slope analysis (at 2' contours) last revised on 12/27/99;
- A slope analysis (at 2' contours) of property southwest of this site dated Nov., 99;
- A water system plan last revised on 12/27/99;
- A bike path plan last revised on 10/13/99;
- A conceptual landscaping plan last revised on 10/13/99;
- A landscape plan for the Covey Run entryway dated 7/14/99;
- A landscape plan for the Bluegrouse Ridge Rd. entries dated 7/14/99; and
- an undated map with topography of the Hailey to East Fork vicinity.
- Exh. B.** Subdivision Application\Attachment "A";
- Exh. C.** Subdivision Findings\Attachment "B";
- Exh. D.** Agency Responses\Attachment "C" which includes comments from:
- SCDHD dated 11/10/99; 10/14/99 & 9/12/95;
- Dept. of Water Resources dated 6/6/00 & telecon with Gary Funderburg on 12/16/99;
- W.R. Rural Fire Dist. dated 11/28/00, 11/8/99 & 6/24/99;
- Co. Engineer dated 7/12, 1/28 & 1/27/00; 11/11; 7/16 & 6/8/99;
- Co. Road & Bridge dated 2/16/00;
- Co. School District dated 6/15/99;
- Co. Rec. Dist. dated 12/26/00, 2/16(with attachment) & 2/9/00; 11/12 & 10/26/99;
- Soil Conservation Service dated 6/7/99;
- Dept of Lands dated 1/6/00 & 10/27/99;
- Div. of Environmental Quality dated 11/23/98;
- Exh. E.** Impact Assessment Form\Attachment "D";
- Exh. F.** Engineering Report/Health Dist.'s Standards For Land Development;
- Exh. G.** Wood River Journal Article dated 8/25/99;
- Exh. H.** Correspondence, listed chronologically, from Seaboard to the P&Z Commission:
- a 1 page letter dated 10/24/95 with a 1 page RMI attachment regarding water quality;
- a 2 page letter dated 10/13/99;
- a 7 page memo, dated 11/9/99 that summarizes the comments made at the 10/27 hearing, further describes this proposal and includes the following exhibits:
1. A picture from the Ohio Gulch/Hwy. 75 intersection and a second one along Ohio Gulch in the area of the proposed Covey Run Rd.;
2. Artist's rendering of the Covey Run entrance;
3. Engineering info. on the water system;
4. Well and landscape easement agreement;
5. EHM info. on Ohio Gulch Rd. at the western entrance to the property;
6-13. Applicant's responses to eight particular agency comments; and
14. A 1":100' scale analysis of the cut and fill for Bluegrouse Rd. and Covey Rd. and a 1":50' scale analysis for an alternate Bluegrouse Rd. Cul-de-sac.
- a 2 page letter dated 12/16/99; and a 3 page letter dated 12/23/99;
- a 1 page letter dated 1/12/00 with an undated 3 page attachment from RMI that includes the results of the Jan., 2000 water quality analysis;
- Exh. I.** Correspondence, listed chronologically, from Seaboard to the Board that includes:
- a 3 page letter dated 1/26/00 with attachments
- an 8 page letter dated 5/10/00 with various attachments;
- a 1 page letter dated 5/31/00 with attachments from EHM Engineering;
- a 5 page letter dated 9/18/00 with a 3 pg. RMI attachment;
- a 1 page letter dated 11/8/00; and a 2 page letter dated 11/29/00; and
- a 1 page letter dated 12/26/00 w/ a rendering of the bike path & a recontoured slope.
- Exh. J.** [Reserved] **Exh. L.** [Listed first above because it is the most recent.]

II. ADMINISTRATIVE STANDARDS (§ 10-5-1)

10-5-1: *No preliminary plat application shall be considered by the Board or Commission until the Administrator makes a recommendation with regard to each of these standards.*

See Attachment #1 for the recommendations on these administrative standards.

III. BOARD/COMMISSION THRESHOLD STANDARDS (§ 10-5-2)

10-5-2: *No preliminary plat application shall be approved unless the Board determines that the application complies with each of the following standards:*

A. Administrative Standards: The Administrator's recommendations on the standards set out in §10-5-1 are acceptable or need modification.

Findings of Fact: The attached recommendations acceptably address these administrative criteria except for the following modifications:

§ 10-5-1(A)1(b): Neither the county's engineer nor the road & bridge supervisor approve of the 10' shift of the Ohio Gulch right of way to the north. The shift results in a very poor alignment with the existing roadway and dedication on the western boundary. Also, the existing road would become off-centered in the right-of-way by up to 15'. The county has historically not accepted such an off-centered dedication. Furthermore, since the road and proposed bike path are not any further separated, this shift also does not help to reduce any hazard associated with the bike path's proximity to the road as was originally contemplated.

§ 10-5-1(A)1(e): Any envelope, on a lot (such as #13) which includes both residential and agricultural zoning, should, most appropriately, be located in the residential portion of the lot. However as the slope analysis shows in this case, the residential portion outside the power line setback is mostly 15-25% slope or in the bottom of the drainage swale. Neither of these areas is preferred. As a result, the more suitable topographic location is on the flatter portion of the lot at the edge of the unproductive agricultural zone.

§ 10-5-1(G)1(a): The Board agrees that full testing of the new well prior to final plat review is necessary. Because the original test showed a 2 feet drawdown in two hours, a 24 hour test should be run in order to better determine the extent of any drawdown of the groundwater that may result from a well of this size and in this location.

§ 10-5-1(I)2(b): Ohio Gulch Rd. has become a major thoroughfare. In the eleven years since it was designated a "collector" in the county Comprehensive Plan, the volume and impact of the vehicular, especially truck, traffic on this road has continued to increase. On numerous previous occasions, existing residents in the area have attested to the increasing noise and visual and dust disturbance of the truck traffic on this road. The applicant, however, has not done enough to separate the residential envelopes from this thoroughfare. As a buffer, the Board mentioned the need for setbacks of 150' or more. The applicant has failed to provide such a design device or separation.

Conclusion: Based on the Board's findings for (A)1(b), (G)1(a) & (I)2(b), this application does not comply with this criteria.

III. THRESHOLD STANDARDS (§ 10-5-2) Cont

B. Comprehensive Plan: *The proposed subdivision of land conforms to and is in accordance with the Comprehensive Plan Text and Map.*

Findings of Fact: The Comprehensive Land Use Map designates this property as "Residential" and "Productive/Unproductive Agriculture." The application materials simply state that the 1995 PUD application for 25 lots was determined to satisfy this criteria, and therefore, this 19 lot proposal should as well. This is not the PUD application. The basis for the PUD approval was completely distinct from any basis that may support this application. Pursuant to §10-4-3(A), the applicant is responsible for providing something more to support a positive finding on this criteria.

Conclusion: Based on these findings, this application fails to comply with this criteria.

C. Impact on Public Facilities and Services: *The proposed subdivision shall not adversely affect the quality of essential public services and facilities to current residents, including but not limited to school facilities, school bus transportation, police and fire protection, emergency services, and roads, and shall not require substantial additional public funding in order to meet the needs created by the proposed subdivision. The applicant shall be required by the Board to mitigate the adverse effects of the proposed subdivision, which may include, without limitation, contributions for additional capital improvements, on-going maintenance, and labor costs. The plan for, timing of, and proposed phasing of the mitigation shall be in a form acceptable to the Board.*

Findings of Fact: See the applicant's response to this criteria in Attachment B of the application. The essential public services and facilities necessary for the nineteen additional residential and numerous potential accessory units include, but are not limited to:

police protection:	In Hailey: 5.3 miles
fire protection:	In Hailey: 5.3 miles
emergency services:	In Hailey: 5.3 miles
and roads (from Hwy. 75 to entrance):	.7 miles of travel along county roads

To mitigate the impact of those additional residents, the applicant proposes the following:

1. \$25,000.00, paid prior to plat recordation and into a segregated account, to fund any desired improvement to Ohio Gulch Rd.;
2. \$500.00 per lot, as a lien on each lot and paid by the building permit applicant, to mitigate the increased burden of students on the school district and residents on the police protection;
3. Reimbursing the county, prior to plat recordation and based on Idaho Power's standard reimbursement formula, for Seaboard's pro-rata portion of the county's cost of installing the underground power line that runs along Ohio Gulch Rd.; and
4. Contribute to the Rec. District:
 - A. A graded, paved and revegetated 3500 ft. path from the existing bike path to the Bluegrouse Rd. intersection that complies with the Rec. District's bike path standards;
 - B. A 20' easement for that bike path along Ohio Gulch Rd. from the western to the eastern boundary of this property; and
 - C. A well easement on this property to serve future recreation needs up Ohio Gulch.

While these help to mitigate the impacts of this development, the county would prefer that: 1) the applicant submit better plans for work that is needed and then perform any desired improvements to Ohio Gulch Rd. rather than contribute funds; and 2) pay upon recordation or after the sale of a certain number of lots, rather than as a lien against future residents, the amounts listed in Item 2.

Conclusion: Based on these findings and conditions, this application could comply with this criteria.

III. THRESHOLD STANDARDS (§ 10-5-2) Cont.

D. Land under Floodplain: No residential structure or structure that is accessory to a residence shall be located within the external boundaries of a floodplain area. . . .

Finding of Fact & Conclusion: This criteria does not apply since no floodplain exists on this parcel.

E. Agricultural Land (A-10, A-20): In addition to all other applicable criteria in Title 9 and 10 of this Code, proposed subdivisions in lands zoned A-10 and A-20 shall comply with the following criteria:

- 1. The subdivision and addition of residential uses will be compatible in size, scale, density and other respects with the uses and agricultural operations in the surrounding area;*
- 2. The subdivision, when considered in light of the existing or likely cumulative effect of residential development in the area, will not materially change the character of agricultural land, agricultural uses, or the economic viability of existing agricultural operations in the area; and*
- 3. The subdivision will not result in adverse or negative impacts upon lands in the surrounding area presently in agricultural use.*

Findings of Fact: This criteria focuses primarily on the impact of residential uses on active agricultural operations and uses. Though A-10 zoning exists within and adjacent to this parcel, no active agricultural operations exist on this adjacent land except for its use as leased rangeland. This plan will not materially change or impact that limited use.

Conclusion: Based on these findings, this application complies with this criteria.

F. Avalanche Areas: Land subject to avalanche hazards, as determined by a professional study, shall not be used for private roads unless the hazards are mitigated or overcome by approved design and construction plans.

Findings of Fact: As long as the frontage along Lot 12 and outside of the avalanche zone is sufficient to allow for a new 20' wide driveway, no private "road" would run through any avalanche hazard area.

Conclusion: Based on this finding, this application complies with this criteria.

G. Unsuitable Land: Land with conditions that may be detrimental to the health, safety or general welfare of existing or future residents because of potential hazards such as land slides, subsidence, high water table, high pressure gas lines, power transmission lines; or other features with severe development limitations shall not be subdivided for building or residential purposes unless the hazards or other features are eliminated by lawful permit or overcome by approved design and construction plans.

Findings of Fact: The applicant has provided an extensive response to this criteria in Attachment B of the application and in subsequent correspondence. The applicant has set the envelopes back 150' from the power line. This is presumed by the county to be sufficient to mitigate this hazard. All the proposed envelopes also avoid any slopes exceeding 15%. The old landfill is on adjacent property. While that fact may not make this land unsuitable, it does raise concerns. Though this issue is also addressed in other criteria, the Board cannot make a positive finding here unless the applicant establishes a program to initially test and continually monitor the groundwater in this area.

Conclusion: If the applicant tests the new domestic well and monitors it as required to comply with Administrative Standard 10-5-1(G)1(a) and as modified by the Board in Threshold Standard 10-5-2 (A); and participates in an on-going groundwater monitoring program in this area, this application would comply with this criteria.

IV. BOARD/COMMISSION DESIGN STANDARDS (§ 10-5-3)

10-5-3 No preliminary plat application shall be approved unless the Board determines that the application complies with each of the following standards. No waiver of any of these standards may be granted except pursuant to §10-8-5.

A. Preservation Of Natural Features: Where practicable, the following specific areas regardless of location shall be left undeveloped and undisturbed:

1. unique or fragile areas such as geologic features or wetlands;

Findings of Fact: No wetlands exists on the site. The knoll centered between Lots #8, 9 & 10 may be considered a unique aspect to this property. A "scenic easement" is proposed on the knoll's 25% slope, and no building envelopes are located on other prominent but less steep portions of this knoll.

Conclusion: Based on these findings, this application complies with this criteria.

2. areas of natural vegetation, including unique landscapes, large individual trees, and stands of trees. A plan for landscape protection, tree preservation, and tree introduction may be required.

Findings of Fact: This property includes many unique, natural features. For that reason, in part, it is one of the last properties between Hailey and Ketchum to develop. It includes three different topographic terraces on the south side of Ohio Gulch Rd. and another one on the north side. It has two significant drainage channels. It also has one prominent and a second less prominent knoll. These factors, in addition to the manmade limitations like the powerline, Ohio Gulch Rd. and property lines, significantly impact the design of this subdivision.

The knoll (or knolls) as well as the sloped areas on the west side and along Ohio Gulch Rd. are areas of natural vegetation that should be left undeveloped. "Scenic easements" are being established to accomplish this in some areas. Though, the cut needed to access the proposed well site runs through an area designated for a "scenic easement." This the cut along Ohio Gulch Rd. for accessing the well and the bike path are significant and will change the appearance and contour of this whole area. As Jim Koonce has stated "because of the bike path location, extensive cutting and re-grading is needed along 1000 linear feet of Ohio Gulch Road. This slope is proposed to be regraded to a 2:1 slope over a vertical distance of as much as 20 feet, exposing a fresh slope cut of as much as 45 feet." (1/28 letter, comment A) and the proposed well access cut will face every east bound driver on Ohio Gulch Rd. Further, Gale Roberts of the Soil (now Natural Resources) Conservation Service states "... slopes in the 20-25% range ... are subject to water erosion if the protective vegetation is greatly reduced or removed. Live-stock grazing and other land disturbing activities should be restricted on these slopes." (See 6/7/99 letter.)

Furthermore, this applicant proposes the maximum number of homes on each of these terraced locations. As §10-3-3 states, "... [m]inimum lot areas and densities prescribed by Title 9 of this code (i.e. two acres minimums in the R-2 zone that governs much of this property) are minimum standards only and do not create an entitlement to the ... subdivision of land at the minimum lot areas and densities" prescribed. On other, recently platted "terraced" areas of the county, applicants have not sought or received the maximum allowable density. Lots zoned R-2 and on elevated terraces at Timberview Terrace range from 3.75 to 8.5 acres in size. Immediately adjacent to this property to the south is the one elevated lot in the Valley Club. It is 8.6 acres in size and also zoned R-2. The same is also true at somewhat older projects like Gimlet Terrace.

There are questions about the availability of water for revegetating any disturbed natural features. The letter from IDWR to Gary Slette, and theoretically relating to this project, addresses water for revegetating the entryway. No evidence has been submitted verifying that such "other uses" would include a linear park, like the bike path and if it did, that 2500 g.p.d. per day would suffice for total area needing revegetation.

Finally, the eastward shift of Bluegrouse Rd. along Lots 15 & 16 in the latest plan disturbs more 25% slope than is necessary. In fact, any design that elevates the main road up through the two highest terraces is unnecessary. The applicant could have employed alternative, less destructive and less visible designs.

Conclusion: ~~As currently proposed, this application does not comply with this criteria.~~

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

A. Preservation Of Natural Features Cont:

3. areas of significant value to wildlife;

Findings of Fact: Though the Fish & Game did not submit any specific comments, this parcel is not considered more significant to wildlife than other, now developed, property in this vicinity, such as the Valley Club.

Conclusion: Based on this finding, this application does comply with this criteria.

4. historically significant structures or sites; and

Findings of Fact & Conclusion: This criteria is not applicable since no historically significant structures or sites are known to exist on this site.

5. natural drainage channels or water courses.

Findings of Fact: The envelope on Lot 9 is in the middle of a very modest drainage area, but not a "channel" per se. To get to Lots 18 & 19, the limited drainage out of this canyon will need to be crossed. Also, to access Lot 13, the owner will need to cross a large natural drainage channel. Culverts are proposed in all three areas. Though the latter two will require a significant amount of fill, the impact is mitigated by the newly proposed single access up to Lot 18 & 19 in the least intrusive location. Unfortunately, if Bluegrouse Rd. remains where it is currently proposed, no more practicable access options exist for getting to Lot 13.

Conclusion: Based on these findings, this application does comply with this criteria.

B. Lot Requirements:

1. Each lot shall contain a satisfactory building site which is properly related to topography.

Findings of Fact: Most of the building envelopes are located on relatively flat ground. Given the configuration of Lot 13 and the drainage swale that dominates the "residential" portion of that lot, the "agricultural" area is considered a more satisfactory site than the "residential" portion of that lot. The applicant has modified all of the envelopes to avoid sloped areas except for Lot 14. The envelope on that lot is perched out on a rock outcropping or small knoll, and any driveway to it will require more extensive cut and fill work than any lot in the project. With an envelope equal to only about 4.25% of the total lot acreage, Lot 19 is too crowded. These factors make both lots unsatisfactory building sites.

2. Corner lots shall be a sufficient area without obstructive landscaping to provide acceptable visibility for traffic safety.

Findings of Fact: All the corner lots would seem to include sufficient area, among other factors, to avoid creating traffic visibility hazards.

3. Each lot shall have access to an internal street or drive, where practicable.

Finding of Fact: Though not practicable or desirable north of Ohio Gulch Rd., each lot south of that road has access to an internal street

4. Calculation of lot area shall not include land which is below the "natural or ordinary high water mark" of navigable streams (as defined by Idaho Code §50-1202 and 36-1601), and therefore subject to the public trust doctrine.

Finding of Fact: None of this property includes a navigable stream.

5. If lots in a residential land use area are more than double the minimum acreage required for a residential zoning district . . . or are within an Area of City Impact. . . .

Finding of Fact: These lots are not double the allowable min. or within any city impact area.

Conclusion: Based on these findings, this application does not comply with all of these criteria.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

C. Blocks: *Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall allow for two (2) tiers of lots unless topography or other factors indicate irregularly shaped blocks indented by cul-de-sacs. The Board has the authority to review and modify block sizes.*

Finding of Fact: Blocks shall be designated on the final plat as required by Idaho Code.

Conclusion: With the above condition, this application will comply with this criteria.

D. Utilities: *The subdivider shall:*

- 1. grant a public and private utility easement of at least ten feet (10') in width on the edge of the access road right-of-way and, where topographic or other conditions permit, centered on all side lot lines; and*
- 2. install utilities prior to road surfacing.*
- 3. where practicable, relocate underground any existing above ground utilities, excluding power transmission lines.*

Findings of Fact: No utility easements are indicated on the site plans. Though it can be made a condition of approval, it is also economically practical to install the utilities prior to road surfacing. Except for the power transmission line, no above ground utilities exist in this area.

Conclusion: With the designation on the final plat of utility easements along the access roads only (not along side or rear lot lines), this application will comply with this criteria.

E. Drainage:

- 1. The subdivider shall provide suitable drainage facilities for any surface runoff from within or upstream of the subdivision. Natural drainage channels shall be used whenever possible. To avoid soil erosion and manage nutrients, sediment catchment basins may be required.*
- 2. Where a subdivision contains a stream, watercourse, drainage way, channel or ditch, an easement shall be provided adequate to contain that watercourse and any further width necessary for maintenance or reconstruction.*

Findings of Fact: Drainage culverts are indicated on the site plan east of Lot 9, through the Bluegrouse Rd. cul-de-sac and for the roadway to Lot 18 & 19. As Koonce mentions, these culverts must be properly sized, i.e. proper in his opinion as the county's engineer. Some modification is proposed for the modest drainage channel through Lot 8. No easements are proposed along the seasonal water channels on this property, but there has been no historic necessity for maintenance or reconstruction on these channels.

Conclusion: Based on these findings, this application does comply with this criteria.

F. Water Supply:

- 1. General Requirements: Domestic water shall be available in sufficient quantity to meet foreseeable demands. Where insufficient data is available to verify water quantity, an on-site test well in the area of the proposed use shall be required.*

Findings of Fact: See Bob Erickson's 10/14/99 letter and his most recent 11/10/99 letter. He concludes that, based on information submitted from EHM engineers and with a 150,000 gallon storage tank, there "will be adequate [water] to supply domestic, irrigation and fire protection needs." Due to the exceptionally dry nature of Ohio Gulch itself (minimal flows from the only two wells in the canyon: the gun club @ 20 g.p.m. & 370' deep and the transfer station @ 15 g.p.m. & 465' deep) and a 13' drawdown of the test well after a two hour test, the Board has some concerns about the quantity of water available for this project. As a result, a 24 hour test of the test well is needed to verify the volume and resulting drawdown. Also, a note, similar to the one used on the Sunset Meadows' plat, shall be added to this plat disclaiming any liability for damage that may result from an inadequate water supply.

Access to the proposed well field through The Valley Club is disputed and thus not currently a reliable option. The alternative access is directly south from Ohio Gulch Rd. and not desirable either due to the extent of recontouring necessary. Possibly an alternative well location would be preferred. However, neither the applicant nor the county know whether any alternative location will produce sufficient quantities since the depth of wells and quantity of flows can vary significantly in this area.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

F. Water Supply cont:

2. Central Water Systems:

- a. Circular or looped water supply systems may be required.
- b. In addition to a. above and the requirements of §10-5-1(G)2, the Board reserves the option to require central water systems . . .

Findings of Fact: A central, circular system is being proposed to help provide a consistent and sufficient supply.

3. **Irrigation System Requirements:** All subdivisions shall satisfy the requirements of Idaho Code §31-3805 for irrigation water delivery.

Findings of Fact: No irrigation water rights exist on this parcel. While this criteria only relates to water delivery, the Board questions how, without any rights, the disturbed entry ways, bike path and other areas proposed for landscaping can be revegetated and future lawns irrigated as proposed.

Conclusion: Based on these findings, this application does not comply with all of these criteria.

G. Sewage Disposal:

1. All sewage disposal systems shall meet any additional requirements that the Board deems necessary to protect the public health, safety or general welfare.
2. The Board may determine larger minimum lot sizes than one acre upon evaluation of engineering reports. The Board may require a second engineer's opinion where necessary.

Findings of Fact: No particular public health, safety or general welfare issues are raised by the Health District, or are otherwise known, that might indicate the need for requirements in addition to those mentioned elsewhere in this report.

Conclusion: This criteria is not considered applicable in this case.

H. Solid Waste Disposal: The subdivider shall present a written plan for:

1. the orderly and efficient removal of solid waste from the sub. to the Co. landfill or disposal site;
2. the grinding of recyclable yard waste; and
3. the recycling of other types of recyclable waste.

Findings of Fact: 1800 gal/week of solid waste are expected by these twenty additional residential lots plus whatever additional amounts accessory dwellings will create. The applicant has provided a written plan for disposal (Exhibit A of Seaboard's letter dated 5/10/2000) that includes commercial disposal, sorting of recyclable waste, and through C,C&Rs encouragement and to the extent practical, recycling of yard waste or simply removal by landscaping firms. Establishment of a more complete and genuine recycling program will be required.

Conclusion: Based on these findings and conditions, this application complies with this criteria.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

I. Park or School Site Dedication: Based on a recommendation regarding the suitability of the site from the recreation or school district, an applicant may be required to provide either land or a financial contribution or both for playgrounds, recreation space or a school site based on a rationally-related formula determined by a resolution or ordinance of the Board.

Findings of Fact: The school district did not comment on the suitability of this site for future needs. The Recreation District has commented on the proposed bike path and water lines. As currently proposed, the district has problems with path. Though initially proposed at 15 feet' (which the Rec. District objected to) the applicant agreed to a 20 foot bike path easement. No easement exists through the Valley Club between the existing bike path and this property. Furthermore, while the applicant has expanded the proposed pavement width to the 10' standard, concerns about the grade of the path (see Rec. Dist. Engineers report date February 15, 2000) have not been fully addressed and persist.

The pathway in the current location has significant shortcomings. The most serious is the size of the cut into the slopes on the south side of Ohio Gulch Rd. As mentioned under Criteria (A)2, Jim Koonce, the county's engineer has stated that "because of the bike path location, extensive cutting and re-grading is needed along 1000 linear feet of Ohio Gulch Road. This slope is proposed to be regraded to a 2:1 slope over a vertical distance of as much as 20 feet, exposing a fresh slope cut of as much as 45 feet." (1/28 letter, comment A). Adequately revegetating this area, given its size and limitations on water also remains a question mark. The Board cannot draw a positive conclusion when such questions and other less intrusive locations for this path may exist.

While specific details on recreation district well and water line easements still need to be addressed, the district and the Board support the proposal to provide such easements within and from this property to the state's land.

Conclusion: Based on these findings, this application does not satisfy this criteria.

J. Access Easements: The Board may require an access easement to publicly administered land, streams, rivers, lakes and reservoirs. An applicant shall clearly delineate for the public the location of any access easement by appropriate signage and rail fencing, and create an obligation by the Homeowner Association to maintain unrestricted passage by the public. The Board may require a bike path connector to the existing Recreation District Trail System or an easement for a future Trail System connection.

Findings of Fact: The bike path issue is addressed above. An access easement is indicated on Lots 13 & 14 from Bluegrouse Ridge Rd to BLM land. If the road remains private, this will need to be extended to Ohio Gulch Rd. Though adjacent to state endowment land, this property is not adjacent to any other public, federal land.

Conclusion: Based on these findings, this application does comply with this criteria.

K. Development Rights: On a final subdivision or PUD plat, the applicant may be required to relinquish, or transfer to an approved land trust, any residual rights to develop residential, commercial or industrial uses in all common or open space areas, as those are defined in this Title.

Findings of Fact & Conclusion: No common or open space areas, as those are defined in the subdivision or zoning regulations, exist within this proposal. Thus, this criteria is not applicable.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

L. Hillside Standards:

1. *Areas Of Use:* Hillside subdivision standards shall apply to any portions of the development proposal where the slopes exceed fifteen percent (15%) and where the Board determines that it is in the best interest of the County that development be in accordance with these standards because of slope instability, erosion or sedimentation problems.

Findings of Fact: The access roads cut through slopes that exceed 15%. All the envelopes avoid 15% slopes. Except in the small drainage on the north side of Ohio Gulch Rd., and because of the dry nature of the site and relatively gradual slopes, there does not appear to be erosion or sedimentation problems. There is also no visible evidence of slope instability.

2. *Additional submission requirements . . .*

Relevant Info.: This is not a criteria.

3. *Appearance:* In order to enhance the existing and future appearance and resources of hillside areas, special effort shall be made to preserve the following natural features:
 - a. Skyline, ridges and knolls.
 - b. Tree and shrub clusters.
 - c. Rock outcroppings.
 - d. Stream beds, draws and drainage swales.

Findings of Fact: Because of the proximity of the building envelope on Lot 10 to the knoll and on Lot 18 to the hillside, restrictions on landscaping and fencing outside the envelope in that direction need to be imposed to maintain the existing and future appearance of these features. Because of the elevated nature of this property and the fact that the envelopes along the eastern boundary are significantly expanded and elevated relative to the approved PUD, numerous lots, upon development, and their access will impact the skyline, ridges and rock outcroppings. The applicant has proposed (through C,C&Rs apparently because they seek to eliminate the relevant plat note recommended by the Planning Commission) to limit the height (to 28 feet) and bulk (limit on the 2nd story to 50% of the 1st story's sq. footage) of the houses on Lots 2-4, 10 & 14. However, the Board finds that a 28 foot height (from natural grade) and a 50% second story bulk restriction would only partially limit the impact on these important features. First, the restrictions do very little to limit the impact of Lot 14 given the westerly location of the envelope and the extent of the necessary driveway construction. They fail entirely to limit the impact on the highest and very prominent lots (#15-17). Yet, they would include Lots 2-4 which are the lowest and arguably least likely building envelope locations to impact any skyline, ridgeling or rock outcroppings. Finally, the bulk limits are almost meaningless without some reasonable restriction on the size of the home itself. Therefore, the Planning & Commission recommended a limit of 7500 sq. ft. which the applicant seeks to define as "livable sq. ft." Though bulk is an important and relevant way to limit impact, it cannot eliminate or sufficiently minimize the harm of too many or improperly located envelopes, or destruction of a driveway or access road.

Conclusion: Based on these findings, this application does not comply with this criteria.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

L. Hillside Standards Cont:

4. *Hillside Subdivision Evaluation:* In addition to considerations pertinent to regular subdivisions, no structure or building envelope shall be located within the Mountain Overlay District except as permitted by Title 9, Chapter 21 of this Code (See below). Also, the Commission and Board shall consider:
 - a. *The compatibility of the development with the topography, soils, geology, hydrology and other physical conditions at the proposed site.*
 - b. *The orientation of structure siting so that grading and site preparation can be kept to a minimum.*
 - c. *The phasing of the construction of large projects so that large areas are not left exposed to erosion for long periods of time.*
 - d. *The visibility of the proposed development. Visibility of structures, roads, streets or driveways shall be minimized through design and siting and shall have least visual impact as viewed from any reference road. Structures shall remain below the skyline and sited in such a manner so as not to create a silhouette against the sky as viewed from said reference roads.*
 - e. *The arrangement of the housing units to complement one another and the natural landscape.*
 - f. *Variations to standard circulation systems and parking where consistent with traffic safety to minimize cut and fill.*

Findings of Fact: As mentioned relative to other criteria, the extent and location of the access road and some driveways; the location, height and bulk of development on numerous lots; and crowding two lots into the northwest corner of this property raise concerns about the topographic compatibility of this project as well as whether the proposal minimizes silhouetting, grading and site preparation.

This, of course, is a prominent site. Almost everything that occurs will be visible from Hwy. 75. The structures on a number of lots will be silhouetted from Ohio Gulch Rd. Furthermore, Bluegrouse Ridge Rd. and many driveways high on the slope east of the powerline will involve the most significant amounts of cut and fill. In this area, the water system, rather than running in the road right-of-way to minimize its impact, runs through an otherwise undeveloped portion of the property and compounds the extent of the grading and site preparation.

Finally, the applicant's efforts to maximize the number of lots that narrowly exceed the two-acre lot size minimum compounds the concerns about topographic compatibility. In particular, the location of Lot 14 dictates, to a significant degree, the location of Bluegrouse Ridge Rd. Whereas, the elimination of that lot and the resulting opportunity to consider alternative road locations could result in a development that is much more compatible with the topography of this site. In addition of Lot 19 on the bench north of Ohio Gulch Rd. doubles the amount of development that can occur in this area relative to the PUD, it requires an expanded roadway, greater potential for conflict about the use and maintenance of the access and, as an indication of the limited developable area on Lot 19, the envelope amounts to less than 5% of the 3.9 acre total lot size.

As mentioned under a §10-5-3(A) above, numerous other proposals located on elevated bench areas such as this have done more to comply with the intent of this criteria, particularly subsections b., d., e., and f. In the design of their roads, building envelopes, and other limitations, those projects have done more to make the development compatible and complementary with the topography and natural landscape, and minimize the extent of the grading, site preparation and visibility.

Conclusion: Based on these findings, this application does not comply with this criteria.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

L. Hillside Standards Cont:

4. Hillside Subdivision Evaluation cont.

Title 9, Ch. 21 (Mountain Overlay District): *... no structure or building envelope shall be located within the Mountain Overlay District except as permitted by Title 9, Chapter 21*

Findings of Fact: No proposed envelope is located within the Mountain Overlay District ("MOD"). The bench area within and behind the Heatherlands and all of the building envelopes south of Ohio Gulch Rd. are outside the MOD because none of them are "above the lowest hillside slope." This determination corresponds with similar prior determinations that were based on the same regulatory language. In June of 1994, Lot 65 in the Heatherlands (which sits on the front edge of the same bench) was determined to be below the lowest hillside slope. In addition, similar bench areas within the Golden Eagle and other subdivisions have been similarly classified.

Conclusion: Based on these findings, this application complies with the restrictions of this chapter.

M. Design of Subdivisions Within Or Adjacent to Lands Zoned A-10 Or A-20:

- 1. The subdivision shall be designed and residential structures located to minimize the impact on agricultural land, farming operations, and sensitive environmental features. . . .*

Findings of Fact & Conclusion: This criteria is not relevant since this proposal is not adjacent to active agricultural land, farming operations or sensitive environmental features relating to agricultural land.

N. Street Improvements:

- 1. Conformance To Plans: Streets shall in general conform with the Comprehensive Plan, other accepted plans, the provisions of this Title and Title 6 of this Code.*

Findings of Facts: Streets, including both new ones and necessary modifications to existing ones, shall in general conform with the provisions of this Title and Title 6. Without making specific findings as to compliance with any provision of Title 6, the Board has not found conformance with subsections #3 and #4 below. While no "other accepted plans" relate to this application, the Comprehensive Plan does urge the county in both the Historical Background, Social Environment, and Aesthetic Values Section and the Natural Resources Section to approve road designs that are well integrated with the topography and other physiographic considerations. As more specifically detailed in other sections, the roads and other public pathway improvements in this project need more work in that regard.

Conclusion: Based on that finding, this application does not comply with this criteria.

- 2. Dedication: Collector and arterial streets within a proposed subdivision shall be offered for dedication to the public. Minor streets may be dedicated or kept private. Private roads will not be allowed where there is a need for public access to adjacent lands. Dedication or other provision for future access to surrounding areas may be required.*

Findings of Fact: Ohio Gulch Rd. is being offered for public dedication. The "minor" road (Bluegrouse Ridge) is also being offered for dedication. The Board has not chosen to accept that offer. A pedestrian access to public (BLM) land is also being provided.

Conclusion: This application complies with this criteria.

IV. DESIGN STANDARDS (§ 10-5-3) Cont.

N. Street Improvements Cont:

3. *The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their relation to the proposed uses of the land to be served by such streets.*

Findings of Fact: In relation to the proposed residential use, the type, width, grade, etc. comply with county standards. However in relation to the existing road, the topographic conditions and public safety, a number of concerns exist.

The corner at the southwest edge of Lot 1 is dangerous at speeds above 25 m.p.h. (See Koonce's comment #17 in his 11/11/99 letter). In response to Koonce's comments about speed limits and right-of-way widths, the applicant continues to propose to lower the speed limit to 25 m.p.h. on Ohio Gulch Rd. as the solution with no change in the road geometry (See Seaboard's 11/9/99 letter with related Exhibit #5). In lieu of removing the cattle guard and doing the "minimal shoulder work," their engineer considers necessary, the applicant offers \$25,000 to the county to do any improvements it desires. The Board finds this to be unacceptable. The applicant offers no plan of any type for this "minimal" work. Thus, no one with the county has had any opportunity to assess the value of this work. Furthermore, the limitations of the county's work force, among other reasons, make the applicant, while doing other on-site improvements, the better entity to perform the necessary improvements.

Finally, Bluegrouse Ridge Rd. cuts through an area in front of Lot 17 that the slope analysis map identifies as a 15-25% slope. An on-site analysis done by Jim Koonce with the staff found that the slope in this area is actually about 30%. Under the original PUD, Bluegrouse Ridge Road almost completely avoided this slope. Under the plan reviewed by the Planning & Zoning Commission, the road cuts through the middle of this area and will result in up to 4' of cut on the uphill side and about as much fill on the downhill side. The Commission concluded that this could be designed in a way that relates better to the topography in this area. Under the revised plan submitted to the Board (See Sheet L-2 & L-5 of Oct site Plan), the extent of the fill is increased by about 50% and cut reduced by about 50%. With no effective change, the Board also concludes that this stretch of road could be designed more compatibly.

Conclusion: Based on these findings, this application does not comply with this criteria.

IV. DESIGN STANDARDS Cont

N. Street Improvements Cont:

4. *Location: Streets shall be located by the following guidelines:*
 - a. *Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.*
 - b. *Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions may allow streets to extend to the tract boundary to make provisions for the future extension of streets into adjacent areas. A temporary cul-de-sac may be made to serve present traffic.*
 - c. *Minor streets shall be arranged to discourage through traffic*
 - d. *Dead-end streets are prohibited. Stub streets with a temporary cul-de-sac may be permitted in anticipation of a future through street.*
 - e. *Cul-de-sac streets shall be discouraged. However, when topography or planning considerations dictate their use, cul-de-sacs shall:*
 - i. *include a right-of-way measuring one hundred feet (100') in diameter at the terminus;*
 - ii. *include an additional snow storage easement of ten feet (10') around the periphery; and*
 - iii. *if offered for dedication to the County, meet County road specifications and include an entirely paved terminus measuring ninety feet (90') in diameter.**The Board shall have the explicit option of accepting or rejecting the road for dedication to the County.*
 - f. *Half streets shall normally be prohibited except where satisfactory assurance for dedication of the other half is provided.*
 - g. *Encourage streets to be laid out so that the lot design facilitates the use of solar energy.*

Findings of Fact: - a. Criteria 3 above addresses similar issues. Just as this plan failed on that criteria, it also fails here to arrange, grade and locate the main access street in the most appropriate way relative to the topographic conditions.

- b. State and BLM land to the east is not subdivided. While these lands could be transferred to private ownership, access from Ohio Gulch Rd. rather than through Bluegrouse would seem acceptable and preferred.
- c.&d. The proposed streets, as dead ends, will discourage through traffic.
- e. Except for the lack of a 10' snow storage easement, the cul-de-sacs measures 100' in diameter.
- f. No half streets are proposed.
- g. Location and topography should facilitate the use of solar energy.

Conclusion: Based on these findings, this application also does not comply with this criteria.

O. Intersection Location And Specifications: *Intersections shall conform to the following:*

1. *Intersections of minor streets with major arterials or highways shall be kept to a minimum.*
2. *Streets shall intersect at right angles or as close thereto as possible.*
3. *Intersection design shall provide acceptable visibility for traffic safety.*
4. *A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain will be permitted.*
5. *The Board may require deceleration and left turn lanes at intersections.*

Findings of Fact: No intersections with "major" arterials can occur in this case. The Bluegrouse Ridge intersection is not a right angle. It would seem possible to improve it. The grades appear to, and must, meet the 2% requirement.

Conclusion: Based on these findings, this application does comply with this criteria.

V. DECISION

- A. Having considered the information on notice in Section I(5) above, the Board finds that the notice for the July 17 and January 2 hearings on this application adequately satisfies Idaho's law and Blaine County's Code. Notice for the December 4 hearing, though initially considered adequate, was later determined to be defective due to the use of an outdated list of landowners within 300' of the boundaries of the Bluegrouse property.
- B. Having considered the subdivision application materials, all other information added to the public record and the above criteria, the Board, (upon a motion by Commissioner Harlig, a second by Commissioner Wright and a three to none vote), hereby denies this preliminary plat application because it fails to satisfy subdivision standards 10-5-2(A) & (B), 10-5-3(A)2, (B)1, (F), (I), (L)3 & 4, and (N)1, 3 & 4. The design, density and other features of any future application to develop this property must be found by the Board to comply with these standards, at a minimum, in order to obtain a more favorable decision.

IT IS SO ORDERED

on this 22nd day of January, 2001.

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____

Board Chair

CERTIFICATE OF MAILING

The undersigned, being over eighteen years of age, a resident of Blaine County, Idaho, and not a party to the above-entitled action, certifies that on the _____ day of _____, 2001, he/she served a true and correct copy of the foregoing document by depositing the same in the United States mail with postage prepaid addressed as follows:

Planning Office Staff

ADMINISTRATIVE STANDARDS (§ 10-5-1)

10-5-1: *No preliminary plat application shall be considered by the Board or Commission until the Administrator makes a recommendation with regard to each of the following standards.*

A. Other Regulations: *To the extent applicable, subdivision proposals shall comply with:*

1. *the following sections of the County Code:*

a. *any chapter of Title 3 (Health And Safety) with the recommendation or approval of the health district;*

Recommendation: Specific provisions relating to health district concerns are more thoroughly addressed by other criteria below. To comply with other provisions in Title 3, the applicant should add a note addressing the control of noxious weeds.

b. *any chapter of Title 6 (Public Roads and Property) with the recommendation or approval of the county engineer and recreation district if appropriate;*

Recommendation: Ohio Gulch Rd. is appropriately proposed for dedication to the public. Under a revised plan submitted to the Board, the Ohio Gulch Rd. right-of-way is off centered towards the north. To the extent that any site plan fails to show the required 10-17' from the edge of the pavement to the edge of the right of way, it fails to meet county standards. This section of road and any other roads will need to comply with all county road specifications set out in Title 6, Ch. 1 and all related appendices. Permits from the Road & Bridge Dept. for any approved encroachments on to Ohio Gulch Rd. will be necessary. Specific concerns of the county engineer and the Recreation District relating to the roads and the bike path are addressed under more specific Design Standards in §10-5-3. [See the Board's revision of this recommend.]

c. *any chapter of Title 7 (Building and Fire Codes) with the recommendation or approval of the building official and fire official in an established district;*

Recommendation: All building code requirements will need to be satisfied at the time of building permit. The fire district has set out a number of conditions relating to this proposal (see various WRRFD letters). The county, as it has typically done, will also require a plat note relating to fire district concerns about access and water supply and other issues. If those requirements are met, this application complies with the requirements of Title 7.

d. *chapter 2 of Title 8 (Area of City Impact Agreements); and*

Recommendation: Because this land is beyond any area of city impact, Ch. 2 of Title 8 is not relevant.

e. *any chapter of Title 9 (Zoning Regulations).*

Recommendation: The land is zoned Planned Residential Dev. (R-2) and Unproductive Agriculture (A-10) with Avalanche and Mountain Overlay Districts.

17 of the 19 lots are completely within the R-2 zone. They all exceed two acres in size and are proposed to have only single-family residential and certain accessory uses. All the proposed envelopes meet or exceed the required 25' or 50' setbacks.

The remaining two lots (#13 & 18) are in both the R-2 and the A-10 zones. On lots that include land in both zones, the envelopes are more appropriately located in the "residential" zone, as this applicant has done on Lot 18. On Lot 13, the building envelope is primarily in the "agricultural" district rather than the "residential" district. On no previous application has the county approved an envelop in the non-residential portion of a lot when that same lot also includes a residentially zoned area and relies almost completely on the residential density to create a lot of sufficient size. [See the Board's revision of this recommendation.]

Lots 12-16 and 19 include either Avalanche or Mtn. Overlay Zoning or both. Those issues are addressed under other, more specific standards.

2. *adopted ITD standards, if the applicant seeks a new or expanded access on to a state highway.*

Recommendation: No new or expanded access on to Hwy. 75 is sought in this case. If one is considered necessary at the Hwy. 75/Ohio Gulch intersection, ITD will be consulted and its standards met.

ADMINISTRATIVE STANDARDS (§ 10-5-1) Cont.

B. Floodway Areas: *Floodways, as determined by adopted floodplain studies, shall be left undeveloped except as permitted by Title 9, Chapter 17 of this Code.*

Recommendation: This property has no floodplain areas.

C. Avalanche Areas: *No new habitable buildings shall be located within a high (red) avalanche hazard area, as determined by a professional study.*

Recommendation: No habitable buildings are proposed in any red avalanche hazard area.

D. Drainage: *Drainage systems shall not discharge into any sanitary sewer facility.*

Recommendation: No drainage systems discharge into any sewer facility.

E. Lot Requirements:

1. *Lot sizes, uses and the location of uses shall satisfy any zoning regulations and other applicable sections of this Code.*

Recommendation: The proposed lot sizes exceed the required minimums. The proposed single family residential uses and any associated accessory uses are permitted. Because the location of these proposed uses involves various Design Standards, such issues are further addressed under those criteria.

2. *No single lot shall be divided by a street, existing right of way or other lot.*

Recommendation: A driveway is defined as a "non-dedicated way across private property providing access to not more than one residential dwelling or lot." (See §4.03 in Appendix A to Title 6, Ch. 1, Blaine Co. Code) The "driveway easement" across Lot 8 provides access to Lot 9 only. The access to Lot 8 (as indicated on pages L-2 & L-3 of the 10/00 site plans) will be directly from Bluegrouse Ridge Rd. As a result, this "driveway easement" does not violate this requirement. Furthermore, the single road that provides access to both Lots 18 and 19 no longer divides any lot as it did in plans reviewed by the P & Z Commission. With the boundary between Lots 18 & 19 now moved to the edge of the access road, Lot 19 also now complies with this requirement.

3. *No single lot shall be divided by a municipal or county boundary line.*

Recommendation: No proposed lot is divided by a municipal or county boundary.

4. *Lots shall have a minimum mean width of seventy five feet (75').*

Recommendation: Each proposed lot has a mean width of seventy-five feet.

5. *No residential building or structure for human habitation shall be located within one hundred fifty feet (150') of the center line of a power transmission line.*

Recommendation: No building envelopes are located within 150' of the center line of the 138KV power transmission line that runs through this property.

F. Utilities: *Any proposed subdivision in a residential zoning district shall install all new utilities, including but not limited to gas, electric power, telephone and CATV cables, underground. Underground service connections to the street property line of each platted lot shall be installed at the applicant's expense.*

Recommendation: At the applicant's expense, all new utilities shall be installed underground and shall include underground service connections to the street property line of each lot.

ADMINISTRATIVE STANDARDS (§ 10-5-1) Cont.

G. Water Supply:

1. General Requirements:

- a. *All domestic water sources shall meet state and federal standards for drinking water, wells, separation from sewage disposal systems and any other related requirements.*

Recommendation: The Health District has stated that this proposal can and will be required to meet its standards for sewage disposal system separation. Because a central water system is proposed, the State's Dept. of Environmental Quality (DEQ) has jurisdiction over the single well and domestic water system. Idaho Dept. of Water Resources (IDWR) will also need to issue a new domestic water right for this system. As the county has experienced with other similar proposals, DEQ only reviews fully engineered plans and specifications, and subdivision applicants do not, as a rule, develop such plans until the county has granted preliminary design approval. DEQ told the Planning Office about two years ago that acceptable water quality is assumed during this review, but DEQ "will not recommend lifting of sanitary restrictions until adequate monitoring of the water supply well has been submitted . . . for review." (See Greg Misbach letter of 11/23/98). Full testing of the new well prior to final plat review, in addition to regular monitoring afterwards, is the only way to assure compliance with this important condition.

- b. *Fire protection systems shall meet local fire code requirements.*

Recommendation: The W. R. Rural Fire District has said in its agency responses that if this applicant satisfies a number of conditions, permission to proceed with combustible construction will be granted. Full compliance with those conditions and the standard plat note regarding access and water supply, etc. should be a conditions of approval.

- c. *All abandoned wells shall be sealed to prevent contamination of groundwater.*

Recommendation: A new well is proposed. As a result, the existing well on Lot 4 will need to be sealed.

- d. *The requirements of Idaho Code §42-111 for domestic water limits and §50-1334 for subdivision water systems shall be satisfied.*

Recommendation: As with other subdivisions, the ½ acre domestic irrigation limits in §42-111 should be addressed in a plat note. This applicant must also certify on the final plat that water for individual lots in this subdivision will be from a common water system.

2. Central Water Systems:

- a. *Central water systems shall be required for subdivisions where any lot is less than one acre in size.*

Recommendation: With no lot below 1 ac., no central water system is required by this provision.

- b. *A water district or other party acceptable to the Idaho Dept. of Health and Welfare, Div. of Environmental Quality ("DEQ") shall be organized for the operation, maintenance and on-going monitoring of central systems.*

Recommendation: According to the application materials, the Bluegrouse Ridge Homeowners Association will operate and maintain the central water system "in accordance with the rules and regulations provided and enforced by IDWR." DEQ also has rules that must be satisfied.

3. Irrigation and Domestic System Requirements:

- a. *Existing on-site surface and ground water rights shall be used for existing on-site agricultural uses and domestic and landscape needs before additional domestic rights are sought.*
- b. *Agricultural and domestic water delivery systems shall not be intermingled.*
- c. *All new wells shall be metered.*

Recommendation: No on-site surface or ground water rights exist. With no agricultural water, no intermingling can occur. As a condition of approval, any new wells shall be metered.

ADMINISTRATIVE STANDARDS (§ 10-5-1) Cont.

H. Sewage Disposal:

1. *All sewage disposal systems shall meet DEQ standards as administered by the South Central District Health ("SCHD") and as set forth in the Idaho Code.*

Recommendation: The SCHD anticipates that any sewage disposal system on these lots can meet DEQ standards without particular difficulty. The Soil Conservation Service expressed concerns about limitations on Lots 10 and 13 because of the slopes. However, with a central water system and sizable relatively flat areas available on each lot, the sewage system should be able to meet state standards.

2. *Unless otherwise approved by the SCHD:*
 - a. *one acre shall be the minimum size of any lot with a septic tank-drain field sewage disposal system and;*
 - b. *three hundred feet (300') shall be the minimum separation between any drain field site and a natural stream, spring or lake.*

Recommendation: Proposed lots comply with this one acre requirement, and given the size and configuration of these Lots, the applicant can meet the 300' distance.

3. *A sewage district or other party acceptable to DEQ shall be organized for the operation, maintenance and on-going monitoring of any central sewage system.*

Recommendation: No central sewage system is proposed or considered necessary in this location.

I. Street Improvements:

1. *Street designations (Chapter 2 of this Title) shall be determined by the Administrator after receiving recommendations from the County Engineer.*

Recommendation: Any new access street shall be considered a minor private street.

2. *Streets shall be located by the following guidelines:*
 - a. *When an official street plan has been adopted, subdivision streets shall conform to that plan.*
 - b. *Frontage roads, landscaping or other design devices to screen or separate traffic shall be required where a subdivision abuts or contains an arterial or major thoroughfare . . .*
 - c. *Streets for industrial and commercial subdivisions and accessory parking shall be planned to connect with arterial streets so as not to generate traffic on local or minor streets.*
 - d. *Alleys shall be provided in multiple dwelling, commercial or industrial subdivisions for service access or off-street loading. Sharp turns or dead-end alleys are prohibited.*

Recommendation: No official street plan has been adopted. This subdivision does not abut an arterial or major thoroughfare. It also is not a multiple dwelling, industrial or commercial subdivision. [See the Board's revision of this recommendation.]

- e. *Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street rights of way. Culverts shall, at a minimum, extend across the entire width of the street and shoulder.*

Recommendation: At the west entrance to the property and at any intersections off Ohio Gulch Rd., (the only locations where any drainage channels intersect a street right of way) a culvert is proposed to extend across the entire width of the street and shoulder in each of those locations. A culvert is proposed next to Lot 9 for a small drainage.

- f. *Streets shall be complementary to existing road patterns and tie into the existing system where stub streets indicate that intent. Streets which are a continuation of established streets shall be aligned so that the center lines coincide.*
 - g. *Reserve strips controlling access to public streets . . .*

Recommendation: No stub streets exist in this area. None of the proposed streets are a continuation of established streets. No reserve strips for controlling access to a public street are proposed or necessary.

ADMINISTRATIVE STANDARDS (§ 10-5-1) Cont.

- h. Underground conduit for utilities shall be provided across or under all streets before they are completed to prevent future disruption for installation of underground utilities.*

Recommendation: As part of any improvements, the applicant shall comply with this requirement.

J. Intersection Location And Specifications: *Intersections shall conform to the following:*

- 1. No more than two (2) streets shall intersect at one point.*
- 2. Street center lines shall be offset by at least one hundred twenty five feet (125').*

Recommendation: This proposal complies with these criteria.

K. Street Specifications: *The following street specifications are in effect:*

- 1. Street Construction: Street construction shall comply with Title 6 of this Code.*

Recommendation: This proposal, with a condition of approval requiring compliance with the county's road standards, shall comply with this criteria.

- 2. Street Names: Street names on new streets aligned with existing streets shall have the same name as the existing streets. Proposed street names shall not duplicate or be sufficiently similar in sound or spelling to cause confusion with existing street names. Street name signs and all other traffic control signs or devices as required by the Board shall be installed by the subdivider. Cul-de-sacs shall be named circle, court, or place.*

Recommendation: Since the new street ends at cul-de-sacs, the names will need to be revised. As a condition of approval, the applicant shall install street name signs for Bluegrouse Ridge Rd. and a stop sign at all intersections.

- 3. Street And Road Design: All streets and roads shall be designed by a licensed professional engineer. The plans and specifications for such roads and streets shall be approved by the County prior to acceptance of the final plat.*

Recommendation: A licensed professional engineer will need to design the new road and, as a condition of approval, shall submit a road plan for approval by the County prior to acceptance of the final plat.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 10, 2002

BRIAN M MC COY
SEABOARD CORP
PO BOX 3510
KETCHUM ID 83340

Re: Permit No. 37-8877

Dear Sir:

The Department acknowledges receipt of your request for extension of time submitted in connection with the above referenced permit. Upon review of this file I have determined that on July 21, 1999, the department granted you an extension based on due diligence. The department cannot grant an additional request based on due diligence, however, the department may grant an extension based on government delay, or litigation.

I understand you have been delayed by Blaine County Board of Commissioners, related to the county's approval of the Bluegrouse Ridge subdivision. If that is correct, please provide me with written evidence showing the beginning dates of delay and the current status. Upon receipt and review of these documents the department will determine if another extension can be approved.

Please return your evidence to my attention within **fifteen (15) days** of the date of this mailing, along with reference to this water right permit number. I will hold your Request for Extension of Time until that time. If you have any questions, you can contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures (Request for Extension of Time)

August 6, 2002

SEABOARD CORP
PO BOX 3510
KETCHUM, ID 83340-3510

LAPSE NOTICE

RE: PERMIT NO. 37-8877

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated May 31, 2002. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 8/6/02
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



May 31, 2002

SEABOARD CORP
PO BOX 3510
KETCHUM, ID 833403510

PROOF DUE NOTICE

RE: PERMIT NO. 37-8877

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

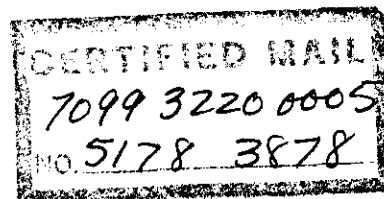
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Seaboard Corporation
c/o Brian M. McCoy
PO Box 3510
Ketchum, ID 83340

RE: PERMIT NO. 37-08877 - SEABOARD CORP.

Dear Mr. McCoy:

I have reviewed your January 27, 2000 letter in which you inquire whether an amendment to your water right permit is required to change the location of the well outside Tract B as identified on your application.

The department generally requires the location of a point of diversion (well in this case) to be described to the nearest 40-acre tract. Condition No. 6. on your permit which further describes the location of the well as within Tract B, Bluegrouse Ridge Planned Urban Development is more for information purposes than a restriction on the location of the well.

Hence, if the well you drill is within the same 40-acre tract as authorized by the permit, an amendment to the permit is not required to move the well location outside Tract B of the development.

If you have additional questions, please feel free to contact me or the department.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

SEABOARD

RECEIVED

JAN 31 2000

P.O. Box 3510 • Ketchum, Idaho 83340 • (208) 726-1134 • Fax: (208) 726-1138

Department of Water Resources

January 27, 2000

Mr. Glen Saxton
Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: PERMIT TO APPROPRIATE WATER NO. 37-08877
SEABOARD CORP.

Dear Mr. Saxton:

I've enclosed a copy of our permit for your convenience.

We are currently going through the County permit approval process for our subdivision, that will include a community water system.

At the time of permit application, we identified the quarter quarter section for the point of diversion, and also indicated that we planned to drill the well within "Tract B", that is within the quarter quarter that is designated on the permit.

Since that time, there has been some discussion during the County approval process, that might suggest an alternative point of diversion outside "Tract B", but still within the quarter quarter section designated on the attached permit (about 350 ft. east of Tract B.)

However, in review of the condition #6 on the permit, it states that "point of diversion is located within Tract B," which was our plan initially.

Therefore, if possible, we would appreciate a letter from you clarifying that it would also be possible, under this permit, for the Bluegrouse well to be located outside Tract B, provided it remains located within the designated point of diversion on the permit (NE, NE, Sec 20, Township O3N, Range 18E, Blaine County).

If you have any questions, I may be reached at 726-1133. Thank you for your assistance in this matter.

Sincerely,



Brian M. McCoy
President

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08877 Reviewed by Jef Date 7/21-99

BASIC INFORMATION

7-19-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to Aug. 1, 2002, on the basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X _____
Change Proof Due Date 8-1-2002 _____
Change Priority Date X _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 21, 1999

Seaboard Cooperation
PO Box 3510
Ketchum ID 83340

RE: Permit No. 37-08877

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **August 1, 2002**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

AUG 06 1999

SEABOARD

P.O. Box 3510 • Ketchum, Idaho 83340 • (208) 726-1133 • Fax: (208) 726-1138

July 15, 1999

RECEIVED

JUL 19 1999

Department of Water Resources

Ms. Julie L. Yarbrough
Senior Secretary
State of Idaho
Dept. of Water Resources
PO Box 83720
Boise, ID 83720-0098

RE: PERMIT NO. 37-08877

Dear Ms. Yarbrough:

Enclosed please find our Request for Extension of Time to develop the above water right. If you have any questions, please call me at 726-1133.

Thank you.

Sincerely,



Brian M. McCoy
President

Enclosure (1)

CC: Gary Slette (w/ encl.)

MICROFILMED

AUG 06 1999

May 31, 1999

SEABOARD CORP
PO BOX 3510
KETCHUM ID 833403510

PROOF DUE NOTICE

RE: PERMIT NO. 37-08877

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

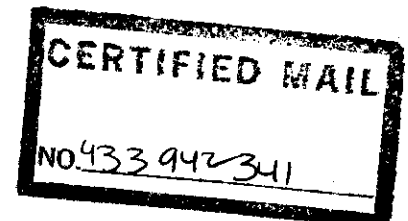
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 06 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 3, 1998

SEABOARD CORP
PO BOX 3510
KETCHUM ID 83340-3510

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08877

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater 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 change of 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 reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

1070

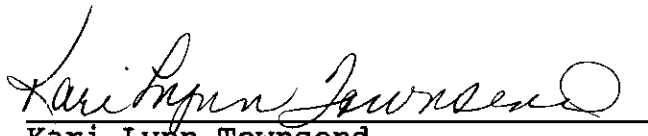
AUG 03 1983

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of August, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 37-08877

SEABOARD CORP
PO BOX 3510
KETCHUM ID 83340-3510


Kari Lynn Townsend
Secretary

AUG 03 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 37-8877 Name: Seaboard Corp Date: 7/29/98 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes: ESRP Mor / Ba Wa R GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

- 26A-P17

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

- 046-P23

- 085

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- *WB9

- R04 (WD #)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- 054(req)-081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

- P84 in 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 120

- C

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 0459 0460 0470- 8/1/1999- No overlapping surface water rights

Seaboard Corp

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 27 1998

APPLICATION FOR PERMIT ANALYSIS SHEET DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY Corey Skinner DATE 06/09-06/27/98
APPLICATION NO. 37-08877

REQUIRED INFORMATION

NEED
☐ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block description, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume) SEE ATTACHED MEMO
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works. SEE ATTACHED MEMO
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required) CHECK TO SEE IF IT MATCHES LIST OF CORPORATE OFFICERS
☒ Fee
☒ Yes ☐ No* In form to receipt PROPOSED PRIORITY DATE
06/08 19, 98

ADDITIONAL INFORMATION

☒ Overlapping place of use (Describe source & relationship to previous application on the back. NONE)
☒ Overlapping point of diversion NONE
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☒ Yes ☐ No Groundwater management area BIG WOOD
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

NEED LIST OF SEABOARD CORPORATION OFFICERS

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No
☐ Yes ☒ No
☒ Yes ☐ No

In form for Advertising
~~No~~ Statewide Advertising
Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☒ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken. _____

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

See memo 7/24/98

See below for additional information

Date of priority recommended 6/8/98 19
By AD Date 7/24, 19 98

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

SEABOARD

P.O. Box 3510 • Ketchum, Idaho 83340 • (208) 726-1133 • Fax: (208) 726-1138

RECEIVED

JUL 28 1998

Department of Water Resources
RECEIVED

JUL 29 1998

July 23, 1998

Department of Water Resources

Via Fax 208-736-3037 and
First Class Mail

Ms. Mary A. Baldwin
Senior Secretary
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application for Permit No. 37-08877

Dear Ms. Baldwin:

Per your letter request of July 21, 1998, please be advised that the officers and directors of the applicant Seaboard Properties, Inc., are:

Brian M. McCoy
P. O. Box 3510
Ketchum, ID 83340

President, Treasurer and Director

Happy Gayton Hawn
P. O. Box 3510
Ketchum, ID 83340

Vice President, Secretary and Director

Cynthia Halpin McCoy
P. O. Box 5973
Ketchum, ID 83340

Director

If you have any additional questions, please feel free to give me a call. Thank you.

Sincerely,



Brian M. McCoy
President

BMM/jn

RECEIVED

AUG 03 1998

FROM: Allen Merritt

DATE: July 24, 1998

TO: File: Application for Permit 37-08877
In the Name of: Seaboard Corporation

SUBJECT: Review & Recommendation

The application proposes to develop a new well for domestic (including irrigation of 1/2 acre per lot) for a 25 lot subdivision between Hailey and Ketchum. The well is to be located in an area presently covered by the "Eastern Snake Plain Moratorium" as well as the "Big Wood River Groundwater Management area". Pursuant to the moratorium and the management order such subdivision wells have been allowed for "domestic, irrigation & fire protection" purposes as long as the individual units or lots in the subdivision satisfies the definition of 42-111. Review of records finds no existing rights for the site of the subdivision. (See 5/12/98 memo from Corey Skinner) The application was advertised with no protests. County Commissioners provided comment in 7/6/98 letter.

Recommendation:

I recommend that the application be approved subject to the following conditions:

1. Use of water for domestic purposes under this right shall be limited to household use and irrigation of no more than 1/2 acre for each lot. No irrigation of common areas is provided. Use of water for domestic purposes under this right shall be in connection with a developed household only and each lot is limited to no more than 13,000 gpd for each household.

2. The new well authorized under this permit must comply with the drilling permit requirements and meet IDWR well construction standards and DEQ public water supply requirements.

3. This permit is subject to all county, state & federal permits that may be required and specifically to the county's approval of the Blue Grouse Planned Unit Development and the subsequent recording of the Final Plat of same.

AUG 03 1998

RECEIVED
JUL 27 1998
DEPARTMENT OF WATER RESOURCES

SEABOARD

FAX COVER SHEET

P.O. BOX 3510
KETCHUM, ID 83340

(208) 726-1134 HAPPY HAWN
(208) 726-1133 BRIAN McCOY
(208) 726-1109 LORI TURNER

(208) 726-1138 FAX

To MARY BALDWIN	From BRIAN MCCOY
CC:	Date 7/23/98

Fax number 736-3037

RE: Application # 37-08877

RECEIVED

JUL 23 1998

☐ Reply ASAP ☐ For your action ☒ For your information

☒ Will follow by mail

☐ Will not follow by mail

Department of Water Resources
Southern Region

Total pages, including cover: 2

COMMENTS

Per your request

JUL 23 1998

SEABOARD

P.O. Box 3510 • Ketchum, Idaho 83340 • (208) 726-1133 • Fax: (208) 726-1138

JUL 23 1998

July 23, 1998

Department of Water Resources
Southern Region

Via Fax 208-736-3037 and
First Class Mail

Ms. Mary A. Baldwin
Senior Secretary
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application for Permit No. 37-08877

Dear Ms. Baldwin:

Per your letter request of July 21, 1998, please be advised that the officers and directors of the applicant Seaboard Properties, Inc., are:

Brian M. McCoy
P. O. Box 3510
Ketchum, ID 83340

President, Treasurer and Director

Happy Gayton Hawn
P. O. Box 3510
Ketchum, ID 83340

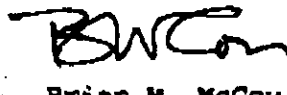
Vice President, Secretary and Director

Cynthia Halpin McCoy
P. O. Box 5973
Ketchum, ID 83340

Director

If you have any additional questions, please feel free to give me a call. Thank you.

Sincerely,


Brian M. McCoy
President

BMM/jn

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN BRIAN MC COY PRESIDENT
SEABOARD CORPORATION
PO BOX 3510
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08877

SECOND REQUEST

Dear Mr. McCoy:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

In order to complete our regional review, we need a list of officers as requested in our correspondence dated 6/15/98.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void.

If you have any questions or if this office can be of further assistance, please feel free to contact this office.

Sincerely,

Mary A. Baldwin
Senior Secretary

MB

Enclosure

AUG 03 1998

AFFIDAVIT of PUBLICATION

RECEIVED

JUL 14 1998

State of Idaho, }
County of Blaine } ss.

Department of Water Resources
Southern Region

On this 8 day of July in the year 1998, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of July, 1998, and the date of the last publication was on the 8 day of July, 1998.

Daniel J. Gorham
Subscribed and sworn to before me this 13 day of July, 1998.
(SEAL)

[Signature]
NOTARY PUBLIC

#11025

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 78,000
Number of Insertions 2
Lines tabular at 7 pc / Pica
78,000 Lines straight at 53,820 6 pc / Pica
78,000 Subsequent lines at 44,850 5 pc / Pica
TOTAL COST \$103.67

No. 37-08876

COPY OF NOTICE

(Paste Here)

Application Water Permit
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Application for water permit

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

BOB DREYER
PO BOX 4917
KETCHUM ID 83340
Application for Permit
No. 37-08876

Source: Spring tributary to Big Wood River

Diversion P(s):
NE1/4SW1/4NE1/4, S18, T84N, R18E; Blaine County (existing development).

Use:

Irrigation (0.01 cfs)

4/1-10/31

Irrigation Storage (0.2 af)

1/1-12/31

Domestic (0.02 cfs)

1/1-12/31

Aesthetic (0.1 af)

1/1-12/31

Total Diversion: 0.03 cfs

In: Irrigation of one-half acre &

Irrigation storage, Domestic &

Aesthetic uses within

SW1/4NE1/4, S18, T84N, R18E;

Blaine County.

Date Filed: 5/1/98

SEABOARD CORPORATION

PO BOX 3518

KETCHUM ID 83340

Application for Permit

No. 37-08876

Source: groundwater

Diversion P(s): NE1/4NE1/4,

S28, T83N, R18; Blaine County.

Use: Domestic (25 homes with

irrigation of 1/2 acre per home)

(0.22 cfs) 1/1-12/31 within

SE1/4SE1/4, S17 &

NE1/4NE1/4, S28 both T83N,

R18E; Blaine County.

Date Filed: 6/8/98

Any protest against the proposed

applications must be filed with

the Department of Water

Resources, Southern Region,

1341 Fillmore St., Suite 200;

Twin Falls, ID 83301 together

with a protest fee of \$25.00 on

or before July 20, 1998 to be

considered by the Department in

its decision to grant or deny any

part of the proposed

application(s). The protestant

must also send a copy of the

protest to the applicant.

Karl J. Dreher, Director

BOARD OF COUNTY COMMISSIONERS

BLAINE COUNTY

P.O. BOX 400 • HAILEY, IDAHO 83333

(208) 788-5500

FAX (208) 788-5576

LEN HARLIG, Chair • MARY ANN MIX, Commissioner • DENNIS WRIGHT, Commissioner

JUL 09 1998

Department of Water Resources
Southern Region

July 6, 1998

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RE: BLAINE COUNTY COMMENTS ON PROPOSED APPLICATION FOR PERMIT
#37-08877

Dear Allen,

We would like to offer the following comments on the above referenced application by Seaboard Corporation:

The request to provide water for a central water system for the proposed *Blue Grouse Planned Unit Development* is in perfect compliance with both IDWR's own regulations and our "Local Public Interest Water Policy".

Our only cautionary note to you is that the PUD has not yet been approved by the County. We suggest that the transfer approval be conditioned upon the final approval of the PUD and the subsequent recording of the Final Plat for the *Blue Grouse PUD*.

Thank you for the opportunity to comment.

Sincerely,

Len Harlig
Len Harlig

MAM

Mary Ann Mix
Approved, but not
available for signature

Dennis Wright
Dennis Wright

cc: Linda Haavik

JUL 09 1998

**NOTICE OF APPLICATIONS
FOR WATER PERMIT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

BOB DREYER

PO BOX 4917

KETCHUM ID 83340

Application for Permit

No. 37-08876

Source: Spring tributary to Big Wood River

D i v e r s i o n P t (s) :
NE1/4SW1/4NE1/4, S10, T04N, R18E; Blaine County (existing development).

Use:

Irrigation (0.01 cfs)

4/1-10/31

Irrigation Storage (0.2 afa)

1/1-12/31

Domestic (0.02 cfs)

1/1-12/31

Aesthetics (0.2 afa)

1/1-12/31

Total Diversion: 0.02 cfs

In: Irrigation of one-half acre & Irrigation storage, Domestic & Aesthetic uses within SW1/4NE1/4, S10, T04N, R18E; Blaine County.

Date Filed: 5/1/98

SEABOARD CORPORATION

PO BOX 3510

KETCHUM ID 83340

Application for Permit

No. 37-08877

Source: groundwater

Diversion Pt(s): NE1/4NE1/4, S20, T03N, R18; Blaine County.

Use: Domestic (25 homes with irrigation of 1/2 acre per home) (0.22 cfs) 1/1-12/31 within SE 1/4 SE 1/4, S17 & NE1/4NE1/4, S20 both T03N, R18E; Blaine County.

Date Filed: 6/8/98

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 20, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

**Published in the Wood River
Journal on 7/1 & 7/8/98.**

Aug 3 4 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 16, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

BOB DREYER
PO BOX 4917
KETCHUM ID 83340

Application for Permit No. 37-08876

Source: Spring tributary to Big Wood River

Diversion Pt(s): NE1/4SW1/4NE1/4, S10, T04N, R18E; Blaine County (existing development).

Use:

Irrigation	(0.01 cfs)	4/1-10/31
Irrigation Storage	(0.2 afa)	1/1-12/31
Domestic	(0.02 cfs)	1/1-12/31
Aesthetics	(0.2 afa)	1/1-12/31

Total Diversion: 0.02 cfs

In: Irrigation of one-half acre & Irrigation storage, Domestic & Aesthetic uses within SW1/4NE1/4, S10, T04N, R18E; Blaine County.

Date Filed: 5/1/98

SEABOARD CORPORATION
PO BOX 3510
KETCHUM ID 83340

Application for Permit No. 37-08877

Source: groundwater

Diversion Pt(s): NE1/4NE1/4, S20, T03N, R18; Blaine County.

Use: Domestic (25 homes with irrigation of 1/2 acre per home) (0.22 cfs)
1/1-12/31 within SE1/4SE1/4, S17 & NE1/4NE1/4, S20 both T03N, R18E; Blaine County.

Date Filed: 6/8/98

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before July 20, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 7/1 & 7/8/98.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN BRIAN MC COY PRESIDENT
SEABOARD CORPORATION
PO BOX 3510
KETCHUM ID 83340

Application for Permit No. 37-08877

Dear Applicants:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Wood River Journal for 7/1 & 7/8/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks. Please see attached list for additional information requirement.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

11408 0793

S. Region
3/96

Application No. 37-08877

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 035.03.b, i)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten (10) days of the second publication date, no additional delay should be incurred in processing.

AK-13-154

MEMORANDUM

TO: Seaboard Corporation Application for Permit File

FROM: Corey Skinner *CS*

DATE: June 12, 1998

SUBJECT: Staff Review

The enclosed application for permit, filed in the name of Seaboard Corporation, was filed by Gary Burkett of EHM Engineers. The application for permit was filed for groundwater development for a subdivision to be located near the mouth of Ohio Gulch, just north of Hailey. The application proposes domestic use (including up to $\frac{1}{2}$ acre of irrigation) for 25 lots within the subdivision. There appears to be no existing water rights on the land that is to be developed, so there should be no problems with overlapping water rights.

In 1994, Seaboard drilled a monitoring well (drilling permit # 37-94-S-0026-001) on the subdivision property. During a June 10th telephone conversation, Gary Burkett of EHM Engineers stated that the well for the enclosed application for permit will be a **new** well to be drilled. The initial application for permit that was submitted (returned to applicant) led one to believe that the monitoring well was going to be used for the subdivision. Note that a drilling permit application for a new well has been submitted to this office by Seaboard. However, this drilling permit application was returned since additional information was needed to process the application.

It should be noted that the enclosed application for permit requests a diversion rate of 0.22 cfs. Since the application for permit is for domestic use (including irrigation) for 25 subdivision lots, this 0.22 cfs amount is less than the reasonable maximum amount that the Department could probably approve the permit for. I mentioned to Mr. Burkett that they could apply for additional water on this application, but he said that 0.22 cfs was all that the well would produce.

AM 03 33

37-08877

MAY 28 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Seaboard ^{INCORPORATION?} Inc.? Phone 208-726-1133
Mailing address P.O. Box 3510 Ketchum, Id 83340
2. Source of water supply Well GROUNDWATER which is a tributary of Snake River ^{NA} ~~Aquifer~~
3. Location of point of diversion is Township 3N Range 18E Sec. 20 in the SW 1/4
NE 1/4, NE 1/4, Govt. Lot _____, B.M., Blaine County County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.22 cfs for Domestic purposes from Jan 1 to Dec 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) .22 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 10 Hp Submersible
well pump
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Existing well diameter is 8" inches; proposed depth of well is 120 feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? 03/13/94; Drilling firm Ken Smith
Well was drilled for (well owner) Seaboard; Drilling Permit No. 37-945-0026-001
7. Time required for completion of works and application of water to proposed beneficial use is 0.8 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. 25 Households
e. Other; describe fully. One (1) acre Park ? WILL THIS BE IRRIGATED WITH
ANOTHER WATER RIGHT? WE CAN NOT APPROVE ANY IRRIGATION
THAT IS NOT A PART OF A HOUSEHOLD (LIKE A YARD) COMMON AREAS
OR GARDEN ARE NOT ALLOWED

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	17																1.5	1.5
3N	18E	17																	12.0

SECTION?

CAN ALLOW UP TO $\frac{1}{2}$ ACRE PER HOUSEHOLD
 25 HOMES X $\frac{1}{2}$ ACRE = 12.5 ACRES.

Total number of acres to be irrigated 13.5

10. Describe any other water rights used for the same purposes as described above. one - 1 acre Park will be irrigated

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 $\frac{1}{2}$ "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]
 Signature of Applicant (and title, if applicable)

WHO IS THIS AND CAN THEY SIGN FOR SEABOARD?

Received by MB Date 5/28/98 Time 10:00 Preliminary check by _____
 Fee \$ 100.00 Receipt # 2329 Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1998

Seaboard Corporation
P.O. Box 3510
Ketchum, ID 83340

Gentlemen:

Please find enclosed the Application for Permit and the \$100.00 filing fee (check #2329 enclosed) that you recently submitted to our office. A preliminary review of your application revealed some incomplete items, and some items that need further clarification.

I have also enclosed a copy of the original application that you submitted. I have highlighted various items, and written some notes, on this copy to assist you in preparing another application for resubmittal. I have also enclosed a copy of the instructions for completing this application. I have highlighted various items on these instructions for your convenience.

Please note that a map of the proposal, showing the proposed point of diversion and place of use, must be submitted with the application. I have enclosed a copy of a map of the area for your possible use. You may also want to provide additional information that could help in clarifying your proposal.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

AUG 03 1998

37-08877