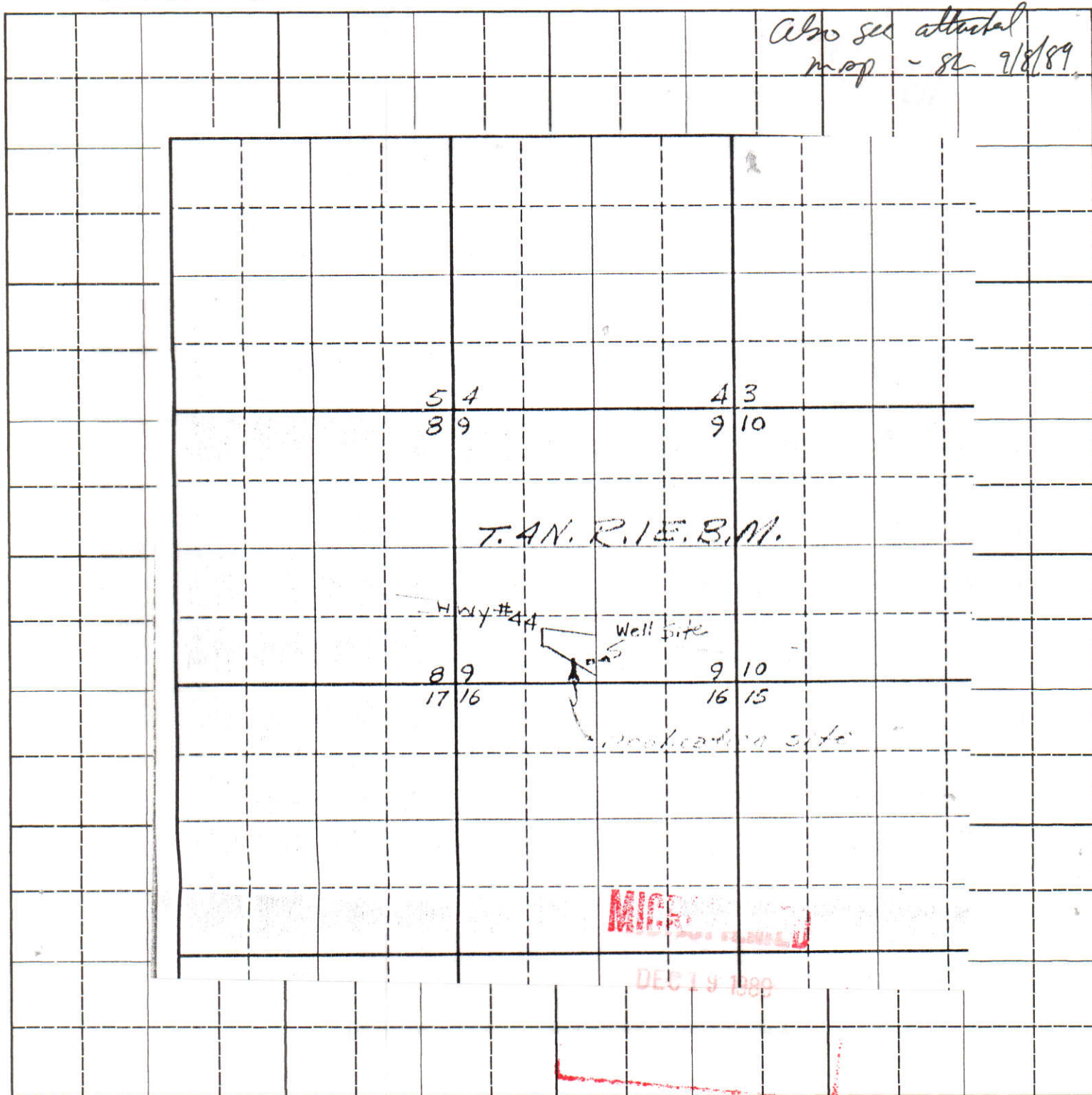




13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

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

Darr N. Smith, Jr.
(Applicant) *Pres.*

7/94

RECEIVED

APR 15 2002

WATER RESOURCES
WESTERN REGION

For Office Use Only

\$25 Filing Fee

Receipt# W229022

Date 4-15-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

APR 17 2002

DEPARTMENT OF WATER RESOURCES

I, ESCO, Inc., hereby assign to Eagle Center Properties, LLC
of, c/o Albany Bowl, 540 San Pablo Avenue, Albany, CA 94706
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 63-10971 to
appropriate the public waters of the State of Idaho.

OR, (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

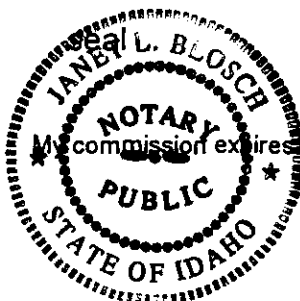
Made this 20th day of March, 19 2002

Esco, Inc. Permit Holder
by: [Signature]
Its: [Signature]

State of Idaho)
County of Ada) ss

On this 19th day of March, 19 2002, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at
Boise, Idaho



3-17-2005

MICROFILMED
APR 23 2002

IN THE MATTER OF PERMIT NO. 63-10971)
) **ORDER OF**
IN THE NAME OF ESCO, INC.) **REINSTATEMENT**
)

FINDINGS OF FACT

- MICROFILMED

FEB 13 1998

5. On January 2, 1998, the permit holder submitted a letter explaining why the right had not been developed. Meetings on January 15, and January 28, 1998, between L. Glen Saxton and the permit holder further detailed that proof had not been filed due to the fact that the permit holder mistakenly thought the proof due notice was for development of Lapsed Permit No. 63-08240. The permit holder submitted proof on January 28, 1998.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

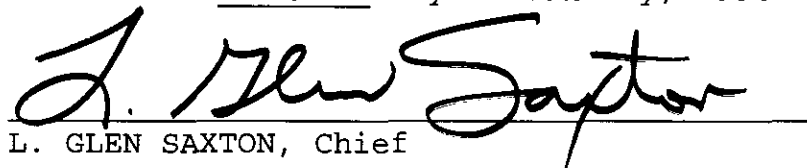
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-10971 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to January 28, 1998.

Dated this 29th day of January, 1998.


L. GLEN SAXTON, Chief
Water Allocation Bureau

FOR OFFICE USE ONLY
Amt. of Fee \$: 125.00
Receipt No: 601324/001135
Receipt By: [Signature]
Date Received: 1/28/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 28 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 63-10971 Telephone No. 343-5412

2. Name(s) of Permit Holder(s): ESCO INC.

3. Mailing Address: 2417 Bogus Basin Rd Boise, ID 83702

4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. MAY / yr. 1986

a. Well Driller: PHEPDS Drilling Permit Number: - - - -

b. OPTIONAL:
Pump Horsepower: 5 HP Pressure (psi): 40[#]-60[#] Dynamic pumping level (ft): 13.5'

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

Domestic (No. of households): 61 Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: 19 COMMERCIAL TENANTS

6. Total rate of diversion and/or volume for which proof is submitted: 1.2 cfs OR acre feet

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

Measuring Device: Is a measuring device required? Yes or No
Has the measuring device been installed? Yes X or No
Flow Measurement Port: Is a flow measurement port required? Yes or No
Has the measurement port been installed? Yes or No

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

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

Name: PAUL WHITE & RICHARD B SMITH Telephone Number: 343-0322 / 343-5412

Address:

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

Signature of permit holder:

[Signature]
(include your title, if on behalf of company or organization)

Date: Jan 28, 1998

FEB 13 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 31 1997

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

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

Permit No. 63-10971

Name(s) of Permit Holder: Esco, Inc.

Mailing Address: 2417 Bogus Basin Road, Boise, ID 83702

Date Proof is Due: November 1, 1997 Telephone No. 208/343-5412

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

None

(X) Last year sewer, water, underground power & telephone were installed on site. Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Market conditions are less than we expected in Idaho City,
but interest in More's Creek Crossing has occurred recently.

Thank you for the additional information provided. (X)

Permit holder(s) request an extension to December 31, 19 98.

FEE: \$50.00

Esco, Inc.

by: Paul E. White
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED since the department is not authorized to grant an additional extension request pursuant to Section 42-204, Idaho Code.

FEB 13 1998

Signed this 28th day of November, 19 97.

Karl J. Dreher
KARL J. DREHER, Director

Should questions arise during
the processing of this applica-
tion please contact:
SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6611

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 63-10971

Name(s) of Permit Holder: ESCO, Inc.

Mailing Address: 2417 Bogus Basin Road, Boise, ID 83702

Date Proof is Due: November 1, 1994

Telephone No. 345-0322

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

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

Two wells have been drilled, tested and equipped with two 7½ HP Jacuzzi, GM-2 pumps. Pump
tests and hydrologic analyses have been conducted on the system to determine its adequacy.
Sixty one trailer spaces and 19 business units are presently served from this sytem. Major
efforts are continuing to complete the project but additional time is costing \$ 190,000
needed for completion.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The time necessary for completion of land aquisition, permitting and construction
exceeded the time allowed for development under the permit.

Permit holder(s) request an extension to November 1, 1994.

FEE: \$50.00

Paul E. White
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be **APPROVED** and the time within which to submit proof of beneficial use is extended to November 1, 1997.

Signed this 15th day of November, 1994

J. Glen Saylor
Chief, Water Allocation Bureau

DEC 14 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-10971

Proposed Priority: August 29, 1989

Maximum Diversion Rate:

1.20 CFS

This is to certify, that **ESCO INC.**
2417 BOGUS BASIN RD.
BOISE, ID 83702

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.30 CFS
COMMERCIAL	01/01 to 12/31	0.60 CFS
DOMESTIC	01/01 to 12/31	0.60 CFS
Totals		1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW Sec. 9, Township 04N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01E	9	SESW	15		15

Total number of acres irrigated: 15

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1994**.
2. Subject to all prior water rights.
3. Permit holder shall **commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.**
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

RECORDED

DEC 19 1989

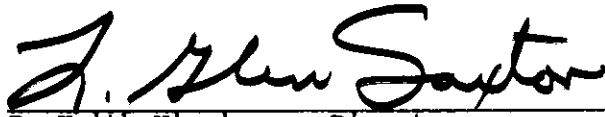
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-10971

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

21st day of November, 1989.

for 
R. Keith Higginson, Director

MICROFILMED

DEC 19 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-10971

To appropriate the public waters of the State of Idaho

1. Name of applicant Esco, Inc. Phone 344-4893 or 343-5412
Post office address 2417 Bogus Basin - Rd. Boise, ID. 83702
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 9 Township 4N Range 1E B.M. Ada County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount .30 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .60 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount .60 for Domestic 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) 1.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. 2 wells (1973 & 1986), pumps,
pipeline with 3000 gallon storage tank.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is (older) 12 inches; proposed depth of well is 370 feet.
(newer) 10
- 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).

DEC 19 1989

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 120 mobile home spaces
- e. Other; describe fully. Commercial : offices, laundromat, restaurant, beauty parlor, floral shop. Offices include domestic use also.

9. Description of place of use:

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

TWP	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	9											15						15
													0						
													C						

Total number of acres to be irrigated 15

10. Describe any other water rights used for the same purposes as described above. 63-07740 is older well for 61 of 120 mobile home units & lawns.

11. a. Who owns the property at the point of diversion? ESCO, INC.

b. Who owns the land to be irrigated or place of use? ESCO, INC.

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

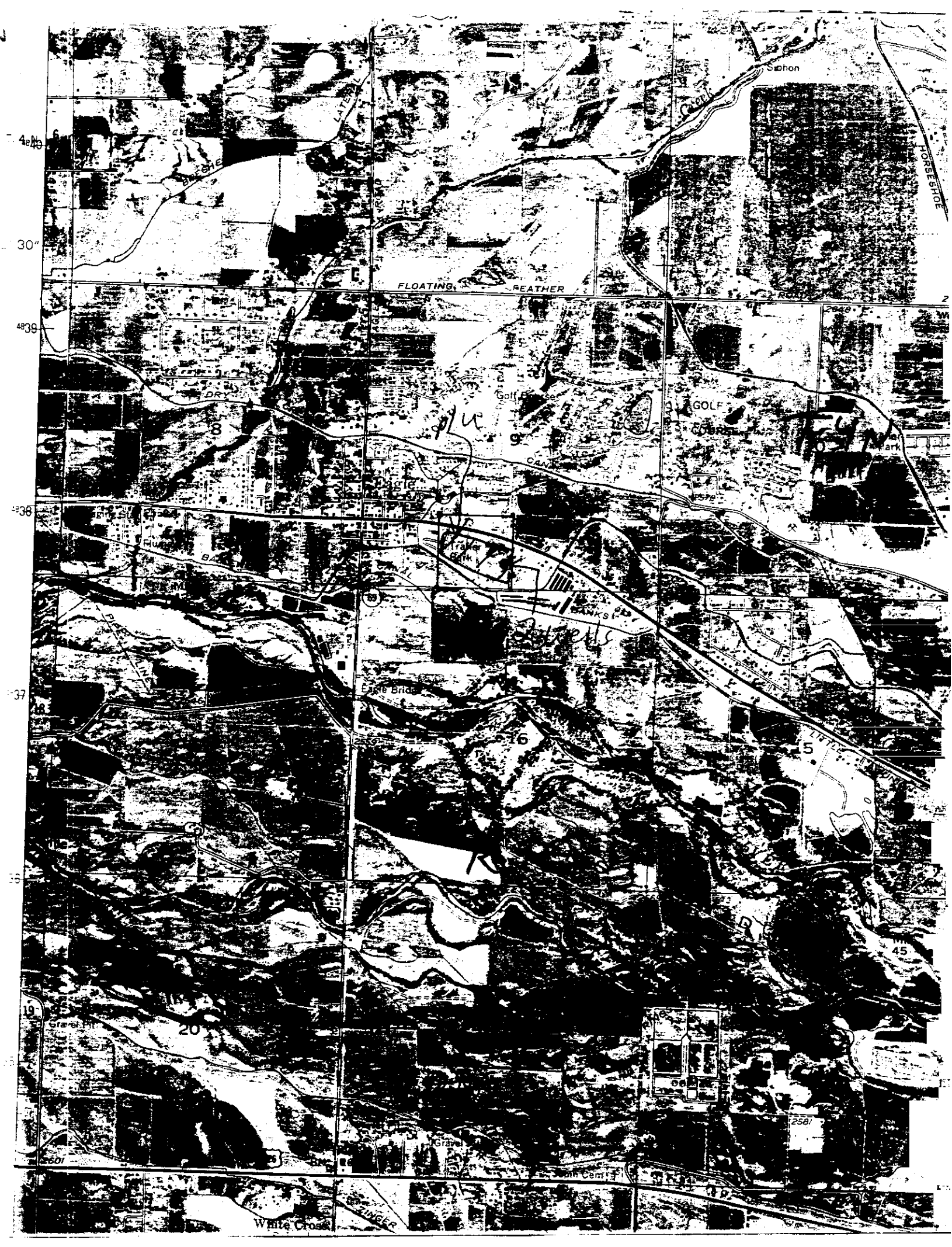
12. Remarks: 2 Points of diversion with S&SW, S&W, T4N, R1E.

Officers of corp (same address as on pg. 1):

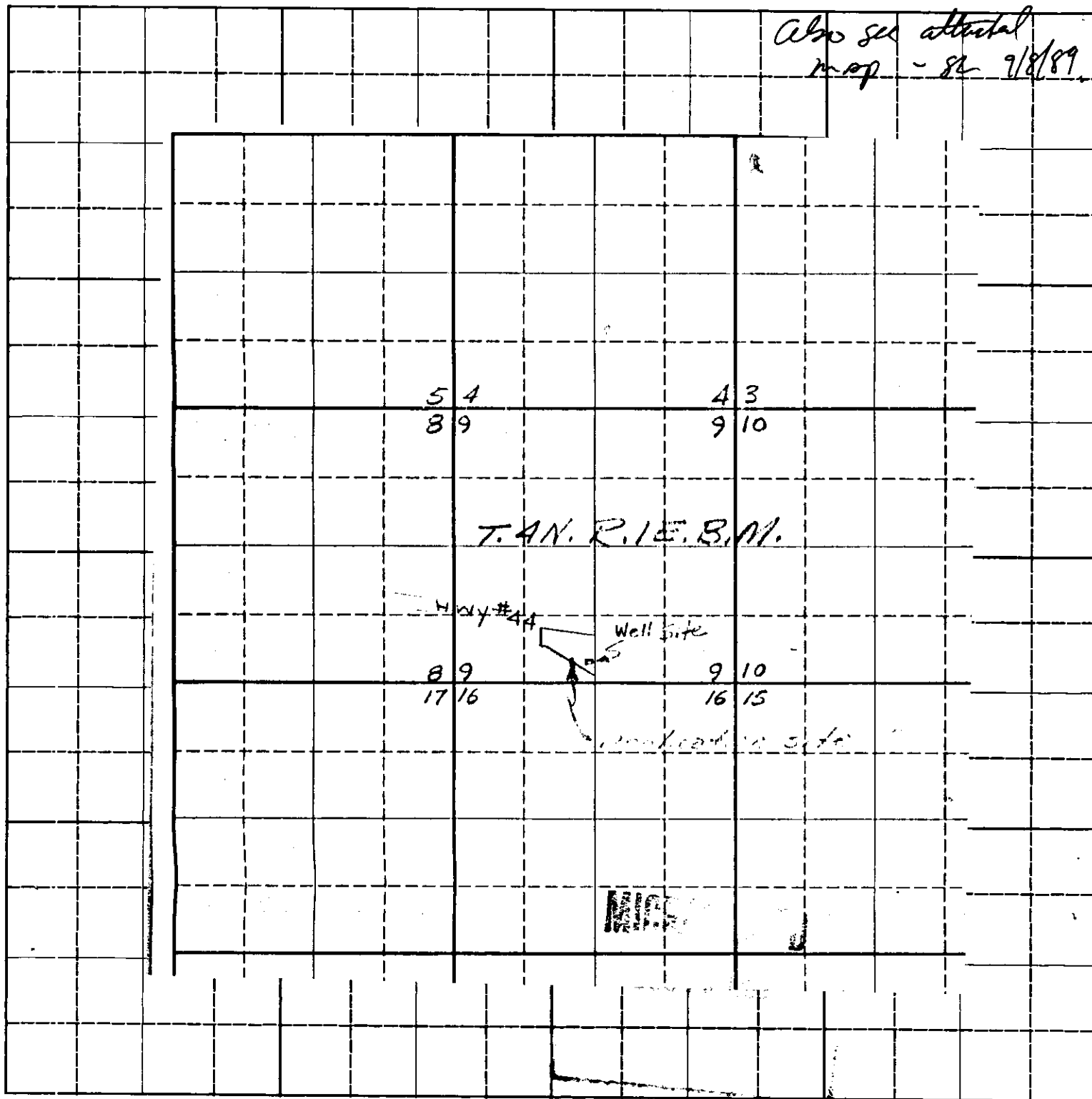
BARR N. Smith, JR. - President

Paul E. White, - Vice President

Richard B. Smith - Vice President



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



Scale: 2 inches equal 1 mile.

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

Darr N. Smith Jr.
(Applicant) *pus.*

Received by As. Ku Date 8/31/89 Time 2:05 pm Preliminary check by gr
Fee \$ 65.00 Receipted by Ku # SCD10611 Date 8/29/89
Publication prepared by GG Date 9-13-89 Published in ID Statesman
Publication approved _____ Date _____
9/21 & 9/28/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

DEC 19 1989

- Original Front Pg., revised per
corr. memo of 9/8/89, 82

Form 202
6/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

344-4893 on

1. Name of applicant Esco, Incorporated Phone 343-5412

Post office address 2417 Bogus Basin Rd., Boise, ID 83702

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____

Sec. 9 Township 4N Range 1E B.M. Ada County; additional

points of diversion if any: (2 wells in same 40-ac. tract)

4. Water will be used for the following purposes: But remainder (.13 cfs) for office

6" Amount 0.60 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.60 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.30 for Irrigation purposes from 3-15 to 11-15 (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) 1.20 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, pumps &
pipeline w/3000 gal. storage tank. Existing wells
since 1973 & 1986. (per IOWA records & taken with Co. Pres. 9/8/89)

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

c. Proposed well diameter is (old) 12" inches; proposed depth of well is ~370
(new) 10" feet.

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). DEC 19 1989

changes per telecon with B. Smith, Jr., Pres., 9/8/89. 82

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. 120 mobile home spaces w/lawns.
- Other; describe fully. Commercial / 24 units includes laundromat, restaurant, beauty parlor, floral shop, and offices.

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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	9												D/C					
														15					15 *

Total number of acres to be irrigated 15

10. Describe any other water rights used for the same purposes as described above. 6.3-7740 older *
well for 61 units' yards of the 120 domestic sites.

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

12. Remarks: Barr N. Smith Jr., President
Paul E. White, Vice Pres.
Richard B. Smith, Vice Pres. } officers of
same address as
Front of application.

* per telecon as stated on pg 1, 82.

OCT 03 1989

The Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Western Regional Office

LEGAL ADVERTISING INVOICE

Amount Due

323.64

Account Name		Account Number	
Idaho Department of Water Resources- Western Reg			
Address		City/State	Zip
2735 Airport Way		63-10933	83705
Ordered By	P.O. Num		
Gail Garrett			
Identification			
Notice of Application for			
Number of Affidavits Requested			
1			
NOTICE OF APPLICATION FOR WATER RIGHT The following application(s) have been filed to appropriate the public waters of the State of Idaho:			
63-10821 Desert View Est. Water Corp. ATTN: Tom Atwood, Pres. P.O. Box 165 Kuna, ID 83634 Source: Groundwater Diversions Pt: NENE Sec 27 T 02N R 01E Diversions Pt: SWNE Sec 27 T 02N R 01E Diversions Pt: NENW Sec 27 T 02N R 01E Use: Domestic (.100 CFS) Use: Irrigation (1.600 CFS) Date Filed: 6/20/1989 In: T02N R01E S22 SESE In: T02N R01E S27 NENE NWNW In: T02N R01E S27 NENE NWNW In: T02N R01E S27 NENE NWNW 173.0 Acres Total			
63-10895 Ivory, Don B. 315 Clearcreek Dr. Meridian, ID 83642 Source: Groundwater Diversions Pt: Lot 4 (NWNW) Sec 19 T 04N R 01E Use: Wildlife (.040 CFS) Date Filed: 8/15/1989 In: T04N R01E S19 Lot 4 (NWNW)			
63-10897 Cade, Thomas J. 6484 Hollilynn Dr. Boise, ID 83709 Source: Groundwater Diversions Pt: NESW Sec 7 T 02N R 02E Use: Irrigation (.020 CFS) Date Filed: 8/21/1989 In: T02N R02E S07 NESW 0.5 Acres Total			
63-10899 Dry Creek Cemetery District 9600 Hill Rd. Boise, ID 83703 Source: Groundwater Diversions Pt: SESW Sec 11 T 04N R 01E Diversions Pt: SWSE Sec 11 T 04N R 01E Use: Irrigation (.440 CFS) Date Filed: 8/17/1989 In: T04N R01E S11 SESW SWSE In: T04N R01E S14 NWNW NENW 22.0 Acres Total			
63-10911 Johnson, Samuel A. Johnson, Marsha R. 603 Los Luceros Eagle, ID 83616 Source: Groundwater Diversions Pt: SENW Sec 4 T 04N R 01E Use: Irrigation (.020 CFS) Date Filed: 8/24/1989 In: T04N R01E S04 SENW 0.5 Acres Total			
63-10920 Hallett, Norman N. Hallett, Marcia 7500 Hidden Valley Rd. Boise, ID 83709 Source: Groundwater Diversions Pt: NESWSW Sec 3 T 02N R 01E Use: Irrigation (.040 CFS) Use: Domestic (.020 CFS) Date Filed: 8/28/1989 In: T02N R01E S03 SWSW 2.0 Acres Total			
63-10928 Peregrine Fund Inc. 5666 W. Flying Hawk Ln. Boise, ID 83709 Source: Groundwater Diversions Pt: NENE Sec 18 T 02N R 02E Use: Irrigation (.060 CFS) Use: Wildlife (.520 CFS) Use: Wildlife Storage (.500 AF) Use: Domestic (.200 CFS) Use: Diversion to Storage (.520 CFS) Date Filed: 8/31/1989 In: T02N R02E S07 SESE In: T02N R02E S08 SWSW In: T02N R02E S17 NWNW In: T02N R02E S18 NENE 2.0 Acres Total			
63-10944 Vasil, Lois L. Vasil, Jr., George G. 5325 N. Eagle Meridian, ID 83642 Source: Groundwater Diversions Pt: NESE Sec 29 T 04N R 01E Use: Irrigation (.180 CFS) Date Filed: 8/31/1989 In: T04N R01E S29 NESE 9.0 Acres Total			
63-10950 Williams, Roberta J. Williams, Walter C. 3104 E. Leslie Dr. Meridian, ID 83642 Source: Groundwater Diversions Pt: SENE Sec 5 T 03N R 01E Use: Irrigation (.020 CFS) Date Filed: 9/01/1989 In: T03N R01E S05 SENE 0.5 Acres Total			
63-10954 Stokes, Tom Stokes, Karren S. 5600 W. Armit Nampa, ID 83656 Source: Groundwater Diversions Pt: SWSE Sec 28 T 03N R 01W Use: Irrigation (.150 CFS) Use: Domestic (.040 CFS) Use: Stockwater (.020 CFS) Date Filed: 9/05/1989 In: T03N R01W S28 SWSE 5.0 Acres Total			
63-10955 Norton, Gregory Scott Norton, Sara Ann 2305 W. Ribler Dr. Meridian, ID 83642 Source: Groundwater Diversions Pt: SWSWNE Sec 23 T 04N R 01W Use: Irrigation (.090 CFS) Use: Domestic (.040 CFS) Date Filed: 9/06/1989 In: T04N R01W S23 SWNE NWNW 3.0 Acres Total			
63-10961 West, Gary West, Carol P.O. Box 335 Eagle, ID 83616 Source: Groundwater Diversions Pt: SENWSW Sec 10 T 04N R 01E Use: Irrigation (.030 CFS) Use: Domestic (.040 CFS) Date Filed: 9/07/1989 In: T04N R01E S10 NWSW 1.1 Acres Total			
63-10966 Riley, Monte Riley, Suzanne 10357 Prairie Rd. Boise, ID 83703 Source: Groundwater Diversions Pt: NENWNW Sec 11 T 04N R 01E Use: Irrigation (.030 CFS) Date Filed: 8/17/1989 In: T04N R01E S11 NWNW 1.0 Acres Total			
63-10967 Vincen, David F. 5160 Dry Creek Boise, ID 83703 Source: Groundwater Diversions Pt: SWSWNW Sec 32 T 05N R 02E Use: Irrigation (.200 CFS) Date Filed: 8/17/1989 In: T05N R02E S32 SWNW 10.0 Acres Total			
63-10968 Lloyd, Stan Lloyd, Anne 4255 N. Ballantyne Ln. Eagle, ID 83616 Source: Groundwater Diversions Pt: NWNE Sec 31 T 05N R 01E Use: Irrigation (.040 CFS) Use: Stockwater (.020 CFS) Use: Domestic (.040 CFS) Date Filed: 8/18/1989 In: T05N R01E S31 NWNE 2.0 Acres Total			
63-10969 Binder, Larry O. Binder, Diane D. 5311 Navaho Way Boise, ID 83703 Source: Unnamed Slough Tributary: Boise River Diversions Pt: Lot 3 (NESW) Sec 24 T 04N R 01E Use: Aesthetic (.100 CFS) Use: Aesthetic Storage (2.00 AF) Date Filed: 8/11/1989 In: T04N R01E S24 Lot (NESW)			
63-10971 Esco Inc. 2417 Bogus Basin Rd. Boise, ID 83702 Source: Groundwater Diversions Pt: SESW Sec 9 T 04N R 01E Use: Irrigation (.300 CFS) Use: Commercial (.600 CFS) Use: Domestic (.600 CFS) Date Filed: 8/29/1989 In: T04N R01E S09 SESW 15.0 Acres Total			
63-10972 Petersen, Kathleen R. Petersen, Peter F. 3160 Victory View Cir. Boise, ID 83709 Source: Groundwater Diversions Pt: NENWNW Sec 25 T 03N R 01E Use: Irrigation (.040 CFS) Date Filed: 8/30/1989 In: T03N R01E S25 NWNW 2.5 Acres Total			
63-10973 Taylor, Laura E. Taylor, Sylvan 1770 S. Linder Rd. Meridian, ID 83642 Source: Groundwater Diversions Pt: NWNWNW Sec 24 T 03N R 01W Use: Irrigation (.120 CFS) Date Filed: 8/28/1989 In: T03N R01W S24 NWNW 4.0 Acres Total			
63-10974 Suen, Sidney c/o Robert J. Ennis P.O. Box 9442 Boise, ID 83707 Source: Pond Tributary: Sinks Diversions Pt: Lot 10 (NESE) Sec 14 T 03N R 02E Diversions Pt: Lot 12 (SESE) Sec 14 T 03N R 02E Use: Recreation Storage (113.00 AF) Use: Aesthetic Storage (113.00 AF) Date Filed: 9/08/1989 In: T03N R02E S14 Lot 10 (NESE) Lot 12 (SESE)			
63-10975 Graves, Fred C. Graves, Connie Kay 7725 Stack Rock Dr. Boise, ID 83703 Source: Groundwater Diversions Pt: SWNENE Sec 25 T 05N R 01E Use: Irrigation (.060 CFS) Use: Stockwater (.020 CFS) Use: Domestic (.050 CFS) Use: Fire Protection (.060 CFS) Date Filed: 8/18/1989 In: T04N R01E S25 NENE 2.5 Acres Total			
63-10976 Willett, Jule Louisa Eberle 7100 Rhine Ave. Meridian, ID 83642 Source: Groundwater Diversions Pt: NESE Sec 23 T 04N R 01W Use: Irrigation (.150 CFS) Use: Stockwater (.020 CFS) Use: Domestic (.040 CFS) Date Filed: 8/30/1989 In: T04N R01W S23 NESE 5.0 Acres Total			
63-10978 Wilmot, Violet Wilmot, Glen R. 1816 Hampton Rd. Boise, ID 83704 Source: Groundwater Diversions Pt: NWSESW 2 T 03N R 01E Use: Commercial (.040 CFS) Date Filed: 8/23/1989 In: T03N R01E S02 SESW The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before OCTOBER 10, 1989.			
R. KEITH HIGGINSON Director Pub. Sept. 21, 28, 1989 3673			



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2002

EAGLE CENTER PROPERTIES LLC
C/O ALBANY BOWL
540 SAN PABLO AVE
ALBANY CA 94706

RE: Change of Ownership for Water Right 63-10971

Dear Water Right Holder(s):

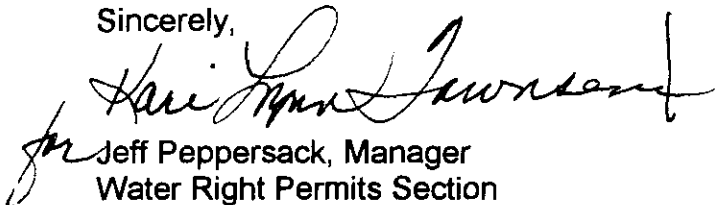
The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your request for ownership change on water right 63-7740 has been forwarded to our Adjudication Section and will be process by them. You may contact Sally Sherman at 208-327-7862 if you have question regarding that water right. There is no fee required for the processing of water right 63-7740, therefore that fee will be refunded to Pioneer Title of Ada County.

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 of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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APR 23 2002

Idaho Department of Water Resources Receipt

Receipt ID W029022

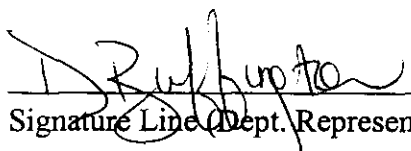
Payment Amount \$50.00 Date Received 4/15/2002 2:35:04 PM Region Western Status
 Payment Type Check Check Number 2-19364

Payer PIIONEER TITLE OF ADA COUNTY

Comment ASSIGNMENT OF PERMIT: 63-7740 & 63-10971 (\$25 EA)

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ASSIGNMENTS	0229	21	62103	1155


 Signature Line (Dept. Representative)

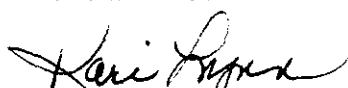
DEBBIE . . .

PLEASE ARRANGE FOR A \$25.00 REFUND TO:

PIIONEER TITLE CO OF ADA COUNTY
 821 W STATE ST
 BOISE ID 83702

THE FEE WAS COLLECTED IN ERROR FOR AN ASSIGNMENT OF PERMIT ON WR 63-7740.
 THE OWNERSHIP CHANGE FOR WR 63-7740 WILL BE HANDLED BY AJ AND THERE IS
 NO CHARGE REQUIRED.

THANK YOU,


 4.16.02

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APR 23 2002



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**

January 30, 1998

Esco Inc
2417 Bogus Basin Rd
Boise ID 83702

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 63-10971

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and supporting information 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 January 28, 1998, 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, you may contact the **Western** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED
FEB 13 1998

MEMORANDUM

To: File 63-10971
From: L. Glen Saxton 
RE: RECOMMENDATION RELATIVE TO FILING OF LATE PROOF
Date: January 29, 1998

I have met with Paul E. White and Richard B. Smith on January 15, 1998 and on January 28, 1998 in connection with lapsed permit No. 63-10971.

The reason that proof was filed late (more than 60 days after proof was due) is that the permit holders mistakenly thought the permit was for the development proposed under lapsed permit No. 63-08240. Permit No. 63-08240 proposed a development in Boise County near Mores Creek Crossing.

The development under lapsed permit No. 63-10971 which was developed during the authorized period was to provide water to 19 commercial tenants in Ada County near Eagle, Idaho. The 61 domestic units shown on the proof are licensed under 63-07740 and should not be considered as development under lapsed permit No. 63-10971.

I recommend that the department reinstate lapsed permit No. 63-10971 advancing the priority to the date that proof of beneficial use was received.

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FEB 13 1998

Certificate of Occupancy

CITY OF EAGLE

Department of Building Inspection

This Certificate issued pursuant to the requirements of Section 307 of the Uniform Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City regulating building construction or use. For the following:

Use Classification R-3 Bldg. Permit No. 1357
Group _____ Type Construction V-N Use Zone _____
Owner of Building ESCO Address 2417 Bogas Basin Rd., Boise
625 W.
Building Address 621 & 623 E. State Subdivision N/A Lot _____ Blk _____
St.

By: _____
Date: 9/3/92
[Signature]
Building Official

POST IN A CONSPICUOUS PLACE

MICROFILMED

File in
63-10971

MEMORANDUM

To: Notes
From: L. Glen Saxton *LS*
RE: NOTES FOR MEETING WITH ESCO ON JANUARY 15, 1998
Date: January 15, 1998

- There are three (3) water rights in the name of Esco.

Ident. No: 63-07740 - License
Source: Groundwater
Priority: March 13, 1973
Rate of div: 0.38 cfs
Point of div: SESW Sec. 9, T4N, R1E, B.M., Ada County
Use: Domestic - 61 mobile home units
Season of use: Year-round
Place of use: Same as p.d.
Remarks: 12" diameter well drilled in 1973

Ident. No: 63-08240 - Lapsed Permit
Source: Groundwater
Priority: App filed on Dec 15, 1975
Rate of div: 0.1 cfs
Point of div: SWSE Sec 26, T6N, R5E, B.M., Boise County
Use: Domestic - 50 homes
Season of use: Year-round
Place of use: Mores Creek Crossing
Remarks: Lapsed for failure to submit proof of b/u

Ident. No: 63-10971 - Lapsed Permit
Source: Groundwater
Priority: App filed August 29, 1989
Rate of div: 1.2 cfs
Point of div: SESW Sec 9, T4N, R1E, B.M.
Use: Irr, comm, dom
Place of use: Sec 9, T4N, R1E, B.M.
Remarks: App apparently filed to cover 10" well drilled in 1986.

Filed to cover the yards for 120 domestic sites.

On an extension of time request submitted to the dept in October 1994, the permit holder stated that 19 business units were being served in addition to the 61 trailer spaces under the prior license.

SRBA Claim No. A63-07740 was filed on August 8, 1989 based on License No. 63-07740. The second well drilled in 1986 was claimed but additional uses from the wells such as commercial were not claimed.

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FEB 13 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Paul E. White
Esco, Inc.
2417 Bogus Basin Rd
Boise, ID 83702

RE: LAPSED PERMIT NO. 63-10971

Dear Mr. White:

I have reviewed your letter dated December 24, 1997, which you submitted in connection with the department's lapse notice dated December 11, 1997. The department will treat your letter as a request for reconsideration of the order denying your request for extension of time to submit proof of beneficial use of water under terms of the above referenced permit.

The purpose of this letter is to be sure that there is no misunderstanding on your part regarding the status of the permit. The permit is lapsed and is presently of no force nor effect. The department denied the second request for extension of time, since there is no authority to grant another extension.

The department, however, can reinstate the permit within 60 days of the date of lapsing (December 11, 1997), if you submit the proof of beneficial use document together with the appropriate license examination fee for the part of the permit for which you are diverting and using water.

In your letter you mentioned 70 undeveloped acres for which a golf course is planned (?). The permit provided for the irrigation of up to 15 acres, hence 70 acres does not seem to have any connection with the permit.

If you file proof within the 60 day period described above, the department can reinstate the permit although additional development will not be authorized. If you do not timely file the proof, your petition for reconsideration will be considered denied as provided in Section 67-5243(3), Idaho Code.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region

MICROFILMED

FEB 13 1998

ESCO, inc.

INVESTMENT AND DEVELOPMENT

2417 BOGUS BASIN ROAD

BOISE, IDAHO 83702

(208) ~~343-5412~~ 343-5412

RECEIVED

JAN 02 1998

Department of Water Resources

December 24, 1997

L. Glen Saxton
Department of Water Resources
P. O. Box 83720
Boise, ID 83720

Dear Mr. Saxton:

It is apparent from your letter of December 11 that you are not aware of the full circumstances concerning our Permit No. 63-10971.

Soon after our permit was granted we regraded the channel and installed a culvert and diverted the prescribed water from Mores Creek. This ran for several months but was damaged by beavers.

A beaver trapper was employed and removed the beavers. At that time, Idaho City found they had no sewer capacity for growth and wouldn't have until 1994. In 1995 we contracted the installation of water, sewer, and underground power into the property and 45 lots are on the market..

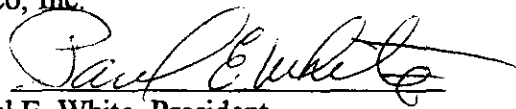
At present the 70 undeveloped acres are under option to a group for the construction of a golf course. This "O" use of water diversion is even more important to the golf course.

This diversion was made but interrupted until the problems were worked out as above.

Very truly yours,

Esco, Inc.

By:


Paul E. White, President

PEW.sz

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FEB 13 1998

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.

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 03-10971 Reviewed by [Signature] Date 11-7-97

BASIC INFORMATION

10-31-97 Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

no Has adequate work been completed to demonstrate due diligence?

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

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

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

ACTION TAKEN *Recommend denial since the department is not authorized to grant an additional extension request.*

PRIORITY CALCULATION

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

DATA ENTRY

New Address _____
Change Proof Due Date _____
Change Priority Date _____



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

December 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Esco Inc
2417 Bogus Basin Rd
Boise ID 83702

RE: Permit No. 63-10971

Dear Permit Holder:

Enclosed is a copy of the **denied** request for extension of time which you submitted in connection with the above referenced permit. Section 42-204, Idaho Code, provides that the department can only grant one extension of time based on due diligence. On November 15, 1994, the department granted an extension of time based upon due diligence in connection with this permit.

If you have partially developed this right, you can file beneficial use on the portion that has been developed. I have enclosed a Proof of Beneficial Use form and instructions for your use if necessary.

Be advised that under the provisions of Section 42-218a, Idaho Code, that the above referenced permit is **lapsed** and is of no further force nor effect. Further development under this permit is not authorized.

Please consider the denial as a "**preliminary order**" issued by the department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs

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FEB 13 1998

in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

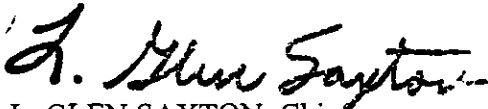
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MEMORANDUM

To: File 63-10971
From: L. Glen Saxton 
RE: **RECOMMENDED ACTION ON REQUEST FOR EXTENSION OF TIME**
Date: November 7, 1997

I recommend that the department deny the attached request for extension of time. Reasons for this recommendation include the following:

1. The department has already granted the extension request which it is authorized to grant under Section 42-204(5), Idaho Code. Market conditions are not a sufficient basis to grant an additional extension of time.
2. The permit holder has had eight (8) years to complete the development and so far has not made any appreciable new development over that which existed when the application was filed 8 years ago.
3. Comparing the application for permit with the first extension request approved in 1994 shows that the wells shown as a part of the \$190,000 cost of development were actually constructed in 1973 and 1986 and are used in connection with license 63-07740 providing water for the 61 of the planned 120 trailer spaces.
4. If the permit holder has made development in excess of that covered under license no. 63-07740, the permit holder can file proof for the additional use and can file a new application for permit when it is actually ready to pursue new development.

MICROFILMED

FEB 13 1998

August 31, 1997

ESCO INC.
2417 BOGUS BASIN RD.
BOISE ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 63-10971

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 November 1, 1997.

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

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

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

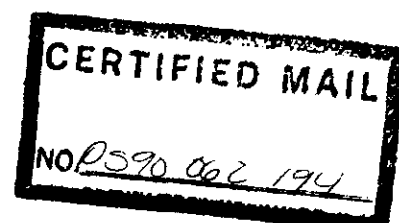
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 13 1998



ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 63-10971

Reviewed by AW

Date 11/15/94

BASIC INFORMATION

10/28/94 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to November 1, 1997, for due diligence

PRIORITY CALCULATION

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

~~_____ = _____
_____ = _____
_____ = _____
_____ = _____
_____ = _____~~

DATA ENTRY

New Address X

Change Proof Due Date 11-1-97

Change Priority Date X



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

November 15, 1994

ESCO, Inc.
2417 Bogus Basin Rd.
Boise, ID 83702

RE: Permit No. 63-10971

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to November 1, 1997. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

DEC 14 1994

August 31, 1994

ESCO INC.
2417 BOGUS BASIN RD.
BOISE ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 63-10971

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 November 1, 1994. (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.

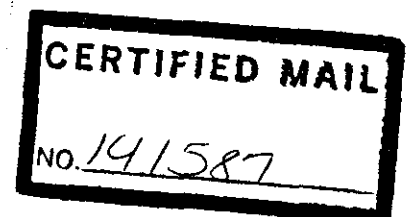
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 22, 1989

ESCO INC.
2417 BOGUS BASIN RD.
BOISE, ID 83702

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P63-10971

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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DEC 19 1989

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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DEC 19 1984

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RL DATE: 9/8/89 APPLICATION: 63-10971

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

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

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☐	Critical groundwater area:
☒	☐	Groundwater management area: But, wells are already drilled (This section is adjacent to the GWMMA)
☐	☐	Diversion within interim protected river area
☐	☐	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: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side: _____

RECEIVED
OCT 12 1989

Department of Water Resources

PROCESSING

APPLICATION NO. 63-10971

YES NO

☒ ☒
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒ ☐
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒
☐
☐
☐
☒
☐
☐

Publication dates and paper recorded on application:

Protests received. Final date for protest October 10, 1989

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dan

Measuring device required:

Measuring port required:

Water delivered by water master? District # 63-P05

Special conditions of approval or cover letter:

☒ 26A, for completion of this project.

See below for additional information

Recommended Date or Priority 8-29-1989 ☒Recommended by: DanDate 10/10/1989

STATE OFFICE REVIEW

P05, P23, P03, P17 46 26 01G
See below for additional information. By FW Date 11-14-89

ADDITIONAL INFORMATION

overly
P/O - 63-02463, 07074 other wells
 - 63-07740 near the 12" older well mentioned in application. ←
P/W - " " " " " " " for domestic (islands) for 61
 of the 120 mobile home units in application. See 9/8/89 comm memo.
 - other rights for other lands:
 63-002588 } Boise River, irrig.
 63-00259 }
 63-002608 }
 63-02406 - Waste water, Drainage Dist.
 63-02463, 04173, 07074, 07368 other wells; domestic, irrig., recreation,
 stockwater

note: 9/12/89 letter about license



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

September 15, 1989

R. KEITH HIGGINSON

DIRECTOR

Idaho Dept. of Health & Welfare
Division of Environment
Statehouse
Boise, ID 83720

Re: Application for Permit No. 63-10971 in the name of Esco, Inc.

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 October 10, 1989.

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

Sincerely,

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

DRT:st

Enclosure(s):

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 12, 1989

Mr. Barr Smith, Jr.
Esco Inc.
2417 Bogus Basin Road
Boise, Id. 83702

Re: Water Rights 63-07740 and 63-10971

Dear Mr. Smith:

License 63-07740 includes a 1973 twelve inch well for domestic use at 61 mobile home units. Application for Permit 63-10971 covers the same well and a 1986 ten inch well for 120 mobile home units and commercial use. Both rights are involved with the development in Section 9 near Eagle.

From the information in Application 63-10971, it appears that the ten inch well was added to the 61 unit system in 1986. The newer well needs to be added to License 63-07740 as an additional point of diversion. Two methods are available to update the license and comply with Idaho statutes.

One, an Application for Transfer may be filed to add a point of diversion to the water right. Two, an Adjudication Claim may be filed to show the right as it has existed. Adjudication Claims are required under the terms of the Snake River Basin Adjudication to maintain most water rights in a valid state. License 63-07740 is a right that requires such a Claim. Without filing a Claim, the right will be recommended as invalid by this department in its role as a technical advisor to the court in the adjudication.

Adjudication Claims may be filed to reflect differences that exist between the water right record and the actual water use practices. In other words, a Claim may be filed to add the newer well to the older license. Because a Claim should be filed as explained above and because the Claim may include the newer well for use at the 61 units, this alternative is preferable to the Transfer choice. One filing and one fee is involved with an Adjudication Claim.

Claims for Ada County should have been filed by September 8, 1989 to avoid late fees. A computer search did not reveal a claim for 63-07740, although one may have been filed but not data entered yet. If you filed a claim and identified both wells for use under the protection of the license, the record is clarified. However, if both wells were not identified or if a claim was not filed, immediate action is required to protect your water right and uses of ground water as defined by Idaho statutes.

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DEC 19 1989

Letter to Esco, Inc.
page 2

Please check your records and respond within thirty (30) days to avoid complications related to license 63-07740. Meanwhile, the application for expanded use at the site will be advertised and processed. Let me know if I may provide additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl

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DEC 15 1989

CONVERSATION MEMORANDUM

DATE 9/8/89

FILE _____

NAME OF PARTY Barr Smith, Jr. 344-4893EMPLOYEE Stan LesterRE: Callal 345-5412, given above # as alternate.

- 1) New well in place, drilling started fall 1988 & completed early 1989 so no drilling permit needed.
- 2) 61 units under Lic. 63-07740 are part of the 120 units shown on appl. in item 8d. SEE DISCUSSION BELOW
- 3) Comm / 24 units = # of offices to be rented.
- 4) irrig & trailer etc. will ~~also~~ occur. Estimates 15 acres of irrig. $\rightarrow (15)(1.02) = .30$ cfs to be included in 1.20 cfs on appl.

Discussion of inclusion of 61 units in the 0/120 shown:

- a) Lic. 63-07740 issued with older format where irrig associated with multi-domestic was not shown as separate item.
- b) Field report shows volume calc. as $(61)(1.2) = 73.2$ cfs. Thus, assume that irrig occurs with existing 61 units. No estimate of acres is found. Mr. Smith confirmed that 61 units have yards but wasn't sure of average yard size.
- c) Under today's format, internal domestic use for 61 units is approx 0.35 cfs. License for 0.38 cfs for 61 units and associated irrig. therefore allows additional water to be appropriated for the 61 units & lawns. Since we have no documentation of how much irrig. is included in license, said that appl. 0/120 be left as is (i.e. removing the 61 units of 120 units from appl.). Can set limits on overlapping b.w. with licensing conditions.

Dom. (internal) use 120 units = .47
 Comm. use = .13
 TOTAL = .60

EC 15 1989

WATER RIGHT LICENSE

License of Water Right No. 63-7740 Priority March 13, 1973 Amount 0.38 cfs

THIS IS TO CERTIFY, that ESCO, INCORPORATED
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-7740 issued pursuant to Application for Permit dated March 6, 1973
and has submitted proof to the Department of Water Resources on May 8, 1979

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.38 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (61 units)	from January 1 to December 31	at 0.38 cfs and	73.2 acre feet
	from	at and	
	from	at and	

(not data exclusive)
 DEPARTMENT

Subject, however, to the condition that no more than 0.38 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and conferrable for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 75.2 acre feet per year, and water to be diverted within the SE 1/4, Sec. 9, Twp. 4N, R. 1E, B.M. in the County of Ada

Description and location of place of use:

[illegible]**Total number of acres irrigated**

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 13 day of February, 1980.

Witnessed at Boise, Idaho, this 15 day of July, 1915.
Stephen H. Hare
 Director

Field report:
12" 370' well
61 units
VOL: 1.2×61 , assumed
wt. is 6xth. use.

63-10971

ESCO INC.
2417 BOGUS BASIN RD.
BOISE, ID 83702

Source: GROUNDWATER

Diversion Pt: SESW Sec 9 T 04N R 01E

Use: IRRIGATION	(.300 CFS)
COMMERCIAL	(.600 CFS)
DOMESTIC	(.600 CFS)

Date Filed: 8/29/1989

In: T04N R01E S09 SESW

15.0 ACRES TOTAL

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DEC 19 1989