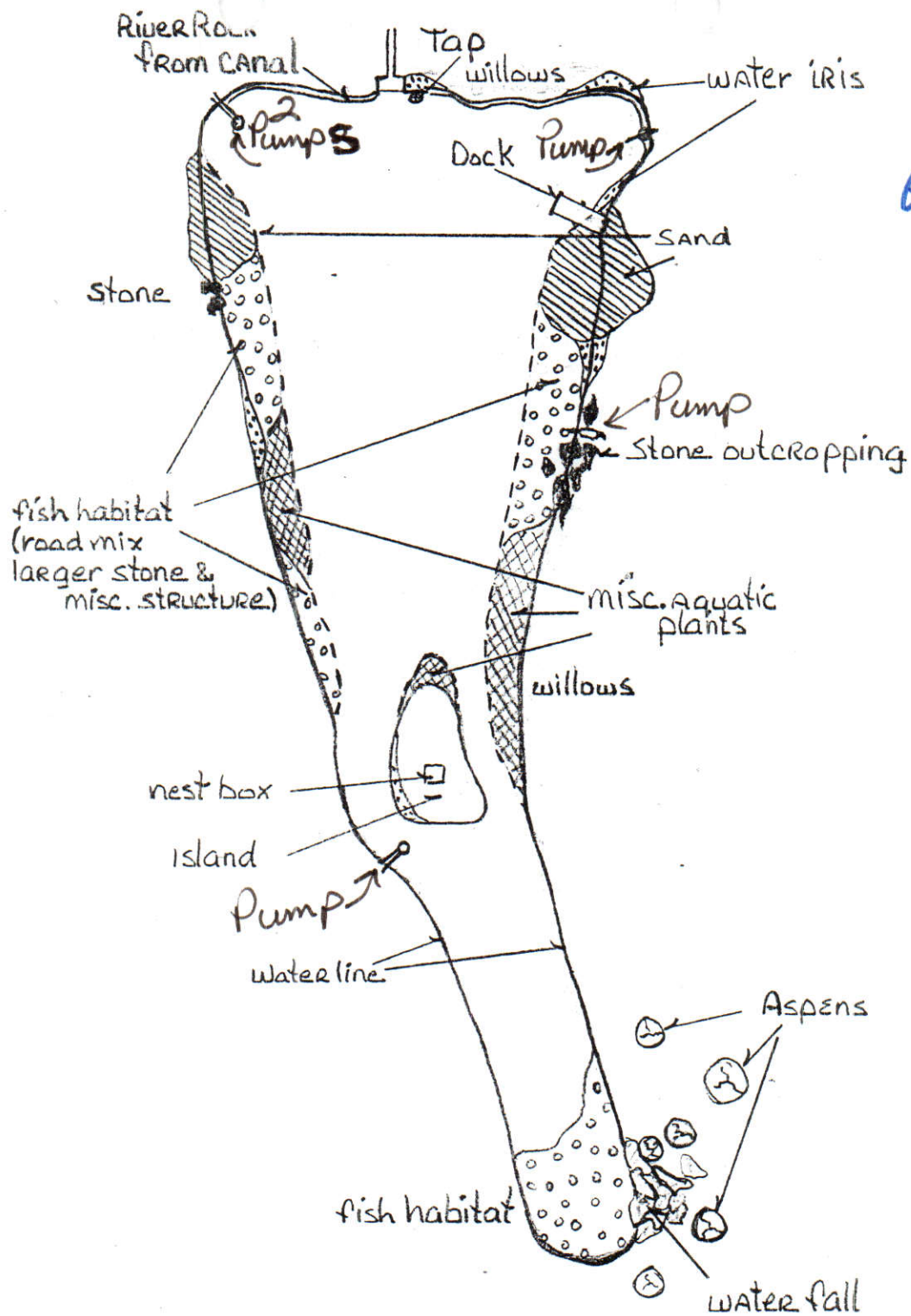






63-12164

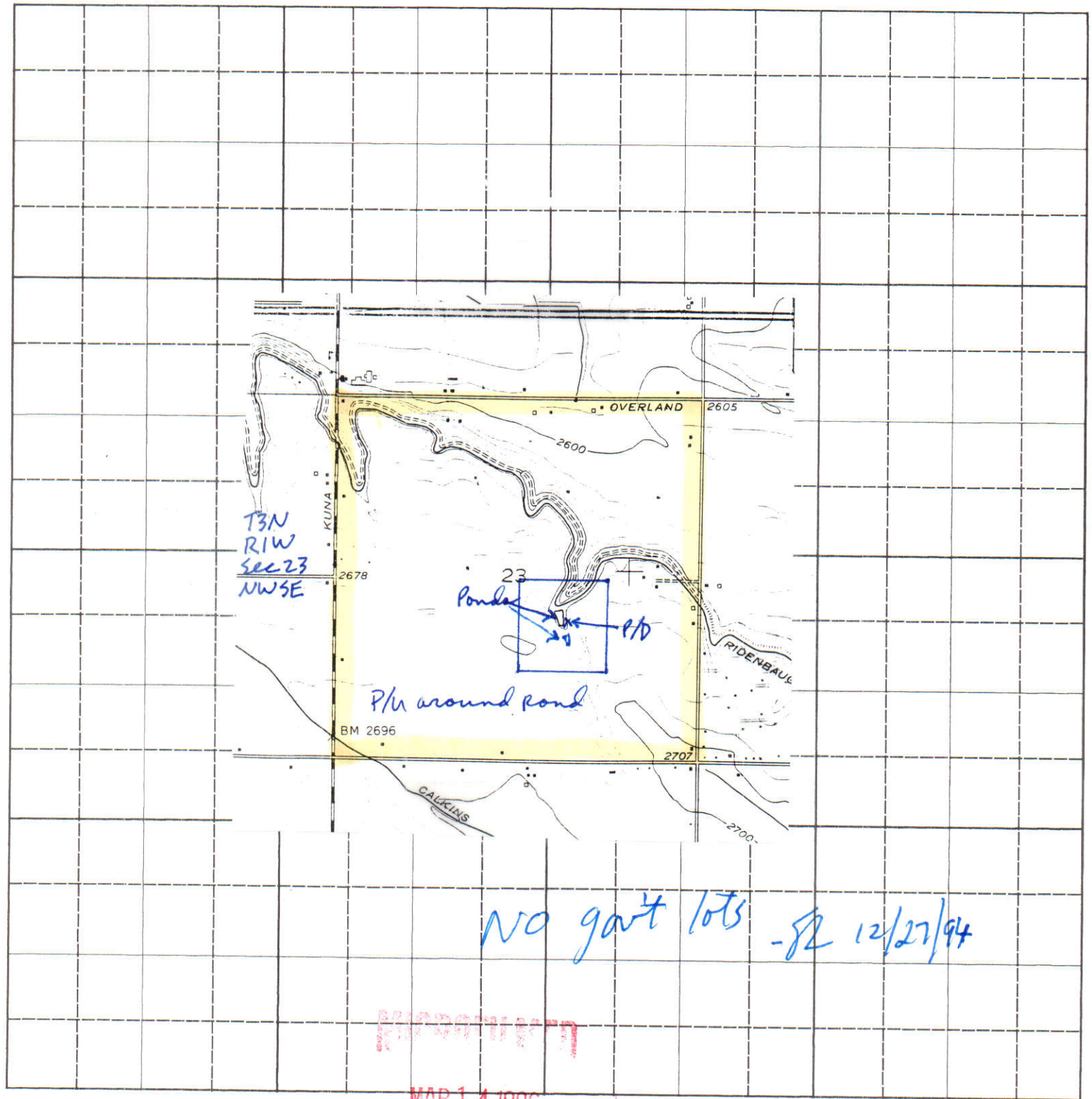
Aspen Lake
plan #1 9/14/92

(Large Pond)

RECEIVED

MAR 14 1996

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

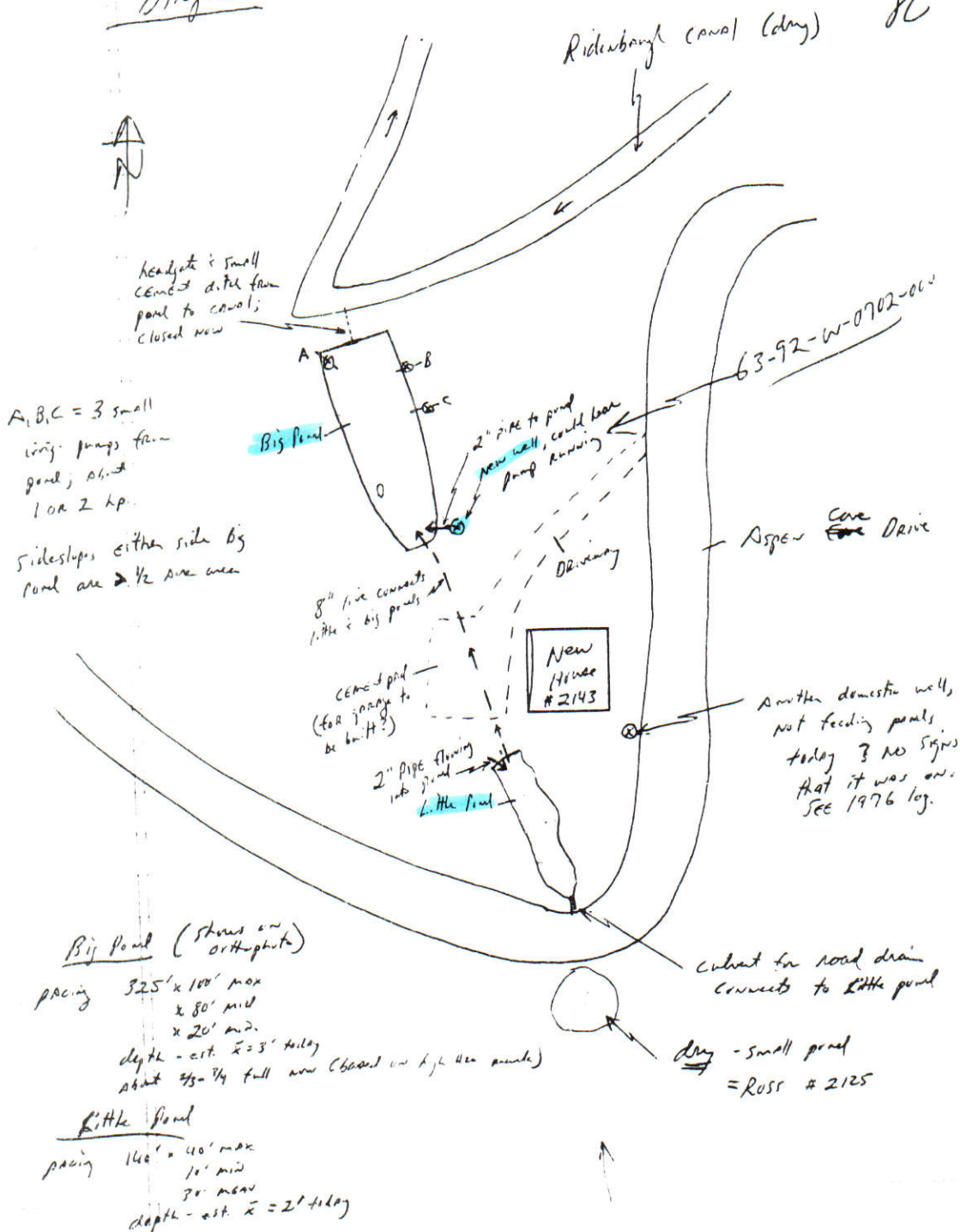
[Signature] *[Signature]*, VICE PRESIDENT, ACLA
(Applicant)

Copy from Complaint:
63-11964
files

11/3/92

SL

Diagram



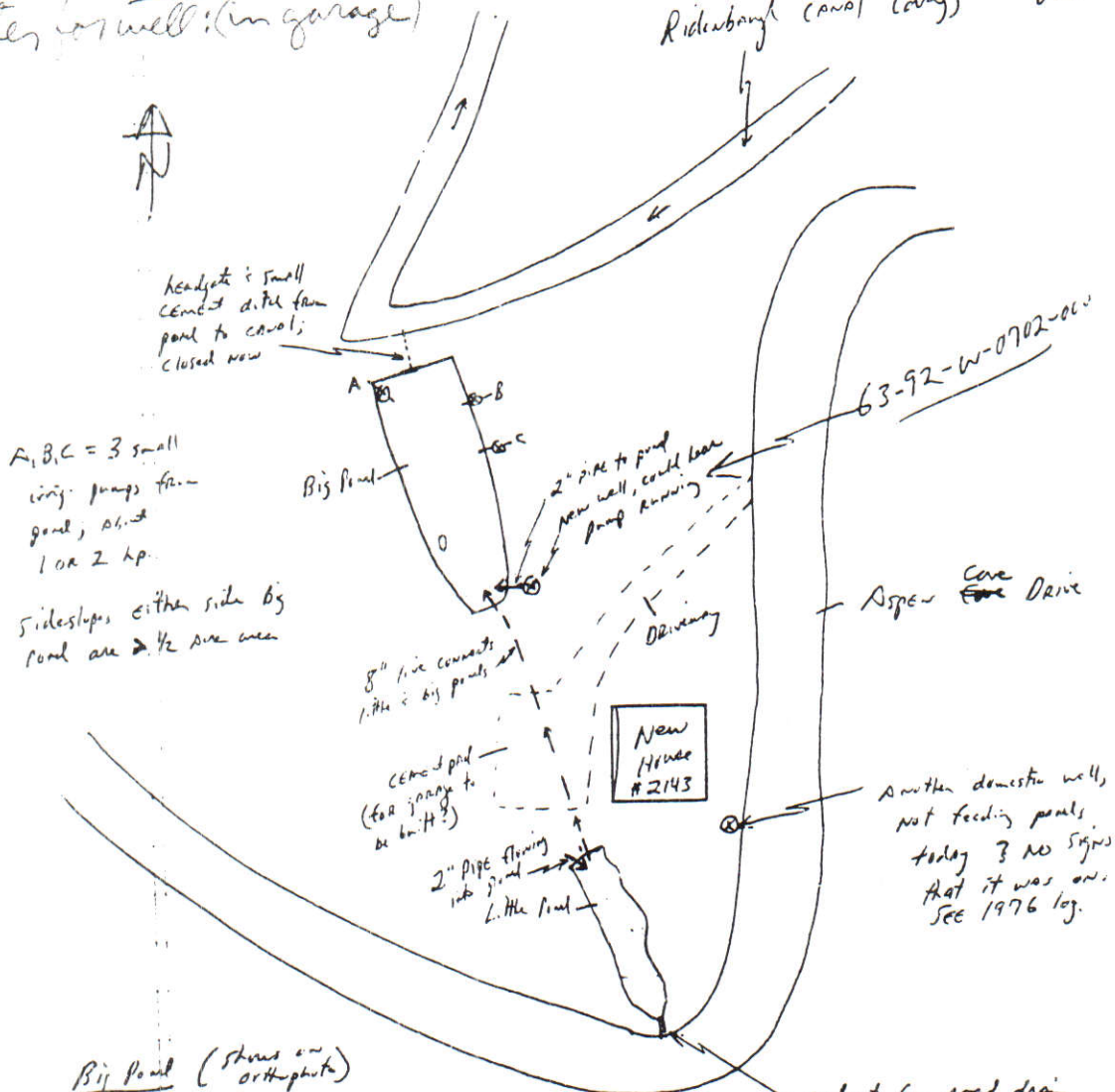
MAR 14 1996

63-12164



Diagram
Meters for well: (in garage)

11/3/92
JC



Big Pond (shown on orthophoto)
 pacing 325' x 100' max
 x 80' mid
 x 20' min.
 depth - est. $\bar{x}$ = 3' today
 about $\frac{2}{3}$ - $\frac{3}{4}$ full now (based on high water marks)

Little Pond
 pacing 140' x 40' max
 10' mid
 30' near
 depth - est. $\bar{x}$ = 2' today

MICROFILMED
 OCT 30 1997

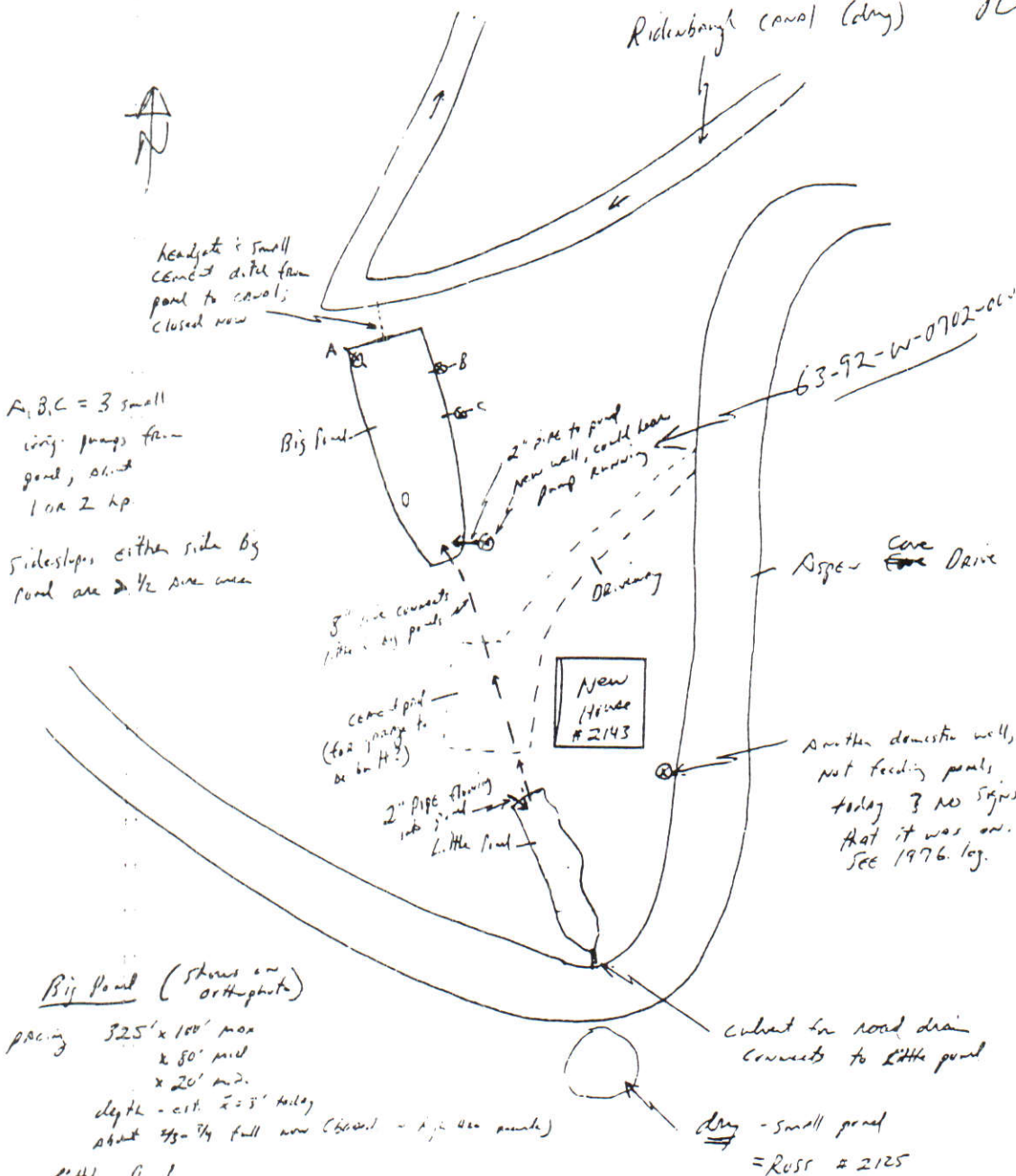
63-12164
 ATTACHMENT 2

Base units
 dimensions
 for storage
 of water
 instruments.

11/3/92

SL

Diagram



Big Pond (shown on orthophoto)
 pacing 325' x 100' max
 x 50' mid
 x 20' min.
 depth - est. $\bar{x}$ = 5' today
 about 75-76 full now (historical - 1 ft. less possible)

Little Pond
 pacing 140' x 40' max
 10' mid
 30' max
 depth - est. $\bar{x}$ = 2' today

①

MICROFILMED

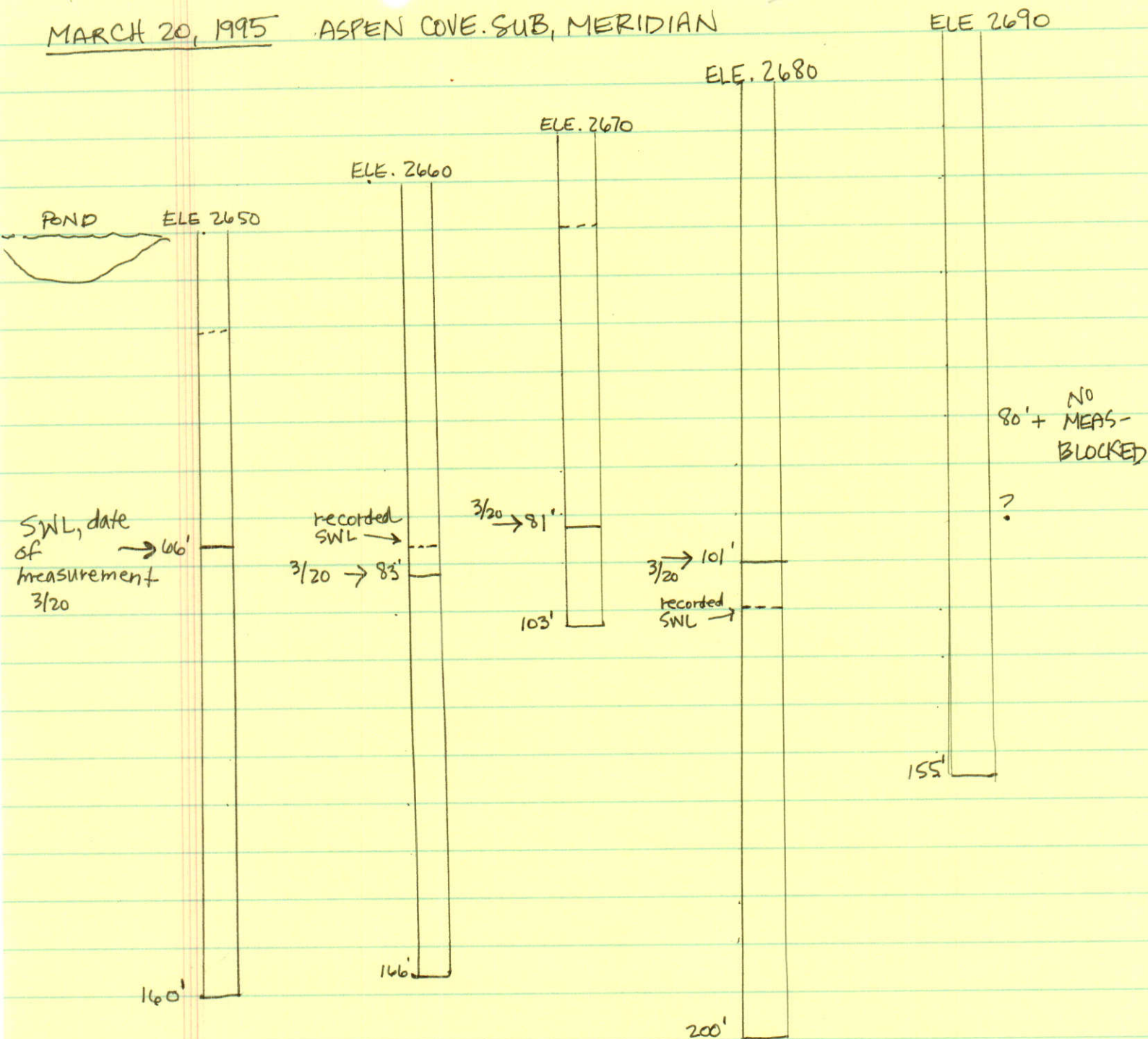
MAR 14 1993

new well appears to feed both
ponds with separate lines.
grassy (irrigated) slopes - both sides
Big Pond, exceed $\frac{1}{2}$ acre total
+ occur on several lots with
homoe. $\rightarrow$ Irrig. $\geq \frac{1}{2}$ acre, multiple
owners implied.

11/3/92

17/1/51

MARCH 20, 1995 ASPEN COVE. SUB, MERIDIAN



POND
WELL
1992

HICKEY
1990

EBELING
1976

ROSS
1975

MATHERLY
1976

CORRECTED
WATER
LEVEL:

96'

103'

91'

MAR 14 1996

2010

2100

2122

2290

2330

2340

2600

①

3

2680

TESTERS SUB.

2750

3030

2480

W. VICTORY RD.

ASPEN COVE SUB.

ROSS

Ebeling

Association Well,
At Pond
HICKEY

⊗ wells measured

3N1W S23 NWSE

S. LINDER RD.

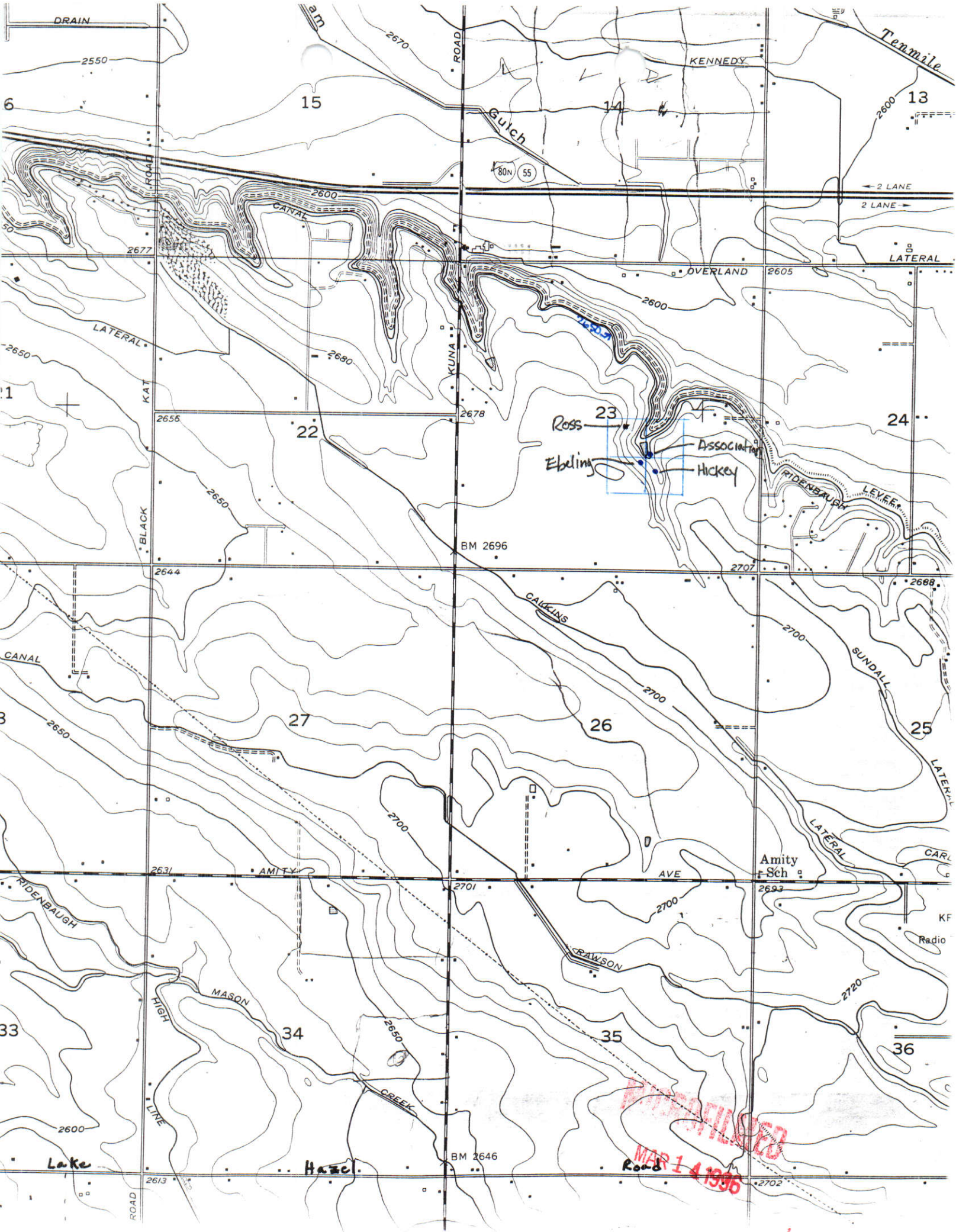
N

MAR 14 1996

00

S 3200

P



Probe = 142.2
Casing = 4
etc = 2570

81.1 SWL 3/20/95 pump set = 100'

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Ebeling Enterprises
Address 777 Mission
Owner's Permit No. _____

7. WATER LEVEL
Static water level 20 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Other
Discharge G.P.M. Draw Down Hours Pumped

3. PROPOSED USE
☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
	0	2	Top soil		
	2	32	gravel		
	32	68	fine black sand + clay		
	68	89	yellow clay		
	89	94	fine sand		
	94	103	coarse sand		

4. METHOD DRILLED
☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 6 inches Total depth 103 feet
Casing schedule: ☐ Steel ☐ Concrete
Thickness Diameter From To
2.50 inches 6 inches + 1 feet 103 feet

Location is NWSE
PER 11/3/92 site visit:
Ebeling
NOW = Glenn & Peggy Hickey
2150
2143 Aspen Cove Dr.
Also see K3-92-W-0702-000
for new well on site.

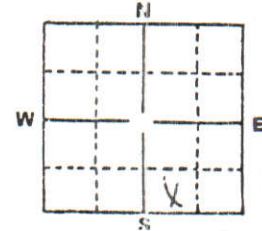
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer's name Johnson
Type Standard Steel Model No. _____
Diameter 5 1/8 Slot size 20 Set from 98 feet to 103 feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 20' Material used in seal ☐ Cement grout
☒ Puddling clay ☐ Well cuttings
Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing
☒ Overbore to seal depth

6. LOCATION OF WELL
Sketch map location must agree with written location. 63



Subdivision Name Rainbow
Lot No. 21 Block No. 5
Aspen Cove Dr.
2212 A.C. Dr.

County Ada
SE 1/4 Sec. 23, T. 33 N, R. 14 W

10. Work started 9/26/76 finished 10/2/76

11. DRILLERS CERTIFICATION
Firm Name Triad Drilling Company Firm No. 260
Address Box 96, Triad, Okla. Date 11/10/76
Signed by (Firm Official) John Hickey
and Glenn Hickey (operator)

MAR 14 1996
Standard

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Arnold Ross
Address 221 N. Fairview Ave., Meridian, Idaho
Owner's Permit No. 2302 Aspen Cove

2. NATURE OF WORK

- ☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

- ☐ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

- ☐ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 200 feet
Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
_____ inches	_____ inches	+ <u>1</u> feet	<u>190</u> feet
_____ inches	_____ inches	<u>182</u> feet	<u>192</u> feet
_____ inches	_____ inches	<u>197</u> feet	<u>200</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

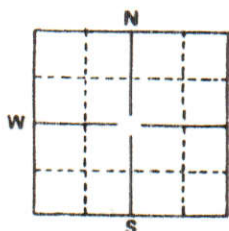
Well screen installed? ☐ Yes ☐ No
Manufacturer's name Johnson
Type stainless steel Model No. _____
Diameter 1 Slot size 20 Set from 192 feet to 197 feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 48 Material used in seal ☐ Cement grout
☐ Pudding clay ☐ Well cuttings
Sealing procedure used ☐ Shurry pit ☐ Temporary surface casing
☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Aspen Cove
Lot No. 5 Block No. 25

County Ada
T. 23 N/S, R. 1W E/W

7. WATER LEVEL

Static water level 110 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Other
Discharge G.P.M. 20 Draw Down 2 ft. Hours Pumped 16 hrs.

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
6	0	1	Top soil		X
	1	48	Gravel		X
	48	159	Sandy clay		X
	159	190	Clay		X
	190	200	Coarse sand	X	

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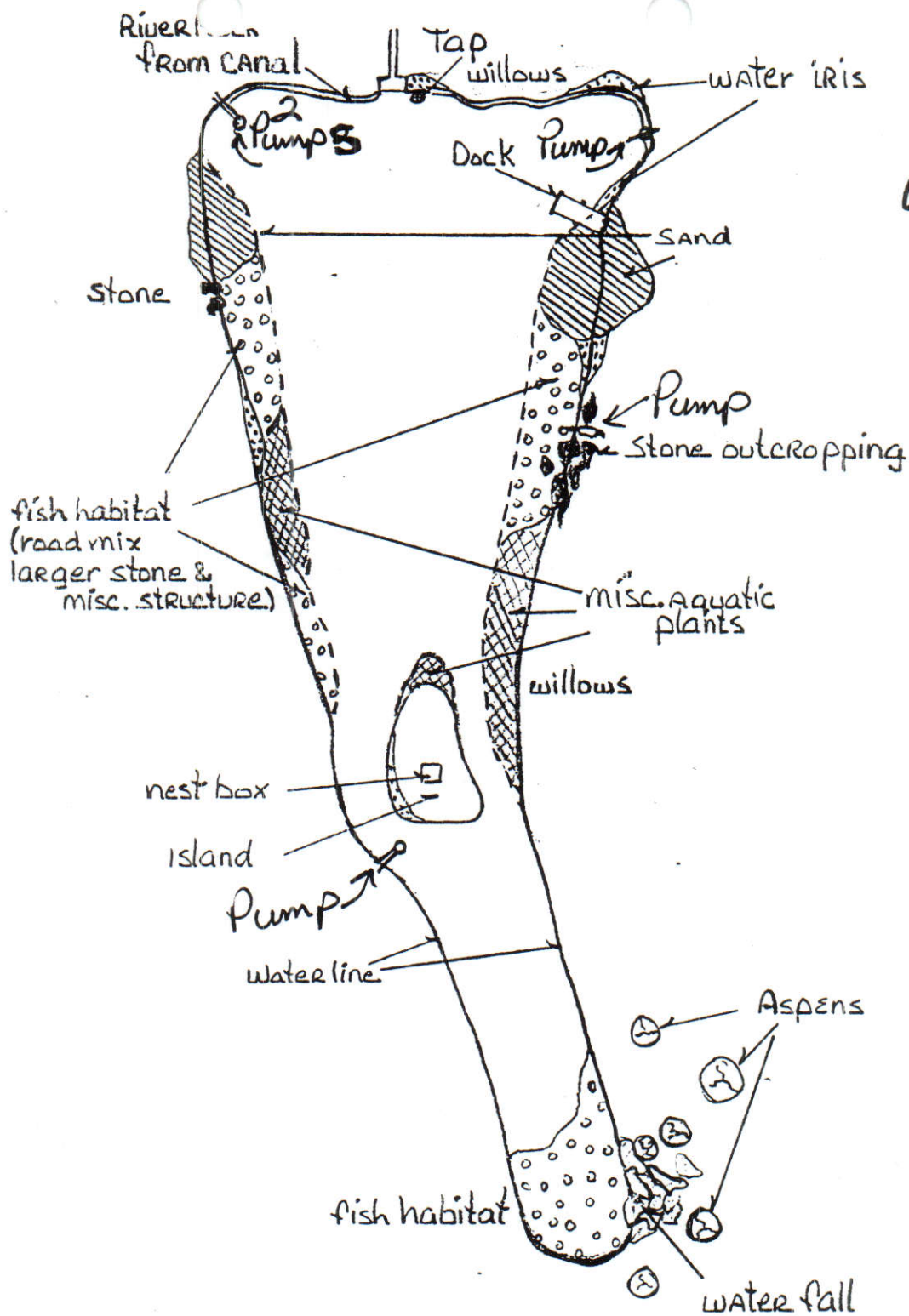
MAR 03 1995

WATER RESOURCES
WESTERN REGION

10. MAR 14 1995
Work started 10-16-75 finished 10-22-75

11. DRILLERS CERTIFICATION

Firm Name J.R. Hunsperger Well Drilling Firm No. 192
Address 6065 Creana Dr., Boise Date 10-23-75
Signed by (Firm Official) _____
and
(Operator) _____



63-12164

Aspen Lake
plan #1 9/14/92

(Large Pond)

MICROFILMED
MAR 14 1996

Some discrepancy in lot
boundaries see: Ada Co.
Rural address reference map at
Reign. so did not include
lot-block #1 in Remarks.

W
S — N
E

R/M

C-6
C-7
C-8

63-12164

N 32° 26' 17" E
127.52'



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-12164

Priority: December 16, 1994

Maximum Diversion Rate:

0.09 CFS

This is to certify, that ASPEN COVE LAKE ASSN INC

2288 ASPEN COVE DR

MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 16, 1994; and has submitted Proof of Beneficial Use on April 23, 1996. An examination indicates that the works have a diversion capacity of 0.130 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.7 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.09 CFS	
	Totals	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 23, Township 03N, Range 01W
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>
03N	01W	23	NWSE	3		3

Total number of acres irrigated: 3

PLACE OF USE:

IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 63-12164

CONDITIONS OF APPROVAL AND REMARKS

7. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
8. Rights 63-11964, 63-12164, and 63-12273 when combined shall not exceed a total diversion rate of 0.13 cfs.
9. Rights 63-11964, 63-12164 and 63-12273 are limited to a combined storage volume of 1.7 af.
10. This right when combined with all other rights shall provide no more than .03 cfs per acre nor exceed a combined annual diversion volume of 12.0 af for irrigation of the lands above.
11. Rights 63-11964 and 63-12273 are also diverted through the point(s) of diversion described above.
12. Place of use known as Lots 1 & 2, Blk. 2, and Lots 1-4, Blk. 5, Aspen Cove Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 24TH
day of OCTOBER, 1997.

Acting for


KARL J. DREHER Director

OCT 30 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-12164	)	ORDER OF REINSTATEMENT
	)	
IN THE NAME OF ASPEN COVE LAKE ASSN.,	)	
INC.	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1996; and,

WHEREAS, the permit holder submitted proof of beneficial use on April 23, 1996; and,

WHEREAS, the department informed the permit holder that the proof could not be accepted until an additional \$165.00 was submitted to upgrade the drilling permit; and,

WHEREAS, on May 21, 1996, the permit holder submitted the additional fee, however, the receipt of monies paid was not forwarded to the appropriate section for acknowledgement; and,

WHEREAS, on August 5, 1996, the Department lapsed the permit in error; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting the additional fee in a timely manner; and,

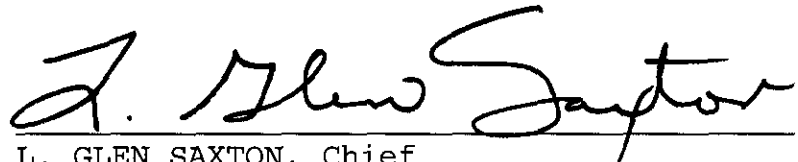
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AUG 21 1996

AUG 21 1996

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-12164
be REINSTATED with no advance in priority.

Dated this 16th day of August, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

AUG 21 1996

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

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PROOF OF BENEFICIAL USE

APR 23 1996

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. 63-12164 Telephone No. 888-2793
2. Name(s) of Permit Holder(s): ASPEN COVE LAKE ASSOC.
3. Mailing Address: 2288 ASPEN COVE DR., MERIDIAN, ID 83642
4. Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo. SEP / yr. 92
 - a. Well Driller: ADAMSON PUMP & DRILLING CO. Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock):
Irrigation (No. of acres): 3 Other: IRRIGATION STORAGE - 1.7 AF
6. Total rate of diversion and/or volume for which proof is submitted: .09 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? ELEC. METERYes X or No

Has the measuring device been installed?

Yes X or No

GLEN HILKEY'S GARAGE

Flow Measurement Port: Is a flow measurement port required?

Yes or No X

Has 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: TIM RUSSELL Telephone Number: 888-2793 (HM) 422-5126 (WK)Address: 2288 ASPEN COVE DR., MERIDIAN, ID 83642

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: [Signature] PRES., ACLA
(include your title, if on behalf of company or organization)Date: 4-9-96

APR 21 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12164

Proposed Priority: December 16, 1994 Maximum Diversion Rate: 0.09 CFS

This is to certify, that **ASPEN COVE LAKE ASSN INC**
2143 ASPEN COVE DR
MERIDIAN ID 83642

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.7 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		1.7 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.09 CFS	
	Totals	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 23, Township 03N, Range 01W
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>
03N	01W	23	NWSE	3.0		3.0

Total number of acres irrigated: 3.0

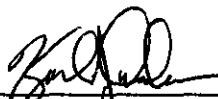
PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. See Final Order for conditions and limitations for use of water under this approval.

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

14th day of February, 1996.


Karl J. Dreher, Director

APPROVED
MAR 14 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-12164 AND 63-12273)
IN THE NAME OF ASPEN COVE LAKE)
ASSOCIATION, INC.)
_____)

FINAL ORDER

On December 21, 1995, the hearing officer for the Idaho Department of Water Resources (department) issued a Recommended Order in connection with the above captioned matter. None of the parties to the matter filed a Petition for Reconsideration in connection with the Recommended Order. Based upon his understanding of the law and the facts in this matter, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. On December 16, 1994, Aspen Cove Lake Association, Inc. (applicant) filed Application for Permit No. 63-12164 with the department proposing the following:

Ident No:	63-12164		
Source:	Groundwater		
Pt. of div:	NW1/4SE1/4, Sec. 23, T3N, R1W, B.M.		
Use, season	<u>Uses</u>	<u>Season</u>	<u>Amount</u>
& use:	Irrigation	03-15 to 11-15	0.09 cfs
	Irrig. storage	01-01 to 12-31	1.7 AF
	Irrig. from storage	03-15 to 11-15	1.7 AF
	Div. to storage	01-01 to 12-31	0.09 cfs
	Total Div. Rate		0.09 cfs
Remarks:	3.0 acres to be irrigated. The acreage consists of 0.5 acre for each of six (6) lots. ¹		

¹On December 16, 1994, the applicant also filed Application for Permit No. 63-12165 for the irrigation of seven (7) additional acres in the subdivision. The application has been held without action due to the moratorium which prevented approval of new consumptive uses, but is now being processed in accordance with the order lifting the moratorium. Application for Permit No. 63-12164 was filed in response to reported unauthorized diversion and the use of water by the applicant. While one application could have been filed for the irrigation of ten (10) acres, two (2) applications were filed in order to separate irrigation use associated with domestic residences from other irrigable acres within the subdivision.

MAR 14 1996

2. On September 15, 1995, the applicant also filed Application for Permit No. 63-12273 with the department proposing the following:

Ident No: 63-12273
Source: Groundwater
Rate of div: 0.13 cfs
Pt. of div: NW1/4SE1/4, Section 23, T3N, R1W, B.M.
Use: Aesthetics
Season of use: September 1 to May 31

3. The department published notice of Application Nos. 63-12164 and 63-12273 which were subsequently protested by Harold Ross.

4. On December 15, 1995, the department conducted a hearing in the matter. The applicant was present and was represented by association member Keith Ebling. The protestant was present and represented himself.

5. Issues identified by the protestant include the following:

- a. The application will injure prior water rights.
- b. The pond poses a safety hazard to children.

6. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit No. 1 - Responses to each of the six potential issues described in Section 42-203A, Idaho Code.
- b. Applicant's Exhibit No. 2. - Pictures of the impoundment area.

7. On February 10, 1993, the department issued Permit No. 63-11964 to the applicant authorizing the diversion of 0.04 cfs of ground water year-round for aesthetic purposes to be impounded year-round in two ponds. The volume was limited to a maximum of not more than 2,500 gallons per day (2.3 AF/yr). The limitations on use were as a direct result of a moratorium order issued by the department which prevented most new consumptive uses. The permit holder filed proof of construction of works and application of water to beneficial use with the department on January 19, 1994.

8. The applicant owns and manages a man-made pond built on an irrigation lateral which pond is surrounded by at least six private lots on which homes have been built. Irrigation district shares fill the pond during the time period the district delivers irrigation water. The applicant seeks approval to divert ground water to the pond when irrigation district water is not available and to use ground water for the irrigation of up to 1/2 acre per lot for six lots when irrigation district water is not available to use for irrigation.

9. The applicant uses a well constructed in 1992 for Glen Hickey to provide water to the pond to keep the fish and aquatic water plants alive when canal company water is not available. The well is 160 feet deep and has a six-inch diameter casing.

10. There is deeded public access to the pond which is used for fishing, recreation, wildlife and aesthetic purposes. The pond is also used as a take out point for canal floaters and is used by people who are not residents of the immediate area.

11. The residents of the area are generally aware of children and others who frequent the pond area and observe pond related activities.

12. The protestant is concerned that an increase in the authorized diversion rate (larger than 0.04 cfs authorized by Permit No. 63-11964) from the applicant's well will injure his use of groundwater. The protestant's well was drilled in 1976 to a depth of 200 feet. The original static water level in the protestant's well was 110 feet below land surface. This level has risen through the years and was measured by the department in March 1995 to be 101 feet below land surface. The well is located about 500 feet distant from the applicant's well.

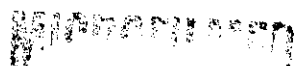
13. The protestant has had a problem with his well losing suction, but the problem was not shown to be attributable to the pumping of water by the applicant or by lowering of the water level in the protestant's well.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. Aesthetic use is a beneficial use of water and is in the public interest.



3. The application will not reduce the quantity of water under existing water rights.

4. The water supply available is sufficient for the purposes intended.

5. The application is made in good faith and not for delay or speculative purposes.

6. The applicant has sufficient financial resources with which to complete the project.

7. The application does not conflict with the local public interest.

8. The application is not contrary to the conservation of water resources within Idaho.

9. The department should approve the applications with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Permit Nos. 63-12164 and 63-12273 are approved subject to the following conditions:

Permit No. 63-12164:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before May 1, 1996.

2. Use of water under the right is subject to all prior water rights.

3. Prior to diversion of water under this right, the right holder shall install and maintain a totalizing flow measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. The right holder shall maintain records of the amount of water diverted and shall provide the records to the department upon request.

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights can not be delivered to the right holder.

5. This permit is of no force nor effect if the right holder sells, conveys or transfers surface water rights which are appurtenant to the place of use of this permit without prior approval of the department.

6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

7. The maximum combined rate of diversion under this right and Permit No. 63-11964 shall not exceed 0.13 cfs.

8. The amount of water stored under this right is 1.7 acre feet.

9. The place of use is located within Lots 1 and 2, Block 2 and Lots 1 through 4, Block 5, Aspen Cove Subdivision.

10. The irrigation use occurring under this right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

11. Prior to diversion of water under this right, the right holder shall submit the additional drilling permit fee of \$165 to the department in compliance with Well Construction Standard Rule 37.03.09045.04.e (Rule 45.04.e).

Permit No. 63-12273:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before May 1, 1996.

2. Use of water under the right is subject to all prior water rights.

3. Prior to diversion of water under this right, the right holder shall install and maintain a totalizing flow measuring device and lockable controlling works of a type acceptable to the department as part of the diverting works. The right holder shall maintain records of the amount of water diverted and shall provide the records to the department upon request.

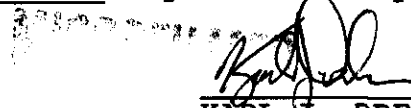
4. The Director maintains jurisdiction of this permit for five (5) years in order to determine if there is an adverse effect upon prior water rights in the area. Upon a determination by the department of injury caused by the non-irrigation season pumping authorized by this permit, the Director may cancel the permit with prejudice.

5. The amount of water stored under this right is 1.7 acre feet.

6. The combined rate of diversion under this right and other rights diverting from the same well shall not exceed 0.13 cfs.

7. The right holder is not authorized to release water pumped and impounded under terms of this right down the irrigation canal.

Signed this 14th day of February, 1996.



KARL S. DREHER, Director

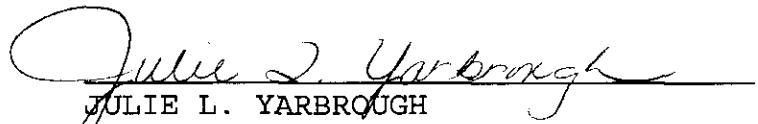
MAR 14 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of February, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Aspen Cove Lake Assoc. Inc.
2143 Aspen Cove Dr.
Meridian, ID 83642

Harold G. & Elberta Ross
2302 Aspen Cove Dr.
Meridian, ID 83642


JULIE L. YARBROUGH
Senior Secretary

MAR 14 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-12164 AND 63-12273)
IN THE NAME OF ASPEN COVE LAKE)
ASSOCIATION, INC.)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of protested applications for permit, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 16, 1994, Aspen Cove Lake Association, Inc. (applicant) filed Application for Permit No. 63-12164 with the department proposing the following:

Ident No:	63-12164		
Source:	Groundwater		
Pt. of div:	NW1/4SE1/4 Section 23, T3N, R1W, B.M.		
Use, season & use	<u>Uses</u>	<u>Season</u>	<u>Amount</u>
	Irrig	03-15 to 11-15	0.09 cfs
	Irrig storage	01-01 to 12-31	1.7 AF
	Irrig from storage	03-15 to 11-15	1.7 AF
	Div to storage	01-01 to 12-31	0.09 cfs
Remarks:	3.0 acres to be irrigated. The acreage consists of 0.5 acre for each of six (6) lots. ¹		

The application was filed in response to reported unauthorized diversion and use of water by the applicant. While one application could have been filed for the irrigation of ten (10) acres, two (2) applications were filed in order to separate irrigation use associated with domestic residences from other irrigable acres within the subdivision.

2. On September 15, 1995, the applicant also filed Application for Permit No. 63-12273 with the department proposing the following:

¹ On December 16, 1994, the applicant also filed Application for permit No. 63-12165 for the irrigation of seven (7) additional acres in the subdivision. The application has been held without action due to the moratorium which prevented approval of new consumptive uses, but is now being processed in accordance with the order lifting the moratorium.

MAR 14 1996

Ident No: 63-12273
Source: Groundwater
Rate of div: 0.13 cfs
Pt. of div: NW1/4SE1/4 Section 23, T3N, R1W, B.M.
Use: Aesthetics
Season of use: September 1 to May 31

3. The department published notice of Application nos. 63-12164 and 63-12273 which were subsequently protested by Harold Ross.

4. On December 15, 1995, the department conducted a hearing in the matter. The applicant was present and was represented by association member Keith Ebling. The protestant was present and represented himself.

5. Issues identified by the protestant include the following:

- a. The application will injure prior water rights.
- b. The pond poses a safety hazard to children.

6. Exhibits offered and accepted as a part of the record include the following:

- a. Applicant's Exhibit No. 1 - Responses to each of the six potential issues described in Section 42-203A, Idaho Code.
- b. Applicant's Exhibit No. 2. - Pictures of the impoundment area.

7. On February 10, 1993, the department issued Permit No. 63-11964 to the applicant authorizing the diversion of 0.04 cfs of ground water year-round for aesthetic purposes to be impounded year-round in two ponds. The volume was limited to a maximum of not more than 2,500 gallons per day (2.3 AF/yr). The limitations on use were as a direct result of a moratorium order issued by the department which prevented most new consumptive uses. The permit holder filed proof of construction of works and application of water to beneficial use with the department on January 19, 1994.

8. The applicant owns and manages a man-made pond built on an irrigation lateral which pond is surrounded by at least six private lots on which homes have been built. Irrigation district shares fill the pond during the time period the district delivers irrigation water. The applicant seeks approval to divert ground water to the pond when irrigation district water is not available and to use ground water for the irrigation of up to 1/2 acre per lot for six lots when irrigation district water is not available to use for irrigation.

9. The applicant uses a well constructed in 1992 for Glen Hickey to provide water to the pond to keep the fish and aquatic water plants alive when canal company water is not available. The

MAR 14 1996

well is 160 feet deep and has a six inch diameter casing.

10. There is deeded public access to the pond which is used for fishing, recreation, wildlife and aesthetic purposes. The pond is also used as a take out point for canal floaters and is used by people who are not residents of the immediate area.

11. The residents of the area are generally aware of children and others who frequent the pond area and observe pond related activities.

12. The protestant is concerned that an increase in the authorized diversion rate (larger than 0.04 cfs authorized by Permit No. 63-11964) from the applicant's well will injure his use of ground water. The protestant's well was drilled in 1976 to a depth of 200 feet. The original static water level in the protestant's well was 110 feet below land surface. This level has risen through the years and was measured by the department in March 1995, to be 101 feet below land surface. The well is located about 500 feet distant from the applicant's well.

13. The protestant has had a problem with his well losing suction, but the problem was not shown to be attributable to the pumping of water by the applicant or by lowering of the water level in the protestant's well.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. Aesthetic use is a beneficial use of water and is in the public interest.

3. The application will not reduce the quantity of water under existing water rights.

4. The water supply available is sufficient for the purposes

intended.

5. The application is made in good faith and not for delay or speculative purposes.

6. The applicant has sufficient financial resources with which to complete the project.

7. The application does not conflict with the local public interest.

8. The application is not contrary to the conservation of water resources within Idaho.

9. The department should approve the applications with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Permit Nos. 63-12164 and 63-12273 are approved subject to the following conditions:

Permit No. 63-12164:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the Final Order.

2. Use of water under the right is subject to all prior water rights.

3. Prior to diversion of water under this right, the right holder shall install and maintain a totalizing flow measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. The right holder shall maintain records of the amount of water diverted and shall provide the records to the department upon request.

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.

5. This permit is of no force nor effect if the right holder sells, conveys or transfers surface water rights which are appurtenant to the place of use of this permit without prior approval of the department.

6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

7. The maximum combined rate of diversion under this right and Permit No. 63-11964 shall not exceed 0.13 cfs.

8. The amount of water stored under this right is 1.7 acre

feet.

9. The place of use is located within Lots 1 and 2, Block 2 and Lots 1 through 4, Block 5, Aspen Cove Subdivision.

10. The irrigation use occurring under this right shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.

11. Prior to diversion of water under this right, the right holder shall submit the additional drilling permit fee of \$165 to the department in compliance with Well Construction Standard Rule 37.03.09045.04.e (Rule 45.04.e).

Permit No. 63-12273:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the Final Order.

2. Use of water under the right is subject to all prior water rights.

3. Prior to diversion of water under this right, the right holder shall install and maintain a totalizing flow measuring device and lockable controlling works of a type acceptable to the department as part of the diverting works. The right holder shall maintain records of the amount of water diverted and shall provide the records to the department upon request.

4. The Director maintains jurisdiction of this permit for five (5) years in order to determine if there is an adverse effect upon prior water rights in the area. Upon a determination by the department of injury caused by the non-irrigation season pumping authorized by this permit, the Director may cancel the permit with prejudice.

5. The amount of water stored under this right is 1.7 acre feet.

6. The combined rate of diversion under this right and other rights diverting from the same well shall not exceed 0.13 cfs.

7. The right holder is not authorized to release water pumped and impounded under terms of this right down the irrigation canal.

Signed this 21st day of December, 1995.

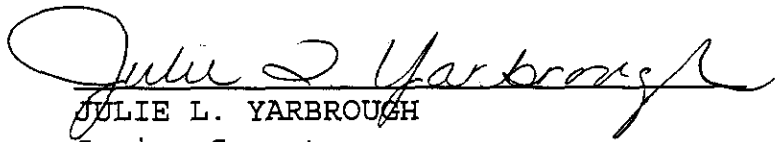

L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 21st day of December, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
RECOMMENDED ORDER to the following:

Aspen Cove Lake Assoc. Inc.
2143 Aspen Cove Dr.
Meridian, ID 83642

Harold G. & Elberta Ross
2302 Aspen Cove Dr.
Meridian, ID 83642


JULIE L. YARBROUGH
Senior Secretary

WR0749NP
No. 63-12164

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/06/95
PAGE:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASPEN COVE LAKE ASSN INC 2143 ASPEN COVE DR MERIDIAN ID 83642 (208) 888-6145	12/16/1994	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE DIVERSION TO STORAGE	03-15 11-15 01-01 12-31 03-15 11-15 01-01 12-31	0.090 CFS 0.090 CFS	 1.70 AFA 1.70 AFA
TOTAL DIVERSION:					0.090 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T03N R01W S23

NWSE

ADA County

Place of use Legal Description for: IRRIGATION

NENE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
03N	01W	23	:	:	:	:	:	:	:	:	:	:	:	:		
TOTAL ACRES													3.0			

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-11964 63-12165 63-12273

Other Water Rights Listing Overlapping Place(s) of use:
63-12165

Remarks: ~~Irrigation use is limited to one-half acre per home.~~
This right, when combined with 63-11964, is limited to 0.13 cfs
pumping capacity and 1.7 af storage capacity.
Western Region is conducting a ground water level study.
Water bearing zone to be appropriated is 154 to 160 feet.

Dates: App. Received: 12/16/1994 Priority Date: 12/16/1994
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/19/1994 User-ID: LGRAVES Subject: EXPLANATION
This application and moratorium application 63-12165 were filed
in response to a complaint. Previous field investigations
measured the flow from the well at 60 gpm, a large pond volume
of 1.5 af, and a small pond volume of .2 af. The maximum use
of this well is represented on permit 63-11964, this application,
and moratorium application 63-12165. Two applications were
created for processing purposes due to moratorium constraints.
The primary source for irrigation is New York canal. Ground
water will supplement the acres when necessary. 10 acres can be
irrigated: 3 approvable on this application and 7 on hold in
application 63-12165. The actual amount of ground water used
will be greater than 1.7 af but less than 13.5 af (full
appropriation @ 4.5 af/ac). The irrigation component is included
so that the acres are not limited to a one time fill of 1.7 af.
An additional \$165 needs collected for the drilling permit.

Audit: 12/19/94 LGRAVES 12/27/94 SCURTIS 12/27/94 SLESTER 01/26/95 STAYLOR

SL
10/6/95
* D'BAK update
10/10/95 - no longer applicable
SL

2 418 316 497



**Receipt for
Certified Mail**

No Insurance Coverage Provided

ASPEN COVE LAKE ASSOC INC
2143 ASPEN COVE DR
MERIDIAN ID 83642

PS Form 3800

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address, leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105600-93-B-021a

PS Form 3800, March 1993 (Reverse)

Z. 418 316 496



**Receipt for
Certified Mail**

No Insurance Coverage Provided

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

PS Form 3800

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address, leaving the receipt attached and present the article at a post office service window or bring it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of two gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

PS Form 3800, March 1967 (Revised)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

63-12164

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

4a. Article Number

2 48 316 496

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2 2 15

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

BY UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED
FEB 03 1995

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

63-12164

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: ASPEN COVE LAKE ASSOC INC 2143 ASPEN COVE DR MERIDIAN ID 83642	4. Article Number 2 418 316 497
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
5. Signature — Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X Lisa Kilton	
7. Date of Delivery 2-3-95	

NO. 1000 55/05

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ASPEN COVE LAKE ASSOCIATION INC 208-888-6145
 Address: 2143 ASPEN COVE DR
 MERIDIAN ID 83642 *d'base corrected per
 office names list -jr*
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSE Sec. 23, Township 03N, Range 01W
 ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.090		
IRRIGATION STORAGE	01/01	12/31			1.70
IRRIGATION FROM STORAGE	03/15	11/15			1.70
DIVERSION TO STORAGE	01/01	12/31	0.090		
5. Total quantity to be appropriated is:
 0.090 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
 WELL, 2 PONDS, PUMPS, SPRINKLERS
 - b. Height of storage dam < 5 feet; active reservoir capacity 1.70
 acre-feet; total reservoir capacity 1.70 acre-feet; period of
 year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 160
 feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 08/27/1992
 Drilling Firm ADAMSON PUMP, 63-92-W-0702-000
 Well was drilled for GLEN HICKEY
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
03N	01W	23	NWSE 3			3

Total number of acres irrigated: 3

MAR 14 1996

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

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:

Irrigation use is limited to one-half acre per home.
This right, when combined with 63-11964, is limited to .13 cfs
pumping capacity and 1.7 af storage capacity.

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
plus
attached
maps*

See original

Applicant

Received by LG Date 12/16/94 Time 10:10 Preliminary check by SL

Fee \$ 50 100.00 Received by LG #W018446 Date 12/19/1994

Publication prepared by SL Date 10-10-95 Published in Idaho Statesman

Publication approved SL Date 11-8-95

Same receipt for two \$50 fees 63-12164 + 63-12165

APPROVED

MAR 14 1996

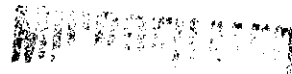
See Comments

Comments: Date: 12/19/1994 User-ID: LGRAVES

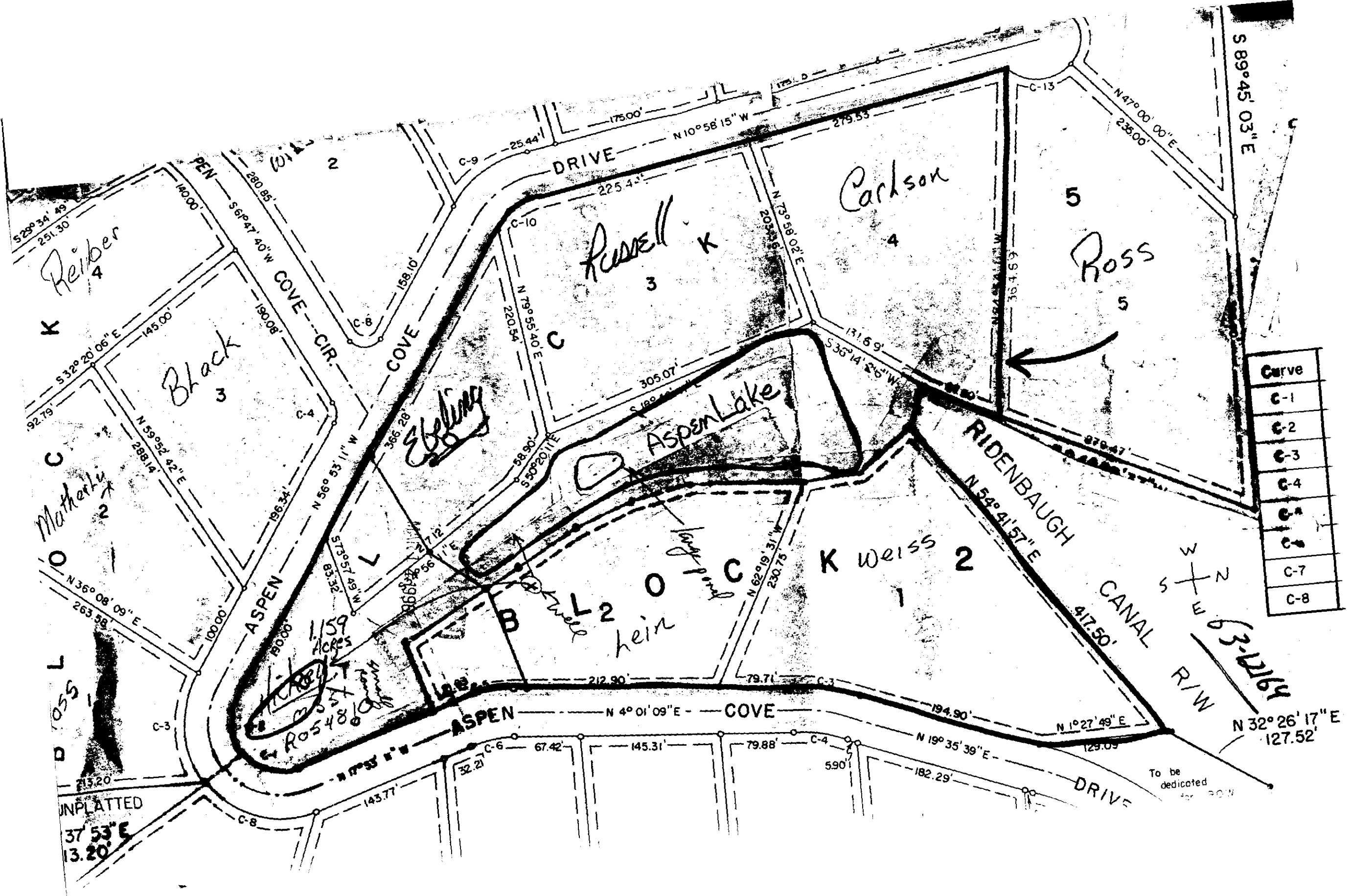
Subject:

EXPLANATION

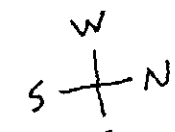
This application and moratorium application 63-12165 were filed in response to a complaint. Previous field investigations measured the flow from the well at 60 gpm, a large pond volume of 1.5 af, and a small pond volume of .2 af. The maximum use of this well is represented on permit 63-11964, this application, and moratorium application 63-12165. Two applications were created for processing purposes due to moratorium constraints. The primary source for irrigation is New York canal. Ground water will supplement the acres when necessary. 10 acres can be irrigated: 3 approvable on this application and 7 on hold in application 63-12165. The actual amount of ground water used will be greater than 1.7 af but less than 13.5 af (full appropriation @ 4.5 af/ac). The irrigation component is included so that the acres are not limited to a one time fill of 1.7 af. An additional \$165 needs collected for the drilling permit.



MAR 14 1996



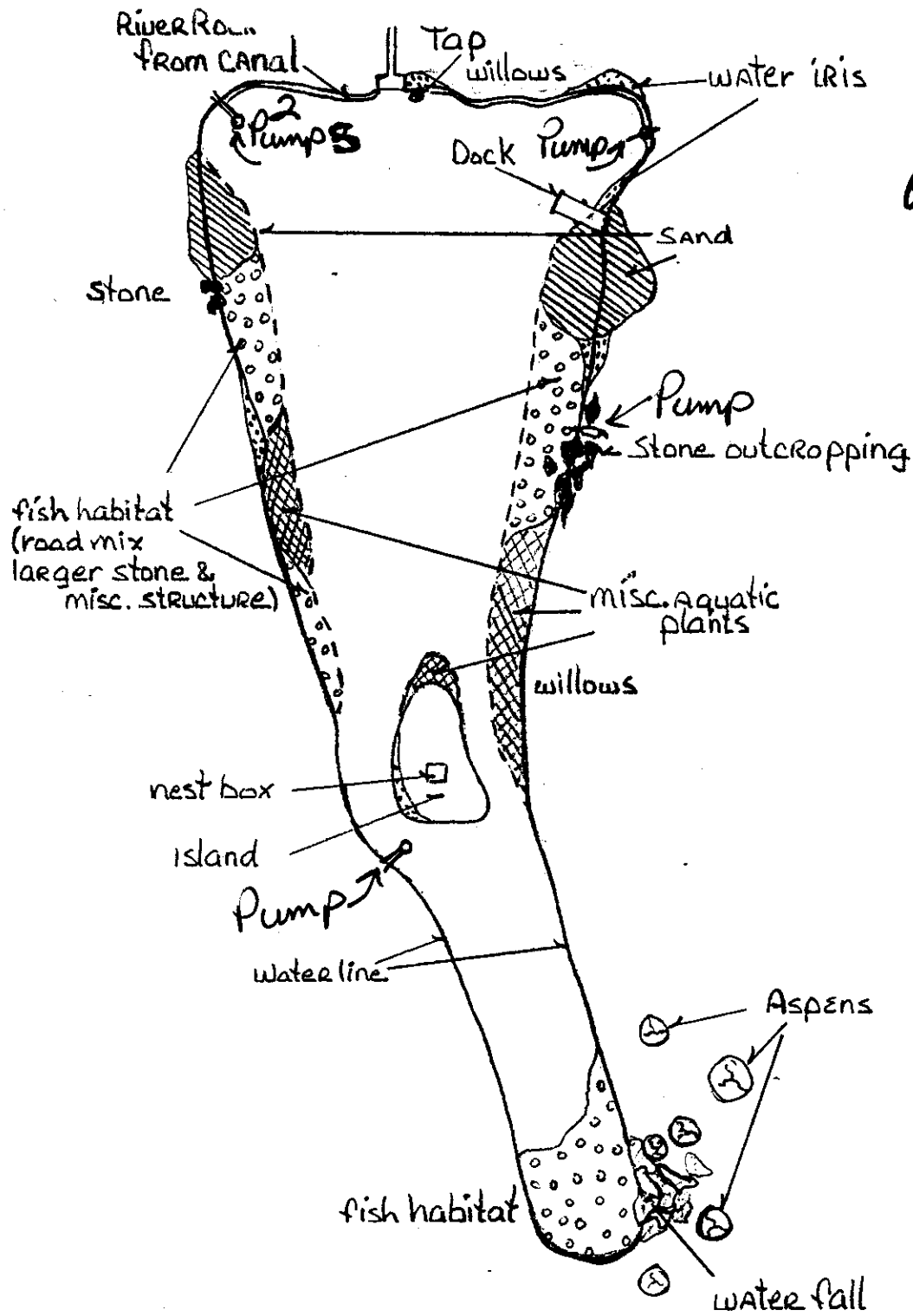
Curve
C-1
C-2
C-3
C-4
C-5
C-6
C-7
C-8



63-12164

To be dedicated for ROW

P/W in parts of 2 lots
of Aspen Cove Sub. -
Some discrepancy in lot
boundaries here & Aden Co. 12/22/94
Rural address reference map at
Begin so did not include
lot-block #'s in Remarks. - 82



63-12164

Aspen Lake
plan #1 9/14/92

MAR 14 1996

(Large Pond)

Monatorium Exemption

Form 202
10/92

Ident. No. 63-12164

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ASPEN COVE LAKE ASSOC INC Phone 888-6145
Post office address 2143 Aspen Cove Meridian 83642
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 23 Township 3N Range 1W B.M. hda County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount .13^{.09} for Div to Stor purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .09 for Inn purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 1.7 for Inn Stor purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 1.7 for Inn Stor purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .13^{.09} cubic feet per second and/or (b) 1.7 acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinklers
- 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 6 inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? N
- e. If well is already drilled, when? 9/92; Drilling firm Adams;
Well was drilled for (well owner) Aspen Cove
7. Time required for the completion of the works and application of the water to proposed beneficial use is
1 years (minimum 1 year).

*SAME AS
in
with
Monat.
Exempt.*

MAR 14 1996

ORIGINAL

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

- Hydropower; show total feet 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	
3N	1W	23														3			3
																IS			

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. 63-11964,
NY canal shares

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

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

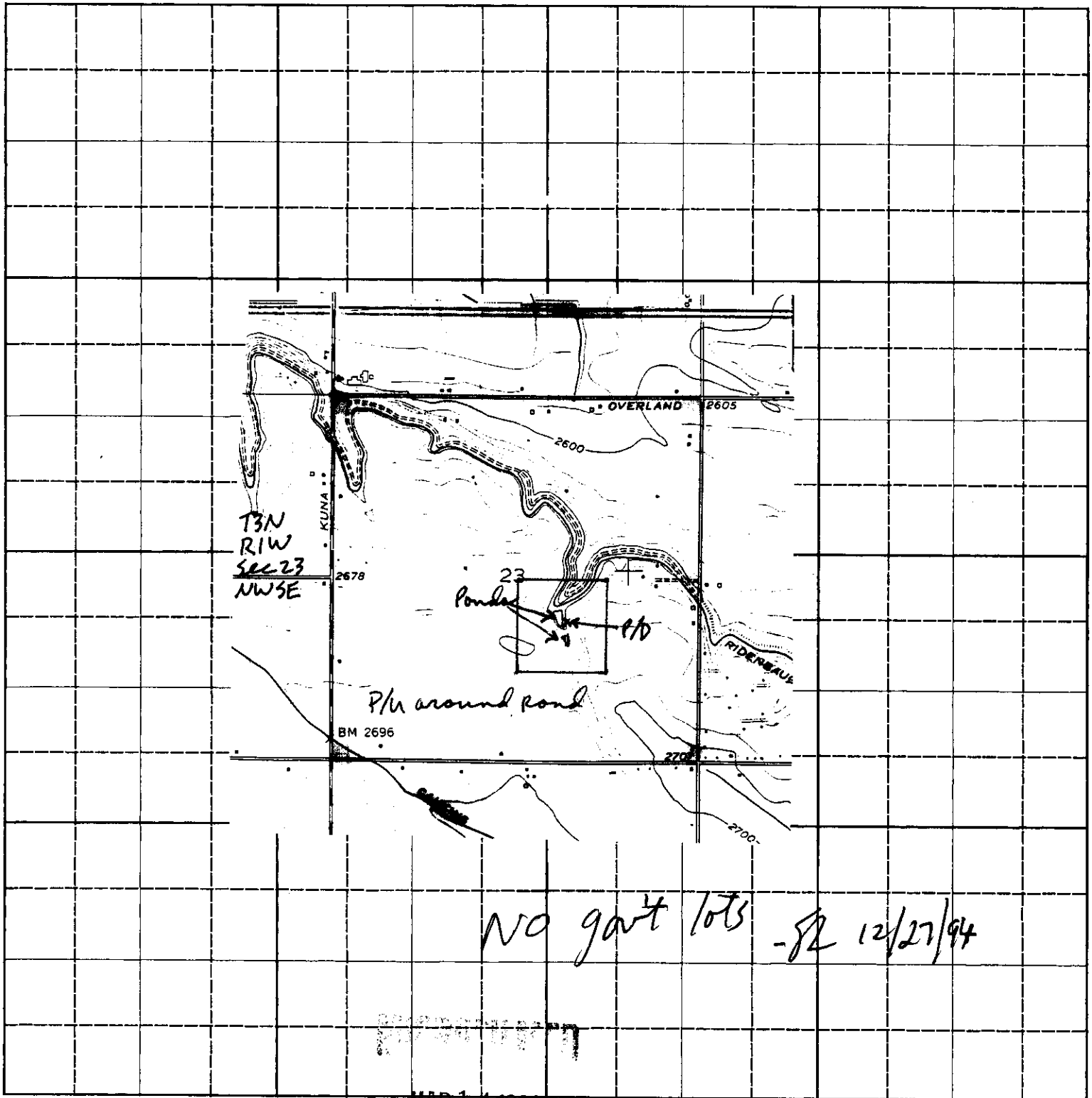
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Irrigation use is limited to one-half acre
per home.

This right, when combined with 63-11964 is
limited to .13 cfs pumping capacity and 1.7 of
storage capacity.

MAR 2 1998

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

James J. Frazier, VICE PRESIDENT, ACLA
(Applicant)

(paid 12/16/94)

Received by g Date 12/16/94 Time 10 AM Preliminary check by _____

Fee \$ 50 Received by g # W018446 Date 12/19/94

Publication prepared by ST Date 1-23-95 Published in Idaho Statesman

Publication approved 1-23-95 Date ST

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:

MAR 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 27, 1994

Aspen Cove Lake Association, Inc.
C/O Peggy Hickey, President
2143 Aspen Cove Drive
Meridian, ID 83642

Re: Application for Permit No. 63-12165

Dear Applicant:

The above-referenced application for a new water right from a well to irrigate seven acres associated with homes in your association has been received but cannot be processed at this time. Approval of new water rights for irrigation beyond one-half acre per home must be delayed pending changes in a drought moratorium initiated by the Director of this agency in May, 1992 to protect existing water rights and limited water supplies.

Delays related to department actions such as the moratorium do not affect the priority (seniority) date of water right applications. The filing will be held at this office pending moratorium changes, and you will be informed of such changes should they occur.

Meanwhile, a similar application to irrigate three acres from this well and pond system is being processed for possible approval. The "three acres filing" is application no. 63-12164, which can be handled as a moratorium exemption allowing up to one-half acre of irrigation per home from the system in question. If or when both applications are approved, total irrigation from the well system cannot exceed ten acres.

Please contact me if you need more information about this matter or other water right issues.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

MAR 14 1995

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W018446

Date: 12/19/1994
Time: 10:53:56

Received
From: ASPEN COVE LAKE ASSOC.

Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT 63-12164		
62103	229 21 1155	50.00
APPLICATION FOR PERMIT 63-12165		
62103	229 21 1155	50.00
Total		

CHECK 1559 \$100.00

Region: WESTERN

Signature: _____

MAR 14 1996

WR5809NP
No. 63-11964

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/27/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASPEN COVE LAKE ASSOCIATION	11/25/1992	AESTHETIC STORAGE DIVERSION TO STORAGE	01-01 12-31 01-01 12-31	0.04 CFS	2.30 AFA
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T03N R01W S23

NWSE

ADA County

Place of use Legal Description for: AESTHETIC STORAGE

				NE				NW				SW				SE			
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
03N	01W	23	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:		

Pou County: ADA

Other Water Rights Listing Overlapping Place(s) of use:
63-12164 63-12165

Conditions of Approval:

027 - Use of water under this right shall be non-consumptive.

Remarks: The daily diversion volume for the aesthetic use authorized under this right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
Aesthetic storage is for 2 ponds.

Dates: App. Received: 11/25/1992 Priority Date: 11/25/1992
Proof Due Date: 03/01/1994 Proof Made Date: 01/19/1994
Exam Made Date: 07/26/1994 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee: N (Not Required)

Comments: Date: 11/25/1992 User-ID: LESTER Subject: MISC INFORMATION

1.7 AFA Capacity
per 1992 & 1994
Site visits
-SE

MAR 14 1996

Comments: Date: 11/25/1992 User-ID: LESTER Subject: MISC INFORMATION
Officers: Keith Ebeling - President
Tim Russell - Vice President
Phyllis Weis - Secretary

Drilling Permit 63-92-W-0702-000.

Location and pond sizes verified per 11/3/92 site visit by Steve Lester.

Pond #1: triangular - area $(325' \times 100' \times .5) / 43,560 = .37$ acre ;
depth 5', volume .37 acre $\times 5' = 1.85$ af ;

Pond #2: rectangular- area $(140' \times 30') / 43,560 = .1$ acre ;
depth 4', volume .1 acre $\times 4' = .4$ af ;

Approvable under moratorium: total surface area @ 1/2 acre, total
volume 2.3 af, rate of flow meets 42-111 limits.

Date: 02/09/1993 User-ID: MILLER Subject: MORATORIUM EXEMPTION
This permit has been conditioned to fall within the acceptable
parameters of the Snake River Basin Moratorium.

Date: 02/09/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 11/25/92 LESTER 12/08/92 GARRETT 02/09/93 MILLER 02/09/94 YARBROUG
02/09/94 COMMENTS 07/27/94 STAYLOR

MAR 14 1996

Officers ↘

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR

ASPEN COVE LAKE ASSOCIATION, INC.

THIS DECLARATION is made on the date hereinafter set forth by ASPEN COVE LAKE ASSOCIATION, INC., an Idaho corporation, hereinafter referred to as "Association".

WHEREAS, Association is the owner of certain real property in the County of Ada, State of Idaho, which encompasses a lake and shoreline area owned by Association for the use and benefit of the following six lots, to-wit:

OWNERS

LEGAL DESCRIPTION

Robert & Susan Carlson
2300 Aspen Cove Drive
Meridian, Idaho 83642

Lot 4, Block 5 of ASPEN COVE
SUBDIVISION.

Keith & Dianne Ebeling
2150 Aspen Cove Drive
Meridian, Idaho 83642

Part of Lot 2, Block 5 of
ASPEN COVE SUBDIVISION.

PRESIDENT
Glen E. & Peggy L. Hickey
2143 Aspen Cove Drive
Meridian, Idaho 83642

Part of Lots 1 and 2, Block 5
and part of Lot 2, Block 2 of
ASPEN COVE SUBDIVISION.

Duane & Fritz Lien
2141 Aspen Cove Drive
Meridian, Idaho 83642

Part of Lot 2, Block 2 of
ASPEN COVE SUBDIVISION.

VICE PRESIDENT
TREASURER
John & Vicki Russell
2288 Aspen Cove Drive
Meridian, Idaho 83642

Lot 3, Block 5 of ASPEN COVE
SUBDIVISION.

SECRETARY
William & Phyllis Weiss
2101 Aspen Cove Drive
Meridian, Idaho 83642

Lot 1, Block 2 of ASPEN COVE
SUBDIVISION.

and

WHEREAS, the legal description of said lake area for the use and benefit of said lots set out above, hereinafter referred to as "Common Area", is as follows:

Lot 1, Block 5 of ASPEN COVE SUBDIVISION, Ada County, Idaho, EXCEPT that portion of said Lot 1, Block 5 previously conveyed by Deed dated January 29, 1990, recorded as Instrument No. 9009279 in the records of

MAR 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Glen & Peggy Hickey
Address 2143 Aspen Cove Dr. Meridian,
Drilling Permit No. 63-92-W-0702-000
Water Right Permit No. _____

7. WATER LEVEL

Static water level 21 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 53 °F. Quality Iron 10+/PH7.5/Gr10
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 9.)

8. WELL TEST DATA

☐ Pump ☐ Bailor ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
150		1

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
6"	0	2	Top Soil		
"	2	6	Hard Pan		
"	6	9	Tan Clay		
"	9	13	Sand		
"	13	60	Hard Clay		
"	60	75	Sandy Clay		
"	75	102	Sand		
"	102	105	Clay		
"	105	109	Sand		
"	109	113	Clay		X
"	113	115	Sand		X
"	115	118	Clay		
"	118	122	Sand		X
"	122	124	Clay		
"	124	134	Sand		X
"	134	135	Clay		
"	135	155	Sand		
"	155	160	Clay		
"	160	-	Sand		X

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 6 inches + 2 feet 156 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

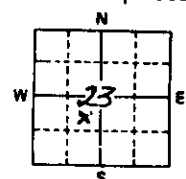
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 30 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit
☒ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port Top of well

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County ADA

Address of Well Site 2143 ASPEN COVE MERIDIAN
(give at least name of road)

NE 1/4 SW 1/4 Sec. 23, R. 1 N ☒ or S ☐
E ☐ or W ☒

10.

Work started 8/26/92 finished 8/27/92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name Adamson Pump Firm No. 457
& Drilling

Address Nampa, ID Date 9/8/92

Signed by Drilling Supervisor John Adamson
and

(Operator) John Post
(If different than the Drilling Supervisor)

RECEIVED
SEP 11 1992
Department of Water Resources
Western Regional Office

MAR 14 1996

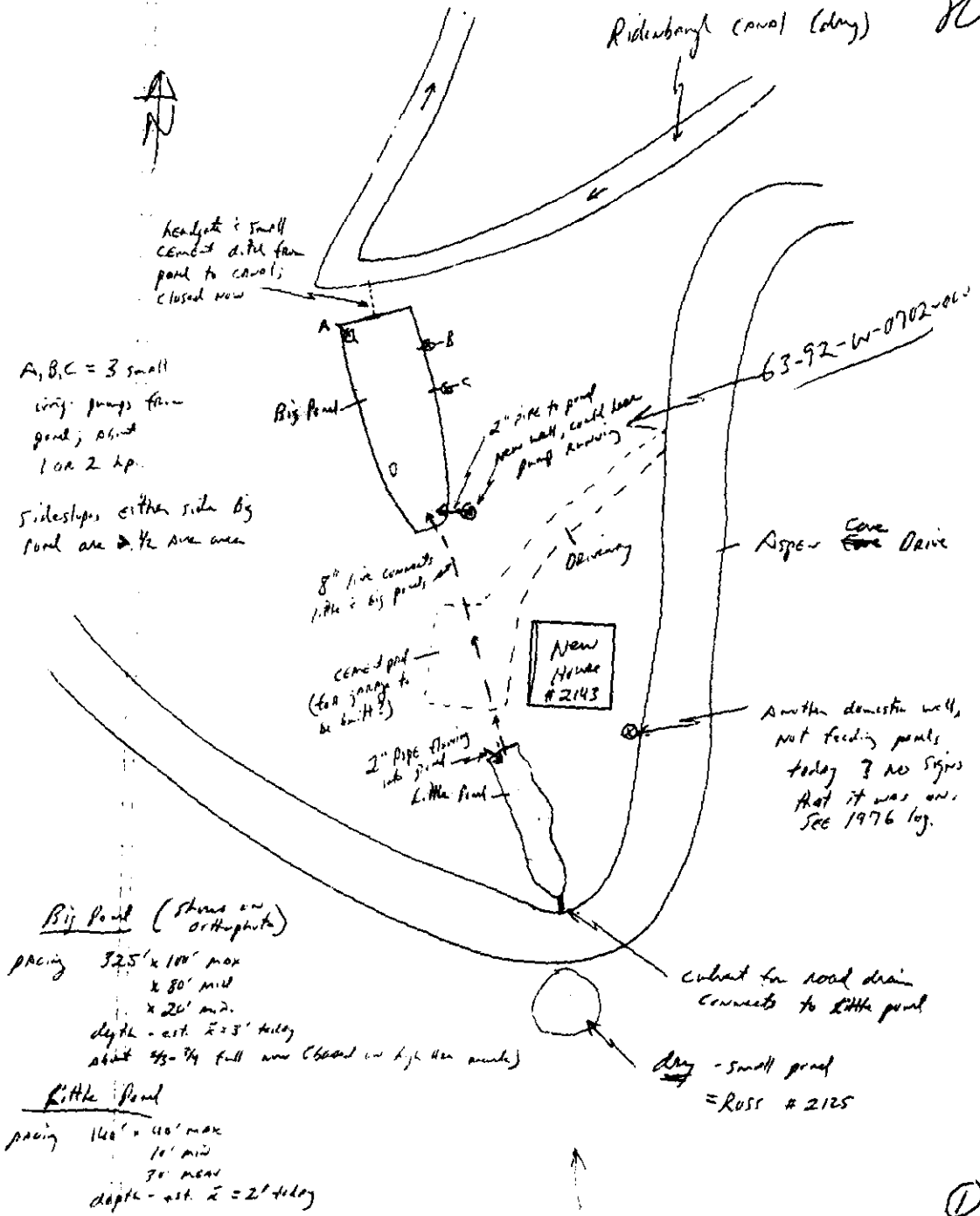
Need
\$165 more

Copy in Complaint:
63-11964
files

11/3/92

SL

Diagram



A, B, C = 3 small
wing pumps from
pond; about
1 or 2 hp.

Slopes either side of
pond are 2 1/2 acre area

Big Pond (shown on
orthophoto)
pacing 32.5' x 100' max
x 80' mid
x 20' mid.
depth - est. 2-3' today
about 3/4 full now (closed in high water)

Little Pond
pacing 140' x 40' max
10' mid
30' near
depth - est. 2' today

MAR 14 1996

63-12164

No one knew [Hickey's place,
where well is Little pond found.

Flow

- a) Big Pond - 2" pipe for new well - could have pump running.
meas 2 times
Result:

$$\frac{53}{55} = \frac{60 \text{ gpm}}{55} = .13 \text{ cfs}$$

$\approx 5.5 \text{ gpm}$ @ this rate of fill - per J.D. Revised corr. Handbook.

- b) Little Pond - ≈ 2 " pipe - gage far from new well (could not
have any activity at other domestic well on this property).
meas 2 times

Result:

$$\left(\frac{53}{125}\right)\left(\frac{600}{100}\right) = \frac{25 \text{ gpm}}{100} = .06 \text{ cfs}$$

$\approx 1.1 \text{ gpm}$ @ this rate of fill

Pond Volumes

- c) Big Pond = triangular

$$L = 325 \quad W = 100 \quad D = 3 \quad (\text{Pacing})$$

$$\text{Today's volume} = \frac{(325)(100)(3)(.5)}{43,560} = \frac{1.1 \text{ a.f.}}{43,560}$$

$$\frac{\text{surface area}}{\text{depth}} = \frac{1.1/3}{.5} = \underline{.37 \text{ acre}}$$

per
11/25/42
office int.
5' depth
4'

est. $\approx 3/4$ full now per high flow marks, then:

$$\frac{\text{max volume}}{\text{depth}} = x = \frac{1.1/.75}{.5} = \underline{1.5 \text{ a.f.}}$$

$$\frac{\text{max surface area}}{\text{depth}} = x = \frac{.37/.75}{.5} = \underline{.49 \text{ acre}}$$

-R

- d) Little Pond = rectangular

$$L = 140 \quad W = 50 \quad D = 2 \quad (\text{Pacing})$$

$$\text{volume} = \frac{(140)(50)(2)}{43,560} = \underline{.19 \text{ a.f.}}$$

$$\frac{\text{surf. area}}{\text{depth}} = \frac{.19/2}{.5} = \underline{.1 \text{ acre}}$$

now or here full today so no physical maximum (2)

MAR 14 1986

e) Flows vs. 42-111 provisions

$$\text{flow at 6} = 60 + 25 = 85 \text{ gpm} = .19 \text{ cfs}$$

$\uparrow \pm 6.5 \text{ gpm}$ $\uparrow \pm .014 \text{ cfs}$

If 42-111 A 13,000 g/day, no flow component

$$\frac{13,000 \text{ g}}{85 \text{ g/hr}} \times \frac{1 \text{ hr}}{60 \text{ min}} = 2.5 \text{ hrs.}$$

can run well @ .19 cfs for 2 1/2 hrs/day

If 42-111 B .04 cfs = 2,500 g/day limit

reduce flow to, about 80% to .04 cfs or
18 gpm

$$\frac{2500 \text{ g}}{18 \text{ g/hr}} \times \frac{1 \text{ hr}}{60 \text{ min}} = 2.3 \text{ hrs.}$$

can run well @ .04 cfs for 2 1/3 hrs/day

A or B

TOTAL irrig from pond(s) if well feeds pond(s)
is limited to 1/2 acre.

Observed even much greater than 1/2 acre around big
pond where 3 irrig pumps from pond are found.
Richards Canal has been dry for quite some
time this year.

(3)

MAR 14 1996

f) Constant Flow per Complaint (24 hrs/day)

$$(85 \text{ gpm})(60 \text{ min/hr})(24 \text{ hr/day}) = \underline{122,400 \text{ gallons/day}}$$

$$\frac{122,400}{325,550} = \underline{.4 \text{ a.f./day}}$$

$$\left(\begin{array}{l} 85 \text{ gpm} = .19 \text{ cfs} \\ .19 \text{ cfs} \times 1.9835 \rightarrow .4 \text{ a.f./day} \end{array} \right)$$

g) Water Right : Storage fraction

Amount Stored $V_1 + V_2 = 1.1 + .19 = 1.29 = \underline{1.3 \text{ a.f.}}$

(could be up to 1.7 a.f. for max projection from pg. 2, item c)

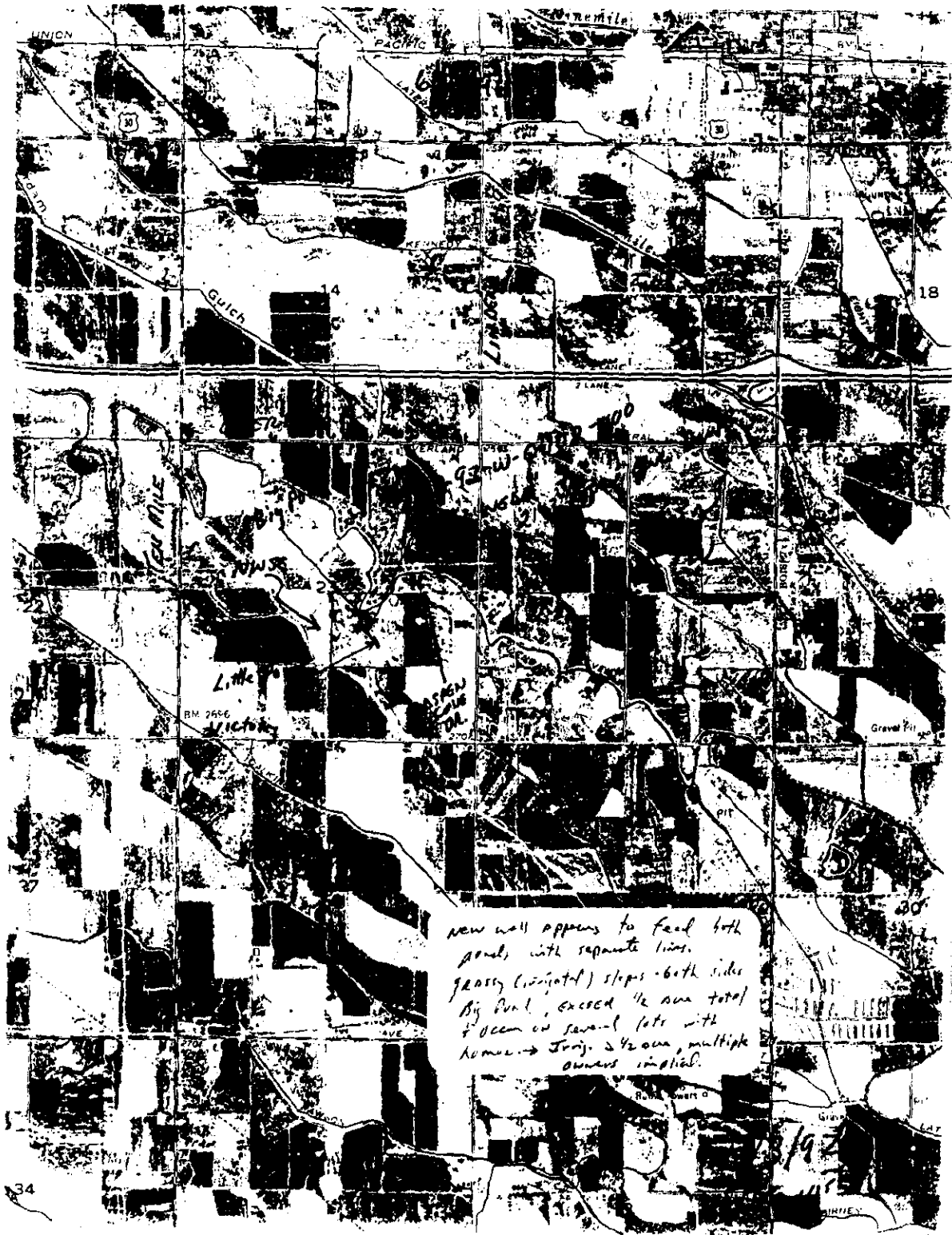
IF 42-111A $.19 \text{ cfs} \times 1.9835 \rightarrow .4 \text{ a.f./24 hr}$, need storage water right

IF 42-111B $.04 \text{ cfs/min}$, need storage water right

If use to irrig. $\geq \frac{1}{2}$ acre from pond (or) via well, need irrig. W.R. for well. Will also require \$165 add'l. fee for d.p. 63-92-w-0792.

(4)

MAR 14 1996



new well appears to feed both
ponds with separate lines.
grassy (irrigated) slopes - both sides
Big Pond, exceed 1/2 acre total
& occur on several lots with
homes - 2 1/2 acres, multiple
owners implied.

MAR 14 1996



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

October 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ASPEN COVE LAKE ASSN INC
2288 ASPEN COVE DR
MERIDIAN ID 83642

RE: WATER RIGHTS 63-11964/63-12164

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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.

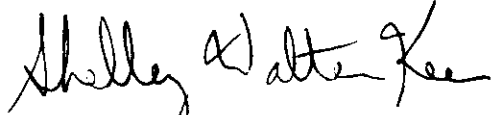
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Rights 63-11964/63-12164

ASPEN COVE LAKE ASSN INC
2288 ASPEN COVE DR
MERIDIAN ID 83642


Kari Lynn Townsend
Secretary

MEMORANDUM

DATE: October 15, 1997

TO: Water Right Files 63-12164 and 6312273

FROM: Shelley W. Keen *SWK*

RE: Measuring Device Requirements

Last week I spoke with Dave Tuthill about the measuring device and lockable controlling works requirements for the two permits listed above. Dave believes that a dedicated power meter for the well pump should satisfy the measuring device and lockable controlling works requirement. I then spoke with Tim Russell who assured me that there is a dedicated power meter for the well. Tim said that there are two power meters in Glen Hickey's basement. One is for Mr. Hickey's home; the other is for the well pump. It is possible that IDWR's field examiners viewed the wrong meter.

OCT 17 1997

OCT 30 1997

MEMORANDUM

TO: Files 63-11964/12164/12273

FROM: Sharla Curtis

DATE: October 16, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for these rights are based on the following:

63-12164:

H. RECOMMENDATIONS

Irrigation	3/15 - 11/15	0.09 cfs	12.0 afa
Irrigation Storage	1/1 - 12/31		1.7 afa
Irrig. From Storage	3/15 - 11/15		1.7 afa
TOTALS		0.09 cfs	13.7 afa

The storage volume is additive to the irrigation volume.

63-12273:

H. RECOMMENDATIONS

Aesthetic Storage	9/1 - 5/31		1.7 afa
Diversion to Storage	1/1 - 12/31	0.13 cfs	
TOTALS		0.13 cfs	1.7 afa

In reading the findings of fact and conclusions of law in the order approving 63-12273, it was clear that the use of water under the right was to allow year round diversion to the storage pond and aesthetic storage limited to pond capacity of 1.7 af. No amendment will be solicited for this clarification.

All three rights will contain a condition limiting the combined diversion rate to 0.13 cfs, the capacity of the well. The total annual volume being shown on 63-12273 is 7.0 af. The information submitted in the 8/5 letter was used to calculate the total annual volume used not only for storage but also reflects the diversion from the well to maintain the level of the pond (November 1996 through April 1997 = 2,274,844 gallons = 7.0 af). A remark explaining these figures will be placed on the license.

Examiner: Lori Graves

Exam Date: October 15, 1996

63-12273

OCT 30 1997



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 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN T RUSSELL
ASPEN COVE LAKE ASSN
2288 ASPEN COVE DR
MERIDIAN ID 83642

RE: Water Right Nos. 63-12164 and 63-12273

Dear John:

I received your letter describing your method for determining the total amount of water diverted under permits 63-12164 and 63-12273. I have reviewed your letter along with the information in your water right files, and I have the following concerns.

While the files indicate that you discussed with Dave Tuthill the possibility of using power consumption records to calculate your diversion volume, the final order approving your applications did not provide for doing so. Instead, both applications were approved with the following condition:

Prior to diversion of water under this right, the right holder shall install and maintain a totalizing flow measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. The right holder shall maintain records of the amount of water diverted and shall provide the records to the department upon request.

In order to obtain relief from the requirement that you install and maintain a totalizing flow measuring device and lockable controlling works, you must petition the department in writing. Otherwise, you should install the totalizing flow measuring device as required in the final order approving your permits.

Also, while you state in your letter that no other power consumption is recorded by the meter that records the power consumption of your well pump, the department's field examiner reported otherwise. If you intend to petition the department to substitute the use of power records for the totalizing flow measuring device requirement, then you will need to attach documentation supporting your conclusion that the meter records power used only for the well pump.

John Russell
September 4, 1997
Page 2

Within thirty days, please notify me that you have installed the totalizing measuring device or petition the department for relief from the requirement. For your information, I have enclosed some information about totalizing flow measuring devices.

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

Respectfully,

A handwritten signature in black ink, reading "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Walter Keen
Water Rights Supervisor

Enclosures

101-101-111

001 5 0 007

Aspen Cove Lake Association
2288 Aspen Cove Drive
Meridian, Idaho 83642

RECEIVED
AUG 08 1997
Department of Water Resources

August 5, 1997

State of Idaho
Department of Water Resources
1301 N. Orchard St., P.O. Box 83720
Boise, Idaho 83720-0098

Re: Record of Water Usage, Permit Nos. 63-11964, 63-12164 and 63-12273

Dear Mr. Keen:

Enclosed please find record of gallons pumped from the Aspen Cove Lake Association well over a period of eighteen months. During previous meetings with Dave Tuthill and other personnel at Water Resources it was agreed that the following formula would suffice for record of consumption:

Formula: 3 hp pump (17 amp) x 220V = 3740 watts
= 3.74 KW

take monthly use (KWH) divide by 3.74 = monthly hours

take monthly hours X 3600 (60 gl/min x 60 min/hr) = gl pumped per hour

July 97	none	
June 97	698 KWH divided by 3.74 x 3600 =	671,871 gl
May 97	none	
April 97	none	
March 97	698 KWH	= 671,871 gl
February 97	288 KWH	= 277,219 gl
January 97	237 KWH	= 228,128 gl
December 96	283 KWH	= 331,424 gl
November 96	98 KWH	= 94,331 gl

October 96	none	
September 96	none	
August 96	none	
July 96	none	
June 96	none	
May 96	91 KWH	= 87,593 gl
April 96	480 KWH	= 462,032 gl
March 96	435 KWH	= 418,716 gl
February 96	267 KWH	= 257,005 gl
January 96	345 KWH	= 332,085 gl

The power meter for the well is located in one of the association member's garage and is accessible for inspection by anyone from the Water Resources Department. No other power is drawn from this meter.

Please address any questions to the undersigned. My home telephone number is 888-2793, work is 422-5126.

Sincerely,


 John T. Russell
 President, Aspen Cove Lake Association

017 30 5.7

MEMORANDUM

DATE: July 18, 1997

TO: Water Right Files 63-11964, 63-12164, and 6312273

FROM: Shelley W. Keen *SK*

RE: Call from Tim Russell

Today Tim Russell called in response to the letter I wrote to Aspen Cove Lake Assn. on July 14, 1997. He said that he believed that the subdivision had reached an agreement with Dave Tuthill to use power records to record diversions and that the subdivision has been keeping records of power use ever since. He also believes that the pump is the only thing on the meter. Mr. Russell is going to supply me with copies of the power consumption records when he returns from vacation in two weeks.



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

July 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Aspen Cove Lake Assn. Inc.
2288 Aspen Cove Dr.
Meridian, ID 83642

RE: Permit Nos. 63-11964, 63-12164, and 63-12273

Dear Water Right Holders:

In October of 1996, a representative from the department conducted an examination of the diversion and delivery system(s) associated with the three permits listed above. The information collected in this examination will serve as the basis for issuance of water right licenses.

When issued, Permits 63-12164 and 63-12273 contained conditions of approval requiring the installation and maintenance of totalizing flow measuring devices and lockable controlling works along with maintenance of records of the amounts of water diverted. At the time of the examination, our examiner noted that there were no devices installed and that the use of power meter records is not a suitable substitution for the measuring devices.

The department cannot proceed with issuing licenses for your rights unless all of the permit conditions have been met.

Within 30 days, please install the required measuring devices and notify me that you have done so, or submit a written request asking the department to remove the requirement. If you ask for the measuring device requirement to be removed, you must explain why you think the requirement is unnecessary. If you wish to discuss this matter, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

WR5809NP
No. L63-12164

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/09/97
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASPEN COVE LAKE ASSN INC 2288 ASPEN COVE DR MERIDIAN ID 83642 (208) 888-2793	12/16/1994	IRRIGATION	03/15 11/15	0.090 CFS	13.50 AFA
			IRRIGATION STORAGE	01/01 12/31		1.70 AFA
			IRRIGATION FROM STORAGE	03/15 11/15		1.70 AFA
			DIVERSION TO STORAGE	01/01 12/31	0.090 CFS	
TOTAL DIVERSION:					0.090 CFS	15.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.130 CFS

Point(s) of Diversion: T03N R01W S23 NWSE ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
03N	01W	23	:																	:	3.0	
																					TOTAL ACRES	3.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-11964 63-12164 63-12165 63-12273 L63-11964 L63-12273

Other Water Rights Listing Overlapping Place(s) of use:

63-12164 63-12165

Conditions of Approval:

- 070 - The irrigation occurring under this domestic use shall not exceed
 - 1/2 acre within each platted subdivision lot upon which a home
 - has been constructed.
- R31 - This right when combined with all other rights shall provide no
 - more than .02 cfs per acre nor more than 4.0 afa per acre for the
 - lands above.
- 065 - The right holder shall use the full allotment of appurtenant
 - surface water rights in conjunction with groundwater diverted
 - under this right and shall only divert groundwater under this
 - right when water from the appurtenant surface water rights cannot
 - be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s)
 - appurtenant to the place of use is sold, transferred, leased or
 - used on any other place of use.

Remarks: Rights 63-11964, 63-12164, and 63-12273 when combined shall not exceed a total diversion rate of 0.13 cfs.
Rights 63-11964 and 63-12273 are also diverted through the point(s) of diversion described above.
Place of use known as Lots 1 & 2, Blk. 2, and Lots 1-4, Blk. 5, Aspen Cove Subdivision.

Dates: App. Received: 12/16/1994 Priority Date: 12/16/1994
Proof Due Date: 03/01/1997 Proof Made Date: 04/23/1996
Exam Made Date: 10/16/1996 Exam Sent to S.O.: 01/07/1997
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 12/19/1994 User-ID: LGRAVES Subject: EXPLANATION
This application and moratorium application 63-12165 were filed in response to a complaint. Previous field investigations measured the flow from the well at 60 gpm, a large pond volume of 1.5 af, and a small pond volume of .2 af. The maximum use of this well is represented on permit 63-11964, this application, and moratorium application 63-12165. Two applications were created for processing purposes due to moratorium constraints. The primary source for irrigation is New York canal. Ground water will supplement the acres when necessary. 10 acres can be irrigated: 3 approvable on this application and 7 on hold in application 63-12165. The actual amount of ground water used will be greater than 1.7 af but less than 13.5 af (full appropriation @ 4.5 af/ac). The irrigation component is included so that the acres are not limited to a one time fill of 1.7 af. An additional \$165 needs collected for the drilling permit.

Date: 04/23/1996 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 08/05/1996 User-ID: JYARBROU Subject: Lapse Notice Sent
Lapse Notice Sent

Audit: 06/06/97 SCURTIS 06/06/97 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		NE		NW		SW		SE		NE		NW		SW		SE						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
L6312164	T03N R01W S23 GROUNDWATER																					
	:					:				:					:		03	:	3			
6302388	BOISE RIVE :					:				:					:				:			
A6302388	BOISE RIVE :					:				:					:				:			
6311896	GROUNDWATE :					:				:			40		:				40			
M6311896	GROUNDWATE :					:				:			40		:				40			
6312164	GROUNDWATE :					:				:					:		03		3			
6312165	GROUNDWATE : <i>app.</i>					:				:					:		07		7			
A6330181Z1	BOISE RIVE :	I	I	I	I	:	I	I	I	I	:	I	I		:	I	I		:			
--86 MAP--	C27Q-X 57 :	37	39	38	35	:	40	36	40	40	:	33	42	22	37	:	38	38	40	38	:	593
--86 MAP--	C1Q-X 57 :	37	40	40	40	:	39	40	43	39	:	36	42	28	40	:	40	40	39	40	:	623

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-12164

DATE 6/6/97

REVIEWER: SHARLA

NAME Change OK Address Change NO
 SOURCE Change ✓ Is change/clarification of originally intended source? NO
 POINT OF DIV Change ✓ If not, prepare Notice of Intent to Void NO
 PLACE OF USE Change ✓ Amendment required NO

Does map agree with written description? yes no map in 63-11964

OVERLAPS ✓ P/D NO P/U

RATE OF DIV

Permitted Rate .09 cfs
 Fee limit .20 cfs \$ 5000
 Measured .13 cfs
 Theoretical .10 cfs @ 95' lift and 40 psi
 Recommended Total Div Rate .09 cfs

ANNUAL VOLUME/
NATURE OF USES NO

Use NO

Volume Calculation

<u>In</u>	<u>314.5</u>	<u>13.5</u>	<u>af</u>
<u>In Stn</u>	<u>1.7</u>	<u>af</u>	
<u>In fm Stn</u>	<u>1.7</u>	<u>af</u>	
<u>DW to Stn</u>	<u>N/A</u>	<u>af</u>	
SUBTOTAL	<u>15.2</u>	<u>af</u>	

Flow rate NO cfs X NO days X 1.9835 = NO af

Total volume recommended NO af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (63-11964, 12273, .13 cfs)
W36 " "
W37 (

CONDITIONS NO Watermaster Control WD# NO

GW Measurement/Measuring Device

NO Overlap

NO Use-specific conditions

065,079,070

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A

1st Amend Letter N/A

Adjustment Memo comb volume

2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 08 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-12164

1. Owner: Aspen Cove Lake Area Inc Phone No. 888-2793

Current Address: 2288 Aspen Cove Dr Meridian 83642

2. Accompanied by: Glen Hickey EXAM DATE: 10/15/96

Address: Same Phone No. _____

Relationship to Permit Holder: Representative

3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-02388, -11964, -12165, -12273

2. Other water rights with the same point of diversion: 63-11964, -12165, -12273

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	23	3N	1W	Ada	USGS Quad, Sub Plot

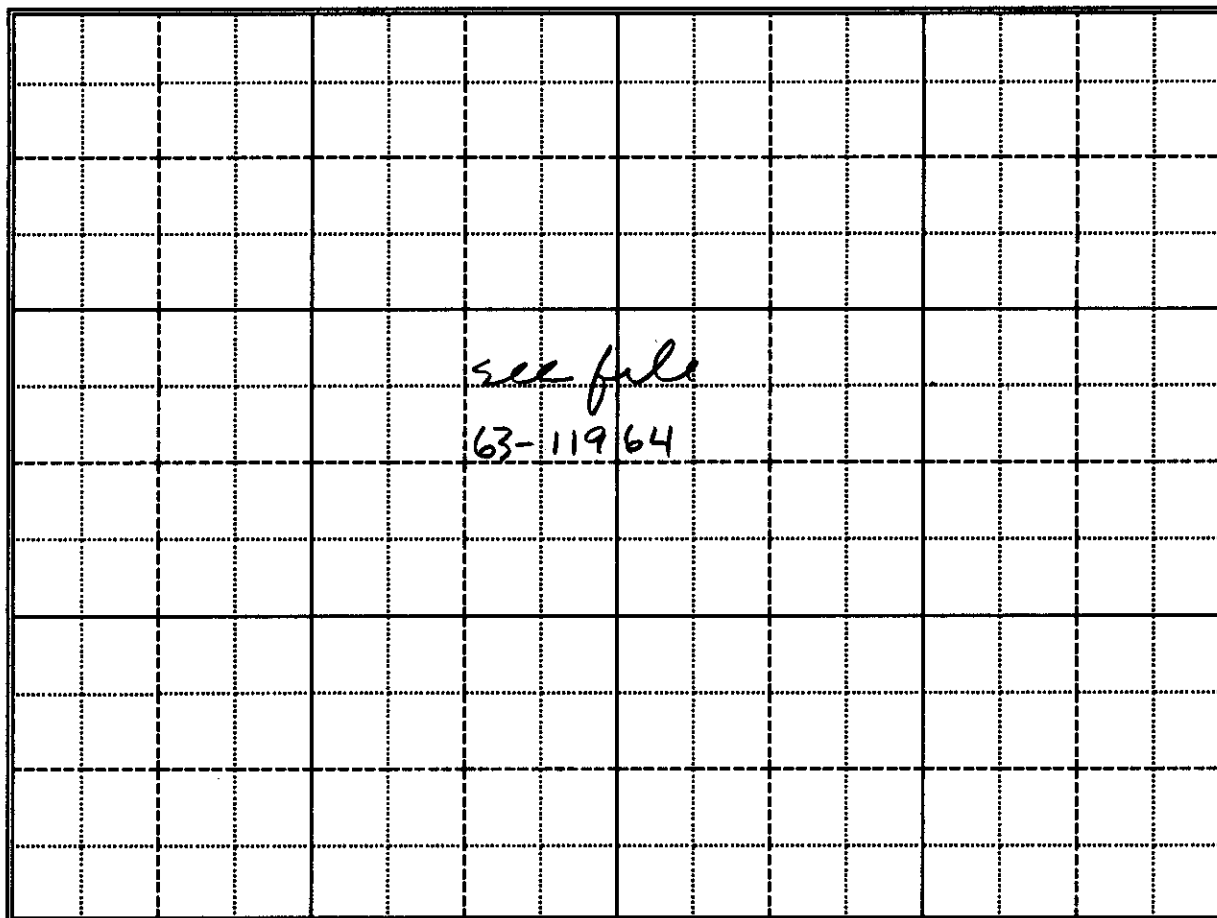
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1W	23														3			3
																AS			
																AR			
																B			

MICROFILMED
OCT 30 1997

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



Scale: 1" = _____

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

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

____ 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	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
5 gal bucket						

2. Measurements:

see attachment 2, pg 2

RECORDED

OCT 30 1937

E. NARRATIVE/REMARKS/COMMENTS

See Attachment 1

see file 63-11964 for original
documentation, well info,
+ photos

Have conditions of permit approval been met? ☐ yes

☒ no

see attachment 1, 3, + 4

MICROFILMED
OCT 30 1987

F. FLOW CALCULATIONS

Measured Method:

 Additional Computation Sheets Attached*see attachment 2***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{3} \times \underline{4.5} = \underline{13.5}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.09} \times \underline{246} \times \underline{1.9835} = \underline{43.9}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{13.5}$$

2. Volume Calculations for Other Uses:

*see attachment 2***H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Irrigation</i>	<i>3/15</i>	<i>11/15</i>	<i>.09</i>	<i>13.5</i>
<i>Irrig Storage</i>	<i>1/1</i>	<i>12/31</i>		<i>1.7</i>
<i>Irrig for stor</i>	<i>3/15</i>	<i>11/15</i>		<i>1.7</i>
<i>Div to stor</i>	<i>1/1</i>	<i>12/31</i>	<i>.09</i>	
Totals:			<i>.09</i>	<i>13.5</i>

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. AUTHENTICATIONField Examiner's Name *Loi Gnauer* Date *11/22/96*

Reviewer _____ Date _____

SEAL

OCT 30 1996

OCT 30 1996

ATTACHMENT 1
ASPEN COVE LAKE ASSOC.
RE: 63-11964, 63-12164, 63-12273

A 6" well equipped with a 3 hp submersible pump supplies water to 2 ponds and six subdivision lots (external use only). The well is used as a supplemental source to surface water and was developed before filing the appropriate water rights. In response to a complaint, a field investigation was conducted in 1992. Based on the field findings (attachment 2), the Association filed the appropriate water rights listed above along with application for permit 63-12165, which is currently on hold due to moratorium constraints.

The flow from the well was measured at 60 gpm. 1.5 af capacity was calculated for the large pond volume and .2 af capacity was calculated for the small pond volume. 10 acres can be irrigated, 3 approvable on permit 63-12164 and 7 on hold in application 63-12165. The primary source of water is the New York canal. No other water rights are used. Internal domestic uses are on separate systems.

P/U also known as Lts 1 and 2, Blk 2, and Lts 1-4, Blk 5, Aspen Cove Subdivision. Irrigation on right 63-12164 is limited to 1/2 acre per lot, 3 acres total.

The rights, when combined are limited to .13 cfs pumping capacity and 1.7 af storage capacity.

Permits 63-12164 and 63-12273 required a lockable flow measuring device prior to diversion. Glen Hickey, Aspen Cove Lake Assoc. representative, stated that the Association decided to use power meter records to satisfy this condition since the well has its own meter. Glen submitted power records for this well from 1994-1996. After evaluating the records submitted, it was apparent that the power meter readings were in excess of what the well would have produced for irrigation and storage during this period. A field investigation was made on 11/20/1996 and found that the meter also recorded power supplied to the three pond pumps, a house furnace fan, garage lights, garage outlets, and an air conditioner. These uses were listed on the meter's panel/circuit breaker box. All circuit breakers were on. These other uses help explain the excess power computed for the well from the records submitted. Based on these findings, the use of power meter records does not appear to satisfy the flow measuring device requirement for Aspen Cove Association's ground water use (see attachments 3 & 4).

RECORDED
OCT 30 1997

63-12164

Aspen Cove Lake Association Pump Power

<u>Month/Year</u>	<u>KWH/Cum</u>	<u>KWH/Month</u>	<u>Total</u>	<u>Check#/Date Paid</u>
Aug 94	19290	998 x .048	\$47.91	1550/ 8-21-94
Sep 94	20135	845 x .048	\$40.56	1553/ 9-20-94
Oct 94	21563	1428 x .048	\$68.55	1556/10-09-94
Nov 94	22149	586 x .048	\$28.13	1558/11-23-94
Dec 94	22548	399 x .048	\$19.15	1560/12-19-94
Jan 95	22968	420 x .048	\$20.16	1563/ 1-21-95
Feb 95	23681	713 x .048	\$34.23	1565/ 2-26-95
Mar 95	23993	312 x .048	\$14.98	1566/ 3-27-95
Apr 95	24686	693 x .048	\$33.26	1567/ 5-01-95
May 95				
Jun 95				
Jul 95				
Aug 95				
Sep 95				
Oct 95				
Nov 95	24995	309 x .048	\$14.83	1572/11-18-95
Dec 95	25178	183 x .048	\$8.78	1574/12-10-95
JAN 96	25523	345 x .048	\$16.56	1575/01-14-96
FEB 96	25790	267 x .048	\$12.82	1578/02-14-96
MAR 96	26225	435 x .048	\$20.88	1579/03-22-96
April 96	26705	480 x .048	23.09	1580/ 4-21-96
May 96	26796	91 x .048	4.37	1583/ 6-21-96
June 96	26796			
July				
Aug.				
Sept.	26796			

MAILED
OCT 20 1996

ATTACHMENT 4
3 HP 70 GPM
126' settings

Aspen Cove

For 1994, KWH total = 4256 KWH

1) Div. Rate: 3 HP motor, 50' TDIT

$$Q = \frac{(8.8)(3)(70\%)}{50'} = 0.37 \text{ cfs}$$

(166 GPM)

2) AFA

$$\begin{aligned} \text{KW of motor} &= (0.746)(\text{HP}) \\ &= (0.746)(3) \\ &= 2.24 \text{ KW (shaft output)} \end{aligned}$$

Assume Power Line (wire) to motor output (shaft)
eff. = 85%

$$\text{KW demand @ meter} = \frac{2.24 \text{ KW}}{0.85}$$

$$\approx 2.6 \text{ KW}$$

$$\text{Ann. HRS} = \frac{4256 \text{ KWH}}{2.6 \text{ KW}} = 1637 \text{ HRS}$$

if this pump is using all the power

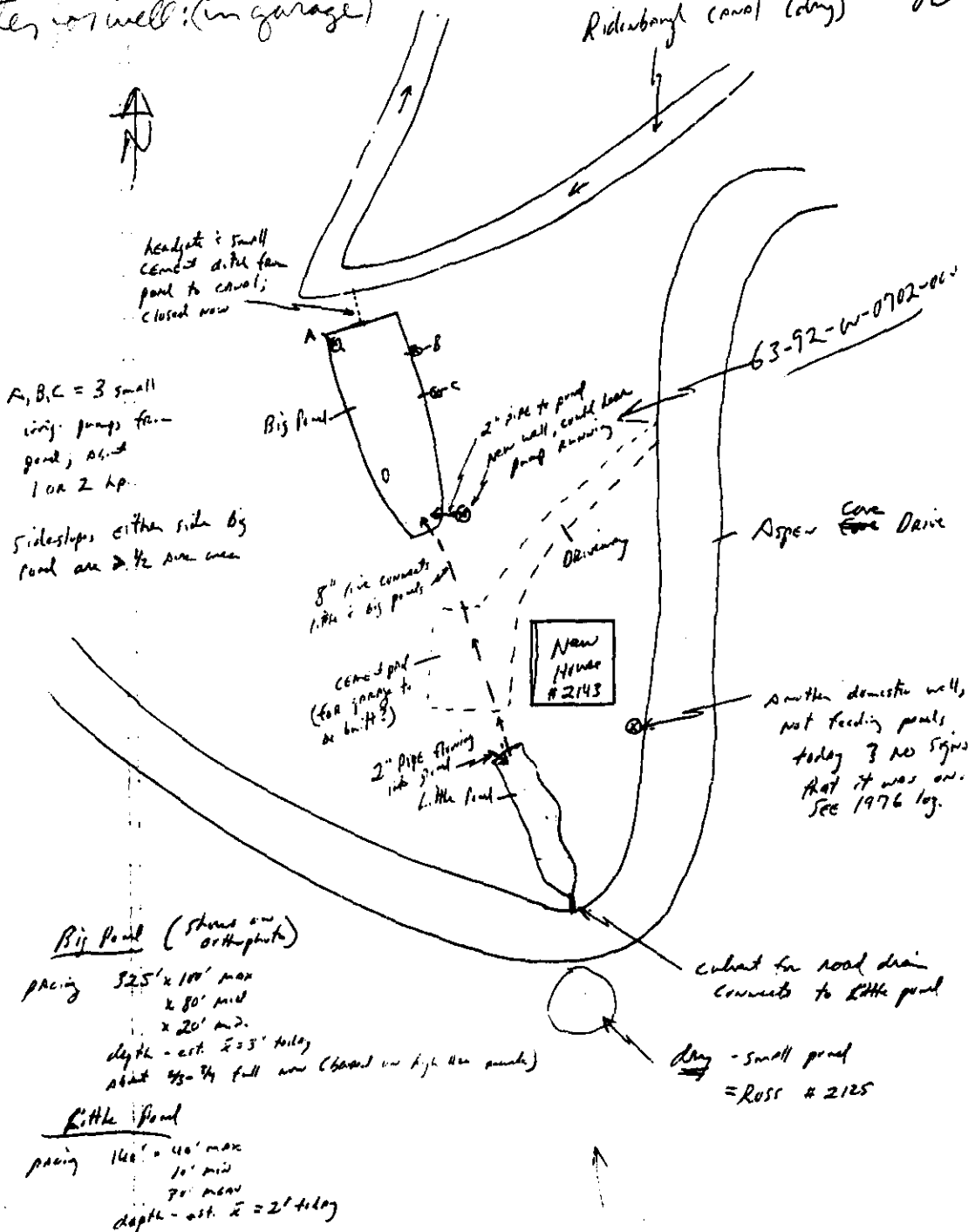
$$\begin{aligned} \text{AFA} &= 0.37 \text{ cfs} \cdot \frac{1.983 \text{ AF}}{24 \text{ HRS}} / \text{cfs} \cdot 1637 \frac{\text{HRS}}{\text{Ann.}} \\ &= \underline{\underline{50 \text{ AFA} !!}} \end{aligned}$$

Don Smith
11-19-96
63-12164 ATTACHMENT 4

Diagram
Notes for well: (in garage)

11/3/92

SL



OCT 30 1997

63-12164
HACHMENT 2

NO one home & Hickory's place,
where well & Little Pond found.

Flow

- a) Big Pond - 2" pipe for new well - could have given answer.
meas 2 times
Result:

$$\frac{55}{55} = \frac{60 \text{ gpm}}{55} = .13 \text{ cfs}$$

$\approx 5.5 \text{ gpm} \approx$ this rate of fill - per 5.0. Period comm. 11/25/42.

- b) Little Pond - 2" pipe appears full from new well (could not
have any activity at other domestic well on this property).
meas 2 times
Result:

$$\left(\frac{55}{125}\right)\left(\frac{600}{100}\right) = \frac{25 \text{ gpm}}{100} = .06 \text{ cfs}$$

$\approx 1.0 \text{ gpm} \approx$ this rate of fill

Pond Volumes

- c) Big Pond $\approx$ rectangular
 $L = 325$ $W = 100$ $D = 3$ (Pacing)
Today's volume = $\frac{(325)(100)(3)(.5)}{43,560} = \frac{1.1 \text{ a.f.}}{43,560}$
Surface area = $1.1/3 = .37 \text{ acre}$

per
11/25/42
office note
5' depth
4'

est. $\approx 3/4$ full now per high flow marks, then:

$$\begin{aligned} \text{max volume} &= x = 1.1/.75 = 1.5 \text{ a.f.} \\ \text{max surf area} &= x = .37/.75 = .49 \text{ acre} \end{aligned}$$

- d) Little Pond $\approx$ rectangular
 $L = 140$ $W = 30$ $D = 2$ (Pacing)
volume = $\frac{(140)(30)(2)}{43,560} = \frac{1.9 \text{ a.f.}}{43,560}$
surf. area = $1.9/2 = .1 \text{ acre}$
more or less full today so no physical maximums. (2)

OCT 30 1942

e) Flows vs. 42-111 provisions

$$\text{flow } a+b = 60 + 25 = 85 \text{ gpm} = .19 \text{ cfs}$$

$\leftarrow \pm 6.5 \text{ gpm} \quad \leftarrow \pm .01 \text{ cfs}$

If 42-111 A 13,000 g/day, no flow component

$$\frac{13,000 \text{ g}}{85 \text{ g/hr}} \times \frac{1 \text{ hr}}{60 \text{ min}} = 2.5 \text{ hrs.}$$

can run well @ .19 cfs for 2 1/2 hrs/day

If 42-111 B

.09 cfs @ 2,500 g/day limit
reduce flow to about 80% to .09 cfs or
18 gpm

$$\frac{2500 \text{ g}}{18 \text{ g/hr}} \times \frac{1 \text{ hr}}{60 \text{ min}} = 2.3 \text{ hrs.}$$

can run well @ .09 cfs for 2 1/3 hrs/day

A02B

TOTAL irrig from pond(s) it well feeds pond(s)
is limited to 1/2 acre ~~maximum~~

Observed even much greater than 1/2 acre around big
pond where 3 irrig pumps from pond are found.
Richards Canal has been dry for quite some
time this year.

(3)

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OCT 30 1937

f) Constant Flow per Complaint (24 hr/day)
 $(85 \text{ gpm})(60 \text{ min/hr})(24 \text{ hr/day}) = \underline{122,400 \text{ gallons/day}}$

$$\frac{122,400}{325,850} = \underline{.4 \text{ a.f./day}}$$

$$\left(\begin{array}{l} 85 \text{ gpm} = .19 \text{ cfs} \\ .19 \text{ cfs} \times 1.9835 \rightarrow .4 \text{ a.f./day} \end{array} \right)$$

g) Water R.pt : Storage fraction

Amount Stored $V_1 + V_2 = 1.1 + .19 = 1.29 = \underline{1.3 \text{ a.f.}}$

(could be up to 1.7 a.f. for max projection from p. 2, item c)

IF 42-111A $.19 \text{ cfs} \times 1.9835 \rightarrow .4 \text{ a.f./24 hr.}$, need storage water right

IF 42-111B $.04 \text{ cfs/minit}$, need storage water right

If use to irrig. $\geq \frac{1}{2}$ acre from pond (w) via well,
 need irrig. W.R. for well. Will also
 require \$165 add'l fee for d.p. 65-92-w-0702.

(4)

FILED

OCT 30 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
August 16, 1996

ASPEN COVE LAKE ASSN INC
2288 ASPEN COVE DR
MERIDIAN ID 83642

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-12164

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since the department lapsed the permit in error. Please note that the priority date has not been advanced.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

AUG 21 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-12164 Reviewed by [Signature] Date 4-25-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? _____
yes ^{no} Address same as permit? _____
yes Proof timely received? Correct Uses? _____
If not, complete calculation below.

SOURCE OF WATER

_____ Surface water source

✓ _____ Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 63-92-W-0702-000

3500- Amount paid for permit

no Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

yes Required?

50- Amount Submitted

yes Installed?

yes Correct?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DEFICIENCIES OR ACTION ITEMS

Request add. 165⁰⁰ drill perm. fee
Re received 5-21-96 (C035580)
Proof acceptable

reinstated w/no
advance in priority

DATA ENTRY

New Address 2288 Aspen Cove Dr. Proof Made 4-23-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 1996

Aspen Cove Lake Assn Inc
2288 Aspen Cove Dr.
Meridian, ID 83642

LAPSE NOTICE

RE: Permit No. 63-12164

Dear Permit Holder:

On April 30, 1996, the Department of Water Resources (Department) sent you a letter informing you of the need to submit an additional \$165.00 to upgrade Drilling Permit No. 63-92-W-0702-000 before the department could accept the extension of time filed for the above referenced permit. The Department requested that you submit the fee by June 30, 1996. To this date the Department has not received the additional information.

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has **lapsed**. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can be reinstated when you submit the additional \$1565.00 as requested. The fee must be received by this department within **sixty (60) days** of the date of mailing of this lapse notice or the permit will be void and of no force or effect.

If you have any questions concerning this matter, please contact the Department at (208)327-7900.

Sincerely

L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATION OF MAILING

I hereby certify that on 8-5-96
~~a copy~~ an original of this document was
deposited in the United States mail
postage prepaid addressed to the 1 1996
individual(s) named above.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1996

Aspen Cove Lake Assn. Inc.
2288 Aspen Cove Dr.
Meridian, ID 83642

RE: Water Right No. 63-12164
Drilling Permit No. 63-92-W-0702-000

Dear Permit Holder:

I have enclosed copies of the Proof of Beneficial Use form submitted in connection with the above referenced water right along with Permit to Appropriate Water No. 63-12164 and Drilling Permit No. 63-92-W-0702-000. The proof form and your permit to appropriate water indicate water is diverted for irrigation use with a diversion rate of 0.09 cfs, however, the drilling permit issued only authorizes a single family domestic use. Single family domestic use constitutes the diversion of 0.04 cfs or less and/or the use for one home and irrigation of up to 1/2 acre of land.

You were properly charged \$35.00 for the domestic well drilling permit, however, because of the use and amount you have indicated (irrigation w/a rate of diversion of 0.09 cfs), the drilling permit is no longer considered strictly single family domestic. The fee for a non-domestic drilling permit is \$200.00.

Before the Department can accept the proof of beneficial use as filed, you will need to pay the additional \$165.00 fee to upgrade the drilling permit to a non-domestic. Please submit the additional fee within sixty (60) days of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions or if I can be of any assistance, contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Region

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Form 235-1
7/90Drilling Permit No. 63-92-W-0702
Water Right Permit No. _____
Injection Permit No. _____State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

RECEIVED

SEP 11 1992

1. Applicant (please print) GLEN & PEGGY HICKEY Department of Water Resources
Western Regional Office2. Mailing Address 2143 ASPEN COVE DRIVECity & State MERIDIAN Zip Code 83642 Telephone 887-2498☒ Well Owner () Well Operator () Other, specify _____3. Proposed well location NE 1/4 SW 1/4 or Gov't Lot No. _____Sec. 23 Twp. 3 N Rge. 1 W County ADAStreet Address of Well Site 2143 Aspen Cove DriveLot, block and subdivision ASPEN COVE SUBDIVISION Block 5 Lot 2

4. Proposed use of well:

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock 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: Any beneficial use not included within the definition of domestic.

() Injection

() Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: _____

() Other _____

(Describe)

5. Well construction information:

A. ☒ New well () Deepen () Enlarge () Replace - See Condition 9B. Proposed Surface Diameter 6" Proposed Maximum Depth 160'

C. Anticipated bottom hole temperature:

- ☒
- 85°F or less (Cold water well)
-
- () 85°F to 212°F (Low temp. geothermal well)
-
- () 212° or more (Geothermal well)

6. Construction Start Date 8-26-92Anticipated Well Driller Adams Pump & Drilling 457

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

8. Applicant's signature Dave Adamson Date _____Title Well Driller

(Owner, Firm Representative, Other)

AUG 21 1992

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is APPROVED Date 9-11-92

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. 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.
3. 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 distance of 50 feet and 100 feet respectively from a septic tank.
4. 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.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 65° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

DAVID R. TUTHILL JR.

Signature of Authorized Department Representative

MANAGER

WESTERN REGIONAL OFFICE

Receipt No. 0015382 Received by JD Fee \$35.00 Date 9-11-92

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

MEMORANDUM

TO: File No. 63-12164
FROM: Julie Yarbrough
RE: Hearing Exhibits
DATE: March 28, 1996

THE EXHIBITS FOR THE HEARING HELD ON DECEMBER 15, 1995, IN CONNECTION WITH PERMIT NOS. 63-12273 & 63-12164 ARE LOCATED IN WATER RIGHT FILE 63-12273.

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State of Idaho
Department of Water Resources



ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATION FOR PERMIT NOS. 63-
12164 AND 63-12273 IN THE NAME OF ASPEN COVE LAKE ASSN, INC.

Date and time: December 15, 1995
Location: IDWR Conference Room
1301 N. Orchard St
Boise, ID 83703
Hearing Officer: L. Glen Saxton

* * Please Print * *

NAME	ADDRESS	REPRESENTING
Keith Ebeling	2150 Aspen Cove Meridian	Aspen Cove Lake Assn
Tim Russell	2288 ASPEN COVE DR. MERIDIAN	ACLA
Vick Russell	2288 Aspen Cove Dr. Meridian	ACLA
Don Hickey	2143 Aspen Cove Meridian	Id. 83642
Elberta Ross	2302 Aspen Cove Mer.	Id. 83642
Harold Ross	" " " "	" "
Allye Kunkin	2141 Aspen Cove Meridian	Id 83642
Susan B. Carlson	2300 Aspen Cove Dr. Meridian, Id.	83642
Phyllis Weiss	2101 Aspen Cove Dr. Meridian	ID 83642

AUG 21 1996

Applicant's Exhibit
No. 1

Admitted by LG Sutton
12/15/95

APPLICATION HEARING
December 15, 1995

1. WILL THE PROPOSED APPROPRIATION INJURE OTHER
WATER RIGHTS?

We do not feel that other water rights will be injured due to the condition of the aquifer, as stated by the Water Resources Board. As a precautionary measure, we had several other wells tested after our pond well had been pumping for over two years. The other wells showed no ill effect. In fact, one well (the well belonging to the Protestant) showed an increase of approximately nine (9) feet from the time the well was originally drilled. In addition to this, we are willing to make annual checks to assure there is no substantial drawdown on the wells. We, as property owners, do not want to destroy the value of our real estate by depleting the water in our own wells.

2. IS THE PROPOSED WATER SUPPLY SUFFICIENT FOR THE
PURPOSE FOR WHICH IT IS SOUGHT TO BE
APPROPRIATED?

Yes. The proposed supply will allow us to maintain the two ponds at a predetermined level in the winter period for the wildlife and aquatic plants we have planted. This will help conserve water by keeping the pond sealed year-round. It will also allow us to irrigate at times when irrigation water is not available during the summer months.

3. WAS THE APPLICATION MADE IN GOOD FAITH OR FOR
DELAY OR SPECULATIVE PURPOSES?

Yes. The application was made in good faith. We did have some difficulty determining the proper type of application. This was resolved with the assistance of the Water Resources personnel who explained the options available and the circumstances that prevailed at that particular time.

AUG 21 1996

4. DOES THE APPLICANT HAVE SUFFICIENT FINANCIAL RESOURCES WITH WHICH TO COMPLETE THE PROPOSED PROJECT?

Yes. The project is complete as of the date of this hearing. We are just applying for additional water from the same well.

5. IS THE PROPOSED APPROPRIATION IN THE LOCAL PUBLIC INTEREST, WHICH IS DEFINED AS THE AFFAIRS OF THE PEOPLE IN THE AREA DIRECTLY AFFECTED BY THE PROPOSED USE?

Yes. The pond area is very well thought of and appreciated by the surrounding community. We have received many positive comments about what a great improvement and asset it is to the community. The ponds serve as good habitat for a variety of wildlife (ducks, geese, heron, fish, and many others). It is a recreational area for many of the children to fish, boat/canoe, play in the sand, and just throw rocks in the water. It is also used for picnics and leisurely, quiet, relaxing walks around the pond.

6. IS THE PROPOSED USE CONTRARY TO CONSERVATION OF WATER RESOURCES WITHIN THE STATE OF IDAHO?

No. The majority of the water is not for consumptive use, and the time of year that it is used does not have a high amount of evaporation. It is our belief that due to the sandy gravel-like bar that runs along the bench in the area, a great deal of the seepage water from the pond returns to the aquifer from where it was pumped. Although we do not have proof of this, a number of water people we talked to concur with this concept.

1001 1006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

February 20, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of Application for Permit No. 63-12164 and 63-12273 in the name of Aspen Cove Lake Association, Inc.

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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:

Pg 1

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4 1996

- (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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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.

[Handwritten signature]

MAR 14 1996

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

MAR 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

December 21, 1995

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

RE: In the matter of Application for Permit Nos. 63-12164 & 63-12273 in the name of Aspen Cove Lake Association, Inc.

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer 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 this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

RECORDED

MAR 14 1996

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with 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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

MAR 14 1996

WR0749NP
No. P63-12164

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/19/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ASPEN COVE LAKE ASSN INC 2143 ASPEN COVE DR MERIDIAN ID 83642 (208) 888-6145	12/16/1994	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE DIVERSION TO STORAGE	03-15 11-15 01-01 12-31 03-15 11-15 01-01 12-31	0.090 CFS 0.090 CFS	 1.70 AFA 1.70 AFA
TOTAL DIVERSION:					0.090 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T03N R01W S23

NWSE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03N	01W	23	:																	:	
																			03		3.0
																			TOTAL ACRES		3.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-11964 63-12164 63-12165 63-12273 P63-12273

Other Water Rights Listing Overlapping Place(s) of use:
63-12164 63-12165

Conditions of Approval:

- 065 - The right holder shall use the full allotment of appurtenant
- surface water rights in conjunction with groundwater diverted
- under this right.
- 057 - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed
- 0.03 cubic feet per second for each acre of land.

Remarks: Places of use are located with Lots 1-2, Blk. 2, and Lots 1-4,
Blk. 5, Aspen Cove Subdivision.
The irrigation use occurring under this right shall not exceed
1/2 acre within each platted subdivision lot upon which a home
has been constructed.
Prior to diversion of water under this right, the right holder
shall install and maintain a totalizing flow measuring device and
lockable controlling works of a type acceptable to the Department
as part of the diverting works. The right holder shall maintain
records of the amount of water diverted and shall provide the
records to the department upon request.

Remarks: This permit is of no force or effect if the right holder sells, conveys or transfers surface water which is appurtenant to the place of use of this permit without prior approval of the department.

The maximum combined rate of diversion under this right and Permit No. 63-11964 shall not exceed 0.13 cfs.

The amount of water stored under this right is 1.7 acre feet.

Water bearing zone to be appropriated is 154 to 160 feet.

~~See final Order for conditions and limitations for use of water under this approval.~~

Dates: App. Received: 12/16/1994 Priority Date: 12/16/1994
Proof Due Date: 03/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/19/1994 User-ID: LGRAVES Subject: EXPLANATION
This application and moratorium application 63-12165 were filed in response to a complaint. Previous field investigations measured the flow from the well at 60 gpm, a large pond volume of 1.5 af, and a small pond volume of .2 af. The maximum use of this well is represented on permit 63-11964, this application, and moratorium application 63-12165. Two applications were created for processing purposes due to moratorium constraints. The primary source for irrigation is New York canal. Ground water will supplement the acres when necessary. 10 acres can be irrigated: 3 approvable on this application and 7 on hold in application 63-12165. The actual amount of ground water used will be greater than 1.7 af but less than 13.5 af (full appropriation @ 4.5 af/ac). The irrigation component is included so that the acres are not limited to a one time fill of 1.7 af. An additional \$165 needs collected for the drilling permit.

Audit: 12/19/95 CZIMMERM

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 63-12464 Name: Aspen Cove Lake Assn Date: 12/19/95 Ad OK?
Correct Fee? Receipt #: Priority: / Gvmt Lts:

AREA OF CONCERN: - No/~~Yes~~ ~~Non~~ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - **P16**
+1 year - 26A-P17
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - **P05** (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District(~~dem~~) - 005 (req) WD # <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-**P08**
=/- 0.2 cfs - 028(may report)-01H(lock dev)-**P01** or No MD
=/+ 5 a. irr. - 028(may report)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R † L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-**P10**; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(**P19**)-09E(**P10**);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 3 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
~~OWNERSHIP~~-Non-land owner - ~~004~~ (PD/PU)
OTHER CONDITIONS: -
STANDARD REMARKS: - ① See Order ② WOS/modified ③ W19/Recommended
BENEFICIAL USE DUE: - 1-1-
COMMENTS: -

SEND COMMENT LETTERS TO PREVIOUS PROTESTANTS - See 2/15/95
PROTEST CONF. ATTENDANCE ROSTER. - SL 10/6/95.
PROCESS by 63-12165

NOTICE OF APPLICATION FOR WATER RIGHTS

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

63-11

SCHOOL DISTRICT NO 2
911 MERIDIAN ST
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NENW Sec 33 T04N R01E in ADA County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 2/26/1992

In: ADA County
T04N R01E S33 NENW

7.0 ACRES TOTAL

Water bearing zone to be appropriated is 66 to 76 feet.

63-11758

YAMAMATO, DUANE
PO BOX 64
KUNA, ID 83634

Source: GROUNDWATER
Diversion Pt: NESE Sec 24 T02N R01W in ADA County.
Use: IRRIGATION (2.940 CFS)
Total Diversion: (2.940 CFS)

Date Filed: 4/6/1992

In: ADA County
T02N R01W S13 NESW NWSW SWSW
S24 NESE

147.0 ACRES TOTAL

Water bearing zone to be appropriated is 125 to 160 feet.

63-11825

SCHOOL DISTRICT NO 2
911 MERIDIAN ST
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NENW Sec 12 T03N R01W in ADA County.
Use: IRRIGATION (0.360 CFS)
Total Diversion: (0.360 CFS)

Date Filed: 5/13/1992

In: ADA County
T03N R01W S12 NENW

18.0 ACRES TOTAL

Water bearing zone to be appropriated is 88 to 98 feet.

63-12046

STATE OF IDAHO
DIV OF PUBLIC WORKS
502 N 4TH ST
BOISE, ID 83702

Source: GROUNDWATER
Diversion Pt: LOT 2(NWSW) Sec 28 T03N R03E in ADA County.
LOT 2(SWSW) Sec 28 T03N R03E in ADA County.

Use: DOMESTIC (0.110 CFS)
FIRE PROTECTION STORAGE (1.50 AF)
DIVERSION TO STORAGE (0.110 CFS)
IRRIGATION (0.090 CFS)
AESTHETIC (0.110 CFS)
AESTHETIC STORAGE (1.50 AF)
Total Diversion: (0.110 CFS)

Date Filed: 7/27/1993

In: ADA County
T03N R03E S28 SWSW

3.0 ACRES TOTAL

Water bearing zone to be appropriated is 73 to 84 feet.

63-12164

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NWSE Sec 23 T03N R01W in ADA County.
Use: IRRIGATION (0.090 CFS)
IRRIGATION STORAGE (1.70 AF)
DIVERSION FROM STORAGE (1.70 AF)
DIVERSION TO STORAGE (0.090 CFS)
Total Diversion: (0.090 CFS)

Date Filed: 12/16/1994

In: ADA County
T03N R01W S23 NWSE

3.0 ACRES TOTAL

Water bearing zone to be appropriated is 154 to 160 feet.

63-12165

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NWSE Sec 23 T03N R01W in ADA County.
Use: IRRIGATION (0.130 CFS)
IRRIGATION STORAGE (1.70 AF)
DIVERSION FROM STORAGE (1.70 AF)
DIVERSION TO STORAGE (0.130 CFS)
Total Diversion: (0.130 CFS)

Date Filed: 12/16/1994

In: ADA County
T03N R01W S23 NWSE

7.0 ACRES TOTAL

Water bearing zone to be appropriated is 154 to 160 feet.

63-12182

MC CORMICK, KATHLEEN M
HC 33 BOX 1077
BOISE, ID 83706

Source: GROUNDWATER
Diversion Pt: SWSW Sec 20 T03N R04E in ADA County.
Use: IRRIGATION (0.090 CFS)
Total Diversion: (0.090 CFS)

Date Filed: 2/28/1995

In: ADA County
T03N R04E S20 SWSW

4.5 ACRES TOTAL

Water bearing zone to be appropriated is 70 to 150 feet.

63-12194

LOWE, REGINA A
LOWE, THOMAS A
12160 W NEW HOPE RD
STAR, ID 83669-5126

Source: GROUNDWATER
Diversion Pt: LOT 3(NENW) Sec 6 T04N R01W in ADA County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 4/5/1995

In: ADA County
T04N R01W S06 Lot 3(NENW)

10.0 ACRES TOTAL

Water bearing zone to be appropriated is 200 to 300 feet.

63-12204

O KEEFE, NANCY
O KEEFE, CLAIR
4900 N MEANDER PL
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: NWSW Sec 29 T05N R01E in ADA County.
Use: IRRIGATION (0.120 CFS)
Total Diversion: (0.120 CFS)

Date Filed: 4/26/1995

In: ADA County
T05N R01E S29 NWSW

4.0 ACRES TOTAL

Water bearing zone to be appropriated is 148 to 200 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 6, 1995. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. October 19 and 26, 1995

3111

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63-12164

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: NWSE Sec 23 T 03N R 01W in ADA County.

Use: IRRIGATION	(	0.090 CFS)	
IRRIGATION STORAGE			(1.70 AF)
IRRIGATION FROM STORAGE			(1.70 AF)
DIVERSION TO STORAGE	(	0.090 CFS)	
Total Diversion:	(	0.090 CFS)	

Date Filed: 12/16/1994

In: ADA County
T03N R01W S23 NWSE

3.0 ACRES TOTAL

~~Irrigation use is limited to one half acre per home.~~
~~This right, when combined with 63-11964, is limited to 0.13 cfs~~
~~pumping capacity and 1.7 af storage capacity.~~
~~Western Region is conducting a ground water level study.~~
Water bearing zone to be appropriated is 154 to 160 feet.

63-12164

MAR 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: FL

DATE: 12/27/94

APPLICATION: 63-12164

REQUIRED INFORMATION

** attached in file*

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:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:

N P/D

P/U

ADDITIONAL INFORMATION

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
1992 moratorium
Copy to SCA staff (perennial stream, non-pump diversion):
Copy to Dam Safety staff (for any storage)
Send power requirement letter:
Send fish farm requirement letter:
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

DATE REQUESTED: _____

☒ Additional information on reverse side:

* Exemption - irrig in subd. setting (3 acres) while remaining 7 acres on hold (63-12165).
- No new wetland ground for ponds: 1° filled with canal water in irrig season; 2° by permit ~~63-11964~~ 63-11964 all year.

has addresses +
copies for
2 comment
letters to
SEND

PROCESSING

APPLICATION 63-12164

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

YES NO

☐

☐

☐

☐

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒

☒

☒

☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other 2 complaints, see attached

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

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:

See below for additional information

Recommended Date or Priority

Recommended by:

Date

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION

Overlap

63-11964 same well .04 cfs / 2500 gpd aesthetic use, ^{large} ~~large~~ pond - only

current appl. builds on this right

63-12165 same well to irrig 7 add'l acres; "monstrous hole" Appl.

Acres ID 63-12164 & 12165 10 irrig. via Boise River (Ridenbaugh Canal).

Complaints @ this well 1992 & 1994.

Storage limitation - Storage volume under this right, when combined with right no. 63-11964 diverted through the same well, is limited to the facility capacity of 1.7 AFA.



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

October 3, 1995

Mr. and Mrs. Harold Ross
2302 Aspen Cove
Meridian, ID 83642

RE: Aspen Cove Water Right Applications

Dear Mr. & Mrs. Ross:

Yesterday representatives of the Aspen Cove Lake Association Inc. met in this office to discuss a number of issues. The purpose of this letter is to update you on these issues.

First, regarding protested application for permit no. 63-12164 for the irrigation of three acres and the one-time filling of the 1.7 acre-foot pond (not including make-up water needed to provide for evaporation and seepage), please find enclosed a revision of the "Withdrawal of Protest and Agreement of Conditions" that has been signed by an officer of the corporation. Note that this revision contains different language in item no. 3, as compared with the version that you signed. Therefore, please look this over and consider these changes. If they are acceptable, you may sign and return the document to enable us to finalize processing on the application. If the changes are not acceptable, perhaps you can recommend other wording that might be acceptable to both you and the applicant.

Second, regarding application for permit no. 63-12165, we have not yet advertised the application but I am forwarding a copy of the application to you because the application will likely be advertised later this year or early next year. Note that this application proposes to allow for the irrigation of the additional 7 acres served by systems that pump from the ponds. It is possible that whatever agreement is developed for water right 63-12164 will also work for this application.

Third, I am enclosing a copy of a new application that was filed yesterday by Aspen Cove representatives. Note that this application proposes non-summer month diversion into the pond of water from the well to serve as make-up water for evaporation and seepage at a rate of 58 gallons per minute. This application will likely be advertised later this month, and in an effort to be totally forthright with this process, I advised the Aspen Cove personnel that I would be sending you a copy of the application.

I am not advising you to protest either the second or third applications listed above, but I do need to tell you that as a neighboring water user you have the option to protest the approval

MAR 14 1996

Mr. & Mrs. Harold Ross

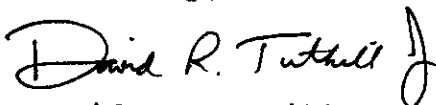
-2-

October 3, 1995

of the permits if you so desire.

Please feel free to contact me if you have questions about any of these filings. As we have discussed, the Department's next step will be to schedule a hearing for application no. 63-12164 if satisfactory conditions are not found to be agreeable to you as the protestants and to the applicants.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures: 1. Withdrawal of Protest and Agreement of Conditions
2. Copy of Application for Permit No. 63-12165
3. Copy of Application for Permit No. 63-12273

cc w/o Enclosures: Aspen Cove Lake Association, Inc.
Files for 3 water rights annotated herein

10/17/95

4 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	WITHDRAWAL OF PROTEST
PERMIT NO. 63-12164 IN THE NAME OF)	AND
ASPEN COVE LAKE ASSOCIATION INC.)	AGREEMENT OF CONDITIONS
_____)	

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 63-12164. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

1. This water right is subject to all prior water rights.

2. The permit holder is responsible to ensure that pumpage under this water right does not directly cause any well having a prior right to exceed an historic pumping level, unless the permit holder provides reasonable compensation or mitigation to the prior water right holder for the reduced water levels as determined by the Director.

3. A totalizing flow measurement device of a type approved by the department or a dedicated power meter shall be permanently installed and maintained as a part of the diverting works. This device shall be maintained by the water right holder and shall be made available to inspection by department personnel for the purpose of monitoring the ground water usage. The water right holder shall maintain records of the amount of water diverted under this water right, and shall provide these records to the department upon request. If the protestant desires to review these records, he may request that they be provided by contacting the department.

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right. This right to divert ground water shall not be used if the surface water right appurtenant to the place of use is sold, transferred leased or used on any other place of use without the approval of the department.

DATED this 2ND day of OCTOBER, 1995

Applicant: *Tom & Susan*

DATED this 0 day of , 1995

Protestant: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ASPEN COVE LAKE ASSN INC 208-888-6145
Address: 2143 ASPEN COVE DR
MERIDIAN ID 83642

*d'base corrected per
office names list - R*

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSE Sec. 23, Township 03N, Range 01W
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.130		
IRRIGATION STORAGE	01/01	12/31			1.70
IRRIGATION FROM STORAGE	01/01	12/31			1.70
DIVERSION TO STORAGE	03/15	11/15	0.130		

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

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
WELL, 2 PONDS, PUMPS, SPRINKLERS
- Height of storage dam < 5 feet; active reservoir capacity 1.70 acre-feet; total reservoir capacity 1.70 acre-feet; period of year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- Proposed well diameter is 6 inches; proposed depth of well is 160 feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when? 08/27/1992
Drilling Firm ADAMSON PUMP, 63-92-W-0702-000
Well was drilled for GLEN HICKEY

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 month.

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
03N	01W	23	NWSE 7			7

MAR 14 1996

Total number of acres irrigated: 7

* D'base correction - seasons were switched in data entry initially:

Div. from Storage = 3/15 - 11/15
Div. to Storage = 1/1 - 12/31 - R 12/27/94

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

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:

Application being held pending withdrawal of drought moratorium.
This right, when combined with 63-11964 and 63-12164, shall not
exceed 0.13 cfs pumping capacity and 1.7 af storage capacity.

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

Received by LG Date 12/16/94 Time 10:00 Preliminary check by R

Fee \$ 50 ~~100.00~~ Receipted by LG #W018446 Date 12/19/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Same receipt for two \$50 fees 63-12164 + 63-12165

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MAR 14 1996

See Comments

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ASPEN COVE LAKE ASSOCIATION INC 208-888-6145
Address: 2143 ASPEN COVE DRIVE
MERIDIAN ID 83642
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSE Sec. 23, Township 03N, Range 01W
CANYON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
AESTHETIC	01/01	12/31	0.130		
	09	05	0.130	per Oct 2, 1995	
5. Total quantity to be appropriated is: 0.130 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, 2 PONDS
 - b. Height of storage dam feet; active reservoir capacity 1.70
acre-feet; total reservoir capacity 1.70 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 160
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 08/27/1992
Drilling Firm ADAMSON PUMP AND DRILLING
Well was drilled for GLEN HICKEY
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: AESTHETIC

TWN RGE SEC
03N 01W 23

NWSE

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MAR 14 1996

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:

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.

20CT95
Joe F. Jussell, VICE-PRES, ACLA
Applicant

Prepared by L. Graves

Received by DNR Date 10/2/95 Time 11:30 Preliminary check by DNR

Fee \$ 50⁰⁰ Receipted by DNR # W019935 Date 10/2/95

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

MICROFILMED

MAR 14 1996

Comments: Date: 9/ 15/ 1995 User-ID: LGRAVES

Subject:
OTHER RIGHTS

This application was filed for year around flow to the ponds for aesthetic use. Aesthetic storage and diversion to storage are represented by permit 63-11964. Applications 63-12164 and 12165 represent irrigation storage and use from the same system.

Previous field investigations measured the flow from the well at 60 gpm (.13 cfs), the large pond volume of 1.5 af, and the small pond volume at .2 af.

(See the above referenced files for additional information and photos.)

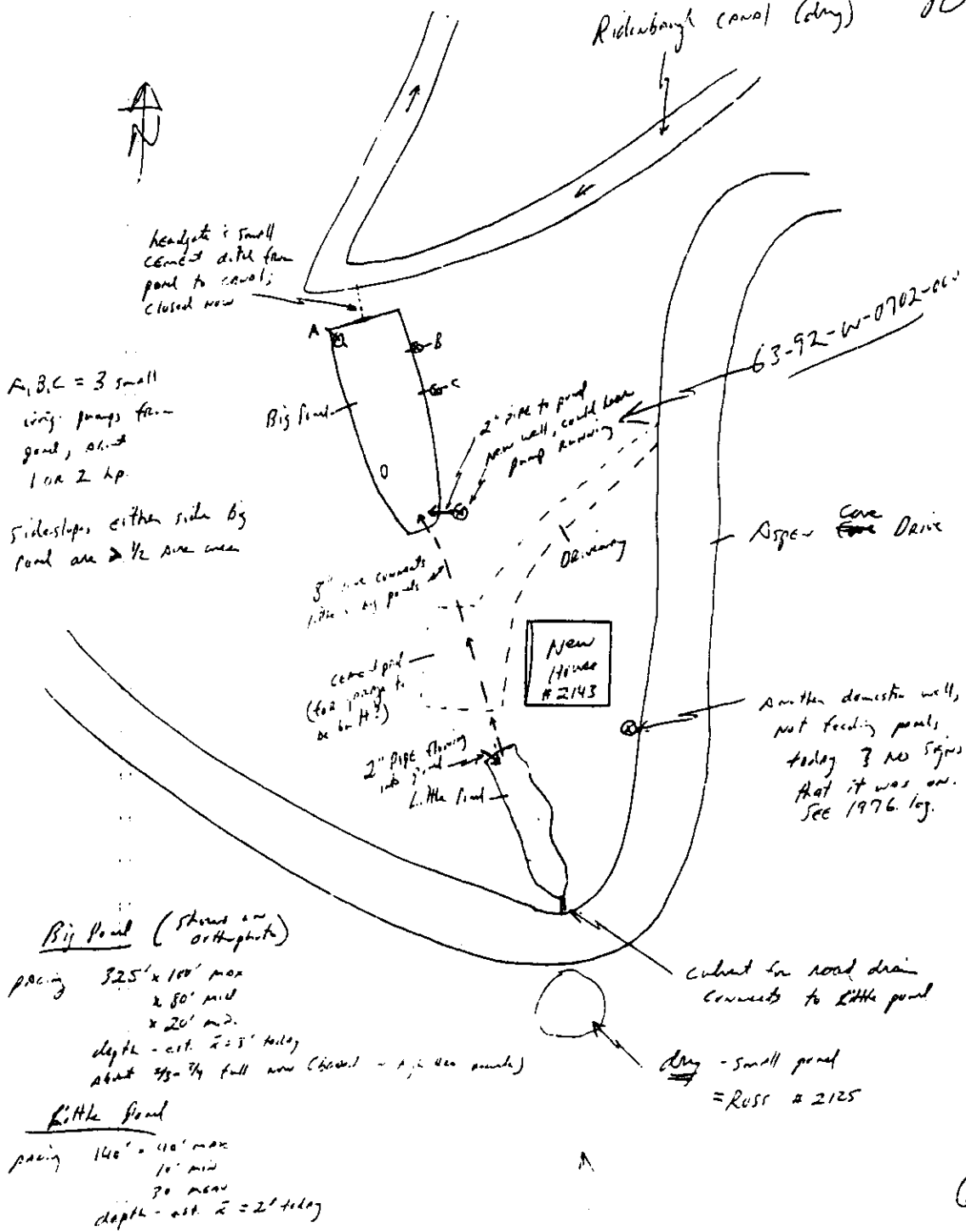
RECEIVED

MAR 14 1996

Since some
information
was obtained
from some
documents.

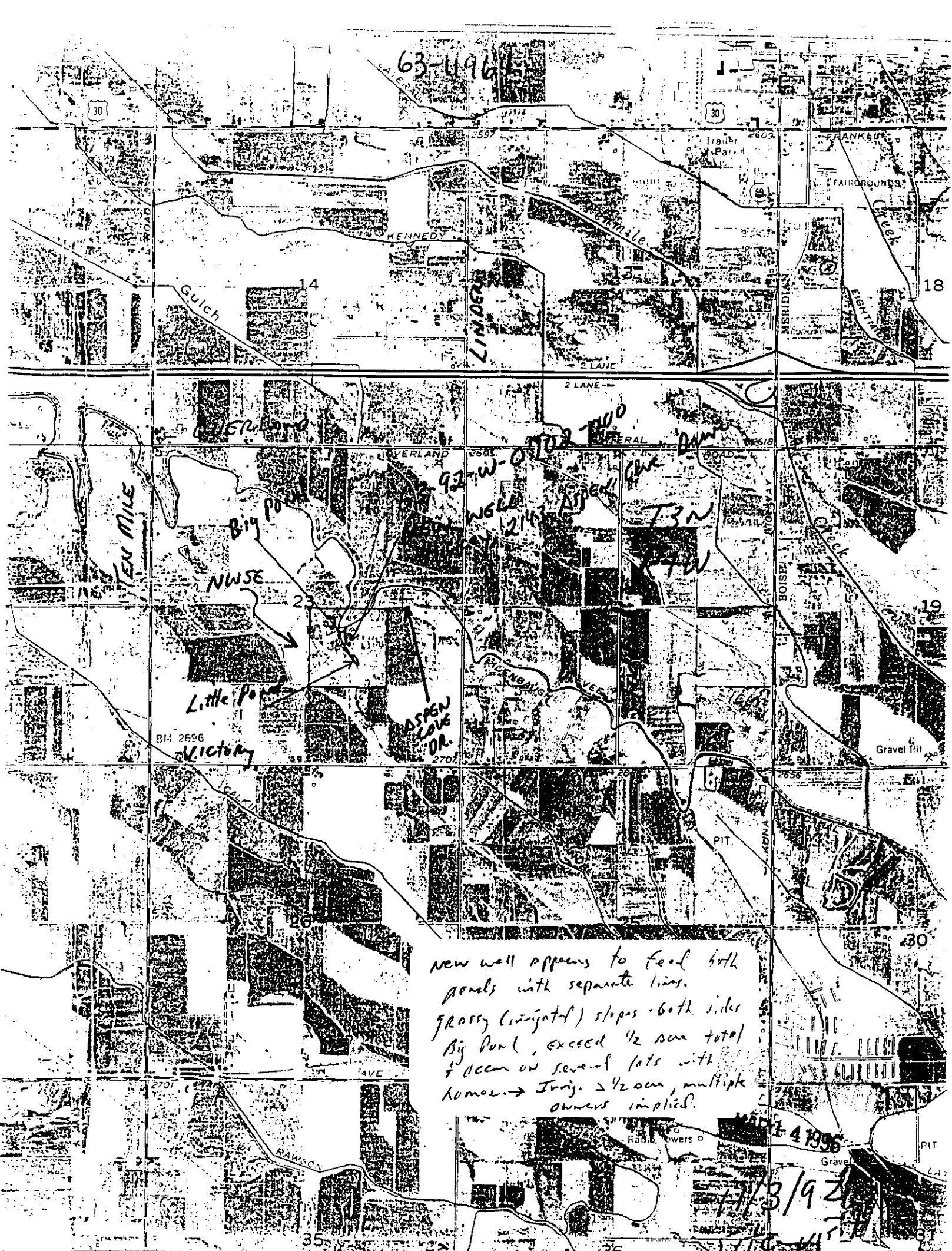
11/3/92
JC

Diagram



MAR 14

63-4964



new well appears to feed both ponds with separate lines.
grassy (irrigated) slopes - both sides Big Pond, exceed 1/2 acre total + occur on several lots with homoe. → Irrig. > 1/2 acre, multiple owners implied.

MAY 4 1996

4/13/92



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 31, 1995

ASPEN COVE LAKE ASSOC INC
2143 ASPEN COVE DR
MERIDIAN ID 83642

RE: Protested Application for Permit No. 63-12164

Dear Applicant:

The Department of Water Resources met with the protestant in the above-referenced application and we prepared the proposal in the enclosed copy Withdrawal of Protest and Agreement of Conditions. We have received a copy signed by the protestant. Please review this document and if you agree with its provisions please return a signed copy to this office. We will then continue processing the application.

If you have any changes you would like to make, please let us know and we will either modify the document or set the matter for a hearing.

If you have any questions, please call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

RECEIVED

MAR 14 1996

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AUG 25 1995

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	WITHDRAWAL OF PROTEST
	)	
PERMIT NO. 63-12164 IN THE NAME OF	)	AND
	)	
ASPEN COVE LAKE ASSOCIATION INC.	)	AGREEMENT OF CONDITIONS
	)	
	)	

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 63-12164. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

1. This water right is subject to all prior water rights.

2. The permit holder is responsible to ensure that pumpage under this water right does not directly cause any well having a prior right to exceed an historic pumping level, unless the permit holder provides reasonable compensation or mitigation to the prior water right holder for the reduced water levels as determined by the Director.

3. A totalizing flow measurement device of a type approved by the department shall be permanently installed and maintained as a part of the diverting works. This device shall be maintained by the water right holder and shall be made available to inspection by department personnel and the protestant for the purpose of monitoring the ground water usage. The water right holder shall maintain records of the amount of water diverted under this water right, and shall provide these records to the department upon request.

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right. This right to divert ground water shall not be used if the surface water right appurtenant to the place of use is sold, transferred leased or used on any other place of use without the approval of the department.

DATED this _____ day of _____, 1995

Applicant: _____

DATED this _____ day of _____, 1995

Protestant: Harold Ross

MAR 14 1996



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 7, 1995

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

Re: Application for Permit #63-12164 in the Name of Aspen Cove
Lake Association

Dear Mr. Ross:

Enclosed please find a copy of data that has been assembled relative to ground water levels near Aspen Cove Lake Association. As I have reviewed this matter, it appears that the most appropriate next step would be for you as the sole protestant and myself as a department representative to discuss the impact of this data. Accordingly, I would like to invite you to visit my office at 1:30 p.m. on Monday, August 14, 1995. If this time does not work for you, please contact Sue Taylor of this office to arrange for another time period. The purpose of this meeting will be to discuss the data, and analyze water levels with respect to water uses in your location.

I am forwarding a copy of this letter to the applicant in this matter, Aspen Cove Lake Association, to advise them of this process. Members of the association are welcome to attend our informal discussion if they choose. Please bring any questions or comments you have regarding the data to this informal discussion.

Sincerely,

Steve Luster, Acting For

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

CC: Aspen Cove Lake Association

Encl: Data Compiled Regarding Water Levels in the Aspen Cove
Lake Area

MAR 14 1996

MEMORANDUM

April 17, 1995

TO: 63-12164, Protested Application for Permit in the Name of
Aspen Cove Lake Association

FROM: Cindy Hodges *CH*

RE: Ground Water Level Survey

On March 20, 1995, I visited Aspen Cove Subdivision to obtain representative water level measurements from a contested well and from surrounding wells. The four wells measured were owned or operated by the applicant, by Glen Hickey and Keith Ebeling, members of Aspen Cove Lake Association, and by Harold Ross, the protestant. A measurement was attempted on a fifth well but could not be obtained.

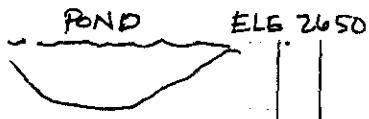
Per available well logs, total depth of measured wells ranged from 103' (Ebeling) to 200' (Ross). Local topography is rolling hills. Surface elevation of wellheads varied from 2650' (applicant) to 2680' (Ross). Wells were constructed between 1975 and 1992. Measurements were all taken within a few hours time on March 20, with none of the pumps running. The Ross well may have been recently pumped.

When corrected for elevation differences, relative static water levels in all wells were within 12' of one another. When compared to measured depths to water at the time of construction, water levels in two individual wells have not varied significantly. The Ross well has experienced an increase in static water level from 110' at construction to 101' at the time of my measurement. The Hickey well shows a slight decrease from 78' to 83'. The other two wells show static water levels of around 20' at time of construction; this appears faulty and unreasonable for this area and I suspect it to be the result of driller estimation rather than actual measurement. For this reason historical change for these two wells cannot accurately be assessed.

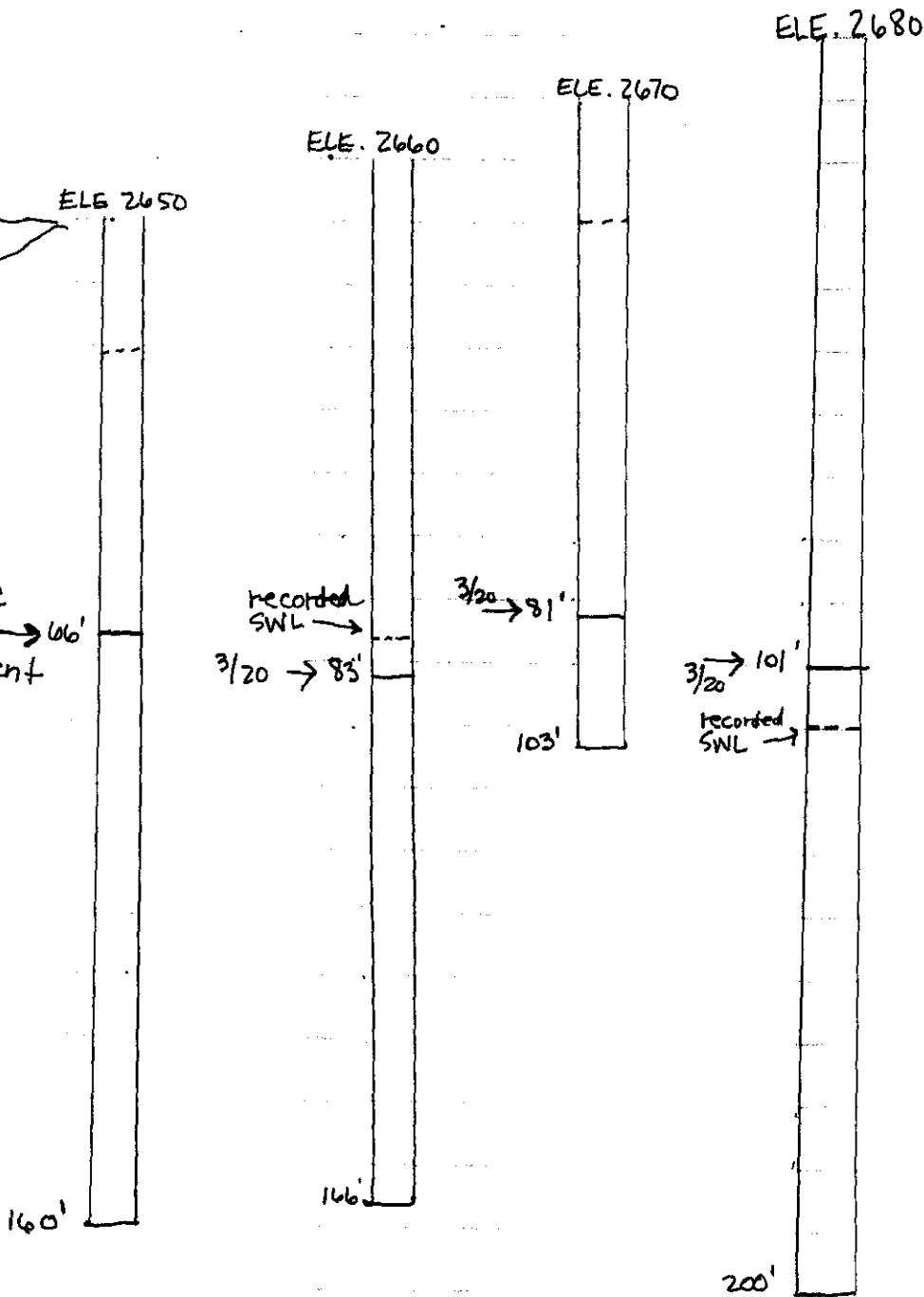
Two additional well logs are on file which can be accurately located within Aspen Cove. These wells were not measured, but log information was compared with the above data set. When corrected for elevation, relative static water levels in these wells at construction is also found to be within the range of the measured wells. No information on historical change is available.

APPROVED
MAR 14 1996

MARCH 20, 1995 ASPEN COVE. SUB, MERIDIAN



SWL, date
of
measurement
3/20 → 66'



80' + NO
MEAS -
BLOCKED

?

POND
WELL
1992

HICKEY
1990

EBELING
1976

ROSS

MATHERLY
1976

CORRECTED
WATER
LEVEL:

96'

103'

91'

MAR 14 1996

010

2100

2122

2290
2330
340

2600
2680
1
2
3
①

TESTERS SUB.

2750

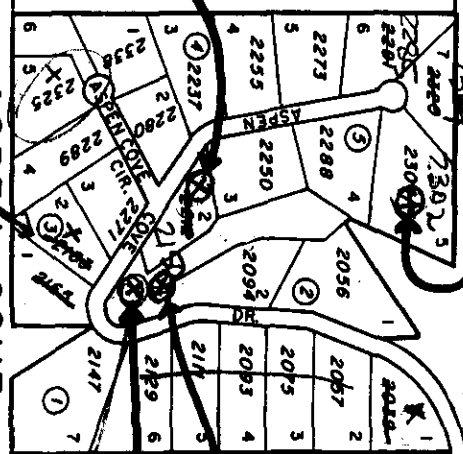
3030

W. VICTORY RD.

2480

2470

ASPEN COVE SUB.



⊗ wells measured

Association Well,
44 Pond
HICKEY

2143

2030

1920

1785

2455

2595

3145

S 3200

P

S. LINDER RD.

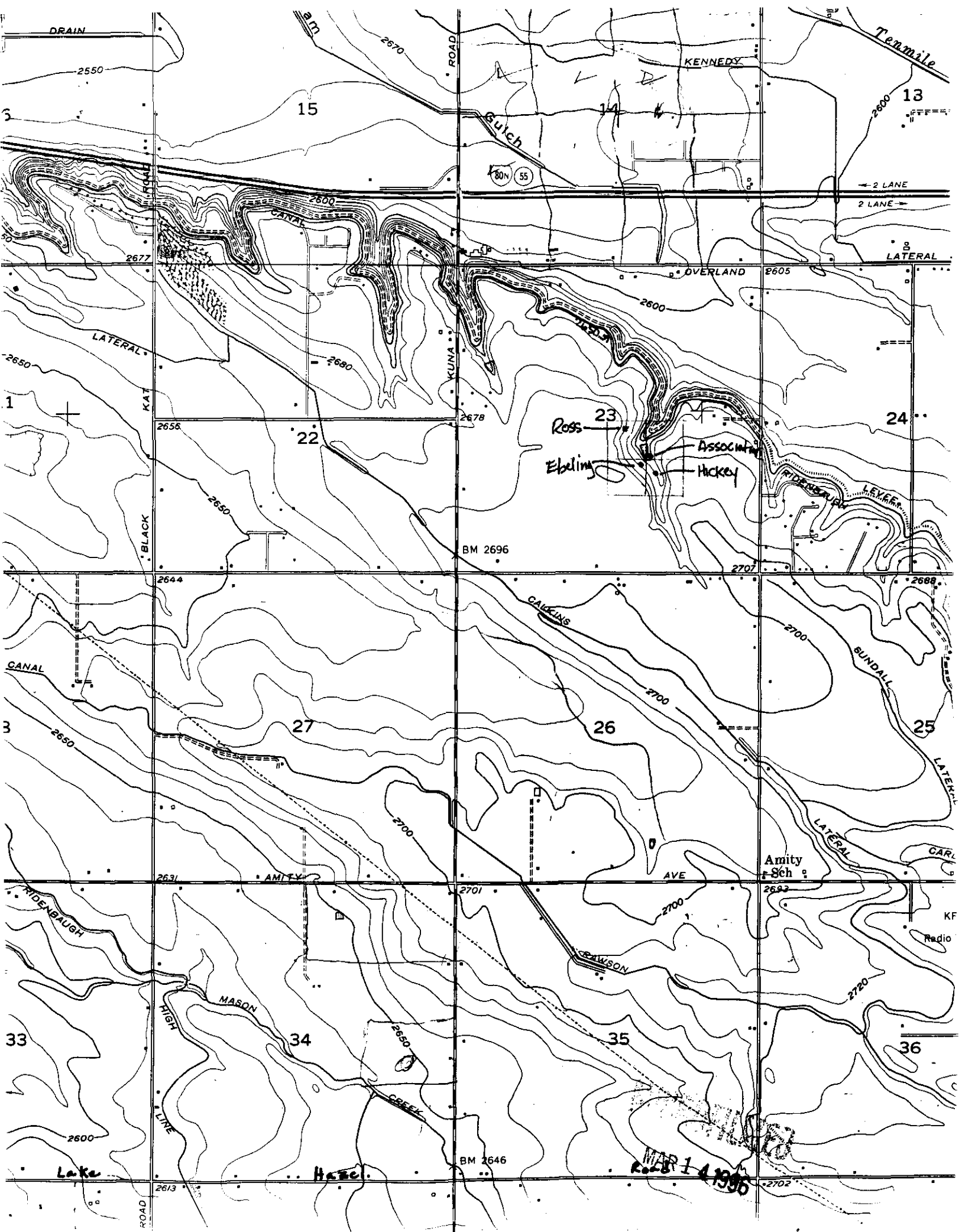
N

00

MAR 14 1996

3N1W S23 NWSE

0



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Glen & Peggy Hickey
Address 2143 Aspen Cove Dr. Meridian,
Drilling Permit No. 63-92-W-0702-000 - 35⁰⁰
Water Right Permit No. POND WELL

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 6 inches + 2 feet 156 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number From To

_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

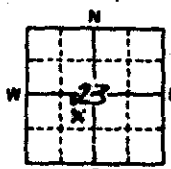
Surface seal depth 30 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit
☒ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port Top of well

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Aspen Cove

Lot No. 1 Block No. 5

County ADA

Address of Well Site 2143 ASPEN COVE MERIDIAN
(give at least name of road)

T. 3 N ☒ or S ☐
NE 1/4 SW 1/4 Sec. 23, R. 1 E ☐ or W ☒

7. WATER LEVEL

Static water level 21 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 53 °F. Quality Iron 10+/PH7.5/Gr1
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailor ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
150		1

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
6"	0	2	Top Soil		
"	2	6	Hard Pan		
"	6	9	Tan Clay		
"	9	13	Sand		
"	13	60	Hard Clay		
"	60	75	Sandy Clay		
"	75	102	Sand		
"	102	105	Clay		
"	105	109	Sand		X
"	109	113	Clay		
"	113	115	Sand		X
"	115	118	Clay		
"	118	122	Sand v. lit.	X	
"	122	124	Clay		
"	124	134	Sand		X
"	134	135	Clay		
"	135	155	Sand		
"	155	160	Clay		
"	160	-	Sand		X

RECEIVED
SEP 11 1992

Department of Water Resources
Western Regional Office

MICROFILMED
MAR 14 1996

10.

Work started 8/26/92 finished 8/27/92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Adamsen Pump & Drilling Firm No. 457

Address Nampa, ID Date 9/8/92

Signed by Drilling Supervisor Paul Adamsen

and
(Operator) John Post

(If different than the Drilling Company)

just off Hickey Driveway (2143)
beside pond
bolted cover

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MAR 14 1996

Probe = 146.5
Casing 2.4

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

HOUSE
WELL

Name GLEN HICKY

Address 203 EAST ADA, MERIDIAN

Owner's Permit No. 63-90-W-211

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
2.50 inches	6 inches	2 feet	160 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No

Manufacturer's name HOUSTON

Type SAVES WIRE WIRE Model No. CRD 5101

Diameter 5 Slot size CRD Set from 1101 feet to 1160 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout

☒ Bentonite ☒ Puddling clay ☐ _____

Sealing procedure used: ☒ Slurry pit ☒ Temp. surface casing

☐ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

☐ Cemented between strata

Describe access port WELL SEAL

7. WATER LEVEL

Static water level 78 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature 56° OF. Quality GOOD

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
60 GPM		1 HOUR

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
6"	1	18	GRAVEL + SAND		
	18	32	SAND		
	32	38	WETTED CLAY		
	38	41	SAND		
	41	48	SANDY CLAY		
	48	60	CLAY		
	60	85	SANDY CLAY		
	85	120	GRAVEL + SAND		
	120	125	SAND		
	125	127	HARD CLAY		
	127	129	SAND	SOME	X
	129	131	CLAY		
	131	139	SANDY CLAY	SOME	X
	139	142	CLAY		
	142	145	SAND	LITTLE	X
	145	147	CLAY		
	147	151	SAND	LITTLE	X
	151	160	CLAY		
	160	166	SAND	ROUGH	X
				6 FEET	

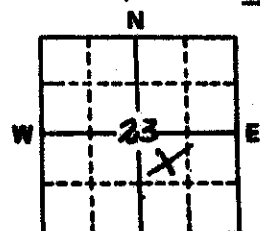
MICROFILMED
MAR 14 1996

10.

Work started 8-3-90 finished 8-3-90

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name ASPEN CANYON

SUBDIVISION

Lot No. 1 Block No. 5

County ADA

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name ADAMSON PUMP DRILL Firm No. 457

Address ADAMSON Date 8-14-90

Signed by (Firm Official) DAVE ADAMSON

and
(Operator) DAVE ADAMSON

ON Aspen Cove Drive
front of house

MAR 14 1996

Probe = 142.2
Casing 4

81.1 SNL 3/20/05 pump set = 100'

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Ebeling 2150
Address 727 Madison
Owner's Permit No. _____

7. WATER LEVEL
Static water level 20 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA
☐ Pump ☐ Bailor ☐ Other
Discharge G.P.M. Draw Down Hours Pumped

3. PROPOSED USE
☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

9. LITHOLOGIC LOG
Hole Diam. Depth From To Material Water Yes No

	0	2	Top soil		
	2	32	gravel		
	32	68	fine black sand + clay		
	68	89	yellow clay		
	89	94	fine sand		
	94	103	coarse sand		

4. METHOD DRILLED
☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Diameter of hole 6 inches Total depth 103 feet
Casing schedule: ☐ Steel ☐ Concrete
Thickness Diameter From To
2.50 inches 6 inches + 1 foot 103 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☒ Yes ☐ No
Manufacturer's name Johnson
Type Stainless Steel Model No. _____
Diameter 5 1/8 Slot size 20 Set from 98 feet to 103 feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 20' Material used in seal ☐ Cement grout
☒ Pudding clay ☐ Well cuttings
Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing
☒ Overbore to seal depth

Location is NWSE
PER 11/3/92 Site Visit:
Ebeling
NWSE = Glen + Peggy Hickey
2150
2443 Aspen Cove Dr.
Also see 63-92-W-0702-000
For new well on site.
Sketch map showing location of well, house, and 1976 well. Includes a stamp: "RECEIVED STANDARDS MAR 14 1996".

6. LOCATION OF WELL
Sketch map location must agree with written location. 63
Subdivision Name Rainbow Ave
Lot No. 21 Block No. 5
2212 A.C. Dr.
County Bohemia
SE 1/4 SE 1/4, T33, R13N, R11W, N1/4

10. Work started 9/26/76 finished 10/3/76
11. DRILLERS CERTIFICATION
Firm Name Triad Drilling & Pumping Firm No. 260
Address Box 86, Middleburg, FL Date 11/10/76
Signed by (Drill. Off. Ind.) J. R. ...
and ...
(Superintendent)

Rear of house, @ corner of deck

Access port (open)

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MAR 14 1996

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion of abandonment of the well.

1. WELL OWNER

Name Arnold Ross
Address 221 E. Fairview Ave., Meridian, Idaho
Owner's Permit No. 2302 Aspen Cove

2. NATURE OF WORK

- ☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

- ☐ Domestic ☐ Irrigation ☐ Test ☐ Other (Specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or
Injection

4. METHOD DRILLED

- ☐ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 200 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a pecker or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

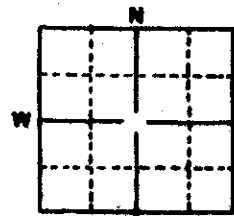
Well screen installed? ☒ Yes ☐ No
Manufacturer's name Johnson
Type stainless steel Model No. _____
Diameter 5 Slot size 20 Set from 192 feet to 197 feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 48 Material used in seal ☐ Cement ☐ Putty clay ☒ Well casing
Sealing procedure used ☐ Shrink gel ☐ Temporary surface casing ☒ Overlays to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Aspen Cove

Lot No. 5 Block No. 25

2302 A.C. Dr.

County Ada

Section 23 Township 3N Range 1W
X _____ X Sec. _____ T. _____ N/S. R. _____ E/W

7. WATER LEVEL

Static water level 110 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ d.s.f.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Other

9. LITHOLOGIC LOG

Hole Depth	Depth		Material	Notes
	From	To		
6	0	1	Top soil	
	1	48	Gravel	
	48	159	Sandy clay	
	159	190	Clay	
	190	200	Coarse sand	

RECEIVED

MAR 03 1975

WATER RESOURCES
DEPARTMENT

10. MAR 14 1975 Work started 10-16-75 finished 10-22-75

11. DRILLER'S CERTIFICATION

Firm Name R. Hunsperger Well Drilling Firm No. 192
Address 6065 Creech Dr., Boise Date 10-23-75
Signed by (Firm Official) _____
and _____
(Operator)

in circle drive, front
bolted cover

CHAS. J. COEN

SM. 18. 1. 1. 1.

1. 1. 1. 1. 1.

RECEIVED

MAR 14 1996

NO MEAS

3/20/95 couldn't get measurement

804' 50' Comments
(back)

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

else approx: 2690

1. WELL OWNER

2165

Name James Matthews
Address Mercediano, Id
Owner's Permit No. 2183 Aspen Cove DR.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 45.5' feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness		Diameter		From		To	
<u>250</u>	inches	<u>6</u>	inches	<u>1</u>	feet	<u>155</u>	feet
_____	inches	_____	inches	_____	feet	_____	feet
_____	inches	_____	inches	_____	feet	_____	feet
_____	inches	_____	inches	_____	feet	_____	feet
_____	inches	_____	inches	_____	feet	_____	feet

Was a packer or seal used? ☒ Yes ☐ No
 Perforated? ☐ Yes ☐ No
 How perforated? ☐ Factory ☐ Knife ☐ Torch
 Size of perforation _____ inches by _____ inches
 Number From To
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet
 _____ perforations _____ feet _____ feet

Well screen installed? ☒ Yes ☐ No
 Manufacturer's name Jalisco
 Type Stainless Steel Model No. _____
 Diameter 5 1/2 Slot size 20 Set from 150 feet to 155 feet
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet

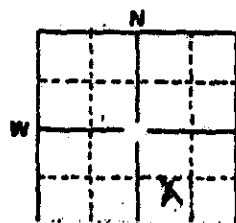
Gravel packed? ☐ Yes ☐ No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 21' Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

8. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Aspen Cove
Lot No. 2 Block No. 3
2183 A.C. Drive

County Clatsop

SE & SW 1/4 Sec. 23, T. 3N R. 10E 1W 1W

7. WATER LEVEL

Static water level 20 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow water resources
Temperature _____ ° F. Quality Do not drink
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☒ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
	0	5	Top Soil		
	5	45	Gravel		
	45	95	fine black sand & clay		
	95	125	Residual sand & clay		
	125	143	blue clay		
	143	155	Coarse sand		

10.

Work started 9/11/76 finished 9/26/76

II. DRILLERS CERTIFICATION

Firm Name Mit Shilpa Sangh Firm No. 260
Address A-86 Girdlota, A2 Date 10/10/77
Signed by (Firm official) [Signature]
(Signature)

well on portion back - ~~have to~~
I went through garage.

Could not get probe past
140' mark (80')

This well is equal in elevation
to Hickey well, more or less

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MAR 14 1996

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

cell # 2660

1. WELL OWNER Nelson Nulsen?
Name Ron Larson
Address 2735 W. Pine Meadows
Owner's Permit No. NO MEAS-

7. WATER LEVEL Corrected (fr. Ross) = 100'

Static water level 80 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

2. NATURE OF WORK

INFO ONLY

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

38

97

60

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	N
8	0	35	Gravelly Clay		X
6	35	110	Brown Clay		X
	110	114	White Sand	X	
	114	122	Gray Clay		X
	122	144	Brown Clay		X
	144	148	" Sand	X	
	148	156	Red Sand Clay		X
	156	160	Fine Red Sand	X	
	160	173	Gray Clay		X
	173	182	" Sand & Gravel	X	

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>278</u> inches	<u>6"</u> inches	<u>1</u> feet	<u>179</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No

Manufacturer's name Johns & Sons Stainless

Type _____ Model No. 305

Diameter 6" Slot size 0.15 Set from 122 feet to 128 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 19 Material used in seal: ☐ Cement grout

☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

☐ Cemented between strata

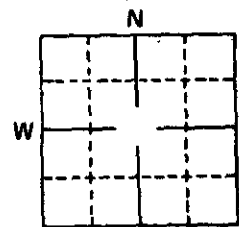
Describe access port _____

10.

Work started 3/24/78 finished 4/8/78

LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Aspen Cove

Lot No. 1 Block No. 1

2224 Aspen Cove Dr.

County ADA

SE 1/4 SW 1/4 Sec. 23, T. 3 N. R. 1 E. W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name Jeany Cherry Drilling Firm No. 280

Address 816 Bluff St. Nampa, ID 83428 Date 4/8/78

Signed by (Firm Official) Jeany Cherry

and _____

(Operator) _____

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

ele = 2695

1. WELL OWNER

Name Jim Doty 2325
Address ASPEN CIRCLE MERIDIAN
Owner's Permit No. NO MEAS -7. WATER LEVEL corrected (fr. Ross) = 90'Static water level 145 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 54 °F. Quality GOOD

2. NATURE OF WORK

INFO ONLY

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>20</u>	<u>105</u>	<u>4</u>

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>2.50</u> inches	<u>6</u> inches	<u>1</u> feet	<u>185</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ NoManufacturer's name JOHNSONType STAINLESS Model No. 304
Diameter 5 Slot size 20 Set from 192 feet to 197 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

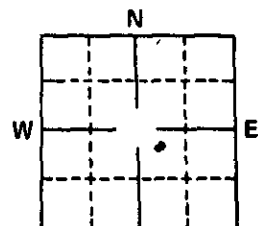
Placed from _____ feet to _____ feet

Surface seal depth 18' Material used in seal: ☐ Cement grout
☒ Puddling clay ☐ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depthMethod of joining casing: ☒ Threaded ☒ Welded ☐ Solvent
Weld☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name ASPENCoveLot No. 5 Block No. 32325 A.C. CircleCity A04NE 1/4 Sec. 23, T. 3, N. 1/4 R. 1 E.W.

10.

Work started 7-5-84 finished 7-15-84

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Coorse Well Drilling Firm No. 409Address BOISE, IDAHO Date 7-16-84Signed by (Firm Official) Greg E. Coorseand
(Operator) _____

RESPONSE FORM

Boise River Basin Moratorium Application

RECEIVED

MAY 24 1995

WATER RESOURCES
WESTERN REGION

Name of Applicant: Aspen Cove Lake Assoc.
Address: 2143 Aspen Cove (% Peg Hickey)
Meridian Ids
83642

Water Right No.: 63-12164

Do you wish to proceed with development of the
water right as proposed in the application?
(If the response is no, please complete
and return the enclosed withdrawal form.)

☒ Yes ☐ No

If the source of water that you propose to
appropriate is ground water, what aquifer
level do you propose to develop to obtain water?

154 ft to 160 ft

Signature: Peg Hickey (Assoc Pres.)
Printed Name: Peg Hickey

Please return this form to:

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

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MAR 14 1996

DATE: 05/17/95
PAGE: 308

MAR 14 1996

Misc: Water District Number: Field Exam Fee:

Notes by D. Tutthill 2/15/95

See attached attendance roster

Applicants are agreeable to:

1. Not using water for irrigation during periods when water is not being conveyed in surface water canals.
2. Using water as efficiently as possible for irrigation purposes

Parties are amenable to a withdrawal of protest with conditions when we have measured wells in the area.

I stated that our staff would measure wells sometime by early April, and I would draft up a withdrawal of protests accordingly.

One

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MAR 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ASPEN COVE LAKE ASSOCIATION INC 208-888-6145
Address: 2143 ASPEN COVE DR
MERIDIAN ID 83642 *d'base corrected per
office names list - gl*
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSE Sec. 23, Township 03N, Range 01W
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.090		
IRRIGATION STORAGE	01/01	12/31			1.70
IRRIGATION FROM STORAGE	03/15	11/15			1.70
DIVERSION TO STORAGE	01/01	12/31	0.090		
5. Total quantity to be appropriated is:
0.090 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
WELL, 2 PONDS, PUMPS, SPRINKLERS
 - b. Height of storage dam < 5 feet; active reservoir capacity 1.70
acre-feet; total reservoir capacity 1.70 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 160
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 08/27/1992
Drilling Firm ADAMSON PUMP, 63-92-W-0702-000
Well was drilled for GLEN HICKEY
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
03N 01W 23	NWSE 3			3

Total number of acres irrigated: 3

MAR 14 1996

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

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:

Irrigation use is limited to one-half acre per home.
This right, when combined with 63-11964, is limited to .13 cfs
pumping capacity and 1.7 af storage capacity.

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
plus
attached
maps*

Applicant

See original
Received by LG Date 12/16/94 Time 10:10 Preliminary check by PL

Fee \$ 50 ~~100.00~~ Receipted by LG #W018446 Date 12/19/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Same receipt for two \$50 fees 63-12164 + 63-12165

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MAR 14 1996

See Comments

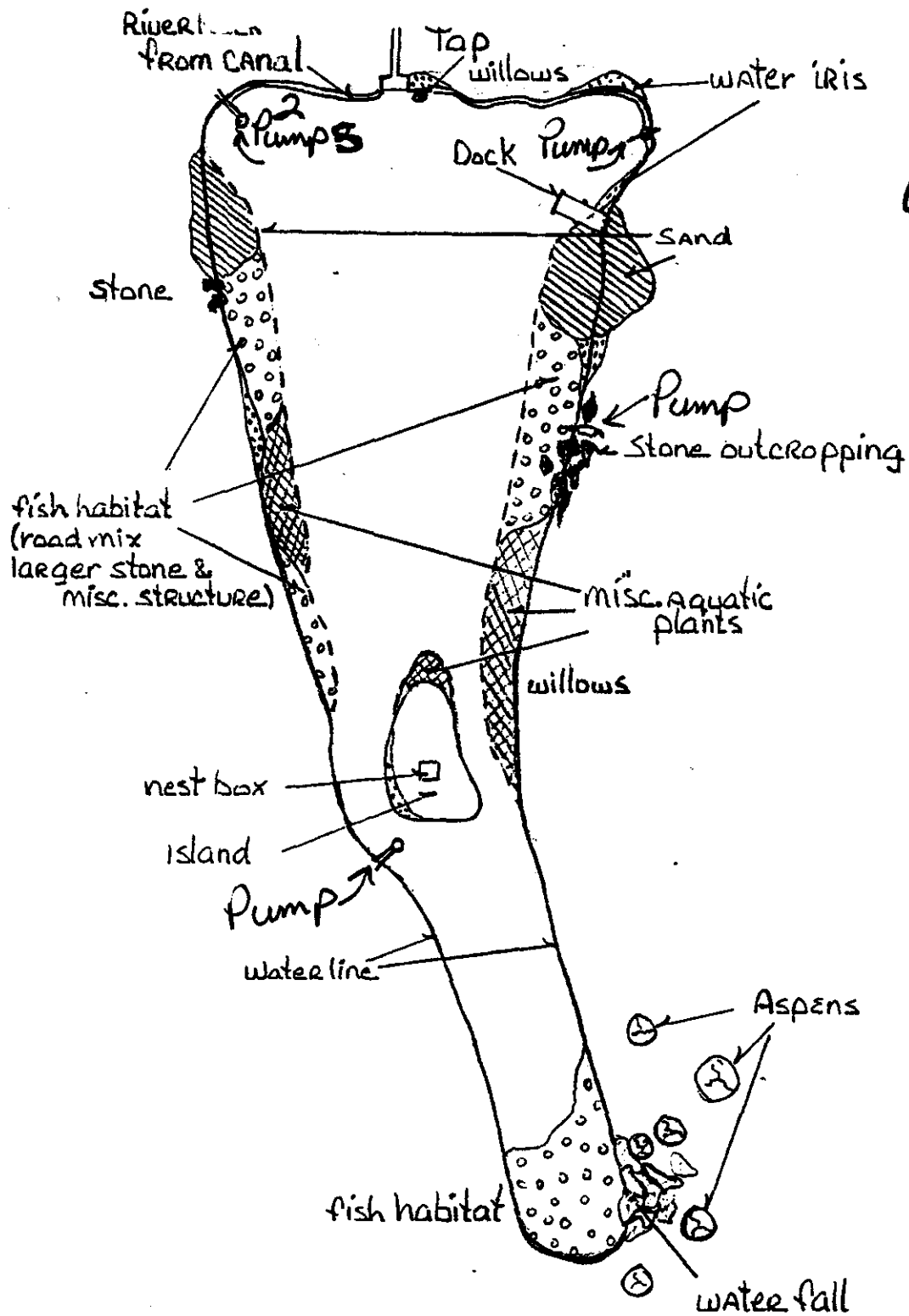
Comments: Date: 12/19/1994 User-ID: LGRAVES

Subject:

EXPLANATION

This application and moratorium application 63-12165 were filed in response to a complaint. Previous field investigations measured the flow from the well at 60 gpm, a large pond volume of 1.5 af, and a small pond volume of .2 af. The maximum use of this well is represented on permit 63-11964, this application, and moratorium application 63-12165. Two applications were created for processing purposes due to moratorium constraints. The primary source for irrigation is New York canal. Ground water will supplement the acres when necessary. 10 acres can be irrigated: 3 approvable on this application and 7 on hold in application 63-12165. The actual amount of ground water used will be greater than 1.7 af but less than 13.5 af (full appropriation @ 4.5 af/ac). The irrigation component is included so that the acres are not limited to a one time fill of 1.7 af. An additional \$165 needs collected for the drilling permit.

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MAR 14 1996



63-12164

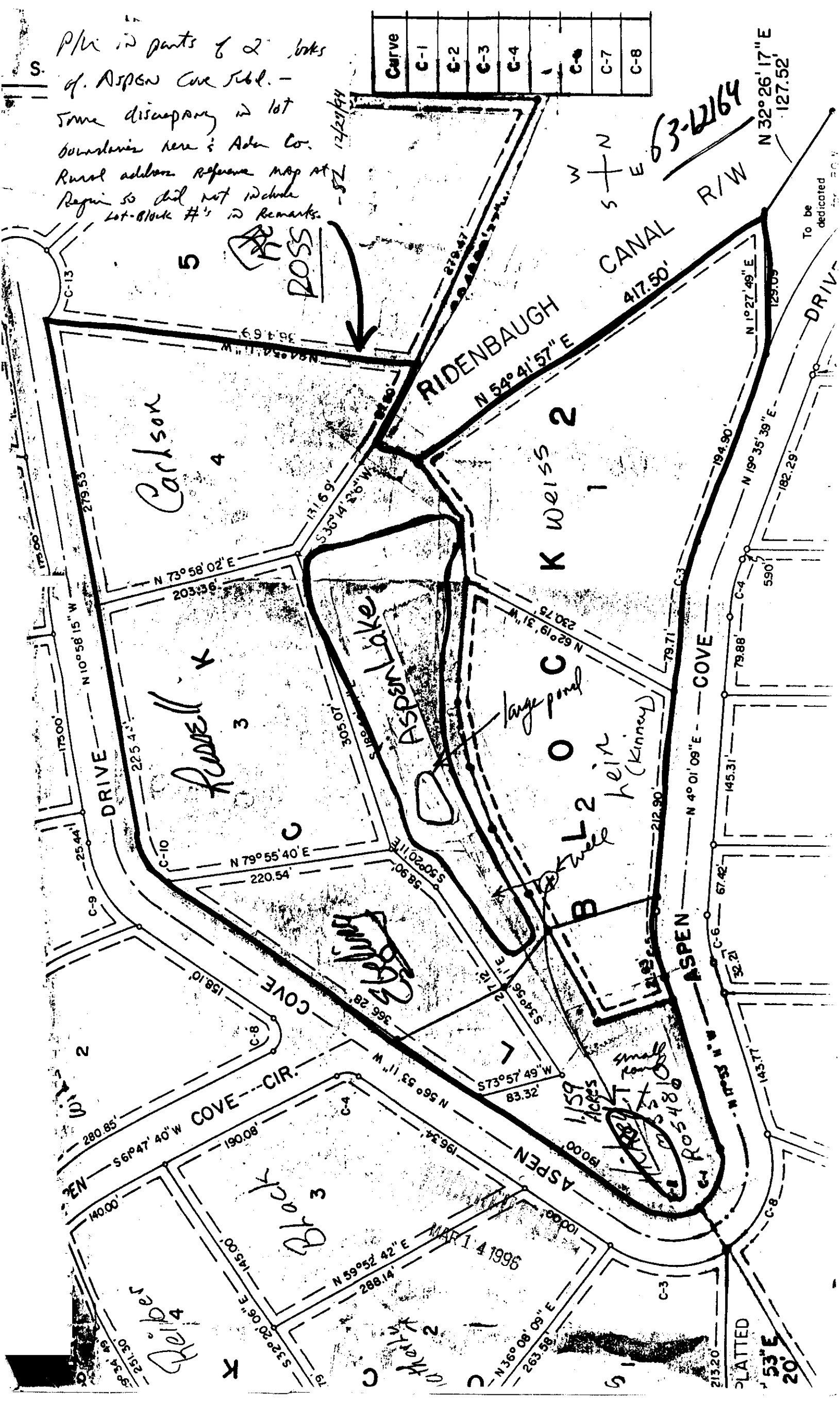
Aspen Lake
plan #1 9/14/92

(Large Pond)

MAR 14 1996

S.

63-12164



ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, ID 83705

Re: Protested Application for Permit No. 63-12164 in the Name of
Aspen Cove Lake Association Inc.

Place: IDWR, Western Region, 2735 Airport Way, Boise, ID 83705

Date: Wednesday, February 15, 1995

Conducted by: David R. Tuthill, Jr., P.E.

NAME

ADDRESS

888-1891	Mr. & Mrs. Harold Ross	2302 Aspen Cove, Meridian, ID 83642
887-2047	Keith Ebeling	2150 Aspen Cove Meridian. 83642
888-2793	Tim Russell	2288 ASPEN COVE DR. MERIDIAN, ID 83642
888-7012	Alice Kinney	2141 ASPEN COVE DR. - " " "

MAR 1 4 1996

Stage: PERMIT

ADA County

三三三

Other Water Rights Listing Overlapping Place(s) of use:

027 - Use of water under this right shall be non-consumptive.

The daily diversion volume for the aesthetic use authorized under this right shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code. Aesthetic storage is for 2 ponds.

Misc: Water District Number: 63 Field Exam Fee: N (Not Required)

Comments: Date: 11/25/1992 User-ID: LESTER Subject: MISC INFORMATION

Officers: Keith Ebeling - President
Tim Russell - Vice President
Phyllis Weis - Secretary

Drilling Permit 63-92-W-0702-000.

Location and pond sizes verified per 11/3/92 site visit by Steve Lester.

Pond #1: triangular - area $(325' \times 100' \times .5) / 43,560 = .37$ acre ;
depth 5', volume $.37$ acre $\times 5' = 1.85$ af ;

Pond #2: rectangular- area $(140' \times 30') / 43,560 = .1$ acre ;
depth 4', volume $.1$ acre $\times 4' = .4$ af ;

Approvable under moratorium: total surface area $1\frac{1}{2}$ acre, total
volume 2.3 af, rate of flow meets 42-111 limits.

Date: 02/09/1993 User-ID: MILLER Subject: MORATORIUM EXEMPTION
This permit has been conditioned to fall within the acceptable
parameters of the Snake River Basin Moratorium.

Audit: Date: 02/09/1994 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd
11/25/92 LESTER 12/08/92 GARRETT 02/09/93 MILLER 02/09/94 YARBROUG
02/09/94 COMMENTS 07/27/94 STAYLOR

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NO. 63-12164 IN THE	)	
	)	
NAME OF ASPEN COVE LAKE ASSN.	)	
_____	)	

On December 16, 1994, Aspen Cove Lake Association, Inc. filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Harold G. Ross.

The Department has set the matter of protest for a conference to be held on Wednesday, February 15, 1995, at 10:00 a.m., at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 1st day of February, 1995.



DAVID R. TUTHILL, JR., B. E.
Manager, Western Regional Office

RECORDED

MAR 14 1996

I hereby certify that on the 1st day of February, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

ASPEN COVE LAKE ASSOC INC
2143 ASPEN COVE DR
MERIDIAN ID 83642

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

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MAR 14 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

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

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

BURDEN OF PROOF

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

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

PROCEDURE

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

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

MAR 14 1996

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

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MAR 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 25, 1995

ASPEN COVE LAKE ASSOC INC
2143 ASPEN COVE DR
MERIDIAN ID 83642

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 63-12164

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

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

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED

MAR 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 25, 1995

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 63-12164 in the Name of Aspen Cove
Lake Assn.

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

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

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

MAR 14 1996

RECEIVED

JAN 19 1995

WATER RESOURCES
WESTERN REGION

Harold G. Ross
2302 Aspen Cove Dr.
Meridian, ID 83642
(208) 888-1891

January 18, 1995

David R. Tuthill
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Permit #63-12164, Application for irrigation water

Dear Mr. Tuthill:

The purpose of this letter is to protest the application for irrigation water on permit #63-12164 by Aspen Cove Lake Association. We are definitely opposed because they (Aspen Cove Lake Association) have as much irrigation water as anyone in the Aspen Cove Subdivision and should not be allowed to jeopardize the wells in the immediate area. We are concerned about our wells going dry.

Regarding permit #63-11964. If the homeowners do not comply with the terms of this permit, which is 2,500 gpd, 18 gpm, 2.3 hours per day, We request you revoke the Aspen Cove Lake Association permit.

The Aspen Cove Lake Association has pumped water most of the time for over two years at the rate of 60 gpm, as verified by your office, into the larger pond and also into the small pond at the same time. This permit is not for irrigation. They irrigated their lawns two months after water went out of the irrigation ditch in 1994.

We would accept the original permit #63-11964 if the guide lines are strictly adhered to.

Sincerely,

RECEIVED

Harold G. Ross

MAR 14 1996

Harold Ross

*Rec'd 1-19-95
#W018517
#25-
By: VR*

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W018517

Date: 1/19/1995
Time: 11:32:19

Received
From: ROSS, HAROLD

Type of Payment	Program A cct	Amount
PROTEST FEE	62103	25.00
	229 21 1155	
	Total	

CHECK	5453	\$25.00
-------	------	---------

Region: WESTERN

Signature: V. Robinson

RECEIVED

JAN 14 1995

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$46.20

Account Number 04762800		Identification NOTICE OF APPLICATION FOR WATER RIGHT (63-12164)	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates January 5 & 12, 1995
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 1008

RECEIVED

JAN 17 1995

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12164
ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversification Pt: NWSE Sec 23 T03N
R01W In ADA County.

Use: Irrigation (.090 CFS)
Irrigation Storage (1.70 AF)
Irrigation from Storage (1.70 AF)
Diversion to Storage (.090 CFS)
Total Diversion: (.090 CFS)

Date Filed: 12/16/1994
In: ADA County
T03N R01W S23 NWSE
3.0 ACRES TOTAL

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 JANUARY 23, 1995. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director
Pub. Jan. 5 & 12, 1995 1008

LINDA PORTER

, 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 JANUARY 5, 19 95

and ending with the issue of JANUARY 12, 19 95

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12th day of JANUARY in the year of 1995, before me, a Notary Public, personally appeared LINDA PORTER, 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.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 11-22-96

MAR 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 29, 1994

JOHN W CONNAWAY
2114 ASPEN COVE DRIVE
MERIDIAN ID 83642

Re: Application for of Water Right No. 63-12164 in the Name of
Aspen Cove Lake Association, Inc.

Dear Sir:

Enclosed is a copy of the above referenced application for
water right.

If you have any questions or comments regarding the application
return them to our office within two weeks. If you wish to protest
this application, the protest must reach this office by January 23,
1995.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

MAR 14 1996

MAR 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 29, 1994

HAROLD G ROSS
2302 ASPEN COVE DR
MERIDIAN ID 83642

Re: Application for of Water Right No. 63-12164 in the Name of
Aspen Cove Lake Association, Inc.

Dear Sir:

Enclosed is a copy of the above referenced application for
water right.

If you have any questions or comments regarding the application
return them to our office within two weeks. If you wish to protest
this application, the protest must reach this office by January 23,
1995.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

Mr. Ross called on 1/13/95.

Objects to approval.

*I advise him that if we receive a
protest by 1/23/95, we will process it.*

DK

RECEIVED

MAR 14 1996

63-12164

2.

Your early consideration of this matter will be appreciated.

Very truly yours,

John W. Connaway
John W. Connaway
2114 Aspen Cove Drive
Meridian, Idaho 83642
888-3636

Harold G. Ross
2302 Aspen Cove Drive
Meridian, Idaho 83642

Harold G. Ross

COMMENT
LETTERS

TO

Send
attached
copies to
2 shown
here

(Re: well use complaints # 63-11964)

RECEIVED
JUN 14 1996

63-12164

ASPEN COVE LAKE ASSN INC
2143 ASPEN COVE DR
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: NWSE Sec 23 T 03N R 01W in ADA County.

Use: IRRIGATION	(.090 CFS)	
IRRIGATION STORAGE		(1.70 AF)
IRRIGATION FROM STORAGE		(1.70 AF)
DIVERSION TO STORAGE	(.090 CFS)	
Total Diversion:	(.090 CFS)	

Date Filed: 12/16/1994

In: ADA County
T03N R01W S23 NWSE

3.0 ACRES TOTAL

RECORDED

MAR 1 1995