

RECEIVED

JAN 25 2018

FORM 202 Rev. 09/16

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

Ident. No. 63-34500

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Victor U. and/or Dana L. Hofstetter Phone 208-939-6164
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 4494 North Croft Place City Eagle
 State ID ZIP 83616 Email vhof@copper.net
2. Name of representative, if any David Shaw Phone 208-365-7684
 Mailing address 4001 E Main St City Emmett
 State ID ZIP 83617 Email dshaw@erresources.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 #
5N	1W	36		SW	NE	NE	Ada	Ground Water	

5. Water will be used for the following purposes:
- Amount 0.08 cfs for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.08 cfs for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 19 AF for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 19 AF for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .08 cubic feet per second (cfs) and/or (b) 20 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing 6" diameter well drilled in 1997, see attached well log. (The legal on the well log is incorrect but the address and prior owner are correct.)
- 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? 1997; drilling firm Phipps Drilling;
 well was drilled for (well owner) Alan Armstrong; Drilling Permit No. 63-97-W-0415-000.

Received by CS Date 1/25/18 Time 1:20 Preliminary check by CP
 Fee \$ 100.00 Receipted by CS Receipt No. WD45996 Date 1/25/18

For Department Use

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. Fill and maintain pond, pond currently receives water from Farmers Union Canal, ground water will be used to fill and maintain the pond when sufficient or suitable surface water is not available.
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	
5N	1W	36	3.1			0.7													3.8
			j/r/w			j/r/w													

Total number of acres to be irrigated: 3.8

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? Farmers Union Canal surface water
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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. Applicant seeks to use an existing domestic well cased to a depth of more than 200 feet to provide irrigation and aesthetic, recreation, wildlife and irrigation storage water. Irrigation would be supplemental to Farmers Union. No expansion to either the irrigated area or the existing pond are planned. The storage is based on multiple fills each season of the 2AF pond having a 15 foot maximum depth and a surface area of about 0.31 acre .
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.

Victor U. Hofstetter
 Signature of Applicant
Victor U. Hofstetter
 Print Name (and title, if applicable)

Dana L. Hofstetter
 Signature of Applicant
Dana L. Hofstetter
 Print Name (and title, if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Season of Use/Purpose of Use Supplement

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Adjudication Claim ☐ Beneficial Use Field Report
☐ Application for Amendment of Permit ☐ Statutory Claim

Water will be used for the following purposes:

Amount	<u>19 AF</u>	for	<u>Recreation Storage</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>	(both dates inclusive)
	(cfs or acre-feet per year)							
Amount	<u>19 AF</u>	for	<u>Irrigation Storage</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>	(both dates inclusive)
	(cfs or acre-feet per year)							
Amount	<u>19 AF</u>	for	<u>Irrigation from Storage</u>	purposes from	<u>3/1</u>	to	<u>11/15</u>	(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)							
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)							
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)							

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Hofstetter Application for Permit



Based on 2015 NAIP Photography

Prepared by ERO 1-2018

63-34500

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 63 97 W-0415-000
Other IDWR No. _____

2. OWNERS:

Name ALAN Armstrong
Address 4444 N. Croft
City Eagle, State ID Zip 83616

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.



Twp. 5 North ☒ or South ☐
 Rge. 1 East ☐ or SE West ☒
 Sec. 36 1/4 1/4 NW 1/4
 Gov't Lot _____ County Ada 10 acres 10 acres 160 acres
 Lat. : : : Long. : : :
 Address of Well Site _____

City Eagle
(Give at least name of road + Distance to Road or Landmark)
Lt. 15 Blk. 2 Sub. Name Buckhorn #3

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	~~Backhoe~~ Pounds	
Bentonite	4	18	300	overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 212

Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+1	212	1/4	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe 4 Length of Tailpipe 1

9. PERFORATIONS/SCREENS

☐ Perforations Method Pull Back
☒ Screens Screen Type Stainless Steel

From	To	Slot Size	Number	Diameter	Material	Casing	liner
212	222	016		5"	SS	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

50 ft. below ground Artesian pressure lb.

Depth flow encountered N/A ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☒ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
35	80	130	1hr

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0	3	TOP SOIL		X
10"	3	16	SANDY CLAY		X
10"	16	18	CLAY		X
6"	19	22	CLAY	X	
6"	22	48	SANDY CLAY	X	
1	48	57	CLAY		X
1	57	76	SAND & GRAVEL	X	
1	76	85	CLAY		X
1	85	87	SANDY CLAY		X
1	87	93	FINE SAND	X	
1	93	118	SANDY CLAY		X
1	118	122	DIRTY SAND (FINE)	X	
1	122	144	CLAY		X
1	144	146	FINE SAND	X	
1	146	187	SANDY CLAY		X
1	187	203	CLAY (BLUE)	X	X
1	203	214	FINE BLUE SAND	X	
1	214	224	SAND	X	
1	224	224	CLAY		X

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SEP 11 1997
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SEP - 4 1997
WATER RESOURCES
WESTERN REGION
Department of Water Resources

Completed Depth 224 (Measurable)
Date: Started 7-18-97 Completed 7-24-97

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Thipps Drilling Firm No. 311

Firm Official Wesley C. Kiser Date 8-24-97

and
Supervisor or Operator Same Date

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

63-34500



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2018

VICTOR U HOFSTETTER
DANA L HOFSTETTER
4494 N CROFT PL
EAGLE, ID 83616

Application for Permit No. 63-34500

Dear Applicant(s):

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 4/5/2018 and 4/12/2018. 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,

Rachel Neely
Administrative Assistant

CC:
ERO RESOURCES CORP
C/O DAVID SHAW
4001 E MAIN ST
EMMETT, ID 83617

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 29, 2018 9:44 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 4/5/2018 & 4/12/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

March 29, 2018

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

RE: Application for Permit No. 63-34124
 Application for Permit No. 63-34494
 Application for Permit No. 63-34500
 Application for Permit No. 63-34502
 Application for Permit No. 63-34505
 Application for Permit No. 63-34511

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 4/23/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-34124

ROBERT B LEAKE
SVETLANA V LEAKE
8919 W DEER LN
EAGLE, ID 83616
Point of Diversion NENW S16 T05N R01W ADA County Source GROUND WATER
Point of Diversion SWSW S9 T05N R01W ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/15 to 11/15 0.15 CFS
Total Diversion: 0.19 CFS
Date Filed: 7/29/2015
Places of Use: DOMESTIC, IRRIGATION
T05N R01W S16 NENW
Total Acres: 5
Water bearing zone to be appropriated is from 250 to 500 ft.

63-34494

TEMPE PARK HOMEOWNERS ASSOCIATION
PO BOX 294
STAR, ID 83669
Point of Diversion NENE S18 T04N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 1/17/2018
Place of Use: IRRIGATION
T04N R01W S18 NENE
Total Acres: 1.6
Water bearing zone to be appropriated is from 0 to 18 feet.

63-34500

VICTOR U HOFSTETTER
DANA L HOFSTETTER
4494 N CROFT PL
EAGLE, ID 83616
Point of Diversion SWNENE S36 T05N R01W ADA County Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 19 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.08 CFS
Use: IRRIGATION 03/01 to 11/15 0.08 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 19 AF
Use: IRRIGATION STORAGE 01/01 to 12/31 19 AF
Use: RECREATION STORAGE 01/01 to 12/31 19 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 19 AF
Total Diversion: 0.08 CFS, 20 AF
Date Filed: 1/25/2018
Places of Use: IRRIGATION, AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, IRRIGATION STORAGE, IRRIGATION FROM STORAGE
T05N R01W S36 NENE SENE
Total Acres: 3.8
Water bearing zone to be appropriated is from 203 to 224 feet.

63-34502

CORRENTE BELLO SUBDIVISION HOA INC
6149 N MEEKER PL STE 150
BOISE, ID 83713
Point of Diversion NESW S5 T04N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 1/26/2018
Place of Use: IRRIGATION
T04N R01E S5 SW(ALL)
Total Acres: 94
Water bearing zone to be appropriated is from 200 to 400 feet.
Applicant proposes irrigation of 15.0 acres within a 94.0 acre permissible place of use.
This proposal is located in Corrente Bello Subdivision No. 1 and No. 2.

63-34505

ARMIN HERTEUX
BRENNER HERTEUX
4940 N SOARING LN
EAGLE, ID 83616
(2)Points of Diversion NESE S30 T05N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 2/20/2018
Place of Use: IRRIGATION
T05N R01E S30 NESE

Total Acres: 10

Water bearing zone to be appropriated is from 250 to 500 feet.

63-34511

SHOOTING COMET HOMEOWNERS ASSOCIATION INC

PO BOX 810

STAR, ID 83669

Point of Diversion SESW S8 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.56 CFS

Total Diversion: 0.56 CFS

Date Filed: 2/2/2018

Place of Use: IRRIGATION

T04N R01W S8 NESW SWSW SESW

Total Acres: 69

Water bearing zone to be appropriated is from 138 to 191 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/23/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/5/2018 and 4/12/2018

Parker, Cody

From: Dave Shaw <dshaw@eroresources.com>
Sent: Monday, March 26, 2018 11:25 AM
To: Parker, Cody
Subject: RE: Application for Permit 63-34500

Cody,

The pond is currently maintained with surface water from Farmers Union. Non-irrigation season evaporation should be minimal, perhaps even positive from precipitation, and if the pond has been staying full enough to support fish I assumed seepage to be small. The 2 AF is intended to be pond capacity but there is some extra water in the 20 AF annual diversion volume to make up some evaporation and seepage loss if necessary. I wasn't sure if extra water should be added to the storage volumes if there is extra water in the total annual volume.

Please let me know if modifications are necessary,
Thank you,
Dave

David Shaw

ERO Resources Corporation

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Sent: Monday, March 26, 2018 9:26 AM
To: Dave Shaw <dshaw@eroresources.com>
Subject: RE: Application for Permit 63-34500

Mr. Shaw,

Can you tell me, does the storage volume requested in this application account for seepage and evaporative losses from the pond?

Thanks,

Cody Parker

From: Dave Shaw [<mailto:dshaw@eroresources.com>]
Sent: Friday, March 23, 2018 3:27 PM
To: Parker, Cody <Cody.Parker@idwr.idaho.gov>
Subject: RE: Application for Permit 63-34500

Thank you Cody,
Dave

David Shaw

ERO Resources Corporation

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Sent: Friday, March 23, 2018 11:16 AM

To: Dave Shaw <dshaw@eroresources.com>

Subject: Application for Permit 63-34500

Mr. Shaw,

Please let me know if the attached memo is an acceptable response to/summary of our phone conversation earlier this morning.

Thanks

Cody Parker
Water Resource Agent
IDWR Western Region

MEMORANDUM

TO: Application for permit 63-34500 file
FROM: Cody Parker
RE: Well construction, Basin 63 Groundwater Restricted Area
DATE: March 23, 2018

Application 63-34500 proposes to divert 0.08 cfs groundwater from a well located within the boundary of the Basin 63 Groundwater Restricted Area, where water from the Boise River and tributaries, including groundwater from less than 200' below ground surface, is considered fully appropriated.

The well proposed for use was drilled to a depth of 224 ft. A bentonite surface seal was placed to a depth of 18 ft. The well was constructed with 6-inch solid casing to 212 ft, and screened from 212 ft to 222 ft. A blue clay layer lies at 187 ft to 203 ft and water was encountered from 203 ft to 224 ft in a fine sand layer.

Typically, the Department would apply a condition of approval (#165) on permits in this area requiring that:

“...the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.”

In this case, the well was not sealed into the first confining layer below 200 ft. However, 6-inch solid casing was set into a 6-inch borehole to below the first confining layer below 200 ft. Application of the above condition would immediately put the well out of compliance.

I recommend that we accept the well construction as it is, considering the clay layer (187 ft to 203 ft) an acceptable seal. The well is located within 1000 ft of the Basin 63 GW Restricted area boundary, minimizing the risk of injury to senior Boise River users. An approval of this permit should be conditioned (#166) as follows:

“Upon determination by the Director that the diversion and use of water under this right is injuring prior water rights, the Director may require reconstruction of the well used as a point of diversion for this right and/or limit withdrawals of water under this right to prevent injury.”



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 15, 2018

VICTOR AND DANA HOFFSTETTER
4494 N CROFT PLACE
EAGLE ID 83616

RE: Application for permit no. 63-34500

Dear applicants,

I am writing you today in regard to the water right application referenced above which proposes to divert groundwater for irrigation and storage purposes. Your proposed project includes a point of diversion within an area where new appropriations of water from the Boise River system (including groundwater 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 surface 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 offsets the impacts (in time, location, and quantity) of the proposed use on the water supply of other users.

As you have noted in your application, the well proposed for use is cased to a depth greater than 200 feet. However, to protect shallow groundwater and Boise River users the Department typically includes the following condition of approval (see permits 63-34298 and 63-34421):

"To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer, the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface."

In your case, the well proposed for use has not been sealed to the first confining layer below 200 ft deep. Based on the information above, the following are your options with regard to this application:

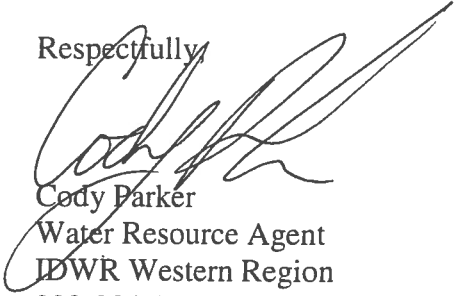
- You may provide evidence the use will not injure existing water right users. In this case, you may provide evidence showing that the well proposed for use does not divert shallow groundwater from above 200' below ground surface.
- You may provide an acceptable mitigation plan to offset injury to existing water right users.
- You may request IDWR to hold your application without further processing.

Please submit your response in writing to the address listed in the letterhead above. I look forward to your reply within thirty (30) days of the date of this letter. If you do not make a timely

reply, I will assume that you have no further interest in pursuing a water right permit and I will take action to void the application. Refunds are not issued for voided applications.

IDWR forms and other information are available at www.idwr.idaho.gov. Please let me know if you have any questions regarding the content of this letter. I look forward to your reply.

Respectfully,



Cody Parker

Water Resource Agent

IDWR Western Region

208-334-2190

cody.parker@idwr.idaho.gov

CC: David Shaw, ERO Resources