Form 42-248/42-1409(6) July, 2000

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FEB 28 2006
DEPARTMENT OF WATER RESOURCES

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FEB 23 2006
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3004	63-3004		63-11996	63-11996 License	
63-8044	63-8044		63-12450	63-12450 License	
	63-28379				
63-11995	63-11995 License				

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
   OR
   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): D Mark Lynn, Joy Lynn
   4050 Chaparral Road, Eagle, ID 83616

4. New Owner/Claimant(s): Joy Lynn
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: 4050 Chaparral Road
   City, State and ZIP Code: Eagle, ID 83616
   New Telephone Number: (208) 286-9533

5. Date you acquired the property: _____

SUPPORT DATA
IN FILE # 63-11995

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) _____ Joey Lynn

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by LA Date 2/23/06 Fee $75-
Receipted by LG Date 2/24/06 Receipt No. W033889
Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

CERTIFICATE OF DEATH

Date Filed: APRIL 06, 2004

State File No.: 2004-02376

DECEDENT - LEGAL NAME: DAVID MARK LYNN

SEX	SOCIAL SECURITY NUMBER	AGE	DATE OF BIRTH
MALE	[redacted]	56 YEARS	NOVEMBER 30, 1947

BIRTHPLACE	PLACE OF RESIDENCE
LONGVIEW, WASHINGTON	EAGLE, IDAHO

MARITAL STATUS AT TIME OF DEATH	NAME OF SURVIVING SPOUSE (if wife, maiden name)	WAS DECEDENT EVER IN U.S. ARMED FORCES?
MARRIED	MARJORIE JOY MCKELLOP	NO

FATHER - NAME	BIRTHPLACE
CORBETT LYNN	KENTUCKY
MOTHER - MAIDEN NAME	BIRTHPLACE
LUCILLE DAMERON	KENTUCKY

METHOD OF DISPOSITION	FUNERAL SERVICE LICENSEE
BURIAL	N. QUINN PETERSON

NAME AND ADDRESS OF FUNERAL FACILITY: SUMMERS FUNERAL HOME, BOISE, IDAHO

DATE OF DEATH	TIME OF DEATH	CITY, TOWN OR LOCATION OF DEATH	COUNTY OF DEATH
MAR. 31, 2004	1:10 A.M.	BOISE, IDAHO	ADA

CAUSE OF DEATH (underlying cause last)

a. BRAIN HERNIATION — Approximate Interval Between Onset and Death: 1 DAY

DUE TO (or as a consequence of):

b. BRAIN HEMORRHAGE

DUE TO (or as a consequence of):

c.

DUE TO (or as a consequence of):

d.

OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above: NONE STATED — WAS AN AUTOPSY PERFORMED? NO

MANNER OF DEATH	NAME OF CERTIFIER	TITLE
NATURAL	TIMOTHY JOHN JOHANS, M.D.	PHYSICIAN

CORONER SUBSEQUENT CERTIFICATION IF NECESSARY

EXTERNAL CAUSES ONLY

DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?

LOCATION WHERE INJURY OCCURRED

DESCRIPTION OF HOW INJURY OCCURRED

QUERY INFORMATION ADDED 05/05/2004

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: MAY 06, 2004

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-11995

Priority: February 25, 1993 Maximum Diversion Rate: 2.00 CFS

It is hereby certified that D MARK LYNN And/Or JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 25, 1993; and have submitted Proof of Beneficial Use on October 02, 2002. An examination indicates that the works have a diversion capacity of 5.35 cfs of water from:

SOURCE
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	03/15 to 11/15	2.00 CFS

LOCATION OF POINT OF DIVERSION:
GROUND WATER L2 (NW¼NE¼) Sec. 3, Twp 05N, Rge 01W, B.M., ADA County

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	
05N 01W 2						10.0 L 4	11.0										21.0
05N 01W 3	26.0 L 1	25.0 L 2	27.0	17.0	23.0 L 3		15.0			17.0							150.0
05N 01W 4				13.0									38.0	24.0	21.0	18.0	114.0
05N 01W 9		11.0															11.0
06N 01W 34													7.0		17.0	31.0	55.0
06N 01W 35										3.0	15.0						18.0

Total Acres: 369

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 195 acres within the place of use described above in a single irrigation season.
2. Rights 63-11996 and 63-12450 are also diverted through the point of diversion described above.
3. Rights 63-11996, 63-12450, and 63-11995 when combined shall not exceed a total annual maximum diversion volume of 1660.0 af at the field headgate, and the irrigation of 369 acres.

MICROFILMED
JUN 0 2 2003

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-11995

4. 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.

5. In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.

6. The water right holder shall maintain a well acceptable to the Department for use as a monitoring well. The well shall be completed in the regional aquifer, located within 1/2 mile of the production well, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.

7. The right holder shall maintain in the irrigation well a known-depth pressurizable air line to enable periodic determinations of the depth to water in the well.

8. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not directly lower the water level in any domestic well drilled and in use prior to 3/29/1978, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.

9. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

10. Upon determination by the Director that prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to this right or shall provide water in an amount necessary to mitigate the ongoing diversion under this right for release into the stream in which the minimum stream flow is not being met.

11. The right holder shall maintain a measuring device on each point of diversion and shall annually report to the Department the amount of water diverted and the depth to water.

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

Signed and sealed this 22nd day of May, 2003.

KARL J. DREHER
Director

MICROFILMED
JUN 0 2 2003

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MAY 2 0 2003
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-11995

Date of Priority: February 25, 1993 Maximum Diversion Rate: 2.00 CFS

Comes now D MARK LYNN And/Or JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-11995, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	2.00 CFS

LOCATION OF POINT OF DIVERSION:
GROUND WATER L2 (NW¼NE¼) Sec. 3, Twp 05N, Rge 01W, B.M., ADA County

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	
05N 01W 2						10.0 L 4	11.0										21.0
05N 01W 3	26.0 L 1	25.0 L 2	27.0	17.0	23.0 L 3		15.0			17.0							150.0
05N 01W 4				13.0									38.0	24.0	21.0	18.0	114.0
05N 01W 9		11.0															11.0
06N 01W 34													7.0		17.0	31.0	55.0
06N 01W 35										3.0	15.0						18.0

Total Acres: 369

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 16 day of May, 2003.

(Signature)

MICROFILMED
JUN 0 2 2003

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 63-11995

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee #50.00 Receipted by JM #069178 Date 5/20/03

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-11995 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 195 acres within the place of use described above in a single irrigation season.

2. Rights 63-11996 and 63-12450 are also diverted through the point of diversion described above.

3. Rights 63-11996, 63-12450, and 63-11995 when combined shall not exceed a total annual maximum diversion volume of 1660.0 af at the field headgate, and the irrigation of 369 acres.

4. 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.

5. In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.

6. The water right holder shall maintain a well acceptable to the Department for use as a monitoring well. The well shall be completed in the regional aquifer, located within 1/2 mile of the production well, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.

7. The right holder shall maintain in the irrigation well a known-depth pressurizable air line to enable periodic determinations of the depth to water in the well.

8. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not directly lower the water level in any domestic well drilled and in use prior to 3/29/1978, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.

9. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

MICROFILMED
JUN 0 2 2003

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-11995

10. Upon determination by the Director that prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to this right or shall provide water in an amount necessary to mitigate the ongoing diversion under this right for release into the stream in which the minimum stream flow is not being met.

11. The right holder shall maintain a measuring device on each point of diversion and shall annually report to the Department the amount of water diverted and the depth to water.

Witness my hand this 22nd day of May, 2003.

for KARL J. DREHER
Director

MICROFILMED
JUN 0 2 2003

Form No. 21/
6/00

FOR OFFICE USE ONLY
Amt. of Fee $: 125
Receipt No. W0299154
Receipt By: LG
Date Receipted: 10/2/02

RECEIVED
OCT - 3 2002
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 63-11995 Telephone No. 208-286-9533
2. Name of Permit Holder(s): D Mark Lynn and Joy Lynn
3. Mailing Address: 4050 Chaparral Road

   City Eagle State ID Zip 83616
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. Apr / yr. 98

   Well Driller: Riverside Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):

   Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

   Irrigation (No. of acres): 195 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 2.00 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 X or No ____
   Has the measuring device been installed? Yes X or No ____
8. Fee Enclosed: $ 125.00 (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: Mark Lynn Telephone Number: 28609533

   Address: 4050 Chaparral Road
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: _____ Date: 10-1-02
(include your title, if on behalf of company of organization)

MICROFILMED
NOV 12 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 63-11995

This is to certify, that JOY LYNN
D MARK LYNN
4050 CHAPARRAL RD
EAGLE ID 83616
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: February 25, 1993

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 3, Township 05N, Range 01W
SESE , Sec. 34, Township 06N, Range 01W
GEM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05N	01W	2	Lot 4 (NWNW)	15	SWNW	5			20
		3	Lot 1 (NENE)	26	Lot 2 (NWNE)	29	SWNE	25	
			SENE	10	Lot 3 (NENW)	20			110
06N	01W	34	NESE	5	SWSE	9.5	SESE	21	35.5
		35	SWSW	29.5					29.5

Total number of acres irrigated: 195

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 2003.**
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.

MODIFIED
SEP 30 1999

PERMIT NO. 63-11995

CONDITIONS OF APPROVAL AND REMARKS

6. The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within 1/2 mile of the production wells, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.
7. The water right holder shall install in each irrigation well a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells.
8. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not directly lower the water level in any domestic well drilled and in use prior to 3/29/78, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.
9. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.
10. Upon determination by the Director that a prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to this right or shall provide water in an amount necessary to mitigate the ongoing diversion under this right for release into the stream in which the minimum stream flow is not being met.
11. Prior to diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the department the amount of water diverted and the depth to water. The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not co-mingled with the deeper (regional) aquifer.
12. Water bearing zone to be appropriated is 500 to 620 feet.

Witness my hand this 26th day of September, 1999.

Chief, Water Allocation Bureau

MICROFILMED
SEP 30 1999

Form No. 204
7/94

RECEIVED

MAY 1 1 1999

Department of Water Resources

For Office Use Only
$50 Fee Receipted by WWilcomb
Date 5/11/99
Receipt No. 0045397

STATE OF IDAHO
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. 63-11995

Name(s) of Permit Holder: D. Mark Lynn and Joy Lynn

Mailing Address: 4050 Chaparral Road, Eagle, ID 83616

Date Proof is Due: 4/1/1999 Telephone No. 286-9533

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".)

In combination with permit 63-11996, we have (1) extended three-phase power more than two miles, (2) constructed a 650-foot deep, 16-inch gravel packed wel (3) installed a 400-hp variable speed deep well turbine pump, (4) installed buried pipe and sprinklers, and (5) prepared about 300 acres costing $500,000 +/-

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

Final project development is dependent on the outcome of pending application to amend permit 63-11995 and application for permit 63-12450. Both application have been delayed by protests.

Permit holder(s) request an extension to April 1, 2004, 19XX.

FEE: $50.00

(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 APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 2003.
IT IS FURTHER ORDERED that the permit is REINSTATED with no advance in priority.

MICROFILMED
SEP 3 0 1999

Signed this 26th day of May, 1999.

Chief, Water Allocation Bureau

Form 211
10/93

Receipt No. W0023834
Receipted By SA 50
Date 5-4-98

RECEIVED
MAY 18 1999
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant D Mark Lynn and Joy Lynn Phone 208-286-9533

Address 4050 Chaparral Road, Eagle, ID 83616

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-11995, and request that the permit and permit map be amended and/or changed as follows:

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

1. Point of diversion: (Lot 2)¼ NW ¼ NE ¼, Section 3, Township 5N, Range 1W, B.M., County of Ada. Other points of diversion SESE T6N, R1W, Sec 34, Gem County

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

Amount 2.000 (cfs or acre feet per annum) for irrigation (water use) purposes from 3/15 (Begin month) to 11/15 (End month) (both dates inclusive)

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

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

3. Place of use or land to be irrigated:

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	2						L4 15	5										20
		3	L1 26	L2 29	25	10	L3 20												110
6N	1W	34													5		9.5	21	35.5
		35											29.5						29.5

Total number of acres to be irrigated = 195

4. a. Who owns the property at the point of diversion? Applicant

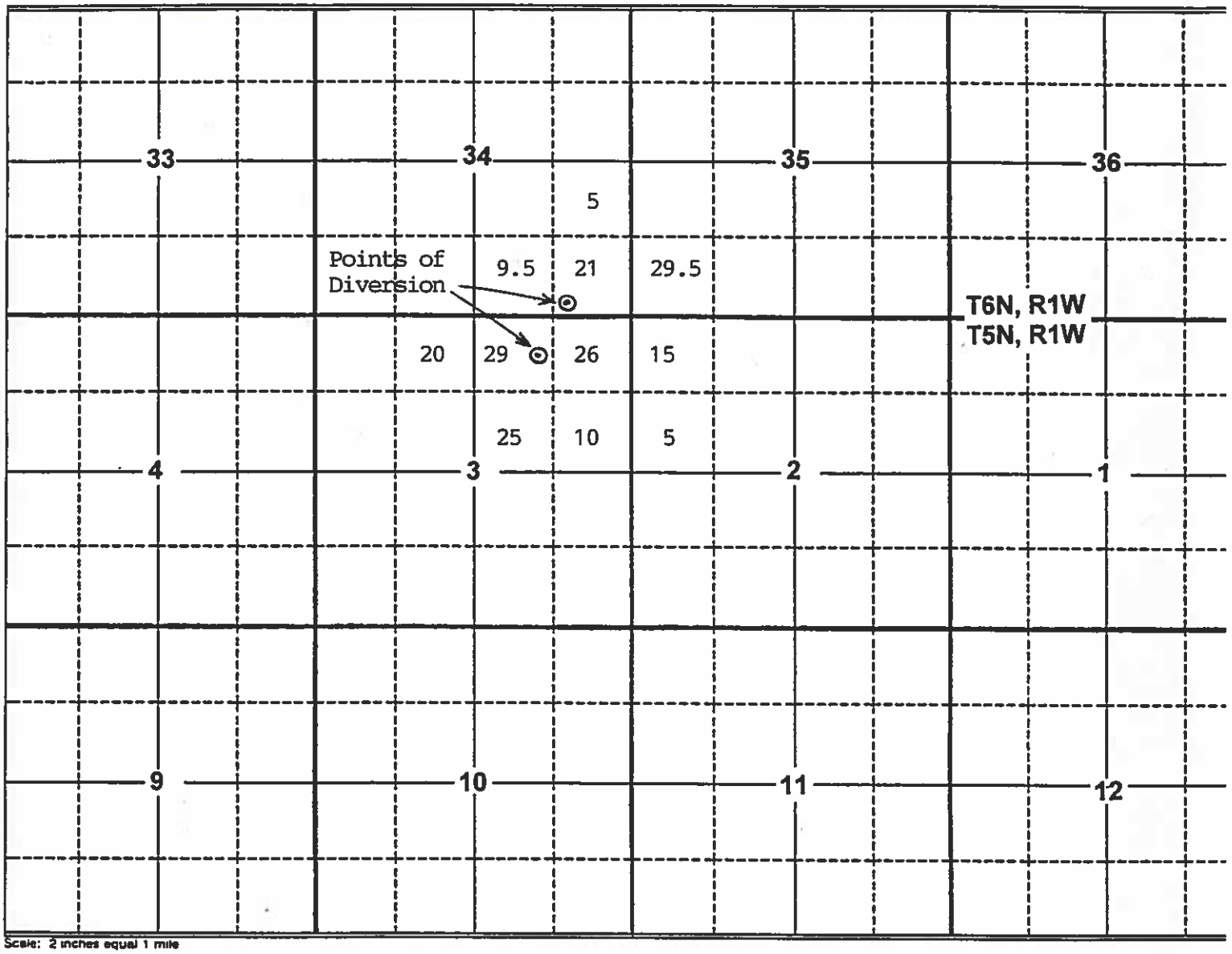
b. Who owns the land to be irrigated at the place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: ____

MICROFILMED
SEP 30 1999

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 4 day of May, 1998.

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by TT Publication prepared by dt Date 6-10-98

Published in Messenger Index Id Statesman Publication dates 6-17+24-98 7-16+23-98

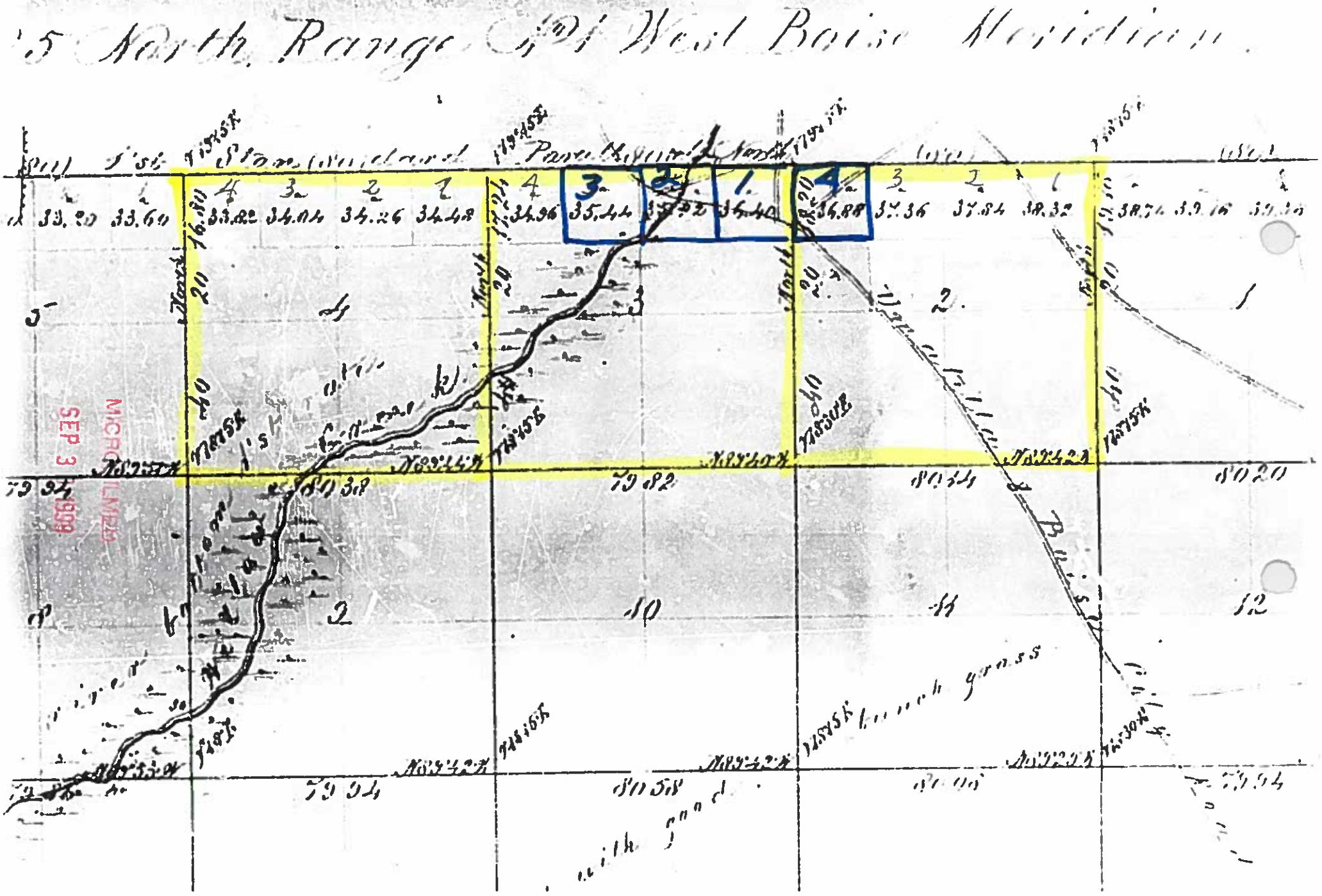
I, _____, of the Department of Water Resources hereby

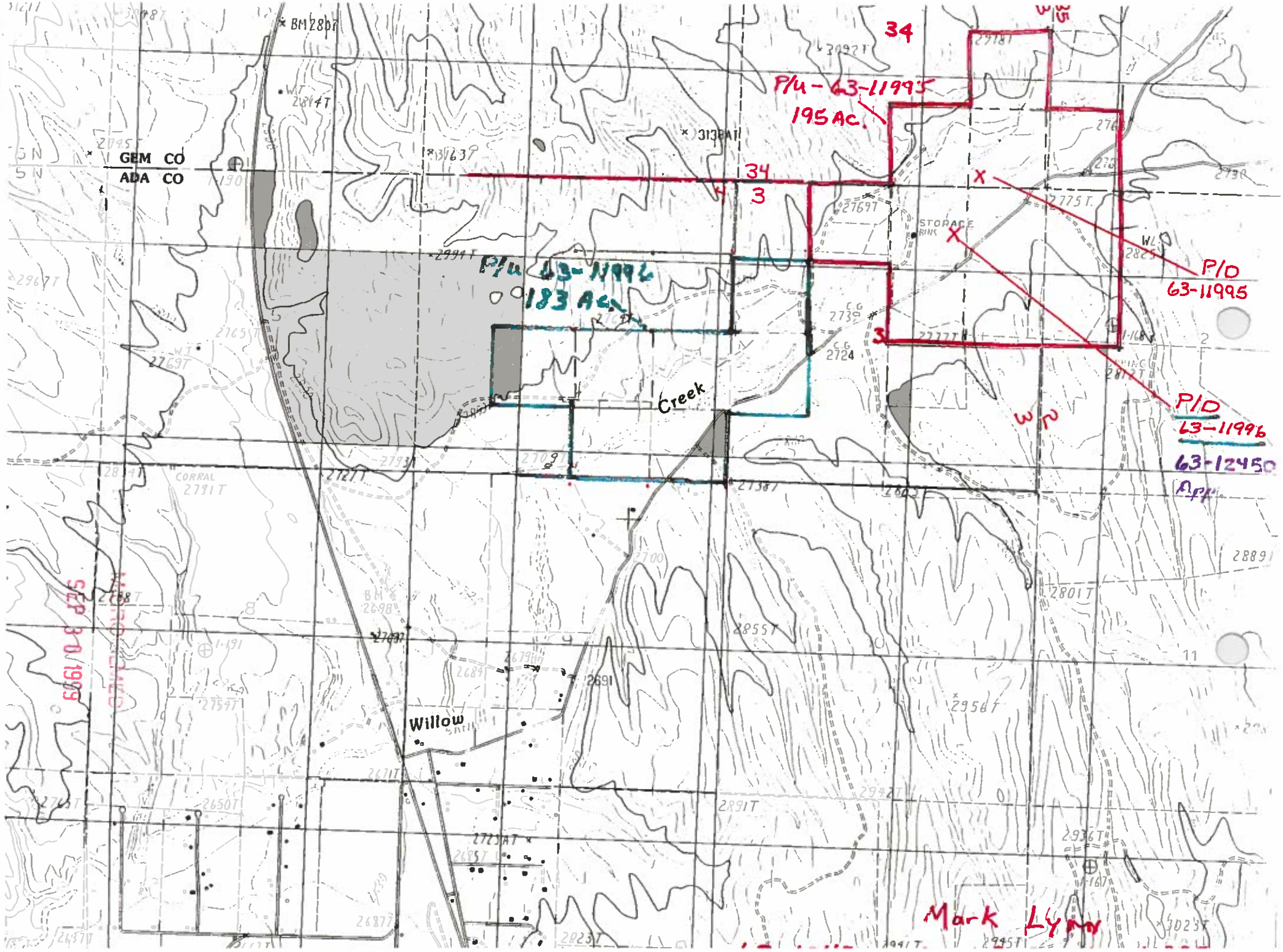
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SEP 30 1999

Witness my hand this _____ day of _____, 19_____.

GOUT PLAT (1868)
T5N R1W




34
P/u - 63-11995
195 Ac.
34
3
P/u 63-11996
183 Ac.
P/D
63-11995
P/D
63-11996
63-12450
Creek
Willow
GEM CO
ADA CO
Mark Lyon

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 63-11995 AND 63-11996 IN THE NAME OF D. MARK LYNN OR JOY LYNN	**AMENDED FINAL ORDER**

On March 14, 1994, the hearing officer for the Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit Nos. 63-11995 and 63-11996 in the name of D. Mark Lynn or Joy Lynn (applicant). On April 4, 1995, the applicant filed a Petition for Reconsideration (petition) in connection with the Recommended Order. The protestants did not respond to the petition.

The department has reviewed the petition and responds to each issue in the order presented as follows:

Recommended Condition of Approval No. 4 - The department has changed the condition to provide for the concern expressed by the applicant.

Recommended Condition of Approval No. 5 - The department has removed the word "non-production" from the analysis section of the Final Order so that any suitable domestic or other well acceptable to the department would not be precluded from consideration. The analysis section now is consistent with Condition of Approval No. 5 in this Final Order.

Recommended Condition of Approval No. 6 - The department has changed this condition in the Final Order, to provide that it is to be applied in accordance with provisions of applicable law.

Recommended Condition of Approval No. 12 - The department has granted a four (4) year period in which to develop the project and to submit proof of beneficial use to the department.

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On May 5, 1995, the Director of the Department issued a Final Order.

On May 10, 1995, the applicant suggested revised language to clarify the intent of Condition of Approval No. 8 shown in the Final Order. This Amended Final Order includes revisions to Conditional of Approval No. 8.

Based on his understanding of the facts and the law in this matter, the Director makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 25, 1993, D. Mark Lynn and Joy Lynn (applicant) filed applications for permit as follows:

Ident. No:	63-11995
Source of water:	Ground water
Use:	Irrigation
Rate of diversion:	2.0 cubic feet per second (cfs)
Point of diversion:	SE1/4SE1/4 Section 34, T6N, R1W, BM.
Place of use:	195 acres within parts of Sections 2 and 3, T5N, R1W, BM. and within parts of Sections 34 and 35, T6N, R1W, BM.

Ident. No.	63-11996
Source of water:	Ground water
Use:	Irrigation
Rate of diversion;	2.0
Point of diversion:	NW1/4NE1/4 Section 3, T5N, R1W,BM.
Place of use:	183 acres within parts of Sections 3 and 4, T5N, R1W, BM.

2. Some of the wells currently used in the vicinity of the proposed ground water diversion were constructed and used for domestic purposes prior to March 29, 1978.

3. The department published notice of the application which was timely protested by Terry G. Jensen.

4. On December 6, 1994 the department conducted a conference in the matter, and ruled to allow intervention of protestant Donald B. Jensen. The conference was unsuccessful in resolving the

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protests.

5. On December 20, 1994, the department conducted a hearing in the matter. The applicant was present and was represented by Dana Hofstetter. Protestants Terry G. Jensen and Donald B. Jensen were present and represented themselves. The hearing officer also ruled to allow intervention of Willowbrook Water Association, represented by Melvin E. Gahley.

6. Issues identified by the protestants include the following:

a. Use of water as proposed under the application will reduce the quantity of water under existing water rights.

b. The water supply is insufficient for the purposes intended.

c. The application is not made in good faith but for delay or speculative purposes.

d. The application conflicts with the local public interest.

e. The application is contrary to the conservation of water within Idaho.

7. Exhibits offered by the applicant and accepted as a part of the record include the following:

a. Exhibit 1: September 2, 1994 letter and attachments from Terry Scanlan to David Tuthill regarding "Request to Reactivate Applications for Permit."

b. Exhibit 2: IDWR "Ground-Water Conditions in the Dry Creek Area, Eagle, Idaho" (June 1991).

c. Exhibit 3: November 11, 1994 letter and attachments from Terry Scanlan to Dana Hofstetter regarding "Aquifer Test Results - Mark Lynn Ranch on Willow Creek."

d. Exhibit 4: December 16, 1994 letter and attachments from Terry Scanlan to Dana Hofstetter regarding "Mark Lynn Water Rights."

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e. Exhibit 5: Map showing locations of proposed wells and proposed places of use.

f. Exhibit 6: USGS, Geologic Map and Section, Western Snake River Plain and Surrounding Area, "Professional Paper 1408-G."

g. Exhibit 7: IDWR, Figure 4-2 Index Map of a Portion of Southwestern Idaho showing Isotope Sample Locations and Major Lineaments in the Western Snake River Plain and Adjacent Areas, "Water Information Bulletin No. 30, Geothermal Investigations in Idaho Part 11" (December 1981).

h. Exhibit 8: Map showing approximate locations of Lynns', Donald Jensen's, Chaparral and Willowbrook wells.

I. Exhibit 9: Map showing locations of wells with cross-sectional line.

j. Exhibit 10: Hydrogeologic cross-section extending from Donald Jensen's wells to the Willowbrook wells.

k. Exhibit 11: USGS, Configuration of the Water Table and Depth to Water, Spring 1980, Water Level Fluctuations and Water Movement in the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon, "USGS Hydrologic Investigations Atlas HA-703" (1988).

l. Exhibit 12: Enlarged and colored portion of Exhibit 11.

m. Exhibit 13: Schematic of groundwater and surface water flow directions.

n. Exhibit 14: December 19, 1994 letter from Dana Hofstetter to the Ada County Commissioners requesting comments on the local public interest.

o. Exhibit 15: December 19, 1994 letter from Dana Hofstetter to the Gem County Commissioners requesting comments on the local public interest.

8. The applicant testified that he owns the 378 acres proposed to be irrigated under the applications. Most of these acres are claimed by the applicant to be irrigated from Willow

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Creek, tributary to the Boise River, as identified in Snake River Basin Adjudication Claims Nos. A63-28379 and A63-28380. However, water supplies in Willow Creek are inadequate to fully irrigate these acres, and the applicant has applied to use groundwater as a supplemental source of supply, via applications for permit nos. 63-11995 and 63-11996.

9. When the applications were initially received they were not advertised and further processed by the department because the proposed points of diversion are located topographically within the Boise River basin. Beginning on May 15, 1992, a moratorium has prohibited approval of new appropriations for irrigation uses within this basin.

10. On April 30, 1993, the department issued an Amended Moratorium Order for the Eastern Snake River Plain Area and the Boise River Drainage Area. The moratorium stopped the processing and approval of applications seeking appropriation of surface water and ground water. The moratorium, however, provided that the Director could consider reviewing applications on a case-by-case basis if the Director determines that development and use of water will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

11. The applicant and his representatives conducted an investigation which indicated that while the points of diversion are located topographically within the Boise River basin, the regional ground water system at their location is tributary to the Payette River. The basis for this assessment is primarily provided by Applicant's Exhibit No. 11, as corroborated by an analysis of water log information from wells that have been drilled in the area. This information, as presented by expert witness Terry Scanlan and documented throughout the hearing record, is technically sound.

12. Aquifer tests conducted by the applicant indicate that the regional aquifer in the vicinity of the proposed locations is highly permeable and productive, and pumpage in the vicinity of the proposed wells is anticipated to have negligible impact on water levels in the regional aquifer. Also, the protestants appear to be pumping from perched aquifers which are separated by faulting from the site of the applicant's proposed diversions. This makes unlikely any noticeable impact on the protestants' wells due to

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pumping by the applicant.

13. Based on testimony provided at the hearing it appears that the water level fluctuates in the perched aquifers located upstream and downstream topographically from the proposed points of diversion. However, technical data in the file demonstrate the distinction between the perched aquifers and the regional aquifer. It appears that the regional aquifer has been stable over the years.

14. The applicant provided unrefuted testimony that he has the financial ability with which to complete the project.

15. The applicant provided unrefuted testimony that the development of the applications as proposed will benefit the local public interest by enhancing the farming production and wildlife feed in the Little Willow Creek drainage.

16. The applicant objected for the record to the determination by the department that one protest fee of $25.00 was found to be acceptable for filing protests to both applications.

CONCLUSIONS OF LAW

1. In Parker v. Wallentine, 103 Idaho 506,510 (1982), the court held that a later in time appropriator is responsible to compensate or mitigate adverse impacts to owners of domestic wells drilled and used prior to March 29, 1978, if the later appropriator's use is determined to directly cause such a domestic well or pumping system to become unusable or require modification in order to obtain domestic water.

2. Section 42-203A, Idaho Code, provides in part as follows:

> In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the

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local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor... .

3. Water Appropriation Rule 40.04.b.i. (old rule no. 4,4,2,1.) provides as follows:

The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Section 42-203A(5), Idaho Code.

4. Water Appropriation Rule 40.04.b.ii. (old rule no. 4,4,2,2.) provides as follows:

The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (e) of Section 42-203A, Idaho Code, as to any factor affecting local public interest of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant shall bear the initial burden of coming forward with evidence for those factors relevant to criterion (e) of Section 42-203A(5), Idaho Code, of which the protestant can reasonably be expected to be more cognizant than the applicant.

5. The application is not anticipated to reduce the quantity of water under existing water rights.

6. The water supply available itself appears to be sufficient for the purposes intended.

7. The application is made in good faith and not for delay or speculative purposes.

8. Based on the testimony at the hearing, the applicant appears to have sufficient financial resources with which to complete the project.

9. The application does not conflict with the local public interest.

10. The application is not contrary to the conservation of water within Idaho.

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11. The applicant has met the required burden of proof on each of the decision criteria in Section 42-203A, Idaho Code.

12. In this situation, the issues regarding one application are identical to the issues regarding the other application. Therefore, even if the protests and associated fees can be considered to have been filed on just one application, the department would have withheld action on the other application. The Director is required to evaluate the six issues identified in Section 42-203A, Idaho Code, whether or not an application is protested.

ANALYSIS

The primary issue in this matter is whether or not the proposed irrigation water use will adversely impact depths to water in wells utilized by the protestants.

The department must consider the potential effect of a new proposal on senior water rights relative to the future ability of the senior rights to obtain water at or above the reasonable ground water pumping level. The lowering of the water level in domestic wells drilled and used prior to March 29, 1978, may require action of the permit holder to either compensate or mitigate such prior right holders for modifications directly attributable to water withdrawal under the new use.

The geohydrology presented by the applicant has demonstrated that the applicant intends to utilize the regional aquifer as a source for the proposed diversions. It appears that the properties of this aquifer demonstrate the capability to provide for the proposed diversions, with minimal drawdown. Water levels measured in wells utilized by the protestants indicated that they presently utilize aquifers that are perched above the regional aquifer. Thus, there is little potential for any measurable impact due to the proposed wells on the existing wells utilized by the protestants.

Nevertheless, few actual measurements or ground water studies have been conducted in the vicinity of the proposed diversions. Thus, construction of the wells and installation of pumping equipment should be made conducive to the introduction of depth-to-water measurement equipment. In addition, the applicant should be required to provide a well suitable for periodic measurements of the depth to water in the regional aquifer. Such measurements will

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provide the capability to provide for long-term scrutiny of the impact of the proposed wells on the regional aquifer in this area.

In addition, it is important to provide for the continuation of surface water irrigation on the applicant's property, so that the perched and regional aquifers in the area are recharged to a maximum extent.

ORDER

IT IS THEREFORE, hereby ORDERED that the Final Order of the department dated May 5, 1995, is withdrawn pursuant to IDAPA Rule 37.01.01760 (Rule of Procedure 760) and this Amended Final Order is substituted in its place.

IT IS THEREFORE, hereby ORDERED that Applications for Permit Nos. 63-11995 and 63-11996 are hereby Approved, subject to the following conditions of approval:

1. 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 the permit holder had no control.

2. These water rights are subject to all prior water rights.

3. The rate of diversion of water under these water rights and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

4. In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under these ground water rights to the extent the Willow Creek water rights are determined in the Snake River Basin Adjudication (SRBA) to exist. Water Right Nos. 63-11995 and 63-11996 are supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.

5. The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within ½ mile of the production wells, and the depth to water therein shall be monitored

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during March and October each year and the measurements provided to IDWR.

6. In accordance with applicable law, the right holder is responsible to ensure that pumpage under these rights does not directly lower the water level in any domestic well drilled and in use prior to March 29, 1978, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.

7. In accordance with applicable law, the right holder is responsible to ensure that pumpage under these rights does not reduce the water available under any prior right so as to cause material injury to the holder of the prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

8. Upon determination by the Director that a prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to these rights or shall provide water in an amount necessary to mitigate the ongoing diversion under these rights for release into the stream in which the minimum stream flow is not being met.

9. The water right holder shall install in each irrigation well utilized under these permits a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells, and a measurement port and measurement tube capable of allowing the introduction of depth-to-water measurement probes.

10. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the department the amount of water diverted and the depth to water.

11. The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not commingled with the deeper (regional) aquifer.

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

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13. Construction of the well must comply with the Idaho Well Construction Standards.

14. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.

Signed this 12TH day of May, 1995.

NORMAN C. YOUNG, Administrator

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JUN 2 9 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of May, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED FINAL ORDER** to the following:

D. Mark &/or Joy Lynn
4050 Chaparral
Eagle, ID 83616

Terry Goicoechea Jensen
8968 Deer Ln.
Eagle, ID 83616

Dana Hofstetter Esq.
HOLLAND & HART
P.O. Box 2527
Boise, ID 83701

Terry Scanlin
Scanlin Engineering
600 E. River Park Ln. # 105
Boise, ID 83706

Richard B. Roberts
Willowbrook Water Assoc.
9333 Spangler Place
Eagle, ID 83616

Donald B. Jensen
8661 W. Beacon Light Rd.
Star, ID 83669

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

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JUN 29 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11995

Proposed Priority: February 25, 1993 Maximum Diversion Rate: 2.00 CFS

This is to certify, that **JOY LYNN**
D MARK LYNN
4050 CHAPARRAL
EAGLE ID 83616
has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 34, Township 06N, Range 01W
GEM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05N	01W	2	Lot 4(NWNW)	15.0	SWNW	5.0			20.0
		3	Lot 1(NENE)	26.0	Lot 2(NWNE)	29.0	SWNE	25.0	
			SENE	10.0	Lot 3(NENW)	20.0			110.0
06N	01W	34	NESE	5.0	SWSE	9.5	SESE	21.0	35.5
		35	SWSW	29.5					29.5

Total number of acres irrigated: 195.0

CONDITIONS/REMARKS:

1. See Final Order for conditions of 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

5TH day of May, 1995.

R. Keith Higginson, Director

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JUN 29 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-11995 AND)
63-11996 IN THE NAME OF D.) **FINAL ORDER**
MARK LYNN OR JOY LYNN)
)

On March 14, 1994, the hearing officer for the Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit Nos. 63-11995 and 63-11996 in the name of D. Mark Lynn or Joy Lynn (applicant). On April 4, 1995, the applicant filed a Petition for Reconsideration (petition) in connection with the Recommended Order. The protestants did not respond to the petition.

The department has reviewed the petition and responds to each issue in the order presented as follows:

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Recommended Condition of Approval No. 6 - The department has changed this condition in the Final Order, to provide that it is to be applied in accordance with provisions of applicable law.

Recommended Condition of Approval No. 12 - The department has granted a four (4) year period in which to develop the project and to submit proof of beneficial use to the department.

Based on his understanding of the facts and the law in this

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matter, the Director makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 25, 1993, D. Mark Lynn and Joy Lynn (applicant) filed applications for permit as follows:

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Source of water:	Ground water
Use:	Irrigation
Rate of diversion:	2.0 cubic feet per second (cfs)
Point of diversion:	SE1/4SE1/4 Section 34, T6N, R1W, BM.
Place of use:	195 acres within parts of Sections 2 and 3, T5N, R1W, BM. and within parts of Sections 34 and 35, T6N, R1W, BM.

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Source of water:	Ground water
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Place of use:	183 acres within parts of Sections 3 and 4, T5N, R1W, BM.

2. Some of the wells currently used in the vicinity of the proposed ground water diversion were constructed and used for domestic purposes prior to March 29, 1978.

3. The department published notice of the application which was timely protested by Terry G. Jensen.

4. On December 6, 1994 the department conducted a conference in the matter, and ruled to allow intervention of protestant Donald B. Jensen. The conference was unsuccessful in resolving the protests.

5. On December 20, 1994, the department conducted a hearing in the matter. The applicant was present and was represented by Dana Hofstetter. Protestants Terry G. Jensen and Donald B. Jensen were present and represented themselves. The hearing officer also ruled to allow intervention of Willowbrook Water Association, represented by Melvin E. Gahley.

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6. Issues identified by the protestants include the following:

a. Use of water as proposed under the application will reduce the quantity of water under existing water rights.

b. The water supply is insufficient for the purposes intended.

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d. The application conflicts with the local public interest.

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7. Exhibits offered by the applicant and accepted as a part of the record include the following:

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8. The applicant testified that he owns the 378 acres proposed to be irrigated under the applications. Most of these acres are claimed by the applicant to be irrigated from Willow Creek, tributary to the Boise River, as identified in Snake River Basin Adjudication Claims Nos. A63-28379 and A63-28380. However, water supplies in Willow Creek are inadequate to fully irrigate these acres, and the applicant has applied to use groundwater as a supplemental source of supply, via applications for permit nos. 63-11995 and 63-11996.

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CONCLUSIONS OF LAW

1. In Parker v. Wallentine, 103 Idaho 506,510 (1982), the court held that a later in time appropriator is responsible to compensate or mitigate adverse impacts to owners of domestic wells drilled and used prior to March 29, 1978, if the later appropriator's use is determined to directly cause such a domestic well or pumping system to become unusable or require modification in order to obtain domestic water.

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4. Water Appropriation Rule 40.04.b.ii. (old rule no. 4,4,2,2.) provides as follows:

The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (e) of Section 42-203A, Idaho Code, as to any factor affecting local public interest of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant shall bear the initial burden of coming forward with evidence for those factors relevant to criterion (e) of Section 42-203A(5), Idaho Code, of which the protestant can reasonably be expected to be more cognizant than the applicant.

5. The application is not anticipated to reduce the quantity of water under existing water rights.

6. The water supply available itself appears to be sufficient for the purposes intended.

7. The application is made in good faith and not for delay or speculative purposes.

8. Based on the testimony at the hearing, the applicant appears to have sufficient financial resources with which to complete the project.

9. The application does not conflict with the local public interest.

10. The application is not contrary to the conservation of water within Idaho.

11. The applicant has met the required burden of proof on each of the decision criteria in Section 42-203A, Idaho Code.

12. In this situation, the issues regarding one application are identical to the issues regarding the other application. Therefore, even if the protests and associated fees can be considered to have been filed on just one application, the department would have withheld action on the other application. The Director is required to evaluate the six issues identified in

JUN 29 1995

Section 42-203A, Idaho Code, whether or not an application is protested.

ANALYSIS

The primary issue in this matter is whether or not the proposed irrigation water use will adversely impact depths to water in wells utilized by the protestants.

The department must consider the potential effect of a new proposal on senior water rights relative to the future ability of the senior rights to obtain water at or above the reasonable ground water pumping level. The lowering of the water level in domestic wells drilled and used prior to March 29, 1978, may require action of the permit holder to either compensate or mitigate such prior right holders for modifications directly attributable to water withdrawal under the new use.

The geohydrology presented by the applicant has demonstrated that the applicant intends to utilize the regional aquifer as a source for the proposed diversions. It appears that the properties of this aquifer demonstrate the capability to provide for the proposed diversions, with minimal drawdown. Water levels measured in wells utilized by the protestants indicated that they presently utilize aquifers that are perched above the regional aquifer. Thus, there is little potential for any measurable impact due to the proposed wells on the existing wells utilized by the protestants.

Nevertheless, few actual measurements or ground water studies have been conducted in the vicinity of the proposed diversions. Thus, construction of the wells and installation of pumping equipment should be made conducive to the introduction of depth-to-water measurement equipment. In addition, the applicant should be required to provide a well suitable for periodic measurements of the depth to water in the regional aquifer. Such measurements will provide the capability to provide for long-term scrutiny of the impact of the proposed wells on the regional aquifer in this area.

In addition, it is important to provide for the continuation of surface water irrigation on the applicant's property, so that the perched and regional aquifers in the area are recharged to a maximum extent.

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ORDER

IT IS THEREFORE, hereby ORDERED that Applications for Permit Nos. 63-11995 and 63-11996 are hereby Approved, subject to the following conditions of approval:

1. 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 the permit holder had no control.

2. These water rights are subject to all prior water rights.

3. The rate of diversion of water under these water rights and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

4. In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under these ground water rights to the extent the Willow Creek water rights are determined in the Snake River Basin Adjudication (SRBA) to exist. Water Right Nos. 36-11995 and 63-11996 are supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.

5. The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within ½ mile of the production wells, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.

6. In accordance with applicable law, the right holder is responsible to ensure that pumpage under these rights does not directly lower the water level in any domestic well drilled and in use prior to March 29, 1978, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.

7. In accordance with applicable law, the right holder is responsible to ensure that pumpage under these rights does not

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reduce the water available under any prior right so as to cause material injury to the holder of the prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

8. Upon notification by the department that a down gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to these rights or shall provide water in an amount equal to the ongoing diversion under these rights for release directly into the stream upon which the minimum stream flow is not being met.

9. The water right holder shall install in each irrigation well utilized under these permits a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells, and a measurement port and measurement tube capable of allowing the introduction of depth-to-water measurement probes.

10. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the department the amount of water diverted and the depth to water.

11. The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not commingled with the deeper (regional) aquifer.

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

13. Construction of the well must comply with the Idaho Well Construction Standards.

14. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.

Signed this 5TH day of May, 1995.

R. KEITH HIGGINSON, Director

JUN 2 9 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of May, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

D. Mark &/or Joy Lynn
4050 Chaparral
Eagle, ID 83616

Terry Goicoechea Jensen
8968 Deer Ln.
Eagle, ID 83616

Dana Hofstetter Esq.
HOLLAND & HART
P.O. Box 2527
Boise, ID 83701

Terry Scanlin
Scanlin Engineering
600 E. River Park Ln. # 105
Boise, ID 83706

Richard B. Roberts
Willowbrook Water Assoc.
9333 Spangler Place
Eagle, ID 83616

Donald B. Jensen
8661 W. Beacon Light Rd.
Star, ID 83669

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

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JUN 29 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-11995 AND)
63-11996 IN THE NAME OF D.) **RECOMMENDED ORDER**
MARK LYNN OR JOY LYNN)
)

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, and the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On February 25, 1993, D. Mark Lynn and Joy Lynn (applicant) filed applications for permit as follows:

Ident. No:	63-11995
Source of water:	Ground water
Use:	Irrigation
Rate of diversion:	2.0 cubic feet per second (cfs)
Point of diversion:	SE1/4SE1/4 Section 34, T6N, R1W, BM.
Place of use:	195 acres within parts of Sections 2 and 3, T5N, R1W, BM. and within parts of Sections 34 and 35, T6N, R1W, BM.

Ident. No.	63-11996
Source of water:	Ground water
Use:	Irrigation
Rate of diversion;	2.0
Point of diversion:	NW1/4NE1/4 Section 3, T5N, R1W,BM.
Place of use:	183 acres within parts of Sections 3 and 4, T5N, R1W, BM.

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2. Some of the wells currently used in the vicinity of the proposed ground water diversion were constructed and used for domestic purposes prior to March 29, 1978.

3. The department published notice of the application which was timely protested by Terry G. Jensen.

4. On December 6, 1994 the department conducted a conference in the matter, and ruled to allow intervention of protestant Donald B. Jensen. The conference was unsuccessful in resolving the protests.

5. On December 20, 1994, the department conducted a hearing in the matter. The applicant was present and was represented by Dana Hofstetter. Protestants Terry G. Jensen and Donald B. Jensen were present and represented themselves. The hearing officer also ruled to allow intervention of Willowbrook Water Association, represented by Melvin E. Gahley.

6. Issues identified by the protestants include the following:

a. The application will reduce the quantity of water under existing water rights.

b. The water supply is insufficient for the purposes intended.

c. The application is not made in good faith but for delay or speculative purposes.

d. The application conflicts with the local public interest.

e. The application is contrary to the conservation of water within Idaho.

7. Exhibits offered by the applicant and accepted as a part of the record include the following:

a. Exhibit 1: September 2, 1994 letter and attachments from Terry Scanlan to David Tuthill regarding "Request to Reactivate Applications for Permit."

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b. Exhibit 2: IDWR "Ground-Water Conditions in the Dry Creek Area, Eagle, Idaho" (June 1991).

c. Exhibit 3: November 11, 1994 letter and attachments from Terry Scanlan to Dana Hofstetter regarding "Aquifer Test Results - Mark Lynn Ranch on Willow Creek."

d. Exhibit 4: December 16, 1994 letter and attachments from Terry Scanlan to Dana Hofstetter regarding "Mark Lynn Water Rights."

e. Exhibit 5: Map showing locations of proposed wells and proposed places of use.

f. Exhibit 6: USGS, Geologic Map and Section, Western Snake River Plain and Surrounding Area, "Professional Paper 1408-G."

g. Exhibit 7: IDWR, Figure 4-2 Index Map of a Portion of Southwestern Idaho showing Isotope Sample Locations and Major Lineaments in the Western Snake River Plain and Adjacent Areas, "Water Information Bulletin No. 30, Geothermal Investigations in Idaho Part 11" (December 1981).

h. Exhibit 8: Map showing approximate locations of Lynns', Donald Jensen's, Chaparral and Willowbrook wells.

I. Exhibit 9: Map showing locations of wells with cross-sectional line.

j. Exhibit 10: Hydrogeologic cross-section extending from Donald Jensen's wells to the Willowbrook wells.

k. Exhibit 11: USGS, Configuration of the Water Table and Depth to Water, Spring 1980, Water Level Fluctuations and Water Movement in the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon, "USGS Hydrologic Investigations Atlas HA-703" (1988).

l. Exhibit 12: Enlarged and colored portion of Exhibit 11.

m. Exhibit 13: Schematic of groundwater and surface water flow directions.

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n. Exhibit 14: December 19, 1994 letter from Dana Hofstetter to the Ada County Commissioners requesting comments on the local public interest.

o. Exhibit 15: December 19, 1994 letter from Dana Hofstetter to the Gem County Commissioners requesting comments on the local public interest.

8. The applicant testified that he owns the 378 acres proposed to be irrigated under the applications. Most of these acres are claimed by the applicant to be irrigated from Willow Creek, tributary to the Boise River, as identified in Snake River Basin Adjudication Claims Nos. A63-28379 and A63-28380. However, water supplies in Willow Creek are inadequate to fully irrigate these acres, and the applicant has applied to use groundwater as a supplemental source of supply, via applications for permit nos. 63-11995 and 63-11996.

9. When the applications were initially received they were not advertised and further processed by the department because the proposed points of diversion are located topographically within the Boise River basin. Beginning on May 15, 1992, a moratorium has prohibited approval of new appropriations for irrigation uses within this basin.

10. On April 30, 1993, the department issued an Amended Moratorium Order for the Eastern Snake River Plain Area and the Boise River Drainage Area. The moratorium stopped the processing and approval of applications seeking appropriation of surface water and ground water. The moratorium, however, provided that the Director could consider reviewing applications on a case-by-case basis if the Director determines that development and use of water will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

11. The applicant and his representatives conducted an investigation which indicated that while the points of diversion are located topographically within the Boise River basin, the regional ground water system at their location is tributary to the Payette River. The basis for this assessment is primarily provided by Applicant's Exhibit No. 11, as corroborated by an analysis of water log information from wells that have been drilled in the area. This information, as presented by expert witness Terry

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Scanlan and documented throughout the hearing record, is technically sound.

12. Aquifer tests conducted by the applicant indicate that the regional aquifer in the vicinity of the proposed locations is highly permeable and productive, and pumpage in the vicinity of the proposed wells is anticipated to have negligible impact on water levels in the regional aquifer. Also, the protestants appear to be pumping from perched aquifers which are separated by faulting from the site of the applicant's proposed diversions. This makes unlikely any noticeable impact on the protestants' wells due to pumping by the applicant.

13. Based on testimony provided at the hearing it appears that the water level fluctuates in the perched aquifers located upstream and downstream topographically from the proposed points of diversion. However, technical data in the file demonstrate the distinction between the perched aquifers and the regional aquifer. It appears that the regional aquifer has been stable over the years.

14. The applicant provided unrefuted testimony that he has the financial ability with which to complete the project.

15. The applicant provided unrefuted testimony that the development of the applications as proposed will benefit the local public interest by enhancing the farming production and wildlife feed in the Little Willow Creek drainage.

16. The applicant objected for the record to the determination by the department that one protest fee of $25.00 was found to be acceptable for filing protests to both applications.

CONCLUSIONS OF LAW

1. In Parker v. Wallentine, 103 Idaho 506,510 (1982), the court held that a later in time appropriator is responsible to compensate or mitigate adverse impacts to owners of domestic wells drilled and used prior to March 29, 1978, if the later appropriator's use is determined to directly cause such a domestic well or pumping system to become unusable or require modification in order to obtain domestic water.

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2. Section 42-203A, Idaho Code, provides in part as follows:

> In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

3. Water Appropriation Rule 40.04.b.i. (old rule no. 4,4,2,1.) provides as follows:

> The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (a) through (d) of Section 42-203A(5), Idaho Code.

4. Water Appropriation Rule 40.04.b.ii. (old rule no. 4,4,2,2.) provides as follows:

> The applicant shall bear the initial burden of coming forward with evidence for the evaluation of criteria (e) of Section 42-203A, Idaho Code, as to any factor affecting local public interest of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant shall bear the initial burden of coming forward with evidence for those factors relevant to criterion (e) of Section 42-203A(5), Idaho Code, of which the protestant can reasonably be expected to be more cognizant than the applicant.

5. The application is not anticipated to reduce the quantity of water under existing water rights.

6. The water supply available itself appears to be sufficient for the purposes intended.

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7. The application is made in good faith and not for delay or speculative purposes.

8. Based on the testimony at the hearing, the applicant appears to have sufficient financial resources with which to complete the project.

9. The application does not conflict with the local public interest.

10. The application is not contrary to the conservation of water within Idaho.

11. The applicant has met the required burden of proof on each of the decision criteria in Section 42-203A, Idaho Code.

12. In this situation, the issues regarding one application are identical to the issues regarding the other application. Therefore, even if the protests and associated fees can be considered to have been filed on just one application, the department would have withheld action on the other application. The Director is required to evaluate the six issues identified in Section 42-203A, Idaho Code, whether or not an application is protested.

ANALYSIS

The primary issue in this matter is whether or not the proposed irrigation water use will adversely impact depths to water in wells utilized by the protestants.

The department must consider the potential effect of a new proposal on senior water rights relative to the future ability of the senior rights to obtain water at or above the reasonable ground water pumping level. The lowering of the water level in domestic wells drilled and used prior to March 29, 1978, may require action of the permit holder to either compensate or mitigate such prior right holders for modifications directly attributable to water withdrawal under the new use.

The geohydrology presented by the applicant has demonstrated that the applicant intends to utilize the regional aquifer as a source for the proposed diversions. It appears that the properties of this aquifer demonstrate the capability to provide for the proposed diversions, with minimal drawdown. Water levels measured

JUN 2 9 1995

in wells utilized by the protestants indicated that they presently utilize aquifers that are perched above the regional aquifer. Thus, there is little potential for any measurable impact due to the proposed wells on the existing wells utilized by the protestants.

Nevertheless, few actual measurements or ground water studies have been conducted in the vicinity of the proposed diversions. Thus, construction of the wells and installation of pumping equipment should be made conducive to the introduction of depth-to-water measurement equipment. In addition, the applicant should be required to provide a non-production well suitable for periodic measurements of the depth to water in the regional aquifer. Such measurements will provide the capability to provide for long-term scrutiny of the impact of the proposed wells on the regional aquifer in this area.

In addition, it is important to provide for the continuation of surface water irrigation on the applicant's property, so that the perched and regional aquifers in the area are recharged to a maximum extent.

ORDER

IT IS THEREFORE, hereby ORDERED that Applications for Permit Nos. 63-11995 and 63-11996 are hereby Approved, subject to the following conditions of approval:

1. 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 to permit holder had not control.

2. These water rights are subject to all prior water rights.

3. The rate of diversion of water under these water rights and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

4. In order to maintain recharge to the aquifer, water rights from Willow Creek shall continue to be used on the land described under these water rights to a maximum extent. Water rights nos. 63-11995 and 63-11996 are supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on

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acres where Willow Creek water has historically been utilized. Sale or transfer of surface water from any portion of the property will void the department's approval to utilize these groundwater rights.

5. The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within ½ mile of the production wells, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.

6. The right holder is responsible to ensure that pumpage under this water right does not directly lower the water level in any domestic well drilled and in use prior to March 29, 1978, requiring modification to the well or pumping system or directly lower the water level beyond the reasonable pumping level in any other well with a prior right unless the right holder provides reasonable compensation or mitigation to the prior right holder, as determined by the Director.

7. The water right holder shall install in each irrigation well utilized under these permits a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells, and a measurement port and measurement tube capable of allowing the introduction of depth-to-water measurement probes.

8. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the department the amount of water diverted and the depth to water.

9. The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not commingled with the deeper (regional) aquifer.

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

11. Construction of the well must comply with the Idaho Well Construction Standards.

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12. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date shown in the Final Order.

Signed this 14th day of March, 1995.

L. GLEN SAXTON, Chief
Water Allocation Bureau

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JUN 29 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of March, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **RECOMMENDED ORDER** to the following:

Richard B. Roberts
Willowbrook Water Assoc.
9333 Spangler Place
Eagle, ID 83616

Donald B. Jensen
8661 W. Beacon Light Rd.
Star, ID 83669

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14th day of March, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **RECOMMENDED ORDER** to the following:

D. Mark &/or Joy Lynn
4050 Chaparral
Eagle, ID 83616

Terry Goicoechea Jensen
8968 Deer Ln.
Eagle, ID 83616

Dana Hofstetter Esq.
HOLLAND & HART
P.O. Box 2527
Boise, ID 83701

Terry Scanlin
Scanlin Engineering
600 E. River Park Ln. # 105
Boise, ID 83706

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

JUN 29 1995

Ident. No. **63-11995**

AMENDED (see 11/7/94 Comments)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: D MARK LYNN 208-377-3066
   Address: 4050 ~~CHAPERRAL~~ Chaparral
   EAGLE ID 83616
   AND/OR
   Name: JOY LYNN 208-377-3066
   Address: 4050 ~~CHAPERRAL~~
   EAGLE ID 83616

corrected d'base, spelling per Ada County Rural Address Manual - JZ 11/7/94

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESE Sec. 34, Township 06N, Range 01W
   GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	2.000		

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

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
      NEW WELL, PUMP & PIPELINE FOR SPRINKLER IRRIGATION
   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 16 inches; proposed depth of well is 470 feet.
   d. Is groundwater with a temperature greater than 85F being sought? NO
   e. If well is already drilled, when?
      Drilling Firm
      Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

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REVISED VERSION WITH UPDATED MAP & COMMENTS

-JZ 11/15/94

8. Place of Use: IRRIGATION

TWN	RGE	SEC			ACRES			ACRES			ACRES	TOTAL
05N	01W	2	Lot	4(NWNW)	15		SWNW	5				20
		3	Lot	1(NENE)	26	Lot	2(NWNE)	29		SWNE	25	
				SENE	10	Lot	3(NENW)	20				110
06N	01W	34		NESE	5		SWSE	9.5		SESE	21	35.5
		35		SWSW	29.5							29.5

Total number of acres irrigated: 195

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.

See original
Applicant

Received by CJH Date 2/25/93 Time 1130 Preliminary check by LG

*Fee $ 683.00 Receipted by CJH #W015965 Date 2/25/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

* 63-11995 $65
63-11996 $65
Balance for SRBA filings
-JR 11/15/94

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Comments: Date: 2/25/1993 User-ID: HODGES

Subject:
SUPPLEMENTAL USE

Use is supplemental to Willow Creek right as claimed under A63-28379 and A63-28380.

Comments: Date: 2/25/1993 User-ID: HODGES

Subject:
EXISTING WELL

A 16" well exists under 63-03004. That well will likely be abandoned and replaced during 1993 for use under 63-03004 and this permit on separate acres.

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Comments: Date: 9/ 7/1994 User-ID: SLESTER

Subject:
MORATORIUM

sp 65 →

Application processed now due to Attachment A, an analysis that suggests grond water is tributary to Basin 65 instead of Basin 63. Processing approved by DRT 9/6/94. Also see similar appl. for nearby well & acres, 63-11996.

Although each application is for amount less than those that require large diversion suppl. analysis, the combined package is

for considerably more than 200 acres. This is an example of a situation where the package should trigger the add'tl. info. need instead of looking at the filings separately. Perhaps a revision of the statute is needed or IDWR should review its interpretation of the statute for similar scenarios.

Comments: Date: 11/ 7/1994 User-ID: SLESTER

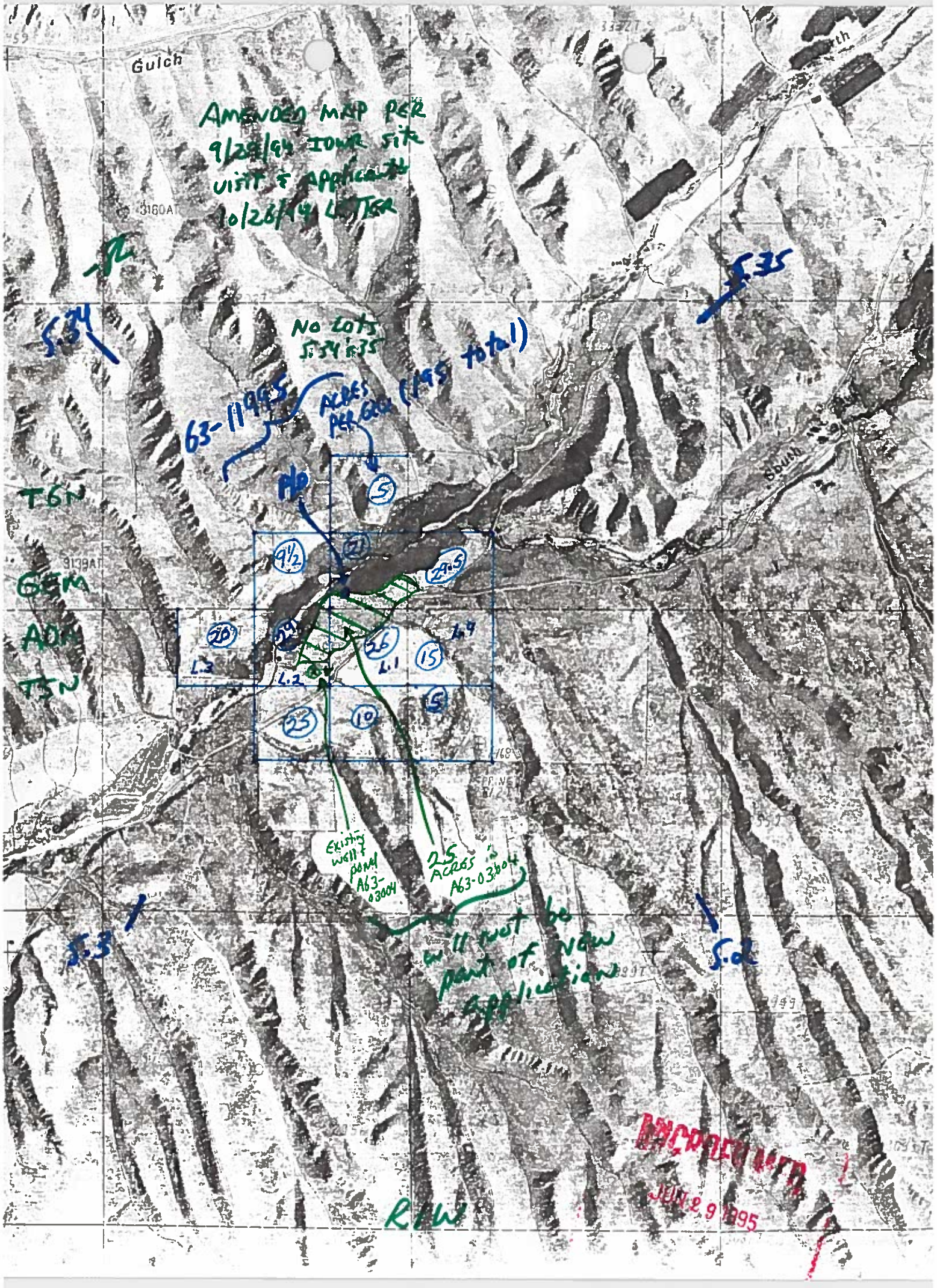
Subject:
"AMENDED" APPLICATION

Applicant sent letter dated 10/26/94 to amend A63-03004 and this application. Each will be for separate wells and for unique land. The amendment does not increase the number of acres or add QQ's to P/U; rather it re-arranges acres per tract.

Therefore, this is actually a revision but not a formal amendment requiring $50 fee or re-advertising, in my opinion. The letter replaces an office visit or more lengthy mail process in which applicant would normally initial changes to the filing.

A new well to be drilled is proposed for this application. The 25 acres within center of proposed P/U are covered by A63-03004 as shown on "Amended Map" that I prepared per applicant's info.

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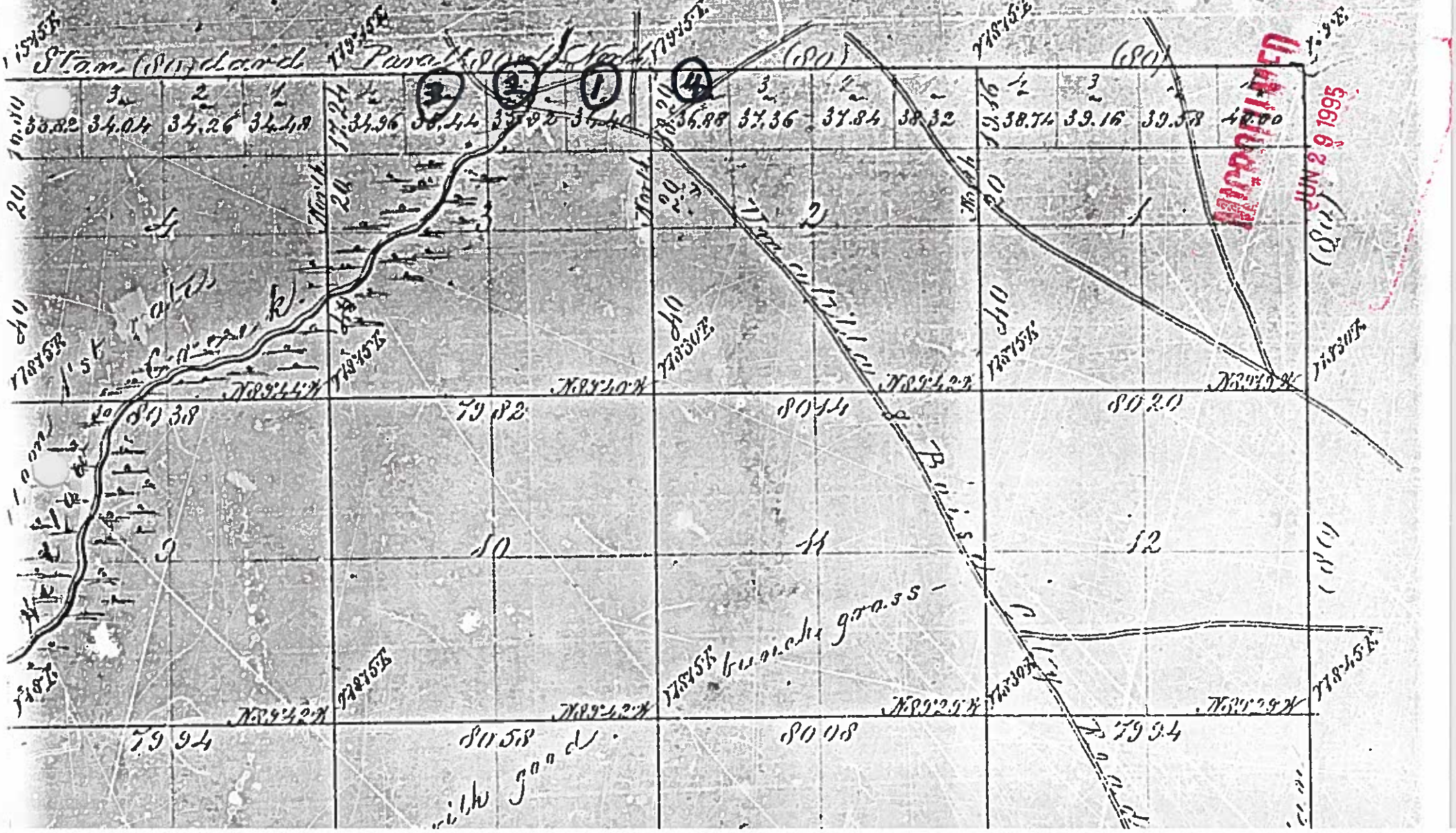

Gulch
AMENDED MAP PER 9/28/94 TOUR SITE VISIT & APPLICANTS 10/26/94 LETTER
S.34
S.35
No LOTS S.34 & 35
63-11995
ACRES PER GOC (195 total)
T6N
R6W
AOM
T5N
9½
21
20.5
20
29
26
15
L.3
L.2
L.1
L.4
25
10
5
EXISTING WELL # POM1 A63-03004
2.5 ACRES A63-03004
will not be part of NEW application
S.3
S.2
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T5N R1W
5.2 & 3

63-11995

4th Range of West Boise Meridian.

TRACIN



Ident. No. **63-11995**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: D MARK LYNN / 577-3066 208-939-0684
   Address: 4831 SKYLINE DR / Lynn Industrial
   EAGLE ID 83616 / 506 E. 45th St
   AND/OR / Boise Id 83714
   Name: JOY LYNN 208-939-0684
   Address: 4831 SKYLINE DR
   EAGLE ID 83616

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESE Sec. 34, Township 06N, Range 01W
   GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	2.000		

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

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
   EXISTING WELL, PUMP, PIPELINE
   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 16 inches; proposed depth of well is 470
   feet.
   d. Is groundwater with a temperature greater than 85F being sought? NO

7. Time required for the completion of the works and application of
   the water to the proposed beneficial use is 2 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05N	01W	2	NWNW	15	SWNW	5			20
		3	NENE	35	NWNE	35	SWNE	15	
			SENE	10	NENW	10			105
06N	01W	34	NESE	5	SWSE	5	SESE	30	40
		35	SWSW	30					30

Total number of acres irrigated: 195

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ORIGINAL

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:
~~Application being held pending department determination of processing supplemental applications for 1993 irrigation season.~~

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

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.

Applicant

Received by CJH Date 2/25/93 Time 1330 Preliminary check by G

Fee $ 105 — Receipted by CJH # W015965 Date 2/25/93

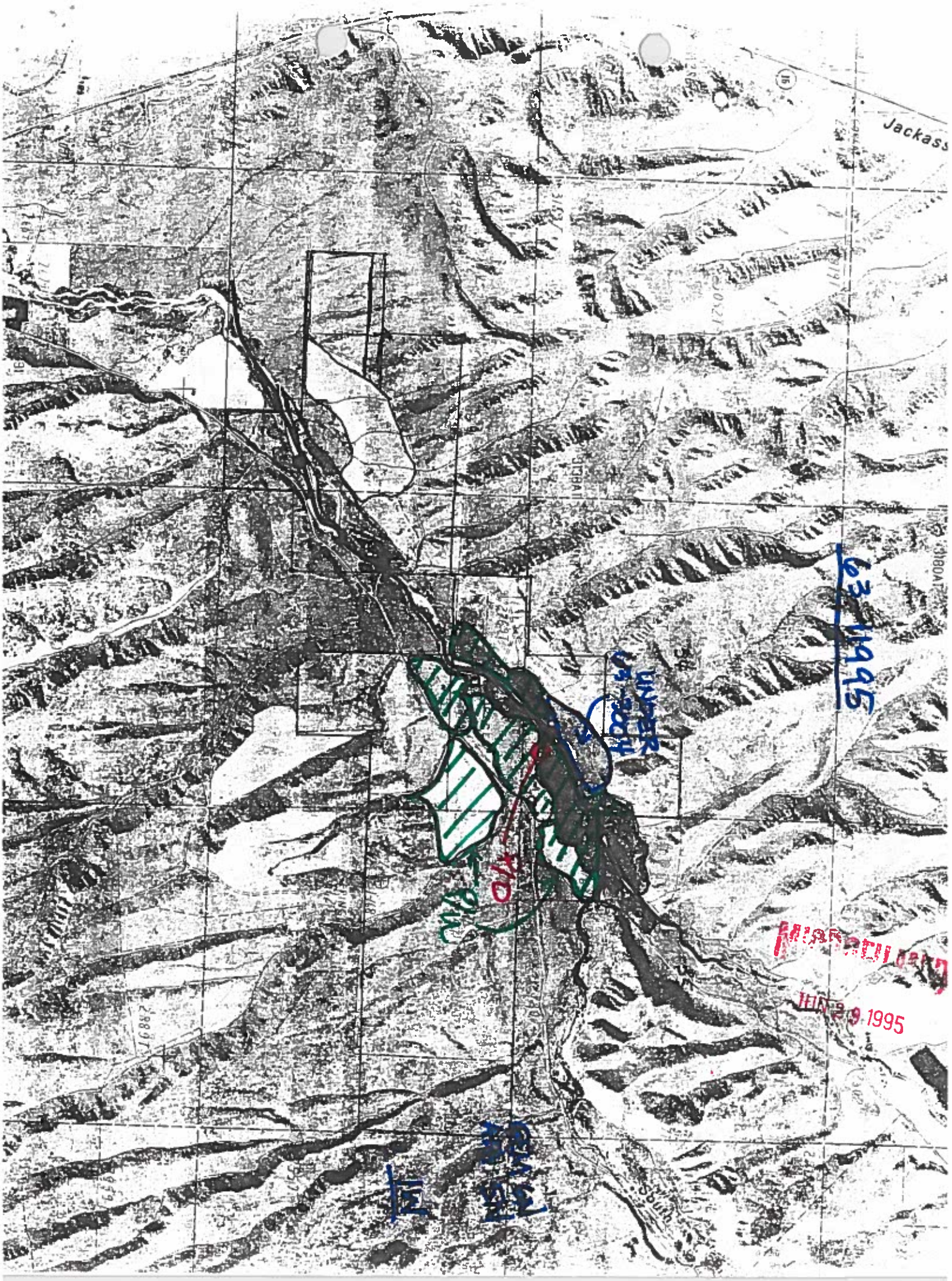
Publication prepared by dt Date 9-7-94 Published in Messenger Index

Publication approved dt Date 10-5-94

RECEIVED
JUN 29 1995

* D'Loss updated per Attachment A, 9/7/94
-SC

— See Comments —


Jackass
Sound
Harbour
Channel
Aug 29 1995

SD-0420-2 Idaho Department of Water Resources Date: 09/07/94
MODIFY RECORD Modify Comment Time: 09:11:58

Water Right Number: 63-11995

Comment Date: 9/ 7/1994 User ID: SLESTER

Subject: MORATORIUM

Application processed now due to Attachment A, an analysis that suggests grond water is tribuatry to Basin 65 instead of Basin 63. Processing approved by DRT 9/6/94. Also see similar appl. for nearby well & acres, 63-11996.
Although each application is for amount less than those that require large diversion suppl. analysis, the combined package is for considerably more than 200 acres. This is an example of a situation where the package should trigger the add'tl. info. need instead of looking at the filings separately. Perhaps a revision of the statute is needed or IDWR should review its interpretation of the statute for similar scenarios.

(ENTER=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

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Comments: Date: 2/25/1993 User-ID: HODGES

Subject:
SUPPLEMENTAL USE

Use is supplemental to Willow Creek right as claimed under A63-28379 and A63-28380.

Comments: Date: 2/25/1993 User-ID: HODGES

Subject:
EXISTING WELL

A 16" well exists under 63-03004. That well will likely be abandoned and replaced during 1993 for use under 63-03004 and this permit. (Separate acres) 25 ac Irr

MICROFILMED
JUN 2 9 1995

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

RECEIVED
SEP 0 2 1994
WATER RESOURCES
WESTERN REGION

September 2, 1994

Mr. David Tuthill
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Request to Reactivate Applications for Permit

Dear Mr. Tuthill:

Mr. D. Mark Lynn currently has two applications for permit on file with the Idaho Department of Water Resources. The applications (63-11995 and 63-11996) seek to appropriate groundwater for irrigation of a total of 378 acres located along Willow Creek in Sections 34 and 35, T6N, R1W and Sections 2, 3 and 4, T5N, R1W.

As you and I discussed at our meeting of August 22, 1994, Mr. Lynn is aware of the current moratorium on processing new applications for permit in the Boise River Basin. However, as provided for under item 9.b. of the amended moratorium order dated April 30, 1993, Mr. Lynn seeks approval of these applications based on (1) USGS data which indicate that the aquifer is tributary to the Payette River rather than to the Boise River, (2) the remote location of the proposed points of diversion (Mr. Lynn's wells) relative to other wells, and (3) no evidence of local long-term water-level declines.

Mr. Lynn requests that Application Nos. 63-11995 and 63-11996 are processed as primary water rights and that his existing Willow Creek rights become supplemental water rights. Typically by June or July each year flows in Willow Creek are insufficient to supply water to Mr. Lynn. When snow levels are low, Willow Creek can become unavailable even by March or April. It would be preferable for the Willow Creek rights to become supplemental.

Details are related to the proposed application are provided in the following sections.

LOCAL HYDROLOGY

Groundwater is found in Mr. Lynn's existing wells at an approximate static depth of 400 feet (elevation 2360). The wells and proposed place of use are located along Willow Creek, an intermittent stream that drains the granitic highlands in the vicinity of Pearl. Willow Creek is a losing stream in the vicinity of the proposed points of diversion and for several miles upstream and downstream. Willow Creek and tributary gulches are thought to be the primary source of local groundwater recharge. Additional recharge is probably derived from direct infiltration of precipitation and from canal leakage in the Boise Valley.

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600 East River Park Lane, Suite 105
Boise, Idaho 83706

Attachment A

Telephone (208) 383-4140
Facsimile (208) 383-4156

Groundwater beneath the site is found in sedimentary aquifers of the Idaho Group. Review of local well logs suggests that the aquifer beneath the property should have a relatively high transmissivity, based on a predominance of coarse sand in the material descriptions on the driller's logs. The upper portion of the aquifer is probably semiconfined to unconfined, due to the apparent scarcity of significant clay layers. Deeper portions of the aquifer are probably semiconfined.

Given the thick unsaturated zone beneath the site, the proposed appropriation will not be capable of inducing additional losses from Willow Creek. As a result, no impact to Willow Creek surface water flows are anticipated.

Groundwater Flow Direction

The proposed points of diversion and place of use are both located within the Boise River surface water drainage basin. However, groundwater flow direction appears to be toward the Payette River Valley, approximately 3 miles to the northeast. This flow direction is based on the USGS Hydrologic Investigations Atlas HA-703 (Configuration of the Water Table and Depth to Water, Spring 1980, Water-Level Fluctuations, and Water Movement in the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon), which provides a water table contour map of the western Snake River Plain. As shown on Figure 1, this map clearly indicates that the proposed points of diversion are tributary to the Payette River. As a result, these groundwater applications would not be subject to the Boise River Basin Groundwater Moratorium.

Note that the water surface elevations in three USGS observation wells located to the southeast (Well 5N, 1W, 36ABB1), south (Well 05N, 01W, 16CAB1), and southwest (Well 5N, 2W, 22CAD1) are higher than the groundwater elevation at the proposed points of diversion by approximately 185 feet, 165 feet, and 65 feet, respectively. These elevations also suggest a northwesterly regional flow direction (i.e., toward the Payette River Basin) in the Willow Creek vicinity.

Documented Water-Levels

We are not aware of any significant long-term water-level declines in the general vicinity of Willow Creek. The hydrographs of USGS-monitored observation wells in the area, discussed below, provide no indication of water-level decline.

- Well 5N, 2W, 22CAD1 is located on the north side of Willow Creek, approximately seven miles southwest (downstream) of the proposed points of diversion. The hydrograph of this well (bottom of Figure 2) shows an overall rising water-level trend since the late 1960s, except for a few years in the early 1990s. The spring 1994 water level in the well was within one foot of the historic high for this well. The water surface elevation at this well is approximately 2425 feet.

- Another observation well (Well 5N, 1W, 36ABB1) in the general vicinity of Willow Creek is located along the north edge of the Boise Valley, about 6 miles southeast of the proposed points of diversion. The hydrograph of this well (top of Figure 2) shows no sign of long-term water-level decline. The water surface elevation at this well is approximately 2545 feet.

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- The currently monitored observation well that is closest to the proposed points of diversion is Well 6N, 1W, 18DAA2. This is a shallow (31 feet) well located about five miles to the northwest of the proposed points of diversion. The hydrograph of this well (Figure 3) does not show a long-term decline. However, this well appears to taps a shallow perched aquifer, probably in direct hydraulic connection with Willow Creek, and is therefore not representative of regional aquifer groundwater levels in the vicinity of the proposed points of diversion.

- Historic data are available for a well (5N, 1W, 16CAB1) which is located three miles southwest of the proposed points of diversion, near the south side of Chaparrel Subdivision (where most of the existing local water rights and domestic wells are located). This well was monitored for several years during the 1970s, and the elevation of the water surface was approximately 2,525 feet (Figure 4).

DESCRIPTION OF LOCAL WATER USE

Visual Well Search in the Vicinity of the Proposed Points Of Diversion

The proposed points of diversion are located more than one mile from any existing wells (not including existing wells owned by Mr. Lynn). A well search by Scanlan Engineering on August 13, 1994 found only six wells within a two-mile radius of the property (not including the existing wells owned by Mr. Lynn). These wells include four domestic wells and what appear to be two stock water wells.

There are numerous wells located between two and three miles from the proposed points of diversion. The majority of these wells are domestic wells in the vicinity of Chaparrel subdivision. There also are two or more wells used for irrigation in the Chaparrel subdivision area. The only other irrigation wells that were located are two wells found along the North Fork of Willow Creek, northeast of the proposed points of diversion.

Existing well locations are shown on Figure 5.

Recorded Groundwater Rights In The Vicinity Of The Proposed Point Of Diversion

Recorded water rights with points of diversion within an approximate radius of 3 to 4 miles are shown on Figure 6 and listed on Table 1. A total of 28 recorded water rights were found in the search area outlined on Figure 6.

Within a one-mile radius of the proposed points of diversion are three recorded water rights. These rights are three licenses in the name of Albert Helmick. Mr. Lynn is current owner of these licenses.

There are two recorded water rights with points of diversion located between one and two miles from the proposed points of diversion. One of these water rights is for domestic use and the other water right is for domestic and stockwater. Thus, there are no recorded irrigation groundwater rights within two miles of the proposed points of diversion.

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There are approximately 13 recorded water rights that appear to have points of diversion within a radius of between two and three miles of the points of diversion proposed by these applications. The majority of these water rights are for domestic and irrigation uses.

Licensed or permitted diversions for irrigation from groundwater sources within three miles of the proposed points of diversion (not including the existing applications and licenses owned Mr. Lynn) total 4.53 cfs. Mr. Lynn's existing licenses total an additional 0.59 cfs.

Adjudication Claims for Groundwater In The Vicinity Of The Proposed Point Of Diversion

A listing of Snake River Basin Adjudication claims (Table 2) for groundwater within the search area in Figure 6 includes no additional irrigation claims not included in the listing of water rights in Table 1. However, a few additional domestic and stockwater claims within a three-mile radius of the proposed points of diversion are listed in Table 2 but are not listed on Table 1.

SUMMARY

The Department should approve the applications given (1) the aquifer is tributary to the Payette River, (2) the wells are in a remote location, and (3) there are no documented water-level decline problems in the area.

Please call me with any questions concerning these applications.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Mark Lynn
Dana Hofstetter

JUN 2 9 1995

TABLE 1
LOCAL WATER RIGHTS
(See Figure 6 for search area)

(OD-5816)
WR5816NP
SELECTION FILE: TSF

IDAHO DEPARTMENT OF WATER RESOURCES
SOURCE SUMMARY REPORT
BY WATER SOURCE/POINT OF DIVERSION

DATE: 06/30/94
TIME: 08:17:13
PAGE: 1

WATER SOURCE: GROUNDWATER

Map #	WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
1	63-08044	HELMICK, ALBERT F.	C	10/01/1974	L	05N 01W 3 NWNE		0.050 CFS	1.0	01,04,43
2	63-10775	HELMICK, ALBERT F	C	09/08/1989	L	05N 01W 3 NWNE		0.040 CFS	0.2	01,04
3	63-11996	LYNN, D MARK	C	02/25/1993	A	05N 01W 3 NWNE	2	2.000 CFS	183.0	01
4	63-04093	BOEHM, STELLA	C	02/01/1938	S	05N 01W 4 SWSE		0.020 CFS		43
5	63-11539	WATKINS, ARTHUR DONALD	C	05/31/1991	L	05N 01W 9 NENE		0.040 CFS		04,43
6	63-03574	LEACH, WILLIAM	C	12/30/1966	L	05N 01W 9 NESW		0.150 CFS	28.0	01,43
7	63-07416	KLINGER, WERT N.	C	04/16/1971	L	05N 01W 9 SWSW		0.030 CFS		04,43
8	63-07700	CHAPARREL WATER ASSN.	C	12/18/1972	L	05N 01W 9 SWSW		1.070 CFS	129.0	01,43
9	63-04438	SMITH, CLYDE J.	C	04/15/1929	S	05N 01W 9 SWSW		0.380 CFS	19.0	01
10	63-03576	CHAPARREL WATER ASSN.	C	01/16/1967	L	05N 01W 16 NENW		1.010 CFS	36.0	01,43
11	63-07700	CHAPARREL WATER ASSN.	C	12/18/1972	L	05N 01W 16 NENW		1.070 CFS	129.0	01,43
12	63-09210	LYTLE, BUD	C	01/26/1979	L	05N 01W 16 SENW		0.160 CFS	4.0	01,43
13	63-10860	FIREBIRD RACEWAY INC	C	07/25/1989	L	05N 01W 16 NWSW		0.090 CFS	2.0	01,10,43
14	63-07396	BOISE VALLEY RACING ASSN. INC.	C	02/21/1971	L	05N 01W 16 SWSW		0.200 CFS		07
15	63-07534	KEZAR, BERTHA E.	C	12/21/1971	L	05N 01W 17 NENE		0.020 CFS		43
16	63-10596	STEELE, ROBERT W.	C	03/09/1988	P	05N 01W 17 NENE		0.110 CFS	10.0	01
17	63-03269	WILLOWBROOK PROPERTY OWNERS ASSN.	C	12/07/1961	L	05N 01W 17 NWNE		0.200 CFS		43
18	63-08190	TARTER, C. D.	C	08/15/1975	L	05N 01W 17 SWNE		0.120 CFS	4.0	01,04,43
19	63-08252	WARD, ELMER K.	C	01/12/1976	L	05N 01W 17 SWNE		0.140 CFS	5.0	01,43
20	63-03269	WILLOWBROOK PROPERTY OWNERS ASSN.	C	12/07/1961	L	05N 01W 17 SWNW		0.200 CFS		43
21	63-07823	WILLOWBROOK PROPERTY OWNERS ASSN.	C	09/07/1972	L	05N 01W 17 SENW		1.150 CFS	121.0	01
22	63-08254	SHOCKLEY, BURREL J.	C	01/16/1976	L	05N 01W 17 SENW		0.200 CFS	10.0	01
23	65-00896	HEMBREE, LEON R.	C	03/04/1905	D	06N 01W 21 NWNW		0.040 CFS		43
24	65-01366	HETHERINGTON, HERBERT G.	C	02/06/1955	D	06N 01W 21 NWNW		0.040 CFS		43,10
25	63-07002	SMITH, ELWOOD T.	C	06/05/1967	L	06N 01W 25 NWNW		1.560 CFS	127.0	01,04
26	65-01714	MABE, DALE E.	C	04/01/1967	D	06N 01W 29 NWNW		0.040 CFS		43,04
27	63-11995	LYNN, D MARK	C	02/25/1993	A	06N 01W 34 SESE		2.000 CFS	195.0	01
28	63-03004	HELMICK, ALBERT	C	11/04/1954	L	06N 01W 34 SESE		0.500 CFS	25.0	01,43

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TABLE 2
LOCAL ADJUDICATION CLAIMS
(See Figure 6 for search area)

(OD-5816)
AJ5816WP
SELECTION FILE: TSF

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION SOURCE SUMMARY REPORT
BY WATER SOURCE/POINT OF DIVERSION

DATE: 06/30/94
TIME: 08:23:17
PAGE: 1

WATER SOURCE: GROUNDWATER

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
A63-08044	LYNN, D MARK	10/01/1974	L	05N 01W 3 NWNE		0.050 CFS	1.0	01,04,43
A63-18564	HIGHLAND LIVESTOCK & LAND CO.	05/01/1979	J	05N 01W 3 NESENW		0.040 CFS		04
A63-22357	MCFADDEN, LYLE	09/15/1979	J	05N 01W 5 NWNE		0.060 CFS		43,04
R63-22357	MCFADDEN, LYLE	09/15/1979	J	05N 01W 5 NWNE		0.060 CFS		43,04
A63-22204	RACHILLA, DEE	05/20/1967	J	05N 01W 8 NESE		0.010 CFS		43
A63-22203	RACHILLA, DEE	05/20/1970	J	05N 01W 8 SESE		0.040 CFS		43
A63-20917	CLUFF, WALTER S.	07/21/1977	J	05N 01W 9 NESW		0.040 CFS		43
A63-04438	RICHARD, MERT G.	04/15/1929	S	05N 01W 9 SWSW		0.380 CFS	19.0	01,43
A63-07700	CHAPARREL WATER ASSN.	12/18/1972	L	05N 01W 9 SWSW		1.070 CFS	129.0	01,43
A63-15963	ANDERSON, MARTIN	06/14/1972	J	05N 01W 9 SESW		0.080 CFS		43,04
A63-03576	CHAPARREL WATER ASSN.	01/16/1967	L	05N 01W 16 NENW		1.010 CFS	36.0	01,43
A63-07700	CHAPARREL WATER ASSN.	12/18/1972	L	05N 01W 16 NENW		1.070 CFS	129.0	01,43
R63-18391	SWAFFORD, CRAIG A	01/23/1976	J	05N 01W 16 NWSE		0.060 CFS		43,04
A63-18391	SWAFFORD, CRAIG A	01/23/1976	J	05N 01W 16 NWSE		0.060 CFS		43,04
A63-07534	STEELE, ROBERT W.	12/21/1971	L	05N 01W 17 NENE		0.020 CFS		43,04
A63-03269	WILLOWBROOK PROPERTY OWNERS ASSN.	12/07/1961	L	05N 01W 17 NWNE		0.200 CFS		43
A63-08252	WARD, JOHN M.	01/12/1976	L	05N 01W 17 SWNE		0.140 CFS	5.0	01,43
A63-08190	FRANKS, STEVE E.	08/15/1975	L	05N 01W 17 NWSWNE		0.120 CFS	4.0	01,04,43
A63-17891	MOORE, DON G.	08/20/1979	J	05N 01W 17 SWNWNW		0.040 CFS		43
A63-03269	WILLOWBROOK PROPERTY OWNERS ASSN.	12/07/1961	L	05N 01W 17 SWNW		0.200 CFS		43
A63-07623	WILLOWBROOK PROPERTY OWNERS ASSN. I	09/07/1972	L	05N 01W 17 SENW		1.150 CFS	121.0	01
A63-08254	LITTLE LAND & LIVESTOCK CO.	01/16/1976	L	05N 01W 17 SENW		0.200 CFS	10.0	01
A63-16717	GEIER, TRUSTE, LOWELL	08/12/1982	J	06N 01E 19 NENE		0.060 CFS		43,04
A63-18124	JENKINS, HOWARD B.	03/31/1982	J	06N 01E 19 SENW		0.090 CFS		43,04
A65-00896	HEMBREE, LEON R.	03/04/1905	D	06N 01W 21 NWNW		0.040 CFS		43
R65-00896	HEMBREE, LEON R	03/04/1905	J	06N 01W 21 NWNW		0.040 CFS		43
A65-01366	HETHERINGTON, HERBERT G.	02/06/1955	D	06N 01W 21 NWNW		0.040 CFS		43,10
A63-07002	JENSEN, DONALD B.	06/05/1967	L	06N 01W 25 SENWNW		1.560 CFS	127.0	01,04
A65-01714	WERBER, KENT W.	04/01/1967	D	06N 01W 29 NWNW		0.040 CFS		43,04
A63-20810	LITTLE LAND & LIVESTOCK, CO.	01/01/1959	J	06N 01W 32 SESW		0.230 CFS		04
A63-03004	LYNN, D MARK	11/04/1954	L	06N 01W 34 SESE		0.500 CFS	25.0	01,43
A63-20963	HIGHLAND LAND & LIVESTOCK CO., INC.	01/01/1877	J	06N 01W 36 SENW		0.160 CFS		43,04

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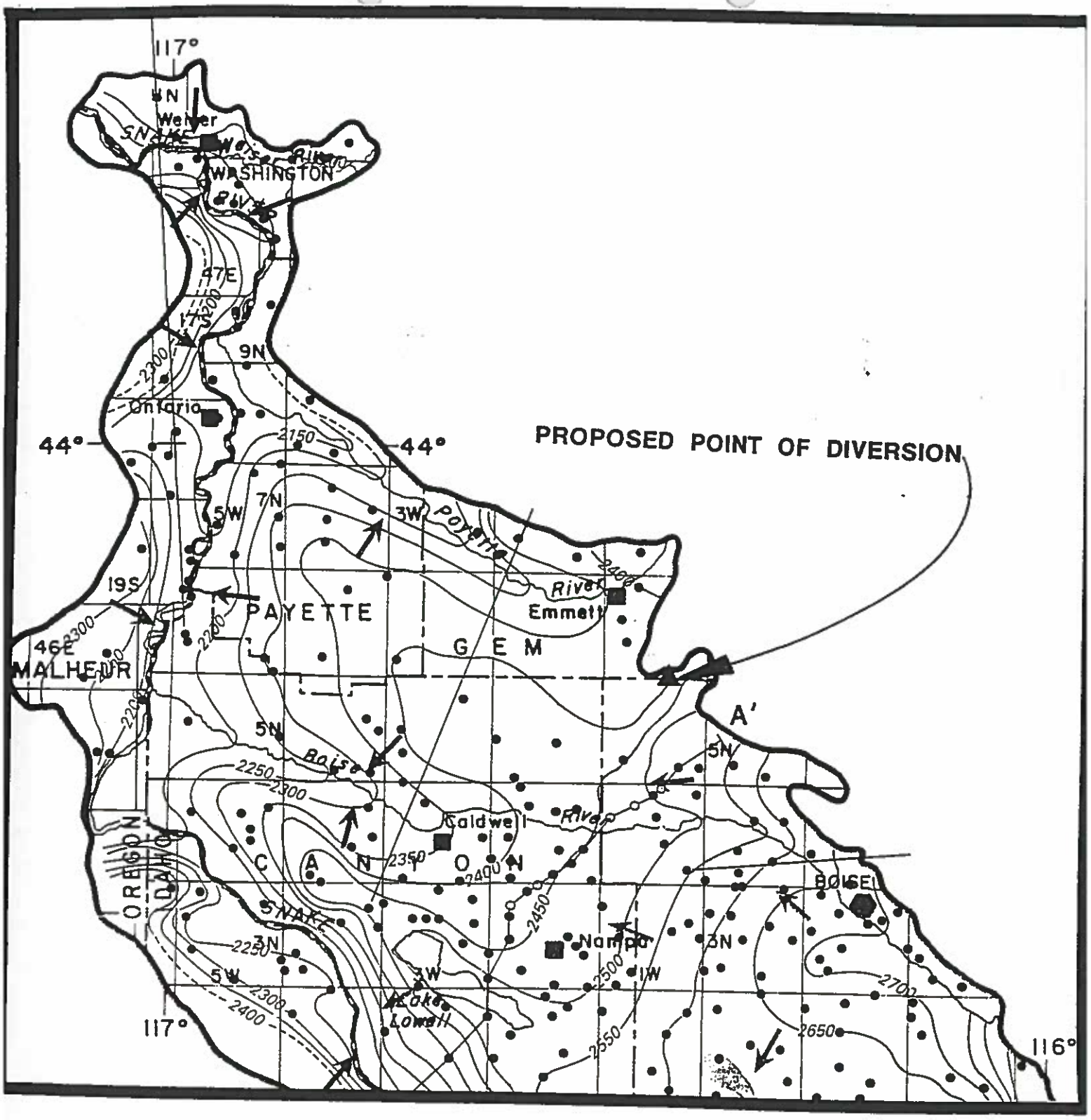


FIGURE 1
WATER-TABLE CONTOUR MAP FOR
THE WESTERN SNAKE RIVER PLAIN
(source: USGS Hydrologic Investigations Atlas HA-703, 1988)

JUN 2 9 1995

WELL 05N 01W 36ABB1 SITE NUMBER 434406116240801

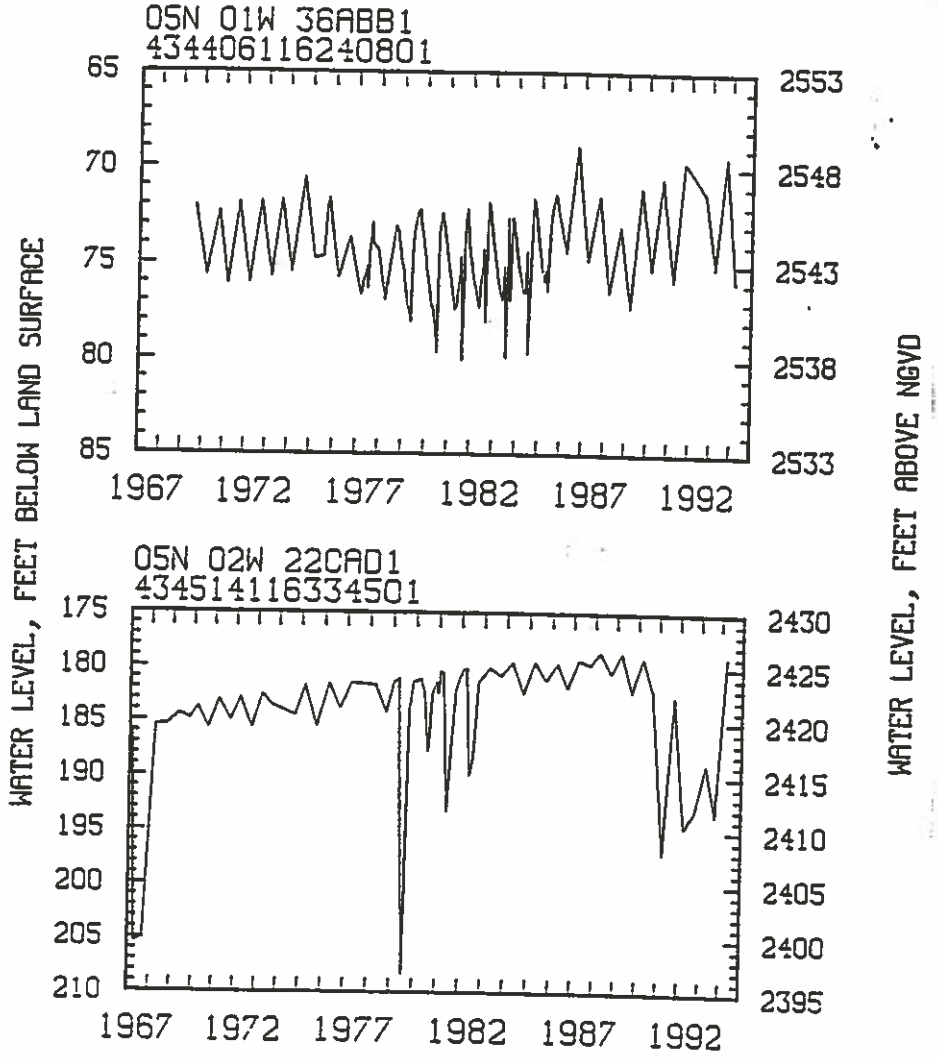
DRILLED DOMESTIC WATER-TABLE WELL IN IDAHO GROUP, DIAM 6 IN, REPORTED DEPTH 105 FT, CASED TO 105 FT. LSD ABOUT 2,618 FT NGVD OF 1929. MP NO. 1 TOP OF PIPE IN WELL SEAL, 0.70 FT BELOW LSD (SINCE AUG. 27, 1969).

RECORDS AVAILABLE 1969 TO CURRENT YEAR.

HIGHEST WATER LEVEL 68.84 FEET BELOW LAND SURFACE DATUM SEP 16, 1986.

LOWEST WATER LEVEL 78.02 FEET BELOW LAND SURFACE DATUM MAY 18, 1979.

	WATER LEVEL			WATER LEVEL	
MAR 22, 1989	75.83	S	SEP 11, 1989	69.59	S



WELL 05N 02W 22CAD1 SITE NUMBER 434514116334501

FORMERLY SITE ID NO. 434601116342601, WELL NO. 05N 02W 22CAA1. DRILLED IRRIGATION WATER-TABLE WELL IN IDAHO GROUP, DIAM 12 TO 8 IN, REPORTED DEPTH 450 FT, 12-IN CASING TO 303 FT, 8-IN CASING 284-403 FT, PERFORATED 279-403 FT. LSD ABOUT 2,610 FT NGVD OF 1929. MP NO. 1 TOP OF 1 1/2-IN VERTICAL ACCESS PIPE ON SOUTH SIDE OF PUMP, 1.50 FT ABOVE LSD (SINCE FEB. 21, 1967).

RECORDS AVAILABLE 1967 TO CURRENT YEAR.

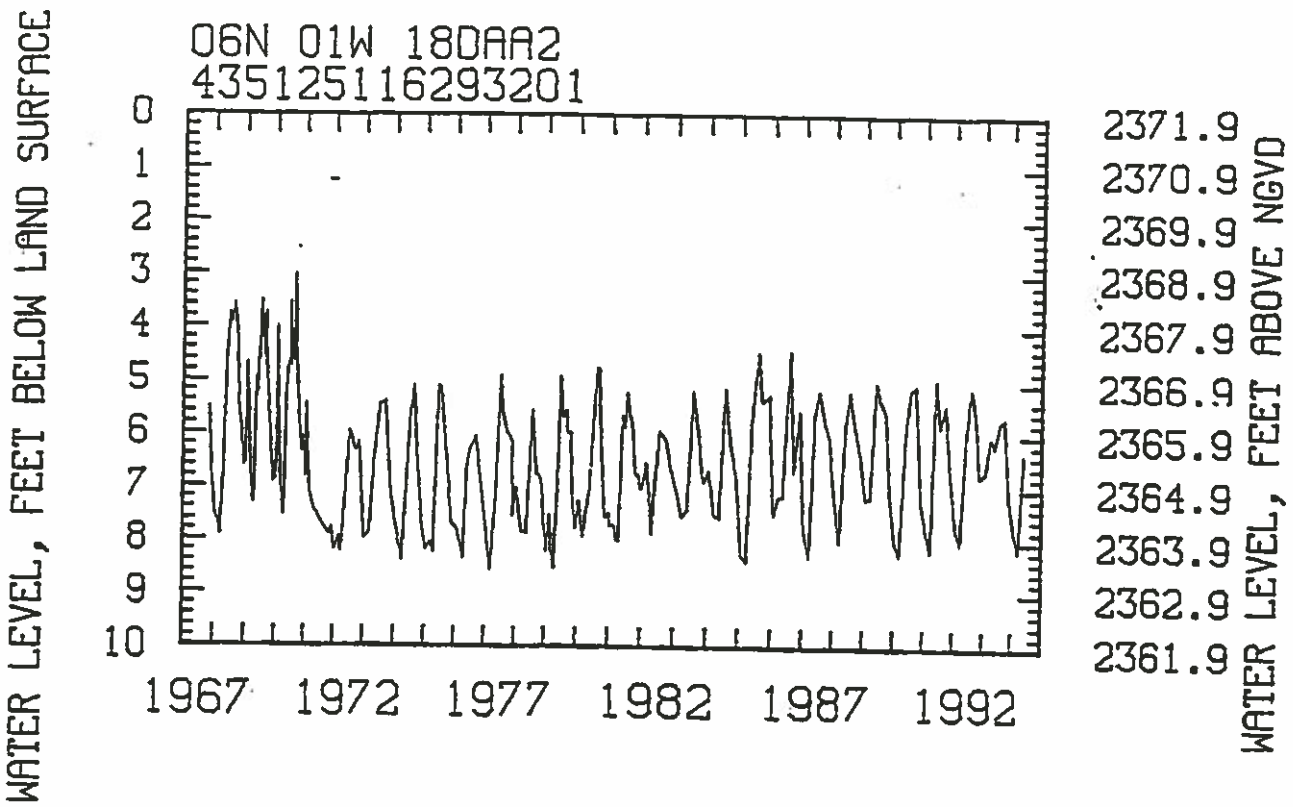
HIGHEST WATER LEVEL 178.55 FEET BELOW LAND SURFACE DATUM MAR 15, 1988.

LOWEST WATER LEVEL 187.83 FEET BELOW LAND SURFACE DATUM JUL 22, 1981.

	WATER LEVEL			WATER LEVEL	
MAR 22, 1989	178.63	SV	SEP 21, 1989	182.23	SV

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FIGURE 2



WELL 06N 01W 18DAA2 SITE NUMBER 435125116293201

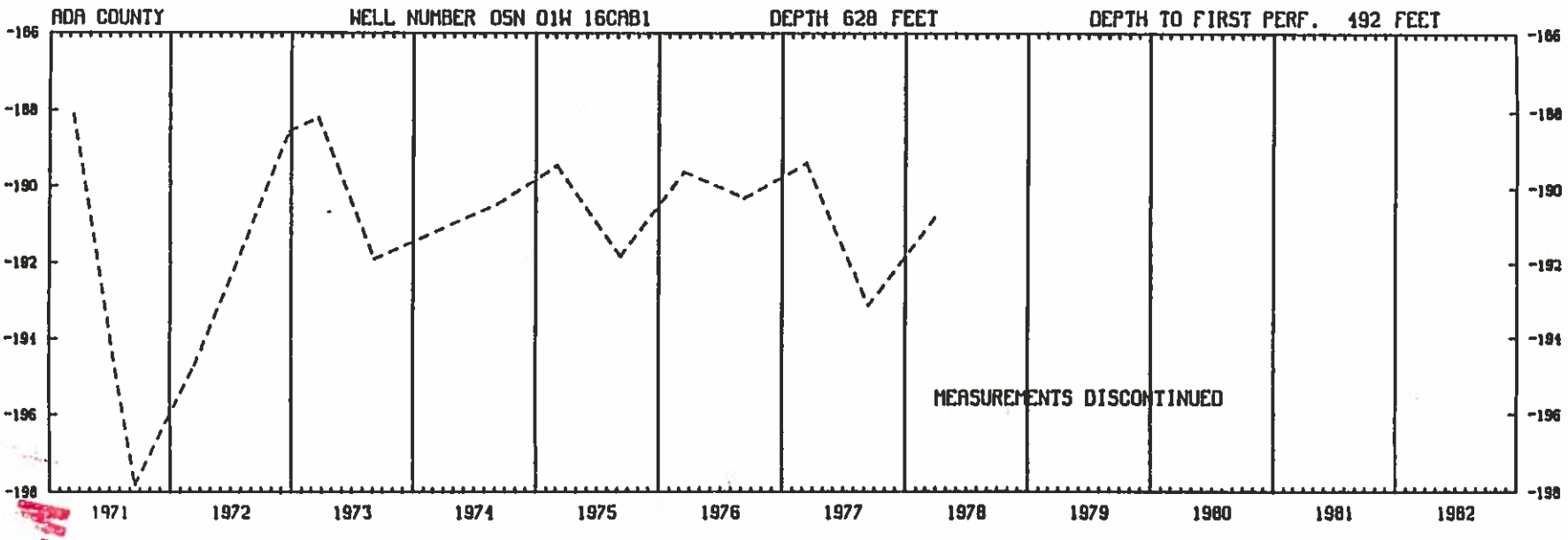
FORMERLY SITE NO. 435125116293501. DRILLED DOMESTIC WATER-TABLE WELL IN SAND AND GRAVEL OF QUATERNARY AGE, DIAM 4 IN, DEPTH 30.9 FT, CASED TO 22 FT. LSD 2,371.90 FT ABOVE SEA LEVEL, SUPPLEMENTARY ADJUSTMENT OF 1961. MEASUREMENTS PRIOR TO NOV. 9, 1971, MADE BY US BUREAU OF RECLAMATION. RECORDER INSTALLED OCT. 17, 1968. RECORDER REMOVED MAY 28, 1971. MP NO. 1 TOP OF 4-IN CASING NORTH SIDE, 0.26 FT ABOVE LSD (SINCE NOV. 9, 1967).

RECORDS AVAILABLE 1967 TO CURRENT YEAR
HIGHEST WATER LEVEL 3.04 FEET BELOW LAND SURFACE DATUM AUG 24, 1970.
LOWEST WATER LEVEL 8.57 FEET BELOW LAND SURFACE DATUM MAR 14, 1977.

	WATER LEVEL		WATER LEVEL		WATER LEVEL
NOV 16, 1992	6.77 S	MAR 29, 1993	6.01 S	JUL 30, 1993	5.74 S
JAN 25, 1993	6.67 S	MAY 24	6.19 S	SEP 21	5.66 S

FIGURE 3

JUN 29 1995



JUN 29 1995

434615N1162758.1 05N 01W 16CAB1 DARRELL FISHER ADA COUNTY

DRILLED DOMESTIC WATER-TABLE WELL IN IDAHO GROUP, DIAM 8 IN (20 CM), REPORTED DEPTH 628 FT (191 M), CASED TO 492 FT (150 M), OPEN HOLE. LSD ABOUT 2,715 FT (828 M) ABOVE MSL DATUM OF 1929. MP NO. 1 TOP OF 8-IN (20-CM) CASING SOUTHWEST SIDE, 1.50 FT (0.457 M) ABOVE LSD (SINCE MAR. 10, 1967).

HIGHEST WATER LEVEL 168.12 FT (57.339 M) BELOW LSD, MAR. 15, 1971.
LOWEST WATER LEVEL 191.90 FT (58.491 M) BELOW LSD, SEP. 7, 1973.
RECORDS AVAILABLE 1967-74.

WATER LEVELS IN FEET BELOW LSD.

DATE	WATER LEVEL	DATE	WATER LEVEL	DATE	WATER LEVEL
FEB. 27, 1974	195.07A	SEP. 11, 1974	190.44		

A WELL BEING PUMPED.

FIGURE 4

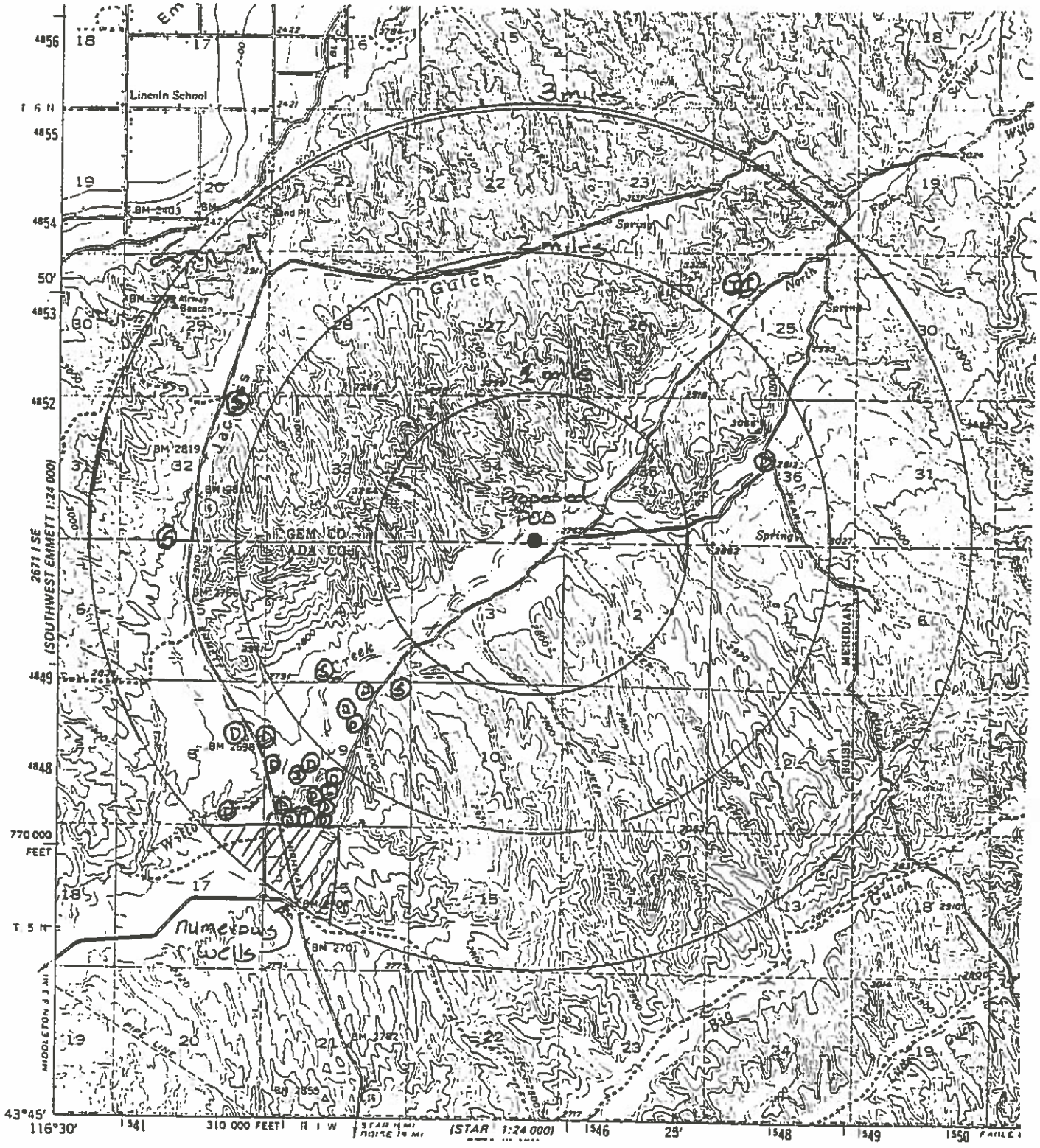


FIGURE 5
WELLS LOCATED WITHIN 3 MILES OF THE
PROPOSED POINT OF DIVERSION
(Wells were located visually on 8/13/94. Applicant's wells are not shown. Uses are assumed (D=domestic, S=stock, I=irrigation))

JUN 29 1995

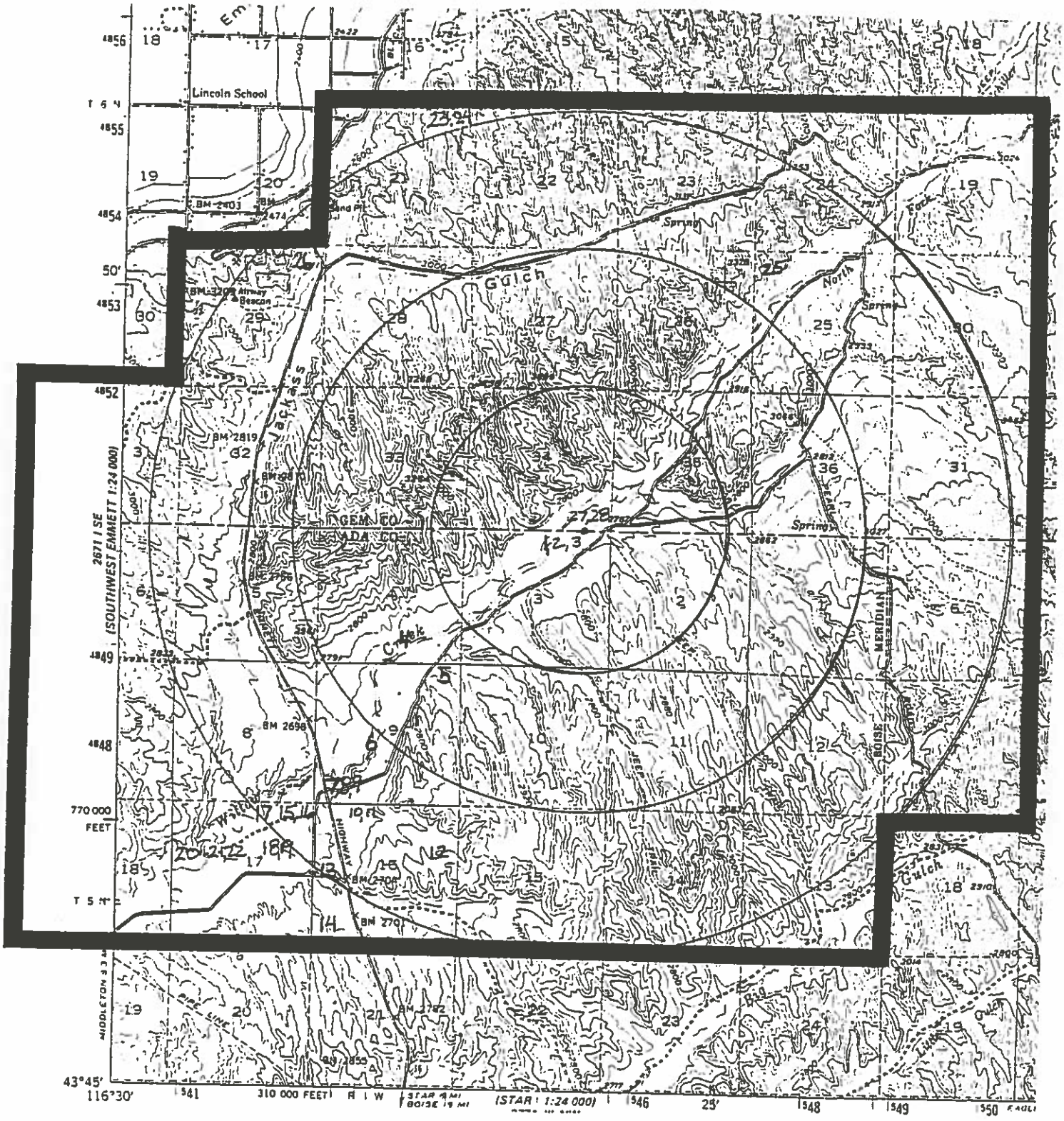


FIGURE 6
RECORDED WATER RIGHTS WITHIN 3 MILES OF THE PROPOSED POINT OF DIVERSION
(Map numbers correspond to numbers listed on Table 1. Search area outlined by black line.)

JUN 2 9 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

May 9, 2008

BRIAN MCCAULEY
2242 N EDGEWOOD RD
EAGLE ID 83616

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO. 63-11995

Dear Mr. McCauley:

Please find enclosed a receipt in the amount of **$ 315.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 22.5 acre-feet of ground water for irrigation use in 2008. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

An annual payment shall be received by the Department of Water Resources prior to March 15, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

If you have any questions regarding this matter, please contact me at 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Encl: 2

c: John Westra – IDWR Western Regional Office

SCANNED
MAY 09 2008

Idaho Department of Water Resources Receipt

Receipt ID: C086794

Payment Amount	$315.00	Date Received	5/5/08 1:49	Region	STATE
Payment Type	Check	Check Number	6593		
Payer	THE HOME GROUP				

Comments Water Bank Rental Fees: 63-11995 (Brian McCauley)

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
$31.50	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
$283.50	WATER BANK-OWNER SHARE	0229	21	55109	1205



Signature Line (Department Representative)

SCANNED
MAY 09 2008

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 30, 2008

BRIAN MCCAULEY
2242 N EDGEWOOD RD
EAGLE ID 83616

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 63-11995

Dear Mr. McCauley:

The Department of Water Resources ("Department") acknowledges receipt of your application to rent water from the Water Supply Bank ("Bank"). Please find enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and **return** of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **$315.00** per year was calculated based on the current rental rate of $14.00 per acre-foot times a diversion volume of 22.5 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 15 in all subsequent years for the duration of the rental period. The agreement will be void if the payment is not received for a given year. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement to my attention within ten (10) days of receipt of this letter so I can complete the processing.

Please note that applications for rental of water must be reviewed in accordance with Section 42-1763, Idaho Code, and the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water rights, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Bank is sufficient for the use intended and whether the proposal is in the local public interest. While a one-year rental usually involves a general review of the water rights and proposed use, rental of water over multiple years may require more comprehensive review, notice to advise anyone who desires to protest the proposed water use, and approval by the Idaho Water Resource Board.

If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office

SCANNED
APR 30 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: BRIAN MCCAULEY
2242 N EDGEWOOD RD
EAGLE ID 83616
(208) 939-4535

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	63-11995	0.05 CFS	22.5 AF	5.0 AC
COMBINED RENTAL TOTALS:		**0.05 CFS**	**22.5 AF**	**5.0 AC**

TERM OF RENTAL: March 15, 2008 to November 15, 2008
March 15, 2009 to November 15, 2009
March 15, 2010 to November 15, 2010
March 15, 2011 to November 15, 2011
March 15, 2012 to November 15, 2012

RENTAL FEE: $315.00 per year

The fee for rental of the above-described water is $315.00 per year. An annual payment shall be received by the Department of Water Resources prior to March 15, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this _____ day of _____, 20_____.

By: _____ _____
(Print Name) (Signature)

_____
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 20_____.

_____
DAVID R. TUTHILL, JR., Director
Department of Water Resources

SCANNED
APR 3 0 2008

WATER RIGHT NO. 63-11995
WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: BRIAN MCCAULEY
2242 N EDGEWOOD RD
EAGLE ID 83616
(208) 939-4535

Priority Date: 02/25/1993

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.05 CFS	22.5 AF
		Total:	**0.05 CFS**	**22.5 AF**

LOCATION OF RENTER'S POINT(S) OF DIVERSION:
GROUND WATER NW¼NW¼ Sec. 3 Twp 04N Rge 01E ADA County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	3						5.0											5.0

Total Acres: 5.0

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in or any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. This rental agreement does not authorize the construction of a well.
6. Use of water under this agreement shall not prejudice any action of the Department in its consideration of a permanent application for transfer or permit filed by the applicant for this same use.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

SCANNED
APR 3 0 2008

State of Idaho
DEPARTMENT OF WATER RESOURCES
Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 7, 2008

JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: APPLICATION TO LEASE ALL OR PART OF WATER RIGHT NO(S). 63-11995, 63-11996, AND 63-12450 TO THE WATER SUPPLY BANK

Dear Lessor:

On December 28, 2007, the Department of Water Resources (Department) issued the Water Supply Bank (Bank) lease acceptance for the above referenced water rights. The lease acceptance included a condition of acceptance stating, "This right may only be rented for use as a supplemental right in conjunction with a primary surface water right."

This condition was included since the licenses issued for water right nos. 63-11995 and 63-11996 included the condition of approval stating, "In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid."

Water right no. 63-12450 included a similar condition of approval providing, "In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall only be diverted when water from the surface water rights cannot be delivered to the right holder, nor shall this right be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid. This right shall not be used if the surface water rights appurtenant to the place of use are sold, transferred, leased or used on any other place of use."

The Willow Creek water rights mentioned in the above conditions of approval refer to water right no. 63-28379 and water right claim no. 63-28380. Water right no. 63-28379 was decreed in the SRBA for stockwater use only and did not include any portion of the

JAN 0 8 2008
SCANNED

claimed use for irrigation. Water right claim no. 63-28380 was withdrawn and is no longer valid.

Since there appears to be no valid Willow Creek water rights for irrigation of the lands described under water right nos. 63-11995, 63-11996, and 63-12450, these rights are not restricted to rental as supplemental rights in conjunction with primary surface water rights.

The rights will remain in the Bank for an "indefinite" lease term unless the rights are released earlier by the Board or upon request by the lessor. To change the term of the lease or to release the rights from the Bank, the lessor must submit a request in writing to the Department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have any questions at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office
Terry Scanlan – SPF Water Engineering

SCANNED
JAN 0 8 2008

Marshall, Aaron

To: Terry Scanlan

Subject: RE: Joy Lynn - Water Bank Lease 63-11995, 63-11996, and 63-12450

Terry,
I think you are correct that condition no. 11 of the lease acceptance does not apply. I will reissue the lease acceptance documents without that condition and send copies to you along with a cover letter explaining the reason for not including that condition. Thanks.

Aaron Marshall
Senior Water Resource Agent
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4943
aaron.marshall@idwr.idaho.gov

-----Original Message-----
From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Thursday, January 03, 2008 3:37 PM
To: Marshall, Aaron
Subject: Joy Lynn - Water Bank Lease 63-11995, 63-11996, and 63-12450

Aaron –

Thanks for the copy of the lease agreements for Joy Lynn. I noticed that condition No. 11 of each says "This right may only be rented for use as a supplemental right in conjunction with a primary surface water right." I don't think the condition applies. There was a beneficial use claim (63-28380) from Willow Creek for these lands, but I believe that it was withdrawn in 1999. Therefore, these water rights have been developed as primary water rights for the appurtenant lands.

Terry M. Scanlan, P.E., P.G.
SPF Water Engineering, LLC
600 East River Park Lane, Suite 105
Boise, ID 83706
208-383-4140 office
208-383-4156 fax

SCANNED
JAN 0 8 2008

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

December 28, 2007

JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: APPLICATION TO LEASE ALL OR PART OF WATER RIGHT NO(S). 63-11995, 63-11996, AND 63-12450 TO THE WATER SUPPLY BANK

Dear Lessor:

The Department of Water Resources ("Department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("Bank"). The offered water right(s) is accepted into the bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water right from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The right(s) will remain in the Bank for an "indefinite" lease term unless the right(s) is released earlier by the Board or upon request by the lessor. To change the term of the lease or to release the right(s) from the Bank, the lessor must submit a request in writing to the Department prior to the release date.

Enclosed is a copy of the Internal Revenue Service Request for Taxpayer Identification and Certification, Form W-9. The Department is required to file an information return with the Internal Revenue Service ("IRS") for all payments issued for water rented from the Bank. Payments for the rental of a water right or a part thereof cannot be issued to the lessor unless the Department has received a completed IRS W-9 form.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have any questions at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 2

c: John Westra – IDWR Western Regional Office
Terry Scanlan – SPF Water Engineering

SCANNED
DEC 31 2007

SPF Water Engineering, LLC
water resource consultants

RECEIVED
APR 25 2006
DEPARTMENT OF
WATER RESOURCES

April 24, 2006

Tim Luke
Idaho Department of Water Resources
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

Subject: Water Level Monitoring for Licenses 63-11995, 63-11996, and 63-12450

Dear Tim:

Enclosed for Department records, please find a summary of water level measurements required as a condition of the above referenced licenses

Please contact me with any questions.

Sincerely,

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

Enclosure

Cc: Joy Lynn

600 East River Park Lane, Suite 105 · Boise, ID 83706 · 208.383.4140 · fax 208.383.4156 · www.spfwater.com

Townsend, KariLynn

To: Allen, Debbie
Subject: RE: Refund request

Hi Debbie . . .

Please arrange for a refund of **$75.00** from receipt **#W033889** to be sent to:

JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Filing fee not required on ownership change.

Thanks,

Kari Lynn T.
March 1, '06

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

March 1, 2006

JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: Change of Ownership for Water Rights 63-11995, 63-11996 & 63-12450

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

Enclosure

cc: SPF WATER ENGINEERING LLC
ATTN: TERRY M SCANLAN
600 EAST RIVER PARK LN #105
BOISE ID 83706

SPF Water Engineering, LLC
water resource consultants

RECEIVED
FEB 23 2006
WATER RESOURCES
WESTERN REGION

February 22, 2006

RECEIVED
FEB 28 2006
DEPARTMENT OF
WATER RESOURCES

Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Notice of Change in Water Right Ownership

Dear Jan:

On behalf of Joy Lynn, I have enclosed a Notice of Change in Water Right Ownership for water rights 63-3004, 63-8044, 63-28379, 63-11995, 63-11996, and 63-12450. The water rights are currently listed in the name of D Mark Lynn and Joy Lynn. Mr. Lynn passed away in 2004, so his name should be removed as an owner.

Water right claims 63-3004, 63-8044, and 63-28379 are pending in the SRBA. I understand that no fee is required for these water rights. Water rights 63-11995, 63-11996, and 63-12450 are not pending in the SRBA, and a fee of $25 each is provided.

Water rights 63-3004 and 63-8044 were included in the Director's Report for Basin 63 Part 2. An SF1 has been submitted for 63-3004 noting an error in the diversion volume, and also noting the change in ownership.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

600 East River Park Lane, Suite 105 · Boise, ID 83706 · 208.383.4140 · fax 208.383.4156 · www.spfwater.com

FILE

SPF Water Engineering, LLC
water resource consultants

RECEIVED
APR 27 2004
Department of Water Resources

April 24, 2004

Tim Luke
Idaho Department of Water Resources
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

Subject: Water Level Monitoring for Licenses 63-11995, 63-11996, and 63-12450

Dear Tim:

Enclosed for Department records, please find a summary of water level measurements required as a condition of the above referenced licenses. Note that water levels were not measured in October 2003 due to an oversight on my part.

The flow meter totalizer reading on the large irrigation well was 139,326,000 gallons on March 24, 2004. My records show a previous reading of 25,591,000 gallons on October 31, 2002. These reading suggest pumping of 349 acre feet during the 2003 irrigation season.

Please contact me with any questions.

Sincerely,

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

Enclosure

Cc: Joy Lynn

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 23, 2003

D MARK LYNN
JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: License No. 63-11995 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 0 2 2003

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 63-11995

D MARK LYNN
JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Kari Lynn Townsend
Secretary

MICROFILMED
JUN 0 2 2003

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a **"Preliminary Order"** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
JUN 0 2 2003

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 9, 2003

D MARK LYNN
JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: Water Right Permit Nos. 63-11995, 63-11996 and 63-12450

Dear Permit Holders:

The Department of Water Resources is reviewing the permits referenced above prior to Issuing water right licenses. By issuing the licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed. The examiner has recommended that we license Permits 63-11995 and 63-11996 with a permissible place of use. The place of use under 63-12450 has been modified to include lands in Section 9 and the land in NW¼SW¼, Section 35.

The enclosed Applications for Amendment depicts the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a $150.00 filing fee ($50.00 per amendment form) within 14 days.

If you have any questions, please feel free to call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED
JUN 0 2 2003

LICENSE REVIEW CHECKLIST

Permit No 63-11995 Date: 4-22-03 Reviewer: Kay Walker

	Change/OK	
Name/Address	ok	
Source	ok	Does change clarify original intended source? If no, void permit.
Point of Diversion:	ok	Change (P39/P49) Add (P45/P44) Feds (P40)
		W32 (multiple in 1/4/1/4)
		W36 (overlap)
		W59 (subdivision description)
Place of Use	add ppu	Change (P41/P49) (Add (P41/P44)) Feds (P43)
		W60 (subdivision description)
		(W27 (ppu acre limit)) 63-3004
		Overlaps: Right(s): 63-10775, 63-8044, 63-11996, 63-12450 (also in license process)
		File reviewed____ Profile reports printed_____
		P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 2.0 cfs
Fee Limit 2.0 cfs
Measured ~~4.57 cfs~~ valved down @ exam see narrative
Theoretical 5.35 cfs

Recommended Total Diversion Rate 5.35 pump curve

Season of Use per new Standards 3-15 11-15

Water Uses ok Change (P46)

Irrigation	2.0 cfs	____ af
Stockwater	____ cfs	____ af
Domestic	____ cfs	____ af
_____	____ cfs	____ af
_____	____ cfs	____ af
Total	2.0 cfs	____ af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
(supp. Gw (WB7/065/104))
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette – (W22/047/27A)
Stockwater for US (R37)

Volume Determination

____ cfs x 1.9835 x ____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: X24(195)

Additional Conditions
____ Watermaster Control
____ GW Measurement/Measuring Device
____ Other
~~Trust R55~~ – remove 051)
~~Non-trust~~ (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? ____ ~~yes~~ ✓ no If yes, explain why below.

SRBA Claim? No - not req'd

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** P44 **S06**

RECEIVED
DEC - 9 2002
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-11995
Exam Date: 10/4/2002

1. Current Owner: JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616
(208)377-3066

And

D MARK LYNN
4050 CHAPARRAL RD
EAGLE ID 83616
(208)377-3066

2. Accompanied by: Mark Lynn
Phone No:
Address:
Relationship to Permit Holder:

3. **SOURCE** **TRIBUTARY**
GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-28379, 63-28380, 63-3004, 63-11996, 63-12450
2. Other water rights with the same point of diversion: 63-11996, 63-12450

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L2 NW1/4NE1/4 Sec. 3, Twp 05N, Rge 01W, B.M.
GEM County

Method of Determination: Field Exam, Arc View Map

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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	
05N 01W 2						10	11										21
05N 01W 3	26	25	27	17	23		15			17							150
05N 01W 4				13									38	24	21	18	114
05N 01W 9		11															11
06N 01W 34													7		17	31	55
06N 01W 35										3	15						18

Total Acres: 369

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Method of Determination:

3. __Y___ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
__Y___ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
__Y___ Aerial Photo Attached (required for irrigation of 10+ acres).
__Y___ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
_____	US Electric _	400_	H02347-A04A06	Floway____	#9874402 15DKL
_____	_____	____	3R055M 1 _____	_____	_____
_____	_____	____	_____	_____	_____
_____	_____	____	_____	_____	_____

*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
IDWR Flowmeter	_____	Polysonic_____		_____	_____	_____
McCrometer Flowmeter		(In-Line)		983788 12__	_____	_____

2. Measurements: Polysonic Average: 2049.18 GPM = 4.57 CFS
McCrometer: 2000 GPM

E. FLOW CALCULATIONS ___Y__Additional Computation Sheets Attached

Pump Curve: Rated at 2400 gpm = 5.35 cfs
Based on 546 TDH (460' pumping level, 10' friction loss, 33 psi)
Limited to 2.0 CFS per Permit

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 195 x 4.5 = 877.5 afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 2.0 x 246 x 1.9835 = 975.9 afa

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 877.5 afa

2. Volume Calculations for Other Uses:

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G. NARRATIVE/REMARKS/COMMENTS

The irrigation system consists of a 16 inch well, pond, re-lift pump and a mainline. Ground water from the well can be pumped directly into the irrigation system or discharged into the pond, then pumped into a irrigation system using a 10 hp end suction pump. The well was drilled in 1998 and equipped with a 400 hp turbine pump. Based on a Polysonic measurement, an average of 2049 gpm ground water was being diverted from the well at the time of the exam. An in-line McCrometer flow meter read approximately 2000 gpm. Part of the sprinkler system was not operating during the exam due to crop harvesting, which explains why the well/pump was valved back from its designed capacity of 2400 gpm. Please see the attached pump curve and consultants letter dated 10/1/2002.

Two other wells listed on the permit are used for landscaping/domestic uses and have not been developed for large scale irrigation or according to the conditions listed on this permit. One of the two is an 8 inch well drilled in 1993 for landscaping and internal domestic use, however because of poor water quality, is now used for minimal landscaping around the applicants home. A second older well, licensed under right 63-3004 for 25 acres irrigation, is now used for internal domestic use along with irrigation around the main home. This well is equipped with a 5 hp pump for domestic use and a 25 hp pump for irrigation use. Both these wells are not plumbed directly into the mainline system. Applicant agreed that they should not be included for licensing.

This permit limits the applicant to 2.0 cfs and 195 acres irrigation within the 369acre ppu. Permit 65-11996 allows the applicant another 2.0 cfs and the remaining 174 acres within the ppu. Permit 63-12450 takes care of the additional 1.35 cfs measured well capacity. This permit is supplemental to Willow Creek water claimed in the SRBA under rights 63-28379 and 63-28380 if the rights are found valid and recommended for decree. The 25 acres licensed on ground water right 63-3004 are also included in the 369 ppu. A condition of the license needs to state that this right, when combined with the others, shall not exceed .02 cfs or 4.5 afa per acre.

*Compliance with permit conditions:
As evidenced on the attached well log, the recommended 16 inch well was drilled with non-perforated casing through the upper (perched) aquifer and sealed so that the perched water does not co-mingle with the deeper (regional) aquifer. A flow meter has been installed and Terry Scanlan, who works as the applicants consultant, has monitored the project as specified by the agreement between the protestant and the applicants. Water level measurements have been submitted to IDWR (Water Distribution Section) annually as required.

Have conditions of permit approval been met? __*X___Yes _____No

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	2.000 CFS	877.5 AF
	Totals:	2.000 CFS	877.5 AF

2. Recommended Amendments

___Change P.D. as reflected above ___Add P.D. as reflected above ___None

_X__Change P.U. as reflected above ___Add P.U. as reflected above ___Other

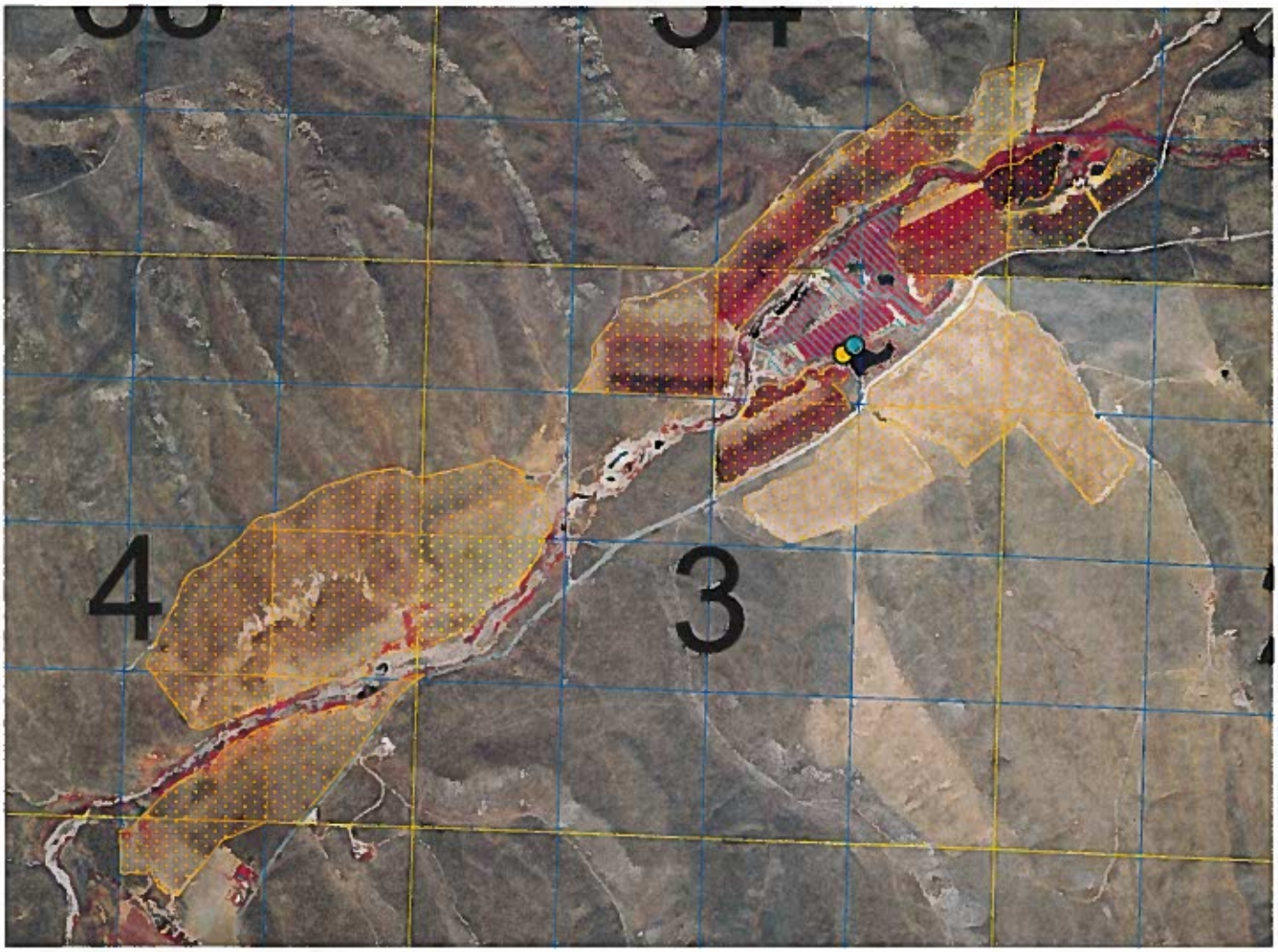
I. AUTHENTICATION

Field Examiner's Name Lori Graves Date 11/25/02

Reviewer_____ Date_____

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63-11995
63-11996
63-12450



0.5 0 0.5 1 Miles

- 63-3004 P/D
- New Irrigation P/D
- 63-3004 P/U
- New P/U
- Section Lines
- 1/41/4 Lines

PPU = Both



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10-04 14:1000 *R
+002.60 % AI2

0430.4 MMSEC
098.15 % T0

14:15+ 2.064E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:20+ 2.052E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:21+ 2.110E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:22+ 2.047E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:23+ 2.090E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:24+ 2.009E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:25+ 2.055E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:26+ 2.014E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:27+ 2.006E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:28+ 2.047E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

14:29+ 2.047E 3GPM 00R
      +01343 *10 G   00R
      -00000 *10 G   00R

AVERAGE: 2049.18 GPM
4.57 CFS

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400 hp, 6-stage, full trim, 2400 gpm, "New" Irrigation well

15DKL

ENCLOSED TYPE IMPELLER

1770 RPM

NO. OF STAGES	EFF. CHANGE (NO. OF POINTS)
1	−2
1	−1
3	−0

HORSEPOWER WILL BE EFFECTED BY CHANGE IN EFFICIENCY

PERFORMANCE FOR:
Bowl Pattern No.: 548100-A-R2
Imp. Pattern No.: 548101-A-R0

PUMP DATA

Shaft Dia. (IN.)	2¼
Maximum Sphere (IN.)	1¼
Maximum Head (FT.)*	698
Min. Submergence (IN.)**	32
Impeller Wt. (LBS.)	28.3
Thrust Constant (K)	17.3
Bowl O.D. (IN.)	14⅞

NOTES

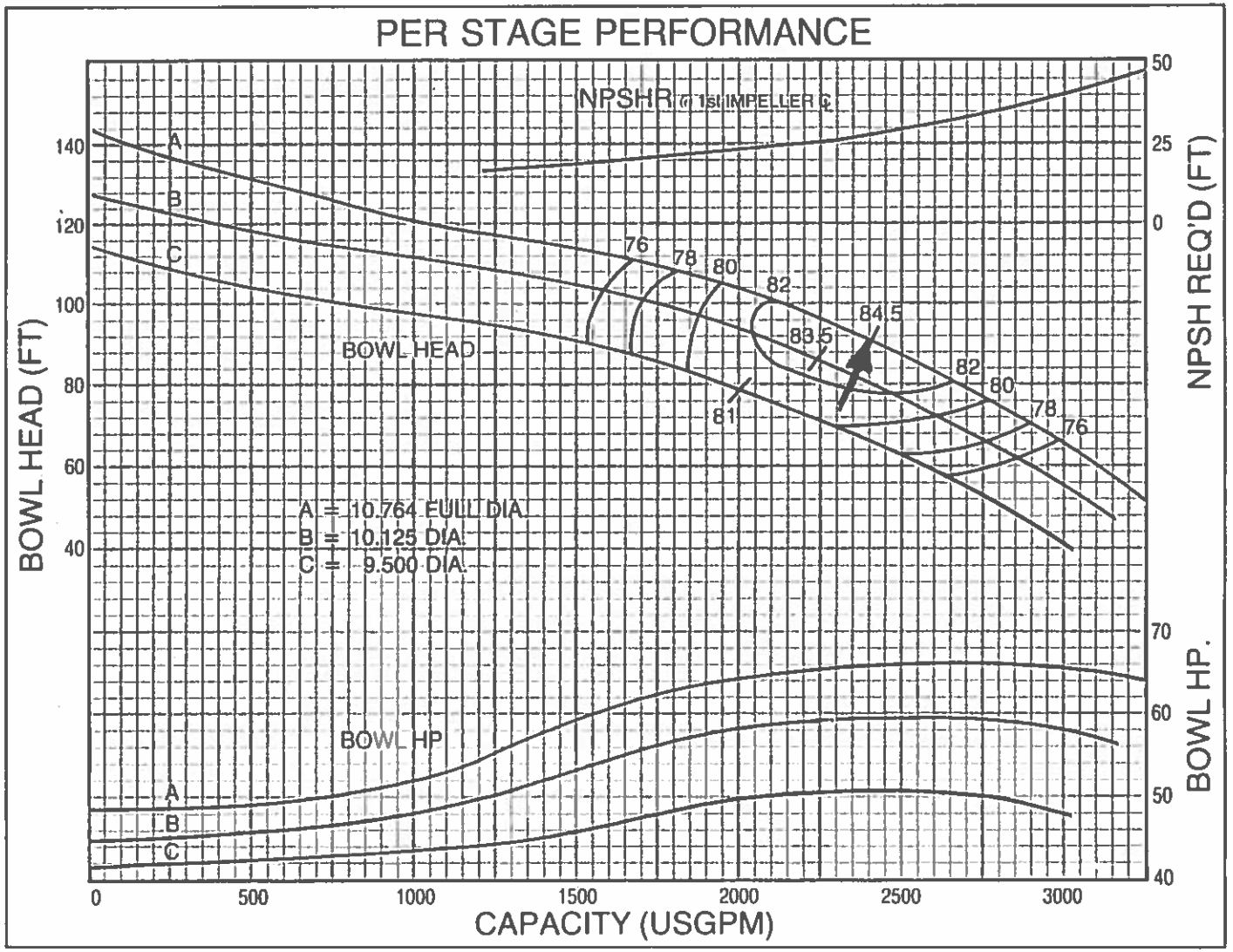
Performance indicated based on cold water with a specific gravity of 1.0.

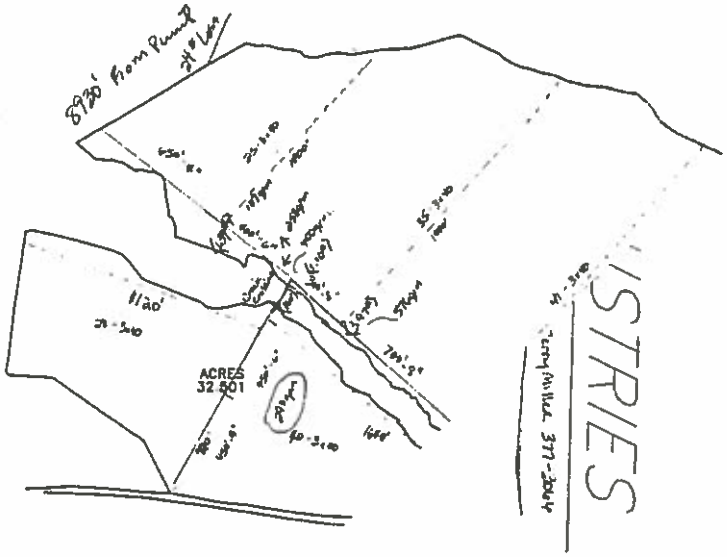
* Standard construction.

** Minimum submergence over lip of bell to prevent vortexing.

Efficiency improvements are available in certain instances. Please contact the factory.

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JUN 0 2 2003

Form 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

USE TYPEWRITER OR BALLPOINT PEN

New Irrigation well

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Mark Lyon
Address 506 East 45th Street
Drilling Permit No. 63-11996
Water Right Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☒ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hycraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.375 inches	16" inches	+ 2' feet	500' feet
.375 inches	16" inches	500' feet	520' feet
.375 inches	16" inches	620' feet	645' feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

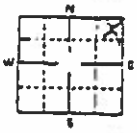
Well screen installed? ☒ Yes ☐ No
Manufacturer Johnson Type Wire Wrap
Top Packer or Headpipe _____
Bottom of Tailpipe 640'

Diameter 16" Slot size .040 Set from 500' feet to 520' feet
Diameter 16" Slot size .040 Set from 520' feet to 620' feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8"
Placed from 420' feet to 650' feet

Surface seal depth 420' Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 12" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Ada
Address of Well Site Chaparral Rd East
(give at least name of road)
NE¼ NE¼ Sec. 3 T. 2 N ☒ or S ☐ R. 1 E ☐ or W ☒

7. WATER LEVEL

Static water level 400' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F Quality _____
Describe artesian or temperature tests below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2230	448'	3 hrs

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
28"	0	4	Topsoil		
	4	14	Sandy loam, coarse sand		
	14	17	Large gravel & sand		
	17	38	Wht. fine sand & Gravel		
	38	326	Sand & Gravel stks clay		
	326	380	Broken Rock & Gravel		
	380	463	Sand & Gravel ...		
	463	464	Brn Clay stks sand		
	464	645	Fine gravel, sand stks clay		
	645	650	Wht. fine Gravel Clay, sand		
			Caving sand		

10.

Work started 4-2-98 finished 5-5-98

11. DRILLER'S CERTIFICATION

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

Firm Name Rivers Inc Firm No. 333
Address PO Box 720 Date 5-7-98
Signed by Drilling Supervisor _____
and
(Operator) _____ (if different than the Drilling Supervisor)

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

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P/D

Ltz NWNE
53 T5NR1W

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JUN 0 2 2003

Flow meter





Re-lift pond
N½NE 33
T5N R1W



Re-lift station

Lt 3 NWNE
33 T5N R1W

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P/u

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JUN 0 2 2003

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

RECEIVED
NOV - 5 2002
Department of Water Resources

November 3, 2002

Tim Luke
Idaho Department of Water Resources
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

Dear Tim.

Enclosed for your records, please find a summary of water level measurements required as a condition of the above referenced permits.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

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

Enclosure

Cc: Mark Lynn
Brad Little

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NOV 12 2002

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
09/09/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
01/22/1995	395.32	394.25	382.23
03/24/1995	395.48	394.29	382.78
05/21/1995	397.28*	394.66*	382.53
08/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
03/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
03/26/1997			381.51
10/18/1997	395.15	394.55	383.15
04/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
03/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
03/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24
03/24/2001	395.33	394.92*	382.10
10/30/2001	394.78	**	381.65
03/21/2002	395.73		382.11
10/31/2002	397.44*		383.66

* recovering slowly from recent pumping

**sounding tube removed during well repair

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NOV 1 2 2002

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

October 23, 2002

D MARK LYNN
JOY LYNN
4050 CHAPARRAL ROAD
EAGLE ID 83616

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11995 and 63-11996

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. 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 **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

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NOV 12 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-11995 Reviewed By: dgibson Date: October 22, 2002

	Yes	No		Yes	No
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	W029754		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		10/20/2002
Date proof due	-	04/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	02/25/1993
New priority date	=	02/25/1993

Deficiencies of Actions Items

Acknowledge proof.

Memorandum

To: Steve Lester, Western Region; Files 63-11995, 63-11996, and 63-12450

From: Tim Luke

Date: November 18, 2001

Re: Water Level and Water Use Monitoring

Steve,

Terry Scanlan has submitted a report of water level measurements as required by conditions of approval for the above referenced water rights owned by Mark and/or Joy Lynn. This report was sent to my attention. Reports were sent either to Cindy Hodges or John Westra over the few previous years. The latest report was sent to me since Terry was aware that Cindy had moved to Southern Region. Should a copy of these reports be sent to your office as well? I note that an application for amendment of permits 63-11996 and 63-12450 is still pending in your office. You sent a letter to the Lynns in March of this year advising that a six-month interruption of processing of the amendment had expired. You asked the applicants if they wanted an extension and advised that a conference would be scheduled if no extension were sought. Review of the file does not indicate whether a conference was held.

In light of the pending amendment I thought it would be appropriate to forward a copy of the most recent report to you. Also included is some additional well location information that Terry Scanlan forwarded to me at my request. Terry's report included no information regarding water use under the permits in 2001. To clarify this matter, I spoke with Terry at the IDWR State office recently. Terry stated that there was no water use under either irrigation well (Old Lynn and New Lynn irrigation wells) in 2001. Other items of interest or concern regarding the report that you may wish to be aware of include:

- Both the old and new irrigation wells are located in the NWNE Section 2 T5N, R1W. The other location given under one of the permits is the SESE Section 34, T6N, R1W. This is the location of the Mark Lynn domestic well which is used for domestic use and some irrigation around the Lynn home. The amount of acreage irrigated around the Mark Lynn home by the domestic well is not specified in Terry's report but it is perhaps covered by permit 65-11995 which includes both locations above as points of diversions. The latter permit also includes irrigation place of use in the SESE of Section 34 where the Mark Lynn well and home is located.

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NOV 12 2002

- Permit conditions require measuring devices on at least the irrigation wells but only one of the two irrigation wells actually has an installed meter.

- The new irrigation well has no water level access port and measurement tube to accommodate insertion of water level measuring probes as required by permit conditions of approval. Consequently, the new well is not being measured for water levels as required. Terry advised me during our meeting that he is using the Mark Lynn domestic well to substitute for the new well or represent water level conditions in the new well.

- The water level access port and tube in the Corbett Lynn well was removed this year and no measurement was obtained this fall. Presumably, no further measurements will be made from this well. As a result, this well can no longer serve as the observation well within one-half mile of the irrigation wells required by conditions of approval. The Mark Lynn domestic well can perhaps be considered as the observation well as it is also located within one-half mile of the irrigation wells.

In summation, Lynn is not strictly complying with all of the annual water level and water use measurement requirements set forth by the permit conditions. However, water level data is still being provided in at least two of the three authorized wells. The data provided show that water levels in the area have been consistently stable since 1993. Given the existing water level trends or lack thereof, perhaps measuring water levels in just the old irrigation well and Mark Lynn domestic well is sufficient for meeting the permit conditions. There still seems to be some deficiency in measuring water use from all of the wells but perhaps this requirement is also tempered given the stability of the water levels. Should we perhaps consider enforcement of this and other conditions? Is this issue relevant to the amendment applications? If so, should the issue be delayed until a conference is scheduled for the amendments?

Please advise me as to whether either of us need to pursue measurement and reporting requirements further. Please also advise as to whether I should continue sending copies of all future reports from Terry Scanlan to your office.

CC: Gary Spackman

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NOV 1 2 2002

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

RECEIVED
NOV 14 2001
Department of Water Resources

November 10, 2001

Tim Luke
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Subject: Water Level Monitoring Locations for Permits 63-11995 and 63-11996

Dear Tim:

Enclosed at your request is a photocopy of an orthophoto quadrangle showing the approximate location of wells used for water level monitoring at the Mark Lynn Ranch. The wells are described below.

Mark Lynn Domestic Well. The Mark Lynn Domestic Well is located in the SESE Section 34, T6N, R1W, Gem County. The well was drilled under permit 63-93-W-0619. The enclosed Well Driller's Report incorrectly shows a location about ½ mile to the south in Section 3, and incorrectly lists the location as Canyon County. This 623-foot deep, 8-inch diameter well is used for irrigation of the area around the Mark Lynn home. It is also piped to the home for domestic uses. However, I recall that Mr. Lynn switched domestic use to the "Lynn Old Irrigation Well" because the quality of water from the Mark Lynn Domestic Well was relatively poor (high iron content?). The well is equipped with a water level sounding tube.

Lynn Old Irrigation Well. The Old Irrigation Well is located in the NWNE Section 3, T5N, R1W, Ada County. The well is reported to be 480 feet deep, but I have never been able to obtain locate a driller's report for this well. The well has a large diameter (16-inch?) casing and is equipped with two submersible pumps (5 hp and 25 hp). The 25-hp pump is used for irrigation purposes and the 5-hp pump is used for domestic purposes. The well is equipped with a water level sounding tube. Testing suggests that the well is completed in an unconfined aquifer.

Lynn New Irrigation Well. The New Irrigation well is completed to 640 feet depth and taps confined aquifer zones between 500 and 625 feet. The well is located in the NWNE Section 3, T5N, R1W, Ada County. The well location is incorrectly described on the Well Driller's Report (enclosed) as the NENE Section 3. The well is equipped with a 400-hp variable-speed line-shaft turbine pump, but is not equipped with a sounding tube or an air line. Water level has been measured in the past by pressurizing the pump column (as a large-diameter air line), but static water level in the confined aquifers zones tapped by this well is better measured at the Mark Lynn Domestic Well.

Corbett Lynn Domestic Well. The Corbett Lynn Domestic Well is located in SWSW Section 35, T6N, R1W, Gem County. The well was drilled under drilling permit 63-93-W-0282, but the

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Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

location is incorrectly described on the Well Driller's Report (enclosed) as the SENW of Section 35. The well is reported to be 580 feet deep and is used for single-family domestic purposes. It was previously equipped with a water level sounding tube, but the tube was removed during well and pump repair activities this year.

I hope this clarifies the location of the wells used for irrigation and/or water-level monitoring under these permits. Please contact me if you need additional information.

Sincerely,

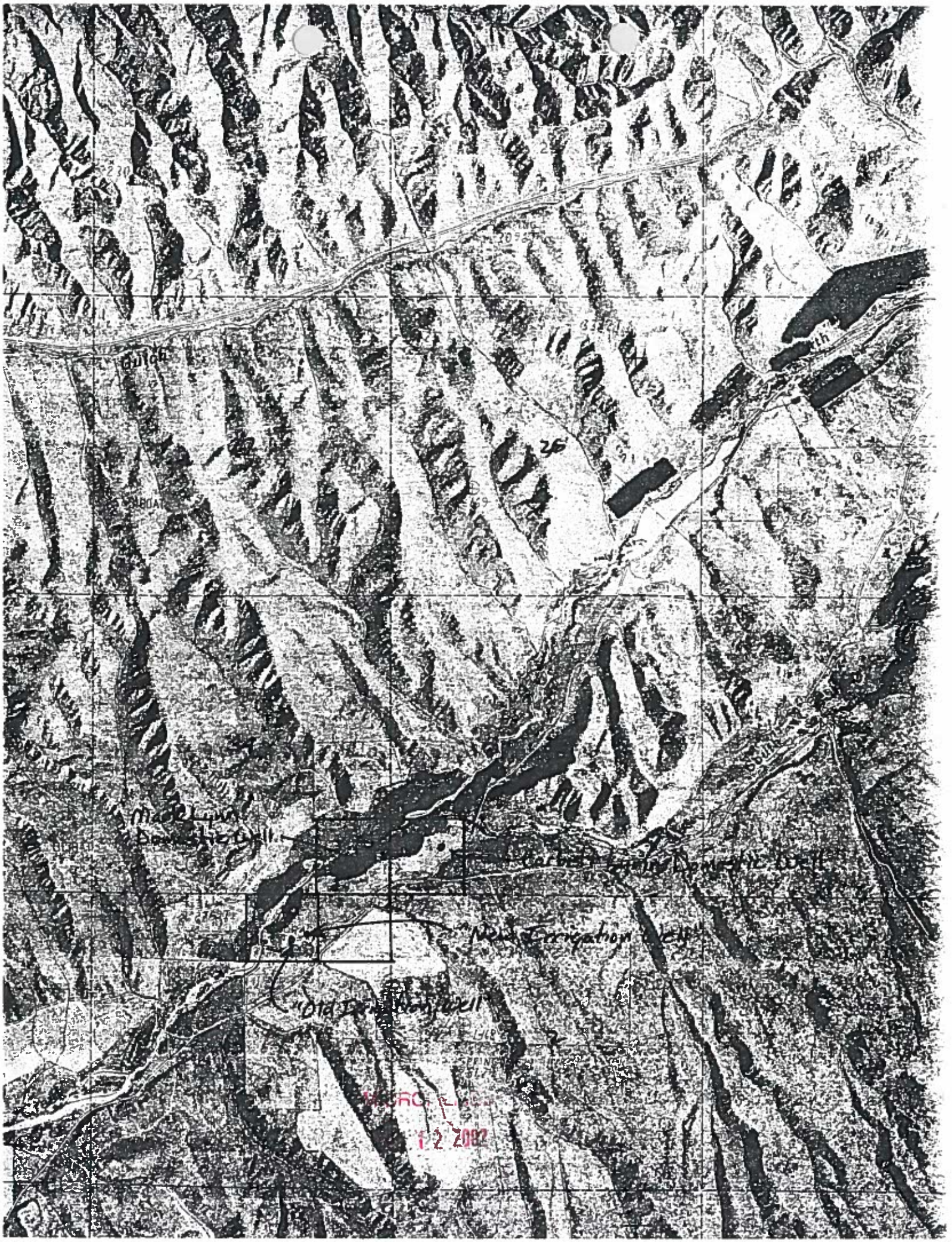
Terry M. Scanlan, P.E., P.G.

Enclosure

Cc: Mark Lynn

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NOV 1 2 2002


Gulch
26
Mead
Domestic Well
Corbett
Domestic Well
New Irrigation Well
Old Irrigation Well
MAR
2002

/93

IDAHO DEPARTMENT OF WATER RESOURCES

NOV 18 1993

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NOV 15 1993

Department of Water Resources

WELL DRILLER'S REPORT

WATER RESOURCES
WESTERN REGION

or Ball Point Pen

Mark Lynn Domestic Well

. DRILLING PERMIT NO. 63- 93- W- 0619 - 000

ther IDWR No.

. OWNER:

ame MARK LYNN

ddress 6500 CHAPPARRAL

ity EAGLE State ID Zip 83616

. LOCATION OF WELL by legal description:

ketch map location must agree with written location.

N

E

S

T. 5N North ☒ or South ☐

R. 1W East ☐ or West ☒

Sec. 3, 10 acres 1/4 SE 40 acres 1/4 NE 160 acres 1/4

Gov't Lot ____ County CANYON

ddress of Well Site 6500 CHAPPARRAL, EAGLE, ID.

(Give at least Direction + Distance to Road or Landmark)

ot No. ____ Block No. ____ Subd. Name ____

. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other ____

. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☒ Cable ☐ Other ____

SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENT & CEMENT	200	170		POURED
CEMENT & BENT	170	150		PUMPED
BENT & CEMENT	150	140		POURED
SURFACE SEAL AROUND 12" TO 20'				

as drive shoe seal tested? Y☐ N☒ How? ____

CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
12	+1	79	250	X		☒	☐	☒	☐
8	+2	551	250	X		☒	☐	☒	☐
6	523	543				☐	☐	☐	☐
6	573	623				☐	☐	☐	☐

nal location of shoes 551

ip Packer or Headpipe 523 Bottom Tailpipe 623

PERFORATIONS/SCREENS

☐ Perforations Method ____

☒ Screens Type 304 Material STAINLESS

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
543	563	.040		6	PIPE	☐	☒
563	573	.030		6	PIPE	☐	☒
						☐	☐
						☐	☐

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10. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
NO TEST			

Temperature of water ____ Was a water analysis done? Yes ☐ No ☐

By whom? ____

Water Quality (odor, etc.) ____

Bottom Hole Temperature ____

11. STATIC WATER LEVEL:

395 ft. below surface Depth artesian flow found ____

Artesian pressure ____ lb. Describe access port ____

Describe Controlling Devices: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
14	0	5	TOP SOIL		
14	5	25	SAND & GRAVEL		
12	25	40	SANDY YELLOW CLAY		
12	40	60	SANDSTONE		
12	60	79	LOOSE SAND		
12	79	180	SANDSTONE		
12	180	235	COURSE SAND		
8	235	240	SANDSTONE		
8	240	250	SAND & PEA GRAVEL		
8	250	300	SANDSTONE		
8	300	320	SANDY BROWN CLAY		
8	320	340	SANDSTONE		
8	340	350	SANDY BROWN CLAY		
8	350	380	SANDSTONE		
8	380	385	SAND		
8	385	400	SANDSTONE		
8	400	410	SAND & GRAVEL		
8	410	440	SANDSTONE		
8	440	450	BROWN SAND	?	395
8	450	480	SANDSTONE		395
8	480	485	FINE SAND		395
8	485	540	BLACK SANDSTONE		395
8	540	550	COURSE SAND		395
8	550	570	COURSE SAND & GRAVEL		395
8	570	590	COURSE SAND		395
8	590	600	COURSE BROWN SAND		395
8	600	620	BROWN SAND		395

Date: Started 7-10-93 Completed 10-18-93

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 BILL DOTY DRILLING CO., INC. Firm No. 42

Firm Official ____ Date 11-1-93

and

Supervisor or Operator ____ Date 11-1-93

(Sign once if Firm Official & Operator)

Form 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

New Irrigation well

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name Mark Lyon
Address 506 East 45th Street
Drilling Permit No. 63-11996
Water Right Permit No.

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE
☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED
☐ Rotary ☐ Air ☐ Auger ☒ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.325 inches	16" inches	+ 2' feet	500' feet
.375 inches	16" inches	500' feet	520' feet
.325 inches	16" inches	620' feet	640' feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

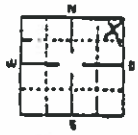
Number		From	To
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer Johnson Type Wire Wrap
Top Packer or Headpipe
Bottom of Tailpipe 640'

Diameter 16" Slot size .040 Set from 500' feet to 520' feet
Diameter 16" Slot size .040 Set from 520' feet to 620' feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8"
Placed from 420' feet to 650' feet

Surface seal depth 420' Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 16" pipe

6. LOCATION OF WELL
Sketch map location must agree with written location.



Subdivision Name
Lot No. _____ Block No. _____
County Ada
Address of Well Site Chaparral Rd East
(give at least name of road)
NE ¼ NE ¼ Sec. 3, T. 5 N ☒ or S ☐, R. 1 E ☐ or W ☒

7. WATER LEVEL
Static water level 400' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA
☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2030	448'	3 hrs

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
28"	0	4	Top Soil		
	4	14	Sandy loam, coarse sand		
	14	17	Large gravel & sand		
	17	38	White sand & Gravel		
	38	326	Sand & gravel with clay		
	326	360	Broken rock & gravel		
	360	403	Sand & gravel		
	403	464	Blue clay, streaks sand		
	464	645	Red gravel, sand & clay		
	645	650	White sandy clay, coarse		
			Caving sand		

10.
Work started 4-7-98 finished 5-5-98

11. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name Riverside Inc. Firm No. 333
Address P.O. Box 720 Date 5-7-98
Signed by Drilling Supervisor
and
(Operator) _____ (if different than the Drilling Supervisor)

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

MICROFILMED
NOV 12 2002

Form 238
4/92

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JUN 24 1993
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR BALLPOINT PEN

Corbett Lynn
Domestic Well

1. WELL OWNER

Name MARK LYNN

Address 4831 SKYLINE DR. EAGLE, ID. 83616

Drilling Permit No. 63-93-W-0182

Water Right Permit No. _____

2. NATURE OF WORK

XX New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

XX Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	8 inches	+ 1 feet	480 feet
.250 inches	6 inches	+2 feet	540 feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number		From	To
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

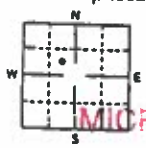
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 40 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County GEM
Address of Well Site _____ (Give at least name of road)
T. 6N N ☒ or S ☐
SE ¼ NW ¼ Sec. 35, R. 1W E ☐ or W ☒

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NOV 12 2002

7. WATER LEVEL

Static water level 400 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
40	500	2 HRS.

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
12	0	2	SANDY TOP SOIL		X
12	2	40	SAND & GRAVEL		X
8	40	280	DECOMPOSED GRANITE SAND		X
8	280	315	BROWN SANDSTONE		X
8	315	420	DECOMPOSED GRANITE SAND		X
8	420	426	BROKEN BROWN ROCK	X	
8	426	460	DECOMPOSED GRANITE SAND	X	
8	460	480	LIGHT COLORED SANDSTONE	X	
6	480	530	DECOMPOSED FINE GRANITE SAND	X	
6	530	560	HARD GRAY SANDSTONE	X	
6	560	580	COURSE LOOSE GRANITE SAND	X	

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JUN 23 1993
Department of Water Resources
Western Regional Office

10.

Work started 4-19-93 finished 6-5-93

11. DRILLER'S CERTIFICATION

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

BILL DOTY DRILLING
Firm Name CO., INC Firm No. 42
Address 106 CALLOWAY CALDWELL, ID 83605 Date 6-17-93
Signed by Drilling Supervisor _____
and
(Operator) _____
(If different than the Drilling Supervisor)

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

RECEIVED
NOV - 2 2001
Department of Water Resources

October 31, 2001

Tim Luke
Idaho Department of Water Resources
Statehouse Mail
P.O. Box 83720
Boise, ID 83720-0098

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

Dear Tim:

Enclosed for your records, please find a summary of water level measurements required as a condition of the above referenced permits. Water levels were measured using an electric line well sounder at the following three wells in March 2001: Mark Lynn Domestic (623 feet total depth), Corbett Lynn Domestic (580 feet total depth), and Lynn Old Irrigation Well (480 feet total depth). The Corbett Lynn Domestic Well was not measured in October 2001 because the sounding tube had been removed during well repair and pump replacement work that occurred last summer.

Please contact me with any questions.

RPR Chng 11-5-01, did not use other irrig well this yr. Ckd irrig well - main - did not appear to be used

Sincerely,

Terry M. Scanlan

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

Enclosure

Cc: Mark Lynn
Brad Little

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600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

New Irrg well is proposed well
Loc in NW NE sec 3 T5N R1W
Old irrig well ~~is SE SE sec 34 T6N R1W~~
is also in NW NE 3
T5N R1W

this is the monitoring #086, well 2.
using this well for
WL. mons of new irrig well

25 hp well in shallower zone
2nd

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
09/09/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
01/22/1995	395.32	394.25	382.23
03/24/1995	395.48	394.29	382.78
05/21/1995	397.28*	394.66*	382.53
08/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
03/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
03/26/1997			381.51
10/18/1997	395.15	394.55	383.15
04/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
03/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
03/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24
03/24/2001	395.33	394.92*	382.10
10/30/2001	394.78	**	381.65

* recovering slowly from recent pumping

**sounding tube removed during well repair

MICROFILMED
NOV 1 2 2002

MEMORANDUM

March 2, 2001

TO: File nos. 63-11995, 63-11996, and 63-12450 (need copies)

FROM: Cindy Hodges

RE: Water Level Monitoring and Withdrawals

The attached letter and water level data were received relative to the above permits. Conditions of use on all permits require water level monitoring, discharge measurement and annual reporting for all three listed points of diversion. Use under the above permits is to be supplemental to Willow Creek rights on 378 acres.

Consistent spring/fall water level monitoring is being conducted using air lines or electronic line sounders. Water level measurements are not appreciably different over the period 1993 to 2000.

A flow meter is installed on the newest well, but there are evidently no measuring devices on the existing wells. The annual volume diverted during the 2000 irrigation season was estimated to be 300 acre-feet, of which 238 acre-feet was actually measured through the installed flow meter. Compared to the implied volumetric limit of 1701 acre-feet for 378 acres, the estimated annual volume of 300 acre-feet is consistent with supplemental use. However, the lack of required measuring devices leaves a portion of the annual reported volume subject to uncertainty and does not satisfy the permit conditions.

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NOV 1 2 2002

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

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WATER RESOURCES
WESTERN REGION

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NOV - 7 2000
Department of Water Resources

October 27, 2000

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

Dear Mr. Westra:

Enclosed for your records, please find a summary of water level measurements for the above referenced permits. Water levels were measured using an electric line well sounder at the following three wells: Mark Lynn Domestic (623 feet total depth), Corbett Lynn Domestic (580 feet total depth), and Lynn Old Irrigation Well (480 feet total depth). The Lynn New Irrigation Well (640 feet total depth) can be measured using the pump column pipe as an air line. However, since the accuracy of water level measurements using an electric line well sounder is much better than air line measurements, we are using the three wells described above for water level monitoring purposes. Based on depth and proximity, the Mark Lynn Domestic well provides the best approximation of aquifer water level fluctuations at the Lynn New Irrigation Well.

Annual volume pumped under these permits during the 2000 irrigation season is estimated to be in the range of 240 to 300 acre feet. This volume includes 238 acre feet from the Lynn New Irrigation Well (flow meter measurement) and 60 acre feet or less from the Lynn Old Irrigation Well and Mark Lynn Domestic Well (estimates).

Sincerely,

Terry M. Scanlan

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

378 ac = 1701 AF max
300 AF used

Enclosure

Cc: Mark Lynn
Brad Little

MICROFILMED
NOV 1 2 2002

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
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05/21/1995	397.28*	394.66*	382.53
08/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
03/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
03/26/1997			381.51
10/18/1997	395.15	394.55	383.15
04/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
03/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
03/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24

* recovering slowly from recent pumping

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SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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WESTERN REGION

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NOV - 6 2000
Department of Water Resources

October 27, 2000

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

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Sincerely,

Terry M. Scanlan

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

Enclosure

Cc: Mark Lynn
Brad Little

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NOV 1 2 2002

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

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05/21/1995	397.28*	394.66*	382.53
08/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
03/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
03/26/1997			381.51
10/18/1997	395.15	394.55	383.15
04/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
03/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
03/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24

* recovering slowly from recent pumping

MICROFILMED
NOV 1 2 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

NOV 0 2 1999

WATER RESOURCES
WESTERN REGION

October 29, 1999

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

Dear Mr. Westra:

Static water level in the Lynn New Irrigation Well (640 feet total depth) was measured today per the monitoring requirements of the above referenced permits.

The water level was measured by pressurizing the pump column pipe using compressed air. The air was introduced at the discharge head using a large air compressor. Pressure was measured using a liquid filled 0-160 psi pressure gage.

The length of the column pipe from the base of the discharge head to the top of the pump is 520 feet. The pump is 7.9 feet long. The suction pipe at the bottom of the pump is 2.0 feet long. Therefore, the total length of "air line" is 530 feet. Air was added until the pressure stabilized at 58.5 psi (135 feet of water). Therefore, the static depth to water is approximately 395 feet below the concrete pump pad.

Please contact me with any questions.

Sincerely,

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

Enclosure

Cc: Mark Lynn

MICROFILMED

NOV 1 2 2002

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

OCT 2 7 1999

WATER RESOURCES
WESTERN REGION

October 25, 1999

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Water Level Monitoring for Permits 63-11995, 63-11996, and 63-12450

Dear Mr. Westra:

Enclosed for your records, please find a summary of water level measurements for the above referenced permits. Water levels are currently being measured at the following three wells: Mark Lynn Domestic (623 feet total depth), Corbett Lynn Domestic (580 feet total depth), and Lynn Old Irrigation Well (480 feet total depth). The Lynn New Irrigation Well (640 feet total depth) is not currently equipped for water-level measurements, although we plan to equip it for static water level measurement by air-line gage.

Annual volume pumped under these permits during the 1999 irrigation season is estimated to be approximately 400 acre feet. This volume includes 311.6 acre feet from the Lynn New Irrigation Well (flow meter measurement) and 80 acre feet or less from the Lynn Old Irrigation Well and Mark Lynn Domestic Well (estimates).

Sincerely,

Terry M. Scanlan

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

Enclosure

Cc: Mark Lynn
Brad Little

600 East River Park Lane, Suite 105
Boise, Idaho 83706

MICROFILMED

NOV 1 2 2002

Telephone (208) 383-4140
Facsimile (208) 383-4156

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
09/09/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
01/22/1995	395.32	394.25	382.23
03/24/1995	395.48	394.29	382.78
05/21/1995	397.28*	394.66*	382.53
08/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
03/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
03/26/1997			381.51
10/18/1997	395.15	394.55	383.15
04/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
03/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07

* recovering slowly from recent pumping

MICROFILMED

NOV 1 2 2002

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

September 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOY LYNN
D MARK LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: Permit 63-11995

Dear Mr. & Mrs. Lynn:

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
SEP 30 1999

CERTIFICATE OF MAILING

I hereby certify that on the **28th** day of **September, 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 63-11995

JOY LYNN
D MARK LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Kari Lynn Townsend
Secretary

MICROFILMED
SEP 30 1999

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
SEP 30 1999

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
SEP 30 1999

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOY LYNN	02/25/1993	IRRIGATION	03/15	11/15	2.000 CFS	
C	D MARK LYNN						
	4050 CHAPARRAL RD				TOTAL DIVERSION:	2.000 CFS	
	EAGLE ID 83616						
	(208) 377-3066						

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T05N R01W S03 Lot 02(NWNE) GEM County
T06N R01W S34 SESE GEM 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	Lt Ac	Lt Ac	SUM
05N 01W 2						04-15	05										20.0
05N 01W 3	01-26	02-29	25	10	03-20												110.0
06N 01W 34													05		09	21	35.5
06N 01W 35											29						29.5
														TOTAL ACRES			195.0

Pou County: ADA, GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03004 63-08044 63-10775 63-11995 63-11996 63-12450

Other Water Rights Listing Overlapping Place(s) of use:
63-03004 63-11995 63-12361 63-12450

Conditions of Approval:

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
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.

Remarks: GEN In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court determines the Willow Creek rights are not valid.
The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within 1/2 mile of the production wells, and the depth to water therein shall be

Remarks: monitored during March and October each year and the measurements provided to IDWR.
The water right holder shall install in each irrigation well a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells.
In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not directly lower the water level in any domestic well drilled and in use prior to 3/29/78, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.
In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.
Upon determination by the Director that a prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to this right or shall provide water in an amount necessary to mitigate the ongoing diversion under this right for release into the stream in which the minimum stream flow is not being met.
Prior to diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the department the amount of water diverted and the depth to water.
The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not co-mingled with the deeper (regional) aquifer.
Water bearing zone to be appropriated is 500 to 620 feet.

Dates:

App. Received:	02/25/1993	Priority Date:	02/25/1993
Proof Due Date:	04/01/2003	Proof Made Date:	
Exam Made Date:		Exam Sent to S.O.:	
Licensed Date:			

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM
Application processed now due to Attachment A, an analysis that suggests grond water is tribuatry to Basin 65 instead of Basin 63. Processing approved by DRT 9/6/94. Also see similar appl. for nearby well & acres, 63-11996.
Although each application is for amount less than those that require large diversion suppl. analysis, the combined package is for considerably more than 200 acres. This is an example of a situation where the package should trigger the add'tl. info. need instead of looking at the filings separately. Perhaps a revision

Comments: Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM
of the statute is needed or IDWR should review its interpretation of the statute for similar scenarios.

Date: 11/07/1994 User-ID: SLESTER Subject: "AMENDED" APPLICATION
Applicant sent letter dated 10/26/94 to amend A63-03004 and this application. Each will be for separate wells and for unique land. The amendment does not increase the number of acres or add QQ's to P/U; rather it re-arranges acres per tract.
Therefore, this is actually a revision but not a formal amendment requiring $50 fee or re-advertising, in my opinion. The letter replaces an office visit or more lengthy mail process in which applicant would normally initial changes to the filing.
A new well to be drilled is proposed for this application. The 25 acres within center of proposed P/U are covered by A63-03004 as shown on "Amended Map" that I prepared per applicant's info.

Date: 03/06/1995 User-ID: CZIMMERM Subject: MORATORIUM EXEMPTION
This permit is located within the boundaries of the Boise River Drainage Moratorium Area; however, evidence produced at hearing shows the regional aquifer that the wells will be pulling water from is tributary to the Payette River drainage.

Date: 05/06/1999 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 05/27/1999 User-ID: JYARBROU Subject: Extension of Time Received
Extension of Time Received

Date: 09/22/1999 User-ID: SCURTIS Subject: AMENDMENT OF PERMIT
An application for amendment of permit was filed May 18, 1999 to add a point of diversion under this right.

Audit: 09/15/99 SCURTIS 09/22/99 SCURTIS

AMENDMENT OF PERMIT REVIEW

Review Date 9/20/99

PERMIT NO. 63-11995 **NAME** Lynn

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. __-__-__-____-__;
Drilled _____

Swan Falls Flag ____

Conditions of Approval: 26, K65

Remarks/Comments Carry-over orig. permit spec. conditions

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 63-11993 Reviewed by JY Date 5-26-99

BASIC INFORMATION

5-11-99 Date stamp received

NO Extension received timely

YES Fee received and receipted

YES Name and signature same as permit

~~YES~~ NO Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to April 1, 2003, on basis of due diligence.
Reinstate w/no advance in priority since permit holder may ~~have~~ not have received the proof notice.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X

Change Proof Due Date 4-1-2003

Change Priority Date X

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 27, 1999

D Mark Lynn and Joy Lynn
4050 Chaparral Rd
Eagle ID 83616

RE: Permit No. 63-11995

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **April 1, 2003.** Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Please be advised that this permit has been reinstated with no advance in the date of priority.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
SEP 30 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

May 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D. Mark &/or Joy Lynn
4050 Chaparral Rd.
Eagle, ID 83616

RE: Permit No. 63-11995

Dear Permit Holders:

The application for amendment you filed with our department in May of last year has been sent to us from our regional office for processing. The protest(s) have been withdrawn. However, the department cannot take further action on the amendment application at that time because the permit has lapsed.

A proof due notice was sent to you on January 31, 1999 requesting the filing of either the proof of beneficial use form or an extension request, to be filed on or before April 1. The department received no response and on May 6, a lapse notice was sent. As of this date, the department has not received a response and the permit remains lapsed and of no further force or effect.

If an extension request or a proof of beneficial use form and associated fee is not received within sixty (60) days of the mailing of the lapse notice, the file will be microfilmed and destroyed and the department will take no further action on the amendment application.

If you are ready to submit the proof of beneficial use form or extension request and have misplaced the forms, the forms can again be mailed to you. If you have any questions, give me a call.

Sincerely,

Sharla Curtis

Sharla Curtis
Water Resource Agent

MICROFILMED
SEP 30 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 6, 1999

JOY LYNN
D MARK LYNN
4050 CHAPARRAL
EAGLE ID 83616

LAPSE NOTICE

RE: PERMIT NO. 63-11995

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 our proof due notice dated February 28, 1999. 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.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING
I hereby certify that on 5/6/99
~~a copy~~/an original of this document was deposited in the United States mail, postage prepaid addressed to the individual(s) named above.

MICROFILMED
SEP 30 1999

Form No. 211a
3/96

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RECEIVED
MAY 18 1999
Department of Water Resources

Right Number 63-11995 WP File Name L...WP] LYNN_AMEND_APP
Initial Review By: TT Date 5/14/1998
Applicant Mark &/or Joy Lynn
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.
- ☐ Map.
- ☐ Signature (must be permit holder).
- ☐ Fee.
- ☑ Existing water rights from the same source, amended place of use.
  - ☑ Right number(s) 63-11996
- ☑ 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: _____
- ☐ Copy for region file: Always include application, staff analysis sheet, legal notice
  List other items to copy _____
- ☑ Approve.
- ☐ Deny.

Conditions Same conditions as original permit.

By Gary Date 5/11/99

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

PROTEST INFORMATION SHEET

APPLICANT: Mark &/or Joy Lynn

WR #: 63-11995 - Amendment

DATE FILED: 5-4-98 **PROTEST DATE:** 8-3-98

PROTESTANT(S) NAME & ADDRESS:

Julie Gleason
Chaparral Water Assn
PO Box 414
Eagle ID 83616

Attorney - Name & Address

Issues _____

_____

_____

_____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters

Hearing Notice _____

Hearing Date _____

Other: _____

_____

_____

_____

MICROFILMED
SEP 30 1999

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 21, 1999

JERRY JONES
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-11995 in the Name of D. Mark &/or Joy Lynn

Dear Mr. Jones:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for amendment.

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,

Gary Spackman

GS:st

CC: Applicant

MICROFILMED
SEP 30 1999

RECEIVED
APR 13 1999
WATER RESOURCES
WESTERN REGION

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of Application For Water Right to Appropriate the Public Water of the State of Idaho, No. 63-11995.

Signed at 9191 Chaparral

this 10 day of April 1999.

D C Miller - Pres. CWA.

Protestant

ATTEST:

Jerry L. Jones

MICROFILMED
SEP 30 1999
MICROFILMED
SEP 30 1999

PREHEARING CONFERENCE MEMORANDUM

File: Application #63-12450
Permit Amendment #63-11995

From: J. Westra
Date: 4/8/99
Location: State Office Conference Rm. C
Applicant: Mark Lynn
Protestants: Chaparral Water Users- Amendment #63-11995
Brad Little- Application #63-12450

Attendees: See attachment

RE: Conference Notes
The meeting began with Jerry Jones of the Chaparral Water Users expressing several concerns the water users had to Terry Scanlon. One being the aquifer depths. The Water User's well draws from a shallow aquifer at approx. 250 ft., and the Lynn wells are drawing from a separate aquifer 400-650 ft in depth.

Terry Scanlon discussed that permits 63-11996 & 63-11995 already require monitoring well data be sent to IDWR in the spring and fall. Part of the agreement with Mr. Little would include supplying him with this data. He would inturn monitor his wells, and submit the data also to IDWR. I told the group IDWR could process both sets of data, and make it available to them. Mr. Little stated, there are several issues relating to surface water, and the new Bettis Dam under construction that have effect on the amount of groundwater used.

I passed out protest withdrawal forms to both the protestants. Mr. Jones will meet again next week with the water users before making a decision to withdraw their protest.

Both Lynn and Little felt they were close to an agreement. Mr. Little's attorney had been called away, and was not present. Mr. Little felt setting a hearing date would force them to work at completing the agreement prior to the hearing date. A hearing date of May 26th, 10:00 AM IDWR Conference Rm. A&B was set.

SO Conference RM. A&B Reserved
JFW, 4/8/99

MICROFILMED
SEP 30 1999

ROSTER OF ATTENDANCE

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

Re: **Application for Permit No. 63-11995 and 63-12450 in the Name of D. Mark &/or Joy Lynn**

Place: **IDWR, 1301 N. Orchard, Boise, Idaho 83706**

Date: **April 8, 1999**

Conducted by: **John Westra**

NAME	ADDRESS
Terry Scanlan	600 E. River Park Ln #105 Boise 06
MARK Lyan	Yoso CHAPARRAL Eagle ID 83616
[illegible]	[illegible] Emmett Id 83617
TERRY L. JONES	9191 CHAPARRAL EAGLE, 83616

MICROFILMED

SEP 30 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

March 4, 1999

RECEIVED

MAR 0 5 1999

WATER RESOURCES
WESTERN REGION

Mr. Jerry Jones
Chaparral Water Association
9191 Chaparral Road
Eagle, ID 83616

Subject: Chaparral Water Association Protest - Application for Amendment of Permit 63-11995

Dear Jerry:

Thank you for taking the time today to attend the pre-hearing conference regarding Chaparral Water Association's protest of the Application to Amend Permit No. 63-11995 in the name of D. Mark Lynn and Joy Lynn. I have enclosed a copy of the application. The application proposes to add a point of diversion located in the NWNE of Section 3 to Permit 63-11995. The new point of diversion is the 16-inch irrigation well that was drilled for Permit 63-11996 in the spring of 1998. We believe that this new well has adequate capacity to produce the full diversion rate for both 63-11995 and 63-11996 (plus an additional 2.5 cfs proposed by application 63-12450), eliminating the need for drilling a high-capacity well specifically for Permit 63-11995.

Mark has an existing 8-inch well located at his house in the SESE of Section 34. This well is located within the forty-acre tract currently authorized as a diversion point for Permit 63-11995. We propose to maintain this well as a second diversion point for Permit 63-11995. The amount of water that can be produced from this 8-inch well will be significantly less than produced from the 16-inch well. However, this 8-inch well is more convenient than the 16-inch well for irrigating small landscape and garden areas around Mark's house.

The enclosed maps shows the location of Mark's wells relative to the Chaparral Water Association well. As discussed at our meeting today, the wells at the Lynn Ranch tap a different aquifer than tapped by Chaparral. Therefore, we do not anticipate any impact to Chaparral's water right from pumping at the Lynn Ranch. We will continue to monitor water levels in the Lynn wells to document that significant water levels declines are not occurring.

Please contact me with any questions concerning this Application to Amend Permit No. 63-11995. I am available to meet with your Association if more explanation is necessary.

Sincerely,

Terry M. Scanlan

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

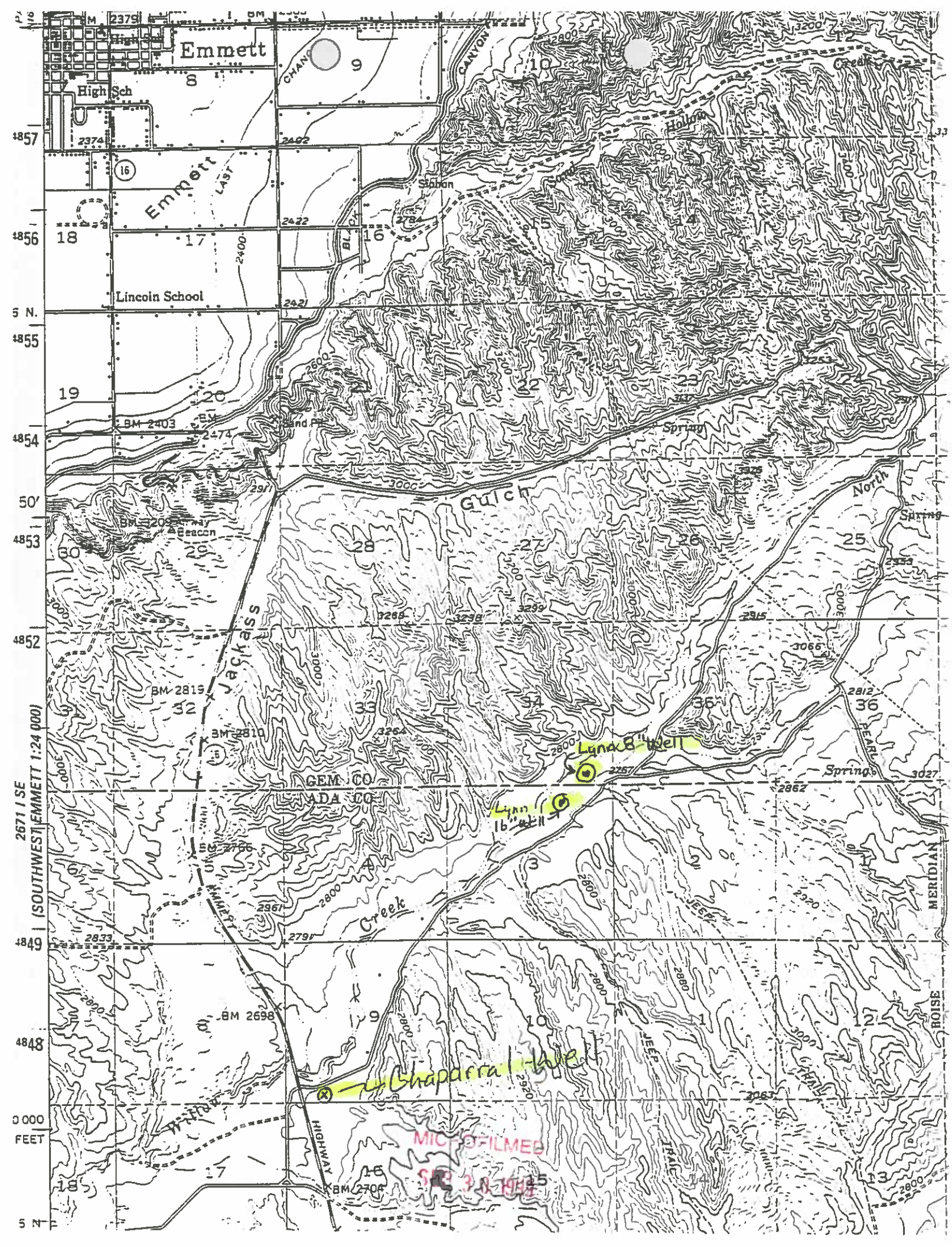
Cc: Mark Lynn
John Westra

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SEP 3 0 1999

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156


Emmett
High Sch
Emmett Last Chance Canyon
Holloway Gulch
Stoban
Lincoln School
Sand Pit
Spring
Gulch
North Spring
Jackass
Lynch "B" well
Lynch "A" well
GEM CO
ADA CO
Creek
Pearl Spring
Chaparral well
MICROFILMED
SEP 3 1 1985
HIGHWAY
JEEP TRAIL
BOISE MERIDIAN
(SOUTHWEST) EMMETT 1:24 000
2671 I SE
FEET

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

May 26, 1998

Maria Minicucci
Sr. Water Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application for Permit and Application for Amendment of Permit 63-11995

Dear Ms. Minicucci:

On behalf of D. Mark Lynn and Joy Lynn, this letter is submitted in response to your letter of May 18, 1998 requesting additional information for the above referenced applications.

You requested that we identify water-bearing zones of the irrigation wells. The well located in T6N, R1W, S34 SESE is screened from 543 to 573 feet. The well located in T5N, R1W, S3, Lot 3 (NWNE) is screened from 500 to 620 feet. Therefore, the water-bearing zone tapped is found between approximately 500 and 620 feet depth.

I have enclosed a map showing well locations and irrigated acres. Please contact me with any questions.

Sincerely,

Terry M. Scanlan

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

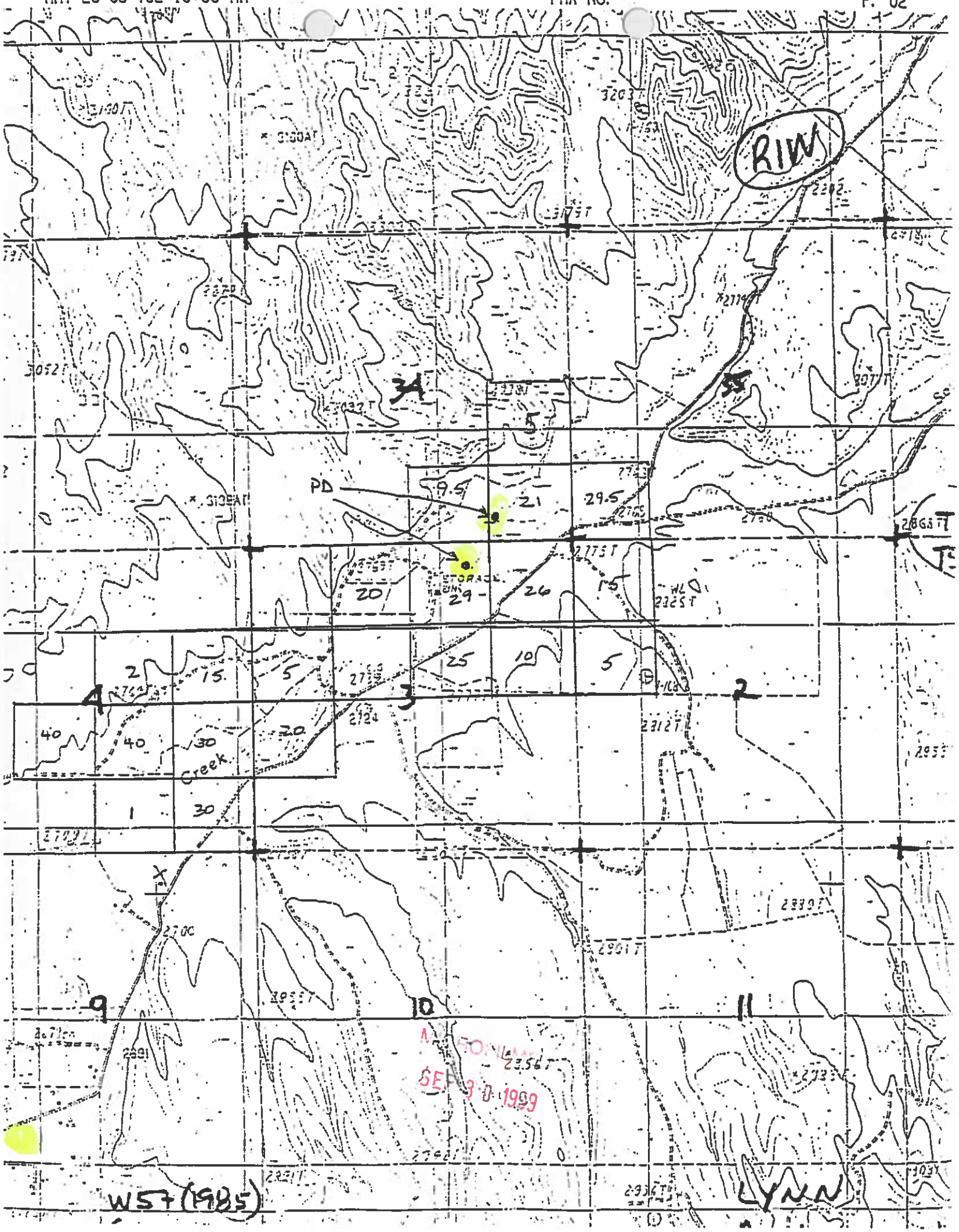
Enclosure

Cc: Mark Lynn

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SEP 30 1999

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156


RIW
PD
34
35
5
4
3
2
9
10
11
Creek
W57 (1985)
LYN

10/93

Receipted By _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant D Mark Lynn and Joy Lynn Phone 208-286-9533

Address 4050 Chaparral Road, Eagle, ID 83616

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-11995, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: _____ Change point of diversion X Add point of diversion

_____ Change place of use _____ Change nature of use _____ Change period of use _____ Other

1. Point of diversion: (Lot 2)¼ NW ¼ NE ¼, Section 3, Township 5N, Range 1W, B.M., County of Ada. Other points of diversion SESE T6N, R1W, Sec 34, Gem County

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

Amount 2.000 (cfs or [illegible]) for irrigation (water use) purposes from 3/15 (Begin month) to 11/15 (End month) (both dates inclusive)

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

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

3. Place of use or land to be irrigated:

T wp	R ge	S ec	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	2						L4 15	5										20
		3	L1 26	L2 29	25	10	L3 20												110
6N	1W	34													5		9.5	21	35.5
		35											29.5						29.5

Total number of acres to be irrigated = 195

4. a. Who owns the property at the point of diversion? Applicant

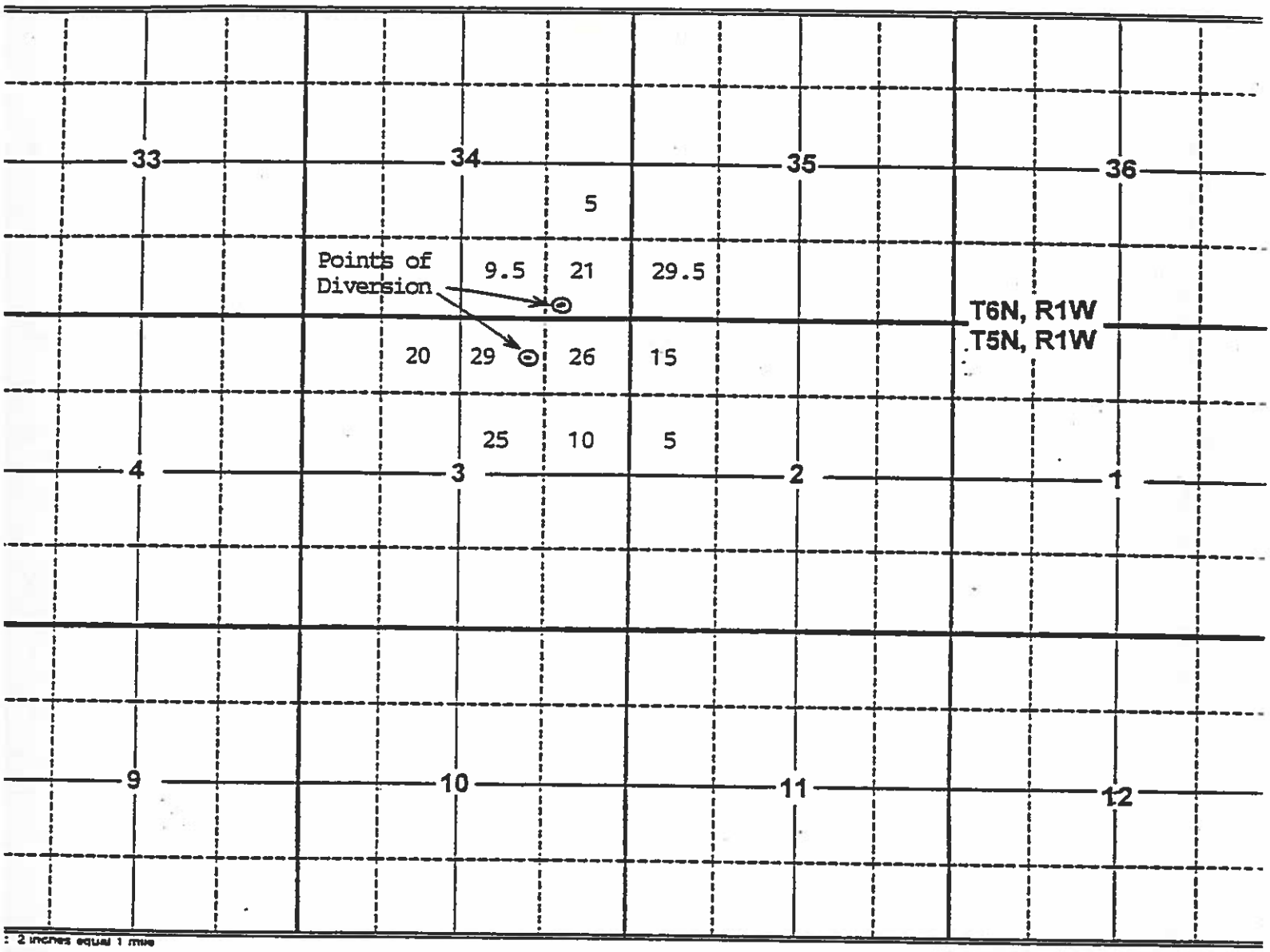
b. Who owns the land to be irrigated at the place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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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)



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 _____ day of _____, 19_____. _____
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

_____

_____

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Witness my hand this _____ day of _____, 19_____.

January 31, 1999

JOY LYNN
D MARK LYNN
4050 CHAPARRAL
EAGLE ID 83616

PROOF DUE NOTICE

RE: PERMIT NO. 63-11995

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 April 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

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CERTIFIED MAIL
NO 238915404

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR AMENDMENT OF PERMIT NO. 63-11995 AND APPLICATION FOR PERMIT NO. 63-12450 IN THE NAME OF D. MARK AND/OR JOY LYNN	**NOTICE OF PREHEARING CONFERENCE**

On June 10, 1998, D. Mark &/or Joy Lynn filed with the Department of Water Resources (IDWR) application for amendment of permit no. 63-11995 to appropriate the public waters of the State of Idaho. The application was protested by Julie Gleason, Chaparral Water Association. On May 4, 1998, D. Mark &/or Joy Lynn filed with IDWR application for permit no. 63-12450. This application was protested by Brad Little, Little Land & Livestock Co.

The department has scheduled a conference for the protest to be held on Thursday, March 4, 1999, at 10:00 a.m. at the Idaho Department of Water Resources, conference room D, 1301 N. Orchard, Boise, Idaho 83706. 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 Practice 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 department within (10) days prior to the conference.

Dated this 26th day of January, 1999.

Gary Spackman

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CERTIFICATE OF MAILING

I hereby certify that on the 26th 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

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

JULIE GLEASON
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

BRAD LITTLE
LITTLE LAND & LIVESTOCK CO
PO BOX 488
EMMETT ID 83617

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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.

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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.

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CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR AMENDMENT

Section 42-211, Idaho Code, requires the department to consider the following issues in connection with an application for amendment to a permit:

1) Will the approval of the application result in the diversion and use of more water than originally permitted?

2) Will the rights of others be adversely affected thereby?

BURDEN OF PROOF

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

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.

CONFERENCE

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PREHEARING CONFERENCE MEMORANDUM

File: Application #63-12450
Permit Amendment #63-11995

From: J. Westra
Date: 3/4/99
Location: State Office Conference Rm. D
Applicant: Mark Lynn
Protestants: Chaparral Water Users- Amendment #63-11995
Brad Little- Application #63-12450

Attendees: See attachment

RE: Conference Notes

The conference began with applicant and protestant introductions. Terry Scanlon represented Mr. Lynn the Applicant, Mr. Simpson is Brad Little's attorney, and Mr. Jones represented the Chaparral Water Assoc.

Mr. Scanlon presented a brief overview of the project, which is:
- Adding an existing well P/D to #63-11995.
- With extra yield from the same well the applicant would like to increase the flow rate from .0106 to .0172 per acre on the same acreage P/U of #63-11995 & #63-11196.

A previous study completed by Mr. Scanlon revealed the Lynn wells aquifer gradient flows to the northwest to the Payette Basin. Mr. Little has several stockwater wells approx. 2 miles to northwest. The well depth and water temperature (approx. 80 degrees) of both the Lynn and Little wells are roughly the same, which may indicate they are in the same aquifer. Mr. Scanlon found a 100+ ft in water depth in wells to the east of the Chaparral well. There appears to be a fault running north-south segregating the Lynn and Chaparral well aquifers. Monitoring is currently being done by Mr. Scanlon on the Lynn wells, and several other wells in the Chaparral area, no changes in water depth have been noted.

Mr. Little has 2 concerns; they are:
-Impact of the Lynn wells on his stock wells, he would like some type of monitoring plan, and responsibilities if injury does occur.
-validity of the Lynn Adjudication Claims on Willow Creek A63-28379 & A63-28380 (beneficial use). The groundwater use is supplemental to the creek claims, and the amount of groundwater used will be dependent on the validity of the creek rights. Also, with the construction of the Aikman Dam above, their may be more flows available for irrigation/stockwater for both Lynn and Little. Both parties Lynn/Little feel the acreage P/U described in the claims needs to be documented. Adjudication field work for basin 63 is scheduled for 2000. Although the claims are really not the issue, they have a direct impact.

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The Chaparral Assoc. is mainly concerned about injury to their well from the increased usage from Lynn.

After some discussion it was agreed that Lynn and Little will meet in 2 weeks to review the following assignments:
-Mr. Simpson felt Mr. Little and Mr. Lynn could come to an agreement regarding monitoring and injury issues. He would initiate some language for both to review.
-Mr. Little agreed to see if his wells could be setup with depth monitoring tubes and the related cost.
-Mr. Scanlon & Mr. Lynn would review the acreage history for the Willow Creek claims, and make P/U adjustments that were acceptable. After review by parties, they would amend the claims with the Department.

-Mr. Jones will meet with the Chaparral Assoc. and present the Scanlon Groundwater Study information as soon as possible. Mr. Scanlon will provide him with the study information and maps, etc.

All members of the group felt they could work the issues out, and requested no hearing be scheduled by the Department. The group will meet again on April 8th to work through final agreements. The Department will make the arrangements, and send a notification letter.

Reserved- April 8th @ 1:00PM
Conference Rm C, SO

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ROSTER OF ATTENDANCE

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

Re: **Application for Amendment of Permit No. 63-11995 and Application No. 63-12450 in the Name of Mark &/or Joy Lynn**

Place: **IDWR, 1301 N. Orchard, Boise, Idaho 83706**

Date: **March 3, 1999**

Conducted by: **Gary Spackman**

NAME	ADDRESS
JOHN SIMPSON	1221 W. IDAHO Stelbo Boise 837
Brad Little	Box 448 Emmett ID 83617
Terry Scanlan	600 E River Park Lane #105 Boise ID 83706
MARK Lynn	4050 CHAPARRAL, EAGLE Id 83616
JERRY L. JONES	9191 CHAPARRAL EAGLE, Id. 83616

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ROSTER OF ATTENDANCE

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

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Place: **IDWR, 1301 N. Orchard, Boise, Idaho 83706**

Date: **March 3, 1999**

Conducted by: **Gary Spackman**

NAME	ADDRESS
JOHN SIMPSON	1221 W. IDAHO STE 600 BOISE 837
Brad Little	Box 478 Emmett ID 83617
Terry Scanlan	600 E River Park Lane #105 Boise ID 83706
MARK Lynn	4050 CHADARRAL, EAGLE Id 83616
JERRY L. JONES	9191 CHADARRAL EAGLE, Id. 83616

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WR5809NP | IDAHO DEPARTMENT OF WATER RESOURCES | DATE: 05/18/98

No. 63-11995 | WATER RIGHT PROFILE REPORT | PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOY LYNN	02/25/1993	IRRIGATION	03/15	11/15	2.000 CFS	
C	D MARK LYNN						
					TOTAL DIVERSION:	2.000 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T06N R01W S34 SESE GEM 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	Lt Ac	Lt Ac	SUM
05N	01W 2						04-15	05										20.0
05N	01W 3	01-26	02-29	25	10	03-20												110.0
06N	01W 34													05		09	21	35.5
06N	01W 35											29						29.5
																TOTAL ACRES		195.0

Pou County: ADA, GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03004

Other Water Rights Listing Overlapping Place(s) of use:
63-03004

Conditions of Approval:

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

46B - The right holder shall comply with Idaho well construction
- standards when constructing a well pursuant to this right.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

26A - 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.

Remarks: GEN In order to maintain recharge to the aquifer, the water right holder shall continue to use Willow Creek water rights on the land described under this right to the extent the Willow Creek water rights are determined in the SRBA to exist. This right is supplemental to the Willow Creek water rights and shall not be be utilized to provide a full water supply on acres where Willow Creek water has historically been used, unless the SRBA court

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Remarks: determines the Willow Creek rights are not valid.
The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within 1/2 miles of the production wells, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.
In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not directly lower the water level in any domestic well drilled and in use prior to 3/29/78, requiring modification to the well or pumping system as determined by the Director unless the right holder provides reasonable compensation or mitigation to the prior right holder.
In accordance with applicable law, the right holder is responsible to ensure that pumpage under this right does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.
Upon determination by the Director that a prior down-gradient minimum stream flow is not being fully satisfied, the right holder shall either cease diversion of water pursuant to this right or shall provide water in an amount necessary to mitigate the ongoing diversion under this right for release into the stream in which the minimum stream flow is not being met.
The water right holder shall install in each irrigation well a known-depth pressurizable air line to enable periodic determinations of the depth to water in the wells, and a measurement port and measurement tube capable of allowing the introduction of depth-to-water measurement probes.
Prior to diversion and use of wter under this approval, the right holder shall install and maintain a measuring device on each point of diversion and shall annually report to the dept. the amount of water diverted and the depth to water.
The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not comingled with the deeper (regional) aquifer.

Dates: App. Received: 02/25/1993 Priority Date: 02/25/1993
Proof Due Date: 04/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

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Comments: Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM
Application processed now due to Attachment A, an analysis that suggests grond water is tribuatry to Basin 65 instead of Basin 63. Processing approved by DRT 9/6/94. Also see similar appl. for nearby well & acres, 63-11996.
Although each application is for amount less than those that require large diversion suppl. analysis, the combined package is for considerably more than 200 acres. This is an example of a situation where the package should trigger the add'tl. info. need instead of looking at the filings separately. Perhaps a revision of the statute is needed or IDWR should review its interpretation of the statute for similar scenarios.

Date: 11/07/1994 User-ID: SLESTER Subject: "AMENDED" APPLICATION
Applicant sent letter dated 10/26/94 to amend A63-03004 and this application. Each will be for separate wells and for unique land. The amendment does not increase the number of acres or add QQ's to P/U; rather it re-arranges acres per tract.
Therefore, this is actually a revision but not a formal amendment requiring $50 fee or re-advertising, in my opinion. The letter replaces an office visit or more lengthy mail process in which applicant would normally initial changes to the filing.
A new well to be drilled is proposed for this application. The 25 acres within center of proposed P/U are covered by A63-03004 as shown on "Amended Map" that I prepared per applicant's info.

Date: 03/06/1995 User-ID: CZIMMERM Subject: MORATORIUM EXEMPTION
This permit is located within the boundaries of the Boise River Drainage Moratorium Area; however, evidence produced at hearing shows the regional aquifer that the wells will be pulling water from is tributary to the Payette River drainage.

Audit: 02/25/93 HODGES 09/07/94 SLESTER 11/17/94 SLESTER 05/24/95 RLOVEALL
03/06/95 CZIMMERM 06/14/95 SCURTIS 06/14/95 SCURTIS

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SEP 3 0 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR AMENDMENT OF PERMIT NO. 63-11995 AND APPLICATION FOR PERMIT NO. 63-12450 IN THE NAME OF D. MARK AND/OR JOY LYNN	**NOTICE OF PREHEARING CONFERENCE**

On June 10, 1998, D. Mark &/or Joy Lynn filed with the Department of Water Resources (IDWR) application for amendment of permit no. 63-11995 to appropriate the public waters of the State of Idaho. The application was protested by Julie Gleason, Chaparral Water Association. On May 4, 1998, D. Mark &/or Joy Lynn filed with IDWR application for permit no. 63-12450. This application was protested by Brad Little, Little Land & Livestock Co.

The department has scheduled a conference for the protest to be held on Thursday, March 4, 1999, at 10:00 a.m. at the Idaho Department of Water Resources, conference room D, 1301 N. Orchard, Boise, Idaho 83706. 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 Practice 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 department within (10) days prior to the conference.

Dated this 26th day of January, 1999.

Gary Spackman

MICROFILMED

SEP 30 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th 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

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

JULIE GLEASON
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

BRAD LITTLE
LITTLE LAND & LIVESTOCK CO
PO BOX 488
EMMETT ID 83617

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SEP 30 1999

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.

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SEP 30 1999

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.

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SEP 30 1999

CONFERENCE AND HEARING PROCEDURE
APPLICATION FOR AMENDMENT

Section 42-211, Idaho Code, requires the department to consider the following issues in connection with an application for amendment to a permit:

1) Will the approval of the application result in the diversion and use of more water than originally permitted?

2) Will the rights of others be adversely affected thereby?

BURDEN OF PROOF

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

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.

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.

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SEP 30 1999

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.

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SEP 30 1999

Protest Status per Results of 9/14/98 meeting (see attached)

Appl.	Protestants	Protest Status
63-12361 *	L. Hle + Lynn	withdrawn
-12417 *	L. Hle + Lynn	
-11995 (amendment)	Chap. Water Assoc.	pending
-12450	L. Hle	

* Applicant requested expedited processing so can receive approval dam safety permit (pending at S.O. now)

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SEP 3 0 1999

J-162

CONVERSATION MEMORANDUM

DATE 9/14/98

FILE 63-12361 } Bettis
12417 }
11995 }
11996 } Lynn
12450 }

NAME OF PARTY SEG b&w

EMPLOYEE JL

RE: PROTESTS —

Meeting 2:00 p.m. @ Western

Mark Lynn + Terry Scanlon ← consultants

Harry Bettis + Don Watts ←

Brad Little + John — ← attorney

Bettis' Appls - protests withdrawn with conditions, SEG withdrawal forms. Create 1005 Ac. Appl (Sum of Acres originally intended both Appls.) with max. per year of 500 Ac. ± 500" between both Rights. Bettis agrees to changes to be made in Appls to show this. Don Watts will follow up with details. Appls. Revision - since a Reduction w/o Real changes of significance - should ~~not~~ require Re-advertising.

Lynn Appls.

- 11995 Amendment protested by Chap. Water Assoc., not present.
- 12450 Appl. for permit " " Little.

Little's concerns:

Since basis to approve these ground water filings in BS 63 is that g.w. tributary to Rs 65 (Scanlon's Report), IDWR should not link g.w. use for Willow Ck use RE conditions of approval now in 11995 & 11996. Concern that Lynn's SRBA claims for Willow Ck. (A63-28379 & A63-28380) are invalid & if used

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—continued—

CONVERSATION MEMORANDUM

DATE 9/14/98

FILE

NAME OF PARTY Bettis-Lynn et al

EMPLOYEE JL

—Continued—

Page 2 of 2

RE:

could injure Little's stock ponds (off stream uses downstream of willow Cr. drainage). Still is not logical to link Bs 65 gw to Bs. 63 surface water.

Additionally, Little has stock wells to N/NW in Bs 65 & concerned c adverse impact & mitigation if Lynn's well(s) cause injury. Considerable discussion re SRBA, water right, water district, injury, mitigation etc ensued.

Result of discussion -

Lynn will have Scanlan prepare Request for dept. to Revisit surface water - ground water cond of ~~Approval~~ Approval in Lynn's filings.

Little & attorney will prepare suggested mitigation steps for applicant to take, how to define/determine if & injury etc occurs re Bs. 65 wells.

Parties will submit something to dept once ready.

Protest still pending

Filing - original & 63-12361

cc's to all other EO/Regn files

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SEP 30 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULIE GLEASON
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-11995 in the Name of Mark &/or Joy Lynn

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for amendment. The following are the principal items we can consider with respect to either approving or denying an application for amendment:

1. Will the approval of the application result in the diversion and use of more water than originally permitted?

2. Will the rights of others be adversely affected thereby?

The department suggests you contact the applicant(s) 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. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact use.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

MICROFILMED

SEP 3 0 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-11995

Dear Applicant:

Enclosed is a protest filed against the above-referenced application for amendment. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for amendment.

1. Will the approval of the application result in the diversion and use of more water than originally permitted?

2. Will the rights of others be adversely affected thereby?

The department suggests you contact the protestant(s) directly in an effort to determine what I proposed by the application and to attempt to resolve the protest. If this office has not been advised win twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Enclosure: Copy of protest(s)

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SEP 3 0 1999

RECEIVED
JUL 27 1998
WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
$55.80

Account Number/Trans. #	Identification
047628	NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	JULY 16, 23, 1998

IDAHO DEPT. OF WATER RESOURCES WEST
2735 AIRPORT WAY
BOISE, IDAHO 83705

Estimated Inches	Real Inches
# Affidavits	**Legal Number**
1	1801

LEGAL NOTICE
NOTICE APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that D MARK AND/OR JOY LYNN, 4050 Chaparral Rd., Eagle ID 83616 have applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Gem and Ada Counties pursuant to I.C. Sec. 42-211:

RECORDED RIGHT

Permit 63-11995, ground water, filed on 02/25/1993 for 2.00 cfs diverted in T6N R1W S34 SESE and used for irrigation in T5N R1W S2 & S3, and T6N R1W S34 & S35, 195 total acres.

PROPOSED AMENDMENT

Add an existing well in T5N R1W S3 Lot 2 (NWNE).

Permit was found to be exempt from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

Applicants have also filed application for permit 63-12450 for an increased rate of flow from the existing well in T5N R1W S3 Lot 2 (NWNE).

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 on or before Aug. 3, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. July 16,23, 1998 1801

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of JULY 16, 1998
and ending with the issue of JULY 23, 1998

Janice Hildreth

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 23RD day of JULY in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH 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 she executed the same.

JANIE MODIE NOTARY PUBLIC STATE OF IDAHO

Janie Modie
Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 4-03

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SEP 30 1999

7/6/98 WO 7/31/98 11:12 AM
10:56 pm
sent via fax to: 334-2348

$25 paid 7/31/98 see receipt

Gary Spackman
C/o Dept. of Water Resources
Western Regin 2735 Airport Way
Boise, Id. 83705

Dear Mr. Spackman:

In reference to the application for Amendment of Water Right Permit # 63-11995 in the name of D. Mark + Joy Lynn, the Chaparral Water Assn. wishes to protest the water rights amend. referenced above.

We haven't had ample time to determine the effect of this amendment to our existing water table.

Please charge the $25.00 protest fee to Credit Card # 5410-0700-6035-9102 ex. 6/99 in the name of Julie Gleason. Thank You -

Julie Gleason, Secy.
Chaparral Water Assn.

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SEP 30 1999

RECEIVED
JUN 25 1998
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Mary K. Black, being first duly sworn, on her oath deposes and says that she is the clerk of the Messenger Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of Messenger Index for two consecutive weekly issues thereof, beginning with the issue of June 17, 1998, and ending with the issue of June 24, 1998

Mary K. Black

Subscribed and sworn to me this 24th day of June, 1998

Notary Public
Residing at Emmett, Idaho

My Commission Expires MY COMMISSION EXPIRES JUNE 21ST, 2000

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **D MARK AND/OR JOY LYNN**, 4050 Chaparral Rd., Eagle ID 83616 have applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Gem County pursuant to I.C. § 42-211:

RECORDED RIGHT

Permit 63-11995, ground water, filed on 02/25/1993 for 2.00 cfs diverted in T6N R1W S34 SESE and used for irrigation in T5N R1W S2 & S3, and T6N R1W S34 & S35, 195 total acres.

PROPOSED AMENDMENT

Add an existing well in T5N R1W S3 Lot 2 (NWNE).

Permit was found to be exempt from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

Applicants have also filed application for permit 63-12450 for an increased rate of flow from the existing well in T5N R1W S3 Lot 2 (NWNE).

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 on or before July 6, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub.: 6 - 17, 24, 1998
Legal Notice No. 3270
Published in the Messenger Index

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SEP 30 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHAPARRAL WATER ASSOC
PO BOX 414
EAGLE ID 83616

Re: Application for Amendment of Water Right Permit No. 63-11995 in the Name of D. Mark &/or Joy Lynn

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment of a water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a $25.00 protest fee on or before July 6, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

MICROFILMED
SEP 30 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

June 24, 1998

DONALD B JENSEN
8661 W BEACON LIGHT RD
STAR ID 83669

Re: Application for Amendment of Water Right Permit No. 63-11995 in the Name of D. Mark &/or Joy Lynn

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment of a water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a $25.00 protest fee on or before July 6, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

MICROFILMED
SEP 30 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

June 24, 1998

TERRY GOICOECHEA JENSEN
8969 DEER LN
EAGLE ID 83616

Re: Application for Amendment of Water Right Permit No. 63-11995 in the Name of D. Mark &/or Joy Lynn

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a $25.00 protest fee on or before July 6, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

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SEP 30 1999

COMMENT LETTERS FOR APPLICATION FOR PERMIT 63-12450 AND APPLICATION FOR AMENDMENT OF 63-11995 (previous protestants):

Terry Goicoechea Jensen
8969 Deer Lane
Eagle ID 83616

(This name and address was used by IDWR during previous protest correspondence)

Chaparral Water Association
PO Box 414
Eagle ID 83616

(This organization appears to be represented by Ms. Jensen, however, a letter should also be sent to this address).

Donald B Jensen
8661 W Beacon Light Rd
Star ID 83669

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SEP 3 0 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-28379**
Date Received: 2/25/1993
Receipt No: W015965
Received By: cyt

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: D MARK LYNN 208-939-0684
   Address: 4831 SKYLINE DR
   EAGLE ID 83616
   AND/OR
   Name: JOY LYNN 208-939-0684
   Address: 4831 SKYLINE DR
   EAGLE ID 83616

2. Date of Priority: JAN 1, 1900

3. Source: WILLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01W	3		SW	NW		ADA
		4		SE	SE		ADA
06N	01W	34		SE	SE		GEM
		35		SW	SW		GEM
Beginning Point of Instream Flow							
05N	01W	3	NW	SW	NE		ADA
05N	01W	4	NW	SE	SE		ADA
Ending Point of Instream Flow							
05N	01W	3	SE	SW	NW		ADA
06N	01W	35	NW	SW	SW		GEM

5. Description of diverting works:
   DIVERSION DAMS, PORTABLE PUMPS, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.860		
STOCKWATER	01/01	12/31	0.090		

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AUG 0 2 1994
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SEP 3 0 1999

7. Total Quantity Appropriated is:
1.950 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 RANGE, INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	01W	3	NW	NE		IRR	15.0
			NE	NW		IRR	10.0
					Section Acres		25.0
06N	01W	34	NE	SE		IRR	10.0
			SW	SE		IRR	18.0
			SE	SE		IRR	25.0
					Section Acres		53.0
		35	SW	SW		IRR	15.0
					Section Acres		15.0
					Total Acres		93.0

11. Place of use in counties: ADA, GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A63-03004, A63-08044, 63-10775

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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AUG 0 2 1994
MICROFILMED
Date: 02/25/93
SEP 3 0 1999

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: 2-25-93

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 25th day of Feb 19 93

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 0 2 1994

SEP 3 0 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-28380**
Date Received: 2/25/1993
Receipt No: W015965
Received By: GJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D MARK LYNN 208-939-0684
   Address: 4831 SKYLINE DR
   EAGLE ID 83616
   AND/OR
   Name: JOY LYNN 208-939-0684
   Address: 4831 SKYLINE DR
   EAGLE ID 83616

2. Date of Priority: MAR 1, 1940

3. Source: WILLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	01W	3	SW NW		ADA
		4	SE SE		ADA
06N	01W	34	SE SE		GEM
		35	SW SW		GEM

5. Description of diverting works:
   DIVERSION DAMS, PORTABLE PUMPS, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.200		
STOCKWATER STORAGE	01/01	12/31			2.50
DIVERSION TO STORAGE	01/01	12/31	0.500		

7. Total Quantity Appropriated is:
   6.200 C.F.S. (and/or) 2.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum

9. Non-irrigation uses:
   D/400 RANGE

MICROFILMED
AUG 0 2 1994
MICROFILMED
SEP 3 0 1999

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	01W	2	NW	NW		IRR	15.0
			SW	NW		IRR	5.0
						Section Acres	20.0
		3	NE	NE		IRR	35.0
			NW	NE		IRR	20.0
			SW	NE		IRR	15.0
			SE	NE		IRR	10.0
			SW	NW		IRR	5.0
			NW	SW		IRR	20.0
						Section Acres	105.0
		4	SW	NE		IRR	2.0
			SE	NE		IRR	15.0
			NE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	40.0
			SW	SE		IRR	1.0
			SE	SE		IRR	30.0
						Section Acres	158.0
06N	01W	34	SW	SE		IRR	2.0
			SE	SE		IRR	10.0
						Section Acres	12.0
		35	SW	SW		IRR	15.0
						Section Acres	15.0
						Total Acres	310.0

11. Place of use in counties: ADA, GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A63-03004, A63-08044, A63-28379, 63-10775

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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SEP 3 0 1999

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: 2-25-93

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 25th day of FEB 19 93

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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SEP 30 1999

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AUG 02 1994

FAX

Scanlan Engineering

600 East River Park Lane, # 105
Boise, Idaho 83706

Tel: 208 383-4140
Fax: 208 383-4156

Date: **May 26, 1998**

To: Maria Minicucci **Fax No:** 334-2348

From: Terry Scanlan **Reference:**

Subject: Mark Lynn **No. of Pages:** 3
(including cover)

I will send a hard copy by mail. Please call with any questions. Thank you.

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SEP 30 1999

If you do not receive all pages, or if there are any problems with this transmission, please call at 208 383-4140

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

May 26, 1998

Maria Minicucci
Sr. Water Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Application for Permit and Application for Amendment of Permit 63-11995

Dear Ms. Minicucci,

On behalf of D. Mark Lynn and Joy Lynn, this letter is submitted in response to your letter of May 18, 1998 requesting additional information for the above referenced applications.

You requested that we identify water-bearing zones of the irrigation wells. The well located in T6N, R1W, S34 SESE is screened from 543 to 573 feet. The well located in T5N, R1W, S3, Lot 3 (NWNE) is screened from 500 to 620 feet. Therefore, the water-bearing zone tapped is found between approximately 500 and 620 feet depth.

I have enclosed a map showing well locations and irrigated acres. Please contact me with any questions.

Sincerely,

Terry M. Scanlan

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

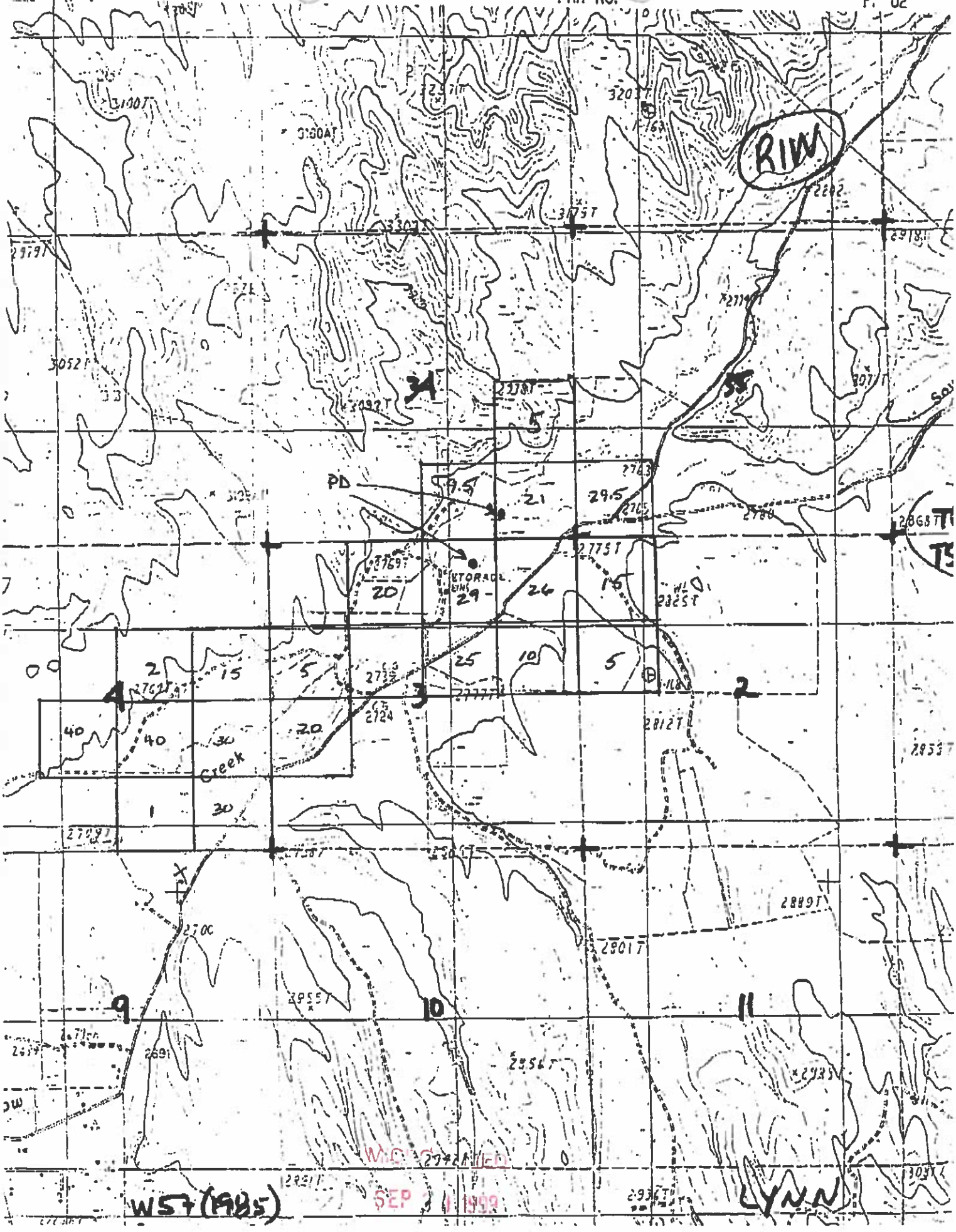
Enclosure

Cc: Mark Lynn

MICROFILMED
SEP 30 1999

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156


RIM
PD
Creek
W57 (1985)
SEP 21 1999
LYNN

Form 238-87
4/92

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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR BALLPOINT PEN

1. WELL OWNER

Name MARK LYNN

Address 4831 SKYLINE DR. EAGLE, ID. 83616

Drilling Permit No. 63-93-W-0182

Water Right Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	8 inches	+ 0 feet	480 feet
.250 inches	6 inches	+2 feet	540 feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

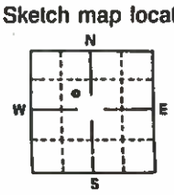
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 40 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County GEM
Address of Well Site _____ (give at least name of road)
T. 6N N ☒ or S ☐
SE ¼ NW ¼ Sec. 35, R. 1W E ☐ or W ☒

7. WATER LEVEL

Static water level 400 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
40	500	2 HRS.

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
12	0	2	SANDY TOP SOIL		X
12	2	40	SAND & GRAVEL		X
8	40	280	DECOMPOSED GRANITE SAND		X
8	280	315	BROWN SANDSTONE		X
8	315	420	DECOMPOSED GRANITE SAND		X
8	420	426	BROKEN BROWN ROCK	X	
8	426	460	DECOMPOSED GRANITE SAND	X	
8	460	480	LIGHT COLORED SANDSTONE	X	
6	480	530	DECOMPOSED FINE GRANITE SAND	X	
6	530	560	HARD GRAY SANDSTONE	X	
6	560	580	COURSE LOOSE GRANITE SAND	X	

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Department of Water Resources
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SEP 30 1999

10.

Work started 4-19-93 finished 6-5-93

11. DRILLER'S CERTIFICATION

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

Firm Name BILL DOTY DRILLING CO., INC. Firm No. 42
Address 106 CALLOWAY CALDWELL, ID 83605 Date 6-17-93
Signed by Drilling Supervisor _____
and
(Operator) _____
(If different than the Drilling Supervisor)

rm 238-7
4/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

D 1710

1. WELL OWNER

63-98-W-0060-000

Name Mark Lyon

Address 506 East 45th Street

Drilling Permit No. 63-11996

Water Right Permit No. WR 63-11996

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Auger ☒ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.375 inches	16" inches	+2' feet	500' feet
.375 inches	16" inches	500' feet	520' feet
.375 inches	16" inches	620' feet	640' feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number		From	To
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet
_____	perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer Johnson Type Wire Wrap
Top Packer or Headpipe _____
Bottom of Tailpipe 640'

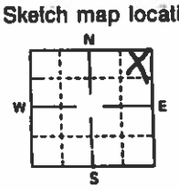
Diameter 16" Slot size .040 Set from 500' feet to 520' feet
Diameter 16" Slot size .040 Set from 520' feet to 620' feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8"
Placed from 420' feet to 650' feet

Surface seal depth 420' Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port 1½" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County Ada
Address of Well Site Chaparral Rd East
(give at least name of road)

NE ¼ NE ¼ Sec. 3, T. 5 N ☒ or S ☐, R. 1 E ☐ or W ☒

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SEP 30 1999

7. WATER LEVEL

Static water level 400' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
2030	448'	3 hrs

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
28"	0	4	Topsoil		
	4	14	Sandy loam, coarse sand		
	14	17	large gravel & sand		
	17	38	white sand & Gravel		
	38	376	Sand & Gravel stks clay		
	376	380	Broken Rock & gravel		
	380	453	Sand & Gravel		
	453	464	Brn Clay stks sand		
	464	645	Pea gravel & sand stks clay		
	645	650	white Gray Clay some coarse sand		

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Department of Water Resources

RECEIVED
MAY 12 1998
WATER RESOURCES
WESTERN REGION

10.

Work started 4-7-98 finished 5-5-98

11. DRILLER'S CERTIFICATION

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

Firm Name Riverside Inc Firm No. 333
Address P.O. Box 720 Date 5-7-98
Signed by Drilling Supervisor _____
and
(Operator) _____ *(If different than the Drilling Supervisor)*

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

rm 238-7
10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER
Name CHAPARELL WATER USERS ASSN.
Address P.O. BOX 507 EAGLE ID 83616
63-91-W-088
Drilling Permit No.
Water Right Permit No. 63-07700

2. NATURE OF WORK REPLACEMENT
☐ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE IRRIGATION
☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED REVERSE ROTARY
☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION SEE ATTACHED
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

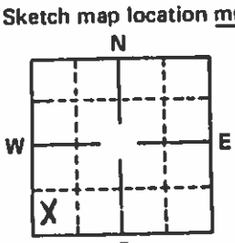
Thickness	Diameter	From	To
_____ inches	_____ inches +	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ No
Manufacturer's name ROSCOE MOSS
Type CONTINOUS WIRE Model No. HEAVY
Diameter ___ Slot size ___ Set from ___ feet to ___ feet
Diameter ___ Slot size ___ Set from ___ feet to ___ feet
Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8
Placed from 425 feet to 110 feet
Surface seal depth 110 Material used in seal: ☐ Cement grout
☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port 2" PIPE

6. LOCATION OF WELL
Sketch map location must agree with written location.



Subdivision Name _____
Lot No. _____ Block No. _____
County ADA
SW SW 9 SN N ☐ S ☐ 1W E ☐ W ☐
___ ¼ ___ ¼ Sec. ___, T. ___ R. ___

7. WATER LEVEL
Static water level 157 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ___ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA NOT AVAILABLE
☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
28					
	0	5	TOPSOIL		X
	5	10	SANDY LOAM		X
	10	13	SAND & GRAVEL		X
	13	25	SAND W/ CLAY STREAKS		X
	25	55	FINE TO COARSE SAND		X
	55	65	FINE TO MED. SAND		X
	65	85	COARSE SAND		X
	85	91	BROWN CLAY		X
	91	105	MEDIUM SAND		X
	105	155	COARSE SAND		X
	155	175	BROWN CLAY		X
	175	213	GRAY CLAY		X
	213	215	BROWN CLAY		X
	215	225	COARSE GOLDEN SAND	X	
	225	235	COARSE SAND & PEA GRV.	X	
	235	265	FINE TO CRSE SAND	X	
	265	269	LITE BRN CLAY		X
	269	425	COARSE SAND & PEA GRV.	X	

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SEP 9 1991
Department of Water Resources
Western Regional Office

10. Work started 9/4/91 finished 9/14/91

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name PETE COPE DRILLING Firm No. 213
Address 6505 W CHINDEN Date 9/9/91
Signed by (Firm Official) Joseph Jones
and
(Operator) Joseph Jones

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SEP 30 1999

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

Chaparell Water users Assn.
P.O. Box 507
Eagle ID 83616
Permit# 63-91-w-088

"16"casing record .250 wall welded

1	-	285	286	
305	-	325	20	
335	-	350	15	
360	-	375	15	
385	-	395	10	
415	-	425	10	
			356	total casing

16" Screen record .40 slot Roscoe Moss Continous wire.

285	-	305	20	
325	-	335	10	
350	-	360	10	
375	-	385	10	
395	-	415	20	
			70	total screen
			426	total screen+casing

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Form 238-7
6/93

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

NOV 18 1993
WATER RESOURCES
WESTERN REGION

RECEIVED
NOV 15 1993
Department of Water Resources

Type or Ball Point Pen

1. DRILLING PERMIT NO. 63- 93- W- 0619 -000
Other IDWR No. _____

2. OWNER:
Name MARK LYNN
Address 6500 CHAPPARRAL
City EAGLE State ID Zip 83616

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 5N North XX or South ☐
R. 1W East ☐ or West XX
Sec. 3 _____ 1/4 SE 1/4 NE 1/4
(10 acres, 40 acres, 160 acres)
Gov't Lot _____ County CANYON

Address of Well Site 6500 CHAPPARRAL, EAGLE, ID.
(Give at least Direction + Distance to Road or Landmark)

Lot No. _____ Block No. _____ Subd. Name _____

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary XX Air Rotary XX Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENT & CEMENT	200	170		POURED
CEMENT & BENT	170	150		PUMPED
BENT & CEMENT	150	140		POURED
SURFACE SEAL AROUND 12" TO 20'				

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

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
12	+1	79	250	X		☒	☐	☒	☐
8	+2	551	250	X		☒	☐	☒	☐
6	523	543				☐	☐	☐	☐
6	573	623				☐	☐	☐	☐

Final location of shoes 551
Top Packer or Headpipe 523 Bottom Tailpipe 623

9. PERFORATIONS/SCREENS
☐ Perforations Method _____
☒ Screens Type 304 Material STAINLESS

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
543	563	.040		6	PIPE	☐	☒
563	573	.030		6	PIPE	☐	☒
						☐	☐
						☐	☐

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SEP 30 1998

10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
NO TEST			

Temperature of water _____ Was a water analysis done? Yes ☐ No ☐
By whom? _____
Water Quality (odor, etc.) _____
Bottom Hole Temperature _____

11. STATIC WATER LEVEL:
395 ft. below surface Depth artesian flow found _____
Artesian pressure _____ lb. Describe access port _____
Describe Controlling Devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SV
14	0	5	TOP SOIL		
14	5	25	SAND & GRAVEL		
12	25	40	SANDY YELLOW CLAY		
12	40	60	SANDSTONE		
12	60	79	LOOSE SAND		
12	79	180	SANDSTONE		
12	180	235	COURSE SAND		
8	235	240	SANDSTONE		
8	240	250	SAND & PEA GRAVEL		
8	250	300	SANDSTONE		
8	300	320	SANDY BROWN CLAY		
8	320	340	SANDSTONE		
8	340	350	SANDY BROWN CLAY		
8	350	380	SANDSTONE		
8	380	385	SAND		
8	385	400	SANDSTONE		
8	400	410	SAND & GRAVEL		
8	410	440	SANDSTONE		
8	440	450	BROWN SAND	?	39
8	450	480	SANDSTONE		39
8	480	485	FINE SAND		39
8	485	540	BLACK SANDSTONE		39
8	540	550	COURSE SAND		39
8	550	570	COURSE SAND & GRAVEL		39
8	570	590	COURSE SAND		39
8	590	600	COURSE BROWN SAND		39
8	600	620	BROWN SAND		39

Date: Started 7-10-93 Completed 10-18-93

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with the time the rig was removed.

Firm Name BILL DOTY DRILLING CO., INC. Firm No. 42
Firm Official _____ Date 11-1-93
and
Supervisor or Operator _____ Date 11-1-93
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

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

May 18, 1998

D MARK LYNN
JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RE: Application for Permit
Application for Amendment of Permit 63-11995

Dear Mr. and Ms. Lynn:

This letter is a request for additional information for the above-referenced applications.

The first required item is the identification of the water bearing zone of the irrigation wells located in T5N R1W S3 Lot 3 (NWNE) and in T6N R1W S6 SESE.

The second required item is an 8.5" X 11" map which clearly identifies the proposed point of diversion and place of use. Enclosed with this letter is a copy of the USGS topographic map for your area. Please add the location of the wells and irrigated acres to this map.

Please submit the requested information within 30 days of the date of this letter. If no response to this letter is received within that time, it will be assumed you do not wish to proceed with the applications. In that case the applications will be returned and your fees will be refunded to you.

Thank you for your assistance in these matters. Please do not hesitate to contact me if you have any questions.

Sincerely,

Maria Minicucci
Sr. Water Agent

Enc.

MICROFILMED
SEP 3 0 1999

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that D MARK AND/OR JOY LYNN, 4050 Chaparral Rd., Eagle ID 83616 have applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Gem and Ada Counties pursuant to I.C. Sec. 42-211:

RECORDED RIGHT

Permit 63-11995, ground water, filed on 02/25/1993 for 2.00 cfs diverted in T6N R1W S34 SESE and used for irrigation in T5N R1W S2 & S3, and T6N R1W S34 & S35, 195 total acres.

PROPOSED AMENDMENT

Add an existing well in T5N R1W S3 Lot 2 (NWNE).

Permit was found to be exempt from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

Applicants have also filed application for permit 63-12450 for an increased rate of flow from the existing well in T5N R1W S3 Lot 2 (NWNE).

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 on or before Aug. 3 , 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in Messenger Index on June 17 and 24, 1998, and in the Idaho Statesman on July 16 & 23, 1998

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SEP 3 0 1999

OK Dar
Glen Saxton

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MAR 20 1996
WATER RESOURCES
WESTERN REGION

S.O. File ___

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED
MAR 22 1996
Department of Water Resources

March 18, 1996

Mr. David Tuthill
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Level Monitoring - Mark Lynn Ranch

Dear Mr. Tuthill: DM

As required by Condition 5 of the amended final order for permits 63-11995 and 63-11996, Scanlan Engineering has collected water-level data in October 1995 and March 1996. Water levels have been measured in the Lynn Mobile Home well, Lynn Irrigation Well, and Mark Lynn Domestic Well. The water levels are provided below.

Well	Date	Depth to Water
Lynn Mobile Home	10/22/95	378.67*
Lynn Mobile Home	3/16/96	377.70
Lynn Irrigation	10/22/95	383.45
Lynn Irrigation	3/16/96	382.48
Mark Lynn Domestic	10/22/95	394.61
Mark Lynn Domestic	3/16/96	395.44

*estimated

The Lynn Mobile Home well is the designated well for the permit water-level monitoring purposes. Water levels are not required from the Lynn Irrigation Well and Mark Lynn Domestic Well, but are provided for informational purposes. In the future, we intend to submit data for the Lynn Mobile Home well only.

Note that the October measurement for the Lynn Mobile Home Well is estimated, based on the irrigation well depth to water. The Mobile Home well is located within about 200 feet of the irrigation well. The well could not be accessed during the October measurement event because the well house door was locked. However, past water-level monitoring has shown that the static water level in the irrigation well is approximately 4.78 feet deeper than at the Mobile Home Well. Therefore, the Mobile Home Well water level was estimated by subtracting 4.78 feet from the measured depth to water in the irrigation well.

Please call me with any questions concerning these water level measurements.

Sincerely,

Terry M. Scanlan

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

cc: Mark Lynn
Dana Hofstetter

SCANNED
SEP 30 1999

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
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ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
SALT LAKE CITY
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WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

May 10, 1995

DELIVERY VIA TELECOPY 327-7866

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PLEASE DELIVER THE FOLLOWING PAGES TO:

Mr. L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

Re: In the Matter Of Application For Permit Nos. 63-11995 and 63-11996 in the Name of D. Mark or Joy Lynn

Dear Mr. Saxton:

As currently drafted, condition 8 of the Final Order may be construed to subject the water rights to junior as well as senior minimum stream flows. Further, the provision does not indicate that the water rights would only be subject to curtailment when diversion under the water rights impacts stream flows. As I previously indicated, I believe it is unnecessary and perhaps undesirable to incorporate statements of existing law as conditions in water right permits. Even minor differences in wording can result in the conditions be interpreted differently than the underlying legal principles. Also, if the law changes, a conflict can arise between permit conditions and evolving legal principles. However, if the Department wishes to continue to include condition 8, I recommend that the language be revised as follows for clarification:

> In accordance with applicable law, upon the determination by the Director that diversion under these rights is causing a down gradient prior minimum stream flow not to be satisfied, the right holder shall either cease diversion of water pursuant to these rights or shall provide water in an amount necessary to mitigate the ongoing diversion under these rights for

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JUN 29 1995

release into the affected stream in which the minimum stream flow is not being met.

Thank you for your attention to this matter. Please contact me if you have any suggestions or comments.

Sincerely,

HOLLAND & HART

Dana L. Hofstetter

DLH:cd
52810/34168.3002

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JUN 29 1995

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1995

RE: In the Matter of Application for Permit Nos. 63-11995 and 63-11996 in the name of D. Mark Lynn or Joy Lynn

Dear Interested Party:

The accompanying order is an "amended final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) 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

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JUN 29 1995

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 5, 1995

RE: In the Matter of Application for Permit Nos. 63-11995 and 63-11996 in the name of D. Mark Lynn or Joy Lynn

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

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(5) 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

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JUN 29 1995

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.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this 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 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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

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JUN 29 1995

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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

JUN 29 1995

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

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APR 0 4 1995
Department of Water Resource

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	Case No. 63-11995 and 63-11996
	APPLICANTS' EXCEPTIONS TO CERTAIN CONDITIONS IN THE RECOMMENDED ORDER

D. Mark and Joy Lynn (the "Lynns") support the Recommended Order issued by the Presiding Officer. However, the Lynns respectfully submit the following recommendations for clarification and revision of four conditions in the Recommended Order.

JUN 29 1995

Recommended Condition No. 4: In order to maintain recharge to the aquifer, water rights from Willow Creek shall continue to be used on the land described under these water rights to a maximum extent. Water right nos. 63-11995 and 63-11996 are supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been utilized. Sale or transfer of surface water from any portion of the property will void the department's approval to utilize these groundwater rights.

Until the Snake River Basin Adjudication ("SRBA") is concluded there remains some risk that the Lynns' Willow Creek water rights will not be decreed as claimed. The Lynns do not object to making the new groundwater rights supplemental to their Willow Creek water rights but wish to be able to continue using the groundwater rights if, for some reason, the Willow Creek rights are not decreed as claimed or are disallowed in whole or in part in the SRBA. To ensure that the Lynns will be able to continue using these new groundwater permits in the event that the Willow Creek rights are not confirmed in the SRBA, the Lynns recommend adding the following sentence to the end of condition no. 4:

> If, however, Willow Creek water rights are not decreed for these lands in the Snake River Basin Adjudication, water right nos. 63-11995 and 63-11996 may be used as primary water rights and will not be required to be used in conjunction with any Willow Creek water rights.

This language clarifies that water right nos. 63-11995 and 63-11996 are supplemental only to the extent that Willow Creek water rights are confirmed for the same lands in the SRBA.

RECOMMENDED
JUN 29 1995

Recommended Condition No. 5: The water right holder shall provide a well acceptable to the department for use as a monitoring well. The well shall be completed in the regional aquifer, located within ½ mile of the production wells, and the depth to water therein shall be monitored during March and October each year and the measurements provided to IDWR.

The Lynns propose to use their mobile home well in the NW¼NE¼, Section 3, T. 5 N., R. 1 W., located within one-half mile of the existing and proposed irrigation wells, for water-level monitoring. The well was drilled in 1970 and is approximately 440 feet deep. It is equipped with a PVC sounding tube for water-level measurements. A well driller's report for this well is attached hereto as Exhibit A. Recent water levels measured by Terry Scanlan from the top of the well casing are listed in Exhibit B attached hereto.

The Recommended Order on page 8 indicates that a non-production well should be utilized for water-level monitoring. While the mobile home well is intermittently pumped for domestic and stockwater uses, it is not a high volume irrigation well. Since the rates and volumes produced from the well are relatively small, it is well suited for water level monitoring. Construction of a dedicated observation well of approximately 400 foot depth would be costly and is not warranted when the existing mobile home well is available for this purpose. Accordingly, the Lynns propose that their mobile home well be used to satisfy the monitoring requirements in condition no. 5.

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JUN 29 1995

Recommended Condition No. 6: The right holder is responsible to ensure that pumpage under this water right does not directly lower the water level in any domestic well drilled and in use prior to March 29, 1978, requiring modification to the well or pumping system or directly lower the water level beyond the reasonable pumping level in any other well with a prior right unless the right holder provides reasonable compensation or mitigation to the prior right holder, as determined by the Director.

Proposed condition no. 6 attempts to summarize existing case law with respect to groundwater use. To the extent that it is a restatement of existing law, it is unnecessary that it be made an express condition of the water right. The water right will be subject to Idaho prior appropriation law even without this express condition. The inclusion of this condition in the water right, however, would make the water right permanently subject to these legal requirements even though they subsequently may be amended by the Idaho Legislature or by judicial reinterpretation. For these reasons, it is both unnecessary and undesirable to make these requirements a condition of the water right.

Recommended Condition No. 12: Proof of construction of works and application of water to beneficial use shall be submitted on or before the date shown in the Final Order.

In their initial applications, the Lynns requested two years for proof of construction of works and application of water to beneficial use. In view of the amount of work that has to be done to complete the entire project, the Lynns now request that the Final Order provide a five year period for proof of construction of works. While the Lynns intend to begin the project as soon as possible, the additional time will provide

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JUN 29 1995

them the flexibility to develop phases of the project over a period of time.

Electricity is not yet available at some of the proposed points of diversion, and new wells will have to be drilled and new irrigation equipment obtained. More than two years may be required to coordinate the installation of the powerlines with Idaho Power Company and to arrange for well drilling and irrigation equipment installation. Further, additional time will enable the Lynns to develop the project in phases rather than all at once.

For these reasons, the Lynns respectfully request that they be granted five years for proof of construction of works and application of the water to beneficial use.

CONCLUSION

Overall, the Lynns support the Recommended Order. However, they suggest that four of the conditions be clarified as described here to facilitate implementation of the permits.

DATED this 4th day of April, 1995.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

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JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1995, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Donald B. Jensen 8661 West Beacon Light Rd. Star, ID 83669	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Richard B. Roberts Willowbrook Water Assn. 9333 Spangler Place Eagle, ID 83616	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	___ U.S. Mail ✓ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Original to: R. Keith Higginson Director Idaho Department of Water Resources 1301 N. Orchard St. Boise, ID 83706-2237	___ U.S. Mail ✓ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Dana Hofstetter
for HOLLAND & HART

46990/34168.3001

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JUN 29 1995

BALL POINT PEN

Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER

Name ALBERT HETTICK

Address CHADBOURNE RD

Owner's Permit No.

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

METHOD DRILLED

☐ Cable ☐ Rotary ☐ Dug ☐ Other

WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 440 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.125 inches	6 inches	0 feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☐ No

Perforated? ☒ Yes ☐ No

How perforated? ☒ Factory ☐ Knife ☐ Torch

Size of perforation 1/8 inches by 3 inches

Number		From	To
90	perforations	432 feet	440 feet
	perforations	feet	feet
	perforations	feet	feet

Well screen installed? ☐ Yes ☐ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

Packed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☒ Cement grout ☐ Puddling clay

LOCATION OF WELL

Sketch map location must agree with written location.



County Ada

¼ ¼ Sec. T. N, R. E/W

ADDITIONAL SHEETS IF NECESSARY

7. WATER LEVEL

Static water level 175 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature ° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
30		

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6	0	80	HARD BAKE		
	80	100	WHITE SAND		
	100	240	SAND		
	240	375	COARSE WHITE		
	375	440			

10.

Work started 70 finished SEP 70

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

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JUN 29 1995

Driller's or Firm's Name Number

Address

Signed By Date

THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

EXHIBIT A

Lynn Mobile Home / Stockwater Well
Water Level Measurements

Date	Depth to Water (feet)
10/17/94	384.57*
10/17/94	379.39
10/18/94	383.98*
10/19/94	383.7*
10/21/94	383.64*
3/24/95	378.00

* pump on

MAGNIFIED
JUN 2 9 1995

EXHIBIT
B

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 14, 1995

RE: In the matter of Applications for Permit Nos. 63-11995 & 63-11996 in the name of D. Mark Lynn or Joy Lynn

Dear Interested Party:

The accompanying order is a "**recommended order**" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the 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 this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

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JUN 29 1995

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these 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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

MAILED
JUN 29 1995

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOY LYNN	02/25/1993	IRRIGATION	03-15	11-15	2.000 CFS	
C	D MARK LYNN						
	4050 CHAPARRAL				TOTAL DIVERSION:	2.000 CFS	
	EAGLE ID 83616						
	(208) 377-3066						

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T06N R01W S34 SESE GEM 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	Lt Ac	Lt Ac	SUM
05N	01W	2						04-15	05										20.0
05N	01W	3	01-26	02-29	25	10	03-20												110.0
06N	01W	34													05		09	21	35.5
06N	01W	35											29						29.5
																	TOTAL ACRES		195.0

Pou County: ADA, GEM

Other Water Rights with Same Point(s) of Diversion and Source:
63-03004 63-11995

Other Water Rights Listing Overlapping Place(s) of use:
63-03004 63-11995

Conditions of Approval:
046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
46B - Construction of the well must comply with Idaho well
- construction standards.
03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: See Final Order for conditions of approval.
In order to maintain recharge to the aquifer, water rights from Willow Creek shall continue to be used on the land described under these water rights to a maximum extent. Water right nos. 63-11995 and 63-11996 are supplemental to the Willow Creek water rights and shall not be utilized to provide a full water supply on acres where Willow Creek water has historically been utilized.
Sale or transfer of surface water from any portion of the property will void the department's approval to utilize these groundwater rights.
The water right holder shall on an on-going basis provide a well

or use as a monitoring well.
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known-depth pressurizable air line
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and measurement tube capable of
lepth-to-water measurement probes.
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mined by the Director.
non-perforated casing through the
all seal the casing such that
d with the deeper (regional)

Priority Date: 02/25/1993
Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

DGES Subject: SUPPLEMENTAL USE
Creek right as claimed under

DGES Subject: EXISTING WELL
04. That well will likely be
1993 for use under 63-03004 and

ESTER Subject: MORATORIUM
to Attachment A, an analysis that
try to Basin 65 instead of Basin
9/6/94. Also see similar appl. for

or amount less than those that
analysis, the combined package is
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WR should review its interpretation
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ESTER Subject: "AMENDED" APPLICATION
/26/94 to amend A63-03004 and this
separate wells and for unique land.
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re-advertising, in my opinion. The

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ESTER Subject: "AMENDED" APPLICATION
t or more lengthy mail process in
initial changes to the filing.
oposed for this application. The 25
d P/U are covered by A63-03004 as
prepared per applicant's info.

IMMERM Subject: MORATORIUM EXEMPTION
the boundaries of the Boise River
ver, evidence produced at hearing
t the wells will be pulling water
te River drainage.

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
SALT LAKE CITY
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

December 19, 1994

RECEIVED
DEC 20 1994
WATER RESOURCES
WESTERN REGION

Ada County Commissioners
Attn: Dave Abo
Development Services
650 Main Street
Boise, ID 83702

Re: Water Right Applications for Permit Nos. 63-11995 and 63-11996

Gentlemen:

Idaho Department of Water Resources ("IDWR") regulations provide for water right applicants to seek comment from the governing county concerning the local public interest related to the proposed project. IDAPA 37.03.08040.05.g. Mark and Joy Lynn have made application to divert water under the above-referenced application numbers and request your comments concerning the local public interest related to the effect and operation of the proposed project.

Mark and Joy Lynn own approximately 2,200 acres in the foothills between Emmett and Eagle near Highway 16. Their property straddles the county line, with a portion of the property located in Ada County and a portion located in Gem County. They have made two applications to irrigate 387 acres from two new wells. One well is located in Gem County; one well is located in Ada County. Copies of IDWR's published notices concerning the applications are enclosed and provide information about the locations of the lands and wells. A portion of application no. 63-11995 covers Gem County lands.

As part of its review, IDWR must determine whether the project conflicts with the local public interest. I.C. § 42-203A. IDWR regulations indicate that the following criteria are pertinent in assessing whether the project conflicts with the local public interest:

> i. The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both short and long term,

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JUN 29 1995

revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

ii. The effect the project will have on recreation, fish and wildlife resources in the local area affected by the proposed use; and

iii. Compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

IDAPA 37.03.08045.01.e.

Please send any comments you have regarding this project's effect on the local public interest in Ada County to: Dave Tuthill, Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705. These applications have been pending a while and a decision may occur shortly. Therefore, please notify Mr. Tuthill if you believe you will submit comments after January 10, 1995.

I would appreciate receiving a copy of any comments as well. Please call me if you have any questions concerning this project.

Sincerely,

HOLLAND & HART

Dana L. Hofstetter

DLH:cd
Enclosures
cc: David Tuthill
47563/34168.3002

APPROVED
JUN 29 1995

RECEIVED
SEP 23 1994
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Ginger Johnson being first duly sworn, on her oath deposes and says that she is the clerk of the Messenger Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of Messenger Index for two consecutive weekly issues thereof, beginning with the issue of 9-14, 1994, and ending with the issue of 9-21, 1994

Ginger Johnson

Subscribed and sworn to me this 21st day of September 1994

Jeanne Lusk
Notary Public
Residing at Emmett, Idaho

My Commission Expires MY COMMISSION EXPIRES JUNE 21st, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

T-1-R 63-11995
LYNN, D MARK
LYNN, JOY
4831 SKYLINE DR
EAGLE, ID 83616
Source: GROUNDWATER
Diversion: Pt: SESE Sec 34 T 06N R 01W In GEM County
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 2/25/1993
In: ADA County
T05N R01W S02 NWNW SWNW S03 NENE NWNE SWNE SENE
In: GEM County NENW T06N R01W S34 NESE SWSE SESE S35 SWSW
(160) ACRES TOTAL
The application appears to be exempted from drought moratorium due to groundwater that is most likely tributary to Payette River Basin instead of Boise River Basin. If this is true, it 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, Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho, 83705, together with a protest fee of $25.00 on or before OCTOBER 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON
Director

Pub. 9-14, 21, 1994
Legal Notice No. 2008
Published in the Messenger Index

RECEIVED
JUN 29 1995

Western Region
2735 Airpor[illegible]ay
Boise, Idaho 83705

= Affidavits	Lega
1	

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11996 Vat

LYNN, D MARK
LYNN, JOY
4831 SKYLINE DR
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNE) Sec 3 T05N R01W in ADA County.
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 2/25/1993
In: ADA County
T05N R01W S03 SWNW NWSW
S04 SWNE SENE NESW NESE
NWSE SWSE SESE
183.0 ACRES TOTAL

Application appears to be exempted from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

63-12141

SKYLINE CORP
PO BOX 4576
BOISE, ID 83711

Source: GROUNDWATER
Diversion Pt: NENESW Sec 13 T03N R01W in ADA County.
Use: IRRIGATION (1.700 CFS)
Total Diversion: (1.700 CFS)
Date Filed: 8/18/1994
In: ADA County
T03N R01W S13 NENW NWNW SWNW SENW
NESW
85.0 ACRES TOTAL

63-12142

SPURWING LIMITED PARTNERSHIP
3278 SHAMROCK [illegible]
BOISE, ID 83704

Source: GROUNDWATER
Diversion Pt: SENESW Sec 23 T04N R01W in ADA County.
SWNWSW Sec 23 T04N R01W in ADA County.
SESW Sec 23 T04N R01W in ADA County.
Use: IRRIGATION (.700 CFS)
DOMESTIC (1.520 CFS)
FIRE PROTECTION (3.350 CFS)
Total Diversion: (4.870 CFS)
Date Filed: 8/2/1994
In: ADA County
T04N R01W S23 SWNW SENW NESW NWSW
SWSW SESW
35.0 ACRES TOTAL

63-12143

BOISE WATER CORPORATION
PO BOX 7488
BOISE, ID 83707

Source: GROUNDWATER
Diversion Pt: NWSE Sec 24 T04N R01E in ADA County.
Use: MUNICIPAL (3.000 CFS)
Total Diversion: (3.000 CFS)
Date Filed: 9/2/1994
The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code, and is thus exempted from Snake River Moratorium.
Municipal use is within the city limits of Boise.

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 OCTOBER 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON, Director

Pub. Sept. 15, 22, 1994 8474

LINDA PORTER

sworn, deposes and says: That she is the Principal Clerk o Idaho Statesman, a daily newspaper printed and publishec Ada County, State of Idaho, and having a general circulatic and which said newspaper has been continuously and uni published in said County during a period of twelve consec months prior to the first publication of the notice, a copy o attached hereto; that said notice was published in The Idar Statesman in conformity with Section 60-108, Idaho Code amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐

insertion(s) beginning with the issue of SEPTEMBER 15

and ending with the issue of SEPTEMBER 22

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 22nd day of SEPTEMBER in t 1994 before me, a Notary Public, personall LINDA PORTER known or i me to be the person whose name subscribed to the within and being by me first duly sworn, declared that the statem are true, and acknowledged to me that she executed the s

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11/97

MICROFILMED
JUN 29 1995

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
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SUITE 1400
WEST ONE PLAZA
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MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Dana L. Hofstetter

December 19, 1994

RECEIVED
DEC 20 1994
WATER RESOURCES
WESTERN REGION

Gem County Commissioners
Attn: Rick Welch
Chairman of the Commissioners
415 East Main
Emmett, ID 83617

Re: Water Right Application for Permit Nos. 63-11995 and 63-11996

Dear Commissioners:

Idaho Department of Water Resources ("IDWR") regulations provide for water right applicants to seek comment from the governing county concerning the local public interest related to the proposed project. IDAPA 37.03.08040.05.g. Mark and Joy Lynn have made application to divert water under the above-referenced application numbers and request your comments concerning the local public interest related to the effect and operation of the proposed project.

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> i. The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both short and long term,

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JUN 29 1995

revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

ii. The effect the project will have on recreation, fish and wildlife resources in the local area affected by the proposed use; and

iii. Compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

IDAPA 37.03.08045.01.e.

Please send any comments you have regarding this project's effect on the local public interest in Gem County to: Dave Tuthill, Idaho Department of Water Resources, 2735 Airport Way, Boise, Idaho 83705. These applications have been pending a while and a decision may occur shortly. Therefore, please notify Mr. Tuthill if you believe you will submit comments after January 10, 1995.

I would appreciate receiving a copy of any comments as well. Please call me if you have any questions concerning this project.

Sincerely,

HOLLAND & HART

Dana L. Hofstetter

DLH:cd
Enclosures
cc: David Tuthill
47564/34168.3002

MICROFILMED
JUN 29 1995

RECEIVED
SEP 23 1994
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

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Ginger Johnson

Subscribed and sworn to me this 21st day of September 1994

Notary Public
Residing at Emmett, Idaho

My Commission Expires _____

MY COMMISSION EXPIRES
JUNE 21st, 1997

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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LYNN, JOY
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Total Diversion: (2.000 CFS)
Date Filed: 2/25/1993
In: ADA County
T05N R01W S02 NWNW SWNW S03 NENE NWNE SWNE SENE
In: GEM County NENW T06N R01W S34 NESE SWSE SESE S35 SWSW
(18.0 ACRES TOTAL)
Application appears to be exempted from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin. Permit 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, Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of $25.00 on or before OCTOBER 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON
Director

Pub.: 9-14, 21, 1994
Legal Notice No: 2008
Published in the Messenger Index

ENDORSED
JUN 29 1995

Western Regi
2735 Airport ay
Boise, Idaho 83705

= Affidavits	Lega
1	

LEGAL NOTICE

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T05N R01W S03 SWNW NWSW
S04 SWNE SENE NESW NESE
NWSE SWSE SESE
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63-12141

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PO BOX 4576
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Source: GROUNDWATER
Diversion Pt: NENESW Sec 13 T03N R01W in ADA County.
Use: IRRIGATION (1.700 CFS)
Total Diversion: (1.700 CFS)
Date Filed: 8/18/1994
In: ADA County
T03N R01W S13 NENW NWNW SWNW SENW
NESW
85.0 ACRES TOTAL

63-12142

SPURWING LIMITED PARTNERSHIP
3278 SHAMROCK
BOISE, ID 83704
Source: GROUNDWATER
Diversion Pt: SENESW Sec 23 T04N R01W in ADA County.
SWNWSW Sec 23 T04N R01W in ADA County.
SESW Sec 23 T04N R01W in ADA County.
Use: IRRIGATION (1.700 CFS)
DOMESTIC (1.520 CFS)
FIRE PROTECTION (3.350 CFS)
Total Diversion: (4.870 CFS)
Date Filed: 8/2/1994
In: ADA County
T04N R01W S23 SWNW SENW NESW NWSW
SWSW SESW
35.0 ACRES TOTAL

63-12143

BOISE WATER CORPORATION
PO BOX 7488
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Source: GROUNDWATER
Diversion Pt: NWSE Sec 24 T04N R01E in ADA County.
Use: MUNICIPAL (3.000 CFS)
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Municipal use is within the city limits of Boise.

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R. KEITH HIGGINSON, Director

Pub. Sept. 15, 22, 1994 8474

LINDA PORTER

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☒ consecutive weekly ☐ consecutive daily ☐ single ☐

insertion(s) beginning with the issue of SEPTEMBER 1

and ending with the issue of SEPTEMBER 2

Linda Porter

STATE OF IDAHO)
ss.
COUNTY OF ADA)

On this 22nd day of SEPTEMBER In t 1994, before me, a Notary Public, personall LINDA PORTER known or i me to be the person whose name subscribed to the within and being by me first duly sworn, declared that the statem are true, and acknowledged to me that she executed the s

Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 11-2

RECEIVED
JUN 29 1995

RECEIVED
DEC 20 1994
WATER RESOURCES
WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. 63-11995 and 63-11996
	)	ANSWER TO LETTER OF PROTEST OF INTERVENOR DONALD B. JENSEN

COME NOW D. Mark Lynn and Joy Lynn (hereinafter the "Lynns") and for their answer to the September 26, 1994 letter of protest of Intervenor Donald B. Jensen to application for Permit No. 63-11995 (the "Letter") admit, deny and allege as follows:

FIRST DEFENSE

The Letter, and each and every allegation thereof, fails to state a claim upon which relief may be granted.

SECOND DEFENSE

All allegations not specifically admitted in this Answer are hereby denied.

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JUN 29 1995

THIRD DEFENSE

1. In answer to paragraph 1, the Lynns deny that the Letter is an "official protest," deny that application for Permit No. 63-11995 or the Letter are based on Section 42-303A, Idaho Code but admit the remaining allegations in paragraph 1.

2. In answer to paragraph 2, the Lynns deny that Donald Jensen's underground irrigation water rights will be "highly affected" if Permit No. 63-11995 is granted but are without sufficient information to form a belief as to the truth of the remaining allegations of paragraph 2 and therefore deny the same.

3. In answer to paragraph 3, the Lynns admit that the aquifer tapped by Donald Jensen's wells do not fill from the Boise or Payette River and likely fill from the Pearl Mountain and Horseshoe Bend Summit areas but deny the remaining allegations of said paragraph.

4. In answer to paragraph 4, the Lynns admit that well driller's logs indicate that the sedimentary section tapped by Donald Jensen's wells consists of alternating layers of medium to coarse sand and clay but are without sufficient information to form a belief as to the truth of the remaining allegations concerning the aquifer tapped by Donald Jensen's wells and therefore deny the same.

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JUN 29 1995

FOURTH DEFENSE

The aquifers tapped by Donald Jensen's wells are hydraulically separate from the aquifer under the Lynns' property.

FIFTH DEFENSE

The diversion of water under Permit No. 63-11995 will not reduce the quantity of water under existing water rights, including those held by Donald Jensen.

SIXTH DEFENSE

The water supply is sufficient for issuance of Permit No. 63-11995.

SEVENTH DEFENSE

The Letter was not properly and timely filed with the Idaho Department of Water Resources.

EIGHTH DEFENSE

Donald B. Jensen's groundwater diversion is not at a reasonable groundwater level.

NINTH DEFENSE

The Lynns reserve the right, after further discovery, to amend this Answer to add additional defenses, supported by the facts, and a failure to include all such defenses in this Answer shall not be deemed to waive any right to further amend.

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JUN 29 1995

WHEREFORE, the Lynns pray for relief as follows:

1. That the Letter be denied.

2. That Permit No. 63-11995 be approved and issued.

3. For such other and further relief as the Idaho Department of Water Resources deems just and proper.

DATED this 19th day of December, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

MICROFILMED
JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Donald B. Jensen 8661 West Beacon Light Rd. Star, ID 83669	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	___ U.S. Mail ___ Hand Delivered ___ Overnight Mail ✓ Telecopy (Fax)

for HOLLAND & HART

46817/34168.3002

MICROFILMED
JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1994

Richard B. Roberts, Board Member
Willowbrook Water Association
9333 Spangler Place
Eagle, ID 83616

RE: Request to Intervene

Dear Mr. Roberts:

This office is in receipt of your letter dated December 8, 1994, in which you requested on behalf of the Willowbrook Water Association to intervene in the above-referenced matter. Enclosed please find your receipt for the $25.00 protest fee.

I am today forwarding a copy of the request to Ms. Dana Hofstetter, attorney for the applicant, as an an attachment to her copy of this letter. In addition, I telephonically advised her earlier this week that we had received your request. As I indicated to her, the Hearing Officer in this matter, Mr. Glen Saxton, will review any objection to allowing this intervention in the pre-hearing conference. In this way the applicant will have an opportunity to respond to your petition. However, I would advise you to be prepared to provide any testimony that you wish to present at the hearing.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

encl: receipt

cc: Glen Saxton
Dana Hofstetter, w/copy of petition

Microfilmed

JUN 2 9 1995

RECEIVED
DEC 12 1994
WATER RESOURCES
WESTERN REGION

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

December 8, 1994

Re: Applications for Permit Nos. 63-11995 and 63-11996

Dear Mr Tuthill:

The Willowbrook Water Association wishes to be considered an intervener in the request by D. Mark and/or Joy Lynn of Eagle, Idaho, to appropriate public water in the Willow Creek drainage west of Pearl, Idaho. This appears to be a new use for water that could seriously impact the ranches and communities immediately nearby.

Based on the information presented in the hearing December 6th, I was not convinced that the use of these wells would not seriously affect our water supply. Further, without some provision that gives us reason to believe that our water supply is protected, we think our water supply is at risk.

Due to the recent drought and our continued use of the water over the years, we have seen a drop in the static water level of our irrigation well of around 50 feet. Because of this, we have had to lower our pump about that same distance in order to maintain suction and the necessary water flow. Some of us supplement our income by raising crops and livestock on our land. Without this income it would create a distinct economic hardship. Another major concern is the location of one our domestic wells. It is essentially in the stream bed of Willow Creek, hence there is no question that it is pumping water directly out of the Willow Creek Drainage. A sizable draw-down of the water supply in the drainage could cut-off the water supply for our well, as well as for the entire community. This certainly would not be in the local public interest as this would affect from 50 to 70 families and their livestock, and the ranches and farms that are in the area.

Within the past two to three years, both the Chaparral and the Willowbrook Water Associations have drilled irrigation wells that were financed by your Department. The total amount financed by these two Associations is approximately $100,000. If this permit is granted and the use of these wells adversely affects our water supply, our land would be worthless. Since most of us have invested considerable monies and effort in our properties, this effect would devastate our life style and investments.

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JUN 29 1995

We are aware that there is a moratorium on the drilling of irrigation wells in the Boise basin aquifer. Since the Willow Creek drainage is a part of that aquifer, and for the above mentioned reasons, we feel that this permit request should be denied.

The original copy of this letter plus a $25.00 filing fee will be posted December 9, 1994.

Sincerely,

Richard B. Roberts

Richard B. Roberts, Board member
Willowbrook Water Association
9333 Spangler Place
Eagle, Idaho 83616

MICROFILMED
JUN 29 1995

December 13, 1994

Dave Tuthill
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Application for Permit No. 63-11995-63-11996

Dear Dave;

Enclosed is a letter written prior to the conference attended on December 6, 1994. In discussing this issue with the residents of the Chaparral Subdivision it seems that there is still a lot of mistrust and opposition to these proposed water rights on the Lynn property. The question of granting any water right to an applicant for irrigation in the Boise Basin while a moratorium is still in place is very much a concern regardless of the fact that Mr. Lynn believes his property to be in the Payette Basin. If this had been approached in a different manner by the applicant then this issue may have been resolved in a less difficult way.

Questions 1, 2, 3, 5 & 6 have not been answered to everyone's satisfaction. It seems that a hearing is unavoidable. I do not intend to call any witnesses, however I believe that Don Jensen and possibly Richard Roberts will have other at this hearing. Please contact them for this information.

Sincerely;

Terry Goicoechea Jensen
President, CWA

cc Dana Hofsetter

MICROFILMED
JUN 29 1995

WR FAX 334-2348

December 1, 1994

Director, R. Keith Higginson
Dave Tuthill
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Application for Permit No. 63-11995 and 63-11996

Dear Sirs;

It is very hard to get this large amount of people together at one time to discuss this issue. Taking this into consideration there are many rumors that have come to the surface which add to the problem....they said he said. I believe a hearing will clear up some of this. We thought this could be resolved without legal representation, however this may be unavoidable.

In answer to the six questions listed in the October 5, 1994 letter I can only state what has been discussed with our community as a whole.

1. Will the proposed use reduce the quantity of water under existing water right?

A. We believe that allowing irrigation of another 378.6 acres from our aquifer will be detrimental to our irrigation and domestic wells. If these water rights are granted without more consideration and study will Water Resources deny pumping if water levels in our wells decline? At present our domestic pump is set at its lowest possible depth. In March of 1991 we applied for a grant to drill a new irrigation well. Our water table had dropped between 100' and 150' with draw down figured in and were only getting around 200 gpm. This did not allow sufficient water coverage. At present we are pumping around 500 gpm which is adequate with a rotation in irrigation. Our static water level at the irrigation well was 157' in 1991.
We are in the process of having both wells checked and are waiting on our funds and catching up with our well people. I have checked on our records for the domestic well and Valley Pump(Emmett) had a partnership split and apparently our records are now with another business which I have not been able to get with at the present.
(contacted new business and they do not have our records will return to Valley Pump).

2. Is the proposed water supply insufficient for the purpose intended?

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A. It hasn't been clear exactly what the intentions are? Most believe that this will be an attempt to control the water and will actually be used in the development of properties owned by the Lynn's....in the form of subdividing.
Our understanding of ground water use is not for irrigating large acreages....the wells now in places provide adequate water for the residence on the property in question. We are sure that the Lynn's knew the water rights that were in place at the time of purchase and were aware of the fact that this farm had been basically a dryland operation.

3. Is the application made in good faith or for speculative purposes?

A. Again the general opinion is that this whole thing has not been approached in the right manner and several have indicated that they believe this to be speculative. From the time the Lynn's purchased land behind the Chaparral Subdivision to the purchase of the property they now resides at, there have been concerns not only with the water situtations.

4. Has the applicant sufficient financial resources with which to complete the project?

A. Again what is the PROJECT EXACTLY. And yes we are all sure he is capable.

5. Will the proposed use under this permit conflict with the local public interest?

A. This seems to be the main concern....insufficient water supply to service the existing homes and acreage.

6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

A. Yes....Mr. Lynn does not rely on farming to make a living and/or raising livestock. What is the purpose to have two more wells....there is sufficient water on the property now to fill their swimming pool, irrigate and supply livestock needs. Most of us have only five acres and all we ask is that we can continue to have five green acres!!!

In talking to residents with private wells I've been informed that as recently as June "94" these people were told that because of the moratorium that is still in effect in the Boise River Basin applications for irrigation rights were not being taken...so why are these applications being considered?

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1. If our wells are affected will our priority date guarantee that said pumping from a junior water right cease or will there be a claim that our domestic well for instance be in a different water table and/or aquifer and will be our thougn luck that we be forced to invest in another well? Claims that this particular well would have gone dry despite any pumping of new wells.

2. If this is a ground water application how will this be monitored to ensure that the 13,000 gallons per water right per day not be exceeded?
Reports of water being diverted up stream by the placement of dams in Willow Creek are a concern as they are still in place. If the property owner was told to remove them...why are they still in place. Who is responsible for enforcing these rules and regulations???? There seems to be no follow-up in some cases on complaints and no enforcement of determinations. There also seems to be a lack of evaluation and study on these cases prior to issuing permits unless there is a complaint. At the current rate of growth in this area along with existing populous and the ongoing drought how long is this water supply going to last at adequate levels?

3. If this is considered a "beneficial use" how will it benefit everyone concerned?
This seems to be an unnecessary depletion of ground water resources and of no benefit except to one party. There are no less than 55 families in two private water associations that are at risk and 25 plus private wells in this same area.

4. Does not Water Resources have their own geologist and hydrogeologist with data and opinions as to the impact that these applications if granted may have on this area and it's residence? For instances your area maps indicate that the Lynn property and the Willow Creek drainage area as a whole are in the Boise River Basin not in the Payette as the Lynn's had indicated in the advertisement that was required to run in the local paper. They now concede that they are in our same Basin. Its also believed that this will not impact Don Jensen but indeed our water may be affected, however down the road it may be determined that yes it could affect the Jensen operation.

Again from the beginning this has not been a pleasant undertaking and there have been and are many unanswered questions.

Sincerely;

Terry Goicoechea Jensen
President, CWA

cc Dana Hasselton

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Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

December 8, 1994

Re: Applications for Permit Nos. 63-11995 and 63-11996

Dear Mr Tuthill:

The Willowbrook Water Association wishes to be considered an intervener in the request by D. Mark and/or Joy Lynn of Eagle, Idaho, to appropriate public water in the Willow Creek drainage west of Pearl, Idaho. This appears to be a new use for water that could seriously impact the ranches and communities immediately nearby.

Based on the information presented in the hearing December 6th, I was not convinced that the use of these wells would not seriously affect our water supply. Further, without some provision that gives us reason to believe that our water supply is protected, we think our water supply is at risk.

Due to the recent drought and our continued use of the water over the years, we have seen a drop in the static water level of our irrigation well of around 50 feet. Because of this, we have had to lower our pump about that same distance in order to maintain suction and the necessary water flow. Some of us supplement our income by raising crops and livestock on our land. Without this income it would create a distinct economic hardship. Another major concern is the location of one our domestic wells. It is essentially in the stream bed of Willow Creek, hence there is no question that it is pumping water directly out of the Willow Creek Drainage. A sizable draw-down of the water supply in the drainage could cut-off the water supply for our well, as well as for the entire community. This certainly would not be [illegible] local public interest as this would affect from 50 to 7[illegible] and their livestock, and the ranches and farms that are in the area.

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Within the past two to three years, both the Chaparral and the Willowbrook Water Associations have drilled irrigation wells that were financed by your Department. The total amount financed by these two Associations is approximately $100,000. If this permit is granted and the use of these wells adversely affects our water supply, our land would be worthless. Since most of us have invested considerable monies and effort in our properties, this effect would devastate our life style and investments.

We are aware that there is a moratorium on the drilling of irrigation wells in the Boise basin aquifer. Since the Willow Creek drainage is a part of that aquifer, and for the above mentioned reasons, we feel that this permit request should be denied.

The original copy of this letter plus a $25.00 filing fee will be posted December 9, 1994.

Sincerely,

Richard B. Roberts

Richard B. Roberts, Board member
Willowbrook Water Association
9333 Spangler Place
Eagle, Idaho 83616

Receipt # W018426
12/12/94

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Notes by D. Tuthill

63-11995 D. Mark &/or Jay Lynn
Conf Held at S.G. IDWR 6 Dec 94

Applicant: Present & represented by Dana Hofstetter
Terry Scanlan

Protestants: Donald Jensen (Request for Intervention)
Terry Goicoechea Jensen

Donald Jensen:
Concerned about items 1, 2, Spec, Local Public interest

Terry Scanlan - Presented information in file.

Approved intervention of Donald Jensen - DRT
Approved motion to compel discovery - DRT

Applicant is willing to dedicate one well to be used for long-term monitoring purposes.

Hearing does need to be held.

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ROSTER OF ATTENDANCE

IDAHO DEPARMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Re: Applicant: Mark D. and/or Joy Lynn

WR #63-11995

Place: IDWR, State Office

Date: December 6, 1994

Conducted by: David R. Tuthill, Jr., P.E.

NAME	REPRESENTING
[illegible]	Mark Lynn
[illegible]	
Terry Scanlan	Mark Lynn
[illegible]	IWA
Donald Jensen	Self
Richard B. Roberts	Wilsonbrook Water Assn

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Form 238-7
6/93

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IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

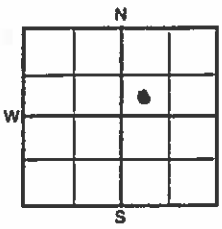
Use Typewriter or Ball Point Pen

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Department of Water Resources

1. DRILLING PERMIT NO. 63- 93- W- 0619 - 000
Other IDWR No.

2. OWNER:
Name MARK LYNN
Address 6500 CHAPPARRAL
City EAGLE State ID Zip 83616

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.



T. 5N North XX or South ☐
R. 1W East ☐ or West XX
Sec. 3, ____ 1/4 SE 1/4 NE 1/4
(10 acres, 40 acres, 160 acres)
Gov't Lot ____ County CANYON

Address of Well Site 6500 CHAPPARRAL, EAGLE, ID.
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary XX Air Rotary XX Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENT & CEMENT	200	170		POURED
CEMENT & BENT	170	150		PUMPED
BENT & CEMENT	150	140		POURED
SURFACE SEAL AROUND 12" TO 20'				

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

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
12	+1	79	250	X		☒	☐	☒	☐
8	+2	551	250	X		☒	☐	☒	☐
6	523	543				☐	☐	☐	☐
6	573	623				☐	☐	☐	☐

Final location of shoes 551
Top Packer or Headpipe 523 Bottom Tailpipe 623

9. PERFORATIONS/SCREENS
☐ Perforations Method
☒ Screens Type 304 Material STAINLESS

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
543	563	.040		6	PIPE	☐	☒
563	573	.030		6	PIPE	☐	☒
						☐	☐
						☐	☐

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10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
NO TEST			

Temperature of water ____ Was a water analysis done? Yes ☐ No ☐
By whom?
Water Quality (odor, etc.)
Bottom Hole Temperature

11. STATIC WATER LEVEL:
395 ft. below surface Depth artesian flow found
Artesian pressure ____ lb. Describe access port
Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
14	0	5	TOP SOIL		
14	5	25	SAND & GRAVEL		
12	25	40	SANDY YELLOW CLAY		
12	40	60	SANDSTONE		
12	60	79	LOOSE SAND		
12	79	180	SANDSTONE		
12	180	235	COURSE SAND		
8	235	240	SANDSTONE		
8	240	250	SAND & PEA GRAVEL		
8	250	300	SANDSTONE		
8	300	320	SANDY BROWN CLAY		
8	320	340	SANDSTONE		
8	340	350	SANDY BROWN CLAY		
8	350	380	SANDSTONE		
8	380	385	SAND		
8	385	400	SANDSTONE		
8	400	410	SAND & GRAVEL		
8	410	440	SANDSTONE		
8	440	450	BROWN SAND	?	395
8	450	480	SANDSTONE		395
8	480	485	FINE SAND		395
8	485	540	BLACK SANDSTONE		395
8	540	550	COURSE SAND		395
8	550	570	COURSE SAND & GRAVEL		395
8	570	590	COURSE SAND		395
8	590	600	COURSE BROWN SAND		395
8	600	620	BROWN SAND		395

Date: Started 7-10-93 Completed 10-18-93

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 BILL DOTY DRILLING CO., INC. Firm No. 42
Firm Official Date 11-1-93
and
Supervisor or Operator Date 11-1-93
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. _____
	)	ANSWER TO PROTEST OF TERRY GOICOECHEA JENSEN

COME NOW D. Mark Lynn and Joy Lynn (hereinafter the "Lynns") and for their answer to the protest of Terry Goicoechea Jensen to applications for Permit Nos. 63-11995 and 63-11996 (the "Protest") admit, deny and allege as follows:

FIRST DEFENSE

The Protest, and each and every allegation thereof, fails to state a claim upon which relief may be granted.

SECOND DEFENSE

All allegations not specifically admitted in this Answer are hereby denied.

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THIRD DEFENSE

1. The Lynns deny that issuance of Permit Nos. 63-11995 and 63-11996 will jeopardize the existing community and private wells in the Willow Creek drainage.

2. The Lynns are without sufficient information to form a belief as to the truth of the allegation that recovery times already have been affected on at least one community well and therefore deny the same.

FOURTH DEFENSE

Diversions under Permit Nos. 63-11995 and 63-11996 will not reduce the quantity of water under existing water rights, including those held by Terry Goicoechea Jensen.

FIFTH DEFENSE

The water supply is sufficient for issuance of Permit Nos. 63-11995 and 63-11996.

SIXTH DEFENSE

The Protest was not properly filed with the Idaho Department of Water Resources or properly and timely served on the Lynns.

SEVENTH DEFENSE

Terry Goicoechea Jensen's diversions are not at or below a reasonable pumping level.

EIGHTH DEFENSE

The Lynns reserve the right, after further discovery, to amend this Answer to add additional defenses, supported by the

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facts, and a failure to include all such defenses in this Answer shall not be deemed to waive any right to further amend.

WHEREFORE, the Lynns pray for relief as follows:

1. That the Protest be denied.

2. That Permit Nos. 63-11995 and 63-11996 be approved and issued.

3. For such other and further relief as the Idaho Department of Water Resources deems just and proper.

DATED this 30 day of November, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

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CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of November, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen
8968 Deer Lane
Eagle, ID 83616

- ✓ U.S. Mail
- ____ Hand Delivered
- ____ Overnight Mail
- ____ Telecopy (Fax)

Original to:
David Tuthill, Manager
Western Regional Office
Idaho Department of
Water Resources
2735 Airport Way
Boise, ID 83705-5082

- ✓ U.S. Mail
- ____ Hand Delivered
- ____ Overnight Mail
- ____ Telecopy (Fax)

for HOLLAND & HART

46816/34168.3002

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WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	Case No. _____ MOTION TO COMPEL DISCOVERY

D. Mark Lynn and Joy Lynn (the "Lynns") pursuant to Rule 521 of the Idaho Department of Water Resources' Rules of Procedure (IDAPA 37.01.01521), move the Idaho Department of Water Resources ("IDWR") for an Order directing that the discovery in the form of that attached hereto as Exhibit A be answered no later than one week before the date scheduled for the hearing. Answers to the Interrogatories and Requests for Production in Exhibit A are necessary for a proper understanding of the Protestant's objections to issuance of application for Permit Nos. 63-11995 and 63-11996 and to adequately address those objections. This Motion also is based on the record before IDWR and, if necessary, oral argument upon the Motion.

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DATED this 30 day of November, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

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for HOLLAND & HART

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Suite 1400, West One Plaza
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Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. _____
	)	THE LYNNS' FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COME NOW D. Mark Lynn and Joy Lynn, by and through their attorney of record, Holland & Hart, and pursuant to Rule 521 of the Idaho Department of Water Resources Rules of Procedure and Rules 26, 33 and 34 of the Idaho Rules of Civil Procedure, propound the following Interrogatories and Requests for Production to the Protestant.

DEFINITIONS

Unless otherwise indicated, the following definitions shall be applicable to these interrogatories and requests:

a. "Describe" means to set forth all facts which exhaust your information, knowledge, and belief with respect to the subject matter of the interrogatory.

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EXHIBIT
A

b. The term "documents" means any and all writings of any kind including the originals and non-identical copies, whether different from the originals by reason of any notation made on such copies or likewise [including, without limitation, correspondence, memoranda, notes, diaries, desk calendars and organizers, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, checks, statements, receipts, return summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, electronic mail ("E-Mail") correspondence however stored, information on computer hard drives, computer tapes or computer diskettes, teletypes, telefax, invoices, work sheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing], graphic or aural records or representations of any kind [including, without limitation, tapes, cassettes, disks, recordings], whether in your possession, custody or control or in the possession, custody or control of your agents, attorneys, accountants, employees or other representatives.

c. The term "identify" has the following meanings:

Where asked to "identify" a person or where your answer to an interrogatory refers to a person, please state his or her name, last known residence, last known business address and last known telephone number.

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Where asked to "identify" a document, please identify the author(s) or person(s) who prepared the same; identify the person(s) to whom it was addressed; and identify the person(s) who received each and every copy of the document; give the date on which the document was written, made or prepared; describe the nature of the document and its contents in such a manner that the custodian thereof will be able to locate it in response to a subpoena or request for production.

If any such document was but is no longer in your possession or subject to your control, or in existence, state whether it is (1) missing or lost, (2) has been destroyed, (3) has been transferred, voluntarily or involuntarily, to others, or (4) otherwise disposed of and in each instance, explain the circumstances surrounding the authorization of such disposition thereof, and state the date or approximate date thereof.

Claims of Privilege. With respect to each document as hereinabove defined, which is required to be identified by these interrogatories and which you presently contend you are not required to disclose because of any alleged "privilege" (which you are not presently prepared to waive), in lieu of the document identification called for above in this paragraph, identify each such "privileged" document as follows: (1) give the date of each such document; (2) identify each individual who was present when it was prepared; (3) identify each individual to whom a copy was sent; (4) identify each individual who has seen it; (5) identify

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each individual who has custody of it; (6) identify each and every document which refers to, discusses, analyzes or comments upon it, in whole or in part, or which contain any or all of its contents; and (7) state the nature of the privilege asserted, (i.e., attorney-client, self-incrimination, etc.).

d. "Person" or "persons" as used herein shall mean and include, without limitation, natural persons and artificial beings such as corporations, associations, partnerships, governments, unions, and other entities capable of performing any act.

e. "Protestant" means Terry Goicoechea Jensen.

f. "To state the factual basis" of a particular allegation, contention or denial shall mean to provide all of the following information with respect to such allegation, contention, or denial: (1) a particular statement of each and every fact, whether or not admissible as evidence, upon which the allegation, contention, or denial is based; (2) the identity of each and every individual who has any knowledge of any fact which tends to support said allegation, contention, or denial; and (3) the identity of each and every document evidencing, describing, relating to, mentioning, or tending to prove or disprove said allegation, contention, or denial.

g. "You," "your" and "yourself," as used herein, refers to Terry Goicoechea Jensen, her agents, investigators, employees or anyone acting on her behalf.

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INTERROGATORIES

The interrogatories set forth below are to be answered fully and separately in writing, under oath, and in accordance with the above cited rules. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys or employees. If a claim of privilege is made as to any such information, you must specify the basis for privilege and describe the information claimed to be privileged. These interrogatories are intended to be continuing in nature and to require the addition of supplemental information in the future to the fullest extent provided by Rule 26(e) of the Idaho Rules of Civil Procedure.

INTERROGATORY NO. 1: In accordance with the definitions above, please identify the persons providing the information to answer these Interrogatories on behalf of the Protestant.

INTERROGATORY NO. 2: In accordance with the definitions above, please state the factual basis, upon which you relied in asserting the following allegations in your Protest:

(a) "We feel that any further permits will jeopardize the existing community and private wells in the Willow Creek Drainage."

(b) "Recovery times have already been affected on at least one community well."

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INTERROGATORY NO. 3: Please describe with particularity the basis for your objection to water right application no. 63-11995 and/or 63-11996.

INTERROGATORY NO. 4: Do you contend that applications for Permit Nos. 63-11995 and/or 63-11996 will reduce the quantity of water under existing water rights? If so, in accordance with the definitions above please state the factual basis for this contention.

INTERROGATORY NO. 5: Do you contend that the water supply itself is insufficient for the purpose for which it is sought to be appropriated under application for Permit Nos. 63-11995 and/or 63-11996? If so, in accordance with the definitions above please state the factual basis of this contention.

INTERROGATORY NO. 6: Do you contend that application for Permit Nos. 63-11995 and/or 63-11996 are not made in good faith or are made for delay or speculative purposes? If so, in accordance with the definitions above please state the factual basis of your contentions.

INTERROGATORY NO. 7: Do you contend that Mark and Joy Lynn do not have sufficient financial resources with which to complete the work involved with application for Permit Nos. 63-11995 and/or 63-11996? If so, in accordance with the definitions above please state the factual basis of this contention.

INTERROGATORY NO. 8: Do you contend that application for Permit Nos. 63-11995 and/or 63-11996 will conflict with the local

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public interest? If so, in accordance with the definitions above please state the factual basis of this contention.

INTERROGATORY NO. 9: Do you contend that application for Permit Nos. 63-11995 and/or 63-11996 are contrary to the conservation of water resources within the State of Idaho? If so, in accordance with the definitions above please state the factual basis of your contention.

INTERROGATORY NO. 10: Please describe with particularity any of your wells that you believe may be impacted by diversions under application for Permit Nos. 63-11995 and/or 63-11996. Please include in your response a quarter-quarter section legal description of the locations of such wells, the depths of such wells, the pump setting depth for such wells, the diameter of such wells, the size, model number and brand name for pumps on such wells, any and all static and pumping level measurements, dates of well construction, drillers' logs, and any available information concerning the well casing and other materials or methods used in constructing any such wells.

INTERROGATORY NO. 11: Please identify the water right number associated with each well identified in your Answer to Interrogatory No. 10 above.

INTERROGATORY NO. 12: With respect to any well identified in your Answer to Interrogatory No. 10 above, please describe with particularity, any time periods when you or your predecessors in interest were unable to divert the full amount of

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water authorized under the water rights for those wells. Please include in your answer, identification of the location of the well, the number of the associated water rights, along with the dates of reduced diversion, the amount of water actually diverted during these time periods and your belief as to the reason for the reduced flows.

INTERROGATORY NO. 13: For each well identified in your Answer to Interrogatory No. 10 above, please describe any maintenance, repairs, or other alterations occurring after initial construction of the well. Please include in your response the date, reason, nature of the repair, maintenance or alteration and the names of all persons or entities participating in those activities.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Idaho Rules of Civil Procedure, the Lynns request that the Protestant produce and permit counsel for said Lynns to inspect and copy the following designated documents at 10:00 o'clock A.M. on the 13th day of December, 1994 at the offices of Holland & Hart, Suite 1400, West One Plaza, Boise, Idaho, or at such other time and place as the parties might agree upon. Concerning documents, as an alternative, accurate, legible, and complete copies may be attached to your answers and responses and served within the same period.

JUN 29 1995

Your responses must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants or employees. If a claim of privilege is made as to any such information, you must specify the basis for privilege and describe the information claimed to be privileged.

This Request is intended to be continuing in nature and to require the production of supplemental documents in the future to the fullest extent provided by Rule 26(e) of the Idaho Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1: Please produce each and every document, as defined above, in which you relied in answering Interrogatory Nos. 1 through 13, identified, or discussed in your Answers to Interrogatory Nos. 1 through 13, or in any way relating to the substance of Interrogatory Nos. 1 through 13 above. With respect to each such document, you are requested to indicate the number of the Interrogatory or Interrogatories to which said document is responsive.

REQUEST FOR PRODUCTION NO. 2: Please produce each and every document, as defined above, evidencing, concerning or relating in any way to water levels now or in the past for the wells identified in your answer to Interrogatory No. 10 above.

DATED this _____ day of November, 1994.

HOLLAND & HART

MICROFILMED
JUN 29 1995

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

Microfilmed
JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of November, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	_____ U.S. Mail _____ Hand Delivered _____ Overnight Mail _____ Telecopy (Fax)
David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	_____ U.S. Mail _____ Hand Delivered _____ Overnight Mail _____ Telecopy (Fax)

_____
for HOLLAND & HART

46842/34168.3002

JUN 29 1995

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DEC 0 2 1994
WATER RESOURCES
WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. 63-11995 and 63-11996
	)	MOTION TO DENY INTERVENTION AND MEMORANDUM IN SUPPORT

MOTION

Pursuant to Rule 354 of the Idaho Department of Water Resources ("IDWR") Rules of Procedure, D. Mark and Joy Lynn (the "Lynns") by and through their counsel of record, Holland & Hart, respectfully move that IDWR deny the intervention of Donald B. Jensen.

This Motion is based on the attached Memorandum in Support, the Affidavit of Terry M. Scanlan, the record before IDWR and oral argument, if necessary.

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MEMORANDUM

On September 28, 1994, IDWR received from Donald B. Jensen, a letter styled "an official protest to water right application no. 63-11995." Mr. Jensen, however, failed to submit the

statutorily required protest fee within the applicable deadline. See Idaho Code § 42-203A(4). Accordingly, by letter of November 25, 1994, IDWR's David Tuthill indicated that Mr. Jensen was not a party protestant but may be eligible to become an intervenor in the proceeding unless there are reasons why he should not be allowed to intervene. The Lynns oppose Mr. Jensen's intervention because he has no direct and substantial interest in the proceeding. His wells are in a perched or structurally isolated aquifer that bears no direct hydraulic connection with the aquifer that would be tapped under applications for Permits Nos. 63-11995 and 63-11996. Development under these applications will not impact Mr. Jensen's wells.

Rules 350 to 354 of the IDWR Rules of Procedure govern intervention in proceedings such as this one. IDAPA 37.01.01350-354. Those rules provide that petitions to intervene must comply with certain procedural, content and format requirements. IDAPA 37.01.01351. Intervention is granted when there is a "direct and substantial interest in any part of the subject matter of a proceeding" and the intervention "does not unduly broaden the issues." *Id.* 37.01.01353. If it appears that the intervenor has no direct or substantial interests in the proceeding, the intervenor may be dismissed. *Id.*

Mr. Jensen's wells (water right no. 63-7002) in the SE1/4NW1/4NW1/4 Section 25, Township 6 North, Range 1 West, Boise, Meridian tap the uppermost shallow aquifer and other

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perched or structurally isolated aquifer zones. Affidavit of Terry Scanlan. On the other hand, the proposed Lynn wells will tap the regional aquifer. *Id.* Because the Jensen wells and the Lynn wells will tap separate aquifers, there should be no impact to the Jensen wells from pumping by the Lynns.

Mr. Jensen reports substantial water level fluctuations in his wells while the water levels in the Lynns' existing wells have not shown significant decline since 1970 even after nearly a decade of drought. *Id.* The stable water levels in the Lynns wells and the drastic fluctuations in the Jensen wells indicate that the Lynns wells are in the regional aquifer while the Jensen wells tap uppermost shallow or perched aquifers. *Id.* Measurement of the water level in Mr. Jensen's well revealed cascading water in the well casing. *Id.* This condition is indicative of perched water conditions. *Id.* Available geologic maps of the area indicate the likely presence of faults across the north fork of Willow Creek between the Jensen and Lynns wells. The presence of these faults explain why the Jensen and Lynns wells tap separate aquifers and why the water table elevation is more than 250 feet higher at the Jensen wells.

Since the Jensen and Lynns wells tap different water supplies, there is little potential for the Lynns' diversions to impact Mr. Jensen. Accordingly, Mr. Jensen has no "direct and substantial interest" in this proceeding. Mr. Jensen's participation can only "unduly broaden the issues" in violation

JUN 29 1995

of the IDWR procedural rules. For these reasons, Mr. Jensen's intervention is inappropriate and should be denied.

CONCLUSION

The Lynns respectfully request that IDWR enter an order denying Donald B. Jensen's intervention.

DATED this 2nd day of December, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

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JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	✓ U.S. Mail ____ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)
Donald B. Jensen 8661 West Beacon Light Rd. Star, ID 83669	✓ U.S. Mail ____ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)
Original to: David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	____ U.S. Mail ✓ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)

for HOLLAND & HART

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JUN 29 1995

RECEIVED
DEC 0 2 1994
WATER RESOURCES
WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. 63-11995 and 63-11996
	)	AFFIDAVIT OF TERRY M. SCANLAN

STATE OF IDAHO)
) ss
COUNTY OF ADA)

I, Terry M. Scanlan, being first duly sworn upon oath depose and say:

1. I am competent to testify on matters relating to hydrology and ground water conditions and make this Affidavit based on my personal knowledge, background, experience and training.

2. I am the principal of Scanlan Engineering, 600 E. River Park Lane, Boise, Idaho and received Bachelor's and Master's Degrees in Geological Engineering from the University of Idaho. I am a registered professional engineer in Idaho and a registered professional geologist in Idaho and Oregon. I have extensive

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JUN 29 1995

experience in ground water development and testing work in the Boise Valley and similar experience in Oregon, Washington, Nevada, Utah, Wyoming, North Dakota, South Dakota, Guam and Taiwan.

3. I have been retained as a consultant for Mark and Joy Lynn in this case.

4. I have investigated ground water conditions in the area of the proposed points of diversion for application for Permit Nos. 63-11995 and 63-11996. I have conducted aquifer drawdown and recovery tests in the area, have measured water levels in four of the Lynns' existing wells and one of Donald B. Jensen's wells associated with water right no. 63-7002 and researched available documentation concerning ground water conditions in the area. Relevant documents I have reviewed include: a) well driller's log for Mr. Jensen's well; b) USGS Hydrologic Investigations Atlas HA-703; c) Hydrographs of USGS monitored observation wells in the area; d) State of Idaho geologic map (Bond, 1977); e) IDWR Water Information Bulletin No. 30, Part 11 (Geological, Hydrological, Geochemical and Geophysical Investigations of the Nampa-Caldwell Areas, Southwestern Idaho).

5. Based on my review of the technical reports, the results of my aquifer tests and my personal observations, background, experience and training, it is my opinion that Mr. Jensen's wells in the SE1/4NW1/4NW1/4 Section 25, Township 6 North, Range 1 West, Boise, Meridian tap aquifers that are not in

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direct hydraulic connection with the aquifers tapped by the existing and proposed Lynn wells. The Jensen wells tap a shallow aquifer that is perched above, or structurally isolated from the regional aquifer, whereas the Lynn wells tap the regional aquifer. I do not believe that development of applications for Permit Nos. 63-11995 and 63-11996 will adversely impact the wells of Donald Jensen.

6. Evidence for the hydraulic separation of the Jensen and Lynn wells is the water table elevation difference of approximately 250 feet that I measured in September 1993. The much higher water level elevation in the Jensen well as compared to the existing Lynn wells strictly cannot be accounted for based on horizontal hydraulic gradient, as the aquifer materials are too permeable for a hydraulic gradient in excess of 100 feet per mile to develop. Instead, a combination of perched aquifers and faulting (or other geologic structures) are the likely reasons for the water level differences.

7. Donald Jensen has indicated that the water level in his wells fluctuate by 100 feet or more. This fluctuations occurs because Mr. Jensen's wells tap the uppermost shallow aquifer which is in direct hydraulic connection with Willow Creek plus various other aquifer zones that appear to be perched above the regional aquifer. The screens in Donald Jensen's 370 foot well taps zones from 30 feet to 360 feet in depth, or approximate elevations of 2480 to 2810 feet. On September 9, 1993, I

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measured a static water level in one of the two Jensen wells at 217 feet (elevation approximately 2620 feet). This water level was difficult to measure because there was cascading water in the well casing indicating perched water conditions.

8. On the other hand, the water level in the Lynns' existing wells have not shown significant decline since 1970, even after nearly a decade of drought. Evidence for the lack of water level decline are the water levels in the 440 foot deep Lynn domestic well. The static water level in 1970 listed on the well driller's report was 375 feet below ground surface. In October 1994, I measured the static water level for this well at 377 feet below ground surface. Likewise, the Corbett Lynn domestic well showed virtually no change (actually a 0.4 foot increase) between September 1993 and October 1994. These stable water levels in the Lynn wells are in direct contrast to the large water level fluctuations reported by Mr. Jensen at his wells.

9. The State of Idaho Geologic Map (Bond, 1977) identifies northwest trending faults (probably an extension of the Boise front fault system) extending toward the vicinity of the Donald Jensen wells. The main fault trace appears to cross the North Fork of Willow Creek approximately 1.5 miles northeast of Donald Jensen's wells. A branch fault trends directly or slightly south of Donald Jensen's wells but is not shown extending across the North Fork of Willow Creek. Figure 4-2 of IDWR Water Information

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Bulletin No. 30, Part 11 (Geological, Hydrological, Geochemical and Geophysical Investigations of the Nampa-Caldwell Areas, Southwestern Idaho) shows a Landsat-identified lineament crossing the North Fork of Willow Creek approximately midway between the Lynn and Jensen wells. These potential faults or geologic structures may influence ground water supply in the area of Donald Jensen's wells, and contribute to the discordant water-level elevations between the Lynn wells and the Donald Jensen wells. If one or more faults or structures indeed cross the North Fork of Willow Creek between the Jensen and Lynn wells, the faults further reduce the potential for the Lynn wells to influence the Jensen wells.

10. The USGS Hydrological Investigations Atlas HA-703 water table contours show that the direction of ground water flow beneath the Lynn properties is northwest, toward the Payette River. The elevation of the water table measured in the Lynn wells is approximately 2,370 feet, which is in general agreement with the USGS contour map which shows the water table at slightly less than elevation 2400 feet at the Lynn property. This suggests that the Lynn wells tap the regional aquifer. Since the proposed Lynn wells will tap the regional aquifer, rather than the perched or structurally isolated aquifers tapped by Donald Jensen's wells, I do not anticipate any measurable impact to Mr. Jensen's wells from future pumping by the Lynns.

Further your affiant sayeth naught.

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DATED this 2nd day of December, 1994.

Terry M Scanlan
TERRY M. SCANLAN

SUBSCRIBED AND SWORN to before me this 2 day of December, 1994.

Tammy P. Killian
Notary Public for Idaho
Residing at: Middleton, Idaho
My Commission Expires: 6-24-00

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JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	✓ U.S. Mail ____ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)
Donald B. Jensen 8661 West Beacon Light Rd. Star, ID 83669	✓ U.S. Mail ____ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)
Original to: David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	____ U.S. Mail ✓ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)

for HOLLAND & HART

46895

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JUN 29 1995

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DEC 0 2 1994
WATER RESOURCES
WESTERN REGION

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. 63-11995 and 63-11996
	)	MOTION TO COMPEL SECOND SET OF DISCOVERY

D. Mark Lynn and Joy Lynn (the "Lynns") pursuant to Rule 521 of the Idaho Department of Water Resources Rules of Procedure (IDAPA 37.01.01521), move the Idaho Department of Water Resources ("IDWR") for an Order directing that the discovery in the form of that attached hereto as Exhibit A be answered no later than one week before the date scheduled for the hearing. The Interrogatories and Requests for Production in Exhibit A relate to the witnesses and evidence to be presented at the hearing. This Motion also is based on the record before IDWR and, if necessary, oral argument upon the Motion.

JUN 2 9 1995

DATED this 2nd day of December, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

UNCONTROLLED

JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	✓ U.S. Mail ____ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)
Original to: David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	____ U.S. Mail ✓ Hand Delivered ____ Overnight Mail ____ Telecopy (Fax)

for HOLLAND & HART

47018/34168.3002

FILED
JUN 29 1995

B. Newal Squyres
Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000
Facsimile: (208) 343-8869

Attorneys For D. Mark Lynn and Joy Lynn

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NO. 63-11995 AND 63-11996 IN THE NAME OF D. MARK AND/OR JOY LYNN	)	Case No. 63-11995 and 63-11996
	)	THE LYNNS' SECOND INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COME NOW D. Mark Lynn and Joy Lynn, by and through their attorney of record, Holland & Hart, and pursuant to Rule 521 of the Idaho Department of Water Resources Rules of Procedure and Rules 26, 33 and 34 of the Idaho Rules of Civil Procedure, propound the following Interrogatories and Requests for Production to the Protestant, Terry Goicoechea Jensen.

DEFINITIONS

The definitions in the preceeding set of discovery in this case are incorporated herein by reference as if set forth in full and shall be applicable to these interrogatories and requests.

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INTERROGATORIES

The interrogatories set forth below are to be answered fully and separately in writing, under oath, and in accordance with the above cited rules. Answers to these interrogatories must include not only information in your personal knowledge and possession, but also any and all information available to you, including information in the possession of any of your agents, attorneys or employees. If a claim of privilege is made as to any such information, you must specify the basis for privilege and describe the information claimed to be privileged. These interrogatories are intended to be continuing in nature and to require the addition of supplemental information in the future to the fullest extent provided by Rule 26(e) of the Idaho Rules of Civil Procedure.

INTERROGATORY NO. 1: In accordance with the definitions above, please identify the persons providing the information to answer these Interrogatories on behalf of the Protestant.

INTERROGATORY NO. 2: Please identify each and every person you intend to call as a witness at the hearing of this matter and for each such person, state his/her residence and business address and telephone number.

INTERROGATORY NO. 3: For each such person identified in your answer to Interrogatory No. 2 above, please describe the substance of his or her expected testimony.

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INTERROGATORY NO. 4: Please identify each and every person you intend to call as an expert witness at the hearing of this matter, and for each such person, state his/her residence and business address, telephone number and relevant educational background and professional experience.

INTERROGATORY NO. 5: For each such person identified in your answer to Interrogatory No. 4 above, please describe the subject matter on which he/she is expected to testify and state the substance of the facts, opinions and/or inferences to which he/she is expected to testify.

INTERROGATORY NO. 6: Please identify each and every document and other type of physical evidence which you intend to use at the hearing of this matter.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Idaho Rules of Civil Procedure, the Lynns request that the Protestant produce and permit counsel for said Lynns to inspect and copy the following designated documents at 10:00 o'clock A.M. on the 13th day of December, 1994 at the offices of Holland & Hart, Suite 1400, West One Plaza, Boise, Idaho, or at such other time and place as the parties might agree upon. Concerning documents, as an alternative, accurate, legible, and complete copies may be attached to your answers and responses and served within the same period.

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Your responses must be based not only on documents in your personal possession, but also on any documents available to you, including documents in the possession of your agents, attorneys, accountants or employees. If a claim of privilege is made as to any such information, you must specify the basis for privilege and describe the information claimed to be privileged.

This Request is intended to be continuing in nature and to require the production of supplemental documents in the future to the fullest extent provided by Rule 26(e) of the Idaho Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1: Please produce each and every document identified in your answer to Interrogatory No. 6 above.

DATED this _____ day of December, 1994.

HOLLAND & HART

By _____
Dana L. Hofstetter, for the firm
Attorneys for D. Mark Lynn and
Joy Lynn

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JUN 29 1995

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of December, 1994, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Terry Goicoechea Jensen 8968 Deer Lane Eagle, ID 83616	_____ U.S. Mail _____ Hand Delivered _____ Overnight Mail _____ Telecopy (Fax)
Original to: David Tuthill, Manager Western Regional Office Idaho Department of Water Resources 2735 Airport Way Boise, ID 83705-5082	_____ U.S. Mail _____ Hand Delivered _____ Overnight Mail _____ Telecopy (Fax)

_____
for HOLLAND & HART

47019/34168.3002

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JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 25, 1994

D MARK &/OR JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616

Re: Applications for Permit Nos. 63-11995 and 63-11996

Dear Applicants:

Enclosed is a Notice of Conference and Hearing for the above referenced applications for permit.

Also enclosed is a letter of protest from Donald Jensen. The fee associated with the protest was not received until after the protest date. Therefore Mr. Jensen will become an intervenor unless you can show reasons why he should not be allowed to intervene. Mr. Jensen can plan to attend the conference as scheduled.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

Encl.

CC: Donald Jensen

also, mailed copy of Jensen's D. Letter

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JUN 29 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 63-11995 AND 63-11996 IN THE NAME OF D. MARK &/OR JOY LYNN	NOTICE OF CONFERENCE AND HEARING

On February 25, 1993, D. Mark &/or Joy Lynn filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Terry Goicoechea Jensen.

The Department has set the matter of protest for a conference to be held on Tuesday, December 6, 1994, at 10:30 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. If this conference does not resolve the matter of protest, a hearing will be held on Tuesday, December 20, 1994, at 10:30 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706.

The conference, and hearing if necessary, 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 Practice and 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. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

The conference, and hearing if necessary, 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 conference or hearing, please advise the Department within (10) days prior to the conference or hearing.

Dated this 25th day of November, 1994.

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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JUN 29 1995

I hereby certify that on the 25th day of November, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Vadis Robinson
for Sue Taylor
Secretary

Certified Mail

D MARK &/OR JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616

TERRY GOICOECHEA JENSEN
8968 DEER LN
EAGLE ID 83616

Non-Certified Mail

DANA HOFSTETTER ESQ
HOLLAND & HART
PO BOX 2527
BOISE ID 83701

TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN #105
BOISE ID 83706

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JUN 29 1995

CWA

"CHAPARRAL WATER ASSOCIATION"
P. O. BOX 414
EAGLE, IDAHO 83616

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NOV 15 1994
WATER RESOURCES
WESTERN REGION

November 11, 1994

Terry M. Scanlan
600 East River Park Lane
Suite 105
Boise, Idaho 83706

Re: Protest of Water Rights for Mark and/or Joy Lynn

Dear Terry Scanlan;

I received your letter regarding the Lynn applications. First of all I want it to be known that the only reason that I am involved to this extent is because I am the one that offered to deliever the petition of protest to the Water Resources Department. I was informed that it was impossible to relay all the communication that may be forthcoming on this matter to each and everyone on this list. I was asked if I would be willing to be the contact person in this matter and ageed to do so however, I believe that any meeting should include all interested parties and Mr. Lynn should also be present. I was asked to contact Mark and see if this couldn't be settled to everyones satisfaction outside of a hearing. I am out of town a lot so I asked several people if they would talk to Mr. Lynn and the answer was the same...there isn't anything up for discussion.

If you have data relating to whether or not we are dealing with the Boise Basin drainage or the Payette then I believe it to be something everyone should hear however, I have a brother who is also a hydrogeologist and there seems to be a difference in opinion as to what drainage we are dealing with.

I will relate your letter to our Water Board and pass this on to the other interested parties. I will also see if I can't get another person besides myself to act as a representative and contact to help with this matter when I am not here.

Sincerly;

Terry Goicoechea/Jensen

cc: Dave Tuthill

ACKNOWLEDGED
JUN 29 1995

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

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NOV 09 1994
WATER RESOURCES
WESTERN REGION

November 8, 1994

Terry Goicoechea Jensen
8968 Deer Lane
Eagle, ID 83616

Subject: Water Right Permit Applications by Mark and/or Joy Lynn

Dear Terry:

I am a hydrogeologist and engineer working for Mark Lynn on water-right issues associated with his ranch on Willow Creek. I understand that you have protested his pending water right applications (63-11995 and 63-11996). At Mark's request, I would like to set up an informal meeting with you to discuss your concerns related to these water-right applications, and to provide you with some information that I have collected related to local groundwater conditions. I will attempt to contact you by telephone within the next few days for a mutually convenient meeting time and place. I look forward to meeting with you.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Mark Lynn
David Tuthill

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JUN 29 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

November 8, 1994

Mr. Donald B. Jensen
8661 West Beacon Light Road
Star, ID 83669

Subject: Water Right Permit Application by Mark and/or Joy Lynn

Dear Mr. Jensen:

I am a hydrogeologist and engineer working for Mark Lynn on water-right issues associated with his ranch on Willow Creek. I understand that you have protested his pending water right application 63-11995. At Mark's request, I would like to set up an informal meeting with you to discuss your concerns related to this water-right application, and to provide you with some information that I have collected related to local groundwater conditions. I will attempt to contact you by telephone within the next few days to arrange for a mutually convenient meeting time and place. I look forward to meeting with you.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Mark Lynn
David Tuthill

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JUN 29 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

P 053 428 420

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to: J. J. Jensen
Street and No.: 3968 Deer
P.O., State and ZIP Code: Eagle Id 83616

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

JUN 29 1995

PS Form 3800, June 1991

P 053 428 421

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to: Lynn
Street and No.: 4050 Chaparral
P.O., State and ZIP Code: Eagle Id

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

JUN 29 1995

PS Form 3800, June 1991

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

D MARK OR JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616

JUN 29 1995

4a. Article Number: P053 428 421

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery: 12-1-94

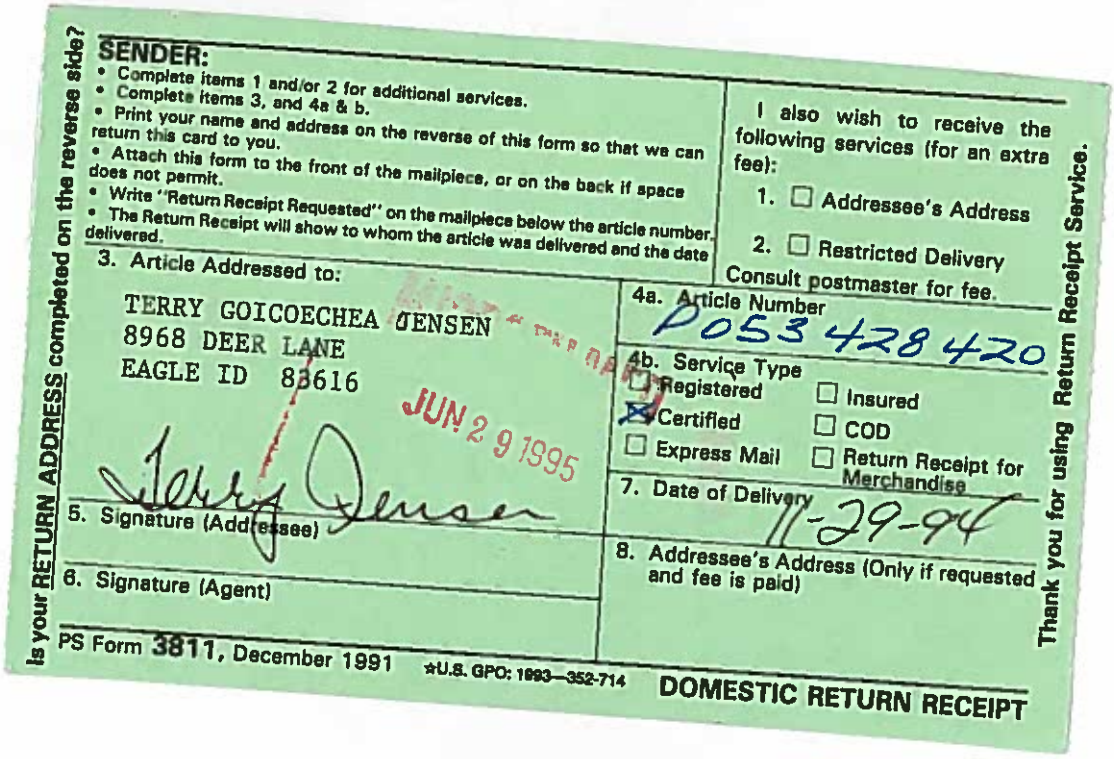
5. Signature (Addressee): Joy Lynn

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 ★U.S. GPO: 1993—352-714 DOMESTIC RETURN RECEIPT



SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
TERRY GOICOECHEA JENSEN
8968 DEER LANE
EAGLE ID 83616

4a. Article Number P053 428 420

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 11-29-94

5. Signature (Addressee) Terry Jensen

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

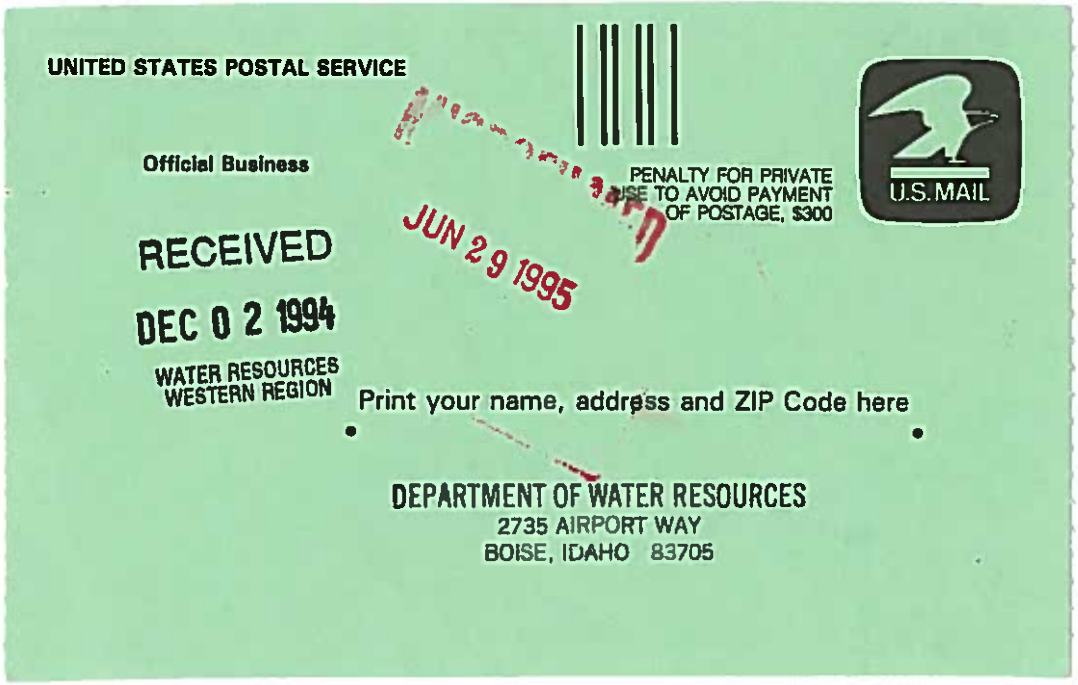
6. Signature (Agent)

JUN 29 1995

PS Form 3811, December 1991 *U.S. GPO: 1993—352-714 DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



UNITED STATES POSTAL SERVICE

Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S. MAIL

JUN 29 1995

RECEIVED
DEC 0 2 1994
WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 25, 1994

D MARK &/OR JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616

Re: Applications for Permit Nos. 63-11995 and 63-11996

Dear Applicants:

Enclosed is a Notice of Conference and Hearing for the above referenced applications for permit.

Also enclosed is a letter of protest from Donald Jensen. The fee associated with the protest was not received until after the protest date. Therefore Mr. Jensen will become an intervenor unless you can show reasons why he should not be allowed to intervene. Mr. Jensen can plan to attend the conference as scheduled.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT/st

Encl.

CC: Donald Jensen

MICROFILMED
JUN 2 9 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 63-11995 AND 63-11996 IN THE NAME OF D. MARK &/OR JOY LYNN	NOTICE OF CONFERENCE AND HEARING

On February 25, 1993, D. Mark &/or Joy Lynn filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Terry Goicoechea Jensen.

The Department has set the matter of protest for a conference to be held on Tuesday, December 6, 1994, at 10:30 a.m., in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. If this conference does not resolve the matter of protest, a hearing will be held on Tuesday, December 20, 1994, at 10:30 a.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706.

The conference, and hearing if necessary, 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 Practice and 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. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

The conference, and hearing if necessary, 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 conference or hearing, please advise the Department within (10) days prior to the conference or hearing.

Dated this 25th day of November, 1994.

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

MICROFILMED

JUN 29 1995

I hereby certify that on the 25th day of November, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Vadis Robinson
for Sue Taylor
Secretary

Certified Mail

D MARK &/OR JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616

TERRY GOICOECHEA JENSEN
8968 DEER LN
EAGLE ID 83616

Non-Certified Mail

DANA HOFSTETTER ESQ
HOLLAND & HART
PO BOX 2527
BOISE ID 83701

TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN #105
BOISE ID 83706

RECEIVED
JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 17, 1994

Mr. D. Mark Lynn
4050 Chaparral
Eagle, ID 83616

RE: Claim A63-03004 and Application 63-11995

Dear Mr. Lynn:

I received your letter dated October 26, 1994 in which you delineate changes to the above-referenced Adjudication Claim No. A63-03004 and Application for Permit No. 63-11995. The claim and application have been amended as you instructed.

Enclosed is the amended claim for your review. The well and irrigated acres locations have been modified. Also, several items that were incomplete on the claim or that have changed, e.g. address, are noted. Please review the claim and complete with a notarized signature if you are satisfied with the amended version. The completed claim can be returned to me. No fee is needed.

The application has also been changed to reflect the new information provided through your letter and my field examination. The revised application will re-arrange the acres to be irrigated but will not increase the number of acres nor the number of quarter-quarters to be irrigated.

I was mistaken in our earlier telephone conversation regarding additional fees to change application no. 63-11995. The amended application does not need to be advertised and therefore does not require the $50 fee. Check no. 25639 for $50 is returned, and I hope that you have not been inconvenienced by this error.

Thank you for your patience in the above-referenced matters. Please let me know if you need more information in this or other water right concerns.

Sincerely,

Steve Lester
Water Rights Supervisor

RECEIVED
JUN 29 1995

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED
NOV 09 1994
WATER RESOURCES
WESTERN REGION

November 8, 1994

Terry Goicoechea Jensen
8968 Deer Lane
Eagle, ID 83616

Subject: Water Right Permit Applications by Mark and/or Joy Lynn

Dear Terry:

I am a hydrogeologist and engineer working for Mark Lynn on water-right issues associated with his ranch on Willow Creek. I understand that you have protested his pending water right applications (63-11995 and 63-11996). At Mark's request, I would like to set up an informal meeting with you to discuss your concerns related to these water-right applications, and to provide you with some information that I have collected related to local groundwater conditions. I will attempt to contact you by telephone within the next few days for a mutually convenient meeting time and place. I look forward to meeting with you.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Mark Lynn
David Tuthill

RECEIVED
JUN 29 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

November 8, 1994

Mr. Donald B. Jensen
8661 West Beacon Light Road
Star, ID 83669

Subject: Water Right Permit Application by Mark and/or Joy Lynn

Dear Mr. Jensen:

I am a hydrogeologist and engineer working for Mark Lynn on water-right issues associated with his ranch on Willow Creek. I understand that you have protested his pending water right application 63-11995. At Mark's request, I would like to set up an informal meeting with you to discuss your concerns related to this water-right application, and to provide you with some information that I have collected related to local groundwater conditions. I will attempt to contact you by telephone within the next few days to arrange for a mutually convenient meeting time and place. I look forward to meeting with you.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Mark Lynn
David Tuthill

RECEIVED
JUN 29 1995

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

INTER-DEPARTMENT MEMO

TO: FILES

FROM: STEVE LESTER

SUBJECT: AMENDMENTS

DATE: 11/8/94

Attached letter is RESPONSE to my 9/30/94 letter & complaint field visit summarized in 9/29/94 MEMO (SEE file 63-11995 for details).

AMENDS SRBA claim A63-03004.

AMENDS (ACTUALLY A REVISION WHERE NO FEE OR RE-ADVRTSG. NEEDED) APPL 63-11995.

ORIGINAL - 63-11995 COPY - A63-03004

RECEIVED
JUN 29 1995

( ) For your information

( ) Response required

signature

October 26, 1994

RECEIVED
NOV 0 1 1994
WATER RESOURCES
WESTERN REGION

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Amendment of Application for Permit 63-11995 and Amendment of Adjudication Claim A63-03004

Dear Mr. Lester:

In response to your letter of September 30, 1994 and your subsequent telephone conversation with Terry Scanlan on October 25, 1994, I would like to amend both my application for permit No. 63-11995 and my adjudication claim A63-03004. These amendments will provide the existing place of use and point of diversion for A63-03004 and eliminate overlapping place of use descriptions between the claim (A63-03004) and the application (63-11995). The changes are listed on the attached table and described below.

Amendment of Adjudication Claim

As found in your field examination of September 29, 1994, the existing place of use for license 63-03004 consists of approximately 9 acres in the NENE and 6 acres in the NWNW, Section 3, T5N, R1W, 0.5 acres in the SWSE and 9 acres in the SESE, Section 34, T6N, R1W, and 0.5 acres in the SWSW, Section 35, T6N, R1W. The current point of diversion is a well located in the SENWNE, Section 3, T5N, R1W. I believe that these changes in place of use and point diversion occurred prior to my purchase of the property and prior to November 1987. Please amend adjudication claim A63-03004 to reflect this change.

NWNE per site visit -SL

Amendments of Application for Permit

As described in your letter, the existing place of use for 63-03004 and the proposed place of use for 63-11995 overlap. In order to eliminate the overlap, please amend the application to subtract the 25 acres currently irrigated by 63-03004 (described above), and add 25 acres consisting of 10 additional acres in the SWNE, Section 3, 10 additional acres in the NENW, Section 3, and 5 additional acres to the SWSE, Section 3, T5N, R1W. This amended place of use is listed on the attached table.

No Q's changed, just re-arrange # acres per Q's. -SL 11/4/94

I understand that the amendment of the application for permit requires a $50.00 fee. A check is enclosed for that amount.

No check Enclosed

Please call me with any questions. Thank you for your assistance with this matter.

Sincerely,

D. Mark Lynn

Enclosure

should be 5.34 per attached pg.

MICROFILMED
JUN 2 9 1995

Place of Use

Place of use designated in license No. 63-03004

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	1W	34													5		15	5	25
																		Total acres	25

Current place of use for license 63-03004 per IDWR field exam of September 29, 1994, and amended place of use for A63-03004

(1)

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	1W	3	9	6															15
6N	1W	34															0.5	9	9.5
6N	1W	35											0.5						0.5
																		Total acres	25

Place of use listed in application 63-11995, dated 2/25/93

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	1W	2						15	5										20
5N	1W	3	35	35	15	10	10												105
6N	1W	34													5		5	30	40
6N	1W	35											30						30
																		Total acres	195

Amended place of use for application 63-11995

(2)

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	1W	2						15	5										20
5N	1W	3	26	29	(25)	10	(20)												110
6N	1W	34													5		(9.5)	21	35.5
6N	1W	35											29.5						29.5
																		Total acres	195

+10 +10 +5

JUN 29 1995

Combined place of use after amendments of 63-11995 and A63-03004

(3)

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	1W	2						15	5										20
5N	1W	3	35	35	25	10	20												125
6N	1W	34													5		10	30	45
6N	1W	35											30						30
																		Total acres	220

1 + 2 = 3

Oct 11-94

Dear Sir

In response to letter dated Oct 6-94 regarding water right application Numbers 63-11995 and 63-11996 submitted by D. Mark and or Jory Lynn.

Thank you.

Donald Jensen
8661 W. Beacon Lt Rd.
Star, Id.

MICROFILMED
JUN 29 1995

RECEIVED
OCT 12 1994
WATER RESOURCES
WESTERN REGION

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W018249

Date: 10/14/1994
Time: 14:00:15

Received
From: JENSEN, DONALD B

Type of Payment	Program Acct	Amount
PROTEST FEE 63-11995 / 63-11996		
62103	229 21 1155	25.00

Total $25.00

CHECK 5512

Region: WESTERN Signature: DBuffington

RECORDED
JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1994

DONALD B JENSEN
8661 W BEACON LT RD
STAR ID 83669

Re: Protest of Applications for Permit Nos. 63-11995 and 63-11996 in the Name of D. Mark &/or Joy Lynn

Dear Mr. Jensen:

We are in receipt of your protest in which you expressed concerns about the approval of the above-referenced applications for permit. Please be advised, however, that the protest was received by this office before the protest date but the protest fee of $25.00 was not included.

You may be aware that a paid protest was received by this office. Therefore, the application is currently officially protested.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention and submitting the $25.00 intervention fee. Enclosed we are providing a copy of the rules and regulations.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the application.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Applicant

Encl: Rules & Regulation, Practice & Procedure

MICROFILMED
JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

D MARK &/OR JOY LYNN
4831 SKYLINE DR
EAGLE ID 83616

Re: Applications for Permit Nos. 63-11995 and 63-11996

Dear Applicant:

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

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, 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,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED
JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

TERRY GOICOECHEA JENSEN
8968 DEER LN
EAGLE ID 83616

Re: Application for Permit No. 63-11995 and 63-11996 in the Name of Mark &/or Joy Lynn

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(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Even though there were several names on the protest received there was only one fee of $25.00. Therefore, we recongnize Terry G. Jensen as the protestant and will direct our correspondence to you.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, 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,

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

RECEIVED
JUN 29 1995

MEMO

DATE: 10/03/1994

FROM: Lori Graves

TO: 63-11995/63-11996

RE: Illegal Diversion Complaint

On September 29, 1994, Virginia Stenerson called to complain that Mr. Lynn was illegally irrigating with his new well. I told her that Steve Lester with IDWR was currently investigating the matter. She stated that Mr. Lynn was irrigating without a water right. After researching the P/U, I found that Mr. Lynn had water rights to irrigate ~26 acres around his home. I telephoned Virginia back with more questions about her complaint and she stated that Mr. Lynn was only irrigating a few acres around his home with 2" wheel lines, probably less than 25 acres. She didn't realize that he had water rights. I told Virginia that if Mr. Lynn was applying the water to any of the proposed acres under applications 63-11995/11996, then there was a problem. She stated that she didn't think Mr. Lynn was currently irrigating the proposed acres but that he intended to subdivide this property and zap the aquifer dry.

Virginia then asked that if IDWR allowed Mr. Lynn's proposals to be exempt from the moratorium, could she piggyback on his engineer's study and drill an an exempt irrigation well for Halfway Village Tavern, which she owns and plans to sell. I did not and could not answer her question.

MICROFILMED
JUN 29 1995

7/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 63-11995 & 63-11996

2. Name of protestant SEE Attached

3. Protestant's representative for service (If different than protestant)
JERRY ~~g. JENSEN~~ Gojcdechea JENSEN

4. Service mailing address 8968 DEER LN. EAGLE ID 83616

5. Service telephone no. 286-7049

6. Basis of protest (including statement of facts and law upon which the protest is based) SEE Attached

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Deny the Applications

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of October, 1994.

PROTESTANT

X Jerry Gaciedka Jensen
PROTESTANT'S REPRESENTATIVE

MICROFILMED JUN 29 1995

NOTE:

a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.

b) A protestant is required to timely file a protest with the department together with a $25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date 10/3/94 Time 9:00 A.M.

$25.00 fee Receipted by VR # W018186 Date 10/3/94

MICROFILMED
JUN 29 1995

RECEIVED
OCT 0 3 1994
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

09-19-94

To Dave Tuthill;

Re: Applications for ground water use #6311995 and #63-11996.

The undersigned property owners and well owners oppose any further water use by one Mark Lynn. We feel that any further permits will jeopardize the existing community and private wells in the Willow Creek drainage.

* CWA BOARD OF DIRECTORS: THE UNDERSIGNED REPRESENT A TOTAL OF 25 FAMILIES.

TERRY GOICOECHEA/JENSEN Terry Goicoechea Jensen 8968 Deer Ln Eagle, ID
BOB HOLMAN Robert F. Holman 9210 Edgeview Eagle, Id.
DEE WOFFORD Dee Wofford 8919 Deer Ln. Eagle, Id.
DON MILLER Don E. Miller CWA Boardmember
for COLLEEN BAIL Michael C Bail 8949 Edgeview LN, Eagle ID 83616
SHERRI WILDER Sherri Wilder, 9095 Edgeview Eagle Id 83616
Donald Stewart 8829 Grand Mason Eagle, Id 83616.
Peggy Moon 9243 Hanley Pl Eagle Id 83616
Ralph W Hebdon 11100 Chaparral Eagle 83616
Clifton Kimball 802 Robinson Rd Nampa Id 83687
Johnson Cattle Co Inc by Wayne Johnson Box 571 Wilder, Id 83676

WILLOWBROOK ESTATES WATER ASSOCIATION REPRESENTING 30 FAMILIES
PRESIDENT: Out of town
V-PRESIDENT: Martin C. Farmer 9090 SPANGLER EAGLE
BOARD MEMBERS: Samuel C. Whitford 9467 SPANGLER PLACE, EAGLE, ID 83616
Robert L. Kugel 9380 GRANDMASON PL EAGLE ID 83616
Ed Dietz 9033 Grandmason Pl. Eagle Id 83616
William Stark 9065 Hanley Pl. Eagle Id. 83616

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* Chaparral Water Users c/o Terry Goicoechea Jensen (No relation to other protestant, Donald Jensen, per office visit 10/3/94) -SL

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OCT 0 3 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

09-19-94

To Dave Tuthill;

This letter represents the residents and members of community water systems as well as private well owner's along the Willow Creek drainage east and west of Hwy. 16, Chaparral Rd. east and west and to include any residents north and south of said same drainage and above named road. We oppose any further water rights to be granted to Mark Lynn. We feel that any additional water rights will affect the existing owned wells. Recovery times have already been affected on at least one community well.

CWA BOARD OF DIRECTORS: THE UNDERSIGNED REPRESENT A TOTAL OF 25 FAMILIES.

TERRY GOICOECHEA/JENSEN Terry Goicoechea Jensen 8968 Deer Ln. Eagle ID

BOB HOLMAN Robert F. Holman Jr. 9210 Edgeview Eagle, Id.

DEE WOFFORD Dee Dawn Wofford 8919 Deer Ln. Eagle

DON MILLER [illegible] 9611 Brandiwood Eagle, Id

for COLLEEN BAIL Michael C. Bail 8949 Edgeview LN, Eagle ID 83616

SHERRI WILDER Sherri Wilder 9095 Edgeview Eagle

Donald Stewart 8889 Grand Mason Eagle Id 83616.

[illegible] Mason 9243 Hanley Pl Eagle Id 83616

[illegible] 11100 Chaparral Rd Eagle 83616

[illegible] 802 Robinson Pl Nampa Id 83687

Johnson Cattle Co Inc by Wayne Johnson 10059 Hwy 16 (Box 571 Wilder, Id. 83676)

WILLOWBROOK ESTATES WATER ASSOCIATION. REPRENTING 30 FAMILIES

PRESIDENT: [illegible]

V-PRESIDENT Martin P. Farmer 9090 SPANGLER EAGLE IDA.

BOARD MEMBERS: Samuel L. Clifford 9487 SPANGLER PLACE, EAGLE, ID 83616

[illegible] 8380 Grandmason Pl Eagle Id 83616

Ed Doyle 9033 Grandmason Pl. Eagle Id 83616

[illegible] 9065 Hanley Pl. Eagle Id 83616

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JUN 29 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 30, 1994

File Amendment

Amend or File Transfer

Mr. Mark Lynn
4831 Skyline Dr.
Eagle, ID 83616

Re: Application for Permit No. 63-11995 and Adjudication Claim No. A63-03004

Dear Mr. Lynn:

I met with your consultant, Terry Scanlan, yesterday and we toured the site around your home on Chaparral Road. We did not find water uses exceeding any approved water rights as alleged in complaints received at this office. The enclosed map outlines the area in question.

However, some variations were noted between actual practices and recorded water rights. The differences concern the 16" well located in the pump house just west of the small storage pond north of Chaparral Road. The well and pond appear to be the delivery system for water right license 63-03004, a 25 acre irrigation right.

License 63-03004 and its associated adjudication claim A63-03004 list ground water (previously a sump, now a drilled well, presumably the 16" one) diverted in SESE Sec. 34 to irrigate 25 acres in NESE, SWSE and SESE Sec. 34. That location covers at least some land north of the creek. However, I found the 16" well in the SENWNE Sec. 3 and wheel lines for 25 irrigated acres south of the creek near your home. Unless the field visit overlooked significant details, it appears that the well and acres are served by 63-03004, a right for which locations have changed over time.

If the change occurred prior to the November, 1987 commencement of the Snake River Basin Adjudication, claim A63-03004 should be amended to reflect the change by using the information on the attached map. If the change happened after November, 1987 an application for transfer is the proper water right procedure to use to record a change. Amendments of adjudication claims do not require fees and advertising but transfer applications cost $100 and must be advertised. This office can assist you in recording the corrected details.

Water right application 63-11995 shows that the well for 63-03004 will be used to irrigate 195 acres. The application includes a well in SESE Sec. 34 and the 25 acres assumed to be covered by redescribing the current use of license 63-03004. Overlapping acres from the same well cannot be listed under both rights since the older right 63-03004 already provides the full amount of water allowed from a source for irrigation (.02 cfs or one miner's inch per acre).

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Therefore, application 63-11995 should be amended to change or add a point of diversion for the 16" well now found in SENWNE Sec. 3. Also, the application should be reduced by the 25 acres under 63-03004. This will result in an amended filing for 170 acres. Enclosed is a partially completed amendment application for your consideration. The amendment fee is $50 and the altered filing must be re-advertised in the local legal notices.

Please contact me at your convenience if you think anything in this letter is in error. The completed amendment with fee can be returned to me. I can also assist you in updating license 63-03004. A response within 30 days would be appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Amendment Application and Map

c: Terry Scanlan, Consultant
Wilfred Stenerson and Terry Jensen, Interested Parties
John Westra and Lori Graves, IDWR

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JUN 29 1995

MEMORANDUM

TO: DAVE TUTHILL

FROM: STEVE LESTER

DATE: SEPTEMBER 29, 1994

RE: COMPLAINTS ABOUT MARK LYNN'S WELL(S)

****

I made a field inspection today accompanied by consultant Terry Scanlan. We met briefly with ranch employee Jerry Miller, who filled in gaps in our understanding of what was observed.

Several wells were inventoried along with uses per well. There does not appear to be any water right violations associated with this site. Minor differences were found between existing rights/claims and observed practices, but these details can be addressed in SRBA review in the future (redescribe rights).

Details of the inspection are presented in the attached notes. The property is located in T5N, R1W, S.3 and 4 (Ada County) and T6N, R1W, S.34 and 35 (Gem County). Related water rights include licenses 63-03004, 63-08044, and 63-10775 (SRBA claim not required for 63-10775), and applications 63-11995 and 63-11996.

Appears from appl. 63-11995 that existing 16" well from 63-03004 will be used and perhaps replaced in the process of developing new right. The 16" well was found in the SENWNE S. 3 so the application should be amended to change the P/D or at least include this P/D location. Letter will be sent to applicant to notify him about this. Sent 9/30

A copy of this memo is filed in region's Complaints-1994 file, while the original with field notes can be filed in 63-11995.

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Field Notes 9/29/94 Lynn ← Compl.s.t

Found 3 wells (plus folds & 4th well for trailer).
" 1 field w/ wheel lines, ~ 25 acres.
" several field, dryland crops.
Also see 7½' ortho & 1987 ASCS photo (part of property).

(1) NEW D/I well for home in dryland crop field - Home at 4100 Chaparral Rd for M. Lynn's father.
8" well.
D.P. 63-93-W-0182 Bill Doty drilled.
Use within D/I limits.
✓ Note - D.P. change - legal to SWSW 5.35

(2) NEW D/I well for home in irrig. field - Home at 4500 Chap. Rd for M. Lynn.
8" well, use within D/I limits.
D.P. 63-93-W-0619 Bill Doty Drilled.
✓ Note - D.P. change - legal to NENE 5.3 / SESE 5.34 on/near line.
- 8" not 12" csg.
- Street address from 6500 to 4500
- Csg. depth ≤ total depth, not vice versa

See (3) for irrig pld

(3) Old well in pumphouse just west of regulating pond.
16" csg., pumps to pond, then pumped to wheel lines (see cross-hatch area on ortho for this field).
Pond ~ ½ acre, several ft. deep so ≤ ( ) capacity estimated.

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JUN 29 1995

Was told well not very effective which is why have regulating pond.
More on W.R. re this well after ④

④ Did not see but was told re D/I well in p'house near ③. ④ is for nearby trailer. Use within D/I.

THE ONLY WELL IRRIG. SIGNIFICANT ACRES is 16" well/pond system in SENWNE 5.3.
APPEARS THAT THIS WELL & FIELD WITH WHEELLINES IS 63-03004. 63-08044 & 63-10775 ARE other wells for separate but nearby acres.

2 other 6" wells #4 plus another one - See exam report 10775. →

63-03004 found (.50 cfs for 25 acres):
16" well SENWNE 5.3
.5 x 1.9835 → 1.0 af/day.
Pond ≤ 1 Ac. Ft. No storage N/A. ← Pond site shows up on 1987 aerial photo
Lands are south of creek.
Approved acres/QQ:

5. 3	NENE	9	
	NWNE	6	
5. 34	SWSE	1/2	
	SESE	9	
5. 35	SWSW	1/2	
		25	total

SRBA claimant - to claim actual flow rates & actual p'd.

Lic - g.w. "Source is Spring on Willow Ck."
SRBA - states 1979 change to existing (16") well.

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JUN 29 1995

Summary

Water Right	Acres	Recorded P/D	Comments
Lic 63-03004	25	SESE 5.34	WR - g.w., sump AJ - 1979 change to drill well (16") Actual location SENWNE 5.3 to change via SRBA, also redescribe acres/qq
Lic 63-08044	1	NWNE 5.3	WR + AJ location agree
Lic 63-10775	.2	"	AJ N/A, 2 wells both 6", 1 from -8044 + 2nd well *
Appl. 63-10995	195	SESE 5.34	Exist. 16" well from -3004? Perhaps replace with new one? Amend appl. to include NENE s/w NWNE 5.3?
Appl. 63-11996	183	NWNE 5.3	2 Exist. 6" wells from -8044 + -10775

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* one of these 2 wells = (4) on inventory.

Freezeout Hill

Gulch

Jackass

GREEN
Acres = 63-11995

Pink
Acres = 63-11996

GEM CO
ADA CO

Lot 1

5W

5W

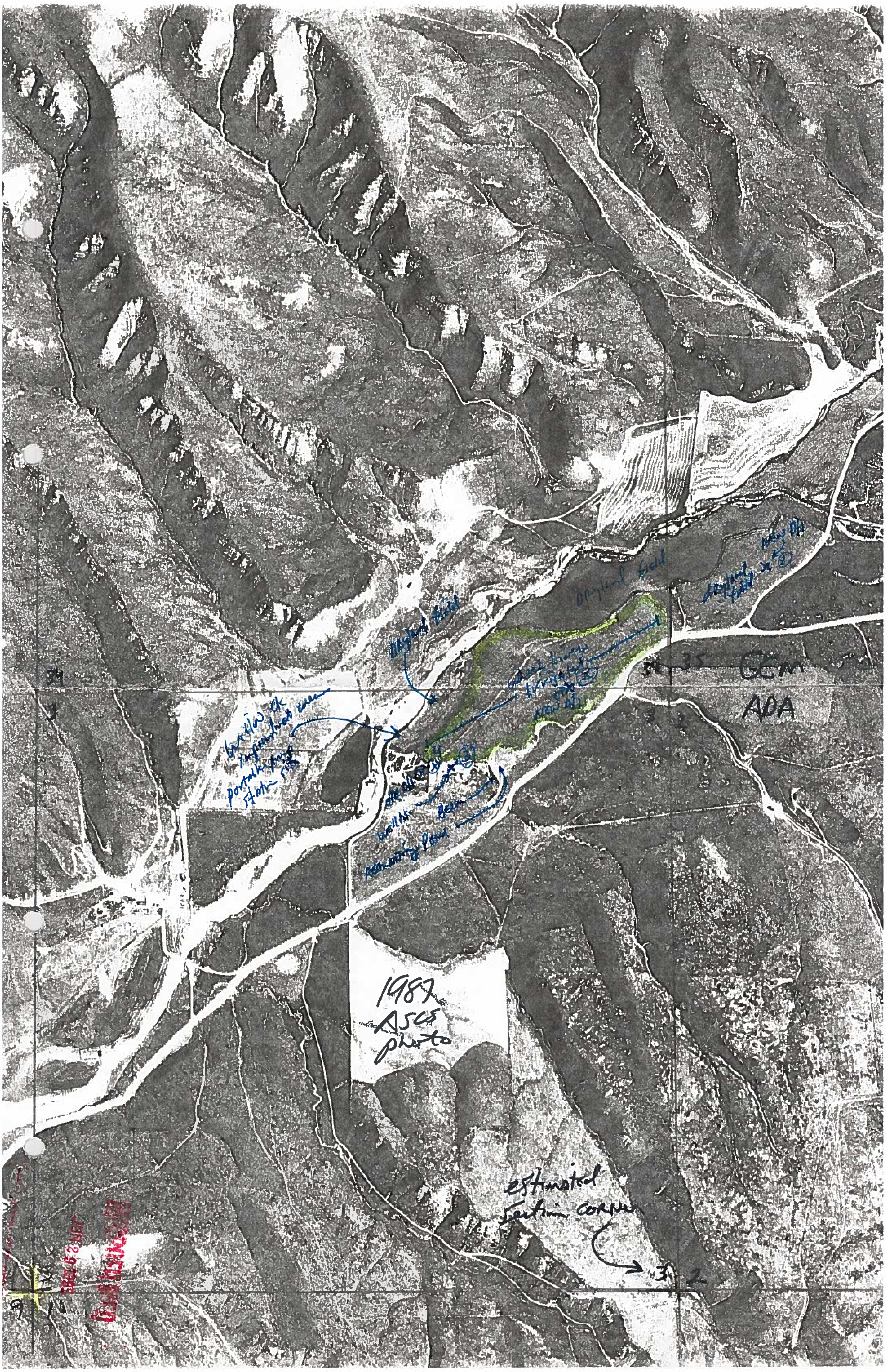
1W

9/29/94

Jerry Stanko-Lynn Consult.
Jerry Miller-Lynn Engineers

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JUN 29 1995

T
T


1989
ASCS
photo
estimated
Section corner
CCM
ADA
Original field
Original field

238(4)-1
5/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 63-93-W-0182-000 OTHER APPLICABLE NO: —

2. OWNER: Mark Lynn Phone: 377-3066 (offic)
Address: 4831 Skyline Dr. Eagle ID 83616

3. WELL LOCATION: Twp 6N, Rge. 1W, Sec. 35, SW 1/4 SW 1/4
County 9em (Provide sketch map and photo on reverse.)
SEE REMARKS

4. DRILLER: Bill Doty Lic. No. 42
When Drilled? 4/19 - 6/5 1993

5. WELL CONSTRUCTION:
Casing Diameter 8 inches Water tight cap? [✓] Yes [ ] No Access Port: [✓] Yes [ ] No (Removable cap)
Casing ≥ 12 inches above ground? [✓] Yes [ ] No - Describe
Depth of Casing 540 ft. Method Drilled Rotary
Condition of Well Casing: [✓] Good [ ] Fair [ ] Poor Describe
Control Valve? [ ] Yes [✓] No Pressure Gauge: [ ] Yes [✓] No
Condition of Piping and Valving
Auger to a depth of ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction 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 400 ft. Water Temperature Cold °F
Flowing Artesian [ ] Yes [✓] No Pressure: (psi)
Water Sample Taken? [ ] Yes [✓] No If yes, describe purpose
Water Quality Measurements/Observations (Describe)

7. WELL USE: for 4100 Chaparral Rd.
[✓] Domestic [ ] Irrigation [ ] Stock
[ ] Test [ ] Municipal [ ] Industrial
[ ] Abandoned [ ] Waste Disposal/Injection [ ] Not Used
[ ] Other:

JUN 29 1995

238(4)-1
5/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 63-93-W-0619-00 OTHER APPLICABLE NO: —

2. OWNER: Mark Lynn / Lynn Valley Ranch Phone: 377-3066
Address: 4500 Chaparral Eagle ID 83616

3. * WELL LOCATION: Twp 6N, Rge. 1W, Sec. 34, SE 1/4 SE 1/4
County Ada/Gem (Provide sketch map and photo on reverse.)
ON/near county line & section line
See Remarks

4. DRILLER: _____ Lic. No. _____
When Drilled? _____

5. WELL CONSTRUCTION: Removable csp
Casing Diameter 8 inches Water tight cap? [x] Yes [ ] No Access Port: [x] Yes [ ] No
Casing ≥ 12 inches above ground? [x] Yes [ ] No - Describe _____
Depth of Casing ~600 ft. Method Drilled Air rotary
Condition of Well Casing: [x] Good [ ] Fair [ ] Poor Describe _____
Control Valve? [ ] Yes [x] No Pressure Gauge: [ ] Yes [x] No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction problems that may be a source for contamination or waste of water?
[ ] Yes [x] No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:
Depth to Static Water 395 ft. Water Temperature cold °F
Flowing Artesian [ ] Yes [x] No Pressure: _____ (psi)
Water Sample Taken? [ ] Yes [x] No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE: 4500 Chaparral
[x] Domestic [ ] Irrigation [ ] Stock
[ ] Test [ ] Municipal [ ] Industrial
[ ] Abandoned [ ] Waste Disposal/Injection [ ] Not Used
[ ] Other: _____

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* SE/or 5N 1W 5.3 NENE

WELL DRILLING PERMIT QUERY

SD-0641-2 Last Name: LYNN
Basin Number: 63 Year:

SEL	Name Last, First	Permit Number	Twp	Rng	Sc	1/4	1/4	1/4	Lt	WU	ST	LOG	Approval Date
	LYNN												
	STEVE	63-92-W-0077-000	02N	04W	25		NW	NW		D	P	L	02/27/1992
	MARK	63-89-W-0127-000	05N	01E	30		SE	SW		I	P	L	09/30/1992
	MARK	63-93-W-0619-000	05N	01W	03		SE	NE		D	P	L	07/09/1993
	MARK	63-93-W-0182-000	06N	01W	35		SE	NW		D	P	L	03/22/1993
	DAVID & JOY	63-89-W-0127-000	05N	01E	30		SE	SW		I	P	L	09/30/1992
	LYNN VALLEY RANCH												
		63-93-W-0619-000	05N	01W	03		SE	NE		D	P	L	07/09/1993

Others N/A to 63-11995
11996
area

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

NO Drilling Permits issued for 6N 1W 5.34

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JUN 29 1995

WR5809NP
No. 63-03004

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/20/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT HELMICK	11/04/1954	IRRIGATION	00-00	00-00	0.50 CFS	
			DOMESTIC	00-00	00-00		
					TOTAL DIVERSION:	0.50 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T06N R01W S34 SESE GEM 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	Lt Ac	Lt Ac	SUM
06N	01W	34													05		15	05	25.0
																	TOTAL ACRES		25.0

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

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion and Source:
63-11995

Other Water Rights Listing Overlapping Place(s) of use:
63-11995

Remarks: SOURCE IS SUMP ON WILLOW CREEK.

Dates: App. Received: Priority Date: 11/04/1954
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 04/23/85 05/01/88 CONVERT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	11/04/1954	IRRIGATION	00-00	00-00	0.50 CFS	
C	JOY LYNN		DOMESTIC	00-00	00-00		
	4831 SKYLINE DR						
	EAGLE ID 83616			TOTAL DIVERSION:		0.50 CFS	
	(208) 939-0684						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T06N R01W S34 SESE GEM 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	Lt Ac	Lt Ac	SUM
06N	01W	34													05	15	05		25.0
																	TOTAL ACRES		25.0

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

POU County: GEM

Other Rights: A63-08044, A63-28379, A63-28380, 63-10775

Other Water Rights Listing Overlapping Place(s) of use:
A63-28379 A63-28380

Remarks: EXISTING WELL WAS MODIFIED IN 1979; WILL LIKELY BE ABANDONED AND REPLACED BY NEW WELL IN 1993.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

WR0749NP
No. 63-08044

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/19/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT F. HELMICK P.O. BOX 445 EMMETT ID 83617	10/01/1974	IRRIGATION STOCKWATER DOMESTIC	03-15 01-01 01-01	11-01 12-31 12-31	0.02 CFS 0.05 CFS 0.04 CFS	4.50 AFA 5.40 AFA 0.60 AFA
				TOTAL DIVERSION:		0.05 CFS	10.50 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T05N R01W S03 NWNE ADA 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	Lt Ac	Lt Ac	SUM
05N 01W 3		01															1.0
																TOTAL ACRES	1.0

Place of use Legal Description for: STOCKWATER

	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	Lt Ac	Lt Ac	
05N 01W 2							S										
05N 01W 3			S			S		S									
06N 01W 33														S			
06N 01W 34																S	

Place of use Legal Description for: DOMESTIC

	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	Lt Ac	Lt Ac	
05N 01W 3		D															

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-10775 63-11996

Other Water Rights Listing Overlapping Place(s) of use:
63-03004 63-10775 63-11995

Dates: App. Received: Priority Date: 10/01/1974
Proof Due Date: 11/01/1979 Proof Made Date: 01/01/1900
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 04/12/1982

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/01/88 CONVERT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	10/01/1974	IRRIGATION	03-15	11-01	0.02 CFS	4.50 AFA
C	JOY LYNN		STOCKWATER	01-01	12-31	0.05 CFS	5.40 AFA
	4831 SKYLINE DR		DOMESTIC	01-01	12-31	0.04 CFS	0.60 AFA
	EAGLE ID 83616					---	
	(208) 939-0684			TOTAL DIVERSION:		0.05 CFS	
				CONSUMPTIVE USE:			3.50 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T05N R01W S03 NWNE ADA 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	Lt Ac	Lt Ac	SUM
05N 01W 3		01															1.0
																TOTAL ACRES	1.0

Place of use Legal Description for: STOCKWATER

	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	Lt Ac	Lt Ac	
05N 01W 2							S										
05N 01W 3			S			S		S									
06N 01W 33															S		
06N 01W 34																S	

Place of use Legal Description for: DOMESTIC

	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	Lt Ac	Lt Ac	
05N 01W 3		D															

POU County: ADA

Non-Irrigation Uses: ONE HOUSE, APPROX. 200 HEAD OF CATTLE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of use:
A63-03004 A63-28379 A63-28380

Remarks: This claim the result of change in ownership received 2/25/93.

Dates: Exam Made Date: 09/12/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

WR0749NP
No. 63-10775

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/19/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT F HELMICK 3222 BUTTE RD EMMETT ID 83617-9507	09/08/1989	IRRIGATION	03-15	11-15	0.03 CFS	0.90 AFA
			STOCKWATER	01-01	12-31	0.01 CFS	1.00 AFA
					TOTAL DIVERSION:	0.04 CFS	1.90 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 0.08 CFS

Point(s) of Diversion: T05N R01W S03 NWNE ADA 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	Lt Ac	Lt Ac	SUM
05N	01W	3		.2															0.2
																		TOTAL ACRES	0.2

Place of use Legal Description for: STOCKWATER

			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	Lt Ac	Lt Ac	
05N	01W	3		S	S		S		S	S		S							

Pou County: ADA

Other Rights: 63-08044 & 63-07987

Other Water Rights with Same Point(s) of Diversion and Source:
63-08044 63-11996

Other Water Rights Listing Overlapping Place(s) of use:
63-08044 63-11995 63-11996

Conditions of Approval:
R27 - This right when combined with all other rights shall provide no
- more than 4.5 afa per acre for the lands above.

Remarks: The total combined rate of diversion under this right and
Right 63-08044 shall not exceed 0.08 cfs.
Stockwater use is for 120 range cattle.
Two points of diversion are located within NWNE, S03, T05N, R01W.

Dates: App. Received: 03/01/1989 Priority Date: 09/08/1989 (Priority Date Advanced.)
Proof Due Date: 08/01/1990 Proof Made Date: 02/08/1991 (Proof Received Late.)
Exam Made Date: 09/12/1991 Exam Sent to S.O.: 10/30/1992
Licensed Date: 12/28/1992

Misc: Water District Number: Field Exam Fee: N (Not Required)

See attached exam

NO SRBA claim Req'd.

Audit: 03/21/89 GARRETT 03/29/89 GARRETT 07/19/89 CURTIS 07/25/89 CURTIS
03/11/91 BILBAO 11/04/91 GARRETT 10/30/92 TAYLOR 11/23/92 SKAGGS
12/16/92 SKAGGS

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-10775

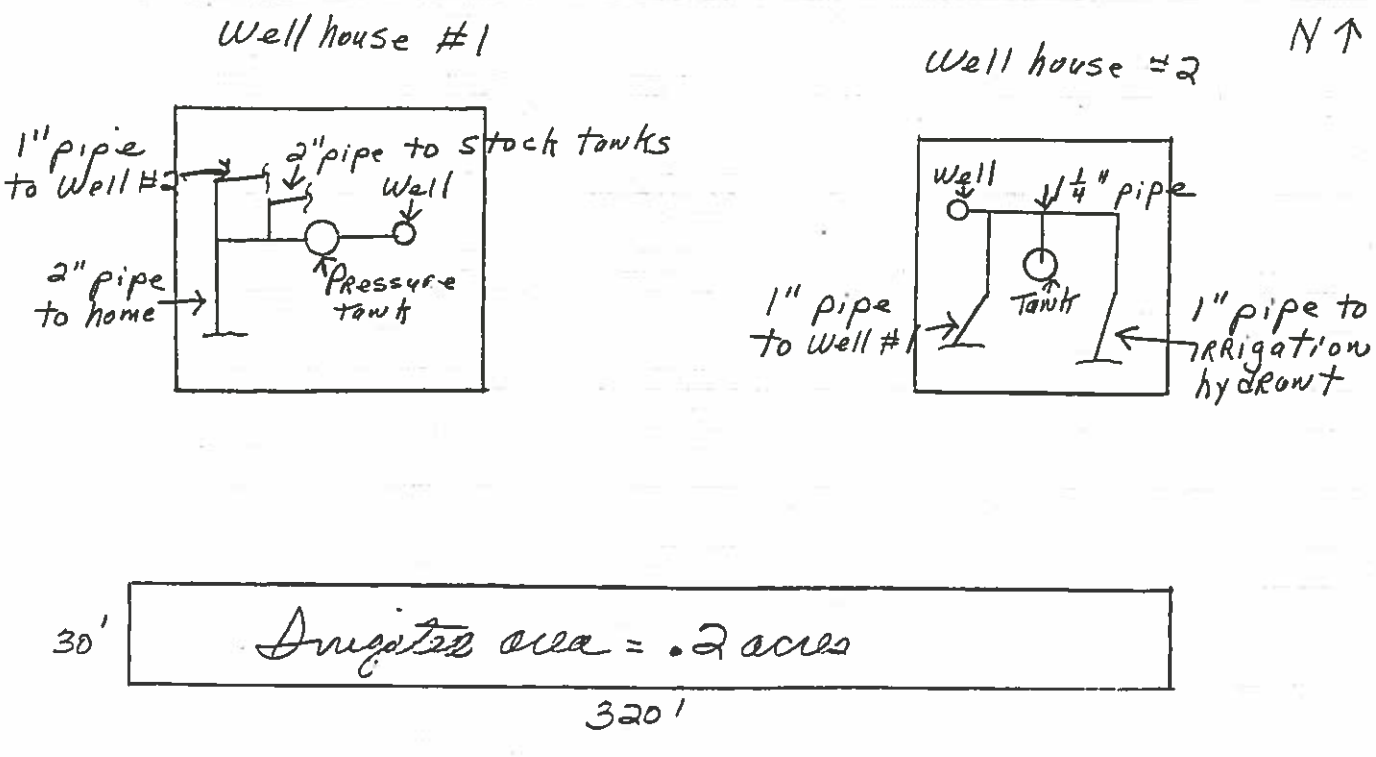
1. Owner: Albert F. Helmick — Phone No. 365-4285
   Current Address: P.O. Box 445, Emmett, Idaho 83617
2. Accompanied by: Tim Helmick & Al Helmick — EXAM. DATE: 9-12-91
   Address: same — Phone No. same
   Relationship to Permit Holder: Son & partner
3. Source: 2-wells groundwater tributary to none

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-8044
   ☒ Copies Attached
2. Other water rights with same point of diversion: 63-8044
   ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = not to scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
   ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Two wells, each with 6" diameter casings and 3 Hp pumps, tie together to provide water for a single domestic use, stockwater and approximately 4 acre of irrigation. Each well is located in a well house and has a pressure tank. A meter, brass pipe from well #2 directs water to house and approx. 200' south for irrigation by hose and sprinkler. A 1 1/4" brass pipe ties the two wells into a single system and a 1" brass pipe delivers water to 6' stock tanks located

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Century	3	272-327703	[illegible]	1 1/4
#2	"	3	[illegible]	"	1 1/4

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	32		NW	NE	3	5N	1W	Ada	On the [illegible] quad map

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.		NE¼			NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	1W	3		S	S		S		S	S		S							.2

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. **Measurements:**

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

#1 $\frac{3 \times 8.8 \times .7}{400 + (2.3 \times 45)} = .04$ cfs #2 $\frac{3 \times 8.8 \times .7}{400 + (2.3 \times 45)} = .04$ cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = .2 x 4.5 = .9 afa

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses: Estimate:

30 hd x 12 gpd x 60 days = 21,600

40 hd x 11 x 365 " = 175,200

50 hd x 11 x 211 " = 126,600

323,400 = 1 afa

H. REMARKS AND OVERLAP REVIEW ANALYSIS

up to ¾ mile from the wells. Pressure readings at the wells registered 45# at #1 and 40# at #2. The diversion rate to the water used 30 head of mixed cows with calves from 4-4 to 5-31, 40 head of mixed heifers year around and 50 head of steers from 10-1 to 5-1. The system also serves a single domestic use.

This permit adds a 2nd well to license 63-8044. Both wells are in the same QQ and 63-8044 covers more irrigation, more stockwater and an additional domestic use than this permit requests. ~~Recommend that a portion of this permit become 63-8044 and the same be provided.~~ The combination of this permit and 63-8044 is limited to the system capacity of .08 cfs

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3-15	11-15	.03	.9 afa
Stockwater	1-1	12-31	.01	1.0 afa
		Totals:	.04	1.9 afa

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

J. AUTHENTICATION

Field Examiner's Name: Melvin T. Schultz

Signature: Melvin T. Schultz

Certification Date: 2/11/92

Field Report Preparation Date: 12-13-91

PROFESSIONAL ENGINEER REGISTERED DAVID R. TUTHILL 3909 10/23/92 STATE OF IDAHO

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.


Jackass
Willow
PERMIT 03-1077S INIT
T. R. S. Q/Q
T/D 5N 1W 3 NWNE
SCALE
PHOTO ID. W57

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name ALBERT HELMICK

Address CHAPARRAL RD.

Owner's Permit No. ______

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 440 feet

Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
.025 inches	6 inches	0 feet	432 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☒ Yes ☐ No

How perforated? ☒ Factory ☐ Knife ☐ Torch

Size of perforation 1/16 inches by 3 inches

Number		From	To
	perforations	feet	440 feet
	perforations	feet	feet
	perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ______

Type ______ Model No. ______

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel ______

feet

7. WATER LEVEL

Static water level 375 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ______

Temperature ____ °F. Quality ______

Artesian closed-in pressure ______ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
30		

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material
6	0	80	HARD SAND
	80	100	LOOSE SAND
	100	230	SAND & COARSE SAND
	230	240	BROWN CLAY
	240	375	COARSE SAND
	375	440	COARSE SAND
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	
		20 FT.	PERFORATED 5" CASING
		1/5	BY 3 PERFORATIONS
[redacted]		[redacted]	
[redacted]	[redacted]	[redacted]	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	01/01/1900	IRRIGATION	03-15	11-15	1.86 CFS	
C	JOY LYNN		STOCKWATER	01-01	12-31	0.09 CFS	
	4831 SKYLINE DR						
	EAGLE ID 83616				TOTAL DIVERSION:	1.95 CFS	
	(208) 939-0684						

Water Source: WILLOW CREEK Tributary to: BOISE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion:	T05N R01W	S03	SWNW	ADA County
		S04	SESE	ADA County
	T06N R01W	S34	SESE	GEM County
		S35	SWSW	GEM County
Point(s) of Beginning Stream Reach:	T05N R01W	S03	NWSWNE	ADA County
		S04	NWSESE	ADA County
Point(s) of Ending Stream Reach:	T05N R01W	S03	SESWNW	ADA County
	T06N R01W	S35	NWSWSW	GEM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
05N	01W	3		15			10												25.0
06N	01W	34													10		18	25	53.0
06N	01W	35											15						15.0
																	TOTAL ACRES		93.0

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

POU County: ADA, GEM

Non-Irrigation Uses: S/400 RANGE, INSTREAM STOCKWATER

Other Rights: A63-03004, A63-08044, 63-10775

Other Water Rights with Same Point(s) of Diversion and Source:
A63-28380

Other Water Rights Listing Overlapping Place(s) of use:
A63-03004 A63-08044 A63-28380

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	03/01/1940	IRRIGATION	03-15	11-15	6.20 CFS	
C	JOY LYNN		STOCKWATER STORAGE	01-01	12-31		2.50 AFA
	4831 SKYLINE DR		DIVERSION TO STORAGE	01-01	12-31	0.50 CFS	
	EAGLE ID 83616				TOTAL DIVERSION:	6.20 CFS	2.50 AFA
	(208) 939-0684						

Water Source: WILLOW CREEK Tributary to: BOISE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion:

T05N R01W S03	SWNW	ADA County
S04	SESE	ADA County
T06N R01W S34	SESE	GEM County
S35	SWSW	GEM 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	Lt	Ac	SUM
05N	01W	2											15		05																		20.0
05N	01W	3		35		20		15		10					05					20													105.0
05N	01W	4						02		15									40							30		40		01		30	158.0
06N	01W	34																													02		10	12.0
06N	01W	35																				15												15.0
																																TOTAL ACRES		310.0

POU County: ADA, GEM

Non-Irrigation Uses: D/400 RANGE

Other Rights: A63-03004, A63-08044, A63-28379, 63-10775

Other Water Rights with Same Point(s) of Diversion and Source:
A63-28379

Other Water Rights Listing Overlapping Place(s) of use:
A63-03004 A63-08044 A63-28379

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
63-93-W-0182-000	O	MARK LYNN 4831 SKYLINE DR EAGLE, ID 83616 (208) 939-0684	06N	01W	35	SE NW		GEM

Subdivision Location and Description:
Subdivision Name:
Well Site Address:
City, State:
Lot(s):
Block(s):

Geographic Location:
Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Domestic
Proposed Casing Diameter: 8 In.
Proposed Depth: 600 Ft.

Well Use Comments:

Driller License No: 0042
Firm Name: BILL DOTY DRILLING CO INC
Official: WILLIAM H DOTY JR

Permit Status: Permit

Verbal Issue Date:	03/18/1993
Date Received:	03/18/1993
Date Approved:	03/22/1993
Proposed Start Date:	04/20/1993
Extension Date:	
Extension Expiration:	

Receipt No.	Receipt Date	Fee
W016046	03/22/1993	$ 35.00
	NOT ON FLE	
	NOT ON FLE	
	NOT ON FLE	
	NOT ON FLE	

Specific Conditions:

Permit Remarks: Legal description changed by owner's information provided to driller after verbal was orignally obtained. Driller called in new information 4-19-93 and database was updated by SL: was 5N 1W S3 SENE Ada County, near Chaperral Road; basin no. does not change; construction start date changed to 4-20-93.

Conditions of Approval:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 63-93-W-0182-000
Water Right No:
Injection Permit No:

Nature of Work: NEW WELL
Construction Method: ROTARY
Number of Monitor Wells:

Casing Diameter:	8	In.	Static Water Level:	400	Ft.	Actual Start Date:	04/19/1993
Depth of Casing:	540	Ft.	Temperature:		F.	Well Finish Date:	06/05/1993
Total Depth:	580	Ft.	Production Rate:	40.00	GPM	Log Received Date:	06/23/1993
Screen Installed?	No					Certification Date:	06/17/1993
						Field Inspection Date:	Inspector:

Well Log Remarks: CASING: STEEL .250 8" FROM +1 TO 480 FT.

WELL DRILLER'S LOG REPORT: Permit No. 63-93-W-0182-000 (cont'd)

Well Log Remarks: .250 6" FROM +2 TO 540 FT.
SURFACE SEAL 40 FT.

DEPARTMENT OF WATER RESOURCES
WELL DRILLING PERMIT NUMBER INDEX

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
63-93-W-0619-000	O O	MARK LYNN LYNN VALLEY RANCH 6500 CHAPARRAL EAGLE, ID 83616 (208) 377-3066	05N	01W	03	SE NE		ADA

Subdivision Location and Description:
Subdivision Name:
Well Site Address: 6500 CHAPARRAL RD
City, State: EAGLE, ID
Lot(s):
Block(s):

Geographic Location:
Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Domestic
Proposed Casing Diameter: 8 In.
Proposed Depth: 600 Ft.

Well Use Comments:

Driller License No: 0042
Firm Name: BILL DOTY DRILLING CO INC
Official: WILLIAM H DOTY JR

Permit Status: Permit

Verbal Issue Date:	07/09/1993
Date Received:	07/12/1993
Date Approved:	07/09/1993
Proposed Start Date:	07/10/1993
Extension Date:	
Extension Expiration:	

Receipt No.	Receipt Date		Fee
W016450	06/29/1993	$	105.00
	NOT ON FLE		
	NOT ON FLE		
	NOT ON FLE		
	NOT ON FLE		

Specific Conditions:

Permit Remarks: VERBAL GIVEN BY ROB
PERMIT STATES: TOWNSHIP 06N SECTION 35
LOG STATES: TOWNSHIP 05N SECTION 03

Conditions of Approval:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 63-93-W-0619-000
Water Right No:
Injection Permit No:

Nature of Work: NEW WELL
Construction Method: AIR ROTARY
Number of Monitor Wells:

Casing Diameter:	12	In.	Static Water Level:	395	Ft.	Actual Start Date:	07/10/1993
Depth of Casing:	623	Ft.	Temperature:		F.	Well Finish Date:	10/18/1993
Total Depth:	620	Ft.	Production Rate:		GPM	Log Received Date:	11/15/1993
Screen Installed?	Yes					Certification Date:	11/01/1993
						Field Inspection Date:	Inspector:

Well Log Remarks: CASING: STEEL .250 FROM +1 TO 79 FT.
.250 FROM +2 TO 551 FT.

WELL DRILLER'S LOG REPORT: Permit No. 63-93-W-0619-000 (cont'd)

Well Log Remarks: FROM 523 TO 543 FT.
FROM 573 TO 623 FT.
SEAL PROCEEDURES: FROM 200 TO 170 FT. BENTONITE AND CEMENT
FROM 170 TO 150 FT. BENTONITE AND CEMENT
FROM 150 TO 140 FT.
SURFACE SEAL AROUND 12" TO 20 FT.
SCREEN USED TYPE-304 6" DIAM. SLOT 40 FROM 543 TO 563 FT.
6" DIAM. SLOT 30 FROM 563 TO 573 FT.
GPM STATES: NO TEST

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	02/25/1993	IRRIGATION	03-15	11-15	2.00 CFS	
C	JOY LYNN						
	4831 SKYLINE DR				TOTAL DIVERSION:	2.00 CFS	
	EAGLE ID 83616						
	(208) 939-0684						

Water Source: GROUNDWATER Tributary to: Stage: APPLICATION

Point(s) of Diversion: T06N R01W S34 SESE GEM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
05N	01W	2						15	05										20.0
05N	01W	3	35	35	15	10	10												105.0
06N	01W	34													05		05	30	40.0
06N	01W	35											30						30.0
																TOTAL ACRES			195.0

Pou County: ADA, GEM

Other Water Rights with Same Point(s) of Diversion and Source:
63-03004

Other Water Rights Listing Overlapping Place(s) of use:
63-03004 63-08044 63-10775

Dates: App. Received: 02/25/1993 Priority Date: 02/25/1993
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/25/1993 User-ID: HODGES Subject: SUPPLEMENTAL USE
Use is supplemental to Willow Creek right as claimed under A63-28379 and A63-28380.

Date: 02/25/1993 User-ID: HODGES Subject: EXISTING WELL
A 16" well exists under 63-03004. That well will likely be abandoned and replaced during 1993 for use under 63-03004 and this permit on separate acres.

Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM

Comments: Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM
Application processed now due to Attachment A, an analysis that suggests grond water is tribuatry to Basin 65 instead of Basin 63. Processing approved by DRT 9/6/94. Also see similar appl. for nearby well & acres, 63-11996.
Although each application is for amount less than those that require large diversion suppl. analysis, the combined package is for considerably more than 200 acres. This is an example of a situation where the package should trigger the add'tl. info. need instead of looking at the filings separately. Perhaps a revision of the statute is needed or IDWR should review its interpretation of the statute for similar scenarios.

Audit: 02/25/93 HODGES 09/07/94 SLESTER

WR0749NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 09/19/94
No. 63-11996 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	D MARK LYNN	02/25/1993	IRRIGATION	03-15	11-15	2.00 CFS	
C	JOY LYNN						
	4831 SKYLINE DR				TOTAL DIVERSION:	2.00 CFS	
	EAGLE ID 83616						
	(208) 939-0684						

Water Source: GROUNDWATER — Tributary to: — Stage: APPLICATION

Point(s) of Diversion: T05N R01W S03 Lot 02(NWNE) — ADA 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	Lt Ac	Lt Ac	SUM
05N	01W	3							05			20							25.0
05N	01W	4			02	15					40				30	40	01	30	158.0
																TOTAL ACRES			183.0

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:
63-08044 63-10775

Remarks: Two points of diversion located within NWNE Section 3, T05N R01W.

Dates: App. Received: 02/25/1993 Priority Date: 02/25/1993
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/25/1993 User-ID: HODGES Subject: SUPPLEMENTAL USE
Use is supplemental to Willow Creek rights as claimed under A63-28379 and A63-28380.

Date: 02/25/1993 User-ID: HODGES Subject: EXISTING WELLS
Two wells exist under 63-08044 and 63-10775. Use is on separate acres.

Date: 09/07/1994 User-ID: SLESTER Subject: MORATORIUM
See Comments in similar application 63-11995. Processed as likely exemption to moratorium per Attachment A in that other filing.

Audit: 02/25/93 HODGES 03/09/93 GARRETT 09/07/94 SLESTER

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SEP 28 1994
WATER RESOURCES
WESTERN REGION

September 26, 1994

Director R. Keith Higginson
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Sir;

This is an official protest to Water Right Application #63-11995 submitted to by Mark D. Lynn and Joy Lynn based on 42-303A Idaho Code.

I am a land owner one mile north of the Lynns' and have two underground irrigation water rights which will be highly affected of this water right is granted. I irrigate 160 acres, but only until about July 1. The last four years, the water table has been about 100 feet below normal, due to the extreme drought, and the acquafer is reduced about half.

This acquafer does not fill from the Boise or Payette Rivers. It fills strictly from Pearl Mountains and HorseshoeBend Summit.

If there is not an adequate snowfall of two feet or more, and normal rainfall, this acquafer is very limited on water. Under normal conditions the acquafer would not produce this much water. The ground consists of heavy clay beds and very fine sand in between and the water moves very slowly.

Yours truly,

Donald B. Jensen

Donald B. Jensen
8661 W. Beacon Lt. Rd.
Star, Idaho 83669

MICROFILMED
JUN 29 1995

CONVERSATION MEMORANDUM

DATE 9/20/94

FILE Complaint

NAME OF PARTY Mark Lynn

EMPLOYEE Steve Lester

RE:

939-0684 not in Service

377-3066 office # (Lynn Industries)
Back on Fri 9/23
left msg to call me

Need site visit to see wells is living use.

9/22/94 Returned my call

Site visit Appt. 9:00 Thurs 9/29

Hwy 45, 2½ mi. East on Chappel Rd to #4050 mail box. Meet there

9/20/94 Terry Scanlin called - he will fill in for Mark Lynn.

Protests 63-11995 + 63-11996 ?

Check well p.w. on Thurs

MICROFILMED

JUN 29 1995

Complaint

JUN 2 9 1995

MEMORANDUM

DATE 9/19/94

FILE

W. Stenerson*, owner Half way Village

EMPLOYEE J.F.W., Western Reg

RE: Complaint against Mark Lynn, groundwater diversion.

Mr. Stenerson has submitted a written complaint against Mark Lynn for groundwater diversions along Willow Creek above the Chapparel Subdivision. The wells recently drilled (attached copies) are for domestic use. Dry land is being irrigated. Wells downstream are being affected along Willow Creek.

9/19/94 - Telephone

Terry Jensen, Pres of Chapparel Subdivision, called also to voice protest against Mr Lynn's irrigation. She indicated, he was pumping into a pond. The subdivision will be filing a complaint also.

Terry Jensen
8968 Deer Lane
Eagle ID 286-7049

- Appears to be a number of wells and water rights - (attached)
- Now apps being advertized - 63-11996 > Exempt Moratorium
  63-11995 / Payette

* W. STENERSON - See attached address

JUN 2 9 1995

To Water Res-

I Wilford W Stenerson
owner of Halfway Village

and under signed here By
protest the actions and uses of
Water By. Mark - Lynn -

Sec - 9 - 5 nth 1 w -

Wilford W Stenerson

9 - 19 - 94 -

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SEP 19 1994
WATER RESOURCES
WESTERN REGION

~~1000570~~

Address: LD, 570 Hwy 16
Emmett ID.
286-7118

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JUN 29 1995

MAILING to W. STENERSON ("Halfway Village")

Mailed 9/30/94 copy of letter to him per address he provided, returned, no such #.

BJCI, WRCI STENERSON, HALFWAY VILLAGE, BS. 63, BS. 65:

Only 63-04571 (different area, gives him w/ Placerville address)

Telephone books - name not found Boise etc., Emmett etc.

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10/5/94

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

BOISE 83705370A 09-30-94 2032

RETURNED TO SENDER
VED, LEFT NO ADDRESS
FORWARDING ORDER EXPIRED
ATTEMPTED NOT KNOWN
UNCLAIMED ☐ REFUSED
NO SUCH STREET
O SUCH NUMBER
INSUFFICIENT ADDRESS

BOISE SEP 30'94 IDAHO
U.S. POSTAGE
PB METER 1801403
= 0.29

Wilfred Henderson
10570 Hwy 16
Emmett, ID 83617

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OCT 05 1994
WATER RESOURCES
WESTERN REGION

JUN 29 1995

WRCI 63-04571 Different man, same name - Placerville Adams

AJCI - Ø

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 30, 1994

Mr. Mark Lynn
4831 Skyline Dr.
Eagle, ID 83616

Re: Application for Permit No. 63-11995 and Adjudication Claim No. A63-03004

Dear Mr. Lynn:

I met with your consultant, Terry Scanlan, yesterday and we toured the site around your home on Chaparral Road. We did not find water uses exceeding any approved water rights as alleged in complaints received at this office. The enclosed map outlines the area in question.

However, some variations were noted between actual practices and recorded water rights. The differences concern the 16" well located in the pump house just west of the small storage pond north of Chaparral Road. The well and pond appear to be the delivery system for water right license 63-03004, a 25 acre irrigation right.

License 63-03004 and its associated adjudication claim A63-03004 list ground water (previously a sump, now a drilled well, presumably the 16" one) diverted in SESE Sec. 34 to irrigate 25 acres in NESE, SWSE and SESE Sec. 34. That location covers at least some land north of the creek. However, I found the 16" well in the SENWNE Sec. 3 and wheel lines for 25 irrigated acres south of the creek near your home. Unless the field visit overlooked significant details, it appears that the well and acres are served by 63-03004, a right for which locations have changed over time.

If the change occurred prior to the November, 1987 commencement of the Snake River Basin Adjudication, claim A63-03004 should be amended to reflect the change by using the information on the attached map. If the change happened after November, 1987 an application for transfer is the proper water right procedure to use to record a change. Amendments of adjudication claims do not require fees and advertising but transfer applications cost $100 and must be advertised. This office can assist you in recording the corrected details.

Water right application 63-11995 shows that the well for 63-03004 will be used to irrigate 195 acres. The application includes a well in SESE Sec. 34 and the 25 acres assumed to be covered by redescribing the current use of license 63-03004. Overlapping acres from the same well cannot be listed under both rights since the older right 63-03004 already provides the full amount of water allowed from a source for irrigation (.02 cfs or one miner's inch per acre).

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Therefore, application 63-11995 should be amended to change or add a point of diversion for the 16" well now found in SENWNE Sec. 3. Also, the application should be reduced by the 25 acres under 63-03004. This will result in an amended filing for 170 acres. Enclosed is a partially completed amendment application for your consideration. The amendment fee is $50 and the altered filing must be re-advertised in the local legal notices.

Please contact me at your convenience if you think anything in this letter is in error. The completed amendment with fee can be returned to me. I can also assist you in updating license 63-03004. A response within 30 days would be appreciated.

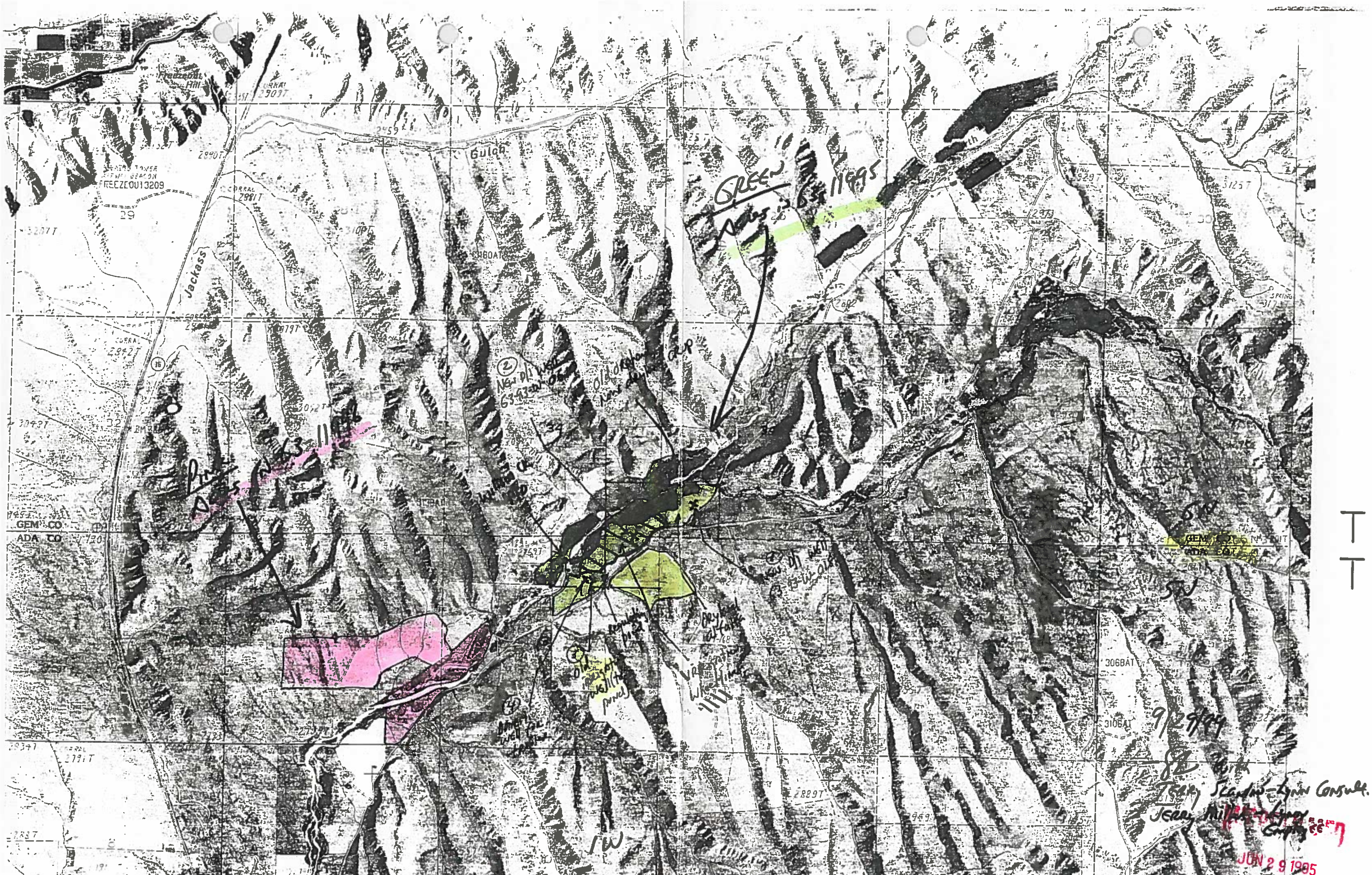
Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Amendment Application and Map

c: Terry Scanlan, Consultant
Wilfred Stenerson and Terry Jensen, Interested Parties
John Westra and Lori Graves, IDWR

JUN 2 9 1995


Freezeout Hill
FREEZEOUT3209
Gulch
Jackass
GEM CO
ADA CO
GREEN
JUN 29 1995
JUN 29 1995

10/90

~~493 SUPPLEMENTAL~~

~~Hook~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: G DATE: 3/3/93 APPLICATION: 63-11995

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:
- ✓ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ✓ Fee:
- ✓ Yes ____ No* In form to receipt:

Gov't. Lots:
- ✓ P/D
- ✓ P/U

ADDITIONAL INFORMATION

YES	NO	
✓		Overlapping place of use: (Describe source & relationship to present application on the back.)
✓		Overlapping point of diversion:
		Field check required: Field check by: _____
	✓	Field report attached:
	✓	Critical groundwater area:
	✓	Groundwater management area:
*	✓	1992 moratorium
	✓	Diversion within interim protected river area
	✓	Send dam safety information:
	✓	Send power requirement letter:
	✓	Send fish farm requirement letter:
	✓	Power residency affidavit:
	✓	Power efficiency form:
	✓	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
	✓	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

_____ DATE REQUESTED: _____

✓ ___ Additional information on reverse side:

* Advertised as possible exception to moratorium per Attachment A

-SL 9/7/94

PROCESSING

APPLICATION NO. 63-11995

YES NO

✓ — In form for advertising:
— ✓ Statewide advertising:
✓ — Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

— ✓ I.D. Health and Welfare
— ✓ I.D. Fish and Game
— ✓ I.D. Lands
— ✓ Adjudication Bureau

YES NO

— ✓ U.S. BLM
— ✓ U.S. Forest Svc.
— ✓ Water Dist. # _____
— ✓ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

✓ — Affidavit of publication received:
— — Application published correctly: If not, record action taken.

_____

_____

_____

— — Publication dates and paper recorded on application:
— — Protests received. Final date for protest 10-3-94
— — Protest dates, resolution of protest recorded on application:
— — Recommendations attached:
— — Measuring device required:
— — Measuring port required:
— — Water delivered by water master? District # _____
— — Special conditions of approval or cover letter: _____

_____

_____

_____

— — See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date _____

STATE OFFICE REVIEW

_____

_____

___ See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

overlaps: P/D 63-03004-GW * P/U 63-08044-GW 1 ac / mostly stock use
63-10775-GW 4 ac / mostly stock use
* 63-03004-GW - same well separate acres

* per amended A63-03004 - that is different well. Applicant proposes new well to drill for new acres in Application.

-JL 11/17/94

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SEP 2 3 1994
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Ginger Johnson being first duly sworn, on her oath deposes and says that she is the clerk of the Messenger Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of Messenger Index for two consecutive weekly issues thereof, beginning with the issue of 9.14, 1994, and ending with the issue of 9.21, 1994

Ginger Johnson

Subscribed and sworn to me this 21st day of September 1994

Jeanne Lusk
Notary Public
Residing at Emmett, Idaho

My Commission Expires _____ MY COMMISSION EXPIRES JUNE 21st, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11995

LYNN, D MARK
LYNN, JOY
4831 SKYLINE DR
EAGLE, ID 83616
Source: GROUNDWATER
Diversion Pt: SESE Sec 34 T 06N R 01W in GEM County.
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 2/25/1993
In: ADA County
T05N R01W S02 NWNW SWNW S03 NENE NWNE SWNE SENE
In: GEM County NENW T06N R01W S34 NESE SWSE SESE S35 SWSW
195.0 ACRES TOTAL

Application appears to be exempted from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

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 OCTOBER 3, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON,
Director

Pub.: 9 -14, 21,1994
Legal Notice No. 2008
Published in the Messenger Index

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JUN 2 9 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 3, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

D Mark and Joy Lynn
4831 Skyline Dr
Eagle ID 83616

Re: Applications for Permit 63-11995, 63-11996

Dear Applicants:

Your recent applications for permit to appropriate ground water for irrigation use were received on 02/25/1993.

Due to the continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium 5/15/1992 concerning water right applications proposing new consumptive uses of public water. Since you propose to divert ground water for supplemental use only, your proposals may qualify for year by year exemption. However, action for the 1993 irrigation season has yet to be determined by the director and until then we cannot process your applications for permit. Delays related to department decisions do not effect the date of priority or seniority of your applications.

This office will hold the applications pending future developments in the water supply situation and will inform you of any changes.

Sincerely,

Lori A. Graves
Sr. Water Resource Agent

MICROFILMED
JUN 2 9 1995

63-11995

LYNN, D MARK
LYNN, JOY
4831 SKYLINE DR
EAGLE, ID 83616

Source: GROUNDWATER

Diversion Pt: SESE Sec 34 T 06N R 01W in GEM County.

Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 2/25/1993

In: ADA County					
T05N R01W S02	NWNW	SWNW			
S03	NENE	NWNE	SWNE	SENE	
In: GEM County					
	NENW				
T06N R01W S34	NESE	SWSE	SESE		
S35	SWSW				

195.0 ACRES TOTAL

Application appears to be exempted from drought moratorium due to ground water that is most likely tributary to Payette River Basin instead of Boise River Basin.

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