

RECEIVED

ID No. TP-36-14

FEB 27 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: WESTERN CONSTRUCTION INC. Phone: 208-345-1440
 Address: 10139 SOUTH FEDERAL WAY Email: marilyn@wclboise.com
 1. Source of water: WELL tributary to _____

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
9S	17E	22		NE	SW	NE	JEROME		
9S	17E	27		NE	NE	NE	Jerome		

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	17E	22	X	X															80
9S	17E	15													X	X	X	X	160

4. Describe proposed use of water: CONSTRUCTION ACTIVITIES INCLUDING
COMPACTION WATER AND DUST CONTROL

5. Amount of water:

Maximum rate of diversion _____ cfs or 500 gpm.Maximum daily volume 0.10 AF; total volume 5.0 AF.

6. Duration of diversion: from 3/1/13 to 12/31/13
 Day-month Day-month

7. Describe proposed diverting works: WELL / PUMP8. a. Who owns the property at the requested point of diversion? STEPHEN SCHMIDTb. Who owns the land to be irrigated or place of use? IDAHO TRANSPORTATION DEPARTMENT

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

WRITTEN AGREEMENT

9. Additional remarks: _____

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Marilyn Brock
 Signature of applicant

27-Feb-2012
 Date

Received by _____ Date _____ Time _____

\$50.00 fee received by cash # 8033085 Date 2/27/13Watermaster Comments received? Yes - 3/7/13 Date _____

850.1067

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

- ☐ A. The application for temporary approval should be denied.
- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- ☐ A. DENIED
- ☒ B. APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
 2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
 3. This approval authorizes a maximum diversion of 5.0 AF and a maximum rate of diversion of 1.11 cfs.
 4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
 5. The department may cancel this approval at any time if the department identifies injury to other water rights.
 6. This approval does not create a continuing right to use water.
 7. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
 8. Other: See attached additional sheet.
 9. This approval expires on 12/31/2013.

Signed this 7th day of March, 2013.


For the Director

- Use of water is subject to control of Watermaster to WD 130. Watermaster shall have access to site of well(s) for measurement and monitoring purposes. An hour meter shall be installed on the pump control at each authorized diversion.
- Use of wells subject to private well use agreements.
- This permit does not grant approval of any other county, state or federal agency that may be required. Specifically this permit does not authorize use of the well in the NENE Section 27, T9S, R17E without Idaho Department of Lands approval.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Application for Temporary Approval
Water Right No:
Applicant Name: Western Construction Inc

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application under the following terms:

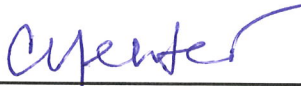
Diversion is under Water District 130 jurisdiction. Watermaster must have access to the site for measurement and monitoring purposes.

An hour meter (time clock or pump timer) shall be installed on the pump control box at each authorized diversion location in order that total diversion time may be documented.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: March 7, 2013

Water District 130



Cindy J Yenter, Watermaster

Memorandum

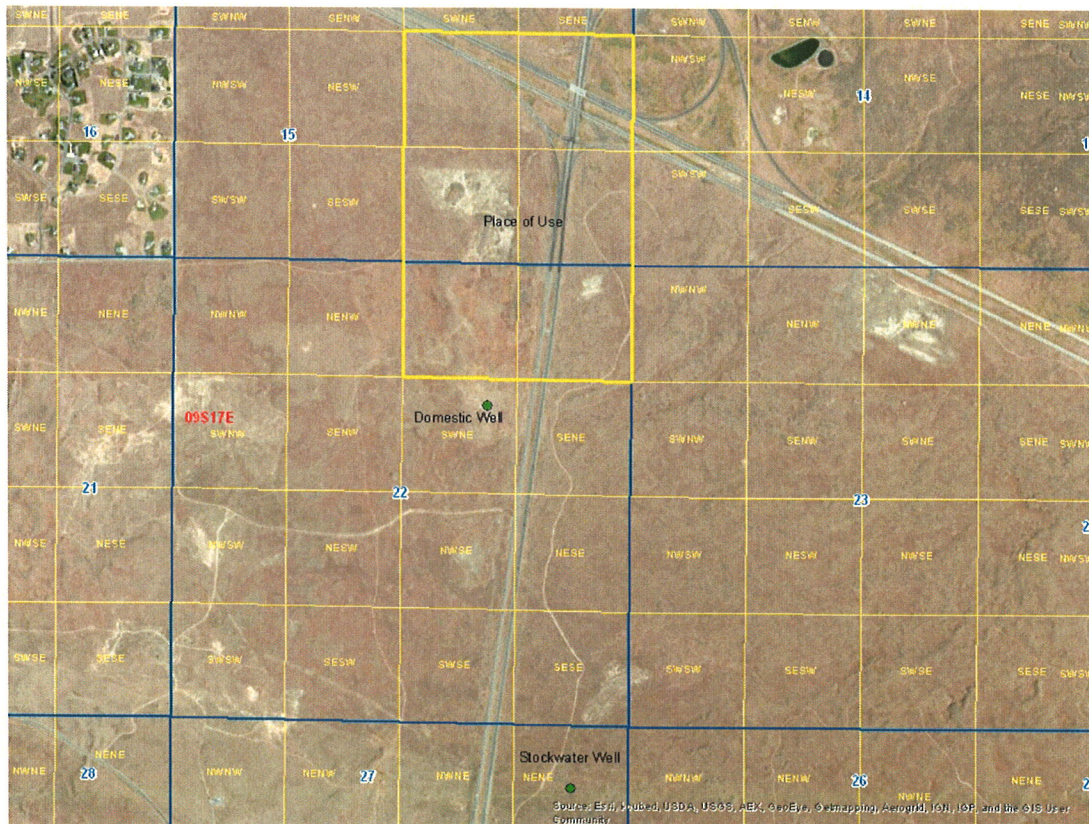
Date: March 6, 2013

To: Allen Merritt

From: Bill Mills

RE: Application for Temporary Approval of Water Appropriation

Application proposes to divert up to approximately 0.10 AF (32,585 gallons) of ground water per day with a maximum volume of 5 AF for road construction activities including compaction and dust control in the first phase of a road construction project on the I-84 & Hwy 93 Interchange approximately 3.0 miles northeast of Twin Falls. The project is scheduled to start 3/1/2013 and run through 12/31/2013. Place of use is located in the SE1/4 of Twp 09S, Rge 17E, Sec 15 and the NENE1/4 and NWNE1/4 of Twp 09S, Rge 17E, Sec 22. Water will be provided from two potential points of diversion. The primary point of diversion is a domestic well owned by Stephen Schmid, located in the SWNE ¼ of Twp 09S, Rge 17E, Sec. 22. The second proposed point of diversion is located in the NENE ¼ of Twp 09S, Rge 17E, Sec 27. This well is a stockwater well owned by the State of Idaho. The Idaho Department of Lands has authorized Western Construction to perform a test pump in order to assess the wells production potential. If well production proves sufficient, the Idaho Department of Lands has requested an archeological survey of the potential impact sites prior to granting permission to utilize the well for this project. Wells are located in Water District 130, and Watermaster comments have been requested.



**SOUTH CENTRAL
SUPERVISORY AREA**

324 South 417 East, Ste. 2
Jerome, ID 83338-6206
Phone (208) 324-2561
FAX (208) 324-2917



TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon Woolf, State Controller
Tom Luna, Sup't of Public Instruction

March 6, 2013

Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

Subject: Well Test Pump Letter of Authorization for Western Construction, Inc.

Dear IDWR,

Idaho Department of Lands hereby authorizes Western Construction, Inc. and/or their agents to test pump an existing well located on State Endowment Land in the NENE Sec. 27, T9S, R17E, B.M. The test pumping may occur any time between March 6, 2013 and March 15, 2013. Western Construction may perform minor maintenance to the well during that time period as required to perform the test pump procedure.

This letter does not authorize Western Construction, Inc. to use the well for any other activity at this time. Additional written authorization from Idaho Department of Lands to Western Construction, Inc. will be required before Western Construction, Inc. may use the well for any activity besides the test pump procedure.

If you have any questions, please contact me at 208-324-2561.

Sincerely,

MERIBETH LOMKIN,
Sr. Resource Specialist

Cc: Western Construction, Inc.

RECEIVED
MAR 06 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

MAR 04 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

MAR 04 2013

WESTERN CONSTRUCTION INC.

Agreement between Western Construction Inc. and Stephen Schmid

This agreement dated February 28, 2013 is between Western Construction Inc. an Idaho Corporation, and Mr. Stephen Schmidt. Stephen Schmid represents he has controlling interest in property located in Section 22, T9S, R17E, B.M. in Jerome County, Idaho. The property is platted as Desert Park Subdivision and is approximately 108 acres. A subdivision of the property has been made and filed with the City of Jerome. Mr. Gerald Martens, Principal of EHM Engineers, Inc. will act as a go between to facilitate this agreement.

The property is undeveloped at this time. Stephen Schmid is desirous to have a well drilled on the property.

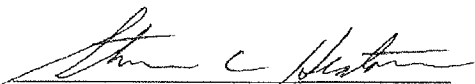
Western Construction is under contract to construct the Jct. I-84 US 93 IC Stage 2 for the Idaho Transportation Department. Water obtained from the well after it is developed will be hauled to and used for construction of the new Twin Falls Interchange project. Western will be able to use the well until the ITD project is completed. Completion of the project is contemplated for winter of 2013-2014.

The following term and conditions apply;

1. There is no compensation to either party. Schmid gains to value of the well. Western Construction Inc. obtains water for use in construction of the new interchange and the rights to trespass across the property.
2. The well will be located at a location designated by Mr. Martens.
3. Western will incur all costs associated with the drilling of the well and will supply the necessary pumps, piping and temporary power to operate the well during the time the project is under construction. The well will be constructed to IDEQ drinking water standards.
4. Western will have the right to salvage all pumps and piping from the well at the end of the project. The well will be capped at that time to protect it at the completion of the work on the ITD project.
5. As part of this agreement Western obtains the right to trespass on areas of the property known as Desert Park Subdivision approved by Gerald Martens. Haul roads if required would be located to the future benefit of the development of the

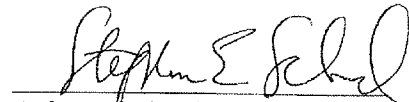
subdivision. Western anticipates crossing the property with haul trucks. Western will stage equipment and trailers on the property.

6. Any access to US 93 will be approved in advance by Mr. Martens and at a location ultimately beneficial to Desert Park.
7. No garbage or waste material will be placed on the said property.
8. Western Construction Inc. will operate in compliance with all applicable Idaho and Federal Laws. Western Construction will modify their existing Erosion Control and Sediment Plan to accommodate the work on the said property.



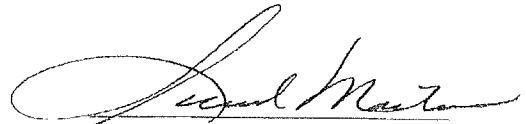
Acknowledged and Accepted
By Steven C. Heaton
President

Western Construction Inc.
Box 15569
Boise, Idaho 83715



Acknowledged and Accepted

By Stephen Schmid



Acknowledged and Accepted

By Gerald Martens