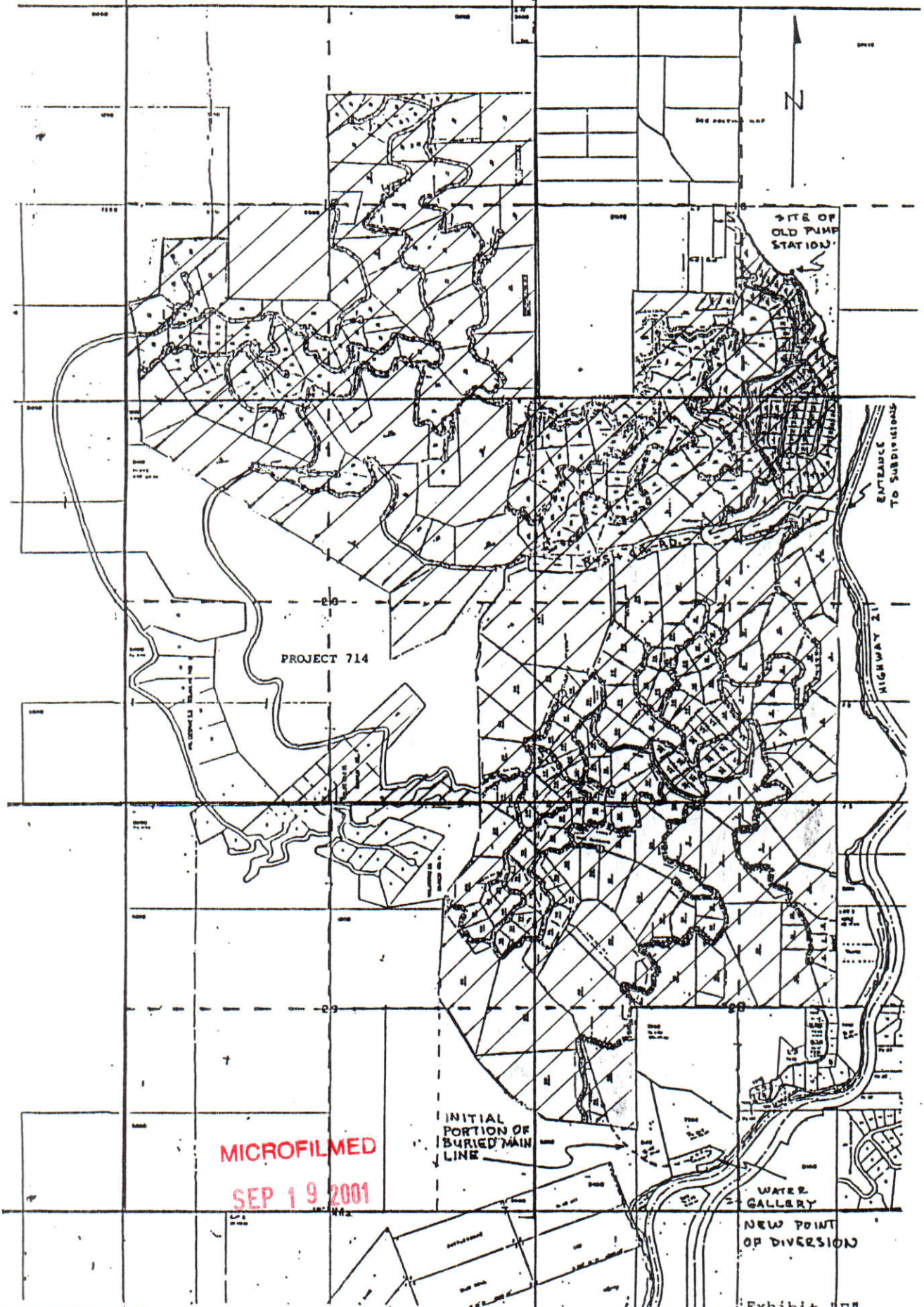
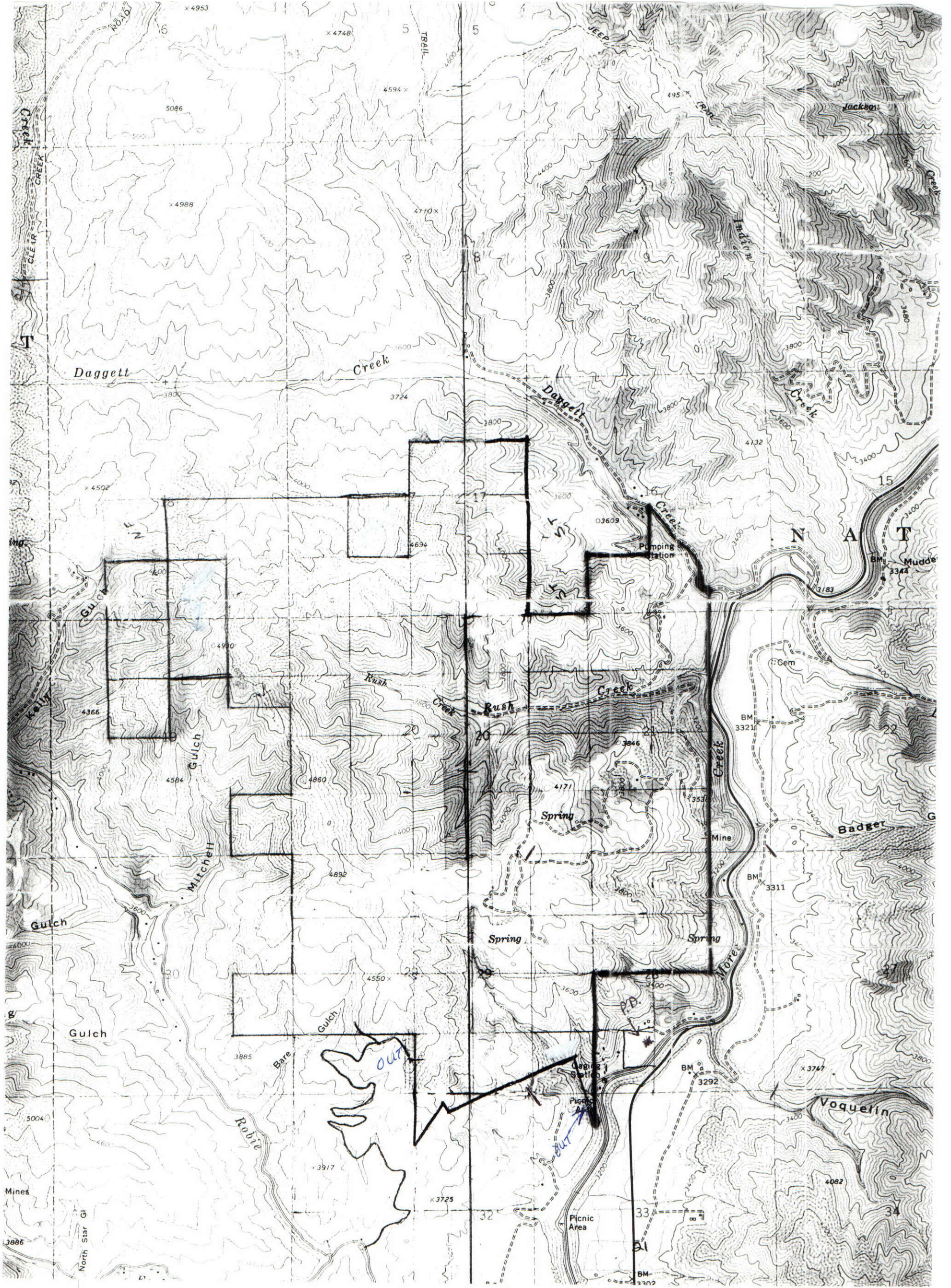


APPENDIX C

SECTION 16, 17, 20, 21,
28 and OF T. 4 N., R.
4 E., A., BOISE COUNTY,
IDAHO

PLACES OF USE ARE HIGHLIGHTED
IN "YELLOW"





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

Scale: 2 inches equal 1 mile.

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

A. N. Gordon

(Applicant)

A. N. GORDON, GEN. PARTNER

MICROFILMED

STATE OF IDAHO,
County of Boise }

My Opinions...., being
duly sworn, deposes and says:
that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for*2*..... consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with

Sept. 4, 1975 and ending with the issue of *Sept 4, 1975*

My Opinions.....

Subscribed and sworn to before me this *11th* day of *Sept* 197*5*

Kristi Taylor
Id. City, Id
4/20/85

RECEIVED
SEP 13 1985

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

63-10318 *15P*

WILDERNESS RANCH

HC33 BOX 3010, BOISE, ID 83706

Source: GROUNDWATER

Date Filed: 08/09/1985

Diversion Pt: SESW Sec 28 T 04N R 04E

Use: DOMESTIC (0.95CFS)

In: SESW NWSE SWSE Sec 16 T 04N R 04E

SWNE SENE NESW NWSW SWSW SESW

NESE NWSE SWSE SESE Sec 17 T 04N R 04E

SESW NESE NWSE SWSE SESE Sec 18 T

04N R 04E NENE NWNE SENE NENW SENW

SESE Sec 19T 04N R04E NENE NWNE SWNE

SENE NENW NWNW SWNW SENW NESW

NWSW SWSW SESW NESE NWSE SWSE

SESE Sec 20 T 04N R 04E NWNE SWNE NENW

NWNW SWNW SENW NESW NWSW SWSW

SESW NWSE SWSE Sec 21 T 04N R 04E NWNE

SWNE NENW NWNW SWNW SENW NWSW

SWSW Sec 28 T 04N R 04E NENE NWNE

SWNE

SENE NENW NWNW SWNW SENW NESW

NWSW NESE NWSE SWSE LOT 01 (SESE)

Sec 29 T 04N R 04E NESE Sec 30 T 04N R 04E

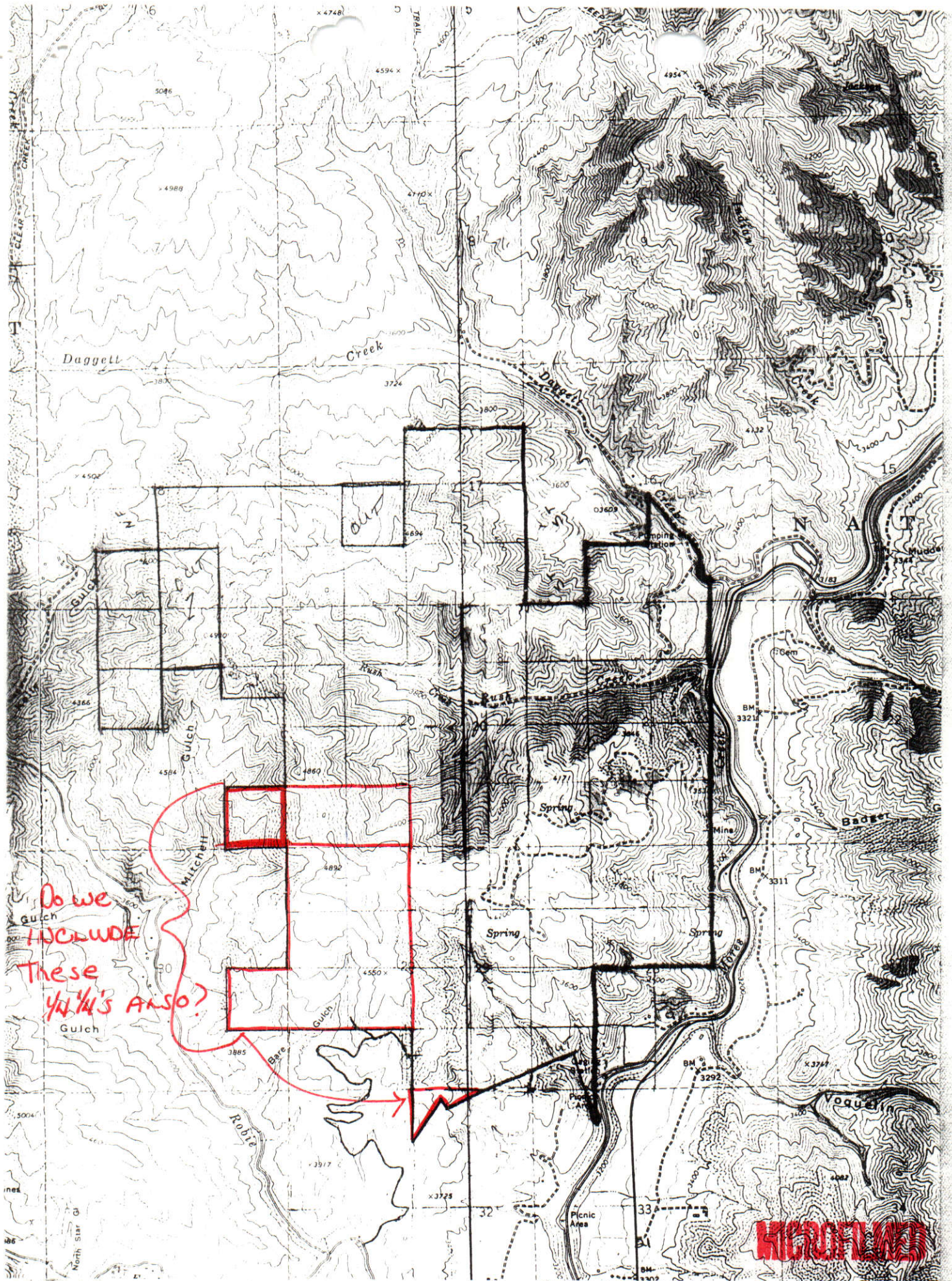
NENE NWNE Sec 32 T 04N R 04E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise Idaho 83720 on or before SEPTEMBER 23, 1985.

KENN DUNN, Dir.

Published in the Idaho World September 4 & 11, 1985.

MICROFILMED



Do we
INCLUDE
These
1/4's ALSO?

MICROFILM

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JUN - 4 2001

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 17 2001

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

APR 17 2001

1. Water Right No(s): 63-4629, 63-10318 and 63-3620Adjudication Claim No(s): A63-4629A, A63-10318 and A63-3620

Department of Water Resources

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant

Wilderness Ranch, Ltd.6065 Karen Drive, Meridian, ID 83642

4. New Owner/Claimant(s)

Wilderness Ranch Owners' Association, Inc.

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
46 Wilderness Ranch Road

City, State and ZIP Code

Boise, ID 83716

New Telephone Number

(208) 342-4554

5. Date you acquired the property

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Wilderness Ranch Owners' Association, Inc.
or Claimant(s)By Carolyn A. Hill President

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Adj: 63-4629A63-3620

Changed 6/6/01

Receipt # C054057
Date: 24/04/01
By: J. Hall

MICROFILMED

SEP 19 2001

Due no later than Oct 31, 2000

Is:ered Agent and Office NO PO BOX

Return to:
SECRETARY OF STATE
700 WEST JEFFERSON
PO BOX 83720
BOISE, ID 83720-0080

Annual Report Form

1. Wilderness Ranch Owners Association, Inc.
46 WILDERNESS RANCH ROAD
BOISE, ID ~~83706~~ 83716

2. Eric Swanson
46 WILDERNESS WAY
46 Wilderness Ranch Road
BOISE, ID ~~83706~~ 83716

3. New Registered Agent Signature

Eric Swanson

NO FILING FEE IF

RECEIVED BY DUE DATE

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
President	Catolyn Mehl	46 Wilderness Ranch Rd	Boise	ID	83716
VP	Kathleen Rush	46 Wilderness Ranch Rd	Boise	ID	83716
Sec'y	Eric Swanson	46 Wilderness Ranch Rd	Boise	ID	83716
Director	Randy Whitaker	46 Wilderness Ranch Rd	Boise	ID	83716
Director	Skip Wehner	46 Wilderness Ranch Rd	Boise	ID	83716

5. Organized Under the Laws of:

IDAHO
C 65073

6.

Signature

(Typed or
Name Printed)

Lesley A. Bahner
Lesley A. Bahner

Date

Title

8-24-00

XEROX

Treasurer

Issued 08/01/2000

Do Not Tape or Staple

2645

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SEP 19 2001

WATER RIGHTS DEED AND ASSIGNMENT

This Water Rights Deed and Assignment is made and entered into the 7 day of February, 2001, between WILDERNESS RANCH, LTD., an Idaho limited partnership (Grantor), and WILDERNESS RANCH OWNERS' ASSOCIATION, INC., an Idaho non profit corporation, whose address is 46 Wilderness Ranch Road, Boise, Idaho 83716 (Grantee).

For good and valuable consideration, receipt and sufficiency whereof is hereby acknowledged, Grantor hereby grants, bargains, sells, conveys, assigns and transfers to Grantee and to Grantee's successors and assigns forever the following water rights and claims to water rights:

1. All rights to the use of ground water for irrigation purposes pursuant to Water Right No. 63-04629A, as recognized in the records of the Idaho Department of Water Resources in Transfer No. 4815, subject to the terms and conditions contained therein; together with that portion of Claim to Water Right numbered 63-4269 and filed with the Idaho Department of Water Resources by Mrs. Stanley M. Jones on December 8, 1978, pursuant to Idaho Code §42-225a (now Idaho Code §42-243) as such portion of such claim is represented by and described in Transfer No. 4815; and together with Grantor's claim No. A63-04269A, as amended by the Amended Claim filed April 15, 1997, and further amended by the Second Amended Claim filed February 7, 2001, all filed in that certain action entitled The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576;
2. All rights to the use of ground water for municipal purposes represented by Water Right License No. 63-10318 issued by the Idaho Department of Water Resources;
3. All rights to the use of water from Rush Creek for fire protection represented by Water Right License No. R-1198/63-3620 issued by the Idaho Department of Water Resources; together with Grantor's claim No. A63-3620, filed in that certain action entitled

MICROFILMED

The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576; and

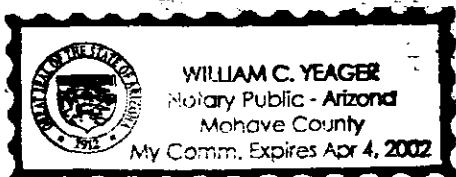
4. That portion of a water right represented by Water Right License No. 14856/63-02346 issued by the Idaho Department of Water Resources to the use of water from Mores Creek for domestic and irrigation purposes being appurtenant to Lot 1 of the WILDERNESS RANCH SEGREGATION SUBDIVISION, according to the amended plat thereof recorded as instrument No. 154310, records of the Boise County Recorder, Boise County; together with that portion of claim No. A63-02346, filed in that certain action entitled The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576, for the use of water for irrigation purposes on Lot 1 of WILDERNESS RANCH SEGREGATION SUBDIVISION as described above.

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns, forever free, clear and discharged of all former grants, charges, taxes, judgments, mortgages, liens and encumbrances of whatsoever nature.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

WILDERNESS RANCH, LTD., an Idaho
Limited Partnership

By: S&L DEVELOPMENT COMPANY an Idaho
general partnership and the general
partner of Wilderness Ranch, Ltd.



William C Yeager
2-20-01

By *John F. Lutz*
John F. Lutz, Partner

By *Myrl D. Schroeder*
Myrl D. Schroeder, Partner

MICROFILMED

SEP 19 2001

Instrument # 18 04

IDAHO CITY, BOISE COUNTY, IDAHO

2001-04-03

02:25:28 No. of Pages: 3

Recorded for : MTN VIEW TITLE

RORA A. CANODY

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WATER RIGHTS & MILL SITES

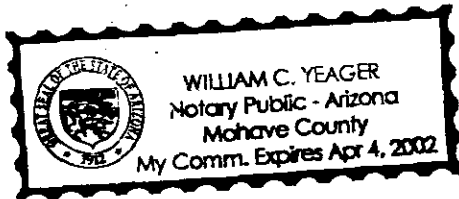
STATE OF IDAHO)

:ss.

County of Twin Falls)

On this 20 day of February, in the year 2001, before me, a Notary Public in and for the State of Idaho, personally appeared JOHN F. LUTZ, known to me to be one of the two partners of the partners of S&L Development Company, an Idaho General Partnership, which partnership is a general partner of Wilderness Ranch, Ltd., an Idaho limited partnership, and the partner who subscribed the partnership name to the foregoing instrument and acknowledged to me that he executed the same in the partnership's name.

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



William C Yeager
Notary Public for State of Idaho ARIZONA
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)

:ss.

County of Ada)

On this 7 day of February, in the year 2001, before me, a Notary Public in and for the State of Idaho, personally appeared MYRL D. SCHROEDER, known to me to be one of the two partners of the partners of S&L Development Company, an Idaho General Partnership, which partnership is a general partner of Wilderness Ranch, Ltd., an Idaho limited partnership, and the partner who subscribed the partnership name to the foregoing instrument and acknowledged to me that he executed the same in the partnership's name.

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

Myrl D. Schroeder
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/27/2003



MICROFILMED

SEP 19 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

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	0.45 CFS	112.4 AF

SOURCE

GROUNDWATER *

Priority: 09/06/1899

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 28, Township 04N, Range 04E
BOISE 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	04E	16	SESW	NWSE	SWSE	
		17	SWNE	SENE	NESW	
			NWSW	SWSW	SESW	
			NESE	NWSE	SWSE	
			SESE			
		20	NENE	NWNE	SWNE	
			SENE	NENW	NWNW	
			SENW	SESW	NESE	
			NWSE	SWSE	SESE	
		21	NWNE	SWNE	NENW	
			NWNW	SWNW	SENW	
			NESW	NWSW	SWSW	
			SESW	NWSE	SWSE	
		28	NWNE	SWNE	NENW	
			NWNW	SWNW	SENW	
			NESW	NWSW	SWSW	
			SESW			
		29	NENE	SENE	NESE	

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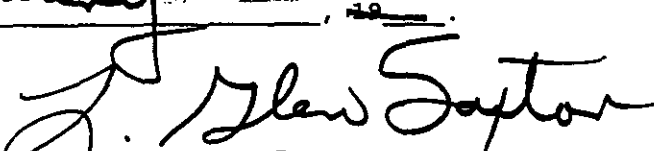
SEP 19 2001

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- ** 6. Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20th day of January, 2000.


Chief, Water Allocation Bureau

MICROFILMED

SEP 19 2001

State of Idaho
Department of Water Resources
Water Right License

AMENDED

WATER RIGHT NO. 63-10318

AMENDED

Priority: August 9, 1985

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

202.8 AF

This is to certify, that WILDERNESS RANCH LTD
6065 KAREN DR

MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1985; and has submitted Proof of Beneficial Use on October 31, 1995. An examination indicates that the works have a diversion capacity of 0.450 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>
MUNICIPAL	01/01 to 12/31	0.45 CFS	202.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 28, Township 04N, Range 04E
BOISE County

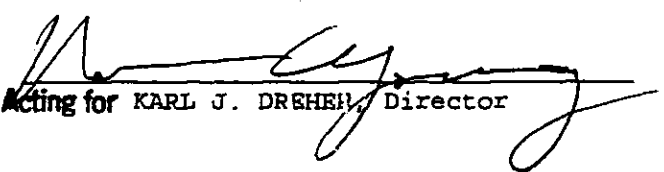
PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. Right 63-10318 and the water use described in claim 63-04629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
4. The water used under claim 63-04629A is also diverted through the point of diversion described above.
5. Place of use is within the service area of Wilderness Ranch, Ltd.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19th day of

July, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
MICROFILMED AUG 23 2000
SEP 19 2001

APPENDIX C

SECTION 16, 17, 20, 21,
28 and OF T. 4 N., R.
4 E., A., BOISE COUNTY,
IDAHO

PLACES OF USE ARE HIGHLIGHTED
IN "YELLOW"

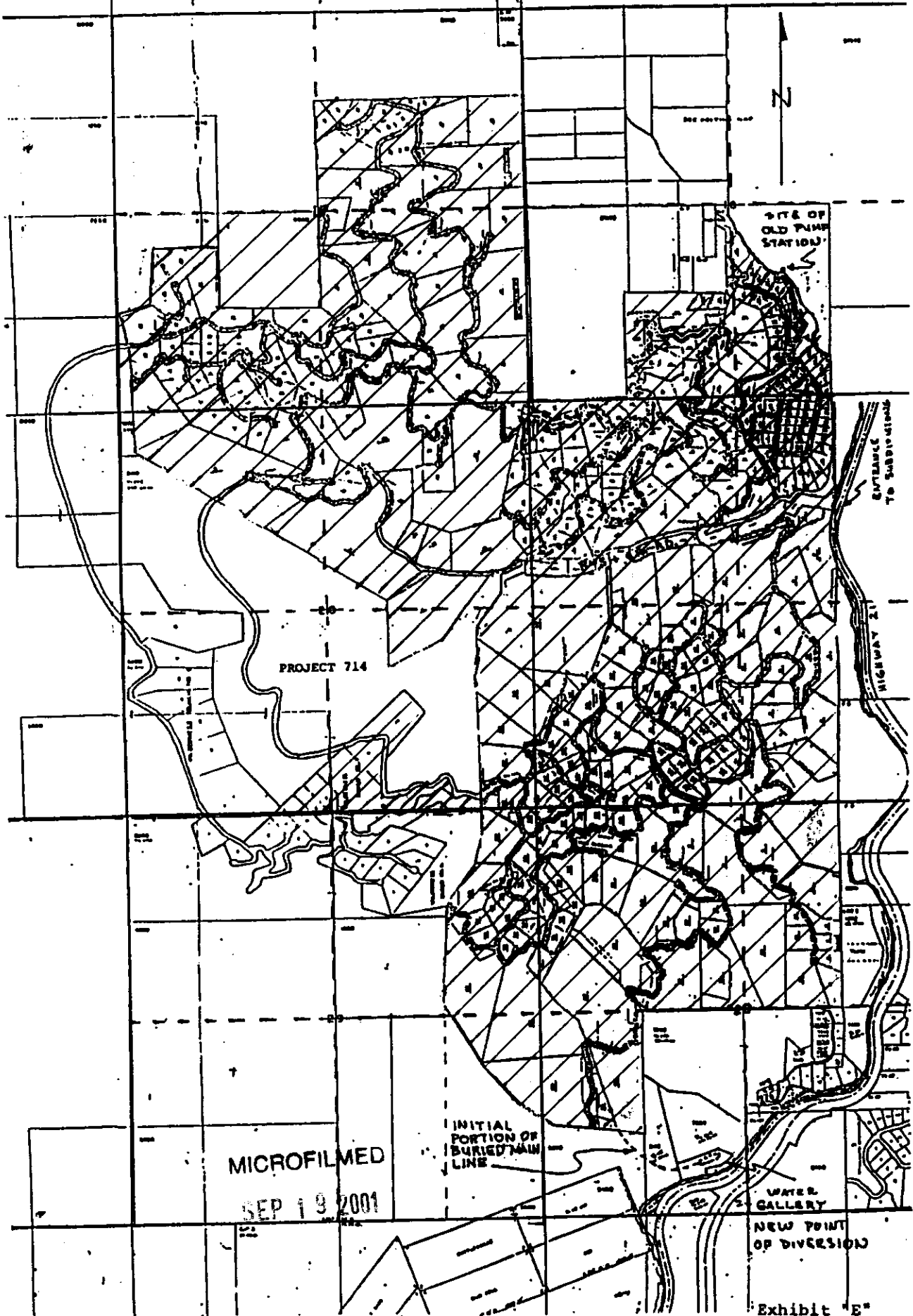


Exhibit "E"

State of Idaho
Department of Water Resources
Water Right License

AMENDED

WATER RIGHT NO. 63-10318

AMENDED

Priority: August 9, 1985

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

202.8 AF

This is to certify, that WILDERNESS RANCH LTD
6065 KAREN DR

MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1985; and has submitted Proof of Beneficial Use on October 31, 1995. An examination indicates that the works have a diversion capacity of 0.450 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>
MUNICIPAL	01/01 to 12/31	0.45 CFS	202.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 28, Township 04N, Range 04E
BOISE County

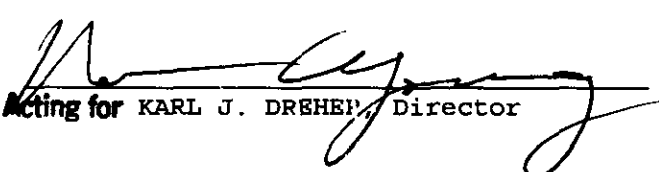
PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. Right 63-10318 and the water use described in claim 63-04629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
4. The water used under claim 63-04629A is also diverted through the point of diversion described above.
5. Place of use is within the service area of Wilderness Ranch, Ltd.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 19TH day of

JULY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
AUG 23 2000

RECEIVED

JUL 1985

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10318

Date of Priority: August 9, 1985

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

202.8 AF

Comes now

WILDERNESS RANCH LTD

6065 KAREN DR

MERIDIAN ID 83642

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-10318, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.45 CFS	202.8 AF

LOCATION OF POINT(S) OF DIVERSION:NESESW , Sec. 28, Township 04N, Range 04E
BOISE CountyPLACE OF USE: See Remarks

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 10 day of July, 2000.

MICROFILMED

AUG 23 2000

Daryl Schaefer
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10318

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50⁰⁰ Receipted by JM # C049769 Date 7.12.00

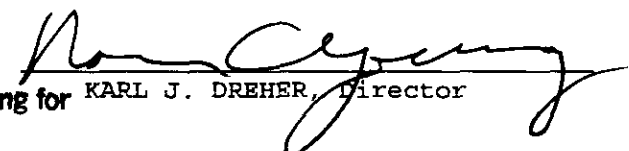
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-10318 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. Right 63-10318 and the water use described in claim 63-04629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
4. The water used under claim 63-04629A is also diverted through the point of diversion described above.
5. Place of use is within the service area of Wilderness Ranch, Ltd.

Witness my hand this 19TH day of July, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
AUG 23 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 23 2000
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 63-10318
63-04629 A

[] Name(s): Wilderness Ranch, Ltd

[] Old Mailing Address: HC 33, Box 3010
Boise, ID 83706

[] New Mailing Address: 6065 Karen Dr.
Meridian, ID 83642

Telephone Number: (208) 939 - 2003

[] Signature(s) of Owner(s) Myrl Schreder
By SEL Development Company, a partnership
Myrl Schreder, Partner
(Include your title if on behalf of company or organization)

Date: May 22, 2000

MICROFILMED
AUG 23 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LICENSE)
NO. 63-10318 IN THE NAME OF)
WILDERNESS RANCH, LTD.)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 12, 1985, the Department issued Permit to Appropriate Water No. 63-10318 (permit) authorizing Wilderness Ranch (permit holder) to divert 0.95 cfs from ground water for domestic use in 500 homes.
2. On October 31, 1995, the Department received a Proof of Beneficial Use statement indicating that the permit holder had developed the proposed use of ground water for use in 338 homes.
3. On August 27, 1997, a Department field examiner conducted an examination to verify the beneficial use of water developed in accordance with the permit. The examiner characterized the use as domestic use.
4. On May 25, 2000, the Department approved the permit holder's application to amend the place of use of the permit.
5. On their application for permit, their proof of beneficial use statement, and their application to amend the place of use of the permit, the permit holders characterized their water use as being for domestic purposes.
6. On May 25, 2000, the Department issued a preliminary order (order) granting Water Right License No. 63-10318 (license) in the name of Wilderness Ranch.
7. On June 7, 2000, Wilderness Ranch, Ltd. (petitioners), through their attorney William D. Collins, filed a Petition for Reconsideration (petition) with the Department in connection with the order. The petitioners assert that their correct name is Wilderness Ranch, Ltd., not simply Wilderness Ranch, and that the Department should correct the name on the license. The petitioners also assert that statutory changes require the Department to change the beneficial use recognized by the license from "domestic" purposes to "municipal" purposes.

8. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the 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.

CONCLUSIONS OF LAW

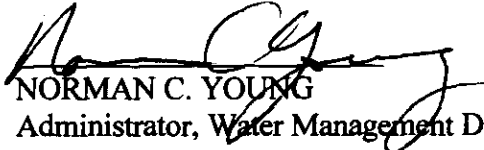
1. The petition was filed timely.
2. The Department issues water right permits pursuant to Section 42-104, *Idaho Code*, and water right licenses pursuant to Section 42-219, *Idaho Code*.
3. The definition of domestic purposes set forth in Section 42-111, *Idaho Code*, applies exclusively to the provisions of Sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243, and 42-1401A, *Idaho Code*.
4. The statutes governing the issuance of water right permits and water right licenses are not among the list of statutes to which the definition of domestic purposes set forth in Section 42-111, *Idaho Code*, applies. When issuing a water right permit or a water right license the Department is free to use criteria other than those set forth in Section 42-111, *Idaho Code*, to determine whether the beneficial use of water should be called domestic use or something else.
5. The Department did not err when it issued Water Right License 63-10318 for domestic purposes.
6. A permit holder may apply under the provision of Section 42-211, *Idaho Code*, to change the nature of the intended use of a permit to appropriate water.
7. The Department should grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, for the purpose of correcting the name of the right holder on the license.

ORDER

IT IS HEREBY ORDERED that the petition is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, so that the Department can correct the name of the right holder on the license.

IT IS FURTHER ORDERED that the Department will refrain from re-issuing the license for 30 (thirty) days from the date of this order to allow the petitioners an opportunity to apply to the Department to amend the permit to change the authorized purpose of use.

Dated this 14TH day of JUNE, 2000.


NORMAN C. YOUNG
Administrator, Water Management Division

MICROFILMED
AUG 23 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-10318

Priority: August 9, 1985

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

202.8 AF

This is to certify, that WILDERNESS RANCH

6065 KAREN DR

MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 9, 1985; and has submitted Proof of Beneficial Use on October 31, 1995. An examination indicates that the works have a diversion capacity of 0.450 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>
DOMESTIC	01/01 to 12/31	0.45 CFS	202.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

04N 04E 16	SESW	NWSE	SWSE
17	SWNE	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
20	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SENW	SESW	NESE
	NWSE	SWSE	SESE
21	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	NWSE	SWSE
28	NWNE	SWNE	NENW
	NWNW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW		
29	NENE	SENE	NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.

MICROFILMED

AUG 23 2000

State of Idaho
Department of Water Resources

Water Right License

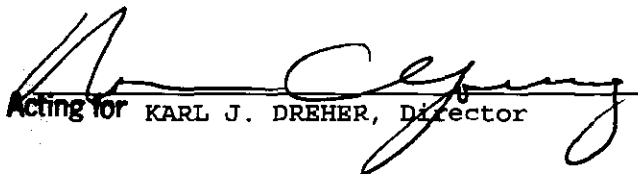
WATER RIGHT NO. 63-10318

CONDITIONS OF APPROVAL AND REMARKS

3. Right 63-10318 and the water use described in claim 63-04629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
4. The water used under claim 63-04629A is also diverted through the point of diversion described above.
5. Domestic use is for 338 homes and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 25th day of

MAY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
AUG 23 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10318

Date of Priority: August 9, 1985

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

202.8 AF

Comes now

WILDERNESS RANCH

~~HC 33 BOX 3010 6065 KAREN DR~~

~~BOISE ID 83706 MERIDIAN ID 83642~~

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-10318, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.45 CFS	202.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NESESW , Sec. 28, Township 04N, Range 04E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

04N 04E 16	SESW	NWSE	SWSE
17	SWNE	SENE	NESW
	NWSW	SWSW	SESW
	NESE	NWSE	SWSE
	SESE		
20	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SESW	SESW	NESE
	NWSE	SWSE	SESE
21	NWNE	SWNE	NENW
	NWNW	SWNW	SESW
	NESW	NWSW	SWSW
	SESW	NWSE	SWSE
28	NWNE	SWNE	NENW
	NWNW	SWNW	SESW
	NESW	NWSW	SWSW
	SESW		
29	NENE	SENE	NESE

MICROFILMED

AUG 23 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10318

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Borise, Idaho, this 22 day of May, 2000.


(Signature)

MICROFILMED

AUG 23 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10318

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

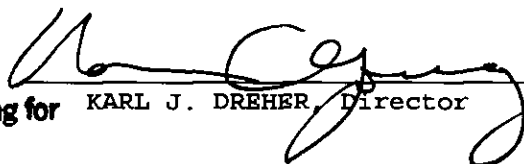
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-10318 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. Right 63-10318 and the water use described in claim 63-04629A when combined shall not exceed a total diversion rate of 0.45 cfs and a total annual maximum diversion volume of 315.2 af.
4. The water used under claim 63-04629A is also diverted through the point of diversion described above.
5. Domestic use is for 338 homes and does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 25TH day of MAY, 2000.


Acting for **KARL J. DREHER, Director**

MICROFILMED
AUG 23 2000

7/94

FOR OFFICE USE ONLY

Amt. of Fee \$: 100.00Receipt No. W030055Receipt By: 03Date Received: 11-1-95

RECEIVED

NOV 03 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 31 1995

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-10318 Telephone No. 344-3373
2. Name(s) of Permit Holder(s): WILDERNESS RANCH, LTD.
3. Mailing Address: HC 33, Box 3010, Boise, ID 83706
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 8 / yr. 85
(excavated to depth of 30 ft.)
 - a. Well Driller: None (Applicant) Drilling Permit Number:
 - b. **OPTIONAL:**
Pump Horsepower: Two 20 hp Pressure (psi): Dynamic pumping level (ft):
Plus three 7 hp, two 3 hp and six 2 hp pumps
5. Use(s) (as authorized by the water right permit):
 Domestic (No. of households): 338 Stockwater (No. and type of stock): Minimal
 Irrigation (No. of acres): N/A Other: N/A
6. Total rate of diversion and/or volume for which proof is submitted: 0.47 cfs OR 201 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?	Yes <u> </u> or No <u>X</u>
Has the measuring device been installed?	Yes <u> </u> or No <u>X</u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u>X</u> or No <u> </u>
Has the measurement port been installed?	Yes <u>X</u> or No <u> </u>
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
 Name: Myrl D. Schroeder Telephone Number: 344-3373/939-2083
 Address: 6065 Karen Drive, Meridian, ID 83642
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.
WILDERNESS RANCH, LTD., by S&L DEVELOPMENT COMPANY,
an Idaho general partnership,
 Signature of permit holder: Myrl D. Schroeder Date: 10-30-95
 (include your title, if on behalf of company or organization)
 Myrl D. Schroeder, Partner

DEC 01 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by DA
Date 10/30/1990
Receipt # W 012823

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

RECEIVED
OCT 30 1990

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

Permit No. 63-10318

Name(s) of Permit Holder: Wilderness Ranch Ltd

Post Office Address: H.C. 33 Box 3010 Boise Idaho 83706

Telephone No. 344-3373

Date Proof is Due: Nov 1 1990

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

Gallery installed, pumps installed, currently providing water to 80 homes - System is installed for entire subdivision -

Costing \$ 250,000

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

This is a housing development and building will continue through the next yrs.

Permit holder(s) request an extension to Nov 1, 1995
(1 yr. minimum)

Wilderness Ranch Ltd
John F. Lutz - partner
(Signature)*

FEE: \$15.00

IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit the proof of beneficial use is extended to November 1, 1995.

FEB 07 1991

Signed this 25th day of January, 19 91.

J. Glen Saylor
Chief, Water Allocation Bureau

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 WILDERNESS RANCH Phone 344-3373
Post office address HC 33, Box 3010, Boise, ID 83706
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 28 Township 4N Range 4E B.M. BOISE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .95 for DOMESTIC purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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) .95 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 2 WELLS w/ PUMPS & PIPE-
LINES TO PLACES OF USE.
 - 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 _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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

MICROFILMED

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 500 HOMES.
- e. Other; describe fully. _____

9. Description of place of use:

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

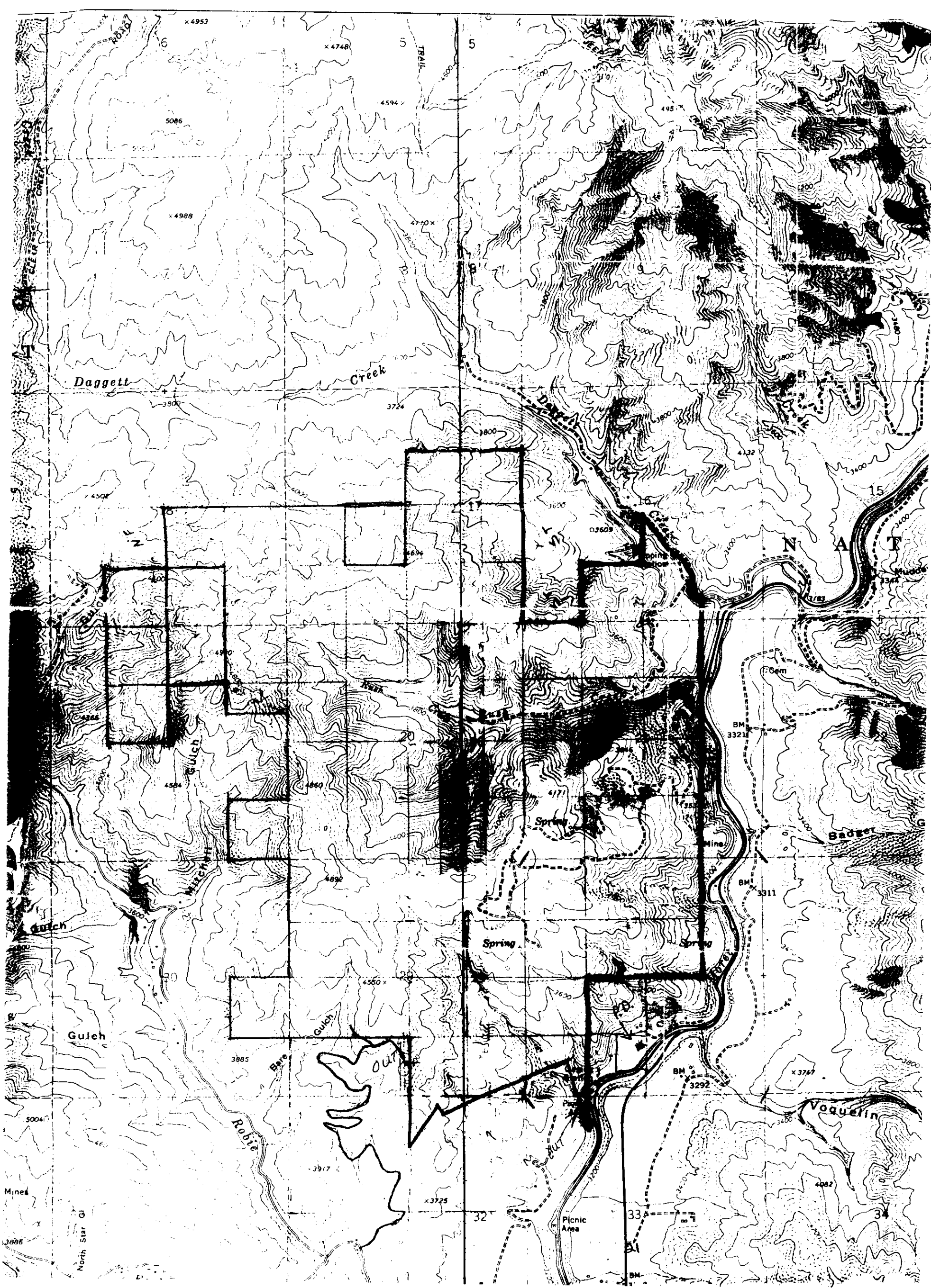
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	4E	16												D		D	D		
		17			D	D					D	D	D	D	D	D	D	D	
		18												D	D	D	D	D	
		19	D	D		D	D		D									D	
		20	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
		21		D	D		D	D	D	D	D	D	D			D	D		
		22		D	D		D	D	D	D		D	D						
		23	D	D	D	D	D	D	D	D	D				D	D	D	D	
		24													D				
		25	D	D															
		26																	
		27																	
		28																	
		29																	
		30																	
		31																	
		32	D	D															

Total number of acres to be irrigated

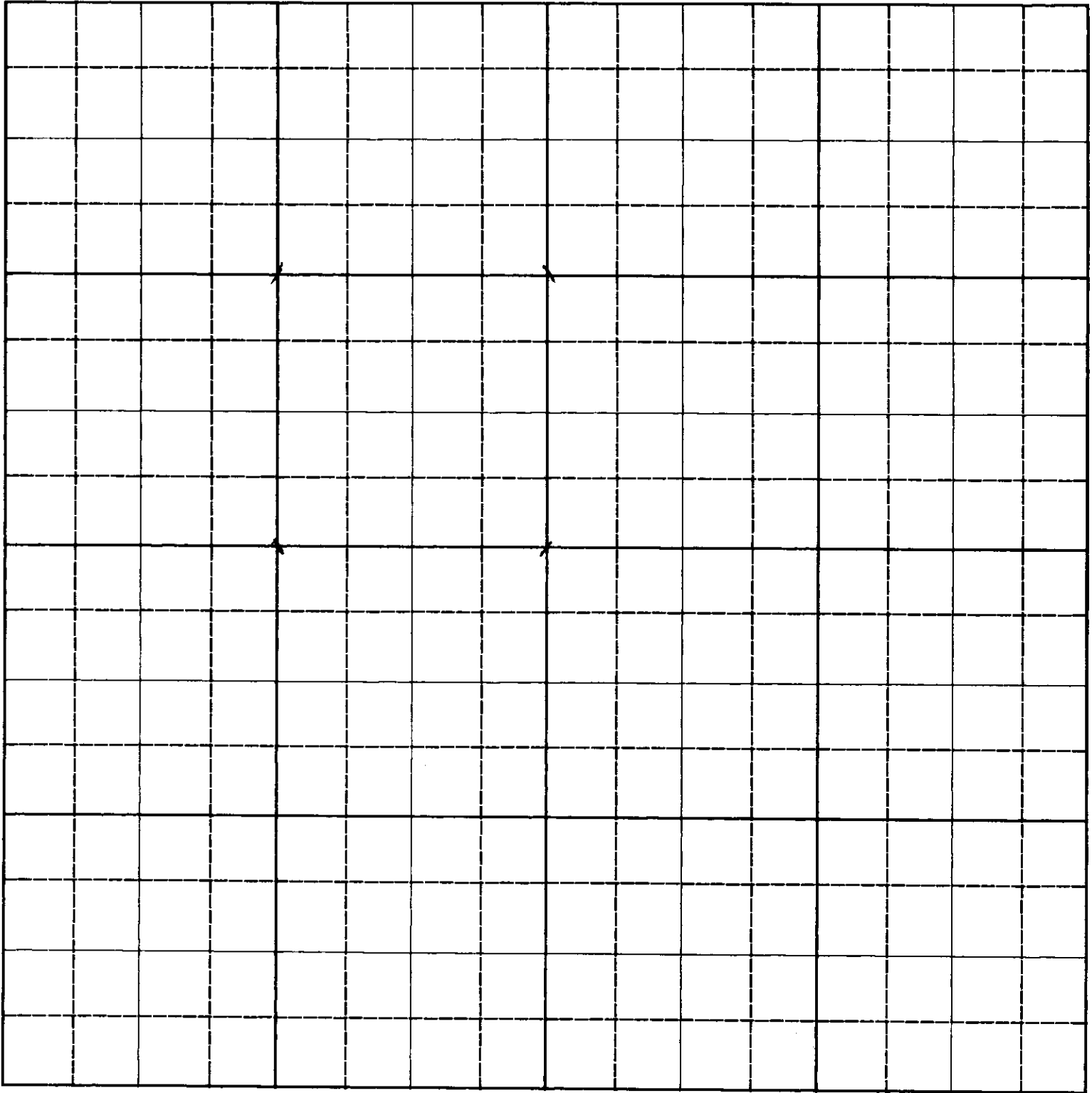
10. Describe any other water rights used for the same purposes as described above. _____

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: _____



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



Scale: 2 inches equal 1 mile.

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

A. N. Gordon

(Applicant)

A. N. GORDON, GEN. PARTNER

MICROFILMED

Proposed Priority 8/9/85
Received by JG Date 8/9/85 Time 2:15 Preliminary check by JG
Fee \$ 45.00 Receipted by JG # 36128 Date 8/9/85
Publication prepared by jp Date 8/29/85 Published in Idaho World
Publication approved hp Date 9/13/85 9/4 & 9/11/85

MICROFILMED

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. 63-10318, 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 November 1, 19 90.

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 commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water for domestic purposes under this permit shall be limited to in-house use and watering of household stock.

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

This permit is subject to the agreement dated 11/1/85 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Use of water under this permit is subject to control by the watermaster of State Water District No. 63, Boise River.

Witness my hand this 12 day of November, 1985.

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO,
County of Boise }

May Opatony..., being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for
....*2*... consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

Sept. 4, 1985 and end-
ing with the issue of *Sept. 4*

1985..

May Opatony.....

Subscribed and sworn to before

me this *11th* day of *Sept* 19*85*

.....*Kenneth L. ...*
Id. City, Id.

4/20/85

RECEIVED
SEP 13 1985

Department of Water Resources
Western Regional Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Alfred, Director

August 27, 2001

Skip Wehner
Wilderness Ranch Owners' Association, Inc.
46 Wilderness Ranch Road
Boise, ID 83716

PWS #4080055

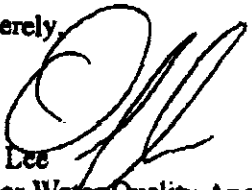
RE: Confirmation of receipt of letter dated August 18, 2001

Dear Mr. Wehner:

This letter is a confirmation of the change in assignment of the PWS number #4080055 to Wilderness Ranch Owners' Association, Inc.

Please contact me if you have any questions, at 373-0559 or by e-mail dlee@deq.state.id.us

Sincerely,


Don Lee
Senior Water Quality Analyst

Cc: Charles W. Ariss, Engineering Regional Manager
Michael Creamer, Givens Pursley
File 1 DW Corresp., Reading File

*data entered by Lay Walker 8.30.01
ket*

RECEIVED

AUG 29 2001

MICROFILMED BY, LLP
SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2001

WILDERNESS RANCH OWNERS ASSN INC
46 WILDERNESS RANCH RD
BOISE ID 83716

RE: Change of Ownership for Water Right 63-10318

Dear Water Right Holder(s):

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Michael C. Creamer at
Givens Pursley LLP

MICROFILMED
SEP 19 2001

RECEIVED

APR 17 2001

Department of Water Resources

Michael C. Creamer ISB #4030
GIVENS PURSLEY LLP
P.O. Box 2720 23701
277 North 6th Street, Suite 200
Boise, ID 83702
Phone: 208-388-1200
Fax: 208-388-1300
S:\CLIENTS\44771\notice of appearance.wpd

Attorneys for Wildemess Ranch Owners Association, Inc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA
Case No. 39576

Subcase Nos. A63-4629, A-63-10318,
A63-3620, and A63-02346
NOTICE OF APPEARANCE

Michael C. Creamer, of Givens Pursley LLP, hereby enters this Notice of Appearance on behalf of the above-named Claimant in the above-captioned matter. All pleadings and correspondence to the above-named Claimant should be addressed to counsel at the above address.

DATED this 16th day of April, 2001.

GIVENS PURSLEY LLP


Michael C. Creamer

MICROFILMED
SEP 13 2001

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2001, I caused a true and correct copy of the foregoing my the method indicated below, and addressed to the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

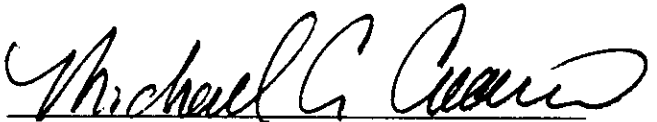
☐ HAND DELIVERY
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☐ HAND DELIVERY
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

United States Department of Justice
Environment and Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

☐ HAND DELIVERY
☒ U.S. MAIL
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)


Michael C. Creamer

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1300

WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jacqueline M. Fearnside
Timothy P. Fearnside
Jeffrey C. Fereday
Amanda L. Keating
Karl T. Klein
Debora K. Kristensen
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller

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

Raymond D. Givens
James A. McClure
OF COUNSEL

April 16, 2001

HAND DELIVERY

David R. Tuthill, Jr., P.E. 
Chief
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706
Dear David:

RECEIVED

APR 16 2001

Idaho Department of Water Resources

Re: Wilderness Ranch Owners' Association, Inc.
Our File: 4477-1

I am enclosing two original, executed Notices of Change of Water Right Ownership reflecting the conveyance of several water rights and the assignment of the claims to those water rights from Wilderness Ranch, Ltd. to the Wilderness Ranch Owners Association, Inc. ("WROA"). Also enclosed please find a copy of a Notice of Appearance that I have filed in the SRBA on behalf of WROA.

Attached to the Notices you will find documentation of WROA's current officers and directors, a map showing of the place of use, copies of a recently issued IDWR licence and transfer affecting the rights, an a deed and assignment conveying the rights and SRBA claims to WROA. Where appropriate, additional documentation of the chain of title has been provided.

I would appreciate it if the Department would provide me with a proof-reading report indicating the changes that have been made to the Water Rights and SRBA data bases.

I believe that this is everything that the Department requires in connection with the Notice. Of course, if the Department requires anything further, please contact me immediately.

Sincerely,


Michael C. Creamer

MCC:caw
Enclosures
cc: Carolyn Mehl w/o enclosures
Terry Baird w/o enclosures
S:\CLIENTS\4477\ICORR\tutthil 01 mcc.wpd

MICROFILMED

SEP 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642

RE: WATER RIGHT NO. 63-10318

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads 'Shelley Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
AUG 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the **20th** day of **July, 2000**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 63-10318

WILDERNESS RANCH LTD
6065 KAREN DR
MERIDIAN ID 83642


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 23 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

RECEIVED

JUL 11 2000

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

Department of Water Resources

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

July 11, 2000

HAND DELIVERED

Norman Young, Administrator
Water Management Division
Idaho Department of Water Resources
1301 N. Orchard Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Permit No. 63-10318

Dear Norm:

I have enclosed with this letter the original of an Application for Amendment of the above permit. We are in the licensing stage. A license had been issued and we had petitioned for reconsideration. The Department granted the Petition for Reconsideration in part and denied it in part but as to the denial, allowed us to file an Application for Amendment. That Amendment is the one enclosed.

All we are seeking to do by the Amendment is to redefine the nature of the use from "domestic" to "municipal." There is no change in the quantity of use by virtue of the Amendment. Also, it is not believed that there is any possible way the rights of others could be adversely effected. There is also no change in place of use or period of use or any other substantial change affecting the method of diversion of the water. All we are doing is redefining the actual use of the water. The actual use remains the same as that of the permit but we are titling the use in a different name.

At the time the Application was filed, the applicant sought to provide domestic water for 500 homes through a central water system comprising two wells and pipelines to the places of use which included over 2,000 acres of land. At the time the permit was applied for it was generally thought that the use, being for individual residential homes, would be classified as a domestic use. However, subsequently in 1990 the Legislature amended Idaho Code, §42-111 and excluded from the definition of "domestic purposes" in house use for several homes if the total water

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JUL 23 2000

Norman Young, Administrator
July 11, 2000
Page 2

exceeded a diversion rate of 0.04 cfs. The proposed license is for 0.45 cfs. Therefore, the use does not meet the present statutory requirements for domestic purposes.

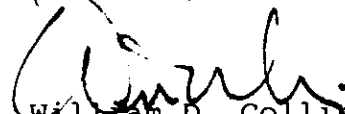
Subsequently the Legislature in 1996 enacted a new section of the Code, 42-202B, and defined the use which would be classified as "municipal." The use being made here is for a municipal purpose.

Therefore, in our opinion the rights of others would not be adversely effected by the amendment.

I am enclosing our firm check in the amount of \$50.00 to cover the filing fee for perfecting the amendment.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:mrs
enclosure
cc: Myrl D. Schroeder w/enc.
John F. Lutz w/enc.
Michael C. Creamer w/enc.

MIC

AUG 23 2000



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 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM D. COLLINS
WESTBERG, McCABE & COLLINS, CTD.
PO BOX 2836
BOISE ID 83701-2836

RE: WATER RIGHT NO. 63-10318

Dear Mr. Collins:

I have enclosed a copy of the order granting your petition for reconsideration of Water Right License No. 63-10318. Please call me at 327-7946 if you have any questions.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

MICROFILMED
AUG 23 2000

WILLIAM D. COLLINS

Idaho State Bar No. 1054

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121

TELEPHONE: (208) 336-5200

RECEIVED

JUN 7 - 2000

Department of Water Resources

ATTORNEYS FOR PETITIONER

**BEFORE THE DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES**

In the Matter of License	)	Case No.
No. 63-10318	)	
	)	PETITION FOR RECONSIDERATION
	)	BY WILDERNESS RANCH, LTD.
	)	
	)	
	)	

COMES NOW, Wilderness Ranch, Ltd., the permit and license holder of Water Right No. 63-10318 and hereby petitions the Director for reconsideration of the Decision issuing the Water License May 25, 2000.

The Applicant asserts that the License is in error in the following particulars:

1. The name of the License holder is listed as Wilderness Ranch. The correct name is Wilderness Ranch, Ltd.; and
2. The beneficial use listed for the License is "domestic." The beneficial use should now be "municipal."

NAME OF RIGHT HOLDER.

The original Application for the Permit contained a typographical error in listing the name of the applicant as "Wilderness Ranch." Wilderness Ranch is an Idaho Limited Partner-

MICROFILMED

JUN 23 2000

ship. Under Idaho law, a limited partnership must use as part of its name either Ltd. or limited partnership. This is a typographical error on the part of the applicant in incorrectly listing its name.

MUNICIPAL USE.

At the time the application was filed, August 9, 1985, it was thought that the type of use being made would be classified as "domestic." Therefore, the application was filed for domestic purposes. The use being made of the water is to supply 338 residences with water for in-house use.

At the time the permit was issued Idaho Code, §42-111, had defined domestic purposes as follows:

The phrase "domestic purposes" as contained in this title shall be construed to include water for the household, and a sufficient amount for the use of domestic animals kept with and for the use of the household.

Since the use of the water was for single family residences, the applicant classified the use as being "domestic." However, that definition no longer applies because of the amendment to that statute in 1990.

In 1990 after the application had been filed, the Idaho Legislature amended Idaho Code §42-111 and excluded from the definition of "domestic purposes" in-house use for several homes if the total quantity exceeded a diversion rate of 0.04 cfs. The License is for 0.45 cfs, considerably more than what would now be classified as a domestic use.

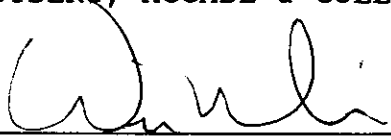
Also, the Legislature in 1996 enacted a new subsection, 42-202B and defined the use "municipal purposes." The use being made here is a municipal use, and we have a municipal provider. The water is

being supplied by an entity which is regulated by the State of Idaho as a public water supplier as defined in Idaho Code, §39-103(15).

WHEREFORE, Wilderness Ranch, Ltd., respectfully requests that the Department change the name of the license holder from Wilderness Ranch to Wilderness Ranch, Ltd., and to change the beneficial use from domestic to municipal.

DATED this 7 day of June, 2000

WESTBERG, MCCABE & COLLINS, CTD.

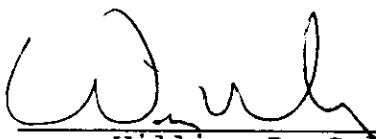
By 
William D. Collins
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7 day of June, 2000, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and address to; by FAX transmission addressed to; or by personally delivering to or leaving with a person in charge of the office; or by Federal Express, as indicated below:

Michael C. Creamer
Givens Pursley, LLP
277 N. 6th Street, Ste. 200
P.O. Box 2720
Boise, ID 83701

[] U.S. Mail
[x] FAX (208) 388-1201
[] Hand Delivery
[] Federal Express


William D. Collins

AUG 23 2000

Shelley -

(14)

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

June 7, 2000

RECEIVED
JUN 7 - 2000
Department of Water Resources

HAND DELIVERED

Norm Young, Deputy Director
Idaho Department of Water Resources
1301 N. Orchard Street
P. O. Box 83720
Boise, ID 83720-0098

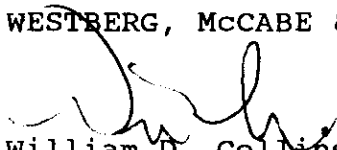
Re: Water Right License No. 63-10318

Dear Mr. Young:

Enclosed is a photocopy of the Petition for Reconsideration regarding the above water right which I and Mike Creamer discussed with you over the phone this afternoon. I thought you should have a copy. I do not know that I was very artful in expressing myself because of the short amount of time necessary to get this filed with the Department since I am not certain whether the time period for moving for reconsideration has expired or not.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:mrs
enclosure
cc: Michael C. Creamer, via fax

MICROFILMED
AUG 23 2000

RECEIVED

JUN 7 - 2000

Department of Water Resources

WILLIAM D. COLLINS

Idaho State Bar No. 1054

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

FACSIMILE: (208) 336-2121

TELEPHONE: (208) 336-5200

ATTORNEYS FOR PETITIONER

BEFORE THE DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of License
No. 63-10318

) Case No.

)
) PETITION FOR RECONSIDERATION
) BY WILDERNESS RANCH, LTD.
)
)
)

COMES NOW, Wilderness Ranch, Ltd., the permit and license holder of Water Right No. 63-10318 and hereby petitions the Director for reconsideration of the Decision issuing the Water License May 25, 2000.

The Applicant asserts that the License is in error in the following particulars:

1. The name of the License holder is listed as Wilderness Ranch. The correct name is Wilderness Ranch, Ltd.; and
2. The beneficial use listed for the License is "domestic."

The beneficial use should now be "municipal."

NAME OF RIGHT HOLDER.

The original Application for the Permit contained a typographical error in listing the name of the applicant as "Wilderness Ranch." Wilderness Ranch is an Idaho Limited Partner-

ship. Under Idaho law, a limited partnership must use as part of its name either Ltd. or limited partnership. This is a typographical error on the part of the applicant in incorrectly listing its name.

MUNICIPAL USE.

At the time the application was filed, August 9, 1985, it was thought that the type of use being made would be classified as "domestic." Therefore, the application was filed for domestic purposes. The use being made of the water is to supply 338 residences with water for in-house use.

At the time the permit was issued Idaho Code, §42-111, had defined domestic purposes as follows:

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Since the use of the water was for single family residences, the applicant classified the use as being "domestic." However, that definition no longer applies because of the amendment to that statute in 1990.

In 1990 after the application had been filed, the Idaho Legislature amended Idaho Code §42-111 and excluded from the definition of "domestic purposes" in-house use for several homes if the total quantity exceeded a diversion rate of 0.04 cfs. The License is for 0.45 cfs, considerably more than what would now be classified as a domestic use.

Also, the Legislature in 1996 enacted a new subsection, 42-202B and defined the use "municipal purposes." The use being made here is a municipal use, and we have a municipal provider. The water is

being supplied by an entity which is regulated by the State of Idaho as a public water supplier as defined in Idaho Code, §39-103(15).

WHEREFORE, Wilderness Ranch, Ltd., respectfully requests that the Department change the name of the license holder from Wilderness Ranch to Wilderness Ranch, Ltd., and to change the beneficial use from domestic to municipal.

DATED this 7 day of June, 2000

WESTBERG, MCCABE & COLLINS, CTD.

By 
William D. Collins
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7 day of June, 2000, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and address to; by FAX transmission addressed to; or by personally delivering to or leaving with a person in charge of the office; or by Federal Express, as indicated below:

Michael C. Creamer
Givens Pursley, LLP
277 N. 6th Street, Ste. 200
P.O. Box 2720
Boise, ID 83701

☐ U.S. Mail
☒ FAX (208) 388-1201
☐ Hand Delivery
☐ Federal Express


William D. Collins



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

May 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDERNESS RANCH
6065 KAREN DR
MERIDIAN ID 83642

RE: WATER RIGHT NO. 63-10318

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads 'Shelley Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

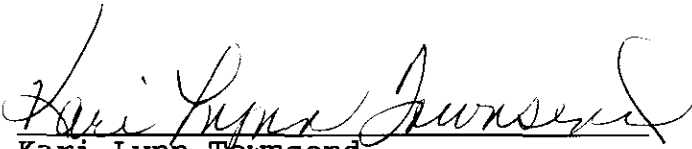
MICROFILMED
AUG 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the **30th** day of **May, 2000**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 63-10318

WILDERNESS RANCH
6065 KAREN DR
MERIDIAN ID 83642


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 23 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
AUG 23 2000

FINAL ORDER

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

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

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- (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.

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- 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.

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

May 23, 2000

RECEIVED

MAY 23 2000

Department of Water Resources

HAND DELIVER

Kay Walker, Sr. Resource Agent
Idaho Department of Water Resources
1301 N. Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right No. 63-10318

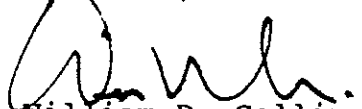
Dear Ms. Walker:

I represent Wilderness Ranch, Ltd. I am enclosing the Application for Amendment of the above permit you forwarded to my client April 24 and May 19, 2000. The Application for Amendment has been executed. You had also forwarded another form asking for a change of address. That form is also enclosed.

This Permit once the license has been issued and Water Right No. 63-04629A will be transferred from the present owner, the developer, to the Homeowners' Association. The Homeowners' Association is Wilderness Ranch Owners' Association, Inc., an Idaho Nonprofit Corporation, whose address is 46 Wilderness Ranch Road, Boise, Idaho 83716. When that occurs, we will formally notify the Department.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
enclosure
cc: Myrl D. Schroeder, w/enclosure
Michael C. Creamer, w/enclosure

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AUG 23 2000



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

May 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDERNESS RANCH
HC 33 BOX 3010
BOISE ID 83706

RE: WATER RIGHT NO. 63-10318

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00

If you have any questions, please call me at (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

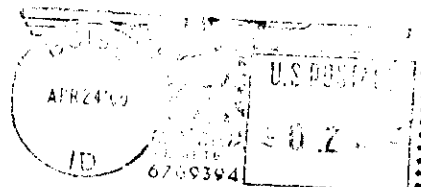
1 North Orchard Street
Boise, Idaho 83706-2237



NO SUCH
ADDRESS

Redent to
6065 Haren Dr
Meridian 83642
4-26-00
KET

RECEIVED
FIRST CLASS



RECEIVED

APR 26 2000

Department of Water Resources

WSD

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AUG 23 2000



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

April 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDERNESS RANCH
HC 33 BOX 3010
BOISE ID 83706

RE: WATER RIGHT NO. 63-10318

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

cc: Michael C. Creamer
William D. Collins

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Memorandum

To: File 63-10318

From: Kay Walker *KW*

Date: 04/20/00

Re: License Recommendations
.....

See File 63-04629 for additional information regarding the field examiner's findings for this right. The field examination information is found under Transfer 4815 on left hand side of the file.

*Michael C. Creamer
Givens, Pursley
PO Box 2720
Boise, 83701-2720*

*William A. Collins
Westberg, McCabe & Collins
PO Box 2836
Boise 83701-2836*

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LICENSE REVIEW CHECKLIST

Permit No. 63-10318

Date: 4-20-2000 Reviewer: Kay Walker *KW*

Change/OK

Name/Address *OK*

Source *OK*
Point of Diversion: *OK*

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use *add*

Change (P41/P49) Add (P41/P44) Feds (P43)

*add pu in E 1/2 SW,
Sec. 28*

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 63-04629A
File reviewed ☒ Profile reports printed ☒

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.95 cfs
Fee Limit 1.0 cfs
Measured 0.45 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.45

Water Uses *OK*

Change (P46)

*2.5 cu
3.5 FHR*

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.45 cfs 322.6 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.45 cfs 322.6 af

~~Irrigation overlap (R58-R61, R62-R65, R66-R69)~~
~~supp. Gw (W87/065/079)~~
overlap spec combined rts (W35)
~~1 acre (W31)~~
Domestic (W01/wb5/070/071/075)
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fire (077)~~
Water Quality (081/R07)
~~Payette (W22/047/27A)~~

V = 338 lots x 0.6 AF = 202.8 AF

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x 3.5 (FHR) = _____ af

Remarks:

W35-63-04629A, 0.45 cfs & 322.6 AF (over)

Additional Conditions

☒ Watermaster Control #63
☐ GW Measurement/Measuring Device
☐ Other
☐ Trust (052/R55 - remove 051)
☐ Non-trust (048/049)

*Domestic use for 338
lots in Wilderness Ranch*
Government Lots? NO *Subdivision.*

Advance Priority? ☒ yes ☐ no

If yes, explain why below.

W36

SRBA Claim? *NO*

Adjust memo _____

Amend Letters P41

P87, S06

Second Amendment Notice P49

S06

V = 0.45 cfs x 1.9835 x 365 days = 325.8

*send cc of all correspondence
to William D. Collins & Michael C Creamer*

per examiner:

0.45 cfs capacity

→ 32.1 ac irrigated

$$63-04629A = 32.1 \times 3.5 = 112.4 \text{ (on transfer)}$$

202.8 this license

315.2 limit

WR5809NP
No. 63-04629A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/20/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILDERNESS RANCH LTD 6065 KAREN DR MERIDIAN ID 83642 (208) 344-3373	09/06/1899	IRRIGATION	03/15 11/15	0.450 CFS	112.40 AFA
TOTAL DIVERSION:					0.450 CFS	112.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04N R04E S28 SESW

BOISE 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	04E	16	:																
04N	04E	17	:			I		I					I		I		I		
04N	04E	20	:	I		I		I		I			I		I		I		
04N	04E	21	:			I		I		I			I		I		I		
04N	04E	28	:			I		I		I			I		I				
04N	04E	29	:	I				I							I				

Pou County: BOISE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-10318 L63-10318

Other Water Rights Listing Overlapping Place(s) of use:
63-02346 63-04629B

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- R63 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN Approval of Transfer 4815 does not confirm Claimed

Remarks: Right 63-04629A.
Right 63-04629A is limited to the irrigation of 32.1 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.

Dates: App. Received: Priority Date: 09/06/1899
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 11/12/1999 User-ID: PSKAGGS Subject: TRANSFER 4815
Transfer 4815 changes the point of diversion, source & place of use under a portion of Right 63-04629, splitting the right into Parts A & B. Part A is the transferred portion in this case.

Date: 01/20/2000 User-ID: PSKAGGS Subject: TRANSFER 4815 AMENDED APPROVAL
An amended approval for Transfer 4815 was approved on 01-20-2000.

Audit: 01/20/00 PSKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 6 1999
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-10318

1. Owner: Wilderness Ranch Ltd Phone No. 344-3373

Current Address: HC 33 Box 3010 Boise ID 83706

2. Accompanied by: Myrl Schroeder EXAM DATE : 8/27/97

Address: _____ Phone No. _____

Relationship to Permit Holder: Developer

3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-04629, A63-04629

2. Other water rights with the same point of diversion: " "

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
		NE	SE	SW	28	4N	4E	Boise	USGS Quad, Subdivision Plat Map

2. Place(s) of Use:

Indicate Method of Determination Same As Above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4E	16												D		D	D		
		17			D	D					D	D	D	D	D	D	D	D	
		20	D	D	D	D	D	D		D				D	D	D	D	D	
		21		D	D		D	D	D	D	D	D	D	D		D	D		
		28		D	D		D	D	D	D	D	D	D	D					
		29	D			D									MICROFILMED				
															AUG 23 2000				

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

See Attachment B, Transfer File 4815

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

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

 N Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
2 Submersible Pumps		2	Model 135S	Grundfos	

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pump Curve, Timed Fill Measurement, McCrometer Flow Meter						

2. Measurements: See below

E. NARRATIVE/REMARKS/COMMENTS

Wilderness Ranch consists of a 5 phase subdivision, 338 total stubbed lots. Proof was submitted in 1995 for 338 domestics and .47 cfs. At the time of the exam, applicant's stated that 180 lots had been developed. Tax records retrieved from Boise County revealed 178 lots actually developed. The P/U recommended accounts for 178 developed lots only within Wilderness Ranch Subdivision, not the 338 total. The diversion system consists of 4" pvc collection pipes, each 30' deep and gravel packed. Two 2 hp submersible pumps are used to lift the collected groundwater from a 12"x 18' stand pipe into three 1000 gal storage tanks located in station 1. From there, several booster pumps and storage tanks are

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used throughout multipal stations. Comparing the pump curve capacity with the flowmeter reading at the time of the exam, and a timed-fill measurement in 1996, .45 cfs was the maximum diversion capacity recommended. Wilderness Ranch filed transfer 4815 on statutory claim 63-04629 for the same diversion system. That transfer is pending the field exam findings for this permit. Please see transfer attachments A-D and memo dated 1/6/1999 for system diagram, maps, detailed system description, and field exam notes. Photos of the p/u are also included in that file.

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Pump curve 2 hp @ 60' head = .45 cfs (Item 4.a., Attachment A)

McCrometer Flowmeter: 215 gpm = .48 cfs (Field exam reading)

Roylance Engineer's timed fill measurement 6/27/96: 193 gpm = .43 cfs (Item 4.b., Attachment A)

$$.45 \text{ cfs} + .47 \text{ cfs} + .43 \text{ cfs} = 1.35 \text{ cfs}/3 = \underline{.45 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$338 \text{ homes} \times .6 \text{ af} = 202.8 \text{ afa}$$

$$.45 \text{ cfs} \times 365 \text{ dys} \times 1.9835 = 325.8 \text{ afa}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<u>Domestic</u>	<u>1/1</u>	<u>12/31</u>	<u>.45</u>	<u>202.8</u>
Totals:			<u>.45</u>	<u>202.8</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**Field Examiner's Name W. G. G. G. G. Date 2/24/99

Reviewer _____ Date _____

[A]

SEAL

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MEMO

DATE: 1/6/1999
FROM: Lori Graves
TO: X-fer File 63-04629
RE: Review

Wilderness Ranch, Ltd., filed an application for transfer no. 4815 April, 1996. The transfer is based on statutory claim 63-04629 for irrigation of 80 acres from Daggett Creek.

ATTACHMENTS

- A. Response from William Collins dated 4/15/97 to Steve Lester's 5/2/96 letter.
- B. SRBA filings and maps.
- C. Plat map and system diagrams.
- D. Field notes

CHANGES PROPOSED

- 1. P/D from Daggett Creek to a buried water collection pipe system.
- 2. P/U to more accurately reflect irrigation within Wilderness Ranch subdivision.

BENEFICIAL USE FOUND

Water right 63-10318 is a ground water permit for domestic use from the same system. A field exam was conducted in 1998 to determine the extent of beneficial use for the permit and this transfer. Beneficial use found was 338 home sites (178 existing) and 55 acres of lawns (see photos and acreage evaluation, attachment D). Beneficial use was not found in the NESE Section 29 as listed on the transfer. This area consisted of only natural vegetation.

Pumping Capacity Volume

The system diversion capacity is .45 cfs or 200 gpm (see 63-10318 field exam). $288,000\text{gpd} \text{ pumping capacity} \times 365\text{dys} = 105,120,000\text{gpy}/325,850 = 322.6 \text{ afa.}$

Required Volume

338 hms x .6 =	202.8 afa (domestic use)
55 acres x 3.5 =	<u>192.5 afa (irrigation use)</u>
	395.3 afa

Based on the above analysis, there is an apparent water shortage. As a result, Wilderness Ranch installed 217,841 gallons of storage capacity to buffer the subdivision's peak periods. This coupled with the fact that the external domestic use is less than normal due to the subdivision's mountainous location, helps the system meet the subdivision's water needs.

During the field exam, the original diversion system from Daggett Creek developed for statutory claim 63-04629 was verified. The system consisted of two diversion points: an upper and lower ditch. A 40 hp pump system was installed in 1967 and it's location is actually labeled on the topo map. The ditch system above the pump station was abandoned. No pump curves were available for the 40 hp pump. Based on 10' lift and 10 psi, a theoretical calculation showed historical pumping capacity at 7.4 cfs.

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After consulting SRBA staff and reviewing napp photos, orthophotoquads, and submitted documentation for statutory claim 63-04629, it was determined that ~60 acres could have been historically irrigated from the gravity ditch or pump system. 55 acres of the original 60 have were found to be irrigated within the last 5 years, dispersed throughout the Wilderness Ranch Subdivision. The other 25 acres listed on the claim were not included as acres available for transfer due to non-irrigation. As advised by the SRBA staff, the early 1899 priority date claimed appeared sufficiently justified per submitted copies of the posted notice and homestead entries (items 5.c-g., attachment A) and supporting affidavits (items 1.b- c., attachment A).

OVERLAPS & SRBA

Three SRBA claims were filed on the statutory right: A63-04629A for Wilderness Ranch, A63-04629B for Hollinger/Bradshaw, and A63-04629C for Smiths (attachment B).

Claim B lists the old pump station as the p/d and 4 acres irrigation. Because the 4 acres are **above** the old pump station at a higher elevation, it is unlikely that these acres received Daggett Creek water after 1967. The 4 acres are not within the 60 acres considered historically irrigated.

Claim C was filed to resolve claimant's protest of the transfer and represents the separate 2 acre split described in the transfer. The 2 acres are within Wilderness Ranch boundries, but propose a separate (private) diversion system directly from Daggett Creek. The 2 acres are located within the 55 acre area determined to be currently irrigated and are located **below** the old pumping station. No other rights are used.

Applicants submitted sufficient documentation supporting development prior to 1987 and use within the last 5 years (attachment A). No post 1987 changes are being proposed.

SOURCE ISSUES

Per documentation submitted in item 2, attachment A, the first ground water infiltration gallery was installed in late 1984 to serve the early stages of the Wilderness Ranch Development. This appears to be the date when the source was changed from Daggett Creek to ground water, which would constitute an accomplished transfer if the implied source interconnection is recognized by the department. Note: there are no other water rights on Daggett Creek between the old pump station and Mores Creek, except for claim A63-04629C referenced above.

An affidavit from Myrl Schroeder (item 2.a., attachment A) is the only reference to the implied interconnection between the ground water source and Mores Creek. No independent documentation has been provided to support his affidavit.

It is unlikely that future consumptive uses will be allowed for

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Wilderness Ranch for surface water &/or ground water because they are located above Star bridge and are tributary to the Boise River. If this transfer is not approved, Wilderness Ranch is irrigating 55 acres without a water right and without the option of obtaining a water right. If this transfer is approved, Wilderness will have a water right for irrigating the 55 acres of lawn found in association with the 178 existing homes. Lawn use for the remaining lots is not included and not allowed under this transfer.

RECOMMENDATIONS

The validity of Myrl Schroeder's affidavit regarding the source interconnection remains a question to be evaluated by IDWR Administration.

Based on water right verification, overlap review, and system capacity, this transfer looks approvable.

Wilderness Ranch: 63-04029A

.45 cfs system capacity
55 acres irrigated (see attachment D for distribution list and map)
 $55 \times 3.5 = 192.5$ afa required
 $.45 \text{ cfs} \times 184 \times 1.9835 = 164.2$ afa diverted

63-04029A: .45 cfs 164.2 afa (external use)
63-10318: .45 cfs 202.8 afa (internal use)
.45 cfs 322.6 afa (combined capacity)

Balance: 63-04029: 1.60 cfs 80 acres
-63-04029A: -.45 cfs -55 acres
63-04029B: 1.15 cfs 25 acres

Preliminary SRBA results:

A63-04029A: .45 cfs 55 acres 164.2 afa
A63-04029C: .04 cfs 2 acres 7.0 afa

(The 2 acres are part of the 55 acres served by the transfer and should be limited to .02 cfs, 3.5 afa per acre).

A63-04029B: Appears forfeited

cc: A63-04629A, B, C

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MEMORANDUM

TO: File 63-04629
FROM: Pam Skaggs/State Office
SUBJECT: Transfer 4815
DATE: November 12, 1999

Copy to 63-10318

Transfer 4815 changes the point of diversion, place of use and source under a portion of Right 63-04629, splitting the right into Parts A and B. The transferred portion has been identified as Part A to concur with the SRBA claim part for the same use, A63-04629A.

The transfer will change the right to reflect the current irrigation use of a groundwater collection system installed when the subdivision was developed instead of the original diversion from Daggett Creek. The place of use has also been changed to include all the quarter-quarters that are within the subdivision boundaries. This will allow the water users more flexibility in where the irrigation occurs within the entire subdivision. Only a portion of the lots has been developed at this time.

A field exam for Permit 63-10318 was completed prior to review of this transfer. The permit covers the domestic use from the same system. When Right 63-10318 is licensed the total volume for both irrigation and domestic uses will exceed the capacity of the system and an overlap condition should be included on the license.

The application identifies an earlier priority date than the date identified on the original statutory claim. The transfer approval reflects the original priority leaving any confirmation of an earlier priority to the SRBA review. Information has been submitted for the SRBA claim that will be evaluated through the adjudication.

The Region Manager has recommended that the right be made subject to the watermaster of Water District 63, Boise River. The original source of Daggett Creek is tributary to Mores Creek, and the groundwater collection system is in a low area adjacent to Mores creek.

Season of use was adjusted to the lessor standard season of use as originally identified on the application. Diversion volume was identified at the standard rate of 3.5 af per acre. Recommended conditions include non-confirmation of claim, watermaster control, limitations on groundwater diversion, measuring devices for the original source (Daggett Creek) & the new groundwater diversion, permissible place of use limits within the subdivision, irrigation overlap, SRBA review and standard transfer conditions.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

This is to certify that: **WILDERNESS RANCH LTD**
6065 KAREN DR
MERIDIAN ID 83642

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	04/01 to 10/31	0.45 CFS	190.1 AF

SOURCE

GROUNDWATER *

Priority: 03/15/1960

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 28, Township 04N, Range 04E
BOISE 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	04E	16	SESW	NWSE	SWSE	
		17	SWNE	SENE	NESW	
			NWSW	SWSW	SESW	
			NESE	NWSE	SWSE	
			SESE			
		20	NENE	NWNE	SWNE	
			SENE	NENW	NWNW	
			SESW	SESW	NESE	
			NWSE	SWSE	SESE	
		21	NWNE	SWNE	NENW	
			NWNW	SWNW	SESW	
			NESW	NWSW	SWSE	
			SESW	NWSE	SWSE	
		28	NWNE	SWNE	NENW	
			NWNW	SWNW	SESW	
			NESW	NWSW	SWSE	
			SESW			
		29	NENE	SENE		

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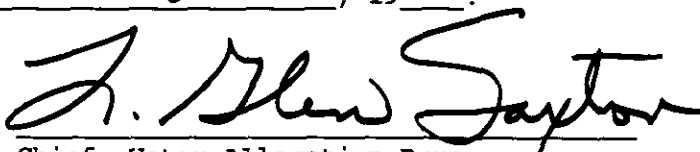
Same system as 63-10318

TRANSFER NO. 4815
WATER RIGHT NO. 63-04629A

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of Transfer 4815 does not confirm Claimed Right 63-04629A.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
- * 3. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Daggett Creek at the original point of diversion located in the NWSE, S16, T04N, R04E.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Daggett Creek at the original point of diversion.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- ** 6. Right 63-04629A is limited to the irrigation of 55.0 acres within the place of use described above also known as the Wilderness Ranch Subdivision.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 12th day of November, 1999.


Chief, Water Allocation Bureau

MICROFILMED
AUG 23 2000

Permit No. 63-10318 Reviewed by [Signature] Date 11-16-95

DEC 01 1995

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

RECEIVED
OCT 31 1995

WATER RESOURCES
WESTERN REGION

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

October 31, 1995

HAND DELIVERED

Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED

NOV 03 1995

Department of Water Resources

RE: Permit No. 63-10318

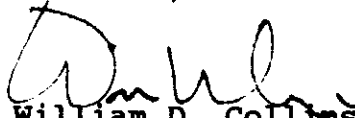
Dear Sir/Madam:

I am enclosing the original of the Proof of Beneficial Use regarding the above permit along with my firm check in the amount of \$100.00 to cover the filing fee.

Until further notice, please contact Myrl D. Schroeder at the address or phone numbers listed on the Proof of Beneficial Use form in advance of the inspection so that a mutually acceptable time can be arranged. The person performing the inspection should also ask Mr. Schroeder for any written documentation and pumping specifications that person would like to review.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:plc

Enclosure

cc: Michael C. Creamer
A. J. Bohner
Myrl D. Schroeder
John F. Lutz
Terry Baird

11995

August 31, 1995

WILDERNESS RANCH
HC 33 BOX 3010
BOISE ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 63-10318

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

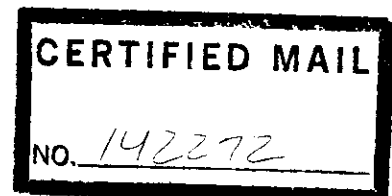
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

DEC 01 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 23, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Wilderness Ranch Owners Association, Inc.
HC 33 BOX 3130
BOISE, IDAHO 83706

ATTEN: Terry Beard

RE: Permit No. 63-10318

Dear Terry;

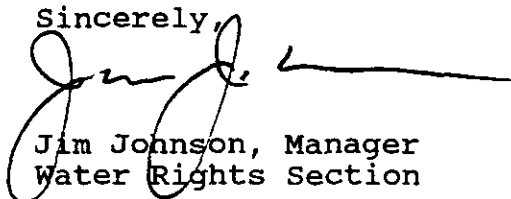
This letter is in response to a follow-up question relating to my letter to you dated August 21, 1995.

The Department uses 0.6 acre feet per annum per lot as a limit to in-house of water because this amount should accommodate reasonable in-house usage. If the department, through diversion records showing that the annual volume for in-house use exceeded the 0.6 acre feet per acre per lot, would use the measured volume information and list the appropriate amount on the license. To date, however, I am not aware of any subdivision where data was provided to cause licensing more than the 0.6 afa/lot.

In your subdivision, even though 800 gallons per day lot is identified in the CC&R, I would be surprised that actual diversion of 800 gallons per day would occur 365 days a year for every lot. As I mention to you in our meeting, multiple ownership subdivision water system design incorporates a probability adjustment that all users will not be using the system at the same time and that all users will not use the same peak daily demand. Even though mathematically 0.6 afa/lot averages to 535 gallons per day I doubt that the total volume listed on the license will be exceeded. In my example I used 400 lots which equates to 24.0 afa. It is this amount that will more likely be regulated rather than the individual lot usage.

If you have any additional questions let me know.

Sincerely,



Jim Johnson, Manager
Water Rights Section

1995

**HEWLETT
PACKARD****Boise Printer Division****Quality Assurance**

11311 Chinden Blvd.

MS 160

Boise, ID 83714

Fax no. 208-396-2554

Fax Cover Sheet

Page 1 of 2Date: 8/23/95To: Jim Johnson

Fax no. _____

Company: IDWR

Phone no. _____

From: Terry Baird

Phone ext. _____

Message:

Jim - Thanks for the letter. One question -
could you please clarify the apparent
discrepancy on the attached page?
I'll wait for your response before reviewing
with others.

Thanks,Terry (Phone - 396-5490)

Please contact _____ at extension _____
if you have any problems with this transmission.

Company Private-Information is NOT to be transmitted via fax machines. If absolutely necessary, the receiver must be contacted prior to transmission and should be instructed to pick up the materials immediately.

Company Confidential-Transmissions should be sent to department fax machines and not SITE fax machines. If a site fax machine must be used, transmissions should be placed in an envelope and the recipient called for pick-up.

For Internal Use Only-Transmissions should be placed in the designated area and the recipient called for pick-up.

Personal and Confidential-Transmissions should be placed in an envelope and the recipient called for pick-up.

Delivery Immediately

Call extension _____ for pick-up.

DEC 01 1995

→ 0.6 Afa corresponds to 535 gal/day/lot

Drainage have not receive permits for new consumptive water use, i.e. irrigation and lawn watering. The application filed by Wilderness Ranch in 1985 is located in the closed area and the permit was approved for restricted non consumptive domestic in-house use only. Any water use occurring outside of the homes is not authorized under this permit and may be at risk of regulation.

You also asked the following questions.

"How does this condition [Condition of approval 021] affect the anticipated volume in the final right?"

Ans. The volume listed on the license will be the total of 0.6 Afa times the number of lots receiving water from the water distribution system.
i.e. 400 lots X 0.6 afa = 24.0 Afa. Afa = Acre feet per Annum.

"Also, what is the implication with the respect to "normal" outside residential watering?"

Ans. See last sentence in Ans. 2."

"To apply water for this [Domestic] purpose, and to exceed the 800 gallons/day/lot as called for in our CC&R's, am I to understand that an additional water right would need to be "found", above that which would be associated with Permit NO. 63-10318?"

Ans. Apparently the 800 gallons per day per lot allowed by the CC&R is not restricted to in-house use as the required under the water permit. If the 800 gallons per day were used entirely within the home then no additional right is required. However, an additional right is required, to authorize out of house water use. The only way to cover the out of house water use, at this time, is to acquire an existing irrigation right and file a transfer to move the right to the subdivision.

I hope this letter has adequately answered all of your questions if I can be of further assistance let me know.

Sincerely,


Jim Johnson, Manager
Water Rights Section

Is this statement true
given that 800 gal/day exceeds
the 0.6 Afa. (800 gal/day/lot corresponds
to 0.9 Afa), or would
535 gal/day/lot be the cap?

DEC 01 1995

TOTAL P.02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 21, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Wilderness Ranch Owners Association, Inc.
HC 33 BOX 3130
BOISE, IDAHO 83706

ATTEN: Terry Beard

RE: Permit No. 63-10318

Dear Terry;

This letter is in follow up to your request of August 18, 1995 in which you asked "Could you review specifically the following."

1. Permit diversion rate (0.95 cfs) versus a volume that would be stated on the final right.
2. Condition of approval 021, "Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock."

General Background. When an application for a permit to appropriate the public water of the State of Idaho for private use is received. The Department is required to process the application following a number of statutory requirements. In general, when an application for permit is approved, a permit is issued allowing the permit holder to proceed with developing the facilities that will be used in connection with the water identified in permits. After the facilities have been constructed, the water used under the permit can be quantified. The Department must determine the extent that water is used under each permit and this quantity, including annual volume, are applied on the licenses that, when issued, replaces the permit.

Ans. to question 1. In most cases, the water use is not developed at the time the an application water permit is filed, therefore, only the proposed rate of diversion is listed on the application and on the approved water permit. Annual volume is added to the water right license only **after** an examination of the diversion facility has been conducted. The annual volume quality is determined by the examiner and calculated based upon the extent that the water use was developed. In the case of permits approved for development of subdivision water, the Department estimates the annual volume for in-house use to be no more than 0.6 acre feet per year per subdivision dwelling.

Ans. to question 2. Applications to appropriate water for private use received in the administratively closed upper Boise River

DEC 01 1995

Drainage have not receive permits for new consumptive water use, i.e. irrigation and lawn watering. The application filed by Wilderness Ranch in 1985 is located in the closed area and the permit was approved for restricted non consumptive domestic in-house use only. Any water use occurring outside of the homes is not authorized under this permit and may be at risk of regulation.

You also asked the following questions.

"How does this condition [Condition of approval 021] affect the anticipated volume in the final right?"

Ans. The volume listed on the license will be the total of 0.6 Afa times the number of lots receiving water from the water distribution system.
i.e. 400 lots X 0.6 afa = 24.0 Afa. Afa = Acre feet per Annum.

"Also, what is the implication with the respect to "normal" outside residential watering?"

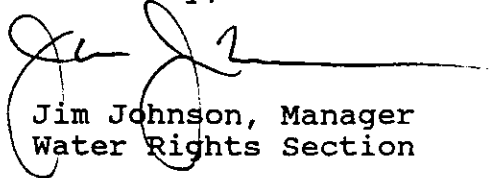
Ans. See last sentence in Ans. 2."

"To apply water for this [Domestic] purpose, and to exceed the 800 gallons/day/lot as called for in our CC&R's, am I to understand that an additional water right would need to be "found", above that which would be associated with Permit NO. 63-10318?"

Ans. Apparently the 800 gallons per day per lot allowed by the CC&R is not restricted to in-house use as the required under the water permit. If the 800 gallons per day were used entirely within the home then no additional right is required. However, an additional right is required, to authorize out of house water use. The only way to cover the out of house water use, at this time, is to acquire an existing irrigation right and file a transfer to move the right to the subdivision.

I hope this letter has adequately answered all of your questions if I can be of further assistance let me know.

Sincerely,


Jim Johnson, Manager
Water Rights Section

DEC 01 1995

Wilderness Ranch Owners Association, Inc.
HC 33 Box 3130
Boise, ID 83706

August 18, 1995

Jim Johnson, Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

Subject: Permit No. 63-10318

Dear Jim:

Thank you for your time yesterday. Pursuant to our conversation, I am writing to request that you provide me a written description or summary of the water right evaluation process, particularly as it may be related to Permit No. 63-10318.

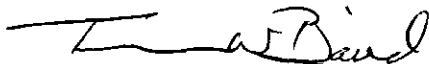
Additionally, could you review specifically the following:

1. Permit diversion rate (0.95 cfs) versus a volume that would be stated on a final right.
2. Condition of approval 021, "Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock."

How does this condition affect the anticipated volume in the final right (i.e., 0.6 acre foot/unit/year; 535 gallons/lot/day)? Also, what is the implication with respect to "normal" outside residential watering (i.e., lawn, garden, etc.)? To apply water for this purpose, and to exceed the 800 gallons/day/lot as called out in our CC&R's, am I to understand that an additional water right would need to be "found", above and beyond that which would be associated with Permit No. 63-10318?

Jim, please provide any clarification you can on these points. Thank you. Your continued help is very much appreciated.

Sincerely,



Terry Baird
Vice President, WROA Board of Directors

DEC 01 1995

RECEIVED

DEC 06 1994

Department of Water Resources

Wilderness Ranch Owners Association
HC 33 Box 3130
Boise, ID 83706

December 2, 1994

Mr. Jim Johnson, Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

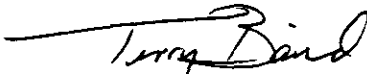
Dear Jim:

Thank you for the time you spent with me on Nov. 28 regarding our transition from developer to owners association of water system, permit (#63-10318) and the eventual water right. It was most enlightening and informative.

As I described, we will likely proceed with the system and permit transfer in the near future. At that point, or sooner, we will prepare the Proof of Beneficial Use and initiate the process for examination and final water rights. Per your request, we will make sure that 'as-builts' including pump specifications and pump efficiency curves are provided to IDWR. Further, your offer that the process be handled directly by your office is most appealing. This arrangement will be recommended to the WROA Board of Directors.

Again, thank you very much. You've been most helpful, and I'll look forward to contacting you in the near future.

Sincerely,



Terry Baird
Member, WROA Board of Directors

cc. Frank Hurlbutt, President
WROA Board of Directors

DEC 06 1994

January 29, 1991

WILDERNESS RANCH LTD
HC 33 BOX 3010
BOISE ID 83706

Gentlemen:

Re: Permit No. 63-10318

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to November 1, 1995.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions, contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

FEB 07 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 63-10318

Reviewed by *ry*

Date 1-23-91

BASIC INFORMATION

ry Date stamp received
ry Extension received timely (not too early not too late)
ry Fee received and receipted
ry Name and signature same as permit
ry Address change

BASIS FOR EXTENSION REQUEST

ry Has adequate work been completed to demonstrate due diligence?
ry Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

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

ACTION TAKEN - *Recommend approval based on due diligence for 5 years*

_____ Reinstate Date extention received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

ry Change proof due date _____ Address change
 _____ Priority date change

Jerry T. Elliott P.E.
2023 Stagio
Monrovia, CA. 91016
(818) 447-4494 Day
(818) 357-9978 Other

October 18, 1990

State of Idaho
Dept. of Water Resources
1301 N. Orchard Street
Boise, ID. 83702

RE: Proof of Beneficial Use - Permit No. 63-10318

Dear Sir:

I have served as the water resource engineer for Wilderness Ranch Subdivision for over three years. In the course of water development for this property I have been involved in a number of preformance and delivery evaluations to verify source, production and reliability.

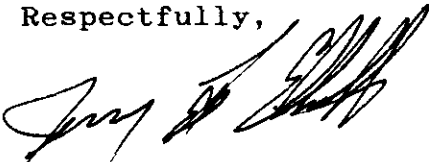
The water supply source, groundwater near Mores Creek above Robie Creek, was tested in November of 1989 by pumping at a capacity of 580 gpm (1.28 CFS) for four hours, followed by continuous pumping for another twenty six hours at 280 gpm (0.62 CFS). The pumping records and drawdown observations during that test indicate that this aquifer is capable of sustained production in excess of 280 gpm for a long period of time. (Field observations indicated no recordable drawdown over a 24 hour period at this rate) It is important to note that this production from a shallow aquifer occurred in the late fall following two substandard water years. The continued superior bacteriological quality of this water coupled with the fact that the best production has been perpendicular to the river leads me to believe that the water source is groundwater and not river based.

Subsequent to the testing described above, this water has been put to beneficial use as a potable water supply for the residents of Wilderness Ranch. The use of this water by the residents is monitored daily with a propeller meter (McCrometer MT100 with accuracy

RECEIVED
FEB 07 1991

As a licensed professional engineer who has worked closely with Mr. Schroeder at Wilderness Ranch I request that the State consider this letter proof of development of the water source and appropriate certification.

Respectfully,



Jerry T. Elliott P.E.
Formally dba Water and Environmental Services

cc: Myrl Schroeder

MICROFILMED

FEB 07 1991

1383402

August 31, 1990

WILDERNESS RANCH
HC 33 BOX 3010
BOISE, ID 83706

PROOF DUE NOTICE

RE: PERMIT NO. 63-10318

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 07 1991

November 12, 1985

RE: Permit No. 63-10318

Wilderness Ranch
HC33, Box 3010
Boise, ID 83706

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.

Please note that one of the conditions of approval is that the diversion of water under this permit is subject to the control of a State Watermaster. The reason for this is that some hydrologic studies of rivers in the state indicate that wells constructed in the sand and gravel aquifers of the river areas may intercept water that otherwise would have entered the river. However, the extent of the alluvial material thickness is not known nor is the precise degree of interference of wells with surface water flows. Studies do indicate that as much as 50% of the water diverted from a well located one mile from the river would have reached the river if impermeable layers of clay on hard rock do not separate the river from the aquifer from which the well is producing.

The information available to us at this time does not warrant refusing to issue you a permit but does merit cautioning you that any permit issued by the Department cannot deprive water users, with earlier rights, of their water supply.

The reason for conditioning the permit and explaining the potential interference problem is to make you aware that future tests may definitely show that diversion of water from your well should be administered together with the older surface water priorities of the river and its tributaries. If this were to occur, it would essentially mean that there would not be water available for a diversion from your well since the surface water system is fully appropriated. By locating your well as far from the river as possible and by casing out upper water producing zones as the well is constructed, you may be able to reduce the amount of interference with the river.

MICROFILMED

Page 2

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Grover

APPLICATION NUMBER: 63-10318

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ 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.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____
Other rights on same place of use. _____

- ☐ Yes ☐ No*

In form for advertising.

~~Withdrawn~~

Final date for protests: 9/23/85

- ☒ Yes ☐ No

Protests received. If yes, record information on 4th page of application. See protest worksheet.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/13/85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 451 36128
☒ Publication dates and paper, recorded on application. ED WOOD 9/4 & 9/11/85
☒ Protests, dates, withdrawal, etc., recorded on application. 9/11/85 See protest worksheet
☒ Recommendation & initial, recorded on application. Approve DRI

- ☐ Yes ☒ No

Measuring device required.

- ☒ Yes ☐ No

Access port required.

- ☒ Yes ☐ No

Will water be delivered by watermaster? If yes, what district? Boise River, 63

- ☒ Yes ☐ No

Date of priority recommended. 8/9/85

Special conditions of approval or cover letter. OIC, 26A, 21, 05 (63, Boise R.), 20A

MICROFILMED

fill copy destroyed

Note: The "Review of Water Supply System, Wilderness Ranch" dated Oct 15, 1985 prepared by Sheri Chapman shows the infiltration gallery to be higher elev than Mores Creek. Nevertheless, this project might vary. Well have an impact on flows in the creek and WRM control and house use.

By: DRI

Date: 11/5/85

STATE OFFICE REVIEW: 20A (11/1/85)

103, 121, 117 21 OIC 26 05 (63, Boise River)

RECEIVED

- ☐ See attached sheet for more information.

By: KW

Date: 11/7/85

NOV 07 1985

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

William L. Vasconcellos
EBERLE, BERLIN, KADING, TURNBOW
& GILLESPIE, CHARTERED
300 North Sixth Street
Post Office Box 1368
Boise, Idaho 83701
Telephone: (208) 344-8535

Attorneys for Applicant

RECEIVED
NOV 4 1985

Department of Water Resources
Western Regional Office

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF	)	Permit Application No. 63-10318
APPLICATION FOR PERMIT	)	
OF WILDERNESS RANCH	)	STIPULATION RESOLVING PROTEST
_____	)	

Protestants Paul J. Montalon and Lois A. Montalon (the "Montalons"), who filed a Protest on September 19, 1985, against the Application of Wilderness Ranch, Ltd. ("Wilderness Ranch") for a water right in Boise County, Idaho (Application No. 63-10318), and Applicant Wilderness Ranch do hereby stipulate and agree that the Montalons' protest is hereby resolved upon the following terms and conditions:

1. Wilderness Ranch hereby recognizes and stipulates that the Montalons' own water rights in Mores Creek have priority over any rights which will accrue to Wilderness Ranch if its Application No. 63-10318 is approved.

2. The parties do not believe that the use proposed under Application No. 63-10318 will reduce the quantity of water available to the Montalons pursuant to their existing prior water rights. However, if any such reduction does in fact result at some point in the future, the Montalons shall have the right to take whatever action is necessary to restrain the use of water under Permit No. 63-10318, if such use is resulting in a reduction of water under the Montalons' existing prior water rights.

MICROFILMED

3. Wilderness Ranch is the equitable owner of the property on which the point of diversion is located, under a Contract of Sale of Real Estate dated May 5, 1978, wherein the Montalons are the sellers.

4. The Montalons hereby withdraw their protest to Permit Application No. 63-10318, subject to the rights reserved to them pursuant to this Stipulation.

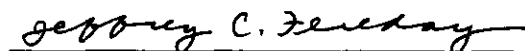
5. It is agreed that upon execution by the parties, this Stipulation shall be filed with the Idaho Department of Water Resources and upon such filing become a permanent part of the Department's file on Permit Application No. 63-10318.

DATED As of the 1st day of November, 1985.


Paul J. Montalon


Lois A. Montalon

APPROVED AS TO CONTENT AND FORM:


Jeffrey C. Fereday, Attorney for
Protestants Paul J. Montalon and
Lois A. Montalon

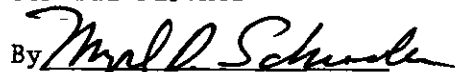
WILDERNESS RANCH, LTD.

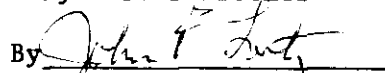
By: Terraco, General Partner

By 
A. N. Gordon

By 
William R. Corcoran

By: S & L Development Company,
General Partner

By 
Myrd D. Schroeder

By 
John F. Lutz

APPROVED AS TO CONTENT AND FORM:


William L. Vasconcellos, Attorney
for Applicant, Wilderness Ranch, Ltd.

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant - Name(s)

Jeffrey C. Fereday, Attorney for Paul J. & Lois A. Montalon *Withdrawn 11/1/85*

Address 277 North 6th St. Suite 200, Boise, ID 83701

Attorney - Name & Address listed above

Dated Filed 9/19/85 Protest Date 9/23/85

Issues _____

Applicant - Attorney - Name & Address _____

Dates _____

Acknowledgement letters _____

Hearing Notice _____

Hearing Date _____

Other _____

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Protest Information submitted in Computer (following hearing) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-10318
Name(s) of Permit Holder(s): WILDERNESS RANCH
Post Office Address: HC 33 BOX 3010
BOISE IDA 83706 Tel. No. 344-7373

☐ I hereby certify that construction of diversion works for the above referenced permit began on SEPT 11 1985. I understand that I must continue to develop the water conservation plan and to maintain a valid permit.

☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

11-14-85

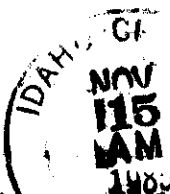
A. M. Wright

WILDERNESS RANGELAND

BOX 3010

BOISE, IDAHO 83706

944-3373



RECEIVED

FEB 07 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

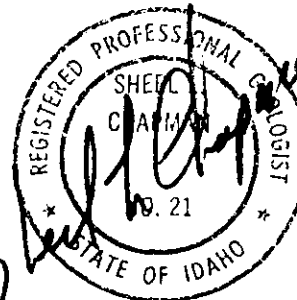
11/10/74 - 3823 *DM*

FRED L. CHAPMAN

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

REVIEW OF WATER SUPPLY SYSTEM
WILDERNESS RANCH
October 15, 1985



This office was contacted regarding review of the water supply system constructed for Wilderness Ranch #3 and #4 near Robie Creek on Mores Creek in September, 1985. Several concerns had been voiced by Health Department officials regarding the project and whether or not the water supply system was adequate. Questions regarding the system had been raised in a letter to the developer on September 12, 1985, and these concerns are those addressed in this report.

The water system presently in place consists of a single well drilled on site connected in series with an infiltration gallery. The gallery is directly connected to the well with 4 inch PVC pipe leading from 185 feet of perforated pipe. The perforated pipe is bedded in 3/4 minus clean washed gravel at about 12 feet below land surface. When water is pumped from the system it is withdrawn from the well and gallery at the same time.

The site was visited on September 17, 1985, with the developer, the engineer, and several District Health and Health Department officials present. Two holes were dug near the infiltration gallery constructed on the project to a depth of about 12 feet below land surface. Materials encountered in the holes were examined by myself and samples collected for analysis in the office. Measurements were taken of the standing or static water level at each end of the infiltration gallery and the depth below water surface of the gallery tubes were also determined. Subsequent to the field visit, an as-built print was provided this office by Roylance Engineering for review. That as-built provides a good deal of the base data for this analysis.

The infiltration gallery lies in an open field between Mores Creek and the hill front to the northwest. Mores Creek is about 125 feet from the southernmost end of the infiltration gallery and concern has been expressed that Mores Creek would have significant influence on water provided to the Wilderness Ranch. Water level elevations were taken, both in the infiltration gallery and in Mores Creek and assuming a general south-westerly flow pattern which appears to be prevalent in this area, it appears that ground water is flowing from the hill front area to Mores Creek. Mores Creek generally has been assumed to be a gaining stream,

SPECIALIST IN

GROUND WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

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that is, to receive water from the ground water system, and data obtained by the U. S. Geological Survey would indicate that this is true for most of Mores Creek, particularly the reach in this area. The water surface elevation southwest of the infiltration gallery in Mores Creek is 3,074.31 while the water surface elevation in the infiltration gallery is 3,075.29, nearly a foot higher than in Mores Creek. This helps to substantiate the conclusion that ground water is flowing from the hill front to the creek.

Concern was also expressed in the letter from the Health Department as to whether or not the system would be adequate to provide water during dry year periods. Streamflow in Idaho, for the 1985 water year, was quite low because of light snow pack. Even though we did have light snow pack and declining ground water levels in many areas, the water level in the infiltration gallery is some 5 feet above the bottom of the gallery intake. Additionally, flow records for Mores Creek which receives its water supply from the ground water system shows that the stream flow has been relatively constant over a long period of record which would indicate the ground water system providing water to the creek in this area does continually provide water even during dry years. The U. S. Geological Survey records for Mores Creek during the 1977 drought year show that the Creek still had significant base flow even during the driest portion of the year further confirming the fact that the ground water system continued to supply water to Mores Creek even during a drought year. It is my opinion that based on these records, the water supply in this area is adequate to provide the 300 gallons per minute required by Wilderness Ranch even during drought years.

A second concern expressed was whether or not fine material from Mores Creek would infiltrate the subsurface and clog the infiltration gallery. If Mores Creek were a losing stream rather than a gaining stream and the water supply for Wilderness Ranch was contingent upon continual flow in Mores Creek, the water supply could be hampered by sealing of the bank materials by fine sediment and a reduction of the flow available to the ground water system. However, since the ground water system flows from the hills to Mores Creek in this area and fine materials are scoured from the bank and bottom of Mores Creek during high water periods, it is my opinion that no sediment migration will occur that will result in any affect on the ability of the infiltration gallery to derive water from the ground water system. The materials in the subsurface in this area are of such nature that sediment migration could not intrude more than a foot or two at most even under the most adverse conditions.

Since the water is being derived from a relatively shallow source, concern over turbidity is a logical question. The infiltration gallery is buried some 12 to 13 feet below land surface and evaluation of the earth materials in which the infiltration gallery is located was necessary. Samples were collected of the subsurface materials and subjected to evaluation in the office. Based on these analyses, it would appear that most of the sand in which the infiltration gallery was constructed ranges from about .095 to .150 inches in size excluding gravels and is very clean demonstrating very little silt content. The washed clean gravel that

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installed as a blanket around the 4 inch perforated PVC pipe will preclude movement of that sand and fine materials into the 4 inch pipe and a 6 mil visqueen cap over the top of the gravel will keep any soils from migrating vertically into the gallery.

The materials themselves are adequate to transmit well over the 300 gallons per minute required for Wilderness Ranch #3 and #4. A concern exists, however, as to whether or not the portion of the gallery providing water from the junction of the perforated pipes to the well site is large enough to provide more than about 100 to 150 gallons per minute under gravity flow. This pipe is 4 inches in diameter and while adequate to provide 100 to 150 gallons per minute, would not provide the entire 300 gpm flow if the well were not used or had to be shut down for some reason. The infiltration gallery as constructed and used in combination with the well is adequate to provide from 200 to 250 gallons per minute for domestic consumption. However, it is my recommendation that once the demand for water exceeds about 150 gallons per minute for Wilderness Ranch #3 and #4, that a second gallery be constructed either to the northeast or the southwest of the existing facility to provide the additional water necessary in case the well had to be shut down or water demand became uncommonly high. The new gallery could be constructed in a manner identical to the present gallery and tied into the well site as is the first gallery. By adding the second gallery, flow velocities in the 4 inch pipe could be kept to a minimum and it would not be critical whether or not the well was able to continue to function. The addition of a second gallery would also provide greater open area exposed to the aquifer which would decrease the entrance velocity into the pipe and the ability of the water to move fine grained materials under periods of maximum pumping. With the well operating, velocities entering the gallery pipe are not expected to exceed .68 feet per second. However, if the well has to be shut down, velocities could reach about 1.03 feet per second through the perforations which approaches that the velocity capable of moving sand. The present infiltration gallery, however, will probably not move any sand because of the constriction of the 4 inch diameter pipe entering the well house.

In summary, the combination of gallery and well are presently adequate to provide at least 250 gallons per minute without reaching undue velocities either entering the perforations or through the 4 inch pipe. Once the quantity of water exceeds this value, however, or the well is shut off and the entire supply provided through the infiltration gallery, velocities will increase to the point where sand could begin moving. Because of the small entrance pipe into the well, however, it is probable that the 300 gallon per minute maximum demand could not be achieved using this infiltration gallery alone. While I feel comfortable with the system as installed from the standpoint of water supply and turbidity, I would hope that the second gallery would be added prior to reaching a development level of Wilderness Ranch that would require production of more than about 150 gallons per minute maximum demand which is the full amount I believe the gallery alone can produce under normal conditions.

September 23, 1985

Wilderness Ranch
HC 33, Box 3010
Boise, ID 83701

Gentlemen:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 63-10318. The Department suggests you contact the protestant(s) directly in an effort to resolve the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Yours truly,

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

DRT:jp

Enclosure

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September 23, 1985

Jeffrey C. Fereday, Attorney
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North 6th Street, Suite 200
Boise, ID 83701

Re: No. 63-10318 in the Name of Wilderness Ranch

Dear Mr. Fereday:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application(s). The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application(s) and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Yours truly,

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

DRT:jp

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JEFFREY C. FEREDAY
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
277 North 6th Street, Suite 200
P. O. Box 2720
Boise, Idaho 83701
Telephone: (208) 342-6571

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SEP 19 1985

Department of Water Resources

Attorney for Protestants.

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

	)	Permit Application No.
	)	63-10318
IN THE MATTER OF	)	
APPLICATION FOR PERMIT	)	PROTEST OF PAUL J. MONTALON
OF WILDERNESS RANCH	)	and LOIS A. MONTALON,
	)	husband and wife.

Protestants Paul J. Montalon and Lois A. Montalon (the "Montalons"), pursuant to I.C. § 42-203A(4), hereby protest the Application of Wilderness Ranch for a water right in Boise County, Application No. 63-10318. As grounds for this protest, the Montalons state as follows:

1. Applicant is a contract purchaser of the property at the proposed point of diversion, but, contrary to the statement in paragraph 11 of the Application, Applicant is not the owner. The Montalons own the property.

2. Applicant has been granted no license, easement or right-of-way across the Montalons' property for the placement of pumps and pipelines and other facilities.

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Department of Water Resources
Western Regional Office

3. The Montalons own water rights in Mores Creek in the vicinity of the areas proposed in the application as the point of diversion and place of use, which rights may be injured if the application is approved.

DATED this 20th day of September, 1985.

GIVENS, McDEVITT, PURSLEY,
WEBB & BUSER

By Jeffrey C. Fereday
JEFFREY C. FEREDAY
Attorney for Protestants
Paul J. and Lois A. Montalon

Protestants' address:

Paul J. and Lois A. Montalon
Mores Creek Ranch
c/o Idaho City Stage
Boise, Idaho 83707

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STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT - 801 Reserve Street, Boise, Idaho 83712

September 11, 1985

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SEP 12 1985

David B. Shaw
Western Regional Supervisor
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

RE: 63-10316/63-10317 - City of Caldwell
63-10318 - Wilderness Ranch

Dear Mr. Shaw:

The above-referenced applications have been received by this office, and we have no comments or objections regarding the issuance of permits.

If you have any questions, please contact us at 334-3823.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Varin".

George Varin
Senior Water Quality Specialist

GV:cs

cc: Craig Shepard

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SEP 12 1985

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

August 29, 1985

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

George Varin
Idaho Department of Health & Welfare
Division of Environment
Statehouse
Boise, ID 83720

Re: 63-10316/ 63-10317 - City of Caldwell
63-10318 ✓ - Wilderness Ranch

Dear Mr. Varin:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by September 23, 1985.

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

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

AUGUST 29, 1985

The Idaho World
Box 220
Idaho City, ID 83631

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 23, 1985.

Yours truly,

JUDY PENSE
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before SEPTEMBER 23, 1985.

KEN DUNN, Dir.

Published 09/04 & 09/11/85.

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63-10318

WILDERNESS RANCH

HC33 BOX 3010, BOISE, ID 83706

Source: GROUNDWATER

Date Filed: 08/09/1985

Diversion Pt: SESW Sec 28 T 04N R 04E

Use: DOMESTIC (0.95 CFS)

In: SESW NWSE SWSE Sec 16 T 04N R 04E SWNE SENE NESW NWSW SWSW SESW NESE NWSE
SWSE SESE Sec 17 T 04N R 04E SESW NESE NWSE SWSE SESE Sec 18 T 04N R 04E
NENE NWNE SENE NENW SENW SESE Sec 19 T 04N R 04E NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 20 T 04N R 04E
NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE SWSE
Sec 21 T 04N R 04E NWNE SWNE NENW NWNW SWNW SENW NWSW SWSW
Sec 28 T 04N R 04E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW NESE
NWSE SWSE LOT 01 (SESE) Sec 29 T 04N R 04E NESE Sec 30 T 04N R 04E NENE
NWNE Sec 32 T 04N R 04E

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August 19, 1985

Wilderness Ranch
Attn: A. N. Gordon
HC33, Box 3010
Boise, ID 83706

Dear Mr. Gordon:

Enclosed is the application for permit you recently filed at our office. Please note at the bottom of page three there is a place for your signature. I should have had you sign the application at the time you were in my office, but inadvertently forgot. Please sign the application and return it to me at your convenience.

Your map was received in our office today. However, there are some areas outlined on the map that were not included in the place of use listed on the application. I have outlined these in red on a copy of your map. Please designate whether or not these quarter-quarters need to be shown on the place of use portion of the application. If so, I can add these when you return the forms to our office.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:jp

Enclosure

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