

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 45-07686

PRIORITY: February 11, 1991

Maximum Diversion Rate: 0.54 CFS

It is hereby certified that:

CITY OF BURLEY PO BOX 1090 BURLEY ID 83318

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 11, 1991, and has submitted Proof of Beneficial Use on October 02, 1991. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
FIRE PROTECTION	01/01 to 12/31	0.54 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, Twp 10S, Rge 23E, B.M. MINIDOKA County
 GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, Twp 10S, Rge 23E, B.M. CASSIA County
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 GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, Twp 10S, Rge 23E, B.M. CASSIA County
 GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp 10S, Rge 23E, B.M. CASSIA County

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire, or to meet periodic system performance testing and maintenance standards.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 45-07686

3. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right is for the use of trust water, and it is subject to review 20 years after its initial date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. Use of water under this right shall be non-consumptive.
6. This right does not grant any right-of-way or easement across the land of another.
7. Place of use is within the service area of the City of Burley municipal water supply system.

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

Signed this 1st day of March, 2017.



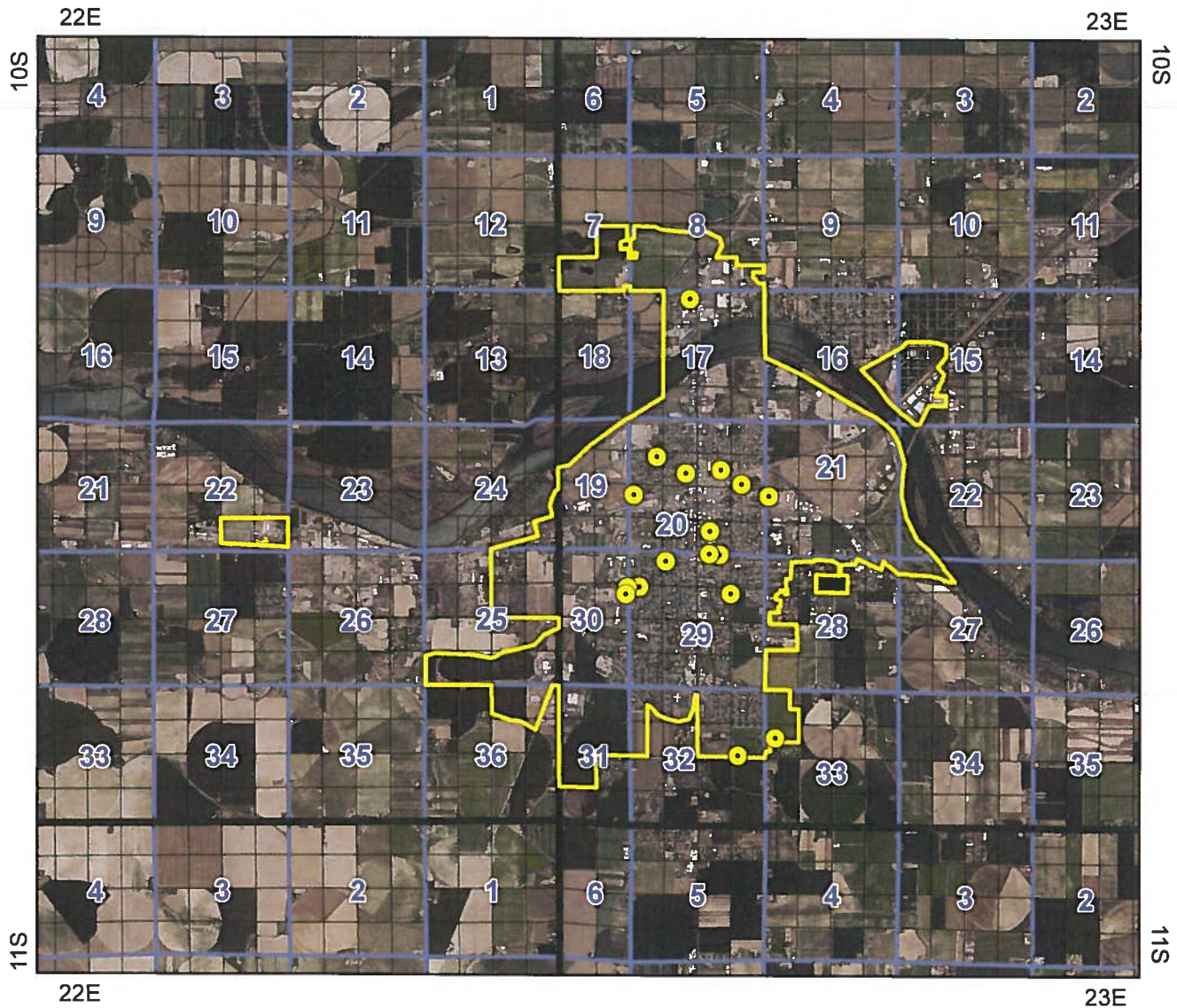
SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

45-7686

This map depicts the FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Point of Diversion



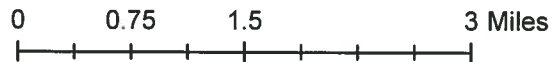
Place Of Use Boundary



Townships



PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 3, 2017

CITY OF BURLEY
PO BOX 1090
BURLEY ID 83318

RE: License Nos. 45-7686 & 45-13411

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

If you have any questions, please contact me at 208-287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Skaggs".

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

c: WATER DISTRICT #140

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2017 I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Licenses**) to the person(s) listed below:

RE: WATER RIGHT NOS.

45-7686 & 45-13411

**CITY OF BURLEY
PO BOX 1090
BURLEY ID 83318**

**WATER DISTRICT #140
JAXON HIGGS
355 W 500 S
BURLEY ID 83318**



**Darla Block
Technical Records Specialist**

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
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07686

RECEIVED

FEB 27 2017

DEPARTMENT OF
WATER RESOURCES

PRIORITY: February 11, 1991

Maximum Diversion Rate: 0.54 CFS

Comes now

CITY OF BURLEY PO BOX 1090 BURLEY ID 83318

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 45-07686, and requests that the permit be changed as follows:

SOURCE:

GROUND WATER

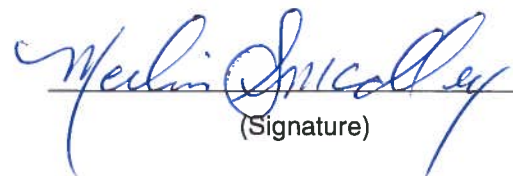
BENEFICIAL USE
FIRE PROTECTION

PERIOD OF USE **DIVERSION RATE**
01/01 to 12/31 0.54 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, Twp 10S, Rge 23E, B.M. MINIDOKA County
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GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp 10S, Rge 23E, B.M. CASSIA County

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 24th day of February, 2016.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 45-07686

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$100⁰⁰ Receipted by VL # C203073 Date 2/27/2017

ACTION OF THE DEPARTMENT OF WATER RESOURCES

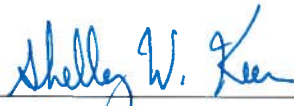
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 45-07686 with the following:

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire, or to meet periodic system performance testing and maintenance standards.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right is for the use of trust water, and it is subject to review 20 years after its initial date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. Use of water under this right shall be non-consumptive.
6. This right does not grant any right-of-way or easement across the land of another.
7. Place of use is within the service area of the City of Burley municipal water supply system.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

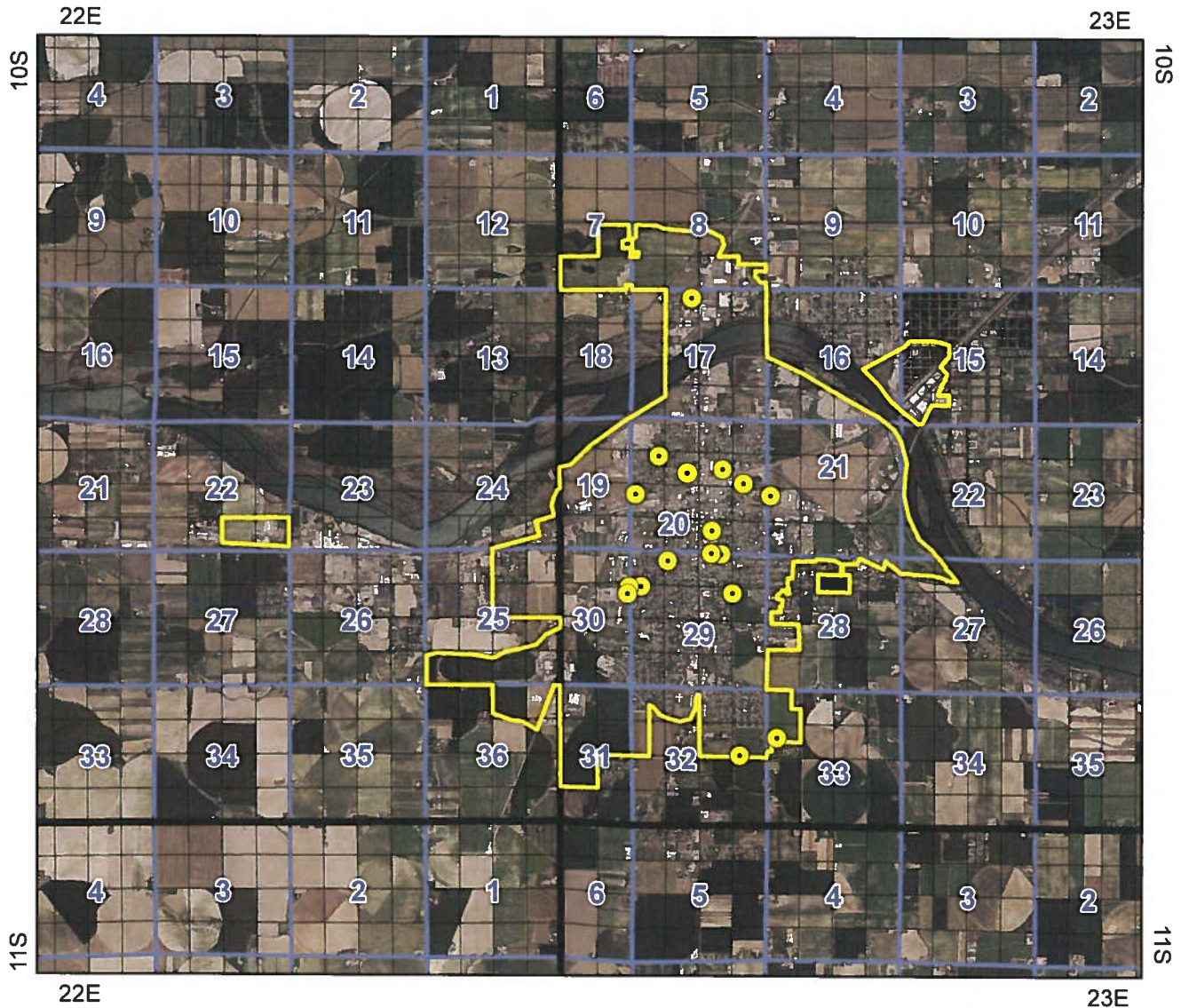
Signed this 1st day of March, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
45-7686

This map depicts the FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.75 1.5 3 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



Nelson, Dan

From: Bryan Reiter <bryanreiter@pmt.org>
Sent: Friday, February 24, 2017 4:15 PM
To: Nelson, Dan
Subject: RE: Revised Amendments for the City of Burley

Thank you for your help

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Friday, February 24, 2017 3:25 PM
To: Bryan Reiter
Subject: RE: Revised Amendments for the City of Burley

Bryan,

You can find them at this location: <http://www.idwr.idaho.gov/forms/water-rights.html> They are under change in use.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Friday, February 24, 2017 3:21 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Revised Amendments for the City of Burley

Dan,
Thank you for the quick response. We will work quickly to get the transfers filed. Do you happen to have the correct forms that we should use to complete those transfers? Or know where I should get them? Thank you again for your help during this process.
Bryan Reiter
City of Burley

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Friday, February 24, 2017 2:45 PM
To: Bryan Reiter
Subject: RE: Revised Amendments for the City of Burley

Hello Bryan,

I am really glad to see the amendments we sent you worked for you. I will do my best to get them licensed as quickly as I can.

You will want to file a water right transfer to include all of your wells on your existing municipal water rights. This would allow you to legally divert water from any of your wells for municipal purposes.

I would make it a priority to file the water right transfer. I personally cannot give you authorization to pump from the fairgrounds well or well 7 for any other use than fire protection until the transfer is approved. If there is a situation that would call the pumping of these wells into question, I do know that the Department would take into account that permits were changed to a different use during licensing, and the filing of the transfers if the filing is done relatively soon.

Any water right transfer will be handled through our Southern Region office in Twin Falls. I can assist you with process of filing a transfers, but I cannot give advice or prepare the transfer for you. If you need assistance for filing the water right transfer, I would recommend that you work with a water right consultant or an attorney. The water right transfer would only be to add wells to the point of diversion list on the existing water rights, so it might be something that you could do without much assistance.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Friday, February 24, 2017 11:28 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: rcstone@pmt.org; David Shirley <dshirley@pmt.org>
Subject: RE: Revised Amendments for the City of Burley

Dan,
Thank you for sending the revised Applications for Amendment. Attached are scanned copies of the signed amendments. The signed originals and the two \$100 checks will be mailed to you today. Thank you for your help during this process.

Also attached is a one page word document of what I believe are the needed water right changes in our common water system. Is it appropriate for IDWR to review this attachment and see if you are in agreeance with these proposed water right filings? Also, how should we handle the pumping of Well 7 and the Fairgrounds well now that those two PODs will soon have only Fire Protection water rights assigned to them. Are we able to continue pumping our common water system water rights from these PODs while the proposed water right changes are agreed upon, filed upon, and approved?

Thank you for your consideration.

Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Wednesday, February 15, 2017 8:28 AM
To: Bryan Reiter
Subject: Revised Amendments for the City of Burley

Hello Bryan,

I just mailed out these amendments this morning. They should arrive in your office shortly. I wanted to send you an email version to allow you to review them and see if they will fit your needs. We did the best that we

could with the fire protection condition. It took a couple of rewrites, but I think we have done the best we can without some formal agency requiring testing of the fire protection system. I hope it will satisfy your needs.

The amendment will be due in 14 days or by March 1, 2017. Let me know what you think.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 15, 2017

CITY OF BURLEY
ATTN: BRYAN REITER
PO BOX 1090
BURLEY ID 83318

RE: Water Right Permit No. 45-7686 and 45-13411

Dear Mr. Reiter;

We have reviewed the suggested changes made in your emails. The attached amendments provide the changes you requested. Changes have been made to the fire protection conditions that should satisfy your concerns on testing your system.

By issuing a license, the Department confirms the extent of development that has been established is in compliance with the terms of the permit. The review of the information you sent suggests that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Please review the two amendment forms enclosed with this letter. The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the license when it is issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$100.00 filing fee for each form for a total of \$200.00 by March 1, 2017.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Nelson, Dan

From: Bryan Reiter <bryanreiter@pmt.org>
Sent: Friday, February 03, 2017 2:46 PM
To: Nelson, Dan
Subject: RE: Phone Discussion

Dan,

I have just emailed you some information that we have compiled concerning the use of fire protection water. I believe this should be all of the information requested by today's deadline. Please let me know if you need any additional information. Thank you for all of your help during this process.

Bryan Reiter
City of Burley

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Friday, January 20, 2017 7:55 AM
To: Bryan Reiter
Subject: RE: Phone Discussion

Brian,

I read through your questions, and I think we can resolve all of them except for question #4 that may need a bit more work. Below are my answers to your questions.

- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
 - A.) Yes. This was an error in the amendment. It should have said Minidoka instead of Cassia. I have made the necessary changes to both amendments and our database.
- 2) Could you clarify if IDWR records show the Almo well (POD 10) in the SWNE or the SENE of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Almo Well (POD 10) as being in the SWNE of Section 29. These records include the water right records and the Water Management Information System, which is the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.
- 3) Could you clarify if IDWR records show the Carlson well (POD 11) in the NWNW or the SWNW of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Carlson Well (POD 11) as being in the SWNW of Section 29. These records include the water right records and the Water Management Information System, which is the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.
- 4) In Conditions of Approval #2, it specifies diverting water only to "fight or repel an existing fire". That need exists but is not all inclusive of our fire protection mandates. Can we include language for the use of water for other

Nelson, Dan

From: Bryan Reiter <bryanreiter@pmt.org>
Sent: Tuesday, January 24, 2017 1:54 PM
To: Nelson, Dan
Subject: RE: City of Burley Water Research

Dan,
Sounds great. We are still getting information back from some of our industries and hope to respond soon. Thank you.
Bryan Reiter
City of Burley

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, January 24, 2017 1:51 PM
To: Bryan Reiter
Subject: RE: City of Burley Water Research

Hello Bryan,

I wanted to let you know that I gave your information to our mapping staff, and they agreed that the 3 wells in question are in Section 20. I have made those changes on the updated amendments, and in our draft database. As I stated in my earlier email, I won't be sending out a new amendment until we receive the information concerning the fire protection issue. Once we get that issue resolved, we can move forward with amendment process.

If you have any further questions, please don't hesitate to ask.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Nelson, Dan

From: Bryan Reiter <bryanreiter@pmt.org>
Sent: Tuesday, January 24, 2017 1:54 PM
To: Nelson, Dan
Subject: RE: City of Burley Water Research

Dan,
Sounds great. We are still getting information back from some of our industries and hope to respond soon. Thank you.
Bryan Reiter
City of Burley

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, January 24, 2017 1:51 PM
To: Bryan Reiter
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Daniel Nelson
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Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

components of fire protection such as mandated fire hydrant flushing, regular fire pump testing for various locations within the City, etc...?

- A.) I spoke with my boss today, and he stated that we could consider changing this condition if there is a code or rule citing from another agency requiring these fire protection mandates. If you could provide us with the codes and/or rules I will work with our administrative staff to see if we can adjust the condition to meet your needs.

Since you are going to need to supply some additional information concerning the fire mandate requirements, we have decided to waive the requirement to submit the signed amendments and fees by the end of business hours today, January 20, 2017. However, we are asking that you supply the information requested in the answer to question #4 by no later than February 3, 2017. We will need to send out a new set of amendments for these water rights to address the error in the county for the point of diversion in Section 17, and any changes to the conditions we may need to address. Since we have already sent out the first draft of the amendments, we are bound by the deadlines set to supply information. If we don't receive the needed information by those deadlines, we are bound by the standard procedures set forth in the Idaho Administrative Rules and Idaho Code, which could include voiding both permits.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Thursday, January 19, 2017 9:25 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: FW: Phone Discussion

Dan,
Thanks for the help on the phone today to help answer the many questions I had. I ran into a few other items to clarify on the Applications for Amendment for both right 45-07686 and 45-13411:

- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
- 2) Could you clarify if IDWR records show the Almo well (POD 10) in the SWNE or the SENE of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
- 3) Could you clarify if IDWR records show the Carlson well (POD 11) in the NWNW or the SWNW of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
- 4) In Conditions of Approval #2, it specifies diverting water only to "fight or repel an existing fire". That need exists but is not all inclusive of our fire protection mandates. Can we include language for the use of water for other components of fire protection such as mandated fire hydrant flushing, regular fire pump testing for various locations within the City, etc...?

We could talk in the morning to clarify these items, if that works for you. I will be in the office by 8:15 am. Thanks again for your help. I will speak with you tomorrow morning.

Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Wednesday, January 18, 2017 7:08 AM

To: Bryan Reiter

Subject: RE: Phone Discussion

Bryan,

That would be great. I would be happy to answer any questions you have.

I am sorry I missed your call yesterday. I was in a meeting until late, and didn't get your message until this morning. Have a safe trip.

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]

Sent: Wednesday, January 18, 2017 6:58 AM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: bryanreiter@hotmail.com

Subject: Phone Discussion

Dan,

I will be traveling to and from SLC today. Would it be possible to schedule a telephone discussion for tomorrow morning? Maybe 8:30 am? I just have a few items to discuss to finish up our response and would like to discuss them with you, if possible. I will be on my cell phone at (208) 260-1383 today and have cc'd an email I get on my phone. Thanks.

Bryan Reiter

City of Burley

Nelson, Dan

From: Cummings, Nicholas <nicholas.cummings@fmglobal.com>
Sent: Thursday, January 26, 2017 2:41 PM
To: Bryan Reiter
Cc: Al Lowe
Subject: RE: Fire Flow Testing
Attachments: FMDS0281.pdf

Bryan,

All recommended testing frequencies are in FM Global Property Loss Prevention Data Sheet 2-81, *Fire Protection System Inspection, Testing and Maintenance and Other Fire Loss Prevention Inspections* (attached).

- We recommend weekly fire pump testing at churn (no flow) for 30 minutes. There is water which discharges from the engine's heat-exchanger for the entire duration of the testing.
- We recommend quarterly waterflow alarm testing which requires only a relatively small amount of water to flow from each of the systems' inspector's test connection for about one minute.
- We recommend annual fire pump testing which requires the pump to flow at 100% and 150% of its rated capacity. The flow portion of this test typically requires about 1-3 minutes of flow at 100% and about 1-3 minutes of flow at 150%.
- We recommend annual 2-inch drain testing for each of the systems throughout the plant.
- We recommend annual foam concentration testing for each of the foam systems.

Please let me know if you need any further clarification on the testing mentioned above.

Regards,

Nicholas Cummings | Senior Consultant Engineer

FM Global | Key Center, 601 108th Ave. N.E., Suite 1400 | Bellevue, WA 98004 USA

M: 253-507-0921 | **E:** nicholas.cummings@fmglobal.com

www.fmglobal.com

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Thursday, January 26, 2017 7:25 AM
To: Cummings, Nicholas <nicholas.cummings@fmglobal.com>
Subject: RE: Fire Flow Testing

Nick,
Thanks for the email. We are being asked about water used as part of fire protection for some water rights questions. We need to provide documentation, to the Idaho Department of Water Resources, for water required to be used for fire systems. For instance, a diesel fire pump 150% test on a quarterly or annual basis, sprinkler system testing (if any), fire hydrant testing (if any). We are just trying to get a documented reason for required water use and estimate a volume of the water used in fire protection. Do you have that information?
Bryan Reiter
City of Burley

From: Cummings, Nicholas [<mailto:nicholas.cummings@fmglobal.com>]
Sent: Wednesday, January 25, 2017 8:57 AM
To: bryanreiter@pmt.org
Subject: FW: Fire Flow Testing

Bryan,

Al from Pacific Ethanol asked me to reach out to you so that we can provide you with some documentation about fire protection testing requirements from our Operating Standards. What is it that you are looking for?

Nicholas Cummings | Senior Consultant Engineer

FM Global | Key Center, 601 108th Ave. N.E., Suite 1400 | Bellevue, WA 98004 USA

M: 253-507-0921 | **E:** nicholas.cummings@fmglobal.com

www.fmglobal.com

From: Al Lowe [<mailto:alowe@pacificethanol.com>]
Sent: Friday, January 20, 2017 7:32 AM
To: Bryan Reiter <bryanreiter@pmt.org>
Cc: Cummings, Nicholas <nicholas.cummings@fmglobal.com>
Subject: RE: Fire Flow Testing

I called and talked to Nick who is copied on this email. You might contact him directly and he can provide any appropriate documentation. Thanks for the reach out.

Al Lowe
Plant Manager
Office: 208.678.6548 | Mobile: 208.312.8414

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Friday, January 20, 2017 8:24 AM
To: Al Lowe <alowe@pacificethanol.com>; Al Lowe <alowe@pacificethanol.com>
Subject: Fire Flow Testing

Al,
We are currently working on some water right items, including some discussions with the Department of Water Resources (IDWR) about defining water that is used for fire protection. They have asked for information to validate water used in fire protection. Do you have any letters/requests/information from your insurer to show the requirement you have to test your fire pump on a regular basis? If so, could I get a copy to provide to IDWR?
Bryan Reiter
City of Burley

Nelson, Dan

From: Mark Gratzer <Mgratzer@DOTFOODS.com>
Sent: Monday, January 23, 2017 8:49 AM
To: Bryan Reiter
Subject: RE: Dot Foods fire suppression water usage

Thanks Bryan, I will keep that in mind for when we do our next fire pump annual.

Mark Gratzer

Maintenance Manager-Idaho
Dot Foods, Inc.
208-678-6213 (office), 208-312-0639 (mobile)
www.dotfoods.com

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Monday, January 23, 2017 8:15 AM
To: Mark Gratzer
Subject: RE: Dot Foods fire suppression water usage

Mark,
Ok. Thank you. We will use the 3,115 to look at volume of fire protection water. We get 4,500 gpm at Pacific Ethanol for their fire test. We are typically on site while they complete the test so we can let them know where the water system is at on "on delay" timers for additional pumps. We would be glad to do the same thing with you guys, if you would like. Or if you would prefer we are not there, you could ask the tester to slowly bring up the flow rate for 2-3 minutes as the "on-delay" timers are satisfied and enough pumps are running to produce the 3,750 gpm at greater than 20 psi. Let me know if you have any questions. Thanks again for rounding up this information for us.
Bryan Reiter
City of Burley

From: Mark Gratzer [mailto:Mgratzer@DOTFOODS.com]
Sent: Friday, January 20, 2017 5:00 PM
To: Bryan Reiter
Subject: RE: Dot Foods fire suppression water usage

Bryan,

The test report states that city water supply was not sufficient to supply 3750 gpm, so they stopped at 3115 gpm. Report says that suction pressure was 16 psi at that flowrate. I remember the fire tech being concerned with dropping city side pressure too much if he increase pump discharge flow.

Mark Gratzer

Maintenance Manager-Idaho
Dot Foods, Inc.
208-678-6213 (office), 208-312-0639 (mobile)
www.dotfoods.com

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Friday, January 20, 2017 4:55 PM
To: Mark Gratzer
Subject: RE: Dot Foods fire suppression water usage

Mark,

Thank you for assembling this information so quickly. Other industries have to run a 150% fire pump test annually. For you that would be a test at 3,750 gpm. Typically, we spend about 30 water flowing minutes during the annual test when we participate with Pacific Ethanol. Would 3,750 gpm for 30 minutes, once annually reflect what you think your annual fire pump test flows are? Thanks again for this quick response and great information.

Bryan Reiter
City of Burley

From: Mark Gratzer [<mailto:Mgratzer@DOTFOODS.com>]

Sent: Friday, January 20, 2017 4:30 PM

To: bryanreiter@pmt.org

Subject: Dot Foods fire suppression water usage

Hi Bryan,

Sorry for the delayed reply, things got a bit busy in a hurry. We run the fire pump for 15 minutes per week, discharging to our retention pond. It is rated at 2500 gpm, so it passes about 37000 gallons/week or 1950000 gallons/year due to these weekly test runs. I cannot find anything that states volume flowed during the annual test, but I do know it is significant. We have 6 private hydrants fed from our fire pump that are tested annually, I cannot help with volume flowed through these either except that the check list specifies that each hydrant is to be at full flow for at least 1 minute. We also perform quarterly riser tests, but those volumes will be insignificant when compared to those through the fire pump. Hope that helps some.

Mark Gratzer

Maintenance Manager-Idaho

Dot Foods, Inc.

208-678-6213 (office), 208-312-0639 (mobile)

www.dotfoods.com

FM Global

From Wikipedia, the free encyclopedia

FM Global is a Johnston, Rhode Island-based mutual insurance company, with offices worldwide, that specializes in loss prevention services primarily to large corporations throughout the world in the *Highly Protected Risk* (HPR) property insurance market sector. "FM Global" is the communicative name of the company, whereas the legal name is "Factory Mutual Insurance Company". FM Global has been named the "Best Property Insurer in the World" by Euromoney Magazine.^[1]



The company employs a non-traditional^[2] business model whereby risk and premiums are determined by engineering analysis as opposed to historically based actuarial calculations. This business approach is centered on the belief that property losses can be prevented or mitigated. FM Global engineering personnel regularly visit insured locations to evaluate hazards and recommend improvements to their property or work practices to reduce physical and financial risks if a loss occurs.^[3]

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- 3 The 20th Century
- 4 FM Global Today
- 5 Research Campus and FM Approvals
- 6 See also
- 7 References
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History

During the depression of 1835, Zachariah Allen, a prominent textile mill owner, attempted to reduce the insurance premium on his Rhode Island, USA, mill by making property improvements that he believed would minimize the damage in case of fire. At that time, insurance premium increases for losses were shared among all insureds, regardless of individual loss history. The concept of loss prevention and control was virtually unheard of at the time. To Allen, a proactive approach to preventing losses made good economic sense.

After making considerable improvements to his mill, Allen requested a reduction in his premium, but was denied. He called upon other local textile mill owners who shared his loss prevention philosophy to create a mutual insurance company that would only insure factories with lower risks. This approach

should result in fewer losses and smaller premium payments. Whatever premium remained at the end of the year would be returned to policyholders in the form of dividends. The group agreed, and by year's end, formed the Manufacturers Mutual Fire Insurance Company, the oldest predecessor of FM Global.

During the company's first 14 years, the mill owners and mutual policyholders of Manufacturers Mutual enjoyed an average 50-percent reduction in premium compared with what other insurance companies were charging. The fire prevention methods they developed, monitored by regular fire inspections for mill policyholders, resulted in fewer losses. Despite its initial success, one problem remained for the pioneer mutual insurance company: a single mutual insurance company could not withstand the financial cost of the loss of an entire plant. More insurance capacity was needed, so in 1848, Allen formed another mutual insurance company, Rhode Island Mutual.

Expansion

In 1850, Boston Manufacturers Mutual Fire Insurance Company, the third-oldest FM Global predecessor, was created when Allen convinced a Boston merchant with significant cotton-mill ownership to form his own mutual insurance company with like-minded Boston mill owners. Throughout the next 20 years, other mutual insurance companies were added to the group roster. Together, these companies and the ones that later evolved soon became known as the Associated Factory Mutual Fire Insurance Companies, or the Factory Mutuals, for short.

Loss information helped identify specific industry hazards and was used in developing loss control recommendations for policyholders in similar industries. Such information was shared among all the Factory Mutual (FM) insurance companies, and was utilized by the inspection teams. As the FM companies grew, however, the inspection workload became difficult to manage. By 1878, the FM companies formed a dedicated unit to handle the collective inspection activities for all the FM policyholders. This unique group of loss control specialists initially provided only inspection services. The group later began performing appraisals and adjustments, loss analysis and research activities associated with preventing fire and other hazards in order to benefit the mutual insurance company owners and their policyholders. Today, all of these services remain components to FM Global in the form of engineering and research.

The FM companies' main interests in the late 19th century and early 20th century remained focused on researching and developing products or techniques that would help mitigate property risks and advance the efforts of property conservation. In 1874, a revolutionary form of loss control entered the loss prevention scene: the fire sprinkler. While the invention was originally designed outside the realm of FM, FM's further development and promotion of the sprinkler head aided in its eventual widespread use and acceptance.

The 20th Century

The beginning of the 20th century brought significant change to the FM companies. Where once the mutual insurance companies focused primarily on the familiar business of textiles primarily within the Northeast region of the US, new companies began to form that sought business beyond the traditional

geographical boundaries. These mutuals began branching out into other industries, such as shoe and rubber manufacturers, foundries and light, gas and power companies, while still maintaining their preference for low-risk properties.

During the next 75 to 80 years, the need for more comprehensive policyholder coverage grew, forcing a series of consolidations among the FM companies. By 1987, 42 separate mutual insurance companies had become three: Allendale Mutual Insurance Company, Johnston, R.I., USA; Arkwright-Boston Manufacturers Mutual Insurance Company, Waltham, Mass., USA; and Protection Mutual Insurance Company, Park Ridge, Ill., USA. The three separate organizations found it difficult to deliver competitively priced, value-added engineering services in a marketplace full of increasing competition and a demand for more challenging property protection programs. The three companies were sharing the resources of an inspection group, yet were competing with one another for customers. To reduce competition and costs, in 1998 the CEOs announced their intent to merge the three companies to create FM Global. The merger was completed in 1999.

FM Global Today

FM Global is an international property insurance and loss prevention engineering company with US\$5.6 billion of in-force premium (FY2013), US\$9.7 billion in policyholders' surplus (FY2013), with clients in more than 100 countries and 4400 employees.^[4]

FM Global awarded its largest ever membership credit in 2013 of US\$435 million, intended to allow clients to share in the benefits of their risk improvement efforts, totalling nearly US\$2.1 billion in total premium reduction via membership credits since 2001.^[5]

Research Campus and FM Approvals

FM Global's 1,600 acre (648 ha) Research Campus^[6] in West Glocester, R.I., USA, conducts testing in fire and explosion hazards, hazards detection. These tests range from witnessing the difference in how products burn to how construction components perform in hurricane conditions.

In 2004, FM Global entered into a Cooperative Research and Development Agreement (CRADA) with Sandia National Laboratory (US)^[2] The CRADA will develop advanced diagnostics and modeling of catastrophic fires.

See also

- Property insurance

References

- [1] (http://www.businesswire.com/portal/site/google/?ndmViewId=news_view&newsId=20080424006052&newsLang=en) FM Global named "Best Property Insurer in the World" by Euromoney Magazine

2. "Sandia establishes CRADA with FM Global",
(<https://share.sandia.gov/news/resources/releases/2004/other/fmglobal-crada.html>) Sandia National Laboratory press release, June 24, 2004
3. [2] (<http://www.fmglobal.com/pdfs/bestreview.pdf>)- RIMS: *FM Global Finds Engineering Study Superior to Actuarial Predictions*
4. <http://www.prnewswire.com/news-releases/commercial-property-insurer-fm-global-reports-2013-results-248380841.html>
5. <http://www.prnewswire.com/news-releases/commercial-property-insurer-fm-global-reports-2013-results-248380841.html>
6. FM Global Test Center (<http://www.structuremag.org/archives/2006/August-2006/SF-FM-Global-Test-Center-Aug-06.pdf>) - FM Global's Research Campus

External links

- FM Global (<http://www.fmglobal.com/>) - Official Web site

Retrieved from "https://en.wikipedia.org/w/index.php?title=FM_Global&oldid=755020791"

Categories: Companies established in 1835 | Mutual insurance companies
| Mutual insurance companies of the United States

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MEMORANDUM

TO: File 45-7686 and 45-13411

FROM: Daniel Nelson – Staff Hydrologist

DATE: January 24, 2017

SUBJECT: Adjustment of Point of Diversions Legal Descriptions for 45-7686 and 45-13411

On January 20, 2017, the City of Burley representative, Bryan Reiter, requested that we change the legal descriptions of 3 of their 18 wells. The area in question was in the NWNE of Section 29, Township 10 South, Range 23 East. Mr. Reiter stated that according to the City of Burley's records, these 3 wells were actually in the SWSE of Section 20, Township 10 South, Range 23 East. Mr. Reiter stated that this came from a survey the City requested for their records.

I asked Mr. Reiter to send me the survey information, and I would review this information with our staff. Mr. Reiter sent the information, and I supplied the information to our GIS staff for further review.

Our GIS staff determined that the City of Burley's survey was a more accurate depiction of the public land survey, and should be used instead of the section lines shown in our database. Therefore, I corrected the legal descriptions for the 3 wells.

There were several other changes requested to the amendments of permit sent on these water rights, which have all been addressed. As of the writing of this memorandum, I am still waiting on additional information on fire suppression needs of the city, to see if we can alter the condition that limits the fire protection uses to fighting an existing fire. Once I receive that documentation, I will forward the updated amendments to Mr. Reiter and the City of Burley.

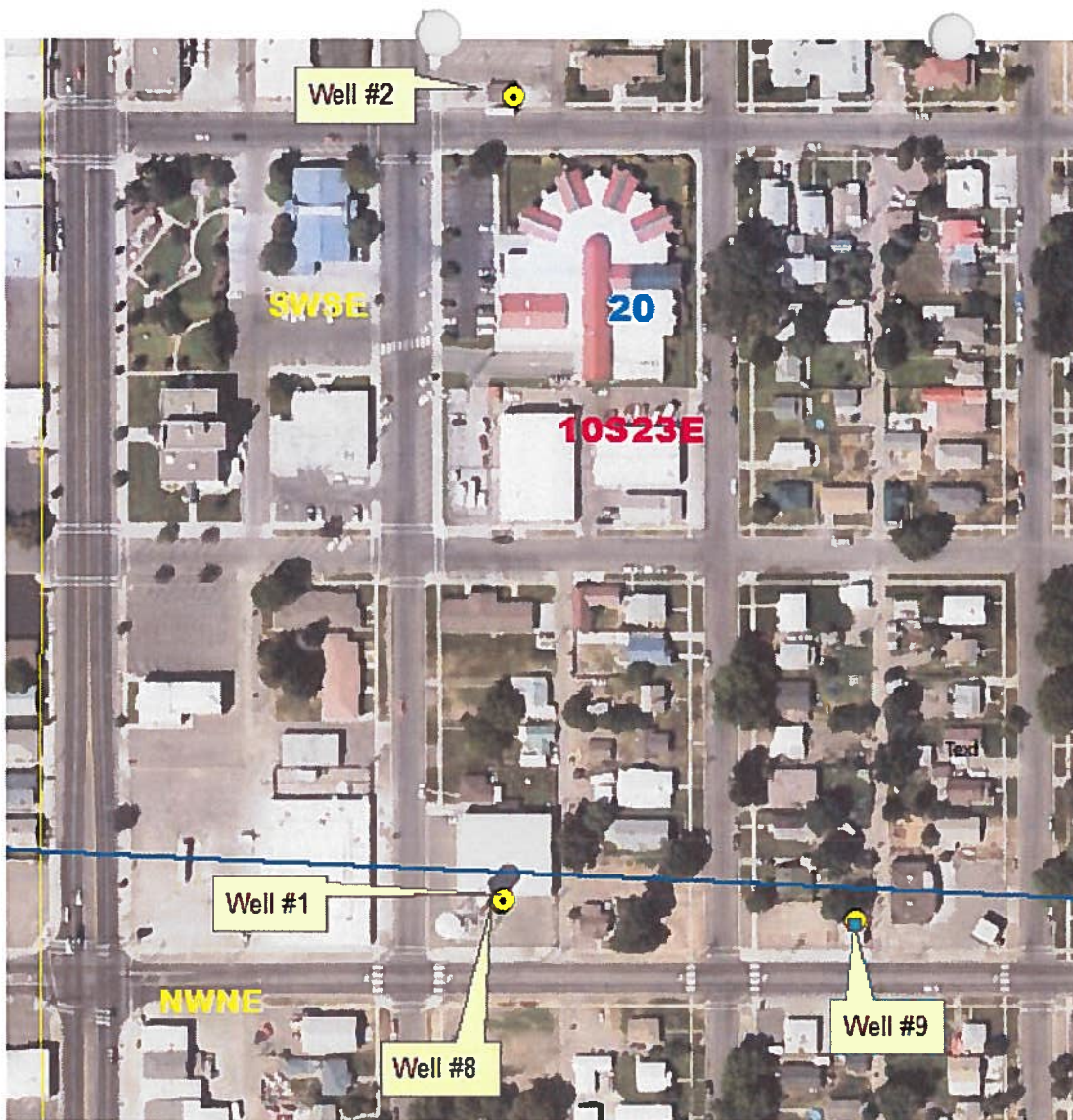
Nelson, Dan

From: Nelson, Dan
Sent: Friday, January 20, 2017 1:50 PM
To: 'Bryan Reiter'
Subject: RE: Phone Discussion

Bryan,

Are mapping records show the Culinary Well #2 (POD 2) as being in the SWSE of Section 20. Well #1, Well #8, and Well #9 are all in the NWNE of Section 29. As you can see from aerial photo insert, the street is not the section line. All of these wells have been GPS'ed and I believe the locations are correct per our mapping system. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the all of your records to ensure they are consistent.

The blue line below is the Section line and the yellow lines are the 40 acre tract lines using the Public Land Survey system. The Public Land Survey system is based on the current Bureau of Land Management Public Land Survey data, so we have no control over those surveys. Many of these surveys are very old, and may not be as accurate as a current survey would be. If you are sure the street is the section line, you could hire a licensed surveyor to re-survey the City's streets to provide a updated survey of the section line. Once that is done you could file a water right transfer to ensure all of your water rights have the correct legal descriptions. Once again, I believe it would be easier for you and us if you decide to pursue this would be to license these two permits, and then file a water right transfer to correct all of your water rights at the same time.



Please let me know if you have any further questions.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Friday, January 20, 2017 12:55 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Phone Discussion

Dan,
Thanks again for all of your help thus far.

I ran across one other item that I need to clarify. It is on the attached pdf. Our records indicate that PODs 1, 2, 8, and 9 (Two pumphouse wells, Well 2, and the Hogan Well) are all located in the SWSE of Section 20. I see three listings for the NWNE of Section 29 on the attached file and am guessing that those three are for PODs 1, 8, and 9. I believe that 16th Street is the east west section line between Sections 20 & 29 and that PODs 1, 8, and 9 are also located in Section 20. Each of these three PODs are located on the north side of 16th Street. Can you check that versus your records and see what your thoughts are? Thank you.

Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Friday, January 20, 2017 7:55 AM

To: Bryan Reiter

Subject: RE: Phone Discussion

Brian,

I read through your questions, and I think we can resolve all of them except for question #4 that may need a bit more work. Below are my answers to your questions.

- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
 - A.) Yes. This was an error in the amendment. It should have said Minidoka instead of Cassia. I have made the necessary changes to both amendments and our database.
- 2) Could you clarify if IDWR records show the Almo well (POD 10) in the SWNE or the SENE of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Almo Well (POD 10) as being in the SWNE of Section 29. These records include the water right records and the Water Management Information System, which is the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.
- 3) Could you clarify if IDWR records show the Carlson well (POD 11) in the NWNW or the SWNW of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Carlson Well (POD 11) as being in the SWNW of Section 29. These records include the water right records and the Water Management Information System, which is the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.
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 - A.) I spoke with my boss today, and he stated that we could consider changing this condition if there is a code or rule citing from another agency requiring these fire protection mandates. If you could

provide us with the codes and/or rules I will work with our administrative staff to see if we can adjust the condition to meet your needs.

Since you are going to need to supply some additional information concerning the fire mandate requirements, we have decided to waive the requirement to submit the signed amendments and fees by the end of business hours today, January 20, 2017. However, we are asking that you supply the information requested in the answer to question #4 by no later than February 3, 2017. We will need to send out a new set of amendments for these water rights to address the error in the county for the point of diversion in Section 17, and any changes to the conditions we may need to address. Since we have already sent out the first draft of the amendments, we are bound by the deadlines set to supply information. If we don't receive the needed information by those deadlines, we are bound by the standard procedures set forth in the Idaho Administrative Rules and Idaho Code, which could include voiding both permits.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
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- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
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We could talk in the morning to clarify these items, if that works for you. I will be in the office by 8:15 am. Thanks again for your help. I will speak with you tomorrow morning.
Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Wednesday, January 18, 2017 7:08 AM
To: Bryan Reiter
Subject: RE: Phone Discussion

Bryan,

That would be great. I would be happy to answer any questions you have.

I am sorry I missed your call yesterday. I was in a meeting until late, and didn't get your message until this morning. Have a safe trip.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

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To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
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Bryan Reiter
City of Burley

Nelson, Dan

From: Bryan Reiter <bryanreiter@pmt.org>
Sent: Friday, January 20, 2017 12:55 PM
To: Nelson, Dan
Subject: RE: Phone Discussion
Attachments: Proposed Changes to PODs.pdf

Dan,
Thanks again for all of your help thus far.

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Sent: Friday, January 20, 2017 7:55 AM
To: Bryan Reiter
Subject: RE: Phone Discussion

Brian,

I read through your questions, and I think we can resolve all of them except for question #4 that may need a bit more work. Below are my answers to your questions.

- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
 - A.) Yes. This was an error in the amendment. It should have said Minidoka instead of Cassia. I have made the necessary changes to both amendments and our database.
- 2) Could you clarify if IDWR records show the Almo well (POD 10) in the SWNE or the SENE of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Almo Well (POD 10) as being in the SWNE of Section 29. These records include the water right records and the Water Management Information System, which is the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.
- 3) Could you clarify if IDWR records show the Carlson well (POD 11) in the NWNW or the SWNW of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
 - A.) All of our records show the Carlson Well (POD 11) as being in the SWNW of Section 29. These records include the water right records and the Water Management Information System, which is

the data repository for the water district. If this point of diversion is actually in a different location, it would be best to license these two water rights, and then file a water right transfer to change the records if they are incorrect.

- 4) In Conditions of Approval #2, it specifies diverting water only to "fight or repel an existing fire". That need exists but is not all inclusive of our fire protection mandates. Can we include language for the use of water for other components of fire protection such as mandated fire hydrant flushing, regular fire pump testing for various locations within the City, etc...?

A.) I spoke with my boss today, and he stated that we could consider changing this condition if there is a code or rule citing from another agency requiring these fire protection mandates. If you could provide us with the codes and/or rules I will work with our administrative staff to see if we can adjust the condition to meet your needs.

Since you are going to need to supply some additional information concerning the fire mandate requirements, we have decided to waive the requirement to submit the signed amendments and fees by the end of business hours today, January 20, 2017. However, we are asking that you supply the information requested in the answer to question #4 by no later than February 3, 2017. We will need to send out a new set of amendments for these water rights to address the error in the county for the point of diversion in Section 17, and any changes to the conditions we may need to address. Since we have already sent out the first draft of the amendments, we are bound by the deadlines set to supply information. If we don't receive the needed information by those deadlines, we are bound by the standard procedures set forth in the Idaho Administrative Rules and Idaho Code, which could include voiding both permits.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Thursday, January 19, 2017 9:25 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: FW: Phone Discussion

Dan,

Thanks for the help on the phone today to help answer the many questions I had. I ran into a few other items to clarify on the Applications for Amendment for both right 45-07686 and 45-13411:

- 1) Under the POD locations, could we change the NE1/4NW1/4 of Section 17 T10S-R23E to Minidoka County, rather than Cassia County?
- 2) Could you clarify if IDWR records show the Almo well (POD 10) in the SWNE or the SENE of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
- 3) Could you clarify if IDWR records show the Carlson well (POD 11) in the NWNW or the SWNW of Section 29? It is very close to the line between the two quarter quarters and I want to reconcile our records, if it is necessary or important to do so.
- 4) In Conditions of Approval #2, it specifies diverting water only to "fight or repel an existing fire". That need exists but is not all inclusive of our fire protection mandates. Can we include language for the use of water for other components of fire protection such as mandated fire hydrant flushing, regular fire pump testing for various locations within the City, etc...?

We could talk in the morning to clarify these items, if that works for you. I will be in the office by 8:15 am. Thanks again for your help. I will speak with you tomorrow morning.

Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Wednesday, January 18, 2017 7:08 AM
To: Bryan Reiter
Subject: RE: Phone Discussion

Bryan,

That would be great. I would be happy to answer any questions you have.

I am sorry I missed your call yesterday. I was in a meeting until late, and didn't get your message until this morning. Have a safe trip.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Wednesday, January 18, 2017 6:58 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: bryanreiter@hotmail.com
Subject: Phone Discussion

Dan,
I will be traveling to and from SLC today. Would it be possible to schedule a telephone discussion for tomorrow morning? Maybe 8:30 am? I just have a few items to discuss to finish up our response and would like to discuss them with you, if possible. I will be on my cell phone at (208) 260-1383 today and have cc'd an email I get on my phone. Thanks.
Bryan Reiter
City of Burley

Point of Diversion Locations for PODs 1-15, 17-19 (18 Total Diversions)

These PODs are part of the Single Municipal Water System and is the POD list to be utilized in each of the 19 Single Municipal Water System Water Rights as listed below

GROUND WATER NENW Sec. 17 Township 10S Range 23E MINIDOKA County (POD 4)
GROUND WATER SWNE Sec. 20 Township 10S Range 23E CASSIA County (POD 17)
GROUND WATER SWNW Sec. 20 Township 10S Range 23E CASSIA County (POD 14)
GROUND WATER SENW Sec. 20 Township 10S Range 23E CASSIA County (POD 15)
GROUND WATER NWSW Sec. 20 Township 10S Range 23E CASSIA County (POD 13)
GROUND WATER SWSE Sec. 20 Township 10S Range 23E CASSIA County (POD 1)
GROUND WATER SWSE Sec. 20 Township 10S Range 23E CASSIA County (POD 2)
GROUND WATER SWSE Sec. 20 Township 10S Range 23E CASSIA County (POD 8)
GROUND WATER SWSE Sec. 20 Township 10S Range 23E CASSIA County (POD 9)
GROUND WATER SENE Sec. 20 Township 10S Range 23E CASSIA County (POD 18)
GROUND WATER NWSW Sec. 21 Township 10S Range 23E CASSIA County (POD 7)
GROUND WATER SWNE Sec. 29 Township 10S Range 23E CASSIA County (POD 10)
GROUND WATER NENW Sec. 29 Township 10S Range 23E CASSIA County (POD 12)
GROUND WATER SWNW Sec. 29 Township 10S Range 23E CASSIA County (POD 11)
GROUND WATER SENE Sec. 30 Township 10S Range 23E CASSIA County (POD 3)
GROUND WATER SENE Sec. 30 Township 10S Range 23E CASSIA County (POD 19)
GROUND WATER SENE Sec. 32 Township 10S Range 23E CASSIA County (POD 5)
GROUND WATER SWNW Sec. 33 Township 10S Range 23E CASSIA County (POD 6)

Water Rights within the Single Municipal Water System (19 Total)

These Water Rights are to be amended to allow pumping from each of the 18 POD locations listed above

45-4097	45-4095	45-4096	45-13895	45-4092	45-4093	45-14083
45-4099	45-4090	45-14290	45-4089	45-4094	45-11133	45-4091
45-4098	36-4080	45-7269	45-7436	45-7735		

City of Burley Well #2 - Culinary E01-7-20

20

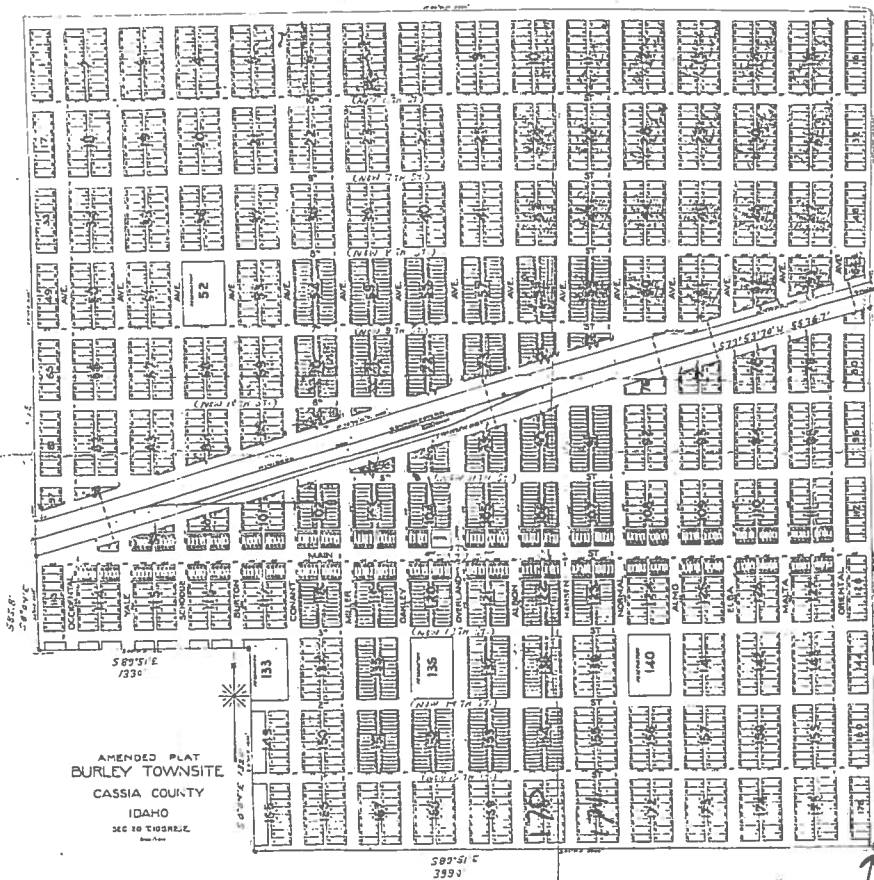
City of Burley Well #8 - (Irr - 1) A00-26

City of Burley Well #9 - Hog (Old Potable Well #2) (Irr - 2) A00-26

29

BURLEY TOWNSHIP (PART OF) AMENDED

10 02 20 20



BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 19____.

Notary Public for Idaho

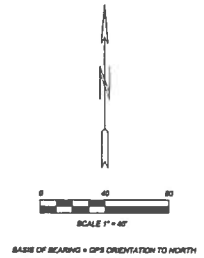
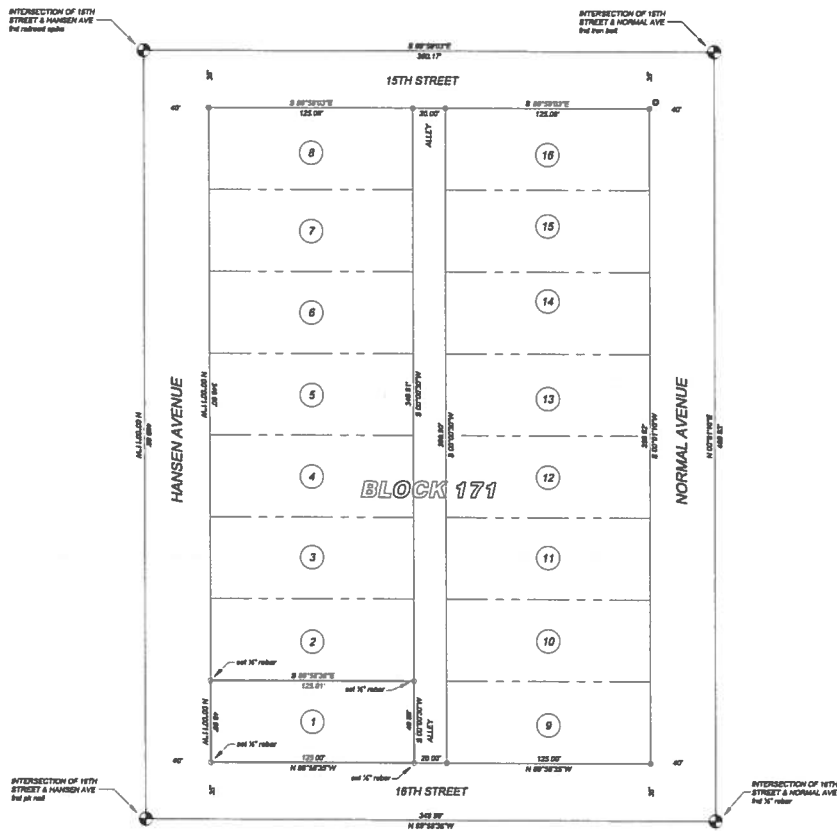
My commission expires this _____ day of _____, 19____.

SE COR
SEC. 20

Burley
Township Plat

2

LOT 1 IN BLOCK 171 OF THE
BURLEY TOWNSITE
 LOCATED IN THE SW/4TH OF
 SECTION 20
 T. 10 S., R. 23 E., B.M.
 CASSIA COUNTY, IDAHO



- LEGEND**
- - FOUND OR SET "X" & "Y" NEAR W.L.S. NO. ATTACHED AS NOTED
 - - FOUND OR SET OTHER SURVEY MONUMENT AS NOTED
 - - NO MONUMENT FOUND OR SET. OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

CERTIFICATE OF SURVEY

I, TREVOR RING, A LICENSED PROFESSIONAL LAND SURVEYOR, IDAHO LICENSE NO. 15361, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

COURSE	BEARING	DISTANCE
L 1	8 00° 00' 33" W	3.00'

RECORD OF SURVEY
 for
THE CITY OF BURLEY

BRYAN REITER - CITY ENGINEER

DESERT WEST LAND SURVEYS, P.C.

2020 OVERLAND AVENUE BURLEY, IDAHO 83318 208-678-7112

JOB NO: 11816-18C1 DRAWN BY: T. RING

DATE: APRIL 28, 2018 © Desert West Land Surveys, P.C.

PROFESSIONAL LAND SURVEYOR
 LICENSED
 APRIL 29, 2018
 T. RING
 IDAHO
 TREVOR RING

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, March 31, 2016 7:42 AM
To: 'Bryan Reiter'
Subject: RE: Water right 45-13411

Hello Bryan,

I apologize for not answering your email yesterday. I have been training staff all week, so I have been in meetings almost all week.

Thank you for the updates on the map. I checked our maps and database information, and I agree with the corrections you made on the map. I will make sure they are corrected in the final documentation.

As for the Peak Hour Demand, of the system, I would say we would like to see both the diversions from the culinary wells to the storage tanks, and the booster pumps from the storage tanks. Then we would need to add that onto the irrigation demand to find a total demand for the system before storage and after storage. The reason I would include both is to show that the storage allows a buffer to allow adequate water supply during the peak time. We are looking for an analysis of the amount of water your systems needs to operate properly. The following is a example of the conclusion of your date using phony numbers for the ease of showing the total diversion capacity needed for your system:

The system has a maximum culinary well capacity of 5,000 gpm that is diverted into storage tanks. The peak culinary use is actually 7,500 gpm, but is only needed for approximately 4 hours per day. The storage tanks are used to supply the additional water that cannot be supplied by the culinary wells during the peak hours of use. The irrigation wells are generally used in the early hours at approximately the same time the peak use on the culinary system. The irrigation use requires a flow rate of 2,500 gpm to operate all of the systems at the same time. As stated on our Snake River Basin Adjudication decrees, we can incorporate some of the irrigation wells into our culinary system if needed for emergencies. Therefore, our Peak use is 10,000 gpm, and our Peak Well Diversions are 7,500 gpm when the culinary uses and the irrigation uses are combined. The following documentation shows how those numbers were attained.

By showing both the before and after storage numbers, you are providing us with valuable information showing the need for the flow rates you are requesting in the permits. In my limited experience, most system use storage units to ease the pressure on the well pumps during those peak flow periods.

I hope this helps. If you have any further questions, I would be more than happy to work with you to provide any assistance that I can.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [mailto:bryanreiter@pmt.org]
Sent: Wednesday, March 30, 2016 4:41 PM

To: Nelson, Dan
Subject: RE: Water right 45-13411

Dan,
I need to verify one last item. For our potable/culinary water component, do you want the peak hour that the wells are delivering to the water tanks and water system (Peak Hour for water out of the ground by well pumps)? Or do you want the peak hour that the water system is using (Peak Hour for delivered water by booster pumps)? I have both calculated and want to make sure which number is appropriate for the water right calculations. Thanks for your help.
Bryan Reiter
City of Burley

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Wednesday, March 30, 2016 2:18 PM
To: 'Nelson, Dan'
Subject: RE: Water right 45-13411

Dan,
I am reviewing the information requested about water right 45-13411. In the letter you asked about verification of the map. I have attached a marked up map with two revisions that I noticed.

One, POD #10, Almo Well, formerly IRR-3, tag #A0002613 is not shown on the map. It is located in the southwest corner of 19th and Almo.

Two, the tag number for the Salmon well is A0002615, rather than A00026145.

I am gathering the peak hour flow information you requested and will be forwarding that to you shortly. Thanks.
Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Tuesday, February 02, 2016 10:30 AM
To: Bryan Reiter
Subject: FW: Water right 45-13411

Hello Bryan,

I apologize for not getting this email to you yesterday. Per our telephone conversation on January 29, 2016, the Department will allow you until March 31, 2016 to supply the information needed to license water right 45-13411 and 45-7686. I do appreciate you working on these issues. If you have any further questions or need anything from me, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Monday, January 25, 2016 1:45 PM
To: 'Bryan Reiter'
Subject: RE: Water right 45-13411

Bryan,

That works fine. I will be in meetings after 2:30 Monday, I will be out of the office all day Tuesday. I will have meetings all day Wednesday and all morning Thursday. I will be available all day Friday. I hope these dates help.

Dan Nelson

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Friday, January 22, 2016 6:43 PM
To: Nelson, Dan
Subject: RE: Water right 45-13411

Dan,
Sorry I missed calling you this week. I will call you on Monday.
Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Friday, January 15, 2016 9:10 AM
To: Bryan Reiter
Subject: RE: Water right 45-13411

Bryan

That sounds good. I look forward to your call.

Dan

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Friday, January 15, 2016 9:07 AM
To: Nelson, Dan
Subject: RE: Water right 45-13411

Daniel,
Thanks for your email. I would like to call you in the beginning of next week, if that works for you.
Bryan Reiter
City of Burley

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, January 14, 2016 7:56 AM
To: Bryan Reiter
Subject: RE: Water right 45-13411

Hello Bryan,

I am sorry about getting taking so long to get back to you, but I have been out of the office for the last couple of weeks. Yes I can give you some additional time. I will need to get a date that you can supply the information, but we can wait until after we speak about what is needed before setting a new deadline to submit the information needed.

Would you like to speak by telephone, or would you like me to drive down and meet with you in person? Except for a couple of meetings, I should be available for a telephone call today and tomorrow. If you want to meet, I will have to schedule sometime next week. I currently have Tuesday, Thursday, and Friday available next week to drive down and meet with you. Please let me know what will work best for you.

Thank you for your response.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Bryan Reiter [<mailto:bryanreiter@pmt.org>]
Sent: Tuesday, January 12, 2016 3:55 PM
To: Nelson, Dan
Cc: David Shirley
Subject: Water right 45-13411

Mr. Nelson,

Thank you for the attached letter concerning water right 45-13411. I would like to request additional time, beyond the 30 days mentioned in the letter, to address your request. I would like to speak with you concerning this information request. We have great information from our potable water wells because they are tracked in our SCADA system. Because of this, we have a Peak Hour Demand established for this portion of our water system. However, our wells currently used to deliver water to the low pressure irrigation system have only monthly readings, without better data for "instantaneous" usage. Can you contact me when you are able to determine the best course of action? Thanks.

Bryan Reiter
City of Burley
1559 Albion Avenue
P.O. Box 1090
Burley, Idaho 83318
Phone (208) 878-2103
Fax (208) 878-5950