

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

<b>IN THE MATTER OF APPLICATION )</b>	
<b>FOR PERMIT NOS. 61-12162 AND )</b>	<b>PRELIMINARY ORDER</b>
<b>61-12168 IN THE NAME OF )</b>	<b>VOIDING APPLICATIONS</b>
<b>CLOVERLEAF PROPERTIES INC. )</b>	
<hr style="width: 40%; margin-left: 0;"/> )	

**FINDINGS OF FACT**

1. On December 28, 2007, Cloverleaf Properties Inc. filed Application for Permit No. 61-12162 with the Idaho Department of Water Resources (IDWR).
2. On January 2, 2008, Cloverleaf Properties Inc. filed Application for Permit No. 61-12168 with the Idaho Department of Water Resources (IDWR).
3. IDWR sought additional information from the applicant on March 19, 2010. The applicant was provided up to sixty (60) days in which to respond. The request for information specified the applications would be voided without a timely response.
4. Although not a designated representative for the applicant, SPF Water Engineering LLC corresponded via email with IDWR in late May 2010 regarding a possible response to the March 19 request.
5. Based on the possible pending response, IDWR again requested the additional information from the applicant on June 1, 2010. The applicant was provided up to thirty (30) days in which to respond. The request for information specified the applications would be voided without a timely response.
6. The applicant failed to submit the information requested by IDWR.

**CONCLUSIONS OF LAW**

1. Section 42-204, Idaho Code, and Water Appropriation Rule 35.01 authorize IDWR to void an application if an applicant fails to provide the requested information.
2. The applications should be voided.

**ORDER**

**IT IS HEREBY ORDERED that Application for Permit Nos. 61-12162 and 61-12168 in the name of Cloverleaf Properties Inc. are VOIDED.**

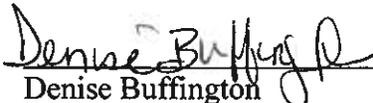
Dated this 3<sup>rd</sup> day of August, 2010



John Westra  
Manager, Western Regional Office

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of August, 2010, I mailed a true and correct copy of the foregoing Preliminary Order to the applicant listed below:



Denise Buffington  
Administrative Assistant

CLOVERLEAF PROPERTIES INC.  
PO BOX 28909  
LAS VEGAS NV 89126

RECEIVED

FORM 202 10/07

JAN 02 2008

Ident. No. 61-12168

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Cloverleaf Properties, Inc. Phone 760-518-9323  
Mailing address P.O. Box 28909, Las Vegas, NV 89126 Email oldhog@hotmail.com

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point of diversion is Township 1 South Range 5 East Sec. 4, in the SE  $\frac{1}{4}$ ,  
NW  $\frac{1}{4}$ , N/A  $\frac{1}{4}$ , Govt. Lot N/A, B.M., Elmore County;  
additional points of diversion if any: Please see Attachment 'A'.

4. Water will be used for the following purposes:

- Amount 4.5 cfs for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per year

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Underground Well
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet;  
total reservoir capacity N/A acre-feet
- c. Proposed well diameter is 16 inches; proposed depth of well is 400-1200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? N/A; Drilling firm N/A;  
Well was drilled for (well owner) N/A; Drilling Permit No. N/A

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

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

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. 3672
- e. Other; describe fully. N/A

VOID

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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	5E	4	26	26			26	26	40	40									184
		4	D	D			D	D	D	D									
1N	5E	33	40	20	40	40				20	40	40	40	40	40	40	40	40	480
		33	D	D	D	D				D	D	D	D	D	D	D	D	D	
1N	5E	34							40-D	240									

Total number of acres to be irrigated: 904

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? N/A

11. a. Who owns the property at the point of diversion? Cloverleaf Properties, Inc.  
 b. Who owns the land to be irrigated or place of use? Cloverleaf Properties, Inc.  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. It is the proposal of the Applicant to develop the approximately 904 acre parcel of land into residential subdivisions with a total number of residential units not to exceed 3672 units. With this proposal, it is the intent of the Applicant to develop a local water distribution system to provide water to each unit. It will be the Applicant's intent to drill four wells on the parcel to provide adequate diversion rates to provide for the development.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

  
 Signature of Applicant

Steven G. Burton, President  
 Print Name (and title, if applicable)

For Department Use:

Received by JL Date 1-2-08 Time 11:06 Am Preliminary check by \_\_\_\_\_  
 Fee \$ 410-0 Received by DB Receipt No. W0360602 Date 1-2-08

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_ Dates Published \_\_\_\_\_

## **ATTACHMENT 'A'**

**Point of Diversion No. 2:**

Situated within the SE1/4 NW1/4 of Section 34, Township 1 North, Range 5 East, BM

**Point of Diversion No. 3:**

Situated within the NW1/4 NE1/4 of Section 33, Township 1 North, Range 5 East, BM

**Point of Diversion No. 4:**

Situated within the NE1/4 SW1/4 of Section 33, Township 1 North, Range 5 East, BM,

All within Elmore County.





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

August 3, 2010

CLOVERLEAF PROPERTIES INC  
PO BOX 28909  
LAS VEGAS NV 89126

**RE: Preliminary Order in the matter of Application for Permit Nos.  
61-12162 and 61-12168**

Dear Applicant(s):

The accompanying order 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 within fourteen (14) days after issuance as described in the enclosed yellow information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

for:

John Westra  
Manager, Western Regional Office

Enclosures

cc: Roxanne Brown @ SPF Water Engineering

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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 service date 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.



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

June 1, 2010

CLOVERLEAF PROPERTIES INC  
PO BOX 28909  
LAS VEGAS NV 89126

Re: Notice of Intent to Void Applications for Permit Nos. 61-12162 and 61-12168

Dear Applicant:

The Idaho Department of Water Resources (IDWR) sent you a letter dated March 19, 2010 seeking more information in order to process the above referenced applications. A response was due within sixty (60) days to maintain the applications in good standing. A response has not been received.

IDWR did receive a May 24 email inquiry from Roxanne Brown, SPF Water Engineering LLC. She indicated some additional information might be forthcoming. The applications do not include information authorizing anyone to act on your behalf in this matter.

Based on Idaho statutes and IDWR Water Appropriation Rules, the applications should be voided at this point for failure to provide the requested information. However, a modest amount of additional time has been approved to provide your response.

Please provide the information outlined in the March 19 letter. One correction to that request follows: page 2, item 5, disregard reference to municipal provider status. Instead, describe the status of any required approvals from local government and/or any other state agency regarding the proposed project.

As noted in my prior letter, you may request up to six months more time to provide the information. However, since the original deadline was not met, a request for more time must be based on good cause to avoid conclusions of speculation and so forth for these applications. The applications will be voided if a timely written reply is not received by **July 2, 2010**. A refund will not be issued for voided applications.

A copy of this letter is provided to SPF for your convenience. Please note that any party representing you for these applications must be identified in writing. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", is written over a white background.

Steve Lester  
Water Rights Supervisor

Cc: Roxanne Brown, SPF Water Engineering LLC

## Buffington, Denise

---

**From:** Buffington, Denise  
**Sent:** Monday, May 24, 2010 9:17 AM  
**To:** 'Roxanne Brown'  
**Subject:** RE: Status of Permit Applications  
**Attachments:** CLOverleaf Properties - March 19 letter.pdf

Here is the letter sent out on March 19<sup>th</sup>. You may want to include in your response that you are the contact person (assuming you are), for these applications. It doesn't look like that info is in our files, as the letter went directly to the applicant. Let me know if you need anything else.

Denise

---

**From:** Roxanne Brown [mailto:RBrown@spfwater.com]  
**Sent:** Monday, May 24, 2010 8:57 AM  
**To:** Buffington, Denise  
**Subject:** RE: Status of Permit Applications

Thanks for the reply. Could I get a copy of the "additional info" letters? These applications are related to the Dennis Rider/Elk Creek Canyon applications which we already have extensions on. Dennis Rider is responsible for all of them through several entities. His girlfriend of many years has been critically ill, so he's not paying attention to the details...I'm playing catch-up!

Send me a copy of the letters and we'll respond!

Roxanne

---

**From:** Buffington, Denise [mailto:Denise.Buffington@idwr.idaho.gov]  
**Sent:** Monday, May 24, 2010 7:40 AM  
**To:** Roxanne Brown  
**Subject:** RE: Status of Permit Applications

Roxanne --

I apologize for the delay in getting back to you. Looks like we sent the applicant letter on March 19<sup>th</sup>, asking for additional info. The info is due by June 1<sup>st</sup>.

Denise

---

**From:** Roxanne Brown [mailto:RBrown@spfwater.com]  
**Sent:** Tuesday, May 18, 2010 3:38 PM  
**To:** Buffington, Denise  
**Subject:** Status of Permit Applications

Denise,

61-12162, 61-12168 (Cloverleaf Properties) Can you give me an update?



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

March 19, 2010

CLOVERLEAF PROPERTIES INC  
PO BOX 28909  
LAS VEGAS NV 89126

Re: Applications for Permit Nos. 61-12162 and 61-12168

Dear Applicant:

The above referenced applications propose significant ground water development along the I84 corridor between Mountain Home and Boise. Your applications are two of many filed by various parties in this regard. A table summarizing the I84 applications is enclosed for your convenience.

The Idaho Department of Water Resources (IDWR) needs more information to process your applications. Please consider the following points.

Withdraw Applications – If you do not want to proceed with the proposed development, you can withdraw the applications using the enclosed form, and you can seek a refund of the \$700 filing fees. A refund should be requested in writing.

The rest of this letter applies if you do want to continue with the applications.

Applicant – A list of company officers or directors is needed.

Uses and Amounts of Water – Each application lists domestic use for a specified number of homes. Domestic use covers internal uses for homes in this scenario. Irrigation for yards and/or other areas is not listed as a beneficial use in the applications. However, the number of irrigated acres is displayed in item 9 of the applications – place of use charts list 78 acres for one application and 904 acres for the other one. Irrigation should be listed as a separate use, whether for yards or other areas within the place of use. The minimum amount of water for irrigation is 0.01 cfs/acre, while the maximum amount is 0.02 cfs/acre. Each application needs to be amended to either properly include irrigation or to delete the list of irrigation acres. This might result in increased filing fees if the total amount of water is increased (see enclosed fee schedule). Some details follow.

61-12162: The application proposes 2.00 cfs for domestic use for 347 homes. The maximum domestic diversion rate for 347 homes is 0.80 cfs per IDWR standards. A higher rate can be acceptable based on reasonable justification from the applicant. Please reduce the domestic rate or justify a rate exceeding 0.80 cfs. For 78 acres of irrigation, the minimum rate is 0.78 cfs and the maximum is 1.56 cfs. Rates for multiple uses are not required to be additive.

61-12168: A maximum diversion rate of 4.5 cfs for 3,672 homes is proposed and is acceptable. For 904 acres of irrigation, the minimum rate is 9.04 cfs and the maximum is 18.08 cfs.

Technical Information to Support the Applications

Water Appropriation Rule 40 information is needed for your applications. Please see the enclosed copy of Rules 40.05.c-g for this situation. Your responses to those items should also address the following concerns.

- 1) Demonstrate an adequate, sustainable ground water supply is available.
- 2) The proposed wells are within the Mtn. Home Ground Water Management Area (GWMA) and not far from the Cinder Cone Butte Critical Ground Water Area (CGWA). Demonstrate the proposed use of ground water will not result in further ground water level declines in the GWMA or the CGWA.
- 3) Discuss plans to monitor and report data about ground water supply, ground water levels, and ground water quality in and around the project area if your applications are approved and development proceeds.
- 4) Individual and Cumulative Effects: Provide Rule 40.05.cii-ciii information and above items 1 through 3 information with respect to the following: effects from each of your applications, effects from your combined applications, and cumulative effects from your applications plus all the projects senior in priority to yours as summarized in the enclosed table, "Ground Water Projects, I84 Area, March 18, 2010."
- 5) For Rule 40.05.g information regarding local public interest, describe how the applicant intends to become a municipal provider under I. C. § 42-202B, specifically with respect to the Idaho Department of Environmental Quality and/or the Idaho Public Utilities Commission. Also, describe your progress with any required local government approvals. It is not necessary to send comment letters noted under this section of the rule. \*

**Please provide your response within the next sixty (60) days. Alternately, you can request up to six months additional time in this regard. Without a timely written reply, the applications will be voided and a refund will not be issued.**

More IDWR information is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester  
Water Rights Supervisor

Enclosures

\* error, municipal N/A -SZ 4/1/10

**Active Applications, Ground Water Projects, I84 Area, March 18, 2010.**

See notes, next page

NAME	NUMBER	PRIORITY	USE	CFS	WELL LOCATIONS	STATUS
ID Water Company	73811	1963-1980	Irrigation	05.56	IS 4E S. 14, 23, 24	Protested
Mayfield Townsite	74414	1971	Irrigation	01.91	IN 4E S. 25, 26	Protested
Elk Creek Canyon (Nevid?)	73789	1974-1977	Irrigation	17.92	IN 5E S. 21, 31-33; IS 4E S. 1, 11; IS 5E S. 5-8	Not processed
Orchard Ranch	73834	1976	Municipal	11.36	IS 4E S. 19	Not processed
Intmnt. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	IN 4E S. 28, 33	Permit issued
Intmnt. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	IN 4E S. 28, 33	Appl. To Amend Permit, Protested
Mayfield Townsite	63-32499	7/28/2006	Municipal	10.00	IN 4E S. 23, 24, 27; IN 5E S. 18, 19	Protested
Nevid	61-12090	9/28/2006	Municipal & Fire Protection	04.02 *	IS 4E S. 2, 11	Permit issued
Nevid	61-12095	4/3/2007	Municipal	05.00	IS 4E S. 1, 12	Protested
Orchard Ranch	63-32703	6/21/2007	Municipal	09.60	IS 3E S. 9, 10, 13-15, 24	Not processed
Cloverleaf	61-12162	12/28/2007	Domestic	02.00	IS 4E S. 2	Not processed
Cloverleaf	61-12168	1/2/2008	Domestic	04.50	IN 5E S. 33, 34; IS 5E S. 4	Not processed
Intmnt. Sewer & Water	61-12256 **	1/17/2008	Municipal	13.76	IN 4E S. 34, 35	Not processed
Rider	61-12173	3/21/2008	Domestic	04.50	IN 5E S. 20, 21, 30	Not processed
Rider	61-12174	3/21/2008	Domestic	04.50	IN 5E S. 26, 28	Not processed
Pacific West Land	61-12257 ***	4/15/2008	Municipal	18.20	IS 3E S. 12; IS 4E S. 7, 8, 16-18	Not processed

## NOTES

- Listed in existing/proposed date of priority order.
- Includes approved & pending permits or transfers & 1 pending amendment of permit.
- Does not include void, withdrawn & otherwise terminated applications.
- 5-digit number = transfer; 7-digit number = application for permit, application for amendment of permit, or approved permit.
- Status of “not processed” indicates no legal notice yet.
- \* 1.82 cfs municipal + 2.20 cfs fire protection
- \*\* previously mis-numbered 63-32973
- \*\*\* previously mis-numbered 63-33036

## FEE SCHEDULE

Application fees (CFS = cubic feet per second – AF = acre-feet)

CFS	AF	Fee	CFS	AF	Fee
0.00 – 0.20	0 – 20	\$100.00	11.01 – 12.00	1101 – 1200	\$690.00
0.21 – 1.00	21 – 100	\$250.00	12.01 – 13.00	1201 – 1300	\$730.00
1.01 – 2.00	101 – 200	\$290.00	13.01 – 14.00	1301 – 1400	\$770.00
2.01 – 3.00	201 – 300	\$330.00	14.01 – 15.00	1401 – 1500	\$810.00
3.01 – 4.00	301 – 400	\$370.00	15.01 – 16.00	1501 – 1600	\$850.00
4.01 – 5.00	401 – 500	\$410.00	16.01 – 17.00	1601 – 1700	\$890.00
5.01 – 6.00	501 – 600	\$450.00	17.01 – 18.00	1701 – 1800	\$930.00
6.01 – 7.00	601 – 700	\$490.00	18.01 – 19.00	1801 – 1900	\$970.00
7.01 – 8.00	701 – 800	\$530.00	19.01 – 20.00	1901 – 2000	\$1,010.00
8.01 – 9.00	801 – 900	\$570.00	20.01 – 100.00	2001 – 10000	*
9.01 – 10.00	901 – 1000	\$610.00	101.01 – 500.00	10001 – 50000	**
10.01 – 11.00	1001 – 1100	\$650.00	500.01 & over	50001 & over	***

\* \$1,010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20 cfs or 2,000 acre-feet.

\*\* \$2,610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100 cfs or 10,000 acre-feet.

\*\*\* \$6,610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Your application and fee may be submitted to one of the following offices:

### Northern Region

Idaho Dept. of Water Resources  
7600 N Mineral Dr., Suite 100  
Coeur d'Alene, ID 83815

Tel. – 762-2800  
FAX – 762-2819

### Eastern Region

Idaho Dept. of Water Resources  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402

Tel. – 525-7161  
FAX – 525-7177

### Southern Region

Idaho Dept. of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301

Tel. – 736-3033  
FAX – 736-3037

### Western Region

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

Tel. – 334-2190  
FAX – 334-2348

## Water Appropriation Rules 40.05.c through 40.05.g

**c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:**

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within ~~a one-half mile~~ radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

**d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:**

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

**e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

**f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

**g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:**

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

— within an area of impact based on credible technical justification from a qualified expert in these matters

\*  
Cii  
Cii

RECEIVED  
JAN 01 2009  
WATER RESOURCES  
WESTERN REGION



251 East Front Street, Suite 400  
Boise, ID 83702-7310  
PHONE: 208.343.3434  
FAX: 208.343.3232  
www.perkinscoie.com

Erika E. Malmen  
PHONE: (208) 387-7504  
FAX: (208) 343-3232  
EMAIL: EMalmen@perkinscoie.com

December 30, 2008

*VIA U.S. MAIL*

Idaho Department of Water Resources  
Attention: Angie Grim  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Request for Notification / Applications for Appropriation or Transfer Nos. 63-32535, 61-2188, 63-32605, 61-12095, 61-12096, 63-32703, 61-12162, 61-12168, 63-32973, 61-12173, 61-12174, 63-32680**  
**Our Reference: 69165-0001**

Dear Ms. Grim:

Please notify this office when the above-referenced water right applications / transfers are published for public comment.

Very truly yours,

Erika E. Malmen

EEM/kjg