

SEE ORIGINAL
FILE

47-8389

FOR MORE
INFORMATION

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 47-08389A

Proposed Priority: October 31, 1995 Maximum Diversion Rate: 7.00 CFS

This is to certify, that **CITY OF TWIN FALLS**
PO BOX 1907
TWIN FALLS ID 83301-1907
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>
MUNICIPAL	01/01 to 12/31	7.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 21, Township 10S, Range 17E
NWNW , Sec. 28, Township 10S, Range 17E
SENE , Sec. 28, Township 10S, Range 17E
SESE , Sec. 29, Township 10S, Range 17E
TWIN FALLS County

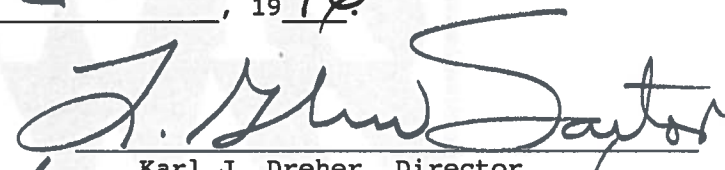
PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. See Preliminary Order for conditions and limitations for use of water under this approval.

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

28th day of October, 1996


for Karl J. Dreher, Director

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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)	
PERMIT NO. 47-08389A IN THE NAME)	PRELIMINARY ORDER
OF THE CITY OF TWIN FALLS)	
_____)	

This matter having come before the Idaho Department of Water Resources (department), as a result of a protest filed against the approval of an application for permit, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 31, 1995, the City of Twin Falls (applicant) filed Application for Permit No. 47-08389 (application) with the department proposing the diversion of 21 cubic feet per second (cfs) of ground water to be diverted from wells within the SE1/4SE1/4, Section 29, SE1/4NW1/4, NW1/4NW1/4 Section 28, and NW1/4NW1/4 Section 21, all in T10S, R17E, B.M. to be used year-round for municipal purposes.

2. The department advertised the application which was protested by the Twin Falls Canal Company (TFCC) and the College of Southern Idaho (CSI). The department subsequently allowed Tom McCauley and Robert & Kathi Meyers to intervene into the matter.

3. On July 26, 1996 and on August 27, 1996, the department conducted conferences in the contested matter resulting in the parties reaching an agreement concerning the development of 7 cfs of the 21 cfs applied for by the applicant.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01557 (Procedure Rule 557) provides in pertinent part as follows:

Parties may stipulate among themselves to any fact at issue in a contested case by written statement filed with the presiding officer or presented at hearing or by oral statement at hearing. A stipulation binds all parties agreeing to it only according to its terms. The agency may regard a stipulation as evidence or may require proof by evidence of the facts stipulated. The agency is not bound to adopt a stipulation of the parties, but may do so.

2. The department should split the application into two (2) parts to show 47-08389A for 7.0 cfs and 47-08389B for 14 cfs.

3. When the department acts upon an application for permit, it determines at that time the extent to which the provisions of a stipulation are appropriate to include as specific conditions of approval of a permit or will be acknowledged as an agreement which may affect the rights existing under the permit and any subsequent license.

4. The department should approve Application for Permit 47-08389A and should issue a permit subject to certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit 47-08389 is divided into two parts to show 47-08389A for 7.0 cfs and 47-08389B for 14 cfs.

IT IS FURTHER, HEREBY ORDERED that Application for Permit No. 47-08389A is **APPROVED** authorizing the diversion of 7 cfs of water for municipal purposes subject to the following conditions and limitations:

1. Use of water under the right is subject to all prior water rights.

2. Project construction shall commence within one (1) 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.

3. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before **September 3, 2001**.

4. This permit authorizes the construction of only one (1) well.

5. The right holder shall install and maintain a totalizing measuring device of a type approved by the department as a part of the diverting works. The right holder shall also install and maintain an airline or similar device approved by the department to measure the water level in the well.

6. After specific notification by the department, the right holder shall annually report to the department the amount of water diverted.

7. Use of water under this right may be affected by an agreement between the protestants, intervenors and the right holder.

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8. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.

9. Irrigation of large projects such as parks, golf courses or sports activity fields is not authorized under this permit.

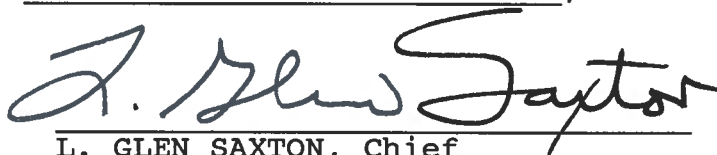
10. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

11. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

12. The place of use is located within the city limits of Twin Falls.

13. The department retains jurisdiction over the approval of this permit for a period of two (2) years from the date upon which this order becomes final for the purpose of reviewing allegations by any party that the use of water under the permit is causing injury to the water rights of any protestant or intervenor to this proceeding.

Dated this 28th day of October, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of October, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER to the following:

Mike J. Trabert
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

John A. Rosholt
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906

Tom McCauley, Preident
Little Mac Power Co.
324 11th Ave.
Buhl, ID 83316

Fritz Wonderlich
P.O. Box 366
Twin Falls, ID 83303-0366

Jeffrey Warr
ROLIG & PETERSON
P.O. Box 2749
Twin Falls, ID 83303-2749

Charles E. Brockway
706 Sunrise Blvd N
Twin Falls, ID 83301


JULIE L. YARBROUGH
Senior Secretary



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

September 19, 2001

CITY OF TWIN FALLS
WATER DEPARTMENT
PO BOX 1907
TWIN FALLS ID 83303-1907

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-8389A

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 47-8389A

Reviewed By: dgibson

Date: September 7, 2001

	<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.:	47-97-S-0009-00	00
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	C055930		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		09/04/2001
Date proof due	-	09/03/2001
Lapse notice sent	-	
No. of days late	=	1
Holiday allowance	+	-1
Priority date	+	10/31/1995
New priority date	=	10/31/1995

Deficiencies of Actions Items

Ask for review of this drilling permit by well construction to be sure the correct fees were paid. If ok by W.C. then acknowledge proof. No reinstatement necessary since the proof deadline was a holiday.

June 30, 2001

CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS, ID 833011907

PROOF DUE NOTICE

RE: PERMIT NO. 47-8389A

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 September 03, 2001. (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, Admin. Asst.
Water Allocation Bureau

Enclosures

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WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

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

1. DRILLING PERMIT NO. 47-97-S-0009-000Other IDWR No. 47-08389A

2. OWNER:

Name City of Twin Falls
Address 321 2nd Avenue
City Twin Falls State ID Zip 83301

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>10</u>		North ☐ or South ☒	
W		Rge. <u>17</u>		East ☒ or West ☐	
E		Sec. <u>29</u>		1/4 <u>SE</u> 1/4 <u>SE</u> 1/4	
S		Gov't Lot _____		County <u>Twin Falls</u>	
		Lat. : : _____		Long. : : _____	
		Address of Well Site <u>3600 North Road</u>		City <u>Twin Falls</u>	
		<u>2900 East Road</u>			
		(Give at least name of road - Distance to Road or Landmark)			

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

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

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

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
concrete	0	55	10 yds	overbore	

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
20"	+1	55	378	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations ☐ Method _____
☐ Screens ☐ Screen Type _____

From	To	Stat Size	Number	Diameter	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

129 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or

control devices: 2" pipe 45° South

11. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
1400	200	300	8 hr

Water Temp. 59° Bottom hole temp 59°

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
24"	0	7 1/2	brown clay		X
	7 1/2	44	loose + solid layers of Black scoria		X
	44	47	loose and solid layers of Black + brown scoria		X
24"	47	55	no returns loose		
20"	55	60	solid brown scoria		X
	60	70	hard black scoria		X
	70	77	soft black scoria		
	77	95	little loose		X
	95	100	loose + solid layers of brown + black scoria		
	100	107	hard black scoria		X
	107	110	hard broken black scoria		X
	110	114	hard black scoria		X
	114	128	soft broken black scoria + red tuff		X
	128	132	hard black scoria + red tuff		X
	132	135	loose black scoria + red tuff		X
	135	145	black loose scoria		X
	145	160	hard black scoria + red tuff		X
	160	180	solid black scoria		X
	180	184	brown + black scoria + tan tuff		X
	184	197	hard black basalt		X
	197	221	loose black scoria + red gray + tan tuff		X
	221	229	hard black basalt		X
20"	229	232	loose B. black scoria		X

Completed Depth _____ (Measurable)

Date: Started _____ Completed _____

13. DRILLER'S CERTIFICATION

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

Firm Name High Plain Firm No. 299Firm Official Marcus Franke Date 4-27-97

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

October 28, 1996

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

RE: In the Matter of use of Application for Permit No. 47-08389A
in the name of the City of Twin Falls

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The

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Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its 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.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region