

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11996

Priority: February 25, 1993

Maximum Diversion Rate: 2.00 CFS

It is hereby certified that D MARK LYNN And/Or JOY LYNN
4050 CHAPARRAL
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

IRRIGATION

PERIOD OF USE

03/15 to 11/15

DIVERSION RATE

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	11.0										21.0
						L 4											
05N 01W 3	26.0	25.0	27.0	17.0	23.0		15.0		17.0								150.0
	L 1	L 2			L 3												
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 174 acres within the place of use described above in a single irrigation season.
2. Rights 63-11995 and 63-12450 are also diverted through the point of diversion described above.
3. Rights 63-11995, 63-12450 and 63-11996 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.

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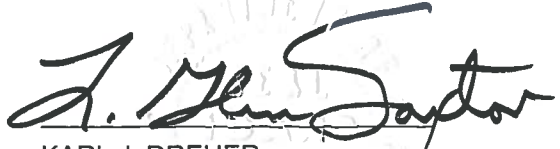
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11996

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.


for **KARL J. DREHER**
Director

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MAY 20 2003

Department of Water Resources

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-11996

Date of Priority: February 25, 1993

Maximum Diversion Rate: 2.00 CFS

Comes now D MARK LYNN And/Or JOY LYNN
4050 CHAPARRAL

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. 63-11996, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

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	11.0										21.0
						L 4											
05N 01W 3	26.0	25.0	27.0	17.0	23.0		15.0		17.0								150.0
	L 1	L 2			L 3												
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)

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-11996

FOR DEPARTMENT USE ONLY
Preliminary check by kw Fee \$50.00 Received by ju # 0069178 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. 63-11996 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 174 acres within the place of use described above in a single irrigation season.
2. Rights 63-11995 and 63-12450 are also diverted through the point of diversion described above.
3. Rights 63-11995, 63-12450 and 63-11996 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.

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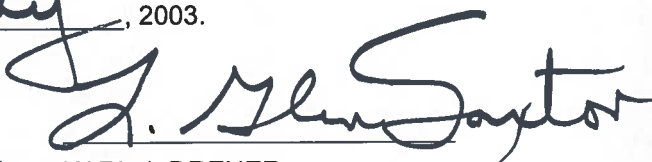
State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-11996

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

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JUN 02 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 125
Receipt No. W029734
Receipt By: G
Date Received: 10/2/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT - 3 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 63-11996 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): 183 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: 286-9533
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: [Signature] Date: 10-1-02
(include your title, if on behalf of company or organization)

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MAY 11 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$50 Fee Received by 100
Date 5/11/99
Receipt No. 6045307

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. 63-11996

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".)

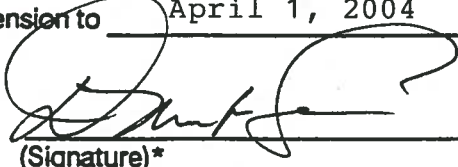
In combination with permit 63-11995, we have (1) extended three-phase power
more than two miles, (2) constructed a 650-foot deep, 16-inch gravel packed well,
(3) installed a 400-hp variable speed deep well turbine pump, (4) installed
buried pipe and sprinklers, and (5) prepared about 300 acres Costing \$ 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 applications
have been delayed by protests.

Permit holder(s) request an extension to April 1, 2004, 1999.

FEE: \$50.00


(Signature)*

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

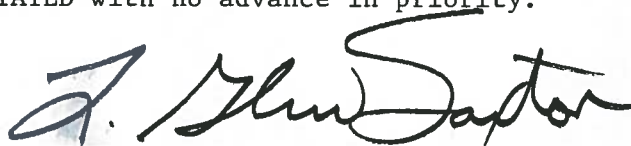
ACTION OF THE DEPARTMENT OF WATER RESOURCES

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 this permit is REINSTATED with no advance in priority.

Signed this 26th day of May, 1999.

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Chief, Water Allocation Bureau

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 $\frac{1}{2}$ 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.

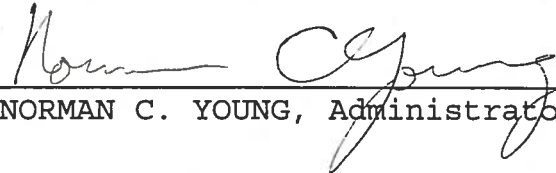
12. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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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

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

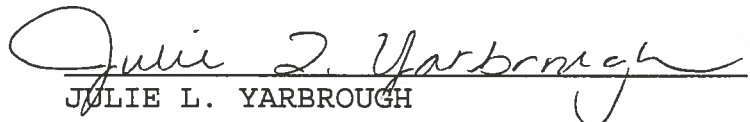
Terry Goicoechea Jensen
8968 Deer Ln.
Eagle, ID 83616

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
Senior Secretary

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11996

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: Lot 2(NWNE), Sec. 3, Township 05N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	01W	3	SWNW 5.0	NWSW 20.0		25.0
		4	SWNE 2.0	SENE 15.0	NESW 40.0	
			NESE 30.0	NWSE 40.0	SWSE 1.0	158.0
			SESE 30.0			

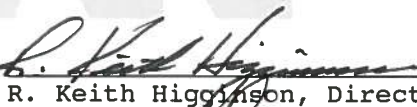
Total number of acres irrigated: 183.0

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:

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.

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:

↑
*Amended
Final
Order*
FINDINGS OF FACT

1. (applicant 1993, D. Mark Lynn and Joy Lynn 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 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.

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."

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

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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 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

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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 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.

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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 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:

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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.

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

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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 $\frac{1}{2}$ 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.

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.

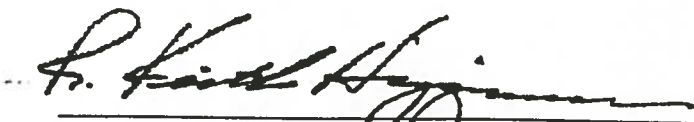
11. The right holder shall install non-perforated casing through the upper (perched) aquifer and shall seal the casing such that perched water is not commingled with the deeper (regional) aquifer.

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

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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

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Willowbrook Water Assoc.
9333 Spangler Place
Eagle, ID 83616

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


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.)
MARK LYNN OR JOY LYNN)
_____)

RECOMMENDED ORDER

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."

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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.

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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.

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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.

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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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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.

NOT REFILED
JUN 29 1985

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 29 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

JUN 29 1995

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 $\frac{1}{2}$ 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.

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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JUN 29 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

date corrected 11/17/94

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

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: Lot 2(NWNE), Sec. 3, Township 05N, Range 01W
ADA 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 WELLS, PUMPS, 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 inches; proposed depth of well is
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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JUN 29 1995

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05N	01W	3	SWNW 5	NWSW 20		25
		4	SWNE 2	SENE 15	NESW 40	
			NESE 30	NWSE 40	SWSE 1	
			SESE 30			158

Total number of acres irrigated: 183

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:

Two points of diversion located within NWNE Section 3, T05N
R01W.

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 683.00 Received by _____ #W015965 Date 2/25/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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JUN 29 1995

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

Subject:
SUPPLEMENTAL USE

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

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

Subject:
EXISTING WELLS

Two wells exist under 63-08044 and 63-10775. Use is on separate
acres.

Comments: Date: 9/ 7/1994 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.

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JUN 29 1995

Ident. No. 63-11996

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 208-939-0684
Address: 4831 SKYLINE DR
EAGLE ID 83616
AND/OR
Name: JOY LYNN 208-939-0684
Address: 4831 SKYLINE DR
EAGLE ID 83616

* 2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: 42 NWNE Sec. 3, Township 05N, Range 01W
ADA 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, etc.
EXISTING WELLS, PUMPS, PIPES
b. Height of storage dam
acre-feet; total reservoir
year when water will be d
c. Proposed well diameter is
feet.
d. Is groundwater with a taste? NO

7. Time required for the completion of the project
the water to the proposed

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	TOTAL
05N	01W	3		25
		4		
		SWNW 5		
		SWNE 2		
		NESE 30		
		SESE 30		
		NWSE	SW 40	
			SE 1	
				158

Total number of acres irrigated: 183

JUN 29 1995

* per Gov & microfiche. by 3/3/93

Ident. No. 63-11996

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 208-939-0684
Address: 4831 SKYLINE DR
EAGLE ID 83616
AND/OR
Name: JOY LYNN 208-939-0684
Address: 4831 SKYLINE DR
EAGLE ID 83616

- * 2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: 62 NWNE Sec. 3, Township 05N, Range 01W
ADA 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 WELLS, PUMPS, 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 6 inches; proposed depth of well is 450
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	3	SWNW 5	NWSW 20		25
		4	SWNE 2	SENE 15	NESW 40	
			NESE 30	NWSE 40	SWSE 1	
			SESE 30			158

Total number of acres irrigated: 183

JUN 29 1995

* per Gov & microfiche. by 3/3/93

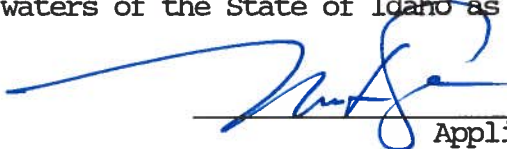
9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

~~Application being held pending department determination of
processing supplemental applications for 1993 irrigation season.~~
Two points of diversion location within NWNE Section 3, T05N
R01W.

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

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 Cy4 Date 2/25/93 Time 1330 Preliminary check by Ly

Fee \$ 65- Receipted by Cy4 # W015965 Date 2/25/93

Publication prepared by At Date 9-7-94 Published in Ed. Stateman

Publication approved At Date 10-5-94

* Base updated as to 63-11995, 9/7/94
-JC

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JUN 29 1995

- See Comments -

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

Subject:
SUPPLEMENTAL USE

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

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

Subject:
EXISTING WELLS

Two wells exist under 63-08044 and 63-10775. Use is on separate
acres.

Stock
1/2 ac

Stock
1/20 acre

63-08044 - 1/20 acre

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JUN 29 1995

Jackass

163-1199C

RECEIVED
JAN 29 1965

163-1199C



8/19/64
(2)

28897

28897



SPF Water Engineering, LLC
water resource consultants

FILE

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 readings 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

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JUL 15 2004

Date	M. Lynn	C. Lynn	Lynn Old
	Domestic Well	Domestic Well	Irrigation Well
9/9/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
1/22/1995	395.32	394.25	382.23
3/24/1995	395.48	394.29	382.78
5/21/1995	397.28*	394.66*	382.53
8/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
3/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
3/26/1997			381.51
10/18/1997	395.15	394.55	383.15
4/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
3/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
3/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24
3/24/2001	395.33	394.92*	382.10
10/30/2001	394.78	**	381.65
3/21/2002	395.73		382.11
10/31/2002	397.44*		383.66
3/10/2003	396.44		382.67
3/24/2004	396.48		382.99

* recovering slowly from recent pumping

**sounding tube removed during well repair

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JUL 15 2004



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
EAGLE ID 83616

RE: License No. 63-11996 - 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)

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JUN 02 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.

63-11996

**D MARK LYNN
JOY LYNN
4050 CHAPARRAL
EAGLE ID 83616**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 02 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 02 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

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 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 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
Sr. Water Resource Agent

Enclosures

MICROFILMED
JUN 02 2003

LICENSE REVIEW CHECKLIST

Permit No. 63-11996 Date: 5-7-03 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

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)

Overlaps: Right(s): see in file 63-11995

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 _____ cfs

Theoretical 2.35 cfs

Recommended Total Diversion Rate 2.0

Water Uses

OK Change (P46)

Season of Use per new Standards

3/15 11/15

Irrigation 2.0 cfs X af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 2.0 cfs X 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) 174 acres x 4.5 (FHR) = 783 af

Remarks:

$3.369 \times 4.5 = 1660.5$ ≈ 1660

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? _____

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice _____ S06

RECEIVED

DEC - 9 2002

Department of Water Resources

Permit No: 63-11996

Page 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-11996

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, 63-11995, 63-12450
2. Other water rights with the same point of diversion: 63-11995, 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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JUN 02 2003

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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JUN 02 2003

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.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
	US Electric	400	H02347-A04A06	Floway	#9874402 15DKL
			3R055M 1		

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

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
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:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 174 \times 4.5 = 783 \text{ afa}$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 783 \text{ afa}$$

2. Volume Calculations for Other Uses:

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G. NARRATIVE/REMARKS/COMMENTS

The irrigation system consists of a 16inch 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.

The other well listed on the permit is used for landscaping/domestic uses and has not been developed for large scale irrigation or according to the conditions listed on this permit. This older well is licensed under right 63-3004 for 25 acres irrigation and is currently used for internal domestic use and 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. This well is not plumbed directly into the mainline system. Applicant agreed that this well should not be included for licensing.

This permit limits the applicant to 2.0 cfs and 174 acres irrigation within the 369acre ppu. Permit 65-11995 allows the applicant another 2.0 cfs and the remaining 195 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.

See file 63-11995 for photos, maps and additional info.

Have conditions of permit approval been met? ☒ * Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.000 CFS	783 AF
<u>Totals:</u>		2.000 CFS	783 AF

2. Recommended Amendments

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

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Loi Graver Date 11/25/02

Reviewer _____ Date _____

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JUN 02 2003



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

November 22, 2002

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Re: Application for Amendment of Permit Nos. 63-11996 and 63-12450

Dear Applicant:

This office acknowledges the withdrawal of the above-referenced protested applications for amendment of permits.

Due to the withdrawal of the applications the protested matter is dismissed and the applications will be removed from the department's records.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Steve Lester

SL:st

CC: Little Land & Livestock
Three Horse Ranch
Terry Scanlan

MICROFILMED
JUN 02 2003



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

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NOV 21 2002

WATER RESOURCES
WESTERN REGIONDIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTORWITHDRAWAL
OF APPLICATION FOR
AMENDMENT OF PERMIT

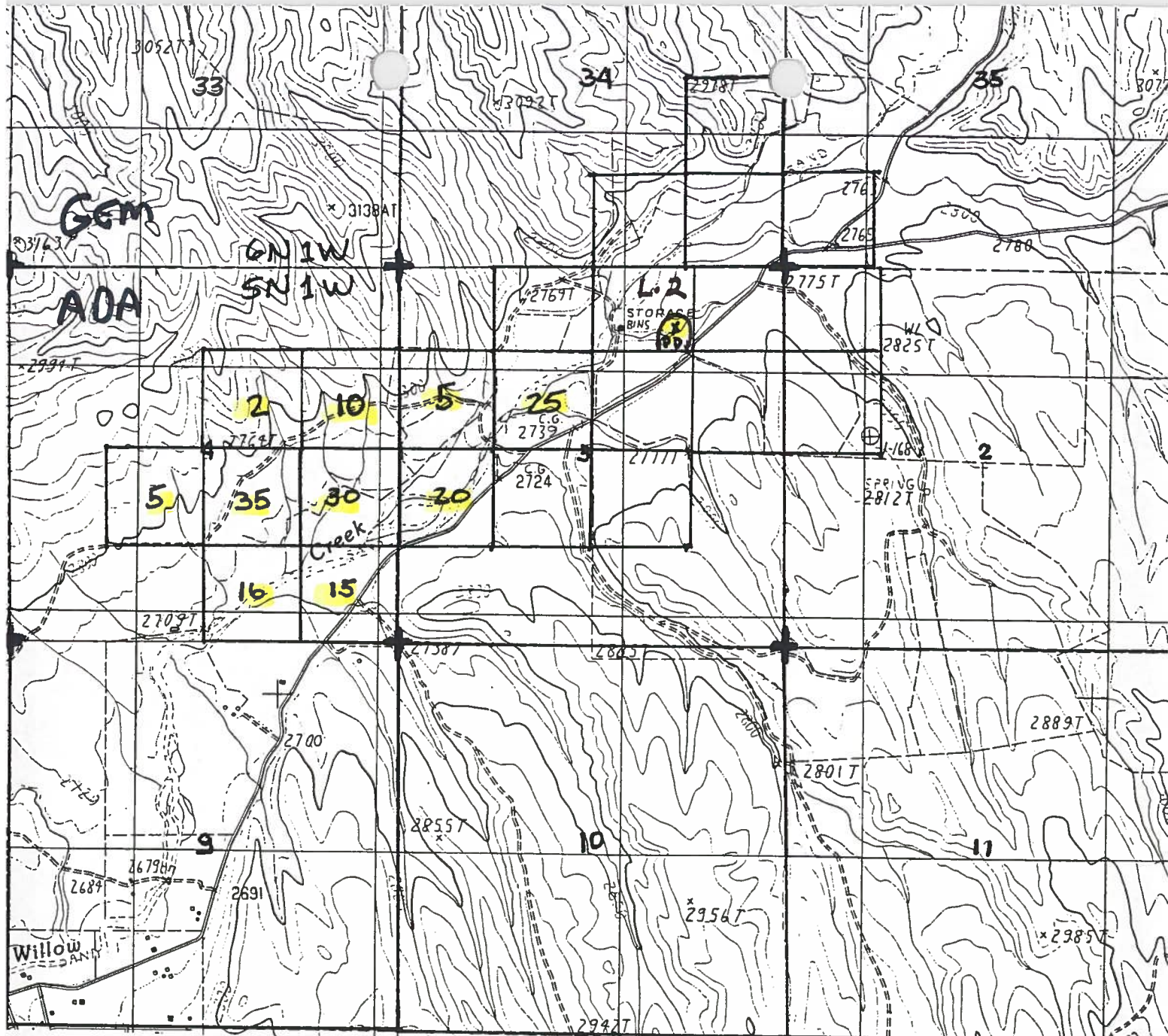
I, D. Mark Lynn hereby withdraw Application for Amendment
of Permit No. 63-11996 and 63-12450

Signed this 21 day of NOVEMBER, 20 02.

A handwritten signature in black ink, appearing to read 'D. Mark Lynn', is written over a horizontal line.

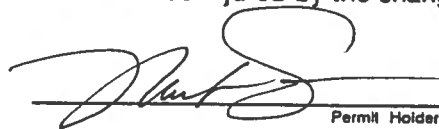
Applicant Signature

TitleMICROFILMED
JUN 02 2003



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 18 day of May, 192000.


Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by SL 6/9/00 Publication prepared by SL Date 6-29-00

Published in THE IDAHO STATESMAN Publication dates 7-6+13-00

I, MESSANGER INDEX 7-5+23-00, of the Department of Water Resources hereby

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

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JUN 02 2003

SIGNATURE

REMARKS FOR PERMIT AMENDMENTS – 63-11996 AND 63-12450

1. The diversion to storage and recreation/wildlife storage uses for 63-12450 will be associated with several ponds totaling up to 10 acres of total surface area and approximately 60 acre feet total capacity.
2. An annual diversion to storage volume of 9 acre feet for each acre of pond surface area (90 acre feet total) is proposed. The 9 acre feet per acre will allow for annual evaporation loss of approximately 3 feet and annual seepage loss of 6 feet (approximately 0.2 inches per day).
3. The estimated average pond depth will be 6 feet, so that pond filling will require 60 acre feet. A one-year reduction in irrigated area of 13.3 irrigated acres (i.e., $13.3 \text{ ac} \times 4.5 \text{ af/ac} = 60 \text{ af}$) will be used to mitigate the initial pond fill.
4. Diversion to storage rate will be 0.344 cfs. This rate is based on the average irrigation diversion rate of 0.0172 cfs/ac under the applicants' three permits (63-11995, 63-11996 and 63-12450).
5. Irrigated areas for permit nos. 63-11996 and 63-12450 (overlapping acres) will each be reduced by 20 acres to offset the use of water for the ponds.
6. The irrigation diversion rate under 63-12450 will be reduced by 0.344 cfs to offset the diversion to storage rate.
7. Irrigated area will be reconfigured to include lands within the SENW Section 3, T5N, R1W. Acres within other quarter-quarter sections have also been adjusted to more correctly reflect the existing and proposed irrigation uses.

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Department of Water Resources

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

Process together:
63-11996
63-12450

WITHDRAWN

Right Number 63-11996 WP File Name LYNN amendments
Initial Review By: RL Date 6/27/00
Applicant D. MARK & Joy Lynn
Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s)
☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended elements.
☒ 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.
☒ Surface water source: IDFG letter needed; notify Water Planning Bureau if protected river or minimum flow reach.
☒ Existing water rights from the same source, amended p/d or p/u.
☒ Right number(s) NONE for P/A change - SEE REVIEW memo e P/d overlap
☒ 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.

✓ Data entered by LM e
3/18/02 #69728

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. ☐ Amendment published correctly
☒ Protest processed.
☒ Comment letters to: 10 PEOPLE in mailing list with 63-11996 amendment
☒ Copy for region file: Always include application, staff analysis sheet, legal notice
List other items to copy mailing list, analysis memo dated
☐ Approve.
☐ Deny.

Conditions _____

By _____

Date _____

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JUN 02 2003

NOTE

✓ Email sent to JFW & GG to notify Regional dam safety
& stream protection staff.

to complete after
protest deadline

pan

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:

Applicants

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

① Terry Goicoechea Jensen
8968 Deer Ln.
Eagle, ID 83616

② Dana Hofstetter Esq.
~~HOLLAND & HART~~
~~P.O. Box 2527~~
~~Boise, ID 83701~~
BEEMAN & HOFSTETTER P.C.
PO Box 1427
Boise 83701-1427

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

*he's also on
63-12450 list*

③ Richard B. Roberts
Willowbrook Water Assoc.
9333 Spangler Place
Eagle, ID 83616

④ Donald B. Jensen
8661 W. Beacon Light Rd.
Star, ID 83669

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

MAILING List for 5/18/00 AMENDMENTS OF 63-11996 & 63-12450
⑩ { 9 people from previous matters
{ 1 new party per request
-FL 6/8/00

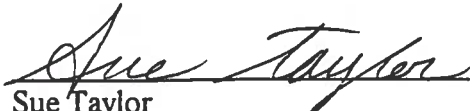
AMENDED FINAL ORDER - Pg 12

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JUN 02 2003

*most recent mailing
list in 63-11996
(also includes 63-11995)*

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of March, 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

Applicants

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

(5) JULIE GLEASON
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

(6) BRAD LITTLE
LITTLE LAND & LIVESTOCK CO
PO BOX 488
EMMETT ID 83617

(7) JERRY L JONES
9191 CHAPARRAL
EAGLE ID 83616

(8) TERRY SCANLAN
600 E RIVER PK LN #105
BOISE ID 83706

TERRY

(9) JOHN SIMPSON ESQ
1221 W IDAHO STE 600
BOISE ID 83702

(10) ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

*- per 6/1/00 tel. call from
Brenda @ this firm*

NOTICE OF PREHEARING CONFERENCE 2

5/
JUN 02 2003

*most recent mailing
list in 63-12450*

WR5809NP
No. 63-11996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/08/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM 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					
	EAGLE ID 83616					
	(208) 377-3066					
TOTAL DIVERSION:					2.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T05N R01W S03 Lot 02(NWNE)

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05N	01W	3	:					05	(+25)			20								25.0
05N	01W	4	:			02	(15 -5)					(40 -35)				30	(40 -5)	(01 +15)	(30 -15)	158.0
																			183.0	

Proposed change

Pou County: ADA

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 is the subject of a court order.
- Direct
- due to

Remarks: GEN

Two points of diversion are located on the right of the land described in the water right. The water right is supplied by the Willow Creek water right. The water right is determined by the department of water resources. The production of the water right is monitored.

Reviewer's notes

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JUN 02 2003

+40
-60

NET change is -20 acres overall

$$\frac{2 \text{ cfs}}{183 \text{ ac}} \times 20 \text{ ac} = .22 \text{ cfs}$$
$$\times 163 \text{ ac} = \frac{1.78 \text{ cfs}}{2.00 \text{ cfs}}$$

earlier priority but same acres covered by 63-12450 (which also includes other lands) 63-12450 added note that these acres permitted

WR5809NP

No. 63-11996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/08/00

PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM 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					
	EAGLE ID 83616					
	(208) 377-3066					
TOTAL DIVERSION:					2.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T05N R01W S03 Lot 02(NWNE)

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
05N	01W	3						05								25.0
05N	01W	4														158.0
																183.0
TOTAL ACRES: 40 -5, 40 -35, 30 -5, 01 +15, 30 -15																

Pou County: ADA

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

Two points of diversion are located within NWNE S03, T05N, R01W. 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. 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

+40
-60

NET change is -20 Acres overall

$$\frac{2 \text{ cfs}}{183 \text{ ac}} \times 20 \text{ ac} = .22 \text{ cfs}$$

$$\times 163 \text{ ac} = \frac{1.78 \text{ cfs}}{2.00 \text{ cfs}}$$

earlier priority but same
acres covered by
63-12450 (which also
includes other lands)
63-12450 added note
flow to these acres
permitted

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JUN 02 2003

Remarks:

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 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 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: 04/01/2003 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: 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

Audit: 02/25/93 HODGES 03/09/93 GARRETT 09/07/94 SLESTER 11/17/94 SLESTER

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JUN 02 2003

WR5809NP
No. 63-11995

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/08/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM 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 EAGLE ID 83616 (208) 377-3066					
TOTAL DIVERSION:					2.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05N R01W S03 Lot 02(NWNE)
T06N R01W S34 SESE

GEM County
GEM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
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

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 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 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

MICHAEL

JUN 02 2003

plu not involved in proposed amendment - 11996 & 12450

- SEPARATE acres from 63-11996
- same acres are part of plu of 63-12450

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, P.E., P.G.

Enclosure

Cc: Mark Lynn
Brad Little

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NOV 18 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

MICROFILMED
NOV 18 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
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

RECEIVED
OCT 18 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-11996

Reviewed By: dgibson

Date: October 22, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W029754	Well driller's report filed?		
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		10/02/2002
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 18 2002

November 18, 2001

- 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 18 2002

Gutch

Mark Lynn
Domestic Well

Corbett Lynn Domestic Well

"New Irrigation Well"

"Old Irrigation Well"

MICROFILMED

NOV 13 2002

IDAHO DEPARTMENT OF WATER RESOURCES
NOV 18 1993 WELL DRILLER'S REPORTWATER RESOURCES
WESTERN REGIONRECEIVED
Use Typewriter
or
Ball Point PenMark Lynn Domestic Well
Department of Water Resources1. DRILLING PERMIT NO. 63-93-W-0619-000

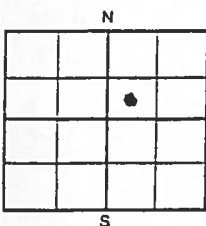
Other IDWR No. _____

2. OWNER:

Name MARK LYNNAddress 6500 CHAPPARRALCity EAGLE State ID Zip 83616

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

T. 5N North ☒ or South ☐
E. 1W East ☐ or West ☒
Sec. 3 1/4 SE 1/4 NE 1/4
Gov't Lot _____ County CANYONAddress 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 ☒ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
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	Gauge	Casing	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 551Top 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
543	563	.040		6	PIPE
563	573	.030		6	PIPE

Casting Liner

☐ ☒☐ ☒☐ ☒☐ ☒

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
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	?
8	450	480	SANDSTONE	3
8	480	485	FINE SAND	3
8	485	540	BLACK SANDSTONE	3
8	540	550	COURSE SAND	3
8	550	570	COURSE SAND & GRAVEL	3
8	570	590	COURSE SAND	3
8	590	600	COURSE BROWN SAND	3
8	600	620	BROWN SAND	3

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. 42Firm Official [Signature] Date 11-1-93and [Signature] Date 11-1-93Supervisor or Operator [Signature] Date 11-1-93

(Sign once if Firm Official & Operator)

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 1/4 INCH W/ITER OR
BALL POINT PEN

**New Irrigation
of Water Resources
well.**

we

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 8.)

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.)

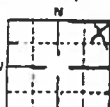
5. WELL CONSTRUCTION
 Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
325 inches	16 inches	+ 2 feet	500 feet
325 inches	16 inches	500 feet	520 feet
325 inches	16 inches	520 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
_____	_____	_____
_____	_____	_____
_____	_____	_____

 Well screen installed? ☒ Yes ☐ No
 Manufacturer Tubason Type Wire Wrap
 Top Packer or Headpipe _____
 Bottom of Tailpipe 640'
 Diameter 16" Slot size 240 Set from 500' feet to 520' feet
 Diameter 16" Slot size 240 Set from 520' feet to 620' feet
 Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3"
 Placed from 420' feet to 650' feet
 Surface seal depth 420' Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Pudding 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 1 1/2" 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)
 T. 9 N ☒ or S ☐
NE 1/4 NE 1/4 Sec. 3 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 location or temperature zones below.

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

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>2030</u>	<u>448'</u>	<u>3 hrs</u>

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28"	0	4	Top soil		
	4	14	Sandy loam, coarse sand		
	14	17	Large gravel & sand		
	17	38	White sand & gravel		
	38	396	Sand & gravel with clay		
	396	380	Broken black & grey		
	380	453	Sand & gravel		
	453	469	Black clay with red		
	469	649	Orange & red sand & gravel		
	649	650	White clay & 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 Riverside Inc Firm No. 333
 Address P.O. Box 720 Date 5-7-98
 Signed by Drilling Supervisor _____
 (Operator) _____
 (If different than the Drilling Supervisor)

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

MICROFILMED

NOV 18 2002

Department of Law & Economics

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.

Corbett Lynn

~~Domestic Wel~~

[illegible]

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

Tim Luke

-2-

November 10, 2001

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 18 2002

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.

Sincerely,



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

Enclosure

Cc: Mark Lynn
Brad Little

*Per Terry 11-5-01, did not use
extra irrig well this yr.
CKD irrig well - main - did not appear
to be used*

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NOV 10 2002

New Irrig well is production well
 20c in NW NE sec 3 T5N E
 old irrig well ~~at SESE sec 34 T6N~~
 is also in NWNE
 T5N R

this is the
 monitoring 1036 well?
 using this well for
 WL. mms of new irrig well

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

25 hp well in
 shallower zone
 2nd

* recovering slowly from recent pumping

**sounding tube removed during well repair

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 NOV 18 2002



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

March 5, 2001

MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

RECEIVED

MAR - 6 2001

Department of Water Resources

Re: Applications for Amendment of Permit Nos. 63-11996 and 63-12450

Dear Applicants:

A six-month interruption of processing of the above referenced applications expired on February 22, 2001. The purpose of this letter is to determine if you want to proceed with processing or if you need more time.

You may seek additional time with a written request to interrupt processing for up to six more months. The next step in processing is a prehearing conference. This office will schedule the conference if you do not request more time within ten (10) days of the date of this letter.

Please contact me at 208-334-2190 if you need more information. Thank you for your prompt attention to this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

CC: Little Land & Livestock c/o John Simpson
Three Horse Ranch c/o Gary & Martha Cunningham
Terry Scanlan

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NOV 18 2002

MEMORANDUM

March 2, 2001

TO: File nos. 63-11995, 63-11996, and 63-12450 (need copies)
FROM: Cindy Hodges *cyh*
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 18 2002

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Groundwater and Environmental Engineering

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NOV - 6 2000

Department of Water Resources

RECEIVED

NOV 02 2000

WATER RESOURCES
WESTERN REGION

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, P.E., P.G.

Enclosure

Cc: Mark Lynn
Brad Little

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NOV 18 2000

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

* recovering slowly from recent pumping

MICROFILMED
NOV 18 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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NOV 02 2000

WATER RESOURCES
WESTERN REGION

October 27, 2000

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NOV - 7 2000

Department of Water Resources

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, P.E., P.G.

378 ac = 1701 AF max

300 AF used

Enclosure

Cc: Mark Lynn
Brad Little

MICROFILMED

NOV 18 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

* recovering slowly from recent pumping

MICROFILMED

NOV 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 9/11/00

TO: Julie

FROM: Steve Lester

Fax 286-9922

DOCUMENT DESCRIPTION: Request to Interrogate in protested Applications
for Amendment of Permit Nos. 63-11996 & 63-12450:
see attached notes etc.

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: _____

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JUN 02 2003

Postscript After faxing:

included my notes

42-211

legal notice

Protest Form

Julie is secretary for Chapparel Water Users Assoc., one of original protesters
when 2 rights were initiated. -82

NOTES

① Permits issued on basis that ground water is tributary to Payette, not Boise, River system. Therefore, should not adversely impact wells that are tributary to Boise River system, it appears.

② Legal notice published in July. Protest deadline expired. Two protests were filed. You can request to intervene ("late protest") in a protested matter.

③ See Idaho Code Section 42-211 for how dept. should evaluate amendments.

I mistakenly mentioned 6 items dept must consider. The 6 relate to the processing of the original application for permit, not to amendments of permits. See ARROW in margin a statute for basis to consider amendments.

④ Can use "notice of protest" form with cover note to file Request to intervene. **MICROFILMED JUN 02 2003**
FEE = \$25 per water right.
Must send cc to applicant (just like protestant).

JL 9/11/00



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

August 22, 2000

MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Re: Applications for Amendment of Permit Nos. 63-11996 and 63-12450

Dear Applicants:

This letter confirms cancellation of the prehearing conference originally set for August 23, 2000, for the above referenced amendment applications. The meeting was postponed as noted in the telephone calls between this office and the parties yesterday.

Your previous written request to interrupt processing of the amendments was confirmed via electronic mail sent by your consultant, Terry Scanlan. The Idaho Department of Water Resources (IDWR) can suspend processing of applications for a period not to exceed six months pursuant to Water Appropriation Rule 40.01.d. More time may be allowed upon written request after the six month period expires.

Your request to interrupt processing of the amendment applications is granted for six months from the date of this letter. The parties should notify IDWR in writing if the issues are resolved before *February 22, 2001*. Processing will resume at that time if the issues are not resolved.

Please contact me at 334-2190 if you have any questions about the amendment applications.

Sincerely,

Steve Lester
Water Rights Supervisor

Cc: Little Land & Livestock c/o John Simpson
Three Horse Ranch c/o Gary & Martha Cunningham
Terry Scanlan

MICROFILMED
JUN 02 2003

Lester, Steve

From: Lester, Steve
Sent: Monday, August 14, 2000 2:43 PM
To: 'TMSCANLAN@aol.com'
Subject: RE: Mark Lynn - Applications for Amendment

Thanks for confirming that, Terry. We will send a letter to Lynn & protestants to document suspension of processing.

-- Steve

-----Original Message-----

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Monday, August 14, 2000 12:57 PM
To: slester@idwr.state.id.us
Subject: Mark Lynn - Applications for Amendment

Steve -

I spoke with Mark today. He indicated that you should go ahead and place a 6-month processing hold on his applications for amendment. He would like to resolve his stream alteration issues before proceeding with processing of the applications.

Terry

Request to suspend processing initiated
of Terry's 7/10/00 tax letter for client.

Confirmed today that does want suspend 6 months

done w/ calls 8/21
→ Cancel 8/23/00 conference + grant 6 month
suspension of processing
per 8/22 letter

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JUN 02 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR AMENDMENT NOS. 63-11996)
AND 63-13450 IN THE NAME OF D.)
MARK &/OR JOY LYNN.)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On June 29, 2000, D. Mark &/or Joy Lynn filed with the Department of Water Resources (IDWR) two applications for amendment to appropriate the public waters of the State of Idaho. Application no. 63-11996 was protested by Little Land & Livestock Co. and Three Horse Ranch. Application no. 63-12450 was protested by Little Land & Livestock Co.

IDWR has scheduled a conference for the protest to be held on **Wednesday, August 23, 2000, at 10:00 a.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

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

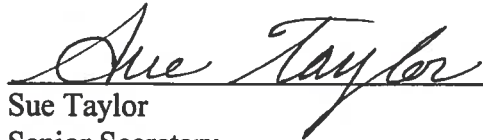
Dated this 4th day of August, 2000.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 4TH day of August, 2000, 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

LITTLE LAND & LIVESTOCK
C/O JOHN K SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

THREE HORSE RANCH
GARY & MARTHA CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

D MARK &/OR JOY LYNN
4050 CHAPARRAL RD
EAGLE ID 83616

Re: Application for Amendment of Permit Nos. 63-11996 and 63-12450

Dear Applicant:

Enclosed are protests filed against the issuance of a permit pursuant to the above-referenced application for amendment.

The following are the criteria the department must consider in either approving or denying an application for amendment (per Section 42-203A, Idaho Code):

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?

Enclosed is a Notice of Prehearing Conference scheduled for August 23, 2000, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If the matter cannot be resolved at the prehearing conference, a formal hearing will be arranged for a future date.

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

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

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JUN 02 2003

GS:st

Enclosure: Copy of protest(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 3, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LITTLE LAND & LIVESTOCK
C/O JOHN K SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

THREE HORSE RANCH
GARY & MARTHA CUNNINGHAM
5900 PEARL RD
EAGLE ID 83616

Re: Application for Amendment of Permit Nos. 63-11996 and 63-12450 in the Name
of D Mark &/or Joy Lynn

Dear Protestants:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications.

The following are the criteria the department must consider in either approving or denying an application for amendment (Section 42-203A, Idaho Code):

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?

Enclosed is a Notice of Prehearing Conference scheduled for August 23, 2000, at 10:00 a.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

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 prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

MICROFILMED
JUN 02 2000

Little Land & Livestock
& Three Horse Ranch
August 4, 2000
Page -2-

If the matter cannot be resolved at the prehearing conference, a formal hearing will be arranged for a future date.

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

Sincerely,


Gary Spackman

GS:st

CC: Application

MICROFILMED

JUN 02 2003

2003

7-24-00 LM
W026762

RECEIVED

JUL 24 2000

WATER RESOURCES
WESTERN REGION

John K. Simpson
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139
208-336-0700-phone
208-344-6034-fax
ISB# 4242

Attorneys for Protestant Little Land and Livestock Co.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)

APPLICATION FOR WATER)
RIGHT 63-12450;)
APPLICANT:)
MARK AND JOY LYNN)
_____)

NOTICE OF PROTEST

Filing Fee: \$25.00

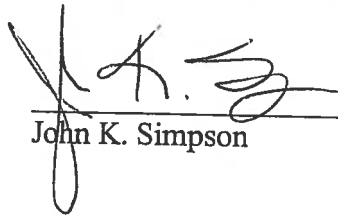
Little Land and Livestock Co. (hereinafter the Protestant), files its Notice of Protest to the approval of the above-numbered Application for Amendment of Permit filed in the name of D. Mark and Joy Lynn. The basis for the Protestant's protest is as follows:

1. The proposed diversion and use of the waters described in the aforesaid application violate all, or a portion of, the criteria set forth in Idaho Code Sections 42-203A(5) and
2. An acceptable mitigation plan has not been proposed; and
3. For such other and further reasons as may be set forth at the hearing on this matter.

MICROFILMED

JUN 02 2003

DATED this 24th day of July, 2000.



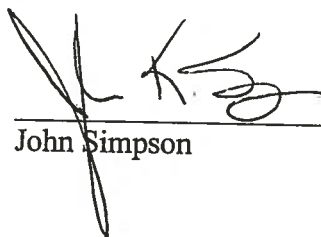
John K. Simpson

CERTIFICATE OF MAILING

I hereby certify that on this 24th day of July, 2000, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Mark and Joy Lynn
4050 Chaparral Road
Eagle, ID 83616



John Simpson

W026735K6

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

July 15, 2000

Karl J. Dreher, Director
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JUL 18 2000

**WATER RESOURCES
WESTERN REGION**

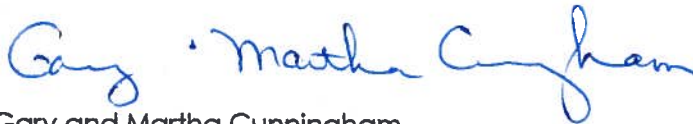
RE: Application for Amendment of Water Rights
D. Mark and Joy Lynn

Dear Mr. Dreher,

We oppose the proposed amendments to the above mentioned water rights because we believe they will have a negative impact on the ground water on our ranch.

It is our understanding that the Lynn's intend to build an 18 hole golf course and develop a 70 home Master Planned subdivision. We believe that is the real reason behind the request for the amendments. Is a subdivision covered by the word "recreation" as stated in the public notice.

Best Regards,



Gary and Martha Cunningham

cc. D. Mark and Joy Lynn
4050 Chaparral Rd.
Eagle, ID 83616

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JUN 02 2003



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

July 11, 2000

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Lynn Applications for Amendment of Permit Nos. 63-11996 and 63-12450

Dear Terry:

I received your letter yesterday in reference to the above amendment applications filed by Mark and Joy Lynn. Your letter includes a request to temporarily suspend processing after the protest deadline of July 24, 2000. The reason for the suspension is to allow adequate time to resolve the stream channel problems associated with the construction of at least some of the ponds.

Water Appropriation Rule 40 allows processing of applications to be delayed with some limitations (Rule 040.01.d). If protests are not filed against the amendment applications, processing will be halted for ninety (90) days while the stream channel issues are being resolved. If protests are filed, the request to suspend processing will be reconsidered. Reconsideration of the request will be based on ensuring due process for all of the parties in a contested matter.

Your letter also suggested conditioning the amendment approvals "to require that all ponds be located outside of the Willow Creek stream channel." While that is an expedient solution, a more prudent approach would be to correct the stream channel problems before dealing with the amendment applications. The prudent method is more appropriate given the degree of local interest in this situation.

The decision about suspending processing of the amendment applications will be made shortly after the protest deadline. I will let you know the outcome by early August. Thank you for your efforts in this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Cc: Mark and Joy Lynn
Gene Gibson, IDWR Western Region

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JUN 02 2003

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JUL 17 2000

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification		Amount:
047628	284234	APPLICATION FOR AMENDMENT OF WATER RIGHTS		\$98.04
Ordered by:	P.O. #	Rate	Run Dates	
		NT	JULY 6, 13, 2000	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705-5082			Number of Lines 66	
			Affidavit 1	Legal # 7714

LEGAL NOTICE
APPLICATIONS FOR AMENDMENT OF
WATER RIGHTS

Notice is given that **D. MARK AND JOY LYNN** of 4050 Chaparral Rd., Eagle, ID 83616 have applied to the Department of Water Resources to change the Place, Nature and Period of Use of the following ground water irrigation water rights pursuant to I.C. § 42-211:

The following townships and counties apply in this notice: Sections 2, 3 and 4 in T5N R1W, Ada County; Sections 34 and 35 in T6N R1W, Gem County.

Permit #63-11996, priority date 2-25-1993, 2.0 cfs for 183 acres in Ada County.

Permit #63-12450, priority date 5-4-1998, 2.5 cfs for 378 acres in Ada and Gem Counties.

Both rights use the same well in NWNE S2 from 3/15/ to 11/15. The well is considered tributary to the Payette River instead of the Boise River. Right 63-11996 irrigates parts of S3 and 4, and Right 63-12450 provides more water to the same acres plus covers land in S2, 34 and 35. The rights provide 4.5 cfs for 378 irrigated acres when combined.

PROPOSED AMENDMENTS

Reduce irrigation in both rights by the same 20 acres and reconfigure the irrigated place of use. Water from the irrigation reduction will be used for a series of wildlife and recreation ponds that will cover about 10 acres of land. Water will be used year around for the ponds, which will hold about 60 af of water. The amended rights will be used as follows:

Permit #63-11996, 2.0 cfs for 163 acres in different parts of S3 and 4 than presently authorized.

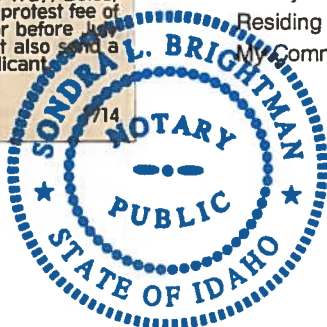
Permit #63-12450, 2.156 cfs for 358 acres in different parts of S2, 3, 4, 34 and 35 than presently authorized. This will include the same land as the other right plus additional acres. The balance of the right will provide .344 cfs diversion to storage and 60 af for wildlife and recreation storage for year around non-irrigation uses. Ponds will be in parts of S3 and 4.

The rights will provide 4.156 cfs for 358 irrigated acres when combined.

The permits will be subject to all prior water rights. Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 837055082, together with a protest fee of \$25 for each application on or before July 24, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jul. 6,13, 2000



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 6, 2000

and ending with the issue of: JULY 13, 2000

Janice Hildreth

STATE OF IDAHO)
) ss
 COUNTY OF ADA)

On this 13 day of JULY in the year of 2000
 before me, a Notary Public, personally appeared before me 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.

Sondra L. Brightman

Notary Public for Idaho
 Residing at: Boise, Idaho
 My Commission expires: 6/20/06

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JUN 02 2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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JUL 12 2000

WATER RESOURCES
WESTERN REGION

July 10, 2000

Mr. Steve Lester *SL*
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Applications for Amendment - Permit Nos. 63-11996 and 63-12450

Dear Steve:

This letter is a follow-up to my telephone conversation today with Gene Gibson regarding the above referenced applications by my client, Mark Lynn. Gene is concerned about some of the existing ponds that may be located within the stream channel of Willow Creek. He has indicated that ponds within the stream channel will likely need to be removed as part of the resolution of Mr. Lynn's stream channel alteration violation. A determination of which ponds must be removed can be made during that resolution process.

Gene indicated that he will have to object to the applications until the stream channel violation is resolved. As such, he suggested that we request that processing of the amendments be held until the stream channel issues are resolved. The processing hold would begin following completion of the protest period so that we would not have to readvertise the applications. I discussed this suggestion with Mr. Lynn today and he is agreeable to a processing hold.

As an alternative to a processing hold, a better approach might be to condition the permits to require that all ponds be located outside of the Willow Creek stream channel. Determination of whether a pond is located within the stream channel can be made during resolution of the stream channel alteration violation. In cases where a pond must be removed, it could be relocated to a site immediately adjacent to the stream channel and in the same 40-acre tract.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

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

Cc: Mark Lynn
Gene Gibson

*this original rec'd
after 7/10/00 fax
copy rec'd.
-SL*

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JUN 02 2003



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

June 29, 2000

TO: Those of the Attached List

Re: Application for Amendment of Permit Nos. 63-11996 and 63-11996

Dear Sir:

Enclosed are copies of the above-referenced applications for permit that may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by July 24, 2000.

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

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:st

Encl: Copy of Application

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JUN 02 2003

ROSHOLT ROBERTSON &
TUCKER
PO BOX 219
BOISE ID 83701-219

TERRY G JENSEN
8968 DEER LN
EAGLE ID 83616

DANA HOFSTETTER ESQ
BEEMAN & HOFSTETTER
PO BOX 1427
BOISE ID 83701-1427

RICHARD ROBERTS
WILLOWBROOK WATER ASSO
9333 SPANGLER PL
EAGLE ID 83616

DONALD B JENSEN
8661 W BEACON LT RD
STAR ID 83669

JULIE GLEASON
CHAPARRAL WATER ASSN
PO BOX 414
EAGLE ID 83616

BRAD LITTLE
LITTLE LAND & LIVESTOCK
PO BOX 488
EMMETT ID 83617

JERRY JONES
9191 CHAPARRAL
EAGLE ID 83616

TERRY SCANLAN
600 E RIVER PK LN #105
BOISE ID 83706

JOHN SIMPSON ESQ
1221 W IDAHO STE 600
BOISE ID 83702

MICROFILMED
JUN 02 2003

Lester, Steve

From: Lester, Steve
Sent: Tuesday, June 27, 2000 2:16 PM
To: Westra, John; Gibson, Gene
Subject: Lynn amendment applications 63-11996 & 63-12450

John & Gene:

These two ground water rights are being amended to provide water from a well for Lynns' ponds near Willow Creek. Advertising will be in first two weeks of July with protest deadline of July 24.

Please see the files available at Sue's desk by June 30. You might have concerns or conditions to suggest for storage and/or stream channel issues. You can add your comments etc. by memo to the files. Terry Scanlan is the technical consultant for this.

Thanks.

Steve

Renewer's notes to prepare analysis memo After protest deadline

5/27/00

- (1) March-April 2000 GENE & others visited site for violation. Lynn making ponds in/near Willow Cr. for golf course/subd.
- (2) my 4/14/00 comment letter to Alder Co & WR fixes needed.... esp. for ponds.
- (3) MWNE S. 2 well included in

diff Alder than → 63.11995
11996

2/93 195 ac @ .0103 cts/ac
(2 wells)

Overlap ac (11996
completely cover in
(2410), combined
rate = .0175 cts/ac

63.11996

2/93 183 ac @ .0109 cts/ac
(1 well)

63.12450

5/98 378 ac @ .0066 cts/ac
(2 wells)

Covers Acres 11995 + 11996, to ↑ flow

2
overlaps

- (4) Shift ac in 11996 + 12450 re MWNE S. 2 well,
reduce overall in both rights by 20 ac.
Change in in is same land for both rights
See 6/8 profiles & where change is reduced.

- (5) are cond. of approval both rights being met?

- (6) No other WRs on Alder being retained or on new
ac. for in.

both
for
other
acres

But MWNE S. 2 well also pld in 63.11995
Apparently A63.03004 (which lists diff. pld than WR record)
OK.

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⑦ Reunited Before & after - recall Terry proposed
 show change in 1 we instead of both. I
 thought was ok in tele call details more complex
 as removal filing, but maybe ok if no overall
 increase.

SEE Lynn's 5/18/00 explanation letter. Note 11995 is
 not part of amendments & does not need to be.

⑧ Reducing same 20. ac. in both right

EXPECTED CHANGE

(a)

11996	20 ac $\times$ $\frac{2 \text{ cfs}}{183 \text{ ac}}$	= .22 cfs
12450	20 ac $\times$ $\frac{2.5 \text{ cfs}}{378 \text{ ac}}$	= .13 cfs
TOTAL		.15 cfs

(b)

11996	1.78 cfs in 163 ac
	.22 cfs div to storage
	<u>x</u> of wlr storage

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JUN 02 2003

12450	2.37 cfs in 358 ac
	.13 cfs div to storage
	<u>x</u> of wlr storage

Proposed change

(c) Ok show all change in 12450 for
 simplicity as proposed? If limit
 both rights appropriately, should be ok.

CONVERSATION MEMORANDUM

DATE 6/1/00

FILE _____

NAME OF PARTY Brenda C Rusholt Finn 336-0700

EMPLOYEE fr

RE: Mark Lynn's 63.12450 etc.

Colley to ask if amendment has been
filed - was filed 5/18 & will be processed
soon.

Rusholt Finn represents Little Land's Livestock,
protestant in previous Lynn filings. Asked for
comment letter in processing amendment(s).

(note - ✓ files for incl. previous
protestants in comment letter mailing
list.)

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JUN 02 2003

May 18, 2000

Mr. Steve Lester *SL*
Water Right Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

MAY 18 2000

WATER RESOURCES
REGION

Subject: Applications to (1) Amend Permits and (2) Rent Water From The Water Supply Bank

Dear Mr. Lester:

As described in the following paragraphs, enclosed please find the following:

- Water Bank Application for 3 acres of irrigation utilizing water right 63-08627
- Applications for Amendment of Permits 63-11996 and 63-12450.

Water Bank Application

*original
to S.O.
on
5/30/00* — The water bank application seeks groundwater for irrigation of approximately 3 acres of land located in the SENW Section 3, T5N, R1W. The water will be used to irrigate a stream bank restoration project along Willow Creek. I recently acquired this property and my existing licenses and permits do not cover irrigation of these lands. The water bank water would be used during the 2000 irrigation season, while I seek to amend my existing permits to include irrigation of these lands.

The water right proposed for rental, 63-08627, is a groundwater right for irrigation use associated with a geothermal well (the Dallas Harris Well) located near the mouth of Warm Springs Creek. The well is approximately 20 miles southwest of my property. Although my irrigation well exhibits some geothermal characteristics, with warm (approximately 80 degree F) water and relatively high fluoride concentrations, I doubt that there is a direct hydraulic connection between the aquifer tapped by my well and the aquifer tapped by the Dallas Harris Well. In recognition of the lack of direct hydraulic connection, I am willing to reduce the allowable diversion rate, diversion volume, and irrigated area under my existing permits to mitigate for any potential impacts to the aquifer tapped by my well during the rental period.

Applications for Amendment of Permit

The Applications for Amendment of Permit propose changing the place of use for permit nos. 63-11996 and 63-12450. The applications also propose changing the nature of use

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APPLICANT'S LETTER
OF EXPLANATION

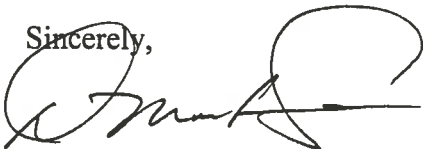
and season of use for a portion of permit 63-12450 from irrigation to (1) diversion to storage and (2) recreation and wildlife storage. Details are provided below.

1. The diversion to storage and recreation/wildlife storage uses for 65-12450 will be associated with several ponds totaling up to 10 acres of total surface area and approximately 60 acre feet total capacity.
2. An annual diversion to storage volume of 9 acre feet for each acre of pond surface area (90 acre feet total) is proposed. The 9 acre feet per acre will allow for annual evaporation loss of approximately 3 feet and annual seepage loss of 6 feet (approximately 0.2 inches per day).
3. The estimated average pond depth will be 6 feet, so that pond filling will require 60 acre feet. A one-year reduction in irrigated area of 13.3 irrigated acres (i.e., $13.3 \text{ ac} \times 4.5 \text{ af/ac} = 60 \text{ af}$) will be used to mitigate the initial pond fill.
4. Diversion to storage rate will be 0.344 cfs. This rate is based on the average irrigation diversion rate of 0.0172 cfs/ac under my three irrigation permits (63-11995, 63-11996 and 63-12450).
5. Irrigated areas for permit nos. 63-11996 and 63-12450 (overlapping acres) will each be reduced by 20 acres to offset the use of water for the ponds.
6. The irrigation diversion rate under 63-12450 will be reduced by 0.344 cfs to offset the diversion to storage rate.
7. Irrigated area will be reconfigured to include lands within the SENW Section 3, T5N, R1W. Acres within other quarter-quarter sections have also been adjusted to more correctly reflect the existing and proposed irrigation uses.

fees ok - y

A check for \$100 is enclosed to cover the \$50 fee for each ✓ Application for Amendment of a Permit. Upon notification that the Application to Rent Water from the Water Supply Bank is acceptable, a check for the rental fee can be forwarded to you immediately. Please contact me (377-3066) or my consultant, Terry Scanlan (383-4140) with any questions.

Sincerely,



D. Mark Lynn

MICROFILMED
JUN 02 220033

NOTICE OF APPLICATIONS FOR AMENDMENT OF WATER RIGHTS

Notice is given that **D. MARK AND JOY LYNN** of 4050 Chaparral Rd., Eagle ID 83616 have applied to the Department of Water Resources to change the Place, Nature and Period of Use of the following ground water irrigation water rights pursuant to I.C. § 42-211:

The following townships and counties apply in this notice: Sections 2, 3 and 4 in T5N R1W, **Ada County**; Sections 34 and 35 in T6N R1W, **Gem County**.

Permit #63-11996, priority date 2-25-1993, 2.0 cfs for 183 acres in Ada County.

Permit #63-12450, priority date 5-4-1998, 2.5 cfs for 378 acres in Ada and Gem Counties.

Both rights use the same well in NWNE S2 from 3/15 to 11/15. The well is considered tributary to the Payette River instead of the Boise River. Right 63-11996 irrigates parts of S3 and 4, and Right 63-12450 provides more water to the same acres plus covers land in S2, 34 and 35. The rights provide 4.5 cfs for 378 irrigated acres when combined.

PROPOSED AMENDMENTS

Reduce irrigation in both rights by the same 20 acres and reconfigure the irrigated place of use. Water from the irrigation reduction will be used for a series of wildlife and recreation ponds that will cover about 10 acres of land. Water will be used year around for the ponds, which will hold about 60 af of water. The amended rights will be used as follows:

Permit #63-11996, 2.0 cfs for 163 acres in different parts of S3 and 4 than presently authorized.

Permit #63-12450, 2.156 cfs for 358 acres in different parts of S2, 3, 4, 34 and 35 than presently authorized. This will include the same land as the other right plus additional acres. The balance of the right will provide .344 cfs diversion to storage and 60 af for wildlife and recreation storage for year around non-irrigation uses. Ponds will be in parts of S3 and 4.

The rights will provide 4.156 cfs for 358 irrigated acres when combined.

The permits will be subject to all prior water rights. Any protest against approval of the proposed amendments must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before July 24, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on July 6 and 13, 2000, and in the Messenger Index on July 5 and 23, 2000.

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JUN 02 2003



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

RECEIVED

APR 20 2000

April 14, 2000

SCOTT COOK PLANNER II
ADA COUNTY DEVELOPMENT SERVICES
650 MAIN ST
BOISE ID 83702

Department of Water Resources

Re: 00-02-PDR-NF/00-02-ZC/00-02-PR/00-06-CU
Amy Woodruff/JJ Howard Engineering

Dear Scott:

Please excuse this late reply regarding the above referenced matter. The proposal involves a planned community for numerous homes plus an 18-hole golf course in the Willow Creek drainage east of Hwy 16. The Idaho Department of Water Resources (IDWR) has several concerns about the proposed development. The application information sent by your office identifies the following points that give rise to IDWR concerns:

- individual wells for homes
- irrigation of a golf course
- water amenities and water storage associated with the golf course
- water rights developed through the Snake River Basin Adjudication (SRBA).

Specific comments regarding these points are offered for your consideration. Use of any single-family domestic well in this setting should be limited to one home with yard irrigation of one-half acre or less within the domestic exemption (from recorded water rights) defined by I. C. § 42-111. Irrigation in excess of that amount requires water right approval from IDWR. As we have previously discussed for subdivision settings, a community well(s) is preferable to individual domestic wells from the resource management point of view. A community system does require water right approval from IDWR.

The remaining items involve irrigation and other uses of water for a golf course. Some of the property in question can be irrigated by water right nos. 63-11996 and 63-12450. These rights involve irrigation wells approved with very specific monitoring, measurement and reporting requirements. It is not clear if the water right owners, Mark and Joy Lynn, have complied with the conditions of approval of these two water rights. IDWR will look into this matter.

These same owners filed SRBA Claim No. A63-28379, a beneficial use ("grandfather") claim for *Willow Creek* for irrigation and stockwater uses. The validity of the claim will be determined by the SRBA process. The filing lists irrigation diversion points from the creek in SWNW Sec. 3 and SESE Sec. 4 in addition to instream stock uses in some portions of the creek. The irrigated land described by the claim is *not* the land proposed for the golf course.

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NOV 18 2002

April 14, 2000
Page 2 of 2

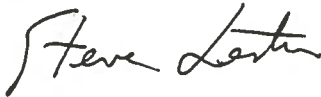
No records can be identified by IDWR that include the use of Willow Creek to irrigate the proposed site. No records can be found by IDWR to identify non-irrigation uses such as water amenities and/or storage ponds associated with the creek or with any other water source for the land in question.

IDWR and staff from other agencies recently observed significant stream channel alteration work for this portion of Willow Creek. The matter is currently under investigation to determine the proper course of action under state and/or federal law.

Construction of storage ponds to impound creek water and/or diversion of water from the creek for any purpose should only occur within the limits of water rights pursuant to Idaho law. Diversion of water from a well(s) for amenities and/or storage ponds associated with a golf course must include water right authorization for those non-irrigation uses. The property owners have not secured the necessary water right approvals to meet the demands of the proposed development.

Please contact me at your convenience if you need more information.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Site map

Cc: Mark and Joy Lynn

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NOV 18 2002

To Emmett

VICINITY MAP



Gem Co. 32 33
Ada Co. 5 4

T. 5 N. R. 1 W.

**
NO Willow Creek
Rights/claims for use
in this
boundary

SECTION 4



SECTION 3

Willow
Creek

5 4
8 9

9 10

3 2
10 11

Highway 16

Chaparral Road

* 1/4-1/4's with
identified diversion
points on Willow
Creek

** except instream stock water

J. J. HOWARD
ENGINEERING & SURVEYING
1675A Hill Road
BOISE, IDAHO 83702
(208) 344-0574

REBIRK
ALC...

IOWR
-JL 4/13/00

MICROFILMED
NOV 18 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

October 29, 1999

RECEIVED

NOV 02 1999

WATER RESOURCES
WESTERN REGION

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

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NOV 18 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

OCT 27 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, P.E., P.G.

Enclosure

Cc: Mark Lynn
Brad Little

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NOV 18 2002

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

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ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-11996 Reviewed by JJ 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
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 proof may not have been received

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. 63-11996

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
JUN 03 1999

May 11, 1999

RECEIVED

MAY 11 1999

Department of Water Resources

Mr. Glenn Saxton
Chief, Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Subject: Permit Nos. 63-11995 and 63-11996

Dear Mr. Saxton:

Enclosed please find two completed Request for Extension of Time forms for permits 63-11995 and 63-11996. A check for \$100.00 is included to cover the processing fees.

I was shocked to receive the lapse notices for the two water rights, as I don't recall ever receiving the February 28, 1999 notices of proof due referenced in your letter of May 6. I don't know whether the notices were never delivered, or if they were delivered and I subsequently misplaced them. In any event, we certainly need to have these permits reinstated as soon as possible.

As described on the attached requests, we have been proceeding diligently with the development of both of these permits. A 650-foot deep, 16-inch diameter, gravel-packed well was drilled for permit 63-11996 in early 1998. The well has an estimated capacity of approximately 3,000 gpm, and is more than adequate to supply both permits. The well has been equipped with a 400-hp variable speed turbine pump. Three-phase power was extended more than two miles to reach the well site. We have installed sprinklers and thousands of feet of buried pipe. Approximately 300 acres of land have been prepared for irrigation. Total project cost to date is approximately \$500,000.

Full development of both permits has been delayed by uncertainty associated with pending application for permit 63-12450 and a pending application to amend permit 63-11995. Both of these applications were submitted in May 1998 but have been held from processing due to protest. Our plans for irrigation will depend on the outcome of these two pending applications. The applications are described below.

- Application for permit 63-12450 proposes an increased rate of flow from the well that was drilled 1998. The water will be used on the acres currently permitted under permits 63-11995 and 63-11996. No new or additional acres are contemplated. Brad Little protested this application. We are currently negotiating an agreement with Little to resolve his protest.

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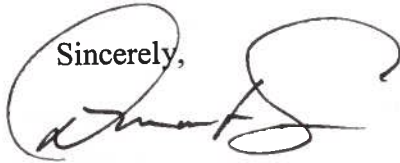
JUN 13 1999

- The application to amend permit 63-11995 proposes the new well as an additional diversion point. Chaparral Water Users protested this application. Chaparral withdrew their protest in April.

We hope to be able to complete development of permits 63-11995 and 63-11996 in the near future. However, the requests for extension of time both propose a five-year extension period so that development of 63-11995 and 63-11996 can occur concurrently with development of 63-12450 (if approved).

Please contact me as soon as possible with any questions or comments concerning these requests. I am available to meet with you at your convenience if necessary.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Mark Lynn", written over the word "Sincerely,".

D. Mark Lynn

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JUN 03 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. 63-11996

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

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JUN 03 1999

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.



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 Lynn
Address 506 East 45th Street
Drilling Permit No. 63-11996
Water Right Permit No. WR 63-11996

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.

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.)

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

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

3. PROPOSED USE

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

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28"	0	4	Topsoil		
	4	14	Sandy loam, coarse sand.		
	14	17	large gravel & sand		
	17	38	white sand & Gravel		
	38	326	sand & Gravel strs clay		
	326	380	Broken Rocks & gravel		
	380	453	sand & Gravel		
	453	464	Brn Clay strs sand		
	464	645	Red gravel & sand strs clay		
	645	650	White Gray Clay some coarse sand		

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
<u>1315</u> inches	<u>16"</u> inches	+ <u>2'</u> feet	<u>500'</u> feet
<u>315</u> inches	<u>16"</u> inches	<u>500'</u> feet	<u>520'</u> feet
<u>1315</u> inches	<u>16"</u> inches	<u>620'</u> feet	<u>640'</u> 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 540' 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 ☒ Overbore to seal depth

☐ Temp. surface casing

Method of joining casing: ☒ Threaded ☒ Welded

☐ Solvent Weld ☐ Cemented between strata

Describe access port 1 1/2" rpe

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 $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3 T. 9 N ☒ or S ☐
R. 1 E ☐ or W ☒

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 [Signature]
and
(Operator) [Signature]
(If different than the Drilling Supervisor)

January 31, 1999

JOY LYNN
D MARK LYNN
4050 CHAPARRAL
EAGLE ID 83616

PROOF DUE NOTICE

RE: PERMIT NO. 63-11996

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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JUN 03 1999



CONVERSATION MEMORANDUM

RECEIVED

SEP 16 1998

DATE 9/14/98

FILE 63-12361 } Beth

12417 }

11995 }

11996 } Lynn

12450 }

NAME OF PARTY JEG below

EMPLOYEE JE

Department of Water Resources

RE: PROTESTS -

Meeting 2:00 p.m. c. western

Mark Lynn + Terry Scanlon ← consultants

Harry Bettis + Don Watts ←

Bruce Little + John ← attorney

Bettis' Appls - protests withdrawn with conditions, see withdrawal form. Create 1005 ac. PDCR (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 App. for permit " " Little.

Little's concerns:

Since basis to approve these ground water filings is as 63 is that g.w. tributary to R 65 (Scanlon's Report), IDWR should not link g.w. use to Willow Creek use re conditions of approval now in 11995 & 11996. Concern that Lynn's FWSA claims for Willow Cr. (A63-28379 & A63-28359) are invalid & if was

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JUN 03 1999 - continued

CONVERSATION MEMORANDUM

DATE 9/14/98

FILE _____

NAME OF PARTY Bettis - Lyon et alEMPLOYEE FL- continued -
Page 2 of 2

RE: _____

could injure Little's stock ponds (off stream uses downstream
in willow cr. drainage). Soil is not logical to hike BS 65
grw. to BS. 63 surface water.

Additionally, Little has stock wells to N/w in BS 65
& concerned a adverse impact & mitigation if Lyon's well(s)
cause injury. Considerable discussion & FRWA, water right,
water district, injury, mitigation etc. ensued.

Result of discussion -

Lyon will have Scanlon prepare Request for dept.
to Revisit surface water - ground water cond of ~~approval~~
Approval in Lyon'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 SW. / Reg. files

MICROFILMED

JUN 03 1999

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

May 10, 1995

DELIVERY VIA TELECOPY 327-7866

NUMBER OF PAGES BEING TRANSMITTED = 2
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TELECOPY OPERATOR: Cal TIME SENT: A.M. 4:55 P.M.

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

Mr. L. Glen Saxton
May 10, 1995
Page 2

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

TOTAL P.02



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

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:

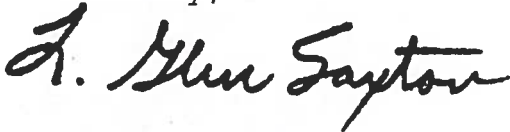
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

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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
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

MICROFILMED
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

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
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

RECORDED
JUN 29 1995

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APR 04 1995

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	)	Case No. 63-11995 and
63-11996 IN THE NAME OF	)	63-11996
D. MARK AND/OR JOY LYNN	)	
	)	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.

APPLICANTS' EXCEPTIONS TO CERTAIN
CONDITIONS IN THE RECOMMENDED ORDER - 1

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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.

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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 $\frac{1}{2}$ 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.

The Lynns propose to use their mobile home well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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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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.

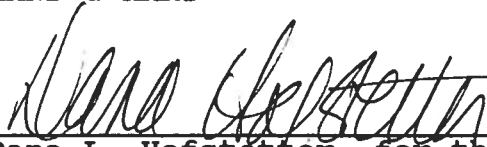
CONCLUSION

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

RECORDED
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)


for HOLLAND & HART

46990/34168.3001

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**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

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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

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.

RECORDED
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

Chief, Water Allocation Bureau

Enclosure

MAILED
JUN 29 1995

TOTAL DIVERSION: 2.000 CFS

Stage: PERMIT

ADA County

SE

SUM	---
25.0	
158.0	
183.0	

Other Water Rights Listing Overlapping Place(s) of use:
63-11996

046 - Right holder shall comply with the drilling permit

- requirements of Section 42-235, Idaho Code.
- construction of the well must comply with Idaho well construction standards.
- 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.

Two points of diversion are located within N44NE S03, T05N, R01W. 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 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 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 acceptable to the department for use as a monitoring well.

WR0749NP
No. P63-11996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/06/95
PAGE: 2

Remarks:

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. The Director retains jurisdiction of these rights to require installation of a measuring device(s), and to require periodic reporting on a frequency determined by the Director. The water 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.

Dates:

App. Received: 02/25/1993 Priority Date: 02/25/1993
Proof Due Date: 04/01/1997 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.

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:

03/06/95 CZIMMERM

***For information regarding
protests, hearings, and evidence,
please see right no. 63-11995.***

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JUN 29 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Filed 1993
Supplemental

INITIAL REVIEW BY: g DATE: 3/3/93 APPLICATION: 63-11996

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for 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: Gov't. Lots: ☒ P/D
☒ Nature of proposed use: (Include description of use) ☒ P/U
☒ 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:

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 Supplemental 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: _____

* Admitted as per 63-11995

-JC 9/7/94

PROCESSING

APPLICATION NO. 63-11996

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
63-08044 > same wells
- 10775 > on appl

P/U
63-10775 - separate acres



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,

A handwritten signature in cursive script, appearing to read 'Lori A. Graves'.

Lori A. Graves
Sr. Water Resource Agent

RECEIVED
JUN 29 1995

RECEIVED

SEP 23 1994

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
\$203.00

Account Number 04762800		Identification NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By Sue Taylor	P.O. Number TT	Rate September 15 & 22, 1994	Run Dates
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches 1	Real Inches 8474

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

7NN, D MARK
7NN, JOY
31 SKYLINE DR
AGLE, ID 83616

Source: GROUNDWATER
Version Pt: LOT 2 (NWNE) Sec 3 T05N R01W in ADA County.
Use: IRRIGATION (2,000 CFS)
Total Diversion: (2,000 CFS)

File Filed: 2/25/1993

ADA County
T05N R01W S03 SWNW SENE NWSW NESE
S04 SWNE SENE 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

LYLINE CORP
PO BOX 4576
BOISE, ID 83711

Source: GROUNDWATER
Version Pt: NENESW Sec 13 T03N R01W in ADA County.
Use: IRRIGATION (1,700 CFS)
Total Diversion: (1,700 CFS)

File Filed: 8/18/1994

ADA County
T03N R01W S13 NENW NWNW SWNW SENW
NESW
85.0 ACRES TOTAL

63-12142

WURMING LIMITED PARTNERSHIP
78 SHAMROCK LN
BOISE, ID 83704

Source: GROUNDWATER
Version 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)

File Filed: 8/2/1994

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
Version Pt: NWSE Sec 24 T04N R01E in ADA County.
Use: MUNICIPAL (3,000 CFS)
Total Diversion: (3,000 CFS)

File Filed: 9/2/1994

Use 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 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

ib. Sept. 15 & 22, 1994

8474

LINDA PORTER

, 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 ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPTEMBER 15, 1994

and ending with the issue of SEPTEMBER 22, 1994

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 22nd day of SEPTEMBER in the year of 1994, before me, a Notary Public, personally appeared LINDA PORTER, 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.

RETURNED
SEP 29 1994

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 11-27-99

63-11996

LYNN, D MARK
LYNN, JOY
4831 SKYLINE DR
EAGLE, ID 83616

Source: GROUNDWATER

Diversion Pt: LOT 2 (NWNE) Sec 3 T 05N R 01W 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.

RECEIVED

JUN 29 1995