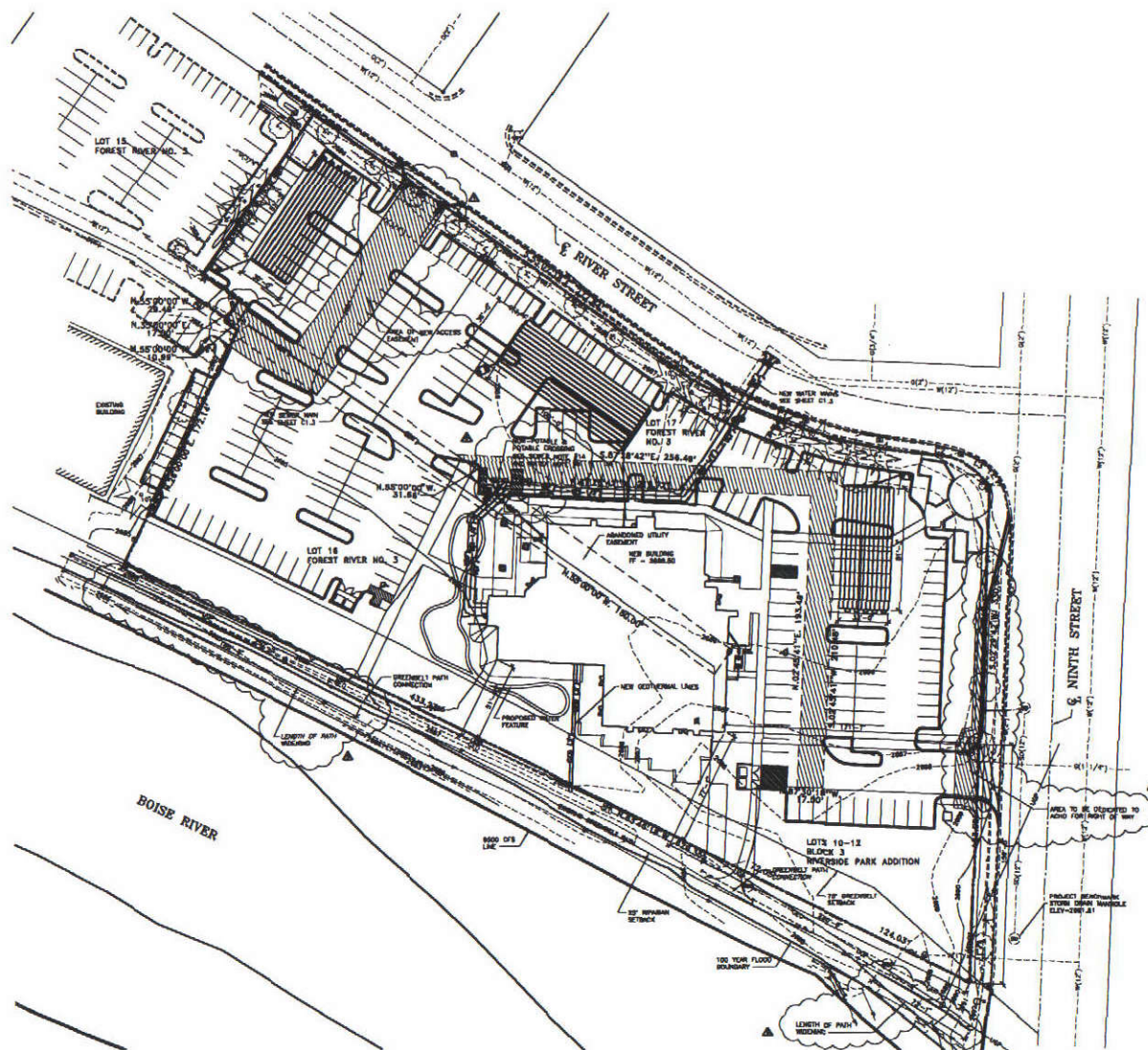
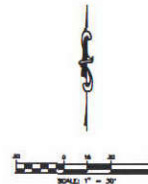


**CIVIL SITE PLAN FOR
FOREST RIVER EAST**
A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10
TOWNSHIP 8 NORTH, RANGE 8 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
1999

PINNACLE
Engineers, Inc.
875 N. 10th St., Boise, Idaho 83702
(208) 333-7700

MICROFILMED
SEP 30



GENERAL LEGEND

- SP--- EXISTING STORM DRAIN (PPIC SIZE)
- SW--- EXISTING WATER LINE (PPIC SIZE)
- OW--- EXISTING GAS LINE (PPIC SIZE)
- OD--- EXISTING GEOTHERMAL LINE
- SWP--- NEW WATER LINE (PPIC SIZE)
- SWP--- NEW SEWER LINE (PPIC SIZE)
- OWP--- NEW GEOTHERMAL LINE (PPIC SIZE)
- EF--- EXISTING FENCE
- EP--- EXISTING EDGE OF PAVEMENT
- RL--- ROADWAY CENTER LINE
- RDN--- ROADWAY RIGHT-OF-WAY
- EB--- EXISTING BOUNDARY
- LL--- LOT LINE
- CO--- EXISTING CONTOUR
- CC--- EXISTING CONCRETE
- CA--- EXISTING CONCRETE APPROACH
- VC--- EXISTING VERTICAL CURVE
- GL--- EXISTING GUTTER & SEWER
- PM--- EXISTING PAVEMENT
- BM--- EXISTING BATTERY BENCH MARK
- NB--- NEW BATTERY BENCH MARK
- SL--- STREET LIGHT
- FH--- EXISTING FIRE HYDRANT
- WM--- EXISTING WATER VALVE
- WV--- NEW WATER VALVE
- PW--- NEW POST INDICATOR VALVE
- PCV--- PROPOSED POSITION CONTROL VALVE
- WMH--- EXISTING WATER MANHOLE
- SMH--- NEW SERVICE WATER MANHOLE
- SDM--- EXISTING STORM DRAIN MANHOLE
- TJM--- EXISTING TELEPHONE JUNCTION BOX
- SMB--- EXISTING SIGNAL BOX
- ERB--- EXISTING ELECTRIC BOX
- PP--- EXISTING POWER POLE
- CBM--- EXISTING CATCH BASIN
- CTT--- EXISTING CONCRETE TREE (CALIFORNIA)
- CTT--- EXISTING CONCRETE TREE (CALIFORNIA)
- FAC--- FOUND ALLIUM CAP
- FSP--- FOUND 1/2" STEEL PIN
- SAG--- NEW SAND AND GRAVEL TRAP - 1000 GAL
- SGR--- NEW SINK GRATE
- PAB--- PROJECT AREA BOUNDARY FOR GREENBELT EXAMINATION
- NIB--- NEW INFILTRATOR BED

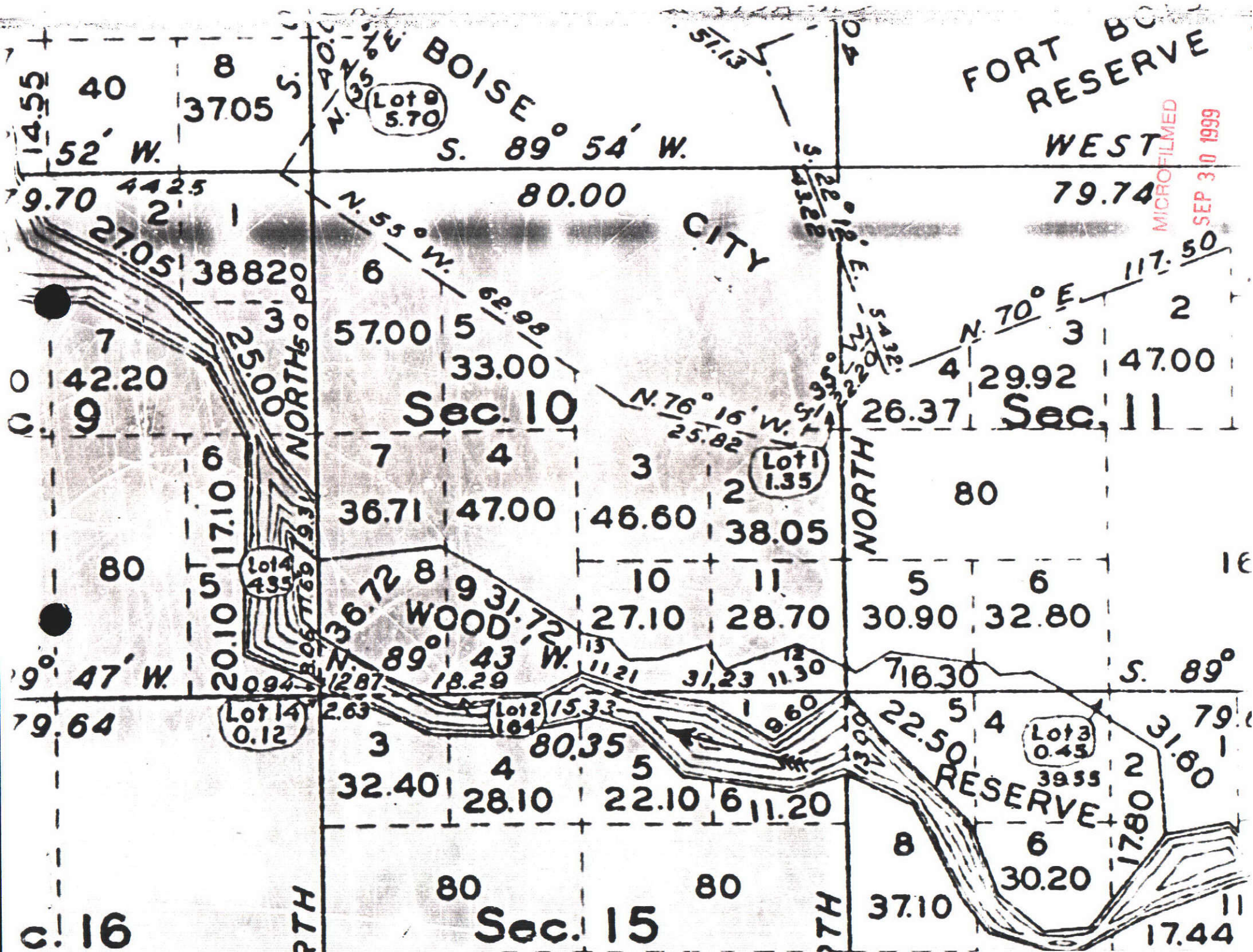
NOTE: THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN APPROXIMATELY ONLY BASED ON AVAILABLE RECORDS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL UTILITY DEPTHS AND LOCATIONS BEFORE COMMENCING WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE TO ANY UTILITIES BY FAILURE TO LOCATE, LOCATE, AND MARK ALL UTILITIES. CALL 800-4-A-SHIELD BEFORE COMMENCING UNDERGROUND WORK. 201-158.

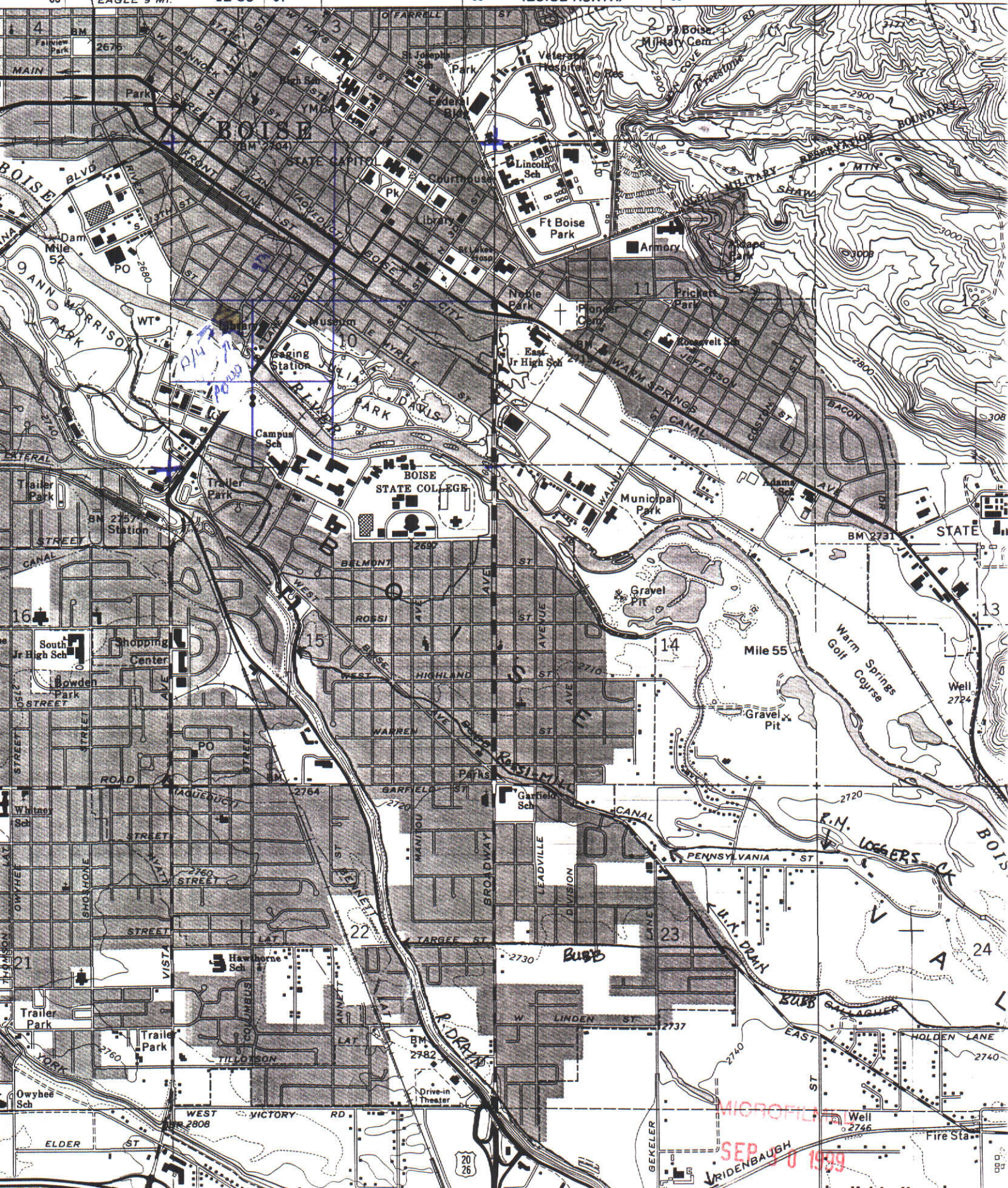
NUMBER	LENGTH	DEPTH	APPROX.	APPROX.	CHUBB	CHUBB
1	117.00	12" x 12"	117.00	117.00	117.00	117.00
2	117.00	12" x 12"	117.00	117.00	117.00	117.00
3	117.00	12" x 12"	117.00	117.00	117.00	117.00

BPS
ARCHITECTS

OFFICE/RESTAURANT FOR
RMH COMPANY
FOREST RIVER EAST

OWNER	RMH COMPANY
DESIGN	100% FOR
CHECKED	100% FOR
DATE	10/15/99
BY	10/15/99
REVISION	10/15/99





A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10
TOWNSHIP 8 NORTH, RANGE 2 EAST, BOISE MERIDIAN
ADA COUNTY, IDAHO
1998

SPS R. Lloyd Price & Widdowson, Inc. 434-42
(800) 882-7700



GENERAL LEGEND

- [illegible]

NOTE THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN APPROPRIATELY PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL UTILITY COORDINATES OF THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE ANY EXCAVATION WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY OCCUR BY FAILING TO EXACTLY LOCATE AND PROTECT ALL UTILITIES. CALL 811 AND, BEFORE COMMENCING UNDERGROUND WORK, 243-1888.

WAVELENGTH	25.75	26.12	26.49	26.86	27.23	27.60	27.97
C1	197.40	204.40	211.40	218.40	225.40	232.40	239.40
C2	12.40	13.40	14.40	15.40	16.40	17.40	18.40
C3	20.40	21.40	22.40	23.40	24.40	25.40	26.40

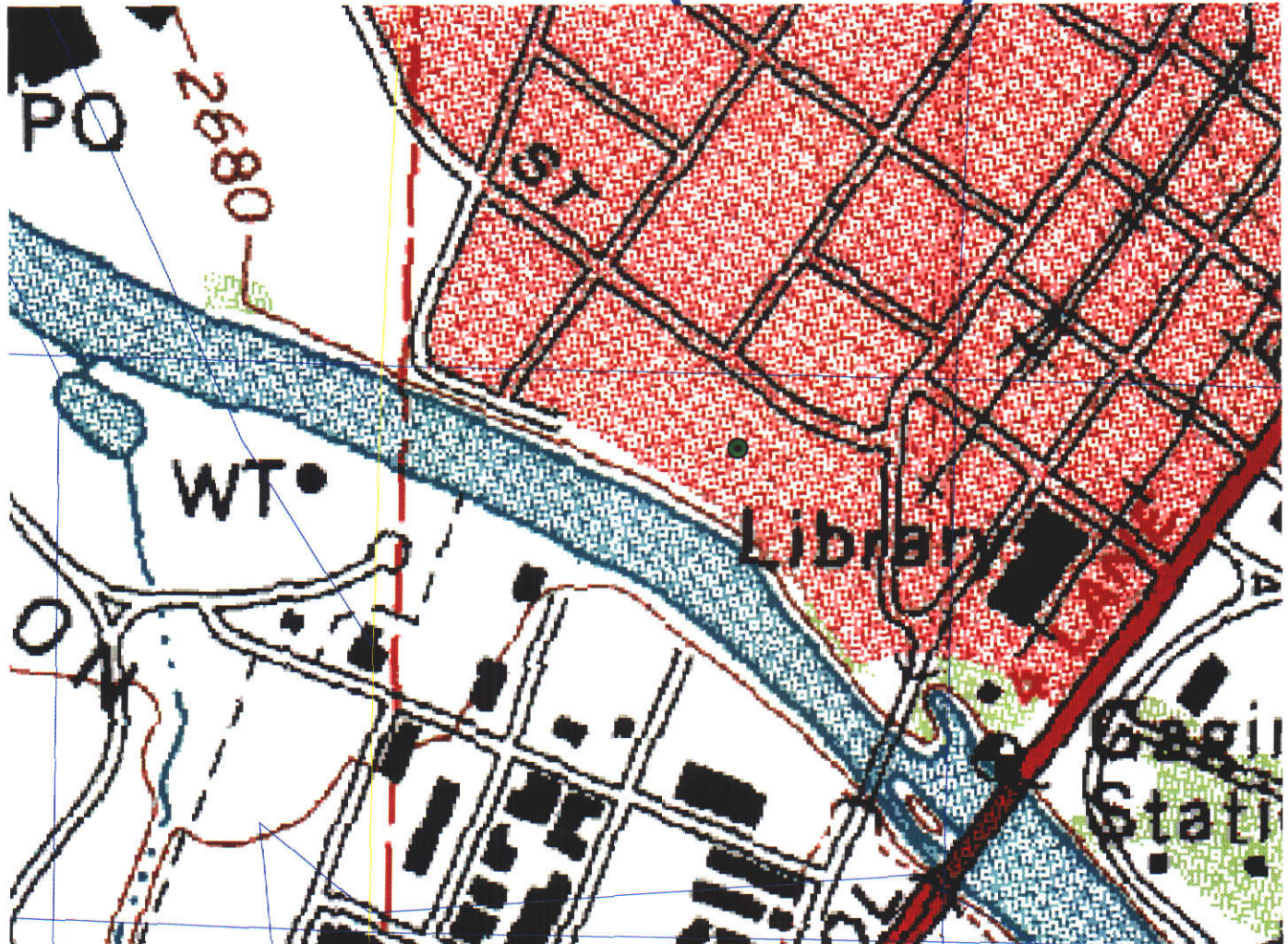
OFFICE/RESTAURANT FOR:
RMH COMPANY
FOREST RIVER EAST

BDS
ARCHITECTS

107 WEST RIVER ST.
SUITE 100
ROSELAND EDGE
CAMDEN NJ 08103
TEL 609 396-0280
FAX 609 396-0280

[illegible]

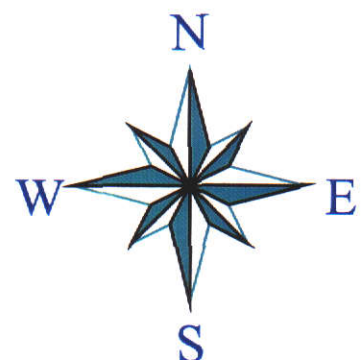
63-12521
3N 2E S10
Gov Lot 7 (NWSW)



0.1 0 0.1 0.2 Miles

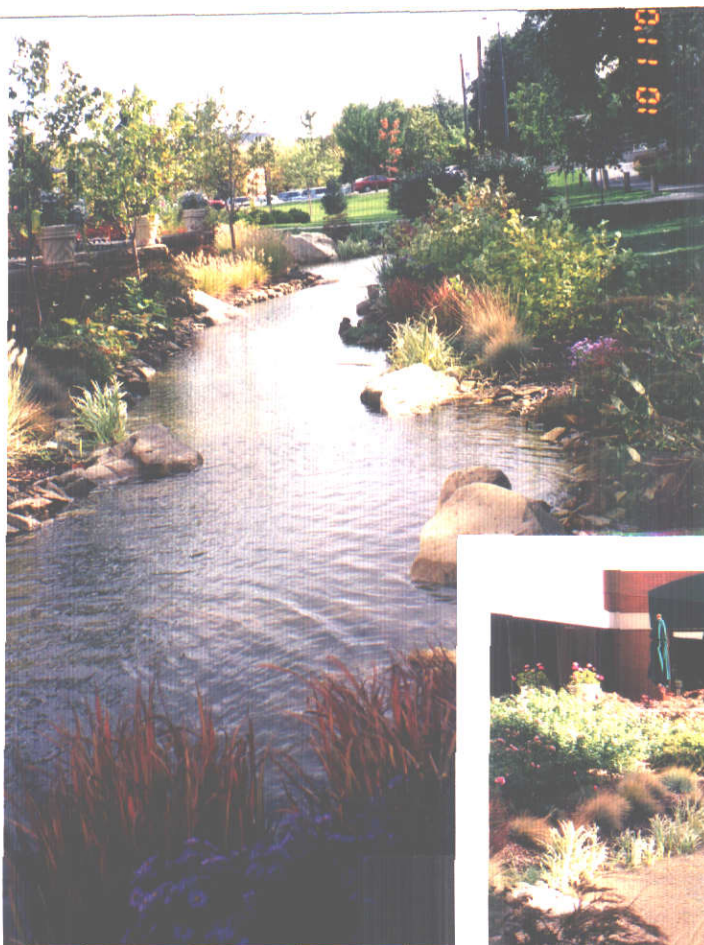
MICROFILMED
JUL 10 2002

- Well and Pond
- Section Line
- 1/41/4 Line





P/D +
Controlling
Works



— P/L
1



MICROFILM

JUL 1

10 11'01

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12521

Priority: April 15, 1999

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.2 AF

It is hereby certified that RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated April 15, 1999; and has submitted Proof of Beneficial Use on July 28, 2000. An examination indicates that the works have a diversion capacity of 0.35 cfs of water from:

SOURCE

GROUND WATER

Tributary: BOISE RIVER

and a water right has been established as follows:

BENEFICIAL USE

AESTHETIC STORAGE
DIVERSION TO STORAGE

PERIOD OF USE

01/01 to 12/31
01/01 to 12/31

DIVERSION RATE

0.04 CFS

**ANNUAL
DIVERSION VOLUME**
0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L7 NW¼SW¼ Sec. 10, Twp 3N, Rge 2E, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE

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	02E	10																	

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. The right holder must provide for storage water or some other source of water to be released into the Boise River for mitigation purposes and shall annually provide to the department an executed storage lease agreement or other documentation as proof of such release into the Boise River.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

JUL 28 2000

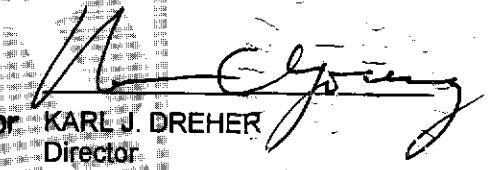
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12521

4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
7. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
8. Aesthetic storage use is for a pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26TH day of June, 2002.


Acting for **KARL J. DREHER**
Director

MICROFILMED

2001-10-20

RECEIVED

JUL 28 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUL 31 2000

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 63-12521 Telephone No. (208) 336-2200

2. Name of Permit Holder(s): RMH COMPANY

3. Mailing Address: P.O. BOX 6887

City BOISE State ID Zip 83707

4. Source of Water: SHALLOW AQUIFER If GROUNDWATER (well), Date Drilled: mo. 09 / yr. 99

a. Well Driller: BACKHOE DUG LESS THAT 18 FEET DEEP Drilling Permit Number: - - - - -

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: ESTHETIC USE FOR A POND

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR .2 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ☒
Has the measuring device been installed? Yes or No ☒

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: AMY WRAY Telephone Number: (208) 336-2200

Address: 1101 W. RIVER STREET, SUITE 300 BOISE, ID 83702

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Amy Wray Authorized Rep. Date: 7-12-00
(Include your title, if on behalf of company or organization)

MICROFILMED

SEP 13 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second AF = acre feet)

<u>CFS</u>	<u>AF</u>	<u>FEE</u>
0 - 0.20	0 - 20	\$50.00*
.21 - 1.00	21 - 100	100.00
1.01 - 2.00	101 - 200	125.00
2.01 - 3.00	201 - 300	150.00
3.01 - 4.00	301 - 400	175.00
4.01 - 5.00	401 - 500	200.00
5.01 - 6.00	501 - 600	225.00
6.01 - 7.00	601 - 700	250.00
7.01 - 8.00	701 - 800	275.00
8.01 - 9.00	801 - 900	300.00
9.01 - 10.00	901 - 1000	325.00
10.01 - 11.00	1001 - 1100	350.00
11.01 - 12.00	1101 - 1200	375.00
12.01 - 13.00	1201 - 1300	400.00
13.01 - 14.00	1301 - 1400	425.00
14.01 - 15.00	1401 - 1500	450.00
15.01 - 16.00	1501 - 1600	475.00
16.01 - 17.00	1601 - 1700	500.00
17.01 - 18.00	1701 - 1800	525.00
18.01 - 19.00	1801 - 1900	550.00
19.01 - 20.00	1901 - 2000	575.00
20.01 - over	2001 - over	600.00

*Checks should be made payable to the
Idaho Department of Water Resources (IDWR.)

A license examination fee is not required in connection with
permits which use a ground water source **AND** have a total rate of
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for **ANY** permit which uses surface water

MICROFILMED

SEP 13 1988

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12521

Proposed Priority: April 15, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that RMH CO

PO BOX 6887

1101 W RIVER SUITE 300

BOISE ID 83707

has applied for a permit to appropriate water from:

GROUNDWATER

tributary of BOISE RIVER

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>
AESTHETIC STORAGE	01/01 to 12/31		0.2 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 10, Township 03N, Range 02E
ADA County

PLACE OF USE: AESTHETIC STORAGE

TWN RGE SEC

03N 02E 10

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
6. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

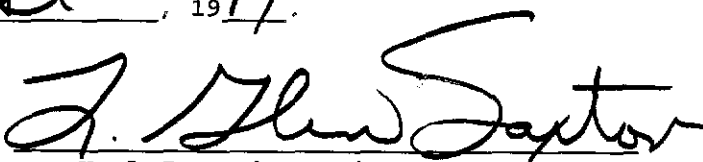
NO. 63-12521

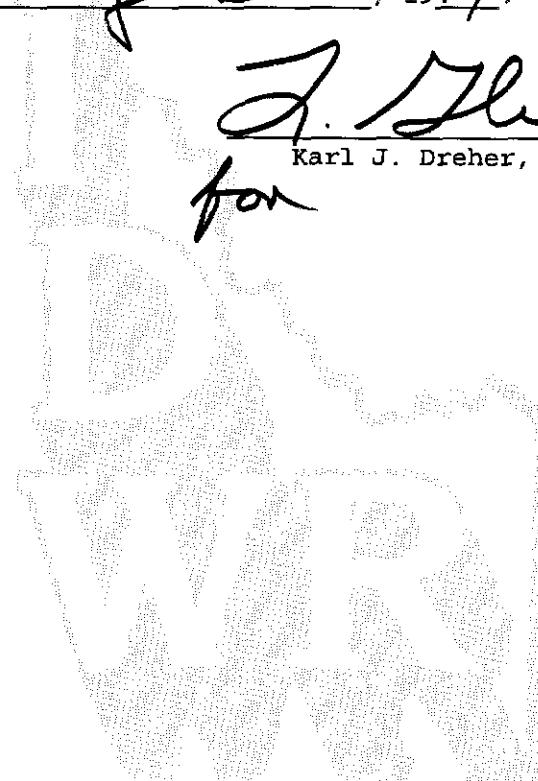
CONDITIONS OF APPROVAL AND REMARKS

7. The right holder must provide for storage water or some other source of water to be released into the Boise River for mitigation purposes and shall annually provide to the department an executed storage lease agreement or other documentation as proof of such release into the Boise River.
8. Aesthetic use is for a pond.

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

9th day of August, 1999.


Karl J. Dreher, Director
for



RECEIVED

APR 15 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 26 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant RMH Company Phone 336-2200
Mailing address P. O. Box 6887, 1101 W. River, Ste. 300, Boise, ID 83707
2. Source of water supply GROUND WATER Surface water (48') which is a tributary of Boise River *
3. Location of point of diversion is Township 3N Range 2E Sec. 10, in the NW 1/4, SW 1/4, 1/4, Govt. Lot , B.M., Ada County; additional points of diversion if any:
4. Water will be used for the following purposes:
- Amount 0.207 ^{feet} ~~Acres~~ pond ~~landscape/surface~~ purposes from 1-1 to 12-31 (both dates inclusive) *
- (cfs or acre-feet per annum)
- Amount 0.04 ~~cfs~~ for Div TO STORAGE purposes from 1-1 to 12-31 (both dates inclusive) *
- (cfs or acre-feet per annum) Aesthetic
- Amount 0.21 ~~AF~~ for Domestic STORAGE purposes from 1-1 to 12-31 (both dates inclusive) **
- (cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
- (cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
- (cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
- (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b) 0.207
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 0.5 hp submersible pump in an underground vault
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is continuous ^{1 year} years (minimum 1 year) *
- Construction will require only 2-3 weeks. Water application commences immediately following.
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Supply and replenishment of water feature (3000+ft² pond) at the cornerstone at Forest River (9th & River St.) Pond maximum depth is 3 feet.

* See 5-13-99 memo. DAN 5-13-99

** See 5-21-99 memo DAN 5-21-99

RECORDED

SEP 10 1999

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	10							3.91			D							3.91
									⊕										

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? RMH

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

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

12. Remarks: A site plan is included showing the site layout, the pond location, and the proposed location of the underground vault.

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.

Amy H. Wray - Project Manager *

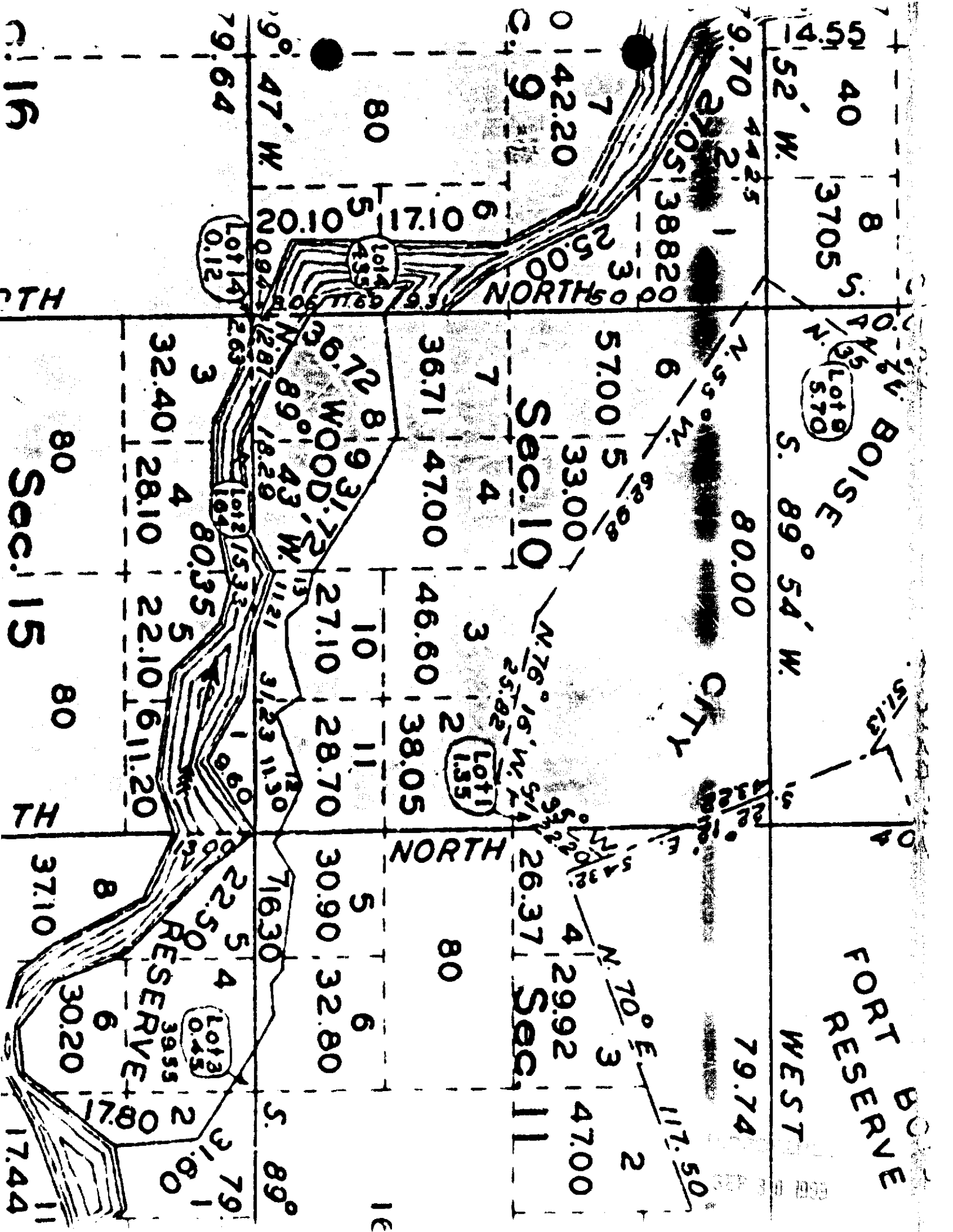
Amy H. Wray
Signature of Applicant (and title, if applicable)

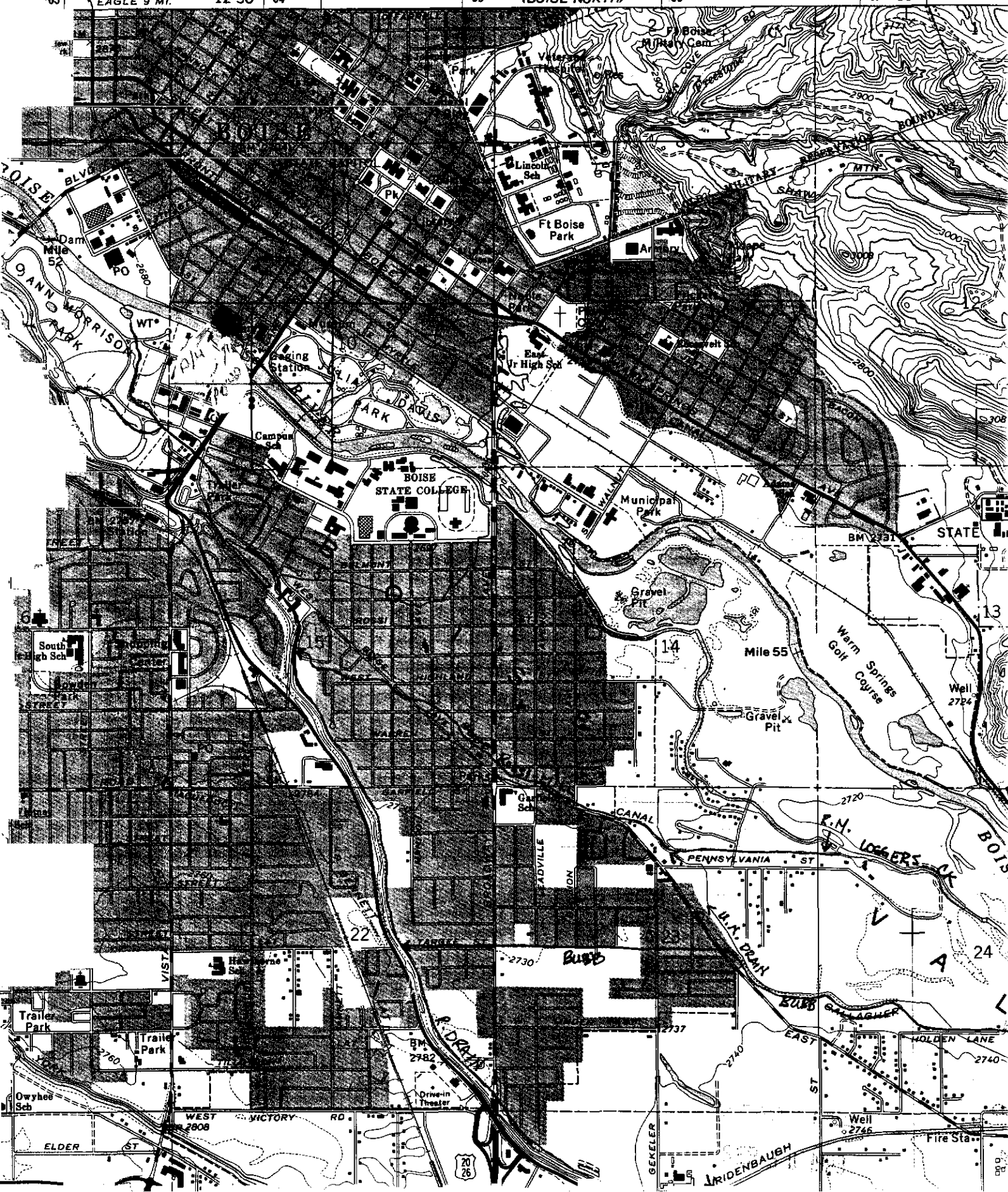
Received by *DB* Date *4-15-99* Time *9:30a* Preliminary check by *DAN*
Fee \$ *50-* Received by *DB* # *W025074* Date *4-15-99*
Publication prepared by *AT* Date *5-26-99* Published in *THE IDAHO STATESMAN*
Publication approved *6-18-99* *DD* Date *6-18-99* *6-3-10-99*

* *5-13-99*
See memo

0 *5-13-99*

* * *Signature Clarified per 5-13-99 Letter.*





Ident. No. 63-12521

Comments: Date: 5/13/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

Application is for a 3 ft. deep-3000 sq. ft. aesthetic pond. Water for pond will be diverted from an 18 ft. deep fault or well to the pond. Due to a shift in the Boise River it is unclear wheather this application is in Government Lot 7 or Lot 8, so no government lots were listed on the application. Since this is a domestic right it will be limited to 2,500 gallons per day. Irrigation for P/U will come from United Water or from a future transfer of an irrigation water right.



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

June 28, 2002

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707

RE: License No. 63-12521 - Issuance of License

Dear Water Right Holder(s):

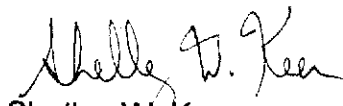
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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)

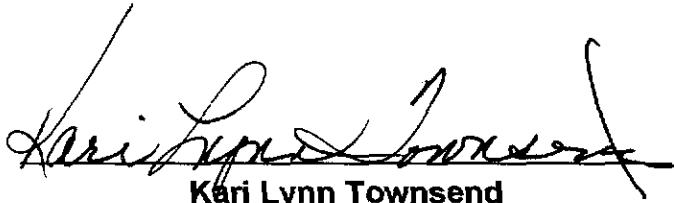
MICROFILMED
JUL 10 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 63-12521

**RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JUL 1 0 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.

MICROFILMED

1991 JUL 2002

Comment Report

63-12521

1. ^{skk}skken 6/24/2002 Licensing Review

Comment: Licensing review and data entry by S. Keen on 6/24/2002.

Examiner described the system capacity as the sum of three pumps. Because the examiner does not describe where the pumps are or how they are arranged, I have assumed the pumps are in series rather than parallel, and I have listed the capacity for just one pump.

MICROFILMED

JUL 4 0 2002



RECEIVED

JUN 24 2002

Department of Water Resources

June 21, 2002

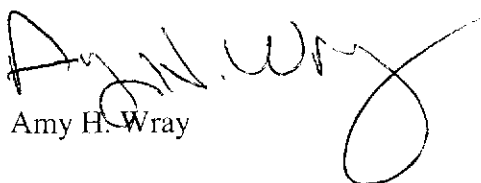
Shelly Walter Keen
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Water Right Permit No. 63-12521

Dear Mr. Keen:

Enclosed please find a completed Water Bank Lease Agreement for 2002. As we discussed on the telephone, we did not mitigate water in the prior years and did not have a lease agreement. I think this is the last piece of information needed to finalize the permit. If you need something else, please let me know.

Sincerely,


Amy H. Wray

MICROFILMED

\$6.50/Acre Foot

RECEIVED

JUN 24 2002

Department of Water Resources

**WATER BANK WATER LEASE AGREEMENT
FOR 2002**

The Committee of Water District 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Water Supply Bank by water users who own reservoir space and have excess supplies for the current year, does agree to sell Hormaechea Limited Partnership (entity), 1 A.F. of water requested for

Mitigation (use). This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and execution of same by the party herein named.

Upon receipt of \$ 6.50 and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify 1 A.F. of stored water between January 1 and December 31 of 2002.

Description of point of diversion:

Located in 1/4 1/4, Sec. , T. , R. ;

Other: 913 W. River Street, Corner of River St. and 9th St.

On source

Pump H.P. _____ Life _____

Headgate _____ (canal name if appropriate)

Description of place of use:

Legal Description:

Total number of acres irrigated: Pond supplied by ground water

Dated this 17th day of June, 2002

Ang H. Wny
(name) General Partner

(name General Partner

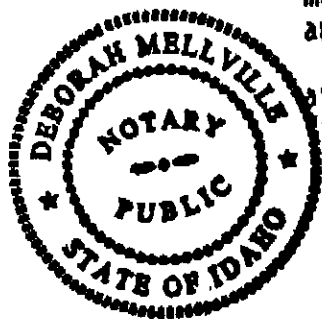
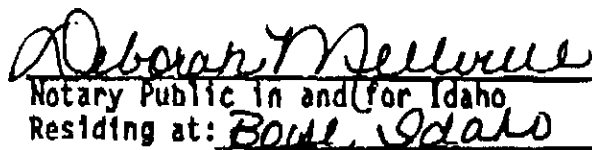
P.O. Box 6887 Boise, ID 83707

(address)

State of Idaho)
County of ADA)

On this 18th day of JUNE 2002, before me the undersigned Notary Public in and for said county and state, personally appeared AMY H. WRAY, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.



I have accepted the request of Hormascher Limited
to purchase water from the Water Supply Bank this 21 day of
June 2002

Watermaster, Water District No. 63

MEMORANDUM

DATE: May 30, 2002

TO: Water Right File 63-12521

FROM: Shelley W. Keen *swk*

RE: Call from Amy Wray of RMH Company

Today I spoke on the telephone with Amy Wray of RMH Company (208-336-2200) about the need to comply with approval condition no. 7 of permit 63-12521. She told me that RMH has not complied with the condition since 1999, but that she will comply this year and in future years. She promised to send me a copy of the lease agreement for 2002 as soon as it is done.

MICROFILMED

JUL 13 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 29, 2002

RMH CO
PO BOX 6887
BOISE ID 83707

RE: Water Right Permit No. 63-12521

Notice of Pending Order to Void Permit

Dear Permit Holder:

On July 28, 2000, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement you submitted for Permit 63-12521, which authorized you to establish a right to divert 0.04 cfs and/or 0.2 acre feet of water from a well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 3N, Rge. 2E, for an aesthetic pond. On October 11, 2001, IDWR personnel conducted an examination to verify your water use. The examiner reported that you had not complied with the condition of approval requiring you to provide for storage water or some other source of water to be released into the Boise River for mitigation purposes and shall annually provide an executed storage lease agreement as proof of such release into the Boise River. On April 23, 2002, the Department requested that you submit evidence that you had complied with this condition. As of this date, IDWR has not received the required documentation.

The purpose of this letter is to inform you that IDWR cannot issue a water right license for the beneficial use developed under the permit unless you have complied with all the conditions of approval. Within 30 days, please submit documentation that you have either complied with the mitigation requirement for the years 2000, 2001 and 2002, or that you did not mitigate because you did not divert water during those years.

If you do not respond to this notice within 30 days of the date of mailing of this letter, I will recommend that your permit be voided on the grounds that you have not complied with the conditions of approval. If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED

JUL 10 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 23, 2002

RMH CO
PO BOX 6887
BOISE ID 83707

RE: Permit No. 63-12521

Gentlemen:

The Department of Water Resources is reviewing the above referenced permit prior to issuing a water right license. We find, in reviewing our file, that we need documentation to show that you have complied with Condition No. 7 of the permit.

The condition is as follows:

The right holder must provide for storage water or some other source of water to be released into the Boise River for mitigation purposes and shall **annually** provide to the Department an executed storage lease agreement or other documentation as proof of such release into the Boise River.

We received a copy of your "Water Bank Water Lease Agreement for 1999" but have not received any documentation for 2000 or 2001. We would also like a copy of your documentation for the 2002 season. Please provide the documentation required, within 30 days from the date of this letter, so that we can proceed with preparing a license for your water system.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED

JUL 7 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 20 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-12521

1. Owner BMH Co Phone No. 336-2200

Current Address: PO Box 6887 Boise ID 83707

2. Accompanied by: _____ EXAM DATE : 10/11/01

Address: _____ Phone No. _____

Relationship to Permit Holder: Company contact: Amy Wray

3. Source: Ground Water tributary to Boise River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SW	10	3N	2E	Ada	GPS, Topo, Exam

2. Place(s) of Use:

Indicate Method of Determination same as above

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	2E	10										X							

MICROFILMED

NOV 21 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

See Attached Site Plan

Y Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
3 Pumps		1.5 each	Submersible		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

E. NARRATIVE/REMARKS/COMMENTS

Three 1.5 hp submerged pumps are used to recirculate water originating from an 18' backhoe dug well 4' in diameter. The water is used for an aesthetic pond and fountain. The water is pumped into the pond, then is recirculated and injected back into the well via drain culverts at each end of the pond and 4" mainline. The depth and shape of the pond varies throughout. The pond wraps around the South and West side of a large building located on the corner of 9th and River Streets. It currently serves as an aesthetic for the patrons of the Cottonwood Grill restaurant. Municipal water is used for irrigation of the surrounding landscape. No other rights are used. The pond appears to be in Gov Lot 7, however the course of the river has changed and could now be considered Gov Lot 8. I chose to list the P/D and P/U in Gov Lot 7.

MICROFILMED

1990 10 25/90

Have conditions of permit approval been met? ☐ yes ☒ no

PLEASE NOTE: As a condition of the permit, applicants are supposed to obtain mitigation water every year because the well is tributary to the Boise River above Star bridge. I asked the applicants for proof that this condition has been met and they provided a water bank lease agreement for the 1999 season, but nothing for the 2000 or 2001 seasons.

MICROFILMED

APR 15 2012

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$4.5 \text{ hp} \times 8.8 \times 7 = 1.04 \text{ cfs}$$

$$15' + 5 \text{ psi} \times 2.31$$

Hp from applicant (Amy Wray verified three 1.5 hp submersible pumps)

Lift based on depth of well per Amy Wray

Psi estimated for open discharge system

Allow .04 cfs per permit

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

Pond volume was estimated by pacing and using 1.5' as an average depth, which calculated to .167 af...allow .2 af per permit

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Diversion to Storage	1/1	12/31	.04	
Aesthetic Storage	1/1	12/31		.20
TOTAL			.04 cfs	.20 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

Lori Graves - Senior Agent

Field Examiner's Name Lori Graves Date 10/12/01

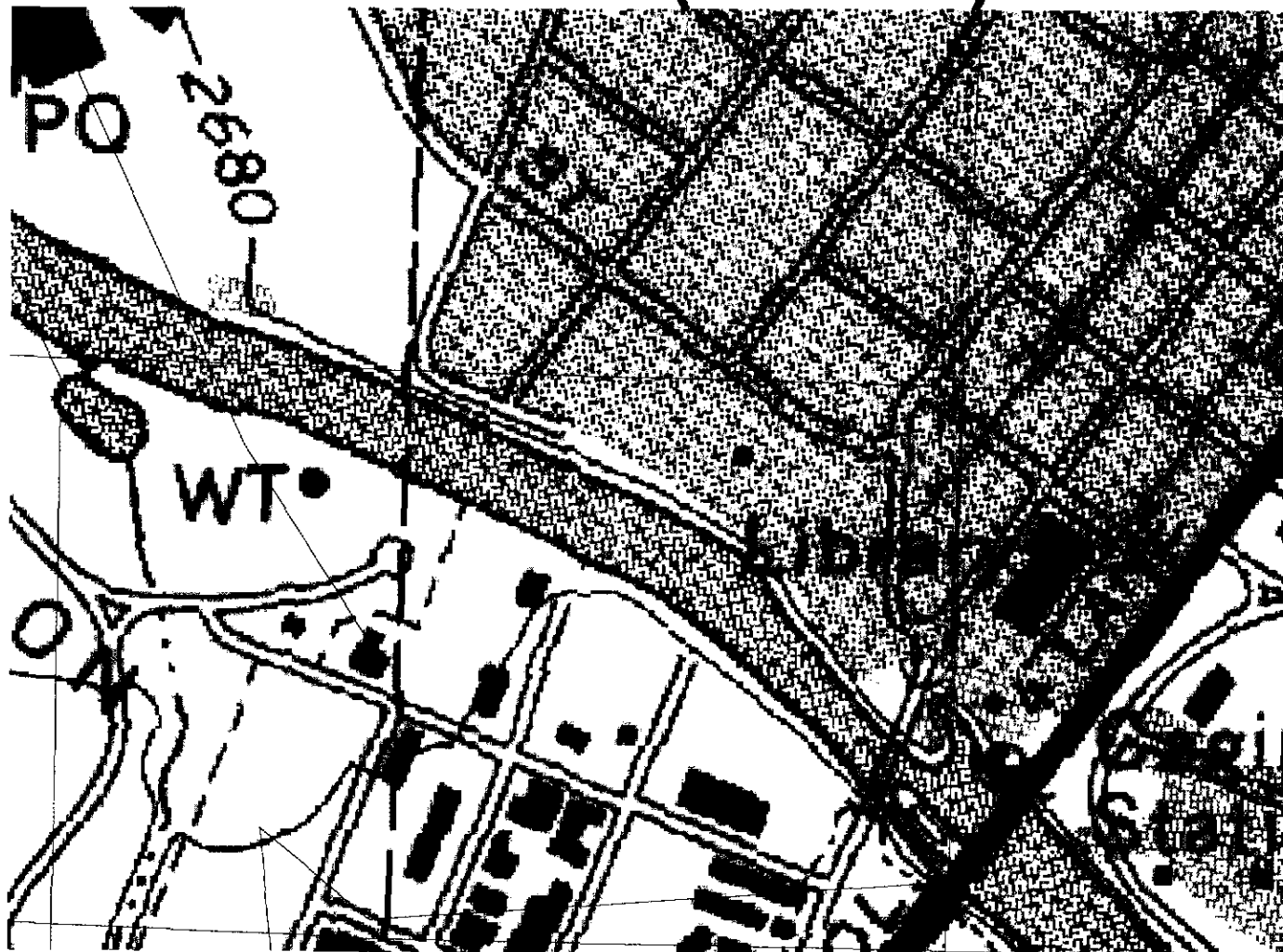
Reviewer _____ Date _____

SEAL

MICROFILMED

OCT 2002

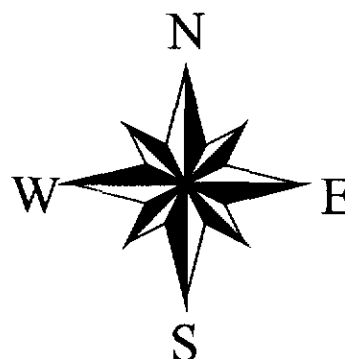
● 63-12521 ●
3N 2E S10
Gov Lot 7 (NWSW)



0.1 0 0.1 0.2 Miles

MICROFILMED
FEB 2002

- Well and Pond
- Section Line
- 1/4 1/4 Line



WATER BANK WATER LEASE AGREEMENT
FOR 1999

The Committee of Water District 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Water Supply Bank by water users who own reservoir space and have excess supplies for the current year, does agree to sell Hormaschea Limited (entity), 1 A.F. of water requested for Partnership

Mitigation (use). This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and execution of same by the party herein named.

Upon receipt of \$ 6.50 and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify 1 A.F. of stored water between August 1 and December 31 of 1999.

Description of point of diversion:

Located in 1/4 1/4, Sec. , T. R. ;
Other: 913 W. River Street, Corner of River St and 9th St.
On source
Pump W.P. LIVE
Headgate (canal name if appropriate)

Description of place of use:

Legal Description:
Total number of acres irrigated: Pond supplied by ground water
Dated this 24th day of June, 1999

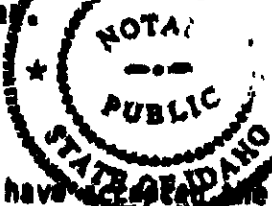
Am H. Wray - General Partner
(name)

P.O. Box 6887 Boise, ID 83707
(address)

State of Idaho
County of Ada

On this 24th day of June, 1999, before me the undersigned Notary Public in and for said county and state, personally appeared Am H. Wray, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.

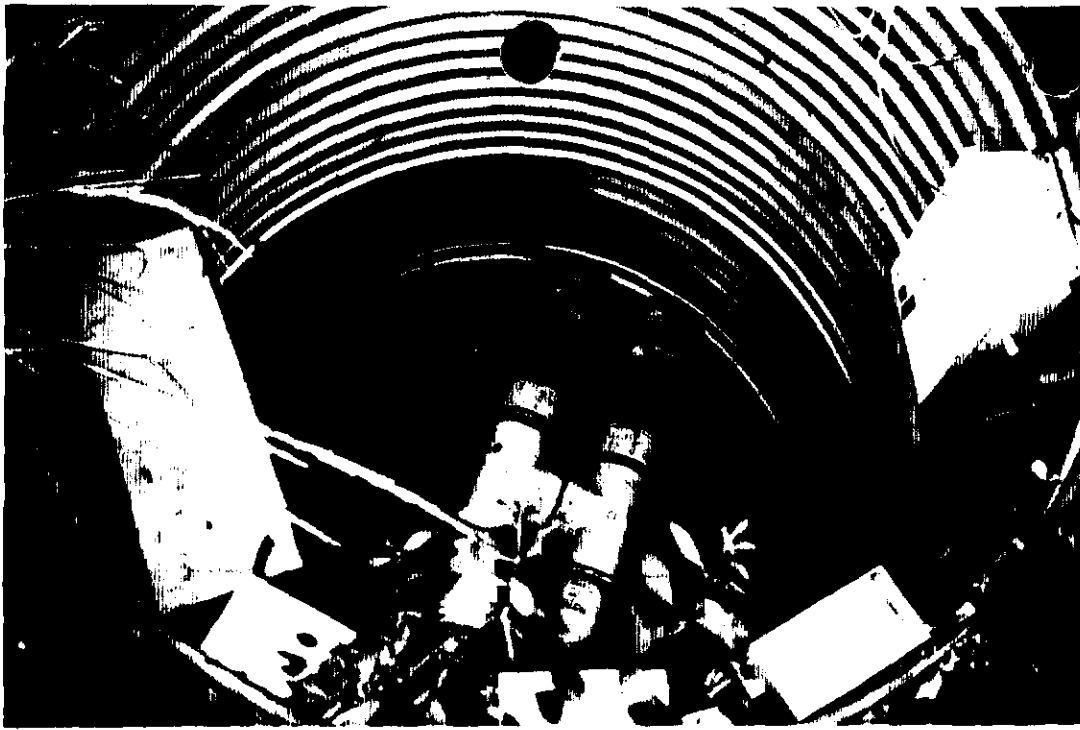


Dana Kiser
Notary Public in and for Idaho
Residing at: Boise, Idaho

I have accepted the request of Hormaschea Limited to purchase water from the Water Supply Bank this 24th day of June, 1999

MICROFILMED

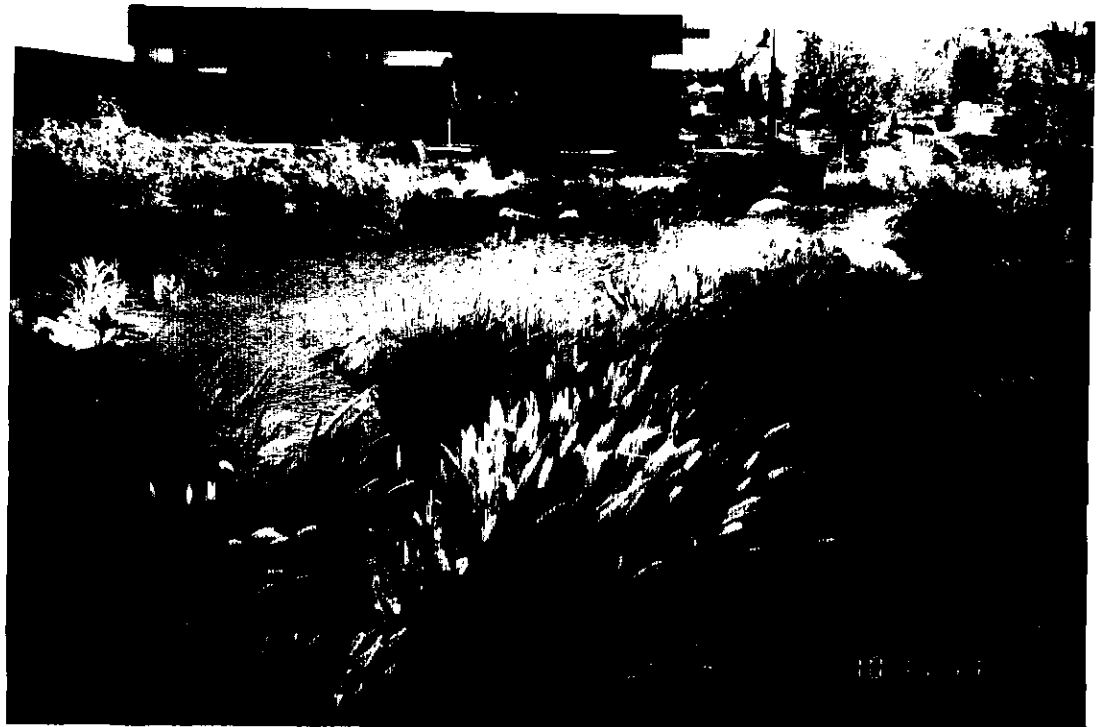
Lee Smith
Watermaster, Water District No. 63
Agent for the Committee of Water District 63



P/D +
Controlling
Works



— P/L
1



MICRO...

10/1/77

10/1/77



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RMH COMPANY
ATTN AMY WRAY
PO BOX 6887
BOISE ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12521

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

SEP 13 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-12521

Reviewed by D. Gibson Date 9/5/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Aesthetic storage

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

No Surface water source

Yes Ground water source

Yes Drilling permit required?

No Copy in the file? Drilling Permit No. _____

Amount paid for permit _____

Correct? _____

Well log in the file? _____

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?

No Required?

\$50 Amount Submitted

No Installed?

Yes Correct?

Waiver requested? _____

PRIORITY CALCULATION

Date proof received 7/28/00

Date proof due 8/1/00

No. of days late _____

Priority Date _____

New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address No

Proof Made 7/28/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0049956

Date:

Time: 7/31/2000
12:15:31

Received

From: RMH COMPANY

Type of Payment

Program A cct

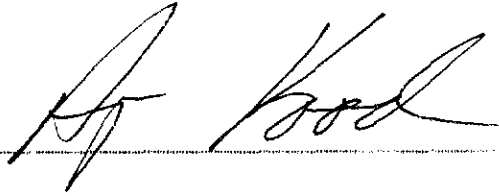
Amount

PROOF OF BENEFICIAL USE # 63-12521	56104	229 21 1155	50.00
------------------------------------	-------	-------------	-------

Total \$ 50.00

CHECK 1955

Region: STATE

Signature: 

MICROFILMED
SEP 13 2000

May 31, 2000

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 63-12521

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 2000.

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

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

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

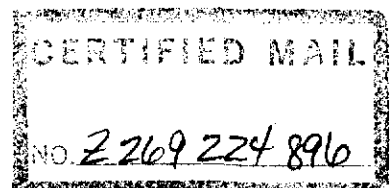
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

SEP 13 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 10, 1999

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12521

Dear Permit Holder:

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

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

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

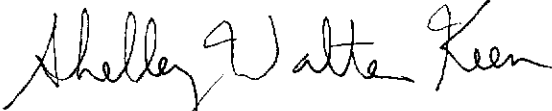
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July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

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

RECORDED
SEP 30 1999
MED

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

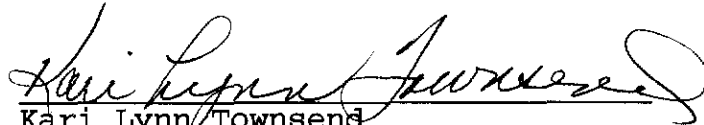
SEP 30 1989
10:00 AM
SEP 30 1989

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12521

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE ID 83707


Kari Lynn Townsend
Secretary

SEP 10 1999
SEP 10 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

SEP 8 1996

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 63-12521 Name: Rich Co. Date: 7/26/99 Ad OK? ☒ ☒ Gvmt Lts: by SCurtis

AREA OF CONCERN: - No/Yes: _____ Mor / BFLD GWMA / Trust / Non-trust

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

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 046-P23
In Basin 34? - 085
Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067
≤ 0.24 cfs/5 acres - No MD

WMD

Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
Supp. irr. + uses - 100-101
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

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

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)

> 0.20 cfs - 01J-P08 (MD & LD)
≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22 -P04, NA
(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
Salmon R (70's) - 029 (fish screens), NA
Weiser R (67) - 086, 087

USE:

STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
STOCKWATER - R37 (BLM/USFS); NA
MINING - 054(req)-081-P10
FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
HEATING/COOLING - R07 (injection well)
POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)
Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
>1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)
MITIGATION - 120
42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
SWAN FALLS FLAG (✓ Code) -

Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

As pond
5/12/2000

MEMORANDUM

TO: FILE

FROM: DANIEL A NELSON

DATE: 7/16/1999

SUBJECT: MITIGATION PROPOSAL FOR RMH COMPANY (63-12521)

After application for permit 63-12521 was advertised it was determined that this application was tributary to the Boise River system above Star Bridge. In conversations with Steve Lester and Gary Spackman it was determined that in order to recommend this application for permit the owner's (RMH) would need to acquire water from a licensed source to replace the water they planned to use. I called the applicant and told them that we could send this application to the State Office of IDWR, but that the region would recommend that it not be approved unless they acquired storage water. I then informed them of some possible contacts.

On 7/15/1999 I received an agreement in the name of RMH leasing 1 af of storage water from water district 63.

Therefore, I would recommend this application for approval, with a condition that requires RMH to attain replacement water prior to using this pond each year.

ALL INFORMATION
SEP 16 1999

RMH COMPANY
P.O. BOX 6887
BOISE, IDAHO 83707
(208) 336-2200
FAX: (208) 336-2476

FAX COVER LETTER

TO: Dan Nelson
Department of Water Resources

FAX: 334-2348

NUMBER PAGES 2 (INCLUDING COVER LETTER)

FROM: Amy H. Wray

Dan,

Following is a fully executed water lease agreement for storage water for our shallow well permit at 913 W. River Street. I believe this is the last item you need to complete the well permit. Please let me know if you need something else from me. Thanks for your help.

Amy Wray

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE AT (208) 336-2200.

RECEIVED
SEP 20 1999

WATER BANK WATER LEASE AGREEMENT
FOR 1999

The Committee of Water District 63 being authorized pursuant to Idaho Code Section 42-1765 to lease stored water which has been provided to the Water Supply Bank by water users who own reservoir space and have excess supplies for the current year, does agree to sell Hormaechea Limited (entity), 1 A.F. of water requested for Partnership (use). This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and execution of same by the party herein named.

Upon receipt of \$ 6.50 and the information requested below, the Boise River Watermaster will release to you from storage, at the rate you specify 1 A.F. of stored water between August 1 and December 31 of 1999.

Description of point of diversion:

Located in 1/4 1/4, Sec. , T. , R. ;
Other: 913 W. River Street, Corner of River St and 9th St.
On source
Pump H.P. Lift
Headgate (canal name if appropriate)

Description of place of use:

Legal Description:
Total number of acres irrigated: Pond supplied by ground water
Dated this 24th day of June, 1999

Am H. Wray - General Partner
(name)

P.O. Box 6887 Boise, ID 83707
(address)

State of Idaho
County of Ada

On this 24th day of June, 1999, before me the undersigned Notary Public in and for said county and state, personally appeared Am H. Wray, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal; the day and year in this certificate first written.



Dana Kiser
Notary Public in and for Idaho
Residing at: Boise, Idaho

I have accepted the request of Hormaechea Limited to purchase water from the Water Supply Bank this 24th day of June, 1999

Lee Smith
Watermaster, Water District No. 63
Agent for the Committee of Water District 63

JUL 26 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: DAN DATE: 3-13-99 APPLICATION: 63-12521

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

Gov't. Lots:

Yes P/D

Yes P/U

✓ COMMENTS
SEE MEMO
Dated 5-13-99

ADDITIONAL INFORMATION

NO ADVERTISE REMARK(S)

(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

- N/A Overlapping place of use: (Describe source & relationship to present application on next page.)
- N/A Overlapping point of diversion.
- X Critical groundwater area:
- X Groundwater management area:
- X 1992 moratorium: Domestic use FOR aesthetic pond
- X Surface water source, IDFG letter needed.
- X Bull trout impact area, IDFG letter needed
- X E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- X E-mail to Dam Safety staff: (for any storage)
- X Mitigation plan: Check any that apply.
- X * Immediate = acceptable plan required and submitted.
- X * future = open areas, acceptance of condition of approval is in file. (See memo 7-16-99)
- X Send power requirement letter &/or fish farm requirement letter.
- X Power residency affidavit:
- X Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- X *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Need list of corporate officers

Date Requested 5-13-99 Date Received 5-13-99

PROCESSING

APP. NO. 63-12521

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. # _____
☐ ☒ 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 6-21-99

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☒ ☐ Water delivered by water master? District # 63

☒ ☐ Special conditions of approval or cover letter: STANDARD CONDITIONS - PLUS -
APPLICANT IS REQUIRED TO MAINTAIN STORAGE LEASE, IF NOT
THEY ARE NOT ENTITLED TO DIVERT. - WELL DRILLING CONDITIONS

☒ ☐ See below for additional information

Recommended Date or Priority 4-15-99

Recommended by: Daniel A. Nelson Date: 7-22-99

ADDITIONAL INFORMATION:

THE RIVER HAS SHIFTED NORTH APPROX.
1/4 OF A MILE SINCE SECTION 10 HAS
BEEN SURVEYED. IT IS NOT POSSIBLE
TO DETERMINE WHICH LOT THE
PIU AND PID ARE IN.

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$174.00

Account Number/Trans. #		Identification	
047628 51447		APPLICATION FOR WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	JUNE 3, 10, 1999
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches 57X2 LINES	Real Inches
		# Affidavits 1	Legal Number 4188

RECEIVED

JUN 15 1999

WATER RESOURCES
WESTERN REGION

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

☒ consecutive weekly

☐ single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of

JUNE 3

, 1999

and ending with the issue of

JUNE 10

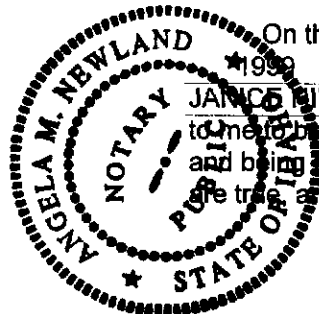
, 1999

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)



On this 10TH day of JUNE in the year of 1999, before me, a Notary Public, personally appeared 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.

Angela M. Newland

Notary Public for Idaho

Residing at:

Boise, Idaho

My commission expires:

2/12/05

RECEIVED
JUN 15 1999

WATER RESOURCES
WESTERN REGION

**LEGAL NOTICE
APPLICATION FOR WATER RIGHT**

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

63-12523

BOISE TOWER ASSOC
199 N 8TH ST
BOISE, ID 83702

Source: GROUNDWATER
Diversion Pt: NWNE Sec 10 T 03N R 02E in ADA County.
Use: COOLING { 1.540 CFS)
Total Diversion: { 1.540 CFS)
Date Filed: 5/19/1999
In: ADA County
T03N R02E S10 NENW

63-12521

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: NWSW Sec 10 T 03N R 02E in ADA County.
Use: AESTHETIC STORAGE { 0.20 AF)
DIVERSION TO STORAGE { 0.040 CFS)
Total Diversion: { 0.040 CFS)
Date Filed: 4/15/1999
In: ADA County
T03N R02E S10 NWSW

63-12532

NOBLE, KATHLEEN M
9100 HIGGINSON LN
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: NESW Sec 16 T 05N R 01W in ADA County.
Use: IRRIGATION { 0.100 CFS)
Total Diversion: { 0.100 CFS)
Date Filed: 5/3/1999
In: ADA County
T05N R01W S16 NESW
5.0 ACRES TOTAL

Development completed by November, 1987.
Applicant agrees to mitigate consumptive use in the future as needed.
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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JUNE 21, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. June 3, 1999

4188

MICROFILMED

SEP 1 1999



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 26, 1999

Legal Notices Department
THE IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 21, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

RECEIVED

SEP 14 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

WATER

SEP 10 1904

63-12521

RMH CO
PO BOX 6887
1101 W RIVER SUITE 300
BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: NWSW Sec 10 T 03N R 02E in ADA County.

Use: AESTHETIC STORAGE	(	0.20 AF)
DIVERSION TO STORAGE	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 4/15/1999

In: ADA County
T03N R02E S10 NWSW

APPROVED BY

DATE

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before JUNE 21, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/ 3/1999 & 6/10/1999

10000-1000
1000-1000

MEMORANDUM

TO: FILE

FROM: DANIEL A NELSON

DATE: 5/21/1999

SUBJECT: STORAGE COMPONENT FOR RMH

RMH requested a storage component for landscape and domestic pond. I interpreted this to be domestic storage. An Email conversation (attached) dated 5/21/1999 between Steve Lester Regional supervisor and Shelly Keen of the State Office determined that this storage component should be listed as Aesthetic. I changed the data base on 5/21/1999 to reflect this decision.

Lester, Steve

From: Lester, Steve
Sent: Friday, May 21, 1999 7:55 AM
To: Keen, Shelley
Cc: Lester, Steve
Subject: RE: Application 63-12521

Shelley: this one is unusual and probably is better described as aesthetic storage with no use from storage. Domestic storage would be okay but I have note in file for reviewer to change to aesthetic instead of domestic. Either way, water is not withdrawn from storage for beneficial use.

-- Steve

-----Original Message-----

From: Keen, Shelley
Sent: Thursday, May 20, 1999 1:15 PM
To: Lester, Steve
Subject: Application 63-12521

Steve,

On the new water right filings report, application 63-12521 does not show a water use from storage component. Probably just a minor oversight, but should be added before the application is approved. Thanks.

Shelley

DAN -
probably should change this to "aesthetic storage"
after confirmation from applicant that OK to
change.

-SZ

SEARCHED

INDEXED



May 13, 1999

Dan Nelson
Dept. of Water Resources

FAX: 334-2348

Re: Ownership of RMH Company for shallow water permit on River Street

RMH Company, the applicant, is a sole proprietorship. The owner is Richard M. Hormaechea. Amy H. Wray has signing authority for anything related to the project on 9th and River Street as the project manager.

Sincerely,


Richard M. Hormaechea

MEMORANDUM

TO: FILE APPLICATION FOR PERMIT FOR RMH COMPANY

FROM: DANIEL A. NELSON

DATE: 5/13/1999

SUBJECT: CHANGES TO ORIGINAL APPLICATION FOR PERMIT.

Changes were made to the original application for permit for RMH Company. Due to space restraints on the application form this memo will be used to explain each change. Below are the changes and reasons for the changes each numbered section.

- 2.) Changed source of water to groundwater. The water will be drawn from a well under 18 ft deep.
- 4.) Change purpose of use to diversion to storage and domestic storage. This is a domestic right limited to 2,500 gal per day for a pond.
- 7.) Changed time required to complete project to 1 year. Applicant stated that construction would take 2-3 weeks. IDWR standards require a minimum of 1 year.
- 9.) Changed place of use to NWSW instead of SWNW per map.
- 10.) Per 5/13/1999 telephone call with applicant they plan to use municipal water (United Water) for irrigation of landscape or they may transfer an irrigation right over to this place of use. This was discovered per a telephone communication with Amy H Wray.

I have requested a list of corporate officers and title of Ms. Wray.

SIGNED:

REQUEST TO PROCESS

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

Name of Applicant RMH Company
Mailing Address P. O. Box 6887, 1101 W. River, Ste. 300
Boise, ID 83707
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Ang N. Wrag

Date

4-14-99

Please return this form to:

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