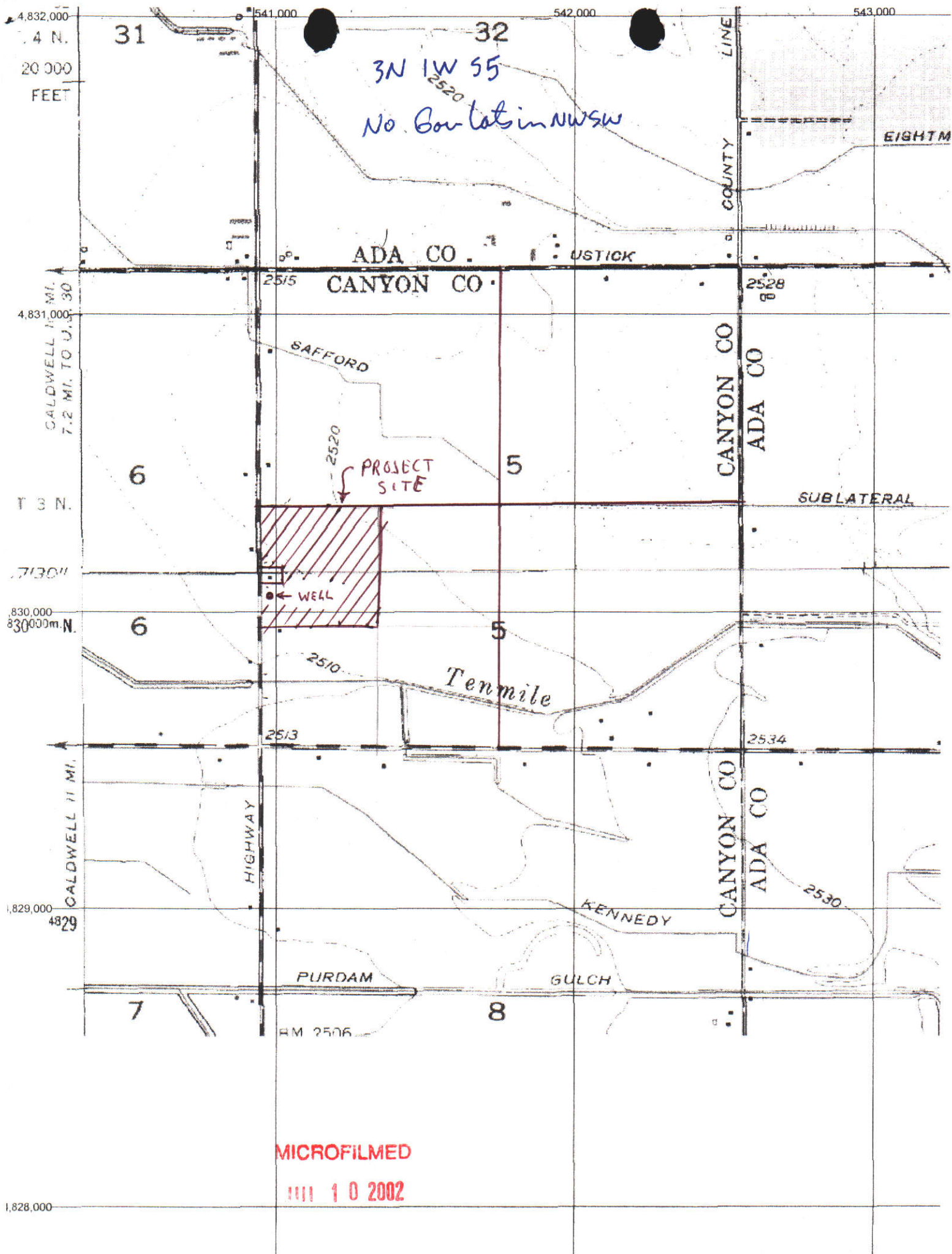




MICROFILMED

1111 10 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31362

Priority: 11/20/2001

Maximum Diversion Rate: 0.24 CFS

This is to certify, that CENTERS CONSTRUCTION INC
325 N MERIDIAN RD
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>
DOMESTIC	01/01 to 12/31	0.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, Twp 03N, Rge 01W, B.M. CANYON County

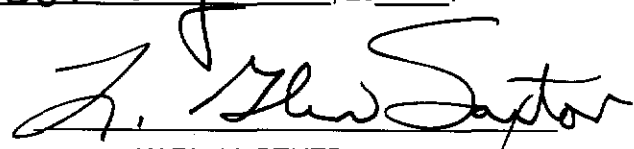
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	5																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before March 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. Domestic use is for 31 homes and does not include lawn, garden, landscape, or other types of irrigation.
6. Point of diversion is located within Lot 14, Blk. 2, Silver Spur Ranch Subdivision.
7. Place of use is located within Lots 2-20, Blk. 1 and Lots 2-13, Blk. 2, Silver Spur Ranch Subdivision.
8. Water bearing zone to be appropriated is 90 to 150 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of February, 2002


KARL J DREHER, Director

MICROFILMED

Ident. No. 63-31362
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

FEB 25 2002

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant CENTERS CONSTRUCTION, INC. Phone (208) 870-1183
Mailing address 325 NORTH MERIDIAN ROAD, MERIDIAN, IDAHO 83642

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

3. Location of point of diversion is Township 3 N Range 1 W Sec. 5, in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot _____, B.M., CANYON COUNTY County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.24 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) 0.24 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 N/A

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

c. Proposed well diameter is 12 inches; proposed depth of well is 240 150 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. 31

e. Other; describe fully. _____

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JUL 19 2002

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	1W	5									D								

Total number of acres to be irrigated 0

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? CENTERS CONSTRUCTION, INC.

b. Who owns the land to be irrigated or place of use? CENTERS CONSTRUCTION, INC.

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: THIS WELL WILL BE UTILIZED TO PROVIDE 108 gpm (0.24 cfs) OF DOMESTIC WATER TO 31 HOMES WITHIN SILVER SPUR RANCH SUBDIVISION IN CANYON COUNTY, IDAHO. IRRIGATION WILL BE PROVIDED FROM EXISTING SURFACE WATER RIGHT THROUGH A SEPARATE PRESSURIZED SYSTEM.

Water bearing zone to be appropriated is from 90' to 150'

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.

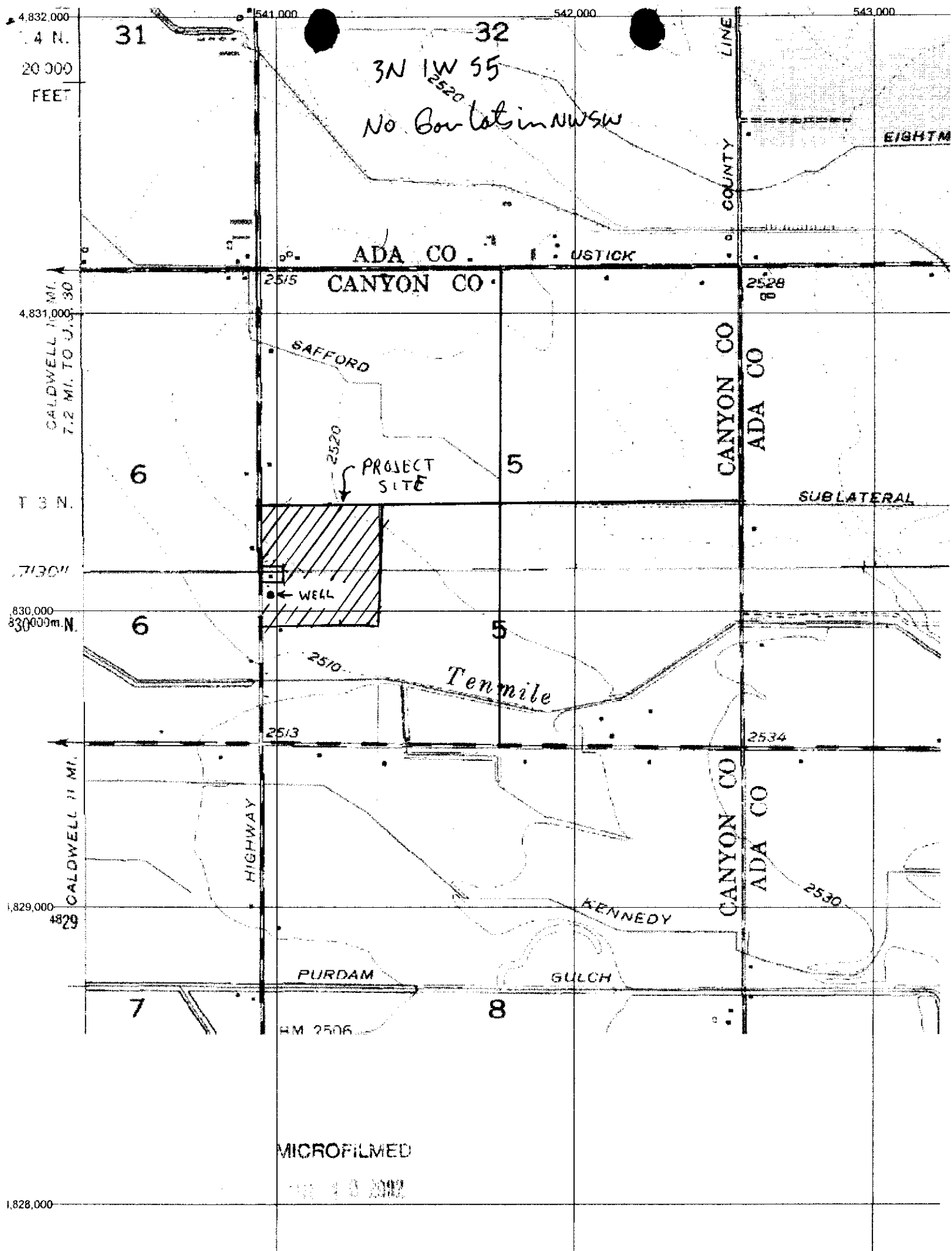
Lee Centers
Signature of Applicant (and title, if applicable)

President

Received by Janis Fontaine Date 11-20-01 Time 3:40 Preliminary check by g
Fee \$ 250.00 Received by Janis Fontaine # W029517 Date 11-20-01
Publication prepared by ST Date 1-3-02 Published in Idaho Water
Publication approved ST Date 1-22-02

MICROFILMED

JAN 10 2002



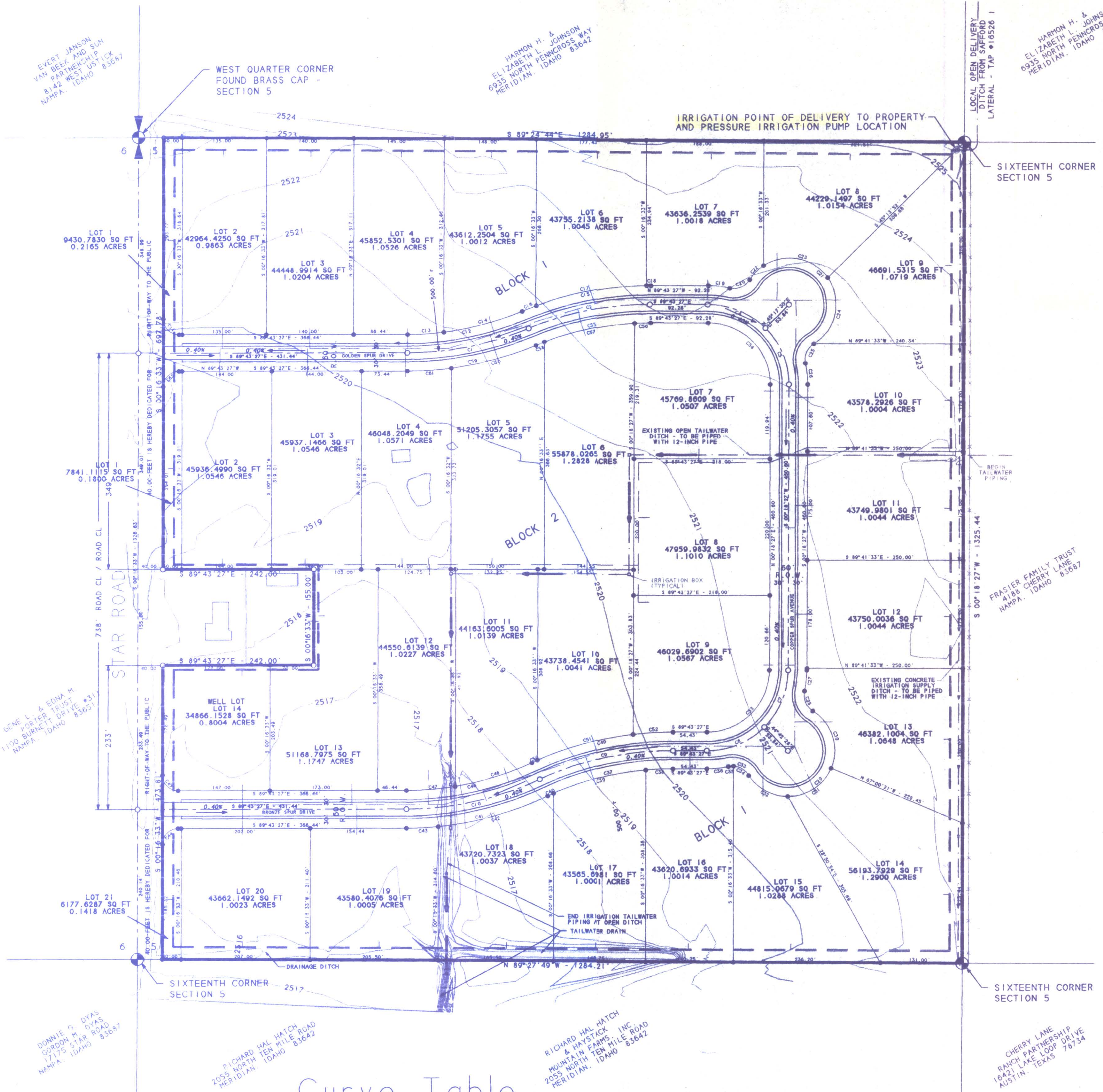
Centers Construction, Inc.
Corporate Officers

President
Secretary/Treasurer

Lee Centers
Diane Centers

MICROFILMED

JUL 30 2007



Legend

- SUBDIVISION BOUNDARY
- LOT LINE
- STREET CENTERLINE
- WATER LINE
- 6-INCH PRESSURIZED PVC IRRIGATION PIPE WITH 2-INCH RISER AND BALL VALVE
- 4-INCH PRESSURIZED PVC IRRIGATION PIPE WITH 2-INCH RISER AND BALL VALVE
- CONSTRUCT 5-FOOT CHAIN LINK FENCE
- CONTOUR LINE
- DRAINAGE DIRECTION / STREET GRADE
- TO BE SET 1/2" X 24" IRON PIN WITH PLASTIC CAP - L.S. 411C
- TO BE SET 5/8" X 30" IRON PIN WITH PLASTIC CAP - L.S. 411C

NOTES
1. ALL DIMENSIONS ARE AS SHOWN EXCEPT WHERE OTHERWISE DIMENSIONED.

Typical Street Cross-Section

Scale: Not To Scale

General Notes

- CANYON COUNTY ASSESSOR'S ACCOUNT NUMBER: R30361
- THE STREETS WITHIN THIS DEVELOPMENT ARE PROPOSED TO BE PUBLIC AND DEDICATED TO THE NAMPA HIGHWAY DISTRICT
- EACH LOT WILL PROVIDE INDIVIDUAL ON-SITE SEWAGE DISPOSAL. WATER WILL BE PROVIDED FROM A COMMUNITY WELL ON LOT 14, BLOCK 2.
- STORM RUN-OFF WILL BE RETAINED ON-SITE IN AMOUNTS REQUIRED BY THE JURISDICTIONAL AGENCY. IT IS ANTICIPATED THAT ALL DESIGN STORM WATERS WILL BE RETAINED IN SHALLOW SWALES ADJACENT TO THE ROADWAY. ANY OVERFLOW BEYOND THE DESIGN STORM SHALL BE ROUTED TO THE HISTORIC DRAINAGE LOCATED NEAR THE SOUTHWEST CORNER OF THE PROJECT (SEE STREET CROSS-SECTION).
- ALL LOT LINES ADJACENT TO PUBLIC ROADS SHALL HAVE A 10-FOOT WIDE PUBLIC UTILITIES, IRRIGATION AND DRAINAGE EASEMENT.
- THE SOUTHERLY BOUNDARY OF THIS PARCEL IS THE NAMPA CITY AREA OF IMPACT BOUNDARY.
- THE EXISTING ZONING IS "A" (AGRICULTURAL).
- SEASONAL HIGH WATER TABLE ON THIS PROPERTY IS 4.3 TO 7.5 FEET IN DEPTH. SOILS ARE GENERALLY SILT AND SILT LOAMS WITH LOWER DEPTHS BEING SANDS AND GRAVELS. THIS IS BASED UPON REVIEW OF 31 TESTHOLES EXCAVATED ON THE PROPERTY WITH SOUTHWEST DISTRICT HEALTH DEPARTMENT IN EARLY SEPTEMBER, 2000.
- ALL CURVE DISTANCES SHOWN HEREON ARE ARC LENGTHS.

Irrigation Notes

- NAMPA & MERIDIAN IRRIGATION DISTRICT ASSESSMENT #278A.
- THE DELIVERY LATERAL FOR THE PROPERTY IS THE STAFFORD LATERAL.
- THE DELIVERY TAP IS #16526 I.
- THE AREA DITCH RIDER IS LARRY GILMORE.
- THE INCHES OF WATER TO THE PROPERTY - 23.82.
- IRRIGATION OF EACH LOT WILL BE PROVIDED BY A PRESSURIZED IRRIGATION SYSTEM USING WATER DELIVERED AT THE NORTHEAST CORNER OF THE PROPERTY.
- GRAVITY IRRIGATION AND TAILWATER FLOWS THROUGH THE PROPERTY WILL BE PRESERVED.
- PERIMETER IRRIGATION PIPING SHALL BE 6-INCH PIPE. INTERIOR IRRIGATION PIPING SHALL BE 4-INCH PIPE. ALL LOTS WITHIN THIS DEVELOPMENT, INCLUDING THE OUT PARCEL, SHALL HAVE A 2-INCH PRESSURIZED IRRIGATION STUB.
- A 10-FOOT WIDE IRRIGATION EASEMENT IS HEREBY RESERVED ALONG ALL INTERIOR LOT LINES AND A 20-FOOT WIDE IRRIGATION EASEMENT IS HEREBY RESERVED AROUND THE PERIMETER OF SAID SUBDIVISION.

Applicant

L. C. DEVELOPMENT, INC.
P.O. BOX 518
MERIDIAN, IDAHO 83680
VOICE: 208-888-1852
FAX: 208-884-8938

SECTION 5
SCALE - 1-INCH = 800-Feet

SCALE: 1" = 100'
0 50 100 150 200

PRELIMINARY PLAT AND IRRIGATION PLAN MAP FOR: Silver Spur Ranch Subdivision

Being a portion of the Northwest Quarter of the Southwest Quarter of Section 5, Township 3 North, Range 1 West, Boise Meridian, Canyon County, Idaho

Date: March 8, 2001
Drawn By: C. A. Auth
Scale: 1" = 100'

Dwg. No. CAA-010308

Curve Table

NO.	DELTA	CHORD BEARING	TANGENT/RADIUS	LENGTH	CHORD	NO.	DELTA	CHORD BEARING	TANGENT/RADIUS	LENGTH	CHORD	NO.	DELTA	CHORD BEARING	TANGENT/RADIUS	LENGTH	CHORD
C1	23°00'34"	N 78°46'10"E	101.80/500.00	200.85	199.51	C22	24°36'48"	N 44°32'28"E	16.36/75.00	32.22	31.97	C43	05°31'41"	S 87°30'43"W	25.59/530.00	51.14	51.12
C2	23°00'59"	S 78°46'03"W	101.80/500.00	200.85	199.50	C23	80°27'52"	S 75°00'58"E	63.45/75.00	105.33	96.88	C44	90°00'00"	S 45°16'33"W	25.00/25.00	39.27	35.36
C3	90°01'55"	S 44°42'30"E	130.07/130.00	204.28	183.90	C24	93°07'58"	S 11°46'57"W	79.22/75.00	121.91	108.93	C45	90°00'00"	S 44°43'27"E	25.00/25.00	39.27	35.36
C4	45°00'57"	S 67°12'58"W	53.87/130.00	102.14	99.53	C25	70°29'11"	S 23°06'20"W	21.20/30.00	36.91	34.62	C46	25°22'41"	N 77°35'12"E	105.82/470.00	208.18	206.48
C5	45°00'57"	S 22°12'02"E	53.87/130.00	102.14	99.53	C26	12°26'42"	S 05°54'54"E	17.45/160.00	34.75	34.68	C47	09°35'28"	N 85°28'49"E	39.43/470.00	78.68	78.59
C6	89°58'30"	S 45°17'32"W	129.93/130.00	204.13	183.79	C27	12°25'34"	S 06°30'41"W	17.40/160.00	34.67	34.60	C48	15°47'13"	N 72°47'28"E	65.16/470.00	129.50	129.09
C7	44°59'17"	N 22°47'56"E	53.83/130.00	102.07	99.46	C28	70°29'11"	S 22°31'19"E	21.20/30.00	36.91	34.62	C49	25°22'41"	N 77°35'12"E	119.33/530.00	234.75	232.84
C8	44°59'02"	S 67°47'02"W	53.83/130.00	102.07	99.46	C29	204°59'45"	S 44°43'58"W	338.36/75.00	268.34	146.45	C50	01°05'11"	S 65°26'27"W	5.02/530.00	10.05	10.05
C9	25°22'40"	S 77°35'12"W	112.58/500.00	221.47	219.66	C30	80°45'34"	S 17°23'08"E	63.78/75.00	105.71	97.18	C51	16°12'57"	N 75°16'22"E	75.50/530.00	150.00	149.50
C10	25°22'39"	S 77°35'13"E	112.58/500.00	221.46	219.65	C31	67°16'54"	S 56°38'06"W	49.91/75.00	88.07	83.10	C52	06°53'45"	N 86°49'41"E	31.93/530.00	63.79	63.75
C11	90°00'00"	S 44°43'27"E	25.00/25.00	39.27	35.36	C32	56°57'18"	N 61°14'48"E	40.68/75.00	74.55	71.32	C53	90°00'21"	N 45°17'28"E	99.98/100.00	157.04	141.38
C12	23°01'01"	N 78°46'03"E	95.69/470.00	188.80	187.54	C33	73°15'01"	N 65°30'43"W	22.30/30.00	38.35	35.79	C54	90°01'54"	N 44°42'30"W	100.06/100.00	157.13	141.46
C13	07°09'27"	N 86°41'49"E	29.39/470.00	58.71	58.67	C34	57°41'55"	N 57°44'09"W	16.53/30.00	30.21	28.95	C55	23°00'57"	S 78°46'05"W	95.69/470.00	188.80	187.53
C14	15°51'34"	N 75°11'19"E	65.47/470.00	130.09	129.68	C35	15°33'07"	N 85°38'20"E	4.10/30.00	8.14	8.12	C56	03°07'47"	S 88°42'39"W	12.94/470.00	25.67	25.67
C15	02°04'51"	N 79°01'44"E	107.63/530.00	212.59	211.28	C36	12°25'54"	S 84°03'36"W	17.43/160.00	34.72	34.65	C57	18°07'52"	S 78°04'49"W	74.99/470.00	148.73	148.11
C16	02°30'04"	S 67°00'07"W	12.26/530.00	24.53	24.53	C37	25°22'41"	S 77°35'12"W	105.82/470.00	208.18	206.48	C58	01°45'17"	N 68°08'15"E	7.20/470.00	14.39	14.39
C17	19°36'29"	N 79°43'18"E	91.58/530.00	181.37	180.38	C38	05°17'03"	S 87°38'02"W	21.69/470.00	43.35	43.33	C59	23°01'01"	S 78°46'02"W	107.91/530.00	212.91	211.48
C18	00°43'10"	S 89°42'30"W	3.50/530.00	7.00	7.00	C39	18°49'54"	S 75°34'33"W	77.94/470.00	154.48	153.78	C60	15°21'59"	S 74°56'31"W	71.50/530.00	142.14	141.72
C19	12°26'42"	N 83°30'06"W	17.44/160.00	34.75	34.68	C40	01°14'39"	S 65°31'60"W	5.18/470.00	10.35	10.35	C61	07°39'02"	S 86°27'02"W	35.44/530.00	70.77	70.72
C20	70°29'10"	N 67°28'39"E	21.20/30.00	36.91	34.62	C41	25°22'41"	S 77°35'12"W	119.33/530.00	234.75	232.84	C62	90°00'00"	N 45°16'33"E	25.00/25.00	39.27	35.36
C21	206°06'27"	S 44°42'43"E	323.48/75.00	269.79	146.12	C42	19°51'00"	S 74°49'22"W	92.74/330.00	183.62	182.70						

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

July 23, 2002

RECEIVED

JUL 29 2002

Department of Water Resources

Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Water-Bearing Zone for Permit No. 63- 31362

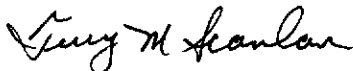
Dear Shelley:

On behalf of Centers Construction, Inc., this letter is a request to change the water-bearing zone remark on permit 63-31362. The permit currently lists a water-bearing zone of 90 to 150 feet. We would like to change the water-bearing zone to 90 to 240 feet.

The reason for the requested change is that we propose to develop for the best aquifer zone (in terms of quantity and quality) within this depth range. The aquifer at this location consists primarily of layers of coarse to fine sand separated by layers and lenses of clay. Although the entire water-bearing interval proposed for appropriation can be considered a single aquifer, the water quality and potential yield will vary from layer to layer. We plan to drill our first borehole to approximately 200 feet total depth, and then complete the well in the most promising aquifer zone encountered. Depending on the quality and quantity of water obtained from the first well, we may attempt to complete the second well in either the same zone or in a different zone. We do not anticipate any impact to local wells or water rights by this change.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Robert Walker P.E.
Lee Centers

MICROFILMED

JUL 29 2002

MEMORANDUM

DATE: July 26, 2002

TO: Water Right File 63-31362

FROM: Shelley W. Keen *SWK*

RE: Request to drill deeper than 150 ft.

This morning I discussed with Mark Slifka and Rob Whitney the applicant's request to drill the well deeper than 150 ft., as indicated on the water appropriation permit. Mark did not have any concerns about drilling deeper, as long as the uncased portion of the well was not more than 25% of the total depth. Rob indicated that drilling deeper might even avoid a potential nitrate problem. They agreed to amend the drilling permit as long as doing so does not violate the water appropriation permit. A change in the depth of the well in this instance is not a "substantial change" to the proposed method of diversion and/or use of water. Therefore, an amendment of permit is not required pursuant to §42-211, *Idaho Code*.

MICROFILMED

AUG 15 2002

SCANLAN ENGINEERING*Groundwater and Environmental Engineering*

July 23, 2002

Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Water-Bearing Zone for Permit No. 83- 31362

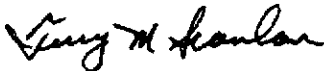
Dear Shelley:

On behalf of Centers Construction, Inc., this letter is a request to change the water-bearing zone remark on permit 83-31362. The permit currently lists a water-bearing zone of 90 to 150 feet. We would like to change the water-bearing zone to 90 to 240 feet.

The reason for the requested change is that we propose to develop for the best aquifer zone (in terms of quantity and quality) within this depth range. The aquifer at this location consists primarily of layers of coarse to fine sand separated by layers and lenses of clay. Although the entire water-bearing interval proposed for appropriation can be considered a single aquifer, the water quality and potential yield will vary from layer to layer. We plan to drill our first borehole to approximately 200 feet total depth, and then complete the well in the most promising aquifer zone encountered. Depending on the quality and quantity of water obtained from the first well, we may attempt to complete the second well in either the same zone or in a different zone. We do not anticipate any impact to local wells or water rights by this change.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Robert Walker P.E.
Lee Centers

600 East River Park Lane, Suite 105
Boise, Idaho 83706

RECORDED

2002 JUL 23

Telephone (208) 383-4140
Facsimile (208) 383-4156



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

February 27, 2002

CENTERS CONSTRUCTION INC
325 N MERIDIAN RD
MERIDIAN ID 83642

RE: Permit No. 63-31362

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.

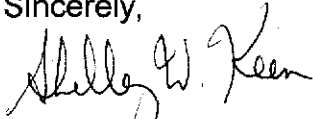
MICROFILMED

FEB 28 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)

RECEIVED

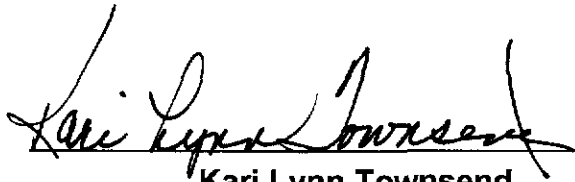
2002

CERTIFICATE OF MAILING

I hereby certify that on February 27, 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. 63-31362

**CENTERS CONSTRUCTION INC
325 N MERIDIAN RD
MERIDIAN ID 83642**


Kari Lynn Townsend
Secretary

MICROFILMED

2002 FEB 28 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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 2/26/02

No. 63-31362 Name: Centers Const. Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes TV6W Moratorium Study area in-house OK ~~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 NK
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: 3/01/2004

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 WD

≤ 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)-007-042-106
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 lot 14, Blk 2
Subd lot desc (pu) - W60 Lots 2-20, Blk 1, 2-13, Blk 2
Use definitions - W02 example - S/50 range Silver Spur Ranch
Pre-1987 development - 068-074 (allow 120 days for proof due) Subd.
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS WB zone = 90-150 ft.

COMMENTS _____



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JAN 25 2002

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Allred, Director

January 23, 2002

RECEIVED

FEB 25 2002

Gary Spackman
Idaho Department of Water Resources-Western Region
2735 Airport Way
Boise, ID 83705-5082

Department of Water Resources

RE: Water Right No. 63-31362: Centers Construction
Silver Spur Ranch Subdivision

Dear Mr. Spackman:

Thank you for the opportunity to respond to your letter dated January 2, 2002. We have the following general comments regarding this project:

New Public Water System (PWS)

This potable water well will serve 25 or more people 60 or more days per year. The water system, including the proposed well, will have to be designed and operated in accordance with the Idaho Rules for Public Drinking Water Systems (IRPDWS). All public water system facilities must have an engineering report and plans and specifications prepared by a registered professional engineer and submitted to DEQ for review and approval prior to construction. The engineering evaluation must cover physical factors such as source selection and construction, structures, pipelines, reservoirs, and related appurtenances. The evaluation must also cover non-structural factors such as system ownership, the ability of the initial owner to finance construction, and the ability of the final owner to finance, operate, and maintain the completed system.

All questions and information on this portion of the project should be directed to

Monty G. Marchus, P.E., (208-373-0560, mmarchus@deq.state.id.us)
Idaho Department of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise ID 83706

MICROFILMED

JAN 10 2002

Gary Spackman

Idaho Department of Water Resources-Western Region

Water Right No. 63-31362: Centers Construction

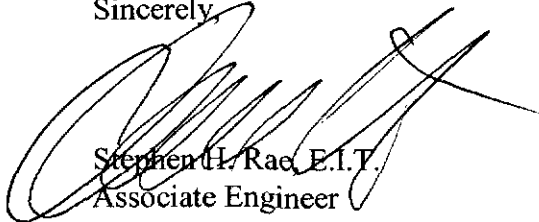
January 23, 2002

Page 2

We request that a drilling permit for this well be issued through the concurrent review process that has been established between our offices.

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,



Stephen H. Rao, E.I.T.
Associate Engineer

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
Luke Payne, Boise Regional Office
Source File #1 Eng, Silver Spur Subdivision
Reading File, Manager's File

MICROFILMED
JUL 10 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: g DATE: 11/29/01 APPLICATION: 63-31362

REQUIRED 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 Gov't. Lots:
FEB 25 2002 / P/D No
P/U

Department of Water Resources

Y ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

N/A / Overlapping place of use: (Describe source & relationship to present application on next page.)
/ Overlapping point of diversion.
/ Critical groundwater area:
/ Groundwater management area:
/ 1992 moratorium:
/ Surface water source, IDFG letter needed.
/ 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. non-consumptive
/ 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

Plat map, water bearing zone,
request to process

Date Requested 11/29/01 Date Response Received 12/3/01

PROCESSING

APP. NO.

3-31362

YES NO

- ☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/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 & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

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 1-22-02☐ ☒ Protests received.☐ ☒ Recommendations attached:☐ ☒ Measuring device required:☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 04/6, 12/1, ~~Internal use only~~
Use surface water first for irrigation, supplemental
irrigation supply.

See below for additional information

Recommended Date or Priority 11/20/01Recommended by: Darys Date: 2/20/02**ADDITIONAL INFORMATION:**

Internal Domestic use only
separate pressurized surface water
system will be used for lawn
irrigation

RECEIVED

JAN 15 2002

WATER RESOURCES
WESTERN REGION

e0100285 04505925
1 Idaho Dept. of Water Resource
2735 Airport Way
BOISE ID 83705

LEGAL NOTICE

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

63-31362

CENTERS CONSTRUCTION INC
325 N MERIDIAN RD
MERIDIAN ID 83642

Point(s) of Diversion

NWSW

S5 T03N R01W

CANYON County

Source GROUND WATER

Use: DOMESTIC

01/01 To 12/31

0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 11/20/2001

Place Of Use: DOMESTIC

T03N R01W S5

NWSW

Remark: Domestic use is for 31 homes in Silver Spur Ranch Subdivision.

Water bearing zone to be appropriated is from 90 to 150 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/22/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

January 3, 10, 2002 04505925

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) SS.

County of Canyon)

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

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
01/03/2002, 01/10/2002

STATE OF IDAHO)

County of Canyon)

On the 10th day of January in the year of 2002
before me, a Notary Public, personally appeared.
Traci L. Griffin,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

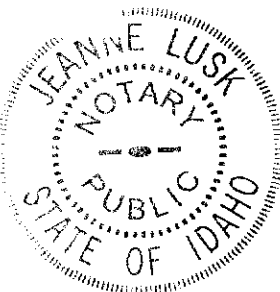
Notary Public for Idaho

Residing at Nampa

My commission expires June 21, 2003

MICROFILMED

JAN 15 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 31, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Water Right No. 63-31362 in the Name of Centers Construction.

Dear Sir:

Enclosed is a copy of the above-referenced application, which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires 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 January 22, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl.

MICROFILMED

JAN 10 2002

December 27, 2001

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Legal Ads

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 notices 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 01/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

JUL 10 2002

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

63-31362

CENTERS CONSTRUCTION INC
325 N MERIDIAN RD
MERIDIAN ID 83642

Point(s) of Diversion NWSW S5 T03N R01W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 11/20/2001

Place Of Use: DOMESTIC

T03N R01W S5 NWSW

Remark: Domestic use is for 31 homes in Silver Spur Ranch Subdivision.

Water bearing zone to be appropriated is from 90 to 150 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/22/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 3 and 10, 2002.

MICROFILMED

JUL 8 2002

Robert P. Walker, LLC

November 14, 2001

Steve Lester
Water Rights Supervisor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit
Silver Spur Ranch Subdivision

Dear Mr. Lester:

Attached herewith is the Application for Permit to appropriate the public waters of the State of Idaho for Silver Spur Ranch Subdivision in Canyon County, Idaho. This application is for a well source to supply domestic water to 31 homes to be located within the subdivision. We are requesting 0.24 cfs or 108 gpm. Irrigation will be provided from the existing surface water right through a separate pressurized system.

We appreciate your review of this application. If you have any questions or need additional information, please contact me at 841-1598.

Sincerely,



Robert P. Walker, P.E.

cc: Lee Centers,
Centers Construction, Inc.

MICROFILMED

NOV 15 2002