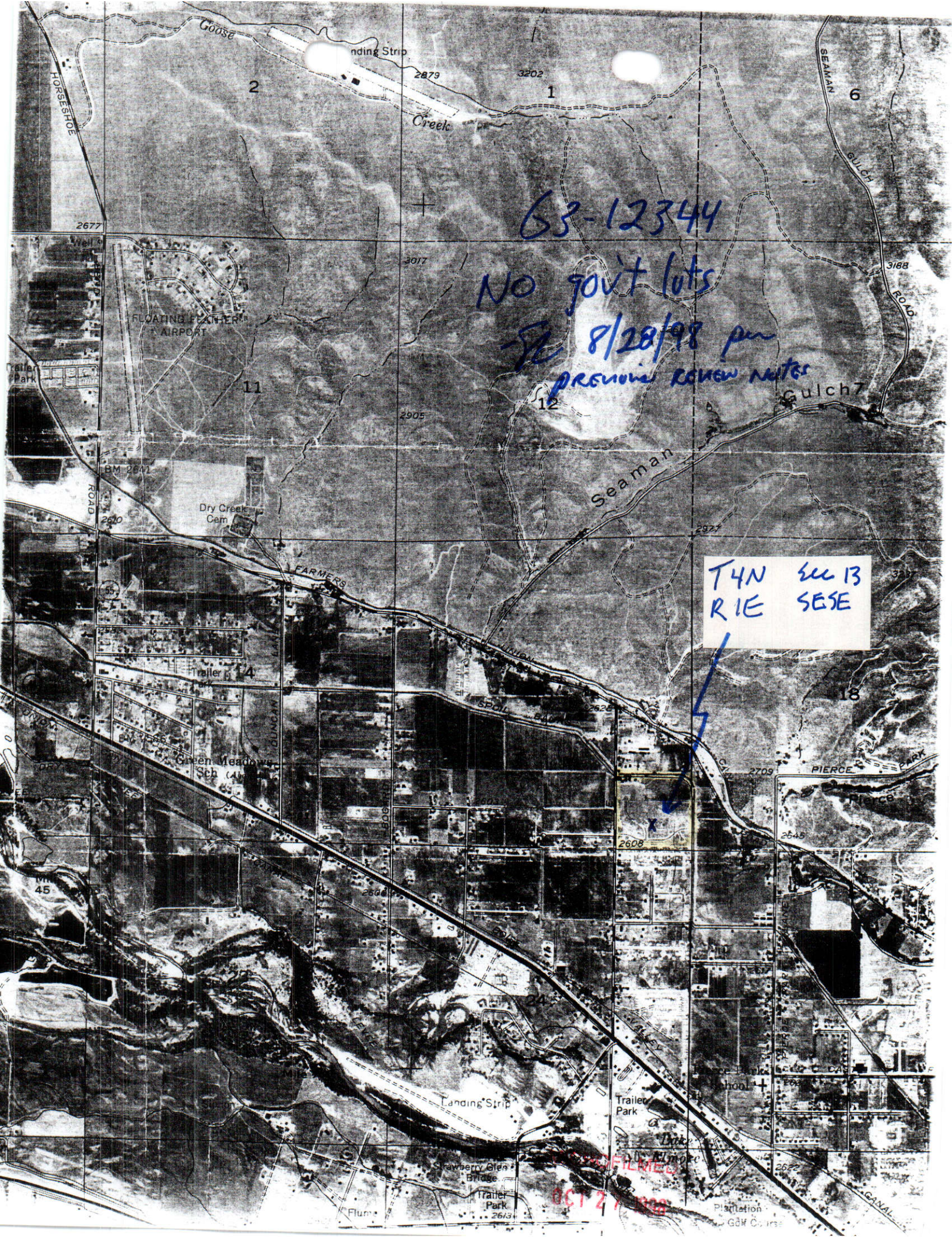




63-12344

NO gov't lots

8/28/98 per
previous review notes

T4N sec 13
R1E SESE

OCT 27 1998



UNPLATTED

Block 9

S. 77° 11' 25" W. 97.62'
S. 63° 39' 00" W. 141.50'
S. 66° 14' 00" W. 85.77'

N. 89° 33' 10" W.

479.00'

N. GLENBRIAR PL.

S. 20° 35' 40" E. 103.37'

S. 58° 25' 47" E. 31.14'

S. 31° 34' 13" W. 150.00'

N. AMESBURY WAY

S. 58° 25' 47" E. 31.60'

S. 31° 34' 13" W. 106.68'

344.99'

Block 4
N. 30° 54' E.
N. 0° 04' 13" E. 720.00'

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7/94

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00Receipt No. 0046451Receipt By: K. LyndeDate Received: 4-3-99

RECEIVED

STATE OF IDAHO
SEP 03 1999 DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 63-12344 Telephone No. (208)853-50142. Name(s) of Permit Holder(s): Gary Lane Meadows Homeowner's Association3. Mailing Address: P.O. Box 3610 - Boise, ID 837034. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. Nov. / yr. 98a. Well Driller: Driscoll Well Drilling Lic#524 Drilling Permit Number: 63 - 98C - 709 - 000b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

Domestic (No. of households): 0 Stockwater (No. and type of stock): N/AIrrigation (No. of acres): 3 Other: N/A6. Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR _____ 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 xHas the measuring device been installed? Yes _____ or No xFlow Measurement Port: Is a flow measurement port required? Yes _____ or No xHas the measurement port been installed? Yes _____ or No x8. 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: Connie M. Pingel, President Telephone Number: (208)853-5014Address: 6963 W. Belhaven Dr. - Boise, ID 83703

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

Signature of permit holder: Connie M. Pingel, President Date: 9/1/99(include your title, if on behalf of company or organization) **MICROFILMED**

JAN 28 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12344

Proposed Priority: May 28, 1996

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **GARY LANE MEADOWS HOMEOWNERS ASSOC**
PO BOX 3610
BOISE ID 83703-3610

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

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>
IRRIGATION	03/15 to 11/15	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 13, Township 04N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	13	SESE	3.0		3.0

Total number of acres irrigated: 3.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1999**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.

MICROFILMED

OCT 27 1998

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

NO. 63-12344

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. The right holder shall retain ownership of one (1) share of Boise Valley Irrigation Ditch Co. water for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.
9. Point of diversion is located within Lot 9, Blk. 6, Gary Lane Meadows Subdivision.
10. Place of use is located within Lot 9, Blk. 6, and Lot 44, Blk. 8, Gary Lane Meadows Subdivision.
11. Water bearing zone to be appropriated is from 30 to 50 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

15th day of October, 1998.

for 
Karl J. Dreher, Director

MICROFILMED

OCT 27 1998

Ident. No. 63-12344

RECEIVED

OCT 09 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: GARY LANE MEADOWS HOMEOWNERS ASSOC
Address: PO BOX 3610
BOISE ID 83703

208-000-0000

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESE Sec. 13, Township 04N, Range 01E
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.060		

5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is 8 inches; proposed depth of well is 50
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

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

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	01E	13	SESE 03			3

Total number of acres irrigated: 3

MICROFILMED

OCT 27 1998

REVISIONS e 6/96 i 8/25/98 per Applicant's info

i IDWR standards. Note comments e situation. -92

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Water bearing zone to be appropriated is from 30 to 50 feet.
Applicant seeks a waiver from the local processing moratorium
pursuant to a mitigation plan addressing consumptive use.

11. Map of proposed point of diversion and place of use attached? ☒

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

See original
Applicant

per file:

Received by VR Date 5/28/96 Time 11:30 Preliminary check by LS HEN SL

Fee \$ 50.00 Receipted by VR #W020928 Date 5/28/1996

Publication prepared by AT Date 8-26-98 Published in Ld Statesman

Publication approved AT Date 9-23-98 9-3-10-98

MICROFILMED

OCT 27 1998

Ident. No. 63-12344

Comments: Date: 6/26/1996 User-ID: LGRAVES

Subject: MORE INFO

Officers: Randall Roberts, Pres.

Karen Smith, Treas.

Board Members: Gene Kepner, Connie Pringle, Francis
Allen, Bryan Mielke

Randall did not leave a phone number for contact. Bryan Mielke confirmed that the application was for the homeowner's common area. He was not sure if surface water had ever been used on the property. Internal domestic use is supplied by Garden City. Processing is delayed pending backlog reduction.

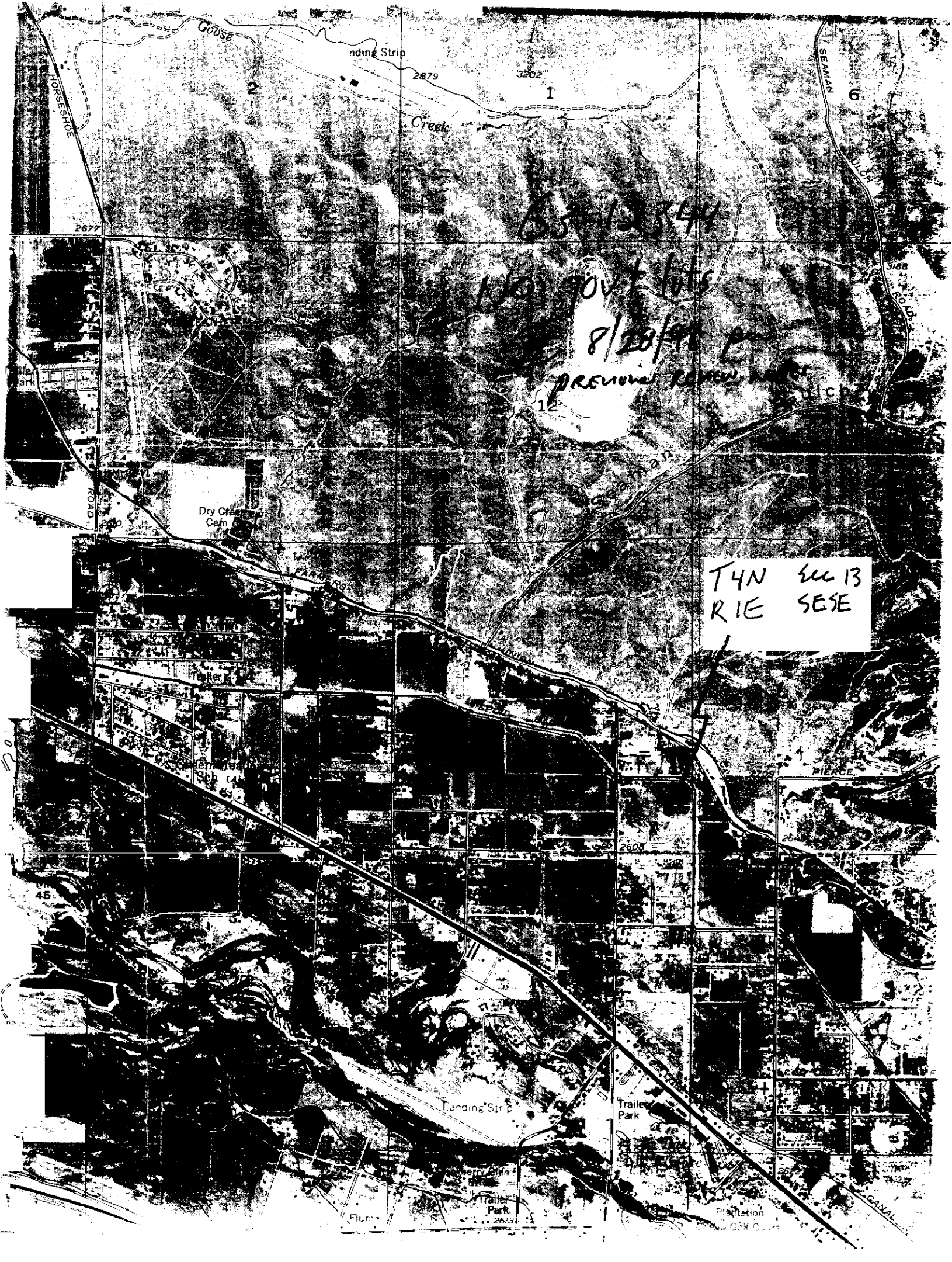
Comments: Date: 8/25/1998 User-ID: SLESTER

Subject: APPLICANT'S ADD'TL INFORMATION

Bonnie Merritt (853-4124) is current President. Applicant is obtaining ditch water share(s) from local delivery company. That is the mitigation plan to offset impacts to Boise River flow per guidance from IDWR State Office (see NCY's 8-19-98 letter; Reg. Mngr. indicated that S.O. has determined that transfer or lease not required to process this application). Other details conveyed from S.O. to Regional Office: United Water has taken over as municipal provider & cost to owner is prohibitive; proposes new well to replace municipal water for a subd. common area in Gary Lane Meadows #2 Subdivision. Ditch water previously at the P/U was given up when subd. was developed in early 1980's.

MICROFILMED

OCT 27 1998



63-12344

1/10/90 Vt Lts

8/28/91 P

PREVIOUS REVIEW

T4N SEC 13
R1E SESE

BLOCK 4

UNPLATTED

N. GLENBRIAR PL.

N. AMESBURY WAY

Block 9

S. 63° 39' 00" W. 141.50'

S. 77° 11' 25" W. 97.62'

N. 89° 33' 10" W.

479.00'

S. 20° 35' 40" E. 103.57'

S. 58° 25' 47" E. 311.4'

S. 31° 34' 13" W. 150.00'

S. 58° 25' 47" E. 31.60'

S. 31° 34' 13" W. 106.68'

344.99'

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63-12344

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RECEIVED

MAY 28 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-12344

To appropriate the public waters of the State of Idaho

~~RANDALL D. ROBERTS FOR:~~
GARY LANE MEADOWS HOMEOWNERS ASSOC.

1. Name of applicant GARY LANE MEADOWS HOMEOWNERS ASSOC. Phone N/A

Post office address P.O. BOX 3610 BOISE 83703

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____

Sec. 13 Township 4 N Range 1 E B.M. ADA County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for IRRIGATION purposes from 3/15 JAN. 1 to 11/15 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)

5. Total quantity to be appropriated is (a) .06 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL WITH SUBMERGABLE PUMP. 220V

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 8" inches; proposed depth of well is 50 feet.

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

e. If well is already drilled, when? _____; Drilling firm _____; OCT 27 1998

Well was drilled for (well owner) _____

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

SEE 8/25/98
REVISED
JAN 1998

Penail notes are from
1996 REVIEW.

8/20/98

A full-page sheet of white graph paper featuring a uniform grid of thin black horizontal and vertical lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. There are no margins, text, or other markings on the page.

MICROFILM

OC 27 1998

1998
Randall D. Roberts

(Applicant)

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

- Hydropower; show total of head and proposed capacity in Kw _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	12	13																3	3
																		~~D~~	

Total number of acres to be irrigated 3

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

now United Water
GARDEN CITY *

11. a. Who owns the property at the point of diversion? CARL LANE MEADOWS HOMEOWNERS ASSOC.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. APPLICANT IS CURRENT GLMHOA PRESIDENT.

Bonnie Mcnitt President (853-4124) *

12. Remarks: CURRENT BOARD MEMBERS/ KAREN SMITH (TREASURER).

GENE KEPNER, CONNIE PRINGLE, FRANCIS ALLAN, BRYAN MIELKE.

REPLACES municipal water for small parcel 853-0942 *

Remarks: OCT 27 1998 334-8205 *

WATER bearing zone to be approximately is from 30 to 50 feet. Applicant seeks a waiver to local processing moratorium pursuant to a mitigation plan addressing consumptive use. *

*SL 8/20/98 per file info.

Received by VR Date 5-28-96 Time 11:30 am Preliminary check by ly 98
Fee \$ 50- F. ted by VR # W02 20928 Date 5-28-96
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY LANE MEADOWS HOMEOWNER'S ASSN
PO BOX 3610
BOISE ID 83703

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12344

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.

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,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 28 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-12344 Reviewed by WJH Date 1-13-00

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Imm - 3

Correct Uses? yes

SOURCE OF WATER

 Surface water source

Ground water source

_____ Drilling permit required?

Copy in the file? Drilling Permit No.

Amount paid for permit

Well log in the file?

Correct?

LICENSE EXAMINATION FEE

yes Required?

50 Amount Submitted

yes Correct?

MEASURING DEVICE

 Required?

Installed?

Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

DEFICIENCIES OR ACTION ITEMS

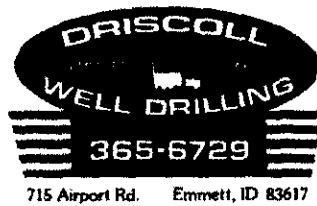
OK - ocken proof

DATA ENTRY

New Address

Proof Made

9-3-99



8/30/99

Gary Lane Meadows Homeowners Assoc.
C/O Connie Pingle
8963 N. Bellhaven
Boise, ID 83703

To Whom it may concern:

Have been advised by the pump company that the diversion rate of system at time of the installation of the system was 28 GPM (.06 cfs).

If any more information is needed, please contact me.

Driscoll Well Drilling
Robert Worthington

A handwritten signature in black ink, appearing to read "Robert Worthington", is written over the printed name.

MICROFILMED
JAN 28 2000

July 31, 1999

GARY LANE MEADOWS HOMEOWNERS ASSOC
PO BOX 3610
BOISE ID 837033610

PROOF DUE NOTICE

RE: PERMIT NO. 63-12344

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 October 1, 1999.

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

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

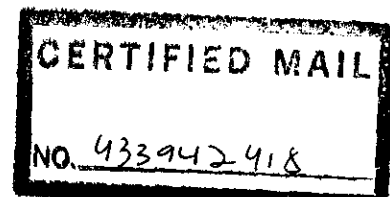
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JAN 28 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

GARY LANE MEADOWS HOMEOWNERS ASSOC
PO BOX 3610
BOISE ID 83703-3610

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12344

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.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your right may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows and is not diverted will reduce the potential for the watermaster to

NOT RECORDED
OCT 27 1998

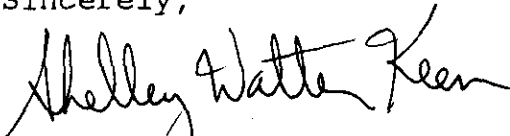
regulate your water use.

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.

Also enclosed is a copy of the approved drilling permit submitted in connection with this water right.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
OCT 27 1998

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of **October, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 63-12344

**GARY LANE MEADOWS HOMEOWNERS ASSOC
PO BOX 3610
BOISE ID 83703-3610**


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 27 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

OCT 27 1998

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.

WCHOFILMED

OCT 27 1998

Ident. No. 63-98-C-0709-000
Well Tag No. D0000618
Water Right No. 63-12344

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: GARY LANE MEADOWS HOMEOWNERS ASSOC O 208-853-4124
Address: C/O BONNIE J MERRITT
PO BOX 3610
BOISE ID 83703

2. Proposed Well Location: Township 04N, Range 01E, Sec. 13, SESE
ADA County

Street Address of Well Site: N AMESBURY APPROX. 100' FROM STREET
BOISE ID

Lot, Block, and Subdivision: Lt 009
Blk 6
GARYLANE MEADOWS SUBDIVISION #2

3. Proposed Use of Well: Non-Domestic Irrigation

4. Well Construction Information:

- A. NEW WELL
 - B. Proposed Surface Diameter 8 In. Proposed Maximum Depth 50 Ft.
 - C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
- (NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 10/30/1998

6. Anticipated Well Driller: DRISCOLL WELL DRILLING (No. 0524)

NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature _____ Date _____

Title _____
(Owner, Firm Representative, Other)

Fee \$ 200.00 Received by _____ No. W024425 Date 9/21/1998

MICROFILMED

OCT 27 1998

(Continued)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved.

Date: OCT 20, 1998

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
9. Failure to construct the well in accordance with these conditions may result in the revocation of the drilling permit and constitute a violation of Idaho Law.
10. The well owner has obtained the Drilling Permit and Well Tag. The permit is approved under the condition that the Well Driller submit a Start Card to this office by Mail or Fax prior to the commencement of construction.
11. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.

(Continued)

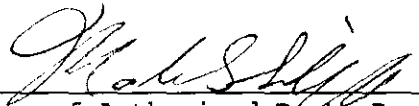
MICROFILMED

OCT 27 1998

Ident. No. 63-98-C-0709-000
Well Tag No. D0000618

CONDITIONS OF APPROVAL:

12. The screened, perforated, filterpacked or otherwise open and commingled strata which are to be produced from, shall be of similiar hydraulic head, temperature and quality. If there are notable variations encountered as the well is drilled and/or developed, the Department will be notified for evaluation.
13. If alternating clay and sand layers are encountered, every effort will be made to complete this well in one of the units, but completion with screen/filter pack shall not extend through an aquitard allowing hydraulic connection of seperate aquifers or permeable formations.
14. This well may not be connected to any supply line which serves as drinking water for any household or any use which meets the definition of a public water supply as administered by DEQ-HW.
15. The recipeint of this permit is responsible for ensuring that the well tag and a copy of this permit are delivered to the well driller prior to the start of construcion of this well to have on the well site during construction.


Signature of Authorized Dept. Representative


Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

MICROFILMED
OCT 27 1998

WELL DRILLER: PLEASE COMPLETE FOR VERBAL

IDWR Employee Issuing Verbal: _____

Verbal Issued Date: _____ Time: _____

RECEIVED

SEP 21 1998

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

**APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)**

1. Applicant (please print): GARY LANE MEADOWS HOMEOWNERS' ASSOCIATION

2. Mailing Address: P.O. Box 3610

City & State BOISE Zip Code ID Telephone 208-853-4124

☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____

3. Proposed Well Location: Twp. 04N, Rge. 01E, Sec. 13, 1/4 SE 1/4 SE 1/4

Gov't Lot No. — County ADA Lat. _____ Long. _____

Street Address of Well Site N. AMESBURY, APPROX. 100ft from Street City BOISE

Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision LOT 9, BLOCK 6, GARYLANE MEADOWS SUBDIVISION #2

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC:

☒ Irrigation
☒ Stock

☐ Municipal
☐ Test

☐ Industrial
☐ Other

(Over 1,000 Head)

(Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ Replace

B. Proposed Casing Diameter 8" Proposed Maximum Depth 50 feet

MICROFILMED

C. Anticipated bottom hole temperature:

☒ 85°F or less (Cold Water Well) ☐ 85°F to 212°F (Low Temp. Geo. Well)

☐ 212°F or more (Geothermal Well) OCT 27 1998

6. Construction Start Date: WITHIN (60) SIXTY DAYS OF RECEIVING APPROVAL!

7. Anticipated Well Driller: DRISCOLL WELL DRILLING Driller's Lic. No. 524

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature Bonnie J. Merrill Date SEPT 14, 1998

Title President, Gary Lane Meadows Homeowners' Association
(Owner, Firm Representative, Other)

ACTION C THE DEPARTMENT OF WATER SOURCES

This Permit is _____ Date _____

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative _____ Title _____

Receipt No. W024425 Received by R Fee \$200 Date 9/21/98

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

MICROFILMED
OCT 27 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 63-12344 Name: Langdon Meadows Date: 10/13/98 Ad OK? / Gvmt Lts:

AREA OF CONCERN: - No/Yes: Mor / 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)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

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

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

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

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 016-P23

In Basin 34?

- 085

Irr. within WD

- P05 new well location

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

FISH & GAME CONTACTED:

- Yes / No; RESPONSE:

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD #)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 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:

Domestic surface

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

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(reg)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

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)

Mining

- 054(reg)-081-P10

Municipal

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

Power

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

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

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

LOCATION:

42-248 area

- P87 in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) HO'S

OTHER CONDITIONS:

- P99

STANDARD REMARKS:

- 01060 02 W59

BENEFICIAL USE DUE:

- 10/1/ 1999

COMMENTS:

OCT 09 1998

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

~~BASIN 53 DELAY~~
~~DO NOT ADVERTISE~~

INITIAL REVIEW BY: 6 DATE: 6/10/96 APPLICATION: 63-12344

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *See Appl. Comments*
- ☒ 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. ≥ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:
- Gov't, Lots:
☒ P/D
☒ P/U
- ADVERTISE ALL REMARKS**
- DATA ENTRY

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Field check required: Field check by: _____
- ☒ Field report attached:
- ☒ Critical groundwater area: *cold H₂O in Basin Front OK*
- ☒ Groundwater management area:
- ☒ 1992 moratorium: *LETTER SENT 6/24/96*
- ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ Copy to Dam Safety staff: (for any storage)
- ☒ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
- ☒ Send power requirement letter: *"future mitigation" & salmon flows*
- ☒ Send fish farm requirement letter: *considered N/A since will have local mitigation plan*
- ☒ Power residency affidavit:
- ☒ Power efficiency form:
- ☒ 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

Applicant should submit evidence that has required $\geq 1"$ ditch (H₂O)

DATE REQUESTED 8/26/98 Reply REC'd 9/21/98

ADDITIONAL INFORMATION ON REVERSE SIDE:

**T changed to P & Comment deleted upon advertising Done*

PROCESSING

APP. NO - 63-12344

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: DO NOT SEND UNTIL ADVERTISING OCCURS

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

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:

☐ ☒ Protests received. Final date for protest 9-21-98

☐ ☒ Protest dates, resolution of protest recorded on application:

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: Permit holder must retain one share of Boise Valley Irrigation Ditch Co. to mitigate for the groundwater withdrawal. (120)

Note: Norm Young negotiated details of mitigation plan. Please consult with him about the details.

See below for additional information

Recommended Date or Priority 5/28/96

Recommended by: Gary S

Date: 10/1/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

I fail to see how securing 1" of ditch water mitigates pumping from a new well for 03 area.

overlaps: P/M - 63-00147 3 acre R

- 02406 waste water

- 04808 waste water

- 08094 GW - 1 acre

- 11987 GW - 14 acres

Only water now used for subd. common area is municipal source. Will replace w private well.

also (P) → overlap N/A

INTER-DEPARTMENT MEMO--1

FROM Steve Lester
TO File 63-12344
SUBJECT ADD'L INFO

DATE 9/21/98

- ① Drilling Permit w/ \$200 filed today, ready for approval upon W.R. Approval.
- ② 1 share of BVI OC water purchased, see file info.
- ③ Should let Applicant plus d. th. w. know if need to put share in water bank or other follow up ~~action~~ action. They have been ~~informed~~ (verbally) that probably don't have to do anything more.

SIGNATURE

-JK

RECEIVED

SEP 17 1998

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

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

LEGAL ADVERTISING INVOICE

Amount Due

\$88.25

Account Number/Trans. #		Identification	
047628		APPLICATION FOR WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	SEPTEMBER 3, 10, 1998
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN 2735 AIRPORT WAY BOISE, IDAHO 83705		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	2191

LEGAL NOTICE
NOTICE APPLICATION FOR WATER RIGHT

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

63-12344
GARYLANE MEADOWS HOMEOWNERS ASSOC.
PO BOX 3610
BOISE, ID 83703

Source: GROUNDWATER

Diversion Pt: SESE

Sec 13 T 04N R 01E in ADA County.

Use: IRRIGATION

Total Diversion: (0.060 CFS)

Date Filed: 5/28/1996

In: ADA County

T 04N R 01E S 13

SESE 3.0 ACRES TOTAL

Water bearing zone to be appropriated is from 30 to 50 feet. Applicant seeks a waiver from the local processing moratorium pursuant to a mitigation plan addressing consumptive use. 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 Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$23.00 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. September 3, 10, 1998

2191

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
☐ consecutive daily

☐ single
☐ odd skip

insertion(s) beginning with the issue of

SEPTEMBER 3, 1998

and ending with the issue of

SEPTEMBER 10, 1998

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

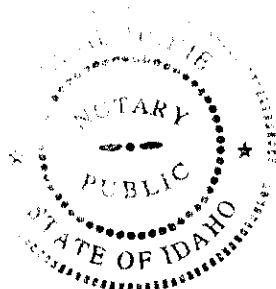
On this 10TH day of SEPTEMBER in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

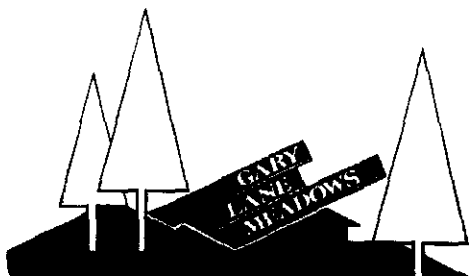
Janice Madec
Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

9/03





Gary Lane Meadows Homeowners' Association
PO Box 3610
Boise, ID 83703

September 19, 1998

RECEIVED

SEP 21 1998

**WATER RESOURCES
WESTERN REGION**

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way, Boise ID 83705-5082

Re: Application for Permit No. 63-12344

Dear Mr. Lester:

I am in receipt of your letter and Application for Drilling Permit and am enclosing the following for you:

- ✓ 1.) the completed Application for Drilling Permit
(stickee note indicates additional information needed from you)
- ✓ 2.) a check for \$200 for the cost of the permit
- ✓ 3.) as per your requirement to provide a water right (as mitigation for our drilling a well)
from a local ditch company, enclosed is a photocopy of the Water Stock (one share) purchased from Boise Valley Irrigation Ditch Co.

attached

SL Please let us know what else you need from us. We are anxiously waiting for approval to place a well. United Water has just announced another rate increase!

Sincerely,

Bonnie J. Merritt
President

CC: Susan E. Buxton
Norm Young, IDWR Administrator, 1301 N. Orchard Boise, ID 83706
Mayor Brent Coles
Governor Phil Batt

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OCT 27 1998

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

No. 02926

— / — Shares

Boise Valley Irrigation Ditch Co.

REINCORPORATED MARCH 17, 1933

CAPITAL STOCK \$30,000.00

THIS CERTIFICATE

One of no 100 *Gary Lane Meadows* *subdivision Homeown* *is the owner of* *100* *Shares of the Capital Stock of*

Boise Valley Irrigation Ditch Co.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this *15* day of *Sept* A.D. 19*78*

Thomas B. Benson

SECRETARY

Alvin J. Benson

PRESIDENT

SHARES

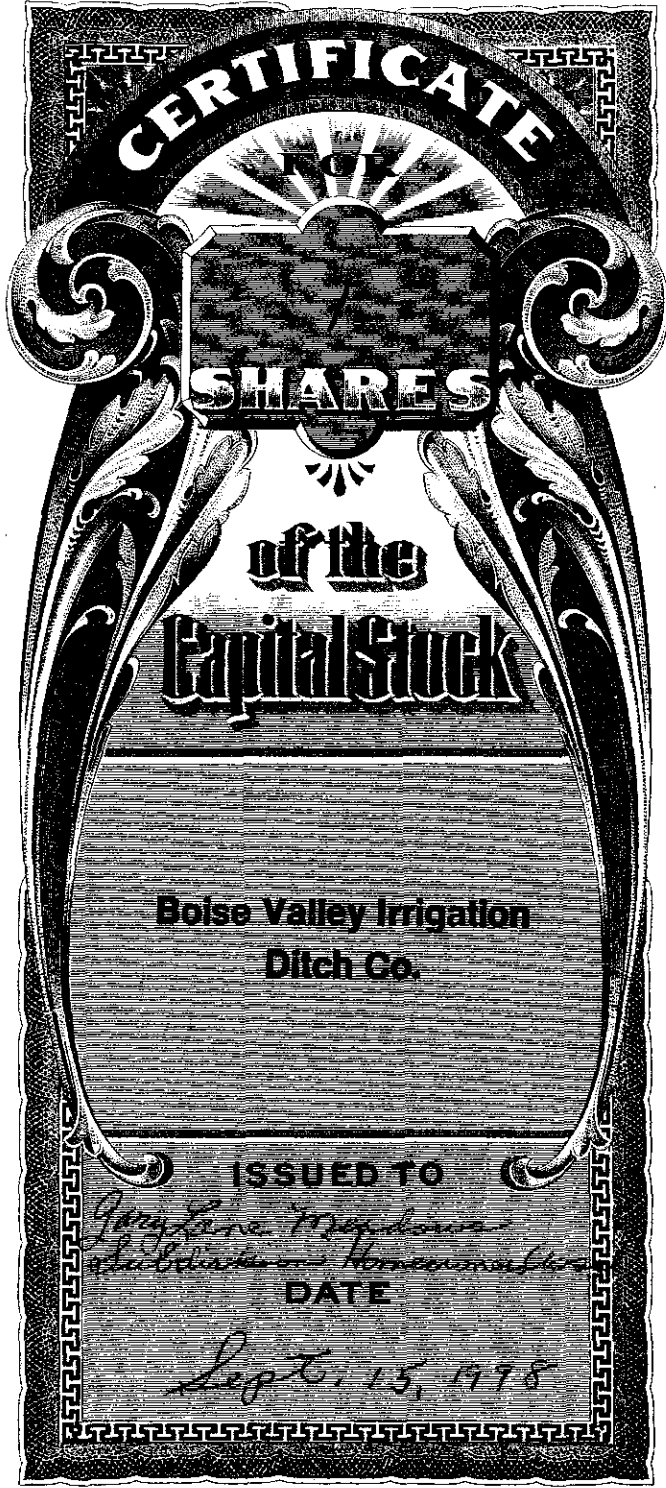
10.00

EACH

907 27 1998

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OCT 27 1998



For Value Received, hereby sell, assign, and transfer
unto _____

Shares
of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
Attorney
to transfer the said Stock on the books of the within named
Corporation, with full power of substitution, in the premises.
Dated _____ 19____

The presence of

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT
ALTERATION OR ENLARGEMENT, OR ANY CHANGE WHATSOEVER.

CONVERSATION MEMORANDUM

DATE 9/15/98
FILE 63-12344

NAME OF PARTY Stan Matlock 853-0992

EMPLOYEE R

of Boise Valley
Irrig Ditch Co.

RE: Gary Lee Monahan & M. Tignati

Mr. Matlock called to follow up on call he got
from B. Monette of G.L.M. Monahan. Said ditch co.
can sell 1 share to Monahan. 1 share $\approx$.02 cfs.

I told him that as far as I knew, this
would not require the ditch co. to do anything else
nor have any impact on ditch company's
diversion from river.

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OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BONNIE J MERRITT
PRESIDENT GLMHA
PO BOX 3610
BOISE ID 83703

RE: APPLICATION FOR PERMIT NO. 63-12344

Dear Ms. Merritt:

The above referenced application for a new water right will be processed right away based on your recent work with the Idaho Department of Water Resources (IDWR). The legal notice will be published in the local newspaper on September 3 and 10 with a protest deadline of September 21, 1998. If the application is not protested, you can expect an IDWR decision regarding the application several weeks after the protest deadline.

The best case scenario is that a permit will be approved and mailed to you by late October. Upon receiving your approved water right permit, you may obtain an approved drilling permit to allow the well construction work to proceed. Enclosed is a drilling permit application for your convenience. Please note that the drilling permit application fee is \$200. An approved drilling permit will include a standard condition of approval requiring that well construction should begin within sixty (60) days and conclude within one year.

While the water right application is being processed, please provide evidence that your organization has secured at least one miner's inch (also known as .02 cubic feet per second or nine gallons per minute) from a local ditch company. It is understood that the ditch company water will not be delivered to the site in question but will instead be offered as the mitigation plan that allows your application to be processed.

Your reply within thirty (30) days will be appreciated. Please contact me at your convenience if you need any help.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

c: Norman C. Young, IDWR Administrator
Gary Spackman, Western Regional Manager

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OCT 27 1998



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

RECEIVED

AUG 20 1998

WATER RESOURCES
WESTERN REGION

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Bonnie J. Merritt, President
Gary Lane Meadows Homeowners' Association
P.O. Box 3610
Boise, Idaho 83703

Re: Application for Permit No. [REDACTED]

Dear Ms. Merritt:

I appreciated you and Ms. Pingel discussing with me your need to commence construction and use of a well to irrigate the subdivision's park. Processing of your application and others in the Boise River Basin has been delayed by while studies are undertaken to determine whether unappropriated water is available that can be diverted and used without injuring existing vested rights. As we discussed, the Department is able to process an application if the applicant provides a plan to mitigate the likely affect on the prior rights.

I have received your letter dated August 18, 1998, indicating that you are in the process of obtaining a share from the Boise Valley Irrigation Ditch Company for the purpose of mitigation. Based upon this letter, I have asked the Department's regional office to commence processing of the your application for ground water. This will involve publishing notice for two weeks in the newspaper of the application and allowing a ten-day period after the publication for protests to be filed. Processing will also include an evaluation of the adequacy of the mitigation plan; i.e., whether the water offered is adequate to cover the expected depletions to existing rights, the validity of the water right offered, and other factors. One complication that I did not discuss with you is the need to change the use of the water offered for mitigation by either filing a transfer or by putting that part of the Boise Valley Irrigation Ditch Company right into the Water Resource Board's Water Bank. Regional office personnel or I will be happy to discuss this with you.

Your cooperation on this matter is greatly appreciated. With the effort that you have made to provide water to protect prior rights this matter can now move forward.

Sincerely,

Norman C. Young
Administrator

C: Gary Spackman, Western Region, Id. Dept. of Water Resources
Valerie MacMillan, Governor's Office

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OCT 27 1998

CONVERSATION MEMORANDUM

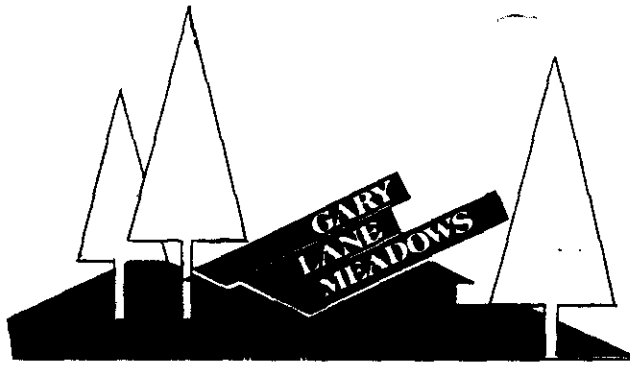
DATE 12/29/97FILE 63-12344NAME OF PARTY Randall Roberts - 853-3709EMPLOYEE Gary SpickmanRE: Gary Lane Meadows Homeowners Association

Randall Roberts called to check status of app. no. 63-12344. I told him the moratorium because of the Treasure Valley GHD study did not allow processing, but we might be able to process an application if preliminary data showed no problem in the Gary Lane area. Because the director promised some recommendations would be forthcoming in January, 1998 based on preliminary data, I told Randall Roberts to call back in February, 1998.

Gary

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OCT 27 1998



GARY LANE MEADOWS HOMEOWNERS' ASSOCIATION, INC.

P.O. BOX 3610
BOISE, ID 83703

RECEIVED

AUG 01 1996

WATER RESOURCES
WESTERN REGION

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region
c/o Lori Graves
2735 Airport Way
Boise, ID 83705-5082

Attention Lori Graves:

In response to the questions regarding our application for permit, hopefully this will answer them satisfactorily.

- 1) The proposed depth of the water bearing zone is 35 to 50 feet with a total well depth of 50 feet. (for irrigation purposes only)
- 2) The Gary Lane Meadows subdivision is 15 years old. The ditch rights were given up when the subdivision was established. Our 3 acre park has been landscaped and is watered by a sprinkler system which is connected to the Garden City water supply.

Thank you for your time and help in getting our application processed.
Sincerely,

Randall Roberts
Randall Roberts
President, GLMHOA

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 24, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Lane Meadows Homeowners Assoc.
c/o Randall Roberts
PO Box 3610
Boise ID 83703

RE: APPLICATION FOR PERMIT

Dear Mr. Roberts:

Gary Lane Meadows Assoc. application for permit to appropriate ground water for irrigation was received on May 28, 1996. Processing of the application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992, concerning water right applications proposing new consumptive uses of public water. The moratorium has been lifted, but processing of all new or pending applications has been suspended until technical data are available from a comprehensive Treasure Valley ground water study now underway. Initial results of the study will not be available for at least one year.

To facilitate handling of your filing once it can be processed, please provide the following information.

1) What is the proposed depth(s) of the water bearing zone(s) to be developed within the aquifer. For example, a well with a total depth of 250 feet might be developed with a water bearing zone in the 140-190 feet depth interval. For more information on the appropriate water bearing zone for your proposed well, you might contact a licensed well driller or review well drilling reports available at this office.

2) Please confirm if the acres are already irrigated from a surface water source. If so, what is the nature of this existing water use (private system or delivery organization; name of organization etc.)? What is the source of this surface water, e.g. Boise River via Farmers Union Ditch Co.? If surface water has been used on the land and will now be replaced with ground water, a mitigation plan will need to be submitted showing how the reduction in aquifer recharge from the surface water source will be compensated.

This office will hold your application and will begin processing as soon as possible. Delays related to department actions do not affect the date of priority or seniority of any application, once established.

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OCT 27 1998

June 24, 1996

Page 2

If you have any questions, please feel free to contact this office at 334-2190.

Sincerely,



Lori Graves

Sr Water Resource Agent

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 26, 1998

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 SEPTEMBER 21, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

RECORDED
OCT 27 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

OCT 27 1998

63-12344

GARY LANE MEADOWS HOMEOWNERS ASSOC
PO BOX 3610
BOISE, ID 83703

Source: GROUNDWATER

Diversion Pt: SESE Sec 13 T 04N R 01E in ADA County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 5/28/1996

In: ADA County
T04N R01E S13 SESE

3.0 ACRES TOTAL

Water bearing zone to be appropriated is from 30 to 50 feet.
Applicant seeks a waiver from the local processing moratorium
pursuant to a mitigation plan addressing consumptive use.

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OCT 27 1998

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 on or before SEPTEMBER 21, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/ 3/1998 & 9/10/1998

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OCT 27 1998
