

11/99

For Office Use Only
\$25 filing fee in
Receipt # 6074015
Date 6-1-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

MAY 06 2004

I, Kelly Rhinchart, hereby assign to Idaho West Estates Homeowners Association
of, 5182 Caleb Ct., Fruitland, ID 83619 (208) 452 7801
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 65-13804 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

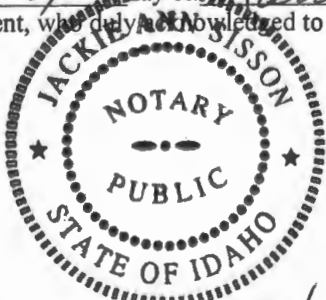
Made this 24th day of March, 20 04.

[Signature]
Permit Holder(s)

Permit Holder(s)

State of Idaho)
County of Payette)ss

On this 4 day of March, 2004, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



SEAL

[Signature]
Notary Public residing at

Fruitland, ID

My commission expires: 05/20/2008

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED)
PERMIT NO. 65-13804 IN THE) **REINSTATEMENT ORDER**
NAME OF KELLY RHINEHART)
_____)

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 16, 1999, the Department issued Amendment of Permit No. 65-13804 to Kelly Rhinehart ("permit holder") authorizing the diversion of 0.44 cubic feet per second ("cfs") of ground water to be diverted for irrigation of 22 acres and domestic use within the SW1/4SW1/4 of Section 14, Township 07 North, Range 05 West, B.M., Payette County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before May 1, 2004.
2. On February 29, 2004, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").
3. On May 6, 2004, the Department sent the permit holder a lapse notice since the department had not received an acceptable proof of beneficial use statement or extension of time request.
4. On November 15, 2004, the Department received Proof of Beneficial Use from the permit holder and the appropriate license examination fee.
5. The permit holder submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient

evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information to show that water was beneficially used during the authorized development period.

3. The Department should reinstate the permit with the priority advanced to the date that the proof of beneficial use, and license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 65-13804 in the name of Kelly Rhinehart is **REINSTATED** with the priority advanced to **November 15, 2004**.

Dated this 21st day of December, 2004.



Gary Spackman

Form No. 217
6/00FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 0035789
Receipt By: M
Date Received: 11-15-04STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 15 2004

DEPARTMENT OF
WATER RESOURCE

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 165-13804 Telephone No. 208 941 1095
2. Name of Permit Holder(s): Idaho West Estate Homeowners Association
3. Mailing Address: 5016 Sarah Ct.
City Fruitland State ID Zip 83619
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 11 / yr. 99
Well Driller: Stevens & Sons Drilling Permit Number: 65-99-W-365-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 19 Stockwater (No. and type of stock): N/A
Irrigation (No. of acres): 22 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.44 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes X or No _____
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Rick Farmer Telephone Number: 208 941 1095
Address: 5016 Sarah Ct.
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
- Signature of permit holder: ME (Rick Farmer Water Master) Date: 10-10-04
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 65-13804

This is to certify, that KELLY RHINEHART

PO BOX 216

FRUITLAND ID 83619-0216

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: October 6, 1998

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.44 CFS
DOMESTIC	01/01 to 12/31	0.22 CFS
	Totals	0.44 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 14, Township 07N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	05W	14	SWSW	22		22

Total number of acres irrigated: 22

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 2004.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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DEC 10 1999

PERMIT NO. 65-13804

CONDITIONS OF APPROVAL AND REMARKS

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. Domestic use is for 25 homes and does not include lawn, garden, landscape, or other types of irrigation.
9. Two points of diversion are located within the SWSW, S14, T7N, R5W.
10. Points of diversion are located within Lot 16, Idaho West Estates.
11. Place of use is located within Lots 1-5, Blk. 1 and Lots 1-18, Blk. 2, Idaho West Estates.

Witness my hand this 16th day of November, 1999

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

DEC 10 1999

NOV 4 - 1999

 Receipt No. 0025751
 Received By DD
 Date 9-22-99

 STATE OF IDAHO
 Department of Water Resources
 DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

 Applicant Kelly Rhinehart Phone 208-452-5427
 Address PO Box 216 Pocatello, ID 83419

 I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13804 and request that the permit and permit map be amended and/or changed as follows:

 Purpose of Amendment: Change point of diversion ☒ Add point of diversion
Change place of use Change nature of use Change period of use Other

 1. Point of diversion: SW 1/4 SW 1/4, Section 14, Township 7N, Range 5E, B.M.,
 County of Payette. Other points of diversion _____

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

 Amount 0.440 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount 0.220 for Dom purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	5E	14											22						22

 Total number of acres to be irrigated = 22

4. a. Who owns the property at the point of diversion? Kelly Rhinehart
 b. Who owns the land to be irrigated at the place of use? Kelly Rhinehart
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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SEP 22 1999

WATER RESOURCES
WESTERN REGION

Page 1

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 22 day of September, 1999.

[Signature]
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by DAN Publication prepared by [Signature] Date 9-30-99

Published in Independent Enterprise Publication dates 10-6 & 13-99

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____

MICROFILMED

DEC 10 1999

SIGNATURE

RECEIVED

OCT 06 1998

Department of Water Resources

Ident. No. 65-13804

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KELLY RHINEHART 208-452-5427
Address: PO BOX 216
FRUITLAND ID 836190216
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SWSW Sec. 14, Township 07N, Range 05W
PAYETTE County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 03/15 | 11/15 | 0.440 | | |
| DOMESTIC | 01/01 | 12/31 | 0.220 | | |
5. Total quantity to be appropriated is:
0.440 CFS (and/or) AF
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc.
DEEPEN EXISING WELL
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 340'
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 1972
Drilling Firm ?
Well was drilled for ELLIOT
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: IRRIGATION

TWN RGE SEC
07N 05W 14

ACRES
SWSW 22

ACRES

ACRES TOTAL
MICROFILMED

Total number of acres irrigated: DEC 10 1998

Attachment A,

Place of Use: DOMESTIC, same as IRRIGATION use

9. 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.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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

Kelly D. Felt
Applicant

Received by CJ. Date 10/6/98 Time 4pm Preliminary check by _____

Fee \$ *300.00 Receipted by CJ. #C043606 Date 10/ 6/1998

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

* \$100.00 filing fee

* 200.00 drilling permit

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DEC 10 1999

Attachment A2

Ident. No. 65-13804

Comments: Date: 10/ 7/1998 User-ID: CZIMMERM

Subject: DIVERSION DESCRIPTION

Existing 8" well (drilled in 1972 for Elliot) to be deepened to 340'. May want to amend permit at a later date to add PD. Domestic use is for 25 homes. Point of diversion is located within Lot 16, Idaho West Estates.

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DEC 10 1999

Attachment A-B

ESTATES

1979

Exploited

50°58'35"E

32.47

1/2 Corner

Stratified in the Southwest Quarter,
Southwest Quarter Section 14,
Township 7 North, Range 5 West
Borsa Herdman, Payette County, Idaho

55-10618-10
MICROFILMED

DEC 10 1950

A. Tackment

50840



Table of Curve Data

Curve Radius Data Temporary Lanelet: Chong Chod. Bro.

[illegible]

Legend

Section Corner i.e. 60m

先 Corner

BC. - Laundry Movers

12" Cedar-Plankety Pins

Black Numbers
Lat Numbers

Lot Numbers

- 10. Utility Co's. Flock W. H. H. S. Arrogation
F. Crankshaft

1. 10/10/10

11.

2025 RELEASE UNDER E.O. 14176

1900-1901

2. The above information was obtained from the files of the FBI, New York Office, and is being furnished to you for your information.

Subscribed and sworn to before me this 1st day of June 1901.

THIS IS DONE BY THE 1971

[Handwritten notes:]

Below table: 1960-1961
1962-1963

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13804

Proposed Priority: October 6, 1998 Maximum Diversion Rate: 0.44 CFS

This is to certify, that KELLY RHINEHART

PO BOX 216

FRUITLAND ID 83619-0216

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.44 CFS
DOMESTIC	01/01 to 12/31	0.22 CFS
	Totals	0.44 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 14, Township 07N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	05W	14	SWSW	22.0		22.0

Total number of acres irrigated: 22.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 2004.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13804

CONDITIONS OF APPROVAL AND REMARKS

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. Point of diversion is located within Lot 16, Idaho West Estates.
10. Place of use is located within Lots 1-5, Blk. 1 and Lots 1-18, Blk. 2, Idaho West Estates.
11. Domestic use is for 25 homes and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

23rd day of April, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

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JUN 09 1999

RECEIVED

OCT 06 1998

Department of Water Resources

Ident. No. 65-13804
RECEIVED

APR 21 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: KELLY RHINEHART
Address: PO BOX 216
FRUITLAND ID 836190216

208-452-5427

2. Source: GROUNDWATER
3. Location of Point of Diversion: SWSW Sec. 14, Township 07N, Range 05W
PAYETTE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.440		
DOMESTIC	01/01	12/31	0.220		

5. Total quantity to be appropriated is:
0.440 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
DEEPEN EXISING WELL
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is 8 inches; proposed depth of well is 340'
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when? 1972
Drilling Firm ?
Well was drilled for ELLIOT

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

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07N	05W	14	SWSW 22			22

Total number of acres irrigated: 22

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Place of Use: DOMESTIC, same as IRRIGATION use

9. 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.

10. Remarks: *Applicant agrees to mitigate consumption
use in the future as needed.* **
11. Map of proposed point of diversion and place of use attached? ☒

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

Kelly D. F.
Applicant

Received by CJ. Date 10/6/98 Time 4pm Preliminary check by ij

Fee \$ * 300.00 Receipted by CJ. #C043606 Date 10/ 6/1998

Publication prepared by AT Date 10-15-98 Published in Ind. Ent.

Publication approved AT Date 10-21-98
11-9-98

* \$100.00 filing fee

* \$200.00 drilling permit

MICROFILMED

10/10/98

** This was dictated by initial review per d's case check.
Based on response forms of 10/6 & 10/21, 1998.

-sc 12/30/98

Ident. No. 65-13804

Comments: Date: 10/ 7/1998 User-ID: CZIMMERM

Subject: DIVERSION DESCRIPTION

Existing 8" well (drilled in 1972 for Elliot) to be deepened to 340'. May want to amend permit at a later date to add PD. Domestic use is for 25 homes. Point of diversion is located within Lot 16, Idaho West Estates.

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10/7/98



IDAHO

WEST

ESTATES

1975

Unplatted

1/4 Corner

Situated in the Southwest Quarter, Southwest Quarter Section 14, Township 7 North, Range 5 West, Boise Meridian, Blaine County, Idaho

Scale



Table of Curve Data

Curve	Radius	Delta	Tangent	Length	Chord	End. Brg.
1	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
2	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
3	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
4	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
5	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
6	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
7	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
8	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
9	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
10	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
11	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
12	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
13	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
14	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
15	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
16	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
17	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
18	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
19	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
20	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
21	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
22	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
23	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
24	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
25	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E
26	20.00	3° 00' 00"	3.46	3.46	3.46	S 89° 58' 33" E

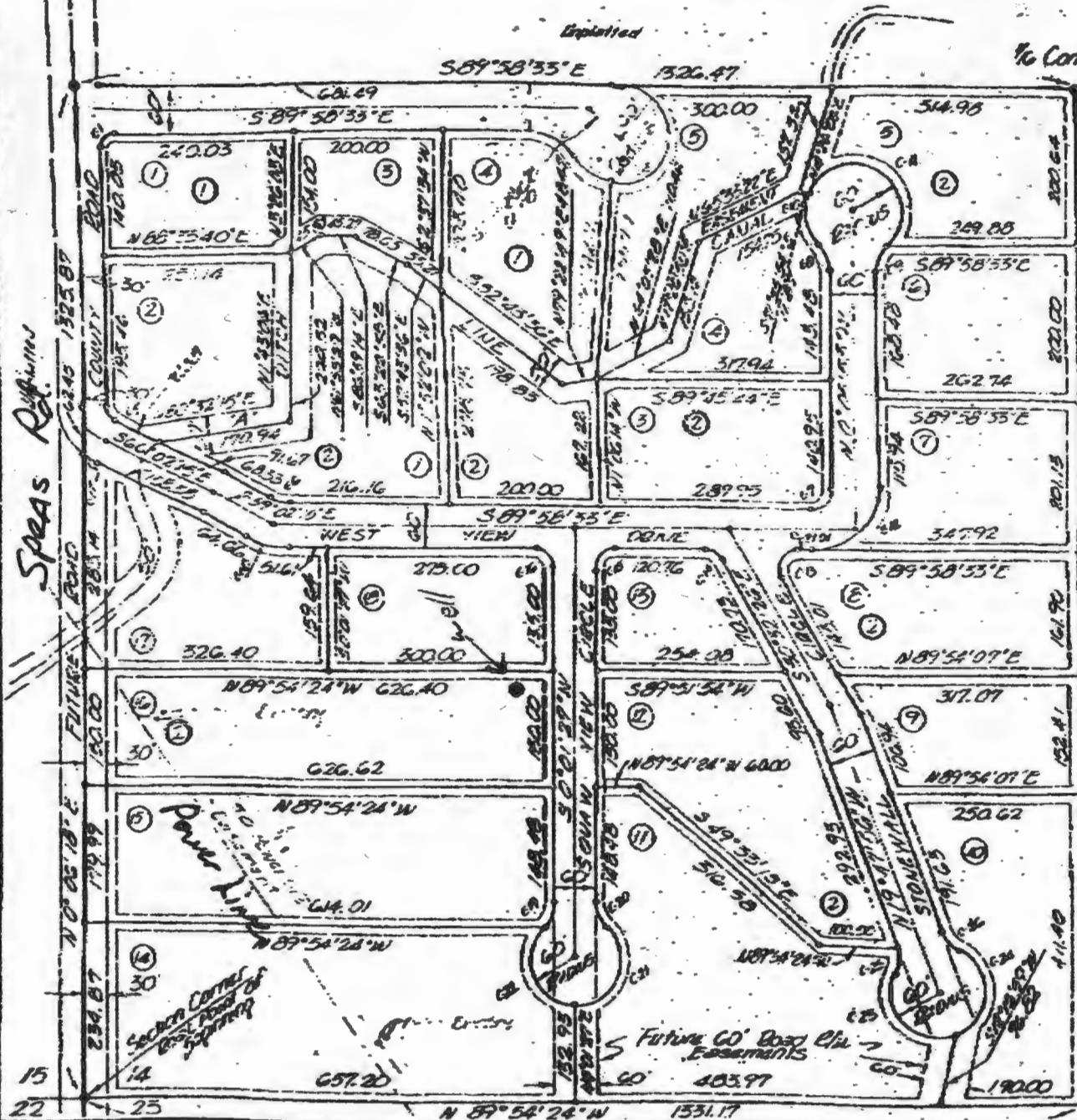
Legend

- Section Corner 1/4 Sec. 14
- 1/4 Corner
- Boundary Markers
- 1/2 Corner - Property Line
- Block Numbers
- Lot Numbers
- 10' Utility Easements, Public Utilities, Irrigation & Drainage

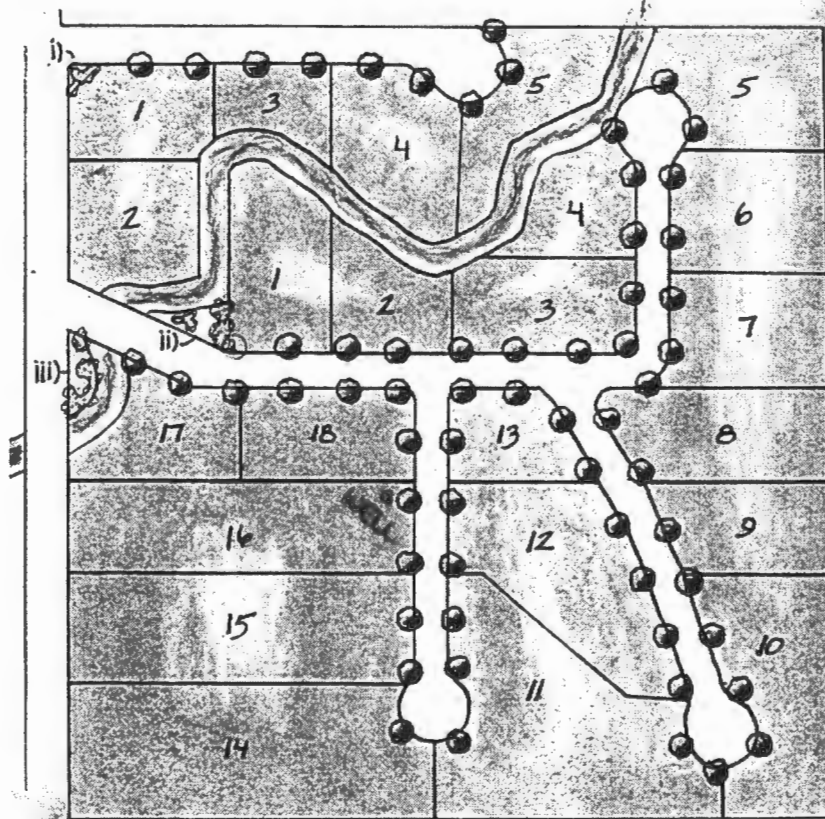
This plat was prepared by the undersigned, a duly licensed Professional Surveyor in the State of Idaho, and it is hereby certified that the same is a true and correct representation of the facts as shown by the survey and that the same is a true and correct representation of the facts as shown by the survey and that the same is a true and correct representation of the facts as shown by the survey.

65-13804

MICROFILMED
JUN 09 1999
MICROFILMED



Tahoe West Estate



TOTN ROSW S14 SWSW

65-13804

JUN 09 1999

MICROFILMED

JUN 11 1999

MEMORANDUM

TO: PERMIT FILE 65-13804

FROM: DANIEL A. NELSON

DATE: 1/19/05

SUBJECT: PERMITTED IN WRONG BASIN

While completing the field report on this water right, I discovered that the wells are actually in Basin 63. The older mapping techniques used when the permit was issued would have shown that the wells were very close to the Basin 65 – Basin 63 line. However, it would have been difficult to determine from those maps the exact location of the Basin Border. My field exam revealed that the wells are between 300 and 500 feet south of the border line placing them in Basin 63. Therefore, the water right number should be changed to a basin 63 prefix.

This brings forth the question on whether we can allow this permit to be licensed, since it is currently in a closed basin. Several water rights have been issued in this area with the premise that the ground water is tributary to the Snake River and not the Boise River at this location. Water rights 63-12313, 63-12319, 63-31177, 63-31178, 63-31262, 63-31375, and 63-31958 all provided information that ground water in this area is tributary to the Snake River and not the Boise River. The most prevalent is the study supplied by Christian R Petrich for water right 63-31958. The study Mr. Petrich supplied shows that the water associated with that water right is clearly tributary to the Snake River. *COPY OF STUDY ATTACHED
DAN 1-19-05*

Water right 63-31261 questioned whether the same boundary can be used for surface water and groundwater. A study was supplied by Terry Scanlan revealed that we cannot assume the same boundary for both types of water sources. Shane Bendixon reviewed this study and agreed with Mr. Scanlan's findings.

With the error in locating this permit in the correct basin during the processing of this application and again during the processing of an amendment to the permit, I suggest that we change the water right number to a basin 63 prefix and continue with licensing this permit. There is sufficient evidence already in our records showing this water use is either tributary to the Snake River or the Payette River. A second application will be required for this subdivision. I suggest that they should supply a study to show that their wells are actually tributary to the Snake River as suggested in other water right reports.

65-13804

**SPF**

Water Engineering, LLC
water resource consultants

August 10, 2004

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

AUG 12 2004

WATER RESOURCES
WESTERN REGION

Subject: Application for Permit – Polly Hyde, Parma, Idaho

Dear Dan,

Polly Hyde has submitted an Application for Permit to your office (received on 5/27/2004) to divert ground water for irrigation and stockwater. It is our understanding that this application has been placed on an administrative hold along with other applications in Basin 63. The purpose of this letter is to request an exemption from the administrative hold on processing new applications for water rights permits in Basin 63.

The Hyde property is located in the SW ¼, SW ¼ of Section 12 in Township 6N, Range 5W (Figure 1). The Application for Permit requests 0.20 cfs for irrigation of 10 acres, and 0.02 cfs for stockwater. The water would be withdrawn through an existing well, with the option of withdrawing water from a second well if needed.

It is our understanding that the purpose of the administrative hold on processing new permit applications in Basin 63 has been to allow completion of the Treasure Valley Hydrologic Project (TVHP) and to incorporate results of the project into water management in the Lower Boise River Basin. However, the Hyde property is in the USGS Middle Snake-Payette hydrologic unit (Figure 2). This area was not included in the TVHP because surface water from this hydrologic unit is directly tributary to the Snake River.

Ground water levels in the Middle Snake-Payette hydrologic unit were not measured as part of the TVHP. The last mass measurement that included the Middle Snake-Payette hydrologic unit (which includes the Hyde property area) was conducted by the USGS in 1980. Potentiometric surface contours based on this mass measurement (courtesy of S. Bendixsen, IDWR) are shown in Figure 1. These contours indicate that the ground water flow direction in the vicinity of the Hyde property is toward the Snake River (not the Boise River).

Water level data are maintained by IDWR in the Well_Log database. The database does not contain multiple water level readings from wells in the immediate vicinity of the Hyde property. The database does contain multiple water level measurements from several wells south of the Hyde property (data courtesy of Shane Bendixsen, IDWR). The locations of these wells are shown in Figure 1. Hydrographs from these wells are shown in Figure 2. These hydrographs reflect relatively stable water levels.

On behalf Polly Hyde I would like to respectfully request processing of this Application for Permit. Ground and surface water in the vicinity of the Hyde property is not tributary to the lower Boise River and therefore should not be restricted by the

63-13804

administrative hold on new applications in the lower Boise River Basin. Ground water levels in this area appear to be stable.

Please call me if you have any questions regarding this application, or would like additional information. In advance, thank you for your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian R. Petrich". The signature is fluid and cursive, with a long horizontal line extending to the right.

Christian R. Petrich, Ph.D., P.E.
Principal Engineer/Hydrologist

Enclosure

65-13804

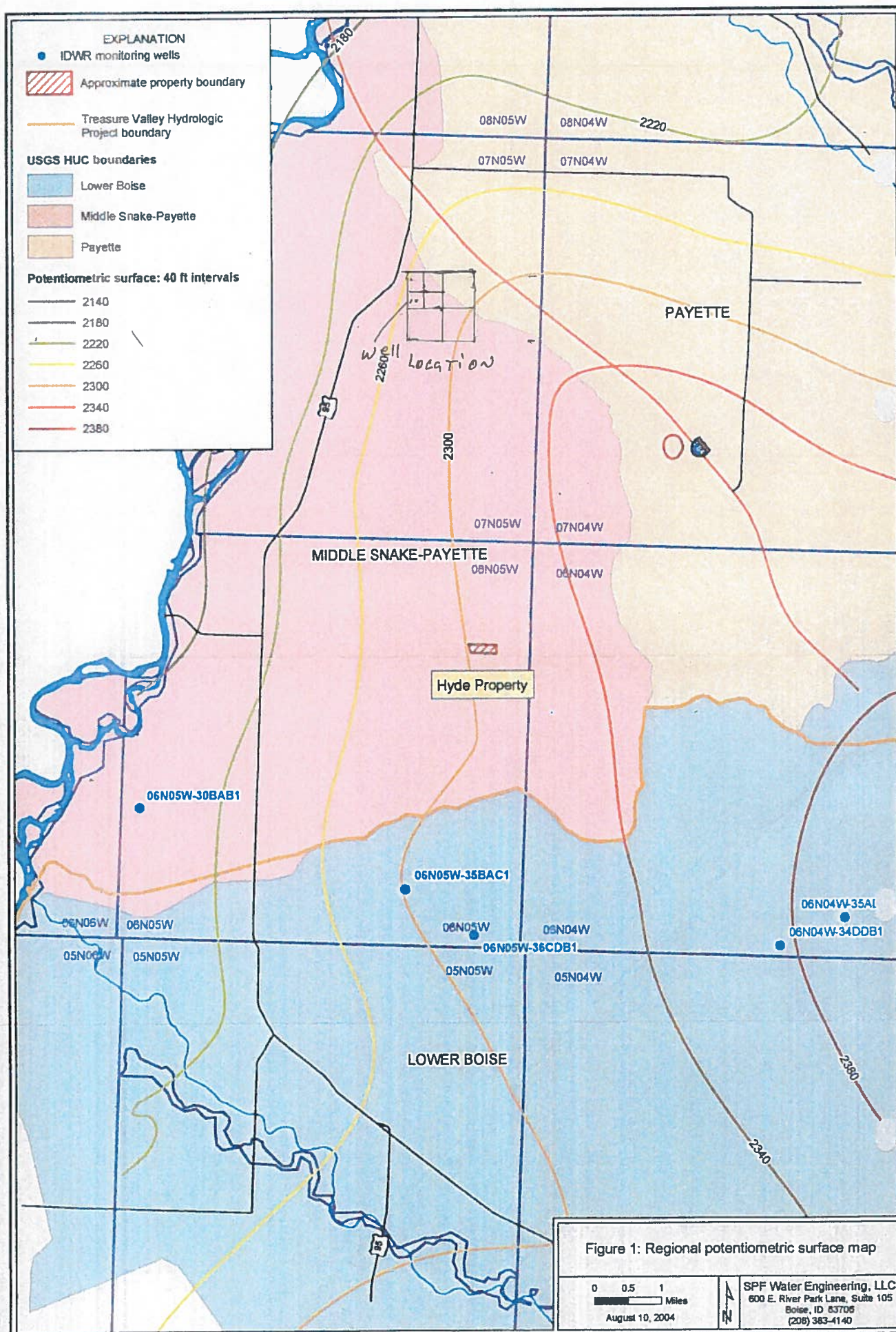
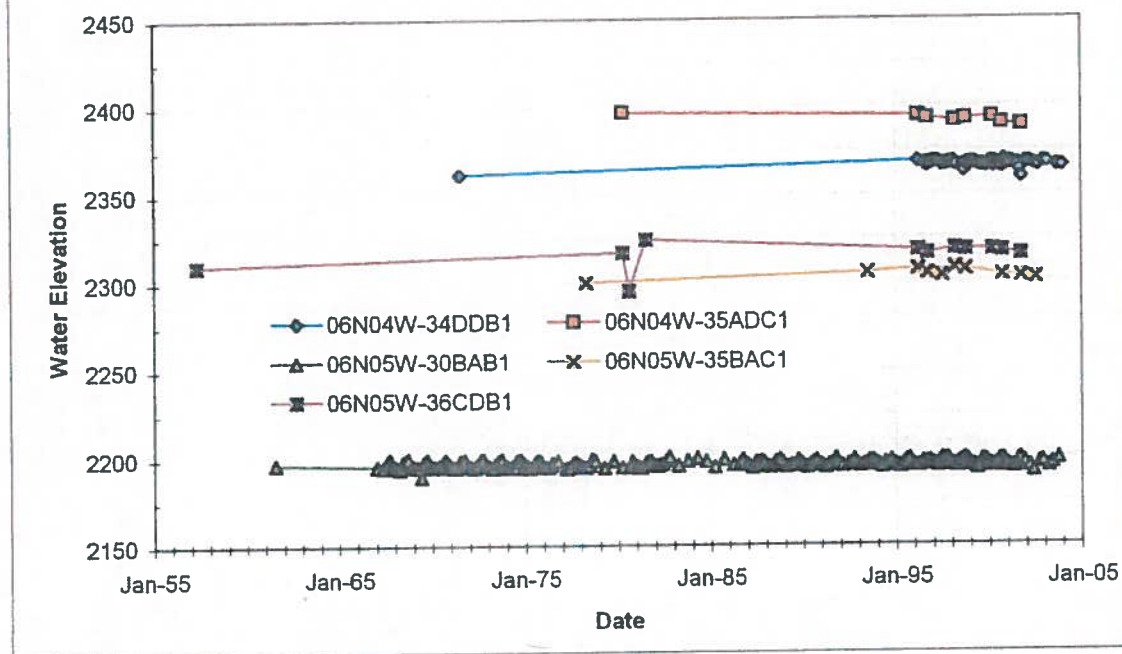


Figure 2: Hydrographs from Selected Wells in Vicinity of Hyde Property



JAN 21 2005

Permit No: 65-13804

DEPARTMENT OF
WATER RESOURCES

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT**A. GENERAL INFORMATION**

Permit No: 65-13804

Exam Date: 12/30/2004

1. Current Owner: IDAHO WEST ESTATES HOMEOWNERS ASSN
5182 CALEB CT
FRUITLAND ID 83619
(208)452-7801

2. Accompanied by: Rick Farmer

Phone No: (208) 941-1095Address: 5016 Sarah Court, Fruitland, ID 83619Relationship to Permit Holder: Association Watermaster3. **SOURCE****TRIBUTARY**

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NO DIRECT OVERLAP, PROPERTY WITHIN BLACK CANYON IRRIGATION DISTRICT BORDERS, BUT THE HOMEOWNERS HAVE NO ACCESS TO THE CANAL WATER.

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	SW1/4SW1/4	Sec. 14, Twp 07N, Rge 05W, B.M.
PAYETTE County		
GROUND WATER	SW1/4SW1/4	Sec. 14, Twp 07N, Rge 05W, B.M.
PAYETTE County		

Method of Determination:

2.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	14																	19.0
																			19.0

Total Acres: 19

DOMESTIC same as IRRIGATION

65-13805

Method of Determination:

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

YES Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL # 1 EAST WELL BACKUP WELL	GRUNDFOS	7.5 Hp	11393625	GRUNFOS	40S75-25
WELL # 2 WEST WELL MAIN WELL	GOULDS	25 Hp	5TLC	GOULDS	5TLCX

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements:

No measurement was taken during the field exam. The well is setup with a variable speed pump. Therefore, the entire subdivision would need to be diverting water at the same time to attain maximum capacity. There were only 3- 50 gallon pressure tanks, so there was enough storage capacity to attain the time needed to perform an adequate measurement. Pump curves and theoretical calculations were used, along with data from the original pump testing done on the wells.

65-13805

E. FLOW CALCULATIONSYES Additional Computation Sheets Attached

Measured Method:

WELL #1(BACKUP WELL – EAST WELL)

WELL #2 (MAIN WELL – WEST WELL)

THEROETICAL → 0.13 CFS

THEORETICAL → 0.54 CFS

PUMP CURVE → 0.12 CFS

PUMP CURVE → 0. 48 CFS

PUMP TEST → 0.09CFS

PUMP TEST → N/A (30 Hp PUMP USED)

PUMP CAPACITY → 0.09 CFS

PUMP CAPACITY → 0.48 CFS

The total capacity of the system should be limited to 0.57 cfs (0.09 + 0.48 = 0.57). The pump test on well #2 can't be considered, since a 30Hp pump was used for the test instead of the 25Hp pump currently in the well.

PUMP CAPACTIY → 0.57 CFS

PERMIT ALLOWS → 0.22 CFS DOMESTIC + 0.44 CFS IRRIGATION = 0.44 CFS

MAXIMUM ALLOWABLE → 0.22 CFS DOMESTIC + (19 ACRES X 0.02 CFS/AC X 19 ACRES = 0.38 CFS) = 0.38 CFS

This license should be limited by the maximum allowable diversion rate of 0.38 cfs. The system can produce more than is allowable, but a second permit will be needed to cover proposed new irrigation.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 19 \times 4.5 = 85.5 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.09 \times 260 \times 1.9835 = 196.0 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 85.5 \text{ afa}$$

2. Volume Calculations for Other Uses:

22 homes X 0.6 afa = 13.2 afa for domestic use.

G. NARRATIVE/REMARKS/COMMENTS

The water for this permit is diverted from 2 wells. Only one well was listed on the permit, but the remarks describe a second well. Therefore, no licensing amendment should be necessary to add the second well. Well #1 is a backup well and is rarely used except during extreme conditions. Well #2 is the main well and provides most of the water needed for the system. The wells are diverted to a main pump house and are distributed from that point to the subdivision.

The subdivision is comprised of 22 lots, which have all been stubbed into the main water system. 20 of those lots have already been developed, but there are currently no homes on 2 of the lots. The proof of beneficial use form states that there are only 19 homes, which was correct at the time proof was filed. However, one of the lots has just recently been developed, and the other two lots have been purchased. Development of the remaining two lots should happen within the next year or two.

The irrigation for the subdivision comes from the main system, and is currently irrigating 19 acres. There is the potential to irrigate another 10.7 acres, but no irrigation had occurred at the time of the field exam. The remaining 10.7 acres are additional lawns and pastures. The pastures were planted, but the irrigation system was not on the ground at the time of the exams. There were 3 lots that had not been irrigated and including the newly developed lot. I allowed ½ acre of irrigation for each of these three lots, which I included in the 19 acres of allowable irrigation. Allowing an ½ acre of irrigation per undeveloped lot stubbed into a subdivision water system is the standard amount allowed for subdivision by the department. The three lots have the potential for irrigating more than the standard ½ acre, so they will be included in the second permit application.

There are no directly overlapping water rights on this piece of property. The property does lie within the boundaries of the Black Canyon Irrigation District, but the owner stated that these rights were sold back to the company prior to attaining he needed permits. Therefore, this right should be treated as a primary water right.

There is currently a flow meter on the system, but it is not working properly and does not show accurate flow rates. I informed the homeowners representative this and informed him it should be fixed. The flow meter was not a requirement of the permit, so all of the conditions of the permit have been met.

PLEASE SEE ATTACHED MEMO CONCERNING LOCATION OF WELL IS RESPECT TO THE BASIN. THIS RIGHT SHOULD BE RENUMBERED WITH A BASIN 63 PREFIX.

Have conditions of permit approval been met? X Yes ____ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.380 CFS	85.50 AF
DOMESTIC	01/01 to 12/31	0.220 CFS	13.20 AF
<u>Totals:</u>		0.380 CFS	98.70 AF

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

DANIEL A. NELSON – SENIOR AGENT

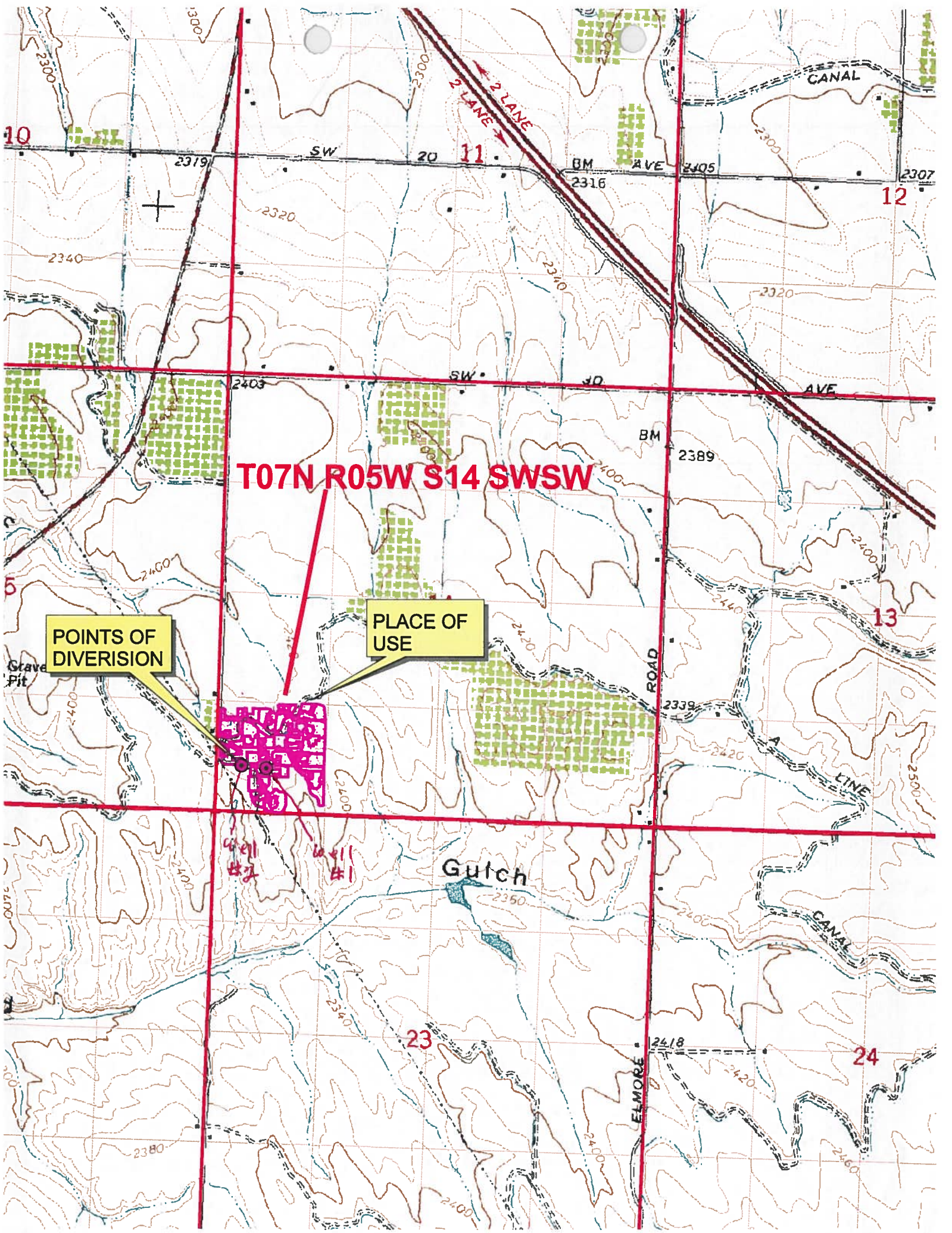
Field Examiner's Name

Daniel A. Nelson Date 1-19-05

Reviewer

Date

SEAL



10

20

11

12

13

23

24

T07N R05W S14 SWSW

POINTS OF
DIVERSION

PLACE OF
USE

Gulch

CANAL

CANAL

CANAL

CANAL

SW

SW

BM

ROAD

ELMORE

Grave Pit

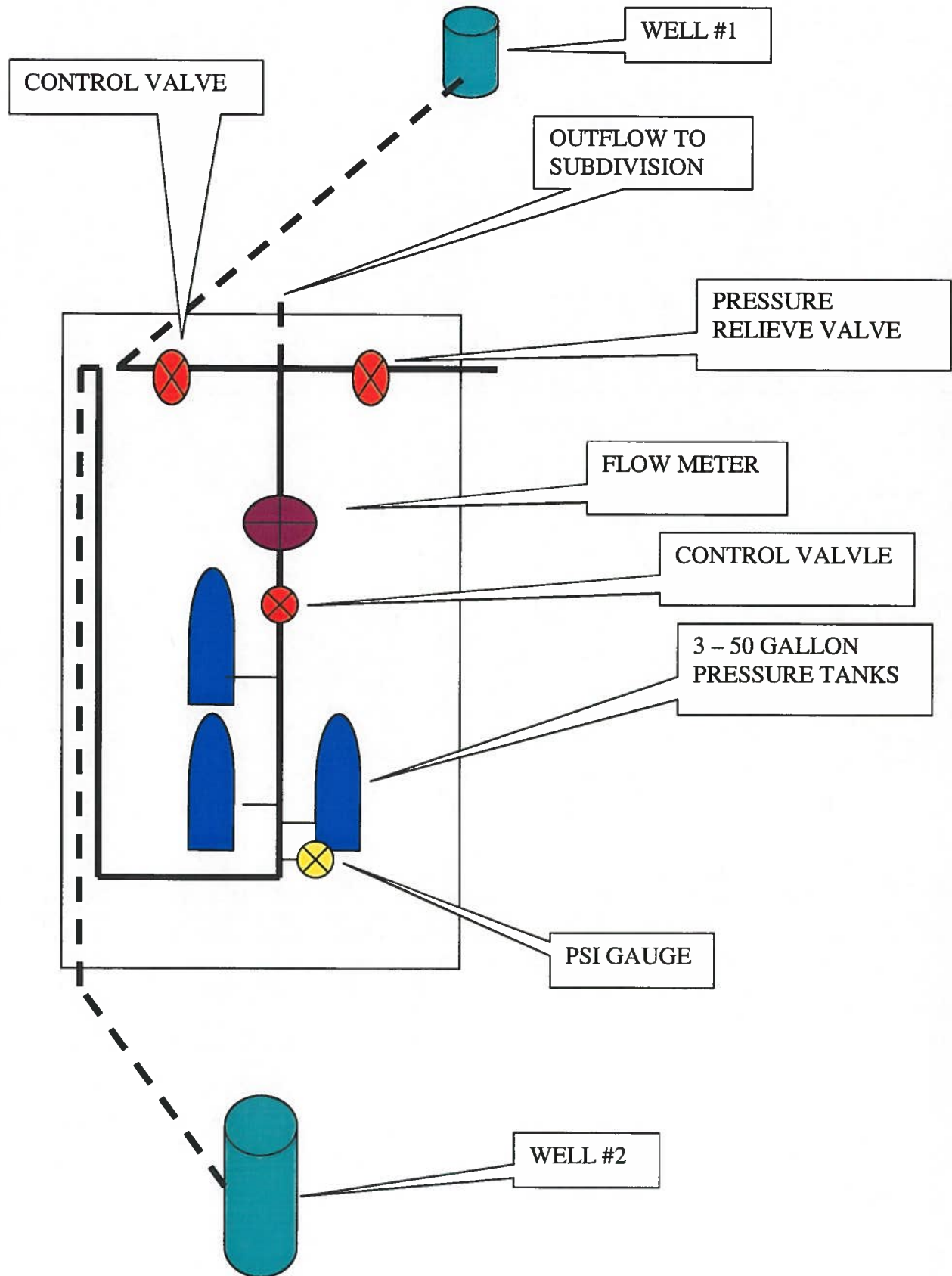
0076

0076

0076

0076

SYSTEM DIAGRAM





LOT ISN'T
DEVELOPED
ALLOWED 1/2 ACRE

19 ACRES IN
T7N R5W S14 SWNW

LOT ISN'T
DEVELOPED
ALLOWD 1/2 ACRE

LOT ISN'T DEVELOPED
ALLOWED 1/2 ACRE

GROUNDWATER THEORETICAL ANNALYSIS

Well #1

FILE: 65-13804

East well
(Backup well)

DATE: 12-30-04

BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$(8.8) \times (7.5) \times (0.70) = 46.2$$

$$Q = \frac{46.2}{[(220) + (56 \times 2.31)]} = \frac{46.2}{349.36} = 0.13 \text{ CFS}$$

59 gpm

LIFT FROM:

Measurement ()

Owner (✓)

Area estimate ()

Well Logs ()

Booster (Y) (N)

PSI FROM:

Measurement ()

Owner (✓)

Estimate ()

Owner Gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: I received the results of
the original test pump of the well
from Terry Scanlon. The results
of the test pump were that well
produced 42 gpm @ 56 psi with 220 ft
of lift. The pump curve for the
well showed a capacity of 55 gpm @ 56 psi
and 220 ft. of lift. The measured amount
of 42 gpm is the most accurate and should
be used. Therefore, this pump should have
a recommended diversion rate of 0.09 CFS.

SCANLAN ENGINEERING*Groundwater and Environmental Engineering*

October 15, 1999

Kelly Rhinehart
P.O. Box 216
Fruitland, ID 83619-0216

Subject: Pumping Test of Idaho West Estates Well No. 1

Dear Kelly:

At your request, Scanlan Engineering performed a pumping test of Idaho Estates Well No. 1 on October 12, 1999. The test was conducted to determine the yield of the well and the capacity of the installed well pump. This information is necessary for determining the minimum required capacity for proposed Well No. 2.

Testing indicates that the well and pump system should be capable of producing a sustained yield (peak day) of 35 gpm at a discharge pressure of approximately 60 psi. The testing suggests that the well and pump are capable of producing a peak hour supply (under peak day pumping conditions) of 40 gpm with an approximate discharge pressure of 50 psi. Pumping levels at 35 to 40 gpm will likely range from approximately 350 to 400 feet. Test details follow.

Test Procedure

Testing consisted of pumping the well at various rates ranging from 18 gpm to 55 gpm. Total test time was slightly more than 6 hours. The installed 7.5 hp submersible pump (Grundfos 40S75-25) was used for test pumping. The pump is reportedly set at 427 feet. Temporary 2-inch discharge pipe was attached to the discharge from the pitless adapter on the well casing for test purposes. The temporary pipe was equipped with a gate valve for throttling and pressure gage for determining discharge pressure.

Pumping rates were determined by timing with a stopwatch the filling rate of a 5-gallon bucket. Water levels were measured using an electric-line well probe. Static water level at the beginning of the test was 160.54 feet. Water-level measuring point was the top of the well casing.

Water was clear and sand free, with a very slight effervescence, throughout the test period. Water temperature is approximately 71 degrees F. The water has a specific conductance of approximately 160 uS, a noticeable hydrogen sulfide odor.

The well was initially pumped at 18 gpm (238-foot pumping water level) for approximately one hour, followed by pumping at 30 gpm (300-foot pumping water level) for one hour. The pumping rate was then stepped up to 45 gpm. During this step, the well sounder probe became stuck at approximately 387 feet. The well was surged by pumping at rates of up to 55 gpm for a few minutes in an attempt to free the sounder. When this failed, the discharge rate was adjusted to

Kelly Rhinehart

-2-

October 15, 1999

maintain a pumping water level of 387 feet. The discharge rate at this pumping level was approximately 45 gpm. After two hours, the sounder vibrated free and was raised to between 380 and 385 feet. The well was pumped at this level for the next two hours. For the final hour of the test, pumping water level was relatively stable at 380 feet. Discharge pressure was 56 psi and discharge rate was 41 gpm.

Discussion

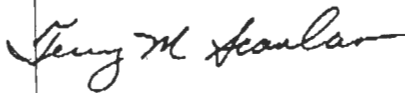
The response of the well to test pumping suggests that the well is inefficient. Specific capacity is approximately 0.2 gpm/ft. Such low specific capacity would normally suggest low aquifer transmissivity. However, the tendency of the pumping water level to stabilize, and the geology of the sediments penetrated by the well, would indicate much higher transmissivity. Therefore, I suspect that flow of water from the aquifer into the well is restricted.

Testing suggests that the installed pump is properly sized for this well. The pump will produce the maximum sustainable well yield of 35 to 40 gpm at discharge pressures in the 40 to 60 psi range. This pump is not capable of lowering the water level in the well to the pump intake at normal discharge pressures. Therefore, potential over-pumping problems have been avoided by matching pump characteristics with well performance. A larger pump (i.e., 10 hp) would be capable producing more water, but could readily draw the water level down to the pump intake (resulting in cavitation) during high demand periods.

Water quality from the well appears to be good (based on conductivity) with low levels of dissolved ions. A field test kit suggests that iron levels are low. However, the presence of hydrogen sulfide odor may be unpleasant for some users. Hydrogen sulfide is sometimes found in deeper aquifer where water is relatively anaerobic. This suggests that the proposed Well No. 2 should target shallower aquifers that are less likely to have hydrogen sulfide.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Enclosures

Cc: Bill Freeman - IDEQ

Idaho West Estates Well No. 1
10/12/99 Pumping Test

7.5 hp submersible pump set at 427 feet

Measuring point is top of well casing

Flow Measurement with 5-gallon bucket and stopwatch

Time	Elapsed Time (minutes)	Depth to Water (feet)	Drawdown (feet)	Seconds per 5 gal	Pumping Rate (gpm)	Discharge Pressure (psi)	Specific Capacity (gpm/ft)	Remarks
14:03	0	160.54						Static
14:04	0	160.54						Static
14:05	0							Start Pump
14:07	2			6.7	45	88		
14:09	4			6.8	44	100		decrease rate
14:10	5	>260		17.0	18			decrease rate
14:11	6							clear, no sand
14:16	11			16.5	18	>160		
14:22	17	242.20	81.66	16.0	19		0.23	210 psi by pump curve
14:28	23	240.10	79.56	16.5	18		0.23	
14:33	28	238.84	78.30				0.00	
14:38	31	238.31	77.77	16.5	18		0.23	increase rate
14:45	40	238.25	77.71	16.5	18		0.23	
14:46	41							<0.1 ppm Fe, T=22.1 C, SC=161 uS
14:54	49	238.43	77.89	16.5	18		0.23	
15:01	56	238.62	78.08	16.2	19		0.24	clear, no sand
15:19	74	239.35	78.81	16.6	18		0.23	
15:20	75							increase rate
15:26	81	282.17	121.63	9.8	31	131	0.25	
15:30	85	284.10	123.56	9.7	31	125	0.25	
15:48	103	299.01	138.47	10.4	29	122	0.21	
16:02	117	299.84	139.30	10.0	30	122	0.22	
16:21	136	300.35	139.81	9.7	31	122	0.22	
16:22	137							increase rate
16:29	144	344.20	183.66	6.5	46	59	0.25	increase rate
16:48	163			6.6	45	54		can't get sounder down
16:50	165					0		sounder stuck at 387 feet
16:54	169							open discharge
16:57	172	387	226.46	5.5	55		0.24	sounder stuck at 387 feet
17:03	178							reduce flow to maintain 387' pwl
17:10	185	387	226.46	6.2	48	48	0.21	sounder stuck at 387 feet
17:15	190	387	226.46			48		sounder stuck at 387 feet
17:26	201	387+/-				50		adjust
17:27	202	387+/-				49		adjust
17:36	211	<387		6.9	43	50		sounder stuck at 387 feet
17:37	212					49		adjust
17:43	218	<387						adjust
17:46	221	>387						adjust
17:55	230	<387				49		adjust
18:10	245	<387		6.7	45	48		T=22.0 C, SC=163 uS, EC=154 uS
18:12	247	>387				48		sounder stuck at 387 feet
18:30	265	>387				50		sounder stuck at 387 feet
18:32	267							sounder free
18:33	268							set sounder at 385 feet
18:34	269					52		adjusting flow
18:38	273					56		adjusting flow
18:40	275	384.50	223.96	7.3	41	56	0.18	
19:00	295	380.53	219.99	7.2	42	57	0.19	Standard Pumping Rate
19:20	315	380.50	219.96	7.5	40	56	0.18	FOR SYSTEM.
19:45	340	380.77	220.23	7.1	42	56	0.18	
20:09	364	380.63	220.09			56		
20:10	365							and test; begin removing sounder
20:11	366							generator off - out of gas

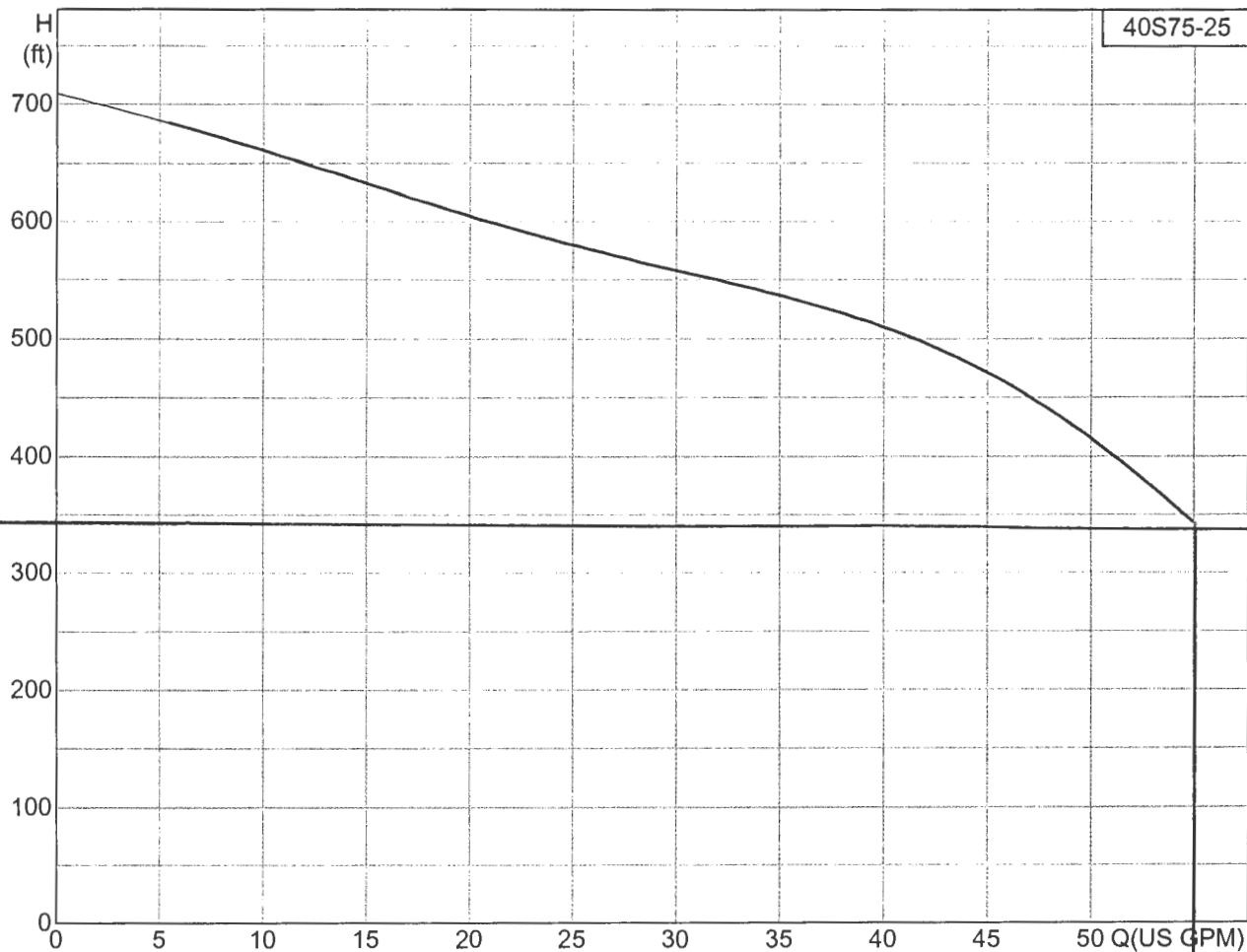
Problem
with
meas.
device
not
consider
OAN
1-14-01

GRUNDFOS®



Company name: -
Created by: -
Phone: -
Fax: -
Date: -

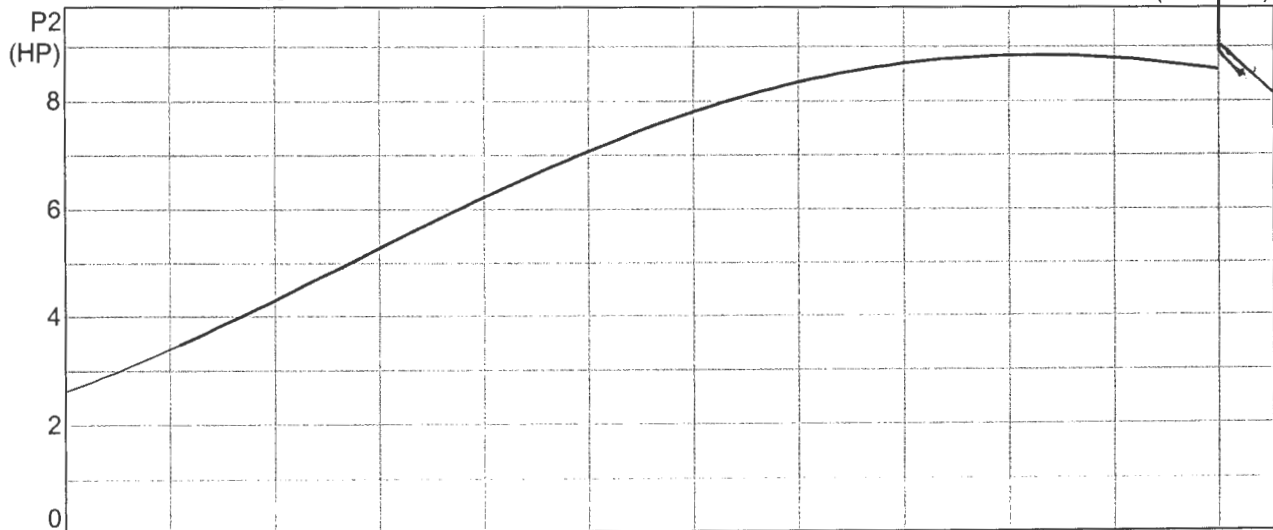
11393625 40S75-25



349

FT.
TDH

220 FT.
LIFT
+
57 PSI



GROUNDWATER THEORETICAL ANNALYSIS

Well # 2
west well
(main well)

FILE: 63-13804

DATE: 12-30-04

BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to puijing water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$Q = \frac{(8.8) \times (25 \text{ Hpi}) \times (0.70) = 154}{[(193 \text{ FT}) + (40 \text{ psi}) \times 2.31] = 285.4} = \frac{0.54 \text{ cfs}}{242 \text{ gpm.}}$$

LIFT FROM:

Measurement ()

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: I Recieved The Results of the Initial Pump Test on this well from Terry Scanlan. Unfortunately, The pump test was done with a 30HP pump and not the 25 HP pump now in the well. MR. Scanlan Rated the 25HP pump at 215gpm, which matches the pump curve. Therefore my Recommendation from this pump will be 215gpm or 0.48cfs

INTRODUCTION

This report provides a summary of permitting, construction, and testing of Idaho West Estates Well No. 2. The well and pump system was constructed in accordance with DEQ approved plans and specifications.

Idaho West Estates is located approximately 5 miles south of Fruitland on Speas Road (Figure 1). The subdivision has 23 lots which will require both domestic and irrigation water supply from a public water system. The engineering report for the water system (Liimakka, 10/7/98) lists a calculated peak day flow of 84 gpm and a peak hour flow of 165 gpm. An existing well at the site (Idaho West Estates Well No. 1) was deepened in 1999 for use in the water system and subsequently equipped with a 7.5 hp pump. Testing of the well and pump system demonstrated that Well No. 1 can produce approximately 40 gpm at 50 to 60 psi discharge pressure. Therefore, an additional well was needed to supplement Well No. 1 in order to meet peak day and peak hour demands. Well No. 2 was constructed in November of 1999 and equipped in the spring of 2000 to supply these demands.

Please note that this well completion report is only for Well No. 2 and the Well No. 2 pump. Scanlan Engineering's responsibility with respect to the Idaho West Estates water system ends at the point of connection of Well No. 2 to the water system. This point of connection is a 4-inch pipe stub located a few feet west of the pump house building. It is our understanding that Mike Liimakka and Bruce Todd (Edwards and Cummings LLC) are the engineers of record for the remainder of the water system. They have responsibility for the water system design, construction, as-built plans, and construction certification (except for Well No. 2 and the Well No. 2 pump). Scanlan Engineering is responsible to ensure that Well No. 2 is compatible with the as-built water system.

Well and pump system design was conducted in October 1999. DEQ approval of the plans and specifications was provided by letter dated November 1, 1999 (Appendix A).

WELL DRILLING AND CONSTRUCTION

Well No. 2 is located approximately 75 feet southwest of the pump house (Figure 2). Stevens and Sons Well Drilling was the drilling contractor. The well is constructed with 8-inch diameter casing, 6-inch and 8-inch diameter well screens, and is completed to a total depth of 350 feet. Static water level at the time of testing was 118 feet below ground surface. Groundwater is found within permeable sand layers interbedded within non water-bearing clay and shale deposits. The well taps sand layers located between 215 and 350 feet. Estimated maximum well yield, based on test pumping results, is 350 gpm.

Drilling was initiated on November 3, 1999 and was completed on November 26, 1999. Figure 3 is an as-built diagram of the well. A pumping test report, Well Drillers Report, and geophysical logs are provided as Appendix B. The work consisted of the following steps.

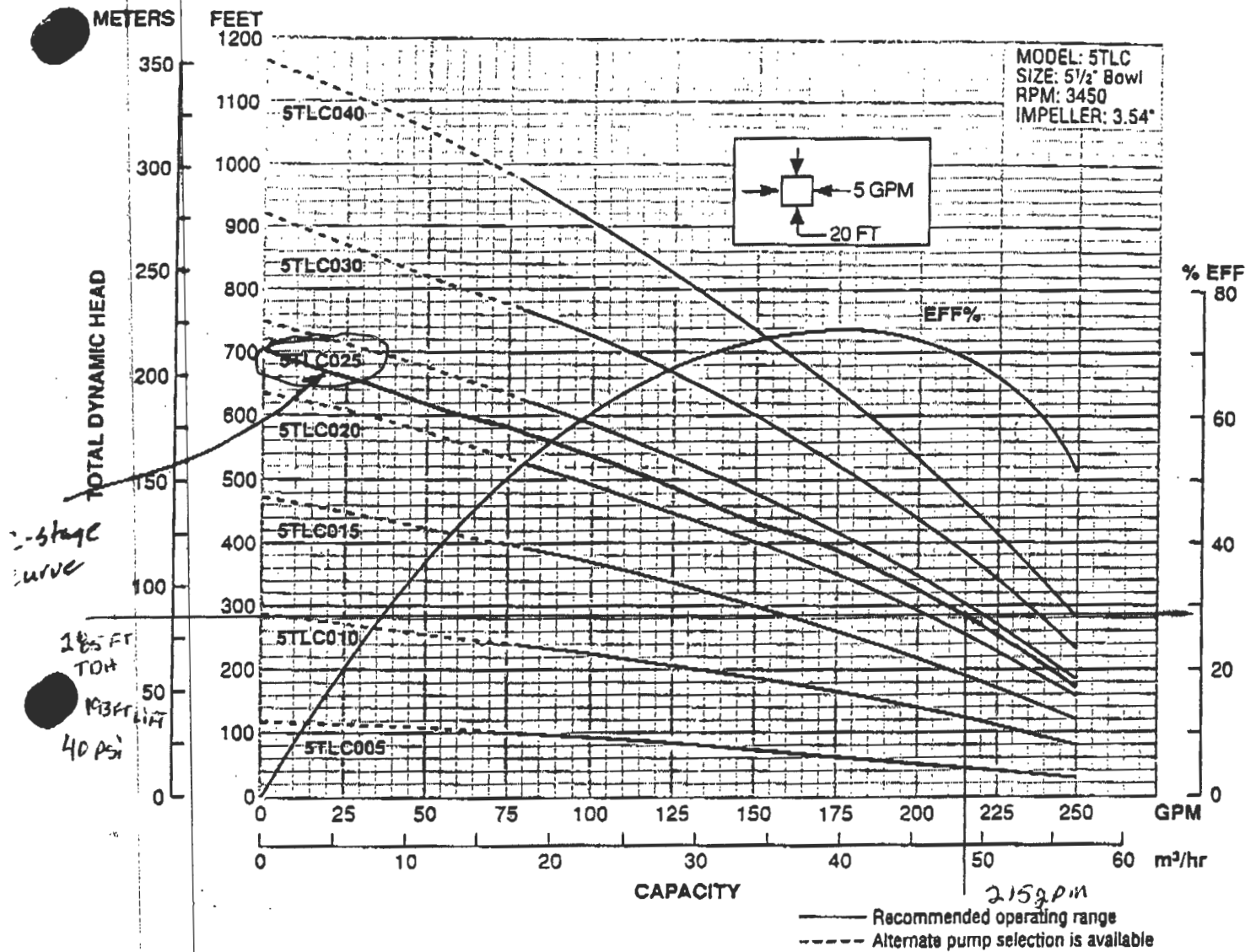
1. Drill an 8-inch borehole to a total depth of 400 feet
2. Geophysical logging (electric and natural gamma)
3. Ream borehole to 12.75-inch diameter to 350 feet
4. Install 252 feet of 8-inch casing (0.322-inch wall), 15 feet of 8-inch stainless steel screen (0.020-inch slot size), 45 feet of 6-inch stainless steel screen (0.020-inch slot size), and 40 feet of 6-inch casing (0.280-inch wall).
5. Install 10-20 Colorado Silica Sand filter pack from 200 to 350 feet.
6. Install bentonite grout seal (2500 lbs dry weight) from 200 feet to surface.
7. Develop well with test pump.
8. Test well with a 30-hp submersible test pump. Testing consisted of a 2-hour step-rate test at discharge rates ranging from 100 gpm to 325 gpm, and a 6-hour constant-rate test at an average discharge rate of approximately 290 gpm. Pumping water level at the end of the 6-hour test was 193 feet below top of casing (73 feet of drawdown).
9. Collect water samples for laboratory analysis.
10. Install pitless unit, submersible pump, and piping to well house.
11. Disinfect well with chlorine.
12. Flush well and piping and collect water sample for bacteria testing.
13. Conduct final test of well pump.

The permanent pump was installed in April 2000. Final testing and start-up occurred on May 25. The well pump is 25-hp 12-stage Goulds 5TLC rated to supply 25 to 190 gpm at 65 psi (variable speed) and 215 gpm at 40 psi. A variable speed drive is used to control the pump based on system pressure. The set-point pressure is adjustable and has been initially set at 60 psi. The pump is set on approximately 245 feet of 4-inch column pipe. A pump performance curve is provided as Appendix C.

WATER QUALITY

Water quality from the well is generally good. The sample collected during test pumping contained no detectable nitrate. Manganese concentration (0.14 mg/L) exceeds the secondary maximum contaminant level of 0.05 mg/L. Iron concentration is very low (0.02 mg/L). The water had a very slight hydrogen sulfide odor. The water is moderately aggressive (-1.28 Langlier Index) and soft (73.2 mg/L hardness as CaCO₃). Field pH was 6.7, temperature was 66 degrees F, and specific conductance was 208 uS. Water quality reports are provided as Appendix D.

Model 5TLC 190 GPM



DIMENSIONS AND WEIGHTS

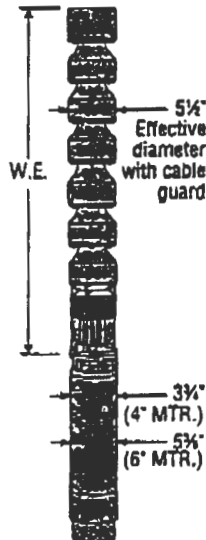
HP	Stages	W.E. Order Number	W.E. Length	W.E. Wt. (lbs.)
5	2	5TLC00544CTB	21 1/8	60
		5TLC00564CTB	23 1/8	82
10	5	5TLC01064CTB	37 3/4	101
15	8	5TLC01564CTB	47 1/2	140
20	11	5TLC02064CTB	61 1/4	179
25	13	5TLC02564CTB	71 3/4	205
30	16	5TLC03064CTB	80 3/4	244
40	20	5TLC04064CTB	109 3/4	296

(All dimensions in inches and weights in lbs. Do not use for construction purposes.)

PLEASE NOTE:

- Order motors separately.
- For intermediate horsepower pumps consult factory.
- Solid line is recommended operating range. The dotted line (---) signifies an alternate pump selection is available.
- Please specify all options changes in W.E. order number.

4" NPT DISCHARGE CONNECTION



MATERIALS OF CONSTRUCTION

Part Name	Material
Shaft	ASTM A582 TYPE 416
Coupling	ASTM A582 S41600 CD
Suction Adapter	ASTM A48 CL 40
Discharge Bowl	ASTM A48 CL 30B
Bronze Bearings	ASTM B584
Discharge Bowl Bearing	ASTM B584
Taperlocks	ASTM A108 GR 1018
Bowl	ASTM A48 CL 30B
Upthrust Collar	ASTM A276 S41400
Impeller	ASTM B584
Fasteners	SAE J429 GR 8
Cable Guard	ASTM A240 S 30400
Suction Strainer	ASTM A240 S 30400

IDAHO DEPARTMENT OF WATER RESOURCES

Well #1
East well

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 65-99-C-0071-100 OTHER APPLICABLE NO: 63-13804
0009788
2. OWNER: Idaho West Estates Homeowners Assn. (208) Phone: 452-7801
Address: 5182 Caleb Ct., FRUITLAND, ID 83619
3. WELL LOCATION: Twp 7N, Rge. 5W, Sec. 14, SW 1/4 SW 1/4
County Payette (Provide sketch map and photo on reverse.)
4. DRILLER: GARY'S Well Drilling Lic. No. 317
When Drilled? 7-8-1999 To 9-20-99
5. WELL CONSTRUCTION:
Casing Diameter 6 inches Water tight cap? ☒ Yes ☐ No Access Port: ☐ Yes ☒ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing UNKNOWN ft. Method Drilled UNKNOWN
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☐ Yes ☒ No
Condition of Piping and Valving GOOD
Auger to a depth of -0- ft. Evidence of Annular Seal ☐ Yes ☒ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water UNKNOWN ft. Water Temperature UNKNOWN °F
Flowing Artesian ☐ Yes ☒ No Pressure: UNKNOWN (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☒ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS: This is a well in a subdivision

~~no photo~~ I couldn't find any problems

Donald A. Nelson Senior Agent
Signature of Dept. Representative & Title

12-30-2004
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

See Field Exam.

IDAHO DEPARTMENT OF WATER RESOURCES

Well #2
Westwell

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 65-99-W-365-000 OTHER APPLICABLE NO: ~~65~~ 65-13804
012476
2. OWNER: Idaho West Estates Home owners Assn. Phone: (208) 452-7801
Address: 518 Caleb Ct, Fruitland, ID 83619
3. WELL LOCATION: Twp 7N, Rge. 5W, Sec. 14, SW 1/4 SW 1/4
County Payette (Provide sketch map and photo on reverse.)
4. DRILLER: STEVENS SONS Lic. No. 153
When Drilled? 11-03-1999 TO 11-26-1999
5. WELL CONSTRUCTION:
Casing Diameter 8 inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing UNKNOWN ft. Method Drilled UNKNOWN
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No NOT WORKING.
Condition of Piping and Valving GOOD
Auger to a depth of ~ 0 ft. Evidence of Annular Seal ☐ Yes ☒ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water UNKNOWN ft. Water Temperature UNKNOWN °F
Flowing Artesian ☐ Yes ☒ No Pressure: UNKNOWN (psi) (Gauge BROKEN)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☒ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☒ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS: The well looks to be in
very good condition

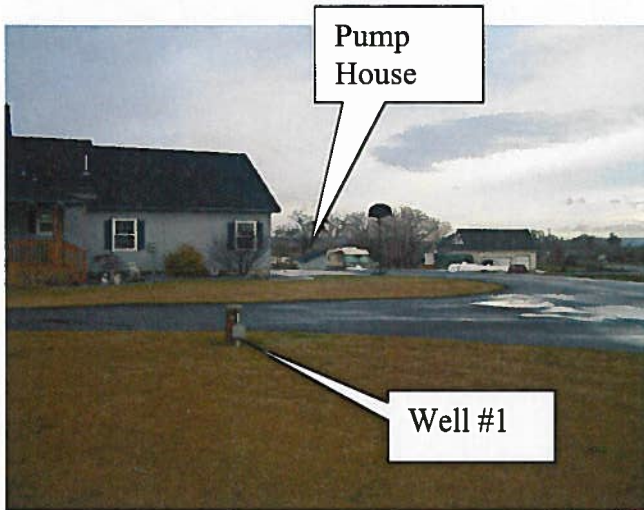
Daniel A. Nelson - Senior Agent
Signature of Dept. Representative & Title

12-30-04
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

see Field Exam.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/30/2004
FILE NUMBER 65-13804



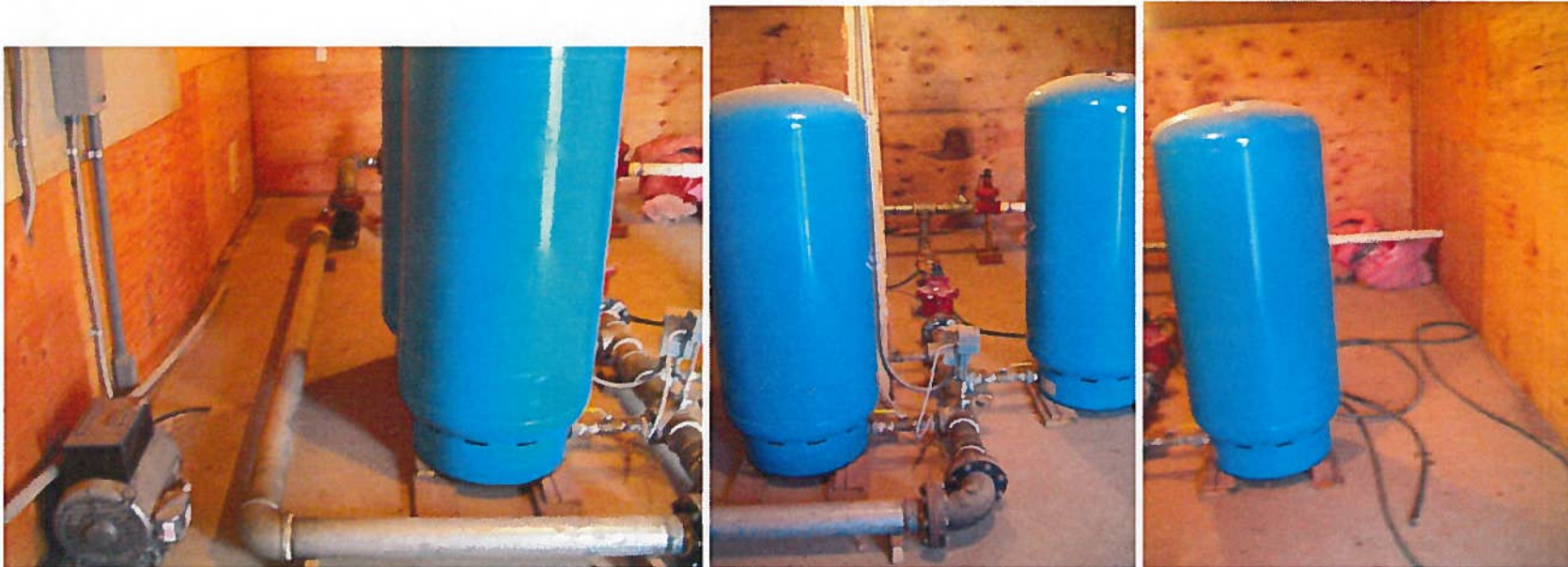
This is a photo of Well #1. This is the 7.5 Hp well that is used for backup purposes. It is diverted to the well house, but is only used for emergencies.



These two photos are of well #2 , the main well. This well has a 25 Hp pump and is also delivered to the pump house shown in the top photo. From the well house the water is distributed to the subdivision.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/30/04

FILE NUMBER 65-13804



These are photos of the inside of the well house. There are three pressure tanks tied into the lines. The 25 Hp pump is a variable speed pump that only diverts what is needed for the system.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 12/30/3004

FILE NUMBER 65-13804



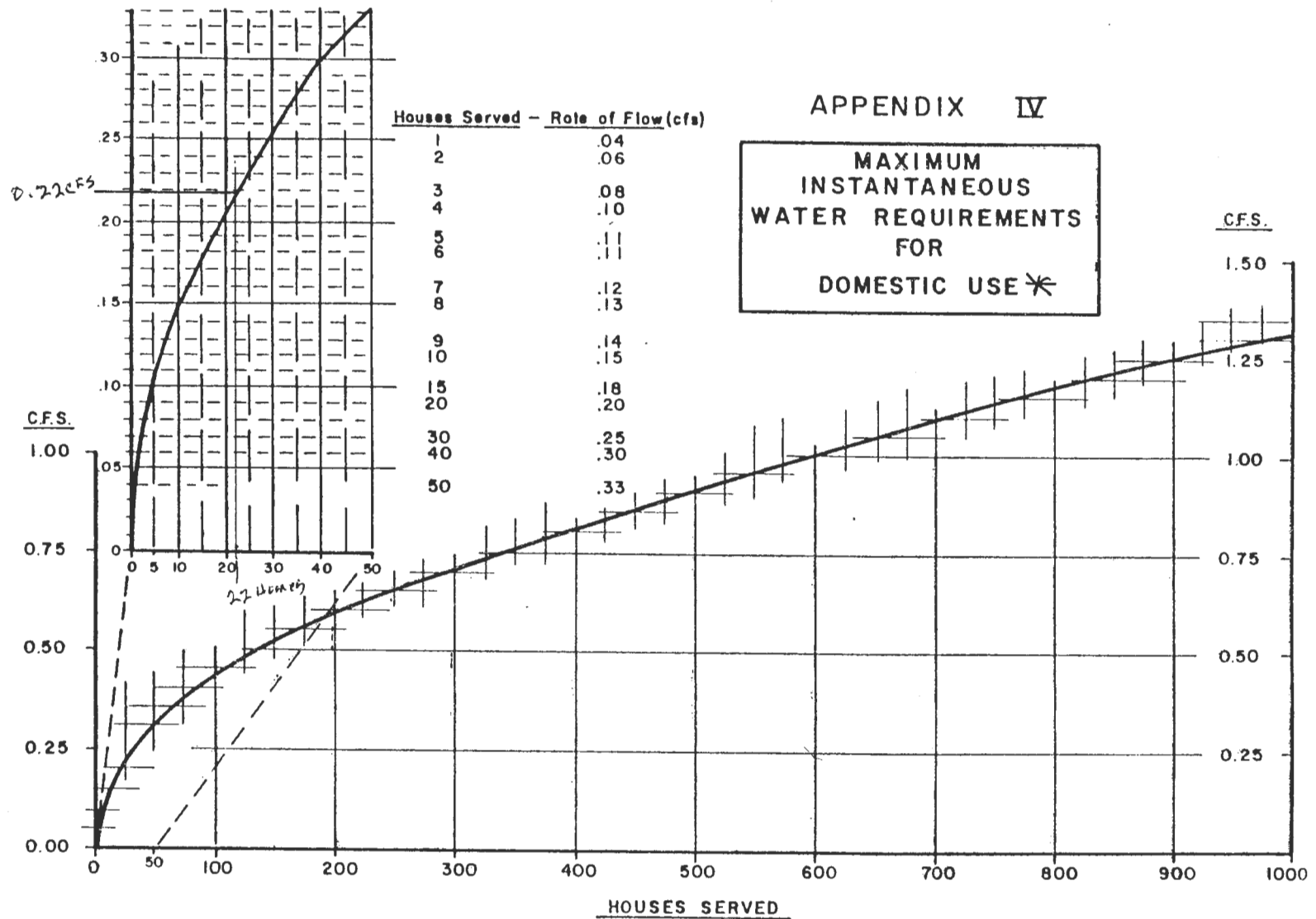
These are photos from the center of the subdivision. I turned in a circle and took pictures in a circle. The houses in the first picture are the same houses as the last picture

FIELD NOTES

PERMIT NUMBER 65-13804

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

June 4, 1980



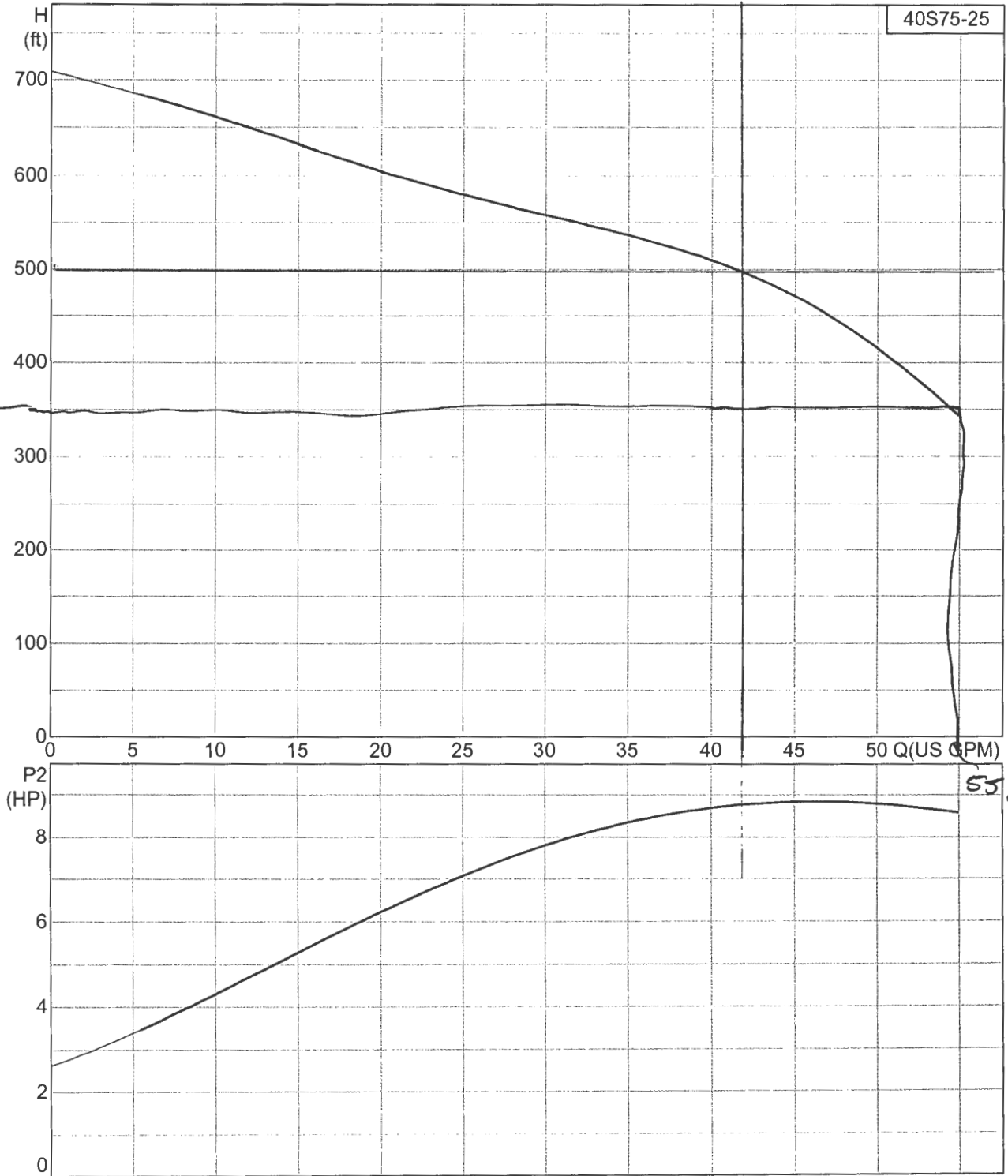
* DOES NOT INCLUDE FLOWS FOR IRRIGATION

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Company name: -
Created by: -
Phone: -
Fax: -
Date: -

11393625 40S75-25



Printed from Grundfos CAPS

GRUNDFOS®

4/5

● Running @ 1.17 % SF.

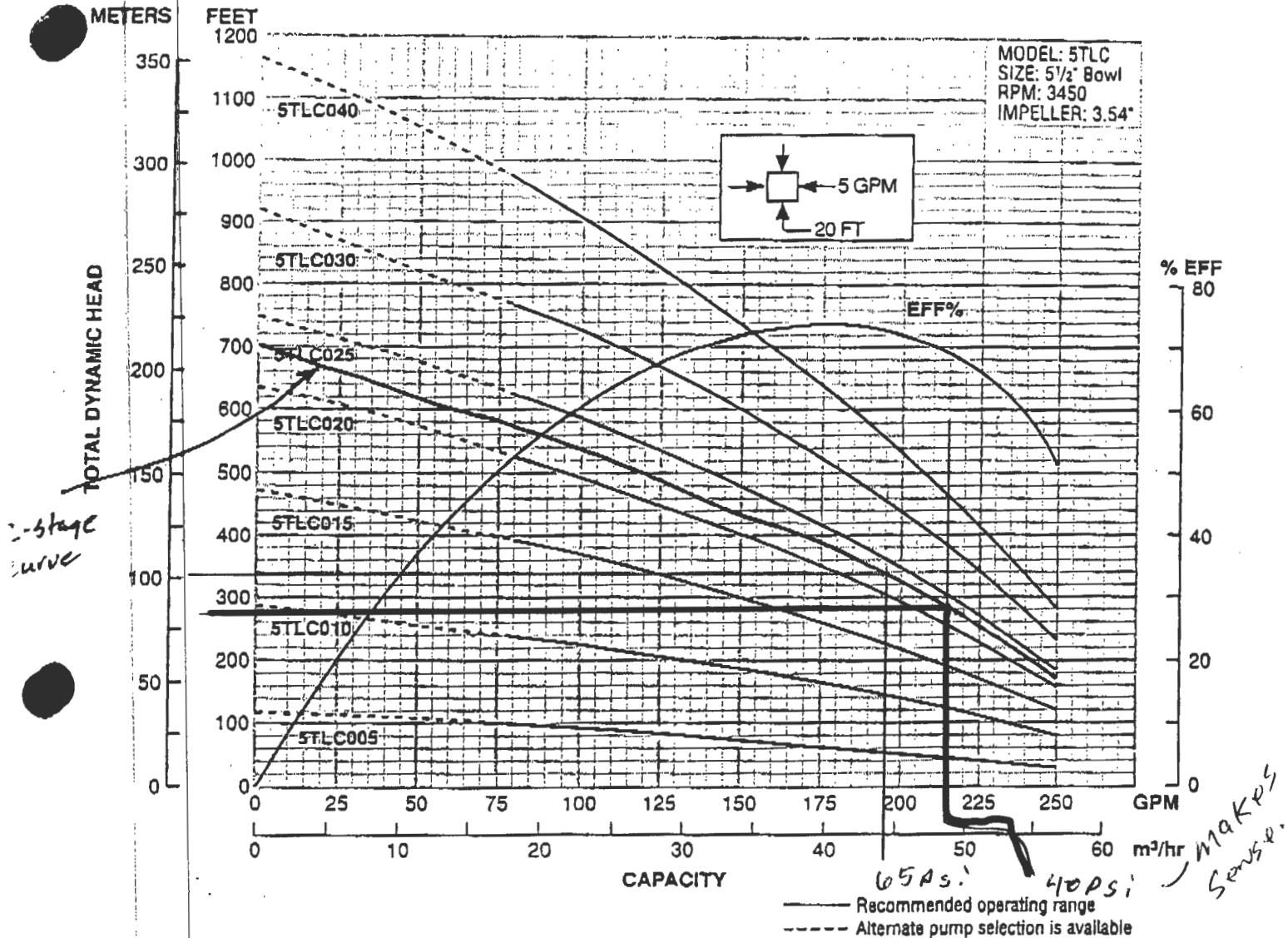
HP 2 ● 8.8 Hp.

7.5

1.5 SF

11.2 HP capability.

Model 5TLC 190 GPM



DIMENSIONS AND WEIGHTS

HP	Stages	W.E. Order Number	W.E. Length	W.E. Wt. (lbs.)
5	2	5TLC00544CTB	21 1/8	60
		5TLC00564CTB	23 1/2	62
10	5	5TLC01064CTB	37 1/4	101
15	8	5TLC01564CTB	47 1/2	140
20	11	5TLC02064CTB	61 1/4	179
25	13	5TLC02564CTB	71 1/2	205
30	16	5TLC03064CTB	80 3/4	244
40	20	5TLC04064CTB	109 1/4	296

(All dimensions in inches and weights in lbs. Do not use for construction purposes.)

PLEASE NOTE:

- Order motors separately.
- For intermediate horsepower pumps consult factory.
- Solid line is recommended operating range. The dotted line (---) signifies an alternate pump selection is available.
- Please specify all options changes in W.E. order number.

4" NPT DISCHARGE CONNECTION



MATERIALS OF CONSTRUCTION

Part Name	Material
Shaft	ASTM A582 TYPE 416
Coupling	ASTM A582 S41600 CD
Suction Adapter	ASTM A48 CL 40
Discharge Bowl	ASTM A48 CL 30B
Bronze Bearings	ASTM B584
Discharge Bowl Bearing	ASTM B584
Taperlocks	ASTM A108 GR 101B
Bowl	ASTM A48 CL 30B
Upthrust Collar	ASTM A276 S41400
Impeller	ASTM B584
Fasteners	SAE J429 GR 8
Cable Guard	ASTM A240 S 30400
Suction Strainer	ASTM A240 S 30400

Idaho West Estates Well No. 1
10/12/99 Pumping Test

7.5-hp submersible pump set at 427 feet

Measuring point is top of well casing

Flow Measurement with 5-gallon bucket and stopwatch

Time	Elapsed Time (minutes)	Depth to Water (feet)	Drawdown (feet)	Seconds per 5 gal	Pumping Rate (gpm)	Discharge Pressure (psi)	Specific Capacity (gpm/ft)	Remarks
14:03	0	160.54						Static
14:04	0	160.54						Static
14:05	0							Start Pump
14:07	2			6.7	45	88		
14:09	4			6.8	44	100		decrease rate
14:10	5	>260		17.0	18			decrease rate
14:11	6							clear, no sand
14:16	11			16.5	18	>160		
14:22	17	242.20	81.66	16.0	19		0.23	210 psi by pump curve
14:28	23	240.10	79.56	16.5	18		0.23	
14:33	28	238.84	78.30				0.00	
14:36	31	238.31	77.77	16.5	18		0.23	increase rate
14:45	40	238.25	77.71	16.5	18		0.23	
14:46	41							<0.1 ppm Fe, T=22.1 C, SC=161 uS
14:54	49	238.43	77.89	16.5	18		0.23	
15:01	56	238.62	78.08	16.2	19		0.24	clear, no sand
15:19	74	239.35	78.81	16.6	18		0.23	
15:20	75							increase rate
15:26	81	282.17	121.63	9.8	31	131	0.25	
15:30	85	284.10	123.56	9.7	31	125	0.25	
15:48	103	299.01	138.47	10.4	29	122	0.21	
16:02	117	299.84	139.30	10.0	30	122	0.22	
16:21	136	300.35	139.81	9.7	31	122	0.22	
16:22	137							increase rate
16:29	144	344.20	183.66	6.5	48	59	0.25	increase rate
16:48	163			6.6	45	54		can't get sounder down
16:50	165							sounder stuck at 387 feet
16:54	169					0		open discharge
16:57	172	387	226.46	5.5	55		0.24	sounder stuck at 387 feet
17:03	178							reduce flow to maintain 387' pwl
17:10	185	387	226.46	6.2	48	48	0.21	sounder stuck at 387 feet
17:15	190	387	226.46			48		sounder stuck at 387 feet
17:26	201	387+/-				50		adjust
17:27	202	387+/-				49		adjust
17:36	211	<387		6.9	43	50		sounder stuck at 387 feet
17:37	212					49		adjust
17:43	218	<387						adjust
17:46	221	>387						adjust
17:55	230	<387				49		adjust
18:10	245	<387		6.7	45	48		T=22.0 C, SC=163 uS, EC=154 uS
18:12	247	>387				48		sounder stuck at 387 feet
18:30	265	>387				50		sounder stuck at 387 feet
18:32	267							sounder free
18:33	268							set sounder at 385 feet
18:34	269					52		adjusting flow
18:38	273					56		adjusting flow
18:40	275	384.50	223.96	7.3	41	56	0.18	
18:00	295	380.53	219.99	7.2	42	57	0.19	
18:20	315	380.50	219.96	7.5	40	56	0.18	
18:45	340	380.77	220.23	7.1	42	56	0.19	
20:09	364	380.63	220.09			56		
20:10	365							end test; begin removing sounder
20:11	366							generator off - out of gas

Questionable Reading

512.2 TON
42 gpm

Other well

00009788

1.33

.44

Installed.

2094.4

Psi Gauge 200?

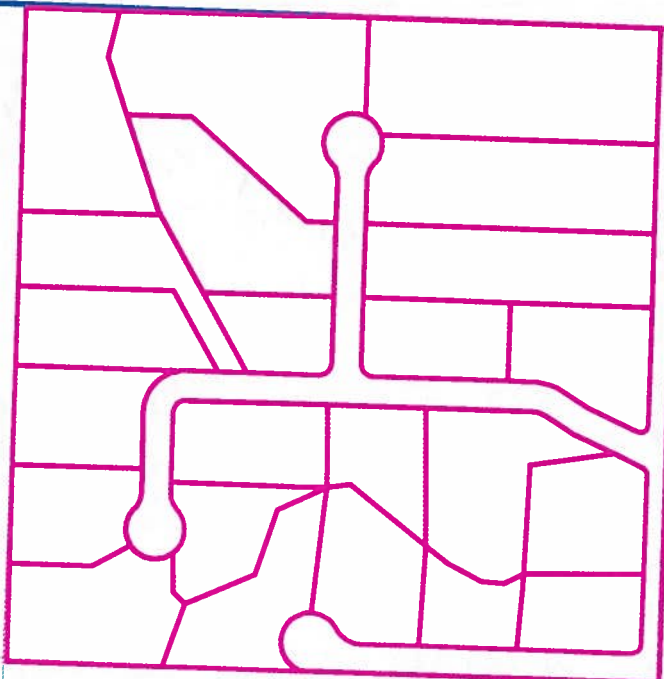
342.4

Wage works Bcy

Active
well

0001247p

6.11



NO
WATER
RIGHTS
FROM
DITCH

only
source
is

well

2,000 SQ FT
home

19 Homes
Listed on
PROOF

Being
Built

open

50HP

P15A 2050A-AC

SU 1100011 00052

one home 2 lots

well not

out

out

22 Homes

Actual



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2004

IDAHO WEST ESTATES HOMEOWNERS ASSN
5182 CALEB CT
FRUITLAND ID 83619

RE: Change of Ownership for Water Right Permit 65-13804

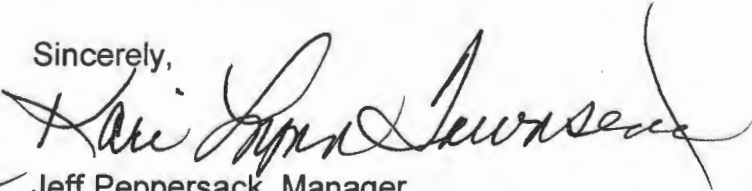
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2004

RICK FARMER
IDAHO WEST ESTATES HOMEOWNERS ASSOC
5016 SARAH CT
FRUITLAND ID 83619

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13804

Dear Permit Holder:

The department acknowledges receipt of documentation you have provided the department with which to substantiate evidence of development of your permit. Therefore, enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **November 15, 2004**, as provided in Section 42-218a(2), Idaho Code, which was the date you filed your proof of beneficial use with the department.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at 334-2190.

Additionally, the department has received an Assignment of Permit from Kelly Rhinehart changing the permit holder to Idaho West Estates Homeowners Association. The department will process this assignment and send you a confirmation letter when that is processed. Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. If in the future you need forms to file a change of ownership of a water right and/or a change in the address of the water right holder, they are available from any department office or from our website at: www.idwr.idaho.gov

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13804

Reviewed By: dgibson

Date: December 21, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	65-99-W-365-00	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		X
Receipt No.:	C075789		Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	11/15/2004
Date proof due	- 05/01/2004
Lapse notice sent	- 05/06/2004
No. of days late	= 193
Holiday allowance	+
Priority date	+ 10/06/1998
New priority date	= 11/15/2004

Deficiencies of Actions Items

Acknowledge proof, and reinstate permit with an advance in priority to 11/15/2004.
Assignment of permit filed, forward for processing before sending file to imaging.

Memorandum

To: Gary Spackman
From: Deborah J. Gibson *dg*
Date: December 17, 2004
Re: Proof & Reinstatement of Permit No. 65-13804

Permit no. 65-13804 was issued on November 16, 1999, in the name of Kelly Rhinehart. The permit granted development of a ground water right for domestic use for 25 homes, and irrigation of 22 acres in the Idaho West Estates Subdivision, which is located in Payette County. The proof deadline was set for May 1, 2004. The following paragraphs explain the activities relating to the proof deadline in this matter:

A Request for Extension of Time was received on May 6, 2004 in the name of Idaho West Estates Homeowners Association, signed by Larry L. Neilson, President of the association. The request was returned to the homeowner's association because no filing fee accompanied it.

An Assignment of Permit was received on June 1, 2004. This assigned the permit to the Idaho West Estates Homeowners Association. The assignment was signed and notarized on March 4, 2004.

Proof of Beneficial use was filed on November 15, 2004 with the appropriate filing fee. I requested additional information to show proof of development. Rick Farmer contacted me about what type of evidence would be acceptable. We have on file the well log, therefore, I thought one additional type of evidence and a letter explaining reason for delay would be appropriate. I received his letter of explanation and a copy of his power record showing a service period of 2/20/04 to 3/22/04, which is in the period of development, prior to the proof deadline.

With this memo I am asking if this is appropriate evidence of development for reinstatement of this permit? Therefore, I am attaching the file with the information Rick Farmer has submitted. Please review, and let me know if there is anything more the department will require to reinstate this permit.

Thank you.

ATTN Deborah Gibson

RECEIVED
DEC 10 2004
DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

11/30/04

The reason for the delay in getting in my proof of beneficial use for Idaho West Estates water rights was as follows:

I moved from a city where we had city water, I wasn't used to the water rights issues
I'm just a homeowner thrown into the role of running our water system
I have ten kids ☺

Sincerely,



Rick Farmer

~~(208) 941-1095~~

Re Lapsed Permit #11

65-13804



www.idahopower.com

Questions? Contact us at:
P.O. Box 600, Boise, ID 83721
Or call us at 388-2323 (Treasure Valley)
or (800) 488-6151 Se habla español
For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: RICK K FARMER
Account Number: 2026254680
Billing Date: 03/24/2004
Print Date: 03/25/2004

Page: 2 of 3

RECEIVED

DEC 10 2004

DEPARTMENT OF
WATER RESOURCES

Service Agreement No: 2465423417
Service Location: 5016 SARAH CT/FRUITLAND, ID

Next Read Date:

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002L17528971	02/20/04 03/22/04	31	Verified	53039 54166	1	1127

Residential Rate Schedule I01

02/20/2004 - 03/22/2004 31 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 1,127 kWh @ \$0.055342 per kWh \$62.37
Conservation Program Funding Charge \$0.30
Federal Columbia River Benefits Supplied by BPA \$3.73 CR

Current Charges - Electric Service..... \$61.45

Adjustments

Late Payment Charge \$0.71

Current Adjustments \$0.71

Average Daily Use Comparison

	This Month	This Year:	This Month Last Year: *
Days =	31		29
kWh Billed =	1127		219
kWh per Day =	36.3		7.5

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.

Service Agreement No: 6505522883
Service Location: 5016 SARAH CT/FRUITLAND, ID

Next Read Date: 04/21/2004

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002L83730179	02/20/04 03/22/04	31	Regular	37509 40183	1	2674

Residential Rate Schedule I01

02/20/2004 - 03/22/2004 31 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 2,674 kWh @ \$0.055342 per kWh \$147.98



If writing information below, please check the appropriate box on the reverse side.

NEW CONTACT INFORMATION:

Does Idaho Power have your correct mailing address and phone number? If not, please write any changes below:

New Telephone Number: _____

Account Number: 2026254680

PROJECT SHARE PLEDGE

- ☐ Please add the amount indicated to my monthly bill.
☐ \$2 ☐ \$5 ☐ \$10 ☐ \$ _____
- ☐ I would like to make a one-time contribution in the amount of \$ _____.
- ☐ Please round-up my monthly bill amount to the nearest dollar and contribute the difference to Project Share.

Thank you and please remember to track your tax-deductible donations.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 19, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICK FARMER
IDAHO WEST ESTATES HOMEOWNERS ASSOC
5016 SARAH CT
FRUITLAND ID 83619

RE: Lapsed Permit No. 65-13804, in the name of Idaho West Estates Homeowners Assoc

Dear Mr. Farmer:

I received your Proof of Beneficial Use and license exam fee on November 15, 2004 regarding the above referenced lapsed water right permit. In order for the department to consider your permit for reinstatement I will need the following documented evidence of development and use:

(1) Two (2) pieces of evidence to show that development and the beneficial use of the water did commence during the authorized permit period, i.e. from the time the permit was issued until the proof due date (April 23, 1999 through to May 1, 2004). You can submit receipts from equipment purchased and/or installed clearly showing that it is for the construction or development of the system for this permit, and during the time period the permit was in effect. Well drillers logs are also helpful.

(2) The second requirement is an explanation for the filing delay.

The department will hold this matter for thirty days (30) while you gather the evidence of development to submit to the department. After receipt of these documents, the department will review them for issuance of a reinstatement order. Please be aware that this permit is lapsed and is of no force nor effect unless it is reinstated.

If you have questions regarding this matter, please feel free to contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR – Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 6, 2004

IDAHO WEST ESTATES HOMEOWNERS ASSO
ATTN LARRY L NEILSON
5182 CALEB CT
FRUITLAND ID 83619

RE: Permit No. 65-13804

Dear Permit Holder:

Returned is the original Request for Extension of Time ("extension"), which you submitted to the department in connection with the above referenced water right. In order for the department to take action on this extension request, it must be accompanied by a \$50.00 filing fee.

Therefore, please return the enclosed original extension along with the filing fee, addressed to my attention. It is important that I receive your filing fee as soon as possible because the proof of beneficial use deadline of this permit was **May 1, 2004**. Anything filed after the proof deadline will change the priority date of this permit accordingly.

Please contact me at (208) 327-7953 if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 06 2004
Department of Water Resources

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 65-13804
Name(s) of Permit Holder: Idaho West Estates Homeowners Association
Address: 5182 Caleb Ct. City Fruitland State ID Zip 83619
Telephone No. (208) 452-7801 Date Proof is Due: May 1st 2004

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Sixteen Lots have been built upon out of a
total of 23. Some Landscaping on those lots
has been completed.

Costing \$ 300,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Remaining lots will be built upon shortly, and
all landscaping completed by extension date. Completion
of Subdivision took longer than expected.

Permit holder(s) request an extension to May 1st, 2006.

Larry L. Nielson - President (TWBHOA)
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 20____.

May 6, 2004

KELLY RHINEHART
PO BOX 216
FRUITLAND, ID 83619-0216

LAPSE NOTICE

RE: PERMIT NO. 65-13804

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated February 29, 2004. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Gary Spackman

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/04
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



February 29, 2004

KELLY RHINEHART
PO BOX 216
FRUITLAND, ID 83619-0216

PROOF DUE NOTICE

RE: PERMIT NO. 65-13804

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

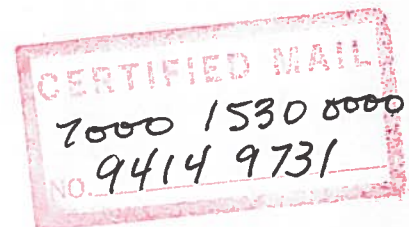
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



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

1. DRILLING PERMIT NO. 65-99-W-0865-000 RECEIVED
Other IDWR No. 65-13804 tag D0012476

2. OWNER: DEC 20 1999
 Name Kelly Rhinehart
 Address PO Box 216 Department of Water Resources
 City Fruiyland State ID Zip 83619

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N

S

Twp. 7 North ☒ or South ☐

Rge. 5 East ☐ or West ☒

Sec. 14, $\frac{1}{4}$ S/W $\frac{1}{4}$ S/W $\frac{1}{4}$

Gov't Lot _____ County Payette $\frac{10 \text{ acres}}$ $\frac{40 \text{ acres}}$ $\frac{160 \text{ acres}}$

Lat: : : Long: : :

Address of Well Site east side of Speas

City 3 miles S. of

(Give at least name of road + Distance to Road or Landmark)

Lt. 16 Blk. 2 Sub. Name Idaho West Estates

4. USE: Public Water Supply

☒ 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	Sacks or Pounds	
tonite grout	0'	200	3000#	pumped
10-20 sand	200	350	7800#	poured

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	+2	221	.322	steel	XX	☐	XX	☐
8"	236	265	.322	steel	XX	☐	XX	☐
6"	265	270	.280	steel	XX	☐	XX	☒

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method _____
Screens Screen Type stainless steel 304

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
221	236	.20		8"	stnls	XX	☐
270	295	.20		6"	stnls	XX	☐
322	342	.20		6"	stnls	XX	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

120 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____
DEC 07 1999

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
285	73.11	193.09	6 Hours
300			

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

[illegible]

Completed Depth 350' (Measurable)
Date: Started _____ Completed _____

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 STUPNIS & SONS Firm No. 135

Firm Official Kan [Signature] Date 12-30-89

Supervisor or Operator Ken Thomas Date 1/30/79

(Sign once if Firm Official & Operator)

WATER RESOURCES
FORWARD WESTERN REGION TO WATER RESOURCES



Steel Products • Steel Processing • Industrial Hardware

65-99-0071-100

1900 20th Street North • P.O. Box 530 • Nampa, ID 83653

LOCAL 467-2113 NATIONWIDE 1-800-727-9901

FAX (208) 466-9571

BOISE CUSTOMER 345-3280

Steel

173' of PIPE & SCREEN +
1' PACKER

H.P.R.

305

10'
SC

Screen 16' flat

315

5+10+

Blank

40

355

10'
SC

Screen ~ 10' flat

365

20+5
Blank

25

390

10'
SC

Screen - 70' flat

400

Blank

BLANK
55
PIPE

= 55'

SCREEN
455'
465'

10' Screen - 12' flat

Blank

51
5"

5'

RECEIVED

OCT 19 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

DEC 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

RE: Permit 65-13804

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

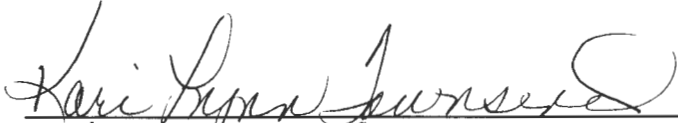
1999 11 18 14 14

CERTIFICATE OF MAILING

I hereby certify that on the **18th** day of **November, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

PERMIT 65-13804

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216



Kari Lynn Townsend
Secretary

MICRO-FILMED

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

2011 11 14

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

NOT REFILED

WR0749NP
No. B65-13804

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/09/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KELLY RHINEHART PO BOX 216 FRUITLAND ID 83619-0216 (208) 452-5427	10/06/1998	IRRIGATION DOMESTIC	03/15 11/15 01/01 12/31	0.440 CFS 0.220 CFS	
TOTAL DIVERSION:					0.440 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07N R05W S14 SWSW PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	---	---	---
07N	05W	14	:						:						:					:											22.0	
TOTAL ACRES																												22.0				

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-13804

Other Water Rights Listing Overlapping Place(s) of use:
65-13804

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement
 - between the protestant and the right holder.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- R65 - This right when combined with all other rights shall provide no
 - more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
 - field headgate for irrigation of the lands above.
- 121 - The Director retains jurisdiction to require the right holder to
 - provide purchased or leased natural flow or stored water to
 - offset depletion of Lower Snake River flows if needed for salmon
 - migration purposes. The amount of water required to be released
 - into the Snake River or a tributary, if needed for this purpose,
 - will be determined by the Director based upon the reduction in
 - flow caused by the use of water pursuant to this permit.

Remarks: GEN Domestic use is for 25 homes and does not include lawn, garden, landscape, or other types of irrigation.
Two points of diversion are located within the SWSW, S14, T7N, R5W.
Points of diversion are located within Lot 16, Idaho West Estates.
Place of use is located within Lots 1-5, Blk. 1 and Lots 1-18, Blk. 2, Idaho West Estates.

Dates: App. Received: 10/06/1998 Priority Date: 10/06/1998
Proof Due Date: 05/01/2004 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1998 User-ID: CZIMMERM Subject: DIVERSION DESCRIPTION
Existing 8" well (drilled in 1972 for Elliot) to be deepened to 340'. May want to amend permit at a later date to add PD.

Date: 11/08/1999 User-ID: SCURTIS Subject: AMENDMENT OF PERMIT
An amendment of permit has been filed to add a point of diversion under this right.

Audit: 11/08/99 SCURTIS 11/09/99 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM								
		NE		NW		SW		SE		NE		NW		SW		SE										
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac									
B6513804	T07N R05W S14 GROUNDWATER																									
	:													22						22						
6308216	GROUNDWATE :													40	:	37	22	40	34	173						
A6308216	GROUNDWATE :													40	:	37	22	40	34	173						
A650290021	LARGE CLAI :	I		I		I		I		I		I		I		I		I		:						
6504382	WASTE WATE :			01		01			16				09	:						27						
A6504382	WASTE WATE :			01		01			16				09	:						27						
6505855	WASTE WATE :					09		15	:											24						
6510508	WASTE WATE :	39		35		27			:								07			108						
~~6513804~~	~~GROUNDWATE :~~													22	:					22						
--86 MAP--	C75Q-W 3 :	33		34		39		38	:	39		39		40		40	:	34	40	16	42 :	43	40	42	42 :	601

AMENDMENT OF PERMIT REVIEW

Review Date 11/8/99

PERMIT NO. 65-13804 NAME Rhinehart

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: Mor GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes/No Due <6 months? Yes/No

GROUNDWATER:

Drilling Permit No. 65-99-W-0065-000
Drilled approved 11/2/99

65-98-C-0320-400 10/1/98 approved
285' deep
190' static level

~~Swan Falls Flag~~

65-99-C-0071-100 deeper
approved
6/24/99

Conditions of Approval: 046, 020, 01m, R65, 121

Remarks/Comments 2 pld
D/25 homes.

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RECEIVED

NOV 4 - 1999

Department of Water Resources

Right Number 65-13804 WP File Name D Nelson, W.P. XFER ^{Rhinehart - Amend - ADU}
Initial Review By: D A V Date 9-24-99
Applicant Kelly Rhinehart
Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s)
☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion
☒ Amount, nature and period of use. If increased, delay date of priority.
☒ Ownership of point of diversion and place of use. With in same place of use
☒ Map. and same point of diversion
☒ Signature (must be permit holder). Description.
☒ Fee.
☒ Existing water rights from the same source, amended place of use.
☐ Right number(s) N/A Place of use Remaining The same New source.
☒ Yes ☐ No Should amendment be advertised?
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____
☐ Legal notice electronically transmitted to State Office.
☐ Additional analysis information attached.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. ☐ Amendment published correctly
☐ Protest processed.
☒ Comment letters to: Thomas E Limbaugh
yes Limbaugh Ranches P.O. Box 336, Fruitland, ID 83619. EDEA
☐ Copy for region file: Always include application, staff analysis sheet,
legal notice
List other items to copy _____
☒ Approve.
☐ Deny.

Conditions Same conditions as original approval

By Gary S Date 11/2/99

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete: By _____ Date _____
☐ Approved copy sent to applicant and to Region. By _____ Date _____ jam

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Application for Amendment of Water Right
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Dept of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being
duly sworn, deposes and says:

That *She* is the *principal clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
at Payette, in the County of Payette and State of Idaho; that said
paper has been and is in general circulation in the county
aforesaid, and in the vicinity of Payette; that the advertisement,
a copy of which is attached hereto, was published in said
newspaper once a week for *two* consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
Oct 6, 19 *99*, and ending with the issue
of *Oct 13*, 19 *99*.

STATE OF IDAHO
COUNTY OF

On this *14th* day of *Dec.* in the year of *1999*, before me,
a Notary Public, personally appeared *Viola Hawkins*,
known or identified to me to be the *person* whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Maureen J. Rhinehart
Notary Public for Idaho

Residing at

My commission expires

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines *28*

Number of Insertions *(2) two*

28 Lines @ *1.11* ... : *31.08*

28 Lines @ *.92* ... : *25.76*

TOTAL COST

WILL BE : *56.84*

Copy of Notice
(First Copy)

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that KELLY RHINEHART, PO Box 216, Fruitland, ID 83619 has applied to the Department of Water Resources to add a point of diversion to the following water right in Payette County pursuant to I.C. § 42-211:

RECORDED RIGHT

Permit # 65-13804, Groundwater, priority date 10/6/1998, for .44 cfs diverted in T7N R5W S14 SWSW, lot 16 Idaho West Subdivision and used for Domestic and Irrigation uses in T7N R5W S14 SWSW in the same Subdivision.

PROPOSED AMENDMENT

This amendment will add a second well in same subdivision lot and legal description as original well, giving this water right 2 diversion points.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 for each application on or before October 25, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Oct. 6, 13

No. 824

RECEIVED

OCT 18 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED
DEC 10 1999

Nº 824

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON

DATE:

RE: KELLY RHINEHART AMENDMENT, RIGHT 65-13804

The amendment proposes to add an additional point of diversion.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 2 pages and 2 attachments. Note the location of the following application items:

Attach. A – Permit Application.

Attach. B – Map of subdivision.

Applicant prepared the application.

Other information used in this review includes water right profile report and place of use comparison sheet included in this file.

CURRENT RECORDS & PROPOSED CHANGE

This permit is for domestic use for 25 homes and irrigation from a single well in Lot 16, Idaho West Estates subdivision in T5N R5W S14 SWSW. The place of use is also described in the same township, range, section, and ¼ ¼. The only change for this amendment is to add a well in the same subdivision lot and legal description as the original well.

VERIFICATION & OTHER ANALYSIS

Ownership is not an issue for this permit since there are no changes in place of use or point of diversion. The same person who filed the application for permit also filed this application. There has been no change in overlapping water rights since this application was filed. The map shows that the well will be located in the same subdivision lot as the original well.

RECOMENDATIONS

I recommend that this application be approved as long as all of the well drilling and DEQ standards are met.

MICROFILMED

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Karl J. Dreher, Director

Published in the Independent Enterprise on October 6 and 13, 1999.

RECORDED

30 OCT 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

INDEPENDENT ENTERPRISE
PO BOX 520
PAYETTE ID 83661

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before
October 25, 1999.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor
Senior Secretary

Enc.

MICROFILMED
OCT 1 1999

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

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Karl J. Dreher, Director

Published in the Independent Enterprise on October 6 and 13, 1999.

MICROFILMED

SEP 14 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 3, 1999

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13804

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your right

RESTRICTED

may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

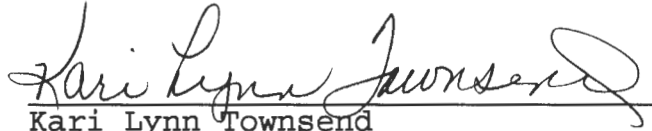
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of May, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13804

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216


Kari Lynn Townsend
Secretary

MICROFILM

1999 5 3 11:00

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

RECEIVED
MED
APR 10 1997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 65-13804 Name: Rhinestart Date: 4/22/99 Ad OK? ☒ ☒ Gvmt Lts: ☒AREA OF CONCERN: ☒ Yes: ☐ No: ☐ Mor / ☐ GWMA / Trust / Non-trustPROTESTED: ☒ (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

Supp irr use only

Supp. irr + uses

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs

≤ 0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-Irr)

Payette R(65)

Salmon R (70's)

Weiser R (67)

USE:

STORAGE (✓3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

MUNICIPAL

In restricted area?

Irr., GW supp. to SW?

DOMESTIC

Surface water

> 1 in rest. area

FIRE PROTECTION

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- ☒ P17- ☒ P18- ☒ P23- ☒ P25- ☒ P05 (new well location)

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)

- 100-101

- ☒ M (report when notified)

- No MD

- YES / NO; WHEN: _____ RESPONSE: _____

- *WB9

- P62 (stream channel alteration)

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R37 (BLM/USFS), NA

- 054(req) -081-P10

- 029(70's only)-007-042(req)-081 (WQ)-P10

- R07 (Injection well)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- 022, 075, 004 (+memo?)

- 102

- ☒ P25 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA- ☒ P26 per SWK 4/23/99

- 018

- 058 (<85° GW temp only)

- ☒ P27- ☒ P28 20/30/40/50/60/70/80 (87) basin)- ☒ P29

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- ☒ WB5/25 ☒ WB9/LT 16 ☒ WB60- ☒ 11/2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

APR 21 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ly DATE: 10/15/98 APPLICATION: 65-13804

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots: P/D P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

to do T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☐ Critical groundwater area:
- ☐ ☐ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Bull trout impact area
- ☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ E-mail to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: Check any that apply.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☒ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Mitigation form per telecon w/
applicant - sent

Date Requested 10/15/98

Date Response Received See 10/6 + 10/21 forms

-86 12/30/98

APP. NO. 65-13804

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

☐ U.S. BLM
☐ U.S. Forest Service
☐ Water Dist. # _____
☐ Other

NOTE: D.P. Appl. is in file. -82 12/30/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1999

LIMBAUGH RANCHES INC
THOMAS E LIMBAUGH PRES
PO BOX 336
FRUITLAND ID 83619

Re: Application for Permit No. 65-13804 in the Name of Kelly Rhinehart

Dear Protestant:

This letter is to acknowledge the withdrawal of protest in the above-referenced matter.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman".

Gary Spackman

GS:st

CC: Applicant

MICROFILMED
APR 14 1999

LIMBAUGH RANCHES, INC.

Thomas E. Limbaugh, President

P.O. BOX 336

FRUITLAND, IDAHO 83619

to: Gary Spackman

Department of Water Resources

State of Idaho

Attn: Karl J. Dreher, Director

Western Region

2735 Airport Way

Boise, Idaho 83705

April 5, 1999

Dear Sir,

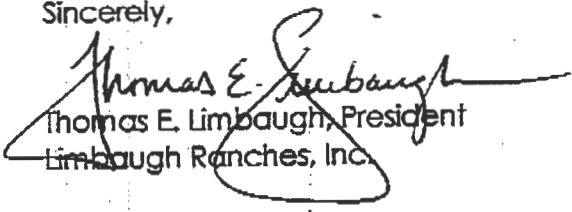
I, Thomas E. Limbaugh, on behalf of Limbaugh Ranches, Inc., hereby withdraw my protest concerning water right application no. 65-13804.

The reasons are as follows:

- 1) The applicant has offered and paid for the cleaning of the irrigation well owned by Limbaugh Ranches, Inc.
- 2) The applicant has agreed to record on the subdivision plat that Limbaugh Ranches, Inc., has the right to farm pursuant to Idaho Code.
- 3) The applicant has agreed to record on the subdivision plat that the owners of such subdivision lots will never protest the irrigation water right of Limbaugh Ranches, Inc.

Given these facts, I hereby withdraw the protest.

Sincerely,


Thomas E. Limbaugh, President
Limbaugh Ranches, Inc.

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APR 8 1999

AGREEMENT

THIS AGREEMENT is made this 30th of March, 1999 by and between Limbaugh Ranches Inc., an Idaho Corporation First Party, and Kelly Rhinehart ~~and Laura Rhinehart~~, dba Idaho West Estates, Second Party.
TEL KKR

Whereas First Party owns certain real property located adjacent to a subdivision which is being developed by the Second Party, and

Whereas First Party has had difficulties pumping the permitted quantity of water from its well; and

Whereas First Party is concerned that if the Second Party develops a proposed subdivision next to the property of the First Party the well that is planned for the subdivision will have an adverse impact on First Party's well, and

Whereas First Party has filed a protest against a water right application filed by the Second Party; and

Whereas an engineer for the Second Party has suggested that First Party clean its well; and

Whereas both parties desire to resolve this dispute in a timely and amicable manner;

Therefore the parties agree as follows:

In consideration of First Party withdrawing its protest with the Sate of Idaho, Department of Water resources and allowing Second Party to proceed immediately with its subdivision development and it's planned well, Second Party agrees as follows:

1. Second Party shall immediately pay to First Party for cleaning and rehabilitation of the First Part's well, certified funds in the amount of Ten thousand and no/100 dollars (\$10,000.00). First Party shall not be required to use that money in any specific time frame but shall have full discretion when it may be used.

2. Second Party, for itself and its heirs and assigns, recognizes Section 22-4501 of the Idaho Code, which is commonly known as the right to farm law, and waives any objection which Second party may have to the farming operation of the First Party.

3. Second Party recognizes First Party has a well which is licensed with license Number 63-8216 and which has a priority

Limbaugh

MICROFILMED
APR 4 1999

date of 10-12-75. Since the well has been in existence for several years Second Party agrees that neither Second Party nor its heirs or assigns shall protest the water rights of the First Party.

4. Second Party shall draft and record with the Payette County recorder, a Restrictive covenant which covenant shall run with and be binding upon the land encompassed within Second Party's subdivision, which covenant shall inform all subsequent purchasers that First Party has a farm lying adjacent to the property of the Second Party, and Second Party for itself, its heirs assigns and any purchasers of Second Parties property, it waives any objection to First Party's right to exist and operate as a farming operation.

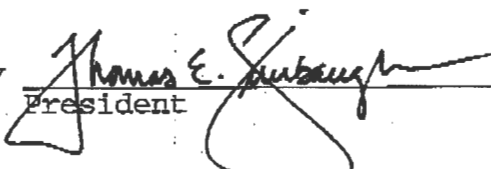
5. Upon payment of the \$10,000.00 and the recording of the restrictive covenant, First Party shall forthwith withdraw its objection to the Second Party's filing for a domestic water right to drill a well and provide its subdivision with a water source.

6. This agreement may be recorded in the office of the County Recorder of Payette County, Idaho.

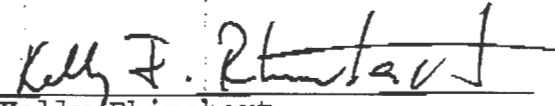
In witness whereof the parties have executed this agreement the day and year first above written.

Limbaugh Ranches Inc.

by


President

Idaho West Estates


Kelly/Rhinehart

~~Laura Rhinehart~~

TEL KER

Limbaugh

MICROFILMED

STATE OF IDAHO)

:SS

County of Payette)

On this, the 30th day of March, 1999, before me, a Notary Public in and for said state, personally appeared Thomas Limbaugh, President of Limbaugh Ranches, known to me to be the person who executed the foregoing Agreement, and acknowledged to me that he executed the same as President of Limbaugh Ranches.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



STATE OF IDAHO)

:SS

County of Payette)

On this, the 30th day of March, 1999, before me, a Notary Public in and for said state, personally appeared Kelly Rhinehart ~~and Laura Rhinehart~~ known to me to be the persons who executed the foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Carolyn McCord

Notary Public for said State

Residing at FruitlandCommission Expires: 8/22/2002

Carolyn McCord

Notary Public for said State

Residing at FruitlandCommission Expires: 8/22/2002

Limbaugh

MICROFILMED

Kelly Rhinehart conference
65-13804

40 acre subdivision

23 lots

21 irr. acres -

Existing well 8" well drilled by Elliott
Never had a pump in it -

Platted in 70's - Kelly purchased

Designed water system -

Would use existing well if not adequate -
would drill deeper or ?

Sagebrush for most of the development -

Tom Limbaugh -

1000 gpm from his well - 80-85% of season

Can't satisfy water rights

Pump is 140-180 feet deep

June - all wells production starts to diminish

Cavitate in June -

Static levels have fallen - water levels have
not recovered since the drought

MICROFILMED

JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF FRUITLAND
200 S. WHITELEY
FRUITLAND ID 83619-0216

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 6th and 7th days of April, 1999, at 9:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MICROFILMED

P 590 141 763

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
THOMAS LIMBAUGH	
Street & Number	
OI BIX 363	
Post Office, State, & ZIP Code	
FRUITLAND ID 83619	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

P 590 141 764

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

THOMAS LIMBAUGH
PO BOX 336
FRUITLAND ID 83619

4a. Article Number

P 414 388 459

4b. Service Type

- ☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

3/31/99

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

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- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

THOMAS LIMBAUGH
PO BOX 363
FRUITLAND ID 83619

4a. Article Number

P 590 141 763

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

PS Form 3811, December 1994

Domestic Return Receipt

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SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

4a. Article Number

P 590 141 764

4b. Service Type

- ☒ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-12-99

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED Print your name, address, and ZIP Code in this box •

APR 01 1999

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
JUN 09 1999

P 414 388 459

US Postal Service
Receipt for Certified Mail

THOMAS LIMBAUGH
PO BOX 336
FRUITLAND ID 83619

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

MAR 22 1999

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705
MICROFILMED
JUN 09 1999

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED

FEB 16 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED
JUN 09 1999

PS Form 3800, April 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
65-13804 IN THE NAME OF)
KELLY RHINEHART.)
_____)

NOTICE OF HEARING

On October 6, 1998, Kelly Rhinehart filed with the Idaho Department of Water Resources (IDWR) application for permit no. 65-13804. The application was protested by Thomas Limbaugh. The pre-hearing conference held by IDWR on Thursday, January 21, 1999, did not resolve the matter of protest.

The Department has scheduled the matter for hearing on Tuesday and Wednesday, April 6 & 7, 1999, at 9:00 a.m. at the Fruitland City Hall, 200 S. Whitley, Fruitland, Idaho 83619. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

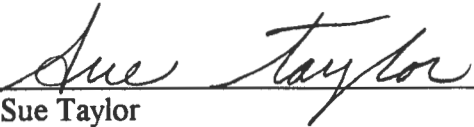
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 9th day of February, 1999.



GARY SPACKMAN

I hereby certify that on the 10th day of February, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

THOMAS LIMBAUGH
PO BOX 363
FRUITLAND ID 83619

NON-CERTIFIED MAIL

BRUCE TODD
156 SE 1ST AVE STE 1
ONTARIO OR 97914

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

W. J. MEL

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

MICROFILMED

100

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13804 IN THE)
NAME OF KELLY RHINEHART)**
_____)

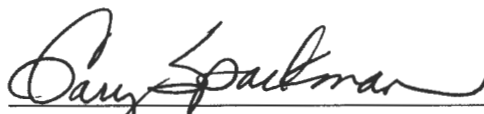
**NOTICE OF PREHEARING
CONFERENCE**

On October 6, 1998, Kelly Rhinehart filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Thomas Limbaugh.

IDWR has scheduled a conference for the protest to be held on Thursday, January 21, 1999, at 1:30 p.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

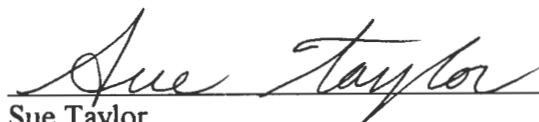
Dated this 15th day of January, 1999.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

THOMAS LIMBAUGH
PO BOX 336
FRUITLAND ID 83619

BRUCE TODD
156 SE 1ST AVE STE 1
ONTARIO OR 97914

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

11/10/05 MED

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

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MICROFILMED

1984



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 1998

CITY OF FRUITLAND
200 S WHITELEY
FRUITLAND ID 83619

Re: Prehearing Conference

*Cancelled room
1-12-99
AT*

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 13th day of January, 1999, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MICROFILMED
JAN 14 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13804 IN THE)
NAME OF KELLY RHINEHART)**

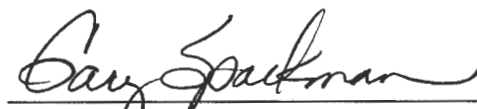
**NOTICE OF PREHEARING
CONFERENCE**

On October 6, 1998, Kelly Rhinehart filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Thomas Limbaugh.

IDWR has scheduled a conference for the protest to be held on Wednesday, January 13, 1998, at 10:00 a.m. at the City of Fruitland, 200 S. Whitley, Fruitland, Idaho 83619. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

Dated this 24th day of November, 1998.

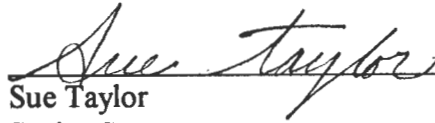


Gary Spackman

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of November 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

THOMAS LIMBAUGH
PO BOX 336
FRUITLAND ID 83619

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

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PROCEDURE

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MICROFILMED

CONFERENCE

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Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

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MICROFILMED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Application for Water Right
TITLE OF PUBLICATION

Dep. of Water Resources
SPONSOR OF PLAINTIFF
PLAINTIFF OR LEGAL AGENT

I, Vaila M Hawkins, being

duly sworn, deposes and says:

That *She* is the *principal clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *Oct. 21*, 19 *98*, and ending with the issue of *Oct. 28*, 19 *98*.

STATE OF IDAHO
COUNTY OF

On this *29th* day of *Oct.* in the year of *1998*, before me, a Notary Public, personally appeared *Vaila Hawkins* known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Mailey J. Rhinehart
Notary Public for Idaho

Residing at *Fruitland*

My commission expires: *12-1-98*

Copy of Notice
(First Copy)

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13804
RHINEHART, KELLY
PO Box 216
FRUITLAND, ID 83619-0216
Source: GROUNDWATER
Diversion Pt: SWSW Sec 14 T 07N R 05W in
PAYETTE County.

Use: IRRIGATION 0.440 CFS
DOMESTIC 0.220 CFS
Total Diversion: 0.440 CFS

Date filed: 10/6/1998
In: PAYETTE County
T07N R05W S14 SWSW
22.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
No. 930 Oct. 21, 28

RECEIVED

NOV 02 1998

WATER RESOURCES
WESTERN REGION

STATEMENT Independent-Enterprise PAYETTE, IDAHO

Number of Lines *30*

Number of Insertions *(2) two*

30 Lines @ *\$1.11* ... : *33.30*

30 Lines @ *\$.92* ... : *27.60*

TOTAL COST
WILL BE : *60.90*

MICROFILMED

JUN 09 1999

Nº

930



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS E LIMBAUGH
LIMBAUGH RANCHES
PO BOX 336
FRUITLAND ID 83619

Re: Application for Permit No. 65-13804 in the Name of Kelly Rhinehart

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

MICROFILMED

NOV 14 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KELLY RHINEHART
PO BOX 216
FRUITLAND ID 83619-0216

Re: Application for Permit No. 65-13804

Dear Applicant:

Enclosed is another protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILM

NOV 11 1998

REQUEST TO PROCESS

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NOV 04 1998

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

KELLY RHINEHART

Mailing Address

PO BOX 216

FRUITLAND ID 83619-0216

Application No.
(if known)

65-13804

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 / WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Kelly Rhinehart

Date

10-21-98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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WATER RESOURCES
WESTERN REGION**LIMBAUGH RANCHES, INC.**

Thomas E. Limbaugh, President
P.O. BOX 336
FRUITLAND, IDAHO 83619

Department of Water Resources
State of Idaho
Attn: Karl J. Dreher, Director
Western Region
2735 Airport Way
Boise, Idaho 83705

November 4, 1998

Dear Sir,

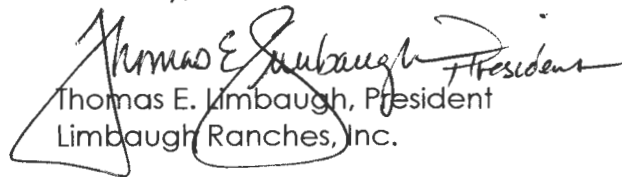
I, Thomas E. Limbaugh, on behalf of Limbaugh Ranches, Inc., hereby protest water right application no. 65-13804.

The reasons are as follows:

- 1) Limbaugh Ranches, Inc., has an irrigation well adjacent to the proposed diversion point. The water right no. is 63-8216. The priority date is October 12, 1975.
- 2) The static water level of our irrigation well has been dropping over the past several years. At times during the season, the output must be decreased below our water right.
- 3) This new well will seriously affect the production of our existing well.

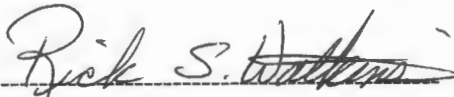
Given these reasons, I request that the application be denied.

Sincerely,


Thomas E. Limbaugh, President
Limbaugh Ranches, Inc.

STATE OF IDAHO)
) ss.
County of Payette)

On this 4th day of November, in the year of 1998, before me, Rick S. Watkins, Notary Public for Idaho, personally appeared Thomas E. Limbaugh, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

A handwritten signature in cursive script that reads "Rick S. Watkins". The signature is written in dark ink and is positioned above a horizontal line.

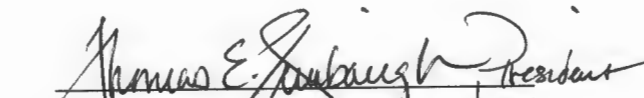
Rick S. Watkins, Notary Public
Residing at Fruitland
My Commission Expires 4-10-2000

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JUN 09 1999

November 4, 1998

I hereby certify that I have sent a true and correct copy of this protest to the applicant, KELLY RHINEHART at PO Box 216, Fruitland, ID 83619-0216.


Thomas E. Limbaugh, President
Limbaugh Ranches, Inc.

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JUN 09 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W024568**

Date: **11/6/1998**
Time: **11:07:35**

Received
From: **LIMBAUGH RANCHES**

Type of Payment		Program Acct	Amount
PROTEST - 65-13804	62103	229 21 1155	25.00
CHECK	1858	Total	\$ 25.00

Region: **WESTERN**

Signature: 

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 15, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 65-13804 in the Name of Kelly Rhinehart

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by November 9, 1998.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:st

Encl.

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10/15/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 15, 1998

Legal Notices Department
Independent Enterprise
P.O. Box 520
Payette, ID 83661

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 9, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

VICPCELMEL

10/15/98

RESPONSE FORM

COMPLETE THIS FORM ONLY IF YOU WANT
YOUR APPLICATION TO BE PROCESSED

Name of Applicant: Rhinehart, Eric Kelly

Mailing Address: PO Box 216
Fruitland, ID 83619

Application No.: 65-13804

Mitigation: Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director of Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature: Kelly R. Hart

Date: 10-6-98

Please return this form to the nearest regional office:

Northern Region

Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814 Tel. - 769-1450
FAX - 769-1454

Eastern Region

Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls ID 83401 Tel - 525-7161
FAX - 525-7177

Southern Region

Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls ID 83301 Tel. - 736-3033
FAX - 736-3037

Western Region

Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83701 Tel - 334-2190
FAX - 334-2348

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APR 14 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

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1984

65-13804

RHINEHART, KELLY
PO BOX 216
FRUITLAND, ID 836190216

Source: GROUNDWATER

Diversion Pt: SWSW Sec 14 T 07N R 05W in PAYETTE County.

Use: IRRIGATION	(	0.440 CFS)
DOMESTIC	(	0.220 CFS)
Total Diversion:	(	0.440 CFS)

Date Filed: 10/ 6/1998

In: PAYETTE County
T07N R05W S14 SWSW

22.0 ACRES TOTAL

APPROVED

10/12/98

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/21/1998 & 10/28/1998

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