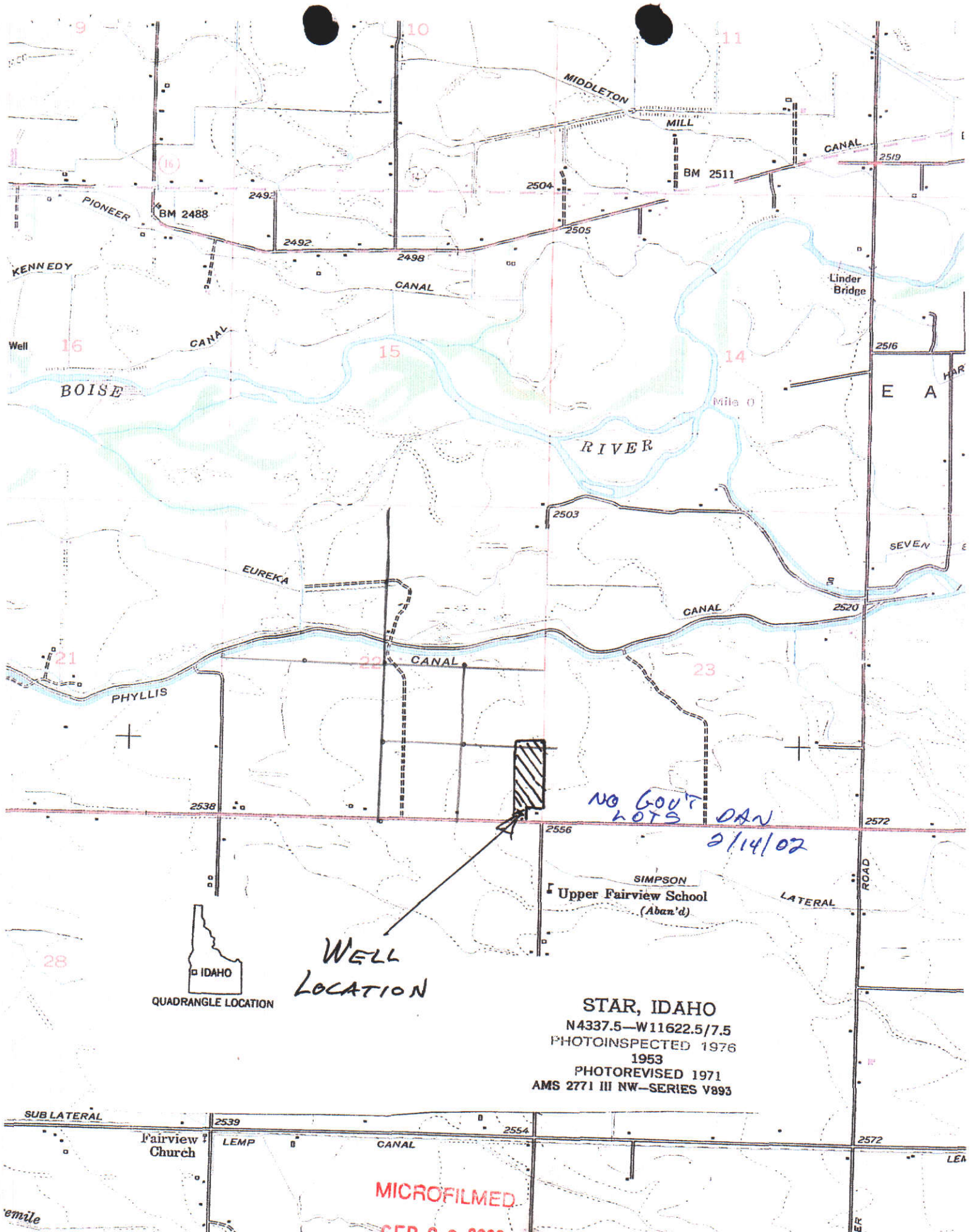




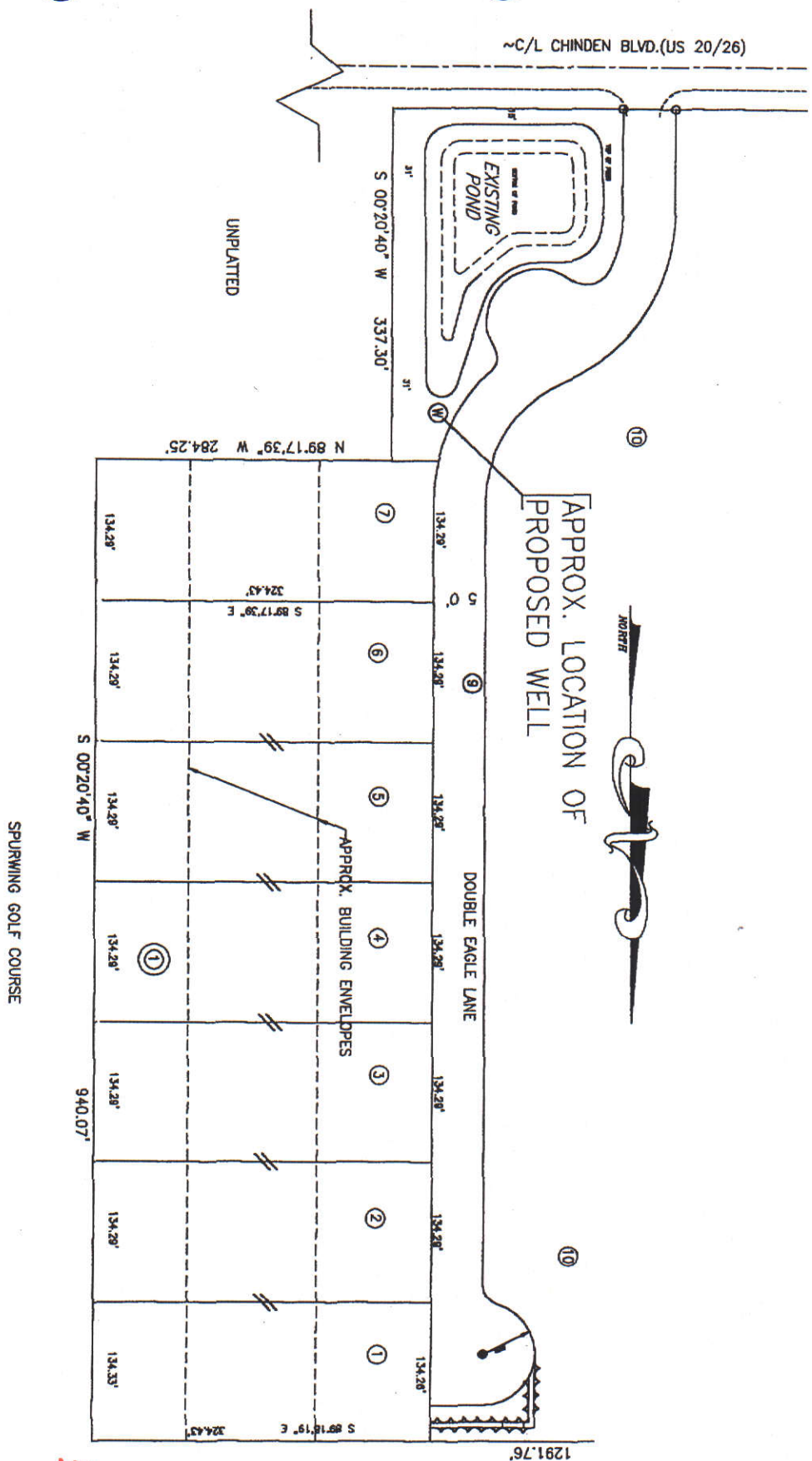
WELL  
LOCATION

NO GOV'T  
LOTS DAN  
2/14/02



STAR, IDAHO  
N4337.5—W11622.5/7.5  
PHOTOINSPECTED 1976  
1953  
PHOTOREVISED 1971  
AMS 2771 III NW—SERIES V893

MICROFILMED  
SEP 23 2002



~C/L CHINDEN BLVD.(US 20/26)

DOUBLE EAGLE LANE

APPROX. LOCATION OF  
PROPOSED WELL

## APPRQX. BUILDING ENVELOPPES

## SPURRING GOLF COURSE

UNPLATTED

UNPLATED

MICROFILMED  
SEP 23 2002

WESTWING ESTATES  
PROPOSED WELL  
PLAN

**COLLINS ENGINEERING Co., Inc.**  
3350 AMERICANA TERR. BOISE, ID.

|        |                         |                   |
|--------|-------------------------|-------------------|
| SCALE: | VERT. MTS<br>HORIZ. MTS | DESIGNED BY: KJMC |
|--------|-------------------------|-------------------|

|               |                 |
|---------------|-----------------|
| DATE: 2/20/02 | CHECKED BY: DMC |
|---------------|-----------------|

IPMB SHEET 1 OF 1

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

NO. 63-31416

Priority: 02/08/2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that WESTWING HOMEOWNERS ASSN  
C/O PAULA DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| DIVERSION TO STORAGE    | 09/01 to 04/15       | 0.02 CFS                 |                      |
| FIRE PROTECTION STORAGE | 09/15 to 04/15       |                          | 0.4 AF               |
| FIRE PROTECTION         | 09/01 to 04/15       | 0.02 CFS                 |                      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 22, Twp 04N, Rge 01W, B.M. ADA County

**PLACE OF USE:** FIRE PROTECTION

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 04N | 01W | 22  | X  |    |    |    |        |

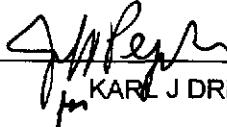
**PLACE OF USE:** FIRE PROTECTION STORAGE, same as Fire Protection

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before July 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Water bearing zone to be appropriated is 50 to 175 feet.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Place of use is located within Lots 1-7, Blk. 1, Westwing Estates.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21<sup>st</sup> day of June, 2002.

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KARL J DREHER, Director

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

RECEIVED

MAY 29 2002

Department of Water Resources

1. Name of Applicant Westwing Estates Homeowners Association Phone (208) 887-3046

Mailing address c/o Mrs. Paula Devaney 6712 N. Double Eagle Meridian, ID 83642

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 4N Range 1W Sec. 22, in the S.E.  $\frac{1}{4}$ ,  
S.E.  $\frac{1}{4}$ , Govt. Lot N/A, B.M., Ada County;

additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.02 for Fire Protection purposes from 9/1 to 4/15 (both dates inclusive)

(cfs or acre-feet per annum)  
Amount 0.02 for Diversion to Storage purposes from 9/1 to 4/15 (both dates inclusive)

(cfs or acre-feet per annum)  
Amount 0.4 for Store for fire purposes from 9/1 to 4/15 (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) 0.02 and/or (b) 0.4  
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 See attached letter,  
calculations, and plan.

b. Height of storage dam N/A feet; active reservoir capacity 0.4 acre-feet; total  
reservoir capacity 2.7 acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 175 feet

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

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

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. Fire Protection

AMENDED

RECEIVED

FEB 08 2002

WATER RESOURCES  
WESTERN REGION

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SEP 2 2002

3. Description of place of use:

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

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 4N  | 1W  | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | F  |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated None

10. Describe any other water rights used for the same purposes as described above. Settlers Irrigation  
right used in the summer.

11. a. Who owns the property at the point of diversion? Westwing Homeowners Association  
b. Who owns the land to be irrigated or place of use? Westwing Homeowners Association.  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The president of the Westwing HOA is filing this application.

12. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

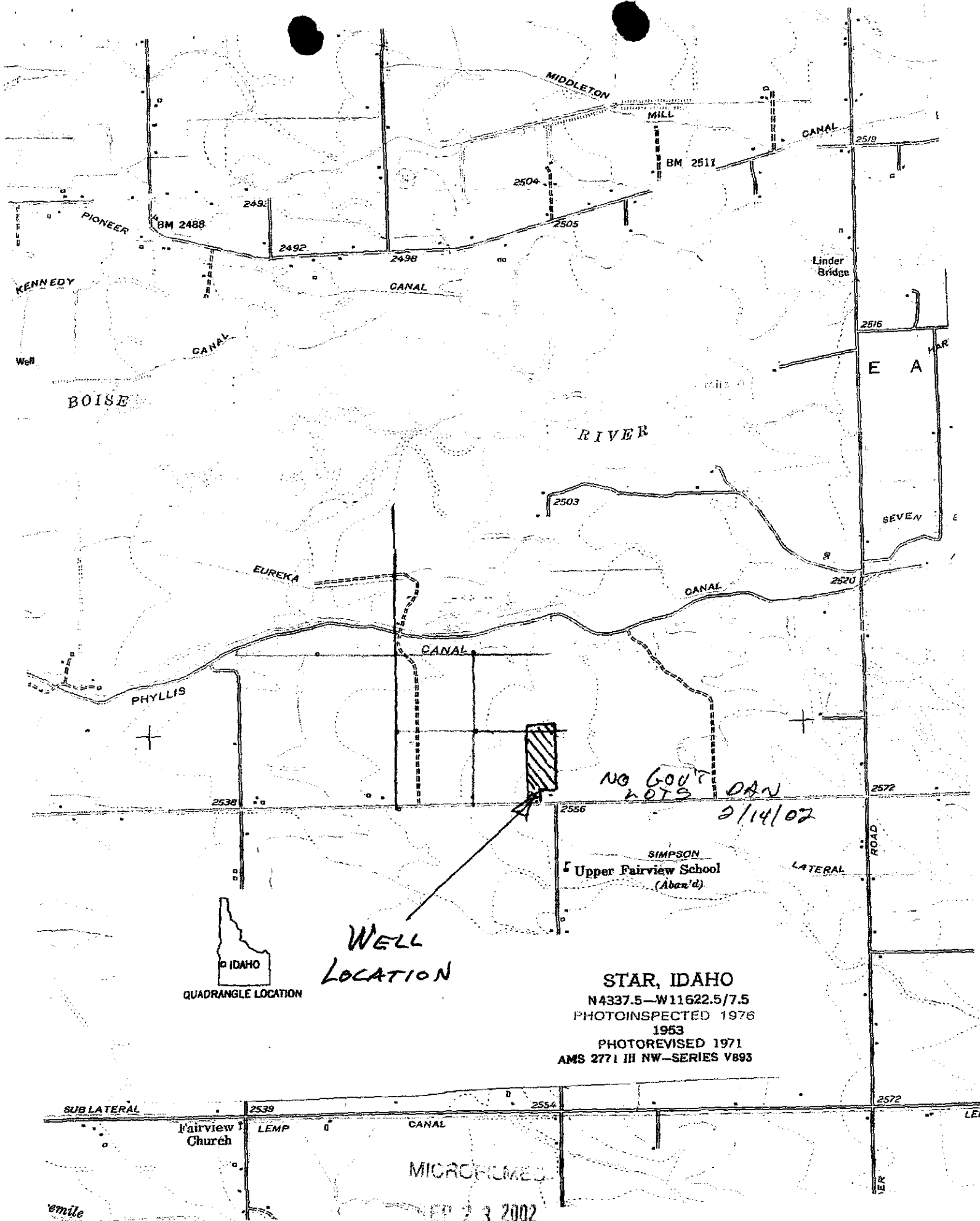
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Paula Dillaney, President WestWing Estates HOA  
Signature of Applicant (and title, if applicable)

Received by DAN Date 2-8-02 Time 9:00 AM Preliminary check by DAN  
Fee \$ 100.00 Received by DAN FOR ST # W 020274 Date 9-7-2001  
Publication prepared by AT Date 3-7-14-02 Published in THE IDAHO STATESMAN  
Publication approved VAT Date 2-4-2-02

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SEP 23 2002



WELL  
LOCATION

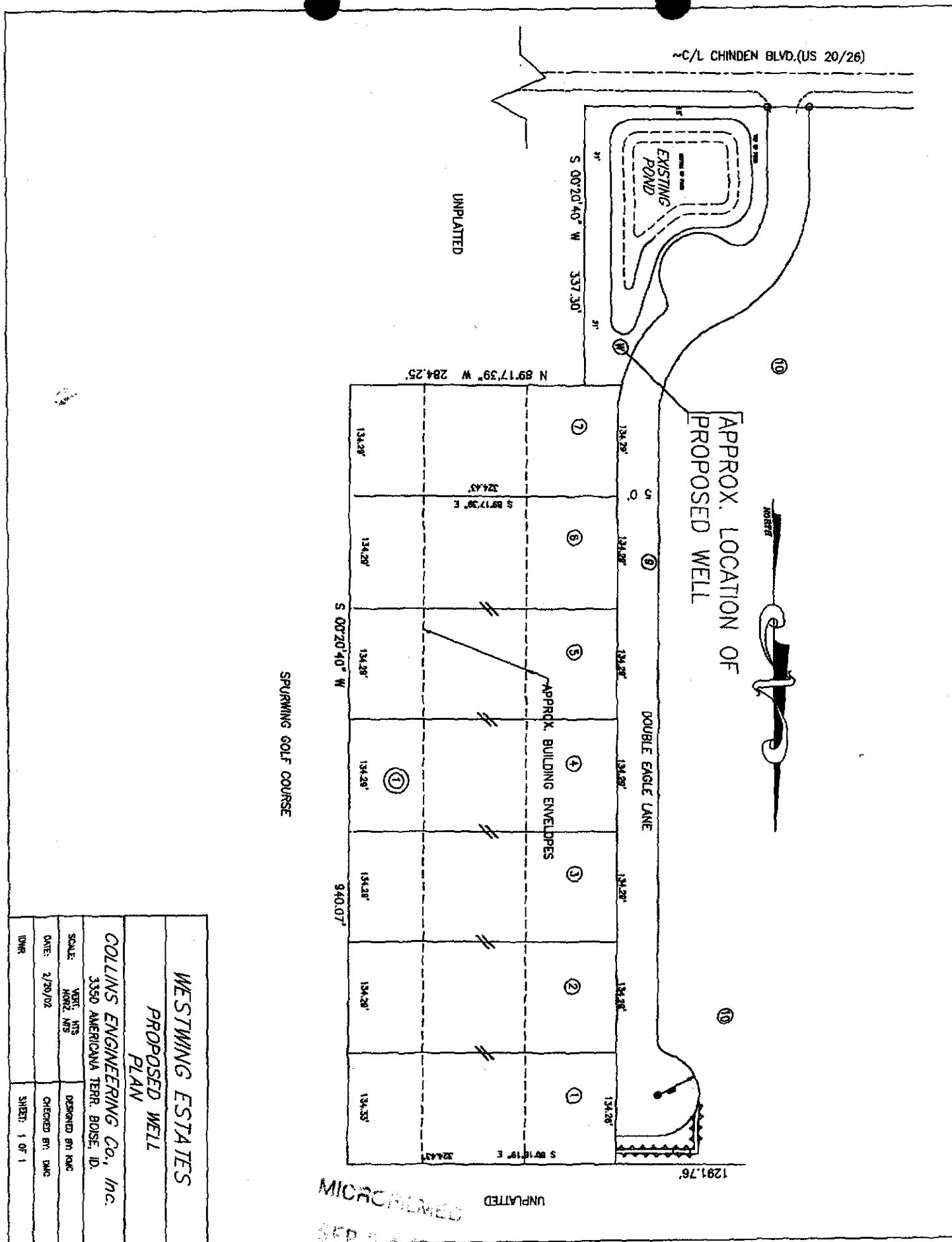
NO GOV'T  
LOTS DAN  
2/14/02



STAR, IDAHO  
N4337.5-W11622.5/7.5  
PHOTOINSPECTED 1976  
1953  
PHOTOREVISED 1971  
AMS 2771 III NW-SERIES V893

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EP 2 3 2002



SEEPAGE TO G.W. THRU UNLINED  
PORTION OF POND

UNLINED AREA — 7720 SF

SCS SOIL TYPE 141 PURDUM SILT LOAM.  
AREA EXPOSED IS A MIX OF LOAMY  
SOILS W/ SOME AREAS BELOW HARD-  
PAN. MODERATELY SLOW PERMEABILITY  
IS TAKEN AS AT LEAST 0.6"/hr.

INFILTRATION FLOW RATE;  $Q_i$

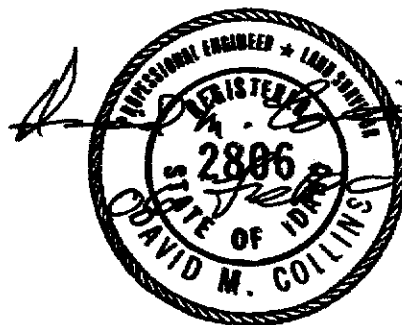
$$Q_i = (7720 \text{ SF}) \times \frac{0.6 \text{ in}}{\text{hr}} \times \frac{24 \text{ hr}}{\text{day}} \times \frac{1 \text{ ft}}{12 \text{ in}} \times \frac{1 \text{ day}}{1440 \text{ min}} \times \frac{7.48 \text{ gal}}{\text{ft}^3}$$

$$Q_i = 48 \text{ gpm} \text{ or } 0.11 \text{ cfs}$$

RECHARGE  $\approx$  0.11 cfs for 6 Mo. when  
pond is in use.

$$V = \frac{0.11 \text{ ft}^3}{\text{sec}} \times \frac{\text{Ac}}{43560 \text{ ft}^2} \times \frac{60 \text{ sec}}{\text{min}} \times \frac{1440 \text{ min}}{\text{day}} \times \frac{182.5 \text{ day}}{6 \text{ mo.}}$$

$$V = 6.63 \text{ Ac} - \text{ft.}$$





9. Description of place of use:

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

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |            | TOTALS  |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------|---------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE         |         |
| 4N  | 1W  | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | DIC<br>PRO | 100.6pm |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |            |         |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? West Wing Estates Homeowner's ASSN

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

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 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Michael J. Bawle  
Signature of Applicant (and title, if applicable)

Received by #100.00 Date 9/7/2001 Time 1:55 pm Preliminary check by \_\_\_\_\_  
 Fee \$ Sue Taylor Receipted by Sue Taylor # W028274 Date 9/7/2001  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

MICROFILMED  
SEP 23 2002



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 24, 2002

WESTWING ESTATES HOMEOWNERS ASSN  
C/O PAULA DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

RE: Permit No. 63-31416

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

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

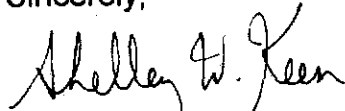
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED  
JUN 23 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

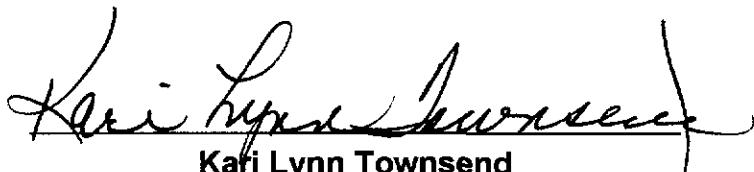
MICROFILMED  
SEP 23 2012

# **CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO. 63-31416**

**WESTWING ESTATES HOMEOWNERS ASSN  
C/O PAULA DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
SEP 23 2002**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

## MEMORANDUM

To: File 63-31416

From: Sharla

Date: June 20, 2002

Re: Non-consumptive Use

This application was advertised with a remark that states mitigation is proposed for consumptive use. Fire protection is not a consumptive use and the storage pond to be used has a surface area of 1/2 acre. Therefore, there is no consumptive use that requires mitigation and there should be no condition or remark added to the permit addressing mitigation.

Permit 63-31314 was approved recently for domestic use for the same 7 lots identified in this application. The domestic use under 63-31314 is for fire protection associated with the 7 homes, so the applicant is getting an additional 0.02 cfs for fire protection use with this new application and this application also picks up the storage component.

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SEP 23 2002

**APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 6/6/02

No. 63-31416 Name: Westwing Corp. Officers \_\_\_\_\_ Ad ok \_\_\_\_\_ Govt Lots \_\_\_\_\_

AREA OF CONCERN: No/Yes \_\_\_\_\_ Moratorium \_\_\_\_\_ GWMA \_\_\_\_\_ TRUST/NON-TRUST \_\_\_\_\_

**GROUNDWATER: (√Flow Chart)**

**DRILLING PERMIT**

All wells - 046  
Basin 34 - 084 (if necessary)  
WMD - North/East/West  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 067  
~~WMD~~  
Supp irr (irr = only use) - 065-104  
Supp irr (+ other uses) - 100-105  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M

**LOCATION:**

Boise Front LoGeo - 058 (<85 GW)  
Mitigation - 121  
  
Trust - 051 (consumptive uses)  
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

**USES:**

STORAGE - 18C-01H-01P-18B-NA  
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)  
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)  
STOCKWATER - R37 (BLM/FS)-111 (instream stock)  
MINING - 054-106  
HEAT/COOL - R07 (injection well)  
FIRE PROT - 077  
COMMERCIAL/  
INDUSTRIAL - 106-R07  
DAIRY - 082-WD8  
POWER - 17H or 17K (+uses)-17G (under FERC )  
or 17M (not FERC regulated)  
025-027-R22-08A

**BENEFICIAL USE DUE:** 6, 01, 2004

**MISC CONDITIONS/REMARKS:**

Protested - 020-W19  
Development Period  
> 1 yr - 26A  
Ownership - 004  
Non-consumptive - 027  
Water Quality - 106-R07

**SURFACE WATER: (√Flow Chart)**

F&G contacted - Yes/No Response  
In/Above MSF - WB9  
PLANNING REVIEW/RESPONSE  
WD - R04 (WD# \_\_\_\_\_)  
≤ 0.20 cfs/others - 01H, 01P or No MD  
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WB  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M or No MD

**RIVER BASINS: (SW special considerations)**

SNAKE R (01) - W23, N/A  
(02,03) - 007 (w/ remark WB9 if above Weiser)  
PAYETTE R (65) - W23, 047 (Payette Lake)  
SALMON R (70's) - 029 (fish screens)  
WEISER R (67) - 086-087

**USES:**

MUNICIPAL  
Restricted area - 022,075  
Irr., GW supp to SW - 102  
Future needs - 007,109  
FISH PROP - 029 (70's only)-007-122-106  
DOMESTIC  
Surface water - WB5 (Big Wood/Boise above Star Bridge)  
- 27A (Payette R)  
>1 in restricted area - 070-071-075 (no parks/common areas)  
Irr separate or none allowed - WB5  
GW w/irrigation from SW evident - 065-104  
Moratorium approvable - W03 (2500 gpd - meets domestic def  
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32  
Subd lot desc (pd) - W59  
Subd lot desc (pu) - W60  
Use definitions - W02 example - S/50 range  
Pre-1987 development - 068-074 (allow 120 days for proof due)  
Single p/d intended - 076

IRRIGATION SEASON \_\_\_\_\_ - \_\_\_\_\_ (Per updated map)

IRR VOLUME/ACRE \_\_\_\_\_

**OTHER CONDITIONS/REMARKS** WB zone = 50-175 ft.

**COMMENTS**

63-3134

January 2001

ILLINOIS DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEETCOMMENT  
LETTERSINITIAL REVIEW BY: DAN DATE: 12-17-01 APPLICATION: 63-31416REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area.  $\geq$  5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

MAY 29 2002

Department of Water Resources

Gov't. Lots:  
NO P/D  
NO P/UADDITIONAL INFORMATIONYES ADVERTISE REMARK(S)

(Reviewer identify which remarks)

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion. The ONLY significant overlap is 63-31314 which is the well for domestic use for the subdivision fire protection.
- ☒ Critical groundwater area: well for domestic use for the subdivision fire protection.
- ☒ Groundwater management area: well for domestic use for the subdivision fire protection.
- ☒ 1992 moratorium: mitigation proposed.
- ☒ Surface water source, IDFG letter needed. This application is for storage.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☒ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ \*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

need plat map.

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

## PROCESSING

APP. NO. 6-31416

YES NO

☒☐

In form for advertising:

☐☒

Statewide advertising: (&gt; 10 cfs &amp;/or 1000 af)

☒☐

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐☒

I.D. Health &amp; Welfare

☐☒

I.D. District Health

☐☒

I.D. Fish &amp; Game

☐☒

I.D. Lands

YES NO

☐☒

U.S. BLM

☐☒

U.S. Forest Service

☐☒

Water Dist. #

☐☒

Water Planning Bureau

☐☐

Other

SETTLERS IRRIGATION DISTRICT

P.O. Box 7571

Boise, ID 83707

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒☐

Affidavit of publication received:

☒☐

Application published correctly: If not, record action taken.

☒☐

Publication dates and paper recorded on application:

☐☐Final date for protest 3-25-02☐☒

Protests received.

☐☒

Recommendations attached:

☐☒

Measuring device required:

☐☒

Water delivered by water master? District #

☐☐Special conditions of approval or cover letter: 046, 121

See below for additional information

Recommended Date or Priority 2/8/02Recommended by: Gary SDate: 5/27/02ADDITIONAL INFORMATION:



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 14, 2002

SETTLERS IRRIGATION DIST  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701

Re: Application for Permit No. 63-31416 in the Name of Westwing Estates Homeowners Association

Dear Protestant:

This letter is to acknowledge the withdrawal of protest of the above referenced application for permit and to cancel the prehearing conference scheduled for May 14, 2002.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicants

MICROFILMED  
SEP 23 2002

# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
Robert E. Bakes  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Morgan W. Richards  
Mark A. Ellison  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen

Gerald T. Husch  
Scott L. Campbell  
Michael G. McPeck  
Kirk R. Helvie  
Robert B. Burns  
James C. Dale  
Michael E. Thomas  
Patricia M. Olsson  
James C. deGlee  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill

Stephanie A. Balzarini  
David P. Gardner  
Julian E. Gabiola  
Paul C. Swainston  
Angela D. Schaer  
Casey C. Robertson  
Ray J. Chacko  
Bradley J. Dixon  
Keasa L. Hollister  
Mark C. Peterson

*Willis C. Moffatt,*  
1907-1980

May 10, 2002

RECEIVED

MAY 13 2002

WATER RESOURCES  
WESTERN REGION

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

Gary Spackman  
Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Re: Withdrawal of Protest Against Application for Permit No. 63-31416**  
MTBR&F File No. 18955.21

Dear Gary:

I have enclosed the original and one copy of the Withdrawal of Protest for filing on behalf of Settlers Irrigation District. This Withdrawal of Protest is based upon the applicant's assurance and explanation of the proposed water permit. Settlers Irrigation District does not believe that the water right would adversely impact the District's water rights.

If you have any questions, please feel free to contact me.

Very truly yours,



Scott L. Campbell

SLC/dll

Enclosures

cc: Settlers Irrigation District

Westwing Estates Homeowners Association *called Westwing 5/13/02*  
c/o Mrs. Paula Devaney

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SEP 23 2002

Scott L. Campbell, ISB No. 2251  
Angela D. Schaer, ISB No. 5436  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Boulevard, 10th Floor  
Post Office Box 829  
Boise, Idaho 83701  
Telephone: (208) 345-2000  
Facsimile: (208) 385-5384  
18955.21

Attorneys for Settlers Irrigation District

RECEIVED

MAY 13 2002

WATER RESOURCES  
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR  
PERMIT TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF IDAHO NO.  
63-31416 IN THE NAME OF WESTWING  
ESTATES HOMEOWNERS ASSOCIATION

Water Right No. 63-31416

WITHDRAWAL OF PROTEST

Settlers Irrigation District, by and through its counsel of record, Scott L. Campbell  
of Moffatt Thomas Barrett Rock & Fields, Chartered, hereby withdraws its Notice of Protest in  
the above captioned matter.

DATED this 10th day of May 2002.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By Scott L. Campbell  
Scott L. Campbell - Of the Firm  
Attorney for Settlers Irrigation District

MICROFILMED

SEP 23 2002

## CERTIFICATE OF SERVICE

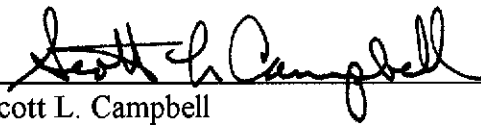
I HEREBY CERTIFY that on the 15th day of May 2002, I caused a true and correct copy of the foregoing **WITHDRAWAL OF PROTEST** to be served by the method indicated below, and addressed to the following:

Director  
Idaho Department of Water Resources  
Post Office Box 83720  
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Westwing Estates Homeowners Association  
c/o Mrs. Paula Devaney  
6712 N. Double Eagle  
Meridian, ID 83642

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
\_\_\_\_\_  
Scott L. Campbell

**BEFORE THE DEPARTMENT OF WATER RESOURCES**  
**OF THE**  
**STATE OF IDAHO**

|                                         |                             |
|-----------------------------------------|-----------------------------|
| <b>IN THE MATTER OF APPLICATION )</b>   |                             |
| <b>FOR PERMIT NO. 63-31416 IN THE )</b> | <b>NOTICE OF PREHEARING</b> |
| <b>NAME OF WESTWING ESTATES )</b>       | <b>CONFERENCE</b>           |
| <b>HOMEOWNERS ASSN )</b>                |                             |
| <b>_____ )</b>                          |                             |

On February 8, 2002 Westwing Estates Homeowners Association filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Settlers Irrigation District.

IDWR has scheduled a prehearing conference for the protest to be held on **Tuesday, May 14, 2002 at 1:30 p.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

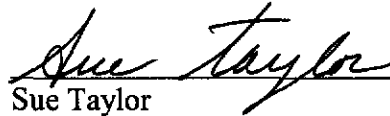
The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 8th day of April 2002.

  
\_\_\_\_\_  
Gary Spackman

## CERTIFICATE OF MAILING

I hereby certify that on the 9<sup>th</sup> day of April 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor  
Senior Secretary

WESTWING ESTATES HOMEOWNERS ASSN  
C/O MRS PAULA DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

SETTLERS IRRIGATION DIST  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### **BURDEN OF PROOF**

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

### **PROCEDURE**

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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SEP 23 2002

## **CONFERENCE**

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

## **HEARING**

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

## **EXHIBITS**

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

## **AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 23 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 5, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

SETTLERS IRRIGATION DIST  
C/O SCOTT CAMPBELL  
PO BOX 829  
BOISE ID 83701

Re: Application for Permit No. 63-31416 in the Name of Westwing Estates Homeowners Assn.

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

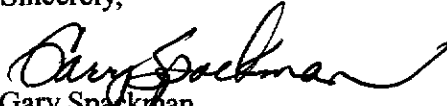
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

**Enclosed is a Notice of Prehearing Conference scheduled for May 14, 2002 at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.**

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,

  
Gary Spackman

GS:st

Encl: Copy of Application  
Notice of Prehearing Conference

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SEP 23 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 5, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

WESTWING ESTATES HOMEOWNERS ASSN  
C/O MRS PAULA DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

Re: Application for Permit No. 65-31416

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

**Enclosed is a Notice of Prehearing Conference scheduled for May 14, 2002 at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.**

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,



Gary Spackman

GW:st

MICROFILMED

SEP 23 2002

Enclosure: Copy of protest(s)  
Notice of Prehearing Conference

# *Moffatt Thomas*

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
Robert E. Bakes  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Morgan W. Richards  
Mark A. Ellison  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen

Gerald T. Husch  
Scott L. Campbell  
Michael G. McPeck  
Kirk R. Helvie  
Robert B. Burns  
James C. Dale  
Michael E. Thomas  
Patricia M. Olsson  
James C. deGlee  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill

Stephanie A. Balzarini  
David P. Gardner  
Julian E. Gabiola  
Paul C. Swainston  
Angela D. Schaer  
Casey C. Robertson  
Ray J. Chacko  
Dean C. Sorensen  
Bradley J. Dixon  
Keasa L. Hollister  
  
*Willis C. Moffatt,*  
1907-1980

March 12, 2002

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

**RECEIVED**  
**MAR 13 2002**  
WATER RESOURCES  
WESTERN REGION

Director  
Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Re: Protest Against Application for Permit No. 63-31416**  
MTBR&F File No. 18955.0

Dear Director:

Please find enclosed the Protest of Settlers Irrigation District concerning Application for Permit No. 63-31416. I have enclosed an original and two copies of the Protest; please accept the original and one copy for filing with the Department and please file stamp the second copy and return it to me in the enclosed pre-addressed, stamped envelope.

Please do not hesitate to contact my office if you have any questions.

Very truly yours,



Scott L. Campbell

SLC/dll  
Enclosures  
cc: Settlers Irrigation District (with enclosures)

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SEP 23 2002

RECEIVED

MAR 13 2002

WATER RESOURCES  
WESTERN REGION

Scott L. Campbell, ISB No. 2251  
Angela D. Schaer, ISB No. 5436  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Boulevard, 10th Floor  
Post Office Box 829  
Boise, Idaho 83701  
Telephone: (208) 345-2000  
Facsimile: (208) 385-5384  
18955.0

Attorneys for Settlers Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR  
PERMIT TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF IDAHO NO.  
63-31416 IN THE NAME OF WESTWING  
ESTATES HOMEOWNERS ASSOCIATION

Water Right No. 63-3146

**PROTEST AGAINST APPLICATION FOR  
PERMIT**

Settlers Irrigation District, by and through its counsel, Scott L. Campbell, of the law firm Moffatt Thomas Barrett Rock & Fields, Chtd., 101 S. Capitol Blvd., 10<sup>th</sup> Floor, P.O. Box 829, Boise, ID 83701-0829, hereby provides this written protest against the above referenced Application for Permit. This Protest is made pursuant to Idaho Code section 42-203A and pursuant to the Rules of Practice and Procedure of the Idaho Department of Water Resources.

The basis of this Protest is the concern of Settlers Irrigation District that the proposed application will reduce the quantity of water under existing water rights and adversely

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SEP 11 2002

impact the existing wells of Settlers Irrigation District which are located in close proximity to the proposed point of diversion.

DATED this 12th day of March 2002.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By Scott L. Campbell  
Scott L. Campbell - Of the Firm  
Attorney for Settlers Irrigation District

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of March 2002, I caused a true and correct copy of the foregoing **PROTEST AGAINST APPLICATION FOR PERMIT** to be served by the method indicated below, and addressed to the following:

Director  
Idaho Department of Water Resources  
Post Office Box 83720  
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Westwing Estates Homeowners Association  
c/o Mrs. Paula Devaney  
6712 N. Double Eagle  
Meridian, ID 83642

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Scott L. Campbell  
Scott L. Campbell

MICROFILMED  
SEP 23 2002

RECEIVED

MAR 27 2002

WATER RESOURCES  
WESTERN REGIONThe Idaho  
Statesman

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

## LEGAL ADVERTISING PROOF OF PUBLICATION

|                           |         |                             |          |
|---------------------------|---------|-----------------------------|----------|
| Account                   | DTI Ad# | Identification              | Amount   |
| 047628                    | 617751  | APPLICATION FOR WATER RIGHT | \$199.84 |
| Ordered by                | P.O.#   | Times Run                   | Lines    |
| SUE TAYLOR                |         | 2                           | 37       |
| IDAHO DEPT WATER RESOURCE |         | 3                           | 12808    |
| 2735 AIRPORT WAY          |         |                             |          |
| BOISE, ID 83705 5082      |         |                             |          |

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: 2

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

beginning with the issue of: March 7, 2002and ending with the issue of: March 14, 2002

*Janice Hildreth*  
\_\_\_\_\_  
Notary Public for Idaho

STATE OF IDAHO

)ss

COUNTY OF ADA

On this

15

day of

MARCH

in the year of

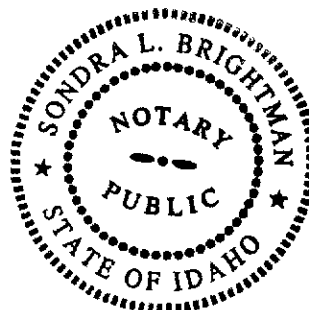
2002

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

*Sandra L. Brightman*  
\_\_\_\_\_  
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires:

6/20/06

MICROFILMED

SEP 23 2002

## LEGAL NOTICE

The following application has been filed to amend Permit to Appropriate Water  
63-31416

WEST WING HOMEOWNERS ASSOCIATION  
C/O PAULA DEVANEY  
6712 NORTH DOUBLE EAGLE  
MERIDIAN ID 83642

Point(s) of Diversion  
Use: SESE  
Use: FIRE PROTECTION  
Use: STORAGE  
Use: DIVERSION TO STORAGE  
Total Diversion:  
Date Filed: 03/23/2002  
Place Of Use: TO4N R01W S22  
Place Of Use: TO4N R01W S22  
Place Of Use: TO4N R01W S22  
TO4N R01W S22

Remark: Mitigation is proposed for consumptive use.  
Water bearing zone to be appropriated is from 50 to 175 feet.  
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code.  
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/25/2002. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER,  
Director

Pub. Mar. 7, 14, 2002

12808

*Collins Engineering Co., Inc.*

*3350 Americana Terrace Ste. 120*

*Boise, Idaho 83706*

*(208) 344-4451*

RECEIVED

MAR 07 2002

WATER RESOURCES  
WESTERN REGION

MR. DAN NELSON

06 MARCH 2002

IDAHO DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

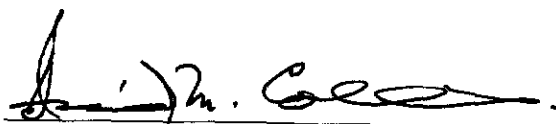
BOISE, ID 83705-5082

DEAR MR. NELSON,

PER YOUR REQUEST, THIS CLARIFICATION LETTER IS SUBMITTED FOR WATER RIGHT REPORT 63-31416 (WEST WING ESTATES HOMEOWNERS ASSOCIATION).

THE CURRENT WATER PERMIT APPLICATION IS TO RECOVER, DURING THE OFF-IRRIGATION-SEASON, THE POND LOSSES EXPERIENCED DURING THE IRRIGATION SEASON DUE TO INFILTRATION.

RESPECTFULLY SUBMITTED,



DAVID M. COLLINS, P.E./L.S.

MICROFILMED

MAR 21 2002

*Collins Engineering Co., Inc.*

*3350 Americana Terrace Ste. 120*

*Boise, Idaho 83706*

*(208) 344-4451*

MR.DAN NELSON  
IDAHO DEPATRMENT OF WATER RESOURCES  
2735 ARPORT WAY  
BOISE, ID 83705-5082

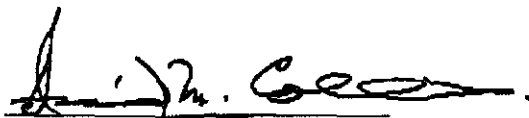
06 MARCH 2002

DEAR MR. NELSON,

PER YOUR REQUEST, THIS CLARIFICATION LETTER IS SUBMITTED FOR  
WATER RIGHT REPORT 63-91416 (WEST WING ESTATES HOMEOWNERS  
ASSOCIATION).

THE CURRENT WATER PERMIT APPLICATION IS TO RECOVER, DURING  
THE OFF-IRRIGATION-SEASON, THE POND LOSSES EXPERIENCED DURING THE  
IRRIGATION SEASON DUE TO INFILTRATION.

RESPECTFULLY SUBMITTED,



DAVID M. COLLINS, P.E./L.S.

MICROFILMED

SEP 13 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 28, 2002

SETTLERS IRRIGATION DISTRICT  
PO BOX 7571  
BOISE ID 83707

Re: Application for Water Right No. 63-31416 in the Name of Westwing Estates Home  
Owners Association.

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application for permit.

Please review the application and return any comments you might have within two weeks.  
If you desire to file a formal protest against the approval of this application(s), your written  
protest along with the \$25.00 protest fee must be received in this office by March 25, 2002.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 29 2002



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

February 27, 2002

**Legal Notice Department**  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

RE: Transfer No. 69700  
Water Right No(s). 61-7207B 61-7306B 61-7207A  
Application for Permit Nos. 63-31416 and 63-31420

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/25/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

MICROFILMED

MAY 2 2002

The following application has been filed to amend Permit to Appropriate Water

63-31416

WEST WING HOMEOWNERS ASSOCIATION  
C/O PAULA DEVANEY  
6712 NORTH DOUBLE EAGLE

MERIDIAN ID 83842

Point(s) of Diversion SESE

S22 T04N R01W ADA County

Source GROUND WATER

Use: FIRE PROTECTION 09/01 To 04/15 0.02 CFS

Use: FIRE PROTECTION 09/15 To 04/15 0.4 AFA  
STORAGE

Use: DIVERSION TO STORAGE 09/01 To 04/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 02/20/2002

Place Of Use: DIVERSION TO STORAGE

T04N R01W S22 SESE

Place Of Use: FIRE PROTECTION STORAGE

T04N R01W S22 SESE

Place Of Use: FIRE PROTECTION

T04N R01W S22 SESE

Remark: Mitigation is proposed for consumptive use.  
Water bearing zone to be appropriated is from 50 to 175 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/25/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on March 7 and 14, 2002

MICROFILMED

SEP 23 2002

# Collins Engineering Co., Inc.

3350 Americana Terrace Ste. 120

Boise, Idaho 83706

(208) 344-4451

08 FEBRUARY 2002

MR. DAN NELSON  
Sr. WATER RIGHT AGENT  
IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 AIRPORT WAY  
BOISE, ID 83705

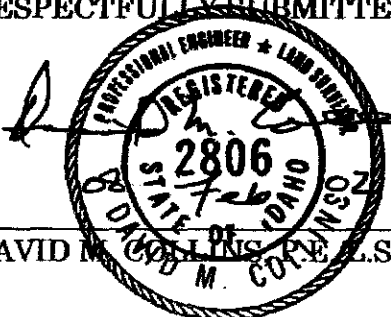
RE: WESTWING ESTATES APPLICATION FOR WATER RIGHT

DEAR MR. NELSON,

THE EXISTING IRRIGATION FACILITY AT THIS LOCATION IS A 2.67 AC-FT POND. IT IS PARTIALLY LINED IN ORDER TO REDUCE LOSSES. APPROXIMATELY 7720 SQUARE FEET OF THE POND AREA ARE UNLINED AND LEAK TO THE GROUNDWATER SYSTEM. THE LOSSES ARE ABOUT 0.11 CFS OR 6.63 AC-FT FROM 15 APRIL TO 15 OCTOBER, THE TYPICAL IRRIGATION SEASON. [SEE THE ATTACHED CALCULATIONS.] THIS APPLICATION FOR WATER RIGHT IS FOR 0.02 CFS, OR 1.21 AC-FT IN THE NON-IRRIGATION SEASON, AND IS INTENDED TO RECOVER A PORTION OF THE RECHARGE LOSSES FROM THE PARTIALLY UNLINED POND.

GIVEN THE ABOVE WE THEREFORE REQUEST APPROVAL OF THIS APPLICATION.

RESPECTFULLY SUBMITTED,

  
DAVID M. COLLINS, P.E., L.S.

RECEIVED

FEB 08 2002

WATER RESOURCES  
WESTERN REGION

MICROFILMED

650 11 2002

WESTWING ESTATES HOMEOWNERS ASSOCIATION COPORATE OFFICERS

| <u>Title</u>        | <u>Name</u>   | <u>Contact #</u> |
|---------------------|---------------|------------------|
| President           | Paula Devaney | 887-3646 (work)  |
| Secretary/Treasurer | Megan Aubrey  | 343-8432 (work)  |

MICROFILMED

SEP 23 2002

Attention: **Mr. Dan Nelson**

Date: 2/13/02

Company: IDWR

Number of Pages: 1

Fax Number: 3342348

Voice Number: 3342190

From: **David Collins**

Company: Collins Engineering

Fax Number: (208)344-4451

Voice Number:

Subject: Westwing Estates Well

**Comments:**

The water bearing zone for the above-mentioned project will be between 50' to 175'. If you need anything else please call. Thank you. DC

MICROPLWELL

SEP 21 2002

**Collins Engineering Co., Inc.**  
**3350 Americana Terrace Ste. 120**  
**Boise, Idaho 83706**  
**(208) 344-4451**

RECEIVED

FEB 08 2002

WATER RESOURCES  
WESTERN REGION

**TRANSMITTAL**

TO: Idaho Department of Water Resources-Western Region  
Attn: Daniel A. Nelson, Sr. Water Right Agent

08 February 2002

From: Collins Engineering Co., Inc.  
David M. Collins

Re: Westwing Estates Application for Permit

Included with this package are the following items:

1. 1 complete application for permit, with 3 attachments (stamped letter, calculations, and plan).
2. A list of the Westwing Estates HOA corporate officers w/contact numbers.
3. A map showing the location of the proposed well and use.

If you have any question or need anything further please call me at 344-4451.

Thank you.

MICROFILMED

FEB 23 2002

WESTING



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 22, 2002

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

WESTWING ESTATES HOMEOWNERS ASSN  
C/O PAULA DE VANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

***RE: REQUEST FOR EXTENSION OF TIME FOR APPLICATION  
FOR PERMIT TO FIRE PROTECTION***

Dear Ms. De Vaney:

Thank you for sending your request for an extension of time for the application filed for Fire Protection for Westwing Estates Homeowners Association. Your request for an extension of time until March 1, 2002, has been granted.

You will need to submit the needed information by that time or submit another written request for an extension of time.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Nelson".

Daniel A. Nelson  
Sr. Water Right Agent

ENCLOSURE

JAN 23 2002

**West Wing  
Homeowners Assn.**

# Memo

**To:** Daniel Nelson  
**From:** Paula DeVaney  
**Date:** January 21, 2002  
**Re:** Application for Permit

---

Mr. Nelson, our homeowners association does need an extension of time to complete our application for a well in our common area. We are requesting an extension until March 1, 2002.

Thank you,

Paula DeVaney



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 18, 2001

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

WESTWING ESTATES HOME OWNERS ASSN  
C/O MRS DEVANEY  
6712 N DOUBLE EAGLE  
MERIDIAN ID 83642

***RE: APPLICATION FOR PERMIT FOR FIRE PROTECTION***

Dear Applicant:

Our office received your application for permit on 10/25/2001. In my initial review of your application I discovered that the application was not complete. I telephoned Mrs. Devaney on 12/18/2001, and discussed what it would take to complete the application so it can be processed. Please supply the following information:

- 1.) We will need a list of the corporate officers of your organization (president, vice president, secretary).
- 2.) You will need to supply a map showing the location of the well and where the water will be used.
- 3.) The time it will take to complete the project was not marked on the application. Please mark how long it will take you to put the water to beneficial use.
- 4.) We will also need the maximum depth of the well and the water bearing zone that the water will be taken from.
- 5.) The diversion rate should be changed to cubic feet per second (cfs). Nine gallons per minute is equal to 0.02 cfs.
- 6.) I am also concerned that 0.02 cfs is not an adequate flow rate to fight an existing fire.

All of the above information will need to be submitted to our office by January 18, 2002. You may request an extension of time if you will need more time to complete the application. If we do not receive the information requested or a written request for more time by January 18, 2002 we will be forced to void your application for permit.

During our telephone conversation on 12/18/2001, you mentioned to me that this permit was going to be used to fill a pond that is used for fire protection. I explained to you that a fire protection use could only be used to fight an existing fire. In other words, you will not be able to divert the well into the pond until there is an actual fire.

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SEP 23 2002

Page 2

Westwing water users

I also told you that you might need a storage water right for aesthetic use for any pond that is being used for non-irrigation purposes. A pond used for irrigation purposes is any pond that can be filled or emptied within a 24-hour period using the diversion rate of the water right being used for irrigation. I am not sure of the size of the pond that you are using for irrigation, but it may need a storage right if it is in violation of the 24 hour fill rule during the irrigation season and for any water being stored during the non-irrigation season.

If you acquired a storage water right for aesthetic purposes, then you would not need a fire protection water right to use that water in case of a fire. Idaho law allows fire departments or fire fighting crews to use any available water source to fight an existing fire. Therefore, if you already have an aesthetic pond you can use that pond to fight fires. However, there are very few circumstances that allow a pond solely for fire protection.

In our telephone call I suggested that you hire a consultant to work on your application. I have enclosed a list of known consultants. If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,



Daniel A. Nelson  
Sr. Water Right Agent

MICROFILMED

SEP 23 2009