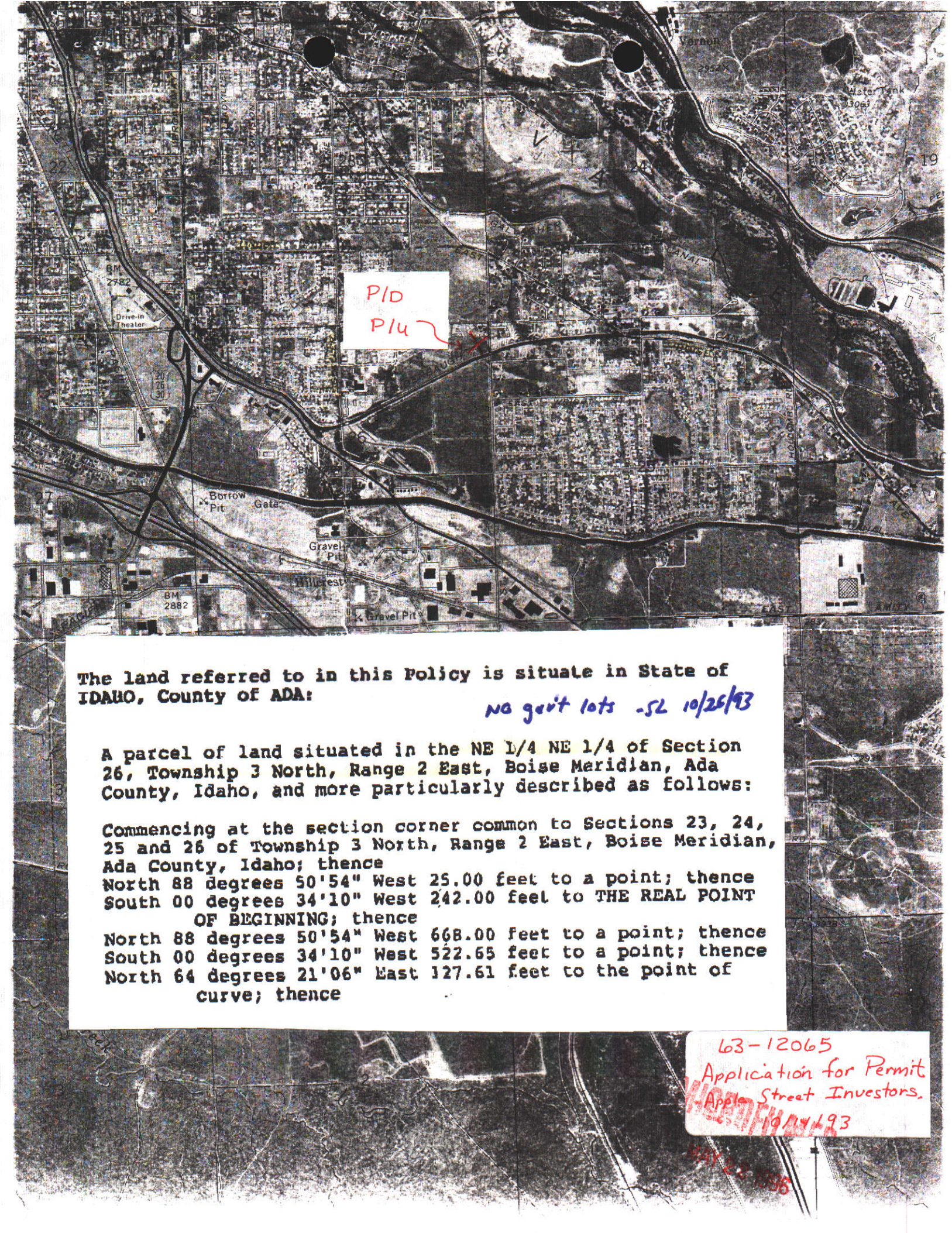




PID

P14

The land referred to in this Policy is situate in State of
IDAHO, County of ADA:

no govt lots -SL 10/26/93

A parcel of land situated in the NE 1/4 NE 1/4 of Section
26, Township 3 North, Range 2 East, Boise Meridian, Ada
County, Idaho, and more particularly described as follows:

Commencing at the section corner common to Sections 23, 24,
25 and 26 of Township 3 North, Range 2 East, Boise Meridian,
Ada County, Idaho; thence

North 88 degrees 50'54" West 25.00 feet to a point; thence
South 00 degrees 34'10" West 242.00 feet to THE REAL POINT
OF BEGINNING; thence

North 88 degrees 50'54" West 668.00 feet to a point; thence
South 00 degrees 34'10" West 522.65 feet to a point; thence
North 64 degrees 21'06" East 127.61 feet to the point of
curve; thence

63-12065

Application for Permit
Apple Street Investors.

10/24/93

MAY 23 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN - 2 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 63-12065 Telephone No. (208) 343-8877

2. Name of Permit Holder(s): Apple Street Investors c/o Thomas Development Co.

3. Mailing Address: 413 W. Idaho St., Suite 200

City Boise State ID Zip 83702

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. April / yr. 2000

Well Driller: Adamson Drilling Permit Number: D0012956

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

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

Irrigation (No. of acres): 6.5 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.13 cfs OR - acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No X

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

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

Name: Barbara Moulton Telephone Number: 343-8877

Address: 413 W. Idaho St., Suite 200 Boise, ID 83702

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

Signature of permit holder: Barbara Moulton Date: 12/21/01
(include your title, if on behalf of company or organization)

MICROFILMED

FEB 8 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 28 1998 *guy*

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-12065

Name(s) of Permit Holder: Apple Street Investors

Mailing Address: c/o Thomas Development Co., 413 W. Idaho, Suite 200, Boise, Idaho 83702

Date Proof is Due: February 1, 1998 Telephone No. (208) 343-8877

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Obtained bids from well drillers (2) re cost, depth required, etc. of well.

Costing \$ 0

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
Apple Street Investors is the general partner for Brentwood Limited Partnership and has obtained the water right permit on Brentwood's behalf. There are multiple partners involved and it has taken longer than anticipated to present the water right issue to the partners and obtain the necessary approvals. We have now received the approval of the partnership to move forward and have obtained bids for the drilling of the well. We would ask for 60 months to complete this project in the event any unforeseen event(s) occurs, but anticipate beginning the construction of the well within the next six months.

Permit holder(s) request an extension to February 1, 19 2003

FEE: \$50.00

Apple Street Investors Limited Partnership, an Idaho limited partnership

By:

(Signature)*Thomas C. Mannschreck, General Partner

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2002.

RECEIVED
FEB 13 1998

Signed this 6th day of February, 19 98

Thomas C. Mannschreck
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12065

Proposed Priority: October 14, 1993 Maximum Diversion Rate: 0.13 CFS

This is to certify, that **APPLE STREET INVESTORS**
C/O THOMAS DEVELOPMENT
413 W IDAHO ST STE 200
BOISE ID 83702

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>				
IRRIGATION	03/15 to 11/15	0.13 CFS				
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NENE , Sec. 26, Township 03N, Range 02E ADA County				
<u>PLACE OF USE:</u> IRRIGATION						
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>	
03N 02E 26	NENE 6.5				6.5	
Total number of acres irrigated:					6.5	

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1998**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

RECEIVED
MAY 22 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

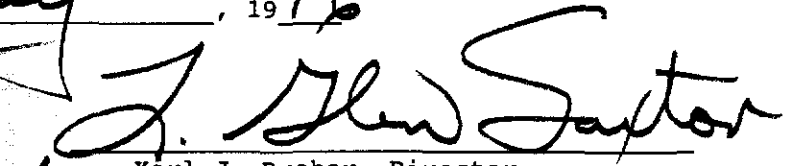
NO. 63-12065

CONDITIONS OF APPROVAL AND REMARKS

9. Place of use is for lawns at the 80-unit Brentwood Apartment Complex.
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.

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

16th day of May, 1996


for Karl J. Dreher, Director

RECEIVED
MAY 22 1996

RECEIVED

DEC 06 1993

Ident. No. 63-12065

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: APPLE STREET INVESTORS
Address: 111 AUTO DRIVE SUITE 105
BOISE ID 83709 STE

8877
208-375-8985

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

NENE Sec. 26, Township 03N, Range 02E
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.130		

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.
drilled well with lawn irrigation

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

c. Proposed well diameter is 8 inches; proposed depth of well is 150 feet.

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm

Well was drilled for

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

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
03N	02E	26	NENE 6.5			6.5

Total number of acres irrigated: 6.5

MAY 22 1996

Phone # per 10/25/93 contact - see comm. memo i fax pg. sent to applicant.

* A base updated per std. 10/26/93 -SZ

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.~~
Irrigation is for yard use at 80-unit Brentwood Apartment Complex.

11. Map of proposed point of diversion and place of use attached? [X]

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.

Carmen Nelson Thomas
Applicant Development Co.

Received by JFW Date 10/14/93 Time 12:00 Preliminary check by SL

Fee \$ 30.00 Receipted by JFW # W016856 Date 10/14/93

Publication prepared by SL Date 10-27-93 Published in Id. Statesman

Publication approved SL Date 12-1-93

SEE Comments

* d'base updated 10/26/93

- SL

MAY 22 1996



P10

P14

The land referred to in this Policy is situate in State of IDAHO, County of ADA:

no govt lots -SL 10/26/93

A parcel of land situated in the NE 1/4 NE 1/4 of Section 26, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at the section corner common to Sections 23, 24, 25 and 26 of Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho; thence

North 88 degrees 50'54" West 25.00 feet to a point; thence
South 00 degrees 34'10" West 242.00 feet to THE REAL POINT

OF BEGINNING; thence

North 88 degrees 50'54" West 668.00 feet to a point; thence

South 00 degrees 34'10" West 522.65 feet to a point; thence

North 64 degrees 21'06" East 127.61 feet to the point of
curve; thence

63-12065

Application for Permit
Appl. Street Investors.

10/14/93

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 10/26/93
Time: 12:02:12

Water Right Number: 63-12065

Comment Date: 10/26/1993 User ID: LESTER

Subject: MORATORIUM / SIGNATORY AUTHORITY & NAMES & TITLES _____

Based on a recent and similar application in Basin 61 in which it was determined that yard use at apartment development was eligible for subd. exclusion within GWMA, appl. 63-12065 should be allowed under subd. exclusion of Amended Snake River M'torium. Signature is by Assistant at Thomas Development Co., which is the managing partner of applicant. I was told that complete list of partners for applicant is quite lengthy. Thomas Development Co. is actually Thomas Mannschreck (375-8877), who can be contacted via application address if additional information is needed (can also speak to Carmen Carlson at same phone number).

(ENTER=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MAY 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2002

APPLE STREET INVESTORS
C/O THOMAS DEVELOPMENT CO
413 W IDAHO ST STE 200
BOISE ID 83702

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12065

Dear Permit Holder:

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

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

FEB 14 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-12065

Reviewed By: dgibson

Date: January 16, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C058823	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/02/2002
Date proof due	- 02/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 10/14/1993
New priority date	= 10/14/1993

Deficiencies of Actions Items

Acknowledge proof.

November 30, 2001

APPLE STREET INVESTORS
C/O THOMAS DEVELOPMENT
413 W IDAHO ST STE 200
BOISE, ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 63-12065

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

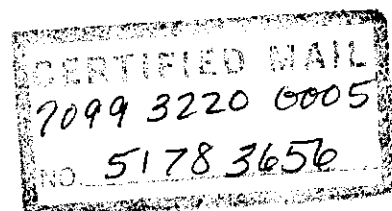
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

FEB 04 2002



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-12065 Reviewed by WJ Date 2-6-98

BASIC INFORMATION

1-23-98 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to Feb. 1, 2002 on basis of due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address ✓ _____

Change Proof Due Date 2-1-2002

Change Priority Date ✓ _____



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

February 6, 1998

Apple Street Investors
c/o Thomas Development Co
413 W Idaho STE 200
Boise ID 83702

RE: Permit No. 63-12065

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted August 29, 1996, in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **February 1, 2002**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective 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 this office or any regional 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.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

FEB 13 1998



Thomas
DEVELOPMENT CO.
REAL ESTATE DEVELOPMENT AND CONSTRUCTION

RECEIVED

JAN 28 1997

Department of Water Resources

413 W. Idaho, Suite 200
Boise, Idaho 83702
(208) 343-8877
FAX (208) 343-8900

January 27, 1998

VIA HAND DELIVERY

Ms. Julie L. Yarbrough
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

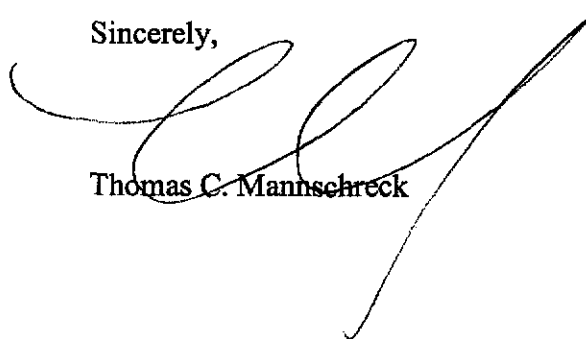
Re: Permit No. 63-12065

Dear Ms. Yarbrough:

Enclosed please find a Request for Extension of Time and a check in the amount of \$50.00 on behalf of Apple Street Investors for the above-referenced permit.

Thank you for your consideration in this matter. If you have any questions or comments please do not hesitate to contact me.

Sincerely,



Thomas C. Mannschreck

/lj:g:\apple\yarbrough.127
Enc.

MICROFILMED
FEB 13 1998

To: File No. 63-12065

From: Julie L. Yarbrough *JLY*

Subject: Proof of B/U

Date: December 16, 1997

MEMORANDUM

Linda Johnson (343-8877) called 12/15/97 in connection with this permit, to inquire about filing an extension of time. She informed me that minimal development has been done in connection with this permit due to the fact that the permit holders claim they did not receive the Permit Approval Notice and copy of the Permit in May of 1996. The permit holder plans on filing an extension of time.

*I faxed a copy of Permit & approval Notice to
Linda Johnson. 12/15/97
JLY*

MICROFILMED

FEB 13 1998

November 30, 1997

APPLE STREET INVESTORS
C/O THOMAS DEVELOPMENT
413 W IDAHO ST STE 200
BOISE ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 63-12065

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

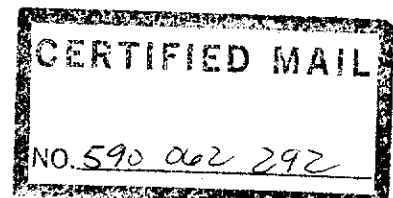
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 13 1998





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

May 16, 1996

APPLE STREET INVESTORS
C/O THOMAS DEVELOPMENT
413 W IDAHO ST STE 200
BOISE ID 83702

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12065

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

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

If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

MAY 22 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 1996

THOMAS C MANNSCHRECK
APPLE STREET INVESTORS
C/O THOMAS DEVELOPMENT
413 W IDAHO ST SUITE 200
BOISE ID 83702

RE: Application for Permit No. 63-12065

Dear Mr. Mannschreck:

Thank you for your response to my request for information about the availability of surface water to the land you intend to develop. Because you indicated that you retain your surface water rights, you may wish to consider the following information before IDWR continues processing your application for a permit to develop a ground water right.

Throughout the Boise River drainage basin there is a growing realization that urbanization has the potential of reducing the historic recharge to ground water aquifers within the basin. The current widespread use of ground water throughout the basin has largely been made possible by annual recharge to the underground aquifers from surface water irrigation. Replacement of surface water irrigation with ground water could ultimately result in an inadequate recharge balance. Thus, the Department is routinely requiring that all surface water rights be used before ground water is diverted and used for irrigation. Permits issued in situations similar to yours have carried the following condition of approval.

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 cannot be delivered to the right holder.

In some cases, however, the Department may consider an alternate plan whereby the depletion of ground water proposed in your application is mitigated by dedicating surface water shares to a specific ground water recharge project. If you propose a recharge project, you must demonstrate that it will result in the same amount of recharge that diversion and use of the surface water for irrigation purposes historically accomplished.

Please contact me within 14 days if you wish to propose a mitigation plan. If I do not hear from you within that time, the permit will be issued with the condition that you fully utilize your surface water before using ground water. If you have any questions, please contact me at 327-7946.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

208 327 7900

APR 29 1996



Thomas
DEVELOPMENT CO.
REAL ESTATE DEVELOPMENT AND CONSTRUCTION

RECEIVED

APR 12 1996

Department of Water Resources

413 W. Idaho, Suite 200
Boise, Idaho 83702
(208) 343-8877
FAX (208) 343-8900

April 10, 1996

R-D2

Mr. Shelley Walter Keen
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Application for Permit 63-12065

Dear Mr. Keen:

The following is provided in response to your letter of March 13, 1996:

1. This property was historically irrigated with water provided directly with the New York Canal.
2. We are not presently using canal water but retain the rights to do so.
3. We have not been excluded nor have we petitioned to be excluded from any irrigation district.
4. We are still paying assessments and are not receiving any water.

Should you need any additional information, please advise.

Sincerely,

Thomas C. Mannschreck

TCM/bw

keen.a10

APR 12 1996

MEMORANDUM

DATE: April 11, 1996

TO: File 63-12065

FROM: Shelley W. Keen ^{SUK}

RE: Phone call in response to 3/13/96 request for information

I remember getting a phone call about two weeks ago from a woman representing Apple Street Investors. She said she would prepare a response to my 3/13/96 letter. I have misplaced my notes, so I do not have the woman's name.

MAY 22 1996

MEMORANDUM

DATE: MARCH 18, 1996
TO: FILE NO. 63-12065
FROM: Roberta Loveall
SUBJECT: RETURNED MAIL

=====

The correspondence to Apple Street Investors was returned today as "Undeliverable-Forwarding Order Expired". I tried the phone book and no Apple Street Investors is listed. I tried the phone number stated in the file for Thomas Development and it was incorrect. I found Thomas Development in the phone book and reached them and got the proper address, which is:

Apple Street Investors
c/o Thomas Development
413 W Idaho St
Suite 200
Boise Id 83702

Telephone: 343-8877

MAY 20 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 13, 1996

APPLE STREET INVESTORS
111 AUTO DR STE 105
BOISE ID 83709

RE: Application for Permit 63-12065

Dear Water Right Applicants:

Your application for a permit to divert 0.13 cfs of ground water to irrigate 6.5 acres is currently being reviewed. During the review process, I found that there is some additional information needed to complete my evaluation. Our records indicate that historically there may have been surface water supplied to the area of your development for irrigation purposes. Was any of the land you now propose to irrigate with ground water irrigated at any time with surface water supplied by an irrigation district or canal company? If the answer is yes, what is the current disposition of those surface water rights? Have you been excluded from an irrigation district? Are you still paying assessments without receiving water?

To avoid any undue delay in processing your application, please reply within the next fourteen days. If you have any questions, please contact me at 208-327-7946.

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

SWK

1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 63-12065 Name: Apple St. Investments Date: 2/15/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: W016896 Priority: 10/14/93 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ 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 - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
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 - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 2-1-1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

3N 2E 5.26 NENE

INITIAL REVIEW BY: FL DATE: 10/26/93 APPLICATION: 63-12065

REQUIRED INFORMATION

1 See 10/25/93 comm memo
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

RECEIVED
DEC 06 1993

ADDITIONAL INFORMATION

Department of Water Resources

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: Cold water in Boise front SWMA
* 1992 moratorium
Copy to SCA staff (perennial stream, non-pump diversion):
Send dam safety information:
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
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:

* See next pg

PROCESSING

APPLICATION NO. 63-12065

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 _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒
☒ ☒

Affidavit of publication received:
Application published correctly: If not, record action taken.

☒ ☒
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Publication dates and paper recorded on application:
Protests received. Final date for protest 11-22-93
Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dru

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter:

Irrigation under this water right is limited to a maximum of one half acre per household served, or 6.5 acres, whichever is less.
26A (Allow 2 yrs), 46

See below for additional information

Recommended Date or Priority 10/14/1993

Recommended by: Dru Date 12/2/1993

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

Groundwater within 1 mile of Boise River.

Overlap

Drainage Dist. (63-02392) probably does not supply any water to site.

MORATORIUM - As I recall, we recently forwarded a similar appl. to S.O. for Bs. 61 where 27 unit apartment complex with yard irrigation was thought to be exempted from Md Home GWMA provisions under "subd. exclusion". Similarly, this appl 63-12065 could be exempted from Snake River moratorium ("D/80" where allowing 6 1/2 acres for yard use).

CONVERSATION MEMORANDUM

DATE 10/25/93
FILE 63-12065

NAME OF PARTY Carmen Carlson Thomas Development Co. 375-8877
EMPLOYEE Steve Lester

RE: Response to my FAX message to HER:

Use is law area e Brentwood Apartment Complex,
which is 80-unit apart. under 1 ownership.

Apple St. Investors - Mng. Partner is Thomas
Development Co. (which is Thomas Mannschreck).
- Ltd. partnership with numerous partners;
contact T. Mannschreck for any
info etc.

Carmen C. - title is Assistant e T. Development Co.

MAY 22 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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

TO: Apple St. Investors - OR
Thomas Development Co. - OR
Carlson Carlson

FROM: Steve Lester
TELE. 334-2190

DOCUMENT DESCRIPTION: Please call me at above # regarding
recent water right application for well is 6 1/2 acres
in T3N R2E S.26 NENE (Apple St.). No phone #
was provided but fax # 375-8985 was listed.

TOTAL PAGES SENT: 1 = COVER SHEET

Thank you,
JL

CONTACT: _____

2 1996

63-12065

APPLE STREET INVESTORS
111 AUTO DR STE 105
BOISE, ID 83709

Source: GROUNDWATER

Diversion Pt: NENE Sec 26 T 03N R 02E in ADA County.

Use: IRRIGATION (.130 CFS)
Total Diversion: (.130 CFS)

Date Filed: 10/14/1993

In: ADA County
T03N R02E S26 NENE

6.5 ACRES TOTAL

RECEIVED
OCT 15 1993
NATIONAL ARCHIVE

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

36.48

Account Number 047628		Identification NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates November 4, 11, 1993
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated inches	Real inches
		# Affidavits 1	Legal Number 6253

DENISE BUMGARNER

, 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 NOVEMBER 4, 1993

and ending with the issue of NOVEMBER 11, 1993

Denise Bumgarner

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 11TH day of NOVEMBER in the year of 1993, before me, a Notary Public, personally appeared DENISE BUMGARNER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Janice Madec
Notary Public for Idaho
Residing at BOISE, ID
My commission expires: 5/97

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:
63-12065
APPLE STREET INVESTORS
111 AUTO DR STE 105
BOISE, ID 83709
Source: GROUNDWATER
Diversion Pt: NENE
Sec 26 T 03N R 02E
In ADA County
USE: IRRIGATION (.130 CFS)
Total Diversion: (.130 CFS)
Date Filed: 10/14/1993
In: ADA County
T03N R02E S26 NENE
6.5 ACRES TOTAL
Permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before **NOVEMBER 22, 1993.**
R. Keith Higginson, Director
Pub. November 4, 11, 1993 6253

RECEIVED

NOV 15 1993

WATER RESOURCES
WESTERN REGION