

OCT 27 2021
COMPLETE
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-35138

1. Name of applicant(s) Joint Fairview Cemetery Maintenance District Phone 208-466-9972
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 5700 E. Franklin Rd, Ste 200 City Nampa
State Idaho ZIP 83687 Email jhowell@whitepeterson.com
2. Name of representative, if any Max Harrold (c/o Joan Howell) Phone 208-466-9272
Mailing address 5700 E. Franklin Rd., Ste 200 City Nampa
State Idaho ZIP 83687 Email jhowell@whitepeterson.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
O4N	O1W	29			SW	SW	Ada	Ground water	D029335

5. Water will be used for the following purposes:

Amount .03 for Irrigation purposes from 4/15 to 10/15 (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)

6. Total quantity to be appropriated is (a) .03 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? 04/18/2003; drilling firm SOS Welldrilling & Pump Co.
well was drilled for (well owner) Lower Fairview Joint Cemetery District; Drilling Permit No. IDWR D029335

For Department Use

Received by LE Date 10/27/2021 Time 11:00AM Preliminary check by AK
Fee \$ \$250.00 Received by CS Receipt No. W1049725 Date 8/23/2021
(\$150.00 Refund REQUESTED 10/28/2021 - AK)

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

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	29											1						1

Total number of acres to be irrigated: < 1

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? See attached

- Who owns the property at the point of diversion? Joint Fairview Cemetery Maintenance District
- Who owns the land to be irrigated or place of use? Joint Fairview Cemetery Maintenance District
- 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. See attached

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Max Harrold
Signature of Applicant

Max Harrold, President of the Board of Commissioners
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

IDWR – Application for Permit

Joint Fairview Cemetery Maintenance District

No. 10

The existing cemetery has been in place since 1903 and is 3.5 feet higher than the surrounding field which is part of Baylor subdivision, but is farmed at present. The surface irrigation water is through Nampa Meridian Irrigation and carried to the general vicinity by the Creason Lateral ditch. We don't have a "water right" for the surface water and there is no ditch that brings the water directly to this acre. Using the attached map, the one you provided, the Creason Lateral ditch ends where I marked "A". The water then flows south in an open private ditch to point "B" on the map. The water is then piped west along McMillan Road to point "C". It then flows north into corrugated pipe that runs to point "D" on the map, that irrigates the field east to west. Before the Cemetery District drilled its irrigation well, they would have to wait until the waste water from the field collected into a pond, then a pump could be used to irrigate the Cemetery. According to our records sometimes there was not enough waste water to keep the cemetery green. Many years they did not have enough water until late June to even turn the pump on. Hence, they drilled the irrigation well.

The new acre, which was purchased in order to expand the cemetery, was part of this field which is farmed. It was given to Star Fire Protection District to build a fire station when the Baylor subdivision was platted. In 2016 the Fire District sold the acre to the Cemetery District because they no longer desired to build a fire station at this location. It has been a long-drawn-out process to get the title to the Cemetery's new acre title cleared, a preliminary plat approved and bid out the phase 1 construction. This construction phase was completed earlier this year. The new acre is now 3.5 feet higher than the surrounding field so that its elevation matches the existing cemetery. The person, who owns the field north and east of the Cemetery's two acres, did not want the cemetery to expand. So even if the District wanted to try and pipe 75 percent of one acre's worth of water from the mouth of the Creason Lateral Ditch it would be a legal battle to get an easement to do so. Eventually this field, which is lot 9 of the Baylor subdivision will be houses and absolutely no waste water will be available to use even if the District was forced to collect the waste water again.



IDWR – Application for Permit

Joint Fairview Cemetery Maintenance District

No. 12

The architectural engineer with TO Engineers has estimated that we already have an enlarged water right from the existing well and it may provide enough water to irrigate both the old and new sections of the cemetery. We are just trying to get permission from the IDWR to do so and filing for an additional water right was the option given to us. Apparently, the surface water “water right” for this acre is held by Nampa Meridian Irrigation.

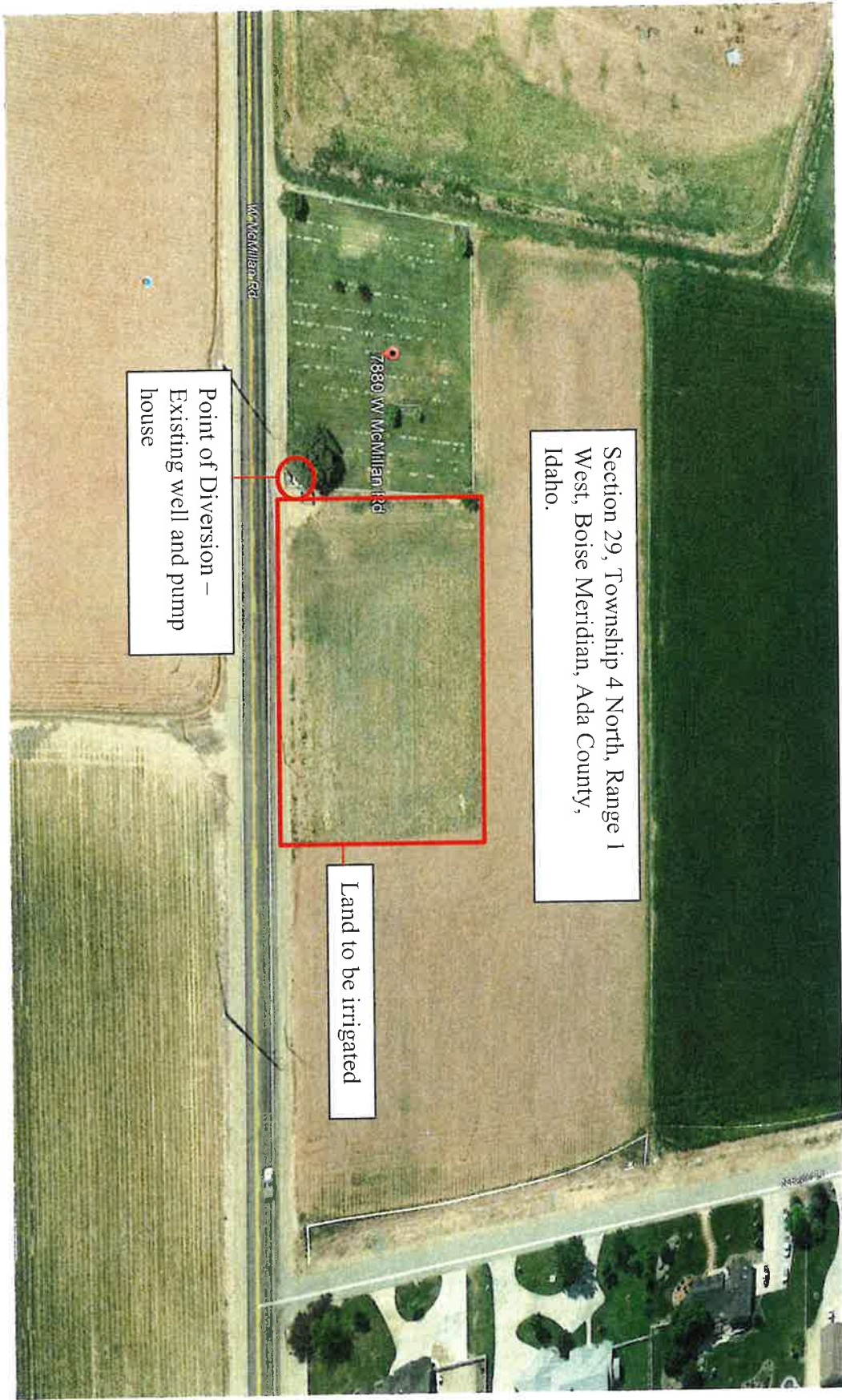
Our irrigation well is 1 foot short of 200 feet. If our irrigation well was on the other side of McMillan Road it would be out of this ground water restricted area, so not very far to the south.

We are going to use sprinklers to water the grass and drip irrigation for shrubs and hope that our new trees don't drown in the high ground water. We have a porta potty with no running water. We have to water the grass from sometime in April through at least the end of September. People expect cemeteries to look nice. Right now, the new acre will be a weed magnet that the neighbors will complain about. So, it would be in their best interest to have green grass, driveway with parking, paving stones and trees & shrubs in a well-kept manner.

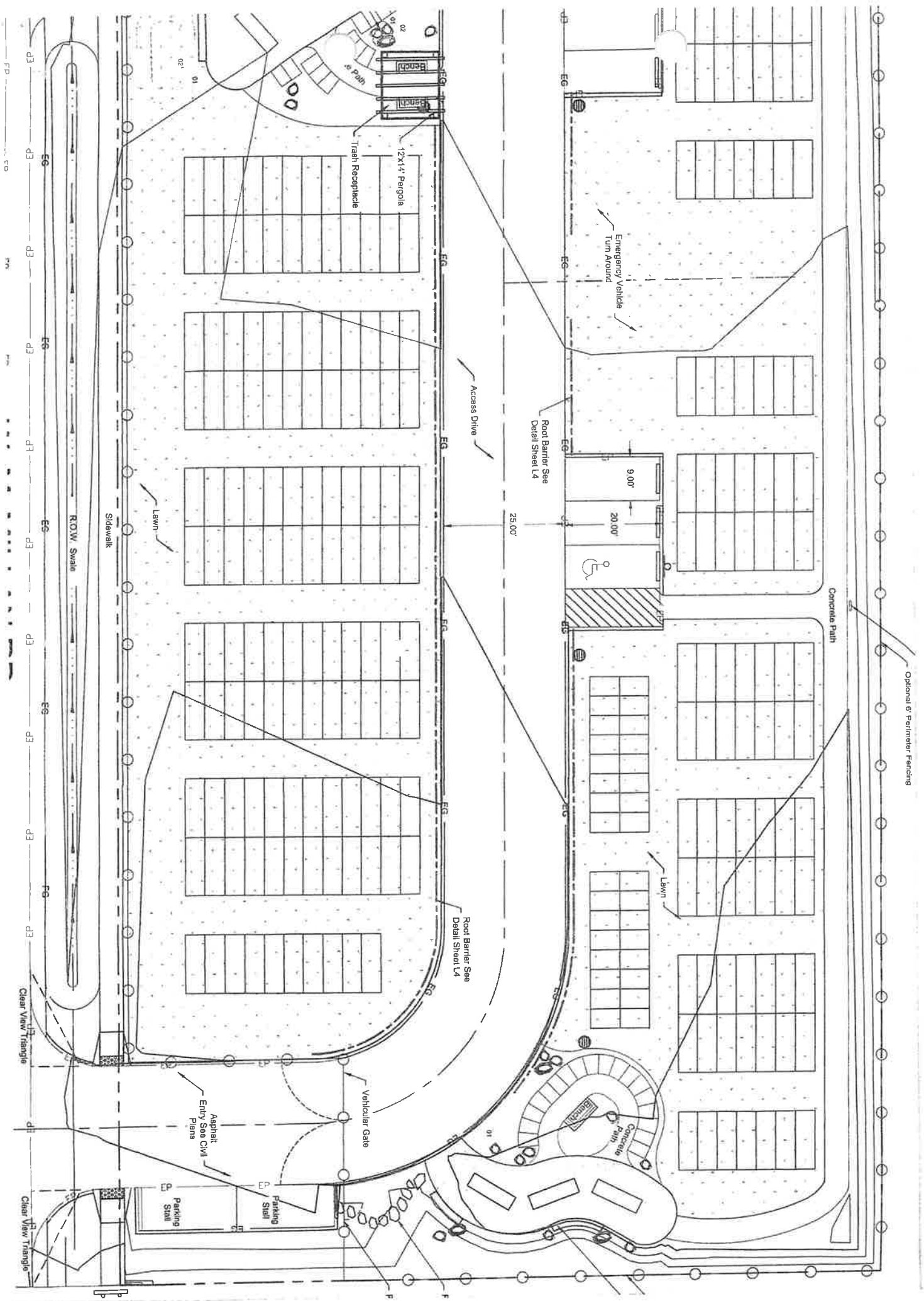
How do we prove that we are not going to injure existing water users?

Once City Services make it out to our area new house will go on city services and if it is like other areas, people on a domestic well will be forced to go onto City Water maybe even the Cemetery will be forced on to City water.

No one associated with this project ever thought there would be a problem getting water for the new cemetery section.







RECEIVED

FORM 202 Rev. 09/16

STATE OF IDAHO

Ident. No. _____

AUG 23 2021
INCOMPLETE
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of applicant(s) Joint Fairview Cemetery Maintenance District Phone 208-466-9272
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 5700 East Franklin Rd, Ste. 200 City Nampa
State Idaho ZIP 83687 Email jhowell@whitepeterson.com
- Name of representative, if any Max Harrold (c/o Joan Howell) Phone 208-466-9272
Mailing address 5700 East Franklin Rd, Ste. 200 City Nampa
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a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
- Source of water supply Ground water which is a tributary of _____
- Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>4</u>	<u>1</u>	<u>29</u>		<u>SW</u>			<u>ADA</u>	<u>GROUND WATER</u>	<u>D029335</u>

- Water will be used for the following purposes:
Amount .03 for Irrigation purposes from 3/15 to 11/15 (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)
- Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Existing well on adjacent property.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
e. If well is already drilled, when? 04/18/2003; drilling firm SOS Welldrilling & Pump Co.
well was drilled for (well owner) Lower Fairview Joint Cemetery District; Drilling Permit No. IDWR D029335

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

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

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	1	29												1					1

Total number of acres to be irrigated: 1

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? Water right no. 63-31675 used to irrigate adjacent acre, and well associated with 63-31675 will be used to irrigate the lawn and decorative bushes and trees on the parcel associated with this application.

11. a. Who owns the property at the point of diversion? Fairview Joint Cemetery District
b. Who owns the land to be irrigated or place of use? Joint Fairview Cemetery Maintenance District
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. The ground water will be used to irrigate a new phase of the Joint Fairview Cemetery. Areas of the acre will not be irrigated (i.e. drive ways, sidewalks, decorative areas with benches and corbel). Approximately 25% of ther acre will not be irrigated. See attached maps.

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Max Harrold
Signature of Applicant
Max Harrold
Print Name (and title, if applicable)

Signature of Applicant
President
Print Name (and title, if applicable)

Lauerman, Denise

From: Lauerman, Denise
Sent: Wednesday, November 24, 2021 3:27 PM
To: BOI Legals
Subject: ADA COUNTY Legal Notice - Injection Well & Application for Permit No. 63-35138
Attachments: Cover Letter Ada County 63-35138.docx; Legal Notice Ada County 63-35138.docx; 63W-205-001_UIC legal notice DEC2021.docx

Good afternoon,

Please see the attached ad for publication on 12/02/2021 and 12/09/2021.

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 12/20/2021. Your cooperation is appreciated.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thanks much!
Denise

Denise Lauerman
Administrative Assistant | IDWR - Western Region
2735 W Airport Way, Boise ID 83705-5082
☎ (208) 334.2190 | <http://idwr.idaho.gov/>
✉ denise.lauerman@idwr.idaho.gov





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 24, 2021

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-35138

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 12/20/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosures

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

63-35138

JOINT FAIRVIEW CEMETERY MAINTENANCE DISTRICT

5700 E FRANKLIN RD STE 200

NAMPA, ID 83687-7901

Point of Diversion SWSW S29 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 10-27-2021

Place Of Use: IRRIGATION

T04N R01W S29 SWSW

Total Acres: 1

Water bearing zone to be appropriated is from 80 to 199 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/20/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/2/2021 and 12/9/2021



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 24, 2021

JOINT FAIRVIEW CEMETERY MAINTENANCE DISTRICT
5700 E FRANKLIN RD STE 200
NAMPA, ID 83687-7901

RE: Application for Permit No. 63-35138

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 12/2/2021 and 12/9/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

CC:
MAX HARROLD
C/O JOAN HOWELL
5700 E FRANKLIN RD STE 200
NAMPA, ID 83687-7901

MEMORANDUM

TO: Water Right Files: 63-35128

FROM: Anna Kaiser

DATE: November 1, 2021

RE: Basin 63 GWRA

On October 27, 2021, the Idaho Department of Water Resources (Department) received application for permit no. 63-35128 in the name of Joint Fairview Cemetery Maintenance District (Joint Fairview). 63-35128 proposes using 0.03 ~~acres~~^{cfs} of ground water to irrigate one acre of land within the Basin 63 Ground Water Restricted Area (GWRA). Typically, when proposed groundwater rights fall within the Basin 63 GWRA, the Department requires the applicant take one of the following actions:

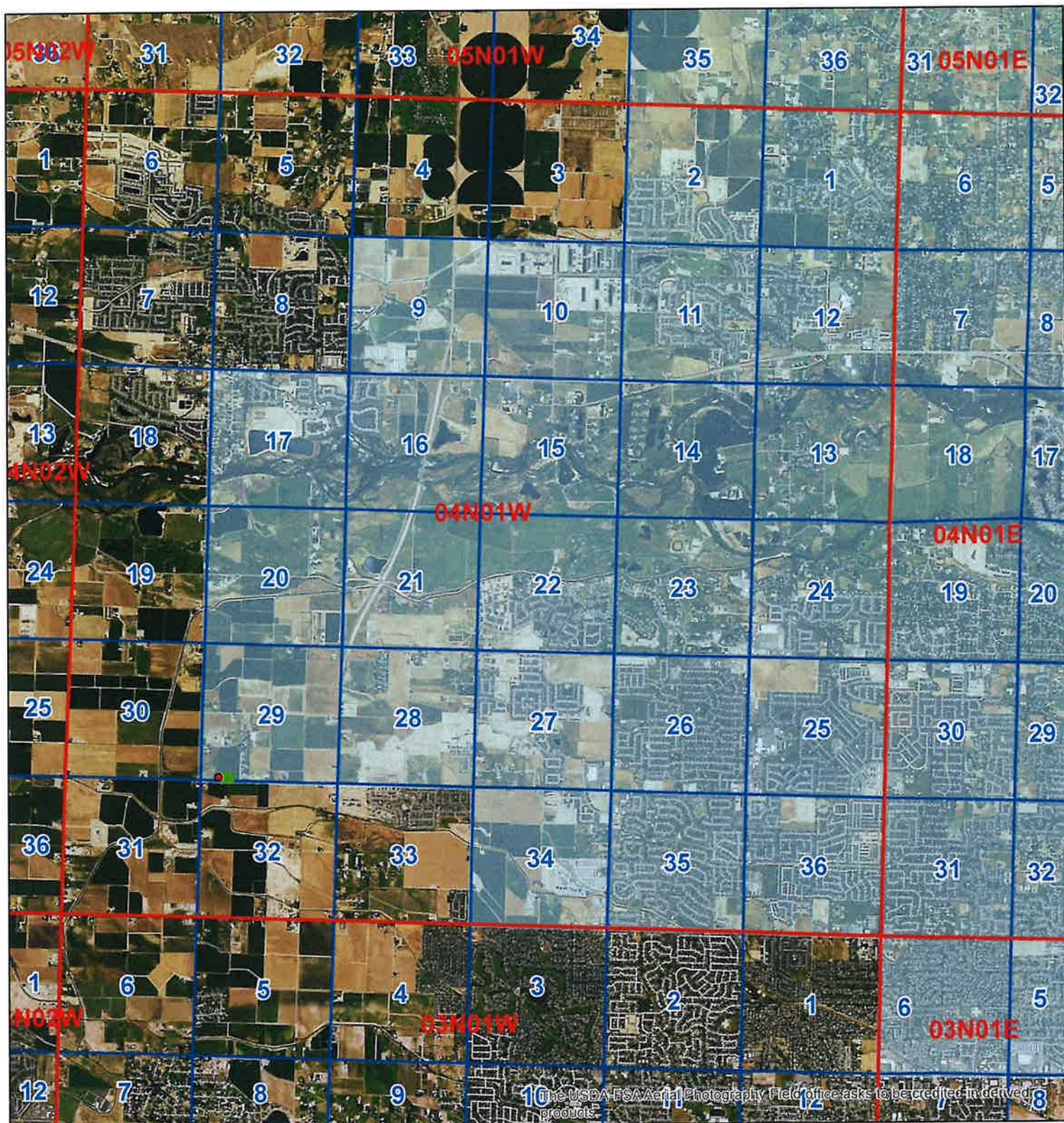
- Provide evidence the use will not injure existing water right users
- Provide an acceptable mitigation plan to offset injury to existing water right users
- Agree to a condition on an approval that prohibits the use of groundwater from less than 200 ft. below ground surface.
- Request the Department to hold the application without further processing

63-35128 proposes to irrigate using an existing well with a depth of 199 ft. and does not include plans to mitigate. Due to the size of the proposed usage and the location of the well within the Basin 63 GWRA, the Department will conditionally waive the requirements for this right.

Joint Fairview's application proposes a diversion rate of 0.03 cfs. This is a relatively small diversion rate that is not anticipated to significantly impact local ground water levels.

Joint Fairview propose using water from an existing well (D029335). The well is located approximately 50 feet north of the southernmost boundary and approximately 300 yards east of the westernmost boundary of the restricted area (see attached map). Furthermore, the well is located at a hydrologic downgradient relative to the rest of the groundwater within the restricted area, meaning no surrounding groundwater users within the restricted area will be impacted by take from well D029335.

Upon approval, 63-35128 will be conditioned as supplemental to the use of shares from Nampa & Meridian Irrigation District. The approval will also contain a condition explaining that, should the well ever need upgrade or replacement, the applicant will be required to upgrade or replace the well in compliance with the Basin 63 GWRA restrictions.



Legend

- Existing Well
- Proposed POU
- B63_GW_Restricted_Area

0 0.25 0.5 1 1.5 2 Miles



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Kaiser, Anna

From: Joan Howell <jhowell@WHITEPETERSON.com>
Sent: Tuesday, October 19, 2021 4:46 PM
To: Kaiser, Anna
Subject: RE: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

Thank you! Yes this information is very helpful. I have corrected the application and had improved the narrative based on my first email to you. I will ask Max to come in and sign and will mail it off to you.

Have a wonderful evening - Joan

Joan Howell

Municipal Administrative Legal Assistant

WHITE, PETERSON, GIGRAY & NICHOLS, P.A.

5700 E Franklin Rd, Suite 200

Nampa ID 83687

Phone: 208.466.9272 ext. 4319

Fax: 208.466.4405

--This communication and any files transmitted with it contain information which is confidential and may be privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation.--

From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Tuesday, October 19, 2021 4:37 PM
To: Joan Howell <jhowell@WHITEPETERSON.com>
Subject: RE: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

Good afternoon,

Water right 63-32675 is a groundwater right associated with the west 1-acre parcel. You are correct-- the priority date for water right 63-31675 is 10/14/1946.

Regarding your first email, due to the proximity of the existing well to the boundary of the restricted area (on both the southern and western boundary lines) and the relatively small amount of water proposed, we can waive the requirements described under item 4 of my letter dated August 31. We will add a condition stating that if the well ever needs reconstruction of any sort, it will need to be reconstructed deeper than 200'.

I hope this information is helpful to you. Please let me know if you have any additional questions.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region

2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

From: Joan Howell <jhowell@WHITEPETERSON.com>
Sent: Tuesday, September 21, 2021 1:59 PM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: RE: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

Hi Anna,

Just thought I would check in to see if you had any advice or comments on my email below sent on 9.15.2021.

Our ground water priority date is 10.14.1946 – is this a senior water right?

I am going to turn this over to the District's legal counsel and was hoping to have something to report to him on how to process.

Thanks Joan

Joan Howell
Municipal Administrative Legal Assistant
WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
5700 E Franklin Rd, Suite 200
Nampa ID 83687
Phone: 208.466.9272 ext. 4319
Fax: 208.466.4405

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From: Joan Howell
Sent: Wednesday, September 15, 2021 4:37 PM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

Hi Anna,

Sorry for the delay in answering your email. I have been on vacation and upon returning I am trying to get caught up.

One of our summer interns worked on the application but she has now returned to law school. As far as correcting the application thank you for your help. I will do so and ask Max Harrold, President of the District to come in and sign it. The Joint Fairview Cemetery Maintenance District contracts with White Peterson for their legal and secretarial matters. I am the appointed District Secretary and Treasurer for the District and have been for 6.5 years.

Before turning this over to the Cemetery District's Attorney I thought I'd give you a little background information in the hopes that once you understood how difficult it would be to use surface water to irrigate our new section of cemetery ground that you'd be willing to help us find an acceptable solution for everyone involved.

I know you have your rules and regulations to follow but I have also learned that given the right circumstance sometimes rules can be bent just enough to make it work.

The existing cemetery has been in place since 1903 and is 3.5 feet higher than the surrounding field which is part of Baylor subdivision. The Cemetery level is the original elevation of the surround land but the top soil over the years has been removed from the field north and east of the existing cemetery. The field is leased to a farmer who grows either corn or wheat each year. The surface irrigation water is through Nampa Meridian Irrigation and carried to the general vicinity by the Creason Lateral ditch. Using the attached map, the one you provided, the Creason Lateral ditch ends where I marked "A". The water then flows south in an open private ditch to point "B" on the map. The water is then piped west along McMillan Road to point "C". It then flows north into corrugated pipe that runs to point "D" on the map, that irrigates the field east to west. Before the Cemetery District drilled its well they would have to wait until the waste water from the field collected into a pond, then a pump could be used to irrigate the Cemetery. According to records sometimes there was not enough waste water to keep the cemetery green. Many years they did not have enough water until late June to even turn the pump on. Hence they drilled the irrigation well.

Since 1903 most of the lots in the existing cemetery have been sold.

The new acre, which was purchased in order to expand the cemetery, was part of this field which is farmed. It was given to Star Fire Protection District to build a fire station when the Baylor subdivision was platted. In 2016 the Fire District sold the acre to the Cemetery District because they no longer desired to build a fire station at this location. It has been a long drawn out process to get the Cemetery's new acre title cleared, a preliminary plat approved and bid out the phase 1 construction. This construction phase was completed earlier this year. The new acre is now 3.5 feet higher than the surrounding field so that its elevation matches the existing cemetery. Part of the problem was the person, who owns the field north and east of the Cemetery's two acres, did not want the cemetery to expand. So even if the District wanted to try and pipe one acre's worth of water from the mouth of the Creason Lateral Ditch it would be a legal battle to get an easement to do so. Eventually this field, which is lot 9 of the Baylor subdivision will be houses and absolutely no waste water will be available to use even if the District was forced to collect the waste water again.

The architectural engineer with TO Engineers has estimated that we already have an enlarged water right from the existing well and it may provide enough water to irrigate both the old and new sections of the cemetery. We are just trying to get permission from the IDWR to do so and filing for an additional water right was the option given to us. Apparently the "water right" for this acre is held by Nampa Meridian Irrigation.

Our irrigation well is 1 foot short of 200 feet. If our irrigation well was on the other side of McMillan Road it would be out of this ground water restricted area, so not very far to the south.

We are going to use sprinklers to water the grass and drip irrigation for shrubs and hope that our new trees don't drown in the high ground water. We have a porta potty with no running water. We have to water the grass from sometime in April through at least the end of September. People expect cemeteries to look nice. Not all the sprinklers will run every night at least that is how it is in the existing cemetery. Right now as it stands the new acre will be a weed magnet that I am sure the neighbors will complain about. So it would be in their best interest to have green mowed grass, driveway with parking, paving stones and shrubs in a well-kept manner.

How do we prove that we are not going to injure existing water users?

When the Farmer is irrigating the field north and east of the Cemetery the ground water level is about 4 feet. And keep in mind that our cemetery is 3.5 feet higher than the surrounding field. When digging graves we frequently have to pump water out of the grave so the monument company can put the concrete vault into the grave. We can only dig about 5 feet down April through October. So all summer the field's ground water is about 6 inches below ground. We have a real problem most of the summer with a very soggy situation just north of the cemetery.

I imagine that once City Services make it out to our area new house will go on city services and if it is like other areas people on a domestic wells will be forced to go onto City Water maybe even the Cemetery will be forced on to City water – I don't know.

So far the Cemetery has spend over \$200,000.00 to get to the point it is at. Please we need your help. I don't think anyone associated with this project ever thought there would be a problem getting water for the new cemetery section. If you looked at the cemetery drawings provided with the application you can clearly see we are not watering an acre of grass. We are not flushing toilets or using water in any wasteful way.

What do you suggest we do?

Thank you for your consideration - Joan

Joan Howell
Municipal Administrative Legal Assistant
WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
5700 E Franklin Rd, Suite 200
Nampa ID 83687
Phone: 208.466.9272 ext. 4319
Fax: 208.466.4405

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From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Tuesday, August 31, 2021 1:07 PM
To: Joan Howell <jhowell@WHITEPETERSON.com>
Subject: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

August 31, 2021

Dear Applicant and Representative,

Please see the attached documents and submit the requested information to the Western Regional Office (addressed below) or to me via email at anna.kaiser@idwr.idaho.gov.

If you have any questions or concerns at this time, do not hesitate to email or call me (208)-334-2190.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, August 31, 2021 1:26 PM
To: 'jhowell@whitepeterson.com'
Subject: RE: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request
Attachments: Letter (8-31-2021) REVISED W MAP.PDF

Please see the revised letter and attached map.

Thank you,
Anna

From: Kaiser, Anna
Sent: Tuesday, August 31, 2021 1:07 PM
To: 'jhowell@whitepeterson.com' <jhowell@whitepeterson.com>
Subject: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

August 31, 2021

Dear Applicant and Representative,

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If you have any questions or concerns at this time, do not hesitate to email or call me (208)-334-2190.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

August 31, 2021

JOINT FAIRVIEW CEMETERY MAINTENANCE DISTRICT
ATTN: MAX HARROLD
5700 E FRANKLIN RD, STE 200
NAMPA ID 83687

Re: Permit Application Incomplete & Basin 63 Ground Water Restricted Area Information Request

Dear Applicant:

This office received your permit application on August 23, 2021. The Idaho Department of Water Resources (Department) cannot process your application until the following items are addressed:

- 1) *Item 4 – “Location of point(s) of diversion”*
 - Please include “north” and “west” under the township and range sections in the point of diversion table.
 - Please also provide the full quarter-quarter description in the point of diversion table
- 2) *Item 6 – “Total quantity to be appropriated”*
 - Please provide the total quantity of water proposed.
- 3) *Item 9(b) – Place of use table*
 - The table under item 9 describes the place of use in the SESW quarter-quarter of Township 04N, Range 01W, Section 29. The Department’s imagery shows your proposed place of use is in the SWSW quarter-quarter.
 - Please see the attached map and update the POU table to match.
- 4) *Basin 63 Ground Water Restricted Area Information*
 - Your proposal involves a point of diversion within an area where new appropriations of water from the Boise River system (including ground water less than 200 ft below ground surface considered tributary to the river) are not approvable since the Boise River system is considered fully appropriated above Star Bridge. IDWR policy states that applications for consumptive use that propose diversion of water in this portion of the Boise River system will be held without further processing unless the applicant can show that the new appropriation will not injure existing users or that injury will be avoided through some mitigating practice that completely offsets the impacts (in time, location, and quantity) of the proposed use on the water supply of other users.

- Based on the information above, the following are the options with regard to your application:
 - i. You may provide evidence the use will not injure existing water right users.
 - ii. You may provide an acceptable mitigation plan to offset injury to existing water right users.
 - iii. For groundwater appropriations, you may agree to a condition on an approval that prohibits the use of ground water from less than 200 feet below ground surface.
 - iv. You may request IDWR to hold your application without further processing
- If you choose option ii, please provide a detailed plan to mitigate the depletion expected by the proposed use. The plan should describe the expected depletion to the Boise River from the new appropriation, and should describe how that depletion will be mitigated at the appropriate quantity and time. IDWR Application Processing Memorandum #71 and #72 describe various types of mitigation and the criteria for evaluating mitigation plans (copies enclosed for your reference).

With this letter, I have included your original application for permit flagged with the recommended corrections, and memos 71 and 72. Please make the necessary changes to your application, and submit your updated application with the requested information by mail or in person to me at the address listed below or email a scanned copy to me at anna.kaiser@idwr.idaho.gov. If you have any questions please do not hesitate to call me at (208)-334-2190.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be returned and refunded without a timely reply within the next thirty (30) days.

Sincerely,



Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

Enclosures: Original Permit Application (flagged with corrections)
Memos No. 71 and 72

CC: Joan Howell (jhowell@whitepeterson.com)