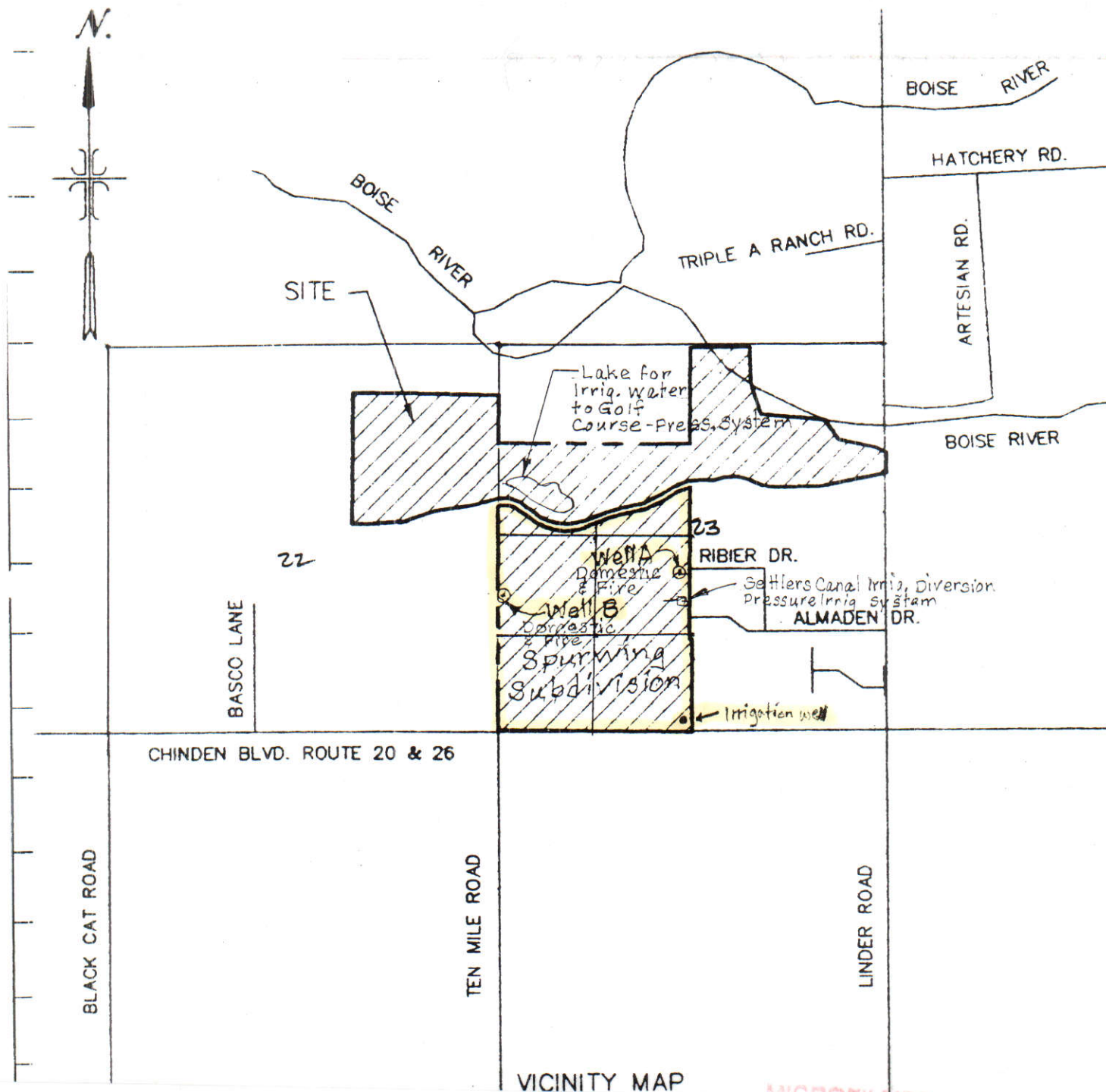


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



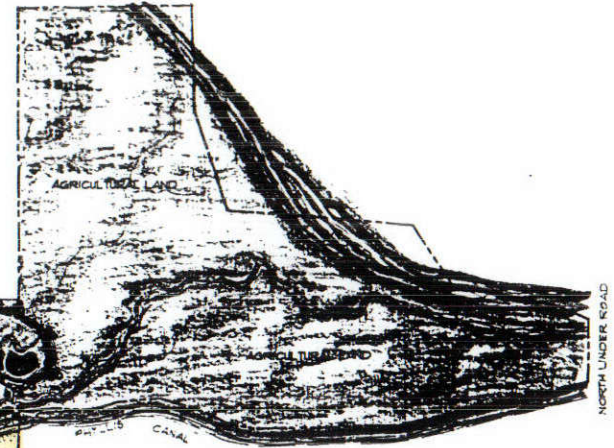
VICINITY MAP

MICROFILMED

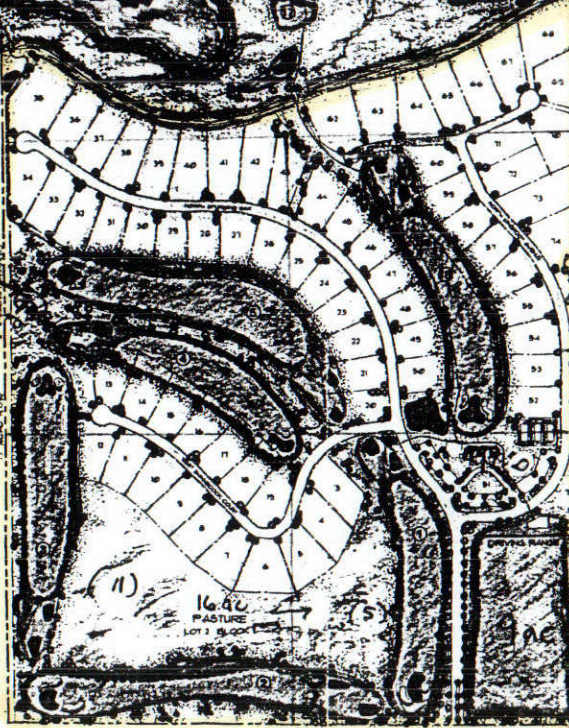
AUG 03 1999

SPURWING MASTER PLAN

Golf Course Irrig. Source-
Lake



Well Domestic-B

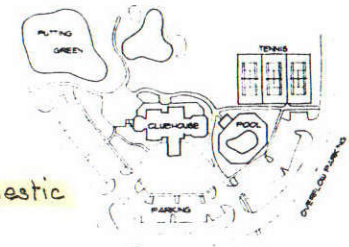


EMERGENCY ACCESS

Well A - Domestic

ALDENMAN-ACRES SUBDIVISION

Irrig. Diversion



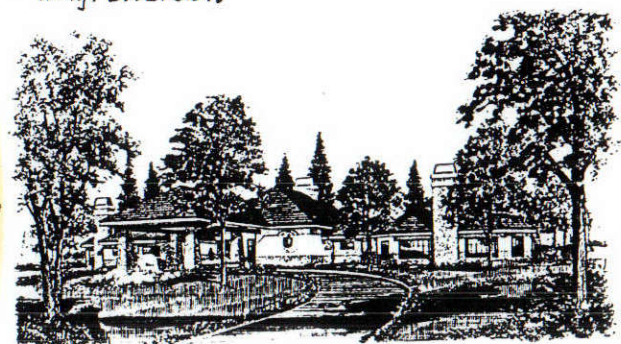
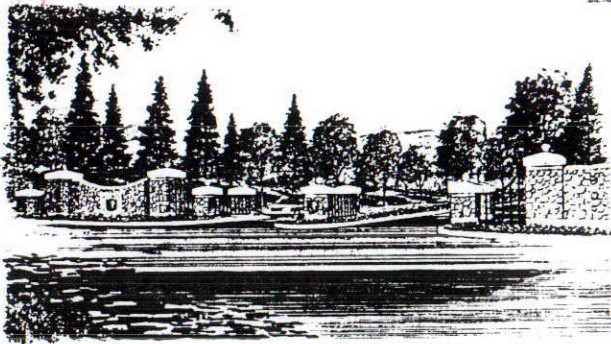
CLUBHOUSE AREA DETAIL

Chinden Blvd.

1" = 900'

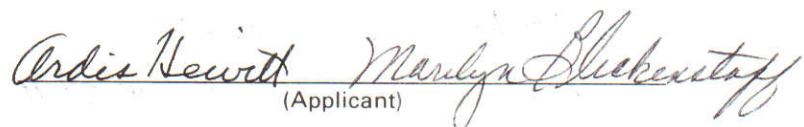
AUG 09 1999

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Appendix C

TOWNSHIP 4N, RANGE 1W, BOISE MERIDIAN



RECEIVED

SEP 23 1994

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$120.50

Account Number 04762800		Identification NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-10572 & A63-10572	
Ordered By Sue Taylor	P.O. Number	Rate TT	Run Dates September 15 & 22, 1994
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 8475

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 63-10572 & A63-10572

Notice is hereby given that Spurwing Limited Partnership of Boise, ID has applied to the Department of Water Resources to change the following described water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

Water Right No. 63-10572
Basis License
Date of Priority 2/22/1988
Source Groundwater
Amount 2.9 cfs
Use Irrigation
Point of Div Sec 23, T4N R1W, SESW
Place of Use Sec 23, T4N R1W, SW1/4,
144.8 acres total

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION

Water Right No. A63-10572
Basis 63-10572
Date of Priority 2/22/1988
Source Groundwater
Amount 2.9 cfs
Use Irrigation
Point of Div Same as above
Place of Use Same as above

THE FOLLOWING PORTIONS OF WATER RIGHT 63-10572 AND
ADJUDICATION CLAIM A63-10572 TO BE CHANGED AS FOLLOWS

Water Right No. 63-10572 & A63-10572
Amount 2.9 cfs
Use Irrigation/Commercial
Point of Div Sec 23, T4N, R1W, SESW (existing well), NESW
(new well), NWSW (new well)
Place of Use Sec 23, T4N, R1W, S1/2NW, SW1/4,
128 acres total
Sec 23, T4N, R1W, SESW, commercial use

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25 on or before October 3, 1994.

R. Keith Higginson
Director

Pub. Sept. 15 & 22, 1994

8475

LINDA PORTER

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 15, 1994

and ending with the issue of SEPTEMBER 22, 1994

Linda Porter

MICROFILMED

AUG 09 1999

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 22nd day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared

LINDA PORTER

_____, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

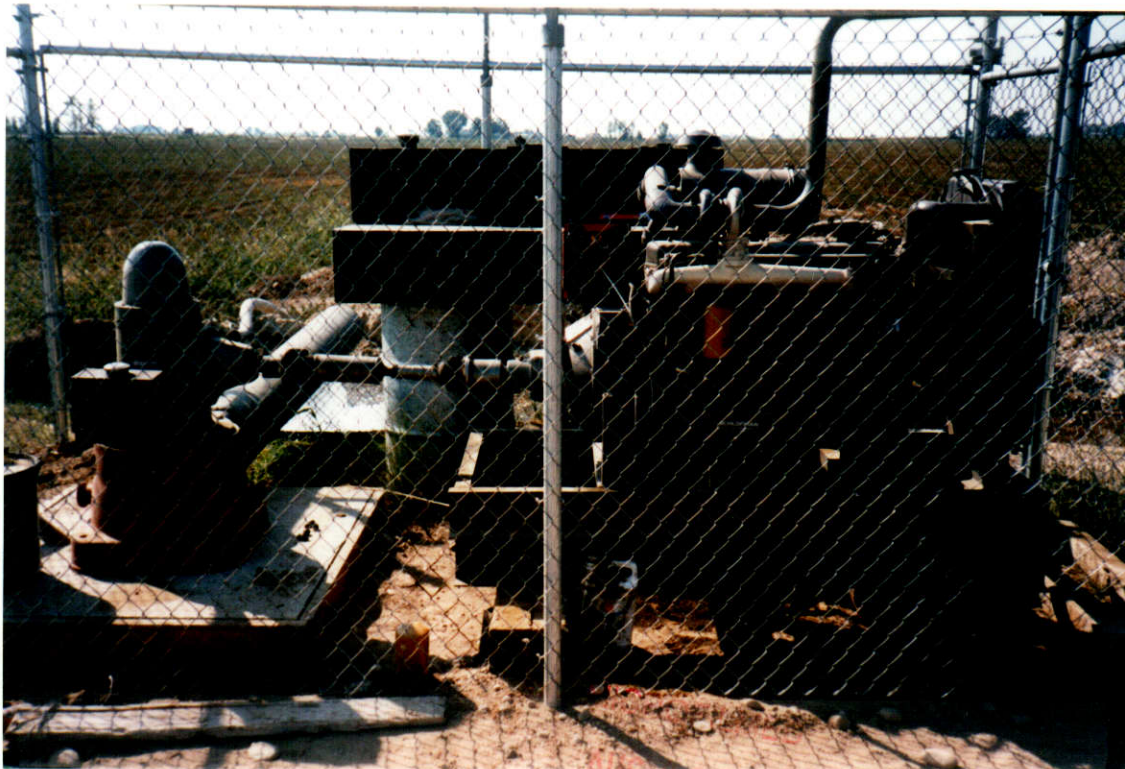
Notary Public for Idaho

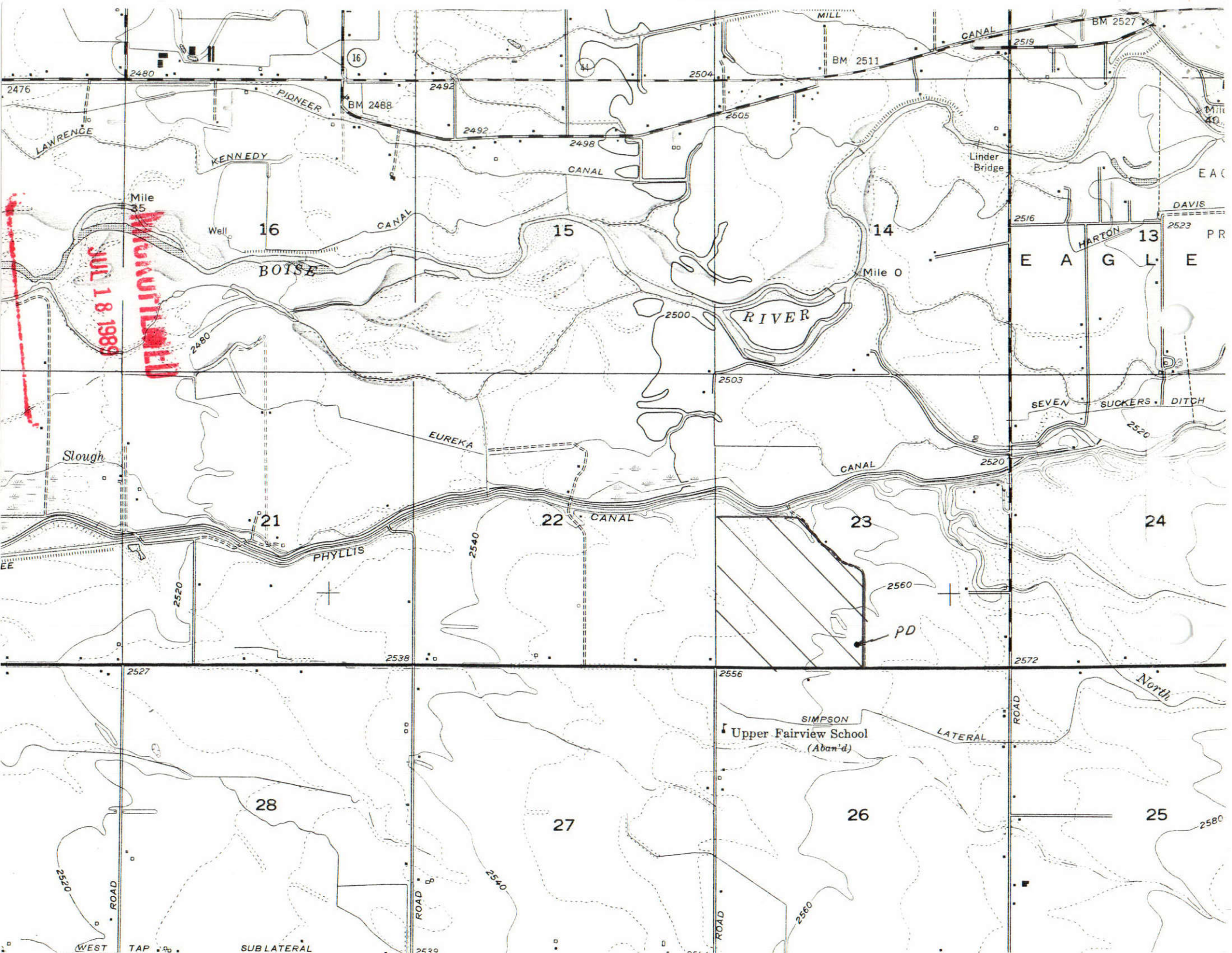
Residing at Boise, Idaho

My commission expires: 11-27-99

DIVERSION FACILITIES

63-10572





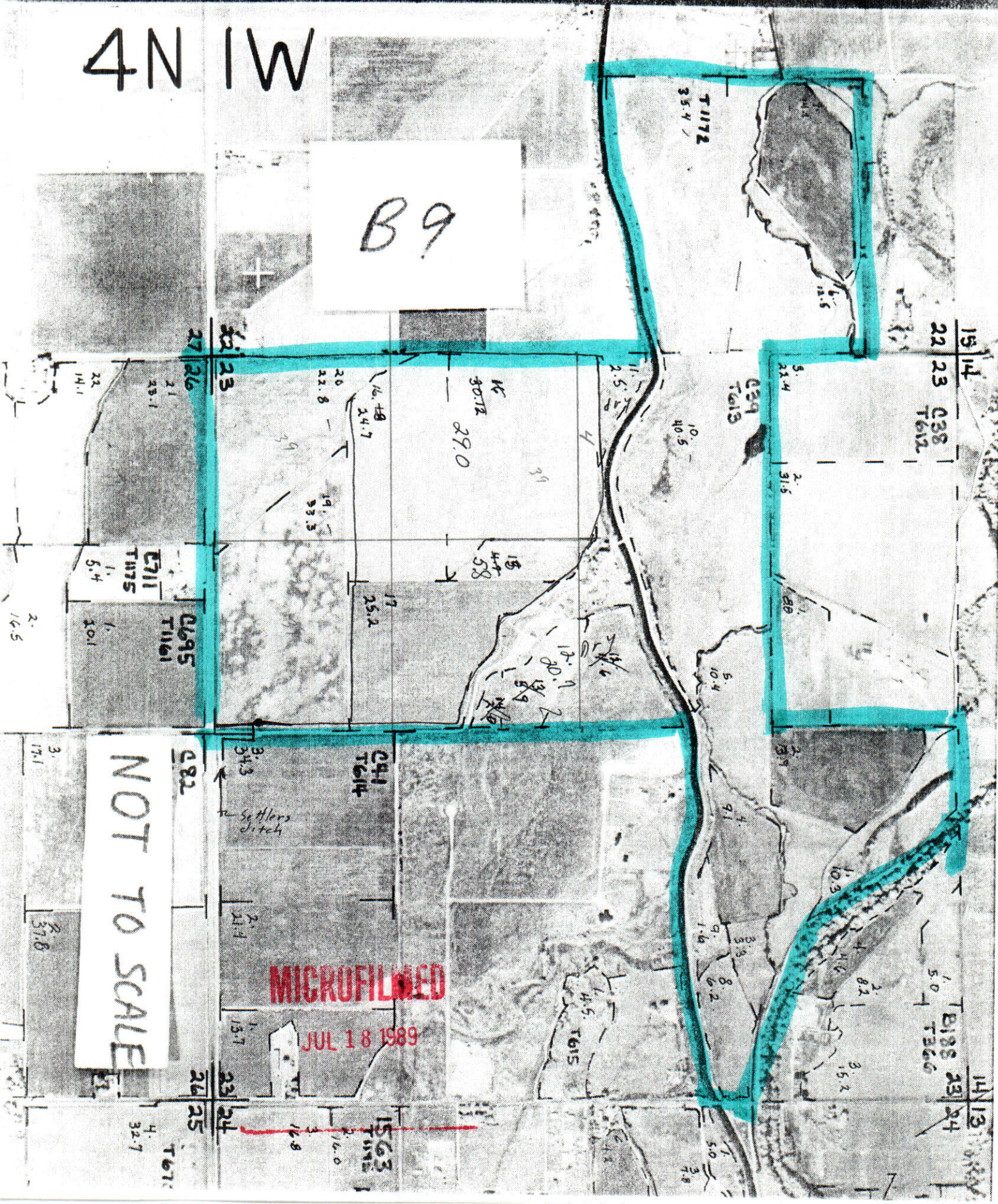
4N 1W

B9

NOT TO SCALE

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JUL 18 1989



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

Form 219
6-85
SHERL L. CHAPMAN
600 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

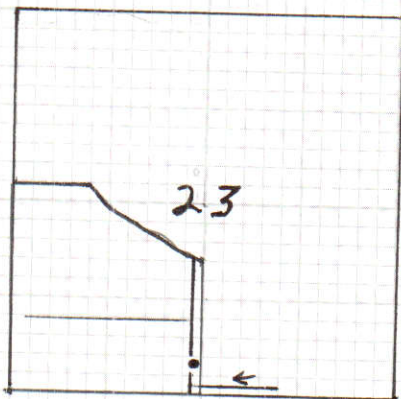
Permit No. 63-10572
1. Owner: Ardis Hewitt and/or Marilyn Blickenstaff Phone No. 344-3407
Current Address: 1714 N. 18th St., Boise, Idaho 83702
2. Accompanied by: Larry (Kinsley) Kuenzli EXAM. DATE: 9/16/88
Address: Middleton Phone No. 585-2232
Relationship to Permit Holder: Farm lessee
3. Source: Ground Water tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: Settlers Irrigation District
2. Other water rights with same point of diversion: None ☐ Copies Attached
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

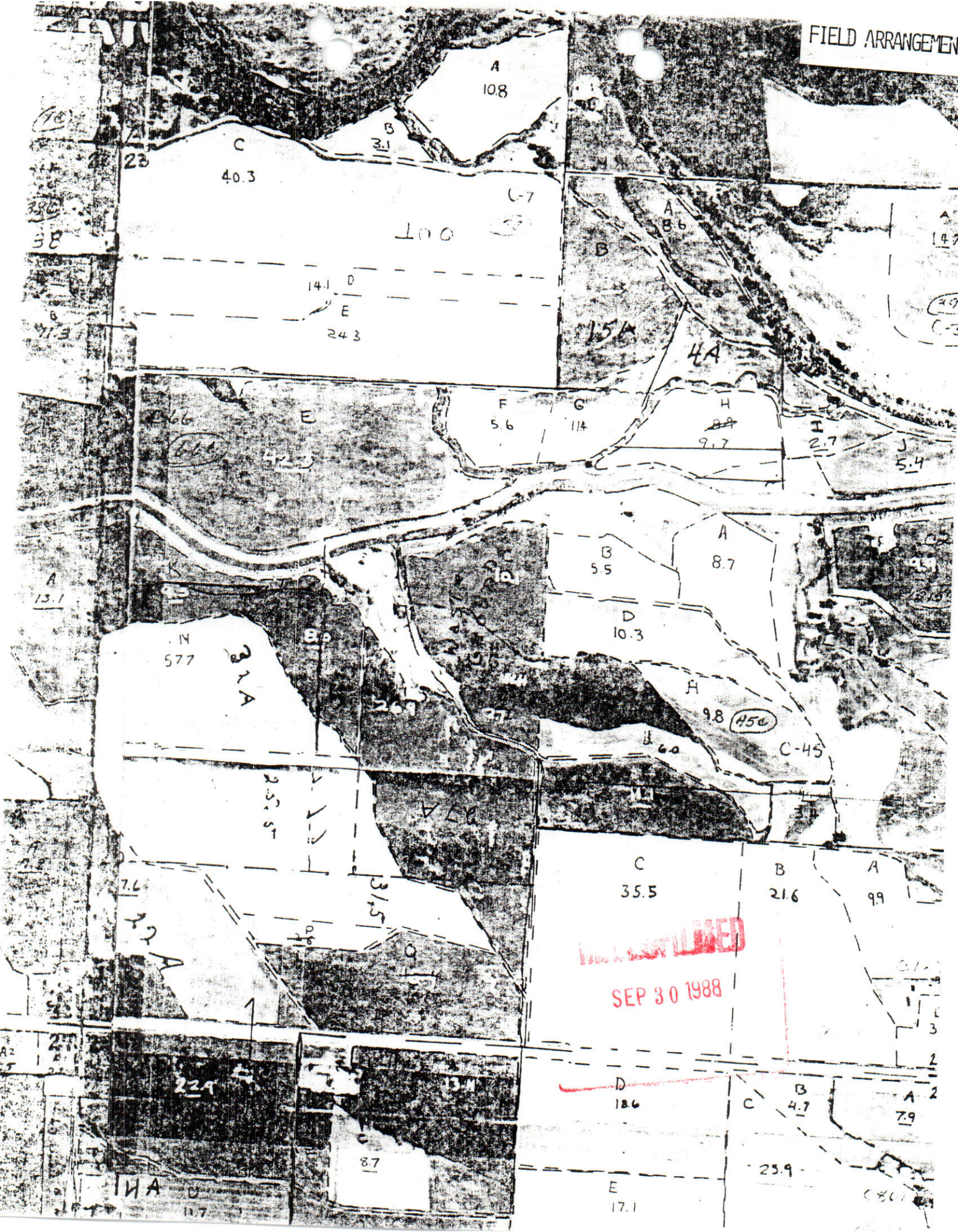


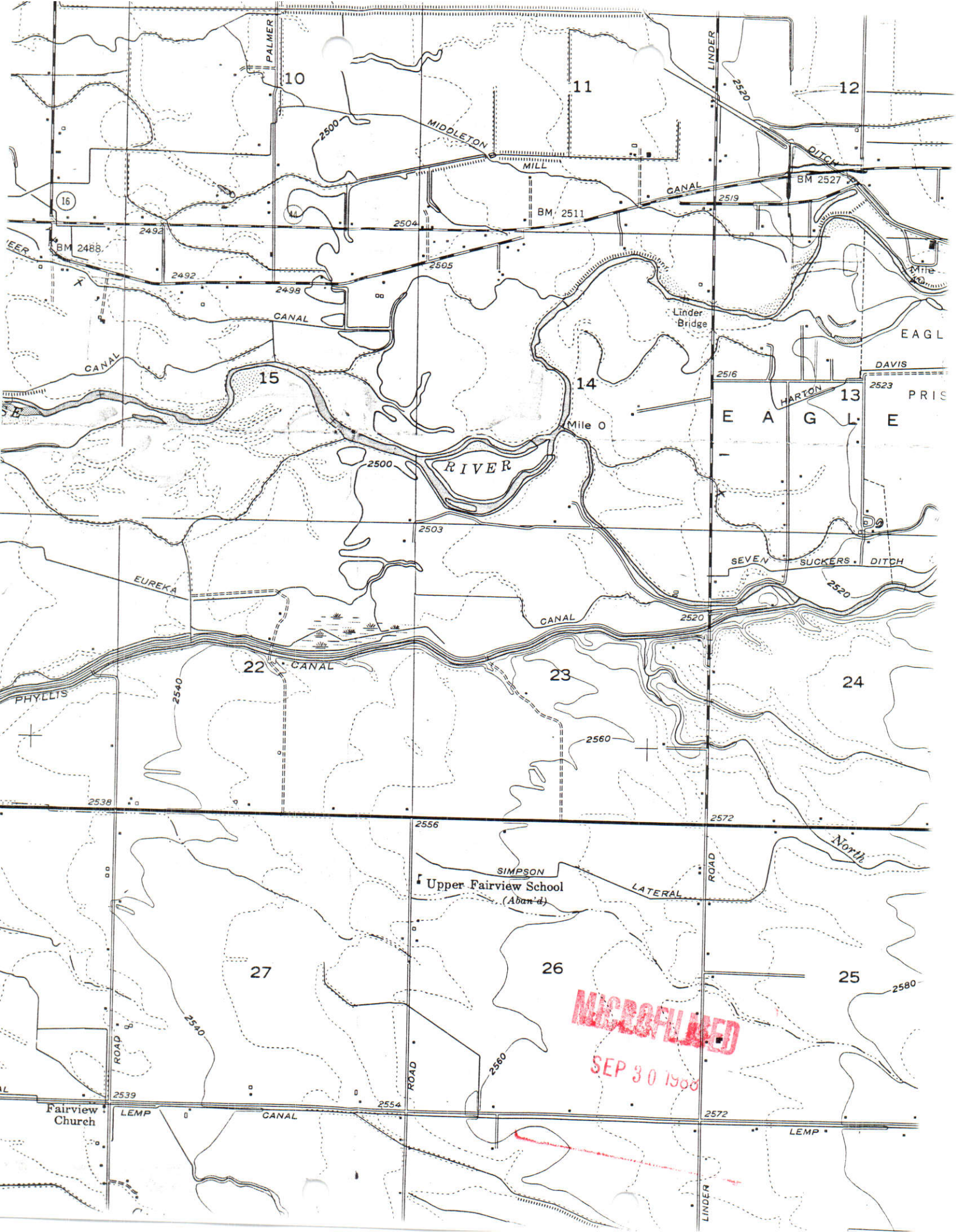
MICROFILMED

JUL 18 1989

Scale: 1" = 1/2 mile

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4439
WATER RIGHT NO. 63-10572

This is to certify that: **SPURWING LIMITED PARTNERSHIP**
C/O JOCK HEWITT
3278 N SHAMROCK LANE
BOISE ID 83704

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.56 CFS	576.0 AF
COMMERCIAL	01/01 to 12/31	0.34 CFS	20.8 AF
Totals		* 2.90 CFS	* 596.8 AF

SOURCE
GROUNDWATER

Priority: 02/22/1988

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 23, Township 04N, Range 01W
NWSW , Sec. 23, Township 04N, Range 01W
SESW , Sec. 23, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	23	SWNW 2	SENW 5	NESW 25	
			NWSW 29	SWSW 34	SESW 33	128
Total number of acres irrigated:						128

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
04N	01W	23
		SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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AUG 09 1999

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4439RECEIVED
APR 22 1996

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

see attachment E AUG 22 1994

PART 1

LIMITED PARTNERSHIP

Name of applicant
Department of Water Resources

SPURWING HOMEOWNERS ASSOC % Jock Hewitt

Phone 345 2762Post Office address 3278 N. SHAMROCK LANE, BOISE ID 83704

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Convert 17 previously irrigated acres into commercial use for private clubhouse. Add new wells to serve Clubhouse, and 70 home units to be developed under application no. 63-12142. Adjust acreage placement for remaining acreage to cover irrigation around homes & clubhouse.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|------------------|-------------|-------------|-----------------------------|
| <u>63-10572</u> | <u>2/22/1988</u> | <u>2.56</u> | <u>IRR</u> | <u>3/15</u> to <u>11/15</u> |
| | | <u>0.34</u> | <u>COMM</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 2.90 cubic feet per second and/or 596.8 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	23	4N	1W	Ada	New Well "A" (Lot 75) } Commercial
		NW	SW	23				New Well "B" (Lot 1) } diversion
		SE	SW	23				Existing well - Irrigation diversion

5. Lands irrigated or place of use:

Twp.	Rge.	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	1W	23							25	25	29	34	33						128
													C						

Total acres 128

PART 1

6. General Information:

- a. Description of diversion system 2 new wells, integrated to provide internal water supply to Clubhouse & up to 70 homes (homes = ap. no. 63-12142). 1 existing well integrated w/ pressurized surface water system for irrigation.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
17 acres taken out of irrigation under this right. 35 acres (approx) added under new right - irrigation related to domestic use.
- d. Remarks:
All irrigation will remain Supplemental to Settler's Irrigation.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

100-23470

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-10572

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.90 CFS	652.0 AF

SOURCE

GROUNDWATER

Priority: 02/22/1988

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 23, Township 04N, Range 01W
ADA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 01W 23	SWNW 4	NESW 23.8	NWSW 39	
	SWSW 39	SESW 39		144.8
		Total number of acres irrigated:		144.8

CONDITIONS/REMARKS:

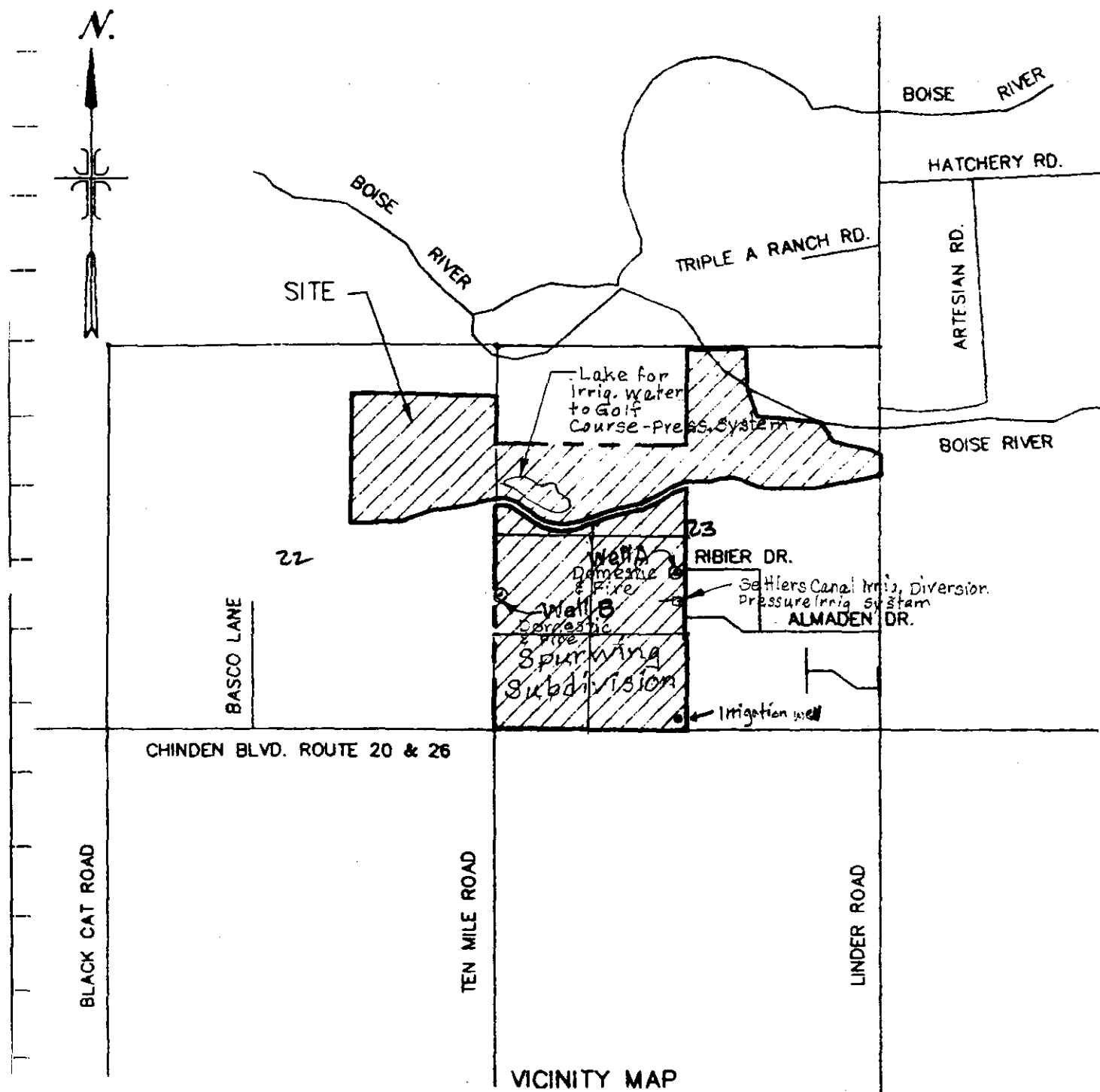
1. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.

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AUG 09 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



VICINITY MAP

1000

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>COMMERCIAL</u>	<u>.34/58.8</u>	<u>365 day/yr</u>	<u>1/1 to 12/31</u>
				to _____

2. Quantity and quality of return flows and location of discharge:

N/A

3. Describe effects on other water uses resulting from the proposed change:

Volume appropriated will be significantly less than under irrigation.
Volume consumed will be minimal. Flows diverted throughout year.
Should result in net benefit in local area.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

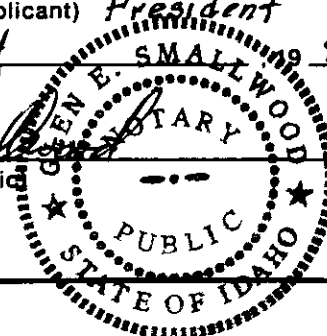
I understand that any willful misrepresentations made in this application may result in voiding its approval.

SPURRING HOMEOWNERS ASSOCIATION

[Signature]
John W. Hewitt
 (Signature of Applicant) President

Subscribed and sworn to before me this 22nd day of August, 1994.

[Signature]
 (Notary Public)

My commission expires 1/2/96**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 46 attachments

Received by FL Date 8/22/94 Protest filed by _____

Prelim. check by FL Fee F100

Received by FL Date 8/22/94 * W017941

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☒ denial

_____ rec'd. _____ by One

Copy of transfer sent to lien holder _____

RECEIVED
 AUG 24 1994

Instr. No. 94012-59

1676001272

WARRANTY DEED

THIS WARRANTY DEED, made as of the 1st day of January, 1994, between MARLYN J. BUCKENSTAFF, a married woman dealing with her sole and separate property, and MARLYN J. BUCKENSTAFF, as Trustee of a Trust created under the Will of Helen Marie Simpson, deceased, of Boise, Ada County of Ada, State of Idaho (GRANTOR), and JOHN W. HEWITT and CHARLENE HEWITT, husband and wife, whose address is 200 N. 4th Street, Suite 206, Boise, Idaho 83702 (GRANTEES):

WITNESSETH:

The GRANTOR, for and in consideration of the sum of Ten and No/100ths Dollars, lawful money of the United States of America, and other good and valuable consideration, to her in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEE, and to their heirs, personal representatives, successors and assigns forever, the undivided one-fourth (1/4) interest owned by Marilyn J. Buckenstaff (formerly Marilyn J. Sack), a married woman as her sole and separate property, and the undivided one-fourth (1/4) interest owned by Marilyn J. Buckenstaff, as Trustee of a Trust created under the Will of Helen Marie Simpson, deceased, in and to the following described real property situate in the County of Ada, State of Idaho, to-wit:

REAL PROPERTY DESCRIBED ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO

1. General Taxes for the year 1994.
2. Non-delinquent liens and assessments of Sertiers Irrigation District and the rights and powers of said District as provided by law.
3. A license for ingress and egress filed in Book 10 of Contracts at Page 458, as Instrument No. 104121, records of Ada County, Idaho.
4. Covenants, conditions, restrictions and easements contained in Deed to the State of Idaho filed in Book 238 of Deeds at Page 361, records of Ada County, Idaho.
5. Covenants, conditions, restrictions and easements contained in Deed to the State of Idaho filed in Book 263 of Deeds at Page 134, records of Ada County, Idaho.

54012059

DEED TITLE

777 GARDNER
J. G. GARDNER
BOISE ID

WARRANTY DEED - 1

READ & APPROVED
By: *[Signature]* 04 FEB 8 PM 3:34
By: *[Signature]* 1994
RECORDED AT THE REQUEST OF

Post-It™ brand fax transmittal memo 7671		# of pages = 3
To: Terry Copple	From: Diane Ward	
cc: DeWison, Copple, etc.	On: Pioneer Title	
Dept:	Phone #	
Fax #	Fax #	

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AUG 09 1999

Attachment A
(3 pgs)

16760012.0

THE SOUTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER LYING NORTH OF THE PHYLLIS CANAL; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; AND THAT PORTION OF THE EAST ONE HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING NORTH OF THE PHYLLIS CANAL ALL IN SECTION 22, TOWNSHIP 4 NORTH, RANGE 1 WEST OF BOISE MERIDIAN IN ADA COUNTY, IDAHO.

GOVERNMENT LOT 2; AND

THAT PORTION OF GOVERNMENT LOT 3 LYING NORTH OF THE PHYLLIS CANAL; AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER LYING NORTH OF THE PHYLLIS CANAL; AND

THE SOUTH ONE HALF OF THE NORTHWEST QUARTER, EXCEPT ANY PORTION LYING WITHIN THE PHYLLIS CANAL RIGHT OF WAY; AND THE SOUTHWEST QUARTER AND THE WEST TWO RODS OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 23, TOWNSHIP 4 NORTH, RANGE 1 WEST OF BOISE MERIDIAN IN ADA COUNTY, IDAHO. EXCEPT THOSE PORTIONS CONVEYED TO THE STATE OF IDAHO FOR A RIGHT OF WAY FOR A PUBLIC HIGHWAY BY DEEDS, RECORDED UNDER INSTRUMENT NO.'S 193253 (208 OF DEEDS, PAGE 381) AND 193418 (283 OF DEEDS, PAGE 404);

AND EXCEPT THAT PORTION CONVEYED TO THE ADA COUNTY HIGHWAY DISTRICT BY DEED RECORDED UNDER INSTRUMENT NO. 978224.

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, AND RUNNING THENCE SOUTH ON SECTION LINE BETWEEN SECTIONS 26 AND 27, 21 3/4 RODS; THENCE

EAST 20 RODS; THENCE

NORTH 21 3/4 RODS TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE

WEST 30 RODS TO THE PLACE OF BEGINNING.

EXCEPT THE FOLLOWING THREE DESCRIBED PARCELS:

PARCEL 1

DESCRIPTION FOR A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE

SOUTH 00 00'42" EAST 1386.16 FEET ALONG THE LINE BETWEEN SECTION 26 AND SECTION 27 TO A POINT WHICH IS THE INITIAL POINT OF THIS DESCRIPTION; THENCE

SOUTH 88 00'00" EAST 287.51 FEET TO A POINT; THENCE

SOUTH 00 00'42" EAST 31.05 FEET TO A POINT; THENCE

SOUTH 88 00'00" EAST 1022.99 FEET TO A POINT; THENCE

SOUTH 00 00'28" EAST 288.49 FEET TO A POINT; THENCE

NORTH 00 00'39" WEST 1808.78 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 26; THENCE

ALONG SAID WEST LINE

NORTH 00 00'42" WEST 329.58 FEET TO THE INITIAL POINT OF THIS DESCRIPTION.

BEST COPY
AVAILABLE

EXHIBIT A PAGE 1 OF 2

MICROFILMED

AUG 09 1999

1676001277

PARCEL 11

DESCRIPTION FOR A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE SOUTH 00 DEGREES 00' EAST 148.00 FEET ALONG THE LINE BETWEEN SECTION 26 AND SECTION 27 TO A POINT WHICH IS THE INITIAL POINT OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 00' EAST 287.51 FEET TO A POINT; THENCE SOUTH 00 DEGREES 00' EAST 287.28 FEET TO A POINT; THENCE NORTH 89 DEGREES 59' WEST 287.51 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 26; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 00' WEST 287.51 FEET TO THE INITIAL POINT OF THIS DESCRIPTION AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR A RIGHT OF WAY FOR A PUBLIC HIGHWAY BY DEED RECORDED UNDER INSTRUMENT NO. 133253 (238 OF DEEDS, PAGE 361)

PARCEL 12

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AS SHOWN ON RECORD OF SURVEY NO. 3824, AS FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, UNDER INSTRUMENT NO. 9386087 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP MARKING THE NORTHEAST CORNER OF THE SAID SECTION 22, THENCE ALONG THE NORTHERLY BOUNDARY OF THE SAID SECTION 22, THENCE NORTH 89 DEGREES 20' 15" WEST A DISTANCE OF 1978.65 FEET TO A BRASS CAP MARKING THE NORTHWEST CORNER OF THE SAID EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, THENCE ALONG THE WESTERLY BOUNDARY OF THE SAID EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 88 DEGREES 20' 06" WEST A DISTANCE OF 658.54 FEET TO AN IRON PIN MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING, THENCE ALONG THE NORTHERLY BOUNDARY OF THE SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, THENCE SOUTH 89 DEGREES 20' 15" EAST A DISTANCE OF 23.81 FEET TO AN IRON PIN ON A CERTAIN EXISTING FENCE LINE, THENCE ALONG THE SAID CERTAIN FENCE LINE, SOUTH 00 DEGREES 48' 33" WEST A DISTANCE OF 1778.52 FEET TO AN IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF THE PHYLLIS CANAL, AS DESCRIBED IN WARRANTY DEEDS FILED IN THE OFFICE OF ADA COUNTY RECORDER, BOISE, IDAHO, UNDER INSTRUMENT NO.'S 1081 AND 12459, THENCE LEAVING THE SAID CERTAIN FENCE LINE AND RUNNING ALONG THE SAID NORTHERLY RIGHT OF WAY LINE ON THE PHYLLIS CANAL, THENCE NORTH 00 DEGREES 58' 12" WEST A DISTANCE OF 15.82 FEET TO A POINT ON THE SAID WESTERLY BOUNDARY OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, THENCE ALONG THE SAID WESTERLY BOUNDARY OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, THENCE NORTH 00 DEGREES 58' 06" EAST A DISTANCE OF 1777.83 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EXHIBIT A PAGE 2 OF 2

MICROFILMED
AUG 09 1999

SPURWING SUBDIVISION

Description of Ownership Status

August 15, 1994

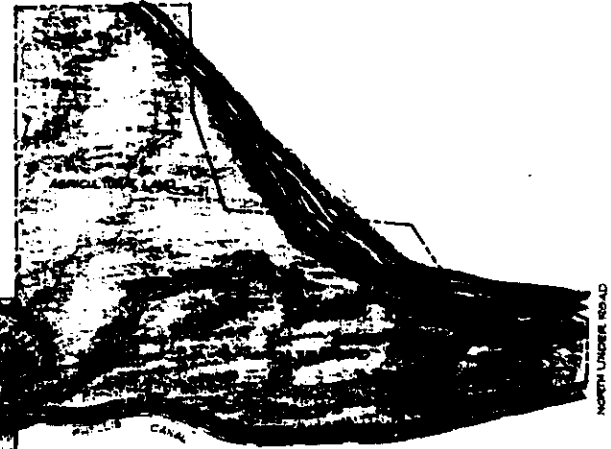
1. Property was owned by Marilyn J. Blickenstaff, a married woman, dealing with her sole and separate property, and Marilyn J. Blickenstaff, as Trustee created under the will of Helen Marie Simpson, deceased, GRANTORS; to John W. Hewitt and Charlene Hewitt, husband and wife, by Warranty Deed Instrument No. 94012059.
2. John W. Hewitt filed Articles and By-Laws for incorporating the "Spurwing Country Club, Inc." to operate the golf course. Directors are listed as: John W. Hewitt, Myron B. Tucker and Elaine Tucker.
3. The Spurwing Subdivision plat is executed by: John W. (Jock) Hewitt as president of the Spurwing Limited Partnership, by Spurwing Corp, an Idaho Corporation General Partner and by John W. (Jock) Hewitt, as presiding member of Pacific Links, Limited Company.
4. Water rights and administration of the subdivision water and irrigation systems will be owned and managed by the Spurwing Home Owner Assn., Inc., with officers:
John W. (Jock) Hewitt, President,
Charlene M. Hewitt, Vice President,
Ronald W. Thurber, Secy., Treas.
Myron B. Tucker, Director
Elaine Tucker, Director

AVCBO 111

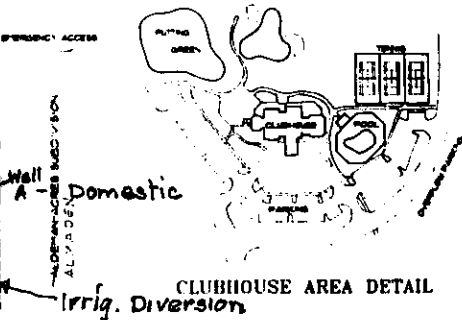
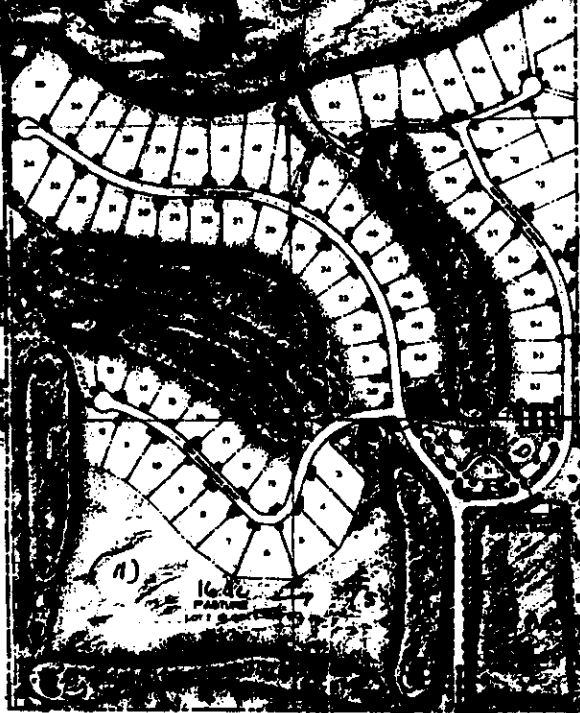
AUG 09 1999

SPURWING MASTER PLAN

Golf Course Irrig. Source-
Lake



AUG 09 1999



Chinden Blvd.

1" = 100'

Attachment C

AJ0729NP
No. A63-10572

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/23/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARDIS HEWITT	02/22/1988	IRRIGATION	03-15 11-15	2.90 CFS	652.00 AFA
C	MARILYN BLICKENSTAFF 1714 N. 18TH ST. BOISE ID 837020000					
TOTAL DIVERSION:					2.90 CFS	652.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T04N R01W S23

SESW

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	01W	23	:									04				23	39	39	39	:	144.8
TOTAL ACRES																				144.8	

POU County: ADA

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

A63-00145 A63-00230 A63-00230F A63-00231 A63-03060 A63-16383 R63-00230

Conditions of Approval:

R27 - This right when combined with all other rights shall provide no
- more than 4.5 afa per acre for the lands above.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Attachment D

RECORDED

AUG 09 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10572

Priority: February 22, 1988 Maximum Diversion Rate: 2.90 CFS
Maximum Diversion Volume:¹ 652.0 AF

This is to certify, that ARDIS HEWITT
MARILYN BLICKENSTAFF

1714 N. 18TH ST.
BOISE, ID 837020000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 22, 1988; and has submitted Proof of Beneficial Use on October 24, 1988. An examination indicates that the works have a diversion capacity of 4.180 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.90 CFS	652.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 23, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	23	SWNW 4	NESW 23.8	NWSW 39	144.8
			SWSW 39	SESW 39		

Total number of acres irrigated: 144.8

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.

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JUL 18 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-10572

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of July, 1989.

Acting for R/ Keith Higginson, Director

MICROFILMED
JUL 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Ardis Hewitt &/or Marilyn Blickenstaff Phone 343-9206
344-3407
Post office address ~~1714~~ N. 18th St., 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. 23 Township 4N Range 1W B.M. ADA County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.0 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, gravity
earthen ditches, siphon tubes

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 16 inches; proposed depth of well is 350-400 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
1 years (minimum 1 year).

SEP 30 1988

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	23									35	35	40	40					150

Total number of acres to be irrigated 150

10. Describe any other water rights used for the same purposes as described above. Settlers
Irrigation District water -- supplemental application
11. a. Who owns the property at the point of diversion? applicants
 b. Who owns the land to be irrigated or place of use? applicants
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

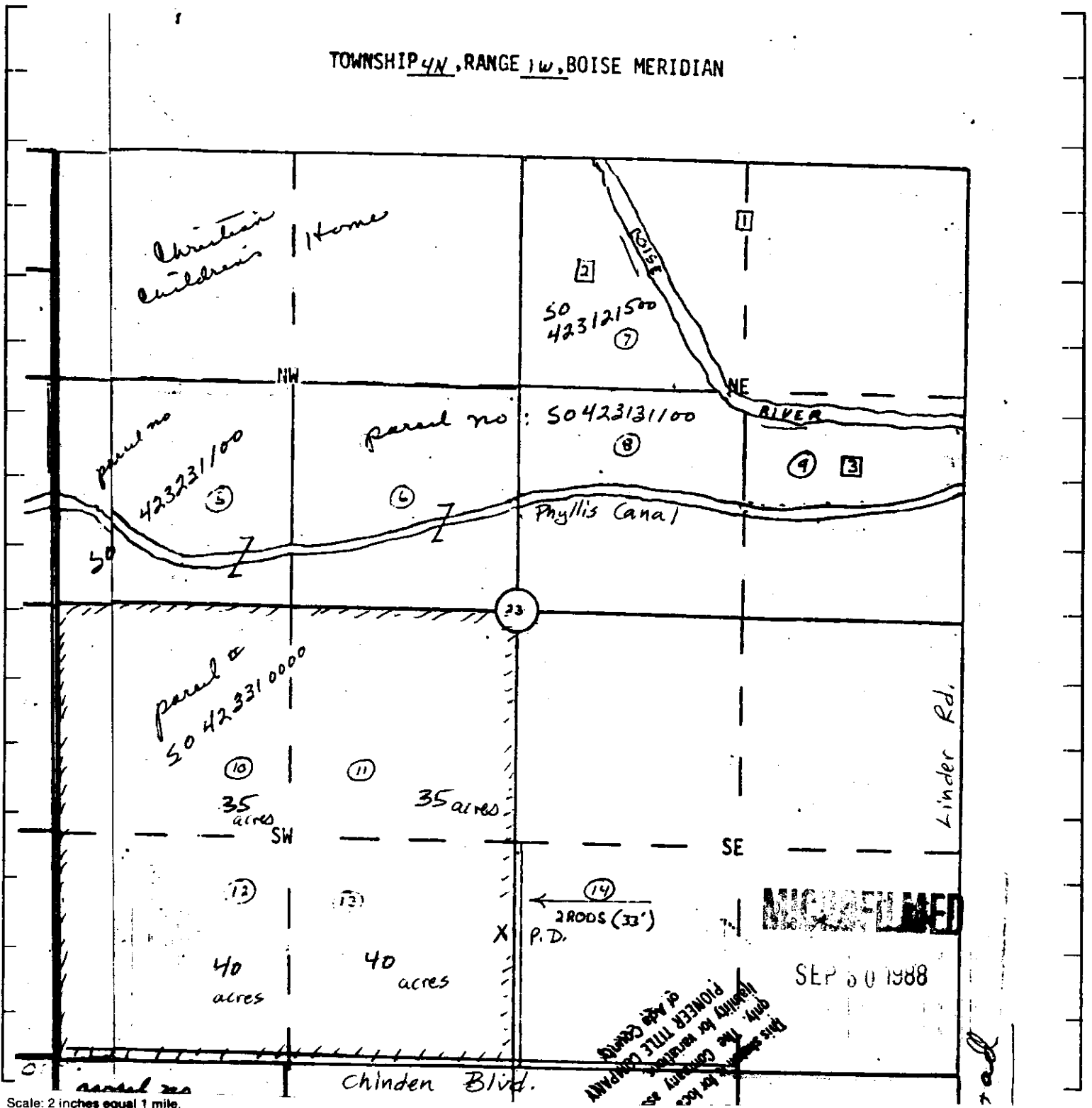
12. Remarks: _____

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SEP 30 1988

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

TOWNSHIP 4N, RANGE 1W, BOISE MERIDIAN



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.

Ardis Hewitt Marilyn Blumentoff
(Applicant)

Proposed Priority 2/22/88

Received by BD Date 2/22/88 Time 11:15 AM Preliminary check by BD

Fee \$ 85.00 Receipted by BD # 46086 Date 2/22/88

Publication prepared by SP Date 2/24/88 Published in Idaho Statesman

Publication approved SP Date 3/11/88

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. 63-10572, and said application is hereby APPROVED.

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 May 1, 19 89.

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:

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

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.

Witness my hand this 6th day of April, 1988.

Director

SEP 30 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

66.05

Account Name Idaho Department of Water Resources (Western)			Account Number #47628	
Address 2735 Airport Way		City/State Boise, ID		Zip 83705
Ordered By Judy Pense	P.O. Number	Rate NT	Run Dates 1988 Mar. 3, 10	
Identification Applications for Water Rights			Estimated Inches	Real Inches
1 Number of Affidavits Requested				Legal Number #7830

RECEIVED

MAR 11 1988

STATE OF IDAHO)

) SS.

COUNTY OF ADA)

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-10570
Square at Strawberry Ln. Townhouse Assn.
1008 Strawberry Ln.
Boise, Idaho 83712
Source: Groundwater
Diversion Pt.: Lot 04 (NENW) Sec 14 T 03N R 02E
Use: Irrigation (0.060 CFS)
Date Filed: 02/18/1988
In: Lot 04 (SESW) Sec 11 T 03N R 02E Lot 4 (NENW) Sec 14 T 03N R 02E — for 2 Acres

63-10571
Lamplight Homeowners Assn.
c/o Jenkins & Peterson Blders.
10332 Fairview Ave. #201
Boise, ID 83704
Source: Groundwater
Diversion Pt.: NWSW Sec 35 T 04N R 01E
Use: Irrigation (0.150 CFS)
Date Filed: 02/17/1988
In: NWSW Sec 35 T 04N R 01E — for 5 Acres

63-10572
Hewitt, Ardis
Blickensstaff, Marilyn
1714 N. 18th St.
Boise, ID 83702
Source: Groundwater
Diversion Pt.: SESW Sec 23 T 04N R 01W
Use: Irrigation (3.0 CFS)
Date Filed: 02/22/1988
In: NESW NWSW SWSW SESW Sec 23 T 04N R 01W — for 150 Acres

63-10573
Cope, Pete
6505 W. Chinden
Meridian, ID 83642
Source: Groundwater
Diversion Pt.: NWNW Sec 28 T 04N R 01W
Use: Heating (0.080 CFS)
Date Filed: 02/10/1988
In: NENE Sec 29 T 04N R 01W

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 March 21, 1988.

R. KEITH HIGGINSON
Director

Pub. March 3, 10, 1988

7830

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of March 3, 1988

and ending with the issue of March 10, 1988

Deborah Gregory

Subscribed and sworn to before me this 10th

day of March, 1988

Randy J. Jolly 12/93
Notary Public for Idaho, Residing at Boise, Idaho

SEP 30 1988



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

June 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SPURWING LIMITED PARTNERSHIP
C/O JOCK HEWITT
3278 N SHAMROCK LANE
BOISE ID 83704

RE: Water Right 63-10572 (Transfer 4439)

Dear Water Right Holder(s) :

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 4439). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

LGS:klt

Enclosure

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AUG 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 63-10572 (Transfer 4439)

**SPURWING LIMITED PARTNERSHIP
C/O JOCK HEWITT
3278 N SHAMROCK LANE
BOISE ID 83704**


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 09 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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AUG 09 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

AUG 09 1999

MEMORANDUM

TO: File 63-10572

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 4439

DATE: June 17, 1999

Transfer 4439 adds points of diversion, changes the nature, season and place of use under Right 63-10572. The applicant is removing 16.8 acres from irrigation use to provide water for a clubhouse and rearranging the remaining acres to cover irrigation use for a proposed subdivision and common areas.

This right was developed as a supplemental groundwater right on land receiving water from Settlers Irrigation District. The applicant will be required to maintain control and use of the water associated with the 16.8 acres of land removed from irrigation and use it on the remaining irrigated acres.

The change in nature of use does not result in an expansion of this use under this right. The number of acres removed from irrigation is a reflection of the rate of diversion requirement. The net result of the transfer is a reduction of both the diversion and consumptive use volumes.

Season of use was adjusted to reflect year round use for commercial use. Other recommended conditions include drilling permit requirements, irrigation overlap, supplemental groundwater conditions, multiple points of diversion/measuring devices, diversion records requirement, future annual reporting, water quality and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol.</u>
63-10572	2.90 cfs	IRR	144.8 acres	652.0 af/506.8 af
After Transfer	2.56 "	IRR	128.0 "	576.0 af/448.0 af
	0.34 "	COMM	(16.8 ")	20.8 af/-----
	2.90 cfs IRR/COMM		128.0 acres	596.8 af/448.0 af

MICROFILMED
AUG 09 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 4439

Date Reviewed 10-3-99 CS

Right(s) 63-10572

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use (G) Other H:Change P/D & Add P/D
I:Change P/D & P/U Nature, Season + P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Warranty Needs & Explanation of Ownership chain.
Covers P/U

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. D/4.5

(1) ☒ Priority (2) ☐ Use (3) ☐ Season (4) ☐ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions IRR Overlap (13) No Expansion Reduced Div. & U. Vol.

(2) 11.8 acres IRR removed to provide water for clubhouse/COMM use.

(3) Allow yr. round Commercial Use

(4) .34 cfs for COMM (2.56 cfs IRR)

(5) 4.5 x 128 = (576 ac ft) < YOR Comm = 20.8" per application + uses

(7) Add P/Ds

(8) Change P/U - Add SENEW + shift acres to cover irr. in + around subdivision + clubhouse.

Required rate not volume most confining factor.

Supplemental (GL) - Retain shares associated w/11.8 acres out on remaining P/U.

A 63-10572 Rejected Claim/Lack of Fees/Not Required - Priority 2-22-88 - Post SRBA Date.

Transfer Remarks Region Mgr. Condition (DRT)
Comm. use for clubhouse. WB4 Retain any shares associated
Conditions 046, 011, 045, 079, 081, B45, T07, T08 T17 w/11.8 acres on P/U

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

CS 06-28-99

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T04W R01W S 23	Proposed IRR Acres									2	5	25	29	34	33							128
A6300145	BOISE RIVE :	3	30	15	11	40	40	33	25													197
A6300161J	BOISE RIVE :				20			10														30
A6300230F	BOISE RIVE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
A6300231	BOISE RIVE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
6302268	BOISE RIVE :	29																				29
A6302268	BOISE RIVE :	29																				29
6303060	GROUNDWATE :																					
A6303060	GROUNDWATE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
A6303614B	BOISE RIVE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
A63036188	BOISE RIVE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
6304059	UNNAMED DI :																	14				14
A6304059C	NORTH SLOU :																	5				5
6304254	GROUNDWATE :	40																				40
A6304254	GROUNDWATE :	29																				29
6304935	WASTE WATE :				03-17																	17
A6304935	WASTE WATE :				03-16																	16
A6305262B	BOISE RIVE :			20	20			10	15	40	40	40	40	40	40	40	40	40	40	40	40	385
6308333	GROUNDWATE :					4																4
6309664	GROUNDWATE :																					
A6309664	GROUNDWATE :																					
6310572	GROUNDWATE :							4		23	39	39	39	39	39							144
T6310572	GROUNDWATE :							4		23	39	39	39	39	39							144
6310955	GROUNDWATE :			1														2				3
6310976	GROUNDWATE :																	2				2
6310993	GROUNDWATE :																	2				2
6311199	GROUNDWATE :																			38	15	53
6311564	WASTE WATE :																	4				4
6312108	GROUNDWATE :																	3				3
6312142	GROUNDWATE :							2	4	13	9	5	2									35
6312187	GROUNDWATE :			10				36	25													71
A6315662	WASTE WATE :				3																	3
A6316383	PHYLLIS SL :	3	30	15	11	40	40	33	25													197
A6330149	SPRINGS :																	21				
--86 MAP--	C10-X 7 :				37	39	41	40	38	41	40	41	37					37	35	39	25	490
NO QTRS	MAPPING	Lot01-21 Lot02-27 Lot03-46																				

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERYDATE: 06/03/99
TIME: 13:57:18
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-10572	HEWITT, ARDIS	C	02/22/1988	L/	GROUNDWATER	IRR	WR
	BLICKENSTAFF, MARILYN	C					
T63-10572	HEWITT, ARDIS	C	02/22/1988	L/	GROUNDWATER	IRR	WR
	BLICKENSTAFF, MARILYN	C					

A63-10572	HEWITT, ARDIS	C	02/22/1988	/X	GROUNDWATER	IRR	AJ
	BLICKENSTAFF, MARILYN	C					

SRBA Claim not required. Rejected Claim due to lack of fees.

Water Right Number - A63-10572

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HEWITT

ARDIS

1 - 1714 N 18TH ST

2 -

3 -

City- BOISE

State- ID Zip- 837020000

Phone - 208-000-0000

BLICKENSTAFF

MARILYN

1 - 1714 N 18TH ST

2 -

3 -

City- BOISE

State- ID Zip- 837020000

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/22/1988 14 WESTERN X - REJECTED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County Diversion Name

04N 01W 23 SE SW (1) ADA

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 2.900 652.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.900 652.00 0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

04N 01W 23 SW NW 4.0 01 IRRIGATION (1) ADA
04N 01W 23 NE SW 23.8 01 IRRIGATION (1) ADA
04N 01W 23 NW SW 39.0 01 IRRIGATION (1) ADA
04N 01W 23 SW SW 39.0 01 IRRIGATION (1) ADA
04N 01W 23 SE SW 39.0 01 IRRIGATION (1) ADA

Total Acres: 144.8

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN CLAIM INCOMPLETE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: g APPLICANT Spurway Limited

1. Right number 63-10572
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change of point of diversion ☒ Add diversion point(s) ☒ Change of place of use
☒ Change nature of use ☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use ☒ SRBA claim
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 63-12142 new appl - see A.Z. of transfer
 - j. ☒ SRBA claim. Comments same as license
 - k. ☒ Is use within Water District? ☐ Yes ☐ No
If yes, what district? _____ Comment letter sent ☐ Yes ☐ No
 - l. ☒ Legal notice electronically transmitted to DWR03::Vault? 9-7-94 at

FINAL PROCESSING REVIEW BY: DR

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* The water right holder must maintain records of diversions and uses conducted under this water right, and must provide copies of these records to DWR upon request. Improper delivery of water under this
4. By DR Date 4/22/96
right is cause for voiding the transfer.

*All uses within Water Districts require special conditions.

RECEIVED
APR 22 1996

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 1996

JOCK HEWITT
SPURWING LIMITED PARTNERSHIP
200 N 4TH STE 203
BOISE ID 83702

RE: Applications for Permit 63-12142 and 63-12187, Application for
Transfer of Water Right 63-10572

Dear Mr. Hewitt:

On several occasions this office has requested information needed to complete the analysis of the above applications. As the result of a telephone conversation between Cindy Hodges of this office and Mr. Myron Tucker, a signed copy of an agreement between Eureka Water Company and SpurWing Country Club Inc. and SpurWing Limited Partnership was delivered on March 28, 1996. Additional information is still required.

You attended a meeting at this office on July 17, 1995, during which the submittal of required information was discussed. A summary of that meeting is attached. We have still not received an engineering plan for the irrigation system around the home lots. This system must provide for surface water from Settler's Irrigation District to be the primary source for irrigation.

Please be advised that at this time, none of the above applications has been approved, and you are not authorized to divert flows into or to operate a pumping system from the Spurwing Lake. The operation of that system will only be authorized through the approval of the above rights. Operation of the system in advance of this approval will cause the Department to seek injunctive relief against illegal diversions under I.C. §42-351.

Please submit the engineering plan within two weeks of the date of this letter.

Sincerely,

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

DRT:ch

cc: Myron Tucker
Terry Copple, Esq.

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AUG 09 1999

July 18, 1995

Distribution: See Below

RE: Summary of Meeting on July 17, 1995, Spurwing Development,
Applications for Permit Nos. 63-12142 and 63-12187,
Application for Transfer of Water Right No. 63-10572

Dear Interested Party:

The purpose of this letter is to record yesterday's discussion during which interested parties determined the following:

1. Eureka water is to be used to irrigate only Eureka lands. As indicated in my letter dated June 19, 1995, the amount of water to be pumped from the Spurwing pond to be used on Eureka lands is limited to the amount of Eureka water measured into the pond.

2. Eureka water shall not be used to irrigate Settlers' Irrigation District lands. When Settlers' Irrigation District water is shut off by the watermaster, supplemental irrigation water shall be supplied from ground water under water right no. 63-10572.

3. The Department is still awaiting the two documents identified in my letter dated June 19, 1995. The first is an agreement between Spurwing and Eureka Water Company relative to the use of Eureka water on the Spurwing property. The second is an engineering plan which shows that the primary source of irrigation supply for the home lots is surface water, with ground water used as a back-up supply.

We will continue to hold the above-referenced applications without approval pending the submittal of the needed documents. Based on yesterday's meeting, I will allow an additional three weeks for the submittal of the information.

Sincerely,



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

Distribution: Eureka Canal Company, Settlers' Irrigation District,
Jock Hewitt, John T. Schroeder, Esq.

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B. & A. Engineers, Inc.

Consulting Engineers & Surveyors

Established 1921

CARLYLE W. BRIGGS, P.E./L.S.

**5505 FRANKLIN RD.
BOISE, IDAHO 83705**

**(208) 343-3381
Toll Free in Idaho 1-800-327-5360**

○

342 5792

FAY.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SPURWING LIMITED PARTNERSHIP
C/O JOCK HEWITT
3278 N SHAMROCK LN
BOISE ID 83704

RE: Application for Permit, Spurwing Golf Course Lake

Dear Mr. Hewitt:

When we last spoke in September, you and Mr. Tucker were to begin collecting the necessary information to supplement a new application for permit filing for the above lake. As of this date, we have not received the filing.

Your previous application for permit filing, 63-12142, and application for transfer, 63-10572, were advertised without protest in late September and are now awaiting our manager's review. However, the earlier filings need to be reviewed along with the application yet to be submitted, in order to evaluate the relationship of the rights which will cover the entire system.

Our office will hold application for permit 63-12142 and application for transfer 63-10572 with no further action until we receive a filing for Spurwing Golf Course Lake. Please contact me or Dave Tuthill if you have additional questions.

Sincerely,

Cindy Hodges
Cindy Hodges

Sr. Water Resource Agent

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AUG 09 1999

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SEP 23 1994

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$120.50

Account Number 04762800		Identification NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-10572 & A63-10572	
Ordered By Sue Taylor	P.O. Number	Rate TT	Run Dates September 15 & 22, 1994
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 8475

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO. 63-10572 & A63-10572

Notice is hereby given that Garwood Limited Partnership of Boise, ID has filed with the Department of Water Resources a change of the following described water right pursuant to Section 60-108 of Idaho Code.

WATER RIGHTS AS DESCRIBED

Water Right No. 63-10572
Basis License
Date of Priority 2/22/1968
Source Groundwater
Applicant J. J. C. S.
Use Irrigation
Place of Div. Sec 23, T4N, R1W, S2SW
Place of Use Sec 23, T4N, R1W, S2SW, SW1/4.
Area Acres: total

WATER RIGHT CLAIMED IN SHANE RIVER BASIN ADJUDICATION

Water Right No. 63-10572
Basis License
Date of Priority 2/22/1968
Source Groundwater
Applicant J. J. C. S.
Use Irrigation
Place of Div. Same as above
Place of Use Same as above

THE FOLLOWING CONDITIONS OF WATER RIGHT 63-10572 AND
A63-10572 ARE TO BE CHANGED AS FOLLOWS

Water Right No. 63-10572 & A63-10572
Basis License
Date of Priority 2/22/1968
Source Groundwater
Applicant J. J. C. S.
Use Irrigation/Commercial
Place of Div. Sec 23, T4N, R1W, S2SW (existing well), NESW
(new well), N2SW (new well)
Place of Use Sec 23, T4N, R1W, S2SW, SW1/4.
Area Acres: total
Sec 23, T4N, R1W, S2SW, commercial use

Any protest against approval of the proposed change of water right
application must be filed with the Department of Water Resources, C-
Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest
fee of \$25.00 on or before October 3, 1994.

R. Keith Hoggins
Director

Pub. Sept. 15 & 22, 1994

8475

LINDA PORTER

, being duly

sworn, deposes and says: That she is the Principal Clerk of The
Idaho Statesman, a daily newspaper printed and published at Boise,
Ada County, State of Idaho, and having a general circulation therein
and which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive
months prior to the first publication of the notice, a copy of which is
attached hereto; that said notice was published in The Idaho
Statesman in conformity with Section 60-108, Idaho Code as
amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 15, 19 94

and ending with the issue of SEPTEMBER 22, 19 94

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 22nd day of SEPTEMBER in the year of
1994, before me, a Notary Public, personally appeared
LINDA PORTER, known or identified to
me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 11-27-99

SEP 06 1994 10:01 B AND A ENGINEERS.
W.H. DAVISON (1878-1984)
FRANK DAVISON (1907-1984)

R.H. COPPLE
E. DON COPPLE
TERRY C. COPPLE
SOOT M. LUDWIG
JON R. COX

DAVISON, COPPLE, COPPLE & COPPLE
ATTORNEYS AT LAW
SUITE 530, EMPIRE BUILDING
205 N. 10th Street
BOISE, IDAHO

TELEPHONE (208) 342-9658
FAX (208) 388-9428

MAILING ADDRESS
P.O. BOX 1583
BOISE, IDAHO 83701

VIA FACSIMILE TRANSMISSION

August 31, 1994

Carlyle Briggs
~~Briggs Engineering~~ *BEA Engineering, Inc*
~~4418 Orchard~~ *5505 W. Franklin Rd.*
Boise, Idaho 83706-1955.

RE: Spurwing

Dear Carlyle:

The development entity for Mr. Hewitt is Spurwing Limited Partnership.

The General Partner of the Limited Partnership is Spurwing Corporation. The President of the Corporation is John W. Hewitt, and the Secretary/Treasurer is Charlene Hewitt. The Board of Directors are the Hewitts, and their address is 3278 North Shamrock, Boise, Idaho 83704.

The Limited Partners of the Partnership are Spurwing Corporation, Helen Marie Simpson Trust, Nancy L. Hewitt, John W. Hewitt, Jane M. Harris, James S. Hewitt and Ardis C. Hewitt, and their mailing address is 200 North 4th Street, Suite 206, Boise, Idaho 83702.

If you have any questions concerning the foregoing, please do not hesitate to contact me.

Yours truly,

DAVISON, COPPLE, COPPLE & COPPLE

By


Terry C. Copple

TCC/gic

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AUG 09 1999

ATTACHMENT E

①

Spurwing. Transfer Analysis

A. Commercial Conversion

1. Volume (All figures average-based)

Restaurant (assume w/ cocktail lounge)

$$800 \text{ meals/day} \times 10 \text{ gal/meal} \times 365 \text{ days/year} = 2,920,000 \text{ gal/yr}$$

Club (w/ pool, showers, gym)

$$100 \text{ members/day} \times 100 \text{ gal/day/member} \times 365 \text{ days/yr} = 3,650,000 \text{ gal/yr}$$

$$25 \text{ guests/day} \times 25 \text{ gal/guest/day} \times 365 \text{ days/yr} = \cancel{2,281,250} 228,125 \text{ gal/yr}$$

$$\text{Total Volume } 6,798,125 \text{ gal/yr} \times 1 \text{ AF} / 325,850 \text{ gal} = 20.8 \text{ AF/yr}$$

Requiring 4.6 acres @ 4.5 AF/ac/yr~~2.1~~

2. Instantaneous Flow Demand

(All numbers assumed for fixture counts)

Showers 10 @ 6 gpm

Toilets 10 @ 5 gpm

Lavatories 6 @ 4 gpm

Kitchen Sinks 3 @ 5 gpm

60 gpm

50

24

15

149 gpm = .33 cfs

(Must choose higher of 2 requirements)

Requiring 16.5 acres @ .02 cfs/acre

3. 17 acres required to be retitled for conversion

ATTACHMENT F (3 pages)

Spurwing Analysis Con't

B. Irrigated Acreage (w/in Platted area only)

<u>Description</u>	<u>Acres</u>
lot 1 (well lot B)	6.0
lot 2 Pasture	16.0
lots 3-50, 48 home lots	48.0
lot 51 Landscape	1.0
lots 52-60, 9 Home lots	9.0
lot 61 Landscape	1.0
lots 62-74, 13 Home lots	13.0
lot 75 (well lot A)	1.0
lot 76 Landscape lot	2.0
Driving Range	9.0
Holes 1-5 & 18, ~8 ac each	48.0
	<u>154</u>

C. Available Irrigation

Right No. 63-10572 145

- 17 used for clubhouse Conversion
128+ 35 Avail under new application
up to 1/2 ac per home site163 ac

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AUG 8 9 1999

Upon licensing of newest right only those acres
req'd (not covered under 63-10572) will be issued.

Spurwing

C. QQ Breakdown
(Approximate)

		New Application Acres	(63-10572) Transfer Acres	QQ Acres
SE NW	8 home lots	4	5	9
SW NW	4 home lots	2	2	4
NE SW	27 home lots, lot 75 lot 61, 1/2 of lot 76 Hole #18	13	25	38
NW SW	18 home lots, lot 1, Holes #4 & 5, portion of hole #3	9	29	38
SW SW	10 home lots, portion of lot 2, Hole #2, portion of Hole #3	5	34	39
SE SW	3 home lots, portion of lot 2, lot 51, 1/2 of lot 76, Driving range, Hole #1, Clubhouse	2	33/Commercial	35
Totals		<u>35</u>	<u>128</u>	<u>163</u>

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NOTICE OF PROPOSED CHANGE OF
WATER RIGHT NO.
63-10572 & A63-10572

Notice is hereby given that Spurwing Limited Partnership of Boise, ID has applied to the Department of Water Resources to change the following described water rights pursuant to section 42-222 of Idaho Code.

WATER RIGHTS AS RECORDED

Water Right No.	63-10572
Basis	License
Date of Priority	2/22/1988
Source	Groundwater
Amount	2.9 cfs
Use	Irrigation
Point of Div	Sec 23, T4N R1W, SESW
Place of Use	Sec 23, T4N R1W, SW1/4, 144.8 acres total

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION

Water Right No.	A63-10572
Basis	63-10572
Date of Priority	2/22/1988
Source	Groundwater
Amount	2.9 cfs
Use	Irrigation
Point of Div	Same as above
Place of Use	Same as above

THE FOLLOWING PORTIONS OF WATER RIGHT 63-10572 AND
ADJUDICATION CLAIM A63-10572 TO BE CHANGED AS FOLLOWS

Water Right No.	63-10572 & A63-10572
Amount	2.9 cfs
Use	Irrigation/Commercial
Point of Div.	Sec 23, T4N, R1W, SESW (existing well), NESW (new well), NWSW (new well)
Place of Use	Sec 23, T4N, R1W, S1/2NW, SW1/4, 128 acres total Sec 23, T4N, R1W, SESW, commercial use

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25 on or before October 3, 1994.

R. Keith Higginson
Director

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AUG 09 1999

Published in the Idaho Statesman on September 15 and 22, 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE DIVERSION OF)
WATER WITHOUT A VALID RIGHT OR NOT)
IN CONFORMANCE WITH A VALID WATER)
RIGHT ON LANDS OWNED OR CONTROLLED)
BY SPURWING LIMITED PARTNERSHIP)
_____)

NOTICE OF VIOLATION

The Director of the Idaho Department of Water Resources (Department), being charged with the duty of enforcing certain statutes of the state of Idaho and the rules of the Department, and being authorized to order the cessation of violations or attempted violations of the provisions of law relating to the appropriation and distribution of water, has caused an investigation of certain diversions of water being made by or under the control of Spurwing Limited Partnership.

Based upon the Department's investigation and understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 2, 1994, Spurwing Limited Partnership (Spurwing) filed an Application for Permit to appropriate 4.87 cfs of ground water, to be diverted from three locations within Section 23, Twp. 4N, Rge 1 W, B.M. On August 22, 1994, Spurwing filed an Application for Transfer of Water Right No. 63-10572, which proposed to convert a portion of an irrigation water right for use in a clubhouse, and to modify the location of lands irrigated under the water right. Both applications were advertised on September 15 and 22, 1994, and no protests were received. On September 19, 1994, the Department sent a letter to Spurwing advising of a need for a water right filing to fill and use water from the 50 acre-feet pond recently constructed by Spurwing, and identified additional information which would be required before the applications could be approved.

2. On October 28, 1994, the Department sent Spurwing a letter advising that processing of the two above-referenced applications would not proceed without being accompanied by a filing to fill or use water from the pond.

3. On March 8, 1995, Spurwing filed with the Department an application to fill or use water from the pond. This application was advertised on April 6 and 13, 1995, and was not protested.

4. On May 17, 1995, the Department sent Spurwing a letter advising that (1) we had still not received some of the information requested in the letter dated September 19,

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AUG 13 1999

1994, (2) all three applications were being held pending receipt of this information, and (3) no pumping from the pond was authorized.

5. On June 2, 1995, the Department sent Spurwing a Notice of Pending Agency Action which reiterated the requirements and stated that a Notice of Violation would be issued if Spurwing failed to comply with the provisions of earlier correspondence.

6. During early June, 1995, Spurwing provided to the Department all of the required documents except for the agreement with Eureka Water Company and acceptable engineering plans for irrigation of the homesite lots. The Department confirmed receipt of this information in a letter dated June 19, 1995.

7. On July 17, 1995, the Department hosted a meeting between representatives of Spurwing and Eureka Water Company which resulted in the preparation of a letter dated July 18, 1995, in which the Department reiterated the need for filing additional documentation and stated (1) Eureka water is to be used on only Eureka lands, and (2) Eureka water shall not be used to irrigate Settlers' Irrigation District lands. The meeting included a discussion of the Department requirement that primary irrigation of the homesites is to be from surface water, with ground water providing only supplemental flows.

8. On March 28, 1996, Spurwing's representative Mr. Myron Tucker contacted the Department to discuss start-up arrangements for the 1996 irrigation season. Department staff reminded Mr. Tucker that Spurwing had still not complied with the information submittal requirements and did not have approved water rights for the proposed project. Later that day Spurwing delivered to the Department a copy of the agreement between Eureka Water Company and Spurwing, which had been signed by the final party on February 20, 1996.

9. On April 4, 1996, the Department sent a letter to Spurwing allowing two weeks for submittal of the engineering plans for irrigation of the homesite lots, and advising that further action by the Department would be initiated if water was diverted without authorization.

10. On April 12, 1996, Department staff spoke with Mr. Carlyle Briggs, engineer for Spurwing, who indicated that the pressurized irrigation system for the homesites that has been installed cannot accept surface water and has been designed to function using solely ground water.

11. On April 15, 1996, Department staff, accompanied by representatives from Spurwing, made a field examination of the site and observed that water from the irrigation well was being discharged into the pond. Pumpage from the pond was being diverted via a sprinkler system to lands north of the Phyllis Canal, where no ground water use is authorized. The Eureka Ditch was not supplying irrigation water at the time of the examination, but was anticipated to be carrying water beginning mid-April.

12. On April 17, 1996, Mr. Briggs delivered to the Department a set of engineering drawings and a letter which explains in part:

Originally it was planned to install a pump and pumphouse to pump water from the Settlers' canal into the subdivision sprinkler irrigation system...

It was thought that water from the irrigation well would be clean and much easier to direct into the subdivision irrigation system, than dirty Settlers' canal water.

It now appears that Settlers' water must be used during the irrigation season, and the irrigation well can only be used before and after the irrigation water is available, or perhaps if there is not enough canal water available to meet sprinkling load demands.

13. Sources of water available to Spurwing include wells located within NE1/4 SW1/4 and SE1/4 SW1/4, Sec. 23, Twp. 4N, Rge. 1W, B.M.; surface water from Eureka Water Company and Settlers' Irrigation District; and water from the pond. However, each source has unique water rights with unique places of use. The intended and present uses of these sources do not match the water rights as presently recorded, and unmeasured water is being diverted into and from the pond.

14. Ground water aquifers within the Boise River drainage basin depend on recharge from surface water diversions to provide water for existing users. Therefore, the Department requires existing surface water rights to be used as the primary source for irrigation in locations where surface water is available.

15. Once requested information has been received, the information must be analyzed and reviewed prior to issuance of an approved water right permit or approved water right transfer. This analysis could not be initiated until the information was received on April 17, 1996. Based on the receipt of initially requested information, the Western Regional Office has completed the regional office review of the three applications identified herein, and on April 22, 1996, forwarded the applications to the state office for review and issuance. The state office review could identify additional information needed prior to the issuance of water right approvals.

16. Preliminary analysis of the information received and the field inspection reveals that the system does not presently contain sufficient measuring devices and controlling works to assure that the proper amount of water from each source is being used on the proper lands. While the letter from Mr. Briggs provides some suggested solutions, these solutions have been neither approved nor implemented. Department staff have discussed the water use monitoring program with Spurwing representatives in the past and are willing to do so in the future.

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AUG 09 1999

17. The present unauthorized diversion and use of water by Spurwing must be stopped to protect the water resources of the state and to assure that the allocation and use of available water supplies occurs in an orderly manner.

CONCLUSIONS OF LAW

1. Section 42-351(1), Idaho Code, provides as follows:

If the director of the Department of water resources finds, on the basis of available information, that a person is diverting water or has diverted water from a natural watercourse or from a ground water source without having obtained a valid right to do so or is applying water or has applied water not in conformance with a valid water right, then the director of the Department of water resources shall have the discretion to take action against such person. The director may file an action seeking injunctive relief or may commence an administrative enforcement action by issuing the person a written notice of violation directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or any existing water right. The notice of violation shall be served upon the alleged violator in person or by certified mail. The notice of violation shall identify the alleged violation and specify whether that person is diverting water or has diverted water not in conformance with a valid water right. The notice of violation shall state the remedy, including any restoration and mitigation measures, and the civil penalty the director seeks for redress of the violation and shall contain a statement of findings of fact and conclusions of law that provide a factual and legal basis for the initiation of the administrative enforcement action.

2. Section 42-222(1), Idaho Code, provides in part as follows:

Any person, entitled to the use of water whether represented by license issued by the Department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the Department of water resources for approval of such change... The director of the Department of water resources shall examine all the evidence and available information and shall approve the change in whole or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in Section 42-203A(5), Idaho Code...

3. Section 42-229, Idaho Code, provides that, "The right to the use of ground water of this state may be acquired only by appropriation."

4. Section 42-201(2), Idaho Code, provides as follows:

No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

5. Section 42-352, Idaho Code, provides in part as follows:

Any person who wilfully violates any cease and desist order issued under chapter 3, title 42, Idaho Code, after the same has been served on that person shall be subject to a civil penalty to be imposed by the director of the Department of water resources not to exceed one hundred dollars (\$100) per diversion for each calendar day, or any part of a calendar day, following service of the cease and desist order in which the illegal diversion or use of water occurs.

6. The development described in this Notice of Violation is being supplied water in violation of the statutes of the state of Idaho and IDAPA Rule 37.03.08035 (Water Appropriation Rule 35) in five (5) ways. First, ground water is being discharged in unmeasured amounts into the pond, which constitutes an improper diversion of ground water. Second, ground water is being used without approval in a community domestic water system. Third, ground water is being used as the primary source for irrigation of homesites, while the primary source is required to be surface water. Fourth, ground water is being used to irrigate lands north of the Phyllis Canal without an approved water right. Fifth, controls have not been established and installed to demonstrate that Eureka Water Company water is being used on Eureka lands, and Settlers' Irrigation District water is being used on Settlers' lands.

7. The illegal diversion of the public waters of the state of Idaho must be stopped to prevent injury to other water rights, to protect the water resources of the state and to assure that the allocation and use of available water supplies takes place in an orderly manner.

8. The Director of the Department should issue a Notice of Violation directing Spurwing to immediately cease and desist the diversion and use of all water being used on locations other than the places of historic use.

1000000000
AUG 09 1999

ORDER

IT IS HEREBY ORDERED that:

1. Spurwing shall immediately cease the following diversions:
 - a. Discharge of ground water into the pond. This use may be resumed if allowed under an approved water right.
 - b. Discharge of ground water into a community domestic water system. This use may be resumed if allowed under an approved water right.
 - c. Use of ground water as the primary source for irrigation of homesites.
 - d. Use of ground water on lands north of the Phyllis Canal. This use may be resumed if allowed under an approved water right.
 - e. Use of unmeasured water from the pond, use of Eureka Water Company Water on any lands except Eureka lands, and use of Settlers' Irrigation District water on any lands except Settlers' lands.
2. Spurwing shall provide to the Department for review and approval a written plan and associated diagram to provide a measuring system for monitoring all commingled sources. Use of a commingled system shall not occur until the appropriate water rights are approved, this plan is accepted, and the works are installed and approved based on a field inspection conducted by Department staff.
3. Spurwing shall work with Department staff to provide any other information found to be needed in the state office review of the pending applications for permit and application for transfer.
4. Spurwing shall submit to the Department a civil penalty in the amount of \$100 per diversion for each day or part thereof that water is diverted without authorization after service of this Notice of Violation.

IT IS FURTHER HEREBY ORDERED that:

1. Spurwing is entitled to a **compliance conference** with Department staff, if requested within fifteen (15) days of receipt of this Notice of Violation.

AUG 09 1999

2. Spurwing shall have the opportunity to enter into a **consent agreement** with the Department to remedy the damage caused by the violation and to assure future compliance with the laws of the state of Idaho.

DATED this 22nd day of April, 1996.


NORMAN C. YOUNG
Administrator

CERTIFICATE OF SERVICE

Hand Delivered on April 22, 1996:

Spurwing Limited Partnership
200 N. 4th Suite 203
Boise, ID 83702

David R. Tuthill, Jr., Manager
Department of Water Resources
Western Regional Office

AUG 09 1999

DIVERSION FACILITIES

63-10572



July 17, 1989

ARDIS HEWITT
MARILYN BLICKENSTAFF
1714 N. 18TH ST.
BOISE, ID 837020000

RE: PERMIT NO. 63-10572

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 18 1989

March ³⁰~~27~~, 1989

ARDIS HEWITT
MARILYN BLICKENSTAFF
1714 N. 18TH ST.
BOISE, ID 837020000

RE: PERMIT NO. 63-10572

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 18 1989

Form 217

03/86

Should questions arise during
the processing of this applica-
tion please contact:

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

RECEIVED

OCT 27 1988

RECEIVED

Department of Water Resources

STATE OF IDAHO

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received

Date 10-24-88

Receipt #

Receipt by

Reviewed by 94

Sent to region

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-10572Name(s) of Permit Holder: Ardis Hewitt and/or Marilyn BlickenstaffPost Office Address: 1714 N. 18th Street, Boise, Idaho 83702Telephone No. 344-3407Source of Water: Ground Water

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation 144.8 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 2.9 cfs 652 acre-feetShow the date water was first diverted and beneficially used under this permit: 1988

Measuring Device: Required? Yes X No
Installed? Yes X No

Fee enclosed \$ -0-
(See License Examination Fee Schedule)

Flow Measurement Port: Required? X Yes No
Installed? X Yes X No

Person to contact to accompany the Department representative during the field examination:

(Name)

(Telephone Number)

(Address)

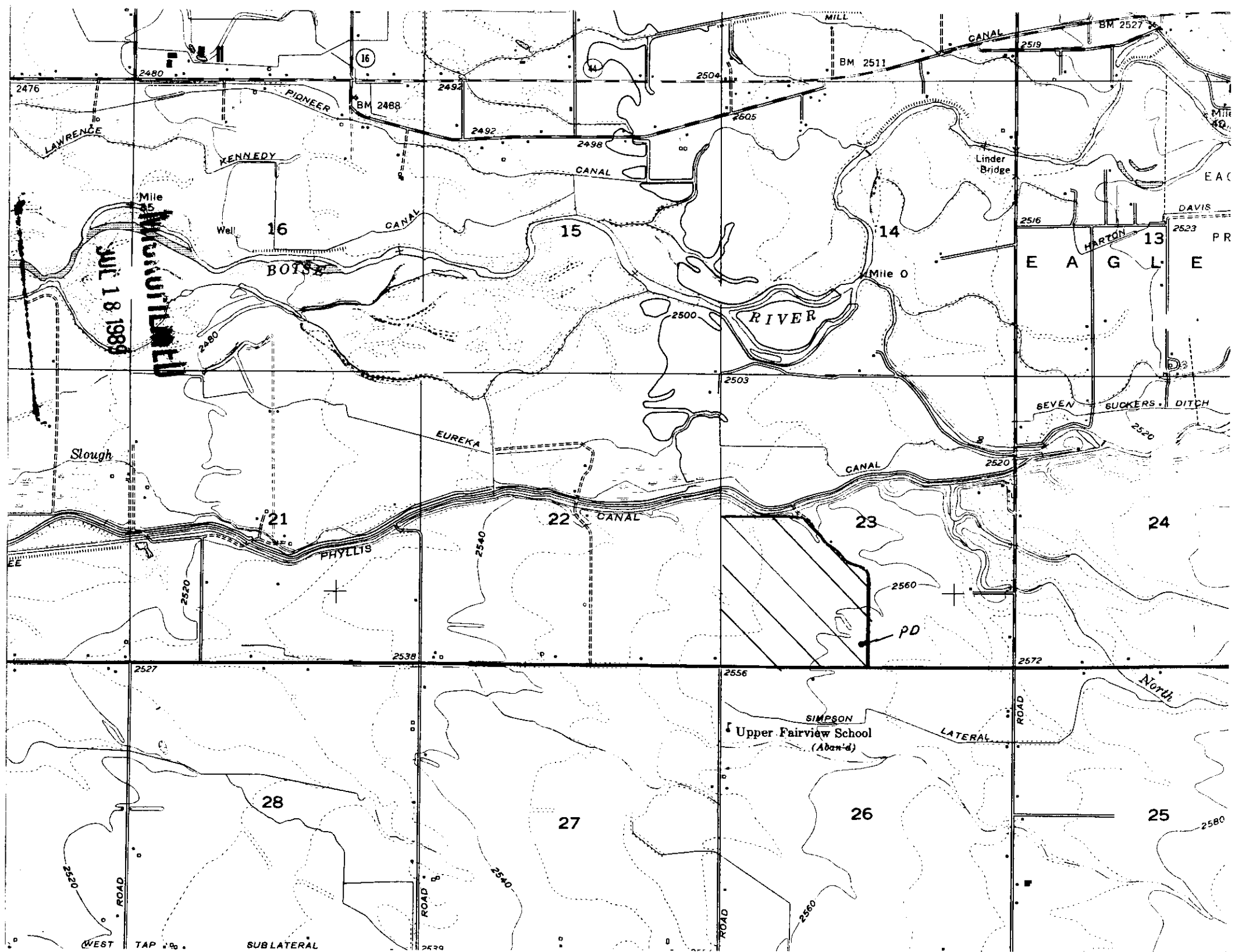
MICROFILMED

The above information 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.

JUL 18 1989

Aug 24, 1988
Date

Marilyn Blickenstaff
Signature of Permit Holder (and title, if appropriate)



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CURRENT METER NOTES

GAGE

Ckd. by

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

Form 319
6480 SHERL L. CHAPMAN
6480 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-10572

1. Owner: Ardis Hewitt and/or Marilyn Blickenstaff

Phone No. 344-3407

Current Address: 1714 N. 18th St., Boise, Idaho 83702

2. Accompanied by: Larry (Kinsley) Kuenzli

EXAM. DATE: 9/16/88

Address: Middleton

Phone No. 585-2232

Relationship to Permit Holder: Farm lessee

3. Source: Ground Water tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: Settlers Irrigation District

☐ Copies Attached

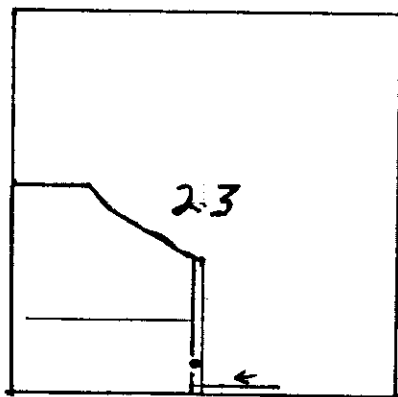
2. Other water rights with same point of diversion: None

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = 1/2 mile

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Open discharge system; diesel pumps. Water discharged into ditches for distribution to fields using flood irrigation techniques. Water pumped with a Mitsubishi diesel engine and Johnson right angle gear drive rated 1760 rpm ratio 5-6

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	Mitsubishi	110	792-0053310	Johnson	87809

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
1		SE	SE	SW	23	4N	1W	Ada	Field/aerial photo

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	23							4		23.8	39	39	39					144.8

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JUL 18 1989

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current meter	AA	Sc. Inst.	---	M11WW1	AA	1985

2. Measurements:

4.184 cfs, measured on 9/16/88

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \text{ ac ft} \times 140.8 = 651.6$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1362.8$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 651.6$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Production from this well is a supplemental water supply to Boise River storage water.

JUL 18 1988

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I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	2.9	652
Totals:			2.9	652

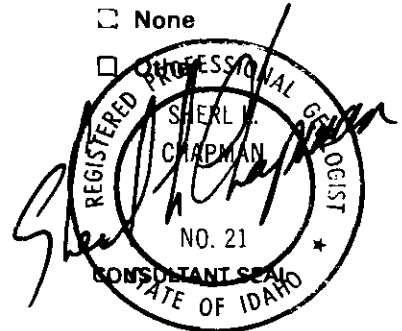
2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above

☐ None

J. AUTHENTICATION

Field Examiner's Name Sherl L. Chapman
Signature *Sherl L. Chapman*
Certification Date 4/6/88
Field Report Preparation Date 9/19/88



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JDM 11/31/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.RECEIVED
JUL 18 1988
USE TYPEWRITER OR
BALLPOINT PEN

1. WELL OWNER

Name Marilyn Blickenstaff
1714 N. 18th St.
Address Boise, ID 83702
Owner's Permit No. 63-10572

7. WATER LEVEL

Department of Water Resources

Static water level 30 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.2. NATURE OF WORK 63-88-2-034☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as
materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M. Pumping Level Hours Pumped

3. PROPOSED USE

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

9. LITHOLOGIC LOG

Department of Water Resources
Western Regional Office

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28	0	6	Topsoil		
	6	7	Calechi		
	7	10	Rock		
	10	25	Rock & Gravel		
	25	32	Rock & Sand		
	32	42	Clay		
	42	53	Sand		X
	53	55	Sand-Fine Gray w/pcs.		X
			Brn. Sandstone		
	55	66	Clay		
	66	70	Fine Sand		X
	70	73	Clay		
	73	77	Sand		X
	77	90	Sand		X
	90	96	Clay		
	96	106	Sand		X
	106	113	Clay-Brn.		
	113	124	Clay-Brn. & Gry.		
	124	127	Fine to Med. Sand		X
	127	133	Clay-Lst.Ft.Snd.&Clay		
	133	157	Clay		
	157	173	Sand		X
	173	186	Clay		
	186	196	Sand		X
	196	213	Clay		
	213	230	Sand		X
	230	240	Clay		
	240	250	Gray Sand		X
	250	253	Clay		
	253	260	Sand & Clay		
	260	308	Sand		X
	308	323	Clay		

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16 inches	+1 feet	159 feet
.250 inches	16 inches	169 feet	209 feet
.250 inches	16 inches	219 feet	259 feet
.250 inches	16 inches	299 feet	319 feet

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

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

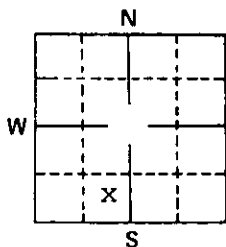
Well screen installed? ☒ Yes ☐ No
Manufacturer's name Roscoe Moss Wirewrap
Type _____ Model No. _____
Diameter 16 Slot size .040 Set from 159 feet to 169 feet
Diameter 16 Slot size .040 Set from 209 feet to 219 feet
Gravel packed? ☒ Yes ☐ No ☐ Size 3/8 minus
Placed from 18 feet to 323 feet
Surface seal depth 18 Material used in seal: ☐ Cement grout
☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port 2"

10.

Work started 4/30/88 finished 5/3/88

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County AdaSE ¼ SW ¼ Sec. 23, T. 4N, N/S, R. 1W E/W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Pete Cope Drilling Co., Inc. Firm No. 213
6505 West Chinden Blvd.
Address Meridian, Idaho Date 5/9/88Signed by (Firm Official) Pete Cope
and
(Operator) Leah

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

(Authorizing Construction of a Well)*

1. Applicant Ardis Hewitt &/or Marilyn Blickenstaff
2. Address 1714 N. 18th St. Boise, ID 83702

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

3. Water right permit no. _____; Injection well permit no. _____

4. Proposed well location 1/4 SE 1/4 SW 1/4, or Gov't lot No. _____,
Sec. 23, Twp. 4N, Rge. 1W, County Ada,
Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

☐ Domestic ☐ Stockwater ☐ Monitoring
☒ Irrigation ☐ Industrial ☐ Municipal
☐ Injection ☐ Other, Specify _____

6. Well construction information:

☒ New well ☐ Deepen ☐ Replace

Proposed surface diameter 16" Proposed depth 350 - 400'

Anticipated bottom hole temperature:

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

7. Anticipated construction start date April, 1988

8. Well Driller (if known) Pete Cope

Address 6505 N. Chinden Blvd.

Date 22 Feb. 1988 Applicant's signature Ardis Hewitt Marilyn Blickenstaff
Title Owner

ACTION OF IDWR

(X) Approved () Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

Dated this 6th day of April, 19 88.

Signed R. Keith Higgins

Title Director

SEP 30 1988

Received by BD Fee \$ 100.00 Date 2/22/88

Receipt No. 46086 Construction start date _____

Construction start extension to _____

Extension approved by _____

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) 334-4440
APRIL 14, 1988

HEWITT, ARDIS
1714 N. 18TH ST.
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. 63-10572

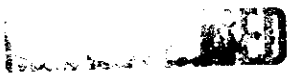
DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

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.

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.


SEP 30 1988

RE: PERMIT NO. 63-10572

2

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. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

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

RECEIVED

SEP 1961

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: SD

APPLICATION NUMBER: 63-10572

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 3/21/88
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 3/11/88
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 25/46086
☒ Publication dates and paper, recorded on application. SD Statesman 3/3 & 3/10/88
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 63
2/22/1988 Date of priority recommended.
Special conditions of approval or cover letter. DIC

By: DW Date: 3/22/88

STATE OFFICE REVIEW:

process 103, 105
drilling 123, 116
permit

46 OIG

RECEIVED
MAR 28 1988

See attached sheet for more information.

By: KW Date: 4/1/88 Department of Water Resources

FIELD ARRANGEMENT

108

3.1

40.3

14.1

24.3

5.6

11.4

9.7

2.7

5.4

13.1

577

3.1

2.5

7.6

3.5

35.5

21.6

9.9

18.6

4.7

7.9

25.9

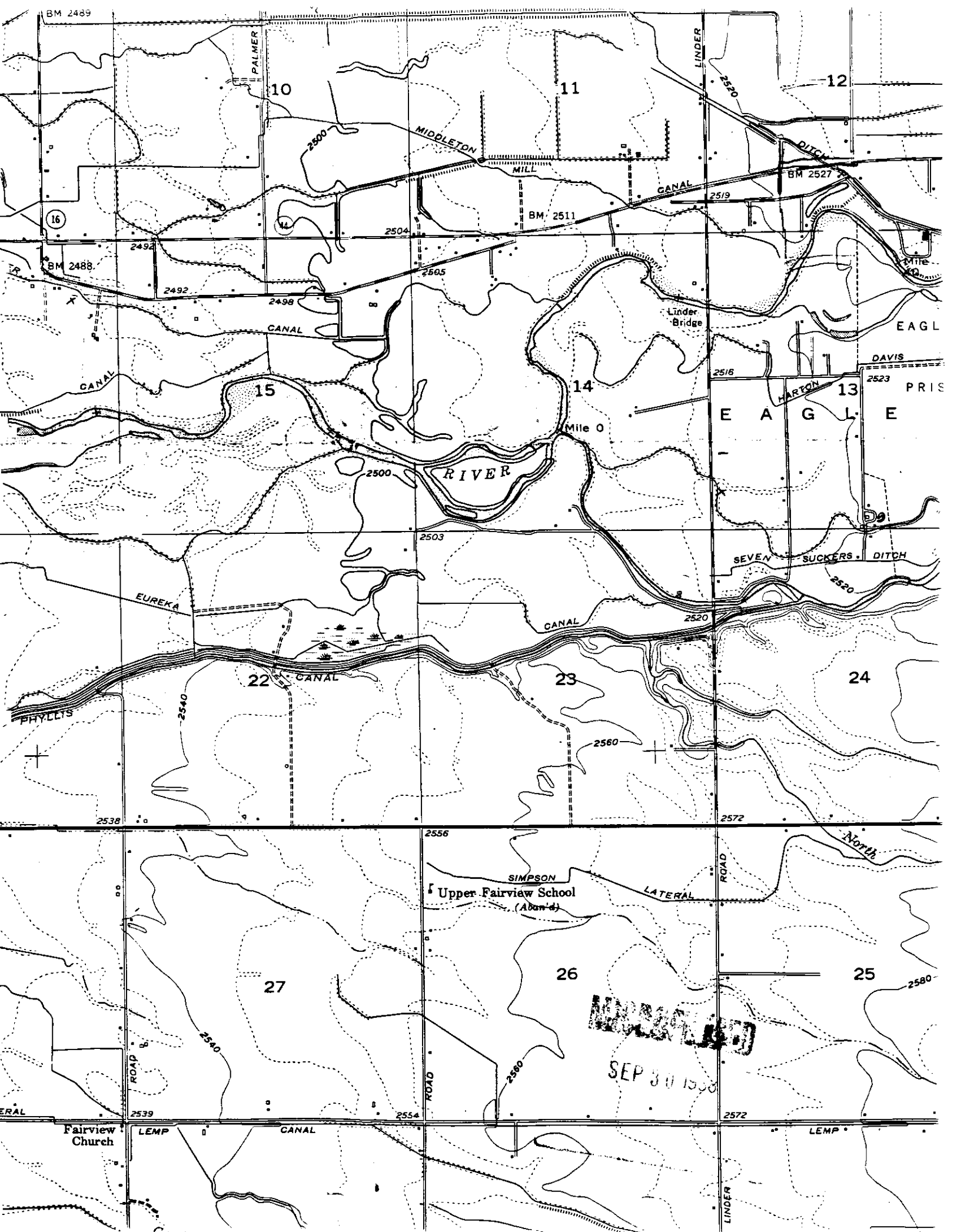
17.1

8.7

13.1

8.7

SEP 30 1988



63-10572

HEWITT, ARDIS
BLICKENSTAFF, MARILYN

1714 N. 18TH ST., BOISE, ID 83702

Source: GROUNDWATER

Diversion Pt: SESW Sec 23 T 04N R 01W

Use: IRRIGATION (3.0 CFS)

Date Filed: 02/22/1988

In: NESW NWSW SMSW SESW Sec 23 T 04N R 01W FOR 150 ACRES

RECEIVED

SEP 30 1988