

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12406

Priority: October 25, 2012

Maximum Diversion Rate: 0.24 CFS

This is to certify, that MEADOWS VALLEY SCHOOL DISTRICT #11
PO DRAWER F
NEW MEADOWS ID 83654

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

0.24 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW1/4NW1/4 Sec. 24, Twp 19N, Rge 01E, B.M., ADAMS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	01E	24					3.0	9.0											12.0

Total Acres: 12

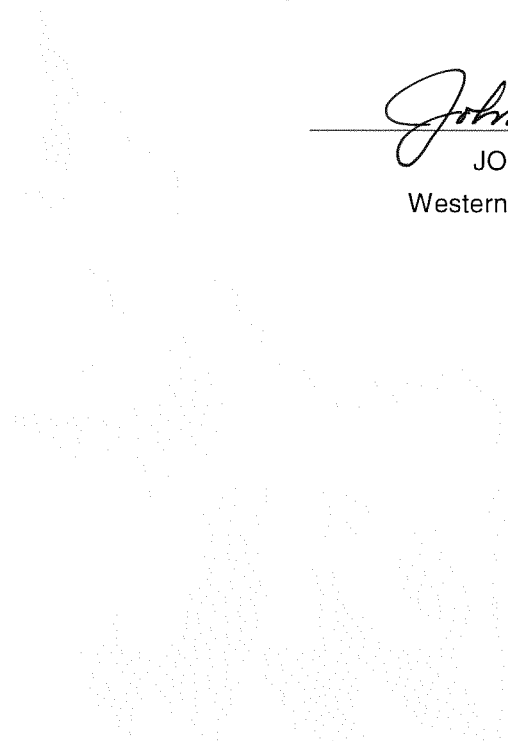
CONDITIONS OF APPROVAL

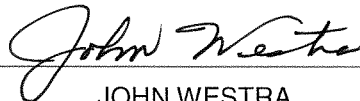
1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2014**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
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NO. 78-12406

8. To prevent injury to prior water rights appropriating water from the Little Salmon River and/or the underlying shallow aquifer tributary to the Little Salmon River, the new well used as a point of diversion for this water right located within the NWNW, Section 24, Township 19N, Range 01E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of September, 20 13.





JOHN WESTRA

Western Regional Manager

Walker, Kay

From: Walker, Kay
Sent: Friday, September 20, 2013 7:54 AM
To: Stanley, Forrest
Cc: Walker, Kay
Subject: RE: Meadows Valley SD Well, Permit # 78-12406

Mr. Stanley:

Permit 78-12406 was issued on September 6, 2013. You can now proceed with your well development and irrigation system. You have until September 1, 2014, to get the system in use. The only thing you need to do prior to drilling the well is to hire a licensed driller and get a drilling permit. The driller should be able to assist you in that process. If you have any more questions feel free to contact our office.

Kay Walker

Sr. Water Resource Agent

From: Stanley, Forrest [<mailto:fstanley@mvsd11.org>]
Sent: Friday, September 20, 2013 7:47 AM
To: Walker, Kay
Subject: Meadows Valley SD Well, Permit # 78-12406

Ms. Walker,

We have received the letter from your office that confirms the resolution of the claim made by the City of New Meadows. It is my understanding from the letter that we may proceed with drilling the well 14 days after the date of that letter. Am I correct? Is there anything else that we need to provide to IDWR or accomplish prior to drilling the well?

Thank you, Forrest Stanley



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

September 9, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MEADOWS VALLEY SCHOOL DISTRICT #11
PO DRAWER F
NEW MEADOWS ID 83654

RE: Permit No.78-12406

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by 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 form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

Also, 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)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Raehle Sommer".

for:

John Westra
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 78-12406

**MEADOWS VALLEY SCHOOL DISTRICT #11
PO DRAWER F
NEW MEADOWS ID 83654**

**CITY OF NEW MEADOWS
401 VIRGINIA ST
NEW MEADOWS ID 83654**

**MOUNTAIN WATERWORKS
C/O TIM FARRELL
2210 W MAIN ST
BOISE ID 83702**

A handwritten signature in cursive script that reads "Rachel Sommer." The signature is written in black ink and is positioned above a horizontal line.

**Rachel Sommer
Administrative Assistant I**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website:

www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 3, 2013

City of New Meadows
PO Box 324
New Meadows ID 83654

**RE: Contested Application for Permit No. 78-12406
Withdrawal of Protest**

Dear Protestant:

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

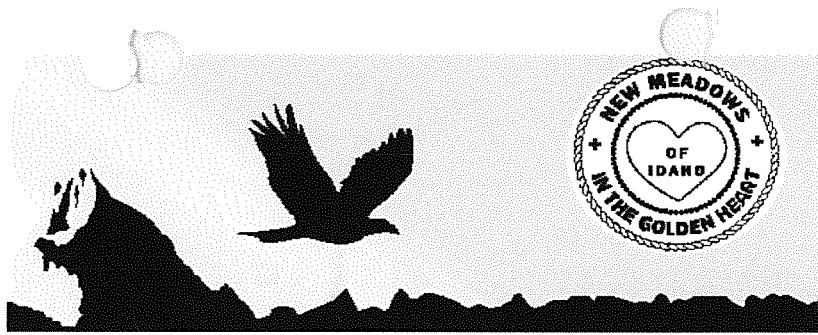
Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

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

John Westra
Regional Manager

Cc: Applicant- Meadows Valley School Dist.



RECEIVED

AUG 30 2013

WATER RESOURCES
WESTERN REGION

This institution is an equal opportunity provider

City of New Meadows * P.O. Box 324 * New Meadows, Idaho 83654
Phone (208) 347-2171 * Fax (208) 347-2384

August 26, 2013

Gary Spackman, Director
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Protest on Water Right Application 78-12406 – Meadows Valley School District

To Whom It May Concern –

The City of New Meadows Public Works Staff has met with Superintendent Michael Howard and discussed the proposed location of a well on school property in Adams County. Staff and Mr. Howard have found an alternative location to the proposed site. The new site is at the south east corner of the football field located within the city limits of New Meadows. We believe that this location is a more suitable location for irrigation well. It is our understanding that this well is for ONLY irrigation.

The City of New Meadows believes that our concerns have been addressed and we withdraw our previous protest letter.

Thank you,

Julie Spelman, Mayor

CC:
Meadows Valley School
ATTN: Mike Howard
PO Drawer F
New Meadows, ID 83654

Crestline Engineers & Mountain Waterworks
PO Box 2330
McCall, ID 83638

FILE: 2013 Letters – Duplicate to Meadows Valley School Water Protest

Walker, Kay

From: Walker, Kay
Sent: Friday, August 09, 2013 9:48 AM
To: Stanley, Forrest
Cc: Walker, Kay
Subject: RE: Application for Permit 78-12406

Mr. Stanley:

As of this day we have not received a withdrawal of protest from the City of New Meadows. If you can contact them and request they submit their withdrawal it would be helpful on our end. We will expedite the application process as soon as we receive the protest withdrawal from them.

Sincerely,

Kay Walker

Sr. Water Resource Agent

(208)334-2190

From: Stanley, Forrest [<mailto:fstanley@mvsd11.org>]
Sent: Friday, August 09, 2013 9:25 AM
To: Walker, Kay; Mike Howard
Subject: Re: Well approval

Ms. Walker,

We have met with the Meadows Valley city engineer. He now understands our well project and has told us that there are no conflicts with the city's project. Has that been relayed to your office?

Thank you, Forrest Stanley

On Fri, May 17, 2013 at 12:38 PM, Stanley, Forrest <fstanley@mvsd11.org> wrote:
Ms. Walker,

On Monday (13 May) our school board approved funds to drill the well and asked when the project would get started. Do you have an estimate of when we may be able to have the approval to start the project?

Thank you, Forrest Stanley



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 28, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Meadows Valley School District #11
PO Drawer F
New Meadows ID 83654

Re: Contested Application for Permit No. 78-12406—Meadows Valley School District

Dear Applicant:

Enclosed is copy of the protest filed against the issuance of the above-referenced application. As part of the application process, the following are options available for resolution of contested (protested) applications:

- Direct contact** with the protestant(s) to determine what is being disputed in the application and parties attempting to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Formal Proceedings** consist of a pre-hearing conference & hearing through the water appropriation statute/rule process. A pre-hearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues can not be resolved, a formal hearing will be scheduled.
- Mediation** through a certified professional mediator. The advantages can include: reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option for resolution of the contested application.

Should you have questions or concerns please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

JOHN WESTRA

Western Regional Manager

Cc: Protestant, Protestant's Consultant
Enclosure: Protest copy

SCANNED

JUN 26 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 28, 2013

City of New Meadows
401 Virginia St
New Meadows ID 83654

Mountain Waterworks
C/O Tim Farrell
2210 W Main St
Boise ID 83702

RE: Contested Application for Permit No. 78-12406—Meadows Valley School District

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of the above referenced application. As part of the application process, the following are options available for resolution of contested (protested) applications:

-Direct contact with the applicant to determine what is being proposed in the application and the parties attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

-Formal Proceedings a Department prehearing conference, hearing through the water appropriation statute/rule process. A prehearing conference identifies the protest issues and reviews the resolution possibilities with the parties. If the issues can not be resolved, a formal hearing is scheduled.

-Mediation through a certified professional mediator. The advantages can include: reduced costs and time that are associated with formal proceedings, the ability to address non-water concerns, more influence over a final settlement, and fast track processing by the Department for parties reaching a mediated agreement. If you are interested in this option, please contact our office for further details.

Please consider with the applicant the best option for resolution of the protested application.

If you would like additional information, or need to further discuss the process, feel free to contact me at the Western Regional Office, phone 334-2190.

Sincerely,

JOHN WESTRA
Western Regional Manager

Cc: Meadow Valley School District #11

SCANNED

JUN 26 2013

CERTIFICATE OF SERVICE

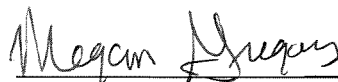
I HEREBY CERTIFY that on this 28 day of June, 2013, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served: Protest Acknowledgment Letter

MEADOWS VALLEY SCHOOL
DISTRICT #11
PO DRAWER F
NEW MEADOWS ID 83654

CITY OF NEW MEADOWS
401 VIRGINIA ST
NEW MEADOWS ID 83654

MOUNTAIN WATERWORKS
C/O TIM FARRELL
2210 W MAIN ST
BOISE ID 83702



Megan Gregory
Office Specialist II

SCANNED
JUN 26 2013



RECEIVED

MAY 31 2013

WATER RESOURCES
WESTERN REGION

May 30, 2013

Gary Spackman, Director
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Protest on behalf of the City of New Meadows to proposed water right application no. 78-12406.

To Whom it Concerns:

Acting as City Engineer, Mountain Waterworks respectfully submits this protest on behalf of the City of New Meadows, located at 401 Virginia St, New Meadows, ID 83654, in protest of the proposed Meadows Valley School District #11 water right no. 78-12406.

The City of New Meadows is protesting this water right application due to concerns associated with interference of a proposed wastewater reuse land application site located directly adjacent to the proposed point of diversion. This land application site is critical in the City of New Meadows' wastewater expansion plans in order to remain compliant with federal Environmental Protection Agency regulations.

Dialogue between the City of New Meadows and Meadows Valley School District #11 is encouraged.

Respectfully submitted,

Tim Farrell, P.E.
Principal Engineer

SCANNED

JUN 26 2013

Boise - McCall - Plummer
208.780.3990 - office@mountainwtr.com
www.mountainwtr.com

SCANNED

JUN 17 2013

RECEIVED: 5-31-13

By: JA

RECEIPT ID: W041178

RECEIVED

MAY 28 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Gamaliel L. Gardner-Masters being duly sworn, deposes and says that he is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of twelve (12) months prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertions beginning with the Issue of May 15, 2013 and ending with the Issue of May 22, 2013.

Gamaliel L. Gardner-Masters

On this 24 day of May, 2013, before me, a Notary Public, personally appeared Gamaliel L. Gardner-Masters, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Janet Meyer
Notary Public of Idaho
Residing at Indian Valley
My Commission Expires 5/14/18

JANET MEYER
Notary Public
State of Idaho

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATION TO APPROPRIATE 78-12406

RECEIVED

MAY 28 2013

May 15, 2013

The Adams County Record

WATER RESOURCES
WESTERN REGION

TO KNOW: READ THE LEGALS

es to legals@theadamscountyrecord.com

LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

78-12406

MEADOWS VALLEY SCHOOL DISTRICT #11

PO DRAWER F

NEW MEADOWS, ID 83654

Point of Diversion NWNW S24 T19N R01E ADAMS County Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 10/25/2012

Place Of Use: IRRIGATION

T19N R01E S24 NENW NWNW

Total Acres: 12

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 6/3/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/15/2013 and 5/22/2013

Published in the Adams County Record on May 15, 2013 • May 22, 2013

OK
6:10:13
RS