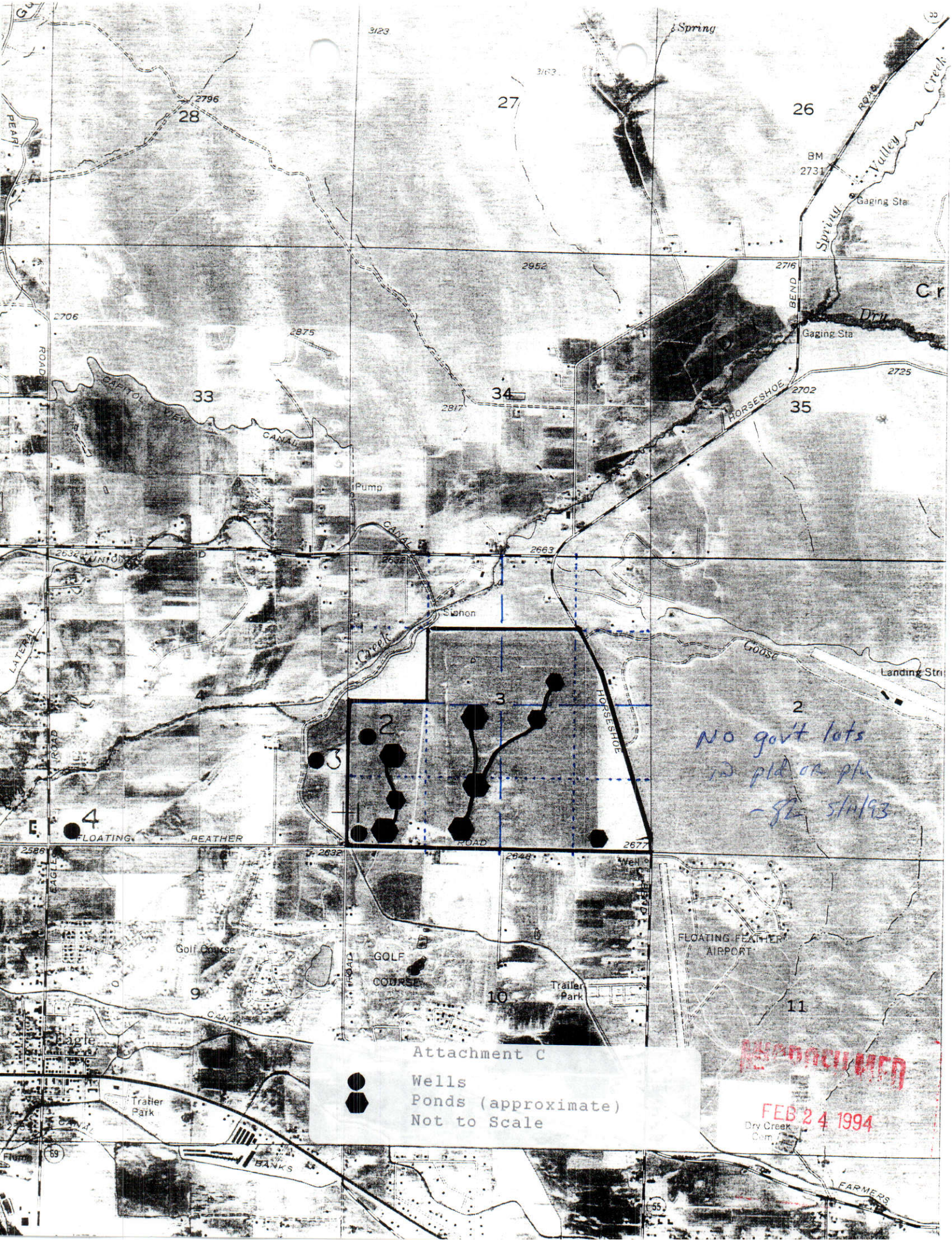




Attachment C



Wells
Ponds (approximate)
Not to Scale

RECORDED

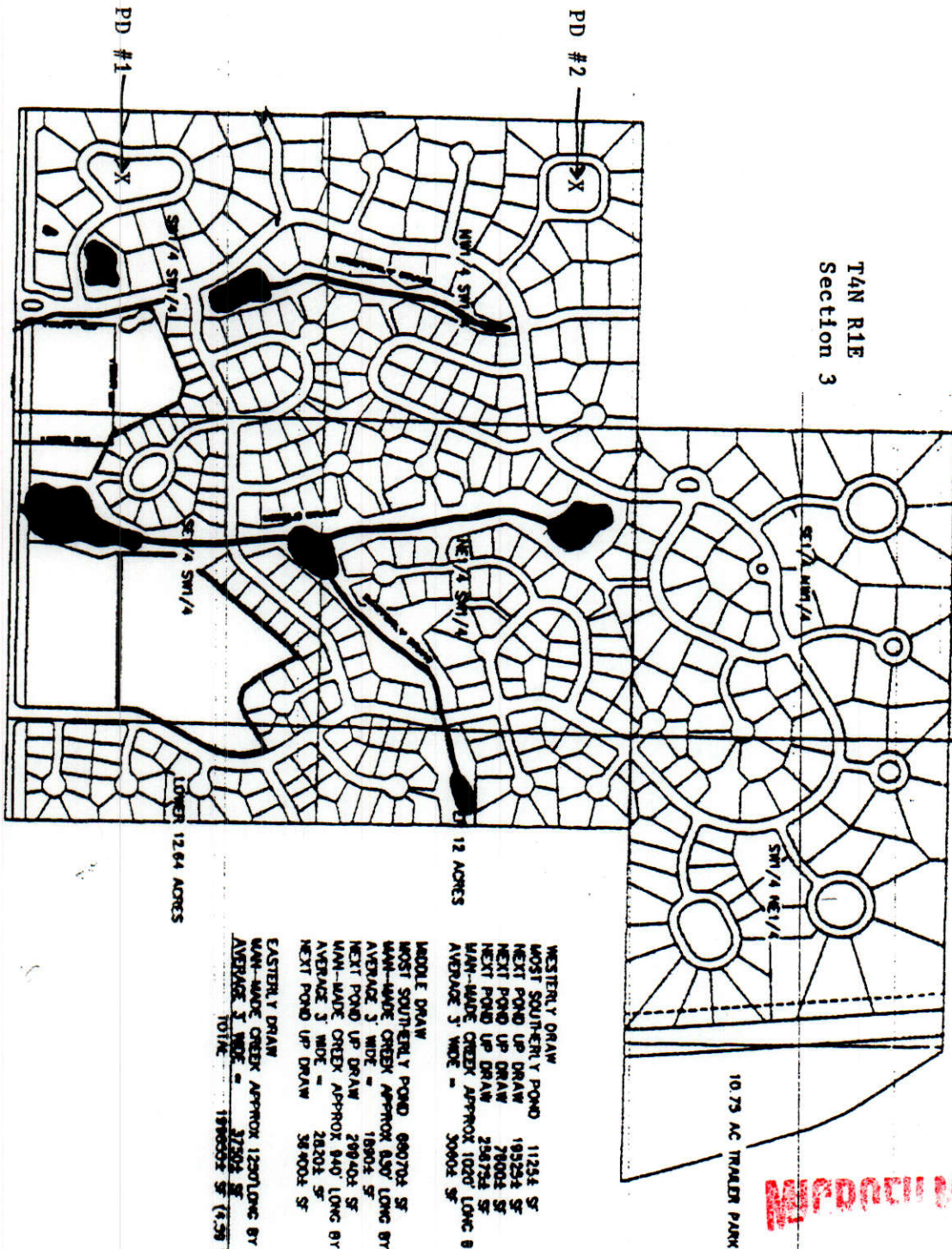
FEB 24 1994
Dry Creek
Com.

ATTACHMENT "B"

NOTE Parcel Plan also includes minor ponds in Trail Creek (was Echo Creek) development in T&E S. 3. Ponds are minor enough that difference between S Acres & 4.59 acres in Attack Area can be considered as flexibility that allows Trail Cr. ponds to be included.

See 5/11/93 personal observation & info from S. Chapman re prior discussions.

T&N R1E
Section 3



RECORDED

FEB 24 1994

WESTERLY DRAIN
MOST SOUTHERLY POND 11254 SF
NEXT POND UP DRAIN 18322 SF
NEXT POND UP DRAIN 7800 SF
MAN-MADE CREEK APPROX 1020' LONG BY
AVERAGE 3' WIDE - 30904 SF

MOORE DRAIN
MOST SOUTHERLY POND 68070 SF
MAN-MADE CREEK APPROX 850' LONG BY
AVERAGE 3' WIDE - 18904 SF
NEXT POND UP DRAIN 28940 SF
MAN-MADE CREEK APPROX 940' LONG BY
AVERAGE 3' WIDE - 28204 SF
NEXT POND UP DRAIN 38400 SF

EASTERN DRAIN
MAN-MADE CREEK APPROX 1200' LONG BY
AVERAGE 3' WIDE - 37504 SF
TOTAL 198604 SF (4.59 SQUARE ACRES)



PRELIMINARY PLAT
LEONARD HILLS
ROY L. ANDERSON ASSOCIATES PA
Engineers, Surveyors, Landscapers
400 North 10th St. Suite 1000, Erie, PA 16501-1000
(814) 399-1700



Conference Notes

63-12017

by D. Tuttle

Aug 10, 1993

Lexington Hills Inc

Boise Water Corp (owner of EM²) is measuring & testing the Lexington Hills wells (they submitted the log readings).

Applicant -

Represented by: Phil Barber

Sheryl Chapman

Dave Roylance

Dennis Whitmore

William Gutrke (for Treasure Valley Village)

Georgia Mackley

Protestant: Eleanor Chase

Other protestants did not attend

Phil Barber

Not talking about changing demands on gw system
This is a trade

Dave Roylance

836 lots total in system

All have irr pressurized except 50



* = Totalizing flow meter

FEB 24 1994

Note: all water placed into the ponds will be measured & purchased via City of Eagle

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-12017	)	ORDER OF
	)	
IN THE NAME OF CITY OF EAGLE	)	REINSTATEMENT
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before January 1, 1999; and,

WHEREAS, the Department notified the permit holder on October 31, 1998, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

WHEREAS, the Department sent the permit holder a lapse notice on February 8, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on April 8, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No.63-12017 is **REINSTATED** with an advance in priority to **July 27, 1993**.

DATED this 2nd day of July, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

AUG 09 1999

(GPH Modified Version)
7/94

For Office Use Only
\$25 Filing Fee
Receipt # W023427
Date 2-5-98

-JL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

FEB 05 1998

WATER RESOURCES
SOUTHERN REGION

The City of Eagle hereby notifies the Department of Water Resources that Lexington Hills, Inc. and Treasure Valley Village, Ltd. ("Grantors") have assigned all their right, title and interest in and to Permit No. 63-12017 to the City of Eagle.

This assignment is evidenced by the copy of the *Special Warranty Deed and Assignment of Permit for Water Right* attached hereto.

Submitted this 4th Day of February, 1998.

RECEIVED

FEB 09 1998



Department of Water Resources

Christopher H. Meyer
Givens Pursley & Huntley LLP
277 N. 6th Street, Ste. 200
P.O. Box 2720
Boise, ID 83701-2720
(208) 388-1200
Attorney for City of Eagle

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher H. Meyer, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and further known or identified to me to be an attorney for the City of Eagle, and said person acknowledged to me that he executed the same on behalf of the City of Eagle.

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



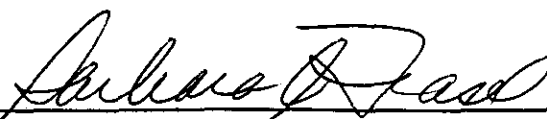
Notary Public for Idaho
Residing at Boise Idaho
My commission expires: 6-6-2003

MICROFILMED
APR 16 1998

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane H. Stueckle, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and further known or identified to me to be the President of Lexington Hills, Inc., and said person acknowledged to me that he executed the same on behalf of Lexington Hills, Inc.

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



Notary Public for Idaho
Residing at Besse, Idaho
My commission expires: 6-6-2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared William R. Guhrke, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and further known or identified to me to be the General Partner of Treasure Valley Village, Ltd., and said person acknowledged to me that he executed the same on behalf of Lexington Hills, Inc.

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



Notary Public for Idaho
Residing at Besse, ID
My commission expires: 6-6-2003

G:\DATA\Clients\30177\Docs\1998-02-04 Special Warranty Deed.doc

MICROFILMED
APR 16 1998

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 63-12017

Proposed Priority: April 21, 1993

Maximum Diversion Rate:

1.56 CFS

This is to certify, that **LEXINGTON HILLS INC**
TREASURE VALLEY VILLAGE LTD PARTNERSHIP
1815 E STONEYBROOK CT
EAGLE ID 83616

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>
WILDLIFE	01/01 to 12/31	1.56 CFS	
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF
RECREATION	01/01 to 12/31	1.56 CFS	
RECREATION STORAGE	01/01 to 12/31		15.0 AF
AESTHETIC	01/01 to 12/31	1.56 CFS	
AESTHETIC STORAGE	01/01 to 12/31		15.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.56 CFS	
	Totals	1.56 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 3, Township 04N, Range 01E
SWSWSW , Sec. 3, Township 04N, Range 01E
SWSW , Sec. 4, Township 04N, Range 01E
NESE , Sec. 4, Township 04N, Range 01E
ADA County

PLACE OF USE: WILDLIFE

TWN RGE SEC

04N 01E 3

SWNE
SWSW
SESE

NESW
SESW

NWSW
NWSE

PLACE OF USE: RECREATION, same as WILDLIFE use

PLACE OF USE: AESTHETIC, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1999.
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. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

RECORDED

FEB 24 1994

State of Idaho
Department of Water ResourcesAMENDED**Permit To Appropriate Water**AMENDED

NO. 63-12017

CONDITIONS/REMARKS:

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
7. Construction of the well must comply with Idaho well construction standards.
8. The issuance of this right in no way grants any right-of-way or easement across the land of another.
9. Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. Place of use is located within Lexington Hills and Trail Creek Subdivisions.

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

2nd day of February, 1994.


Acting for R. Keith Higginson, Director

RECORDED

FEB 24 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: LEXINGTON HILLS INC 208-939-6000
Address: 1815 E STONEYBROOK COURT
EAGLE ID 83616
AND
Name: TREASURE VALLEY VILLAGE LTD PARTNERSHIP 208-000-0000
EAGLE ID 83616

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NWSW Sec. 3, Township 04N, Range 01E
SWSWSW Sec. 3, Township 04N, Range 01E
SWSW Sec. 4, Township 04N, Range 01E
NESE Sec. 4, Township 04N, Range 01E
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
WILDLIFE	01/01	12/31	1.560		
WILDLIFE STORAGE	01/01	12/31			15.00
RECREATION	01/01	12/31	1.560		
RECREATION STORAGE	01/01	12/31			15.00
AESTHETIC	01/01	12/31	1.560		
AESTHETIC STORAGE	01/01	12/31			15.00
DIVERSION TO STORAGE	01/01	12/31	1.560		

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

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
2 EXISTING WELLS, 2 PROPOSED WELLS, PIPELINES TO PONDS & DITCHES
b. Height of storage dam N/A feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 15.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
c. Proposed well diameter is 16 inches; proposed depth of well is 615
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

RECORDED

FEB 24 1994

8. Place of Use: WILDLIFE

TWN RGE SEC

04N 01E 3

SWNE

SWSW

SESE

NESW

SESW

NWSW

NWSE

Place of Use: RECREATION, same as WILDLIFE use

Place of Use: AESTHETIC, same as WILDLIFE use

9. a. Who owns the property at the point of diversion?

APPLICANT & RHM COMPANY

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.
SUBD. COVENANTS & DEVELOPMENT PLANS, PERMISSION OF OTHER OWNERS

10. Remarks:

Recreation, Wildlife, and Aesthetic uses are for a water amenity
in Lexington Hills and Trail Creek Subdivisions.

Consumptive use of water in this right will be supplied by
reducing the number of irrigated acres in right no. 63-11413.

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

See Comments

RECORDED

FEB 24 1994

Comments: Date: 5/12/1993 User-ID: LESTER

Subject:

SNAKE RIVER MORATORIUM & OTHER INFORMATION

Application requested to be exempted from moratorium by reducing acres irrigated by right no. 63-11413 (same system but other uses). Advertisement will contain information from "Remarks" to let people in impact area know intent of application.

Water from Farmers Union Canal will fill ponds during most of the summer. Ponds will be an intergal part of irrigation system.

Well #1 in SWSWSW S.3, well #2 in NWSW S.3, well #3 in NESE S.4, well #4 in SWSW S.4.

This application results from a dept. investigation of a complaint filed by Mr. Al Thornton of Sage Acres Sub. (east of Hwy. 55) - complaint filed late 1992, field inspection made on 12-31-92 by SL. File 63-11413 has information about this process.

FILED
FEB 24 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12017

Proposed Priority: April 21, 1993 Maximum Diversion Rate: 1.56 CFS

This is to certify, that **LEXINGTON HILLS INC**
TREASURE VALLEY VILLAGE LTD PARTNERSHIP
1815 E STONEYBROOK CT
EAGLE ID 83616

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>
WILDLIFE	01/01 to 12/31	1.56 CFS	
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF
RECREATION	01/01 to 12/31	1.56 CFS	
RECREATION STORAGE	01/01 to 12/31		15.0 AF
AESTHETIC	01/01 to 12/31	1.56 CFS	
AESTHETIC STORAGE	01/01 to 12/31		15.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.56 CFS	
	Totals	1.56 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 3, Township 04N, Range 01E
SWSWSW , Sec. 3, Township 04N, Range 01E
SWSW , Sec. 4, Township 04N, Range 01E
NESE , Sec. 4, Township 04N, Range 01E
ADA County

PLACE OF USE: WILDLIFE

TWN RGE SEC

04N 01E 3	SWNE	NESW	NWSW
	SWSW	SESW	NWSE
	SESE		

PLACE OF USE: RECREATION, same as WILDLIFE use

PLACE OF USE: AESTHETIC, same as WILDLIFE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1999**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

RECORDED
FEB 24 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12017

CONDITIONS/REMARKS:

5. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
6. Construction of the well must comply with Idaho well construction standards.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.
8. Use of water under this right may be affected by an agreement between the protestant and the right holder.
9. Place of use is located within Lexington Hills and Trail Creek Subdivisions.

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

24th day of January, 1994.

[Signature]
for R. Keith Higginson, Director

RECEIVED

FEB 24 1994

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-12017

RECEIVED

APR 21 1993

Department of Water Resources

Department of Water Resources
1. Name of applicant Lexington Hills Inc. and Treasure Valley Village, Limited partnership Phone 939-6000
Post-office address 1815 E. Stonybrook Court Eagle, Id 83616

2. Source of water supply Ground water which is a tributary of N/A
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW (#1) $\frac{1}{4}$, Govt. Lot --
Sec. 3 Township 4N Range 1E B.M. Ada County; additional
points of diversion if any: (#2) NWSW Sec. 3; (#3) NESE Sec. 4; (#4) SWSW Sec. 4; all in T4N, R1E

4. Water will be used for the following purposes:

Recreation/Wildlife/
Amount 1.56 cfs for Aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.56 for Div. to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 15 af for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.56 cfs and/or (b) 15 acre feet
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two existing drilled wells, pumps and buried pipelines to ponds and waterways. Two additional wells may be drilled to satisfy the requirements of this and permit #63-11413.

b. Height of storage dam N/A feet; active reservoir capacity 15 acre-feet; total
reservoir capacity 10 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

c. Proposed well diameter is 16" inches; proposed depth of well is 415 feet.
16" 615

d. Is ground water with a temperature of greater than 90°F being sought? No

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

* Recreation/Wildlife/Aesthetic storage per appl. info
Act. Res. cap 10, total Res. cap 15? Probably just a
type error. Not a problem in application.

FEB 24 1994

5/11/93

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. Aesthetic - diversion during the non-irrigation season to ponds and waterways in the project area for aesthetics, protection of the lining of two ponds and to enhance recharge of the ground water system.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	3			J R/W						J R/W	J R/W	J R/W	J R/W		J R/W		J R/W	

Total number of acres to be irrigated -0-

10. Describe any other water rights used for the same purposes as described above. Water from Farmers Union

Canal will fill the ponds during most of the summer. The ponds are an integral part of the irrigation system

11. a. Who owns the property at the point of diversion? Lexington Hills, Inc. wells # 1 & 2, points of diversion #3 & #4 RHM Company

b. Who owns the land to be irrigated or place of use? Lexington Hills Inc; Treasure Valley Village and individual lot owners.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicant is furnishing water as a part of the overall

development of the property in accordance with covenants and the overall development plan. Points of diversion #3 & #4 designated by permission of landowner (RMH Co.)

12. Remarks: See Attachment "A"

Uses are for a water amenity in Lexington Hills and Trail Creek subdivisions.

Consumptive use of water under this right will be supplied by reducing the number of irrigated acres in ~~the~~ No. 63-11413

RECORDED

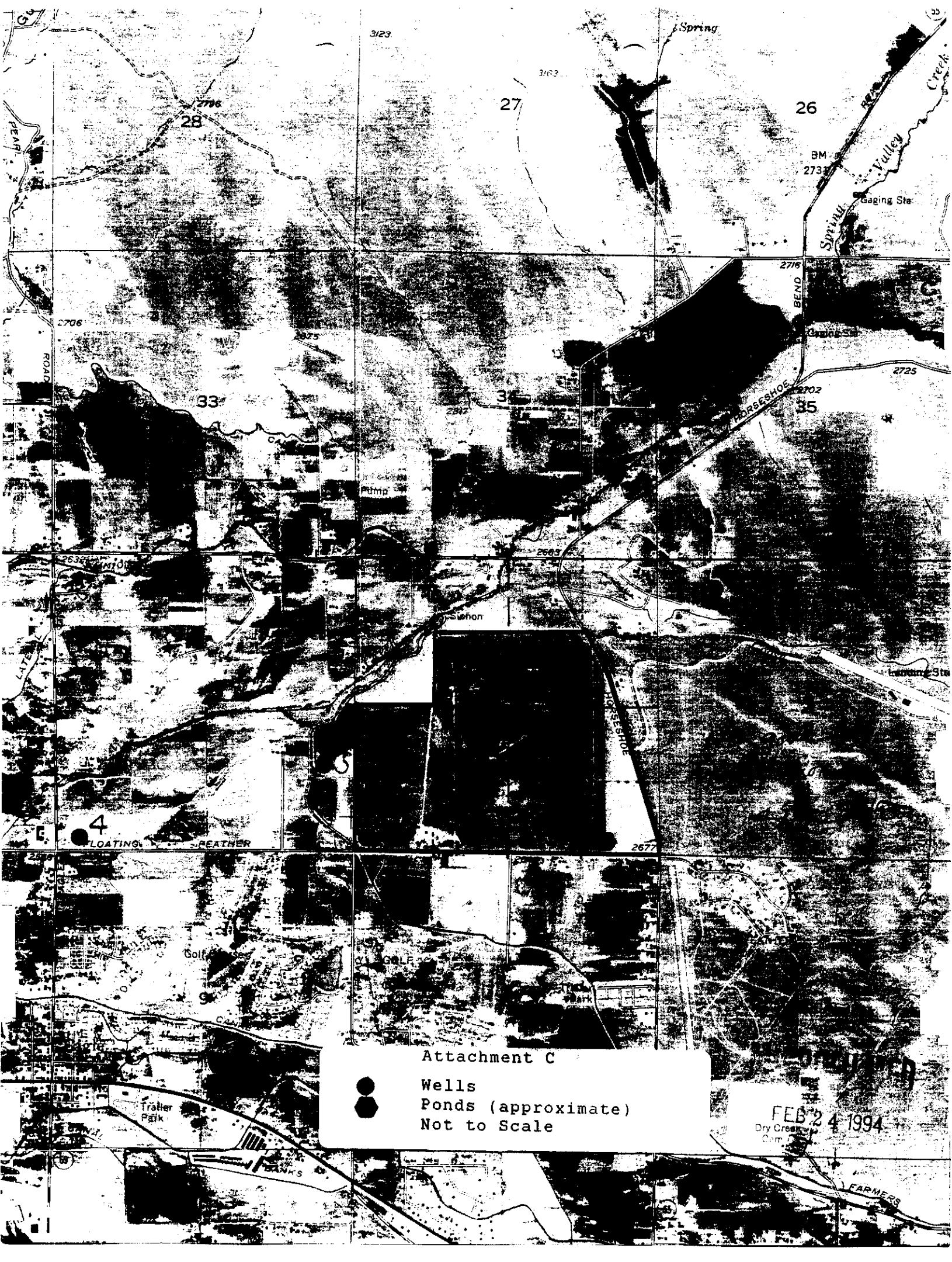
ATTACHMENT "A"

REMARKS:

1. Applicant is the developer of permit to appropriate water #63-11413. The permit allocates 2.0 cfs for the irrigation of 200 acres of land. Applicant recognizes that IDWR is concerned about potentially limited supplies in the ground water aquifer and that the agency presently has ordered a moratorium on approval of permits for appropriation of ground water and surface water for new uses. Since the applicant has similar concern and interests regarding ground water supplies, he would suggest conditioning of this permit on a reduction of irrigated acreage now listed in permit #63-11413 in order to obtain consideration of the permit and to eliminate any impact to the ground water system. It is the understanding of the applicant that the reduction in acreage would be equal to the surface acres covered by waterways and ponds developed in the project for aesthetic purposes. Since the applicant has assigned permit #63-11413 to the city of Eagle a stipulation agreeing to the above conditions is attached.
2. Applicant has provided, as Attachment "B", a map showing the project location, description of lots, locations of ponds and waterways, and a compilation of the square footage covered by these aesthetic amenities. The total acreage covered by the amenities is approximately 4.59 acres, but applicant would suggest a reduction in acreage of 5.0 acres from permit #63-11413 in order to compensate for potential variations in pond construction in the field. The total capacity of the ponds will not exceed 15 acre feet of volume. It is the intent of the applicant to fill the ponds during the summer months with surface water and simply maintain the water level through the balance of the year.

RECORDED

FEB 24 1994



Attachment C

● Wells

● Ponds (approximate)

Not to Scale

FEB 24 1994

Dry Creek

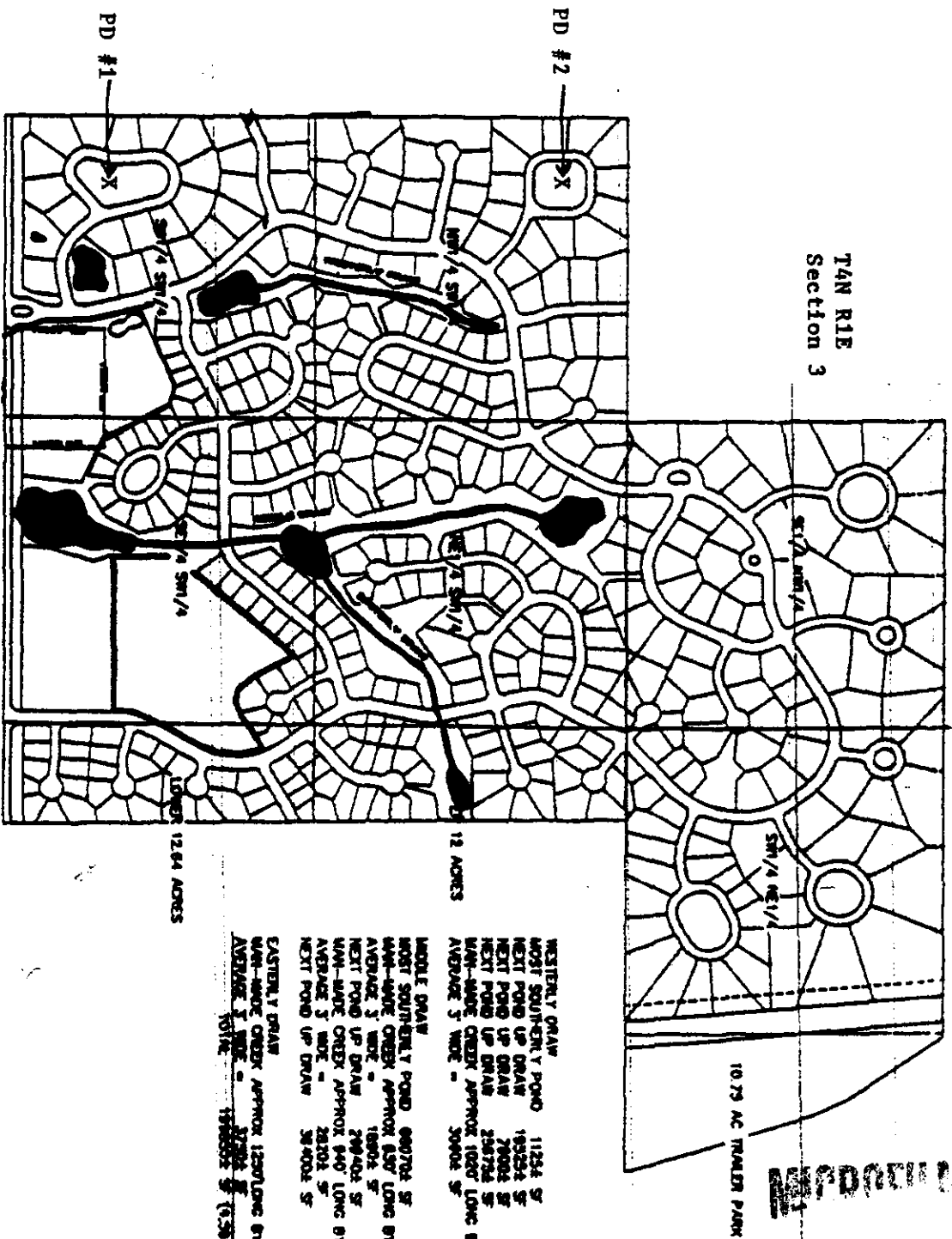
Com

ATTACHMENT "B"

NOTE Land plan also includes minor ponds in Trail Creek (was Cals Creek) development in TSEC 5.3. Ponds are minor enough that difference between 5 acres & 4.59 acres in Attach A(2) can be considered as flexibility that allows Trail Ck. ponds to be included.

See 5/11/93 personal observation & info from S. Chapman in prior discussions.

T4N R1E
Section 3



UNRECORDED

FEB 24 1994

WESTERN DRAIN
MOST SOUTHERLY POND 11234 SF
NEXT POND UP DRAIN 19323 SF
NEXT POND UP DRAIN 27004 SF
NEXT POND UP DRAIN 26174 SF
WASH-WARE CREEK APPROX 1000' LONG BY
AVERAGE 3' WIDE - 30004 SF

MIDDLE DRAIN
MOST SOUTHERLY POND 66070 SF
WASH-WARE CREEK APPROX 850' LONG BY
AVERAGE 3' WIDE - 16804 SF
NEXT POND UP DRAIN 29940 SF
WASH-WARE CREEK APPROX 940' LONG BY
AVERAGE 3' WIDE - 28104 SF
NEXT POND UP DRAIN 36404 SF

EASTERN DRAIN
WASH-WARE CREEK APPROX 1250' LONG BY
AVERAGE 3' WIDE - 37704 SF
NOTE - 159604 SF (6.58 SQUARE MILES)

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

[illegible]

~~FEB 24 1994~~

TREASURE VALLEY VILLAGE, A GENERAL PARTNERSHIP

LEXINGTON HILLS, INC.
(Applicant)
DUANE H. STUECKLE, PRESIDENT

DUANE H. STUECKLE, PRESIDENT

Received by st Date 4-21-93 Time 12:25 p Preliminary check by RL
Fee \$ 65⁰⁰ Received by JAD # W0016151 Date 4-21-93
Publication prepared by st Date 5-13-93 Published in Idaho Statesman
Publication approved st Date 6-8-93 5-20 + 27, 1993

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:

RECORDED

FEB 24 1994

GIVENS PURSLEY LLP

RECEIVED

AUG 30 2000

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jacqueline M. Fearnside
Jeffrey C. Faraday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
Debora K. Kristensen

Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel
Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

August 28, 2000

Mr. Jeff Peppersack
Manager
Water Rights Permits Section
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

NOTE

Re: City of Eagle Water Right Nos. 63-11413, **63-12017**, 63-12448
Our File No. 5721-1

Dear Jeff:

I am writing to advise the Department that I serve as special attorney of record for water matters for the City of Eagle. Please make appropriate entries in the Department's records to reflect this on each of the above-captioned water rights.

I understand that, once I am so listed, both the City and I will be contacted in the event the Department engages in any communications regarding the City's water rights.

I thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Sincerely,



Christopher H. Meyer

cc: Honorable Rick Yzaguirre, Mayor
Susan E. Buxton, Esq., Counsel to the City
Scott Rhead, United Water Idaho
Dan Brown, United Water Idaho

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 03-12017 Reviewed by [Signature] Date 7-1-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
NO Proof timely received? Correct Uses? yes
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. 03-91-W-0044-000
200- Amount paid for permit yes Correct?
NO Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
125- Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>4-8-99</u>	<u>98</u>	
^{lapsed - 2-9-99}			
Date proof due	<u>1-1-99</u>	<u>-</u>	<u>1</u>
No. of days late	<u> </u>	<u>=</u>	<u>97</u>
Priority Date	<u>4-21-93</u>	<u>+</u>	<u>111</u>
New Priority Date	<u>7-27-93</u>		<u>208</u>

- 7-27-93

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to July 27, 1993.
Proof Acceptable

DATA ENTRY

New Address Assigned Proof Made 4-8-99



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 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

City of Eagle
310 E State St
Eagle ID 83616

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12017

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 the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to July 27, 1993, as provided in Section 42-218a.2, Idaho Code.

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

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, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 09 1999

WR5608MP
(CD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/01/99 08:32:07
Page 1

Water Right Number - 63-12017

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
CITY OF EAGLE

*** O - ORIGINAL OWNER ***
LEXINGTON HILLS INC

TREASURE VALLEY VILLAGE LTD PARTNERSHIP

Priority Date - 04/21/1993

Region - 14 WESTERN

Stage - P - PERMIT

Status -

Source - GROUNDWATER

Tributary -

Tran	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
04N	01E	3	SW SW SW	(1) ADA						
		4	SW SW SW	(1) ADA						
			NE SE	(1) ADA						

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
16 - WILDLIFE		01/01	12/31	1.560	
17 - WILDLIFE STORAGE		01/01	12/31		15.00
46 - RECREATION		01/01	12/31	1.560	
47 - RECREATION STORAGE		01/01	12/31		15.00
52 - AESTHETIC		01/01	12/31	1.560	
53 - AESTHETIC STORAGE		01/01	12/31		15.00
55 - DIVERSION TO STORAGE		01/01	12/31	1.560	

+ - Total Div. Rate - 1.560 + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - 0.0 + - KW Usage - +

Tran	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
04N	01E	3	SW NE			16 WILDLIFE		(1) ADA

MICROFILMED
AUG 09 1999

Water right number - 63-12017

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04N	01E	3	NE SW			16	WILDLIFE	(1) ADA
04N	01E	3	NW SW			16	WILDLIFE	(1) ADA
04N	01E	3	SW SW			16	WILDLIFE	(1) ADA
04N	01E	3	SE SW			16	WILDLIFE	(1) ADA
04N	01E	3	NW SE			16	WILDLIFE	(1) ADA
04N	01E	3	SE SE			16	WILDLIFE	(1) ADA

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - -

GEN Place of use is located within Lexington Hills and Trail Creek
Subdivisions.+ - - - - Old Water Right Numbers - - - - -
+ - - - - No Old Water Right Numbers found.

26A - 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.

01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

46A - A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

468 - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

+ - - - - Decree Plaintiff - - - - + - - - - Decree Defendant - - - - +

00/00/0000

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AUG 09 1999

Water right number - 63-12017

Prefix Translation:

WATER RIGHT

Comments

Date: 05/12/1993 User Id: LESTER Subject: SNAKE RIVER MORATORIUM & OTHER INFORMATION
Application requested to be exempted from moratorium by reducing acres irrigated by right no. 63-11413 (same system but other uses). Advertisement will contain information from "Remarks" to let people in impact area know intent of application.
Water from Farmers Union Canal will fill ponds during most of the summer. Ponds will be an integral part of irrigation system.
Well #1 in SWSWS S.3, well #2 in NWSW S.3, well #3 in NESE S.4, well #4 in SWSW S.4.
This application results from a dept. investigation of a complaint filed by Mr. Al Thornton of Sage Acres Sub. (east of Hwy. 55) - complaint filed late 1992, field inspection made on 12-31-92 by SL. File 63-11413 has information about this process.
Date: 01/04/1994 User Id: ZIMMERMAN Subject: MORATORIUM EXEMPTION
This permit is located within the Boise River Drainage Moratorium boundary; however, its uses are within the acceptable parameters of the Moratorium guidelines.
Date: 01/04/1994 User Id: ZIMMERMAN Subject: DIVERSION DESCRIPTION
Total of 4 wells; 2 existing wells are 16" by 415' & 615' deep; with piping and waterways to 9 excavated ponds; active reservoir capacity 10 AF; total reservoir capacity 15 AF.
Date: 01/04/1994 User Id: ZIMMERMAN Subject: P/D & P/U OWNERSHIP
The points of diversion located within SWSWS, S03, T04N, R01E are owned by the applicant.
The points of diversion located within NWSW, S03, T04N, R01E are owned by RHM Company who have given right of way permission.
The places of use are owned by both the applicant and individual lot owners.
Date: 01/11/1994 User Id: ZIMMERMAN Subject: CORPORATE OFFICERS
The officers and directors of Lexington Hills Inc. are
Bert Bradley, Vice-President;
Bryce L Peterson, Director;
Dennis Whitmore, Secretary/Treasurer;
The partners of Treasure Valley Village Ltd. are
Date: 02/08/1999 User Id: JYARROU Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - - Audit Fields - 05/12/93 LESTER 06/14/93 TAYLOR 09/27/93 TAYLOR 01/03/94 TAYLOR 01/04/94 ZIMMERMAN
01/04/94 ZIMMERMAN 01/11/94 ZIMMERMAN 02/02/94 ZIMMERMAN 02/02/94 ZIMMERMAN 04/14/98 KTOAMSEN
02/08/99 COMMENTS

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	01/01/1999	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	01/24/1994	Protested Date	00/00/0000	Swan Falls	- B
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	- P
Exam to S.O. Date	00/00/0000	Verified Date	00/00/0000	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	W016151	Water District	- 63
Licensed Date	00/00/0000	Appl Received	04/21/1993	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	PDU Ownership Flag	- N
SRBA Decreed Flag	-				

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AUG 09 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

GIVENS PURSLEY LLP

RECEIVED

FEB 25 1999

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1201

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorsky
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
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Conley Ward
Steven R. Weeks
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

February 24, 1999

Mr. L. Glen Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle Water Right Applications
IDWR Water Right No. 63-12017 (1993 amenity)
Our File No. 30-77

Dear Mr. Saxton:

I am in receipt of your letter of February 8, 1999 notifying the City that the above-captioned permit has lapsed.

This is to advise that the water right has been fully developed and City of Eagle will be providing the required proof to the Department as soon as possible. Ed Squires of United Water Idaho / EM² will be acting on the City's behalf in this regard.

It is my understanding that the City has until April 9, 1999 to submit its proof and have the permit reinstated. It is also my understanding that we do not need to file a request for an extension, so long as we meet the April 9, 1999 deadline. Please advise if this is not correct.

Ed Squires will be following up directly with appropriate IDWR staff to coordinate with respect to the field examination and submission of proof. Please call me if you have any questions or concerns.

MICROFILMED

AUG 09 1999

Mr. Jim J. Johnson
February 24, 1999
Page 2

Sincerely,


Christopher H. Meyer

cc: David H. Bieter, Counsel to the City of Eagle
Steve Lester, Idaho Department of Water Resources
Ed Squires, United Water Idaho

CHM:baf

S:\Clients\30\77\Corr\1999-02-24 CHM Ltr to G.Saxton - Re Lapse Notice.wpd

MICROFILMED

AUG 09 1999

February 8, 1999

CITY OF EAGLE
C/O GIVENS PURSLEY & HUNTLEY
PO BOX 2720
BOISE ID 837012720

LAPSE NOTICE

RE: PERMIT NO. 63-12017

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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AUG 09 1999

CERTIFICATION OF MAILING

I hereby certify that on 2-9-99
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



JAN 04 1999

***This map is not applicable.
No change in point of diversion is sought.
See original Permit Application for points of diversion.
The new place of use is a municipal service area.***

Christopher H. Meyer
Givens Pursley & Huntley LLP
277 N. 6th Street, Ste. 200
P.O. Box 2720
Boise, ID 83701-2720
(208) 388-1200
Attorney for Applicant

JAN 04 1999

For Office Use Only
\$25 Filing Fee
Receipt # W023427
Date 2-5-98

RECEIVED

FEB 05 1998

WATER RESOURCES
SOUTHERN REGION

This assignment is evidenced by the copy of the *Special Warranty Deed and Assignment of Permit for Water Right* attached hereto.

Submitted this 4th Day of February, 1998.

Chen-topkutt. Ullyer

STATE OF IDAHO)
) ss.
County of Ada)

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

Notary Public for Idaho

Residing at

My commission expires: _____

MICROFILMED

JAN 04 1999

G:\DATA\Clients\30\77\DW\1998-02-04 Assignment of Water Right.doc

✓ Original forwarded
to S.O.
this cc is for amendment
appl. file

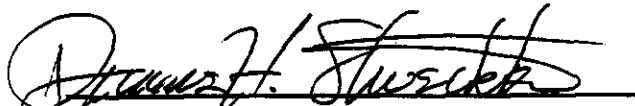
**SPECIAL WARRANTY DEED
AND ASSIGNMENT OF PERMIT
FOR WATER RIGHT**

FOR VALUE RECEIVED, Lexington Hills, Inc. and Treasure Valley Village, Ltd. ("Grantors") do hereby convey, release, remise and forever quitclaim, subject to the special warranty given herein in the following paragraph, unto United Water Idaho, an Idaho corporation, ("Grantee") the following described real property (hereinafter, the "Water Right"), to wit: all our interest in that certain water right to the use of ground water, including storage rights, represented by Water Right Permit No. 63-12017 issued on or about January 24, 1994, as reflected in the records of the State of Idaho, Idaho Department of Water Resources. In addition, Grantors hereby assign to Grantee any and all permits, licenses, decrees, claims, potential claims, contracts, certificates, shares, or other legal evidence or documentation of any interest in said Water Right, including but not limited to any claim which has been or could be asserted with respect to said Water Right in the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, Case No. 39576.

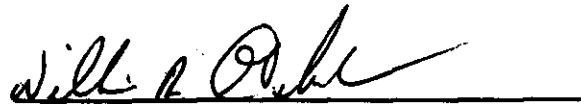
Grantors specially represent and warrant that they obtained the above referenced Permit for the Water Right in good faith and that they have not at any time conveyed any interest in said Water Right to any person other than the Grantee. Grantors make no further warranty regarding the validity or quantity of the Water Right conveyed by this deed.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 4th day of February, 1998.

GRANTORS



Duane H. Stueckle
President
Lexington Hills, Inc.



William R. Guhrke
General Partner
Treasure Valley Village, Ltd.

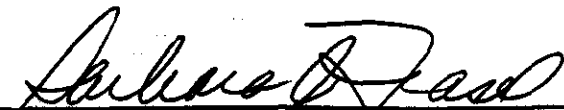
MICROFILMED

JAN 04 1999

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane H. Stueckle, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and further known or identified to me to be the President of Lexington Hills, Inc., and said person acknowledged to me that he executed the same on behalf of Lexington Hills, Inc.

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



Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 6-6-2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared William R. Guhrke, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and further known or identified to me to be the General Partner of Treasure Valley Village, Ltd., and said person acknowledged to me that he executed the same on behalf of Lexington Hills, Inc.

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



Notary Public for Idaho
Residing at Boise, ID
My commission expires: 6-6-2003

G:\DATA\Clients\30177\Docs\1998-02-04 Special Warranty Deed.doc

MICROFILMED

JAN 04 1999

GIVENS PURSLEY LLP

LAW OFFICES

277 North 8th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
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Kenneth L. Pursley
Gregory J. Venz
Carley Ward
Steven R. Weeks
Stephanie C. Westermeyer
Raymond D. Givens
James A. McClure
OF COUNSEL

November 19, 1998

Mr. Jim J. Johnson
Manager
Water Rights Permits
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: City of Eagle Water Right Applications
IDWR Water Right No. 63-12448 (1998 municipal),
IDWR Water Right No. 63-12017 (1993 amenity)
IDWR Water Right No. 63-11413 (1991 domestic)

Our File No. 30-77

Dear Jim:

We spoke yesterday about the status of the three applications identified above. At that time, I promised you a letter, on behalf of the City of Eagle, confirming our discussions. The purpose of this letter is to resolve issues which apparently have delayed Departmental action on these applications. It is our hope that with these issues resolved the Department will be in a position to act immediately with respect to each of the above applications.

Amenity Right (63-12017)

You indicated that the Department has some concern about whether this water right can be converted to a municipal right without enlargement or expansion. It was certainly not the intention of the City of Eagle to expand or enlarge this right, and I remain convinced that expansion or enlargement could be avoided through proper

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JAN 04 1999

Mr. Jim J. Johnson
November 19, 1998
Page 2

conditions.¹ However, we do not want the Department's concerns over this right to hold up processing of the other more pressing applications.

Consequently, the City of Eagle hereby withdraws its application for amendment of Water Right No. 63-12017. This withdrawal simply means that the City may continue to use the water for water amenity purposes as described in the existing permit. If, in the future, it becomes apparent that additional flexibility in the use of this water right is important, the City may file a new application for amendment.

1998 Permit Application (No. 63-12448)

Apparently there has been some confusion regarding the intent and purpose of this application.

First, you pointed out that it is counter-intuitive that the City has applied for a municipal water right with a built-in volume limitation. I readily acknowledge that this limitation is not typical of a municipal right. The reason for the limitation is that it reflects an agreement worked out prior to filing between the City of Eagle (the "City") and United Water Idaho ("UWID").

The City and UWID are in a cooperative mode in connection with the supply of water in this area. They wish to avoid any potential problems or disputes in the future with respect to well interference. At least one of the points of diversion owned by the City is sufficiently close to the Floating Feather Well owned by UWID to raise such concerns. In order to avoid conflicts before the Department (either at the application stage or at the time of regulation), the City and UWID worked out an understanding in advance which made the City's 1998 Application (No. 63-12448) senior to UWID's 1998 application for Floating Feather (No. 63-12452), but limited the City's 1998 water right to no more than 1,455 acre-feet per annum when used in combination with its existing rights (Nos. 63-11413 and 63-12077).²

¹For instance, we have included 45 acre-feet per annum of additional "amenity" water in the calculation described below for the 1998 water right. It would seem that the 1993 amenity right could be similarly quantified.

²I should note that the City and UWID worked out this compromise on their own,
(continued...)

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JAN 04 1999

Mr. Jim J. Johnson
November 19, 1998
Page 3

The parties have proceeded on the basis of the City's application which contained this limitation. On this basis, UWID filed no objection to (and has supported) the City's application. Consequently, it is essential that the Department include this annual volumetric limitation in the 1998 permit.

I also wish to underscore that both the flow and volume limitations in the 1998 application are intended to operate in conjunction with the other two rights now owned by the City (63-11413 and 73-12017). Thus, the 3.25 flow limit and the 1,455 acre-foot per annum limit are intended to be cumulative limits for all three water rights.

We attached to the application a document labeled "Attachment B, City of Eagle - 1998 Water Right Application - Calculation of Diversion Rate and Annual Volume Requirements for 1800 Homes with Water Amenities." The purpose of this attachment was to explain how the 3.25 flow limit and the 1,455 volume limit were calculated. Both numbers are based on estimates of the amount of water believed necessary to serve a total of 1,800 homes.

In contrast to the 1991 domestic right (No. 63-11413), however, we did not want to quantify the limit in terms of a number of homes. Rather than argue later about how much water 900 (or 1,800) homes should use, we decided to bite the bullet now and do the quantification at the permit application stage. Thus, in the future, in order to administer this water right, there will be no need to count homes in Eagle, no need to argue about what structures and living arrangements constitute an additional "home," and no need to argue about how much water that many homes ought to use. Rather, if this permit is issued, the City of Eagle will be entitled to pump at a maximum instantaneous flow of 3.25 and up to 1,455 acre-feet per year, and the City may use the water for any municipal purpose, whether that be homes, schools, stores or what have you.

Thus, we ask that the Department issue the permit with a single set of flow and volume limitations (3.25 cfs and 1,455 acre-feet per year), without linking this back to number of homes or other factors.

²(...continued)

without any representation from me. My role in representing the City has been limited to the implementation of this agreement in the form of the three water right applications now before the Department.

MICROFILMED

JAN 04 1999

Mr. Jim J. Johnson
November 19, 1998
Page 4

Attachment B to the application displays two sets of flow and volume requirements. One assumes that the 550 future (not yet planned) homes will need to be irrigated out of this right. The other assumes that the 550 future homes will be irrigated with surface water acquired separately. We have used the more conservative assumption (that irrigation needs will need to be met for the 550 new homes out of the 1998 right) in arriving at the flow and volume numbers reflected on the application. The smaller numbers are supplied only in the event that the Department feels compelled to issue the permit with alternative conditions (with and without irrigation). We believe it makes better sense, however, simply to issue the permit with the higher numbers, and let the City prove up depending on how events unfold.

Finally, I note that the calculation in Appendix B shows a flow rate of 3.23 cfs. This was rounded up slightly to 3.25 on the application. The slightly higher number should also accommodate the small amenity flow included within the calculation. The 3.25 flow number coincidentally equals the flow number on the original 1991 permit (which was later reduced to 3.15 cfs to accommodate the amenity water). Thus, the 1998 right will have very little impact on the flow rate, but will substantially increase the annual volume which may be pumped from the four points of diversion.

Transfer of 1991 Domestic Right (No. 63-11413)

I understand that the Department intended to quantify the "900 homes" limitation in this right on the basis of a calculation similar to that set out in Attachment B to the 1998 Application. Specifically, since the right, as permitted, allows for irrigation only when surface water is unavailable, the Department applied the lower volume assumption of 0.6 acre-foot-per-year-per-home (rather than 1.2 acre-feet, used when lawn irrigation is involved). This factor, times 900 homes, yields 540 acre-feet per annum.

We are comfortable with this calculation, and urge the Department to approve this transfer at once.

In closing, thank you again for your help in bringing this application process to a successful conclusion.

MICROFILMED

JAN 04 1999

Mr. Jim J. Johnson
November 19, 1998
Page 5

Sincerely,

Christopher H. Meyer

cc: The Honorable Rick Yzaguirre, Mayor of Eagle
David H. Bieter, Counsel to the City of Eagle
Ed Squires, United Water Idaho
Katherine Shiflet, United Water Idaho
Dan Brown, United Water Idaho
JoAnn C. Butler, Spink & Butler

CHM:baf

S:\Clients\30077\Corr\1998-11-19 CHM Ltr to J.Johnson - Re explanation of application.wpd

MICROFILMED

JAN 04 1999

October 31, 1998

CITY OF EAGLE
C/O GIVENS PURSLEY & HUNTLEY
PO BOX 2720
BOISE ID 837012720

PROOF DUE NOTICE

RE: PERMIT NO. 63-12017

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 January 1, 1999.

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

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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



RECEIVED

OCT 23 1998

Department of Water Resources

MEMORANDUM

To: File nos. 63-11413 & 63-12017 (amendment); 63-12448 (new application)
in the name of the City of Eagle

From: Gary Spackman *Shy*

Date: October 16, 1998

Re: Analysis of Applications

This memorandum analyzes three related applications pending with the department: Two applications to amend permit nos. 63-11413 & 63-12017, and application for a new water right no. 63-12448.

Application for permit no. 63-11413 was the initial filing for the Lexington Hills subdivision. It was sharply contested by some of the existing ground water users located in the area of Highway 55 and Floating Feather Road. The developer was allowed to drill a well and pumped it for several weeks while monitoring several wells in the area. The pump test showed a direct hydraulic connection between the Lexington Hills well and other wells in the area. IDWR concluded that ground water availability was limited in the area near the intersection of Floating Feather Road and Highway 55, but that ground water availability increased at locations farther west. Permit no. 63-11413 was conditioned to limit ground water withdrawal, require retention of surface water rights, and require flow measurement and water metering.

Permit no. 63-11413 authorized four points of diversion. Two points of diversion were located on Lexington Hills property in Section 3, T4N, R1E. Two points of diversion were authorized on property owned by Hormachea in Section 4, T4N, R1E. The two Lexington Hills wells were constructed and are now operating. The wells on the Lexington Hills property were purposely located as far west as possible to reduce the effect on water users east of the subdivision. The permit holders wanted to drill wells on the Hormachea property because the wells were located to the west and should intercept more abundant water supplies. This is particularly true of the proposed well at the northeast corner of Floating Feather Road and Eagle Road. The Hormachea wells are not presently constructed. No more than 900 homes could be served by permit no. 63-11413.

Permit no. 63-12017 authorized use of ground water for aesthetics, wildlife, and aesthetics & wildlife storage from the same points of diversion authorized by permit no. 63-11413. The permit was issued to maintain water levels in the ponds of Lexington Hills subdivision when surface water from Farmer's Union Canal is not being delivered.

Application for water right no. 63-12448 seeks additional water to serve additional homes beyond those authorized by permit nos. 63-11413 & 63-12017. The water will be diverted from the four points of diversion identified by permit nos. 63-11413 & 63-12017.

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JAN 04 1999

RECOMMENDATIONS

Amendment to Permit No. 63-11413

I recommend IDWR approve application to amend permit no. 63-11413 with the conditions of approval of the original permit. Because the right is being amended to a municipal right, the 900 home limitation is no longer an enforceable restriction. Instead, withdrawals from the well should be limited to the volume necessary for in-house use in 900 homes. I recommend limiting diversion from the two Lexington Hills wells (or any replacement wells) to 1.9 cfs and 180 acre feet under this right, plus an additional 22.5 acre feet for the water flows in the Lexington Hills Ponds authorized by permit no. 63-12017 (based on five acres taken out of production as stated in the file), for a total of 202.5 acre feet annually.

Amendment to Permit No. 63-12017

I recommend IDWR not approve application to amend permit no. 63-12017 to change the nature of use to municipal. The water was appropriated to maintain levels in specific ponds during the minimal evaporative months of the year. The permit should not receive municipal status because the change would allow for enlargement of the right. Only if very strictly conditioned could enlargement be prevented.

Application for Water Right No. 63-12448

I recommend IDWR approve application no. 63-12448. Eleanor Chase raised some concern about the effect of further ground water withdrawals on her earlier water rights. The applicant provided me with copies of groundwater level data for three wells in the area showing stable ground water levels, even though both the Crandlemire well (located approximately one-quarter mile west of the Eagle Rd. - Floating Feather Rd. intersection) and the Lexington Hills well have been pumping for the last 4-5 years. It appears there is sufficient ground water for the use proposed.

I recommend the same conditions as placed on permit nos. 63-11413 & 63-12017 that describe measurement, data reporting, well spacing, mitigation to other water users etc. Surface water appurtenant to the land should be delivered for irrigation of the residential lots. The requirement for mitigation for anadromous fish should also be included. Any wells must be constructed according to IDWR well construction standards. I also recommend the following condition:

Prior to diverting water under this permit, the water right holder shall locate the existing wells within one quarter mile of the proposed well near the intersection of Floating Feather Rd. -

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JAN 04 1999

City of Eagle Memorandum
Page 3

Eagle Rd., and shall measure water levels semiannually in one of the wells for ten years after the permit holder's well is constructed. The monitoring well shall be selected based on depth, proximity, and permission to monitor from other landowners. This condition can be waived if the water right holder cannot find a suitable well for monitoring or cannot gain access to a suitable well in the area.

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JAN 04 1999

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CONVERSATION MEMORANDUM

AUG 31 1998 DATE 8/31/98

Department of Water Resources FILE 63-11413

NAME OF PARTY Dave Canear 322-8992

EMPLOYEE 82

63-12017

63-12448

of Husb. Eng.?

RE: USE OF LEXINGTON HILLS WELLS FOR FEATHER'S NEXT SUBO.

Consultant called to see if these wells can provide backup supply to another subd. beyond Lexington Hills / Echo Cr. fields. Wants to look into city's mainline c FL. Feather Rd. Has discussed w/ Don Brown of Un. of water, who said the mainline is ~~supplied~~ supplied via L. Hills wells.

Answer at this time is No.

Only rights from wells are:

permits 63-11413 } can serve L. Hills & Echo Cr.;
63-12017 } also protested amendments to change rights to municipal for City of Eagle. Hearing set for 10/7/98.

Appl. 63-12448 - pending appl. to establish new mini right beyond limits of above 2 rights. NOT protested but appears will be considered w/ above 2 in October hearing.

JAN 04 1999

WR5809NP
No. 63-12448

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/14/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF EAGLE	04/08/1998	MUNICIPAL	01/01 12/31	3.250 CFS	
TOTAL DIVERSION:					3.250 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T04N R01E S03 NWSW SWSWSW ADA County
S04 SWSW NESE ADA County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-11413 63-12017

Remarks: GEN Water bearing zone to be appropriated for 2 existing and 2 proposed (aka Lexington Hills & Hormaechea) wells is from 215 to 602 feet. Total use of these wells is proposed to be 3.25 cfs via all rights. Applicant agrees to mitigate consumptive use in the future as needed.

Dates: App. Received: 04/07/1998 Priority Date: 04/08/1998
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: 05/14/1998 User-ID: SLESTER Subject: IDWR PROCESSING NOTES
No future needs component of municipal use is sought. Combined rate for all rights from these wells is limited to 3.25 cfs by applicant's information. This is a new right filed for same wells (2 existing = Lexington Hills, 2 proposed = Hormaechea) listed in protested applications for amendment of permits 63-11413 and 63-12017.
CONTACT PERSON = CHRISTOPHER MEYER (ATTORNEY FOR CITY) @ Givens Pursley firm.

Audit: 05/14/98 SLESTER

Common System

63-11413 Lex Hills/Galen Cr. Subd. } new city of Eagle
63-12017 MICROFILMED " amenity use
63-12448 City of Eagle muni. use
-fz 5/14/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1998

CITY OF EAGLE
C/O GIVENS PURSLEY & HUNTLEY LLP
CHRISTOPHER H MEYER
PO BOX 2720
BOISE ID 83701-2720

RE: ASSIGNMENT OF PERMIT 63-12017

Dear Water Right Holder(s):

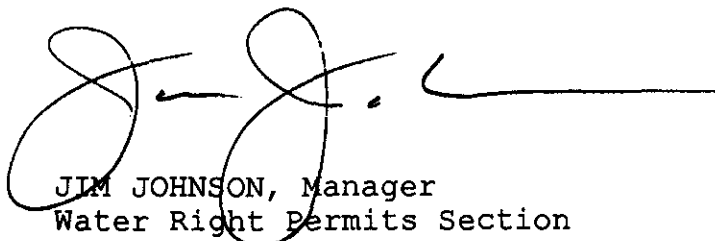
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

If you have any questions, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
APR 16 1998



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

September 29, 1993

PHILLIP M BARBER ESQ
PO BOX 1617
BOISE ID 83701

Re: Application for Permit No. 63-12017 in the Name of
Lexington Hills, Inc. and Treasure Valley Village, Limited
Partnership

Dear Mr. Barber:

At the water right conference on August 10, 1993, in the
above-referenced matter, you indicated that you would attempt
to obtain for our record an approval of the application by the
city of Eagle, and an identification of which acres in the
original permit are to be reduced. If you would please provide
this information within the next two weeks, we will continue to
pursue our processing of this protested application.

Sincerely,

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

DRT:st

MICROFILMED

FEB 24 1994

Conference Notes

63-12017

by D. Tuttle

Aug 10, 1993

Lexington Hills Inc

Boise Water Corp (owner of EM²) is measuring & testing the Lexington Hills wells (they submitted the log readings).

Applicant -

Represented by: Phil Barber

Shel Chapman

Dave Roylance

Dennis Whitmore

William Gehrke (for Treasure Valley Village)
Georgia Mackley

Protestant: Eleanor Chase

Other protestants did not attend

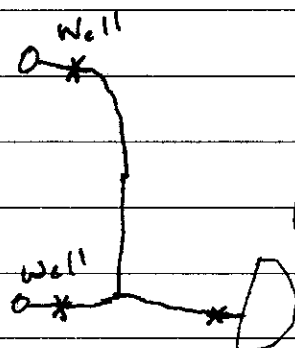
Phil Barber

Not talking about changing demands on gas system
This is a trade

Dave Roylance

836 lots total in system

All have irr pressurized except 50



* = Totalizing flow meter

Note: all water placed into the ponds will be measured & purchased via City of Eagle

FEB 24 1994

Protsted App
63-12017

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83721
(208) 338-8200L. W. GRANT, III
(208) 338-8245

October 7, 1993

David R. Tutbill, Jr., P.E.
Manager, Western Regional Office
State of Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Via Fax -- 334-2348

Re: Application for Permit No. 63-12017 in the Name of Lexington
Hills, Inc. and Treasure Valley Village, Ltd.

Dear Dave:

The City of Eagle has placed on the agenda for Tuesday, October 12, 1993, the review of Permit No. 63-12017 and the consideration of relinquishing certain lands under Permit No. 63-11413.

The City has not as of yet received the legal description for the land that Lexington Hills, Inc. and Treasure Valley Village propose to remove from the area under Permit No. 63-11413.

Please let us know if you have any questions.

Sincerely,

DAVIS WRIGHT TREMAINE


L. W. Grant, III

LWG/kac

cc: Barbara Montgomery
Merrily Munther
Richard BurlieghMICROFILMED
FEB 24 1994851674/3100036.LTR
Boise

Fax: (208) 338-8200

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

Lot 2 NWNE Section 3, Township 4 North, Range 1 East, B.M. –

Delete 3 acres

Lot 3 NENW Section 3, Township 4 North, Range 1 East, B.M. –

Delete 2 acres

REGISTERED
FEB 24 1894

RECEIVED

NOV 09 1993

WATER RESOURCES
WESTERN REGION

AGREEMENT FOR DELIVERY OF WATER

Agreement made and entered into the 5th day of October, 1993, by and between the City of Eagle, a municipal corporation ("the City"), and Lexington Hills, Inc., an Idaho corporation ("Lexington Hills"), and Treasure Valley Village Limited Partnership, a California limited partnership ("TVV"), together sometimes referred to as "developers";

Recitals

A. Developers have heretofore obtained a permit to appropriate groundwater, Ident. No. 63-11413, for domestic, irrigation and fire protection purposes within the developers' projects in Eagle, Idaho, being the planned unit developments known as Lexington Hills and Trail Creek, which permit has been assigned to the City;

B. Developers have applied for a permit to appropriate groundwater for storage for aesthetic, recreational and wildlife purposes in the projects;

C. The City is willing to deliver water for the additional purposes in accordance with the additional permit, upon its issuance, on certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1. The City shall deliver the water appropriated by the developers, their successors and assigns, for the purposes and on the terms and conditions of their permit, to the owners of property served thereby, subject to availability.

2. Developers, their successors and assigns shall pay to the City for such delivery of water for storage purposes, for a period of seven (7) years from the date hereof, an amount equal to one-half of the rate charged by the City for domestic, irrigation and fire protection purposes within the projects, and thereafter at a rate to be agreed upon between the parties hereto.

3. Nothing contained in this agreement shall create liability in or for the City by reason of its failure or refusal to deliver water pursuant to this agreement if such failure or refusal is the result of an order or directive in writing issued by the Idaho Department of Health and Welfare, Division of Environmental Quality, to discontinue delivery of water pursuant to this agreement. *Idaho Department of Water Resources or the State*

4. This agreement shall operate to modify the agreement heretofore made by the parties for delivery of water to the projects only to the extent necessary to effectuate this agreement.

5. This agreement shall be binding on and inure to the benefit of the City and the developers, and their respective successors and assigns, including the owners of lots within the projects, and the homeowners associations within those projects to whom the right to appropriate water for storage may be assigned.

DATED: 10-12-93

City of Eagle

By: X [Signature]

DATED: 11-5-93

LEXINGTON HILLS, INC.,

By: [Signature]

Duane Stueckle, President

MICROFILMED

FEB 24 1994

AGREEMENT - 1

<W>Lex/agree/delivery/water/hmm.wp/92893

DATED: 11/2/93

TREASURE VALLEY VILLAGE
LIMITED PARTNERSHIP

By: William R. Guhrke
William R. Guhrke, General Partner

AGREEMENT - 2

<W>Lex/agree/delivery/water/mm.wp/92893

MICROFILMED

FEB 24 1994

RECEIVED

NOV 09 1993

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In re Application for
Permit to Appropriate
Groundwater by LEXINGTON
HILLS, INC., f/k/a FLOATING
FEATHER HILLS, INC., and
TREASURE VALLEY VILLAGE
LIMITED PARTNERSHIP

Ident. No. 63-12017

STIPULATION IN REFERENCE
TO PERMIT TO APPROPRIATE
Ident. No. 63-11413

The City of Eagle, a municipal corporation, hereby acknowledges and agrees with Applicants, Lexington Hills, Inc., formerly known as Floating Feather Hills, Inc., and Treasure Valley Village Limited Partnership, as follows:

1. Applicants are the developers of the residential developments described in the existing Permit to Appropriate, Ident. No. 63-11413, being planned unit developments known as Lexington Hills and Trail Creek. This Permit has been assigned to the City of Eagle ("the City"), and includes the right to appropriate groundwater for domestic, irrigation and fire protection purposes in the quantities and at the times described therein.

2. Although the scope of the developments has not changed since the original application was filed, the statutory definitions of the uses of water allowed by the existing permit do not adequately allow for use of water under the permit for temporary storage in the ponds within the project for aesthetic, recreational and wildlife purposes, despite the fact that such ponds are integrally related to the system for irrigation of property within the projects.

3. The parties have determined that it is in the interest of the City and the Applicants that a new application for permit to appropriate groundwater for temporary storage of water for aesthetic, recreational and wildlife purposes be filed and that, based on the amount of water for which a permit to appropriate is being requested, the effect of that permit, if granted, and the permit held by the City would be to increase the total volume of water appropriated over that allowed by the existing permit. Accordingly, in order to comply with the existing moratorium on issuance of permits to appropriate groundwater, the parties acknowledge that it will be

FEB 24 1994

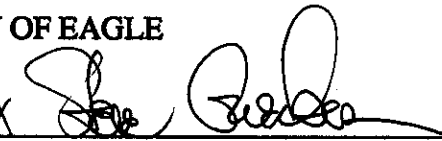
necessary to retire some of the land to be irrigated under the existing permit held by the City and to decrease the amount of water to be diverted under that permit.

4. The Idaho Department of Water Resources is prepared to issue a permit to the Applicants on the condition of the retirement of acreage allowed to be irrigated under the existing permit held by the City of Eagle, and a corresponding decrease in the amount of water to be diverted under that permit.

5. The parties hereby acknowledge and agree to the retirement of 5.0 acres of the acreage allowed to be irrigated under the existing permit, the location of which 5.0 acres is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, and a decrease by .05 cfs in the amount of water to be diverted under that permit, or such lesser extent as may be required to comply with conditions for issuance of the permit being requested by Applicants.

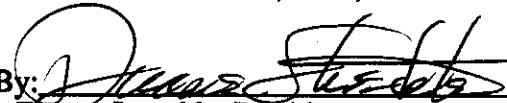
DATED: 10-12-93

CITY OF EAGLE

By: X 

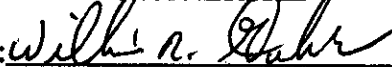
DATED: 11-5-93

LEXINGTON HILLS, INC.,

By: 
Duane Stueckle, President

DATED: 11/2/93

TREASURE VALLEY VILLAGE
LIMITED PARTNERSHIP

By: 
William R. Guhrke, General Partner

Orig - J.O. Files
cc - Reg. "

CONVERSATION MEMORANDUM

DATE 2/26/97

FILE 63-11413

NAME OF PARTY Chris Meyer & Dan Brown

63-12017

EMPLOYEE Steve Loster

RE: "Lexington Hills - Trail Ck" Subds. & possible
Hormacchen development -

(EM² Inc. subsidiary of United Hco - operates system for permit owner)

① Possible Amendment to change Pln 1 on both permits for subd. dev. in S.4 adjacent to Lexington Hills. Appears won't build O/SW within current pln. New subd. might have amenity system also.

② Probable d.p. for pld in sewer S.4 common to both rights - this is pld allowed within rights.

③ Possible new Appl. for same pld" for municipal use for dev. beyond current permitted levels - Munic. Appl. might/might not include the "expandability" clause under new statute.

④ Various issues re BS 63 "monstrum" & broader aspects of Munic. rights issued within monstrum - possible to resist limiting compl. of approval if "monstrum" lifted? Might require add'l public notice?

⑤ Will request mtg. with Reg. Mgr. &/or Div. Admin. / Bus. Chief(s) to more fully explore how to proceed with new Munic. statute.

⑥ Also might want to proceed with increasing use under older Munic. rights w/ transfer Appls.

(N/A & Cough but is applicable within other areas served by United Water).



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 2, 1994

LEXINGTON HILLS INC
TREASURE VALLEY VILLAGE LTD
1815 E STONEYBROOK CT
EAGLE ID 83616

RE: Permit No. 63-12017

Dear Sirs:

Thank you for your telephone call today to Pamela Skaggs at our state office which called to our attention the missing flow measurement port condition.

A flow measurement port or other device is required on all appropriations from either a surface water or groundwater source diverting in excess of 0.20 cfs to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. Your application for 1.56 cfs is required to have this measuring port condition.

I do apologize for this omission on the original permit and for any misunderstanding or confusion this error may have caused.

I have enclosed a copy of the Amended Permit to Appropriate Water which includes the measuring port condition. This amended permit supersedes and replaces the original permit issued January 24, 1994.

If you have any questions, please feel free to contact me directly at 327-7944.

Sincerely,

CINDY ZIMMERMAN
Water Resource Agent

Enclosure

RECORDED

FEB 24 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 25, 1994

LEXINGTON HILLS INC
TREASURE VALLEY VILLAGE LTD PARTNERSHIP
1815 E STONYBROOK CT
EAGLE ID 83616

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12017

Dear Permit Holder(s):

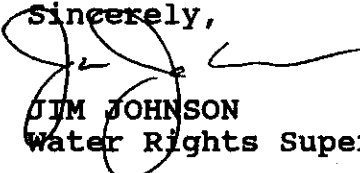
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

FEB 24 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 63-12017 Date: 1/4/94 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes B.R.D. Mor
SYSTEM COMPLETED:
No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - NA
GROUNDWATER:
+ 0.2 cfs <flo-ch> - ~~01C-P03~~ (new), 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit: 4 wells total
Included w/permit - ~~Permit No.~~ , P99
Existing well(2) - N/A (if drilled before 7/1/87)
No WD permit?(2) - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. 63
Surface water - 005 (req) 01J-P08 <flow chart>
(doesn't sink) or 01H-P01 <flow chart>; NMR
Groundwater - P05 (if well has not been drilled)
In stream channel - 030 (stream channel alteration)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - B <See condition code chart>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non Trust <1> - 048-049 (Consumptive Uses), NA
RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - 05A (req), 11E (non-domestic use), NA
Payette (65) - 064 (consump. use), 047-P04 (Payette Lake), NA
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA
USE:
Fish Propagation - 010/06A/09E-P10 (WQ) & 07A-042 (req)
444 (N 1000 Spr)
Irrigation - 803 (if GW use SW 1st) (+5A do POU comp.), NA
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G (FERC) or 17M (FERE); 18B-P09
Mining - 06A/010/09E-P10 & 054 (req)
Storage (✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' dam), NA
Domestic (surface) - 021 (Boise R + L Peak), 27A (Payette R), NA
OWNERSHIP:
Non land owner - 004 (P/D or P/U)
PROTESTED:
Prehearing agreement - 020
OTHER CONDITIONS: -
REMARKS: -

BENEFICIAL USE DUE: - 1-1-1999
COMMENTS: - ① Mor Exempt ② Div Desc ③ P/U P/D owner ④ Corp Off.

P 423 600 801



**Receipt for
Certified Mail**

No Insurance Coverage Provided

NEIL D WILTON

IE

632 N EDGEWOOD LN
EAGLE ID 83616

PS Form 3800, June 1991

Postage	766
Certified Fee	24
Special Delivery Fee	1994
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	

P 423 600 499



**Receipt for
Certified Mail**

No Insurance Coverage Provided

LEXINGTON HILLS INC
AND TREASURE VALLEY VILLA
1815 E STONEYBROOK CT
EAGLE ID 83616

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	FEB 24 1994
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	199.40
Postmark or Date	

P 423 600 500



**Receipt for
Certified Mail**

No Insurance Coverage Provided

ROBERT C DAY
11034 CULDESAC WAY
BOISE ID 83703

PS Form 3800, June 1991

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	

P 423 600 502



**Receipt for
Certified Mail**

No Insurance Coverage Provided

ELEANOR CHASE

70 W FLOATING FEATHER RD

EAGLE ID 83616

PS Form 3800, June 1991

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		

P 423 600 003



**Receipt for
Certified Mail**

No Insurance Coverage Provided

SAGE ACRES HOMEOWNERS
ASSOC., INC.
11034 CULDESAC WAY
BOISE ID 83703

PS Form 3800, June 1991

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	FEB 24 1994
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	
Postmark or Date	

63-12017

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

SAGE ACRES HOMEOWNERS
ASSOC., INC.
11034 CULDESAC WAY
BOISE ID 83703

4a. Article Number

P 423 600 503

4b. Service Type

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

7. Date of Delivery

8/26/93

5. Signature (Addressee)

M. J. [Signature] FEB 24 1994

6. Signature (Agent)

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

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

AUG 09 1993



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources ~~Insert~~ your name, address and ZIP Code here
~~Western Regional Office~~

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

FILED

AUG 10 1993

63-12017

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.
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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:

ROBERT C DAY
11034 CULDESAC WAY
BOISE ID 83703

4a. Article Number

7 423 600 500

4b. Service Type

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

7. Date of Delivery

FEB 24 1994

5. Signature (Addressee)

Margaret Matsumoto

6. Signature (Agent)

[Signature]

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

FEB 24 1994

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE, \$300

RECEIVED

AUG 09 1993

Print your name, address and ZIP Code here

Department of Water Resources
Western Regional Office

DEPT 24 1993
DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

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.
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- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

63 2017

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:

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

4a. Article Number

P 423 600 502

4b. Service Type

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

7. Date of Delivery**5. Signature (Addressee)**

Eleanor Chase

6. Signature (Agent)**8. Addressee's Address** Only if requested and fee is paid

FEB 24 1994

UNITED STATES POSTAL SERVICE

BOI CITY

Official Business



PENALTY FOR PRIVATE
USE, \$300

RECEIVED
AUG 24 1993

Department of Water Resources Print your name, address and ZIP Code here
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

UNCL
AUG 24 1994

06



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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

LEXINGTON HILLS INC
AND TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

4a. Article Number

P 423 600 499

4b. Service Type

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

7. Date of Delivery

8-3-93

5. Signature (Addressee)

Steve Decker

6. Signature (Agent)

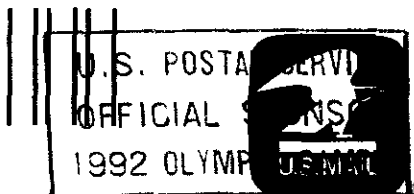
Judy Shepper

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

UNITED STATES POSTAL SERVICE

BDL CITY

Official Business



PENALTY FOR PRIVATE
USE, \$300

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AUG 04 1993

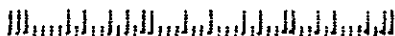
Print your name, address and ZIP Code here

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

FEB 24 1994

26



63 42 017

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.
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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:

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

4a. Article Number

P 423 600 501

4b. Service Type

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

7. Date of Delivery

NOV
9

5. Signature (Addressee)

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

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

BDI CTY

Official Business



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AUG 10 1993

PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

SEP 4 1994



WR0749NP
No. 63-12017

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/02/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEXINGTON MILLS INC	04/21/1993	WILDLIFE	01-01 12-31	1.56 CFS	
C	TREASURE VALLEY VILLAGE LTD PARTNERSHIP		WILDLIFE STORAGE	01-01 12-31		15.00 AFA
	1815 E STONEYBROOK CT		RECREATION	01-01 12-31	1.56 CFS	
	EAGLE ID 83616		RECREATION STORAGE	01-01 12-31		15.00 AFA
	(208) 939-6000		AESTHETIC	01-01 12-31	1.56 CFS	
			AESTHETIC STORAGE	01-01 12-31		15.00 AFA
			DIVERSION TO STORAGE	01-01 12-31	1.56 CFS	
TOTAL DIVERSION:					1.56 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04N R01E S03 S04 NWSW SWSW NESE ADA County ADA County

Place of use Legal Description for: WILDLIFE

				NE				NW				SW				SE			
NENE NWNE SUNE SENE				:	NENW NWNW SWNW SENW				:	NESW NWSW SWSW SESW				:	NESE NWSE SWSE SESE				:
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
04N	01E	3	:																
			:	W								W	W	W	W		W		W

Place of use location for RECREATION is the same location as described for: WILDLIFE

Place of use location for AESTHETIC is the same location as described for: WILDLIFE

Pou County: ADA

Other Water Rights Listing Overlapping Place(s) of use:
63-11413

Conditions of Approval:

- 26A - 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.
- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 46A - A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
- 46B - Construction of the well must comply with Idaho well construction standards.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.
- 020 - Use of water under this right may be affected by an agreement

Conditions of Approval:

- between the protestant and the right holder.

Remarks: Place of use is located within Lexington Hills and Trail Creek Subdivisions.

Dates: App. Received: 04/21/1993 Priority Date: 04/21/1993
Proof Due Date: 01/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 05/12/1993 User-ID: LESTER Subject: SNAKE RIVER MORATORIUM & OTHER INFORMATION

Application requested to be exempted from moratorium by reducing acres irrigated by right no. 63-11413 (same system but other uses). Advertisement will contain information from "Remarks" to let people in impact area know intent of application. Water from Farmers Union Canal will fill ponds during most of the summer. Ponds will be an intergal part of irrigation system. Well #1 in SWSWS S.3, well #2 in NWSW S.3, well #3 in NESE S.4, well #4 in SWSW S.4.

This application results from a dept. investigation of a complaint filed by Mr. Al Thornton of Sage Acres Sub. (east of Hwy. 55) - complaint filed late 1992, field inspection made on 12-31-92 by SL. File 63-11413 has information about this process.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit is located within the Boise River Drainage Moratorium boundary; however, its uses are within the acceptable parameters of the Moratorium guidelines.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Total of 4 wells; 2 existing wells are 16" by 415' & 615' deep; with piping and waterways to 9 excavated ponds; active reservoir capacity 10 AF; total reservoir capacity 15 AF.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: P/D & P/U OWNERSHIP
The points of diversion located within SWSWSW, S03, T04N, R01E are owned by the applicant.
The points of diversion located within NWSW, S03, T04N, R01E are owned by RHM Company who have given right of way permission.
The places of use are owned by both the applicant and individual lot owners.

Date: 01/11/1994 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS

WR0749NP
No. 63-12017

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/02/94
PAGE: 3

Comments: Date: 01/11/1994 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS

The officers and directors of Lexington Hills Inc. are

Duane H Stueckle, President;

Bert Bradley, Vice-President;

Harvey Neef, Director;

Bryce L Peterson, Director;

David Roylance, Director;

Dennis Whitmore, Secretary/Treasurer;

Steve Yates, Assistant Secretary/Treasurer.

The partners of Treasure Valley Village Ltd. are

William R Guhrke, Martin S Greene, and Laurence S Greene.

Audit: 05/12/93 LESTER 06/14/93 TAYLOR 09/27/93 TAYLOR 01/03/94 TAYLOR
01/04/94 ZIMMERMA 01/04/94 ZIMMERMA 01/11/94 ZIMMERMA 02/02/94 ZIMMERMA



2417 Bank Drive, Suite 101 • Boise, Idaho 83707 • 208 939-6000
1815 E. STONYBROOK COURT
EAGLE, ID 83616

RECEIVED

JAN 07 1994

Department of Water Resources

January 6, 1994

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Attn: Cindy Zimmerman/Water Resource Agent

RE: Application for Permit No. 63-12017

Dear Ms. Zimmerman:

Following is a list of the corporate officers, titles and addresses. Treasure Valley Village Ltd. will be transmitting the same information to you. If you have any questions or need anything else, please do not hesitate to call me at 939-6000.

Duane H. Stueckle President
200 Parkway Drive
Boise, ID 83706

Bert Bradley Vice-President
274 N. Harvey
Eagle, ID 83616

Harvey Neef Director
2629 Hillway Drive
Boise, ID 83702

Bryce L. Peterson Director
1104 E. Brightwater Lane
Boise, ID 83706

David Roylance Director
9999 Star Acres
Star, ID 83669

FEB 24 1994

State of Idaho
Department of Water Resources
Attn: Cindy Zimmerman
January 6, 1994
Page 2

Dennis Whitmore Secretary/Treasurer
3319 Dewey St.
Boise, ID 83703

Steve Yates Assistant Secretary/Treasurer
3377 E. Rivernest Lane
Boise, ID 83706

Sincerely,

LEXINGTON HILLS, INC.

Georgia Mackley

Georgia Mackley
Director of Development

FEB 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 4, 1994

Cecil D. Andrus

Governor

R. Keith Hutchinson

Secretary

LEXINGTON HILLS INC
TREASURE VALLEY VILLAGE LTD
1815 E STONEYBROOK CT
EAGLE ID 83616

RE: Application for Permit No. 63-12017

Dear Sirs:

I have received your application for permit for final review. However, I need a list of the names, titles, and addresses of all the corporate officers of both Lexington Hills Inc. and Treasure Valley Village Ltd.

I will hold further processing on your application for 30 days pending your response. Please submit this information as quickly as possible within the 30-day period to prevent any further undue delay in processing your application.

If you have any question, please feel free to contact me at (208) 327-7944.

Sincerely,

CINDY SIMPIENSAN
Water Resource Agent

cc: Western Region

Post-it® brand fax transmittal memo 7871		# of pages >	
To	Alonda	From	Wagon
Co.		Co.	
Dept.		Phone	
Fax	344-2852	Fax	

Treasure Valley Village

William R. buhrke, General Partner, 680 N. 9th, Boise, ID 83702
 Martin S. Greene, General Partner > 20700 Ventura Blvd, Suite 128
 Laurence S. Greene, General Partner > Woodland Hills, CA 91364-2357

FEB 24 1994

TOTAL P.01



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 4, 1994

LEXINGTON HILLS INC
TREASURE VALLEY VILLAGE LTD
1815 E STONEYBROOK CT
EAGLE ID 83616

RE: Application for Permit No. 63-12017

Dear Sirs:

I have received your application for permit for final review. However, I need a list of the names, titles, and addresses of all the corporate officers of both Lexington Hills Inc. and Treasure Valley Village Ltd.

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If you have any question, please feel free to contact me at (208) 327-7944.

Sincerely,

Cindy Zimmerman

CINDY ZIMMERMAN
Water Resource Agent

c: Western Region

JAN 4 1994



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 30, 1993

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

Re: Application for Permit #63-12017 in the Name of Lexington
Hills inc. and Treasure Valley Village, Limited
Partnership

Dear Ms. Chase:

This letter is to acknowledge your withdrawal of protest
against the above-referenced application for permit.

The Department now will continue to process the application,
subject to certain conditions of approval.

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

CC: Applicants

RECEIVED
FEB 24 1994

**WATER RESOURCES
WESTERN REGION**

FEB 24 1994



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

November 29, 1993

Distribution: See Attached List

RE: Application for Permit No. 63-12017 in the Name of Lexington Hills, Inc. and Treasure Valley Village Limited Partnership.
Status Update and Order to Show Cause

Dear Interested Party:

On August 10, 1993, the Department conducted a water right conference to discuss the protests to approval of the above-referenced application. The application had been protested by four parties. Of these only one, Mrs. Eleanor Chase, appeared at the conference.

The conference resulted in the identification of two issues which the applicant was required to address. First, there was no information in the file to demonstrate approval of the proposed conversion of irrigation use to storage use by the holder of Permit No. 63-11413, the City of Eagle. Second, the acres from which irrigation was to be removed had not been identified. The conference ended with a request that the applicant provide information on these two issues.

On November 9, 1993, this office received two agreements, of which copies are enclosed. The first agreement clarifies the water delivery arrangement between the City of Eagle, Lexington Hills, Inc., and Treasure Valley Village Limited Partnership. The second agreement identifies the acres in permit no. 63-11413 from which irrigation will be removed to accommodate approval of protested application for permit no. 63-12017.

These two agreements appear to satisfy the concerns of the Department as expressed at the August 10, 1993 conference. Accordingly, enclosed with the copy of this letter to Mrs. Chase is a withdrawal of protest. If Mrs. Chase is satisfied that the agreements address her concerns she may sign the withdrawal and return it to this office within the next two weeks.

Because the other three protestants did not appear at the conference, this letter will serve as an Order to Show Cause why the protests should not be rejected. If the enclosed agreements satisfy the concerns of the protestants, then no further action is required by these protestants. If, on the other hand, any of the other protestants still have concerns about the proposed application, then the protestants may apply within the next two

UNRECORDED

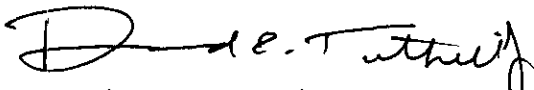
FEB 24 1994

Page 2
Status Update and Order to Show Cause
November 29, 1993

weeks to continue their protests by explaining (1) their continuing concerns and (2) the reason they did not appear at the August 10, 1993 conference.

Please feel free to contact this office if you have questions about the procedure outlined in this letter.

Sincerely,



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

Enclosures: List of Interested Parties
Copies of Agreements

Enclosure to Eleanor Chase: Withdrawal of Protest

RECEIVED

FEB 24 1994

LEXINGTON HILLS INC
AND TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

ROBERT C DAY
11034 CULDESAC WAY
BOISE ID 83703

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

SAGE ACRES HOMEOWNERS
ASSOC., INC.
11034 CULDESAC WAY
BOISE ID 83703

DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

SHERL L CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

L W GRANT ESQ
DAVIS WRIGHT TREMAINE
702 W IDAHO ST STE 700
BOISE ID 83702

RICHARD BURLEIGH ESQ
877 MAIN
BOISE ID 83702

PHILLIP M BARBER ESQ
PO BOX 1617
BOISE ID 83701

RECORDED

FEB 24 1994



CERTIFIED MAIL

November 8, 1993

Department of Water Resources
2735 Airport Way
Boise, ID 83705

Attn: Dave Tuthill *DT*

RE: Water Permit #63-12017

Dear Dave:

Enclosed are the originals of the following:

1. Agreement for Delivery of Water
2. Stipulation in Reference to Permit to Appropriate
Ident. No. 63-11413

This should complete our submittals to finalize our application. If you have any questions or need anything else, please do not hesitate to call me at 939-6000 or Sherl Chapman at 344-6690.

Sincerely,

LEXINGTON HILLS, INC.

Georgia Mackley

Georgia Mackley
Director of Development

:gm

Enclosures

CC: Sherl Chapman w/enclosures
Merrily Munther w/enclosures
Bill Guhrke w/enclosures
Dave Roylance w/enclosures

RECEIVED

NOV 09 1993

WATER RESOURCES
WESTERN REGION

RECEIVED
FEB 24 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

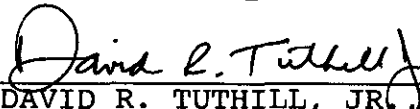
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12017 IN THE)
NAME OF LEXINGTON HILLS, INC. AND)
TREASURE VALLEY VILLAGE, LIMITED)
PARTNERSHIP)

NOTICE OF CONFERENCE

On April 21, 1993, Lexington Hills, Inc. and Treasure Valley Village, Limited Partnership 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 Robert C. Day, Neil D. Wilson, Eleanor Chase and Sage Acres Homeowners Assoc., Inc.

The Department has set the matter of protest for a conference to be held on Tuesday, August 10, 1993, at 10:00 a.m., in Conference Room A, Department of Health and Welfare, Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83720. 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 29th day of July, 1993.


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

FEB 24 1994

I hereby certify that on the 2nd day of August, 1993, 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

LEXINGTON HILLS INC
AND TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

ROBERT C DAY
11034 CULDESAC WAY
BOISE ID 83703

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

SAGE ACRES HOMEOWNERS ASSOC., INC.
11034 CULDESAC WAY
BOISE ID 83703

Non-Certified Mail

DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

SHERL L CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

RECEIVED

FEB 24 1994

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 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 procedure 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

FEB 24 1961

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 by 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.

FEB 24 1994



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

June 30, 1993

DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

Re: Application for Permit #63-12017 in the Name of Lexington
Hills, Inc. and Treasure Valley Village

Dear Mr. Sutherland:

We are in receipt of your letter dated June 3, 1993, in which you protested the approval of the above-referenced application for permit. Please be advised, however, that the final protest date was June 7, 1993, and that the letter was not received by this office until June 8, 1993. Pursuant to the Idaho Code, we cannot officially accept the protest as valid.

You may be aware that other protests were received by this office in a timely manner. Therefore, the application is currently officially protested and the applicant has been sent copies of the protests.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention. Enclosed we are providing a copy of the rules and regulations. For informational purposes we are sending a carbon copy of your protest letter to the applicant so that he will be apprised of your concerns.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

Steve Latta, Acting Mgr. for

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

DRT:st

CC: Applicants

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JUN 08 1993
Department of Water Resources

To: The Department of
Water Resources

6-3-93

From: Dennis Sutherland
11036 Runway Dr.
Boise, Id. 83703

I wish to protest the application
of permit from Lexington Hills Inc.
and Treasure Valley Village, Limited
Partnership.

It is my understanding
that this permit is to amend Lexington
Hills original permit.

It is interesting to note
(as I remember) that during hearings
for their first permit that Lexington
Hills spokespersons indicated there
was lots of water and that if
there was know re-charge of
water to the aquifer that
the quifer, would still have water
in it many years from now.

Yet in attachment A. of
their new application they are
quoted to agree with IDWR's
concerns for potentially limited
supplies in the ground water.

I too have concerns about

FEB 24 1994

the amount of ground water
and I do not believe that
ground water should be used
for the "aesthetic amenities"
of Lexington Hills projects.

If IDWR has presently
ordered a moratorium on approval
of permits for appropriation of
ground water & surface water
for new uses as stated in
attachment A of this request then
lets not further aggragate the
concerns by allowing Lexington
Hills & its limited partner to
use more ground water..

I do not feel that
the ponds will allow an equal
amount of water out to water
back into the aquifer & I
don't see how IDWR could
possibly monitor this new
permits usage to the total
usage as outlined in the first
permit.

Sincerely
D. Rutherford

FEB 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 14, 1993

CECIL D. ANDRUS
GOVERNOR

SAGE ACRES HOMEOWNERS ASSOC, INC.
11034 CULDESAC WAY
BOISE ID 83703

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 63-12017 in the Name of
Lexington Hills Inc. & Treasure Valley Village

Dear Protestants:

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 42-203, 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?

If this office can be of further assistance, please contact us.

Sincerely,

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

DRT/st

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FEB 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 14, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

LEXINGTON HILLS INC &
TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

Re: Application for Permit No. 63-12017

Dear Applicant:

Enclosed is a copy of another protest 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,

A handwritten signature in cursive script that reads 'David R. Tuthill'.

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

Enclosure: Copy of protest(s)

RECEIVED

FEB 24 1994

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T. 11
RECEIVED

JUN 02 1993

Department of Water Resources

May 28, 1993
Boise, Idaho

TO: Department of Water Resources Board

FR: Sage Acres Homeowners Association, Inc.
Board of Directors

RE: Sherl Chapman's Water Use Proposal
Lexington Hills Subdivision

We are writing in regard to the attached letter from Mr. Sherl Chapman regarding his Lexington Hills and Echo Creek Projects and a referenced filing of a petition with the Water Resources Board to amend their original permit to use ground water instead of irrigation water to provide "water amenities" at said project.

Sage Acres Homeowners Assoc., Inc. would like to go on record as being opposed to the use of any ground water to provide "water amenities" to developers in any of the Eagle area.

We are stating this position because it is felt because of the rapid growth in the Eagle Area there are deep concerns regarding ground water availability. If there is to be ample water for existing wells and new wells to be dug, as Eagle grows, conservative decisions should be made to put the limited water resources to the best use. Those uses would be direct domestic need rather than project enhancement to increase the value of a developers project which does not really protect water resources for the common good of the Eagle area. The "water amenities" in the above mentioned projects give a false impression of excess water availability to prospective homeowners.

If the rapid growth in the Eagle area continues, hard decisions will have to be made just to provide water for domestic use. Decisions to use water just for water amenities in the short term could very possibly limit the ability to provide water for domestic use on a long term plan.

We do not believe that Mr. Chapman's projects have provided enough data or study to verify his claim that water would return to the aquifer and that there will be a balance between the irrigation and ground water levels of his project.

Sage Acres Homeowners Assoc., Inc. is also very concerned as to how the Water Resources Board and/or Mr. Chapman's project will provide monitoring to assure that the reduction of irrigated acres and the amount of water withdrawn from the ground water system for both permits will be exactly equal to or less than that which would have been withdrawn under the original permit. We see no way to

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FEB 24 1994

information to substantiate Mr. Chapman's claim that the unlined ponds would return water back to the ground water system thus sustaining pumping levels in shallow wells thruout the area.

We respectfully request notification of any hearings or proposed changes in any existing permits in the Eagle area by the Water Resources Board.

We would like, also, a definition of Mr. Chapman's and the Water Resources Board's guidelines for what is considered a "shallow Well" as referred to by Mr. Chapman in his attached letter.

We understand Mr. Chapman has sent the attached letter informing us of their intent to change their permit. While this is appreciated, if Mr. Chapman has additional information that pertains to our concerns listed in this letter or the Water Resources Board wishes to address any of the comments in our letter, we would appreciate a response prior to any hearing.

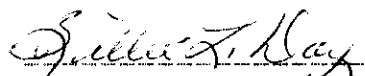
Board of Directors
Sage Acres Homeowners Assoc., Inc.


Dennis Southerland, Chairman


Ed Lambert


Don Schnee

Fred Wagner


Billie Day, Secretary
11034 Culdesac Way
Boise, ID 83703

c: Sheri L. Chapman

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FEB 24 1994

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690 / Fax (208) 344-2744

May 18, 1993

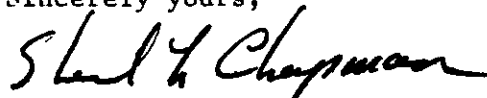
Dear Homeowner:

During the development of the water supply for the Lexington Hills and Echo Creek projects near Eagle, you expressed a concern regarding ground water availability in this area. We, as project sponsors, understand that concern and are working within the confines of the permit approved by the Idaho Department of Water Resources to preserve and protect the resource. During the development of our project, we have installed and will be installing a number of water amenities that will enhance the attractiveness of the area and at the same time provide additional recharge to the ground water system. These amenities include unlined ponds and open waterways that will accelerate infiltration of surface water and pumped ground water back into the aquifers beneath this area. Operation of these amenities will utilize surface water during the irrigation season and small amounts of well water during the non-irrigation season. The ponds will be full at the end of the irrigation season and the only ground water that will be pumped is water necessary to make up for downward percolation during the rest of the year.

Since the original permit did not contemplate use of the amenities during the winter months, Lexington Hills, in cooperation with the City of Eagle, is filing a new application for diversion of ground water to storage in the ponds and then circulation of that water through the waterways. Because conservation of ground water is an important issue in this area, we have requested that in the new permit the Department of Water Resources reduce the amount of acres allowed to be irrigated under the existing permit in order to balance any withdrawal of water for these amenities from the ground water system during the non-irrigation season. With the reduction in irrigated acres, the amount withdrawn from the ground water system for both permits will be exactly equal to or less than that which would have been withdrawn under the original permit. Additionally, because all but one of the ponds are unlined, return of water back to the ground water system throughout the year will be accelerated helping to sustain pumping levels in shallow wells throughout the area.

My purpose for contacting you is to make you aware of our intent in advance of the publication of the application to provide you the opportunity to contact us or the Department of Water Resources with any questions you might have. Again, the most important fact that we want to make you aware of is that the amount of water pumped from the ground water system will be equal to or less than is already approved under the existing Lexington Hills permit. We stand ready to provide you with any information you might request and hope that you will consider us as a good neighbor and benefit to the community. Please contact Sherl Chapman at 344-6690, 410 S. Orchard, Suite 144, Boise, Idaho 83705, for any information or questions you might have.

Sincerely yours,



Sherl L. Chapman

Specialist In

Ground-Water Hydrology / Water Rights / Water Well Design / Geothermal Resources

RECORDED

FEB 24 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

LEXINGTON HILLS INC &
TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

Re: Application for Permit No. 63-12017

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)

FEB 24



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 9, 1993

CECIL D. ANDRUS
GOVERNOR

ROBERT C DAY
11034 CULDESAC WAY
BOISE ID 83703

R. KEITH HIGGINSON
DIRECTOR

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

Re: Application for Permit No. 63-12017 in the Name of
Lexington Hills Inc. & Treasure Valley Village

Dear Protestants:

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 42-203, 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?

If this office can be of further assistance, please contact us.

Sincerely,

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

RECEIVED

JUN 4 1993

Department of Water Resources
Western Regional Office

RECEIVED

JUN 03 1993

Department of Water Resources

June 2, 1993

To: Mr. R. Keith Higginson, Director
Idaho Water Resources
1301 N Orchard
Boise, Idaho 83704

FR: Robert C. Day
11034 Culdesac Way
Boise, Idaho 83703

Robert C. Day

RE: Application for Permit
Lexington Hills and Echo Creek Projects
Sherl L. Chapman Letter

I received a letter over Mr. Chapman's signature dated May 18, 1993. In his letter Mr. Chapman attempts to rationalize and substantiate the need and use of ground water to provide additional "water amenities" to the projects referred to above.

We have watched the Lexington Hills subdivision grow and develop. The developer is to be commended on the quality of work done and the attractiveness of the subdivision.

I am however, opposed to the use of ground water for the esthetic enhancement of the Lexington Hills and Echo Creek subdivisions. The "water amenities" alluded to in the Chapman letter only gives the developer a reason to increase the selling price on the property and does little if anything to conserve water. A subdivision such as this should be located on the Boise River, not in the arid West Boise Foothills.

The Lexington Hills/Echo Creek Projects have ample surface irrigation water to provide the "water amenities" presently installed and for those planned. The water amenities should be operative during the irrigation season and remain inoperative during the non-irrigation season.

The water balancing act Mr. Chapman conveys on paper would not, in my opinion, recharge the aquifer from which most of us draw our domestic water. He postulates that the unlined ponds and open waterways will return water back to the ground thus sustaining the pumping level of shallow wells. Water loss due to the process of evaporation, which I might add is extremely significant, has been completely ignored. Again, in my opinion,

FEB 24 1994

this may be true if the shallow well is in the near proximity to or within the Lexington Hills complex. Wells in our area range from about 180 feet to over 400 feet in depth. I doubt unlined pond/open waterway proposal would do much to improve the aquifer from which we draw our water. I am confident that over time, the four 16 inch wells proposed by the Lexington Hills developers will affect our water supply.

Throughout his letter, Mr. Chapman reminds us of the importance of conserving the ground water. To this reminder I whole heartedly agree. With the rapid, intense growth of the Eagle area, it would appear that ground water for domestic use would have priority over any "water amenity" use.

I would urge the Water Resources Board to deny any permit requesting the use of ground water for sub-division enhancement in the form of "water amenities" proposed for the Lexington Hills/Echo Creek project.

cc: Sherl Chapman

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FEB 24 1994

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JUN 4 1993

June 3, 1993

Mr. Dave Tuthill
IDWR Western Region
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Dear Mr. Tuthill:

I am registering my opposition to the most recent Lexington Hills Inc. application for groundwater. Last year's two groundwater reports did not assure me that my own domestic well would not be negatively impacted. I remain of the same opinion.

I have two main concerns about this new application.

- 1) By what authority can the applicant assign permit #63-11413 to the city of Eagle? Is it legal? Is it already effective? What are the implications for Eagle water user's? Who's assuming O & M costs? And, so on.
- 2) Does the 1.56 cfs storage right not to exceed 15 acre-feet per year include seepage and evaporation losses? Furthermore, 1.56 cfs per day will yield just over 3.0 acre-feet per day, for a total of five pumping days. It is possible that 1,100 acre-feet could be pumped in a year. Who's to say not? How will this and other pumping, already established, be regulated? And, if in violation, how can local groundwater users be compensated?

Without too much difficulty both these concerns could be greatly expanded. I look forward to your response.

Sincerely,



Neil D. Wilton
632 N. Edgewood LN
Eagle, ID 83616

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FEB 24 1994

R. Keith Higgins. Director
Dept of Water Resources
Western Region 2735 Airport Way.

Eagle, Idaho
June 7, 1993
RECEIVED

JUN 7 1993
3:25 pm

Department of Water Resources
Western Regional Office

Dear Sirs:

After reading the notice of Application for Water Right 63-12017 by Lexington Hills & Treasure Valley Village LTD. Partnership located on 1815 Stonybrook Court, Eagle, Idaho 83616; I, (Eleanor I. Chase of 70 W. Floating Feather Rd, Eagle, Idaho 83616) wish to protest the Diversion of the groundwater in Application 63-12017 as it could affect my previous water rights. I do not want any wells drilled nearby.

It could be devastating for me if my water rights or any of my wells were affected as I have operated a dairy here since 1949 with my husband until his death in 1975 and then by myself and with my two sons since that time.

I live on the Northwest Corner of Floating Feather & North Eagle Rd. where the dairy is located & operated. The well also provides water for my house, garden & lawn. Drilling of another well might affect my large 340' well with state License No 63-8663 which helps provide water for my corn hay & crops used in dairy operation as well as stockwater for the cattle.

It takes several years after a drought to stabilize groundwater supplies (as it did in the 1977 drought) I'm questionable if there is sufficient water to ~~be drilled~~ for the listed purposes in Application 63-12017.

FEB 24 1994

Sincerely yours,

Eleanor I. Chase
70 W. Floating Feather Rd.
Eagle, Idaho 83616.



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

May 19, 1993

BILL PARDEW
PO BOX 699
EAGLE ID 83616

Re: Application for Permit No. 63-12017 in the name of
Lexington Hills Inc. and Treasure Valley Village

Dear Sir: *Bill*

Enclosed is a copy(s) of the above-referenced
application(s) for permit which may be of interest to you.
Please review the application(s) and submit any comments you
may have.

This office normally completes the processing of an
application within a six-week period and is required to take
final action shortly thereafter, however, if your agency
desires to file a formal protest against the approval of this
application(s), your written protest must be received in this
office by June 7, 1993.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dave'.

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

DRT:st

Enclosure(s):

RECEIVED

FEB 24 1994



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

May 19, 1993

AL THORNTON
9601 PRAIRIE RD
BOISE ID 83703

Re: Application for Permit No. 63-12017 in the name of
Lexington Hills Inc. and Treasure Valley Village

Dear Sir:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by June 7, 1993.

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

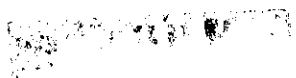
Sincerely,

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

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

DRT:st

Enclosure(s):



4 1994



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

May 19, 1993

CITY OF EAGLE
C/O L W GRANT
DAVIS WRIGHT TREMAINE
702 W IDAHO ST STE 700
BOISE ID 83702

Re: Application for Permit No. 63-12017 in the name of
Lexington Hills Inc. and Treasure Valley Village

Dear Sir:

Enclosed is a copy(s) of the above-referenced
application(s) for permit which may be of interest to you.
Please review the application(s) and submit any comments you
may have.

This office normally completes the processing of an
application within a six-week period and is required to take
final action shortly thereafter, however, if your agency
desires to file a formal protest against the approval of this
application(s), your written protest must be received in this
office by June 7, 1993.

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.'.

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

DRT:st

Enclosure(s):

RECEIVED
MAY 20 1993

FEB 11 1994



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

May 19, 1993

IDAHO DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
SWIRO
1420 N HILTON
BOISE, ID 83706

Re: Application for Permit No. 63-12017 in the name of
Lexington Hills Inc. and Treasure Valley Village

Dear Sir:

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

This office normally completes the processing of an
application within a six-week period and is required to take
final action shortly thereafter, however, if your agency
desires to file a formal protest against the approval of this
application(s), your written protest must be received in this
office by June 7, 1993.

If you have any questions regarding the application,
please contact 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

Enclosure(s):

NEED TO ADVERTISE
ASAP

63-12017

SL 5/11/93

SUE

1. Advertiser with 2 remarks that I added to appl.
These remarks should also be added to d'base in appl.
data entry.

✓ already
done

2. Add to Comments in d'base:

Appl. requested to be exempted from moratorium by
reducing acres irrigated by right no. 63-11413 (same
system but other uses).

3. Comment letters sent to:

a) DECA (water quality concerns re ponds)

b) City of Eagle

c/o L.W. Grant

Davis Wright Tremaine Law Office

702 W. Idaho St., Ste. 700 Boise 83702

c) Al Thornton

9601 Prairie Rd. Boise 83703

(he filed complaint re wells & ponds late 1992)

d) Bill Pardew - is perhaps some of the other protesters
in 63-11413.

A,B,C,D
above are
sufficient
DRT

Ask DRT re who among protestant mailing list
to send comment letters to

Let me know if have any questions or need
help.

Thanks, Steve

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JE DATE: 5/11/93 APPLICATION: 63-12017

REQUIRED INFORMATION

See 63-11413 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 trust, a signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:
N P/D
N P/U

RECEIVED
JAN 04 1994

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: <i>- 5.3 wells in Boise Front but cold water</i>
☐	☒	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 Appl. remarks - CONS. use to be supplied by reducing irrig. in permit 63-11413 - this request to be exempted from moratorium.

PROCESSING

APPLICATION NO. 63-12017

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

☒ ☐
☐ ☒
☐ ☒
☐ ☒

DEQ
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 see attached pg.

dated 5/11/93

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 June 7, 1993

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 — Also see "Comments" in data entry version.

This is an expansion of system in 63-11413.

*Filing results from investigation of complaint by Mr. Al Thornton (Sage
Acres subd. East of Hwy 55).*

Appl. 63-10671 (S & H Farms) also lists same well site in NESE S. 4.

Farmers Union Canal furnishes water for irrig. in same development.

FEASIBILITY Study & condition #6 in 63-11413 shows that ponds will

*also be used as regulating devices in irrig. system & will receive surf.
water in irrig. season.*

*Key protestants in 63-11413 should receive comment letters in
advertising process.*

[illegible]

63-12017

LEXINGTON HILLS INC
TREASURE VALLEY VILLAGE LTD PARTNERSHIP
1815 E STONEYBROOK COURT
EAGLE, ID 83616

Source: GROUNDWATER

Diversion Pt:	NWSW	Sec 3 T 04N R 01E in ADA County.
	SWSWSW	Sec 3 T 04N R 01E in ADA County.
	SWSW	Sec 4 T 04N R 01E in ADA County.
	NESE	Sec 4 T 04N R 01E in ADA County.

Use: WILDLIFE	(1.560 CFS)	
WILDLIFE STORAGE		(15.00 AF)
RECREATION	(1.560 CFS)	
RECREATION STORAGE		(15.00 AF)
AESTHETIC	(1.560 CFS)	
AESTHETIC STORAGE		(15.00 AF)
DIVERSION TO STORAGE	(1.560 CFS)	
Total Diversion:	(1.560 CFS)	

Date Filed: 4/21/1993

In: ADA County				
T04N R01E S03	SWNE	NESW	NWSW	SWSW
	SESW	NWSE	SESE	

Recreation, Wildlife, and Aesthetic uses are for a water amenity in Lexington Hills and Trail Creek Subdivisions.
Consumptive use of water in this right will be supplied by reducing the number of irrigated acres in right no. 63-11413.

RECORDED

FEB 24 1994

LEXINGTON HILLS

E A G L E

2417 Bank Drive, Suite 101 • Boise, Idaho 83705 • 208-939-6000
1815 E. STONYBROOK COURT
EAGLE, ID 83616

RECEIVED
APR 21 1993

April 21, 1993

Department of Water Resources
Western Regional Office

Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Application for Permit
Lexington Hills, Inc. and Treasure Valley Village

Dear Sir:

Enclosed is our "Application for Permit" and our check #418 in the amount of \$65.00 for filing fee. During the process of this application, if you have any questions or need any information, please call Sherl Chapman at 344-6690.

Sincerely,

LEXINGTON HILLS, INC.

Georgia Mackley
Georgia Mackley

:gm

Enclosure

CC: Dave Roylance
Merrily Munther
Sherl Chapman
Treasure Valley Village w/enclosure

Appl. 63-12017-1-12 4/21/93
FEB 24 1994
-JL

RECEIVED

MAY 28 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

183.00

Department of Water Resources

Western Region

Account Number 047628		Identification APPLICATION FOR WATER RIGHT	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates May 20, 27, 1993
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches # Affidavits 1	Real Inches Legal Number 5028

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:

63-12008

THOMAS, RICK E
5727 HILL RD
BOISE, ID 83703

Source:

Diversion Pt:

GROUNDWATER
NESW Sec 3 T 03N R 01W in ADA County.
NWSW Sec 3 T 03N R 01W in ADA County.
(1.100 CFS)
(1.100 CFS)
4/15/1993

Use: IRRIGATION

Total Diversion:

Date Filed:

In: ADA County

T03N R01W S03 SWNW SENW NESW NWSW
55.0 ACRES TOTAL

63-12009

YAMAMOTO, DUANE

PO BOX 64

KUNA, ID 83634

Source:

Diversion Pt:

GROUNDWATER
NWSW Sec 5 T 01N R 01E in ADA County.
SWSW Sec 5 T 01N R 01E in ADA County.
SESE Sec 5 T 01N R 01E in ADA County.
(6.000 CFS)
(6.000 CFS)
4/23/1993

Use: IRRIGATION

Total Diversion:

Date Filed:

In: ADA County

T01N R01E S06 NESE NWSE SWSE SESE
S07 NENE NWNE SWNE SENE
S08 NENW NWNW SWNW SENW
336.0 ACRES TOTAL

System in place and used prior to Nov. 1987. No new wells or new uses proposed.

63-12017

LEXINGTON HILLS INC

TREASURE VALLEY VILLAGE LTD PARTNERSHIP

1815 E. STONEYBROOK COURT

EAGLE, ID 83616

Source:

Diversion Pt:

GROUNDWATER
NWSW Sec 3 T04N R 01E in ADA County.
SWSWSW Sec 3 T 04N R 01E in ADA County.
SWSW Sec 4 T 04N R 01E in ADA County.
NESE Sec 4 T 04N R 01E in ADA County.
(1.560 CFS)

Use: WILDLIFE

WILDLIFE STORAGE

RECREATION

RECREATION STORAGE

AESTHETIC

AESTHETIC STORAGE

DIVERSION TO STORAGE

Total Diversion

(1.560 CFS) (15.00 AF)
(1.560 CFS) (15.00 AF)
(1.560 CFS) (15.00 AF)
(1.560 CFS) (15.00 AF)
(1.560 CFS)

Date Filed:

In: ADA County

T04N R01E S03 SWNE NESW NWSW SWSW
SESW NWSE SESE

Recreation, Wildlife, and Aesthetic uses are for a water amenity in Lexington Hills and Trail Creek Subdivisions. Consumptive use of water in this right will be supplied by reducing the number of irrigated acres in right no. 63-11413.

63-12018

CENTRE VALLEY HOME OWNERS ASSN

939 CRESTWOOD CIRCLE

MERIDIAN, ID 83642

Source:

Diversion Pt:

Use: IRRIGATION

Total Diversion:

Date Filed:

In: ADA County

T03N R01W S13 NENW

Permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JUNE 7, 1993.

R. Keith Higginson, Director

Pub. May 20, 27, 1993

5028

-CULPAN

, being duly

ays: That she is the Principal Clerk of The daily newspaper printed and published at Boise, Idaho, and having a general circulation therein paper has been continuously and uninterruptedly nty during a period of twelve consecutive st publication of the notice, a copy of which is said notice was published in The Idaho ity with Section 60-108, Idaho Code as

☐ consecutive daily ☐ single ☐ odd skip

with the issue of MAY 20, 1993

issue of MAY 27, 1993

C. Culpan

ss.

day of MAY in the year of

me a Notary Public, personally appeared

CULPAN, known or identified to

whose name subscribed to the within instrument,

duly sworn, declared that the statements therein

edged to me that she executed the same.

Janice Madie

ary Public for Idaho

iding at BOISE, ID

commission expires: May 1993

RECEIVED

FEB 24 1994